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SENATE—*Monday, March 31, 2008*

(Legislative day of Thursday, March 13, 2008)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Sovereign Lord of all, help our Senators to remember today that they serve here by divine appointment and are accountable to You for their work. Give them wisdom as they wrestle with complex issues. Empower them with clarity in debate and courage to vote their convictions. Deliver them from any compromises that sacrifice principles, as You help them make just and compassionate decisions. Let Your grace guide their deliberations and Your blessings crown their labors for the glory of Your Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 31, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if he chooses to make some, there will be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each. As previously announced, there will be no rollcall votes today. Senators should be prepared to vote tomorrow at about 2:15 p.m. or thereabouts on the motion to invoke cloture on the motion to proceed to H.R. 3221, the legislative vehicle for the housing bill.

HOUSING AND THE ECONOMY

Mr. REID. Mr. President, 76 years ago, Franklin Roosevelt, who was then the Governor of New York, was engaged in a fierce Presidential campaign. The country was reeling from the stock market crash of 1929. Consumer confidence in banks had plummeted. The Great Depression was in full force at that time, and the American people had lost confidence that President Herbert Hoover had what it took to lead the country out of economic darkness.

In April 1932, Governor Roosevelt, seeking the Democratic nomination for President, took to the radio waves and said this:

> I do not want to limit myself to politics. I do not want to feel that I am addressing an audience of Democrats or that I speak merely as a Democrat myself. The present condition of our national affairs is too serious to be viewed through partisan eyes for partisan purposes.

He went on to say that troubled times call for us to:

> put [our] faith once more in the forgotten man at the bottom of the economic pyramid. . . . The two billion dollar fund which President Hoover and Congress have put at the disposal of big banks, the railroads and the corporations is not for [the average person].
>
> Here should be an objective of government itself—to provide at least as much assistance to the little fellow as it is now giving to the large banks and corporations. This is [an] example of building from the bottom up.

Mr. President, the more things change, the more they seem to stay the same. Recently, the Federal Reserve provided taxpayers' money to prevent the collapse of Bear Stearns. The Fed took the additional unprecedented step of opening its discount lending window to securities firms, even though—unlike banks—those firms aren't regulated by the Fed.

I understand the need to take some bold steps. I believe the Federal Reserve is doing what they think is best in the face of a deep and growing economic crisis. While on principle the spirit of capitalism would call for Wall Street firms to shoulder the burden of loss along with the spoils of profit, it is incumbent upon our Government to look for the greater good. But we must not neglect the lessons of history. If we agree that it is a responsibility of Government to provide liquidity and security to the titans of Wall Street—and we do—then how can we think it is any less our responsibility to do the same for Main Street?

The American people are suffering. We are paying more than ever for gasoline, groceries, and heat for our homes. Home values are falling—in January alone, almost 13 percent. Millions face foreclosure, and communities are suffering because of the housing meltdown. This crisis is real, it is immediate, and it calls for Congress to take action. Every day that Congress and the President do nothing is another day closer to another American family losing their home. This is not the time for politics or partisanship. It is, as President Roosevelt said, time to give some "assistance to the little fellow"—those were his words—it is time to do

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

the right thing, the responsible thing, for the American people—the little fellow.

Last work period, Democrats introduced a housing bill. The President and his Republican Senators filibustered and blocked this much needed legislation. This legislation is not a catch-all or a silver bullet, but financial experts agree it is a good start. If passed, it would have an immediate positive impact on struggling homeowners and hard-hit neighborhoods.

Mr. President, I have talked in length about this legislation to Chairman Bernanke. I have spoken to Secretary Paulson. I think they have done good work. But I think if they were asked point blank—and I am not going to, certainly, state here publicly any of the things they said to me, but someone can ask them themselves—I think they would say our legislation is a step in the right direction. If this law passed today, it would have an immediate positive impact on struggling homeowners and hard-hit neighborhoods.

These are the five points of our plan:

First, we help families keep their homes by increasing funds for preforeclosure counseling. It is imperative we do that.

Second, we expand refinancing opportunities for homeowners stuck in bad loans. Mortgage revenue bonds—the President said he liked that in his State of the Union Message.

Third, we provide funds to help the highest need communities purchase and rehabilitate foreclosed properties, as well as tax relief to struggling businesses affected by the housing downturn.

Fourth, we help families avoid foreclosure in the future by improving loan disclosures and transparency during the original loan and refinancing process.

Fifth, we amend the Bankruptcy Code to allow home loans on primary residences to be modified in certain circumstances, with very strict guidelines. We have a tax provision which is extremely important to the homebuilding industry: Loss carryback. We have a program that allows the bankruptcy courts to step in on primary residences and, if necessary, help adjust those loans.

It is time we pass this bill.

Last work period, Republicans blocked a vote on this, as I have said before. One Republican Senator said that all Republicans wanted was the opportunity to propose amendments. Mr. President, I have said on this floor, I have said privately, I have said at press conferences—the record will clearly show—Democrats are happy to allow amendments. Democrats want to offer amendments. Republicans want to offer amendments. We would like nothing more than an open debate on this bill and how we might be able to make it better. I have told my distinguished counterpart, Senator McCONNELL, if Republicans object to parts of our bill, they are welcome to seek enough votes to amend it, to change it. That is how the legislative process is supposed to work.

It would be a fool's errand to put our proposal up and the Republican proposal up and move to invoke cloture on each one of those. It would take 60 votes. That is not what we need to do. It would be failure for sure.

Why don't we move forward on our bill? There will be a vote at 2:15 tomorrow. If my colleagues want to have a limited number of amendments, fine, let's have a limited number of amendments dealing with this problem. Experts say we are in a crisis and have to do something now.

I respect Secretary Paulson very much. I like Secretary Paulson. The proposals he made at 10 o'clock today are certainly worth considering, but they are not going to do one simple thing to help the people who are now in foreclosure—nothing. It is for the future. That deals with the future. We need to deal with the present. But so far my Republican friends have not allowed this bill to proceed to the point at which amendments can be offered. In short, they have stalled this necessary help to working Americans.

Tomorrow, we will have another opportunity to work on this piece of legislation. We cannot sit on our hands. We cannot take a wait-and-see approach. And we cannot embrace the status quo as the economy continues to deteriorate. Let's legislate. Let's work to help beleaguered Americans. Democrats have no agenda but to get this bill passed quickly and fairly so the American people can reap the benefits. If we are able to pass this legislation, it will be one where credit can go to everybody. This is something we need to do. We cannot do it alone. We have 51 Senators. They have 49. We have to do this together or it will not be done at all. In America's darkest economic hour, that was the leadership Franklin Roosevelt showed—and that is what we must do as we face our own crisis today.

IRAQ

Mr. REID. Mr. President, in this work period, we will, once again, because of the supplemental, turn to the raging civil war in Iraq.

To say that the Bush-Cheney spin machine lacks credibility is an understatement as it relates to the war in Iraq.

Last week, the President marked the beginning of the sixth year of this war by delivering more of the same disconnected rhetoric. But at the same time he was giving this talk of progress, the facts on the ground betrayed this happy-talk. As Republican Senator CHUCK HAGEL said, the President's words—compared with the real facts on the ground—are like "Alice in Wonderland." That is what Senator HAGEL said. The situation on the ground in Iraq is fluid and rapidly changing.

Mr. President, I was stunned this morning when I got up and listened to the radio. Sadr has said: OK, lay down your arms on a couple conditions—release all the prisoners, don't do any more arrests, and leave us alone.

Mr. President, within a couple of months after this war started, the commanders on the ground in Iraq came and told us that this man was a criminal and he would be in jail within a matter of a couple weeks. Now, whether that is true or not, that is up for others to decide, but that is what we were told. And here is this man now, 5 years later, who in effect is telling the elected leader of Iraq what to do and what not to do.

It is clear that the Iraqi civil war persists. Within the past few days, nearly 1,000 Iraqis have been killed in Basra alone. This war is a war of Shiite versus Shiite, al-Maliki versus al-Sadr, Iraqi versus Iraqi, Sunni versus Shia, Shia versus Sunni. Who is in the middle of all of this? The American troops.

The President's spokesperson said: This is it. We are now in a situation where the Iraqis are going to take care of their own. But, of course, the police, when confronted, turned over their arms to al-Sadr and walked away. They gave them their guns—I assume their badges—and walked away. The American troops were called in; air power and ground troops were called in. The Iraqis could not handle the situation.

As one Iraq teacher said in the New York Times this weekend, in the closing paragraphs of a very long article:

> "Unfortunately we were expecting one thing but we saw something else," said Ali Hussam, 48, a teacher, who said that after Saddam Hussein the people of Basra hoped for peace. "But unfortunately with the presence of this new government and this democracy that was brought to us by the invader it made us kill each other."
>
> "And the war is now between us," he said. But, unfortunately, with the presence of this new government and this democracy that was brought to us by the invader, it made us kill each other.
>
> And the war is now between us.

That is what he said:

> And the war is now between us.

When the Vice President of the United States goes to Iraq, it is secret. No one knows he is going there. It is not on his schedule. He is under very high security. When the President of Iran goes to Iraq, he announces 2 weeks in advance he is coming—not in the dead of the night, 2 weeks in advance.

I support our troops. Whenever I say something like that, I think of the Presiding Officer and others in this Chamber who know what it means to support our troops, as someone who has carried weapons in support of his country and as someone who has been injured as a result of wearing the uniform of this country. So I say this with a lot of humility, but I, along with everyone in this Senate, support our troops. Every one of us is honored by their sacrifice and grateful beyond expression for their outstanding work.

When it comes to judging the Iraq war, only one question matters: Are we safer? The answer is undeniably no, and no amount of spin from the White House can change that.

Because of Iraq, our military is stretched thin and its ability to address new threats is compromised. Many of our troops are now on their third, fourth, and some are on their fifth tours of duty in Iraq.

Are we safer with bin Laden free and al-Qaida strengthening? Of course not.

Because of Iraq, our National Guard—the brave men and women charged with protecting us from disastrous threats here at home—don't have the manpower or the equipment to do their job effectively at home. Are we safer with a weakened National Guard to protect us at home? Of course not.

Because of Iraq and the Bush administration's shoot first, talk later style of cowboy diplomacy, our moral authority in the world is shattered, and to talk about this being cowboy diplomacy is an insult to cowboys. Our former allies are unwilling to stand by our side. Our ability to solve conflicts through diplomacy are diminished.

Are we safer as a weakened moral force in the world? Of course not. The American people know this by overwhelming numbers. They continue to oppose this war, and with good reason: We are objectively less safe because of Iraq.

The cost of the war to our country has been enormous, not only in the loss of lives—now more than 4,000—but also tens of thousands wounded, a third of them gravely. We are now spending $5,000 every second in Iraq—every second—$12 billion a month. No weekends off. No holidays off. We are spending $5,000 a second of borrowed taxpayers' money. The President told us the war would cost no more than $60 billion. Nobel Prize-winning economist Joseph Stiglitz said it is going to cost us $3 trillion.

In Iraq, we—the American taxpayers—are building hospitals, roads, bridges, dams, water systems, sewer systems, barracks for the Iraqis, when we should be helping millions of Americans avoid losing their homes to foreclosure. We are policing the streets in Baghdad when we should be investing in health care and a better education system. We are protecting oilfields in Basra when we should be funding renewable energy production to help stem the tide of global warming.

When all is finally said and done, experts say the war is going to cost as much as $3 trillion or more, as I have said. Where does this come from? It is all borrowed for future generations to pay back. The legacy of our generation could be to leave our children and grandchildren with a safer, cleaner, and more prosperous country. Instead, the war in Iraq will ensure that we leave future generations with trillions of dollars in debt.

Instead of making our country safer, we are greasing the pocketbooks of corrupt Iraqi politicians and buying their temporary cooperation. Let's not forget this: Iraq is a rich country. It is not a poor country—far from it. Its oil resources make it one of the world's wealthiest countries. With the price of oil skyrocketing as it has, think of the money that is going into their coffers. Record-high oil prices have supplied Iraq with literally more money than they know what to do with, but we keep spending $5,000 a second in Iraq. As we borrow and spend billions of dollars to provide the security that the Iraqi Government has failed to create for themselves, Iraq is bringing in billions of oil money faster than they can open bank accounts to store it all.

If a parent gives a teenager the choice of either getting a job or receiving an allowance for doing nothing, the teenager will often choose to do nothing. As long as we guarantee to the Iraqi Government that our troops and our money will support them, they will never have an incentive to do the job themselves. The security welfare state we have created will go on and on forever.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SOLVING PROBLEMS OR POLITICAL POSITIONING

Mr. MCCONNELL. Mr. President, the Senate certainly has a lot of work to do, and we have a good stretch of time in front of us in which to do it. First and foremost, Americans are waiting on Congress to address the housing crisis and the broader economy as well. They are waiting for us to give intelligence officials the tools they need in the hunt for terrorists. They are waiting on us to confirm qualified judges. Farmers are waiting for a farm bill that has been in limbo for literally months. All of us are eager to hear next week's report from General Petraeus and Ambassador Crocker on political and military progress over in Iraq.

In all of these areas, the Democratic leadership has an option: It can work with Republicans to deliver help to the American people or it can follow the partisan path that views every piece of legislation as an opportunity not to solve problems but to position itself for the next election.

Some on the other side are talking openly about a grand strategy for picking up more seats in November, but their vision seems to end right there. They seem to forget that once these seats are filled, people expect us to accomplish something. The political route, as we have seen time and time again, doesn't accomplish much.

America faces urgent problems, and most people care more about addressing them than about anybody's elective prospects. We came together earlier this year on an economic growth package and had an accomplishment. It was a good start, but it didn't last. As the Senate began to address the housing slump, our friends on the other side shut Republicans out of the debate and offered a proposal of their own that was guaranteed to fail. They proposed an ill-conceived plan that will substantially increase monthly mortgage payments on everyone who buys a new home or refinances. But why would Congress want to raise mortgages at a time like this? There is simply no way that proposal is going to fly. If our friends on the other side want to help homeowners, they need to work with Republicans on proposals that will draw substantial bipartisan support.

Republicans have put a number of sensible ideas on the table, including $10 billion to refinance distressed subprime mortgages and $15,000 tax credits for people who buy foreclosed homes as their primary residence—a proposal that will raise the value of homes and increase the stability and security of neighborhoods that have been hit hard by foreclosures. We have proposed new tax benefits for struggling businesses, new truth-in-lending requirements, expanded protections against foreclosure for returning veterans, and FHA reform to assist struggling homeowners who are trying to stay in their homes.

Our proposals to address the current housing crisis have broad bipartisan support. Unlike the Democratic bill which skipped the committee process, the FHA reform piece we proposed passed in committee by a vote of 20 to 1.

For the good of the economy, we asked our friends on the other side to allow a vote on these sensibly, targeted provisions. The partisan housing bill Democrats put forward failed. Why not give our bipartisan alternative, which will help homeowners without raising their mortgages, a chance to succeed?

Another thing Congress can do to help the economy is to expand markets for U.S. goods abroad, and that is what the Colombian Free Trade Agreement would do. The Colombian Free Trade Agreement is more than an act of friendship between allies; it would also strengthen our economy, and it would send a strong signal to Colombia and our other Latin American allies that the United States stands with those who support strong markets and free societies in the face of intimidation and threats.

Our friends on the other side can help American farmers by finishing the farm bill. More than 3 months has passed since the Senate completed action on this legislation. Yet House Democrats still have yet to appoint conferees to put together a final product. With the short-term extension of current law expiring in just a few weeks, American farmers are about to enter the planting season without any certainty about legislation that significantly affects their lives.

Turning to national security, it has been nearly a year since the Director of National Intelligence asked Congress to modernize our Nation's electronic surveillance laws. The House had a chance to make the necessary changes before the recess, but it chose an irresponsible path instead, passing an amendment to the bipartisan Senate bill that included none of the things the National Director of Intelligence had called for. Ignoring the carefully crafted Senate bill, the House decided it was more important to let people sue phone companies that stepped up when the country needed them. The clock is ticking on the legal authorities contained in the current temporary fix, and a burden has been placed on House leadership to show that it can be trusted in matters of national security.

General Petraeus and Ambassador Crocker will be here next week, and Americans are eager to hear what they have to say.

Under the leadership of these two men, our prospects for protecting America's national security interests in the Persian Gulf have vastly improved. Last year's bold decision to launch a counterinsurgency plan under the direction of General Petraeus has renewed our hopes for a unified Iraq that can govern, defend, and sustain itself as an ally in the war on terror. Our men and women in uniform have protected the Iraqi people, scattered al-Qaida, deterred militias, and helped create an environment that has led to progress not only at the tactical level but in governing and reconciliation as well.

Six months ago, General Petraeus proposed a plan for bringing counterinsurgency forces back home and transitioning their mission from combat to partnership and oversight. A reduction in forces is underway, and the Iraqi people are now preparing for provincial elections, hopefully this October. Thanks to the efforts of the counterinsurgency forces, Sunni allies now serving as sons of Iraq will have a real stake in these elections.

Last week's decision by the Maliki government to go on offense against Shiite militias in Basra and Baghdad showed us that we have come a long way from the days when the Iraqi security forces wouldn't even show up for a fight. Now they are taking the lead in major combat operations, with recent offensives against the Iranian-trained Special Groups, al-Qaida in Iraq, and the militias.

Next week, we will learn more about the pace of transitioning the mission. But with U.S. forces still in harm's way, the Senate needs to quickly approve the supplemental spending bill without any unrelated nondefense spending. It would be pointless to repeat the partisan battles over the supplemental that consumed so much of our time and our energy last year. We should set aside policy prescriptions and withdrawal timelines based on political calculations in Washington and deliver the funds our troops in Iraq and Afghanistan need.

As we seek to help the Iraqi people stand up a stable government, we should not neglect our own by allowing vacancies on Federal courts to go unfilled. Three months into the new year, the Senate has not confirmed a single judicial nominee of any kind. Let me say that again. Three months into the new year, the Senate has not confirmed a single judicial nominee of any kind, and it has held only one hearing on a circuit nominee since September of last year. The process, it appears, has ground to a complete halt. This is unacceptable, it is unfair, and the excuses we have heard are not convincing.

Some nominees have waited hundreds of days for a simple hearing, including those who satisfy the specific criteria of the chairman of the Judiciary Committee for quick action, such as strong support of home State senators. These vacancies need to be filled, especially in places that have been declared judicial emergencies such as the Fourth Circuit, where one of every three seats is currently vacant. Nominees for seats on the Fourth Circuit—which covers North Carolina, Virginia, Maryland, West Virginia, and South Carolina—are ready, well qualified, and they have been waiting and waiting.

Since the committee has nearly stopped holding even simple hearings for circuit court nominees for the last several months, it should make up for lost time by holding hearings on more than one circuit court nominee at a time, as both Democratic and Republican chairmen have done in the past. That way, we can get these nominees confirmed.

It is time our friends on the other side stop blaming others for their failures to act on judicial nominations. If they don't, regretfully, Republicans will be forced to consider other options.

The Senate faces difficult challenges domestically and internationally. Conventional wisdom says we want to address them because it is an election year. Experience suggests some of our friends on the other side will prefer political efforts to bipartisan accomplishments. We saw signs of hope for a more responsible and productive path in a rush of bipartisan accomplishments at the end of last year and in a bipartisan economic growth bill this year, and we have an immediate opportunity in the work period that starts today to choose the better path on an issue that is vexing millions of homeowners.

Knowing that public patience with partisan political games is wearing thin, I am confident we will seize the opportunity and deliver something soon for the American people. Then, hopefully, we can follow it up with other accomplishments. We have the potential for a very productive work period. Why don't we get to work and see what we can accomplish over the next 8 weeks.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, the first indication we have to move forward and have a productive work period is to see if we can do something to help the beleaguered people who are losing their homes as we speak. We have the opportunity to do that tomorrow.

For those within the sound of my voice, before we can move to a piece of legislation, the Republicans have to sign off on that. They can do it by approving what we call a motion to proceed. That motion to proceed failed before because the Republicans voted no on our ability to proceed. We need 60 votes to do that. I hope they will join with us to move to this housing package and work to help us come up with a good piece of legislation to show there must be some merit to our legislation.

I have seen Senator BOND's legislation. It has most of our stuff in it. It is a pretty good piece of legislation. It also has some other things in it. It seems to me we are at a good starting point if we have one of the main Republican proponents of housing legislation who includes in his legislation much of what we want to go forward on. So I think that is a good start. So I hope we can do that tomorrow. If we move forward on the piece of legislation we have, we will finish this. We can do it this week and send it to the House and I think they can work much more quickly than we do. That would be a good indication we are going to work together.

Let me say this about a couple of other things. As to the confirmation of judges, Josh Bolten, the President's Chief of Staff, and I spent a lot of time the week before we went on the Easter recess. We were able to accomplish a lot of good things. I don't know the exact number, but we were able to work through scores of Republican nominations the President sent forward. I think the Democrats got 5 or 6 and the Republicans got 50 or 60. We don't have the opportunity to send as many names to the President as he sends to us. The President's Chief of Staff wrote a nice letter, which I received last week, saying we have established a working facility. He is assigning one of his people at the White House, and I have assigned my Chief of Staff. If there are things we cannot work out, Mr. Bolten and I will work on it face to face. Part of that is judges. We are going to do our best to work out something on judges. That is part of the entire package.

Now, even Mr. Bolten would recognize the number of judges being sent to us has been pretty slow. But that is no excuse. We will be happy to move forward on nominations, generally. The White House needs a lot of these people, and we understand that. There has to be a give and take on this, as the White House showed the week before the recess, which Mr. Bolten and I worked on.

So I am convinced there are a lot of things we can do. The farm bill is something where we also need the cooperation of the White House. The managers of this bill have worked very hard—the Senator from Georgia and the Senator from Iowa—along with the two managers of the bill, as it relates to finance, who have worked with their counterparts in the House. We need to get a little better work from the White House. We have basically worked out the numbers. We cut back the President's numbers. We are working on the offsets now. That should be something we can do. We need to have the White House engaged in this, but more so than they have been.

The farm bill is important. I tell my distinguished counterpart that I heard about this farm bill during the break. I had calls from many of my Senators asking what can be done about this. We are trying. As Senator McCONNELL notes, Senator CHAMBLISS, the ranking member on the Agriculture Committee, has worked with Senator HARKIN. We are doing our best to work through this. I hope we can get something done so we don't have to extend it again. The bill expires again on April 18. We cannot go on without renewing this bill and/or passing a new bill. If we do not renew this legislation, the price of milk will basically go back to 1949 levels. Based on that, a half gallon of milk would be about $5. So we have a lot of work to do.

I appreciate the constructive attitude of the Senator from Kentucky. I don't agree with a lot of his illustrations, but I think it was a positive statement. I hope we can work something out on these and other issues.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I appreciate the spirit in which the majority leader addressed my remarks on the housing issue. I think it is safe to say there is interest on both sides in moving forward. Whatever reservations we have on this side relate to how the minority will be treated once we have made the decision to move forward. This is something the majority leader and I will continue to discuss, as we have in the last few weeks.

With regard to judges, with the best of intentions, the majority leader and I both came up with what we thought was a reasonable goal for the number of circuit judges that ought to be approved in this Congress based on the pattern of each of the last three Presidents, which had, from their point of view, the misfortune of ending their terms with the opposition in control of the Senate. The lowest number achieved in circuit judges was under President Clinton. It was 15. We currently have six. If we are going to have any chance of getting to what the majority leader and I agreed was at least a modest, achievable goal in this Congress, we have a ways to go. I am not blaming him for that. It strikes me that the Judiciary Committee simply isn't functioning. But it remains the goal of mine—and I hope it is still his goal—to meet a sort of minimal threshold of an acceptable level of circuit judge confirmations.

I appreciate the attitude in which the majority leader has pursued that issue from the beginning of this Congress. I hope we can continue to work to try to get to some level that would be widely considered by any objective standard as a fair number in this situation.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Georgia is recognized.

Mr. DORGAN. Will the Senator yield?

Mr. ISAKSON. Yes.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized to speak for 30 minutes in morning business following the presentation of the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia is recognized.

SOCIAL SECURITY AND MEDICARE

Mr. ISAKSON. Mr. President, today, I will pay tribute and make some celebratory remarks about two exciting lives in my community. First is the upcoming celebration of the 80th birthday of Mack Henderson, a man in my community who, besides being a leader, has been a warm and trusted friend. He and his wife Jean have been pillars of our community. The women's health care facility in Kennesaw was named after them as a tribute. Mack's daughter lives in this area, in Alexandria, VA. She has been a great friend to me. The entire Henderson family is going to gather to celebrate the 80th birthday of Mack Henderson, a great American and a great citizen of Cobb County. I wish him a most happy birthday.

On March 10, another birthday occurred—the very first of my grandson, William Edwin Isakson, born to my son Kevin and his wife Katherine Isakson. William is our eighth grandchild. He weighed 7 pound 9 ounces. He has a great future ahead, and I wish him the very best.

It occurred to me, when I was coming to the floor to pay tribute to Mack Henderson on his 80th birthday and to recognize the birth of my eighth grandchild, that as I look into the future, I wonder about what has been said in recent months about Social Security and Medicare and about what Mack Henderson has enjoyed in his life and what I hope we can save and procure for the life of young William Edwin Isakson.

In Mack's early years, Social Security was created. It was a promise to Mack and to every citizen in America that when you reach the age of 65, and when you sign up and are declared eligible, you will receive a supplement to help you in your retirement years. Mack has been retired for 15 years and is enjoying the benefit of that.

Last week, the Social Security Administration sent out a mailer notifying us that the time the Social Security goes bust is now moved forward to 2041. So in Mack's lifetime, Social Security was created, and by the 33rd birthday of my new grandson, Social Security will be gone. Even worse, Medicare, created after Social Security, has benefitted Mack. He has had a heart transplant and other medical problems, and he came through them with the help and assistance of Medicare. As for my grandson William, before he is a teenager, Medicare will be broke, inverted, and gone. As a Member of the Senate who takes a privilege to come to this floor and celebrate the birthday of a great friend and the birth of a new grandson, I know I have some work to do. So do the other 99 Senators and the 435 Representatives on the other side of this building.

The President who serves now, and who will go out of office in January, has made an effort on Social Security, and it was rejected by organizations and others. It was an effort of privatization.

The next President will not be so lucky to be able to neglect this. Time is running out. The next President will probably serve for 8 years. When they are out, it will be 2018, 1 year before Medicare goes broke. I don't think we can afford to allow that to happen.

As I come to the floor and pay tribute to these great lives which are so meaningful and significant to me, it is also an early warning for all of us to get to work on Medicare and Social Security. I commend JUDD GREGG, the Senator from New Hampshire, for his efforts time and again to get us to deal forthrightly with these issues. They are not going to be easy.

I don't want to ever face seeing Medicare go out of business and Social Security go broke. I am willing to stand up and take the heat and make the recommendations and work hand in glove with my fellow Republicans and with Democrats to see to it that the events on those two dates—the date of the death of Medicare in 2019 and end of Social Security in 2041—never take place. Between the two sides of the political spectrum, we can find common ground if we have a willingness to establish a goal and achieve it. I will never forget when President John F. Kennedy came forth to the people in America and declared that one day—8 years later—the United States would launch a man to the Moon, land him on the Moon, and bring him home safely. We didn't know how to do that; we didn't have the foggiest idea. We were getting beaten badly by the Soviet Union in mathematics, science, exploration and technology, and he was daring us to do something nobody knew how to do. We did it by July of 1969.

I don't think saving Medicare and Social Security is as difficult or as technical as getting a man to the Moon and bringing him home. But it is equally as important—maybe more so—for the health, welfare, and livelihoods of our oldest friends who are in the twilight of their years and our children born to us this year; and it is very important to the United States.

So this Senator pledges to his newest grandson that I will stand up anytime, anyplace, or anywhere and work with my colleagues in the Senate to begin the job of seeing that we fix Medicare and Social Security and that we preserve the promise for our grandchildren that our grandfathers have enjoyed and prospered with.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I congratulate my friend, the Senator from Georgia, on his new grandson. We all hope this country continues to hold the promise it has held for so many decades now for all American children.

Mr. ISAKSON. I thank the Senator.

THE ECONOMY

Mr. DORGAN. Mr. President, I have come today to talk a bit about the economy and where we find ourselves. This week we are going to talk about housing.

The effort we have made in the Senate in the majority party to pass emergency housing legislation is very important. I want to put up some charts that show what was happening in this country with respect to housing and what was happening at least to begin to cause the partial collapse we have seen.

This is an advertisement by a company called Millennia Mortgage. Here is what it said to the American people. I don't know this company, but they said:

> Twelve months, no mortgage payment. That's right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you. . . . Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months. Call us today.

Millennia Mortgage. Come over here and get a mortgage from us. You don't have to make a payment for 12 months, they said.

Here is a company appropriately named. I don't know this company either—Zoom Credit. They told the American people:

> Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, or a credit card. Even if your credit's in the tank. Zoom Credit is like money in the bank. Zoom Credit specializes in credit repair, debt consolidation, too, bankruptcy, slow credit, no credit—who cares?

That is what Zoom Credit had to say to the American people.

Then Countrywide, the country's largest mortgage lender, said:

> Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us . . .

Just call us; that is not a problem. If you are a bad risk, you don't pay your bills, call us. This from the largest mortgage lender in this country.

And then we wonder what happened? What could have caused all of this economic trouble? Everyone understands this does not work. Mortgage revenue companies advertising: Come to us if you have bad credit; let us give you a loan of some type. And by the way, the same companies, in many cases, applied what is called predatory lending—high-pressure, cold-call telephone sales to people who say: I know you have a mortgage, but we will give you a different mortgage. We will give you one with a 2-percent interest rate, not telling them it will reset to 7 percent or 9 percent or, in some cases, more with prepayment penalties. And the broker who was able to convince someone to do that got a big fat bonus. The mortgage company, well, they got mortgages with big interest rates once they reset, and prepayment penalties so the people could not get out of them. Then what they were able to do was slice them up and put them into—like they did in the old days, like they would pack sawdust into sausages for filler—they would take good mortgages, bad mortgages, subprime, potentially bad, put them all together, slice them up, dice them, and ship them off to a hedge fund that buys them—in some cases the mortgage banks had their own mortgage sides to purchase these securitized investments—and no one knew what was in them. Very much like sausage, I might say. Nobody knew what was there.

Now all of a sudden, they have all of this paper out there and we have about 7.2 million families with what are called subprime mortgages, an outstanding value of $1.3 trillion. It is estimated that 2 million families will lose their homes in the next 2 years. By the way, 2 million families, that is 5.4 million people who will be affected by the loss of their home in the next couple of years.

We put together legislation to try to address this issue in the Senate, and we have had great difficulty moving it. We hope in the next day or so we will at least be able to get a motion to proceed.

It is interesting, when we are talking about trying to help some people avoid losing their homes, they say: Well, we don't want to help folks such as that. I agree that those who were buying houses for the sake of flipping them, making a bunch of money in the bubble of housing prices, I am not interested very much in them, but I am very interested in someone who was a victim of predatory lending by a bunch of folks who were getting rich, making a lot of money and those folks are now threatened with losing their house. I am very interested in seeing if we can help them a bit.

It is interesting, the big folks always get help. The Federal Reserve Board and the administration, with Treasury Secretary Paulson, have rushed in. They arranged for JP Morgan to buy Bear Stearns, a big old investment bank. Bear Stearns was worth about $20 billion a couple of months ago. It was acquired by JP Morgan for $1.3 billion in the last couple of weeks and the Federal Government, through the Federal Reserve Board, will put up $29 billion to pick up the risks on the assets. Think of that. One investment bank gets a $1.3 billion acquisition of another investment bank that was worth $20 billion a couple of weeks ago, and the Federal taxpayers come in to provide $29 billion as a safety net for the risk JP Morgan assumes.

On top of that, the Fed comes in and says for the first time since the Great Depression that they will make direct loans to investment banks. They have previously made loans to depository banks over which they have regulatory control, but now they will make direct loans to investment banks.

In addition, they will make a $200 billion loan available to Wall Street bond dealers. It is kind of a form of no-fault capitalism.

I don't know whether the Fed and the Bush administration are doing the right thing. I don't know. I know we cannot, none of us—the administration or the Fed or the Congress—decide to do nothing. We are trying to decide on behalf of families who are about to lose homes to see if we can't do something to give them some help. Obviously, a lot of help has been extended to the Wall Street interests—a lot of help, $30 billion, $200 billion, direct lending to investment banks. That is a lot of help. But when it comes to the homeowners, well, not so fast; let's worry about that, they say.

The Secretary of the Treasury has made the point that the problem has not been the lack of regulation. That has exactly been the problem, lack of regulation. We must have some kind of regulatory authority to look over the shoulder and watch and see what is happening. But the fact is there has been no regulation.

The fact is the Federal Reserve Board in the Greenspan era, more recently Bernanke, and the Bush administration have watched while all of these financial engineers have created the most sophisticated of securities and devices. The financial engineers created things such as derivatives, collateralized debt obligations, called CDOs, credit default swaps—$23 trillion of notional values out there in credit default swaps—loan syndications, securitization, off-the-balance-sheet debt vehicles. It is unbelievable what has been going on, all in the name of financial engineering, and while the economy was going up, everybody thought they were all geniuses. And now as it is collapsing like a house of cards, the Federal Reserve and the head of the Treasury Department rush to try to help the big interests. The question is, what about the rest of the folks who are getting hurt? There are a lot of them. What about the rest?

I mentioned Bear Stearns was about to go belly up and the Fed and the Treasury Department assessed that could not happen because it would affect the entire financial system. I don't know whether they are right. I know it has become a kind of no-fault capitalism when the investment banks can take very big risks, and then when it comes time that it does not work out, the taxpayers come in and say: Don't worry, we will put up a safety net.

About 16 months ago, Bear Stearns gave the chairman of Bear Stearns, James Cayne, a stock bonus of $14.8 million. The year before, he had gotten $30.3 million in compensation. This company that went belly up over the last 5 years, the chairman, Mr. Cayne, made $156 million in income. Let me say that again. This is a company that went belly up because it took risks that were way outside the norm, in my judgment. The chairman received $156 million between 2002 and 2006. The CEO, Alan Schwartz, received $141 million in income during that same period, and the former company president, Warren Spector, $168 million.

Let me say that again. Three top officials at Bear Stearns, 15, 16 months ago received very large bonuses, and in the last 5 years received the following compensations: $156 million, $141 million, and $168 million. This is like hogs in a trough, all except for the grunting and shoving, which we cannot yet hear, but we will, I assume. It is unbelievable. There is unbelievable greed in this system.

We are told again by the Secretary of the Treasury that this was not the fault of a lack of regulation. Of course, it was the fault of no regulation.

This is from the Wall Street Journal, March 2008:

> A year ago at a Honolulu hotel, the heads of three Federal regulatory agencies charged with guarding the soundness of America's banks delivered this message: We're the ones you want regulating you.

Essentially telling them, we are going to compete for lax regulations. It doesn't matter what you do, we are not going to watch very much because we believe in deregulation.

So we have an unbelievable amount of hedge fund activity that did not use to exist in this country. It is now completely deregulated—hedge funds involved in derivatives way behind the curtain, and nobody knows what is going on; mortgage companies advertising that you ought to get a mortgage from them if you have bad credit because they wish to give you a mortgage, and then they slice it up in securities and send it around the world and no one knows what is in these securities. All of a sudden that piece of sausage explodes and we wonder why? It exploded because it never made good business sense, and now the American taxpayers are going to bail them all out.

We cannot begin to address this problem unless we understand that when the big interests are going to make hundreds of millions, even billions of dollars as a result of almost unprecedented greed, there needs to be some regulation. That is a fact. Regulation is not a four-letter word. It is an essential part of good government.

Long ago, I and others have been on the floor of the Senate talking about need for some regulation with respect to hedge funds, but we have not been able to get legislation through the Congress. But this is not just about regulating hedge funds; it is about the agencies that are already empowered to regulate refusing to do their jobs.

The Secretary of the Treasury today announced a series of steps that he portrays as a substantial addressing of the issues that are now involved in subprime lending and the other financial difficulties. But in many ways, it is moving the boxes around and, it appears to me to be deregulation rather than the need for additional regulation and additional oversight.

It is not just in this area of housing, it is not just in the area of investment banking or hedge funds. I have mentioned on the floor previously that there is unbelievable speculation in a range of areas. Oil—the fact is I believe, and there are some experts who believe, that the price of oil at the moment is about $30 above where it ought to be. Why? Because for the first time hedge funds and investment banks are hip deep in the oil futures market, driving up the price of oil, having nothing at all to do with the supply and demand of oil. Once again, unbelievable speculation. For what purpose? For the purpose of unbelievable profitability.

We have not had investment banks previously buying oil storage capability so they can buy oil on the futures market and take it off the market and put it in storage and wait until the price goes up. We have not had that before. That is the kind of speculation that I think is counter to the interests of this country's economy. It is not counter to the interests of those who want very large profits, even if the rest of the American people have to pay for that unbelievable speculation.

There are some who say, if we can address this issue now, the issue of housing, the issue of predatory lending, if we can address the issue of investment banks, the issues of some hedge funds, that will all be fine. That is not the case either. There are some other underlying problems that almost everyone in this world knows but no one is interested in doing anything about it. The dollar is losing value substantially for a number of reasons, but at least two of those reasons are obvious: No. 1, an $800 billion trade deficit; No. 2, the $700 billion required additional borrowing this year because of budget policy.

I know the President says the deficit is a projected $410 billion. That is not true. Take a look at what our country is going to be required to borrow in the coming years—$700 billion. You add an $800 billion trade deficit to a $700 billion borrowing requirement because of a reckless budget policy and you have $1.5 trillion borrowing in 1 year against a $14 trillion economy. People know that doesn't work.

I mean, the fact is, we have to fix this system, and we start, it seems to me, this week, with the proposition that if we can deal with the housing piece, at least you start trying to help some of the American people who really deserve some help at this point in order to keep their homes. That is the first piece of legislation on the floor of the Senate this week. That is a reasonable thing to do. If this Government, at its highest levels, can take billions and tens of billions of dollars around Wall Street and say to the Wall Street firms, here is $29 billion if you will pay $1.3 billion for a firm that used to be worth $20 billion a couple weeks ago—if we can do that and assume all that risk on behalf of the American taxpayers for the kind of activities on Wall Street that represent, in my judgment, unsound business practices and unbelievable speculation, this Congress can certainly reach out to home owners across this country to say that we want to give them some help. We will see tomorrow or the next day what might or might not happen with respect to the willingness of this Senate to address this housing issue.

WASTE, FRAUD, AND ABUSE

Mr. DORGAN. Mr. President, 2 weeks ago, I had a chance to meet Herman Wouk, who is one of America's greatest authors. He wrote "Caine Mutiny" and he wrote "War and Remembrance." He is 91 years old and a remarkable man, just a remarkable man. He was telling me something kind of in jest. He said: You know, I don't know much about what happened after 1945, but I know everything that happened before 1945. He was talking about his body of work, his research on the Second World War and prior to that period of time. And he wrote wonderful books, as all of us know. He is one of America's greatest authors.

Herman Wouk and I were talking about the Iraq war and talking about the stories about the Iraq war, and he said to me: Do you know anything about the Truman Committee? Do you know anything about what happened in the Second World War with President Harry Truman, then-Senator Harry Truman, who created a committee, a special committee in the United States Senate, bipartisan, to go after this issue of contract fraud that was going on with respect to defense contracting? I told him I certainly did know about the Truman committee, and we have had, I believe, four votes in the Senate that I offered as amendments to establish a Truman committee.

At this point I want to show my colleagues a photograph of a man. I don't know this man personally. This comes from a Thursday, March 27, edition of the New York Times.

I read an article about this man on an airplane, and I was struck by it because it is such an unbelievable story, and it is another chapter of, in my judgment, a shameful series of chapters of abuse of the American people by contractors with respect to the Iraq war.

The New York Times published this article, and this is a picture of a 22-year-old man from Miami Beach. He had gotten contracts worth over $300 million in U.S. taxpayers' dollars, and he had signed a contract with the U.S. Army to provide arms to Afghan soldiers.

Apparently, we, as taxpayers, and the U.S. Army, were trying to provide additional arms for the Afghan Army with which to fight and defend itself. So this 22-year-old man got a $300 million contract from the Army Sustainment Command, through a company that had been a shell for a number of years established by this man's father. Mr. Diveroli is his name. This is a mug shot from the Miami Dade Police Department. He had allegedly assaulted a parking lot attendant and had a forged driver's license when he was arrested, which made him out to be 4 years older than he really was. He told police he had gotten the forged driver's license to buy alcohol, but now that he was over 21 he didn't need it any longer.

So this is a 22-year-old man who was the CEO of a company called AEY based in Miami Beach. And this is a picture of the building that was headquarters for his company, but there was nothing on any door in the building. Apparently, in one part of this building an office was supposed to be his office, but there was nothing that identified his office.

And here is a picture of his vice president, the vice president of this company, this company to which the U.S. Army gave a $300 million contract. The vice president is a 25-year-old masseur named David Packouz. He is the former vice president of the firm that got $300 million. So you have a 22-year-old and a 25-year-old masseur who get $300 million from the U.S. Army.

Now, what did they do with the $300 million? Well, the next photograph, again from the New York Times, shows outdated ammunition sold to Afghan forces, including 40-year-old Chinese-made cartridges. So these folks got $300 million and they were providing mid-1960s cartridges to the Afghan Army, which the Afghan Army was receiving in cardboard boxes that had not been properly taped and were falling apart. The Afghan Army described these armaments as junk. Here is an Afghan policeman surveying 42-year-old Chinese ammunition that arrived in crumbling boxes.

Again, American taxpayers, through the Army Sustainment Command, paid hundreds of millions of dollars to a company that previously had been a shell company, a shell corporation, now run by a 22-year-old who says that he is the only employee of the corporation.

Now, Mr. President, I have spent a lot of time on the floor of the Senate on these kinds of issues. It is pretty unbelievable when you think about it. I don't know Mr. Diveroli personally. Never met him. I do know that three reporters from the New York Times did some extraordinary work—C.J. Chivers, Eric Schmitt, and Nicholas Wood, to expose his activities. I don't know how long it took them to do this investigative piece, but it is two full pages inside the New York Times. They obviously traveled to Afghanistan and other countries to finish this investigative piece. We wouldn't know about this issue were it not for investigative reports by the New York Times.

In January of 2007, that is just 14 months ago, the most recent award, which I believe was $150 million, was given by the Army Sustainment Command, and the Army Sustainment Command said:

> AEY's proposal represented the best value to the government.

I am telling you, this part of the U.S. Army has a lot of explaining to do to this Congress and to the American people. This is the same Army Sustainment Command and, incidentally, the same general in charge of the Army Sustainment Command who went to a hearing here in the Senate, and following my testimony before a hearing about the water problems in Iraq and about Halliburton Corporation providing water to the troops, nonpotable water that was twice as contaminated as raw water from the Euphrates River, we had the evidence, internal Halliburton memorandums, saying it was a near miss. It could have caused mass sickness or death. This is the same general who went to that Senate committee and said: Never happened.

Well, now the inspector general has finished an investigation and said in fact it did happen. It did happen. This general has some explaining to do.

I have asked Secretary Gates, the Defense Secretary, to ask this general to explain himself, and so should this Congress.

But I don't understand, I just don't understand how even following information sent to this country, to the Army Sustainment Command by U.S. military officers in Afghanistan, saying what they are sending over here in the form of armaments under this contract is junk and it needs to stop, even following that it continued. It is an unbelievable amount of government waste.

This is but one issue. And we wouldn't know about it if it were not for the New York Times. This has been going on for years. We have been fighting in Iraq longer than we were fighting in the Second World War.

Now, let me go back to something they did in the Second World War. Harry Truman, in this Chamber, stood up and offered a proposal to create the Truman Committee, bipartisan. For $15,000, they created a committee, and it worked for 7 years and saved $15 billion investigating waste, fraud, and abuse in defense spending during the Second World War. Now, Mr. President, I have been trying for 4 years to get this Congress to empower a committee and to impanel a bipartisan committee to go after this kind of waste, fraud, and abuse.

Let me go over just a few of the things. I have held, I believe, about 12 hearings in the Policy Committee, but the Democratic Policy Committee does not have subpoena power, and I have only held these hearings because other committees have not. Oversight is a responsibility of this Congress.

Mr. President, I want to show a photograph of Bunnatine Greenhouse. I have done it on many occasions. But the reason I wanted to show the photograph is because Bunnatine Greenhouse is a very courageous woman. This woman rose to become the highest civilian official at the U.S. Army Corps of Engineers. This is a remarkable woman. By all accounts, according to people outside of government, she was the finest purchasing agent and an unbelievable public servant. But she blew the whistle on abusive Halliburton contracts. She said it was the most significant abuse of contracting authority she had seen in her career.

Guess what happened to her. It is what happens to too many whistleblowers. She got demoted and lost her job. She got demoted because she had the guts to speak out.

This whole issue has now been subsumed behind the wall in the Defense Department. We can't talk about it now because it is under investigation. This woman lost her job nearly 4 years ago and was replaced, by the way, by someone who had no experience, not a day's worth of experience in contracting authority. That is the way it works over there. You blow the whistle, you pay for it with your career.

I called the person that hired Bunnatine Greenhouse one night at his home—LTG Joe Ballard. He had since retired from the military. And I said: General Ballard, Bunnatine Greenhouse spoke out about the billions of dollars given the Halliburton Corporation and the abuse and the way those contracts were let and she was demoted. Tell me about Bunnatine Greenhouse. You hired her.

He said: She is the best. She got a raw deal.

This is from General Ballard, since retired. Well, the Pentagon decided to award a big no-bid, sole-source contract to the Halliburton Corporation. It is called Restore Iraqi Oil, the RIO-C, and then they had other contracts—the LOGCAP contract. The waivers that were required were not given. This was short-circuited, and we have seen the result of this now for a long period of time.

Mr. President, I have been to the floor a good many times to talk about the hearings I have held, and I don't mean to single out Halliburton, it is just the company that has gotten the biggest contracts. But when a company gets hundreds of millions of dollars, or billions of dollars and then, in my judgment, is not performing and is taking all the money, we have a right to ask questions. We had $85,000 brand new trucks left beside the road in a zone that was not considered hostile at all, to be torched and set on fire because they didn't have enough equipment, or didn't have a wrench to fix a tire; $85,000 brand new trucks left to be torched beside the road in safe areas because they had a plugged fuel tank. The attitude is that it doesn't matter, the taxpayers will pay for that. It doesn't matter, it is a cost-plus contract. A cost-plus contract, taxpayers will pay for that.

Let me show a towel. It is sometimes the smallest issues that make the biggest points. Henry Bunting came and testified for the Halliburton Corporation. He worked in Kuwait. He was the purchasing agent for our troops in Iraq.

One of his jobs was to purchase towels, so he wrote out a purchase order for towels for the troops and his supervisor looked at that and said no, you can't buy those towels. Bunting wanted to buy plain white towels. He was told that he needed to buy a towel that has KBR's logo, Kellogg Brown & Root, a subsidiary of Halliburton, embroidered on it. He said the problem is that will triple the cost of the towels they are buying for the troops. His supervisor said you don't understand, it doesn't matter. These are cost-plus contracts. It doesn't matter.

Henry Bunting told us about tripling or quadrupling the cost of towels, about paying $45 for a case of Coca-Cola, about $7,600 for a 1-month lease of an SUV, about 25 tons of nails sitting on the ground, on the sand of Iraq, because somebody ordered 50,000 pounds of nails and ordered them too short. It doesn't matter, the taxpayer pays for all that. Throw them on the sand and reorder.

How about charging for 42,000 meals for the soldiers, a day, and serving only 14,000 meals a day? Missing, 28,000 meals. It doesn't look like an innocent mistake to me. Rory Mayberry came to testify at a hearing I held. He was a supervisor of food service for the Halliburton subsidiary. He said we were told that when an auditor came by, don't you dare talk to an auditor. We forbid you to speak to a government auditor. He said they were routinely charging for more food for soldiers than solders existed—routinely. He said they were routinely serving expired, date-stamped food. The supervisor said it doesn't matter, serve it to the troops.

I mentioned the issue of water quality; again, the issue of requirement in the contract to provide water to our troops at the military bases in Iraq. That was a Halliburton contract. A couple of whistleblowers came to me and gave me the internal memorandum in the company. They were providing water that was twice as contaminated as raw water from the Euphrates River. I had it in writing. Yet Halliburton denied it and so did the U.S. Army. Only when the inspector general did the investigation I requested did we find out Halliburton was not telling the truth, nor was the U.S. Army. That is a sad comment.

I want to show a picture of some money. The fellow who was holding this cash came to testify. I believe I have a chart that shows the money. These are one-hundred dollar bills, in bricks, wrapped with Saran Wrap. This guy, named Frank—this was in a building in Baghdad. Down below in the vault of that building were several billion dollars.

By the way, $18 billion of cash was loaded on C–130s, from this country, to go to Iraq—$18 billion in cash. It was not accounted for.

There was a man who was contracted to be able to do the accounting. His name was Howell. His address was a residential home in San Diego, CA, and his company allegedly was NorthStar Consulting. No one has ever been able to find anything NorthStar Consulting did, except we know they got $1.4 million and there is no evidence they had any accounting on staff, any accountant at all. There is no evidence that any of the $18 billion in cash that was moved by C–130 airplanes to Iraq was accounted for.

This is $2 million. This $2 million.

By the way, Frank said from time to time they would throw these around as footballs in the office because there was a lot of cash around there. He said the refrain in their office was: You bring a bag because we pay in cash. He said it was like the Wild West.

This belonged to Custer Battles, by the way, this cash. They showed up in Iraq with no experience, a new company. They got $100 million in new contracts very quickly and then a whistleblower—at least the whistleblower says they threatened to kill him. He said you can't do this. They took forklift trucks that belonged to the Baghdad Airport, allegedly painted them blue, and then sold them back to the Coalition Provisional Authority. That was us, by the way. We were paying for all of that. Custer Battles, this was one of their payments. I expect they have been under criminal investigation now for some while—and if they have not, they should be. That was only $2 million, but they got $100 million.

There is so much to say about these issues. The Parsons Corporation is a company that was to build health clinics in Iraq. The Parsons Corporation was provided $243 million in a contract by us to build or repair 142 health clinics in the country of Iraq. Three years later the $200 million was gone, but there were only 20 health clinics and those that existed were of shoddy construction. A man who was an Iraqi physician, a doctor, came and talked to me about it. He said he went to the Iraqi health minister because he knew this money was supposed to go to address health issues in Iraq. He said to the Iraqi health minister, I understand an American company got $200-plus million. I want to tour all these healthcare facilities that were supposed to be built. The Iraqi health minister said you don't understand. Many of these were imaginary clinics.

The money is gone. The American taxpayer got fleeced again. The money is all gone, but the clinics don't exist.

We have shoveled money out the door here in this Congress. This President has said I want to send soldiers to war but I do not intend to pay for it. Not a cent of it has been paid for. Since the war started, every single dollar has been requested as an emergency by the President, emergency spending. It is unbelievable; nearly two-thirds of a trillion dollars emergency spending. A substantial amount of money has been shoveled out the door here for contracting, very big contracts in Iraq—some reconstruction, some replenishment of military accounts, but very large contracts with almost no oversight. The American taxpayer has been stolen blind. This is easy to say, in my judgment, the largest amount of waste, fraud, and abuse in the history of this country.

It has gone on for over 5 years. There is no excuse, none, for this Congress not creating a Truman committee with subpoena power, bipartisan, to investigate and bring justice and provide the oversight necessary on this kind of contract abuse. There is no excuse.

I know some over the years have made excuses. I have offered the amendment three times, perhaps four, but we voted on it three times. I have people stand up in the Senate and say we are doing the oversight hearings, we are doing hearings. We are not. That is not true. The Appropriations Committee did one a month ago after I pushed and pushed. I appreciate the Appropriations Committee doing it. We will do another one in about a month, a little less than a month. That is fine. That is not a substitute for doing 60 hearings a year for 7 years, as the Truman committee did.

American taxpayers deserve better than they have gotten from this President and from the Congress for the last 5 years.

Senator REID and I have talked about this a great deal. Senator REID has aggressively supported the creation of a special committee, a bipartisan committee to investigate this kind of waste, fraud, and abuse. It is long past the time we do it.

I come back to the point I made originally. When I pick up a New York Times and see that $300 million of contracts is given to a shell corporation in Miami, FL, with no name on the door of the building, a corporation headed by a 22-year-old as president, a 26-year-old masseur as vice president, I ask the question: Who makes those judgments? Who is responsible? Who is accountable?

From that several hundred million dollars, 50-year-old weaponry is sent to Afghanistan in the name of American taxpayers, in boxes that are not taped up properly, weaponry that comes, in some cases, from the 1960s, in China.

That is unbelievable to me. Some might be able to read the New York Times piece and say that is all right, I have read this before. I have read we were double charged for gasoline for our American troops in Iraq. I have read we were overcharged for meals. I read we paid for health clinics that did not get built. I read all these things. You know what, it is not such a big deal.

It is a big deal with me. It ought to be a big deal with this Congress. The American people, I think, are sick and tired of this and they deserve a Congress that is going to do something about it.

I obviously wish I didn't have to come to the floor to talk about this. I wish instead my energy was devoted to a committee that had subpoena power. The very first thing we should do—and, by the way, I am writing a letter to the appropriate subcommittee saying I want you to subpoena the principals in this contract and I want you to subpoena the general in charge of the Army Sustainment Command and I want them to come to testify and explain to the American people and explain to us how is it during wartime that we seem to blink and turn our head to what is, I believe, war profiteering. Who has allowed us be that immune to the interests of the American troops? This undermines and disserves the American soldiers. It certainly disserves the American taxpayers and does not represent the best interests of this country.

In the coming days I intend to come to the floor a good many times to speak about this and be a general burr under the saddle—which is a term that people are perhaps more acquainted with in my home State because we raise a lot of horses. But it seems to me the only way to get this sort of thing done is to be a problem and to embarrass those who do not want to do it, and I am prepared to do that. I think it is long past the time to say to the American people: You don't have to read it anymore in the newspaper. The newspaper is not going to be required to do oversight for this Congress. The Congress finally, at long last, will do its own oversight and will do a good job and tell the American people you can count on us. That has not been the case earlier when this war started because no one wanted to do the necessary kind of oversight because it was the kind of oversight that would probably raise some hackles and embarrass some folks.

I might also say, there was a piece of legislation passed—in fact, the Presiding Officer, Senator WEBB, and Senator MCCASKILL and others put it together last year, which I supported—which deals with a Truman commission. It is not the equivalent of a Truman committee. A Truman committee is a standing committee with subpoena power, but the Truman Commission is a step forward and I supported it. It will be a commission that operates on a one-time basis to develop recommendations and take a look at what is happening.

The Wartime Contracting Commission has a 2-year sunset, and I commend my colleagues for trying to put together and for successfully putting together a commission, but I do say that we need in this Congress a committee, a bipartisan select committee, with subpoena power and we need it now.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that I may speak for such time as I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMERICAN HISTORY

Mr. KYL. Mr. President, in the Senate, we are surrounded by history. The same can be said of the Capitol itself and, of course, of Washington, DC. It is very humbling to think that when we travel around the Nation's Capital, we are following the paths that many great statesmen walked before us.

Reflecting on our past can be a source of great pleasure, and it can lead to great insight. Learning about the lives of great Americans—the grand accomplishments and humanizing habits—is both entertaining and educational. Indeed, it is emblazoned in the rotunda in the Library of Congress that "History is the biography of great men." The accomplishments of great Americans give us heights to which to aspire, and their failures give us guidance for our own pursuits.

Unfortunately, the pleasure of knowing history escapes many younger Americans. Study after study has shown that our students lack even a rudimentary knowledge of American history.

The most recent National Assessment of Education Progress found that elementary, middle, and high school students fall short in terms of what they know about U.S. history. According to the NAEP, the Nation's report card, roughly a third of fourth graders and eighth graders fall below what is deemed a "basic" level of proficiency in U.S. history. Our high schoolers fare much worse. More than half of 12th graders fall below the "basic level."

The news does not improve as students move on to college. Older students fare poorly as well, even those who attend what are considered our top universities and colleges. A recent survey of college freshmen and seniors revealed that many students are ignorant of what many of us consider basic facts of American history. For instance, only 47 percent of freshmen knew that Yorktown brought the Revolutionary War to an end. Seniors did even worse—only 45 percent knew. Another example: 42 percent of college freshmen could not identify on a multiple-choice test the 25-year period during which Abraham Lincoln was elected President. And another: 15 percent of seniors did not know that the Declaration of Independence denotes the inalienable rights of life, liberty, and the pursuit of happiness.

The results are disappointing, to say the least. They reveal that younger Americans have a poor concept of what is necessary for good citizenship. What is the basis for the social compact of Americans? Many younger Americans do not know that our Government was founded on principles and values of innate equality and liberty. We have known about these deficiencies for a long time. Yet very little progress has occurred. This must change if American voters are to be able to evaluate candidates and issues on the basis of American principles and values.

It was 13 years ago that the Senate debated the national illiteracy of U.S. history. At that time, the Senate was considering controversial national U.S. history standards. These standards were flawed, neglecting important individuals, ideas, and events for the sake of politically correct subjects. As poor as the standards were, they did respond to what many recognized as a serious and legitimate problem: the Nation's children were not learning U.S. history.

As Senator Slade Gorton noted during that debate:

> The founding truths of this country may have been self-evident to the Founders, but as studies have demonstrated again and again, they are not genetically transmitted.

Studies have continued to demonstrate just that.

So what to do about it? Most of what we learn about our country we learn in school, but today's curricula does little to interest our students. So says former Secretary of Education William Bennett. In an article in National Review last year, he wrote:

> It's not our children's fault. . . .Many of our history books are either too tendentious—disseminating a one-sided, politically correct view of history of the greatest nation that ever existed; or, worse, they are boring—providing a watered down, anemic version of a people who have fought wars at home and abroad for the purposes of liberty and equality, conquered deadly diseases, and placed men on the moon.

Today's textbooks, say scholars like Bennett, do not relate the drama of our Nation, they are lifeless and boring, and they shy away from conveying the uniqueness and the extraordinary nature of America. Ours is a very special Nation based on what our Founders called "truths." Is it conceivable that our unprecedented freedom, success, and leadership is influenced by these truths and the governmental structures designed to reflect them? You would not know it from some histories.

I believe our students would be well served by reading texts such as "A Patriot's History of the United States." I like the way the authors of this book describe their approach to writing a volume of American history. They say:

> We remain convinced that if the story of America's past is told fairly, the result cannot be anything but a deepened patriotism, a sense of awe at the obstacles overcome, the passion invested, the blood and tears spilled, and the nation that was built.

That is the spirit we should convey to our children. And it does not have to be politically correct—just fair. Of course, American history cannot ignore the bad, but it also should not neglect individuals, ideas, and events that inspire.

My colleague, Senator LIEBERMAN, had it right in 1995. He said:

> We do not need sanitized history that only celebrates our triumphs. . . .But we also do not need to give our children a warped and negative view of Western civilization, of American civilization, of the accomplishments, the extraordinary accomplishments and contributions of both.

Why is this important today? First, to quote my colleague from Connecticut again:

> History is important. We learn from it. It tells us who we are, and from our sense of who we are, we help determine who we will be by our actions.

It is especially important in an election year, where knowledge of the past can help us evaluate events and candidates of today.

It is imperative that in these times Americans understand who we are as Americans. Americans must comprehend the principles and values on which this country was built because we are engaged in a great ideological confrontation with people who are dedicated to destroying us—a confrontation that will be arduous and difficult. The terrorist conflict in which we are engaged is one of values and principles, and future generations cannot act on these values if they are ignorant of American history.

When citizens begin to grow ignorant of who they are, one of the first symptoms is a loss of willpower. Learning about our past tells us who we are, and with that knowledge we are equipped to face the challenges and fight the wars we face today and in the future. Indeed, if future generations do not appreciate what we have—why it is so precious, why it needs defending—they will not do the hard things necessary to defend it.

In a speech to Harvard University's graduating class of 1978, Alexander Solzhenitsyn confronted the West's weak confrontation of communism.

It is probably worth noting here another item in the survey of college students I mentioned earlier. That survey found that about a quarter of freshmen were unable to complete this sentence correctly: "The major powers at odds with each other in the 'Cold War' were the United States and [blank]." A quarter of the students could not come up with the name—Soviet Union—and it was a multiple-choice quiz.

Solzhenitsyn's speech is particularly instructive even as we face a different ideological threat today. He warned:

> No weapons, no matter how powerful, can help the West until it overcomes its loss of willpower.

Some of the debates we have been having in the Senate raise the question of whether we are there again.

Thirty years after Solzhenitsyn, we need to summon willpower for this new conflict. We are engaged in a struggle against a radical ideology whose adherents want to eradicate us. The enemy we are fighting hates us because of our values and our principles, the origins of which are unknown to many young Americans. But a lack of willpower has inhibited our struggle against these global terrorists.

Last year, the Senate spent many hours debating whether to withdraw from Iraq before we had completed our mission. We have spent too much time arguing over terrorists' civil rights. Solzhenitsyn, in fact, presaged our current debate in 1978 when he observed:

> When a government starts an earnest fight against terrorism, public opinion immediately accuses it of violating the terrorist's civil rights.

Such accusations are a sign of a lack of will to defeat an implacable enemy.

This brings me to a final figure, another Soviet dissident and another witness to the destructive power of dangerous ideologies, like Solzhenitsyn.

These are both men who understand the necessity of willpower in the face of evil.

A couple of years ago, writing in the journal "The New Criterion," Roger Kimball, in his essay "After the suicide of the West," discussed the insights of the Polish philosopher Leszek Kolakowski, who lived both through the fascism of the Nazis and the communism of the Soviet Empire. He was also active in the Polish Solidarity movement. Kimball paraphrases Kolakowski and illuminates why knowledge of our history is so key for the maintenance of our willpower. Kimball writes:

> Kolakowski is surely right that our liberal, pluralistic democracy depends for its survival not only on the continued existence of its institutions, but also "on belief in their value and a widespread will to defend them."

One can surely question whether the next generation of Americans really believes in the value of our institutions. After all, what is it they have to base their judgment on when they know very little about the institutions themselves?

A few years ago, in 2003, the Library of Congress recognized Kolakowski for his intellectual achievements. After receiving his award, he made a speech in which he passionately explained why history is so important and why it is an important matter for discussion.

He said:

> Historical knowledge is crucial to each of us: to schoolchildren and students, to young and to old. We must absorb history as our own, with all its horrors and monstrosities, as well as its beauty and splendor, its cruelties and persecutions, as well as all the magnificent works of the human mind and hand; we must do this if we are to know our proper place in the universe, to know who we are and how we should act.

And he goes on:

> One might ask what is the point of repeating these banalities? The answer is that it is important to keep on repeating them again and again, because these are banalities we often find it convenient to forget; and if we forget them and they fall into oblivion, we will be condemning our culture, that is to say ourselves, to ultimate and irrevocable ruin.

Studies of our young people's knowledge of history confirm the wisdom of this observation and raise questions about the risk to our history of falling into oblivion.

"Thankfully, historical amnesia still has a cure," Secretary Bill Bennett reminds us. "Let us begin the regimen now."

We need a cure, because as long as we suffer from this amnesia, we will be fighting two wars: A war against our enemies who wish to do us harm and a war against our will, the loss of which will let them.

The fate of future generations depends on how we answer the enemy's challenge today. To do that, we must clearly understand the values and principles that make us who we are. The truth is no one will fight long, either literally or figuratively, for values and principles he doesn't understand.

Americans must know what is worth fighting for, must maintain the willpower to do it, and must apply the lessons of our past to our current threats. So we must find a way to help students understand the values and the principles upon which our Nation is founded. The solution begins at a fundamental level of learning and education. Our students need textbooks that capture the life of history—Bill Bennett suggests a national contest for better history textbooks—and draw young people to the study of our Nation's story.

The solution, however, must go beyond changes to curriculum. As a nation, we must learn to embrace our history again and discard the politically correct, relativistic version of our history that has persisted for far too long. We must act now to preserve for future generations what we know to be so important. Let us get about the job.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING CRISIS

Mrs. MURRAY. Mr. President, over the last year, Americans across the country have watched as our economy has faltered, and for far too many families the economic downturn has hit home in the form of a foreclosure. This is a time when we badly need a strong and effective response from the administration led, in part, by the Department of Housing and Urban Development.

But instead of helping the millions of families who are struggling to stay above water, HUD has been almost constantly distracted by the ethical questions that have been facing its Secretary, Alphonso Jackson. Ten days ago, I felt the problem had reached a breaking point, so I called for Secretary Jackson's resignation. Today, Mr. Jackson announced he has decided to move on, and President Bush must now nominate a new Housing Secretary with the experience and the credibility to attack this crisis rather than hide from it.

Mr. President, I hope this development is a sign that the administration wants to finally make the needs of American families a priority. I hope it is a sign that the administration wants to work with Congress on a meaningful response to the crisis that has swept across this Nation. I hope President Bush will change his position and support our effort to pass legislation that will help millions of families who are facing foreclosure today.

This week, we will give President Bush and the Republican Senators that chance again as we take up the Foreclosure Prevention Act for the second time this year. Until now, it seems that some on the other side of the aisle have been more responsive to Wall Street than Main Street.

So I hope my colleagues who were home over the break have listened, as I have, to the concerns of their constituents and have now returned ready to work and address our Nation's housing crisis. This truly is a crisis. I wish to spend a couple minutes talking about why we have to take action now.

As many as 2 million American families are going to lose their homes to foreclosure this year. Each foreclosure represents a family whose dream of a comfortable home and secure future has been dashed. Each foreclosure weakens the foundation of our entire economy and our communities. Foreclosures have left our neighborhoods full of vacant homes. Foreclosures have left our families distressed and troubled, and communities are now reporting a higher crime rate as a result of this crisis. State and local governments are seeing their tax revenues drop even as their needs are piling up. We in Congress can help prevent this by investing in our communities and providing support for families who risk losing everything.

The Foreclosure Prevention Act would make changes in bankruptcy laws so that more financially troubled families could keep their homes. It would change lending laws to prevent more borrowers from accepting terms they don't understand and cannot afford. It would provide an additional $200 million to help housing counselors continue to reach out to families who are at risk of foreclosure.

I wish to focus on the last point because it is extremely important. Too many homeowners today don't know they can get help when they get behind on their mortgage. Too many of them don't contact their lender when they miss their first payment. Too many are just intimidated or don't feel they can trust anyone. The Foreclosure Prevention Act would give counseling agencies the resources they need to reach out and let borrowers know they have options. Counseling can help families negotiate with their lenders, readjust their payments, or learn how to budget their expenses better.

Last month, I had the opportunity to meet a single mother from Ohio. She had fallen on hard times which, in turn, led her to fall behind in her mortgage. Luckily, with housing counseling made possible by NeighborWorks America, she and her children were able to stay in their home. She explained to me that when she got behind, she was simply overwhelmed; she didn't know what to do. She said this is not something about which they teach you in school.

Our economic health in this country depends on Americans having a safe and stable place to live and raise their families. We want every family to know there is help out there. The Foreclosure Prevention Act would help make sure families that risk losing everything get the help they need before it is too late.

Across this country, people are worried about whether they are going to be able to keep their homes, whether their jobs will be eliminated, and how they are going to pay for health care when they or their children get sick. These are real families, and these are real communities in need of help.

We need to pass this reform immediately. Americans want action. We wanted to pass it last month, and we were stopped by Republican efforts to block this bill. So I hope now, as we have returned from the recess, President Bush and our Republican colleagues will support our efforts. I hope they will come with us tomorrow, stand with us, and pass meaningful reform that will give homeowners the help they need, allow them to keep their homes, give their families hope, and ultimately make our communities strong again.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak in morning business for as long as I may need.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

UNITED STATES COAST GUARD

Ms. MURKOWSKI. Mr. President, many of my fellow Americans are very aware of the exhilaration but also the dangers and risks of commercial fishing in Alaska's Bering Sea. The pictures and the stories—and even the sounds—are brought into our living rooms every week on the Discovery Channel program "The Deadliest Catch." Many have seen it.

When the Bering Sea fishing fleet finds itself in trouble, they rely on the men and women of the U.S. Coast Guard to truly make order from the chaos. These stories have not escaped Hollywood's attention. It is not only seen on "The Deadliest Catch," but there was a 2006 feature film, "The Guardian," starring Kevin Costner and Ashton Kutcher, which paid tribute to the Coast Guard search and rescue teams based at Air Station Kodiak in Alaska. Coast Guard Air Station Kodiak is home to aircrews and rescue swimmers who endure some of the harshest winds and seas in the world. They put their own lives on the line every day so that others may live.

The events that were depicted in "The Guardian" were fictional, but the events that transpired this past Easter morning in the Bering Sea were very real. I rise today to honor the men and women of the U.S. Coast Guard who participated in efforts to rescue the 47-member crew of the fishing vessel *Alaska Ranger*. As a direct result of these heroic efforts, 42 members of the *Ranger's* crew survived. There were no Coast Guard lives lost. In the words of RADM Arthur Brooks, commander of the Seventeenth Coast Guard District, it was "one of the greatest search and rescue efforts in modern history."

Let me kind of paint the scene for you. It was 2:52 a.m. local time on Easter Sunday, March 23, that the *Alaska Ranger*, a Seattle-based factory trawler, radioed the Coast Guard Communications Station Kodiak with a distress call. The vessel at that time was located 120 miles west of Dutch Harbor at the end of the Aleutian Chain. The vessel was taking on water. There were 25-knot winds and seas 6 to 8 feet high.

The Coast Guard immediately launched a rescue effort. There was a cutter, two helicopters, and a C–130. The crew of the *Ranger* had to abandon ship before the first Coast Guard asset arrived.

First to arrive on the scene is a Coast Guard Jayhawk Rescue Helicopter, deployed from St. Paul Island, located about 230 miles to the north of where the *Alaska Ranger* was at the time.

The Jayhawk carried a crew of four men. There was no backup. The Jayhawk arrives on the scene about 5:30 a.m. This is about 2½ hours after the first distress call. This helps put in perspective the distances with which we are dealing. By this point in time, the *Alaska Ranger* has already sunk in the water. The vessel is completely gone. It has already sunk in water that is more than 6,300 feet deep.

The air crew flies in and looks upon this sea of flashing strobe lights. Keep in mind, this is 5:30 in the morning. It is still dark. They have wind and sleet and waves coming up, and they see this sea of flashing strobe lights, probably a mile end to end. They are looking down at this scene through the helicopter thinking there is a light there: Is that a liferaft? Yet another light and another light. Each light is a member of the *Ranger's* crew wearing a survival suit. Some are in liferafts, but others were literally in this human chain stretching almost a mile in length. Others are floating alone. The water temperature in the sea is about 32 degrees.

Rescue swimmer O'Brien Hollow is lowered into the water to triage the survivors. One by one, he positions the survivors to be hoisted into the helicopter above. The helicopter is tossing above in these very heavy winds. Hollow is tethered to the helicopter from above.

We also have then the Coast Guard cutter *Munro*. It has been diverted from its position 130 nautical miles south of the incident. It is racing to the scene at the speed of about 30 knots.

The *Munro* carries a Dolphin rescue helicopter which lifts off the *Munro* some 80 miles before the cutter arrives at the scene.

Rescue swimmer Abram Heller is lowered into the water and begins to gather victims to be hoisted into the basket to be lifted up into the helicopter. Heller stays in the water to make room on the Dolphin for survivors.

One has to remember, they have some 47 men in the water. They are trying to lift them into the basket and then into the helicopter, but the helicopter can only accommodate so many people. The rescue swimmer is saying: I am going to stay down here; move this group to safety.

The Jayhawk then departs the scene for the *Munro*, but the Jayhawk cannot land on the cutter's deck because it is too big. So the Jayhawk crew hoists the survivors down to the *Munro's* deck one by one. Just as they have been lifting survivors out of the sea into this helicopter that is pitching around in the air, they now have to be dropped down to the deck one at a time in the basket.

In the meantime, a fuel line is sent up from the *Munro's* deck to refuel the Jayhawk, and it then departs to the scene.

The Jayhawk recovers Heller, the rescue swimmer who has been down there with the survivors, and rescues more survivors. In total, the Jayhawk is responsible for saving 15 lives. The Dolphin saves five lives.

The third player in this supremely heroic effort is a Coast Guard C–130, which circled over the scene serving as an airborne coordination and communications platform.

The Coast Guard also received substantial assistance from the *Ranger's* sister fishing vessel, the *Alaska Warrior*. The *Alaska Warrior* also had been out on the Alaska fishing grounds. They left their fishing grounds to pick up 22 survivors from the *Ranger* who were in liferafts and then returned them to Dutch Harbor.

Unfortunately, four of the *Ranger's* crew members could not be saved. One still remains unaccounted for. The Coast Guard sent the Jayhawk and a C–

130 back to the scene with fresh crews to search for the missing mariner but without success. The search for the missing crew member was suspended on Tuesday, March 25.

The Coast Guard uses the maritime phrase "Bravo Zulu" to recognize a job well done, and this was truly a job well done. While the Coast Guard rigorously trains its people to perform this mission, it is very rare to undertake a mission of this intensity and this complexity.

Rescue swimmers Hollow and Heller had participated in rescues before but nothing approaching this kind of a rescue. In fact, rescues of this nature are extremely rare. After very carefully examining the records dating back over 30 years, the Coast Guard could only find a couple mass rescue cases that were even remotely similar to what we experienced on Easter.

While dramatic search-and-rescue cases are no stranger to Alaska, most involve 10 victims or less. Others involve a much more orderly abandonment of a vessel. This was the case in 1980, when the cruise ship *Prinsendam* went down near Yakutat, AK. But large numbers of people abandoning ship directly into the water hardly ever happens. That is one more reason why this rescue effort was remarkable. But it is not the only reason.

The risks that were involved in this case were extreme. They had, again, darkness, extremely high winds, high seas, ice, freezing temperatures, extremely long distances from any supporting infrastructure, and all these conditions present unique hazards to the rescuers.

Success such as this could not occur without the commitment of a great many people. The crews of the Jayhawk, the Dolphin, and the *Munro* will long be remembered for their heroism.

Backing them were the watch standers at Coast Guard Communications Station Kodiak. These were the folks who answered the *Alaska Ranger's* mayday call. The C–130 crews, the Kodiak Air Station duty officers, and the District 17 command center controllers in Juneau also contributed. In total, something on the order of 170 Alaska-based Coast Guard men and women were involved in this effort.

ADM Thad Allen has already expressed "Bravo Zulu" to all the men and women involved with this effort. I am honored to take a few minutes from the Senate's day to praise these men and women of the U.S. Coast Guard on a job well done. Our Nation is always well served by these highly trained individuals who stand "always ready."

AMERICAN ENERGY INDEPENDENCE AND SECURITY ACT OF 2008

Ms. MURKOWSKI. Mr. President, I wish to take a few minutes today to speak about legislation I introduced before we went on our 2-week recess. This is legislation that is cosponsored by my colleague, the senior Senator from Alaska, Mr. STEVENS.

It made great sense when the price of oil hit $111.72 a barrel, which is an all-time record high, and it still makes sense today, even with the price of oil having declined to $101, as it is today. It is a bill that will call for the United States to actually take steps to produce more oil, to actually help increase global supplies of petroleum to lower prices, and to use all the Federal revenues from the oil production to fund many forms of alternative energy and the programs that help Americans deal with high energy and food prices.

The legislation is entitled the "American Energy Independence and Security Act of 2008." This legislation would automatically open the Coastal Plain of the Arctic National Wildlife Refuge in northern Alaska if the world price of oil tops $125 a barrel for 5 days. In return, it allocates all the Federal revenues that would come from that oil to both alternative energy development and to provide programs to help improve energy efficiencies to those in need.

The revenue includes the estimated $3.5 billion of Federal lease, bonus, and royalty revenues within the first 5 years, plus all the oil production tax revenues over the life of the field.

This is an estimated $191 billion to $297 billion to fund wind, solar, biomass, geothermal, ocean, landfill gas—everything covered by the two Energy bills we passed in 2005 and 2007, plus programs such as LIHEAP, the Low-Income Home Energy Assistance Program, that provides aid to help low-income residents pay for home heating and cooling, the weatherization program that helps people improve their insulation to cut energy costs, and also to the Women, Infants, and Children's nutrition program that provides a safety net for nutrition costs, when energy prices rise so high women cannot afford to buy food for their babies and young infants. By the way, the estimates of those total revenues are not my estimates that I have worked up; they were developed by the Congressional Research Service.

We know there is a lot of hand-wringing in Washington about what to do about record-high oil prices that are strangling our economy from the east coast all the way west and certainly up to Alaska. Rather than begging Arab oil sheiks to produce more oil, America should produce our own oil to send a signal that we are willing to increase our own supplies and drive down prices.

Alaska's Arctic Coastal Plain is likely to hold the largest reserve of traditional oil left on land in Northern America. If the price rises any higher, we should explore the area and find out if there is oil there. And if there is, we ought to produce it and use the revenues to wean ourselves from the fossil fuels and to promote energy conservation.

We know so many Americans are hurting every time they fill up their cars at the pump. And while prices may moderate fractionally, the AAA early this month reported gasoline prices have risen 26.9 cents nationwide since February 10. In Alaska, my home State, the average price of gasoline is $3.36 a gallon for regular. This is trailing California and Hawaii by a little bit.

Americans are having an equally hard time affording their winter heating bills and will have similar problems with their summer air-conditioning bills. So it only makes sense the revenues from finding and producing U.S. oil go to help the people who are having trouble making ends meet, given the high fuel prices we are facing.

By this legislation, only 2,000 acres of the 1.5 million acres of the Arctic Coastal Plain can be physically disturbed. The bill includes a host of environmental protections. It requires directional drilling to be used to minimize disturbance to the wildlife. That means wells can be drilled from a single oil pad that can go underground up to 8 miles away to find the oil pockets. That means that there will be nearly 100 square miles of habitat for caribou and musk oxen and the birds between these well pads.

The bill mandates exploration only occurs in winter, when there are no animals on the Coastal Plain to be disturbed. It requires the use of ice roads that disappear in the summer to protect the wildlife. It allows special areas to be designated to protect key habitat to keep any activity out. It contains dozens of other stipulations to guard against noise, flight disturbances, spills or land-use problems.

The bill also sets up a special fund to help protect Alaska and Canadian Natives should they face any disruptions because of the limited development that would be allowed.

The bill earmarks not just the $3.5 billion of expected initial Federal lease royalties and the potential $192 billion to $297 billion of total Federal income taxes from the first 30 years of energy production, to be split evenly, half would be going then to alternative energy projects contained in the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007 that we approved in December. The other half would be allocated evenly to LIHEAP, weatherization, and to the WIC programs.

In a hearing we held earlier this month, there was a discussion about LIHEAP and LIHEAP funding. We recognized that LIHEAP needs $2 billion a year in additional funding to be fully funded. This legislation could do this for 30 years if we were to pass it.

We need a balanced program to increase alternative energy development and improve energy efficiency, but we also need to fund these programs without increasing our Federal debt. Look at the fights we are having to find the offsets to pay for extending tax breaks to further alternative energy. The best way to fund alternatives is by raising new revenue. Look at the pain we are having in crafting and approving the ongoing budget resolution.

We know this pain is going to continue for years if we don't do something, and the best way is by using the funds from the fossil fuels to build alternatives. By doing that, we are using domestic oil as a bridge, as a bridge to pay for the alternative fuels that will allow us to reduce our use of fossil fuels and cut our carbon emissions.

Opening ANWR does so many things. It makes us less dependent on foreign oil, it cuts our balance of payments deficit, it improves our economy, it keeps our jobs at home instead of exporting them to foreign oil producers such as Venezuela and the Middle East. More importantly, signaling we are finally serious about helping ourselves, that we will produce oil from ANWR, will help to drive down the psychology and the speculation that is currently acting to drive up world oil prices.

Admittedly, if we were to open ANWR tomorrow, it is not going to produce more oil tomorrow, but it will or it can dampen the speculation that is helping to fuel higher prices. It is absolutely the right thing to do today, and it is vital if prices rise higher, as we believe they will.

The U.S. economy is at risk if prices rise, not counting the health of our low- and middle-income residents. Folks are drowning under the high cost of gasoline and the high cost of heating oil. This bill helps to reduce that pain. If the prices get any higher, we have to produce more oil as a means of driving down market forces.

This bill contains all of the environmental safeguards that will allow us to open a tiny fraction of the 40 million acres of the Arctic Coastal Plain in Alaska without harming the wildlife or the environment. It won't hurt the polar bears. It won't hurt the yellow loon. And doing onshore development certainly protects the marine environment and the whale and the walrus and the polar bear that spends 90 percent of its life offshore on the Arctic ice pack.

This bill is cautious. It doesn't open the refuge tomorrow, but it simply says if oil prices rise much further we have to take action to show markets that we are serious about helping ourselves and producing more domestic supplies of oil and natural gas. It responsibly takes all the proceeds and puts them toward alternatives and safety net program for those who can't afford these prices. Using these monies for these existing programs will free up funds in the Federal budget to help reduce the debt or fund other vital services.

I am realistic about the fate of this legislation. I doubt that the leadership in this body will allow this bill to come up for a vote right now. But everyone here, from Senators who represent farmers who won't be able to afford to till their fields this spring during the planting season due to the high prices, to those who represent cold States, where home heating oil is a problem, to those Senators who represent warm States, where air-conditioning costs will be a concern, to those of us who represent fishermen who are worried about how they will afford the fuel to go out and earn their living, we should come together to support this commonsense way to help reduce prices and to actually help provide a real long-term solution to our supply problems.

We owe to it our constituents to do what is right, and I believe this is what is right for our Nation's future.

IN HONOR OF CÉSAR CHÁVEZ DAY

Mr. REID. Mr. President, I rise today in appreciation of the life and lasting legacy of civil rights activist and labor leader, César Chávez.

César Chávez came from humble beginnings, born on March 31, 1927, in a small farm outside of Yuma, AZ. Through his experiences as a laborer and migrant worker in the fields of the southwest United States, he recognized a need for change; change that would bring social and economic equality to those who tilled America's soil and harvested America's crops. The exploitation and discrimination experienced and observed by Mr. Chávez energized his courageous fight for fair and equal treatment for his hardworking colleagues of all backgrounds.

As a member of the U.S. Navy he served in the western Pacific during the end of World War II to protect the freedoms that he often did not enjoy. He demonstrated his dedication to two great values—community and compassion—by building a powerful coalition of grass roots organizations and inspiring individuals of all backgrounds to join a campaign for social equality.

César Chávez is not only an icon for Mexican-American communities across this great country, but also an American icon for all those who have felt the pain of injustice and for those who recognize the continuing need to allow equal access to the resources of our great Nation. His tireless efforts to help bring our country closer to its ideals of freedom and equality of opportunity shall be recognized today as they were when he posthumously received the Presidential Medal of Freedom. His legacy inspires hope, action, and prosperity for those who are often burdened by marginalization and discrimination. Our society owes gratitude to the indelible mark that Mr. Chávez has left on our Nation.

I appreciate the Clark County Commission for commemorating the legacy of a giant in our Nation's labor movement by declaring March 31, 2008, as César Chávez Day. I join the Commission, and many throughout Nevada, in honoring Mr. Chávez's visionary leadership. We must continue to recognize the value in César Chávez's legacy, which has become a symbol of dignity and perseverance for all workers, whether in the fields, in the factories, or behind the counter.

VETERANS EMPLOYMENT OPPORTUNITIES REGULATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the attached from the Office of Compliance be printed in the RECORD today pursuant to section 304(b)(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)(3)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEXT OF ADOPTED VETERANS' EMPLOYMENT OPPORTUNITIES REGULATIONS

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix "H." When approved by the Senate for the Senate, these regulations will have the prefix "S." When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix "C."

In this draft, "H&S Regs" denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and "C Reg" denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

Subpart A—Matters of General Applicability to All Regulations Promulgated under Section 4 of the VEOA

Sec.
1.101 Purpose and scope.
1.102 Definitions.
1.103 Adoption of regulations.
1.104 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101 (9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec. 101(9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to 2 U.S.C. §43d(a); or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

C Reg: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) Accredited physician means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase "authorized to practice by the State" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) Act or CAA means the Congressional Accountability Act of 1995, as amended (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(c) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) Appointment means an individual's appointment to employment in a covered position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) Board means the Board of Directors of the Office of Compliance.

H Regs: (g) Covered employee means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

S. Regs: (g) Covered employee means any employees of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made or directed by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (dd) who is appointed pursuant to 2 U.S.C. §43d(a); or (ee) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

C Reg: (g) Covered employee means any employee of (1) the Capitol Guide Service; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; or (6) the Office of Compliance, but does not include an employee: (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(h) Covered position means any position that is or will be held by a covered employee.

(i) Disabled veteran means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(j) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(k) Employee of the Capitol Police Board includes any member or officer of the Capitol Police.

(l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) above.

(m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) above.

H Regs: (n) Employing office means: (1) the personal office of a Member of the House of Representatives; (2) a committee of the House of Representatives or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

S Regs: (n) Employing office means: (1) the personal office of a Senator; (2) a committee of the Senate or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

C Reg: (n) Employing office means: the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(o) Office means the Office of Compliance.

(p) Preference eligible means veterans, spouses, widows, widowers or mothers who meet the definition of "preference eligible" in 5 U.S.C. §2108(3)(A)–(G).

(q) Qualified applicant means an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Where the employing office uses an entrance examination or evaluation for a covered position that is numerically scored, the term "qualified applicant" shall mean that the applicant has received a passing score on the examination or evaluation.

(r) Separated under honorable conditions means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

(s) Uniformed services means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(t) VEOA means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105–339, 112 Stat. 3182).

(u) Veterans means persons as defined in 5 U.S.C. §2108(1), or any superseding legislation.

SEC. 1.103. ADOPTION OF REGULATIONS.

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are "the same as the most relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)" of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board herein are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other "substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)" of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligation to issue regulations that are "the same as the most substantive regulations (applicable with respect to the Executive branch)", section 4(c)(4)(B) of the VEOA authorizes the Board to "determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under" section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative branch; and that such regulations must take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM's counterpart VEOA regulations governing the Executive branch. OPM's regulations are designed for the competitive service (defined in 5 U.S.C. §2102(a)(2)), which does not exist in the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and procedures for a workforce that does not exist in the Legislative branch, while providing no VEOA protections to the covered Legislative branch employees. We have chosen to propose specially tailored regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate Congress' intent in extending the principles of the veterans' preference laws to the Legislative branch through the VEOA.

SEC. 1.104. COORDINATION WITH SECTION 225 OF THE CONGRESSIONAL ACCOUNTABILITY ACT.

Statutory directive. Section 4(c)(4)(C) of the VEOA requires that promulgated regulations must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive branch.

Subpart B—Veterans' Preference—General Provisions

Sec.
1.105 Responsibility for administration of veterans' preference.
1.106 Procedures for bringing claims under the VEOA.

SEC. 1.105. RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE.

Subject to section 1.106, employing offices with covered employees or covered positions are responsible for making all veterans' preference determinations, consistent with the VEOA.

SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS UNDER THE VEOA.

Applicants for appointment to a covered position and covered employees may contest adverse veterans' preference determinations, including any determination that a preference eligible applicant is not a qualified applicant, pursuant to sections 401-416 of the CAA, 2 U.S.C. §§1401–1416, and provisions of law referred to therein; 206a(3) of the CAA, 2 U.S.C. §§1401, 1316a(3); and the Office's Procedural Rules.

Subpart C—Veterans' Preference in Appointments

Sec.
1.107 Veterans' preference in appointments to restricted covered positions.
1.108 Veterans' preference in appointments to non-restricted covered positions.
1.109 Crediting experience in appointments to covered positions.
1.110 Waiver of physical requirements in appointments to covered positions.

SEC. 1.107. VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS.

In each appointment action for the positions of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible applicant to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible applicant to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary routine maintenance duties in or about a government building or a building under Federal control, park, monument, or other Federal reservation.

Elevator operator—One whose primary duty is the running of freight or passenger elevators. The work includes opening and closing elevator gates and doors, working elevator controls, loading and unloading the elevator, giving information and directions to passengers such as on the location of offices, and reporting problems in running the elevator.

Guard—One whose primary duty is the assignment to a station, beat, or patrol area in a Federal building or a building under Federal control to prevent illegal entry of persons or property; or required to stand watch at or to patrol a Federal reservation, industrial area, or other area designated by Federal authority, in order to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property. The term guard does not include law enforcement officer positions of the Capitol Police Board.

Messenger—One whose primary duty is the supervision or performance of general messenger work (such as running errands, delivering messages, and answering call bells).

SEC. 1.108. VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS.

(a) Where an employing office has duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions, the employing office shall add points to the earned ratings of those preference eligible applicants who receive passing scores in an entrance examination, in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. §3309. For example, five preference points shall be granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall consider veterans' preference eligibility as an affirmative factor that is given weight in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. §3309 in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligible applicants with credit:

(a) for time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible applicant.

(b) for all experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible for appointment, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, that an applicant to whom it has made a conditional offer of employment is preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible applicant of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible applicant. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible applicant.

(c) Nothing in this section shall relieve an employing office of any obligations it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the Act, 2 U.S.C. §1302(a)(3).

Subpart D—Veterans' preference in reductions in force

Sec.
1.111. Definitions applicable in reductions in force.
1.112. Application of preference in reductions in force.
1.113. Crediting experience in reductions in force.
1.114. Waiver of physical requirements in reductions in force.
1.115. Transfer of functions.

SEC. 1.111. DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE.

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of appointment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply:

(1) "active service" has the meaning given it by section 101 of title 37;

(2) "a retired member of a uniformed service" means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his/her service as such a member; and

(3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if

(A) his/her retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he/she was employed in a position to which this subchapter applies and thereafter he/she continued to be so employed without a break in service of more than 30 days.

The definition of "preference eligible" as set forth in 5 U.S.C §2108 and section 1.102(o) of these regulations shall apply to waivers of physical requirements in determining an employee's qualifications for retention under section 1.114 of these regulations.

H&S Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term "reduction in force" does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in party leadership or majority party status within the House of Congress where the employee is employed.

C Reg: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term "reduction in force" does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis.

(f) Undue interruption is a degree of interruption that would prevent the completion of required work by a covered employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, work generally would not be considered to be unduly interrupted if a covered employee needs more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a program accorded low priority by the employing office, or to a vacant position.

SEC. 1.112. APPLICATION OF PREFERENCE IN REDUCTIONS IN FORCE.

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which, if any, covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the preference eligible employee's performance has not been determined to be unacceptable. Provided, a preference eligible employee who is a "disabled veteran" under section 1.102(h) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been determined to be unacceptable by an employing office is entitled to be retained in preference to other preference eligible employees. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. §1302(a)(9).

SEC. 1.113. CREDITING EXPERIENCE IN REDUCTIONS IN FORCE.

In computing length of service in connection with a reduction in force, the employing office shall provide credit to preference eligible covered employees as follows:

(a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces;

(b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for:

(1) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) the total length of time in active service in the armed forces if he is included under 5 U.S.C. §3501(a)(3)(A), (B), or (C); and

(c) a preference eligible covered employee is entitled to credit for:

(1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or association of producers described in section 10(b) of the Agricultural Adjustment Act; and

(2) service rendered as an employee described in 5 U.S.C. §2105(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. §2105(c).

SEC. 1.114. WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE.

(a) If an employing office determines, on the basis of evidence before it, that a covered employee is preference eligible, the employing office shall waive, in determining the covered employee's retention status in a reduction in force:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the employee, the preference eligible covered employee is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that a covered employee who is a preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible covered employee of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible covered employee make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office, shall render a final determination of the physical ability of the preference eligible covered employee to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible covered employee.

(c) Nothing in this section shall relieve an employing office of any obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

SEC. 1.115. TRANSFER OF FUNCTIONS.

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the employing office to be replaced shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

Subpart E—Adoption of Veterans' preference policies, recordkeeping & informational requirements.

Sec.
1.116. Adoption of veterans' preference policy.
1.117. Preservation of records made or kept.
1.118. Dissemination of veterans' preference policies to applicants for covered positions.
1.119. Information regarding veterans' preference determinations in appointments.
1.120. Dissemination of veterans' preference policies to covered employees.
1.121. Written notice prior to a reduction in force.

SEC. 1.116. ADOPTION OF VETERANS' PREFERENCE POLICY.

No later than 120 calendar days following Congressional approval of this regulation, each employing office that employs one or more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans' preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Upon timely request and the demonstration of good cause, the Executive Director, in his/her discretion, may grant such an employing office additional time for preparing its policy. Each such employing office will make its policies available to applicants for appointment to a covered position and to covered employees in accordance with these regulations. The act of adopting a veterans' preference policy shall not relieve any employing office of any other responsibility or requirement of the Veterans Employment Opportunity Act of 1998 or these regulations. An employing office may amend or replace its veterans' preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.

An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records relating to the application of its veterans' preference policy to applicants for covered positions and to workforce adjustment decisions affecting covered employees for a period of at least one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term "personnel records relevant to the claim", for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

SEC. 1.118. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligible applicants in accordance with the VEOA; and

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

(3) the employing office shall state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions, and shall describe the employing office's procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of veterans' "preference eligible" as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees;

(3) the employing office may provide other information to applicants regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.119. INFORMATION REGARDING VETERANS' PREFERENCE DETERMINATIONS IN APPOINTMENTS.

Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall include at a minimum:

(a) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions; and

(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible.

SEC. 1.120. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES.

(a) If an employing office that employs one or more covered employees provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidances described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans' "preference eligible" as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to reductions in force, including the procedures the employing office shall take to identify preference eligible employees.

(3) the employing office may provide other information in its guidances regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.

(a) Except as provided under subsection (c), a covered employee may not be released due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include—

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area, by providing:

(A) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and

(B) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible.

(7) a description of any appeal or other rights which may be available.

(c) The director of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(d) No notice period may be shortened to less than 30 days under this subsection.

REMEMBERING SENATOR HOWARD METZENBAUM

Mr. VOINOVICH. Mr. President, I rise to pay tribute to one of the giants in Ohio history, Senator Howard Metzenbaum. On March 12, Ohio and our Nation lost a public servant who dedicated 19 years of his life to this institution and to defending and advocating the principles and ideals he held so passionately.

Though our political views differed, I admired and respected Howard's tenacious work for those things he felt would make a difference for Ohio and our country. One always knew where he stood.

Much has been said about how Howard was a self-made man. He epitomized the nose-to-the-grindstone, Midwestern work ethic. As a fellow Clevelander, he grew up poor. But that did not prevent Howard from seizing opportunities as they presented themselves. And he seized those opportunities even as a young boy. Howard graduated from the Ohio State University College of Law, working the entire time to put himself through school.

As public servants for Ohio, Howard and I were brought together on many issues and occasions. Many times we did not see eye to eye. However, there were also times when we worked together. While I was Governor of Ohio, then-Senator Metzenbaum, Representative MARCY KAPTUR and I worked together in a bipartisan fashion to plant the seed for the Veteran's Glass City Skyway bridge in Toledo, Ohio. Through his leadership, we were able to dedicate the bridge this past summer.

Some of my colleagues today were here for parts of Howard's 19 years in the Senate. Those who were here and were on the opposite side of an issue quickly found out what a formidable challenge and powerhouse he could be. Howard did not go along to get along. Howard did what he thought was right and what he thought was in the best interests for the people he represented.

It was with respect for his service and convictions that Howard was honored in 2005 by renaming the renovated United States Courthouse in Cleveland the Howard M. Metzenbaum Courthouse—a fitting tribute to a man who, when he perceived an injustice, fought so hard to make a wrong right. Howard Metzenbaum made a difference.

Howard will be missed. His family, including his wife Shirley and his four daughters, Shelly, Amy, Susan and Barbara, are in our prayers.

• Mr. BROWN. Mr. President, a great son of Ohio, Senator Howard Metzenbaum passed away March 12, in Florida. He was personally inspirational to so many. He changed the lives of Ohioans. He changed the lives of so many Americans through his lifetime commitment to public service. I am honored to hold his seat in the Senate and I am honored to follow in his footsteps. Senate tradition dictates that many Members of the Senate carve their names in the desk drawers of the desks that have been lining the rows of the Senate. Whoever has Senator Metzenbaum's desk can, with all of us, share in the legacy of his greatness.

Senator Metzenbaum and Senator John Glenn, who served together for almost two decades, made an unparalleled team for Ohio. In the Senate, as Senator REID mentioned, Metzenbaum was a child of poverty. He was a child of prejudice growing up in the east side as a Jew and suffered both from his family's poverty and anti-Semitism, in all too many cases. He worked his way at a job, as a 10-year-old. He worked his way through Ohio State.

In the Senate, Senator Metzenbaum was a master of a constant presence in an often empty Chamber. Once, when a 2-week filibuster was cut off, Metzenbaum was still determined to block action on lifting natural gas price controls. He and a partner sent the Senate into round-the-clock sessions by demanding rollcall votes on 500 amendments. He didn't care if he angered his colleagues. He didn't care if he was liked every day by his colleagues. What he cared about is fighting for economic justice and social justice for the 10 million citizens whom he represented and for the 250 million Americans or so when he served in the Senate.

According to the Washington Post, in 1982, the Senator saved $10 million by blocking special interest tax breaks and porkbarrel programs. I remember watching him. I served in the House, the beginning of my House career and the end of his Senate career, and I watched him as a younger elected official in State politics. He stood in front of an audience; the energy just burst from him, and the fiery passion for economic justice and social justice poured forth from him. He would start on the podium, the first politician I saw do this, and as he worked his way into the speech, he would come from the podium and he would walk into the audience. People would always respond with the same kind of passion and be inspired by him. That is my clearest, favorite memory of him.

His legislative record, of course, was so important too. One of the most important things he did was the plant closing legislation, giving a 60-day notice to workers who, too often, have seen their jobs disappear with nothing to show—pensions and more. He fought for people who had less privilege than he did, and he always fought for opportunity for people of both genders. That is what he will be remembered for.

I particularly admire his family. Howard was a great family man, a man who cared very much about Shirley, his wife, and four daughters, Shelly, Amy, Susan, and Barbara. He will be greatly missed. He later became head of the Consumer Federation of America, never giving up his passion for fighting for ordinary people and being a warrior for social and economic justice.•

ADDITIONAL STATEMENTS

RECOGNIZING THE CREATION OF THE 310TH SPACE WING

• Mr. ALLARD. Mr. President, I rise today to honor the 310th Space Wing, which was officially activated on Friday, March 7, 2008. This newly created wing is comprised of 16 subordinate units located at Colorado's Schriever AFB, Peterson AFB, and Buckley AFB, as well as Vandenberg AFB, CA. This wing is an expansion of the 310th Space Group, currently based at Schriever AFB in Colorado Springs, CO.

Over the last 15 years the outstanding members of the 310th Space Group have played a critical role in space operations, providing unrivaled support in operating and defending our space systems. This expansion is a testament to both their performance and mission, while also reinforcing my belief that space is a vital component to fighting and winning our nation's wars.

The 310th's history dates back to World War II when it began as the 310th Bombardment Group on March 15, 1942. The unit flew B-25 "Mitchell" bombers in support of operations in Tunisia, Sicily, Italy, Sardinia, France, Austria, and Yugoslavia. During those campaigns, the 310th perfected "skip bombing" techniques against bridges, airborne, and rail yard targets. Developed to allow aviators to come into the target area low and fast to avoid deadly anti-aircraft fire, the bombs actually "skipped" over the surface of the water in a manner similar to skipping a stone and either bounced into the side of, or exploded over the target, proving extremely effective.

The 310th was reactivated 1997, as the 310th Space Group, and rapidly grew to meet the Air Force Reserve's expanding role in space operations. As the cochairman of the Congressional Space Power Caucus and a Coloradoan, I am extremely proud of the 310th and all who serve in it and congratulate them on their success in becoming a wing.•

TRIBUTE TO THE NORTHERN KENTUCKY UNIVERSITY WOMEN'S BASKETBALL TEAM

• Mr. BUNNING. Mr. President, I pay tribute to the Northern Kentucky University women's basketball team. The Norse defeated the University of South Dakota 63 to 58 to capture the NCAA Division II Championship on March 29, 2008.

This is the second time the Northern Kentucky University women's basketball team has won the NCAA Division II Championship. The last time the Norse reached the pinnacle of their sport was in the 1999 to 2000 season.

The citizens of Kentucky are proud to have these national champs living and learning in the Northern Kentucky community. Their example of hard work and determination should be followed by all in the Commonwealth.

I congratulate the players for their success in bringing another championship trophy to the campus of Northern Kentucky University. I also want to congratulate their coaches, along with their peers, faculty, administrators, and parents for their support and sacrifices they have made to help them meet their achievements and dreams. They all represent Kentucky honorably.•

20TH ANNIVERSARY OF THE MEYERHOFF SCHOLARSHIP PROGRAM

• Mr. CARDIN. Mr. President, I wish to recognize the 20th anniversary of the Robert and Jane Meyerhoff Scholarship Program at the University of Maryland Baltimore County, UMBC.

The Meyerhoff Scholarship Program is among the most successful undergraduate diversity programs in our Nation, helping thousands of minority students reach their full potential in mathematics, the sciences, and engineering fields. Since its inception, Meyerhoff scholars number more than 800, with 557 graduates across the Nation and 267 undergraduates and graduate fellows enrolled at UMBC.

More than two decades ago, UMBC president Dr. Freeman A. Hrabowski, a mathematician, author, and education innovator, lamented that there were few minorities in the sciences and that the education pipeline did not suggest that that situation would change.

Through the generosity and vision of Robert and Jane Meyerhoff, Dr. Hrabowski was able to establish the Robert and Jane Meyerhoff Scholarship Program at UMBC. The program seeks and attracts top-notch minority high school students and is able to provide university educational expenses as well as a demanding academic program concentrating in science, math, and engineering. The UMBC corporate community is able to use the talents of the students while providing internships, jobs, and research opportunities.

The Meyerhoff Scholarship Program has become a leading national model for diversifying America's scientific and engineering workforce, preparing large numbers of African Americans and others for careers in science, medicine, engineering, information technology, teaching, and public health.

On April 4 and 5, the Meyerhoff Scholarship students, their mentors, professors, and families will gather for a research symposium to celebrate their 20 years of progress and success. I ask my colleagues to join me in saluting the vision and perseverance of UMBC president Dr. Freeman A. Hrabowski and the generosity of Robert Meyerhoff and his late wife Jane. Together they have changed lives and expectations.•

TRIBUTE TO DR. WALTER PAVASARIS

• Mr. LIEBERMAN. Mr. President, today I wish to honor a visionary in the field of music education, Dr. Walter Pavasaris. Dr. Pavasaris, a native of New Britain, CT, has been selected to receive the Massachusetts Music Educators Distinguished Service Award.

Walter M. Pavasaris has been a music educator and curriculum coordinator in Massachusetts for the past 31 years. During that time he has taught all levels of K-12 music, including both general and instrumental, as well as teaching undergraduate and graduate level courses in various collegiate settings. In Walter's position as coordinator of fine and performing arts for the Lexington Public Schools, he is responsible for the implementation of the K-12 curriculum in the areas of music, visual arts, and drama. He leads a faculty of 41 highly motivated professional artists/educators. In addition to his responsibilities in Lexington, Walter also serves on the music education faculty at the Boston Conservatory of Music.

In 1971, Walter graduated from the University of Hartford, Hartt College of Music, with a bachelor of music education degree. While at Hartt he studied double bass with Bert Turetzky, Leland Tolo, and also traveled to Boston and Tanglewood to study with William Rhein, associate principal double bassist of the Boston Symphony. While completing his undergraduate degree at Hartt, Walter was active as a freelance musician playing in a variety of small combos and big bands in the greater Hartford, CT, area. Additionally, he played in the Smith College

Orchestra, Springfield, MA, Symphony and New Britain, CT, Symphony. In his senior year Walter was recognized by Hartt College of Music as an Outstanding Music Educator based on his outstanding leadership, participation, and scholarship in the field of music.

Following his graduation from Hartt College of Music, Walter won an audition and was selected to become a member of the U.S. Military Academy Band at West Point, NY. During the next 3 years he played sousaphone in the marching band and double bass in the concert band and chamber orchestra. While at West Point, Walter was a member of the Hudson Valley Philharmonic Orchestra. During this time, he studied with New York Philharmonic double bassist Orin O'Brien.

Upon his discharge from the Army, Walter began his graduate studies at the University of Michigan majoring in stringed instruments. While at Michigan, he was a teaching fellow in the String Department. He studied double bass with Larry Hurst. During his years at Michigan, Walter played in a variety of orchestral ensembles and was the double bassist in the wind ensemble conducted by H. Robert Reynolds. He earned his master of music in string instruments in December 1976.

In September of 1977, Dr. Pavasaris joined the music faculty of the Belmont, MA, public schools. During his first few years in Belmont, his teaching responsibilities included being the director of orchestras and string teacher for grades 3 to 12, and conducting one of the middle school bands. As string enrollments flourished, his responsibilities shifted to overseeing the entire string and orchestral curriculum in grades 3 to 12. In addition to teaching large heterogeneous grouped weekly string lessons in each of the elementary schools, Walter encouraged his students to also be part of the very popular "Saturday Morning" music program, which he administered during many of the years he was in Belmont. It was in this program that all elementary students, studying an instrument, received a small homogenously grouped lesson as well as the opportunity to participate in either the All-Town String Orchestra or Band.

During his years in Belmont, the Belmont High School and Chenery Middle School Orchestras expanded their music making both within and outside the community. Under his baton, the middle and high school orchestra ensembles consistently earned superior ratings at numerous State, regional, and international music festivals. Additionally, the Belmont High School Orchestra was selected to perform at the All-Eastern MENC Conference in Boston in 1983.

In 1990, Walter was appointed coordinator of fine and performing arts for the Lexington Public Schools. His primary responsibilities include advocating for the arts and creating and implementing curricula in the areas of music, visual arts, and drama. Along with advocating for the arts among a wide array of constituencies, he also supervises and evaluates the K–12 fine and performing arts faculty. Throughout his tenure in Lexington, the arts have maintained an integral place within each student's basic education. Coordinating an outstanding professional faculty with a supportive administration and community, Walter has continuously modeled his passion and belief that music is a lifelong endeavor that transcends, gender, age and ethnicity.

Throughout his professional life, Dr. Pavasaris has positively impacted many young music educators while serving on the faculty of many institutions within the greater Boston area, including the Boston Conservatory of Music, New England Conservatory of Music, and Boston University. As a member of the music education faculty at the Boston Conservatory of Music since the late 1980s, Walter has taught a variety of methods classes as well as classes in string pedagogy and conducting. He also had an integral part in redefining, reshaping, and changing the direction of the music education curriculum at TBC to address the needs of the contemporary educator. For 11 years, Dr. Pavasaris enthusiastically conducted the Boston University All-University Orchestra. The orchestra, which was comprised of nonmusic majors, played for the shear enjoyment of making good music. Whether teaching conducting, string pedagogy, or instrumental methods, Walter's students have experienced his enthusiasm and passion for the artistry of being a musician and educator.

As a conductor, Walter has had the distinct privilege of conducting festival orchestras in all four Massachusetts districts as well as throughout New England. In 1992 and from 1999 to 2001 Walter was the guest conductor of the U.S. Youth Ensemble String Orchestra during their European Tours. During the 2004 and 2005 seasons he served as music director of the Nashoba Youth Orchestras. Currently, he is the music director and conductor of the Arlington, MA, Philharmonic Orchestra, a post he has held since 1980; associate music director and associate conductor of the Metrowest Orchestra; and conductor of the northshore Youth Symphony Senior Orchestra. In 1992, Dr. Pavasaris was the recipient of the Paul Smith Memorial Conductor of the Year Award presented by the Massachusetts Instrumental and Choral Conductors' Association. In 1996, the Massachusetts Music Educators' Association named Dr. Pavasaris as a recipient of the Lowell Mason Award acknowledging his numerous contributions to music and music education.

Throughout his career, Walter has had the good fortune to be associated with many wonderful colleagues and students. He is however, most thankful for the patience, understanding, and encouragement of his wife Beverly and son Christopher, who currently works in my office as a staff assistant.

Making music is an endeavor that can be enjoyed, cherished, and celebrated regardless of age, gender or ethnicity. It is inspiring to realize that the personal and professional contributions of Dr. Pavasaris will only continue to grow through the works of very people that Walter has come into contact with. It is with great pride that I recognize such a dedicated visionary in the field of music education.●

TRIBUTE TO COLONEL MICHAEL P. BARBERO

● Mr. LEVIN. Mr. President, I wish to publicly commend and congratulate COL Michael P. Barbero, U.S. Army, upon his retirement after 26 years of military service. I have come to know and respect Colonel Barbero over the last 4 years, during which time he served as the Chief of the Army Senate Liaison Division in the Office of the Army Chief of Legislative Liaison. In that capacity, Colonel Barbero was instrumental in improving the understanding of senators and staff concerning a vast myriad of Army issues, in particular an understanding of the Army's role in the wars in Iraq and Afghanistan, and the effect of those wars on the Army and its soldiers and their families.

Colonel Barbero escorted over 50 congressional delegations, including 13 to Iraq and 3 to Afghanistan. I myself was privileged to have Colonel Barbero as an escort at my specific request on several of my own trips to both of those areas. He worked tirelessly to ensure my visits were coordinated with all of the relevant agencies and individuals so that I could visit the places, meet with the people, and deal with the issues that were critical for me as the chairman of the Senate Armed Services Committee. I am extremely grateful for the service he provided me and my staff during those trips.

Colonel Barbero's Senate assignment was the capstone to an outstanding career of service to our Nation. After graduating from the U.S. Military Academy at West Point in 1982, Colonel Barbero served as an armor officer in command and staff positions in a number of tank and cavalry units in the United States and Germany. These assignments culminated in a position as the operations officer for the 2nd Brigade of the famed 1st Cavalry Division.

Colonel Barbero also served in a number of high-level positions on both the Army and Joint Staffs at the Pentagon, as an exercise planner, analyst, and strategist. As an assistant professor at the U.S. Military Academy, Colonel Barbero played an important role in the development of the future officers and leaders of the Army.

Colonel Barbero holds a master of science degree in industrial engineering from the Georgia Institute of Technology. His military awards include the Legion of Merit, Defense Meritorious Medal, Meritorious Service Medal, Ranger Tab, Parachutist Badge, and is a holder of the Army Armor Association's Order of St. George.

Colonel Barbero is married to the former Vicki Jo Drake of Storm Lake, IA. They have two children, Mary—14—and Michael—10. I congratulate them too on their husband's and father's retirement from the Army. The demands of military life are such that military families also sacrifice and serve the Nation along with their soldier.

Mr. President, the Army, the Senate, and the Nation are lucky to have had the service of such a great soldier. He will be sorely missed.●

CONGRATULATING LANCE MACKEY

● Ms. MURKOWSKI. Mr. President, today I congratulate Lance Mackey, of Fairbanks, AK, on achieving the incredible feat of twice winning the Iditarod Trail Sled Dog Race and the Yukon Quest Sled Dog Race—two 1,000-mile races—in the same year. Last year, Lance became the first musher ever to win both races in the same calendar year. An achievement, which was previously labeled impossible, has for the second consecutive year been accomplished by Lance Mackey and his team.

For those who are unfamiliar with either the Iditarod or the Yukon Quest, these races are the world's two longest dogsled races. Both races, which span over 1,000 miles of rigid mountains, frozen tundra, and dense forests, are true tests of determination and dedication. Not only does the rugged terrain pose a huge challenge, but so does the weather, which frequently drops to 30 or 40 degrees below zero, and the wind, which can gust up to 100 miles per hour.

The annual Yukon Quest Sled Dog Race is a 1,000-mile international trek from Fairbanks, AK, to Whitehorse, Canada. Lance Mackey and his team of canine athletes crossed this great distance in 10 days, 12 hours, and 14 minutes, claiming victory for the fourth year in a row.

Only 11 days after his Yukon Quest victory, Lance and six of his dogs that competed in the Yukon Quest joined seven of his other dogs and began the 1,100-mile Iditarod Sled Dog Race. This race, which starts in Willow, AK, and ends in Nome, AK, commemorates the 1925 diphtheria serum relay run where dogsled teams had to pass along a vaccine from Anchorage to Nome in order to save countless lives. The Iditarod race is no longer run as a relay but is a race completed by individual dogsled teams.

The 1,100-mile journey travels primarily through the great Alaskan wilderness. Throughout this year's Iditarod, Lance Mackey was challenged by not only the weather and terrain but also by other extraordinary mushers such as the 2006 Iditarod winner, Jeff King, and other previous winners of this great race. On the morning of March 12, 2008, thousands gathered at the famous buried wood arch on Front Street in Nome, AK, to cheer on Lance Mackey, as he sledded to back-to-back wins at the Iditarod, beating the odds as well as the extremely competitive international field. Lance Mackey and his team of canines completed the race in 9 days, 11 hours, and 46 minutes, beating four-time Iditarod champion Jeff King by 1 hour and 19 minutes.

For the past few years, Lance has shown a mastery of working with and training canine athletes for the sport of dog mushing. As the Anchorage Daily News aptly stated:

> A musher doesn't win four straight, 1,000 mile Yukon Quests and two straight Iditarods by making dogs run. He wins by making dogs want to run.

Lance Mackey continues to impress all of us with his remarkable achievements and record-setting performances. It is my honor to stand before this body today to congratulate Lance Mackey and his team of amazing dogs. Lance is a world-class dog musher and a true Alaskan hero, and I wish him and his team all the success in the future.●

TRIBUTE TO WILL ETTA "WILLIE" OATES

● Mr. PRYOR. Mr. President, I wish to honor the life of a woman reverend across the State of Arkansas as a humble public servant. Will Etta "Willie" Oates, affectionately known as the "Hat Lady," passed away on March 4, 2008. She was loved for her active volunteerism and Arkansas pride.

Although she was born in Kansas, she was an Arkansan through and through. Willie was born to Harry and Fern Long in Arkansas City, KS, on January 14, 1918. She graduated from the University of Arkansas at Fayetteville where she was a cheerleader and met her life-long husband, Dr. Gordon Oates. It was at the university that she earned the nickname Willie.

After World War II, Willie began her career of volunteerism in Little Rock. She was selected as Little Rock Woman of the Year in 1955. In 1959, she became the first woman elected to the Arkansas Legislature in more than 30 years.

Yet, it was her "hat skits" that captured people's attention. She traveled across Arkansas and more than 40 States speaking, performing her hat skits, judging various competitions, and serving as a grand marshall at many parades. In 1989, she was officially designated by proclamation of the State legislature as "Arkansas's Hat Lady."

During her lifetime, Willie belonged to over 50 national, State, and local organizations, served on over 25 boards, and was active in the First Presbyterian Church of Little Rock.

Willie Oates was my dear friend and an inspiration to all that knew her. I pay tribute to this public servant of Arkansas and express my greatest condolences to her family. She will be missed.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3361. An act to make technical corrections related to the Pension Protection Act of 2006.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1593. An act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3361. An act to make technical corrections related to the Pension Protection Act of 2006.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5442. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Community Facilities Grant Program" (RIN0575–AC75) received on March 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5443. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Florida Citrus Fruit Crop Insurance Provisions" (RIN0563–AC01) received on March 14, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5444. A communication from the Administrator, Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Product Mandatory Reporting" (Docket No. DA–06–07) received on March 14, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5445. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dates Grown or Packed in Riverside County, California; Decreased Assessment Rate" (Docket No. AMS–FV–07–0104) received on March 14, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5446. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Decreased Assessment Rate" (Docket No. AMS–FV–07–0114) received on March 14, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5447. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Disaster Assistance Payment Program III" (RIN0560–AH74) received on March 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5448. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prothioconazole; Pesticide Tolerance" (FRL No. 8353–2) received on March 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5449. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act within the Joint Intelligence Operations Center of the Department of the Navy; to the Committee on Appropriations.

EC–5450. A communication from the Secretary of the Army, transmitting, pursuant to law, an annual report relative to the Recruiter Incentive Pay Pilot Program; to the Committee on Armed Services.

EC–5451. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the scope of the Advanced Extremely High Frequency satellite program; to the Committee on Armed Services.

EC–5452. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Gulf of Alaska Pollock Total Allowable Catch Amount" (RIN0684–XE84) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5453. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543" (RIN0684–XF05) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5454. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0684–XF06) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5455. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Eastern Aleutian District and Bering Sea and Aleutian Islands Management Area" (RIN0684–XF52) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5456. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area" (RIN0684–XF25) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5457. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning" (RIN0648–AT48) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5458. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Northeast Region Standardized Bycatch Reporting Methodology" (RIN0648–AV70) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5459. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (RIN0648–XF39) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5460. A communication from the Under Secretary of Commerce (Intellectual Property), transmitting, pursuant to law, the report of a rule entitled "Changes in the Requirement for a Description of the Mark in Trademark Applications" (RIN0651–AC17) received on March 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5461. A communication from the Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, the report of a rule entitled "National Park System Units in Alaska—Part 13, Phase II" (RIN1024–AD38) received on March 12, 2008; to the Committee on Energy and Natural Resources.

EC–5462. A communication from the Secretary of Energy, transmitting, a letter expressing the Administration's strong opposition to efforts to impose suspensions on the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC–5463. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled, "Emissions of Greenhouse Gases in the United States 2006"; to the Committee on Energy and Natural Resources.

EC–5464. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Alternative Fuel Transportation Program; Private and Local Government Fleet Determination" (RIN1904–AB69) received on March 17, 2008; to the Committee on Energy and Natural Resources.

EC–5465. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Determination of Attainment of the Ozone Standard" (FRL No. 8543–4) received on March 17, 2008; to the Committee on Environment and Public Works.

EC–5466. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Stationary Source Permits" (FRL No. 8543–6) received on March 17, 2008; to the Committee on Environment and Public Works.

EC–5467. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Ohio SO_2 Air Quality Implementation Plans and Designation of Areas" (FRL No. 8534–4) received on March 17, 2008; to the Committee on Environment and Public Works.

EC–5468. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Nonattainment and Reclassification of the Baton Rouge 8-Hour Ozone Nonattainment Area; State of Louisiana" (FRL No. 8544–6) received on March 17, 2008; to the Committee on Environment and Public Works.

EC–5469. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Determination of Nonattainment and Reclassification of the Beaumont/Port Arthur 8-Hour Ozone Nonattainment Area; State of Texas; Final Rule" (FRL No. 8543-5) received on March 17, 2008; to the Committee on Environment and Public Works.

EC-5470. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Ambient Air Quality Standards for Ozone" (FRL No. 8544-3) received on March 17, 2008; to the Committee on Environment and Public Works.

EC-5471. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Partial Exchange of an Annuity Contract" (Rev. Proc. 2008-24) received on March 14, 2008; to the Committee on Finance.

EC-5472. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Immune System Disorders" (RIN0960-AF33) received on March 17, 2008; to the Committee on Finance.

EC-5473. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amplification of Notice 2006-52; Deduction for Energy Efficient Commercial Buildings" (Notice 2008-40) received on March 12, 2008; to the Committee on Finance.

EC-5474. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Abandonment of Stock and Other Securities" ((RIN1545-BE80)(TD 9386)) received on March 12, 2008; to the Committee on Finance.

EC-5475. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to the Medicare Payment Policy; to the Committee on Finance.

EC-5476. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to a public-private competition that will be conducted at the Administration's headquarters in Maryland; to the Committee on Finance.

EC-5477. A communication from the Program Manager, Center for Medicaid and State Operation, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Multiple Source Drug Definition" (RIN0938-AP26) received on March 14, 2008; to the Committee on Finance.

EC-5478. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license agreement for the export of defense articles to Japan to provide support for the manufacture of fuel control devices; to the Committee on Foreign Relations.

EC-5479. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a copy of the Implementing Agreement of the treaty that was entered into with the Government of Australia relative to Defense Trade Cooperation; to the Committee on Foreign Relations.

EC-5480. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Vietnamese cooperation on accounting for POW/MIAs; to the Committee on Foreign Relations.

EC-5481. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Taiwan's participation as an observer at the World Health Assembly; to the Committee on Foreign Relations.

EC-5482. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-27—2008-34); to the Committee on Foreign Relations.

EC-5483. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the re-certification of a proposed manufacturing license agreement for the export of defense services to Turkey for the manufacture of the Self Protection Electronic Warfare System; to the Committee on Foreign Relations.

EC-5484. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Arms Traffic in Arms Regulations; Sri Lanka" (22 CFR Part 126) received on March 14, 2008; to the Committee on Foreign Relations.

EC-5485. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense services to the Republic of Korea to provide support for maintenance services on the J79 and J85 engines; to the Committee on Foreign Relations.

EC-5486. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the export of defense services to the United Kingdom and France to provide continued support for the installation of the CTS-800-4N gas turbine engine into the Westland Superlynx Helicopter; to the Committee on Foreign Relations.

EC-5487. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of commercial communications satellites to international waters; to the Committee on Foreign Relations.

EC-5488. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the re-certification of a proposed manufacturing license agreement for the export of defense services to Canada for the manufacture and assembly of CF-18 Multi Function Display Indicators; to the Committee on Foreign Relations.

EC-5489. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of firearms to Georgia; to the Committee on Foreign Relations.

EC-5490. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed transfer of eight Patriot missile systems from the Government of Germany to the Government of the Republic of Korea; to the Committee on Foreign Relations.

EC-5491. A communication from the Deputy Director, Office of Health Plan Standards and Compliance Assistance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Mental Health Parity; Interim Final Amendment to Regulation" (RIN1210-AA62) received on March 17, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5492. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, a report relative to acquisitions made from foreign entities; to the Committee on Health, Education, Labor, and Pensions.

EC-5493. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary for Employment and Training, received on March 17, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5494. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling: Health Claims; Soluble Fiber from Certain Foods and Risk of Coronary Heart Disease" (Docket No. FDA-2008-P-0090) received on March 17, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5495. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC-5496. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary, received on March 13, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5497. A communication from the Director of Congressional Affairs, Central Intelligence Agency, transmitting, pursuant to law, the report of action on a nomination and discontinuation of service in an acting role for the position of General Counsel, received on March 17, 2008; to the Select Committee on Intelligence.

EC-5498. A communication from the Deputy Assistant Administrator, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Authorized Sources of Narcotic Raw Materials" (RIN1117-AB03) received on March 14, 2008; to the Committee on the Judiciary.

EC-5499. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment for Civil Monetary Penalties Under Sections 274A, 274B, and 274C of the Immigration and Nationality Act" (RIN1125-AA61) received on March 12, 2008; to the Committee on the Judiciary.

EC-5500. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, its Strategic Plan for fiscal years 2008 through 2013; to the Committee on Rules and Administration.

EC-5501. A communication from the Deputy Secretary, Department of Veterans Affairs, transmitting, pursuant to law, a report relative to the activities and accomplishments of the Department of Veterans Affairs and Department of Defense Joint Executive Council; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 2787. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. THUNE, Mr. VOINOVICH, and Mr. BROWNBACK):

S. 2788. A bill to impose admitting privilege requirements with respect to physicians who perform abortions; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 2789. A bill to amend the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 to authorize the Federal Emergency Management Agency to provide additional assistance to State and local governments for utility costs resulting from the provision of temporary housing units to evacuees from Hurricane Katrina and other hurricanes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 2790. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. Res. 490. A resolution recognizing the Alvin Ailey American Dance Theater for 50 years of service to the performing arts; to the Committee on the Judiciary.

By Mr. VITTER:

S. Res. 491. A resolution recognizing the need and importance of providing additional Federal funds for the Secretary of the Army to carry out hurricane, coastal, and flood protection and hurricane and flood damage reduction activities and related features in the State of Louisiana; to the Committee on Environment and Public Works.

By Mr. REID:

S. Res. 492. A resolution amending the majority party's membership on the Select Committee on Ethics for the remainder of the 110th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 380

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 605

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 605, a bill to amend the Public Health Service Act to promote and improve the allied health professions.

S. 702

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 702, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 911

At the request of Mr. REED, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1125

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1301

At the request of Mr. DEMINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1301, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1393

At the request of Mr. ALEXANDER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1393, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 1462

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1462, a bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Washington

(Ms. CANTWELL) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1655

At the request of Mr. KENNEDY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1655, a bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes.

S. 1689

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1689, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1699

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1699, a bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1794

At the request of Mr. BAYH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1794, a bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses.

S. 1810

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. 1846

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 1995

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2002

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2219

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2219, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program.

S. 2347

At the request of Mr. OBAMA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2372

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2401

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to allow a refund of motor fuel excise taxes for the actual off-highway use of certain mobile machinery vehicles.

S. 2426

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

S. 2460

At the request of Mrs. DOLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2479

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2479, a bill to catalyze change in the care and treatment of diabetes in the United States.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2517

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2517, a bill to amend the Internal Revenue Code of 1986 to provide that the proceeds of qualified mortgage bonds may be used to provide refinancing for subprime loans, to provide a temporary increase in the volume cap for qualified mortgage bonds, and for other purposes.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2607

At the request of Ms. SNOWE, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2607, a bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 2618

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2654

At the request of Mr. COLEMAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2654, a bill to provide for enhanced reimbursement of servicemembers and veterans for certain travel expenses.

S. 2669

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2669, a bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes.

S. 2681

At the request of Mr. INHOFE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 2715

At the request of Mr. INHOFE, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Louisiana (Mr. VITTER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. COBURN), the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. ISAKSON), the Senator from Alabama (Mr. SHELBY) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2715, a bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

S. 2721

At the request of Mr. ALEXANDER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2721, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 2755

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2755, a bill to provide funding for summer youth jobs.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Rhode Island (Mr. REED), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2768

At the request of Mr. AKAKA, the names of the Senator from New York (Mr. SCHUMER), the Senator from Washington (Ms. CANTWELL) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2768, a bill to provide a temporary increase in the maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.

S. 2770

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2770, a bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock.

S. 2774

At the request of Mr. LEAHY, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY), the Senator from Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Nebraska (Mr. HAGEL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2783

At the request of Mr. ENSIGN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2783, a bill to allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport.

S.J. RES. 28

At the request of Mr. DORGAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 300

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 300, a resolution expressing the sense of the Senate that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between FYROM and Greece regarding "hostile activities or propaganda" and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for FYROM.

S. RES. 455

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 455, a resolution calling for peace in Darfur.

S. RES. 470

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Ohio (Mr. BROWN), the Senator from Maryland (Mr. CARDIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 470, a resolution calling on the relevant governments, multilateral bodies, and non-state actors in Chad, the Central African Republic, and Sudan to devote ample political commitment and material resources towards the achievement and implementation of a negotiated resolution to the national and regional conflicts in Chad, the Central African Republic, and Darfur, Sudan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Mr. McCAIN) (by request):

S. 2787. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, Senator McCAIN and I are today introducing, by request, the administration's proposed National Defense Authorization Act for fiscal year 2009. As is the case with any bill that is introduced by request, we introduce this bill for the purpose of placing the administration's proposals before Congress and the public without expressing our own views on the substance of these proposals. As chairman and ranking member of the Armed Services Committee, we look forward to giving the administration's requested legislation our most careful review and thoughtful consideration.

By Ms. LANDRIEU:

S. 2790. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I am pleased today to introduce legislation, the Comprehensive Cancer Care Improvement Act, that holds the promise of empowering cancer survivors and improving the quality of cancer care. Each year, more than one million Americans join the ranks of cancer survivors. Overall, nearly 12 million Americans live as cancer survivors. The legislation I am introducing will provide these cancer survivors with vital tools to help them manage their cancer care during active treatment and in the period of survivorship that follows treatment.

Cancer survivors from the state of Louisiana and their physicians have explained to me in compelling fashion the assistance that cancer survivors need to understand and participate in their treatment, address the side effects of therapy, and transition to cancer survivorship. I am sure that many of my Senate colleagues have heard incredible stories of survivorship from their own constituents. Management of treatment and its potentially serious side effects is a daunting task. The legislation I am introducing seeks to assist cancer survivors in receiving quality care from diagnosis through survivorship.

A dear friend and citizen of Louisiana, Tucker Melancon, has educated me about the necessity that all elements of cancer care be coordinated and that cancer patients be given assistance in managing cancer as a chronic disease. Judge Melancon and I have been friends for more than 20 years, and since 2001 he has demonstrated courage, strength, and good humor as he has undergone treatment for breast cancer. He has inspired me and many others, and it is with pleasure and humility that I introduce a bill that may help cancer survivors like Tucker receive cancer care of the highest quality.

The core provision of the Comprehensive Cancer Care Improvement Act is the establishment of Medicare payment for the development of cancer care plans and survivorship plans for beneficiaries who are diagnosed with cancer. The Institute of Medicine, IOM, in a series of reports issued between 1999 and 2006, has documented the benefits of written plans that explain to cancer survivors all of the elements of active cancer treatment, including the side effects of therapy, and that detail the steps required to monitor the side effects of treatment during survivorship.

What difference does a written plan of care make? Cancer survivors and their caregivers tell us that a written plan facilitates the coordination of care. That means that care plans provide cancer survivors the tools to receive therapy of the highest quality, accompanied by appropriate management of the side effects of treatment and the symptoms of cancer. Most people treated for cancer experience a range of side effects—including depression, pain, nausea, and vomiting—that can be debilitating and difficult to manage. Proper management of those side effects and symptoms can improve cancer survivors' quality of life and optimize their ability to complete treatment. The IOM has described patients who complete cancer treatment as "lost in transition," uncertain how they will receive health care, including essential follow-up care, after active treatment. A written survivorship plan that details all elements of treatment received by a cancer survivor and that provides a roadmap to care after active treatment eases the transition from cancer patient to cancer survivor.

For patients and health care providers, Hurricane Katrina caused significant interruptions in care. Cancer patients in the middle of treatment were left to find their displaced physicians or to find new cancer care teams. In either case, they suffered from a lack of information about their ongoing treatment or about follow-up care plans. Enactment of the legislation I am introducing today would not address all of the health care delivery problems created by a natural disaster like Katrina, but it would at least put in the hands of patients critical information about their care. With that information, cancer survivors would be better able to continue their care without serious dislocation.

The U.S. Congress has provided its enthusiastic support to the National Institutes of Health for research to improve the treatment of cancer. By introducing the Comprehensive Cancer Care Improvement Act, I call on my colleagues to join me in a parallel effort to improve the quality of care for Medicare beneficiaries diagnosed with cancer. It is in our power to improve the quality of cancer care for Medicare beneficiaries. By improving Medicare, we set a standard of care for all Americans diagnosed with cancer.

I am pleased to lead the Senate effort to advance the Comprehensive Cancer Care Improvement Act. A companion measure has been introduced in the House by Representatives LOIS CAPPS and TOM DAVIS and already enjoys the support of more than 90 House cosponsors. I urge my colleagues to join me today in supporting legislation that will provide cancer patients a helping hand in obtaining quality cancer care.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Cancer Care Improvement Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—COMPREHENSIVE CANCER CARE UNDER THE MEDICARE PROGRAM

Sec. 101. Coverage of cancer care planning services.
Sec. 102. Demonstration project to provide comprehensive cancer care symptom management services under Medicare.

TITLE II—COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS

Sec. 201. Grants for comprehensive palliative care and symptom management programs.

TITLE III—PROVIDER EDUCATION REGARDING PALLIATIVE CARE AND SYMPTOM MANAGEMENT.

Sec. 301. Grants to improve health professional education.
Sec. 302. Grants to improve continuing professional education.

TITLE IV—RESEARCH ON END-OF-LIFE TOPICS FOR CANCER PATIENTS

Sec. 401. Research program.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Individuals with cancer often do not have access to a cancer care system that provides comprehensive and coordinated care of high quality.

(2) The cancer care system has not traditionally offered individuals with cancer a prospective and comprehensive plan for treatment and symptom management, strategies for updating and evaluating such plan with the assistance of a health care professional, and a follow-up plan for monitoring and treating possible late effects of cancer and its treatment.

(3) Cancer survivors often experience the under-diagnosis and under-treatment of the symptoms of cancer, a problem that begins at the time of diagnosis and often becomes more severe at the end of life. The failure to treat the symptoms, side effects, and late effects of cancer and its treatment may have a serious adverse impact on the health, well-being, and quality of life of cancer survivors.

(4) Cancer survivors who are members of racial and ethnic minority groups may face special obstacles in receiving cancer care that is coordinated and includes appropriate management of cancer symptoms and treatment side effects.

(5) Individuals with cancer are sometimes put in the untenable position of choosing between potentially curative therapies and palliative care instead of being assured access to comprehensive care that includes appropriate treatment and symptom management.

(6) Comprehensive cancer care should incorporate access to psychosocial services and management of the symptoms of cancer (and the symptoms of its treatment), including pain, nausea and vomiting, fatigue, and depression.

(7) Comprehensive cancer care should include a means for providing cancer survivors with a comprehensive care summary and a plan for follow-up care after primary treatment to ensure that cancer survivors have access to follow-up monitoring and treatment of possible late effects of cancer and cancer treatment.

(8) The Institute of Medicine report, "Ensuring Quality Cancer Care", described the elements of quality care for an individual with cancer to include—

(A) the development of initial treatment recommendations by an experienced health care provider;

(B) the development of a plan for the course of treatment of the individual and communication of the plan to the individual;

(C) access to the resources necessary to implement the course of treatment;

(D) access to high-quality clinical trials;

(E) a mechanism to coordinate services for the treatment of the individual; and

(F) psychosocial support services and compassionate care for the individual.

(9) In its report, "From Cancer Patient to Cancer Survivor: Lost in Transition", the Institute of Medicine recommended that individuals with cancer completing primary treatment be provided a comprehensive summary of their care along with a follow-up survivorship plan of treatment.

(10) Since more than half of all cancer diagnoses occur among elderly Medicare beneficiaries, the problems of providing cancer care are problems of the Medicare program.

(11) Shortcomings in providing cancer care, resulting in inadequate management of cancer symptoms and insufficient monitoring and treatment of late effects of cancer and its treatment, are related to problems of Medicare payments for such care, inadequate professional training, and insufficient investment in research on symptom management.

(12) Changes in Medicare payment for comprehensive cancer care, enhanced public and professional education regarding symptom management, and more research related to symptom management and palliative care will enhance patient decision-making about treatment options and will contribute to improved care for individuals with cancer from the time of diagnosis of the individual through the end of the life of the individual.

TITLE I—COMPREHENSIVE CANCER CARE UNDER THE MEDICARE PROGRAM

SEC. 101. COVERAGE OF CANCER CARE PLANNING SERVICES.

(a) IN GENERAL.—Section 1861 of the Social Security Act, as amended by section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is amended—

(1) in subsection (s)(2)—

(A) by striking "and" at the end of subparagraph (Z);

(B) by adding "and" at the end of subparagraph (AA); and

(C) by adding at the end the following new subparagraph:

"(BB) comprehensive cancer care planning services (as defined in subsection (ddd));"; and

(2) by adding at the end the following new subsection:

"Comprehensive Cancer Care Planning Services

"(ddd)(1) The term 'comprehensive cancer care planning services' means—

"(A) with respect to an individual who is diagnosed with cancer, the development of a plan of care that—

"(i) details, to the greatest extent practicable, all aspects of the care to be provided to the individual, with respect to the treatment of such cancer, including any curative treatment and comprehensive symptom management (such as palliative care) involved;

"(ii) is furnished in written form to the individual in person within a period specified by the Secretary that is as soon as practicable after the date on which the individual is so diagnosed;

"(iii) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

"(iv) is in accordance with standards determined by the Secretary to be appropriate;

"(B) with respect to an individual for whom a plan of care has been developed under subparagraph (A), the revision of such plan of care as necessary to account for any substantial change in the condition of the individual, if such revision—

"(i) is in accordance with clauses (i) and (iii) of such subparagraph; and

"(ii) is furnished in written form to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision;

"(C) with respect to an individual who has completed the primary treatment for cancer, as defined by the Secretary (such as completion of chemotherapy or radiation treatment), the development of a follow-up cancer care plan that—

"(i) describes the elements of the primary treatment, including symptom management, furnished to such individual;

"(ii) provides recommendations for the subsequent care of the individual with respect to the cancer involved;

"(iii) is furnished in written form to the individual in person within a period specified by the Secretary that is as soon as practicable after the completion of such primary treatment;

"(iv) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

"(v) is in accordance with standards determined by the Secretary to be appropriate; and

"(D) with respect to an individual for whom a follow-up cancer care plan has been developed under subparagraph (C), the revision of such plan as necessary to account for any substantial change in the condition of the individual, if such revision—

"(i) is in accordance with clauses (i), (ii), and (iv) of such subparagraph; and

"(ii) is furnished in written form to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision.

"(2) The Secretary shall establish standards to carry out paragraph (1) in consultation with appropriate organizations representing providers of services related to cancer treatment and organizations representing survivors of cancer. Such standards shall include standards for determining the need and frequency for revisions of the plans of care and follow-up plans based on changes in the condition of the individual and standards for the communication of the plan to the patient.".

(b) PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended by striking "and" before "(V)" and inserting before the semicolon at the end the following: ", and (W) with respect to comprehensive cancer care planning services described in any of subparagraphs (A) through (D) of section 1861(ddd)(1), the amount paid shall be an amount equal to the sum of (i) the national average amount under the physician fee schedule established under section 1848 for a new patient office consultation of the highest level of service in the non-facility setting, and (ii) the national average amount under such fee schedule for a physician certification described in section 1814(a)(2) for home health services furnished to an individual by a home health agency under a home health plan of care".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the first day of the first calendar year that begins after the date of the enactment of this Act.

SEC. 102. DEMONSTRATION PROJECT TO PROVIDE COMPREHENSIVE CANCER CARE SYMPTOM MANAGEMENT SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a two-year demonstration project (in this section referred to as the "demonstration project") under title XVIII of the Social Security Act under which payment shall be made under such title for comprehensive cancer care symptom management services, including items and services described in subparagraphs (A) through (I) of section 1861(dd)(1) of the Social Security Act, furnished by an eligible entity, in accordance with a plan developed under subparagraph (A) or (C) of section 1861(ddd)(1) of such Act, as added by section 101(a). Sections 1812(d) and 1814(a)(7) of such Act (42 U.S.C. 1395d(d), 1395f(a)(7)) are not applicable to items and services furnished under the demonstration project. Participation of Medicare beneficiaries in the demonstration project shall be voluntary.

(b) QUALIFICATIONS AND SELECTION OF ELIGIBLE ENTITIES.—

(1) QUALIFICATIONS.—For purposes of subsection (a), the term "eligible entity" means an entity (such as a cancer center, hospital, academic health center, hospice program, physician practice, school of nursing, visiting nurse association, or other home health agency) that the Secretary determines is capable, directly or through an arrangement with a hospice program (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))), of providing the items and services described in such subsection.

(2) SELECTION.—The Secretary shall select not more than 10 eligible entities to participate in the demonstration project. Such entities shall be selected in a manner so that the demonstration project is conducted in different regions across the United States and in urban and rural locations.

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct a comprehensive evaluation of the demonstration project to determine—

(A) the effectiveness of the project in improving patient outcomes;

(B) the cost of providing comprehensive symptom management, including palliative care, from the time of diagnosis;

(C) the effect of comprehensive cancer care planning and the provision of comprehensive symptom management on patient outcomes, cancer care expenditures, and the utilization of hospitalization and emergent care services; and

(D) potential savings to the Medicare program demonstrated by the project.

(2) REPORT.—Not later than the date that is one year after the date on which the demonstration project concludes, the Secretary shall submit to Congress a report on the evaluation conducted under paragraph (1).

TITLE II—COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS

SEC. 201. GRANTS FOR COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities for the purpose of—

(1) establishing a new palliative care and symptom management program for cancer patients; or

(2) expanding an existing palliative care and symptom management program for cancer patients.

(b) AUTHORIZED ACTIVITIES.—Activities funded through a grant under this section may include—

(1) securing consultative services and advice from institutions with extensive experience in developing and managing comprehensive palliative care and symptom management programs;

(2) expanding an existing program to serve more patients or enhance the range or quality of services, including cancer treatment patient education services, that are provided;

(3) developing a program that would ensure the inclusion of cancer treatment patient education in the coordinated cancer care model; and

(4) establishing an outreach program to partner with an existing comprehensive care program and obtain expert consultative services and advice.

(c) DISTRIBUTION OF FUNDS.—In making grants and distributing the funds under this section, the Secretary shall ensure that—

(1) two-thirds of the funds appropriated to carry out this section for each fiscal year are used for establishing new palliative care and symptom management programs, of which not less than half of such two-thirds shall be for programs in medically underserved communities to address issues of racial and ethnic disparities in access to cancer care; and

(2) one-third of the funds appropriated to carry out this section for each fiscal year are used for expanding existing palliative care and symptom management programs.

(d) DEFINITIONS.—In this section:

(1) The term "eligible entity" includes—

(A) an academic medical center, a cancer center, a hospital, a school of nursing, or a health system capable of administering a palliative care and symptom management program for cancer patients;

(B) a physician practice with care teams, including nurses and other professionals trained in palliative care and symptom management;

(C) a visiting nurse association or other home care agency with experience administering a palliative care and symptom management program;

(D) a hospice; and

(E) any other health care agency or entity, as the Secretary determines appropriate.

(2) The term "medically underserved community" has the meeting given to that term in section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)).

(3) The term "Secretary" means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013.

TITLE III—PROVIDER EDUCATION REGARDING PALLIATIVE CARE AND SYMPTOM MANAGEMENT.

SEC. 301. GRANTS TO IMPROVE HEALTH PROFESSIONAL EDUCATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities to enable the entities to improve the quality of graduate and postgraduate training of physicians, nurses, and other health care providers in palliative care and symptom management for cancer patients.

(b) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require that each such application demonstrate—

(1) the ability to incorporate palliative care and symptom management into training programs; and

(2) the ability to collect and analyze data related to the effectiveness of educational efforts.

(c) EVALUATION.—The Secretary shall develop and implement a plan for evaluating the effects of professional training programs funded through this section.

(d) DEFINITIONS.—In this section:

(1) The term "eligible entity" means a cancer center (including an NCI-designated cancer center), an academic health center, a physician practice, a school of nursing, or a visiting nurse association or other home care agency.

(2) The term "NCI-designated cancer center" means a cancer center receiving funds through a P30 Cancer Center Support Grant of the National Cancer Institute.

(3) The term "Secretary" means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013.

SEC. 302. GRANTS TO IMPROVE CONTINUING PROFESSIONAL EDUCATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities to improve the quality of continuing professional education provided to qualified individuals regarding palliative care and symptom management.

(b) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require that each such application demonstrate—

(1) experience in sponsoring continuing professional education programs;

(2) the ability to reach health care providers and other professionals who are engaged in cancer care;

(3) the capacity to develop innovative training programs; and

(4) the ability to evaluate the effectiveness of educational efforts.

(c) EVALUATION.—The Secretary shall develop and implement a plan for evaluating the effects of continuing professional education programs funded through this section.

(d) DEFINITIONS.—In this section:

(1) The term "eligible entity" means a cancer center (including an NCI-designated cancer center), an academic health center, a school of nursing, or a professional society that supports continuing professional education programs.

(2) The term "NCI-designated cancer center" means a cancer center receiving funds through a P30 Cancer Center Support Grant of the National Cancer Institute.

(3) The term "qualified individual" means a physician, nurse, social worker, chaplain, psychologist, or other individual who is involved in providing palliative care and symptom management services to cancer patients.

(4) The term "Secretary" means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013.

TITLE IV—RESEARCH ON END-OF-LIFE TOPICS FOR CANCER PATIENTS

SEC. 401. RESEARCH PROGRAM.

(a) IN GENERAL.—The Director of the National Institutes of Health shall establish a program of grants for research on palliative care, symptom management, communication skills, and other end-of-life topics for cancer patients.

(b) INCLUSION OF NATIONAL RESEARCH INSTITUTES.—In carrying out the program established under this section, the Director should provide for the participation of the National Cancer Institute, the National Institute of Nursing Research, and any other national research institute that has been engaged in research described in subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term "Director" means the Director of the National Institutes of Health.

(2) The term "national research institute" has the meaning given to that term in section 401(g) of the Public Health Service Act (42 U.S.C. 281(g)).

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 490—RECOGNIZING THE ALVIN AILEY AMERICAN DANCE THEATER FOR 50 YEARS OF SERVICE TO THE PERFORMING ARTS

Mrs. CLINTON (for herself and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 490

Whereas the Alvin Ailey American Dance Theater (AAADT) is widely recognized as one of the world's premier modern dance companies;

Whereas AAADT is dedicated to promoting the uniqueness of the African-American cultural experience, to preserving the heritage of modern dance, and to brining modern dance to people around the globe;

Whereas, over its 50-year history, AAADT has performed for an estimated 21,000,000 people in 48 States and in 71 countries on 6 continents;

Whereas AAADT tours more than any other performing arts company in the world;

Whereas AAADT's signature work, "Revelations", has been seen by more people around the globe than any other work of dance;

Whereas AAADT performs works by both emerging and established choreographers from throughout the United States and the world;

Whereas AAADT's home in New York City, The Joan Weill Center for Dance, is the largest facility dedicated exclusively to dance in the United States;

Whereas Alvin Ailey, founder of AAADT, received the United Nations Peace Medal in 1982;

Whereas President George W. Bush recognized AAADT and Artistic Director Judith Jamison with the National Medal of Arts in 2001, making AAADT the first dance company to be so honored;

Whereas AAADT has performed for United States Presidents and foreign leaders throughout the company's 50-year history, including performances in 1968 for President Johnson, in 1977 at the inaugural gala for President Carter, in 1993 at the inaugural gala for President Clinton, and in 2003 at a state dinner honoring President Mwai Kibaki of Kenya;

Whereas, over the years, AAADT has brought the culture of the United States to audiences around the world with performances at such historic events as the Rio de Janeiro International Arts Festival in 1963, the first Negro Arts Festival in Dakar, Senegal, in 1966, the fabled New Year's Eve performance for the Crown Prince of Morocco in 1978, the Paris Centennial performance at the Grand Palais Theatre in 1989, 2 unprecedented engagements in South Africa in 1997 and 1998, the 1996 and 2002 Olympic Games, the 2005 Stars of the White Nights festival in St. Petersburg, Russia, and the 2006 Les étés de la danse de Paris festival in Paris, France;

Whereas AAADT annually provides more than 100,000 young people from diverse cultural, social, and economic backgrounds with the opportunity to explore their creative potential and build their self-esteem through its Arts in Education and Community Programs, which includes 9 AileyCamps in cities across the United States;

Whereas Ailey II, the junior company to AAADT, reaches more than 69,000 people each year through its inspiring performances and outreach activities while touring to smaller communities in more than 50 North American cities; and

Whereas the Ailey School, accredited by the National Association of Schools of Dance, provides the highest quality training consistent with the professional standards of AAADT, including a Certificate Program, a Fellowship Program, and a Bachelor of Fine Arts degree program in conjunction with Fordham University: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the Alvin Ailey American Dance Theater (AAADT) for 50 years of service as a cultural ambassador of the United States to the world, by bringing world-class American modern dance to an estimated 21,000,000 people around the globe;

(2) recognizes that AAADT has been a true pioneer in the world of dance by establishing an extended cultural community that provides dance performances, training, and community programs to all people while using the beauty and humanity of the African-American heritage and other cultures to unite people of all ages, races, and backgrounds; and

(3) recognizes that Ailey II, the prestigious Ailey School, and the extensive and innovative Arts in Education and Community Programs of AAADT train future generations of dancers and choreographers while continuing to expose young people from communities large and small to the arts.

SENATE RESOLUTION 491—RECOGNIZING THE NEED AND IMPORTANCE OF PROVIDING ADDITIONAL FEDERAL FUNDS FOR THE SECRETARY OF THE ARMY TO CARRY OUT HURRICANE, COASTAL, AND FLOOD PROTECTION AND HURRICANE AND FLOOD DAMAGE REDUCTION ACTIVITIES AND RELATED FEATURES IN THE STATE OF LOUISIANA

Mr. VITTER submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 491

Whereas the restoration of the infrastructure, hurricane, flood protection, ecosystem, and habitat of the State of Louisiana is critical to the United States economy because—

(1) Louisiana is the key to United States energy security, providing nearly 30 percent of the energy required to power the United States economy;

(2) Louisiana provides more than 25 percent of the seafood consumed in the United States;

(3) Louisiana provides the largest port system in the world (having 5 of 15 ports with the most total tonnage of all ports in the United States); and

(4) more than 36 States depend on maritime commerce on waterways in Louisiana to receive goods and services;

Whereas, in 2005, Hurricanes Katrina and Rita devastated Louisiana, causing the death of more than 1,400, the loss of 217 square miles of coastal land and wetlands, and destroyed the integrity and performance of the hurricane protection system;

Whereas in Louisiana Hurricanes Katrina and Rita initially caused the evacuation and displacement of 1,300,000 residents of Louisiana, destroyed more than 200,000 homes, 40 schools, and 10 hospitals, damaged 835 schools, flooded more than 16,000 businesses, caused the loss of 179,000 jobs, and resulted in property losses of more than $100,000,000,000 in the State;

Whereas Louisiana had a reduction in gross State product of $7,400,000,000 during the period beginning on the date of occurrence of Hurricane Katrina and ending on June 30, 2006;

Whereas Federal funds are needed, in addition to the fiscal year 2009 budget request of the President, to reduce the risk to the greater New Orleans, Louisiana, area from storm surges to provide at least an updated 100-year protection standard and address associated flood protection needs to meet the President's commitment to complete the Corps of Engineers work necessary for the updated 100-year protection standard for the greater New Orleans area by the 2011 hurricane season;

Whereas, in accordance with section 7012(c) of the Water Resources Development Act of 2007 (121 Stat. 1279), the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate may adopt a resolution to allow for appropriation of additional Federal funds that exceed 25 percent of the authorized level for the activities identified in subsection (a) of that section;

Whereas, the historic cost share for current and future work for the Southeast Louisiana Project is 75 percent Federal and 25 percent non-Federal, in accordance with section 533(d) of the Water Resources Development Act of 1996 (110 Stat. 3775), as reconfirmed by Congress in subsequent supplemental legislation related to the 2005 hurricanes; and

Whereas, the historic cost share for the Lake Pontchartrain and Vicinity project is 70 percent Federal and 30 percent non-Federal, in accordance with section 204 of the Flood Control Act of 1965 (79 Stat. 1077), as reconfirmed by Congress in subsequent supplemental legislation:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the urgency for Congress to approve additional Federal funds required by the Corps of Engineers by October 1, 2008, to complete hurricane, coastal, and flood protection and hurricane and flood damage reduction activities and related features to meet the President's commitment to complete the Corps of Engineers work necessary for the updated 100-year protection standard for the greater New Orleans area by the 2011 hurricane season; and

(2) finds that, given the significance and consequences of the 2005 Hurricanes Katrina and Rita, the additional Federal funds to reduce the risk to the greater New Orleans, Louisiana, area from storm surges and to provide at least an updated 100-year protection standard and address associated flood protection needs shall be carried out at full Federal expense.

SENATE RESOLUTION 492—AMENDING THE MAJORITY PARTY'S MEMBERSHIP ON THE SELECT COMMITTEE ON ETHICS FOR THE REMAINDER OF THE 110TH CONGRESS

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 492

Resolved, That Senate Resolution 27 (110th Congress) is amended, effective January 1, 2008, by striking all from "ETHICS:" through "72a-1f" and inserting "ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Salazar"

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 15, 2008, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider S. 2438, a bill to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Rachel Pasternack at (202) 224-0883 or David Brooks at 202-224-9863.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on April 8, 2008, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 2259/H.R. 813, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; H.R. 31, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects; H.R. 716, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan; H.R. 786, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes; H.R. 1140, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; H.R. 1503, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; H.R. 1725, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project; H.R. 1737, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California; and H.R. 2614, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009

On Thursday, March 13, 2008, the Senate agreed to S. Con. Res. 70, as amended, as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2009 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—BUDGET PROCESS

Subtitle A—Direct Spending and Receipts

Sec. 201. Senate point of order against legislation increasing long-term deficits.
Sec. 202. Point of order—20 percent limit on new direct spending in reconciliation legislation.

Subtitle B—Discretionary Spending

Sec. 211. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 212. Point of order against advance appropriations.
Sec. 213. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.
Sec. 214. Discretionary administrative expenses of the Postal Service.

Subtitle C—Other Provisions

Sec. 221. Application and effect of changes in allocations and aggregates.
Sec. 222. Adjustments to reflect changes in concepts and definitions.
Sec. 223. Debt disclosure requirement.
Sec. 224. Debt disclosures.
Sec. 225. Exercise of rulemaking powers.
Sec. 226. Circuit breaker to protect social security.

TITLE III—RESERVE FUNDS

Sec. 301. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families.
Sec. 302. Deficit-neutral reserve fund for improving education.
Sec. 303. Deficit-neutral reserve fund for investments in America's infrastructure.
Sec. 304. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements.
Sec. 305. Deficit-neutral reserve fund for America's veterans and wounded servicemembers and for a post 9/11 GI bill.
Sec. 306. Deficit-neutral reserve fund to improve America's health.
Sec. 307. Sense of the Senate regarding Medicaid administrative regulations.
Sec. 308. Deficit-neutral reserve fund for judicial pay and judgeships.
Sec. 309. Deficit-neutral reserve fund for reforming the alternative minimum tax for individuals.
Sec. 310. Deficit-neutral reserve fund for repealing the 1993 increase in the income tax on social security benefits.

Sec. 311. Deficit-neutral reserve fund to improve energy efficiency and production.
Sec. 312. Deficit-neutral reserve fund for immigration reform and enforcement.
Sec. 313. Deficit-neutral reserve fund for border security, immigration enforcement, and criminal alien removal programs.
Sec. 314. Deficit-neutral reserve fund for science parks.
Sec. 315. Deficit-neutral reserve fund for 3-year extension of pilot program for national and state background checks on direct patient access employees of long-term care facilities or providers.
Sec. 316. Deficit-neutral reserve fund for studying the effect of cooperation with local law enforcement.
Sec. 317. Deficit-neutral reserve fund to terminate deductions from mineral revenue payments to States.
Sec. 318. Deficit-neutral reserve fund for the establishment of State Internet sites for the disclosure of information relating to payments made under the State Medicaid program.
Sec. 319. Deficit-neutral reserve fund for traumatic brain injury.
Sec. 320. Deficit-neutral reserve fund to improve animal health and disease program.
Sec. 321. Deficit-neutral reserve fund for implementation of Yellow Ribbon Reintegration Program for members of the National Guard and Reserve.
Sec. 322. Deficit-neutral reserve fund for reimbursing States for the costs of housing undocumented criminal aliens.
Sec. 323. Deficit-neutral reserve fund for acceleration of phased-in eligibility for concurrent receipt of benefits.
Sec. 324. Deficit-neutral reserve fund for increased use of recovery audits.
Sec. 325. Deficit-neutral reserve fund for food safety.
Sec. 326. Deficit-neutral reserve fund for demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.
Sec. 327. Deficit-neutral reserve fund for reducing income threshold for refundable child tax credit to $10,000 with no inflation adjustment.
Sec. 328. Sense of the Senate regarding the diversion of funds set aside for USPTO.
Sec. 329. Deficit-neutral reserve fund for education reform.
Sec. 330. Deficit-neutral reserve fund for processing naturalization applications.
Sec. 331. Deficit-neutral reserve fund for access to quality and affordable health insurance.
Sec. 332. Deficit-neutral reserve fund for a 9/11 health program.
Sec. 333. Deficit-neutral reserve fund to ban medicare advantage and prescription drug plan sales and marketing abuses.
Sec. 334. Sense of the Senate regarding extending the "Moving to Work Agreement" between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development under the same terms and conditions for a period of one year.
Sec. 335. Sense of the Senate regarding a balanced budget amendment to the constitution of the United States.
Sec. 336. Sense of the Senate regarding the need for comprehensive legislation to legalize the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,871,888,000,000.
Fiscal year 2009: $2,012,123,000,000.
Fiscal year 2010: $2,198,259,000,000.
Fiscal year 2011: $2,404,151,000,000.
Fiscal year 2012: $2,488,673,000,000.
Fiscal year 2013: $2,613,013,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2008: –$7,652,000,000.
Fiscal year 2009: –$85,001,000,000.
Fiscal year 2010: $15,395,000,000.
Fiscal year 2011: –$23,874,000,000.
Fiscal year 2012: –$164,642,000,000.
Fiscal year 2013: –$141,727,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,579,255,000,000.
Fiscal year 2009: $2,533,754,000,000.
Fiscal year 2010: $2,555,400,000,000.
Fiscal year 2011: $2,687,858,000,000.
Fiscal year 2012: $2,731,412,000,000.
Fiscal year 2013: $2,860,070,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,476,755,000,000.
Fiscal year 2009: $2,575,733,417,000.
Fiscal year 2010: $2,616,367,415,000.
Fiscal year 2011: $2,709,059,134,000.
Fiscal year 2012: $2,722,339,034,000.
Fiscal year 2013: $2,852,077,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2008: $604,867,000,000.
Fiscal year 2009: $563,610,417,000.
Fiscal year 2010: $418,108,415,000.
Fiscal year 2011: $304,908,134,000.
Fiscal year 2012: $233,666,034,000.
Fiscal year 2013: $239,064,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,618,792,000,000.
Fiscal year 2009: $10,278,552,417,000.
Fiscal year 2010: $10,805,195,832,000.
Fiscal year 2011: $11,215,113,966,000.
Fiscal year 2012: $11,580,563,000,000.
Fiscal year 2013: $11,934,375,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,418,643,000,000.
Fiscal year 2009: $5,803,409,417,000.
Fiscal year 2010: $6,032,754,832,000.
Fiscal year 2011: $6,129,282,966,000.
Fiscal year 2012: $6,141,593,000,000.
Fiscal year 2013: $6,153,706,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $666,705,000,000.
Fiscal year 2009: $695,876,000,000.
Fiscal year 2010: $733,571,000,000.
Fiscal year 2011: $772,468,000,000.
Fiscal year 2012: $809,798,000,000.
Fiscal year 2013: $845,044,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $463,746,000,000.
Fiscal year 2009: $493,607,000,000.
Fiscal year 2010: $520,158,000,000.
Fiscal year 2011: $540,487,000,000.
Fiscal year 2012: $566,249,000,000.
Fiscal year 2013: $595,544,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $5,160,000,000.
(B) Outlays, $4,989,000,000.
Fiscal year 2009:
(A) New budget authority, $5,473,000,000.
(B) Outlays, $5,476,000,000.
Fiscal year 2010:
(A) New budget authority, $5,623,000,000.
(B) Outlays, $5,581,000,000.
Fiscal year 2011:
(A) New budget authority, $5,788,000,000.
(B) Outlays, $5,759,000,000.
Fiscal year 2012:
(A) New budget authority, $5,962,000,000.
(B) Outlays, $5,932,000,000.
Fiscal year 2013:
(A) New budget authority, $6,147,000,000.
(B) Outlays, $6,115,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $250,000,000.
(B) Outlays, $237,000,000.
Fiscal year 2009:
(A) New budget authority, $258,000,000.
(B) Outlays, $258,000,000.
Fiscal year 2010:
(A) New budget authority, $267,000,000.
(B) Outlays, $267,000,000.
Fiscal year 2011:
(A) New budget authority, $275,000,000.
(B) Outlays, $275,000,000.
Fiscal year 2012:
(A) New budget authority, $284,000,000.
(B) Outlays, $284,000,000.
Fiscal year 2013:
(A) New budget authority, $293,000,000.

(B) Outlays, $293,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):

Fiscal year 2008:

(A) New budget authority, $693,273,000,000.

(B) Outlays, $604,289,000,000.

Fiscal year 2009:

(A) New budget authority, $612,502,000,000.

(B) Outlays, $645,437,000,000.

Fiscal year 2010:

(A) New budget authority, $550,414,000,000.

(B) Outlays, $607,033,000,000.

Fiscal year 2011:

(A) New budget authority, $557,026,000,000.

(B) Outlays, $577,925,000,000.

Fiscal year 2012:

(A) New budget authority, $565,800,000,000.

(B) Outlays, $561,666,000,000.

Fiscal year 2013:

(A) New budget authority, $576,223,000,000.

(B) Outlays, $570,503,000,000.

(2) International Affairs (150):

Fiscal year 2008:

(A) New budget authority, $38,608,000,000.

(B) Outlays, $33,771,000,000.

Fiscal year 2009:

(A) New budget authority, $38,609,416,000.

(B) Outlays, $39,449,416,000.

Fiscal year 2010:

(A) New budget authority, $35,663,000,000.

(B) Outlays, $37,040,000,000.

Fiscal year 2011:

(A) New budget authority, $36,322,000,000.

(B) Outlays, $35,932,000,000.

Fiscal year 2012:

(A) New budget authority, $36,866,000,000.

(B) Outlays, $35,705,000,000.

Fiscal year 2013:

(A) New budget authority, $37,024,000,000.

(B) Outlays, $35,243,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2008:

(A) New budget authority, $27,407,000,000.

(B) Outlays, $26,456,000,000.

Fiscal year 2009:

(A) New budget authority, $30,536,000,000.

(B) Outlays, $28,987,000,000.

Fiscal year 2010:

(A) New budget authority, $30,369,000,000.

(B) Outlays, $30,490,000,000.

Fiscal year 2011:

(A) New budget authority, $30,848,000,000.

(B) Outlays, $31,167,000,000.

Fiscal year 2012:

(A) New budget authority, $31,332,000,000.

(B) Outlays, $31,650,000,000.

Fiscal year 2013:

(A) New budget authority, $31,816,000,000.

(B) Outlays, $31,635,000,000.

(4) Energy (270):

Fiscal year 2008:

(A) New budget authority, $3,548,000,000.

(B) Outlays, $1,681,000,000.

Fiscal year 2009:

(A) New budget authority, $7,026,000,000.

(B) Outlays, $2,843,000,000.

Fiscal year 2010:

(A) New budget authority, $6,935,000,000.

(B) Outlays, $4,533,000,000.

Fiscal year 2011:

(A) New budget authority, $6,916,000,000.

(B) Outlays, $5,481,000,000.

Fiscal year 2012:

(A) New budget authority, $6,895,000,000.

(B) Outlays, $5,981,000,000.

Fiscal year 2013:

(A) New budget authority, $6,858,000,000.

(B) Outlays, $6,159,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2008:

(A) New budget authority, $32,560,000,000.

(B) Outlays, $34,440,000,000.

Fiscal year 2009:

(A) New budget authority, $39,835,000,000.

(B) Outlays, $36,309,500,000.

Fiscal year 2010:

(A) New budget authority, $34,730,000,000.

(B) Outlays, $37,039,000,000.

Fiscal year 2011:

(A) New budget authority, $35,424,000,000.

(B) Outlays, $37,217,875,000.

Fiscal year 2012:

(A) New budget authority, $36,111,000,000.

(B) Outlays, $37,394,875,000.

Fiscal year 2013:

(A) New budget authority, $36,812,000,000.

(B) Outlays, $37,756,875,000.

(6) Agriculture (350):

Fiscal year 2008:

(A) New budget authority, $22,423,000,000.

(B) Outlays, $21,495,000,000.

Fiscal year 2009:

(A) New budget authority, $21,377,000,000.

(B) Outlays, $21,127,000,000.

Fiscal year 2010:

(A) New budget authority, $21,532,000,000.

(B) Outlays, $20,501,000,000.

Fiscal year 2011:

(A) New budget authority, $21,665,000,000.

(B) Outlays, $20,659,000,000.

Fiscal year 2012:

(A) New budget authority, $21,994,000,000.

(B) Outlays, $21,176,000,000.

Fiscal year 2013:

(A) New budget authority, $22,307,000,000.

(B) Outlays, $21,513,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2008:

(A) New budget authority, $11,516,000,000.

(B) Outlays, $5,441,000,000.

Fiscal year 2009:

(A) New budget authority, $9,350,000,000.

(B) Outlays, $3,764,000,000.

Fiscal year 2010:

(A) New budget authority, $11,133,000,000.

(B) Outlays, $3,562,000,000.

Fiscal year 2011:

(A) New budget authority, $7,713,000,000.

(B) Outlays, $824,000,000.

Fiscal year 2012:

(A) New budget authority, $8,028,000,000.

(B) Outlays, $492,000,000.

Fiscal year 2013:

(A) New budget authority, $8,254,000,000.

(B) Outlays, $195,000,000.

(8) Transportation (400):

Fiscal year 2008:

(A) New budget authority, $87,289,000,000.

(B) Outlays, $81,370,000,000.

Fiscal year 2009:

(A) New budget authority, $75,131,000,000.

(B) Outlays, $83,311,000,000.

Fiscal year 2010:

(A) New budget authority, $78,075,000,000.

(B) Outlays, $85,504,000,000.

Fiscal year 2011:

(A) New budget authority, $78,913,000,000.

(B) Outlays, $86,779,000,000.

Fiscal year 2012:

(A) New budget authority, $79,763,000,000.

(B) Outlays, $88,515,000,000.

Fiscal year 2013:

(A) New budget authority, $80,640,000,000.

(B) Outlays, $90,534,000,000.

(9) Community and Regional Development (450):

Fiscal year 2008:

(A) New budget authority, $20,029,000,000.

(B) Outlays, $27,819,000,000.

Fiscal year 2009:

(A) New budget authority, $15,195,000,000.

(B) Outlays, $24,486,700,000.

Fiscal year 2010:

(A) New budget authority, $15,265,000,000.

(B) Outlays, $22,115,400,000.

Fiscal year 2011:

(A) New budget authority, $15,503,000,000.

(B) Outlays, $18,240,900,000.

Fiscal year 2012:

(A) New budget authority, $15,746,000,000.

(B) Outlays, $16,186,800,000.

Fiscal year 2013:

(A) New budget authority, $15,979,000,000.

(B) Outlays, $15,872,800,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2008:

(A) New budget authority, $91,381,000,000.

(B) Outlays, $90,912,000,000.

Fiscal year 2009:

(A) New budget authority, $94,679,670,000.

(B) Outlays, $91,253,020,000.

Fiscal year 2010:

(A) New budget authority, $103,891,000,000.

(B) Outlays, $98,615,482,000.

Fiscal year 2011:

(A) New budget authority, $106,486,000,000.

(B) Outlays, $103,806,534,000.

Fiscal year 2012:

(A) New budget authority, $108,255,000,000.

(B) Outlays, $104,904,034,000.

Fiscal year 2013:

(A) New budget authority, $101,660,000,000.

(B) Outlays, $103,626,000,000.

(11) Health (550):

Fiscal year 2008:

(A) New budget authority, $286,108,000,000.

(B) Outlays, $287,211,000,000.

Fiscal year 2009:

(A) New budget authority, $313,109,000,000.

(B) Outlays, $310,603,000,000.

Fiscal year 2010:

(A) New budget authority, $324,863,000,000.

(B) Outlays, $325,576,000,000.

Fiscal year 2011:

(A) New budget authority, $345,558,000,000.

(B) Outlays, $344,795,000,000.

Fiscal year 2012:

(A) New budget authority, $368,273,000,000.

(B) Outlays, $367,110,000,000.

Fiscal year 2013:

(A) New budget authority, $393,283,000,000.

(B) Outlays, $391,805,000,000.

(12) Medicare (570):

Fiscal year 2008:

(A) New budget authority, $390,458,000,000.

(B) Outlays, $390,454,000,000.

Fiscal year 2009:

(A) New budget authority, $420,389,000,000.

(B) Outlays, $420,150,000,000.

Fiscal year 2010:

(A) New budget authority, $445,380,000,000.

(B) Outlays, $445,513,000,000.

Fiscal year 2011:

(A) New budget authority, $494,477,000,000.

(B) Outlays, $494,305,000,000.

Fiscal year 2012:

(A) New budget authority, $491,399,000,000.

(B) Outlays, $491,163,000,000.

Fiscal year 2013:

(A) New budget authority, $551,039,000,000.

(B) Outlays, $551,161,000,000.

(13) Income Security (600):

Fiscal year 2008:

(A) New budget authority, $393,591,000,000.

(B) Outlays, $394,613,000,000.

Fiscal year 2009:

(A) New budget authority, $414,369,000,000.

(B) Outlays, $419,023,200,000.

Fiscal year 2010:

(A) New budget authority, $416,322,000,000.

(B) Outlays, $418,871,200,000.

Fiscal year 2011:

(A) New budget authority, $425,435,000,000.

(B) Outlays, $426,242,100,000.

Fiscal year 2012:

(A) New budget authority, $411,468,000,000.

(B) Outlays, $411,597,000,000.
Fiscal year 2013:
(A) New budget authority, $426,718,000,000.
(B) Outlays, $426,611,400,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $93,319,584,000.
(B) Outlays, $92,397,584,000.
Fiscal year 2010:
(A) New budget authority, $95,615,000,000.
(B) Outlays, $95,399,000,000.
Fiscal year 2011:
(A) New budget authority, $100,959,000,000.
(B) Outlays, $100,749,000,000.
Fiscal year 2012:
(A) New budget authority, $97,782,000,000.
(B) Outlays, $97,064,000,000.
Fiscal year 2013:
(A) New budget authority, $103,241,000,000.
(B) Outlays, $102,521,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,282,000,000.
(B) Outlays, $44,322,000,000.
Fiscal year 2009:
(A) New budget authority, $49,432,330,000.
(B) Outlays, $46,896,297,000.
Fiscal year 2010:
(A) New budget authority, $48,018,000,000.
(B) Outlays, $49,714,333,000.
Fiscal year 2011:
(A) New budget authority, $48,907,000,000.
(B) Outlays, $50,113,500,000.
Fiscal year 2012:
(A) New budget authority, $49,819,000,000.
(B) Outlays, $50,089,000,000.
Fiscal year 2013:
(A) New budget authority, $50,768,000,000.
(B) Outlays, $50,706,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $24,477,000,000.
(B) Outlays, $24,435,000,000.
Fiscal year 2010:
(A) New budget authority, $19,972,000,000.
(B) Outlays, $20,172,000,000.
Fiscal year 2011:
(A) New budget authority, $20,395,000,000.
(B) Outlays, $20,407,000,000.
Fiscal year 2012:
(A) New budget authority, $20,796,000,000.
(B) Outlays, $20,940,000,000.
Fiscal year 2013:
(A) New budget authority, $21,107,000,000.
(B) Outlays, $20,991,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,462,000,000.
(B) Outlays, $349,462,000,000.
Fiscal year 2009:
(A) New budget authority, $335,110,000,000.
(B) Outlays, $335,110,000,000.
Fiscal year 2010:
(A) New budget authority, $372,253,000,000.
(B) Outlays, $372,253,000,000.
Fiscal year 2011:
(A) New budget authority, $409,810,000,000.
(B) Outlays, $409,810,000,000.
Fiscal year 2012:
(A) New budget authority, $435,762,000,000.
(B) Outlays, $435,762,000,000.
Fiscal year 2013:
(A) New budget authority, $451,980,000,000.
(B) Outlays, $451,980,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $9,500,000,000.
(B) Outlays, $9,500,000,000.
Fiscal year 2009:
(A) New budget authority, −$14,941,000,000.
(B) Outlays, −$4,099,300,000.
Fiscal year 2010:
(A) New budget authority, −$8,179,000,000.
(B) Outlays, −$10,713,000,000.
Fiscal year 2011:
(A) New budget authority, −$8,466,000,000.
(B) Outlays, −$9,360,775,000.
Fiscal year 2012:
(A) New budget authority, −$8,916,000,000.
(B) Outlays, −$9,295,675,000.
Fiscal year 2013:
(A) New budget authority, −$9,110,000,000.
(B) Outlays, −$10,206,075,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, −$86,330,000,000.
(B) Outlays, −$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, −$67,060,000,000.
(B) Outlays, −$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, −$70,645,000,000.
(B) Outlays, −$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, −$73,364,000,000.
(B) Outlays, −$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, −$76,104,000,000.
(B) Outlays, −$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, −$79,691,000,000.
(B) Outlays, −$79,691,000,000.

TITLE II—BUDGET PROCESS

Subtitle A—Direct Spending and Receipts

SEC. 201. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods beginning with the first fiscal year that is 10 years after the budget year provided for in the most recently adopted concurrent resolution on the budget.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods described in subsection (a).

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) SUNSET.—This section shall expire on September 30, 2017.

(f) REPEAL.—In the Senate, subsections (a) through (d) and subsection (f) of section 203 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 202. POINT OF ORDER—20 PERCENT LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

(a)(1) In the Senate, it shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in outlays, if—

(2) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20 percent of the total savings instruction to the committee; or

(3) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20 percent of the total savings instruction to the committee.

(b) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(1) Paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(2) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

Subtitle B—Discretionary Spending

SEC. 211. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2008, $1,055,478,000,000 in new budget authority and $1,093,343,000,000 in outlays; and

(2) for fiscal year 2009, $1,008,482,000,000 in new budget authority and $1,108,449,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $240,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $6,997,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $490,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $490,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $198,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $198,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(E) COMPARATIVE EFFECTIVENESS RESEARCH AT THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $30,000,000 for comparative effectiveness research as authorized under section 1013 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, and provides an additional appropriation of up to $70,000,000 for that purpose, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $70,000,000 in budget authority for fiscal year 2009 and the outlays flowing therefrom.

(F) REDUCING WASTE IN DEFENSE CONTRACTING.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $100,000,000 to the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting; achieve the legal requirement to submit auditable financial statements; or reduce waste by improving accounting for and ordering of spare parts; subject contracts performed outside the United States to the same ethics, control, and reporting requirements as those performed domestically, then the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(3) ADJUSTMENTS FOR COSTS OF THE WARS IN IRAQ AND AFGHANISTAN.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2008 or 2009 for the wars in Iraq and Afghanistan, by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to $108,056,000,000 in budget authority for fiscal year 2008 and the new outlays flowing therefrom, and up to $70,000,000,000 in budget authority for fiscal year 2009 and the new outlays flowing therefrom.

(d) OVERSIGHT OF GOVERNMENT PERFORMANCE.—In the Senate, all committees are directed to review programs within their jurisdictions to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdictions, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

(e) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—If legislation making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Senate Committee on the Budget shall make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays to reflect the difference between such measure and the corresponding levels assumed in this resolution.

(f) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), (e), and (f) of section 207 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 212. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2010, that first becomes available for any fiscal year after 2010.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $29,352,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 206(a) of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 213. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).

(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—

(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.

(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(f) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(g) EFFECTIVENESS.—This section shall not apply to any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.

SEC. 214. DISCRETIONARY ADMINISTRATIVE EXPENSES OF THE POSTAL SERVICE.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Postal Service.

Subtitle C—Other Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 222. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 223. DEBT DISCLOSURE REQUIREMENT.

(a) IN GENERAL.—It shall not be in order to consider a budget resolution in the Senate unless it contains a debt disclosure section including all, and only, the following disclosures regarding debt:

"SEC. ___. DEBT DISCLOSURES.

"(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $___________ from the current year, fiscal year 20___, to the fifth year of the budget window, fiscal year 20___.

"(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $_______ on every United States citizen from the current year, fiscal year 20___ to the fifth year of the budget window, fiscal year 20___.

"(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project that $_______ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20___–20___, on things other than Social Security which represents ___ percent of the projected Social Security surplus over this period.".

(b) SOCIAL SECURITY.—If any portion of the Social Security surplus is projected to be spent and/or the gross Federal debt in the fifth year of the budget window is greater than the debt projected in the current year, as described in the debt disclosure section described in subsection (a) of this section, the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security Trust Fund to be spent on other functions of Government even as the baby boom generation retires, program costs are projected to rise dramatically, the debt owed to Social Security is about to come due, and the Trust Fund is projected to go insolvent.

(c) DEFINITIONS.—The term "gross Federal debt" described above represents nominal increases in gross Federal debt measured at the end of each fiscal year during the period of the budget, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.

SEC. 224. DEBT DISCLOSURES.

(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $2,000,000,000,000 from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $6,440 on every United States citizen from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project $800,000,000,000 of the Social Security surplus will be spent over the 5-year budget window, fiscal years 2009–2013, on things other than Social Security, which represents 70 percent of the projected Social Security surplus over this period.

SEC. 225. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SEC. 226. CIRCUIT BREAKER TO PROTECT SOCIAL SECURITY.

(a) CIRCUIT BREAKER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit (excluding Social Security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years, and shall include such provisions as are necessary to protect Social Security and facilitate deficit reduction, except it shall not contain any reduction in Social Security benefits.

(b) POINT OF ORDER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years.

(c) AMENDMENTS TO BUDGET RESOLUTION.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year covered by that concurrent resolution on the budget or cause the budget to fail to achieve on-budget balance within 5 years.

(d) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.—

(1) LOW GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by the real gross domestic product) for each of the most recently reported quarter and the immediately preceding quarter is less than zero percent, this section is suspended.

(2) WAR.—If a declaration of war is in effect, this section is suspended.

(e) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(f) BUDGET YEAR.—In this section, the term "budget year" shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AND STIMULATE THE AMERICAN ECONOMY AND PROVIDE ECONOMIC RELIEF TO AMERICAN FAMILIES.

(a) TAX RELIEF.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring tax relief, reinstatement of expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts, and refundable tax relief and incentivizing utilization of accumulated alternative minimum tax and research and development credits, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MANUFACTURING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing efforts to train and retrain manufacturing workers, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HOUSING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide housing assistance, which may include low income rental assistance, or establish an affordable housing fund financed by the housing government sponsored enterprises or other sources, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FLOOD INSURANCE REFORM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) TRADE.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to trade agreements, preferences, sanctions, enforcement, or customs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(f) ECONOMIC RELIEF FOR AMERICAN FAMILIES.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) reauthorizes the Temporary Assistance for Needy Families supplemental grants or makes improvements to the Temporary Assistance for Needy Families program, child welfare programs, or the child support enforcement program;

(2) provides up to $5,000,000,000 for the child care entitlement to States;

(3) provides up to $40,000,000 for the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(4) improves the unemployment compensation program; or

(5) reauthorizes the trade adjustment assistance programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) AMERICA'S FARMS AND ECONOMIC INVESTMENT IN RURAL AMERICA.—

(1) FARM BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $15,000,000,000 over the period of the total of fiscal years 2008 through 2013, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) COUNTY PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION.

(a) FEDERAL PELL GRANT.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would make higher education more accessible or more affordable, which may include increasing funding for the Federal Pell Grant program or increasing Federal student loan limits, facilitate modernization of school facilities through renovation or construction bonds, reduce the cost of teachers' out-of-pocket expenses for school supplies, or provide tax incentives for highly-qualified teachers to serve in high-needs schools, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax benefits and other revenue provisions.

(b) IMPROVING EDUCATION.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust federal investment in America's infrastructure, which may include projects for transit, rail (including high-speed passenger rail), airport, seaport, public housing, energy, water, highway, bridge, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY, PRESERVE THE ENVIRONMENT, AND PROVIDE FOR CERTAIN SETTLEMENTS.

(a) ENERGY AND THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, or preserve or protect national parks, oceans, or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax legislation such as a proposal to extend for 5 years energy tax incentives like the production tax credit for electricity produced from renewable resources, the biodiesel production tax credit, or the Clean Renewable Energy Bond program, to provide a tax credit for clean burning wood stoves, a tax credit for production of cellulosic ethanol, a tax credit for plug-in hybrid vehicles, or provisions to encourage energy efficient buildings, products, and power plants. Tax legislation under this section may be paid for by adjustments to sections 167(h)(1) of the Internal Revenue Code of 1986 as it relates to integrated oil companies.

(b) SETTLEMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS AND FOR A POST 9/11 GI BILL.

(a) VETERANS AND WOUNDED SERVICEMEMBERS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans;

(2) provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents;

(3) allow for the transfer of education benefits from servicemembers to family members or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation);

(4) providing for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to such members were not retired or separated; or

(5) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas;

by the amounts provided in such legislation for those purposes, provided that such legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or third-party insurance payment offsets, and further provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) POST 9/11 GI BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which would enhance educational benefits of service members and veterans with service on active duty in the Armed Forces on or after September 11, 2001, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH.

(a) SCHIP.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children or pregnant women, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MEDICARE IMPROVEMENTS.—

(1) PHYSICIAN PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) OTHER IMPROVEMENTS TO MEDICARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this

resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare program, which may include improvements to the prescription drug benefit under Medicare Part D, adjustments to the Medicare Savings Program, and reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B, or measures to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers, by the amounts provided in such legislation for those purposes up to $10,000,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(3) ELECTRONIC PRESCRIBING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote the deployment and use of electronic prescribing technologies through financial incentives, including grants and bonus payments, and potential adjustments in the Medicare reimbursement mechanisms for physicians, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(4) RURAL EQUITY PAYMENT POLICIES.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(A) preserves existing Medicare payment provisions supporting America's rural health care delivery system; and

(B) promotes Medicare payment policies that increase access to quality health care in isolated and underserved rural areas,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(5) MEDICARE LOW-INCOME PROGRAMS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare Savings Program and the Medicare part D low-income subsidy program, which may include the provisions that—

(A) provide for an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare part D prescription drug benefit;

(B) provide for an update in the income and asset allowances under the Medicare Savings Program and provide for an annual inflationary adjustment for those allowances; and

(C) improve outreach and enrollment under the Medicare Savings Program and the Medicare part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.—

(1) COMPARATIVE EFFECTIVENESS RESEARCH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a new Federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) IMPROVING THE HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal 2008 through 2018.

(3) HEALTH INFORMATION TECHNOLOGY AND ADHERENCE TO BEST PRACTICES.—

(A) HEALTH INFORMATION TECHNOLOGY.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology, including incentives or other supports for the adoption of electronic prescribing technology, to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(B) ADHERENCE TO BEST PRACTICES.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FOOD AND DRUG ADMINISTRATION.—

(1) REGULATION.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) DRUG IMPORTATION.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) MEDICAID.—

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, so long as no provision in such bill, joint resolution, amendment, motion or conference report shall be construed as prohibiting the Secretary of Health and Human Services from promulgating or implementing any rule, action, or guidance designed to prevent fraud and protect the integrity of the Medicaid program or SCHIP or reduce inappropriate spending under such programs, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(2) TRANSITIONAL MEDICAL ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that extend the Transitional Medical Assistance program, included in title XIX of the

Social Security Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(f) OTHER IMPROVEMENTS IN HEALTH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements that provide appropriate consumer protections, and through reducing barriers to cafeteria plans;

(2) improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage;

(3) reauthorize the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes;

(4) improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources; or

(5) provide parity between heath insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) PEDIATRIC DENTAL CARE.—The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for improved access to pediatric dental care for children from low-income families, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 307. SENSE OF THE SENATE REGARDING MEDICAID ADMINISTRATIVE REGULATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to approximately 60,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) Medicaid supplements the Medicare program for about 7,500,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spends over $100,000,000,000 on uncovered Medicare services.

(4) Medicaid provides health insurance for more than one-quarter of America's children and is the largest purchaser of maternity care, paying for more than one-third of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(5) More than 21,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (64 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(6) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 47,000,000 in 2006, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions.

(9) The Bush Administration has issued several regulations that shift Medicaid cost burdens onto States and put at risk the continued availability of much-needed services. The regulations relate to Federal payments to public providers, and for graduate medical education, rehabilitation services, school-based administration, school-based transportation, optional case management services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that administrative regulations should not—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR REFORMING THE ALTERNATIVE MINIMUM TAX FOR INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reinstate the pre-1993 rates for the alternative minimum tax for individuals, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR REPEALING THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would repeal the 1993 increase in the income tax on Social Security benefits, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects; and

(4) the development of oil and natural gas resources beneath the outer Continental Shelf in areas not covered by a Presidential or Congressional moratorium.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION REFORM AND ENFORCEMENT.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in paragraphs (1) through (7), that—

(1) provide for increased border security, enforcement of immigration laws, greater staffing, and immigration reform measures;

(2) increase criminal and civil penalties against employers who hire undocumented immigrants;

(3) prohibit employers who hire undocumented immigrants from receiving Federal contracts;

(4) provide funding for the enforcement of the employer sanctions described in paragraphs (2) and (3) and other employer sanctions for hiring undocumented immigrants;

(5) deploy an appropriate number of National Guard troops to the southern or northern border of the United States provided that—

(A) the Secretary of Defense certifies that the deployment would not negatively impact the safety of American forces in Iraq and Afghanistan; and

(B) the Governor of the National Guard's home State certifies that the deployment would not have a negative impact on the safety and security of that State;

(6) evaluate the Federal, State, and local prison populations that are noncitizens in order to identify removable criminal aliens; or

(7) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND CRIMINAL ALIEN REMOVAL PROGRAMS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that funds border security, immigration enforcement, and criminal alien removal programs, including programs that—

(1) expand the zero tolerance prosecution policy for illegal entry (commonly known as "Operation Streamline") to all 20 border sectors;

(2) complete the 700 miles of pedestrian fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note);

(3) deploy up to 6,000 National Guard members to the southern border of the United States;

(4) evaluate the 27 percent of the Federal, State, and local prison populations who are noncitizens in order to identify removable criminal aliens;

(5) train and reimburse State and local law enforcement officers under Memorandums of Understanding entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or

(6) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the appropriations in the legislation described in subsection (a) would not increase the deficit over—

(1) the 6-year period comprised of fiscal years 2008 through 2013; or

(2) the 11-year period comprised of fiscal years 2008 through 2018.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE PARKS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR 3-YEAR EXTENSION OF PILOT PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removes the limit on the number of participating States under such pilot program, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution by the amounts provided in such legislation for those purposes up to $160,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR STUDYING THE EFFECT OF COOPERATION WITH LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in this subsection, that would require an assessment of the impact of local ordinances that prohibit cooperation with the Department of Homeland Security, with respect to—

(1) the effectiveness of law enforcement, success rates of criminal prosecutions, reporting of criminal activity by immigrant victims of crime, and level of public safety;

(2) changes in the number of reported incidents or complaints of racial profiling; or

(3) wrongful detention of United States Citizens and Lawful Permanent Residents.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND TO TERMINATE DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would terminate the authority to deduct certain amounts from mineral revenues payable to States under the second undesignated paragraph of the matter under the heading "ADMINISTRATIVE PROVISIONS" under the heading "MINERALS MANAGEMENT SERVICE" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND FOR THE ESTABLISHMENT OF STATE INTERNET SITES FOR THE DISCLOSURE OF INFORMATION RELATING TO PAYMENTS MADE UNDER THE STATE MEDICAID PROGRAM.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for States to disclose, through a publicly accessible Internet site, each hospital, nursing facility, outpatient surgery center, intermediate care facility for the mentally retarded, institution for mental diseases, or other institutional provider that receives payment under the State Medicaid program, the total amount paid to each such provider each fiscal year, the number of patients treated by each such provider, and the amount of dollars paid per patient to each such provider, and provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Senate Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect such legislation if any such measure would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR TRAUMATIC BRAIN INJURY.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide at least $9,000,000 for fiscal year 2009 to funds traumatic brain injury programs under sections 393A, 393B, 1252, and 1253 of the Public Health Service Act, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching

Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 321. DEFICIT-NEUTRAL RESERVE FUND FOR IMPLEMENTATION OF YELLOW RIBBON REINTEGRATION PROGRAM FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one more bills, joint resolutions, amendments, motions, or conference reports that would provide for the implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2008 through 2013.

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR REIMBURSING STATES FOR THE COSTS OF HOUSING UNDOCUMENTED CRIMINAL ALIENS.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that would reimburse States and units of local government for costs incurred to house undocumented criminal aliens, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for changing the date by which eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation under section 1414 of title 10, United States Code, is fully phased in from December 31, 2013, to September 30, 2008, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 324. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by requiring that agencies increase their use of recovery audits authorized under subchapter VI of chapter 35 of title 31, United States Code, (commonly referred to as the Erroneous Payments Recovery Act of 2001) and uses such savings to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 325. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop risk-based approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, and enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 326. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SEC. 327. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING INCOME THRESHOLD FOR REFUNDABLE CHILD TAX CREDIT TO $10,000 WITH NO INFLATION ADJUSTMENT.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would reduce the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 for taxable years 2009 and 2010 with no inflation adjustment, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 328. SENSE OF THE SENATE REGARDING THE DIVERSION OF FUNDS SET ASIDE FOR USPTO.

It is the sense of the Senate that none of the funds recommended by this resolution, or appropriated or otherwise made available under any other Act, to the United States Patent and Trademark Office shall be diverted, redirected, transferred, or used for any other purpose than for which such funds were intended.

SEC. 329. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION REFORM.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote flexibility in existing Federal education programs, restore State and local authority in education, ensure that public schools are held accountable for results to parents and the public, and prevent discrimination against homeschoolers, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 330. DEFICIT-NEUTRAL RESERVE FUND FOR PROCESSING NATURALIZATION APPLICATIONS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the adjudication of name check and security clearances by October 1, 2008 by the Federal Bureau of Investigations for individuals who have submitted or submit applications for naturalization before March 1, 2008 or provide for the adjudication of applications, including the interviewing and swearing-in of applicants, by October 1, 2008 by the Department of Homeland Security/U.S. Citizenship and Immigration Services for individuals who apply or have applied for naturalization before March 1, 2008, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 331. DEFICIT-NEUTRAL RESERVE FUND FOR ACCESS TO QUALITY AND AFFORDABLE HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) promotes choice and competition to drive down costs and improve access to health care for all Americans without increasing taxes;

(2) strengthens health care quality by promoting wellness and empowering consumers with accurate and comprehensive information on quality and cost;

(3) protects Americans' economic security from catastrophic events by expanding insurance options and improving health insurance portability; and

(4) promotes the advanced research and development of new treatments and cures to enhance health care quality;

if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 332. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

If the Chairman of the Senate Committee on Health, Education, Labor, and Pensions reports out legislation to establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks, and if the Committee on Health, Education, Labor, and Pensions makes a finding that previously spent World Trade Center Health Program funds were used to provide screening, monitoring and treatment services, and directly related program support, the Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 333. DEFICIT-NEUTRAL RESERVE FUND TO BAN MEDICARE ADVANTAGE AND PRESCRIPTION DRUG PLAN SALES AND MARKETING ABUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would limit inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting any or all of the recommendations agreed to by leaders of the health insurance industry on March 3, 2008, including prohibitions on cold calling and telephone solicitations for in-home sales appointments with Medicare beneficiaries, free meals and inducements at sales events, cross-selling of non-health products, and up-selling of Medicare insurance products without prior consent of beneficiaries, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 334. SENSE OF THE SENATE REGARDING EXTENDING THE "MOVING TO WORK AGREEMENT" BETWEEN THE PHILADELPHIA HOUSING AUTHORITY AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE SAME TERMS AND CONDITIONS FOR A PERIOD OF ONE YEAR.

(a) FINDINGS.—The Senate makes the following findings:

(1) The current "Moving to Work Agreement" between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development is set to expire on March 31, 2008.

(2) The Philadelphia Housing Authority has used this agreement to leverage private and public resources to develop mixed-income communities that address the needs of the very poor while reshaping entire communities, and estimates that it will lose $50,000,000 as a result of the agreement expiring.

(3) The U.S. Department of Housing and Urban Development has refused to grant Philadelphia Housing Authority a 1-year extension of its current agreement under the same terms and conditions.

(4) The U.S. Department of Housing and Urban Development alleges that Philadelphia Housing Authority is in violation of fair housing requirements.

(5) The Philadelphia Housing Authority denies this assertion and is challenging the matter in Federal District Court.

(6) That there is a suspicion of retaliation with regard to the U.S. Department of Housing and Urban Development's refusal to grant a one-year extension of Philadelphia Housing Authorities current agreement under the same terms and conditions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it was discovered that two senior level officials at the U.S. Department of Housing and Urban Development had the following email exchange, referring to Philadelphia Housing Authority Executive Director Carl R. Greene—

(1) Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, "Would you like me to make his life less happy? If so, how?"

(2) Assistant Secretary for Fair Housing and Equal Opportunity Kim Kendrick wrote, "Take away all of his Federal dollars?"

(3) Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, "Let me look into that possibility."

(A) That these emails were the subject of questioning by Senator CASEY to U.S. Department of Housing and Urban Development Secretary Alphonso Jackson at a March 12, 2008 hearing before the Senate Committee on Banking, Housing and Urban Affairs; and by Senator SPECTER to Secretary Jackson at a March 13, 2008 hearing before the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development and Related Agencies.

(B) That the Philadelphia Housing Authority's allegation of retaliation appears to be substantiated by these newly discovered emails.

(C) That the expiration of the current agreement is imminent and will negatively impact 84,000 low-income residents of Philadelphia.

(4) It is the sense of the Senate that Philadelphia Housing Authority should be granted a one-year extension of its "Moving to Work Agreement" with the U.S. Department of Housing and Urban Development under the same terms and conditions as the current agreement.

SEC. 335. SENSE OF THE SENATE REGARDING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

(a) FINDINGS.—The Senate finds that—

(1) On January 26, 1996, the House of Representatives passed H.J. Res. 1, the Balanced Budget Amendment to the Constitution of the United States, by the necessary two-thirds majority (300–132);

(2) On June 6, 1996, the Senate fell three votes short of the two-thirds majority vote needed to pass the Balanced Budget Amendment; and

(3) Since the House of Representatives and Senate last voted on the Balanced Budget Amendment, the debt held by the public has grown from $3,700,000,000,000 to more than $5,000,000,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that a Balanced Budget Amendment to the Constitution of the United States should be voted on at earliest opportunity.

SEC. 336. SENSE OF THE SENATE REGARDING THE NEED FOR COMPREHENSIVE LEGISLATION TO LEGALIZE THE IMPORTATION OF PRESCRIPTION DRUGS FROM HIGHLY INDUSTRIALIZED COUNTRIES WITH SAFE PHARMACEUTICAL INFRASTRUCTURES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is the world's largest market for pharmaceuticals, yet consumers still pay the world's highest prices.

(2) In 2000, Congress took action to legalize the importation of prescription drugs from other countries by United States wholesalers and pharmacists, and before such a program can go into effect, the Secretary of Health and Human Services (HHS) must certify that the program would have no adverse impact on safety and that it would reduce costs for American consumers.

(3) Since 2000, no Secretary of HHS has made the certification required to permit the implementation of a program for importation of prescription drugs.

(4) In July 2006, the Senate approved by a vote of 68–32 an amendment to the Department of Homeland Security Appropriations Act, 2007, that prohibits Customs and Border Protection from preventing individuals not in the business of importing prescription drugs from carrying them across the border with Canada.

(5) In July 2007, the Senate adopted language similar to the 2007 amendment in the Department of Homeland Security Appropriations Act, 2008.

(6) In October 2007, the Senate adopted language in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008, that prohibits anti-reimportation activities within HHS.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the leadership of the Senate should bring to the floor for full debate in 2008 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures and creates a regulatory pathway to ensure that such drugs are safe;

(2) such legislation should be given an up or down vote on the floor of the Senate; and

(3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate's strong support for passage of comprehensive importation legislation.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3221

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that at 2:15 p.m., Tuesday, April 1, the Senate proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 3221; that the motion to reconsider be agreed to; further, that the time until 2:30 p.m. be equally divided and controlled between the two leaders with the majority leader controlling the final 7½ minutes; that at 2:30 p.m, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 3221.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1974

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order of December 19, 2007, with respect to S. 1974, be vitiated and that S. 1974 remain at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MAJORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. WHITEHOUSE. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 492) amending the majority party's membership on the Select Committee on Ethics for the remainder of the 110th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 492) was agreed to, as follows:

S. RES. 492

Resolved, That Senate Resolution 27 (110th Congress) is amended, effective January 1, 2008, by striking all from "ETHICS:" through "72a-1f" and inserting "ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Salazar".

WORLD WATER DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 478, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 478) supporting the goals and ideals of "World Water Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 478) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 478

Whereas the United Nations General Assembly, via resolution, has designated March 22 of each year as World Water Day;

Whereas a person needs 4 to 5 liters of water per day to survive;

Whereas a person can live weeks without food, but only days without water;

Whereas every 15 seconds a child dies from a water-borne disease;

Whereas, for children under age 5, water-borne diseases are the leading cause of death;

Whereas millions of women and children spend several hours a day collecting water from distant, often polluted sources;

Whereas every dollar spent on water and sanitation saves on average $9 in costs averted and productivity gained;

Whereas, at any given time, ½ of the world's hospital beds are occupied by patients suffering from a water-borne disease;

Whereas 88 percent of all diseases are caused by unsafe drinking water, inadequate sanitation, and poor hygiene;

Whereas 1,100,000,000 (1 in 6) people lack access to an improved water supply;

Whereas 2,600,000,000 people in the world lack access to improved sanitation;

Whereas the global celebration of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro;

Whereas the participants in the 2002 World Summit on Sustainable Development in Johannesburg, including the United States, agreed to the Plan of Implementation which included an agreement to work to reduce by ½ from the baseline year 1990 "the proportion of people who are unable to reach or to afford safe drinking water", "and the proportion of people without access to basic sanitation" by 2015; and

Whereas Congress passed and the President signed into law the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121), which was intended to "elevate the role of water and sanitation policy in the development of U.S. foreign policy and improve the effectiveness of U.S. official programs": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "World Water Day";

(2) urges an increased effort and the investment of greater resources by the Department of State, the United States Agency for International Development, and all relevant Federal departments and agencies toward providing sustainable and equitable access to safe drinking water and sanitation for the poor and the very poor; and

(3) encourages the people of the United States to observe the week with appropriate activities that promote awareness of the importance of access to clean water.

NATIONAL CEREBRAL PALSY AWARENESS DAY

Mr. WHITEHOUSE. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 484 and that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 484) designating March 25, 2008, as "National Cerebral Palsy Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 484) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 484

Whereas cerebral palsy is any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, usually occurring during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children are born with cerebral palsy, although it may not be detected until months or years later;

Whereas 75 percent of individuals with cerebral palsy also have 1 or more additional developmental disabilities including epilepsy, intellectual disability, autism and visual impairments, or blindness;

Whereas the Centers for Disease Control and Prevention recently released information indicating an increase in the prevalence of cerebral palsy and that the rate is now about 1 in 278 children;

Whereas 800,000 Americans are affected by cerebral palsy;

Whereas, while there is no current cure for cerebral palsy, some treatment will often improve a child's capabilities and scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2008, as "National Cerebral Palsy Awareness Day";

(2) recognizes that all people of the United States should become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

ORDERS FOR TUESDAY, APRIL 1, 2008

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, April 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; further, I ask that at 12:30 p.m., the Senate recess until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. As a reminder, at approximately 2:30 p.m. tomorrow, the Senate will vote on the motion to invoke cloture on the motion to proceed to H.R. 3221, the housing legislation.

RECESS UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I now ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 5:39 p.m., recessed until Tuesday, April 1, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SECURITIES AND EXCHANGE COMMISSION

ELISSE WALTER, OF MARYLAND, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2012, VICE ANNETTE L. NAZARETH, TERM EXPIRED.

LUIS AGUILAR, OF GEORGIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2010, VICE ROEL C. CAMPOS, RESIGNED.

DEPARTMENT OF COMMERCE

CHRISTOPHER R. WALL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE CHRISTOPHER A. PADILLA.

LILY FU CLAFFEE, OF ILLINOIS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE JOHN J. SULLIVAN.

DEPARTMENT OF TRANSPORTATION

TYLER D. DUVALL, OF VIRGINIA, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY, VICE JEFFREY SHANE, RESIGNED.

DEPARTMENT OF THE INTERIOR

KAMERAN L. ONLEY, OF WASHINGTON, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE MARK A. LIMBAUGH.

EXECUTIVE OFFICE OF THE PRESIDENT

A. ELLEN TERPSTRA, OF NEW YORK, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RICHARD T. CROWDER.

INTER-AMERICAN DEVELOPMENT BANK

MIGUEL R. SAN JUAN, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS, VICE HECTOR E. MORALES, TERM EXPIRED.

DEPARTMENT OF STATE

PHILIP THOMAS REEKER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MACEDONIA.

ROBERT STEPHEN BEECROFT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CONSTANCE S. BARKER, OF ALABAMA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011, VICE CARI M. DOMINGUEZ, RESIGNED.

NATIONAL COUNCIL ON DISABILITY

ANNE RADER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010. (REAPPOINTMENT)

KATHERINE O. MCCARY, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009, VICE MILTON APONTE, TERM EXPIRED.

LISA MATTHEISS, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010. (REAPPOINTMENT)

JOHN H. HAGER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009, VICE ROBERT DAVILA, TERM EXPIRED.

MARVIN G. FIFIELD, OF UTAH, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011. (REAPPOINTMENT)

MARVIN G. FIFIELD, OF UTAH, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008, VICE GRAHAM HILL, TERM EXPIRED.

KRISTEN COX, OF UTAH, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009, VICE LINDA WETTERS, TERM EXPIRED.

CHAD COLLEY, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010. (REAPPOINTMENT)

VICTORIA RAY CARLSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010. (REAPPOINTMENT)

TONY J. WILLIAMS, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009, VICE YOUNG WOO KANG, TERM EXPIRED.

JOHN R. VAUGHN, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010. (REAPPOINTMENT)

RENEE L. TYREE, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009, VICE KATHLEEN MARTINEZ, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL E. LEITER, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE JOHN S. REDD, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL WILLIAM J. BENDER
COLONEL BRYAN J. BENSON
COLONEL CHRISTOPHER C. BOGDAN
COLONEL DARRYL W. BURKE
COLONEL JOSEPH T. CALLAHAN III
COLONEL MICHAEL J. CAREY
COLONEL JOHN B. COOPER
COLONEL SAMUEL D. COX
COLONEL TERESA A. H. DJURIC
COLONEL CARLTON D. EVERHART II
COLONEL TERRENCE A. FEEHAN
COLONEL SAMUEL A. R. GREAVES
COLONEL RUSSELL J. HANDY
COLONEL SCOTT M. HANSON
COLONEL VERALINN JAMIESON
COLONEL JEFFREY G. LOFGREN
COLONEL EARL D. MATTHEWS
COLONEL KURT F. NEUBAUER
COLONEL ROBERT C. NOLAN II
COLONEL CRAIG S. OLSON
COLONEL JOHN R. RANCK, JR.
COLONEL DARRYL L. ROBERSON
COLONEL JEFFRY F. SMITH
COLONEL JOHN F. THOMPSON
COLONEL GREGORY J. TOUHILL
COLONEL THOMAS J. TRASK
COLONEL JOSEPH S. WARD, JR.
COLONEL SCOTT D. WEST
COLONEL TIMOTHY M. ZADALIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

BRIG. GEN. PATRICK J. O'REILLY

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN DOUGLASS T. BIESEL
CAPTAIN BARRY L. BRUNER
CAPTAIN JERRY K. BURROUGHS
CAPTAIN JAMES D. CLOYD
CAPTAIN THOMAS A. CROPPER
CAPTAIN DENNIS E. FITZPATRICK
CAPTAIN MICHAEL T. FRANKEN
CAPTAIN BRADLEY R. GEHRKE
CAPTAIN ROBERT P. GIRRIER
CAPTAIN PAUL A. GROSKLAGS
CAPTAIN SINCLAIR M. HARRIS
CAPTAIN MARGARET D. KLEIN
CAPTAIN TERRY B. KRAFT
CAPTAIN PATRICK J. LORGE
CAPTAIN BRAIN L. LOSEY
CAPTAIN MICHAEL E. MCLAUGHLIN
CAPTAIN WILLIAM F. MORAN
CAPTAIN SAMUEL PEREZ, JR.
CAPTAIN JAMES J. SHANNON
CAPTAIN CLIFFORD S. SHARPE
CAPTAIN TROY M. SHOEMAKER
CAPTAIN DIXON R. SMITH
CAPTAIN ROBERT L. THOMAS, JR.
CAPTAIN DOUGLAS J. VENLET

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID F. BAUCOM
CAPT. VINCENT L. GRIFFITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID C. JOHNSON
CAPT. THOMAS J. MOORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DONALD E. GADDIS
CAPT. MAUDE E. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL H. ANDERSON
CAPT. WILLIAM R. KISER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. NORMAN R. HAYES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CYNTHIA A. COVELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM E. LEIGHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ELIZABETH S. NIEMYER

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

DAVID L. BABCOCK
DAVID P. BACZEWSKI
MARK B. BAHOSH
SUSAN L. BAILAR
JEFFREY A. BAILEY
STEVEN M. BALSER
SCOTT J. BARBERIDES
GREGORY O. BATES
KAREN K. BENCE
VERNON P. BENNETT
GRANT V. BERGGREN
SAMUEL W. BLACK
PAUL F. BLANZY
ALLEN D. BOLTON
AARON J. BOOHER
MARK A. BOWER
MICHAEL E. CHENEY
DANIEL B. CLARK
LLOYD D. COKER
PAMELA J. COMBS
GILBERTO CUEVASGERENA
MARK G. DAVIS
WILLIAM D. DEHAES
DONALD A. DELPORTO
WILLIAM D. DOCKERY, JR.
ANDREW J. DONNELLY
DANIEL G. EAGAN
HOWARD L. EISSLER
MICHAEL S. FARRELL
TODD A. FREESEMANN
DONALD A. FURLAND
GREGORY A. GARDNER
RANDY E. GREENWOOD
THOMAS W. GROSS
EDWARD J. GUNNING, JR.
PHILLIP W. GUY
SHANE A. HALBROOK
KATHLEEN M. HANCOX
JANET S. HANSON
FREDERIK G. HARTWIG
WARREN H. HURST, JR.
THOMAS W. JACKMAN, JR.
PAMELA A. JACKSON
CLIFFORD N. JAMES
GARY M. JAMES
DONALD L. JOHNSON
THOMAS J. KENNETT
PAUL K. KINGSLEY
STEVEN J. KONIE
THOMAS J. KRZYMINSKI
JILL A. LANNAN
ANTHONY M. LASURE
MARK J. LEINGANG
ROBERT L. LIENEMANN
ERIC W. LIND
JAMES V. LOCKE
WILLIAM J. LONG
CORY H. LYMAN
STEPHEN J. MAHER
MARK C. MALY
MICHAEL H. MANGEN
GERARD J. MANGIS III
ERIC W. MANN
STEPHEN E. MARKOVICH
FLORENCIO E. MARQUINEZ, JR.
SIDNEY N. MARTIN
MARK A. MCCAULEY

MARK MCGRATH
ROBERT J. MCGRATH, JR.
DEAN P. MCLAIN
MICHAEL A. MEYERS
DAVID J. MILES
DAVID H. MOLINARO
CHARLES S. MONROE
KERRY L. MUEHLENBECK
RANDALL D. MYERS
JACQUELINE A. NAVE
TREVOR O. NOEL
TIMOTHY J. OLSON
RICHARD C. OXNER, JR.
ROBERT PARK
THOMAS C. PATTON
RANDAL S. POPE
DOUGLAS N. PRESTON, JR.
DAISY RALDIRIS
CORY K. REID
WILLIAM B. RICHY
WADE D. RUPPER
CHRIS R. RYAN
BRADEN K. SAKAI
EDWARD A. SAULEY III
KEITH A. SCHELL
GREGORY N. SCHNULO
LUDWIG J. SCHUMACHER
GREG ANDREW SEMMEL
PETER J. SEPE
MARK SHEEHAN
RANDALL A. SPEAR, JR.
RONALD C. STAMPS
GREGORY E. STRICKLAND
CORY T. STROBEL
FRANCINE I. SWAN
ROSS A. SWEZEY
RENEE M. TATRO
KURT R. TEK
DAVID T. TENLEN
SAM E. THOMAS, JR.
KEVIN M. WALSH
MICHAEL P. WARD
STEVEN C. WARREN
BARTON W. WELKER
RONALD W. WILSON
WALTER R. WINGARD
ANDREW I. WOLKSTEIN
JORDAN A. WOMMACK
DEVIN R. WOODEN
ARTHUR P. WUNDER
WAYNE A. ZIMMET

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B) AND 4336(A):

To be colonel

BARRY L. SHOOP

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIAN J. CHAPURAN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

GREGORY T. REPPAS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

VANESSA M. MEYER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

THOMAS E. DURHAM
DANIEL P. MASSEY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

CHARLES L. GARBARINO

To be lieutenant colonel

CHARLES R. PATTAN

To be major

JUAN GARRASTEGUI

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MILTON M. ONG

To be major

MATTHEW S. MOWER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

CRAIG A. MYATT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

AARON J. BEATTIE IV

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

KRISTIAN E. LEWIS
MARK Y. LIU
LUTHER P. MARTIN

HOUSE OF REPRESENTATIVES—*Monday, March 31, 2008*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. JONES of Ohio).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 31, 2008.

I hereby appoint the Honorable STEPHANIE TUBBS JONES to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God ever faithful to Your promises, You invite us as a Nation to place our trust in You. Be present to all the Members of the House of Representatives as they gather for the spring session of the 110th Congress of the United States of America.

Spring blossoms, baseball, fair weather, and many more young visitors are signs of new life in the Nation's Capital. They bring surprising goodness and renewed energy; and we are grateful. May the work of this Congress protect and guide this Nation as it grows in stability, in integrity, and greatness.

Lord, we truly believe that by Your Word, You can breathe forth promise, and that the barren wood can bear fruit that will last now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Utah (Mr. BISHOP) come forward and lead the House in the Pledge of Allegiance.

Mr. BISHOP of Utah led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 70. Concurrent Resolution setting forth the congressional budget for the United States government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

GEORGIA SCHOOL FOR THE DEAF FOOTBALL TEAM

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today to congratulate the Georgia School for the Deaf's football team on winning the 2007 National Eight-Man Deaf Prep Football Championship. It's located in the heart of Cave Spring, Georgia, Floyd County, in my 11th District. The school has now won three national football titles since it was established in 1846, almost 160 years ago. This year's team finished the season with an outstanding 7 and 1 record, and they defeated schools from six other States.

Madam Speaker, the Tigers exhibited dedication, teamwork, and perseverance all season long, and it certainly paid off. I want to congratulate their Athletic Director and Head Football Coach, Erik Whitworth; his Assistant Coaches, Sidney Sharp, David Conti, Eugene Neal, B.B. Chubb, and Shawn Self, as well as the entire Tiger football team on a great season. Four of the team members, Patrick Bryant, Andy Sugg, Timothy Simmons, and Andrew Henderson were all selected as members of the All American Deaf Football Team.

Madam Speaker, all of these athletes have brought much pride to Georgia, to the School for the Deaf, and the entire State, and I ask you to join me in celebrating their accomplishment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

GULF OF THE FARALLONES AND CORDELL BANK NATIONAL MARINE SANCTUARIES BOUNDARY MODIFICATION AND PROTECTION ACT

Mr. KENNEDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1187) to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Gulf of the Farallones extends approximately 100 miles along the coast of Marin and Sonoma counties of northern California. It includes approximately one-half of California's nesting seabirds, rich benthic marine life on hard-rock substrate, prolific fisheries, and substantial concentrations of resident and seasonally migratory marine mammals.

(2) Cordell Bank is adjacent to the Gulf of the Farallones and is a submerged island with spectacular, unique, and nationally significant marine environments.

(3) These marine environments have national and international significance, exceed the biological productivity of tropical rain forests, and support high levels of biological diversity.

(4) These biological communities are easily susceptible to damage from human activities, and must be properly conserved for themselves and to protect the economic viability of their contribution to national and regional economies.

(5) The Gulf of Farallones and Cordell Bank include some of the Nation's richest fishing grounds, supporting important commercial and recreational fisheries. These fisheries are regulated by State and Federal fishery agencies and are supported and fostered through protection of the waters and habitats of Gulf of the Farallones National Marine Sanctuary and Cordell Bank National Marine Sanctuary.

(6) The report of the Commission on Ocean Policy established by Public Law 106–256 calls for comprehensive protection for the most productive ocean environments and recommends that they be managed as ecosystems.

(7) New scientific discoveries by the National Marine Sanctuary Program support comprehensive protection for these marine environments by broadening the geographic scope of the existing Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(8) Cordell Bank is at the nexus of an ocean upwelling system, which produces the highest biomass concentrations on the west coast of the United States.

SEC. 3. POLICY AND PURPOSE.

(a) POLICY.—It is the policy of the United States in this Act to protect and preserve living and other resources of the Gulf of the Farallones and Cordell Bank marine environments.

(b) PURPOSE.—The purposes of this Act are the following:

(1) To extend the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary to the areas described in section 5.

(2) To strengthen the protections that apply in the Sanctuaries.

(3) To educate and interpret for the public the ecological value and national importance of those marine environments.

(4) To manage human uses of the Sanctuaries under this Act and the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

(c) EFFECT ON FISHING ACTIVITIES.—Nothing in this Act is intended to alter any existing authorities regarding the conduct and location of fishing activities in the Sanctuaries.

SEC. 4. DEFINITIONS.

In this Act:

(1) MARICULTURE.—The term "mariculture" means the propagation or rearing of aquatic organisms in controlled or selected aquatic environments for any commercial, recreational, or public purpose.

(2) CORDELL BANK NMS.—The term "Cordell Bank NMS" means the Cordell Bank National Marine Sanctuary.

(3) FARALLONES NMS.—The term "Farallones NMS" means the Gulf of the Farallones National Marine Sanctuary.

(4) SANCTUARIES.—The term "Sanctuaries" means the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, as expanded by section 5.

(5) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 5. NATIONAL MARINE SANCTUARY BOUNDARY ADJUSTMENTS.

(a) GULF OF THE FARALLONES.—

(1) BOUNDARY ADJUSTMENT.—The areas described in paragraph (2) are added to the existing Gulf of the Farallones National Marine Sanctuary described in part 922.80 of title 15, Code of Federal Regulations.

(2) AREAS INCLUDED.—

(A) IN GENERAL.—The areas referred to in paragraph (1) consist of the following:

(i) All submerged lands and waters, including living marine and other resources within and on those lands and waters, from the mean high water line to the boundary described in subparagraph (B).

(ii) The submerged lands and waters, including living marine and other resources within those waters, within the approximately two-square-nautical-mile portion of the Cordell Bank NMS (as in effect immediately before the enactment of this Act) that is located south of the area that is added to Cordell Bank NMS by subsection (b)(2), which are transferred to the Farallones NMS from the Cordell Bank NMS.

(B) BOUNDARY DESCRIBED.—The boundary referred to in subparagraph (A)(i) commences from the mean high water line (MHWL) at 39.00000 degrees north in a westward direction approximately 29 nautical miles (nm) to 39.00000 north, 124.33333 west. The boundary then extends in a southeasterly direction to 38.30000 degrees north, 124.00000 degrees west, approximately 44 nm westward of Bodega Head. The boundary then extends eastward to the most northeastern corner of the expanded Cordell Bank NMS at 38.30000 north, 123.20000 degrees west, approximately 6 nm miles westward of Bodega Head. The boundary then extends in a southeasterly direction to 38.26500 degrees north, 123.18166 degrees west at the northwestern most point of the current Gulf of the Farallones Boundary. The boundary then follows the current northern Gulf of the Farallones NMS boundary in a northeasterly direction to the MHWL near Bodega Head. The boundary then follows the MHWL in a northeasterly direction to the commencement point at the intersection of the MHWL and 39.00000 north. Coordinates listed in this subparagraph are based on the North American Datum 1983 and the geographic projection.

(b) CORDELL BANK.—

(1) BOUNDARY ADJUSTMENT.—The area described in paragraph (2) is added to the existing Cordell Bank National Marine Sanctuary described in part 922.80 of title 15, Code of Federal Regulations.

(2) AREA INCLUDED.—

(A) IN GENERAL.—The area referred to in paragraph (1) consists of all submerged lands and waters, including living marine and other resources within those waters, within the boundary described in subparagraph (B).

(B) BOUNDARY.—The boundary referred to in subparagraph (A) commences at the most northeastern point of the current Cordell Bank NMS boundary at 38.26500 degrees north, 123.18166 degrees west and extends northwestward to 38.30000 degrees north, 123.20000 degrees west, approximately 6 nautical miles (nm) west of Bodega Head. The boundary then extends westward to 38.30000 degrees north, 124.00000 degrees west, approximately 44 nautical miles west of Bodega Head. The boundary then turns southeastward and continues approximately 34 nautical miles to 37.76687 degrees north, 123.75142 degrees west, and then approximately 15 nm eastward to 37.76687 north, 123.42694 west at an intersection with the current Cordell Bank NMS boundary. The boundary then follows the current Cordell Bank NMS, which is coterminous with the current Gulf of the Farallones boundary, in a northeasterly and the northwesterly direction to its commencement point at 38.26500 degrees north, 123.18166 degrees west. Coordinates listed in this subparagraph are based on NAD83 Datum and the geographic projection.

(c) INCLUSION IN THE SYSTEM.—The areas included in the Sanctuaries under subsections (a) and (b) shall be managed as part of the National Marine Sanctuary System, established by section 301(c) of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)), in accordance with that Act.

(d) UPDATED NOAA CHARTS.—The Secretary shall—

(1) produce updated National Oceanic and Atmospheric Administration nautical charts for the areas in which the Sanctuaries are located; and

(2) include on those nautical charts the boundaries of the Sanctuaries, as revised by this Act.

(e) BOUNDARY ADJUSTMENTS.—In producing revised nautical charts as directed by subsection (d) and in describing the boundaries in regulations issued by the Secretary, the Secretary may make technical modifications to the boundaries described in this section for clarity and ease of identification, as appropriate.

SEC. 6. PROHIBITION OF OIL AND GAS LEASING AND PERMITTING.

No lease or permit may be issued that authorizes exploration, development, production, or transporting by pipeline of minerals or hydrocarbons within the Sanctuaries.

SEC. 7. MANAGEMENT PLANS AND REGULATIONS.

(a) INTERIM PLAN.—The Secretary shall complete an interim supplemental management plan for the Sanctuaries by not later than 24 months after the date of enactment of this Act, that focuses on management in the areas added to the Sanctuaries under this Act. The Secretary shall ensure that the supplemental plan does not weaken existing resource protections.

(b) REVISED PLANS.—The Secretary shall issue a revised comprehensive management plan for the Sanctuaries during the first management review initiated after the date of the enactment of this Act under section 304(e) of the National Marine Sanctuaries Act (16 U.S.C. 1434(e)) for the Sanctuaries, and issue such final regulations as may be necessary.

(c) APPLICATION OF EXISTING REGULATIONS.—The regulations for the Gulf of the Farallones National Marine Sanctuary (15 C.F.R. 922, subpart H) and the Cordell Bank National Marine Sanctuary (15 C.F.R. 922, subpart K), including any changes made as a result of a joint management plan review for the Sanctuaries conducted pursuant to section 304(e) of the National Marine Sanctuaries Act (16 U.S.C. 1434(e)), shall apply to the areas added to each Sanctuary, respectively, under section 5 until the Secretary modifies such regulations in accordance with subsection (d) of this section.

(d) REVISED REGULATIONS.—

(1) IN GENERAL.—The Secretary shall carry out an assessment of necessary revisions to the regulations for the Sanctuaries in a manner that ensures the protection of the resources of the Sanctuaries consistent with the purposes and policies of the National Marine Sanctuaries Act and the goals and objectives for the new areas added to each sanctuary under section 5 of this Act. The assessment and any corresponding regulatory changes shall be complete within 24 months of the date of enactment of this Act.

(2) REGULATION OF SPECIFIC ACTIVITIES.—In revising the regulations for the Sanctuaries pursuant to this subsection, the Secretary shall consider appropriate regulations for the following activities:

(A) The deposit or release of introduced species.

(B) The alteration of stream and river drainage into the Sanctuaries.

(C) Mariculture operations in the Sanctuaries.

(3) CONSIDERATIONS.—In revising the regulations for the Sanctuaries pursuant to this subsection, the Secretary shall consider exempting from further regulation under the National Marine Sanctuaries Act and this Act discharges that are permitted under a National Pollution Discharge Elimination System permit in effect on the date of enactment of this Act, or under a new or renewed National Pollution Discharge Elimination System permit that does not increase pollution in the Sanctuaries and that originates—

(A) in the Russian River Watershed outside the boundaries of the Gulf of the Farallones National Marine Sanctuary; or

(B) from the Bodega Marine Laboratory.

(e) CONTENTS OF PLANS.—Revisions to each comprehensive management plan under this section shall, in addition to matters required under section 304(a)(2) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(A)(2))—

(1) facilitate all appropriate public and private uses of the national marine sanctuary to which each respective plan applies consistent with the primary objective of sanctuary resource protection;

(2) establish temporal and geographical zoning if necessary to ensure protection of sanctuary resources;

(3) identify priority needs for research that will—

(A) improve management of the Sanctuaries;

(B) diminish threats to the health of the ecosystems in the Sanctuaries; or

(C) fulfill both of subparagraphs (A) and (B);

(4) establish a long-term ecological monitoring program and database, including the development and implementation of a resource information system to disseminate information on the Sanctuaries' ecosystem, history, culture, and management;

(5) identify alternative sources of funding needed to fully implement the plan's provisions and supplement appropriations under section 313 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444);

(6) ensure coordination and cooperation between sanctuary superintendents and other Federal, State, and local authorities with jurisdiction over areas within or adjacent to the Sanctuaries to deal with issues affecting the Sanctuaries, including surface water run-off, stream and river drainages, and navigation;

(7) in the case of revisions to the plan for the Farallones NMS, promote cooperation with farmers and ranchers operating in the watersheds adjacent to the Farallones NMS and establish voluntary best management practices programs;

(8) promote cooperative and educational programs with fishing vessel operators and crews operating in the waters of the Sanctuaries, and, whenever possible, include individuals who engage in fishing and their vessels in cooperative research, assessment, and monitoring programs and educational programs to promote sustainable fisheries, conservation of resources, and navigational safety; and

(9) promote education and public awareness, among users of the Sanctuaries, about the need for marine resource conservation and safe navigation and marine transportation.

(f) PUBLIC PARTICIPATION.—The Secretary shall provide for participation by the general public in the revision of the comprehensive management plans and relevant regulations under this section.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $3,000,000 to carry out this Act for each of fiscal years 2009 through 2013, other than for construction and acquisition projects; and

(2) $3,500,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2013 for construction and acquisition projects related to the Sanctuaries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Rhode Island.

GENERAL LEAVE

Mr. KENNEDY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. KENNEDY. Madam Speaker, I yield myself such time as I may consume.

H.R. 1187, the Gulf of Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act was introduced by our colleague from California (Ms. WOOLSEY) and is cosponsored by 51 additional Members. This bill would expand the Gulf of Farallones and Cordell Bank National Marine Sanctuaries to protect and preserve an additional 1,739 square nautical miles to the marine environment due north and west of the existing sanctuaries. These additions would protect virtually the entire upwelling region, which is critical to the ecosystem's productivity, particularly the health of many valuable commercial and recreational fisheries in the area.

I ask Members on both sides to support the passage of this important legislation.

I reserve the balance of my time.

Mr. BISHOP of Utah. I rise in opposition to this legislation. This legislation would double the size of two of the marine sanctuaries off the coast of California, adding approximately 1,200 square miles and almost 100 miles of coastline, and with little or absolutely no public comment. Moreover, this is happening at the very same time that the management plans for the two sanctuaries are being reviewed by the National Oceanic and Atmospheric Administration, or NOAA. NOAA could have considered this expansion during the ongoing process, but it did not because it considered the expansion to be complicated and something that would require effort, analysis, and public input. This legislation ignores the need for public comment on a very complicated expansion.

The entire intent of this legislation could be accomplished through public process that already exists. But, unfortunately, Congress can't wait to hear from the people. It is sad that the citizens of California, who are most affected by this legislation, will not have the opportunity to comment on this expansion in the normal statutory public comment process.

Again, I reluctantly oppose this legislation.

I reserve the balance of my time.

Mr. KENNEDY. Well, I think that we should hear really from the person most knowledgeable about this legislation, the author of this, Representative WOOLSEY, to whom I now yield the balance of our time.

Ms. WOOLSEY. Thank you, Mr. Chairman and Mr. Ranking Member.

I would like to respond quickly to the "no public review." This bill has been subject to over 3 years of public review. It first faced public scrutiny at a public hearing that I hosted in August of 2004, in Sonoma County, was attended by the Director of the Marine Sanctuary Program, marine scientists, fishermen, and a standing room-only crowd of public who were interested.

It has been reviewed and endorsed by both the Sanctuary Advisory Committees, the bodies who initiate sanctuary regulations; the California Coastal Commission, the State Lands Commission, and the Supervisors of Marin, Sonoma, San Francisco, and Mendocino Counties, and many, many of our City Councils. All of these meetings were noticed, all of them were open to public comment.

The bill also received a hearing before the Oceans Subcommittee, and has gone through committee and subcommittee markup. So thank you for bringing that up so I could clarify that, Mr. Ranking Member.

Madam Speaker, my district, just across the Golden Gate Bridge, north of San Francisco, includes all of Marin and most of Sonoma Counties, where we are blessed with many environmental treasures. In fact, it is one of the most beautiful places on earth. I don't say that just because I am the Congresswoman from that area. It is beautiful.

One of the reasons for this source of beauty and our great pride is our pristine coastline and the Pacific Ocean that lies beyond it. An area this unique must be protected by the full power of our conservation laws.

□ 1415

That is why I am pleased that H.R. 1187, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act, is here before us today.

H.R. 1187 will expand the boundaries of two existing marine sanctuaries in order to more fully protect a unique upwelling system, which is one of only four in the world. This system provides a nutrient rich environment for fish and all other types of marine life.

Upwelling is a process where deep, cold, nutrient-rich waters rise into warmer waters, bringing with it an abundance of food to support a variety of marine life. Actually this area is so special and it is so productive that it comprises only 1 percent of the ocean, but produces 20 percent of the world's fish. This in turn supports 36 species of marine mammals, including whales, elephant seals, sea lions, and other seals.

But it is not only marine mammals who feast on the abundance of fish. The waters off the Sonoma and Mendocino County coasts support fleets of fishermen. That is why I worked so closely with the Pacific Coast Federation of Fishing Associations, the PCFFA, in carefully crafting this bill.

Fishermen have had a good relationship with the Gulf of the Farallones and the Cordell Bank National Marine Sanctuary for over 20 years because they respect that good stewardship of our oceans produces better catches. H.R. 1187 will serve to strengthen this partnership for years and years to come.

Madam Speaker, H.R. 1187 is a well thought out, carefully crafted bill that brings together diverse stakeholders, including the National Oceanic and Atmospheric Administration, NOAA, the fishing industry, State and local governments, conservation groups and marine scientists, all who agree that these proposed sanctuary areas are national treasures that absolutely deserve protection.

As a mother and a grandmother, I want to see these treasures protected for years to come so that my kids, so that my grandkids, and so that their children and your children and your grandchildren will be able to enjoy the same unspoiled coasts and clean waters that we enjoy today.

Madam Speaker, I would like to thank Chairman RAHALL, Ranking Member YOUNG and Chairwoman BORDALLO for bringing my bill to the floor today. I would like to thank Chairman KENNEDY and Ranking Member BISHOP, all who have been part of reviewing and bringing H.R. 1187 to the floor. I thank you all, and I urge my colleagues to support it.

Mr. BISHOP of Utah. Madam Speaker, it is certainly hopeful that with the passage of this bill we will have faith in NOAA to administer this territory, since we obviously with passage of this bill don't trust them to evaluate or make recommendations.

Madam Speaker, I yield back the balance of my time.

Mr. KENNEDY. Madam Speaker, we don't have any more speakers, but before closing I want to note that the chairwoman of the Subcommittee on Fisheries, Wildlife and Oceans, Chairwoman MADELEINE BORDALLO, is presently en route from Guam and wouldn't be able to be here for this, but she does support passage of this bill. I just wanted to make note of that.

Mr. FARR. Madam Speaker, I rise in support of H.R. 1187, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act authored by my friend Representative WOOLSEY.

I am proud to say that I represent the 2nd largest National Marine Sanctuary in the system, which also includes the longest stretch of coastline. I can attest to their value in preservation of some of the most stunning seascapes in the world and in education of the public. The Gulf of the Farallones and the Cordell Bank National Marine Sanctuaries are adjacent to the Monterey Bay National Marine Sanctuary, and they have national and international significance. These sanctuaries exceed the biological productivity of tropical rain forests and support high levels of biological diversity.

The sanctuaries were established "to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes." They are the "National Parks" of our ocean. As such, they were the first application of ecosystem-based management to our oceans. This type of management is recommended by the U.S. Commission on Ocean Policy, which we in Congress created and charged with the study of the state of the oceans and the management of this shared, valuable resource.

The expansion of the boundaries of the Gulf of the Farrallones and the Cordell Bank National Marine Sanctuaries will protect a vital part of the California Coast and the upwelling zones, which form the basis of the fisheries in the Pacific Ocean. Expanding these boundaries will also help to preserve these exceptional underwater environments. We are the stewards of our oceans and coasts, and we are failing them. The oceans belong to all the people of the United States, and we must protect them and manage them for everyone's best interest.

Madam Speaker, with our oceans in crisis, the Sanctuaries are a beacon of hope for future generations. I support H.R. 1187 and urge my colleagues to pass this bill.

Mr. KENNEDY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Rhode Island (Mr. KENNEDY) that the House suspend the rules and pass the bill, H.R. 1187, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes.".

A motion to reconsider was laid on the table.

NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVATION ACT OF 2008

Mr. KENNEDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2342) to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENHANCING CLIMATE CHANGE PREDICTIONS.

(a) SHORT TITLE.—This section may be cited as the "National Integrated Coastal and Ocean Observation Act of 2008".

(b) PURPOSES.—The purposes of this section are the following:

(1) Establish a National Integrated Coastal and Ocean Observation System comprised of Federal and non-Federal components, coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of Regional Information Coordination Entities, that includes in situ, remote, and other coastal and ocean observations, technologies, and data management and communication systems, to gather specific coastal and ocean data variables and to ensure the timely dissemination and availability of usable observation data—

(A) to support national defense, marine commerce, energy production, scientific research, ecosystem-based marine and coastal resource management, weather and marine forecasting, public safety and public outreach training and education; and

(B) to promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare.

(2) Improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes.

(3) Authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean atmosphere dynamics, global climate change, and physical, chemical, and biological dynamics of the ocean and coastal and Great Lakes environments.

(c) DEFINITIONS.—In this section:

(1) COUNCIL.—The term "Council" means the National Ocean Research Leadership Council referred to in section 7902 of title 10, United States Code.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(3) FEDERAL ASSETS.—The term "Federal assets" means all relevant nonclassified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) INTERAGENCY WORKING GROUP.—The term "Interagency Working Group" means the Interagency Working Group on Ocean Observations as established by the U.S. Ocean Policy Committee Subcommittee on Ocean Science and Technology pursuant to Executive Order 13366 signed December 17, 2004.

(5) NON-FEDERAL ASSETS.—The term "non-Federal assets" means all relevant coastal and ocean observations, technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—The term "Regional Information Coordination Entity", subject to subparagraphs (B) and (C), means an organizational body that is certified or established by the lead Federal agency designated in subsection (d)(3)(C)(iii) and coordinating State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) INCLUDED ASSOCIATIONS.—Such term includes Regional Associations as described by the System Plan.

(C) LIMITATION.—Nothing in this section shall be construed to invalidate existing certifications, contracts, or agreements between Regional Associations and other elements of the System.

(7) SYSTEM.—The term "System" means the National Integrated Coastal and Ocean Observation System established under subsection (d).

(8) SYSTEM PLAN.—The term "System Plan" means the plan contained in the document entitled "Ocean.US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan".

(d) NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.—

(1) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in subsection (b) and the System plan and to fulfill the Nation's international obligations to contribute to the global earth observation system of systems and the global ocean observing system.

(2) SUPPORT OF PURPOSES.—The head of each agency that is a member of the Interagency Working Group shall support the purposes of this section.

(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(5) PARTICIPATION IN REGIONAL INFORMATION COORDINATION ENTITY.—The head of each Federal agency that has administrative jurisdiction over a Federal asset may participate in regional information coordination entity activities.

(6) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated by the Interagency Working Group or by Regional Information Coordination Entities.

(e) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—

(1) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—The National Ocean Research Leadership Council shall be responsible for establishing broad coordination and long-term operations plans, policies, protocols, and standards for the System consistent with the policies, goals, and objectives contained in the System Plan, and coordination of the System with other earth observing activities.

(2) INTERAGENCY WORKING GROUP.—The Interagency Working Group shall, with respect to the System, be responsible for—

(A) implementation of operations plans and policies developed by the Council;

(B) development of and transmittal to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive System budget;

(C) identification of gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(D) establishment of data management and communication protocols and standards;

(E) establishment of required observation data variables;

(F) development of certification standards for all non-Federal assets or Regional Information Coordination Entities to be eligible for integration into the System;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System Advisory Committee established under paragraph (5), a competitive matching grant or other program to promote research and development of innovative observation technologies including testing and field trials; and

(H) periodically review and recommend to the Council revisions to the System Plan.

(3) LEAD FEDERAL AGENCY.—The Administrator shall function as the lead Federal agency for the System. The Administrator may establish an Interagency Program Coordinating Office to facilitate the Administrator's responsibilities as the lead Federal agency for System oversight and management. The Administrator shall—

(A) implement policies, protocols, and standards established by the Council and delegated by the Interagency Working Group;

(B) promulgate regulations to integrate the participation of non-Federal assets into the System and enter into and oversee contracts and agreements with Regional Information Coordination Entities to effect this purpose;

(C) implement a competitive funding process for the purpose of assigning contracts and agreements to Regional Information Coordination Entities;

(D) certify or establish Regional Information Coordination Entities to coordinate State, Federal, local, and private interests at a regional level with the responsibility of engaging private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions;

(E) formulate a process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System can be identified by the Regional Information Coordination Entities, the Administrator, or other members of the System and transmitted to the Interagency Working Group;

(F) be responsible for the coordination, storage, management, and dissemination of observation data gathered through the System to all end-user communities;

(G) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment; and

(H) report annually to the Council through the Interagency Working Group on the accomplishments, operational needs, and performance of the System to achieve the purposes of this title and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITY.—To be certified or established under paragraph (3)(D), a Regional Information Coordination Entity must be certified or established by contract or agreement by the Administrator, and must agree to—

(A) gather required System observation data and other requirements specified under this section and the System plan;

(B) identify gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System, and transmit such information to the Interagency Working Group via the Administrator;

(C) demonstrate an organizational structure and strategic operational plan to ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System;

(D) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits; and

(E) demonstrate a capability to work with other governmental and nongovernmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the Regional Information Coordination Entities and otherwise.

(5) SYSTEM ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Administrator shall establish a System Advisory Committee, which shall provide advice as may be requested by the Administrator or the Interagency Working Group.

(B) PURPOSE.—The purpose of the System Advisory Committee is to advise the Administrator and the Interagency Working Group on—

(i) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes specified under subsection (b);

(ii) expansion and periodic modernization and upgrade of technology components of the System;

(iii) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(iv) any other purpose identified by the Administrator or the Interagency Working Group.

(C) MEMBERS.—

(i) IN GENERAL.—The System Advisory Committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(ii) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than one year.

(iii) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System Advisory Committee.

(iv) APPOINTMENT.—Members of the System Advisory Committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(D) ADMINISTRATIVE PROVISIONS.—

(i) REPORTING.—The System Advisory Committee shall report to the Administrator and the Interagency Working Group, as appropriate.

(ii) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System Advisory Committee.

(iii) MEETINGS.—The System Advisory Committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Working Group, or the chairperson.

(iv) COMPENSATION AND EXPENSES.—Members of the System Advisory Committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(v) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System Advisory Committee.

(6) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or Regional Information Coordination Entity that is certified under paragraph (3)(D) and that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or Regional Information Coordination Entity, while operating within the scope of his or her employment in carrying out the purposes of this section, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) INTERAGENCY FINANCING, GRANTS, CONTRACTS, AND AGREEMENTS.—

(1) IN GENERAL.—The member departments and agencies of the Council, subject to the availability of appropriations, may participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member agency for the purposes of carrying out any administrative or programmatic project or activity to further the purposes of this section, including support for the Interagency Working Group, the Interagency Coordinating Program Office, a common infrastructure, and integration to expand or otherwise enhance the System.

(2) JOINT CENTERS AND AGREEMENTS.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this section and fulfillment of the System Plan.

(g) APPLICATION WITH OTHER LAWS.—Nothing in this section supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

(h) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than two years after the date of enactment of this section, the Administrator through the Council shall submit to Congress a report that describes the status of the System and progress made to achieve the purposes of this section and the goals identified under the System Plan.

(2) CONTENTS.—The report shall include discussion of the following:

(A) Identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies.

(B) A review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems.

(C) An assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of Regional Information Coordination Entities to coordinate regional observation operations.

(D) An evaluation of progress made by the Council to achieve the purposes of this section and the goals identified under the System Plan.

(E) Recommendations for operational improvements to enhance the efficiency, accuracy, and overall capability of the System.

(3) BIENNIAL UPDATE.—Two years after the transmittal of the initial report prepared pursuant to this subsection and biennially thereafter, the Administrator, through the Council, shall submit to Congress an update of the initial report.

(i) PUBLIC-PRIVATE USE POLICY.—The Council shall develop a policy within 6 months after the date of the enactment of this section that defines processes for making decisions about the roles of the Federal Government, the States, Regional Information Coordination Entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this subsection shall be construed to require changes in policy in effect on the date of the enactment of this Act.

(j) INDEPENDENT COST ESTIMATE.—The Interagency Working Group, through the Administrator and the Director of the National Science Foundation, shall obtain within one year after the date of the enactment of this section an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

(k) INTENT OF CONGRESS.—It is the intent of Congress that funding provided to agencies of the Council to implement this section shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of $250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Rhode Island.

GENERAL LEAVE

Mr. KENNEDY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. KENNEDY. Madam Speaker, I yield myself such time as I may consume.

H.R. 2342, the National Integrated Coastal and Ocean Observation Act of 2008, was introduced by our colleague from Maine (Mr. ALLEN). This bill establishes a National Integrated Coastal Ocean Observation System to gather real-time data on the ocean environment, to refine and enhance predictive capabilities, and to provide other immediate societal benefits, such as improved fisheries management and safer navigation.

Capitalizing on newer and better integrated technologies would help address huge information gaps and significantly advance our understanding of ocean processes. I would say coming from a State called The Ocean State, this is a particularly important piece of legislation, and representing a university that is a recipient of Sea Grants, we are very interested in passing this legislation.

Madam Speaker, I ask colleagues on both sides of the aisle to support passage of this noncontroversial bill.

Madam Speaker, on behalf of the Committee, I submit the following exchange of letters.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, March 27, 2008.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: I write to you regarding H.R. 2342, the "National Integrated Coastal and Ocean Observation Act." This legislation was initially referred to both the Committee on Natural Resources and the Committee on Science and Technology.

H.R. 2342 was marked up by the Committee on Natural Resources on March 12, 2008. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 2342.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL RESOURCES,
Washington, DC, March 27, 2008.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to allow floor consideration of H.R. 2342, the National Integrated Coastal and Ocean Observation Act, to proceed.

I appreciate your willingness to waive your Committee's right to further consideration of H.R. 2342, even though your Committee shares jurisdiction over the bill and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

As is customary, I will insert our two letters in the Congressional Record as part of the consideration of H.R. 2342 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, there are currently many Federal and State agencies, universities and private entities collecting ocean and coastal observation data. H.R. 2342 will coordinate these efforts and create a national integrated coastal and ocean observing system. The national system will provide many benefits to the Nation by support weather, marine forecasts, marine transportation, public safety, scientific research, and public outreach and education activities.

Madam Speaker, I reserve the balance of my time.

Mr. KENNEDY. I would just say once again, Madam Speaker, we are in the process as a Nation of taking an assessment of our coastal zones, and in particularly in light of our energy needs, for our wind needs, for the possibility of harnessing the oceans for purposes of energy in our oceans, and, of course, tabulating the effects of global warming. All of these things use data, and those data points can certainly be drawn from the passage of legislation like this that will integrate all of those data points through a coastal and ocean observatory system.

I think we owe a great debt of gratitude to the author of this legislation, Representative ALLEN, for the work that he put into authoring it.

At this time, I would like yield such time as he may consume to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding.

Madam Speaker, I rise to express my support for H.R. 2342, the National Integrated Coastal and Ocean Observation Act. I commend Chairman RAHALL and Chairwoman BORDALLO of the Natural Resources Committee for their leadership and foresight in supporting this legislation to give us the tools we need to manage and protect our marine resources and coastal communities. I also want to thank Mr. BROWN and Mr. YOUNG for their work on this bill.

My legislation establishes a nationwide integrated ocean and coastal observing system, based on the internationally acclaimed Gulf of Maine Ocean Observing System, GoMOOS. That is the acronym, GoMOOS. GoMOOS was developed by Maine oceanographers, and has improved safety for fishermen and boaters, increased understanding of ocean weather and helped forecast the effects of global climate change.

My legislation builds on the success of regional programs like GoMOOS and will greatly enhance our knowledge about our oceans and their resources and vastly improve our ability to manage them properly.

The U.S. Commission on Ocean Policy, Pew Oceans Commission, and the Joint Ocean Commission Initiative have all established creation of a comprehensive ocean observing system as a top priority. In fact, Admiral James Watkins, Chair of the U.S. Commission on Ocean Policy and Cochair of the Joint Oceans Commission Initiative, has testified that an oceans observing system, and I quote, "is probably the most important single program. I think if it were to be implemented properly and funded to the extent we have recommended in our report, it will be one of the most important things we can do for future decision making."

Implementation of the Integrated Ocean Observing System will have a myriad of positive impacts. Implementation will, one, improve predictions of climate change and weather and their effects on coastal communities, including impacts on water and energy management; two, improve the safety and efficiency of marine operations; three, improve national and homeland security, particularly within ports and the Nation's heavily populated coastal regions; and, fourth, enable the sustained use of ocean and coastal resources and better manage fisheries.

In addition to monitoring and forecasting climate change, the Ocean Observing System would protect coastal communities and economic interests of oceangoing industries like shipping and commercial fishing by improving warnings of tsunamis, hurricanes, coastal storms and other natural hazards.

The Integrated Ocean Observing System is not just another combination of data satellites and buoys. It has real-time and real life practical applications. In the past, regional ocean systems have provided early warnings of harmful algal blooms that can severely impact the shellfish industry. Scientists use the regional system to target testing areas, and managers use it to issue timely and necessary warnings to protect public health. The Coast Guard is another frequent user. They look to the system for critical information to aid in search and rescue operations.

Fishermen have used Maine's Ocean Observing System for years for real time information on sea conditions and weather. More observations provide more data and allow fishermen to make informed and safe decisions. I would just say in that context that I have had fishermen in Maine tell me that whereas they used to be gambling on what the weather might be 7 to 10 miles offshore, now they can look at their computer, they can get real-time data from a buoy 7 miles offshore and know whether or not it is safe to go out that distance.

Many elements of a national ocean observing system are already in place, but currently they operate independently. Legislation is needed to formally define the fiduciary, legal and oversight structure to enable the integration of the disparate components of the ocean, coastal and Great Lakes observing activities. Legislation authorizing an integrated system will ensure the coordination and integration among all the elements of a national system, both Federal and regional, and would provide legal authority for sharing funds across Federal agencies for implementing IOOS.

A national Integrated Ocean Observing system would enable managers at all levels, local, regional and National, to make informed and timely decisions to manage our ocean resources and protect our coastal communities.

To summarize, what we are talking about is being able to get information about our oceans in the same way and on the same scale that today we get information about the atmosphere, and because of the interconnection of what is happening in the atmosphere and what is happening in the oceans, this will dramatically increase and expand our understanding of both the atmosphere and the oceans. It is an important piece of legislation.

I urge my colleagues to support this measure.

Mr. BISHOP of Utah. Madam Speaker, I yield back the balance of my time.

Mr. KENNEDY. Madam Speaker, with no other speakers, I would just once again conclude that Rhode Island looks forward to hosting this ocean observatory system that the Representative from Maine has proposed, if not objected to by the gentleman from Hawaii, another sea-going State.

Mr. FARR. Madam Speaker, I rise in support of H.R. 2342, the National Integrated Coastal and Ocean Observing Systems Act authored by my friend and fellow co-chair of the House Oceans Caucus, Representative ALLEN.

The Integrated Ocean Observing System has the following goals: To improve the safety and efficiency of marine operations; to more effectively mitigate the effects of natural hazards; to improve predictions of climate change and its effects on coastal populations: to improve national security; to reduce public health risks; to more effectively protect and restore healthy coastal marine ecosystems: and to enable the sustained use of marine resources. This bill will coordinate and manage the existing regional Ocean Observing Systems.

In my district, the Central and Northern California Ocean Observing System has proven invaluable in understanding and managing the ocean. The esoteric task of observing surface currents was indispensable in reacting and responding to the *Cosco Busan* oil spill in the San Francisco bay. The Central and Northern California Ocean Observing System assisted in the spill tracking as well as using HF Radar systems to provide real-time information on ocean currents to the response teams. They also provided information to and continue to collaborate with the NOAA Office of Response and Restoration, NOAA HAZMAT, NOAA Sanctuaries, and the Oil Spill Prevention and Response program.

These systems are at the forefront of the science of understanding harmful algal blooms, which affect human health and can cause fish kills. Ocean observing systems aid in the study of waterborne diseases and can provide vital information for navigation of ships and small boats. They also have national security implications. This set of Coordinated Regional Ocean Observing Systems will improve coastal monitoring and assist the Coast Guard in their mission to secure our waters and to provide search and rescue for those endangered at sea.

These Ocean Observing Systems are the foundation we need to apply ecosystem-based management of our oceans. This type of management and even this very system of National Integrated Ocean and Coastal Observing Systems is recommended by the U.S. Commission on Ocean Policy, which we in Congress created. The Joint Ocean Commission Initiative, created to continue to advise Congress on the Ocean Commission's suggestions, lists this as one of their chief priorities.

I cannot emphasize enough the need to show our ocean stewardship now, so we can turn the tide on the dire consequences facing our oceans and Great Lakes. The oceans and the Great Lakes belong to all the people of the United States and it is our duty to ensure that we provide the coordination and the funding necessary to protect these precious resources. This is why I support H.R. 2342 which will realign and coordinate the existing Ocean Observing Systems.

Madam Speaker, the effects of climate change on the ocean are just beginning to be understood, while the ocean's impact on the growing coastal population increases daily. We need the Ocean Observing Systems in order to understand and respond to the challenges we are facing. I strongly support H.R. 2342 and urge my colleagues to pass this bill.

Mr. KENNEDY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Rhode Island (Mr. KENNEDY) that the House suspend the rules and pass the bill, H.R. 2342, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1430

CAPTIVE WILDLIFE SAFETY TECHNICAL AMENDMENTS ACT OF 2008

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4933) to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Wildlife Safety Technical Amendments Act of 2008".

SEC. 2. CAPTIVE WILDLIFE SAFETY AMENDMENTS.

(a) PROHIBITED ACTS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by inserting "or" after the semicolon;

(B) in subparagraph (B), by striking "; or" and inserting a semicolon; and

(C) by striking subparagraph (C); and

(2) in subsection (e)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6) respectively; and

(B) by striking "(e)" and all that follows through "Subsection (a)(2)(C)" in paragraph (1) and inserting the following:

"(e) CAPTIVE WILDLIFE OFFENSES.—

"(1) IN GENERAL.—It is unlawful for any person—

"(A) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species; or

"(B) to attempt to commit any act described in subparagraph (A).

"(2) NONAPPLICABILITY.—This subsection";

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking "a" before "prohibited" and inserting "any";

(ii) by striking "(3)" and inserting "(4)"; and

(iii) by striking "(2)" and inserting "(3)";

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking "animals listed in section 2(g)" each place it appears and inserting "prohibited wildlife species"; and

(II) in clause (iv), by striking "animals" and inserting "prohibited wildlife species"; and

(ii) in subparagraph (D)—

(I) by striking "the animal" the first place it appears and inserting "an animal of any prohibited wildlife species"; and

(II) by striking "the animal" the second place it appears and inserting "that animal";

(E) in paragraph (4) (as redesignated by subparagraph (A)), by striking "(2)" and inserting "(3)";

(F) in paragraph (6) (as redesignated by subparagraph (A))—

(i) by striking "subsection (a)(2)(C)" and inserting "this subsection"; and

(ii) by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013"; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

"(7) APPLICATION.—This subsection shall apply beginning on the effective date of regulations promulgated under this subsection.".

(b) CIVIL PENALTIES.—Section 4(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(a)) is amended—

(1) in paragraph (1), by striking "subsections (b) and (d)" and inserting "subsections (b), (d), and (e)"; and

(2) in paragraph (1), by striking "section 3(d)" and inserting "subsection (d) or (e) of section 3".

(c) CRIMINAL PENALTIES.—Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended—

(1) in paragraphs (1)(A) and (1)(B) and in the first sentence of paragraph (2), by striking "subsections (b) and (d)" each place it appears and inserting "subsections (b), (d), and (e)"; and

(2) in paragraph (3), by striking "section 3(d)" and inserting "subsection (d) or (e) of section 3".

(d) CORRECTION OF PRIOR AMENDMENT.—

(1) CORRECTION.—Section 102(c) of Public Law 100–653 (102 Stat. 3826) is amended by striking "section 3(b)" and inserting "subsection 3(b)".

(2) EFFECTIVE DATE.—This subsection shall take effect upon enactment of Public Law 100–653.

SEC. 3. APPLICABILITY PROVISION AMENDMENT.

Section 3 of the Captive Wildlife Safety Act (117 Stat. 2871; Public Law 108–191) is amended—

(1) in subsection (a), by striking "(a) IN GENERAL.—Section 3" and inserting "Section 3"; and

(2) by striking subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. ABERCROMBIE. Madam Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ABERCROMBIE. Madam Speaker, I yield myself such time as I may consume.

H.R. 4933, the Captive Wildlife Safety Technical Amendments Act of 2008, was introduced by my colleague from Guam (Ms. BORDALLO). As Mr. KENNEDY indicated, unfortunately, she cannot be here in person at the moment because she is on her way here from Guam, but hopefully will arrive before the end of the proceedings. Coming as I do, Madam Speaker, on a 5,000 mile one-way commute, I have a lot of empathy and sympathy for her journey. But the issue before us today is very, very important both to her and to Members of the House and, by extension, the Nation.

The Captive Wildlife Safety Act, Public Law 108–191, amended the Lacey Act Amendments of 1981, and that made it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any prohibited wildlife species.

After the law was enacted, the Fish and Wildlife Service and the Department of Justice identified technical drafting problems that made full implementation and enforcement impossible. H.R. 4933 would make those technical changes to the law needed to allow the original intent of the legislation to be achieved.

Madam Speaker, on a personal note, I might add that, under Chairman Pombo, I had the privilege of traveling with him to Africa for the CITES, Convention on International Treaty on Endangered Species, so we could see with our own eyes what the consequences are by not having legislation like this correctly in place. The wildlife species are totally dependent upon human beings as the stewards of this planet and, most certainly, as the stewards of their welfare and for the salvation of endangered species, not just in our country, but overseas as well. Therefore, I ask Members on both sides to support passage of this noncontroversial bill.

May I say also, Madam Speaker, what a privilege it is to be on the floor with Mr. BISHOP of Utah. I have the honor of serving with him on the Resources Committee, and have always valued his insight and perspective.

I reserve the balance of my time.

Mr. BISHOP of Utah. I appreciate those kind words, and I will try to be as introspective as I possibly can here.

Public Law 108–191 made it illegal to buy, sell, or trade certain large exotic cats in interstate or foreign commerce. These include cheetahs, cougars, jaguars, leopards, lions, tigers, and bears, oh my. The measure did not ban the private ownership of these cats, and specific exemptions were provided for qualified aquariums, circuses, sanctuaries, and zoos.

In the 5 years that this law has been enacted, the U.S. Fish and Wildlife Service has been unable to prosecute anyone because of drafting deficiencies; so, I would urge an "aye" vote on H.R. 4933.

I yield back the balance of my time.

Mr. ABERCROMBIE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 4933, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HYDROGRAPHIC SERVICES IMPROVEMENT ACT AMENDMENTS OF 2008

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3352) to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hydrographic Services Improvement Act Amendments of 2008".

SEC. 2. DEFINITIONS.

Section 302 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) HYDROGRAPHIC DATA.—The term 'hydrographic data' means information that—

"(A) is acquired through—

"(i) hydrographic, bathymetric, photogrammetric, lidar, radar, remote sensing, or shoreline and other ocean- and coastal-related surveying;

"(ii) geodetic, geospatial, or geomagnetic measurements;

"(iii) tide, water level, and current observations; or

"(iv) other methods; and

"(B) is used in providing hydrographic services.";

(2) by amending paragraph (4)(A) to read as follows:

"(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;"; and

(3) by striking paragraph (5).

SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a) is amended—

(1) in subsection (a)—

(A) by striking "the Act of 1947," and inserting "the Coast and Geodetic Survey Act (33 U.S.C. 883a et seq.)"; and

(B) in paragraph (1) by striking "data;" and inserting "data and provide hydrographic services;";

(2) in subsection (b)—

(A) by striking "the Act of 1947," and inserting "the Coast and Geodetic Survey Act (33 U.S.C. 883a et seq.)";

(B) in paragraph (3) by striking "title IX of the Federal Property and Administrative Services Act of 1949; and" and inserting "subchapter VI of chapter 10 of title 40, United States Code;";

(C) in paragraph (4) by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(5) may create, support, and maintain a Joint Hydrographic Institute."; and

(3) by striking subsection (c) and inserting the following:

"(c) ACQUISITION OF HYDROGRAPHIC DATA AND PROVIDE HYDROGRAPHIC SERVICES.—To the extent that it does not detract from the promotion of safe and efficient navigation, the Administrator may acquire hydrographic data and provide hydrographic services to—

"(1) support the conservation and management of coastal and ocean resources;

"(2) save and protect life and property;

"(3) support the resumption of commerce in response to emergencies, natural disasters, and man-made disasters, and

"(4) meet homeland security and maritime domain awareness needs, including carrying out mission assignments (as that term is defined in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741).".

SEC. 4. HYDROGRAPHIC SERVICES REVIEW PANEL.

Section 305 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c) is amended—

(1) in subsection (c)(1)(A) by striking "Director" and inserting "Co-directors";

(2) in subsections (c)(1)(C), (c)(3), and (e) by striking "Secretary" each place it appears and inserting "Administrator"; and

(3) by amending subsection (d) to read as follows:

"(d) COMPENSATION.—Voting members of the panel shall be reimbursed for actual and reasonable expenses, including travel and per diem, incurred in the performance of duties for the panel.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended to read as follows:

"SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Administrator the following:

"(1) To carry out nautical mapping and charting functions under sections 303 and 304, except for conducting hydrographic surveys—

"(A) $55,000,000 for fiscal year 2009;

"(B) $56,000,000 for fiscal year 2010;

"(C) $57,000,000 for fiscal year 2011; and

"(D) $58,000,000 for fiscal year 2012.

"(2) To contract for hydrographic surveys under section 303(b)(1), including the leasing or time chartering of vessels—

"(A) $32,130,000 for fiscal year 2009;

"(B) $32,760,000 for fiscal year 2010;

"(C) $33,390,000 for fiscal year 2011; and

"(D) $34,020,000 for fiscal year 2012.

"(3) To operate hydrographic survey vessels owned by the United States and operated by the Administration—

"(A) $25,900,000 for fiscal year 2009;

"(B) $26,400,000 for fiscal year 2010;

"(C) $26,900,000 for fiscal year 2011; and

"(D) $27,400,000 for fiscal year 2012.

"(4) To carry out geodetic functions under this title—

"(A) $32,640,000 for fiscal year 2009;

"(B) $32,280,000 for fiscal year 2010;

"(C) $33,920,000 for fiscal year 2011; and

"(D) $34,560,000 for fiscal year 2012.

"(5) To carry out tide and current measurement functions under this title—

"(A) $27,000,000 for fiscal year 2009;

"(B) $27,500,000 for fiscal year 2010;

"(C) $28,000,000 for fiscal year 2011; and

"(D) $28,500,000 for fiscal year 2012.

"(6) To acquire a replacement hydrographic survey vessel capable of staying at sea continuously for at least 30 days $75,000,000.".

SEC. 6. ADDITION OF SHORT TITLE TO EXISTING LAW.

The Act of August 6, 1947 (chapter 504; 33 U.S.C. 883a et seq.) is amended by adding at the end the following:

"SEC. 11. SHORT TITLE.

"This Act may be cited as the 'Coast and Geodetic Survey Act'.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. ABERCROMBIE. Madam Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ABERCROMBIE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3352 was introduced by my colleague and our good friend from Alaska (Mr. YOUNG), and it amends the Hydrographic Services Improvement Act to authorize the administrator of the National Oceanic and Atmospheric Administration to expand the use of hydrographic data and hydrographic services.

The Office of Coast Survey, which is within NOAA's National Ocean Service, conducts hydrographic surveys measuring the depth and bottom configuration of bodies of water. The Hydrographic Services Review Panel, a quality assurance program authorized in 2002, suggested several recommendations to improve NOAA's hydrographic services. Strengthening the emergency response and recovery capabilities were among the recommendations suggested. H.R. 3352 addresses these recommendations directly, and meets homeland security and maritime domain awareness needs.

I want to commend our friend Congressman DON YOUNG for introducing this bill, and urge all Members to support it.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I rise in support of H.R. 3352.

Hydrographic surveys and shoreline mapping activities provide data to produce accurate nautical charts. Many vessels from large container ships and oil tankers to the smaller commercial fishing vessels and recreational boaters rely on nautical charts to safely navigate U.S. waterways. There is currently a backlog in the survey work, making many nautical charts out of date. H.R. 3352 will reauthorize the program that supports hydrographic surveys and shoreline mapping activities, and continue the efforts to provide all users with accurate nautical charts. I urge an "aye" vote.

I yield back the balance of my time.

Mr. ABERCROMBIE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 3352, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENT OF 2008

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3891) to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Fish and Wildlife Foundation Establishment Act Amendment of 2008".

SEC. 2. BOARD OF DIRECTORS OF THE FOUNDATION.

Section 3(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(a)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the 'Board'), which shall consist of 30 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. ABERCROMBIE. Madam Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ABERCROMBIE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3891, introduced by my colleague from South Carolina (Mr. BROWN), expands the size of the Board of Directors of the National Fish and Wildlife Foundation from 25 to 30 members.

The National Fish and Wildlife Foundation was established by Congress in 1984 as a charitable nonprofit corporation. The foundation was formed to further the conservation and management of fish, wildlife, plants, and other natural resources by the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

While the foundation and its conservation programs continue to grow and fundraising for these programs keeps pace, it is considerably more difficult to meet the increasing administrative expenses of the foundation. Expanding the size of the board of directors will improve the ability of the foundation to raise private funds, to cover its administrative expenses, and to improve the implementation of its conservation programs.

I commend Congressman HENRY BROWN, again, a good friend of many of us here in the Congress and a friend of the Natural Resources, for introducing this bill, and urge all Members to support it.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I rise in support of H.R. 3891. It does increase by five members the Board of Directors on the National Fish and Wildlife Foundation.

Since its inception, this foundation has financed more than 9,500 conservation projects to sustain, restore, and enhance fish wildlife population and their essential habitat. Under current law, the Secretary of the Interior may appoint 25 individuals to serve on the Board of Directors. These members have expertise in fish, wildlife, natural resources, and conservation. They serve as conservation ambassadors, and they approve projects submitted to the foundation, and raise funds for the operation of this successful organization. The additional five members will help to enhance that job description. I urge my colleagues to vote favorably on H.R. 3891.

I yield back the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, before yielding back the balance of my time, and I will do so, I have a brief closing insert that I would like to read from Congresswoman BORDALLO who, as I indicated, finds it impossible to be here today at this time. She says as follows:

Madam Speaker, as Chairwoman on the Subcommittee on Fisheries, Wildlife, Oceans, I reiterate that the Natural Resources Committee supports this bill as a means to maximize community participation in the activities of the Fish and Wildlife Foundation.

It is our expectation, that is to say Congresswoman BORDALLO's expectation, that the foundation will view this expansion of its Board of Directors as an opportunity to increase the diversity of professional backgrounds and views that board members bring to the foundation, and also that the Secretary of the Interior will appoint qualified individuals, hopefully with conservation experience in the offshore territories.

Mr. BROWN of South Carolina. Madam Speaker, I rise today to speak on H.R. 3891, a bill I introduced with Fisheries, Oceans and Wildlife Subcommittee Chairwoman MADELEINE BORDALLO. The fundamental purpose of this legislation is to increase from 25 to 30 the number of members who may serve on the Board of Directors of the National Fish and Wildlife Foundation.

The National Fish and Wildlife Foundation was created by Congress in 1984. Since that time, it has financed more than 9,500 conservation projects throughout the United States and in other countries. By using a partnership and challenge grant approach, the Foundation has provided $1.3 billion in critical funding to accomplish its strategic goals of sustaining, restoring and enhancing fish, wildlife and plant populations and their essential habitat.

Under current law, the Secretary of the Interior may appoint up to 25 individuals to serve on the Foundation's Board of Directors. The members of this Board have expertise in fish, wildlife and natural resource conservation; they serve as conservation Ambassadors throughout the world; they review and approve projects submitted to the Foundation and they raise funds for the operation of this highly successful organization.

By increasing the size of the Board, we will greatly enhance the Foundation's ability to finance additional meritorious projects in the future.

I urge my colleagues to vote "yea" on H.R. 3891.

Mr. ABERCROMBIE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 3891, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1445

HALE SCOUTS ACT

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2675) to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Help to Access Land for the Education of Scouts" or "HALE Scouts Act".

SEC. 2. LAND CONVEYANCE, OUACHITA NATIONAL FOREST, OKLAHOMA.

(a) FINDING.—Congress finds that it is in the public interest to provide for the sale of certain federally owned land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, for market value consideration.

(b) CONVEYANCE REQUIRED.—Subject to valid existing rights, the Secretary of Agriculture shall convey, by quitclaim deed, to the Indian Nations Council, Inc., of the Boy Scouts of America (in this section referred to as the "Council") all right, title, and interest of the United States in and to certain National Forest System land in the Ouachita National Forest in the State of Oklahoma consisting of approximately 140 acres, depending on the final measurement of the road set back and the actual size of the affected sections, as more fully described in subsection (c). The conveyance may not include any land located within the Indian Nations National Scenic and Wildlife Area designated by section 10 of the Winding Stair Mountain National Recreation and Wilderness Area Act (16 U.S.C. 460vv-8).

(c) COVERED LANDS.—The National Forest System land to be conveyed under subsection (b) is depicted on the map entitled "Boy Scout Land Request-Ouachita NF". The map shall be on file and available for public inspection in the Forest Service Regional Office in Atlanta, Georgia.

(d) CONSIDERATION.—As consideration for the land conveyed under subsection (b), the Council shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary and done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(e) USE OF PROCEEDS.—The consideration received under subsection (d) shall be deposited in the fund established by Public Law 90–171 (commonly known as the "Sisk Act"; 16 U.S.C. 484a). The amount so deposited shall be available to the Secretary, without further appropriation, for expenditure for the acquisition of land and interests in land in the Ouachita National Forest.

(f) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be conveyed under subsection (b) shall be determined by a survey satisfactory to the Secretary. The Council shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.

(g) ACCESS.—Access to the land conveyed under subsection (b) shall be from the adjacent land of the Council or its successor. Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)), the Secretary shall not be required to provide additional access to the conveyed land.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may prescribe such terms and conditions on the conveyance under subsection (b) as the Secretary considers in the public interest, including the reservation of access rights to the conveyed land for administrative purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. ABERCROMBIE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ABERCROMBIE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2675 was introduced by my colleague and our friend on the Natural Resources Committee, Representative DAN BOREN.

The legislation directs the Secretary of Agriculture to convey 140 acres of public land in Oklahoma, administered by the United States Forest Service, to the Indian Nations Council of the Boy Scouts of America. The Boy Scouts will use this land to expand their existing camping. The Boy Scouts will pay a fair market value for the land.

Madam Speaker, I want to commend our colleague and friend, Representative BOREN, for his work on this bill. I support the passage of H.R. 2675, as amended.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2675, and we are pleased to support this legislation that will help the young men of Oklahoma by allowing the Boy Scouts of America to expand their summer camp within the forest to accommodate the fast-growing number of campers. This speaks volumes about the excellent organization that is the Boy Scouts of America, and we compliment Representative BOREN on his efforts. Hopefully this land conveyance will ease some of the pain the scouting community suffered when Congressman BOREN left the Scouts shortly before attaining the rank of tenderfoot.

I want to thank Chairman RAHALL and the professional staff for moving this bill along expeditiously, and thank my friend from Hawaii for his efforts on this particular legislation, and thank the gentleman from Oklahoma for having a wonderful bill. I urge Members to support this particular legislation.

Mr. BOREN. Madam Speaker, I rise today in strong support for H.R. 2675, the HALE Scouts Act. This bill would grant the U.S. Forest Service authority to sell roughly 140 acres of land to the Indian Nations Council of Boy Scouts, which is adjacent to the Scout's summer camp, Camp Tom Hale located in Talihina, OK. The Council is a nonprofit organization providing educational programs for boys and young adults to build character, to train in the responsibilities of citizenship, and to develop personal fitness,

The camp first opened in June 1930 to serve Boy Scouts in the McAlester, Oklahoma area. It was originally located at what is now Robbers Cave State Park near Wilburton, Oklahoma. In 1963, the Boy Scout Council in McAlester worked with the State of Oklahoma and the U.S. Forest Service to exchange the camp at Robbers Cave for 480 acres of wilderness area in the Ouachita National Forest. This "new" Camp Hale has continued as a summer adventure camp serving thousands of scouts during the intervening 41 years. In 1997, the Council board developed a strategic plan for a $3.5 million expansion and renovation of the camp. Since then, the Council has spent in excess of $1 million continually updating and expanding facilities to meet the needs of scouts. As a result, a renewed emphasis on wilderness and the outdoors has flourished, with over 6,000 scouts and leaders from a five state area attending weekly sessions offered in June and July and enjoying the beautiful Ouachita Forest. Attendance has now exceeded the maximum number of available campsites and program areas, which is causing Camp Hale to begin turning away hundreds of scouts each summer.

It is now critical for camp growth that the boundaries be extended to include more area for camping and additional program and training services. Successful completion of this objective will allow the Boy Scouts to continue the expansion of outdoor and leadership training for thousands of youth living in the Central Southwest and bring additional usage and enjoyment of the Ouachita Forest to more families. I greatly appreciate this body's consideration of this measure, and urge my colleagues support.

Mr. BISHOP of Utah. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, I can't spot any more tenderfeet on the floor, and so we will yield back our time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 2675, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

UTAH NATIONAL GUARD READINESS ACT

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3651) to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah National Guard Readiness Act".

SEC. 2. LAND CONVEYANCE, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled "Proposed Camp Williams Land Transfer" and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101-628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. ABERCROMBIE. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ABERCROMBIE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3651 was introduced by the ranking member on the National Parks, Forests and Public Lands Subcommittee, Representative BISHOP. The legislation directs the Secretary of the Interior to convey certain identified public lands to the State of Utah for use by the Utah National Guard. The land would revert to the United States should it ever cease to be used by the National Guard.

Madam Speaker, I want to commend my colleague and friend, Representative BISHOP, for his leadership in this matter and his willingness to work with the committee to resolve issues raised in earlier consideration of the legislation. I am sure that I speak for Chairman RAHALL in that regard, and most certainly his fellow members on the Resources Committee. Therefore, I have no objection to the passage of H.R. 3651; and, in fact, enthusiastically endorse it.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

H.R. 3651, the Utah National Guard Readiness Act, was cosponsored by the entire Utah delegation. There are only three of us, but we all agreed. So Mr. MATHESON, Mr. CANNON, and I are sponsoring this bill, as requested by the Adjutant General of the Utah National Guard as well as the Governor of the State of Utah, in order to address the long-term growing pains of the National Guard at their Camp Williams headquarters.

The Utah National Guard has run out of State-controlled land on which to expand and build and support its vital national guard and national defense missions.

The lands transferred under this act are already withdrawn from military use by the Guard from the Bureau of Land Management. So placing the land in the State's name for use by the National Guard will allow for the consolidation of ownership patterns in the critical headquarters area, and allow the State of Utah to bond for future Guard facilities in a more streamlined and cost-effective manner.

I thank the chairman of our committee, Mr. RAHALL, and his staff, for working on this bill and moving it forward. I also thank the subcommittee chairman, Mr. GRIJALVA, for his assistance and that of the subcommittee professional staff.

In this day and age, we are asking the National Guardsmen to do more and more heavy lifting for our Nation's defense and in deploying overseas in armed conflict. At the same time, we are asking them to also be on the frontlines in protect the homeland, and also to be there for our States and communities in times of emergency or natural disasters. We ask a lot of them, and they deliver.

This bill will allow our Utah National Guard to support its future mission growth in meeting these challenges. It is a small thing for us to be able to help them down the road in meeting their obligations. I thank my colleagues for consideration of this bill, and I strongly urge its adoption.

I reserve the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, as a member of the Armed Services Committee, and as chairman of the Air Land Subcommittee of that committee, I particularly want to commend Mr. BISHOP for his remarks regarding the National Guard deployments and our obligations to them. And in recognition of that, I would like his remarks to be incorporated as my own with regard to his bill. With his permission I would like to do that.

Mr. BISHOP of Utah. I think the gentleman from Hawaii could have done it much more artfully than I did, but I will be happy to allow him to do that.

Mr. ABERCROMBIE. Madam Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 3651, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM ACT

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2515) to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Colorado River Multi-Species Conservation Program Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—The term "Lower Colorado River Multi-Species Conservation Program" or "LCR MSCP" means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) LOWER COLORADO RIVER.—The term "Lower Colorado River" means the Colorado River from Lake Mead to the Southerly International Boundary with Mexico, including its historic floodplain and its mainstem reservoirs to their full pool elevations.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATES.—The term "States" means each of the States of Arizona, California, and Nevada.

SEC. 3. IMPLEMENTATION AND WATER ACCOUNTING.

(a) IN GENERAL.—The Secretary is authorized to participate in the Lower Colorado River Multi-Species Conservation Program.

(b) WATER ACCOUNTING.—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary such sums as may be necessary to participate in the Lower Colorado River Multi-Species Conservation Program, to remain available until expended.

(b) NONREIMBURSABLE AND NONRETURNABLE.—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be nonreimbursable and nonreturnable.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. ABERCROMBIE. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ABERCROMBIE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2515, as introduced by our colleague and friend, Representative DEAN HELLER, would authorize the Secretary of the Interior to participate in the multi-species habitat conservation plan on the lower 400 miles of the Colorado River. The States of Nevada, Arizona and California, along with several major water districts, are participants and funding partners in this program.

As amended, this legislation is not controversial and should be supported. And I might say, Madam Speaker, exhibits the multiple responsibilities of the Resources Committee and the really extraordinary complications and details that have to be considered when such legislation comes forward. It is a tribute to the staffs of the members on the committee, and most particularly the professional staff of the Resources Committee, that this legislation is able to be compiled, understood and comprehended by the members, and then brought forward to the body as a whole in a way that advances the public interest.

With that, Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

This particular bill helps solve the conundrum that we face in the protection and conservation of certain species: For example, the bony-tailed chub, the razorback sucker, and the humpback chub.

H.R. 2515, introduced by DEAN HELLER of Nevada and HARRY MITCHELL of Arizona, is an amended bipartisan measure aimed at protecting endangered species while keeping the waters running and the lights on for consumers in the Southwest.

As amended at the committee level, this bill has been scaled back, but still codifies a very popular multi-species habitat conservation plan on the Lower Colorado River. I note that some water and power supply organizations support key provisions taken out by the majority. However, in the interest of moving this bill forward, they support the passage of this bill with the hope that the final bill signed into law will better resemble the original legislation.

At a time when our water supply is being diminished due to a number of factors, this bill—although somewhat incomplete—is still a win-win for our water and power consumers.

I have no additional speakers, and I am prepared to yield back the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, I observed that Mr. BISHOP was looking directly at me when he recited, with a look that I can only determine as "gleeful," he cited the razorback sucker and the bonytail chub. I am not sure whether I was being categorized by him in the sucker category or the chub category, or he was gazing at me metaphorically.

Do you suppose he might be able to answer that for me.

Mr. BISHOP of Utah. Will the gentleman yield?

Mr. ABERCROMBIE. I will yield.

Mr. BISHOP of UTAH. I have certainly never thought of the gentleman as either a razorback or a bonytail.

Mr. ABERCROMBIE. Thank you very much.

Madam Speaker, it is now clear for me.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 2515, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1500

SUPPORTING THE OBSERVANCE OF COLORECTAL CANCER AWARENESS MONTH

Mr. WYNN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 302) supporting the observance of Colorectal Cancer Awareness Month, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 302

Whereas colorectal cancer is the second most common cause of cancer deaths for men and women in the United States;

Whereas colorectal cancer affects men and women equally;

Whereas more than 148,810 people in the United States will be diagnosed with colon cancer this year;

Whereas over 49,960 people in the United States will die from colon cancer this year;

Whereas every 3.5 minutes, someone is diagnosed with colorectal cancer and every 9 minutes someone dies from colorectal cancer;

Whereas every 5 seconds someone who should be screened for colorectal cancer is not;

Whereas the vast majority of colon cancer deaths can be prevented through proper screening and early detection;

Whereas the survival rate of individuals who have colorectal cancer is 90 percent when detected in the early stages versus only a 10 percent survival rate when colorectal cancer is diagnosed after it has spread to distant organs;

Whereas only 39 percent of colorectal cancer patients have their cancers detected at an early stage;

Whereas uninsured Americans are more likely to be diagnosed with late stage colon cancer than patients with private insurance;

Whereas only 18.8 percent of those without health coverage in the United States have currently been properly screened for colorectal cancer;

Whereas if the majority of Americans age 50 or older were screened regularly for colorectal cancer, the death rate from this disease could plummet by up to 80 percent;

Whereas regular colorectal cancer screening has been ranked as one of the most cost effective screening interventions available, with the potential to save more than 30,000 lives a year;

Whereas treatment costs for colorectal cancer are extremely high, estimated at $8,400,000,000 for 2004;

Whereas increasing the number of people between the ages of 50 years and 64 years of age who are regularly screened in the United States, would provide significant savings in billions of dollars to the Medicare program from cancer prevention and treatment costs;

Whereas the Blue Star, developed by the Members of the National Colorectal Cancer Roundtable, the American Cancer Society, the Colon Cancer Alliance, and C3: Colorectal Cancer Coalition represents the collective fight against colon cancer, the eternal memory of the people whose lives have already been lost to the disease, and the shining hope for a future free of colon cancer;

Whereas Coaches vs. Cancer (a partnership between the American Cancer Society and the National Association of Basketball Coaches), the Colon Cancer Alliance, and Ethicon Endo-Surgery have created "Earn a Blue Star Day" as a means for individuals and corporations to raise awareness of the importance of screening for colon cancer;

Whereas greater awareness of this cancer and the means to prevent it will save the lives of tens of thousands of Americans each year; and

Whereas observing a Colorectal Cancer Awareness Month during the month of March would provide a special opportunity to offer education on the importance of early detection and screening: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the observance of Colorectal Cancer Awareness Month in order to provide a special opportunity to offer education on the importance of early detection and screening;

(2) recognizes and applauds the national and community organizations for their work in promoting awareness about colorectal cancer, providing information on the importance of prevention and early detection through regular screening, and facilitating access to treatment for its sufferers; and

(3) urges organizations and health practitioners to "earn a Blue Star" by using this opportunity to promote awareness about colorectal cancer and to support early identification and removal of pre-cancerous polyps, detectable only through colorectal cancer screenings.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. WYNN) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. WYNN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. WYNN. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of H. Con. Res. 302. This bill does three things: First, it calls for the designation of March as Colorectal Cancer Awareness Month. Second, it recognizes national and community organizations for their work in promoting the importance of prevention and early detection through regular colorectal screenings. Third, it urges organizations and health practitioners to "earn a Blue Star" by using this opportunity to increase awareness about colorectal cancer. And I will talk more about the blue star in just a minute.

But first let me note that colorectal cancer is the third most common type of cancer and the second most deadly. Approximately 148,000 Americans will be diagnosed with colorectal cancer this year, and 49,000 will die from the disease.

Every 3 minutes a loved one is diagnosed with colorectal cancer. Every 9 minutes a loved one dies from the disease. Every 5 seconds a loved one who should be screened for colorectal cancer is not.

Colorectal cancer is a silent killer which often causes no symptoms until it reaches the latest stages. Colorectal screenings save lives by catching the disease in its earlier stages. If detected at an early stage, the 5-year survival rate for colorectal cancer is 90 percent. If it is not detected until the later stage, the 5-year survival rate plummets to just 10 percent.

This tragedy disproportionately affects minorities, particularly African Americans, who are less likely to have access to health insurance or see a doctor on a regular basis. As a result, African Americans are diagnosed later and are 40 percent more likely to die from the disease. In 2007, 1,600 cases of colorectal cancer occurred among African Americans.

Hoping to repeat the success of the red ribbon in symbolizing AIDS and the pink ribbon in symbolizing breast cancer, the National Colorectal Cancer Roundtable has selected a blue star to symbolize the fight against colorectal cancer. The star serves a dual purpose; it recognizes the eternal memory of those people whose lives have already been lost to the disease, and it is a shining hope for a future free of colon cancer.

This resolution recognizes the important work that national and community organizations have already done in promoting awareness about colorectal cancer, including the creation of Earn a Blue Star day.

Additionally, the resolution encourages organizations and health care practitioners to earn a blue star by supporting early identification and removal of precancerous polyps.

Recognizing March as Colorectal Cancer Awareness Month provides us a special opportunity to focus on education about screening and early detection. As we continue to work to find a cure for colorectal cancer, it is vital that we work together to increase awareness about screening in order to prevent the disease from reaching its deadly conclusion.

Before I conclude, I want to thank my colleagues, Representative KAY GRANGER and Representative PATRICK KENNEDY, for their leadership on this issue. Although Representative GRANGER could not be here today, I know that she cares very deeply about this issue and has worked hard to bring this resolution to the floor.

I now want to urge my colleagues to join me in support of the adoption of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BURGESS. Madam Speaker, I yield myself so much time as I may consume.

Madam Speaker, colorectal cancer is the third most commonly diagnosed cancer. It's the second most common cause of cancer deaths in the United States; clearly a major player in our cancer burden here in this country. Every 3½ minutes someone is diagnosed with colorectal cancer. Every 9 minutes someone dies from colorectal cancer.

This is a disease that affects men and women equally. This year, almost 150,000 new cases will be diagnosed, and almost 50,000 deaths will be caused by colorectal cancer. The real tragedy is that many of these cancer cases and deaths do not have to happen. The vast majority of colorectal cancer deaths can be prevented through proper screening and early detection. This resolution recognizes March as Colorectal Cancer Awareness Month.

My good friend from Maryland talked about disparities; indeed, disparities do occur. And one of the things we can do to diminish those disparities is to talk. We can talk more about this disease. And the more we encourage our family and friends, our neighbors to get screened, the more lives we can, in fact, save.

But recognizing Colorectal Cancer Awareness Month is not enough. We do need to increase Federal funding for early detection and screening. So, along with Congressman WYNN, Representative GRANGER has introduced a bill that would authorize funding for early detection screenings and make preventive care a priority. Specifically, the Colorectal Cancer Prevention, Early Detection and Treatment Act, H.R. 738, would establish a national screening program for colorectal cancer for individuals over 50 years of age and/or who are at high risk. It would also authorize State funding for these screenings, and it would create a public awareness and education campaign for colorectal cancer.

Despite scientific evidence supporting the benefits of screenings, screenings remain low for this disease in the United States, and every 5 seconds someone who should be screened is not. When colorectal cancer is diagnosed late, the survival rate for cancer is only 10 percent, but if it's diagnosed early, before spread has occurred, the survival rate is in excess of 90 percent. Early detection and screening saves lives.

If everyone over 50 years of age were screened regularly for colon cancer, the death rate for this disease could plummet by 80 percent. In addition to saving lives, early detection and screening clearly would save money.

Treatment costs for colon cancer are extremely high and could be greatly reduced if mass screenings occurred. Colon cancer treatment costs totaled roughly $8.5 billion for new cases in 2007. Let me say that again, almost $8.5 billion for 2007. The costs of two-thirds of these cancer cases are borne by the Medicare program.

The Lewin Group recently conducted a comprehensive study of the potential cost savings to Medicare and found that every 10 years a colon cancer screening program will result in a savings of about 1½ years worth of Medicare expenditures. If screenings were increased among people 50 years of age and older in the United States, it would save billions of dollars in Medicare expenditures, not to mention the thousands of lives that would be spared.

The Colon Cancer Prevention, Early Detection and Treatment Act ensures that people who are screened will get the full continuum of cancer care, including the appropriate follow-up for abnormal tests, diagnostic and therapeutic services, and treatment for detected cancers.

Observing Colorectal Cancer Awareness Month provides us with the opportunity to discuss the importance of early detection and of screening. It also provides us the opportunity to thank the thousands of volunteers and the national and community organizations for their work in promoting awareness of this disease. Groups like the Prevent Cancer Foundation, the National Colorectal Cancer Society Roundtable, the American Cancer Society, the Colon Cancer Alliance, and C3: Colorectal Cancer Coalition, these groups have created the "Earn a Blue Star Day" as a way for individuals and corporations to raise awareness of the importance of screening for this cancer.

I encourage my colleagues in the House to "earn a blue star" by using this opportunity to promote awareness of colon cancer and to support early detection and screening.

Madam Speaker, I reserve the balance of my time.

Mr. WYNN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I would like to thank the gentleman from Maryland for his ambitious efforts on behalf of this issue. He has been tireless on behalf of spreading the word on the issue of prevention of colorectal cancer. I can recall for many years being invited to participate in events where he has been out there talking about prevention and prevention, prevention, prevention. I salute him for his efforts and thank him for his service to our country on behalf of this very important issue.

He said it as clear as anyone could say it, and that is that the most common reason people give for why they have not had a colorectal cancer screening is that it wasn't recommended to them. And the most common reason that people die of colorectal cancer is because they haven't been screened. So, what is the answer? The answer is we have to get people to recommend that they get a screening for colorectal cancer. If they get the recommendation that they get screened, then they have a 90 percent chance of survival. It's that simple.

Why are people dying of an illness that is so preventable? Because they're not being told, first, that the statistics are what they are, that this is preventable; and two, that the professions out there need to get about doing what they need to do to make those recommendations that people get the screening. If you're 50 and older, you need to get the screening. If you have it in your family, you need to get the screening. And these are the simple messages that we need to get out to the general public. And AL WYNN has been the leader in this Congress in making sure those messages get out to the public. And I want to thank KAY GRANGER for her efforts as well in sponsoring this bill.

But the fact of the matter is that we cannot sit idly by and think that this is something that simply is a matter of saving dollars. I want to thank my friend, Mr. BURGESS, for pointing out that we save lots of money if we screen early. He pointed out accurately that the Lewin Group said that we spent nearly $8.5 billion just this last year treating colorectal cancer. Two-thirds of that will be paid by the Federal Government; two-thirds will be paid by our taxpayers. And imagine if we had screening, we could avoid that cost. If we had screening, the cost of a screening could avoid all the heavy expenses of that treatment. But imagine all the lives that it will save? Imagine all the fathers and mothers and sons and daughters and brothers and sisters who would be spared the awful trauma of having to be treated with cancer.

This is the right thing to do. It's not only the right thing to do, you know, financially, which should be a no-brainer for us in Congress, we're looking for ways to save money, this is a money saver, but this is the right thing to do for our people in terms of saving them the heartache. So, what do we need to do? We need to cover people.

In my State of Rhode Island, we already mandate, our insurance coverage already requires it. But unfortunately, as the American Cancer Society is trying to do nationally, we have 47 million Americans without health insurance. And until we get more people covered with health insurance, there are going to continue to be people who fall off.

That's why this legislation is so important. It sets up grants to States so that we can target those who don't have health insurance so that they can get the screening. If we know that they have colorectal cancer polyps prescreening, then we know we can get in there and make sure that they get the treatment early so that we're not stuck as a society having to pay down the road for the most costly and expensive kinds of treatment through the Medicare and Medicaid programs.

So, my friends, this is something that we need to do. I salute all of those in the cancer community who have been trying to preach this message. This is a message that needs to be preached. And I think that every month ought to be Cancer Awareness Month. I'm just happy that we now finally are getting about focusing on an illness that has been too quiet, too quiet. When you compare it to breast cancer, cervical cancer, prostate cancer, colorectal cancer screenings are the lowest of all of them, the lowest, because it has been the most stigmatized of all cancers.

☐ 1515

But colorectal cancer can no longer remain that way because too many people are dying as a result.

Mr. BURGESS. Madam Speaker, at this time I will reserve my time.

Mr. WYNN. Madam Speaker, at this time I recognize the distinguished gentlelady from Illinois (Ms. SCHAKOWSKY) for 2 minutes.

Ms. SCHAKOWSKY. Madam Speaker, first, I want to thank Congressman WYNN for his effort to bring this critical resolution to the floor today. I'm glad to be here to speak out in strong support of H. Con. Res. 302, a resolution to recognize March as Colorectal Cancer Awareness Month.

My family and my life, like so many others, have been touched by someone with cancer. Two and a half years ago, after fighting courageously for a year, my amazing daughter-in-law, Fiona, died of colorectal cancer, leaving behind two young children, a husband and many loving family members and friends. At 38 years old, she died, not having a screening, and though, in retrospect, she had symptoms. Too many of us have either struggled with cancer ourselves or know of someone who has.

I recently saw a new study from the CDC saying that colorectal cancer testing has risen steadily since 2002, and this is very encouraging news. But another study that appeared in the Journal CANCER at the end of last year is extremely troubling to me. It shows a significant underuse of colorectal cancer screening procedures among Medicare beneficiaries. In fact, only 25 percent of Medicare beneficiaries received recommended screening.

Mr. WYNN. The gentlelady is granted an additional 30 seconds.

Ms. SCHAKOWSKY. In fact, only 25 percent of Medicare patients received recommended screening during the study period.

We have to do better. We must work to expand public education and understanding of the benefits of screening. Congress needs to make it a priority to reduce the amount of out-of-pocket-costs associated with cancer screening to ensure that those who may be at risk of developing colorectal cancer get screened. And as the richest country in the world, we need to act to make sure that everyone gets the medical care they need.

You've heard the statistics. If caught early the survival rate is 90 percent; if not, it's only 10 percent.

Through the establishment of Colorectal Cancer Awareness Month we will add to the over one million colorectal cancer survivors living in America today.

I urge my colleagues to support this wonderful resolution, and I thank the gentleman for introducing it.

Mr. BURGESS. Madam Speaker, I will yield myself 1 minute for the purpose of closing.

This is an important bill and I do encourage my colleagues to support this bill. Have the test, find the polyp, get the cure. It's really that simple.

One of the problems with serving in Congress is you recognize that we move so slowly on so many things. Madam Speaker, there are going to be new medicines, new tests. We're on the threshold of great things in all areas of medicine. The study of colon cancer is no small part of that.

But the reality is today there is a test, there is a test that can be easily done. A cure is just around the corner for someone who might suffer from this disease.

So I urge my colleagues to support this important legislation. I thank my friend from Maryland for bringing it forward, and I'll yield back the balance of my time.

Mr. WYNN. Madam Speaker, I'd just like to take a moment to thank Dr. BURGESS for his support of this legislation. He expounded on it quite well, and we appreciate his support. Also Ms. GRANGER, who I indicated could not be here.

I particularly want to thank my colleagues on the Democratic side of the aisle, Ms. SCHAKOWSKY, who obviously has a tremendous personal story to tell in support of this legislation, and also Mr. KENNEDY, with whom I've worked with, and has had a tremendous passion in support of this measure.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of a resolution offered by a fellow Texan, Congresswoman GRANGER, recognizing the month of March as Colorectal Cancer Awareness Month.

There are few diagnoses that strike more fear into Americans than being diagnosed with cancer. More than 10 million Americans currently live with cancer. According to the American Cancer Society, more than 1.4 million new cancer cases will be diagnosed this year.

In the United States, colorectal cancer is the fourth most common cancer in men and women. If it is caught early, it is often curable. Regular colorectal cancer screening or testing is one of the best ways to prevent colorectal cancer.

Once abnormal cells start to grow, it takes approximately 10 to 15 years to develop into colorectal cancer. Regular colorectal cancer screening can prevent colorectal cancer altogether because some polyps and growths are identified and removed before they turn into cancer. Screening can also result in finding colorectal cancer early, when it is highly curable.

Houston's MD Anderson Cancer Center is located near my district so I have seen the effectiveness of research and treatments that have come from investment in cancer research programs. However, the easiest way to prevent, treat, and recover from cancer is to find it early.

That is why recognizing the month of March as Colorectal Cancer Awareness Month is important. Letting people know that they should be regularly tested for colorectal cancer is the first step in saving lives.

I want to thank my colleague, Representative GRANGER, and urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Con. Res. 302, supporting the observance of Colorectal Cancer Awareness Month, and for other purposes, introduced by my distinguished colleague from Texas, Representative KAY GRANGER. This important legislation recognizes the devastating effects of Colorectal Cancer, which kills 49,960 Americans each year, and raises awareness regarding the realities and severities of this disease.

Colorectal cancer includes both colon and rectal cancer and is the second most common cause of cancer deaths for both men and women within the United States. This form of cancer does not discriminate between men and women, race and ethnicity; however, the rates of diagnoses are slightly higher among the African America Community. Despite the fact that every 3.5 minutes someone is diagnosed with colorectal cancer, every 5 seconds, someone who should be screened for this cancer is not.

That is why this legislation is so important; we know the devastating effects of this type of cancer, yet we have failed to apply the necessary steps to address the epidemic. The survival rate of those who have colorectal cancer is 90 percent when detected in its early stages, but that rate dramatically drops to only 10 percent when colorectal cancer is detected after it has spread to distant organs. The death rate of colorectal cancer could be reduced by up to 80 percent if the majority of Americans age 50 or older were screened regularly for colorectal cancer. It is not surprising to note that uninsured Americans are more likely to be diagnosed with late stage colon cancer than patients with private insurance, and that as such only 39 percent of colorectal cancer patients have their cancer detected at an early stage. Only 18.8 percent of Americans without health coverage in the United States have currently been properly screened for colorectal cancer.

Regular colorectal cancer screening makes economic sense because it has been ranked as one of the most cost effective screening interventions available, with the potential to save more than 30,000 lives a year. Treatment costs for colorectal cancer are extremely high and are estimated at $8,400,000,000 for 2004; however, the risks associated with non-treatment are even higher.

The necessity of raising awareness about colorectal cancer cannot be overemphasized, and I applaud this legislation for supporting the observance of Colorectal Cancer Awareness Month. The potential deadly effects of colorectal cancer should encourage Americans from all walks of life to be tested and treated by their doctors. Colorectal cancer is the third most common form of cancer and the second leading cause of cancer-related death in the Western world. As such, colorectal cancer causes 655,000 deaths worldwide per year. Colorectal Cancer Awareness Month must also raise public awareness for the need of colorectal cancer testing for those Americans who are traditionally unable to afford such screening and seek ways to alleviate this disparity. It is imperative that Congress find a way to ensure every American at risk is tested and treated in the early stages to prevent an even higher death rate. Colorectal Cancer Awareness Month should be recognized by all Americans to focus on the special opportunity to offer education on the importance of early detection and screening.

I am proud to cosponsor this important legislation to support the observance of March as Colorectal Cancer Awareness Month. I strongly support H. Con. Res. 302 and urge all Members to do the same.

Mr. WYNN. Madam Speaker, I have no further requests for time, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 302.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WYNN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 20 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WELCH of Vermont) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3352, by the yeas and nays;

H.R. 2675, by the yeas and nays;

H. Con. Res. 302, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HYDROGRAPHIC SERVICES IMPROVEMENT ACT AMENDMENTS OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3352, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 3352, as amended.

The vote was taken by electronic device, and there were—yeas 308, nays 60, not voting 62, as follows:

[Roll No. 147]

YEAS—308

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gohmert
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—60

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Brady (TX)
Broun (GA)
Burton (IN)
Campbell (CA)
Carter
Chabot
Conaway
Culberson
Deal (GA)
Duncan
Everett
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Hastings (WA)
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kline (MN)
Lamborn
Linder
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Paul
Pence
Pitts
Poe
Price (GA)
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Stearns
Sullivan
Tancredo
Tiberi
Wamp
Westmoreland
Wilson (SC)

NOT VOTING—62

Bachmann
Blunt
Boehner
Braley (IA)
Brown, Corrine
Cannon
Cantor
Coble
Conyers
Cubin
Davis (IL)
DeGette
Dicks
Dingell
Doolittle
Etheridge
Feeney
Fossella
Gilchrest
Gonzalez
Granger
Grijalva
Gutierrez
Hare
Hinchey
Hobson
Honda
Hulshof
Jefferson
Johnson (GA)
Kind
Kingston
Marshall
Mollohan
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Peterson (PA)
Pickering
Pomeroy
Pryce (OH)
Rangel
Reynolds
Rohrabacher
Rothman
Rush
Sanchez, Loretta
Sarbanes
Shadegg
Shuler
Stark
Sutton
Tauscher
Tiahrt
Udall (CO)
Udall (NM)
Upton
Waxman
Weldon (FL)
Weller
Whitfield (KY)

□ 1856

Messrs. WAMP, WILSON of South Carolina, TANCREDO, BRADY of Texas, and ISSA changed their vote from "yea" to "nay."

Messrs. HERGER and JONES of North Carolina changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HALE SCOUTS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2675, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 2675, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 2, not voting 58, as follows:

[Roll No. 148]

YEAS—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Frank (MA)
Woolsey

NOT VOTING—58

Bachmann
Braley (IA)
Brown, Corrine
Cannon
Coble
Cubin
Davis (IL)
DeGette
Dicks
Dingell
Doolittle
Etheridge
Fossella
Gilchrest
Gonzalez
Granger
Grijalva
Gutierrez
Hare
Hinchey
Hirono
Hobson
Honda
Hulshof
Jefferson
Johnson (GA)
Kind
Kingston
Marshall
Mollohan
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Peterson (PA)
Pickering
Pomeroy
Pryce (OH)
Rangel
Reynolds
Rohrabacher
Rothman
Rush
Sanchez, Loretta
Sarbanes
Shadegg
Shuler
Stark
Sutton
Tauscher
Tiahrt
Udall (CO)
Udall (NM)
Upton
Waxman
Weldon (FL)
Weller
Whitfield (KY)

□ 1906

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 148, had I been present, I would have voted "yea."

SUPPORTING THE OBSERVANCE OF COLORECTAL CANCER AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 302, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 302.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 59, as follows:

[Roll No. 149]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave

Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—59

Bachmann
Braley (IA)
Brown, Corrine
Cannon
Coble
Cubin
Davis (IL)
DeGette
Dicks
Dingell
Doolittle
Etheridge
Fossella
Gilchrest
Gonzalez
Granger
Grijalva
Gutierrez
Hare
Hinchey
Hobson
Honda
Hulshof
Jefferson
Johnson (GA)
Kind
Kingston
Lewis (GA)
Marshall
Mollohan
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Peterson (PA)
Pickering
Pomeroy
Pryce (OH)
Rangel
Reynolds
Rohrabacher
Rothman
Rush
Sanchez, Loretta
Sarbanes
Shadegg
Shuler
Stark
Sutton
Tauscher
Tiahrt
Udall (CO)
Udall (NM)
Upton
Waters
Waxman
Weldon (FL)
Weller
Whitfield (KY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining on this vote.

☐ 1915

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE MARION BERRY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MARION BERRY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 14, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the U.S. Court of Federal Claims, for documents and testimony.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MARION BERRY,
Member of Congress.

RECOGNIZING UNITED STATES ARMY SPECIALIST MONICA L. BROWN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise to introduce legislation with my colleague, RON PAUL of Texas, that honors the sacrifice and courage of a young Army soldier. This happens to be Women's History Month, and this happens to be in honor of the heroic deeds of U.S. Army Specialist, Monica L. Brown.

I believe this legislation is especially pertinent, given that March is Women's History Month. Specialist Brown is the first woman in Afghanistan, and only the second female soldier since World War II, to receive the Silver Star, the Nation's third highest medal for valor. This soldier from Lake Jackson, Texas is only 19 years old.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the HUMVEES. When Specialist Brown saw fellow soldiers were injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire, without regard to herself.

All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving fire.

The Pentagon says that they don't send women to the front lines, but in Afghanistan and in Iraq there are no front lines.

She happens to be only the second woman to receive the Silver Star since World War II. We honor her with this resolution, H. Con. Res. 320.

I ask my colleagues to join me in this resolution.

Mr. Speaker, I rise today to introduce legislation that honors the sacrifice and courage of a young Army soldier. My colleague and fellow Texan, Representative RON PAUL seeks to recognize the heroic deeds of U.S. Army Specialist Monica L. Brown.

I believe this legislation is especially pertinent given that March is Women's History Month. Spec. Brown is the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the nation's third-highest medal for valor. This solider from Lake Jackson, Texas is only 19 years old.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the Humvees. When Spec. Brown saw her fellow soldiers were injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire. All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving incoming fire.

The Pentagon's official policy is to prohibit women from serving in front-line combat roles in the infantry, armor or artillery, but the nature of the wars in Afghanistan and Iraq, with no real front lines, has seen women soldiers take part in close-quarters combat more than previous conflicts.

According to the Army four Army nurses in World War II were the first women to receive the Silver Star, though three nurses serving in World War I were awarded the medal posthumously in 2007. Sgt. Leigh Ann Hester, of Nashville, Tenn., was the first to receive the Silver Star in 2005 along with two fellow male soldiers for her gallantry during an insurgent ambush on a convoy in Iraq.

The Army has stated that Spec. Brown's "bravery, unselfish actions and medical aid rendered under fire saved the lives of her comrades and represents the finest traditions of heroism in combat."

This legislation is not about condoning the wars in Afghanistan or in Iraq. This legislation is about us supporting and honoring our troops. It is about this Nation's children fighting for the rights of all of us in places we do not dare to go, under environments we cannot fully appreciate from this comfortable position.

Spec. Brown reminds us that our youth are fighting in this war, our mothers and daughters are fighting in this war, and they deserve to be recognized for their achievements. However, we not only recognize the sacrifice and courage of Spec. Brown, of even just the brave acts of her fellow soldiers, marines, and airmen. We must also recognize the families of our military. Spec. Brown's grandmother said she was the proudest Grandmother in all of Lake Jackson, Texas, when she learned of her granddaughter's heroism. We should all be as proud of our young men and women as Spec. Brown's grandmother. In being proud of them, we are not condoning the Administration, we are recognizing their efforts and their belief in what they have been tasked to do.

We sit in these chambers and discuss the idea of war, and the economic costs to the Nation. However, our men and women in Afghanistan and Iraq are dealing with the realities of war everyday.

I am proud of Specialist Monica L. Brown, Texas is proud of Monica L. Brown, and this country should be proud of Monica L. Brown. She thought first of her fellow soldiers and not of the harm that may come her way.

Mr. Speaker, I encourage my colleagues to join Representative RON PAUL and myself in recognizing a true hero, a solider, a daughter of Texas, with this legislation.

THE RIGHT TO BEAR ARMS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the Bill of Rights confers liberties on individuals to protect us from government power. Nowhere is this more apparent than in the second amendment. It states, "A well-regulated militia, being necessary to a free state, the right of the people to keep and bear arms shall not be infringed."

The second amendment confers two rights; it allows individuals to bear arms, and it allows for a state militia, or the National Guard.

There are several reasons for the second amendment. But notice the phrase, "the right to bear arms." This is a military term. The colonists, who all owned firearms, were somewhat fearful of a strong Federal Government that would be oppressive and totalitarian. So it seems they wanted the right to protect themselves, individually and also collectively, through militias from not only outlaws but an outlaw Federal Government.

As the Supreme Court decides if the government can ban gun ownership, it would do well to adopt a lower court opinion which said, "The right to bear arms was premised on the private use of arms for activities such as hunting and self-defense; the latter being understood as a resistance to either private lawlessness or the depredation of a tyrannical government."

And that's just the way it is.

CONGRATULATING THE UNIVERSITY OF MEMPHIS TIGERS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, as most everybody in America knows, this is March Madness, and March Madness is a wonderful experience when people cheer for their basketball teams and watch great athletes compete for the national championship.

One of the teams competing in San Antonio for the national championship will be the University of Memphis Tigers, my home university and my alma mater. We are extremely proud of the University of Memphis. And in Tennessee, it was 173 years ago that a great group of Tennesseeans, including my predecessor from the Western District of Tennessee, Davy Crockett, went to the Alamo. This time, Mr. Speaker, it's going to be a different story. Tennesseeans will win, have a victory in San Antonio, and your Congressman who is in the House will come back to the House.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CORPORAL SCOTT A. McINTOSH—TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the youth of our Nation have always been willing to volunteer and take care of the rest of us in times of war. Sometimes those young men and women give their lives for the rest of us. United States Army Corporal Scott A. McIntosh, of Humble, Texas, was one of those noble few. He was killed in Iraq on March 10, 2008 by a suicide bomber, and he was awarded the Purple Heart and the Bronze Star.

Not only was he a loyal and courageous soldier, but he was a beloved son, a caring brother and a friend to many.

His life was special not just because of how he died, but also because of how he lived. He was both the kid next door and a proud soldier defending this Nation.

He was born on February 4, 1982 in Humble, Texas, and he graduated from Cypress High School in 2001. After trying college for a little while he decided it wasn't ready for him, and he joined the United States Army. He was assigned to the 1st Battalion, 64th Armor Regiment, 2nd Brigade Combat Team, 3rd Infantry Division, in Fort Stewart, Georgia. He re-enlisted for three more years when his first tour of duty was over.

His parents, Alex and Gwenn McIntosh, did an excellent job raising such a fine son. His family described Scott as someone who loved people. His mission in life was to meet and make friends with every person he came in contact with. He shared his hearty laugh and always had a smile to give. Scott always had a positive outlook on life. He loved to hunt and fish in his spare time, but most of all he loved his family, the Army, the country he lived in and his life.

His smile matched his fun-loving personality, which carried over into everyday tasks, like work, with humorous results.

Eric McIntosh described his brother's comical attempt at being a golf caddy. When Scott went to work, he said, "it was like a scene right out of the movie Caddy Shack. Scott barely showed up on time, still tucking his shirt in his pants and tying his shoes, and he would grab the golf bag and march down the fairway with all the clubs and balls falling out all over the place."

Scott would have fun with everything that he did and his joyful, worry-free personality was contagious to those that knew him and everybody around him. Not only did he love to laugh, but he truly cared about others, especially his family in Texas.

Scott was always looking out for other people, and that's why he joined the United States Army. He wanted to protect and serve those he loved. And as the Good Book says in John 15:13, "Greater love has no man than this, that he lay down his life for his friends." Scott's life was a shining example of this greater love which he demonstrated for family, friends and country.

Scott went off to war because he was a faithful son of America. Over Easter weekend this past weekend I had the opportunity to be in Iraq with our troops. And Mr. Speaker, there is no finer military in the long history of warfare than our troops that are in Iraq that proudly wear the uniform of the American fighting man. Scott McIntosh was among those elite fighting forces.

Scott's wonderful life is a huge loss to those that were close to him. His father said, "My family is devastated by this loss, and it is something that we will have to carry with us for the rest of our lives. At the same time, however, we are bursting with pride for our son's service to this country. We understand the sacrifices required to keep this country free. And Scott was the best son anyone could ever have asked for. I will love and cherish him for the rest of my days."

Mr. Speaker, this is a photograph of Scott McIntosh. He was a real person and he was proud to wear the uniform of the United States soldier.

In a moving speech at his brother's funeral, Eric told hundreds of friends and family that he loved his big brother. He thanked Scott for being such a good friend, a good son, a great person and the best brother anybody could ever have.

In a final act of sacrifice for others, his family has established the Scott McIntosh Memorial Fund. In the attack that took Scott's life, four other soldiers were also killed. Three of them were married and had small children. And the purpose of the fund will be to raise money for those kids who lost their fathers that were soldiers in Iraq. Even in death, the eternal spirit of Scott's love and care for others will continue.

We do not forget, as a Nation, Corporal Scott A. McIntosh and all those who sacrificed their lives on the altar of freedom. Scott's memory will live on in the hearts and minds of friends and family, while his life will always be an inspiration to Americans.

We can honor his sacrifice by following his example, to live life to the fullest and to take care of those people around us.

In 1940, a reporter, right before the great World War II, made this comment, he said, "This nation will remain the land of the free only so long as it is the home of the brave."

Our country, Mr. Speaker, will long survive and live free because of the likes of Scott McIntosh and his band of brothers.

And that's just the way it is.

☐ 1930

THE BIGGEST BURDEN OF THE IRAQ CONFLICT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I'm really glad to be back in the House. I've been away for over 6 weeks because of back surgery. I've been patched up, and I'm going to be just fine. I'm not worried about myself. But I'm worried, and I hope every Member of the House is worried about the hundreds of thousands of American soldiers and civilians who have been injured in the conflict in Iraq.

Nearly 30,000, probably many, many more of our brave troops have been wounded.

Many have injuries that will rack their bodies and their minds for the rest of their lives.

Yet Vice President CHENEY said last week that President Bush carries the biggest burden of this conflict. Tell that to the widows and widowers, Mr. Vice President. Tell that to the families who have been devastated by the injuries to their loved ones. Tell that to the children who see their mother or father in a hospital bed without a limb or with a terrible head wound. Tell that to the veterans who have not gotten the care they need and the care they deserve, the care we promised them.

One of our soldiers in Iraq, Lieutenant Sean Walsh, wrote a piece for Time magazine recently about the human costs of the occupation. He wrote that his fellow soldiers have become his family and that three of them have died. And he asked the question, "What is worth the lives of three of your loved ones?" It is a good question.

And so I would like to ask every Member of this House who supports the occupation the very same question: Is our occupation of Iraq worth the lives of three of your loved ones?

We must also remember the Iraq civilians who have been injured. We seem to forget them, and that is truly a disgrace. According to the best estimates, anywhere from 80,000 to 150,000 civilians have been injured. And the real number, the real number is certainly much, much higher.

What kind of health care are they, the Iraqi civilians, getting? The International Committee of the Red Cross reported last month that public hospitals in Iraq now provide 30,000 beds. Mr. Speaker, that is less than half of the 80,000 that are needed.

In addition, 2,200 doctors and nurses have been killed since the year 2003, and another 250 have been kidnapped. And the current conflict has worsened the impact of the previous war and the years of international sanctions. Of the 34,000 doctors registered in Iraq in 1990, 20,000 have fled the country, some by choice and others by force. What about their burden, Mr. Vice President?

Meanwhile, the administration continues to play its cynical game with troop levels. It is clear that the administration intends to keep 140,000 troops in Iraq until it leaves office in order to put an artificial lid on this violence. That way, the outgoing administration can say that it improved the security situation and that we are on the road to victory in Iraq.

But the truth is, all that has been achieved is a temporary military and political stalemate, new explosions of violence coming as I stand here speaking on the floor of the House of Representatives.

And while we continue to be bogged down in a civil war in Iraq, a conflict that began centuries before 9/11, the real enemy, al Qaeda, grows stronger in its cozy, safe haven in Pakistan.

The administration is often criticized for not having an exit strategy in Iraq. But in my view, the reason the President never had an exit strategy is because he never intended to exit Iraq. Permanent occupation has always been his game plan.

So, Mr. Speaker, it's up to the Congress to implement the will of the American people and end the occupation with a responsible redeployment of our troops. The best way to honor those who have died or have been injured in this occupation is to ensure that more won't die and more won't be injured.

That is why I will continue to speak up for our brave troops and for the innocent Iraqis who are, despite what the Vice President may think, the ones who are carrying the biggest burden.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand, once again, before this body with yet another Sunset Memorial. It is March 31, 2008, in the land of the free and the home of the brave. And before the sun sets today in America, almost 4,000 more defenseless, unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That is more than the number of innocent American lives that were lost on September 11 times 15,000, the total number that were lost on September 11.

It has now been exactly 12,852 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children. Some of them, Mr. Speaker, died and cried and screamed as they died. But because it was amniotic fluid passing over the vocal cords rather than air, we couldn't hear them.

All of them had at least four things in common. They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it or not, will never be the same. And all of the gifts that these children might have brought to humanity are lost forever.

Yet, even in the full glare of such tragedy, this generation clings to blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date: those yet unborn.

Mr. Speaker, perhaps it's important for those in this chamber to remind ourselves again of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and they are endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness.

Every conflict our Nation has ever faced can be traced to our commitment to this core, self-evident truth. It has made us the beacon of hope for the entire world. It is who we are. And yet, Mr. Speaker, another day has passed. And we in this body have failed again to honor that foundational commitment. We failed our sworn oath, and we failed our God-given responsibility as we broke faith with the nearly 4,000 more innocent American babies who died today without the protection that we should have given them. And it seems so sad, Mr. Speaker, to me that this Sunset Memorial may be the only remembrance that these children who died today will ever have in this Chamber.

And so just as small a gesture as it might be, I would ask those who are inclined for just a moment of silence at this time for these little, lost Americans.

Mr. Speaker, let me conclude in the hope that perhaps someone new who hears this Sunset Memorial tonight will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express and that 12,852 days spent killing nearly 15 million children in America is enough and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon, each of us will walk through these chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day when we finally find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

Mr. Speaker, it is March 31, 2008, 12,852 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children. This, in the land of the free and the home of the brave.

ECONOMIC PLIGHT OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the American people are desperately struggling to understand why our Federal Government is ignoring their economic plight. The average price of gasoline now sits at $3.28 and it is rising. Only a month ago, Americans paid $3.16. A year ago, they paid $2.67. Months away from the peak of the summer driving season, the American people can expect to see this trend get only worse.

In 1996, the United States began its plunge into nearly total dependence on imported petroleum. With 10 years of oil deficits continuing to plague our economy, we have spent too much time talking and not enough time acting. Our lack of energy independence translates into a true loss of liberty.

Since the Bush administration assumed office, our Nation is importing a billion more barrels of petroleum a year. A billion barrels more. By 2007, the trade deficit of oil imports had risen to $293 billion, accounting for a third, over a third, of the total $815 billion U.S. trade deficit.

This last statistic is truly sobering. But for this year of 2008, 51 percent of the total U.S. trade deficit, over half, is now the result of imported oil. Over half of our structural trade deficit flows directly from the increasing cost of oil.

Again, this equals dependence for America, not independence. It is an abrogation of our birthright as a Nation to allow us to continue in this position.

Based on 2007 numbers, the United States is adding $808 million a day to the trade deficit just from our imbalance in oil. The rising cost of oil added an estimated $50 billion to the Nation's trade deficit in 2006 and, on top of that, another $28 billion in 2007.

Our country imported 4.8 billion barrels of oil in total energy-related products in 2007 valued at $319 billion. Imagine if we would have been able to spend those dollars here at home what an injection that would be into this economy with the value of the dollar falling, so much related to imports, the economy tanking, the housing market in freefall and Americans feeling the true pinch of all of this. Our government here in Washington has not provided the leadership needed to end this plunge into national subservience.

The solution is clear: energy independence now. First, we have to look to our natural resources and pass a good farm bill to unleash the power of the earth and nature as a key part of the solution. And while there has been plenty of talk from our President about energy independence, the insistence on vetoing a bill, that does not live within artificial budget limits that he has declared, is an absurdity that threatens to destroy our progress. A good farm bill invests in rural America, providing an investment in infrastructure and research, including the energy technologies of tomorrow.

Second, we must continue to rely on the advanced research technology organized by the National Renewable Energy Lab and give this lab the resources to define and help redefine our new energy future. We need no less a commitment than we envisioned when we created NASA and space exploration. With that came security, and now we need energy security. It is that high a priority. This Congress, this President should be working to that end.

And third, we must pass legislation to fund the energy bill that passed the House last year, and then again this year, and call on our brethren in the other body to take action.

Unless we commit to providing leadership to transform our economy, this discussion remains the rhetoric of the last century really leaving us with a confused and unfulfilled daydream that has repeated itself for the last three decades.

As the American people face $4 gasoline and see our wealth drained from us, we must take a new course. We are past the point of words. Real deeds are required. And we must stop our economic hemorrhaging and begin investing in our own Midwest, in our own country, not the Middle East, and pass on a free republic to our posterity worthy of the sacrifices of our founders and all those who gave their all in freedom's cause.

Liberty's call in this new century demands energy independence now.

□ 1945

SALUTING JORDAN LEEN, NATIONAL CHAMPION

The SPEAKER pro tempore (Mr. WELCH of Vermont). Under a previous order of the House, the gentleman from Tennessee (Mr. WAMP) is recognized for 5 minutes.

Mr. WAMP. Mr. Speaker, I rise tonight because every now and then a person's story will so inspire us that the example is set for all young people to look up to, to follow in their footsteps. And that happened 9 days ago to a young man from East Tennessee whom so many people are so very proud of today.

His name is Jordan Leen. And 9 days ago, in the 157 pound weight class at Cornell University, Jordan Leen achieved his life's ambition of becoming a national champion. Among all universities from sea to shining sea, against some very difficult odds, this young man became a national champion.

He has moved up weight classes in his last couple of years at Cornell until he got comfortable and didn't have to lose weight to wrestle. So this is probably about his natural weight. He's what my son would call a "beast." I've seen him in all ways of his life.

He beat the number one seed, even though he was seeded eighth going into the tournament in the quarter finals, and he beat the number two seed in the finals just 3–2 in the most hard-fought match you've ever seen. And it was glorious. It was electric. He was distinguished through his high school career. And I want to focus on three things that made Jordan Leen a champion so others can look up to him and know that these are some of the ingredients for success.

One is family. His father, Mark; his mother, Tammy; his sisters, Andrea and Tara, they're a unit. The scriptural principle is that a cord of three strands is not easily broken; and with the Leens, a cord of five strands is not broken. They're a unit. They're a team. I know this because this young champion grew up across the street from me. He and my son, Weston, are best friends. This was a glorious moment not just in my family's life but in all of these Tennesseeans' because this family was represented on the mat in front of the national ESPN audience a week ago Saturday, and we all took joy in this accomplishment from this fighter. He had been sick the week of the national championship, but he battled through that to become a national champion.

Ingredient number two, a foundation. He got it at the Baylor School with an outstanding wrestling program, an incredible tradition, and the foundation was there for him to become a collegiate athlete and a scholar athlete. He was the greatest wrestler in the history of the State of Tennessee by anyone's standard: a 4-year State champion; 215 victories; 9th, 10th, 11th, and 12th State champion all the way through high school at the Baylor School. He had the foundation from the program, and Baylor School is proud.

And, third, faithfulness. He was faithful through the years. He had a goal and he stuck with it. His work ethic was greater than anyone's. He worked out harder. He fought harder. He suffered more through injuries. He was faithful all the way through. His father in the account said that that whole week of the championship he knew something was different because Jordan had turned the week over to the Lord. He was faithful. He gave it to God and said, I'm here to do my best. I'm sick, but I am here to do my best. And he was honored. And he was faithful.

He's an incredible young man. He's an inspiration to all. He's an excellent student, making a 3.3 at Cornell in premed, and a national collegiate champion in the 157 pound weight class.

Jordan Leen, East Tennessee salutes you. You're one of the greatest athletes in the history of our region. You have reached the climax, but you're still the same guy. And we love you for the example you have set for young people.

Young people, if you want to be a student athlete, follow Jordan Leen. Follow Jordan Leen.

Thank you, Jordan. Your family loves you, and we salute you on the floor of the House tonight.

STAFF SERGEANT MATTHEW MAUPIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise tonight to offer my sincere condolences to the family of Staff Sergeant Keith Matthew Maupin. Yesterday, Keith and Carolyn Maupin learned that the United States Army had positively identified the remains found last week in Iraq as that of their son, Matt Maupin. After nearly 4 years of suffering the torment of not knowing the status of their missing son, I pray that this news may bring some closure to the Maupins and allow them to begin to mourn their loss and celebrate the life that Matt lived.

Keith Matthew Maupin was born in Batavia, Ohio, on July 13, 1983, and was a student at Glen Este High School in Union Township, Clermont County, Ohio, where he played football and was a rower on the county's high school crew team. Matt graduated in 2001 and enrolled in the University of Cincinnati's Aerospace Engineering Program. He joined the United States Army Reserve in 2002, attending basic training at Fort Jackson, South Carolina, and completed his advanced individual training at Fort Leonard Wood, Missouri, in the spring of 2003.

After completing his training, Matt continued his studies at the University of Cincinnati while fulfilling his obligations as an Army reservist. In November 2003, Matt received orders to transfer to the recently mobilized 724th Transportation Company based out of Bartonville, Illinois. Matt and the 724th arrived in Kuwait on February 20, 2004. The following month Matt's unit was moved to the Logistics Support Center Anaconda in Balad, Iraq, to begin missions delivering fuel to various coalition bases.

On April 9, 2004, Matt's convoy was ambushed near Baghdad International Airport. The convoy came under fire from small arms, RPGs, and mortar fire. When the convoy was able to move clear of the attack, it was found that nine people were unaccounted for. Later, five civilians and one soldier were found dead, presumed to have been killed during the ambush. One civilian driver had been taken hostage during the ambush but managed to escape his captors a few weeks later. Matt and one civilian contractor remained missing.

On April 16, 2004, Matt appeared in a videotaped broadcast aired on al Jazeera television surrounded by his armed captors. During the brief interview, Matt identified himself as Private First Class Keith Matthew Maupin. From that day forward, Matt's status was listed as a prisoner of war. And the men and women of the Armed Forces, as well as those from various Federal agencies, worked tirelessly to find Matt and secure his return.

The Army has a creed. And within that creed there are four stanzas referred to as the warrior's ethos. This ethos is the standard by which all soldiers conduct themselves. They read as follows:

I will always place the mission first. I will never accept defeat. I will never quit. I will never leave a fallen comrade.

I believe that it was these four stanzas that directed and guided the search for Matt. The mission was to find Matt and return him to his family. I thank Secretary Gates, Secretary Geren, General George Casey, General Petraeus, and all the leaders in the Multi National Forces-Iraq and Joint Special Forces Command for making the mission of finding Matt the number one priority in this Nation. I also think it's important that we thank all the soldiers, sailors, Marines, and airmen who patrolled the streets of Iraq every day refusing to accept defeat, refusing to quit, and refusing to leave behind our fallen Matt.

I would also like to thank General Jim Campbell, recently retired, who visited with the Maupins on numerous occasions, providing them with updates on the status of the search for Matt. I would also like to thank Major General Galen Jackman and Joe Guzowski for their efforts to keep me informed on the details of their search.

It has been almost 4 years since Matt went missing in Iraq, and through the joint efforts of all these extraordinary people, Matt can finally come home. As Matt's father told me, “Matt is coming home. He has completed his mission.” My thoughts and prayers are with his family and his friends. Their torment is replaced with a broken heart, and I ask this Nation to pray that that heart is healed.

May God bless Matt and Matt's family, and may Matt rest in peace.

THE DEMOCRATS' “MAGIC PLAN” TO LOWER GAS PRICES HAS NOT WORKED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, this morning the price of a barrel of oil fell to $105 after hitting an all-time high of nearly $112 in the middle of March. Less than 2 years ago, the Democrats promised Americans that they had a magic plan for lowering gas prices, but since they have been in control of Congress, prices have simply gone higher and higher. But at the time, those prices were enough to alarm Americans when Republicans were in the majority.

On the floor of the House and on the campaign trail in districts throughout the Nation, the Democrats seized on those anxieties and pointedly blamed the Republican White House and Congress for rising gas prices. Time and time again, they said they had a magic formula for lowering the cost.

On April 16, 2006, the then-minority leader NANCY PELOSI said in a press release, “The Republican rubber stamp Congress has passed two energy bills, costing taxpayers $12 billion for giveaways to big oil companies. But the Republican bills clearly have done nothing to lower gas prices, as the price of a barrel of oil has settled above $70 a barrel, the highest price in our history.” The release went on to say, “Democrats have a plan to lower gas prices.”

Then the next week another Pelosi release said, "Democrats have a commonsense plan to help bring down skyrocketing gas prices . . . "

When in 2006 the House considered the energy bill to increase domestic production, the Democrats took to this floor in outrage. A Democrat congressman from California said on the floor about the Republican energy bill of 2006, "It is no wonder their initials are G-O-P: gas, oil, and petroleum . . . It is time House Republicans join us in providing some real relief to the American consumer."

That same day a Democratic Member from Connecticut said, "When it comes to solving the energy crisis, President Bush and his Republican Congress have no credibility. If they had only spent the last 5 years working to reduce demand," like the Democrats have proposed, "by raising fuel standards, rolling back the billions of dollars in tax breaks and royalty relief to the big oil companies, and if they were about promoting alternative fuels, as the Democrats have proposed, we might today be on the road to energy independence instead of bracing ourselves for $4 gas prices.

Let me put this rhetoric into context, Mr. Speaker. When the Democrats took over both Houses of Congress in January of 2007, gas prices that month ranged from $50 to $60 a barrel for oil. But at the end of 2007, the Democrats' magic plan for lowering gas prices apparently hasn't worked out because today oil is closing at over $100 a barrel.

But wait, Mr. Speaker. It gets even crazier. A House Appropriations subcommittee this week will be looking at raising gas taxes 25 to 40 cents a gallon.

□ 2000

Seems to me that that makes prices go up 25 to 40 cents a gallon. But what do I know? I've never professed to understand the Democrats' magic formula for lowering gas prices.

On gas prices, as on earmarks, spending, and ethics, the Democrats ran as the Great Crusaders. But they've governed as the Great Pretenders. Democrats have proposed nothing that would do anything but raise gas prices at the pump. Just last month, the House Democrats passed another "no-energy" energy bill in the form of an $18 billion tax increase on American energy. This marks the fourth time the Democrats have held a vote to raise energy taxes. This sort of agenda will only slow the economy by discouraging domestic energy production and increasing our dependence on foreign nations for our energy.

Our Nation needs energy production to keep our competitive edge in the global marketplace. We all want to achieve breakthroughs in alternative energies that will have a growing importance in the future. But we can't pretend that oil isn't by far the most important fuel in our economy. We have to increase domestic production. We need to give American companies incentive to produce, rather than demonizing them for providing a commodity that our livelihoods depend on.

Let's put American ingenuity to work in the field. And let's put the Democrat's magic formula back on the shelf.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise tonight in honor of women's history month, and to pay tribute to the countless mothers and grandmothers, sisters and daughters, friends and neighbors that are active across our communities, cities, and our Nation. Women who inspire us, who are the conscience of our communities, and, most of all, women who are the unsung heroes of our shared historical past.

In the early days of our great Nation, women were relegated to second-class status. Women were considered sub-sets of their husbands, and after marriage they did not have the right to own property, maintain their wages, or sign a contract, much less vote. It was expected that women be obedient wives, never to hold a thought or opinion independent of their husbands. It was considered improper for women to travel alone or to speak in public.

The fight for women's suffrage was formally begun in 1848, and, in 1919, after years of petitioning, picketing, and protest parades, the Nineteenth Amendment was passed by both houses of Congress and in 1920 it became ratified under the presidency of Woodrow Wilson.

However, the right to vote did not give women equal rights, and subsequent decades saw an ongoing struggle for equality. A major success came in with Title IX of the Education Amendments of 1972, also known as the Patsy T. Mink Equal Opportunity in Education Act, in honor of its principal author. This law, enacted on June 23, 1972, states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title XI, introduced by Congresswoman Patsy Mink (also notable as the first Asian American woman elected to Congress), has opened the doors to countless educational activities, perhaps most prominently high school and collegiate athletics, to women. Congresswoman Mink's legacy lives on as, each year, hundreds of women across the Nation participate in NCAA athletics, learn teamwork and perseverance, earn scholarships enabling them to study at college, and enjoy equal footing with men in the academic arena.

Mr. Speaker, I am proud to pay tribute to the women, local heroes, of my district. Women like Ramona Tolliver, long time Fifth Ward resident, former Precinct Chair, founding board member of Fifth Ward Community Redevelopment Corporation, member of Our Mother of Mercy Catholic Church, and member of the Metropolitan Organization member, who is still actively advocating for her community. Women like Nellie Joyce Punch, long time Fifth Ward resident, retired educator at Phyllis Wheatley High School, former Precinct Chair, founding board member of Fifth Ward Community Redevelopment Corporation, member of Methodist Church, also still actively working on behalf of her community. Both Ms. Tolliver and Ms. Punch are active in Houston's Fifth Ward, where they act as the conscience for the community, calling for change and actively working to better our city.

Women like Dr. Charlesetta Deason, principal of Houston's DeBakey High School for Health Professions. Dr. Deason helms a school that offers students interested in science and health careers an alternative to the traditional high school experience, located in the renowned Texas Medical Center and boasting an ethnically diverse faculty and an excellent introductory study of medicine.

Or women like Harris County Commissioner Sylvia Garcia, the first Hispanic and first woman to be elected in her own right to the office. Commissioner Garcia is active in the Houston community, and she has served on more than 25 community boards and commissions, including the San Jacinto Girl Scouts, the Houston Hispanic Forum, the American Leadership Forum, the Texas Southern University Foundation and the Institute of Hispanic Culture.

As a Nation, we have come a long way toward recognizing the important role women play, not only in our local communities, but in our Nation as a whole. Since 1917, when Representative Jeannette Rankin of Montana became the first woman to serve in Congress, 243 more women have served as U.S. Representatives or Senators. In 1968, Shirley Chisholm became the first African American woman elected to Congress; I am now proud to be one of 13 African American women serving in this body.

In addition, we are now, for the first time, under the leadership of a woman Speaker of the House. Speaker PELOSI has led this Democratic Congress in a New Direction, listening to the will of the American people, as it was clearly expressed last November. We are also currently in the midst of a groundbreaking Presidential campaign, which, for the first time, sees a woman seriously vying for the nomination of one of the two major political parties.

Mr. Speaker, the great tragedy of women's history is that, many times, the history of women is not written down. Too often, throughout the course of history, the contributions of women have gone unrecorded, unheralded, and are now forgotten. And so, Madam Speaker, during Women's History Month, we do not stand here only to remember the Eleanor Roosevelts, Harriet Tubmans, Barbara Jordans, and Rosa Parks, women who are celebrated in our schools and history books, but also the millions of female unsung heroes who built this Nation, and who made it truly great.

I would like to pay special tribute to women, mothers, and grandmothers across the country. In particular, I would like to draw attention to the growing phenomenon of grandparents raising children. As of 1996, 4 million children were being raised by their grandparents, and statistics published the following year indicated that over one-tenth of all grandparents provided the primary care for their grandchildren for at least six months and typically much longer. These numbers continue to grow, and these grandparents, generally ineligible for financial or social support, often suffer greatly to provide a safe and loving home for these children.

In addition, Mr. Speaker, we pay tribute to the brave women who serve proudly in our Nation's military. We have come a long way since the first American woman soldier, Deborah Sampson of Massachusetts, who enlisted as a Continental Army soldier under the name of "Robert Shurtlief." Women served with distinction in World War II: 350,000 American women served during World War II, and 16 were killed in action. In total, they gained over 1,500 medals, citations and commendations. In December 1989, CPT Linda L. Bray, 29, became the first woman to command American soldiers in battle, during the invasion of Panama.

The war in Iraq marks the first time in American history that a substantial number of the combat wounded are women. 350,000 women are serving in the U.S. military—almost 15 percent of active duty personnel, and one in every seven troops in Iraq is a woman. Women play a role in nearly all types of military operation, and they have time and time again demonstrated extreme bravery, courage, and patriotism.

I would particularly like to honor one our heroic daughters: Army SPC Monica L. Brown. Brown is the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the Nation's third-highest medal for valor. Army SPC Monica Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the Humvees. After the explosion, in which five soldiers in her unit were wounded, Brown ran through insurgent gunfire and used her body to shield wounded comrades as mortars fell less than 100 yards away. Army Specialist Brown, a native Texan, represents the best of our Nation's fighting men and women, and she clearly demonstrates that the admirable qualities of patriotism, valor, and courage know no gender.

Mr. Speaker, Women's History Month is an opportunity for all Americans to reflect on the women who have built, strengthened, and maintained this great Nation. Women who have often gone unrecognized, unheralded, and unlauded for their great achievements, sacrifices, and contributions. I ask my colleagues to join me in paying tribute to the women in their communities, in their families, and in their lives.

FISA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. MCCAUL) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCCAUL of Texas. Forty-five days ago, the Protect America Act expired. Forty-five days ago, we began to lose critical intelligence overseas that could help better protect this Nation. Forty-five days ago, al Qaeda began to have the upper hand in this war on terror. Forty-five days ago, we started to go dark in parts of the world. Why? Because the Democratic leadership will not allow this body to vote to make the Protect America Act permanent, as the Senate did many months ago.

Mr. Speaker, this is a dangerous and reckless partisan play with the safety of the American people. It endangers the American people, both here at home and the warfighter abroad. We took an oath of office when we were sworn in to protect and defend the Constitution against all enemies, foreign and domestic. These are the foreign enemies. We are talking about foreign terrorists in a foreign country communicating foreign communications. This has nothing to do with the United States citizens. And yet, what the Democrats are allowing is to extend constitutional protections to people like Osama bin Laden and Khalil Sheikh Mohammad, al Qaeda leaders who are communicating about how they can perpetrate an act of evil like on September 11th.

Mr. Speaker, there is a reason why this has not occurred since 9/11. It is because we have had good intelligence. Good intelligence is the best weapon we have in this war on terror. Without good intelligence, we cannot protect this Nation. And this is what this debate is all about. We all remember where we were on this day. But many of us don't remember where we were when the London arrests were made to stop airplanes from being blown up over the United States. Many of us don't remember the countless acts of heroism our intelligence community has performed in protecting the American people from plots against the United States.

I, myself, when I worked at the Justice Department, worked on Foreign Intelligence Surveillance Act warrants. They had to do with agents of informed power in the United States. Through the use of good intelligence overseas, without having to go through the FISA Court, we were able to stop a terrorist plot to blow up 10 American cities on the 4th of July. The voice that was intercepted said, "Roast the Americans on Independence Day."

Mr. Speaker, this is real. This is a real-life threat to the American people. You don't have to take my word for it. I want to read for you a letter that was sent to the chairman of the Intelligence Committee, Mr. REYES, from the Attorney General and the Director of National Intelligence about the expiration of the Protect America Act. What he says, he says, "Our experience since Congress allowed the Protect America Act to expire without passing a bipartisan Senate bill," the bipartisan bill that was passed overwhelmingly in the Senate, that Senator ROCKEFELLER supported, he says, "demonstrates why the Nation is now more vulnerable to a terrorist attack and other foreign threats."

He explained that both the Attorney General and the Director of National Intelligence say in this letter to Chairman REYES that the expiration of the authorities in the Protect America Act would plunge, would plunge critical intelligence programs into a state of uncertainty, which could cause us to delay the gathering of, or simply miss critical foreign intelligence information, and then underlined and highlighted in this letter, they warn the chairman, the Democratic chairman of the Intelligence Committee, that is exactly what has happened since the Protect America Act expired 6 days ago without enactment of the bipartisan Senate bill. We have lost intelligence information this past week as a direct result of the uncertainty created by Congress's, by Congress's failure to act.

What is the response from the Democrat leadership here in the House in response to a letter that says that we have failed to act in the Congress, a dereliction of duty, in my view, by Members of the House. STENY HOYER, the majority leader says, there really is no urgency. Let's all just calm down. Intelligence agencies have all the tools they need. Really? When the Director of National Intelligence says just the opposite.

Chairman SILVESTRE REYES says, you know, things will be just fine. Things will be just fine. Tell the American people that if we get hit again. Tell the three American soldiers who were kidnapped by insurgents in Iraq, and because we had to get "lawyered up" and go through a court in the United States because the time expired, one of those soldiers was killed and two we have not heard from since. You tell the families that there is no urgency and that things will be just fine.

Winning this war on terror, as the 9/11 Commission said, has everything to do with connecting the dots. But if we are not allowed to collect the dots, there is no way we can connect the dots. That is what this debate is all about. It's about being able to capture overseas foreign intelligence by terrorists, by people who wish to do us harm, who every day are hoping that this will happen again.

With that, I would like to yield to the gentlelady from New Mexico, who has really led the fight in the House on this issue, Congresswoman HEATHER WILSON from New Mexico. I would also be interested in your account of when this intelligence gap, if you will, this terrorist loophole first came to your attention.

With that, I yield.

Mrs. WILSON of New Mexico. I thank my colleague from Texas for yielding the time. It was actually a year ago in May when I became absolutely determined to get this fixed, and it was a result of a series of cases in what I saw as a growing problem in intelligence collection.

But so that people understand, in 1978 the Congress passed a law that governed intelligence collection here in the United States, and it was in response to a bunch of abuses that happened in the 1950s and the 1960s. Someone gave me a copy of a declassified memorandum signed by Robert Kennedy and J. Edgar Hoover authorizing the wiretapping of Martin Luther King. Intelligence agencies were involved in abuses and violating the civil liberties of Americans in the 1950s and 1960s, and this law in 1978 set up a special court called the Foreign Intelligence Surveillance Court. They meet in secret session. But in order to listen and to do a wiretap for the collection of foreign intelligence in the United States, you need to get a warrant from this court.

The problem is that the law was written specific to the technology of the time. 1978 was the year that I graduated from high school. The telephone was connected to the wall in the kitchen. The Internet did not exist. Cell phones were Buck Rogers stuff. At that time, almost all international calls went over the air. They bounced off satellites. And the law does not require a warrant to collect any of that information. Almost all local calls were on a wire. And the focus was if you touched a wire, you needed a warrant because that was presumed to be a local call.

Now, technology has completely changed. There are over 220 million cell phones in the United States. And now, almost all international calls go over a wire or a fiberoptic cable, not bounced off of satellites. So all of the foreign intelligence collection, foreign intelligence information which we used to collect over the air, without requiring any warrants at all, has migrated to wires; even more than that, because of global telecommunications.

Telecommunications flow on the path of least resistance. So somebody making a phone call from the Horn of Africa into Pakistan, let's say, that call has a significant probability of actually being routed through the United States. Even a call from northern Spain to southern Spain may actually end up getting routed through the United States.

Early last year, there was a series of court decisions that found that even if we are intending to listen to a foreigner in a foreign country, if the point of access required touching a wire in the United States, then you needed a warrant. This threw a complete monkey wrench into intelligence collection. By the summer of last year, the Director of National Intelligence has testified in open session that we had lost two-thirds of our intelligence collection on terrorism.

The problem was becoming critical, and as a result, we passed something called the Protect America Act in the first week of August that said very clearly if you were in the United States, you needed to get a warrant. If your target was outside of the United States, then you did not need to get a warrant. It went back to the original intention of the Foreign Intelligence Surveillance Act of 1978.

We worked through the backlog in the 6 months that that temporary act was in place. Unfortunately, that act was allowed to expire on the 16th of February, and now we have gone back to the old system for all new tips and tips that are coming into the intelligence agencies. Anything that was already under a warrant, was covered for a year. But intelligence is a dynamic thing. There are new tips that come in every day. It's a little bit like law enforcement. You're going after the bad guys every day. There are things that happen and you get new tips and new leads, and all of those new leads have to be dealt with under an old and cumbersome system that does not allow America to keep pace with the terrorists we are trying to track.

The key here is to prevent another terrorism attack, and our strongest and most important tool in the war against terrorism is good intelligence. If we can figure out what they are doing, we can stop them. The key is to figure out what they are doing, and that means good and timely intelligence.

I yield back to my colleague.

Mr. McCAUL of Texas. If I can ask the gentlelady that serves on the Intelligence Committee, we are talking, are we not, about foreign communications by a foreign target in a foreign country, but just because of the new technology, that it may touch a wire in the United States, it requires us to get attorneys to go before the FISA court to get a warrant. Is that correct?

Mrs. WILSON of New Mexico. That is correct. Under the law that we are trying to get passed, that passed the Senate by a bipartisan vote with 68 votes, it would not be required to get a warrant to listen to a foreigner in a foreign country. Unfortunately, the leadership here in the House will not allow that bill to come up for a vote.

Twenty-one Democrats, over 20 State Attorney Generals have asked the leadership of this House to allow that bill to be brought up for a vote.

□ 2015

I think it would pass with an overwhelming, bipartisan majority.

So we have the liberal Democratic leadership thwarting the majority of this House and compromising the safety and security of this country, and I believe they are doing it largely at the behest of trial lawyers who are eager to sue telephone companies, who can't defend themselves in civil court without compromising the way we collect intelligence.

Mr. McCAUL of Texas. I thank the gentlewoman. So the threat is not only to the safety of American lives, in my view it is a threat to democracy. If this bill was allowed to come to the floor, it would pass overwhelmingly, as it did in the Senate.

Briefly before I yield, the gentlewoman talked a lot about the Foreign Intelligence Surveillance Act. I practiced law under that.

Admiral Inman, who is a supporter of mine, a friend in Austin, Texas, was the Deputy Director of the CIA, Director of the NSA. He was one of the principal authors of the FISA statute. When we talked about the application of this, having to apply the FISA overseas to foreign terrorists, that we are extending constitutional protections to terrorists in foreign countries, what he said, and he wrote an op-ed with me, he said, "To apply FISA to monitoring foreign communications of suspected terrorists operating overseas, such as Osama bin Laden and other key al Qaeda leaders, turns the original intent of the FISA statute on its head. Contrary to some of the rhetoric coming from the Democrats, it is the members of al Qaeda, not American citizens, who are the target of these intelligence gathering activities."

As the gentlewoman mentioned, in my view the driving force behind this dereliction of duty, this stopping democracy, is driven by a narrow special interest, and that is the ACLU and the trial lawyers pushing their agenda in a dangerous way that will put the American people at grave risk.

With that, I would like to yield to my good friend, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I would like to thank the gentleman from Texas and the gentlewoman from New Mexico for their strong leadership and advocacy on this critical national security issue. I think the colloquy engaged in really does represent the essence of the issue.

Former Director Bobby Inman was just quoted saying that it seems that there is greater concern around this Congress by a minority, frankly, to grant constitutional protections to foreign terrorists, really at the expense of protecting Americans.

I think we all know that is wrong. I think the colloquy you both just engaged in, and I heard the frustration expressed in your voice, I think that is also the frustration we are hearing from the American people. The American people do believe that Washington is broken, and I have said this many times. They are angry because Congress is not getting things done on their behalf, and this issue is just proof positive of this terrible failure.

It has been pointed out that we have a bipartisan agreement in the Senate, 68 votes. We have more than a majority in this House to pass this critical legislation, the Protect America Act. It will pass, if only the Speaker will allow this legislation to come up for a vote. They simply want us to put the national interests ahead of the special interests.

As you pointed out, the most litigious among us in this society are driving this issue and preventing the protection of the American people. I think it is just wrong, and we all know it is wrong. The bipartisan solution on FISA has been reached. There really are no more excuses. It is time for this leadership of the House to take "yes" for an answer. It is time to get the job done.

It has been 45 days, 45 days, since the Protect America Act has expired. Senator ROCKEFELLER, the Chair of the Intelligence Committee in the Senate, the Democrat from West Virginia, has made a plea, and I am going to quote him. He said, "What people have to understand around here is that the quality of the intelligence we are going to be receiving is going to be degraded. It is going to be degraded. It is already going to be degraded as telecommunication companies lose interest." That was Senator ROCKEFELLER, not me.

The gentleman from Texas pointed out earlier too the letter that was sent to the chairman of the House Intelligence Committee, SILVESTRE REYES, from the Director of National Intelligence, Mr. MCCONNELL, and Attorney General Mukasey, essentially saying something very, very similar. I will read a quote from them in that letter of February 27, 2008. I will be happy to submit that letter for the RECORD here this evening.

But I am going to quote what they said about the degradation of our intelligence capabilities, pretty much agreeing with what Senator ROCKEFELLER said, a Democrat. What they said is, "That is exactly what has happened since the Protect America Act expired 6 days ago without enactment of the bipartisan Senate bill. We have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act." That was 6 days after the act. It is 45 days today.

They go on to say, "Because of this uncertainty, some partners have reduced cooperation. In particular they have delayed or refused compliance with our requests to initiate new surveillances of terrorists and other foreign intelligence targets under existing directives issued pursuant to the Protect America Act."

Mr. Speaker, I include the letter for the RECORD.

FEBRUARY 22, 2008.

Hon. SILVESTRE REYES,
Chairman, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR CHAIRMAN REYES, the President asked us to respond to your letter of February 14, 2008, concerning the urgent need to modernize the Foreign Intelligence Surveillance Act of 1978 (FISA). Your assertion that there is no harm in allowing the temporary authorities provided by the Protect America Act to expire without enacting the Senate's FISA reform bill is inaccurate and based on a number of misunderstandings concerning our intelligence capabilities. We address those misunderstandings below. We hope that you find this letter helpful and that you will reconsider your opposition to the bill passed last week by a strong bipartisan majority in the Senate and, when Congress returns from its recess, support immediately bringing the Senate bill to the floor, where it enjoys the support of a majority of your fellow members. It is critical to our national security that Congress acts as soon as possible to pass the Senate bill.

Intelligence collection

Our experience since Congress allowed the Protect America Act to expire without passing the bipartisan Senate bill demonstrates why the Nation is now more vulnerable to terrorist attack and other foreign threats. In our letter to Senator Reid on February 5, 2008, we explained that: "the expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty which could cause us to delay the gathering of, or simply miss, critical foreign intelligence information." That is exactly what has happened since the Protect America Act expired six days ago without enactment of the bipartisan Senate bill. We have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act. Because of this uncertainty, some partners have reduced cooperation. In particular, they have delayed or refused compliance with our requests to initiate new surveillances of terrorist and other foreign intelligence targets under existing directives issued pursuant to the Protect America Act. Although most partners intend to cooperate for the time being, they have expressed deep misgivings about doing so in light of the uncertainty and have indicated that they may well cease to cooperate if the uncertainty persists. We are working to mitigate these problems and are hopeful that our efforts will be successful. Nevertheless, the broader uncertainty caused by the Act's expiration will persist unless and until the bipartisan Senate bill is passed. This uncertainty may well continue to cause us to miss information that we otherwise would be collecting.

Thus, although it is correct that we can continue to conduct certain activities authorized by the Protect America Act for a period of one year from the time they were first authorized, the Act's expiration has and may well continue to adversely affect such activities. Any adverse effects will result in a weakening of critical tools necessary to protect the Nation. As we explained in our letter to Senator Reid, expiration would create uncertainty concerning:

The ability to modify certifications and procedures issued under the Protect America Act to reflect operational needs and the implementation of procedures to ensure that agencies are fully integrated protecting the Nation;

The continuing validity of liability protection for those who assist us according to the procedures under the Protect America Act;

The continuing validity of the judicial mechanism for compelling the assistance of private parties needed to protect our national security;

The ability to cover intelligence gaps created by new communication paths or technologies.

Our experience in the past few days since the expiration of the Act demonstrates that these concerns are neither speculative nor theoretical: allowing the Act to expire without passing the bipartisan Senate bill has had real and negative consequences for our national security. Indeed, this has led directly to a degraded intelligence capability.

It is imperative that our intelligence agencies retain the tools they need to collect vital intelligence information. As we have explained before, the core authorities provided by the Protect America Act have helped us to obtain exactly the type of information we need to keep America safe, and it is essential that Congress reauthorize the Act's core authorities while also extending liability protection to those companies who assisted our Nation following the attacks of September 11, 2001. Using the authorities provided in the Protect America Act, we have obtained information about efforts of an individual to become a suicide operative, efforts by terrorists to obtain guns and ammunition, and terrorists transferring money. Other information obtained using the authorities provided by the Protect America Act has led to the disruption of planned terrorist attacks. The bipartisan Senate bill would preserve these core authorities and improve on the Protect America Act in certain critical ways, including by providing liability protection to companies that assisted in defending the country after September 11.

In your letter, you assert that the Intelligence Community's ability to protect the Nation has not been weakened, because the Intelligence Community continues to have the ability to conduct surveillance abroad in accordance with Executive Order 12333. We respectfully disagree. Surveillance conducted under Executive Order 12333 in a manner that does not implicate FISA or the Protect America Act is not always as effective, efficient, or safe for our intelligence professionals as acquisitions conducted under the Protect America Act. And, in any event, surveillance under the Protect America Act served as an essential adjunct to our other intelligence tools. This is particularly true in light of the changes since 1978 in the manner in which communications are transmitted. As a result of these changes, the Government often has been required to obtain a FISA Court order prior to surveillance of foreign terrorists and other national security threats located outside the Untied States. This hampered our intelligence collection targeting these individuals overseas in a way that Congress never intended, and it is what led to the dangerous intelligence gaps last summer. Congress addressed this issue temporarily by passing the Protect America Act but long-term FISA reform is critical to the national security.

We have provided Congress with examples in which difficulties with collections under the Executive Order resulted in the Intelligence Community missing crucial information. For instance, one of the September 11th hijackers communicated with a known overseas terrorist facility while he was living in the Untied States. Because that collection was conducted under Executive Order 12333, the Intelligence Community could not identify the domestic end of the communication prior to September 11, 2001, when it could have stopped that attack. The failure to collect such communications was one of the central criticisms of the Congressional Joint Inquiry that looked into intelligence failures associated with the attacks of September 11. The bipartisan bill passed by the Senate would address such flaws in our capabilities that existed before the enactment of the Protect America Act and that are now resurfacing. We have provided Congress with additional and detailed examples of how the Protect America Act temporarily fixed this problem and have demonstrated the operational need to provide a long-term legislative foundation for these authorities by passing the bipartisan Senate bill.

In your letter, you also posit that our intelligence capabilities have not been weakened, because the Government can employ the outdated provisions of FISA as they existed before the Protect America Act. We respectfully disagree. It was that very framework that created dangerous intelligence gaps in the past and that led Congress to pass the Protect America Act last summer.

As we have explained in letters, briefings and hearings, FISA's requirements, unlike those of the Protect America Act and the bipartisan Senate bill, impair our ability to collect information on foreign intelligence targets located overseas. Most importantly, FISA was designed to govern foreign intelligence surveillance of persons in the United States and therefore requires a showing of "probable cause" before such surveillance can begin. This standard makes sense in the context of targeting persons in the United States for surveillance, where the Fourth Amendment itself often requires probable cause and where the civil liberties of Americans are most implicated. But it makes no sense to require a showing of probable cause for surveillance of overseas foreign targets who are not entitled to the Fourth Amendment protections guaranteed by our Constitution. Put simply, imposing this requirement in the context of surveillance of foreign targets located overseas results in the loss of potentially vital intelligence by, for example, delaying intelligence collection and thereby losing some intelligence forever. In addition, the requirement to make such a showing requires us to divert our linguists and analysts covering al-Qa'ida and other foreign threats from their core role—protecting the Nation—to the task of providing detailed facts for FISA Court applications related to surveillance of such foreign targets. Our intelligence professionals need to be able to obtain foreign intelligence from foreign targets with speed and agility. If we revert to a legal framework in which the Intelligence Community needs to make probable cause showings for foreign terrorists and other national security threats located overseas, we are certain to experience more intelligence gaps and miss collecting information.

You imply that the emergency authorization process under FISA is an adequate substitute for the legislative authorities that have lapsed. This assertion reflects a basic misunderstanding about FISA's emergency authorization provisions. Specifically, you assert that the National Security Agency (NSA) or the Federal Bureau of Investigation (FBI) "may begin surveillance immediately" in an emergency situation. FISA requires far more, and it would be illegal to proceed as you suggest. Before surveillance begins the Attorney General must determine that there is probable cause that the target of the surveillance is a foreign power or an agent of a foreign power and that FISA's other requirements are met. As explained above, the process of compiling the facts necessary for such a determination and preparing applications for emergency authorizations takes time and results in delays. Again, it makes no sense to impose this requirement in the context of foreign intelligence surveillance of targets located overseas. Because of the hurdles under FISA's emergency authorization provisions and the requirement to go to the FISA Court within 72 hours, our resource constraints limit our use of emergency authorizations to certain high-priority circumstances and cannot simply be employed for every foreign intelligence target.

It is also inaccurate to state that because Congress has amended FISA several times, there is no need to modernize FISA. This statement runs counter to the very basis for Congress's passage last August of the Protect America Act. It was not until the passage of this Act that Congress amended those provisions of FISA that had become outdated due to the communications revolution we have experienced since 1978. As we explained, those outdated provisions resulted in dangerous intelligence gaps by causing constitutional protections to be extended to foreign terrorists overseas. It is critical that Congress enact long-term FISA modernization to ensure that the Intelligence Community can collect effectively the foreign intelligence information it needs to protect the Nation. The bill passed by the Senate would achieve this goal, while safeguarding the privacy interests of Americans.

Liability protection

Your assertion that the failure to provide liability protection for those private-sector firms that helped defend the Nation after the September 11 attacks does not affect our intelligence collection capability is inaccurate and contrary to the experience of intelligence professionals and to the conclusions the Senate Select Committee on Intelligence reached after careful study of the matter. It also ignores that providing liability protection to those companies sued for answering their country's call for assistance in the aftermath of September 11 is simply the right thing to do. Through briefings and documents, we have provided the members of your committee with access to thei nformation that shows that immunity is the fair and just result.

Private party assistance is necessary and critical to ensuring that the Intelligence Community can collect the information needed to protect our country from attack. In its report on S. 2248, the Intelligence Committee stated that "the intelligence community cannot obtain the intelligence it needs without assistance" from electronic communication service providers. The Committee also concluded that "without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation. The possible recution in intelligence that might result from this delay is simply unacceptable for the safety of our Nation." Senior intelligence officials also have testified regarding the importance of providing liability protection to such companies for this very reason.

Even prior to the expiration of the Protest America Act, we experienced significant difficulties in working with the private sector because of the continued failure to provide liability protection for such companies. These difficultures have only grown since expiration of the Act without passage of the bipartisan Senate bill, which would provide fair and just liability protection. Exposing the private sector to the continued risk of billion-dollar class action suits for assisting in efforts to defend the country understandably makes the private sector much more reluctant to cooperate. Without their cooperation, our efforts to protect the country cannot succeed.

Pending legislation

Finally, as you note, the House passed a bill in November to amend FISA, but we immediately made clear that the bill is unworkable and unacceptable. Over three months ago, the Administration issued a Statement of Administration Policy (SAP) that stated that the House bill "falls far short of providing the Intelligence Community with the tools it needs to collect effectively the foreign intelligence information vital for the security of the Nation" and that "the Director of National Intelligence and the President's other senior advisers would recommend that the President veto the bill." We adhere to that view today.

The House bill has several grave deficiencies. First, although numerous senior intelligence officials have testified regarding the importance of affording liability protection for companies that assisted the Government in the aftermath of September 11, the House bill does not address the critical issue of liability protection. Second, the House bill contains certain provisions and serious technical flaws that would fatally undermine our ability to collect effectively the intelligence needed to protect the Nation. In contrast, the Senate bill deals with the issue of liability protection in a way that is fair and that protects the national security. In addition, the Senate bill is carefully drafted and has been amended to avoid technical flaws similar to the ones in the House bill. We note that the privacy protections for Americans in the Senate bill exceed the protections contained in both the Protect America Act and the House bill.

The Department of Justice and the Intelligence Community are taking the steps we can to try to keep the country safe during this current period of uncertainty. These measures are remedial at best, however, and do not provide the tools our intelligence professionals need to protect the Nation or the certainty needed by our intelligence professionals and our private partners. The Senate passed a strong and balanced bill by an overwhelming and bipartisan margin. That bill would modernize FISA, ensure the future cooperation of the private sector, and guard the civil liberties we value. We hope that you will support giving your fellow members the chance to vote on this bill.

Sincerely,

MICHAEL B. MUKASEY,
Attorney General.
J.M. MCCONNELL,
Director of National Intelligence.

Mr. DENT. I think that really says it all. Everybody agrees, both Republican and Democrat alike agree that the intelligence product is being degraded. This really isn't a partisan issue. It should not even be an ideological issue. This is simply an issue of common sense, doing what is right for the American people, putting their interests ahead of the special interests.

With that, I would be happy to yield back to the gentleman from Texas, because I know there are others who would like to participate in this colloquy.

Mr. McCAUL of Texas. I appreciate the gentleman's comments. Yet when it comes to national security, it should be bipartisan. We are Americans first, before we are Republican or Democrat, yet there is a special interest driving this agenda, as the gentleman mentioned. The trial lawyers have filed a lawsuit in San Francisco against the telecommunication companies, and I would like for the gentleman from Pennsylvania maybe to expand a little bit on that.

I think most Americans don't quite understand how trial lawyers could drive the agenda with the Democratic leadership such that they will be placing the American people at grave risk and jeopardizing the safety of Americans.

Mr. DENT. What I would respond is that the telecommunication companies at the request of their government were asked to cooperate and help us pursue terrorists. Obviously they have much of the infrastructure that we need to pursue these terrorists.

I would have to put this whole issue under the category of "no good deed goes unpunished," where people who are acting in good faith to help their government are now being sued for their efforts, again to protect the most litigious elements of our society.

Because of that, because of the failure to provide a retroactive immunity as contained in the Protect America Act, when we do not provide that retroactive immunity, we know that these telecommunications can no longer be good partners. Even though they want to be helpful, they can't be. They have to protect themselves from lawsuits. They have a fiduciary responsibility to their shareholders to protect themselves and their organizations. I think that is really what is driving us.

I would yield back to you, because you have been a distinguished member of the bar, you are a former U.S. Attorney, so you understand these issues probably better than just about anybody in this building.

Mr. McCAUL of Texas. I think we should be thanking these companies for their patriotic service in a time of war, not slapping lawsuits on them or putting the trial lawyers' interests above the warnings of the Director of National Intelligence and the Attorney General. Not just the U.S. Attorney General, but 25 State Attorneys General have signed a letter calling upon this Congress to act and pass the Protect America Act and make it permanent. So I would put more stock in the top law enforcement leaders in 25 of our States and the U.S. Attorney General over the special interests.

Mr. DENT. If the gentleman would yield briefly on that point, in fact my own Attorney General of the Commonwealth of Pennsylvania, Tom Corbett, came down to Washington to meet me and expressly asked me to support the Protect America Act. He too, like you, was a U.S. Attorney, and he was emphatic in his support for this legislation, and seemed a bit incredulous that Congress would not provide these necessary tools to our law enforcement and intelligence officials.

Mr. McCAUL of Texas. With that, I would like to yield to the gentlewoman from Tennessee (Mrs. BLACKBURN) who sits on the Energy and Commerce Committee, which has jurisdiction and deals with a lot of the issues regarding telecommunications companies.

Mrs. BLACKBURN. I thank the gentleman from Texas for his leadership on this issue, as well as the leadership that has come from the gentlewoman from New Mexico and also the gentleman from Pennsylvania. It is an issue that does need to be addressed. I would remind our constituents who are watching that we are talking about the Foreign Intelligence Surveillance Act, FISA. That is what it stands for.

As the gentlewoman from New Mexico said, the changes in technology may mean that someone in the Horn of Africa who is calling in to a Middle Eastern country, their call ends up being routed through this country. What we are talking about is foreign intelligence and talking about getting information, gathering that intelligence that will keep Americans safe. As the gentleman from Pennsylvania said, our constituents are wanting to know, are we in danger? Are we in danger? Where is the next threat? Are you making certain that in our communities, in our homes, in our neighborhoods, in our schools, that we are going to be safe?

We were just discussing a bit about the trial bar and their part in this issue, if you will. In mid-March I noticed an editorial in Investors Business Daily and it was titled "FISA Fix For Lawyers." Not my words, Investors Business Daily from a mid-March issue, "FISA Fix For Lawyers."

Mr. Speaker, that kind of peaked my curiosity, so I read a bit about it. Basically what it goes on to say is that pretty much this bill could be considered an earmark for the trial bar.

Well, I did a little bit of investigating on that issue, once I read that article, Mr. Speaker, and it seems that $72,440,904 had been given to the Democrats by the trial bar this cycle so far. That was through mid-March. So we will see what else happens with that figure.

But it appears, as we have just discussed the lawsuits that are filed with the Ninth Circuit in San Francisco, that that may have a little bit to do, Mr. Speaker, with why Investors Business Daily would write an article and look at FISA as a fix for lawyers. Certainly something we do not want to do is have the integrity and the security of every single community in this great land of ours compromised in any way, shape or form because of that.

Now, the gentleman from Texas mentioned that 45 days has passed since the Protect America Act expired, and that does cause some question from our constituents. As the gentleman from Pennsylvania mentioned, Attorneys General from 25 different States support the bipartisan Protect America Act, and independent intelligence reports support this.

Mr. Speaker, I think there is indeed a reason. It is because we all know that protecting this Nation and our Nation's interests should rise above partisan debate on this floor. Of course, the bill that was brought to this floor before we departed for our Easter recess was a bill that the leadership knew was not going to go anywhere, but they felt like they had to do something.

Mrs. WILSON mentioned that intelligence is dynamic. I think that is an important part of the debate that we have before us as we talk about FISA. It is indeed dynamic, because it doesn't stay the same. The individuals who are seeking to do us harm do not stay in the same places, nor are their camps nor are their cells stationary or stagnant. Because of that, we have to look at electronic surveillance as going about this a different way.

The gentleman from Texas mentioned the situation that occurred last year with three American soldiers that were kidnapped in Iraq and the wrangling that had to go on to get through the courts, as he said, to get "lawyered up," to get in there and to get a warrant. By that time, 9 hours had passed, and by that time we had one individual who was dead and we still have two who are missing as of this point in time.

So, looking at 21st century technology, understanding how that technology works on a global basis, and understanding that if we are to stay ahead of the game on this, Mr. Speaker, it is imperative, it is imperative, that we realize that our enemies are using satellite phones. They are not using rotary phones. They are using text messages. They are not sending telegrams.

☐ 2030

They are moving constantly; they are not in the same place. And it is imperative that we adjust our laws so that we have the ability to stay ahead of them, and ahead of their desire to do harm to us, our constituents, and our great Nation.

Mr. McCAUL of Texas. I thank the gentlelady. And I couldn't agree more that real-time intelligence is the best weapon we have. We can get the intelligence; but if it is not in real-time, it endangers our ability to protect the American people, as the gentlelady pointed out with the three American soldiers from the 10th Mountain Division who, unfortunately, one now is no longer alive and two are missing.

But I think it is important to give this an historical context and maybe take you back to a gentleman named Ramsey Yusef who came into the United States in 1992. He was detained; but because there wasn't enough detention space at the time, they let him go. And, from there, he conspired with the first al Qaeda cell in New York to take down the Twin Towers. And the idea of the plot was that one tower would fall, toppling over the other, and bring down the symbol of the economic superpower. They got a Ryder van, they loaded it up with explosives, went into the underground parking garage, and blew it up. Fortunately, the Towers survived that day. Although several people were killed, they didn't achieve that goal. That day would come later.

Ramsey Yusef escaped afterwards, went to Islamabad where he was in Pakistan, the Philippines. Then he hooked up with his uncle Khalid Sheikh Mohammed. It is all in the family. Khalid Sheikh Mohammed, we would find out, would be the mastermind of September 11th. When they talked about in the mid-1990s flying airplanes into buildings, wouldn't it have been good to have that real-time intelligence? They talked about that. They talked about how they could take down the United States of America. And when Ramsey Yusef was finally arrested, he was arrested in a hotel room in Islamabad, they found something very eery. And I have worked with the FBI agents who arrested him, and it always left a very chilling sort of view in my mind, and that was, they found about a dozen baby dolls and these baby dolls were stuffed with chemical explosives. Mr. Yusef gives you great insight into the mind of the terrorists: Simple, brilliant, but evil genius. The same evil geniuses that perpetrated 9/11. He was planning to take those baby dolls on airplanes and blow them up. Of course, with the London arrests, later we would find they were back to their same game of using chemical explosives to blow up airplanes. Fortunately, our intelligence stopped that plot against the United States.

But we all know what happened on September 11th. We also know there was a secret meeting that took place overseas, and that the CIA was possibly aware of two of these people entering our country. And at that time, the left hand didn't know what the right hand was doing all the time because the criminal division couldn't talk to the foreign counterintelligence division in the FBI. And I will never forget a quote from an FBI agent, because his words prior to 9/11 about his frustration apply the situation that I find and I think we find ourselves here in the House.

He wrote to FBI Headquarters, which was a gutsy move for a line FBI agent, and he said, "Someday, someone will die, and the public will not understand why we were not more effective at throwing every resource we had at certain problems, especially since the biggest threat to us now, Osama bin Laden, is getting the most protection."

We are not throwing every resource that we can now at this problem. We are turning a blind eye to this problem. And if American blood is spilled while our watch is down, while we have allowed this Act to expire, that blood will be on the heads of Members of Congress who did not allow this to go to the floor for a vote. And, yes, the foreign terrorists now are getting protection. They are getting constitutional protection that the FISA statute never intended for them to get in the first place.

With that, I would like to yield to the gentlelady from New Mexico who is on the Intelligence Committee, Ms. HEATHER WILSON.

Mrs. WILSON of New Mexico. I thank my colleague from Texas.

One of the things that I think is important for people to understand is the importance of intelligence in keeping this country safe. In any war, I think intelligence is underestimated; and the reason is that we see the old newspaper headlines of the victory of the Navy at Midway, but you don't learn until years after that it was the breaking of the Japanese code that allowed our ships to be in the right place in the first place. We see the tremendous success of the Battle of Normandy, but we never knew until years later when it was finally declassified that we had broken the German code.

So intelligence is often underrated. But in the war on terror, trying to prevent the next terrorist attack, intelligence is even more important than it ever was in the Cold War.

I served in the Air Force during the Cold War, and the great thing about the Soviets was that they were certainly easy to find. They were easy to find, or as the military would say, they would have been hard to fix, easy to find. They had the same exercises at the same time of year using the same barracks and the same rail lines and the same radio frequencies. We knew where they were. They would have been extremely difficult to defeat had they ever attacked the West, but we knew where they were.

When we are fighting against terrorism, the problem is completely reversed. If we can find them, we can stop them. The difficult part is finding them. It is more like a Where's Waldo problem, you know, the cartoon books where you get all of these pictures and you are trying to find the little guy hidden in among all the rest of the clutter. Terrorists generally use commercial communications. They have no territory. They are hiding in the civil population, hiding in plain sight as it were. So, the intelligence problem is the most important and most difficult problem.

All of us remember where we were the morning of 9/11. We remember who we were with, what we were wearing, who we called first, what we had for breakfast. But very few Americans remember where they were the day the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow and blowing them up over the Atlantic. If they had succeeded, more people would have died that day than died the morning of 9/11; but you don't remember it because it didn't happen, and it didn't happen because British, American, and Pakistani intelligence were able to uncover the plot and arrest those who were going to carry it out before they had an opportunity to.

Good intelligence allows us to prevent another terrorist attack, and electronic surveillance is one of our strongest intelligence tools. The Protect America Act just allowed Americans to listen to foreigners in foreign countries without a warrant. If we don't have that authority, it is sometimes impossible to get to the standard required to get a warrant. It is almost a waste of time. It is an incredible frustration for our people who are working in intelligence.

I mean, you think about this. If you are going to get a warrant on somebody who is a narcotics trafficker in Chicago, you can send the FBI out to talk to their neighbors; you can go to their place that they are working; you can talk to their landlady. You can develop probable cause for a warrant. But if you think you have got somebody on the Horn of Africa who is affiliated with al Qaeda, you can't send the FBI to talk to their neighbors. Sometimes you can't reach that standard of probable cause. So, intelligence doesn't get collected against people who are foreigners in foreign countries who have no rights at all under the Constitution of the United States, and the people who are hurt by that are the American citizens we are failing to protect.

The majority of this House wants to pass a bipartisan bill that has already cleared the Senate that would make the provisions of the Protect America Act permanent, and the Democratic leadership of this House is blocking consideration of that bill, to the detriment of the people of this country.

I yield back to the gentleman from Texas.

Mr. McCAUL of Texas. I thank the gentlelady for her eloquence on this issue. And I think it is worth repeating again that we are talking about foreign targets in foreign countries overseas. I think the American people want us to be listening to what al Qaeda has to say. In fact, I think they expect that, and I think they would be shocked if they learned that our capabilities were put in jeopardy because of partisan politics and special interests. It is irresponsible. And, as the gentleman from Pennsylvania has often said, it is a dereliction of our duties here in the House to protect and defend the American people from enemies overseas.

The gentlelady talked about the war with the Soviets. In some ways it was a more predictable enemy, and the concept of mutually assured destruction applied to the Soviets because they valued their own life. The concept of mutually assured destruction does not apply to the Islamic jihadists, because they won't think twice about blowing themselves up if it means they can take other lives, particularly American lives. They won't think twice about flying airplanes into buildings and killing almost 3,000 people, including themselves, because, in their extreme fanatical view, that means the rewards in heaven are greater. That is the mindset of the enemy that we are working with.

Satellite imagery was very important in the Cold War. But in this war, this war on terror, intelligence is the best weapon that we have. And if that is taken away from the intelligence community, as the Democratic leadership is trying to do, if they take that capability away, as they did when they allowed the Protect America Act to expire, they are tying the hands of our intelligence community to better protect the United States of America. And I believe that is treasonness.

With that, I yield to the gentleman from Pennsylvania.

Mr. DENT. I want to thank both of you for your eloquence on this critical issue. And with all these references to 9/11, I really believe it is important that we take seriously what this Congress did after 9/11. It created a commission, the 9/11 Commission, to make recommendations about how we can improve upon our Nation's homeland security and our national security. They made many recommendations; we are familiar with many. And, indeed, when the 110th Congress was first organized a little over 1 year ago, we were told by the new leadership under Speaker PELOSI that fulfilling those 9/11 Commission recommendations was a top priority. As it should be. And it is time that we equate those words with action. As you and I have both said, failure to do that is a dereliction of duty.

I believe that we have it within our means now to do what that 9/11 Commission wanted us to do, and I believe passing the Protect America Act is entirely consistent and compatible with what those folks who wrote the 9/11 Commission want us to do. And I believe that, again, failure to pass the Protect America Act really contravenes and contradicts what the 9/11 Commission stands for.

We also talked about this issue of liability and who is getting protected. One thing I guess I find particularly appalling is that, because of this approach to homeland security and national security to intelligence, many of our intelligence officials and officers have been forced to buy personal liability insurance to protect themselves from lawsuits from us, from Congress, from others who may choose to sue them. The phone companies are getting sued. Why not sue the intelligence officials? So what is happening is they are worried about being sued, and that is why they have had to find this type of insurance.

Mr. MCCAUL made a very interesting observation. He read an interesting quote a few minutes ago by that FBI agent, and I would like to put that quote into some context. In fact, at the time of the PATRIOT Act reauthorization a little over 2 years ago, there was an article written in the Wall Street Journal by a woman named Debra Burlingame. Who is Debra Burlingame? I guess she is best known because of her brother, Chic Burlingame, who was the pilot of one of the planes that crashed that day on 9/11, 2001 into the Pentagon. She had written this in the Wall Street Journal on January 30, 2006: Critics contend that the PATRIOT Act was rushed into law in a moment of panic. And there is relevant to our PAA here. The truth is, the policies and guidelines it corrected had a long troubled history, and everybody who had to deal with them knew it. The wall was a torturous set of rules promulgated by the Justice Department lawyers in 1995 and imagined into law by the Foreign Intelligence Surveillance Act Court, or the FISA Court, conceived as an added protection for civil liberties provisions already built into the statute that was the wall and its real world ramifications that hardened the failure to share culture between agencies, allowing early information about 9/11 hijackers Khalid al-Midhar and Nawaf al Hashmi to fall through the cracks. More perversely, even after the significance of these terrorists and their presence in the country was known by the FBI's intelligence division, the wall prevented it from talking to its own criminal division in order to hunt them down.

□ 2045

In other words, the FBI criminal division and the FBI intelligence division couldn't communicate because of what was going on pre-9/11.

"Furthermore," she writes, "it was the impenetrable FISA guidelines and fear of provoking the FISA court's wrath if they were transgressed that discouraged risk-averse FBI supervisors from applying for a FISA search warrant in the Zacarias Moussaoui case." And we all remember him.

"The search, finally conducted on the afternoon of 9/11, produced names and phone numbers of people in the thick of the 9/11 plot, so many fertile clues that investigators believe that at least one airplane, if not all four, could have been saved."

That is what Debra Burlingame wrote.

Further on in that article where Mr. MCCAUL began, and this is the woman whose brother was the pilot who crashed into the Pentagon on 9/11, she concludes by saying: "Three weeks before 9/11, an FBI agent with the bin Laden case squad in New York learned that al-Mihdhar and al-Hazmi were in this country. He pleaded with the national security gatekeepers in Washington to launch a nationwide manhunt and was summarily told to stand down. When the FISA Court of Review tore down the wall in 2002, it included in its ruling the agent's August 29, 2001, e-mail to FBI headquarters," and I am going to restate what you just stated a few moments ago. The quote was from this FBI agent: "Whatever has happened to this—someday someone will die—and wall or not—the public will not understand why we were not more effective in throwing every resource we had at certain problems. Let's hope that the National Security Law Unit will stand behind their decisions then, especially since the biggest threat to us now, bin Laden, is getting the most protection."

Not my words, and how can anybody not be moved by this? How can anybody somehow think that our own FBI is a greater threat to the American people than is al Qaeda or Osama bin Laden?

Mr. MCCAUL, you are an attorney. You understand this issue well. We want to protect everyone's civil liberties, and at the same time we have legitimate security threats we must deal with.

Mrs. WILSON of New Mexico. I think my colleague from Pennsylvania raises a good point. What are the protections for America's civil liberties, and there has been a lot of misinformation out there about the protections in the Protect America Act for American civil liberties. In fact, in the Senate bill that we would like to have a vote on here in the House, the civil liberties protections for Americans are more than exist under current law, under the current FISA law.

What are those protections? First, you have to have a warrant to target anyone in the United States, American or foreigner. So you must have a warrant if someone is reasonably believed to be in the United States.

It is a felony to do what some have called reverse targeting. In other words, you think somebody may be affiliated with a terrorist group. They are in the United States and they have a brother in Lebanon. So gee, let's wiretap their brother in Lebanon and maybe we can pick up some of their conversations back to the guy in the

United States. That is a felony. You can't do that. You have to have a warrant if your target is reasonably believed to be in the United States, and you cannot do reverse targeting.

It also extends the protection of the Constitution to Americans traveling overseas. This is something that doesn't exist in current law. If I am an American stationed overseas, which I was in a past life, and I in some way bump into American intelligence collection overseas, their procedures in regulations is to "minimize" or "screen out" that information, to destroy information that is of no intelligence value. But the act that has now passed the Senate actually goes further than that. If you are an American overseas, the American government would also have to get a warrant in order to target your communications.

These provisions apply irrespective of the communications technology used. So to collect foreign intelligence over the air on a wire, it doesn't matter. All that matters is whether somebody is reasonably believed to be in the United States or is an American citizen. If they are, you have to go to court and get a warrant. If you do not, if they are a foreigner in a foreign country, we do not extend the protections of the Constitution to them.

Mr. McCAUL of Texas. The gentlelady is correct. The Constitution applies to persons in the United States. The Constitution doesn't apply to foreign terrorists in a foreign country. I think that is the central heart of this debate that we are having here tonight.

As the gentleman from Pennsylvania pointed out, Mr. Moussaoui retained information on his computer that could have helped prevent this from happening. He is a person in the United States; and as such, properly the FBI and the Department of Justice went through the FISA court. The initial FISA application was turned down by the Office of Intelligence Policy Review. We lost critical time in processing that application. My point being, the FISA court is very document intensive, cumbersome and time-consuming.

We should not apply FISA court standards to foreign terrorists in a foreign country when real-time intelligence can stop something like this from happening here in the United States.

You know, when the wall was in place, one intelligence community was aware of these two individuals in the U.S., yet the FBI was not made aware and they could not track them down.

The FISA Court of Review issued an opinion about the wall when it finally struck it down and said that effective counterintelligence, we have learned, requires the whole-hearted cooperation of all of government's personnel who can be brought to the task. A standard which punishes such cooperation could well be thought dangerous to national security. So a lack of coordination and cooperation is dangerous to national security.

And if we can't work with the private sector, and in fact we cannot obtain this intelligence without the private sector; and if we will subject them to liability and to lawsuits for doing their American patriotism, we indeed will lose the private sector as a partner.

Mrs. WILSON of New Mexico. Would the gentleman yield?

Mr. McCAUL of Texas. I would be happy to yield to the gentlelady.

Mrs. WILSON of New Mexico. Is it true that we depend on telephone companies not only for their cooperation for foreign intelligence, but also in the case of crimes like kidnappings here in the United States? Do we depend on their cooperation there?

Mr. McCAUL of Texas. The gentlelady is correct. What is at grave risk is not only in the war on terror capturing intelligence overseas, but if the private sector would be subject to liability and lawsuits, and they say to the government, "I am not going to cooperate with you anymore," they don't have to. Then we place at jeopardy domestic investigations that could include child predators, organized crime, and a whole myriad of criminal activity in the United States. So this is setting a very dangerous precedent.

Mrs. WILSON of New Mexico. If the gentleman would yield, you are an attorney and have dealt with these things and I haven't. Is it true that a district attorney can go in an emergency situation and say to the telephone company, this is an emergency, we have a kidnapped child, we think we know who did it, will you cooperate with us and we will followup with the paperwork later? Can that happen?

Mr. McCAUL of Texas. The gentlelady is correct. Then you have real-time information that is relevant to a case to stop a criminal act from occurring.

What the Democrat leadership has done in this case is prevented us from obtaining intelligence critical to the safety of the United States overseas in a foreign country.

Mrs. WILSON of New Mexico. Is it reasonable to expect that if these telephone companies get sued for voluntary cooperation, that they will just stop doing voluntary cooperation no matter what the issue is?

Mr. McCAUL of Texas. The grave risk is that they will not cooperate on any investigation, whether it be overseas or domestically, because there is no incentive for them to cooperate with the FBI here or with our intelligence community abroad if we are going to subject them to liability and to lawsuits.

If there is wrongdoing on the part of the government, that is one issue. But when the telecommunication companies are told that they need to cooperate in the interest of the national security, I don't think we should be slapping them with a lawsuit, we should be thanking them for protecting this Nation.

I want to go back to the gentleman's comments about the 9/11 Commission. After this occurred, we all were scrambling to do everything within our power to prevent this from happening again. The President met with his advisors, and the 9/11 Commission met. And they made recommendations and they talked about connecting the dots. The problem is that we cannot connect the dots, and we are not putting this information together.

What is at risk here tonight, as every hour passes that the Protect America Act has expired, is we cannot collect the dots to connect them.

I would like to draw on a quote, a letter from Attorney General Muskasey and the Director of National Intelligence McConnell to Chairman REYES. He says, "Our experience in the past few days since the expiration of the act demonstrates that these concerns are neither speculative nor theoretical. Allowing the act to expire without passing the bipartisan Senate bill has had real and negative consequences for our national security. Indeed, this has led directly to a degraded intelligence capability."

I don't know about you, but when I read that language from the experts in the intelligence community and our top law enforcement officer, it sends a chill up my spine. We need to pass this bill, and we need to do it now.

Mr. DENT. Again, a powerful quote, the degradation and degrading of our intelligence capacities, stated by a Republican Attorney General and a Republican Director of National Intelligence, but also stated by the Democratic chairman of the Senate Intelligence Committee, that the intelligence product will be degraded as a result of our failure to enact the Protect America Act.

I can't help but note, the gentleman from Texas having served in law enforcement, many of the arguments I just heard you talking about in your colloquy with Mrs. WILSON were also some of the arguments that I heard at the time of the PATRIOT Act reauthorization.

Remember it was being said that somehow our library records were going to be looked into. Several of the 9/11 terrorists made their airplane reservations on public library computers, and they confirmed those reservations on public library computers.

I am not aware that anybody has ever sought a library record under the law. But I also remember, too, after meeting with some folks from the Attorney General's Office, and this is not a classified issue, I remember them telling me that a terrorist, when interrogated, they asked: Why were you constantly on the New York Public Library computers? His response was they clean their hard drives at the end of the day. Interesting point.

Another issue we heard at the time of the PATRIOT Act had to do with roving wiretaps, a tool I believe you, as a prosecutor, used over the years, and that we use in drug cases against organized criminals. We use that type of method. When we talk about using it for counterterrorism purposes, it seems as if we were creating some new structure. Do you want to address that.

Mr. MCCAUL of Texas. Reclaiming my time, this issue goes well beyond what the gentleman is referring to. This issue goes to our capability to intercept communications from foreign terrorists in foreign countries. Again, I think the American people would like to know what al Qaeda is saying when they conspire to perpetrate something like this. They would like to know what Osama bin Laden is saying, and what his lieutenants are saying.

I know my time is starting to run out.

Mr. DENT. Quickly, the bottom line is we should be listening to this foreign-to-foreign communication of people who are not American citizens who are suspected terrorists because you want to prevent what happened on 9/11 of 2001. For some of us, it was quite personal.

You mentioned what happened in 1993. My cousin spent the whole day on the top of that building, the South Tower, spent the entire day on the roof after what exploded in the basement, the garage of that building.

□ 2100

You know, he was there, also, on September 11, 2001. I remember that, too. He was on the 91st floor of the north tower when the plane entered the 93rd floor. Everybody above him was killed.

And for many of us it's personal. But if we have information, actionable intelligence, I would certainly hope that our counter terrorism officials, that our intelligence officials would do everything in their power to prevent such terrible events like 9/11 from ever occurring.

And again, I just want to state one more time that enacting the Protect America Act will help improve our intelligence capabilities, will protect Americans, and it's time that we get the job done. We have a bipartisan consensus to do it. Let's do it. The time for games is over. It's time to get the job done.

I yield back to my friend.

Mr. MCCAUL of Texas. I thank the gentleman.

Before we passed the Protect America Act, the Director of National Intelligence came to us and he said, "I'm losing two-thirds of the intelligence out there." Well, now with the expiration of the Protect America Act, we can only imagine going back to that scenario. We were going dark in parts of the world. We were losing critical foreign intelligence from our enemy to better protect this Nation from another terrorist attack.

And to put to you, I think, one of the best quotes I've read, it really puts you in the mindset of who is the enemy and what is the real threat to the United States, I'd like to leave you tonight with the following words. And this is in their words, not mine.

"The confrontation that we are calling for with the apostate regimes does not know Socratic debates, Plutonic ideals, nor Aristotle's diplomacy. But it does know the dialogue of bullets, the ideals of assassination, bombing and destruction, and the diplomacy of the cannon and the machine gun.

The Islamic governments have never and will never be established through peaceful solutions and cooperate councils. They are established, as they always have been, through pen and gun, by word and bullet, and by tongue and teeth."

The words that I just read to you are the words found in the preface of the al Qaeda training manual. They are the words of the enemy. That is what the enemy is telling us. We need to win in this war on terror and stop this enemy and protect the United States from this ever happening on American soil again. It is time to pass a bipartisan Senate bill.

CONGRESSIONAL BLACK CAUCUS MESSAGE HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Mr. Speaker, it gives me great pleasure this evening to have an opportunity to stand in the well of this wonderful House of Representatives on behalf of the Congressional Black Caucus and our Chair, CAROLYN CHEEKS KILPATRICK.

This evening I will be joined by several of my colleagues to talk about the black community, the African American community, and the economy and the impact that this downturn in the economy has had on the African American community.

Before I go to that subject matter, I just want to take a moment. One of the things that we have an opportunity, as Members of Congress, to do is to travel all around the United States, meeting people who say, oh, we watch you on television, we've seen you on television. And the fact is this weekend I had the opportunity to be in Orlando, Florida, on behalf of my sorority, Delta Sigma Theta. And I met one of the finest families in Orlando, headed by Janet McDowell-Travis and her husband, Michael Travis, son Jordan, who is 10 years old, who drew me this really, really nice card, Janet's mother, Vergnoustene, my soror as well, and Janet's aunt, Aunt Romelda. So, I just want to take a moment this evening, Mr. Speaker, to have an opportunity to say hello to that McDowell-Travis family and say to them, thank you so much for making my weekend in Orlando so great. And hopefully I'll have another chance to see you in July, when I come back to Florida for our national convention. Hi, everybody. Hope you're doing well.

Back to the reason that I'm here on floor to talk about the Congressional Black Caucus message hour, the declining economy and its impact on the African American community.

GENERAL LEAVE

Mrs. JONES of Ohio. Madam Speaker, let me begin by seeking unanimous consent that my colleagues have 5 days in which to revise and extend their remarks, to allow other Members to have the opportunity to submit their remarks in writing. In fact, I have in my hand a signed statement by my colleague and good friend from the great State of Texas, EDDIE BERNICE JOHNSON, which I will choose to submit for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. JONES of Ohio. Let me begin with a quote. "At the bottom of education, at the bottom of politics, even at the bottom of religion, there must be economic independence." Booker T. Washington from 1903. These words, spoken more than a century ago by one of our foremost African American thinkers and educators, perhaps might be more relevant today than they were in 1903.

For far too long, the current administration has danced around this issue, hoping that it would go away. But it is time that we state the truth. Our economy is in decline. Today, hardworking African American families are struggling to make ends meet in this slowing economy. Wages are flat, prices are high, and for many, jobs are hard to come by.

These problems are even greater in the African American community. Unemployment rates for African Americans are consistently almost double for white Americans. The median family earnings of full-time African American workers is consistently over $130 less than white workers who are similarly educated and situated.

The poverty rate for African Americans is almost double the national poverty rate, 24 percent versus 12.5 percent. And more than triple, 33 percent versus 9.8 percent, for children under the age of 18.

Home ownership for African Americans is 48 percent compared to 72 percent for white Americans. And African

Americans are more than two times more likely to have been denied a mortgage, and more than two times more likely to receive predatory loans.

In this most recent research around foreclosures, it has been shown that African Americans who, in fact, qualified for prime mortgages were, in fact, steered to subprime mortgages, predatory loans because the advantage for the lender was greater, they could make more money on the predatory subprime loan than they could on a prime loan.

Minority-owned businesses received only 57 cents of each dollar they would be expected to receive based on the percentage of "ready, willing and able" businesses that are minority owned.

The Congressional Black Caucus remains committed to economic empowerment in the African American community. This includes, but it is not limited to:

One, eradicated employment discrimination and ensuring the employment of a diverse workforce by employers in the private sector and in government, including staff of committees and Members of Congress.

Two, protecting the rights and working conditions of all employees.

Three, providing support to enable people to work, such as child care, transportation, health care, job retraining, and a living wage.

Four, promoting the advancement of African Americans into management, executive, and director positions.

Five, providing equal access to capital for individuals and businesses, and the elimination of redlining and predatory lending practices.

Six, expanding affordable rental and ownership of housing.

Seven, achieving aggressive minority business goals and participation in government and private contracting.

So, tonight you will hear from various members of the Congressional Black Caucus as we discuss the many economic problems facing the African American community, as well as our plans to address those issues.

If I can go back to my experience in Orlando this weekend. I had an opportunity to participate in this wonderful ceremony involving 10 young African American men and women that were juniors and seniors in high school. And the experiences and backgrounds of these young men and women were just fantastic. And one of the things I reminded them of was, no deposit, no return. I talked to them about, we used the expression, birds of a feather flock together, and that eagles do not fly with sparrows. And I suggested to them that they needed to be eagles so that they could fly far above and do more. But even in the midst of all of flying higher, doing more, in an economy like we are experiencing today it would be difficult for these young men and women to be successful.

So, I'm going to take a break for a moment and yield to my colleague and good friend from the great State of California, the honorable gentlewoman from California, Congresswoman BARBARA LEE, such time as she may consume.

Ms. LEE. Let me thank the gentlelady for her leadership and for yielding and for organizing these very important special orders, also, really, for reminding us tonight of much of this unfinished business of our great country, and laying out the glaring disparities that we're witnessing in the African American community; but also, what our economic empowerment agenda is of the Congressional Black Caucus. So, thank you, Congresswoman TUBBS JONES.

Millions of Americans are one paycheck, that is, if they have a paycheck, away from poverty. Now, the numbers speak for themselves. Gas prices are at record levels, averaging, in my district, $3.73 a gallon, even as oil is traded at over $100 a barrel and big oil companies are reaping in record profits. Foreclosures have skyrocketed, putting hundreds of thousands of people out on the street. The American dream of homeownership is quickly turning into a nightmare for many hardworking individuals and families in our country.

In my district, in Alameda County, we are projected to lose nearly 4,700 homes to foreclosures due to the subprime mortgage crisis, eliminating $3.2 billion in home equity value. That's equal to a drop in home equity by almost $8,500 for each homeowner in my district. Meanwhile, food prices have risen, squeezing recipients of food stamps even as the number of people expected to enroll in the program will reach a record 28 million people in the next fiscal year.

Health care costs are going through the roof, even as this administration is posing massive cuts in funding for Medicare and Medicaid, and African Americans continue to be the hardest hit. As of February 2008, the unemployment rate for African Americans was over 8.3 percent, nearly double the national average of 4.3 percent. Among the African American community, poverty rates are 2.5 times higher than the national average. Even more disturbing, almost 40 percent of African American children under 5 years of age live in poverty. And all the while, African Americans continue to be the target for, as we talked about earlier, subprime loans.

African Americans are three times more likely to have a subprime loan than whites, accounting for 52 percent of all subprime loans. And as the housing market has collapsed, estimates indicate that African Americans alone will lose between 164 to $213 billion in home equity value during this recession.

It's long past time for Congress to address the burden of this economic downturn on the African American community and other communities of color and address the ongoing lack of opportunity in minority communities in America. Even in the face of this massive housing crisis and impending recession, growing unemployment and the highest number of applicants for food stamps since the program's inception, the Bush administration wants to cut funding, mind you, cut funding for the most vital programs so that he can continue to fund his failed occupation in Iraq. This is partly due to Iraq, billions of dollars that have been spent, this economic downturn. I personally call this "The Iraq Recession."

At nearly half a trillion dollars, the occupation of Iraq and the resulting Iraq recession has wasted too much of American treasure, drained too much of our American resources, and most importantly, claimed too many American lives. And we cannot dismiss the toll that this occupation has had on the economic security of our Nation and on the average American family who will feel the impact of these expenses for years to come.

The Joint Economic Committee estimates the total bill for the war through 2008 will cost the typical family of four a full $16,500. Can you imagine what a family of four can do with $16,500? This conflict has claimed the lives of more than 4,000 brave members of our Armed Forces and has resulted in injuries to more than 28,000 others.

Five years after the invasion and occupation of Iraq, 47 million Americans are living without health insurance, 47 million. And more than 36 million people continue to live in poverty, at least 2 million of which have fallen into poverty since 2003.

Five years later, it is projected that more than 2 million American families will lose their homes to foreclosure, primarily over the next 2 years. And worse, as the demand is increasing for programs serving children, the elderly and the poor, and those facing the loss of their income, more than half of our States face serious budget shortfalls that will force them to cut back or even eliminate programs that serve the most vulnerable of our populations.

☐ 2115

So, Mr. Speaker, we must address the needs and the will of our country by bringing an end to this occupation and to the immeasurable costs that will continue to be exacted on the physical and economic security of the American people for generations to come.

Forty-one years ago, Dr. Martin Luther King was, as he said, "compelled to see the war as the enemy of the poor and attack it as such." Of course Dr. King was referring to the Vietnam War. But his understanding of the relationship between the vast sums spent dropping bombs in a foreign country, and the resulting lack of funding for programs that relieve hunger and poverty are just as true today as they were back then, especially now with this economic downturn.

A recent survey revealed that 68 percent of Americans believe that ending the war and occupation in Iraq is an important step the United States Government must take to respond to the current economic recession. So we must put an end to this occupation, and we must fund a real economic stimulus plan that expands unemployment assistance and food stamp benefits, provides housing assistance and foreclosure relief for homeowners, and expands Medicaid payments to States through the Federal medical assistance percentage.

We need to pass a real bankruptcy reform bill. I believe this one that we're working on now is H.R. 3609. It's called the Emergency Home Ownership and Mortgage Equity Protection Act of 2007, that will give struggling homeowners a fighting chance to stay in their homes.

We've got to reauthorize and realize that HOPE VI is an important, important housing initiative, and pass H.R. 3524, to finally stop putting an end to predatory lending. And instead of spending billions to bail out Bear Stearns, we should really be investing that money to train our workforce and to expand green jobs and eradicate poverty.

So as we remember 3 years ago, Hurricane Katrina served as a real rude wake up call to the Nation and the continuing inequality that plagues minority communities, especially the African communities in America. Katrina opened the eyes of many Americans about the continuing burden of poverty that often isolates and traps generations of Americans of color, African Americans, in a cycle of poverty and disenfranchisement. So we cannot ignore the legacy of Katrina, nor can we ignore the legacy of Dr. King's words.

So this week, as we approach the 40th anniversary of Dr. King's assassination, let us all make a commitment to honor his vision and his life's work. We must end this occupation of Iraq, and we must enact a real economic stimulus plan, so that the American people can move forward, take care of their families, come out of this downturn and really begin to live the type of life, the quality of life that they so deserve in the wealthiest and most powerful country in the world.

Thank you, Congresswoman STEPHANIE TUBBS JONES, for giving us the opportunity tonight to talk about the real suffering that people are feeling; but giving people some hope that there are many here in Washington, D.C. on the battlefield trying to turn this around.

Mrs. JONES of Ohio. I want to thank my colleague, Congresswoman BARBARA LEE, for her leadership, and hope that she will decide to hang around a little while with me as we go through a few more issues. If you can't, I absolutely understand.

I want to go back to the housing crisis for a moment. The loss of a home is both devastating for the family and the community. For a family, owning a home is often their only piece of the "American Pie." The equity from owning their home is often the only means to secure funding for a new business, college tuition or retirement. For the community, increased foreclosures often turn neighborhoods that once were vibrant into neglected, blighted areas which ultimately raise costs for local governments.

In the State of Ohio alone, 90,000 homes are in foreclosure. In fact, one of the things that we often talk about is that working class families usually pass their biggest asset from 1 generation to the next, and that is a house. So not only are we devastating the income and wealth of this generation, we may well be devastating the income and wealth of future generations.

Predatory lending is the leading cause of the foreclosures across this country. And I need not go on and on about the issue, but let me just point out a few statistics.

The Nonprofit Center for Responsible Lending projects that as this year ends, 2.2 million households in the subprime market will either have lost their homes to foreclosure or hold subprime mortgages that will fail over the next several years. The real dilemma that many of the families face is the amount of mortgage that they own on the home far exceeds the real value of the home.

Additionally, only about 1.4 million of 15.1 million loans analyzed from 1998 through 2006 were for first-time home buyers. Most were refinancing. And all of us got those calls from people calling up, Mrs. Jones, you have a unique opportunity right in your community to refinance your home, and this program is just for your neighborhood. And a lot of people got fooled by those calls. To date, more than 500,000 of those subprime borrowers have lost their homes to foreclosure. An additional 1.8 million are likely to follow as the market deteriorates. That's nearly 2.4 million lost homes.

And predatory lending has expanded its reach beyond mortgage lending. Predatory practices are becoming increasingly prevalent in refund anticipation, auto and payday loans. There were over 12 million Refund Anticipation Loan borrowers in 2003. In other words, anticipating what your income tax checks would be, people borrowed on those tax checks.

Tax preparers and lenders strip about $1.57 billion in fees each year from the earned income tax credits paid to working parents, according to the 2005 study by the National Consumer Law Center.

And imagine what the new programs are going to be as we come up with these rebates that the President has proposed for working families in order for us to shore up Wal-Mart or Target or one of these other stores. In fact, I think it is pretty scary that we are now going to try and shore up the economy by taking the money of people who have worked hard for it.

I bet that many people are going to pay attention; they're not going to stick it back in the economy. They, in fact, may in fact put it in a savings account or try to make some money on behalf of their families, or pay off an existing debt.

In December, the Congress enacted the Mortgage Forgiveness Debt Relief Act which, for 3 years, stops the tax on phantom income when a lender forgives some part of the family's mortgage in foreclosure. Under prior law, the debt forgiven following mortgage foreclosure or renegotiation was considered income for tax purposes, resulting in a tax liability for individuals and families meaning, at a time when people were down and out, they were then required to pay tax on something that was forgiven by a lender. It was crazy, and thank God this whole Congress understood the impact, and we passed that legislation.

In December, the Congress included $180 million for housing counseling in the Fiscal Year 2008 Omnibus Appropriations Bill to assist many distressed homeowners who are trapped in unaffordable loans in avoiding foreclosure on their homes.

The Economic Stimulus Bill, which the President will sign this week, increases the FHA loan limits up to $729,750 to expand affordable mortgage loan opportunities through the FHA for families in danger of losing their homes. This was done because in areas like the area in which Congresswoman BARBARA LEE lives in, housing, middle income housing costs as much as $800,000 to $1 million. In Cleveland, an $800,000 home would buy you a lot of house, but not California.

Both the House and Senate have passed an FHA reform bill which would enable FHA to serve more subprime borrowers at affordable rates and terms to attract borrowers that have been turned to predatory lenders in recent years.

The House has passed a mortgage lending reform bill which cracks down on predatory lending, making sure that consumers get mortgages they can repay, strengthening consumer protections against reckless and abusive lending practices, and giving consumers the ability to seek redress.

I have to say that in 2001 I introduced the Predatory Lending Reduction Act, and this act was focused on mortgage brokers. And the reason I focused on mortgage brokers was because mortgage brokers were not licensed, they were not required to be registered. They were not required to give notice to a purchaser or a borrower that they were not representing that borrower; they weren't their agent. They were not required to tell the borrower that they were going to get a percentage or a commission on the loans that they made. So you had a lot of mortgage brokers operating out here without any licensing, without any registration, without being required to give notices to, like banking persons, to borrowers. So it was very important for us, and that was included in the Mortgage Lending Reform Act, number 3915.

In October, the House passed the National Affordable Housing Trust Fund Bill, 2895, which establishes a trust fund, at no cost to the taxpayer, to build or preserve 1.5 million affordable homes or apartments over the next 10 years. The trust fund is financed by fees paid by Fannie Mae and Freddie Mac and by increased FHA loans.

The fact is that we have needed a national affordable housing trust fund for many, many years and finally, in 2007, 2008, we have one that's available.

At this time, if my colleague is interested, I'd like to yield to her for some additional commentary, Congresswoman BARBARA LEE.

Ms. LEE. Thank you. And you know, as I was listening to your very clear presentation, Congresswoman TUBBS JONES, I kept thinking of all of the people who really believe in the American dream, who want to send their kids to college, who perhaps may want to start a small business and who know and recognize that the path to wealth in our country is through home ownership. And now, given that the equity has just about eroded, their dreams being shattered.

You know, most Americans don't play in the stock market. You know, the only way they can acquire wealth is through home ownership. The only way they can live the American dream is through leveraging the equity in their homes to realize some of their dreams. And now, given this fiasco that we're experiencing, so many people will not realize their dreams. And so the legislation that you mentioned and more that are being talked about and introduced, will, in many ways help stop the hemorrhaging.

But, you know, we have to look at this not only in the short-term perspective, but also the long term has to be addressed. And some of this has to do with the deregulation of the financial services industry. And we really need to look at some regulatory reform also in the long haul to make sure that this never happens again. It's almost been the "Wild West" in terms of the financial industry.

Mrs. JONES of Ohio. I'd like to thank my colleague. There are just a few more things that I'd like to point out and point to, and if there is another person coming behind me with some, a special order, I would suggest that we should probably be finished in about 15 minutes.

I, first of all, would like to focus in on some of the legislation I've been working on around wealth building, because one of the most difficult things for families in the downturn of an economy is to try and put aside savings. And one of the things that we see happening right now in our country are a number of companies that are closing down, and people are placed in a situation where they are now being required to retire and they're being given lump sum benefits in order to lessen the weight or the impact that the retirement has on them.

And as a proponent of wealth building, I've been working on a couple of pieces of legislation in that area. One of them is the Retirement Security for Life Act.

Last year I, along with Congressman PHILIP ENGLISH, a Republican from Pennsylvania, reintroduced the bipartisan tax legislation that would encourage Americans to select life annuities and ensure requirement security. The Retirement Security for Life Act provides a tax incentive available to all retirees when they elect to receive a guaranteed stream of income for life from their annuity. The bill will exclude Federal taxes on half of the income generated by the annuity, up to a maximum of $20,000 annually. For the typical retiree, it would provide a tax break of up to $5,000.

The bill is designed to help Americans who have savings maintain their pre-retirement standard of living. Research indicates that many future retirees, including an estimated 77 million baby boomers, will have difficulty maintaining an adequate standard of living. By providing incentives, the Retirement for Security for Life Act will encourage Americans to invest in their own retirement.

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The periodic payments from a life annuity would guarantee income throughout retirement as a complement to Social Security and pension benefits. A life annuity provides beneficiaries with guaranteed lifelong monthly payments. After-tax dollars, such as the proceeds from the sale of a house or small business, can be used to purchase the annuity. Income from employers' sponsored plans that already enjoy a tax advantage, such as IRAs and 401(k)s, are not eligible. This bipartisan legislation encourages Americans to select lifetime annuity payments, thereby generating a steady income for life and helping them manage their savings.

One of the limits that happens when people receive a lump sum is it seems like a lot of money at the time when you receive it, but it very easily wanes away by the time you lend your cousin $2,000, your son $5,000, your aunt or uncle a couple of dollars, and that $50,000 is gone very quickly. And that is one of the reasons that I'm encouraging our Retirement for Security for Life Act.

Another piece of legislation is called Savings for Working Families Act. This legislation was introduced, and it's H.R. 1514. It provides a tax credit to financial institutions that match the savings of low-income families through individual development accounts, or IDAs. The individual savings in an IDA are matched on a one-to-one basis, up to $500 per person per year; although, personal contributions into an IDA are not limited. The match only goes up to $500. It is a unique way and a great way that we could have low-income families begin to understand the importance of saving and receive a match for their dollars.

Thousands of working families across the country currently take advantage of IDA matched savings and asset accumulation. They are run by community-based organizations in partnership with a qualified financial institution that holds the deposits. IDA funds can be used for college and post-secondary education, purchasing a home or starting a small business. Those who save in IDAs also receive financial planning education. Nationally, 500,000 Americans are presently enrolled in 500 IDA programs. In the State of Ohio, nearly 5,000 benefit from 15 IDA programs.

The goal of the Savings for Working Families Act is to encourage low-income families to save.

Cleveland's Save program, which is a program in the City of Cleveland where I live, is a national social marketing campaign that encourages individuals, particularly low and moderate income, to save. It was launched in 2001 in the City of Cleveland. America Saves now has 53 local and State national campaigns which include locations in Philadelphia, Pennsylvania; San Diego, California; and New York State. More than 1,000 nonprofit organizations participate. They recently celebrated American Saves Week, which is a new and expanded effort which is aimed at reaching more institutions.

Let me now give any further time to my colleague and friend, Congresswoman BARBARA LEE.

Ms. LEE. Let me applaud you for laying out these very important and very thoughtful bills. Hopefully, people who are listening to the Special Order tonight will understand the importance of them and ask their Members of Congress to support them because they actually should be passed and signed into law.

Also, I think it's important that we recognize tonight we are talking also with regard to the Congressional Black Caucus' economic empowerment agenda, and what you have laid out is central to an economic empowerment agenda of the African American community throughout our country, but also, in addition, we have talked a lot about the disparities and why we have to have this economic empowerment agenda because we are still faced with many, many disparities in health care and education and economic development.

And when you look at the African American business community and the lack of capital, when you look at the small business administration and the type of problems and difficulties we have had over the years, you can see that, in many ways, many of the initiatives that have begun over the years that would have helped during this economic recession have been just about cut out. So it is about time we go back to the drawing board and regroup and not only resurrect some of the strategies that actually work but come forth with new legislation such as we are talking about tonight.

So, in closing, I just want to thank the Congressional Black Caucus, again under Congresswoman KILPATRICK's leadership, for making sure that the overall agenda of the CBC is put forth every Monday night under Congresswoman TUBBS JONES' leadership, because this is so important. In fact, we were in recess over the last couple of weeks, and I ran into many, many people who thanked us for getting the word out, sounding the alarm, providing the information with regard to what we are doing here because so often, the American people, the public, our communities, have no idea what type of legislation is being proposed to help with some of the burdens that they are forced to bear at this point in our history.

The $16,500 I mentioned earlier that this Iraq occupation is costing the American people, just think of what they could do with $16,500. And so I have to say, part of what we have to continue to do is to try to end this occupation, end this $3 trillion that's being projected with regard to the war in Iraq and make sure that immediately the American people though can realize some benefits from their tax dollars and also make sure that we can expand unemployment compensation and food stamps and just help them survive through this until we can do something big and something that makes their lives much better.

Thank you again.

Mrs. JONES of Ohio. I want to associate myself with the comments of my colleague with regard to ending the war in Iraq and the devastation that it has had not only on more than 4,000 families but as well as the economy of America and the infrastructure of America. All you need to do is pick up a paper any day and see that in any city there is a bridge that's fallen down, there's a sewer that's blowing up, there's streets that are in trouble, et cetera, et cetera, et cetera. And I want to close on this particular note.

It is so important to the improvement of this economy and the status of America that we make sure there are good-paying jobs that come back to America. I keep hearing these discussions about, well, there are jobs, and there are not people in America who want to do these jobs. That is not correct. There are good, hardworking people. The people of America work harder than people in any other country. They have less vacation, less time off, and they work very, very hard.

The dilemma that's faced is the offering of jobs that do not pay good salaries; that do not, in fact, provide appropriate benefits. And the people of America are going to want go to work, and the innovation agenda that was passed last fall in this Congress and signed into law by the President speaks to some of those issues.

And it is so important that we do things to improve the education of our young people so they are better qualified to work on jobs, and that was done through the College Opportunity and Affordability Act of 2008.

It is also important that we encourage young men and women to go into the sciences. The statistics show that, in 2000, only 4 percent of the science and engineering jobs in the United States were held by African Americans. Nearly 40 percent of Americans under the age of 18 are African Americans or other minorities. So we need to do more and more and more to encourage young people to go to college to be able to get the kind of degrees where they can get a great job such as we talked about with the children in Orlando in the Eminence Program.

And finally, we need to support and strengthen small businesses. Two-thirds of American jobs are supported, are given by small business, and we need to encourage small business to continue.

African Americans own an estimated 1.2 billion small businesses with annual revenues of more than $88 billion. Legislation enacted in 2007 included provisions cutting taxes for small business by $4 billion over the next 10 years. And the economic stimulus package also speaks to those issues as well.

I want to close with this. The Congressional Black Caucus is tirelessly working on issues that are important to the African American community but as to the greater community as well, and the economy is the issue that's in the forefront of everybody's mind right now, regardless of their color, regardless of their background. And this evening, it was our job to point out to America, those of you listening here on C–SPAN, to the issues that are facing the African American community and the economy and to help people understand that, if it hits the greater community in one way, it doubly impacts the African American community.

And on behalf of my colleagues at the Congressional Black Caucus and our Chairwoman, CAROLYN C. KILPATRICK, I'm pleased to close this message hour out and thank the Speaker, NANCY PELOSI, for the opportunity to present.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, for millions of American families it is becoming more and more difficult to make ends meet. Our economic outlook is grim in light of the recent housing crisis, fluctuating interest rates, and increasing prices. Working Americans are feeling a serious squeeze on their family finances, because for too long, Republicans and this administration ran up big deficits and ignored priorities here at home.

With the economy continuing to decline, African American households are suffering disproportionately. In 2006, African Americans were two times more likely to get high-cost subprime loans. In my district, more than half of loans given to working Americans were subprime; of these loans, 80 percent were African American. One in six resulted in foreclosure; this is unacceptable.

In 2007, the Democratic led Congress passed an increase to the minimum wage, but this does not help Americans who cannot find jobs. The African American unemployment rate has climbed from 8 percent this fall to 9.2 percent in January, with 1.6 million African Americans currently looking for work.

I applaud the Congressional Democrat Leadership for their rapid agreement on an economic stimulus package to aid families across America. While I feel that this stimulus package is a step in the right direction, I am disappointed that there was no aggressive plan for job training programs such as: adult education and literacy, welfare-to-work, and vocational education.

As a senior member of the House Science Committee, I feel it is important to invest in our children's futures. This Congress has led the fight to address access to higher education, enrichment programs in STEM fields, advancement in educational programs for minorities, and spur critical research and development to meet the needs of the country. Education is the foundation to building a better and brighter future for all Americans.

Mr. Speaker, honest, hard-working men and women are struggling to make a decent living as they go about their daily routines. The economic disparities of African American and other minorities are truly hurting this country. I am hopeful that the President will join this Congress to help find long-term, comprehensive measures as opposed to a temporary bandaid to our economic problems.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRALEY of Iowa (at the request of Mr. HOYER) for today on account of travel delays.

Mr. HONDA (at the request of Mr. HOYER) for today on account of official business in district.

Mr. KIND (at the request of Mr. HOYER) for today on account of travel delays.

Ms. GRANGER (at the request of Mr. BOEHNER) for today through April 11, 2008, on account of medical reasons.

Mr. WHITFIELD of Kentucky (at the request of Mr. BOEHNER) for today on account of unforeseen travel difficulties.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WAMP) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today, April 1, 2, and 3.

Mr. JONES of North Carolina, for 5 minutes, today, April 1, 2, and 3.

Mr. FRANKS of Arizona, for 5 minutes, today, April 1, 2, and 3.

Mr. DREIER, for 5 minutes, today, April 1, 2, and 3.

Mr. WAMP, for 5 minutes, today.

Mrs. SCHMIDT, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, April 1, 2, and 3.

ADJOURNMENT

Mrs. JONES of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 1, 2008, at 10:30 a.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2007 and the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PATRICK J. ALWINE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 31 AND FEB. 3, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patrick J. Alwine	1/31	2/1	Turkey		140.00				46.00		186.00
	2/1	2/2	Afghanistan		75.00						75.00
	2/2	2/3	Austria		209.00				295.29		504.29
Committee total											765.29

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PATRICK J. ALWINE, Mar. 3, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KENNETH A. KRAFT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 31 AND FEB. 3, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kenneth A. Kraft	1/31	2/1	Turkey		140.00				46.00		186.00
	2/1	2/2	Afghanistan		75.00						75.00
	2/2	2/3	Austria		209.00				295.29		504.29
Committee total											765.29

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KENNETH A. KRAFT, Mar. 3, 2008.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DANIEL MURPHY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 21, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel Murphy	2/16	2/21	Cape Verde		1,600,000		6,845.60				8,445.60
Committee total					1,600.00		6,845.60				8,445.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL MURPHY, Mar. 10, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DANIEL MURPHY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 21, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel Murphy	2/16	2/16	Portugal		1,600.00		6,845.60				8,445.60
	2/16	2/21	Cape Verde								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DANIEL MURPHY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 21, 2008—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					1,600.00		6,845.60				8,445.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL MURPHY, Mar. 10, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND DEC. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ed Perlmutter	11/30	12/2	Jordan		139.65		6815.13		174.00		7128.78
	12/2	12/4	Iraq		9.63		4432.90		5.00		4447.53
Hon. Yvette Clarke	11/24	12/26	Italy		954.00		(3)				954.00
	11/27	11/27	Chad		286.00		(3)				286.00
	11/28	11/30	Ethiopia		610.00		(3)				610.00
	12/1	12/2	Belgium		452.00		(3)				452.00
Committee total					2,451.28		11,248.03		179.00		13,878.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BENNIE G. THOMPSON, Chairman.

OFFICE OF COMPLIANCE NOTICE OF ADOPTION OF SUBSTANTIVE REGULATIONS AND SUBMISSION FOR CONGRESSIONAL APPROVAL

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, March 21, 2008.

Hon. NANCY J. PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: On March 14, 2008, The Board of Directors of the Office of Compliance sent to your office the Text of Adopted Veterans' Employment Opportunities Regulations and a Notice of Adoption of Substantive Regulations and Submission for Congressional Approval. We have been advised that there are a few typographical errors in the Text of the Regulations and in the Notice and Submission. Please accept the attached documents and disc as the corrected versions of both the Text of the Regulations and the Notice and Submission.

The Notice and Submission has been corrected to show that it is in Section 1.118(c), rather than Section 1.117(c) that the Board has clarified that an applicant's request for information must be made in writing. In addition, the Notice and Submission has been corrected to show that it is Section 1.118(d), rather than Section 1.118(e) that has been revised to provide that employing offices are expected to answer applicant questions concerning the employing office's veterans' preference policies and practices only if such questions are "relevant and non-confidential."

The Text of the Regulations has also been corrected to be consistent with the Notice and Submission and modifies Section 1.108(b) to require employing offices to consider veterans' preference as "an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants."

The Board requests that the accompanying corrected Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. The Board also requests that Congress approve the proposed Regulations, as corrected and further specified in the accompanying Notice.

An inquiries regarding the accompanying Notice should be addressed to Tamara E. Chrisler, Executive Director of the Office of Compliance, 110 2nd Street, SE., Room LA–200, Washington, DC. 20540; 202–724–9250, TDD 202–426–1912.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

ADOPTION OF THE OFFICE OF COMPLIANCE REGULATIONS IMPLEMENTING CERTAIN SUBSTANTIVE EMPLOYMENT RIGHTS AND PROTECTIONS FOR VETERANS, AS REQUIRED BY 2 U.S.C. 1316a, THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED (CAA)

PROCEDURAL SUMMARY

Issuance of the board's initial notice of proposed rulemaking

On February 28, 2000, and March 9, 2000, the Office of Compliance published an Advanced Notice of Proposed Rulemaking ("ANPR") in the Congressional Record (144 Cong. Rec. S862 (daily ed., Feb. 28, 2000), H916 (daily ed., March 9, 2000)). On December 6, 2001, upon consideration of the comments to the ANPR, the Office published a Notice of Proposed Rulemaking ("NPR") in the Congressional Record (147 Cong. Rec. S12539 (daily ed. Dec. 6, 2001), H9065 (daily ed. Dec. 6, 2001)). The Board took no action on those earlier Notices and instead, after extensive consultation with stakeholders, issued a subsequent Notice on December 1, 2001.

Why did the Board propose these new Regulations? Section 4(c) of the CAA, 2 U.S.C. 1316a (4), requires that the Board of Directors propose substantive regulations implementing the rights and protections relating to veterans' employment which are "the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section."

What procedure followed the Board's December 1, 2001 Notice of Proposed Rulemaking? The December 1, 2001 Notice of Proposed Rulemaking included a thirty day comment period, which began on December 2, 2001. A number of comments to the proposed substantive regulations were received by the Office of Compliance from interested parties. The Board of Directors has reviewed the comments from interested parties, engaged in extensive discussions with stakeholders to obtain input and suggestions into the drafting of the regulations, made a number of changes to the proposed substantive regulations in response to comments, and has adopted the amended regulations.

What is the effect of the Board's "adoption" of these proposed substantive regulations? Adoption of these substantive regulations by the Board of Directors does not complete the promulgation process. Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for promulgating such substantive regulations requires that:

(1) the Board of Directors issue proposed substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record (the December 1 Notice);

(2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; and

(3) after consideration of comments by the Board of Directors, that the Board adopt regulations and transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record.

This Notice of Adoption of Substantive Regulations and Submission for Congressional Approval completes the third step described above.

What are the next steps in the process of promulgation of these regulations? Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to "include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution." The Board of Directors recommends that the House of Representatives adopt the "H" version of the regulations by resolution; that the Senate adopt the "S" version of the regulations by resolution; and that the House and Senate adopt the "C" version of the regulations applied to the other employing offices by a concurrent resolution.

Are there regulations covering veterans' rights currently in force under the CAA? No.

ADDITIONAL GENERAL INFORMATION

Why are there substantive differences in the proposed regulations for the House of Representatives, the Senate, and the other employing offices? Because the Board of Directors has identified "good cause" to modify the executive branch regulations to implement more effectively the rights and protections for veterans, there are some differences in other parts of the proposed regulations applicable to the Senate, the House of Representatives, and the other employing offices.

Are these proposed regulations also recommended by the Office of Compliance's Executive Director, the Deputy Executive Director for the Senate, and the Deputy Executive Director for the House of Representatives? Yes, as required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), the substance of these regulations have also been recommended by the Executive Director and Deputy Executive Directors of the Office of Compliance.

Are these proposed CAA regulations available to persons with disabilities in an alternate format? This Notice of Adoption of Substantive Regulations, and Submission for Congressional Approval is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Annie Leftwood, Executive Assistant, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, DC 20540; 202-724-9250; TDD: 202-426-1912; FAX: 202-426-1913.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 12 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within the Legislative Branch.

THE BOARD'S RESPONSES TO COMMENTS

Summary of major comments

Covered employees

Section 1.102 sets forth general definitions that apply throughout the Board's veterans' preference regulations. The Committee on House Administration expressed the concern that readers might find the definitions that determine coverage of the regulations confusing. The definition of "covered employee" in Section 1.102(f) traces the definition of the same term in the Congressional Accountability Act, and then applies the differently worded and potentially more limited exception to that term as provided in the VEOA. Because these two aspects of the definition in Section 1.102(f) are based on statutory language, we have not revised the definition itself. However, the final regulations include a new Section 1.101(c) entitled "Scope of Regulations" that contains a clear statement that the regulations shall not apply to an employing office that only employs individuals excluded from the definition of "covered employee" under the VEOA, including employees whose appointment is made by a member of Congress or by a Committee or Subcommittee of either House of Congress or a Joint Committee of the House of Representatives and the Senate.

In view of the selection process for certain Senate employees, the words "or directed" have been added to the definition of "covered employee" to include any employee who is hired at the direction of a Senator, but whose appointment form is signed by an officer of either House of Congress. Including the words "or directed" in the definition has the effect of excluding such employees from the definition of "covered employee" for purposes of the veterans' preference provisions in the regulations to be made applicable to the Senate. A reference to 2 U.S.C. §43d(a) also has been added to the definition of "covered employee". Including the reference to 2 U.S.C. §43d(a) has the effect of excluding employees whose appointment is allowed under that statutory provision from the definition of "covered employee" in the regulations to be made applicable to the Senate. These changes will give full effect to the exclusion in 2 U.S.C. §1316(5)(B).

Similar additions were not made in the definition of "covered employee" that appears in the regulations to be made applicable to the House of Representatives. It appears that this language would be overreaching for the House. As the House has different methods of making appointments and selections, this language appears to be unnecessary and may create confusion given the practices of the House. Employees of members' offices are excluded from coverage, and section 1.101(c) of the draft regulations provides a number of additional exceptions to coverage that otherwise are applicable to the House:

(1) whose appointment is made by the President with the advice and consent of the Senate;

(2) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or

(3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of Section 3132(a)(2) of title 5, United States Code).

We believe the exceptions to coverage listed above will exclude from coverage all employees of the House who by statute were not meant to be covered under the VEOA provisions, without creating unintended exceptions due to the selection procedures under HEPCA.

The "or directed" language has not been made to the definition of "covered employee" in the regulations to be made applicable to the other employing offices. Employees of those other employing offices are included in the definition of "covered employee" even if their appointment form is signed or subject to final approval by a Member or Members of Congress.

Definition of "appointment"

Section 1.102(d) defines the term "appointment". As initially proposed the term excluded "inservice placement actions such as promotions". This exclusion was derived from OMB regulations applicable in the executive branch. See 5 CFR 211.102(c). Senate stakeholders noted that the term "inservice placement actions" is not commonly used in the legislative branch and questioned whether the veterans' preference would apply in any post-employment decisions other than reductions in force as that term is defined in these regulations. In the executive branch, the preference afforded to preference eligibles in the appointment process only applies to original appointments in the competitive service. See 5 U.S.C. §3309. It is possible, therefore, for an executive branch employee who has initially been employed in a position that is not within the competitive service to later seek appointment to a position in the competitive service. The employing offices within the legislative branch do not have a "competitive service" and therefore do not recognize the notion that an initial appointment to the competitive service could be made by an employee holding a position that is not in the competitive service. For these reasons, the Board agreed that use of the phrase "inservice placement actions" was confusing and possibly misleading. In the final regulations, the definition of "appointment" has been modified to exclude "any personnel action that an employing office takes with regard to an existing employee of the employing office".

Definition of employing office

In addition to the changes discussed above, technical corrections were made to the definition of "employing office", to clarify that the term includes the Capitol Police Board.

Veterans' preference in appointments to restricted positions

Section 1.107 addresses the application of veterans' preference in appointments to the restricted positions of custodian, elevator operator, guard and messenger. As proposed, Section 1.107 provided that, for these positions, the employing office "shall restrict competition to preference eligibles as long as preference eligibles are available." The Committee on House Administration suggested that the requirement of an absolute preference for veterans (and other preference eligibles) to fill guard positions without regard to experience, quality of work or employment references would undermine the efforts of various congressional entities to provide the most secure environment possible for the employees of and visitors to the Congressional office buildings. For this reason, the Committee requested that the Board find "good cause" for deviating from the executive branch regulations and exclude the position of guard from Section 1.107.

Section 1.107 derives from statutory language made applicable to the legislative branch by the VEOA. Removing one of the four restricted positions from the regulations would represent a significant deviation from the VEOA's goal of applying the veterans' preference principles currently applicable in the executive branch in the legislative branch. However, the Board agrees that employing offices should not be required to appoint individuals who are not qualified to perform the role of a guard, particularly where unique security concerns are present, simply because the individual is preference eligible. Accordingly, the final regulation clarifies that with respect to the four statutory restricted positions, the employing office "shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available." This reference to "qualified ... applicants" is intended to refer to the definition of "qualified applicant" in Section 1.102(q).

Section 1.102(q) defines the term as an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Employing offices are provided flexibility in devising the minimum job-related requirements for a particular covered position. The unique security concerns on Capitol Hill may result in additional or more stringent requirements for the position of guard. Accordingly, we have revised Section 1.107 to clarify that preference eligibles must be qualified to be considered for any restricted position, be it that of custodian, elevator operator, guard, or messenger.

Senate Employment Counsel noted that the definitions of three of the four listed restricted positions include the limiting words "primary duty," and suggested that the definition of "guard" also include the primary duty limitation. We agree that this is important given that the definition of guard includes those who "make observations for detection of fire, trespass, unauthorized removal of public property or hazards to federal personnel or property" and any manager responsible for insuring a safe work environment may engage in these activities. Accordingly, we have included the limiting words "primary duty" in the definition of guard.

Veterans' preference in appointments to non-restricted covered positions

Section 1.108(a) requires employing offices who use numerical examination or rating systems to add points to the ratings of preference eligibles in a manner that is comparable to the points added in accordance with the provisions of 5 U.S.C. §3309. Comments submitted by the Committee on House Administration express the concern that a "numerical examination or rating system" may be interpreted to apply whenever one interviewer "rates" or gives numerical "grades" to interviewees even though other interviewers and decision makers are not using a similar system. To address this concern, Section 1.108(a) has been revised to provide that the addition of veterans' preference points is required only when the employing office has "duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions. . . ."

As proposed, Section 1.108(b) would have required employing offices to consider veterans' preference eligibility as an affirmative factor that would be "given weight in a manner proportionately comparable to the points prescribed in 5 U.S.C. §3309 in the employing office's determination of who will be appointed from among qualified applicants." Several commenters expressed concern with respect to the manner in which Section 1.108(b)'s requirements would be administered. For example, some expressed the concern that application of a factor "proportionately comparable" to a point system would, in itself, require the adoption of a point system to ensure compliance. Others expressed concern with respect to when the preference should be afforded to qualified applicants, and suggested that Section 1.108(b) simply require that the preference be the deciding factor if all other factors among the applicants considered most qualified were equal. After careful consideration, the Board has modified Section 1.108(b) to require employing offices to consider veterans' preference eligibility as "an affirmative factor in the employing office's determination of who will be appointed". This change has been adopted to confirm that these regulations are not intended to require employing offices that do not use point-based rating systems to adopt them simply to be able to comply with their VEOA obligations. The Board reiterates that, because Section 1.108(b) is derived from the statutory provisions in 5 U.S.C. §3309, veterans' preference will not be the only factor, and, depending upon the relative merits of the candidates, may not be the most important factor in the employing office's appointment decision. Section 3309 affords preference eligibles 5 or 10 points when a 100-point rating scale is used, and employing offices are not required to afford any greater weight to veterans' preference in their appointment decisions. The Board notes that all preference eligibles who are found by the employing office to be "qualified applicants" must be afforded the preference. The Board expects that in cases where all other factors are relatively equal, consideration of the preference as an affirmative factor may result in the preference eligible being appointed. In other cases, consideration of the preference as an affirmative factor may boost the applicant further along in the appointment process but ultimately not be sufficient to overcome the other favorable attributes of the final candidate or even of the others within a final pool of candidates.

Waiver of physical requirements in appointments to covered positions

As proposed, Section 1.110(b) required an employing office to notify an otherwise qualified preference eligible applicant who has a compensable service-connected disability of 30% or more if the employing office determines that the applicant is not able to fulfill the physical requirements of the position. The employing office must inform the applicant of the reasons for the employing office's determination and allow the applicant 15 days to respond and submit additional information to the employing office. Thereafter, the "highest level" of the employing office must consider any response and additional information supplied by the applicant and notify the applicant of its findings regarding the applicant's ability to perform the duties of the position.

The Committee on House Administration inquired whether an employing office must engage in the prescribed dialogue if the applicant is clearly not the most qualified applicant for the position. A concern regarding the timing of the required dialogue was also raised in the comments received from the Senate Employment Counsel. In those comments, Counsel raised the concern that engaging in the required dialogue before a conditional offer of employment is made would conflict with the provisions of the Americans with Disabilities Act regarding pre-employment disability-related inquiries. Section 1.110 does not require or allow employing offices to engage in any inquiries that would be unlawful under the Americans with Disabilities Act. In accordance with 5 U.S.C §3312, Section 1.110(a)(2) requires an employing office to waive physical requirements on the basis of "the evidence before it", including any recommendation of an accredited physician submitted by the preference eligible applicant. It is presumed that such evidence will come before the employing office through means allowed under the Americans with Disabilities Act, whether this occurs through an applicant's request for accommodation or through lawful pre-employment inquiries. Similarly, Section 1.110(b) does not require an employing office to make a determination regarding preference eligible applicants' physical ability to perform the duties of the position, but only describes the procedures that must be followed if and when such a determination is made.

The Committee on House Administration also expressed the concern that a 15-day response period would impair an employing office's operations if there is a need to fill a particular covered position quickly. To respond to this concern, the final regulation includes the statement, "The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately."

The Committee on House Administration inquired about the definition of the "highest level" within the employing office. Consistent with the Committee's suggestions, the final regulation refers to the "highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office."

Comments submitted by the Capitol Police inquired about the definition of "accredited physician" as used in Section 1.110(a)(2). The final regulations contain a definition of this term at Section 1.102(a).

Definitions applicable in reductions in force

Senate Employment Counsel raised a concern with respect to the proposed Section 1.111(b) provision that the "minimum competitive area" be a department or subdivision of the employing office "under separate administration." Counsel raised the concern that this definition could be interpreted in a manner inconsistent with the definition of "competitive area" as "that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention." Counsel notes that certain employing offices, such as the Sergeant-At-Arms and the Secretary of the Senate, have multiple departments that are headed by different individuals, but some personnel decisions may be centralized with the executive office of the employing office. To address this concern, the final regulation deletes the reference to "separate administration" such that the minimum competitive area is a "department or subdivision of the employing office within the local commuting area."

In addition, Senate Employment Counsel suggested that the definition of "reduction in force" in Section 1.111(e) is broader in scope than the regulations applicable to the executive branch. In this respect, Counsel suggested that the executive branch regulations in 5 C.F.R. §351.201(a)(2) exclude any layoff or other personnel action that might otherwise be considered a "reduction in force" if at least 180 days prior notice is given. However, the executive branch regulations apply the 180-day exception only to "the reclassification of an employee's position due to erosion of duties when such action will take effect after an agency has formally announced a reduction in force in the employee's competitive area and when the reduction in force will take effect within 180 days." As a result, the Board does not consider Section 1.111(e) to be broader in scope than the executive branch regulations.

The Board also considered the application of a veterans' preference in connection with terminations and other reductions attributable to a change in party leadership or majority party status within the House of Congress in which a covered employee is employed. The Board has determined that positions affected by such changes are subject to the same considerations applicable to positions in which appointment is made or directed by a Member of Congress. The Board therefore has excluded terminations and reductions attributable to such changes from the definition of reduction in force in Section 1.111(e) in the regulations applicable to the House and Senate, in order to give full effect to the exclusion in 2 U.S.C. §1316(5)(B). These changes have not been made to the definition of "reduction in force" contained in the regulations applicable to the other employing offices.

The Committee on House Administration suggested that the requirement of "objectively quantifiable evidence" be stricken from the definition of "undue interruption" in Section 1.111(f). The concept of "undue interruption" is used in Section 1.111(c) in determining whether various covered positions must be included within a particular position classification or job classification. Section 1.111(c) states that position classifications or job classifications "shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of employment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption." The Committee noted that the definition of "undue interruption" in Section 1.111(f) allows an employing office to consider quality of work when assessing whether an employee transferred into the position would need more than 90 days to complete required work, and expressed concern with the requirement in the proposed regulation that an employing office prove "undue interruption" by "objectively quantifiable evidence." In this respect, the Committee noted that quality of work is often a subjective determination which, by its nature, cannot always be proven by "objectively quantifiable evidence." The Board agrees that the proposed "objectively quantifiable evidence" requirement could create unnecessary confusion with respect to the burden of proof applicable in a claim brought under the VEOA and has, therefore, deleted the reference to "objectively quantifiable evidence" in the final regulations.

The Committee also questioned Section 1.111(f)'s reference to "work programs." Although the Committee requested that the Board provide a definition of "work program," the Board considered it more prudent to make this provision consistent with other references in Section 1.111(f) to "work" as opposed to "work programs."

The Committee on House Administration also inquired whether the definition of reduction in force in Section 1.111(e) applies to temporary employees. The final regulation clarifies that the term "reduction in force" does not encompass a termination or other personnel action "involving an employee who is employed by the employing office on a temporary basis."

Application of preference in reductions in force

Section 1.112 makes veterans' preference the controlling factor in retention decisions if the preference eligible's performance has not been rated unacceptable. As noted by Senate Employment Counsel, the Board's proposed regulation is based upon 5 U.S.C. §3502(c), which provides that an employee is entitled to such preference if the employee's "performance has not been rated unacceptable under a performance appraisal system implemented under Chapter 43 of this Title. . . ." The Supreme Court has interpreted analogous language in the predecessor legislation to mean that preference eligible veterans have preference over all non-preference eligible employees, without regard to tenure, length of service, or efficiency of performance. Hilton v. Sullivan, 334 U.S. 323, 335 (1948). Counsel notes that the Senate is not subject to the performance appraisal system set forth in Chapter 43 of Title 5 and asserts that it is improper to use 5 U.S.C. §3502(c) as the basis for a regulation requiring the retention of veterans over non-veterans in all cases. Counsel suggests that the regulation should be based on 5 U.S.C. §3502(a), which requires that any implementing regulation give "due effect" to tenure of employment, military preference (subject to §3501(a)(3)), length of service and efficiency or performance ratings. The Board has carefully considered these comments and continues to believe that because the VEOA makes 5 U.S.C. §3502(c) applicable to the legislative branch, the absolute veterans' preference embodied in that section also must be made applicable to the legislative branch. The Board notes that the Supreme Court's finding in Hilton was not based on the unique elements and attributes of the performance appraisal system implemented under Chapter 43 of Title 5, but on its understanding that "Congress passed the bill with full knowledge that the long standing absolute retention preference of veterans would be embodied in the Act." Hilton, 334 U.S. at 339. The Board considers its task in devising these regulations to implement veterans' preference in the legislative branch in a manner that mirrors, as closely as possible, the veterans' preference principles applicable in the executive branch. Accordingly, the final regulation retains Section 1.112 in substantially the form proposed, because the primary purpose of 5 U.S.C. §3502(c) is to make veteran's preference the controlling factor in retention decisions. An additional concern was expressed that use of the term "rated" in Section 1.112 suggests that employing offices must adopt formal rating systems in order to comply with the regulation. The Board agrees that the term may lead to confusion and has modified the provisions in Section 1.112 so that the veterans' preference will apply only if the preference eligible employee's performance has not been "determined to be" unacceptable.

Good cause for requirements in subpart E

The regulations in Subpart E contain various informational requirements. Section 1.116 requires an employing office with covered employees to adopt a written veterans' preference policy. Section 1.117 requires employers to retain certain information regarding their veterans' preference decisions for specified periods of time. Sections 1.118 and 1.119 address the dissemination of information to applicants for covered positions. Section 1.120 addresses the dissemination of information to covered employees generally, and Section 1.121 describes the notice that must be given before a reduction in force.

Senate Employment Counsel and the Capitol Police note that no corresponding executive branch regulation would require either the adoption of a written policy or the other informational and record keeping requirements in Subpart E. These commenters express the concern that the regulations in Subpart E are not consistent with the directive in Section 4(c)(4)(B) of the VEOA, which states in relevant part, "The regulations issued ... shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions . . . except insofar as the Board may determine for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section."

The Board has carefully considered these concerns and reaffirms its previous determination that there is good cause for adopting the requirements described in Subpart E of the regulations. We note first that the very structure of the statutory provisions made applicable to the legislative branch by the VEOA presumes that uniformly applicable policies and procedures will be used in applying veterans' preference in hiring and retention decisions. We also continue to believe that the requirements in Subpart E of the regulations are a necessary counterpart to the approach reflected in the veterans' preference regulations, which affords employing offices with significant discretion and flexibility in implementing their own veterans' preference policies and procedures. For example, the regulations do not mandate a particular policy or practice in implementing veterans' preference, such that applicants cannot turn to published regulations to fully determine their rights. Further, since the regulations do not mandate the maintenance of retention registers, covered employees will not be able to inspect such registers to determine their retention status vis-à-vis other employees. Because OPM-like regulations will not be adopted, the Board has determined that the creation of a policy, dissemination of information and record keeping are necessary to insure the effective implementation of the rights and protections provided under the VEOA. This approach meets the requirements of Section 4(c)(4)(B) of the VEOA and is also consistent with the purposes of the Congressional Accountability Act (see Section 301(h) of the Act, 2 U.S.C. §1381(h), which charges the Office of Compliance with carrying out a program of education ". . . to inform individuals of their rights under laws made applicable to the legislative branch of the Federal Government").

Adoption of Veterans' Preference Policy

Senate Employment Counsel and other commenters suggest that, as proposed, Section 1.116 was overbroad to the extent that it would require employing offices to make their veterans' preference policies available to the public upon request. Senate Employment Counsel notes that "unlike executive branch agencies, Senate employing offices are not subject to the Freedom of Information Act and therefore have no duty to make available to the public any records regarding their employment practices." (Citing 5 U.S.C. §551, which defines "agency" as excluding the Congress.) The Board agrees that effective implementation of the rights and protections under the VEOA only requires dissemination of information regarding an employing office's veterans' preference policies to covered employees and applicants for covered positions. Accordingly, the final Section 1.116 has deleted the requirement that these policies be made available to the public upon request.

Record keeping

Senate Employment Counsel suggests that the record retention period described in Section 1.117 be shortened from one year to nine months or perhaps 275 days, given the deadlines by which an employee must request counseling and mediation under Sections 402 and 403 of the Congressional Accountability Act, 2 U.S.C. §1402 and §1403. In this respect, Counsel suggests that an employing office will always be informed about a possible claim within 8 months or approximately 240 days after notice of hiring or a reduction in force is provided to the employee. Counsel has not suggested that the requirement that applicable records be retained for one year, or 90 to 120 days longer than may be required given the CAA deadlines, will work a significant hardship on employing offices, and the Board finds it prudent to allow additional time from the date on which the employing office is formally notified of a claim for that notice to reach the individual representatives of the employing office who have maintained records relative to the claim.

Dissemination of veterans' preference policies to applicants for covered positions

As proposed, Section 1.118 required that employing offices disseminate their veterans' preference policies and procedures to "all qualified applicants" for a covered position. Several of the commenters expressed concern with the burden and cost attendant to such a requirement. The final regulation, in Section 1.118(c), requires that the described information be provided "upon request" from an applicant for a covered position, and does note require dissemination to "all qualified applicants." In Section 1.118(c) of the final regulations, the Board has also clarified that an applicant's request for information must be made in writing. To ensure that preference eligible applicants will know that they may request information from an employing office, we have added Section 1.118(b)(3), which requires that invitations to self-identify oneself as veterans' preference eligible applicants "state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions and . . . describe the employing office's procedures for making such requests."

The Committee on House Administration also suggested that Section 1.118(d) be modified to provide that employing offices are expected to answer applicant questions concerning the employing office's veterans' preference policies and practices only if such questions are "relevant and non-confidential." The Board agrees and has revised Section 1.118(d) as suggested.

Dissemination of veterans' preference policies to covered employees

Several comments were received regarding Sections 1.119 (dissemination of veterans' preference policies to covered employees), 1.120 (written notice prior to a reduction in force), and 1.121 (informational requirements regarding veterans' preference determinations). In the final regulations, these provisions have been modified in several ways. Requirements regarding information that must be provided to preference eligible applicants as a result of appointment determinations have been moved from Section 1.121(a) and now appear in Section 1.119.

Section 1.119 of the final regulations addresses requests for information by applicants for a covered position. The requirements of this Section have been limited to providing the employing office's veterans' preference policy or a summary of the policy as it relates to appointments to covered positions, a statement of whether the applicant is preference eligible and, if the applicant is not preference eligible, the reasons for the employing office's determination that the applicant is not preference eligible. After further consideration, the Board removed from the final regulations the requirements that the employing office provide additional information about its appointment decision. As noted previously, these regulations are intended to implement veterans' preference in the legislative branch in a manner that mirrors as closely as possible the veterans' preference principles applicable in the executive branch. The Board has removed the additional informational requirements because they exceeded OPM requirements and were not deemed critical to the implementation and enforcement of the veterans' preference principles made applicable to the legislative branch by the VEOA.

Section 1.120 of the final regulations addresses the dissemination of veterans' preference policies to covered employees. For the reasons addressed above, Section 1.120(c) limits an employing office's responsibility to answer questions from covered employees to those questions that are "relevant and non-confidential" concerning the employing office's veterans' preference policies and practices.

Section 1.121 of the final regulations addresses the written notice required prior to a reduction in force. Under Section 1.121(b)(6)(A) and (B) of the final regulations, the written notice must include a list of all covered employees in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and a list of all covered employees in the covered employee's position classification or job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible. Along with the information required under Section 1.121(b)(4) (the covered employee's competitive area) and Section 1.121(b)(5) (the covered employee's eligibility for the veterans' preference in retention and how that status was determined) of the final regulations, these lists are intended to replace the provisions in 5 U.S.C. §3502(d)(2)(D), which require that the notice include "the employee's ranking relative to other competing employees, and how that ranking was determined." Because this information will be provided in the notice required before a reduction in force, the Board has determined that it is unnecessary to require that additional information be provided to employees affected by a reduction in force, as had been contemplated by Section 1.121(b) of the proposed regulations.

The changes in Sections 1.118, 1.119, 1.120 and 1.121 of the final regulations are intended to reduce the burden and cost to employing offices in providing information to applicants for covered positions, and to reduce the burden and cost to employing offices in providing information to covered employees in the event of a reduction in force.

TEXT OF ADOPTED VETERANS' EMPLOYMENT OPPORTUNITIES REGULATIONS

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix "H." When approved by the Senate for the Senate, these regulations will have the prefix "S." When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix "C."

In this draft, "H&S Regs" denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and "C Reg" denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

Subpart A—Matters of General Applicability to All Regulations Promulgated under Section 4 of the VEOA

Sec.
1.101 Purpose and scope.
1.102 Definitions.
1.103 Adoption of regulations.
1.104 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101 (9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec.

101(9)(A–C) of the CAA, 2 U.S.C. § 1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to 2 U.S.C. § 43d(a); or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

C Reg: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congres or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) Accredited physician means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase "authorized to practice by the State" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) Act or CAA means the Congressional Accountability Act of 1995, as amended (Pub. L. 104–1, §§ 109 Stat. 3, 2 U.S.C. §§ 1301–1438).

(c) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) Appointment means an individual's appointment to employment in a covered position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) Board means the Board of Directors of the Office of Compliance.

H Regs: (g) Covered employee means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

S. Regs: (g) Covered employee means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made or directed by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (dd) who is appointed pursuant to 2 U.S.C. § 43d(a); or (ee) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

C Reg: (g) Covered employee means any employee of (1) the Capitol Guide Service; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; or (6) the Office of Compliance, but does not include an employee: (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(h) Covered position means any position that is or will be held by a covered employee.

(i) Disabled veteran means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(j) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(k) Employee of the Capitol Police Board includes any member or officer of the Capitol Police.

(l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) above.

(m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) above.

H Regs: (n) Employing office means: (1) the personal office of a Member of the House of Representatives; (2) a committee of the House of Representatives or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

S Regs: (n) Employing office means: (1) the personal office of a Senator; (2) a committee of the Senate or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

C Reg: (n) Employing office means: the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(o) Office means the Office of Compliance.

(p) Preference eligible means veterans, spouses, widows, widowers or mothers who meet the definition of "preference eligible" in 5 U.S.C. § 2108(3)(A)–(G).

(q) Qualified applicant means an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Where the employing office uses an entrance examination or evaluation for a covered position that is numerically scored, the term "qualified applicant" shall mean that the applicant has received a passing score on the examination or evaluation.

(r) Separated under honorable conditions means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

(s) Uniformed services means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(t) VEOA means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105–339, 112 Stat. 3182).

(u) Veterans means persons as defined in 5 U.S.C. § 2108(1), or any superseding legislation.

SEC. 1.103. ADOPTION OF REGULATIONS.

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are "the same as the most relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)" of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board herein are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other "substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)" of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligation to issue regulations that are "the same as the most substantive regulations (applicable with respect to the Executive branch)", section 4(c)(4)(B) of the VEOA authorizes the Board to "determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under" section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative branch; and that such regulations must take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM's counterpart VEOA regulations governing the Executive branch. OPM's regulations are designed for the competitive service (defined in 5 U.S.C. §2102(a)(2)), which does not exist in the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and procedures for a workforce that does not exist in the Legislative branch, while providing no VEOA protections to the covered Legislative branch employees. We have chosen to propose specially tailored regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate Congress' intent in extending the principles of the veterans' preference laws to the Legislative branch through the VEOA.

SEC. 1.104. COORDINATION WITH SECTION 225 OF THE CONGRESSIONAL ACCOUNTABILITY ACT.

Statutory directive. Section 4(c)(4)(C) of the VEOA requires that promulgated regulations must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive branch.

Subpart B—Veterans' Preference—General Provisions

Sec.

1.105 Responsibility for administration of veterans' preference.

1.106 Procedures for bringing claims under the VEOA.

SEC. 1.105. RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE.

Subject to section 1.106, employing offices with covered employees or covered positions are responsible for making all veterans' preference determinations, consistent with the VEOA.

SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS UNDER THE VEOA.

Applicants for appointment to a covered position and covered employees may contest adverse veterans' preference determinations, including any determination that a preference eligible applicant is not a qualified applicant, pursuant to sections 401–416 of the CAA, 2 U.S.C. §§1401–1416, and provisions of law referred to therein; 206a(3) of the CAA, 2 U.S.C. §§1401, 1316a(3); and the Office's Procedural Rules.

Subpart C—Veterans' Preference in Appointments

Sec.

1.107 Veterans' preference in appointments to restricted covered positions.

1.108 Veterans' preference in appointments to non-restricted covered positions.

1.109 Crediting experience in appointments to covered positions.

1.110 Waiver of physical requirements in appointments to covered positions.

SEC. 1.107. VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS.

In each appointment action for the positions of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible applicant to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible applicant to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary routine maintenance duties in or about a government building or a building under Federal control, park, monument, or other Federal reservation.

Elevator operator—One whose primary duty is the running of freight or passenger elevators. The work includes opening and closing elevator gates and doors, working elevator controls, loading and unloading the elevator, giving information and directions to passengers such as on the location of offices, and reporting problems in running the elevator.

Guard—One whose primary duty is the assignment to a station, beat, or patrol area in a Federal building or a building under Federal control to prevent illegal entry of persons or property; or required to stand watch at or to patrol a Federal reservation, industrial area, or other area designated by Federal authority, in order to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property. The term guard does not include law enforcement officer positions of the Capitol Police Board.

Messenger—One whose primary duty is the supervision or performance of general messenger work (such as running errands, delivering messages, and answering call bells).

SEC. 1.108. VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS.

(a) Where an employing office has duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions, the employing office shall add points to the earned ratings of those preference eligible applicants who receive passing scores in an entrance examination, in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. 3309. For example, five preference points shall be granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall consider veterans' preference eligibility as an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligible applicants with credit:

(a) for time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible applicant.

(b) for all experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible for appointment, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, that an applicant to whom it has made a conditional offer of employment is preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible applicant of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible applicant. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible applicant.

(c) Nothing in this section shall relieve an employing office of any obligations it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the Act, 2 U.S.C. §1302(a)(3).

Subpart D—Veterans' preference in reductions in force

Sec.
1.111 Definitions applicable in reductions in force.
1.112 Application of preference in reductions in force.
1.113 Crediting experience in reductions in force.
1.114 Waiver of physical requirements in reductions in force.
1.115 Transfer of functions.

SEC. 1.111. DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE.

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of appointment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply:

(1) "active service" has the meaning given it by section 101 of title 37;

(2) "a retired member of a uniformed service" means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his/her service as such a member; and

(3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if (A) his/her retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he/she was employed in a position to which this subchapter applies and thereafter he/she continued to be so employed without a break in service of more than 30 days.

The definition of "preference eligible" as set forth in 5 U.S.C 2108 and section 1.102(o) of these regulations shall apply to waivers of physical requirements in determining an employee's qualifications for retention under section 1.114 of these regulations.

H&S Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term "reduction in force" does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in party leadership or majority party status within the House of Congress where the employee is employed.

C Reg: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term "reduction in force" does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis.

(f) Undue interruption is a degree of interruption that would prevent the completion of required work by a covered employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, work generally would not be considered to be unduly interrupted if a covered employee needs more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a program accorded low priority by the employing office, or to a vacant position.

SEC. 1.112. APPLICATION OF PREFERENCE IN REDUCTIONS IN FORCE.

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which, if any, covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the preference eligible employee's performance has not been determined to be unacceptable. Provided, a preference eligible employee who is a "disabled veteran" under section 1.102(h) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been determined to be unacceptable by an employing office is entitled to be retained in preference to other preference eligible employees. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. §1302(a)(9).

SEC. 1.113. CREDITING EXPERIENCE IN REDUCTIONS IN FORCE.

In computing length of service in connection with a reduction in force, the employing office shall provide credit to preference eligible covered employees as follows:

(a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces;

(b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for:

(1) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) the total length of time in active service in the armed forces if he is included under 5 U.S.C. §3501(a)(3)(A), (B), or (C); and

(c) a preference eligible covered employee is entitled to credit for:

(1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or association of producers described in section 10(b) of the Agricultural Adjustment Act; and

(2) service rendered as an employee described in 5 U.S.C. §2105(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. §2105(c).

SEC. 1.114. WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE.

(a) If an employing office determines, on the basis of evidence before it, that a covered employee is preference eligible, the employing office shall waive, in determining the covered employee's retention status in a reduction in force:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the employee, the preference eligible covered employee is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that a covered employee who is a preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible covered employee of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible covered employee make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office, shall render a final determination of the physical ability of the preference eligible covered employee to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible covered employee.

(c) Nothing in this section shall relieve an employing office of any obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

SEC. 1.115. TRANSFER OF FUNCTIONS.

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the employing office to be replaced shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

Subpart E—Adoption of Veterans' preference policies, recordkeeping & informational requirements.

Sec.
1.116 Adoption of veterans' preference policy.
1.117 Preservation of records made or kept.
1.118 Dissemination of veterans' preference policies to applicants for covered positions.
1.119 Information regarding veterans' preference determinations in appointments.
1.120 Dissemination of veterans' preference policies to covered employees.
1.121 Written notice prior to a reduction in force.

SEC. §1.116. ADOPTION OF VETERANS' PREFERENCE POLICY.

No later than 120 calendar days following Congressional approval of this regulation, each employing office that employs one or more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans' preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Upon timely request and the demonstration of good cause, the Executive Director, in his/her discretion, may grant such an employing office additional time for preparing its policy. Each such employing office will make its policies available to applicants for appointment to a covered position and to covered employees in accordance with these regulations. The act of adopting a veterans' preference policy shall not relieve any employing office of any other responsibility or requirement of the Veterans Employment Opportunity Act of 1998 or these regulations. An employing office may amend or replace its veterans' preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.

An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records relating to the application of its veterans' preference policy to applicants for covered positions and to workforce adjustment decisions affecting covered employees for a period of at least one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term "personnel records relevant to the claim", for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

SEC. 1.118. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligible applicants in accordance with the VEOA; and

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

(3) the employing office shall state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions, and shall describe the employing office's procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of veterans' "preference eligible" as set forth in 5 U.S.C. 2108 or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees;

(3) the employing office may provide other information to applicants regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.119. INFORMATION REGARDING VETERANS' PREFERENCE DETERMINATIONS IN APPOINTMENTS.

Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall include at a minimum:

(a) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions; and

(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible.

SEC. 1.120. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES.

(a) If an employing office that employs one or more covered employees provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidances described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans' "preference eligible" as set forth in 5 U.S.C. 2108 or any superseding legislation, providing the actual, current definition along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to reductions in force, including the procedures the employing office

shall take to identify preference eligible employees.

(3) the employing office may provide other information in its guidances regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.

(a) Except as provided under subsection (c), a covered employee may not be released due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include -

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area, by providing:

(A) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and

(B) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible.

(7) a description of any appeal or other rights which may be available.

(c) The director of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(d) No notice period may be shortened to less than 30 days under this subsection.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5728. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-09, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5729. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5730. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-06, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5731. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act in the Treasury Appropriation Fund, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5732. A letter from the Director, Selective Service System, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5733. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2006, through September 30, 2007, pursuant to 37 U.S.C. 402(a) Public Law 106-398, section 604(a); to the Committee on Armed Services.

5734. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's Commercial Activities Report for 2007, pursuant to 10 U.S.C. 2462(b); to the Committee on Armed Services.

5735. A letter from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting the eighteenth annual report on the Pentagon Renovation and Construction Program Office (PENREN), pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

5736. A letter from the Director, Army National Guard, Department of Defense, transmitting a report on the Army National Guard's Annual Financial Statement for FY 2007; to the Committee on Armed Services.

5737. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a copy of a report entitled "Fiscal Year 2007 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

5738. A letter from the Federal Co-Chairman, Delta Regional Authority, transmitting in compliance with the Accountability for Tax Dollars Act of 2002 (ATDA), a copy of the Authority's Audited Financial Statements for FY 2007, pursuant to Public Law 106-554, section 382L; to the Committee on Oversight and Government Reform.

5739. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's annual report on the implementation of Pub. L. 106-107, the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Oversight and Government Reform.

5740. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5741. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5742. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5743. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5744. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5745. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5746. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5747. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's Federal Information Security Management Act and Agency Privacy Management Report, pursuant to Public Law 107-296; to the Committee on Oversight and Government Reform.

5748. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5749. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5750. A letter from the Assistant Secretary for Policy and Planning, Department of Veterans Affairs, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Department's inventory of commercial activities for calendar year 2006; to the Committee on Oversight and Government Reform.

5751. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2008 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5752. A letter from the Chairman, Federal Election Commission, transmitting the Commission's Strategic Plan for Fiscal Years 2008 through 2013, pursuant to 5 U.S.C. 306; to the Committee on Oversight and Government Reform.

5753. A letter from the Chief Operating Officer/President, Financing Corporation, transmitting a copy of the Financing Corporation's Statement on Internal Controls and the 2007 Audited Financial Statements, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Oversight and Government Reform.

5754. A letter from the Administrator, General Services Administration, transmitting notification of the new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel, pursuant to 5 U.S.C. 5707(b)(1)(A); to the Committee on Oversight and Government Reform.

5755. A letter from the Chairman, Merit Systems Protection Board, transmitting the

Board's report entitled, "Attracting the Next Generation: A Look at Federal Entry-Level New Hires," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

5756. A letter from the General Counsel, National Labor Relations Board, transmitting the Board's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5757. A letter from the Chief Executive Officer, Neighborhood Reinvestment Corporation, transmitting the Corporation's 2007 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5758. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's report on the use of the Category Rating System during fiscal year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

5759. A letter from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on Internal Controls and the 2007 Audited Financial Statements, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Oversight and Government Reform.

5760. A letter from the Chair, Office of Compliance, transmitting the Office's report on the adoption of regulations implementing employment rights and protection for Veterans, as required by the Congressional Accountability Act of 1995, pursuant to 2 U.S.C. 1316a; jointly to the Committees on Education and Labor and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 4933. A bill to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes (Rept. 110–551). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3891. A bill to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation (Rept. 110–552). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2675. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; with an amendment (Rept. 110–553). Referred to the Committee of the Whole House of the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3651. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; with an amendment (Rept. 110–554). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2515. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; with an amendment (Rept. 110–555). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3352. A bill to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; with an amendment (Rept. 110–556). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1187. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; with amendments (Rept. 110–557). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2342. A bill to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes; with an amendment (Rept. 110–558, Pt. 1). Ordered to be printed.

Mr. GORDON: Committee on Science and Technology. H.R. 4847. A bill to reauthorize the United States Fire Administration, and for other purposes; with an amendment (Rept. 110–559). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5551. A bill to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes (Rept. 110–560). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Science and Technology discharged from further consideration. H.R. 2342 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than May 2, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HENSARLING (for himself and Mr. CONAWAY):

H.R. 5656. A bill to repeal a requirement with respect to the procurement and acquisition of alternative fuels; to the Committee on Oversight and Government Reform.

By Mr. COHEN:

H.R. 5657. A bill to clarify the authority of States to use funds as the non-Federal share of Medicaid expenditures for certain regional medical centers; to the Committee on Energy and Commerce.

By Mr. SKELTON (for himself and Mr. HUNTER) (both by request):

H.R. 5658. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes; to the Committee on Armed Services.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. SESSIONS, Mr. WALSH of New York, Mr. CHABOT, Mr. WILSON of South Carolina, and Mr. SENSENBRENNER):

H.R. 5659. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for recycling or remanufacturing equipment; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 5660. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable credit for mentoring and housing young adults; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 5661. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Natural Resources.

By Mr. REYES:

H.R. 5662. A bill to enhance the safety of ports of entry in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ:

H.R. 5663. A bill to amend title 38, United States Code, to provide for an increase in the rates of basic educational assistance payable under the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 5664. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; to the Committee on Veterans' Affairs.

By Mr. TURNER:

H.R. 5665. A bill to impose limitations on investment and certain operations by foreign entities in the United States; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 5666. A bill to amend the Internal Revenue Code of 1986 to increase the earned income tax credit to taxpayers who exceed 40 hours of wage work per week; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. PAUL, Mr. MCCAUL of Texas, Mr. POE, Mr. ORTIZ, Mr. HENSARLING, Ms. GRANGER, Mr. REYES, Mr. CUELLAR, Mr. BURGESS, Mr. EDWARDS, Mr. GENE GREEN of Texas, Mr. CONAWAY, Mr. CULBERSON, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, Mr. GONZALEZ, Mr. SESSIONS, Mr. LAMPSON, Mr. NEUGEBAUER, and Mr. AL GREEN of Texas):

H. Con. Res. 320. Concurrent resolution honoring Army Specialist Monica L. Brown, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces; to the Committee on Armed Services.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. NADLER, Mr. SCOTT of Virginia, Mr. COHEN, Mr. ELLISON, Ms. ZOE LOFGREN of California, Mr. CUMMINGS, Mr. RANGEL, Mr. SCOTT of Georgia, Mr. CLAY, Ms. NORTON, Mr. RUSH, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VAN HOLLEN, Mr. CLEAVER, Mr. BISHOP of Georgia, Ms. MCCOLLUM of Minnesota, and Mr. DONNELLY):

H. Res. 1061. A resolution commemorating the 40th anniversary of the assassination of Dr. Martin Luther King, Jr., and encouraging people of the United States to pause and remember the life and legacy of Dr. Martin Luther King, Jr., and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York:

H. Res. 1062. A resolution expressing support for National Facial Protection Month; to the Committee on Energy and Commerce.

By Mr. WU (for himself, Mr. PETRI, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. GALLEGLY, and Mr. CHANDLER):

H. Res. 1063. A resolution marking the 225th anniversary of the Treaty of Paris of 1783, which ended the Revolutionary War with the Kingdom of Great Britain and recognized the independence of the United States of America, and acknowledging the shared values and close friendship between the peoples and governments of the United States and the United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. SHEA-PORTER introduced a bill (H.R. 5667) to provide for the liquidation or reliquidation of certain entries of newspaper printing presses and components thereof; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. SARBANES.
H.R. 333: Mr. MURPHY of Connecticut.
H.R. 406: Mrs. GILLIBRAND, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. RANGEL, Mr. MCCOTTER, Mr. RUSH, Mr. YOUNG of Alaska, Mr. RUPPERSBERGER, Mr. MACK, and Mr. TANNER.
H.R. 549: Mr. WAMP and Mr. BOSWELL.
H.R. 579: Mr. BURGESS, Mr. PAYNE, Mr. ELLISON, and Mr. MICA.
H.R. 601: Mr. JOHNSON of Georgia.
H.R. 734: Mr. BARROW.
H.R. 769: Mr. HERGER.
H.R. 780: Mr. SHAYS.
H.R. 864: Mr. SMITH of Nebraska.
H.R. 1023: Mr. MICHAUD.
H.R. 1032: Mr. BOREN and Mr. MEEK of Florida.
H.R. 1043: Mr. HOLDEN, Mr. WILSON of Ohio, Mr. GUTIERREZ, and Mr. RYAN of Ohio.
H.R. 1072: Mr. TOWNS.
H.R. 1073: Mr. SARBANES.
H.R. 1076: Mr. WILSON of Ohio and Mr. BISHOP of Georgia.
H.R. 1078: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1110: Mr. MCHENRY, Mr. CUELLAR, Ms. CASTOR, and Mr. GONZALEZ.
H.R. 1142: Mr. GORDON, Mr. BUCHANAN, Mr. ROTHMAN, and Mr. CUELLAR.
H.R. 1188: Mr. ROTHMAN.
H.R. 1192: Mr. GONZALEZ, Mr. COHEN, Mr. ROGERS of Alabama, Mr. JOHNSON of Georgia, and Mr. BOUSTANY.
H.R. 1228: Mr. DEFAZIO and Mr. KUHL of New York.
H.R. 1237: Mr. LATOURETTE, Mr. EHLERS, Ms. TSONGAS, Mr. HOEKSTRA, Mr. BOREN, Mr. FEENEY, and Ms. SHEA-PORTER.
H.R. 1273: Mr. WEINER.
H.R. 1282: Mr. MOORE of Kansas.
H.R. 1283: Mr. CHABOT, Mr. EMANUEL, Mr. HOEKSTRA, Mr. INSLEE, Mr. LAMPSON, Mr. MCCOTTER, Mr. RODRIGUEZ, and Mr. STUPAK.
H.R. 1359: Mr. JONES of North Carolina.
H.R. 1422: Mrs. MUSGRAVE.
H.R. 1514: Ms. RICHARDSON and Ms. SOLIS.
H.R. 1553: Mrs. BIGGERT and Mr. EMANUEL.
H.R. 1576: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1589: Mr. HOLDEN.
H.R. 1606: Mr. GONZALEZ.
H.R. 1609: Mr. VISCLOSKY.
H.R. 1621: Mr. GERLACH.
H.R. 1653: Mr. MCGOVERN, Ms. CASTOR, Mr. GUTIERREZ, and Ms. GIFFORDS.
H.R. 1707: Mr. HARE and Ms. CLARKE.
H.R. 1738: Mr. BUTTERFIELD and Mr. GORDON.
H.R. 1783: Mr. BOSWELL.
H.R. 1791: Mr. REHBERG.
H.R. 1823: Mr. ENGLISH of Pennsylvania and Mr. LAMBORN.
H.R. 1843: Mr. FORTUÑO.
H.R. 1846: Mr. GORDON.
H.R. 1964: Mr. ENGEL.
H.R. 1968: Mr. BERMAN.
H.R. 1973: Ms. JACKSON-LEE of Texas.
H.R. 1975: Mr. CAPUANO.
H.R. 1992: Mrs. CAPPS, Mr. MURPHY of Connecticut, and Mr. KENNEDY.
H.R. 2091: Mr. PERLMUTTER and Ms. FOXX.
H.R. 2116: Mr. DAVIS of Alabama, Mr. DUNCAN, Mr. MICA, and Mr. PITTS.
H.R. 2138: Mr. BERMAN.
H.R. 2160: Mr. SHULER.
H.R. 2188: Mr. FRANK of Massachusetts.
H.R. 2205: Mr. COHEN.
H.R. 2236: Ms. SLAUGHTER and Mr. ALLEN.
H.R. 2266: Ms. SHEA-PORTER, Mr. LAHOOD, and Mr. FARR.
H.R. 2391: Mr. JONES of North Carolina.
H.R. 2392: Mr. ABERCROMBIE.
H.R. 2421: Mrs. JONES of Ohio.
H.R. 2452: Mr. KLEIN of Florida and Mr. ISRAEL.
H.R. 2458: Mr. YOUNG of Alaska.
H.R. 2470: Mr. JOHNSON of Georgia and Mr. SHIMKUS.
H.R. 2475: Mr. JONES of North Carolina.
H.R. 2593: Mr. BLUMENAUER and Mr. FARR.
H.R. 2676: Mr. GORDON.
H.R. 2694: Mr. FILNER.
H.R. 2702: Mr. WALDEN of Oregon, Mr. PORTER, and Mr. MCCOTTER.
H.R. 2744: Ms. ESHOO, Mr. SHERMAN, and Mr. ORTIZ.
H.R. 2770: Mr. ALTMIRE.
H.R. 2792: Mr. BERMAN and Mr. EMANUEL.
H.R. 2800: Mr. FORTUÑO.
H.R. 2818: Mr. SOUDER, Mr. LEWIS of Georgia, and Mr. BURGESS.
H.R. 2878: Mr. MCCOTTER.
H.R. 3089: Mr. BURGESS.
H.R. 3109: Mr. SHADEGG.
H.R. 3114: Mr. TOWNS, Mr. AL GREEN of Texas, Mr. HINOJOSA, and Mr. STARK.
H.R. 3158: Mr. VAN HOLLEN.
H.R. 3175: Mr. VAN HOLLEN, Ms. LEE, Mr. COHEN, and Mr. GONZALEZ.
H.R. 3212: Mr. GORDON, Ms. MOORE of Wisconsin, Mr. GONZALEZ, and Mr. ROTHMAN.
H.R. 3282: Mr. PETERSON of Minnesota and Mr. HOEKSTRA.
H.R. 3309: Mr. CUMMINGS and Mr. SARBANES.
H.R. 3366: Mr. KUCINICH.
H.R. 3429: Mr. PLATTS.
H.R. 3453: Mr. YOUNG of Alaska.
H.R. 3457: Mr. HOLDEN, Mr. BARROW, and Mr. JONES of North Carolina.
H.R. 3533: Mr. CRENSHAW, Mr. AKIN, Mr. ORTIZ, and Mr. EHLERS.
H.R. 3543: Mr. SESTAK and Mr. ETHERIDGE.
H.R. 3544: Mr. WALZ of Minnesota and Mr. HOLDEN.
H.R. 3559: Mr. GORDON.
H.R. 3622: Mr. GARRETT of New Jersey and Mr. WALZ of Minnesota.
H.R. 3646: Mr. FALEOMAVAEGA.
H.R. 3658: Mr. SERRANO, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. MACK, and Mr. PENCE.
H.R. 3660: Mr. DENT.
H.R. 3726: Mrs. BIGGERT.
H.R. 3769: Mr. PERLMUTTER.
H.R. 3799: Mr. VAN HOLLEN, Ms. MCCOLLUM of Minnesota, Mr. PASTOR, Mr. GRIJALVA, Mr. KUCINICH, and Mr. BERMAN.
H.R. 3842: Mr. PASTOR.
H.R. 3846: Mr. LEWIS of Georgia, Ms. LEE, Mr. CLEAVER, Ms. SUTTON, and Mr. RANGEL.
H.R. 3892: Ms. MCCOLLUM of Minnesota, Mr. PASTOR, and Mr. GONZALEZ.
H.R. 3934: Ms. NORTON and Mr. HOBSON.
H.R. 3980: Mr. PASTOR.
H.R. 4008: Mr. BOREN, Mr. SAM JOHNSON of Texas, Ms. BALDWIN, and Mr. KANJORSKI.
H.R. 4052: Mr. MCHUGH, Mr. ARCURI, and Mr. MCCOTTER.
H.R. 4053: Mr. CARNAHAN and Mr. WAXMAN.
H.R. 4055: Mr. TOWNS, Ms. LEE, and Mr. BERMAN.
H.R. 4105: Mr. BOYD of Florida and Mr. MEEK of Florida.
H.R. 4109: Ms. JACKSON-LEE of Texas and Mr. LEWIS of Georgia.
H.R. 4139: Mr. LINCOLN DAVIS of Tennessee.
H.R. 4176: Mr. CANTOR.
H.R. 4188: Ms. SCHAKOWSKY.
H.R. 4236: Mr. PAYNE, Ms. CASTOR, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Mr. PERLMUTTER, Mr. MICHAUD, Mr. ALLEN, and Mr. KAGEN.
H.R. 4280: Mr. PEARCE.
H.R. 4283: Mr. LEWIS of Georgia.
H.R. 4449: Mr. GRIJALVA.
H.R. 4450: Ms. ZOE LOFGREN of California and Mr. ROTHMAN.
H.R. 4790: Mr. GRIJALVA.
H.R. 4838: Ms. GIFFORDS, Mr. ROTHMAN, and Mr. WEINER.
H.R. 4847: Mr. GORDON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, Mrs. BIGGERT, Mr. HALL of New York, Mr. LIPINSKI, Mr. ETHERIDGE, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. UDALL of Colorado, Mr. EHLERS, Mr. BILBRAY, Mr. MATHESON, Mr. BARTLETT of Maryland, Mr. GERLACH, Ms. SUTTON, Mr. GALLEGLY, and Mr. MICHAUD.
H.R. 4900: Mr. LAMBORN, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. PETERSON of Minnesota, Mr. LAMPSON, Mr. DEAL of

Georgia, Mrs. MILLER of Michigan, and Mr. MORAN of Kansas.

H.R. 5028: Mrs. GILLIBRAND.

H.R. 5036: Mr. BOUCHER, Mr. UDALL of Colorado, Ms. LEE, Mr. MURTHA, and Mr. SNYDER.

H.R. 5128: Mr. ELLISON.

H.R. 5155: Mr. FILNER.

H.R. 5157: Mr. DOYLE and Mr. ANDREWS.

H.R. 5173: Mr. WILSON of Ohio and Ms. ZOE LOFGREN of California.

H.R. 5180: Mrs. MCCARTHY of New York, Mr. SPACE, Mr. HINCHEY, and Mr. THOMPSON of California.

H.R. 5193: Mr. ABERCROMBIE.

H.R. 5223: Mr. GORDON of Tennessee and Mr. COHEN.

H.R. 5229: Mr. PLATTS.

H.R. 5244: Mr. HONDA, Ms. SUTTON, Mr. SARBANES, Ms. ROYBAL-ALLARD, Ms. BALDWIN, and Ms. ESHOO.

H.R. 5265: Mr. INSLEE, Mr. BISHOP of New York, Mr. CAPUANO, and Mr. RUPPERSBERGER.

H.R. 5315: Mr. HALL of Texas.

H.R. 5435: Mr. FILNER.

H.R. 5440: Mr. CANTOR.

H.R. 5442: Mr. WAXMAN.

H.R. 5443: Mr. MCKEON.

H.R. 5447: Mr. ELLISON, Mr. ROSS, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mr. ALLEN, and Mr. FILNER.

H.R. 5454: Mr. CLAY.

H.R. 5461: Mr. GEORGE MILLER of California.

H.R. 5465: Ms. ZOE LOFGREN of California, Mr. SIRES, Mr. WYNN, Ms. SUTTON, and Mr. HINCHEY.

H.R. 5469: Mr. FATTAH and Mr. RYAN of Ohio.

H.R. 5472: Mr. CARSON.

H.R. 5510: Mr. ENGLISH of Pennsylvania, Mr. SCOTT of Georgia, and Mr. SIRES.

H.R. 5513: Ms. WATSON and Mr. PITTS.

H.R. 5554: Ms. BORDALLO and Mr. LEVIN.

H.R. 5560: Mr. PRICE of North Carolina, Ms. DEGETTE, Mrs. LOWEY, and Ms. LORETTA SANCHEZ of California.

H.R. 5561: Mrs. BOYDA of Kansas and Mr. FORTUÑO.

H.R. 5567: Mr. SHAYS.

H.R. 5573: Mr. PLATTS, Ms. WATERS, Mr. REYES, Mr. ANDREWS, Mr. GORDON of Tennessee, Mr. GONZALEZ, and Mr. ROTHMAN.

H.R. 5591: Mr. GERLACH and Mr. MICHAUD.

H.R. 5609: Mr. SAM JOHNSON of Texas, Mr. LAMPSON, Mr. CARNAHAN, and Mr. HINOJOSA.

H.R. 5641: Ms. GINNY BROWN-WAITE of Florida and Mr. BURGESS.

H. J. Res. 68: Mr. PAYNE.

H. J. Res. 70: Mr. BARTLETT of Maryland.

H. Con. Res. 13: Mr. PETERSON of Minnesota, Mr. GORDON, and Mr. BOYD of Florida.

H. Con. Res. 81: Mr. EHLERS.

H. Con. Res. 163: Mr. CLEAVER.

H. Con. Res. 195: Mr. YOUNG of Florida.

H. Con. Res. 223: Mr. JOHNSON of Illinois and Mr. LARSON of Connecticut.

H. Con. Res. 276: Mr. TOWNS.

H. Con. Res. 299: Mr. MELANCON, Mr. COSTELLO, Mr. KUHL of New York, Mrs. SCHMIDT, Mr. ALLEN, Mr. DOOLITTLE, Mr. COBLE, Mr. DENT, Mr. GRIJALVA, Mr. UPTON, Mr. KING of New York, Mr. GOODLATTE, Mr. RODRIGUEZ, and Mr. GENE GREEN of Texas.

H. Con. Res. 314: Mr. MARCHANT.

H. Con. Res. 318: Mr. DELAHUNT, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. HINCHEY, and Mr. BUTTERFIELD.

H. Res. 49: Ms. KILPATRICK, Mr. UPTON, Mr. MCCOTTER, and Mr. LEWIS of Kentucky.

H. Res. 102: Mr. GONZALEZ and Mrs. BACHMANN.

H. Res. 259: Mr. LEWIS of Georgia.

H. Res. 543: Mr. BOREN.

H. Res. 896: Ms. WATERS, Ms. KILPATRICK, Ms. NORTON, Mr. FATTAH, Mr. RANGEL, Mr. JEFFERSON, Mr. COHEN, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. MCGOVERN, and Ms. BERKLEY.

H. Res. 911: Mr. KAGEN, Mr. HILL, and Mr. JOHNSON of Georgia.

H. Res. 939: Mr. MCCOTTER and Mr. GARRETT of New Jersey.

H. Res. 968: Mr. LAMPSON.

H. Res. 981: Mr. ALTMIRE, Mr. KIRK, Mr. JOHNSON of Georgia, Mr. SARBANES, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. SERRANO, Ms. ESHOO, Mr. ORTIZ, Mr. MORAN of Virginia, Mr. RANGEL, Mr. WEXLER, Mr. OLVER, Ms. SUTTON, Mr. LATTA, Mr. BOSWELL, Mr. COHEN, Mr. CUMMINGS, Mr. HALL of Texas, Mr. FALEOMAVAEGA, and Mr. BARTLETT of Maryland.

H. Res. 985: Mr. ROGERS of Michigan and Mr. MCDERMOTT.

H. Res. 997: Mr. PRICE of North Carolina.

H. Res. 1019: Mr. TOWNS, Mr. RANGEL, Mr. OBERSTAR, and Mr. JEFFERSON.

H. Res. 1021: Ms. GRANGER and Mr. VAN HOLLEN.

H. Res. 1022: Mr. NADLER, Ms. ZOE LOFGREN of California, and Mr. SCOTT of Virginia.

H. Res. 1026: Mr. YOUNG of Alaska and Mrs. EMERSON.

H. Res. 1028: Mr. MCDERMOTT and Mr. ELLISON.

H. Res. 1044: Mr. PASCRELL and Mr. COBLE.

H. Res. 1048: Mr. LAMPSON.

H. Res. 1053: Mr. HOLDEN, Mr. WYNN, Mr. CHABOT, Mr. SHADEGG, Mr. MOORE of Kansas, Mr. MCCAUL of Texas, Mr. GENE GREEN of Texas, Mr. REICHERT, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Mr. MCCOTTER, and Mr. MORAN of Virginia.

H. Res. 1054: Mr. SKELTON, Ms. CORRINE BROWN of Florida, Mr. FILNER, Ms. SUTTON, Ms. MCCOLLUM of Minnesota, Mrs. NAPOLITANO, Ms. KAPTUR, and Mr. MORAN of Virginia.

H. Res. 1056: Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, and Mr. TOWNS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Berman of California or a designee to H.R. 5501, the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

WOMEN'S ART, WOMEN'S VISION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mrs. WILSON of New Mexico. Madam Speaker, in honor of Women's History Month, I asked New Mexicans to send me nominations of women in New Mexico who have given special service to our community, but may have never received recognition for their good deeds.

On Tuesday, March 25, 2008, I had the honor and privilege of recognizing sixty-one worthy nominations describing sacrifices and contributions these women have made for our community. The people who nominated the women describe the dedication they have witnessed: volunteer hours for veteran's services, service on non-profit boards, homeless programs, mentors for young women, health care providers going above the call of duty, child advocates, volunteers at churches and synagogues, successful business women, wives, mothers, and friends.

Allow me to share information about this year's nominees:

Cindy Aguilar—As an integral member of the Lovelace Rehabilitation Hospital, Cindy demonstrates excellence in all she does. She is willing to take on extra responsibilities and is known for going the extra mile.

Bobbye Allen—Bobbye, a member of Epsilom Sigma Alpha International, has always served to make a difference in the lives of people she's never met. She does this through philanthropic work for Boys and Girls Ranch, CYF, Easter Seals, UNM Children's Hospital and also as a member of 3 different Chamber of Commerce.

Linda Barbour—Linda has worked tirelessly as a founding member and President of the East Mountain Area Coalition. She was also a key mover in initiating a permanent memorial for Deputy James McGrane. Her ability to work so efficiently with many different people makes her a great advocate and representative for the East Mountain community.

Debra Benavidez—Debra is a role model for customer service at the Lovelace Rehabilitation Hospital. Under her leadership, her department's employee and patient satisfaction has improved significantly along with an increase in volume and revenue. She is also admired for her balance of career and family life.

Peg Bilson—Peg joined Eclipse Aviation in July of 2005, bringing experience in operations, finance, engineering, technology, customer service and product support. Her leadership at Eclipse is the final element that will establish Eclipse's position in history as the Very Light Jet innovator and leader. Peg contributions are felt throughout the company, especially in the area of high-volume production and stabilization of the supply chain. As a key leader in a successful New Mexico business with over 1,600 employees, Peg has a vision for the future.

Barbara Brennen—Barbara is the owner of Stride, Inc., a manufacturing company of office supplies, which employs people with disabilities. Barbara knows that working, mastering a task or gaining a skill, is the best builder of self-esteem in the world. Over 200 people have out-grown her factory and are now employed in the community.

Sonia Britton—Sonia has turned a personal tragedy, the loss of her only son Butch in a DWI crash, into the DWI Memorial of Perpetual Tears in Moriarty. A true advocate for change, Sonia volunteers with organizations, such as Mother's Against Drunk Driving, to make a difference. She helps our community understand the personal cost of DWI.

Marlene Brown—Marlene is President of the New Mexico Solar Energy Association and serving within the organization for over 10 years. After losing her brother in 2001 to Leukemia, she raised over $10,000 for the Leukemia and Lymphoma Society. Her volunteer work with many organizations makes a positive impact on many people.

Patricia Brown—As a child, her son, John, remembers his mother's life as an unending stream of school activities, cupcakes, PTA meetings, child advocacy boards, soup kitchens, food banks, and hospitals. At 82 years old, Patricia has spent countless hours to make the world a safe, decent and loving place.

Dede Brownstein—Dede is a dedicated volunteer with Pet Therapy, teaching the understanding of the human link to the humane treatment of animals. As a volunteer for pet therapy programs she takes her dogs to hospitals, nursing homes, libraries and the Youth Detention Center. She has made an impact on over 5,000 youth within the Detention Center alone. Dede also set up the READ to the Dogs program to help kids with reading problems.

Margaret Carroll—Margaret has served on the DWI advisory board for four years, with the last two as president. She works tirelessly to secure funding for inpatient rehabilitation programs, while bringing awareness to our community about the dangers of alcoholism. Margaret also serves on the East Mountain Coalition of Neighborhood and Landowner Association

Jessica Cotton—At Lovelace Rehabilitation Hospital, Jessica works hard to meet the needs of those she serves. She is truly an asset with the ability to communicate and connect with customers in English or Spanish.

Becky Cousins—Becky is a woman of vision in Lea County. Through the arts and the community theatre program, Becky has worked hard as business owner, actress and director to preserve the history of Lea County, while looking to the future in order to enrich the lives of the people in her community.

Leslie Cumiford—Leslie is the President of the Center for Family Justice, which was founded in 2003. Leslie has dedicated much of her time and resources for children, single parents and blended family homes.

Bertha (Bertie) Denman—During the National Hispanic Heritage Month in 2007, Bertie was involved in an art contest for local students. Throughout this time she visited the schools, putting in the extra effort to let each child know how special they are, inspiring many of the children to participate.

Mignon Donnellon—Mignon is the mother of four adopted children. She volunteers with several organizations to raise funds for scholarships of deserving children for higher education.

Dr. Leslie Donovan—Dr. Donovan is described as a superior educator, mentor and friend at the University of New Mexico. While sharing a wealth of knowledge through her classes, she goes the extra mile to support the well-being of her students.

Doris Duran—Mrs. Duran is the office manager at The Valencia County Domestic Violence Shelter, and teaches a parenting class twice a week. Whether it is at work or in her spare time she is always willing to step in and help.

Pamela Finley—Pamela moved to New Mexico 2 years ago and wasted no time getting involved with several organizations in Valencia County, including Valencia Youth Literacy Council and the Mid Valley Air Park. Today, she also provides coaching for young women in the Miss New Mexico Scholarship program.

Joe Ann Gantz—Born in 1932, she was the only one of 12 children to earn a degree from NMSU, a rarity in those days. In the 1960s, Joe Ann started a kindergarten, one of only two in Las Cruces. A believer in education, she later earned a Masters in speech therapy and worked with handicapped children in the Las Cruces Public Schools.

Evelyn Gutierrez—Evelyn has been the volunteer Program Director for "Thomas Baca's Food Pantry" for over 15 years. She travels 64 miles round trip from Chilili to Albuquerque several times a month as part of her commitment to the program. She has inspired others to volunteer. Despite having been declared "dead once," she continues to live her passion to help others.

Mary Halberg—Mary is the youth director at a church and school, supporting youth and their parents with her optimistic attitude. She does something special for people every day. The kindergartner class wanted to do something special for Mary, they nominated her because she takes the time to read them stories and share her passion for learning.

Debra Hennig—A successful business woman in the Title Industry, Debra is sharing her success by establishing internships for young women through UNM's Black Student Union. Additionally, she teaches continuing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

education for the NM State Bar and involves herself in her church and several community organizations.

Helen Janacek (recognized posthumously)—Helen was an enthusiastic Line Dance instructor at Albuquerque Senior Centers for nearly 14 years. Each quarter, new classes would start with repeat students and new comers. She prepared those who were interested in competition as well as those who just had great fun. Her contribution to the senior program will be greatly missed.

Anis Johnson—Anis has dedicated her life to doing for others. We can only highlight her service with over twenty organizations and charities. Anis is a Founder and Coordinator of Highland High School Volunteer Program's "Community Resource People at HHS" where she teaches by example, the ability to help and learn from those of different backgrounds. In this way she passes volunteerism from generation to generation. With the understanding that education opens doors, Anis served as the Program Coordinator for the Martin Luther King, Jr Multicultural Celebration awarding scholarships for college bound students. "One person can make a difference."

Dr. Feroza Jussawalla—Dr. Jussawalla's vigor and compassion for Literary works and teaching naturally draws her students into the topic at hand. She provides her students at UNM with an exceptional educational experience.

Ingrid Kloet-Garrett—Ingrid has been known to go "way beyond the call of duty," when it comes to the medical, emotional and spiritual needs of her clients at First Nations Community Health Source. Her ability to assess needs and find resources has enhanced the recovery and healing needed by all she serves.

Regina Lane—As a School Principal, Regina Lane teaches her students to persevere when life perplexes, to strive to be a better person and to rise above circumstances. There are no excuses in Regina's mind, yet she empathizes and connects with her students in a way that truly nurtures their spirits and their ability to succeed.

Kim Lark—Kim's dedication to the New Mexico Task Force One, an urban search and rescue team, combined with her duties as a physician, make her an invaluable asset to New Mexico. In addition, her willingness to volunteer her time, share her considerable expertise, and represent the team, makes others proud to be associated with her.

Megan Olivia Lloyd—Megan served on four church missions, building one church and 3 houses. She has been to Morocco with Operation Smile to assist with cleft palate surgeries. She has also helped raise money for additional surgeries. Megan maintains a high academic standard and is involved with athletics at Cibola High School.

Sydné Lockwood—Sydné is a volunteer for a local domestic violence shelter, where she has worked in fund raising to keep the services available. She is active in her Air Force Junior ROTC program, which includes community service for charitable organizations.

Patricia Madrid—"Ms. Pat," as she is known to the students of Acoma Elementary, is known for the care, love and tenderness she gives to each student. It is not unusual to be in a store and hear a young voice yell out "Ms. Pat" and see children rushing to her for a hug and smile. She is a person of strong moral fiber and strength of character, who is an unselfish wife, mother, caregiver and friend.

Dianna Martinez—Dianna's commitment to the nurses at Lovelace Rehabilitation Hospital earned her the reputation as the "go-to-gal." She coordinates the charity drive and has worked with the United Way for several years. Dianna is described as someone who has made a profound difference in the lives of others.

Pat Mallory—Pat coordinates an intergenerational tutoring program run by the non-profit OASIS educational organization. Through her leadership, the program has grown to 100 senior citizen tutors providing reading assistance to over 120 first to fourth grade students. Her dedication and commitment to this program will only serve to help it to continue to grow.

Molly McCoy-Brack—Molly is a founding member of the New Mexico Suicide Prevention Coalition and the professional director of Agora Crisis Center. The center has flourished under her leadership, with 140 volunteers serving 700 callers per month in New Mexico.

Betty Ann Miller—Betty Ann has a passion for literacy in New Mexico. She is currently serving on the Board of the New Mexico Coalition for Literacy, while being an active Board member of the "Read/Write" program in Moriarity, and President of the Board of the non-profit organization, "Reading Works", which is dedicated to literacy improvement in the Albuquerque area.

Anastasia Mora—Anastasia is described as a team member who has made a significant contribution to Lovelace Rehabilitation Hospital. She has demonstrated excellent work ethics and customer service.

Deborah B. Morrell—Demonstrating an "open door" policy to her staff and students with countless hours of dedication to Eagle Ridge Middle School, Principal Morrell is one of the most successful administrative leaders in the Rio Rancho School District. Through her leadership, the school is a model for others in the area

Judge Judith Nakamura—The Honorable Judge Judith Nakamura has a commitment to seeing that all citizens have access to the court and receive equal justice under the law. She has made a number of changes in the procedures of the court to provide service to the community include drug courts and homeless courts. Additionally she often speaks to youth about her role as a judge and community involvement.

Sylvia M. Olona—Sylvia is a dedicated Physician's Assistant who travels throughout New Mexico to provide health care to residents when no physician is available. She provides a much needed service in rural New Mexico.

Eva C. Panana—Eva started her career in 1966 as a Head Start Teacher for the Jemez Pueblo. She retired in 1994, although she remains active as a Foster Grandparent. Now know as "Grandma Eva" she brings joy, laughter and love with her always. Her long commitment to education is apparent with the majority of the tribal members in their 50's having been in her classroom.

Linda Pardo—Linda is a woman who loves the history of New Mexico, particularly the legend of Billy the Kid. She is seeking to share her enjoyment of this great land by writing a book about New Mexico.

Clara Pena—Clara is being recognized for her multiple contributions in the areas of crime reduction, health, education, services to seniors and youth within Albuquerque, particularly in the South Valley. Through her work and commitment to others, projects have grown.

Winnona Poole—Ms Poole started the after school program "Arts Academy" for La Mesa Elementary School children. She provides the leadership and the enthusiasm for this creative program.

Barbara Rivers—A superb teacher of music at Sandia Prep for many years. Barbara also shares her talent by playing the violin in the New Mexico Symphony Orchestra. In addition she is a tri-athlete, serving as a role model to students and colleagues.

Marianne Robinson—An inspirational School Counselor at Sierra Vista Elementary school Marianne greets the student and staff with the daily message of "Make it a great day or not-the choice is yours." As a cancer survivor she is a role model for the message everyday.

Carol Romero—Carol has been a dedicated advocate for the rights of individuals with disabilities for the past 34 years. Her advocacy began with her oldest child, and spread to being a successful provider agency to those with disabilities. Carol recently lost her husband of 37 years and was embraced with support from the families she serves. She will continue to serve those with disabilities far into the future.

Dr. Eileen Ryan—As a Manager at Magdalena Ridge Observatory Dr. Ryan is guiding the 2.4-meter aperture telescope team toward wonderful achievements and discoveries. She shares her knowledge and experience with students to expand their visions of the Universe through the wonders of Astronomy.

Sandi Sadila—Sandi is team member with Angels Acts of Kindness, an organization serving individuals who may not be eligible for other assistance. The nomination put it simply: "She helped my family several times, and she really is an Angel."

Dr. V Vita Saavedra—As Program Director for the Cooperative Educational Administrative Intern Program, "Vita" touches the careers and more importantly the lives of future and current school administrators through her true interest in their success. She remains in contact with her students to encourage life long growth.

Shirley Sechrist—Shirley is a tireless volunteer and valued worker with many community organizations including: Top donor coordinator for United Blood Service, multiple roles with the Assistance League of Albuquerque and as President of the Presbyterian Hospital Auxiliary. Shirley has had a positive impact on many.

Charla Smith—An English teacher at St. Pius X High School, Charla shares her love of the English language and literature. She challenges her students at every turn with complex assignments in reading, writing, vocabulary and grammar thus inspiring them to dream big and achieve.

Linda Smith—As director of the Bethel Community Storehouse, Linda serves people throughout the Estancia Valley who are experiencing hardships and in need of help and support. She has touched the lives of many and inspired her coworkers, with her positive outlook and actions.

Wanda Sullenger—As a member of the Mountainair Volunteer Fire Department, Wanda dedicates her time and energy to aid the members of her community in difficult times. Her care for those who are sick or gravely ill is compared only to the level of care and comfort she offers to their families.

Melissa Salmon—Melissa divides her time between the education of three young boys, working as the only secretary for the Mountain Elementary School, where she goes to work even during snow delays, and being a dedicated wife and mother. Melissa is "a credit to her community and to her family."

Sallie Van Curen—Sallie is the co-founder and executive director of Parents Reaching Out to Help, Inc. She has inspired others through her dedication, drive and commitment to all the families she serves.

Mary Ann Weems—With a life long dedication to the arts, the creation of the Weems Galleries and Framing and the nationally recognized Weems Artfest, Mary Ann is a role model for women in the arts. She has achieved excellence in visual arts while championing health care programs for children, and helping to set the standard for art galleries and businesswomen in NM.

Dr. Ann Wehr—As President of Molina Healthcare of New Mexico, Dr. Wehr has used her talents to ensure that over 71,000 low-income individuals and their families receive quality healthcare. She works with physicians to develop innovative programs to reach the under served.

Linda Walsh—Working for the Small Business Programs Office at Kirtland AFB, Linda is a champion for the minority business community. She has been instrumental in outreach from Kirtland to bring small business together with federal agencies.

Beverly White—Beverly's work for the people of New Mexico through the Office of the Medical Investigator lasted for more than 30 years. One of her greatest accomplishments was writing the initial grant for the NM Sudden Infant Death Syndrome Information and Counseling Project. It has served as a national model, and helped thousands of families.

Bobbie Williams—As a member of a number of community and business organizations, and an engineer at Sandia National Laboratories, Bobbie has served as a mentor, professional development advisor and friend to aspiring young people and colleagues. Bobbie is also one of only seven women inducted into the Girl Scouts Hall of Frame for Women in Technology.

Dr. Joyce Wilson—Dr. Wilson has worked in social work for over 35 years, founding the first External Employee Assistance Program which has saved hundreds of people from losing their jobs while also improving their lives. She volunteered with many community Boards and Committees to share her personal and professional skills.

Fay Yao—Ms Yao has been the librarian at Rio Grande High School for over 15 years, where she has shown constant support and dedication to the students and staff. She is a supporter of the Science department, providing updates and expansion of the science reference material. She has served as a mentor to a number of students while always improving the school's library to benefit all.

IN RECOGNITION OF AL STERN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Al Stern, a person who has dedicated his life to free speech and cultivating the seeds of Middle East peace and understanding in the Cleveland community. On March 27, 2008, Americans for Peace Now is honoring Al Stern for his lifelong commitment to peace in the Middle East and his dedication to "Tikkun Olam," the healing of the world.

After graduating from Indiana University with a Bachelor of Science in Business Administration, Al Stern founded Stern and Company, a manufacturers' representative firm in 1962. During his 3 decades with the company, Mr. Stern became actively involved in the Middle East peace issues starting in 1974. He helped found the Cleveland chapter and serves as a national board member of Americans for Peace Now, the solidarity organization aligned with the Shalom Achshav movement in Israel. Shalom Achshav, founded in 1978 by Israeli citizens, was formed out of the conviction that Israel's democratic character and future security were intertwined with achieving a just and peaceful solution to the Palestinian-Israeli conflict.

For over twenty years, Mr. Stern has engaged and educated the Cleveland community about the costs of the current conflict and the opportunities for peaceful solutions. Through organizing and discussion, he has led people to challenge their assumptions about how to humanize the opposition. In his many visits to the region, most recently in 2005, he has gotten to know the people and the leaders in Israel, Egypt, Lebanon, Syria, the West Bank, and Gaza. He has led by example, through his own commitment to educating himself, reaching out to concerned members of the community and traveling to the region.

Since his retirement in 1993, Al Stern became a full time volunteer with the American Civil Liberties Union of Ohio as its Legislative Coordinator. Since coming to Congress, I have been privileged to hear frequently from Al Stern on the many free speech and civil liberties issues about which I have had to make decisions. He has also worked closely with me in helping to build bridges across the gaps which divide people both in the Middle East and in Greater Cleveland.

Madam Speaker and colleagues, please join me in recognizing Al Stern, who has been a leader in Cleveland, a peace-maker, and an inspiration for engaged, global citizenship.

HONORING ANDREW WESLY SAWYER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew Wesly Sawyer of Blue Springs, Missouri. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1175, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Andrew Wesly Sawyer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HIGHLIGHTING BASEBALL'S EFFORT TO REACH OUT TO MINORITY COMMUNITIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. RANGEL. Madam Speaker, I rise today to highlight Major League Baseball's ongoing effort to reach out to minority communities and introduce a press release describing said effort. The league will host the first Urban Invitational Baseball Tournament, fielding two historically black colleges in recognition of its need to revitalize baseball in the African American community. Baseball should be committed not only to boasting diversity in its rosters, but to enjoy that same minority representation in its coaches, in its management, and in its viewership.

On the heels of the 60th anniversary of Jackie Robinson's historic breaking of the color barrier, the league has targeted urban youth and pledged its resources to bring them back to the sport. African Americans have played integral roles in the illustrious story of baseball, and it is a connection worth saving.

MAJOR LEAGUE BASEBALL URBAN YOUTH ACADEMY TO HOST FIRST URBAN INVITATIONAL BASEBALL TOURNAMENT

Major League Baseball today announced that the Major League Baseball Urban Youth Academy will host its first Urban Invitational Baseball Tournament from February 29–March 2. Two Historically Black Colleges and Universities (HBCUs), Bethune-Cookman University (Daytona Beach, FL) and Southern University (Baton Rouge, LA), will face off against collegiate baseball powerhouses UCLA and USC. The participation of HBCUs in the Urban Invitational is part of MLB's ongoing diversity and youth initiatives.

"The Urban Invitational Baseball Tournament is a part of our continued focus on reviving the majesty of baseball in the African American community," said Major

League Baseball Executive Vice President of Operations Jimmie Lee Solomon. "This tournament, along with the other programs at the MLB Urban Youth Academy, the Civil Rights Game and many of our other efforts, is reflective of the League's commitment to diversity, inclusion and engagement of our nation's young people. Our goal is to make sure that every child who wants to play baseball has an opportunity to do so."

Tournament games will be played at the MLB Urban Youth Academy, USC's Dedeaux Field and UCLA's Jackie Robinson Stadium beginning Friday, February 29 and continuing through Sunday, March 2. Both games on Saturday, March 1, 2008, will be played at the MLB Urban Youth Academy and broadcast live on ESPN2. Fans attending on that day will also be entertained by a live performance of Southern University's, "Human Jukebox" and USC's Trojan Marching Band, as they bring their unique musical performances to Compton, California. Bethune-Cookman University and Southern University baseball teams will square off against each other at 1 p.m. (PST) on Sunday at the Academy.

"ESPN is proud to be associated with Major League Baseball's urban initiatives," said Len DeLuca, ESPN Senior Vice President, Programming and Acquisitions. "The second Civil Rights Game and new Urban Invitational—40 years since the tragic death of Dr. Martin Luther King, Jr.—are on the heels of our observance last year of the 60th anniversary of Jackie Robinson breaking the color barrier. ESPN is honored to join with MLB to celebrate baseball's cultural history."

Tickets to the games being played at the MLB Urban Youth Academy will be available for purchase on game day for $5. Proceeds from the ticket sale will benefit the Major League Baseball Urban Youth Academy, which is a not-for-profit 501 (c)(3) corporation.

"On behalf of our team, I would like to say how honored we are to have been invited to an event like this, especially in its first year," said Bethune-Cookman Coach Mervyl Melendez. "We hope that the Urban Invitational Baseball Tournament continues to grow and more people notice what Major League Baseball is doing for college baseball and Historically Black Colleges."

"Our program is very excited to represent UCLA in the tournament at the MLB Academy," said UCLA coach John Savage. "We are honored to be able to play in the inaugural event. Our players are looking forward to the exciting weekend of baseball."

Major League Baseball is committed to addressing the issue of African American participation in professional baseball. Through Reviving Baseball in the hinder Cities presented by KPMG and the establishment of the Major League Baseball Urban Youth Academy in Compton, California, MLB has pledged its resources to bringing urban youth back to America's pastime. The inaugural Civil Rights Game in 2007 also reinforced the League's dedication by paying tribute to legendary African-American players who broke barriers and made important contributions to American society.

HBCUs have long offered quality education and athletic programs and have a proud tradition of outstanding baseball players. Hall of Farrier Lou Brock, former most valuable player Andre Dawson and current Milwaukee Brewers star Rickie Weeks, all rose from HBCUs. Twelve HBCU players were selected in the MLB 2007 First-Year Player Draft. Through the annual Urban Invitational Baseball Tournament, MLB hopes to help these programs revitalize baseball in the African American community.

The MLB Urban Youth Baseball Academy encompasses more than 15 acres on the campus of El Camino College, Compton Center, the Academy is a state-of-the-art facility featuring four fields including a show field, batting cages and other training facilities. The Academy operates on a year-round basis, offering free baseball and softball instruction, as well as clinics to youth throughout Southern California.

IN HONOR OF MICHAEL J. HARE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Michael J. Hare, deputy director of the Riverfront Development Corporation of Delaware. Mike has been an important figure there since April 1996, but has decided to take a new direction and join the Bucchini Pollin Group. Mike will be working on the new soccer stadium in Chester, Pennsylvania.

Mike started working for the Delaware Economic Development office in 1989. After 6 years, he became a senior development specialist under Governor Thomas R. Carper. Throughout the past 12 years, Mike has been an integral part of the Riverfront Development Corporation. He assisted in the construction of the Amtrak Consolidated National Operations Center, the Chase Center on the Riverfront, Tubman-Garrett Riverfront Park, the Riverwalk, Christina Landing, and the Justison Landing. Mike also worked to bring AAA Mid-Atlantic's headquarters to the Wilmington riverfront.

Mike was born and raised in Wilmington, Delaware. He attended Archmere Academy, where he currently serves on the board of directors. He graduated from the University of St. Joseph's, where he earned his bachelor's degree in public administration. Mike serves on the National Alumni Board for St. Joseph's and was honored with the Ignatius Award in 1995 for outstanding alumni involvement and service. Mike also attended the Fels Center of Government at the University of Pennsylvania.

Being a Delaware native, Mike has contributed many years of service to the State of Delaware. He currently sits on the board of directors for the Latin American Community Center, the Delaware Stadium Corporation, the Friends of the Woodlawn Library, the Riverfront Wilmington Improvement District, and the Rivers Edge Community Development Corporation. Not only has he been an active board member for numerous organizations, but Mike has also been a member of the Barbelin Society and the Hawk Hoop Club.

I acknowledge Mr. Michael J. Hare for his many years of service and numerous contributions to his community and the State of Delaware. I am confident that Mike will be successful and prosperous at his new job with the Bucchini Pollin Group. It is inspiring to see such an active and influential member of our community remain committed to the betterment of Delaware.

TRIBUTE TO PORTLAND STATE UNIVERSITY MEN'S BASKETBALL TEAM

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. WU. Madam Speaker, I rise today to congratulate the Portland State University men's basketball team on achieving their first-ever berth to the NCAA Division I Championship Tournament. The Vikings capped off their historic season with a 67–51 win in the Big Sky Conference Championship game over Northern Arizona University at the Rose Garden in Portland. PSU finished their regular season with a 23–9 record, and were undefeated in the Big Sky Conference Tournament. On Sunday, the Vikings will learn who they will play in the first round of the "Big Dance."

The NCAA Tournament is one of the great institutions in all of collegiate sports. It brings together the best college teams from across our Nation to compete for basketball's greatest prize. Oregon is proud of every one of these outstanding young men and their coaches.

It is also fitting that we should take this opportunity to recognize the entire Portland State community. As Oregon's largest university, PSU is a source of pride for our State. The Viking's athletic achievements reflect the spirit and work ethic of their university, and I am proud to honor their achievement today.

Madam Speaker, I would like to recognize each member of the PSU men's basketball team individually, beginning with Head Coach Ken Bone, Assistant Head Coach Tyler Geving, Assistant Coaches Curtis Allen and Eric Harper, and Director of Basketball Operations Tyler Coston. Furthermore, I congratulate the 2007–2008 PSU Viking's: Kyle Coston, Brian Curtis, Jeremiah Dominguez, Justynn Hammond, Deonte Huff, Jaime Jones, Lucas Dupree, Tyrell Mara, J.R. Moore, Scott Morison, Andre Murray, Phil Nelson, Mickey Polis, Julius Thomas, Alex Tiefenthaler and Dominic Waters.

Madam Speaker, I invite my colleagues to join me in congratulating these outstanding young men. On behalf of the entire State of Oregon, congratulations and good luck. Go Vikings.

IN RECOGNITION OF THE CITY OF MIDDLEBURG HEIGHTS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the city of Middleburg Heights, Ohio on the occasion of the twentieth Anniversary Salute to the City event at the award-winning Middleburg Heights community center. Evolving from the Inaugural Ball, the Salute to the City event has paid tribute to individuals, groups, and organizations that collectively work to make Middleburg Heights the pride of Ohio and its residents.

Since years before even the Salute to the City began, Middleburg Heights would not have been the incredible city that it is today without the leadership, service, and vision of Mayor Gary Starr. In his work as mayor since 1981 and councilman for several years prior, Gary has paved the way for present and future community and economic enhancements to the City of Middleburg Heights. I applaud his dedication and strong commitment of the people of Middleburg Heights.

I stand with the Salute to the City committee, including founding committee members Darlene Kobask and Lona Gruber, to honor Mayor Gary Starr, all members of the Middleburg Heights City Council—including Council President Alan C. Budney, Councilman at Large James F. Sheppard, Councilman at Large Tim Ali, Ward 1 Councilman David Bortolotto, and Ward 4 Councilman Raymond G. Guttman—and the employees of all city departments.

Together with the Salute to the City committee, I also honor the contributions of other groups and organizations serving residents of Middleburg Heights, including the American Association of Retired Persons, the Berea City School District, the Middleburg Heights Women's Club, the Friends of the Library, the Middleburg Heights Kiwanis Club, the Middleburg Heights Community Council, the Tri-City Senior Center, Southwest Adult Day Care, the Middleburg Heights Chamber of Commerce, the Middleburg Heights Historical Society, the Middleburg Heights Veterans Memorial Committee, the Rotary Club of Middleburg Heights, the Southwest General Health System and Foundation, and The Optimist Club.

Madam Speaker and colleagues, please join me in recognizing all of those who make the City of Middleburg Heights, Ohio, the wonderful place it is to live and work and a city known for its rich, community-driven history.

HONORING MICHAEL REESE KELLY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Reese Kelly of Blue Springs, Missouri. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1692, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Michael Reese Kelly for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING AND HONORING THE SERVICE OF CAPITOL POLICE OFFICER FRANK W. WILKES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. HOYER. Madam Speaker, today I want to recognize and thank one of my constituents, Frank W. Wilkes of Clinton, Maryland, for his outstanding service to the United States Congress, the Members who serve here, and the entire Capitol Hill community over the last two decades.

I also want to thank and acknowledge his family—his beautiful wife of 30 years, Paulette, and his sons, Trevor and his wife Delania, and Frank W. Wilkes III.

After 20 years of service with the Capitol Police, Officer Wilkes retired recently and will move into a new phase in his life.

For most of his last years of service, Officer Wilkes served as the officer on duty at the Senate Day Care Center, a position replete with responsibility and challenge. However, what his resume does not capture is the fact that the children there adore their friend, "Officer Frank."

In turn, Frank has been a wonderful presence at the day care center, watching and ensuring that the children go about their day safely and securely. It's my understanding that he plans to come back and read to them on a monthly basis as part of his "retirement" plans.

Let me say, too, that I have heard from more than one resident in the neighborhood that Officer Wilkes will be sorely missed; that he was quite popular with the surrounding residents who trusted his judgment, respected his extraordinary common sense, and enjoyed his presence.

During his 20 years with the Capitol Police, Officer Wilkes served a key role in protecting Members of Congress, the President, Vice President, and visiting dignitaries.

In fact, Frank was awarded a Certificate of Commendation for apprehending and subduing a suspect who was attempting to physically assault then-Vice President Dan Quayle.

Prior to joining the Capitol Police force, Officer Wilkes served for 9 years in the United States Air Force. Among other things, he was an administrative executive support manager, and served as liaison between the Office of the Secretary of the Air Force, the White House, the State Department, and the CIA to ensure the proper exchange of critical, time-urgent information.

Madam Speaker, those of us who enjoy the protection of the Capitol Police force—Members of Congress, government officials, and the general public who visit the Capitol complex—take their presence and their professionalism for granted far too often.

The truth is, we owe our Capitol Police officers—people like Frank Wilkes—a real debt of gratitude for doing such an important, oftentimes complicated job with great dedication and commitment.

Thus, today, I again want to thank Frank for his two decades of service to the Capitol Police and our Nation, and to wish him all the best in his future endeavors.

PRAISING TONYA KINLOW FOR WORKING TO IMPROVE DC SCHOOLS AS OMBUDSMAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. RANGEL. Madam Speaker, I rise today to note the work Tonya Kinlow has undertaken as the District's Ombudsman for Schools. That office provides a venue for parents, teachers, and students to voice their frustrations and dissatisfaction with the low-performing school system, and to have investigations launched in order to address those complaints. Kinlow has an impressive record—she, of course, once worked for my office—and she demonstrates a fierce commitment to service that should serve her well in her new post.

She served on the DC and State boards of education and was a board member of the education advocacy group, DC Voice. She was most recently the vice president of government relations for the DC Hospital Association. And as a part of the Rangel family, she executed her tasks superbly well and with an unmatched attention to detail. I am proud of her accomplishments and the many great things she is poised to do.

DAY OF SPANISH LANGUAGE JOURNALISM, IN HONOR OF JUSTO DE LARA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I would like to express my sentiment that March 26, 2008, should be designated as "Spanish Language Journalism Day in honor of Justo de Lara."

Jose de Armas y Cardenas, who wrote under the pseudonym of Justo de Lara, was a distinguished journalist, poet, and author. As a result of his contributions, the Cuban department store chain El Encanto named their journalism award, the most prestigious award of its kind in Cuba, the Justo de Lara Prize for Spanish Journalistic Excellence. This award was given out from 1934 until Fidel Castro's communist takeover in 1959.

His fluency in Spanish, English, Italian, and French and his love for reading and literature fueled his own desire to write. At an early age, he was a prolific author and journalist. He worked during the Spanish-American War as a special envoy for the Sun in 1898, serving as an official translator between Cuban General Calixto Garcia and Lt. Colonel Theodore Roosevelt. Jose de Armas y Cardenas was also the only person of Spanish-speaking origin named by the Government of England in 1916 to be a member of the commission responsible for the tricentennial celebration of William Shakespeare.

Due to his legacy and example to countless generations, March 26, 2008, should be designated as "Spanish Language Journalism Day in honor of Justo de Lara," in recognition of the excellence in journalism that Jose de Armas y Cardenas achieved during his life and his love of literature, of the excellence in journalism that the award in his honor continued to recognize after his death, and of the hope for such continued excellence today and in the future.

HONORING MAYOR ALAN AUTRY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Mayor Alan Autry upon being named the Armenian National Committee's "Man of the Year." Mayor Autry will be honored at a luncheon on Sunday, March 30, 2008, at the Armenian Community Center in Fresno, CA.

Alan Autry was born in Shreveport, LA. As a child, his family moved to the Central San Joaquin Valley and settled in the small farming community of Riverdale, CA. He attended Riverdale High School and received an athletic scholarship to the University of the Pacific in Stockton, CA, where he received a bachelor's degree in physical education. Upon graduating from UOP, Mayor Autry played in the National Football League for the Green Bay Packers. He spent 3 years in the NFL before retiring.

After leaving the NFL, Mayor Autry turned to a career in film and television. For 22 years Mayor Autry played various roles on both the big and small screen. He has continued his entertainment career through the development of the Autry Entertainment Group. As CEO of the Autry Entertainment Group, Autry continues to work to bring Fresno to the forefront as a location for entertainment projects creating economic stimulus. In a desire to further improve and serve the city of Fresno, he decided to enter the realm of politics and enter the 2000 mayoral race.

On January 2, 2001, Mayor Autry was sworn into office to serve as the Mayor of Fresno. He was elected to serve a second term that began in January 2005. While in office, the Mayor has been active in various causes with his primary focus being crime prevention and education reform. He has also been active in the Armenian community of Fresno. Prior to being elected into office, he clearly stated his desire to revitalize downtown Fresno. By revitalizing this area of the city, Mayor Autry believes that "Armenia Town" would be able to thrive as it did when Armenian immigrants first arrived in Fresno. In 2005, Mayor Autry committed to building a monument in Fresno dedicated to the victims of the Armenian Genocide. Mayor Autry has also been a strong supporter of the Armenian Genocide Resolution.

Madam Speaker, I rise today to commend and congratulate Mayor Alan Autry upon being awarded with the 2008 Armenian National Committee's "Man of the Year" Award. I invite my colleagues to join me in wishing Mayor Autry many years of continued success.

HONORING KYLE ROBERT ELDER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle Robert Elder of Platte City, Missouri. Kyle is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1249, and earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many Scout activities. Over the many years Kyle has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle Robert Elder for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN REMEMBRANCE OF SENATOR HOWARD METZENBAUM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Howard Metzenbaum, former U.S. Senator from Ohio. He was a close friend to me and a great asset to this country. I valued greatly my relationship with him; I turned to him frequently for advice and inspiration. He was a consummate consumer advocate, labor rights advocate, accomplished legislator and an important figure in Ohio's political history.

Senator Metzenbaum's steadfast support for consumer rights and worker protections, as well as his commitment to protecting the working class in this country, still serves as a constant motivation for me in my service to my constituents.

During his years in the Senate, Mr. Metzenbaum introduced and passed several important pieces of legislation such as The Nutrition Information and Labeling Act of 1990 and the Cable Act of 1992, which re-regulated cable TV rates. Following his retirement from the Senate, Mr. Metzenbaum served as the Chairman for the Consumer Federation of America for ten years, a demonstration of his dedication to consumer interest.

Senator Metzenbaum will be remembered as a savvy businessman and staunch advocate for Ohio's working men and women. From parking lots to newspapers and airports his investments secured his legacy in Ohio as both an iron-willed businessman and politician. He was a fearless opponent of all things related to special interests—if a bill did not have the best interest of workers and consumers in mind, it would not budge in the Senate. He was one of the greatest senators to serve this country. Ohio was fortunate to be the beneficiaries of his service, and I was very fortunate to be the recipient of his wisdom and guidance. My thoughts and prayers go out to his family.

Madam Speaker and colleagues please join me in honoring the life of Howard Metzenbaum, a dedicated citizen and politician of Ohio, whose forceful legislative, economic and personal contributions to this country will live on long into the future.

80TH ANNIVERSARY OF OROVILLE STATE THEATER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. DOOLITTLE. Madam Speaker, today I wish to join with the City of Oroville, California, in celebrating the 80th anniversary of the Oroville State Theater.

Dedicated on April 7, 1928, the Oroville State Theater has served as an integral part of downtown Oroville. Designed by Timothy L. Pflueger, one of the leading architects of the 1920s, the facility is now recognized in the National Historical Register.

The theater was originally designed for fine vaudeville acts and films. It was one of the last "Movie Palaces" built for both live and film entertainment. Although movies became the main staple, live performances, talent shows, war bond drives, and school graduations continued to take place within the theater.

The Oroville State Theater underwent significant remodeling at the direction of United Artists. Much of the theater's original 1928 architectural details, including the magnificent flag sign and marquee, were either removed or covered. In 1986, United Artists notified the city of its intent to close and sell the theater. Rather than have a vacant building downtown, the city viewed the pending closure as an opportunity to fill a longstanding need for a community performance center.

Since 1986, the Oroville State Theater has undergone a significant renovation with the goal of returning the facility to its original 1928 operating condition. Subsequently, these renovations have brought back some of the building's most interesting visual features, including the facade along Myers Street. The extensive improvements have occurred because of strong support by volunteers, business and community organizations.

On April 5, 2008, we will all celebrate the theater's 80th anniversary with an event that will replicate much of the program from its original "Grand Opening," including a silent movie with live theater organ accompaniment. Without question, the community support of the Oroville State Theater continues to be the backbone of this longstanding community tradition. With the efforts put forth by so many, they have ensured that the curtain will not fall for their theater, but usher in a new era of theatrical performances.

COMMENDING GRENADA ON NAMING ERIC GAIRY A NATIONAL HERO IN ITS 34TH ANNIVERSARY OF INDEPENDENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. RANGEL. Madam Speaker, I rise today to congratulate Grenada on the commemoration of its political independence and to commend its selection of Eric Matthew Gairy, the country's first prime minister, as its first national hero. He led his country to independence from Britain in 1974 and served out his term amidst those politically charged and tense early years.

It is imperative for a nation seeking to move forward to cull its collective memory and pay homage to the men and women whose sacrifice and heroism in the past created the opportunities of the present. Grenada is applauded for its efforts to do just that, announcing along with Gairy 15 other awardees who have stood up for the island nation over the course of its 34 years. Congratulations, Grenada.

GRENADA: ERIC GAIRY NATIONAL HERO

ST. GEORGES'S GRENADA, CMC.—Former Prime Minister Sir Eric Matthew Gairy was named as the country's first National Hero and a number of outstanding nationals honoured as Grenadians celebrated 34 years of political independence from Britain.

Prime Minister Dr. Keith Mitchell announced that Gairy, who became this Caribbean country's first Prime Minister after leading the former British colony into Independence on February 7, 1974, would be the nation's first hero under the recently passed National Honours Act.

The new piece of legislation provides for 15 people to be recognised annually for outstanding services to Grenada as part of the independence celebrations.

Among the first batch of awardees was deceased Grenadian-born regional broadcaster Leslie Seon and Leslie Pierre, editor of the weekly Grenadian Voice newspaper, who was made a Knight Commander for his contribution towards the development of the Scout Movement and Journalism in the island.

"Well I don't know who put my name there but I have done my part," said Pierre, who was putting together this weekend's edition when the representative of the National Hero's Commission made the announcement to the thousands who were attending Independence Day celebrations at the National Stadium.

The other awardees announced by the Committee include former teachers Eleanor Pilgrim and Lorraine Ramdhanny who received the Spice Isle Award. This award is awarded to two people who have rendered valuable service to Grenada in any field of human endeavour or for other humane action.

Joel Mark and Veronica Alexis received the Camerhogne Award, which is awarded to two citizens who rendered meritorious service in the furtherance of national prestige or for gallantry. Mark was the first Grenadian Sailor to cross the Atlantic on a solo voyage while Alexis is a retired nurse.

The Medal of Honour was presented to Commissioner of Police Winston James; former Principal Ursula Antoine and well known mas player Evelyn Mark.

Honorary awards, which are presented to non Grenadians whose work has impacted on the development of Grenada, went to USA citizen Rev. Melville Schaper and Formula One racer Lewis Hamilton, whose parents are from Grenada.

Schaper is the founder of the St. John Christian Secondary School which was opened here 42 years ago in one of the most rural villages in the country.

Governor General Sir Daniel Williams was honoured with the first Companion of the Order of Grenada award.

In his address Prime Minister Mitchell indicated that the later in the year a number of streets and buildings will be named after some prominent Grenadians who have made significant contributions towards the island since gaining independence 34th years ago.

"This Government is of the view that after 34 years of independence, it was time to develop a system that recognized Grenadians from every background all of whom have done many different types of work in building our nation and shaping our society.

"There are those who have made genuine contributions to our industrial development as a whole and who have headed up major initiatives in the corporate sector or who have given outstanding service to the community. Our new system of national awards sought to recognise them all," the Prime Minister said.

On the eve of independence the main opposition National Democratic Congress (NDC) called on the Mitchell administration to commit to naming the country's international airport after former leftist prime minister Maurice Bishop.

"We believe that the time has come, as this whole nation is moving towards genuine reconciliation and an understanding of its history, that the airport be named after the leader who perhaps did the most for its coming into being," NDC Deputy political leader, George Prime said.

The Point Salines International Airport was constructed under Bishop's administration with Cuban aid.

HONORING LEONA SASSAMAN

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Leona Sassaman, longtime Tinicum Township resident. Ms. Sassaman is being recognized by the Tinicum Democrats on April 6th for her hard work and exceptional achievements in working to better her community.

Born in Uhlerstown, PA in 1925, Leona Sassaman has a long history of service to her community. Beginning her community involvement, Ms. Sassaman worked for 25 years making parts for RCA. During this time, Ms. Sassaman was an active member of the International Glass, Plastic, Pottery, and Allied Workers Union, Local 173A. Ms. Sassaman served as chief shop steward, union treasurer, secretary and president, laboring to make the workplace safer for she and her colleagues.

Ms. Sassaman has also worked for years to improve the safety of her community through her involvement with the Delaware County firehouse. A member of the firehouse for over 50 years, Ms. Sassaman was involved in the firehouse's construction in 1958. Throughout the years, Mr. Sassaman has contributed to countless fundraising events and activities for the firehouse, such as bake sales, Friday night spaghetti dinners, and rummage sales.

Adding to her distinguished work, Ms. Sassaman is an active member of the political process within her community. A member of the Board of Elections for 30 years, Ms. Sassaman was elected and served as minority clerk to the board until 2006. Ms. Sassaman has been an active member of the Democratic Party for many years, while also serving as a reliable political resource for those in her community of any political party.

As her outstanding efforts show, Leona Sassaman has pledged her life to helping those in her community. Through her tireless work, Ms. Sassaman has clearly bettered the lives of those around her. Madam Speaker, I am proud to recognize Ms. Sassaman for her extraordinary accomplishments and extremely honored to serve as her Congressman.

RECOGNIZING JAMES HARRIS, VETERAN OF THE YEAR FOR THE CITY OF DIXON, CALIFORNIA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to pay tribute to James Harris, who received the Veteran of the Year award for the city of Dixon, California, on March 15, 2008.

James Harris, known as "Jim" by his friends, began his military career in 1961. Harris, now 72, served in the Air Force for 28 years, starting his illustrious career in the Air Force fire protection rescue unit. He retired from active duty in 1989, as a chief master sergeant, but to this day continues his service to those in uniform as an advocate for veterans affairs.

Harris is one of the original members for the Tuskegee Airmen, out of Travis Air Force Base. Additionally, he serves as the chairman of the committee that supports the new national cemetery in Dixon, CA.

In the wake of the wars in Afghanistan and Iraq, a large number of veterans are returning to a nation that is grateful for their service. However, it is men like Harris that ensure veterans past and present receive needed care and are never forgotten.

Jim Harris' selfless service and dedication to duty makes him a valuable asset to active duty personnel serving overseas and also veterans of past wars. Jim once said "[n]o one really understands war until you've been in one. I feel it is my obligation to support them." He uses this as his motivation to continue serving past and present members of the military.

Veterans like Jim Harris were not asked to spend their time supporting the military. He does not do his job to win awards or to be recognized. He does it because of his past service in the military, for his family, and for all of the citizens in this great Nation. He feels obligated to continue to serve and we as a nation take his actions to heart—we will continue to honor those that serve in the military, now and forever.

I am also grateful of Mr. Harris' service as a member of my Veterans Advisory Board, where he provides great counsel on issues of import to all veterans.

Congratulations to Jim Harris on a job well done. We are grateful for your service in the past, present, and in the future. You are a true American hero.

IN HONOR OF ASKOUHY JALLYAN-VASSILIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor Askouhy Jallyan-Vassilian and her dedication to her community and the Armenian people. Mrs. Jallyan-Vassilian was a survivor of the genocide inflicted upon the Armenian people. She was the embodiment of the enduring human spirit.

Mrs. Jallyan-Vassilian was born Askouhy Jallyan on February 12, 1914, in Orfa, Turkey. Her mother, Khanem, had married in 1913 and was 18 years old when she gave birth to her only daughter. Khanem was widowed in 1915 when her husband, Nazaret, was murdered. Mrs. Jallyan-Vassilian was able to flee the horrors of genocide when she escaped with her mother to neighboring Syria.

Later, Mrs. Jallyan-Vassilian married her husband Missak Vassilian at the age of 19. Together they raised three sons and a daughter. She was also the proud grandmother of 10 grandchildren and 12 great-grandchildren. Her son, Asbed Vassilian, is currently a professor of chemistry at Rutgers, The State University of New Jersey, and is the head of that school's Armenian studies program.

On October 10, 2007, Mrs. Jallyan-Vassilian attended a markup session of the House of Representatives Committee on Foreign Affairs as it worked on a resolution recognizing the deplorable deprivation of human rights that occurred during the Armenian genocide. She had waited 92 years for the United States Congress to recognize the genocide and suffering that her people had endured at the hands of hate and intolerance.

Mrs. Jallyan-Vassilian passed away on February 27, 2008. She will be remembered for her devotion to her Armenian heritage and her commitment to the cause of those Armenians who suffered wanton violence and cruelty.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the life of Askouhy Jallyan-Vassilian. Her legacy will continue to serve as a reminder of the audacity of human resilience.

IN HONOR OF SPIKE LEE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of distinguished producer, writer-director, educator and actor, Spike Lee, whose insightful, intelligent films have had a significant impact not only on the film industry but also on American political discourse.

The son of a jazz musician and teacher, Shelton Lee was born in 1957 in Atlanta, Georgia and later moved to Brooklyn, New York, the setting for many of his films and home of his production company, 40 Acres and a Mule Filmworks. Mr. Lee learned the value of film as a tool of social commentary and developed his film making skills while attending Morehouse College, where he made his first student film. He also took film courses at Clark Atlanta University and later earned a degree from Tish School of Arts graduate film program at New York University. Through his films and ability to capture the attention of audiences everywhere, Mr. Lee's films such as "Do the Right Thing" and "Malcolm X" have been used as vehicles to significantly raise levels of social awareness about a variety of important social and political issues that continue to plague American culture and society.

He has revolutionized the role of Black talent in cinema. Widely regarded as one of today's premier American filmmakers, Mr. Lee is a frontrunner in the "do it yourself school" of independent films. His most recent work, "When the Levees Broke," a ground breaking documentary focusing on the plight of Americans stranded in New Orleans after Hurricane Katrina, has garnered rave reviews and is considered by many to be the definitive account of that catastrophic event.

Mr. Lee's trend-setting filmmaking, acting, and groundbreaking producing are just a few of the contributions he has made to greater American culture throughout his career. He has not only paved the way for numerous filmmakers, but has also positively changed public conversations on many social issues.

Madam Speaker and colleagues, please join me in honoring the talented and inspirational producer and director, Spike Lee, whose genius will continue to touch the lives of generations to come.

HONORING DERICK RAY BONNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Derick Ray Bonner of Kearney, Missouri. Derick is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1397, and earning the most prestigious award of Eagle Scout.

Derick has been very active with his troop, participating in many Scout activities. Over the many years Derick has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Derick Ray Bonner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMENDING THE IMMIGRANT AND HIS CONTRIBUTION TO NEW YORK CITY'S VIBRANCY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my delight that immigrants have carved out a sacrosanct place in the American story and accordingly introduce a New York Daily News piece showcasing that contribution. The vivacity and freshness that come with a heavy immigrant population has been a defining characteristic of New York City—and we have been the better for it. We define ourselves as a city of immigrants and recognize the importance of the Statue of Liberty as a symbol of what has helped make our city great. We live immersed in a potpourri of culture, all components distinctly American but each with flair and a kaleidoscopic beauty.

Our children have benefitted most from this variety, learning not just from their teachers, but from a diverse cast of neighbors and peers. The February 14 article—"Immigrants' Stories Not Foreign to Kids"—narrates the story of a New York classroom filled with Americans, through and through, all with ancestral ties to foreign nations. This newest generation will inherit this country far better equipped to be citizens of the world than generations before them. They are bound by a fervid love and allegiance to America, their home, married with a sensitivity and respect for our global neighbors.

It is a good day in America when our commonalities bind us, and our differences bring us that much closer.

IMMIGRANTS' STORIES NOT FOREIGN TO KIDS

It's a wonder immigrants in the U.S. haven't been blamed for global warming. After all, from the crumbling economy to increases in crime, they've been accused of just about every other of society's ills.

Which is why walking on Tuesday into teachers Joe Briscat and Kristen Grolimund's fourth-grade class at Public School 199 in Long Island City was so uplifting. Their students are lively, smart, curious and diverse, everything you would expect from New York kids. And as it can happen only in this city, particularly in Queens, they—or their parents—come from 11 different countries.

"Raise your hand if your parents came from a foreign country," the group of 24 9- and 10-year-olds was asked. All the students did.

There was Anita, a self-assured 9-year-old with big green eyes who wants to be a doctor. A Muslim, she was wearing a beautiful gold head scarf.

"My parents are from Yugoslavia, but I was born here. I am a citizen," she said proudly.

And there was Ángel, also 9, with a ready smile and mischievous eyes, who wants to grow up to be a pilot. He came from Mexico with his parents, as did Maura, who is tall for her 9 years and very shy.

"I want to be a teacher," she said.

Tenzin, 9, was born in Tibet and was not shy at all. And Shrabonti, 10, arrived in New York from Bangladesh and is proud of her good grades.

"I love school," she said.

That's why "A City of Immigrants—Dreams and Realities of Life in New York, 1840–2007," the history course Briscat and Grolimund are teaching, is so appropriate. For these kids, history is more than learning about events that took place many years before they were born.

For them, the history of New York is their own and that of their parents; it is the struggle and the hopes and dreams of people like themselves who make our city vibrant and alive and unique.

"Immigration has defined the history of New York City," reads the introduction to the curriculum of "A City of Immigrants," which was developed by the LaGuardia and Wagner Archives of LaGuardia Community College.

This became even more evident for the students on Tuesday, when three of the people they had been studying in class—all of whom have their immigrant experiences chronicled in the fourth-grade curriculum of "A City of Immigrants"—came to visit them.

Esther Levine, born in 1919, was the daughter of Morris Levine, one of millions of Eastern European Jews who fled religious persecution from the 1880s through the 1920s.

She told the children about her father, who became a traveling salesman, about Dora, her mother, and their life on Essex St. on a very different lower East Side of Manhattan.

Juan Rodríguez, a graphic designer at LaGuardia, a Dominican immigrant in his mid-30s, dreamed of being a baseball player. The kids were fascinated by his tale of playing pelota with a glove made from cardboard in his native country when he was about their age.

Fern Kahn, a former associate dean at LaGuardia, told the children about her life in New York in the 1950s, when she arrived from Jamaica to study at NYU. But it was when she spoke about her native country, and how she kept close ties with its culture, that the children could not stop asking questions.

"Many fourth- and fifth-graders, especially those in public schools in Queens, are members of these ethnic groups," said Richard Lieberman, the archives director. "By inviting Fern, Juan and Esther to speak to the class, the children will gain an understanding of their own place in history and the important role they play in American society."

They, these diverse New York children, will be the doctors, pilots and teachers of the future. And they will keep writing the history of our vibrant and unique city, which is, after all is said and done, their own story.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. COHEN. Madam Speaker, on Tuesday, March 12, I was unable to vote on roll No. 126 on the Motion to Adjourn. Had I been present, I would have voted "no" on this motion.

HONORING WILLIAM D. WHITE OF NAPA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize my good friend and former high school classmate, William D. "Bill" White, who has retired from the Napa County District Attorney's Office after 35 years of dedicated public service in law enforcement.

Bill grew up near Lake Berryessa in Napa County and attended a small county elementary school that was variously housed in a county roads building, a laundromat, and a teacher's home before a proper elementary school was built. When he moved to the "city schools" in St. Helena, he prospered. He was on the high school football and track teams, was both vice president and president of the Student Body Council and Model U.N. representative.

Bill began his law enforcement career shortly after he graduated from St. Helena High School. He enrolled in Napa Valley College and soon thereafter joined the campus police force.

In 1973 Bill began working for the Calistoga Police Department as a patrolman and as a police dispatcher and later worked as a patrolman with the Suisun Police Department in Solano County. Bill joined the Napa County Sheriffs Department in 1977 and distinguished himself over the next 18 years as a patrol deputy, narcotics investigator, and homicide investigator.

He joined the Napa County District Attorney's Office as an investigator in 1995, later becoming supervising investigator in 2004 and chief investigator in 2005. In these years he became an expert in domestic violence and homicide investigations. In the course of his career he has worked on more than 3,000 domestic violence cases and became a court-approved expert in investigating these crimes.

Madam Speaker, Bill White has provided an invaluable service to the people of Napa County for many years, and it is fitting and proper to honor him today and wish him well in his retirement.

HONORING BRIGHAM MATTHEW BARZEE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brigham Matthew Barzee of Kansas City, Missouri. Brigham is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 2137, and earning the most prestigious award of Eagle Scout.

Brigham has been very active with his troop, participating in many Scout activities. Over the many years Brigham has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brigham Matthew Barzee for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Ms. WOOLSEY. Madam Speaker, on March 12, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 135–142.

Had I been present I would have voted: rollcall No. 135—"yes"—On Motion to Table the Appeal of the Ruling of the Chair; rollcall No. 136—"yes"—On Approving the Journal; rollcall No. 137—"yes"—Kilpatrick of Michigan Substitute Amendment; rollcall No. 138—"yes"—Lee of California Substitute Amendment; rollcall No. 139—"present"—Call of the House; rollcall No. 140—"no"—Ryan of Wisconsin Substitute Amendment; rollcall No. 141—"yes"—Revising the congressional Budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013; and rollcall No. 142—"yes"—Recognizing the exceptional sacrifice of the 69th Infantry Regiment, known as the Fighting 69th, in support of the Global War on Terror.

HONORING WOMEN'S HISTORY ALL YEAR AROUND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. RANGEL. Madam Speaker, today I rise to ask my colleagues to join me in recognizing the everlasting accomplishments and contributions of women as we look to celebrate National Women's History beyond the month of March.

This year's theme, as resolved by the House of Representatives on March 4, 2008, was to increase awareness and knowledge of women's involvement in history. It is an effort that is long overdue. Women have been pillars in our communities for centuries despite the sexism and discrimination that have limited their opportunities to succeed across all fields and disciplines. Their stories are undeniably woven in the fabric of our history, from colonial times up through today.

The fight of our sisters and mothers to overcome stereotypes and other obstacles has helped carry out the promise of our democracy and drawn us closer to a more perfect union. The names of those who have broken through the barriers of the status quo include Harriet Tubman, whose stewardship of the Underground Railroad helped free hundreds of thousands of African American slaves; Elizabeth Cady Stanton, whose activism pushed open the ballot box and made it possible for all women to vote; Rosa Parks, whose refusal to move to the back of an Alabama bus jumpstarted the modern civil rights movement; and Dolores Huerta, who, as co-founder of the United Farm Workers Union, helped secure fair wages and working conditions for thousands of rural and urban workers.

In our very own House of Representatives, the list of heroes includes the first woman in the U.S. Congress, Rep. Jeannette Rankin, and Shirley Chisholm, the first black woman elected to the U.S. Congress who later become the first female and black Presidential candidate. It includes our very Speaker, NANCY PELOSI, who last year became the first woman elected to lead this grand Chamber.

My district, New York's 15th Congressional District, is not without its share of accomplished heroines. It is home to accomplished community leaders like Dr. Ramona Hernández, Director of the Dominican Studies Institute at the City University of New York; technology advocate Dr. Georgina Falú, founder and president of the Falú Foundation; prominent Harlem physician and activist Dr. Muriel Marjorie Petioni; and Susan Susman, founder of the Preserve West Park North Coalition, who is an active member of the Mitchell Lama Residents Coalition and fierce housing activist. These are just some of the extraordinary residents whose accomplishments sometimes go unnoticed by the media but who are working continually to improve the lives of their families and their communities.

So Madam Speaker, I ask that you and my distinguished colleagues join me in recognizing the contributions made and realities faced by women in the month of March and every day of the year. It is an effort that will bring us one step closer to a Nation that not only values equality and justice but is also firmly committed to securing it for all.

REBUILDING AMERICA'S FUTURE

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. CARNAHAN. Madam Speaker, with an economic slowdown looming and the war in Iraq draining billions of dollars in public resources every week, a strong Federal budget will give families the help they need to weather tough times and prepare for a prosperous future.

A budget that invests in America's future will direct federal funding to where it's needed most, especially health care, education, housing, nutrition, job training and other priorities that promote economic growth and expand opportunity.

A budget resolution that invests in America's future will include bold new investments in high-quality, affordable health care; strong public education; infrastructure and the development of clean energy sources to end our dependence on foreign oil. It also means an end to the costly war in Iraq, and the repeal of President Bush's irresponsible tax breaks for those who don't need or want them.

We should also be providing tax relief and help to struggling families and veterans; increase homeland security funding; and reject the President's cuts to our first responders.

A budget that invests in America's future will succeed only with broad support in Congress. I encourage my distinguished colleagues to support this proposed budget to rebuild America's future.

HONORING ZACHARY ANTHONY LAYTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary Anthony Layton of Platte City, Missouri. Zachary is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1249, and earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many Scout activities. Over the many years Zachary has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zachary Anthony Layton for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF PRISCILLA RAKESTRAW, 24TH TRAILBLAZER AWARD RECIPIENT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Priscilla Rakestraw, who is the recipient of The Agenda for Delaware Women's 24th Trailblazer Award. Priscilla was selected for this award because of her pioneer roles in formulating corporate policy, community service, politics, and Government.

During her career in human resources at the DuPont Company, Priscilla was instrumental in developing substance abuse and sexual harassment programs for DuPont. These programs gained recognition nationwide, eventually resulting in their adoption at DuPont locations throughout the United States. Due to Priscilla's foresight and persistence, DuPont was able to provide assistance aimed at eradicating harmful behaviors in the workplace.

After leaving DuPont, Priscilla continued to use her skills and passion as a leader to advance causes for organizations she feels strongly about. She is active in raising funds for various community, church, and charitable organizations. As development director for Wilmington College, Priscilla played a vital part in raising funds to expand the university by acquiring new college sites. As development director for the Delaware Breast Cancer Coalition, she has raised funds for a new, more conveniently located facility. She has served on a number of boards, including Goodwill, the Ministry of Caring, the East Side Charter School, and the annual auction for the Emmanuel Dining Room, where she raised over $500,000 to provide food to those in need.

An advocate for women in politics and Government, Priscilla has long encouraged women to pursue positions in politics, she herself having extensive experience in the political arena. Priscilla has held leadership positions in more than 120 campaigns, both at the national and State levels. She is presently the longest serving member of the Republican National Committee, having held the position of Delaware's Republican National Committeewoman since the age of 27. She will attend the National Convention this year, as usual, and is a member of the Arrangements Committee and chair of the Convention's Entertainment Committee.

I want to publicly thank, recognize and acknowledge Priscilla Rakestraw for her many years of service and numerous contributions to the State of Delaware. She is an excellent role model for those who aspire to serve their community through both public office and private service. She is a true trailblazer in every respect.

HONORING MARGARET TRUMAN DANIELS AND HER LIFETIME OF ACHIEVEMENTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. RANGEL. Madam Speaker, I rise today to honor Margaret Truman Daniels, the daughter of a great American President and a popular mystery novelist whose source of grace and inimitable talent was no mystery. Her strong-willed parents, President Harry S. Truman and his wife Bess, instilled in her a depth of character and a penchant for independence that remained with her a lifetime. She was their beloved only child who made a name for herself in the entertainment business—staking a claim in the worlds of music, television, radio, and books, and even establishing her own brand of critically-acclaimed Washington-based mystery novels.

She was a longtime New York resident, and we are proud to have called her one of our own. The breadth of her talent and the legacy she sought to preserve set her apart, and that is what we celebrate today.

IN RECOGNITION OF THE 150TH ANNIVERSARY OF THE ESTABLISHMENT OF THE SPRINGFIELD, MISSOURI, POLICE DEPARTMENT

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. BLUNT. Madam Speaker, I rise today to pay tribute to the Springfield, Missouri, Police Department as this year it celebrates 150 years of distinguished service to a grateful community.

In truth, the department actually traces its origins as far back as 1829, when Campbell township, which would later become Springfield, was laid out and initially settled. Twenty years later, the community's first constable was appointed by a population consisting of a small group of families living on the outer edges of the wilderness. Law and order, of sorts, having been established, the population of Springfield grew rapidly as more families sought new challenges and opportunities in the beauty of the Ozarks.

To keep up with a growing settlement, Springfield formally created a small police force in 1858—consisting of a marshal and two junior officers. Thus began in earnest what would later be recognized as one of the most effective and efficient community law enforcement agencies in the country.

By the end of the 19th century, the chief of the Springfield Police Department was collecting a stout salary of $50 a month, and officers were making a whole lot less. And if the pay didn't scare them away, the department's standard uniform sometimes did: blue serge uniforms with English-style police helmets—attire strikingly similar to British "Bobbies." Officers walked a beat 12 hours a day, 7 days a week, every day of the year. It would be 50 years and the passage of new Federal work laws before officers saw a 5-day work week, and another extended period of time before Springfield voters would approve the first pension plan for police officers and firemen.

The first telephone arrived at the Springfield headquarters in 1898, and 2 years later a transport vehicle, dubbed the "Black Maria" and the "Hoodlum Wagon," was put into use. The first automobile, a Studebaker, didn't roll into the station until 1910—but all beats would be covered by foot patrol into the 1960s.

Under the leadership of Lieutenant Sam Robards, the Springfield Police entered a new era in 1940 by establishing an integrated police academy, creating a gun range, upgrading its weapons cache, and making mandatory a program of in-service training. The new gadgets of the 20th century that changed everyday life in America also enhanced the abilities and effectiveness of the police department.

Nearly 100 years after the first patrol car went into service, modern patrol vehicles today are enclosed, climate controlled, and equipped with laptop computers, cellular telephones, and radios that provide instant contact between officers and commanders. As one would expect, this technology has had a real and immediate impact.

Last year, the Springfield Police Department responded to more than 100,000 calls for service and investigated more than 15,000 reported crimes. Just to give you some perspective, traffic enforcement didn't begin as an obligation of law enforcement until after World War I—with one Springfield officer, on foot, directing horseless carriages at the corner of Jefferson Avenue and St. Louis Street. The modern day Springfield Police force worked 9,000 traffic accidents last year and issued more than 53,000 traffic citations.

Today, officers use small, highly sophisticated surveillance equipment to both prevent crimes and prosecute criminals. Cutting-edge science in forensic laboratories is now an essential part of crime solving. Officers of 1858 would marvel at the sophistication of the 21st century law enforcement technologies being employed every day by the Springfield P.D.

Other new scientific advances prompted the creation of the Bureau of Identification, which started taking fingerprints and photographs of all suspects in 1925. In the latter part of the century, the six-shooter was replaced by 9mm semiautomatic handguns; automatic weapons and bulletproof vests were added and a tactical weapons squad became permanent additions to the force. Mace, batons, and riot helmets were issued for the first time in the 1960s. To respond to the rising tide of illegal drugs, the Springfield Police Department created a narcotics unit in the 1970s.

Other innovations in law enforcement were realized in 1959, when the department first formed the Police Dog Unit, P.D.U., with three officers and three dogs. The unit was disbanded in 1979, only to be reestablished in 1994. Women became part of the Springfield Police Department in 1914 when Margaret Hull was enlisted as the first commissioned policewoman, charged with handling female prisoners. Sixty-two years later, the first female officer was sworn in to work as a patrol officer with her male counterparts. Black officers began their service on the police force starting in 1874 and have continued to serve their community with bravery and honor ever since.

The Springfield Police Department began housing prisoners in 1874, welcoming their clients in a 15x30 foot wooden building with a dirt floor. The jail was located immediately west of the downtown business district, and is the site of the present day Calaboose, home of the department's Police Museum and Park Central Substation. At the turn of the 20th century, it wasn't unusual to see intoxicated partygoers hauled to jail in a wheelbarrow. Tough to get a DUI on three wheels, after all. But after nearly 130 years in the jail business, the Springfield Police Department transferred all incarceration responsibilities to the Greene County jail complex.

The department headquarters have moved several times over the past century and a half—each time in response to a growing population and the demand for more police services. From near Park Central Square and West College Street in the late 1800s and finally into two modern stations on East Chestnut Expressway near city hall and on Battlefield Road, police headquarters are designed to be high security, limited-access facilities to accommodate the logistical needs of a growing police force—and an ever-growing community.

In 2003, the Committee of the International Association of Chiefs of Police announced the Springfield Police Department was a finalist in a worldwide competition recognizing outstanding community policing initiatives—a first for any police force in the State of Missouri. That same year, the Springfield Police Department was granted full accreditation status by a national commission for the third consecutive year.

As much as things have changed over 150 years, some things have not. Just as in 1858, officers put their lives on the line for their friends, families, and neighbors each and every day. And just as in the past, the community of Springfield thanks those officers for their service, and forever honors the heroes that have fallen in the line of duty.

Though not long, the list of officers killed while on the job reminds us every day of the solemn commitment others have made—and continue to make—to safeguard our security. Starting with Campbell Township Constable Jacob Baughman in 1871, nine Springfield officers have made the ultimate sacrifice. Four officers were killed in the 20th century's single deadliest law enforcement shoot-out on record—referred to by most as "The Young Massacre." Also killed in that epic 1932 battle with the Young brothers was the Greene County sheriff, as well as his deputy.

Today, our police officers serve as our first line of defense against a new and evolving threat—terrorism. The world is a much more dangerous place today than it was in 1829, and there are those—both homegrown and foreign—who would like nothing more than to visit harm upon the American people. It will be local police who likely detect and face that threat first.

For all they have done over the last 150 years—and continue to do to this very day—I want to express my sincere appreciation and thanks to the Springfield Police Department, and congratulate it on reaching this historic milestone. I also want to urge my fellow citizens not to forget to thank each officer they see for the important work they do each and every day.

HONORING RONALD THOMAS CUNNINGHAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ronald Thomas Cunningham of Blue Springs, Missouri. Ronald is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1763, and earning the most prestigious award of Eagle Scout.

Ronald has been very active with his troop, participating in many Scout activities. Over the many years Ronald has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ronald Thomas

Cunningham for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ASSESSING THE 2008 OUTLOOK FOR THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the challenges the Caribbean faces in this coming year by introducing the editorial, "Looking to 2008 for Improved Economic and Social Conditions," published in the New York CARIB News on January 8. The article posits that the area will have to rely on the economic gains of the last few years, as it faces rising inflation and an economy that will prove to be less robust. It hails the Caribbean Single Market and Economy as vital and argues that efforts to strengthen it should help the region stave off the grim economic picture. It notes that the impact of rising crime, particularly homicides, merits acknowledgement and solutions, perhaps by tackling those social conditions—a pervasive drug trade, the flurry of guns, and poverty—that are fueling that rise.

As steadfast allies of the Caribbean, we friends of the Caribbean in this House should stay abreast of all developments out of the region, with a ready hand, an open heart, and an attentive ear.

LOOKING TO 2008 FOR IMPROVED ECONOMIC AND SOCIAL CONDITIONS, CARIBBEAN REGION EXPECTS TO CONSOLIDATE GAINS OF RECENT YEARS

The World Bank has warned of a slowdown in economic growth in the Caribbean while the United Nations considers it the Year of the Potato at a time when food prices throughout the region, indeed, the world have gone through the roof.

By the middle of the first month of the year, Barbadians would have selected a political party to run the country for the next five years while Grenada's electorate would have a chance sometime soon to decide who should govern the Spice Isle.

What else can we expect in the year 2008?

Except for energy rich Trinidad and Tobago, the economic picture of the region isn't expected to robust. Whether in Jamaica, the Bahamas, Grenada, St. Kitts-Nevis, Barbados, St. Lucia, Haiti, or the Dominican Republic the forecast calls for expansion that would hardly cause elation, less than four per cent. With energy and food prices seemingly spiraling often out of control, inching towards record highs, the various countries may have to consolidate economic gains of prior years, instead of reaching for the stars.

The next 12 months should see rising inflation as consumers throughout the English, French, Spanish and Dutch-speaking nations and territories are forced to dig deeper into their pockets for meat, cereals, rice and other essential items as global demand outstrips supply. As importing countries, Caribbean states, like the rest of the developing world are feeling and will continue to feel the full brunt of the impact of rising prices as they have to spend more, much more to buy the same amount of essential supplies they paid for in 2006.

The problem isn't difficult to spot.

While food accounts for only about one-tenth of the consumer price index in the United States, Canada and Europe and prices are expected to rise at about five per cent in 2008, the poor nations, the Caribbean among them, food accounts for almost 50 per cent or more of the consumer price index. In Nigeria and Bangladesh it's about two-thirds. That's why the big battle governments and central bankers in the Caribbean are expected to fight in 2008 as prices continue to rise is going to be limiting wage increases, thus creating continuing inflation. Don't be caught off guard, then, if central banks tighten the money supply.

But food and energy prices aren't the only economic worries in the Caribbean.

Coming on the heels of signing the controversial economic partnership agreement with the European Union, Caricom states and the Dominican Republic are entering a new relationship with Europe, one which is putting the final nails in the coffin of preferential trade. First it was the special arrangement for bananas produced in the Caribbean, Africa and the Pacific. Then it was sugar's special price being phased out. Now, they must perform in a different trade and investment climate that would force the nations to open up their markets to more European goods. Admittedly, they will have a grace period in which to do so, depending on the commodity and the product.

And that's happening at a time when Caricom is moving ahead with its efforts to strengthen the Caribbean Single Market and Economy, CSME. Having officially launched the Single Market, the "economy" portion of the integration effort may prove to be the biggest challenge as countries seek ways to finance their continued development through taxes and other measures on intra-regional trade. That's where plans for the Caribbean Development Fund come in this year. With an anticipated pot of more than $200 million that would be earmarked to finance economic and social expansion in the less developed states, the members of the Organization of Eastern Caribbean States in particular see the Fund as a carrot that would encourage them to commit fully to the CSME.

Make no mistake about it. The CSME is vital to the region's future. Without it, the small states would virtually be ignored as players in global trade negotiations. They would be treated as Lilliputians which would have to take the crumbs that the large and medium size economies allow to fall from their tables. That's why this year is going to be crucial for Caricom as it seeks to take the CSME to a higher level.

That's not all.

Mushrooming crime rates, especially homicides, are a cause for alarm, not simply in Jamaica which has one of the world's highest murder rates per head of population, but in Trinidad and Tobago and the Bahamas where hundreds of people lost their lives at the hands of murderers in 2007. Barbados too is beginning to worry and 2008 may prove to be decisive, meaning if it can't keep a lid on lawlessness and killings. Just the other day, a highly respected retired senior civil servant, Kenrick Hutson, was shot dead at his home while sitting on the terrace, within earshot of his wife and daughter.

The danger for the Caribbean is that unless the various destinations get a grip on crime, it could spill over into the lucrative tourism industry. The countries have become increasingly dependent on visitors coming to the region in search of tranquility and if they are made to feel unsafe, they simply would find a safe haven elsewhere for their vacations. Just as important, or even more so, is the impact of crime on the local populations. Far too many nationals of Caribbean states are becoming victims of crime perpetrated by their neighbors or those who live not too far away. Security forces, such as the police, need better training, more sophisticated equipment and eager cooperation from the public.

Fueled by a combination of the drug trade, a flood of guns, poverty and criminal deportees from the U.S., Britain, Canada and other countries, crime can and does adversely affect the quality of people's lives, heighten fear and force governments to divert resources from much needed social services into law enforcement. So, instead of spending on education, health care and programs for the youth and the elderly, governments would find that in 2008 they have to hire more police officers, prosecutors and prison staff.

If there is a consolation in this unsettling picture, it is that the Caribbean is not among the worst regions of the world. The Middle East and various parts of Asia are starting the New Year with crises that make many of us shudder, wondering what the world is coming to after the awful events of 9/11.

Apart from the atrocious conditions in Iraq, Lebanon, Sri Lanka, Darfur, the border between Eritrea and Ethiopia and Zimbabwe, Pakistan ended the old year and welcomed 2008 with blood on its hands. This nuclear nation bade farewell to 2007 in a tragic fashion, the assassination of Benazir Bhutto, a former Prime Minister, an appalling act that triggered rioting that led to the deaths of at least 50 people.

Bhutto, a member of one of Pakistan's wealthiest and most powerful families, recently returned to her birthplace after spending eight years in exile in London and the United Arab Emirates to avoid prosecution on corruption charges. She was immediately greeted with a horrendous suicide attack on her entourage that killed more than 150 people.

The former Prime Minister went back home after reaching an agreement with Pakistani President Pervez Musharraf, who until recently was also head of the Army. It allowed her to participate in the upcoming parliamentary elections and hopefully share power with the newly re-elected President. It was a dangerous mission from the start. She was seen by anti-American extremists as a tool of the United States, and therefore an enemy of Muslim radicals. In addition, President Musharraf, who had previously toppled the government of Nawaz Shariff in order to take control of the country, has shown himself to be a person whose word isn't worth the paper it is written on. He went back on most of the promises he made to Bhutto, thus setting the stage for the mistrust and the instability which culminated in her death at the hands of a young man who blew himself up after firing shots at her. She was destined to play a powerful role in her country once again but that was not to be.

An international independent investigation into her killing must be undertaken to bring the perpetrators of her assassination to the bar of justice. Without such an inquiry the Musharraf administration would remain under suspicion as a brutal and murderous co-conspirator.

Bhutto's sad end in Pakistan is a sharp reminder to all of us how dangerous some places in the world have become and it tells a story of the Caribbean's good fortune in being a politically stable region where governments are far more interested in upgrading people's daily lives than possessing the bomb and remaining in office at all cost.

Our hearts go out to those Ms. Bhutto has left behind, especially her children.

We didn't believe she was the answer for what ails Pakistan. During her years at the helm, Pakistan was a politically divided country where well connected politicians and families lived off the fat of the land, like feudal overlords while more than 40 million people lived in abject poverty.

Another thing. U.S. policy in the Indian sub-continent is now in shambles. The Bush administration unwisely encouraged Bhutto to go back to Pakistan, knowing that her family's enemies in and out of the army and the radical community wouldn't rest until they had done her harm. Unfortunately, they succeeded.

The Bush White House embraced Musharraf, whose dictatorial tendencies are well known. His lack of respect for the independence of the judiciary and the press should have made him a pariah in Washington's eyes. But the Republicans looked the other way because of its "war on terrorism."

Washington's contradictory policies are evident in its warm relations with Musharraf and its disdain for Venezuela's leader Hugo Chavez. Although the Latin American President was voted into office by wide margins in free and fair elections, the U.S. labeled him a dictator and joined forces with his enemies to try to discredit him.

Perhaps, 2008, President Bush's final year in office may bring some meaningful and positive changes in his foreign and economic policy.

An important change would be its stance on the issue of Antigua, Internet gambling and the World Trade Organization. The WTO's recent decision to give Antigua the greenlight to secure compensation following the U.S. high-handed attack on a legitimate business that once employed thousands of Antiguans was probably not what the government in St. John's wanted. But it is a step in the right direction.

The Baldwin Spencer government should be applauded for its tenacity and its ability to remind Washington that the law of the jungle, might is right, can backfire. The U.S. acted to outlaw Internet gaming in Antigua and other countries while allowing gambling at home, in the form of lotteries, off-track betting on horse races and in casinos in Las Vegas, Atlantic City and other parts of the U.S.

We trust that the U.S. abide by the WTO ruling and make 2008 the year when it ended its unworthy battles against a tiny neighbor which wants nothing more than to boost its economy and improve living the conditions of its people.

This year should also see New York playing the role of host to Caribbean Presidents and Prime Ministers who are due in the City in June to meet with business and political leaders and the large Caribbean immigrant community.

U.S. Congressman Charles Rangel, Chairman of the powerful Ways and Means Committee of the House of Representatives, who is perhaps the region's best friend on Capitol Hill is expected to do his part in making the meetings a success.

They are to be a follow-up to last year's Caribbean conference in Washington which culminated with sessions with Mr. Rangel and other members of his Committee, the Black Caucus and President George Bush.

Clearly, then, 2008 promises to be a year of action.

HONORING WILLIAM H. EASTBURN III

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the life of William H. Eastburn III. Mr. Eastburn passed away on March 7, 2008, following a long and courageous battle with cancer. Mr. Eastburn lived an honorable and noteworthy life, dedicating himself to helping those in his community.

Mr. Eastburn began his career of service to others as a prosecutor at the Bucks County District Attorney's office and then later at the state Attorney General's office. After his work as a prosecutor, Mr. Eastburn became a fourth generation member of the law firm of Eastburn and Gray, Bucks County's largest law firm.

In addition to his distinguished legal career, Mr. Eastburn will be long remembered for his philanthropic work within Bucks County. Mr. Eastburn founded and served as chairman of the board for the Voice of Reason, an organization dedicated to ending gun violence. He served for several years as the chairman of both the Bucks County Commission on Violence Prevention Task Force and the Bucks County Implementation Commission on Violence Prevention. Mr. Eastburn also dedicated his time to the Heritage Conservancy, Western Health Foundations, First Service Bank, and the Free Clinic of Doylestown Hospital.

Madam Speaker, Mr. Eastburn spent his life working to improve, not just Bucks County but the larger American community as well. He established and participated in various organizations that benefited people all across the United States. Along with his wife Connie, Mr. Eastburn helped found the Americans for Native Americans, which raised money and gathered supplies for Native Americans living in the Southwest United States. Mr. Eastburn helped organize and lead the Bucks-Mont Bay Waveland Katrina Relief Project which raised over $2 million for the hurricane ravaged area of Hancock County, Mississippi.

As his outstanding work and achievements show, William Eastburn III dedicated his life to helping those in his community and beyond. Through his lifelong efforts, Mr. Eastburn has transformed Bucks County and America for the better. Madam Speaker, I am proud to honor Mr. Eastburn for his lifetime of extraordinary accomplishments.

TRIBUTE TO PAUL FACCHINA SR.

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. HOYER. Madam Speaker, today I want to commend Paul Facchina, Sr., for his outstanding contributions to the natural heritage of the State of Maryland. Mr. Facchina has made his name as one of Maryland's leading businessmen—but I suspect that he will be remembered just as much for his wonderful generosity. He has left our State a gift whose value cannot be measured in dollars: the gift of open, unspoiled land.

Most recently, Mr. Facchina made headlines with his donation of 179 acres in St. Mary's County to the Maryland Environmental Trust. No doubt, he could have sold development rights on that land for a significant profit. But by placing it under a conservation easement, he ensured that it will remain pristine and largely undeveloped. Wetlands and woods will stand in place of housing tracts. And our State's environmental health will benefit: By including vital waterfront land in his grant, Mr. Facchina contributed to our efforts to clean up and preserve the endangered Chesapeake Bay.

At the same time, the grant strengthens one of southern Maryland's most valuable economic resources, the Patuxent River Naval Air Station. By protecting the buffer surrounding the Navy base, Mr. Facchina's donation helps ensure that the Naval Air Station will remain open and viable, creating jobs in St. Mary's County and driving the local economy. In cases like this one, conservation often proves to be good business.

So I thank Paul Facchina, not only for his most recent gift, but for a long and proud legacy of giving that includes an historic plantation, headwater streams of the St. Mary's River, and the forest habitats of Maryland birds. In all, his family has entrusted more than 2,100 acres to the environmental care of our State. When Maryland residents enjoy that open land, and all of its benefits, I hope they will remember whom to thank.

I also want to take this opportunity to recognize the excellent work of the Maryland Environmental Trust, which will take care of that land as part of its more than 112,000 acres. Since 1967, the Trust has worked to help keep our State beautiful, and to help landowners preserve their piece of it. For more than four decades, landowners have relied on the Trust to watch over the legacies they leave, and I'm sure that they will be able to do so for decades to come.

ON RISING VIOLENT CRIME IN THE CARIBEEAN AND WHAT SHOULD BE DONE ABOUT IT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. RANGEL. Madam Speaker, I rise today to call attention to the pressing matter of increasing violent crime in the Caribbean and to introduce a New York CARIB News editorial that eloquently elucidates the problems and speaks to possible solutions. A conflux of drugs, guns, disaffected youth, and poverty has gripped the area's island nations, particularly Jamaica, with a world-leading 59 homicides for every 100,000 people. This is an issue neither solely endemic, nor of sole concern, to the Caribbean. The international community, rather, must accept its contribution to the problem, in the way of an aggressive international drug trade and the rampant sale of small arms. The Caribbean itself must do its part to draw its youth away from criminality and hopelessness, and invest in their educations and financial security.

GUNS, DRUGS AND MURDER A LETHAL COMBINATION IN CARIBBEAN—WHERE IS THE INTERNATIONAL COMMUNITY AND GUN MAKERS?

"The Caribbean Sun, sea and murder."

That unsettling headline atop an equally disturbing story about violence in the Caribbean was summarized in a shocking fashion by The Economist, one of the English language's leading weekly news publications.

"Indeed," it stated, "the Caribbean better known for its blue skies, cricket and rum punch, is the world leader in violent crime."

While that may be something of an overstatement, the fact of the matter is that the picture is deeply troubling and needs urgent attention, not simply by Caribbean governments but the international community.

Some numbing figures tell much of the story about homicides in a part of the world where people and their government are wedded to law and order, tranquility and democracy. With 59 homicides for every 100,000 persons in the country, Jamaica heads the list as "the world's most murderous country," according to the magazine. Some distance away were St. Vincent & the Grenadines 36; Belize 33; St. Kitts-Nevis 32; Trinidad and Tobago 30; the Bahamas 25; and Antigua & Barbuda 23 for every 100,000 persons.

It's not difficult to figure out why this tragic situation has evolved in a part of the world that's known as a bit of paradise on earth. Drugs, guns and disaffected youth sum up the story. Add poverty to the mix and the situation comes into proper perspective.

The Caribbean has been the soft underbelly of the international drug trade for decades. Illegal narcotics, especially cocaine and some heroin are ferried through the region from South America by Colombia, Bolivia and Venezuela and destined for North America and Europe.

In addition, some Caribbean states, including Jamaica and St. Vincent & the Grenadines are considered by law enforcement authorities in the United States and Canada as significant marijuana growers.

Because guns and ammunition are companions in the nefarious drug trade, it shouldn't come as a surprise to learn there is a flood of small arms in the region. Almost every country has reported a rising incidence of the use of guns in criminal activity. Law enforcement authorities are reporting more and more cases of drug-related offences in which guns are a factor. Next are the armed robberies; kidnappings, shootings, and as the story indicated homicides.

The countries seem unable to stem the drug tide and the importation of guns. With wide open waterways and beaches, most of them find it virtually impossible to put a dent in violent crime. Perhaps the most dramatic and frightening incident in recent years was the massacre in Lusignan, the East Coast Demerara village of East Indians late last month. Eleven men, women and children were slaughtered in their homes by criminals. The killing of a soldier by a merciless gang brought the death toll to an appalling dozen persons. What then can be and must be done?

Caribbean governments are already diverting scarce resources from education, health, roads, bridges, services to the elderly and the youth in order to boost law enforcement. They recognize two things: (1) their nationals and businesses must be able to feel safe on the streets, stores, offices, factories and homes, and (2) the vital tourism industry can be undermined if visitors stop going to the beautiful destinations because of a fear of crime.

Interestingly, crime and violence aren't always seen by the populace as pressing issues. They barely registered on the political radar screens during recently general election campaigns in the Bahamas, Jamaica and Barbados. But in Trinidad and Tobago where kidnappings and killings drive fear into people's hearts, there are growing calls for the use of capital punishment as something of a deterrent.

Already, the prisons in almost every nation are overcrowded and except for the acquisition of sophisticated equipment, more powerful guns and better training of cops, there is nothing that the countries have not already tried.

Crime has featured prominent at the summits of the region's heads of government and the subject is expected to be raised again.

But the international community must also do its part. Until the United States and Europe in particular address the issue of the demand for illegal narcotics, the Caribbean would remain highly vulnerable. Washington must also re-evaluate its stance at the United Nations and elsewhere on the sale of small arms. The Caribbean isn't a producer or exporter of guns, yet deadly weapons are in the hands of people everywhere. At a time when the U.S. is said to be fighting terrorists at home, most of the guns being used to kill people next door in its neighbors have a made in U.S. label on them.

The world's rich countries can ill-afford to turn a blind eye to the peril caused by the twin evils of guns and drugs.

Of course, the Caribbean must deal with the problem of disaffected poor youths, most of them males, who have seemingly lost their way and have little desire for an education that would enable them to become productive citizens. That's a dangerous trend because in the years ahead, the islands and coastal states would have hundreds of thousands of people who are unprepared for the challenges of life in a highly sophisticated world. That would heighten frustration and can lead to more crime.

Bringing back hanging isn't going to solve anything. The death penalty has never been an effective deterrent to curb crime.

The international community must consider rising crime in developing countries as a global issue that requires financial and other resources. The poorer states too must join hands to tackle the problem.

Jamaica, Trinidad and Tobago and Barbados are acting wisely in strengthening their coast guard and other security forces to "choke the influx of drugs, and guns," recognizing that success in a few countries would simply mean the narcotics merchants would find another route to ply their trade.

HONORING PAUL THOMAS MORGAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Paul Thomas Morgan of Lee's Summit, Missouri. Paul is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1221, and earning the most prestigious award of Eagle Scout.

Paul has been very active with his troop, participating in many Scout activities. Over the many years Paul has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Paul Thomas Morgan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE HUMAN RIGHTS CAMPAIGN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Human Rights Campaign, defender of civil rights for gay, lesbian, bisexual and transgender people, and force for fundamental fairness and equality for all.

It is with great honor that I recognize this important organization tonight during its fifteenth annual Human Rights Campaign Gala Dinner and Dance. Founded in 1980, Human Rights Campaign initial goal was to support candidates running for Congress who they recognized as unequivocal supporters of civil rights and fairness of all people. Twenty years on, this organization has grown into a national leader in the pro-equality movement. Today, HRC represents over seven hundred thousand members and supporters as the largest national gay, lesbian, bisexual and transgender civil rights organization. HRC works in Congress and the private sector to gain necessary protections for GLBT workers as well as to successfully raise this Nation's awareness of the need for protecting everyone's civil rights, regardless of gender and sexual orientation. The Human Rights Campaign has shown its ability to unite diverse communities to strive, lobby and fight for equality for all people.

Madam Speaker and colleagues, please join me in recognizing the Human Rights Campaign, a leader in promoting the rights of all people and as an important force in empowering and inspiring people and communities nation wide.

HONORING JERRY HERRIN RETIREMENT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. MARCHANT. Madam Speaker, I rise today to honor Jerry Herrin on the occasion of his retirement as President and Chief Executive Officer of the Grapevine Chamber of Commerce.

Jerry Herrin was born in Arp, Texas in 1939. Mr. Herrin graduated from Arp High School and attended the University of Texas in Austin. Mr. Herrin is married to Nancy. He has three children: Lisa, Mike, and Brad. He is the proud grandfather of five grandchildren: Jesse, Ashley, Keller, Michael, and Andee.

Jerry Herrin began his distinguished career working on the staff of the Austin Chamber of Commerce from 1963 to 1967. Mr. Herrin took his first job as a Chamber CEO in 1968 at the New Braunfels Chamber of Commerce. Over the years, he has served as president and CEO of numerous Chambers including Conroe, Garland, and Temple.

Jerry Herrin has served as president and CEO of Grapevine Chamber of Commerce since 1985. Mr. Herrin has dedicated himself to the betterment of the Grapevine community promoting area businesses, and supporting growth of new establishments, for over twenty-three years. Under his tenure, Mr. Herrin has secured dedicated members, many who serve on its committees and board of directors.

Jerry Herrin has provided tremendous support for his community and his outstanding leadership is worthy of recognition. I wish Mr. Herrin a happy, healthy retirement, and a well deserved change of pace. It is an honor to represent him in the 24th District of Texas.

HONORING THE CONTRIBUTIONS OF ELIZABETH STINSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Ms. WOOLSEY. Madam Speaker, I rise with great pleasure to honor a visionary, diplomat, activist, and advocate for peace on the occasion of her receipt of the 2008 Jack Green Civil Liberties Award by the American Civil Liberties Union of Sonoma County. Elizabeth Stinson's work with the Peace and Justice Center of Sonoma County and her lifetime dedication to human rights have left an enduring legacy.

In 2001, after several years work with the United Nations, where she still retains a position with the UN's International Indigenous Forum, Elizabeth became director of the Peace and Justice Center, helping those Sonoma County residents who are victims of our Nation's most challenging conflicts.

In Santa Rosa, for example, Elizabeth has mediated inter-gang disputes while leading campaigns to end escalating local violence. In 2002, recognizing the need to provide youth with nonviolent choices, she founded the High School Outreach Peace Education, or HOPE, project to educate them about their rights as students, their rights regarding the military, and service learning and internship opportunities.

In addition, through Elizabeth's coordination with courts in three counties, the Peace and Justice Center was established as an authorized diversion program provider for convicted and at-risk teens and young adults.

Under her direction, the Peace and Justice Center has also gained national attention for supporting troops who need a military separation for reasons such as untreated combat-related trauma, repeated deployments, recruiter misrepresentations, and other compelling mental and physical issues. Since the beginning of the occupation of Iraq 5 years ago, Elizabeth and her team of volunteers at the center have successfully negotiated 850 administrative discharges.

Elizabeth's work continues to have national effect as she provides counseling support to troops testifying at the Winter Soldier hearings in DC. At an upcoming GI national retreat, she will conduct training on post-traumatic stress for hotline counselors.

Aside from her lifelong international work for human rights, Elizabeth is mother to three adult children and Sanctuary Mom to five, whose father was executed by death squads after helping to found El Salvador's Human Rights Commission.

Madam Speaker, Elizabeth's commitment to the rights of the vulnerable has rightly earned her the 2008 Jack Green Civil Liberties Award. I am honored to have Elizabeth Stinson as my constituent. I commend her for her work and for the well-deserved award being bestowed on her by the ACLU of Sonoma County.

IN RECOGNITION OF MR. GORDON HOWE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to recognize a living legend in Detroit ice hockey, Mr. Gordon "Gordie" Howe, as he celebrates his 80th birthday today.

Mr. Hockey, as Howe is universally recognized for his greatness on the ice, sprang from humble beginnings. Born in Floral, Saskatchewan, Canada, in the midst of the Great Depression, Howe, who was the fifth of nine children, grew up in poverty and was often sick due to poor nutrition. A significant milestone in Howe's life came at the tender age of 5, when his mother purchased some used belongings from a neighbor, which included his first pair of skates.

Howe immersed himself in hockey, day in and day out, using anything he could find, be it a puck, a tennis ball, or even clumps of dirt. While he didn't make the local youth hockey team, Howe didn't let this discourage him, and worked hard to develop into an excellent skater. During summers, Howe would work with his father at construction sites where the work helped him develop the exceptional strength that would give him one of the hardest shots in hockey. By the time he was 15, Howe was already an imposing 6 feet tall and 200 pounds.

In 1943, Howe was invited by the New York Rangers for a tryout. Howe failed to make the team, but despite this rejection, he was invited to try out for the Detroit Red Wings, where he impressed the coach and general manager Jack Adams. In 1946, at the age of 18, Howe made his National Hockey League debut playing right wing for the Detroit Red Wings. He quickly established himself as a great goal scorer, a gifted playmaker, and a dominating physical presence on the ice. Using his strength and talent, Howe was able to dominate the opposition throughout a career that spanned 5 decades, a feat unmatched by any athlete in any sport.

By the time Howe retired from the Red Wings in 1971, he had led them to four Stanley Cup championships, seven first place finishes, and established the team as a perennial powerhouse. In addition, Howe was a six-time NHL Most Valuable Player and winner of the scoring title, and was the career leader in games played, goals, assists, and points. In 1973, when his sons Marty and Mark joined the Houston Aeros of the World Hockey Association, they convinced Gordie to fulfill his dream of playing on the professional level with them. After the WHA folded in 1979, Howe joined the Hartford Whalers of the NHL for one final season, helping the team make the playoffs. In 1997, Howe accomplished the last milestone in his storied career when he played professional hockey in a sixth decade. Playing a shift with the Detroit Vipers of the International Hockey League at nearly 70 years old, Howe was greeted by a thundering ovation.

Along with his many achievements on the ice, Howe and his wife Colleen are dedicated to the children of their community and around the world. The Howe Foundation, which they founded in 1993, is dedicated to enriching the lives of those in need.

Madam Speaker, I rise today to recognize a fine neighbor, a true Michigan fixture, and the man who made Detroit "Hockeytown," the greatest sports city in the world. I wish him a happy and healthy birthday, and wish him many more to come.

IN HONOR OF THE RETIREMENT OF COMMANDER GEORGE SHERWOOD

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to pay tribute to one of the many unsung heroes of our Nation's history, CDR George Sherwood, who will soon retire from an honorable career with the United States Navy.

Commander Sherwood was designated a Naval Aviator in 1985, following graduation from the University of Kansas and completion of flight training in Pensacola, FL, and Corpus Christi, TX. He served in a number of naval air deployments over the next 12 years in California, Texas, Japan, Puerto Rico, Panama, Iceland, and Sicily. He served in a variety of leadership positions, including Plane Commander, Mission Commander, Instructor Pilot, Tactics Officer, Training Officer, and Maintenance Officer.

In 1998, Commander Sherwood reported to the Bureau of Naval Personnel in Arlington, VA. He continued his personnel role as Officer-in-Charge in Dallas, TX. And, Commander Sherwood has spent the final stage of his career as the Naval Attaché with the U.S. Embassy in Baku, Azerbaijan. He has received two Meritorious Service Medals, an Air Medal, three Navy Commendation Medals, four Navy

Achievement Medals, and multiple campaign and unit awards.

Commander Sherwood is one of many men and women who have spent their lives in service to their Nation. They do so for love of country and out of a true sense of commitment to the principles of freedom for which America stands. They do so without fanfare and without expectation of gratitude. But, our limitless gratitude is, indeed, what they deserve.

CDR George Sherwood is not only one of those fine men and women in uniform, but also my brother. My family and I are immensely proud of him. And, we thank him for his tireless dedication to our Nation.

IN RECOGNITION OF THE JEWISH FUND

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to recognize the Jewish Fund, a charitable organization in Bloomfield Hills, Michigan.

Sinai Hospital began as a clinic opened by Dr. Harry Saltzstein in 1922. In January, 1953, Sinai Hospital opened their doors to give Jewish health care professionals a place to practice and as a central institution for the Jewish community. It was the realization of a dream for Detroit's Jewish community. From there the hospital grew into one of Detroit's top health care institutions.

In 1997, when the Detroit Medical Center purchased Sinai Hospital, it was not the end of that dream, but rather a transformation into another institution of excellence. Established with the proceeds from the sale, the Jewish Fund is an organization designed to perpetuate the Sinai dream through stewardship and innovation. The Fund continues the tradition of assuring excellent and compassionate care for those in need.

The Fund, recognizing the diverse population in Detroit, serves as a resource for the entire community, whether supporting the public health needs or fostering stronger relations with the city. Their role today is vital to many health care initiatives. They have provided over $35 million in grants for health care over the last 10 years, including $600,000 in grants for the Jewish Hospice and Chaplaincy Network this year alone.

Madam Speaker, I am proud to recognize the achievements and service of the Jewish Fund. Their contributions to Detroit and the metropolitan area are too great to enumerate, and I wish them many years of continued success.

IN HONOR OF THE NEWLY ELECTED PRESIDENT OF TAIWAN, DR. MA YING-JEOU

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. MARCHANT. Madam Speaker, I join my congressional colleagues in congratulating Dr. Ma Ying-jeou on his victory in Taiwan's recent Presidential election. The election was conducted with fairness and is free of any controversy.

I wish Dr. Ma every success as he leads Taiwan forward in a period filled with many challenges but also filled with many opportunities for Taiwan to prosper and achieve even greater success. I look forward to continuing to grow our relationship with Taiwan under the leadership of the newly elected President Ma.

The people of Taiwan have every reason to be proud of what they have achieved. In only 12 years Taiwan has made a peaceful and successful transition to democracy and has become one of Asia's most impressive and inspiring new democracies. In those 12 years Taiwan has completed four Presidential elections with close and spirited campaigns.

As an American legislator, I look on the achievements of the people of Taiwan with admiration. The Taiwanese record is a model to the many other countries of the world of what can be accomplished by a transition to a freely elected democratic government. My sincere congratulations to Dr. Ma on his election and to the people of Taiwan for their participation in the election process.

IN MEMORY OF JUDGE FRED ZIEMAN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend, Chicot County Judge Fred Zieman of Lake Village, Arkansas, who passed away March 18, 2008, at the age of 69.

I will forever remember Judge Zieman as a devoted family man and someone who cared deeply about improving the quality of life in southeast Arkansas. This dedication to make his community and Chicot County a better place to live was evident throughout his tenure as Chicot County Judge.

As a native son of Arkansas's Delta region, farming was in Judge Zieman's blood. He began his career as an agriculture pilot in Lake Village before becoming a commercial airline pilot in Texas. Upon retirement in 1980, he returned home to Lake Village and pursued his true passion in agriculture.

Judge Zieman was later successfully elected to serve three terms as Chicot County Judge when he decided to try retirement for a second time. However, his devotion to southeast Arkansas quickly led him back to public service, and 4 years later later he was again elected to serve as County Judge—a position he honorably held until his passing.

Aside from his stalwart leadership and devotion to Chicot County, Judge Zieman actively contributed his time and hard work to numerous other endeavors to benefit the Delta region. The Delta was immensely important to Judge Zieman, and this was apparent in his service as a state vice-president of the Mississippi Valley Flood Control Association, as a member of the Delta Grassroots Caucus, and in the Southeast Arkansas Economic Development District Inc., where he contributed fresh ideas and developed new initiatives to make our beloved State a better place to live.

Judge Fred Zieman will forever be remembered for his steadfast devotion to the people of southeast Arkansas. Above all, he will sorely be missed as a friend. I extend my deepest condolences to his wife, Patricia Zieman; his two sons, Mike Zieman of Monticello, Arkansas, and Sam Zieman of Spring, Texas; his daughter, Charlotte Yandell of Spring, Texas; his sister, Jan Hellmers of Lake Village, Arkansas; and to his seven grandchildren and countless friends. Fred Zieman will be greatly missed in Lake Village, Chicot County, and throughout southeast Arkansas, and I am truly saddened by this loss.

IN RECOGNITION OF MRS. KATHY JO McMILLION REINSMITH

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. SHUSTER. Madam Speaker, I rise today to recognize the accomplishments and dedication of the current President of the Department of Pennsylvania's Ladies Auxiliary to the Veterans of Foreign Wars, Mrs. Kathy Jo McMillion Reinsmith. Mrs. Reinsmith will be recognized for her service at the Veterans of Foreign Wars' Testimonial Dinner on April 12.

Over the past decade Kathy Reinsmith has worked consistently to increase the value of the community in which she has lived. Not only has Mrs. Reinsmith served four terms as President, four terms as Sr. Vice President, and one term as Jr. Vice President of her Auxiliary, she is now serving her second year as Trustee. As President of the Department of Pennsylvania's Ladies Auxiliary to the Veterans of Foreign Wars, Mrs. Reinsmith has made it her mission to travel throughout the State of Pennsylvania and the United States, inspecting auxiliaries and attending a variety of functions in order to reach out to those around her. She has dedicated her time and energy not only to helping veterans in need, but also to students at Chambersburg High School where she has constantly served as a teacher. Currently, Mrs. Reinsmith serves as a Life Member for both the Durff-Kuhn VFW Ladies Auxiliary and the Scotland School for Veterans Children and the VFW National Home for Children. Her commitment to her community has been exhibited through her involvement with several organizations, many of which she has chaired, including the Voice of Democracy, Buddy Poppy Jr. Girls, and the Patriots Pen Program.

Through these prominent positions Mrs. Reinsmith has volunteered much of her time to fundraising for the local community. One of her most memorable accomplishments is her dedication to the Food Stand at the Shippensburg Community Fair. She spent a multitude of hours working with those in the community to make the Fair a positive experience for all. Mrs. Reinsmith's passion and hard work have not gone unnoticed. During her first term as District 18 President in 1999, she received the Outstanding District President Medallion. While serving her second term as President of District 18, she received the Nation "Remembrance" Plate for the Legislative Program as well as the Outstanding Department Chairman Medallion. Mrs. Reinsmith was also recognized for her service to the community and was given the National "Everyone Achieves Magic" Plate.

As she reflects upon her work as President of the Ladies Auxiliary, Mrs. Reinsmith can be proud of her life of service with which she has found a great amount of success. I look forward to celebrating the contributions and accomplishments of such a dedicated individual. Her involvement has brought a greater appreciation to our area and has surely been an asset to the community. I would like to wish Mrs. Kathy Jo Reinsmith all the best in her future endeavors as she continues to serve the Chambersburg County School District as a devoted teacher. I am sure she will continue to do great things for the community and I thank her for her dedication and service.

TAYLORSVILLE VFW AUXILIARY AND TAYLOR KING SUPPORT DEPLOYED TROOPS

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Ms. FOXX. Madam Speaker, I rise today in honor of a group of true American patriots. This past Christmas a group of citizens in Alexander County, North Carolina worked hard to communicate to our men and women stationed overseas that they are in our prayers and on our minds.

A civic-minded band of women in the Veterans of Foreign Wars Auxiliary from the rural community of Hiddenite worked together to rally their community to send care packages to local armed forces members stationed abroad during Christmas. The sacrifice of military service during Christmas is often overlooked during a time when many of our brave military men and women are stationed abroad, making this effort all the more meaningful to the soldiers they aided.

Thanks to the selfless work of Margaret Milsap, Mary Lasky and Jeanette Stevenson, which was spearheaded by Mary Matthews, more than 80 care packages were sent to 30 deployed soldiers during this past Christmas. Taylor King furniture, a Taylorsville business, generously footed the entire bill for the mailing of the 80-plus packages.

Together, the VFW auxiliary and Taylor King provided a slice of home to 30 soldiers serving in foreign countries during Christmas. I hope their example of citizenship and patriotism during uncertain times serves to inspire many more Americans to show their support for our troops who fight for freedom every day.

RECOGNITION OF GLOBAL CHILD NUTRITION MONTH

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. McGOVERN. Madam Speaker, I rise today in recognition of the School Nutrition Association, SNA, and the Global Child Nutrition Foundation, GCNF naming April as Global Child Nutrition Month.

As part of this recognition, school nutrition professionals are encouraged to take 1 day, 1 week, or all month to partner with students and teachers in an effort to raise awareness about the ravages of hunger among children around the globe and here in the United States.

Hunger is a political condition. We have the means to end hunger here in the U.S. and around the world—we just haven't mustered the political will to do so. This observance is an opportunity to raise awareness about the solutions to global hunger and poverty and, ultimately, to help build momentum in the fight to end the scourge of hunger.

At any given moment, as many as 300 million of the world's children are trapped in the grinding cycle of poverty and hunger. Imagine trying to learn, grow and succeed while struggling with hunger.

For some children, hunger may be offset by healthy school meals. For others, especially in developing nations, hunger is acute—it is literal starvation. It is a contributor to disease and early death. According to the United Nations, hunger and malnutrition take the lives of 18,000 kids every single day.

Although we may not be able to resolve all sorts of natural and political forces, we do know that nurturing and educating a child is the single most effective means of breaking the cycle of poverty.

According to the World Food Program, 130 million children do not attend school; and among those who do, most do not receive meals during school hours. A hungry child cannot learn or thrive; a society whose children live in hunger will never prosper.

The Global Child Nutrition Foundation was created in 2006 with the mission of expanding opportunities for the world's children to receive adequate nutrition for learning and achieving their potential.

This observance is also an opportunity to raise awareness about the solutions to global hunger and poverty.

GCNF President and SNA Past President Gene White, a certified school nutrition specialist, said it best—"By combining our will and resources, hunger will no longer set boundaries for learning and achievement. Freeing children from hunger so they may become self-supporting, contributing citizens is a worthy endeavor. It is also a step toward building a more stable and peaceful world."

Madam Speaker, as someone who is committed to ending hunger once and for all, I thank and commend the School Nutrition Association and the Global Child Nutrition Foundation for naming April as Global Child Nutrition Month.

It is my hope that all of us can work to be part of the solution as we raise awareness in eradicating hunger.

WOMEN'S HISTORY STATEMENT 2008

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. SARBANES. Madam Speaker, I rise today in recognition of Women's History Month. Though we have designated March as the particular month for this celebration, every day could rightly be designated to honor the contributions of women to our society. On this occasion I would like to highlight the achievements of two women who through their work have deeply impacted Maryland's Third District and our State as a whole.

Just this past year Karen Rothenberg, Dean of the University of Maryland Law School, was inducted into the Maryland Women's Hall of Fame. The Maryland Women's Hall of Fame was established through the efforts of the Maryland Commission for Women and the Women Legislators of Maryland in 1985. Its purpose is to honor Maryland women who have made unique and lasting contributions to the economic, political, cultural and social life of the State, and to provide visible models of achievement for tomorrow's female leaders.

This year, Dean Rothenberg is being honored by the Daily Record as Maryland's Top 100 Women. Dean Rothenberg has demonstrated leadership and scholarship in her role at the University of Maryland Law School, and in her field. She graduated as part of the first class of women at Princeton University. She has served as a member of the Institute of Medicine's Committee on Legal and Ethical Issues Relating to the Inclusion of Women in Clinical Studies, on numerous NIH panels on prenatal care, the recruitment and retention of women in clinical studies, and the ethical, legal and social implications of genetics. I have had the privilege to work with Dean Rothenberg this year on an effort to bring more lawyers into public service. This is an area in which she has been recognized on numerous occasions for her efforts. She has established loan repayment programs, grant opportunities and scholarships for law school graduates that wish to pursue careers in public service, and they in turn have enriched our community. She has worked with students to provide volunteer relief in New Orleans, and has facilitated opportunities for students to pursue public interest studies abroad. This is only the tip of the iceberg.

In addition to having been the first woman elected to serve as Mayor of Baltimore City, Sheila Dixon has spent more than 20 years in public office, dedicating her career to improving the lives of women, children and minorities. She has worked tirelessly on public health issues, and brings a wealth of experience and insight into business development in the city.

Among her numerous awards and honors, Mayor Dixon was recently admitted to the Daily Record's Circle of Excellence for her third selection as one of "Maryland's Top 100 Women." She serves on numerous boards, including the Institute of Human Virology, the Transplant Resource Center, the Urban Health Initiative, the Baltimore Public Markets Corporation, the Living Classrooms Foundation, and the Walters Art Gallery.

This year Mayor Dixon launched the YouthWorks campaign, which brings together businesses, community organizations, foundations and city and State agencies in an effort to engage Baltimore youth in meaningful summer activities. She is strongly committed to accomplishing the goal of ensuring that any Baltimore youth who wants a summer job can have one. This program will not only benefit youth by providing valuable work experience, it will also provide businesses with talented and motivated workers.

Though I have not had the privilege of working with all of the following women, I would also like to take this opportunity to highlight Maryland's Top 100 Women for 2008 as honored by the Daily Record:

Judge Theresa M. Adams, Circuit Court for Frederick County; Dr. Susan C. Aldridge, University of Maryland University College; Dr. Janet D. Allan, University of Maryland School of Nursing; Dr. Sharon D. Allison-Ottey, The COSHAR Foundation; Judge Nancy V. Alquist, United States Bankruptcy Court; Rev. Dr. China M. Ashe, Hope Ministries; Judge Vicki Ballou-Watts, Circuit Court for Baltimore County; Lisa R. Bands, My Cleaning Service, Inc.; Judge Mary Ellen Barbera, Court of Special Appeals of Maryland; Traci A. Barnett, Girl Scouts of Central Maryland; Buffy Beaudoin-Schwartz, Association of Baltimore Area Grantmakers; Cathy S. Bernard, CSB Management Corporation; Dr. Meredith Bond, University of Maryland Baltimore School of Medicine; Annie L. Burton-Byrd, The Signature Group, LLC; Ellen A. Callegary, Callegary & Steedman, PA; Wanda G. Caporaletti, Law Office of Wanda G. Caporaletti; Diane Lillibridge Caslow, MedStar Health; Marie A. Cavallaro, Cavallaro Cleary Visual Art Foundation; Rev. Mary W. Conaway, Register of Wills for Baltimore City; Patricia E. Cornish, PEC Financial Consulting; Dr. P. Ann Cotten, University of Baltimore Schaefer Center for Public Policy.

Diane D'Aiutolo Collins, Tydings & Rosenberg, LLP; Janine M. DiPaula Stevens, Vircity; Anna M. Dopkin, T. Rowe Price Associates; Councilmember Valerie Ervin, Montgomery County Council; Carolyn Wilson Evans, Sengstacke & Evans, LLC; Margaret (Meg) Z. Ferguson, Baltimore County Executive Office; Jodi Finkelstein, Domestic Violence Center of Howard County; Ellen R. Fish, Towson Community Bank, a div. of AmericasBANK; Mary Ellen Flynn, Andalman & Flynn, PC; Taylor L. Foss, LifeBridge Health; Commissioner Jan H. Gardner, Frederick County Government; Sandra N. Harriman, University of Maryland School of Medicine; Carrie Harris-Muller, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.

Dr. Elizabeth A. Hunt, Johns Hopkins University School of Medicine; Sara T. Jacoby, The Legacy Group, Inc.; Deborah E. Jennings, DLA Piper U.S., LLP; Senator Verna L. Jones, State of Maryland; Leronia A. Josey, Law Office of Leronia Josey; Pamela J. King, Open Society Institute-Baltimore; Julie Lenzer Kirk, Path Forward International; Marcy K. Kolodny, Dyslexia Tutoring Program; Treasurer Nancy K. Kopp, State of Maryland; Jennifer Kozak, J Kozak Creative; Senator Rona E. Kramer, State of Maryland; Judge Sherrie L. Krauser, Circuit Court for Prince George's County; Dr. Martha Joynt Kumar, Towson University.

Judge Theresa A. Lawler, Orphan's Court for Baltimore County; Linda Thater Layton, Attorney at Law; Cynthia L. Leppert, Neuberger, Quinn, Gielen, Rubin & Gibber, PA; Eileen M. Levitt, The HR Team, Inc.; Dr. Leslie D. Mancuso, JHPIEGO; Sister Patricia McCarron, SSND, Notre Dame Preparatory School; Annette Merz, LENPEX, LLC; Bonnae J. Meshulam, Junior Achievement of Central Maryland, Inc.; Dr. Redonda G. Miller, Johns Hopkins Hospital and School of Medicine; Elise Davison Morris, Whiteford, Taylor & Preston, LLP; Paula T. Morris, Kids of Honor; Nhora Barrera Murphy, The Media Network; Alice Neily Mutch, Capital Consultants, BaySmart Gardening, LLC.

Myra W. Norton, Community Analytics; Sylvia Ontaneda-Bernales, Ober Kaler Grimes & Shriver; Beth Pepper, Law Firm of Beth Pepper; Trudy E. Perkins, Office of U.S. Representative Elijah E. Cummings; Beth S. Perlman, Constellation Energy; Liz Pettengill, Greater Baltimore Committee; Bonnie Lamdin Phipps, St. Agnes HealthCare; Barbara Portnoy, PLDA Interiors; Randi Alper Pupkin, Art with a Heart, Inc.; Stephanie L. Reel, Johns Hopkins University and Johns Hopkins Health System; Dr. Donna L. Reihl, The Community College of Baltimore County; Juliette Rizzo, U.S. Department of Education; Dr. Marcella L. Roenneburg, Mercy Medical Center.

Karen H. Rothenberg, University of Maryland School of Law; Dr. Lisa Rowen, University of Maryland Medical Center; Dr. Cynda Hylton Rushton, Johns Hopkins University and Children's Center; Hannah Sassoon, Montgomery County Office of the Sheriff; Judge Katherine D. Savage, Circuit Court for Montgomery County; Lynne C. Schaefer, University of Maryland, Baltimore County; Rosa M. Scharf, Howard Bank; Mary Fulton Shock, Philanthropist; J. Patricia Wilson Smoot, Prince George's County Office of the State's Attorney; Felicita Sola-Carter, Social Security Administration; Yolanda F. Sonnier, Randall & Sonnier, LLC; Sally L. Sternbach, Rockville Economic Development, Inc.; Ferrier R. Stillman, Tydings & Rosenberg, LLP.

Karen D. Stokes, Greater Homewood Community Corporation; Anita H. Thomas, University of Baltimore; Dr. Rosemary M. Thomas, Salisbury University; Suzanne C. Thompson, Heritage Financial Consultants, LLC, Advanced Benefit Solutions, Inc.; Margaret Witherup Tindall, Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC; Marlene Trestman, Office of the Attorney General; Jenny J. Trostel, Saab of Baltimore; Judith Vaughan-Prather, Montgomery County Commission for Women; Laura Neuman Volkman, Springboard Enterprises; Stephanie T. Willey, Comcast Spotlight; Deborah Smith Williams, M&T Bank; Jeanne M. Yeager, Mid-Shore Council on Family Violence; Terry Slade Young, The Maryland Zoo in Baltimore; and Gina Monath Zawitoski, DLA Piper U.S., LLP.

I salute these women as examples of the many others who have made, and continue to make our country great.

HONORING GENERAL MOTORS FOR WINNING RICHARD H. AUSTIN LONG-TERM TRAFFIC SAFETY AWARD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. KILDEE. Madam Speaker, earlier this month, the Michigan Governor's Traffic Safety Advisory Commission announced that the General Motors Corporation will receive the Richard H. Austin Long-Term Traffic Safety Award, "for being a corporate and auto industry leader in promoting traffic safety issues," in the State and nationally. The award was presented at the group's annual awards luncheon on March 13, 2008, in East Lansing, Michigan.

This prestigious award is named after a true leader in traffic safety, the late Richard H. Austin, who served as Michigan Secretary of State from 1971 to 1994. Secretary Austin, who was known as, "Mr. Traffic Safety," was a pioneer in promoting passage of State seat belt use laws and in promoting measures for child passenger safety, drunken driving prevention, and motorcycle safety.

The commission's announcement notes that GM, "has made significant contributions in addressing key traffic safety concerns including safety belt use, child passenger safety in and around vehicles and drunk driving through partnerships and collaboration, advocacy, financial support and voluntary time commitments to traffic safety organizations by company executives and employees."

The announcement states that when, "efforts were underway to upgrade Michigan's seat belt law from a secondary to a primary law, GM led the collaborative efforts," to support it. I am pleased to note that as a result of this upgraded law Michigan has one of the highest State belt use rates in the Nation at 94 percent.

Among the other specific activities for which GM is being recognized is its Safe Kids Buckle Up partnership with Safe Kids Worldwide. Under this program, child safety seats are checked by trained experts for proper installation; safety seats are provided to families in need; and education is provided to help assure that children are not left alone in vehicles and they are not allowed to play in trunks. Further, adults learn to walk around a parked vehicle to check for children before they start the engine and children are taught that it is never safe to play in driveways, parking lots or on sidewalks when vehicles are nearby.

There are 25 Safe Kids coalitions and chapters in Michigan, and, over the last 10 years under the GM-Safe Kids program, approximately 45,000 child safety seats in the State have been inspected and another 13,500 have been provided to families in need free of charge. In addition, several permanent child seat inspection stations have been set up, run by Safe Kids, and four mobile car seat check-up vans donated by GM are operating in the State.

Madam Speaker, I have had the opportunity to witness the work of Safe Kids Flint, which is part of the Hurley Medical Center. The dedicated men and women who work at these events volunteer a significant amount of their time and talent to assure that children are riding safely in vehicles, and they provide very valuable information to parents. Safe Kids Flint has reported that 19 lives have been saved after families who attended one of the organization's events were involved in crashes.

I am pleased to join in congratulating General Motors for this recognition of its exceptional corporate citizenship in working to protect the citizens of Michigan through the Safe Kids partnership and many other safety activities.

HONORING RAYMOND D. HENNAGIR FOR HIS BRAVERY AND SERVICE TO THE UNITED STATES OF AMERICA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. ANDREWS. Madam Speaker, I rise to honor Corporal Raymond D. Hennagir of Deptford, New Jersey. Corporal Hennagir was injured while on foot patrol in Zaidon, Iraq. He stepped on an improvised explosive device, losing both of his legs and four fingers on his left hand. The bravery of this man is truly inspiring. Out of respect and gratitude for the great service Corporal Hennagir has given his country, I submit this poem written in his honor by Albert Carey Caswell.

TEACH ME

Teach Me!
Teach me well!
You so beseech me. As you so gallantly look past all of your pain and heartache, all of your hell!
Reach Me!
As you Reach in and out to Me! With your heart which so swells!
As your most splendid heart to me, so all about life . . . so tells!
All about courage and faith!
All about not letting pain and heartache, get in your way . . . and not letting go, or your soul erase!
All about courage's, most courageous face!
Let me learn!
As from you, and all of your character I can so discern!
All about life . . . and all about what is possible, when within a great heart a soul so burns!
So I can grow!
So I can learn, so throughout my life I can so use and learn . . . of what a heart is capable of so!
As your blessings to me you now so bestow, ever in these moments of my life . . . I will know!
Which, can so show me . . . that path!
Which, can so show me the way . . . which can so teach me all about the things which last . . .
As I watch you and your most heroic glow! The questions to my heart you so answer, I ask?
For you have touched me, with your most heroic glow!
For you have so taught to me, all that it is . . . that I so need to know!
So I can touch the sky, so I can so soar so very high . . . a part of you, I will take with me I'll show!
For on this Earth . . .
Our Lord God so puts on such men and women of such fine worth . . .
To Teach Us All, to so hear his call . . . to make us all understand, of what it is which comes first!
Everybody loves Raymond, You Teach Me . . . Teach Me So!

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Ms. WOOLSEY. Madam Speaker, on March 14, 2008, I was unavoidably detained and was not able to record my votes for Rollcall No. 143–146.

Had I been present I would have voted:

Rollcall No. 143—Yes—Providing for the consideration of the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Rollcall No. 144—Yes—Providing for the consideration of the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Rollcall No. 145—Yes—To amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Rollcall No. 146—Yes—On Approving the Journal.

RECOGNIZING OFFICER PAUL JUSTIN COFFEE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize and congratulate Officer Paul Justin Coffee for being named the 2007 Police Officer of the Year by the Euless Police Department.

Officer Justin Coffee has been with the Euless Police Department since March 2005. Prior to serving and protecting the Euless community, Officer Coffee was a police officer in Bedford, Texas for seven years. He holds an Advanced Peace Officer certification from the great state of Texas.

Officer Justin Coffee, a native Texan, graduated from L.D. Bell High School and attended Tarrant County College. His father is a police sergeant in Hurst, Texas and his brother is a police officer in Bedford, Texas. Officer Coffee is married to Sarah and they have three children.

During Officer Coffee's distinguished career in the Euless Police Department, he has received seven commendations, was nominated for the 2006 Rookie of the Year, and was selected as one of six Field Training Officers for the department. He consistently maintains a high level of competency and has gained much respect among his fellow police officers.

It is with great honor that I recognize Officer Paul Justin Coffee for his dedication and outstanding service to the Euless Police Department and the City of Euless, Texas. I applaud his numerous achievements and wish him continued success in his service. I am proud to represent Officer Coffee in the 24th District of Texas.

HONORING THE LIFE OF MS. FRAN TONEY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Ms. Fran Toney, Executive Director of the Plymouth Community Chamber of Commerce, upon her retirement from 17 years of dutiful service.

Fran Toney is a woman who has always loved Plymouth, Michigan. Fran has focused the past 17 years of her career on getting others to love it too. As executive director, Ms. Toney encouraged members of her community to invest in local businesses and the community. Under her venerable tenure, the Plymouth Community Chamber of Commerce has nearly doubled its size from 400 to 700 committed members. Ms. Toney initiated more than 42 new programs which continue to make the Plymouth area a prosperous and proud part of Michigan. From Scarecrows in Kellogg Park to the annual Auction Fundraiser, Fran Toney has made the Plymouth Community Chamber of Commerce a point of pride for our community and the entire state of Michigan.

Madam Speaker, for 17 years Ms. Fran Toney has faithfully served the Plymouth community and its citizens. As she enters the next phase of her life, she leaves behind a legacy of dedication, vibrancy, and fellowship. Today, I ask my colleagues to join me in congratulating Ms. Fran Toney upon her retirement and recognizing her years of loyal service to our community, state and country.

HONORING THE 60TH ANNIVERSARY OF THE ANNANDALE LIONS CLUB

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to pay tribute to the Annandale Lions Club. a truly outstanding organization that has served Annandale. Virginia for 60 years.

Throughout its history. the Annandale Lions Club has embraced the Lions' philosophy of "We Serve," and all residents of Annandale—

young and old—owe them a debt of gratitude. To date, the club has raised over $1,000.000 and has dedicated innumerable hours toward making their community a better place to live.

Thanks to the Lions, there is playground equipment at Annandale Elementary School. Thanks to the Lions, Fairfax hospital got its first maternity ward. Thanks to the Lions, there are bleachers and lights at the Annandale High School athletic fields.

As Annandale evolved from small rural town to bustling suburb, the Lions have been there to help keep up with change. They marked streets, numbered houses and mapped their community to help firefighters respond to emergencies and facilitate mail delivery. As the number of children in the area grew, they helped provide wholesome activities by sponsoring Scout troops and baseball teams. They constructed the children's playhouse at the Annandale Christian Community for Action's (ACCA) day care center, and have sponsored local youths for the Virginia Boys and Girls State summer leadership and citizenship programs.

The Annandale Lions, like Lions everywhere, also do a great deal for those with special physical needs, particularly those with vision and hearing impairments. They support sight and hearing screenings and research, and have offered financial assistance to the Virginia Lions Eye Institute.

Madam Speaker, I know my colleagues join me in thanking each and every Annandale Lion for their hard work and dedication to helping others in making Annandale a great place to live. I am proud to honor the club on its 60th anniversary, and wish them continued success in the years to come.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 1, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 2

9:30 a.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy.
SD–124

Foreign Relations
To hold hearings to examine Iraq after the surge, focusing on military prospects.
SD–419

Judiciary
To hold oversight hearings to examine the Department of Homeland Security.
SH–216

Joint Economic Committee
To hold hearings to examine the current economic outlook.
SD–106

10 a.m.

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009 for the Cooperative Threat Reduction Program and the Proliferation Security Initiative at the Department of Defense, and nuclear nonproliferation programs at the National Nuclear Security Administration, and the future years defense program.
SR–232A

Environment and Public Works
To hold an oversight hearing to examine the listing decision for the polar bear under the Endangered Species Act.
SD–406

10:30 a.m.

Appropriations
Defense Subcommittee
To meet in closed session to examine National Reconnaissance Office (NRO)/Space Programs.
S–407, Capitol

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine National Labor Relations Board Representation elections and initial collective bargaining agreements, focusing on safeguarding workers' rights.
SD–138

11 a.m.

Homeland Security and Governmental Affairs
To hold hearings to examine nuclear terrorism, focusing on assessing the threat to the United States.
SD–342

2:30 p.m.

Commerce, Science, and Transportation
Business meeting to consider S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, S.J. Res. 28, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership, S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005, H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, and the nomination of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration.
SR–253

Foreign Relations
To hold hearings to examine Iraq after the surge, focusing on political prospects.
SD–419

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the Department of Defense contracting in Iraq and Afghanistan.
SR–222

APRIL 3

9:30 a.m.

Armed Services
To hold hearings to examine the nominations of Gen. David D. McKiernan, to be General, and Commander, International Security Assistance Force, Afghanistan, Lt. Gen. Raymond T. Odierno, to be General, and Vice Chief of Staff, and Lt. Gen. Walter L. Sharp, to be General, and Commander, United Nations Command/Combined Forces Command/United States Forces Korea, all of the United States Army.
SD–106

Energy and Natural Resources
To hold hearings to examine the current price of oil, focusing on non-commercial institutional investors.
SD–366

Foreign Relations
To hold hearings to examine the conditions and developments of Iraq in 2012.
SD–419

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine the status of the Surface Transportation Trust Funds and impact on federal spending.
SD–138

Veterans' Affairs
To hold hearings to examine legislative presentations from sundry Veteran Affairs organizations.
SH–216

10 a.m.

Banking, Housing, and Urban Affairs
To hold hearings to examine turmoil in U.S. credit markets, focusing on the recent actions of federal financing regulators.
SD–538

Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the National Aeronautics and Space Administration Fiscal Year.
SD–192

Commerce, Science, and Transportation

To hold hearings to examine international fisheries, focusing on management and enforcement.

SR–253

Environment and Public Works

To hold hearings to examine strategies to reduce greenhouse gas emissions at United States colleges and universities.

SD–406

Finance

To hold hearings to examine outside the box on estate tax reform, focusing on reviewing ideas to simplify planning.

SD–215

Homeland Security and Governmental Affairs

To hold hearings to examine Federal Emergency Management Agency, focusing on if the agency is better prepared for a catastrophe now than it was in 2005.

SD–342

Judiciary

Business meeting to consider S. 2136, to address the treatment of primary mortgages in bankruptcy, S. 2133, to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, S. 2041, to amend the False Claims Act, S. 2533, to enact a safe, fair, and responsible state secrets privilege Act, S. 702, to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs, S. Res. 468, designating April 2008 as "National 9-1-1 Education Month", and the nominations of Catharina Haynes, of Texas, to be United States Circuit Judge for the Fifth Circuit, and Rebecca A. Gregory, to be United States Attorney for the Eastern District of Texas.

SD–226

10:30 a.m.

Aging

To hold hearings to examine scrambling for health insurance coverage, focusing on health security for people in late middle age.

SD–608

2 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold joint hearings with the House Committee on Oversight and Government Reform Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia to examine managing diversity of senior leadership in the Federal workforce and Postal Service.

2154, Rayburn Building

2:15 p.m.

Judiciary

To hold hearings to examine the nominations of Mark S. Davis, to be United States District Judge for the Eastern District of Virginia, David Gregory Kays, to be United States District Judge for the Western District of Missouri, David J. Novak, to be United States District Judge for the Eastern District of Virginia, Stephen N. Limbaugh, Jr., to be United States District Judge for the Eastern District of Missouri, and Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General.

SD–226

3 p.m.

Armed Services

Airland Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 on Army modernization, and the future years defense program.

SR–222

APRIL 4

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the current employment situation.

SD–106

APRIL 8

9:30 a.m.

Armed Services

To hold hearings to examine the situation in Iraq and progress made by the Government of Iraq in meeting benchmarks and achieving reconciliation.

SD–106

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the Federal Trade Commission reauthorization.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the digital television transition, focusing on consumers, broadcasters, and converter boxes.

SR–253

Energy and Natural Resources

To hold hearings to examine S. 2259 and H.R. 813, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, H.R. 31, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects, H.R. 716, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan, H.R. 786, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, H.R. 1140, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, H.R. 1503, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra Black Wash Reclamation and Riparian Restoration Project, H.R. 1725, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled Non-Potable Distribution Facilities and Demineralization Desalination Recycled Water Treatment and Reclamation Facility Project, H.R. 1737, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California, and H.R. 2614, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California.

SD–366

Foreign Relations

To hold hearings to examine Iraq after the surge.

SH–216

Armed Services

SeaPower Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 on Navy force structure requirements and programs to meet those requirements, and the future years defense program.

SR–222

APRIL 9

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine making Veterans Affairs the workplace of choice for health care providers.

SR–418

10 a.m.

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of State and foreign operations.

SD–138

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine S. 1633, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefield and related sites of the Battle of Shepherdstown in Shepherdstown, West Virginia, as part of Harpers Ferry National Historical Park or Antietam National Battlefield, S. 1993 and H.R. 2197, bills to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, S. 2207, to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee, as a unit of the National Park System, S. 2254, to establish the Mississippi Hills National Heritage Area in the State of Mississippi, S. 2329 and H.R. 2627, bills to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site, S. 2502 and H.R. 3332, bills to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, S. 2512, to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and H.R. 3998, to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures.

SD–366

APRIL 10

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine aviation safety oversight.

SR–253

APRIL 15

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 2438, to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

SD–366

APRIL 23

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine an update on the Veterans Affairs and the Department of Defense cooperation and collaboration.

SR–418

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine phantom traffic.

SR–253

SENATE—*Tuesday, April 1, 2008*

(Legislative day of Thursday, March 13, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. WEBB).

PRAYER

The ACTING PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Elliot Foss, the national chaplain of the American Legion.

The guest Chaplain offered the following prayer:

Let us pray.

God, bless America. You have shined Your face on us before, and we need Your guidance and protection, now more than ever.

God, bless America. Bless our President, our leaders in Congress, and our State and local leaders, as they all seek to serve those who have entrusted them to their offices. May Your light shine in their hearts always.

God, bless America. And for these men and women here today, I ask You to give them wisdom, courage, and hope for the future. Give them Your grace and Your peace; that as they seek Your face, You would impart to them Your wisdom, Your courage, and Your hope, that they will do Your will at all times.

Please, God, bless America and our citizens who seek to live in peace and harmony with one another in this country of "One nation under God." Encourage them to "Do unto others" that we all might be prosperous in all we do, by helping those in need and less fortunate.

May Your love surround our citizen soldiers, sailors, airmen, marines, Coast Guard personnel, and their families each and every day throughout this world, and please, God, bless America and bring our troops safely home when all is done. Amen.

PLEDGE OF ALLEGIANCE

The ACTING PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if he chooses to make remarks, there will be a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each. The Senate will recess from 12:30 p.m. until 2:15 p.m. for our normal weekly caucus luncheons. Following the recess, the Senate will resume consideration of the motion to proceed to H.R. 3221, which is the housing bill. At approximately 2:30 p.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to this legislation. The last 15 minutes is set aside for the two leaders, and if we choose to use that time, that is equally divided. The vote will occur, as I have indicated, at 2:30 this afternoon.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 12:30 p.m., with the time equally divided between the two leaders or their designees and with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Georgia.

WELCOMING THE GUEST CHAPLAIN

Mr. CHAMBLISS. Mr. President, I rise this morning to recognize the Reverend Elliot Foss, who is our guest Chaplain this morning. Reverend Foss is quite a unique individual. He is currently the national chaplain of the American Legion. He was appointed by Commander Martin Conaster on August 30, 2007, to that position.

Reverend Foss is a retired U.S. Navy command master chief and hospital corpsman, having served in the Submarine Service. He served in the Navy during Vietnam and through the Persian Gulf war.

He attended Candler Seminary and School of Ministry at Emory University in Atlanta, GA. He served as a pastor in the States of Maine, Virginia, Connecticut, Florida, and Georgia.

He currently resides in Kingsland, GA, with his wife Arlene. He is an ordained Southern Baptist minister. He is a member of American Legion Post 317 in the coastal area of Georgia, where he serves as post commander. He also has served as the Eighth District vice commander and as Post 9 commander in Brunswick, GA. He has served as the American Legion Department of Georgia chaplain for the past 7 years.

I think in this difficult time our country is faced with right now, where we all are very cognizant of the fact that we have a number of men and women in harm's way as well as a number of veterans who have served our country so valiantly in the past, it is very appropriate that we have the current chaplain of the American Legion in this great country of ours to stand before us and ask for blessings upon all Members of this body as well as the other leadership from a civilian standpoint as well as a military standpoint.

Reverend Foss is a terrific individual. I happened to be with him last week in Kings Bay, GA, which is the home of a submarine fleet. We had the USS *Georgia*, which is a converted nuclear submarine, return to Kings Bay, where it is going to be stationed now. We had a very great ceremony on Friday of last week at Kings Bay, and Reverend Foss was very much involved in the planning for that ceremony.

So I say to him, thanks for coming and for extending that great blessing to us, and congratulations on serving as the national chaplain of the American Legion.

With that, Mr. President, I yield back.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

HOUSING CRISIS

Mr. BOND. Mr. President, as I think we all know, far too many families in America are seeing the American dream of owning their own home slip away.

Over the Easter break, I toured the State of Missouri. In every community around the State I met with people who are struggling under the threat of foreclosure, neighborhood groups concerned about the impact of foreclosure on their families and on their communities, mayors, city council leaders who are seeing their communities threatened seriously by this spate of subprime foreclosures, and most of all mothers and fathers with children who are facing the loss of their home.

I did not talk with speculators, investors, or the folks on Wall Street, but

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the people I talked to did have a number of thoughts—thoughts they believe would help them keep the promise of keeping their home. They did not want a Federal bailout. But they were looking for ways to make the system work for them.

Some of the suggestions they made were at the macro level and, among others, they said there ought to be regulation—probably Federal regulation—of those who originate mortgages. Now, many of the bricks-and-mortar lending institutions—banks, and savings and loans in the community—are regulated, but there are many mortgages, subprime mortgages, that were sold over the Internet and by fax. Whenever I go home, my fax machine is filled with 1 percent mortgage teaser rates.

They also want to see HUD be able to move more quickly in getting the FHA secured loans. That is a good idea—to go in and to help homeowners whose mortgages have reset and caused them to lose their homes—but it is too narrow. They think that ought to be reformed.

I believe that through FHA, we, as taxpayers, should not be put at risk by insuring loans where there is zero downpayment. Regrettably, zero downpayment too often means the homeowner can't afford that mortgage and they walk away. The often cited program, the Nehemiah Program, which provides charitable contributions to take care of the downpayment requirements, has an appalling 30 percent default rate. That is a raid on the Federal Treasury. We ought not to be doing that. Before people make a loan, they ought to have counseling and education to make sure their finances, their income will support the mortgage payments.

Also, when you buy a home, you might have to support the replacement of a furnace that blows or a leaky roof, things that renters don't have to pay. If they can't afford to buy a home, we want to see them in a good home that could be a rental home.

But the most important thing they said we could do now is provide counseling, to bring together those homeowners whose homes are in foreclosure or who are facing foreclosure, to sit down with the lenders and see if they can work out an agreement before they go to foreclosure. Everybody says: Well, what interest does a lender have in avoiding foreclosure? Well, foreclosures are expensive. They drive down the value of the property and potentially put at risk the value behind other mortgages they may own in the same community.

Last fall, Senator DODD and I agreed to include $180 million in the Housing and Urban Development Appropriations bill to begin counseling. The first $130 million has gone out. We are beginning to see the results of that. Those counseling dollars can help homeowners, if they will go to a counseling entity such as The United Way or local governments to get counseling, before they wind up on the courthouse steps.

In addition, there need to be dollars available to buy down mortgages where the mortgage rates have skyrocketed because of the subprime crisis. That is why, in the SAFE Act which I have introduced with my colleagues—the Security Against Foreclosure and Education Act—we make sure there is money available through the State Housing Finance agencies. I know well the Housing Finance Agency in Missouri—the Missouri Housing Development Corporation—and they have a great plan. If they can have more money, maybe $160 million to $180 million, possibly $200 million in Missouri, they could go in and refinance mortgages where the private mortgage holder has had to increase substantially the rate because of the overall market conditions. If these HFAs can sell paper, tax-exempt paper, they can bring back the mortgage rates to the level that was affordable initially.

It is very important for fixed-income homeowners to count on a certain mortgage payment. Some have seen it go up 50 percent, and too many of them are being forced to the choice of walking away because they can't meet it. We need to get HFAs to have the ability to go in and refinance those mortgages.

In addition, with Senator ISAKSON, we have included in the SAFE Act a measure to provide a tax credit for families willing to buy a home in foreclosure or going into foreclosure. In other words, it would be a $5,000 tax credit for each of 3 years for families who would move into one of these homes either in foreclosure or facing foreclosure. That not only gives a boost to first-time home buyers, but the most important thing it can do for communities is avoid the problem of having a community with 20 percent of the homes in foreclosure.

This isn't a problem for just the 20 percent of the families who are facing foreclosure; that is a potential disaster for the other 80 percent of the homeowners because what it does to the value of their homes and to the value of every house in that community is to drive the values down significantly, so they may find their home is worth less than the value of the mortgage.

Finally, we want loan transparency. As a former lawyer, I have had the dubious pleasure of going through home purchasing documents several times recently. They give you a stack of paper this high that has all been written by lawyers, God bless them, and it has every contingency spelled out. But most people who go through the purchase process spend 40 minutes signing the papers without knowing what is in them. What we want is a very simple disclosure on top, which is binding on the lender and on the borrower, that says what the rate will be, if it is adjustable, how high it can adjust, when it can adjust, if there is a prepayment penalty, and what are the other terms that might cause significant economic distress to the home buyer. They need to know that in advance. Also, there ought to be counseling to help those prospective home buyers measure their financial ability, their ability, through their income, to buy a home and to make sure they can afford the mortgage they are seeking.

I hope this is the basis on which almost all of us in this body can agree. We have heard a lot about what is going on at the macro level. There are important things happening with the Fannie Mae and the Freddie Mac, such as getting $200 billion more that they can loan, and the Federal Reserve moving in. All these things are important on a large national scale.

This is not only, however, a national and international problem; most of all, it is a community problem. The proposals we have set forth in the SAFE Act are designed to help build up from the community level the solutions we need for home buyers and homeowners, particularly those threatened with foreclosure. We are only going to solve this problem if we work community by community. The SAFE Act is designed to help homeowners, counselors, and local government officials deal with the problem in their communities and build, community by community nationwide, the solutions to the problem that affects not just homeowners but affects our entire country.

I invite our colleagues to look at this legislation. I hope we can discuss it, as our leader has said, and come to agreement on some things we can pass, and pass right now, because too many homeowners are facing a crisis and need help.

I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank the Senator from Missouri for his words. I was reminiscing, as I was listening to him, about my work as the HUD Secretary, and many times getting good counsel and advice from my main appropriator, a man who knows a great deal about this whole problem and about this issue, and I thank him for his comments. I think he is exactly right when discussing how the problem we are seeing today is hurting families.

When I had the good fortune to be at HUD, it was in the good times. We were talking about ever-increasing rates of home ownership, particularly among minority families; more and more people getting into home ownership. It was a good thing because as we were doing that, we were building communities. Streets were getting stronger and families were getting stronger and cities and communities were getting stronger. Now we are seeing the reverse of that. That is why it is so important to take the steps the Senator from Missouri suggested and to move forward aggressively on this problem.

Let me talk a little bit about what I saw in Florida during the last few days when I was there. I think in Florida it is a microcosm of the problem. The state of the market is one in which we see increasingly, at the level of the homeowner, that people are more and more distressed and more and more in trouble about holding onto the home they have. You drive around and see signs about a foreclosed home for sale. In addition to that, you know people are having a problem making ends meet.

The second situation related to that is the fact that many people are now staying away from the market. They are simply not buying homes. The reason for that is there is a sense of insecurity about where we are today in this very difficult moment. So as a result, we find that homes are not being purchased. This is having an impact on market prices, where home prices are in a decline and fewer and fewer buyers are in the marketplace. As a result of all these things, there have been significant economic impacts on the State of Florida. So what begins as a problem for a family—and a significant problem, a heartbreaking problem—becomes a compounding problem when it impacts the entire economy of a State such as Florida.

The State of Florida is greatly dependent on homebuilding for its economy, and that is a fact. When speaking these past few days to people in the industry, I am hearing from homebuilders who are saying: I have had to lay people off. I had to lay off substantial numbers of the workforce. Large homebuilders have laid off hundreds and hundreds of people. The impact on the economy is significant.

So the Florida situation is somewhat revealing of what is happening across the country, which is why I come back here more determined than ever that we have to act; that this is a time for the Congress to take strong and significant action to try to have an impact on what is a deteriorating situation.

Everybody keeps talking about whether we have hit bottom or when the housing market is going to hit bottom. Well, I am not sure if we have hit bottom yet. I hope we have, and I hope we are beginning the situation of ascending back. But the bottom line is we have to act, and there are things we can do in certain areas where we must act.

I suggest we act in three areas. One is the area that impacts the homeowners themselves. That is what Senator BOND was talking about: About home counseling, about getting people help, about workouts. The fact is, it is in the best interests of a financial institution to work out a loan with a hurting homeowner rather than to turn that into foreclosure. Nobody wants to have a foreclosed home on their inventory; what they want is the homeowner continuing to make their payments.

We have to work on housing counseling. We also have to do FHA modernization. I see the Senator from Connecticut, my chairman. We have worked hard to get FHA done. We have to get that done. That is going to help families by making the FHA a more active player in this current marketplace. It is going to bring FHA into play by allowing them to do larger loans, by allowing them to be more flexible in the loans they do.

FHASecure is a good first step. We need more flexibility in FHASecure. We need to make sure families who have already gotten in trouble but who are not desperate yet—who have not gotten yet to foreclosure but who have gotten behind—are able to utilize FHASecure. Why do we do that? Because it will allow families to get into an FHA mortgage that will allow them to be in a mortgage they can carry and keep out of trouble.

We need to stabilize values. We need to make sure the decline in home values stops, because as that happens, the equity in homes continues to decline, and that is not good for the economy as a whole.

How can we help with these ideas? One I like a lot is Senator ISAKSON's idea to provide a tax credit to try to lower the inventory of unoccupied homes. If these homes are unoccupied, as has happened in Florida—many were built that are today not being bought. We need to get the market going again. We need to get people back into buying homes. We need to make sure they have an opportunity to do so. The encouragement of a tax credit I think will go a long way toward doing that.

A second related problem is liquidity. I have talked to homebuilders who are telling me they have some buyers who cannot find loans. Banks are not lending money. Money has tightened. So as money has tightened, we need to provide those things which will create more liquidity in the marketplace. Which is why I am fearful that cramming down mortgages is not a good idea; in fact, it will work against providing more liquidity.

I also wish to look at the long-term effects. There is a need for regulatory reform. I have talked about the regulation of the government-sponsored enterprises Fannie Mae and Freddie Mac home loan banks.

We need a stronger, more effective regulator. I have been preaching this since I was at HUD. This is an important concept. We have increased loan limits and lowered capital requirements to 20 percent. As we have done that, it is necessary that we look at a stronger regulator. The rules today are not up to par for what we need. These are trillion dollar companies of incredible importance that will play a significant role in getting us out of the market dilemma we are in. In order for them to be stronger and for them to have the kind of investor confidence they must have, I think a stronger regulator would be a great step forward.

I commend the Secretary of the Treasury for the proposal he made on a broader regulatory scheme for our financial world. I think some of these ideas that are also being discussed in Congress are important. We need to consider them and many need to be adopted. They may be on a second tier.

I am looking at more immediate things we can do to prop up the housing market and look forward in that regard. I want to touch on the importance of working in a bipartisan fashion. Chairman DODD and I have had conversations. It is important we work together and come together with something that will help the American people. The people of Florida desperately need help. This is a problem not only relating to the end consumer, the homeowner—the family who tasted that dream of home ownership and got into a loan and is now seeing the nightmare of losing it—but also to those people who have lost a job or are fearful of losing one.

The economy depends so much on housing. That is what we need to address. I hope we will come to some understanding of how to move forward in a bipartisan fashion and work toward a solution that will help the American people get back to the strong, vibrant economy we have known in recent years, and also continue to grow that dream of homeownership for more and more American families.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Connecticut is recognized.

HOUSING CRISIS

Mr. DODD. Mr. President, I say amen to my colleague from Florida. I didn't hear everything he said; I missed the opening few sentences, but I think I heard about 99 percent of his comments. We have had good conversations privately over the last number of days. What the Senator from Florida probably didn't tell you is that in a previous life he was the Secretary of Housing and Urban Development, the person responsible for a lot of the housing issues in the country. Prior to that, he was involved in the State of Florida in housing issues. He has had a wonderful record of caring deeply about homeownership for those who would not have had the opportunity to acquire homes. So there is a history in his private life, as well as public life, as well as understanding and caring about these issues.

The last point the Senator made is the one I will address as well. This is not a time for partisan politics. We need to get the job done and start working on this immediately. We should have been at this weeks ago, in my view. There is nothing I can do about that, but there is something we can do about this today. I hope that in the coming hours we will do just that. No other issue is as important as this one.

The Senator from Florida outlined in a broad way some of the very issues that need to be addressed. I agree with him and I thank him for his commitment to this and his willingness to see if we can pull together a package, and it may not solve every problem.

I was talking earlier to some folks, saying that the word missing is "confidence"—the confidence of that family in Florida, the confidence of the investment banker, the confidence of the person involved in the equity markets globally—the word "confidence." How do we restore that and give people a sense of confidence about where we are going.

While I want to be careful about drawing too tight comparisons there is a key period that history has written volumes about, from March of 1933 to June of 1933—the first 100 days of the Roosevelt administration—and there was nothing orderly about it. It was rather chaotic. During the Roosevelt administration, in the midst of a major economic crisis, on the very day of his inaugural, banks were closing their doors all across the country. We think of that line: "There is nothing to fear but fear itself." That administration was trying everything they could to restore confidence. While a lot of their ideas didn't work, or were ill-conceived in some cases, there was a sense in the country that their Government was working on their problems, that the people in charge were trying to make a difference in their lives.

We are not in a great depression, we are in a recession. We could end up in a very similar set of circumstances if we don't begin to act. The American people want to know we are acting, that we understand what they are going through, and that their Government, the legislative and executive branch, is worried about them and doing their best to make a difference in their lives. That is what this is all about.

This morning I want to lay out, if I can, as chairman of the Banking Committee, what we are doing and trying to get done. I hope in this pivotal week we can make a difference in stepping forward. I thank Senator KIT BOND of Missouri. He and I have worked together on so many issues over the last number of years. We worked together on The Family and Medical Leave Act many years ago, and recently we coauthored the $180 million of counseling dollars to assist families who got themselves into a bad deal—whether it was their fault or the fault of a broker. We are trying to work that out so they can stay in their homes. That has made a huge difference. I thank Senator BOND for his understanding of this very early on, and for the importance of that significant step. He has pointed out—and I agree—this issue is no longer just a housing issue, a foreclosure issue. You only need to pick up this morning's business section to read this headline: "Worst Quarter for Stocks Since '02." The first paragraph says:

> U.S. stocks ended the first quarter with the steepest loss in nearly six years as turmoil in the financial markets showed increasing signs of spilling over into the wider economy and debate turned from whether a recession was coming to how deep it would be.

That is a very accurate statement. This is spilling over. The contagion is no longer limited to housing and foreclosures. It is spilling over into every aspect of our economy, spilling over the shores of our country and having global implications. The time is now to come together and make a difference on this issue.

About a month ago, Majority Leader REID brought a bill to the floor, the Foreclosure Prevention Act. Unfortunately, progress on the bill was blocked and we were unable to even debate the bill, let alone vote on it. Since then, the challenges facing American homeowners have only grown worse. In the month of February alone, 223,651 more Americans entered foreclosure, according to RealtyTrac, a company that collects real estate-related data in the country. That amounts to 7,712 foreclosures on a daily basis—over 7,700 today, yesterday, and tomorrow. That is roughly 8,000 people who will be in the process of losing their homes in America—8,000 people every single day—unless we act to do something about it. We gathered to listen to people, who managed to get together over the weekend, on the Bear Stearns-JPMorgan deal, where $29 billion of taxpayer money will go to that deal with that issue. I would like to know there is as much concern about these ordinary people as there is about the shareholders in Bear Stearns. I feel badly that they lost a lot of money, but they are not losing their homes. These people—almost 8,000 every day—are.

So I am going to come to the floor every single day and recite the number on a daily basis of people losing their homes, until we do what I think we ought to do to step up to the plate and make a difference for them. If that foreclosure rate continues—and all indications are that it is actually increasing—almost 240,000 more Americans will have been foreclosed on during the month of March. UBS reports that foreclosures of this magnitude are on par with the severity of foreclosures during the Great Depression.

These foreclosure rates are not simply high in relative terms; they are at record levels, according to the Mortgage Bankers Association. The Mortgage Bankers data shows that more than 1 in every 50 homes with a mortgage in this country is in foreclosure. Foreclosure rates have been growing at record levels for some time, unfortunately.

Foreclosures are increasing because people are continuing to struggle to make their payments. The data tells us that 1 in every 13 homes with a mortgage has fallen behind on their mortgage. Every day that goes by without action means more families are losing their homes.

Compounding the problem, nationally, home prices continue to fall. Home prices are down over 10 percent nationwide over the past 12 months, and they continue to fall. This is the first time we have experienced such a deep and widespread decline—a national decline—in home prices since the Great Depression.

Merrill Lynch is predicting that home prices will fall by 15 percent this year and another 10 percent next year. It is quite possible that over the past month, since the Senate last debated this issue, an American who owns a $200,000 home has seen the value of that home fall by $5,000 in 1 month. I will repeat that. If you have a home worth $200,000, in the last month that home has lost $5,000 in value and may do that every month for the coming months. That is $5,000 of wealth that American families have lost while we in this body have been waiting to even discuss potential legislation to address these problems.

While we have waited, our country lost more jobs as well. We learned in the month of February that the American economy lost over 100,000 private sector jobs. We have lost private sector jobs in each of the last 3 months. With job losses mounting at the same time mortgage payments are rising, families are falling further and further behind in their ability to pay the mortgage, to make car payments, and to buy groceries and educate their children. At the same time, the cost of these essentials is rising.

Inflation has risen by 4 percent over the past year, far outstripping growth and wages. American families have to do a lot more with a lot less. They have to find a way to pay the bills that keep rising, while the value of their home keeps falling. Their job prospects continue to decline. It is no wonder that consumer confidence continues to fall, reaching record lows that have not been seen, by some measures, since the early 1970s.

We are clearly in the midst of a recession. It hasn't been called that yet by the professionals, but that is what it is. The only question we have is how deep it is and how long it will run. The answer to that question lies, in part, in what we do in this body to confront the challenges we face.

The legislation before us, which our colleagues and the majority leader brought to the floor, will help address the problems we are facing in the housing and mortgage markets in a number of ways. Senator MARTINEZ outlined the parameters briefly. I will go over them once again. These are not revolutionary or new ideas. Many of them already enjoy very broad bipartisan support, at least based on articles written by the American Enterprise Institute, comments by the Chairman of the Federal Reserve, comments by the Secretary of the Treasury, and comments by colleagues here and in the other body as well. So we are not talking about some radical new proposals here, untested, without much thought going into them.

The question is whether we can sit down over the next few hours and package something together and speak with one voice to the American people, saying we hear you. For those 8,000 people, you deserve at least as much of our attention as Bear Stearns and JPMorgan get. If we cannot do that, then every day, those numbers go up—8,000 a day, every day, people losing homes and falling into foreclosure. That is what I hope we will be able to do. These ideas involve counseling services and I thank Senator BOND for his efforts. We joined together to provide resources that are working.

Last week, I spent the week back home in my State. This issue was the dominant issue. We have in one city alone in my State, Bridgeport, Connecticut, where according to the mayor, there are between 5,000 and 6,000 foreclosures—in one of the largest cities in my State. I had to read the most bizarre headlines on the same day in my State, saying that Connecticut ranks No. 1 in per capita earnings in the country, and No. 2 with 6,000 foreclosures in the city of Bridgeport. There is great affluence, on one hand, because some have done very well, and on the other hand, some people are struggling to keep their noses above water. I listened to people at an event in Bridgeport, with the mayor, talking about how counseling services have been helpful, where they can work out a financial arrangement with the lender so they can stay in their homes, pay a mortgage they can afford, and the lender is getting its money—not as much as they would have liked, but more than getting a foreclosed property. So counseling works. It can make a difference for people. That is one of the provisions we are talking about here. I thank Senator MARTINEZ for highlighting that important issue. I thank Senator BOND for his earlier efforts. We need to do more. That is part of the leader's package.

We are also dealing with bankruptcy reform, improving disclosures, increasing the availability of mortgage revenue bonds, and appropriating emergency funds for local communities struggling with foreclosed and abandoned properties.

I commend the majority leader for his leadership in putting this kind of a package together. But I know there are other ideas out there. In fact, some of these ideas need to be moderated or fixed in some way. But that only happens when we work together, when we sit down and try to iron out these differences and then step up with our proposals and allow others who want to offer some ideas to this to be heard as well. It takes time, it is laborious, but that is the job of this body, not to sit there and walk away and do nothing. That is not an option, and failure ought not be an option either. So we need to roll up our sleeves and go to work.

These provisions can make a real difference for homeowners and the communities in which they live and our national economy as well. They are meaningful proposals, but they are also, I might add, modest, particularly in relation to some of the administration's actions.

The administration just took the historic action to support the takeover of Bear Stearns by JPMorgan Chase. This action was a major commitment of taxpayers' money—almost $30 billion. The Senate Banking Committee will conduct a hearing later this week on this particular arrangement and other recent actions by the Treasury, the Federal Reserve, and other Federal agencies to address the recent turmoil in the financial markets.

Without prejudging the outcome of our oversight and investigation of this unprecedented commitment of taxpayers' money, one thing is clear: It is now time to turn our attention to Main Street. As bold as the action was to help Wall Street, we must be bold to help millions of Americans who live on Main Street. Inaction, as I said a moment ago, is not an option, and failure is not either. Every day that passes creates new risks for the financial future of our Nation. We cannot hope this problem is going to go away and solve itself. Our competitors in the global economy are the only ones who will benefit if we do nothing to stem the rising tide of foreclosures that is hurting communities, families, the credit markets, and the overall economy.

The question is not whether we should act, but how. The majority leader has laid out what I believe is a series of responsible policies that will help American families to keep their homes and help communities throughout our Nation deal with the foreclosure crisis. Let me briefly describe several of these critical elements of the package.

The legislation increases funding for foreclosure prevention counseling. I have already addressed this issue. Again, we appropriated $180 million before. There is $200 million in the proposal before us that can make a huge difference to these nonprofit organizations out there working with lenders and borrowers, bringing them together for these workouts.

In addition to effectively fighting foreclosures, we must limit the damaging impact that foreclosures inflict on our communities. That is why we need to help our local communities cope with the serious economic and social problems that vacant properties create. Every one of my colleagues understands this point. I don't need to go through a long description of what happens when we have vacant properties in our towns, communities, and neighborhoods. It is axiomatic what happens. Everyone understands. First, we understand the value of the neighbors' houses goes down immediately. As I mentioned earlier, we are watching a $5,000 decline on a house worth $200,000 in a month alone, merely because of what is happening to declining prices. Throw a foreclosed property into that mix, and obviously you get a further deterioration. Property values for each home located within one-eighth of a square mile of one foreclosed house fall significantly. An average city block, in most of our cities, is one-eighth of a square mile. That is a rough calculation. If you have one foreclosure in that one city block, even though every other home on the block is current on their mortgage obligations, the value of every home on that block declines immediately by 1 percent and crime rates go up in that neighborhood by 2 percent. That happens immediately. Property values decline on an average of $5,000 with one foreclosure in that neighborhood.

We have 44.5 million homes adjacent to subprime foreclosed properties—44 to 50 million adjacent properties next to foreclosed properties. Let me repeat the statistic again. Every day, almost 8,000 people in this country are going into foreclosure—more than 220,000 in the month of February and at least, if not more, that number in the month of March. When that happens, other property owners suffer. So it is not just the family in the foreclosed property who is affected, it is that hard-working family who lives down the block who is also paying a price for this situation because we are not acting to try to come up with a way to get people to work out something that allows them to stay in their homes.

Localities are losing close to $4.5 billion in property taxes. Again, this is axiomatic. You end up with foreclosed properties, and you end up losing your tax base. Fire protection, police, social services, and schools all pay a price as well. There is a domino effect in this situation, and that is what Senator BOND was talking about earlier. This is no longer just a foreclosure problem. It is far deeper, far wider, and growing by the day. This is exactly what happens when we end up with foreclosures in a neighborhood, what can happen to other properties in that area.

That is why the issue of providing some additional assistance makes sense. I recommended $4 billion to go out to the community development block grants targeted specifically for restoring abandoned properties, making them more marketable, providing assistance to the communities. That is a lot of money, $4 billion. It is not $30 billion. That is what we are on the line for in the Bear Stearns-JPMorgan Chase deal. That deal was cut over the weekend. We never voted on it in this body; that is just a deal they cut. The Federal Reserve has the authority, apparently, to do that. I am not asking for $29 billion or $30 billion; I am asking for $4 billion to go back to our cities and communities to help mayors and towns in urban areas and rural areas where this is happening to provide help for them so they can put these properties in better shape so they can be sold.

The leader's bill also includes a Finance Committee provision that would allow State housing finance agencies to use proceeds from mortgage revenue bonds to help extend mortgage credit to people now trapped in predatory loans, as well as to new homeowners. It would also help expand affordable rental housing, helping people who need a place to go if they cannot hang on to their homes.

This provision, by the way, is one I heard over and over again, and you hear it in every State you go. They reached the max and they need relief, if that housing finance authority is going to be able to provide the kind of relief they need. This is an idea which has broad bipartisan support. I am told the Finance Committee—Senator BAUCUS and Senator GRASSLEY care about it. They believe it is the right step to take. Senator JOHN KERRY of Massachusetts has talked about this issue.

Mr. President, I ask for 5 additional minutes.

Mrs. BOXER. Mr. President, reserving the right to object, and, of course, I will not object, I just want to make sure that when Senator DODD finishes, I be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, others have made this recommendation as well. It has some value.

Senator DURBIN's banking provision is a controversial provision. Simply let me state what it is. Under an agreement reached in the 1970s, in order to get lending institutions to provide more credit to risky borrowers, there was an agreement struck that would not allow a workout to occur in bankruptcy when the primary residence is involved. You can have a workout where your secondary residence or farm is involved.

Senator DURBIN, I believe, rightly says: Why should that be the case? In bankruptcy, shouldn't the courts be able to work out something that allows people to stay in their homes or to afford a new mortgage? There is a lot of resistance to this issue, and there is an argument on the other side. I am not going to suggest there is not. My hope is we can work something out in this area. This cramdown, as it is called, this one provision has provoked a lot of objection to this bill, but I am committed to do everything I can to work it out, to allow a vote to occur and allow us to do something in this area.

Senator JACK REED of Rhode Island has a provision in the legislation that will improve disclosures to borrowers and make those disclosures available sooner in the mortgage shopping process. This provision will help borrowers avoid the kinds of abusive loans that are leading to so many foreclosures. I commend Senator REED for this proposal. Again, I think it is a pretty noncontroversial provision.

I understand there are other ideas as well. This is not comprehensive.

Again, Senator MARTINEZ mentioned one idea that JOHNNY ISAKSON has argued for, and I think it has value, to incentivize people to move into foreclosed properties by giving some kind of tax credit to lure people in. This is where the property has been foreclosed, the owner who occupied it is out, and we need to get the property owned and occupied. I think that idea has some value, and we should be able to debate and include that in a package as well.

I wish to mention a few other steps we might consider as well, in addition to the Isakson proposal.

We need to finish the job and enact legislation to modernize FHA. Senator SHELBY and I are working on this issue. BARNEY FRANK, a Congressman from Massachusetts, the chairman of the House Financial Services Committee, has been doing a great job, along with his committee members. I hope we can resolve the few remaining issues on modernization of FHA. We have 19 States that are high-cost States. We want to make sure FHA can do business in those States as well. I hope we can work out something to the satisfaction of all. That bill passed this body 93 to 1 late last year, and we have been working with the House to resolve our differences in that area.

I believe we need to enact comprehensive reform of the GSEs. Senator MARTINEZ mentioned this point, and I agree with it. A strong regulator is necessary, and we are going to get that job done to make sure Fannie Mae and Freddie Mac and Federal Home Loan Banks will be well regulated and can expand.

In addition, I believe we need to establish a new way to deal with the unprecedented wave of foreclosures. This is the legislation I have offered called the Hope for Homeowners Act of 2008. The legislation closely mirrors the approach recommended by the Chairman of the Federal Reserve, Ben Bernanke, and it has been approached by people across the ideological spectrum, including the American Enterprise Institute and the Center for American Progress. This legislation is not a bailout at all. It would provide no windfall to anyone. It says the lender takes a haircut, but you are going to keep people in their homes. The Presiding Officer liked the "haircut" analysis, I see. The borrower would end up paying a price by paying insurance on the property. They have to stay in the home to qualify for this provision. It is not going to be easy on them, but nonetheless we believe it allows for a bottom to be achieved, a floor. We think this will help some people facing foreclosures, but, as importantly, it provides a floor. And until we get to a floor of the foreclosure crisis, we are not going to find capital beginning to flow again. This idea of a voluntary program, only going to owner-occupied residences—not speculators and, frankly, not people who never should have gotten into a mortgage in the first place—it is targeted, designed to keep people in their homes and provide that floor we are looking for.

I hope something such as that can be included in this bill as well because we need to deal with the problem of credit. If we do not address the credit issue, we are not addressing the core of this problem. To only address the effects of the problem is not to address the underlying issue, and that is on seizing, if you will, the capital that needs to flow again. This idea, we believe, could do just that. So my hope is, in the coming days, we can enact something very much like that. It is an idea about which Congressman FRANK and I have talked.

I raised this idea several months ago, and I am delighted so many people across the spectrum have said this is a good idea. It was tried, actually, 40, 50 years ago in a different form than we are suggesting but, nonetheless, could make a difference.

There are a number of other ideas we could consider, but more importantly, as Senator MARTINEZ said, we need to get together on this issue. We cannot wait another day. There are almost 8,000 foreclosures a day—8,000 yesterday, 8,000 tomorrow, and every single day may be worse if we do not act. That is what this chart points to. It requires our attention and our serious energy to make a difference.

I hope in the coming hours we can reach an agreement to go forward to allow us to debate these issues and offer some sound ideas that will offer the American people and others involved in this issue the word "confidence," that their Congress, their Senate, their Government is not sitting idly by and hoping the problem miraculously will go away. We are working on their problem. We understand what they are going through. We care about it, and we want to make a difference for them. That is the challenge for us. I believe we can do this. This is not that heavy a job to get done—a simple amount of will in deciding it is deserving of our time and attention. If we do that, I am confident we can resolve these issues and set a very high standard for the action of this body in helping to step forward and make a difference in people's lives.

I yield the floor, and I thank my colleague from California.

The PRESIDING OFFICER. The Senator from the California.

Mrs. BOXER. Mr. President, I thank Senator DODD so much for his great leadership on this issue. The reason I very much wanted to speak this morning is because California is on the front lines of this crisis. We have about 25 percent of all the foreclosures in our State. I want to show Senator DODD where we rank in terms of the cities.

We make up 7 of the top 10 highest foreclosure filing rates nationwide. First is Stockton, Modesto, Merced—Merced is No. 4, actually. These are very much in the farmland countryside. Riverside-San Bernardino, which is east of Los Angeles and one of the fastest growing areas—and by the way, the place where all of the freight goes through to get to the rest of the country as it comes in from Los Angeles. Bakersfield is No. 7, Vallejo-Fairfield, 8, and Sacramento, right near our capital, 9.

We have 7 of the top 10 highest foreclosure filing rates nationwide. And the reason I stress it is because the things I am about to say are not theoretical. I have seen them happening. I held five roundtable discussions in various parts of my State, in many of these communities, and everything Senator DODD is saying about what occurs in a community is right on target because when you start with one foreclosure, and a house gets boarded up, and then someone else puts their house up for sale and it sits, suddenly you have a circumstance where crime is going up and properties are going down. It is a vicious cycle. Suddenly people owe more on their home than the home is worth, and it is a very dangerous circumstance.

The way I would describe it, Senator DODD, in thanking you so much, is this: This crisis keeps getting away from us because while this administration definitely cares about Wall Street—and, by the way, I used to work on Wall Street, and I think what they did makes sense—the question is, where are they when it comes to my communities, to your communities, to the communities all over the country that are struggling? Why don't they bring that same sense of purpose?

Today, we are going to see if our Republican friends have a change of heart because, of course, they stopped us the last time we tried to do this. But the commonsense things that are in your bill, and now I guess it is the leadership bill as well—and I thank you, Senator, I know you need to rush off—are just so sensible.

It provides $200 million in additional funding for housing counselors. And let me tell you anecdotally what I know from having spoken to counselors. When the counselors sit down with the mortgage lender and they sit down with the homeowner, miracles happen, and anecdotally I can tell you about 50 percent of the cases are resolved.

Now, times have changed. In the old days—and I would say that is when I bought my house, the old days—you had the banker down the street. If you wanted to refinance, you visited the banker down the street, and you told him the purpose of the refinance. Maybe you wanted to borrow on the equity of the home because you wanted to send a child to school. Maybe you wanted to add a new bedroom, expand the house, do some landscaping. It was very much a face-to-face situation. But because of the way the markets have changed, a lot of people don't even know who holds on to their mortgage. That mortgage may have been securitized, may have been put inside a big package of other things and may be sitting somewhere in a hedge fund. They do not know who actually holds their mortgage.

So you get a counselor who understands how to go about following this trail, and it makes a huge difference.

One would think, and I certainly would, that it is to everybody's benefit to save a home, not only for the lender and the homeowner but the community. So counselors are important.

We provide $4 billion in community development block grants for localities so they can get involved as part of the solution. We are in Washington, but the city council people, the mayors, the county supervisors, the Governors and the rest, they are on the ground where all this is happening. Give them some tools and give them some standards and let them have a chance to resolve some of this.

Allow bankruptcy judges to modify loans on principal residences. Right now—and I was struck to find this out, as most of my constituents are—if you declare bankruptcy and go to court, the judge can do a lot of refinancing to straighten you out, but he can't touch the principal home. If you have a second home, a third home, a yacht, a car, all that can be refinanced. But the judges have been blocked.

Now, I know there are some on the other side of the aisle who don't like this provision. Well, if you don't like it, please explain why because it doesn't make sense. They say it will raise interest rates. It is just not true the way this provision has been modified. But if you want to change it, then vote to proceed to this bill and then fix that provision. Don't stop us from going to this bill.

We provide an additional $10 billion in tax refunds for housing refinance agencies to refinance subprime loans. This is just another very good way to set up an agency that can help you out of your mess. If you want to stay in your home and you prove that you can stay in it, that you have the financial wherewithal, you can go to this to get these funds.

This increases transparency and accountability by simplifying disclosure on mortgage documents. We all know that is key. And we allow struggling companies to apply current losses to tax returns from prior profitable years.

This has hit home builders very hard, this downturn, and they need this help with Uncle Sam and the Tax Code.

So I want to say to my colleagues who may be listening—maybe there is one or two—that to stop us from going to this bill is very hurtful to the American people. It is very harmful to the American people. Experts are predicting that over 2 million Americans with subprime loans, including more than 460,000 Californians, will lose their homes. Let's grab this crisis finally by the tail and pull it toward us and resolve it. Don't let it get away further.

I can tell you, since we are in many ways at ground zero of this crisis, it is a very sad thing to watch what is happening. We have the ability to do a lot, and this is a modest bill. It is a good bill. It certainly doesn't spend as much as the bailout of Wall Street, which, again, I think was a good idea, but we certainly need to know more facts about it, and we certainly need to give the same attention and concern to the middle class of this great country.

From all the meetings I held around my State, I can tell you that people are looking to us, and they are not going to understand it when a colleague votes no to proceed to a bill because they didn't like one out of the six things in it. It just doesn't make any sense.

Let me give you from this chart one more look at the crisis in my State. This shows you nationwide that there have been 223,000-plus filings for foreclosure. That is 1 in every 557 homes nationwide. That is a 60-percent jump from 2007. In my State, which is a huge State, about 37 million, 38 million people now, we saw 53,000-plus filings, or 1 in every 242 homes, for an increase of 131 percent from 2007 to 2008. And then we break it down by counties here and we see the desperate situation that some of our counties and cities are going through.

We have already made some progress, and I want to thank my colleagues for the stimulus package where we did a few things that helped our State. One of them, in particular, was raising the conforming loans by Fannie and Freddie. That was very helpful. We also have moved to work to get more counselors out there. But there is not enough counselors out there.

So there is no question it is time but for us to act. We have faced, I don't know what it is now, 60, 70 filibusters by my Republican friends, and they have every single right to do it, but they also know—I know they know this—they will take the blame for this if nothing gets done. So I say to my friends, I understand you don't like everything on our list. I totally get it. By the way, there are things that are missing from this list that I would like to add. But I am not going to vote no to go to solving this crisis because there is something on here that I feel is missing.

In conclusion—the words everybody waits for when a Senator speaks—it is our turn to step forward, and if we fail to do so, we are irrelevant to this country. If we cannot have the courage to cast a vote to go to solving the housing crisis, we are irrelevant to this country when every leading economist tells us that it is the housing crisis that is at the heart of this recession.

I thank the Chair for this chance to speak. We need this bill to help our families stay in their homes.

Mr. LEVIN. Mr. President, I am hopeful that we can proceed to a debate on this important Foreclosure Prevention Act without further delay. Homeowners across the country are suffering, and there are a number of things Congress could do to improve the worsening situation. We need to put aside partisan bickering and work together to keep families in their homes and keep this crisis from further weighing down our economy.

Since we last voted on whether to take up this measure in February, it has become even more obvious that the mortgage crisis is triggering a domino effect that threatens to weaken and undermine substantial portions of our financial system.

The situation is dire. In Michigan alone, nearly 80,000 homes are expected to be lost to foreclosure by 2009. My State has seen an increase in the number of foreclosure filings of 282 percent since 2005.

Michigan is not alone in this crisis, nor are homeowners facing foreclosure and declining housing values the only ones being affected. Over the past few weeks we have seen the near collapse of investment bank giant Bear Stearns and an unusually active Federal Reserve working overtime to ease widespread concerns over our financial markets. At the root of these concerns is the fact that there is a long chain of investors and lenders relying on American homebuyers to pay what, in many instances are, shaky home loans.

It is urgent that we move forward on this bill to provide immediate help. Since we last tried to take up this bill, I have continued my series of roundtable meetings in Michigan communities. I have met with leaders from local and State government as well as organizations who are in the trenches working with families facing foreclosure to discuss practical ways to help homeowners and protect our economy from further damage. When I have asked for their feedback on this bill, they think it would help address a number of the problems they highlighted.

Across Michigan, everyone recognizes that declining home values affect not just those who are being forced into foreclosure or to sell at a loss but everyone who owns a home and the neighborhoods in which those homes are located. Many communities would like to rehabilitate abandoned and foreclosed properties so that surrounding property values do not continue to fall. But currently there are not funds to meet the growing demand. This bill provides $4 billion in Federal block grants to areas with the highest foreclosure rates and filings to help rehabilitate abandoned or foreclosed properties and prevent further damage to local housing values and neighborhoods.

I am encouraged by the work of many counseling organizations, such as those I met with during my roundtable meetings in Michigan, that are trying to help families avert foreclosure. But across Michigan, foreclosure prevention counselors are overwhelmed, and a lack of funds is tying the hands of local groups trying to help keep families on track. This bill would provide $200 million for this much needed pre-foreclosure counseling.

Because each new foreclosure affects the value of properties around it, in Michigan and across the Nation, there are also many homeowners who are facing the financial pressures of owing more on their mortgages than the current dollar value of their houses, a situation known as being "underwater." There is a critical need for more affordable loans to be made available to help these families refinance and stay in their current homes. Most homeowners do not want to uproot their children and leave their community behind, even if the balance of their mortgage is greater than the current market value of their home.

This bill would help address this problem by authorizing States to issue $10 billion in new tax-exempt bonds to help homeowners refinance adjustable rate mortgages. Providing refinancing options for homeowners in potentially solvent situations is an important component in the effort to reverse the current tide of foreclosures.

Ending the foreclosure crisis will require a team effort among Federal, State, and local governments, community and neighborhood organizations and lenders, brokers, and borrowers. This bill recognizes that fact. It provides an opportunity to help keep struggling families in their homes. It provides an opportunity to help restore our housing markets by keeping declining property values stable. It will protect neighborhoods from a glut of vacant homes. We need to take up this bill now, debate it, consider amendments, and then pass it. To not do so would be to sit idly by while too many needlessly suffer.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I understand I have 30 minutes, and I now ask unanimous consent that it be formalized.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL CONFIRMATIONS

Mr. SPECTER. Mr. President, I have sought recognition today to speak about three subjects: One, judicial confirmations; secondly, the budget resolution; and thirdly, the housing situation.

First, as to the confirmation of judges, through staff, I have notified the distinguished chairman of the Judiciary Committee that I intended to address this subject, and the theme of my comments is that we ought to be moving ahead on judicial confirmations.

We have a situation where there has not been one confirmation of a Federal judge this year. Since September 25th of last year, there has only been one hearing for a circuit judge, and that was on February 21, in the midst of a recess. There have only been two hearings that included district court judges, the one on February 12 and one other. Six nominees have been heard; four are on the agenda for this week's executive business meeting.

The comparison between what has happened with President Bush and President Clinton shows a decisive imbalance which requires prompt action by the Senate on the confirmation of President Bush's judges. During the last 2 years of President Clinton's administration, 15 circuit judges were confirmed compared to six for the last 2 years, so far, of the Bush Administration. During the last 2 years of President Clinton's administration, 57 district judges were confirmed compared to only 34 during the Bush Administration.

On the 8-year cycle for President Clinton, 65 circuit judges were confirmed and 305 district judges. And so far, during President Bush's two terms, 57 circuit judges have been confirmed and 237 district judges have been confirmed.

Now, the statistics can be argued in many ways, but I think it is hard to overcome the basic conclusion that it is unacceptable to have no confirmations of a Federal judge in the entire year, so far, in 2008. Three months have expired. It is unsatisfactory to have only one hearing for a circuit judge in the past 6 months, and last year only four circuit judges were given hearings.

Now, regrettably, this pattern has evolved over the past two decades. During the last 2 years of President Reagan's administration, the Senate was controlled by the opposite party and there was a stall. Then, during the last 2 years of President George H.W. Bush, the first President Bush, again during the last 2 years of his administration, judges were stalled. Republicans retaliated with gusto during the last 6 years of President Clinton's administration and exacerbated the warfare on judges following what the Democrats had done.

And, as we have seen in 2005, this Chamber was virtually cast asunder by the battle on the Democratic filibusters and the threat of a nuclear option or constitutional option to change the filibuster rules. It was open warfare in this Chamber, until it was finally worked out through the so-called Gang of 14. Now we have a desperate situation where judicial emergencies exist in many of these courts, and the Senate is not acting to confirm judges to fill those seats.

The Washington Post has editorialized on the subject to this effect. In December of 2007, the Post said:

> [T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crime in the region the 4th Circuit covers. Two nominees—Mr. Conrad and Steve A. Matthews—should receive confirmation hearings as soon as possible.

The Post further editorialized about another Fourth Circuit nominee:

> [B]locking Mr. Rosenstein's confirmation hearing . . . would elevate ideology and ego above substance and merit, and it would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship.

What we are dealing with is not just politics in the Senate. We are dealing with the rights of residents—as noted by the Washington Post, of businesses, of defendants and victims of crime—who are affected by the failure to move ahead and confirm judges. That, I suggest, is totally unacceptable.

I emphasize the blame rests on both parties, as this pattern has unfolded over the past two decades. Each time it has been exacerbated, it has intensified. I supported qualified judges during the administration of President Clinton because I thought it was inappropriate to tie them up. I thought the Democratic President was correct in seeking confirmation of his judges. Now I believe the Republican caucus is correct in saying it is inappropriate to block the confirmation of Federal judges, especially when no judge has been confirmed yet this year to the Federal courts and only one circuit court nomination hearing has been held in the past 6 months.

It is my hope that we will find a way to declare a truce. We have an election coming up in November. It may well be that there will be a change of parties—or not. It may well be that, unless a truce is declared, the opposite party will have sufficient votes through filibusters or otherwise to stop judicial nominations. It hurts the country. It hurts the people who are trying to get their cases decided. It hurts litigants.

The judicial process is fundamental in our society, and it is being thwarted by the tactics which have become business as usual in the Senate. I hope we will be able to resolve this matter. I hope we will be able to declare a truce. There is consideration being given to a variety of responses to this kind of conduct by the majority, and we all know any one Senator can tie up this body unilaterally because this place functions on unanimous consent and waivers of a lot of technical rules. That would be, perhaps, even more disastrous. But, we have to find a way out of this, I suggest, because it is totally unacceptable to continue as it is running today.

Mr. President, I now ask that the CONGRESSIONAL RECORD contain a separate caption for what I am about to say, under a resolution which I am about to submit to change the budget process.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the submission of S. Res. 493 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

HOUSING CRISIS

Mr. SPECTER. We are scheduled to have a vote at 2:15 this afternoon on a motion to invoke cloture on the motion to proceed to legislation that has been filed at the desk by the majority leader. This legislation contains a number of proposals, the most important of which is under consideration by the Judiciary Committee at the present time. I have filed alternative legislation, captioned S. 2133, which offered relief to homeowners who have so-called variable rate mortgages and who are facing bankruptcy.

Home buyers who have variable rate mortgages are sometimes surprised to find their payments, after a period of time, jump from—illustratively—$1,200 a month to $1,900 a month, an enormous change that they had not expected because they have a variable rate mortgage.

I believe that in these situations, there is a good basis to give bankruptcy courts authority to inquire into the circumstances of such mortgages and to roll back or reduce the interest rates. The rate of foreclosure for these types of mortgages has more than doubled in the past year while foreclosure among homeowners with fixed-rate mortgages has increased only modestly. Frequently, the person taking out a mortgage doesn't understand there is a risk that there will be a large increase in the interest rates on variable rate mortgages. Sometimes there is deception on the part of the lender or mortgage broker. Sometimes it may even constitute fraud. I believe the best policy would be to allow the bankruptcy courts to consider these matters on an individual basis. The lender is still going to receive, ultimately, the full amount of the principle but not with interest rates that put the home buyer in a precarious position, or even foreclosure.

Senator DURBIN has introduced legislation captioned S. 2136 that goes much further by authorizing the bankruptcy court to reduce the principal amount of the mortgage. I am opposed to that approach because it will increase the risk associated with mortgage lending and discourage lenders from providing capital for home mortgages. The Bankruptcy Code currently does not allow for the modification of mortgages because Congress did not want to discourage lenders from giving mortgages to future homebuyers. There is an excellent statement by Justice Stevens in Nobelman v. American Savings Bank in which he gives that precise reason for the provision barring modification of mortgages. Congress must be cautious about making changes to the Bankruptcy Code that will leave consumers worse off in the long run. I believe Senator DURBIN's proposal would have that effect.

I believe we ought to be acting on the issues confronting us on housing, but I am concerned that given the current state of affairs, the procedures to be followed will preclude amendments, such as my interest in offering an amendment with the substance of my bill, S. 2133. The better practice would be to work through the Judiciary Committee, which is now considering the Durbin legislation, with my legislation offered in Committee as a second-degree amendment. We are scheduled to have a markup on that on Thursday. Regular order would suggest that is a better practice to have it come out of the Committee, where we are in the process of having a markup. We will later have a committee report, and it would be much more conducive to appropriate deliberation than having a measure filed under Rule XIV, where it is lodged at the desk, where there has not been analysis and a markup, and there has not been a committee report.

If it is possible to offer amendments, I would consider supporting the cloture motion. However, if the majority leader is going to fill the tree and not allow amendments, then I am opposed to that procedure and would oppose cloture. The practice of so-called filling the tree is highly undesirable. The essence of Senate procedures is to allow Senators to offer amendments.

In February of last year, more than a year ago, I introduced a resolution, S. Res. 83, to change the standing rules so the same person could not offer both a first-degree and a second-degree amendment. This change of the rules would preclude the majority leader, who has priority of recognition, from so-called filling the tree to prevent anyone else from offering amendments. The Rules Committee has not acted on that resolution, but I think that is an important piece of business, that our rules ought to be changed so the majority leader could not be in a position to fill the tree and preclude other Senators from offering amendments.

I am open as to what is going to happen on the cloture vote this afternoon. But certainly, if there is not an opportunity for me to offer my amendment or for others on this side of the aisle to offer amendments, I will oppose it.

I believe I have some time left on my order. How much time do I have remaining? I have been asked to yield some time to my distinguished colleague from Utah. I believe this is Republican time at the moment. Parliamentary inquiry: Are we still on Republican time?

The PRESIDING OFFICER. The time is evenly divided until 12:30, a little less than 23 minutes.

Mr. SPECTER. I don't wish to step in front of the distinguished Senator from Colorado, his having waited on the Senate floor. But at any rate, I will not utilize the last 5 minutes of my time so it will be available to the Senator from Utah, either now or after the Senator from Colorado finishes his time because he has been waiting.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent that I follow the distinguished Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

ORDER OF PROCEDURE

Mr. SALAZAR. Mr. President, I ask unanimous consent that after I speak for up to 15 minutes, Senator HATCH be recognized for up to 15 minutes, and then following Senator HATCH, Senator DURBIN for 15 minutes, and then Senator REED of Rhode Island for the remainder of the Democratic time; if there is a Republican to speak between Senator DURBIN and Senator REED, that Republican Senator be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I come to the floor once again to urge my colleagues to begin serious work that is needed to address the housing crisis. The news keeps getting worse. Home prices continue to decline steeply. Home sales are reaching record lows, and the resulting shock to our broader financial system keeps getting worse. In the 2 weeks since we adjourned, we saw the Federal Reserve act to bail out a major investment bank by facilitating the purchase of Bear Stearns by JPMorgan. This marked the first time in history the Fed had acted to rescue a financial institution of this kind. It did so because of the impact a Bear Stearns collapse would have had on the entire economy.

Last week, it was reported home prices in the 20 largest metropolitan statistical areas suffered their largest drop in history, over 10 percent in 1 year. In some cities, such as Miami, Las Vegas, and Phoenix, the drop is as high as 18 or 19 percent. Yet because of the Republican filibuster in this Chamber 2 weeks ago, the Senate has failed to act to deliver meaningful solutions to this crisis which is at the center of the economic storm pummeling the middle class.

When we look at the headlines, they keep coming: From USA Today, "Battered Home Prices Keep Toppling;" from the New York Times, "Slump Moves from Wall Street to Main Street;" from the Wall Street Journal, "Housing, Bank Troubles Deepen;" from the Washington Post, "Mortgage Foreclosures Reach All-Time High."

We voted on the Foreclosure Prevention Act several weeks ago. The bad news since then has, in fact, gotten worse. This is a scene all too familiar across the States. All across America families are feeling the pain of the housing crunch. Price-reduced homes are on sale because they have been foreclosed upon. It is not just families who are being foreclosed upon; it is their neighbors whose home values have declined steeply as a result of foreclosures in the neighborhood. Again, it was reported last week that home prices in the 20 major metropolitan areas declined over 10 percent between January of 2007 and January of 2008. Price reduced, price reduced, price reduced—that is not a sign any homeowner wants to see on their lawn or on their neighbor's lawn or on their street. These are not just families who found themselves in financial situations they could not afford to climb out of; these are families who bought houses between 2002 and 2006, stayed current on their payments, and hoped to see the value of their homes continue to appreciate. But through no fault of their own, these families have seen their homes, their single most valuable asset, decline precipitously in value.

The next chart demonstrates how widespread the problem has become in my own State of Colorado. These are figures from the Center for Responsible Lending which has projected that we can expect to see troubles ahead in terms of the continuing tide of foreclosures over the next several years and how these foreclosures will affect not only owners of the foreclosed homes but entire neighborhoods and, in fact, most homeowners across the State of Colorado.

The Center for Responsible Lending projects that in Colorado we will experience nearly 50,000 additional foreclosed homes in 2008 and 2009, as the adjustable rate mortgages reset and as home values continue to plummet.

As stated on this chart, which is a map of my wonderful State of Colorado, we see expected foreclosures are going to be right at about 50,000. The spillover impact for surrounding homes that will suffer decline during that same period is almost 750,000 homes. That is more than a third of the homes of the State of Colorado are going to see this declining spiral. We are going to see a decline in home values in the aggregate of $3.2 billion in my State in the loss of home ownership value.

The situation is clearly getting worse. Many middle-class families whose budgets are already stretched thin cannot afford such a steep decline in the value of their most important asset. Congress has a responsibility to act aggressively to help families stay in their homes and to stem the tide of foreclosures that continues to serve as a serious drag on our overall economy. That is why we are here again today, working to move on the Foreclosure Prevention Act of 2008, legislation introduced by Senator REID, in consultation with the chairs of the committees of jurisdiction. That legislation would take several steps to provide meaningful and immediate assistance to families and communities affected by foreclosures and to prevent other families and communities from finding themselves in the same situation in the future.

The legislation does three simple things. First, it seeks to help families facing foreclosure to stay in their homes by expanding State authority to issue tax-exempt mortgage revenue bonds, increasing funding for credit counseling, and allowing bankruptcy judges to restructure mortgages. Second, it provides critical help to communities across the country that have been affected by foreclosure by increasing funding under the Community Development Block Grant program. Third, it takes steps to help families and communities avoid foreclosures in the future by requiring simplicity and transparency on mortgage documents.

I am especially glad these provisions are included in the legislation.

The two tax-related provisions reported out of the Finance Committee on a bipartisan basis as part of the bipartisan economic stimulus proposal represent important steps that provide low-interest loans to homeowners seeking to refinance their mortgages and to allow ailing businesses, including those in the home construction industry, to carry back their losses a longer period of time to average out their good and bad years.

I also support funding increases for credit counseling, which will go a long way toward helping families understand the financial burdens associated with taking out a long-term home loan and to avoid foreclosure. In my State of Colorado, we have already seen how beneficial these kinds of services can be. Last fall, a consortium of government, private sector, and nonprofit organizations launched the Colorado foreclosure hotline which connects borrowers with nonprofit housing counselors who can provide information on a borrower's options when facing foreclosure. Counselors can facilitate communications between lenders and borrowers. The hotline itself has already received over 10,000 calls in the last 6 months.

This is a sign from the foreclosure hotline in Colorado. Since it was first formed, this consortium between the government, the private sector, and nonprofit organizations, more than 29,000 people in Colorado have called this hotline.

This legislation will go a long way toward helping us implement this kind of program all the way across the country. The American dream of home ownership is today a dream which is becoming nebulous for the people of our country because of the huge foreclosure crisis we have seen across the country which has caused such a decline in home values all across America.

I believe it is our responsibility in the Senate to move forward to provide relief to these middle-class families who are in danger of losing value in their homes and in danger of losing their homes. This is an economic stimulus program which I think is timely for us to act upon. I hope our colleagues will join us in voting aye on the motion to proceed to the housing legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

THE CONFIRMATION PROCESS

Mr. HATCH. Mr. President, the American people sent us here to get things done. One of the most important things we do is consider and vote on the President's nominations to the Federal bench and the Department of Justice.

I can put it simply: We are failing to do our duty.

Let me first address the judicial confirmation process. The Constitution gives to the President the authority to nominate and appoint Federal judges. The Constitution gives to the Senate the role of advice and consent as a check on the President's appointment power.

The Senate gives the President advice about whether to appoint his judicial nominees by giving or withholding our consent. We are supposed to do so through up-or-down votes. That is what the Constitution assigns us to do and what the American people expect us to do.

That is what we are failing to do.

For the record, since I was first elected, I have voted against only 5 of the more than 1,500 nominees to life-tenured judicial positions the Senate has considered on the floor. Some of my Democratic friends, including those with far less seniority, have voted against more than three times as many nominees of the current President alone.

I have strongly opposed all filibusters against judicial nominees, both Democrats and Republicans. Some of my Democratic friends opposed filibusters of Democratic nominees but heartily supported filibusters of Republican nominees.

I have not taken a partisan approach to judicial confirmations. But I must say that today this body is failing to do its confirmation duty.

At both stages in the confirmation process—in the Judiciary Committee and on the Senate floor—Democrats are failing to meet not only historical standards but their own standards as well. Democrats have vowed not to treat President Bush's nominees the way Republicans treated President Clinton's nominees. Democrats are keeping that promise. Let me refer to this chart.

In the past 10 months, for example, the Judiciary Committee, under Democratic control, has held a hearing on only three appeals court nominees. During the same period under President Clinton, the Judiciary Committee held a hearing on 12 appeals court nominees—four times as many. And by the way, every one of those Clinton nominees was confirmed, 11 of them within an average of only 48 days after their hearing, and 9 of them without a single negative vote.

When I chaired the Judiciary Committee under President Clinton, we held no less than 10 hearings that included more than 1 appeals court nominee—10. While Democrats have controlled this body under President Bush, the Judiciary Committee has not held a single one—not one. Ten to zero. Democrats are certainly not treating Bush nominees the way Republicans treated Clinton nominees.

The Democrats are not only failing to meet historical standards in the Judiciary Committee, they are failing to meet even their own standards. When I chaired the committee, Democrats complained about every nomination hearing that did not include an appeals court nominee. With Democrats in charge under President Bush, the Judiciary Committee has held nearly a dozen nomination hearings without a single appeals court nominee.

There has already been one confirmation hearing this year without an appeals court nominee, and another one will take place on Thursday.

The picture is the same on the Senate floor, where Democrats are failing to meet either historical standards or their own standards.

President Bush is the fourth President in a row to face a Senate controlled by the other party during his last 2 years in office.

Under his three predecessors, the Senate confirmed an average of 75 district court nominees during their last 2 years in office. More than half of them were confirmed in the final year.

Fifteen months into the current 110th Congress, we have confirmed only 31—only 31—district court nominees for President Bush.

Similarly, under the previous three Presidents, the Senate confirmed an average of 17 appeals court nominees during the President's final 2 years in office. So far in the 110th Congress, we have confirmed only six appeals court nominees for President Bush.

Now, to meet the historical average, we will have to confirm 44 district court and 11 appeals court nominees in the next several months. If anyone believes that will happen, I have some oceanfront property in the Utah desert I would like to sell them.

Even if we did the completely unexpected, President Bush would still leave office with a much smaller impact on the Federal bench than his predecessor.

President Bush has so far appointed 295 life-tenured Federal judges, well behind President Clinton, who appointed 346 at this same point in his presidency.

Now, some around here spin a yarn about a supposed Republican blockade against President Clinton's judicial nominees. Some blockade. It allowed President Clinton nearly to set the all-time judicial appointment record.

On the Senate floor, Democrats are not only failing to meet historical standards, they are also failing to meet even their own standards. Eight years ago, when Democrats were in the minority during the last year of President Clinton's tenure, they were crystal clear about what the judicial confirmation standard should be.

One senior Democrat on the Judiciary Committee, for example, came to this floor often in 2000, insisting over and over that Democrats had set the proper standard back in 1992. This is what he said:

> I say let us compare 1992, in which there was a Democrat majority in the Senate and a Republican President. We confirmed 11 court of appeals court nominees . . . and 66 judges in all. In fact, we went out in October of that year. We were having hearings in September. We were having people confirmed in October.

Today, as in 1992, a President Bush is in the White House.

Today, as in 1992, Democrats control the Senate.

Today, Democrats do not have to badger the majority to meet their judicial confirmation standard. They are in the majority. All they have to do is meet their own standard, and thus far they have failed to do so.

After all, if the Judiciary Committee is not holding hearings on appeals court nominees now, if the Senate is not confirming nominees now, what makes anyone think we are going to be doing so in September or October as Democrats once said we should?

We will no doubt hear any number of rehearsed responses, retorts, and rejoinders. We will hear, for example, that the White House has not sent us a nominee for every existing judicial vacancy. True, but beside the point. Lacking nominees for vacancies X, Y, and Z is no excuse for failing to hold hearings and votes on nominees to vacancies A, B, and C.

We have already heard about the so-called Thurmond rule, supposedly justifying grinding the confirmation process to a halt in this Presidential election year. The Thurmond rule neither is a rule nor can it be attributed to the late Senator Strom Thurmond, a former Judiciary Committee chairman.

Here is what the Democrats said about the so-called Thurmond rule in 2000, when a Democrat was in the White House:

> We cannot afford—

The Democrats said—

> to follow the "Thurmond Rule" and stop acting on these nominees now in anticipation of the presidential election in November.

Well, today is only April, but it already looks as if Democrats are stopping action on judicial nominees in anticipation of the Presidential election.

Now, that same Democratic leader spoke on the Senate floor on October 3, 2000, a month before the election. He once again rejected the so-called Thurmond rule and used 1992 as the judicial confirmation standard, even in a Presidential election year. This is what he said:

> Do you know how long the Democrat-controlled Senate was confirming judges for a Republican President [in 1992]? Up to and including the very last day of the session; not up to and including 6 months before the session ended.

That was then. I wonder how long this Democratic-controlled Senate will be confirming judges for this Republican President.

We will no doubt continue to hear the cute but misleading phrase "pocket filibuster," a blurb created by the Democratic spin machine to somehow blame Republicans for unconfirmed Clinton judicial nominees.

Our constituents may not know it, but my Democratic colleagues certainly do, that every President has nominees who do get confirmed for a host of different reasons. But why let the facts get in the way of a good sound bite?

The unconfirmed Clinton nominations include many President Clinton himself withdrew or chose not to renominate. They include others who were nominated too late in a session to even be processed. They include others who did not have the support of their home State Senators.

The current Judiciary Committee chairman insists he is not responsible when nominees lacking support from their home State Senators do not get hearings. When he follows this policy, he blames it on Senate tradition and senatorial courtesy. When a Republican chairman follows this policy, he calls it a pocket filibuster.

When you sort out the real reasons that Clinton nominees were not confirmed, you find this Democratic sound bite has a margin of error of about 500 percent.

One of my Democratic friends was recently quoted as saying that facts are stubborn things. They are indeed.

None of this explains, let alone excuses, Democrats' refusal to holding hearings or votes on judicial nominees who do have their home State Senators' support.

The U.S. Court of Appeals for the Fourth Circuit, for example, is one-third empty—one of the most important circuit courts in the country. President Bush has sent us nominees to four of the five vacancies on that court. One of them, Robert Conrad, has the support of both home State Senators, our distinguished colleagues from North Carolina. He has been nominated to a position that has been open for 14 years. The Administrative Office of the U.S. Courts has designated it a judicial emergency position.

This body confirmed Robert Conrad to the U.S. district court a few years ago without even having a rollcall vote. Yet he has been waiting for more than 250 days without a hearing.

Steven Matthews, likewise, has the support of his home State Senators, our distinguished colleagues from South Carolina. He has been waiting for more than 200 days without a hearing.

The American people sent us to do our duty, and that includes giving a hearing and a vote on these nominees.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter, dated February 13, 2008, signed by more than 50 grassroots organizations, urging us to do our judicial confirmation duty.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 13, 2008.

Hon. PATRICK J. LEAHY,
Hon. ARLEN SPECTER,
Hon. JOSEPH R. BIDEN, Jr.,
Hon. SAM BROWNBACK,
Hon. BENJAMIN L. CARDIN,
Hon. TOM COBURN,
Hon. JOHN CORNYN,
Hon. RICHARD J. DURBIN,
Hon. RUSSELL D. FEINGOLD,
Hon. DIANNE FEINSTEIN,
Hon. LINDSEY GRAHAM,
Hon. CHARLES E. GRASSLEY,
Hon. ORRIN G. HATCH,
Hon. EDWARD M. KENNEDY,
Hon. HERB KOHL,
Hon. JON KYL,
Hon. CHARLES E. SCHUMER,
Hon. JEFF SESSIONS,
Hon. SHELDON WHITEHOUSE,
U.S. Senate, U.S. Capitol,
Washington, DC.

DEAR SENATORS: We write both to express our deep concern about the lack of progress in 2007 in reporting judicial nominees—particularly circuit court nominees—out of the Judiciary Committee, and to discuss reasonable expectations for progress on this issue in 2008.

The remarkably low approval ratings for the 110th Congress are a testament to Americans' concern that their representatives are more interested in partisan politics than in serving the people. The American people want you to do your job, and among the most important responsibilities of the Judiciary Committee are processing and voting on the President's judicial nominees.

The impact of the judges issue on Senate campaigns over the last six years demonstrates that the public is watching. Your constituents may not pay close attention to the details of the confirmation process, but they cannot help but notice the personal attacks on nominees, the emphasis on politics over progress, and the basic unfairness of denying qualified nominees a fair up-or-down vote by the committee and full Senate.

A year into the 110th Congress, the Judiciary Committee has held hearings for only four appeals court nominees and has voted on only six. As a result, the full Senate has fallen far short of the confirmation pace necessary to meet the historical average of 17 circuit court confirmations during a president's final two years in office—an average maintained during the Reagan, Bush I, and Clinton presidencies despite opposition control of the Senate.

Instead of seeing progress, the American people are watching judicial nominees stack up in the Judiciary Committee. Ten appeals court nominees—seven of them waiting to fill vacancies declared "judicial emergencies"—and nearly twenty district court nominees languish in committee. Several nominees have been waiting more than a year and a half.

Given the long delays in the federal courts, the American people are unsympathetic to the claim that certain nominees cannot even get a hearing because of the Judiciary Committee's arcane "blue slip" policy. That policy exposes the Senate at its worst and is rightfully perceived as serving senators rather than the public. Consider the senators whose only reason for blocking two circuit court nominees is a decade-old personal grudge, or the senators who can do no better than argue that the nominee they are blocking is so good at his current job that he should be kept there. In the end, responsibility for the resulting delays lies with the Judiciary Committee, because the "blue slip" policy exists entirely at the committee's discretion.

Fortunately, the new year presents the Judiciary Committee with the opportunity for a fresh start. If you and your colleagues are willing to eschew partisan politics, focus on your constitutional duty, and treat nominees in a dignified manner, the Senate can meet or come close to the historical average of 17 circuit court confirmations.

Specifically, there are four pending circuit nominees—Robert Conrad, Steve Matthews, Catharina Haynes, and Gene Pratter—who have the support of home state senators, which Chairman Leahy has said is key to approval by the Judiciary Committee. Including D.C. Circuit nominee Peter Keisler, that makes five appeals court nominees for whom there is no excuse for denying them a committee vote. And, given the outstanding qualifications of these five nominees, there is no reason why the committee should fail to report them to the full Senate for a fair up-or-down vote.

Assuming at least two new nominees to the Fourth and Ninth Circuits in the next several months, that leaves seven circuit nominees in addition to the aforementioned five. Even if the Judiciary Committee meets only a very minimal standard by reporting just four of those seven to the full Senate, the Senate will have an opportunity—contingent on Majority Leader Reid scheduling up-or-down votes—to confirm fifteen appeals court nominees in the 110th Congress. Fifteen confirmations would fall short of the historical average, but would match the number of circuit court confirmations in President Clinton's final two years. Anything less and the members of the Judiciary Committee will be remembered for presiding over historic levels of obstruction.

Lest the individual nominees get lost in a discussion of numbers, we want to draw your attention to the truly exceptional qualifications of D.C. Circuit nominee Peter Keisler, who has inexplicably languished in committee without action since his hearing a year and a half ago. Keisler has been given the American Bar Association's highest rating—"unanimously well-qualified"—and has the enthusiastic support of leading legal scholars and practitioners from across the ideological spectrum, including Yale Law School Dean Anthony Kromnan, Professor Neal Katyal of Georgetown, Professor Akhil Amar of Yale, Carter Phillips of Sidley Austin, former D.C. Bar President George Jones, and several former law clerks of Supreme Court Justices Thurgood Marshall and William Brennan. In addition, both the Washington Post and Los Angeles Times have called for Keisler's confirmation.

This impressive array of supporters surprises no one familiar with Keisler's unmatched credentials. A graduate of Yale Law School, Keisler served as Associate Counsel to President Reagan and clerked for Supreme Court Justice Anthony Kennedy before joining Sidley Austin. At Sidley, he was quickly promoted to partner and argued cases at every level of the federal court system, including the Supreme Court. In 2002, he left Sidley to serve his country at the U.S. Department of Justice, where he was promoted to Assistant Attorney General for the Civil Division a year later. When Attorney General Alberto Gonzales resigned last year, Keisler postponed his plans to leave government service so that he could see the Department and the nation through a difficult transition period as Acting Attorney General.

The least the Judiciary Committee can do to thank Peter for his service to the nation is to report him to the full Senate for an up-or-down vote. There is no rational reason why, after a year and a half of waiting, this exceptional nominee should remain on hold. If his nomination is allowed to die in the Judiciary Committee, it will be a loss to both the federal bench and the reputation of the committee. His confirmation is our highest priority, and it should be yours as well.

President Bush fulfilled his constitutional duty by nominating the men and women who await action in the Judiciary Committee. We respectfully request that you fulfill your responsibility as well, by ensuring that each and every judicial nominee is given a hearing and a vote in committee. If you cannot support a particular nominee, vote him or her out of committee without a positive recommendation, or vote against confirmation on the Senate floor. The full Senate must be allowed to carry out its constitutional duty of advice and consent by providing each nominee with a timely up-or-down confirmation vote, and you should not stand in the way. We ask only that you do your job by putting statesmanship above politics and special interests. The American people expect no less.

We would be happy to speak with you in person about this critical matter.

Respectfully,

Curt Levey, Executive Director, Committee for Justice; James L. Martin, President, 60 Plus Association; Gary L. Bauer, President, American Values; Roger Clegg, President, Center for Equal Opportunity; Jeff Ballabon, President, Center for Jewish Values; Jim Backlin, Vice President for Legislative Affairs, Christian Coalition of America; Paul M. Weyrich, National Chairman, Coalitions for America.

Kay R. Daly, President, Coalition for a Fair Judiciary; Wendy Wright, President, Concerned Women for America; Kent Ostrander, Executive Director, Family Foundation (Kentucky); Tom McClusky, Vice President of Government Affairs, Family Research Council; Brian Burch, President, Fidelis; Tom Minnery, Senior Vice President of Government and Public Policy, Focus on the Family; Ron Shuping, Executive Vice President of Programming, Inspiration Networks.

James Bopp, Jr., General Counsel, James Madison Center for Free Speech; Gary Marx, Executive Director, Wendy E. Long, Counsel, Judicial Confirmation Network; Day Gardner, President, National Black Pro-Life Union; Chris Brown, Executive Vice President, National Federation of Republican Assemblies; Raymond J. LaJeunesse, Jr., Vice President and Legal Director, National Right to Work, Legal Defense Foundation; Linda Chavez, President, One Nation Indivisible; Dr. Randy Brinson, Chairman, Redeem the Vote.

Joyce E. Thomann, President, Republican Women of Anne Arundel County, MD; Dr. Rod D. Martin, Chairman, TheVanguard.Org; Rev. Louis P. Sheldon, Chairman, Traditional Values Coalition; Dr. Keith Wiebe, President, American Association of Christian Schools; Susan A. Carleson, Chairman and CEO, American Civil Rights Union; Donald E. Wildmon, Founder and Chairman, American Family Association; Micah Clark, Executive Director, American Family Association of Indiana.

Rev. John C. Holmes, Ed.D., Director, Government Affairs Association of Christian Schools International; Larry Cirignano, Founder, CatholicVOTE.org; Jeffrey Mazzella, President, Center for Individual Freedom; Samuel B. Casey, Executive Director and CEO, Christian Legal Society; Tom Shields, Chairman, Coalition for Marriage and Family; Professor Victor Williams, Columbus School of Law, Catholic University of America; Karen Testerman, Executive Director, Cornerstone Policy Research.

Ron Pearson, President, Council for America; Brad Miller, Director, Family Policy Council Dept., Focus on the Family Action; Bryan Fischer, Executive Director, Idaho Values Alliance; Curt Smith, President, Indiana Family Institute; J. C. Willke, M.D., President, International Right to Life Federation; Phillip Jauregui, President, Judicial Action Group; Anita Staver, President, Liberty Counsel.

Mr. Kelly Shackelford, Chief Counsel, Liberty Legal Institute; Mathew D. Staver, Dean and Professor of Law, Liberty University School of Law; Dr. Patricia McEwen, Director, Life Coalition International; Bradley Mattes, Executive Director, Life Issues Institute; Steven Ertelt, Editor and CEO, LifeNews.com; Gene Mills, Executive Director, Louisiana Family Forum; Leslee J. Unruh, President and Founder, National Abstinence Clearinghouse.

Steven W. Fitschen, President, National Legal Foundation; Len Deo, Founder and President, New Jersey Family Policy Council; Fr. Frank Pavone, M.E.V., National Director, Priests for Life; David Crowe, Director, Restore America; Dr. William Greene, President, RightMarch.com; Dane vonBreichenruchardt, President, U.S. Bill of Rights Foundation; Al Laws, Jr., CEO, WIN Family Services, Inc.

Mr. HATCH. Mr. President, let me briefly turn from the judicial to the executive branch and, in particular, to the Department of Justice.

My Democratic colleagues have helped drive from office several top Justice Department officials and yet are now slow-walking confirmation of their replacements.

On March 11, the Judiciary Committee held a hearing on the nomination of Grace Chung Becker to be Assistant Attorney General of Civil Rights.

Grace served as a counsel on my staff when I chaired the Judiciary Committee and has been a Deputy Assistant Attorney General in the Civil Rights Division for the past 2 years. She currently heads the division in an acting capacity.

My Judiciary Committee colleagues will remember Grace as a talented, brilliant, and dedicated lawyer, a person of the highest character and integrity—one of the most likable people who ever served on the committee, one who served both sides, I think, graciously and well.

She received her law degree magna cum laude from Georgetown, where she was associate editor of the Georgetown Law Journal. That was after receiving her B.A. magna cum laude from the University of Pennsylvania and her B.S., once again magna cum laude from the Wharton School of Finance.

I think I see a pattern here.

After clerking for judges on the U.S. District Court and the U.S. Court of Appeals in the District of Columbia, Grace spent a year in private practice before entering Government service. For the next decade, Grace served in such positions as Special Assistant U.S. Attorney, Assistant to General Counsel at the U.S. Sentencing Commission, Special Adviser to the Assistant Secretary of the Army, and Associate Deputy General Counsel of the Defense Department.

The PRESIDING OFFICER. The Senator's 15 minutes has expired.

Mr. HATCH. I ask unanimous consent for another 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. At the Justice Department, Grace has been supervising hundreds of lawyers in cases regarding civil rights, housing discrimination, religious land use, education, and fair lending practices.

Grace is a special person. She is the child of Korean immigrants whose parents and siblings are all entrepreneurs in New York and New Jersey. She and her husband Brian have been married for 14 years and have 2 wonderful children. Grace is living the American dream and making the most of the opportunities she has found in this great country. She is dedicated to making these opportunities available to others.

She has served the community on the board of the Korean American Coalition and on the Fairfax County School Board's Human Rights Advisory Committee.

She has finally had her hearing, but now I hear disturbing reports that she has been given literally hundreds of written questions, many about matters occurring long before her tenure or decisions and policies she had absolutely nothing to do with.

I urge my colleagues to do the right thing, to do our confirmation duty, not only for Grace but also for these qualified judicial nominees as well. I ask my colleagues to do what the American people sent us here to do, and that includes giving timely consideration and up-or-down votes to the President's nominees for the judiciary and the Department of Justice.

Mr. President, I thank my colleague for allowing me the extra 2 minutes, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, this Senate is an institution which was central to the decision to become a Nation. I have been watching this John Adams documentary on HBO—I recommend it to everybody—talking about the earliest days of America. This great Constitution which guides our Nation almost didn't happen but for a compromise which said that even the smallest States would at least have two Senators, the same as the largest States. On the Senate floor that tradition continued, allowing even minorities, small groups, and even individual Senators certain rights which are not afforded to those across the Rotunda in the House of Representatives.

One of these is a filibuster where Senators can take to the floor and can hold the floor, objecting to what is going on. It takes an extraordinary vote—a large vote, more than a majority in the Senate—to take the floor back from that single Senator or group of Senators and to proceed with business. These filibusters have stopped what are so-called "cloture motions," closing down the debate and moving on with business. It takes 60 votes for a cloture vote. In other words, 60 Senators have to agree to stop a filibuster and move forward.

In the history of the Senate, the record number of filibusters for any 2-year period of time has been 62—62 filibusters in a 2-year period. Last year, the Republican minority broke that record, smashed that record by initiating 62 filibusters in 1 year. Sixty-two times the Republican minority stopped our efforts on the floor of the Senate to move forward to try to change things in America—62 times.

The Republican Party is known as the Grand Old Party—the GOP. It turns out that when it comes to Senate Republicans, GOP stands for Graveyard Of Progress. That is what they are trying to make the Senate.

On February 28 we brought up a measure here to deal with America's housing crisis. Is it a serious issue? Is it something the Senate should take the time away from our wonderful patriotic speeches and try to address? I think it is. More than 2 million Americans face foreclosure. In my home State of Illinois, we are facing record numbers of foreclosures. In States such as Nevada and California and all over the United States, foreclosures are at record numbers on mortgages of homes.

Is it an important issue for more than 2 million families? It is. Because when a home goes into a foreclosure and is sold at lower than fair market value, it affects the value of the homes in the neighborhood. So when they ask you: What is the value of your home, Senator DURBIN, in Springfield, IL, you say: Well, let's look and see some of the recent sales in his neighborhood—comparable values, as they call them. If, around the block, one of my neighbors has lost a home in foreclosure, that has a negative impact on the value of my home. So 2 million mortgage foreclosures have a ripple effect across the housing economy and diminish the value of 44 million homes, 22 homes for every home in foreclosure. One says: Well, 44 million homes in a nation of 300 million people, it is still not that big a deal, is it? It is. Forty-four million private residences reflect one-third of all of the private residences owned in America. Two million mortgage foreclosures and one out of three homeowners who dutifully make their mortgage payments every single month without a problem see the value of their home go down. In fact, we are seeing a rising number of people in America holding a mortgage on their home at a value that is higher than the actual value of their home. They are under water, as we say. They have a debt, a mortgage, which is greater than the value of their home.

This has an impact on our overall economy. Over 70 percent of the people in America today, when asked if they will buy a home, say no. You say: Is that because you can't find a mortgage for your home? They say: No, I can find a mortgage. I just don't think it is a good investment.

Think about that statement. For as long as I have been around, a home was always your best investment. I can remember when my wife and I stretched and squeezed and sacrificed to get our first home, how proud we were. We weren't sure we could make those monthly payments. It was a stretch to do it. But we knew it was the right thing for our kids, for our family, for our neighborhood, and for ourselves, because a home is going to go up in value. At least that was the theory until recently. Now homes are going down in value and people are not buying. Homes sit vacant, not only foreclosed homes but other homes where people are trying to sell them to move on to a different location or to a better place. You see the signs all over America: For Sale, For Sale. It is a reminder that the housing crisis which brought us into this recession is still very much an issue today.

On February 28, the Democratic majority said to our friends on the Republican side: Let us act as Senators. Let us deal with an issue that has relevance to today's economy and to families all over the Nation. We have a plan. We have a proposal, a housing stimulus package, with four or five key points in it which I will mention in a moment. We want to bring that bill to the floor and we want our friends on the Republican side—and even Democratic Senators if they wish—to offer amendments about housing so their best ideas can be considered.

What I have described sounds dangerously like the tradition of a deliberative body such as the Senate; we would actually take an important American issue, bring it to the floor, debate it, open it to amendment, do our best to come up with something that will pass, match what the folks do in the House of Representatives, and maybe end up with a law—a law that can strengthen our economy. That is the normal way we do business—or at least normal until this Republican minority came to power.

What happened on February 28? Well, we needed about nine Republicans to join the Democrats so we could move forward in the debate. Only one stepped up, so we didn't have enough votes. So the housing stimulus package died on February 28. The Republican minority refused to even debate it. They wouldn't even bring it up on the floor. Nothing was going to stop them from offering relevant amendments to this housing package. They didn't even want to have an opportunity to offer those amendments. They didn't want the debate.

I think I know why. They are doing their best to make sure that this Congress, under the Democrats, ends up in the same position as the previous Congress, under Republicans, of doing nothing about the issues that count for America.

But we are not giving up. We are coming back today. In about 20 minutes we will break for lunch and after that, we will come back for a vote on the floor and we will try to return to this housing stimulus package. We will give the Republicans a chance to join us. I say to my friends on the Republican side who may be watching this on C-SPAN in their offices or other places: Don't be afraid of a debate. Don't be afraid of amendments. Isn't that why we ran for office, to address the important issues facing America, to debate the merits of a good idea or a bad idea, and to take a vote to be on record. If we are going to run away from an issue as central to the economy as the housing crisis, we are becoming irrelevant. It is little wonder that the approval rating of Congress is as low as it is when the Republicans continue to filibuster, continue to stop us from even debating something as critical as the housing crisis facing America.

So what does the bill do? The basic bill we are talking about here does several things in an attempt to reduce foreclosures. One of the first is to make an investment in more counselors. It has to be a scary moment when you receive that letter after you have missed your mortgage payment that says you are now in default. You are facing foreclosure. We can take your home away from you. Some people go through a period of denial. They won't look at the mail. They won't answer the phone. They hope it will all go away. But it won't. It gets worse. Others wisely say: I need to talk to somebody. How did I get into this mess? How can I get out of this mess? The people available to talk to them are counselors who sit down and say: OK, don't panic. Do you have an income? How are you doing otherwise? Do you have a lot of debt? Maybe we can call the bank. Maybe we can find a way to change the terms of your mortgage so you can stay there.

These counselors are valuable. In fact, they are invaluable to deal with this mortgage foreclosure crisis. So one of the first things we do is to put more funds into counseling so there are people available to help those facing mortgage foreclosures.

We expand refinancing opportunities so that if you can't make it on your old mortgage—let's say you have what is called an ARM, an adjustable rate mortgage, and let's say it has hit its reset point—1 year, 3 years, 5 years—and now you have a new interest rate and your monthly payment shot up so high you can't make it. So what are you going to do? Well, in this bill we set up some refinancing opportunities across the Nation so that people who have an income, who are responsible, who want to keep their homes, have a chance.

We also provide to communities funds through the Community Development Block Grant Program to purchase foreclosed properties. People ought to see what I have seen repeatedly on the west side of Chicago, over by the United Center where the Chicago Bulls play basketball. There is a great little area on the west side just getting a start that has been rebuilding neighborhoods that have been kind of beaten up for a long time with nice homes. Smack dab in the middle of these nice homes is this boarded-up home, with trash in what used to be a nice front yard. It looks awful. Right next door to it live two families who clearly care about their homes, and there sits that foreclosed home smack dab in the middle. It is up for auction. When it goes up for auction, it is not likely to even get fair market value, and it is going to hurt the value of all of the other homes in the neighborhood.

One of the things we try to do is offer communities some funds to step in on foreclosures before that house is abandoned and run down in value and hurts the whole community. We also expand a carryback period for businesses, particularly to help those in the housing industry who have had a rough go of it kind of weather the storm so they can survive.

JACK REED of Rhode Island, my colleague, passed the Truth In Lending disclosure requirement for real estate closings.

If you have ever sat through a real estate closing, you know there are a stack of papers like this, and they turn the pages and say: Keep signing. And in 20 minutes you walk out the door and say: What the heck did I just sign? Senator JACK REED wants to have a cover sheet that has the basics on it so everybody initials it and signs it so they know their interest rate, what the term of the loan is, how much they are borrowing, if the interest rate can change, what the monthly payment is, what it could be—the high and low points—and is there a penalty for prepayment—basic things, so they don't walk out in a mystery as to what they just signed.

Then there is a provision I have in there which the mortgage bankers hate like the devil hates holy water. Why do mortgage bankers hate this provision? First, let me introduce you to this group. The mortgage bankers were the industry that brought us this mess of subprime mortgages.

They were the ones who started peddling mortgages that made no sense, convincing people who were caught off guard, or deceived, saying: Oh, of course you can afford this home; these are interest-only payments. Don't worry about it. Just look at the monthly payment, don't worry about it. And, listen, when it is supposed to reset and the payment goes up, you come back to me and I will refinance it. You know these homes will keep going up in value forever.

A lot of unsuspecting people signed on to these mortgages. Some of them were elderly, and most of them were without advanced degrees in finance, and some were duped into this by come-on deception advertising. But the fact is, they signed on for the so-called subprime mortgages.

Well, those are the folks who are going through trouble now. There are about 2.2 million of them. About one-third of them will end up in Bankruptcy Court. They will go into chapter 11 where you walk in and say to the judge: I am making an income, I am not out of work, but I have all these debts. Under chapter 11, the bankruptcy judge can start restructuring your debts, try to find a way through the mess so that at the end of the day you can get it back together again. About one-third of the people facing foreclosure will be in that position.

Now, let's assume you walk into that bankruptcy court and you have a number of things you own. I will give you some examples; some are unusual. You own your home, you own a ranch, a vacation condo, and you own a yacht. I know most people don't own yachts, but let's use this example. Maybe it is just a big boat. What can that bankruptcy judge do when it comes to what you owe? Well, he can take your ranch and modify the terms of the mortgage. He can take your vacation condo in Florida and modify the terms of the mortgage. He can take your yacht, or big boat, and modify the terms of what you owe on your yacht.

What about your home? No way. The law says the bankruptcy court cannot modify the terms of your mortgage on your home. It is prohibited by law. What is that all about? This is a graphic illustration of a yacht—and I don't know any Senator who owns one. But here is a yacht and here is a home. The bankruptcy court can renegotiate the terms for the yacht but not for the home. My bill says you will have a chance to renegotiate the terms of your home, but there are strict limitations.

First, this doesn't apply to everybody. You have to have an existing mortgage, not anything that you could enter into at a future date. Second, it has to be a home, not a property you bought for speculation. Third, you have to qualify to go into bankruptcy court. Fourth, when they modify the mortgage, they cannot lower the principal below the fair market value of the home. Many foreclosure proceedings don't end up at fair market value. Fifth, the interest rate they can impose on the new mortgage cannot be anything less than the prime rate, plus a premium for risk. Sixth, if the home you have refinanced goes up in value in the next 5 years, the bank, the lender, gets the increase in value. You are protecting the lender on both ends—no lower than fair market value and any increase in value goes to the lender.

Now, the mortgage bankers, God bless them, say this is the end of Western civilization as we know it. If these people are able to stay in their home under these circumstances, interest rates will go up all across the country. The Georgetown Law Center said this:

> Taken as a whole, our analysis of the current historical data suggests that permitting bankruptcy modification of mortgages would have no or little impact on mortgage markets.

I have talked to these bankers. This doesn't make sense. Unregulated, unsupervised, without oversight, they dragged us into this mortgage crisis with millions of people and their homes on the line, and our economy is teetering on recession, the values of homes across America are in peril, and now they will not even allow us to help these families who will end up in bankruptcy court.

I would like to have a vote on that. I would like to ask my friends on the Republican side of the aisle to, at 2:15 or 2:30, have a vote on this issue. If you don't want to fight fires, don't be a firefighter. If you don't want to cast a vote on an important issue in America today, don't run for the Senate. If you want to be in the Senate and be part of this national debate, for goodness sakes, vote to proceed to this bill. Let's not litter this graveyard of filibusters with this important housing stimulus bill.

I urge my colleagues to vote for the motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, let me first recognize the contribution of my colleague from Illinois with respect to the bankruptcy provision. He explained it extremely well. What it does is give homeowners a chance to get out from underneath a collapsing housing market in the United States. It has been well tailored and it is responsible and I think we should adopt it quickly in this package that is going forward.

The whole housing crisis is a reflection of a much deeper economic malaise that is gripping the country. We are seeing skyrocketing prices in terms of energy and foodstuffs. On the recess I visited two Italian bakeries in Rhode Island. They have been family-owned companies for over 100 years, and they have never seen the runup in prices of wheat they have seen over the last several weeks and months.

The final thing is that we are losing jobs now. In the last 2 months, we have lost many jobs. We lost 63,000 jobs last month. That is the largest monthly decline in jobs in 5 years. The national unemployment rate is 4.8. In Rhode Island it is 5.8 percent. We are seeing an economy sliding into recession. Key to this, in my view, to reconcile and try to stop the erosion of economic opportunity in this country is to stabilize the housing market. That is what the package of proposals that we will vote on this afternoon attempts to do.

We have a situation in this country where incomes have been flat for the last 8 years for most Americans—unless you were extraordinarily compensated at the highest levels. But if you are a working man or woman, low income, middle income, or even upper middle income, your income has been relatively flat. You have seen accelerated costs. The last thing people had in their tool kit, if you will, was the value of their homes. They could draw on that in emergencies and use it to help children go to college. They could use it if there was an unexpected expense.

Now, with declining housing values, American families are being squeezed dramatically—job losses, increasing prices, flat incomes, and now declining housing values. In fact, it has been estimated that today in the United States the value of homes fell below 50 percent of equity—the ratio of equity fell below 50 percent for the first time in a long time.

We are also looking at a situation where there is a record number of foreclosures. Just this morning, coming into work and listening to the radio, I heard in Montgomery County, MD, there is a huge acceleration of foreclosures in that suburb. It is also happening across the country. In the Providence Journal in Rhode Island, there used to be maybe two, three pages of foreclosures on a high number. Now there is a whole section devoted to foreclosures.

This is becoming a problem not just for individual households but for communities because the value of a foreclosed home brings down the value of the surrounding homes. It is a cascading effect. It ruins communities as well as impairs the credit and lives and the opportunities of individual families. We have to do much more to stem this decline, particularly with respect to housing values.

Yesterday, I noted that Secretary Paulson announced significant steps, he proclaimed, to begin to revise the regulation of financial institutions, and part of it is prompted by the subprime mortgage crisis, the securitization of these loans. There is nothing in his blueprint that dealt with the most important aspect of the problem, and that is home values. The administration has been very keen and quick to help Wall Street. The reality is we have to help Main Street, individual homeowners across this country. If we do I think that will provide a surge of confidence to the economy, which is the key factor in beginning a recovery from what looks like the beginning of a recession, and perhaps a long recession, unless we act promptly.

I have joined my colleagues to introduce this legislation, the Foreclosure Prevention Act of 2008, which builds on the economic stimulus package. It is a complement to it. I hope we can move today, despite previous opposition by my colleagues on the Republican side, to take up this legislation and begin the debate and modify it, if necessary, but move forward deliberately and quickly to address the issue of housing in the United States.

This legislation, if enacted, would help families keep their homes by providing counseling for foreclosures, by expanding refinancing opportunities, and by getting the services and the counselors together to attempt to allow people to stay in their homes. One aspect of this, as mentioned by my colleague from Illinois, is the Bankruptcy Code modification that would allow these residences to be subject to a bankruptcy judge's determination of a different workout plan for the home. It also helps communities withstand the impact of foreclosures, as there is a cascading effect. If one home is foreclosed, the value of other homes begins to decline automatically. This would provide community development block grants to cities to purchase some of these homes. We have to move quickly because one of the other aspects is when these homes in urban areas are empty for a matter of weeks, or even, in some cases days, they are stripped—the siding is ripped off, or the copper plumbing is taken out. Unless there is someone to go in there and keep it in use or to board it up and protect it, then these homes are going to be a loss not just temporarily but for a longer term.

This is going to help businesses by expanding the carry-back period from 2 to 5 years to utilize losses incurred in 2006 and 2007 and 2008. It is going to help, I hope, avoid foreclosure in the future. It will deal with the issue of clear disclosure of a maximum amount of a loan and maximum monthly payment legislation that I authored. This will give a bumper sticker or a big warning label on a mortgage to individual borrowers and tell them the maximum amount of money they have liability for. So the introductory teaser rate of $1,000 a month might be attractive, but if people realize that within a year or 2 years they will be paying two or three times that, it will give them the information they need to make a better judgment about signing up for that loan.

So this legislation is critical to families, and it is particularly critical, I think, to ensure that we begin to work our way out of the looming recession and an economy that is deeply troubled. I hope all my colleagues will vote to go forward with this measure and, I hope, pass this measure.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, The Senate, at 12:29 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. CARPER).

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 3221. The motion to reconsider is agreed to, and there will now be 15 minutes of debate equally divided prior to a vote on cloture on the motion to proceed to H.R. 3221, with the majority leader controlling the second half of that time.

The Republican leader.

Mr. MCCONNELL. Mr. President, the majority leader and I have had good conversations this morning, and a few moments ago, we reached an agreement on how to go forward on the housing bill. That agreement is as follows: that Senator DODD, the chairman of the Banking Committee, and Senator SHELBY, the ranking member, would come together after we invoke cloture on the motion to proceed and come up with a bipartisan substitute to be offered as an amendment to the bill upon which we are about to invoke cloture to proceed. That would be the underlying bill that would enjoy the confidence and support of the two leaders of the Banking Committee.

Most of my conference is very comfortable with that proposal. We understand fully there will be amendments after that, but that will at least give us an opportunity to get off on a bipartisan footing, reminiscent of the good work we were able to do earlier this year not only on the foreign intelligence surveillance bill but also on the economic stimulus package where we were able to come together and, by significant bipartisan majorities, pass the legislation.

We all know we have problems with housing in this country. Most of us believe we need to enact legislation to try to improve this situation. Many of these proposals are supported by people on both sides of the aisle. So this would give us a chance to begin in a way that is comforting to both sides before we open the process to amendments.

The majority leader has also assured me he has no intention of filling up the tree or employing any of the other techniques the majority is certainly free to do but which have a way of locking down the process on the minority side.

This has been a very good discussion, leading up to a process by which I think we can go forward and hopefully get something important for the country—I see my good friend, the leader of the Banking Committee, on the floor—get something important for the country accomplished in the Senate this week.

I thank the majority leader for his approach to this issue. I think it is entirely appropriate and gives us a good opportunity to move forward.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the smoke is housing crisis foreclosures. The fire is the general economy because the housing crisis has caused the economy to be in a state of distress.

The chairman of the Banking Committee, Senator DODD, made such an outstanding presentation this morning where he talked about almost 8,000 homes every day—today, tomorrow, and the foreseeable future—will be foreclosed upon, not the beginning process of foreclosure, but the termination of foreclosure. Someone by the name of Jones, Smith—whatever their name might be—will lose their home, a family home.

What does that do to the neighborhood? Every time there is a home foreclosed upon, it immediately causes the rest of the neighborhood to be worth less money. What does it do to the government entity where that home is located? The government entity loses the ability to get tax money. No one benefits from foreclosures.

This is a step in the right direction. In Nevada, for example, 1 out of every 165 homes was in foreclosure in February. Can you imagine that, 1 out of every 165 homes. That is the highest rate in Nevada. We are fortunate we have a lot of construction that is not housing related that is going to pull us through this situation. It is important that we move forward on this legislation.

The underlying bill is a so-called Democratic bill. This bill, if we are able to accomplish something, will be a Senate bill. Democrats and Republicans can go home and take credit for doing something to help the problem.

Are we going to be able to resolve all the problems in housing? Of course not. But we can make a tremendous step forward, and that is what we intend to do.

I have worked with Senator SHELBY from the time we were in the House together. We shared office space. His office in the Longworth Building was next to mine. I have the highest regard for him. I spoke with him this morning. I believe he and the chairman of the committee, Senator DODD, are going to be able to come up with something that I hope I can support, but it is going to be bipartisan. They are going to agree on this and offer it as the first amendment when we get to this legislation. If something goes wrong, if someone is being mischievous about that legislation, Senator MCCONNELL and I will meet again.

The goal is to do something about housing. We are not going to solve the problems of Iraq on this bill. We are not going to solve the tax policy of this country on this bill. We are not going to solve global warming on this housing bill. But we need to do something the American people recognize is bipartisan as it relates to housing, and we are going to do everything we can.

I believe the time has come for us to start legislating and stop talking about the need to legislate.

Mr. President, a vote has been called for 2:30. If there is someone else who wishes to speak, they certainly have the opportunity for the next few minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the distinguished majority leader and the Republican leader, as well, for their efforts. I thank Senator SHELBY, who is not here. We will do our very best over the next number of hours to pull together a package that reflects——

Mr. REID. Will my friend yield?

Mr. DODD. Yes.

Mr. REID. One of the points I did not talk about with the distinguished leader is that I think it would be appropriate that we, after the vote is completed, go into a period for morning business until 12 o'clock noon tomorrow to see, if, in fact, we can get the two distinguished Senators to come up with a substitute. We need some deadline. That is as good as any, unless my friend has a better time tomorrow.

Mr. MCCONNELL. Mr. President, I say to the majority leader, that makes sense. I am convinced we are all operating on good faith and Senator SHELBY and Senator DODD will work hard to come up with a proposal they will come forward with.

Mr. REID. During this afternoon and in the morning, people can talk about housing or anything else they want. We will be in a period for morning business.

Mr. DODD. Mr. President, I thank the leaders. That will be our goal and job, to begin that process immediately. We will keep the leadership informed as it progresses. We all thank the two leaders immensely. I thank Senator REID for his efforts going back months ago. This is a problem that is growing by the hour. It demands our attention. This is the contagion effect we read about now spreading far beyond the housing issue, per se. It is now leaching into all aspects of our economy. It has even gone beyond our shores, obviously, to other nations that are deeply affected by what happens here economically. This is a moment when we have to come together as a body and come up with some responsible answers.

I will say in advance that none of us can say with any certainty that which we offer will solve the problem, but I think we bear an obligation to try, to do one thing that is more important than any specific idea we proposed, and that is help restore the confidence of the American people and those directly involved in the financial well-being of our Nation and that is to restore confidence, which is missing; we need to get that confidence back. The very fact our leaders have called upon us to pull together is going to be a confidence-building measure. It will be complemented by what we do, but it begins with the offer made by the distinguished majority leader, accepted by the Republican leader, that we sit down and try to work this situation out.

I can tell you in advance that the American people will react favorably to this effort, and hopefully we will offer a product that will complement that effort but beginning with the idea we will work on this problem together. That I commend the majority leader for. I thank the Republican leader as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 340, H.R. 3221.

Harry Reid, John D. Rockefeller, IV, Russell D. Feingold, Max Baucus, Charles E. Schumer, Kent Conrad, Patty Murray, Amy Klobuchar, Jeff Bingaman, Richard Durbin, Mark L. Pryor, Carl Levin, Edward M. Kennedy, Patrick J. Leahy, Bernard Sanders, Debbie Stabenow, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3221, an act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 1, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—94

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—1

Bunning

NOT VOTING—5

Clinton
Inouye
Lautenberg
McCain
Obama

The PRESIDING OFFICER. Upon reconsideration, on this vote the yeas are 94, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. CARPER. Mr. President, we have just concluded a 2-week recess. We have come back to the Capitol, rested and prepared to get to work on the Nation's business. At the top of the list for most people, at least based on what I heard in my State and likely what Senators have heard from coast to coast, is the desire for us to get to work on the economy. There are other concerns—the war in Iraq, the cost of health care, the list goes on—but at the top of the list is the economy, harking back to the Clinton campaign in 1992: "It is the economy, stupid." It has been for a long time, and it certainly is again today.

During the time I spent in Delaware, I visited a lot of places, including a number of schools. One of the questions a group of young people asked me was, what did I like most about my job. There are a number of things I enjoy about serving in the Senate. I love helping people. We have the opportunity to do that through constituent services and other ways every day. That is a source of great satisfaction. I know it is to the Presiding Officer and others of our colleagues. Among the other things that bring me great joy is from time to time we are able to take folks who have different views on a particular issue and actually pull them together to work as one, to develop consensus around issues.

We need to develop a consensus on a path forward with respect to the housing situation, the meltdown we have seen, especially with subprime mortgages and the threat that meltdown poses to binding together, tightening up and bringing to a halt the flow of money through our economy, through the banking system.

I am encouraged by the vote we just had where 94 Senators voted to proceed to the housing bill. Our Democratic leadership has pulled back and said: We will not try to push forward with five or six actually very constructive elements in an earlier version of our proposal but provide time for Senator DODD and Senator SHELBY to work with others on the Banking Committee and other colleagues who are not on the committee to put together a broader consensus that builds on the package we voted not to proceed to 2 weeks ago. We can do those but more as well.

Let me express my hope that the elements of the package Senators DODD and SHELBY bring back to us include the ability for housing authorities to issue revenue bonds, the proceeds of which could be used to help folks refinance their mortgages, people in danger of losing their homes. I am not interested in rewarding bad behavior, in rewarding investors or bankers who made bad decisions or, frankly, individual borrowers who made decisions that were inappropriate or wrong, where they misrepresented their financial standing. I don't think we want to reward bad behavior. But there are a lot of people in danger. We have some 8,000 people who will have their homes foreclosed on today, tomorrow, the next day, and the next. That is a clear signal to me we need to do something.

We can do some things that will make a difference without breaking the Treasury. Let me mention a couple elements of what I hope will be in the housing package that we might bring back to the floor. One of those is FHA modernization. Some people recall 75 years ago the Federal Housing Administration was established.

People wonder where the 30-year fixed rate mortgage came from. It came from FHA. A lot of people own a home today because their loan was guaranteed by the FHA. My first home loan was guaranteed by the VA for the house I bought when I came back from Southeast Asia at the end of the Vietnam war. Not even 10 years ago, but 5, 10 years ago, almost 20 percent of the people in this country got a mortgage that was guaranteed by the FHA. As recently as last year, that number is down to 5 percent. The FHA oftentimes has helped to insure mortgages of people who have a questionable credit rating, people who were maybe a first-time home buyer for whom a lot of banks were reluctant to provide a mortgage without the guarantee that maybe an FHA or a VA would offer. But FHA-guaranteed mortgages dropped from almost 20 percent of all mortgages a half dozen or more years ago, down to about 5 percent today.

The drop between 20 percent or whatever it is down to 5 percent reflects the number of people who used to go to FHA for help, who today or in recent months and years have instead taken advantage of these adjustable rate mortgages that have low teaser introductory rates that reset after a couple years, that have a clause in them that makes it difficult, if not impossible, or at least very expensive, to refinance the mortgage. Those people are stuck. There are a couple of million of them who have been stuck with adjustable rate mortgages, high teaser rates that are going up, and finding it difficult to get out of that situation. For those folks who have been in that situation, maybe people with somewhat marginal credit, people who are first-time home buyers, I don't want them to look for adjustable rate mortgages for salvation. I want them to see the FHA as relevant in their lives.

What we need to do is bring the FHA into the 21st century to make it relevant to today's borrowers' needs.

Senators DODD and SHELBY have been working with Representatives FRANK and BAUCUS on legislation we passed in the Senate. The House has passed FHA modernization legislation. I think they are close to consensus. My hope is we can find consensus. And when we take up later this week, hopefully, a bipartisan housing recovery bill, a centerpiece of that will be FHA modernization. We ought to do that. It is something we all agree on, Democrats and Republicans, the President, and, frankly, a lot of people around the country, borrowers and lenders too.

The second piece that ought to be in this package will be the authorization that we would provide for housing authorities throughout the country to issue mortgage revenue bonds, tax exempt revenue bonds, the proceeds of which could be not only used for first-time home buyers, not just for multifamily housing, affordable housing, but also could be used to provide moneys to help people refinance their mortgage, people in some jeopardy. The administration supports that idea. Secretary Paulson testified before our committee in favor of that idea. It is part of the Democratic package that we sought to bring to the floor 2 weeks ago. It ought to be part of the consensus package that we will take up later this week.

There are any number of other good ideas that hopefully will be part of the package. Senator JACK REED from Rhode Island has a very good idea that seems to be acceptable on a lot of fronts, to provide for greater transparency for borrowers as people go to the credit markets to look for mortgages, to make sure they know what they are getting and get a good deal, a fair deal.

Senator MARTINEZ and Senator FEINSTEIN have a proposal. I believe it is one that deals with the appraisals, to make sure the appraisals that back up the homes that are being bought or sold are actually real and not just an appraisal put together, pulled out of thin air because somebody drove by a house and slapped a value on it by looking at it through a windshield.

I think Senator MARTINEZ has another good idea with respect to licensing mortgage brokers. It may not be perfect and is something that can be worked on further, but something along those lines should be part of this package.

Senator ISAKSON has an idea and is actually something I think was done maybe when President Ford was President. Senator ISAKSON's idea is if you have a home—let's say all 100 desks in the Senate Chamber are all homes. There is one for each Senator. Maybe this home right here is in foreclosure, and it is blighting the value of this home and that home and those homes all around it. The folks in this neighborhood would love to have somebody come and live in this home, somebody who is going to take care of that property and maintain that property but also help to maintain the value of the other properties.

What Senator ISAKSON does is provide a tax credit—I think he is saying $5,000 per year—for somebody who comes in and not just buys that home but lives in that home as the owner and the occupier. To the extent they do that, they get a $5,000 tax credit. He suggested we do that over 3 years, which would mean $15,000 for 3 years. That could be pretty expensive. I have suggested to him we try to find a way to bring down the cost of his proposal. My hope is we can do that and include that in the final bill we come up with.

Another idea that has merit is to increase somewhat the appropriation for community development block grants and to say to State and local governments they can use some of the proceeds from this money to take a home that is in foreclosure and do something to prepare it to be sold and to restore the value of that home and to restore the vitality of the neighborhood in which it is now decaying.

In short, there is no shortage of good ideas. Some of them are authored by Democrats and offered by Democrats, and in some cases they are authored and offered by our Republican colleagues. In some cases they are ideas that enjoy bipartisan support. At the end of the day, together they fashion a pretty good package that will help make a real difference, and a difference in not a couple years but literally in a couple of months.

The last thing I would say is, one of the more controversial provisions in the package that came to us actually last month from our Democratic leaders is a provision dealing with bankruptcy and would extend to bankruptcy judges the ability to go in and not only adjust interest rates on mortgages for homes that are in foreclosure or about to go into foreclosure but also to adjust the amount of the mortgage itself.

That has caused a lot of concern about the chilling effect it may have on interest rates for primary homes in the future. I give Senator DURBIN credit. He has tried to amend his earlier proposal to address the concerns—the legitimate concerns—that have been raised. I think he has acted in good faith. I know Senator SPECTER has a little different proposal on this approach. I think Senator DODD has been working along with Representative FRANK over in the House on kind of a variation of an earlier idea suggested, I think, by the head of the Office of Thrift Supervision—the folks who supervise the savings and loan industry—to try to make sure we address the issue of a homeowner whose home is not in foreclosure but whose mortgage is underwater.

I will give you an example. You have a home that has been bought for $200,000. Today the home is worth $160,000, and the person who owns the home is thinking about literally walking away from their mortgage, walking away from their home. You can do that today for about $1,000, I am told, working through a company that will help you walk away from your home mortgage. The person who walks away becomes a renter, and the obligation they have to continue to have to pay the mortgage goes away. You end up with a home that is in foreclosure. The banks do not want to be stuck with those properties. The folks in the neighborhood of the home being foreclosed on do not want that to happen in their neighborhood.

I think Senator DODD and Representative FRANK have a very constructive idea—not a perfect idea but a good idea—that can go forth. It requires some sacrifice on the part of the lenders. It requires some sacrifice and give on the part of the borrowers. But it also leaves them a home in the end, at least, where they still have a little bit of equity and a good reason not to walk away from their home, triggering a foreclosure.

The last thing I will mention—this is an idea that is not new, but we have been hearing testimony about this for a couple years—we have three major Government-sponsored enterprises, not counting Ginne Mae, but three major Government-sponsored enterprises whose job it is to help raise money and to provide liquidity and safety for the housing market in this country. One is Fannie Mae, another is Freddie Mac, and the third is a little bit different kind of an animal called Federal home loan banks. There are about 12 of those throughout our country.

The way we buy homes has changed a whole lot over the years. When I bought my first home in Delaware, I went to a bank. They agreed to make the mortgage. I borrowed the money. I think it was about $40,000. They borrowed the money and they held my mortgage. They held my mortgage, and every month they would send me a statement, and I would send them a check to make my payment. They held the mortgage for years and years and years.

It does not work that way anymore. Today you go to your local thrift or bank, and they make a mortgage to help a person buy a home, and the bank may decide to hold the mortgage. They may decide to service the mortgage. But in most cases, they don't. In a lot of cases they turn around and they sell the mortgage to Fannie Mae or Freddie Mac. Fannie Mae and Freddie Mac are huge financial institutions. They package these home mortgages together from all kinds of financial institutions that originally made the mortgages from across the country, and they put them together into investments called mortgage-backed securities, and those mortgage-backed securities are sold to investors all over this country and all over the world.

The problem with the mortgage-backed securities is when you have a drop in home values, you have a problem with homeowners, borrowers not making their mortgage payments. When you have a problem with the underlying homes that make up these mortgage-backed securities going into foreclosure and mortgage payments not being collected, the value of those mortgage-backed securities drops. The companies, the investors who are holding those mortgage-backed securities are getting into trouble, and we have a situation where liquidity in our banking system begins to dry up.

When the liquidity in the banking system dries up, two things can help start a recession. One of those is that when people think we are going into a recession, it can be a self-fulfilling prophecy because people stop spending money. They stop spending money and, lo and behold, we have a recession. Another way we have recessions is that the banking system stops working. They stop making loans. Liquidity is sort of like the blood in our veins. The liquidity goes away in our financial systems and our economy. That is part of what we face today.

The two entities that do the most in terms of trying to make sure we continue to have liquidity in our banking system are Fannie Mae and Freddie Mac when they buy these mortgages from banks that have made mortgages to individual borrowers. Then they package these mortgages. Sometimes they sell them around the world. Sometimes they hold those mortgage-backed securities in their own portfolio. In some cases, the folks at Fannie Mae or Freddie Mac, I guess, actually hold individual mortgages for a while. They do some of that as well.

The problem with Fannie Mae and Freddie Mac is, they have run into trouble in the last couple years because they do not have a very strong regulator. They do not have a strong, independent regulator. We have held many hearings for a couple years trying to figure out how we provide a strong, independent regulator and at the same time make sure Fannie Mae and Freddie Mac do not repeat the sins and mistakes of their past few years. How do we do that in a way and at the same time create an affordable housing fund much as we have with the Federal home loan banks?

My hope is—if not in this package that is, hopefully, going to emerge from these discussions in the next day or two—in the next week or two, maybe month or so, the Banking Committee can move together and report out a consensus package on regulatory reform to provide a strong, independent regulator for Fannie Mae, Freddie Mac, and the Federal home loan banks. That would be another good thing for our country and for those of us who want to buy homes and sell homes.

Let me close with this: Going back to the beginning of the year, as our economy started to slip into what may be a recession—and we will find out in another quarter or so if it really has been a recession—as we began to slip, the Federal Reserve, actually starting last fall, began to use its monetary powers, first of all, to lower the Federal funds rate—the rate at which banks charge one another for lending money between themselves at the end of every day—they started lowering the Federal funds rate rather dramatically—in fact, more dramatically than I have ever seen in my life.

The Federal Reserve has made it possible to encourage more banks, more financial institutions, regular financial institutions, and even investment banks to come to the discount window to borrow money to meet their problems. The Federal Reserve has gone so far as to even help make possible for JPMorgan Chase to come in and take over Bear Stearns so it would not collapse into bankruptcy and trigger maybe an even worse situation.

While the shareholders of Bear Stearns have taken a shellacking—I think they ended up getting about $2 per share for their stock; Bear Stearns' stock had been valued at over $100 not long ago—the shareholders took a loss, but at least it did not cause sort of a domino effect in a failure of our financial system. The Federal Reserve has been involved in that.

The Federal Reserve has been willing to take from financial institutions their mortgage-backed securities and replace them with Treasury securities to put some liquidity back into the banking system. The Federal Reserve has been terrific. It has been very helpful in terms of putting liquidity back into the system but also raising the confidence of consumers, the confidence of our constituents, and us too. So that is one that has happened.

The second thing we have done, Congress and the President working together, is we have agreed, about 2 months ago, upon a stimulus package. Is the stimulus package one I would have written or maybe the Presiding Officer would have written? Probably not. But on balance, it does more good than bad, and we expect to see a boost in our gross domestic product in the second half of this year of maybe 1, 1.5 percentage points. That is going to be a nice lift to the economy as we struggle to either shorten a recession or to abridge one altogether.

The third piece that is still waiting to be done—after the Federal Reserve has acted in the variety of ways I just described—after the effect of this stimulus package begins to kick in, the third thing that needs to be done is we need to take up and develop and pass and send to the President a consensus housing recovery package.

The elements I have described already enjoy support, in most cases, from Democrats and Republicans, including the administration. A lot of the ideas have merit. My hope is we will have, in the next day or two, the opportunity to debate those individual proposals. For folks who want to amend them, in some cases strike them, in other cases to add new provisions, terrific. That is the way this system is supposed to work. That is the way this place is supposed to work.

My hope is in a very short while we will be gathered on this floor offering amendments to the package that Senator DODD and Senator SHELBY and our staffs are going to be working on to get things going, to get things done. The people of my State did not send me here to just talk about our problems. They sent me here to do something about them. We have a great opportunity to take the next step, I say the third in a trilogy of steps, that will help get our economy out of a ditch and hopefully head in the right direction.

The best thing that can happen is we can demonstrate to people in this country that Democrats and Republicans, in an election year, can set aside our political differences and figure out the right thing to do to help stabilize the housing situation and put us on the road to recovery. That is going to lift the spirits of a lot of people and give our friends in the media a different kind of story to report—not the story they report day after day after day, a drumbeat of all the things going wrong in this county, but to start reporting some things that are going right in this country. As those more positive, uplifting, inspirational stories begin to appear, recessions have a way of turning into recoveries. That is exactly what we need right about now.

Mr. President, with that, I do not see anyone else waiting to speak on the floor, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, a few minutes ago I attended a little press briefing with Senators REID, MCCONNELL, DODD, SHELBY, and other members of both leadership and the Banking Committee. It was a very good meeting because, at the meeting, Senators REID and MCCONNELL empowered Senators DODD and SHELBY to get together and try to come up with a compromise housing package. That is the best news we have had in this housing crisis in weeks and weeks. The eyes of America are looking at the Senate and saying: What are you going to do about the housing crisis?

Since we last adjourned, we have had a near meltdown on Wall Street. Since we last adjourned, new numbers have come out that show thousands more are losing their homes weekly. Since we adjourned, we have seen buying power is down for the average person and housing values are down.

For most people, housing is their piece of the rock.

That is their largest asset. When they are worried about their home, they are worried about everything. When the middle-class consumer gets worried, the economy catches cold, and that is what has happened.

Yet for weeks and weeks the Senate has been paralyzed in terms of doing things about housing. We were very quick—the Fed—to go rescue Wall Street, and they were looking down the abyss. I don't think they had any choice. I was supportive of that. But I am not supportive of a bifurcated policy that says when a major financial company gets in trouble, we rush to their aid, but when John and Jane Smith homeowners have trouble, we say: You learn. You are a moral hazard. If we help you, then everyone else will not repay their mortgages. First, the argument is unfair. John and Jane are probably more blameless than many of those who undercapitalized Bear Stearns and played it right at the edge. Second, this moral hazard argument makes no sense. The statistics show that when a homeowner owns his or her home, when a family owns their home, they do everything to repay that mortgage. They don't go on vacation. They don't buy the new suit of clothes for the kid who is starting school. They cut back on what they eat. That nice Friday night out at the local restaurant which the family looks forward to goes, all so they can pay their mortgage. So this moral hazard argument that if we help people who are blameless makes no sense.

Let me tell my colleagues about a typical person who has suffered foreclosure. I met many of them. I actually sat down and talked to some of them from New York. So that my colleagues can understand, these great thinkers up in their ivory towers, the conservative think tanks, who are saying: You better learn your lesson, don't even know what is going on. Let me tell my colleagues about Frank Ruggiero. He is a retired subway motorman. He lives in Ozone Park, Queens. His income is—I should say was, because Frank passed away a month ago, but that doesn't have anything to do with the story. Frank had a good pension. His union, TWU, provided him a good pension of $28,000. His Social Security was $11,000, and he had a nice little house in Ozone Park, a working-class neighborhood in Queens, New York City, that was worth—he had paid 16 years of a 30-year mortgage. He hadn't missed a payment, as most homeowners have not. They pay whenever they can.

Frank got diabetes. His health care plan would not pay for the treatment the doctor said he needed, and he was desperate. So Frank saw an ad in the newspaper and it said: "Get quick cash. Refinance your home." He called up the number and a mortgage broker came over. This mortgage broker is unregulated. He didn't come from a bank. He was an independent operator. That is where most of the trouble was, from these unregulated mortgage brokers. We are not dealing with that in this bill, but we should in a future bill. A bill I have introduced would deal with this issue. Anyway, he asked the mortgage broker: Could I get $50,000? He said: Yes. And Frank asked the right question. He said: How much will my mortgage go to? The mortgage broker said: It will go from $1,100 a month to $1,200 in January. Well, Frank thought, I can afford that, so he signs the mortgage deal.

Let me say three things about what happened to Frank. Frank is typical—typical. His mortgage did go up to $1,200 a month the next January, but the following January, it went up to $3,900 a month. Frank's income was

$39,000. A quick calculation will show that $3,900 a month is more than Frank could pay. If he didn't spend one nickel for food, clothing, health care, and everything went to the mortgage, he still wouldn't have enough.

Why? Was Frank defrauded? No. On page 37 of this 50-page mortgage document, it did say the mortgage would go up, but it didn't say so in a language you or I would understand, only that certain things would happen after this, that, and the other. I think if you read it—and I read it—it was deliberately disguised. So there was no fraud. There should have been, but our laws for mortgage brokers don't say it is fraudulent to sell somebody a mortgage that is beyond what they can pay.

The second point: Of the $50,000 Frank was supposed to get, guess how much he got. He got $5,700. You say: $5,700, how could that be? Because in that disguised mortgage document, it said the broker would get a commission. What it didn't say is the broker's commission from a mortgage company, also unregulated, also not a bank—the higher the interest rate the agent got Frank to sign for, the greater the commission. If it was a no-document loan, which this was no documents—another story for another day, and I will be back on the floor this week, if we are able to debate this bill, and talk about all these things because I have studied this issue and I have been working on it for a long time. It was a no-doc loan, an absurd concept; how investors bought no-doc loans is again something we have to look at. But he got an additional commission for that.

Then there was a prepayment penalty. If somehow Frank would prepay this ludicrous mortgage, there would be a big penalty to prepay. When should that ever happen? Those should be outlawed.

So this guy got $22,000, the mortgage company got points of $11,000, way beyond what any bank would charge or would be allowed to charge. Between the appraiser, the lawyer, and everyone who came with the package, they all took their piece and Frank got $5,700, all because of the structure of the mortgage company. You say: Well, what about the mortgage broker? He is probably off in the sunset on his yacht with all the $22,000 he made from duping the Franks of the world. Where is the mortgage company? It is bankrupt. Frank is stuck.

The third point: Frank was a prime borrower. He had a FICO score somewhere around 700. He had paid his mortgage payment religiously for 16 years. He had never missed a credit card bill. Frank was one of those old-fashioned people who believed you pay your bills, so he was a prime borrower. Sixty percent of those who have subprime mortgages in or about to go into foreclosure are prime borrowers. They pay their loans. They are not trying to gyp anybody. It is a disgrace. The sad fact is if Frank hadn't answered that ad but had walked into a local bank, because they are regulated, they would have said to Frank: You need $50,000? Fine. We will sign you a new 30-year fixed-rate mortgage and that will cost you $1,500 or $1,600 a month instead of $1,100. That would have been a stretch for the Ruggiero family, but they would have made it. They would have signed it and he would have gotten his money and his treatment.

What are we saying, that Frank should be punished for what he did? I ask some of those ideologues from the think tanks and even from the other side of the aisle: What did Frank do wrong? What did Frank do wrong? What harsh lesson are we going to impose on the Franks of the world, and what will anyone else have to learn from them? So the moral hazard argument makes no sense.

We have to do something. Now, what this bill contains is something Senator BROWN and Senator CASEY and myself and, with Senator MURRAY's help, have been working on for a long time, where somebody on the ground today could go to Frank, if Frank were alive, but to people similar to Frank, and they could help him rewrite a new mortgage that he could repay and he wouldn't lose his home. Now, after 6 months of the administration opposing and opposing and opposing, Senators BROWN and CASEY and I, again with Senator MURRAY's help, were able to get $180 million into the omnibus budget bill at the end of last year. Guess how much of that has been used. Mr. President, $160 million already, after about 6 weeks, 7 weeks since it passed. We need more. To me, the most important part of this bill, with a lot of good provisions, is the money for the mortgage counselors. Not because it is a great, heroic thing to do, not because it dramatically restructures our economy—these things are needed—but because it saves people's homes. It saves the Franks of the world, their little piece of the rock, which they struggled so hard and long to own and to keep. So we proposed another $200 million. To be honest, we need $500 million. To compromise with the other side—they hate all Government spending, some of them—we have said $200 million.

Then, when the mortgage counselor came around, you would still need money to refinance the mortgage. That is why there are provisions for mortgage revenue bonds in the proposal. There is also a proposal for CDBG money. That seems to raise the ire of some: Government money. Well, let me say what the CDBG money will do. The houses that are already foreclosed upon and are vacant are cancers on neighborhoods. Let's say you are a homeowner anywhere within a tenth of a mile of a home that has suffered foreclosure; a vacant home in your neighborhood brings the home values down 1 percent, each vacant home. So a totally innocent person suffers. No moral hazard here. You could have paid your mortgage off and you are hurting because there are foreclosures. What this provision will do is allow the State, the local governments, to buy up that foreclosed home, fix it up, and sell it. Isn't that a good thing or are we again going to stay in our ideological ivory tower and say: That is the Government spending money. Of course it is the Government spending money. We spend money for soldiers. That is an external cost. Foreclosed homes are also an external cost. So this is a good package.

The final provision is a bankruptcy provision which I support and I hope will stay in the bill. I know it is controversial. But Senator DURBIN has wisely modified it. The argument against it is it would raise interest rates because people would build in the cost of the lower repayment once somebody was in bankruptcy into the original cost of the mortgage. So what Senator DURBIN did in an effort to compromise is actually say it will only apply to existing mortgages, not forward-looking ones, not ones that are going to be signed tomorrow. So it can't affect future mortgages. So these are five good provisions.

Now, I wish to say to Senator MCCONNELL and Senator SHELBY, and I think I speak for just about every one of us on this side of the aisle: We welcome additions. We welcome discussions. Senator JOHNNY ISAKSON, of Georgia, has a provision about tax credits for first-time homebuyers that might encourage the housing market to get going again. I think it is a good provision. I praised him while we were on break. Senator ISAKSON should get to offer his amendment.

There are many other amendments. Senator CARPER worked diligently to see that FHA reform comes forward. Senators DODD and SHELBY are close. The only disagreement, as I understand it, is over what the limits should be. The administration and some of us, including Senator DODD, support $740,000 approximately, and SHELBY says $400,000. I cannot believe we cannot work that out. I say to Senator SHELBY that in places such as Long Island, where the average home costs about $450,000, we don't even cover half of the homes right now. It was always intended that about 80 percent of the homes be covered—not just the very wealthy but middle class and down. Hopefully, they can come to a compromise on that.

Anyway, this is good news. I know what happened. Two weeks ago, when we proposed the same thing, we were blocked. I talked to some of my colleagues on the other side of the aisle who wanted to put a bill together. They said there were some who said the only debate we should have on this is to reduce the estate tax or make permanent the Bush tax cuts. With all due respect, neither of those has anything to do with solving the housing crisis, whatever your view is.

Then something happened. We had a meltdown on Wall Street and all these new housing figures I mentioned during the 2 weeks we were away. I am glad to see that the minority leader and others have now seen, hopefully, the price for inaction, the price for a narrow ideological commitment—no Government, as our economy goes down the drain.

I am hopeful, and I pray that the negotiations that are going forward right now between the Chair and ranking member of the Banking Committee will bear fruit. Let us hope we can spend the rest of this week far more productively than we spent the last week here in session. Let's hope we can debate housing. Let us hope we can help the Franks of the world, who have done nothing wrong and need help. When we help the Frank Ruggieros of the world, we help our economy gradually get better.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I am delighted to come to the floor today to praise the Senate for the most recent action in approving the motion to proceed on the issue of the day in America, and that is the housing crisis, the mortgage crisis, and what has been happening to our homeowners, mortgage companies, and our communities.

I pay particular attention and thanks to HARRY REID of Nevada, the majority leader; MITCH MCCONNELL of Kentucky, the minority leader; CHUCK SCHUMER; LAMAR ALEXANDER; JOHN ENSIGN; CHRIS DODD; RICHARD SHELBY; and a host of Members who came together, and instead of agreeing to disagree, agreed to agree and set a platform from which this Senate, in only the way the Senate can do it, can deliberate the most pressing issue of the day.

I thank them for incorporating and including me in those discussions, and I want to share one of the things I shared with them and what I think should be a key part of any solution we offer on behalf of the housing market and the mortgage crisis.

One of the good things about getting older—and I am 63—is that you have had a lot of experience, hopefully all of it good, but it is not all good. I was in the real estate business for 33 years before I came to the Senate, and I was in it in 1974 when we went through one of the worst housing recessions ever. I was also in it, thank goodness, in 1975 when a Democratic Congress and a Republican President, Gerald Ford, brought forward a tax credit bill to stimulate the housing market.

In 1975, we had a similar problem. We had gone through a period of easy credit and lousy underwriting, except it wasn't on the mortgage side, it was on the construction loan side. At banks around the country, if a guy came into the bank and had a pickup truck and a hammer, he qualified as a builder, and he went out and bought a lot and started building spec houses. Banks made the loans and even advanced some of the development costs. Some A and D lenders would loan 100 percent of the cost of the acquisition and 20 percent of the development—crazy underwriting. It led to a plethora of new houses being built but no buyers for these houses. The United States found itself in the position of having a 3-year supply of standing new inventory on the market and no buyers.

What happened? Values started declining, grass started growing, and vandalism started taking hold on the vacant houses. It was a horrible situation. The President and Congress came together and said: Why don't we stimulate the market to absorb these houses, get the buyers back into buying houses. We passed a $2,000 tax credit to any family who bought and occupied as their principal residence a single-family new house that had been built, not a resale or any other house, but a single-family new house that had been built and standing in inventory.

We passed that $2,000 credit which, to give some idea of perspective, was about 8 percent of the value of an average house at that particular time in the marketplace. What happened is overnight, buyers sitting on the sidelines came out. They bought the standing houses that had been vacant and unseen for months. Housing values stabilized and began to go up, the economy turned around, and we went out of a recession, into prosperity, absorbed the inventory, and we did not bail anybody out. We just motivated homebuyers to do what they do best, and that is buy the designated houses which were the problem.

Two months ago, I introduced a similar bill based exactly on that experience, except instead of $2,000, it was a $15,000 tax credit earned over 3 successive years, the first 3 years after the purchase, of any one of a category of three types of houses:

Category No. 1, a new house built unsold, vacant, and permitted prior to September of last year. Any builder in America who permitted a house before September of last year did so when times were good. There was no looming indication we were going to get into the problem we are in now. They got caught like a lot of these homeowners and junk mortgages got caught, subprime mortgages.

Second, a house that qualifies is a house that has been foreclosed upon, the foreclosure has been adjudicated, and it is owned by the lender or the lender's designated agent. That is a standing vacant house foreclosed on and up for resale.

The third category is any house in foreclosure pending adjudication. That means it is being advertised, a foreclosure notice has been posted, and the house will be foreclosed on but has not yet.

Any one of those three types of houses, which is where the growing inventory is, will be eligible for the buyer to earn a $15,000 tax credit allocated over the first 3 years in which they occupy the home. If it is a speculator in foreclosure, it does not qualify. If it is a speculator who is trying to buy, they don't get the tax credit. This is to stimulate houses being bought that are in trouble, owner occupied by principals who bought those houses, and it qualifies for people who will buy those houses, refinance them, pay off the loan, and live in them as their residence.

What is going to happen, if the Congress is able to come together and pass a tax credit proposal such as that, is we will instantly stimulate the housing market and the marketplace, and the consumers will begin absorbing the standing inventory that is in foreclosure or pending foreclosure or is new and has been sitting since September of last year. That is precisely where the problem is. That is precisely what needs to be absorbed.

There are a few people who said: What about people who have been making their payments and are not in trouble; why don't you get the credit for buying their house if they want to sell it? That is not where the problem is, No. 1. No. 2, they are suffering from all these vacant houses being out there as well because housing values are declining, appraised values are declining, equities are shrinking, and equity lines of credit are drying up. We need a focused, targeted absorption vehicle to see to it that the buying public solves our problem for us. That is the right way to do it.

One other feature of the proposal is the tax credit will only be available and able to be earned on a purchase of a designated property made between April 1, 2008, and March 31, 2009—a 1-year window of opportunity. That creates the urgency of the situation, it motivates people to get into the marketplace or lose that opportunity, and it will be a significant catalyst to the marketplace, solving a significant problem for the United States of America.

I encourage my colleagues on the Banking Committee. I appreciate their consideration of this proposal and this concept. I hope that when the bill comes to the floor either in the base bill or in the amendment process, we can address a past solution that worked and add it to a contemporary problem that was identical to what the problem was in 1974 and 1975.

I end where I began. I thank my Democratic friends and my Republican friends who came together and decided to make something work rather than figure out how we can just be against one another. Senator SCHUMER has been a catalyst in this effort, Senator ENSIGN, Senator ALEXANDER, Senator REID, obviously, Senator DODD, and Senator SHELBY. I pay tribute to Senator TOM CARPER who talked with me over weeks about the proposal I just discussed and finding some way to bring it to the floor of the Senate and get it out there so we can address the problems that exist in Delaware, Missouri, Georgia, Nevada, and in all the 50 States over the United States of America.

I am privileged to be the author of the amendment. I will be proud to be part of a team that does not want to take credit but wants to get something done, put together a bipartisan bill that addresses the most contemporary problem today in the United States of America, and that is the housing crisis.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask for the regular order. Are we in morning business?

The PRESIDING OFFICER. The Senate is considering a motion to proceed to the housing bill.

Mr. INHOFE. I ask unanimous consent that I be recognized for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFRICA

Mr. INHOFE. Madam President, on February 6 of 2007, the administration announced their intention to create a new unified command, the United States African Command, or AFRICOM. The U.S.-Africa command is a partnership between military and civilian communities that will focus on existing programs such as the training of peacekeeping forces that enable African nations and regional organizations to improve security on the continent. The National Security Adviser, Stephen Hadley, said:

> AFRICOM is a command that would be established for Africa . . . It would be a partnership, really, between military and civilians, and its principal focus would be to continue some of the activities that we are already doing to try and train peacekeeping forces so that countries in Africa and regional organizations in Africa can take more of a role in dealing with the conflicts and the problems on the continent.

It is ironic that we have these COMs, these commands all over the world. Yet Africa is divided into three commands: the Pacific Command, the European Command, and the Central Command. Africa has now become, in my opinion, the most significant continent that we need to pay more attention to.

I think I am uniquely qualified to talk about this. Two days ago, I made my 97th African country visit. The last country we were in this last week—there were some five countries—was Ethiopia, a very significant part of it.

I also started my efforts in Africa long before we had a lot of military interest in Africa. Mine was more of a mission type of thing. I became very familiar with all of Africa. I now have had an opportunity to sit down and visit personally and develop intimate relations with the Presidents of some 28 African nations, their Parliaments and many of the leaders there.

As a matter of fact, I was in Ethiopia 7 years ago, when we came upon a little girl. She had nothing. The little girl was an orphan. She was 3 days old. She wasn't healthy—didn't look like she would live at all. They put her into an orphanage, where they did the very best with what they had. Like so many orphanages, she was actually put in a bucket. They had this cute little girl in there, feeding her intravenously through her scalp at the time.

Anyway, there is a long story that goes with that, but the short version is my wife and I have been married 48 years and have 20 kids and grandkids and one of our daughters, Molly Rapert, had only boys. She wanted a little girl so she adopted this girl. This is my adopted African granddaughter.

It is kind of funny. She was found abandoned as an orphan in Addis Abba, in Ethiopia. Yet this little girl has turned into quite a genius. In fact, 3 weeks ago at the National Prayer Breakfast I was in charge of the African dinner. I say to the Presiding Officer, this little granddaughter of mine was the speaker that night—7 years old. I have more than a passing interest in Africa. It is a family interest too.

During my time on the continent, I have seen the significant and strategic place in the world that Africa holds because of the sheer size of Africa. People don't realize, if we go from Mauritania to Ethiopia, east to west, it takes 7 hours flying. If you go from north to south, from Cape Town up to Algeria, it is 9 hours. It is a huge continent.

The rest of the world is now realizing its importance. I think our timing is very good. It is only a year ago that we embarked upon this idea that we were going to be holding up Africa and supporting it. A lot of people don't realize the significance of Africa, that Africa is the area where, as the squeeze takes place in the Middle East on terrorism, a lot of it goes down through the Horn of Africa, through Djibouti and that area, and spreads out throughout Africa.

Other countries are realizing how important it is. They are doing something about it. The new French President, Sarkozy, said during a recent trip to South Africa that Africa should have at least one permanent seat in the U.N. Security Council and that France would no longer accept major world affairs being discussed without a leading African country being involved.

There are many countries, such as China, expanding influence in Africa. I can tell you that, as you go through Africa, anything that is new and shiny—a bridge, a colosseum, anything such as that that is given to them by China. China is trying to get a foothold there.

China has the same problem in its dependency on outside sources for oil as we do. They are beating us to some of these areas in Africa. Huge reserves are being developed in Africa. All that is very significant.

Currently, over 700 Chinese state companies conduct business in Africa, making China the continent's third largest trading partner. The United States and France are first and second.

I have also seen, in my many travels to Africa, the great strength and perseverance in the African people, in their fight to overcome great obstacles such as HIV/AIDS, malaria, poverty, wars. In order to achieve security and stability, we have to work to eliminate the root causes of poverty and poor governance. Fighting terrorism in the region has become critical. Examples of terrorism we remember—it was not too long ago the bombings of our embassies in Tanzania and in Kenya and more recently the bombings in Morocco and Algeria. African countries have become more vulnerable as al-Qaida has infiltrated into the Horn of Africa.

As the surge is working—yesterday after leaving Africa, I went to the European command and looked at the progress we are making. We were, yesterday afternoon, in Iraq. Good things are happening there. The surge is clearly working. As the surge works, what happens is, as I described, a lot of the terrorist activities go down into the most convenient place and the most vulnerable and that is the continent of Africa.

It has been reported terrorist networks in Somalia and Eritrea work together, increasing their capability. If you go into northern Uganda—this is something very few people know about. Everyone knows about the problems in the Sudan and many of the other areas of Africa. But how many people know the children's Army being developed by a man named Joseph Kony. The LRA, the Lord's Resistance Army, for 30 years now they have been taking kids out of villages, little 11-, 12-, 13-, 14-year-old kids, teaching them to be soldiers. Once they learn to be soldiers, they have them take an automatic weapon and go back to their villages and murder their family. If they don't do this, they maim them, they cut their ears and lips off. This has been going on for a long time. These horrible things are going on, and a lot of that is because we, the free world, have not given our attention to Africa that we should have a long time ago. We see the conflicts in Kenya taking place right now, the young democracy that has unfortunately exploded into tribal conflict. More than 1,000 people after the December election were killed. Last month, there were 500 European Union troops who were sent to protect Chad's capital from being taken over by the rebels; 3,700 EU troops are presently protecting thousands of refugees along Chad's border with Sudan as well as the neighboring Central African Republic. In February, the United Nations ordered its regional force to withdraw to Ethiopia after the Eritrean Government cut their field supplies.

Let's keep in mind it was Eritrea, when we had the problem in Somalia, that went down and sided with the terrorists. It was, of course, Ethiopia that joined us, as well as other countries such as Uganda and Burundi.

The United States has a long history offering support, helping establish security on the African Continent. Thomas Jefferson was the first President to send American troops to the coast of Africa to ward off the Barbary pirates plaguing the Mediterranean and threatening the security of Europe and the new colonies. This is kind of funny. That was Thomas Jefferson. Today the same thing is happening in the Sea of Guinea. They have new discoveries of oil so there is pirating going on, and we are over there trying to help the surrounding countries defend themselves. This command is going to go a long ways toward doing that.

We continue to support African nations in the area for security and stability and health and education initiatives. In 2003, the United States helped to bring stability to Liberia. In Djibouti, the Combined Joint Task Force for the Horn of Africa has been involved in developmental activities, including building schools and digging wells. I have had occasion to be in Eritrea several times. It is probably the least known country in Africa. It is becoming better known because of all the atrocities that are taking place there. The administration recently pledged $15 billion through the President's emergency plan for AIDS relief and significantly is contributing to the fight on AIDS.

People complain: Why are we spending money to help Africans on HIV/AIDS? That is their problem. They are dealing with their problems themselves.

I had occasion last week to be with the First Lady of Zambia. The First Ladies all throughout Africa are the ones who are doing the most to combat HIV/AIDS. The First Lady of Zambia has put together a group of First Ladies who are significantly having an impact. President Gbagbo's wife Simone in Cote d'Ivoire is very actively attacking the problem there. Janet Museveni in Uganda has been honored in the United States for her work on HIV/AIDS. Most recently, the one I think is really doing the best job is the wife of the Prime Minister of Ethiopia. Prime Minister Zenawi's wife Azeb is heading up a group that is having great positive impact on HIV/AIDS. So they are helping themselves.

The United States is partnering with African countries in effective programs such as IMET. I am on the Armed Services Committee, and it is one of the strongest programs we have to develop close relations with other countries. It is a military program where we invite the officers to come over and get trained with our officers. Once they are trained with our officers, that develops a bond that stays there from then on. If we don't do it, other countries such as China are willing to.

We have dramatically improved our train-and-equip sections so that we can help commanders in the field train and equip other countries. Primarily, my concern is in Africa, and that is happening. Those programs are proving to be vital resources by aiding developing countries in the professionalism of their militaries.

Africa is an avenue that the United States can use to aid Africa as it continues to grow into a secure democratic continent with a growing economy. Africa's challenges, its growing strategic significance, and the potential impact of failing states and ungoverned areas on U.S. security will require increased emphasis on interagency cooperation.

Currently, the African Continent is divided between three commands. You have the Pacific Command, the Central Command, and the European Command. The division of responsibilities has caused problems in coordinating activities and creating seams between commands, especially in key areas of instability or of conflict. One seam creating difficulty lies between Sudan—under the CENTCOM, or the Central Command—and Chad, immediately adjoining it, and the Central African Republic. The last one is under the European Command. They are right next to each other but under two different commands. Bureaucratically, it is a nightmare; you can't coordinate activities.

The recent conflict in Chad and the continuing conflict in Sudan emphasize the need for the United States to respond to these conflicts and to be unified. As AFRICOM becomes operational, these divided responsibilities will no longer exist. It is set up to be operational by October of this year.

We have a great guy who is going to be commanding general. He has already been confirmed, GEN William "Kip" Ward. Kip Ward's military service includes tours all over the world but with a real emphasis and interest in Africa. He was confirmed by the Senate in September. General Ward has expressed a vision of hope for Africa and for the role the United States plays in that vision. General Ward believes in the need to address crisis situations before they arise and to address them at the microlevel, at the perspective of the individual victim, which is critical in bringing about solutions. AFRICOM's aim will be a preventative approach on the local level, giving hope in times of adversity and a way forward for the future in both security and development. General Ward is the right guy for the job. He has stressed that the purpose of the command is to enable African solutions to African challenges, to support African leadership rather than usurping or suppressing African leadership and sovereignty. This is very important.

It was the right military decision for us in the United States to become interested in helping Africans develop five African commands. These would be north, south, east, west, and central. Only two of the locations have been determined right now. But we make it very clear to Africa, we are not doing this. We are not the ones who are putting the brigades in there. We are helping them to put their own brigades there so they can take care of their own problems.

In Somalia, African countries such as Ethiopia, Burundi, and Uganda have sent in troops to help stabilize the government there. We couldn't have done that without the support of Africans. The African Union troops have recently arrived in the Comoros Islands near Madagascar to help its military regain control of an island where a renegade leader has declared himself President. The development of the African standby brigades is a good example of how we are helping them to help themselves.

So AFRICOM is expected to become fully operational the first of October 2008. It is going to be at least temporarily located in Stuttgart, Germany. My personal preference would be to have it someplace in Africa. Right now, there is some resistance to that, so we will keep it in Stuttgart for the time being.

In fiscal year 2008, Congress appropriated $75 million to the command, and in fiscal year 2009, the President has requested $389 million. I know this sounds like a lot of money, but I can't think of anyplace where we can actually save money more than by helping the Africans build up themselves and bring their allegiance in to us. We have to support AFRICOM with adequate funding to enable the command to be fully equipped to face the challenges they have only in Africa.

I already introduced a resolution that is S. Res. 480. I am joined by about 12 or 14 Members. I invite my friends from both sides of the aisle who have a heart for Africa and believe in what we are doing to join in this resolution. The resolution encourages the Department of Defense and the State Department and USAID to work cooperatively with our African friends to bring hope to the continent. So often, when you try to put together a program such as train and equip, the State Department seems to think that the Department of Defense is taking away some of its power. It becomes a turf battle. We don't want that to happen. It looks as if it will not happen in this case. The resolution emphasizes that AFRICOM is expected to support, not shape, U.S. foreign policy in Africa so that we would be working together.

Finally, I encourage my friends in Africa to work together with AFRICOM to find solutions to issues facing Africans today. Under General Ward's leadership, I believe AFRICOM can provide that hope to the people, and I believe that is going to happen.

I was in a Stuttgart meeting, the first official meeting of a Member of Congress with the new African Command or the new AFRICOM. I became convinced, looking around the table at all the people, this is the first time you see many of the bureaucracies sitting around the same table. This didn't happen before because it was not a unified command. This unified command will allow that to happen.

There is no place in the world that needs more attention by us right now. When you talk about the war on terror, the next area we will have to concentrate on is Africa. By taking these steps now, Africans will be prepared to handle their own problems and not have us do it for them.

I am very pleased with the successes we have had. We have been talking about a new African Command now for about 10 years. Finally, it will become a reality this year.

We need to encourage a lot of people to start participating, maybe to the same level I am participating with the country of Africa. It is a beautiful thing that is happening right now. I believe we are going to make great progress as a result of the African Command.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HONORING OUR ARMED FORCES

STAFF SERGEANT KEITH "MATT" MAUPIN

Mr. BROWN. Madam President, this weekend the Department of Defense confirmed the death of SSG Keith "Matt" Maupin, an American patriot from Batavia, OH, near Cincinnati, who bravely served our Nation in Iraq. Sergeant Maupin had been listed as missing and captured for nearly 4 years. He went missing on April 9, 2004, after his fuel convoy, the 724th Transportation Company, was ambushed just west of Baghdad. Since that tragic day, Sergeant Maupin's mother and father, his family, have worked tirelessly to locate their son. My prayers are with them, those who have endured years of gut-wrenching uncertainty and unfathomable heartache. We owe this family a tremendous debt of gratitude, not only for their extreme sacrifice but for their determination to prevent other parents from experiencing an information vacuum when their deployed son or daughter goes missing.

There are three other soldiers currently missing and captured in Iraq. The nightmare is not over for their families. On their behalf and in honor of Sergeant Maupin, our Nation must find those soldiers. Time must be perceived as the enemy. There can be no pause in the search, no ebb in the sense of urgency.

Upon finally hearing news of their son a few days ago, Sergeant Maupin's father said:

> Matt is coming home. He's completed his mission.

His words echo those of a grateful nation.

Madam President, for months and months almost every newspaper in the country has been filled with stories of the tremendous toll the housing crisis has taken on communities across our Nation. My State set an unenviable record for foreclosures last year—more than 83,000, according to Ohio's Supreme Court. That is more than 200 every day of the week—Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, and Sunday. Every week 1,500 families lose their homes. Almost 4 percent of all home loans in Ohio are in foreclosure, the highest rate in the Nation. The end is nowhere in sight.

In Ohio, there are another 120,000 home loans that are delinquent. Nationally, one rating agency is now predicting a 50-percent default rate for subprime loans made in the fourth quarter of 2006, many of which will reset in the fourth quarter of this year. Think about that. One of every two subprime loans made in the fall of 2006 will go bad. That is not lending, that is gambling with someone else's home.

In the face of this crisis, the Bush administration has largely taken the view that prosperity is around the corner; the Government need not do anything; voluntary efforts and market forces will be enough. Last summer and earlier in the year, the Bush administration was still arguing that the problem was contained. So long as the problem was contained to places such as Ohio and Michigan, to Nevada and California, the administration was content to do almost nothing. But what a difference an address makes. When the problems moved from America's Main Streets to Wall Street, the administration sprung into action. In a single weekend, the executive branch jumped to rescue the investment bank Bear Sterns from bankruptcy. If the Government can leap into action to prevent the bankruptcy of a single bank, how can we turn our backs on the tens of thousands of Ohio families and the millions of American families who need our help?

Congress must act in the face of this crisis. Majority Leader REID tried a month ago to bring legislation before the Senate that would take several steps to help homeowners faced with foreclosures in the communities in which they live. We are trying again today. We seem to be able to afford to spend $3 billion in 1 week, every week, 52 weeks a year, in Iraq, but the President hasn't been able to find $4 billion in 1 year to help the towns and cities across the country that are being gutted by foreclosures. We are able, it seems, from Chairman Bernanke, to spend $30 billion buying a basket of mortgages from Bear Sterns that JPMorgan wouldn't touch with a 10-foot pole. Why can't we help cities rebuild?

The needs of communities are critical because this crisis has an impact far beyond just the people who lose their homes, as big as those numbers might be. Whenever a home goes into foreclosure, the value of neighboring properties is reduced. In many areas, local vandals move in quickly to strip the copper pipe and the aluminum siding from a home. Crime goes up just when property tax revenues in these cities are plunging and the resources of a city and town are stretched to the limit.

Senator REID's bill would include some $4 billion in funding for the Community Development Block Grant Program, so communities that have been the hardest hit could renovate or rebuild or even in some cases raze these properties.

The bill would provide an additional $10 billion to housing finance agencies to be used to refinance mortgages, to help first-time home buyers, and to create more multifamily rental housing.

The majority leader's legislation would also provide $200 million on supporting the efforts of nonprofit agencies across the country to counsel homeowners on how to work with a lender to stave off foreclosure.

We have great neighborhood counseling organizations in Columbus and in Toledo and in Dayton and in Cincinnati and all over my State.

This is no easy task. Once upon a time, you took out a loan with your local bank to buy a home. If I borrowed money from a local bank, the banker had just as much interest in my paying down my loan, my staying up to date on my loan, he had just as much interest as I did in making sure I paid my mortgage. You knew the people at the bank. They knew you. You had that kind of relationship.

Today, especially for subprime loans, that is seldom the case. So help in navigating the mortgage maze is essential. That is why those neighborhood counseling organizations are so important.

The majority leader's bill would also improve disclosure of the terms of a mortgage. In the last year—the last 14, 15 months since I came to the Senate—I have held about 95 roundtables in 60 of Ohio's counties talking to people about what issues matter to them the most in their communities. I heard from one Ohioan after another, from Marietta to Lima, from Bryan to Chillicothe, from Zanesville to Youngstown. I have heard from one Ohioan after another who never understood the real risks and dangers of the mortgages that were sold.

Senator REID's bill also provides bankruptcy judges the ability to modify the mortgage on a primary residence in the same way that a judge can today with a vacation home or investment property or even a boat.

We know lenders and their servicers cannot keep up with the flood of foreclosures they are facing. Much has been made of the number of loans that have been changed as a result of voluntary efforts. I do not discount those efforts at all. But tacking late fees and penalties on the back end of a loan does not do much to help a family make their monthly payment.

One woman who called me reported a loan modification that reduced the interest rate on her loan from 11 percent to 10 percent. With the late fees and penalties folded in, her monthly payment barely budged.

Modifications like these are simply not going to help. It is essential that we permit the bankruptcy courts to serve as their backstop.

My Republican colleagues apparently think it is OK for a bankruptcy judge to modify the mortgage on a multimillion-dollar vacation home, but it is not OK to provide the same relief to a family facing bankruptcy in their $100,000 home.

When lenders are only recovering 35 cents on the dollar in my State—it is a little higher nationally; only 35 cents in my State on the dollar—on a foreclosed property, I do not think they have anything to fear from an alternative process supervised by the bankruptcy courts that may result in avoiding foreclosure.

The bankruptcy provisions are a significant change in our law, to be sure. But they are a responsible reaction to some extraordinarily irresponsible underwriting.

I understand the importance of protecting contract rights. But think for a minute about the contracts that are in question. The vast majority of subprime loans went to refinance homes. They were designed to do three things—to generate fees, strip out equity, and quickly become unaffordable.

Do we really want to take the position that these contracts should be beyond the reach of a bankruptcy judge? I think not.

We have much work to do in dealing with this foreclosure issue. Every day we delay more than 200 people—more than twice the membership of this body—lose their home in my State. They deserve more from us.

I yield the floor.

Mr. CORNYN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, we know Senators DODD and SHELBY are working on, hopefully, a bipartisan piece of legislation that will come to the floor this week that will help Congress do what needs to be done and, hopefully, what will actually work to try to relieve some of the crisis caused by the subprime lending credit crunch and the slowdown in the housing industry.

We have all acknowledged this slowdown we have seen in our economy over the last few months, and we have resolved to work together to try to give the American people the confidence that if there is something we can do, we will try to do it in a way that actually works and relieves the problem in a bipartisan way. I think, frankly, that is met with some measure of relief by people across the country.

I think we got off to a pretty good start when Speaker PELOSI and Republican leader JOHN BOEHNER and Hank Paulson, the Secretary of the Treasury, came up with a stimulus package that passed with strong bipartisan majorities.

I think as much as anything it demonstrated that we are capable of acting together in a bipartisan way rather than just engaging in gridlock and finger pointing. I hope we will continue along that trend as we consider the legislation that Senator SHELBY and Senator DODD are working on.

To me, one of the best parts about the stimulus package we passed was the small business bonus depreciation provisions which gave small businesses that invested in new equipment an opportunity to write that off on an accelerated basis. It provided a great incentive for them to purchase that new equipment and hopefully allow them to continue to create jobs.

It is no secret about 70 percent of the jobs created in America are created by small businesses. We ought to do everything in our power to try to help them continue to generate jobs for hardworking Americans.

A little earlier today, I had a colleague come up to me and say, basically: We have to do something to deal with this crisis. Of course, I added: Well, I hope we do something. But more than that, I hope we do something good or something that will actually work and certainly not something that will actually make things worse.

Like the medical profession, we ought to consider in the Senate taking a Hippocratic oath of our own that first we do no harm because, frankly, on the earlier stimulus package, where we believed it was necessary to act to give the public confidence—that we could on a bipartisan basis—basically we ended up spending about $150 billion to do so.

I think extraordinary measures were called for, but it was with more than a little trepidation that I voted for that bill which added to the debt, particularly when we are not doing a good job of dealing with the deficit in other areas and unfunded liabilities of the Federal Government, particularly when it comes to entitlement spending. But for the same reason I voted for tax cuts in 2003—which I think helped contribute to about 50 months of consecutive job growth in this country, and about 9 million new jobs—I think sometimes extraordinary measures are called for to help stimulate the economy.

But I do think the very best stimulus package we could possibly pass would be to lighten the tax load on small businesses and American taxpayers. It works. We know when people can work hard and keep more of what they earn, then it generates not only more income from them and a greater incentive to work hard, it also, ironically, generates more revenue for the Federal Treasury because more people are working, more people are paying taxes, and, thus, it helps us deal with the deficit in a way that is constructive by putting people to work.

But at the end of the day, I think what we need to do this week is to make an immediate, palpable difference in the lives of families with distressed mortgages. The housing market ought to be our focus and helping people with distressed mortgages not have to unload those through foreclosure and perhaps lose everything they have invested. That is why I would like to see the provisions from something called the SAFE Act become law.

The SAFE Act would expedite the delivery of the full $180 million appropriated for foreclosure counseling just last December. And to help stabilize the housing market itself, the SAFE Act includes a $15,000 tax credit over 3 years. This has been proposed by our colleague from Georgia, Senator ISAKSON. I believe Senator STABENOW on the other side of the aisle has something similar. But basically what it would do is provide a tax credit that would give people an incentive to buy existing inventory of new housing or housing that was currently in foreclosure proceedings.

Obviously, our housing market has a big impact on employment, and it has a ripple effect on the economy generally. I think this $15,000 tax credit over 3 years would provide a powerful incentive for people who are in the market to purchase a single family home in foreclosure or a new home from existing inventory which now in many cases just sits vacant.

This would make it more affordable for families looking to start buying a home and will provide an incentive for people to reenter the market in the coming year.

Finally, to make sure these same problems are avoided in the future, we need to focus on increasing transparency and information for prospective borrowers.

I agree with Senator McCAIN who said we should not be about bailing out unscrupulous lenders who made bad loans or people who made the mistake of borrowing money they could not pay back, perhaps betting on the continuous bubble in housing prices in the housing market. But what we do owe the American taxpayer, the American consumer, is transparency and information which will allow them to consider—for example, when they buy an adjustable rate mortgage—and understand what they are getting into. That means letting borrowers know the full details of any new introductory rate and payment and what their new adjustable rate will be and how much they can expect their payments to be.

We must ensure consumers fully understand their mortgages and that they have a completely free and well-informed choice when it comes to their loans. That is the only way I believe we can hope to avoid future problems in the housing and banking industries in the future, beyond making sure that underwriters don't intentionally loan money to people they know can't pay it back. But those have to be resolved on a transaction-by-transaction basis, perhaps by the courts.

The Senate should make sure that any proposal does not produce insurmountable challenges to prospective and current homeowners. Too often, the work we do in the Senate has the effect of unforeseen and unintended consequences. Here again, we should do no harm, and I think we should be careful not to cause problems while we are trying to fix problems.

For that reason, I would be hesitant to support any proposal that increases the size of the Government's budget at the expense of the family budget. I could not support proposals that actually make home ownership more expensive, encourage costly litigation, or expand Washington programs.

The Senate should not be making home ownership more expensive for working families. That is what I believe, for example, the bankruptcy provision would do, which would allow bankruptcy judges to actually cram down reduced interest rates, thus devaluing that particular financial instrument, which would actually in the long run have the unintended consequence of raising interest rates and the cost of mortgages. I think every Member of this body can agree the last thing the Senate should be doing is making things harder on families and making it more difficult for small businesses to grow and create jobs here at home.

When this Senate passed the economic stimulus package, it affirmed the basic principle that economic growth is best served through taxpayers and people who are earning the money being able to keep more of it. It would be incomprehensible to me to now turn around and pursue a mortgage plan that would take that money away through bigger Government programs or higher costs for homes or mortgages.

Let me say that in my home State of Texas, we continue to enjoy strong job creation. Although there has been a downturn in the housing markets, by and large, we are running in a countercyclical fashion to much of the rest of the Nation. Our unemployment rate is at a 30-year low, and over the past year, Texas has led the Nation in job creation. We have accomplished this by some things that are pretty obvious, but I think they are worth noting; things such as low taxes, commonsense regulation, and an economy based to a large extent on free trade. All of these factors give businesses the tools to grow and families the stability to live. Not coincident, naturally, it allows or encourages job creators and businesses to move to our State, thus creating in the last—well, since 2000 about 3 million people have moved to Texas. I think people tend to vote with their feet where they find opportunity, and I think this formula of lower taxes, less regulation, the right to work without having to join a labor union—you can if you want, but you shouldn't be forced to do so just to get a job—those, in addition to commonsense tort reform and some medical liability reform, which has reduced the cost of medical liability insurance some 17 percent, have encouraged a lot of physicians to move to our State and has created a lot more access to good quality health care. So from my standpoint, we kind of know what works, what helps encourage the economy, what helps stimulate the economy, and what provides the incentives for American workers to work hard and businesses to be attracted to a particular State or location.

I urge all of my colleagues to join me in supporting well-reasoned and proven measures such as these, while rejecting other proposals that would increase onerous regulation, drive up housing and loan costs, and build a barrier between more families and home ownership. We have worked well in the past when we have worked together, and I hope this week will be yet another example of good work we can accomplish when we put partisan politics aside to work out solutions in a way that addresses the real problems that face the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I noticed the Senator from Texas was talking about all of those people recently moving to Texas. There was a point in our history in this country when half of Tennessee moved to Texas. In fact, almost every Texan you find has a Tennessee ancestor, whether it is Davy Crockett or Sam Houston or some other person.

I wish to follow up on the remarks of the Senator from Texas and his focus on the family budget and his focus on the way this Senate is working. Senator MCCONNELL, our Republican leader, has said often that in the Senate that process is often substance.

When I was Governor of Tennessee, I didn't understand that very well because the job of a governor is to see an urgent need, develop a strategy for meeting the need, and then persuading half the people you are right. So I left the process to somebody else and probably didn't show as much respect for the process as I should have. When I was a university president, I was humbled a great deal and learned a little bit more about process. Now that I am in the Senate, I understand even more that the Republican leader is a very wise man when he says process is often substance.

So first I wish to comment on the process we saw this afternoon when the majority leader, HARRY REID, a Democrat, and the Republican leader, MITCH MCCONNELL, stood together with others of us and said we are going to work together and try to produce a housing bill. That was a very important event to say we'll come together and try to produce a housing bill that helps stabilize home values for American families and helps restart our economy. All it was, was process. Out of this messy situation we have here in the Senate, where 100 of us have a right to actually bring the Senate to a halt, we had the two leaders form a consensus about process and assign two of our more respected Members, the Senator from Connecticut, Senator DODD, and Senator SHELBY, the Senator from Alabama, the job of coming back to us tomorrow and giving us the next step. The leaders did this because the Senate recognizes we have a housing problem in this country. It is one that by and large may have to correct itself because of the huge free market we have, but there are steps we can take in the U.S. Government to help stabilize home values. That would be good for the family budget. It would help to restart the economy. It would be good for the country.

I commend Senator REID and Senator MCCONNELL for their steps and think they are on the right course. I say that as I see the Senator from Colorado, who has done so much in this body to help us keep our eye on the ball and do what the American people expect us to do. The American people don't expect us not to have differences of opinions; of course we have differences of opinions. That is why issues are here. If they could be easily solved, they would have been solved at the county commission or at the State government level. But these issues have been kicked up to the national level and they are hard, tough issues, and we are expected to have differences of opinion. We have Democrats on that side and Republicans on this side because we have different principles that we emphasize sometimes. Usually they are the same principles, but they are often in conflict and we have to work those out. So in the Senate, we are going to have a big, strong, rousing debate about housing. No one should misunderstand that. But what the leaders have said is what the leaders ought to say in the Senate, which is that we see a real problem here with housing in the United States of America. We see families who are worried. We see home values that are at risk. We believe there are some steps we can agree on that would be good for the country, are within our budget and that would help stabilize home values and restart the economy. These are steps that will help the family budget, and the leaders have said that is what we are going to do.

Of all of the things people say to me in Tennessee when we talk about issues, they basically say: Why don't you guys—or something less flattering—why don't you Senators stop the petty partisan bickering. Or, in my words, stop the kindergarten politics and go to work on big issues affecting our country and try to get a result. That is what the Senator from Colorado spends a lot of his time here in the Senate trying to do. I try to do that. Most of us try to do that. We are all here, I think, to get some result, and the leaders have given us an opportunity to try to get one here on housing.

There are some good precedents for this. When people see us debating, they shouldn't think there is something wrong with that. We have big principled debates here. What they don't like is the kindergarten politics when we are here to stick our fingers in each other's eyes. The American people can smell that a mile away, and they hate it. They don't like it.

But kindergarten politics is not what we used on the America COMPETES Act last year. Senator REID and Senator MCCONNELL cosponsored it because so many of us supported the idea. It wasn't so easy to pass. It was $34 billion of authorization to try to help us keep our jobs from going overseas by keeping our brain power advantage here. We had no limits on the debate. Everybody who wanted to offered an amendment and then we passed the legislation. The COMPETES Act is now in place, and we are working on funding it. It is helping low-income kids who couldn't afford advanced placement tests have them. It is helping universities train more math and science and physics teachers. It has put us on a path to double funding for the physical sciences in the Office of Science and in the National Science Foundation. These are all things we must do as a country if we want to keep our standard of living. So the Senate did that together.

At the end of last year, we brought up an energy bill. Senator SALAZAR and I worked together on many energy ideas, but this was an especially important one. The Oak Ridge National Laboratory in the State of Tennessee has said to me repeatedly: The single most important thing you could do to reduce our dependence on foreign oil and to stop sending dollars overseas to some people who are trying to kill us is to reduce the consumption of oil by passing a fuel efficiency standard so we can increase the average mile per gallon of all cars and trucks. We did that. Now, the Senate had an argument about whether to have 20 billion more dollars of taxes, and some of us voted that down. But we didn't stop there and go home, take our football and leave the floor; we came to a result, and we did the most important thing we could do to try to reduce our dependence on foreign oil. And reducing our dependence on foreign oil, by the way, is the real way to stabilize and begin to bring down the price of a gallon of gas. So the Senate did that together.

Then at the beginning of this year, the President and the House of Representatives got together to propose an economic stimulus package. In fairly record time we approved provisions that will help 2.7 million Tennesseans receive $600 or $1,200—or in some cases $1,800, if they have a couple of kids—of their own money for the most part, back, so they can spend it. This stimulus package will provide $50 billion in aid for businesses. In some of our smaller counties there are hundreds of small businesses which can take advantage of keeping a little bit more of their own money and maybe add jobs. And that stimulus is coming in time to help.

We hear on the news today that consumer confidence is a problem. Well, the rebate checks and the small business deductions are about to go into effect, and that was something the Senate did together. We had principled disagreements, but we came to a result.

One other example of working together is concerning the foreign intelligence surveillance bill. I mentioned a little earlier a very wise man, Samuel Huntington, once said that most of our conflicts are about principles with which we all agree. We agree, all of us, the Senator from Colorado and the Senator from Tennessee and every American, that the principle of liberty is important, and so is the principle of security. Well, those two principles came in conflict when we began to debate the rules for overhearing a conversation from an al-Qaida terrorist in the Middle East calling into the United States. For 6 months we debated that, but the Senate came to a result concerning liberty versus security. No one watching the Senate should think there wasn't a debate here. There was a vigorous, impassioned debate. It was the kind of debate we ought to be having, but it wasn't about kindergarten politics, it was about liberty versus security. Then the Senate came to a result.

So on competitiveness, on energy efficiency, on economic stimulus, and on intelligence surveillance the Senate came to a result. What Senator REID and Senator MCCONNELL said today is that we are going to try to do the same thing on housing.

Now, the second thing I wish to say is that there are several things going on within our financial situation today, and there are several solutions, so let's sort them out.

First, Secretary Paulson and others have suggested a badly needed fresh look at our financial institutions and how they are regulated. That will take a while and isn't easy to do. It is very complex, and it ought to take a while to discuss. In this country of ours, we produce about 30 percent of all of the wealth in the world every year. We do it in this great big free market with many different parts to it. So any time we begin to change things about the regulations, we need to be careful about what we do.

What we are talking about now in the Senate—and what the leaders announced today—is not down the road but instead is today and tomorrow. What can we do today and tomorrow to help the family budget? What can we do to stabilize home values, which we hope will help to restart the economy? There are a lot of good ideas out there. There are some that we in the Senate may be able to agree on fairly quickly.

The last thing I want to try to do is to do the work of Senator DODD and Senator SHELBY for them. They have a big task. Their assignment from the leaders is to take a day, so they and their staffs will be working most of the night to see if there are a few things that most of us can agree on that can form the basis of what the Senate plans to do on housing. Then, as I understand it, we will begin to have votes, hopefully, on issues related to housing. My guess is that if there are important and controversial issues, in most cases it will require 60 votes. In other words, we will have a bipartisan core that Senator DODD and Senator SHELBY will propose, and then we will have a series of votes to try to improve the bill.

Senators will have some differences of opinions about what improves it and what doesn't. For example, one thing that I think doesn't improve it—and many on this side don't think it improves it—is the idea of letting bankruptcy judges rewrite home mortgages for homes in foreclosure. It sounds good, and it might help a few people. Here is what else it would do: It would raise the risk for all of those who buy home mortgages in the future. If the risk is higher, the interest rate is higher. If the interest rate is higher, what does that mean for the family budget? It means higher monthly mortgage payments. The Congressional Budget Office says there could be higher interest rates. The Mortgage Bankers Association said there will be higher interest rates. They suggest that in the State of Tennessee it might be about $120, on the average, a month. I don't think it helps the housing slump if we pass legislation that has the effect of raising most home mortgages by $120 a month. That is a big raise for most people. So I think that is a bad idea. My guess is that this bankruptcy provision will be offered on the floor, we will debate it, and I hope we defeat it. At least we will be here on the Senate floor debating it and offering our reasons for and against it.

If it comes up in that form, it reminds me of junk bonds—something that was cooked up in the late 1970s and early 1980s. They called them that because they were higher risk bonds. When they were placed into the marketplace, investors said: We will buy them, but we are going to require more of an interest rate return.

There came to be other problems with these high-yield junk bonds, but the other problems are not what I am talking about. I am talking about the simple equation that if we introduce more risks into mortgages, then when people buy the mortgages they are going to require a higher interest rate. If there is a higher interest rate, that is a higher monthly mortgage payment for families in Tennessee, where the estimate is approximately $120 more a month. That is not an idea I hope is in the final result.

One idea that might be in the final result that has substantial Democratic and Republican support is providing $10 billion in new bond authority for loan refinancing. Senator BOND has that provision in his legislation, for example. That would provide tax-exempt bond authority which could be used to refinance subprime loans, to provide mortgages for first-time home buyers and for multifamily rental housing. That would mean if you have a subprime loan and suddenly your adjusted rate jumped up to a level you cannot afford—and that is going to happen with a lot more mortgages in the next few months—then the State housing agency could make a deal with you to refinance that loan. In effect, this refinancing would pay off the old loan, and you would have a new one at a lower interest rate that you are comfortable with. Most of the money gets paid back, the house is not in foreclosure, and there is more stability in the market. This is an idea I could personally vote for, and I know it has support on both sides of the aisle.

Another idea that has come from the Republican side but has attracted some interest on the Democratic side is the proposal of the Senator from Georgia, Mr. ISAKSON. He may be the junior Senator from Georgia, but he is no spring chicken. He had been in the real estate business for a long time before he came here to the Senate. He has been around long enough to have seen the housing slump in the 1970s. So he said: Let's not just invent some idea that might help; let's look back in our history a little bit and see if there was ever anything that worked in a similar circumstance that we could use to help preserve home values today. He pointed this out to us and introduced legislation, which I and others are cosponsors of, that would create a $5,000-a-year tax credit for three years for home buyers of homes that are new or in or near foreclosure. This tax credit would only apply for a limited period of time. Senator BOND included this provision in his housing legislation as well. Some work would have to be done to make sure this wasn't just for speculators. But the idea is a pretty simple one: Let's create some more home buyers through this incentive because that is good for homeowners. It is not just good for the person who has the foreclosed home but for everybody else whose house is not foreclosed, because if we stabilize the housing market by providing an influx of new home buyers, that will help preserve home values for everybody else in the market. And that will bring more confidence to the economy. I think that is a very good idea. It costs some money—about $10 billion to $14 billion over five years—in the form that it was originally introduced. Maybe it could be done at a little less of a cost.

One thing we know is that a similar tax credit was tried before in the 1970s. Senator ISAKSON says that at that time we had a 3-year inventory of unsold homes, and that tax credit—at a lower figure then because the dollars were a little less then—helped reduce the inventory of unsold homes from 3 years to 1 year. That is an idea worthy of consideration.

There is a lot of talk on both sides of the aisle about counseling for people buying homes. I have bought and sold some homes. I am trained to be a lawyer and I have been in Government. I would not think of buying or selling a home without a lawyer's help. I am not sure I could understand all of the forms I signed the most recent time I bought a home. We can do much better than that. The basic information ought to be up front so that people can understand, first, how long their mortgage lasts, what the interest rate is during the whole time, and what the monthly cost is. Those are the basic things. Then there are some other things that could also be clarified. Full disclosure—the Senator from Texas talked about that earlier—and loan counseling are ideas that the Senate can help with.

Senator MARTINEZ, a former Secretary of the Department of Housing and Urban Development, was a part of the press conference the Republican leader called this morning to discuss several Republican ideas that we have and which we hope are considered in this debate. Senator MARTINEZ has proposals about FHA loans, which are the loans that first-time home buyers often have, and for how to deal with Fannie Mae and Freddie Mac—the agencies that buy mortgages.

There is a lot we can do in the Senate to help preserve home buying, and the way to find out what we can do is to do exactly what the Democratic leader and the Republican leader have given us the opportunity to do.

Finally, I would like to say this, as I said in the beginning of my remarks. No one should believe, because the Democratic and Republican leaders and the rest of us standing behind them put us into a process to try to achieve a result, that it will be easy. No one should believe that there won't be a debate, or that there is any guarantee of success. Senator DODD and Senator SHELBY said that failure is not an option. I believe that, too, but we are going to have to discuss it to get there. It may take a few days. We are dealing with a big economy. So process may be a result, process may be substance, but either way, this is the beginning of the process toward a result.

Also, at least from my point of view, I would not want anyone to think that I believe the Government by itself can solve this problem. We sometimes forget—particularly at a time when we have an economic slowdown, as we do today—what a fortunate country we are and what a strong economy we have. I mentioned earlier that year-in and year-out, this economy in the United States produces 30 percent of all of the wealth in the world, measured by GDP, for just 5 percent of the people of the world. And we will do it again this year, as we did last year and as we will do again next year. Five percent of us Americans live here, and we will produce this year about 30 percent of the wealth in the world, according to the International Monetary Fund. Now we are in a little bit of a slowdown. It is important to understand that we are being honest about that. It is a slowdown, and it is a housing slump, and we have a problem.

We also have a big, strong economy—we have the biggest, strongest economy and the freest market, and our fundamental approach in Government ought to be to make sure that it stays that way.

So, for me and for many on this side of the aisle—and maybe others on the other side too—there are fundamental long-term propositions to really balance the family budget. We can do this by having low taxes, having less Government, having 2-year budgets so we could have more time to conduct oversight and review regulations, which means less regulation.

The way to have a strong economy is to have the right labor-management relations. In Tennessee, for example, when we were recruiting automobile plants, it meant the right-to-work law was very important to us as a State. We also need to have a first-class education system for all Americans, and that means dealing with disagreeable subjects like paying teachers more for teaching well or giving low-income kids more choices of good schools like the wealthy have. We need to also stop runaway lawsuits so that doctors don't move out of rural areas and so pregnant women don't have to drive 60 miles to Memphis to see a doctor for prenatal health care. That drives up health care costs. We also have to work together to find a way for every American to have health insurance. This is a long list, but if we really want economic strength, that is what it takes.

I learned this in a small way as a Governor of the third poorest State in the 1980s. My goal was to raise family income. I kept working for ways to do that. We already had low taxes and we had a right-to-work law. Our good location helped. We had to get rid of the usury limit, and we had to improve the schools. Then I found that we needed four-lane highways.

So there are many parts to a strong economy. These temporary measures we are taking, hopefully, in the next few days will help, I hope, preserve home values by stabilizing housing and restarting the economy.

I see no reason why we cannot create more transparency and counseling and make it possible for more mortgages to be refinanced and give tax credits to home buyers to create more homeowners. We can do that, but these are short-term measures. Then we can have other principled debates in the Senate about whether we are going to have lower taxes and whether we are going to have less Government and whether we are going to have fewer runaway lawsuits. And discussions on whether we are going to be willing to pay teachers more for teaching well or whether we will have a research and development tax credit so our companies won't go overseas or whether we are going to create opportunities for skilled researchers and workers to come into the United States so that we can in-source some of the brainpower that creates all this wealth we have enjoyed for so long.

I am glad to have the opportunity to come to the floor to congratulate Senators REID and MCCONNELL. They have done what leaders ought to do. They have put the Senate in a position to do what we should do, and that is to stand on our principles, offer our best ideas, work in good faith across party lines, and try to get a result and help the American people. The American people like to see the Senate acting that way. I am glad to have been a part of the Senate that acted that way on the America COMPETES Act, on the fuel efficiency standards, on economic stimulus, and on the foreign intelligence surveillance bill we passed recently. I am glad to be a part of the Senate that is preparing to act on housing slump.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, a month ago I came to the floor to speak on behalf of America's homeowners. Since then, tens of thousands of families have lost their homes. Since then, we have been watching home prices fall, we have been watching foreclosure rates skyrocket, and we have been watching tens of thousands of Americans lose their jobs.

In my home State of New Jersey, over the next 2 years, we expect more than 57,000 homes to be lost to foreclosure. That means 57,000 families who will have to hand over the keys to their home, 57,000 families who will be forced to say goodbye to the place where they were nurtured and comforted, a place where they lived during good and bad times, places they came home to every night, a place they celebrated birthdays and wept over losses. In the words of families, we know what it feels like to lose their home. They will feel as if they have lost everything.

Nationwide, the number of foreclosures that is going to happen if we don't act is unfathomable. Two million American families are in line to lose their homes over the next 2 years, and everyone stands to lose from foreclosures. Lenders report losing tens of thousands of dollars on each foreclosure. Neighbors see the value of their own homes drop. When we see that 63,000 Americans lost their jobs a month ago, when we see weak earnings reports from businesses, wild swings in the stock market, and the collapse of a major firm on Wall Street, we can see this housing crisis is truly shaking the entire economy to its core. It clearly has a major ripple effect.

We all know at the heart of this economic downturn is the housing crisis. So the question is: How long are we going to watch before we realize it is time to take action?

I marvel when a year ago this past March I said at a Senate Banking Committee hearing that we are going to have a tsunami of foreclosures and the Bush administration said: Oh, no, that is an overdramatization. I said then: I hope you are right and I am wrong. The reality is, we have not even seen the crest of that tsunami take place.

Not only did they say it was not real, but they refused to act in any meaningful way. But when it was clear that a major investment bank on Wall Street was in trouble, the Bush administration rushed to the scene like firefighters responding to a five-alarm blaze with $30 billion put up to ensure that JP Morgan Chase could buy Bear Stearns.

Regardless—and we will be reviewing both the propriety and the way and the standards that were used to pursue that, whether that is the appropriate standard, the way Bear Stearns ultimately was priced—a full year into the subprime mortgage crisis, they have done nothing but hit the snooze button on the alarm as millions of Americans have watched their dream of home ownership go up in smoke.

It is time we react with the same urgency and seriousness, no matter if the people who are in financial trouble are occupying a suburban home in Madison or a rowhouse in Newark or Camden.

I hope today finally there is a glimmer of hope for homeowners who have been left to fight this battle alone. It is clear that Members on both sides of the aisle have gotten the message that it is time to act. And it is clear what our goal has to be: helping families keep their homes and in doing so helping our economy, which affects all of us.

I am pleased that we have made what seems to be an important breakthrough in the Chamber. I have the utmost faith in Chairman DODD and

Ranking Member SHELBY that they understand the urgency at hand, that they will do their best to put forward a workable solution we can all support, and I certainly hope it is one I can support as well.

I strongly support Majority Leader REID's bill as it is. I understand the nature of compromise and negotiation, so I know it will change, but I hope that bipartisanship will not mean we will stray far from providing the direct assistance that homeowners need—to stop foreclosures.

Here are a few key steps the final bill has to take. First, we need to provide funding for counseling in order to reach families at risk of losing their homes. Many American families—I saw it during the recess when we were working back in our States—many American families are sitting around their kitchen tables looking through their mortgage bills, their finances, and, yes, their bank notices, and they don't know where to turn. They don't know exactly what to do. It is not as if they have a pot of money sitting in the bank. They do not. They are trying to keep it together, keep their families together, keep their hopes and dreams and aspirations together. These counselors could offer them real solutions and options to avoid receiving that foreclosure notice or, even worse, foreclosure itself.

The Reid bill puts forward $200 million to make sure counseling reaches those who need it the most, and I think that is incredibly important.

Secondly, we need to provide funding to allow communities with high foreclosure rates to access community development block grants. Communities can use these funds to purchase foreclosed properties for rehabilitation, rent, or resale. Having a foreclosed home sit abandoned in a community does not benefit anyone. This is one of the key points I always make when I talk about this issue because a lot of people say that is not about me. I got the right mortgage; I am paying for it; this is about some people who made the wrong choices, and I don't want to pay for their wrong choices.

The problem with that is, first of all—and I will talk about it in a moment—people were led to choices where maybe they did not have financial literacy, maybe they didn't have the wherewithal to fully understand the nature of what they, in many cases, were being misled into—a mortgage product in which they should never have been.

Even looking at it in that respect, the bottom line is it affects us all. Why? Because a foreclosed home that sits abandoned in a community does not benefit anyone. It decreases surrounding home values and it can attract crime and vandalism. The bottom line is that foreclosures destabilize neighborhoods. The funds in this bill allow communities to stop that death spiral before it starts.

Some argue that stepping in to help our communities recover from the housing crisis would somehow be a blow to the concept of personal responsibility because some homeowners, as I said, made bad choices in signing up for subprime mortgages.

First of all, let me say, don't get me wrong, personal responsibility is important, and that is why we need greater support for homeowner education, for foreclosure counseling, and financial literacy so anyone thinking about buying a home will be able to understand the terms of their mortgage, even the fine print, and have the tools to protect themselves.

What I have a problem with, as I listen to so many in the Chamber, is it seems that personal responsibility is always talked about as it relates to the consumer. Personal responsibility is not just important for homeowners, however. Every participant in the life of a loan needs to step up and take real responsibility and action.

What got us to where we are today? In my mind, unbridled free market extremes, excesses without appropriate regulation or without the attention of regulators has brought us to where we are.

I believe in the free market, but when it is unbridled, this is what happens. Every broker, lender, realtor, every appraiser, regulator, credit rating agency, and investing firm needs to make changes if we have any hope of quieting the storm and not reliving it. The time for blame games is over. The time for action has come.

Third, I hope this body looks carefully at a provision that can help more than 600,000 families stuck in bad loans keep their homes. I know some of my colleagues are very concerned about this provision which would give judges in bankruptcy proceedings the discretion to modify loan terms. But the fact is, this provision is very narrowly tailored, it is a one-time limited fix, and in the end it is a win-win not only for borrowers but lenders alike. This provision alone would help over 14,000 families in my State of New Jersey avoid foreclosure. That would be a savings of about $5 billion in home values alone. My good friend Senator DURBIN has done an excellent job at hammering out a compromise, and I hope my colleagues will give it careful consideration.

It is interesting, under the existing bankruptcy law, if you happen to have the good fortune of having a second home, a vacation home, a leisure home, guess what. The bankruptcy judge can go ahead and change your financial obligations on that home, but the very essence of the American dream, which is the home in which you live, to raise your family, to go through good and bad times, no, that cannot be renegotiated. What an interesting set of values. For a leisure home, we can go ahead and a bankruptcy judge can change the terms, but for those who were sucked into a subprime mortgage who should never have been in those types of mortgages and for which the regulation was not there to ensure there was transparency and ensure there was oversight, oh, no, we cannot touch that. In a place that talks so much about values, I don't understand that set of values.

As we in the Congress debate how best to help homeowners, how best to end the housing crisis and how best to get this economy back on track, we have to see the bigger picture. There is a lot at stake. No matter who you are, no matter whether we have a subprime mortgage, no matter whether we are making our obligations meet or whether we are finding ourselves in distress, we are all in this together. When the house next to ours gets boarded up, it affects the value of our property, too, and how safe we feel walking around our neighborhood at night. When that value goes down, it reduces the equity we have in our home upon which we can borrow to put our kids through college, to take care of an uncovered medical bill or emergency, or even for the resources we will have for our retirement. No one is immune.

So this sense of personal responsibility, yes, but understand that we all have a stake. When a neighbor of ours has to declare bankruptcy and is forever saddled with debt they cannot pay, they shop less at our stores, purchase fewer of the services our community offers, and, obviously, the more foreclosures we see in a neighborhood, property values decline. When those property values decline, rateable bases go down—and that is the way municipalities ultimately receive their resources which means, what? Either taxes have to go up to cover existing services of police, firefighters, education, whatever, or we cut the services. We are all in this together.

When a nonprofit organization in Jersey City is close to finishing the building of its new arts center so it can give kids an opportunity to do something productive after school and stay away from gangs and they cannot get the last bit of money they need because of this credit crunch and housing crisis, it affects us all.

Dr. Martin Luther King reminded us that "we are all tied in a single garment of destiny" and that "we cannot walk alone." This is a crisis we are all in together as a nation. And there is no reason we can't all work together to end it. It is in America's interest to do so, and I hope the Senate, which has shown a moment of a possibility of what can be done, seizes that moment on behalf of our fellow citizens but also on behalf of our collective interest, on behalf of our economy, and, in doing so, on behalf of our Nation.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RIGHT TO VOTE

Mr. NELSON of Florida. Mr. President, I wish to speak to an issue that is all too familiar to my State of Florida but has now taken on such importance that it is a subject that is all too familiar to the entire country, joined by our sister State, Michigan; it is an issue that is sacred to our democracy. It is the issue of the right to vote and to have that vote counted as it was intended.

A year ago, the Florida legislature passed a bill to move Florida's Presidential primary to an early date on the national election calendar. Their thinking was to give our large and diverse State, which is a microcosm of the entire country, more of a say in the selection of Presidential nominees. This violated the two national parties' rules, and the threat was made that if Florida moved ahead, both the Republican National Committee and the Democratic National Committee would take away half of Florida's delegates. The Florida legislature, despite that, changed the date of Florida's election by law, moving it 1 week earlier than the imposed deadline by the two national parties.

The Florida legislature is controlled by the Republican Party, and the Democrats in the legislature, through their Democratic leader in the Florida House as well as the Florida Senate, offered an amendment to put the date of the Florida primary back to February 5 so it did not violate the two national party rules. That amendment was defeated. The bill went on to final passage.

In addition to the January 29 date for the Presidential primary, it was primarily a bill about election machines and accountability. So on final passage it was clearly going to be a near unanimous vote. Therefore, the Florida legislature passed and the Republican Governor signed into law the new election date.

I repeat that story because people who want to penalize Florida often miss the fact that it was not Florida Democrats who changed the date. Well, we all know what happened after that. Both national parties decided to punish Florida because those parties' rules reserved the early Presidential contest to a handful of other States.

The Republican National Committee, pursuant to their rules, took away half of Florida's delegation. The Democratic National Committee decided to extract an extra pound of flesh and took away all of the delegates of Florida's delegation.

For 8 months now, I have been immersed in a fight to get the chairman of my party to end the stalemate and to seek Florida's delegates and to honor the January 29 primary vote because on that date we had a historic turnout. Some 3.6 million citizens headed to the polls and cast ballots in Florida's Democratic and Republican Presidential primaries.

For me, it is pretty simple. It is a case of fundamental rights versus party rules. So when there could not be a compromise worked out last August, September, and into October, I sued my own party in Federal district court. In December, the Federal judge ruled against my motion, and at that late date it was too late to appeal.

I have continued to push for my party to find a way to seat a delegation from Florida, while giving Floridians a meaningful voice in the selection of their party's nominee. This fight has been based on the principle that, in America, every citizen has an equal right to vote, it is based on a premise that Floridians are entitled to have their votes count as intended, and it is based on a belief that we all deserve a say in picking our Presidential nominees.

More recently, I, along with others, asked the national Democratic Party to look into paying for a mail-in revote. The party declined. The State party proposed it, few people could agree on the specifics, and certainly the candidates themselves couldn't agree on the specifics. Now we are at a point where reaching a solution is critical. And so when we were last in session, about 2½ weeks ago, I asked the two Democratic candidates, who happened to be on the floor that day when we had the session that lasted most of the night, to consider a proposal whereby they would go back to the original rules of the Democratic Party and seat the delegation with half its vote but still based on the January 29 results. This is allowed by the Democratic rules, as it was done by the GOP.

If nothing else, all this brouhaha we now find ourselves in for this election has certainly provided further evidence our system is broken. Yet as to our right to vote and to have that vote count, there can be no debate. The goal is simple. The principle is very simple: It is one person, one vote.

Last fall, I filed legislation in the Senate to require that no vote be cast for Federal office on a touch-screen voting machine starting in the next Presidential election 4 years from now. I also joined the senior Senator from Michigan, Senator LEVIN, to propose a system of six rotating interregional primaries, from March to June, in each Presidential election year. Very soon, I am filing a broader based election reform bill, and this new legislation will abolish the electoral college.

It will be a proposed constitutional amendment and will, therefore, give citizens direct election of their President by the popular vote. We have seen in the history of this country a few times when one candidate gets the most votes, but it is the other candidate that wins because of the archaic electoral college process provided in the Constitution. In this new package, it will have the six rotating interregional primaries that will give both large States and small States a fair say in the nomination process.

This legislation will establish early voting in each State to make it easier for the voter to vote, instead of going on 1 day. It will eliminate machines that don't produce a voting paper trail, so if you have to recount, you don't have just a piece of software, you have the actual paper trail in order to be able to do the recount in an accurate way.

This package will allow every qualified voter in every State to cast an absentee ballot on demand. In some States, you can't cast an absentee ballot unless you fill out some affidavit that says you are not going to be in your city on the day of the election, or that you are sick and you can't get to the election. We ought to make it easy for the voter to vote.

The package will also give grants to States that develop mail-in balloting and grants for pilot studies to study secure Internet voting.

We have had too many of these questions arise in my State of Florida over the years, and perhaps this is why Floridians are so sensitive about this. So I am reaching out to my colleagues. I respectfully ask each of the Senators to make suggestions to make this a better bill. Let's remember it was more than 230 years ago that our Founding Fathers declared all men are created equal, but the country still had to wait another 87 years before President Lincoln signed a proclamation freeing the slaves. It took another 57 years before women in America were allowed to vote.

In 1872, Susan B. Anthony was arrested for voting. After that, she delivered a speech on women's right to vote. "The ballot," she said, "is the only means of securing the blessings of liberty provided by this government." Let me repeat those profound words. "The ballot," Susan B. Anthony said, "is the only means of securing the blessings of liberty provided by this government." Even still, it took another 93 years before our Nation belatedly enacted a law guaranteeing every U.S. citizen an equal right to vote—the Voting Rights Act of 1965.

This country cannot afford to wait another 93 years before we fix the flaws we still see in our election system. The blessings of liberty cannot wait. With what we have seen thus far in this election cycle, the time for election reform is now.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, as I listened yesterday to the partisan rhetoric we continue to hear from Senate Republicans on nominations, I am disappointed that the Republican leader is ignoring the majority leader's statement from last May 10.

Today is April Fools' Day. I do not think the American people are fooled or amused by continued partisan bickering over nominations. Indeed, with a massive subprime mortgage crisis that has left so many Americans in dire straights, fearful of losing their homes, the Republican efforts to create an issue over judicial nominees is misplaced. In fact, I have been working hard to make progress and have treated this President's nominees more fairly than Republicans treated those of President Clinton. Judicial nominations are not the most pressing problem facing the country. Indeed, we have worked hard to lower vacancies to the lowest levels in decades. We have cut circuit vacancies in half.

It should be no surprise that the administration would rather focus on having a partisan political fight than the news that, in February, the United States lost 63,000 jobs. To make up for those and other job losses in recent months thanks to this President's policies, this country would need to create 200,000 jobs every month. This administration is apparently more worried about the jobs of a handful of controversial nominees, many without the necessary support of their home State senators, than the loss of jobs by thousands of American workers.

Unemployment is up over 20 percent, the price of gas has more than doubled and is now at a record high average of over $3.20, trillions of dollars in budget surplus have been turned into trillions of dollars of debt with an annual budget deficit of hundreds of millions of dollars, and the trade deficit has nearly doubled to almost $1 trillion. Indeed, just to pay down the interest on the national debt and the massive costs generated by the disastrous war in Iraq—the fifth anniversary of which we tragically marked 2 weeks ago—costs more than $1 billion a day. That is $365 billion each year that would be better spent on priorities like health care for all Americans, better schools, and fighting crime and treating diseases at home and abroad.

Perhaps the only thing that has gone down during the Bush Presidency is judicial vacancies. After the Republican Senate chose to stall consideration of circuit nominees and maintain vacancies during the Clinton administration in anticipation of a Republican Presidency, judicial vacancies rose to over 100. Circuit vacancies doubled during the Clinton years. Since I became Judiciary chairman in 2001, we have worked to cut those vacancies in half.

In the Clinton years, Senator HATCH justified the slow progress by pointing to the judicial vacancy rate. When the vacancy rate stood at 7.2 percent, Senator HATCH declared that "there is and has been no judicial vacancy crisis" and that this was a "rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies." Because of Republican inaction, the vacancy rate continued to rise, reaching nearly 10 percent at the end of President Clinton's term. The number of circuit court vacancies rose to 32 with retirements of Republican appointed circuit judges immediately after President Bush took office.

Then, as soon as a Republican President was elected they sought to turn the tables and take full advantage of the vacancies they prevented from being filled during the Clinton Presidency. They have been extraordinarily successful over the past dozen years. Currently, more than 60 percent of active judges on the Federal circuit courts were appointed by Republican Presidents, and more than 35 percent have been appointed by this President. The Senate has already confirmed three-quarters of this President's circuit court nominees, compared to only half of President Clinton's.

I was here in 1999 when the Republican chairman of the Judiciary Committee would not hold a hearing for a single judicial nominee until June. In contrast, we have scheduled 3 hearings on 11 nominees so far this year. We have a circuit nominee from Texas listed on the Judiciary Committee agenda this week. I wrote to the President during the last recess commending him for nominating someone for a Virginia vacancy to the Fourth Circuit who is supported by Senator WARNER and Senator WEBB, a Republican and a Democrat, and indicated that I would use my best efforts to proceed to that nomination as soon as the paperwork is submitted. I will ask that a copy of that letter be printed in the RECORD at the end of my statement. In that letter, I also informed the President that an anonymous Republican hold had prevented Senate confirmation of the President's nominees to be the Associate Attorney General, the No. 3 position at DOJ, and the Assistant Attorney General for the Civil Division.

Since the resignations of the entire top leadership at the Department of Justice last year in the wake of the scandals of the Gonzales era, I have made restoring the leadership ranks at the Department a priority. Since September, the committee has held seven hearings on executive nominations, including a 2-day hearing for the Attorney General. The Attorney General and the new Deputy Attorney General have been confirmed. But for Republican delays in refusing to cooperate and make a quorum in February, and now the anonymous hold, the Senate would have confirmed two more high-level DOJ nominees.

The partisan rhetoric on nominations rings especially hollow in light of the progress we have made. Last year, the Senate confirmed 40 judges, including 6 circuit judges. The 40 confirmations were more than during any of the 3 preceding years with Republicans in charge. The Senate has now confirmed 140 judges in the almost 3 years it has been run by Democrats and only 158 judges in the more than 4 years it was run by Republicans.

We continue to make progress. Four district court nominations are pending on the Senate's Executive Calendar. I have mentioned the nomination to the Fifth Circuit that is pending on the Judiciary Committee's agenda this week. I have already announced and noticed another hearing this Thursday for four more judicial nominees, two from Virginia and two from Missouri, and for the nominee to be the Assistant Attorney General for the Office of Legal Policy. This will be the Judiciary Committee's fifth confirmation hearing this year.

With respect to the recent nomination of Steven Agee to a Virginia seat in the Fourth Circuit, it is regrettable that Justice Agee's nomination only comes after months of delay when the White House insisted on sending to the Senate the nomination of Duncan Getchell. That nomination did not have the support of either of the Virginia Senators and was withdrawn after the Virginia Senators objected publicly. In fact, the delay in filling that vacancy has lasted years because this President insisted on sending forward highly controversial nominations like William Haynes, Claude Allen, and Duncan Getchell.

In my letter to the President, I wrote that I expect the Judiciary Committee and the Senate to proceed promptly to consider and confirm Justice Agee's nomination with the support of Senator WARNER and Senator WEBB, just as we proceeded last year to confirm the nomination of Judge Randy Smith to the Ninth Circuit, once the President had withdrawn his nomination for a California seat and resubmitted it for a vacancy from Idaho. I urged the President to use the Agee nomination as a model for working with home State senators and Senators from both sides of the aisle. Time is running short.

Senate Democrats should not and have not acted the way Republicans did by pocket filibustering more than 60 of President Clinton's nominees. I would rather see us work with the President on the selection of nominees that the Senate can proceed to confirm than waste precious time fighting about controversial nominees who he selects in order to score political points. I would also rather see the Senate focus on addressing the real priorities of the country rather than catering only to an extreme wing of the Republican base with controversial nominees.

Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 20, 2008.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I write again, as I did last November, to demonstrate my willingness to work constructively with you in accordance with the Senate's important role in the consideration of your nominees to high-ranking positions in the executive branch and to lifetime appointments on our Federal courts.

Since last September, the Senate Judiciary Committee has been hard at work seeking to help restore the Department of Justice. The leadership ranks at the Department of Justice were decimated by the scandals of the Gonzales era. The Judiciary Committee's hearing last week was the seventh hearing we have held since September on executive nominations. The Senate has proceeded to confirm a new Attorney General, a new Deputy Attorney General, and numerous other nominations to fill high-ranking positions at the Justice Department.

I regret to inform you that we were stalled last week in our efforts to fill two other critical positions at the Department, when an anonymous Republican hold blocked confirmation of Kevin O'Connor to be the Associate Attorney General, and Gregory Katsas to be the Assistant Attorney General in charge of the Civil Division. I was particularly disappointed with this unexpected development. We had worked hard to expedite these nominations, holding a hearing on the first day of this session of Congress. After a nearly month-long delay, when Republican Members of the Judiciary Committee effectively boycotted our business meetings in February, we were able to report these nominations to the Senate in early March. They were set for confirmation before the Easter recess, until the last-minute Republican objection stalled them. They join your nomination of Michael Sullivan to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives as among those stymied by Republican objections. I trust at any future White House event on the status of nominations you will point out that several of your high-level executive nominations are being stalled by Republican objections.

With respect to judicial nominations, I want to commend you for working with Senators Warner and Webb to identify a nominee from those they recommended to you to fill a Virginia Fourth Circuit vacancy.

Your previous nominations from Virginia, William Haynes, Claude Allen and Duncan Getchell, were controversial and did not proceed. Following your withdrawal of the Getchell nomination earlier this year, I urged you to work with the Virginia Senators. I now thank you for doing so.

I expect your nomination of Steven Agee to be considered promptly following completion of the necessary paperwork. I want to encourage meaningful consultation with Senators of both parties. Just as we proceeded last year to confirm your nomination of Judge Randy Smith to the Ninth Circuit, once you had withdrawn his nomination for a California seat and resubmitted it for a vacancy from Idaho, I expect the Judiciary Committee and the Senate to proceed to confirm Justice Agee with the support of Senator Warner and Senator Webb. I urge you to work with Senators from other states, as well, so that we might make progress before time runs out on your Presidency and the Thurmond Rule precludes additional confirmations.

Your judicial nominations have fared far better than those of your Democratic predecessor. Nearly 90 percent of your nominations have been confirmed to lifetime appointments. Approximately three-quarters of your circuit nominations, compared to little more than half of President Clinton's circuit court nominations, have been confirmed. We have succeeded in reducing overall vacancies and circuit court vacancies to as few as half as many as during President Clinton's term. With four more judicial nominations on the Senate's Executive Calendar and another pending on the Senate Judiciary agenda, I am proceeding to notice another hearing for judicial nominees for the week immediately following the Easter recess. That will be our fifth nominations hearing so far this year.

Respectfully,

PATRICK LEAHY,
Chairman.

HONORING WALTER F. MONDALE

Mr. LEAHY. Mr. President, this weekend, Marcelle and I will attend an event at the University of Minnesota Law School to honor the life and career of Vice President Walter Mondale on the occasion of his 80th birthday which he reached in January.

Vice President Mondale is a valued friend whom I proudly consider one of my mentors in the Senate. As I reviewed materials for this weekend, I came across an editorial by Vice President Mondale that appeared in the Washington Post on July 27, 2007 entitled "Answering to No One." The editorial provides an excellent perspective on the Office of the Vice President and how that office evolved in recent history.

In order to remind all Senators and their staffs about this insightful article, I ask unanimous consent that the editorial be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

ANSWERING TO NO ONE

(By Walter F. Mondale)

The Post's recent series on Dick Cheney's vice presidency certainly got my attention. Having held that office myself over a quarter-century ago, I have more than a passing interest in its evolution from the backwater of American politics to the second most powerful position in our government. Almost all of that evolution, under presidents and vice presidents of both parties, has been positive—until now. Under George W. Bush and Dick Cheney, it has gone seriously off track.

The Founders created the vice presidency as a constitutional afterthought, solely to provide a president-in-reserve should the need arise. The only duty they specified was that the vice president should preside over the Senate. The office languished in obscurity and irrelevance for more than 150 years until Richard Nixon saw it as a platform from which to seek the Republican presidential nomination in 1960. That worked, and the office has been an effective launching pad for aspiring candidates since.

But it wasn't until Jimmy Carter assumed the presidency that the vice presidency took on a substantive role. Carter saw the office as an underused asset and set out to make the most of it. He gave me an office in the West Wing, unimpeded access to him and to the flow of information, and specific assignments at home and abroad. He asked me, as the only other nationally elected official, to be his adviser and partner on a range of issues.

Our relationship depended on trust, mutual respect and an acknowledgement that there was only one agenda to be served—the president's. Every Monday the two of us met privately for lunch; we could, and did, talk candidly about virtually anything. By the end of four years we had completed the "executivization" of the vice presidency, ending two centuries of confusion, derision and irrelevance surrounding the office.

Subsequent administrations followed this pattern. George H.W. Bush, Dan Quayle and Al Gore built their vice presidencies after this model, allowing for their different interests, experiences and capabilities as well as the needs of the presidents they served.

This all changed in 2001, and especially after Sept. 11, when Cheney set out to create a largely independent power center in the office of the vice president. His was an unprecedented attempt not only to shape administration policy but, alarmingly, to limit the policy options sent to the president. It is essential that a president know all the relevant facts and viable options before making decisions, yet Cheney has discarded the "honest broker" role he played as President Gerald Ford's chief of staff.

Through his vast government experience, through the friends he had been able to place in key positions and through his considerable political skills, he has been increasingly able to determine the answers to questions put to the president—because he has been able to determine the questions. It was Cheney who persuaded President Bush to sign an order that denied access to any court by foreign terrorism suspects and Cheney who determined that the Geneva Conventions did not apply to enemy combatants captured in Afghanistan and Iraq.

Rather than subject his views to an established (and rational) vetting process, his

> practice has been to trust only his immediate staff before taking ideas directly to the president. Many of the ideas that Bush has subsequently bought into have proved offensive to the values of the Constitution and have been embarrassingly overturned by the courts.
>
> The corollary to Cheney's zealous embrace of secrecy is his near total aversion to the notion of accountability. I've never seen a former member of the House of Representatives demonstrate such contempt for Congress—even when it was controlled by his own party. His insistence on invoking executive privilege to block virtually every congressional request for information has been stupefying—it's almost as if he denies the legitimacy of an equal branch of government. Nor does he exhibit much respect for public opinion, which amounts to indifference toward being held accountable by the people who elected him.
>
> Whatever authority a vice president has is derived from the president under whom he serves. There are no powers inherent in the office; they must be delegated by the president. Somehow, not only has Cheney been given vast authority by President Bush—including, apparently, the entire intelligence portfolio—but he also pursues his own agenda. The real question is why the president allows this to happen.
>
> Three decades ago we lived through another painful example of a White House exceeding its authority, lying to the American people, breaking the law and shrouding everything it did in secrecy. Watergate wrenched the country, and our constitutional system, like nothing before. We spent years trying to identify and absorb the lessons of this great excess. But here we are again.
>
> Since the Carter administration left office, we have been criticized for many things. Yet I remain enormously proud of what we did in those four years, especially that we told the truth, obeyed the law and kept the peace.

AMERICA'S WOUNDED WARRIORS ACT

Mr. BURR. Mr. President, today I rise to discuss S. 2674, a bill I introduced to improve and modernize the disability system of the Department of Defense and Department of Veterans Affairs so that it meets the needs of both our older generations of veterans and our wounded warriors coming home today.

One of the most sacred trusts we make is the one with our veterans. Their sacrifices, and the sacrifices of their families, are inspiring. The desire to provide these heroes with the benefits and services they need and deserve is certainly something we can all agree on.

With this sacred trust in mind, I recently introduced legislation to ensure veterans have a disability system that we can all be proud of—a system that is updated to reflect the modern day, is consistent, is not overly bureaucratic, and meets the needs of all generations of veterans.

The challenges facing our newer veterans are apparent. Over the past few years, I have met with many young servicemembers, some from my home State of North Carolina, who have suffered devastating injuries while serving in Iraq and Afghanistan. Almost as remarkable as their courage and their can-do attitudes, is their outlook about the future.

These wounded warriors rightfully expect that serious injuries should not prevent them from living productive and fulfilling lives. In fact, many want nothing less than to return to their units, and with modern medicine and technology, many are doing just that.

But for those who are not able to continue serving, like Ted Wade from my home State, they deserve a disability system that meets their needs and expectations. We should be giving them—in a quick, hassle free, and effective way—the benefits and services they need to return to their full and productive lives.

But, the need for an improved system became very clear last year, when news reports detailed how some seriously injured servicemembers at Walter Reed endured a lengthy, hard-to-understand, bureaucratic process to try to get their disability benefits. This left many injured servicemembers and their families frustrated, confused, and disappointed. It left our Nation angry and ashamed.

Let me give you a brief idea of what an injured servicemember may have to go through. Consider a young soldier who is injured in Iraq and is no longer fit for duty because of his injuries. Before he can be discharged from the military, he may go through a lengthy, complex process with the Department of Defense to be assigned a disability rating between 0 percent and 100 percent.

If the rating is high enough—30 percent or more—he will get a lifetime annuity, health care for his entire family, exchange and commissary privileges, and other benefits. If it is below 30 percent, he will get only a lump-sum severance payment. But there have been no bright-line rules on how these ratings are assigned. Each branch of the military has used different procedures, so servicemembers in various branches often receive different ratings even for the same injuries.

After going through that confusing process, the injured soldier may then go through a similar bureaucratic process with the Department of Veterans Affairs to get a VA rating. That rating will determine not only the level of monthly disability compensation he will receive from VA, but eligibility for other benefits and services such as vocational rehabilitation and priority access to VA health care.

As if all of that isn't confusing enough, both DOD and VA assign those disability ratings based on the same VA rating schedule, but the ratings are often different. And, there are complicated rules over how much of the benefits from DOD and VA the veteran may receive at the same time. If those watching today are as confused by that description of the process as I am, imagine what our veterans have to endure.

On top of all that, the rating schedule used by both VA and DOD to determine who gets these critical benefits is completely outdated. This schedule was developed in the early 1900s and about 35 percent of it has not been updated since 1945.

The schedule is also riddled with outdated criteria that do not track with modern medicine. Take for example traumatic arthritis. The rating schedule requires a veteran to show proof of this condition through x-ray evidence. But doctors today would generally diagnose the condition using more modern technology, like an MRI.

Even worse, experts are telling us the schedule is not adequate for rating conditions like post-traumatic stress disorder and traumatic brain injury, which are afflicting so many of our veterans from the war on terror. Also, experts have told us that the schedule does not adequately compensate young, severely disabled veterans; veterans with mental disabilities; and veterans who are unemployable.

So, it's completely understandable why so many veterans are frustrated and confused by this system. The question is:

How do we fix it?

To help answer that question, two distinguished commissions issued reports last year laying out the problems with the system and giving us a road map to a modern, more consistent, and simpler system. One commission, the President's Commission on Care for America's Returning Wounded Warriors, was chaired by former Senator Bob Dole and former Secretary Donna Shalala. The other, the Veterans' Disability Benefits Commission, was chaired by General James Terry Scott.

Here are just a few examples of what these commissions found:

> Despite their disability systems' different intents, processes, and outcomes, DOD and VA use the same outdated rating schedule . . . . [which] has not been completely revised since 1945.
>
> [T]he policies and procedures used by VA and DOD are not consistent and the resulting dual systems are not in the best interest of the injured servicemember nor the nation.
>
> The purpose of the current veterans disability compensation program . . . is to compensate for average impairment in earning capacity . . . This is an unduly restrictive rationale for the program and is inconsistent with current models of disability.
>
> The goal of disability benefits should be rehabilitation and reintegration into civilian life" but that goal "is not being met.

These two commissions strongly recommended that we need to: get rid of the overlapping, confusing roles of VA and DOD in the disability rating process; completely update the VA disability rating schedule; compensate veterans for any loss of quality of life, while also compensating them for any loss in their earnings capacity; and place more emphasis on the treatment and rehabilitation of injured veterans.

As the Dole-Shalala Commission cautioned, "We don't recommend merely patching the system, as has been done in the past. Instead, the experiences of these young men and women have highlighted the need for fundamental changes."

What's interesting to note here is that similar changes to the system were recommended in 1956 by a commission led by General Omar Bradley. Back in the 1950s, the Bradley Commission wrote in its report: "Our philosophy of veterans' benefits must . . . be modernized and the whole structure of traditional veterans' programs brought up to date." If my math is right that was over 50 years ago. Clearly, we are long overdue for some improvements.

I believe the bill I introduced will start us on the right path to making this system more straight-forward, consistent, and modern. Let me give you an idea of what America's Wounded Warriors Act would do.

First, the bill would simplify the DOD process and make it more consistent. Any servicemember found unfit for duty—regardless of the severity of the disability—would receive a lifetime annuity based on rank and years of service and would receive other retirement benefits, such as commissary and exchange privileges. Eligibility for TRICARE would be determined by Congress or DOD, after further studies on that issue.

These changes would get DOD out of the business of assigning disability ratings, ending the duplicative system that now makes injured veterans get rated by both DOD and VA. It would also create a bright line rule on what benefits a medically discharged servicemember would receive. Different branches of the military would no longer provide different levels of benefits to servicemembers with the same injuries.

Under my bill, veterans would receive both their entire DOD annuity plus any VA disability benefits they are eligible for. This would put an end to the confusing practice of offsetting some DOD and VA benefits.

This bill would also help modernize the VA disability system. The VA's outdated disability rating schedule would be entirely replaced by a new schedule that is based on modern science and medicine. It will also take into account the impact that a disability has on both a veteran's average loss of earning capacity and loss of quality of life. As we now know, quality of life—time spent with family, community and nonwork activities—is also affected by disability. Shouldn't our disability system reflect the impact service-related disabilities have on those important aspects of life, too?

Also, this bill would provide more emphasis on treatment and rehabilitation. Veterans discharged from service because of disability would be eligible for transition payments, either during the three month period following their separation or during a period of rehabilitation. These payments would help cover family living expenses, so an injured veteran would be better able to focus on rehabilitation, training, and getting back into the workforce. These are commonsense options and solutions for today's veterans living in the modern world.

Lastly, I want all veterans, whether having served in World War II, Vietnam, or Afghanistan, to have access to an improved system. My bill does not distinguish between combat and noncombat injuries; does not leave the outdated rating schedule in place; and does not prevent veterans of any generation from choosing to join the new, improved system. Also, as recommended by veterans' organizations, my efforts were guided by the work of both the Dole-Shalala Commission and the Veterans' Disability Benefits Commission.

How will we actually accomplish the goals of making the system simpler, consistent and more modern? Under this bill, the Department of Veterans Affairs would conduct a series of studies and would send to Congress a proposal outlining a new rating schedule and the amount and duration of transition payments. To make sure these recommendations don't get put on a shelf to collect dust—as has happened in the past—the entire VA proposal would be subject to an up-or-down vote by Congress.

If these changes are enacted, it would eliminate the confusion and delay now caused by the overlapping VA and DOD functions and put a greater emphasis on the recovery of our wounded servicemembers. It would update the rating system to take into account modern concepts of disability and make sure that veterans are compensated for any loss in their quality of life.

As a final note, I want to acknowledge that reforming the disability system may require a large, upfront cost. But, if we do it right, we will be making a real investment in the future of our nation's veterans. Given the character of the men and women of our Armed Forces, this investment will come with little risk and great reward.

We cannot put this off for another 50 years and hope another generation will fix the disability system later. We have young men and women returning home from war with devastating injuries that most of us could not fathom enduring, let alone at such young ages.

The sad truth is that, even though the disability system was already outdated more than five decades ago, Congress and past administrations have not made the necessary changes to keep pace with modern society, a changing economy, and new attitudes towards disability. I believe I have an idea why: This is really hard stuff. This is a complicated system and it is often easier to use band-aids and quick fixes to get us through times of crisis. But, the Walter Reed stories showed all of us last year that wounded warriors—those injured while fighting in Iraq and Afghanistan—are the ones who pay the price for our inaction. And every day we continue to wait is another day they continue to pay that price. They deserve better.

We need to listen to the wake-up call that the Walter Reed stories sent all of us. We must act now, and that is why I have introduced a bill that will update the system to meet the needs and expectations of today's veterans and does not leave tomorrow's veterans with a system that was already outdated before they were even born. Our veterans deserve a system that is more straightforward, up-to-date, and consistent and that is open to all.

Mr. President, I urge my colleagues to remember the "call to action" we received last year when serious problems were publicly exposed at Walter Reed, and I ask them to join me in improving the lives of our veterans.

RETIREMENT OF DR. MICHAEL DAVID FREED

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute on the occasion of his retirement to Dr. Michael David Freed of Children's Hospital Boston for his service to the hospital and the thousands of children and young adults from Massachusetts and beyond who have benefited from his care.

Dr. Freed has had a long and distinguished career at the hospital and Harvard Medical School, beginning in 1970, when he arrived to complete his fellowship training. At Children's Hospital, he rose to become senior associate in cardiology in 1976 and chief of the Division of Inpatient Cardiology in 1996.

Dr. Freed is a physician's physician. His commitment to providing the best possible care for children with heart disease is unwavering. He has used his breadth and depth of knowledge, his clarity of thought, his empathy, and his sense of humor to train more than 200 pediatric cardiology fellows and innumerable pediatric residents in the fundamentals of congenital heart disease. As a member of the Sub-board of Pediatric Cardiology, he ensured the highest quality of care by setting standards for board certification for young pediatric cardiologists.

At Children's Hospital, Dr. Freed has chaired or served on more than two dozen committees, projects, and task forces, ranging from quality improvement and patient care to graduate medical education and governance. His contributions extend well beyond Boston. He has served on the executive committees of all three major national organizations in his field—the American Heart Association, the American Academy of Pediatrics, and the American College of Cardiology, where he currently serves on the board of trustees. He is also a member of editorial boards in the field of cardiology, and regularly has been included on lists of "top physicians" ranging from the book "Best Doctors in America" to Good Housekeeping and Boston Magazine. He is consulted by other pediatric cardiologists from around the world who seek his opinion on the care of their patients.

Dr. Freed has also written extensively in the field of pediatric cardiology and cardiac surgery and is particularly recognized for his work in the newborn physiology of congenital heart disease, infective endocarditis, and valvular heart disease. He has authored more than 60 original articles, contributed more than 40 reviews, chapters, and editorials, and developed more than 25 clinical communications and instructive CD ROMs. His leadership in establishing clinical practice guidelines for early postoperative management of children in Boston undergoing open-heart surgery was a model for the development of such guidelines nationally. In addition, he has been a member of national working groups to develop guidelines on optimal care of individuals with heart disease.

I commend Dr. Freed for his outstanding career and his achievements in improving the quality of care for children and young people with congenital heart disease in Boston and throughout the world, and I wish him well in retirement.

HONORING OUR ARMED FORCES

STAFF SERGEANT MICHAEL D. ELLEDGE

Mr. SALAZAR. Mr. President, I rise today to honor the life of SSG Michael Elledge of Fort Carson, CO. On March 17, a bomb exploded near the humvee Sergeant Elledge was driving, killing him and SPC Christopher C. Simpson, of Hampton, VA. Sergeant Elledge was assigned to C Company, 1st Battalion, 68th Armored Regiment, 4th Infantry Division, out of Fort Carson, CO. He was 41 years old.

Those who knew Mike Elledge describe him as a man committed to his family, faith, and duty to his country. He first donned a uniform after graduating from high school in Michigan in 1985. He served 4 years with the Marines. After discharging, he became a licensed aircraft mechanic and moved to Indiana, where he took a job with United Airlines. For 14 years he worked for United, lived in Brownsburg, and raised three children—Christopher, Caleb, and Cassidy—with his wife Carleen.

But Mike's life changed after the attacks of September 11, 2001. We cannot forget that the tragedies of that day were not confined to New York, Washington, and Pennsylvania. The ripples quickly spread to all corners of the country as people learned of friends and family members who were hurt or killed and as the economic impacts hit home with job losses and dislocations.

Mike was among the tens of thousands of Americans who lost their job in the wake of the September 11 attacks. United Airlines, struggling to recover after the disaster, closed the doors on its Brownsburg facility, leaving Mike without a job.

We each have our own way of confronting adversity in our lives. For Michael Elledge, the terror and tragedy of September 11 was a call to service—a call to reenlist. So, at age 38, Sergeant Elledge joined the Army. In 2005, he deployed to Iraq for a 1-year rotation. Last December, he and the Third Brigade Combat Team out of Fort Carson deployed again, this time for a projected 15-month tour.

Sergeant Elledge carried his deeply rooted faith into battle with him. His friends say he was passionately committed to helping Iraqis build a country where they could enjoy freedom and security. For this, Sergeant Elledge embodied the best of a soldier—he was devoted to his duty with the knowledge that his service could make others' lives better.

This is the type of citizen that Americans have celebrated for generations. President Theodore Roosevelt, in a speech at the Sorbonne in Paris in 1910, praised the values that Sergeant Elledge embodied and claimed that it is the "man in the arena" who makes history.

"It is not the critic who counts," said President Roosevelt, "not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

Mr. President, Sergeant Elledge knew what a difference he could make and was not afraid to make it. He was the "man in the arena" for whom President Roosevelt had such high praise.

No words or ceremony, of course, can properly honor the life and loss of a soldier like Sergeant Elledge, but we wish to console his friends and family and remember his contributions. That is why scores of firefighters lined the overpasses of Sacramento, CA, to honor his return; that is why flags are flying in his hometown of Placerville, MI; and that is why the bugles will sound at Fort Carson in Colorado Springs.

To Sergeant Elledge's wife, Carleen, his sons, Christopher and Caleb, his daughter, Cassidy, his mother, Marion, and to all his friends and family, our thoughts and prayers are with you. No words can lessen the pain and grief that you feel, but I hope that in time your sorrow will be salved by the knowledge that Mike served his country with honor and that we are all grateful for his courage, his sacrifice, and his heroism. He will never be forgotten.

STAFF SERGEANT DAVID D. JULIAN

Mr. BARRASSO. Mr. President, I rise today to express our Nation's deepest thanks and gratitude to a special young man and his family. I was saddened to receive word that on March 10, 2008, SSG David Julian of Evanston, WY, was killed in the line of duty while serving our country in the war on terrorism. Along with four of his fellow soldiers, Staff Sergeant Julian died from injuries he sustained in a suicide bomber attack in Baghdad, Iraq.

Staff Sergeant Julian was assigned to D Company, 1st Battalion, 64th Armor Regiment, 3rd Infantry Division, Fort Stewart, GA. He joined the Army right after his graduation from Evanston High School in 1994. He loved the Army and his country and was serving his fourth tour of duty in Iraq. Following his first tour, he laid the wreath for the dedication of the Fallen Comrade Memorial in downtown Evanston. He was laid to rest in his hometown, where he was remembered by family and friends as a determined and courageous warrior, an honorable soldier, and a loving husband and father.

It is because of David Julian that we continue to live safe and free. America's men and women who answer the call to service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. They put everything on the line every day, and because of them and their families, our Nation remains free and strong in the face of danger.

In the Book of John, Jesus said that, "Greater love has no man than this, that he lay his life down for his friend." SSG David Julian gave his life, that last full measure of devotion, for you, me, and every single American. He gave his life defending his country and its people, and we honor him for this selfless sacrifice.

Staff Sergeant Julian is survived by his wife Erin and baby daughter Elizabeth, his mother Bonnie and father Wally, brothers Eric, Chris, and Mark, and sisters Misty, Becky, and Kellee. He is also survived by his brothers and sisters in arms of the U.S. Army. We say goodbye to a husband, a father, a son, a brother, and an American soldier. Our Nation pays its deepest respect to SSG David D. Julian for his courage, his love of country, and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation, is proud of him. May God bless him and his family and welcome him with open arms.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

SECOND CHANCE ACT OF 2007

● Mr. OBAMA. Mr. President, I wish to speak in favor of the Second Chance Act of 2007, a bill to strengthen community safety by improving the reintegration of people returning from prison. The Senate recently passed this measure, and I am proud to have worked over the past few years with Senators BIDEN, BROWNBACK, and SPECTER to see this important bill reach this point. Having passed in the House as well, the Second Chance Act is now ready for President Bush's signature, and I urge him to sign this bill into law as soon as possible.

We have a broken criminal justice system and too many people are caught in its web, especially African-American men, nearly a third of whom will enter State or Federal prison during their lives. What is equally tragic is that nearly two-thirds of the 1,800 people released from prison every day return to jail within 3 years.

The stark reality is that most communities where prisoners go upon release already struggle with highly concentrated poverty, unemployment, fragile families, and a dearth of jobs. And even if released prisoners do find a promising job opportunity, they often face employer resistance to hiring people with criminal backgrounds. In many cases, they will fail to become fully rehabilitated and go on to commit more crimes.

We must end this revolving door of failure. We must create a pathway for people coming out of jail to get the jobs, skills, and education they need to reject a life of crime in favor of honest contributions to their communities.

There is no question that breaking the law should have consequences. And it is true that we have to do more as parents to teach our children that violence is always wrong. But if convicted offenders are not given the tools they need to become constructive members of our communities after they serve their time, we all suffer the consequences.

That is why the passage of the Second Chance Act is so important. This measure will support faith- and community-based organizations working with State and local authorities to give former prisoners a second chance at a meaningful life. It makes funding available for transitional jobs programs and housing, for support health services, and educational needs. Moreover, priority is given to projects that serve communities with large ex-prisoner populations and to those that do a good job of reintegrating their participants.

Again, I commend my colleagues in the Senate and House of Representatives, Democrats and Republicans, who supported the Second Chance Act. I urge the President of the United States to act quickly to enact this bill into law.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VISIT OF AUSTRALIAN PRIME MINISTER KEVIN RUDD

● Mr. OBAMA. Mr. President, I would like to extend my sincere welcome to the Honorable Kevin Rudd, who is making his first trip to the United States as the newly elected Prime Minister of Australia. This is a historic visit during a time of transition for both our nations.

Yesterday, I spoke with Prime Minister Rudd and congratulated him on his election as the first Labor Party Prime Minister in 11 years. I assured him of my personal commitment to maintaining a strong bilateral relationship between our nations in the years to come and discussed our common interest in advancing peace and prosperity for the people of the United States, Australia, and the world.

The alliance between the United States and Australia is deep and strong and has stood the test of changing times. Labor Party leader John Curtain, along with President Franklin D. Roosevelt, established the United States-Australia alliance in 1942. Prime Minister Rudd's trip affirms the strategic value of this relationship and the friendship between our people, which has endured across generations and administrations.

The United States-Australia alliance is a cornerstone of security and prosperity both in the Asia-Pacific region and globally. Our two nations are bound by shared interests, shared values, and a common heritage—bonds that were forged in all major wars the United States was involved in during the 20th century, a distinction unique to Australia. And, as a new century dawns, we are beginning to write a new and important chapter in the bilateral relationship.

Indeed, during his first press conference the day after his election, Prime Minister Rudd reiterated his strong commitment to the United States-Australia alliance, a deep commitment to a partnership of equals that I share.

Like the United States, Australia is trans-Pacific in orientation, and for this reason our perspectives and perceptions about regional and global affairs are often tightly aligned. The United States benefits from an Australia that can act as a regional leader in East Asia but one with global interests and capabilities as well.

The Prime Minister's visit provides an opportunity for the people of America to express our deep appreciation for Australia's contributions in combating al-Qaida. We will never forget that following the attacks on September 11, 2001, Australia invoked the ANZUS treaty in support of the United States.

Australia has deployed some 1,000 troops in Afghanistan to the International Security Assistance Force, as well as about 1,500 combat and support troops in Iraq. Prime Minister Rudd has also demonstrated real leadership in tackling the critical global challenge of climate change. Within a few weeks of assuming office, the Prime Minister successfully pushed for the ratification of the Kyoto Protocol as one of the first official acts of his administration. He personally led Australia's delegation to Bali, Indonesia, to participate in international negotiations on a post-Kyoto protocol.

In Asia, the quality of our alliance and scope of our diplomatic partnership shine brightly. We both face a rapidly evolving security order defined by traditional and nontraditional security problems. These include changing regional power dynamics and rivalries, territorial disputes, resource competition, terrorism, proliferation of weapons of mass destruction, failed states, environmental degradation, and pandemic diseases. Managing this complex blend of security challenges requires leveraging both bilateral and multilateral mechanisms.

The Asia-Pacific Economic Cooperation, APEC, organization, in which Australia took the lead in creating in 1989, has advanced economic liberalization and integration throughout the Asia-Pacific. Australia's involvement in the East Asia Summit since its inception is a welcome development. The Trilateral Security Dialogue among the United States, Australia, and Japan has become an important channel for coordinating policy and combining capabilities in addressing emerging security challenges in the Asia-Pacific.

As the security order in Asia evolves, Australian participation, leadership, and defense of our common values and interests are critical to building open, inclusive, transparent, and flexible regional structures and arrangements. The new arrangements cannot replace America's bilateral alliances—alliances which are not directed at any one nation but which have served as the foundation for peace and stability in Asia for nearly half a century. But these new mechanisms, building on our traditional alliances, can help sustain the conditions for Asia's peace and prosperity to continue.

Prime Minister Rudd brings special skills and experiences to this new chapter in United States-Australia relations. His progressive domestic policy agenda, innovative and realistic diplomacy, and optimistic vision enrich the already solid base of our bilateral dialogue, reminding us that we can accomplish more when we listen to our friends and allies than when we lecture them.

Prime Minister Rudd's visit is an opportunity to rededicate ourselves to the United States-Australia alliance and to our broader bilateral relationship. America's foreign policy, national security and economic interests gain greatly from the deep ties with our friends down under.●

ADDITIONAL STATEMENTS

RECOGNIZING THE ECONOMIC DEVELOPMENT CENTER

● Mr. BOND. Mr. President the first small business incubator in St. Charles County was opened 15 years ago in March 1993 by the Economic Development Center at 5988 Mid Rivers Mall Drive in St. Peters, MO.

The EDC business incubator has become a landmark in the heart of St. Charles County serving as a beacon for new entrepreneurs and business owners and hosting countless special events for the business community and general public.

More than 150 companies with 500 jobs have graduated from the EDC incubator into the general marketplace and grown those jobs into more than 1,000 impacting St. Charles County and the St. Louis region.

The EDC incubator facilities provide startup assistance, month-to-month leases, shared office equipment, conference rooms, professional support staff, and access to important resources such as training and financial assistance; and,

When the EDC opened its doors in 1993, St. Charles County had a total labor force of 132,602, total population of 232,360, and total assessed valuation of less than $2 billion.

Thanks to the efforts of the EDC and a myriad of organizations and individuals in St. Charles County, today the area has a total labor force of 189,862, total population of nearly 350,000, and total assessed valuation of more than $7 billion.

Local community leaders in business and government along with State and Federal officials helped to foster the development and dynamic 15-year track record of the EDC's business incubator and other specialized business services.

The tremendous impact and importance of the Economic Development Center's small business incubator facility will certainly continue to grow successful businesses, well-paying local jobs, the expanding local tax base, and the exceptional quality of life enjoyed in St. Charles County, MO.●

TRIBUTE TO ROBERT DOOLEY

● Mr. BOND. Mr. President, since his college graduation from Quincy University in 1982, Mr. Robert Dooley has been teaching high school and middle school band and vocal music at Clark County R–1 High School. Throughout his teaching career, Mr. Dooley has instructed 2,823 students in band alone at the Clark County R–1 High School. In addition, Mr. Dooley has brought together over 150 parents and volunteers to bolster the Fine Arts Booster Organization in Clark County, which has fundraised, supported, and made possible the fine arts department in Clark County.

Clark County R–1 School has one of the finest music and band programs in the State of Missouri. In 2006 Mr. Dooley was named Kiwanis Club Teacher of the Year and received the Missouri Association of Rural Education Outstanding Rural Secondary Teacher of the Year Award. In June 2008, the Marching Indians will be traveling to Hawaii to march in the King Kamehameha Parade and will perform at Pearl Harbor aboard the USS *Missouri*. These achievements are due largely to Mr. Robert Dooley's commitment to excellence in teaching and inspiring the young musicians in Clark County.

Having a strong school system is a strong asset for any community. Mr. Dooley's talents and achievements in teaching at Clark County R–1 School have added great value to the Clark County R–1 School district and the lives of the children and families in that community. ●

ARTHUR LYONS: IN MEMORIAM

● Mrs. BOXER. Mr. President, I wish to honor and share with my colleagues the memory of a very special man, Arthur Lyons of Palm Springs, who died March 21, 2008. He was 62 years old.

Arthur Lyons was a man of many talents and will be fondly remembered for his groundbreaking work with film noir cinema, his success as an author, his dedication to the city of Palm Springs, and his love for the environment.

Arthur was born on January 5, 1946, in Los Angeles, CA. His family moved to Palm Springs when Arthur was 11. After graduating from the University of California at Santa Barbara in 1967, Arthur tapped into his lifelong passion for film noir and began writing as a novelist, a screenwriter for Universal Studios, and as a cofounder of the Writers Conference, among other projects.

Arthur wrote his first novel, "The Dead Are Discreet", in 1974 and went on to author 23 more books, many of them mystery novels, including the successful Jacob Ashe detective series. His nonfiction sensation, "Death on the Cheap: The Lost B Movies of Film Noir", reflected his interest in film noir cinema, the traditional Hollywood crime dramas of the 1940s and 1950s. After writing crime novels for over 25 years, Arthur partnered with Craig Prater in 2001 to launch the Palm Springs Film Noir Festival—one of the first such festivals in the Nation. A man of unbridled enthusiasm for the film noir style, Arthur would encourage attendees to dress up in mobster-style clothing that was typical of that Hollywood era.

A member of the Palm Springs City Council from 1992 to 1995, Arthur was an advocate of energy deregulation in California and helped create Palm Springs Energy Services. During his time on the city council, Arthur also helped to create Palm Springs Villagefest, a street fair held every Thursday that hosts food booths, a certified farmer's market, and craft and artisan booths. In recognition of his positive contributions to the Palm Springs community, Arthur was honored with the 287th Golden Palm Star on May 30, 2007.

Those who knew Arthur Lyons recognized him as a uniquely passionate and brilliant man. He took pride in promoting causes that he held close to his heart. His work as an author, screenwriter, director, and elected official will be remembered fondly by all those whose lives he touched. He will be deeply missed.

Arthur is survived by his wife Barbara Lyons and his uncle David Lyons.●

RECOGNIZING THE BAY AREA GREEN BUSINESS PROGRAM

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the 10th anniversary of the Bay Area Green Business Program in Contra Costa County, the Contra Costa Green Business Program.

Founded in 1998, the Contra Costa Green Business Program was one of the first green business programs to be established in the nine-county Bay area region. Composed of a partnership between local, regional, State, and Federal Government agencies and utilities, the Bay Area's Green Business Programs help local businesses throughout the Bay area proactively conserve resources, prevent pollution, and minimize waste.

Californians have always led the way in fighting for a clean environment. I applaud the Contra Costa Green Business Program for strengthening and sustaining the quality of the environment in the county through a collaborative partnership of public and private organizations that encourages, enables, and recognizes businesses taking action to prevent pollution and conserve resources.

Breaking with the tradition of environmental initiatives targeting big businesses, the Contra Costa Green Business Program offers small- to medium-sized businesses a complete environmental guide, scaled to their operations, for conserving energy and water, reducing waste, preventing pollution, and complying with environmental regulations. It also certifies and recognizes businesses of all types for meeting these rigorous environmental standards.

The Contra Costa Green Business Program has certified over 300 businesses throughout the county in the last 10 years. I commend the program's dedicated staff and volunteers who work diligently to show local businesses how they can be both green and profitable at the same time. By recommending a wide range of measures that help lessen greenhouse gas emissions and conserve resources, the Contra Costa Green Business Program is helping smaller businesses protect the climate in very meaningful ways.

I congratulate the Contra Costa Green Business Program for its dedicated work on this special occasion, and I send my best wishes for many future successes over the next 10 years.●

TRIBUTE TO REBBECA WOOD WATKIN

● Mrs. BOXER. Mr. President, I am pleased and honored to salute my dear friend Rebecca "Becky" Wood Watkin as she celebrates her 95th birthday.

Born on April 4, 1913, in Portland, OR, Becky graduated from Bryn Mawr College in 1933 and went on to the University of Pennsylvania to study architecture. Undeterred by the fact that the Architecture Department did not accept female students at that time, Becky completed all required courses and became the first woman graduate in architecture from the University of Pennsylvania in 1937. That same year, Becky relocated to San Francisco and applied at a variety of architectural firms, none of which wanted a woman in the drafting room. Despite her difficulties with finding employment in the male-dominated workforce, Becky persevered, earning her California architectural license in 1944.

A vanguard for aspiring women professionals everywhere, Becky opened her own architectural practice in Marin County in 1951. In the midst of these professional milestones, Becky also gave birth to three wonderful children. As a working mother, Becky looked for ways to use her personal and professional talents to help those in need, becoming a tremendous source of support and energy to causes that she believed helped the community, including the Ecumenical Housing Association and Planned Parenthood.

Mr. President, 1948 saw Becky enter the political realm for the first time, by fundraising for Roger Kent, a local Democratic candidate for Congress. This initial political activity 60 years ago spearheaded a lifelong involvement with Democratic politics, a passion of Becky's that allowed her to work on the presidential campaigns for Adlai Stevenson, John Kennedy, Eugene McCarthy, George McGovern, and Jimmy Carter.

Inspired by Becky's trailblazing story and her fervent belief in good government, I first met Becky in the late 1970s when she helped me get reelected to the Marin County Board of Supervisors in 1980. As a young working mother myself, Becky quickly became a deeply admired mentor. As the years passed and our friendship grew, she was instrumental in helping me move up the political ladder to the House of Representatives and then to the U.S. Senate.

As we celebrate the 95th year of her remarkably courageous and passionate life, I remain in admiration of Becky's strong sense of civic duty, honesty, integrity, and perseverance. Along with hundreds of her family, friends, and admirers, I wish her many more years of continued happiness.●

IN RECOGNITION OF JAMES H. ADAMS

● Mr. GREGG. Mr. President, on February 29, 2008, James H. Adams of Pittsfield, NH, retired as manager of the New Hampshire/Vermont District of the U.S. Postal Service after 35 years of service. I wish to thank Jim for all he has done for the people of New Hampshire over that time and for his efforts which have resulted in New Hampshire's outstanding reputation for mail operations, customer service, and worker safety.

Starting as a letter carrier in Manchester in 1973, Jim's career began when the price of a stamp cost a whopping 3 cents for a first class letter. His determination and drive for self-improvement soon led to night school classes and a degree in business management, and his talents were recognized with promotion to delivery supervisor, then superintendent of postal operations, in Concord, NH. He left our State for a time, tackling the duties of director of marketing for the Post Office in Syracuse, NY, then in a number of positions of increasing responsibility with the Postmaster General's Office in Washington, DC.

During his time in Washington, Jim worked with five U.S. Presidents and helped to develop several commemorative stamps, including those honoring our troops of Desert Storm, POW/MIAs, and even Elvis. He unveiled five World War II commemorative stamps to President George H. W. Bush in the Oval Office and was relied upon in Washington for his professional and personal knowledge of all facets of postal operations, his competent advice, and for the personal integrity with which he always conducted himself.

His return to New Hampshire to head the district in 1997 led to dramatic improvements in its operations. Overseeing a $500 million budget and 7,000 employees, Jim turned the district into one of the top 10 safest in the Nation. Similarly, with 6 million pieces of mail delivered each day in New Hampshire and Vermont, Jim's efforts led to a 96-percent on-time mail delivery record and the establishment of customer service that has been recognized as Best in the Nation for each of the past 6 years.

Beyond his professional accomplishments, which are many, Jim has remained true to his small-town roots and the honesty and decency of his upbringing. Pittsfield and all of New Hampshire can be proud of him and his success, and I am especially glad to have had the opportunity to work with Jim to serve the people of New Hampshire. Whether helping obtain a sought-after ZIP Code number to serve an entire community or making a personal commitment to ensuring an elderly or disabled customer off the beaten track received their mail at home, Jim dedicated himself to meeting the needs of those who counted on the U.S. mail coming through.

He can take great pride in his record of service. I want to take this opportunity to thank him, to recognize his contributions, and to wish him well in all his future endeavors.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 1593. An act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

At 2:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1187. An act to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes.

H.R. 2342. An act to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes.

H.R. 2515. An act to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes.

H.R. 2675. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

H.R. 3352. An act to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes.

H.R. 3651. An act to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard.

H.R. 3891. An act to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation.

H.R. 4933. An act to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes.

The message also announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 302. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1187. To expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2342. An act to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2515. An act to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2675. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3352. An act to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3651. An act to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Energy and Natural Resources.

H.R. 3891. An act to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation; to the Committee on Environment and Public Works.

H.R. 4933. An act to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 302. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions by unanimous consent, and referred as indicated:

S. 2756. A bill to amend the National Child Protection Act to 1993 to establish a permanent background check system; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5502. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraclostrobin; Pesticide Tolerance" (FRL No. 8355–4) received on March 20, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5503. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in Appalachian, Florida and Southeast Marketing Area—Interim Order" (Docket No. DA–07–03–A) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5504. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2007–08 Crop Natural Seedless Raisins" (Docket No. AMS–FV–07) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5505. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Walnuts Grown in California; Order Amending Marketing Order No. 984" (Docket No. FV06–984–1) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5506. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Multi-Year Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading and Auditing Services" (Docket No. AMS–PY–07–0065) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5507. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches" (Docket No. AMS–FV–07–0160) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5508. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Decreased Assessment Rate" (Docket No. AMS–FV–07–0114) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5509. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order; Referendum Procedures" (Docket No. AMS–FV–06–0176) received on March 25 , 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5510. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2007–2008 Marketing Year" (Docket No. AMS–FV–07–0150) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5511. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Order Amending Marketing Order No. 959" (Docket No. AO–322–A4) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5512. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Avocados Grown in South Florida; Order Amending Marketing Order No. 915" (Docket No. FV06–915–2) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5513. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2007–2008 Crop Year for Tart Cherries" (Docket No. AMS–FV–07–0119) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5514. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Decreased Assessment Rate" (Docket No. AMS–FV–07–0155) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5515. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Myclobutanil; Pesticide Tolerance" (FRL No. 8356–2) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5516. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Boscalid; Pesticide Tolerance" (FRL No. 8354–4) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5517. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sale and Issue of Marketable Book-Entry Treasury Bills, Notes and Bonds—Minimums and Multiple Amounts Eligible for STRIPS, Legacy Treasury Direct, and Certification Requirements" (Docket No. BPD GSRS 08–01) received on March 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5518. A communication from the Deputy Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Proposed Rule Changes of Self-Regulatory Organizations" (RIN3235–AJ80) received on March 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5519. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, an annual report relative to the actions taken by the Commission relative to the Fair Debt Collection Practices Act during fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–5520. A communication from the Chairman and President, Export-Import Banks of the United States, transmitting, pursuant to law, a report relative to the export of eight Boeing 737–800 aircraft to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–5521. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Lending Limits" (RIN1557–AD08) received on March 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5522. A communication from the General Deputy Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, a report entitled, "Annual Homeless Assessment Report to Congress"; to the Committee on Banking, Housing, and Urban Affairs.

EC–5523. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, "Fundamental Properties of Asphalts and Modified Asphalts—II"; to the Committee on Commerce, Science, and Transportation.

EC–5524. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service" (FCC Docket No. 08–72) received on March 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5525. A communication from the Deputy Division Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets, Petition of American National Standards Institute Accredited Standards Committee" (FCC Docket No. 08–68) received on March 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5526. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of 8-Hour Ozone Section 110(a)(1) Maintenance Plans for the Parishes of Lafayette and Lafourche" (FRL No. 8545–2) received on March 20, 2008; to the Committee on Environment and Public Works.

EC–5527. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Completeness Findings for Section 110(a) State Implementation Plans for the 8-Hour Ozone NAAQS" (FRL No. 8545–6) received on March 20, 2008; to the Committee on Environment and Public Works.

EC–5528. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Volatile Organic Compound Emission Standards for Aerosol Coatings" ((RIN2060–AO86)(FRL No. 8544–2)) received on March 20, 2008; to the Committee on Environment and Public Works.

EC–5529. A communication from the Director, Regulatory Managament Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone NAAQS" (FRL No. 8545–5) received on March 20, 2008; to the Committee on Environment and Public Works.

EC–5530. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression-Ignition Engines Less than 30 Liters per Cylinder" (FRL No. 8545–3) received on March 20, 2008; to the Committee on Environment and Public Works.

EC–5531. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving" ((RIN2060–AN44)(FRL No. 8547–1)) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5532. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Diesel Anti-Idling Regulation" (FRL No. 8546–9) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5533. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Utah; Interstate Transport of Pollution and Other Revisions" (FRL No. 8546–3) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5534. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Nonattainment and Reclassification of the Memphis, Tennessee/Crittenden County, Arkansas 8-Hour Ozone Nonattainment Area" (FRL No. 8547–8) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5535. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Participation by Disadvantaged Business Enterprises in Procurement Under Environmental Protection Agency Financial Assistance Agreements" ((RIN2090–AA38)(FRL No. 8545–9)) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5536. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determinations of Attainment of the Eight-Hour Ozone Standard for Various Ozone Nonattainment Areas in Upstate New York State" (FRL No. 8546–2) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5537. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Issuance of Opinion and Advisory Letters and Opening of the EGTRRA Determination Letter Program for Pre-Approved Defined Contribution Plans" (Announcement 2008–23) received on March 19, 2008; to the Committee on Finance.

EC–5538. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2008–14) received on March 19, 2008; to the Committee on Finance.

EC–5539. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Normalization Accounting Rules to Balances of Excess Deferred Income Taxes and Accumulated Deferred Investment Tax Credits of Public Utilities Whose Assets Cease to be Public Utility Property" ((RIN1545–AY75)(TD 9387)) received on March 20, 2008; to the Committee on Finance.

EC–5540. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2008 Prevailing State Assumed Interest Rates" (Rev. Rul. 2008–19) received on March 20, 2008; to the Committee on Finance.

EC–5541. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2008" (Rev. Rul. 2008–20) received on March 20, 2008; to the Committee on Finance.

EC–5542. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, copies of letters relative to the Treaty with the United Kingdom that was entered into on September 20, 2007, relative to Defense Trade Cooperation; to the Committee on Foreign Relations.

EC–5543. A communication from the General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "National Service Criminal History Checks" (RIN3045–AA44) received on March 19, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5544. A communication from General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "Corporation for National and Community Service Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" (RIN3045–AA48) received on March 19, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5545. A communication from the Director, Directorate of Standards and Guidance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Updating OSHA Standards Based on National Consensus Standards" (RIN1218–AC08) received on March 25, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5546. A communication from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Asbestos Exposure Limit" (RIN1219–AB24) received on March 24, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5547. A communication from the General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "Program Fraud Civil Remedies Act" (RIN3045–AA42) received on March 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5548. A communication from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5549. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations" (RIN3209–AA14) received on March 25, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5550. A communication from the Secretary, Judicial Conference of the United States, transmitting, a legislative proposal entitled, "Federal Courts Jurisdiction and Venue Clarification Act of 2008"; to the Committee on the Judiciary.

EC–5551. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the New Jersey Advisory Committee; to the Committee on the Judiciary.

EC–5552. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Rhode Island Advisory Committee; to the Committee on the Judiciary.

EC–5553. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Vermont Advisory Committee; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes (Rept. No. 110-277).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2304. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH:

S. 2791. A bill to address the foreclosure crisis and to revitalize neighborhoods, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. ENSIGN, and Mr. MARTINEZ):

S. 2792. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. KERRY, and Mr. LAUTENBERG):

S. 2793. A bill to direct the Federal Trade Commission to prescribe a rule prohibiting deceptive advertising of abortion services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. VITTER):

S. 2794. A bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 493. A resolution to limit consideration of amendments under a budget resolution; to the Committee on the Budget.

By Mr. CASEY (for himself and Mr. CORKER):

S. Res. 494. A resolution expressing the sense of the Senate on the need for Iraq's neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. DODD, Mr. ENZI, Ms. STABENOW, Mr. LEVIN, Mr. SCHUMER, Mr. INOUYE, Mr. MENENDEZ, Mr. CRAPO, Mr. JOHNSON, Mr. CARDIN, Mrs. LINCOLN, Mr. COCHRAN, Mr. MARTINEZ, Mrs. MURRAY, Mr. ALLARD, Mr. DURBIN, Mr. BAUCUS, and Mrs. FEINSTEIN):

S. Res. 495. A resolution designating April 2008 as "Financial Literacy Month"; considered and agreed to.

By Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. BROWN, Mr. FEINGOLD, and Mr. VOINOVICH):

S. Con. Res. 72. A concurrent resolution supporting the goals and ideals of the International Year of Sanitation; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 59

At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 59, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 60

At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 495

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 495, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 582

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 678

At the request of Mrs. BOXER, the names of the Senator from New York

(Mr. SCHUMER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 906

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 906, a bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 911

At the request of Mr. VITTER, his name was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 937

At the request of Mr. REED, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1176

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1176, a bill to require enhanced disclosure to consumers regarding the consequences of making only minimum required payments in the repayment of credit card debt, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1382

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1430

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1689

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1689, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1689, supra.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2127

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2127, a bill to provide assistance to families of miners involved in mining accidents.

S. 2159

At the request of Mr. NELSON of Florida, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2279

At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. SMITH), the Senator from Illinois (Mr. DURBIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2279, a bill to combat international violence against women and girls.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2366

At the request of Mr. VITTER, the names of the Senator from Maine (Ms.

SNOWE) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2366, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical verification program.

S. 2408

At the request of Mr. KERRY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2420

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2420, a bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

S. 2426

At the request of Mr. KERRY, his name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

S. 2433

At the request of Mr. KERRY, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2580

At the request of Mr. BROWN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2607

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2607, a bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2625

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2625, a bill to ensure that deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts, be excluded from consideration as annual income when determining eligibility for low-income housing programs.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2660

At the request of Mr. SANDERS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2660, a bill to amend the Federal Power Act to ensure that the mission and functions of Regional Transmission Organizations and Independent System Operators include keeping energy costs as low as reasonably possible for consumers, and for other purposes.

S. 2672

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. HAGEL) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2672, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 2684

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2684, a bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

S. 2719

At the request of Mrs. DOLE, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Louisiana (Mr. VITTER) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 2719, a bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2722

At the request of Mrs. DOLE, the names of the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from Louisiana (Mr. VITTER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2722, a bill to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

S. 2729

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 2729, a bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes.

S. 2760

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. WYDEN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2766, supra.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2785

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. RES. 138

At the request of Mr. SALAZAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 138, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. VITTER):

S. 2794. A bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, many of America's seniors are discovering that their life savings may not be enough to sufficiently provide for their retirement needs. To bridge the gap, some seniors are turning to investments to increase their retirement income and frequently rely on financial advisors to help them invest wisely. Unfortunately, we have learned that seniors are placing their trust in so-called "senior investment advisors" who in many cases may not deserve it. More and more, individuals are representing themselves as certified "senior investment specialists" when often they have limited or no education and experience in extremely complicated financial matters. It is estimated that there are hundreds of different designations for senior financial advisors that all sound very official, and that there are thousands of unscrupulous individuals marketing themselves out as such "senior" specialists.

You would be surprised to know that in order to obtain some of them, all it takes is a weekend and as many cracks at an open-book, multiple-choice exam as is needed? It is almost impossible for seniors to tell the difference between the more legitimate titles and those with less rigorous standards.

Today, Senator VITTER and I are introducing the Senior Investor Protection Act of 2008 to help ensure there are rules to separate reputable designations, like Certified Financial Planners, from less rigorous designations and clarifications that are meant to confuse and mislead seniors. This bill would encourage states to improve their own rules regulating the use of designations by encouraging them to adopt provisions outlined in the North American Securities Administrators Association's, NASAA, new model rule on the use of senior designations. It would create a grant to help States protect senior investors from unscrupulous individuals who use misleading designations to sell seniors inappropriate financial products.

We know that an attorney must go to school for 3 years and pass a State bar exam. A CPA must have a college degree, an additional year of study and must pass a national exam. Neither can offer their professional services without those credentials. Seniors should be able to trust the people who invest their money. They should not be worried that the title after their advisor's name is scarcely more than a marketing ploy, and that it was not earned through sufficiently rigorous financial education or training.

I strongly encourage my colleagues to cosponsor this measure.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 493—TO LIMIT CONSIDERATION OF AMENDMENTS UNDER A BUDGET RESOLUTION

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 493

Resolved,

SECTION 1. LIMITATION ON CONSIDERATION OF AMENDMENTS UNDER A BUDGET RESOLUTION.

For purposes of consideration of any Budget Resolution reported under section 305(b) of the Congressional Budget Act of 1974—

(1) time on a budget resolution may only be yielded back by consent;

(2) no first degree amendment may be proposed after the 10th hour of debate on a budget resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 10th hour;

(3) no second degree amendment may be proposed after the 20th hour of debate on a budget resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 20th hour;

(4) after not more than 40 hours of debate on a budget resolution, the resolution shall be set aside for 1 calendar day, so that all filed amendments are printed and made available in the Congressional Record before debate on the resolution continues; and

(5) provisions contained in a budget resolution, or amendments thereto, shall not include programmatic detail not within the jurisdiction of the Senate Committee on the Budget.

SEC. 2. WAIVER AND APPEAL.

Section 1 may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under section 1.

Mr. SPECTER. Mr. President, I submit a resolution which would modify the budget process to bring some sanity to the Senate as we consider the budget resolution.

On March 13, less than a month ago, we took up the budget resolution. From 11:15 a.m. until 2 a.m. on March 14, this body was bedlam. May the record show the distinguished presiding Senator from Montana was nodding in the affirmative. If he wishes to have a disclaimer on that—he has just signaled it is OK with him.

There are two Senators on the floor of the Senate now, one presiding and one speaking, who can attest to an extraordinary event. The Senate is billed as the world's greatest deliberative body. During the time from 11:15 a.m. on the 13th, until 2 a.m. on the 14th, the place was bedlam—absolute bedlam. We were considering amendments which had not been available for examination by Senators or their staffs. We were considering them in a context of 2 minutes equally divided, so the proponent had a full minute. That may be a little long for speeches in the House of Representatives, but it is not in the Senate. The opposite side had 1 minute.

It was impossible to hear what was going on in the Chamber. If you tried to listen to get the gravamen of what was going on, it simply could not be heard. During the course of the deliberations after midnight I had occasion to talk to the distinguished majority leader, Senator REID, and the chair of the Rules Committee, Senator FEINSTEIN, about doing something about it. My staff and I have done some research. We found that a resolution had been submitted, a proposal had been submitted by Senator BYRD in the past. I have taken Senator BYRD's approach, having my staff consult with his staff. We do not yet have it worked out as to whether he will cosponsor because we have been in the period of recess for the past 2 weeks, but Senator BYRD is renowned for his expertise on parliamentary matters. The essence of the resolution would provide that first-degree amendments would have to be filed prior to the 10th hour of debate. Then, second-degree amendments would have to be filed prior to the 20th hour of debate. Then the resolution would be set aside for 1 day prior to the 40th hour of debate so that the amendments could be printed in the CONGRESSIONAL RECORD.

For those who may be watching on C-SPAN, it is impossible to deal with an amendment which has not been filed and printed so that staff and Senators can review it. When the amendments are offered—as there is a right to offer them, under the existing procedures, on the spur of the moment—nobody can follow them. One minute of explanation is totally insufficient.

There was one complex amendment which was offered with respect to the city of Berkeley, to take away their earmarks and their grants. I happened to be on the other end of the Chamber at the time and actually could not hear; the bedlam, the noise just precluded hearing. I later found out that there was a lot more to the consideration of the issue than I could digest in the course of that time.

The procedures that have been used on the budget resolution have taken two forms which have subverted the process. One is the sense-of-the-Senate resolution, and the second is the resolution on deficit-neutral reserve funds to try to bring it within the confines of the budget resolution. Through those two artifices there are efforts made to legislate, put legislative proposals in the budget resolution.

I will ask unanimous consent my full statement be printed in the RECORD at the close of my comments. The full statement has a reference to amendment No. 4299, which was offered, which was on prescription drugs. It doesn't have anything to do with the budget resolution, but it was a sense of the Senate. This is just illustrative of substantive matters which are offered which have no place on the budget resolution.

My prepared statement also refers to amendment No. 4231, which refers to immigration, a detailed proposal.

Many of these, if not most of these amendments, are "gotcha" amendments. I am getting a lot of agreement from the distinguished Presiding Officer. If anyone is watching on C-SPAN II, a "gotcha" amendment is an amendment that compels people to vote on complex questions which can be used on a 30-second commercial.

One of the difficulties of campaign practice is to be able to defend your votes. It is sometimes hard to defend a vote on a complex matter where you have no advance notice of the issue and no opportunity to hear it debated. The procedures of the Senate, worth just a momentary comment, are, somebody proposes legislation and files it at the desk. It is referred to a committee. The committee has hearings. Then there is a markup where the bill is considered. Then the committee files a report, analyzing it. Then it comes to the Senate floor for consideration.

That is the way the Senate is supposed to function. That is what makes the Senate, arguably, the world's greatest deliberative body. But not when you have amendments which are offered on the spur of the moment with no opportunity to know what is in the amendment and all of these votes are recorded. Try to explain a "gotcha" amendment as to why you voted a certain way in answering on a commercial. It just cannot be done.

It is my hope the Senate will take up this issue. I think the proposal by Senator BYRD on the scheduling is a good approach. I am not wedded to this approach. There are other approaches which could be undertaken which would be satisfactory to this Senator. We had some discussions on the Senate floor about perhaps limiting the number of amendments with a certification by the two leaders that you had germane amendments. But one way or another, we ought not to again next year undertake a process which has 44 votes. That established a new record—although on prior years we came close to that with votes numbering in the thirties. We ought to avoid this kind of process and redo our procedures under the budget resolution.

Mr. President, I ask unanimous consent my full statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BILL INTRODUCTION

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to provide greater efficiencies to what I believe is a broken process for consideration of the budget resolution. The need for reform is based on the most recent consideration of the budget resolution on March 13, 2008, when the Senate conducted 44 stacked roll call votes in one day—the so-called "vote-a-rama." With the 44 stacked votes, the frequent unavailability of amendment text in advance so there could be no analysis and preparation, the chamber full of senators, the unusual noise level, the constant banging of the gavel by the presiding officer, the near impossibility of hearing even just the two minutes allotted for discussion, and consideration of matters entirely unrelated to the budget, I believe the process needs reform. The resolution I am introducing today is based on a proposal previously submitted by Senator ROBERT BYRD, whom most would agree is our most-knowledgeable Senator on parliamentary procedure. The Byrd proposal seeks to correct these problems I have cited by imposing several new rules designed to foster greater transparency and efficiency on a budget resolution.

Under the budget rules, once all debate time has been used or yielded back, the Senate must take action to agree to or to dispose of pending amendments before considering final passage. This scenario creates a dizzying process of voting on numerous amendments in a stacked sequence, often referred to as a "vote-a-rama." During the course of the "vote-a-rama", dozens of votes may occur with little or no explanation, often leaving Senators with insufficient information or time to deliberate and evaluate the merits of an issue prior to casting a vote. By consent, the Senate has typically allowed two minutes of debate, equally divided, prior to votes. However, the budget process does not require Senators to file their amendments prior to their consideration. In many instances, members are voting on amendments on which the text has never been made available. This difficult working environment is further compounded by a Chamber full of Senators and the constant banging of the gavel by the presiding officer to maintain order. This unusual noise level makes it nearly impossible to hear the one minute of debate per side.

The Budget Act of 1974 outlines the many clearly defined rules for consideration of a budget resolution, including debate time and germaneness. Despite these rules, the Senate has often set aside these rules and found clever ways to circumvent the rules. To restore some order to the process, the resolution I am offering today would require first-degree amendments to be filed at the desk with the Journal Clerk prior to the 10th hour of debate. Accordingly, second-degree amendments must be filed prior to the 20th hour of debate. This legislation would require a budget resolution to be set aside for one calendar day prior to the 40th hour of debate. Doing so would allow all filed amendments to be printed in the RECORD allowing Senators, and their staff, an opportunity for review before debate on the resolution continues. To preserve the integrity of these new rules, debate time may only be yielded back by consent, instead of the current procedure whereby time may be yielded at the discretion of either side.

Another problem has been the subversion with the budget's germaneness rules by offering amendments to deal with authorization and substantive policy changes. It is important to remember that the Federal budget has two distinct but equally important purposes: the first is to provide a financial measure of federal expenditures, receipts, deficits, and debt levels; and the second is to provide the means for the Federal Government to efficiently collect and allocate resources. To keep the debate focused, amendments to the budget resolution must be germane, meaning those which strike, increase or decrease numbers, or add language that restricts some power in the resolution. Otherwise, a point of order lies against the amendment, and 60 votes are required to waive the point of order. Yet, to circumvent this germaneness requirement and inject debate on substantive policy changes, Senators have offered Sense of the Senate amendments and Deficit-Neutral Reserve Fund amendments that include exorbitant programmatic detail.

A sense of the Senate amendment allows a Senator to force members to either support or oppose any policy position they seek to propose. An excerpt of an amendment to the FY09 Budget Resolution follows:

AMENDMENT NO. 4299

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—(1) the leadership of the Senate should bring to the floor for full debate in 2008 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures and creates a regulatory pathway to ensure that such drugs are safe; (2) such legislation should be given an up or down vote on the floor of the Senate; and (3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate's strong support for passage of comprehensive importation legislation.

The use of sense of the Senate amendments on the budget resolution has been discouraged in recent years because they have little relevance to the intended purpose of the budget resolution. As a result, it has become increasingly popular to offer deficit-neutral reserve fund amendments. Prior to the FY06 Budget Resolution, reserve funds were used sparingly. In in FY07, 22 were included in the Senate resolution and 8 in the House resolution; in FY08, 38 were included in the Senate resolution and 23 in the conference report; and in FY09, 31 were included in the Senate resolution.

Deficit-neutral reserve funds—which are specifically permitted by section 301(b)(7) of the Budget Act of 1974—have an important functional use in the budget process, but do not require extensive programmatic detail to be useful. On the speculation that Congress may enact legislation on a particular issue—perhaps "immigration," "energy," or "health care"—a reserve fund acts as a "placeholder" to allow the chairman of the Budget Committee to later revise the spending and revenue levels in the budget so that the future deficit-neutral legislation would not be vulnerable to budgetary points of order. Absent a reserve fund, legislation which increases revenues to offset increases in direct spending would be subject to a Budget Act point of order because certain overall budget levels (total revenues, total new budget authority, total outlays, or total revenues and outlays of Social Security) or budgetary levels specific to authorizing committees and the appropriations committee (committee allocations) would be breached.

However, it is unnecessary to include extensive programmatic detail into the language of a deficit-neutral reserve fund for it to be useful at a later date. An excerpt of an amendment to the FY09 Budget Resolution demonstrates the unnecessary level of programmatic detail that I refer to:

AMENDMENT NO. 4231

DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND CRIMINAL ALIEN REMOVAL PROGRAMS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that funds border security, immigration enforcement, and criminal alien removal programs, including programs that—(1) expand the zero tolerance prosecution policy for illegal entry (commonly known as "Operation Streamline") to all 20 border sectors; (2) complete the 700 miles of pedestrian fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note); (3) deploy up to 6,000 National Guard members to the southern border of the United States; (4) evaluate the 27 percent of the Federal, State, and local prison populations who are noncitizens in order to identify removable criminal aliens; (5) train and reimburse State and local law enforcement officers under Memorandums of Understanding entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or (6) implement the exit data portion of the US-VISIT entry and exit data system at airports, seaports, and land ports of entry.

Voting on amendments that advocate substantive policy changes in the context of a budget debate are a subversion of the budget's germaneness requirements and clearly fall outside the jurisdiction of the Budget Committee. In many instances, the programmatic detail is of a controversial nature, such as a recent amendment to "provide for a deficit-neutral reserve fund for transferring funding for Berkeley, CA earmarks to the Marine Corps" (Coburn Amendment No. 4380).

To bring the focus back to the budget, my legislation states that "provisions contained in a budget resolution, or amendments thereto, shall not include programmatic detail not within the jurisdiction of the Senate Committee on the Budget." It is my hope that this language will bring about a change in practice in the Senate whereby Senators will avoid including excessive programmatic detail in their reserve fund amendments. Doing so will put the focus back on the important purposes of a budget resolution.

The provisions in my legislation may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members. Also, an affirmative vote of three-fifths of the Members of the Senate is required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

I commend the chairman and ranking member of the Senate Budget Committee for their hard work in processing amendments to the budget resolution. Unfortunately, the process needs reforms to provide structure and to increase transparency and efficiency. The 44 rollcall votes conducted in relation to S. Con. Res. 70 are the largest number of votes held in one session dating back to 1964, according to records maintained by the Senate Historical Office. The Senate cast more votes on the budget in one day than it had previously cast all year on various other issues. It is my hope that this resolution, modeled in part on a previous proposal by Senator BYRD, will lead us to a more constructive debate on the budget resolution.

I urge the support of my colleagues.

SENATE RESOLUTION 494—EXPRESSING THE SENSE OF THE SENATE ON THE NEED FOR IRAQ'S NEIGHBORS AND OTHER INTERNATIONAL PARTNERS TO FULFILL THEIR PLEDGES TO PROVIDE RECONSTRUCTION ASSISTANCE TO IRAQ

Mr. CASEY (for himself and Mr. CORKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 494

Whereas a sustained flow of international economic reconstruction assistance to the Government of Iraq and provincial and regional authorities in Iraq is essential to the restoration of basic services in Iraq, job creation, and the future stabilization of that country;

Whereas reconstruction assistance should be administered in a transparent, accountable, and equitable manner in order to help alleviate sectarian grievances and facilitate national political reconciliation;

Whereas the United States has already spent approximately $29,000,000,000 on reconstruction assistance and Congress has authorized the expenditure of an additional $16,500,000,000 for reconstruction assistance;

Whereas, on December 18, 2007, the Government Accountability Office (GAO) reported that, as of October 2007, international donors had pledged a total of approximately $16,400,000,000 in support of Iraq's reconstruction since 2003, of which roughly $13,600,000,000 was pledged at an October 2003 donor conference in Madrid, Spain;

Whereas the GAO reported that international donors have provided only approximately $7,000,000,000 for reconstruction assistance, or less than half of the original pledged amount;

Whereas the conclusion reached by the Iraq Study Group (ISG) in December 2006 that "[i]nternational support for Iraqi reconstruction has been tepid" remains true and reinforces the ISG's subsequent recommendation that "[a]n essential part of reconstruction efforts in Iraq should be greater involvement by and with international partners, who should do more than just contribute money. . . . [t]hey should also actively participate in the design and construction of projects";

Whereas Iraq's regional neighbors, in particular, carry a special imperative to bolster reconstruction assistance efforts to Iraq, given the vital importance of a peaceful and secure Iraq to their security interests and overall regional stability; and

Whereas those countries have prospered in recent years due to the rising price of their oil exports and enjoy expanded government revenue from which funds could be allocated for reconstruction assistance to Iraq: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Iraq's neighbors and other key international partners should fully carry through on previous pledges of reconstruction assistance to the Government of Iraq, working to mitigate and circumvent, where necessary, potential obstacles to the effective implementation of those pledges; and

(2) the United States should consider a recommendation proposed by the Iraq Study Group to merge reconstruction assistance funds provided by the United States with funds from international donors and Iraqi participants to help ensure that assistance projects in Iraq are carried out in the most rapid and efficient manner possible.

SENATE RESOLUTION 495—DESIGNATING APRIL 2008 AS "FINANCIAL LITERACY MONTH"

Mr. AKAKA (for himself, Mr. DODD, Mr. ENZI, Ms. STABENOW, Mr. LEVIN, Mr. SCHUMER, Mr. INOUYE, Mr. MENENDEZ, Mr. CRAPO, Mr. JOHNSON, Mr. CARDIN, Mrs. LINCOLN, Mr. COCHRAN, Mr. MARTINEZ, Mrs. MURRAY, Mr. ALLARD, Mr. DURBIN, Mr. BAUCUS, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 495

Whereas the personal savings rate of people in the United States declined from negative 0.5 percent in 2005 to negative 1.0 percent in 2006, making 2005 and 2006 the only years since the Great Depression years of 1932 and 1933 when the savings rate has been negative, and the decline continued in the first month of 2008;

Whereas, in April 2007, a survey on personal finances reported that 25 percent of workers in the United States responded as having "no savings";

Whereas the 2007 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 43 percent of workers or their spouses calculated how much they need to save for retirement, down from 53 percent in 2000;

Whereas consumer debt exceeded $2,500,000,000,000 in 2007, an increase of 33 percent since 2001;

Whereas household debt reached a record $13,750,000,000,000 in 2007;

Whereas, during 2007, a near-record high of more than 14 percent of disposable personal income went to paying the interest on personal debt;

Whereas people in the United States are now facing record numbers of homes in foreclosure, and for the first time in history, they have more total debt than equity in their homes;

Whereas approximately 800,000 families filed for bankruptcy in 2007;

Whereas nearly half of adults in the United States are not aware that they can access their credit reports for free, and 1 in 4 reported having never checked their credit score;

Whereas, in a 2006 survey, the Jump$tart Coalition for Personal Financial Literacy found that high school seniors scored an average of only 52.4 percent on an exam testing knowledge of basic personal finance;

Whereas approximately 10,000,000 households in the United States do not have accounts at mainstream financial institutions such as banks or credit unions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas the 2007 Survey of the States compiled by the National Council on Economic Education found that only 22 States require testing of economics as a high school graduation requirement, 3 fewer States than did so in 2004;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108–159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 72—SUPPORTING THE GOALS AND IDEALS OF THE INTERNATIONAL YEAR OF SANITATION

Mr. DURBIN (for himself, Mr. Brownback, Mr. Brown, Mr. Feingold, and Mr. Voinovich) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 72

Whereas, at the 55th Session of the United Nations General Assembly in 2000, the United States, along with other world leaders, committed to achieving the Millennium Development Goals (MDGs), which provide a framework for countries and international organizations to combat such global social ills as poverty, hunger, and disease;

Whereas one target of the Millennium Development Goals is to halve by 2015 the proportion of people without access to safe drinking water and basic sanitation, the only target to be codified into United States law, in the Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

Whereas the lack of access to safe water and sanitation is one of the most pressing environmental public health issues in the world;

Whereas over 1,000,000,000 people live without potable water, and an estimated 2,600,000,000 people, including 980,000,000 children, do not have access to basic sanitation facilities;

Whereas, every 20 seconds, a child dies as a direct result of a lack of access to basic sanitation facilities;

Whereas only 36 percent of people in sub-Saharan Africa and 37 percent of people in South Asia have access to safe drinking water and sanitation, the lowest rates in the world;

Whereas, at any one time, almost half of the people in the developing world are suffering from diseases associated with lack of water, sanitation, and hygiene;

Whereas improved sanitation decreases the incidences of debilitating and deadly maladies such as cholera, intestinal worms, diarrhea, pneumonia, dysentery, and skin infections;

Whereas sanitation is the foundation of health, dignity, and development;

Whereas increased sanitation is fundamental for reaching all of the Millennium Development Goals;

Whereas access to basic sanitation helps economic and social development in countries where poor sanitation is a major cause of lost work and school days because of illness;

Whereas sanitation in schools enables children, particularly girls reaching puberty, to remain in the educational system;

Whereas, according to the World Health Organization, every dollar spent on proper sanitation by governments generates an average $7 in economic benefit;

Whereas improved disposal of human waste protects the quality of water sources used for drinking, preparation of food, agriculture, and bathing;

Whereas, at the 61st Session of the United Nations General Assembly in 2006, the United Nations declared 2008 as the International Year of Sanitation to recognize the progress made in achieving the global sanitation target detailed in the Millennium Development Goals, as well as to call upon all member states, United Nations agencies, regional and international organizations, civil society organizations, and other relevant stakeholders to renew their commitment to attaining that target;

Whereas the official launching of the International Year of Sanitation at the United Nations was on November 21, 2007; and

Whereas the thrust of the International Year of Sanitation has three parts, including raising awareness of the importance of sanitation and its impact on reaching other Millennium Development Goals, encouraging governments and its partners to promote and implement policies and actions for meeting the sanitation target, and mobilizing communities, particularly women's groups, towards changing sanitation and hygiene practices through sanitation health-education campaigns: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of the International Year of Sanitation;

(2) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment; and

(3) encourages the people of the United States to observe the International Year of Sanitation with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of sanitation, hygiene, and access to safe drinking water in achieving the Millennium Development Goals.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4381. Ms. MIKULSKI (for herself, Mr. Kennedy, and Mr. Harkin) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 4382. Mrs. LINCOLN (for herself, Mr. Smith, Mr. Kerry, Ms. Stabenow, and Mr. Levin) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4383. Mr. NELSON of Florida (for Mrs. Feinstein (for herself, Mr. Sessions, Mr. Biden, Mr. Cornyn, Mr. Coleman, and Mr. Leahy)) proposed an amendment to the bill S. 980, to amend the Controlled Substances Act to address online pharmacies.

TEXT OF AMENDMENTS

SA 4381. Ms. MIKULSKI (for herself, Mr. Kennedy, and Mr. Harkin) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table, as follows:

On page 13, line 8, strike "$200,000,000,000" and insert "$237,500,000".

On page 13, line 13, strike the period and insert the following: ": Provided, That, of such amounts $37,500,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the 'NRC') to (1) make grants to counseling intermediaries approved by the Department of Housing and

Urban Development or the NRC to hire attorneys trained and capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure who have legal issues that cannot be handled by counselors already employed by such intermediaries, and (2) support NRC partnerships with State and local legal organizations and organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code with demonstrated relevant legal experience in home foreclosure law, as such experience is determined by the Chief Executive Officer of NRC: Provided further, That for the purpose of the prior proviso the term 'relevant experience' means experience representing homeowners in negotiations and or legal proceedings aimed at preventing or mitigating foreclosure or providing legal research and technical legal expertise to community based organizations whose goal is to reduce, prevent, or mitigate foreclosure: Provided further, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.".

On page 13, between lines 13 and 14, insert the following:

SEC. 302. LEGAL ASSISTANCE RELATED TO HOME OWNERSHIP PRESERVATION AND FORECLOSURE PREVENTION.

(a) APPROPRIATION.—

(1) IN GENERAL.—There is authorized to be appropriated and there is appropriated to the Legal Services Corporation $37,500,000 to provide legal assistance related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure.

(2) AVAILABILITY.—Such funds shall remain available until expended.

(b) FUNDING REQUIREMENTS.—Each limitation on expenditures, and each term or condition, that applies to funds appropriated to the Legal Services Corporation under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008, shall apply to funds appropriated to the Corporation under subsection (a), except as provided in subsections (a)(1) and (c).

(c) PRIORITY.—In providing financial assistance from the funds appropriated under subsection (a), the Corporation shall give priority to eligible entities and individuals that—

(1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates; and

(2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.

SA 4382. Mrs. LINCOLN (for herself, Mr. SMITH, Mr. KERRY, Ms. STABENOW, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table, as follows:

At the end of title III add the following:

SEC. 302. EXCLUSION FOR AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS RESTORED, EXTENDED, AND MODIFIED.

(a) REMOVAL OF DOLLAR LIMITATION.—Section 120(a) of the Internal Revenue Code of 1986 (relating to exclusion by employee for contributions and legal services provided by employer) is amended by striking the last sentence.

(b) REAL ESTATE MATTERS EMPHASIZED.—Section 120(c) of the Internal Revenue Code of 1986 (relating to requirements) is amended by adding at the end the following new paragraph:

"(6) BENEFITS.—The plan shall provide, at a minimum, legal services for real estate matters relating to family or personal residences, including document review of real estate sales, purchases, closings, mortgages, and foreclosures.".

(c) EXTENSION.—Section 120(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(e) APPLICATION.—This section and section 501(c)(20) shall apply to taxable years beginning after December 31, 2007, and before January 1, 2010.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 4383. Mr. NELSON of Florida (for Mrs. FEINSTEIN (for herself, Mr. SESSIONS, Mr. BIDEN, Mr. CORNYN, Mr. COLEMAN, and Mr. LEAHY) proposed an amendment to the bill S. 980, to amend the Controlled Substances Act to address online pharmacies; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan Haight Online Pharmacy Consumer Protection Act of 2008".

SEC. 2. REQUIREMENT OF A VALID PRESCRIPTION FOR CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.

Section 309 of the Controlled Substances Act (21 U.S.C. 829) is amended by adding at the end the following:

"(e) CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.—

"(1) No controlled substance may be delivered, distributed, or dispensed by means of the Internet without a valid prescription.

"(2) As used in this subsection:

"(A) The term 'valid prescription' means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by—

"(i) a practitioner who has conducted at least 1 in-person medical evaluation of the patient; or

"(ii) a covering practitioner.

"(B)(i) The term 'in-person medical evaluation' means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

"(ii) Nothing in clause (i) shall be construed to imply that 1 in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

"(C) The term 'covering practitioner' means, with respect to a patient, a practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a practitioner who—

"(i) has conducted at least 1 in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine, within the previous 24 months; and

"(ii) is temporarily unavailable to conduct the evaluation of the patient.

"(3) Nothing in this subsection shall apply to—

"(A) the delivery, distribution, or dispensing of a controlled substance by a practitioner engaged in the practice of telemedicine; or

"(B) the dispensing or selling of a controlled substance pursuant to practices as determined by the Attorney General by regulation, which shall be consistent with effective controls against diversion.".

SEC. 3. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT RELATING TO THE DELIVERY OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.

(a) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:

"(50) The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.

"(51) The term 'deliver, distribute, or dispense by means of the Internet' refers, respectively, to any delivery, distribution, or dispensing of a controlled substance that is caused or facilitated by means of the Internet.

"(52) The term 'online pharmacy'—

"(A) means a person, entity, or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes, or dispenses, or offers or attempts to deliver, distribute, or dispense, a controlled substance by means of the Internet; and

"(B) does not include—

"(i) manufacturers or distributors registered under subsection (a), (b), (c), or (d) of section 303 who do not dispense controlled substances to an unregistered individual or entity;

"(ii) nonpharmacy practitioners who are registered under section 303(f) and whose activities are authorized by that registration;

"(iii) any hospital or other medical facility that is operated by an agency of the United States (including the Armed Forces), provided such hospital or other facility is registered under section 303(f);

"(iv) a health care facility owned or operated by an Indian tribe or tribal organization, only to the extent such facility is carrying out a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

"(v) any agent or employee of any hospital or facility referred to in clause (iii) or (iv), provided such agent or employee is lawfully acting in the usual course of business or employment, and within the scope of the official duties of such agent or employee, with such hospital or facility, and, with respect to agents or employees of health care facilities specified in clause (iv), only to the extent such individuals are furnishing services pursuant to the contracts or compacts described in such clause;

"(vi) mere advertisements that do not attempt to facilitate an actual transaction involving a controlled substance;

"(vii) a person, entity, or Internet site that is not in the United States and does not facilitate the delivery, distribution, or dispensing of a controlled substance by means of the Internet to any person in the United States;

"(viii) a pharmacy registered under section 303(f) whose dispensing of controlled substances via the Internet consists solely of—

"(I) 'refilling prescriptions for controlled substances in schedule III, IV, or V', as defined in paragraph (55); or

"(II) 'filling new prescriptions for controlled substances in schedule III, IV, or V', as defined in paragraph (56); or

"(ix) any other persons for whom the Attorney General and the Secretary have jointly, by regulation, found it to be consistent with effective controls against diversion and otherwise consistent with the public health and safety to exempt from the definition of an 'online pharmacy'.

"(53) The term 'homepage' means the opening or main page or screen of the website of an online pharmacy that is viewable on the Internet.

"(54) The term 'practice of telemedicine' means, for purposes of this title, the practice of medicine in accordance with applicable Federal and State laws by a practitioner (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), and that—

"(A) is being conducted—

"(i) while the patient is being treated by, and physically located in, a hospital or clinic registered under section 303(f); and

"(ii) by a practitioner—

"(I) acting in the usual course of professional practice;

"(II) acting in accordance with applicable State law; and

"(III) registered under section 303(f) in the State in which the patient is located, unless the practitioner—

"(aa) is exempted from such registration in all States under section 302(d); or

"(bb) is—

"(AA) an employee or contractor of the Department of Veterans Affairs who is acting in the scope of such employment or contract; and

"(BB) registered under section 303(f) in any State or is utilizing the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f);

"(B) is being conducted while the patient is being treated by, and in the physical presence of, a practitioner—

"(i) acting in the usual course of professional practice;

"(ii) acting in accordance with applicable State law; and

"(iii) registered under section 303(f) in the State in which the patient is located, unless the practitioner—

"(I) is exempted from such registration in all States under section 302(d); or

"(II) is—

"(aa) an employee or contractor of the Department of Veterans Affairs who is acting in the scope of such employment or contract; and

"(bb) registered under section 303(f) in any State or is using the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f);

"(C) is being conducted by a practitioner—

"(i) who is an employee or contractor of the Indian Health Service, or is working for an Indian tribe or tribal organization under its contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

"(ii) acting within the scope of the employment, contract, or compact described in clause (i); and

"(iii) who is designated as an Internet Eligible Controlled Substances Provider by the Secretary under section 311(g)(2);

"(D)(i) is being conducted during a public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

"(ii) involves patients located in such areas, and such controlled substances, as the Secretary, with the concurrence of the Attorney General, designates, provided that such designation shall not be subject to the procedures prescribed by subchapter II of chapter 5 of title 5, United States Code;

"(E) is being conducted by a practitioner who has obtained from the Attorney General a special registration under section 311(h);

"(F) is being conducted—

"(i) in a medical emergency situation—

"(I) that prevents the patient from being in the physical presence of a practitioner registered under section 303(f) who is an employee or contractor of the Veterans Health Administration acting in the usual course of business and employment and within the scope of the official duties or contract of that employee or contractor;

"(II) that prevents the patient from being physically present at a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f);

"(III) during which the primary care practitioner of the patient or a practitioner otherwise practicing telemedicine within the meaning of this paragraph is unable to provide care or consultation; and

"(IV) that requires immediate intervention by a health care practitioner using controlled substances to prevent what the practitioner reasonably believes in good faith will be imminent and serious clinical consequences, such as further injury or death; and

"(ii) by a practitioner that—

"(I) is an employee or contractor of the Veterans Health Administration acting within the scope of that employment or contract;

"(II) is registered under section 303(f) in any State or is utilizing the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f); and

"(III) issues a controlled substance prescription in this emergency context that is limited to a maximum of a 5-day supply which may not be extended or refilled; or

"(G) is being conducted under any other circumstances that the Attorney General and the Secretary have jointly, by regulation, determined to be consistent with effective controls against diversion and otherwise consistent with the public health and safety.

"(55) The term 'refilling prescriptions for controlled substances in schedule III, IV, or V'—

"(A) means the dispensing of a controlled substance in schedule III, IV, or V in accordance with refill instructions issued by a practitioner as part of a valid prescription that meets the requirements of subsection (b) or (c) of section 309, as appropriate; and

"(B) does not include the issuance of a new prescription to an individual for a controlled substance that individual was previously prescribed.

"(56) The term 'filling new prescriptions for controlled substances in schedule III, IV, or V' means a prescription for an individual for a controlled substance in schedule III, IV, or V, if—

"(A) the pharmacy dispensing that prescription has previously dispensed to the patient that same controlled substance other than by means of the Internet and pursuant to the valid prescription of a practitioner that meets the applicable requirements of sections 309(b) or (c) (in this paragraph referred to as the 'original prescription');

"(B) the pharmacy contacts the practitioner who issued the original prescription at the request of that individual to determine whether the practitioner will authorize the issuance of a new prescription for that individual for the controlled substance described in subparagraph (A); and

"(C) the practitioner, acting in the usual course of professional practice, determines there is a legitimate medical purpose for the issuance of the new prescription.".

(b) REGISTRATION REQUIREMENTS.—Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended in the matter preceding paragraph (1)—

(1) in the first sentence, by adding after "schedule II, III, IV, or V" the following: "and shall modify the registrations of pharmacies so registered to authorize them to dispense controlled substances by means of the Internet"; and

(2) in the second sentence, by striking "if he determines that the issuance of such registration" and inserting "or such modification of registration if the Attorney General determines that the issuance of such registration or modification".

(c) REPORTING REQUIREMENTS.—Section 307(d) of the Controlled Substances Act (21 U.S.C. 827(d)) is amended by—

(1) designating the text as paragraph (1); and

(2) inserting after paragraph (1), as so designated by this Act, the following:

"(2) Each pharmacy with a modified registration under section 303(f) that authorizes the dispensing of controlled substances by means of the Internet shall report to the Attorney General the controlled substances it dispenses, in the amount specified, and in such time and manner as the Attorney General by regulation shall require, except that the Attorney General, under this paragraph, may not require any pharmacy to report any information other than the total quantity of each controlled substance that the pharmacy has dispensed each month. For purposes of this subsection, no reporting shall be required unless the pharmacy has met 1 of the following thresholds in the month for which the reporting is required:

"(A) 100 or more prescriptions dispensed.

"(B) 5,000 or more dosage units of all controlled substances combined.".

(d) ONLINE PRESCRIPTION REQUIREMENTS.—

(1) IN GENERAL.—The Controlled Substances Act is amended by inserting after section 310 (21 U.S.C. 830) the following:

"ADDITIONAL REQUIREMENTS RELATING TO ONLINE PHARMACIES AND TELEMEDICINE

"SEC. 311. (a) IN GENERAL.—An online pharmacy shall display in a visible and clear manner on its homepage a statement that it complies with the requirements of this section with respect to the delivery or sale or offer for sale of controlled substances and shall at all times display on the homepage of its Internet site a declaration of compliance in accordance with this section.

"(b) LICENSURE.—Each online pharmacy shall comply with the requirements of State law concerning the licensure of pharmacies in each State from which it, and in each State to which it, delivers, distributes, or dispenses or offers to deliver, distribute, or dispense controlled substances by means of the Internet, pursuant to applicable licensure requirements, as determined by each such State.

"(c) INTERNET PHARMACY SITE DISCLOSURE INFORMATION.—Each online pharmacy shall post in a visible and clear manner on the homepage of each Internet site it operates, or on a page directly linked thereto in which the hyperlink is also visible and clear on the homepage, the following information for each pharmacy that delivers, distributes, or dispenses controlled substances pursuant to orders made on, through, or on behalf of, that website:

"(1) The name and address of the pharmacy as it appears on the pharmacy's Drug Enforcement Administration certificate of registration.

"(2) The pharmacy's telephone number and email address.

"(3) The name, professional degree, and States of licensure of the pharmacist-in-charge, and a telephone number at which the pharmacist-in-charge can be contacted.

"(4) A list of the States in which the pharmacy is licensed to dispense controlled substances.

"(5) A certification that the pharmacy is registered under this part to deliver, distribute, or dispense by means of the Internet controlled substances.

"(6) The name, address, telephone number, professional degree, and States of licensure of any practitioner who has a contractual relationship to provide medical evaluations or issue prescriptions for controlled substances, through referrals from the website or at the request of the owner or operator of the website, or any employee or agent thereof.

"(7) The following statement, unless revised by the Attorney General by regulation: 'This online pharmacy will only dispense a controlled substance to a person who has a valid prescription issued for a legitimate medical purpose based upon a medical relationship with a prescribing practitioner. This includes at least one prior in-person medical evaluation or medical evaluation via telemedicine in accordance with applicable requirements of section 309 of the Controlled Substances Act (21 U.S.C. 829).'.

"(d) NOTIFICATION.—(1) Thirty days prior to offering a controlled substance for sale, delivery, distribution, or dispensing, the online pharmacy shall notify the Attorney General, in the form and manner as the Attorney General shall determine, and the State boards of pharmacy in any States in which the online pharmacy offers to sell, deliver, distribute, or dispense controlled substances.

"(2) The notification required under paragraph (1) shall include—

"(A) the information required to be posted on the online pharmacy's Internet site under subsection (c) and shall notify the Attorney General and the applicable State boards of pharmacy, under penalty of perjury, that the information disclosed on its Internet site under subsection (c) is true and accurate;

"(B) the online pharmacy's Internet site address and a certification that the online pharmacy shall notify the Attorney General of any change in the address at least 30 days in advance; and

"(C) the Drug Enforcement Administration registration numbers of any pharmacies and practitioners referred to in subsection (c), as applicable.

"(3) An online pharmacy that is already operational as of the effective date of this section, shall notify the Attorney General and applicable State boards of pharmacy in accordance with this subsection not later than 30 days after the effective date of this section.

"(e) DECLARATION OF COMPLIANCE.—On and after the date on which it makes the notification under subsection (d), each online pharmacy shall display on the homepage of its Internet site, in such form as the Attorney General shall by regulation require, a declaration that it has made such notification to the Attorney General.

"(f) REPORTS.—Any statement, declaration, notification, or disclosure required under this section shall be considered a report required to be kept under this part.

"(g) NOTICE AND DESIGNATIONS CONCERNING INDIAN TRIBES.—

"(1) IN GENERAL.—For purposes of sections 102(52) and 512(c)(6)(B), the Secretary shall notify the Attorney General, at such times and in such manner as the Secretary and the Attorney General determine appropriate, of the Indian tribes or tribal organizations with which the Secretary has contracted or compacted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the tribes or tribal organizations to provide pharmacy services.

"(2) DESIGNATIONS.—

"(A) IN GENERAL.—The Secretary may designate a practitioner described in subparagraph (B) as an Internet Eligible Controlled Substances Provider. Such designations shall be made only in cases where the Secretary has found that there is a legitimate need for the practitioner to be so designated because the population served by the practitioner is in a sufficiently remote location that access to medical services is limited.

"(B) PRACTITIONERS.—A practitioner described in this subparagraph is a practitioner who is an employee or contractor of the Indian Health Service, or is working for an Indian tribe or tribal organization under its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with the Indian Health Service.

"(h) SPECIAL REGISTRATION FOR TELEMEDICINE.—

"(1) IN GENERAL.—The Attorney General may issue to a practitioner a special registration to engage in the practice of telemedicine for purposes of section 102(54)(E) if the practitioner, upon application for such special registration—

"(A) demonstrates a legitimate need for the special registration; and

"(B) is registered under section 303(f) in the State in which the patient will be located when receiving the telemedicine treatment, unless the practitioner—

"(i) is exempted from such registration in all States under section 302(d); or

"(ii) is an employee or contractor of the Department of Veterans Affairs who is acting in the scope of such employment or contract and is registered under section 303(f) in any State or is utilizing the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f).

"(2) REGULATIONS.—The Attorney General shall, with the concurrence of the Secretary, promulgate regulations specifying the limited circumstances in which a special registration under this subsection may be issued and the procedures for obtaining such a special registration.

"(3) DENIALS.—Proceedings to deny an application for registration under this subsection shall be conducted in accordance with section 304(c).

"(i) REPORTING OF TELEMEDICINE BY VHA DURING MEDICAL EMERGENCY SITUATIONS.—

"(1) IN GENERAL.—Any practitioner issuing a prescription for a controlled substance under the authorization to conduct telemedicine during a medical emergency situation described in section 102(54)(F) shall report to the Secretary of Veterans Affairs the authorization of that emergency prescription, in accordance with such requirements as the Secretary of Veterans Affairs shall, by regulation, establish.

"(2) TO ATTORNEY GENERAL.—Not later than 30 days after the date that a prescription described in subparagraph (A) is issued, the Secretary of Veterans Affairs shall report to the Attorney General the authorization of that emergency prescription.

"(j) CLARIFICATION CONCERNING PRESCRIPTION TRANSFERS.—Any transfer between pharmacies of information relating to a prescription for a controlled substance shall meet the applicable requirements under regulations promulgated by the Attorney General under this Act.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236) is amended by inserting after the item relating to section 310 the following:

"Sec. 311. Additional requirements relating
to online pharmacies and telemedicine.".

(e) OFFENSES INVOLVING CONTROLLED SUBSTANCES IN SCHEDULES III, IV, AND V.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "1 gram of" before "flunitrazepam";

(B) in subparagraph (D), by striking "or in the case of any controlled substance in schedule III (other than gamma hydroxybutyric acid), or 30 milligrams of flunitrazepam"; and

(C) by adding at the end the following:

"(E)(i) In the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 20 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $500,000 if the defendant is an individual or $2,500,000 if the defendant is other than an individual, or both.

"(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both.

"(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.'';

(2) in paragraph (2)—

(A) by striking ''3 years'' and inserting ''5 years'';

(B) by striking ''6 years'' and inserting ''10 years'';

(C) by striking ''after one or more prior convictions'' and all that follows through ''have become final,'' and inserting ''after a prior conviction for a felony drug offense has become final,''; and

(3) in paragraph (3)—

(A) by striking ''2 years'' and inserting ''6 years'';

(B) by striking ''after one or more convictions'' and all that follows through ''have become final,'' and inserting ''after a prior conviction for a felony drug offense has become final,''; and

(C) by adding at the end the following ''Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment.''.

(f) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

''(g) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—(1) It shall be unlawful for any person to knowingly or intentionally—

''(A) deliver, distribute, or dispense a controlled substance by means of the Internet, except as authorized by this title; or

''(B) aid or abet (as such terms are used in section 2 of title 18, United States Code) any activity described in subparagraph (A) that is not authorized by this title.

''(2) Examples of activities that violate paragraph (1) include, but are not limited to, knowingly or intentionally—

''(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by an online pharmacy that is not validly registered with a modification authorizing such activity as required by section 303(f) (unless exempt from such registration);

''(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of section 309(e);

''(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in the dispensing of a controlled substance in a manner not authorized by sections 303(f) or 309(e);

''(D) offering to fill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire; and

''(E) making a material false, fictitious, or fraudulent statement or representation in the submission to the Attorney General under section 311.

''(3)(A) This subsection does not apply to—

''(i) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this title;

''(ii) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or

''(iii) except as provided in subparagraph (B), any activity that is limited to—

''(I) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

''(II) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication.

''(B) The exceptions under subclauses (I) and (II) of subparagraph (A)(iii) shall not apply to a person acting in concert with a person who violates paragraph (1).

''(4) Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b) of this section.''.

(g) PUBLICATION.—Section 403(c) of the Controlled Substances Act (21 U.S.C. 843(c)) is amended by—

(1) designating the text as paragraph (1); and

(2) adding at the end the following:

''(2)(A) Except as authorized by this title, it shall be unlawful for any person by means of the Internet to knowingly advertise the sale or distribution of, or to offer to sell, distribute, or dispense, a controlled substance.

''(B) Examples of activities that violate subparagraph (A) include, but are not limited to, knowingly or intentionally causing the placement on the Internet of an advertisement that refers to or directs prospective buyers to Internet sellers of controlled substances who are not registered with a modification under section 303(f).

''(C) Subparagraph (A) does not apply to material that either—

''(i) merely advertises the distribution of controlled substances by nonpractitioners to the extent authorized by their registration under this title; or

''(ii) merely advocates the use of a controlled substance or includes pricing information without attempting to facilitate an actual transaction involving a controlled substance.''.

(h) INJUNCTIVE RELIEF.—Section 512 of the Controlled Substances Act (21 U.S.C. 882) is amended by adding at the end the following:

''(c) STATE CAUSE OF ACTION PERTAINING TO ONLINE PHARMACIES.—(1) In any case in which the State has reason to believe that an interest of the residents of that State has been or is being threatened or adversely affected by the action of a person, entity, or Internet site that violates the provisions of section 303(f), 309(e), or 311, the State may bring a civil action on behalf of such residents in a district court of the United States with appropriate jurisdiction—

''(A) to enjoin the conduct which violates this section;

''(B) to enforce compliance with this section;

''(C) to obtain damages, restitution, or other compensation, including civil penalties under section 402(b); and

''(D) to obtain such other legal or equitable relief as the court may find appropriate.

''(2)(A) Prior to filing a complaint under paragraph (1), the State shall serve a copy of the complaint upon the Attorney General and upon the United States Attorney for the judicial district in which the complaint is to be filed. In any case where such prior service is not feasible, the State shall serve the complaint on the Attorney General and the appropriate United States Attorney on the same day that the State's complaint is filed in Federal district court of the United States. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or any other proceedings under this title or any other laws of the United States.

''(B) Upon receiving notice respecting a civil action pursuant to this section, the United States shall have the right to intervene in such action, upon so intervening, to be heard on all matters arising therein, and to file petitions for appeal.

''(C) Service of a State's complaint on the United States as required in this paragraph shall be made in accord with the requirements of rule 4(i)(1) of the Federal Rule of Civil Procedure.

''(3) For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent an attorney general of a State from exercising the powers conferred on the attorney general of a State by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses of or the production of documentary or other evidence.

''(4) Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(5) No private right of action is created under this subsection.

''(6) No civil action may be brought under paragraph (1) against—

''(A) the United States;

''(B) an Indian Tribe or tribal organization, to the extent such tribe or tribal organization is lawfully carrying out a contract or compact under the Indian Self-Determination and Education Assistance Act; or

''(C) any employee of the United States or such Indian tribe or tribal organization, provided such agent or employee is acting in the usual course of business or employment, and within the scope of the official duties of such agent or employee therewith.''.

(i) FORFEITURE OF FACILITATING PROPERTY IN DRUG CASES.—Section 511(a)(4) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended to read as follows:

''(4) Any property, real or personal, tangible or intangible, used or intended to be used to commit, or to facilitate the commission, of a violation of this title or title III, and any property traceable thereto.''.

(j) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (4)—

(A) by striking ''or any quantity of a controlled substance in schedule III, IV, or V, (except a violation involving flunitrazepam and except a violation involving gamma hydroxybutyric acid)'';

(B) by inserting '', or'' before ''less than one kilogram of hashish oil''; and

(C) striking ''imprisoned'' and all that follows through the end of the paragraph and inserting ''sentenced in accordance with section 401(b)(1)(D) of this title (21 U.S.C. 841(b)(1)(E)).'';

(2) by adding at the end the following:

''(5) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 401(b)(1)(E).

"(6) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule IV (except a violation involving flunitrazepam), such person shall be sentenced in accordance with section 401(b)(2).

"(7) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 401(b)(3)."; and

(3) in paragraph (3), by striking ", nor shall a person so sentenced be eligible for parole during the term of such a sentence" in the final sentence.

(k) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(2) DEFINITION OF PRACTICE OF TELEMEDICINE.—

(A) IN GENERAL.—Until the earlier of 3 months after the date on which regulations are promulgated to carry out section 311(h) of the Controlled Substances Act, as amended by this Act, or 15 months after the date of enactment of this Act—

(i) the definition of the term "practice of telemedicine" in subparagraph (B) of this paragraph shall apply for purposes of the Controlled Substances Act; and

(ii) the definition of the term "practice of telemedicine" in section 102(54) of the Controlled Substances Act, as amended by this Act, shall not apply.

(B) TEMPORARY PHASE-IN OF TELEMEDICINE REGULATION.—During the period specified in subparagraph (A), the term "practice of telemedicine" means the practice of medicine in accordance with applicable Federal and State laws by a practitioner (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), if the practitioner is using an interactive telecommunications system that satisfies the requirements of section 410.78(a)(3) of title 42, Code of Federal Regulations.

(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to create a precedent that any specific course of conduct constitutes the "practice of telemedicine" (as that term is defined in section 102(54) of the Controlled Substances Act, as amended by this Act) after the end of the period specified in subparagraph (A).

(l) GUIDELINES AND REGULATIONS.—

(1) IN GENERAL.—The Attorney General may promulgate and enforce any rules, regulations, and procedures which may be necessary and appropriate for the efficient execution of functions under this Act or the amendments made by this Act, and, with the concurrence of the Secretary of Health and Human Services where this Act or the amendments made by this Act so provides, promulgate any interim rules necessary for the implementation of this Act or the amendments made by this Act, prior to its effective date.

(2) SENTENCING GUIDELINES.—The United States Sentencing Commission, in determining whether to amend, or establish new, guidelines or policy statements, to conform the Federal sentencing guidelines and policy statements to this Act and the amendments made by this Act—

(A) shall consult with the Department of Justice, experts and other affected parties concerning which penalties for scheduled substances amended by this Act should be reflected in the Federal sentencing guidelines; and

(B) should not construe any change in the maximum penalty for a violation involving a controlled substance in a particular schedule as being the sole reason to amend a, or establish a new, guideline or policy statement.

(m) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually for 2 years after the initial report, the Drug Enforcement Administration, in consultation with the Department of State, shall submit to Congress a report describing—

(1) the foreign supply chains and sources of controlled substances offered for sale without a valid prescription on the Internet;

(2) the efforts and strategy of the Drug Enforcement Administration to decrease the foreign supply chain and sources of controlled substances offered for sale without a valid prescription on the Internet; and

(3) the efforts of the Drug Enforcement Administration to work with domestic and multinational pharmaceutical companies and others to build international cooperation and a commitment to fight on a global scale the problem of distribution of controlled substances over the Internet without a valid prescription.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing, prohibiting, or limiting the use of electronic prescriptions for controlled substances.

NOTICE OF MEETING

Mrs. FEINSTEIN. Mr. President, I wish to announce that the organizational meeting for the Joint Congressional Committee on Inaugural Ceremonies will be held tomorrow, Wednesday, April 2, 2008, at 5:15 p.m., in room S–219 of the Capitol.

For further information regarding this meeting, please contact Howard Gantman at the Senate Committee on Rules and Administration, 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, April 1, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Anti-Terrorism Financing: Progress Made and the Challenges Ahead".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 2:30 p.m., to hold a closed briefing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Serious OSHA Violations: Strategies for Breaking Dangerous Patterns" on Tuesday, April 1, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 2:30 p.m., in open session to receive testimony on the current readiness of the Armed Forces in review of the defense authorization request for fiscal year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection. it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 1, 2008, at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 9:30 a.m., in open session to receive testimony on the Army's new doctrine (field manual 3–0, operations) in review of the defense authorization request for fiscal year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Human Rights and the

Law, be authorized to meet during the session of the Senate to conduct a hearing entitled "Rape as a Weapon of War: Accountability for Sexual Violence in Conflict" on Tuesday, April 1, 2008, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

Witness list

Lisa F. Jackson, Documentary Maker and Director of "The Greatest Silence: Rape in the Congo", New York, NY; Karin Wachter, Acting Gender-Based Violence Senior Technical Advisor, International Rescue Committee, New York, NY; Dr. Kelly Dawn Askin, Senior Legal Officer, Open Society Justice Initiative, New York, NY; Dr. Denis Mukwege, Director, Panzi General Referral Hospital, Bukavu, South Kivu, Democratic Republic of the Congo.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 2:30 p.m., in open session to receive testimony on ballistic missile defense programs in review of the Defense authorization request for fiscal year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S. 2756

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 2756, and the bill be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL LITERACY MONTH

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 495, submitted earlier today by Senator AKAKA.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 495) designating April 2008 as "Financial Literacy Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, it pleases me to once again sponsor a resolution designating April as Financial Literacy Month. I thank the cosponsors of this resolution, Senators ENZI, DODD, STABENOW, LEVIN, SCHUMER, INOUYE, MENENDEZ, CRAPO, JOHNSON, CARDIN, LINCOLN, COCHRAN, MARTINEZ, MURRAY, ALLARD, DURBIN, BAUCUS, and FEINSTEIN.

Without a sufficient understanding of economics and personal finance, individuals will not be able to appropriately manage their finances, evaluate credit opportunities, and successfully invest for long-term financial goals in an increasingly complex marketplace. It is essential that we work toward improving education and consumer protection, and empowering individuals through economic and financial literacy in order to build stronger families, businesses, and communities. Now more than ever, it is imperative that education in economics, credit, and personal finance takes center stage. During the past year, we have seen the unscrupulous nature of predatory lenders as they enticed millions of families into complicated loans they could not afford nor understand, and we are now witnessing the results of a faltering housing market that has begun to impact other sectors of the U.S. economy. Rapidly increasing access to credit for Americans was not matched by efforts to ensure they could make sense of the complex agreements they were entering into.

As recent statistics released by the Federal Reserve and the Department of Commerce have shown, consumer debt in America continues to rise. Last year, the total amount of consumer debt topped $2.5 trillion, of which credit card balances comprise a major portion. Hard-working Americans now spend a record 14 percent of their income just to pay the interest on their accumulated consumer debt. Personal savings rates have been negative for 2 out of the last 3 years, a situation not seen in this country since the Great Depression. In a time of rising costs of energy, higher education, and health care, it is even more challenging for working families to navigate their difficult financial situations.

Furthermore, a study conducted last year by the National Council on Economic Education found that, compared with 2004, even fewer States now require testing knowledge of economics as a requirement for high school graduation. We need to do more to invest in financial literacy now for our young men and women in order to ensure a knowledgeable, prosperous generation of future American leaders who will be able to make decisions that will benefit both their families and our nation.

I thank those organizations and individuals who do their part to ensure the education of personal finance reaches as many Americans as possible, and I applaud their efforts in these times of economic distress.

Taking the month of April to focus our attention on financial literacy will allow us to make steady progress in helping to make Americans more competent with their limited financial resources. I urge my colleagues to join with me in the swift passage of this resolution, and together we can work toward a future where all Americans enjoy the benefits of a financially literate society.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 495) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 495

Whereas the personal savings rate of people in the United States declined from negative 0.5 percent in 2005 to negative 1.0 percent in 2006, making 2005 and 2006 the only years since the Great Depression years of 1932 and 1933 when the savings rate has been negative, and the decline continued in the first month of 2008;

Whereas, in April 2007, a survey on personal finances reported that 25 percent of workers in the United States responded as having "no savings";

Whereas the 2007 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 43 percent of workers or their spouses calculated how much they need to save for retirement, down from 53 percent in 2000;

Whereas consumer debt exceeded $2,500,000,000,000 in 2007, an increase of 33 percent since 2001;

Whereas household debt reached a record $13,750,000,000,000 in 2007;

Whereas, during 2007, a near-record high of more than 14 percent of disposable personal income went to paying the interest on personal debt;

Whereas people in the United States are now facing record numbers of homes in foreclosure, and for the first time in history, they have more total debt than equity in their homes;

Whereas approximately 800,000 families filed for bankruptcy in 2007;

Whereas nearly half of adults in the United States are not aware that they can access their credit reports for free, and 1 in 4 reported having never checked their credit score;

Whereas, in a 2006 survey, the Jump$tart Coalition for Personal Financial Literacy found that high school seniors scored an average of only 52.4 percent on an exam testing knowledge of basic personal finance;

Whereas approximately 10,000,000 households in the United States do not have accounts at mainstream financial institutions such as banks or credit unions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas the 2007 Survey of the States compiled by the National Council on Economic Education found that only 22 States require testing of economics as a high school graduation requirement, 3 fewer States than did so in 2004;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108–159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

RYAN HAIGHT ONLINE PHARMACY CONSUMER PROTECTION ACT OF 2007

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 617, S. 980.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 980) to amend the Controlled Substances Act to address online pharmacies.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan Haight Online Pharmacy Consumer Protection Act of 2007".

SEC. 2. REQUIREMENT OF A VALID PRESCRIPTION FOR CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.

Section 309 of the Controlled Substances Act (21 U.S.C. 829) is amended by adding at the end the following new subsection:

"(e) CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.—

"(1) No controlled substance may be delivered, distributed, or dispensed by means of the Internet without a valid prescription.

"(2) As used in this subsection:

"(A) The term 'valid prescription' means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by—

"(i) a practitioner who has conducted at least one in-person medical evaluation of the patient; or

"(ii) a covering practitioner.

"(B)(i) The term 'in-person medical evaluation' means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

"(ii) Nothing in clause (i) shall be construed to imply that one in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

"(C) The term 'covering practitioner' means, with respect to a patient, a practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a practitioner who—

"(i) has conducted at least one in-person medical evaluation of the patient during the 24-month period ending on the date of that medical evaluation; and

"(ii) is temporarily unavailable to conduct the evaluation of the patient.

"(3) Nothing in this subsection shall apply to—

"(A) the delivery, distribution, or dispensing of a controlled substance by a practitioner engaged in the practice of telemedicine if—

"(i) the telemedicine is being conducted while the patient is being treated by, and physically located in, a hospital or clinic registered under section 303(f), and the practitioner conducting the practice of telemedicine is registered under section 303(f) in the State in which the patient is located and is acting in the usual course of professional practice and in accordance with applicable State law;

"(ii) the telemedicine is being conducted while the patient is being treated by, and in the physical presence of, a practitioner registered under section 303(f) who is acting in the usual course of professional practice, and the practitioner conducting the practice of telemedicine is registered under section 303(f) in the State in which the patient is located and is acting in the usual course of professional practice and in accordance with applicable State law; or

"(iii) the telemedicine is being conducted under any other circumstances that the Attorney General and the Secretary have jointly, by regulation, determined to be consistent with effective controls against diversion and otherwise consistent with the public health and safety; or

"(B) the dispensing or selling of a controlled substance pursuant to practices as determined by the Attorney General by regulation, which shall be consistent with effective controls against diversion.".

SEC. 3. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT RELATING TO THE DELIVERY OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.

(a) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:

"(50) The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.

"(51) The term 'deliver, distribute, or dispense by means of the Internet' refers, respectively, to any delivery, distribution, or dispensing of a controlled substance that is caused or facilitated by means of the Internet.

"(52) The term 'online pharmacy'—

"(A) means a person, entity, or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes, or dispenses, or offers or attempts to deliver, distribute, or dispense, a controlled substance by means of the Internet; and

"(B) does not include—

"(i) manufacturers or distributors registered under subsection (a), (b), (c), or (d) of section 303 who do not dispense controlled substances to an unregistered individual or entity;

"(ii) nonpharmacy practitioners who are registered under section 303(f) and whose activities are authorized by that registration;

"(iii) mere advertisements that do not attempt to facilitate an actual transaction involving a controlled substance; or

"(iv) a person, entity, or Internet site which is not in the United States and does not facilitate the delivery, distribution, or dispensing of a controlled substance by means of the Internet to any person in the United States.

"(53) The term 'homepage' means the opening or main page or screen of the website of an online pharmacy that is viewable on the Internet.

"(54) The term 'practice of telemedicine' means the practice of medicine in accordance with applicable Federal and State laws by a practitioner (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)).".

(b) REGISTRATION REQUIREMENTS.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(i) DISPENSER OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—(1) An online pharmacy shall obtain a registration specifically authorizing such activity, in accordance with regulations promulgated by the Attorney General. In determining whether to grant an application for such registration, the Attorney General shall apply the factors set forth in subsection (f).

"(2) Registration under this subsection shall be in addition to, and not in lieu of, registration under subsection (f).

"(3) This subsection does not apply to pharmacies that merely advertise by means of the Internet but do not attempt to facilitate an actual transaction involving a controlled substance by means of the Internet.".

(c) REPORTING REQUIREMENTS.—Section 307(d) of the Controlled Substances Act (21 U.S.C. 827(d)) is amended by—

(1) designating the text as paragraph (1); and

(2) inserting after paragraph (1), as so designated by this Act, the following new paragraph:

"(2) A pharmacy registered under section 303(i) shall report to the Attorney General the controlled substances dispensed under such registration, in such manner and accompanied by such information as the Attorney General by regulation shall require.".

(d) ONLINE PRESCRIPTION REQUIREMENTS.—The Controlled Substances Act is amended by inserting after section 310 (21 U.S.C. 830) the following:

"ONLINE PHARMACY LICENSING AND DISCLOSURE REQUIREMENTS

"SEC. 311. (a) IN GENERAL.—An online pharmacy shall display in a visible and clear manner on its homepage a statement that it complies with the requirements of this section with respect to the delivery or sale or offer for sale of controlled substances and shall at all times display on the homepage of its Internet site a declaration of compliance in accordance with this section.

"(b) LICENSURE.—Each online pharmacy shall comply with the requirements of State law concerning the licensure of pharmacies in each State from which it, and in each State to which

it, delivers, distributes, or dispenses or offers to deliver, distribute, or dispense controlled substances by means of the Internet.

"(c) COMPLIANCE.—No online pharmacy or practitioner shall deliver, distribute, or dispense by means of the Internet a controlled substance without a valid prescription (as defined in section 309(e)) and each online pharmacy shall comply with all applicable requirements of Federal and State law.

"(d) INTERNET PHARMACY SITE DISCLOSURE INFORMATION.—Each online pharmacy site shall post in a visible and clear manner on the homepage of its Internet site or on a page directly linked from its homepage the following:

"(1) The name of the owner, street address of the online pharmacy's principal place of business, telephone number, and email address.

"(2) A list of the States in which the online pharmacy, and any pharmacy which dispenses, delivers, or distributes a controlled substance on behalf of the online pharmacy, is licensed to dispense controlled substances or prescription drugs and any applicable license number.

"(3) For each pharmacy identified on its license in each State in which it is licensed to engage in the practice of pharmacy and for each pharmacy which dispenses or ships controlled substances on behalf of the online pharmacy:

"(A) The name of the pharmacy.

"(B) The street address of the pharmacy.

"(C) The name, professional degree, and licensure of the pharmacist-in-charge.

"(D) The telephone number at which the pharmacist-in-charge can be contacted.

"(E) A certification that each pharmacy which dispenses or ships controlled substances on behalf of the online pharmacy is registered under this part to deliver, distribute, or dispense by means of the Internet controlled substances.

"(4) The name, address, professional degree, and licensure of practitioners who provide medical consultations through the website for the purpose of providing prescriptions.

"(5) A telephone number or numbers at which the practitioners described in paragraph (4) may be contacted.

"(6) The following statement, unless revised by the Attorney General by regulation: 'This online pharmacy will only dispense a controlled substance to a person who has a valid prescription issued for a legitimate medical purpose based upon a medical relationship with a prescribing practitioner, which includes at least one prior in-person medical evaluation. This online pharmacy complies with section 309(e) of the Controlled Substances Act (21 U.S.C. 829(e)).'.

"(e) NOTIFICATION.—(1) Thirty days prior to offering a controlled substance for sale, delivery, distribution, or dispensing, the online pharmacy shall notify the Attorney General, in the form and manner as the Attorney General shall determine, and the State boards of pharmacy in any States in which the online pharmacy offers to sell, deliver, distribute, or dispense controlled substances.

"(2) The notification required under paragraph (1) shall include—

"(A) the information required to be posted on the online pharmacy's Internet site under subsection (d) and shall notify the Attorney General and the applicable State boards of pharmacy, under penalty of perjury, that the information disclosed on its Internet site under to subsection (d) is true and accurate;

"(B) the online pharmacy's Internet site address and a certification that the online pharmacy shall notify the Attorney General of any change in the address at least 30 days in advance; and

"(C) the Drug Enforcement Administration registration numbers of any pharmacies and practitioners referred to in subsection (d), as applicable.

"(3) An online pharmacy that is already operational as of the effective date of this section, shall notify the Attorney General and applicable State boards of pharmacy in accordance with this subsection not later than 30 days after the effective date of this section.

"(f) DECLARATION OF COMPLIANCE.—On and after the date on which it makes the notification under subsection (e), each online pharmacy shall display on the homepage of its Internet site, in such form as the Attorney General shall by regulation require, a declaration that it has made such notification to the Attorney General.

"(g) REPORTS.—Any statement, declaration, notification, or disclosure required under this section shall be considered a report required to be kept under this part.".

(e) OFFENSES INVOLVING CONTROLLED SUBSTANCES IN SCHEDULES III, IV, AND V.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "1 gram of" before "flunitrazepam";

(B) in subparagraph (D), by striking "or in the case of any controlled substance in schedule III (other than gamma hydroxybutyric acid), or 30 milligrams of flunitrazepam"; and

(C) by adding at the end the following:

"(E)(i) In the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 20 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, or $500,000 if the defendant is an individual or $2,500,000 if the defendant is other than an individual, or both.

"(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both.

"(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment";

(2) in paragraph (2) by—

(A) striking "3 years" and inserting "5 years";

(B) striking "6 years" and inserting "10 years"; and

(C) striking "after one or more prior convictions" and all that follows through "have become final," and inserting "after a prior conviction for a felony drug offense has become final,"; and

(3) in paragraph (3) by—

(A) striking "2 years" and inserting "6 years";

(B) striking "after one or more convictions" and all that follows through "have become final," and inserting "after a prior conviction for a felony drug offense has become final,"; and

(C) adding at the end the following "Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment."

(f) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

"(h) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—(1) Except as authorized by this title, it shall be unlawful for any person to knowingly or intentionally cause or facilitate the delivery, distribution, or dispensing by means of the Internet of a controlled substance.

"(2) Examples of activities that violate paragraph (1) include, but are not limited to, knowingly or intentionally—

"(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by a pharmacy not registered under section 303(i);

"(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of subsection 309(e);

"(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in the dispensing of a controlled substance in a manner not authorized by sections 303(i) or 309(e); and

"(D) making a material false, fictitious, or fraudulent statement or representation in the submission to the Attorney General under section 311.

"(3)(A) This subsection does not apply to—

"(i) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this title;

"(ii) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or

"(iii) except as provided in subparagraph (B), any activity that is limited to--

"(I) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

"(II) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication.

"(B) The exceptions under subclauses (I) and (II) of subparagraph (A)(iii) shall not apply to a person acting in concert with a person who violates subsection (g)(1).

"(4) Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b) of this section.".

(g) PUBLICATION.—Section 403(c) of the Controlled Substances Act (21 U.S.C. 843(c)) is amended by—

(1) designating the text as paragraph (1); and

(2) adding at the end the following:

"(2)(A) Except as authorized by this title, it shall be unlawful for any person by means of the Internet, to knowingly advertise the sale or distribution of, or to offer to sell, distribute, or dispense, a controlled substance.

"(B) Examples of activities that violate subparagraph (A) include, but are not limited to, knowingly or intentionally causing the placement on the Internet of an advertisement that refers to or directs prospective buyers to Internet sellers of controlled substances who are not registered under section 303(i).

"(C) Subparagraph (A) does not apply to material that either—

"(i) merely advertises the distribution of controlled substances by nonpractitioners to the extent authorized by their registration under this title; or

"(ii) merely advocates the use of a controlled substance or includes pricing information without attempting to facilitate an actual transaction involving a controlled substance.".

(h) INJUNCTIVE RELIEF.—Section 512 of the Controlled Substances Act (21 U.S.C. 882) is amended by adding to the end of the section the following new subsection:

"(c) STATE CAUSE OF ACTION PERTAINING TO ONLINE PHARMACIES.—(1) In any case in which the State has reason to believe that an interest of the residents of that State has been or is being threatened or adversely affected by the action of a person, entity, or Internet site that violates the provisions of section 303(i), 309(e), or 311, the State may bring a civil action on behalf of such residents in a district court of the United States with appropriate jurisdiction—

"(A) to enjoin the conduct which violates this section;

"(B) to enforce compliance with this section;

"(C) to obtain damages, restitution, or other compensation, including civil penalties under section 402(b); and

"(D) to obtain such other legal or equitable relief as the court may find appropriate.

"(2)(A) Prior to filing a complaint under paragraph (1), the State shall serve a copy of the complaint upon the Attorney General and upon the United States Attorney for the judicial district in which the complaint is to be filed. In any case where such prior service is not feasible, the State shall serve the complaint on the Attorney General and the appropriate United States Attorney on the same day that the State's complaint is filed in Federal district court of the United States. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or any other proceedings under this title or any other laws of the United States.

"(B)(i) Not later than 120 days after the later of the date on which a State's complaint is served on the Attorney General and the appropriate United States Attorney, or the date on which the complaint is filed, the United States shall have the right to intervene as a party in any action filed by a State under paragraph (1).

"(ii) After the 120-day period described in clause (i) has elapsed, the United States may, for good cause shown, intervene as a party in an action filed by a State under paragraph (1).

"(iii) Notice and an opportunity to be heard with respect to intervention shall be afforded the State that filed the original complaint in any action in which the United States files a complaint in intervention under clause (i) or a motion to intervene under clause (ii).

"(iv) The United States may file a petition for appeal of a judicial determination in any action filed by a State under this section.

"(C) Service of a State's complaint on the United States as required in this paragraph shall be made in accord with the requirements of Federal Rule of Civil Procedure 4(i)(1).

"(3) For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent an attorney general of a State from exercising the powers conferred on the attorney general of a State by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses of or the production of documentary or other evidence.

"(4) Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

"(5) No private right of action is created under this subsection.".

(i) FORFEITURE OF FACILITATING PROPERTY IN DRUG CASES.—Section 511(a)(4) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended to read as follows:

"(4) Any property, real or personal, tangible or intangible, used or intended to be used to commit, or to facilitate the commission, of a violation of this title or title III, and any property traceable thereto.".

(j) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (4) by—

(A) striking "or any quantity of a controlled substance in schedule III, IV, or V, (except a violation involving flunitrazepam and except a violation involving gamma hydroxybutyric acid)";

(B) inserting ", or" before "less than one kilogram of hashish oil"; and

(C) striking "imprisoned" and all that follows through the end of the paragraph and inserting "sentenced in accordance with section 401(b)(1)(D) of this title (21 U.S.C. 841(b)(1)(E)).";

(2) by adding at the end the following:

"(5) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 401(b)(1)(E).

"(6) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule IV (except a violation involving flunitrazepam), such person shall be sentenced in accordance with section 401(b)(2).

"(7) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 401(b)(3)."; and

(3) in paragraph (3), by striking ", nor shall a person so sentenced be eligible for parole during the term of such a sentence" in the final sentence.

(k) EFFECTIVE DATE.—The amendments made by this Act shall become effective 60 days after the date of enactment of this Act.

(l) GUIDELINES AND REGULATIONS.—

(1) IN GENERAL.—The Attorney General may promulgate and enforce any rules, regulations, and procedures which may be necessary and appropriate for the efficient execution of functions under this subtitle, including any interim rules necessary for the immediate implementation of this Act, on its effective date.

(2) SENTENCING GUIDELINES.—The United States Sentencing Commission, in determining whether to amend, or establish new, guidelines or policy statements, to conform the Federal sentencing guidelines and policy statements to this Act and the amendments made by this Act—

(A) shall consult with the Department of Justice, experts and other affected parties concerning which penalties for scheduled substances amended by this Act should be reflected in the Federal sentencing guidelines; and

(B) should not construe any change in the maximum penalty for a violation involving a controlled substance in a particular schedule as being the sole reason to amend a, or establish a new, guideline or policy statement.

(m) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually for 2 years after the initial report, the Drug Enforcement Administration, in consultation with the Department of State, shall submit to Congress a report describing—

(1) the foreign supply chains and sources of controlled substances offered for sale without a valid prescription on the Internet;

(2) the efforts and strategy of the Drug Enforcement Administration to decrease the foreign supply chain and sources of controlled substances offered for sale without a valid prescription on the Internet; and

(3) the efforts of the Drug Enforcement Administration to work with domestic and multinational pharmaceutical companies and others to build international cooperation and a commitment to fight on a global scale the problem of distribution of controlled substances over the Internet without a valid prescription.

Mr. LEAHY. Mr. President, today the Senate will pass by unanimous consent S. 980, the Ryan Haight Online Pharmacy Consumer Protection Act. This is an important bill that would create potent new tools for law enforcement to prosecute those who illegally sell drugs online, and allow State authorities to shut down online pharmacies even before they get started.

I thank Senator FEINSTEIN and Senator SESSIONS for their commitment to combating illicit drug trafficking by online predators. Their hard work and diligent efforts, have put together a strong bipartisan bill that includes important modifications and clarifications that will protect our children and grandchildren from purchasing illegal dangerous drugs online and reducing the prevalence of rogue online pharmacies in our society.

As the longtime cochair of the Congressional Internet Caucus, I understand full well the growing danger that illegitimate online pharmacies pose to youth. I am pleased to join the bill's sponsors in support of this legislation. I am also very pleased that several of my recommendations to improve the bill are included in this legislation.

This bill could not come at a more urgent time for our Nation. In the digital age, the Internet has enabled all Americans better access to convenient and more affordable medicine. Unfortunately, the prevalence of rogue online pharmacies has also made the Internet an increasing source for the sale of dangerous controlled substances without a licensed medical practitioner's valid prescription. Online drug traffickers have used evolving tactics to evade detection by law enforcement and circumvent the proper constraints of doctors and pharmacists.

The check and security provided by our local pharmacists in local pharmacies—those who have served Americans for generations and helped us get well and keep us well—is not always replicated online. As a result, dangerous and addictive prescription drugs are too often only a click away.

Last May, the Judiciary Committee held a hearing on this issue. We heard compelling testimony from Francine Haight, a mother whose teenage son died from an overdose of painkillers he purchased online from a rogue pharmacy. We also heard from Joseph Califano, the former Secretary of the Department of Health, Education and Welfare. Both strongly supported legislation to fill a gap in existing law and help protect young people from illicit drugs online.

Following our hearing, the Internet Drug Advisory Committee held a briefing for the Judiciary Committee on this matter. We heard from various members of the Internet community on how the private sector may effectively collaborate with the public sector to combat the sales of dangerous drugs online. These private sector groups will be vital in that effort, and we were happy to receive the benefit of their insights.

The administration supports this bill, and that is the right thing to do. I know that our hard working men and women at the Drug Enforcement Agency need the added tools this bill would offer to assist their efforts to combat rogue online pharmacies. Even more, our children and grandchildren need the safety and security of operating online free from drug dealers seeking to trick them into purchasing dangerous controlled substances.

The Judiciary Committee reported an amendment in the form of a substitute which includes several recommendations I have made to improve the bill and make it more effective. These changes were later perfected and improved upon after the bill was reported out of Committee.

I am pleased that the amendment includes my suggestion that the Drug Enforcement Administration report to Congress on recommendations to combat the online sale of controlled substances from foreign countries via the Internet and on ways that the private sector can assist in this effort. A key ingredient in diminishing the impact of rogue Web sites on American citizens is combating the international aspect of this problem, and strengthening the public-private sector collaboration can help provide a solution.

The amendment narrows the U.S. Sentencing Commission directive to ensure that the most dangerous prescription drugs abused online are treated more severely than less harmful prescription drugs. This addition will ensure that the commission has clear guidance to issue the guidelines necessary to hold those individuals who peddle dangerous prescription drugs to minors online accountable.

The amendment also protects legitimate retail drug chains with online websites for customers seeking refills on prescriptions, by exempting them from the bill's requirements. This ensures that the bill does not target legitimate pharmacies that provide Vermonters and other Americans with access to needed medicines nor does it burden legitimate pharmacies with additional registration and reporting requirements.

I believe this measure will be better with these changes. I am confident that this legislation will strengthen our Nation's ability to effectively combat online drug trafficking. It furthers the goals of drug enforcement and deterrence, while also providing Congress with additional oversight tools. I support its passage.

Mrs. FEINSTEIN. I thank my colleagues for passing S. 980, the Ryan Haight Online Pharmacy Consumer Protection Act.

With Senator SESSIONS, I introduced this bill to protect the safety of consumers who wish to fill legitimate prescriptions for controlled substances over the Internet, while holding accountable those who operate unregistered pharmacies.

Tonight, the Senate took the first important step in stemming the tide of online drug trafficking. Perhaps more importantly, the Senate took the first steps in ensuring that children and teens no longer overdose, or worse die, after purchasing controlled substances without a prescription from rogue Internet pharmacies.

I would like to clarify that the Ryan Haight Online Pharmacy Consumer Protection Act of 2008 regulates practices related to the delivery, distribution, or dispensing of a controlled substance by means of the Internet. The act does not address the delivery, distribution, or dispensing of any noncontrolled substance by the Internet or any other means.

This bill does not infringe upon the powers of the Department of Health and Human Services and its Secretary with respect to noncontrolled substances. Nor does it infringe upon the traditional power of the States to regulate the practices of medicine and pharmacy with respect to the prescription of non controlled substances. Delivery, distribution, or dispensing of noncontrolled substances, approved by the Secretary of Health and Human Services or the regulatory bodies of the States, are not affected by the act.

This bill would do the following:

Bar the sale or distribution of all controlled substances over the Internet without a valid prescription; Require online pharmacies to display on their Web site a statement of compliance with U.S. law and DEA regulations—allowing consumers to know which pharmacies are safe and which are not; clarify that rogue pharmacies that sell drugs over the Internet will face the same penalties as people who illegally sell the same drugs on the street; increase the Federal penalties for illegally distributing controlled substances; create a new Federal cause of action that would allow a State attorney general to shut down a rogue Web site selling controlled substances.

This legislation is a critical first step in stemming the tide of online drug trafficking and prescription drug abuse.

In closing, I want to share the story of this bill's namesake, Ryan T. Haight. Ryan was an 18-year-old honor student from La Mesa, California, when he died in his home on February 12, 2001. His parents found a bottle of Vicodin in his room with a label from an out-of-State pharmacy.

It turns out that Ryan had been ordering addictive drugs online and paying with a debit card his parents gave him to buy baseball cards on eBay.

Without a physical exam or his parents' consent, Ryan had been obtaining controlled substances, some from an Internet site in Oklahoma. It only took a few months before Ryan's life was ended by an overdose on a cocktail of painkillers.

Ryan's story is just one of many. Rogue Internet pharmacies are making it increasingly easy for teens like Ryan to access deadly prescription drugs. This bill is the first step to stem that terrible tide. It creates sensible requirements for Internet pharmacy Web sites that will not impact access to convenient, oftentimes cost-saving drugs.

I thank my colleagues for rising up and passing this important bill.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent a Feinstein substitute amendment at the desk be agreed to, the committee substitute amendment as amended be agreed to, the bill, as amended, be read three times and passed, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4383) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 980), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 471 and 473; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Deborah K. Jones, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

DEPARTMENT OF JUSTICE

Kevin J. O'Connor, of Connecticut, to be Associate Attorney General.

Mr. LEAHY. Mr. President, we have finally completed our consideration of the nomination of Kevin O'Connor to be Associate Attorney General, the number three position at the Department of Justice. This nomination was cleared by the Democrats and set to be confirmed before our Easter Recess but was blocked by a last-minute, anonymous Republican hold. Also blocked at that time and still held is the nomination of Gregory Katsas to be the Assistant Attorney General in charge of the Civil Division.

I was particularly disappointed with that unexpected development in March. We had worked hard to expedite these nominations, holding a hearing on the first day of this session of Congress. After a nearly month-long delay, when Republican Members of the Judiciary Committee effectively boycotted our business meetings in February, we were able to report these nominations to the Senate in early March. They were set for confirmation before the Easter recess, until the last-minute Republican objection stalled them. They joined the President's nomination of Michael Sullivan to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives as among those stymied by Republican objections.

I thank Senator WHITEHOUSE for chairing the hearing on the O'Connor nomination. We continued our work in connection with high-ranking Department of Justice nominees the week before recess when Senator KENNEDY chaired our hearing on the nomination of Grace Chung Becker to be Assistant Attorney General in charge of the Civil Rights Division. The Civil Rights Division is entrusted with protecting precious rights of Americans, including our fundamental right to vote. That hearing was the seventh the Committee has held since last September on executive nominations, as we continue to work to restock and restore the leadership of the Department of Justice in the wake of the scandals of the Gonzales era.

A little more than a year ago, the Judiciary Committee began its oversight efforts for the 110th Congress. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator SPECTER and I led a bipartisan group of concerned Senators to consider the United States Attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess.

This crisis of leadership has taken a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials.

The partisan accusations of "slow walking" nominations that the President engaged in at the White House recently, and repeated even today by Republican Senators, are belied by the facts. They are about as accurate as when President Bush ascribed Attorney General Gonzales' resignation to supposed "unfair treatment" and having "his good name . . . dragged through the mud for political reasons." The U.S. Attorney firing scandal was of the administration's own making. It decimated morale at the Department of Justice. A good way to help restore the Justice Department would be for this administration to acknowledge its wrongdoing.

What those who say we are "slow-walking" nominations do not say is that as a result of the mass resignations at the Justice Department in the wake of the scandals of the Gonzales era, the Committee has held seven hearings on high-ranking nominations to restore the leadership of the Department of Justice between September of last year and this month, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. Of course those months also include the December and January holiday period and break between sessions.

What is being ignored by the President and Senate Republicans as they play to a vocal segment of their Republican base is that we have worked hard to make progress and restore the leadership of the Department of Justice. In the last 6 months, we have confirmed a new Attorney General, a new Deputy Attorney General, held hearings for several other high-ranking Justice Department positions, and voted those nominations out of the Judiciary Committee. Today we continue that progress with the confirmation of the Associate Attorney General.

It is vital that we ensure that we have a functioning, independent Justice Department. In January, the Judiciary Committee held our first oversight hearing of the new session and the first with new Attorney General Michael Mukasey. We held another oversight hearing last month with FBI Director Mueller and tomorrow we are holding an oversight hearing with Homeland Security Secretary Chertoff to explore that Department's handling of issues within the Judiciary Committee's jurisdiction related to the Western Hemisphere Travel Initiative, the so-called REAL ID Act, naturalization backlogs, the resettlement of Iraqi refugees and asylum seekers and the shameful, continuing aftermath from Katrina. These are more steps forward in our efforts to restore checks and balances to our Government and begin to repair the damage this administration inflicted on our Constitution and fundamental American values.

We continue to press for accountability even as we learn startling new revelations about the extent to which some will go to avoid accountability, undermine oversight, and stonewall the American people's right to the truth. We find shifting answers on issues including the admission that the CIA used waterboarding on detainees in reliance on the advice of the Department of Justice; the destruction of White House e-mails required by law to be preserved; and the CIA's destruction of videotapes of detainee interrogations not shared with the 9/11 Commission, Congress or the courts. The only constant is the demand for immunity and unaccountability among those in the administration. This White House continues to stonewall the legitimate needs for information articulated by the Judiciary Committee and others in the Congress, and contemptuously refuse to appear when summoned by congressional subpoena.

In spite of the administration's lack of cooperation, the Senate is moving forward with the confirmation of executive nominations. With the confirmation today, we will have confirmed 27 executive nominations, including the confirmations of nine U.S. Attorneys, five U.S. Marshals, and the top three positions at the Justice Department so far this Congress.

Of course, we could have made even more progress had the White House sent us timely nominations to fill the remaining executive branch vacancies with nominees who will restore the independence of federal law enforcement. There are now 19 districts across the country with acting or interim U.S. Attorneys instead of Senate-confirmed, presidentially-appointed U.S. Attorneys. For more than a year I have been talking publicly about the need to name U.S. Attorneys to fill these vacancies to no avail.

We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives. It is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes to serve the ends of a particular administration.

I congratulate the nominee and his family on his confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR WEDNESDAY, APRIL 2, 2008

Mr. NELSON of Florida. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, April 2; that following the prayer and the pledge, the journal of Proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of the motion to proceed to H.R. 3221, and that all time during any adjournment, recess or period of morning business count postcloture; further, that at 12:30 p.m., the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NELSON of Florida. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:19 p.m., adjourned until Wednesday, April 2, 2008, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, April 1, 2008:

DEPARTMENT OF STATE

DEBORAH K. JONES, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

KEVIN J. O'CONNOR, OF CONNECTICUT, TO BE ASSOCIATE ATTORNEY GENERAL.

HOUSE OF REPRESENTATIVES—*Tuesday, April 1, 2008*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. ISRAEL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 1, 2008.

I hereby appoint the Honorable STEVE ISRAEL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker, House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

UNITED STATES-COLOMBIA FREE TRADE AGREEMENT

Ms. ROS-LEHTINEN. Thank you, Mr. Speaker.

The strongest argument that can be made for the U.S.-Colombia Free Trade Agreement is not that it is good for Colombia but that it is good for us. The U.S. has few barriers to trade, so currently most of Colombia's exports enter the U.S. with few or no restrictions. But Colombia has many barriers to our goods. This is what opponents of the agreement can't seem to grasp: The Free Trade Agreement will remove Colombia's barriers to U.S. goods. Of course Colombia will benefit economically but we will benefit more.

The second strongest argument is that our friends and enemies in this hemisphere are watching how we treat a loyal ally that is being threatened from many sides. If we do not pass this agreement, Mr. Speaker, and it is clearly in our interest to do so, the only possible conclusion that these countries can come to is that we made a deliberate choice to back away from an ally at this most crucial and critical time.

Mr. Speaker, this debate should be more about how this agreement will impact in a positive way our U.S. economy. An honest debate can have only one outcome—strong support for passage of the U.S.-Colombia Free Trade Agreement and as soon as possible.

The capital of Colombia is only 3 hours away from my district in Miami, Florida. The strong ties that have developed between our communities are symbolic of the enduring friendship that our Nation shares with Colombia. As Florida's seventh largest global trading partner, passage of the FTA has the potential to boost Florida's exports to Colombia by $161 million in just the first year. Also significant is the agreement's ability to support the creation of nearly 5,000 new jobs throughout the State within the first 3 years of its passage. The positive impact that this FTA could have for the prosperity and security of our two nations, and indeed the hemisphere as a whole, cannot be denied. Serving as the steadfast bulwark against radical, anti-American regimes throughout the region, Colombia has proven time and time again its commitment to respecting human rights and democracy.

Now it is time for us to step up, Mr. Speaker, and not only support Colombia's efforts but provide Americans here at home the opportunity to benefit from our trade relationship as well. We hope that this trade agreement will be before us as rapidly as possible.

HONORING CESAR CHAVEZ'S BIRTHDAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. SIRES) for 2 minutes.

Mr. SIRES. Mr. Speaker, today I join my colleagues in celebrating the life of Cesar Chavez. Eighty-one years ago, Cesar Chavez began his life on March 31 and he continues to serve as an inspiration to thousands.

Cesar Chavez was a pioneer for civil rights and labor rights. He was a man that understood that in order to achieve change, sacrifices are necessary. Due to his hard work and dedication to his community, he successfully founded the United Farm Workers Union, the largest union protecting the rights of our country's many farm laborers. Currently, 10 States officially honor the memory of Cesar Chavez by celebrating a holiday in his name. My colleague, Congressman BACA, has introduced legislation, H. Res. 76, to establish a national Cesar Chavez Day to honor this important man through volunteer projects, educational activities, and cultural celebrations, among other events. I thank Congressman BACA for introducing this legislation and for helping to bring Cesar's life and legacy to the Members of Congress and to our constituents throughout the country. He truly is a national hero.

UNITED STATES-COLOMBIA FREE TRADE AGREEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

Mr. WELLER of Illinois. Thank you, Mr. Speaker. I join my colleague, ILEANA ROS-LEHTINEN of Florida, in urging the Speaker of the House to bring to this floor the U.S.-Colombia Trade Promotion Agreement, an agreement that's good for Illinois farmers, good for Illinois workers, and good for Illinois manufacturers.

Let me begin by asking some important questions. What nation in Latin America is the most longstanding democracy? The Republic of Colombia. What nation in Latin America is the United States' most reliable and dependable partner against narcotics and against terrorism? The Republic of Colombia. What nation today has the most popular elected official year after year after year in their own country? That is President Uribe of Colombia. The U.S.-Colombia Free Trade Agreement is a good agreement for my State of Illinois. We are a big winner, as is the United States.

In 2006, Illinois exported $214 million in exports to Colombia, but that's just the beginning. Why? Because Illinois exports, U.S. exports to Colombia are taxed by tariffs. But their exports to the United States are not taxed by tariffs. So right now trade is a one-way street. We want to make it a two-way street.

As a result of this trade agreement, 80 percent of U.S. exports that are currently taxed will be duty-free immediately. And as we know, our exports to other countries grow 50 percent faster with countries we have trade agreements with. So it's a win-win-win for American workers, American farmers, and American manufacturers. We want to be competitive with Asia.

We know Colombia is a reliable partner, our most important ally. We know Colombia is a longstanding democracy. We also know that President Uribe is popular. He was elected to stem the violence in Colombia. He was elected to push the FARC, the leftist narcotrafficking terrorist organization, out of the country. And he's made tremendous progress. And today because of his success in expanding government presence throughout the country, bringing stability and order and safety and security to Colombia, his approval rating in his own country year after year has been over 80 percent. Compare that to this Congress which has a 15 percent approval rating.

Now there are those who oppose this trade agreement and they are the same people who have opposed every trade agreement. They say not enough is done for labor. When the Peru and Colombia trade agreements were finalized, my Democratic friends said we needed to do more regarding labor rights. Both Peru and Colombia complied. And, of course, Peru has been ratified, but Colombia has not. Now they say that there's too much labor violence in Colombia. Well, let's look at the facts. Seventy-one percent of Colombians say they are more secure under President Uribe. Seventy-three percent of Colombians say Uribe respects human rights. Homicides are down 40 percent. Kidnappings are down 76 percent. In fact, the murder rate in Colombia today is lower than Washington, D.C., lower than Baltimore.

Here are the facts on labor violence: The last 2 years, President Uribe has hired 418 new prosecutors; 545 new investigators; created over 2,166 new posts overall in the Prosecutor General's office; and increased funding for prosecution of those who commit violent acts by 75 percent.

Carlos Rodriguez, president of the United Workers Confederation, said about these new posts: "Never in the history of Colombia have we achieved something so important." Now when it comes particularly to labor leaders, President Uribe has allocated almost $39 million to providing bodyguards for protection for labor union leaders. One thousand five hundred union leaders and activists provided protection, the second largest protected group in the nation of Colombia. And it's been successful. In fact, no labor leader under this protection has lost his life or experienced violence.

As the Washington Post noted yesterday, the murder rate for labor activists is lower than the national rate for the rest of the country. So President Uribe has made tremendous progress in reducing violence. For those who point to labor activists being the subject of labor violence, he's made even greater success in reducing violence.

I would also note that the International Labor Organization has removed Colombia from its labor watch list and Colombia has agreed to permanent International Labor Organization presence in Colombia. Perhaps most telling, 14 Colombian labor union leaders have personally given their support to the Trade Promotion Agreement and they represent 79,000 organized workers. We continue to hear opposition with no explanation.

The bottom line is this is a good trade agreement. Colombia is our best ally. If you care about the future of Latin America, if you care about democracy, if you care about security, we need to bring the U.S.-Colombia Trade Promotion Agreement to this floor for a vote.

MARKING CESAR CHAVEZ'S BIRTHDAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GREEN) for 2 minutes.

Mr. GENE GREEN of Texas. Thank you, Mr. Speaker, and colleagues.

Today I rise to honor a hardworking labor leader, Cesar Chavez, who founded the United Farm Workers Union and dedicated his life to promote nonviolence through boycotts and strikes that would protect farm workers from the dangers of pesticides, low wages, and the denial of fair and free elections.

I met Cesar Chavez in the 1970s when he came to organize farm workers in Texas. I was a young Texas State Representative and was inspired by his leadership then and as he inspires people today in this century.

Cesar Estrada Chavez was born on March 31, 1927, in Yuma, Arizona. It was 10 years later in 1937 that like many other migrant families, his parents lost their farm and their home. This was a hardship that led them to join thousands of other migrant farmer workers to toil in the California fields.

In 1944 Cesar Chavez enlisted in the U.S. Navy where he served and fought for the United States in the Pacific during World War II. He later married Helen Fabela and fathered eight children. Although Cesar Chavez was not able to complete high school because his family required his helping hands in the California fields, he not only endured the hardships of migrant working conditions but experienced the injustices that he later made into a personal crusade for the migrant farm workers.

His personal struggles as a migrant farm worker led him to find a nonviolent way to help Hispanic farm workers. In the 1950s, Cesar quietly began to study and work for the better working conditions of migrant workers. His persistent struggle to help Hispanics led him to organize the National Farm Worker group in Fresno, California. Cesar Chavez was one of the first Hispanic activists that begun what was a series of boycotts and strikes against California grape growers. Most notably, he called a boycott against Schenley Industries, a major California grape producer. His series of boycotts and strikes caused a national awareness that provoked the late Senate Robert F. Kennedy to criticize local officials after uncovering strikebreaking practices against farm workers. The National Farm Workers Union later reached a groundbreaking settlement with Schenley Industries that marked the first contract ever signed for farm workers in the United States.

This was a monumental achievement that the United Farm Workers would not have been able to accomplish without the hard work and determination of this courageous individual.

As the struggle to protect farm workers continued, Cesar Chavez even sacrificed his health several times by fasting. He saw his fight as a personal fight to end the terrible suffering of the farm workers and their children.

Cesar Chavez worked tirelessly to improve the lives of America's farm workers by securing their rights to organize and bargain collectively for fair working conditions. Chavez showed us that together we can make a safe and prosperous America with a strong and vibrant economy—an America with good jobs and good pay. Fifteen years after his passing, his life's work and legacy continues to inspire millions.

CESAR CHAVEZ

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. BACA) for 5 minutes.

Mr. BACA. Mr. Speaker, I rise today in support of honoring Cesar Chavez, an American hero, a role model, and an inspiration to many Americans. In this Congress I have reintroduced H. Res. 76, a resolution urging the establishment of a national holiday for Cesar Chavez. This resolution was introduced and supported by the United Farm Workers of America, Cesar E. Chavez Foundation, the Congressional Hispanic Caucus, and many other of my fellow colleagues. We are urging for a holiday to honor Cesar's memory and educate our youth and community about this remarkable yet humble leader who paved the way for many of us.

Cesar Chavez is a true American hero. He carried the torch for justice and freedom. He was a beacon of light for many of us Latinos in the community. His legacy will live on in our hearts and hopes and in our dreams. To quote him, si se puede, yes, it can be done.

This is the same cry we hear today, a cry of justice and equality and opportunity for all to have the American Dream here in the United States. Cesar represents the true essence of hope for many of us. From humble beginnings, Cesar was born near Yuma, Arizona, grew up in a migrant labor camp, and fought against the exploitation of workers at an early age.

In 1944, Cesar joined the United States Navy and honorably served his country as a veteran. With great courage and passion, he fought to preserve the principles of freedom and equality. He used this same courage and passion to stop the exploitation of workers.

Cesar was a trailblazer. In the early 1960s, he founded the United Farm Workers to gain nationwide attention of the exploitation of grape farmers, a too often forgotten labor force. He led his organization to increase protection for workers; to increase health and safety standards; to ban child labor from the field; to win fair wage guarantees; to fight against employment discrimination and the sexual harassment of female workers.

Cesar's dedication to social justice meant great sacrifices. This year marks the 40th anniversary of his famous public 25-day hunger strike calling for nonviolence. Cesar organized the farm workers to stand together and in one loud voice say, "From this day, we demand to be treated like men and we should be respected as human beings. We are not slaves. We are not animals. We are not alone."

I was lucky enough to be part of his funeral, attended by over 50,000 people. I also had the pleasure of meeting with Cesar Chavez on many occasions in the Inland Empire.

In his memory, the State of California in September of 1994 enacted a law designating March 31, Cesar's birthday, as a State holiday. However, Cesar's light reaches beyond California and across ethnic barriers and across income levels across our Nation. Ten States officially celebrate Cesar's birthday as a holiday. This month his legacy will be remembered publicly all across the Nation in over 25 States and over 35 cities. These nationwide actions are about respect, respeto.

For this reason, I continue to call for the respect of a great man, a trailblazer who changed the world by using nonviolence. Cesar taught us that all workers deserve respect and dignity. Cesar, a common man with uncommon vision; a humble leader that forged together national coalitions of students, middle-class consumers, religious groups, minorities and others.

The significance and impact of Cesar's life transcends any one cause or struggle. In 1994 he was posthumously awarded the Presidential Medal of Freedom, the highest civilian honor in America. And yet we should have a holiday for him.

His slogan, si se puede, yes, it can be done, still rings in the hearts of many Latinos and non-Latinos that it can be done and never give up because you can achieve whatever you want.

Yes, I say si se puede, one day Cesar Chavez will be honored, respected and remembered throughout this Nation with a holiday. This is only the beginning. Nationwide we are raising awareness of a great man who has honored our Nation, who has served our country and sacrificed himself for the betterment of others. We will keep his legacy alive.

CESAR CHAVEZ

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SOLIS) for 2 minutes.

Ms. SOLIS. I thank the Speaker and I am very privileged this morning to pay special tribute and honor to the legacy of Cesar Estrada Chavez. Chavez dedicated his life to championing the rights of farm laborers and all working people and he did it through nonviolence. Recently I returned from a trip with the Speaker to India where I visited a memorial to Mahatma Gandhi and I recall that moment thinking about the nonviolence that was also expressed by Cesar Chavez in his movement to fight for dignity and respect for poor people, for people that were being oppressed.

Like Gandhi, Chavez believed that nonviolence is one of the most powerful tools to achieve change, including social and economic justice. Chavez was a follower also of Martin Luther King, Jr. believing in the power of prayer and spirituality. I have been inspired by the works of Cesar Chavez and also by the cofounder of the United Farm Workers, Dolores Huerta, and with that had introduced a resolution in this House to pay tribute to Dolores Huerta, one of the highest ranking members of the UFW. Yet until this day, we have not been able to bring that resolution up and I wonder why. And I ask the question—why can't this House also pay tribute to a strong leader, a female, who represents the workers? Also with that in mind, I introduced legislation, the Cesar Estrada Chavez Study Act, H.R. 359, that did pass out of this House, that would for the first time authorize the Department of Interior to study public lands important to the life and history of Cesar Chavez through the National Park Service. Right now that bill has made its way out of the House and is over at the Senate. I would ask that the Senate Members there take action on the bill as soon as possible.

We should be grateful and never forget the accomplishments and achievements of Cesar Chavez to improve civil rights for every single American and those individuals who work and toil in the fields. Let us not forget the fruits and vegetables that we receive on our table come from those very farm workers here who may not even today have the same protections that Cesar Chavez worked so hard for.

CESAR CHAVEZ

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA) for 2 minutes.

Mr. GRIJALVA. Thank you, Mr. Speaker, and I rise with my colleagues today to remember a great American on his birthday. Cesar Chavez was born 83 years ago and would have been 83 years old yesterday. He devoted his entire life to the betterment of this Nation and to its people. He gave voice to the voiceless. In working with the farm workers, in organizing their union, in fighting for their dignity, respect and equal treatment on the job, he worked for farm workers who were not considered equals in any sense. He gave voice to the voiceless.

And in these times when we see these disturbing trends going on in our Nation, where even on the floor of this great people's hall we hear disturbing trends where people are marginalized, demonized, dehumanized because of who they are and the circumstances of their life, these disturbing trends should remind us of Cesar's legacy. His legacy was not about creating a situation where people are treated less than but creating a society where people were treated as equals, with respect and with dignity. Cesar insisted on the best for us and on the best in us. He insisted on a sense of faith about the future and our families and our Nation. He insisted on tolerance, that we as human beings should understand and respect each other and with that respect comes understanding and with that respect comes a better nation.

He insisted on equality, that all humans are created equal under our Constitution, all people are created equal under our Constitution, and he fought his entire life to make that value a reality for all of us.

So when we celebrate his birthday and we celebrate his legacy, let us not forget that Cesar's legacy is a living legacy, a legacy that calls upon us day after day to continue his work, to forward his vision and to make this Nation the best it can be and to make ourselves the best we can be.

CESAR CHAVEZ

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. SALAZAR) for 2 minutes.

Mr. SALAZAR. Thank you, Mr. Speaker.

Today, Mr. Speaker, I am proud to support legislation honoring a great American on his 81st birthday, Cesar Chavez. Cesar Estrada Chavez is best known as a farm worker, labor leader and civil rights activist.

Born in Yuma, Arizona, of Mexican descent, Chavez became a champion for his fellow farm workers. Among his many achievements, Cesar Chavez was cofounder of the United Farm Workers Association with fellow activist Dolores Huerta. This association provided farm workers with a voice that they so desperately needed. Mr. Speaker, as a lifetime farmer, I can appreciate the sacrifices made by Chavez and his supporters. My oldest brother, Leandro Salazar, the oldest of our family, marched with Cesar Chavez in California for nearly 2 years.

We believe that forcing workers to endure this labor under dangerous working conditions and without fair pay is absurd. The most horrific sight that you can ever see is farm workers working out in the field and an aerial applicator coming down upon them and spraying pesticides on them. He worked to make sure that those things did not happen again.

We cannot stand by when a laborer is forced to work even as pesticides are being sprayed on the field he or she is working in. His dedication to the cause of worker rights and equality addressed the needs of blue collar men and women across this Nation.

Mr. Speaker, his example inspires us to work together to improve the quality of life for all Americans.

CESAR CHAVEZ

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 2 minutes.

Ms. LEE. Thank you, Mr. Speaker.

I rise this morning in strong support, first of all, of H. Res. 76, a resolution to create a national holiday in honor of a great human being, Cesar Chavez.

Mr. Speaker, already nine States celebrate his life. I am proud that California was the first. The legacy that he left on the history of this Nation must be recognized. He made a difference, not only for Latinos, not only for migrant workers but for the poor and the working poor, and he also built a coalition of conscience across racial and economic boundaries, just as his cofounder, a great woman and a good friend, Dolores Huerta, has.

I am reminded today of the political support that Cesar provided me during my first California campaign for the California legislature. He truly helped me make and win my first election and for that I am deeply grateful.

I had the privilege to attend his funeral with Congressman BACA in Delano, California. As I marched behind his humble wooden casket, I was reminded of the fact that one person who stood for nonviolence can and could and did make a difference.

The Martin Luther King Freedom Center in Oakland, California, studies the lives of great freedom fighters such as Dr. Martin Luther King, Jr. and also Cesar Chavez. The young people of our country and especially in my district are getting to know this human being who really did live a life committed to justice and freedom for all. I urge my colleagues to join us in supporting this growing movement for a national holiday in honor and in memory of this great civil and human rights leader. He is such an important historical figure in our Nation.

Si se puede, yes, we can create a country of liberty and justice for all. Cesar Chavez showed us how to do it. He showed us with his gentle and kind spirit. He showed us with his tough love. He showed us how to march. He showed us how to care about those, the least of these, who had no voice. And for that this country owes him a debt of gratitude and I can think of no other way than to honor him by passing H. Res. 76.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 59 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. JONES of Ohio) at noon.

PRAYER

Jeri B. Greenwell, National Chaplain, American Legion Auxiliary, offered the following prayer:

Almighty God, we praise You for Your goodness to our Nation. Instill in these Members of the House virtues of integrity, character, and courage; always responsive to Your direction, aware of Your grace, and guided by what is right.

Illuminate their path with the light of Your companionship. Open their eyes that they will see goodness in that which they hope to achieve; their ears so they will hear the will of the people; and their hearts that their actions will show compassion toward all.

Continue to bless America and the members of our military, whose sacrifices allow us to enjoy our many freedoms. Unify us not as conservatives, moderates or liberals; but as one Nation under God, indivisible with liberty and justice for all.

In You, O God, we forever place our trust.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BUTTERFIELD) come forward and lead the House in the Pledge of Allegiance.

Mr. BUTTERFIELD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING GUEST CHAPLAIN JERI B. GREENWELL

The SPEAKER pro tempore. Without objection, the gentleman from Maine is recognized for one minute.

There was no objection.

Mr. MICHAUD. Madam Speaker, I rise today to welcome and recognize Ms. Jeri Brooks Greenwell as today's guest chaplain. Ms. Greenwell is from Bethel, Maine, and is a member of the West Paris Congregational Church. She's also the National Chaplain of the American Legion Auxiliary.

Ms. Greenwell has dedicated much of her adult life in community service. She has been an active member of the Legion Auxiliary since 1974, holding numerous positions. Her service extends deep into her community. Ms. Greenwell is a life member of the Bethel Historical Society, a former Literacy Volunteer, a member of the Maine's Children Alliance, a member of the Maine Handicapped Skiing Veterans Program, and a National spokesperson for the National Meningitis Association.

Ms. Greenwell is joined by other members of the American Legion. I would like to welcome them as well. I am proud that Ms. Greenwell is my constituent, and it is an honor to have her deliver today's prayer.

PASS FISA FIX

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, it's been over 40 days since the Protect America Act expired and our Nation's ability to defend itself was jeopardized. Before Congress left for a 2-week recess, the majority leadership brought a bogus bill to the floor that narrowly passed the House of Representatives, that probably will never see the light of day in the Senate, and most assuredly would be vetoed by the President. They knew this. And yet they chose a flawed piece of legislation over a bipartisan fix to the FISA loophole.

There is a bill that has been supported by a bipartisan majority of Senators, including the chairman of the Select Senate Committee on Intelligence, the Department of Justice, the White House, our Intelligence Community, and publicly by Democrats in the House. Rather than take the necessary steps to protect American families by holding a vote on this legislation, the majority leadership has chosen to try and discredit the entire issue and claim that all is well. The American people know better and deserve better.

In conclusion, God bless our troops, and we will never forget September the 11th.

OUR TROOPS IN IRAQ

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Members of the House, this country has given the best of its young men and women in the battle in the war in Iraq and much of its treasure on the theory that we were fighting terrorists in Iraq so that we would be safer at home, on the theory that we were fighting terrorists in Iraq to eradicate them. We have lost over 4,000 young men and women in that battle, and tens of thousands of more seriously wounded, and almost $1 trillion of our treasure. Yet, this last week we saw our troops were not called upon to go against insurgents, to go against al Qaeda. They were called upon to enforce one side of an election battle of Shias against another band of Shias.

Our troops were put into battle over this last week because there was a fear by the Maliki government that the Supreme Council of Iraq would lose an election in Bosra. So they declared a battle against Muqtada al-Sadr's supporters in Bosra. They were unable to do it. They were unable to effectively carry it out. And they didn't force American troops into that battle.

Our troops should not be engaged in trying to square the field for the election advantage of one group of Iraqis over another. That is what elections are about, that is what democracy is about. But it should not be with the lives of our troops and the treasure of this country.

EASTER IN IRAQ

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, after returning from Iraq over the Easter weekend, I want to report my observations. The military situation is progressing positively with the Iraqi Security Forces, the National Police, and the new-found group of citizen soldiers called the Sons of Iraq doing ever improving job of securing their own nation.

The Iraqis and the U.S. troops are working better together as both nations use their troops in combined patrols. U.S. Commander and Four Star General Petraeus understands not only the military situation, but the complex political situation as well. The Iraqi government is showing signs of more stability than it has in previous months.

My observations of the U.S. troops: they have very high morale, a strong sense of purpose, and are well trained and ready to meet U.S. objectives in Iraq. The most notable concern I saw was the ever increasing interference and influence of Iran. The Iranians are funding insurgents and supplying weapons from small arms to rockets to any group that will cause chaos. It appears Iran wants instability in Iraq to further its own political and military objectives.

The U.S. presence in Iraq is necessary to prevent the circling Iranian vulture from preying on the peoples of Iraq.

And that's just the way it is.

ROCKY MOUNT SOLDIERS KILLED IN IRAQ

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, three members of the Army National Guard's 1132nd Military Police Company based in Rocky Mount, North Carolina, were recently killed in support of our Operation Iraqi Freedom after an improvised explosive device detonated near their vehicle.

Twenty-seven-year old Sergeant David B. "Blake" Williams, of Tarboro, North Carolina, was from my district. He was serving a second tour of duty in Iraq, and was recently awarded a second Army Commendation Medal for his exceptional service during combat duty.

A few moments ago, Madam Speaker, I spoke to Susan Legett Williams, the mother, and Mary Beth Williams, the sister, to express not only sympathy from the Congress of the United States of America but to express appreciation from a grateful Nation.

May God bless the entire Williams family during this difficult time in their lives.

THE COOPER-WOLF SAFE COMMISSION ACT: A PROPOSAL WITH TEETH

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, last Tuesday the annual Social Security Medicare Trustees Report was issued, and not surprisingly, drawing the same dismal conclusions it did last year. We have all heard the statistics about the demographic challenge retirement of the Baby Boomers generation presents. But what are we doing about it?

I am disappointed that this Congress and this administration continue to turn a blind eye toward the country's unsustainable financial path. The American people cannot afford to have this issue languish in partisan gridlock. Americans should know the longer we wait to get our fiscal house in order, the harder and more abrupt the changes will be for America's younger generation.

I am challenging all of us to be part of the solution so we can tell our children and our grandchildren that while serving in Congress, we did everything in our power to protect their futures. Please cosponsor the Cooper-Wolf SAFE Commission Act, which will put everything, entitlement spending, tax policy, and all other Federal programs on the table, and require action on controlling the long-term spending.

CHILDREN'S HEALTH CARE

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Madam Speaker, on Sunday I held a children's health care rally at the Martin Luther King Community Center in Indianapolis, Indiana, and met with parents like Brandy Briscoe. Brandy goes to school full time and is raising her 2-year-old son, Elijah. When he was born, he had no health insurance. Today, thanks to the State Children's Health Insurance Program, Elijah and 130,000 other children in Indiana have the health care they need and deserve.

We know that Elijah and Brandy are two of the lucky ones. In Indiana, tens of thousands of children don't have health care. Their parents wonder what they will do if their child gets sick and needs a doctor. These parents and their children are counting on us to act.

So, on Sunday, I pledged to my constituents that I would be a voice for children and families and will continue to fight to cover more children through the Children's Health Insurance Program. I make this pledge with the knowledge that this House has worked long and hard on children's health care in the past. But we cannot let these difficulties dissuade us from doing right by our children.

I am proud today to cosponsor the Children's Health First Act, and I look forward to working with Democrats and Republicans to craft the kind of compromise that moves us forward into the future.

COLOMBIA TRADE PROMOTION AGREEMENT

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, now that we are back in Washington, I am looking forward to passing a trade accord with Colombia. The agreement should be brought up before the House as soon as possible. Over 90 percent of U.S. imports from Colombia now enter our country duty-free. The agreement will provide U.S. companies and ag producers with duty-free access to the Colombian market.

Colombia's market grew by 7 percent last year, and is already a top global export market for U.S. crops such as corn and cotton. With the trade accord in place, U.S. exports are projected to rise by more than $1 billion per year. The time is right. Opening new markets and strengthening existing ones is tremendously important to Nebraska's Third Congressional District and our Nation as a whole. It is my priority to help Nebraska's producers and industries continue to compete and succeed in the global market. I urge my colleagues to do the same.

BUSH ADMINISTRATION WILLING TO BAIL OUT BEAR STEARNS BUT NOT STRUGGLING FAMILIES

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, last month the Bush administration approved the Federal bailout of an investment giant, Bear Stearns. You would have thought that the crisis on Wall Street would have opened the administration's eyes as to what is happening on Main Street. Reminiscent of Herbert Hoover, President Bush continues to oppose any efforts by this Congress to address the extreme hardships of Americans struggling in today's economy. House Democrats have crafted a foreclosure prevention package that would help stabilize the housing market, and Senate Democrats have similarly been working on legislation to help struggling families keep their homes. But rather than support such efforts, President Bush has threatened to veto the bill, and Senate Republicans voted to block it from even coming to the floor for a vote.

Madam Speaker, it's time President Bush and Republicans recognize that the crisis affects Main Street as well as Wall Street, and they should join us in our efforts to help families hard hit by this economy.

□ 1215

SUPPORT THE U.S.-COLOMBIA TRADE PROMOTION AGREEMENT

(Mr. WELLER of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER of Illinois. Madam Speaker, I rise to urge the majority leadership to bring to the floor the U.S.-Colombia Trade Promotion Authority Agreement. It is a good agreement. The question is, who is Colombia? It is the longest-standing democracy in Latin America, it is the United States' most reliable and best partner in counterterrorism and counternarcotics, and, frankly, it is an important ally of the United States.

This trade agreement is good for the U.S., it is good for Colombia. Right now, Colombian products come into the United States, and they come in basically duty-free without any taxes. Our products going to Colombia suffer taxes. Under this trade promotion agreement, 80 percent of those duties and taxes are eliminated immediately. It is good for Illinois workers, Illinois manufacturers and Illinois farmers.

There are those who oppose this agreement. The Washington Post probably said it best yesterday in their editorial when they stated their support for the U.S.-Colombia Trade Promotion Agreement. They noted, "The agreement is currently being held hostage by Members of the House who argue that Colombia, despite a dramatic drop in its overall murder rate, doesn't deserve this."

The bottom line is, President Uribe has greatly reduced violence. The murder rate is lower than in Baltimore or Washington.

BUSH ADMINISTRATION WILLING TO BAIL OUT BEAR STEARNS BUT NOT STRUGGLING FAMILIES

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, while the Bush administration has had no problem bailing out Wall Street firms at taxpayers' expense, it has opposed efforts to help ordinary homeowners. As many as 2.8 million Americans could lose their homes in the next 5 years due to the subprime mortgage crisis. Housing prices have dropped so much that homeowners' debt on their houses exceeds equity for the first time since 1945, and now more than 10 percent of homeowners have mortgage loans that are larger than the value of their homes.

These troubling signs have been before the administration for many months, but they have refused to bring forth a proposal to address them until yesterday, and that mainly addresses only regulatory issues.

Fortunately, this Congress did not follow the White House's lead. This House has already passed legislation this year that would expand affordable mortgage loan opportunities for families at risk of foreclosures.

Madam Speaker, this is only the beginning. We can't do this alone. The President must finally recognize there is a problem and be willing to sign these bills into law when they get to his desk.

PASS THE U.S.-COLOMBIA FREE TRADE AGREEMENT

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Madam Speaker, if there was ever an equivalent of what we call a no-brainer in Congress, it is the Colombian Free Trade Agreement. Congress needs to bring this to the floor and pass this agreement. Why? Colombia already has free access to the U.S. market, but we don't have access to their market. Let me say that again. They already have free access to United States markets. We ought to be able to get the same fair trade in their market.

Number two, Colombia is our ally in fighting the drug trade. It is a democracy that is in a tough neighborhood that is helping us defeat the narcoterrorists, helping us cut off the drugs.

I had the pleasure of going to Colombia 3 weeks ago to see the progress, to see the democracy, to see the things they are doing to help individuals, to demilitarize the narcoterrorists and the paramilitary organizations. Colombia is lifting up their people from poverty. They are helping us in a difficult neighborhood.

More important, for our Wisconsin soybean growers, corn growers, dairy producers and manufacturers, it will create more jobs in Wisconsin because we will be able to sell more of our products to Colombia if they treat us like we are treating them. That is why we should pass the free trade agreement with Colombia.

BUSH ADMINISTRATION PROPOSAL ON CREDIT CRISIS NOT NEARLY ENOUGH

(Ms. CASTOR asked and was given permission to address the House for 1 minute.)

Ms. CASTOR. Madam Speaker, in these challenging economic times, Americans everywhere are feeling the negative impact of President Bush's economic policies. More Americans are looking for work, millions have lost their homes or they are at risk, gas prices are at an all-time high, and in Florida property insurance is out of sight.

Now, the House has already taken action to address these issues, the housing crisis, credit, gas prices, but the Bush administration has been silent, or they have been actively opposed. That is until yesterday, when Treasury Secretary Paulson finally offered a proposal. But one bank analyst back home cautioned that the proposal is a political ploy. The Bush administration is just trying to reassure consumers that it has the financial crisis under control. "All he's doing is moving the deck chairs," he said.

Well, I am very concerned as well that the announcement falls short in one key area. It does not address the immediate needs of American homeowners facing imminent foreclosure and the impact on our neighborhoods and communities.

We are going to work over the next few months for real action, as opposed to President Bush's hands-off approach.

CAUTIOUS SUPPORT FOR THE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, MALARIA REAUTHORIZATION ACT OF 2008

(Mr. PENCE asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. PENCE. Madam Speaker, HIV/AIDS is a pandemic that has affected more than 60 million people worldwide. Today, 70 percent of the people in the world who are afflicted with HIV/AIDS reside in Africa. Thanks to the leadership of President George W. Bush and bipartisan leadership here in Congress, tomorrow we will consider the Lantos-Hyde United States Global Leadership Against HIV/AIDS bill.

The Bible tells us to whom much is given, much is expected. I believe we have a moral obligation to rise to this global crisis. Because the United States can render timely assistance, I believe that we must. But it is imperative that we not only send our resources, but we also send them in a manner that is consistent with our values.

It is my hope, Madam Speaker, that when the bill comes tomorrow, it will preserve the careful balance between American resources and American values that we forged in the Foreign Affairs Committee. We cannot permit PEPFAR to become a mega-funding pool for organizations that are anathema to millions of Americans.

I urge the Speaker and the Rules Committee today, preserve the careful bipartisan balance in PEPFAR and bring that compromise to the floor.

DEMOCRATIC BUDGET PRIORITIZES THE NEED TO STRENGTHEN OUR ECONOMY

(Mr. ARCURI asked and was given permission to address the House for 1 minute and revise and extend his remark.)

Mr. ARCURI. Madam Speaker, at a time of serious economic uncertainty, Democrats have passed a 2009 Democratic budget last month that invests in Federal programs that will boost our economy.

In February, our economy shed 63,000 jobs in fields across-the-board. In order to compete in the new economy, we need to invest in innovation, energy, education and infrastructure, and that is exactly what this Democratic budget does.

Our budget provides crucial funding for the Democratic innovation agenda and the America Competes Act to enhance our competitive edge by increasing funding for important math and science education research. We also increase funding for efficient and renewable energy programs so we can create the green collar jobs of the future. Our budget also invests $7.1 billion more than the President for essential education and job training programs that are so important at a time when Americans are losing their jobs.

Madam Speaker, the Democratic budget strives to build a better economy without raising a penny in additional taxes.

CONGRESS SHOULD APPROVE THE U.S. TRADE PROMOTION AGREEMENT

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, the U.S.-Colombia Trade Promotion Agreement means growth and more jobs for the largest exporter and manufacturing nation in the world, the United States. Colombia already gets free access to our market. The agreement levels the playing field while bolstering the economy of our strongest South American ally.

Colombia's government has a strong track record of reducing all violence, including attacks against union members. As the Washington Post editorialized on Monday, a vote for Colombia "would show Latin America that a staunch U.S. ally will be rewarded for improving its human rights record and resisting the anti-American populism of Venezuela's Hugo Chavez."

Madam Speaker, this agreement merits approval by the Congress soon.

IRAQ WAR AND THE IMPACT ON OUR TROOPS 5 YEARS LATER

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, we have now entered the sixth year of the war in Iraq, a war the Bush administration assured us would be short and easy. One Bush official famously remarked that the victory in Iraq would be a "cakewalk." Sadly, it has been the opposite for our troops, who continue to face lengthy and multiple deployments in the war.

Last week, as we mourned the marking of a grim milestone, the death of 4,000 American troops in Iraq, we were reminded of the human costs of this ill-advised war.

Military leaders warned that the war is putting enormous stress on our troops. We have seen a dramatic increase in suicides and depression. Lieutenant General William Caldwell, the Commanding General of the U.S. Army Combined Arms Center, said the Army is experiencing a shortage of majors and captains, because many who have had one, two and three combat tours have made the decision to go back into civilian life.

With 4,000 American lives lost and thousands of young men and women suffering serious injuries, we should be looking at a way to end the war in Iraq. Instead, the Bush administration continues to support the status quo. "100 years" is one presidential candidate's latest statement.

We must end the war.

ENCOURAGING SUPPORT FOR THE COLOMBIA TRADE PROMOTION AGREEMENT

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Madam Speaker, what is this Congress thinking? Why would we turn our back on Colombia, and then turn our back on America's own farmers and manufacturers and small businesses?

Colombia is one of our strongest allies in our neighborhood, in our neighborhood, fighting terrorism, reducing kidnappings, turning down violence in a very tough neighborhood. They need and want the support of the United States of America, and we are rejecting that support. Yet, today, Colombia is able to sell its products and goods into America. When we try to do the same for our farmers or our manufacturers or our small businesses, we are not allowed to.

The U.S.-Colombia Free Trade Agreement changes that. It makes sure we send the signal to the world that we stand with our allies who stand for democracy and rule of law. We are also saying we want two-way trade. We want the ability to sell our products overseas.

This Congress needs to not turn its back on Colombia, and give us an up-or-down vote on that trade agreement this year.

HONORING MAYOR DOROTHY GEEBEN OF OCEAN BREEZE PARK, FLORIDA

(Mr. MAHONEY of Florida asked and was given permission to address the House for 1 minute.)

Mr. MAHONEY of Florida. Madam Speaker, I rise today to honor a very special American, Mayor Dorothy Geeben, for her incredible service to her community and to wish her a very happy 100th birthday.

Ms. Geeben moved to the town of Ocean Breeze Park, a small community on the Indian River, in 1952, and has been a cornerstone of that community ever since. In 1960 she joined the Ocean Breeze Town Council, serving as its president for 31 years, and in 2001 she became the mayor of the town and its 1,000 residents.

Today, as Mayor Geeben celebrates her 100th birthday, she is also recognized as the oldest mayor in America. As mayor, her duties include presiding over town council meetings and signing documents. But to the residents of her village, she is known as a friend to everyone and as the woman who always has a smile on her face. Mayor Geeben has seen her small community through a lot in the last 40 years, including two major hurricanes.

I am proud to recognize such a vibrant and dedicated woman. On behalf of Florida's 16th Congressional District, I would like to express my gratitude to Mayor Geeben for her many years of service to our community, and to wish her another happy 100 years.

CONGRESS MUST BALANCE THE BUDGET

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Madam Speaker, in our personal lives, when we have our credit cards topped out, when we have a second mortgage on the home, we quit spending money. We balance our own personal budget and we focus on the essentials. And this Congress needs to do the same thing. But, unfortunately, the Obama-Clinton-Pelosi Democratic leadership of the Congress is driving America's economy right over the cliff, like Thelma and Louise, spending money and raising taxes.

The Comptroller of the United States has certified that we are in a $54 trillion hole; that in order to pay that off, every American would have to write a check for $175,000. This is outrageous. It is unsupportable.

We need to adopt FRANK WOLF's legislation with Mr. COOPER, making sure that Social Security is solvent, that we balance the Federal budget as rapidly as possible. Above all, this Congress has got to quit spending money on unnecessary things, focus on the bare essentials and quit raising taxes on the American people. Above all, let's not shift all of that liability that is now apparent on Wall Street, this $1 trillion writeoff that the banks are attempting to shift on to the United States Treasury. We cannot do it. We have got to quit spending money and balance the budget.

☐ 1230

ADMINISTRATION EFFORTS IN HOUSING AND SUBPRIME MORTGAGE CRISIS TOO LITTLE AND TOO LATE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, last Friday President Bush traveled to my home county in New Jersey to encourage residents to seek free credit counseling if they faced the threat of losing their homes. And while the credit counseling is good advice, the President's actions were simply too little and too late.

For months, the President has known that the housing and subprime mortgage crisis could force more than 2 million people to lose their homes over the next 5 years. Until yesterday, the President was unwilling to address this crisis in any way. And that is nothing new. For 7 years now, the Bush administration has taken a hands-off approach to Wall Street, allowing the corporations responsible for much of this mortgage crisis to work under the radar without any government oversight or regulation. Finally, the administration recognized yesterday that the President's credit counseling advice was not going to be enough. Treasury Secretary Paulson announced a proposal that finally calls for the regulation of these financial institutes. But, again, this is too little and too late.

Madam Speaker, this House has already acted and will continue to pass legislation that will help homeowners today, and I would hope the President would support our efforts.

FISA

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, some of our Democratic leaders say they just cannot agree to give immunity to the telecommunication companies for helping after 9/11. Perhaps the reluctance comes from massive contributions from law firms suing these patriotic companies.

Back in the days immediately after 9/11, we didn't know who all was involved in the most violent attack on U.S. soil. We didn't know if another attack was coming the next day or where or who would strike next. In that context, the telecommunications companies were asked to help their country, and they responded. Just as we had men and women respond all over this country to the Nation's call to help fight the forces of evil, these companies responded by helping, and now many in the majority are letting them be shot by friendly fire. These companies heard the cry for help from our Nation and responded, yet some in this body want to hang them out to dry on a firing line as targets for some of their biggest contributors. Let's pass FISA, with immunity from friendly fire.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

GEORGIA AND UKRAINE NATO MEMBERSHIP

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 997) expressing the strong support of the House of Representatives for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 997

Whereas the sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe and Eurasia;

Whereas NATO members can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for emerging democracies in Europe and Eurasia;

Whereas lasting stability and security in Europe and Eurasia require the military, economic, and political integration of emerging democracies into existing European structures;

Whereas, in an era of threats from terrorism and the proliferation of weapons of mass destruction, NATO is increasingly contributing to security in the face of global security challenges for the protection and interests of its member States;

Whereas the Government of Georgia and the Government of Ukraine have each expressed a desire to join the Euro-Atlantic community, and Georgia and Ukraine are working closely with NATO and its members to meet criteria for eventual NATO membership;

Whereas, at the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on membership between the Alliance and Ukraine;

Whereas, following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between NATO and Georgia;

Whereas the Riga Summit Declaration, issued by the heads of state and government participating in the meeting of the North Atlantic Council in November 2006, reaffirms that NATO's door remains open to new members and that NATO will continue to review the process for new membership, stating "We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial, and security issues relating to those countries' aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue. We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defense, reform of the defense-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability.";

Whereas, in January 2008, Ukraine forwarded to NATO Secretary General Jaap de Hoop Scheffer a letter, signed by President Victor Yushchenko, Prime Minister Yulia Tymoshenko, and Verkhovna Rada Speaker Arseniy Yatsenyuk, requesting that NATO integrate Ukraine into the Membership Action Plan;

Whereas, in January 2008, Georgia held a referendum on NATO and 76.22 percent of the votes supported membership;

Whereas in February 2008, Georgia forwarded a letter signed by President Mikhail Saakashvili to NATO Secretary General Jaap de Hoop Scheffer requesting that NATO integrate Georgia into the Membership Action Plan;

Whereas participation in a Membership Action Plan does not guarantee future membership in the NATO Alliance;

Whereas United States support for the approval of Membership Action Plans for Georgia and Ukraine demonstrates support for the development of democratic institutions in those countries, the process of defense reform and respect for human rights, and does not represent a hostile attempt to expand the Alliance at the expense of the security of any country; and

Whereas NATO membership requires significant national and international commitments and sacrifices and is not possible without the support of the populations of the NATO member states: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the House of Representatives—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership;

(2) the expansion of NATO contributes to NATO's continued effectiveness and relevance;

(3) Georgia and Ukraine are strong allies that have made important progress in the areas of defense, democratic, and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member states; and

(5) the United States should take the lead in supporting the awarding of a Membership Action Plan to Georgia and Ukraine as soon as possible.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

I am pleased to support this resolution that expresses the House's backing for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Ukraine and Georgia at the NATO summit later this week. This resolution was originally introduced as Senate Resolution 439 by Senators BIDEN and LUGAR, and was passed unanimously on February 14.

I am grateful to my distinguished colleagues on the European Subcommittee, Chairman WEXLER and Ranking Member GALLEGLY, for enabling the House to add its voice to the growing consensus in favor of extending MAP to two of our key allies, and particularly to Congressman WEXLER, who, without his prodding, this resolution might not have appeared on the floor at this particular time.

From April 2 to April 4, heads of state or governments from the 26 member countries of NATO will gather in Bucharest for the largest summit ever. Indeed, NATO has more than doubled in size since its founding by 12 states in 1949. The seven post-Communist countries that became members 3 years ago are now making significant contributions to the work of the Alliance.

In addition to the crucial discussions about the future of NATO operations in Kosovo and Afghanistan, the Bucharest summit will address further enlargement of the Alliance. Decisions on full membership will be made about three Adriatic countries, Albania, Croatia, and Macedonia. Judgments will also be made about the extension of Membership Action Plans to Ukraine and Georgia. This resolution reaffirms that this is the right decision at the right time.

It is important to note that Ukraine and Georgia both have taken the initiative of formally asking the NATO Secretary General for integration into the Membership Action Plan. Both countries have made considerable political, economic, legal, and defense reforms in the two decades since the collapse of the Soviet Union. Ukraine and Georgia have also been active participants in international efforts to preserve peace and stability, contributing to numerous peacekeeping missions around the world. Their continued democratic development and military initiative should be supported.

While it is true that Ukraine and Georgia experienced domestic political crisis last year that raised some doubts about their readiness for MAP, it is equally true that both countries firmly maintained their commitment to pursuing a democratic path and strengthening their political institutions. We must continue to encourage them in this vitally important journey.

Secondly, it is important to recognize that MAP does not confer NATO membership. Rather, it provides a structured reform program that offers support in a broad range of political and technical areas in order to prepare applicant countries for the responsibilities of membership.

It is clear that both countries must complete significant reforms before they can be considered for membership. They, like all countries who have joined the Alliance before them, must be judged to have met all necessary criteria. Even then, all member countries must unanimously support their accession.

In closing, I would like to briefly address the concern about the potential reaction of Russia to the extension of MAP to Georgia and Ukraine. While NATO was originally established as a military alliance to counter potential aggression by the Soviet Union, it now deals with a variety of security threats in Kosovo, Afghanistan, and elsewhere. The Alliance is clearly no longer aimed at Russia. In 1997, NATO and Russia agreed to work together to build a stable, secure, and undivided continent. This partnership was strengthened in 2002, with the creation of the NATO-Russia Council as a vehicle to facilitate joint action. Indeed, President Putin is expected to participate in this week's summit.

While the Alliance is right to be cognizant of the geopolitical impact of its actions, it should focus its assessment about the extension of MAP on the merits of the countries concerned. The U.S. and our allies should continue to nurture and strengthen their relationships with Russia. No one, President Putin nor anyone in Russia, should have a veto power over potential NATO applicants.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 997, which expresses the strong support of the House of Representatives for the NATO Alliance decision to enter into a Membership Action Plan, or MAP, with the countries of Georgia and Ukraine.

NATO has expanded its membership and its partnerships across Europe in recent years, making the Alliance not just stronger but an instrument for spreading democratic values.

The MAP process was created in 1999 to help those countries aspiring to join

NATO to prepare to become members by providing guidance and practical support. The decision to admit a country into the MAP process is a serious one, exceeded only by the decision to admit a country into the Alliance. Countries need to demonstrate that they are sincerely consolidating their democracy, that they are willing to take on the requirements of the MAP process, and that they are willing to participate in missions that go beyond their own borders and direct interests.

Looking at Georgia and Ukraine, Madam Speaker, we recognize that these two countries have made important progress in introducing the systems and the institutions that support democracy. Democratic changes in these two countries have certainly not been easy, and at times the progress of democracy has been confused and uncertain.

Under very difficult circumstances and in the midst of wrenching changing times since they gained their independence, both Ukraine and Georgia have moved ahead with their political reforms, with their democratic institutions of governance, and the conduct of elections. The steps taken by these two countries compare favorably with trends in several nearby states, such as Russia, where true democracy is being steadily and comprehensively suppressed.

Both Georgia and Ukraine have also made great strides in the reform of their defense forces and in the commitment of their forces to peacekeeping and multilateral missions in other regions. Georgia is currently participating in NATO's Partnership For Peace program, and has successfully graduated from the Georgia Train and Equip program in 2004, after achieving its goals of enhancing its military capabilities and implementing military reforms. Georgia currently has 2,000 troops in Iraq, making it the third largest contributor after the United States and Britain. Furthermore, Georgia has troops in Kosovo, and has signed a transit agreement with NATO which allows the Alliance, as well as other nations participating in the International Security Assistance Force, to send supplies to their forces in Afghanistan through Georgian territory. Moreover, yesterday a Georgian defense ministry source said that Georgia is offering to send 500 troops to join NATO operations in Afghanistan.

Ukraine is also a member of the Partnership for Peace program, and currently has troops in Kosovo. Additionally, Ukraine has significantly contributed to multiple U.N. peacekeeping operations, including those in Liberia and Sierra Leone, as well as Bosnia and Herzegovina.

A stronger relationship with NATO should enable Ukraine and Georgia to move forward with their military reforms, prepare to commit to future peacekeeping and stability operations, and, more importantly, Madam Speaker, to consolidate the democracy that they are both seeking.

We understand that access to NATO's Membership Access Plan is not NATO's membership. If Ukraine and Georgia become part of MAP and seek NATO membership in the future, their candidacy will have to be carefully evaluated to make sure that they fully meet NATO's standards and will benefit the Alliance should they become full members. NATO membership for these two countries is not an immediate prospect and is a question that will wait for future consideration.

I note with regret, however, the recent predictable statements by officials of the Russian government alleging that NATO is seeking to surround Russia. They have rattled the nuclear saber to some degree, hoping, I suspect, to intimidate Ukraine in the process. I can only contrast such attitudes and statements with the very laudable step that Ukraine took in 1994, when it relinquished the powerful nuclear arsenal it had inherited from the Soviet Union for the sake of stability in Europe.

The steps taken by Georgia to support the U.S. and NATO, again in the face of terrific and unwarranted pressure from Russia, also deserve our commendation and our gratitude. The resolution before us, Madam Speaker, makes it clear that the United States should take a leading role in supporting these two countries' interests in the Membership Action Plan.

Madam Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am pleased to yield 4 minutes to the chairman of the European Subcommittee, one of the two key authors of the resolution, the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Madam Speaker, I rise in strong support of H. Res. 997, urging NATO to provide a Membership Action Plan to Ukraine and Georgia at the NATO summit in Bucharest which begins tomorrow. I want to especially thank Chairman BERMAN for his extraordinary leadership in moving this resolution forward, as well as his very thoughtful remarks in announcing his support for this resolution. I also want to thank my colleague and ranking member on the Europe Subcommittee, Congressman GALLEGLY, as well as Congresswoman SCHWARTZ, who joined us in introducing H. Res. 997.

☐ 1245

Madam Speaker, it is clear that NATO is at a crossroads given that important decisions are being made about further enlargement, Kosovo and renewed Balkans instability, and mounting difficulties in Afghanistan.

While tomorrow's summit will undoubtedly focus on these pressing issues, it is also a golden opportunity for the alliance to take steps forward to bolster transatlantic security and further entrench democracy, freedom, and the rule of law throughout Europe.

I believe it is in both America's and Europe's interest to further integrate Georgia and Ukraine into the West. Tblisi and Kiev have demonstrated their commitment to joining the United States and our allies in addressing security challenges from the Balkans to Iraq and to rebuilding Afghanistan.

As we debate this resolution, it is important to remember that the goal of NATO enlargement since the mid-1990s has been to achieve a broader, more secure Europe. Providing a membership action plan for Ukraine and Georgia would further consolidate democracy and stability in eastern Europe and the Caucuses region; and, is essential to fulfilling NATO's 1997 "open door" policy that ensures that any European nation that meets alliance standards and can contribute to Euro-Atlantic security be considered for membership.

Georgia and Ukraine have much to accomplish before they can be offered NATO membership. Since the MAP process will further require democratic and security reforms in Kiev and Tblisi, it is crucial for the Ukrainian and Georgian governments to know that their efforts and aspirations are supported by this Congress as well as all NATO members.

Madam Speaker, I was in Kiev just last month, and there was an extraordinary development in Kiev with the president, prime minister and speaker of their parliament all formally asking for the NATO membership action plan. It is an extraordinary statement of unity, and it is incredibly important that this House go on record in support of those pro-democratic politicians and officeholders in Kiev as well as in Georgia.

To that end, I urge my colleagues to support H. Res. 997, and send a strong message to our NATO allies on the eve of the Bucharest Summit. And I thank Chairman BERMAN for his extraordinary leadership in this regard.

Ms. ROS-LEHTINEN. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. GALLEGLY), the ranking member of the Subcommittee on Europe and an original cosponsor of the resolution before us.

Mr. GALLEGLY. Madam Speaker, first of all, I would like to thank Chairman WEXLER and Chairman BERMAN for their kind words in their opening statements. I stand here today to rise in strong support of House Resolution 997 which reaffirms the support of the House of Representatives for NATO enlargement.

The resolution also specifically calls on the United States to take the lead in supporting closer integration between Ukraine, Georgia and NATO. I would like to commend Representative WEXLER, as I mentioned earlier, the chairman of the Europe Subcommittee, for introducing this measure and for being a strong, consistent advocate for strengthening our bilateral ties with Ukraine and Georgia.

Both of these allies have demonstrated the military capabilities and political reforms required to provide concrete benefits to the alliance. In the past several years, Ukrainian forces have participated with NATO troops in peacekeeping operations in the Balkans and Afghanistan. They have also made important contributions to coalition forces in Iraq in 2004 and 2005.

Georgia has also shown they are ready to take the next step toward NATO membership. Georgia has undertaken a top-to-bottom reform of their military forces, often working closely with U.S. forces in this effort.

As previously mentioned by Representative ROS-LEHTINEN, with over 2000 troops in Iraq, Georgia today has the third largest troop contingent in that country after the U.S. and Britain.

Madam Speaker, both Ukraine and Georgia are ready, willing and able to integrate more fully with NATO. Again, I would like to recognize Representative WEXLER for his hard work on H. Res. 997 on behalf of a stronger NATO, and I urge passage of this resolution.

Mr. BERMAN. Madam Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Madam Speaker, I rise as co-chair of the Congressional Georgia Caucus, and I rise in favor of House Resolution 997 which expresses support for extending NATO membership action plan status to Georgia and Ukraine.

I do thank Chairman BERMAN and Congressman WEXLER for their leadership in this bipartisan effort to support Georgia and Ukraine in their entrance into NATO.

As leading democratic reformers in Eastern Europe, Ukraine and Georgia are both worthy of advancing their participation in NATO from "intensified dialogue" to membership action plan, MAP, status during the Bucharest Summit. This is an important and timely next step toward the goal of becoming full members of NATO.

Both of these nations are keenly interested in joining NATO and working closely with Western allies. They have already demonstrated this by actively participating in both U.S. and NATO forces. More than 2,000 Georgian soldiers currently serve alongside U.S. military personnel in Iraq, making it the third largest coalition partner. And Ukraine is the only nonmember state taking an active role in all of NATO's peacekeeping and anti-terrorist operations.

As a member of the House Democracy Assistance Commission, I had the great pleasure and opportunity to meet both Georgian President Mikheil Saakashvili and Ukrainian President Yushchenko in their home capitals. Their commitment to democratization in their respective nations is impressive, and is an important example for other emerging democracies around the world.

Certainly both nations have work to do to stabilize and ensure development of permanent democratic institutions. Yet, as recently established democracies changing a history of totalitarian rule, they are making enormous strides. They are ready to be granted MAP and be given the opportunity to work toward full NATO membership.

In a world with real threats against us, it is critically important that we strengthen relationships with those nations that choose to be our allies. Georgia and Ukraine are key allies in an important region of the world. We should stand with our friends. We should stand with Georgia and Ukraine, and we should pass this resolution today.

Mrs. MILLER of Michigan. Madam Speaker, I rise today to offer my wholehearted support of Ukraine's desire to be admitted as a member of NATO.

When Ukraine declared her independence in 1990 from the Soviet Union, she stated her desire to be a member of the community of free nations.

As this young democracy matures, it is incumbent upon the nation members of NATO to not only support their development, but ally with them to ensure the commitment to freedom.

The United States has enjoyed a strong relationship with the Ukraine and it is my hope that this relationship grows even stronger with time as both of our countries work to improve stability around the world.

It is regrettable that the objections seem to come from the very country that once held the Ukraine under their absolute control. In my opinion the objections of Russia are not sufficient to deny NATO membership for Ukraine.

As someone who represents a great many citizens of Ukrainian descent I understand well the desire of the Ukrainian people for freedom.

America has always answered the call to support and defend those who yearn to be free and it is time to answer the call of Ukraine.

I urge my colleagues to support this resolution.

Mr. PAUL. Madam Speaker, I rise in opposition to this resolution calling for the further expansion of NATO to the borders of Russia. NATO is an organization whose purpose ended with the end of its Warsaw Pact adversary. When NATO struggled to define its future after the cold war, it settled on attacking a sovereign state, Yugoslavia, which had neither invaded nor threatened any NATO member state.

This current round of NATO expansion is a political reward to governments in Georgia and Ukraine that came to power as a result of U.S.-supported revolutions, the so-called Orange Revolution and Rose Revolution. The governments that arose from these street protests were eager to please their U.S. sponsor and the U.S., in turn, turned a blind eye to the numerous political and human rights abuses that took place under the new regimes. Thus the U.S. policy of "exporting democracy" has only succeeded in exporting more misery to the countries it has targeted.

NATO expansion only benefits the U.S. military industrial complex, which stands to profit from expanded arms sales to new NATO members. The "modernization" of former Soviet militaries in Ukraine and Georgia will mean tens of millions in sales to U.S. and European military contractors. The U.S. taxpayer will be left holding the bill, as the U.S. Government will subsidize most of the transactions. Providing U.S. military guarantees to Ukraine and Georgia can only further strain our military. This NATO expansion may well involve the U.S. military in conflicts as unrelated to our national interest as the breakaway regions of South Ossetia and Abkhazia in Georgia. The idea that American troops might be forced to fight and die to prevent a small section of Georgia from seceding is absurd and disturbing.

Madam Speaker, NATO should be disbanded, not expanded.

Mr. PRICE of North Carolina. Madam Speaker, I rise in strong support of House Resolution 997, which expresses our support for bids by Ukraine and Georgia to attain Membership Action Plans for joining the North Atlantic Treaty Organization, NATO. I am proud to be a cosponsor of this resolution.

Ukraine and Georgia are both perched on the fulcrum of democracy, with their future on balance. On one side of the balance lies a future marked by integration with NATO and Europe, continuing progress toward the establishment of stable democracy, security, and prosperity.

Each nation faces its own challenges on the other side of the balance. Ukraine confronts persistent threats to its fragile democracy, a rancorous division between its eastern and western regions, and difficult economic challenges. Georgia's democracy is also threatened, both by separatist movements in Abkhazia and Ossetia and by the lack of effective opposition in government. Its economy is undermined by severe unemployment.

This week's NATO summit in Bucharest will determine, at least in the near-term, in which direction the balance will tilt. NATO membership will bring with it economic, political, and military integration with Europe, helping to solidify democratic institutions, expand each nation's economy, and strengthen security. A Membership Action Plan is not equivalent to NATO membership and should not be conflated with NATO membership, but it is certainly a crucial step toward this goal. To reject the bids by Ukraine and Georgia for Membership Action Plans would be to deal democracy a significant setback.

As NATO nations gather to pass judgment on these bids, hovering over the summit is a specter in the form of an increasingly antagonistic Russia. Fear of further deterioration in relations with Russia no doubt shapes the hesitation of some of our European allies in proceeding with these Membership Action Plans.

Russia must understand that NATO membership does not cast a choice between Europe and Russia. Rather, the choice is between political and economic integration and isolation. Russia must also realize that seeking NATO membership is not a path foisted upon nations by NATO itself, but rather one sought freely and enthusiastically by prospective member nations. Finally, our European allies must persevere in the principle that decisions must be made in the best interests of our alliance, never allowing any nation to hold a veto on our collective security and shared values.

As many of my other colleagues have stated, both Ukraine and Georgia have already demonstrated their worth to NATO with contributions to NATO efforts in Afghanistan, Kosovo, and elsewhere. There is no doubt that the alliance would benefit from their inclusion in this multilateral security architecture that will be essential for confronting numerous major security challenges in the 2151 century. Setting Ukraine and Georgia on a path toward NATO membership is not only vital to their future, it is vital to ours as well.

I urge my colleagues to support this resolution.

Mr. ROYCE. Madam Speaker, I'd like to express reservations about H. Res. 997.

NATO expansion is not a casual affair. We're talking about adding countries whose security we're committing American lives and treasure to defend. While this resolution only endorses the beginning of a membership process, it sets the stage for expanding vital American security concerns. At a time when some Americans are questioning our growing security commitments around the globe, should we be moving to ensure Ukraine and Georgia's security?

We must be realistic about the state of NATO. The organization is not well. In Afghanistan, most NATO member states haven't answered the call, choosing not to provide troops or to provide troops only for very limited missions. One observer noted that, "The inability or unwillingness of certain nations to shoulder the burden of NATO's obligation in Afghanistan is ripping the heart out of the alliance . . ." I'm not convinced that adding new members, each with diverse interests, aids in rebuilding NATO's consensus. Expansion doesn't always mean strengthening.

Sure, these countries have committed troops in dangerous areas, for which they should be commended. But a hard headed analysis must ask whether those commitments would be maintained once NATO membership was achieved?

Expansion is divisive among some of the longest-standing NATO members. This week in Bucharest, Germany has objected to the process this resolution endorses, effectively stopping it. Chancellor Merkel's government cited concerns over political unrest in Georgia, and the lack of support for joining NATO among Ukrainians. Others ask, rightly, "What's the rush?"

First and foremost, we should ask "What's in our national security interest?" Secondarily, we should ask "What's in the best interest of NATO?" I am not convinced that expanding NATO to these two countries advances those causes. That's why I reluctantly oppose this resolution backed by my colleagues and friends.

Mr. DREIER. Madam Speaker, I rise in strong support of this resolution, which expresses the sense of Congress that Ukraine and Georgia should enter the NATO Membership Action Plan (MAP) as soon as possible. I visited Ukraine just two weeks ago, and the visit was an opportunity to witness the country at a unique time. Many will say that it is a country divided, but I believe it is simply a country experiencing the growing pains of blossoming democracy. The process has often been ugly and chaotic—like democracy itself. But Ukrainians are committed to democracy and to a place in Europe. They want a modern country that plays a constructive role in the international community.

But while they are universally committed to achieving a place in Europe, the Ukrainian people are still deeply ambivalent on the issue of NATO because they have not yet had the opportunity for an open discussion, or education on the matter free from propaganda. The issue has successfully been cast by its detractors as one of antagonism toward the East. This is, of course, utterly false.

The MAP process is critical because it presents an opportunity to allow all factions of Ukrainian society to get a complete picture of what NATO membership means. Of course Ukraine should not join NATO until the country stands as one on the issue. But it will never reach consensus without education and honest debate. That's what MAP is all about, and why it is so important for Ukraine to begin that process at the upcoming NATO summit in Bucharest, Romania.

We all want to see Ukraine in NATO one day. We want to see Ukraine solidify its democratic tradition, strengthen its institutions, modernize its defense systems, grow its economy and play an important and constructive role in both the West and the East. The name "Ukraine" itself means "borderland." It has the opportunity to be a bridge between Europe and Asia, and NATO can only be strengthened by such a key player. But NATO membership cannot be undertaken prematurely, and the time will never be right without the work that is done via the MAP process.

Georgia still has a long way to go as well before it is ready for NATO membership. But its people are committed to beginning down this path, and we should not deny them the opportunity to formally begin the process at Bucharest. Like Ukraine, Georgia experienced a democratic "color" revolution, and has since had to deal with the great challenges of implementing the goals and ideals of that revolution. They have also experienced growing pains, and have learned that the day-to-day work of building a democracy is not easy. But the Georgian people remain utterly committed to this work. They are working to ensure that critical institutions, including defense and security institutions, are strong, transparent and democratically governed.

Both Georgia and Ukraine must solidify their gains and begin the MAP process. The road to NATO membership is often long and challenging, and no one would benefit—not the U.S., not NATO, nor the region—from delaying the start of this process.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 997, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE REGARDING CREATION OF REFUGEE POPULATIONS

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 185) expressing the sense of the House of Representatives regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 185

Whereas armed conflicts in the Middle East have created refugee populations numbering in the millions and comprised of peoples from many ethnic, religious, and national backgrounds;

Whereas Jews have lived mostly as a minority in the Middle East, North Africa, and the Persian Gulf region for more than 2,500 years;

Whereas the United States has long voiced its concern about the mistreatment of minorities and the violation of human rights in the Middle East and elsewhere;

Whereas the United States continues to play a pivotal role in seeking an end to the Arab-Israeli conflict in the Middle East and to promoting a peace that will benefit all the peoples of the region;

Whereas United States administrations historically have called for a just solution to the Palestinian refugee problem;

Whereas the Palestinian refugee issue has received considerable attention from countries of the world while the issue of Jewish refugees from the Arab and Muslim worlds has received very little attention;

Whereas a comprehensive peace in the region will require the resolution of all outstanding issues through bilateral and multilateral negotiations involving all concerned parties;

Whereas approximately 850,000 Jews have been displaced from Arab countries since the declaration of the State of Israel in 1948;

Whereas the United States has demonstrated interest and concern about the mistreatment, violation of rights, forced expulsion, and expropriation of assets of minority populations in general, and in particular, former Jewish refugees displaced from Arab countries as evidenced, inter alia, by—

(1) the Memorandum of Understanding signed by President Jimmy Carter and

Israeli Foreign Minister Moshe Dayan on October 4, 1977, which states that "[a] solution of the problem of Arab refugees and Jewish refugees will be discussed in accordance with rules which should be agreed";

(2) after negotiating the Camp David Accords, the Framework for Peace in the Middle East, the statement by President Jimmy Carter in a press conference on October 27, 1977, that "Palestinians have rights . . . obviously there are Jewish refugees . . . they have the same rights as others do"; and

(3) in an interview after Camp David II in July 2000, at which the issue of Jewish refugees displaced from Arab lands was discussed, the statement by President Clinton that "There will have to be some sort of international fund set up for the refugees. There is, I think, some interest, interestingly enough, on both sides, in also having a fund which compensates the Israelis who were made refugees by the war, which occurred after the birth of the State of Israel. Israel is full of people, Jewish people, who lived in predominantly Arab countries who came to Israel because they were made refugees in their own land.";

Whereas the international definition of a refugee clearly applies to Jews who fled the persecution of Arab regimes, where a refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country" (the 1951 Convention relating to the Status of Refugees);

Whereas on January 29, 1957, the United Nations High Commissioner for Refugees (UNHCR), determined that Jews fleeing from Arab countries were refugees that fell within the mandate of the UNHCR;

Whereas United Nations Security Council Resolution 242 of November 22, 1967, calls for a "just settlement of the refugee problem" without distinction between Palestinian and Jewish refugees, and this is evidenced by—

(1) the Soviet Union's United Nations delegation attempt to restrict the "just settlement" mentioned in Resolution 242 solely to Palestinian refugees (S/8236, discussed by the Security Council at its 1382nd meeting of November 22, 1967, notably at paragraph 117, in the words of Ambassador Kouznetsov of the Soviet Union), but this attempt failed, signifying the international community's intention of having the resolution address the rights of all Middle East refugees; and

(2) a statement by Justice Arthur Goldberg, the United States' Chief Delegate to the United Nations at that time, who was instrumental in drafting the unanimously adopted Resolution 242, where he has pointed out that "The resolution addresses the objective of 'achieving a just settlement of the refugee problem'. This language presumably refers both to Arab and Jewish refugees, for about an equal number of each abandoned their homes as a result of the several wars.";

Whereas in his opening remarks before the January 28, 1992, organizational meeting for multilateral negotiations on the Middle East in Moscow, United States Secretary of State James Baker made no distinction between Palestinian refugees and Jewish refugees in articulating the mission of the Refugee Working Group, stating that "[t]he refugee group will consider practical ways of improving the lot of people throughout the region who have been displaced from their homes";

Whereas the Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, which refers in Phase III to an "agreed, just, fair, and realistic solution to the refugee issue," uses language that is equally applicable to all persons displaced as a result of the conflict in the Middle East;

Whereas Israel's agreements with Egypt, Jordan, and the Palestinians have affirmed that a comprehensive solution to the Arab-Israeli conflict will require a just solution to the plight of all "refugees";

Whereas the initiative to secure rights and redress for Jews who were forced to flee Arab countries does not conflict with the right of Palestinian refugees to claim redress;

Whereas all countries should be aware of the plight of Jews and other minority groups displaced from countries in the Middle East, North Africa, and the Persian Gulf;

Whereas an international campaign is proceeding in some 40 countries to record the history and legacy of Jewish refugees from Arab countries;

Whereas a just, comprehensive Arab-Israeli peace cannot be reached without addressing the uprooting of centuries-old Jewish communities in the Middle East, North Africa, and the Persian Gulf; and

Whereas it would be inappropriate and unjust for the United States to recognize rights for Palestinian refugees without recognizing equal rights for Jewish refugees from Arab countries: Now, therefore, be it

Resolved, That—

(1) for any comprehensive Middle East peace agreement to be credible and enduring, the agreement must address and resolve all outstanding issues relating to the legitimate rights of all refugees, including Jews, Christians, and other populations, displaced from countries in the Middle East; and

(2) the President should instruct the United States Representative to the United Nations and all United States representatives in bilateral and multilateral fora to—

(A) use the voice, vote, and influence of the United States to ensure that any resolutions relating to the issue of Middle East refugees, and which include a reference to the required resolution of the Palestinian refugee issue, must also include a similarly explicit reference to the resolution of the issue of Jewish refugees from Arab countries; and

(B) make clear that the United States Government supports the position that, as an integral part of any comprehensive Arab-Israeli peace, the issue of refugees from the Middle East, North Africa, and the Persian Gulf must be resolved in a manner that includes recognition of the legitimate rights of and losses incurred by all refugees displaced from Arab countries, including Jews, Christians, and other groups.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would first like to commend my distinguished colleague, the gentleman from New York (Mr. NADLER), for introducing this important resolution.

When the state of Israel was founded in 1948, more than 150,000 Jews lived in Iraq. Iraq was truly a cradle of Jewish civilization, a site of Jewish learning from which one of Judaism's holiest books, the Talmud, emerged. For more than two millennia, as history books will attest, Jews also made vital contributions to wider Iraqi society.

Indeed, like Jews throughout the Arab world, Iraqi Jews for most of that long era enjoyed a quality of life far better than that of most Jewish communities in Europe.

That all changed for good in 1948, and in the years immediately preceding 1948, when the state of Israel declared its independence. Throughout the Arab world, Jews then became the objects of official scorn and often were fired from their jobs en masse. In many places, violence ensued against Jewish communities. Continuing to use Iraq as an example, that 150,000-strong community by 1952 had shrunk to a mere 30,000. The rest, the other 120,000, had effectively been forced out.

Overall, approximately 850,000 Jewish residents of the Arab world were expelled or otherwise forced to leave their homes, abandoning possessions and patrimony, in the years following Israel's creation in 1948. Vibrant, generations-old communities withered to near-negligible numbers.

That Iraqi community of 150,000 Jews in 1948 has dwindled to about ten today. In Egypt, a community of 75,000 in 1945 now numbers 50 to 100. In Aden, Yemen, a community of 63,000 in 1948 has shrunk to about 200 today. And 140,000 Jews lived in Tunisia in 1948; fewer than 100 remain. In Morocco, which is hailed today as the bastion of Jewish-Arab coexistence in the Arab world, a thriving community of more than a quarter million Jews lived their lives in peace before 1948. Today, there are perhaps 5,000 Jews residing in Morocco. Some left willingly; most felt they had no choice.

For centuries, long before the advent of Islam and long after it, Jewish communities lived peacefully and often prosperously and productively in Arab lands, among Arab people.

Their forced relocation and the material value they lost when they were compelled to abandon their homes and other property in Arab countries has never been redressed. Not one Jew from the Arab world has been compensated for his losses. Each one had to start over from scratch in his new land.

Compare the Jewish refugee experience with the Palestinian refugee experience. Neither Jewish refugees themselves, nor Israel, which was an underdeveloped country at the time it hosted most of these refugees, sought international aid from United Nations organizations or other international organizations. Both refugees and hosts envisioned and sought full integration into the larger society. The Arab world, in contrast, demanded the international community foot the bill for the refugees, who were to be kept in camps that, to this day, breed frustration, hatred and dependence.

The result of these contrasting approaches is this: While the plight of Palestinian refugees is well known throughout the world, has been the subject of numerous U.N. resolutions, and has been a major element in every Arab-Israeli peace plan, the plight of Jewish refugees is rarely mentioned.

Nevertheless, the rights and redress of Jewish refugees deserve recognition in any peace settlement. And, indeed, numerous international agreements pertaining to the Arab-Israeli conflict have been codified with the rights of Jewish refugees in mind.

U.N. Security Council Resolution 242 calls for a "just settlement to the refugee problem," without limiting that problem to Palestinians. Presidents Carter and Clinton each explicitly stated that the issue of Jewish refugees must be part of any comprehensive Arab-Israeli peace agreement.

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And lest there be any doubt about their status, let me point out this very important fact: The United Nations High Commission on Refugees in 1957 mandated that Jewish people who fled Arab countries are, indeed, "refugees."

The right of Jewish refugees from Middle Eastern lands to seek redress does not in any way conflict with the right of Palestinian refugees to seek redress, and the resolution before us states this explicitly. This resolution merely expresses the sense of Congress that Jewish refugees also should not be denied their legitimate rights.

We are simply seeking to ensure that any comprehensive Middle East settlement is just and fully just to all the parties. That sentiment of basic fairness is one I fully embrace.

I strongly support this resolution. And I again congratulate my colleague, Mr. NADLER, for offering it.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 185 regarding the creation of refugee populations in the Middle East, north Africa, and the Persian Gulf region resulting from human rights violations.

Discussions of Middle Eastern refugees invariably focus exclusively and short-sightedly on the plight of those of Palestinian descent. Few are aware of the injustices faced by hundreds of thousands of Jews, Christians and others who fled from Arab lands and Iran either as a direct result of the Arab-Israeli conflict or from persecution associated with that conflict.

Perhaps the most telling example, Madam Speaker, is the case of the Jewish refugees from Arab lands. Many Jews saw their communities, which had existed vibrantly for centuries even before the advent of Islam, systematically dismantled. Their populations throughout the Arab world and Iran was reduced from over 1 million to just several thousand. They lost their resources, their homes, and their heritage sites fleeing in the face of persecution, pogroms and brutal dictatorships.

Jewish refugees who fled Arab countries and Iran left behind what today amounts to billions of dollars in assets. Not only have they received not one thin dime of compensation to this day, but their plight has not even received recognition by the United Nations nor similar international institutions.

While countless U.N. resolutions have been adopted focusing on the Palestinian refugee issue, no conferences have been held on the Jewish refugees. No U.N. agencies nor international human rights organizations address their fate. Failure to recognize their plight, Madam Speaker, along with the plight of the Christian communities throughout the region, only serves to perpetuate their suffering. Therefore, in past Congresses, I have sponsored resolutions similar to the one before us today, House Resolution 185. This resolution urges greater recognition of the plight of these often overlooked refugees, it emphasizes that any comprehensive Middle East peace agreement can only be credible, can only be enduring if it resolves all issues related to the rights of all refugees in the Arab world and Iran, including Jews, Christians and others.

I am proud to be the lead Republican cosponsor of this resolution. And I thank my good friend and my colleague from New York, Congressman JERRY NADLER, for having the insight to introduce it.

I urge the House to adopt this very important resolution.

And with that, Madam Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I yield 6 minutes to the sponsor of the resolution, the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of this resolution which I introduced, along with Representatives ROS-LEHTINEN, CROWLEY and FERGUSON. I am proud to stand alongside of them, as well as Chairman BERMAN and Representative ACKERMAN, who have been strong leaders on the issue of Jewish refugees from Arab lands, in this historic moment of recognition of these refugees.

I would also like to take a moment to commend the leadership of our late chairman, Tom Lantos, whose leadership on this issue and on all human rights issues has been critical to opening this debate and to recognizing the rights of refugees throughout the world.

This resolution is not just about a forgotten chapter of history. For centuries, long before the advent of Islam and long after it, Jewish communities lived peacefully and often prosperously and productively in Arab lands among Arab people. Their forced relocation and the material value they lost when they were compelled to abandon their homes and other properties in Arab countries has never been redressed. For example, in Iraq, a community of 150,000 in 1948 dwindles to around 10 today. In Egypt, a community of 75,000 in 1945 became between 50 and 100 today. In Yemen and Aden, 63,000 in 1948 became 200 in 2003. 140,000 Jews lived in Tunisia in 1948, less than 100 remained in 2004.

In Morocco, which is hailed today as a bastion of Jewish-Arab coexistence in the Arab world, a thriving community of more than a quarter million Jews lived their lives in peace by 1948; by 2003, only 5,500 remained. Some left willingly, most did not.

While the plight of Palestinian refugees is well known throughout the world and has been a major element in every Arab-Israeli peace plan and negotiation, the plight of these Jewish refugees is rarely mentioned these days. Nevertheless, numerous international agreements pertaining to the Arab-Israeli conflict have been codified with the rights of the Jewish refugees in mind. U.N. Security Council resolution 242, passed on November 22, 1967, after the Six Day War, calls for a just settlement to the refugee problem without limiting that problem to Palestinians. In fact, the Soviet Union tried to limit that resolution to Palestinians and it was rejected.

Presidents Carter and Clinton stated explicitly that the issue of Jewish refugees must be a part of any comprehensive Arab-Israeli peace agreement. And lest there be any doubt about this status, the U.N. High Commission on Refugees in 1957 ruled that Jewish people that fled Arab countries were, indeed, "refugees."

This principle is reaffirmed in the Camp David Accords and in the Egyptian-Israeli Peace Treaty. The treaty states, "The parties agree to establish a Claims Committee for the mutual settlement of all financial claims." And it also states, "Jewish refugees have the same rights as others do."

These Jewish refugees, Madam Speaker, were expelled systematically under official regime policies, which included state-fostered anti-Jewish decrees, pogroms, murders and hangings, anti-Semitic incitement and ethnic cleansing. They were done in accordance with an Arab League 1947 decree that provided a formula to promote state-sanctioned discriminatory measures that were replicated in many Arab countries in a deliberate campaign to expel the entire Jewish population from their home countries. And unlike the Palestinians, the Jewish refugees, having been expelled from the Arab countries, were absorbed into their host countries, mostly by Israel. About 600,000 refugees went to Israel, and the remaining 300,000 fled to other countries, such as France, Canada, Italy and the United States. In Israel today, the majority of the population consists of Jews from Arab countries and their children and grandchildren.

The right of Jewish refugees from Middle Eastern lands to seek redress does not in any way conflict with the rights of Palestinian refugees to seek redress, and resolution states this explicitly. This resolution merely expresses the sense of Congress that Jewish refugees, many of whom were so effectively absorbed by the State of Israel, should not be denied their legitimate rights and compensation for the property of which they were deprived.

The resolution further states that a comprehensive Middle East peace agreement can be credible and enduring only if it achieves legitimate rights of all refugees, "including Jews, Christians and other populations" displaced from Middle East countries. Importantly, it also resolves that the President should instruct the U.S. Representative at the U.N. and all U.S. representatives in bilateral and multilateral fora to use their voice, their vote and the influence of the United States to ensure that any resolutions relating to the issue of Middle East refugees which include a reference to the required resolution of the Palestinian refugee issue must also include a similarly explicit reference to the resolution of the issue of Jewish refugees from Arab countries, and to make clear that the United States Government supports the position that as an integral part of any comprehensive and much to be desired Arab-Israeli peace, the issue of refugees from the Middle East, north Africa and the Persian Gulf must be resolved in a manner that includes recognition of the legitimate rights of and losses incurred by all refugees displaced from Arab countries, including Jews, Christians and other groups.

There is broad bipartisan support for this resolution, which was passed with unanimous consent from the Foreign Affairs Committee. Many Jewish groups have endorsed the resolution, including the American Jewish Committee, Conference of Presidents of Major American Jewish Organizations, Hadassah, the Union for Reform Judaism, the Jewish Council for Public Affairs, the Anti-Defamation League, and the Orthodox Union, among others. I must particularly acknowledge the work of B'nai B'rith International and the strong leadership of Justice for Jews from Arab Countries, which has led the International Rights and Redress Campaign. As of September 2007, this coalition to secure the rights of Jewish refugees from Arab lands includes 72 organizations and 20 countries.

It is important to deal with this issue now while some of the original refugees are still alive. Justice for Jews from Arab Countries has organized a campaign to conduct public education programs on the heritage and rights of former Jewish refugees from Arab countries, to register family history narratives, and to catalogue communal and individual losses suffered by Jews who fled from Arab countries.

By adopting this resolution and urging that the rights of Jewish refugees be recognized in any future comprehensive Middle East settlement, we are simply seeking to ensure that any such agreement is just, fully just to all parties. As a member of the Quartet, and in light of the United States' central and indispensable role in promoting a just Middle East peace, the U.S. must reaffirm that it embraces a just and comprehensive approach to the issue of Middle East refugees. I urge strong report for this resolution.

Mr. BERMAN. Madam Speaker, I yield 2 minutes to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for yielding and for his leadership on this important issue.

Madam Speaker, when Israel declared its independence in May, 1948, seven Arab nations immediately attacked the fledgling country and sought to drive Israel into the sea. Simultaneously, many of the same Arab nations forced their own Jewish citizens to leave their ancestral homes, making refugees out of nearly one million people.

The issue of Jewish refugees from Arab lands speaks to one of the fundamental problems of the Arab-Israeli conflict. Many Arab countries have refused to accept the existence of Israel, while cynically exploiting the Palestinian refugees in their war against Israel. Arab leaders willingly agree to confine the Palestinians to squalid camps where terrorism and extremism and hate are bred instead of resettling them and welcoming their Palestinian brothers to their own oil rich lands. They claim a "right of return" for Palestinian refugees in the hope that they will flood Israel in order to undermine and ultimately destroy the Jewish State of Israel.

Madam Speaker, this resolution begins to set the record straight, while setting out a balanced approach to address the refugee issue, all refugees.

Any peace plan must look at both sides of the refugee issue in an equal way. We must acknowledge the Jewish refugees from Arab lands, be aware of the hidden agenda behind a Palestinian "right of return" and expose the obstructive role played by both the Arab nations and the United Nations in the refugee issue. We must find just solutions for all refugees in this conflict, redressing the grievances of all sides while retaining Israel's integrity as a Jewish state.

Mr. WEXLER. Madam Speaker, I rise today in strong support of House Resolution 185, expressing the sense of the House of Representatives regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of unacceptable human rights violations and blatant anti-Semitism.

For over 2,500 years, Jewish communities have resided throughout the Middle East, North Africa, and the Gulf region in large numbers. Unfortunately these vibrant Jewish communities have often been considered second-class citizens under onerous rulers. In the 20th century, widespread persecution and mass violations of human rights against Jewish minorities in Arab countries became unfortunately commonplace.

Upon the declaration of the State of Israel's independence in 1948, the difficult status of Jewish minorities was greatly exacerbated as Arab nations declared war or supported the destruction of the nascent state. In response, many members of the Jewish community were forced to flee their countries of birth or faced becoming a political hostage. Jewish properties were unlawfully seized and confiscated without any compensation or just redress. While there were once nearly a million Jews living in these regions, today there are only a few thousand Jews remaining in these Arab countries.

Unconscionably, the story of the Jewish refugees from Arab countries has been neglected by the United Nations and the international community for far too long. While Palestinian refugees from Israel have been one of the focal points of the international community, Jewish refugees from Arab states have been forgotten, if not intentionally ignored. This resolution recognizes the over 850,000 Jewish refugees from Arab states and expresses the sense of Congress that the international community should acknowledge the Jewish refugee issue as a part of any settlement of the Middle East conflict.

It is clear that the violations of human rights against Jewish refugees from Arab countries have never been adequately addressed by the international community. As a cosponsor of H. Res. 185, I believe it is essential that Congress work with the administration to rectify this black mark on history. To this end, I urge my colleagues to join me in supporting this resolution, which sheds light on the plight of Jewish refugees throughout the Middle East.

Mr. KUCINICH. Madam Speaker, I rise in support of H. Res. 185. I commend this body for recognizing the rights of Jewish refugees displaced from Arab countries. I agree that a resolution that addresses the legitimate rights of all refugees is inherent to establishing enduring peace in the Middle East.

The resolution draws its strength by including all refugees in the Middle East, including Jews, Christians, minority communities, Iraqis, and Palestinians. A lasting peace in the Middle East must abate feelings of hostility throughout all refugee populations. As the resolution suggests, this includes recognition of Jewish, Palestinian, and Christian refugee populations but must also encompass all Middle East refugee populations "numbering in the hundreds of thousands and comprised of peoples from many ethnic, religious, and national backgrounds."

As such, I urge this body to continue to be mindful of and work toward peaceful, enduring solutions for all refugee populations in the Middle East. Currently the two largest refugee populations in the world are Iraqi and Palestinian refugees. The United Nations has estimated that there are approximately 2,000,000 Iraqi refugees currently displaced from their homes (and another 2,200,000 internally displaced). These Iraqi refugees endure deprivation of food, shelter, and medical care. The United States must be mindful of the role of our foreign policy in the creation of this refugee population and our continuing role in addressing this humanitarian crisis.

United Nations-recognized Palestinian refugees currently constitute an approximate 3,700,000-person population. According to the United Nations Relief and Work Agency, UNRWA, of these refugees, approximately 1,300,000 Palestinian refugees continue to live in 58 recognized refugee camps in Jordan, Lebanon, Syria, the West Bank, and the Gaza Strip. Moreover, ongoing Israeli policies like settlement expansion, which contravene the provisions of the Fourth Geneva Convention as well as the basis of Palestinian-Israeli peace agreements, create new refugee populations today.

I support H. Res. 185 for recognizing the displacement, human rights, suffering and loss of all refugees. I encourage this body to do so in a way that brings us closer to establishing a just and long-lasting Arab-Israeli peace. To make this dream a reality we must truly rise to become the "honest broker" of peace in the Middle East.

Mr. BURTON of Indiana. Madam Speaker, on April 1st, the House of Representatives approved an important piece of legislation, H. Res. 185, expressing the sense of the House of Representatives regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region. I was proud to support the passage of this legislation because it recognized all those who have suffered during this long-standing conflict. For the first time in my memory, the House of Representatives has gone on record to say that the refugee population in the Middle East is not simply comprised of Palestinians, it is also the 850,000 Jews who have been displaced from Arab countries since the declaration of the State of Israel in 1948. The U.S.-led roadmap to peace specifically calls for an "agreed, just, fair, and realistic solution to the refugee issue;" and in my opinion, and in the unanimous and united opinion of this House, that means Jewish and non-Jewish refugees alike.

Throughout my tenure in the United States Congress, I have seen the U.S. act as a stalwart champion of human rights, and I have seen this House stand up and voice concerns about the treatment of refugees and minorities, as well as concerns on violations of basic human rights throughout the Middle East and elsewhere. As the U.S. continues to play a pivotal role in seeking an end to the Arab-Israeli conflict in the Middle East, I urge my colleagues to continue to speak out and remind the world that we must not overlook the Jewish refugee problem in our enthusiasm for peace.

I look forward to working with my colleagues to further this important effort.

Mr. ELLISON. Madam Speaker, this week the House passed House Resolution 185, which expresses the sense of the House regarding the existence of refugee populations in the Middle East, North Africa, and the Persian Gulf region. In addition to the international concern about Palestinian refugees, this resolution calls attention to the injustices suffered by Jews and other ethnic groups that have lived as minorities in the region. I fully support this resolution's call for recognition of the rights of former Jewish, Christian, and other refugees from Arab countries.

While much of the resolution is important and sets forth historically accurate information, the final paragraph of the resolving clause conditions resolution of the Israeli-Palestinian conflict on resolution of "all refugees displaced from Arab countries." I share the goal of resolving all refugee issues in the Middle East, but I do not believe it is likely that they can be resolved through the Annapolis process or some future Israeli-Palestinian negotiating process. In my view, imposing such a condition will likely doom Annapolis and any subsequent good-faith effort to follow the roadmap to a permanent two-state solution first laid out in 2003. I certainly hope that all Middle Eastern refugee issues can and will he resolved, including refugees of the Jewish, Christian, Muslim and other minority faiths, but I cannot support linking the resolution of all Middle Eastern refugee issues to the resolution of the Israeli-Palestinian conflict. It's not fair to Israelis or to Palestinians to tie the resolution of their conflict to a global resolution of all Middle Eastern refugee issues.

I also disagree with the way the U.S. Congress, by passing this measure, has imposed new stipulations for any agreement, which effectively ties the hands of the Israeli and Palestinian negotiators.

These negotiators already have enough roadblocks to dismantle; the last thing that they need is the U.S.

Congress trying to prescribe a certain method or outcome on a difficult issue in the negotiations, which is the refugee issue. Many of my colleagues and I believe the Annapolis negotiations have not gone as well as we hoped, but they are still—for the moment—moving forward. Rather than trying to impose a particular outcome on refugee issues, the Congress should express its support of the process and encourage the parties to work toward resolution of the issues they have already agreed are most essential.

Again, I favor reducing the impediments to a final resolution to the Israeli-Palestinian conflict. Instead, this week's resolution raises a new roadblock to the implementation of the roadmap. I urge all parties to support the peace process as they carefully balance the interests of all refugees. Let's support the negotiations, move the panics to final status, and work towards of vision of peace.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, so I yield back the balance of my time.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 185, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING ALEXANDER LITVINENKO

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 154) expressing the sense of Congress that the fatal radiation poisoning of Russian dissident and writer Alexander Litvinenko raises significant concerns about the potential involvement of elements of the Russian Government in Mr. Litvinenko's death and about the security and proliferation of radioactive materials, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 154

Whereas Russian dissident and writer Alexander Litvinenko, a citizen and resident of Great Britain, suddenly fell ill on November 1, 2006, and died three weeks later in a London hospital;

Whereas British health officials concluded, following an autopsy, that Mr. Litvinenko died of radiation poisoning caused by ingestion of the radioactive element polonium-210, and British law enforcement officials have announced that they are treating Mr. Litvinenko's death as a murder;

Whereas polonium-210, according to the Health Physics Society, radiates alpha particles that cannot penetrate paper or human skin but, if ingested through eating, drinking, or breathing, are extremely toxic, with the ability to destroy cells, damage vital organs such as the liver, kidneys, and bone marrow, cause cancer, and result in human death;

Whereas according to the Health Physics Society, just one millionth of a gram of polonium-210 can be fatal, an amount invisible to the naked eye;

Whereas 97 percent of the world's legal production of polonium-210 occurs at the

Avangard nuclear facility in Russia, and Russia is the world's leading exporter of polonium-210 for commercial purposes;

Whereas polonium-210 is presently neither produced in nor commercially exported to Great Britain;

Whereas polonium-210, being especially dangerous to public health and safety if improperly handled, may attract the attention of terrorists because it can be easily and safely concealed and transported and is not usually detectable by radiation detectors;

Whereas this instance of poisoning by use of polonium-210 could serve as a model for future use of the radioactive element to assassinate individuals, poison and kill large numbers of people, or spread general panic and hysteria amongst the public;

Whereas Mr. Litvinenko was a former agent and official in the Federal Security Service of the Russian Federation during the period when present Russian President Vladimir Putin ran that agency;

Whereas in 1998 Mr. Litvinenko was fired from the Federal Security Service and subsequently arrested and briefly incarcerated without conviction for a criminal act after publicly accusing high-level officials of the Federal Security Service of crimes that included plotting assassination attempts;

Whereas Mr. Litvinenko fled Russia and successfully sought asylum in Great Britain, becoming a naturalized British citizen in October 2006;

Whereas Mr. Litvinenko, after arriving in Britain, repeatedly accused the Federal Security Service and many of its officers, including now-President Putin, of involvement in organized crime, assassinations, and other illegal activity;

Whereas on November 1, 2006, before falling ill, Mr. Litvinenko reportedly met with three citizens of Russia, including former Federal Security Service agent Andrei Lugovoi;

Whereas the manner in which the polonium-210 was obtained, transported, and used must be fully investigated and revealed in order to reveal any defects or inadequacies in the present safeguard regime for that substance administered by the Russian Government and in order to prevent the unlawful, criminal, or terrorist acquisition or use of polonium-210 in the future;

Whereas the danger posed by polonium-210, as displayed by the discovery, subsequent to Mr. Litvinenko's death, of numerous cases of its exposure to objects and persons who had contact with Mr. Litvinenko and his meal companions, demonstrates the threat that the proliferation and use of polonium-210 poses to the lives of innocents worldwide, as well as to international security;

Whereas on July 15, 2006, the United States and Russia jointly announced the Global Initiative to Combat Nuclear Terrorism, which "will enhance cooperation . . . to combat the global threat of nuclear terrorism . . . [including] determined and systematic efforts to improve accounting, control, and physical protection of nuclear material and radioactive substances, as well as security of nuclear facilities; [and] detect and suppress illicit trafficking or other illicit activities involving such materials, especially measures to prevent their acquisition and use by terrorists";

Whereas Mr. Lugovoi has won immunity from prosecution as a member of the Russian Duma in December 2007 elections allegedly influenced by government electoral manipulation, which provides credence to claims that he has enjoyed official support in obtaining that office and its associated immunity; and

Whereas the British investigation into Mr. Litvinenko's murder continues in an atmosphere of deteriorating relations between the United Kingdom and the Russian Federation due, in part, to a lack of agreement on the further pursuit of that investigation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the fatal radiation poisoning of Alexander Litvinenko raises significant concerns about the potential involvement of elements of the Russian Government in Mr. Litvinenko's death, and about the security and proliferation of radioactive materials;

(2) the use of such radioactive materials in such cases demonstrates a threat to the safety and security of the people of the Russian Federation, the United Kingdom, the United States, and other countries; and

(3) the President of the United States and the Secretary of State should urge Russian President Vladimir Putin and other officials of the Russian Government to cooperate fully with the British Government in its investigation into Mr. Litvinenko's death and to ensure the security of the production, storage, distribution, and export of polonium-210 as a material that may become dangerous to large numbers of people if utilized by terrorists.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, I am pleased to support this resolution that notes the tragic poisoning of Alexander Litvinenko, expresses concern about the potential involvement of elements of the Russian Government in his death, and highlights the need to ensure the security of radioactive materials.

□ 1315

And I'd like to thank my good friend and the ranking member of the Foreign Affairs Committee, ILEANA ROS-LEHTINEN of Florida, for introducing this important measure.

In late November 2006, Americans joined with many around the world in watching with horror as a youthful, energetic Russian dissident and British citizen dramatically changed appearances within days. Who can forget the piercing blue eyes of the bald and gaunt man staring intently at the camera from a London hospital bed?

After the completion of an autopsy, British health officials concluded that Alexander Litvinenko had died on November 23, 2006 of radiation poisoning caused by ingesting the radioactive element Polonium-210. British law enforcement officials classified his death as murder.

Alexander Litvinenko was an agent in the Federal Security Service of the Russian Federation at the time when Vladimir Putin ran the agency. Mr. Litvinenko was fired from the service in 1998, then was arrested and briefly held without conviction after accusing senior Security Service officials of assassination plots.

Mr. Litvinenko successfully sought asylum in Britain, from where he continued to accuse the Security Service of involvement in illegal activities.

The night before falling ill, Mr. Litvinenko reportedly dined with three Russian citizens, including former Federal Security Service Agent Andrei Lugovoi.

On May 22, 2007, British authorities announced their intent to prosecute Mr. Lugovoi for the murder of Mr. Litvinenko. After Russia refused to extradite Mr. Lugovoi to Britain, a political dispute ensued between the two countries that resulted in the mutual expulsion of diplomats.

The murder of Alexander Litvinenko clearly raises disturbing questions about how elements of the Russian Government appear to deal with their enemies and perceived threats.

It also raises worrying questions about the security and proliferation of radioactive material. 97 percent of the world's legal production of Polonium-210 occurs at the Avangard nuclear facility in Russia, the country that is also the world's leading exporter of this substance for commercial purposes.

If the Russian government is not responsible for Litvinenko's death, as President Putin has stated, then it should be urgently investigating the security of the production, storage, distribution and export of Polonium-210 to prevent grave threats to international security.

The resolution calls on President Bush and Secretary Rice to urge President Putin and President-elect Medvedev to cooperate with British authorities in finding answers to ensure the safety and security of all our citizens.

I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 154, which I introduced.

The purposes of this measure, they're very straightforward. First, it is to put this Congress on record as being skeptical, to say the least, about the Russian Government's views and positions regarding the murder of the Russian dissident and writer Alexander Litvinenko in November of 2006.

We must keep in mind that Litvinenko, as a former agent of the Russian Security Service, was in a position to speak with credibility when he charged high level officials of the Russian Government with involvement in assassinations and organized crime and the use of state-sponsored terrorism for political purposes in the 1999 bombings of several Russian apartment buildings.

We note that Mr. Litvinenko's poisoning with the radioactive material known as Polonium-210 raises some interesting general facts. Polonium-210 is not produced, nor commercially exported to Britain where Mr. Litvinenko was murdered. Indeed, as Mr. BERMAN pointed out, 97 percent of the world's production of Polonium-210 takes place in Russia. And indeed, after the poisoning of Litvinenko in London, British investigators were able to track traces of the material to passenger aircraft serving the London to Moscow route.

Furthermore, the British investigation into the murder has found that Litvinenko had met with three visitors from Russia prior to the detection of the radioactive poison in his body. The British authorities are now, in fact, seeking to prosecute a Russian citizen who currently resides in Russia for his involvement in the murder.

The second purpose of this measure, Madam Speaker, is to point out that Polonium-210 would prove to be a dangerous weapon that Islamic radicals could use seeking to inflict large numbers of civilian casualties, not just to murder an individual. Therefore, as the dominant producer of this material, it is incumbent upon the Russian Government to ensure the security from proliferation of the Polonium-210, and this resolution indeed makes that case.

Madam Speaker, in closing, I note that former Deputy Secretary of State Strobe Talbott appeared before our Foreign Affairs Committee last October and said the following when asked about this case, and I quote. "Many of the people running Russia today come from Security Services, the secret police. There has been a long and unbroken tradition of the use of murder as a means of controlling Russian society. And I can tell you that our British colleagues believe that they have at least a prosecutable case that goes very, very close to the seat of power in Moscow."

Madam Speaker, the perpetrators of the 1999 apartment building bombings in Russia probably hope that the passage of time would cover their tracks and that people would forget and move on. That appears to be the case in Moscow with this case as well, unfortunately.

So the question before our President and this Congress is the following: Will that be allowed to happen in the Litvinenko case as well?

I urge my colleagues to support this resolution to keep in mind that the people of Russia live with this kind of threat every day. Their government is aggressively working to take back control over the economy, over their livelihoods, their access to uncensored news and their personal freedoms.

So, Madam Speaker, I hope that the House passes this resolution.

Mr. PAUL. Madam Speaker, I rise in strong opposition to this ill-conceived resolution. The U.S. House of Representatives has no business speculating on guilt or innocence in a crime that may have been committed thousands of miles outside United States territory. It is arrogant, to say the least, that we presume to pass judgment on crimes committed overseas about which we have seen no evidence.

The resolution purports to express concern over the apparent murder in London of a shadowy former Russian intelligence agent, Alexander Litvinenko, but let us not kid ourselves. The real purpose is to attack the Russian government by suggesting that Russia is involved in the murder. There is little evidence of this beyond the feverish accusations of interested parties. In fact, we may ultimately discover that Litvinenko's death by radiation poisoning was the result of his involvement in an international nuclear smuggling operation, as some investigative reporters have claimed. The point is that we do not know. The House of Representatives has no business inserting itself in disputes about which we lack information and jurisdiction.

At a time when we should be seeking good relations and expanded trade with Russia, what is the benefit in passing such provocative resolutions? There is none.

Madam Speaker, I would like to draw your attention to a very thought-provoking article by Edward Jay Epstein published recently in the New York Sun, which convincingly calls into question many of the assumptions and accusations made in this legislation. I would encourage my colleagues to read this article and carefully consider the wisdom of what we are doing.

Ms. ROS LEHTINEN. I have no further requests for time, and I give back the balance of our time.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 154, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CIVIL RIGHTS ACT OF 1964 COMMEMORATIVE COIN ACT

Mr. SCOTT of Georgia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2040) to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Act of 1964 Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress hereby finds as follows:

(1) On December 1, 1955, Rosa Parks' brave act of defiance, refusing to give up her seat to a white person on a segregated bus in Montgomery, Alabama, galvanized the modern civil rights movement and led to the desegregation of the South.

(2) On February 1, 1960, 4 college students, Joseph McNeil, Franklin McCain, David Richmond, and Ezell Blair, Jr., asked to be served at a lunch counter in Greensboro, North Carolina, and lunch counter sit-ins began to occur throughout the South to challenge segregation in places of public accommodation.

(3) On May 4, 1961, the Freedom Rides into the South began to test new court orders barring segregation in interstate transportation, and riders were jailed and beaten by mobs in several places, including Birmingham and Montgomery, Alabama.

(4) Dr. Martin Luther King, Jr., was the leading civil rights advocate of the time, spearheading the civil rights movement in the United States during the 1950s and 1960s with the goal of nonviolent social change and full civil rights for African Americans.

(5) On August 28, 1963, Dr. Martin Luther King, Jr., led over 250,000 civil rights supporters in the March on Washington and delivered his famous "I Have A Dream" speech to raise awareness and support for civil rights legislation.

(6) Mrs. Coretta Scott King, a leading participant in the American civil rights movement, was side-by-side with her husband, Dr. Martin Luther King, Jr., during many civil rights marches, organized Freedom Concerts to draw attention to the Movement, and worked in her own right to create an America in which all people have equal rights.

(7) The mass movement sparked by Rosa Parks and led by Dr. Martin Luther King, Jr., among others, called upon the Congress and Presidents John F. Kennedy and Lyndon B. Johnson to pass civil rights legislation which culminated in the enactment of the Civil Rights Act of 1964.

(8) The Civil Rights Act of 1964 greatly expanded civil rights protections, outlawing racial discrimination and segregation in public places and places of public accommodation, in federally funded programs, and employment and encouraging desegregation in public schools, and has served as a model for subsequent anti-discrimination laws.

(9) We are an eminently better Nation because of Rosa Parks, Dr. Martin Luther King, Jr., and all those men and women who have confronted, and continue to confront, injustice and inequality wherever they see it.

(10) Equality in education was one of the cornerstones of the civil rights movement.

(11) On September 10, 1961, Dr. Martin Luther King, Jr., wrote that African American "students are coming to understand that education and learning have become tools

for shaping the future and not devices of privilege for an exclusive few''.

(12) Over its long and distinguished history, the United Negro College Fund has provided scholarships and operating funds to its member colleges that have enabled more than 300,000 young African Americans to earn college degrees and become successful members of society.

(13) Those graduates include Dr. Martin Luther King, Jr., as well as leaders in the fields of education, science, medicine, law, entertainment, literature, the military, and politics who have made major contributions to the civil rights movement and the creation of a more equitable society.

(14) Congress has an obligation to lead America's continued struggle to fight discrimination and ensure equal rights for all.

(15) The year 2014 will mark the semicentennial of the passage of the Civil Rights Act of 1964.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 350,000 $1 coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—The design of the coins minted under this Act shall be emblematic of the enactment of the Civil Rights Act of 1964 and its contribution to civil rights in America.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year ''2014''; and

(3) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2014, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2014.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the United Negro College Fund (UNCF) to carry out the purposes of the Fund, including providing scholarships and internships for minority students and operating funds and technology enhancement services for 39 member historically black colleges and universities.

(c) AUDITS.—The United Negro College Fund shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Fund under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Nevada (Mr. HELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Madam Speaker, I yield myself just a couple of minutes here at the beginning.

This is a very, very important and timely piece of legislation. H.R. 2040 is the Civil Rights Act of 1964 Commemorative Coin Act. As a steadfast proponent of this most important legislation, it is indeed my honor and privilege.

First and foremost, I wish to commend my good friend and my own personal hero and mentor from the great State of Georgia, my colleague, Mr. JOHN LEWIS, on the extraordinary work that he has done throughout his entire life, and certainly on the work to bring this commemorative coin bill recognizing the 50th anniversary of the passage of the Civil Rights Act of 1964 to the floor with the minting of a $1 coin.

I applaud the bill for honoring not only the importance of this legislation, but also the many contributions of so many Americans from all walks of life, from all different backgrounds that have come together to make this country great, and certainly have made outstanding contributions during the civil rights era.

I further want to acknowledge the vital role of the United Negro College Fund, UNCF, that they have played in ensuring access to and opportunities for higher education for so many deserving students who, if it had not been for the UNCF, would not have received a college education. During its 64-year existence, the UNCF has raised more than $2.3 billion to support its 39 Historically Black Colleges and University member institutions. And during 2007, the UNCF raised an impressive $220 million in scholarships to help some 65,000 students realize their dreams of receiving a college education. So it's important for us to note that this is more than just a piece of legislation for it's important to note that the proceeds from the sale of this coin will go towards advancing what the Civil Rights Act initially made possible, opportunity for education and empowerment by benefiting the United Negro College Fund and those member schools which played such a vital role, Madam Speaker, in the sit-ins, they started on black college campuses, on the marches, the civil rights marches started by students on black college campuses, demonstrations in the deep south and throughout this country energized by those on black college campuses. These United Negro College Fund students, graduates, faculty and institutions played a significant part in the Civil Rights Movement, and I, as a young activist at that time, as many of my colleagues, am a graduate myself of a Historically Black University, Florida A&M University. And I might add, had it not been for Florida A&M University, Madam Speaker, I would not be standing in the Congress of the United States today.

Now, granted we've come a long way. However, there is still much, much work to do. I am living proof that minorities are able to elect the candidate of their choice as I was elected to the Georgia House of Representatives 34 years ago, becoming the youngest legislator to serve in the State House of Representatives at that time. I owe a tremendous debt of gratitude to those who came before me, and the Civil Rights Act of 1964 has been instrumental in achieving all of these successes.

I submit the following correspondence for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 2008.
Hon. BARNEY FRANK,
Chairman, Financial Services Committee,
Washington, DC.

DEAR CHAIRMAN FRANK, I am writing regarding H.R. 2040, the Civil Rights Act of 1964 Commemorative Coin Act.

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 2040 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2040, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 2008.
Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHARLIE: I am writing in response to your letter regarding H.R. 2040, the "Civil Rights Act of 1964 Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on April 25, 2007. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 2040 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on these provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

☐ 1330

Madam Speaker, I reserve the balance of my time.

Mr. HELLER of Nevada. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it's a great honor to rise today to support passage of legislation honoring the 50th anniversary of the Civil Rights Act of 1964 with the minting of a commemorative $1 coin.

It is a particular honor to be working on a bill sponsored by one of the heroes of the civil rights movement, Congressman JOHN LEWIS and my colleague DEBORAH PRYCE.

Madam Speaker, the Civil Rights Act is widely recognized as one of the most effective, influential pieces of legislation passed by the United States Congress in the last century. The statute helped dismantle the insidious system of legalized discrimination in voting and public accommodations in America and served as a model for subsequent civil rights laws. Equally important, the Civil Rights Act helped America belatedly reach the promise put forth by our Founding Fathers, that all men are indeed created equal.

The Act is the bedrock for the America we know today, a Nation that recognizes the equal rights of the disabled, women, the elderly, minority citizens, and other groups as invaluable contributors to our society, and all inherently equally deserving of the protections afforded by our Constitution.

The bill before us today provides for the minting of a Civil Rights Commemorative Coin, with the proceeds expected to raise up to $2.5 million for the United Negro College Fund, providing scholarships and internships for minority students and assisting our Nation's Historically Black Colleges and Universities. As the bill honors our Nation's past, it helps to fund our Nation's future.

Madam Speaker, it is a great honor for me to be joined in this legislative effort by Congressman JOHN LEWIS. Mr. LEWIS, the principal sponsor, is a man whose courage, thoughtful advocacy, and leadership in the struggle for civil rights speaks for itself. His brave leadership in the first Selma to Montgomery march, and his support for nonviolent revolution in the face of the brutal attacks of that fateful Sunday are the very acts of courage the coin seeks to honor for future generations.

It is especially auspicious that we are taking up the bill this week, because Friday marks the tragic 40th anniversary of the assassination of Dr. Martin Luther King, Jr. Today, we can help honor his legacy and his indelible and inalterable imprint on America by authorizing a tribute to his historic works in the form of a commemorative coin. While it is but a small tribute to a man who gave his life for our betterment, it is a permanent statement of gratitude from a Nation forever thankful for his vision, compassion, and determination.

Madam Speaker, pick up any newspaper in the country and you will see that the topic of race relations continues to be an important part of our American dialogue. But we should not be a Nation that hides from its past. We cannot sweep our past mistakes under the rug and refrain from debate on topics that we might find uncomfortable. Rather, we must know that the fight for equality for all is never ending and that recognizing and understanding our Nation's past is critical if we are to ensure a just America for all in the future.

The fight for civil rights continues, and the Civil Rights Commemorative Coin honors both our Nation's historic struggles and the promise for justice and equality for all the generations that will follow us.

I urge immediate passage of this bill, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Let me just extend my deep appreciation to the gentleman from Nevada (Mr. HELLER) for his kind words. They were very touching and meaningful. Thank you very much.

Now, Madam Speaker, if I may yield time to probably the most fitting and appropriate person to speak on this bill, the author of the bill, my friend and a man who has put his life on the line repeatedly for civil rights, for human rights and for making this country and the world the beloved place that we all seek. Let me yield as much time as he may need to my good friend, JOHN LEWIS of Georgia.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my friends and my two colleagues for those kind words.

I'm honored to stand here today as the chief sponsor of this legislation to recognize the brave and courageous men and women who paved the way for the historic, and necessary, set of laws we call the Civil Rights Act of 1964.

We would not be standing here today with this bill being considered on the floor, with 313 cosponsors, without the help of my good friend and colleague, Representative VIC SNYDER. Representative SNYDER was a champion of this bill. I appreciate his support of this bill and the ideas behind it.

I would also like to acknowledge Congresswoman DEBORAH PRYCE for her willingness to cosponsor this bill with me.

On December 1, 1955, Rosa Parks' brave act of defiance, refusing to give up her seat to a white person on a segregated bus in Montgomery, Alabama, galvanized the modern-day civil rights movement. I remember as a young child, 15 years old, listening to the radio and hearing about Rosa Parks and the voice of Martin Luther King, Jr.

Their work inspired me and so many others to take up the cause of equality and join the movement. We must never forget the sacrifices that so many made.

I am proud, very proud, to be the lead sponsor of this legislation, which celebrates the Civil Rights Act of 1964, and to remember those who fought for its passage.

In 2014, the 50th anniversary of the 1964 Civil Rights Act, commemorative coins will be minted with the images of the brave men and women who fought, and even died, for these laws. These coins will serve as educational tools for our children and their children, so that the struggle that so many took part in will never, ever be forgotten.

The Civil Rights Act of 1964 was necessary, and it was right to pass. It greatly expanded civil rights protections. It outlawed segregation and racial discrimination in public places, places of public accommodation, the workplace, and even in federally funded programs. It also pushed to end segregation in our Nation's schools.

It is only right then that we are working with the United Negro College Fund to commemorate the 50th anniversary of this historic milestone. Discrimination in our education system was real. For many African Americans, their only hope for a college education was through a UNCF school. UNCF institutions were founded to provide an education for African Americans who were banned by law or by custom from seeking a college education in the all-white public and private universities of the South.

Today, UNCF continues their important mission of opening the doors to a college education. Over 60 percent of UNCF-supported students are the first in their families to attend college. By helping to fund the UNCF, these coins will put in reach a college education for first-generation students while also helping to ensure these important institutions of higher education remain open for future and unborn generations.

I'm proud to stand here today as we pay tribute to the 1964 Civil Rights Act and to remember those who made it possible. There is still much work to be done, and we must continue to fight today, tomorrow, and into the future.

I urge all of my colleagues to vote for this bill.

Mr. SCOTT of Georgia. Madam Speaker, now I would like to extend and yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, first of all, I want to thank Representative SCOTT from Georgia for yielding time, and I also want to commend the sponsor of this legislation and recognize his tremendous leadership in the struggle for human rights since his teen years when he was a mere lad. We heard him mention the age of 15, and that's about the time that he became actively engaged and involved in the struggle for human rights.

This legislation highlights the Voting Rights Act of 1964, which even though all people in our country supposedly had the right to vote prior to that time, it provided the kind of protections that were necessary to make sure that those rights were not taken away, that those rights were not denied.

I also want to commend Representative LEWIS for his creative way of helping to raise money for the United Negro College Fund. I've been getting phone calls from my brother all week, and I know why he's calling me, because every year he and a friend of his, Jackis Casson, put on an event to raise money for the United Negro College Fund. And so he's been calling to solicit me to buy my tickets, and so the more money that we can generate through this legislation, the less money I might have to give.

So I commend you so much and thank you so much.

Mr. HELLER of Nevada. Madam Speaker, I yield back the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, this has been an extraordinary occasion. It is very important to remember where we have been so that we will have a good guide to determine where we need to go, and we have done that this afternoon in not only memorializing this important Civil Rights Act, but using this memorial of the 50th anniversary of the passing of the Civil Rights Act to make a difference where it counts the most, and that is in helping with the education of our young people.

We have, indeed, made a difference here today. I recommend this bill, and we feel very strongly that we will get a unanimous vote on this bill.

Mr. BISHOP of Georgia. Madam Speaker, I rise today in support of H.R. 2040 which is authored by my good friend from the Georgia delegation, Mr. JOHN LEWIS.

Almost 44 years ago, the Civil Rights Act was passed into law. The legislation was a long time in coming—in 1957 and 1960 similar legislation had failed to pass Congress, and many attempts were made to derail the bill that was eventually signed into law by President Lyndon Johnson on July 2, 1964.

However, the period leading up to passage of the Civil Rights Act seemed to happen in the blink of an eye compared to the long and arduous journey we have endured since. Ensuring equality for men and women of every race, creed, and orientation, though fixed in our laws in 1964, was not immediately fixed in the hearts and minds of the American people.

Martin Luther King once said, "The arc of the moral universe is long, but it bends towards justice."

So it has been with civil rights in this country. And, just as passage of antidiscrimination legislation did not end social discord in 1964, memorializing the Civil Rights Act on a coin from the U.S. Treasury, as H.R. 2040 proposes, does not mean discrimination has run its course in the United States. More than ever, as the United States struggles with the problem of so many foreign born living in this country, contemplates the idea of a black man or a woman as the President of this country, and negotiates with nations whose religion and morals differ widely from our own, we need to remember the values inherent in the Civil Rights Act.

I commend Mr. LEWIS and all the cosponsors for bringing this legislation to the floor and I urge all my colleagues to join us in support of it.

Ms. JACKSON-LEE of Texas. I rise today in strong support of H.R. 2040, requiring the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964, introduced by my distinguished colleague from Georgia, Representative JOHN LEWIS.

I speak out today to commemorate the progress we have made in casting out the demons of prejudice and discrimination. I speak out today recognize the steps we have taken as a Nation to get closer to the American Creed. However, I must also speak out today to call attention to the progress we have yet to make in order to fulfill the tenants of Civil Rights Act of 1964. I speak out today to challenge this Nation to uphold our founding principles of equal opportunity for all, regardless of race, color, sex, religion and national origin.

Though 44 years have passed since the passage of the Civil Rights Act of 1964, today, in 2008, we are still witnessing horrible violations of the principles of this act. To cite a recent example, in Waller County, Texas, an attempted disenfranchisement of Prairie View A&M University students continues today, although the U.S. Supreme Court affirmed Prairie View A&M University student voter rights in 1979.

On November 5, 2003, the Waller County, Texas district attorney requested that the county Elections Administration bar the students at Historically Black College Prairie View A&M University from voting locally by virtue of his unilateral interpretation of "domicile" for voting purposes. Texas voter registration law only requires a person to be a resident of the county at least 30 days prior to the elections. African-American students represent the majority of Prairie View A&M's student body of 7,000 members, and these students constitute a major voting bloc in Waller County. The district attorney's request sought to effectively disenfranchise African-American college students in this area; as such, this request suggested a form of voter intimidation and likely had the effect of denying or abridging the right to vote on account of race or color. Despite a prolonged dialog with Texas officials regarding this matter, relief from the pressures and intimidation experienced by the students when attempting to exercise their rights was never provided. This example does not stand alone among the long list of discriminatory acts that continue to plague our Nation.

The Civil Rights Act of 1964 Commemorative Coin Act requires the Secretary of the Treasury to mint and issue, during 2014, up to 350,000 $1 coins designed to be emblematic of the enactment of the Civil Rights Act of 1964 and its contribution to civil rights in America. This coin would symbolize our progress, commemorate the 50th anniversary of the Civil Rights Act of 1964, and serve as a constant reminder of the work we still have to do. The Civil Rights Act of 1964 Commemorative Coin Act would also provide a surcharge of $10 per coin. All surcharges received in conjunction with the sale of this coin would be paid to the United Negro College Fund, UNCF. The $10 per coin surcharge will help the UNCF provide scholarships and internships for minority students. The money will also provide operating funds and technology enhancement services for 39 member historically Black colleges and universities throughout America.

Madam Speaker, this important legislation would commemorate a landmark event in our history as Americans. By requiring the Secretary of the Treasurer to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964, this legislation will celebrate our history, while also pushing us forward into a better future. For these reasons, I strongly support H.R. 2040 and urge all Members to do the same.

Mr. SCOTT of Georgia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 2040, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR A NATIONAL DAY OF REMEMBRANCE FOR HARRIET ROSS TUBMAN

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 310) expressing support for a national day of remembrance for Harriet Ross Tubman.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 310

Whereas Harriet Ross Tubman was born into slavery in Bucktown, Maryland, in or around 1820;

Whereas in 1849 she escaped to Philadelphia and became a "conductor" on the Underground Railroad;

Whereas she was commonly referred to as "Moses" due to her courage and sacrifice in leading many enslaved persons out of bondage into freedom, endeavoring despite great hardship and danger of being re-enslaved;

Whereas Harriet Ross Tubman became an eloquent and effective speaker on behalf of the movement to abolish slavery;

Whereas during the Civil War, Harriet Ross Tubman assisted the Union Army as a cook, nurse, scout, spy, and became the first woman to lead an armed expedition in the war, leading to the liberation of more than seven hundred slaves;

Whereas after the Civil War, she became active in the women's suffrage movement and continued to fight for human dignity, human rights, opportunity, and justice;

Whereas in 1896, Harriet Ross Tubman purchased 25 acres of land in Auburn, New York, to create a home and hospital for indigent, aged, and sick African-Americans, which opened on June 23, 1908, as the Harriet Tubman Home for the Sick and Aged, becoming the only charity outside of New York City dedicated to the shelter and care of African-Americans in New York;

Whereas in 1944 the United States Maritime Commission launched the SS Harriet Tubman (Hull Number 3032), the first Liberty ship ever named for an African-American woman;

Whereas in 1978, Harriet Ross Tubman was the first honoree in the United States Postal Service Black Heritage Stamp Series;

Whereas the Episcopal Church has designated Harriet Ross Tubman a saint in its Book of Common Prayer;

Whereas Harriet Ross Tubman, whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to serve and inspire all people who cherish freedom, died at her home in Auburn, New York, on March 10, 1913;

Whereas March 10, 1990, was designated as Harriet Ross Tubman Day and States such as Delaware, Georgia, Maryland, New York, and Texas host annual celebrations that honor the life of Harriet Tubman; and

Whereas we support honoring the contributions of Harriet Ross Tubman annually on March 10: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the designation of a national day of remembrance for Harriet Ross Tubman; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate a national day of remembrance for Harriet Ross Tubman.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Con. Res. 310, which seeks to honor the life of Harriet Tubman and acknowledge the many sacrifices she made on behalf of freedom and the inalienable rights of all men and women.

She was a steadfast warrior for the values which we cherish today: freedom, justice, and equality for all. Without her, these values would not have been enjoyed by the dozens of African Americans that she rescued from slavery, in addition to many more that she helped by her unwavering commitment to emancipation.

☐ 1345

H. Con. Res. 310 was introduced by Representative ELIJAH CUMMINGS of Maryland on March 5, 2008, and was considered by and reported from the Oversight Committee on March 13, 2008, by voice vote.

The measure has the support of over 60 Members of Congress and provides our body a collective opportunity to recognize and pay tribute to a woman who dedicated her life to ensuring equality and freedom, which stand at the foundation of our country, were afforded to all of its citizens, including those enslaved in the South.

Harriet Tubman was born Araminta Ross in 1820 to Harriet "Rit" Green and Ben Ross, a slave couple from Dorchester County, Maryland. From an early age, it was evident that Harriet Tubman was willing to put her life on the line to assist African Americans in escaping that peculiar institution we know as slavery. At 12 years old, she suffered a traumatic blow to the head from her overseer when she refused to help restrain a slave who was escaping. Due to the head injury she sustained, Harriet was plagued for the rest of her life with violent seizures and spells of unconsciousness.

Yet despite these ailments, Harriet Tubman continued to press on. In 1849 Harriet Tubman managed to escape from the plantation she worked on, located in the eastern part of Maryland. On her first trip up north, Tubman made great use out of the Underground Railroad and crossed over 90 miles to reach her final destination of Pennsylvania. Because of the dangers that lined every step of her journey, she had to travel at night, using the North Star for guidance. When she reached Philadelphia, she recalled that it felt like she was in heaven. Yet the memory of her family still in bondage caused Harriet to leave "heaven" and voluntarily return to the land of her enslavement. After the decision to save her family, she spent the majority of her life bringing individuals out of slavery by way of the Underground Railroad. In fact, Tubman became known as Moses because of her relentless efforts to aid more and more African American slaves out of captivity.

For 11 years Harriet Tubman risked her life to free over 70 slaves and their families. She also served as a Union spy during the Civil War and assisted abolitionist John Brown in recruiting men for the raid on Harpers Ferry in 1859. In the post-war era, Tubman devoted her efforts towards the women's suffrage movement up until her death in 1913. In a letter to honor her memory, Frederick Douglass wrote: "Excepting John Brown, of sacred memory, I know of no one who has willingly encountered more perils and hardships to serve our enslaved people than she has."

Madam Speaker, let us honor this true patriot for the courage and tenacity that she has shown in the face of great danger and great adversity. Harriet Tubman deserves our utmost respect and gratitude for her unconquerable valor, her harrowing dedication, and her unshakable faith all in the name of freedom. Therefore, I urge swift passage of H. Con. Res. 310.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of this resolution honoring Harriet Tubman.

Madam Speaker, Harriet Tubman is an American icon. She exemplified the ideals of courage, loyalty, and commitment in the face of adversity. After escaping from slavery in 1849, she immediately returned to Maryland at great personal risk to rescue her family members and others still bound in slavery. Some of the houses she used to stow escaped slaves are but a few miles from this very Chamber.

Over the course of her years as the self-described "conductor" of the Underground Railroad, Tubman led 13 missions into Maryland and rescued more than 70 slaves. She didn't stop with leading slaves to freedom. She also helped them find jobs, founded a community in Canada where freed slaves could be safe from fugitive slave laws, and later opened a home for elderly African Americans.

Tubman played an integral role in the 1859 raid on Harpers Ferry, West Virginia. She helped John Brown contact freed slaves and garnered support from other abolitionists and sympathizers in Pennsylvania, Maryland, and Delaware. As a member of the Union Army during the Civil War, Tubman became the first woman in American history to lead an armed expedition. When slavery finally ended in the United States, she turned her considerable talents and energies towards the women's suffrage movement. She represented all that is great about America: the ability, the will, and the wherewithal to do that which is right and, more importantly, to do it for precisely that reason.

Madam Speaker, I want to thank Mr. CUMMINGS for introducing this resolution, and I thank Mr. DAVIS for helping us shepherd this through the committee, and I urge its adoption.

Mr. KUCINICH. Madam Speaker, I rise today in strong support of H. Con. Res. 310: Expressing support for a national day of remembrance for Harriet Ross Tubman. I wish to thank Representative CUMMINGS for sponsoring this important legislation.

Harriet Tubman was a remarkable woman, whose courage, struggle and dedication inspires respect and awe. It is appropriate that the Episcopal Church honors her as a saint.

Born into slavery, Harriet Ross did not know her exact date of birth. At the age of 12 years she refused to help a white overseer bind a recaptured slave. For her refusal she was hit in the head with a heavy rock; this injury was severe and its effects would plague her for the rest of her life. At the age of 30 Harriet Tubman would make her escape from slavery to Canada by way of Philadelphia where she met William Stills and learned about the workings of the Underground Railroad. Tubman would go on to free hundreds from slavery and became known as "Moses" for her incredible bravery and sacrifice as she led the way to freedom as a "conductor" on the Underground Railroad. Harriet was a dedicated and outspoken member of the abolitionist movement.

During the Civil War she provided services as a nurse, cook, scout and spy for the Union Army, but was refused payment for her wartime service. She became an active member of the women's suffrage movement and went on to establish the Harriet Tubman Home for the Sick and Aged in Auburn, NY, in 1908. She worked to maintain this home, the only one of its kind outside of New York City, dedicated to the care and sanctuary of African-Americans in New York.

Harriet Tubman was a true heroine. I encourage the designation of a national day of remembrance to celebrate her life. I urge my colleagues to join me in support of H. Con. Res. 310.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in support of House Concurrent Resolution 310, expressing support for a national day of remembrance for Harriet Ross Tubman.

I am proud to be a co-sponsor of this resolution which recognizes the courage and sacrifice with which Harriet Tubman led slaves out of bondage and into freedom. Her work was an important part of moving the U.S. toward a more perfect Union.

As an African-American woman who had been emotionally and physically abused by her owners, Harriet Tubman did the near impossible by freeing herself from a life of slavery. She also had the courage to continue on and help others, guiding hundreds of slaves out of abuse and fear and into freedom and respectful employment. Harriet Tubman not only fought against the most immediate inequalities experienced by African-American slaves, but reached out further, becoming active in the women's suffrage movement.

While the Civil War has long since ended and slavery been abolished, many Americans continue to be enslaved by new forms of abuse and discrimination. Domestic violence and economic inequality imprison many today in fear and submission. Thankfully, Harriet Tubman's actions continue to inspire Americans to find the courage to help each other. In Minnesota, her legacy is alive in the activities of the Tubman Family Alliance agency, which provides safe passage from violence for women and children, and helps them achieve their own freedom, just as Harriet Tubman helped so many people achieve freedom.

It is critical that we remember the courage with which this woman selflessly strove to help others despite the risk of enslavement and death. We must recognize and strive to emulate such bravery not just once a year, but all year. Madam Speaker, I urge my colleagues to join me in supporting this important resolution.

Mr. TOWNS. Madam Speaker, I rise today in support of H. Con. Res. 310, expressing support for a national day of remembrance for Harriet Ross Tubman.

During the month of March, when we celebrate Women's History Month across the nation, it is important that we recognize and celebrate the immeasurable contributions of women such as Harriet Tubman, who bravely led our Nation in the abolitionist movement, taking enormous risks in her fight for the freedom and equality of all Americans.

Harriet Tubman was not only an abolitionist, leading more than 700 slaves to freedom, but served nobly in the Union Army during the Civil War as the first female to head an armed expedition.

Following her accomplishments in the Civil War, Harriet Tubman went on to be a leader in the women's suffrage movement, diligently fighting for women's right to vote, and founded the Harriet Tubman Home for the Sick and Aged, a home and hospital to care for elderly and ailing African-Americans in New York.

Her bravery and dedication to the principles of freedom and equality serve as a positive example to us today, as we continue working together to provide quality education, healthcare, housing, and opportunity to all Americans, regardless of race, gender or income.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Con. Res. 310, expressing support for a national day of remembrance for Harriet Ross Tubman, introduced by my distinguished colleague from Maryland, Representative CUMMINGS. Harriet Ross Tubman was an African-American abolitionist, humanitarian, and Union Spy during the United States Civil War and as such deserves to be honored for her brave service by members of the United States Congress.

Harriet Tubman was born into slavery in Dorchester County, Maryland, of purely African ancestry. Harriet Tubman was born Araminta "Minty" Ross to slave parents, Harriet "Rit" Green and Ben Ross. Rit was owned by Mary Pattison Brodess and later her son Edward, while Ben was legally owned by Mary's second husband, Anthony Thompson, who ran a large plantation near the Blackwater River in Dorchester County, Maryland. Tubman was beaten and whipped often by her various owners as a child. Early in life she suffered a traumatic head wound when an irate slave owner threw a heavy metal weight at her, intending to hit another slave. The injury caused disabling seizures, headaches, and powerful visionary and dream activity, and spells of hypersomnia which occurred throughout her entire life.

In 1849, Tubman became ill, and her value as a slave was diminished as a result. Edward Brodess tried to sell her but could not find a buyer. Angry at this effort and the unjust hold he kept on her relatives, Tubman began to pray for her owner, asking God to make him change his ways. After her sell was considered finalized she 'switched' tactics on how she was praying and one week later Brodess died. Tubman expressed regret for her earlier sentiments. Ironically, Brodess's death increased the likelihood that Tubman would be sold and the family would be broken apart.

Tubman refused to wait for the Brodess' family to decide her fate, despite her husband's efforts to dissuade her. "There was one of two things I had a right to," she says, "liberty or death; if I could not have one, I would have the other."

Harriet Tubman was given a piece of paper by a white neighbor with two names, and told how to find her path to freedom. In 1849, Tubman escaped to Philadelphia. At the first house she was put into a wagon, covered with a sack, and driven to her next destination. Following the paper in route to Pennsylvania, she initially settled in Philadelphia, where she met William Still, the Philadelphia Stationmaster on the Underground Railroad. With the assistance of Still, and other members of the Philadelphia Anti-Slavery Society, she learned about the workings of the UGRR. She immediately returned to rescue her family. Slowly, one group at a time she brought relatives with her out of state, and eventually guided dozens of other slaves to freedom.

Traveling by night with extreme caution, Tubman never lost a passenger. Heavy rewards were offered for many of the people she helped free, but no one knew it was Harriet Tubman who was helping them. When a far-reaching United States Fugitive Slave Law was passed in 1850, she helped guide fugitives further north into Canada, and helped newly-freed slaves find work. In 1851 she began relocating members of her family to St. Catharines, Ontario, Canada West. North Street in St. Catharines remained her base of operations until 1857. While there she worked various odd jobs to finance her activities as a Conductor on the UGRR, and attended the Salem Chapel BME Church on Geneva Street. Word of her exploits had encouraged her family, and biographers agree that she became more confident with each trip to Maryland. As she led more and more individuals out of slavery, she became popularly known as "Moses"—an allusion to the prophet in the book of Exodus who led the Hebrews to freedom.

When the American Civil War broke out in 1861, Tubman saw a Union victory as a key step toward the abolition of slavery. Tubman hoped to offer her own expertise and skills to the Union cause, too, and soon she joined a group of Boston and Philadelphia abolitionists heading to the Hilton Head District in South Carolina. She became a fixture in the camps, particularly in Port Royal, South Carolina, assisting fugitives. Tubman worked for the Union Army, first as a cook and nurse, and then as an armed scout and spy. The first woman to lead an armed expedition in the war, she guided the raid on the Combahee River, which liberated more than seven hundred slaves.

Harriet Tubman, widely known and well-respected while she was alive, became an American icon in the years after her death. In all she is believed to have conducted approximately 300 persons to freedom in the North. The tales of her exploits reveal her highly spiritual nature, as well as a grim determination to protect her charges and those who aided them. She always expressed confidence that God would aid her efforts, and threatened to shoot any of her charges who thought to turn back. When she died, Tubman was buried with military honors at Fort Hill Cemetery in Auburn.

Today, I seek to offer my condolences for her death, and also recognize her lifetime of accomplishments. For these reasons, I strongly support H. Con. Res. 310 and urge all my colleagues to do the same.

Mr. RANGEL. Madam Speaker, I rise today in support of the House Congress Resolution 310. Resolution 310 proposes a national day of remembrance for Harriet Ross Tubman, a fearless champion for civil rights.

Harriet Ross Tubman was a pioneer to say the least. For the better part of a decade, Tubman made over 13 trips South to escort more than 300 hundred slaves to freedom. With no regard to her own well being, she sacrificed her own safety, so that countless other slaves could have the opportunity to realize and experience freedom, a right supposedly enshrined in our Constitution. Tubman was not merely a woman of steadfast conviction, principle and determination, but a hero and savior to those people who often had no hope. I am deeply humbled and inspired by her courage and bravery in the face of remarkable adversity.

Harriet Tubman was a woman of unyielding principle, unparalleled courage and sheer grit. Therefore, I stand here today advocating House Congress Resolution 310 supporting the creation of a national day of remembrance for Harriet Tubman, a woman that inspires us all to stand and fight for freedom.

Mr. DAVIS of Virginia. Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 310.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF BORDERLINE PERSONALITY AWARENESS MONTH

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1005) supporting the goals and ideals of Borderline Personality Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1005

Whereas borderline personality disorder (BPD) affects the regulation of emotion and afflicts approximately 2 percent of the general population;

Whereas BPD is a leading cause of suicide, as an estimated 10 percent of individuals with this disorder take their own lives;

Whereas BPD usually manifests itself in adolescence and early adulthood;

Whereas symptoms of BPD include self-injury; rage; substance abuse; destructive impulsiveness; a pattern of unstable emotions, self-image, and relationships; and may result in suicide;

Whereas BPD is inheritable and is exacerbated by environmental factors;

Whereas official recognition of BPD is relatively new, and diagnosing it is often impeded by lack of awareness and frequent co-occurrence with other conditions, such as depression, bipolar disorder, substance abuse, anxiety, and eating disorders;

Whereas despite its prevalence, enormous public health costs, and the devastating toll it takes on individuals, families, and communities, BPD only recently has begun to command the attention it requires;

Whereas it is essential to increase awareness of BPD among people suffering from this disorder, their families, mental health professionals, and the general public by promoting education, research, funding, early detection, and effective treatments; and

Whereas the National Education Alliance for Borderline Personality Disorder and the National Alliance on Mental Illness have requested that Congress designate May as Borderline Personality Disorder Awareness Month as a means of educating our Nation about this disorder, the needs of those suffering from it, and its consequences: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of Borderline Personality Disorder Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Res. 1005, as amended, which expresses support for greater recognition of the goals and ideals of Borderline Personality Awareness Month.

H. Res. 1005 was introduced by Representative TOM DAVIS of Virginia, a longstanding member and leader on the Oversight and Government Reform Committee, on February 27, 2008, and has the support and cosponsorship of over 50 Members of Congress. The measure was considered by the Oversight panel on March 13, 2008, and was passed by voice vote at that time after being amended for technical purposes.

Madam Speaker, while many people may not be aware of borderline personality disorder, it is a mental illness that is more common than bipolar disorder and schizophrenia and has been found to affect a little over 2 percent of adults, particularly young women.

BPD, as it is commonly referred to as, is a serious mental illness characterized by pervasive instability in moods, interpersonal relationships, self-image, and behavior. The instability caused by this illness often leads to disruptions in one's family and work life, long-term planning, and ultimately a person's sense of self-identity.

Each and every one of us has a personality; however, for those individuals who suffer from personality traits that are inflexible, maladaptive, or psychologically disruptive, more research and awareness on borderline personality disorder is an absolute must. And that is why I rise in support of H. Res. 1005. Passage of this measure will help to raise the profile and the general public's understanding of borderline personality disorder and the corresponding BPD month of awareness.

I commend Representative DAVIS from Virginia for introducing this legislation and urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, mental illness affects Americans all across the Nation. It afflicts those of us from all races, colors, religions, and income levels. It doesn't wait for a convenient time to surface. It strikes indiscriminately, without regard to the challenges, pain, and anguish it visits upon the families and friends of its victims.

It is important that we recognize the struggle people with these afflictions endure as they strive for a normal life. It is equally important we recognize the struggles visited upon those friends and family members who have to cope with the disease and, often, the victim him or herself.

Today, this House will take an important step in raising awareness of a little known and often misunderstood mental illness. I urge my colleagues to join me in supporting the designation of May as Borderline Personality Awareness Month.

Borderline personality disorder is a devastating psychiatric disorder caused by the inability of the afflicted individual to manage emotions effectively. Symptoms of this disorder include impulsivity, mood swings, episodes of rage, bodily self-harm, chaotic relationships, and fear of abandonment. Some people with this disorder can't hold a job. Others are high functioning. But in any case their private lives are often in turmoil.

More than 3 million American adults have borderline personality disorder. Twenty percent of patients admitted to psychiatric hospitals have borderline personality disorder. Their victims have a suicide rate 400 times that of the general population.

Madam Speaker, these numbers call us to action. Although this disorder was officially recognized by the psychiatric community in 1980, studies have shown it lags far behind in research, treatment options, and family education compared to other psychiatric disorders of similar prevalence. With passage of H. Res. 1005, this House will take an important step in spreading awareness of this disorder. Madam Speaker, the National Alliance on Mental Illness maintains a help line at 1–800–950–6264 for general information on mental illness. This help line can help those in need of assistance.

I am proud to have sponsored this resolution and am greatly encouraged by our considering of it today. Passage of this will go a long way to increase awareness of its existence and the heavy toll this disorder takes on our society. I applaud the work the National Alliance on Mental Illness and the National Education Alliance on Borderline Personality Disorder have been doing throughout our Nation in this vital area.

I urge my colleagues to join me in supporting this resolution.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of H. Res. 1005, a resolution supporting the designation of May as Borderline Personality Disorder Awareness Month. I want to thank my colleague TOM DAVIS for his leadership on an issue that is very important to many Americans.

Borderline personality disorder is a serious mental health illness that centers on the inability of people to manage their emotions effectively. Approximately 4 million Americans suffer from borderline personality disorder. Its symptoms include destructive impulsiveness, rage, marked shifts in mood, bodily self-harm, chaotic relationships, fears of abandonment, substance abuse, and unstable self-identity. Although it was officially recognized in 1980 by the psychiatric community, borderline personality disorder is at least two decades behind in research, treatment options, and education compared to other major mental illnesses.

Borderline personality disorder can have a devastating impact on people's lives. While some persons with this disorder may be functioning normally in certain settings, their private lives are often in turmoil. Others are unable to work and require financial support. If Americans would like more information on borderline personality disorder, I encourage them to visit the National Education Alliance for Borderline Personality Disorder Web site at www.neabpd.org or the National Alliance on Mental Illness Web site at www.nami.org.

Madam Speaker, this resolution acknowledges the pressing burden of those afflicted with borderline personality disorder and seeks to spread awareness of this under-recognized, and often misunderstood, mental illness. I urge my colleagues to support this resolution.

Mr. DAVIS of Virginia. Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1005, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Virginia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1400

SUPPORTING THE GOALS, IDEALS, AND HISTORY OF NATIONAL WOMEN'S HISTORY MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1021) supporting the goals, ideals, and history of National Women's History Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1021

Whereas the purpose of National Women's History Month is to increase awareness and knowledge of women's involvement in history;

Whereas as recently as the 1970s, women's history was rarely included in the kindergarten through grade 12 curriculum and was not part of public awareness;

Whereas the Education Task Force of the Sonoma County (California) Commission on the Status of Women initiated a "Women's History Week" celebration in 1978 centered around International Women's History Day, which is celebrated on March 8th;

Whereas in 1981, responding to the growing popularity of women's history celebrations, Congress passed a resolution making Women's History Week a national observance;

Whereas during this time, using information provided by the National Women's History Project, founded in Sonoma County, California, thousands of schools and communities joined in the commemoration of National Women's History Week, with support and encouragement from governors, city councils, school boards, and Congress;

Whereas in 1987, the National Women's History Project petitioned Congress to expand the national celebration to include the entire month of March;

Whereas educators, workplace program planners, parents, and community organizations in thousands of American communities, under the guidance of the National Women's History Project, have turned National Women's History Month into a major local learning experience and celebration;

Whereas the popularity of women's history celebrations has sparked a new interest in uncovering women's forgotten heritage;

Whereas the President's Commission on the Celebration of Women in American History was established to consider how best to acknowledge and celebrate the roles and accomplishments of women in American history;

Whereas the National Women's History Museum was founded in 1996 as an institution dedicated to preserving, interpreting, and celebrating the diverse historic contributions of women, and integrating this rich heritage fully into the Nation's teachings and history books;

Whereas the House of Representatives recognizes March, 2008, as National Women's History Month; and

Whereas the theme of National Women's History Month for 2008 is visionary female artists and their contribution to our cultural heritage: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Women's History Month;

(2) recognizes and honors the women and organizations in the United States that have fought for and continue to promote the teaching of women's history; and

(3) reaffirms its commitment to promoting National Women's History Month, which this year honors female artists.

The SPEAKER pro tempore (Mr. SERRANO). Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the author of this legislation, Representative LYNN WOOLSEY of California.

Ms. WOOLSEY. Mr. Speaker, March was the 20th Annual National Women's History Month. That is why I am so pleased to introduce H. Res. 1021, a resolution to recognize and honor this National Women's History Celebration.

In America, women were once considered second-class citizens, whose rights were restricted from voting to property ownership, actually. But here we are today; one woman is a major candidate for President of our Nation and another woman is Speaker of the House of Representatives.

Sadly, until the late 1970s, women's history wasn't taught in many of our schools, and was almost completely absent in media coverage and cultural celebrations. That is why the Education Task Force of the Sonoma County Commission on the Status of Women, which I chaired, initiated a Women's History Week Celebration in 1978. This celebration centered around International Women's History Day.

The National Women's History Project, located in my district, was founded in 1980 by many dedicated women who poured their hearts and their ideas into promoting and expanding the weeklong celebration. With the help of several dedicated women, including Mary Ruthsdotter, Molly Murphy MacGregor, Maria Cuevas, Paula Hammett, and Betty Morgan, thousands of schools and communities joined in the commemoration of Women's History Week by bringing specific lessons on women's achievements into the classroom, by staging parades to engage neighborhoods in the celebration.

Their hard work, their dedication paid off. The celebration started a national movement. And in 1981, Congress responded to the growing popularity of Women's History Week by making it a national observance and eventually expanding the week to a month in 1987. Imagine what American history lessons would be today without the inclusion of Harriet Tubman's Underground Railroad operation, or Mary Katherine Goddard, who was the first person to print the Declaration of Independence with the names of all the signers included.

Mr. Speaker, today I ask my colleagues to join me in reaffirming our commitment to the celebration of women's history by supporting H. Res. 1021 that will ensure that our grandchildren and our great grandchildren learn and care about women like Amelia Earhart and eventually of course the first woman President.

Mr. Speaker, I want to thank Chairman WAXMAN, I want to thank Ranking Member DAVIS, and Chairman DAVIS for supporting this resolution, as they have continually supported the efforts of all women. Supporting this resolution will make it impossible to study American history without remembering the contributions of women as well. So I thank you all.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Let me start by thanking and congratulating the gentlelady from California for bringing this resolution to the floor. It was given a lot of thought. This is something that I think is very, very important, and I am honored to speak in support of H. Res. 1021, recognizing and celebrating Women's History Month.

Each March we express appreciation for the brilliance, bravery and determination women have demonstrated throughout U.S. history. Women in the United States often found themselves second-class citizens in their own country. They have had to fight for many of the rights men always have enjoyed; to vote, to own property, even in some cases, to be obtain an education.

From the iron will of Abigail Adams, wife of John Adams and mother of John Quincy Adams, who wrote that women, "will not ourselves bound by any laws which we have no voice," to the reforms advanced by Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony, women have stood for their country by standing up for themselves.

The contributions made by women to our Nation can't be overlooked. Clara Barton, a Civil War nurse, founded the American Red Cross. Amelia Earhart was a pioneer in aviation. Harriet Tubman, who we honored earlier today, an escaped African American slave, risked everything to bring others to freedom as the conductor of the Underground Railroad. The Women's Suffrage Movement finally made America whole.

Today, American women enjoy many of the fruits of these early labors. They serve at or near the highest levels of government, business and other positions of power and influence. The doors to careers, education and achievement seem as open to them as to men. But that doesn't mean the struggle is over or that heroines of the past should be forgotten.

Mr. Speaker, I ask all Members to join me by supporting this resolution. I want to again thank Representative WOOLSEY for bringing this to our attention and thank Chairman WAXMAN and Chairman DAVIS for their assistance in bringing this to the floor.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too want to thank and commend Representative WOOLSEY for her introduction of this legislation. I also want to thank the 200 women who attended a town hall meeting which I held in my district on Sunday in recognition of Women's History Month. I want to thank Reverend Helen Cooper, Pastor of the Westside Center of Truth Church for being the host.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Res. 1021, as amended, which is designed to provide recognition and support for National Women's History Month, which just ended yesterday with the conclusion of the month of March.

H. Res. 1021 was first introduced by Representative LYNN WOOLSEY of California on March 3, 2008, and has the support and cosponsorship of 80-plus Members of Congress, both men and women from both sides of the aisle. The measure was considered by the Oversight panel on March 13, 2008, and was passed by voice vote after being amended for technical purposes.

Mr. Speaker, I guess it's only accurate to say that history, whether American or International, would not have been written as it is without the role of women. But all too often the vast significance of women throughout history goes unnoticed and under appreciated, which is why organizers in Sonoma County, California, established back in 1978 a public celebration of women's history, calling it Women's History Week. In 1987, Congress expanded the celebration to a month, and March was declared Women's History Month.

Since the 1970s, we in America have seen notable growth in the study and expansion of women's history. In fact, today almost every college offers women's history courses and most major graduate programs offer doctoral degrees in this important field.

Even today, we continue to witness history makers. From our very own Speaker of the House, to top Presidential contenders, business women, scientists and athletes, women are clearly making key contributions to our communities, our country, and our world. As we celebrate female artists and their contributions to our cultural heritage as this year's theme of National Women's History Month, let us as a body once again elevate and support the goals, ideas and history of Women's History Month and pass the measure at hand.

Mr. DAVIS of Virginia. I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it's now my pleasure to yield such time as she might consume to Representative TSONGAS of Massachusetts.

Ms. TSONGAS. Mr. Speaker, I rise today to commemorate National Women's History Month, and particularly this year's focus on female artists. I commend the organizations and communities across the country that celebrated Women's History Month by educating people about the many contributions women in the arts have made. My hometown of Lowell, Massachusetts, is a great example.

The hard work of members of the Lowell community made Lowell Women's Week 2008 a great success by bringing together diverse organizations that held art displays and workshops all around women's art and history. In Lowell, women's commitment to the arts coincided with the cities founding as this country's first planned industrial city. At the time of its founding in the late 19th century, the young women working the textile mills also published a literary magazine of essays and poetry entitled: The Lowell Offering.

Without commemorative months like this one, some of our most interesting women's history would be forgotten. This resolution rightly honors female artists of the past. But I also salute the many women who throughout our communities tirelessly support the arts through philanthropic means or with their time and effort.

I hope the passage of this resolution today does not mark the end of a month of remembrance, but is a catalyst for renewed interest in learning what great women of the past have given us.

Mr. TOWNS. Mr. Speaker, I rise today in support of H. Res. 1021, supporting the goals, ideals, and history of National Women's History Month.

As recently as the 1970s, women's history was largely unaddressed in school curriculum and among the general public. In 1987, the National Women's History Project petitioned Congress to expand the national celebration of Women's History from 1 week to the entire month of March. Since then, the National Women's History Month Resolution has passed both Chambers of Congress with bipartisan support each year.

Throughout my tenure in Congress, I have been a strong supporter of Women's Rights, such as guaranteeing that women and families have adequate time to care for themselves and family members when they become ill, without facing the loss of job security and wages. As a member of the Health Subcommittee, I have worked diligently with my colleagues in Congress to bring increased awareness and services for women's health issues, such as early detection and treatment of ovarian cancer. Since its inception in 1987, Women's History Month, under the guidance of the National Women's History Project, has become a renowned celebration of the accomplishments of women everywhere, recognizing the limitless opportunities that women have in the modern world, and generating a renewed interest in the rich cultural heritage of women.

This year during Women's History Month, we celebrate female artists and their contribution of originality, beauty, and imagination to the art world. I hope that we will continue to work together in Congress to support the cultural contributions of women, and critical women's rights and women's health issues, not only during Women's History Month, but year round.

Mrs. TAUSCHER. Mr. Speaker, I rise today in support of House Resolution 1021, which supports the goals and ideals of National Women's History Month and pays honor to those who promote the teaching of women's history.

I commend the National Women's History Project, which was founded in northern California, for establishing the legacy of Women's History Month; and I thank Congresswoman WOOLSEY, a fellow Californian, for bringing this important resolution to the floor today.

From the earliest days of our great Republic, women have been marginalized throughout many parts of society. But as our country has developed, so too have the rights and responsibilities of women. In 1917, Jeanette Rankin blazed a path for women in Congress, putting the first crack in our country's highest glass ceiling. Only 3 years later, our Nation ratified the 19th Amendment, guaranteeing that political enfranchisement in America will never be denied due to gender. In 1964, the Civil Rights Act extended gender protections to the workplace and beyond. And as Members of the 110th Congress, we have the privilege to serve alongside a woman who ably executes this institution's highest office and who is the most senior female in American political history.

However, the journey from disenfranchisement and marginalization is not complete. Women working full time still earn 80 cents to every dollar earned by men. In this House—the greatest representative body in the world—the number of women serving is hardly proportional to the population we represent.

In addressing these persistent inequities, I believe we will be well served by a thorough understanding of the great strides taken by women in the past. A study of women's history is a study of America's path toward greater equality and liberty. The story of women in our country lights the way to the fulfillment of our highest ideals.

Mr. Speaker, this resolution honors the decision made over two decades ago to set aside time for the teaching of women's history, and it highlights the salience of women's history as we chart a course for the future. I commend Ms. WOOLSEY for her leadership on this issue, and I urge my colleagues to join in affirming the importance of National Women's History Month.

Ms. HERSETH SANDLIN. Mr. Speaker, I affirm today my support for H. Res. 1021, supporting the goals, ideals, and history of National Women's History Month. I am proud to be an original cosponsor of this resolution demonstrating the commitment of the House of Representatives to promoting National Women's History Month, which this year celebrates female artists and their contribution of originality, beauty, and imagination to the world of art.

I am proud that my home state of South Dakota has a strong tradition of women in the arts and I would like to thank South Dakotans for the Arts for its work promoting the arts and supporting women artists in my home state. I'd like to describe for my colleagues some of the talented and remarkable women artists and authors that have found inspiration in hills and prairies of South Dakota.

Women in South Dakota have done the work of art throughout our history, beginning with our First Peoples and continuing today.

Native American women practice traditional art forms passed from generation to generation, adapting changes in materials and technique to add beauty and new texture to the traditional art. Their work includes the quillwork and quilts of Alice New Holy Blue Legs and Nellie Star Boy Menard, as well as the contemporary silver of Linda Szabo and paintings of Joanne Bird.

Some of South Dakota's pioneer women artists arrived in the Dakota Territory after studying at major schools of art in New York, Boston, Chicago, and Paris. They helped to bring the artistic disciplines of the East and Europe to the Northern Plains. As new colleges and universities were opened in what is present-day South Dakota, women helped to found departments of art and joined the teaching faculty.

In South Dakota, these pioneer artists and teachers included two very influential women who contributed both through their own artwork and through their dedication to their students.

Grace French, born in 1858, arrived in Rapid City, Dakota Territory in 1885. She painted the remarkably beautiful landscapes of the area with color and subtlety, adding poetry and beauty to the popular imagination of the Plains and the West.

Ada Bertha Caldwell was born in 1869 and graduated from the School of the Art Institute in Chicago. She accepted a position at Springfield College at Yankton, South Dakota. In 1900, she founded the Department of Art at what is now South Dakota State University, and was a teacher and major influence for Harvey Dunn, a noted illustrator and painter of pioneer life on the South Dakota prairie.

South Dakotans also celebrate the many talented women in literature that have enriched our lives and deepened our understanding of a sense of place and history with their stories. American favorites from South Dakota include Laura Ingalls Wilder, Linda Hasselstrom, Kathleen Norris and Virginia Driving Hawk Sneve.

For these few examples and numerous others, I am pleased to join with my colleagues today to honor these women artists and authors. May their contributions continue to provide joy, education, and inspiration to future generations on the Northern Plains and throughout our Nation.

Mr. FARR. Mr. Speaker, I rise today to recognize Women's History Month. April was designated as Women's History Month in 1987 to honor women and the achievements they have made throughout the years. I want to pay special tribute to my female colleagues in the California delegation.

I am proud that California has led the way in electing women to some of the highest offices in the federal government. Currently, there are 19 women from California in the House of Representatives, more than any other state. Among these are the Speaker of the House, a Chair and a vice-Chair, and 12 subcommittee Chairs. These women, who hold leadership positions, wield an enormous amount of power that was un-heard-of just a couple of decades ago.

In the fall of 2006, the American people elected the Democrats to the majority and as a result, they put into motion a process that would ultimately break one of the "glass ceilings" for women in politics. After she was sworn in, NANCY PELOSI, the first ever female Speaker of the House said, "It says to women everywhere that not only a glass ceiling but a marble ceiling can be broken and that anything is possible." This was an historical day for women, not only from the United States, but from around the world. I have talked to numerous women who have mentioned watching this momentous occasion on TV.

These women hold their positions in part because of the hard work of women like Jeannette Rankin of Montana, who served from 1917–1919 and again in 1941–1943; Mae Ella Nolan of California, who served from 1923–1925; Florence Kahn of California, who served from 1925–1937; and Helen Douglas of California, who served from 1945–1951. These women were pioneers in the field of politics at a time when politics was a man's purview. Thanks to these women, we have elected the first woman Speaker of the House, who is third in line for the Presidency.

Mr. Speaker, I pay tribute to the women across the country, and around the world, who have made history by their varied accomplishments. And the women who have come before you and have helped lead the way for women in the political arena.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1021, expressing support for the goals, ideals, and history of National Women's History Month. I would like to thank my friend and colleague, Congresswoman WOOLSEY, for introducing this legislation, which I am proud to cosponsor. Let me also thank the chairman of the Oversight and Government Reform Committee, Chairman WAXMAN, for bringing this resolution before us today.

The purpose of National Women's History Month is to increase awareness and knowledge of women's involvement in history. I strongly believe that it is vital to honor the originality, beauty, imagination, and multiple dimensions of women's lives. As recently as the 1970s, women's history was rarely taught in schools, and was not part of public awareness. To address this situation, the Education Task Force of the Sonoma County, California, Commission on the Status of Women initiated a "Women's History Week" celebration for 1978. In 1981, in response to the growing popularity of women's history celebrations, Congress passed a resolution making Women's History Week a national observance. Within a few years, thousands of schools and communities across the country were celebrating National Women's History Week.

The popularity of women's history celebrations has sparked a new interest in uncovering women's forgotten heritage. Under the guidance of the National Women's History Project, educators, workplace program planners, parents and community organizations in thousands of American communities have turned National Women's History Month into a major celebration and a springboard for celebrating women's history all year round.

Mr. Speaker, in the early days of our great Nation, women were relegated to second class status. Women were considered subsets of their husbands, and after marriage they did not have the right to own property, maintain their wages, or sign a contract, much less vote. It was expected that women be obedient wives, never to hold a thought or opinion independent of their husbands. It was considered improper for women to travel alone or to speak in public.

The fight for women's suffrage was formally begun in 1848, and, in 1919, after years of petitioning, picketing, and protest parades, the 19th amendment was passed by both Houses of Congress; it was ratified the following year.

However, the right to vote did not give women equal rights, and subsequent decades saw an ongoing struggle for equality. A major success came with Title IX of the Education Amendments of 1972. This law, enacted in June 1972, states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title XI, introduced by Congresswoman Patsy Mink, also notable as the first Asian American woman elected to Congress, has opened countless doors to educational activities, perhaps most prominently including high school and collegiate athletics, to women. Congresswoman Mink's legacy lives on as, each year, hundreds of women across the Nation participate in NCAA athletics, learn teamwork and perseverance, earn scholarships enabling them to study at college, and enjoy equal footing with men in the academic arena.

Mr. Speaker, I am proud to pay tribute to the women, local heroes, of my district. Women like Ramona Tolliver, long time Fifth Ward resident, former precinct chair, founding board member of Fifth Ward Community Redevelopment Corporation, member of Our Mother of Mercy Catholic Church, and member of the Metropolitan Organization, who is still actively advocating for her community. Women like Nellie Joyce Punch, long time Fifth Ward resident, retired educator at Phyllis Wheatley High School, former precinct chair, founding board member of Fifth Ward Community Redevelopment Corporation, member of the Methodist Church, also actively working on behalf of her community. Both Ms. Tolliver and Ms. Punch are active in Houston's Fifth Ward, where they act as the conscience for the community, calling for change and actively working to better our city.

Women like Dr. Charlesetta Deason, principal of Houston's DeBakey High School for Health Professions. Dr. Deason helms a school that offers students interested in science and health careers an alternative to the traditional high school experience, located in the renowned Texas Medical Center and boasting an ethnically diverse faculty and an excellent introductory study of medicine.

Or women like Harris County Commissioner Sylvia Garcia, the first Hispanic and first woman to be elected in her own right to the office. Commissioner Garcia is active in the Houston community, and she has served on more than 25 community boards and commissions, including the San Jacinto Girl Scouts, the Houston Hispanic Forum, the American Leadership Forum, the Texas Southern University Foundation, and the Institute of Hispanic Culture.

As a Nation, we have come a long way toward recognizing the important role women play, not only in our local communities, but in our Nation as a whole. Since 1917, when Representative Jeannette Rankin of Montana became the first woman to serve in Congress, 243 more women have served as U.S. Representatives or Senators. In 1968, Shirley Chisholm became the first African American woman elected to Congress; I am now proud to be one of 13 African American women serving in this body.

In addition, we are now, for the first time, under the leadership of a woman Speaker of the House. Speaker PELOSI has led this Democratic Congress in a new direction, listening to the will of the American people, as it was clearly expressed last November.

Mr. Speaker, the great tragedy of women's history is that, many times, the history of women is not written down. Too often, throughout the course of history, the contributions of women have gone unrecorded, unheralded, and are now forgotten. And so, Mr. Speaker, during Women's History Month, we do not stand here only to remember the Eleanor Roosevelts, Harriet Tubmans, and Rosa Parks, women who are now celebrated in our schools and history books, but also the millions of female unsung heroes who built this Nation, and who made it truly great.

I would like to pay special tribute to women, mothers, and grandmothers across the country. In particular, I would like to draw attention to the growing phenomenon of grandparents raising children. As of 1996, 4 million children were being raised by their grandparents, and statistics published the following year indicated that more than one-tenth of all grandparents provided the primary care for their grandchildren for at least 6 months and typically much longer. These numbers continue to grow, and these grandparents, generally ineligible for financial or social support, often suffer greatly to provide a safe and loving home for these children.

In addition, Mr. Speaker, we pay tribute to the brave women who serve proudly in our Nation's military. We have come a long way since the first American woman soldier, Deborah Sampson of Massachusetts, who enlisted as a Continental Army soldier under the name of "Robert Shurtlief." Women served with distinction in World War II: 350,000 American women served during World War II, and 16 were killed in action. In total, they gained over 1,500 medals, citations, and commendations. In December 1989, CPT Linda L. Bray, 29, became the first woman to command American soldiers in battle, during the invasion of Panama.

The war in Iraq marks the first time in American history that a substantial number of the combat wounded are women. 350,000 women are serving in the U.S. military—almost 15 percent of active duty personnel, and one in every seven troops in Iraq is a woman. Women play a role in nearly all types of military operation, and they have time and time again demonstrated extreme bravery, courage, and patriotism.

I would particularly like to honor one of our heroic daughters: Army SPC Monica L. Brown. Brown is the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the Nation's third-highest medal for valor. Army SPC Monica Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the Humvees. After the explosion, in which five soldiers in her unit were wounded, Brown ran through insurgent gunfire and used her body to shield wounded comrades as mortars fell less than 100 yards away. Army Specialist Brown, a native Texan, represents the best of our Nation's fighting men and women, and she clearly demonstrates that the admirable qualities of patriotism, valor, and courage know no gender.

Mr. Speaker, Women's History Month is an opportunity for all Americans to reflect on the women who have built, strengthened, and maintained this great Nation. Women who have often gone unrecognized and unheralded for their great achievements, sacrifices, and contributions. I ask my colleagues to join me in paying tribute to the women in their communities, in their families, and in their lives.

I, along with the residents of the 18th Congressional District of Texas, recognize the unique contributions of women throughout the course of American history. I ask my colleagues to join me in supporting this resolution.

Mr. SHULER. Mr. Speaker, I rise today in support of H. Res. 1021, honoring the goals, ideals, and history of National Women's History Month, which recognizes the women and organizations in the United States, past and present, who have fought for and continue to promote women's rights and history. This resolution will ensure that the legacy of gender equality continues and that the struggles of those who came before us and fought for equality are not forgotten.

The revolutionary ideas of equality on which our Nation was built took a long time to be extended to the whole population. The abolition movement of the mid–1800s fought for the equal treatment of men regardless of race and brought together many female activists, such as Elizabeth Cady Stanton and Lucretia Mott. These women went on to host the 1848 Seneca Falls Convention, where many women gathered in a large public forum to discuss women's rights and expressed themselves through a Declaration of Sentiments, which was based on our Nation's founding document.

Although over 70 years passed between this momentous gathering and the passage and ratification of the 19th amendment, the work and dedication of women pushing for the right to vote and equal treatment under the law is a lasting legacy. We are reminded daily of the successes of the women's suffrage movement as we walk through the United States Capitol Rotunda and pass the portrait monument to Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony.

Without the diligent work and dedication of those women who strove for equal representation in Government, we would not have been able to have you, Ms. PELOSI, serve as the first female Speaker of our House of Representatives.

Mr. Speaker, I urge my colleagues today to vote for this important resolution that will give due honor and respect to the women of America past and present with the celebration of National Women's History Month.

Mr. DAVIS of Illinois. Mr. Speaker, I had some other speakers who had intended to be here. Unfortunately, they have not arrived, and I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1021, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CODY GRATER POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5168) to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CODY GRATER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, shall be known and designated as the "Cody Grater Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Cody Grater Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1415

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues, particularly the gentlewoman from the Sunshine State of Florida, in consideration of H.R. 5168, which names the postal facility in Brooksville, Florida, after a fallen hero, Army Specialist Cody Grater.

Introduced on January 29, 2008, H.R. 5168 is offered by Congresswoman GINNY BROWN-WAITE, Representative of Florida's Fifth Congressional District, and is cosponsored by the State's entire congressional delegation. Congresswoman GINNY BROWN-WAITE's measure, H.R. 5168, was reported from the Oversight Committee on February 26, 2008, by voice vote.

This morning's postal naming bill honoring Specialist Grater brings to life the tragic yet heroic story of another American soldier who gave his life in service to this great country of ours.

A native of Spring Hill, Florida, Specialist Cody Grater was tragically killed on July 29, 2007, when his guard position was struck by a rocket-propelled grenade near Baghdad in Iraq. Specialist Grater was only 20 years old when he lost his life in the line of duty as a member of the 407th Brigade Support Battalion, 2nd Brigade Combat Team, 82nd Airborne Division out of Fort Bragg, North Carolina.

The son of Anita Lewis and Larry Decker, Cody Grater joined the Army in April of 2006, and for his service, although short-lived, he has been awarded the Bronze Star Medal and the Purple Heart. It is reported that during his burial service at Florida National Cemetery in Bushnell, Florida, the streets were lined for miles with well-wishers and people waving flags, saluting and crying in tribute to a true American hero.

Mr. Speaker, let us also join that host of well-wishers, loved ones and friends of Specialist Cody Grater and pass H.R. 5168, designating the Cortez Boulevard Post Office Building in Brooksville, Florida, in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield such time as she may consume to the author of this legislation, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for recognizing me.

Mr. Speaker, I rise today in support of my bill, H.R. 5168, which will rename the post office on Cortez Boulevard in Brooksville, Florida, after Private First Class Cody Grater. Cody was a resident from my district who lived in Spring Hill. He gave the ultimate sacrifice, his life, for his country while serving in Iraq.

Cody Grater joined the Army in 2006 when he was only 19 years old. Actually, my grandson went to high school with him, so this tragedy certainly did hit home with our family. Cody was proud to be serving his country and hoped to make a career out of his service in the Army. By the time of his death in July 2007, Cody had received the Purple Heart, the Bronze Star Medal, the Combat Action Badge and many other honors.

While serving on guard duty in Baghdad, the rooftop where Cody stood guard was struck by a rocket-propelled grenade. Just two weeks earlier, Cody been on leave in Florida with his family, where he was telling people about his previous experiences in Iraq, sharing it with his friends, family and former high school mates. Even though he was just at the halfway point of his tour of duty, Cody expressed plans to reenlist after his initial service in the Army was completed.

I hope that this act of renaming the post office will memorialize Cody's brave and selfless life. Cody Grater epitomizes the courage and patriotism of our volunteer military, and we must never forget his great sacrifice to our Nation.

I urge my colleagues to support this bill, which rightfully honors Cody Grater.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this legislation to rename the post office located at 19101 Cortez Boulevard in Brooksville, Florida, in honor of Private First Class Cody Grater.

Private First Class Grater's love for his country can't be disputed, of course. He joined the U.S. Army as soon as he finished Springstead High School in Florida, and then made the ultimate sacrifice, laying down his life for the country he held dear.

Growing up in Hernando County, Florida, Cody enjoyed working with cars and reading military-themed books. This, of course, led him to join the Army in April of 2006, where he was assigned to the 40th Brigade Battalion, 2nd Brigade Command Team, and then reassigned to the 82nd Airborne Division.

On July 29, 2007, Private First Class Grater was standing post on a rooftop of an outpost in Baghdad when he and a fellow comrade were struck by a rocket-propelled grenade. Tragically, 20-year-old Pfc. Grater was killed.

Among his many awards and decorations for his remarkable achievements were the Bronze Star, Purple Heart, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Medal, Army Service Ribbon and the Combat Action Badge.

Pfc. Grater loved serving his country and firmly believed he was making a difference. With gratitude for his bravery and sacrifice to our country, I ask all Members to join me in voting to rename the post office located at 19101 Cortez Boulevard in Brooksville, Florida, in his honor.

I want to thank Ms. GINNY BROWN-WAITE for bringing this legislation forward, and Chairman WAXMAN and Chairman DAVIS for their assistance in moving this to the floor today.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5168.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PAYING ATTORNEYS OF INDIGENT DEFENDANTS IN THE DISTRICT OF COLUMBIA

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5551) to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPLEMENTATION OF INCREASE PROVIDED IN FUNDING FOR COMPENSATION OF ATTORNEYS REPRESENTING INDIGENT DEFENDANTS IN DISTRICT OF COLUMBIA COURTS.

(a) INCREASE IN HOURLY RATE.—Section 11-2604(a), District of Columbia Official Code, is amended by striking "$65 per hour" and inserting "$80 per hour".

(b) INCREASE IN CAPS ON TOTAL COMPENSATION PAID FOR PARTICULAR CASES.—Section 11-2604(b), District of Columbia Official Code, is amended to read as follows:

"(b) The compensation to be paid to an attorney appointed pursuant to this chapter shall not exceed the following maximum amounts:

"(1) For representation of a defendant before the Superior Court of the District of Columbia for misdemeanors or felonies, the maximum amount set forth in section 3006A(d)(2) of title 18, United States Code, for representation of a defendant before the United States magistrate judge or the district court for misdemeanors or felonies (as the case may be).

"(2) For representation of a defendant before the District of Columbia Court of Appeals, the maximum amount set forth in section 3006A(d)(2) of title 18, United States Code, for representation of a defendant in an appellate court.

"(3) For representation of a defendant in post-trial matters for misdemeanors or felonies, the amount applicable under paragraph (1) for misdemeanors or felonies (as the case may be).".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to cases and proceedings initiated on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the author of this legislation, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding, and I especially thank him for his alacrity and the expert way in which he has carried this bill quickly to and through the process.

Mr. Speaker, this is a no-cost bill. Indeed, the appropriations for an increase in the amounts paid to these attorneys has been appropriated.

This is another of those District of Columbia anomalies. The courts of the District of Columbia operate through payments from the appropriations of the Congress of the United States and the judges are Title I attorneys. Therefore, District of Columbia judges may not use the funds that have been appropriated to raise the hourly rate of these attorneys, who are essential to the functioning, particularly of the criminal justice system, but also of the civil justice system, in the District of Columbia. They supplement the Public Defender Service of the District of Columbia.

These attorneys have not had their hourly rates raised since 2002, when they were set at $65 per hour. They have requested $80 per hour. They are being granted $80 an hour, this in spite of the fact that the rate of inflation has been between 3 and 4 percent a year. They, of course, had in mind that they went some years where their rates did not keep up with the rates of other attorneys who serve Federal courts. Of course, they recognize that we are not going to raise their rates every year, but this is what the Congress is willing to do at this time.

It does seem to me that the last thing we want to do is to slow down in particular criminal justice processing in the District of Columbia, particularly where there are already funds from the Appropriations Committee available, and when the failure to spend them only comes from a jurisdictional technicality, where we and we alone can indeed authorize the spending of these funds.

What H.R. 5551 does is simply accomplish this authorization. I am very, very grateful to Chairman DAVIS for bringing this bill forward so quickly.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. I am pleased it has moved so quickly through the committee and is being considered by the House today.

When I was chairman of the DC Subcommittee, Congress enacted legislation I sponsored known as the National Capital Revitalization and Self-Government Improvement Act of 1997. This law in part granted Congress authority over the District's court system in matters relating to public defender services. The law also amended the D.C. Home Rule Act to the same effect.

H.R. 5551, authored by Ms. NORTON, would authorize a provision of the D.C. Appropriations Act of 2008 which increased from $65 per hour to $80 per hour the amount of compensation for attorneys representing indigent clients before the District of Columbia Superior Court.

The current compensation rate of $65 per hour was established in fiscal year 2002, an increase from the previous rate of $50 per hour. Attorneys representing indigents in similar cases before U.S. District Courts are compensated at a rate of $100 per hour. No opposition to this bill was raised, either during the committee hearing or at the committee markup.

I urge my colleagues to support this legislation. Again, I thank Ms. NORTON for bringing this forward, and Chairman WAXMAN and Chairman DAVIS for moving this ahead so quickly. I think this needs to be enacted.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I stand with my colleague, Congresswoman ELEANOR HOLMES NORTON from our Nation's Capital, the District of Columbia, in consideration of H.R. 5551, which will provide for a much-needed increase in the compensation paid to attorneys assigned to represent indigent clients in the DC court system.

Congresswoman NORTON and I introduced this measure on March 6, 2008. On March 11, 2008, the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia held a hearing to examine aspects of the legislation, and on March 13, 2008, the Committee on Oversight and Government Reform considered and passed the bill out of committee by voice vote.

H.R. 5551 calls for an increase in the hourly pay rate from $65 to $80 for Criminal Adjusters Act, CJA attorneys, representing indigent defendants in the DC courts. The measure would also increase the caps on the total compensation paid to these attorneys per case type to be equal to the total compensation paid to attorneys representing similar clients in Federal Court.

☐ 1430

The increased compensation rate for CJA attorneys practicing in DC courts would only apply to cases that proceeded or initiated on or after the date of enactment of the Act.

Mr. Speaker, a core element of our unique democracy is the right and requirement that every citizen, regardless of income or socioeconomic class, be afforded adequate counsel or representation when confronting judicial proceedings. In fact, one of the most important decisions in this area of law was handed down by the U.S. Supreme Court in 1942, when it held that the Sixth Amendment required the government afford indigent defendants with competent counsel. The measure we have before us further reiterates this fundamental concept by helping to ensure that the DC court system is in a competitive position to attract the best and brightest lawyers to represent the indigent. And so, Mr. Speaker, I urge passage of H.R. 5551.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5551.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRESERVING EXISTING JUDGESHIPS ON THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 550) to preserve existing judgeships on the Superior Court of the District of Columbia.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPOSITION OF SUPERIOR COURT.

Section 903 of title 11 of the District of Columbia Code is amended by striking "fifty-eight" and inserting "61".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the distinguished gentlelady from the District of Columbia, Delegate ELEANOR HOLMES NORTON.

Ms. NORTON. Again, thank you, Mr. Chairman, because your quick action on these matters affecting criminal and civil justice in the District of Columbia could not be more important to us. I appreciate the expertise of you and your staff in moving this bill forward.

Like the prior bill, Mr. Speaker, this is not a home-rule matter, because the courts involved are Federal courts, article 1 courts. Indeed, this matter started with the Senate of the United States which approves the judges of the DC Superior Court and confirms them as it confirms judges of other Federal courts. This bill again may be difficult to understand, but it is equally without additional cost to the Federal Government.

This House was vigilant to see to it that the District of Columbia now has a reformed family court as a part of the Superior Court system. And may I thank the prior then-majority leader, Mr. DeLay, who worked so closely with me on this bill and saw to it that the bill was funded, that there were additional judges, and that essentially a court which had not been revised for 30 years is now a state-of-the-art family court.

However, the Congress in its concern that children and families have adequate processing through this court mandated that there be at least 15 of these judges who would be family court committed judges only. The purpose was to keep or to repair the prior circumstance where these matters were distributed to the full 58 judges in the ordinary course of business. By segregating these matters out, these matters involving families and children, we sought to see to it that they were handled quickly and efficiently.

Congress never intended, however, to reduce the number of judges available to important criminal and civil matters, but in fact the cap has had that effect. So we have had an anomalous situation where the President of the United States, seeing a vacancy in the superior court unrelated to the family court, simply goes ahead and does what he is supposed to do; he nominates somebody to in fact fill that vacancy. But because of the cap which says you have got to have at least 15 of the judges to be family court judges, and with no increase in the number of judges, that person is sitting out there or standing out there, as you may, waiting for a vacancy to occur in the superior general part of the court as opposed to the family court.

What this bill does is to recognize what Congress intended in the first place, and that is to do no harm to either section. So, there would be a full cadre of family court judges, but certainly to do no harm to the processing of civil and criminal court judges. Therefore, to retain the kind of balance we had before, we would have to raise the number of judges available to the superior court; and that would mean, instead of 58 as the at-now raise reads, you would have 61.

Importantly, Mr. Speaker, you will note that there is no cost to the Federal Government. And both the chairman and I went to great lengths to make sure that we were not talking about increased appropriations. The court has assured us, and we have done our homework to assure ourselves, that the amount is already available in the appropriations that come to the Superior Court. All that is needed is for us to free up, if I may say so, the President of the United States so his nominees can in fact take their seats when in fact they are nominated.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I will be brief. I think Ms. NORTON outlined the history of this and why we are where we are today.

Unlike a lot of legislation that comes to the floor on the District of Columbia, this actually emanated in the Senate, with Senators AKAKA, LIEBERMAN, and VOINOVICH joining hands to bring this. This legislation, S. 550, increases the total number of judgeships on the Superior Court from 58 to 61.

In response to reports of abuse and neglect in child family services cases pending in the DC Superior Court in 2001, Congress created the family court in the district and assigned a dedicated cadre of judges to handle child and family cases. The legislation before us today is essentially a technical correction to the Family Court Act we enacted in 2001, increasing the cap on the number of judges in the DC Superior Court to accommodate the creation of this new family court.

I want to thank Chairman WAXMAN and Subcommittee Chairman DAVIS for moving this legislation so expeditiously to the floor. I urge my colleagues to support this bill.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of S. 550, which reserves existing judgeships on the Superior Court of the District of Columbia by increasing the cap on the number of judges that can serve on the court. Senate Bill 550 would increase the number of associate judges permitted to serve on the DC Superior Court from 58 to 61.

In accordance with the terms of the National Capital Revitalization and Self-Government Act of 1997, Congress now wields legislative and funding authority over the District of Columbia court system. Under the terms of this arrangement, section 11-903 of the District of Columbia Official Code established an overall limit of 58 on the number of judges that may be seated on the Superior Court. The current limit of 58 is in addition to a chief judge.

However, in 2001, Congress passed the DC Family Court Act, and included in the Act a new provision that allowed the previously established limit on the number of judges to be exceeded only to appoint additional family court judges. As a result of this provision, the current number of associate superior court judges, combined with the 15 judges now seated on the DC Family Court, the cap of 58 has now been exceeded. This means that judgeship vacancies in the superior court cannot be filled unless additional retirements occur, which has led to delays in judicial proceedings, increased costs from prolonged litigation, and case backlogs. S. 550 would address these issues by increasing the number of associate judges from 58 to 61.

S. 550, which was first introduced by Senator DANIEL AKAKA, passed the Senate under unanimous consent on February 4, 2008, and on March 11, 2008 the Subcommittee on Federal Workforce Postal Service in the District of Columbia held a hearing to examine aspects of the legislation. The bill was then considered by the Committee on Oversight and Government Reform, where it passed by voice vote. Mr. Speaker, I am hopeful that we, too, can approve Senate Bill 550 with overwhelming support from both sides of the aisle.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 550.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ESTABLISHING MARCH 2008 AS NATIONAL CRIMINAL JUSTICE MONTH

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 945) raising awareness and promoting education on the criminal justice system by establishing March 2008 as "National Criminal Justice Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 945

Whereas there are approximately three million Americans employed within the justice system;

Whereas approximately seven million adults are on probation, parole, or are incarcerated;

Whereas millions of Americans have been victims of crime and, consequently, lost income, incurred medical expenses, and suffered emotionally;

Whereas the cost of crime to individuals, communities, businesses, and the various levels of government exceeds the billions of dollars spent each year in administering the criminal justice system;

Whereas, in 2006, fifty percent of Americans admitted they fear that their home would be burglarized when they are not home; thirty-four percent of American women feared that they would be sexually assaulted; and forty-four percent of Americans feared they would be a victim of a terrorist attack;

Whereas approximately thirty-five percent of Americans have very little or no confidence in the criminal justice system and the negative effects of crime in regard to confidence in governmental agencies and overall social stability are immeasurable;

Whereas crime rates have dropped since the early 1990s, but most Americans believe that the rate of crime is increasing;

Whereas Federal, State, and local governments increased their spending for police protection, corrections, judicial, and legal activities in fiscal year 2005 by 5.5 percent or $204 billion; and

Whereas there is a need to educate Americans and to promote awareness within American society as to the causes and consequences of crime, as well as the strategies and developments for preventing and responding to crime: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) National Criminal Justice Month provides an opportunity to educate Americans on the criminal justice system; and

(B) Americans should be aware of the causes and consequences of crime, how to prevent crime, and how to respond to crime; and

(2) the House of Representatives urges policymakers, criminal justice officials, educators, victim service providers, nonprofits, community leaders, and others to promote awareness of how to prevent and respond to crime through National Criminal Justice Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of the House, the measure before us calls attention to a critically important issue, the state of our Nation's criminal justice system. We do this by designating March as National Criminal Justice Month, because it will serve to raise awareness of the causes and consequences of crime, as well as our crime prevention efforts. It is a subject and an area that, for too long, we have not paid close attention to, and it is our feeling that this designation will have a great impact upon our work.

Millions of Americans have been victimized by crimes, and many millions more pass through our criminal justice system. We have more than 2 million Americans behind bars, I am sad to say. This means that almost one out of every 100 Americans is incarcerated. Among African American men between the ages of 20 and 34, one in nine are behind bars. What a tragedy. What a waste of human life and potential.

The New York Times observed, "We have become a prison nation."

[From the New York Times, Mar. 10, 2008]

PRISON NATION

After three decades of explosive growth, the nation's prison population has reached some grim milestones: More than 1 in 100 American adults are behind bars. One in nine black men, ages 20 to 34, are serving time, as are 1 in 36 adult Hispanic men.

Nationwide, the prison population hovers at almost 1.6 million, which surpasses all other countries for which there are reliable figures. The 50 states last year spent about $44 billion in tax dollars on corrections, up from nearly $11 billion in 1987. Vermont, Connecticut, Delaware, Michigan and Oregon devote as much money or more to corrections as they do to higher education.

These statistics, contained in a new report from the Pew Center on the States, point to a terrible waste of money and lives. They underscore the urgent challenge facing the federal government and cash-strapped states to reduce their overreliance on incarceration without sacrificing public safety. The key, as some states are learning, is getting smarter about distinguishing between violent criminals and dangerous repeat offenders, who need a prison cell, and low-risk offenders, who can be handled with effective community supervision, electronic monitoring and mandatory drug treatment programs, combined in some cases with shorter sentences.

Persuading public officials to adopt a more rational, cost-effective approach to prison policy is a daunting prospect, however, not least because building and running jailhouses has become a major industry.

Criminal behavior partly explains the size of the prison population, but incarceration rates have continued to rise while crime rates have fallen. Any effort to reduce the prison population must consider the blunderbuss impact of get-tough sentencing laws adopted across the United States beginning in the 1970's. Many Americans have come to believe, wrongly, that keeping an outsized chunk of the population locked up is essential for sustaining a historic crime drop since the 1990's.

In fact, the relationship between imprisonment and crime control is murky. Some portion of the decline is attributable to tough sentencing and release policies. But crime is also affected by things like economic trends and employment and drug-abuse rates. States that lagged behind the national average in rising incarceration rates during the 1990's actually experienced a steeper decline in crime rates than states above the national average, according to the Sentencing Project, a nonprofit group.

A rising number of states are broadening their criminal sanctions with new options for low-risk offenders that are a lot cheaper than incarceration but still protect the public and hold offenders accountable. In New York, the crime rate has continued to drop despite efforts to reduce the number of nonviolent drug offenders in prison.

The Pew report spotlights policy changes in Texas and Kansas that have started to reduce their outsized prison populations and address recidivism by investing in ways to improve the success rates for community supervision, expanding treatment and diversion programs, and increasing use of sanctions other than prison for minor parole and probation violations. Recently, the Supreme Court and the United States Sentencing Commission announced sensible changes in the application of harsh mandatory minimum drug sentences.

These are signs that the country may finally be waking up to the fiscal and moral costs of bulging prisons.

Each year, we on all of our criminal justice systems spend more than $200 billion. The Pew Center Report states that Connecticut, Delaware, my own State of Michigan, Oregon, and Vermont spend as much or more money on corrections as they do on higher education. I think this is a disgraceful circumstance, and the policies of simply incarcerating increasing numbers of Americans without real opportunities for rehabilitation fail those who go through the criminal justice system, but, more than that, it hurts and diminishes every American.

Mr. Speaker, I reserve the balance of my time.

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Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

I appreciate Mr. CONYERS, chairman of the Judiciary Committee, for whom I have great respect. This bill was on the calendar to take up in weeks past, but it was pulled a number of times, resulting in it being taken up at this time. We are grateful that it has been allowed to come to the floor.

I rise in support of House Resolution 945, and I want to commend my good friend and fellow Texan, and also fellow recovering judge, TED POE, the original sponsor of this legislation, for his dedication and commitment to the issue of criminal justice.

The goal of this resolution is to raise awareness and promote education of the criminal justice system by establishing March as the National Criminal Justice Month. It is important that Congress encourages Americans to learn more about the criminal justice system, and the approximately 3 million Americans who work within the system.

As a former prosecutor, judge and chief justice, I have been honored to be involved with some of our Nation's best who work in the criminal justice system for some time. Throughout that experience, I have been consistently impressed with the professionalism and the ability of the public servants who work in the field of criminal justice. These brave and dedicated Americans work every day to make our country safe for ourselves and for our families.

Further, it is important to recognize the gains that have been made in combating crime across the Nation. Crime rates began dropping within the last 20 years as more tools were given to law enforcement and the more dangerous criminals have been locked up for longer periods of time, though there are some who are working to reverse that decade-long trend.

I have great respect, as I said, for the Judiciary Committee chairman, who mentioned the reference to this being called a prison nation; and it is tragic that we have so many people who are locked up. I must say that one of the things that concerned me and drove me from the bench were having an increasing number of people who ended up in the criminal justice system before me as a district judge, having allegedly committed felonies, and in the cases I am talking about where they admitted them, told about their background, had testimony about it in court, but it began to break my heart.

Back in the 1960s, we had legislation called The Great Society legislation that was well intentioned. There were single mothers that were seen to be trying to survive with only a deadbeat father to help. And the Federal Government looked, saw the need and said let's help these people. They began giving checks to women for each child born out of wedlock. And I began having more and more young mothers, some older mothers, who would have a child out of wedlock, many times encouraged to do so by people they respected and loved, and they found out rather quickly that check will not allow the individual to live a decent living and take care of the child. So they would have another child, thinking that two checks would help, and then three.

It broke my heart that our Federal Government had lured people into a rut and not given them a way out. So it is important that we be careful in considering legislation that we pass. Of course, everybody has to be responsible for their own actions, but the legislation we pass is important, and I think it is wonderful that my friend, Mr. POE, has sponsored this legislation, and that our chairman, Mr. CONYERS, has encouraged this and supported it, in establishing March as the National Criminal Justice Month.

Congress will provide an opportunity now to educate Americans through this designation about the criminal justice system, and will make Americans more aware of causes and consequences of crime, as well as how to prevent crime and how to respond to crime. This resolution will also recognize and applaud the efforts of law enforcement officials, judges, court staff, and the many probation and parole officers who work with offenders to help them reintegrate into the community. Those are all important positions. We appreciate them all. I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I only have a little bit more to add, and so I yield myself a little more time.

This measure is a good one even though it comes a little late. Some may have noticed that this is for a celebration in March, and this is April. The reason is that we couldn't get it on the schedule before now, but there were many celebrations in connection with this matter that occurred.

I want to commend the judge and distinguished member of the Judiciary Committee from Texas who is managing the bill for his personal comments that he has brought to this matter today. I can imagine the kinds of things that not only him but members of the judiciary across this country are seeing, heartbreaking incidents, circumstances and experiences.

There are so many people that are incarcerated, they are in prison because of nonviolent offenses, of sentencing procedures that are really out of the hands of the court. People think of the unlimited powers of the judiciary. Many times they are restricted in terms of what it is they can do and how they can handle the matters that come before their courts.

I am impressed that our colleague would tell us of some of the things that move him in his experience in the judiciary. Now I don't want to think that he was driven from the judiciary to the Congress because that is like jumping out of the frying pan into the fire; but I am happy that he serves on the committee with great distinction, and we always are pleased to be able to work together on these kinds of matters.

In that spirit, I urge the support of H. Res. 945.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield such time as the right honorable Judge POE may consume.

Mr. POE. Mr. Speaker, I want to thank the gentleman for yielding, and I also want to thank the chairman for moving this piece of legislation.

I introduced this legislation to declare March as National Criminal Justice Month, and the purpose is to educate Americans on how important our justice system is and encourage discussion on how to prevent and respond to criminal conduct.

Our criminal justice system employs over 3 million Americans at the local, State and Federal levels of the government. And the word and the emphasis should be on the phrase "justice system" because it involves the cooperation of law enforcement and prosecutors, courts, correctional officers, and many other persons.

In my former life, I spent 8 years as a prosecutor in the Houston area, and then I spent 22 years on the criminal court bench in Houston, hearing over 25,000 felony cases.

When I came to Washington, DC, I established the bipartisan Victims Rights Caucus to advocate on behalf of crime victims and law enforcement. It is apparent to me that victims need a voice in Congress. They don't have high paid and high-dollar lobbyists; they expect Members of Congress to be their advocates.

Each year, millions of Americans become victims of criminal conduct, everything from stealing to homicide, and these individuals do not choose to become victims. They are thrown into the criminal justice system without ever having a say. The devastating consequences of crime remain with the victims long after the crime is over with; and the purpose of the criminal justice system is to provide closure for victims and punish people who commit crimes against the rule of law, which is society's rules of law.

I hope this resolution encourages communities to discuss the causes and the consequences and long-term effects of criminal conduct. When a crime occurs, a community must respond by apprehending the individual and ensuring appropriate punishment if that person is found guilty, and, of course, helping the victim that is in need.

According to the Bureau of Justice Statistics, 35 percent of Americans have little or no confidence in our criminal justice system. It is unfortunate that one-third of the people in this country feel that way. If you turn on your local news each night, the first thing that most local newscasts have is the latest crime that has been committed in a neighborhood. It is mostly bad news, and much of that bad news is about criminal conduct. Americans should have more confidence in our criminal justice system. I am convinced that our criminal justice system is the best system in the world.

I had the opportunity to visit the former Soviet Union. They don't have a criminal justice system. They just have a system. The same is true with China, when I visited their system on how they administer their laws. There is no justice in that system. It is just a system.

And here in the United States, we do have the best criminal justice system in the world on determining the guilt of an individual and giving defendants and victims of crime certain rights in the court, and maintaining the worth of the individual. Every year individuals, communities, businesses, and all levels of government spend millions and billions of dollars administering our justice system. The cost of crime is not cheap, and the aftermath of crime is not cheap either. Yet the price is worth it because of the price we pay to ensure our order, safety and appropriate punishment for those who fail to follow our laws.

As my fellow Texan and former judge, Judge GOHMERT, has mentioned time and time again, there are numerous cases where we both have seen individuals who have come to the criminal justice system that have been victims of criminal conduct. And long after that trial is over with, even if the offender is convicted and sent to the

Texas penitentiary for the maximum period of time, they suffer the repercussions of criminal conduct. Many of them are never able to cope with that conduct, and spend the rest of their lives in desperate hope, and wishing that crime had not occurred against them.

We as Americans need to be sensitive to those individuals. We need to be sensitive to the people who live among us who have crime committed against them.

So I hope this resolution gets more communities talking about the best way to prevent and respond to crime, and I want to urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 945, raising awareness and promoting education on the criminal justice system by establishing March 2008 as "National Criminal Justice Month," introduced by my distinguished colleague from Texas, Representative TED POE. This important legislation calls on policymakers, educators, criminal justice officials, community leaders, victim service providers, nonprofits, and others to promote awareness of how to prevent and respond to crime through the creation of a National Criminal Justice Month.

A country's criminal justice system is often a reflection of what values the society deems to be important. Our criminal justice system serves as a means for society to enforce the standards of conduct necessary to protect individuals and the community. During this month we need to be mindful of the need for criminal justice reform. Currently, there are approximately seven million adults on probation, parole, or are incarcerated causing the cost of crime to individuals, communities, businesses, and the various levels of government to be well into the billions. I have sought to alleviate a number of the sentencing disparities responsible for such frivolous government spending through various pieces of legislation, including my "The Second Chance Act" and "The Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007" that will help to lessen some of the economic and social burden. Our focus should be to educate Americans and to promote awareness within American society as to the causes and consequences of crime, as well as the strategies and developments for preventing and responding to crime.

The American people deserve to have a knowledge of the criminal justice system; thus, allowing society to feel safe in their homes as well as on the streets. In 2006, fifty percent of Americans admitted they feared that their home would be burglarized when they are not home, thirty-four percent of American women feared that they would be sexually assaulted, and forty-four percent of Americans feared they would be a victim of a terrorist attack. That is unacceptable. Americans need to be educated about the criminal justice system and how it works to protect all Americans.

During this month there has to be a joint effort between policymakers, criminal justice officials, educators, victim service providers, nonprofit organizations, community leaders, and others to promote awareness of how to prevent and respond to crime. It is imperative that we reach out through all the above names avenues to ensure that each and every American knows just how their criminal justice system operations protect them.

This important legislation creates an avenue through which to educate the American people about the criminal justice system as well as the causes and consequences of crime, how to prevent crime, and how to respond to crime. I strongly support this important legislation and urge all my colleagues to do the same.

Mr. GOHMERT. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 945.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1500

ARTS REQUIRE TIMELY SERVICE (ARTS) ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1312) to expedite adjudication of employer petitions for aliens of extraordinary artistic ability, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arts Require Timely Service (ARTS) Act".

SEC. 2. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS OF EXTRAORDINARY ARTISTIC ABILITY.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(2) in paragraph (6)(D)—

(A) by striking "(D) Any" and inserting "(D)(i) Any";

(B) by striking "Once the" and inserting "Except as provided in clause (ii), once the"; and

(C) by adding at the end the following:

"(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien with extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) (other than an alien described in section 214(c)(4)(A) (relating to athletes)) not later than 30 days after—

"(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

"(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an opportunity, as appropriate, to supply rebuttal evidence.

"(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is an arts organization described in paragraph (3), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code for the taxable year preceding the calendar year in which the petition is submitted, or an individual or entity petitioning primarily on behalf of such an organization, the Secretary of Homeland Security shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of the House, H.R. 1312 is a bipartisan measure intended to address the extended delays in visa processing faced by nonprofit arts organizations when they invite foreign artists to perform in the United States.

Hosting a performance by a foreign artist or arts group requires, obviously, a great deal of planning. And the host organization has to calendar the event, advertise it, and sell tickets far in advance. And these efforts are made with the expectation that the visa petitions filed by the guest performers will be adjudicated in time for their arrival in the United States. If their adjudication is delayed, it causes a tremendous disruption and has led some arts organizations in the world to stop engaging foreign artists altogether because they can't risk the expensive canceling of performers.

Performances by foreign artists give American audiences the opportunity to experience a variety of arts traditions. And when they're called off, it's not just the host organization and the audience that bears the cost, the cancelled show impacts the local economy as well.

Current law requires the Department of Homeland Security to process petitions for O and P visas within 2 weeks of receipt of a completed petition. And the Department has implemented a premium 15-day processing for a $1,000 fee, but when a visa is required to be processed in 14 days, it seems particularly unreasonable to ask a nonprofit entity to pay $1,000 for a 15-day service. So, what we do in this measure is strike a balance by giving the Department 30 days, more than twice the current processing time, and if the visa is not processed in 30 days and the petitioner is a nonprofit organization, the bill requires the Department to provide premium processing for no additional fee.

I'm happy to say that my colleagues, the former Judiciary Committee Chair, JAMES SENSENBRENNER, and the current ranking member, LAMAR SMITH of Texas, have tried and worked with us to arrive at a solution similar to the one laid out in this bill.

At this point, Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank the chairman of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS) for his generous comments a while ago, and I certainly appreciated working with him on this bill as well.

Performing arts organizations use O and P visas to bring many talented foreign artists to our country to perform before American audiences. Despite the fact that the Immigration Nationality Act provides that the Department of Homeland Security shall adjudicate O and P visas within 14 days, adjudication of up to 180 days has been reported. These long delays create the risk that performances involving international artists must be cancelled, creating high economic risks to arts institutions and the local economies they support.

Henry Fogel, President of the American Symphony Orchestra League, has stated that, "nonprofit arts organizations confront long waits and uncertainty in gaining approval for visa petitions for foreign guest artists. This degree of uncertainty can prove too risky for many performing arts organizations and is having a direct impact on their ability to present foreign guest artists. Orchestras must sell tickets in advance, creating a financial obligation to their audiences. Performances are date, time and location specific, and the nature of scheduling, booking and confirming highly sought after guest soloists and performing groups requires that the timing of the visa process be efficient and reliable."

The INA does provide that the Department of Homeland Security can charge a fee of $1,000 to provide premium processing for employment-based visa petitions, adjudication within 15 days. However, many nonprofit arts organizations cannot afford to pay this extra amount either because they are a small, cash-strapped institution, or because they sponsor many foreign artists over a year's time. The Arts Required Timely Service, ARTS, Act provides that if a nonprofit organization's petition for an O visa or for a P visa is not adjudicated within 30 days, it will receive premium processing free of charge.

I support this bill. And I want to thank the chairman and Mr. BERMAN for their bipartisan amendment in committee that clarified that only arts organizations that are qualified as tax exempt under 501(c) of the Internal Revenue Code can receive the fee waiver, and that organizations petitioning for athletes do not qualify for this waiver.

Mr. KING, the gentleman from Iowa and the ranking member of the Immigration Subcommittee of the Judiciary Committee, offered a number of amendments in the Judiciary Committee markup of this bill. For example, one provided that only small and nonprofit arts organizations should be eligible for the fee waiver. These amendments would have, in fact, improved the bill. Unfortunately, they were not adopted.

On the whole, however, this is a good bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, although there is great support for this bill, I have no other requests for time. And in full confidence and trust of the other side, I return the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I want to assure the chairman that I will not take advantage of his yielding back the time. I do, however, yield 4 minutes to Mr. KING, the gentleman from Iowa, the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. I thank Mr. SMITH, the ranking member of the Judiciary Committee, and the chairman for his graciousness.

I appreciate the privilege to address this issue under these circumstances. And I make no pledge about taking advantage of the situation, but I will stay with the attitude and the comity that the chairman demonstrates always, and that is that I come to the floor here to rise in opposition to this bill.

First I want to explain that premium processing is in the event that the normal application for the visa isn't processed in time, then the performing arts organization, which is a 501(c) nonprofit organization, can then apply. If they want to pay $1,000 premium to turn that around quickly, they can do that today.

So, I'm looking at this thing from the perspective of this is a fee-based system that we have. We fund USCIS through fee-based, and we had hearings in the committee and we brought that forward and it's clear. So, it becomes a zero sum game. If you decide that you're going to provide a premium processing service for one organization, that means the burden of the cost of that gets distributed across all the other applicants.

So, I'm stuck with this image of, let me just say the Metropolitan Museum of Art. I'm very convinced, and have not been there, that people arrive there in limousines wearing tuxedos and formal gowns, and at the same time, I know that they have a foundation that is quite significant. For example, assets of $2,424,000,000 in the foundation, an annual revenue stream of $326 million. Now, out of $326 million in annual revenue or $2.4 billion in the foundation, it seems to me that those kind of very wealthy, not-for-profit wealthy organizations could come up with the extra thousand dollars, particularly because people are arriving in tuxedos and getting out of limousines at the expense of the poor person who is in blue jeans and sneakers. And that's my argument here.

I yield to the chairman.

Mr. CONYERS. I thank the gentleman, STEVE KING, for yielding to me.

In other words, you're recommending that we should have had a two-tier system, because there are some aspiring jazz performers in Europe who want to come over, and they have considerably less than $2 billion in accumulated assets.

Mr. KING of Iowa. Reclaiming my time, I would submit that the wealthy foundations have the revenue to be able to provide for the premium processing in the event that they didn't plan far enough ahead to get their application in on time. I would think those with the highest wealth should be the ones that have the most ability to plan ahead or to pay if they fail to plan ahead.

Mr. CONYERS. Well, it's so uncharacteristic of you to want to sock the rich and not just charge everybody the same amount.

Mr. KING of Iowa. I thank the chairman and I appreciate his remarks. And there is probably some basis for him to make that argument.

Just to close this argument, I will argue first that I offered a series of amendments which Mr. SMITH addressed, and I exempted those foundations with less than $1 million in annual revenues. Then I went up the line to $10 million and then $50 million. I was trying to find that place by which it would get to somebody's conscience on the Judiciary Committee or in this Congress that we should say, you have enough money to manage this yourself. We never found that plateau. I actually wrote one that would have been a googolplex, kind of an unlimited number, but I'm confident it would have been rejected as well.

So, I would just submit that the one organization that I've singled out here, Metropolitan Museum of Art, would have revenue in the 5 minutes we've discussed this to be able to pay for the premium processing of a single artist and accumulate in that hour about enough for 14 artists.

So, I think we should have drawn the line at taking care of our small foundations, and for that reason I am opposing this bill. And I appreciate the sentiment that brings it to the floor.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LUNGREN) who, like Mr. KING, is a member of the Immigration Subcommittee. He will be our last speaker.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the time, and I rise in support of this bill.

I was with my 90-year-old mother on Sunday back in Sacramento. And I remember when my mom used to drag me and my six brothers and sisters off to the Long Beach Symphony Orchestra. And I remember when she worked with the leaders of the orchestra to bring other performers over to perform. It's not an easy thing when you have an organization like that. I know the gentleman from Iowa is talking about some of the more expensive organizations, but we're talking in this bill about all of these nonprofits being able to have the flexibility to bring foreign artists over here.

Interestingly, the Congress, a number of years ago, asked the agency involved to have a flexible system which would allow them to make the request up to 1 year before. And what happened was the agency turned it around and said well, you couldn't do it unless it was at least 6 months or a year before. So, it sort of defeated the very flexibility Members of Congress asked for to allow this to happen.

We should understand that what we've been trying to do is get the agency to deal with these applications in a timely fashion. And the idea that you would get premium service is really kind of an interesting idea, to ask the government to do what it should do, but to do it on time we now charge you for it. Well, we do that in some circumstances because we do have difficulty with budgets, but here we're talking about only nonprofit art organizations.

So many times on this floor, it seems to me, we do more than we should; we go out and we solve problems that aren't there. We often pass legislation in search of a problem. This is not that case. This is a problem that does exist. These organizations, the Alabama Symphony Organization, the Florida West Coast Symphony, the Fort Wayne Philharmonic, the Hubbard Street Dance in Chicago, the Louisville Orchestra, the New Mexico Symphony Orchestra, Opera of Cleveland, Paul Taylor Dance Company, Pittsburgh Opera, Sarasota Opera, Florida Grand Opera, I mean, you can go down and down and down, and you see this is all over the country, a request of community organizations that are not profit that are just asking for the flexibility to be able to bring foreign artists here, which also creates an environment for U.S. artists to go overseas. And I'm old enough to recall during the Cold War that was one of the things we thought was a good thing. In fact, if you think about it, the Soviets, that's one of the things they didn't want, they didn't want American artists over there and they didn't want their artists over here. Why? Because it really began to open the eyes of many people as to some of the greatness that we have and the freedom that we have and the artistic merit that exists in a country such as ours.

So, I would just hope that we would support this bill. It should not be controversial. Hopefully, it will be a unanimous vote.

Mr. BERMAN. Mr. Speaker, the chairman of the Judiciary Committee has explained the problem addressed by H.R. 1312. I just want to add a short history of the bipartisan work on this issue. I also want to express my appreciation to Chairman CONYERS for moving the bill and to some of my colleagues who have been advocating for this solution for quite some time.

For several years now, a bipartisan group of Members has been urging USCIS to find and administrative remedy for lengthy processing times experienced by arts organizations petitioning for O and P visas. In October 2003, I was joined by 15 Members in sending a letter to USCIS Director Aguirre encouraging him to implement a number of reforms in the processing of arts-related visas. At the time, arts organizations filing for O and P visas were in a real catch-22. They were not allowed to file visa petitions earlier than 6 months before a performance, but USCIS was routinely taking longer than 6 months to adjudicate the petitions.

To their credit, USCIS did what they could to remedy the problem by regulation. But USCIS could not do administratively what we recommended, which was to create a consequence for failing to meet the required processing time for O and P petitions. That was the impetus for this bill.

The only remedy available without the bill was to pay for premium processing. Telling a nonprofit arts organization to pay $1,000 for expedited process is in effect saying: "You've paid $390 to file this petition that we're required by law to process in 14 days, but for an extra $1000, we might process in 15 days." That just doesn't make any sense.

What we've done in this bill is create an incentive for timely processing.

Solving this problem has been a joint effort. We have had the benefit of input from the Department of Homeland Security, as well as the cooperation of Ranking Member LAMAR SMITH, who worked with us to tighten the language of the bill at markup. I want to express my appreciation for the collaboration of my colleagues Mr. LUNGREN, Mr. NADLER, Mr. CHABOT, our former colleague on the Judiciary Committee, Mrs. BLACKBURN, and the many other Members who joined in the efforts leading up to this legislation.

International arts exchange is, in a sense, cultural diplomacy. Just a few weeks ago, the New York Philharmonic made a historic trip to Pyongyang. I understand that the 300-member delegation was the largest U.S. presence in North Korea since the end of the Korean war. The Philharmonic's musical director called the visit "a gesture of friendship and goodwill from one people to another." These exchanges may not resolve the world's conflicts, but they create bonds that can pay substantial dividends in years to come.

The ARTS Act is meant to encourage and facilitate these exchanges, and I urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1312, the "Arts Require Timely Service, ARTS, Act," introduced by my distinguished colleague from California, Representative BERMAN. This important legislation amends the Immigration and Nationality Act to allow for the expedited adjudication of an employer petition for an alien of extraordinary artistic ability, an alien accompanying such alien, or an alien who is an athlete or entertainer.

Mr. Speaker, to paraphrase President John F. Kennedy, the true greatness of a nation can be measured by its accomplishments in the domain of the arts and culture. America has always benefited from the free flow of foreign artistic talent, some of which has served this country with great distinction, to mention but the late great cellist and Soviet dissident Mstislav "Slava" Rostropovich. Our immigration system is an important gateway for artists and musicians from abroad and as such it should serve the broader cultural goals of our Nation.

Mr. Speaker, by inviting foreign artists to perform, arts organizations in the United States provide American audiences the opportunity to experience a variety of artistic talent and encourage a supportive climate for American artists to perform abroad. In the last several years, nonprofit arts organizations have confronted dramatic delays and uncertainties in the processing of visa petitions for foreign guest artists. These delays not only impact the immediate availability of foreign artists to perform alongside American artists, but also threaten to impede the ability of U.S. artists to perform abroad.

When a nonprofit arts organization invites a foreign performer, or an entire symphony for that matter, the organization must calendar, advertise, and ticket performances far in advance, all on reliance that they will successfully petition for a visa for their guest performer. In the last several years, delays in processing have led many smaller arts organizations to stop engaging foreign artists altogether because they cannot risk the potential expense of canceling a performance as a result of slow visa processing. Those organizations that have persevered have seen increasingly frequent situations in which performances involving foreign guest artists must be cancelled because the U.S. Immigration and Citizenship Services, USCIS, cannot process visa petitions within a 6-month period before the performance. This is an issue not only for the arts organizations bringing in a foreign artists, but also American artists who are slated to be part of these performances, as well as all of the support staff employed by the organizations as a result of a performance.

Most nonprofit arts organizations cannot afford the current $1,000 fee for premium processing, a program that was adopted primarily at the request of for-profit corporations. Yet, regular visa processing can now take up to 180 days—too long for arts organizations to accommodate. These delays in the visa process can harm nonprofit institutions and the local economies in which they exist.

Since 2003, a bipartisan group of Members has urged USCIS to remedy this problem administratively. In October of that year, 16 members sent a letter to the USCIS Director encouraging him to implement a number of reforms including reducing processing for O and P petitions filed by or on behalf of nonprofit organizations to 30 days or automatically remove those petitions to premium processing at no additional fee. To date, these reforms have not been made administratively, and in discussions, USCIS has represented that they are not certain they could make such changes without legislative action.

The ARTS Act would address visa processing delays facing nonprofit arts organizations by amending section 214(c) of the Immigration and Nationality Act to require USCIS to shift to premium processing without additional fees any O or P visa that is not processed within 30 days of filing a complete petition if the petitioner is or is filing on behalf of a qualified nonprofit organization.

Mr. Speaker, it is not by accident that I wrote a letter on this subject to then USCIS Director Eduardo Aguirre. This act exemplifies the bipartisan spirit in which we should approach this important matter so that our Nation could continue to shine in the cultural field as it shines in other domains.

Mr. Speaker, this legislation speaks directly to principles of cultural and intellectual exchange that our great Nation was founded upon. I am proud to support this legislation and I urge my colleagues to join me in supporting H.R. 1312.

Mr. NADLER. Mr. Speaker, I rise today in support of H.R. 1312, the Arts Require Timely Service Act, or the ARTS Act, and I thank Congressman BERMAN and Chairman CONYERS for their leadership on this important issue.

Under immigration law, foreign artists or groups must obtain a visa in order to perform in America. However, over the last few years, this process has been severely delayed, leading some nonprofits to stop planning events that include foreign artists altogether. These delays not only impact the immediate availability of foreign artists to perform alongside American artists, but also threaten to impede the ability of U.S. artists to perform abroad.

The ARTS Act would address these delays by requiring the Government to expedite—without any additional fees—visas for foreign artists that are not processed within 30 days of filing, if the visa petition is filed on behalf of a qualified nonprofit organization.

The ARTS Act will help end the delays and uncertainties in the processing of visa petitions for foreign guest artists coming to the United States.

America is a great land of opportunity for artists, and in my district, this is particularly true. New York City prides itself as being an international center for the arts, yet the current system is failing it. It is becoming increasingly difficult for too many foreign artists to come to America to perform. Foreign artists bring to America their own unique artistic abilities, and every time they are essentially prevented from performing in America, we do a disservice to the arts and to ourselves.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1312, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1515

COMMEMORATING THE 40TH ANNIVERSARY OF THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1061) commemorating the 40th anniversary of the assassination of Dr. Martin Luther King, Jr., and encouraging people of the United States to pause and remember the life and legacy of Dr. Martin Luther King, Jr., and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1061

Whereas 40 years ago on April 4, 1968, Dr. Martin Luther King, Jr., the moral leader of America, was taken from us all too soon by an assassin's bullet, while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas Dr. Martin Luther King, Jr., while just one man, changed America forever in a few short years through his preaching of nonviolence and passive resistance;

Whereas Dr. King was the preeminent civil rights advocate of his time, leading the civil rights movement in the United States during the 1950s and 1960s and earning world-wide recognition as an eloquent and articulate spokesperson for equality;

Whereas Dr. King dedicated his life to securing the fundamental principles of the United States of liberty and justice for all United States citizens;

Whereas Dr. King was a champion of nonviolence who fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and in 1964, at age 35, he became the youngest man to be awarded the Nobel Peace Prize in recognition for his efforts;

Whereas through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas Dr. Martin Luther King, Jr., broke down walls of racial segregation and racial discrimination in places of public accommodation;

Whereas Dr. Martin Luther King, Jr., opened doors to the participation of all Americans in the political process;

Whereas the work of Dr. King created a basis of understanding and respect and helped communities, and the United States as a whole, to act cooperatively and courageously to restore tolerance, justice, and equality between people;

Whereas in the face of hatred and violence, Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice, and believed that people have the moral capacity to care for other people;

Whereas Dr. King awakened the conscience and consciousness of the United States and used his message of hope to bring people together to build the "Beloved Community", a community of justice, at peace with itself;

Whereas Dr. Martin Luther King, Jr., through his persistence, raw courage, and faith brought about a nonviolent revolution in America without firing a single bullet; and

Whereas our country and our society are better because of what he did and what he said: Now, therefore, be it

Resolved, That the House of Representatives encourages all Americans to—

(1) pause and remember the life and legacy of Dr. Martin Luther King, Jr., on this, the 40th anniversary of his death;

(2) commemorate the legacy of Dr. King, so that, as Dr. King hoped, "one day this Nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident; that all men are created equal"; and

(3) remember the message of Dr. King and rededicate themselves to Dr. King's goal of a free and just United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 1061.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I thank the Speaker, and I yield myself as much time as I may consume.

Mr. Speaker, Members of the House, this Friday, April 4, will mark the 40th anniversary of Dr. Martin Luther King, Jr.'s assassination in 1968.

I note that, once again, our distinguished colleague from Georgia, JOHN LEWIS, has introduced a bipartisan House Resolution calling upon all Americans, on this anniversary, to pause and remember the life and legacy of Dr. Martin Luther King, Jr. and I'd like to acknowledge the many members of the Judiciary Committee supporting this resolution, LAMAR SMITH, GERALD NADLER, ZOE LOFGREN, BOBBY SCOTT, KEITH ELLISON, STEVE COHEN and others.

Dr. King was not only our greatest civil rights leader, but he was also the person that personally has given me the political, philosophical undergirding to attempt to transfer his belief system into some of the objectives of the United States through the Congress. What a leader he was.

I shall be in Memphis this Friday celebrating, with the distinguished gentleman from New York, Harry Bellefonte, and many others, the work that he has done in trying to bring justice, understanding, full employment, an economic system, and end the war in this country and in this world.

He addressed, on the night before his assassination, the sanitation workers in Memphis at the Mason Temple. And I don't know about you, but it seemed to me that he had a premonition that he was spending the last days of his life on earth in this cause. He seemed to have projected his understanding of how fleeting his life may have been.

Of course, I'm also connected to Dr. King by his family, Coretta Scott King and their children, and of course, the unbelievably courageous Mrs. Rosa Parks, who later came to Detroit and honored my office by working there for many, many years.

And so I'm very pleased to join in with this re-examination and remembrance of our great leader, to me, one of the greatest leaders of the 20th century. And so I'm proud to stand before you as the chairman of the Judiciary to bring this resolution forward.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

This bill commemorates the 40th anniversary of the tragic assassination of Dr. Martin Luther King, Jr. Dr. King was the leader of a historic, nonviolent revolution in the U.S. Over the course of his life he fought for equal justice and led the Nation towards racial harmony.

While advancing this great movement, Dr. King's home was bombed, and he was subjected to relentless personal and physical abuse. Despite this violence, Dr. King responded in peace with strong conviction and sound reason. And as a preacher, Dr. King's religious beliefs were essential to the success of his nonviolent efforts. It is doubtful that such a long and enduring movement of peace could have survived in the face of such violence without the power of religious inspiration behind it.

From 1957 to 1968, Dr. King traveled over 6 million miles and spoke over 2,500 times about justice and equal freedom under the law.

On August 28, 1963, Dr. King led a peaceful march of 250,000 people through the streets of Washington, DC. And it is here, in this city, where he delivered a speech that spoke for all Americans, regardless of the color of their skin. In his "I Have a Dream" speech, Dr. King called the march the "greatest demonstration for freedom in the history of our nation," and he was right.

"I have a dream," he said, "that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character."

Dr. King not only lived the American dream, but he opened that same door of opportunity for millions of Americans. He lived for the causes of justice and equality.

On the evening of April 4, 1968, while standing on the balcony of his hotel room in Memphis, Tennessee, Dr. King was assassinated. But a single vicious act could not extinguish Dr. King's legacy, which endures to this day. And America is a better, freer Nation because of his legacy.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield as much time as he may consume to the one person in the House of Representatives and the United States Senate that knew Martin King, Jr., better than any of us here. He's a distinguished civil rights leader in his own right, but he worked closely with Dr. King and the SCLC and SNCC and other civil rights organizations. I am pleased to recognize the gentleman from Georgia, JOHN LEWIS, for as much time as he may consume.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and my colleague, Chairman CONYERS, for yielding.

Mr. Speaker, I think it is fitting and appropriate that we pause, as a Nation and as a people, to remember the life of Dr. Martin Luther King, Jr., a man who changed America forever.

Dr. Martin Luther King, Jr., was assassinated in Memphis, Tennessee on April 4, 1968. He had emerged as a leader, not just for a people, but for a Nation. His leadership and commitment to a truly interracial democracy played a key role in ending legal segregation in America. He led the first major nonviolent campaign in modern America when he emerged as the leader of the Montgomery bus boycott that lasted 381 days.

He inspired thousands and thousands of people to follow the way of nonviolence. In doing so, he inspired other movements and had an effect on so many young people and some not so young.

Just think, a few short years ago, in America, there were signs that said, "White women, Colored women," "White men, Colored men," "White waiting, Colored waiting." There was segregation in public accommodations and transportation. Men and women of color could not even register to vote.

Dr. King created a climate, created an environment that the power of the courts, the power of Congress, and the President of the United States couldn't look the other way; they couldn't say no.

In his short life, he led the American people on a journey that is ongoing even today.

Mr. Speaker, I will never forget coming to Washington with him in early June, 1963. We met with President Kennedy and other leaders in his administration. Dr. King informed the President that there was a crisis in our country and that he had to act.

Later, Dr. King came back to Washington to speak and to march on Washington. This time he was able to bring 250,000 Americans, Black and White, and people of all faiths and backgrounds. On that day, he transformed the steps of the Lincoln Memorial to a modern-day pulpit. On that day, he shared his dream of the Beloved Community, a truly interracial democracy.

I can still hear him saying, "I have a dream today, a dream deeply rooted in the American dream."

Mr. Speaker, today we encourage all citizens, especially our young people, to take time to reflect on the teachings and the leadership of Martin Luther King, Jr. Our Nation is a better place, and we are a better people because of him.

Mr. SMITH of Texas. Mr. Speaker, I don't have any other speakers at this time. I will yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), the chairman of the Judiciary Committee.

Mr. CONYERS. I thank the gentleman from Texas, the ranking member, Mr. SMITH.

I would like now to recognize STEVE COHEN, our distinguished colleague from Memphis, Tennessee, for 2 minutes.

Mr. COHEN. Thank you, Mr. Chairman.

This Friday, our Nation will recognize the 40th anniversary of a most infamous day in our country's history, the assassination of the great Reverend Martin Luther King, Jr.

It's impossible to speak about Dr. King without remembering his eloquence and powerful oratory. Dr. King brought his brilliant mind and God-given speech to bear against mighty forces, forces which were entrenched and interwoven so powerfully in the very fabric of our country that the task to overcome seemed nearly impossible. But he was not deterred. And even from the distance of 40 years, what Martin Luther King, Jr., accomplished in his short number of years on this earth is awe-inspiring. He started a march to justice that he still inspires and which moves toward fulfillment.

An assassin's shot rang out in Memphis, silencing a most beautiful and eloquent man, but it didn't silence his dream. He was a man who worked with Bayard Rustin to take Gandhi's principles of nonviolence and change a country through different forms of civil disobedience that had not been seen in this country successfully.

He brought a march to Washington that's still the greatest march known to this day, a collection of individuals demanding a change of course for this country. And he changed this country and changed, his force made this Congress and the President of the United States, at that time, Lyndon Johnson, change its course and bring about great civil rights legislation.

A man whose life and death continues to define our country and our world, his dream survives his death, and will continue to survive as long as we know what is good and just about our Nation.

The man could be killed, but not the dream. The dream lives in each of us. Though the fires of progress sometimes seem to dwindle to embers, each time we declare that all people are equal, each time we fight against discrimination and intolerance, and each time we speak truth to power, each time we do those things we fan the flame of Martin Luther King's dream and his purpose and his passion lives on in us.

Martin Luther King spoke truth to power, and that is a great thing.

Mr. CONYERS. Mr. Speaker, I'm pleased now to recognize the distinguished gentleman from Georgia, Mr. DAVID SCOTT, and I recognize him for 3 minutes.

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Mr. SCOTT of Georgia. Thank you, Chairman CONYERS. It's so good to be here with my good friend Mr. LEWIS from Georgia and Mr. COHEN from Tennessee.

Mr. Speaker, today, we gather to pay tribute and to recognize an extraordinary life on the 40th anniversary of the assassination of Dr. Martin Luther King, Jr.

Mr. Speaker, in the book of Genesis in the 37th chapter, in the 19th verse, it says these words: Lo, here cometh the dreamer. Let us slay him and then we shall see what will become of his dream.

I think that is a most fitting way to enter my remarks this afternoon about Dr. King, for his was truly a dream, but that dream was built on three strong pillars. One was public accommodations. The other was voting rights. But the other, and perhaps the tougher, was economic rights, how do we get the lever to make the dream a reality. Dr. King knew full well it didn't matter if we could sit anywhere on the bus if we don't have money to get on the bus. It doesn't matter if we could live anywhere we wanted if we didn't have money to buy the house and to keep the house.

So, as we reflect today on that economic right, it is so fitting that so much is still to be done. For as we look at the front page of the New York Times yesterday, we find that there are more people who are on food stamps percentage-wise in this country than 40 years ago when Dr. King died. What has happened to his dream after he was slain?

It's so fitting that if we start to think for a moment what Dr. King was doing in those moments and hours before his death. He was grappling with the economic question, moving back and forward from Washington, D.C., to Atlanta, Georgia, to Memphis, dealing with the poor people's campaign, the war on poverty, and, most significantly, dealing with the most basic of economic rights, a livable wage for jobs for the sanitation workers in Memphis, Tennessee.

And so he knew that the work had not been done. His prophetic words, as Chairman CONYERS referred, it's almost as if he was preaching his own funeral when he said he had reached the mountaintop and had looked over and seen the promised land. I may not get there with you, but I want you to know tonight that we, as a people, will get to the promised land. And all the threats that were on his life, it was as if he knew that the bullet in 24 hours was out there waiting for him.

And he said in his immortal words: I fear no man, for mine eyes have seen the glory of the coming of the Lord.

So, as we gather here, let us understand that that dream is still not the reality; although the pillars that he planted, part of them are. It is the tough bucket of the economic issues that we are grappling with on the floor of this House of Representatives as we speak, keeping people in their homes, getting people so they can work and have employment and jobs, opening up the economic system so that people will have businesses and participate in a livable way.

So, as we reflect, let us remember those words from Genesis: Lo, here cometh the dreamer. Let us slay him and then we shall see what will become of his dream.

We in this House of Representatives can make that dream a reality by finishing that final plank, the economic plank.

Mr. CONYERS. Mr. Speaker, I'm pleased now to recognize the gentleman from Maryland, the Honorable ELIJAH CUMMINGS, who is not only an attorney but a person of deep religious persuasions, a leader in the church. He has worked continually in the area of civil rights, voter activity, and I yield him as much time as he may consume.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding, and I associate myself with the words that have already been spoken by all of my colleagues.

My last colleague who spoke, I just want Mr. SCOTT, as I listened to him I could not help but think about the first chapter of Habakkuk, fifth verse, and in that verse it says that God says that He will do miracles and He will do it during our time, and if He were to tell us what those miracles would be, we would not believe Him.

I rise in support of this resolution, sponsored by the distinguished gentleman from Georgia, commemorating the legacy of Dr. Martin Luther King on the 40th anniversary of his assassination.

Mr. Speaker, young Americans of this time are the third generation to come of age since Representative JOHN LEWIS and other brave young Americans worked with Dr. King to lead America from inequity towards justice and from violence toward a more peace-filled world.

We have been inspired and heartened to witness the young people of our time engaged in the democratic process this year like no other. They are renewing Dr. King's message and are crying out to us in Dr. King's voice, through the often harsh realities of their lives.

I must submit to you, Mr. Speaker, that whatever their ethnic backgrounds may be, far too many of these idealistic young Americans are being subjected to the most crippling segregation of all, the segregation from opportunity that is the inevitable result of poverty. I've often said that our children are the living messages we send to a future we will never see.

And Mr. Speaker, this new, energized, and determined generation is also challenging the foreign policies of this great Nation, even as Dr. King challenged American foreign policy four decades ago.

In this spirit, Mr. Speaker, I join Representative LEWIS, a true American hero who put his own life and safety on the line for these American principles, and I ask that my colleagues join me in supporting this resolution. In doing so, we honor Dr. King and his legacy to America through our actions, as well as through our words.

And as it was said in Habakkuk, miracles will happen. The question is whether we will believe in them and do as Dr. King did. Dr. King looked out, and he was not blinded by what he saw, but he saw things that others did not see, but more significantly, he took his vision and put it in the form of a mission and accomplished much.

Mr. CONYERS. Mr. Speaker, it's now my high privilege to recognize the majority leader, the gentleman from Maryland (Mr. HOYER) who many years ago had me bring to one of his meetings Rosa Parks, and that was the beginning of a very important relationship between Mrs. Parks and STENY HOYER and myself.

Mr. HOYER. I thank my friend for yielding.

JOHN CONYERS is a distinguished leader of the civil rights movement, whose leadership and commitment and tenacity and steadfastness led to declaration of a holiday, a holy day in many respects, a day of recommitment when we remember the life, legacy, and teaching of Martin Luther King, Jr. I did not know Dr. King. I met him but didn't know him.

But I have known JOHN CONYERS and I have known JOHN LEWIS, and I know them both and they are giants themselves. JOHN LEWIS, of course, is the sponsor of this resolution, who represents Atlanta, who came from Alabama, who marched across the Edmund Pettis Bridge, confronted by troops who wanted to stop him from doing what is basic to the United States of America, the right of every citizen to express their view on how their government ought to be peopled and run, the right to vote.

As a result of his courage, the leadership of Dr. King and JOHN CONYERS and so many others, we passed a Voting Rights Act. I am honored to stand with these two giants.

I understand that Mr. SMITH, the ranking member of the committee, helped bring this bill to the floor.

I am of that generation that remembers the dark day in April of 1968, followed too closely by another dark day on June 6, just two-and-some-odd months later.

Mr. Speaker, 40 years ago this Friday, Martin Luther King, Jr., was murdered. He was an American prophet. He called us to love justice, to love our brothers and sisters of every color, of every race, of every nationality, of every religion, of every gender. He spoke the truth, but on April 4, 1968, he was taken from us. But his lesson was not taken from us nor his example.

In this flawed and fallen world, hate and rage and violence will have their day, but if we can find even a sliver of good in that crime, it must be this: Dr. King died on a balcony, an open place, a public place. Dr. King showed us, he proved with his own body, that a just cause is worth dying for, as our Founding Fathers had done, as frankly, in my religion, Jesus did.

It is worth living for, too, he showed us. This resolution, even though I will vote for it wholeheartedly, even though I trust it will pass unanimously, even though it's offered by my good friend JOHN LEWIS, who "toiled, and wrought, and thought" with Dr. King, is just words on paper, unless we match it with the resolve of our lives. That is what Dr. King wanted us to do.

Our conduct, our actions, are the only honors we have worth giving. These words on paper take on value when, and only when, they spur us toward what Dr. King called "a committed life."

After the autopsy, which showed that his 39-year-old body held the strained and tired heart of an elderly man; after two brown mules pulled his casket in a wooden cart through the streets of Atlanta; after tens of thousands assembled to put him to rest, Dr. King spoke at his own funeral.

The loudspeakers played a tape of one of his old sermons, and these were the words that echoed through the Ebenezer Baptist Church. "I don't want a long funeral. I'd like somebody to mention that day that Martin Luther King, Jr., tried to give his life serving others. I'd like for somebody to say that day that Dr. Martin Luther King, Jr., tried to love somebody. I want you to say that day that I tried to be right on the war question. I want you to be able to say that day that I did try to feed the hungry. And I want you to be able to say that day that I did try in my life to clothe those who were naked."

We can say all of it, with truth, about Martin Luther King, Jr., a great American, a great leader, a great man and, yes, a citizen revered, respected, and honored by the world, for he saw himself not just as an American, proud though he was of this Nation's promise, but also he saw himself as a part of all mankind.

May we do our best to live by his example as we remember the sad day when his body was taken from us, but they could not take his lessons.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1061,"Observing the 40th anniversary of the assassination of Dr. Martin Luther King, Jr. and encouraging the people of the United States to pause and remember the life and legacy of Dr. Martin Luther King, Jr. and for other purposes," introduced by my distinguished colleague from Georgia, Representative JOHN LEWIS. This praiseworthy legislation will commemorate the 40th anniversary of Dr. King's assassination by expanding his legacy and honoring his paradigm of nonviolence, courage, compassion, dignity, and public service.

On April 4, 1968, Martin Luther King, Jr. was assassinated while on the balcony of the Lorraine Motel in Memphis, Tennessee. In remembering the 40th anniversary of Dr. King's assassination, we should take a moment to reflect upon the purpose for which Dr. King and other civil rights pioneers so resiliently fought. Through his philosophical words and fortified stance against racial injustice, Dr. King provided a road map for all to unite and share in the prosperity of this great democracy. While we acknowledge that our Nation has come a long way, Dr. King's dream has yet to be realized in its entirety. Martin Luther King's contributions to our history place him in this unparalleled position. It is Dr. King who represents the best in all of us and it is in his memory that we continue to devote ourselves to his vision.

In his short life, Martin Luther King was instrumental in helping us realize and rectify those unspeakable wrongs which tarnished the name of America. African Americans needed a Martin Luther King, but above all, America needed him. The significant qualities of this special man cannot be underestimated nor taken for granted. Within a span of 13 years, from 1955 to his death in 1968, he was able to expound, expose, and extricate America from many wrongs. Dr. King's inspiring words filled a great void in our nation, and answered our collective longing to become a country that truly lived by its dignified principles. And so we memorialize this man of action, who put his life on the line for freedom and justice every day.

Reverend Dr. Martin Luther King's "I Have a Dream" Speech, delivered on August 28, 1963, was a clarion call to each citizen of this great Nation that we still hear today. His request was simply and eloquently conveyed—he challenged America to live up to the true meaning of its creed, to make real the words written in its Declaration of Independence and to have a place in this Nation's Bill of Rights. It is with this goal in mind that we strive to provide equal opportunity to all.

Dr. King spoke about his contentment with the end of his mortal life in his last speech, "I've Been to the Mountaintop," on April 3, 1968 at Mason Temple. Even then he lifted up the value of service as the hallmark of a full life and reiterated the importance of continuing the struggle for human rights. "We've got some difficult days ahead. But it doesn't matter with me now because I've been to the mountaintop." We must continue to pay homage to the valor of a man who endured harassment, embarrassment, beatings, and bombings. We commemorate the man who went to jail 29 times to achieve freedom for others, and who knew he would pay the ultimate price for his leadership, but kept on marching and protesting and organizing anyway. Dr. King's vision of equality under the law should never lose its vigor despite times of unevenness in our equality. For without that vision—without that dream—we can never continue to improve on the human condition.

During these difficult days when the United States is bogged down in a misguided and mismanaged war in Iraq, which has claimed the lives of over 4,000 men and women, we should also remember that the Rev. Dr. Martin Luther King, Jr. was, above all, a person who was always willing to speak truth to power. There is perhaps no better example of Dr. King's moral integrity and consistency than his criticism of the Vietnam War being waged by the Johnson Administration, an administration that was otherwise a friend and champion of civil and human rights. He stated, "We are adding cynicism to the process of death, for they must know after a short period there that none of the things we claim to be fighting for are really involved."

Dr. King was taken from us too soon at the tender age of 39 years old. Many people remember that Dr. King died in Memphis, but few remember why he was there. On that fateful day, the 4th day of April in 1968, Dr. King came to Memphis to lead a strike by the city's sanitation workers.

The death of the Rev. Dr. Martin Luther King, Jr., will never overshadow his life. He was both a dreamer and a man of action. Forty years after his death, Dr. King continues to teach us all. He leaves a legacy of hope, tempered with peace; although, it is a vision not yet fulfilled.

Mr. Speaker, words cannot convey or adequately repay the debt that is owed. We cannot sufficiently articulate the feelings of sorrow that are still universally felt; however, we can pay Dr. King and other civil rights pioneers no greater tribute than to carry on the work they believed in and paid the ultimate sacrifice for. The contributions that Dr. King provided are priceless and will never be forgotten. As we recognize the 40th Anniversary of the slaying of a martyr, let us remember to commemorate his vision, remember his message, and rededicate ourselves to his goal of a free and just United States. I hope every person here rededicates his or her life to fulfilling his legacy—that all of us here highly resolve that Dr. King's dream never dies but becomes a living reality for all the children of this great nation and the world.

I strongly urge my colleagues to join me in supporting this important legislation, and, in so-doing, giving Dr. King the respect that he so greatly deserves.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would first like to thank my colleague from Georgia Mr. JOHN LEWIS for introducing this resolution which honors the life and legacy of one of America's greatest citizens, Dr. Martin Luther King, Jr.

Today, nearly 40 years after he was tragically taken from us, we are still striving to create a society of equal opportunity which he so eloquently called for. We still have a long way to go before his goals will be achieved, but at least he left for us a beacon of hope toward which we can all strive.

I am privileged to represent the Thirtieth District of Texas in the Congress and would note that there are many in North Texas who have endeavored to maintain the legacy of Dr. King. Indeed, in their everyday actions, the clergy, elected officials, students and community in the district strive to implement Dr. King's philosophy.

In 1964, King became the youngest person to receive the Nobel Peace Prize for his efforts to end segregation and racial discrimination through civil disobedience and other nonviolent means.

It is ironic that his life was taken so prematurely at the hands of violence as he visited Memphis, Tennessee to help lead sanitation workers in a protest over black workers being sent home with no pay because of bad weather when white workers remained on the job. This tragic incident happened the day after he gave his "I've been to the Mountaintop" speech during which he seemed to almost prophetically foreshadow his impending death.

Dr. King stood for the common man and for social and political justice in every facet and echelon of life. As a man of vision and determination to do God's will, King was truly destined to lead the people to the "promised land."

Sadly, like Moses, Dr. King was not able to go into the promised land of opportunities with those he led so far through the wilderness of injustice, hatred, and bigotry. Still today, there are many that have been left to rough their way through the thicket of discrimination and racism. Therefore, it is our responsibility to carry on the beacon he left for us that lights the way to true equality and justice.

Mr. Speaker, we can honor Dr. King by bowing our heads in memory of him, but only for a moment. For we must then lift our heads, hold each other hands, look ahead, heads high, and continue the fight for his sacrifice for this Nation which was freedom, equality and opportunity for all.

Mr. VISCLOSKY. Mr. Speaker, I rise today in support of H. Res. 1061, a measure that observes the 40th anniversary of the assassination of Dr. Martin Luther King, Jr., and encourages the people of the United States to pause and remember the life and legacy of Dr. Martin Luther King, Jr. This Friday, April 4, 2008, marks the tragic 40th anniversary of Dr. King's assassination. Dr. King's work for civil rights has remained an inspiration to all those committed to liberty and freedom throughout the world.

While April 4 marks a sad day in American history, it is my hope that, as a nation, we will continue to reflect on the actions and accomplishments of Dr. King. Let April 4th be a day on which we celebrate Dr. King's life, study his teachings, and honor his legacy.

Dr. Martin Luther King, Jr., was born on January 15, 1929, and grew up in Georgia, attending segregated schools throughout his early education. Overcoming these unjust beginnings, King went on to receive a Bachelor of Arts from Morehouse College in 1948, a Bachelor of Divinity from Pennsylvania's Crozer Theological Seminary in 1951, and a Ph.D. from Boston University in 1955 before becoming pastor at the Dexter Avenue Baptist Church in Montgomery, Alabama.

Dr. King was actively involved in the National Association for the Advancement of Colored People (NAACP) and championed efforts for racial equality. In 1955, after Rosa Parks refused to give up her seat to a white man on a Montgomery bus, Dr. King led the historic Montgomery Bus Boycott, the first nonviolent demonstration of the Civil Rights Movement. There, his steadfast adherence to nonviolence and unwavering devotion to the struggle for equality in the face of threats to his life propelled him to the leadership of the Civil Rights Movement.

In 1957, Dr. King was elected President of the Southern Christian Leadership Conference (SCLC), where he drew inspiration from Christianity and the teachings of Ghandi to be a major leader in the Civil Rights Movement. In the ensuing decade, Dr. King was feverishly active in the struggle for racial equality, constantly traveling the country to orchestrate and participate in demonstrations and delivering the inspirational addresses for which he is renowned. In that time he also penned five books and many essays, consulted to Presidents Kennedy and Johnson, and became the youngest person to receive the Nobel Peace Prize. Unfortunately, Dr. King was assassinated on the evening of April 4, 1968, on the balcony of his motel room in Memphis, Tennessee, where he planned to lead a protest march to show solidarity with striking garbage workers the next day.

The nonviolent manner in which Dr. King fought for fundamental freedoms, such as desegregation and the right to vote, has had a lasting impact on the psyche of this country. Perhaps the greatest example of Dr. King's leadership and legacy is his "I Have a Dream" speech, which he gave in front of the Lincoln Memorial during the March on Washington in 1963. In that speech, Dr. King spoke about his dream for a nation where his four children would not be judged by the color of their skin, but by their character.

Mr. Speaker, Friday may be the anniversary of the death of one of our nation's greatest citizens, but I also hope it is a day on which we can reflect on the positive changes that were set in motion due to Dr. King's work. Dr. Martin Luther King, Jr. raised the conscience of America. He made our nation reexamine our commitment to freedom and liberty, and he did so with a message of peace and nonviolence. To this day, Dr. King's work, message, and legacy remain imprinted on the minds of those who carry on his noble cause across America, from Montgomery, Alabama, to Northwest Indiana.

Mr. BISHOP of Georgia. Mr. Speaker, I rise in support of H. Res. 1061, authored by my good friend from the Georgia delegation, Mr. JOHN LEWIS.

Since his death 40 years ago, Dr. Martin Luther King, Jr. has come to be known as a visionary who drove political and social change in our country. And, as the Civil Rights movement evolved, he was an indispensable figure who made historic progress toward fulfilling the country's promise of freedom and justice for all.

As a student at Morehouse, I was greatly influenced by his faith-oriented philosophy—something which still guides me today. I remember meeting him on the Morehouse campus, where he had been a student himself a few years before and where he often returned.

Before deciding on Emory Law School, I entertained the notion of going to seminary just as Dr. King did. In the end I decided to become a lawyer, in part because I realized that every time Dr. King went to jail, he needed a lawyer to help to get him out.

Unfortunately I never had the privilege of helping him get out of jail. Forty years ago this month, I marched behind the mule-drawn wagon that carried his coffin, and I sang at his funeral as a member of the Morehouse Glee Club. It was an experience that will always remain vivid in my memory.

Of course, Martin Luther King, Jr. was not a perfect person. He never claimed to be. Like all of us, he was a human being. But he possessed an abundance of qualities that ultimately made him an heroic and patriotic figure.

He had unwavering faith not only in God, but also this country. He possessed limitless courage and sacrifice in the name of that faith, and endured numerous beatings, jailings, and dangers. He showed tremendous organizational skill by bringing people together and forging a consensus when no one else could.

And his brilliant oratorical skill—eloquence and logic coupled with an appeal to better ourselves.

In his eulogy for Dr. King, Dr. Benjamin Mays said:

> "[Dr. King] had faith in this country. He died striving to desegregate and integrate America to the end that this great nation of ours, born in revolution and blood, conceived in liberty and dedicated to the proposition that all men are created free and equal, will truly become the lighthouse of freedom . . ."

Martin Luther King, Jr. will be remembered this week as a great leader of the civil rights era, a humanitarian, a man of God, a crusader, and by his family, as a loving husband and father.

Additionally, many of us remember a man who lived his life in pursuit of this country's founding principles. So as we commemorate his life with this resolution in the United States House of Representatives—I would also like to remember him as one of America's great patriots.

Mr. HONDA. Mr. Speaker, I rise today in remembrance of the assassination of one of the most prominent leaders of the American Civil Rights Movement, Dr. Martin Luther King, Jr. Dr. King made the ultimate sacrifice advocating for civil rights when he was assassinated on this day 40 years ago while standing on the balcony of his motel room in Memphis, Tennessee. His untimely death gives our nation impetus to realize the dream he espoused, and carry on his legacy.

Dr. King fought to raise the moral and political consciousness of all Americans. As a Baptist preacher, philosopher, and activist, he was most interested in creating a world where he could peacefully and righteously raise his own children. He was passionate about ending poverty and war, both in this country and abroad. Though he is revered for his role within the African American community, he believed that the struggle he led was ultimately for the liberation of the United States and all those who believed in freedom. In this time of global uncertainty and conflict, his wisdom and foresight should resonate with us all.

I would like to share an excerpt from his speech given on April 4, 1967 at a meeting of Clergy and Laity Concerned at Riverside Church in New York City:

> "Somehow this madness must cease. We must stop now. I speak as a child of God and brother to the suffering poor of Vietnam. I speak for those whose land is being laid waste, whose homes are being destroyed, whose culture is being subverted. I speak for the poor of America who are paying the double price of smashed hopes at home and death and corruption in Vietnam. I speak as a citizen of the world, for the world as it stands aghast at the path we have taken. I speak as an American to the leaders of my own nation. The great initiative in this war is ours. The initiative to stop it must be ours. . . .
>
> The only change came from America as we increased our troop commitments in support of governments which were singularly corrupt, inept and without popular support. All the while the people read our leaflets and received regular promises of peace and democracy—and land reform. Now they languish under our bombs and consider us—not their fellow Vietnamese —the real enemy."

Dr. King believed in our collective potential to stand for justice and peace everywhere. On this day, we honor his life and legacy by protecting his dream, and living up to our inherent potential.

Ms. CASTOR. Mr. Speaker, Martin Luther King, Jr. is a national hero. He embodied the tenacious spirit and compassionate understanding of the American ideal. The power of his words has moved millions to live with hope in their hearts and welcome in their embrace.

Dr. King fought for racial equality and desegregation with nonviolent protest. Peace, he taught us, is our most powerful weapon. He helped communities begin to heal the wounds of hatred and indignity by replacing them with cooperation and tolerance. The mark he left on our society is indelible. When an assassin took him from us on that April day in 1968, Americans mourned a terrible loss. Sooner than expected, we had to enact the lessons he taught us without his guidance to show us the way. But his ink was already imprinted on our moral fiber, and our country continued his fight to end discrimination and segregation.

Mr. Speaker, let us, as an American community, pause today to remember the legacy Dr. King left for each of us to carry—to dream, to love, and to accept.

Mr. SHULER. Mr. Speaker, I rise today to support H. Res. 1061, commemorating the 40th anniversary of the assassination of Dr. Martin Luther King, Jr., and encouraging people of the United States to pause and remember the life and legacy of Dr. Martin Luther King, Jr.

Dr. King dedicated his life to fighting for equality for all men and women, regardless of race, creed or class. He was a courageous activist who worked tirelessly to give a voice to Americans whose voices had been silenced.

We live in a society that has undergone infinite change because of this courageous man and his relentless pursuit of a better America. Yet while we have made immense progress in some areas, we must not turn a blind eye to the fact that the work that Dr. King started is not yet complete. Today the responsibility rests on our shoulders to continue his efforts. We must keep working.

The American Dream means something different to everyone. And while it may mean something different to you than it does to your parents or the person sitting next to you at church, I know this: The American Dream is about being able to afford health care, and not having to decide between prescriptions and groceries. It is about being able to earn a wage that is sufficient enough to provide for your family. It is about being able to send your kids to college so they have access to more opportunities than you do.

We teach our children that Dr. King gave his life in Memphis, but we forget to tell them that he was there helping sanitation workers fight for a living wage. We honor Dr. King by name today, but I believe we honor him best by passing legislation that makes it easier for Americans to realize the dream that Dr. King fought for. Most recently, we voted to approve the College Opportunity and Affordability of 2008, which authorizes the Federal Government's major federal student aid programs, among many other things. Our successes in these areas are made in his name and will help serve as a catalyst for even greater movements.

Dr. King's eloquence and determination forced this House to pass long overdue civil rights legislation. This House should never be forced to do the right thing again. Dr. King said: "Our lives begin to end the day we become silent about things that matter." This House should never be silent on the issues that mattered most to Dr. King, including protecting the rights of working Americans.

I ask my colleagues to join me in supporting this resolution to honor Dr. Martin Luther King, Jr.

Mr. KUCINICH. Mr. Speaker. I rise today in honor and remembrance of the Reverend Dr. Martin Luther King, Jr. Today is the eve of the 40th anniversary of Dr. King's assassination in 1968.

Dr. King is without question one of the greatest voices and most successful activists of our time. He spoke out against racial injustice, social inequality and economic prejudice on the domestic front. He promoted non-violence as the means with which to overcome the intolerance of society both at home and abroad.

His was a voice that radiated humility in the face of great adversity and true danger. Dr. King believed silence to be a supreme betrayal and lead his life accordingly. It is not surprising that a man so great would then have a message so powerful that it still rings true today.

His speeches and writings have held a timeless message over the forty years since his passing. They help to guide us as the complexities and struggles of modern society still infringe upon our right to life, liberty and the pursuit of happiness the world over. Mr. Speaker, I would like to offer the following quote of Dr. King's as an example:

"We are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history there is such a thing as being too late. Procrastination is still the thief of time. Life often leaves us standing bare, naked and dejected with a lost opportunity. The 'tide in the affairs of men' does not remain at the flood; it ebbs. We may cry out desperately for time to pause in her passage, but time is deaf to every plea and rushes on. Over the bleached bones and jumbled residue of numerous civilizations are written the pathetic words: 'Too late'. There is an invisible book of life that faithfully records our vigilance or our neglect. 'The moving finger writes, and having writ moves on . . .' We still have a choice today; nonviolent coexistence or violent co-annihilation."

Dr. King acknowledged the interconnectedness of peace, equality and justice. Dr. King understood the personal responsibility that each of us must live up to so that we overcome, once and for all, the ills that plague and seek to separate us.

The Reverend understood the urgency of time as we work to overcome our struggles. Dr. King left us his teachings so that all around the world we may one day engage in what he termed the "beloved community."

I urge my colleagues to join me as we walk these halls of Congress as protectors of the American dream, to think about Dr. King's words as they apply to the business of today. Let us work for peace, let us put an end to racism, let us stop all social injustice and let us realize that today is the day, for tomorrow may he too late.

Mr. RANGEL. Mr. Speaker, I rise today in support of the House Resolution commemorating the 40th anniversary of the assassination of Dr. Martin Luther King, Jr. In mourning the loss of Dr. King, we must also simultaneously celebrate the life and legacy of this courageous civil rights leader.

For the better part of his life, Dr. King stood in protest to inequality. He provided a voice to people once silenced by bigotry and intolerance. He preached nonviolence as a means of securing the fundamental principles of equality and justice, endowed to all people in the United States Constitution. Through his actions and life, Dr. King aided in creating the world we live in today. I am deeply humbled and inspired by his resolve to achieve change in America. Dr. King's work as a civil rights activist and leader has been studied in depth. But, often overlooked is his stance against the war in Vietnam. In the wake of Jeremiah White's comments, I believe that it is important to understand that Dr. King was more than the icon we have created in our efforts to sanctify him. Yes, he lifts the dreamer and man who worked for racial reconciliation, but he was as well a leader with a strong moral vision who was willing to call our great Nation to task when it failed to live up to the standards he saw created by our Declaration of Independence and Constitution.

Many parallels exist between Dr. King's opposition to the war in Vietnam and my opposition of the war in Iraq. Dr. King believed, as I believe, that the United States Government will never invest the necessary funds and energy required to improve the situation of the poor in America, as long as the country's resources are being diverted to a war. Similarly, Dr. King and I both agree that war disproportionately affects the poor, as more of them are sent to fight and die on foreign soil. As Dr. King once stated, "A time comes when silence is betrayal," and today that time has come for us in relation to Iraq.

Dr. Martin Luther King, Jr. was a man of steadfast conviction, determination, sheer grit, and uncompromising faith. That is why today. I stand here advocating the House Resolution commemorating the 40th anniversary of the assassination of Dr. Martin Luther King, Jr., a man who has impacted the lives each and every American.

Ms. CLARKE. Mr. Speaker, I rise today to enter into the RECORD my heartfelt support for H. Res. 1061, commemorating the 40th anniversary of the assassination of Dr. Martin Luther King. Jr. April 4, 1968 was a tragic day for America and the world. We lost a visionary leader whose conviction that all men and women are created equal, be brought to fruition in our time. Today I will not mourn, but celebrate the life and legacy of Dr. King.

Although we have come a long way in remedying the social injustices of our country's history, we must continue to be engaged in a dialogue of racial and economic equality. and for the peace that Dr. King gave his life for. He fought for peace here in America, and he fought for peace for all around the world.

America is currently engaged in a war that has taken the lives of over 4,000 U.S. soldiers and tens of thousands of Iraqis. The uncanny similarities that the war in Iraq has with the Vietnam war must lead us to adhere to Dr. King's message of nonviolence. Dr. King spoke out against the Vietnam war even when his colleagues questioned his wisdom.

On April 4. 1967, a year to the day of his death. Dr. King addressed his colleagues at a meeting of Clergy and Laity Concerned at the Riverside Church in New York City. His speech that day was entitled Beyond Vietnam: A Time to Break Silence. His message was poignant then and speaks directly to us today.

Dr. King stated, "Somehow this madness must cease. We must stop now. I speak as a child of God and brother to the suffering poor of Vietnam. I speak for those whose land is being laid waste, whose homes are being destroyed, whose culture is being subverted. I speak for the poor of America who are paying the double price of smashed hopes at home and death and corruption in Vietnam. I speak as a citizen of the world, for the world as it stands aghast at the path we have taken. I speak as an American to the leaders of my own nation. The great initiative in this war is ours. The initiative to stop it must he ours."

In order for us to continue Dr. King's legacy of peace and justice, we must take a stand to end the illegal and unjust war in Iraq. Today I reaffirm my commitment to ending this war and continuing the legacy of Dr. Martin Luther King, Jr.

Mr. UDALL of New Mexico. Mr. Speaker, today, as we commemorate with great sadness the 40th anniversary of his assassination, Americans remember how Dr. King inspired us to turn our back on centuries of hatred and oppression, how he called on the better angels of our nature and led us to a more just America.

Dr. King made us all believe we could change the world; and, we did. But for all that has been achieved since Dr. King was taken from us, much remains to be done.

In the past 40 years, we have seen the fall of Jim Crow, but we have also seen the rise of economic inequality that divides the haves farther and farther from the have nots, with a shrinking and increasingly ignored middle class in between.

We have seen the birth and growth of the black middle class, but in America's cities a black man born today is more likely to move to a prison cell than a college dorm.

We have seen the death of de jure segregation, but in communities across America the impact of residential division continues to give us two school systems: separate and unequal.

In the 40 years since Dr. King's death, our world has changed dramatically, but his vision of equality has lost none of its power. You could say that we need Dr. King today more than ever.

As a congressman, I sometimes ask myself what Martin would do, and the answer never fails to provide some guidance.

Dr. King fought for equality, and I believe he would be fighting today to ensure that every American student has the opportunity to live their dreams.

Dr. King believed in the rights of working people, and I believe he would be struggling to give every American worker the right to join a union.

And Dr. King was the victim of a vicious smear campaign launched by his own government. I believe he would be working to strengthen our civil liberties so that future government officials cannot harass future Dr. Kings.

As we mark his death and celebrate his life, let us recommit ourselves to doing Dr. King's work in our own time. Dr. King brought us to the mountain top, but it is up to us to reach the Promised Land.

Mr. CONYERS. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1061.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 310, by the yeas and nays;

H. Res. 1005, by the yeas and nays;

H. Res. 1021, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

□ 1545

EXPRESSING SUPPORT FOR A NATIONAL DAY OF REMEMBRANCE FOR HARRIET ROSS TUBMAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 310, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 310.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 14, as follows:

[Roll No. 150]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney

Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Andrews
Cubin
Fossella
Granger
Jefferson
Pryce (OH)
Reynolds
Rothman
Rush
Schwartz
Shuler
Tauscher
Udall (NM)
Waxman

□ 1611

Mr. GUTIERREZ changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE PASSING OF FORMER REPRESENTATIVE BILL DICKINSON OF ALABAMA

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Members, it is my sad duty to notify the House that a former colleague, Bill Dickinson, passed away last night at age 82. Bill represented Alabama's Second District prior to me, from 1964 to 1992. He served as the ranking Republican on the House Armed Services Committee during the Reagan military build-up years.

His death marks a loss to Alabama and to the Nation, and I now ask for a moment of silence from the body.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Members will rise and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF BORDERLINE PERSONALITY AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1005, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1005, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 16, as follows:

[Roll No. 151]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch

Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Calvert
Cubin
Granger
Jefferson
Pryce (OH)
Reynolds
Rothman
Rush
Schwartz
Shuler
Tauscher
Terry
Udall (NM)
Wamp
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

☐ 1621

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution supporting the goals and ideals of Borderline Personality Disorder Awareness Month.".

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS, IDEALS, AND HISTORY OF NATIONAL WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1021, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1021, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 17, as follows:

[Roll No. 152]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Calvert
Cubin
Granger
Jefferson
McCaul (TX)
Pryce (OH)
Renzi
Reynolds
Rothman
Rush
Schwartz
Shuler
Tauscher
Udall (NM)
Wamp
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left to vote.

☐ 1628

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5501, TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–562) on the resolution (H. Res. 1065) providing for consideration of the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1630

ELECTING CERTAIN MEMBERS TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. SCHIFF. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1066

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON FINANCIAL SERVICES.—Mr. Foster, Mr. Carson.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 3547

MR. SCHIFF. Madam Speaker, I ask unanimous consent that Representatives ROYBAL-ALLARD, LINDA SÁNCHEZ, SOLIS, and BERMAN be removed as cosponsors of H.R. 3547, and instead be added to H.R. 5477. These members were listed as cosponsors on one bill when they should have been listed as cosponsors on the other due to a clerical error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

APRIL FOOL'S DAY AT THE WHITE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, today is April the 1st, a day that also goes by the nickname April Fool's Day. For most of us, this is a day of trickery that only comes once a year. For the White House, it is a day that comes all too often. The mistruths, the lies, the deceptions, whatever you want to call them, keep flowing out of the White House and from its cronies.

Just the other day, our very own ambassador to Iraq said, and I quote him, "I think there has to be an honest discussion of the consequences of Iraq." An honest discussion. Now? Why didn't the administration do that 5 years ago, I ask you? Just now we need to put on our thinking caps and get serious about Iraq? We are in the sixth year of this occupation, and Ambassador Crocker thinks now is the time to contemplate what is going to happen in Iraq? This is far beyond a day late and a dollar short. They are 5 years late and one-half trillion dollars short.

But this never ending April Fool's Day goes on and on. How about these oldies but goodies:

In July 2002, then Secretary of Defense Donald Rumsfeld had a one-word answer for reporters who asked whether Iraq had relationships with al Qaeda terrorists. His answer was, "Sure."

Vice President DICK CHENEY in August 2002 simply stated, "There is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us."

On January 28, 2003, in his annual State of the Union, the President asserted that the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. He continued, "Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production."

The administration, which has racked up one-half trillion dollars in debt, even made the claim that Iraqi oil would pay for the war and that we would be met with cheers and flowers.

Remember that old proverb: Fool me once, shame on you. Fool me twice, shame on me. But, you know what? The American people were not fooled by these statements, and this Congress mustn't be fooled, either. That is why 92 Members of this House have sent a clear message to the President. We signed a letter stating that we will not support any more blank checks. In fact, we said we will only support appropriating additional funds for U.S. military operations in Iraq during fiscal year 2008 and beyond for the protection and safe redeployment of our troops out of Iraq before President Bush leaves office.

There is absolutely nothing funny about these tricks that the administration has played on this Nation. April Fool's Day ends today. We must not take any more nonsense from the White House, and we must not sign one more blank check.

HONORING JOHN MONTGOMERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, I rise today to honor a public servant who has given a great deal not only to the State of North Carolina but to the country as a whole.

Since 1972, Mr. John Montgomery has served the Department of Veterans Affairs on behalf of our Nation's veterans. Later this month, he will retire from his position as director of the VA regional office in Winston-Salem in North Carolina.

Born in Providence, Rhode Island in 1944, Mr. Montgomery is an Army veteran who served in an artillery unit in Vietnam from January 1969 to April of 1970. He earned a bachelor's degree from Brown University in 1967 and a law degree from Boston University in 1972. Mr. Montgomery began his VA career in Hartford, Connecticut regional office as a claims examiner in 1972. In 1975, he transferred to the VA central office in Washington, DC as a legal consultant, and 2 years later, he was selected as the adjudication officer at the VA Medical and Regional Office Center in Togus, Maine. Mr. Montgomery was named director of the Providence, Rhode Island VA Regional Office in 1980.

In February of 1995, he traveled to North Carolina to begin work in his current position as director of the VA Regional Office in Winston-Salem, North Carolina. In this position, he has been responsible for administering federal benefits to 790,000 veterans and their families living in North Carolina. These services total more than $1.2 billion in annual benefit payments.

The Winston-Salem Regional Office provides benefits and services in all program areas to veterans, servicemembers, and reservists residing in North Carolina. These programs include compensation, pension, loan guarantee, and vocational rehabilitation.

From 1995 to 2007, Mr. Montgomery oversaw the growth of the Winston-Salem Office from 240 employees to 530 employees. During this period, the office grew to the second largest disability office in the United States.

In 2005, he was successful in having Winston-Salem selected as one of only two national benefits delivery at discharge sites at regional offices. This achievement created an additional 55 professional full-time positions and helped to ensure that the regional office would be a key player in the VA for many years to come.

As director, Mr. Montgomery has supported the veteran community in hiring practices as well as in claims disability work. Of the 516 employees hired at the regional offices in the last 10 years, 260 were veterans, and of that number, 127 were disabled veterans.

Each year, I visit the Winston-Salem Regional Office to learn about the work being done there and, more importantly, to personally thank the VA employees for all they do on behalf of our Nation's veterans. It was during one of these visits that I was struck by a letter I saw hanging on the wall of Mr. Montgomery's office. His family had received a letter from President Franklin D. Roosevelt after losing a loved one in World War II. And I quote President Roosevelt's letter.

"He stands in the unbroken line of patriots who have dared to die that freedom might live and grow, and increase its blessings. Freedom lives, and through it, he lives, in a way that humbles the undertakings of most men."

I am so grateful that my friendship with Mr. Montgomery led me to this wonderful quote, which I have since shared in my own letters to families who have lost a loved one in Afghanistan or Iraq.

During my visits, Mr. Montgomery has generously acted as my guide and has introduced me to employees and visiting veterans. I have witnessed firsthand all of the great work being done by Mr. Montgomery and his staff to take care of our Nation's veterans. They have excelled in their efforts to reduce the number of pending claims while still maintaining the accuracy of their case audits.

In closing, Madam Speaker, I wish to congratulate Mr. Montgomery on his retirement and his long and successful career of service with the Department of Veterans Affairs. Through his work on behalf of our Nation's veterans, he has earned the respect of so many people, and I know he will be missed.

John Montgomery, thank you for a job well done. I wish you all the best for a long and happy retirement. May God bless you and your family in the years ahead, and may God bless our men and women in uniform, and may God bless America.

THE HOUSING STIMULUS PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, The Politico, a newspaper that is published and distributed here in the Congress, has an article today about how hard the Democrats are working to address the housing stimulus plan that the American people are waiting for.

In places like Ohio, the mortgage foreclosure rate is at all-time highs, and Washington seems to be frozen. There was a program passed here that I voted for for housing counseling to try to help workouts a few months ago; and then I learned that, in a community as hard struck as northern Ohio is, it yielded $60,000. $60,000 in a region where hundreds and hundreds of people are losing their homes.

☐ 1645

Washington doesn't seem to be able to match the reality of what is happening across this country.

A newspaper today reports that Senator CHRIS DODD from the other body stated that "Congress needs cooperation. This is not a partisan issue. Our economy is in trouble. We need people to step up and recognize it is Americans that are at risk, and it is America that is at risk."

The figures state that in another sign of distressed housing markets, home equity dipped below 50 percent, an historic low for our Nation. Home mortgage volume fell by 17.5 percent last quarter, and pending home sales also are reaching new lows. We know what the reality is. And yet today, all the major papers had lead stories about the resignation of the Secretary of Housing and Urban Development, Mr. Alphonso Jackson. USA Today reports: "HUD chief departure a blow to President.

"For the first time in President Bush's tenure, one of his Cabinet members is stepping down amid a criminal investigation."

The article continues: "The FBI has been investigating the ties between Mr. Jackson and a friend who was paid $392,000 by the U.S. Department of Housing and Urban Development as a construction manager in New Orleans, according to the Associated Press." It is quite a long story about that resignation.

And then in the Washington Post, the same sort of story, "Jackson Resigns as HUD Secretary, Longtime Bush Friend is Facing Cronyism Investigation."

Mr. Jackson announced his resignation yesterday, leaving the Bush administration without a top housing official in the midst of this vast mortgage crisis which has shaken not just the American economy but the global economy.

The New York Times lead editorial today: "Put the Housing Back in HUD." Boy, can we underline that.

It talks about what a sad commentary it is on the Bush administration's low regard for HUD's mission that Mr. Jackson was permitted to remain in office for so long. And it points out in 2006, an inspector general's report found Mr. Jackson had urged his staff members to favor Mr. Bush's supporters when it awarded contracts. And more recently, the Philadelphia Housing Authority sued Mr. Jackson, charging he had threatened to take away $50 million from that authority because its president would not turn over valuable property to a developer with ties to Mr. Jackson. He has refused to answer the Senate's questions about the matter, and the Times ends with this admonition: "Mr. Jackson's resignation clears the way for President Bush to name a top caliber successor, given the seriousness of the mortgage crisis." It should also be an occasion to reflect on the cost of appointing HUD secretaries whose priorities are politics and patronage rather than housing and urban development, which was the mission of HUD from the very beginning.

We are celebrating the 40th anniversary of the Kerner Commission Report; and as we look at the disaster we are facing in housing across this country that demands a national response, to have the major official here in our Nation's capital have to step down under a cloud of wrongdoing, and to have no one in place, a team of people who can really reach out to the American people and help as many of them as possible hold onto their largest form of savings, which is their home, is an absolute national disgrace.

It seems like the organizations that are here in our Nation's capital aren't really serious about helping the American people to hold onto their most prized possession after their family, their home, for heaven's sake.

You really wonder what has been going on inside that administration, what has been going on on Wall Street with people walking away with tens of millions of dollars in fees, and the American people's equity just being washed down the drain.

I recommend to the President that he go beyond appointing a person of high repute to the office of Secretary of HUD and have a strike team in the White House that can deal with every region of this country being so hard hit in this mortgage crisis.

Madam Speaker, I will include the articles for the RECORD.

[From the USA Today, Apr. 1, 2008]

HUD CHIEF DEPARTURE A BLOW TO PRESIDENT

(By David Jackson)

WASHINGTON.—For the first time in President Bush's tenure, one of his Cabinet members is stepping down amid a criminal investigation.

Housing Secretary Alphonso Jackson, a longtime Bush ally from Texas, said Monday he'll leave his post on April 18. He announced his departure on the fourth anniversary of his Senate confirmation.

The FBI has been investigating the ties between Jackson and a friend who was paid

$392,000 by the U.S. Housing and Urban Development Department as a construction manager in New Orleans, according to the Associated Press. Jackson's friend got the job after Jackson allegedly asked a HUD staffer to pass along his name to the Housing Authority of New Orleans.

Other Bush Cabinet members, such as former Attorney General Alberto Gonzales, have left office under political clouds. But Jackson, 62, is the highest ranking Bush official to depart in this manner. Last June, former deputy Interior secretary Steven Griles was convicted and sent to prison for lying to a congressional panel about the access and favors he gave to lobbyist Jack Abramoff.

James Thurber, who directs the Center for Congressional and Presidential Studies at American University, said Jackson's resignation is not good news for Bush as he seeks political leverage with Congress and tries to stay relevant during an intense presidential campaign to succeed him.

"This is the last thing that he needs," Thurber said.

Separately, Jackson and HUD still face a federal lawsuit by the Philadelphia Housing Authority, accusing Jackson of retaliating against that agency because it refused to turn over land to one of his developer friends.

Carl Greene, executive director of the Philadelphia agency, told USA TODAY that Jackson "orchestrated a series of procedural and enforcement actions" designed to deprive his agency of federal funds.

Greene said his lawyers still may want to question Jackson, but his main goal is to get the department "to allow us to continue carrying out our mission."

HUD official Mark Studdert said in a March 19 letter the federal government was not retaliating against the Philadelphia agency, but was citing it for not being in compliance with federal law on tenants with physical disabilities.

Jackson did not mention the federal investigation or the lawsuit during his brief announcement. "There comes a time when one must attend diligently to personal and family matters," said Jackson, without taking questions from reporters.

The resignation came 10 days after Democratic Sens. Patty Murray of Washington and Chris Dodd of Connecticut urged Bush to remove Jackson, citing "the clouds of justice Department investigations and reports of an empanelled grand jury" at a time of nationwide mortgage failures.

Bush, who flew early Monday to Kiev, Ukraine, issued a statement saying he accepted Jackson's resignation with regret. A friend of Jackson since they both lived in Dallas in the early 1990s, Bush said, "I have known him to be a strong leader and a good man."

In 2006, the Dallas Business Journal reported Jackson said that he rejected a contract with one man who told him he did not like Bush. That led to a report by the HUD inspector general that Jackson told employees to consider political affiliation when deciding contracts. The inspector general said there was no evidence that contracts were actually awarded on such a basis.

Jackson told the inspector general that the report of his comments in Dallas was not true.

[From the Washington Post, Apr. 1, 2008]

JACKSON RESIGNS AS HUD SECRETARY

(By Dan Eggen and Carol D. Leonnig)

Embattled Housing and urban Development Secretary Alphonso Jackson announced his resignation yesterday, leaving the Bush administration without a top housing official in the midst of a vast mortgage crisis that has shaken the global economy.

Jackson, a longtime friend and former neighbor of President Bush, departed after the White House concluded he had too many controversies swirling around him to be an effective Cabinet member, several HUD officials said privately.

Jackson has been accused of favoritism involving HUD contractors for two years, and the FBI and the Justice Department are investigating whether he steered business to friends.

Several Democratic lawmakers demanded Jackson's resignation last month after he refused to answer questions about the accusations including a lawsuit filed by the Philadelphia Housing Authority against HUD that alleged Jackson and his aides used the department to punish the authority for refusing to transfer valuable property to one of Jackson's friends.

[From the New York Times, Apr. 1, 2008]

PUT THE HOUSING BACK IN HUD

As relieved as we were to see Alphanso Jackson resign on Monday as the secretary of housing and urban development, it was a sad comment on the Bush administration's low regard for HUD's mission that Mr. Jackson was permitted to remain in office so long.

Mr. Jackson offered the usual excuse for resigning; his family, apparently, needs to see more of him. It's evident, though that his resignation has something to do with the ongoing investigation of Mr. Jackson for allegedly using his position for partisan politics and to reward friends. Even this administration, with its high tolerance for that sort of behavior, no doubt considered it uintenable—finally—to have such a dubious housing chief when home mortgages are in crisis.

Mr. Jackson made little impression in either housing or urban development. He did make headlines in April 2006, however, when he boasted that he had taken a contract away because the contractor had been critical of President Bush. "Why should I reward someone who doesn't like the president, so they can use funds to try to campaign against the president?" The Dallas Business Journal quoted him as saying in a speech.

Mr. Jackson later said that he was lying when he talked about awarding contracts for political reasons, but an inspector general's report later that year found that Mr. Jackson had urged his staff members to favor Mr. Bush's supporters when it awarded contracts.

More recently, the Philadelphia Housing Authority sued Mr. Jackson, charging that he had threatened to take away $50 million because its president would not turn over valuable property to a developer with ties to Mr. Jackson. He has refused to answer the Senate's questions about the matter.

Federal authorities are also reportedly investigating whether he steered housing contracts in New Orleans and the Virgin Islands to friends.

HUD has a long history of mismanagement and corruption, which has been particularly pronounced in Republican administrations. That is most likely because with rare exceptions, like former HUD Secretary Jack Kemp, Republicans do not seem to believe in the agency's mission. Samuel Pierce, the HUD secretary for all eight years of Ronald Reagan's presidency, defended Mr. Reagan's sharp cuts in subsidized housing. He presided over a department mired in scandals, including ones that led to criminal convictions of several of his aides.

President Bush consistently backed Mr. Jackson, as recently as last month after Senators Patty Murray, Democrat of Washington, and Christopher Dodd, Democrat of Connecticut, called for his dismissal. But questions kept mounting about Mr. Jackson's integrity at a time when his department's Federal Housing Administration has an important role to play in trying to stave off foreclosures.

Mr. Jackson's resignation clears the way for Mr. Bush to name a top-caliber successor, given the seriousness of the mortgage crisis. It should also be an occasion to reflect on the cost of appointing HUD secretaries whose priorities are politics and patronage rather than housing and urban development.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is April 1, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,853 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should have given them.

Madam Speaker, let me conclude, in the hope that perhaps someone new who heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,853 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is April 1, 2008—12,853 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of free and the home of the brave.

THANK YOU, PAT SALBERG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Madam Speaker, I rise today to bid a fond farewell to a long-time member of my district staff, Pat Salberg. Pat recently retired after 23 years of dedicated service to the people of Illinois' 13th Congressional District.

Having served as a caseworker on the staff of my predecessor, Representative Harris Fawell, Pat was kind enough to agree to stay with my office—only temporarily, she said—to aid the transition. That was 10 years ago.

It seems her retirement plans just kept getting pushed back by an untiring love of helping others. From seniors with Social Security questions to a homeless mom looking for shelter for her child, Pat never hesitated to go above and beyond to find a solution for those in need.

Were you to ask her colleagues about it, they would tell you that her love for others is rivaled only by her love of animals, both cuddly and otherwise. In fact, members of my staff in the district are to this day forbidden from stepping on spiders or other insects that might be roaming around the office. Pat insisted that they be scooped up to safety and set free outside.

One time she even tried to save a live lobster that someone had unwittingly given her as a gift. Pat didn't rest until it had been set free in a co-worker's pond.

Needless to say, it is little surprise to any of us who know Pat that Pat plans to spend some of her newly acquired free time volunteering at the Brookfield Zoo. I expect she will also spend more time gardening and playing bridge with friends.

Madam Speaker, Pat is a wonderful colleague and will always remain a part of our team in the 13th Congressional District. As she turns to new, more leisurely pursuits in life, I would like to wish her good health and great happiness. I know her two daughters, Wendy and Debbie, as well as her grandchildren, Megan, Scott, and Collin, will be glad to have Pat around even more. And I thank them for letting us borrow her for as long as they did.

Finally, Madam Speaker, I would like to thank Pat Salberg for all she has done for the community and for me. We will miss her dearly.

HONORING CHARLIE ARA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, this afternoon I rise to recognize Mr. Charlie Ara, the recipient of the First Annual Cesar Chavez Humanitarian Award for the 56th Assembly District of California, for over 50 years of community service and activism in the field of human and civil rights.

Mr. Ara was ordained a Roman Catholic priest by Cardinal James Francis McIntyre on April 25, 1956, at St. Vibiana's Cathedral in Los Angeles, California.

From 1956 to 1970, he served as associate pastor in five large parishes in the Archdiocese of Los Angeles: St. Lawrence Martyr in the South Bay area; St. Finbar's in the Burbank-Glendale area; Visitation in West Los Angeles; All Saints in El Sereno; and St. Cecilia's in the Tustin-Santa Ana area of Orange County.

On August 28, 1963, Mr. Ara participated in the March on Washington, along with over 250,000 people, and experienced Martin Luther King Jr.'s "I Have a Dream" speech. Mr. Ara has carried Mr. KING's message of equality throughout his career.

Mr. Ara became a strong advocate for social justice, including support for farm workers, anti-Vietnam War activists, and fair housing legislation for Mexican-American families living in public housing projects in East Los Angeles.

In 1970, Mr. Ara married. He and his wife, Shirley, were blessed with five wonderful children: Martin John, Jose Anthony, Rana Annette, Dawna Gibrana, and Matthew Charles.

Mr. Ara became the chief executive and administrator of anti-poverty programs funded by the California Community Services Administration, the U.S. Department of Labor, and the City of Long Beach Department of Rehabilitation.

Through these programs, Mr. Ara assisted Latinos and other ethnic minorities by directing men and women to job training programs. Mr. Ara also established English classes for the Spanish-speaking community, served as a liaison with the welfare department, and sought assistance for the elderly.

Mr. Ara also wrote and obtained the first mental health government grant for the Asian American community in Long Beach serving widows of fallen military servicemembers.

In addition to his advocacy work, Mr. Ara holds a doctoral degree in psychology and has been a marriage and family counselor for 36 years. He has written a best-selling marital success guide titled, "The Grass is Greener Where It is Watered."

Mr. Ara has prepared many thousands of couples for marriage, and has made numerous appearances on national television and radio programs to discuss his work.

Most recently, Mr. Ara led an effort with the Hubert Humphrey Democratic Club of Cerritos and the African-American community to observe the Martin Luther King Jr. Holiday in the city of Cerritos.

Madam Speaker and distinguished colleagues, please join me in recognizing Charlie Ara for his many years of service to the community, and for his many years of social justice advocacy. He is a great man who does great work in our community. We respect him tremendously, and he deserves this honor.

TWO MICHELLES, TWO AMERICAS & SHAME V. PRIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Madam Speaker, an article came across my desk earlier today which I believe needs and deserves the attention of this House. It is titled, "2 Michelles, 2 Americas & Shame v. Pride." It was written by Michelle Malkin.

She writes: "Like Michelle Obama, I am a 'woman of color.' Like Michelle Obama, I am a working mother of two young children. Like Michelle Obama, I am member of the 13th generation of Americans born since the founding of our great Nation.

"Unlike Michelle Obama, I can't keep track of the numbers of times I have been proud—really proud—of my country since I was born and privileged to live in it. At a recent speech in Milwaukee, Mrs. Obama remarked, 'For the first time in my adult lifetime, I am really proud of my country, and not just because Barack has done well, but because I think people are hungry for change'.

"Mrs. Obama's statement was met with warm applause from those who also are apparently devoid of pride in their country during their adult lifetimes. Or maybe it was a Pavlovian response to the word 'change'. What a sad, empty, narcissistic, ungrateful, unthinking lot.

"I am just 7 years younger than Ms. Obama. We have grown up and lived in the same era. And yet, her self-absorbed attitude is completely foreign to me. What planet is she living on? Since when was now the only time the American people have ever been 'hungry for change'?

"We were both adults when the Berlin Wall fell. That was an earth-shattering change. We lived through two decades of peaceful, if contentious, election cycles under the rule of law, which have brought about change and upheaval, both good and bad. We were adults through several launches of the space shuttle, in case you were snoozing. And as adults, we've witnessed and benefited from dizzyingly rapid advances in technology, communications, science, and medicine pioneered by American entrepreneurs who yearned to change the world and succeeded.

You want 'change'? Go ask the patients whose lives have been improved and extended by American pharmaceutical companies that have flourished under the best economic system in the world.

"If American ingenuity, a robust constitutional republic, and the fall of communism don't do it for you, then how about American heroism and sacrifice? How about every Memorial Day, every Veterans Day, every Independence Day, every medal of honor ceremony? Has she never attended a "welcome home ceremony" for the troops? For me, there is a thrill of the Blue Angels roaring over the cloudless skies, and there is the somber awe felt amid the hallowed waters that surround the sunken USS *Arizona* and Pearl Harbor Memorial.

□ 1700

Every naturalization ceremony I've attended where hundreds of new Americans raise their hands to swear an oath of allegiance to this land of liberty has been a moment of pride for me, so has the awesome display of American compassion at home and around the world when millions of Americans rallied to help victims of the 2004 tsunami on Southeast Asia, including members of the USS *Abraham Lincoln* Carrier Strike Group that sped from Hong Kong to assist the survivors. My heart filled with pride. It did again when the citizens of Houston opened their arms to Hurricane Katrina victims and folks across the country rushed to their churches and offices of the Salvation Army and Red Cross to volunteer.

How about American resilience? Does it not make you proud? Only a heart of stone could be unmoved by the strength, the valor and determination displayed by New York, Washington, DC and Shanksville, Pennsylvania on September 11, 2001.

I believe it was Michael Kinsley who quipped that a gaffe is when a politician tells the truth. In this case, it's what happens when an elite Democrat politician's wife says what a significant portion of her party's base really believe to be truth: America is more a source of shame than pride.

Michelle Obama has achieved enormous professional success, political influence and personal acclaim in America. Ivy League educated, she's been lauded by Essence magazine as one of the 25 Most Inspiring Women, by Vanity Fair as one of the ten World's Best-Dressed Women, and named one of 'The Harvard 100' most influential alumni. She has an amazingly blessed life, but you wouldn't know it from her campaign rhetoric or her griping about her and her husband's student loans.

For years we've heard liberals get offended by any challenge to their patriotism. And so they are again aggrieved and rising to explain away Ms. Obama's remarks. Lady Michelle and her defenders protest too much.

Madam Speaker, I am proud of America for many reasons, not the least of which is because it helped shape the character of Michelle Malkin.

COMMENDING ULYSSES BYIS ELEMENTARY SCHOOL STUDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Madam Speaker, I rise today to recognize the good works of the students of the Ulysses Byis Elementary School in Roosevelt, Long Island, in my district.

On Tuesday, March 18, I visited the students at the school to honor their hard work in raising awareness and funds for humanitarian efforts helping those suffering from the conflict in Darfur, Sudan. The students worked to help achieve and support the mission of the U.N. Millennium Development goals in bringing aid and awareness to health, education, poverty, and sustainable living needs in Africa.

Under the guidance of educators Ms. Hazelton, Ms. Warfield, and Principal Lillian Coggins-Watson, the students got involved with the national network of O Ambassador's clubs, a part of Oprah's "Angel Network," with the goal of working to find solutions to global challenges through active learning, idea sharing, and taking action.

The students worked diligently and raised $1,100 in just 2 days to benefit relief agencies in the East African Nation of Sudan. These students made an extraordinary effort to help a problem that is very far away from them, and their work and contributions need to be acknowledged.

Considering the volume of money Congress manages every single day, $1,100 might sound like a small amount, but the effort by the children of Ulysses Byis Elementary School was massive, considering that many of the families in the Roosevelt School District face harsh economic challenges of their own.

The fact that these students worked as hard as they did to raise the money that will help save the lives of people thousands of miles away speaks not only of their extraordinary character, but what a terrific job the teachers and parents in the Roosevelt School District are doing in instilling in the children the qualities that make our citizens and Nation great.

The students have not stopped in their efforts to raise money and attention to the difficulties facing the people of Darfur. In fact, since I visited the school just 2 weeks ago, the students have raised over $600 more and, have the goal of reaching $5,000 by the end of the school year. They plan to sell scratch-off tickets, hold a walk-a-thon, and continue to collect the pocket change that students bring with them to school. These children will not let any obstacle prevent them from achieving their goal to help the Sudanese people.

Some of the money raised by the students will go towards the purchase of mosquito bed nets, which have been shown to dramatically lessen the spread of malaria. The seemingly simple technology of insecticide treated bed nets has proven to be remarkably effective and can save thousands of lives a year by minimizing one of the region's most deadly diseases.

As has been mentioned many times here on the House floor, the situation in Darfur is dire, and financial aid is crucial in helping to manage the humanitarian crisis that is being faced there every day.

While we are still working to find ways to help eliminate the violence and brutality of genocide that has become synonymous with Darfur, we need to take a lesson from the students and work to help them manage the health and well-being of the country's population. Each year, thousands of

Sudanese will fall victim to disease and famine. What makes these deaths even more tragic is that so many could have been prevented by the use of the kind of bed netting that the money raised by the students will go towards purchasing.

Additionally, this week we will vote on H.R. 5510, the Tom Lantos and Henry J. Hide United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008. The bill will provide much-needed funds that will be useful in advancing the causes that the children are working toward. This bill will help impact one of the most important issues of our time, helping to stem the spread of deadly and potentially preventable diseases.

It is absolutely vital that the United States Government and Members of this Congress continue to decry the outrageous horrors of genocide and Darfur. And we must continue to find ways, as the children have, to help the Sudanese people survive.

I would like to extend my congratulations and deepest gratitude to the students of the Ulysses Byis Elementary School, and their teachers, principals and parents for their tremendous efforts and their spirit of giving and generosity.

I would also like to thank and recognize the efforts of Oprah Winfrey for offering the tools and inspiration for the children at the Ulysses Byis School and students throughout the Nation through her Angel Network and O Ambassadors program to take action and to do the hard work necessary to help those less fortunate.

Finally, I would just like to tell the students of the Ulysses Byis School to keep up their good work. Don't quit. I know that you will reach and exceed your goals. The people of Darfur need your help, and we are all behind you. I thank the students for the work they have done.

SARAH TERRY/RELAY FOR LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. I rise to salute the Prince Edward County and Longwood University Relay for Life for their fundraising efforts for the American Cancer Society.

Cancer affects millions of families across the United States each year. The 2008 Prince Edward/Longwood Relay for Life is particularly special because this year's walk will honor Sarah Terry, a long-time community activist and a manager of my Farmville office. Sarah served on the Virginia Board of Corrections, the Longwood University Board of Visitors, and as Executive Director of the Farmville Area Chamber of Commerce.

Sarah battled breast cancer for almost a decade before succumbing to the illness on December 1, 2007. Even while ill, Sarah continued to fight diligently for the Farmville/Prince Edward community in many capacities to promote the local economy, outdoor recreation and tourism.

I commend the Relay for Life for honoring an inspirational figure and community leader in Sarah Terry.

NAME DISPUTE BETWEEN GREECE AND FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Madam Speaker, I rise today to discuss the name dispute between Greece and the Former Yugoslav Republic of Macedonia (FYROM). We call it FYROM for short. FYROM is located just north of present day Greece, and its capital is Skopje. It is one of the countries formed from the breakup of the former Yugoslav Republic, Yugoslavia.

FYROM is an interim name. The U.N. oversees a framework where Greece and FYROM have agreed to negotiate a mutually agreeable permanent name for this new nation. As the founder and cofounder of the Congressional Caucus on Hellenic Issues, this is an issue of tremendous importance to Greece and the Caucus.

All historical and archaeological evidence demonstrates that the ancient Macedonians were Greek. Macedonia is a Greek name that was designated in the northern area of Greece for 2,500 years.

In 1944, the name of Skopje region was changed to Macedonia as part of Tito's imperialistic campaign to gain control of the Greek province of Macedonia. The United States opposed Tito's use of the name Macedonia at that time, but in November 2004, unilaterally and without warning, this present administration decided to recognize the former Yugoslavia Republic of Macedonia as Macedonia, using the Greek name. It was a shock and a disappointment to the Greek American community, and myself and many others, that the White House went against prior U.S. policy to recognize FYROM as Macedonia just 2 days after the 2004 presidential election, and before talks were completed among the nations most directly affected by the outcome.

Along with former Representative Bilirakis and 68 of our colleagues, we sent a letter to the former Secretary of State, Colin Powell, expressing our concerns about this decision. We also organized meetings with the American Ambassador and other officials in the State Department. We believe that the name "Macedonia" properly belongs to Greek culture and, therefore, should not be used by any other country. Greek Macedonia is one of the oldest civilizations known to man, and the history of this name should be recognized and respected.

Along with my colleagues, BILIRAKIS, SARBANES and SPACE, we have introduced legislation, H.R. 356, which expresses the sense of the House of Representatives that the FYROM should stop the utilization of materials that violate provisions of the U.N.-brokered interim agreement between FYROM and Greece regarding hostile activities or propaganda, and should work with the U.N. and Greece to achieve long-standing U.S. and U.N. policy goals of finding a mutually acceptable name. Our bipartisan resolution now has over 114 cosponsors.

I just want to say that, in a major good will gesture, Greece has already agreed with the word Macedonia in the name. And they say it would be acceptable as long as it is combined with some type of qualifier to make clear that there are no designs on the historical boundaries of the provinces of Macedonia. But Skopje keeps doing sort of antagonistic things. This week, they erected a billboard in Skopje that depicts the Greek flag, but in the area where the cross is, they have put in a swastika. I would like to say to my colleagues, if someone erected billboards with the American flag and put a swastika where our stars are, we would be somewhat upset.

Also, in their textbooks, and I have examples here, they print maps that show that Skopje includes territories of Greece. They have also printed on their currency the symbol of Greece; the white tower was on their currency. We have since had them remove it. But I would say to my colleagues, if at the height of the power of the USSR, if they started printing maps that showed their boundaries, including Alaska, and decided to take our Statue of Liberty and put it on their flag, I think we would be a little upset that our symbols and our territory had been used in such a way.

I bring this to my colleagues today because just this week the North Atlantic Treaty Organization (NATO) will hold a Heads of State and Government summit in Bucharest, Romania. One of the major issues considered will be the expansion of NATO and the possible extension of membership invitations to Albania, Croatia and to the FYROM. In this context, I will submit for the record the March 27th article in the Huffington Post entitled, "NATO Enlargement—the View from Athens," written by Greece's Ambassador to the U.N., Alexandros Mallias.

NATO ENLARGEMENT—THE VIEW FROM ATHENS

An important NATO summit will take place next week in Bucharest, Romania. Our discussion will focus on two main issues: the first, NATO enlargement and developments in the Western Balkans; the second, an evaluation of the Alliance's operations in Afghanistan (ISAF) and Kosovo (KFOR). In both of these U.N. mandated operations, there is an important Greek contribution of 2,000 men.

Greece, for over 15 years now, has held the position that the future of Southeastern Europe lies in its integration into the Euroatlantic Institutions. On the basis of this strategic choice, we support NATO's "open door" policy. An open door policy, however, must be based on the principles of good neighborly relations and allied solidarity.

Greece supports the enlargement of NATO in the Western Balkans, with the invitations to Croatia and Albania. It is ready also to welcome the Former Yugoslav Republic of Macedonia (FYROM), provided that our northern neighbor shifts from their nationalistic logic and agree to a mutually agreeable name for international use that differentiates the new Balkan state from the Greek province of Macedonia; a name that will not be a vehicle for propaganda and irredentism against a neighboring NATO member.

Athens has shown its good will towards Skopje in many ways. It has supported its neighbor, both politically and economically, ranking as the number one foreign investor in that country, with $1 billion invested capital that has generated 30,000 new jobs. Most recently, we went the extra mile, or rather the most important mile, when we expressed our readiness to agree to a composite name with a geographic qualifier. This is a major shift from Greece's initial position, which excluded any use of the term "Macedonia", in the name of our neighbor.

Some have questioned our stance on the name issue and the possibility of a Greek veto at the NATO summit, if the name issue is not resolved by then. Some are suggesting that we are re-fighting old battles, not seeing the "big picture", that we are drawn into the past.

My answer to these claims is that the name issue is not a bilateral one. It is an international issue, which concerns our broader region. Directly, or indirectly, it concerns NATO and the U.N. And, if not resolved now, it may fester to poison future generations, undermining stability and cooperation in the 21st century.

We hope that with active U.N. mediation and U.S. involvement, a resolution of this issue will be achieved before the Bucharest summit.

On this issue, we are not alone. 115 members of the U.S. Congress, from both parties, support House Resolution 356, expressing the "sense of the House of Representatives that FYROM should stop hostile activities and propaganda against Greece, and should work with the United Nations and Greece to find a mutually acceptable official name".

A similar resolution, S.R. 300, was introduced in the Senate by Senators Menendez, Obama, Snowe.

The immediate settlement of the name issue before the NATO Summit in a mutually agreeable way, will allow Greece, the U.S.'s strongest ally in the Balkans, to support FYROM's membership to NATO and ultimately to the European Union, a strategic goal also shared by the U.S.

A prerequisite for a proper relationship as allies and partners is that of good neighborliness. We have lived together through good and bad times, we have shared tragedy, but also share hope for a bright future. Let's leave behind the former and invest in the latter.

Greece has called upon FYROM's leadership to act responsibly and show political courage and meet Greece half way. It will be a responsible move on the part of an aspiring candidate, a move that will win them a European future, a future of stability, peace and economic prosperity, based on the principles upon which NATO and the European Union are founded.

Alexandros P. Mallias is Ambassador of Greece to the United States.

Greece has consistently stated its desire to have the FYROM admitted into NATO provided that they cease the use of the name "Republic of Macedonia" and adopt a mutually acceptable name for both parties. Along with the 114 cosponsors, we urge them to take this into consideration.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HUGE COST OVERRUNS AT PENTAGON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, the front page of the Washington Post today carries a story about $295 billion in cost overruns at the Pentagon; $295 billion. That is a mind-boggling, almost incomprehensible figure to anyone who stops to think about it. The headline reads, "GAO Blasts Weapons Budget."

Listen to this story. Government auditors issued a scathing review yesterday of dozens of the Pentagon's biggest weapons systems, saying ships, aircraft and satellites are billions of dollars over budget and years behind schedule. The story continues, "The Government Accountability Office found that 95 major systems have exceeded their original budgets by a total of $295 billion, bringing their total cost to $1.6 trillion and are delivered almost 2 years late, on average.

☐ 1715

Apparently, there are no fiscal conservatives at the Pentagon. Apparently they believe that the Congress will just keep giving them more money, no matter how wasteful or inefficient they become. Of course, almost all the defense contractors hire plenty of admirals and generals, so almost all of these contracts are sweetheart deals anyway.

It is what the International Herald Tribune a few years ago called the "revolving door" at the Pentagon. $1.6 trillion in total costs, and $295 billion in cost overruns, and this was just on the major systems. No telling how much more was wasted on the smaller contracts.

$295 billion would run the entire government of Tennessee, schools, health care, roads, prisons, parks, and on and on for the next 11 years.

Then, on top of all this waste, the request for the Iraq War for the coming fiscal year is $189 billion, or over $500 million a day. Apparently we are having so much success over there that we have to give them more money, more troops and more contractors than ever before.

There is nothing fiscally conservative about the war in Iraq. Conservatives, above all, should realize that any gigantic government bureaucracy is always going to ask for more money and always find reasons to justify it.

And Congress is afraid to cut the Defense Department for fear of being seen as unpatriotic. Yet, it is a very false and very blind patriotism that allows the Pentagon to continually waste mega billions and allows the Defense Department to spend like there is no tomorrow.

In a few short years, we will not be able to pay all of our Social Security, Medicare, veterans' pensions, veterans' health care and many other things if we do not bring Federal spending under some type of control.

In a newsletter I sent to my constituents in Tennessee a few weeks ago I wrote these words before I knew about these cost overruns I've spoken about today. "Jonah Goldberg wrote in a recent issue of National Review that the 'insight that involvement abroad fuels the expansion of the state was central to the formation of the modern conservative and libertarian movements.'

"In other words, perpetual war leads to bigger government and goes very much against traditional conservatism.

"Yet some conservatives have fallen into a trap of never questioning any military expenditure even though there is great waste and overspending in the military just as there is in any giant government bureaucracy.

"Our Constitution is a very conservative document, and our founding fathers felt very strongly that we should have civilian control of the military:

"Service in our military is very honorable and patriotic, but we need strong national defense, not international defense.

"We simply cannot afford to be the policeman of the world, and with the speed of communication and transportation today, we do not need our military in so many countries.

"Conservatives should support an efficient, fiscally conservative military, but it should not believe in turning the Department of Defense into the Department of Foreign Aid as it is in many ways today."

HONORING DENNIS KING ON THE OCCASION OF HIS RETIREMENT FROM PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HARE) is recognized for 5 minutes.

Mr. HARE. Madam Speaker, I rise today to recognize my Chief of Staff, Dennis King, who is retiring from the House of Representatives after 33 years of distinguished public service.

Dennis, a native of Miami, Florida, first came to Congress as a Special Assistant to the late Representative Dante Fascell. He then served as Chief of Staff for my friend and predecessor, Representative Lane Evans.

When I asked Dennis to continue in the same role on my staff, he enthusiastically accepted, saying he felt like he had "unfinished business to take care of." Dennis' decision to extend his service shows his dedication, not only to the people of the 17th District of Illinois, but to working families and to veterans everywhere.

Dennis and I have been very close friends for over 25 years. We share the same values. Some might wonder how Dennis, a Duke University graduate with a Georgetown law degree, could form such a close bond with me, a factory worker from West Central Illinois. It's simple. Dennis cares about the people of the 17th District as much as I do.

When Congressman Evans hired me to be his District Director and Dennis was my supervisor, he had faith in me from day 1, serving as a mentor and pulling me from the edge of the cliff during the times I lost my way. I will always be grateful for the chance Dennis gave me.

And Dennis is also a congenial and friendly person. Current and former staff say they will miss sitting in his office talking about everything from politics to family to sports. No matter what time of day or how busy Dennis was, he always put down whatever he was doing the minute someone walked into his office. The care and attention he gave to every single person is one of the major reasons he's so beloved.

Another trait I admire in Dennis is his brilliant political mind. I asked him to be my Chief of Staff because, as a new Member of Congress, I knew I needed someone who understood Capitol Hill inside and out, and whom I could trust to keep me on the right path. Dennis has amazed me with his intuitions, decision-making and loyalty, always choosing the right course for the people of my district and this Nation.

It cannot go without saying that when one thinks of Dennis King, one thinks of Lane Evans and vice versa. The two men were like brothers, a friendship that started when they attended law school at Georgetown University. And together they made history fighting for veterans and working families across our Nation.

Dennis often mentions how much he learned from Lane, but the truth is that Dennis taught Lane so much as well. He was an integral part of all the great things Lane was able to accomplish.

I want to also acknowledge Dennis' family, his wife, Nancy, and his two sons, Steven and Jeffrey. As most of you know, the job of Chief of Staff can take a toll on one's family. The time commitment is great and the stress can be overwhelming. Nancy has demonstrated remarkable patience over the years and remains an incredible source of support for Dennis. Next year Dennis and Nancy will celebrate their silver wedding anniversary, a true testament to their love and respect for each other. I wish them both the best in whatever life brings them.

And Dennis, although I say this with a heavy heart, congratulations on your retirement. Thank you for your service, your laughs, your hard work. Your efforts and advice have allowed us to accomplish many great things in my first term and have ultimately made me a much better Member of this body. Your spirit, humor, intelligence and the ease by which you led the Hare team will be missed.

Best of luck, and please keep in touch.

God bless.

COLOMBIA FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER of Illinois. Madam Speaker, I submit for the RECORD an editorial from yesterday's Washington Post in support of the U.S.-Colombia Trade Promotion Agreement, as well as a column by Edward Schumacher-Matos, a former foreign correspondent for the Times, as well as a visiting professor of Latin American Studies at Harvard, a column that was published in yesterday's New York Times as well.

[From the Washington Post, Mar. 31, 2008]

FREE COLOMBIA: A TRADE PACT EVERYONE CAN LOVE

Sometime after Congress returns from Easter recess this week, President Bush is likely to present the Colombia Trade Promotion Agreement for the approval of the House and Senate. As we have said, the proposed pact is good policy for both Colombia and the United States. Colombia has long enjoyed periodically renewable tariff-free access to the U.S. market; the agreement would make that permanent. In exchange, U.S. producers would, for the first time, get the same tariff-free deal when they export to Colombia. Meanwhile, the agreement contains labor and environmental protections much like those that Congress has already approved in a U.S.-Peru trade pact. A vote for the Colombia deal would show Latin America that a staunch U.S. ally will be rewarded for improving its human rights record and resisting the anti-American populism of Venezuela's Hugo Chávez.

Sending the agreement to the House of Representatives without the prior approval of Speaker Nancy Pelosi (D–Calif.) would be risky for the president; usually, the executive and legislative branches tee up such votes cooperatively. But months of Democratic resistance to the Colombia deal may have left Mr. Bush no choice. The agreement is being held hostage by members of the House (and Senate) who argue that Colombia—despite a dramatic drop in its overall murder toll under the leadership of President Álvaro Uribe—hasn't done enough to protect trade union activists or to punish past murders of labor leaders. It's a spurious complaint: Actually, in 2006, union members were slightly less likely than the average Colombian to be murdered. But the human rights issue has served as cover for many Democrats whose true objections are to free trade itself.

Once the agreement arrives on the Hill, Congress will have 90 legislative days to vote yes or no—no amendments and no filibusters allowed, because special "fast track" rules apply. The Bush administration is betting that enough Democrats would support the pact to ensure its passage in the House, if it ever comes up for a vote. Of course, Ms. Pelosi could make an issue of the president's failure to get her approval to submit the pact and then could have her caucus shoot down the deal. But she could also engage the White House in serious negotiations. The president has signaled a willingness to consider reauthorizing aid for workers displaced by trade, legislation that is dear to the Democrats' labor constituency and that he has heretofore resisted.

Ms. Pelosi recently said that no Colombia deal could pass without trade adjustment assistance—without also mentioning the bogus trade unionists issue. Perhaps she is realizing that talking to Mr. Bush about swapping a Colombia vote for trade adjustment assistance might actually lead to a tangible accomplishment. At least we have to hope so.

KILLING A TRADE PACT

(By Edward Schumacher-Matos)

President Bush has been urging Congress to approve a pending trade agreement with Colombia, an ally that recently almost went to war with Venezuela and Hugo Chávez. Even though the agreement includes the labor and environmental conditions that Congress wanted, many Democrats, including Senators Hillary Clinton and Barack Obama, now say that Colombia must first punish whomever has been assassinating the members of the nation's trade unions before the agreement can pass.

An examination of the Democrats' claims, however, finds that their faith in the assertions of human-rights groups is more righteous than right. Union members have been assassinated, but the reported number is highly exaggerated. Even one murder for union organizing is atrocious, but isolated killings do not justify holding up the trade agreement.

All sides agree that trade-union murders in Colombia, like all violence, have declined drastically in recent years. The Colombian unions' own research center says killings dropped to 39 last year from a high of 275 in 1996.

Yet in a report being released next week, the research center says the killings remain "systematic" and should be treated by the courts as "genocide" designed to "exterminate" unionism in Colombia. Most human-rights groups cite the union numbers and conclude, as Human Rights Watch did this year, that "Colombia has the highest rate of violence against trade unionists in the world."

Even if that is true, it was far safer to be in a union than to be an ordinary citizen in Colombia last year. The unions report that they have 1 million members. Thirty-nine killings in 2007 is a murder rate of 4 unionists per 100,000. There were 15,400 homicides in Colombia last year, not counting combat deaths, according to the national police. That is a murder rate of 34 citizens per 100,000.

Many in Congress, moreover, assume that "assassinations" means murders that are carried out for union activity. But the union research center says that in 79 percent of the cases going back to 1986, it has no suspect or motive. The government doesn't either.

When the Inter American Press Association several years ago investigated its list of murdered Colombian journalists, it found that more than 40 percent were killed for nonjournalistic reasons. The unions have never done a similar investigation.

There are, however, a growing number of convictions for union murders in Colombia. There were exactly zero convictions for them in the 1990s, Colombia's bloodiest decade, when right-wing paramilitaries and leftist guerrillas were at the height of their strength. Each assassinated the suspected supporters of the others across society, including in unions.

With help from the United States, in 2000 the Colombian military and the judicial system began to reassert themselves. Prosecuting cases referred by the unions themselves, the attorney general's office won its first conviction for the murder of a trade unionist in 2001. Last year, the office won nearly 40.

Of the 87 convictions won in union cases since 2001, almost all for murder, the ruling judges found that union activity was the motive in only 17. Even if you add the 16 cases in which motive was not established, the number doesn't reach half of the cases. The judges found that 15 of the murders were related to common crime, 10 to crimes of passion and 13 to membership in a guerrilla organization.

The unions don't dispute the numbers. Instead, they say the prosecutors and the courts are wasting time and being anti-union by seeking to establish motive—a novel position in legal jurisprudence.

The two main guerrilla groups have an avowed strategy of infiltrating unions, which attracts violence. About a third of the identified murderers of union members are leftist guerrillas. Most of the rest are members of paramilitary groups—presumed to be behind two of the four trade unionist murders this month. The demobilization of most paramilitary groups, along with the prosecutions and government protection of union leaders, has contributed to the great drop in union murders.

President Álvaro Uribe, who has thin skin, can be unwisely provocative when responding to complaints from unions and human rights groups. Still, the level of unionization in Colombia is roughly equal to that in the United States and slightly below the level in the rest of Latin America. The government registered more than 120 new unions in 2006, the last year for which numbers are available. The International Labor Organization says union legal rights in Colombia meet its highest standards. Union leaders have been cabinet members, a governor and the mayor of Bogotá.

Delaying the approval of the trade agreement would be convenient for Democrats in Washington. American labor unions and human-rights groups have made common cause to oppose it this election year. The unions oppose the trade agreement for traditional protectionist reasons. Less understandable are the rights groups.

Human Rights Watch says that it has no position on trade but that it is using the withholding of approval to gain political leverage over the Colombian government. Perversely, they are harming Colombian workers in the process. The trade agreement would stimulate economic growth and help all Colombians.

Madam Speaker, I rise in support of the U.S.-Colombia Trade Promotion Agreement. I urge the Speaker of the House to bring this important agreement to the floor for a vote, an agreement that was, where negotiations were completed 2 years ago, where an agreement that was signed 18 months ago and has been waiting for a long time. This agreement is a good agreement for America. It's a good agreement for Illinois. It's also a good agreement for Colombia.

Illinois is a major exporting State. My district is dependent on exports to grow jobs. And last year my State of Illinois exported $214 million worth of Illinois products to Colombia, and that's just the beginning because under the U.S.-Colombia Trade Promotion Agreement, 80 percent of all tariffs, and tariffs are taxes, on U.S. and Illinois products are eliminated immediately when the trade agreement goes into effect.

And I would note today that Colombian products come into the United States duty-free, without taxes. But we suffer taxes when we export to Colombia.

And I would note that the facts have shown that exports grow 50 percent faster with nations like Chile and Peru and Central America, where we have trade agreements, than those where we do not.

Who is Colombia? Well, Colombia is our most reliable partner and best friend in Latin America. Colombia is our most reliable partner in counternarcotics and counter-terrorism. It's the longest standing democracy in all of Latin America. And they have a popular president, President Uribe. The reason President Uribe has been so popular is he's reduced violence; he's brought security to the entire country.

People today feel secure traveling between cities, where five and 10 years ago they feared to go. In fact, 71 percent of Colombians today say they feel more secure under President Uribe. 37 percent say President Uribe respects human rights. Homicides are down by 40 percent; kidnappings are down by 76 percent. In fact, the murder rate today in Colombia is lower than Baltimore or Washington, DC.

No wonder President Uribe is the most popular elected official in this entire hemisphere. And compare that 80 percent approval rating President Uribe enjoys with the 18 percent that this Congress suffers and the difference in approval.

Now those who oppose the U.S.-Colombia Trade Agreement say, well, Colombia just hasn't done enough. They need to keep doing more before we'll give them the privilege of having this agreement with the United States. And they say that there's been violence against labor leaders.

Well, let's look at the facts. President Uribe has made major changes in how they prosecute those who commit murder and violent acts. He's added 418 new prosecutors, 545 new investigators, 2,166 new posts overall in the Prosecutor General's office. And he's increased prosecution funding by 75 percent.

A respected labor leader in Colombia said, Carlos Rodriguez, President of the United Workers Confederation said about these new posts and this funding, never in the history of Colombia have we achieved something so important. $39 million was spent this past year providing bodyguards and protection for 1,500 labor leaders and activists. No other group enjoys this special kind of protection. And it's been successful. I would note no labor leader has suffered an attack or lost his life who's participated in this program.

The International Labor Organization has removed Colombia from its labor watch list. Colombia has agreed to a permanent ILO representative in Colombia. That helps explain why 14 major labor leaders in Colombia have endorsed this trade agreement.

Colombia is our best friend in Latin America. It's our most reliable ally. Colombia deserves a vote.

Think about it. Two years this trade agreement has waited; 18 months since it was signed by the leadership of both countries.

Latin America is undergoing some challenges, and those who are not friends of the United States have made it very clear they want to defeat the U.S.-Colombia Trade Agreement because they think that's in their best interest, and they've also said that if the Congress defeats the trade agreement, it will send a powerful signal to all Latin America that the United States can't be trusted, and that if you're a friend of the United States, in the long run they'll let you down.

Well, President Uribe and the government of Colombia, the democratically elected government of Colombia, are our best friends, our most reliable allies in all Latin America, and all Latin America is watching on how we treat our best friend.

This agreement is good for America. It's good for Illinois. If you're an Illinois worker, an Illinois manufacturer, an Illinois farmer, you win under the U.S.-Colombia Trade Promotion Authority.

Madam Speaker, I urge that this House schedule soon a vote on the U.S.-

Colombia Trade Agreement and ratify this agreement so important to democracy, freedom and economic growth in our own hemisphere.

☐ 1730

THE CURRENT HOUSING CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. CLARKE) is recognized for 5 minutes.

Ms. CLARKE. Madam Speaker, today I rise to express my dismay regarding the housing crisis. It's a multifaceted housing crisis. It's a mortgage crisis for home buyers. It's an inventory crisis for the affordable rentals. It is an investment crisis for public housing.

Two top executives at Countrywide Financial are expected to receive a combined golden parachute totaling $19 million, and while these top executives cash out their stock options, hard-working Americans are left struggling, trying to prevent the loss of their homes and ultimately their financial ruin.

It is truly incredible how the Bush administration, SEC Chairman Cox, Treasury Secretary Paulson, and Federal Reserve Chairman Bernanke have seen fit to extend billions of dollars for a Wall Street bailout but won't provide additional, adequate aid to borrowers fighting every day to save their properties.

Today, we are looking at one of the biggest financial catastrophes since the Great Depression.

Brooklyn, New York, has five of the top 10 neighborhoods with the highest subprime lending rates, including East Flatbush, which is located in my district.

Madam Speaker, after analysis and examination, the sharp increases in foreclosures are connected to predatory lending practices from abusive lending institutions. New York City will likely see more than 10,000 foreclosures this year, which is roughly double the number of foreclosures in 2004.

But while Washington is concerned about the impact of the subprime mortgage crisis on Wall Street, on Main Street many hardworking people are getting left behind. Hardworking families and individuals like those I represent in central Brooklyn have for far too long been targets of predatory lending practices; yet this administration comes to the rescue of the high-profile executives and leaves the very people who they are sworn to serve, defend, and protect to fend for themselves.

We must not forget that there is another dimension to the housing crisis occurring in communities less traveled by many, in the community where many are suffering from the affordable rental housing crisis. These families are being squeezed out of their homes as landlords convert their apartments to high-priced condominiums, earning double-digit rent increases or opting out of Federal subsidy programs such as Mitchell-Lama or project-based section 8 as more affordable rental apartments are being lost while the demand increases.

Let's not forget as well public housing's vital role in this housing crisis. Public housing is home to more than 400,000 New Yorkers. The New York City Housing Authority, which has a running deficit of more than $200 million every year, has been severely reducing their spending on security, maintenance, sanitation, and repairs, leaving many residents living in uninhabitable conditions.

NYCHA had to lay off employees and close youth centers in an attempt to preserve its core services, and in housing projects located in neighborhoods such as Brownsville, Brooklyn, crime continues to reach into the lives of our families.

Public housing is essential to New York City, and this negligence simply cannot continue.

So, in conclusion, Madam Speaker, the Bush administration's actions, or lack thereof, clearly demonstrates that instead of preventing the devastating loss to our communities by providing financial assistance to homeowners, providing full funding to reduce the affordable housing stock from dwindling, and preventing public housing units from deteriorating, our President has taken the path of least resistance by bailing out corporate fat cats and turning a blind eye and a deaf ear to the hard-working families of my district and of our Nation.

Madam Speaker, I look forward to working with my colleagues to turn this devastating condition around and restoring the pride and dignity of responsible, thriving communities.

THE MURDER OF TWO TEENAGE GIRLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, the year was 1993, 15 years ago, when two teenage girls, Jennifer Ertman and Elizabeth Pena, 14 years of age and 16 years of age, were walking home one evening. Unfortunately for them, when they took a shortcut, they came across a gang by the name of the Black and Whites. Their gang leader was Jose Ernesto Medellin.

He and his fellow gangsters kidnapped these two teenage girls, brutally assaulted them, taunted them, raped them for over an hour, and then with the shoelaces from the tennis shoes of these two girls, they made a noose and strangled both of these girls.

The brutal killing that took place, Madam Speaker, as you are aware being from Houston, incensed the people of the Houston area, especially the way in which these two girls met their death. But 5 days later, Jose Medellin was arrested, and in his possession, he had on his wrist a Mickey Mouse watch that he had stolen from Jennifer Ertman, his token of the murder of a little girl. He was proud of what he had done. He was so proud of it he even bragged about it and confessed to the Houston Police Department of raping and killing these two girls after he was properly warned.

He was tried for capital murder. The State was seeking the death penalty, and 12 jurors in a court in Houston, Texas, convicted him and gave him the death penalty, which he earned and deserved for what he did to these two teenage girls. He appealed his case all the way to Supreme Court, and the Supreme Court of the United States upheld his conviction saying it was lawful. But that was not the end of the story.

Because, you see, 15 years later Jose Ernesto Medellin is still alive. And back when this trial occurred 15 years ago, I met the families of these two teenage girls, and they to this day continue to suffer and wonder if justice will ever be served. And the reason that he has not met his just reward is because he appealed his case again to the Supreme Court, and the Supreme Court right down the street last week upheld the conviction for a second time.

His second appeal was somewhat unique because, you see, it turns out Jose Ernesto Medellin, who was fluent in English, apparently is illegally from the nation of Mexico, and he was an illegal immigrant when he committed this homicide. Back in the days of 1993, the Houston Police Department didn't even ask people what nationality they were when they arrested them, but be that as it may, the Mexican Government then decided to sue the United States of America in the World Court, claiming that the State of Texas should have told Jose Ernesto Medellin that he had the right to consult with the Mexican consulate before he confessed. Of course, the Houston Police Department never told him he couldn't consult with the Mexican consulate. He was warned properly under Federal law and under State law.

But the Mexican Government was not satisfied with that after the conviction was upheld, and 10 years later, they filed this lawsuit in the World Court. And the World Court ruled that the State of Texas had to retry Jose Ernesto Medellin for capital murder because he was not told he should have been allowed to talk to his Mexican consulate.

Of course, this gets more complicated because, you see, the President of the United States intervened on behalf of the nation of Mexico. After this decision was made in the World Court, the

President of the United States told the courts in Texas to follow the World Court order, retry Jose Ernesto Medellin for capital murder, and the Texas courts, in all due respect to the administration, ignored the President's request because, as they said, the judicial branch is independent of the executive branch, and the President has no jurisdiction over telling any court, much less Texas courts, what to do.

It turns out that Jose Ernesto Medellin is not the only Mexican national on death row in the United States. There are 54 others who have been tried throughout the country, most of them in Texas, and have been given the death penalty for heinous crimes committed against people in the United States.

So, after that second case came before the Supreme Court, the issue was, after being sued in the World Court by Mexico, whether or not the State of Texas must abide by a World Court decision telling them to retry a case. And the second issue was, does the President, any President, have the authority, as the executive branch of government, to order a State court to do anything, including retry somebody for a case where they have been found convicted.

Well, the Supreme Court ruled 6–3 that the World Court opinion has no bearing in Texas courts and that the President of the United States, the executive branch, has no jurisdiction over Texas courts to tell them what to do. The International Court of Justice, as the World Court is called, lacks jurisdiction in this case to order the courts of Texas to do anything because, you see, part of the problem was Jose Ernesto Medellin never complained for over 10 years that he didn't have the chance to talk to his Mexican consulate, and as most lawyers know in the legal profession, and as a former trial judge, if you don't object at the trial, you've waived that right indefinitely.

So, Madam Speaker, maybe justice will be served in this case if Jose Ernesto Medellin will meet the fate he deserves, and maybe our Federal Government will stop taking the wrong side of this issue of supporting illegal immigrants over people in the United States, like little girls who are murdered.

And that's just the way it is.

IMPORTANCE OF ISSUES DEBATED IN SUSPENSIONS

The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, as we debate various issues here in the United States Congress and in this House, it is sometimes important to remind Members of the history of this Nation and the importance of matters that Members discuss. They are called suspensions, but they're no less important and speak eloquently to the history and the diversity of this Nation.

I would quickly like to acknowledge my support for the Civil Rights Act of 1964 commemorative coin and support my colleague JOHN LEWIS for offering this very important initiative, for a country that does not remember its history is doomed to repeat the past. We've gained much from the Civil Rights Act of 1964, and I support the legislation.

As we speak today about honoring our history, I am also reminded that this is the week of the 40th anniversary of the assassination of Dr. Martin Luther King. This past Friday, I was able to stand in front of the hotel in which he was assassinated, walk out on to the balcony and be reminded of this peaceful giant. And so it is important for us to take a moment, of which we will do on this coming Thursday, to remember not so much his death and the violence of his death, but his love for humanity and the ability to bring people together. He truly was a leader of a movement.

Today, I stood with my colleagues, Congressman BACA and others, to support the national holiday for Cesar Chavez because they were brothers, Martin King and Cesar Chavez.

I think it is important as we look at Women's History Month that we recount not only our national figures as I support the debate that reminded us this past month, March 2008 was Women's History Month, how exciting it is to see the historic opportunities that women have had and are increasingly having, knowing that they just gained a vote in 1920.

I was very honored to be able to bring to the attention of my colleagues Ramona Tolliver, a champion and a fighter for empowerment of those in the Fifth Ward area; Nellie Joyce Punch, again from Houston, a fighter for those in the Fifth Ward area and educator and a lover of providing equal opportunity to young people; Dr. Deason, a long-standing principal in Houston of the High School for Health Professions. There is certainly no greater lover of education and helping our children than Dr. Deason. And certainly I think it is important to acknowledge Commissioner Sylvia Garcia in Houston who has turned the corner as the first woman commissioner in Harris County. Then, of course, I salute Shirley Chisholm and Carole Mosley Braun, women who ran for President, and my former predecessor Barbara Jordan.

Women are on the move, and it is certainly important to acknowledge their history in this country, and it should not be ignored that women have struggled to overcome, and that is, of course, the women who get up every morning and ride the buses and teach the schools and work for us in restaurants and in hospitals and are doctors and lawyers and others. Women deserve the honoring of this month.

□ 1745

And one who certainly deserves it is a Civil Cross winner, a young 19-year-old from Texas, Monica L. Brown.

Which brings me to the upcoming testimony of General Petraeus and Ambassador Crocker. Having just come back from Iraq, let me simply say that the legislation that I have offered, which I will discuss over the next couple of days into the testimony of the two individuals that will be coming, first of all, let me thank them for all of their service and offer my concern for the public servants and U.S. personnel in the Green Zone, of which we have stayed, who have been bombed in the last couple of days. It is the very clarity of what I saw that says to me it is time to bring our troops home. We serve no large purpose to engage in, if you will, the civil war that may be going on in Iraq. We can serve as technical advisers and counselors, and we can bring other nations together to assist in a peaceful transition. We can, as my bill says, bring our soldiers home in honor and begin a diplomatic surge; make the Maliki government engage in nonsectarianism, as the Sunnis told me face to face; eliminate the sectarianism, Shiite and Shiite, Kurds and Sunnis; and begin to talk about a stable Iraq. That is not America's task; it is a task of the Iraqi government, the Iraqi people. And it certainly is a task that we must charge Iran for them to stop sending mortars and ammunition to create the havoc that is going on. But that is not the war. That is not the resolution. That is not the war of America. It is clearly a time to transition.

Those are the hard questions that we will pose to our heroes, Ambassador Crocker and General Petraeus. We appreciate that they have been trying to serve America in the best way possible, but it is now time to serve not only America and our sons and daughters but the American people who deserve an investment in their country, a rebuilding of the military, and an acknowledgment and celebration of the heroes of the Iraq War and certainly a recognition of those who still fight in Afghanistan for it is time now to focus our attention there.

With that, Madam Speaker, we look forward to saving America.

THE NATIONAL RAMIFICATIONS OF U.S. AIR FORCE'S DECISION TO AWARD TANKER CONTRACT TO EUROPEAN AEROSPACE CONSORTIUM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Madam Speaker, Mr. TIAHRT of Kansas and I, and others may join us later, have come tonight to talk about an important issue with large national ramifications, and that is the decision by the United States Air Force to decline a contract for our next extremely important tanker and to give it to a consortium, a very significant portion of which will be manufactured in Europe through a consortium in part with EADS and the Airbus company in Europe.

I represent an area north of Seattle with thousands of Boeing workers; so obviously this is an important issue in my district. Certainly the hometown team is Boeing.

But our discussion tonight will be about why all America ought to be very concerned about this decision for several reasons. And it is an obvious situation where there is very significant employment in my district that any Congress person would be concerned about that, but what we want to talk about tonight are the national ramifications and why we believe this is a very, very injurious decision that needs to be reversed one way or another.

For background in this regard, the very able and really spectacularly performing aircraft, the KC–135, that for decades have provided the very backbone of our United States Air Force capability, will soon be at some point entering their obsolescence. Herculean efforts have been put forward to keep those great airplanes in the air, but at some point we've got to have a new airplane, and we know that that is the case.

So we have been engaged in an effort to provide another replacement. A good United States product, Boeing, competed with subcontractors across the United States for a 767 airframe that we believed was perfect for the task, and by all information provided, the Air Force would provide the capability that was needed by the Air Force.

Unfortunately, the Air Force has decided to reject an American contractor on this extremely important contract. And obviously it's important for dollars. It's a $40 billion contract, with a "b." That is a significant contract. But of more importance to Americans are the job and employment prospects, and obviously that's important in the aircraft industry. If we see what has happened recently in the last decade, we know why it's important to think about this issue.

If I can refer to a chart showing the decline in teal or blue, this shows United States aerospace industry employment from 1979 to 2007. We have suffered a very, very significant decline, just about 50 percent of employment jobs in the United States compared to what we had in 1983, a peak year. Now, that has corresponded with the rise of the Airbus aircraft deliveries that have gone up, as indicated in these red bars, pretty much every year since about 1979. So we have had a significant loss of employment in the United States already in our aerospace industry. It has been in sync with the rise of Airbus sales. And we respect competition in America and should not decry or shrink from competition, and we would congratulate Airbus in a legitimate competition in any of these sales. But we point this out to show that we have already suffered a significant decline of thousands of jobs in the United States. So now we have a situation where that loss will be exacerbated by this decision should it stand.

Now, what is at stake here potentially could be 44,000 American jobs. Predictions are in that range of jobs that would have been involved in this contract. We know that we get different stories about where the Airbus employment will be. I want to point out one of the curious things, if I can. We get certain different viewpoints about where the jobs would be if, in fact, this contract is ultimately granted to Airbus. I note a newspaper article here in Les Echos, and I may mispronounce that, in Europe when Airbus talked about the employment on this contract. The article says that 76 percent of the employment associated with this tanker contract would be European and only 21 percent would be combined United States and Canadian content. That's in the article as publicized in France. In the United States, the rather large public relations effort that has gone on through Airbus, in fact, says it will be 50 percent in the United States. So it appears, at least in one instance, Airbus suggests that only 21 percent of the product in this tanker will be in the United States, and in America they suggest it will be about 50 percent. Some could chalk that up to hyperbole, salesmanship, but it means tens of thousands of jobs to Americans across this country, not just in the Seattle area where I reside but contracts across this country. We think that's significant and it's unfortunate. So this is a very significant thing that we are here to talk about tonight. It's not only employment but it's capability as well.

So we are going to talk tonight about the ramifications of this decision, why we think it was inappropriately made, and what we may consider to reverse this decision.

And with that I would like to yield to the gentleman from Kansas (Mr. TIAHRT), who been a stalwart and a champion on educating our colleagues about the importance of this, something we are going to talk about tonight at some length, which is the favorable treatment of Airbus by the European governments and why this has skewed this particular contract.

Mr. TIAHRT. I thank the gentleman from Washington for yielding. And I also want to thank Mr. INSLEE for his leadership in trying to bring some common sense to the procurement process down at the Department of Defense.

Madam Speaker, Americans are outraged by the Air Force outsourcing our national security to the French. This contract award to a foreign manufacturer is wrong, and it makes us less, not more, secure.

As my chart to the left here shows, we should have known that we had a problem when the President's helicopter replacement, the VH–71, went to a foreign manufacturer. We should have suspected it again when the light utility helicopter went to a foreign manufacturer. And now with the KC-X program going to be a manufacturer, it's as plain as the nose on your face. We have three of the last four major contract awards now going to foreign suppliers.

Here's how this works: The Department of Defense and the Air Force really have bent over backwards to give this contract to the French, but they've been very sly. They first, as a foreign supplier, find an American front company, and then they employ tactics like waiving regulations that our Department of Defense gladly awards them. They use illegal subsidies. They employ illegal subsidies. And then they buy into defense contracts, knowing that further on down the line, there won't be the ability to have an American manufacturer beat them out in any competitive bid. And then further, as was pointed out by Mr. INSLEE, they make promises in their proposals, and then the contracts are awarded by the Department of Defense, but they change their mind about the work content and they keep the work in Europe.

Let me just talk for a brief minute about why this was such a shock when this contract went to a foreign supplier. The Air Force tanker roadmap is a chart that was given to us by the Air Force. I sit on the Defense Subcommittee of Appropriations, and in December of last year, December of 2007, this was the chart that they said was their roadmap to replacing the tankers. On the left-hand side here, we have 2006. This is where this chart begins, fiscal year 2006, and it runs out to fiscal year 2007.

They have two tankers in our stock now. They have two versions of the KC–135. They have the older KC–135Es, which are the first ones to go out of the inventory. Next we're going to replace the KC–135Rs. "R" stands for the re-engine version of the KC–135. And at the bottom, we have our very largest tankers, the KC–10s, built on a DC–10 airframe, almost as large as a 747. But that's the larger airframe. This is the medium-range tankers, according to the Air Force.

The KC–135s, as you can see, in 2006 we started to take them out of the inventory. And as time goes on, you can see this little yellow triangle getting smaller and smaller. That means the KC–135s are going to Davis-Monthan Air Force Base into what we call the "bone yard." They're no longer flying.

We're still flying the KC–135s. The average age is about 45 years of age, and they need to be replaced. We have then the KC–10s. They're the newer version and the larger tanker.

So what the Air Force told us is that they were going to replace this KC–135 medium-sized tanker over the next 15 years. Actually, it's going to run about 20 years with all that's said and done on the current schedule. But we were supposed to start out here in 2011 by having them first delivered.

So when the contract was awarded, did we get a replacement for the KC–135? No. The Air Force bought an airplane larger than the KC–10. So, naturally, everybody was shocked all across America. And then when they found out that the KC–10 replacement is the KC–30, a variation of the Airbus A330, a French airplane, they were shocked and outraged. We're outsourcing our national security to the French.

So what is behind this decision? How could this possibly have happened? Well, if you look at the contract scenario, we find out that there were waived regulations, waived regulations by our own Department of Defense. They waive them for our NATO allies. And if you go to the Defense Federal Acquisition Regulations, paragraph 225, it will tell you which of the 20 nations have waived regulations when they bid on defense contracts. Those 20 nations include the four ownership nations of Airbus and the parent company of EADS. They include the United Kingdom. They include Spain. They include France, and they include Germany. These are the regulations that are waived, and they're very costly, very expensive.

Let's just look at the first one on the list here: Cost Accounting Standards. Now, Cost Accounting Standards say basically that you have to include all the costs that it takes to make a product that you're going to supply to the Department of Defense. And if you miss a cost or shift costs in and out of a contract, it could be a violation of the Cost Accounting Standards with very high penalties. It could be determined that it was fraud, and people could go to jail. Or it could be determined that you tried to give the government the slip on some data, and you would be barred from doing business with the Federal Government.

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You can't shift cost on cost accounting standards. They are very costly to comply with. You have to have people hired to keep track of all costs. They must track them, compare them, report them as far as their relationship with schedules. If you don't have to do it, like EADS, in the case of this tanker, then it's much cheaper as far as your proposal. So cost accounting standards were waived by the Department of Defense for EADS, but they were required by the Boeing Company.

Now what does this mean for the Boeing Company? It means they have to include all their costs, including health care costs. Health care costs that they pay for their employees, workmen's compensation costs that they pay to cover the employees are all included in these costs. They have to be included in their proposal. If you don't do it, it is a violation of the cost accounting standards.

But those costs are not in the EADS proposal. Health care costs, workmen's compensation costs are picked up by the government, so they don't have to pay for those. Again, that gives a lower bid to EADS for this kind of a cost.

Mr. INSLEE. Will the gentleman yield just for a minute?

Mr. TIAHRT. I would be glad to yield.

Mr. INSLEE. I want to point out about this cost. Even under the Air Force's own accounting, even with these what you may consider rigged accounting standards that Mr. TIAHRT talked about, even under the Air Force's accounting standards, they concluded that the 767 is about 24 percent more fuel efficient than the Airbus product. You're going to save massive amounts on fuel over the lifetime. In fact, the Air Force estimated the Airbus product will burn $30 billion more fuel over the lifetime, even under the rigged accounting standards.

So the point is that we need the Air Force from a taxpayer standpoint to be looking at the operational cost. We just had the executives of the five biggest oil companies today. Those oil prices are not going down any time soon. If anywhere, they are going up.

So this is why we are saying that the country, not just the place these planes are made, but the whole country has a stake in this to really look at the operational costs on that.

Thanks for yielding, Mr. TIAHRT.

Mr. TIAHRT. You make a very good point about the net cost to the taxpayer. Getting back to these accounting standards which you are pointing out, the net cost is very high to the taxpayer. If EADS violates the cost accounting standards, we will never know it because they don't have to report it. And the cost of reporting this, the Boeing Company had to include. So it's really a difficult time for any American company to compete with a European company when you waive this first standard.

The next standard is a specialty metal standard, called the Berry amendment. This is where our manufacturers are required to track from the time a metal is mined from the ground and processed, until it's riveted onto an airplane. Tracking. That means people are sitting somewhere at a desk and they are spending time trying to keep track of who is processing this and what procedures were put in place. It's very costly. But it was waived for the European manufacturers by our Department of Defense in DFARS 225, that's the Defense Federal Acquisition Regulations again.

The next one that was waived by the Buy American provisions. Buy American provisions basically say 50 percent of this product has to be made in America. Now the goal in this proposal for Northrop Grumman, the EADS proposal, said 58 percent was their goal. If you look at previous contracts with the Department of Defense, like the light utility helicopter, which EADS also won, their goal there was 65 percent. But they had some American suppliers in there that were included in the bid, and as a second thought EADS said, well, we have got a production line in Europe. Things are going pretty well. We think we will just keep this work here.

So there are companies in Kansas that were cheated by this. There was a Spirit Aerospace Manufacturing, which lost the fuselage of the helicopter. There was Command Aerospace, which lost the floor board of the helicopter. Then there was ICE, Incorporated, which lost the wire harnesses for the helicopter. All American work content in the proposal that was then awarded as a contract and then that work was pulled back to Europe.

When I asked the Army about this in an open hearing, their response was, well, we have no enforcement mechanism to make sure that these jobs remain in America. No enforcement mechanism. So we waive these kind of standards and regulations that would allow us the knowledge of where these jobs are actually going. And we will never know.

Mr. INSLEE. If the gentleman will yield.

So do I take it that in the current situation we would be issuing a contract for up to $40 billion with no enforcement mechanism to enforce the American content situation. Is that a fair statement?

Mr. TIAHRT. That is exactly right. This is a question that has been put directly to not only the Army, but also the Secretary of Air Force and the head of procurement for the Air Force. It's common knowledge over in the Pentagon they tell us these things and we evaluate them based on these jobs being in America, and low risk, but then there is really no way of enforcing if these companies decide to keep the jobs in Europe.

If you look at this very same contract, the air refueling tanker contract, the first five airplanes are currently planned to be built in Toulouse, France. Then they are going to change the manufacturing procedure and start taking parts and shipping them to Mobile, Alabama, to assemble them. This is a similar scenario to the light utility helicopter. When it came time to ship those jobs to America, they decided to keep them in Europe.

There's no guarantee in this contract that has been awarded by the Air Force that says, yes, you plan on doing this in Mobile, Alabama, but there's no enforcement mechanism to make sure the jobs actually come to America.

Mr. INSLEE. That's most disturbing because of that experience and because of reading that in France, they tell the French they are going to have 76 percent of the jobs in Europe. Then they come over in America and tell us they will maybe have 50 percent. This is one reason, just one of the reasons this contract has to be reviewed.

I want to mention one now just before I yield to Mr. LOEBSACK for a moment. There is another aspect of this that is outraging Americans, and certainly is in my State, and that is that we are issuing this $40 billion contract to a company that essentially one of the partners that the American Government itself says is acting illegally. Because according to our U.S. Trade Representative, who has initiated a legal action against these companies for receiving illegal subsidies, illegal subsidies that violate international law, and by extension, violate United States law, at the same time we have taken this almost unprecedented action to bring a case in the world courts, the World Trade Organization, against their illegal subsidies. That is one agency of the United States Government. Sort of the "cop on the beat" blowing the whistle. And at the same time, another agency, the Air Force of the United States Federal Government is bailing them out of jail and giving them a $40 billion contract.

That is hard to explain to any American, particularly those in the 300 companies around this country in 40 States that are going to be losing jobs as a result of this. If this isn't a case of the left hand not knowing what the right hand is doing, one hand attempting to sanction these illegal subsidies, and I think anybody who reviews this would conclude there would have been billions of dollars of illegal subsidies to Airbus over the years, we will talk about those in detail, and then to turn around and reward them with $40 billion. They ought to be receiving a sanction from America, a punishment from America, some type of slap on the wrist, at least. Instead, they get $40 billion of taxpayer money. This is wrong by any sense, the code of the West, international trade treaties. This is something we all ought to be united about.

With this, I would like to yield to Mr. LOEBSACK from the great State of Iowa, who has a concern about this.

Mr. LOEBSACK. Thank you very much. I would like to thank the gentleman from Washington for organizing this Special Order hour on the award for the contract to build the next generation of air refueling tankers. I want to thank everyone who's here at this point speaking on this issue.

Needless to say, I was deeply disappointed that the KCX refueling tanker contract was not awarded to the Boeing team. Rockwell Collins of Cedar Rapids, Iowa, is a part of the Boeing bid and would supply the aviation and electronic sub systems on the KC–767 advanced tanker. The State of Iowa has a well-earned reputation, I believe, as a leader in innovation, and Rockwell Collins is at the forefront of the cutting edge technological development for which our State is known.

With 9,200 employees in the Cedar Rapids-Iowa City corridor, Rockwell Collins is the largest employer in the Second Congressional District in Iowa. The Boeing bid would bring 1,600 high-paying jobs to Iowa, most of them in the Second Congressional District, and would invest over $60 million annually in the State.

Equally important, it would put a program that is absolutely vital to our national security and the readiness of our armed forces in the hands of highly skilled Iowans and American innovators and manufacturers. I think that is an absolutely critical point to make.

Rockwell Collins employees are hard-working, they are dedicated, and they are highly qualified workers. They work each day to provide the men and women who wear our country's uniform with the equipment and the tools they need to safely carry out their mission. I am a member of the Armed Services Committee and I know the importance of the aerial refueling tanker to our ability to support, equip and provide medical care to our deployed men and women in uniform.

As the Representative of Iowa's Second Congressional District, I know firsthand the impact of putting thousands of jobs and tens of millions of dollars into Iowa. In light of this and our country's current economic state, I find it difficult to believe that the Air Force has elected to ship thousands of jobs overseas by awarding a key component of the United States Air Force to a heavily subsidized European industry.

The aerial refueling tanker contract award must serve the interests of the American people and American national security. I repeat that. It must serve the interests of the American people and American national security. The awarding of the tanker contract to Northrop Grumman and EADS will force the Iowa Air National Guard to use scarce resources to construct new hangars in order to accommodate the larger size of the EADS planes. The estimated cost for the construction of the new hangars would be roughly $45 million.

Moreover, the runways currently used by the Iowa Air National Guard are not able to withstand the weight of a fully loaded EADS tanker. Thus, new ramps and runways would have to be constructed. The total cost incurred by the Iowa Air National Guard to house the Northrop Grumman EADS plane would be roughly $50 million to $60 million.

I fear that the awarding of this contract to a non-U.S.-based company would not only send tens of thousands of American manufacturing jobs to Europe, it would put important defense manufacturing expertise in foreign hands. I am especially concerned that this would leave our country perilously dependent on foreign contractors for our most important national security needs. And this is unacceptable.

The aerial refueling tanker is critical to our national security. We all know that. I strongly believe that American defense should be in the hands of American workers. I urge the GAO to carefully evaluate Boeing's petition and to assure that our men and women in uniform have the best value and the best performing equipment.

I thank the gentleman from Washington for allowing me to speak.

Mr. INSLEE. We thank the voice of Iowa. This is important across the country. The jobs that Mr. LOEBSACK is talking about losing would not have been lost if the Air Force had considered the fact that these companies are receiving these illegal subsidies. And it's not just we three Congressmen talking about it, it is the executive branch of the United States, which has fully evaluated this and come to the conclusion these were illegal subsidies.

These were not just small. They received $1.7 billion in launch aid to develop the new A–350. They received $3.7 billion in launch aid for the A–380. That is why our U.S. Trade Representative has started this enforcement action, blown the whistle on these illegal subsidies. Frankly, it has been years later than it should have been. But we have finally done it. It's one of these great sort of black comedies to think in the year period when we finally blew the whistle after all of these years of abuse of these illegal subsidies that disadvantage American workers, that that same year the Air Force ends up giving a contract for $40 billion.

These subsidies are not just an issue of dollars, they are jobs in Iowa as well. I want to thank Mr. LOEBSACK. I would like to yield to Mr. TIAHRT.

Mr. TIAHRT. I thank the gentleman from Washington and the gentleman from Iowa. He is representing one of the 42 States that is impacted by this decision. Getting back to the statement that the gentleman from Washington, Mr. INSLEE, said about cleaning up the act, there is a report that really highlights why it is so important that it is such a travesty that foreign corrupt practices is one of the regulations that is waived.

We can't track what EADS is doing when it comes to their interface with foreign suppliers and foreign countries. But there is a report that was put out by the Center for Security Policy in April 2007. The name of the report is: "EADS is Welcome to Compete for U.S. Defense Contracts—But First It Must Clean Up Its Act." Then it goes through and highlights some of the corrupt practices that EADS has been known for across the globe, and their problematic issues.

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Issue number one, espionage, bribery and other dirty practices; issue number two, Russian ownership and influence of EADS; issue number three, trying to supply America's adversaries with weapons.

The report goes on, but in the section called "Bottom Line," it says the six things that EADS must do before they should be allowed to bid on government contracts.

Madam Speaker, those six issues are: Number one, resolve espionage problems; number two, correct the bribery problem; number three, remove the Kremlin from the company; number four, prevent other ambiguous or known bad actors from owning EADS stakes; number five, resolve the proliferation problem; and, number six, resolve anti-American workforce problems.

This is what the Center For Security Policy suggests to the Department of Defense and to Congress, it is a public document, that we should do before we should allow this European manufacturer to supply products for our defense. And we won't ever know what they are doing right, because the foreign corrupt practices regulations are waived by our own Department of Defense. That is another reason why this is such an outrageous practice.

Mr. INSLEE. We should point out that this law, this international law against subsidization, has not been waived by Congress. This is sort of a backdoor way to waive an international agreement.

We have an agreement that now we are attempting to enforce that would prohibit this illegal launching. "Launching" basically is a situation where a European government assists the private manufacturer, in this case Airbus, by giving them essentially loan guarantees or essentially free money. You give them a loan that they don't have to pay back if the airplane doesn't do well. That is an enormous subsidy, to give free capital, in essence, or low cost capital, when you are manufacturing an airplane. Of course, when you develop an airplane, there are billions of dollars in development costs. Well, if a company like Airbus can go to their governments in Europe and say give us a loan we don't have to repay if the airplane doesn't perform as expected, we don't make money on it, that is an enormous subsidy.

Europeans with Airbus have been doing this for years. We have international laws against that, and those laws are in effect national laws in America. But somehow it is just like we ignored these. It is like they didn't exist.

Congress certainly never waived those laws, the courts have never waived those laws, the President has never waived those laws, the American people have never waived those laws. But somehow the Air Force did not take into consideration these enormous subsidies, and that is why this thing, this contract, has an odor about it, where we don't take into consideration that violation of international and American law.

But I want to talk, if I can, about the capability of these aircraft too, because obviously we want the best possible airplane for the job. There is possibly no more critical infrastructure, certainly to our Air Force, than the ability to refuel our planes. This is the absolute spine of the whole skeleton of the Air Force, to have this refueling capability.

There has been sort of a propaganda war that has been waged by the Airbus folks to sort of suggest that the Boeing airplane wasn't up to the job, and I just want to point out some of the facts about this aircraft that I think it is important to realize.

First off, if you want to look at the only company in this bidding that has essentially ever built an air tanker and has been building them for 50 years for America, it is Boeing. This is the hometown team that has been doing it for decades successfully, and I think we should maybe start the discussion from that point.

Second, the airplane that Boeing bid has some very distinct advantages that somehow were not considered, one of which is that the Boeing airplane can service about twice as many airfields as the competitor. The reason is it can land in shorter, not quite as equipped airfields. It can land fully loaded in 811 airfields around the world, compared to the competitor at 408. This is a distinct advantage, considering we don't know why where the next conflict is going to be. We don't know what sort of developing world airfield we are going to use. The airplane that Boeing proposes can be serviced and can essentially use twice the number of airfields.

Second, and this is critically important, the Boeing 767 is 24 percent more fuel efficient. In these days of a crunch with fuel and global warming we have to be concerned with and the enormous increase in costs that the Air Force is experiencing, this ought to be taken into consideration. That adds up to $30 billion, a distinct advantage.

Third, and this is one that I think is worth mentioning, this sort of propaganda effort that was started by the Airbus folks to suggest that the Boeing Company didn't score well just simply doesn't comport with the facts.

There were several factors, the first of which is called mission capability. When they compete these, there is a very sophisticated way of evaluating these. On mission capability, the Boeing airplane scored blue, which means exceptional, and low risk in the area of mission capability. That is the highest possible rating and I think can be considered the most critical factor in the whole competition. The Air Force concluded that the Boeing airplane met or exceeded all key performance parameters, which are also called thresholds and objectives. The Air Force concluded that the Boeing product actually had significantly more strengths, also called discriminators, than the competitor.

So you had Boeing receiving the highest rating possible for mission capability, it met or exceeded all of what is called KPP thresholds and objectives, and it was graded as having significantly more strengths than the competition, and somehow came up on the short end of the stick.

This deserves not only GAO review, but it deserves Congress reviewing this. As folks know, this is being evaluated now under the protest consideration, and we know it will be looked at carefully. But, frankly, if this does not get the thorough review we want, Congress is going to be looking at this, because these numbers just don't add up to say this was the right decision.

On factor two, proposal risk, just kind of from a commonsense standpoint perhaps we can look at the fact that we have one bidder, Boeing, that has been doing this for decades. They have an airplane, the 767, in the air, providing tanker services, ready to go, against a product that is going to be manufactured in this multi-nation system. To me, that would create significant confidence in the folks that have been doing it and have a plane that is in the air. In fact, the Air Force rated Boeing's risk as low, as it should be.

Surprisingly, the competitor was also rated as low, despite to me obvious risk where you have a multi-country, multi-facility, multi-build approach, contrasted with Boeing's integrated approach to design, build and certify with the existing facilities. So, at worst it seems to me that there is certainly no advantage of the competitors in that regard.

I would like to yield to Mr. TIAHRT. I have several more factors, but I want to yield to Mr. TIAHRT because I know he has a great idea.

Mr. TIAHRT. I thank the gentleman from Washington.

When talking about risk, the Air Force has done studies as to what is the best manufacturing technology that we have when we are building a complex, single point of failure system like the tanker. They say the best way to do it is to have an integrated production line, where you build your commercial off-the-shelf item and integrate in that very same production line those things that you need to make this a unique product for the Department of Defense. That was what was employed by the Boeing company in their proposal to the Air Force for the KC–767 tanker.

What we find out after looking at and listening to the Airbus or the EADS proposal is that they had this disjointed thing, as the gentleman from Washington pointed out very well, multi-country, multi-manufacturing sites, starting four new facilities that have to be FAA certified and they have to find qualified workers for. This develops a tremendous amount of risk in the proposal that the EADS company was putting forward, as compared to what the Air Force actually asked for in their own studies.

Somehow in this convoluted process of trying to decide which product to buy, they overlooked the fact that the Air Force said this is what we wanted, an integrated production line. We didn't want a multi-facility operation in multi-countries. We wanted it all to happen in one place, where we could keep track of the product and the quality. And yet when it came time to risk, they gave an equal amount of risk to both companies. It just doesn't make any sense.

The other point that the gentleman from Washington made that I would like to add to is what is the net cost to taxpayers? There are some things that the Air Force follows in their Federal acquisition regulations as part of their cost evaluation process, but there are some things they don't consider. For example, they didn't consider outsourcing our national security. They are just based on their rules and regulations. They look at cost and their key performance characteristics, et cetera.

But if you look at other things that need to be taken into consideration in Congress, like how do we secure the national defense industry, the defense base, well, we have to take these things into consideration.

If you look at the $35 billion contract and say what is the real net cost to the taxpayers, the $35 billion contract we know is what was awarded. But if you looked at the fuel savings that was pointed out by the gentleman from Washington, the KC–767 is 24 percent more fuel efficient, and that saves taxpayers $30 over the life of this program. So you take your $35 billion contract and you have to subtract that from the Boeing bid. So what is the net cost to taxpayers? It is $5 billion.

Then you take the comparison of American jobs versus French jobs. One thing unique about French jobs is they don't pay any American income taxes, but American workers do. So you take the 19,000 lost aerospace jobs in America and say what would they have paid the Federal Government over the life of this program in the form of income taxes? Well, 19,000 workers, which is the difference between the two proposals, times about $11,000 a year, which is the average that an aerospace worker pays in federal income taxes, and you take that over the life of this program, it comes out to $8 billion.

So you have got $35 billion. You take away $30 billion worth of savings on the fuel and you get down to a $5 billion net cost to the taxpayer. Then you add back what you would get from the lost American jobs paying taxes if they were employed with the American contract than they would have gotten to pay these taxes. That is $8 billion. So the net cost is actually a $3 billion advantage.

In other words, if we would have issued this to a American company with American workers paying American Federal income taxes, and you take into consideration the fuel savings, it would have actually brought in $3 billion more in revenue in the net cost to the taxpayer than what it had under the circumstances that they had given it to the foreign supplier. Then you look at the lost revenue from corporate tax by having 90 percent of this airplane built in France instead of built in America, and you get another $1 billion.

So what is the true cost to the taxpayers? It is positive $4 billion for the American company employing American workers to make an American tanker, versus $74 billion if you add all these costs up to the foreign supplier using foreign manufacturing workers.

So what would you do if you were a taxpayer? For me, a $74 billion cost or a $4 billion savings, I would take the $4 billion savings, and that says we buy an American tanker made by an American company with American workers. So this decision doesn't make sense just on the net cost to taxpayers, let alone all these other things that we are talking about.

Mr. INSLEE. Coming back, it is not just cost, it is capability. Bigger is not always better, and I am very concerned here that the Air Force has been lulled into the sense that bigger is always going to be better.

Frankly, when I found out that the Boeing tanker can serve in twice as many airfields, it can refuel the V–22, which is our tilt rotor aircraft, this aircraft they have can't refuel one of our aircraft, we are going with a company that has no boom experience, they have never built an airplane commercially with a boom.

We have decided to reject a company, Boeing, that delivered a 767 to Japan, one February 19, 2008, a second one March 5, 2008, they are flying, they are in the air, they are a known quantity. And we are taking this risk, an uncertain risk, just for this apparent decision that all of a sudden bigger became better, which is very interesting, because Boeing could have competed a larger airplane, an airframe of the Boeing 777, and didn't, essentially because they understood that this was a satisfactory size component to deliver.

It made sense when Boeing made that decision and when Air Force led them to that decision, because when you look at the loading, the range of loading and what it has done historically, the Boeing 767 is a perfect fit. If you look at the offloading potential, the Boeing 767 is significantly greater than the average offloading in any of either the Vietnam, the Iraqi Freedom or the Southwest Asia conflicts.

So we are concerned that this decision of this deciding bigger was better was, A, not fair to a bidder, Boeing, which was not told that that apparently was now the Air Force's brand new criteria; B, exposes American taxpayers to greater risk with an uncertain contractor, with an uncertain plan in multiple locations; C, causes significant loss of jobs; and, D, violates international law, or at least awards folks who are receiving illegal subsidies violating international law.

This is not a good thing for the American warfighter, the American taxpayer or the American worker, and that is why we are here tonight suggesting that this contract has to be redone one way or another, and we are going to be talking about ways to do that.

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Mr. TIAHRT. Another thing Congress must consider in this whole scenario is, looking back over history and saying, when we do have a difference of opinion between our European allies and our own country and we employ our young men and women to carry out the will of this country, will our foreign suppliers be there to supply us in our time of need?

During the Gulf War, we had allies that disagreed with what we were doing and they failed to supply the parts that we needed to keep our young men and women safe while they carried out the will of this Nation so they could come home safely to their families. During Operation Iraqi Freedom, again, our European allies failed to support us when, in our time of need and through great diplomatic strains and a lot of harsh words, finally we were able to find suppliers that were going to give us the parts that we needed so that our young men and women could carry out the will of this country and come home safely to their families.

Once again, in this system, it is a single point of failure system. It is a system that, if it is down, everything does not function. We cannot transport aircraft from the East Coast to the West Coast for our military without tankers. We cannot supply our troops or carry our troops anywhere outside the continental United States without aerial refueling tankers. If we are going to respond to a natural disaster like the tsunami in southeast Asia, we have to have air refueling tankers. So, we cannot have such a critical item that is so vulnerable to our foreign suppliers when they may disagree with us politically and withhold the parts we need to have this very critical, single point of failure weapons system.

So if you look at our ability to protect our families, like my chart has here, it is an immeasurable cost. What is the dollar value when we have to protect our families and our military doesn't have the supplies they need to carry out that task? What about the loss of defense workers? That is another immeasurable cost. Once we lose part of our national defense industry base, it is gone apparently forever.

For example, if this contract goes through, never again in America will we rebuild an air refueling tanker. I can give you the technical reasons why, but basically aircraft are built on an improvement curve. And the thought of an improvement curve is a theory, which is reality, is that the second unit costs less time to build than the first unit; the fourth unit costs less time than the second unit; and the eighth unit costs less time than the fourth unit, and on down. Every time it doubles, there is less time to build that next aircraft. After you build 179 aircraft, like in this air refueling tanker contract, you are bidding for the follow-on procurement at unit 180. In other words, you are 180 units down the improvement curve. It is a lot cheaper than if you are building the first unit. An American manufacturer bidding on the follow-on contract would have to bid a number one unit. They cannot keep up, once again, with our foreign suppliers because they are bidding a number one unit and our foreign would be bidding the 180th unit. So we never again will build air refueling tankers here in America if this contract goes forward.

And what does that do? It is a loss to defense workers; it compromises our ability to protect our families; and, it is a loss of defense manufacturing capability. Those are things that are immeasurable in cost, but it is something that Congress must consider when we vote on whether this contract should go forward or not.

Mr. INSLEE. And I hope we don't have to vote. I hope this protest is successful. But we will be looking at the right ways for Congress to exercise the will of the American people through the appropriation or authorization process. And the reason we intend to do that is that we think there were several mistakes made in this contract that essentially resulted in the Air Force selecting a larger, more expensive, and more operationally limited tanker, despite the fact that the domestic Boeing tanker met the requirements of the Air Force.

So, we intend to go forward. We hope that our colleagues will join us in this effort. It is the right thing to do. It may take some time to do, we regret that, but America deserves this and deserves better than what happened here.

Mr. TIAHRT. If you look at all the data involved, from the employment of illegal subsidies that you pointed out so clearly and how our United States trade representative is taking the European companies to task for these illegal subsidies, when you take into consideration the lost tax revenue, when you consider the costly one-sided regulations that are granted by our own Department of Defense and the loss of our industrial base and the loss of our national security, this is a bad decision, and it appears that the Air Force had to bend over backwards to give this work to the French company EADS. And it is heartbreaking in one sense, outrageous in another. But, for me, it came in the form of outrage.

I know that one of the Senators from Washington State has set up a Web site where you can fill out a survey. I know, on my own Web site at www.house.gov/tiarht, you can get on my Web site and fill out a survey about your feelings on us outsourcing our national security to the French. It is I think a bad decision. It is one that needs to be reviewed by Congress. I am hopeful that the Government Accountability Office will look at these inequities, these disparities, this unlevel playing field, and correct this before we have to take action on the floor of the House.

But I think it is clear from the people that we have spoken with here in the 42 States that have lost workers because of this contract going awry, that there will be something happening on this contract this year, either through the Government Accountability Office or through actions of the Congress, because it is too outrageous to allow our national security to be outsourced to the French.

Mr. INSLEE. I want to thank Mr. TIAHRT and Mr. LOEBSACK.

Madam Speaker, we yield back the balance of our time.

THE WAR IN IRAQ

The SPEAKER pro tempore (Ms. TSONGAS). Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. SHAYS) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHAYS. I thank the gentlelady for taking her time to allow me and my colleagues to be able to address the chamber. Thank you very much. And I appreciate her husband's service to this country both in Congress and in the Senate.

I am taking this opportunity to talk about the conflict in Iraq, the war in Iraq, and I want to do it based on my 20 visits to Iraq when I first was there in April of 2003 to the trip that just concluded last week. I want to speak very frankly about this war and our presence there and what I think we should do and why I think we should do what we need to do.

September 11 clearly was a wakeup call, from hell, that forced us to address the fact that for such a long time we had a blind eye to what was happening in the Middle East and what was happening particularly as it related to the extreme Islamists who were seeking to get the world's attention by attacking our troops in Lebanon, our Marines, our Soldiers, and Air Force men and women in Saudi Arabia attacked three times, our embassy employees in two countries in Africa, the Cole where we lost 17 Navy personnel and 33 injured.

I was somewhat surprised that, in spite of all this, that we would keep turning the other cheek and ignoring what was confronting us. So when September 11 happened, it was a huge wakeup call. And the issue is, did we respond in the right way?

We created a Department of Homeland Security. Before September 11, when we talked about such a department, people said, "What are we, Great Britain?" It was difficult for Americans to conceive that we should do that. We passed the Patriot Act; and clearly we could have given it some other name, but we wanted to make sure that we had modernized our capability to infiltrate cells that needed to be infiltrated. We created a much stronger intelligence structure by establishing a Director of Intelligence that would coordinate these 16 agencies. And we also went into Afghanistan, where there was uniformed consensus that we should do it. But we also went into Iraq, and that obviously was very controversial.

I remember, as I tried to debate whether we should do this, visiting with the Brits, the French, the Turks, the Israelis, and the Jordanians. They all said Saddam had weapons of mass destruction. But the French said, he has them, but won't use them. And we discounted the French because we knew even then, about the Oil for Food Program, that they had been pretty much bought off, and we knew that they would probably not support using the U.N. as the instrument to remove Saddam from power. So we went in. And, we made sure our troops had the one thing that we felt they needed: Protective chemical gear. We really believed that Saddam had both a nuclear program and a chemical program, and we were very adamant that we shouldn't go in before our troops had that protective chemical gear.

But it became very clear early on that Saddam not only didn't have an active chemical weapons program that he could readily use, and there was no nuclear program. So, the very basis for going into Iraq proved to be false.

I voted to go into Iraq based on what I believed was the right thing to do. I am struck by some Members who somehow blame their decision on someone else. I did what I thought was due diligence. I was impressed by Iraq's neighbors. I was impressed by, frankly, Bill Clinton and HILLARY CLINTON and others who had reason to be skeptical but believed as well that Saddam had weapons of mass destruction.

But what surprises me most, and I want to make this point. I remember when George Romney, the former governor of Michigan, not Massachusetts, Governor Romney from Massachusetts's dad, said: I believed we needed to go into Vietnam, but I was brainwashed by the generals. And there was instant ridicule, and he was forced to drop out of the race for President because he wasn't taking ownership for his own decision, and was blaming someone else.

I blame no one for my vote. It was my vote based on my best conclusions. And I would like to think that every Member would own up to their own vote, but somehow some who voted to go into Iraq now act like they didn't, and blame others for their vote. And I think that is wrong. So the question is, we are there, and we were there under false pretenses but very much believed to be true. So what do we do now?

When you go to Israel, Israel had the best intelligence in the region, and they were wrong and they empanelled a commission to try to determine how they could be wrong. They didn't blame their political leaders, they didn't say people lied. What they concluded was that, based on the knowledge that they had, it was reasonable to assume that Saddam had these weapons. That was their conclusion.

It is a fact that even his own troops, his generals, in December were stunned, as we learned from the debriefing of Tariq Aziz and others of the Iraqi politicians, that Saddam told his own generals in December of 2002: We don't have a nuclear program and we don't have a viable chemical program. And they were stunned.

I was so troubled by this that I went to see Hans Blix in Stockholm and I said, "Why would Saddam want us to think he had weapons of mass destruction?" And he said, because Saddam thought it was a deterrent to his neighbors, and that he believed there was no consequence because he thought there would be no way the United States would seek to remove him from power if the French and the Russians and the Chinese would not allow the U.N. to be involved.

Well, the fact is that Saddam misread us the first time in Kuwait. Because of Vietnam, he thought we would never go in because of that experience, and we did, and he misunderstood our intentions a second time, which is an incredible lesson about making sure that our adversaries know our true intent and believe our true intent.

We were wrong. But being wrong does not mean we need to get out, get out right away because of our original purpose for being there.

☐ 1845

The fact is once we disbanded the Army, the police and the border patrol, we owned Iraq; and there is no way of getting around it. There is no way to say that we can get rid of all Iraqi police, border patrol and Army, and then say, well, you know, we achieved our objective, good-bye. That would be a cruelty to the Iraqis that they don't deserve, and it would be a huge invitation to the Iranians to just walk right in. We can't allow that to happen.

In my first visit to Iraq, I went just as the war was ending. I actually had to get in with the help of the State Department because the Defense Department said I couldn't go in. I remember speaking to Muhammed Abdul-Assan. He was telling me the things that we were doing that troubled him, like throwing candy on the ground. He said, Our children are not chickens; they are not animals.

He talked about how our troops seemed to be offended when they extended a hand, and an Iraqi woman put her hand to her heart and would not shake the soldier's hand. She was saying, thank you for honoring me, but we don't shake hands with strangers.

He basically put his hands on my shoulders and said, You don't know us, and we don't know you. He told me an incredible story. He told me a story that he had been in an Iranian prison and hadn't made the first exchange of prisoners because the Iranians had more Iraqis than the Iraqis had Iranians in their war with each other. I said to him, You have had an incredibly difficult life, and I started to go on. And he looked at me and said, No different than any other Iraqi.

Well, after my first visit I couldn't get back soon enough to say we need Arabic speakers and we need to understand their culture. These are tough people.

The second time I went in, I went to Basra and I went again outside the umbrella of the military and spent two nights in Basra with Save the Children. I began to hear things like why are you putting my son, my uncle, my brother, my cousin, my nephew, my husband, my father, out of work? Why can't they at least guard the hospitals? He was talking about the fact that we put a half a million men out of work, and basically said you have no future in this new government.

And so I couldn't wait to get back home and say: Why are we doing this? And the poignant thing to this is the very first death in the 4th Congressional District Connecticut was Wilfredo Perez. He was guarding a hospital.

Try to imagine what we did when we disbanded their Army, their police and their border patrol. We left them totally and completely defenseless. It is a country of 24-plus million people left with no security.

Let's take New York State. New York State has 19 million people. It is two-thirds the size of Iraq or maybe even smaller. It has 19 million versus 24 million. Imagine New York State with no police, no police in New York City, no police in the subways, no police in Albany, Rochester, Buffalo, Syracuse, no police in any of the towns in between, no security whatsoever. Oh, and by the way, to be consistent with what Saddam Hussein did, he released all his prisoners. We are going to release the prisoners from Attica and Riker's Island and make sure that they are in the community, and then say don't worry, we are going to bring 150,000 Iraqis who speak Arabic to keep the peace throughout all of New York State.

Well, you don't have to be a genius to realize we had created a huge problem. We were basically saying we would provide all of the security in Iraq, but we didn't have enough men and women to do it. We didn't speak their language or know their culture. Are we surprised that militias were formed? Are we surprised that when we put half a million people out of work, that they would go to the other side?

And then there is the looting. They were dumbfounded. Iraqis love their antiquities. They love their history. If you go to an Iraqi and somehow suggest it is not a real country, they will look at you and say, Let me get this straight. You did not learn in your school, about the Fertile Crescent where the two rivers met, the cradle of civilization? You never studied about us Iraqis? They are stunned that we would think them not a country, and they were particularly stunned, when the Senate voted to divide Iraq into three parts, they said aha, it just goes to show what we have been saying. You want to divide and conquer us, and then take our oil.

We made huge mistakes and we didn't correct them and we didn't deal with the reality on the ground. The reality is that we needed to train more

Iraqi troops than we were, and we needed to have more American troops there given we had gotten rid of a half million security forces for all of Iraq.

When you go to an Iraqi and you ask, Are you a Sunni? They will say, I am a Sunni but I am married to a Shia.

I will go to a Shia and say are you a Shia, to try to understand their perspective, and they will say, I am a Shia, but my tribe is Sunni.

I will go to someone I suspect to be a Kurd, and ask, Are you a Kurd? They will say, Yes, I am a Kurd; but you do know Kurds are Sunnis? They are constantly lecturing me about understanding what they are and the significance of what they are.

We have the fear of sectarian violence in Iraq, and it is often compared to Bosnia. In Bosnia, you had fathers who literally raped their child's best friend. So a father is raping a 14- or 12-year-old child because she happens to be Christian and he is Muslim or she is Muslim and he is a Christian. I remember going to Bosnia and seeing a house filled with garbage, garbage filled all of the way to the top. It was a message, don't come back to your home, you are not wanted.

That kind of violence is not what has happened in Iraq. What has happened in Iraq is when there were Sunnis and Shias living together, they were not kicked out by their neighbors, they were kicked out by outsiders who came in and tried to have it be one ethnic group, which is very different than Bosnia.

Now that is not to suggest that Sunnis and Shias will agree on everything. But again, it is not like Saudi Arabia where Sunnis there don't like Sunnis in other countries if they are not Wahhabbis. We sometimes tend to judge the Middle East, I think, on what we see in Saudi Arabia. Saudi Arabia is another issue we are going to have to have a frank conversation about. It is not Iraq.

When I go to Turkey, the Turks say to me, We used to run this place for 402 years; why don't you pay attention to us?

When I go to Egypt, they say, We have been a country for 4,000 years, why don't you pay attention to us?

When I go to Jordan they say, We are direct descendants of Mohammed, why don't you pay attention to us?

When I go to Iraq, they say, We are the cradle of civilization, why don't you pay attention to us?

So we are starting to. We are starting to pay more attention to them. We are certainly paying attention to the ambassadors that come from countries near Iraq. And they say, we may not have wanted you to go in, are there, for you to leave now would be an outrage. And they are right.

Now that we stirred everything up and we created significant dislocation in Iraq, we have a moral obligation to set Iraqis in a place where they can govern themselves; or failing to govern themselves, it will be their failure. But they need the security to do it.

So what do I see and what have I seen over the course of 20 times in Iraq?

If this is April 2003, we could have gone in an upward direction. It could have been an amazing experience. We could have kept their military. We could have listened to them. We could have had Arabic speakers. We could have found that rather than digging a deep ditch, we could have gone in the other direction. But as soon as we allowed the looting, as I made reference to earlier, they really believed that was our message to them that we had only contempt for them. That is what they believed. They thought, You could have stopped it and you didn't. The thing we cherished the most, our antiquities, you allowed those looters to just desecrate, and you were the security.

We then put them out of work and left them with no security. We dug a deep hole.

I began to feel, though, that we were turning the situation around when we transferred power in June of 2004. Mr. Bremer left, and Iraqis were being invited to make some major decisions. And they did something extraordinary. I was there for the first election. They put our elections to shame.

What did they do? They had far more people who voted, and they were honest votes. The U.N. will tell you, these elections were very well run. I was in Arbil for the first election, and I saw men following their wives because their wives were determined to vote, dressed up with their kids in their arms or following them. I was there as an observer, and I saw them come and vote for local, regional and national elections. They came and got all three ballots and filled them out in a protected area, and then they came and put them in the ballot box. But before they could do that, they had to stick their finger in the ink jar. I watched that for awhile, and then I went and quietly asked, as an observer, Do you mind if I put my finger in that ink jar? I wanted to bond with them; and I, frankly, wanted to come home and show people that there was something pretty monumental going on in Iraq.

The woman looked up at me, looked down, and then she said, No! you're not an Iraqi! Everybody looked at me. I clearly wasn't an Iraqi. I was first embarrassed, and then I thought this was amazing. I was in a Kurdish area. And she didn't say, No, you're not a Kurd. She said, You're not an Iraqi.

Well, that election established a government that then created a constitution. And in October of 2005, they voted on that constitution. And more people came out to vote, including Sunnis that had not participated the first time. They had establish a constitution, and then they had an election in December of 2005. I thought in 2003 we had dug a deep hole, but now we and the Iraq's were getting back up there. Things are looking much better.

And they had an election in December, and then nothing happened. January, no leader was chosen. February, no leader was chosen. March, no leader was chosen. By April they had decided on a very slim vote that Mr. Maliki would be the prime minister.

□ 1900

And so, they had literally delayed for 4 months choosing a leader. And when you're swimming upstream and you stop swimming, you go way downstream. And they dug a deep hole again. You had the Samarra bombings; that was horrific. That was a Shi'a Mosque that was bombed and destroyed, intended to bring out the Shi'as in a total civil war with Sunnis. That almost happened, but didn't happen.

When I came back to Iraq and met with Mr. Maliki after 6 weeks in office, there was a sense on my part that he wasn't going to do any heavy lifting. And so I decided, rather than come back 3 months from now as I usually did, I came back 6 weeks later. And one ambassador told me then, it was in June, he said to me, "I fear that Prime Minister Maliki does not have the political will to do what he needs to do."

So, I went back in August. There were 6 more weeks that had passed. Now he had been in office about 12 weeks, and I didn't see hardly any positive change. I concluded that the only thing that would get him to move was to have a timeline. And I demanded to see him. I said, I've been here more than anyone else, I want to meet with Mr. Maliki. And I said it can be a stand-up meeting, but I want to meet him. I want him to look me in the face and tell him what I believe after being in Iraq so often.

So, a meeting was set up. He was meeting with others and we went to a side of the room, and I said, take a good look at me, you're not going to see me after November, and you're not going to see a majority of Republicans that had been supporting our presence in Iraq. You're going to see a change in government because you aren't doing the heavy lifting you need to. You need timelines like you had in '05, where you had one election, then the constitution, then another election, to select a government. He said, no, we moved too quickly; we can't move that quickly.

I came home believing we need a timeline, and I believe that to this day. But it's a timeline that doesn't say we get out tomorrow. It's a timeline that says we leave when the Iraqis can be ready, and we can pretty much predict when that is. And we know it's going to take more Iraqis troops to do it. We know they have to be trained.

With all due respect to my colleagues in the majority who sincerely believe this was a mistake and we need to get out, a timeline that gets us out sooner than we can replace their army, police and border patrol and leaves them in a place where they can protect themselves is a timeline that makes no sense. But a timeline that says we're there forever in this capacity makes no sense either. We need a logical timeline.

Now, one thing I never argued for that turned out to be very important, I never argued that we needed a surge. That was the one area where I didn't feel I had the expertise. So, after that election, I went to Iraq in December of 2006, and frankly, things were worse than ever. The generals told me that they had given up on Anbar Province, the largest Sunni province. In fact, they said it's almost like a mini Afghanistan within Iraq, no one is in charge except al Qaeda. And that was a pretty disappointing bit of news to be told.

When I went back in April of '07 they said we're winning Anbar Province. Now, this was after we started to begin the surge, but that hadn't really taken effect yet. They were doing something that I had argued for for a long time, and that was, we were engaging the Iraqi tribes. The Sunni Iraqi tribes had become totally fed up with al Qaeda for all the reasons that most people know. They wanted to set up the kind of shari'a government that Iraqis want no part of, and they were killing the young Sunni tribal leaders who were not cooperating. And so, the leaders came to us and said, we want to be with you.

So, I went in April, and we're winning Anbar Province. I go back 2 months later and they say, we've really won Anbar Province. I go back in August, and we're starting to win other areas. We're starting to clean out other areas.

And we've started to have al Qaeda be in small little enclaves. And why? Because before the surge they struck us at will. After the surge, they can't get above the water line to take a breath because our daytime troops went after them, and our nighttime troops went after them, and then our daytime troops went after them. They never have a chance to regroup. The surge has enabled us to clean out areas and bring the Iraqi police, which aren't the best of Iraq, but they are good enough to do what police do, and that is, once an area is clean, keep the peace.

This past year, I've been able to go without armor into so many different marketplaces, places they would never have taken me before. And I come back and I say things are getting better, and then people say yes, but there were the rockets on the Green Zone. Well, there are going to be rockets on the Green Zone and there are going to be men and women who wear vests that basically are filled with explosives and they're going to blow themselves up. There are women who have lost their husbands who see no future. There is obviously al Qaeda, that still has some influence. There will be those kinds of attacks, but there are going to be different kinds of attacks than has existed in the past.

So, I have seen the surge is working. The tribal leaders have made a huge difference. We are now going into other areas. We've cleaned up our two-thirds of Iraq. Mosul is going to be a very difficult area. It's a very mixed community of Sunnis, Shias, Turkmen, and others.

The other reason why we're seeing an improvement beside the surge and support of tribal leaders is the Iraqi troops have become competent, in some cases very competent. And I'm sure there may be some who will criticize me for saying it, but I believe the Iraqis are actually beginning to like us, or at least respect us, and in some cases trust us. And why would that be? Well, they were raised for 30 years to hate Americans and love the Russians. So, in comes this government, Americans, and we attack them, and we put a lot of their loved ones out of work. And they were convinced that we would take their oil. But it's been 5 years, and they've come to realize that there is a country so good that it would spend nearly a half a trillion dollars, have more than 20,000 of its American forces wounded, some very severely, have 4,000 of its troops killed and not take a drop of its oil, not a drop of its oil. We're beginning to gain credibility that we actually meant what we said and that there is a country so good in the world that it would do that for something far more important.

We want a world of peace. We want a world where people can live their lives as they want to. We want a world where commerce can flow back and forth freely. And we're willing to give a lot and spend a lot to do that.

Now, I want to say something to my colleagues that may not believe we should ever have been in Iraq. I fear that there are some in this Chamber who fear that if we ultimately win in Iraq, and by winning, I mean restore a security force of Iraqis that can fend for themselves and where they can govern for themselves and where there is a significant movement towards a more democratic form of government, and a government that, unlike its neighbors, allows its women to be educated, allows its women to be part of commerce, if we do that, it justifies the war.

We may say at the end, we spent a trillion dollars, we lost 4,000 to 5,000 men and women, and we have this result which is pretty spectacular, but in the end, it may not justify what we have done. But where we all should be united, it seems to me, is that we leave Iraq in a place that the void is not filled up by the Iranians.

Now, we haven't taken a drop of their oil, but one thing is very clear, Iraq has a lot of oil and gas. In fact, Bunker Hunt came to my office, rolled out a map that would cover this desk, and he said, I believe Iraq has more energy than exists in Saudi Arabia. The world says it has 10 percent. He told, I believe it may have as much as 20 percent of the world's reserves. And then he showed me this map with markings throughout Iraq indicated a real potential for either gas or oil. He said, to an oil man, this is a candy store of opportunity. Well, it belongs to the Iraqis. And my hope and prayer is that they will someday be able to enjoy it and share it with the rest of the world.

And the thing that's stunning is, it's not just in Sunni areas, it's not just in Shi'a areas and it's not just in Kurdish areas, it's throughout Iraq. This is a nation that doesn't believe in shari'a law. It's a nation that is very secular. It's a nation where Sunni and Shi'as have, in particular, gotten along with each other. It's a nation that has so much oil as a resource, and gas, but almost as importantly, it has so much water. When I fly over it, you see these magnificent rivers, not just the Tigris and Euphrates, but the others that join it, but all the canals and the irrigation that exists. This is a country that will be able to export and feed parts of the world.

This is a country that will educate both its men and women. This is a country that has significant resources. This is a country we hope to be friends with for a long, long time. And this is a country that deserves some patience from Americans. We need to understand that they didn't have the head start we had in the United States. And even then, think about it, we knew democracy before we became these United States. We had democracy in our colonies.

We had the Declaration of Independence in 1776. And it took us 13 years to have the Constitution of the United States, 13 years. And even then, as perfect as we would like to think our Constitution is, but in our Constitution as Condoleezza Rice points out, she was three-fifths a person, and a slave. So, we certainly didn't get it all right.

I'll conclude by saying, we've seen the most progress on the part of the military. We've seen not the kind of progress we want to see from the politicians. But even then, we need to give them credit. They have voted out retirement for ba'athists, Saddamists. That was hugely important. While they don't have an oil law that formally distributes the oil to the different regions of Iraq, they are doing it in spite of that without the formal agreement.

□ 1915

They have a de-Baathification law that's coming into place so that they're hiring people that, in the past were told they couldn't be part of this new Iraqi government.

And they're going to have provincial elections. The significance of that is the local elections were the first of the three elections, and Sunnis didn't participate, so we have some Shiias who run Sunni areas. This means that these leaders are willing, and know that they have to give up power to the predominant group within their regime of Iraq.

No one knows how history is going to judge our involvement in Iraq. But the one thing I do know is that we finally have the kind of leadership in Iraq that I've been hungry for, some real honest talk from Mr. Petraeus. He'll tell you what's going right and what's going wrong. We've had, I think, good military leaders, but I think he's learned a lot, and I think he's clearly the best.

We needed to make a change with Secretary of Defense, and since then I've seen significant progress. It took Abraham Lincoln 9 generals before he got the generals that finally started to win some battles, Sherman and Grant.

We're starting to see a difference in Iraq because of this leadership. We're even starting to see Mr. Maliki show some guts by confronting his own political base, Shiias, in Basra.

They haven't been given the opportunity that we had of having 13 years before a true government was established under our Constitution. They've had five.

We have American time. We want them to act more quickly. But, at the same time, in terms of Middle East culture, they're moving a lot faster than some people give them credit.

Madam Speaker, I really appreciate your willingness to allow me this opportunity, and I want to just repeat that everyone in this chamber loves our troops. I'm addicted when I go back to Iraq, to meet with the men and women who serve, those who are content we're there, those who would go back and again and again, and some who wish they weren't there. But every one of our troops are real patriots. I can't tell you what an honor it is to interact with them. And with that, Madam Speaker, I yield back the balance of my time.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, MARCH 14, 2008, AT PAGE 4422

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 71. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D., the Committee on House Administration.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. HARE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, April 8.

Mr. MORAN of Kansas, for 5 minutes, April 2.

Mr. JONES of North Carolina, for 5 minutes, April 8.

Mrs. BIGGERT, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. WELLER of Illinois, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GOODE, for 5 minutes, today.

Ms. CLARKE, for 5 minutes, today.

ADJOURNMENT

Mr. SHAYS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 2, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5761. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 02-08, which informs of our intent to sign Project Arrangement Number Five concerning Apache Attack Helicopter Modernized Target Acquisition and Designation Sight and Pilot Night Vision Sensor Infrared Weather Performance Analysis, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

5762. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 01-08, informing of an intent to sign the Project Agreement between the Department of Defense of the United States and the Ministry of Defence of the Republic of Singapore Concerning Development of Fuel Cell Power Systems, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

5763. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6032; to the Committee on Foreign Affairs.

5764. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective February 17, 2008, 25% Danger Pay Allowance for Chad has been established based on the unsettled security situation that could endanger lives of U.S. Government civilian employees, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

5765. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5766. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5767. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-44 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

5768. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed extension of a lease of defense articles to the Government of Denmark (Transmittal No. 09-07); to the Committee on Foreign Affairs.

5769. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's FY 2009 Cooperative Threat Reduction Annual Report, pursuant to Public Law 106-398, section 1308; to the Committee on Foreign Affairs.

5770. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Germany (Transmittal No. RSAT-02-08); to the Committee on Foreign Affairs.

5771. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 015-08); to the Committee on Foreign Affairs.

5772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 022-08); to the Committee on Foreign Affairs.

5773. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to sections 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment and the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 040-08); to the Committee on Foreign Affairs.

5774. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to the Government of Georgia (Transmittal No. DDTC 033-08); to the Committee on Foreign Affairs.

5775. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 007-08); to the Committee on Foreign Affairs.

5776. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Turkey (Transmittal No. DDTC 026-08); to the Committee on Foreign Affairs.

5777. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 006-08); to the Committee on Foreign Affairs.

5778. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application for a license for the export of defense articles and services to the Governments of the United Kingdom and France (Transmittal No. DDTC 032-08); to the Committee on Foreign Affairs.

5779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 028-08); to the Committee on Foreign Affairs.

5780. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Canada (Transmittal No. DDTC 037-08); to the Committee on Foreign Affairs.

5781. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application for a license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 019-08); to the Committee on Foreign Affairs.

5782. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Mexico (Transmittal No. DDTC 008-08); to the Committee on Foreign Affairs.

5783. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Australia (Transmittal No. DDTC 115-07); to the Committee on Foreign Affairs.

5784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Mexico (Transmittal No. DDTC 017-08); to the Committee on Foreign Affairs.

5785. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Governments of Russia and Kazakstan (Transmittal No. DDTC 029-08); to the Committee on Foreign Affairs.

5786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing an unauthorized retransfer of U.S.-granted defense articles; to the Committee on Foreign Affairs.

5787. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Arms Traffic in Arms Regulations: North Atlantic Treaty Organization (NATO) — received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5788. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting extension of the waiver of Section 907 of the FREEDOM Support Act, Pub. L. 102-511, with respect to assistance to the Government of Azerbaijan; to the Committee on Foreign Affairs.

5789. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report providing information on steps taken by the U.S. Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries, as requested in Section 635 of the Department of State, Foreign Operations, and Related Programs Appropriations Act for Fiscal Year 2008 (Pub. L. 110-161); to the Committee on Foreign Affairs.

5790. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State on the progress toward a negotiated solution of the Cyprus question covering the period December 1, 2007 through January 31, 2008; to the Committee on Foreign Affairs.

5791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-13, "Waiver of Restrictions on Providing Funds to the Palestinian Authority," pursuant to Section 650(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008, Pub. L. 110-161; to the Committee on Foreign Affairs.

5792. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-323, "Clean Cars Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5793. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-324, "Accrued Sick and Safe Leave Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5794. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-325, "College Savings Program Increased Tax Benefit Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5795. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-326, "Omnibus Executive Service System, Police and Fire Systems, and Retirement Modifications for Chief of Police Cathy L. Lanier and Fire Chief Dennis L. Rubin Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5796. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-327, "Producer Licensing Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5797. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-328, "Special Election Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5798. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-329, "Prohibition of Discrimination on the Basis of Gender Identity and Expression Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5799. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-330, "Fire-Standard-Compliant Cigarettes Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5800. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-331, "Fire Hydrant Inspection, Repair, and Maintenance Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5801. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-332, "Department of Transportation Establishment Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5802. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-333, "Extension of Time to Dispose of the Old Congress Heights School Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5803. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-334, "Inclusionary Zoning Implementation Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5804. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-335, "Conversion Fee Clarification Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5805. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-336, "Supplemental Appropriations Clarification Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5806. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-337, "Local Rent Supplemental Program Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2016. A bill to establish the National Landscape Conservation System, and for other purposes; with an amendment (Rept. 110–561). Referred to the Committee of the Whole House on the State of the Union.

Mr. McGOVERN: Committee on rules. H. Res. 1065. A resolution providing for consideration of the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 110–562). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McCOTTER (for himself, Mr. ROHRABACHER, Mr. WALSH of New York, Mr. WAMP, Mr. BURGESS, Ms. BERKLEY, and Mr. DEFAZIO):

H.R. 5668. A bill to prohibit Federal government officials and employees from attending the opening ceremonies of the 2008 Summer Olympic Games held in communist China based upon communist China brutalizing protesters in Tibet, supporting and enabling Sudan's genocidal regime, forcing a one child policy upon Chinese families, persecuting Chinese citizens for freely exercising religion, repressing free and independent labor unions, engaging in wanton environmental degradation, and systematically denying the Chinese people their basic freedoms; to the Committee on Foreign Affairs.

By Mr. TOWNS (for himself and Mr. TERRY):

H.R. 5669. A bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States; to the Committee on Energy and Commerce.

By Mr. FOSSELLA (for himself and Mr. PASCRELL):

H.R. 5670. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mr. HERGER (for himself and Mr. BLUMENAUER):

H.R. 5671. A bill to amend the laws establishing the Whiskeytown-Shasta-Trinity National Recreation Area and the Columbia River Gorge National Scenic Area, units of the National Forest System derived from the public domain, to authorize the Secretary of Agriculture to retain and utilize special use permit fees collected by the Secretary in connection with the operation of marinas in the recreation area and the operation of the Multnomah Falls Lodge in the scenic area, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5672. A bill to establish the Commission on Women's Business Ownership; to the Committee on Financial Services, and in addition to the Committees on Oversight and Government Reform, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCARTHY of California (for himself, Mr. EHLERS, and Mr. DANIEL E. LUNGREN of California):

H.R. 5673. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to direct the Secretary of Defense to collect absentee ballots of absent overseas uniformed services voters for elections for Federal office and deliver the ballots to State election officials prior to the time established for the closing of the polls on the date of the election, and for other purposes; to the Committee on House Administration.

By Mr. MEEK of Florida (for himself, Mr. RYAN of Ohio, and Mr. ELLSWORTH):

H.R. 5674. A bill to amend title 18, United States Code, to require the Bureau of Prisons to provide secure storage areas in prison facilities for employees authorized to carry a firearm; to the Committee on the Judiciary.

By Mr. MEEK of Florida:

H.R. 5675. A bill to amend the Harmonized Tariff Schedule of the United States to revise the classification of certain cigars; to the Committee on Ways and Means.

By Mr. MILLER of Florida:

H.R. 5676. A bill to designate the historic Federal Building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. McCOTTER (for himself, Mr. LEVIN, Mr. FERGUSON, Mr. SHULER, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, and Mr. BROWN of South Carolina):

H. Res. 1064. A resolution recognizing Gordon "Gordie" Howe on the occasion of his 80th birthday, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. EMANUEL:

H. Res. 1066. A resolution electing certain Members to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. COURTNEY (for himself, Mr. SKELTON, Mr. SHAYS, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. LANGEVIN, Ms. BORDALLO, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. COHEN, Mr. BARTLETT of Maryland, Ms. HIRONO, Mr. HARE, Mr. OLVER, Mr. GONZALEZ, Mr. DONNELLY, Mr. HOLDEN, Mr. SESTAK, and Mr. SCOTT of Virginia):

H. Res. 1067. A resolution recognizing the 50th anniversary of the crossing of the North Pole by the USS Nautilus (SSN 571) and its significance in the history of both our Nation and the world; to the Committee on Armed Services.

By Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS):

H. Res. 1068. A resolution permitting active duty members of the Armed Forces who are assigned to a Congressional liaison office of the Department of Defense at the House of Representatives to obtain membership in the exercise facility established for employees of the House of Representatives; to the Committee on House Administration.

By Mr. CROWLEY (for himself, Mr. KIRK, and Mr. MAHONEY of Florida):

H. Res. 1069. A resolution condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children; to the Committee on Foreign Affairs.

By Mr. PASCRELL (for himself, Mr. SOUDER, Mr. POMEROY, Mrs. MILLER of Michigan, and Mr. ENGEL):

H. Res. 1070. A resolution expressing strong support for Albania, Croatia, and Macedonia to be extended invitations for membership to the North Atlantic Treaty Organization at the April 2008 Bucharest Summit, and for other purposes; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mr. McCOTTER.

H.R. 241: Mr. GERLACH.

H.R. 281: Mr. KILDEE and Mr. HINOJOSA.

H.R. 351: Ms. JACKSON-LEE of Texas and Mr. CONYERS.

H.R. 406: Mr. HODES and Mr. SCOTT of Georgia.

H.R. 471: Mr. YOUNG of Alaska and Mr. ROGERS of Kentucky.

H.R. 503: Mr. MEEKS of New York and Mr. MEEK of Florida.

H.R. 636: Mr. WESTMORELAND.

H.R. 741: Mr. BARROW.

H.R. 784: Mr. HOLT.

H.R. 901: Mr. GONZALEZ, Mrs. BOYDA of Kansas, Ms. HERSETH SANDLIN, and Ms. WASSERMAN SCHULTZ.

H.R. 1032: Mr. KLEIN of Florida.

H.R. 1188: Mr. HOLT.

H.R. 1264: Mr. MURTHA, Mr. PLATTS, Mr. DAVIS of Alabama, Mr. BONNER, and Mr. GRAVES.

H.R. 1295: Mr. HERGER, Mr. ROGERS of Michigan, and Mr. KING of Iowa.

H.R. 1399: Mr. MITCHELL.

H.R. 1436: Mr. McCAUL of Texas.

H.R. 1464: Ms. SUTTON.

H.R. 1565: Mr. SCOTT of Virginia.

H.R. 1621: Ms. SLAUGHTER.

H.R. 1646: Mr. HINOJOSA.

H.R. 1667: Ms. JACKSON-LEE of Texas.

H.R. 1687: Mrs. TAUSCHER.

H.R. 1742: Mr. McDERMOTT and Mrs. LOWEY.

H.R. 1921: Ms. CORRINE BROWN of Florida and Mr. WYNN.

H.R. 1927: Mr. MICA and Mr. KLEIN of Florida.

H.R. 2014: Mr. SAM JOHNSON of Texas.

H.R. 2045: Mr. BUTTERFIELD.

H.R. 2049: Mr. CROWLEY.

H.R. 2165: Mr. WHITFIELD of Kentucky and Ms. BORDALLO.

H.R. 2210: Mr. PASTOR.

H.R. 2329: Mr. LAMPSON and Mr. ELLISON.

H.R. 2417: Mr. FALEOMAVAEGA.

H.R. 2470: Mr. RYAN of Ohio.

H.R. 2516: Ms. SUTTON.

H.R. 2550: Ms. SCHWARTZ, Mr. RODRIGUEZ, Mr. SMITH of Texas, and Mr. LYNCH.

H.R. 2634: Mr. HODES.

H.R. 2702: Mr. TIM MURPHY of Pennsylvania and Mr. LINCOLN DAVIS of Tennessee.

H.R. 2762: Mr. LANGEVIN.

H.R. 2784: Mr. SKELTON.

H.R. 2864: Mr. ANDREWS.

H.R. 2922: Mr. ALLEN and Mr. GERLACH.

H.R. 2965: Ms. JACKSON-LEE of Texas and Mr. LEWIS of Georgia.

H.R. 3010: Mr. MARKEY.

H.R. 3089: Mr. MCCAUL of Texas and Mr. SESSIONS.

H.R. 3098: Mr. LAHOOD and Mr. BLUNT.

H.R. 3132: Mr. PASTOR, Mr. BERMAN, Ms. GIFFORDS, Ms. HIRONO, Mrs. DAVIS of California, and Mr. COHEN.

H.R. 3191: Mr. BOSWELL and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3229: Mr. CRAMER, Mr. DONNELLY, Ms. HARMAN, Mr. POMEROY, Mr. SPACE, Mr. TANNER, Mr. WILSON of Ohio, and Mr. TAYLOR.

H.R. 3282: Ms. ESHOO.

H.R. 3416: Mr. FARR.

H.R. 3434: Mr. BOREN.

H.R. 3439: Mr. PASTOR, Ms. MCCOLLUM of Minnesota, Mr. FRANK of Massachusetts, and Mr. ROTHMAN.

H.R. 3457: Mr. COHEN.

H.R. 3622: Mr. BOOZMAN.

H.R. 3652: Mr. ARCURI and Ms. BALDWIN.

H.R. 3658: Mr. ENGEL.

H.R. 3700: Ms. VELÁZQUEZ.

H.R. 3769: Ms. SLAUGHTER and Mrs. MALONEY of New York.

H.R. 3799: Mr. MORAN of Virginia and Ms. SCHAKOWSKY.

H.R. 3822: Mr. ROSS.

H.R. 3865: Mr. DELAHUNT and Mr. JOHNSON of Georgia.

H.R. 3876: Mr. ABERCROMBIE.

H.R. 3881: Mr. MICHAUD.

H.R. 3934: Ms. WASSERMAN SCHULTZ.

H.R. 3990: Mr. WEINER and Mr. SESTAK.

H.R. 4002: Mr. BOREN.

H.R. 4044: Mr. DELAHUNT, Mr. COHEN, Mr. FILNER, and Mr. JOHNSON of Georgia.

H.R. 4054: Mr. DOYLE, Mr. BUTTERFIELD, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SCOTT of Georgia.

H.R. 4102: Mr. PAYNE.

H.R. 4130: Mr. GOODE.

H.R. 4202: Ms. MOORE of Wisconsin.

H.R. 4236: Mr. RAHALL and Mr. HALL of New York.

H.R. 4318: Mr. KIND.

H.R. 4544: Mr. MCCAUL of Texas.

H.R. 4959: Ms. HARMAN, Mr. WU, and Mr. COHEN.

H.R. 5028: Mr. WALZ of Minnesota, Mr. KLEIN of Florida, and Mr. LAMPSON.

H.R. 5032: Mr. HUNTER, Mr. BURTON of Indiana, Mrs. SCHMIDT, Mr. MCCAUL of Texas, Mr. WILSON of South Carolina, Ms. FALLIN, Mr. SMITH of Texas, and Mr. HAYES.

H.R. 5038: Ms. LINDA T. SÁNCHEZ of California.

H.R. 5057: Mr. REICHERT.

H.R. 5060: Mr. SCHIFF.

H.R. 5109: Mr. KUHL of New York, Mr. BURGESS, and Mr. GARY G. MILLER of California.

H.R. 5134: Mr. MARSHALL and Mr. VISCLOSKY.

H.R. 5148: Mr. BOUCHER and Mr. DOOLITTLE.

H.R. 5173: Mr. ROSS and Mr. BRADY of Pennsylvania.

H.R. 5178: Mr. LEWIS of Georgia.

H.R. 5268: Ms. DEGETTE, Mr. HASTINGS of Florida, Mr. ARCURI, Ms. MATSUI, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. DAVIS of Alabama, and Mr. MARKEY.

H.R. 5315: Mr. HODES.

H.R. 5450: Mr. HILL, Mr. BURGESS, Mr. KUHL of New York, and Mr. MCDERMOTT.

H.R. 5462: Mr. CULBERSON.

H.R. 5477: Mr. GALLEGLY and Ms. WOOLSEY.

H.R. 5481: Mr. WITTMAN of Virginia.

H.R. 5490: Mr. FLAKE.

H.R. 5493: Mr. EHLERS and Mrs. MYRICK.

H.R. 5506: Mr. PASCRELL.

H.R. 5541: Mr. YOUNG of Alaska, Mrs. NAPOLITANO, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. HINCHEY, Mr. SARBANES, Mr. SHULER, Mr. BAIRD, Mr. CHANDLER, and Mr. ALLEN.

H.R. 5561: Mr. KUHL of New York and Ms. GINNY BROWN-WAITE of Florida.

H.R. 5566: Mr. GALLEGLY.

H.R. 5580: Ms. WATSON, Ms. JACKSON-LEE of Texas, and Mr. MORAN of Virginia.

H.R. 5585: Mrs. CAPPS.

H.R. 5587: Mr. BOYD of Florida.

H.R. 5602: Mr. HILL and Mr. BOSWELL.

H.R. 5609: Ms. SUTTON.

H.R. 5611: Mr. CAPUANO, Mr. KIND, and Mr. HOLDEN.

H.R. 5613: Mr. PALLONE, Mr. ALLEN, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. KING of New York, Mr. WAXMAN, Mr. TOWNS, Mr. BOUCHER, Mr. ROSS, Ms. ESHOO, Mr. GORDON, Mrs. MALONEY of New York, Mr. HARE, Ms. SUTTON, Mr. MCDERMOTT, Mr. BOSWELL, Mr. MARKEY, Mr. GOODE, Mr. HOLT, Mr. HOEKSTRA, Ms. BERKLEY, Mr. MCNULTY, Mr. BRALEY of Iowa, Mr. FARR, Mrs. CAPPS, Mr. GENE GREEN of Texas, Mr. REYES, Mr. RUPPERSBERGER, Mr. SARBANES, Mr. INSLEE, Ms. HARMAN, Mr. FERGUSON, Mr. CAPUANO, Mr. WELCH of Vermont, Mr. DOYLE, Mr. CUMMINGS, Ms. MATSUI, Mr. WU, Mr. STARK, Ms. DEGETTE, Mr. MARSHALL, Ms. SOLIS, Ms. CASTOR, Mr. RODRIGUEZ, Mr. JOHNSON of Georgia, Mr. VAN HOLLEN, and Mr. FRANK of Massachusetts.

H.R. 5627: Mr. MCCOTTER and Mr. MILLER of Florida.

H.R. 5635: Mr. DAVIS of Alabama and Mr. MEEK of Florida.

H.J. Res. 9: Mr. COLE of Oklahoma.

H. Con. Res. 81: Ms. ZOE LOFGREN of California.

H. Con. Res. 235: Mr. MANZULLO, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. KLEIN of Florida, and Mr. ENGEL.

H. Res. 102: Mr. SPACE.

H. Res. 146: Mr. WEXLER and Ms. MOORE of Wisconsin.

H. Res. 163: Mr. CONYERS.

H. Res. 356: Mr. MCNERNEY.

H. Res. 638: Mr. WILSON of South Carolina.

H. Res. 896: Mr. BARTLETT of Maryland.

H. Res. 925: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 968: Mr. ISRAEL, Mr. SHULER, Mr. DOYLE, and Mr. TANNER.

H. Res. 992: Mr. WYNN and Mr. CRAMER.

H. Res. 997: Mr. DAVIS of Illinois, and Mr. WALSH of New York.

H. Res. 1008: Mr. FRANK of Massachusetts.

H. Res. 1011: Mr. HUNTER, Mrs. DAVIS of California, Mrs. TAUSCHER, Mr. SIRES, Ms. BORDALLO, Ms. WOOLSEY, and Mr. WEXLER.

H. Res. 1026: Mr. NEUGEBAUER.

H. Res. 1054: Ms. BERKLEY, Mrs. GILLIBRAND, Ms. SCHWARTZ, and Mrs. MALONEY of New York.

H. Res. 1056: Mr. CHANDLER.

H. Res. 1061: Ms. LEE, Mr. AL GREEN of Texas, and Mr. WATT.

H. Res. 1062: Mr. LARSEN of Washington.

EXTENSIONS OF REMARKS

HONORING BRANDON JAMES HELLYER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brandon James Hellyer of Excelsior Springs, Missouri. Brandon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 6123, and earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop, participating in many Scout activities. Over the many years Brandon has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brandon James Hellyer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE RECOGNIZING THE 40TH ANNIVERSARY OF TELACU AND THE 25TH ANNIVERSARY OF TELACU'S EDUCATION FOUNDATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize TELACU, an organization based in East Los Angeles in my 34th Congressional District, on the occasion of its 40th anniversary and to recognize TELACU's Education Foundation on the occasion of its 25th anniversary.

TELACU, which stands for The East Los Angeles Community Union, is a pioneer in empowering and revitalizing communities in our great State of California and throughout our Nation. In 1968, TELACU was born as a Community Development Corporation (CDC) through seed money appropriated by Congress. Since then, TELACU has grown to become the largest CDC in the Nation with more than $500 million in assets.

For 40 years, under the innovative and dynamic leadership of David C. Lizárraga who serves as Chairman, President and CEO of TELACU, this corporation has provided our young people and families with the tools they need to achieve the American dream. Through its core businesses, TELACU has created thousands of jobs, affordable homes, loans to small businesses and families, and most importantly, numerous educational opportunities for our Latino community.

In response to crisis-level dropout rates for Latino students in college, TELACU created the TELACU Education Foundation 25 years ago. Working in partnership with a vast network of colleges, universities, corporations and individuals, the TELACU Education Foundation has awarded millions of dollars in scholarships to thousands of deserving students.

As the centerpiece of the foundation, the TELACU Scholarship Program annually provides scholarships to 600 college and graduate students who are the first in their families to access higher education. Realizing that financial resources alone cannot fully meet these students' needs, the program also provides the scholars with comprehensive academic and career guidance to ensure that all of them graduate.

The foundation also serves an additional 2,000 elementary, middle and high school students, nursing students, and veterans. Through comprehensive educational programs, these scholars are not only inspired to pursue higher education, but are also equipped to meet the rigorous expectations of college. As a result, 100 percent of TELACU's high school students earn their high school diploma and continue on to pursue post-secondary education.

Madam Speaker, on the occasions of TELACU's 40th anniversary and its Education Foundation's 25th anniversary, I join today with fellow leaders throughout my State in commending David Lizárraga and these dynamic institutions for their extraordinary efforts to empower our young people and our communities, and I wish them many years of continued success ahead.

CONGRATULATING THE CHESTNUT LOG MIDDLE SCHOOL READING TEAM

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. SCOTT of Georgia. Madam Speaker, I rise to honor another great accomplishment by students in my Congressional district. Congratulations to members of the Chestnut Log Middle School Reading Team of Douglasville, GA, for their back to back wins at the Helen Ruffin Reading Bowl. This competition was held at the University of Georgia in Athens on March 1, 2008.

For the competition, students read twenty books recognized as Georgia Book Award Nominees and earned the most points by correctly answering questions from each of these novels. Chestnut Log's team qualified for the state competition by first competing at the Douglas County Reading Bowl in January, followed by the regional competition at the University of West Georgia in Carrollton in February. Last week, they became consecutive state champions.

I want to recognize the members and coaches of the Chestnut Log Middle School Reading Team. Many of last year's winners participated again including Seth Blair, Isaac Carter, and Zachary Fowler, as well as new participants Hannah Drosky, Jordan Raley, Rashard Leonard, Gavin Finch and Andrew Hater. I also wish to recognize coaches Jan Easterwood, Margaret Robbins and Susan Bissell for their continued guidance of this team and their strong devotion to fostering good reading habits among youth in the 13th Congressional District.

In closing, Madam Speaker, I am thrilled to once again recognize Chestnut Log Middle School's Reading Bowl team for their continued success. I want to commend these students for this achievement and I wish them much success in their future academic pursuits.

15TH ANNUAL PATRIOTIC DAY CELEBRATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the Annual Patriotic Day Celebration at Kyrene Akimel A-al Middle School, taking place this Friday, April 4, 2009. The Parent Teacher Student Organization has organized this wonderful event for Kyrene Akimel A-al for the past 15 years.

Since its inception in 1992, Kyrene Akimel A-al has been committed to educating their students about the responsibilities of citizenship and about the sacrifices and bravery of those who make our freedom possible. In 1994, Kyrene Akimel A-al was named a World War II Commemorative School. It is the only middle school in Arizona to achieve this honor. This was also the first year that Patriotic Day was designated by Kyrene Akimel A-al to honor the contributions and sacrifices of all of America's Veterans.

I am hopeful that this event will teach the students of Kyrene Akimel A-al Middle School, and its surrounding community, to honor the actions of our nation's veterans for years to come. I commend the school and its excellent Parent Teacher Student Organization for taking on this amazing project.

SUPPORTING THE RECOGNITION OF NATIONAL FOOT HEALTH MONTH

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Ms. DEGETTE. Madam Speaker, I rise today in recognition of National Foot Health Awareness Month and the critical role that podiatric physicians play in our national health care system. Combined, two feet contain one quarter of all the bones in the human body, and an average day of walking puts the equivalent of several hundred tons of pressure on the feet. Given this degree of stress, it is perhaps no surprise that over half of all Americans experience foot pain at some point in their lives.

Podiatrists are at the forefront of expert foot health care. Podiatrists are physicians who specialize in foot and ankle care and who have been trained to diagnose and treat foot and ankle ailments. Their scope of practice includes performing foot and ankle surgery.

Throughout April, podiatrists will be engaged in a national awareness campaign titled "Podiatrists Keep America Walking," timed to coincide with National Foot Health Awareness Month. This year's "Podiatrists Keep America Waking" campaign will focus on children's foot health. Consistent with this theme, podiatrists will educate expectant mothers about foot ailments experienced by pregnant women, and parents about steps they can take to protect their children from foot abnormalities.

Foot pain is no mere inconvenience, and it should not be treated lightly or ignored. In many cases, persistent foot pain or recurring injuries can be the first sign of a serious condition, such as diabetes, anemia, arthritis, and certain circulatory disorders. Paying close attention to foot health, and taking regular advantage of the care provided by a podiatrist, can often aid in the early diagnosis of these and other conditions.

Americans living with diabetes must be particularly mindful of foot health. Diabetes is a chronic and potentially life-threatening illness impacting approximately 21 million Americans. Foot care is especially important for those living with diabetes because the risk is great for developing a foot ulcer that could become infected, and might ultimately result in amputation.

In fact, diabetes is the leading cause of nontraumatic lower extremity amputation, and experts estimate that 86,000 lower limbs are amputated every year as a consequence of diabetes-related complications. Among those living with diabetes, Native Americans, African Americans, Hispanics and older men are most vulnerable to foot ailments. However, regular and expert foot care can significantly reduce the likelihood of amputation by helping to ensure early diagnosis and successful treatment.

The growing epidemics of diabetes and obesity and their concurrent complications are among many reasons why podiatric physicians are an important part of America's health care team. Madam Speaker, I applaud doctors of podiatric medicine for their vital contributions to the health of all Americans, and urge all Americans to be vigilant not only during National Foot Health Awareness Month, but throughout the year.

PAYING TRIBUTE TO ROBERT L. FORBUSS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. PORTER. Madam Speaker, I rise today to pay tribute to Robert Forbuss, who is being honored by the Clark County School District in the naming of the Robert L. Forbuss Elementary School.

Robert is a native Nevadan who has served this community for nearly four decades as an educator, elected official, businessman, and community advocate. After earning his degrees in Political Science and Public Administration from Long Beach State University, Robert returned to Las Vegas and began his professional career as a teacher at Bishop Gorman High School from 1972–1979. He then served on the Clark County School Board of Trustees for eight years and was an influential advocate for education initiatives in Southern Nevada.

While working as a teacher, Robert became an Emergency Medical Technician and worked during his summer breaks for Mercy Medical Services, a company he would later own. Under Robert's leadership, Mercy became a model operation for paramedic services. In the business community, Mr. Forbuss has served as both a board member of the Las Vegas Chamber of Commerce and as its Chairman. He is also the founder of Commercial Bank of Nevada now called Colonial Bank. Today, Robert is the President of Strategic Alliances, a consulting company working in the area of government relations, business development, strategic planning, and issues management.

Additionally, Mr. Forbuss was a Board Member of the Las Vegas Convention and Visitors Authority for six years, a member of the Clark County Master Transportation Plan Funding Committee, the Mayor's Committee for a Better Community, Chairman of the Las Vegas Housing Authority and the Governor's 2007 Transition Team.

Madam Speaker, I am proud to honor my friend Mr. Robert L. Forbuss and I congratulate him on this well deserved distinction by the Clark County School District.

IN HONOR OF THE 2008 CONGRESSIONAL CERTIFICATE OF MERIT AWARDEES FOR MINNESOTA'S SIXTH CONGRESSIONAL DISTRICT

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to pay tribute to 14 exemplary high school students from every corner of Minnesota's Sixth Congressional District. Last week, I had the privilege of meeting several of them when I presented them with the Congressional Certificate of Merit. This program is a time-honored tradition that so many Members of Congress have used throughout the years to recognize the academic achievements and outstanding citizenship of America's high school students.

Far too often, the evening news and daily papers are littered with stories of young America gone awry. It is easy to forget that these are just stories of the few bad apples. But just being in the presence of these tremendous students is enough to renew anyone's faith in our future. These young adults are shining stars, with strong academic records, extraordinary talents, great ambitions, and limitless energy.

It was a true honor to be able to present these students with this recognition: Geoffrey Bible, Apollo High School; Matthew Brown, Elk River High School; Erika Bullert, Holdingford High School; Melissa Cedarholm, Woodbury High School; Jessie Hansen, New Life Academy; Laura Kant, Delano High School; Kayla Kastanek, Kimball Area High School; Jennifer Klippen, Becker High School; Meggie O'Keefe, Andover High School; Kyle Oliverius, Monticello High School; Elizabeth Swanson, Stillwater Area High School; Dana Van Bruggen, Buffalo High School; Rebekah Wolden, Rivers Christian Academic; and Jacob Young, Howard Lake Waverly Winstead High School.

Each of these students was nominated by his or her school principal. Each of them has earned our accolades and admiration.

HONORING AARON JOSEPH FOY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron Joseph Foy of Liberty, Missouri. Aaron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1374, and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many Scout activities. Over the many years Aaron has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron Joseph Foy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING ISRAEL ON ITS 60TH ANNIVERSARY OF INDEPENDENCE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to congratulate Israel on its 60th anniversary of independence on May 14, 2008.

Since Israel's birth it has been a beacon of inspiration and hope for oppressed people all across the globe, and Israel has continued to flourish by striving for peace and prosperity even in the face of the violence that has tormented it since its declaration of independence.

Israel and the United States have been close friends and allies for the past 60 years.

Our relations have evolved from an initial American policy of sympathy and support for the creation of a Jewish homeland in 1948 to a key partnership based on common economic interests, common security interests, and most of all, common values. We must continue to cultivate this relationship.

For the last 60 years, Israel has also been a leader in technology and innovation as they have helped lead the way in science, technology, medical, and agricultural breakthroughs. I applaud Israel for these efforts.

I have been fortunate enough to have had the privilege to visit Israel on several occasions, and have seen the struggles Israelis face daily. However, I have also seen their perseverance and determination to create a peaceful and prosperous state and this gives me hope for future peace in the region.

I would again like to congratulate Israel on 60 years of freedom and independence and I look forward to many more years of working together.

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PERSONAL EXPLANATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. MITCHELL. Madam Speaker, I have discovered that on February 13, 2008, my vote on rollcall vote No. 48 did not register in the voting system.

On this vote, I voted in favor of ordering the previous question on H. Res. 976, rollcall vote No. 48.

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PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. ETHERIDGE. Madam Speaker, due to the recent death of a family friend and my attendance at his funeral service, I was unable to vote on three measures on the House floor on March 31, 2008.

Had I been present, I would have voted "yes" on H.R. 3352, Hydrographic Services Improvement Act Amendments of 2007. I would have also voted "yes" on H.R. 2675, Help to Access Land for the Education of Scouts Act, and "yes" on H. Con. Res. 302, Supporting the Observance of Colorectal Cancer Awareness Month.

IN RECOGNITION OF SERVICE OF FRANK FARMER AND DON WESSEL AS CHARTER MEMBERS TO THE OZARKS TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. BLUNT. Madam Speaker, I rise today to honor two men who have spent many years serving their community in Springfield, Missouri, as charter members of the Board of Trustees of the Ozarks Technical Community College. Frank Farmer and Don Wessel both enjoyed long and distinguished careers in private business before being selected by their neighbors to serve on the newly created Board of Trustees, following the creation of the school in April 1990. They have each been reelected to consecutive terms since then; at the end of this month, both men will be ending their tenure of service.

Farmer and Wessel helped shape the growth and direction of a school that serves the students of 13 public school districts in southwest Missouri—and far beyond that. The growth of the school has been nothing short of a phenomenon, with enrollment this year topping more than 10,000 students. OTC, as it is known to many local students and residents, is also moving forward on plans to expand its operation to a second campus in Ozark, Missouri, with an eye on affording greater accessibility to its growing student body.

From its modest beginnings in central Springfield at the old vocational-technical school, OTC has blossomed into a modern campus that has helped revitalized center Springfield and help train its local youth.

From the beginning, Farmer and Wessel led the way in developing the infrastructure and educational leadership OTC would depend upon for its spectacular growth. First they hired an effective president in Norman Myers. The board of trustees, led by president Wessel from 1992 to 1994 and Farmer from 1994 to 1996, embarked on a plan to build new classroom buildings and greatly expand the number and diversity of available courses available to students.

Farmer's background in education includes service on the Willard Board of Education, on which he also served as president. Journalist, author and dairyman, Farmer has lent his experience and expertise to several public boards and charities, while attending to his duties as the editorial page editor of the Springfield News-Leader before his retirement there.

Wessel is a well-known car dealer and philanthropist, who has been active in the Springfield Chamber of Commerce, American Red Cross, Cox Medical Centers, and has served on virtually every public and civic board in the Springfield area.

To Mr. Farmer and Mr. Wessel, I wish to extend a heartfelt "thank you and well done" for their untiring work over the last two decades. Their unflagging efforts have made the Springfield area a better place in which to live, and the Ozarks Technical Community College a beacon of educational excellence for the entire region.

HONORING PATRICK WAYNE GUTHRIE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Patrick Wayne Guthrie of Excelsior Springs, Missouri. Patrick is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1309, and earning the most prestigious award of Eagle Scout.

Patrick has been very active with his troop, participating in many Scout activities. Over the many years Patrick has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Patrick Wayne Guthrie for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

* * *

TRIBUTE TO DR. GEORGE T. DETITTA FOR 37 YEARS OF DEDICATED SERVICE TO HAUPTMAN-WOODWARD MEDICAL RESEARCH INSTITUTE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. HIGGINS. Madam Speaker, I rise today to congratulate Dr. George T. DeTitta on 37 years of devoted service to Hauptman-Woodward Medical Research Institute in Buffalo, NY. Dr. DeTitta's commitment to the study of human health is a brilliant example of dedication to community and fellowman. I commend Dr. DeTitta for his work and congratulate him on his return to the lab after 7 years serving as executive director and chief executive officer of Hauptman-Woodward.

Following his undergraduate work at Villanova University and completion of his Ph.D. in biochemistry and crystallography from the University of Pittsburgh, Dr. DeTitta started out at Hauptman-Woodward as a postdoctoral research fellow in 1973. He then served as a research scientist until 1999 when he became executive vice president. In 2000 he became executive director and chief executive efficer.

During his time in leadership, Dr. DeTitta instated a new state-of-the-art structural biology center as well as the Center for High-Throughput Crystallization Laboratory, one of the Nation's 10 Protein Structure Initiative Centers. He also initiated and developed the University at Buffalo's School of Medicine and Biomedical Sciences' Structural Biology Department. During Dr. DeTitta's tenure as CEO, he cultivated a new, young faculty at Hauptman-Woodward. His contribution to medical research and the study of disease is invaluable, and I commend him for his commitment to the success of Hauptman-Woodward.

Madam Speaker, I am proud to congratulate Dr. George DeTitta for these great accomplishments and wish him and his family the best. His work should inspire us all to serve our communities and fellowman with dedicated hearts and committed lives.

REMEMBERING AND HONORING CESAR CHAVEZ

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, on this, the 81st anniversary of his birth, I would like to join my colleagues in honoring Cesar Chavez, an individual that the late Senator Robert Kennedy called, "one of the heroic figures of our time." I also join the call to pass H. Res. 76, establishing a national holiday in his honor. San Jose, the city I represent in this great House, became the hometown to Cesar and his family beginning in 1939, and since then our community has always had a special place in its heart for Chavez.

A man of extraordinary accomplishments, Chavez continually called attention to the plight of those who, like him, had to struggle to attain their piece of the American dream. In remembering him today, we keep in mind those Americans working every day on farms in California, and around the country, to secure a better future for their family.

An American who heeded his Nation's call to service in World War II, Chavez remained committed to making his country stronger by empowering the least powerful of its citizens. A tireless organizer, he inspired countless individuals to participate in the democratic processes that make this country great.

As Americans, we do well to remember Cesar Chavez today. His calls for economic justice resonate in 2008 just as they did 50 years ago, and his early leadership on environmental issues serves as a reminder that we are all stewards of this land.

Cesar Chavez was, without a doubt, a true American hero. As we honor his life and remember his many achievements, we in this great body must not forget the hard-working Americans he fought for. Though no longer with us, Cesar Chavez's work continues.

SUPPORTING THE OBSERVANCE OF COLORECTAL CANCER AWARENESS MONTH

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mrs. BACHMANN. Madam Speaker, yesterday the House passed with unanimity a resolution recognizing March as Colorectal Cancer Awareness Month. I was regrettably detained in Minnesota due to the snowstorm which blanketed the Midwest. But had I been here, I would have joined my colleagues in supporting the resolution to raise awareness of this terrible disease.

While colorectal cancer is the second leading cause of cancer death in the United States, it is not as well known or frequently discussed as many other forms of cancer. Whatever the reason for this relative obscurity, we must recognize the fact that both men and women are at risk for colorectal cancer and that while most cases occur after age 50, it can strike at any age. Most important of all, however, when detected in its earliest, most treatable stages, colorectal cancer has a 90 percent survival rate.

That being said, in 2000, the Prevent Cancer Foundation partnered with champions in Congress to designate and commemorate the very first National Colorectal Cancer Awareness Month. Consequently, over the past 8 years, awareness of the disease has grown. Moreover, the American Cancer Society now currently funds 113 colon cancer research grants nationwide totaling more than $62.1 million.

Nonetheless, while strides have been made against colorectal cancer, statistics show there is more work to be done. In fact, it is estimated that this year in Minnesota, 2,500 people will be diagnosed with colorectal cancer and 900 will die from the disease. However, screening tests can detect precancerous polyps, which, when removed, can stop colon cancer before it starts.

It is important that Congress support the observance of National Colorectal Cancer Awareness Month in order to continue the progress that has already been made. Through increased awareness and education about this disease, a cornerstone of National Colorectal Cancer Awareness Month, we can dramatically decrease deaths and limit the suffering this disease inflicts on the United States. As Dr. David Perdue, of the University of Minnesota's School of Public Health stated, "Bottom line, colorectal screening saves lives."

PRAISING HOUSING PARTNERSHIP TO PROMOTE HOMEOWNERSHIP IN UNDERSERVED BROOKLYN COMMUNITIES

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Ms. CLARKE. Madam Speaker, I rise today to give praise to the State of New York Mortgage Agency (SONYMA) and NeighborWorks America for their commitment to form a partnership to promote homeownership in underserved neighborhoods in the great state of New York. This partnership will increase awareness of SONYMA products in low-income and minority neighborhoods, which have been the most effected by predatory lending and the sub-prime mortgage crisis.

Through the Neighborhood Housing Services of New York City, many communities including Flatbush, Brooklyn, will receive the much needed outreach and access to affordable mortgage products from reliable institutions. Today, I enter into the RECORD an article published by the Brooklyn Daily Eagle highlighting the efforts of the partnership in the advancement of homeownership in underserved communities.

[From the Brooklyn Daily Eagle, March 30, 2008]

GROUPS TEAM UP TO PROMOTE HOMEOWNERSHIP IN UNDERSERVED BROOKLYN COMMUNITIES

NEW YORK.—The State of New York Mortgage Agency (SONYMA), which offers low cost mortgages to first-time homebuyers, and NeighborWorks® America, a national nonprofit dedicated to promoting homeownership, have formed a partnership to promote homeownership in underserved neighborhoods in the state, including several in Brooklyn.

Under the one-year $450,000 agreement, NeighborWorks America's Northeast District and six local New York NeighborWorks® organizations will work with SONYMA to increase awareness of SONYMA's products in low-income and minority neighborhoods. In the city, NHS of New York City is one of the NeighborWorks network organizations participating in the program and it covers all five boroughs, including Brooklyn. NHS will be reaching out to help people buy homes with SONYMA mortgages in Brooklyn's target areas—Sunset Park, Williamsburg, Bushwick, Bedford-Stuyvesant, Brownsville and Flatbush.

"This unique partnership with NeighborWorks® offers a tremendous opportunity to boost the visibility of SONYMA's programs in communities where they could do the most good," said Priscilla Almodovar, SONYMA president and CEO. "Homeownership, when done responsibly, creates strong neighborhoods and stable families."

Said Deborah Boatright, Northeast District director of NeighborWorks, "Now more than ever, low-income and minority communities need access to affordable mortgage products from a trusted source like SONYMA. It is these very communities that have been the most impacted by predatory lending and the sub-prime mortgage crisis."

HONORING CASEY LEE FIDDELKE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Casey Lee Fiddelke of Kansas City, Missouri. Casey is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1247, and earning the most prestigious award of Eagle Scout.

Casey has been very active with his troop, participating in many Scout activities. Over the many years Casey has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Casey Lee Fiddelke for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE MASSENA RED RAIDERS UPON WINNING THE 2008 NEW YORK STATE DIVISION I BOYS HOCKEY CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. McHUGH. Madam Speaker, I rise today to congratulate the Massena Red Raiders upon winning the New York State Division I Boys Hockey Championship. I am proud to represent Massena and note that this is the fifth hockey championship the Red Raiders have won since 1980.

On March 9, 2008, the Massena Red Raiders won the New York State Division I Boys Hockey State Championship when they defeated the West Genesee Wildcats by a score of 3 to 2 in triple overtime. Joe Laffin gave the Red Raiders the lead at 4:44 into the first period and Massena maintained that lead until 3:13 into the third period, when West Genesee tied the game. Massena regained the lead with 4:54 left in regulation when Nathan Pichette scored a goal, which was assisted by Antonio O'Geen and Laffin. However, with 1:07 to play in the third period, West Genesee tied the score again and the game went into overtime. After nearly three periods of overtime and 22 saves by Massena goalie Kyle Anderson, Captain Mike Mailhot scored to give the Red Raiders the game and the state championship.

The Massena Red Raiders finished the season with a 23–4–1 record. In addition, Coach Joe Phillips was named the New York State Division I Boys Hockey Coach of the Year. The Red Raiders were also coached by assistant coach Tim Hayes; Bob Belile, Tim Belile and Louie Trevino were team managers and Anthony Viskovich was the statistician.

Other team members include Clay Allen, Remy Boprey, Allen Bourdon, Tim Doud, Pat George, Captain and First Team All State selection Matt Hatch, David Henrie, Brian Holcomb, Josh Holmes, Alex Kormanyos, Mike Lashomb, William Lint, John-Paul Mailhot, Kevin Morris, Evan Raymo, Conor Riley, Matt Supernault, Dan Tyo, Dustin Vice, Matt Viskovich, Captain and Honorable Mention All State selection Jacob Witkop, and Taylor Zappia. Accordingly, Madam Speaker, I ask my colleagues to join with me to recognize the Massena Red Raiders for their significant accomplishment.

TAIWAN ELECTIONS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. POE. Madam Speaker, I rise today to congratulate Taiwan for having successfully completed its 4th direct presidential election on March 22, 2008. Dr. Ma Ying-jeou, a Harvard-educated attorney and former mayor of Taipei, won with a convincing margin. I wish President-elect Ma and the people of Taiwan good luck in the next 4 years, along with continuing economic success and meaningful political reforms.

Since President-elect Ma's victory on March 22, he has made many gestures of good will, which include encouraging Beijing to start meaningful dialogue between Taiwan and Chinese mainland on the issues separating them. It is my sincere hope that both Taipei and Beijing will soon resume dialogue on the issues of mutual interest, leading to the peace and stability in the Asia-Pacific region. Also, President-elect Ma has indicated his willingness to strengthen Taiwan's good relations with the United States. I hope that he will be able to visit Washington before his inauguration on May 20. Even though our two countries do not have official ties, our ties are strong and growing. The issues between us and Taiwan include our defense commitments to Taiwan, trade with Taiwan, our support of Taiwan's participation in international affairs, and lifting of outdated restrictions imposed on high-ranking officials from Taiwan to visit the United States. As our friend, Taiwan wants to see us fully committed to the letter and spirit of the Taiwan Relations Act, enacted on April 10, 1979.

Again, my best wishes to President-elect Ma and the people of Taiwan. And that's just the way it is.

175TH ANNIVERSARY OF KALAMAZOO COLLEGE

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. UPTON. Madam Speaker, I rise today in honor of Kalamazoo College on the occasion of its 175th anniversary. Established in Kalamazoo, Michigan in 1833, Kalamazoo College—affectionately known as K College—has distinguished itself as one of the Nation's oldest and most respected institutions of higher education devoted to the study of the liberal arts.

In addition to being nationally recognized for its high standards of academic excellence, K College has been a pioneer in the field of overseas studies, offering global learning opportunities to its students for the past 50 years. Over 80 percent of all K College students spend a portion of their undergraduate education abroad, partnering with over 50 foreign universities on 6 continents.

As a global champion of lifelong learning, Kalamazoo College also produces, per capita, more students who go on to earn a doctorate than any other American college or university. K College graduates also rank nationally amongst those who are accepted in the Peace Corps, Teach For America, and the Fulbright Scholar Program.

With new challenges emerging at home and around the world, it is comforting to know that Kalamazoo College continues to maintain its longstanding tradition of producing globally-minded leaders.

Again, it is my honor to stand today in recognition of Kalamazoo College for its 175 year history as well as its 50 years of international fellowship. The college and its graduates have not only made a positive impact within the greater Kalamazoo community and the State of Michigan, but throughout the entire Nation and the world at large.

TRIBUTE TO FORMER CONGRESSMAN WILLIAM L. DICKINSON

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. EVERETT. Madam Speaker, I rise today to honor the memory of former Alabama Republican Congressman Bill Dickinson who passed away last night at the age of 82 after an extended illness. As many of my colleagues will remember, Bill Dickinson represented Alabama's Second Congressional District for 28 years. Barbara and I send our heartfelt condolences to Bill's wife, Barbara, their children, Christopher, Michael, Tara and Bill, Jr. and the entire Dickinson family at this time of personal loss.

A native of Opelika, Alabama, and a former city, county and state judge before coming to Congress, Bill Dickinson was a Republican in the Deep South when being a Republican was not popular. Bill Dickinson came to Washington in 1964 as part of the Goldwater sweep of the Deep South and gained a reputation as a formidable legislator and a strong conservative voice for southeast Alabama. He served during a time of momentous change in this House, from civil rights movements and political upheavals of the 1960s, through Vietnam, Watergate, and the Reagan Revolution.

A Navy veteran, Bill Dickinson was a stalwart in national defense and was Ronald Reagan's point man on the House Armed Services Committee where he was ranking member for over a decade. As the committee's leading Republican he gave his support to President Reagan's defense build-up of the 1980s which made America more secure. Upon his retirement after 14 terms on the Hill, Congressman Dickinson listed his greatest accomplishments. After nearly three decades in office you can be sure the list is long, but here are some of the things he was proudest of. He saw aviation become a permanent full-fledged branch of the Army and Fort Rucker become the permanent home of Army Aviation. Furthermore, he secured Federal funding to help construct the U.S. Army Aviation Museum at Fort Rucker which bears his name. He was credited with getting Pentagon approval for the use of the Apache attack helicopter in the first gulf war. The Apache fired the first shot in the war. He oversaw the transformation of Gunter Air Force Station in Montgomery to an Air Force base before merging it with Maxwell to strengthen it. He also saw Maxwell restored to a major 3 star command and the establishment of the Air Force School of Law and the Senior NCO Academy for the entire Air Force at Maxwell-Gunter.

Bill Dickinson also took pride in securing the initial funding for the ongoing Outer Loop Interstate Connector south of Montgomery linking I–65 to I–85. This project is still underway. With the collapse of the Berlin Wall, the

Warsaw Pact and the entire Soviet Union, he witnessed the validation of the concept of "Peace Through Strength" for which he always worked. Bill Dickinson's legacy is still felt on many fronts, but today he is often credited with having laid the political foundation that kept the Second Congressional District in Republican hands for so long. I add my voice to those who mourn his passing and remember the dedication of this exemplary congressman.

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. COBLE. Madam Speaker, on rollcall Nos. 147, 148 and 149, I missed votes because my flight was delayed.

Had I been present, I would have voted "nay" on 147; "yea" on 148; and "yea" on 149.

HONORING JOSHUA DANIEL PIATT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua Daniel Piatt of Lee's Summit, Missouri. Joshua is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1220, and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many Scout activities. Over the many years Joshua has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua Daniel Piatt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING COACHES DON AND BLAZE THOMPSON OF PAHOKEE, FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor Coaches Don and Blaze Thompson, father and son, who are true living legends in the city of Pahokee, Florida and throughout Palm Beach County.

Don Thompson has been a part of the Pahokee Middle/Senior High School Blue Devils football team since 1984. As head coach, he led the team to its first state championship in 1989. In all the years since, he has been a mentor, friend and very important role model for the young men of Pahokee. Still an assistant coach of the team, Don Thompson is recognized and respected around the state of Florida as an expert at the sport of football. He is also a loving husband, father and grandfather. As Don Thompson's son, Blaze Thompson has inherited his Dad's talent and skill for winning. In his first year as head coach of the Blue Devils, the team played the toughest opponents in its division and went undefeated, winning its 5th state championship. Blaze has already earned the love and respect of his players, fellow coaches, Pahokee's citizens and everyone who enjoys high school football.

Many of the boys Don and Blaze have coached have gone on to successful careers in professional football. As the first father and son to win Florida state championships with the same football team, it is fitting that Don was inducted into the Palm Beach County Sports Hall of Fame and Blaze named Coach of the Year on the same night. I have no doubt that Blaze will one day follow his Dad into the Hall. I am pleased that both of these fine gentlemen and the team they coach call the 23rd District of Florida their home. I am very proud of them. On behalf of the Members of the U.S. House of Representatives, I applaud coaches Thompson and Thompson for their service and commitment to the people of my district and throughout South Florida. We are all very proud of them.

HONORING THE CONTRIBUTIONS OF MARY TAVERNA ON HER RETIREMENT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Ms. WOOLSEY. Madam Speaker, I rise with great pleasure today to honor a leader in my district who has done so much to help the terminally ill and their families face end-of-life issues. Mary Taverna is retiring after more than 30 years with the organization now known as Hospice By the Bay. She leaves behind an enduring legacy of hope and compassion to the people of Marin County, the San Francisco Bay area, and across the United States.

When she first began working as a nurse, Mary was concerned about the terminally ill and the lack of adequate care, so it was a natural step in 1976 for her to join what was then Hospice of Marin, which had been founded the previous year. At that time Hospice of Marin was only the second hospice in the United States, the first on the West Coast, and most Americans were unaware of what the hospice mission was. In fact, even the health care industry resisted it.

Mary was instrumental in changing all that, teaching that hospice was a specially designed program to address the comprehensive needs of the whole family system at the end of life, and that it was part of—not instead of—the health care support team. Two years after coming to Hospice of Mann, Mary became president of the organization. Under her leadership, Hospice nurtured community relationships as well as they did the families they served, including building a partnership with management of both county hospitals. Hospice of Marin is such a model that health care providers come here for training from all parts of the United States.

"I feel a great sense of pride in our organization's leadership and participation in hospice history," Mary once said. "Twenty-five years ago, we never imagined the number of Americans who would be touched by our efforts."

A recognized expert and leader of the hospice movement, Mary helped pioneer the advocacy efforts for legislation that led to the introduction in Congress of the Medicare Hospice Benefit in 1982. This bill provided public health care insurance coverage for hospice services, allowing clients to receive compassionate care and hospices to sustain themselves financially. In 1986, the Medicare Hospice Benefit became permanent, eventually leading to private insurance coverage, as well.

To further ensure the sustainability of hospice care in Marin County, in 1997, Mary helped create—and became the president of—the Hospice of Marin Foundation. The foundation's mission is to provide philanthropic support to Hospice operations.

Both the foundation and the hospice programs continued to grow, and over the past few years expanded into San Francisco and Sonoma counties, as well. Consequently, Hospice of Marin no longer described the organization and 2 years ago, the name was changed to Hospice By the Bay.

"In recent years, we were invited into our neighboring communities to share our experience and resources with other hospice communities," Mary said of the change, adding that it evolved from a desire to be more inclusive of the bay area, rather than imply a geographic exclusivity.

And truly, there has not been a geographic exclusivity to the effects of Mary's work. The National Hospice Organization in 1995 named her "the individual who has done the most for hospice in the national and international level." Since then, she has been selected to help guide that organization as chair of its board of directors.

Madam Speaker, Mary Taverna's dedication to hospice services, her leadership of Hospice By the Bay and her continued work as chair of the board of the National Hospice Organization have left an indelible mark not only on the Sixth District and the San Francisco Bay area, but on areas throughout the United States. And that is why, Madam Speaker, I honor Mary Taverna on her retirement after more than 30 years of service to a cause forever in her debt.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF DI LAURO BAKERY OF SYRACUSE, NEW YORK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the 100th anniversary of Di Lauro Bakery in Syracuse, New York.

Founded by John Di Lauro in 1908, Di Lauro Bakery has become an integral part of the Syracuse community. Although the times have changed since the bakery's opening, the recipe and baking procedure have not. The same oven installed by Di Lauro in the 1950s is used today, and customers go out of their way to buy bread from this fine bakery. By delivering consistency and quality, this Syracuse institution pleases its loyal customers, while attracting new ones. With its great baked goods, Di Lauro Bakery is a place the community will be able to enjoy for many more years to come. Di Lauro's has become a long-time neighborhood fixture and a community anchor.

Di Lauro Bakery has always strived to provide the Syracuse community with the finest baked goods, and I am proud to recognize them here today. I congratulate current owners Paul and Valerie Wavercak, and their dedicated staff, both past and present, on reaching this milestone. On behalf of the people of the 25th District of New York, I thank them for 100 years of service that has been and will continue to be such a positive asset to the community.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. BRALEY. Madam Speaker, on rollcall 147, H.R. 3352, I was not present. If I had been there, I would have voted "yes." On rollcall 148, H.R. 2675, I was not present. If I had been there, I would have voted "yes." On rollcall 149, H. Con. Res. 302, I was not present. If I had been there, I would have voted "yes."

HONORING THE RETIREMENT OF RONALD "RED" PLATZ

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor Ronald Platz, or "Red" as he is known best by friends and colleagues. Red retired from the UAW International Union on Monday, March 31, 2008 after more than 30 years of leadership and loyal service to the community. Over the course of a tenacious career, Red made a profound and lasting impact on Wisconsin state and local politics.

Red began working in the Engine Division of the Kohler Company in 1969. He soon transferred to the Enamel Shop 3 years later. In 1977, Red was elected to serve as Divisional Steward for UAW Local 833. Red served Local 833 for the next 24 years, holding the positions of Chief Steward, Vice President, and President. He also served as a full-time Benefit and Safety Representative from 1990 until 2001. In total, Red was instrumental in negotiating six labor agreements between the Kohler Company and Local 833. As a health and safety trainer for the UAW International Union, Red led workshops throughout the United States on issues such as workplace safety, hazardous chemical handling, and harassment.

Red's unwavering political spirit led him to the Wisconsin State CAP–PAC Board where he remained active for more than 20 years and served 6 years as Chairperson. In August 2001, he was appointed to the UAW Region 4 International Staff as the CAP–PAC Coordinator for a six-state area that included Wisconsin, Minnesota, North Dakota, South Dakota, Montana, and Wyoming. Red has served on numerous executive boards including the Wisconsin AFL–CIO, Citizen Action of Wisconsin, Competitive Wisconsin, Inc., the State of Wisconsin Unemployment Compensation Insurance Advisory Council, and the School for Workers Labor Faculty Advisory Board. Red will retire to country living in Wisconsin to spend time with his wife Mutzie, two children Rick and Judy, and 3 grandchildren Shawn, Samantha, and Collin. UAW Local 833 will honor Red this weekend to commemorate a career marked by commitment and dedication. The celebration will feature a friendly roast by those who have had the pleasure of knowing and working with Red.

For his hard work, leadership, and service to the State of Wisconsin, I join all of UAW Local 833 in saluting and thanking Red Platz. I wish Red health and happiness in retirement.

HONORING STANTON WILL RAGLAND

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Stanton Will Ragland of Liberty, Missouri. Stanton is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1374, and earning the most prestigious award of Eagle Scout.

Stanton has been very active with his troop, participating in many Scout activities. Over the many years Stanton has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Stanton Will Ragland for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE JEWISH HERALD-VOICE ON THEIR 100TH ANNIVERSARY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to congratulate the Jewish Herald-Voice on their 100th anniversary on April 20, 2008. The Jewish Herald-Voice is the longest continuously running Jewish newspaper in the Southwest and one of the oldest in the country. Founded in 1908 as The Jewish Herald by local printer Edgar Goldberg, the Jewish Herald-Voice has continued through the dedication of 3 owners. Through its pages, the Jewish Herald-Voice connects the community to important causes, large and small, calling its readers to action, and especially by connecting its readers to issues affecting Jewish communities around the world.

Over the past several decades, the Jewish Herald-Voice has been recognized for excellence in journalism and in design by the Texas Press, the Texas Gulf Coast Press, the Houston Press Club, and American Jewish Press associations. For its community service, the Jewish Herald-Voice and its owners, Joe and Jeanne Samuels, have been honored by a plethora of Jewish organizations, both local and international.

One 100 years ago, Edgar Goldberg envisioned a newspaper that would reach everyone in Houston's diverse Jewish community, crossing denominations, transcending organizational boundaries and providing a platform for every Jewish citizen, regardless of affiliation. For 35 years, Joe and Jeanne Samuels, with their dedicated and talented writers and staff, have successfully continued the founder's dream and kept the promise of being "the voice" of the Jewish community of Greater Houston and the Texas Gulf Coast. Joe and Jeanne Samuels are great Americans, personal friends, and serve our community well.

Madam Speaker, I would like to congratulate the Jewish Herald-Voice for their 100-year tradition of service to the Jewish community and the city of Houston.

HONORING MARIO CANZONERI

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. FOSSELLA. Madam Speaker, I rise today to honor the life and accomplishments of Mario Canzoneri, who died on Saturday, January 19, 2008, following heart surgery. Mario and his wife Karen have been true and constant supporters of the community of 9/11 victims and their families. They have shared their therapy dogs—the Smile Retrievers—Jake, Jessie, Mattie, and Macie, with the entire community.

Immediately after the tragic attacks, Mario brought his therapy dogs to New York to help the families of the victims. Selflessly, and always at their own expense, Mario and Karen ministered to 9/11 families. They also traveled to Oklahoma City, to the TAPS program in Washington, to the campus of Virginia Tech, and to many other places where people were in pain from brutal losses.

Mario was extremely active in the community, attending every forum sponsored by Voices of September 11th and has accompanied the Pentagon families during their remembrance walks. I have heard many stories of young children cuddling up to the dogs and finding a way to deal with their grief on the anniversary of the attacks.

Mario proved that each of us holds the power to change the lives of many for the better. Although Mario's own life was cut short, his was a life lived to the fullest—a life that impacted others in a way few of us ever achieve. With purpose and resolve, Mario Canzoneri used his time on God's earth wisely and for the betterment of those around him.

In closing, Madam Speaker, I would like to extend my personal condolences to the Canzoneri family. Mario was a great man with a kind heart, and we are all in his debt.

IN HONOR OF JOHNSVILLE ELEMENTARY SCHOOL'S RECOGNITION AS A MINNESOTA SCHOOL OF EXCELLENCE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to pay tribute to the teachers, parents, and students at Johnsville Elementary School in Blaine, Minnesota. Last week, before a crowd of proud neighbors, this school community was honored as a 2007–2008 Minnesota School of Excellence.

Minnesotans place a high value on education. It's engrained in our state psyche. And, this makes this already great honor still more phenomenal. Only 7 schools in the state achieved this level of excellence for this school year. And, since the program's inception more than 20 years ago, in 1986, only 125 schools have been recognized as Minnesota Schools of Excellence.

This high honor is a testament to the hard work of Johnsville's faculty, under the leadership of Principal Patrick Murray. It is also a testament to the commitment of the parents of Johnsville Elementary. Individually and through an active parent-teacher organization, these parents form a foundation of support for these teachers and students. Together they form a solid and interlocking network that excels in all areas of academics and community involvement.

The Johnsville Elementary community is a model for schools throughout Minnesota and, indeed, throughout the nation. I was proud to join them in celebrating this tremendous achievement last week, and I look forward to this school reaching still greater heights in years to come.

TRIBUTE TO SPECIALIST JOSE RUBIO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Specialist Jose Rubio, of 464th Armored Battalion of the United States Army, who was killed in the line of duty by an IED roadside bomb in Baghdad.

Specialist Jose Rubio was born on March 19, 1983, in Reynosa, Mexico. He attended school in Mission, Texas, and graduated from South Texas College in 2005 with an associate's degree in Computer Science. He married his high school sweetheart, Jennifer, in May of 2006, and had a son, Nicolai, who is now 11 months old. He is survived by his mother, his six siblings in Reynosa, Matamoros, and Rio Bravo. Specialist Jose Rubio will be forever remembered for his service in protecting the freedoms and ideals of our country and I extend my condolences to his family, and to his wife, Jennifer.

Madam Speaker, I am honored to have had this time to recognize the service of Specialist Jose Rubio in the United States Army.

TRIBUTE TO NEWS TALK 970 WKHM–AM

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. WALBERG. Madam Speaker, it is my special privilege to recognize News Talk 970 WKHM–AM on receiving the 2007 Michigan Association of Broadcasters Station of the Year award. It is with great admiration and pride that I congratulate WKHM of Jackson on behalf of all of those who have benefited from the station's commitment to south-central Michigan and dedication to outstanding achievement in broadcasting.

News Talk 970 WKHM proudly serves Jackson, Michigan, with faithful broadcasting of local, regional, and national news. Committed to exceptional community service, the station focuses specifically on the issues most important to the people of Jackson. Additionally, WKHM provides the most comprehensive weather coverage in the area and also broadcasts Detroit Red Wings and the University of Michigan Wolverines sporting events.

Each year the Michigan Association of Broadcasters sponsors a competition to recognize outstanding achievement in broadcasting by Michigan radio and television stations. The contest was established to promote the utmost quality of reporting, community service, and production creativity. The winners are recipients of the highest honor—peer recognition.

This year's award for Market 3 went to News Talk 970 WKHM–AM for its continued excellence in broadcasting. The station was the recipient of the same award in 2005. In addition to Station of the Year, WKHM won in nine other categories including Investigative News, Special Broadcast Personality, and Newscast.

Madam Speaker, today I honor News Talk 970 WKHM for its continued service to the Jackson community. May others know of my high regard for this radio station's diligent reporting and enthusiastic service, as well as my best wishes for WKHM in the future.

HONORING TREVOR ANDREW GAUERT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Trevor Andrew Gauert of Kansas City, Missouri. Trevor is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1447, and earning the most prestigious award of Eagle Scout.

Trevor has been very active with his troop, participating in many Scout activities. Over the many years Trevor has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Trevor Andrew Gauert for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE LIFE OF CAPTAIN TORRE REMOINE MALLARD

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to recognize the life of a heroic American citizen, Capt. Torre Mallard.

Captain Mallard, a native of Anniston, Alabama, died in Iraq on March 10, 2008. He is survived by his wife, Bonita and two children, Torre, Jr. and Joshua.

Like all those who have paid the ultimate sacrifice in this conflict, words cannot express the sense of sadness we have for his family, and the gratitude our country feels for his service. Captain Mallard died serving the United States and the entire cause of liberty, on a mission to bring stability to a troubled region and liberty to a formerly oppressed people. He was a true patriot indeed.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve. Thank you, Madam Speaker, for the House's remembrance on this mournful day.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. POMEROY. Madam Speaker, on March 31, 2008, due to flight delays, I missed rollcall votes No. 147, 148, and 149. Had I been present, I would have voted in the following manner:

Rollcall No. 147, "yea;" rollcall No. 148, "yea;" rollcall No. 149, "yea."

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. WELLER. Madam Speaker, I was absent on Thursday, March 13th, Friday, March 14th, and Monday, March 31st due to personal reasons, and I missed rollcall votes 139 through 146.

If I were present I would have voted, "yea" on rollcall vote No. 140, "nay" on rollcall vote No. 141, "yea" on rollcall vote No. 142, "nay" on rollcall vote No. 143, "nay" on rollcall vote No. 144, "nay" on rollcall vote No. 145, "nay" on rollcall vote 146, "yea" on rollcall vote No. 147, "yea" on rollcall vote No. 148, and "yea" on rollcall vote No. 149.

HONORING STEPHEN LEE DODSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Stephen Lee Dodson of Kearney, Missouri. Stephen is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1376, and earning the most prestigious award of Eagle Scout.

Stephen has been very active with his troop, participating in many Scout activities. Over the many years Stephen has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Stephen Lee Dodson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PAYING TRIBUTE TO WILLIS AVERY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. PORTER. Madam Speaker, I rise today to honor 86 year old Willis Avery, a veteran of World War II, for his exemplary service in defense of freedom while serving in the United States Navy.

Willis served in the United States Navy in World War II as a Chief Pharmacist's Mate aboard the USS *Solace*, a hospital ship moored to the battleship USS *Arizona*. Willis was aboard the *Arizona* during the Japanese attack at Pearl Harbor on December 7, 1941. He courageously ignored the flames and assisted the wounded and helped transfer them to the USS *Solace* and other ships nearby. The Officer of the Deck ordered Willis and his partner off the *Arizona*. He witnessed the explosions of the USS *Arizona*. The day after the attack, Willis was among the Naval personnel who retrieved the bodies of the dead and readied them for burial.

While in the service, he played the saxophone and clarinet in a dance band and put on comedy skits along with USO entertainer Joe E. Brown to entertain fellow troops. He was an escort to the First Lady, Eleanor Roosevelt when she visited New Zealand.

Today, Willis is one of the few remaining survivors of the attack at Pearl Harbor and he is truly part of the "Greatest Generation."

Madam Speaker, I am proud to honor Willis Avery for his heroic service in the United States Navy. His dedication to this country in the theater of war and his devotion to his fellow troops' morale are truly commendable. I laud the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service.

HONORING THE 50TH ANNIVERSARY OF THE USS "NAUTILUS" REACHING 90 NORTH

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. COURTNEY. Madam Speaker, I rise today to introduce a resolution to honor an important anniversary not only to my district, but to our Navy and our nation.

In June 1958, the USS *Nautilus* (SSN 571), the world's first nuclear powered submarine, departed Seattle as part of a top secret operation called "Operation Sunshine." Unknown to many at the time, the *Nautilus* was embarking on a historic mission that took them on a course north to the Arctic Ice cap. At 1:15 p.m. (EDST) on August 3, 1958, the boat became the first vessel to cross the geographic north pole when Commander William Anderson, *Nautilus*' commanding officer, announced to his crew: "For the world, our country, and the Navy—the North Pole."

This historic crossing of "90 North" took place at a critical time in our nation's history: the Cold War was heating up, the Soviet Union had seemingly laid claim to space with the launch of Sputnik, and many Americans—and many around the world—were looking for something to rally around, a sign that we were not ceding big ideas and notable achievements to others. Having reached the North Pole, the *Nautilus* clearly demonstrated our undersea superiority and opened the region to decades of scientific research and exploration.

The crossing of the North Pole was praised by numerous world leaders of the time, being described by President Eisenhower as a "magnificent achievement" from which "the entire free world would benefit." A ticker tape parade was held in honor of the crew in New York City, the *Nautilus* became the first naval vessel in peacetime to receive the Presidential Unit Citation for its meritorious efforts in crossing the North Pole and Commander William R. Anderson was awarded the Legion of Merit.

In the fifty years since, the United States Navy and Coast Guard have repeatedly followed in the footsteps of this historic voyage. Dozens of U.S. submarines, in addition to specially fitted vessels and general aircraft of the United States Coast Guard, have journeyed to the top of the world in service of their country and to reinforce our Arctic presence. These submarines and their intrepid crews have broken through to the surface, charted new courses and expanded our knowledge of the Arctic.

Built and launched at Electric Boat in Groton, Connecticut, on January 21, 1954, the *Nautilus* was the first vessel in the world to be powered by nuclear power. After claiming their historic milestone at 90 North and returning home to Naval Submarine Base New London, the *Nautilus* continued to establish a series of naval records in her distinguished 25 year career, including being the first submarine to journey "20,000 leagues under the sea".

The history and the legacy of the *Nautilus* is not only meaningful to my Congressional district, but to the entire submarine force and our nation. Today. the *Nautilus* proudly serves as a museum where visitors from around the world come to learn about both her history-making service to our nation and the role of the submarine force in securing our nation. The *Nautilus* truly helped set the tone as the standard bearer for the submarine force, and achievements like the crossing of 90 North both proved the capabilities of our nation at a critical time in our history and raised the bar for all those who came after her.

Too often the critical achievements of our submarine force, our "Silent Service," go unnoticed. I am proud to introduce this resolution today to honor the *Nautilus*, her crew and the countless individuals who provided support for her journey across 90 North, and urge my colleagues to join me in recognizing this important milestone in our Nation's history.

TRIBUTE TO CATHERINE OLSSON, SEUNGSOO KIM, MARGUERITE TAIMI AND NEWPORT HIGH SCHOOL

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. REICHERT. Madam Speaker, I rise to recognize the achievements and congratulate Catherine Olsson, Seungsoo Kim, Marguerite Taimi, and Newport High School in Bellevue, Washington, for their outstanding excellence in Advanced Placement, AP, math and science as awarded by the Siemens Foundation.

Catherine, who attends Lakeside School in Seattle, Washington, and Seungsoo, a student who attends Mountain View High School in Vancouver, Washington, were two students from my home State who received a $2,000 scholarship from the Siemens Foundation and the recognition that comes along with such a prestigious award. Ms. Taimi, an 18-year teaching veteran at Kentridge High School in Kent, Washington—located within my congressional district—was recognized by the foundation for her dedication to students in her AP calculus class. Additionally in my district, the entire AP math and science department at Newport High School was recognized for their significant strides and continued excellence in AP courses.

The Siemens Foundation, in partnership with the College Board, a non-profit association committed to connecting students with overall college success, is celebrating its tenth year of presenting awards and significant scholarships to students, teachers, and institutions in all 50 States. This year alone, Siemens and the College Board awarded 97 students, dozens of teachers, and many high schools monetary gifts, bringing their total commitment since 1998 to more than $4.5 million.

One of my constituents, Microsoft Chairman Bill Gates, appeared before the Committee on Science and Technology on March 12, 2008, and spoke at length of the need for improved math and science education in order to maintain our leadership in technological innovation.

With that message in mind, please join me in congratulating Catherine, Seungsoo, Ms. Taimi, Newport High School, and all the other students, teachers, and high schools who strive for excellence in AP math and science. Moreover, I want to thank the Siemens Foundation and the College Board for their extraordinary commitment to encouraging America's future mathematicians, scientists, and engineers.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Mr. UDALL of Colorado. Madam Speaker, on Monday, March 31, I was unavoidably absent and so was unable to join in three recorded votes.

If I had been present, I would have voted as follows:

On H.R. 3352—To reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes—I would have voted "yea."

On H.R. 2675—To provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes—I would have voted "yea."

On H. Con. Res. 302—Recognizing the Month of March as Colorectal Cancer Awareness Month—I would have voted "yea."

HONORING THE ACHIEVEMENTS AND BIRTHDAY OF CESAR CHAVEZ

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 2008

Ms. MOORE of Wisconsin. Madam Speaker, Today, we gather to pay tribute to a remarkable man, and one of the most revered workers rights pioneers, Cesar Estrada Chavez. Cesar Chavez became one of our Nation's and the world's notable advocates for nonviolent social change.

Born on a small Arizona farm on March 31, 1927, Cesar Chavez began his life as a farm worker in the fields at age 10. He later served in the United States Navy during World War II.

Cesar Chavez didn't just learn about the struggle of migrant workers. He and his family lived it. He grew up moving from town to town and from school to school while his family worked in the fields.

He became a farm worker as soon as he finished the eighth grade. Born out of his sweat and toil was a fierce determination to give a voice to families like his who labored so hard and received so little in return.

Cesar Chavez became that voice of the farm workers. He established the United Farmworkers Union to establish this movement. The priorities he fought for are America's priorities: Better pay and benefits for workers. Better education for children. Health and safety protections for workers where there were none. He helped in expanding civil rights for minorities and advocated on behalf of every person living within the United States.

He was committed to the idea that no matter their education or their job, anyone can demand fair treatment at work. Before Cesar Chavez, farmworkers were exposed to horrifying conditions, working long hours and being poisoned by pesticides. Chavez drew national attention to the plight of the farmworkers. Because of Chavez, farmworkers can no longer legally be treated in the inhumane manner they were before.

Cesar E. Chavez was loved and respected by many, and he continued to fight for the rights of farm workers until his death in 1993. Chavez lived his life fighting for workers' rights, civil rights, environmental justice, equality for all, peace, non-violence, children and women's rights. Over 50,000 mourners came to pay their respects to the humble man, whose simple, modest manner was driven by his commitment to social justice.

In 1994, Cesar Chavez was posthumously awarded the nation's highest civilian honor, the Presidential Medal of Freedom. Robert F. Kennedy once described Cesar Chavez as "One of the heroic figures of our time". He encouraged millions of people across the country to join the fight for social and economic justice for farm workers and to empower the poor and disenfranchised.

It is important that we do our part to make America a place where everyone receives respect and opportunity. We must ensure Cesar Chavez' dream by promising every man, woman, and child in America a secure future with promising opportunities. We must work hard to raise the minimum wage, ensure that all Americans can earn a decent living and secure access to affordable health care. Selfless Service to others is why Cesar Chavez will always be an inspiration to all of us. Let's continue Cesar Chavez's legacy, by truly honoring his memory and continuing his commitment to achieving basic rights and dignity for all American workers.

SENATE—*Wednesday, April 2, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, who sustains us with Your love, keep our Nation with Your powerful protection and incline the hearts of its citizens to do Your will.

Use our lawmakers as instruments of Your providence. Heighten their gratitude for the blessings You have bestowed upon them, as You deepen their humility. Broaden their sense of justice to include the deprived and forgotten of our world. Lengthen the outreach of their compassion to include all who suffer, the homeless and the hungry, the persecuted, and the oppressed. Make them advocates of the voiceless, the weak, the poor, the elderly, and the neglected. Lord, sensitize them to the hurt of all people at home and abroad. We pray in Your matchless Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 2, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of the motion to proceed to H.R. 3221, the legislative vehicle for the housing bill, postcloture. The Republican leader and I will visit in just a few minutes. The staffs and Senators DODD and SHELBY worked through most of the night, and I think a lot of progress was made this morning. I am hopeful and confident we can get to this legislation quickly.

Mr. President, I have another topic about which I feel inclined to say a few words.

TRIBUTE TO COLONEL MICHAEL P. BARBERO

Mr. REID. Mr. President, the U.S. Army will soon say farewell to one of its most honorable officers, COL Michael P. Barbero. The colonel will retire after 26 years of service to the Army and to the Nation. For the last 5 years, I have come to know him as Chief of the Army's Senate Liaison Office.

Throughout his career, Colonel Barbero has always put the well-being of our soldiers and our country first. Of primary concern to him and his team at the Liaison Office has been helping soldiers, Guard and Reserve, navigate the bureaucracy to solve the problems that can be common to a soldier's life.

Sometimes this has meant guiding them through the bureaucracy to access Government benefits for their families. Sometimes it has meant dealing with a family emergency during deployment. Sometimes it has meant helping whistleblowers who report fraud or abuse that needs further investigation.

No matter what the challenge, Colonel Barbero always treated our citizen soldiers who seek help from Congress with care, fairness, and the respect they deserve.

As Senate minority and majority leader, I had the privilege to ask the Army to support my foreign travel. For the last several years, Colonel Barbero was a central part of these efforts. He handled high-profile and sensitive congressional delegation visits that I led to Israel, Jordan, Iraq, Georgia, Ukraine, Ecuador, Peru, Bolivia, Paraguay, Colombia, Mexico, and Guatemala. These missions were successful because of the careful planning of Colonel Barbero and his excellent team.

On these long trips, I also came to know Mike Barbero as a person, not as a soldier. He is a gourmet chef. He remembers birthdays and makes sure there is a cake—even when it means the cake is packed on dry ice and stored for 6 days on an airplane.

I also learned he is a loving father and husband. In sacrifice for his service to our country, his wife Vicki and his daughter Mary and son Michael have not seen as much of him as probably they wanted.

Our loss with his retirement will be his family's gain, and, hopefully, they will soon get their father back for all the ball games and school events that his duties here have required him to miss.

We in the Senate honor the service and contributions of COL Michael Barbero.

Always thinking of his soldiers and the interests of the Army and the Nation he loves, Colonel Barbero is an example for generations of officers to come.

So on behalf of all my colleagues who know this good man, I thank him for his outstanding service and wish him well in the next chapter of his life.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRIBUTE TO COLONEL MICHAEL P. BARBERO

Mr. MCCONNELL. Mr. President, I associate myself with the remarks of my counterpart, the majority leader, and congratulate the colonel on his career and thank him so very much for all of his assistance to us over the years.

HOUSING LEGISLATION

Mr. MCCONNELL. Mr. President, I want to say, as the majority leader has, that we appreciate the efforts of Chairman DODD and Ranking Member SHELBY. They are working hard and worked well into the night to come up with a bipartisan start for the housing bill on which we hope to begin debate and amendment later today.

I am optimistic they will be able to come together. I think it is an example of the Senate functioning the way it ought to, functioning at its best, and we look forward to making progress on that bill sometime in the afternoon.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

> A motion to proceed to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I ask unanimous consent to speak for 2 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO COLONEL MICHAEL P. BARBERO

Mr. REED. Mr. President, I add my commendation to the leaders' commendation of COL Michael Barbero.

Colonel Barbero is an extraordinary soldier, a family man, someone who has dedicated his whole life to the service of this Nation in the uniform of the U.S. Army. He has done it with distinction. He has done it with fidelity to the basic ideals of this country. He has demonstrated not only great competence but extraordinary character in doing that.

Mike graduated from West Point in 1982. I was teaching his class. Fortunately for Mike, he avoided my class and therefore prospered as a soldier and as a scholar. He later himself went on to the Georgia Institute of Technology to receive a master's degree. He returned to West Point and taught as a professor in the Department of Systems Engineering.

His military career began as an armor officer. He qualified as a U.S. Army Ranger. He served in a succession of demanding responsibilities as an armor officer, a troop commander, a battalion staff officer, with serious contributions as an armor officer in the U.S. Army.

His career represents a continued commitment to excellence as a professional and someone who has maintained the highest standards of a military officer.

I first got to know Mike when he assisted me on several trips overseas. Not only was he extraordinarily competent and well organized, he was a decent, cheerful, innovative, and enthusiastic colleague on these trips. He made them all work. They were in very difficult circumstances in Iraq and Afghanistan, and in every moment—sometimes in duress, sometimes in great difficulty—he was unflappably cheerful and ingenious and extraordinarily helpful to me.

We all stop and note his service. We also thank him and commend him and his family: his lovely wife Vicki, his two children Mary and Michael. They are the example of what Americans should be in their dedication to country.

The motto of West Point is: Duty, Honor, Country—and no one has lived it more significantly than Mike Barbero. I thank him for his service and wish him well as he retires.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak for a few minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I come to the floor this morning to say thank you to COL Michael Barbero. I have been in the Senate now for only a little over 3 years. During that time, I have had the great honor and privilege of traveling to Iraq and to the Middle East with Colonel Barbero on two separate occasions. He is, first of all, a great soldier. He is someone who makes us all proud for his long service to the U.S. Army.

Part of his career in the U.S. Army has been to serve at Fort Carson, the home of the Mountain Division in the State of Colorado. As we traveled to the Middle East, we often would talk about Fort Carson and his experience there and the beauty of my State and the beauty of our mountains.

Colonel Barbero has been a great example of service. He has always put the interests and concerns of others ahead of himself. I think in that fashion he exemplifies the selflessness that comes from the very best of the best we have in the U.S. Armed Forces.

He has been a great example in the Senate as he has worked with all of us, with many of our colleagues, demonstrating the excellence and the commitment of the men and women who serve in our Armed Forces today.

I also want to voice my appreciation for the great sacrifices he has made because, as he has worked not only in the Senate for the last several years, but beyond that, his family has also sacrificed a great deal to our Nation. I think about his wife Vicki and his children Mary and Michael. Mary and Michael are still young people at home. I am sure often they missed their father when he would be gone on journeys into troubled areas of the world, sometimes for more than a week at a time.

So I come to the floor this morning simply to salute Colonel Barbero and to tell him thank you on behalf of the Senate for the great contribution he has made to our country and to the relationship between our legislative branch of Government—this Chamber, the Senate—and the U.S. Army.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the majority leader to be recognized at 12:30 today be modified for the majority leader to be recognized at 2 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I rise today to call on the Senate to take action on a bipartisan housing opportunity bill. I know that as we speak, Senator DODD and Senator SHELBY are working hard on a compromise bill. It is about time that our national leadership went to bat for struggling working families instead of just looking out for the fat cats.

I also commend the leadership of Senator REID and Senator MCCONNELL for agreeing to allow Senator DODD and Senator SHELBY to roll up their sleeves and work together to address some of the problems that now exist in our Nation's housing market. Since I first joined the Senate last year, I have noticed that far too often the people's business falls victim to partisan politics. So I appreciate the spirit of cooperation that has resulted in the agreement to move to debate on an issue on the forefront of so many Americans' minds.

We need to debate these issues and shine a spotlight on the actions of the Federal Reserve and the Treasury Department in recent weeks. What we have seen recently breaks new ground and sets precedents that will be followed for years to come. We need to look closely at the details and make sure this is the right track we are taking.

Folks throughout Montana are talking about these issues because they feel the impact in their daily lives. Working families struggle to afford quality housing and pay for gas that is $3-plus a gallon and diesel that is $4 a gallon and struggle to pay for medical costs, whether in the form of excessive insurance premiums or the cost of sickness due to no insurance or too high deductibles. Folks paying $4 for a box of cereal know all too well that the Government is not there to bail them out when times get tough.

Just the other day, I spoke to a packed room in Kalispell, MT, at a forum on financial investments. This was the day after the announcement of JPMorgan Chase's acquisition of Bear Stearns. The very first question asked was from a local man who wanted to know why the Government felt it necessary to risk nearly $30 billion to aid one of Wall Street's largest banks but families or farmers or small businesses in the same situation were simply out of luck. His point hit home with me, and it pointed out the fact that we, the Government, need to address the problems that plague the housing market. I am very pleased that Chairman DODD is holding a hearing on this deal tomorrow to address the bailout of Bear Stearns, a hearing I called for when I was talking to those Montanans in Kalispell.

Concerns about this issue are growing and getting louder in my State of Montana, which many local economists have noted is resistant to the immediate effects of many national economic trends. We are all very aware of the housing crisis that is rippling across this country, affecting homeowners and the economy as a whole. To date, we have been lucky. Montana has not fared as poorly as many of the other States which have seen whole communities torn apart by foreclosure after foreclosure, hurting families and lowering property values.

But we are still concerned. I am concerned for the families in Bozeman, MT, who work hard and play by the rules, yet can't find a decent place to live that they can afford. I am concerned for the workers in Bonner, MT, who lost their jobs at the Stimson lumber mill because the collapse of the housing market has depressed the demand for lumber. I am concerned for communities throughout rural America where opportunity is slipping away because of the failure of our national leadership to invest in basic infrastructure that connects us to one another.

The current housing market is widely considered to be the worst since the Great Depression. It has spread from home prices to student loans, to municipal bonds, to commodities, and to virtually every sector of the economy. Unfortunately, the administration has put a larger priority in taking care of Wall Street's big bankers than the millions of folks who are struggling to pay the bills, make their mortgages, save for their children's college tuition, or invest some money for a secure retirement, and that needs to change. We must take action to strengthen the economy for all Americans and prevent this crisis from spreading.

The administration needs to quickly nominate a new Secretary for the Department of Housing and Urban Development, one who is responsive to the needs of average Americans, not another who is tainted by corruption and cronyism. The American people deserve honorable public servants tending to the public business to help navigate the economy out of this murky situation.

We need to help borrowers who were steered into abusive loans but not bail out speculators who were looking for a quick buck and got burned by the changing marketplace. I do not believe in a government bailout of the undeserving, but I do believe in aiding those families who face unfair foreclosures through no fault of their own. This Congress must pass legislation that can make that distinction and help families and communities that have been adversely affected by this slowing economy.

I am very pleased that at least we are working on a bipartisan agreement for this housing bill. I look forward to working with Chairman DODD and Ranking Member SHELBY to pass a good bill that will do right by working families in Montana and throughout America.

Mr. President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, at this moment in the Senate, we are awaiting a bill that is being written by Senator CHRIS DODD of Connecticut, the chairman of the Banking Committee, and Senator RICHARD SHELBY of Alabama, who is the ranking Republican on that committee. It is an attempt to come up with a bipartisan bill to deal with the housing crisis in America. We hope this is going to be successful. We are anxious for this bill to come to the floor. It is needed—desperately needed. We felt at least this effort to work together on a bipartisan basis was a move in the right direction.

A few feet away from here in front of what we call the Ohio Clock out in the corridor, Senator HARRY REID, the Democratic majority leader, and Senator MITCH MCCONNELL of Kentucky, who represents the Republican Members, had a joint press outing yesterday and announced this effort in the hopes that we can come up with a bill. This is overdue, and it reflects the fact we observed, over the 2 weeks of our Easter recess, that there has been a lot of activity in this country at the executive level when it comes to our economy and the housing crisis.

We all recall that the head of the Federal Reserve, Ben Bernanke, came forward and opened what they call the discount window for nondepository banks. To try to put that in common words, banks across the United States, which are regulated and are facing oversight by the Federal Government, have a way of borrowing money from the Federal Government so they are solvent and can continue to do their business.

A few years back, there was a change in what is known as the Glass-Steagall law, which gave nondepository banks—in other words, banks that are basically investment houses—lending opportunities, credit opportunities. There has been a dramatic increase in this activity. Much of that activity from nondepository banks has created credit across America but also has fueled the fires of this subprime mortgage crisis.

One of the major institutions, Bear Stearns, got into trouble a couple weeks ago and faced what appeared to be failure or bankruptcy. The Federal Government stepped in at that point and put a $30 billion guarantee so Bear Stearns would not fail. It allowed JPMorgan Chase to step forward in that circumstance and to back up Bear Stearns.

At the time, Bear Stearns, an investment house, was leveraged dramatically, which means that for virtually every dollar of assets they had, they had $30 in debt. So there was a fear that if they failed, the stock market and the American economy would suffer.

I give this by way of background because this all occurred while we were out of session. When we returned, the Democratic leadership said: We have to get into this housing issue from a much more local and a much more personal level. If we are going to stand as a Nation to back up investment banks, if we are going to put the full faith and credit of America to the tune of $30 billion and more behind major institutions so they do not face the pain and dislocation that might come from their bad decisions, the obvious question is: What are we going to do for 2 million Americans who are about to lose their homes?

If America is going to ride to the rescue of investment banks on Wall Street, will it at least provide some shelter, some rescue to those who are about to lose their homes on Main Street? I think it should because it is not just a matter of those poor, unfortunate people facing foreclosure. A mortgage foreclosure is not an isolated, single-family event. It is not just a matter of a family losing their home. That lost home foreclosed upon, sold in your neighborhood, brings down the value of your home.

So 2 million Americans facing foreclosures has a ripple effect. It means 44 million homeowners who are making their mortgage payments every single month will see the value of their homes decline. As I said on the floor yesterday, what is the value of my home in Springfield, IL? If I ask an appraiser, they will say: I will look around your neighborhood; let's see what similar houses are selling for. If the comparable values are going down because there is a foreclosure, a distress sale involved, the value of my home has diminished. That will happen to 44 million homeowners across America because of 2 million mortgage foreclosures. So this has a negative impact on a lot of innocent people and innocent families.

It is not a matter of crossing our arms and saying: Well, those folks made a bad decision; they are going to lose their homes, and isn't it a darn shame; maybe they will be more careful next time. It has an impact on the community, neighbors, and neighborhoods, and it has an impact on consumer confidence. Over 70 percent of Americans today say they will not buy a home, not because they cannot find financing, but because they don't think it is a good investment. They don't want to stretch themselves, as many of us have in our lives to get into a home, for fear that investment of $500,000 today may be worth only $450,000 a year from now.

As a result, our housing industry is flat on its back. It is not just developers. It is not just realtors. It is homebuilders, it is skilled craftsmen, it is the suppliers of carpeting, furniture, and all the items that make a new home. They are all hurting because of the housing industry.

We returned to Washington and said: What can we do to stimulate the housing industry that will be positive? And we came up with a package to present.

First, we provide counselors who are available to those facing foreclosure to tell them what their options might be, to find a way out of this situation.

Second, we found tax provisions to help these homebuilders who are facing hard times get through it.

Third, we want to change the way people buy homes in America so there is more disclosure and transparency.

I had been a lawyer for a number of years before I came to Congress. I used to sit through these real estate closings. I would watch as the bank would bring out that stack of papers, plop them on the table in front of the new homeowners and say: Start signing. We will turn the pages, you sign. They would stop once in a while and say to the lawyers: What is this? Just another Federal form, a disclosure form; it is Form 237. At the end of the day, few, if any, homeowners knew what they were signing.

JACK REED of Rhode Island, my colleague, has a simple provision that we would have a disclosure statement on the top of that stack written in English so people could understand what is the interest rate; how much am I borrowing; what will the monthly payment be; can this interest rate go up; can my monthly payment go up; can I prepay without a penalty? Some basics. I hope we adopt that proposal.

There is another provision that I think is critically important and has become very controversial. I don't understand why it is controversial. I cannot understand why, if someone facing bankruptcy wants to go into court under what we call Chapter 13 and take a look at all their debts and all their income and restructure their debt so they can pay back in a reasonable way, I do not understand why you cannot put your mortgage on your home in that court proceeding for modification. You cannot now. You are prohibited by law, under Chapter 13, from the court modifying the terms of the mortgage on your home. But the court can rewrite the terms of a mortgage on your vacation condo. The court can rewrite the terms of your mortgage on your farm. The court can rewrite the terms of your mortgage on a ranch. The court can rewrite the security instrument you used to buy that boat that is out in the harbor. All of those things can be modified, but not your home. I have asked why. Why in God's name would you prohibit the modification of a mortgage on a home? There is no explanation. And so the provision I put in the bill said that the court would have that authority. They wouldn't be required to, but they would have that authority.

Now, what is the protection here? The lenders want to know if they will be protected. Will they end up with a mortgage being rewritten in terms they do not like? So here is what we put in as protection:

First, you have to qualify to go to bankruptcy court. It isn't easy. We rewrote the rules for that a few years ago, and I don't change them at all. In order to get into court, it is a question of what your income is, what your debts are, and whether you have a chance of working it out. That is step No. 1.

Step No. 2, the real estate we are talking about has to be your home and primary residence. I am not interested in helping real estate speculators. Frankly, they may have some advocates here, but I am not one of them. I want to be sure we are dealing with home ownership.

Third, it only applies to mortgages which are in existence at the time this bill is enacted into law. So it doesn't project into the future, it is a specific group right now.

Fourth, this court—this bankruptcy court—cannot lower the principal on your mortgage in modifying it lower than the current fair market value of the home. There is a protection for the lender. You know that the principal can't be pushed down below fair market value.

Let me add as a footnote that many of these lenders facing foreclosure would be darned lucky to get fair market value on the property. If you have ever seen how these homes in foreclosure are sold, if they are sold, it takes a long time and sometimes results in an auction. We are finding in my State of Illinois that people are not even bidding for fair market value. So fair market value is the low-end protection of the lender.

Next, the interest rate the bankruptcy court can put on the modification cannot be lower than the prime rate on interest plus a premium for risk.

Next, the mortgage itself can't be for a term longer than 30 years.

Next, if in the 5 years after the modification in court the value of the home appreciates or goes up, that increase in value goes to the lender—not to the home owner, to the lender.

How many more protections can we build into this? We have narrowed the people who would qualify, and we have tried to do it in a way that is sensible and protects lenders in the process. So who would oppose a bill that is that narrow in changing the Bankruptcy Code? I will tell you: The mortgage bankers oppose it. The same people who brought us the subprime mortgage crisis are now telling the Members of the Senate: We find this unacceptable; we don't want the bankruptcy court to have this new authority. And what is their argument? The sanctity of the contract. Sanctity. When I grew up, sanctity connoted holiness, a sacred quality. Have you taken a look at some of these subprime mortgages, the ones we are talking about? I have. I have sat down with some of the borrowers in Illinois to see what they went through and what they ended up signing up for. Time and again, these were elderly people, the ones I have met, who ended up signing up for mortgages which made no sense at all—misled, deceived into signing on to a mortgage they could not sustain personally.

The elderly lady who had retired in Chicago saw a number on a television ad, called the number, and in 24 hours there is a fellow at the door saying: You bet, we are going to consolidate your debt. This poor lady goes into a closing—she had limited education, she had retired, and she was trying to save her home—she signed all the papers, and in a matter of a year the monthly payment doubled on her home. Here she is living on Social Security and about to lose her home. The sanctity of the contract. The holiness of the contract. The sacred document the mortgage bankers want us to honor, bow to. Obeisance.

Another case. This poor lady, her husband had a serious illness. He could no longer climb the stairs in their home to get upstairs to the bedroom. He was sleeping on the couch in the living room. His wife was beside herself. They were both retired. She sees a nice little one-story bungalow, a smaller home but one story, with the bedroom on the first floor for her husband. She goes to buy it, and a so-called business adviser says to her: Oh, this is your chance to consolidate all your debt in this new mortgage. Do you know what this charlatan did? He took a zero-percent loan this lady had from the city of Peoria to put insulation in her home and consolidated it into the new mortgage, so she is now paying interest on the zero-percent loan. The sanctity of the contract. The holiness of the contract. This sacred document.

The mortgage bankers say we can't touch these things. My goodness, they have to be protected. Where were these mortgage bankers 3 years ago when we rewrote the Bankruptcy Code, when we said all existing contracts in America that are taken into the bankruptcy court will be treated differently? I didn't hear one word about the sanctity of the contract. No. Why? Because the changes in the Bankruptcy Code were to their advantage. So now, on the chance that they may have to keep a family in a home facing foreclosure, they are opposing it, opposing this change.

What a real test of the Senate this will be if we end up letting the mortgage bankers—the people who brought us this subprime mortgage mess—dictate to the Senate about changing the Bankruptcy Code. Shame on us. Why in the world, if we can stand up for saving an investment bank on Wall Street, can we not stand up to save the homes of millions of people who are about to lose them across America? A lot of them will never qualify for this assistance in this bill. I know it. But for some, a limited group, it is the only way they can keep their homes. That is what this debate is all about.

I read in the paper this morning that many of my colleagues on the other side of the aisle said this is a poison pill; changing the Bankruptcy Code, invading the sanctity of these contracts is a poison pill; we can't consider it. I don't want to be unreasonable about this. I want an up-or-down vote. I want people on the record. I want Senators to stand up and say whether they believe families facing this kind of foreclosure, with communities facing the impact of these foreclosures, will have a fighting chance.

This isn't just my theory, incidentally, on what we need to do. Recently, Newsweek magazine, in its March 31 issue, asked a lot of prominent people in different walks of life what we should do about the economy and particularly the housing crisis. I wish to quote a few for the record.

First, Bob Rubin, chief of the executive committee of Citigroup and former Treasury Secretary, maybe one of the most successful Treasury Secretaries in the history of this Nation. This is what Bob Rubin said:

> We should consider higher capital requirements for banks and investment banks, plus higher margin requirements for other investors. Putting up more of their own money would make people focus on risk.

That is a balanced and sensible statement. What he is saying is when we get into this whole question about the future of our economy, let's understand that there is risk on both sides and let's demand responsibility on both sides.

Carly Fiorina. Now, she is an adviser of Senator MCCAIN's campaign, chairperson of the Republican Victory '08 committee, and former CEO of Hewlett-Packard. Listen to what she says:

> I think the mortgage companies and the banks should step to the plate and say, "We have put products out there that have harmed our customers, either because we didn't explain them well or because we pushed them into homes or mortgages that they couldn't afford." And those lenders need to sit down with their creditworthy but cash-strapped customers and say, "How do we help you?"

She is the adviser to Senator MCCAIN's campaign. She is a person with a background in business. Her suggestion is consistent with my change in the Bankruptcy Code. It is exactly what I am saying.

Some of the others. Gene Sperling, an adviser to Senator CLINTON's campaign:

> How can you have a housing-led recession and have no housing-based remedies?

He gets to the heart of it. The housing-led recession was the catalyst for our economic problems. Ignore it, and I am afraid our economy won't get well very soon.

Joseph Stiglitz, university professor from Columbia, former chief economist of the World Bank, and economic adviser to Bill Clinton. Here is what he says:

> There needs to be an immediate write-down of mortgages—perhaps encouraged through a homeowners' Chapter 11, which would allow them to discharge a part of their debt and still stay in their homes.

That is exactly what this amendment does.

He goes on:

> Of course, there is something peculiar about what has been going on. While the administration has been vetoing any suggestion of a bailout for poor homeowners who have been taken advantage of by predatory lenders, there has been a bailout for investment banks. The Fed has lent money to facilitate JPMorgan's takeover of Bear Stearns, and has evidently underwritten the risk. It has accepted risky mortgages as collateral—again putting taxpayers' money at risk. These bailouts for those responsible for the mess have been done in a totally nontransparent way. We really don't know much about the values assigned to the collateral and what the risks are. It seems fairer to help poorer American households, rather than putting taxpayers' money at risk without even charging appropriate insurance premiums for bearing this risk.

Mr. Stiglitz has hit the nail on the head. We are ready, with few questions asked, to put $30 billion in taxpayers' money behind a failing investment bank, but when I come to the floor and suggest we ought to try to stand behind a few homeowners across America who stand to lose their homes, oh no, the mortgage bankers won't hear of it; some of these people may not be worthy borrowers in the future. Was Bear Stearns a worthy borrower? I don't even know if the question was asked, and neither does Mr. Stiglitz.

Robert Shiller, Yale professor of economics and founder of Macromarkets LLC. Among the things he says, he quotes a woman I respect very much, Elizabeth Warren, a Harvard law professor, who has proposed that the Government create a Financial Product Safety Commission which would work like the Consumer Product Safety Commission but would monitor lending and financial practices.

How in the world can this Senate stop and say we give tacit approval to the decisions of the Federal Reserve Board and the Treasury Department to put the credit of the United States behind investment banks that we literally don't know their circumstances and then turn around and say we would not let a bankruptcy court even consider changing the terms of a mortgage for someone facing foreclosure? If it is a vacation condo, fine; if it is a farm, fine; if it is a ranch, fine; if it is a big boat, fine, but not your home. You have to lose your home. That is what the law says today. Is that reasonable? Is that what we are all about? Is that what the Senate is all about? Are we here to follow the agenda of the Mortgage Bankers Association that created this mess, or are we here to serve the needs of families across this country struggling to keep a roof over their heads? I hope that answer will be obvious to my colleagues, and I hope that when we get this bipartisan bill that is being worked on very soon that it includes this provision so that we can have an up-or-down vote.

This provision is limited. It will not impact future borrowers in any way. The Georgetown Law study said it will have little or no impact on interest rates to come. I think it is fair for us to consider it. It is supported by a substantial group: the AARP, Leadership Conference on Civil Rights, the NAACP, the National Council on La Raza, Consumer Federation of America, Center for Responsible Lending, SEIU, AFL–CIO, and many others. It has the diverse support of Jack Kemp, former conservative Republican Congressman and candidate for Vice President, and Larry Summers, who was Secretary of the Treasury in the Clinton administration and who wrote op-eds in support. It has the support of the Credit Union National Association and the National Association of Federal Credit Unions.

Who opposes it? The big banks that created this mess in the first place. I am sorry, they have had their day. They have had their chance. Most of them have made plenty of money, and their CEOs are going to escape unscathed from this terrible economy. But for the rest of America that is paying the price for their bad lending practices, all I am asking is a chance, a chance that in court the bankruptcy judge will allow these people to stay in their homes.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I thank my colleague from Illinois for his statements and leadership on this issue. I serve on the Judiciary Committee with him. I thank him for bringing forward this proposal. I think it is critically important to a large number of homeowners who find themselves in bankruptcy that they get the help the bankruptcy courts were designed to create. It was to take a look at the financial ability of the person going into bankruptcy, to take a look at their assets and to make a fair arrangement for the creditor and the debtor. But the bankruptcy courts today cannot do that in regard to your primary residence. As my colleague points out, if it is your boat and you have a chattel mortgage on it, they can work that out. If it is your vacation home, they can make accommodations. But for your principal residence, they cannot do that. That makes no sense at all, and I thank my colleague for bringing this forward. I think it is a critical part of the legislation before us, and I look forward to supporting the effort to make sure that stays in the legislation.

Mr. President, 2 weeks ago I visited a Baltimore neighborhood, Ednor Gardens. That is near the Memorial Stadium, the old stadium where the Baltimore Orioles and Baltimore Colts played, and it is in the neighborhood where I went to high school, Baltimore City High School. It is a middle-class neighborhood, but today there are vacant homes and a lot of "for sale" signs. The entire neighborhood is affected by our current housing crisis. Some are in danger of losing their homes. Obviously, that is the most dramatic impact all of us hear and we want to do something about. We do not want to see people lose their homes.

It was James Truslow Adams who first coined the term "the American dream" in his book "The Epic of America" in 1931. He talked about the American dream as the opportunity to achieve in this great Nation, that every family should have that opportunity. The most visible sign of achievement is owning your own home. It is devastating if you lose your home.

Many Americans are in danger of losing their homes today because of the housing crisis. It not only affects individual homeowners who could lose a home through foreclosure or the inability to pay the mortgage and they just walk away from their home, but it affects every home in that neighborhood. There is a Chicago study that shows a single foreclosure, just one foreclosure in your neighborhood, will have the immediate impact of reducing your property value by about 1.5 percent or about $3,000, on average. The U.S. Conference of Mayors pointed out that the current decline in home values across the Nation reflects a loss of value of over $1.2 trillion, having a major impact on property tax revenues of local governments. The whole community is affected by the housing crisis, not just the individual homeowner who may lose his or her home.

If you happen to live in a home that you need to sell—you move, there is a change of life and you need to deal with putting your house on the market; maybe you have a contract to buy another house and you plan to sell your house—I tell you, the housing market is not good today; you are affected by the housing crisis. It is hard to find people who are willing to buy a home. They are concerned about declining values. Everyone is affected by this housing crisis.

Home ownership is critically important to the safety of our neighborhoods. Study after study shows that where you have a large percentage of home ownership, you have better schools and you have less crime. That was actually documented in that Chicago study I referred to earlier, where they showed there was a direct relationship between foreclosures in a neighborhood and the increase of violent crime in a neighborhood.

I have heard many people say: Isn't this the problem of people who entered into mortgages they should not have entered into or bought homes they should not have bought or couldn't afford? In some cases, that is true. In many cases, it is not. But the declining economy and the housing crisis affects all of us. We have a responsibility to help and to do something that is positive for our economy and the housing crisis.

This is not an isolated situation, what was happening in this Baltimore neighborhood. In Maryland, the foreclosures have increased—since June, where Maryland ranked 40th in the Nation, doing fairly well competitively, to now 18th in the Nation in the number of foreclosures. There was a 39-percent increase in foreclosures in the last quarter in the State of Maryland.

The Mortgage Bankers Association tells us that nationally the third quarter of 2007 was not only a record for the number of foreclosures, it was the highest ever recorded in the number of foreclosures in this country. Nationally, it is estimated that 2.2 million subprime mortgages, entered into between 1998 and 2006, are in jeopardy of foreclosure during the next 2 to 3 years, representing $160 billion of potential loss of wealth. The National Realtors Association has told us that home sales have dropped for the sixth consecutive month. Home prices are down, and they quantitated it, between February 2008 and February 2007, a decline of 8 percent. Our economy is hurting. It is not just the homeowner.

Let me just give one example. Housing starts are down. New housing starts are clearly down. It is difficult to see investors moving forward building new residential homes when we have a glut on the market of existing homes. What does that mean? I was talking to some people who work at the light truck transmission facility located in White Marsh, MD—General Motors. They are in danger of losing jobs because the people who work in the building sector, building of homes, use light trucks, and they are not buying as many light trucks because business is down. This is affecting jobs in Maryland and jobs in each one of our States.

The bottom line is that Congress needs to act. We need to act quickly. The Fed acted quickly to protect Wall Street. We have to act quickly to protect Main Street. There is a lot of question as to whether the Fed did the right thing for Bear Stearns. They acted quickly. We have middle-class communities, middle-class families who are in danger of losing their homes if Congress does not act quickly. We need to act quickly to help middle-class families who are caught in this economic downturn.

I am proud to have cosponsored provisions included in this underlying bill we are talking about. It is a very important bill. It includes provisions that I believe will really help the people in our States.

First, it provides counseling services—$200 million. We can help another half a million families get counseling.

One of the figures I find shocking is that for about half of the vacant homes we have today, people have just walked away from their mortgages, walked away from their homes. They have not even tried to work out their financial problems. They have not sought counseling. They have not talked to the mortgage company. They have not made any effort to try to save their home. They think there is no possibility. In reality, there may be possibilities. We should be providing the wherewithal so that people who are in a distressed situation can get the counseling help they need.

When I had my gathering in the Baltimore neighborhood, there were representatives from the different counseling services that are available to the people of Baltimore—Healthy Neighborhoods, St. Ambrose Housing Aid Center. These are people who have found the number of people seeking help doubling and tripling since the middle of last year. They are being overwhelmed today by people seeking help. They need a Federal partner. They asked me specifically whether this part of the legislation can be enacted quickly. They need the help to keep the centers open and expand the centers.

Remember, I said half the people are not seeking counseling. If the number of people who could use counseling actually stepped forward, there would not be the counselors available to handle this. That is why it is very important for the Federal Government to be a partner in providing adequate counseling, independent information to homeowners as to what their options may be.

The second provision of this bill allows for the refinancing of subprime mortgages by giving our local revenue authorities additional revenue bond help from the Federal Government—$150 billion—so that they can be more actively involved. We know we have a credit crunch. Everybody knows that. You can't find mortgages today. You can't find ways of financing. This will help, by using revenue bonding authority with very little cost to taxpayers. I say that because in many cases the local revenue bonding authority, operating under the State, will be able to go in and purchase a distressed mortgage at market value. Market value is less than its full value. The person who made the loan is going to get a fair value for their investment. It is going to be a lower value than they want, but it is a fair value.

We are not bailing out the investor. What we are doing, then, is giving the homeowner an opportunity to have that mortgage refinanced through the State revenue bond authority at a fair amount, at a fair return, allowing that homeowner to stay in his or her home, protecting the home for the family—not protecting the investor, not protecting the person who made the loan, but protecting the homeowner. That is what we should be doing. That certainly is a tool I hope all of us will support, and we need to get that done quickly because of the credit crunch.

There is a lot of talk about whether individuals went into this with full knowledge of the problems. Let me tell you, there have been a lot of people who have been victimized by the practices that are out there. There are many people who could have gone into traditional mortgages who went into subprime mortgages. It is particularly true in minority communities. Between 2005 and 2006, 50 percent of all the mortgages sold in the African-American community were subprime—50 percent to African Americans; 40 percent to Latinos. My point is this: There were neighborhoods that were targeted for subprime mortgages that could have qualified for traditional mortgages. These individuals have been victimized. I think allowing our revenue bonding authorities, our local housing authorities, to be able to do more to restructure those mortgages is the right thing for Congress to do.

I hope we will provide block grant authority, to give block grants to communities that have been impacted by foreclosures. As I said earlier, if you have a foreclosure in a community, the entire community is impacted by it. We need to do something to help it.

I was very impressed when I talked to people at St. Ambrose when they explained to me that when you have a foreclosed property, the house deteriorates and the neighborhood needs help. A Federal block grant to the community will allow it to get the housing in the condition it needs in order to put new home buyers into these houses. That is another very positive thing we can do to help communities.

The legislation provides the relief from bankruptcy that my friend, Senator DURBIN, talked about, a provision I strongly support. I don't need to go through all the provisions he went through, but it is targeted to residential mortgages that are in bankruptcy, it is targeted to mortgages that are currently in existence, targeted to those who can financially afford a refinancing structure. It is targeted in that if there is a resale and money that comes in that would have the lender held harmless, the money goes first to the lender.

All this is targeted relief to provide some degree of equity in a mortgage proceeding between mortgages that are taken out for our vacation homes and our large boats and those that are for residential mortgages. As Senator DURBIN pointed out, a bankruptcy judge can adjust the mortgages for your vacation home and your chattel mortgage on your boat but cannot, today, on your residential mortgage. That makes no sense at all, and we should certainly include that provision.

There are provisions in this bill that will provide disclosure so, moving forward, homeowners have much more information before they enter into a mortgage.

I wish to refer to another provision I intend to offer as an amendment to the underlying legislation when we get an opportunity, and that is to provide a tax credit for first-time home buyers. I think we need to do something to stimulate the housing market from the point of view of more people willing to come out to a buy a home. Senator DURBIN pointed out that today there are people reluctant to buy a home, who want to buy a home, but they are worried that the value may decline. If we give a tax credit, put money on the table, I think it is much more likely that individuals will want to take advantage of that. You do that and you help stimulate the economy with the exact sector that triggered the economic downturn, the housing market. Let's get the housing market reenergized. Let's put a tax credit out that helps home buyers buy a home in these distressed times.

Now, the legislation that I am going to propose is going to be targeted; it is going to be for principal residences only. I think that is what we should do. It will be middle class. We will have an income cap so it goes to those who need the help.

It will be first-time home buyers. Today, it is estimated that 40 percent of our market is first-time home buyers. In Baltimore City, we know about two-thirds are first-time home buyers. So it is to go to that part of the market that needs the help, that we need to get back into the market. It is temporary. It will expire in 2008 because we want people moving now, going back into the market now.

This is not a new concept. It has been used in the Nation's capital. We provided a tax credit that has helped 3,000 to 4,000 home buyers a year. I think it was a good policy for the Nation's capital. I think it is a good policy now for our country on a temporary basis.

I do acknowledge there are several of my colleagues who are interested in this legislation who have a slightly different approach. I hope we can come together, as Senator STABENOW has been interested in a housing credit for many years. Senator ISAKSON has come forward with his proposals.

I hope we all will be able to work together to bring forward a tax credit proposal that can help stimulate our economy. We need to act now. Two months ago, in a bipartisan action in this body, we passed the economic stimulus package. We did it quickly. That is what we needed to do. Well, we need to show the same commitment on the housing crisis. We need to work in a bipartisan manner to help middle-class families save their homes and to help our economy.

I urge my colleagues to take up quickly this legislation. Let's consider the amendments. Let's move forward. There are too many homeowners in our States who are depending upon us to act quickly for us to delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

PHARMA PAYMENTS TO DOCTORS

Mr. GRASSLEY. Mr. President, I have had the opportunity in the last several years that I have been in the Senate to look into how drug companies may be improperly influencing medical care. It is no secret that drug and device companies have substantial financial relationships with the health industry and specifically with physicians.

In addition to multimillion dollar royalty payments and lucrative consulting contracts, I found that drug and device companies often provide perks to doctors. These would include things such as expensive trips, lavish speaking fees, and other benefits that are too numerous to mention at this point.

These relationships, as you might expect, can motivate doctors to modify their treatment practices. It can motivate doctors to do practices that may not be in the best interests of the patient.

Because these financial relationships are so common, I have had the help of Senator KOHL of Wisconsin in the introduction of a bipartisan bill called the Physicians Payment Sunshine Act. We introduced that in the latter half of last year.

Now, this bill is not aimed at stopping money flowing to the doctors, the results of which I have spoken about. But it ought to throw a little sunshine on this issue. And that sunshine on this issue will go a long way toward curbing bad behavior.

I am proud to report the bill is gaining support from industry and from many physicians. In fact, medical device maker Zimmer recently announced their support. I expect even more companies to come onboard very soon.

You might say that these companies coming on board must like this, that it is not going to do any good. Well, it will do a lot of good. I think companies coming on board at this point are recognizing that if they are in a public debate on this issue where there is evidence that their payments to doctors may influence practice, that is not going to stand up in the theater of public debate, and so they ought to help their public relations and get behind this legislation. They know it is the right thing to do. I hope my colleagues in the Senate will look at this bill and see it as the right thing to do as well.

Since last summer, I have been investigating dozens of physicians to see if they are reporting their outside income to universities they are affiliated with. These physicians are at public as well as private universities and are working at institutions of higher learning across the United States today.

I am going to report on the action of one physician. I do this to explain how industry payments to medical experts can affect medical practice. Last summer, the New York Times ran an article about several drugs called atypical antipsychotics. These drugs are very powerful. The New York Times reported they are widely prescribed for children.

In the case of Seroquel, this drug became widely prescribed to treat children for bipolar disorder in the year 2005. It is important to examine this drug because we have paid billions of taxpayers dollars for Seroquel in the last years under various programs that the Federal Government has that provide help for people who cannot otherwise afford it.

Now, this happened after a group of experts decided that drugs such as Seroquel worked in kids and then published new guidelines in the Journal of the American Academy of Child and Adolescent Psychiatry.

But this panel based its guidelines on a single inconclusive study that was done in the year 2002, paid for by AstraZeneca. The study concluded kids did well on Seroquel, even though half of them dropped out of the study because of bad side effects.

The lead author of this study was Dr. Melissa DelBello, a professor at the University of Cincinnati. After reading about this story, I sent a letter to the University of Cincinnati and asked to see Dr. DelBello's reports on outside income.

I found out Dr. DelBello received over $100,000 from AstraZeneca in 2003, the year after she did this study. The following year, the company paid her over $80,000. These payments were for things such as lectures, consulting fees, services on advisory boards, and reimbursement for travel-related costs.

After the university sent me these records, I then asked AstraZeneca to account for money the company had sent to Dr. DelBello. The numbers after they all came in simply did not add up.

Between 2005 and 2007, Dr. DelBello reported about $100,000 in outside income to her university. But I found out AstraZeneca had paid her over $238,000, and obviously $138,000 of reported income is a big difference. Of course, I am finding out the money keeps trickling in. Last week, AstraZeneca reported to me they had discovered an additional $1,800 in payment to Dr. DelBello, and who knows if we will ever know the full accounting of this money paid between AstraZeneca and the professor.

So her own university, her very own university which is supposed to be monitoring her conflicts of interest, did not even know about these additional payments. It seems to me they did what many universities around the country do: They trusted their faculty to provide accurate information.

Even worse, I found out Dr. DelBello received grant money from the National Institutes of Health. According to Federal regulations, universities are supposed to monitor conflicts of interest when their researchers receive National Institutes of Health grants. Obviously, the university has engaged in the practice of trust but did not verify, where the rule is: Trust but verify.

Another interesting thing happened while I was looking into Dr. DelBello. According to the letter I received from the University of Cincinnati, Dr. DelBello failed to report other money she also received from big drug companies.

So it turns out Dr. DelBello has a company which she established for "personal financial purposes." AstraZeneca was involved here. Let me remind you that AstraZeneca is the maker of Seroquel. They paid MSZ Associates, Inc., an Ohio corporation, over $60,000.

Where do you think the address of MSZ Associates is? Well, you probably have figured it out, the Department of Psychiatry, University of Cincinnati.

This situation is unfortunate on so many levels. It is unfortunate for the University of Cincinnati relying on the representations of its faculty, it is unfortunate for patients who once believed their doctors were not for sale, and it is unfortunate we are in a day and an age where a bill promoting transparency for millions and millions of dollars going from big drug companies to American doctors is necessary.

In other words, I am saying to my colleagues in the Senate: The bill Senator KOHL and I put in last year that is picking up steam, even from companies in the medical business, should not have had to be introduced. The checks and balances that are out there between universities, between the NIH and universities that get their grants ought to be enough to make sure the ethics are properly followed.

This information is available, and, most importantly, the information is public, because this is the public's business. The public has a right to know whether people who doctor them might have a financial interest in the treatment that is prescribed for them.

Now, I have given you one example of a doctor who has been receiving large amounts of money from drug companies. In this area, as in many others, I hope a little bit of sunshine will go a long way. That is what the Kohl-Grassley legislation is all about. The fact that a physician can promote a drug to other doctors and receive NIH funding, while hiding a very clear conflict of interest, ought to be very disturbing to all of us.

That is why this bill is very needed. Because nobody is watching this money, and it is having a bad effect on medical practice as evidenced by this drug made by AstraZeneca.

Before closing, I wish to give this compliment to the University of Cincinnati. This university has and continues to be very cooperative in this investigation. I very much appreciate this. Thank you to the University of Cincinnati.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Pennsylvania.

IRAQ

Mr. CASEY. Madam President, I rise to speak on behalf of S. Res. 494, which is a sense-of-the-Senate resolution I introduced yesterday calling upon the international community to fulfill previous pledges to provide reconstruction assistance to Iraq. I am joined in introducing this resolution by my colleague, Senator CORKER, from the great State of Tennessee. I am honored to have his support.

Our message is simple. It is long past time for other nations, especially Iraq's neighbors, to carry through on past promises and deliver the type of assistance that can help stabilize Iraq and allow for an orderly redeployment of U.S. combat troops from Iraq. Over the course of the next 2 weeks, the Senate will once again return to the Iraq war and the debate over future U.S. military presence in that country. It is no secret there is a sharp divide in the Congress over the next steps in Iraq. We have some fundamental differences, and it is essential that we debate these differences in an open manner. However, there is some common ground that all of us can find when it comes to Iraq. We can agree that America has already sacrificed too many of our finest and bravest young men and women in this conflict. We recently marked the grim toll of 4,000 Americans killed in combat there, including 183 natives of my home State of Pennsylvania. But the United States is also bearing the majority of the burden when it comes to financial assistance to the Iraqi Government for reconstruction activities. We bear this burden even though other nations and multilateral organizations, including the World Bank and the International Monetary Fund, have pledged but failed to implement significant sums toward Iraq's reconstruction. The United States bears this burden even as we spend millions of dollars every day on our military presence in Iraq. That is not right, and it cannot continue.

Our resolution calls upon other nations to carry through on previous pledges of reconstruction assistance to the Iraqi people who have been largely ignored. The resolution has been inspired by two recent reports, a December 2007 report from the Government Accountability Office, the GAO, and a January 2008 report from the inspector general for Iraqi reconstruction. The two reports document the following facts—just two, but they are alarming and disturbing—the United States has already spent roughly $29 billion on reconstruction assistance to Iraq, with another $16.5 billion in the pipeline having been authorized by Congress. That is fact No. 1, $29 billion spent, $16.5 billion on the way. As of last October, international donors have pledged a combined total of approximately $16 billion to support Iraq's reconstruction, but only $7 billion of the $16 billion has actually been disbursed to Iraqi governmental entities. This is a less than 50-percent return when it comes to carrying out previous pledges, many of which date back to the year 2003.

There are some plausible explanations for why reconstruction funding has not flowed as quickly as we would like. Certainly corruption in the Iraqi Government remains a serious problem. The hazardous conditions in many parts of Iraq have impeded reconstruction projects. But these same constraints apply to the U.S. Government and our construction funding. There is no reason the United States has spent more than four times what the rest of the world combined has spent when it comes to reconstruction assistance to the Iraqi Government. I don't need to remind anyone in this Chamber or in the country of our economic challenges at home. The war in Iraq is exacting a significant toll on our Nation's Treasury. The United States cannot afford to continue to subsidize reconstruction assistance to Iraq while other nations remain on the sidelines.

The lack of participation by other international donors, especially Iraq's neighbors, incurs diplomatic and political costs as well. When the United States is seen as the principal source of reconstruction funding in Iraq, and when those reconstruction activities falter, it is America that is unfairly blamed in the eyes of the Iraqi people. Five years after we invaded Iraq, much of the nation continues to experience power shortages and rolling blackouts. The Iraqi people view this state of affairs as America's responsibility. That is why the Iraq Study Group, more than a year ago, recommended multilateral support for Iraqi reconstruction, including "greater involvement by and with international partners who should do more than just contribute money. They should actively participate in the design and construction of projects." So said the Iraq Study Group more than a year ago.

It is all too rare for a Democrat and a Republican to find some shared ground today on the issue of Iraq. The fact that two Members of the Senate, both members of the Foreign Relations Committee from different parties, have found common cause on one aspect of our presence there should tell us something. There is no reason the United States, already having borne a massive cost in terms of military resources expended and precious lives of our bravest men and women lost, should continue to be on the hook for the majority of reconstruction funding in Iraq. Reconstruction funding for Iraq is important, and it is time Iraq's neighbors, major international organizations, and other nations step to the plate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. No. We are under cloture on the motion to proceed.

Mr. KENNEDY. Fine. I will use such time as I might use that I am entitled under that procedure.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Madam President, a few minutes ago, I was over at the Joint Economic Committee, where we had Mr. Bernanke, who is the head of the Federal Reserve, talking about the economic challenges we are facing in this country and what the administration, and Federal Reserve are going to do about it. I must say, we were long in analysis in terms of how we got here but very short in terms of giving a great deal of hope to the American people as to the next steps that are going to be taken by the administration to help resolve this problem. That is, I find, enormously distressing.

I think American families ought to be certainly encouraged by the efforts that are being made in this body to try to develop a housing program, led by Senator DODD and also by Senator SHELBY and a number of others. I understand the leaders are going to have some announcements later on in the day about the progress that is being made, which is, I think, a very important and significant effort. Hopefully, it will result in providing some help and assistance to families so they can remain in their homes and, hopefully, permit some of those who have been foreclosed on to regain the opportunity to return to their homes.

We have seen in recent weeks a widespread breakdown in the financial markets. The crisis has had far-reaching effects on the rest of the economy, leaving 7.4 million Americans unemployed and 2 million families at risk of foreclosure. Approximately 7,000 families a day are facing that. It is true in my State of Massachusetts. It is true throughout New England and other parts of the country.

We need to act quickly now to keep families in their homes. We are looking forward to our committees making a recommendation on legislation that will permit us to do so.

It is time to restore confidence in our credit markets. That means cracking down on abusive practices in the mortgage industry and shining more light on the operations of investment companies such as Bear Stearns.

The Federal Government stepped in with nearly $30 billion to bail out Bear

Stearns. That is a lot of corporate welfare coming before any relief for the millions of families on the brink of losing their homes. Hundreds of billions of dollars in subsidized loans are being given out freely to banks and investment houses, but the administration is telling millions of Americans struggling to find work that it is too soon to give them additional unemployment benefits. That is unacceptable, and Congress needs to act.

I reviewed at the meeting earlier today the general economic circumstance we find ourselves in as a result of these costs over these last years. Since the President took office, the dollar has lost a third of its value. The Federal debt has skyrocketed by nearly $4 trillion. Our debt to foreign investors has increased by $1 trillion. The stock market on average has grown by only 2.5 percent each year since 2001, far lower than the 7.5-percent annual returns it averaged since 1968, and it lost $2.7 trillion in value since last May—$2.7 trillion in value since last May. Finally, this crisis has wiped out $2.7 trillion in home values in the past year alone. Some economists believe we could lose as much as $8 trillion before the crisis is over.

So I reminded Mr. Bernanke of what I hear from my constituents in Massachusetts who see their hard-earned savings being wiped out. Now we are reading in the papers that older workers are being forced to put off their retirement because of losses in the values of their home and retirement savings. So we ought to know what we can do to help respond to the staggering loss of the Nation's wealth and how working families can cope with their lost savings and wealth. That is a fair question, and I must say I didn't feel we got much of an answer during the course of the hearing this morning.

Some have said we have a devalued dollar and this will increase our exports. But it is true that after the dollar has been weakening for 6 years, the value of our imports is still roughly twice that of our exports, and we are still running a huge trade deficit. Some have said the Fed is taking appropriate steps by lowering interest rates and offering discount loans, but it is true that even after an extended period of lowering interest rates, the economy is still floundering.

One of the very important and significant consequences of this whole economic dilemma is its impact upon the States. States are finding enormous challenges in dealing with their economic situation, and they have two alternatives. They have two alternatives and both of them are bad and will have very adverse impacts on middle-class and working families. First, they can raise their taxes which, at a time when families are hard-pressed to make ends meet, is the wrong policy. Secondly, they can reduce or cut back on services such as Medicaid and other programs that reach out to the neediest in the community. That, obviously, has enormously adverse impacts.

There are ways of helping the States. We have done it in the past. When I asked Mr. Bernanke whether he would favor this administration providing some help and assistance to the States so they don't have to reduce services for their neediest people, he said that is a decision for Congress to make. Well, I asked him. He is the head of the Federal Reserve. Where is the administration? What is their position? I know the power of the Congress on fiscal policy, but where is the administration? We want to work with the administration to try and restore our economy. When Mr. Bernanke says: Well, we are trying to develop a policy of economic growth and price stability, we are all for that. We have seen that. We saw it in the early 1960s with President Kennedy and we have seen it at other times, including in the 1990s. That is a desired goal. But just stating that as being the desire for the administration at a time when we are facing these serious economic challenges remains, I think, an inadequate answer. The idea that the Chairman of the Federal Reserve would state to the Congress that he effectively has no position and the administration has no position on fiscal policy, on providing help and assistance to the States, is mind-boggling to me—mind-boggling—a complete failure to understand the economic challenges people are facing.

I asked the Chairman whether he thought we ought to have a system to effectively regulate the safety of financial products at a time when the financial community has been involved in products that are risky for consumers. We have a regulatory agency—the FDA—that tries and does a pretty good job of addressing the increasing challenge in terms of food safety. We have an FDA to try to deal with and make sure our prescription drugs are going to be safe and efficacious. It does a pretty good job. We are working to try to strengthen those agencies. We have a regulatory agency, the Consumer Product Safety Commission, to try to keep toys that are dangerous to children away from children. So we have a tradition of establishing regulations and regulatory agencies to help protect the consumer. Given the abuses we have seen with financial products in recent times, should we not have a similar agency to help protect consumers from unsafe financial products? Consumers are hard working. They spend a good deal of their time working all day and the rest of the time trying to look after their children. They spend some time with their children helping them to read and with their education, and they don't have a lot of time to go through the various complex financial statements that have become the common rather than the rare. Generally, we had what I consider to be kind of a wishy-washy answer on this one: That the Federal Reserve has some powers—it is useful to have some power—but no precision with regard to what can be done in order to protect average working families from the existing abuses that are out there.

I was discouraged by these responses at a time when we have a serious economic challenge. Families in my State are working and trying to keep their homes, trying, even at this time of the year, to get sufficient resources for home heating oil. Families who may experience the joy that many have in the last week when they receive the notices from colleges in my part of the country that have accepted their children to go on to higher education and then are sobered up by the extraordinary costs and wondering whether they can afford it. Frequently, they use their house as collateral, and now they wonder whether they can afford it. They see the ever-increasing cost of gasoline, and they are struggling and wondering if they can hold onto their jobs, let alone their health insurance.

Serious economic times demand leadership at the executive level and demands leadership in the Congress and demands a bipartisan response to these challenges. We do not have that at this time.

I will review briefly for the Senate about where we are in terms of our economic challenges.

I was asked yesterday morning—or 2 mornings ago, Monday morning—in Boston whether we were in an economic recession. I answered yes. When asked how one would describe it, Americans surveyed think the economy now is in recession; 76 percent say there is good reason why they should believe so. We have seen the response to these economic challenges. We have seen some $260 billion in subsidized loans to banks by the Federal Reserve. We don't know how the public taxpayer is being protected with these loans. We don't understand how the public interest is being protected. We have seen public loans at other times, and the most dramatic one was the automobile industry when the Congress actually was repaid for the loans. It was a successful negotiation, without which we would have seen the complete collapse of the automobile industry in this country and the loss of millions of jobs. It was carefully worked out and the public interest was protected. We don't know what those $260 billion in subsidized loans now will mean. Yet when we asked: Could we get the administration to help and assist us with the extension of the unemployment benefits, the answer was no. No. No to $10 billion to help individuals who work and who want to work, who have a history of working and are losing their jobs because of the economic downturn and need to have that help and assistance in the interim before they get the next job. Would the administration help them? The answer was no. Yet there is $260 billion in loans to the banks. This isn't right. This isn't fairness. This isn't being responsive to the needs of families and working people in this country.

This chart gives an idea about what is happening. While wages have been stagnating, consumers have been facing increasing costs, including the 84-percent increase in gasoline. We have seen health insurance costs continue to rise by 44 percent, college tuition by 47 percent, and wages effectively stagnant over this period, putting enormous pressure on these families.

This chart shows that millions of American families face losing their homes. The number of foreclosures were in the thousands in January of 2006, 100,000 in 2007, and 150,000 in January of 2008; it is up 124 percent from 2006. These are families who are losing their homes. This is a reflection of the loss of homes by hard-working people in this country.

We have now seen the growth of a tent city, something that I think none of us ever thought would again take place in this country. All of us are mindful of the extraordinary pressures that still exist on families as a result of Hurricane Katrina and the hardships those people are facing. But by and large, we don't generally think that because people are going to lose their houses to foreclosure, they are going to be pushed outside. The growth of this tent city has been a new phenomenon in the landscape of America.

This shows that home prices in major cities have fallen now by 11 percent in the last year alone. This chart shows what has been happening in different parts of the country, and it has generally been going down across the country. Some areas are suffering a great deal more than others. The losses in California, Las Vegas, and some of the States in the South have gone down a good deal more than others, but nonetheless it has been across the board, and it has been serious.

This chart demonstrates that the economy is shedding more and more jobs. In January of 2008, 22,000 jobs were lost. In February of 2008, 63,000 jobs, meaning 85,000 jobs were cut in just the past 2 months. We are going to get more jobs numbers on Friday of this week, and most believe we will see this continued trend of individuals losing their jobs. How many more indicators do we need? When you find out you are losing your home, you are unable to keep your job, the costs of all kinds of essentials which you need to have any quality of life are going through the roof—not to recognize we have some important responsibilities to our fellow citizens.

This chart shows 7.4 million Americans are competing for 4 million jobs. These are the numbers of Americans who are unemployed. These are the job openings that are out there at the present time. So we have many more unemployed than there are job openings. If that is the case—and these people want to work, they are glad to work, we want to give them an opportunity to work. Historically, we have said to those people: We are going to give you some unemployment compensation to carry you for a while until we get this number of job openings up, a restoration of our economy, and then you will be able to get the job. But these same people who have worked hard to try to provide for their family, they need to be eligible for some unemployment compensation. The trust fund itself is in surplus at this time. Workers have paid into the fund—and if they haven't paid in, they are unable to gain resources, generally speaking.

So this is the reason we have been struggling to get some help and assistance in unemployment. This is a rather ominous chart because this says economists predict unemployment will skyrocket next year. This says in 2007 the unemployment rate was 4.5 percent, 4.8 percent in 2008, and in 2009 it will be 6.5 percent. The lag time, historically, has reflected itself in the increasing numbers of unemployed. In 2009, we are going to see increasing unemployment across this country. That is the phenomenon.

If we know unemployment will continue to increase—and that was the testimony before the Joint Economic Committee—why aren't we preparing ourselves to reach out and make sure this kind of pressure that is on these families is reduced or at least accommodated to some extent? We know what is going to happen.

This administration missed the boat, so to speak, in understanding where we are going in terms of the economy. They should have known, but they didn't know. For some of us who look at the record of the administration, whether it is on Katrina or Iraq, we can understand how they have missed the boat on a number of different issues. We are finding out they certainly missed the economic boat.

Millions of Americans could lose their health insurance in a recession. We are seeing job losses and workers' declining bargaining power and benefit cuts. In a mild or moderate recession, 4.2 million Americans will lose their health insurance. We know when that happens, when they lose it, effectively the waiting room becomes the emergency room; that becomes their primary care. The average cost is $423 for a visit to the emergency room. When families lose health insurance, they go to the emergency room. And who picks up the tab if they don't have the money? It is the taxpayers who pay for it one way or the other. This will mean additional pressure on local taxpayers who are going to be increasingly pressured themselves because they will lose benefits and they are going to have to pay more in taxes, and the spiral continues.

Yet we have very little willingness from the administration to assist States and local communities to help permit these families to retain their health insurance, which they could do, and which we have done at other times.

This chart is a sad indicator. This says food stamp use nears record levels as the crisis squeezes workers. We have 28 million Americans who are projected to receive food stamps in 2009—record numbers in the history of this country, with families needing to use food stamps because they are desperate. This program was meant to be an emergency program, and it is. But we are finding more and more Americans dependent upon it. Just visit the food banks as I have. We have such superb food banks in Boston and in Massachusetts which have been enormously effective. They are well run, and they involve the community. We are finding out about the difficulty they have in getting good food and also the kind of pressures they are seeing every single day at the food banks.

This is what is happening. This puts millions more into poverty by 2011. The number of people in poverty has grown during this administration by nearly 5 million people, and over 1 million children have gone into poverty. This is going to get even worse in a recession. These numbers are growing.

I listened this morning with a good deal of interest about the increasing number of school dropouts. Colin Powell was on most of the morning programs talking about it. It is directly attributable to the increased poverty. When you get increased poverty in communities, you are going to have increasing numbers of children who will drop out, increasing amounts of gangs, and increasing amounts of violence, make no mistake. We have seen the complete insensitivity of the administration to providing assistance to local communities, whether it was in the COPS community policing program which was such a success or the Byrne grant programs that assist local law enforcement. The administration says: no, no, we have to cut those programs back. We are seeing increasing poverty, with all of its dangerous aspects.

These are very interesting charts. This one shows 22 percent more workers are exhausting Federal unemployment benefits today than at the start of the 2001 recession. Since 1991, we have extended unemployment compensation by 13 weeks some seven times. That's seven times. In the last 20 years—listen to me now—we have not had as high of a rate of long-term unemployment at any time Congress has first extended benefits as we have at the present time. This is an extraordinary phenomenon. These are fellow citizens who have worked hard, want to work, are continuing to look for jobs. They haven't even dropped out of the job market. Yet they are being cut loose here and being denied the unemployment compensation. So what we are demonstrating is increasing insensitivity to these families.

I will just take a few more moments. There are things that can be done. If we were able to get Mr. Bernanke to indicate that he believed some economic stimulus program could be put into place, we are looking for those that have been tried, tested, and demonstrated to have been effective.

You can see on this chart that for every dollar invested in food stamps, it had $1.73 of impact in boosting the economy. For unemployment, it was $1.64 of growth that you were buying for every dollar invested. For infrastructure, it is $1.59. The tax cuts the administration favors do not have as positive an impact. That is what we need. We need to have programs that will provide help and assistance for them.

This chart illustrates how the costs are rising faster than the rate of inflation. So I think we know what needs to be done. We need an economic stimulus program that is targeted to middle-class and working families and will benefit them. We heard today in the Joint Economic Committee about what we have been doing for the large investment firms which get hundreds of billions of dollars, but still there is not the will or desire to try to help real families who are having a most difficult time of it. That is wrong. I don't think the American people will tolerate that. They should not. They should be assured that there are many of us who will not tolerate it and will work effectively until we develop the kind of economic program that is really going to reach out to these families and say to our fellow citizens that help is on the way.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, we are on the mortgage foreclosure bill, S. 2636. It is my hope, my understanding that the two sides are now negotiating as to whether they can come out with a bipartisan package.

I rise to speak to the bill before us that has come out of committee. I support it. I am a cosponsor. It is self-evident why I support the bill, because our people are hurting.

There is no doubt that the housing market in Florida is in shambles. Florida home sales last month were down 28 percent compared to this time last year. The median home price in Florida was down 14 percent. At the same time, foreclosures are skyrocketing. January's foreclosure rate ranked Florida third highest in the country. We had the second highest rate of total foreclosures nationwide, a 158-percent increase from last year. One area of Florida, Lee County, which includes Fort Myers, Cape Coral, an area that has been booming with growth, has the highest foreclosure rate in the Nation, sadly, with 1 of every 86 homes entering foreclosure. In one estimate, nearly 200,000 homes in Florida will be lost in this year and next year due to foreclosure. We have seen these horror stories on TV where the sheriff is knocking on the door and forces the family, with the children, out. If they are not home, he has to go in and take all of the furniture out of the home and put it on the front lawn.

This crisis is not limited to subprime mortgages or risky borrowers. It is destroying entire communities. The ripple effect translates into big losses for each State's economy—in Florida's case, a $36 billion decrease in home value and tax base.

The bill before us provides some commonsense relief. It is designed to help struggling families keep their homes and help communities that have been harmed by foreclosures. It is going to help people keep their homes by letting them refinance out of the subprime loans. It is going to fund housing counselors to help those at risk of foreclosure. A lot of people who face the risk of losing their home are overwhelmed because they don't know what to do. By providing some housing counselors to help them work their way out of this foreclosure problem, and, to a certain degree, prime homeowners, homeowners where the residence is their prime residence, it is going to be able to help them modify their mortgages in bankruptcy court. It is going to give a new power to the bankruptcy judge to modify that mortgage so the person doesn't lose the home from underneath them.

This bill is going to take our community development block grant funds to help a community provide for the neediest, and through the CDBG funds, it will help a city or a county to purchase foreclosed properties and then turn around and rent them or resell them so we can get them back on the market as fast as possible.

Additionally, it is going to increase funds for foreclosure prevention counseling. That is not the counselor I spoke of a while ago, after and in the midst of the foreclosure crisis. This is to help somebody work out of the problem before it ever occurs. It also makes more clear disclosures on mortgage documents when the homeowner is signing a mortgage in the first place, in order that they know what is coming, know what their obligations are under the mortgage.

I am sure most of the Senators here are going to support this legislation. It is a question of being able to see if we can get some agreement. The majority leader is working hard to do that. It is time we extended this relief to homeowners, not just those on Wall Street; in other words, those on Main Street as well. That is what this bill does.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I appreciate my distinguished friend allowing me to speak for a minute.

I just completed a meeting with the Republican leader, Chairman DODD, and Ranking Member SHELBY. We have an agreement in principle as to what we are going to move forward on. The two managers of this most important legislation are now in the process of drafting the principles into legislative language. The staffs worked most of the night to get where we are today. I am not going to go into any detail as to what has been accomplished, but it is a robust package addressing the issues, some of which were just addressed by my friend from Florida. We will come back at 5 o'clock. They think they can have the language drafted by that time. It would be a substitute for the House-passed bill that we are working off of. At that time, we would hope that there would be some discussion of the substitute, that that would be agreed to, and then we would start amending that. Either people want to take things out of it or add legislative measures to it. I think we are moving forward. This is good news for the American people, and I am confident we can process it fairly rapidly.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. What is the status we are in right now?

The PRESIDING OFFICER. We are presently on the motion to proceed to H.R. 3221.

Mr. COLEMAN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I congratulate the majority and minority leaders, the chairman of the Banking Committee, Senator DODD, and Senator SHELBY. We have done something today the American people should be very proud of. I understand there is an agreement to move forward on a bipartisan agreement that would allow us to address certainly one of the major concerns impacting the American public today; that is, the collapse of the housing industry, collapse of home values. I believe this ties directly into the difficulties we are having with our economy. The fact is, there is less value in homes and the ability to refinance. Folks are not fixing up their homes, doing renovations. In my State, folks who cut down the timber, log it, truck it, process it through sawmills, ultimately the contractors, the construction workers who build, all have been impacted.

When one person loses a house and a series of homes are lost through foreclosures due to refixing of mortgages, adjustable rate mortgages which people do not have the capacity to repay, that impacts the value of every home in a neighborhood. So we are seeing a significant decline in many of our neighborhoods, not just urban but throughout the State and the country.

I congratulate the leadership of my colleagues who have come together with an opportunity to move forward in an area of great importance and one that I, as a former mayor and with the privilege now to serve in the Senate, understand and am deeply concerned about.

I believe we have to move forward. We now have an opportunity. The fact is, in my State of Minnesota, communities are grasping for solutions to stem the tide of our housing crisis. Local leaders and concerned citizens are working to prevent erosion of the building blocks of their communities, which are neighborhoods. Despite their best efforts, neighbors can't fight the growing number of empty houses this rush of foreclosures is bringing. Local governments can't fend off plunging property tax revenues that make balancing the books nearly impossible. Individual businesses don't have a choice when fewer people are coming through the door and they are faced with difficult decisions about which employees they can keep on board.

As homes become abandoned, it starts a vicious cycle. Abandoned and vacant homes create blight, reduce the value of houses around them, and the opportunity for criminal activity increases as those interested in lawbreaking seize upon the opportunity to take advantage of other people's mistakes.

When I was mayor, I believed in the broken window theory. If a violent crime happened in a neighborhood, some would say: Why did it happen? You would go back and say: Well, you had a window that was broken, and it wasn't fixed. And then another window was broken, and it wasn't fixed. Then the graffiti got on the walls, and the gangs and the drug dealers and prostitutes hang out. All of a sudden, somebody gets killed. We are seeing folks abandoning homes, blighted neighborhoods. This is spreading with very dangerous and negative effects. Beyond the loss of a home, the lives of those around those homes are also impacted. It is creating a downward spiral that is difficult to stop.

I think we have a chance today in this body to move forward in a way to at least slow the downward spiral, not stop it. This is a problem none of us can solve on our own. There are some problems that are too big for one party to solve. This is one of them. Republicans and Democrats need to come together to lift our neighborhoods out of their crisis.

As a former mayor, I know the foundation of our communities is based on home ownership. Housing is the foundation for strong neighborhoods. Housing creates good jobs, creates stable places for workers to live. Housing has created wealth. When there is trouble in housing, the economy suffers, workers suffer, families suffer. From my travels and townhall forums during the past several months back home in Minnesota, I have seen and heard firsthand how this crisis is hurting my State. Like every American, this crisis is attacking the place I call home. It has taken away from the folks I live around, whom I worked hard to help as mayor. There are communities and neighborhoods that were struggling in the 1990s when I got elected. We built them up. Now many of them are starting to fray and come apart. It is a very personal issue for all of us. It is not just an urban problem. In my State, it is a rural problem as well.

I understand there are statistics which show that Minnesota ranks second in the Nation in subprime mortgages and foreclosure. According to the nonprofit Minnesota Housing Link, if current trends continue, the number of foreclosures will increase by nearly 48 percent this year to 37,854. By contrast, in 2005, there were 6,466 foreclosures. Meanwhile, the housing downturn has taken a toll on construction jobs in Minnesota. In the past 2 years alone, 15,000 of these jobs have been lost. But behind these troubling statistics is the human face that reflects the terrible crisis.

This is about folks such as Joanne Ness, whom I met at a forum earlier this year in St. Cloud, MN. Joanne spoke of a struggle to keep her house as her adjustable rate mortgage payment soared from $1,300 to almost $1,900 per month. Hers is a typical story I hear time and again when I talk to families around the State.

Similar to when my son would throw a rock in one of Minnesota's many lakes—and you would see the ripple impact—the impact of these foreclosures is rippling throughout my State's economy.

I mentioned the folks in the timber industry. I was going to have a cup of coffee with, I thought, a small group of folks up in Aitkin, MN. It is in the northeastern part of the State. It is timber country up there. They talked about how their businesses are hurt by depressed softwood lumber prices.

Ron Enter and his wife stopped by my office the other day to share how the housing crisis has hurt their small building materials business. According to the Enters, their business sales have dropped roughly by half, and they have had to reduce their workforce from 25 employees to 15 employees. These are more than numbers. These are moms and dads who have family obligations who are out of work. If you are out of work, you lose your health care. It has all sorts of impacts. It is not just about numbers. If the housing market does not improve, they warn they may have to cut back to as little as six workers, employees, in order to keep their business going. These are moms and dads, brothers and sisters, folks who are now out of work.

We are acting not a moment too soon. The time to act is now. It was yesterday, but we are going to move forward today, and I think that is tremendous. Folks such as the Nesses and the Enters are looking for us to work together on solutions to the housing crisis.

To that end, I joined Senators BOND and ISAKSON and other colleagues of mine in introducing, last month, consensus-based housing legislation called the Security Against Foreclosure and Education Act or SAFE Act. There are a number of provisions in this act which I believe are now contained in the compromise bill we will have a chance to vote on.

Senator ISAKSON had a provision to address the oversupply of homes that is not only depressing home values but the construction industry as well. He originally had, I think, a $15,000 tax credit proposal for the purchase of new or foreclosed homes. I think we did something similar in the 1970s, and it had an impact in getting rid of some of the excess inventory in the market. If you get rid of excess inventory in the market, it brings up the value of everyone's home. I understand the Isakson provision in a modified form will be contained in the bill we address. The numbers may be somewhat different. It may be $3,500 for 2 years. But it is a step forward.

Another provision that I joined with Senator SMITH in introducing last year would allow State and local governments to use mortgage revenue bonds to refinance subprime loans which have fueled the surge in foreclosures. Again, while this proposal, on its own, will not solve the crisis, it can nonetheless make a real difference for Minnesotans, such as Joanne Ness, who are looking to get safer and sounder mortgages so they can keep their homes. I understand this concept would also be included in the bipartisan bill.

The bottom line is there are folks who are hurting. We have a chance to help them.

I have also looked at a provision that would give returning veterans and servicemembers additional protections from foreclosure. These brave men and women who have made such incredible sacrifices on behalf of our country should not be penalized by the threat of losing their home because of the difficulties they face in their service abroad.

As we work on this bill, I hope we also look to provide, as I have proposed with Senator MARTINEZ, temporary tax relief for homeowners who are increasingly using their retirement savings to keep their homes. This helps folks such as Terri Ross, a nurse whom I met at a St. Cloud forum.

She had a situation in which she was looking—she had an old house. She moved into it. It needed to be updated. She spoke to a mortgage broker who said: No problem. She could not afford to do it herself. They said: Listen, we can get you to refinance. We will get you additional money. You can put it into the house to fix it up. She did that. She was, I think, at the time paying about $700 a month. She did the fixing up of the house, but with the collapse in the value of the homes, by the time it was done, her house was worth less than what it would have been worth with the addition of the money she put in it.

She found herself also facing a rise in mortgage payments to the point where her mortgage had doubled. Now it is $1,300 a month. She originally had two jobs, and she told the mortgage company she was going to get rid of one to go to school. "No problem." They were not being very honest with her. She had a problem. She started taking in renters, working additional shifts—a lot of problems.

In the end, one of the things she had to do was to tap into—because she had a good job; she had been working—her retirement income. The problem is, when you use your retirement savings, you get hit hard with a 10-percent early withdrawal tax penalty in addition to ordinary taxes.

Last month, USA Today ran a piece entitled: "401(K)s Tapped to Save Homes." This article talks about how Americans are "getting slammed with taxes and penalties" as they try to keep their homes.

So I hope my colleagues will work with me on this concept based on my HOME Act that would allow homeowners who have fallen behind on their mortgages penalty-free access to their retirement savings as well as tax-free savings so long as the withdrawals are paid back within 3 years.

So you can put the money back, but you avoid the very significant penalty. This is not a silver bullet that solves all the problems, but there are a lot of folks who have worked hard over the years who have found themselves, similar to Ms. Ross, in deep trouble, who are forced to tap into retirement savings and then are penalized on top of that. That does not make sense. We should not penalize people for trying to keep a roof over their heads and wanting to remain part of the community they have called home.

I am optimistic we will make the most of this opportunity before us to stabilize the housing market and prevent further damage to our economy and our communities. People such as Terri Ross and the Enters are counting on us to work together to do so.

In the end, I believe our recently passed economic stimulus package and our current efforts to pass bipartisan housing legislation will help to bring brighter and better times.

These are difficult times. Folks are hurting out there. They are worried about the price of gas at the pump. They fill their car up paying with a credit card, and they wonder which will get filled up first, their tank or their credit limit. They are worried about the rising cost of fuel. Many of them got into these adjustable rate mortgages. Some of them have what we call NINJA mortgages—no income, no jobs or assets. Now the interest rate goes up, the mortgage payment goes up, and they are left in a home with less value, and they are out of a home.

We have a lot of work to do. I am pleased to be here today, after listening to the majority leader reflect that a consensus has been arrived at, that there has been agreement between the chairman and ranking member of the Banking Committee to bring forth a proposal to this body that will allow us to move forward on addressing one of the major concerns facing the people of this country, and that is the terrible housing crisis that is undermining our economy and, more importantly, is hurting people—individual moms and dads and others. We have an obligation to step forward in the right way, in a responsible way, and I am looking forward to being a part of that discussion this afternoon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I come to the floor today to talk about what is happening in the housing crisis, which I know we are all extremely concerned about, and to talk about what is happening to families across the country. We are in a crisis in America.

Few States are being hurt as much as my State of Michigan, which currently rates sixth in the Nation in mortgage foreclosures. Families are seeing their life's dream—their home—being lost as a result of the crisis. Last year, over 87,000 households were in foreclosure—87,000 families faced with the loss of their piece of the American dream.

Every day we delay passing legislation, thousands more families lose their homes and are stripped of their American dream, their home. I thank Senator REID, our leader, and Senator MCCONNELL, the Republican leader, for coming together for the leadership of our colleagues on both sides of the aisle to forge an agreement, because it is absolutely critical that we come together and take action as soon as possible.

I know that right now we are seeing the final stages of putting together a substitute amendment. I know it is our majority leader's position to move this legislation as quickly as possible.

This year alone, over 20,000 households, 20,000 families, are in foreclosure in Michigan. This crisis is only going to get worse, which is why we have to act now. We are hearing about the broader ramifications—first starting with subprime loans, and then to larger home loans, and now to the larger financial markets, where there is no certainty, and capital is drying up so that entrepreneurs who want to start a small business may not be able to do so.

The young person getting ready to go to college who is looking to get a student loan might not be able to do so. There are broad implications because the way the financial markets are intertwined right now has created a situation where it is imperative we act. We have to go to the heart, to the central piece that has started all of this, which is to address what is happening as it relates to home ownership and financing.

It has become clear, unfortunately, because of many hearings that have been held and criminal investigations that have been launched on the issue of subprime lending that we have seen manipulative practices and tactics as a part of this problem—not the whole problem but certainly a very important part of it.

It has become clear a considerable number of mortgage brokers targeted subprime loan products to minority borrowers, folks who are out doing a sales job, making something sound a whole lot better than it is, such a good deal, when maybe you have a senior who needs a home repair, a roof done, a new furnace, or a young family trying to get into that first home and they were told things that were not true and, in some cases, were sold a bill of goods.

On top of that, many of these borrowers, many of these families, would have qualified for a prime mortgage with better terms.

We are only beginning to see the effects of this crisis and the results of this kind of targeting. Foreclosures have already led to the loss of property values throughout entire communities in Michigan. It may be that only one home in a neighborhood has a foreclosure sign in front of it, but what happens to the values of the houses on either side, the house across the street, the house in the next block? This is impacting whole communities. The result is a credit crisis that is making safe, affordable mortgages less available for aspiring homeowners, putting the American dream further at risk.

Families across Michigan are struggling. Families across the Nation are struggling. We know that for most people, it is getting that home. It is going from a renter to a homeowner, to tucking away that equity in the home that brings someone the opportunity to be a part of middle-class America. We know that home equity has paid for young people to be able to go to college and for future dreams of those families. That equity, that value of that home, in too many cases is slipping away.

That is why I am proud to be part of a majority in Congress that has already acted on a couple of key points. Last December, we acted to pass my legislation that would make sure at least, as people are filling out their taxes before April 15 of this year, they would not be penalized with additional taxes if they lost their home or had to lose money on a refinancing. We passed together—and I am very appreciative of the fact that we were able to do this—and President Bush signed the bill that would basically indicate, as an example, if you have a $100,000 mortgage and you are in a situation where you have to sell for $80,000 or there is a foreclosure and a resale of $80,000, that you do not pay taxes on that $20,000 difference that is forgiven by the bank, for instance. That does not count as income toward you. What we have done is eliminate the added insult to injury. You lose your home and then you get another tax bill. We acted last December to make sure that would not happen, and I am very pleased to have led that effort.

We also passed provisions in the economic stimulus package, as well as increasing FHA's ability to help families facing foreclosure. We know we are in the very final steps of having a conference committee report done, and this is a very important part of what needs to happen.

We also know that is not enough. There is much more to be done, not only to directly help families and communities, but to create certainty within the marketplace so that lenders who are operating under the rules are regulated, so our traditional lenders feel confident to once again lend to others, to each other, to be able to continue our economy moving forward. That is why I am very proud of, again, Senator REID, our leadership, Senator DODD, Senator BAUCUS, and others who put together the Foreclosure Prevention Act of 2008 to help over 1 million people stay in their homes and accomplish three important goals that I hope will be included as we come to a larger agreement with colleagues across the aisle so we have an approach that can pass with strong bipartisan support.

We have brought to the floor of the Senate and have asked for action—we asked 3 weeks ago for action and we are now back hopefully to the point where we can get action on issues such as keeping families in their homes by increasing the preforeclosure counseling funds so people can get help figuring out the maze. Because of the financial structuring, you can get a mortgage and you can go back and those folks don't own the mortgage. In fact, they are packaged together, securitized, sold in the marketplace, maybe even divided up. Maybe you don't have one entity that owns your mortgage but maybe two or three. It is an extremely complicated question. So being able to help people get through that situation with preforeclosure counseling is very important.

Allowing State housing agencies to issue $10 billion more in refinancing bonds has been a part of our package and I hope will be in the final package; also, allowing homeowners in bankruptcy to modify their mortgages. We also include in our plan the ability to help communities harmed by foreclosures by allowing them to use community development block grant funds, very important funds to support local communities to purchase and rehabilitate foreclosed properties therefore, enabling struggling communities to focus on their properties.

We also have focused on businesses—homebuilders and others—that at this point need assistance through the Tax Code to apply excess net operating losses to prior years that were profitable to allow them to manage the excess in inventory and be able to move forward and be profitable.

Our plan also includes help for families to avoid foreclosures in the future by requiring mortgage documents be simplified.

These are important steps that will help millions of hard-working Americans and address the most important issue causing our economic problems, which is the issue related to housing and financing.

I urge colleagues to come together to act as quickly as possible as final plans for a bipartisan bill are being put forward.

I would be remiss if I did not also speak to one other piece of this, particularly for a State such as Michigan. For us, it has not been the high values on homes or even the financial mechanism of adjustable rate mortgage arms and so on. For us in Michigan, our main cause of this problem relates to the fact that people are losing their jobs. It is unemployment, people losing their jobs or finding themselves in a situation where their income is cut in half from $28 an hour now at $14 an hour. The mortgage has not changed. The cost of food has not changed. In fact, it has gone up. Gasoline costs have gone up. Everything is going up, but wages are going down if they exist at all.

In Michigan, these are not families who were flipping their houses or speculating on real estate. These are hard-working men and women who played by the rules all their life, patriotic Americans who have been devastated by the current economic downturn, devastated by policies that have allowed us to export jobs rather than products, which is what we need to be doing.

In Michigan, we have been in recession for quite some time now. Middle-class families are losing everything in terms of jobs, homes, so on. Although I have to say, we are tough in Michigan and resilient and working hard to bring new opportunities and new industries to Michigan, but it has been very challenging for us at a time when since 2001, since this administration came into power, we have lost over 3 million manufacturing jobs in this country. It is hard to believe. These are the jobs that created middle-class America, good wage, good health care, good pensions, good way of life, good standard of living. We have been at the forefront, unfortunately, in a global economy where we are not enforcing our trade laws adequately, where we are not addressing health care costs in a way that makes sure everyone is covered but does not cause us to have health care costs going through the roof.

By not addressing those issues—even though I have to say I am very proud to be part of a caucus that has tried at every effort, tried in every form we can to address those issues, but despite that, we have not seen what needs to be done in this country to create a level playing field, to create a race to the top so other countries are coming to us. Instead, we see pressure for a race to the bottom.

In Michigan, families are seeing, unfortunately, their American dream turn into an American nightmare because of lack of action on those issues that relate to fighting for middle-class America in this country and to keep middle-class America in this country.

I do not want to lose sight of these families. The housing bills in front of us are very important to help families, but I hope that in the not too distant future we will do something else that is incredibly important to help these families keep making the mortgage payments, and that is to extend unemployment benefits. In every other time of economic downturn, a recession, this Congress has responded, whether it be a Democratic President or Republican President, to extend the benefits to those hard-working Americans who have lost their jobs through no fault of their own so they can continue to put food on the table, to pay the mortgage, keep a roof over their head while they work very hard to find another job.

No one gets rich on unemployment compensation. People are getting on average 40 cents on every dollar earned. Nobody is operating without an extreme struggle even on unemployment compensation. But we know it is the right thing to do, the moral thing to do for families.

We have been told that one of the two things that have the most economic stimulus is extending unemployment compensation. Why? Because if you are unemployed, you are not deciding: Gosh, do I save that money coming in or do I spend it? You have to spend it. You have to spend it to keep a flow for your family. So we know it has a tremendous economic stimulus effect.

The other point that is so critical—and I want to give tremendous credit to our Presiding Officer, the great Senator from Iowa, the chairman of the Agriculture Committee, for his incredible commitment to extending and strengthening the food programs in this country—food stamps, nutrition, school nutrition. But as he has said so eloquently on so many occasions, increasing the dollars for food stamps immediately goes into economic stimulus because when you receive that help, you are going right to the grocery store and you are buying the food your family needs. There is something wrong in this country when the best we can do at the moment is $1 per person per meal. I thank the Presiding Officer for his efforts. This is one of the key things we can do to help families.

In Michigan right now, we not only have an unemployment rate that is the highest in the Nation, 7.2 percent, but we also have one out of eight people on food stamps. These are folks who never thought in their life they would need help, never dreamed they would need help and now find themselves in a situation.

We have heard a lot over the last months from the administration that things are not as bad as we think, that the underlying economics are fine, although that has changed in the last 3 weeks. But we keep hearing that there is not enough evidence to show that we need to increase unemployment compensation or help people put food on their tables. But we also know that every economic indicator says exactly the opposite. And we are now hearing from the Bureau of Labor Statistics and Goldman Sachs that by the beginning of next year, which is coming faster than we would like, in January of next year, the national unemployment average will be 6½ percent.

Families expect us to act and do something when this kind of evidence is available in terms of the economy. We took action in 2002 across the aisle in extending unemployment benefits, and yet I don't understand why that is not at the top of the list right now. Over 41,000 people in Michigan lost their unemployment insurance benefits in the first 3 months of this year, and millions more across the country will lose that help for their family by the end of the year. Something has to be done.

We are talking about people who were working, the middle class of this country who have lost their jobs, probably related in some way to this economy and what is happening. The job may have gone overseas, it may not, but they are in a situation where they are losing their jobs. We can not turn our backs on them.

The housing package in front of us is a critically important step, and I want to congratulate again everyone involved in coming to this point. I hope we have something we will be able to move quickly on, with a very strong bipartisan vote. Then I hope we are going to move just as quickly to those areas we know are desperately needed for families and that will have an immediate economic stimulus effect; to be able to do those things that will support the dignity of work.

The majority of Americans are not looking for a handout from anybody. They are looking for an opportunity to care for their own family and to work hard and to be able to have the American dream. They are looking to us to understand what is going on not only in Michigan but across the country and to act to support them.

Mr. President, I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I also ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. VITTER. Mr. President, I rise today to help initiate an important discussion, an important discussion about health care, the enormous need for fundamental health care reform, and an important debate about what principles we should follow, what model we should use in furthering this vital and necessary health care reform. This is a class project, if you will, and I am joined by many Members of my Republican class here in the Senate, specifically Senators BURR, COBURN, DEMINT, MARTINEZ, THUNE, CORKER, and ISAKSON. All of us will be coming to the Senate floor and coming to other forums over the next 8 weeks to talk about this vitally important issue.

I think on some points there is near unanimous agreement among Americans, points like our health care delivery system and finance system truly are broken. Health care is not available or affordable to far too many Americans. The uninsured problem in this country is extremely worrisome, and just as worrisome, quite frankly, are the challenges some insured folks face in terms of keeping their insurance in the face of dramatically rising costs.

On these points, as I say, I think there is near unanimous agreement, and that leads us to a conclusion that virtually every American has reached: We need to act. This is a very real concern of every American family, and those of us in Congress need to come together in a spirit of bipartisanship, with open minds, and act on this crucial issue. As we do so, though, I think it is very important to lay out our choices in models—what the alternatives are. As I said, that is what I am doing with my fellow Republican classmates, laying out a particular vision of what that reform can look like, what it should look like, and what principles it should embody.

Again, I recognize and thank Senators BURR, COBURN, DEMINT, MARTINEZ, THUNE, CORKER, and ISAKSON for joining me in this effort. They will join me tomorrow at the Heritage Foundation to do a similar kickoff, to talk about this important debate, to talk about the principles we should follow and the choices we face. As I said, we will lay out, over the next 8 weeks, what we think that vision for a sounder, healthier future should be.

We are going to start that discussion by talking about guiding principles. Before you get to the specifics, before you get to proposals, before you get to bills, you need to have a sense of what you think the guiding principles for reform and positive change should be. Let me just start the discussion off by suggesting some of those core guiding principles that I share with my Republican classmates who are coming together on this issue. We believe a number of significant things.

First, we believe individuals and families should be in control. Individuals and families should own and control their own health insurance, rather than have the Government mandate something. That is perhaps the first and most basic and fundamental guiding principle.

In concert with that, we believe individuals are capable of and better at choosing their own health insurance plan than Government bureaucrats or insurance bureaucrats. That goes hand in hand with empowering the individual and empowering families.

We believe the current cost of health care regulation makes access to health care unnecessarily expensive for everyone and lowers quality. Everyone acknowledges the current high cost of health care. We believe a huge part of that is the cost of health care regulation. We believe existing Government programs can be improved and modernized and made more efficient, and that should happen. But we also believe part of that should not be dramatically expanding those programs to cover far more classes of individuals and more income levels than were originally proposed.

We believe encouraging competition in the marketplace is the key to lowering health care costs. That, again, goes hand in hand with empowering individuals and empowering families—giving them choice, not dramatically expanding the Government sector.

We believe and recognize that seniors have increasingly turned to Medicare Advantage Plans because in so many cases they offer a better value and a higher quality of care for traditional fee-for-service Medicare, so we strongly support that option—not making it mandatory but that option in terms of the future of Medicare.

Finally, we believe taxes should be as low as possible and the Tax Code should be changed to actually give more power to individuals, give more power to families in choosing and buying and owning their own health care.

That is a fundamental principle on which we outline our vision. As I said, once you acknowledge the enormity of the issue, the need for fundamental change which almost all of us do, once you lay out guiding principles, fundamental core principles which should help chart our future, then you can more fully get to the choices there are in the debate that we need to have in the Congress—in the Senate and the House—and much more broadly in the country.

Over these next 8 weeks we are going to be highlighting those choices and those differences. I think this is very important to do, particularly in a major election year, because as we lead up to the fall elections, these choices, in fact, are going to be a big part of our choices for candidates for President, for candidates for the House and for the Senate.

So over these next 8 weeks my colleagues and I will be talking about not only our guiding principles, what vision that sets out, but also the fundamental choices from which we have to choose those guiding principles, that vision, and that model, or to choose a very different Government-dominated model.

So we will be talking about some of those choices: No. 1, running health care by the Federal Government or empowering individuals through private-owned insurance, the fundamental choice that is at the center of this debate; No. 2, forcing certain types of enrollment in large national or Government programs versus expanding opportunities for individual choice; No. 3, mandating requirements which are often expensive mandates that add to the cost of health care through health care regulation versus creating more choices and alternatives and flexibility which can both empower the individuals and lower cost; No. 4, how we deal with seniors, whether we take away their choices in Medicare Advantage and in drug plans or we keep and even expand their choices in these and other areas; finally, No. 5, raising taxes to support a Government-dominated model versus tax fairness, lowering taxes or creating tax deductions or credits which empower individuals to choose and buy and own good coverage.

Again, that is a quick preview of the next 8 weeks of our discussion and of some of the clear and quite stark, in some cases, choices we face as we have this debate.

In closing, let me say I think this is exactly the sort of discussion and debate we should have in the Senate. We should be responding to the American people's appropriate concern with the crisis we face in American health care. We do have a broken system in terms of getting health care to all Americans. Far too many Americans are uninsured. Far too many other Americans face real worries about being able to afford health care in the future.

We do not have the accessibility and the affordability we need. So we need to respond. Again, I think it is appropriate we start with guiding principles, what should be the fundamental guiding principles we use as we come up with specific proposals, specific plans, specific legislation. Then that, in turn, leads to a necessary and healthy discussion of what the real alternatives are, whether we want a system where we empower the individual and the family to choose and buy and own good coverage or whether we want a system where the role of the Government increases even further, and by definition it narrows individual and family choice.

I look forward to this debate as we lay out our ideas. This group of Senators, we are going to expand on these ideas somewhat tomorrow at the Heritage Foundation. We will be back on the Senate floor over the next 8 weeks talking about these guiding principles and these choices. We will be in many other venues in our States, in the Nation's Capital, all around the country, to promote this extremely important debate as we acknowledge we must fundamentally, dramatically reform our health care system to give all Americans accessible, affordable, high-quality health care.

The PRESIDING OFFICER (Mr. TESTER). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have often over the years reminded my colleagues of a verse of a song of Bob Wills and the Texas Playboys from the 1930s. The verse in the song from the 1930s by Bob Wills and the Texas Playboys was:

> The little guy picks the cotton, but the big guy gets the money. The little bee sucks the blossom, and the big bee gets the honey.

Never is that more evident in almost every decade than it is evident today, at this point, in this decade, with what is happening in Washington, DC.

Some big economic interests get a headache, the Federal Reserve and the Government rush with a pillow and aspirin to see if they can put them to bed, help them out, give them some comfort. Sure enough, we are now told for the stability of the financial system, a big investment bank has to be bailed out. We will assume $29 billion worth of risk for the American taxpayer, and another investment bank will be able to buy the investment bank that is failing for about $1.2 billion. So J.P. Morgan will buy Bear Stearns, it will cost them $1.2 billion, and the American taxpayers will offer $29 billion as a backstop to at least what is in some cases bad commercial paper by the investment bank that was failing.

I do not come to the floor suggesting we should do nothing, and I do not even know whether what the Fed has done is the right thing. All I know is if "too big to fail" really means too big to fail, not just for banks but for investment banks that are unregulated, or for hedge funds that are unregulated, if they are then "too big to fail" how about having some regulators look over their shoulder to see what they are doing.

If the American taxpayer is going to have to bail out their mistakes, how about let's have some regulators take a look at what is going on in some of these organizations.

Now, I want to give a little history before I talk about the bill on the Senate floor, which I support. I want to talk about a little history of where we are. I am not going to talk about the excessive speculation of the price of oil that now has the price of oil $20 or $30 a barrel over where it ought to be—that is, hedge funds and investment banks, an orgy of speculation in the oil futures market. I am not going to talk about that. I am not going to talk about our trade deficit that is $2 billion a day, every single day, $800 billion a year at this point. I am not going to talk about how much we have to borrow in budget policy. That is $800 billion in the coming year—combined, by the way, that $800 billion. That is $1.6 trillion on a $14 trillion economy in a single year. It does not take a genius to take a look at this country and see that this administration's fiscal policy and trade policy is way off track and dangerous to this country.

But I am going to talk about the subprime loan scandal and about the decision that we are not going to regulate anything. Now I know regulation is a four-letter word to some. But let me describe what the new head of the Securities and Exchange Commission said in 2001 when he came in. He announced that it was going to be a new day at this Federal agency, at the SEC. It was going to be "a business-friendly place."

So we have regulatory agencies that are supposed to be wearing striped shirts. They are the referees. They announce: Look, it is a different day. It is going to be business friendly around here.

Well, it sure was business friendly. And look at what is going to happen to the American taxpayer as a result of what was going on. I want to recite a few things of what has happened. We are talking about legislation that results from the subprime loan scandal.

Most people would not know a subprime loan from any other term. I mean, that sounds like foreign language, subprime loan. All of a sudden now it is in our lexicon. We understand it is a scandal.

Let me describe part of what it is. Home ownership is part of the American dream. I mean it is what people aspire to become, homeowners. And we understand, and we have also understood, people cannot lay out the cash for the home they want to buy. As a result, we have had a home mortgage system in this country. It has worked pretty well.

It used to be kind of a sleepy industry, kind of quiet. It was an industry where when you needed to buy a home, you needed to borrow money because you did not have the cash for it, so you went to a savings and loan, a lending institution. You sat across from someone who was wearing a gray suit and a nice white shirt and maybe a red tie. They were very understated. They knew their stuff.

They said: Look, let's figure out whether you can afford this home. Tell us what your income is. We will go through all of the numbers and see if you can afford this home. They were very careful on both sides to determine is this a home you should buy. Then they got the mortgage and put them in the home. They made monthly payments and realized the American dream.

The reason the housing industry and home ownership is so important, is that it is a barometer of this country's economic health. It is about employment, it is about putting people to work, not just building the homes but building the refrigerators and the heaters and the carpet and all the things that go into those homes as well.

Now, for many decades the home mortgage industry had a lot of good people working in it. Still does. There are a lot of good people out there today who are going to sit across the desk from somebody who wants to own a home and are going to give them a home mortgage, and they are going to abide by all of the rules. They are going to make sure the person can afford that home. There are some good people working in this industry. No question about it.

Then there are some real shysters, some real carnival barkers. I want to talk a little bit about them. Now, this industry has spawned a new breed of people in addition to the good ones I have talked about. This was a sleepy, time-honored activity to write mortgages. All of a sudden it is like a Roman candle. Someone put some powder in it, and, boy, it has been a go-go industry.

The problem is, as I described the regulator in 2001 who took office and said: It is going to be more business friendly around here, the problem is it was too business friendly. No one was watching.

Oh, we all watched in the morning when we brushed our teeth. If you had a little television set in the bathroom as you were brushing your teeth you would see the commercial come on the television.

It would say this—this is a real one, by the way. Zoom Credit—I do not know this company, but here is what they said: Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, a credit card. Even if your credit is in the tank, Zoom Credit is like money in the bank. Zoom Credit specializes in credit repair and debt consolidation too. Bankruptcy, slow credit, no credit—who cares. Come to Zoom Credit.

What an unbelievable business plan. Well, this would have to work in a business-friendly administration because if anybody was watching, they would say: What are you thinking about? What are you doing? That is not a business plan. That sounds like the front end of a sideshow in a carnival.

Well, Millenia Mortgage, here is what they said as you are brushing your teeth watching a little television in the morning. Here is the advertisement: 12 months, no mortgage payment. That's right. We will give you the money to make your first 12 months' payments if you call in the next 7 days. We pay it for you. Our loan program may reduce your current monthly payments by 50 percent and allow you no payments for the first 12 months.

Now, what they did not tell those folks is what you do not pay goes on the back end of the loan. It is going to cost you much more later. By the way, this reduction of 50 percent, that is a front-end teaser rate. When it resets in 3 years, you are not going to be able to pay your mortgage. I am sorry, you are not going to be able to pay it. They did not say that.

Then the largest mortgage broker in the country, Countrywide, Countrywide Financial—by the way, they went broke. Bank of America is buying Countrywide. And now some Countrywide executives are starting a new business, a new corporation, just announced in the Wall Street Journal last week, to buy distressed mortgages and resell them for a profit.

From the executives of this company, Countrywide, the largest mortgage broker said: Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us.

That is unbelievable. Now, let me tell you a little bit about Countrywide Mortgage. I do not really know them either except I have read the newspapers and read the reports.

Mr. Mozilo was the CEO of Countrywide. And in 2005, a couple of years ago, Countrywide Financial was named to Fortune magazine's prestigious Company of the Year Honor Roll. Company of the Year Honor Roll.

Mr. Mozilo, the CEO, received the Horatio Alger Award, and Barron's magazine named him as one of the world's 30 most respected chief executives. In 2006, Mr. Mozilo earned $142 million and was celebrated as the growth executive taking this high-flying mortgage lender into new heights.

Even as he was touting his company's success, he was selling $138 billion worth of his company's stock from August 2006 to 2007. He sold $248 million in stock, according to the Associated Press.

Most people don't know what this kind of carnival atmosphere was about. It gets to something I wished to talk about with respect to the legislation. Some people say: If you had a mortgage and couldn't pay for it, that is your fault. That is the victim's fault.

I understand. I believe those who have been victimized have some responsibility. But I wish to tell you about what happened. We had a new breed of mortgage brokers cold calling people who lived in their homes and had a mortgage, predatory lending with high-pressure tactics, calling them on the phone and saying: I have a better mortgage for you. You can cut your monthly house payment in half.

What they didn't tell them was this new teaser rate was going to reset at an unbelievably higher rate later, and they would have prepayment penalties in this mortgage so they couldn't get out of them. They didn't disclose that. They didn't disclose there were also going to be escrow payments on top of that. So a lot of people got duped by these carnival barkers portraying themselves as brokers to put them in a new mortgage they couldn't possibly afford. It is called subprime.

We now understand, from statistics I have seen, that 60 percent of the people who got subprime mortgages actually would have qualified for regular mortgages at much better and more desirable rates. But they were stuck in subprime. Do you think they are not victims? Let me say again, 60 percent of the people put in subprime loans shouldn't have been there. They should have gotten regular mortgages. But if you put somebody in a million dollar mortgage in subprime with a prepayment penalty and a teaser rate, a broker could get up to $25 or $30,000 in a front-end bonus for writing that mortgage. That is what was happening.

The techniques were almost unbelievable. The mortgages were not like the old days where you just go get a mortgage. Here is what Countrywide and others did. Through financial engineering, they sliced and diced a lot of new things. They said: We are going to offer something new. These are called affordability loans, adjustable rate mortgages, interest rate only loans, reduced documentation or no-doc loans. Interest-only loans, with those loans the borrower was told: You don't have to pay any principal at all. You just pay the interest. The principal, of course, goes back on the back side at a much higher rate. Then they were told there is a pay option, the adjustable rate mortgage, which allowed the borrower to pay only a portion of the interest and none of the principal. So you could pay only a portion of the interest, not even the full interest, none of the principal. Then, if you decided you would select the no doc, you had an option of not documenting all your income. You didn't have to have full documentation of the ability to pay. For that you paid a little higher rate, but you actually get a mortgage that said: You don't have to pay all your interest; you don't have to pay any principal; and you can decide that you want to get a no-documentation loan.

Does this sound like good business? It doesn't to me. Why were they offered that? High rates, high yields? Because if you package this up, if you can convince somebody through a cold call to dump their current mortgage, take a new mortgage with a teaser rate, and then you put these all together in a big old basket, mix them up like you mix sausage with hamburger, this is akin to putting sawdust in sausage, as they used to do in the old days as a filler, you put sawdust in sausage, what these financial engineers did and the mortgage banks and the hedge funds, they securitized it all. As they put these subprimes in with the other mortgages, then they would slice them up and dice them and resell them. They had a pretty decent rate on them. So this is all about profit and greed. If you have one of these securities that is backed by these new mortgages, it paid a higher rate.

That is a good thing; right? Hedge funds are buying it. Investment banks are buying it. They are all up to their necks wallowing in the corncrib similar to a bunch of hogs making a lot of money. I described yesterday how much money the executives at Bear Stearns made in bonuses in 5 years leading up to last year; hundreds and hundreds of millions of dollars for the top three guys. They have the money, JPMorgan and their investment bank, and the American taxpayer is on the hook for $29 billion worth of risk.

I don't wish to come and talk about the bill on the floor without understanding how we got here. It goes back to Harvey Pitt and what he said when this administration made him the head of the SEC. He said: This is going to be a more business-friendly place. I guess it was. I sure guess it was. Now, 7 years later, we have a Secretary of the Treasury prancing around town saying this is not a regulatory problem. This is not about a lack of regulation.

That is exactly what it is about. If you don't understand that, I am sorry, you need glasses. That is exactly what this is about.

Who sat around on their hands and allowed predatory lending to take place? Who sat around and watched these brokers make massive amounts of money? Watched Countrywide run up these mortgages where you don't have to pay all the interest, don't have to pay any of the principal? Who sat by and watched that happen? Does anybody think there are not victims out there? Of course, there are. But does anybody think there aren't a lot of winners? You bet your life there are a lot of winners. They made a massive amount of money, and now the American taxpayer is being told: You are going to have to provide the backstop because these companies are too big to fail.

If investment banks and hedge funds and others that were wallowing in this corncrib grunting and shoving, if they were too big to fail, then, in my judgment, they have a responsibility to accept regulatory standards by those in the Federal Government who are responsible to make sure the American taxpayer is protected.

I have been on this floor now for 4 years or so talking about the need to regulate hedge funds. Hedge funds are only about a $1.2 to $1.5 trillion value. But they are responsible for one-half of all the trades on the New York Stock Exchange every day. Think about that. Think of the impact they have. We are now securitizing everything. All these financial engineers are creating all this dark money that is not transparent to anybody, moving back and forth. They are all making money. Mr. Mozilo, head of Countrywide, made a massive amount of money, hundreds of millions of dollars, was feted as a genius. I noticed the other day he and the No. 2 person at Countrywide, as a result of this acquisition, the two of them get $19 million as a part of the acquisition by Bank of America.

So is it a case where the good bee sucks the blossom and the big bee gets the honey? It looks that way to me. The good little guy picks the cotton; the big guy gets the money. The question is, What do we do?

This administration, for 7 years now, has said: We don't need to regulate. We don't need to look over anybody's shoulder.

You would have thought we would have learned that with Enron. I chaired the hearings where Ken Lay came to the Senate and took the fifth amendment in front of the Commerce Committee. I chaired those hearings. I would have thought perhaps we would have learned something, that the administration would have learned something about the need for effective regulation. With Enron, the top folks got rich as well. They made a lot of money. Guess what. All the rest of the families who invested in that stock at the advice of the chairman who was dumping his at the same time, all those families ended up with nothing. You would have thought we would have learned something.

Let's learn something from this. The legislation on the floor today is a piece of legislation I strongly support. It is not all that we have to do, but at least it is a step we have to take now. I commend Senator REID and others, Senator DODD, many others who have worked on this legislation. It will not wave a wand and fix everything, but at least it begins to answer the question: If we are willing, if the Congress and the Federal Reserve Board and the administration are so anxious to promote financial stability by saying those that have been unregulated are still going to be too big to fail and the American taxpayer must ante up the money for the risk, if we are going to do that, why would we turn a blind eye to so many victims who now are losing their homes? It is estimated, in the next couple years, we will have 5 million people who will be moved out of their homes. I am talking about 5 million. All those families are going to come home someday and find out: We can't live here anymore because we are being evicted. The question is, Can we help some of them?

One of my concerns has been, I don't want the American taxpayer to be required to help somebody who saw this big old housing bubble begin to develop and decided, I am going to ride the top of that bubble. I want to invest in some things and flip it every 6 months, make a bunch of money. It is not in my interest to say the American taxpayer should finance that speculation. If they made those judgments and were wrong, I am sorry, that is a penalty they have to pay. But those folks who live in their residence and were victims of predatory lending, those folks who got bad mortgages, whose terms were not disclosed—and we have had testimony before the Commerce Committee about this, that the materials given to some of the homeowners never even disclosed what the reset interest would be, at least in language that could be understood by the average homeowner, did not even disclose there was going to be an escrow payment on top so, when the reset occurs in 3 years, you go from a mortgage payment you can easily handle to a mortgage payment there isn't anyway you could make, that family then is out of luck. I think for purposes of stability and for purposes of fairness we ought to reach out and provide some assistance. That is what this piece of legislation does. As I indicated, the legislation applies only to owner-occupied primary residents. They are the only ones who would be eligible. It has five principles and those five principles are sound. Long-term affordability, we are trying to create some new equity for troubled homeowners. The new loans will be based on the family's ability to repay. That will provide some stability for sustainable home ownership. This is not an investor or lender bailout. We are not bailing out investors or lenders. What we are doing is helping those who are in the home, only owner-occupied homes. There is no windfall for borrowers. The borrowers will share their new equity and future growth appreciation equally with the FHA. It will, I think, do something to provide some stability and some confidence and some liquidity and some transparency in the credit markets, which is very important.

I have spoken longer than I intended, but I did wish to give some background to why we find ourselves in this position. We should not be here. I don't know anybody here who thinks it is smart for a company that decides it is going to advertise, if you have bad credit, if you have been bankrupt, you can't make your payment, come to us, we want to loan you money. That is a business plan? Not where I come from. Yet that is what has been going on. It has been akin to a carnival.

Now all this inept business practice comes crashing down, and guess who gets hurt. The American taxpayer and the homeowners. The question is, What can Congress do? We know what the Federal Reserve Board has done. The Federal Reserve Board has responded with cuts in their interest rates. They have a couple different interest rates that they apply, and they have been cutting those interest rates.

One of my major concerns is the Federal Reserve Board and the Secretary of the Treasury misunderstand a portion of what has caused this critical area that we are in. Yes, the subprime loan scandal was the fuse. When that fuse was lit, the explosion occurred. Yes, that is the case. But it is also the case that the electronic herd in this world, the currency traders, those who take a look at what are the fundamentals, what is the foundation of the economy of a country, they look at this country, and they see an economy that is desperately off track. They see an administration that decided long ago we are going to fight a war, and we will not pay for it. We intend to fight a war, and we will send the soldiers overseas. They can strap on ceramic body armor in the morning and be shot at in the afternoon. But we will not ask the American people to pay a penny for it. Two-thirds of a trillion have been added on top of the debt by this President, all of it requested as emergency funding. Two-thirds of a trillion, and we are told as of yesterday he is going to ask for another $100 billion. We are going to have to borrow in budget policy $800 billion in this coming year.

On top of that, we have the highest trade deficit in the history of the country. I have written a book about that issue. It is the highest trade deficit; $2 billion a day we import more than we export. Currency traders look at that. They look at the budget problem. They look at the trade problem, and they say: That doesn't add up. That can't be sustained.

Warren Buffett has always said: Every bubble is always destined to burst; the question is when. The housing bubble burst. Probably not surprising. But he has also said this fiscal policy and this trade policy is not sustainable. I use him as a quote because I have a lot of respect for Warren Buffett. He analyzes pretty well what is going on. We have a responsibility to do what is right. On fiscal policy, if we are going to spend money, we have to pay for it. If that is difficult, if it is tough to ask the American people to do that, maybe then we shouldn't spend it. If it is important to spend it, then maybe we have a responsibility to say to the American people: Here is why. Here is why it is important for the future of this country.

My hope is we will pass the HOPE for Homeowners Act of 2008 as a first step—just as a first step. I think there is a lot to commend it. But there is so much more to do.

The book that McCullough wrote about John Adams was a fascinating book, going all the way back to the start of this country.

John Adams, as they were trying to put this new country together, traveled a lot. He traveled to Europe and elsewhere, representing this new set of colonies trying to put a nation together. He would write home to his wife Abigail. As McCullough has chronicled, in the letters to Abigail Adams, John Adams would lament. He would say: Where will the leadership come from to start this new country? Where will we find the leadership? Who will be the leaders? And then he would lament: There is only us—Washington, Jefferson, Franklin, Madison, me. Well, in the rearview mirror of history, the "only us" represented some of the greatest human talent gathered on this planet.

But I think every generation of Americans has a right to ask and an incentive to ask the same question: Where is the leadership? Who will be the leaders to steer this country and put this country on track for the future? That is an important question now.

We answer a question with a piece of legislation today. I hope we will move to this and move rather quickly to pass this legislation. But it is just a portion of the question the American people have a right to ask: Where will the leadership come from? Who will be the leaders to put this country back on track?

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I come to the floor this afternoon to talk about the housing market crisis. I am grateful for the bipartisan work of Majority Leader REID, Republican Leader McCONNELL, and Senators DODD and SHELBY. I am hopeful that we can finally pass legislation that gives our neighborhoods and middle-class families solutions to address the subprime and foreclosure crisis that has already been affecting the economy not only in my State but across the country.

For the past year and a half, we have been hearing all about this subprime mortgage crisis. I think many people not facing foreclosure—and that is most of us—have had this view: It doesn't affect me. I pay my mortgage. I don't have a subprime or adjustable rate mortgage, and I am dealing with a responsible mortgage lender.

The truth is that none of us can escape the impact any longer. The housing crisis is now affecting every homeowner in the country and every would-be homeowner. It is dragging down our entire overall economy. It is not just in the urban areas. In our State, the foreclosure rate has doubled in the rural areas and, in fact, the two counties with the highest foreclosure rates are suburban counties bordering a rural area.

I am a member of the Joint Economic Committee, and just this morning Federal Reserve Chairman Ben Bernanke testified before our committee about the state of the economy, the state of housing, about our financial markets, and about what happened with Bear Stearns. He testified this morning that the housing market is at the root of our housing crisis, and until Congress addresses this crisis, our economy will not be on sure footing.

In January, with record speed, Congress enacted an immediate and temporary fiscal stimulus package. Americans will start getting their checks in just a few weeks. We have to have solutions in this country to our economic troubles that go far beyond the day that these rebate checks are sent. I believe we have to have a long-term energy plan, and we need to put into place a health care plan that makes health care more affordable and more fiscally responsible.

Since then, it has become very clear that this stimulus package will not be enough to address the deep-seated problems that have been developing over several years in our housing and financial markets.

Home ownership has always been considered a basic part of the American dream. But in the last few years, the "dream" has changed in ways that our parents would not even recognize.

A decade ago, just 5 percent of mortgage loan originations were subprime—meaning that they were made to borrowers who would not qualify for regular mortgages. By 2005, it was 20 percent of the mortgages that were subprime. This opened the dream of home ownership to millions of people but also greatly increased the risk to our system. In Minnesota, in 2000, there were 8,347 subprime mortgages issued. By 2005, it had increased more than fivefold to more than 47,000 subprime mortgages.

In addition, adjustable rate mortgages now make up a much larger share of the market than they did 10 years ago. Many people took out these loans during a period of low interest rates. But when interest rates went up, their mortgage payments adjusted upward and they found they were unable to make their monthly payments. We met some of these people in Minnesota, people who had looked for a mortgage and, because home values were so high, got a subprime mortgage, understood that the rate would go up but were under the misimpression that, in fact, there was a cap or that it would go up a few hundred dollars, and they saw, in fact, in some cases a doubling of their mortgage payments. As a result, we have had a wave of home foreclosures that started in 2006 and continues today. During 2007, nearly 1.3 million homes became subject to foreclosure—a huge increase from 2005.

What started as a foreclosure crisis is now having ripple effects—or more like a tsunami wave—across the entire economy. It is no longer just a foreclosure crisis. It is a housing market crisis, it is a credit crisis, and it is an economic crisis. It affects everyone who wants to borrow money, whether it is for a house, a car, a college education, or a small business. It affects you even if you make your mortgage payment on time every month and even if you have already paid off your mortgage.

The rise in delinquencies and foreclosures—coupled with the credit squeeze that has made it harder for many buyers to obtain a mortgage—has resulted in an excess of houses on the market, and that has, in turn, depressed home prices. Just last week, a report showed that home prices in the Twin Cities of Minnesota have fallen by nearly 11 percent in the last year—one of the sharpest drops in the country.

Last fall, the Joint Economic Committee issued a report on the housing crisis and its impact on the broader economy. The findings are troubling. The report estimates that, by 2009, 2 million foreclosures will occur; $71 billion in housing wealth will be directly destroyed because a foreclosure reduces the value of the house and the value of the homes around it; another $32 billion in housing wealth for other homeowners will be destroyed because each foreclosure brings down the price of houses generally. The most poignant example of this would be a year or so ago in some of our urban neighborhoods where you started seeing foreclosures, and you would see a sign and people may not want to move into those neighborhoods. Now we are seeing it statewide, and we are seeing the effect it has on reducing home values in general. State and local governments will lose more than $917 billion in property tax revenue because of lower home values.

By one estimate, 10 percent of all homeowners—or 8.8 million people—have a mortgage that is at least as much or more than their home is currently worth; that is, 10 percent of all homeowners have a mortgage that is worth at least as much or more than their home is currently worth. If home values were to fall 20 percent from their peak, even more—13.3 million—would be living in homes worth less than their mortgages. For the first time since the Federal Reserve started tracking the data in 1945, the amount of debt tied up in American homes now exceeds the equity that homeowners have built up—with home equity slipping below 48 percent in the fourth quarter of 2007.

But you don't have a read a congressional report or go to our hearing and sit through the testimony to see how this ripple effect is touching everyday consumers. Last Tuesday, the Conference Board, a business research group, reported that consumer confidence fell to the lowest level in 5 years—just before the Iraq invasion. In the past couple of weeks, many Minnesotans just got their annual county property tax statements, and they were shocked to see that even the county values their homes at thousands of dollars less than last year.

You might think all of this would be good for first-time home buyers, that they would be a beneficiary because the amount of money and the values are going down. But many of these first-time home buyers, who may not have much credit themselves or much money in the bank, find that just as some bargains are coming on the market, the banks are raising rates and tightening their lending standards, making it harder and harder for ordinary families to qualify for a loan.

We don't have to sit on the sidelines and watch as this housing crisis eats away at our finances and paralyzes our economy. We need to take steps to help homeowners and home buyers, and we can. I hope this is done on a bipartisan basis.

I had a reporter run after me, saying: Majority Leader REID just said we are going to work together on this—Democrats and Republicans.

I said: It is true. We want to get it done.

He said: OK. Thank you.

I think people are surprised that when we have an enormous crisis like this, Congress must work together to get things done.

What do we need to do? First, we need to give first-time home buyers a fighting chance to get into the housing market—and create some demand.

I have cosponsored the First-Time Homebuyers' Tax Credit Act. Other cosponsors are DEBBIE STABENOW, JOE LIEBERMAN, and GORDON SMITH. I thank Senator STABENOW for her great leadership on this bill and this issue. In fact, before I was even in the Senate, I called her to get some good ideas for first-time home buyers because I was hearing all over our State that because of the value of homes, it was getting harder for first-time home buyers to get a tax credit.

We have a State fair, as the Presiding Officer has in Missouri, and our booth was a home. We designed it like a house and talked about how important it was for Senator STABENOW's idea—for a first-time home buyers' tax credit.

This bipartisan legislation would create a tax credit of $3,000 for individuals and $6,000 for married couples, if they have qualifying incomes, to help make a downpayment on a first house. We estimate that this credit would help more than 15 million people close the deal on their first home over the next 7 years.

Second, we need to expand financing opportunities for homeowners caught in the credit squeeze.

I am hoping the Senate is able to finally pass legislation that gives State and local housing finance agencies the ability to issue bonds to raise money to refinance subprime mortgages that are in trouble and to expand the ability of the Federal Housing Administration to help homeowners rework their mortgages—rework that many lenders are unwilling or unable to do because of the broader economic crisis.

Third, we need to make sure the foreclosure wave doesn't catch even more consumers who got into mortgages they didn't understand and should not have signed.

I was thinking today at our hearing, when Senator KENNEDY was speaking, that we have seen broken Government across this economy because of, in fact, the decision by this administration and others not to watch what was going on, not to put the resources into things—whether it is toxic toys or tainted dog food. Well, these faulty and false and fraudulent financial offerings are a piece of this as well. By really being off the job and not watching over things and not seeing this crisis, we got to the point where we are.

Now we know where we are. We know we have to work with the financial industry, but we also have to look, as we talked about today, at changes in our regulatory agencies for more oversight, particularly changes for these financial offerings. We need to provide the resources for preforeclosure counseling so that homeowners do not get into a financial crisis in the first place.

We need to improve and simplify disclosure in mortgage documents. Anyone who signs a mortgage remembers how thick they are. Luckily, when I signed my first mortgage at home before I got married—I still remember sitting at that table trying to figure it out—I went through a good mortgage loan person and someone I trusted, and I got a regular mortgage. So many people do not understand what they are signing. They know they have a teaser rate, but they think it will only go up a little. So why can we not have a 1- or 2-page summary that at least explains how high it can go, what the cap is, what they will be facing in their monthly payments if certain changes are made.

We also have to have some skin in the game for these lenders. They should be held to the same fiduciary duty as banks. The banks have long been advocating for this so we can make sure the homeowners are able to pay the mortgage, not just the first year but in the years down the road.

The truth is these lending documents have gotten so complicated with new gimmicks and provisions that no one can understand them and certainly not a young family just coming on the market.

We must work together if we are going to turn around the housing market and our economy. Together, we can bring some stability to our market. We can make the market work more effectively for homeowners and home buyers and put a more solid foundation under our shaky economy. This is going to take more than just looking at this housing crisis. It obviously is going to take more fiscal responsibility with Government, something I know the Presiding Officer has focused on very much, and I have. It is going to take talking about how we pay for things. It is going to take better regulation of these financial markets.

As Chairman Bernanke said today, in fact, this subprime crisis is at the root of the problem, and that is what we need to focus on this week. Home ownership is at the center of the American dream.

In the last couple of years, it has become a nightmare, or at least a troubled dream for way too many middle-class families. We cannot sit idly by or, worse, become paralyzed by the size of the problem. It is now time to act.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRADUATION RATES

Mr. ALEXANDER. Madam President, there is much talk about change. I know one opportunity for real change that would affect nearly 7,000 young Americans every schoolday—5 students every minute. Gang violence? Drugs? No, neither of those. This is less flashy, but as serious. It is the persistently high number of high school dropouts.

Twenty-five years ago, the landmark Federal report "A Nation at Risk" said:

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

In response the Nation's Governors and President George H.W. Bush set national goals, one of which was that the graduation rate would rise to at least 90 percent by the year 2000. According to the National Center for Education Statistics, the national graduation rate was only 68 percent in 2006.

There has been plenty of effort and some gains. Fourth graders nationwide recently scored higher than ever in reading, while both fourth and eighth grade students achieved record high math scores. Yet in 2006, among minority students, only 58 percent of Hispanic and 53 percent of African-American students graduate with a regular diploma, compared to 76 percent of White students and 80 percent of Asian Americans.

When students drop out they lose, employers lose, society loses, and democracy suffers. These students are more likely to go to prison, to rely on public programs and to go without health insurance. The Alliance for Excellent Education estimates that dropouts from the class of 2006–2007 alone will cost our Nation more than $329 billion in lost wages, taxes, and productivity over their lifetimes.

A recent landmark report by the National Academies of Science and Engineering called "Rising Above the Gathering Storm," warns that Americans may be losing the brainpower advantage that has permitted us year in and year out to produce about 30 percent of the world's wealth for just 5 percent of the world's people, those of us who live in the United States of America. China, India, and other countries know that better schools, better colleges, and research mean better jobs and are determined to catch up.

In response, Congress enacted the America COMPETES Act of 2007 to increase funding for science agencies, training for more math and science teachers and supporting more research. States are remodeling high schools, such as North Carolina's work with the Gates Foundation to create an academically rigorous curriculum. Mayors, like Nashville's Karl Dean, are holding dropout prevention summits.

Also pitching in is America's Promise—the movement founded by Alma and Colin Powell and supported by four U.S. Presidents. Instead of relying on Washington wisdom, America's Promise will organize 100 community summits to find ways to change low graduation rates.

After 30 years of fighting for and watching education reform, I wave one yellow flag of caution: Let's hope the talk at these summits will not be stuck in the same old educational ruts, but instead will be open to real change—such as offering high school juniors and seniors more options to enroll in college courses, giving low income students more of the same choices of so-called good schools that wealthy kids already have; giving all students more choices so they fit their school; measuring good teaching and finding fair ways to pay the best teachers a lot more; turning high schools as we now know them inside out so that they actually attract students; finding more ways to connect work and school so young people know the real world; and pushing standards higher so American graduates can compete in the world marketplace—and, yes, putting money behind real changes when they earn it.

These are the real, hard changes that will help more of our youngsters realize America's promise.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHUMER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. BROWN. Thank you, Mr. President.

CHINA HUMAN RIGHTS VIOLATIONS

Mr. President, in a little more than 4 months, the world will witness one of its great quadrennial events: the Summer Olympic Games.

The games have been billed as a way for China to reintroduce itself to the international community. China has done everything, virtually, to prepare. It has pulled out all the stops: $38 billion in infrastructure improvements, including a brand new 91,000-seat stadium, 300 miles of new roads, and an entirely new terminal at Beijing's international airport—all done for the Olympic Games.

What China will not be highlighting is its human rights record. That is because its human rights record is abysmal. Last year, Amnesty International, the nonpartisan, nonaligned, highly respected international group that monitors human rights, said of China that:

> An increased number of journalists . . . were harassed, detained, and jailed. Thousands of people who pursued their faith outside officially sanctioned churches were subjected to harassment and many to detention and imprisonment. Thousands of people were sentenced to death or executed. Migrants from rural areas were deprived of basic rights.

The report went on to say:

> Severe repression of the Uyghur people in the Xinjiang Uyghur Autonomous Region continued, and freedom of expression and religion continued to be severely restricted in Tibet and among Tibetans everywhere.

Acts of repression include indiscriminate use of the death penalty, torture, kangaroo courts, arbitrary detention, and the policy of cultural, religious, and linguistic eradication.

Beijing will continue to attempt to paint its repressive regime in the best light possible, as we have seen them try to do in the last month with the unnerving tragic events in Tibet.

Our Nation must not implicitly condone human rights abuses by ignoring them. Our Nation must not implicitly condone religious persecution by minimizing it. Our Nation must not implicitly condone economic exploitation by perpetuating it.

The repression in Tibet is, unfortunately, nothing new. For close to 60 years, Tibetans have survived under Beijing repression. The Uyghur people in the Xinjiang Uyghur Autonomous Region have been subjected to the same grueling conditions.

We must not allow the pomp and circumstance—as it comes over the broadcast networks in our country—we must not allow the pomp and circumstance of these Olympics to obscure the real China, the China that too often represses its people, the China that too often manipulates its currency—as the senior Senator from New York, the Presiding Officer, has worked on—the China that makes a mockery of its trading partners.

Communities across America feel the reverberations of this policy. We have lost more than 3 million manufacturing jobs in the United States. My State of Ohio has lost 200,000 in the last half dozen years.

Our trade deficit with China was only about $12 billion when I first ran for the House of Representatives in 1992. Now it exceeds $250 billion, and it hits new records almost every month.

Massive Government subsidies, slave wages, and lax worker safety and environmental laws—if they ever actually enforce them—enable Chinese manufacturers to undercut U.S. companies.

We are certainly not innocent, as U.S. companies outsource jobs, devastating American communities, with the damage they have done to places such as Tiffin and Bryan and Toledo and Lima and Marion and Mansfield. The American companies go to China and subcontract with Chinese subcontractors who do not observe any kind of wage, environmental, or worker safety laws.

By minimizing the importance of these anticompetitive tactics, our Nation is walking down a dangerous road, and by dismissing the importance of human rights violations, we are treating our own values as negotiable and arbitrary. Americans are far more resolute in our beliefs than that, and as their elected officials we should be too.

The Olympic Charter states that the goal of the Olympic Movement is to contribute to building a peaceful and better world by educating youth through sport practiced without discrimination of any kind. The Olympic Charter makes clear the goal of an Olympic spirit which requires mutual understanding with a spirit of friendship, solidarity, and fair play.

The charter is a good blueprint for the way leaders should treat their people and countries should treat one another. That is the underlying and fundamental purpose of the Olympics. Instead of giving China a pass during the Olympic games, we should use the games as an impetus to hold that country accountable on fair trade, on religious freedoms, on human rights.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. PRYOR]. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. SALAZAR. I ask unanimous consent that I be recognized for such time as I may consume as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM BILL

Mr. SALAZAR. Mr. President, I come to the floor of the Senate today to talk about the farm bill for the United States of America. As the Presiding Officer knows full well, this has been a major undertaking of this Congress for the last year. Under the leadership of Senator HARKIN, this has been a major effort which actually preceded even this Congress, through the work of the last Congress, and for many of us over the last 3 years.

Our efforts to put together the best farm bill in the history of the United States came to a conclusion here on December 14, 2007, where, at about 3 o'clock that afternoon, in a vote in this Chamber, there were 79 Senators, 79 Senators who cast a "yes" vote on this farm bill. Now, not all Senators voted that day because there were seven Senators who were absent, some of them who were on the Presidential trail. When we talked to those Senators who were on the Presidential trail and those who were not here to vote on that day, we know there were 84 Senators who would have voted yes for that farm bill. That was on December 14, 2007.

December has passed, January has passed, February has passed, March has passed, April. Where are we? We are not, in my view, making the kind of progress to get us across the finish line that we have to make. So I come here today to remind us all that it is important that we finish the work on the farm bill. And, yes, I have made telephone calls to colleagues on the House side, asking them and urging them to move forward with the kind of urgency that many of us in this Chamber feel about this legislation.

I want to go back and reflect a little bit with my colleagues here on the importance of this bill. When I came to the Senate in January 2005, I gave my maiden speech on the floor of the Senate, and in that speech I spoke about the forgotten America. It was about those wide dispatches of land which have had troubling economic times, that even in those days of the 1990s when the economy was doing so well all across this country, there were those places in our Nation that somehow continued to wither on the vine.

In my own State of Colorado, a huge State with 64 counties, there are about 12 counties that I would say have done very well through the 1980s and the 1990s. Indeed, our population from 1980 to today has grown by some 2 million people so that we now have about 5 million people. But there are wide spaces in the State of Colorado, in approximately 50 of those 64 counties, where the population has been in decline, where Main Streets have been boarded up, where the economic struggle of people is particularly painful, whether it is the area of health care or in the area of education or in any of those facets of life that affect us all.

So our opportunity to shine the spotlight on rural America really comes about once every 5 years when we get to renew the farm bill and reset the policy of the Nation with respect to agriculture and rural America. This has been our time. This has been our time to do something to address this issue of what I have called the forgotten America.

When you look at this nonmetro population change by county from 2000 to 2005, you will see the great swaths of America that are outlined here in red where you see county after county, mostly in rural America, that continues to lose population. So I show this map here because I think it is important for us, to remind us that as we work here today on the housing bill, which is an important and urgent piece of legislation for the United States and for the people of America who are feeling the pain today because of the housing crisis, it is also important to remind people that there is another pain being felt across America, and that is a pain in rural America.

This next poster is a typical poster of a Main Street in the State of Colorado. This is a poster from Mariano, CO, a picture of Mariano, CO, which shows what is happening in many of our communities. I am sure that in the Presiding Officer's State of Pennsylvania, in the rural parts of Pennsylvania, we can probably find communities that look very much like this on Main Street. Perhaps even in the great State of Rhode Island there may be some towns that actually look like this. We have half of Main Street essentially boarded up. You have a few pickup trucks. That is kind of how it looks.

This is another example of much of what is happening. This is from Brush, CO, again out on the eastern plains, "for sale" signs, Main Street for sale. Rural America—rural America has a whole bunch of problems.

So when we look at the 2007—now 2008—farm bill, which will set the policy of the United States of America with respect to our farming policy for the next 5 years, I think it is important to see it as a great opportunity for us to come together, to create new opportunities for the United States of America, to move us forward with energy independence and fuel security for our country and also to make sure we have food security for America.

There are many opportunities that are set forth in this farm bill which we ought not to forget. One of those opportunities is set forth in title IX of the farm bill where, for the first time, for the first time we have included in there a robust package that will help us grow our way to energy independence. We are going to do that through harnessing the power of the wind, the power of the Sun. We are going to do it through harnessing the power of biomass, where we can create a new biofuels industry that will enhance our national security, get rid of our dependance on foreign oil, and make sure we start addressing the environmental security concerns of the people of America. That is an important provision of this legislation.

This is a picture of one of the wind farms in my State of Colorado, where wind has become a significant part of our renewable energy portfolio for our State. I am sometimes in awe of what my State of Colorado has done in a very few short years.

In 2004, there was virtually no wind generation within the State of Colorado. We were not producing any electricity or very little electricity for the consumption of the people of my State and surrounding States.

In 2004, we started this renewable energy initiative. In a very short 3 years, we now have accomplished 1,000 megawatts of power being generated by the wind farms throughout the State of Colorado—1,000 megawatts of power. That is an incredible amount of power when you consider it. That is about the equivalent of what we would be generating from three coal-fired powerplants. We have begun to do that in my State. We are starting it, actually, in other States all across this great Nation where the wind blows, whether it is in North Dakota or New Mexico or Texas.

We have a huge initiative going forward now with respect to grasping the reality of renewable energy to harness the power of the wind. It is not only major wind farms owned by companies or by utilities. In the farm bill, we said: We take the power of the wind and we ought to be able to make it available to homeowners, to farmers, and small businesses by including in title IX a small tax credit of $4,000 for small wind turbines that produce less than 50 kW. That is a very important part of the farm bill.

In addition to harnessing the power of the wind, what we do in the farm bill is also to harness the power of our biomasses. Yes, we have done that in the past. In the 2005 Energy Policy Act, we moved forward with quintupling the renewable fuels standard. In the 2007 Energy bill, which we passed out of the Senate, we pushed that agenda significantly higher in the 2007 farm bill.

This is an ethanol plant in my State of Colorado. Three years ago, there were no ethanol plants in my State. Biofuels had bypassed the State of Colorado. Because of the work of this Chamber, today there are four ethanol plants which are up and functioning, producing hundreds of millions of gallons of ethanol within my State. Ground has been broken on two additional ones. But even more importantly, what we have done in the Congress is we recognized that we will move beyond these ethanol plants into a whole new future of cellulosic ethanol that is required under the renewable fuels standard of the Energy Policy Act. In the farm bill, in title IX, which we have included in the farm bill itself, we have said that this next step on cellulosic ethanol has to be taken. We include major incentives for a cellulosic ethanol future for the country.

Let me say it is more than about rural America and rural development and energy, it also is about conservation of our lands across this great country. It has been said many times that farmers and ranchers are the best stewards of our land. Perhaps they are the best environmentalists we know. That comes from the reason that at the end of the day, if you do not take care of your land and you do not take care of your water, you are not going to have the wherewithal to be able to provide for yourself and your family a living in the following years. So farmers and ranchers are conservationists, and that is why in the farm bill its conservation title has a very robust movement forward in a number of our conservation programs which are so important for our country.

Here is a picture, again taken at the foothills of the great Rocky Mountains in the State of Colorado, of a project which has been founded through the Wetlands Reserve Program. Those kinds of programs are a very fundamental component of this farm bill.

But it goes beyond conservation. We also, in this farm bill, need to constantly keep reminding people that 67.7, almost 68 percent of all of the money this Senate directed to be spent on the farm bill—almost 68 percent, more than two-thirds—is supposed to be going and will go to the nutrition programs. It will provide money for food stamps, it will provide money for the kinds of fruits and vegetables programs we want in our schools. It is a very important part of the farm bill. Sometimes people say: Well, the farm bill is all about rural America, the forgotten America that I was talking about. That is not true because most of the nutritional dollars that are spent under the farm bill actually go to benefit the urban cousins we have throughout this country. So let's not forget the importance of food stamps, the importance of the nutritional programs that are included in the schools.

Finally, from time to time there is a disaster that strikes rural America. This is the disaster which struck the eastern part of my State and the western part of Kansas just last year, with a snow blizzard that ended up killing tens of thousands of cattle out on the eastern plains.

We have not had a disaster program that has been an effective disaster program for rural America. We were able to come up with a good disaster program that was included in the farm bill here in the Senate. I am hopeful that disaster program is something we can come around on in a bipartisan fashion to support and get across the finish line.

Let me conclude by saying to my colleagues we cannot afford to wait. Not passing a 2007 farm bill as a Congress is not an option. We cannot fail at this. For my time as attorney general of my State and a Member of the Senate, I have always had in my office a sign that says: No farms, no food. It is important for the people of this country to understand we have the least expensive, most secure food supply of anyone in the world today. If my friend, KENT CONRAD, were here and had one of his great charts, one of the things he would point to is we pay a lot less for food today than we did during the days of the Great Depression in the 1940s and 1950s. Only about 10 percent of our disposable income actually is spent on the food we consume as opposed to 20 and 30 and 50 percent in other countries. So it is important for us to maintain that food security for the American people.

I hope the House of Representatives and those in the House of Representatives who care about the food and energy security of our country will help us to get to conclusion on this very important legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the matter that we have to lay down as a substitute is done. The staff is reading it over. They found a couple mistakes. It happens on a bill this big, an amendment this big. So rather than have more time spent tonight treading water, we are going to lay this amendment down in the morning. We are going to come in at 9:30. Senators DODD and SHELBY have a very important banking hearing. It has been scheduled for quite some time. But Senator DURBIN has agreed to manage the bill for Senator DODD, and the Republicans will have someone here also. It is my understanding, after initial statements are made on the bill, we are going to go back and forth on amendments. Senator DURBIN will lay down an amendment. That will be our first one—not a lot of time on that. Our second amendment would be with Senators SCHUMER and MURRAY. The third amendment will be Senator FEINSTEIN. It is a bipartisan amendment. I believe it is Senator MARTINEZ.

As I indicated to staff, of course, following the first Democratic amendment, there will be a Republican amendment, if there is one. Following the second Democratic amendment, there will be a Republican amendment. We will try to move through this as expeditiously and as well intentioned as we can. The progress that has been made in the last 24 hours is very significant. We have a piece of legislation that now has very important FHA modernization in it. It is not what everyone wants, but it is a good piece of legislation.

Senators DODD and SHELBY have agreed the limit would be $550,000. There would be a 3.5 percent downpayment. There are other things in it that banking minds can describe better than I.

There is the CDBG funds to assist communities devastated by foreclosures. That would be $4 billion. We would provide preforeclosure counseling for families in need. In the underlying bill, the so-called Reid amendment, we had $200 million. That has been reduced to $100 million. There will be efforts made to increase that. As I understand, that is what Senators SCHUMER and MURRAY intend to do. We have a combination of pieces of legislation that have been put together in one amendment. It is bipartisan. It started with the Jack Reed disclosure transparency legislation, and others had ideas on how to improve that. That is what Senators DODD and SHELBY have done.

It lengthens the time a lender must wait before starting foreclosure on a servicemember by some 3 months, which is important during this time of Iraq and Afghanistan. It raises the loan guarantee amount for VA-backed loans in high-cost areas. There is a standard property tax deduction; of course, what the President called for in his State of the Union Address, the mortgage revenue bonds to purchase used or foreclosed-upon homes; the extension of net operating loss carryback, extremely important to homebuilders. There is a tax credit for the purchase of homes in foreclosure. This is the Isakson amendment that has been talked about for several weeks now. The two managers of the legislation have modified the original Isakson proposal to have $3,500 for 2 years in succession, a total of $7,000. It will be for buyers of foreclosed homes.

This is the package. It would be great if the Presiding Officer and I and Senator SALAZAR could just say: OK, this is done. This is great, because it is bipartisan. Let's go home tonight, having done this. We can't do that. That is the way the legislation is. But I think it is a tremendously important bipartisan package that we have. I commend and applaud the work to this point of Senator DODD and Senator SHELBY. They have done very good work. Their staffs worked most all night. And, of course, they have worked all day. Senators SHELBY and DODD were on the telephone last night at midnight trying to work things out. So I appreciate their good, hard work. They have been long-time legislators. As I mentioned, when Senator MCCONNELL and I suggested they come up with a bipartisan package, they are experienced legislators. They both had extensive service in the House of Representatives before coming here. I feel we are in a good spot to be able to deliver a package that will go toward helping Main Street. We helped Wall Street.

We are all glad Bear Stearns was taken care of. But now it is our opportunity to take care of people on Main Street. They deserve that. I am convinced it would be the right thing to do.

As I indicated, we are going to come in at 9:30 tomorrow. I hope this gives everyone an outline of the legislation. I apologize, as I have to do often, that we were not doing more proactive stuff on the floor, but every minute that we were on the floor in the quorum calls or people giving speeches on what they thought should be done with housing or other issues, the staffs and Senators DODD and SHELBY were working very hard to get us to the point where we are tonight.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that we now proceed to a period of morning business, with Senators allowed to speak for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPRESSION IN TIBET

Mr. LEAHY. Mr. President, I want to take a few minutes to speak about the situation in Tibet, which has captured the world's attention in recent days and weeks.

For those of us who have visited Tibet, as I did in 1988, and for millions of people here and abroad, the press reports of Chinese police officers arresting and beating Tibetan protesters, and of Tibetans destroying the property of Han Chinese, are deplorable.

Estimates of the number of protesters killed have ranged from 13 to 140, and more than 1,000 arrested. Knowing the way Tibetans have been tortured and mistreated in Chinese prisons, we should be very concerned with the welfare of those in custody.

More than a dozen Han Chinese were reportedly killed and their businesses ransacked and burned. Violent attacks against civilians and their property cannot be justified, even when they may be prompted by longstanding, legitimate grievances.

For many years, the Chinese Government has been systematically implementing a strategy to destroy Tibetan culture and solidify its control of Tibet.

A flood of Han Chinese into Tibet has fueled an economic boom, but this has also exacerbated tensions between Chinese business owners and the Tibetans who have become increasingly marginalized and discriminated against in their own homeland.

When first asked about the recent violence, Chinese authorities in Beijing and Lhasa insisted that only a handful of agitators were involved and there was no cause for concern.

Then, as photographs were posted on the internet of Tibetans being chased and beaten bloody by baton-wielding, helmeted riot police, the Chinese Government blocked access for journalists and blamed the Dalai Lama for instigating the violence to sabotage the Beijing Olympics.

Many of us have had the privilege of meeting the Dalai Lama. I consider him a friend, and last week I spoke by telephone with one of his advisors, Lodi Ghari, who was in India at the time. It is outrageous to suggest that the Dalai Lama has encouraged violence in Tibet.

For decades, the Dalai Lama has shown remarkable tolerance and patience as he has sought a peaceful resolution of the conflict over Tibet's political status. He has repeatedly extended a hand of friendship to the Chinese Government, which has consistently responded by denigrating and misrepresenting the Dalai Lama's views.

I would like to hope that this latest outbreak of violence will cause the Chinese Government to recognize that a strategy of repression in Tibet will only provoke further tensions and violence. Brute force is not a solution. Ethnic cleansing is not a solution.

Several things should be done immediately.

The Chinese Government should distinguish between peaceful protestors and rioters, and reaffirm that it will uphold the Chinese Constitution's protections of free speech and association.

It should end its lockdown on Tibetan areas, including allowing full access by the media, and account for those who are missing and dead from the protests.

There should be a full accounting of each Tibetan who has been arrested or charged with a crime, including names, charges if any, and the location where they are being detained. The International Red Cross should have access to monitor their treatment.

The only way to resolve this conflict is through dialogue conducted in good faith. It is long past time for Chinese authorities to recognize that it has nothing to fear from the Tibetan people if they respect the Tibetans' cultural identity.

There has been much talk and speculation about what these events could mean for the Beijing Olympics.

I am not among those who believe the Olympic Games should be a political issue. The Olympics should be about the athletes, not about governments.

If some countries boycott these Olympics for one reason, other countries will feel justified in boycotting other Olympics for different reasons. The future of the Olympic Games would be in jeopardy.

That said, the Chinese Government obviously sees the Olympics as an opportunity to showcase China as a modern, harmonious country. The Chinese Government's actions in Tibet, and its continuing crackdown on dissidents who call for more political freedom, starkly contradict this image.

Apparently, neither the Olympic Committee nor the White House impressed upon the Chinese authorities that if the Olympics were to be a success, there needs to be a marked improvement in China's respect for human rights. That message should be conveyed clearly, vigorously, and immediately. It is not acceptable for President Bush to simply say he plans to attend the Olympics as a "sports fan."

I have long criticized the Chinese Government's violations of human rights.

Its detention and trial on trumped up charges of dissidents who dare to criticize official corruption and repression.

Its use of excessive force in Tibet.

Its support for the Government of Sudan, even while that government was committing genocide in Darfur.

Its torture of prisoners and summary executions after unfair trials.

I, with former Senator Jeffords, and then Representative SANDERS, worked for 6 years to secure the release from a Chinese prison of Ngawang Choepel, a young Tibetan whose only crime was to use a video camera to record Tibetan music and dance. He posed no threat to China's security. His arrest, his trial, and his imprisonment were a travesty.

Just last week, China convicted a human rights activist named Hu Jia of "inciting subversion" through his writings on the internet. His crime was to advocate for better protection for people with AIDS, for more religious freedom, and for increased autonomy for Tibet.

His case is another reminder that when it comes to human rights, little has changed in China. The Chinese Government insists that China is a country of laws and that his case was dealt with according to the law. That is reminiscent of those who once defended slavery because it was lawful at the time. As long as the Chinese Government criminalizes speech, it will face the criticism of the international community.

Criticizing the Chinese Government is not the same as isolating China, which I have never believed is an option. I have visited China several times and have always favored more engagement with China. We should be encouraging closer relations.

I have worked to increase funding for professional, educational, and cultural exchanges, and for programs focusing on environmental protection and the rule of law. I have seen the benefits to American and Chinese students who participate in these programs, including from the Vermont Law School.

China has an extraordinary history and culture. Its people have suffered many hardships, including devastating wars and famines. Many still toil from dawn until dusk to survive, but China has made extraordinary progress in the 30 years since my first trip there.

The Chinese people want the best for their families and their country, as Americans do. They also want a government that is less corrupt and more open and accountable.

China wants to be treated like a great power, but the Chinese Government cannot expect to be respected as a world leader just because of China's large population and its economic and military prowess. Not as long as it crushes peaceful dissent and, in Tibet, destroys the culture of a unique people who are admired throughout the world.

Other governments of countries where Tibetans have rallied peacefully in support of those back home should also stop the arrests and detentions and use of excessive force.

This is particularly so in Nepal, where not long ago tens of thousands of Nepalese people took to the streets in demonstrations which led to the restoration of multi-party government. Those who are in power in Nepal today, because of the people's brave defiance of a corrupt, abusive king, should be respecting the Tibetans' rights of assembly, of association and expression.

Speaker PELOSI, who visited the Dalai Lama recently, said it well when she called the crisis in Tibet a matter of conscience for the world.

But just as I believe our collective conscience must be steadfast in support of the Tibetan people and their spiritual leader, so should we reaffirm that we recognize this is a conflict the Chinese and Tibetans must solve themselves.

I believe a solution is possible that meets the needs and aspirations of both peoples. But after 6 years of talks that have achieved nothing, it is clear that a new approach is needed. Repression is not the answer. Confrontation is not the answer.

There are creative, visionary people on both sides who can learn from these events and pursue a new way forward. Those of us half a world away who care about Tibet and China should encourage that.

Unfortunately, rather than reach out directly to the Dalai Lama, the Chinese authorities are already tightening their control of Tibet. Apparently they have concluded that the lesson of this latest uprising is to increase the repression and claim that everything is back to normal.

Their idea of what is "normal" in Tibet is not the answer. If that is the path they take, it is only a matter of time before the next eruption of violence. And in the meantime, China will further jeopardize the Olympics and do more damage to its international reputation.

Nobody wants that. We want closer, cooperative relations with China.

Mr. President, let us hope that years from now, the 29th Summer Olympic Games will be remembered not for the violent images of recent weeks, and not for a hardening of positions, but as the catalyst for a new political dialogue that brought about a lasting agreement on Tibet's future.

IRAQI REFUGEES RESETTLE IN VERMONT

Mr. LEAHY. Mr. President, at a time when we are all concerned with the fate of Iraqi refugees and the need to help as many of them as possible resettle in safe havens, I ask unanimous consent that a March 24, 2008, article in the Brattleboro Reformer entitled "Difficult Choices: Son's Birth Deepens Couple's Concern Over Future," be printed in the RECORD.

This article illustrates what Vermonters are doing to help two Iraqi refugees, Revan Hedo and Aseel Pola, who recently gave birth to Brattleboro, Vermont's first Iraqi-American citizen, Matthew. As Vermonters and other Americans open their hearts, their homes, and their wallets to try to alleviate the suffering of Iraqis who have been forced to flee their homeland to escape the violence, it is an important reminder that no matter how one may feel about this war, there is a humanitarian dimension that requires everyone's attention. I am proud that Vermonters are doing their part.

We all hope that some day Iraq will be safe enough for those who want to return home to do so. But there are some 2 million Iraqi refugees stranded in Jordan, Syria, and other countries, and millions more displaced inside Iraq. Only a tiny fraction of those who need and deserve our help have received U.S. visas. This is unconscionable. I urge the White House to expedite the processing for resettlement of Iraqis whose lives are threatened because they had the courage to serve as translators, drivers, and provide other services to the United States. These people risked their lives for us, and they have every reason to expect that we will not abandon them.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Reformer, Mar. 24, 2008.]

DIFFICULT CHOICES—SON'S BIRTH DEEPENS COUPLE'S CONCERN OVER FUTURE

(By Bob Audette)

BRATTLEBORO.—One year ago today, Iraqi natives Revan Hedo and Aseel Pola were married in their home country.

Ten days ago, Aseel gave birth to a baby boy, Matthew, the first Iraqi-American born in Brattleboro. His birth heralded a new chapter in the lives of Hedo and Pola, a Catholic couple with family in Iraq but no safe home to return to.

While Matthew is guaranteed a life in the United States by right of his birth, his parents may one day have to return to the Middle East—with or without their son—when their visas expire.

"My son is a U.S. citizen," said Hedo, proudly.

Hedo, now 29, first came to the United States in 2004 on a Fulbright scholarship with which he earned a master's degree in comparative literature and simultaneous translation from the University of Massachusetts in Amherst. He returned to Iraq in 2006 and married Pola. In August 2007, he and his new wife returned to the states, so he could earn a master's in the Art of Education at the School for International Training Graduate Institute.

As an Iraqi, he served as an interpreter for U.S. forces, translating for high-ranking officials such as L. Paul Bremer, Gen. John Abizaid and England Foreign Secretary Jack Straw. One reason for renewing his visa was because living in Iraq had become too dangerous for him and his new wife.

"My life was in jeopardy," he said. "Everyone knew I had been to the United States and had been working for U.S. military forces."

Francis Bailey, an associate professor at UMass, who befriended Hedo during his two years in Amherst, offered the couple a place to live rent free. Bailey was teaching at SIT and offered to sponsor the couple's stay in the United States.

"I was frustrated with the decision to invade Iraq," said Bailey. Giving Hedo and Pola a place to live was "an opportunity to make an individual difference," said Bailey. "This was my choice."

Because of the danger to him, his wife and their new son, returning to Iraq is out of the question, but barring some miracle, they can't legally remain in the United States after their visas expire. Even having a son with American citizenship doesn't guarantee the couple can stay here.

Financially, things have also been difficult for the couple.

Pola, a microbiologist, doesn't work, and Hedo's visa only allows him to work 10 hours a week in SIT's library, not nearly enough money to pay for the daily necessities, never mind the bill at Brattleboro Memorial Hospital for the birth of their son. While Hedo has insurance through SIT, Pola has no coverage.

The congregation at St. Michael's Catholic Church on Walnut Street has been essential in helping the couple keep their heads above water as has the international community on the campus of SIT.

"Our friends at SIT showed us the spirit of diversity, the respect of other cultures and hospitality," said Hedo, adding, "The neighbors are wonderful. They've really supported us, especially emotionally."

"The town is very nice and beautiful," said Pola. "People are really friendly."

Her biggest hope for her son is that he grows up in a family with both a mother and a father. Pola's father spent several years as a prisoner of war during the Iraq-Iran War of the 1980s. In 2001, when she was 19, he was shot dead on his front steps by minions of Saddam Hussein.

One day, they hope to return to Iraq, but right now they consider their trip to the United States "a one-way ticket," said Hedo. "We can't go back."

"We want to be able to live in peace (in Iraq)," he said, "To be respected no matter what our beliefs are. We would love to live in an environment with a lot of tolerance, just like Brattleboro."

Pola has two simple wishes.

"I want to hear that my family is living in peace, not in war, worried all the time, and to have the hope of seeing them."

Hedo and Pola have also received support from their friends, Noah and Natalie Baker Merrill.

"It's very important in these times for Americans to get to know Iraqis and see them as their neighbors," said Noah Baker Merrill, a founder of Direct Aid International, which helps Iraqi refugees in Syria and Jordan.

Baker Merrill and his wife met Hedo and Pola through SIT, where Natalie is a student advocate.

The United States has done a disgraceful job in helping the refugees, said Baker Merrill, accepting only 1,800 of the 2 to 2.5 million who have fled Iraq.

Nearly 100,000 Iraqis have been allowed to settle in Sweden, but the majority live in refugee camps in Jordan and Syria. Resettlement in a different country is not the answer, said Baker Merrill. Making Iraq a safe country that Iraqis can return to is the answer.

"The overwhelming majority just desperately want to be able to go home."

WORLD AUTISM AWARENESS DAY

Mr. DODD. Mr. President, I rise today to add my voice of support for the first-ever World Autism Awareness Day, a day that is sorely needed. In 2006 the Centers for Disease Control and Prevention, CDC, estimated that 1 in 166 children were diagnosed with autism. Today the CDC estimates that number to be 1 in 150. In fact, 67 children are diagnosed with autism spectrum disorder per day; a new case is diagnosed almost every 20 minutes.

Like many of my colleagues, I have had the opportunity to spend time with children with autism and their families, from Connecticut and around the Nation. Autism is a complex neurological disorder, which manifests itself differently in each individual but occurs in all racial, ethnic and socioeconomic groups. It is a lifelong condition that affects not only the individual with the disability, but impacts the entire family, often requiring intensive levels of support and intervention.

There are so many unanswered questions about autism. The first step in answering them is for us to come together as a society and recognize the many challenges autism presents in the U.S. and throughout the world. It is my hope that today everyone will take a moment to consider autism and the millions of individuals and families struggling with this developmental disability.

We should also make note of the great work and sacrifice of families affected by autism and the tireless advocates for autism research and treatment who have worked to make this day a reality. Among them I want to particularly note my friends Bob and Suzanne Wright who have worked with me for years to address the needs of those dealing with autism. But there is still more to be done.

At a time when the number of children and families living with autism has grown exponentially, it is important that we recognize the need to expand our federal commitment to combating this disease. Autism is the fastest growing developmental disability in the United States, yet we are not committing enough of our federal resources to developing the type of scientific breakthroughs in autism that are needed. It is time to redouble our efforts and help the thousands of families who are raising children with autism.

Among the first major steps in the Federal response to autism was in 2006 when Congress unanimously passed the Combating Autism Act, which my former colleague from Pennsylvania, Senator Rick Santorum and I authored along with the strong support of many of our colleagues including Senators KENNEDY and ENZI. This initiative represents the largest federal expansion of funding and programs for children and families with autism spectrum disorder.

We took another major step recently on the Senate floor with the unanimous passage of an amendment Senator SUSAN COLLINS and I offered to the fiscal year 2009 budget resolution that would double funding for programs dealing with autism at the CDC, the National Institutes of Health, and other health agencies. It is my hope that my colleagues will keep this momentum going by making sure this funding finds its way into the final budget resolution conference report and then through the appropriations process. The research these funds would support will help us understand more about the causes of and appropriate treatments and services for autism.

We should close no doors on promising avenues of research into the causes of autism. The Combating Autism Act and my recent amendment to the budget resolution allow all biomedical research opportunities on autism to be pursued. In fact, just today a new study of toddlers finds that there may be a link between babies born very prematurely and autism. As the author of the PREEMIE Act, along with my colleague Senator LAMAR ALEXANDER, I find this news particularly interesting. I look forward to the upcoming Surgeon General's Conference in June which was called for under the PREEMIE Act as an opportunity to further pursue this possible link between extreme prematurity and autism.

As we look to the future, we also need to find new and innovative ways to help parents and loved ones care for family members suffering from autism. That is why I have introduced S. 2741, The Disability Savings Act of 2008. This bill will encourage individuals with disabilities and their families to save money for their unique needs in tax-advantaged disability savings accounts. This money could then be drawn out as needed, to pay for services and care that are needed.

Today, on World Autism Awareness Day, I hope we in the Senate can make finding a cure for autism a top priority of the Congress and the Nation. Together, we can make life a little better for those with autism and their loved ones.

IN HONOR OF BOB VALEU

Mr. DORGAN. Mr. President, on May 1, 2008, Bob Valeu ends his service to the U.S. Senate.

For 16 years, Bob Valeu has done an outstanding job as the director of my North Dakota Senate offices. His passion for public policy, his dedication to our State and country, and his commitment to excellence have been a hallmark of his service these past years.

Those of us who serve as Senators get attention for the work we do. But we understand that very often that attention and our accomplishments are a result of some very talented and dedicated staff who work with us to advance the interests of our State and our country. That is certainly the case with Bob Valeu's service to me and to the Senate.

Whenever an event ended, the lights were turned down, the microphone was turned off, and I had moved on to another event, Bob Valeu was usually still there solving problems and working with people to address their needs. He was that kind of State director—the type every Senator aspires to have.

Bob and I have traveled tens of thousands of miles together to every nook and cranny of our State. We have been to every kind of event imaginable: high school convocations, Main Street tours, ribbon cuttings, university commencements, lutefisk dinners, State fairs, karaoke competitions, and chili cookoffs. But beyond all of that—and even more importantly—Bob Valeu had provided wise counsel and advice over the years. And I know that even as he leaves my official staff, he will continue to be a valuable advisor and a good friend.

So I want to use this opportunity to publicly thank my friend and a very dedicated American with whom I have been privileged to serve these past 16 years.

To Bob and his wife Marge and their entire family, on behalf of the Senate, I tell you that our country is a better place because of your service. And this Senator is deeply appreciative of the many years of excellence you dedicated to the best interests of our great Nation.

COMMEMORATING THE LIFE OF DITH PRAN

Mr. WHITEHOUSE. Mr. President, I rise today to commemorate the extraordinary life of Dith Pran, who risked his life to expose the terrors of the Khmer Rouge regime in his native Cambodia, and who later became the subject of the Oscar award-winning film, "The Killing Fields." Mr. Dith died March 30, 2008, in New Jersey, surrounded by relatives and friends. He was a defender of human rights, a journalist, a teacher, and a hero.

As many fled Cambodia during the fall of Phnom Penh to the Khmer Rouge in 1975, Mr. Dith sent his wife and children to safety abroad but stayed behind with investigative journalist Sydney H. Schanberg to help ensure that news of the events there reached the outside world. He believed his country and people could only be saved from the Khmer Rouge if individuals in other countries understood the tragedy gathering in his homeland.

Amidst the crisis spreading throughout Southeast Asia in the years following the Vietnam war—a crisis my father, Charles Whitehouse, also saw firsthand through his work as U.S. Ambassador to Laos and Thailand in the 1970s—Dith Pran was a witness to, and a fierce critic of, the greatest atrocities men have inflicted upon their fellow men.

Against all odds, Mr. Dith survived the Cambodian genocide in which 2 million Cambodians, one-third of the population, were killed. Most of his extended family were also killed. He suffered through 4 years of hard labor, living on just one teaspoon of rice a day and whatever animals and insects he could find. Mr. Dith finally escaped from a commune and travelled 40 miles to the Thai border through what he coined "the killing fields," past the bodies of those killed by the Khmer Rouge, before reaching safety.

After reaching the United States, Mr. Dith became a photojournalist for the New York Times. He founded the Dith Pran Holocaust Awareness Project to educate individuals around the world of the horrors he survived in order to prevent future genocides. He was appointed a United Nations Goodwill Ambassador by the United Nations High Commissioner for Refugees in 1985.

For his efforts to educate the world, Mr. Dith was awarded the Ellis Island Medal of Honor in 1998. He also received the Award of Excellence from the International Center in New York.

Dith Pran said: "Part of my life is saving life. I don't consider myself a politician or a hero. I'm a messenger. If Cambodia is to survive, she needs many voices." Dith Pran has been a powerful and compelling voice for his countrymen and the land he loved. His willingness to share his story brought light to dark places and hope to millions.

ADDITIONAL STATEMENTS

TRIBUTE TO THURMAN ADAMS, JR.

• Mr. CARPER. Mr. President, today I pay tribute to the Honorable Thurman G. Adams, Jr., Delaware's longest serving State Senator.

Senator Adams was first elected to Delaware's 19th senatorial district in Sussex County in 1972. He served as senate majority leader from 1999 to 2003, when he was elected President Pro Tempore of the senate by his colleagues.

When I was Governor of Delaware, I worked closely with Thurman on many issues. He serves as chairman of the Senate Executive Committee, which considers gubernatorial and judicial appointments. Thurman has a keen understanding of the important role Delaware plays as a worldwide corporate center and has been a consistent champion of Delaware's judiciary. Thurman has also been a strong advocate of public safety issues, sponsoring legislation to establish Delaware's "Enhanced 911" emergency telephone system. As owner and president of his own feed and grain agribusiness, T.G. Adams, and Son, Inc., Thurman has worked for the interests of Delaware's farming and business communities. He is a leader in such issues as highway and local roadway improvements, education accountability, and the growth of Delaware Technical and Community College's Owens Campus in Georgetown.

Thurman has a long history of civic and community service. Prior to being elected to public office, he served as chairman of the Governor's Highway Safety Committee and a member of the Delaware State Highway Commission. Active in his community, he has held such positions as director of Milford Memorial Hospital and the Medical Center of Delaware, director of the Baltimore Trust Company for 27 years, president of Harrington Raceway, chairman of the Union United Methodist Church Administrative Board, and president of the Eastern Shore Grain Dealers Association.

The recipient of awards too numerous to list, Thurman was most recently awarded the Liberty Bell Award, presented by the Delaware State Bar Association in recognition of significant contributions to the community by a nonattorney, and the Silver Good Citizenship Award of the Delaware Chapter of the National Society of the Sons of the American Revolution. He also received the University of Delaware's Medal of Fame Distinction and the "Wall of Fame" Award.

As his record shows, Senator Adams has a strong commitment to the State of Delaware. Born and raised in Bridgeville, he attended Bridgeville High and later graduated from the University of Delaware. He returned to Bridgeville where he built a successful business and raised his family. Thurman was a devoted husband to his wife Hilda, to whom he was married to for nearly 50 years. Senator and Mrs. Adams raised three wonderful children whom any parent would be proud to call their own. No stranger to tragedy, Thurman lost his beloved wife to cancer in 2002 several years after the death of their son Brent. Despite these heartbreaks, Senator Adams remains devoted to his children, seven grandsons and three great-grandchildren.

I have known Thurman Adams for many years. On a personal note, I remember fondly stopping by their summer home for lunch following the annual Fourth of July parade in Bethany Beach and enjoying immensely food and fellowship with him and his family. I can also attest to his expert egg-tossing skill, having been at the receiving end of his smoothly delivered toss at the Delaware State Fair Governor's Day celebration. We have enjoyed many times together both personally and professionally, and we have shared times of deep sorrow, as well.

I am proud to congratulate my longtime friend and colleague on reaching this impressive milestone. The people of Delaware, and especially residents of the 19th District, are certainly well-served and fortunate to have been represented by such a man as Thurman Adams. Delaware is a far better place in which to live and work because of his stewardship and his leadership.•

HONORING ALBERT W. BELL

• Mr. SALAZAR. Mr. President, today I honor Albert Bell, who is retiring from the Durango Police Department following a lifelong career in law enforcement.

Since moving to Colorado from Kansas nearly 27 years ago, Al has dedicated himself and his talents to protecting the communities of southwest Colorado—first as a sergeant and then as Undersheriff for the La Plata County Sherriff's Department, and, for the past 14 years, as chief of police for the Durango Police Department. He also served with me on the Police Officers Standards and Training Board and the Anti-Bullying in Schools Task Force during my tenure as attorney general of Colorado.

I am honored and privileged to have worked with Al personally over the years, both as attorney general and now as a U.S. Senator. Throughout his career and our work together, Al has demonstrated strong leadership, integrity, and an unyielding commitment to public safety. These attributes have made him one of the most well-regarded law enforcement officials in our State.

Al's contributions to southwest Colorado extend beyond law enforcement. He currently serves as president of the Southwest Colorado Mental Health Board of Directors, and is a member of both the La Plata Health Care Project Steering Committee and the Regional Juvenile Center Task Force. Al's involvement in these and other community organizations speaks to his generosity, selflessness, and his love for the southwest Colorado community.

In short, southwest Colorado has benefitted tremendously because Al Bell chose a path of public service. He has set an example for all Americans to live by. While I am sorry to see him go, I know that he has very much earned a healthy and happy retirement.

On behalf of the people of Colorado, I thank Al for his service, and wish him all the best in his future endeavors.•

RECOGNIZING JOHNNY'S SELECTED SEEDS

• Ms. SNOWE. Mr. President, today I recognize an extraordinary business from my home State of Maine, Johnny's Selected Seeds. A mail-order seed producer and seller from Kennebec County, Johnny's Selected Seeds recently garnered the U.S. Small Business Administration's Entrepreneurial Success Award. But what is most gratifying about the recognition for Johnny's is that the company won the award on the district, regional, and national levels.

Chairman Rob Johnston, Jr. founded Johnny's Selected Seeds in 1973 at the age of 22. With only $500 in his savings account, but with a deep appreciation for and knowledge of agriculture, Mr. Johnston began his venture in the attic of a farmhouse before finally settling in Albion, ME, in 1975. As Johnny's grew, so did demand for its product, largely due to the firm's easy-to-use and straightforward catalog with detailed descriptions of available seeds and handy growing information, as well as the company's production of various vintage heirloom seeds. Johnny's moved its headquarters to Winslow, ME in 2002 and later opened a catalog store in the same town. The employee-owned company continues to maintain its property in Albion as a working farm and research facility while offering seed enthusiasts and curious visitors self-guided farm tours throughout the summer months.

Johnny's employees take seriously their pledge to provide their customers with tools, seeds, plants, and supplies of the utmost quality. The company's minimum germination standards are well above those required by law, and Johnny's goes to great lengths to ensure that commercial varieties are free of certain viruses and diseases. Johnny's also offers various organic seeds, and since 1999, has adhered to the principles of the Safe Seed Pledge, signaling that the company does not ". . . knowingly buy or sell genetically engineered seeds or plants." Additionally, in an effort to stay on the cutting edge, Johnny's takes great pride in the research it does to maintain its innovative reputation. In particular, the firm focuses on developing new seed varieties, as well as leading the way in quality control.

Johnny's Selected Seeds has truly made a name for itself through its outstanding achievements and reliable service. But the company has also maintained a loyal customer base because of the basics. Johnny's vends a wide array of seeds, tools, and supplies to both home gardeners and small commercial growers. Offering a vast selection of vegetable seeds, from artichokes to watermelons, Johnny's also sells fruit seeds, herb seeds, and an impressive collection of flower seeds. Continually updating its stock, Johnny's adds new seeds to its list each year, and 2008 is no exception. Some of the dozens of new products available range from colorful spring flowers to different corns, cantaloupes, and greens. And for convenience, home growers can order a small packet of 25 seeds, and larger growers can often request up to 10,000 or 25,000 seeds, depending on the product.

A truly entrepreneurial business, Johnny's Selected Seeds constantly seeks new ways to grow, improve, and impress. It has, without a doubt, earned its latest accolades handily. To succeed as superlatively as Johnny's does speaks volumes about the resolve and passion of Mr. Johnston, but it is also a testament to the hard work and dedication of the company's over 80 full-time and 50 seasonal employees. I congratulate Johnny's Selected Seeds for earning the U.S. Small Business Administration's Entrepreneurial Success Award at all levels and for the example it sets for small businesses everywhere.•

TRIBUTE TO DR. SHEA PENLAND

• Mr. VITTER. Mr. President, I wish to acknowledge Dr. Shea Penland, one of the leading experts on coastal restoration, for his dedicated service to Louisiana. I would like to take some time to make a few remarks on his accomplishments.

Dr. Penland passed away suddenly at the age of 54 on Tuesday, March 25, 2008. He was a respected professor in the Department of Earth and Environmental Sciences at the University of New Orleans and the director of the Pontchartrain Institute of Environmental Science. His investigations included the coastal regions of the Gulf of Mexico, Alaska, the Great Lakes, the U.S. Atlantic and Pacific coasts, and the North Sea. Dr. Penland had been an advocate for coastal protection and restoration in Louisiana and spoke passionately about how coastal wetlands and barrier islands functioned as natural storm surge barriers during hurricanes and tropical storms.

Several years ago I sponsored and passed a bill to bring together a number of individuals and entities to coordinate efforts to clean up Lake Pontchartrain and promote the restoration of the Lake Pontchartrain Basin. Dr. Penland took a leadership role in this effort by helping to bring the university community together to prioritize and coordinate their research activities. The program has been very successful over the last several years, and Dr. Penland deserves a great deal of credit for helping to achieve that success.

Dr. Penland's passing is a great loss to the State of Louisiana, and Wendy and I send our thoughts and prayers out to his family, friends, and coworkers. I am positive that Dr. Penland's work will continue to benefit Louisiana and coastal regions throughout the United States for years to come.

Thus, today, I am proud to honor a fellow Louisianan, Dr. Shea Penland, and thank him for his dedicated and tireless service to our State and country.•

RETIREMENT OF BRIGADIER GENERAL ROBERT CREAR

• Mr. VITTER. Mr. President, I wish to acknowledge the retirement of BG Robert Crear from his distinguished career in the Army Corps of Engineers. I would like to take some time to make a few remarks on his accomplishments and contributions to Louisiana and the United States.

In 1975 he graduated from Jackson State University, where he received a bachelor's degree in mathematics and a Regular Army commission as a second lieutenant in the Corps of Engineers. He holds a master's degree in national resource strategy from the Industrial College of the Armed Forces and has held various other command and staff positions in the United States and overseas, including Commander for the Corps' Southwest Division and Chief of Staff for the U.S. Corps' Headquarters here in Washington, DC. During Operations Enduring Freedom and Iraqi Freedom, General Crear served as commander, Task Force Restore Iraqi Oil, which safely and effectively helped to ensure the economic recovery of Iraq.

In June of 2004, General Crear assumed command of the Mississippi Valley Division. As MVD commander, he is responsible for a $1 billion civil works program. He also played a vital role in managing the Corps' water resources program in the Mississippi River Valley. As a member of the Environment and Public Works Committee, which has jurisdiction over the Mississippi River Commission, I helped approve General Crear's nomination as President and Commissioner of MRC. After the devastation of Hurricane Katrina, General Crear created Task Force Hope, a program dedicated to the restoration and rebuilding efforts in New Orleans and southeast Louisiana. It is among the largest disaster recovery operations in the history of the Corps of Engineers.

I am honored to have worked closely with General Crear. His devotion to the rebuilding and recovery efforts of the gulf coast region is a testament to his leadership and commitment. Louisiana and the gulf coast are forever grateful for his dedication and tireless effort.

Again, I would like to congratulate him on his retirement and exemplary service to our state and the country. I hope he enjoys his well deserved retirement and wish him well in all his future endeavors.•

BRINGING TEAM USA SUCCESS

• Mr. VITTER. Mr. President, I wish to acknowledge Tara Bounds and Phyllis Mitchell, a mother-daughter team that fought adversity and brought home a Gold and Bronze Medal from the 2007 World Games Special Olympics in Shanghai, China. I would like to take a few moments to discuss their tireless efforts to bring Team USA success.

Tara Bounds, a 25-year-old Ball, LA, resident, was diagnosed with Down's syndrome at birth. She began competing in the Special Olympics at age 8. However, it is only by miracle that Tara could even compete athletically. She also has a congenital heart defect and needed two surgeries before the age of 5 in order to live. Phyllis Mitchell coached Bounds along to help her win the Gold Medal in the softball throw and the Bronze Medal in the 50-meter run.

The World Games were held from October 2 to October 11, 2007, with over 7,000 athletes participating from 110 countries. Tara persevered past three competitions: the area competition, the State competition in Hammond, LA, and the national competition in Iowa. In order to continue, you must win at least one Gold Medal in the State and national competition. However, Tara almost did not make it due to monetary reasons, but she held fundraisers, and the people of Louisiana chipped in to send her to the World Olympics.

In order to practice, Tara ran at two local high schools, Pineville and Tioga. She also set up a target in her back yard to prepare for the softball toss. Tara ended up with a distance of 16.94 meters to win gold in the softball toss and ran the 50-meter run in 11.68 seconds to win bronze.

Tara continues to strive for excellence and hopes to participate in the 2011 Special Olympics in Athens, Greece. We should all aspire to follow her example. Today, I congratulate Tara Bounds and Phyllis Mitchell for their victory, and I wish them continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

2008 NATIONAL DRUG CONTROL STRATEGY—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit the 2008 National Drug Control Strategy, consistent with the provisions of section 201 of the Office of National Drug Control Policy Reauthorization Act of 2006.

My Administration published its first National Drug Control Strategy in 2002, inspired by a great moral imperative: we must reduce illegal drug use because, over time, drugs rob men, women, and children of their dignity and of their character. Thanks to bipartisan support in the Congress; the work of Federal, State, local, and tribal officials; and the efforts of ordinary citizens, 6 years later fewer Americans know the sorrow of addiction.

We have learned much about the nature of drug use and drug markets, and have demonstrated what can be achieved with a balanced strategy that puts resources where they are needed most. Prevention programs are reaching Americans in their communities, schools, workplaces, and through the media, contributing to a 24 percent decline in youth drug use since 2001. Today, approximately 860,000 fewer young people are using drugs than in 2001. We have expanded access to treatment in public health settings, the criminal justice system, and in sectors of society where resources are limited. The Access to Recovery program alone has extended treatment services to an additional 190,000 Americans, exceeding its 3-year goal by over 50 percent. We have seized unprecedented amounts of illegal drugs and have denied drug traffickers and terrorists the profits they need to conduct their deadly work. During the first three quarters of 2007 we saw significant disruptions in the cocaine and methamphetamine markets, with prices rising by 44 percent and 73 percent, and purities falling by 15 percent and 31 percent, respectively.

These results do not mean that our work is done. Rather, they provide a charter for future efforts. By pursuing a balanced strategy that addresses the epidemiology of drug use and the economics of drug availability, we can further reduce drug use in America.

I thank the Congress for its support and ask that it continue this noble work on behalf of the American people.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 3, 2008.*

MESSAGE FROM THE HOUSE

At 1:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 550. An act to preserve existing judgeships on the Superior Court of the District of Columbia.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1312. An act to expedite adjudication of employer petitions for aliens of extraordinary artistic ability.

H.R. 2040. An act to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

H.R. 5168. An act to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building".

H.R. 5551. An act to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 154. Concurrent resolution expressing the sense of Congress that the fatal radiation poisoning of Russian dissident and writer Alexander Litvinenko raises significant concerns about the potential involvement of elements of the Russian Government in Mr. Litvinenko's death and about the security and proliferation of radioactive materials.

H. Con. Res. 310. Concurrent resolution expressing support for a national day of remembrance for Harriet Ross Tubman.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1312. An act to expedite adjudication of employer petitions for aliens of extraordinary artistic ability; to the Committee on the Judiciary.

H.R. 2040. An act to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5168. An act to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5551. An act to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 154. Concurrent resolution expressing the sense of Congress that the fatal radiation poisoning of Russian dissident and writer Alexander Litvinenko raises significant concerns about the potential involvement of elements of the Russian Government in Mr. Litvinenko's death and about the security and proliferation of radioactive materials; to the Committee on Foreign Relations.

H. Con. Res. 310. Concurrent resolution expressing support for a national day of remembrance for Harriet Ross Tubman; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2807. A bill to protect the liberty and property of all Americans.

S. 2808. A bill to require that citizens within a National Heritage Area are informed of the designation and that government officials must receive permission to enter private property.

S. 2809. A bill to ensure that there are no adverse effects of a National Heritage Area designation to local communities and home owners.

S. 2810. A bill to require an annual report detailing the amount of property the Federal government owns and the cost of government land ownership to taxpayers.

S. 2811. A bill to require citizens' approval of Federal government land grabs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5554. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Addition of Armenia to the List of Regions Where African Swine Fever Exists" (Docket No. APHIS-2007-0142) received on March 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5555. A communication from the Secretary of Agriculture and the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to select chemical agents and toxins; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5556. A communication from the Under Secretary of Agriculture (Food, Nutrition, and Consumer Services), transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children: Implementation of Nondiscretionary WIC Certification and General Administrative Provisions" (RIN0584-AD73) received on March 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5557. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by personnel of the Army Corps of Engineers; to the Committee on Appropriations.

EC-5558. A communication from the Principal Deputy, Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Family Subsistence Supplemental Allowance program; to the Committee on Armed Services.

EC-5559. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral John G. Morgan, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-5560. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department's intent to convert the commissary and exchange store at Homestead Air Reserve Base to an independent Army and Air Force Exchange Service; to the Committee on Armed Services.

EC-5561. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the administration of Federal grants and cooperative agreements; to the Committee on Armed Services.

EC-5562. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC-5563. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to funding for the High Energy Laser Systems Test Facility; to the Committee on Armed Services.

EC-5564. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of President of the Government National Mortgage Association, received on March 28, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5565. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Public and Indian Housing, received on March 28, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5566. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Congressional and Intergovernmental Relations, received on March 28, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5567. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Community Planning and Development, received on March 28, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5568. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of President of the Government National Mortgage Association, received on March 28, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5569. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-200B, 747-300, and 747-400 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-201)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5570. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-109)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5571. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-093)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5572. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200, -200CB, and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-033)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5573. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation AE 3007A and AE 3007C Series Turbofan Engines" ((RIN2120-AA64)(Docket No. 99-NE-01)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5574. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA332C, L, L1, and L2 Helicopters" ((RIN2120-AA64)(Docket No. 2007-SW-40)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5575. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Gliders" ((RIN2120-AA64)(Docket No. 2007-CE-065)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5576. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland Model EC135 Helicopters" ((RIN2120-AA64) (Docket No. 2007-SW-58)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5577. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties" ((RIN2127-AK07) (Docket No. NHTSA-2007-28445)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5578. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400 Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-161)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5579. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA-365 N1, AS-365N2, AS-365N3, SA-366G1, EC 155B, and EC155B1 Helicopters" ((RIN2120-AA64) (Docket No. 2006-SE-24)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5580. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A and 206B Helicopters" ((RIN2120-AA64) (Docket No. 2006-SW-21)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5581. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes" ((RIN2120-AA64) (Docket No. 2007-NM-069)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5582. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model AB139 and AW139 Helicopters" ((RIN2120–AA64) (Docket No. 2007–SW–15)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5583. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–129)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5584. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–158)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5585. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11, MD–11F, DC–10–30 and DC–10–30F, DC–10–40, DC–10–40F, and MD–10–30F Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–074)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5586. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aircraft Industries, a.s. Model L–13 Blanik Gliders" ((RIN2120–AA64) (Docket No. 2007–CE–071)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5587. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, and DC–10–30F Airplanes; Model DC–10–40 and DC–10–40F Airplanes; and Model MD–11 and MD–11F Airplanes" ((RIN2120–AA64) (Docket No. 2003–NM–45)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5588. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–090)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5589. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–81 and DC–9–82 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–256)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5590. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767–300F Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–011)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5591. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–112)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5592. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–137)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5593. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon 50, Mystere-Falcon 900, Falcon 900EX, Falcon 2000, and Falcon 2000EX Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–134)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5594. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–114)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5595. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Series Airplanes, Model A300–600 Series Airplanes, and Model A310 Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–009)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5596. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–NM–130)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5597. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–217)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5598. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Series Airplanes and Model A300–600 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–131)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5599. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–200B, 747–300, 747–400, 747–400D, and 747–400F Series Airplanes Equipped with General Electric CF6–80C2 Engines" ((RIN2120–AA64) (Docket No. 2007–NM–037)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5600. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hartzell Propeller Inc. Compact Series Propellers" ((RIN2120–AA64) (Docket No. 2000–NE–08)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5601. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Thrust Aircraft, Inc. Model S2R Series Airplanes" ((RIN2120–AA64) (Docket No. 2007–CE–051)) received on March 31, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5602. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on March 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5603. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the apportionment of membership on the Regional Fishery Management Councils; to the Committee on Commerce, Science, and Transportation.

EC–5604. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a biennial report relative to the implementation of the Deep Sea Coral Research and Technology Program; to the Committee on Commerce, Science, and Transportation.

EC–5605. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 15 to the Pacific Coast Salmon Fishery Management Plan" (RIN0648–AU69) received on March 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5606. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2008 and 2009 Harvest Specifications for Groundfish" (RIN0648–XD69) received on March 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5607. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska" (RIN0648–XF94) received on March 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5608. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648–XF93) received on March 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5609. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648–XF90) received on March 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5610. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648–XF74) received on March 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5611. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648–XF82) received on March 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5612. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of the Exxon and Stripper Well oil overcharge funds as of September 30, 2006; to the Committee on Energy and Natural Resources.

EC–5613. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Crow Tribe" (Docket No. CR–1–FOR) received on March 28, 2008; to the Committee on Energy and Natural Resources.

EC–5614. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Reporting Amendments" (RIN1010–AD20) received on March 28, 2008; to the Committee on Energy and Natural Resources.

EC–5615. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled, "Department of Energy FY 2006–FY 2007 Methane Hydrate Report to Congress"; to the Committee on Energy and Natural Resources.

EC–5616. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reissuance Standards for State and Local Bonds" (Notice 2008–41) received on March 28, 2008; to the Committee on Finance.

EC–5617. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States–Jordan Free Trade Agreement" (RIN1505–AB75) received on March 28, 2008; to the Committee on Finance.

EC–5618. A communication from the Program Manager, Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and State Health Care Programs; Fraud and Abuse; Issuance of Advisory Opinions by OIG" (42 CFR Part 1008) received on March 28, 2008; to the Committee on Finance.

EC–5619. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the transfer of defense services to the United Kingdom relative to the sale of radar altimeters and accelerometers; to the Committee on Foreign Relations.

EC–5620. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a biennial report relative to the Promoting Safe and Stable Families Program; to the Committee on Health, Education, Labor, and Pensions.

EC–5621. A communication from the White House Liaison, Office of the Inspector General, Department of Education, transmitting, pursuant to law, the report of a vacancy, designation of an acting officer and discontinuation of service in the acting role of Inspector General, received on March 28, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5622. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on March 28, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5623. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the new mileage reimbursement rate for Federal employees who use privately owned automobiles while on official travel; to the Committee on Homeland Security and Governmental Affairs.

EC–5624. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, an annual report relative to the Federal Employee Anti-Discrimination and Retaliation Act; to the Committee on Homeland Security and Governmental Affairs.

EC–5625. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Fiscal Year 2007 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Homeland Security and Governmental Affairs.

EC–5626. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report relative to the acquisitions made by the Commission during fiscal year 2007 from entities that manufacture articles outside of the United States; to the Committee on Homeland Security and Governmental Affairs.

EC–5627. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Data Mining Activity within the Department; to the Committee on Homeland Security and Governmental Affairs.

EC–5628. A communication from the Acting Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Petitions Filed on Behalf of the H–1B Temporary Workers Subject to or Exempt from the Numerical Limitation" (RIN1615–AB68) received on March 28, 2008; to the Committee on the Judiciary.

EC–5629. A communication from the Federal Register Liaison Officer, Regulations and Rulings Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Alexander Valley Viticultural Area" (RIN1513–AB23) received on March 28, 2008; to the Committee on the Judiciary.

EC–5630. A communication from the Federal Register Liaison Officer, Regulations and Rulings Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the LeHigh Valley Viticultural Area" (RIN1513–AB19) received on March 28, 2008; to the Committee on the Judiciary.

EC–5631. A communication from the Federal Register Liaison Officer, Regulations and Rulings Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expansion of the San Francisco Bay Viticultural Area" (RIN1513–AB21) received on March 28, 2008; to the Committee on the Judiciary.

EC–5632. A communication from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, an annual report relative to crime victims' rights; to the Committee on the Judiciary.

EC–5633. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of U.S. Attorney, Northern District of Ohio, received on March 28, 2008; to the Committee on the Judiciary.

EC–5634. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of U.S. Attorney, District of South Carolina, received on March 28, 2008; to the Committee on the Judiciary.

EC–5635. A communication from the White House Liaison, Office of the Deputy Attorney General, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Attorney General, received on March 28, 2008; to the Committee on the Judiciary.

EC–5636. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Texas Advisory Committee; to the Committee on the Judiciary.

EC–5637. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Ohio Advisory Committee; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Ms. SNOWE, Mrs. LINCOLN, and Mr. COLEMAN):

S. 2795. A bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible; to the Committee on Finance.

By Mr. AKAKA:

S. 2796. A bill to require a pilot program on the use of community-based organizations to ensure that veterans receive the care and benefits they need, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA:

S. 2797. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COLEMAN:

S. 2798. A bill to establish a health and education grant program related to autism spectrum disorders, and for other purposes; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Mrs. HUTCHISON, Ms. MURKOWSKI, Mrs. LINCOLN, Mr. ROCKEFELLER, Mr. WYDEN, and Mr. SCHUMER):

S. 2799. A bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPECTER:

S. 2800. A bill to increase the incentives for employers to hire qualified ex-felons by enhancing the effectiveness of the work opportunity tax credit, to reduce the backlog of applications pending certification under the work opportunity tax credit program, to enhance the effectiveness of the Federal bonding program, to enhance the effectiveness of the Federal bonding program, and to authorize a pilot program for employment-focused re-entry projects; to the Committee on Finance.

By Mr. REID (for Mrs. CLINTON):

S. 2801. A bill to help families avoid foreclosure and stay in their homes by encouraging reasonable and responsible modifications for unworkable and impractical mortgage loans, and to help preserve the rights of investors by reaffirming the basic obligations of their investment agents to achieve the most beneficial outcomes for their clients and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU:

S. 2802. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 2803. A bill to amend the Act entitled "An Act authorizing associations of producers of aquatic products" to include persons engaged in the fishery industry as charter boats or recreational fishermen, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 2804. A bill to adjust the boundary of the Everglades National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 2805. A bill to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 2806. A bill to require the Administrator of the Environmental Protection Agency to reconsider the decision of the Administrator to deny the request of the State of California to regulate greenhouse gas emissions from new motor vehicles, and to complete further proceedings in accordance with the decision of the Supreme Court in Massachusetts v. Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. COBURN:

S. 2807. A bill to protect the liberty and property of all Americans; read the first time.

By Mr. COBURN:

S. 2808. A bill to require that citizens within a National Heritage Area are informed of the designation and that government officials must receive permission to enter private property; read the first time.

By Mr. COBURN:

S. 2809. A bill to ensure that there are no adverse effects of a National Heritage Area designation to local communities and homeowners; read the first time.

By Mr. COBURN:

S. 2810. A bill to require an annual report detailing the amount of property the Federal government owns and the cost of government land ownership to taxpayers; read the first time.

By Mr. COBURN:

S. 2811. A bill to require citizens' approval of Federal government land grabs; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THUNE (for himself and Mr. JOHNSON):

S. Res. 496. A resolution honoring the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. STEVENS, Mr. CARPER, Mr. WARNER, Mr. OBAMA, and Mrs. MCCASKILL):

S. Res. 497. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID:

S. Res. 498. A resolution designating April 8, 2008, as "National Cushing's Syndrome Awareness Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 367

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 380

At the request of Mr. WYDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 431

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 519

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 519, a bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

S. 689

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 689, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 941

At the request of Mr. SANDERS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 941, a bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically-underserved areas.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 969

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 989

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 989, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1223, a bill to amend the

Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1646

At the request of Mr. REID, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1646, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to make cost-share and incentive payments for innovative fuels management conservation practices, including prescribed grazing management on private grazing land and practices that complement commensurate public land, to prevent the occurrence and spread of, and damages caused by, wildfires fueled by invasive species.

S. 1795

At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1795, a bill to improve access to workers' compensation programs for injured Federal employees.

S. 1843

At the request of Mr. KENNEDY, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Montana (Mr. TESTER) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1846

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2069

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2141

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2141, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2347

At the request of Mr. OBAMA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2352

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2352, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries greater choice with regard to accessing hearing health services and benefits.

S. 2376

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2376, a bill to establish a demonstration project to provide for patient-centered medical homes to improve the effectiveness and efficiency in providing medical assistance under the Medicaid program and child health assistance under the State Children's Health Insurance Program.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2510

At the request of Ms. LANDRIEU, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2523

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2602

At the request of Mr. SALAZAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2602, a bill to amend the

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008, to terminate the authority of the Secretary of the Treasury to deduct amounts from certain States.

S. 2608

At the request of Ms. SNOWE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2608, a bill to make improvements to the Small Business Act.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2652

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2652, a bill to authorize the Secretary of Defense to make a grant to the National World War II Museum Foundation for facilities and programs of America's National World War II Museum.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 2717

At the request of Mr. CHAMBLISS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2717, a bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

S. 2723

At the request of Mr. BROWN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2723, a bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes.

S. 2746

At the request of Mr. CORNYN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2746, a bill to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from North Carolina (Mr. BURR), the Senator from Maine (Ms. SNOWE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2769

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2769, a bill to authorize appropriate use of information in the Firearms Trace Database, and for other purposes.

S. 2771

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2771, a bill to require the president to call a White House Conference on Children and Youth in 2010.

S. 2785

At the request of Ms. STABENOW, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2794

At the request of Mr. VITTER, his name was withdrawn as a cosponsor of S. 2794, a bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.

S.J. RES. 28

At the request of Mr. DORGAN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 456

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 456, a resolution directing the United States to undertake bilateral discussions with Canada to negotiate an agreement to conserve populations of large whales at risk of extinction that migrate along the Atlantic seaboard of North America.

S. RES. 481

At the request of Mr. HAGEL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 481, a resolution designating April 2008 as "National Autism Awareness Month" and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Ms. SNOWE, Mrs. LINCOLN, and Mr. COLEMAN):

S. 2795. A bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Health Options Program Act of 2008" or the "SHOP Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXX—SMALL BUSINESS HEALTH OPTIONS PROGRAM

"SEC. 3001. DEFINITIONS.

"(a) IN GENERAL.—In this title:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator appointed under section 3002(a).

"(2) SMALL BUSINESS HEALTH BOARD.—The term 'Small Business Health Board' means the Board established under section 3002(d).

"(3) EMPLOYEE.—The term 'employee' has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)). Such term shall not include an employee of the Federal Government.

"(4) EMPLOYER.—The term 'employer' has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(5)), except that such term shall include employers who employed an average of at least 1 but not more than 100 employees (who worked an average of at least 35 hours per week) on business days during the year preceding the date of application, and shall include self-employed individuals with either not less than $5,000 in net earnings or not less than $15,000 in gross earnings from self-employment in the preceding taxable year. Such term shall not include the Federal Government.

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term in section 2791.

"(6) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 2791.

“(7) HEALTH STATUS-RELATED FACTOR.—The term ‘health status-related factor’ has the meaning given such term in section 2791(d)(9).

“(8) PARTICIPATING EMPLOYER.—The term ‘participating employer’ means an employer that—

“(A) elects to provide health insurance coverage under this title to its employees; and

“(B) is not offering other comprehensive health insurance coverage to such employees.

“(b) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of subsection (a)(3):

“(1) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

“(2) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence for the full year prior to the date on which the employer applies to participate, the determination of whether such employer meets the requirements of subsection (a)(4) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the employer's first full year.

“(3) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

“(c) WAIVER AND CONTINUATION OF PARTICIPATION.—

“(1) WAIVER.—The Administrator may waive the limitations relating to the size of an employer which may participate in the health insurance program established under this title on a case by case basis if the Administrator determines that such employer makes a compelling case for such a waiver. In making determinations under this paragraph, the Administrator may consider the effects of the employment of temporary and seasonal workers and other factors.

“(2) CONTINUATION OF PARTICIPATION.—An employer participating in the program under this title that experiences an increase in the number of employees so that such employer has in excess of 100 employees, may not be excluded from participation solely as a result of such increase in employees.

“(d) TREATMENT OF HEALTH INSURANCE COVERAGE AS GROUP HEALTH PLAN.—Health insurance coverage offered under this title shall be treated as a group health plan for purposes of applying the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) except to the extent that a provision of this title expressly provides otherwise.

“(e) APPLICATION OF HIPAA RULES.—Notwithstanding any provision of State law, the provisions of subparts 1, 3, and 4 of part A of title XXVII shall apply to health insurance coverage offered under this title. A State may modify State law as appropriate to provide for the enforcement of such provisions for health insurance coverage offered in the State under this title.

“SEC. 3002. ADMINISTRATION OF SMALL BUSINESS HEALTH INSURANCE POOL.

“(a) OFFICE AND ADMINISTRATOR.—The Secretary shall designate an office within the Department of Health and Human Services to administer the program under this title. Such office shall be headed by an Administrator to be appointed by the Secretary.

“(b) QUALIFICATIONS.—The Secretary shall ensure that the individual appointed to serve as the Administrator under subsection (a) has an appropriate background with experience in health insurance, business, or health policy.

“(c) DUTIES.—The Administrator shall—

“(1) enter into contracts with health insurance issuers to provide health insurance coverage to individuals and employees who enroll in health insurance coverage in accordance with this title;

“(2) maintain the contracts for health insurance policies when an employee elects which health plan offered under this title to enroll in as permitted under section 3007(d)(7);

“(3) ensure that health insurance issuers comply with the requirements of this title;

“(4) ensure that employers meet eligibility requirements for participation in the health insurance pool established under this title;

“(5) enter into agreements with entities to serve as navigators, as defined in section 3003;

“(6) collect premiums from employers and employees and make payments for health insurance coverage;

“(7) collect other information needed to administer the program under this title;

“(8) compile, produce, and distribute information (which shall not be subject to review or modification by the States) to employers and employees (directly and through navigators) concerning the open enrollment process, the health insurance coverage available through the pool, and standardized comparative information concerning such coverage, which shall be available through an interactive Internet website, including a description of the coverage plans available in each State and comparative information, about premiums, index rates, benefits, quality, and consumer satisfaction under such plans;

“(9) provide information to health insurance issuers, including, at the discretion of the Administrator, notification when proposed rates are not in a competitive range;

“(10) conduct public education activities (directly and through navigators) to raise the awareness of the public of the program under this title and the associated tax credit under the Internal Revenue Code of 1986;

“(11) develop methods to facilitate enrollment in health insurance coverage under this title, including through the use of the Internet;

“(12) if appropriate, enter into contracts for the performance of administrative functions under this title as permitted under section 3009;

“(13) carefully consider benefit recommendations that are endorsed by at least two-thirds of the members of the Small Business Health Board;

“(14) establish and administer a contingency fund for risk corridors as provided for in section 3008; and

“(15) carry out any other activities necessary to administer this title.

“(d) LIMITATIONS.—The Administrator shall not—

“(1) negotiate premiums with participating health insurance issuers; or

“(2) exclude health insurance issuers from participating in the program under this title except for violating contracts or the requirements of this title.

“(e) SMALL BUSINESS HEALTH BOARD.—

“(1) IN GENERAL.—There shall be established a Small Business Health Board to monitor the implementation of the program under this title and to make recommendations to the Administrator concerning improvements in the program.

“(2) APPOINTMENT.—The Comptroller General shall appoint 13 individuals who have expertise in health care benefits, financing, economics, actuarial science or other related fields, to serve as members of the Small Business Health Board. In appointing members under the preceding sentence, the Comptroller General shall ensure that such members include—

“(A) a mix of different types of professionals;

“(B) a broad geographic representation;

“(C) not less than 3 individuals with an employee perspective;

“(D) not less than 3 individuals with a small business perspective, at least 1 of whom shall have a self-employed perspective; and

“(E) not less than 1 individual with a background in insurance regulation.

“(3) TERMS.—Members of the Small Business Health Board shall serve for a term of 3 years, such terms to end on March 15 of the applicable year, except as provided in paragraph (4). The Comptroller General shall stagger the terms for members first appointed. A member may be reappointed after the expiration of a term. A member may serve after expiration of a term until a successor has been appointed.

“(4) SMALL BUSINESS REPRESENTATIVES.—Beginning on March 16, 2012, 3 of the individuals the Comptroller General appoints to the Small Business Health Board shall be representatives of the 3 navigators through which the largest number of individuals have enrolled for health insurance coverage over the previous 2-year period. Such appointees shall serve for 1 year. The Comptroller General shall consider for appointment in years prior to the date specified in this paragraph, individuals who are representatives of entities that may serve as navigators.

“(5) CHAIRPERSON; VICE CHAIRPERSON.—The Comptroller General shall designate a member of the Small Business Health Board, at the time of appointment of such member, to serve as Chairperson and a member to serve as Vice Chairperson for the term of the appointment, except that in the case of a vacancy of either such position, the Comptroller General may designate another member to serve in such position for the remainder of such member's term.

“(6) COMPENSATION.—While serving on the business of the Small Business Health Board (including travel time), a member of the Small Business Health Board shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairperson of the Small Business Health Board.

“(7) DISCLOSURE.—The Comptroller General shall establish a system for the public disclosure, by members of the Small Business Health Board, of financial and other potential conflicts of interest.

“(8) MEETINGS.—The Small Business Health Board shall meet at the call of the Chairperson. Each such meeting shall be open to the public.

“(9) DUTIES.—The Small Business Health Board shall—

“(A) provide general oversight of the program under this title and make recommendations to the Administrator;

“(B) monitor and make recommendations to the Administrator on the benefit requirements for national plans in this title;

“(C) make recommendations concerning information that the Administrator, health plans, and navigators should distribute to employers and employees participating in the program under this title; and

"(D) monitor and make recommendations to the Administrator on adverse selection within the program under this title and between the coverage provided under the program and the State-regulated health insurance market.

"(10) APPROVAL OF RECOMMENDATIONS.—A recommendation shall require approval by not less than two-thirds of the members of the Board.

"(11) PUBLIC NOTICE AND COMMENT ON RECOMMENDATIONS.—The Administrator shall—

"(A) publish recommendations by the Small Business Health Board in the Federal Register;

"(B) solicit written comments concerning such recommendations; and

"(C) provide an opportunity for the presentation of oral comments concerning such recommendations at a public meeting.

"SEC. 3003. NAVIGATORS.

"(a) IN GENERAL.—The Administrator shall enter into agreements with private and public entities, beginning a reasonable period prior to the beginning of the first calendar year in which health insurance coverage is offered under this title, under which such entities will serve as navigators.

"(b) ELIGIBILITY.—To be eligible to enter into an agreement under subsection (a), an entity shall demonstrate to the Administrator that the entity has existing relationships with, or could readily establish relationships with, employers and employees, and self-employed individuals, likely to be eligible to participate in the program under this title. Such entities may include trade, industry and professional associations, chambers of commerce, unions, small business development centers, and other entities that the Administrator determines to be capable of carrying out the duties described in subsection (c).

"(c) DUTIES.—An entity that serves as a navigator under an agreement under subsection (a) shall—

"(1) coordinate with the Administrator on public education activities to raise awareness of the program under this title;

"(2) distribute information developed by the Administrator on the open enrollment process, private health plans available through the program under this title, and standardized comparative information about the health insurance coverage under the program;

"(3) distribute information about the availability of the tax credit under section 36 of the Internal Revenue Code of 1986 as added by the Small Business Health Options Program Act of 2008;

"(4) assist employers and employees in enrolling in the program under this title; and

"(5) respond to questions about the program under this title and participating plans.

"(d) SUPPLEMENTAL MATERIALS.—In addition to information developed by the Administrator under subsection (c)(2), a navigator may develop and distribute other information that is related to the health insurance program established under this title, subject to review and approval by the Administrator and filing in each State in which the navigator operates.

"(e) STANDARDS.—

"(1) IN GENERAL.—The Administrator shall establish standards for navigators under this section, including provisions to avoid conflicts of interest. Under such standards, a navigator may not—

"(A) be a health insurance issuer; or

"(B) receive any consideration directly or indirectly from any health insurance issuer in connection with the participation of any employer in the program under this title or the enrollment of any eligible employee in health insurance coverage under this title.

"(2) FAIR AND IMPARTIAL INFORMATION AND SERVICES.—The Administrator shall consult with the Small Business Health Board concerning the standards necessary to ensure that a navigator will provide fair and impartial information and services. An agreement between the Administrator and a navigator may include specific provisions with respect to such navigator to ensure that such navigator will provide fair and impartial information and services. If a navigator, or entity seeking to become a navigator, is a party to any arrangement with any health insurance issuer to receive compensation related to other health care programs not covered under this title, the entity shall disclose the terms of such compensation arrangements to the Administrator, and the Administrator shall take such information into account in determining the appropriate standards and agreement terms for such navigator.

"SEC. 3004. CONTRACTS WITH HEALTH INSURANCE ISSUERS.

"(a) IN GENERAL.—The Administrator may enter into contracts with qualified health insurance issuers, without regard to section 5 of title 41, United States Code, or other statutes requiring competitive bidding, to provide health benefits plans to employees of participating employers and self-employed individuals under this title. Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. In entering into such contracts, the Administrator shall ensure that health benefits coverage is provided for an individual only, two adults in a household, one adult and one or more children, and a family.

"(b) ELIGIBILITY.—A health insurance issuer shall be eligible to enter into a contract under subsection (a) if such issuer—

"(1) is licensed to offer health benefits plan coverage in each State in which the plan is offered; and

"(2) meets such other reasonable requirements as determined appropriate by the Administrator, after an opportunity for public comment and publication in the Federal Register.

"(c) COST-SHARING AND NETWORKS.—The Administrator shall ensure that health benefits plans with a range of cost-sharing and network arrangements are available under this title.

"(d) REVOCATION.—Approval of a health benefits plan participating in the program under this title may be withdrawn or revoked by the Administrator only after notice to the health insurance issuer involved and an opportunity for a hearing without regard to subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

"(e) CONVERSION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a contract may not be made or a plan approved under this section if the health insurance issuer under such contract or plan does not provide to each enrollee whose coverage under the plan is terminated, including a termination due to discontinuance of the contract or plan, the option to have issued to that individual a nongroup policy without evidence of insurability. A health insurance issuer shall provide a notice of such option to individuals who enroll in the plan. An enrollee who exercises such conversion option shall pay the full periodic charges for the nongroup policy.

"(2) EXCEPTIONS.—A health insurance issuer shall not be required to offer a nongroup policy under paragraph (1) if the termination under the plan occurred because—

"(A) the enrollee failed to pay any required monthly premiums under the plan;

"(B) the enrollee performed an act or practice that constitutes fraud in connection with the coverage under the plan;

"(C) the enrollee made an intentional misrepresentation of a material fact under the terms of coverage of the plan; or

"(D) the terminated coverage under the plan was replaced by similar coverage within 31 days after the date of termination.

"(f) PAYMENT OF PREMIUMS.—

"(1) IN GENERAL.—Employers shall collect premium payments from their employees through payroll deductions and shall forward such payments and the contribution of the employer (if any) to the Administrator. The Administrator shall develop procedures through which such payments shall be received and forwarded to the health insurance issuer involved.

"(2) FAILURE TO PAY.—

"(A) IN GENERAL.—Failure to pay premiums shall be treated as a debt owed to the United States in the same manner as the failure to repay a loan made to an individual under the Higher Education Act of 1965 is treated as such a debt.

"(B) PROCEDURES.—The Administrator shall establish procedures—

"(i) for the termination of employers that fail, for a two consecutive month period (or such other time period as determined appropriate by the Administrator), to make premium payments in a timely manner; and

"(ii) for recovering the cost of unpaid and uncollected premiums through an adjustment in the rates charged for the subsequent year in accordance with section 3007(b)(1)(C).

"SEC. 3005. EMPLOYER PARTICIPATION.

"(a) PARTICIPATION PROCEDURE.—The Administrator shall develop a procedure for employers and self-employed individuals to participate in the program under this title, including procedures relating to the offering of health benefits plans to employees and the payment of premiums for health insurance coverage under this title. For the purpose of premium payments, a self-employed individual shall be considered an employer that is making a 100 percent contribution toward the premium amount.

"(b) ENROLLMENT AND OFFERING OF OTHER COVERAGE.—

"(1) ENROLLMENT.—A participating employer shall ensure that each eligible employee has an opportunity to enroll in a plan of the employer's choice or a plan of the employee's choice in accordance with section 3007(d)(7).

"(2) PROHIBITION ON OFFERING OTHER COMPREHENSIVE HEALTH BENEFIT COVERAGE.—A participating employer may not offer a health insurance plan providing comprehensive health benefit coverage to employees other than a health benefits plan offered under this title.

"(3) PROHIBITION ON COERCION.—An employer shall not pressure, coerce, or offer inducements to an employee to elect not to enroll in coverage under the program under this title or to select a particular health benefits plan.

"(4) OFFER OF SUPPLEMENTAL COVERAGE OPTIONS.—

"(A) IN GENERAL.—A participating employer may offer supplementary coverage options to employees.

"(B) DEFINITION.—In subparagraph (A), the term 'supplementary coverage' means benefits described as 'excepted benefits' under section 2791(c).

"(c) REGULATORY FLEXIBILITY.—In developing the procedure under subsection (a), the Administrator shall comply with the requirements specified under the Regulatory Flexibility Act under chapter 6 of title 5, United States Code, consider the economic impacts that the regulation will have on small businesses, and consider regulatory alternatives that would mitigate such impact. The Administrator shall publish and publicly disseminate a small business compliance guide, pursuant to section 212 of the Small Business Regulatory Enforcement Fairness Act, that explains the compliance requirements for employer participation. Such compliance guide shall be published not later than the date of the publication of the final rule under this title, or the effective date of such rules, whichever is later.

"(d) RULE OF CONSTRUCTION.—Except as provided in section 3004(f), nothing in this title shall be construed to require that an employer make premium contributions on behalf of employees.

"SEC. 3006. ELIGIBILITY AND ENROLLMENT.

"(a) IN GENERAL.—An individual shall be eligible to enroll in health insurance coverage under this title for coverage beginning in 2011 if such individual is an employee of a participating employer described in section 3001(a)(4) or is a self-employed individual as defined in section 401(c)(1)(B) of the Internal Revenue Code of 1986 and meets the definition of a participating employer in section 3001(a)(8). An employer may allow employees who average fewer than 35 hours per week to enroll.

"(b) LIMITATION.—A health insurance issuer may not refuse to provide coverage to any eligible individual under subsection (a) who selects a health benefits plan offered by such issuer under this title.

"(c) TYPE OF ENROLLMENT.—An eligible individual may enroll as an individual or as an adult with one or more children regardless of whether another adult is present in the enrollee's household or family.

"(d) OPEN ENROLLMENT.—

"(1) IN GENERAL.—The Administrator shall establish an annual open enrollment period during which an employer may elect to become a participating employer and an employee may enroll in a health benefits plan under this title for the following calendar year.

"(2) OPEN ENROLLMENT PERIOD.—For purposes of this title, the term 'open enrollment period' means, with respect to calendar year 2011 and each succeeding calendar year, the period beginning on October 1, 2010, and ending December 1, 2010, and each succeeding period beginning October 1 and ending December 1. Coverage in a health benefits plan selected during such an open enrollment period shall begin on January 1 of the calendar year following the selection.

"(3) NEWLY ELIGIBLE EMPLOYERS AND EMPLOYEES.—Notwithstanding the open enrollment period provided for under paragraph (2), the Administrator shall establish an enrollment process to enable a newly eligible employer or an employer with an existing health benefits policy whose term is ending to become a participating employer and for an employee of such employer, or a new employee of a participating employer, to enroll in a health benefits plan under this title outside of an open enrollment period. The Administrator may establish a process for setting the renewal date for the participation of an employer that initially becomes a participating employer outside of the open enrollment period to coincide with a subsequent open enrollment period.

"(4) LIMITATION OF CHANGING ENROLLMENT.—An employer or employee (as the case may be) may elect to change the health benefits plan that the employee is enrolled in only during an open enrollment period.

"(5) EFFECTIVENESS OF ELECTION AND CHANGE OF ELECTION.—An election to change a health benefits plan that is made during the open enrollment period under paragraph (2) shall take effect as of the first day of the following calendar year.

"(6) CONTINUATION OF ENROLLMENT.—An employee who has enrolled in a health benefits plan under this title is considered to have been continuously enrolled in that health benefits plan until such time as—

"(A) the employer or employee (as the case may be) elects to change health benefits plans; or

"(B) the health benefits plan is terminated.

"(e) PROVIDING INFORMATION TO PROMOTE INFORMED CHOICE.—The Administrator shall compile, produce, and disseminate information to employers, employees, and navigators under section 3002(c)(8) to promote informed choice that shall be made available at least 30 days prior to the beginning of each open enrollment period.

"(f) TERMINATION OF EMPLOYMENT.—An employee may remain enrolled in a health plan under this title for the remainder of the calendar year following the termination or separation of the employee from employment or termination of the employer, if the employee pays 100 percent of the monthly premium for the remainder of the year involved.

"(g) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to prohibit a health insurance issuer providing coverage through the program under this title from using the services of a licensed agent or broker.

"SEC. 3007. HEALTH COVERAGE AVAILABLE WITHIN THE SMALL BUSINESS POOL.

"(a) PREEXISTING CONDITION EXCLUSIONS.—

"(1) IN GENERAL.—Each contract under this title may include a preexisting condition exclusion as defined under section 9801(b)(1) of the Internal Revenue Code of 1986.

"(2) EXCLUSION PERIOD.—A preexisting condition exclusion under this subsection shall provide for coverage of a preexisting condition to begin not later than 6 months after the date on which the coverage of the individual under a health benefits plan commences, reduced by the aggregate of 1 day for each day that the individual was covered under creditable health insurance coverage (as defined for purposes of section 2701(c)) immediately preceding the date the individual submitted an application for coverage under this title. This provision shall be applied notwithstanding the applicable provision for the reduction of the exclusion period provided for in section 701(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(a)(3)).

"(b) RATES AND PREMIUMS; STATE LAWS.—

"(1) IN GENERAL.—Rates charged and premiums paid for a health benefits plan under this title—

"(A) shall be determined in accordance with subsection (d);

"(B) may be annually adjusted; and

"(C) shall be adjusted to cover the administrative costs of the Administrator under this title and the office established under section 3002.

"(2) BENEFIT MANDATE LAWS.—With respect to a contract entered into under this title under which a health insurance issuer will offer health benefits plan coverage, State mandated benefit laws in effect in the State in which the plan is offered shall continue to apply, except in the case of a nationwide plan.

"(3) LIMITATION.—Nothing in this subsection shall be construed to preempt any State or local law (including any State grievance, claims, and appeals procedure laws, State provider mandate laws, and State network adequacy laws) except those laws and regulations described in subsection (b)(2), (d)(2)(B), and (d)(5).

"(c) TERMINATION AND REENROLLMENT.—If an individual who is enrolled in a health benefits plan under this title voluntarily terminates the enrollment, except in the case of an individual who has lost or changes employment or whose employer is terminated for failure to pay premiums, the individual shall not be eligible for reenrollment until the first open enrollment period following the expiration of 6 months after the date of such termination.

"(d) RATING RULES AND TRANSITIONAL APPLICATION OF STATE LAW.—

"(1) YEARS 2011 AND 2012.—With respect to calendar years 2011 and 2012 (open enrollment period beginning October 1, 2010, and October 1, 2011), the following shall apply:

"(A) In the case of an employer that elects to participate in the program under this title, the State rating requirements applicable to employers purchasing health insurance coverage in the small group market in the State in which the employer is located shall apply with respect to such coverage, except that premium rates for such coverage shall not vary based on health-status related factors.

"(B) State rating requirements shall apply to health insurance coverage purchased in the small group market in the State, except that a State shall be prohibited from allowing premium rates to vary based on health-status related factors.

"(2) SUBSEQUENT YEARS.—

"(A) NAIC RECOMMENDATIONS.—

"(i) STUDY.—Beginning in 2009, the Administrator shall contract with the National Association of Insurance Commissioners to conduct a study of the rating requirements utilized in the program under this title and the rating requirements that apply to health insurance purchased in the small group markets in the States, and to develop recommendations concerning rating requirements. Such recommendations shall be submitted to the appropriate committees of Congress during calendar year 2011.

"(ii) CONSULTATION.—In conducting the study under clause (i), the National Association of Insurance Commissioners shall consult with key stakeholders (including small businesses, self-employed individuals, employees of small businesses, health insurance issuers, health care providers, and patient advocates).

"(iii) RECOMMENDATIONS.—During calendar year 2011, the recommendations of the National Association of Insurance Commissioners shall be submitted to Congress (in the form of a legislative proposal), and shall concern—

"(I) rating requirements for health insurance coverage under this title for calendar year 2013 and subsequent calendar years; and

"(II) a maximum permissible variance between State rating requirements and the rating requirements for coverage under this title that will allow State flexibility without causing significant adverse selection for health insurance coverage under this title.

"(B) APPLICATION OF REQUIREMENTS.—If, pursuant to this subsection, an Act is enacted to implement rating requirements pursuant to the recommendations submitted under subparagraph (A), or alternative rating requirements developed by Congress, such rating requirements shall apply to the program under this title beginning in calendar year 2013 (open enrollment periods beginning October 1, 2012, and thereafter).

"(3) FAILURE TO ENACT LEGISLATION.—If an Act is not enacted as provided for in paragraph (2)(B), the fallback rating rules under paragraph (5) shall apply beginning in calendar year 2013 (open enrollment periods beginning October 1, 2012, and thereafter).

"(4) EXPEDITED CONGRESSIONAL CONSIDERATION.—

"(A) INTRODUCTION AND COMMITTEE CONSIDERATION.—

"(i) INTRODUCTION.—A legislative proposal submitted to Congress pursuant to paragraph (2) shall be introduced in the House of Representatives by the Speaker, and in the Senate by the Majority Leader, immediately upon receipt of the language and shall be referred to the appropriate committees of Congress. If the proposal is not introduced in accordance with the preceding sentence, legislation may be introduced in either House of Congress by any member thereof.

"(ii) COMMITTEE CONSIDERATION.—Legislation introduced in the House of Representatives and the Senate under clause (i) shall be referred to the appropriate committees of jurisdiction of the House of Representatives and the Senate. Not later than 45 calendar days after the introduction of the legislation or February 15th, 2012, whichever is later, the committee of Congress to which the legislation was referred shall report the legislation or a committee amendment thereto. If the committee has not reported such legislation (or identical legislation) at the end of 45 calendar days after its introduction, or February 15th, 2012, whichever is later, such committee shall be deemed to be discharged from further consideration of such legislation and such legislation shall be placed on the appropriate calendar of the House involved.

"(B) EXPEDITED PROCEDURE.—

"(i) CONSIDERATION.—Not later than 15 calendar days after the date on which a committee has been or could have been discharged from consideration of legislation under this paragraph, the Speaker of the House of Representatives, or the Speaker's designee, or the Majority Leader of the Senate, or the Leader's designee, shall move to proceed to the consideration of the committee amendment to the legislation, and if there is no such amendment, to the legislation. It shall also be in order for any member of the House of Representatives or the Senate, respectively, to move to proceed to the consideration of the legislation at any time after the conclusion of such 15-day period. All points of order against the legislation (and against consideration of the legislation) with the exception of points of order under the Congressional Budget Act of 1974 are waived. A motion to proceed to the consideration of the legislation is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the legislation, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives or the Senate, as the case may be, shall immediately proceed to consideration of the legislation in accordance with the Standing Rules of the House of Representatives or the Senate, as the case may be, without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the House of Representatives or the Senate, as the case may be, until disposed of, except as provided in clause (iii).

"(ii) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the legislation that was introduced in such House, such House receives from the other House legislation as passed by such other House—

"(I) the legislation of the other House shall not be referred to a committee and shall immediately displace the legislation that was introduced in the House in receipt of the legislation of the other House; and

"(II) the legislation of the other House shall immediately be considered by the receiving House under the same procedures applicable to legislation reported by or discharged from a committee under this paragraph.

"Upon disposition of legislation that is received by one House from the other House, it shall no longer be in order to consider the legislation that was introduced in the receiving House.

"(iii) SENATE VOTE REQUIREMENT.—Legislation under this paragraph shall only be approved in the Senate if affirmed by the votes of 3/5 of the Senators duly chosen and sworn. If legislation in the Senate has not reached final passage within 10 days after the motion to proceed is agreed to (excluding periods in which the Senate is in recess) it shall be in order for the Majority Leader to file a cloture petition on the legislation or amendments thereto, in accordance with rule XXII of the Standing Rules of the Senate. If such a cloture motion on the legislation fails, is shall be in order for the Majority Leader to proceed to other business and the legislation shall be returned to or placed on the Senate calendar.

"(iv) CONSIDERATION IN CONFERENCE.—Immediately upon a final passage of the legislation that results in a disagreement between the two Houses of Congress with respect to the legislation, conferees shall be appointed and a conference convened. Not later than 15 days after the date on which conferees are appointed (excluding periods in which one or both Houses are in recess), the conferees shall file a report with the House of Representatives and the Senate resolving the differences between the Houses on the legislation. Notwithstanding any other rule of the House of Representatives or the Senate, it shall be in order to immediately consider a report of a committee of conference on the legislation filed in accordance with this subclause. Debate in the House of Representatives and the Senate on the conference report shall be limited to 10 hours, equally divided and controlled by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives or their designees and the Majority and Minority Leaders of the Senate or their designees. A vote on final passage of the conference report shall occur immediately at the conclusion or yielding back of all time for debate on the conference report. The conference report shall be approved in the Senate only if affirmed by the votes of 3/5 of the Senators duly chosen and sworn.

"(C) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This paragraph is enacted by Congress—

"(i) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of legislation under this paragraph, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(ii) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(5) FALLBACK RATING RULES.—For purposes of paragraph (3), the fallback rating rules are as follows:

"(A) PROGRAM.—

"(i) RATING RULES.—A health insurance issuer that enters into a contract under the program under this title shall determine the amount of premiums to assess for coverage under a health benefits plan based on a community rate that may be annually adjusted only—

"(I) based on the age of covered individuals (subject to clause (iii));

"(II) based on the geographic area involved if the adjustment is based on geographical divisions that are not smaller than a metropolitan statistical area and the issuer provides evidence of geographic variation in cost of services;

"(III) based on industry (subject to clause (iv))

"(IV) based on tobacco use; and

"(V) based on whether such coverage is for an individual, 2 adults in a household, 1 adult and 1 or more children, or a family.

"(ii) LIMITATION.—Premium rates charged for coverage under the program under this title shall not vary based on health-status related factors, gender, class of business, or claims experience or any other factor not described in clause (i).

"(iii) AGE ADJUSTMENTS.—

"(I) IN GENERAL.—With respect to clause (i)(I), in making adjustments based on age, the Administrator shall establish not more than 5 age brackets to be used by a health insurance issuer in establishing rates for individuals under the age of 65. The rates for any age bracket shall not exceed 300 percent of the rate for the lowest age bracket. Age-related premiums may not vary within age brackets.

"(II) AGES 65 AND OLDER.—With respect to clause (i)(I), a health insurance issuer may develop separate rates for covered individuals who are 65 years of age or older for whom the primary payor for health benefits coverage is the medicare program under title XVIII of the Social Security Act, for the coverage of health benefits that are not otherwise covered under medicare.

"(iv) INDUSTRY ADJUSTMENT.—With respect to clause (i)(III), in making adjustments based on industry, the rates for any industry shall not exceed 115 percent of the rate for the lowest industry and shall be based on evidence of industry variation in cost of services.

"(B) STATE RATING RULES.—State rating requirements shall apply to health insurance coverage purchased in the small group market, except that a State shall not permit premium rates to vary based on health-status related factors.

"(6) STATE WITH LESS PREMIUM VARIATION.—Effective beginning in calendar year 2013, in the case of a State that provides a rating variance with respect to age that is less than the Federal limit established under paragraph (2)(B) or (3) or that provides for some form of community rating, or that provides a rating variance with respect to industry that is less than the Federal limit established under paragraph (2)(B) or (3), or that provides a rating variance with respect to the geographic area involved that is less than the Federal limit established in paragraph (2)(B) or (3), premium rates charged for health insurance coverage under this title in such State with respect to such factor shall reflect the rating requirements of such State.

"(7) EMPLOYEE CHOICE.—

"(A) CALENDAR YEARS 2011 AND 2012.—With respect to calendar years 2011 and 2012 (open enrollment periods beginning October 1, 2010, and October 1, 2011), in the case of a State that applies community rating or adjusted community rating where any age bracket does not exceed 300 percent of the lowest age bracket, employees of an employer located in that State may elect to enroll in any health plan offered under this title.

"(B) SUBSEQUENT YEARS.—Beginning in calendar year 2013 (open enrollment periods beginning October 1, 2012, and thereafter), employees of an employer that participates in the program under this title may elect to enroll in any health plan offered under this title.

"(C) EXCEPTION.—In any State or year in which an employee is not able to select a health plan as provided for in subparagraph (A) or (B), the employer shall select the health plan or plans that shall be made available to the employees of such employer.

"(8) STATE APPROVAL OF RATES.—State laws requiring the approval of rates with respect to health insurance shall continue to apply to health insurance coverage under this title in such State unless the State fails to enforce the application of rates that would otherwise apply to health insurance issuers under the program under this title.

"(e) BENEFITS.—

"(1) STATEMENT OF BENEFITS.—Each contract under this title shall contain a detailed statement of benefits offered and shall include information concerning such maximums, limitations, exclusions, and other definitions of benefits as the Administrator considers necessary or reasonable.

"(2) NATIONWIDE PLANS.—

"(A) IN GENERAL.—In the case of contracts with health insurance issuers that offer a health benefit plan on a nationwide basis, in the first year after the date of enactment of this title, the benefit package shall include benefits established by the Administrator.

"(B) PROCESS FOR ESTABLISHING BENEFITS FOR NATIONWIDE PLANS.—The benefits provide for under subparagraph (A) shall be determined as follows:

"(i) Not later than 30 days after the date of enactment of this title, the Secretary shall enter into a contract with the Institute of Medicine to develop a minimum set of benefits to be offered by nationwide plans.

"(ii) In developing such minimum set of benefits, the Institute of Medicine shall convene public forums to allow input from key stakeholders (including small businesses, self-employed individuals, employees of small businesses, health insurance issuers, insurance regulators, health care providers, and patient advocates) and shall consult with the Small Business Health Board.

"(iii) The Institute of Medicine shall consider—

"(I) the clinical appropriateness and effectiveness of the benefits covered;

"(II) the affordability of the benefits covered;

"(III) the financial protection of enrollees against high health care expenses;

"(IV) access to necessary health care services; and

"(V) benefits similar to those available in the small group market on the date of enactment of this title.

"(iv) The benefits package shall not be discriminatory or be likely to promote or induce adverse selection.

"(v) The Administrator shall publish the benefits recommended by the Institute of Medicine for public comment.

"(vi) Based on the comments received, the Administrator may make changes only to the extent that the recommendation from the Institute of Medicine is not consistent with the criteria contained in clause (iii) or there is a compelling need for the changes to ensure the effective functioning of the program.

"(C) CHANGES TO BENEFITS.—

"(i) IN GENERAL.—By a vote of a two-thirds majority, the Small Business Health Board may recommend to the Administrator changes to the benefit package for nationwide plans under this paragraph for years subsequent to the first year in which such benefits are in effect.

"(ii) REDUCTION IN BENEFITS.—The Administrator may reduce benefits that were previously covered under this paragraph only if—

"(I) two-thirds of the Small Business Health Board recommend such change; or

"(II) there is a compelling need for the change to prevent a substantial reduction in participation in the program under this title.

"(f) ADDITIONAL PREMIUM FOR DELAYED ENROLLMENT.—

"(1) IN GENERAL.—A self-employed individual who is eligible to participate in the program under this title, who does not reside in a State where a self-employed individual is eligible for coverage in the small group market, and who does not elect to enroll in coverage under such program in the first year in which the self-employed individual is eligible to so enroll, shall be subject to an additional premium for delayed enrollment.

"(2) AMOUNT.—The Administrator shall establish the amount of the additional premium under paragraph (1), which shall be the amount determined by the Administrator to be actuarially appropriate, to encourage enrollment, and to reduce adverse selection. The amount of the additional premium shall be calculated by the Administrator based on the number of years specified in paragraph (4).

"(3) PAYMENT.—A self-employed individual shall pay the additional premium under this subsection, if any, for a period of time equal to the number of years specified in paragraph (4). After the expiration of such period the additional premium for delayed enrollment shall be terminated.

"(4) YEARS.—The number of years specified in this paragraph is the number of years that the self-employed individual involved was eligible to participate in the program under this title but did not enroll in coverage under such program and did not otherwise have creditable coverage (as defined for purposes of section 2701(c)).

"(g) STATE ENFORCEMENT.—

"(1) STATE AUTHORITY.—With respect to the enforcement of provisions in this title that supersede State law (as described in paragraph (2)), a State may require that health insurance issuers that issue, sell, renew, or offer health insurance coverage in the State in the small group market or through the program under this title, comply with the requirements of this title with respect to such issuers.

"(2) PROVISIONS DESCRIBED.—The provisions described in this paragraph shall include the following:

"(A) Prohibitions on varying premium rates based on health-status related factors (subsections (d)(1)(A) and (B) of section 3007).

"(B) The implementation of rating requirements that shall apply to the program under this title beginning in calendar year 2013 (subsections (d)(2)(B) and (d)(3) of section 3007).

"(C) Benefit requirements for nationwide plans available in the program under this title (subsection (e)).

"(3) FAILURE TO IMPLEMENT OR ENFORCE PROVISIONS.—In the case of a determination by the Secretary that a State has failed to substantially enforce a provision (or provisions) described in paragraph (2) with respect to health insurance issuers in the State, the Secretary shall enforce such provision (or provisions).

"(4) SECRETARIAL ENFORCEMENT AUTHORITY.—The Secretary shall have the same authority in relation to the enforcement of the provisions of this title with respect to issuers of health insurance coverage in a State as the Secretary has under section 2722(b)(2) in relation to the enforcement of the provisions of part A of title XXVII with respect to issuers of health insurance coverage in the small group market in the State.

"(h) STATE OPT OUT.—A State may prohibit small employers and self-employed individuals in the State from participating in the program under this title if the State—

"(1) defines its small group market to include groups of one (so that self-employed individuals are eligible for coverage in such market);

"(2) prohibits the use of health-status related factors and other factors described in subsection (d)(5)(A);

"(3) has in effect rating rules that—

"(A) in calendar years 2011 and 2012, comply with subsection (d)(5)(A); and

"(B) in calendar year 2013 and thereafter, comply with subsection (d)(2)(B) or (d)(3), whichever is in effect for such calendar year; except that such rules may impose limits on rating variation in addition to those provided for in such subsection;

"(4) maintains a State-wide purchasing pool that provides purchasers in the small group market a choice of health benefit plans, with comparative information provided concerning such plans and the premiums charged for such plans made available through the Internet; and

"(5) enacts a law to request an opt out under this subsection.

"SEC. 3008. ENCOURAGING PARTICIPATION BY HEALTH INSURANCE ISSUERS THROUGH ADJUSTMENTS FOR RISK.

"(a) APPLICATION OF RISK CORRIDORS.—

"(1) IN GENERAL.—This section shall only apply to health insurance issuers with respect to health benefits plans offered under this Act during any of calendar years 2011 through 2013.

"(2) NOTIFICATION OF COSTS UNDER THE PLAN.—In the case of a health insurance issuer that offers a health benefits plan under this title in any of calendar years 2011 through 2013, the issuer shall notify the Administrator, before such date in the succeeding year as the Administrator specifies, of the total amount of costs incurred in providing benefits under the health benefits plan for the year involved and the portion of such costs that is attributable to administrative expenses.

"(3) ALLOWABLE COSTS DEFINED.—For purposes of this section, the term 'allowable costs’ means, with respect to a health benefits plan offered by a health insurance issuer under this title, for a year, the total amount of costs described in paragraph (2) for the plan and year, reduced by the portion of such costs attributable to administrative expenses incurred in providing the benefits described in such paragraph.

“(b) ADJUSTMENT OF PAYMENT.—

“(1) NO ADJUSTMENT IF ALLOWABLE COSTS WITHIN 3 PERCENT OF TARGET AMOUNT.—If the allowable costs for the health insurance issuer with respect to the health benefits plan involved for a calendar year are at least 97 percent, but do not exceed 103 percent, of the target amount for the plan and year involved, there shall be no payment adjustment under this section for the plan and year.

“(2) INCREASE IN PAYMENT IF ALLOWABLE COSTS ABOVE 103 PERCENT OF TARGET AMOUNT.—

“(A) COSTS BETWEEN 103 AND 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the health insurance issuer with respect to the health benefits plan involved for the year are greater than 103 percent, but not greater than 108 percent, of the target amount for the plan and year, the Administrator shall reimburse the issuer for such excess costs through payment to the issuer of an amount equal to 75 percent of the difference between such allowable costs and 103 percent of such target amount.

“(B) COSTS ABOVE 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the health insurance issuer with respect to the health benefits plan involved for the year are greater than 108 percent of the target amount for the plan and year, the Administrator shall reimburse the issuer for such excess costs through payment to the issuer in an amount equal to the sum of—

“(i) 3.75 percent of such target amount; and

“(ii) 90 percent of the difference between such allowable costs and 108 percent of such target amount.

“(3) REDUCTION IN PAYMENT IF ALLOWABLE COSTS BELOW 97 PERCENT OF TARGET AMOUNT.—

“(A) COSTS BETWEEN 92 AND 97 PERCENT OF TARGET AMOUNT.—If the allowable costs for the health insurance issuer with respect to the health benefits plan involved for the year are less than 97 percent, but greater than or equal to 92 percent, of the target amount for the plan and year, the issuer shall be required to pay into a contingency reserve fund established and maintained by the Administrator, an amount equal to 75 percent of the difference between 97 percent of the target amount and such allowable costs.

“(B) COSTS BELOW 92 PERCENT OF TARGET AMOUNT.—If the allowable costs for the health insurance issuer with respect to the health benefits plan involved for the year are less than 92 percent of the target amount for the plan and year, the issuer shall be required to pay into the contingency fund established under subparagraph (A), an amount equal to the sum of—

“(i) 3.75 percent of such target amount; and

“(ii) 90 percent of the difference between 92 percent of such target amount and such allowable costs.

“(4) TARGET AMOUNT DESCRIBED.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘target amount’ means, with respect to a health benefits plan offered by an issuer under this title in any of calendar years 2011 through 2013, an amount equal to—

“(i) the total of the monthly premiums estimated by the health insurance issuer and accepted by the Administrator to be paid for enrollees in the plan under this title for the calendar year involved; reduced by

“(ii) the amount of administrative expenses that the issuer estimates, and the Administrator accepts, will be incurred by the issuer with respect to the plan for such calendar year.

“(B) SUBMISSION OF TARGET AMOUNT.—Not later than December 31, 2010, and each December 31 thereafter through calendar year 2012, an issuer shall submit to the Administrator a description of the target amount for such issuer with respect to health benefits plans provided by the issuer under this title.

“(c) DISCLOSURE OF INFORMATION.—

“(1) IN GENERAL.—Each contract under this title shall provide—

“(A) that a health insurance issuer offering a health benefits plan under this title shall provide the Administrator with such information as the Administrator determines is necessary to carry out this subsection including the notification of costs under subsection (a)(2) and the target amount under subsection (b)(4)(B); and

“(B) that the Administrator has the right to inspect and audit any books and records of the issuer that pertain to the information regarding costs provided to the Administrator under such subsections.

“(2) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to the provisions of this subsection may be used by the office designated under section 3002(a) and its employees and contractors only for the purposes of, and to the extent necessary in, carrying out this section.

“SEC. 3009. ADMINISTRATION THROUGH REGIONAL OR OTHER ADMINISTRATIVE ENTITIES.

“(a) IN GENERAL.—In order to provide for the administration of the benefits under this title with maximum efficiency and convenience for participating employers and health care providers and other individuals and entities providing services to such employers, the Administrator—

“(1) shall enter into contracts with eligible entities, to the extent appropriate, to perform, on a regional or other basis, activities to receive, disburse, and account for payments of premiums to participating employers by individuals, and for payments by participating employers and employees to health insurance issuers; and

“(2) may enter into contracts with eligible entities, to the extent appropriate, to perform, on a regional or other basis, one or more of the following:

“(A) Collect and maintain all information relating to individuals, families, and employers participating in the program under this title.

“(B) Serve as a channel of communication between health insurance issuers, participating employers, and individuals relating to the administration of this title.

“(C) Otherwise carry out such activities for the administration of this title, in such manner, as may be provided for in the contract entered into under this section.

“(b) APPLICATION.—To be eligible to receive a contract under subsection (a), an entity shall prepare and submit to the Administrator an application at such time, in such manner, and containing such information as the Administration may require.

“(c) PROCESS.—

“(1) COMPETITIVE BIDDING.—All contracts under this section shall be awarded through a competitive bidding process on a bi-annual basis.

“(2) REQUIREMENT.—No contract shall be entered into with any entity under this section unless the Administrator finds that such entity will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as the Administrator finds pertinent.

“(3) PUBLICATION OF STANDARDS AND CRITERIA.—If the Administrator enters into contracts under subsection (a), the Administrator shall publish in the Federal Register standards and criteria for the efficient and effective performance of contract obligations under this section, and opportunity shall be provided for public comment prior to implementation. In establishing such standards and criteria, the Administrator shall provide for a system to measure an entity’s performance of responsibilities.

“(4) TERM.—Each contract under this section shall be for a term of at least 2 years, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term, except that the Administrator may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the entity involved as the Administrator may provide in regulations) if the Administrator finds that the entity has failed substantially to carry out the contract or is carrying out the contract in a manner inconsistent with the efficient and effective administration of the program established by this title.

“(d) TERMS OF CONTRACT.—A contract entered into under this section shall include—

“(1) a description of the duties of the contracting entity;

“(2) an assurance that the entity will furnish to the Administrator such timely information and reports as the Administrator determines appropriate;

“(3) an assurance that the entity will maintain such records and afford such access thereto as the Administrator finds necessary to assure the correctness and verification of the information and reports under paragraph (2) and otherwise to carry out the purposes of this title;

“(4) an assurance that the entity shall comply with such confidentiality and privacy protection guidelines and procedures as the Administrator may require;

“(5) an assurance that the entity does not have, and will continue to avoid, any conflicts of interest relative to any functions it will perform; and

“(6) such other terms and conditions not inconsistent with this section as the Administrator may find necessary or appropriate.

“SEC. 3010. PUBLIC EDUCATION CAMPAIGN AND REPORT.

“(a) IN GENERAL.—In carrying out this title, the Administrator shall develop and implement an educational campaign with interagency participation (including at a minimum the Small Business Administration, the Department of Labor, and employees of the office established under section 3002 who oversee the provision of information through navigators) to provide information to employers and the general public concerning the health insurance program developed under this title, including the contact information relating to an individual or individuals who will be available to resolve various types of problems with health insurance coverage provided under this title.

“(b) PUBLIC EDUCATION CAMPAIGN.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2008 through 2010.

“(c) REPORTS TO CONGRESS.—Not later than 1 year and 2 years after the implementation of the campaign under subsection (a), the Administrator shall submit to the appropriate committees of Congress a report that describes the activities of the Administrator under subsection (a), including a determination by the Administrator of the percentage of employers with knowledge of the health benefits program under this title.

"SEC. 3011. APPROPRIATIONS.

"There are authorized to be appropriated to the Administrator such sums as may be necessary in each fiscal year for the development and administration of the program under this title.

"SEC. 3012. EFFECTIVE DATE.

"This title shall take effect on the date of enactment of this title.".

SEC. 3. AMENDMENT TO ERISA.

Section 514(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(2)) is amended by adding at the end the following:

"(C) Notwithstanding subparagraph (A), the provisions of subsections (d)(1)(B) and (g)(2)(A) of section 3007 of the Public Health Service Act (relating to the prohibition on health-status related rating and the Federal enforcement of such provisions) shall supercede any State law that conflicts with such provisions.".

SEC. 4. CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits) is amended by inserting after section 45N the following new section:

"SEC. 45O. SMALL BUSINESS EMPLOYEE HEALTH INSURANCE CREDIT.

"(a) Determination of Credit.—In the case of a qualified small employer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the credit amount described in subsection (b).

"(b) General Credit Amount.—For purposes of this section—

"(1) In general.—The credit amount described in this subsection is the product of—

"(A) the amount specified in paragraph (2),

"(B) the employer size factor specified in paragraph (3), and

"(C) the percentage of year factor specified in paragraph (4).

"(2) Applicable amount.—For purposes of paragraph (1)—

"(A) In general.—The applicable amount is equal to—

"(i) $1,000 for each employee of the employer who receives self-only health insurance coverage through the employer,

"(ii) $2,000 for each employee of the employer who receives family health insurance coverage through the employer, and

"(iii) $1,500 for each employee of the employer who receives health insurance coverage for two adults or one adult and one or more children through the employer.

"(B) Bonus for payment of greater percentage of premiums.—The applicable amount otherwise specified in subparagraph (A) shall be increased by $200 in the case of subparagraph (A)(i), $400 in the case of subparagraph (A)(ii), and $300 in the case of subparagraph (A)(iii), for each additional 10 percent of the qualified employee health insurance expenses exceeding 60 percent which are paid by the qualified small employer.

"(3) Employer size factor.—For purposes of paragraph (1), the employer size factor is the percentage determined in accordance with the following table:

"If the employer size is:	The percentage is:
10 or fewer full-time employees	100%
More than 10 but not more than 20 full-time employees	80%
More than 20 but not more than 30 full-time employees	60%
More than 30 but not more than 40 full-time employees	40%
More than 40 but not more than 50 full-time employees	20%
More than 50 full-time employees	0%

"(4) Percentage of year factor.—For purposes of paragraph (1), the percentage of year factor is equal to the ratio of—

"(A) the number of months during the taxable year for which the employer paid or incurred qualified employee health insurance expenses, and

"(B) 12.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) Qualified small employer.—

"(A) In general.—The term 'qualified small employer' means any employer (as defined in section 3001(a)(4) of the Public Health Service Act) which—

"(i) either—

"(I) purchases health insurance coverage for its employees in a small group market in a State which meets the requirements under subparagraph (B), or

"(II) with respect to any taxable year beginning after 2010, is a participating employer (as defined in section 3001(a)(8) of such Act) in the program under title XXX of such Act,

"(ii) pays or incurs at least 60 percent of the qualified employee health insurance expenses of such employer or is self-employed, and

"(iii) employed an average of 50 or fewer full-time employees during the preceding taxable year or was a self-employed individual with either not less than $5,000 in net earnings or not less than $15,000 in gross earnings from self-employment in the preceding taxable year.

"(B) State small group market requirements.—A State meets the requirements of this subparagraph if—

"(i) during calendar years 2009 and 2010, the State—

"(I) defines its small group market to include groups of one (so that self-employed individuals are eligible for coverage in such market),

"(II) prohibits the use of health-status related factors and other factors described in section 3007(d)(5)(A) of such Act, and

"(III) has in effect rating rules that comply with section 3007(d)(5)(A) of such Act (except that such rules may impose limits on rating variation in addition to those provided for in such section),

"(ii) during calendar years 2011 and 2012, the State—

"(I) meets the requirements under clause (i), and

"(II) maintains a State-wide purchasing pool that provides purchasers in the small group market a choice of health benefit plans, with comparative information provided concerning such plans and the premiums charged for such plans made available through the Internet, and

"(iii) for calendar years after 2012, the State—

"(I) meets the requirements under clauses (i)(I), (i)(II), and (ii)(II), and

"(II) has in effect rating rules that comply with paragraph (2)(B) or (3) of section 3007(d) of such Act, whichever is in effect for such calendar year (except that such rules may impose limits on rating variation in addition to those provided for in such section).

"(2) Qualified employee health insurance expenses.—

"(A) In general.—The term 'qualified employee health insurance expenses' means any amount paid by an employer or an employee of such employer for health insurance coverage under such Act to the extent such amount is attributable to coverage—

"(i) provided to any employee (as defined in subsection 3001(a)(3) of such Act), or

"(ii) for the employer, in the case of a self-employed individual.

"(B) Exception for amounts paid under salary reduction arrangements.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(3) Full-time employee.—The term 'full-time employee' means, with respect to any period, an employee (as defined in section 3001(a)(3) of such Act) of an employer if the average number of hours worked by such employee in the preceding taxable year for such employer was at least 35 hours per week.

"(d) Inflation Adjustment.—

"(1) In general.—For each taxable year after 2009, the dollar amounts specified in subsections (b)(2)(A), (b)(2)(B), and (c)(1)(A)(iii) (after the application of this paragraph) shall be the amounts in effect in the preceding taxable year or, if greater, the product of—

"(A) the corresponding dollar amount specified in such subsection, and

"(B) the ratio of the index of wage inflation (as determined by the Bureau of Labor Statistics) for August of the preceding calendar year to such index of wage inflation for August of 2008.

"(2) Rounding.—If any amount determined under paragraph (1) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.

"(e) Application of Certain Rules in Determination of Employer Size.—For purposes of this section—

"(1) Application of aggregation rule for employers.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer.

"(2) Employers not in existence in preceding year.—In the case of an employer which was not in existence for the full preceding taxable year, the determination of whether such employer meets the requirements of this section shall be based on the average number of full-time employees that it is reasonably expected such employer will employ on business days in the employer's first full taxable year.

"(3) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

"(f) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—With respect to any taxable year, the amount which would (but for this subsection) be allowed as a credit to the taxpayer under subsection (a) shall be reduced by the aggregate amount paid on behalf of such taxpayer under section 7527A for months beginning in such taxable year. If the amount determined under this subsection is less than zero, the taxpayer shall owe additional tax in such amount under this chapter.

"(g) CREDITS FOR NONPROFIT ORGANIZATIONS.—Any credit which would be allowable under subsection (a) with respect to a qualified small business if such qualified small business were not exempt from tax under this chapter shall be treated as a credit allowable under this subpart to such qualified small business.".

(b) ADVANCE PAYMENTS OF CREDIT.—Chapter 77 of the Internal Revenue Code of 1986 is amended by inserting after section 7527 the following new section:

"SEC. 7527A. ADVANCE PAYMENT OF CREDIT FOR HEALTH INSURANCE COSTS FOR QUALIFIED SMALL EMPLOYERS.

"(a) GENERAL RULE.—Not later than December 31, 2008, the Secretary shall establish a program for making monthly payments on behalf of qualified small employers to the program established under title XXX of the Public Health Service Act. The amount of the monthly payment for a qualified small employer shall be one twelfth of the amount of the credit for the tax year to which the qualified small employer is entitled under section 36. If a monthly payment is made by the Secretary for which the employer is not entitled to a corresponding credit, the employer shall owe additional tax in such amount under this chapter.

"(b) QUALIFIED SMALL EMPLOYER.—For purposes of this section, the term 'qualified small employer' has the meaning given such term in section 36(c)(1).".

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new items:

"Sec. 45O. Small business employee health insurance credit.".

(2) The table of sections for chapter 77 of such Code is amended by inserting after the item relating to section 7527 the following new item:

"Sec. 7527A. Advance payment of credit for health insurance costs for qualified small employers.".

(d) DEDUCTIBILITY.—The payment of premiums by a participating employer under this Act shall be considered to be an ordinary and necessary expense in carrying on a trade or business for purposes of the Internal Revenue Code of 1986 and shall be deductible.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2008.

Ms. SNOWE. Mr. President, I rise today to join with my colleagues Senators DURBIN, COLEMAN, and LINCOLN, to introduce the landmark Small Business Health Options Program Act of 2008 or the SHOP Act because after more than 10 years of discussion in Congress of this No. 1 priority for America's small businesses, this bill should finally be the vehicle that brings us to the finish line in passing legislation that's critical not only to our small businesses but also to millions of America's uninsured.

This compromise proposal represents the culmination of 15 months of coming together, of reaching across the partisan divide, to fashion a workable solution to pass this year. So I want to thank Assistant Majority Leader DURBIN for his steadfast and stalwart leadership on this issue—he has been a true champion in this cause—and Senator LINCOLN, my esteemed colleague on the Senate Finance Committee—she and I had pledged to work together on small business health insurance at the start of this Congress—for her remarkable dedication to making this moment possible. I also thank Senator COLEMAN, who recently held a Small Business Committee field hearing on health insurance reform in St. Paul, Minnesota, for joining us and for his staunch support of our Nation's small businesses.

As former chair and now ranking member of the Senate Small Business Committee, if there is one concern I have heard time and again—from small businesses in Maine and across the country—it is the exorbitant cost to small businesses of providing health insurance to their employees. Throughout America, health insurance premiums have increased by a staggering 78 percent since 2001—far outpacing inflation and wage gains. In Maine, annual premiums in the small group market now average an astronomical $4,868 for individual coverage and $14,605 for a family plan. Just recently a group of Maine small businesses told me that, incredibly, the most "affordable" insurance policies available to them included a $636 monthly premium with a $2,500 annual deductible

This is just simply unacceptable. And the reality of these unreal increases is that it perpetuates a vicious cycle of spiraling costs and declining access—as fewer and fewer small businesses can afford to offer health insurance to their employees. Today, only 45 percent of our smallest businesses are able to provide this workplace benefit—a 13-percent drop from 2002. No wonder that nearly 9 out of 10 to firms told the National Association of Manufacturers last year that the cost of health insurance is one of their top-three concerns—even above Government regulations and foreign competition. And when you couple all this with the fact there are already around 47 million uninsured in America, shouldn't we be helping to add to the rolls of the insured, rather than the uninsured? What exactly is there not to get when the status quo absolutely makes no sense?

That is why in the 108th and 109th Congresses, when I was chair of the Small Business Committee, I championed a Small Business Health Insurance Plan bill the full Senate considered back in May 2006—thanks largely to the stewardship of Senator ENZI—and we came up just a handful of votes short. At the same time, Senators DURBIN and LINCOLN advocated for a different approach, the Small Employer Health Benefits Program. Yet, regrettably, Congress has failed to muster the bipartisan support to pass either of these measures—despite overwhelming public support, on both sides of the aisle, to pass something.

Well, the clock has been ticking for far too long for America's small businesses—and with this bill, we believe their hour may have finally arrived because with the SHOP Act, we blend the best of the previous approaches and address the major concerns critics have expressed in a package that both the National Federation of Independent Businesses, the National Association of Realtors, and the Service Employees International Union agree on—and that is what I call a diverse base of support that speaks volumes for this bill's chances for success.

In short, we make health insurance more affordable and accessible by encouraging development of State-based purchasing pools backstopped by a voluntary, nationwide small business risk pool. The SHOP Act maintains the basic premise of allowing small businesses and the self-employed to pool together, across State lines—just as larger employers are able to do—to secure quality coverage that is more affordable, thanks to a reduction in administrative costs, which today account for an astonishing 25 percent of small business premiums—compared to just 10 percent for large employers.

So the creation of these purchasing pools will increase competition among insurers and provide more coverage choices for small businesses. And that is all the more critical as small group insurance markets—like those in Maine—currently have no real competition. In fact, the largest insurers now control 43 percent of the small group markets, and in Maine, a sum total of 4 large insurers now control 98 percent of the small group market. This cannot be allowed to continue because no competition means higher costs. Higher costs mean no health insurance. And we need more insured in America, not fewer.

Moreover, under the SHOP Act, business and trade associations would serve as health plan "navigators," helping employers and employees alike with enrollment in health insurance plans and in responding to questions and distributing information about SHOP. And to assist small employers who offer health insurance, we provide a targeted tax credit of up to $1,000 for each covered employee, and $2,000 for family coverage—with a bonus credit for employers who contribute more than 60 percent of the premium—encouraging our Nation's smallest businesses to offer health insurance for their employees as a workplace benefit.

But perhaps most significantly, what this bill does that others have not is it resolves the persistent policy concerns that have thwarted previous attempts to pass small business health insurance legislation in the Senate.

As we know, some have voiced concern that small business health insurance plans could offer stripped-down, "bare-bones" coverage plans that would leave out such key benefits as cancer screenings, diabetic supplies, mammograms, and maternity care. Well, we agree and we address this concern by requiring SHOP's nationwide plans to meet or exceed a minimum benefit "floor" to be developed by the nonpartisan and highly respected National Academies of Science's Institute of Medicine—based on clinically appropriate and affordable practices in today's small group market. So this issue of coverage should no longer be a legitimate roadblock.

Others have said that small business health insurance legislation could drive up premium costs for all those who don't participate in these new small business plans because these plans would be playing by different and more advantageous rules. They have been concerned that, as a result, companies would set up plans that would attract a healthier pool of individuals—who would pay lower premiums—while potentially relegating the less healthy to existing group or individual plans that would then have to raise premiums.

So we worked closely with the nonpartisan National Association of Insurance Commissioners to create strong incentives for states to ensure a level playing field for all plans—both inside and outside of SHOP. We say, if you want the small businesses in your State to be eligible for that targeted tax credit of up to $1,000 for individual employees and $2,000 for family coverage that's included in our bill, you must have rules prohibiting "health status" as a factor for varying insurance and reducing excessive variations for other factors. As an additional benefit to the self-employed, States must also ensure that those individuals have the option to purchase a small group plan—rather than being left with only the far more expensive option of the individual insurance market.

Still others have expressed concerns about a potential role of the Federal Government in insurance regulation, which has traditionally been left to the States. So under the SHOP Act, we ensure that State insurance commissioners—not the Federal Government—would handle all consumer complaints about health plans and would be responsible for ensuring that all SHOP health plans operating in their State meet State requirements for financial solvency and for grievance claim and appeals procedures.

In conclusion, for all of these reasons I firmly believe they Small Business Health Options Program Act represents our best hope for achieving passage this Congress. By addressing the major concerns about previous legislation, frankly there is now no longer any good reason we cannot make it happen. I look forward to working with Chairman BAUCUS and Ranking Member GRASSLEY on the Finance Committee to consider this bipartisan measure, so it can be passed by the full Senate.

By Mr. AKAKA:

S. 2796. A bill to require a pilot program on the use of community-based organizations to ensure that veterans receive the care and benefits they need, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am pleased to introduce legislation today that will help the Department of Veterans Affairs reach out to underserved veterans, through collaboration with community organizations.

The Department of Veterans Affairs is the second largest cabinet level Federal department, operating the Nation's largest health care system. VA provides benefits and health care to millions of veterans and their families every year. Without question, VA helps countless veterans through its various programs every day, largely thanks to its employees, who make it their mission to serve those who served their country honorably.

Unfortunately, while VA makes a positive impact on the veterans it serves, many others are left underserved. Far too often, these are veterans already in difficult circumstances, those who could benefit most from VA support. For example, veterans from rural areas must do without the kind of local support systems urban and suburban veterans often enjoy. Many veterans from racial and ethnic minority groups also remain underserved by VA, regardless of their physical proximity to veterans' programs.

More must be done for these veterans, who look at VA and see a system either out of reach or out of touch. The legislation I have introduced today pursues one potential solution: VA partnerships with community based organizations.

If enacted, this bill would require VA to work with community based organizations to reach out to veterans who are underserved. Five community organizations, chosen by VA, would be selected for pilot partnerships. Special consideration would be given to rural communities and areas with a high proportion of minorities and other underserved veterans. The five pilots, each in partnership with a VA medical center, would focus on providing support to their underserved group by helping servicemembers transition from military service to veteran status, and helping them navigate the complicated veterans' health care and benefits system. Also, the pilot programs would reach out to the families of veterans, in recognition of the central role that families play in helping veterans readjust and reintegrate.

As Mental Health America, the country's oldest and largest mental health nonprofit, has pointed out, America's newest generation of veterans is returning from combat with invisible wounds that require care. These and other complicated injuries place new challenges on VA to provide the quality health care and benefits veterans have earned through their service. I hope that through the partnerships outlined in this legislation, VA will be better able to provide services to veterans who deserve support, yet are underserved.

By Mr. AKAKA:

S. 2797. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs. Except in unusual circumstances, it is my practice to introduce legislation requested by the administration so that such measures will be available for review and consideration.

This "by-request" bill would authorize $1.87 billion in construction projects in various areas of the country in fiscal year 2009. It also would authorize one new polytrauma center in San Antonio, TX, and upgrades to the polytrauma center in Palo Alto, CA.

The bill would also extend and increase the total authorizations for new VA Medical Centers in Denver, CO, and New Orleans, LA.

Finally, this bill authorizes $60 million in leases for 12 outpatient clinics in various States and territories.

I am introducing this bill for the review and consideration of my colleagues at the request of the administration. As chairman of the Committee on Veterans' Affairs, I have not taken a position on this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a transmittal letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2009, with each project to be carried out in the amount specified for each project:

(1) Construction of an 80-bed replacement facility in Palo Alto, California, to replace a seismically unsafe acute psychiatric inpatient building, in an amount not to exceed $54,000,000.

(2) Construction of an outpatient clinic to meet the increased demand for diagnostic procedures, ambulatory surgery, and specialty care in Lee County, Florida, in an amount not to exceed $131,800,000.

(3) Seismic corrections to Building 1 at the Department of Veterans Affairs Medical Center in San Juan, Puerto Rico, in an amount not to exceed $225,900,000.

(4) Construction of a facility for a state-of-the-art polytrauma healthcare and rehabilitation center in San Antonio, Texas, in an amount not to exceed $66,000,000.

SEC. 2. EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2009, as originally authorized by section 801 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3442) and as follows with each project to be carried out in the amount specified for that project:

(1) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $769,200,000.

(2) Restoration, new construction, or replacement of the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina, in an amount not to exceed $625,000,000.

SEC. 3. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2009 at the locations specified, and in an amount for each lease not to exceed the amount shown for each such location:

(1) For an outpatient clinic, Brandon, Florida, $4,326,000.

(2) For a community-based outpatient clinic, Colorado Springs, Colorado, $3,995,000.

(3) For an outpatient clinic, Eugene, Oregon, $5,826,000.

(4) For expansion of an outpatient clinic, Green Bay, Wisconsin, $5,891,000.

(5) For an outpatient clinic, Greenville, South Carolina, $3,731,000.

(6) For a community-based outpatient clinic, Mansfield, Ohio, $2,212,000.

(7) For a satellite outpatient clinic, Mayaguez, Puerto Rico, $6,276,000.

(8) For a community-based outpatient clinic for Southeast Phoenix, Mesa, Arizona, $5,106,000.

(9) For interim research space, Palo Alto, California, $8,636,000.

(10) For expansion of a community-based outpatient clinic, Savannah, Georgia, $3,168,000.

(11) For a community-based outpatient clinic for Northwest Phoenix, Sun City, Arizona, $2,295,000.

(12) For a primary care annex, Tampa, Florida, $8,652,000.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects, account—

(1) $477,700,000 for the projects authorized in section 1; and

(2) $1,394,200,000 for projects whose authorization is extended by section 2.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2009 for the Medical Facilities account, $60,114,000 for the leases authorized in section 3.

(c) LIMITATION.—The projects authorized in sections 1 and 2 may only be carried out using—

(1) funds appropriated for fiscal year 2009 pursuant to the authorization of appropriations in subsection (a) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2009 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2009 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2009 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before 2009 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after 2009 for a category of activity not specific to a project.

SECRETARY OF VETERANS AFFAIRS,
Washington, DC, February 13, 2008.

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. VICE PRESIDENT: I am pleased to submit the enclosed draft bill to authorize $1,871,900,000 for Department of Veterans Affairs (VA) major facility construction projects for Fiscal Year 2009 and $60,114,000 for major facility leases for Fiscal Year 2009.

Title 38 U.S.C. section 8104(a)(2) requires statutory authorization for all VA major medical facility construction projects and all major medical facility leases prior to the appropriation of funds. In accordance with title 38, the draft bill authorizes six major medical facility construction projects and twelve major medical facility leases. The six major medical facility construction projects are located in: Lee County, Florida; Palo Alto, California; San Antonio, Texas; San Juan, Puerto, Rico; Denver, Colorado; and New Orleans, Louisiana. Previously, Congress authorized funds necessary for Denver and New Orleans under P.L. 109–461. This proposed bill would authorize additional funds necessary to complete the remaining construction for these projects.

The proposed project in Lee County provides a state-of-the-art ambulatory care facility which is expected to improve the "quality of life" of the veteran population. Needed services for diagnostic procedures, ambulatory surgery, and specialty care will be provided in response to these areas being identified as service shortfalls in the CARES analysis. The proposed project in Palo Alto is required to replace a functionally deficient and seismically unsafe acute psychiatric inpatient building. This will be accomplished by constructing an approximately 80–bed replacement facility. The proposed project in San Antonio is for a state-of-the-art polytrauma healthcare and rehabilitation center that will include patient ward space and transitional housing space. The proposed project in San Juan will provide needed seismic corrections to Building 1 at the VA Medical Center.

The proposed project in Denver will provide a replacement facility near the University of Colorado, Fitzsimons campus. The project will accommodate the tertiary, secondary and primary care operations for the Eastern Colorado Health Care System. Previous authorization, in the amount of $98,000,000, provided pursuant to P.L. 109–461, only satisfied the cost of land acquisition and some architect engineering costs. Additional authorization is required to complete this project.

The proposed project in New Orleans will reestablish the services in Southeast Louisiana that existed prior to Hurricane Katrina. A tertiary care medical complex will be constructed and will include 200 inpatient beds with 60 nursing home beds. Through P.L. 109–461, this project, as a facility to be co-located with the Louisiana State University Health Sciences Center in New Orleans (LSU), was authorized in the amount of $300,000,000; however, additional authorization is required to deliver the project described. Authorization is requested in an amount not to exceed $625,000,000 regardless of whether the project is co-located with LSU as prescribed in P.L. 109–461.

The proposed authorization will allow leases for Outpatient Clinics in Brandon, Florida; Eugene, Oregon; and Greenville, South Carolina. An Outpatient Clinic will be expanded through a lease in Green Bay, Wisconsin. A lease for a Satellite Outpatient Clinic will be acquired in Mayaguez, Puerto Rico. Leases for Community Based Outpatient Clinics will be acquired in Colorado Springs, Colorado; Mansfield; Ohio; Mesa, Arizona; and Sun City, Arizona. A lease in Savannah, Georgia, will expand its Community Based Outpatient Clinic. A lease for Interim Research Space will be acquired in Palo Alto, California. A lease for a Primary Care Annex will be acquired in Tampa, Florida.

The Office of Management and Budget advises that the transmission of this legislative package is in accord with the Administration's program.

Sincerely yours,

JAMES B. PEAKE.

By Mr. NELSON of Florida:

S. 2803. A bill to amend the Act entitled "An Act authorizing associations of producers of aquatic products" to include persons engaged in the fishery industry as charter boats or recreational fishermen, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President. I rise today to introduce legislation to aid an industry that is vital to the State of Florida and that, like many others in this Nation, is suffering during the current economic downturn: the charter and recreational fishing industry.

I am introducing the Charter and Recreational Fishing Collective Marketing Act of 2008. This bill would allow charter boat and other recreational fishermen to act together in associations for the purposes of catching, producing, and marketing aquatic products. By gaining strength in numbers through such associations, charter and recreational fishermen could negotiate lower prices when purchasing services and products, such as insurance, fuel, ice, and other supplies.

If they choose to do so, this bill would also allow these associations to implement vessel capacity reduction programs—in other words, to buy-out those members who already wish to leave the industry voluntarily but lack the financial wherewithal to do so. These associations could also undertake research, such as scientific monitoring of their fisheries, and in the process help improve conservation and management of fishery resources.

Mr. President, this legislation does nothing more than provide charter and recreational fishermen the same rights and abilities to work collectively that commercial fishermen have enjoyed since 1934. This legislation has no hearing on fishing allocations or related regulations. In light of the great economic challenges that our country is facing, we have an obligation to ensure the viability of industries that support our coastal communities. The Charter and Recreational Fishing Collective Marketing Act of 2008 would help us meet that obligation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Charter and Recreational Fishing Collective Marketing Act of 2008".

SEC. 2. CHARTER BOATS AND RECREATIONAL FISHERMEN.

(a) IN GENERAL.—The Act entitled "An Act authorizing associations of producers of aquatic products", approved June 25, 1934 (15 U.S.C. 521), is amended—

(1) in the second undesignated paragraph, by inserting "and recreational" after "includes all commercial"; and

(2) by inserting after the first undesignated paragraph the following:

"Persons engaged in the fishery industry, as charter boat or recreational fishermen catching aquatic products, may act together in associations, corporate or otherwise, with or without capital stock, in collectively catching, producing, and marketing such aquatic products, including implementing a vessel capacity reduction program, improving the operational and economic efficiency of a fishery, undertaking research, and improving the conservation and management of a fishery resource.".

(b) CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to diminish or supersede any authority or provision of the Magnuson-Sevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 2804. A bill to adjust the boundary of the Everglades National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Everglades National Park Boundary Adjustment Act of 2008".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Tarpon Basin property proposed for acquisition by the Secretary (acting through the Director of the National Park Service) contains habitat for—

(A) the wood stork and the West Indian manatee, each of which is listed as an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) the roseate spoonbill and the white-crowned pigeon, each of which is listed as a threatened species by the Florida Game and Fresh Water Fish Commission;

(2) the Tarpon Basin property also includes approximately 10 acres of subtropical hardwood hammock, a habitat found only in South Florida and the Florida Keys;

(3) more than 70 percent of the hardwood hammock in South Key Largo has been lost to development; and

(4) vessel owners often anchor the vessels of the owners in a saltwater pond—

(A) that is located within the Tarpon Basin property; and

(B) to protect the vessels from tropical storms and hurricanes.

SEC. 3. DEFINITIONS.

In this Act:

(1) HURRICANE HOLE.—The term "Hurricane Hole" means the saltwater pond that—

(A) is located east of the Intracoastal Waterway as the Waterway passes through Dusenbury Creek; and

(B) has been used historically to moor sailboats during tropical storms and hurricanes.

(2) MAP.—The term "map" means the map entitled "Proposed Tarpon Basin Boundary Revision" and dated April 14, 2003.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TARPON BASIN PROPERTY.—The term "Tarpon Basin property" means the land that—

(A) is comprised of approximately 600 acres of land and water surrounding Tarpon Basin, as generally depicted on the map; and

(B) is located in South Key Largo.

SEC. 4. BOUNDARY REVISION.

(a) BOUNDARY REVISION.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(b) ACQUISITION AUTHORITY.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary may acquire, through a voluntary donation, sale, or exchange, any land or interest in land that is located in the Tarpon Basin property.

(2) REQUIREMENT RELATING TO SALES.—With respect to a sale to acquire any land or interest in land under paragraph (1) that is located in the Tarpon Basin property, the Secretary may only use donated or appropriated funds.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADMINISTRATION.—The Secretary shall administer each land and water added to the Everglades National Park by subsection (a), or through a voluntary donation, sale, or exchange under subsection (b)—

(1) as part of the Everglades National Park; and

(2) in accordance with applicable laws (including regulations).

SEC. 5. USE OF HURRICANE HOLE.

(a) AUTHORITY TO ISSUE PERMITS.—The Secretary may issue a permit to any owner of a sailing vessel who, before the date of enactment of this Act, had secured the sailing vessel of the owner in Hurricane Hole to protect the sailing vessel from a tropical storm or hurricane.

(b) ELIGIBILITY.—

(1) EVIDENCE OF PRIOR USE.—To be eligible to receive a permit under subsection (a), an owner of a sailing vessel shall provide to the Secretary evidence that the Secretary determines to be sufficient to establish that the owner of the sailing vessel had, before the date of enactment of this Act, secured the sailing vessel of the owner in Hurricane Hole to protect the vessel from a tropical storm or hurricane.

(2) INDEMNITY REQUIREMENT.—To be eligible to receive a permit under subsection (a), an owner of a sailing vessel shall agree to hold the United States harmless, and to indemnify the United States from any claim or damage that may arise from any activity conducted under the permit (including damage to the sailing vessel that is the subject of the permit).

(c) CONDITIONS OF PERMIT.—

(1) SAILING VESSELS.—A permit issued under subsection (a) shall be valid only for a sailing vessel.

(2) TRANSFERABILITY.—A permit issued under subsection (a) shall not be transferrable.

(3) EXPIRATION.—A permit issued under subsection (a) shall expire on the date of the death of the holder of the permit.

(d) PROTECTION OF RESOURCES.—

(1) AUTHORITY OF SECRETARY.—The Secretary may include in a permit issued under subsection (a) any term or condition that the Secretary determines to be necessary—

(A) to protect the resources of the Everglades National Park; and

(B) to ensure the safety of the public at the Everglades National Park.

(2) BOND.—To accomplish each goal described in paragraph (1), the Secretary may require each holder of a permit issued under subsection (a) to post a bond.

(e) FEES.—The Secretary may charge a fee to recover the cost of issuing, and monitoring the compliance of, the permits under subsection (a).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BINGAMAN:

S. 2805. A bill to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Rio Grande Pueblos Irrigation Infrastructure Improvement Act of 2008. This legislation is based on recommendations made by the 2000 report by the Bureau of Reclamation and Bureau of Indian Affairs entitled Pueblo Irrigation Facilities Rehabilitation Report. This report identifies the serious needs that exist in rehabilitating Pueblo Indian irrigation infrastructure, and more importantly, the lack of any existing program to meet these challenges.

The 18 Pueblos of the Rio Grande basin have historically sustained themselves through agriculture, irrigating their crops with water from the Rio Grande watershed. However, the number of Pueblo irrigation works in serious disrepair has placed this way of life in jeopardy. In many cases, diversion structures and other facilities are unsafe, barely operable, and wholly inefficient, thereby preventing the irrigation of historical farmland. Despite the time and effort the Pueblo people have committed to operating and maintaining these irrigation systems, the tribes lack the financial and technical resources to carry out the necessary improvements by themselves.

Unfortunately, according to a recent GAO Report on the Bureau of Indian Affairs' irrigation program, it appears that the BIA also lacks the resources necessary to maintain irrigation infrastructure on Indian land. Given this and the BIA's historical lack of attention to the issue, it is clear that the Bureau of Reclamation may be best suited to provide the technical expertise needed to assist the Pueblos. Over the last 5 years, Reclamation has funded a number of water conservation efforts within its irrigation projects in New Mexico. The work that's been done has been highly beneficial, and it's time to include the Rio Grande Pueblos in that effort.

Accordingly, this bill directs the Secretary of the Interior, through the Bureau of Reclamation, to work with the eighteen Pueblos in the Rio Grande basin to assess Pueblo irrigation infrastructure and initiate projects to rehabilitate and repair such infrastructure on Pueblo lands. Moreover, the activity authorized in the bill is consistent with the goals of Reclamation's Water 2025 program. Recognizing the limited resources available within Reclamation, though, the bill directs the Secretary of the Interior to work with BIA, the Natural Resources Conservation Service, and the Army Corps of Engineers to identify opportunities to use the authorities of those agencies to collaborate on projects that make sense to all involved.

By focusing Federal resources and expertise on this problem now, the federal government, as part of its trust responsibility, will help prevent further deterioration of Pueblo irrigation systems and any additional rehabilitation costs in the future. The Rio Grande Pueblos will benefit markedly from increased agricultural productivity, increased water conservation, and overall safer facilities. More importantly however, these improvements have the capacity to assist the Pueblos in sustaining their historical way of life, both economically and culturally. Finally, the overall health of the Rio Grande basin will likely benefit through increased efficiency in water use. For these reasons, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rio Grande Pueblos Irrigation Infrastructure Improvement Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(2) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(3) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(4) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(A) water conservation;

(B) extending available water supplies;

(C) increased agricultural productivity;

(D) economic benefits;

(E) safer facilities; and

(F) the preservation of the culture of Indian Pueblos in the State;

(5) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated or owned by the Bureau of Reclamation; and

(6) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(A) overall water management by the Bureau of Reclamation; and

(B) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary—

(1) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(2) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(3) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

SEC. 3. DEFINITIONS.

In this Act:

(1) 2004 AGREEMENT.—The term "2004 Agreement" means the agreement entitled "Agreement By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico" and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) DESIGNATED ENGINEER.—The term "designated engineer" means a Federal employee designated under the Act of February 14, 1927 (69 Stat. 1098, chapter 138) to represent the United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) DISTRICT.—The term "District" means the Middle Rio Grande Conservancy District, a political subdivision of the State established in 1925.

(4) PUEBLO IRRIGATION INFRASTRUCTURE.—The term "Pueblo irrigation infrastructure" means any diversion structure, conveyance facility, or drainage facility located on land of a Rio Grande Pueblo that is associated with the delivery of water for the irrigation of agricultural land.

(5) RIO GRANDE BASIN.—The term "Rio Grande Basin" means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) RIO GRANDE PUEBLO .—The term "Rio Grande Pueblo" means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) SIX MIDDLE RIO GRANDE PUEBLOS.—The term "Six Middle Rio Grande Pueblos" means each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) SPECIAL PROJECT.—The term "special project" has the meaning given the term in the 2004 Agreement.

(10) STATE.—The term "State" means the State of New Mexico.

SEC. 4. IRRIGATION INFRASTRUCTURE STUDY.

(a) STUDY.—

(1) IN GENERAL.—On the date of enactment of this Act, the Secretary, in accordance with paragraph (2), and in consultation with the Rio Grande Pueblos, shall—

(A) conduct a study of Pueblo irrigation infrastructure; and

(B) based on the results of the study, develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(2) REQUIRED CONSENT.—The Secretary shall carry out paragraph (1) with the consent of each Pueblo that notifies the Secretary of the intention of the Pueblo to participate in—

(A) the conduct of the study under paragraph (1)(A); and

(B) the development of the list of projects under paragraph (1)(B).

(b) PRIORITY.—

(1) CONSIDERATION OF FACTORS.—

(A) IN GENERAL.—In developing the list of projects under subsection (a)(1)(B), the Secretary shall—

(i) consider each of the factors described in paragraph (2); and

(ii) prioritize the projects recommended for implementation based on—

(I) a review of each of the factors; and

(II) a consideration of the projected benefits of the project on completion of the project.

(B) ELIGIBILITY OF PROJECTS.—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least 1 factor described in paragraph (2).

(2) FACTORS.—The factors referred to in paragraph (1) are—

(A)(i) the extent of disrepair of the Pueblo irrigation infrastructure; and

(ii) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(B) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(C)(i) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(ii) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(D) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(E) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(c) CONSULTATION.—In developing the list of projects under subsection (a)(1)(B), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Conservation Service, and the Chief of Engineers to evaluate the extent to which programs under the jurisdiction of the respective agencies may be used—

(1) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(2) to implement—

(A) a project recommended for implementation under subsection (a)(1)(B); or

(B) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(1) the list of projects recommended for implementation under subsection (a)(1)(B); and

(2) any findings of the Secretary with respect to—

(A) the study conducted under subsection (a)(1)(A);

(B) the consideration of the factors under subsection (b)(2); and

(C) the consultations under subsection (c).

(e) BIENNIAL REVIEW.—Not later than 2 years after the date on which the Secretary submits the report under subsection (d) and biennially thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(1) review the report submitted under subsection (d); and

(2) update the list of projects described in subsection (d)(1) in accordance with each factor described in subsection (b)(2), as the Secretary determines to be appropriate.

SEC. 5. IRRIGATION INFRASTRUCTURE GRANTS.

(a) IN GENERAL.—The Secretary may provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under section 4(a)(1)(B)—

(1) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(2) to conserve water; or

(3) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(b) LIMITATION.—Assistance provided under subsection (a) shall not be used for—

(1) the repair, rehabilitation, or reconstruction of any major impoundment structure;

(2) any on-farm improvements; or

(3) the rehabilitation of any Pueblo irrigation infrastructure for the purpose of irrigating Rio Grande Pueblo land that has not been historically irrigated.

(c) CONSULTATION.—In carrying out a project under subsection (a), the Secretary shall—

(1) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(2) consult with the Director of the Bureau of Indian Affairs; and

(3) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(d) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the total cost of carrying out a project under subsection (a) shall be not more than 75 percent.

(B) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under subparagraph (A) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(2) DISTRICT CONTRIBUTIONS.—

(A) IN GENERAL.—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under subsection (a) on land located in any of the Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(B) LIMITATION.—Nothing in subparagraph (A) requires the District to contribute to the non-Federal share of the cost of a project carried out under subsection (a).

(3) STATE CONTRIBUTIONS.—

(A) IN GENERAL.—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under subsection (a).

(B) LIMITATION.—Nothing in subparagraph (A) requires the State to contribute to the non-Federal share of the cost of a project carried out under subsection (a).

(4) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1)(A) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (a).

(e) OPERATION AND MAINTENANCE.—The Secretary may not use any amount made available under section 8(b) to carry out the operation or maintenance of any project carried out under subsection (a).

SEC. 6. EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.

Nothing in this Act—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

SEC. 7. EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.

(a) PUEBLO WATER RIGHTS.—Nothing in this Act (including the implementation of any project carried out in accordance with this Act) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(b) STATE WATER LAW.—Nothing in this Act preempts or affects—

(1) State water law; or

(2) an interstate compact governing water.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) STUDY.—There is authorized to be appropriated to carry out section 4 $4,000,000.

(b) PROJECTS.—There is authorized to be appropriated to carry out section 5 $6,000,000 for each of fiscal years 2010 through 2019.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 2806. A bill to require the Administrator of the Environmental Protection Agency to reconsider the decision of the Administrator to deny the request of the State of California to regulate greenhouse gas emissions from new motor vehicles, and to complete further proceedings in accordance with the decision of the Supreme Court in Massachusetts v. Environmental Protection Agency; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today, on the 1-year anniversary of the Supreme Court's landmark Massachusetts v. EPA decision on global warming pollution, to introduce the Greenhouse Gas Endangerment Finding Deadline and California Waiver Reconsideration Act. The bill would force the EPA and this administration to act—at long last—against global warming.

This legislation will impose two significant deadlines on the Environmental Protection Agency.

First, the legislation gives EPA 60 days to respond to the Massachusetts v. EPA ruling.

Second, this bill requires EPA to reconsider its unprecedented decision to deny the State of California a Federal waiver that would have allowed the State to limit tailpipe greenhouse gas pollution from cars and trucks.

Unfortunately, deadlines for EPA action are necessary in both cases.

In its landmark Massachusetts v. EPA ruling, issued 1 year ago today, the Supreme Court gave EPA a specific task: Determine whether the emissions of greenhouse gases endanger public health and welfare, and then comply with the Clean Air Act requirements that result from this determination.

Yet 1 year later, EPA has done nothing. EPA Administrator Johnson pledged to act by December, but that day came and went.

I wrote to Administrator Johnson in January asking for a timeline for action.

He wrote back to tell me he could not give me one.

Last month, when I asked Mr. Johnson how many people were working on this endangerment finding, he could not tell me if anyone was working on it.

In a March 27, 2008, letter to me and many of my colleagues, EPA indicated that it intends to begin soliciting comments from the public as the Agency "considers" regulations of greenhouse gas emissions.

EPA's letter indicates that it does not intend to determine whether greenhouse gases endanger public health and welfare, as the court instructed it to do, anytime in the near future.

Instead EPA's Administrator stated that "implementing the Supreme Court's decision could affect many sources beyond just the cars and trucks considered by the Court," suggesting that the U.S. Supreme Court would have come to a different conclusion had it better understood the Clean Air Act.

The process will not begin until "later this spring."

EPA has no further timeline for action, nor has it set a deadline for completion.

The plaintiffs in the Massachusetts v. EPA case today returned to court to compel the EPA to act. This bill is intended to work in tandem with their suit, compelling EPA to take an action, which both the courts and the law indicate should not be unreasonably delayed. No one should interpret this bill as a substitute for the courts taking action to compel EPA to act without delay under existing law. Both the new lawsuit and this bill are prompted by the clear failure of EPA to act on a reasonable timeline.

Bottom Line: Responding to the Supreme Court's remand cannot and should not be delayed for an undefined period of time.

EPA has had a full year to collect public comment and consider the implications of its response, and it has done so. EPA staff told Congress that they spent thousands of hours writing an endangerment finding and proposed regulations this past autumn. A draft has already been submitted to the White House Office of Management and Budget.

This legislation puts EPA on the clock to finish the job it was assigned by the highest court in the land.

The second deadline in this legislation requires the EPA Administrator to reconsider, and either confirm or reject, EPA Administrator Johnson's December decision to deny California a Clean Air Act waiver.

Without the waiver, California and 15 other States are unable to control greenhouse gas emissions from automobiles.

EPA Administrator Johnson denied this waiver even though EPA's legal and technical staff unanimously recommended that the waiver be issued.

EPA's attorneys had told Mr. Johnson that a waiver denial in this case would "in effect, amend the Clean Air Act by Administrative Action."

They told him that EPA would be sued and "was likely to lose suit."

The decision was made before the legal justification had been written. EPA staff had been cut out of the process entirely.

His official legal document, issued more than 2 months after Mr. Johnson issued the decision, asserts that the waiver was denied based almost entirely on the legislative history of the 1967 Clean Air Act. His legal document made no mention of the fact that Congress rewrote the operative section in 1977.

In hearing after hearing, Mr. Johnson has asserted that he made this decision himself. Apparently he read the law differently than every one of his agency's experts and attorneys—a different reading he has never explained. But even he has acknowledged that the process under which this decision was made was unusual.

I believe that an unusual process led to an unusual result.

This bill would give EPA the opportunity to reconsider this decision. And with this reconsideration we will see whether a normal process will produce a different result.

This legislation sets firm deadlines by which EPA must complete its work. It instructs the administration to act in the face of climate change. It brings an end to the delay and obfuscation that impede progress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Greenhouse Gas Endangerment Finding Deadline and California Waiver Reconsideration Act".

SEC. 2. REQUIREMENTS OF ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY.

(a) RECONSIDERATION OF DENIAL.—Not later than June 30, 2009, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall reconsider, and confirm or reverse, the decision of the Administrator to deny the request of the State of California to regulate greenhouse gas emissions from new motor vehicles.

(b) ISSUANCE OF FINDING.—Not later than 60 days after the date of enactment of this Act, the Administrator shall issue a finding in accordance with—

(1) section 202(a)(1) of the Clean Air Act (42 U.S.C. 7521(a)(1)) with respect to whether the emission of greenhouse gases from any 1 or more classes of new motor vehicles or new motor vehicle engines, in the judgment of the Administrator, causes or contributes to air pollution that may reasonably be anticipated to endanger public health or welfare; and

(2) the decision of the Supreme Court in Massachusetts v. Environmental Protection Agency, 127 S. Ct. 1438 (2007).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 496—HONORING THE 60TH ANNIVERSARY OF THE COMMENCEMENT OF THE CARVING OF THE CRAZY HORSE MEMORIAL

Mr. THUNE (for himself and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 496

Whereas sculptor Korczak Ziolkowski, who never received any formal art training but nonetheless won 1st place for sculpture at the New York World's Fair in 1939, came to the Black Hills of South Dakota as an assistant to Gutzon Borglum to help carve Mount Rushmore;

Whereas Lakota Chief Henry Standing Bear contacted Korczak Ziolkowski in 1939 to encourage him to create another mountain memorial, saying in his letter of invitation: "My fellow chiefs and I would like the white man to know the red man has great heroes, too";

Whereas Crazy Horse was remembered by his people as a fierce warrior and visionary leader who was committed to preserving the traditional Lakota way of life;

Whereas Korczak Ziolkowski was inspired to honor the culture, tradition, and living heritage of North American Indians, and thus designed a metaphoric tribute to the spirit of Crazy Horse and his people;

Whereas Korczak Ziolkowski was dedicated as well to helping his country preserve freedom, enlisted in the Army, and was wounded in 1944 at Omaha Beach;

Whereas Korczak Ziolkowski returned to South Dakota after World War II in order to find a suitable mountain to carve in order to honor Crazy Horse and his people;

Whereas Korczak Ziolkowski and Chief Standing Bear dedicated the Crazy Horse Memorial on June 3, 1948;

Whereas Korczak Ziolkowski worked until his death in 1982, and his wife, Ruth, and their family have dedicated their lives to carving the mountain and continuing the mission of the Crazy Horse Memorial;

Whereas there is no way to predict when the mountain carving will be completed, owing to the uncertainty of weather, the availability of private funding, and the challenges of mountain engineering;

Whereas, when completed, the Crazy Horse mountain carving will be the largest carving in the world, at 641 feet long by 563 feet high;

Whereas Korczak Ziolkowski's parting words to his wife were, "You must work on the mountain—but go slowly so you do it right";

Whereas the Ziolkowski family and the Crazy Horse Memorial Foundation have continued to do it right, have proceeded without government financial support, and remain dedicated to making steady progress on the Memorial's humanitarian goals; and

Whereas the Crazy Horse Memorial will celebrate the 60th anniversary of the dedication of the mountain carving on June 3, 2008: Now, therefore, be it

Resolved, That the Senate, on the 60th anniversary of the commencement of the mountain carving of the Crazy Horse Memorial, honors sculptor Korczak Ziolkowski, the Ziolkowski family, and the Crazy Horse Memorial Foundation for their dedication to honoring the culture, tradition, and living heritage of North American Indians and the spirit of Crazy Horse and his people.

SENATE RESOLUTION 497—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 5 THROUGH 11, 2008

Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. STEVENS, Mr. CARPER, Mr. WARNER, Mr. OBAMA, and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 497

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist active duty service members and veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 5 through 11, 2008, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 24th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, I rise to introduce a resolution honoring the dedication, commitment, and noble service of Federal, State, and local government employees during Public Service Recognition Week.

For the past 23 years, the first full week of May is reserved to recognize the men and women of the military and civilian workforces diligently serving our Nation and celebrate their achievements.

Throughout the history of this Nation, public servants have been the first in many fields. Public servants are the first to respond to an emergency. They were the first to walk on the moon, the first to subnavigate the North Pole, and the driving force behind the creation of the Internet. However, there are lesser known achievements of public servants that improve all of our lives. Researchers at NIH were the first to make a discovery that lead to the Human Papillomavirus vaccine. They were the first to create a program allowing States and localities to analyze DNA evidence on thousands of cases. And, they have been the first to discover hormones produced by the heart that have profound benefits in treating many deadly diseases.

Public Service Recognition Week is a time for all Americans to recognize the contributions which public servants make to this country that are often overlooked. We are familiar with the police officers who patrol our streets, the teachers who teach our children, the public officials we elect to govern, and the war fighters so bravely defending our country. However, there are many other public servants who protect and care for our National Parks, provide care to veterans, protect the water we drink, build the roads we drive on, archive American history and the American experience, and curate our public museums that work behind the scenes without much attention or praise. These are just some of the silent servants who are the backbone of America.

Public servants have chosen a career path that does not often exalt or glorify their work. We rarely hear about the support the civilians in the Department of Defense are providing to the military during this time of war or the doctors and nurses at the Veterans' Affairs Administration who provide care to the many men and women returning home from combat while struggling with insufficient resources. PSR week is a time we thank them for their service and recognize their efforts.

This week is not just a time for us to honor their work, but a time for us to get to know the groundbreaking efforts made by the military and civil servants. Across the country, mayors, State governments, Governors, county governments, and many other civic organizations are participating in Public Service Recognition Week through proclamations, honorary events, awards, and exhibits. In Washington, DC, Federal agencies are coming together on the National Mall to demonstrate to the public all that they do for America. The military will show its might with planes, helicopters, tanks, and other machinery located throughout the exhibit. The civil service will show innovations in scientific research, advances in criminal detection and law enforcement, and ways it is improving the lives of Americans everyday.

We sit on the edge of great change in the Federal workforce. According to the Office of Personnel Management, an estimated 40 percent of the 1.8 million federal employees will retire in the next 10 years as many more become eligible to retire. According to a number of recent reports published by the Partnership for Public Service, we know that young people want meaning in their careers. They can find both meaning and nobility in public service. Our challenge is to show the next generation of employees that public service offers a range of options for meaningful experiences and dynamic opportunities.

As we celebrate the 24th annual Public Service Recognition Week May 5–11, I encourage all Americans to take time out of their busy schedules to learn more about the work of public servants and recognize them for their commitment and dedication.

SENATE RESOLUTION 498—DESIGNATING APRIL 8, 2008, AS "NATIONAL CUSHING'S SYNDROME AWARENESS DAY"

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 498

Whereas Cushing's Syndrome affects an estimated 10 to 15 people per 1,000,000 people annually, most of those affected are between the ages of 20 and 50;

Whereas Cushing's Syndrome is an endocrine or hormonal disorder caused by the prolonged exposure of the body's tissue to high levels of the hormone cortisol;

Whereas exposure to cortisol can occur by overproduction of cortisol in the body or by taking glucocorticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, and lupus, or as an immunosuppressant following organ transplants;

Whereas Cushing's Syndrome may also result from pituitary adenomas, ectopic adrenocorticotropic hormone (ACTH) syndrome, adrenal tumors, and Familial Cushing's Syndrome;

Whereas Cushing's Syndrome can cause abnormal weight gain, skin changes, and fatigue and can ultimately lead to diabetes, high blood pressure, depression, osteoporosis, or death;

Whereas Cushing's Syndrome is diagnosed through a series of tests, often requiring x-ray examinations of adrenal or pituitary glands to locate tumors;

Whereas many people who suffer from Cushing's Syndrome are misdiagnosed or go undiagnosed for years because many of the symptoms of Cushing's Syndrom are also indications of milder diseases, and those errors in diagnoses delay the implementation of important treatment options;

Whereas treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, the use of cortisol-inhibiting drugs, and reducing the dosage of glucocorticoid hormones;

Whereas Cushing's Syndrome was discovered by Dr. Harvey Williams Cushing, who was born on April 8, 1869;

Whereas the Dr. Harvey Cushing stamp was part of the United States Postal Service's "Great American" series of stamps, initiated in 1980 to recognize individuals for making significant contributions to the heritage and culture of the United States;

Whereas President Ronald Reagan spoke on April 8, 1987, in the Rose Garden at a White House ceremony to unveil the commemorative stamp honoring Dr. Harvey Cushing;

Whereas, following the ceremony, President Reagan hosted a reception in the State Dining Room for Mrs. John Hay Whitney, Dr. Cushing's daughter, and representatives of the American Association of Neurological Surgeons; and

Whereas the Senate is an institution that can raise awareness of Cushing's Syndrome in the general public and the medical community: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 8, 2008, as "National Cushing's Syndrome Awareness Day";

(2) recognizes that all people in the United States should become more informed and aware of Cushing's Syndrome;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Cushing's Understanding, Support, and Help Organization.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4384. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 4385. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4386. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4384. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000".

SA 4385. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STREAMLINING ENVIRONMENTAL APPROVALS FOR CERTAIN EMERGENCY HOUSING DEVELOPMENT.

Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development and the Administrator of the Environmental Protection Agency shall submit to Congress a joint report on ways to streamline the environmental approval process for community development block grant housing development in areas affected by Hurricanes Katrina, Rita, and Wilma of 2005.

SA 4386. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE _—GO ZONE PROPERTY

SEC. _01. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) without regard to 'and before January 1, 2005' in clause (i) thereof,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, April 2, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, April 2, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Oversight on the Listing Decision for the Polar Bear Under Endangered Species Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 2, 2008, at 9:30 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 2, 2008, at 2:30 p.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 2, 2008, at 11 a.m. to conduct a hearing entitled "Nuclear Terrorism: Assessing the Threat to the Homeland."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Oversight of the Department of Homeland Security" on Wednesday, April 2, 2008, at 9:30 a.m., in room SH–216 of the Hart Senate Office Building.

Witness list

The Honorable Michael Chertoff, Secretary, United States Department of Homeland Security, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 2, 2008, at 2:30 p.m., in open session to receive testimony on Department of Defense contracting in Iraq and Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 2, 2008, at 10 a.m., in open session to receive testimony on the Cooperative Threat Reduction Program; and the proliferation security initiative at the Department of Defense and Nuclear Nonproliferation Programs at the National Nuclear Security Administration in review of the Defense authorization request for fiscal year 2009 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. VITTER. Mr. President, I ask unanimous consent that Eric Reither from Senator ENSIGN's office be granted floor privileges for the duration of the debate on H.R. 3221.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CUSHING'S SYNDROME AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 498.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 498) designating April 8, 2008, as "National Cushing's Syndrome Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 498) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 498

Whereas Cushing's Syndrome affects an estimated 10 to 15 people per 1,000,000 people annually, most of those affected are between the ages of 20 and 50;

Whereas Cushing's Syndrome is an endocrine or hormonal disorder caused by the prolonged exposure of the body's tissue to high levels of the hormone cortisol;

Whereas exposure to cortisol can occur by overproduction of cortisol in the body or by taking glucocorticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, and lupus, or as an immunosuppressant following organ transplants;

Whereas Cushing's Syndrome may also result from pituitary adenomas, ectopic adrenocorticotropic hormone (ACTH) syndrome, adrenal tumors, and Familial Cushing's Syndrome;

Whereas Cushing's Syndrome can cause abnormal weight gain, skin changes, and fatigue and can ultimately lead to diabetes, high blood pressure, depression, osteoporosis, or death;

Whereas Cushing's Syndrome is diagnosed through a series of tests, often requiring x-ray examinations of adrenal or pituitary glands to locate tumors;

Whereas many people who suffer from Cushing's Syndrome are misdiagnosed or go undiagnosed for years because many of the symptoms of Cushing's Syndrom are also indications of milder diseases, and those errors in diagnoses delay the implementation of important treatment options;

Whereas treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, the use of cortisol-inhibiting drugs, and reducing the dosage of glucocorticoid hormones;

Whereas Cushing's Syndrome was discovered by Dr. Harvey Williams Cushing, who was born on April 8, 1869;

Whereas the Dr. Harvey Cushing stamp was part of the United States Postal Service's "Great American" series of stamps, initiated in 1980 to recognize individuals for making significant contributions to the heritage and culture of the United States;

Whereas President Ronald Reagan spoke on April 8, 1987, in the Rose Garden at a White House ceremony to unveil the commemorative stamp honoring Dr. Harvey Cushing;

Whereas, following the ceremony, President Reagan hosted a reception in the State Dining Room for Mrs. John Hay Whitney, Dr. Cushing's daughter, and representatives of the American Association of Neurological Surgeons; and

Whereas the Senate is an institution that can raise awareness of Cushing's Syndrome in the general public and the medical community: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 8, 2008, as "National Cushing's Syndrome Awareness Day";

(2) recognizes that all people in the United States should become more informed and aware of Cushing's Syndrome;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the

Cushing's Understanding, Support, and Help Organization.

MEASURES READ THE FIRST TIME—S. 2807, S. 2808, S. 2809, S. 2810, AND S. 2811

Mr. REID. Mr. President, I understand there are five bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the titles of the bills.

The assistant legislative clerk read as follows:

A bill (S. 2807) to protect the liberty and property of all Americans.

A bill (S. 2808) to require that citizens within a National Heritage Area are informed of the designation and that government officials must receive permission to enter private property.

A bill (S. 2809) to ensure that there are no adverse effects of a National Heritage Area designation to local communities and home owners.

A bill (S. 2810) to require an annual report detailing the amount of property the federal government owns and the cost of government land ownership to taxpayers.

A bill (S. 2811) to require citizens' approval of federal government land grabs.

Mr. REID. Mr. President, I ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, APRIL 3, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, April 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, the Senate adopt the motion to proceed to H.R. 3221, and after reporting of the bill, Senator DODD or his designee be recognized to offer a substitute amendment to the bill; and that following opening statements by Senators DODD and SHELBY, Senator DURBIN be recognized to offer an amendment relating to bankruptcy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:26 p.m., adjourned until Thursday, April 3, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

JOHN P. HEWKO, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE ANDREW B STEINBERG.

DEPARTMENT OF ENERGY

JEFFREY F. KUPFER, OF MARYLAND, TO BE DEPUTY SECRETARY OF ENERGY, VICE JEFFREY CLAY SELL, RESIGNED.

DEPARTMENT OF STATE

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

MARIE L. YOVANOVITCH, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN UNDER SECRETARY OF STATE (POLITICAL AFFAIRS), VICE R. NICHOLAS BURNS, RESIGNED.

JANICE L. JACOBS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (BUREAU OF CONSULAR AFFAIRS), VICE MAURA ANN HARTY, RESIGNED.

NATIONAL INSTITUTE FOR LITERACY

ALEXA E. POSNY, OF KANSAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2011. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

ELAINE C. DUKE, OF VIRGINIA, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE PAUL A. SCHNEIDER.

FEDERAL LABOR RELATIONS AUTHORITY

BRANDON CHAD FUNGARD, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS, VICE COLLEEN DUFFY KIKO, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, April 2, 2008*

The House met at 10 a.m.

The Reverend Elliott L. Foss, National Chaplain, American Legion, offered the following prayer:

God, bless America. Continue to shine Your face on us, as we need Your guidance and protection now, more than ever. God, bless America, our President, our national, State, and community leaders as they seek to serve our citizens.

God, bless America. Bless these folks here today. I ask You to give them grace and peace, that as they seek Your face, impart to them Your wisdom, Your courage, and Your hope, that they will do Your will at all times.

Please, God, bless America and our citizens who seek to live in peace and harmony as "One Nation under God." Encourage us to do the right thing, at the right time, for the right reason.

May Your love surround our military and their families each and every day and please, God, bless America and bring our troops safely home when all is done.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BARRETT of South Carolina. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 980. An act to amend the Controlled Substances Act to address online pharmacies.

WELCOMING REV. ELLIOTT L. FOSS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, Members of the House, it's a great honor today to introduce my friend, the Reverend Elliott Foss, to the chamber and to the folks who are our visitors today. Elliott has been a friend of mine for a number of years, almost going on two decades, in fact. Elliott was appointed the National Chaplain of the American Legion on August 30, 2007, by the National Commander, Marty Conatser. The appointment was made following the closing session of the 89th National Convention in Reno, Nevada.

He is a retired U.S. Navy Command Master Chief and Hospital Corpsman from the Submarine Division, and served during the Vietnam War and through the Gulf wars. Elliott attended Candler Seminary School of Ministry at Emory University. He also served as pastor to churches in Maine, Virginia, Connecticut, Florida, and Georgia. He is a Georgia resident and is an ordained Southern Baptist Minister and Chaplain, even though he has been the minister in four different Methodist churches in my district.

Elliott is a member of the American Legion Post 317 in coastal Georgia, where he serves as Post Commander. Reverend Foss also has served as the 8th District Vice Commander and as Post 9 Brunswick Commander. Chaplain Foss serves as the Department of Georgia Chaplain for now 7 years. He has held numerous leadership positions at the post, State and national levels during the past 11 years.

He and his wife, Arlene, reside in Kingsland, Georgia. I first got to know him when he was the chaplain of the Seaman's House and worked with people and sailors from all over the world and members of our own merchant marine. He is a great guy, a great man of the Lord, and we are very proud to have him as chaplain of the day today.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain requests for up to 15 1-minute speeches on each side.

THE DREAM OF DR. MARTIN LUTHER KING

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, on Friday, April 4, this Nation will observe the 40th anniversary of the tragic assassination of Dr. Martin Luther King, Jr. Dr. King was a great American who fought injustice; not just social injustice, but economic injustice. His beliefs 40 years later have not been fulfilled. His dream is still alive, but not fulfilled.

In his time, he fought a war and was against a war in Asia that this country was fighting and losing, and costing us much in terms of human sacrifice, as well as financial sacrifice. We see that same situation today, as we have the cost in Iraq taking away from our cities and our people. He fought for working people who were working hard but not moving forward. Today, we see working people in the middle-class continuing to having their power eroded and taken away from them.

I ask each person in this House and each person in America to think of Dr. King this week and to think of Dr. King every day and keep his dream alive and move this country forward with economic and social justice, for we need it more now than ever.

TAX AND SPEND HURTS ECONOMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, right now Americans are feeling the pinch from rising gas prices, health care costs, and food prices. There has been a slowdown in the growth of our economy. In light of this, it seems downright wrong for Congress to be proposing a budget that will raise $683 billion in taxes, the largest tax increase in America's history. This will hit 116 million Americans, while spending billions more on wasteful government spending.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

American taxpayers will have to foot this bill if we do not stand up and protect their wallets from the Washington tax and spend machine. I support the Republican Study Committee budget, a plan that meets the needs of the American people, balances the Federal budget by 2012, fixes the AMT, addresses the runaway entitlement crisis, and does not raise $1 of taxes on hardworking Americans. At a time when Americans pay too much at the pump, at the store, and at the hospital, it is wrong to ask them to pay more to the government.

In conclusion, God bless our troops, and we will never forget September the 11th.

DEMOCRATS WANT TO WORK WITH REPUBLICANS TO HELP AMERICAN FAMILIES

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, the American public is rightfully concerned about the future of our Nation's economy. Stagnant wages were already making it difficult for families to afford rising gas, home heating, grocery, and health care bills. Now, there is the added worry of losing their homes. The housing crisis could lead to more than 2 million homeowners losing their homes in the near future.

Fortunately, we address some of the housing concerns in the bipartisan economic stimulus plan. In that package, we expanded affordable mortgage loan opportunities through the Federal Housing Administration, and expanded financial counseling for families who are at risk of losing their homes. This was a good start, but more needs to be done. As a member of the House Financial Services Committee, I look forward to working with Chairman FRANK to move through the committee his foreclosure prevention package.

Mr. Speaker, in the coming weeks I hope that we can once again come together as Republicans and Democrats in this important legislation.

□ 1015

CONGRESS IS RESPONSIBLE FOR THE HIGH PRICES AT THE PUMP

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, as gasoline prices rise higher at the pump, the American driver is mad and the Congress blames the oil companies. But the real culprit is Congress. Gasoline prices are rising because Congress fails to have an energy policy that encourages the development of our own resources. Instead of making it easier to obtain crude oil, Congress has decided to subsidize the special interest groups to produce unproven, unreliable, and expensive alternative fuels, like corn-based ethanol, which now may pollute the environment more than first realized. Not to mention this idea is bad for land management and increases the cost of agricultural products. So now we have high gasoline prices and higher prices for corn products worldwide, thanks to Congress.

We are the only industrial power in the world that refuses to take advantage of its own energy resources. Congress should lift the absurd restrictions on offshore drilling, allow drilling in ANWR and stop the expensive, unnecessary regulations. This will increase production, supply, and lower costs. Otherwise, we will continue to be held hostage by third world dictators, like Chavez, and the cost of crude oil will continue to grow.

And that's just the way it is.

ON FISA, THE INTELLIGENCE COMMUNITY HAS THE TOOLS IT NEEDS TO PROTECT NATIONAL SECURITY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Washington Republicans are not leveling with the American people on the immediate effects of the expiration of the Protect America Act. Despite their fear-mongering, even the Bush administration admits that it still has the ability to continue all its wide-ranging surveillance for another 6 months.

Kate Martin, Director of the Center for National Security Studies, said, "If the government learns of new individuals plotting terrorist activities, it can immediately surveil such individuals, the court can issue an order within minutes of being asked, or the government can start surveillance without a court order under the existing FISA emergency authority."

Richard Clarke said, "The President misconstrued the truth and manipulated the facts. It was wrong to suggest that warrants issued in compliance with FISA would suddenly evaporate with congressional inaction."

Mr. Speaker, our intelligence community still has every tool available that it had under the President's Protect America Act. Republicans should stop their misleading fear-mongering.

PROTECTING THE AMERICAN DREAM OF OWNING A HOME

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, our mortgage market is experiencing housing finance challenges and a credit crisis. Foreclosures are hitting an all time high. My own State of South Carolina is ranked 39th in the Nation for home foreclosures. Mortgage and financial challenges are placing heavy burdens on American families, and the situation has forced thousands of families to lose their prized possession, their home. One person losing their home, Mr. Speaker, is one too many.

As Members of Congress, can we lend money or give credit to people? No. But we can put these families and homeowners in touch with the right people, who can provide them with information on how to escape the mortgage rift.

During the break, I held homeowner education seminars and invited local mortgage lenders and nonprofits to give free one-on-one counseling sessions to constituents with mortgage questions. The event had wonderfully qualified people on hand who were able to give information away.

Let's try to protect the American Dream of owning a home. I encourage other Members to do the same.

THE COST OF STAYING IN IRAQ IS MAKING AMERICA LESS SECURE

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, the war in Iraq has now gone on for more than 5 years. Those 5 years have seriously hampered our military's readiness, and the human and financial costs grow greater by the day. Eighty-eight percent of our current and former military officers believe this war has stretched our military dangerously thin, and 60 percent say it has left us weaker than at any time since Vietnam.

Pete Geren, the Secretary of the Army, said, "We are consuming our readiness as fast as we build it." and the Army Chief of Staff, General George Casey, said, "The last six-plus years at war have left our Army out of balance, consumed by the current fight, and unable to do the things we know we need to do to prepare for the future." In addition to spending hundreds of billions of dollars on this war, the cost to care for our veterans and rebuild this Army will take us decades.

While our military is standing up and facing these challenges with great dignity and professionalism, there are some here who say we need to stay the course and stay in Iraq for 100 years. This is not sustainable. This is not a plan. This is not security. We need real leadership that understands the cost of staying in Iraq and not redeploying our troops is making America less secure and not more.

CONGRATULATING TYLER HANSBROUGH OF POPLAR BLUFF, MISSOURI

(Mrs. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. EMERSON. Mr. Speaker, I rise today to congratulate our Southeast Missouri favorite son, Tyler Hansbrough of Poplar Bluff, Missouri, for his unanimous selection to the AP All-American First Team for collegiate basketball. Mr. Hansbrough has earned this honor through his excellence both on the basketball court and off.

If anything, his receipt of this award ought to focus us on Mr. Hansbrough's character, not on his scoring statistics. This young man recently earned rare praise from long-time coach Rick Pitino, who remarked, "I haven't seen a guy play every possession like that in a long time. I have actually never seen it."

Not only is Tyler a leader, he is a leader by example. His work ethic has improved players, coaches and fans of the game at every level he has played.

Mr. Hansbrough takes his obligation of leadership seriously. His coach at North Carolina, Roy Williams, has called him the most focused player he has ever coached. All of these attributes result in Mr. Hansbrough serving as a role model for his teammates and for every aspiring student-athlete in the Nation.

Undoubtedly Mr. Hansbrough will continue to succeed in basketball. I believe he will continue to succeed in life, too. As he provides a national example of dedication, teamwork, effort and leadership, I congratulate Tyler Hansbrough on his selection as a First Team All-American. I also commend him for the contributions he makes as a role model to millions of Americans who aspire to the example he has set.

THE IRAQ WAR AND THE IMPACT ON THE ECONOMY

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, despite the continued lack of political progress in Iraq, we are still fighting and funding this war at a time when the country's economic future is at stake. General David Petraeus, the top commander in Iraq, admitted last month that "no one in the U.S. and Iraqi governments feels that there has been sufficient progress by any means in the area of national reconciliation." And yet we continue to spend $14 million every hour in Iraq, while more Americans are looking for work, millions of Americans are on the verge of losing their homes, and gas prices have hit an all-time high.

Mr. Speaker, there is no question that when we spend $14 million an hour in Iraq, we are neglecting real needs here in the United States. But we are also hurting our economy because we aren't able to properly invest in America. This war has diverted nearly $1 trillion away from American schools, roads, research and other areas that would have stimulated the economy in the short-term and produced stronger economic growth in the long run.

It is time to stop spending our money in Iraq and start focusing on helping our families here at home.

SERIOUS ACTION ON SOCIAL SECURITY NEEDED NOW

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, a recent report shows Social Security sliding into the red. We need to protect our younger generation, and I think it is up to the Congress to take serious action now.

The Trustees' Annual Report on Social Security released a couple of weeks ago paints a gloomy picture. Social Security will begin paying out more money than it takes in from payroll taxes in 2017, and by 2041 the Social Security trust fund is going to be exhausted.

These dismal dates come as no surprise to us. Each day that ebbs by we are left with fewer options on how to address this growing problem.

As ranking member on the Social Security Subcommittee, I stand ready to work with my colleagues on both sides of the aisle to find real solutions for all Americans for our future. The time is now. We cannot afford to wait.

HONORING AUTISM AWARENESS MONTH

(Mr. MATHESON asked and was given permission to address the House for 1 minute.)

Mr. MATHESON. Mr. Speaker, during my time in this job, I have met with many Utah families, teachers and health professionals about their struggle with autism. I have visited the special education classrooms where dedicated teachers work with youngsters who have been diagnosed as autistic, as well as met with families desperately searching out medical options for their children. I have learned from this that more data, more research and more public education are imperative in order to help these families create a future for their children.

In Utah, one in every 133 kids has autism. That is the third highest rate among 14 States, according to a 2007 CDC study. Nationally, 67 children are diagnosed with autism every single day, which costs our country $90 billion a year. I am humbled to represent the Utah family that has the highest number of cases of autism in a single-family in the entire United States, six children.

As a member of the Autism Caucus and as a cosponsor of the resolution declaring April National Autism Month, I have been a strong advocate for increased research dollars to help us provide more answers about this disorder and the hardship it inflicts on families.

Awareness is only a first step, but every step forward brings us closer I hope to improved diagnosis and treatment of autism.

SUPPORT THE U.S.-COLOMBIA TRADE PROMOTION AGREEMENT

(Mr. WELLER of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER of Illinois. Mr. Speaker, I rise to urge the Speaker of this House to bring forward for a vote in this House the U.S.-Colombia Trade Promotion Agreement. We know Colombia not only has the most longstanding democracy in all of Latin America, but is our most trusted and dependable partner in counternarcotics and counterterrorism.

We also know that President Uribe, the democratically-elected President of Colombia, is a good friend of the United States, and someone who has brought security in his successful efforts to eliminate the FARC, a narcotrafficking terrorist organization in Colombia, and as a result today he has made tremendous progress in reducing violence in that country and bringing security throughout the entire country.

The U.S.-Colombia trade agreement is good for Illinois, my home State. My district is dependent on exports. Construction equipment that is made in my district and the 8,000 union workers who make construction equipment suffer 15 percent tariffs when exported to Colombia. Under this trade agreement, they are eliminated on day one. The farm community will tell you the U.S.-Colombia trade agreement is the best ever when it comes to access for Illinois and U.S. farm products to the Colombian market.

The bottom line is, the U.S.-Colombia Trade Promotion Agreement is a win-win for the United States, it is a win-win for Colombia.

Mr. Speaker, we need to bring it to the floor. Colombia is our friend, and this deserves a vote.

THE IRAQ WAR AND THE IMPACT ON AMERICA'S ECONOMY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, how much longer do the American people have to bear the financial burden of the war in Iraq? Between 2001 and 2008, Congress has appropriated nearly $700 billion for the Global War on Terrorism, most of that money going to fight the war in Iraq.

Investing in Iraq rather than our own country has contributed to our Nation's economic downturn. According to Columbia University Professor Joseph Stiglitz and Harvard University Professor Linda Blimes, "The Iraq adventure has seriously weakened the U.S. economy, whose woes go far beyond loose mortgage lending. You can't spend $3 trillion, yes, $3 trillion, on a failed war abroad, and not feel the pain at home." And Americans are definitely feeling the pain.

Mr. Speaker, during the minute that I have been speaking, the Bush administration has spent $235,168 on the war in Iraq. It is time that we once again invest in America. Our focus now should be on helping those Americans who face foreclosure, who can't pay their gas and heating bills, and who continue to watch their finances erode, while funding for the war grows every minute.

THE BUSH ADMINISTRATION'S REFUSAL TO REGULATE BIG BUSINESS HAS HURT OUR ECONOMY AND THE AMERICAN PEOPLE

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Good morning, Mr. Speaker, it is nice to see a Coloradan in the Chair.

Mr. Speaker, for 7 years now the Bush administration has done the bidding of big corporate interests. The administration has never supported regulation of big business, and in fact they have eliminated important oversight that is necessary to protect the American consumer. In other instances, agencies have simply turned a blind eye. For a time this benefited big business, but we are now seeing how devastating the failure to enforce the law or regulations can be for both the American people and the American economy.

Last month the Bush administration bailed out Bear Stearns out of fear that if the Wall Street giant filed for bankruptcy, many more supposed giants would follow. What the administration refuses to admit is that had it enforced the law and properly regulated Bear Stearns and the other giants for the last 7 years, they never would have been in this predicament in the first place.

Mr. Speaker, the administration should be commended for finally recognizing the need to enforce the laws and regulations that are on the books. Unfortunately, it should not have taken a huge economic and housing crisis for them to recognize the importance of government oversight. That is, after all, part of their job.

☐ 1030

IRAQ

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, next week the administration is poised to give us and the American people a rosy assessment of the situation in Iraq. They are going to suggest that in fact there has been no escalation in Iraq, and that everything is just fine. Well, everything isn't just fine, and there is in fact an escalation going on in the violence all over Iraq. What the President's policy is is a bait-and-switch policy.

The American troops were sent to Iraq to fight al Qaeda, to fight terrorists. Now we see American troops inserted into combat, coming under fire, dying, and being wounded for the sake of one Shia political party that is afraid that it might lose an election in October. What are the American troops doing fighting for the electoral advantage of one Shia party over another?

Recently, the Pentagon suggested that this was all a sign of success of the surge. I think we should watch those words closely; you may miss something. This administration earlier told the people that the troop surge was for the purposes of decreasing the violence and creating an environment of political reconciliation. The people who were supposed to create political reconciliation are now shooting at one another because they think they might lose an election in October, and they want us to sacrifice American lives to impose the majority that they hope to have in that election.

ALL ACROSS WISCONSIN, PEOPLE ARE DEMANDING LOWER GAS PRICES AND AFFORDABLE HEALTH CARE—NOT MORE DEBT

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, all across America and Wisconsin, people are demanding lower gas prices and affordable health care, not more debt.

In recent weeks, our Nation has experienced a dramatic decline in home values. And when our home values decline and disappear, so does the tax revenue in every town, in every county, in every State of the Union.

Our very way of life is now at risk due to this administration's continued economic policy of borrow and spend, and last weekend the administration forced us to swallow a minnow with worms by nationalizing the debt of financial institutions, guaranteeing their debts will be paid by American taxpayers. Whose side are they on? Taxpayers invested in their own homes, not in insider Wall Street deals.

This administration is in bed with big banks, big insurance, and Big Oil, and businesses who are shipping our jobs overseas. If this administration was on the side of taxpayers, what would they do? They would cut the price of gasoline. Wisconsin wants lower gas prices, not more debt.

PROVIDING FOR CONSIDERATION OF H.R. 5501, TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1065 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1065

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions of the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5501 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SALAZAR). The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1065.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, House Resolution 1065 provides for the consideration of H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, a structured rule. The rule provides for 2 hours of general debate and makes in order four amendments, each of which is debatable for 10 minutes.

Mr. Speaker, all Members of this House should be very proud of the bipartisan collaboration and careful compromises that have resulted in the underlying bill before us today, H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act. I wish to express my appreciation to the work of the gentleman from New Jersey, Congressman DONALD PAYNE, the chairman of the Subcommittee on Africa and Global Health, and Subcommittee Ranking Member CHRIS SMITH, as well as House Foreign Affairs Committee Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN. And, like all of my House colleagues on both sides of the aisle, I am grateful that the committee named this bill after the great leaders of the Foreign Affairs Committee, Chairmen Tom Lantos and Henry Hyde, who guided the original 2003 act into law. May the collegial spirit of these two great champions for global health guide us all during today's debate.

Mr. Speaker, H.R. 5501 would authorize $50 billion over the next 5 years for U.S. global programs that address the prevention, care, and treatment of HIV/AIDS, tuberculosis, and malaria. It strengthens, sustains, and expands a program that is universally recognized as one of the shining accomplishments of the Bush administration.

The challenge for this reauthorization is to move our HIV/AIDS programs beyond the emergency phase first called for under the President's Emergency Program For Aids Relief, or PEPFAR, and make them sustainable over the long term. Over the past 5 years, we have literally gone from watching people die from HIV/AIDS to watching people live and return to productive lives in their communities.

The 2003 Act provided $15 billion over 5 years; H.R. 5501 provides $50 billion, a direct response to the needs identified over the past 5 years for life-saving medicines and well-trained, effective national health care systems.

The 2003 law relied upon the health care workforce and infrastructure already in place in developing countries. In a farsighted move, Mr. Speaker, today's bill invests in strengthening HIV-related health care systems and building the capacity of the health care workforce in these nations. Under this legislation, funds will be used to train some 144,000 new health care workers over the next 5 years to care for people infected with HIV.

This is just a start on easing the severe shortage of health care workers in the developing world, and it is our hope that other donor nations will follow our lead. If there is ever to be a hope that these programs can become self-sustaining, health care capacity must be significantly strengthened in countries hard hit by HIV/AIDS.

The 2003 bill focused on creating new programs to tackle the HIV/AIDS crisis. This reauthorization builds stronger linkages between our global HIV/AIDS initiatives and existing programs designed to alleviate hunger, improve health care, bolster education, and increase income security and stable livelihoods, an approach endorsed by the President's Global AIDS Coordinator in February in his annual report to Congress. These changes ensure that our HIV/AIDS programs no longer operate in isolation from our other development priorities, and that the expertise and benefits from these other programs are provided in an effective manner to HIV/AIDS affected individuals, families, and communities.

In addition, the bill increases U.S. contributions to the Global Fund for HIV/AIDS, Tuberculosis, and Malaria, and provides benchmarks to improve the transparency and accountability of the Global Fund.

And while the majority of the funding authorized in H.R. 5501 is focused on the prevention, care, and treatment of HIV/AIDS-infected people and communities, I would like to emphasize that the bill specifically authorizes $4 billion over 5 years for a comprehensive strategy to combat tuberculosis, and $5 billion for the prevention, treatment, control, and elimination of malaria. In addition, it better integrates our HIV/AIDS programs with the diagnosis, testing, counseling, treatment, prevention, care, and health care treatment needed in the fight against TB and malaria.

Mr. Speaker, H.R. 5501 also removes the requirement that one-third of all funds for HIV/AIDS prevention be dedicated to abstinence-only programs. Over the past 5 years, this restriction has proven to hamper the effectiveness of our health care efforts in the field, as documented by two recent independent reports produced by the Government Accountability Office, GAO, and President Bush's own Office of Personnel Management. This reauthorization now requires the Executive to promote a balanced prevention program that includes every element of abstinence, being faithful, and condoms, the ABC approach toward HIV transmission prevention.

Mr. Speaker, H.R. 5501 also allows U.S.-supported family planning organizations to provide HIV/AIDS testing and counseling services. This will ensure that many more women of reproductive age receive vital information related to their HIV status, as well as HIV/AIDS education.

Mr. Speaker, we all need to recall that 20 million men, women, and children have perished from HIV/AIDS; 40 million people around the world are HIV positive; and each and every day another 6,000 people are infected with HIV. It is a moral imperative that we act strongly, decisively, and continue to address this crisis in a forward-looking manner.

Five years ago, President Bush acted to meet a perceived emergency as the AIDS epidemic spread out of control. During that period, the United States has provided drug treatment to nearly 1.5 million people. We have given supportive care to another 6.6 million, including 2.7 million orphans and vulnerable children. And, our programs have prevented an estimated 150,000 infant infections. During this first 5-year phase of programming, U.S. bilateral programs to combat HIV/AIDS, tuberculosis, and malaria were expanded to 114 countries. Today, the U.S. now supports programs in 136 countries, including programs funded by the United States and administered through the Global Fund.

We can all be proud of this record of accomplishment, but there is so much more left to do. Now we must work on making these initial gains sustainable, our programs even more effective, and expanding them to reach an even greater number of HIV/AIDS affected communities.

Specifically, over the next 5-year period, H.R. 5501 aims to:

Prevent 12 million new infections;

Provide anti-retroviral treatment for 3 million people, including 450,000 children;

Provide medical and other care for 12 million people, including 5 million orphans;

And, train over 140,000 health care workers in the developing world.

Mr. Speaker, addressing global HIV/AIDS is one of the moral imperatives of our time. And while history will no doubt judge our response, it is more important that each of us recognizes that we can truly make a difference in the lives of millions of people right here and right now.

H.R. 5501 represents a genuine bipartisan compromise. I urge my colleagues to adopt this rule and to support the underlying legislation, H.R. 5501.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. McGOVERN) for the time, and I yield myself such time as I may consume.

During his 2003 State of the Union address, President Bush outlined a bold new plan to confront and combat the scourge of HIV/AIDS, tuberculosis, and malaria. Congress followed through and passed the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act, known as the President's Emergency Plan For Aids Relief, PEPFAR, authorizing $15 billion in assistance to combat these diseases for fiscal years 2004 through 2008. That was the largest commitment ever by any nation for an international health initiative fighting a single disease.

Since its enactment in 2003, the programs created by this landmark legislation have made admirable progress in combating those horrible diseases.

□ 1045

So far more than 1.4 million people have received life-preserving antiretroviral treatment, over 2.7 million HIV/AIDS-affected orphans have received care, and many millions more have received instruction on how to protect themselves from infection. Tens of millions of people have received malaria and tuberculosis prevention or treatment services.

Even though this program has achieved remarkable successes, there is more that we can do. Tuberculosis still kills an estimated 2 million people each year and is the leading cause of death for people with AIDS. One million people die from malaria each year. AIDS is the world's fourth leading cause of death.

The devastating consequences of these diseases are plaguing sub-Saharan Africa. Over 22.5 million people are living with HIV, and approximately 1.7 million additional sub-Saharan Africans were infected with HIV last year. Just last year this horrible AIDS epidemic claimed the lives of an estimated 1.6 million people in that region. More than 11 million children have been orphaned by AIDS. Many families are losing their income earners. Health services are overburdened. Life expectancy in sub-Saharan Africa is now 47 years. Economic activity and social progress is impeded.

We must do all we can to prevent these tragedies.

The underlying legislation, justly and appropriately named the Tom Lantos and Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, will dramatically augment our commitment to fight these horrible diseases with an increase of approximately $35 billion in funding for a total of $50 billion over 5 years.

Some of my constituents are immigrants from Haiti and have family and friends in their land of origin. I often hear about the disastrous effects that HIV/AIDS is having on that country. As of 2007, Haiti had an HIV rate of almost 4 percent. Thankfully, since Congress passed PEPFAR we have invested over $300 million to help Haiti combat the AIDS pandemic by building on existing clinic and community-based health resources; expanding a network of satellite connections to the Centers of Excellence to permit instant review of difficult cases; training staff members of health care facilities that provide prenatal, gynecological and maternity care in provision of prevention of mother-to-child HIV transmission; and enhancing the lab network for clinical sites to support the diagnosis and treatment of HIV and other associated infections. I am pleased the legislation will also now cover several other countries that were previously not part of PEPFAR.

As I said yesterday in the Rules Committee, when we look upon our work in Congress many years from now, I can think of nothing that we or anyone else will be able to point to that is of more importance than this admirable effort by the great and generous American people, this massive effort proposed by President Bush here in the United States House of Representatives during his State of the Union Address of 2003, the President's Emergency Plan for AIDS Relief.

I would like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN and Chairman PAYNE and Ranking Member SMITH for their marvelous bipartisan, very hard work on this important issue. I also wish to thank them for naming this landmark program for two ultimately respected colleagues of ours who have recently left us, Henry Hyde and Tom Lantos. This is truly a fitting tribute for two remarkable human beings and public servants.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to the distinguished ranking member of the Committee on Foreign Affairs who has had such an important role and hand in this legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend from Florida for the time.

Mr. Speaker, I rise also in support of the House's consideration of the Tom Lantos and Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

This is an important measure which will ensure that our efforts to save the lives of so many people afflicted with the scourge of AIDS, tuberculosis and malaria continue in a rigorous, holistic way.

The continued success of the program that was brought to life 5 years ago by our late colleagues, Henry Hyde and Tom Lantos, is a matter of vital importance to us here in the United States.

As President Bush said in his recent trip to Africa: "I want the American people to understand that when it comes to saving lives, it is in our national interest. It is in our security interest to help alleviate areas of the world from hopelessness. It is in our moral interest to save the lives of others."

So, Mr. Speaker, that is precisely what the bill before us is about. The program that we are authorizing today, commonly known as PEPFAR, is now recognized as perhaps the most successful foreign assistance program of the United States of America since the Marshall Plan.

Just as the Marshall Plan protected American lives then by helping to stabilize a continent ravaged by war, PEPFAR is protecting Americans lives today by helping to stabilize a continent ravaged by disease. PEPFAR does more than just express American compassion, it supports American security.

As an illustration of this important point, I would like to quote from a letter that I received from our former House colleague from Wisconsin, the Honorable Mark Green, who is now serving as the United States ambassador to the United Republic of Tanzania. Ambassador Green said the following: "We are approaching the 10th anniversary of the terrorist bombings of Embassy Dar es Salaam and Embassy Nairobi. And I can't help but note that General Wald, the former deputy commander of the U.S. European Command, has called HIV/AIDS the third greatest threat to U.S. national security."

Yes, this bill is less than perfect in some aspects. All compromises are, Mr. Speaker. But it is a good bill, one that will save millions of lives around the world and help to maintain stability in a key region.

As Chairman Hyde said during the markup of the original Leadership Act in 2003: "Congress is so equally balanced that it is very difficult on controversial matters, on expensive matters, on matters that have different blocks who have different points of view to reach an agreement. In a situation like this, compromise is the heart and soul of the process."

He added: "We cannot please the left and the right and the center. We can't please the libertarians and the arch-conservatives and the Republicans and the Democrats with legislation that would have done all of these magic properties, but we can do our best and we have done our best."

In 2003, Mr. Speaker, we did do our best and created a program that demonstrated compassion to so many since its enactment.

Today, the House has an opportunity to do its best again.

Today, for the sake of the fathers, the mothers, and the children who are victims of HIV/AIDS, as well as tuberculosis and malaria, today we can follow in the steps of Henry Hyde and Tom Lantos, demonstrating that American compassion that distinguishes our Nation and our people above all others.

Mr. Speaker, I believe that this is a balanced bill. I believe that this is a bill that will save many lives and protect American security.

Mr. McGOVERN. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, I just want to again commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her incredible work on this bill. And for the RECORD, there is bipartisan appreciation for her strong and passionate commitment to ending the scourge of HIV/AIDS, tuberculosis and malaria.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), a physician who does so much on issues of health day in and day out throughout the United States, and, as on this issue, throughout the world.

Mr. GINGREY. Mr. Speaker, at the risk of being labeled the skunk at the annual fragrance picnic, I do rise today in opposition to this structured rule.

I know compromises have been made to improve the underlying legislation, but I think there is plenty of room for additional improvement. Just because we have a good program, to increase the spending from $15 billion to $50 billion, I wonder if there is justification for that.

But here we are again, Mr. Speaker, considering a rule that restricts debate on another Republican-created program for which the Democratic majority is now proposing a massive expansion.

We already have more than our share of entitlement programs right here in the United States. And to me, it now appears the majority is on the verge of using taxpayer dollars to create a global entitlement program. Remember, Mr. Speaker, PEPFAR, the President's Emergency Plan for AIDS Relief, was created back in 2003 to provide emergency relief for AIDS.

I will certainly say as a physician, that of course I am encouraged by the increased desire in the bill to also help fight against tuberculosis and malaria. However, Mr. Speaker, we should not devise a plan to treat these diseases without defining how to actually buy sufficient medications to provide the necessary care. The majority said that a treatment floor was not included in this bill as it was in the original legislation because the cost of medications have decreased. That may be true, yet while it has more than tripled the price tag for the PEPFAR expansion as I said in this bill, it has not tripled the number of people that it plans to reach with medication. So if the cost of medications have gone down, I think they have and the majority states they have, shouldn't the massive increase in the cost of this program be matched by a proportionate increase in the people that we target through the program?

Mr. Speaker, I was at the Rules Committee yesterday. I offered an amendment to just simply say keep that floor of 55 percent of the money going to treat the patient. The Rules Committee, unfortunately, did not make that in order.

Since the majority is not allowing adequate input on this legislation, particularly from the minority, I would urge my fellow Members to vote against this rule, give us a chance to go back and make some of the needed changes in an otherwise good bill.

Mr. McGOVERN. Mr. Speaker, I reserve the balance of my time.

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Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 4½ minutes to the distinguished gentleman from Florida, also a physician, Dr. WELDON.

Mr. WELDON of Florida. I thank the gentleman for yielding. I rise in strong opposition to this rule, and very strong opposition to the underlying bill.

And let me just say from the outset that I used to take care of AIDS patients before I came to this Congress back in 1994. I was one of only two physicians in a county of 400,000 people that was seeing AIDS patients. And I have announced my retirement, my intent to leave the House of Representatives at the conclusion of this Congress, and I will most likely go back to seeing patients in January. And I may, indeed, be seeing AIDS patients again.

Let me additionally say that I'm very concerned about the situation in Africa. Indeed, I have gone to Africa twice in my term of service here in the Congress specifically to look at the issue of helping in Africa with the issues of AIDS and malaria and TB, and so I think I have credibility to be able to say I care, I'm concerned. But this underlying bill and this rule that restricts any cutting amendments, in my opinion, is just excessive.

Years ago, when the President originally came up with PEPFAR, he came to me and asked me to help him with his plan, and I did. And I actually thought his plan was very, very generous, $3 billion a year. And when he gave his State of the Union message just a few months ago indicating that he wanted to double the size of this from $3 billion to $6 billion a year, I personally thought that was excessive. When you look at all the problems we have with health care access for Americans, the problems that we have with transportation infrastructure, the problems that we have in fighting the war in Iraq, Afghanistan, the homeland security issues, I thought to take this program from $3 billion a year to $6 billion a year was excessive and over the top.

But now we have before us today an underlying bill to not increase it by 100 percent, which is what the President was asking for, but to increase it by over 200 percent. That's the underlying bill. And the Democrat leadership of the House under the Democratic Rules Committee is saying, well, no, we don't want any cutting amendments.

Now, let me tell you a little bit of why I am so passionately upset about it. Yesterday, NASA announced that, with the retirement of the space shuttle, they are going to be laying off over 6,500 people in east central Florida, my congressional district. That is a huge amount of people. It has a huge economic impact on the State of Florida. And for us to be putting our astronauts on Russian rockets, we're going to have to sign a contract with the Russians for the construction of these rockets, we're essentially going to be laying off people in Florida and hiring people in Russia with U.S. taxpayers.

Now, this Congress, under this Democratic leadership, is saying that we have no choice, we cannot afford to continue to fly the shuttle in 2011, 2012, 2013. We cannot afford to bring the new rocket system online any sooner than 2005 or 2006, we don't have the money, while we have all this money to send $50 billion to Africa for AIDS. Now, again, let me just say, I understand this is a terrible problem. I don't even mind increasing the Africa AIDS account. And what, to me, is insult on top of injury, my staff has informed me that they have $1 billion in this account unspent that they are working to try to spend. So, they can't even spend all the money that we're sending them over there, and we want to send them a 240 percent increase?

Now, I know every Member of this House can get up and give a speech like this; they have water projects in their district, they have health care clinics in their district. In my particular case, it's pretty significant. We've got over 6,000 people who are going to get a pink slip. So, for us to say we can't fly the shuttle beyond 2010 because we can't afford it, but that we can somehow find $50 billion to send to Africa, to me is just way over the top. I can't justify that back home.

I'm opposing this rule. I'm going to vote against the underlying bill. And I thank the gentleman for yielding me time. I appreciate it.

Mr. McGOVERN. Mr. Speaker, I just want to remind my colleagues that the underlying debate is not about the space program, it's about whether we're going to end the terrible scourge of HIV/AIDS, malaria and tuberculosis that has cost the lives of countless individuals across this planet. This is a moral imperative. And I am proud of the bipartisan work done by Democrats and Republicans working together to accomplish this bill.

At this time, I would like to yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Thank you for yielding.

Mr. Speaker, I rise today in full support of the rule and of H.R. 5501, a bipartisan bill to reauthorize and expand the President's Emergency Plan for AIDS Relief.

I want to particularly applaud the increase in funding from $15 to $50 billion over 5 years, and the inclusion of the Caribbean countries in this reauthorization.

In this regard, I want to especially thank and applaud my colleagues, Mr. FORTUÑO, who introduced the Caribbean amendment, Congresswoman YVETTE CLARKE, who cosponsored it, as did I, Chairman DONALD PAYNE, who included the increased funding and whose work with Congresswoman BARBARA LEE ensured that these provisions were included, as well as Chairman RANGEL, who began the Caribbean effort 4 years ago.

The expansion to include all Caribbean nations as focus countries was greatly aided by the hard work of Caribbean Health Ministers whose collective and tireless efforts raised awareness about the impact of HIV/AIDS in the Caribbean. I also want to thank the Pan Caribbean Partnership Against HIV/AIDS (PANCAP) not only for their support of this bill, but for the important leadership role that they have and continue to take to address HIV/AIDS in the Caribbean region.

Over the past 5 years, PEPFAR has literally saved the lives of more than one million people and has had a significant positive impact on those most affected by and most at risk for HIV infection, women and girls.

Congresswoman LEE and I had the opportunity to visit several PEPFAR sites and partners in South Africa late last year and saw the great work that they are doing. It was also clearly evident, though, that more was needed.

The additional funding will help to expand the number of focused countries under PEPFAR. It will help to ensure that the innovative and effective efforts that have been launched not only continue, but help other hard-hit nations get access to the resources they desperately need to address HIV/AIDS within their borders.

While two Caribbean nations, Haiti and Guyana, are, as they should be, currently prioritized as focus countries under PEPFAR, there are 14 other nations in this region, which is second only to sub-Saharan Africa in terms of HIV/AIDS prevalence, in need of help. In the Caribbean today, AIDS is one of the leading causes of death in the 15–44 age group.

Many Caribbean nations not currently receiving PEPFAR assistance absorb millions of dollars in debt every year. Leaders in the Caribbean maintain that high HIV/AIDS prevalence rates can overwhelm the region's health care capacity, destabilize economies, and compromise Caribbean nations' sociopolitical infrastructure. In fact, Assistant Secretary General of the Organization of American States, the Honorable Albert Ramdin, stated in January of last year that "HIV/AIDS, if not effectively and urgently tackled, poses a clear threat to the sustainable development, social stability and human security of the Caribbean."

Making all Caribbean countries eligible is clearly the right thing to do. H.R. 5501, while it includes the region, lays the foundation to have the 14 Caribbean nations specifically listed in the bill that will be sent to the President for his signature.

I urge all of my colleagues to support the rule and to support H.R. 5501, rightly named to honor the service of Chairman Hyde and Chairman Lantos.

Mr. Speaker, I rise today in full support of H.R. 5501—a bill which will reauthorize the President's Emergency Plan for AIDS Relief, PEPFAR. I want to thank and applaud my colleagues, Congressman FORTUÑO who introduced the Caribbean amendment, Congresswoman CLARKE who cosponsored it as did I, Chairman PAYNE and Congresswoman LEE who ushered it and many other parts of the bill through the committee.

Congresswoman LEE and I had the opportunity to travel to South Africa around World AIDS Day last year to visit PEPFAR sites and participate in and see the work they were doing first hand. There was great work being done, but the need for more was also clearly evident.

The success of PEPFAR is well documented. With the support offered through PEPFAR over the last 5 years, many of the world's hardest hit nations have been able to launch integrated HIV/AIDS prevention, treatment and care programs that have prevented new HIV infections, brought life-saving medications and other treatments and services to those living with HIV. As a direct result, PEPFAR has literally saved the lives of more than 1 million people and has had a noted and positive impact on those most affected by and most at risk for HIV infection: Women and girls.

In fact, in the 15 focus countries, more than 6 in every 10 of the individuals with HIV currently on antiretroviral treatment as a result of direct PEPFAR support are women and girls.

Given the continued burden of HIV/AIDS in the world's most vulnerable nations, there is no doubt that this critically important bill not only should be reauthorized, but that it should be increased. We were pleased that the President indicated a willingness to increase it in his State of the Union message this year. And I want to especially recognize Chairman PAYNE for successfully increasing the fund to $50 billion over the next 5 years.

This additional funding will help to expand the number of "focus countries" which currently are prioritized under PEPFAR. Additionally, it will help ensure that the forward-thinking and effective HIV/AIDS-related efforts that have been launched not only continue, but that other nations that are hard hit by this pandemic will have access to the resources they desperately need to address HIV/AIDS within their borders.

Mr. Speaker, despite the many successes associated with PEPFAR, we know that there is an entire region—the Caribbean—which has been and remains in desperate need of assistance in battling against HIV/AIDS. While two Caribbean nations—Haiti and Guyana—are, as they should be, currently prioritized as focus countries under PEPFAR, there are 14 other nations in the region that together comprise the second-hardest hit region in the world; second only to sub-Saharan Africa in terms of HIV/AIDS prevalence.

Mr. Speaker, in the Caribbean today, AIDS is one of the leading causes of death among adults aged 15–44 years of age. In some countries in the region, AIDS is the leading cause of death among individuals in this age group; a disturbing reality, because AIDS is taking its ultimate toll on Caribbean residents during their most productive life years, thus compromising many Caribbean nations' economic, social, and political growth and stability.

Adding to the region's challenges with HIV/AIDS is the well-documented high population mobility. We know that many Caribbean nations—whose commitment to and effectiveness in addressing HIV/AIDS is stifled not because of the absence of political will, but because of the absence of resources—offer universal access to HIV/AIDS medications, care and other services.

In fact, Mr. Speaker, many Caribbean nations, not currently receiving PEPFAR assistance, absorb millions of dollars in debt every year providing treatment and care not only to their residents with HIV, but to all individuals on their shores seeking HIV/AIDS care and treatment.

These Caribbean nations have been doing what is right not only to address HIV/AIDS head on, but to lay the groundwork to beat this pandemic. And so, I rise today to encourage all of my colleagues—on both sides of the aisle—to support this legislation, which lists these 14 Caribbean nations as "focus nations," to support these nations' efforts to prevent new HIV infections and to expand access to life-saving AIDS medications to those living with HIV infection.

Mr. Speaker, because of all of the above, I want to especially single out Congressman

FORTUÑO for his leadership on this issue and shepherding this amendment through the committee process and ensuring it became a part of the final bill. I also want to recognize Chairman RANGEL who was the first to begin this process 4 years ago.

This amendment might not have been possible without the hard work of nearly a dozen Health Ministers in the Caribbean and their collective and tireless efforts to raise awareness about the impact of HIV/AIDS in the Caribbean and to include 14 Caribbean nations as "focus countries" in this bill. I also want to thank the Pan Caribbean Partnership against HIV and AIDS, PANCAP, not only for their support of this bill, but for the important leadership role that they have and continue to take to address HIV/AIDS in the Caribbean region.

Mr. Speaker, as the only African-American physician in Congress and as the only representative from the English-speaking Caribbean, I can tell you—firsthand—that based on the surveillance data reported in the latest UNAIDS report, we know that the entire Caribbean region without adequate and targeted support from PEPFAR, is now and will continue to experience the same devastating impact from HIV/AIDS documented throughout nations in sub-Saharan Africa. Ambassador of and Health Ministers in Caribbean countries to the United States maintain that high HIV/AIDS prevalence rates can overwhelm the region's health care capacity, destabilize economies and compromise Caribbean nations' sociopolitical infrastructure.

In fact, Assistant Secretary General of the Organization of American States Albert Ramdin stated in January 2007 that, "HIV/AIDS, if not effectively and urgently tackled, poses a clear threat to the sustainable development, social stability, and human security of the Caribbean."

The time to act is now; now is when we should support a bill that not only will tackle on of our most pressing international public health challenges, but that will do so in a manner that is medically, epidemiologically, regionally and fiscally responsible today. I, therefore, urge all of my colleagues to support H.R. 5501 so that it may pass in the House of Representatives and so that we may lay the path necessary to ensure that during conference, the 14 Caribbean nations listed in this bill are included in the bill that is sent to the President for enactment. It not only is the right thing to do, but it is the smart and responsible thing to do.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, there is no more noble endeavor that we can engage in than to cure human diseases. All of us in Congress I think have an obligation to be sure that we are, for example, doubling the investment we make in the National Institutes of Health, in the National Science Foundation, in the research work that they're doing to identify and cure human diseases at the earlier stages.

I represent the Texas Medical Center, and I'm proud to do so. Those institutions, the greatest in the world, the Andy Anderson Cancer Center, Texas Children's Hospital, Baylor University of Texas Health Science Center is doing research today, particularly on nano research, where we have the potential, within the next 10 to 15 years, of being able to identify in a child before she's born genetic predisposition to certain diseases, for example, like Lou Gehrig's disease, or diabetes, or cystic fibrosis. These genetically-based diseases can be identified before a child is born using nanotechnology, re-injecting, for example, nano sponges with a protein fix back into the mother's amniotic fluid. The child would then take up those nano sponges. And we can cure diseases in children before they are born.

We have the potential, if we will just invest in the National Institutes of Health and their competitive peer reviewed grant process, if we will just invest the money that's needed right here in America for the National Science Foundation, we have the ability to detect cancer when it's only a few hundred cells in the body using nanotechnology and gold nano shells that will attach to the cancer cells and destroy them before they turn into a tumor.

We have not adequately invested in our own scientific and medical infrastructure in the United States, first and foremost, before you even begin to talk about curing disease globally. We have not secured our border. The southern border is essentially wide open and unprotected in areas other than Del Rio and Laredo. What are we doing to make sure that we've done all that we can do here at home first and foremost for our own folks?

But then finally, and most importantly, and the reason I'm so spun up about this, is the fact that this Democrat Thelma and Louise Congress, Obama-Hillary-Pelosi Democrat Congress, is managing this economy of the United States like Thelma and Louise, driving right off the cliff.

I urge you to go to gao.gov and look at the Fiscal Wake-Up Tour that David Walker has put up on the Web site. The Comptroller of the United States has notified us formally that we are spending money so irresponsibly, so rapidly that the Standard & Poor's and Moody's has already formally notified the Treasury that they are beginning the process of downgrading U.S. Treasury bonds.

The Comptroller has told us that by the year 2020, in 12 years, young people who are 18, if you're listening, by the time you turn 30, Medicare is bankrupt, Treasury bills will be graded as junk. Let me repeat that, Treasury bills are on a path to be graded as junk bonds if we don't stop spending money and focus on the bare essentials. Every American already owes $175,000 a person.

This bill creates a worldwide entitlement to anyone in the world that has AIDS or malaria or tuberculosis at U.S. taxpayer expense. It's unaffordable. It's unacceptable. It is utterly irresponsible at a time of record national debt, record deficits, record Federal spending that we need to reign in, otherwise America is going to become Argentina. The dollar is rapidly becoming the peso. It's time for this Thelma and Louise Democrat Congress to quit spending money on things that are not absolutely essential to this Nation's survival.

Let us focus on protecting the United States of America and quit spending my daughter's money that she does not have and driving our kids and our grandchildren deeper into debt. It is irresponsible. It is, frankly, criminal, in my opinion, to drive up the national debt and the deficit to record levels.

It is a noble, good thing to try to cure disease in Africa. Why don't we focus on clean drinking water, for example, if you really want to fix disease in Africa. Quit spending my children's money that they don't have.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to direct their comments to the Chair.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

To be honest, Mr. Speaker, I find it stunning that a Member from the Republican Party would come up here and talk about the debt that our children have been forced to inherit. I will remind my colleagues that when Bill Clinton left office, we had a surplus. After the leadership of George Bush and the Republican Congresses, we are now in historic record debt. I now have inherited a debt tax.

I am all for investing more in medical research. I would much rather do that, quite frankly, than invest in tax cuts for Donald Trump or more subsidies to Big Oil companies or more tax giveaways to big corporations that are gouging the American taxpayer.

But what we have here, Mr. Speaker, is a bill to save lives. This is a moral imperative. It is a product of bipartisan collaboration. This is something that we can be proud of. This is something the American people, I think, support overwhelmingly.

And so, we don't need any lectures about the mess this economy is in. This President and the Republican Congresses have driven this economy into a ditch, and we're trying to get us out of that ditch.

So, I would urge my colleagues to focus on what is being debated here today, which is a bill to save lives, to end the scourge of HIV/AIDS, malaria and tuberculosis. This is a worthy goal. This is something that we should be committed to. And I think that the bipartisan collaboration that has produced this deserves to be praised and not ridiculed.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield an additional minute to Mr. CULBERSON of Texas.

Mr. CULBERSON. I want to thank Mr. MCGOVERN for his thoughtful response and point out that over the last 60 years, the Republicans have been in control of the Congress for I think about 14 of that. We were in control about 12 years, and then I think there were 2 or maybe 4 years under Eisenhower that the Republicans were in control. So, Democrats have controlled the Congress for the overwhelming majority of the last 60 years.

I got here in 2001. And I can tell you, Mr. MCGOVERN, and you're a thoughtful, good man, I enjoy working with you, that I personally, on behalf of my constituents, have voted against every major spending initiative that the White House has pushed on us because I recognized this problem the comptroller has put out before us. I voted against the farm bill. I voted against the Medicare Prescription Drug bill. I voted against the No Child Left Behind Act. I voted against the AIDS in Africa bill the last time it came up because we cannot continue to spend money that our children cannot afford to pay. The money we spend today will be paid by our kids and our grandchildren. And that's the fundamental message here, Mr. MCGOVERN.

I would encourage everyone in this Congress, and I know you're a thoughtful guy, why don't we focus on providing clean drinking water. Let's convert existing foreign aid in Africa to clean drinking water, which I've lead the effort to provide $500 million. Focus on clean drinking water and research here in America.

Mr. MCGOVERN. Mr. Speaker, let me just yield myself 20 seconds.

I appreciate the gentleman's response. I would just remind the gentleman again, and everybody, that this is a bill about saving lives. And this is a bill that is supported by the head of the Republican Party, the President of the United States. And so, I am proud to join in support of this bipartisan collaboration.

Mr. Speaker, I reserve the balance of my time.

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Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished gentleman from Puerto Rico, who is a leader on issues of health and has so much contributed to this important legislation, Mr. FORTUÑO.

Mr. FORTUÑO. Mr. Speaker, I rise in support of H.R. 5501. This bill reauthorizes critically important legislation. PEPFAR, which is a testament to the American people's generosity of spirit, has achieved remarkable success. Because of PEPFAR, millions of sick and vulnerable people beyond our borders have received an essential education, treatment and care. There are men in Nairobi, women in Hanoi and children in Port-au-Prince who are alive today because of PEPFAR. That knowledge should give us great pride. It should also fill us with a sense of humility, born of the understanding that we have helped create something larger than ourselves.

I am gratified that the bill we consider today, appropriately named after two beloved chairmen of the Foreign Affairs Committee who devoted themselves to the cause of fighting AIDS, preserves the careful compromises that gave life to this life-giving program.

I want to highlight an aspect of H.R. 5501 that has not received much attention. In February 2007 I introduced H.R. 848, which called for the addition of 14 Caribbean nations as so-called "focus countries" under PEPFAR.

As the representative of nearly 4 million U.S. citizens residing in Puerto Rico, I am particularly aware that the people of the Caribbean have always been good friends and neighbors of our country. We share a unique and resilient bond. The sons and daughters of the Caribbean who have ventured north to our shores have enriched the life of this Nation.

H.R. 848 was cosponsored by Congresswomen DONNA CHRISTENSEN and YVETTE CLARKE, who have been tireless advocates of individuals living with HIV/AIDS, and I commend them for their work. We were heartened when the language of H.R. 848 was included in H.R. 5501.

H.R. 5501 reflects a bipartisan agreement forged through deliberations among Democrats and Republicans on the Foreign Affairs Committee, the White House, and the State Department's Office of the Global AIDS Coordinator. Each of these groups recognized that the United States can do more to help the people of the Caribbean fighting the AIDS pandemic that is ravaging their communities.

Adopting a regional approach to fighting AIDS in the Caribbean, as H.R. 5501 does, is the right thing and the smart thing to do. There are currently 15 focus countries targeted for increased assistance under PEPFAR. Only two, Haiti and Guyana, are in the Caribbean. But the AIDS pandemic has produced a humanitarian crisis that affects the region as a whole.

Along with sub-Saharan Africa, the Caribbean is the most severely impacted region in the world. In 2007 there were 230,000 adults and children living with HIV, 17,000 new HIV infections, a 1 percent prevalence rate, and 11,000 AIDS-related deaths. Statistics like this can have a mind-numbing effect. We must remember that behind each of these numbers lies a tragic story of human suffering.

In addition, the AIDS pandemic in the Caribbean poses a significant national security threat to the United States, because the disease undermines political stability and economic development in the region that President Bush has called our "third border."

Current spending by the United States to combat AIDS in the Caribbean is not sufficient to address the problem. Setting aside funding to Haiti and Guyana, U.S. assistance to the Caribbean has remained stagnant and, in fact, even decreased slightly.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 30 additional seconds, Mr. Speaker.

Mr. FORTUÑO. In closing, I want to emphasize this point. By adding these Caribbean nations, Congress does not seek to substitute its judgment for the judgment of the experts at the State Department in determining how PEPFAR money will be allocated. These fact-intensive decisions will and should ultimately be made by OGAC. But expanding the list of so-called focus countries in this manner does send a strong and clear message from this Congress that the broader Caribbean region should be considered for a reasonable amount of additional funding. And I believe this is a message that we can all support.

Mr. MCGOVERN. I reserve my time, Mr. Speaker.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 3 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I just came from a meeting with local doctors from my district. They told me that there is a severe shortage of funds necessary to care for America's senior citizens. We are having trouble finding the money to even take care of our returning veterans. Millions of Americans are facing foreclosure on their homes.

And now, with all of these challenges that we're facing at home, we are being asked to spend $50 billion to fight AIDS in Africa? This is as absurd and as irresponsible as it gets.

Where are we going to get the $50 billion for Africa?

Well, we can lower spending for our own people. We can raise taxes, which would likely throw us into a recession and leave us even less money for our people at home. Or of course we can borrow it. Yes, if we borrow it, it will probably come from Communist China and make ourselves even more vulnerable to their pressure.

We have exported our manufacturing base to China already, and now we want to borrow even more from these dictators so we can give that money away to others?

It is terrible that millions of Africans are suffering AIDS. But we cannot afford such totally irrational generosity. This is benevolence gone wild.

We can't afford to shortchange our own people, to raise taxes, or to borrow it. Yet, we expect the American people to absorb another $50 billion hit for someone else?

We can't take care of our own veterans when they come home from the war. We can't take care of our elderly. We have people who can't take care of their own health needs, and are at risk of losing their homes. And we are going to spend $50 billion in Africa?

Mr. Speaker, we have big hearts, but we need to use our brains. We cannot afford this type of $50 billion generosity. It's going to cost, this will cost the American people their way of life. It will cost them their health care, their education for their children. It'll cost our veterans.

Our economy is facing a catastrophic setback because of the irresponsible spending and taxing policies of the Federal Government. And now we're going to exacerbate that problem by making believe that we can still afford to save the world by funding every worthwhile cause out there.

I'm not in any way suggesting that helping people with AIDS in Africa is not a worthwhile endeavor. But the fact is, we've got to use our heads, or we will have serious negative consequences on our own people. $50 billion is way out of line, is way out of line.

It would be wonderful to help the people of Africa through this AIDS crisis by transferring tons of cash into African accounts. But I suggest to you that, as experience shows, just sending that much money will not cure AIDS in Africa, and will have serious repercussions on our standard of living and the quality of life of our own people.

I ask my colleagues to vote against this type of nonsense. Watch out for the American people.

Mr. McGOVERN. Mr. Speaker, let me yield myself such time as I may consume.

Again, I find it somewhat ironic to listen to the gentleman's comments who has no problem supporting a $3 trillion war in Iraq that has resulted in 4,000 American soldiers dead, tens of thousands wounded; and on top of all that, not even paying for the war, just putting it on the credit card so our kids and our grandkids have to pay for it. Many of my friends on the other side of the aisle who have supported tax cuts for the richest of the rich and decided that it wasn't important to pay for it; instead, put it on the credit card and on the backs of our kids; who have voted for budgets to cut veterans health and to cut money for health care in general. And what we have been trying to do is to make up for the indifference of so many years.

You know, the gentleman presents a false choice. What we're trying to do here is actually respond to a humanitarian crisis in a bipartisan way. I mean, I don't often stand with the President of the United States, but I do on this. He's right. We can't ignore the HIV/AIDS crisis or the crisis with regard to malaria and tuberculosis around the world.

This is a moral imperative. And I will tell you, in addition to being a moral imperative, it makes sense for the United States to take a leadership role and encourage the rest of the world to step up and to provide the resources to combat these scourges.

This is the right thing to do. I'm proud of this bipartisan collaboration of this bill. And I hope all my colleagues will support it.

I want to yield 1 minute to the gentleman from Florida, my colleague on the Rules Committee, Mr. HASTINGS.

Mr. HASTINGS of Florida. I thank my esteemed colleague on the Rules Committee for yielding 1 minute.

I regret very much my colleague, who is my friend from California, had to be about his business because I wanted to respond directly to him dealing specifically with his comments as if this legislation is directed only to Africa.

This legislation wisely expands to the Caribbean basin. And I urged yesterday in the Rules Committee that people understand that American tourists visit these places and, in many instances, it is in our best interest to make sure that these kinds of humanitarian concerns are taken care of.

Haiti is involved in this legislation. And I doubt seriously if there's anybody that doesn't believe that we should be about the business of trying to help Haiti.

My colleague from Massachusetts (Mr. McGOVERN) just said that it is the right thing to do. It is the humanitarian thing to do. It is the right thing to do. And lest we ignore the extraordinary problem we have here in the Nation's Capital on HIV/AIDS, lest we ignore the need to expand the Ryan White Act, failure to do these things causes us to do so at our peril. This is de minimis by comparison to what is needed or what is required.

Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend if he has any other speakers.

Mr. McGOVERN. I am the final speaker on our side.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a "no" vote on the previous question so that we can amend the rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman or the sponsor of a bill, joint resolution, conference report, or manager's amendment includes either a list of earmarks contained in a bill or a report, or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress.

However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a "question of consideration." Because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule.

This amendment will restore the accountability and enforceability of the earmark rule to where it was at the end of the 109th Congress to provide Members with an opportunity to bring the question of earmarks before the House for a vote.

Last year the distinguished new Speaker said that if she were to become Speaker of the House, she would require all earmarks to be publicly disclosed and would "put it in writing." However, as we have seen, this Congress, the majority have not fulfilled their promise.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, H.R. 5501 is one of the most important foreign policy global health bills this Congress will pass this year. We have literally gone from, 5 years ago from standing helplessly by and watching people die of HIV/AIDS, to watching people live and take up productive lives in their communities. The impact is far-reaching.

For example, Mr. Speaker, let me highlight just one sector of development that has broad bipartisan support in this Congress, basic education. We all know that education is key to lifting countries out of poverty. And HIV/AIDS creates barriers to education.

Teacher deaths and absenteeism due to HIV/AIDS compound problems of quality and access in education systems that already face teacher shortages.

Children are often pulled out of school to care for a family member with HIV/AIDS or, when a parent dies, they're forced to take care of younger siblings rather than attend school.

HIV/AIDS affected children who are able to attend school often face discrimination and are sometimes segregated from other children or denied admission entirely by teachers or school administrators.

Young people with little or no education are more than twice as likely to contract HIV as those who have completed primary education.

But under this bill, and as we continue to better integrate our HIV/AIDS programs with our other development priorities, schools can become hubs of care and support for orphans and vulnerable children by providing psychological support, nutrition and basic health care and support to OVC caregivers.

In a 32-country demographic and health survey, women with post primary education were four times more likely than illiterate women to know the basic facts about HIV/AIDS, and three times more likely to know that HIV can be transmitted from mother to child.

Oxfam estimates that if all children completed primary education, 700,000 new cases of HIV/AIDS in young people could be prevented each year, totaling 7 million cases in one decade.

Mr. Speaker, for these and so many other reasons, this bipartisan bill deserves our support. I urge my colleagues to support this rule and to support the underlying bill, H.R. 5501.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1065 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the concurrent resolution (H. Con. Res. 263) to establish the Joint Select Committee on Earmark Reform, and for other purposes. The concurrent resolution shall be considered as read. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1130

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on approval of the Journal will be followed by 5-minute votes on ordering the previous question on H. Res. 1065 and adoption of H. Res. 1065.

The vote was taken by electronic device, and there were—yeas 232, nays 177, answered "present" 1, not voting 20, as follows:

[Roll No. 153]

YEAS—232

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)

Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—177

Aderholt
Akin
Alexander
Altmire
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stupak
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—20

Cantor
Cubin
DeLauro
Emerson
Fattah
Giffords
Gohmert
Granger
Hinchey
Jefferson
Maloney (NY)
Miller (FL)
Oberstar
Rush
Saxton
Souder
Sullivan
Tauscher
Udall (CO)
Udall (NM)

☐ 1154

Messrs. JORDAN of Ohio and SHAYS changed their vote from "yea" to "nay."

Mr. KUCINICH changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 5501, TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1065, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 199, not voting 16, as follows:

[Roll No. 154]

YEAS—215

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Cubin
Fattah
Gohmert
Granger
Hinchey
Jefferson
Maloney (NY)
Marchant
Miller (FL)
Rush
Saxton
Souder
Tauscher
Udall (CO)
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is less than 1 minute remaining in this vote.

☐ 1203

Mr. MARSHALL changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 192, not voting 17, as follows:

[Roll No. 155]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
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Solis
Space
Spratt
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Sutton
Tanner
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Thompson (MS)
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Tsongas
Udall (NM)
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Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Cramer
Cubin
Ellison
Fattah
Granger
Hinchey
Jefferson
Maloney (NY)
Miller (FL)
Rangel
Rush
Saxton
Souder
Tauscher
Tiberi
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is less than two minutes remaining on this vote.

☐ 1211

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1983

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1108

Mr. PITTS. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 5501.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1065 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5501.

☐ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5501) To authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, with Ms. NORTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 1 hour.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, on the President's request 5 years ago, Congress launched a global campaign to stop the spread of HIV/AIDS and to treat and care for those who are already afflicted. The United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act was a bipartisan bill from its inception. Today, the Foreign Affairs Committee again brings a bipartisan global HIV/AIDS bill to the floor, and again this important reauthorization bill enjoys strong support from the White House.

The negotiations that brought forth this compromise bill were conducted in the same bipartisan spirit that guided the 2003 act into law, a spirit made possible by close cooperation between two former chairmen of the Foreign Affairs Committee, our late colleagues Tom Lantos and Henry Hyde, and I am pleased to note that this important reauthorization bill is named for these two foreign policy titans in recognition of their contributions to battling HIV/AIDS overseas.

As a direct result of the extraordinarily successful law we passed 5 years ago, the United States has provided lifesaving drugs to nearly 1.5 million men, women and children; supported care for nearly 7 million people, including 2.7 million orphans and vulnerable children; and prevented an estimated 150,000 infant infections around the world.

The 2003 legislation firmly established the United States as the leading provider in the world of HIV/AIDS assistance for prevention, treatment and care. It has reminded the global community that Americans are a compassionate and generous people, and so has helped to repair our Nation's badly-damaged image overseas. In many ways, that legislation has had great healing power.

Most importantly, with this initiative we have ensured that HIV/AIDS is no longer the certain death sentence it was just 5 short years ago. Hospital corridors that were jammed with AIDS patients waiting to die now brim with hope as lifesaving drugs are dispensed.

The reauthorization bill before the House today reaffirms our commitment to the programs and policies established 5 years ago. The 2003 legislation worked well as an emergency intervention, but it must now be modified to reflect the constantly changing nature of the HIV/AIDS crisis. We also have 5 years of experience under our belts and we know what works and what does not.

The law we passed in 2003 was designed to deal with the emergency phase of the global HIV/AIDS crisis. The Lantos-Hyde bill will move our programs towards long-term sustainability that will keep the benefits of U.S. global HIV/AIDS programs flowing to those in need. With this reauthorization act, host governments will also gain the ability to plan, direct and manage prevention treatment and care programs that have been established with U.S. assistance.

The 2003 legislation authorized $15 billion over 5 years. In response to the desperate need for lifesaving medicine and a greater number of trained health care workers in nations hard hit by HIV/AIDS, the bill before us authorizes $50 billion over 5 years for these three pandemics.

The 2003 law relied upon the health care workforce already in place in the developing world, yet in many of the hardest hit areas of the world there are simply not enough doctors and other health care workers to meet the challenges of this pandemic. The Lantos-Hyde legislation invests new funds in training new professionals and paraprofessionals, as well as building existing capacity.

The 2003 law focused on creating new programs to tackle the HIV/AIDS crisis. The reauthorization bill increases the number of individuals receiving prevention, treatment and care services. It also builds stronger linkages between the global HIV/AIDS initiative and existing programs designed to alleviate hunger, improve health care, and bolster HIV education in schools, an approach endorsed by the President's Global AIDS Coordinator just a few short weeks ago.

The 2003 law gave inadequate attention to the needs of women and girls. The new legislation remedies this situation by strengthening prevention and treatment programs aimed at this especially vulnerable population.

The reauthorization legislation also eliminates the one-third abstinence-only earmark, but requires a balanced approach to HIV/AIDS sexual transmission prevention programs and a report regarding this approach in countries where the epidemic has become generalized.

The bill before you today is a compromise in the best sense of the word, and it is in the true spirit of the great leaders of this committee who guided the 2003 act into law, Chairmen Lantos and Hyde. This bill is the result of more than a year of preparatory work and weeks of discussions, concluding with a bipartisan agreement with the White House. President Bush has indicated his support and his intention to sign it into law as soon as Congress acts.

For all its strengths, the bill before the House today is not perfect. No compromise ever is. No one got everything they wanted in this compromise legislation. But with this agreement, we have maintained the strong, bipartisan coalition behind the global HIV/AIDS initiative which has been critical to winning rapidly increasing funding levels for this important initiative.

Madam Chairman, 20 million innocent men, women and children have perished from HIV/AIDS, and 40 million around the globe are HIV positive. Each and every day another 6,000 people become infected with HIV. We have a moral imperative to act, and to act decisively.

I will speak more lengthily about the subject, but I do want to initially extend my particular appreciation to our ranking member, ILEANA ROS-LEHTINEN, who played a critical role in working with the majority to reach this compromise. A number of Members on her side from the committee were active. DON PAYNE, the gentleman from New Jersey, the chairman of the Africa Subcommittee, was critically involved, as was Congresswoman BARBARA LEE from California, who played such a key role in the 2003 law, as well as a number of other people, such as Congressman CARNAHAN. I can't mention everyone who was involved, but this was truly a collaborative effort that started long before I became Chair of the committee, with great work by Chairman Lantos last year and with the staff of the committee.

Madam Chairman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank my good friend, the new chairman of our Foreign Affairs Committee, HOWARD BERMAN. He has got a tough act to follow, because we all loved Tom Lantos. The gentleman from California (Mr. BERMAN) had a hard act to follow, but, boy, did he fill those big shoes very well. So, thank you, Mr. Chairman. This has been your first trial by fire, and you came out looking so well because you accommodated the concerns and the anxieties and the worries that so many of our Members had.

I want to thank on a bipartisan level all of the members of the Foreign Affairs Committee, from the most conservative to the most liberal. We were able to forge a compromise that reached a broad consensus on this vital and complex legislation. We couldn't have done it without the leadership of Chairman BERMAN, but also without his very able staff and the staff on our Republican side of the aisle as well.

The foundation of this bill, as Chairman BERMAN has pointed out, is the 2003 Leadership Act, which was the first comprehensive U.S. emergency response to the HIV/AIDS pandemic and which stands as a noble legacy of our two former chairmen, Henry Hyde and

Tom Lantos. They understood, as do all of us, that millions of lives around the world depend on our country's willingness to battle this pandemic together. It does honor to our country that 5 years ago we undertook this true mission of mercy. We are fortunate to have the opportunity to reaffirm that commitment by our vote here today.

Since the passage of the original Leadership Act of 2003, extensive emergency treatment and prevention programs have begun to slow the advance of HIV/AIDS, tuberculosis and malaria. The success of these programs is well documented. I would like to cite some specifics.

According to the office of the Global AIDS Coordinator, more than 1.4 million people infected with the HIV virus are now being treated with the necessary drugs to fight this disease. PEPFAR has supported HIV testing and counseling for 30 million people, cared for million 6.7 million, and, as the chairman pointed out, including almost 3 million orphans and vulnerable children. We are on our way to achieving the 5-year goal of preventing the infection of 7 million people. PEPFAR has supplied medicines for approximately 800,000 expectant mothers, preventing an estimated 157,000 infant HIV infections. What a successful program.

The legislation before us keeps faith with the core principles of the Hyde-Lantos Act. We have modified the original blueprint by adding or adjusting a number of provisions based on 5 years of real-world experience regarding what works and what doesn't.

In addition to medicines and sophisticated methods of treatment, the 2003 act mandated that a more comprehensive approach be used that took into account local values and indigenous cultures, and the act before us does that.

With respect to this balanced approach, the wife of the President of Zambia said it best recently when she said, "There are several ways in which we can reach the young people. One of the effective ways is abstinence. It brings back dignity and self-responsibility to young people, because they know their bodies are not supposed to be abused and they learn to say no."

The compromise bill before us removes the specific directive in current law so that implementation, as the chairman has pointed out, can be better refined to reflect the varying circumstances in host countries. Nevertheless, the bill before us continues this comprehensive approach by requiring that the AIDS Coordinator provides a balanced approach for prevention activities for sexual transmission of HIV/AIDS and to ensure that abstinence and faithfulness programs are implemented and funded in a meaningful and equitable way.

The agreement that we have is carefully crafted and designed in the area of reproductive health and family planning to ensure that HIV funding for prevention is not misused to promote programs beyond the scope of this bill. We can do that, if you wish, in other bills. But the bill ensures also that those working to fight these diseases are not required to choose between their conscience and receiving the assistance they need to carry out their work.

Also we worked a lot on the prostitution and the sex trafficking pledge. The bipartisan agreement maintains the existing certification requirement that any group or organization receiving PEPFAR funds explicitly oppose prostitution and sex trafficking. The U.S. Agency for International Development has implemented this prohibition by requiring that any group that receives funding sign a pledge affirming its opposition to these practices.

Let me be clear: Neither current law nor the pledge itself prevents organizations from working with prostitutes or other high risk groups, but it does mandate that that assistance to these individuals not be mistaken for approval or support of the activities that take their terrible toll on their bodies and that can only be described as destructive to human dignity.

We had issues with accountability and national security, and although this bill is absolutely motivated by the altruism of the American people, I believe that this legislation ensures that our interests are protected as well.

□ 1230

For example, U.S. contributions to the Global Fund will be subject to more stringent oversight than is currently provided by calling for the Fund to meet even higher benchmarks of transparency and accountability.

The legislation also includes a prohibition on taxation of our assistance by foreign governments to ensure that assistance intended to the afflicted not be siphoned off by unaccountable bureaucrats.

The bill also strengthens our national security. The HIV pandemic is first and foremost a health issue, but it also is one of the most significant global, economic, and security threats of our generation. General Charles Wald, the Former Deputy Commander of the US-European Command, has called HIV/AIDS the third greatest threat to our national security.

Together, HIV/AIDS, tuberculosis, and malaria kill millions of people during their most productive years, between the ages of 16 and 50. And in the hardest hit countries, the AIDS epidemic alone is killing a generation of parents, of teachers, of health care workers, bread winners, peacekeepers, shattering the economic and the social life of villages, communities, and, indeed, nations.

Losses on this scale have staggered the economies of the hardest hit countries. Without further prevention, without further treatment, without further care efforts, the AIDS pandemic will continue to spread its mix of death, poverty, and despondency that is further destabilizing governments and societies and undermining the security of entire regions.

Our former House colleague from Wisconsin, Mark Green, who now serves as the United States Ambassador to Tanzania, wrote to me following the committee's passage of this bill highlighting this security aspect. He said, "In tearing apart the social fabric and leaving a generation of orphans, the scourge of HIV/AIDS could spread and create a long-term breeding ground of radicalism."

PEPFAR programs in turn help to counter these precursor conditions. As General Wald has said, "In addition to the obvious humanitarian efforts of PEPFAR, the program is one of our Nation's development activities that can help strengthen the social structure that keep communities and nations secure."

The threat is not just in faraway lands, but in our own back yard. Many countries in the Caribbean have been particularly hard hit. This bill places a new emphasis on assistance to this region. It adds 14 Caribbean countries to the existing list of nations in which the Global AIDS Coordinator is given explicit statutory authority over HIV/AIDS programs.

Let me add that, although all of us share the goal of reducing the further spread of this pandemic, this is also a personal issue for me both professionally and morally. South Florida, which falls within my congressional district, ranks first in the State of Florida in the number of AIDS cases. Roughly 19 percent of the State total for those living with HIV reside in my district. So, I am all too familiar with the human cost of this disease, and hope for the day when its ravages are safely confined to the past.

Although not all Members will fully agree with every aspect of this complex compromise, it does contain the bipartisan approach that we have maintained throughout the years of work on HIV/AIDS in our committee. We have an opportunity, indeed, a responsibility, to continue the lifesaving work that began 5 years ago. This legislation is a means by which that can happen.

But the dry text of the legislation, nor the posters behind me, cannot adequately capture the human drama for which we are trying to write the exit strategy.

The poster behind me shows where PEPFAR has worldwide activities, the number of countries where it has positively had an impact. The second poster shows the number of adults and children estimated to be living with HIV just this last year. And, the third poster shows some of the faces of the children whom this legislation has saved.

Let me read, to conclude, from a Washington Post op ed authored by our chairman, Henry Hyde, 5 years ago. Mr. Hyde wrote,

"Not since the bubonic plague swept across the world in the last millennium has our world confronted such a horrible curse as we are now witnessing with the growing HIV/AIDS pandemic.

"This pandemic is more than a humanitarian crisis.

"To those who suggest that the United States has no stake in this pandemic, let me observe that the specter of failed states across the world is certainly our concern.

"The AIDS virus is a mortal challenge to our civilization.

"It is my hope that each of us will be animated by the compassion, and, yes, the vision, that has always defined what it means to be an American."

Madam Chairman, endless numbers of children have already been orphaned and deprived of the protection and the love of their parents. We cannot make their world whole again, but there is much that we can do to comfort and care for them and to prevent others from suffering the same fate.

I ask my colleagues to join us in supporting this bill in a strong bipartisan manner, and thereby allow our country to continue our mission, our mission of mercy, for the waiting millions.

And with that, Madam Chairman, I reserve the balance of my time.

Mr. BERMAN. Madam Chairman, I thank the gentlelady for her wonderful statement, and I yield 3½ minutes to the gentleman from Massachusetts (Mr. McGovern).

Mr. McGOVERN. I thank the chairman, and I ask for time for the purpose of the gentlelady from Missouri and I entering into a colloquy with the chairman on the importance of integrating food and nutrition programs with the prevention, care, and treatment of HIV/AIDS-affected individuals, families, and communities.

Last year, I traveled to Africa and had the opportunity to see firsthand many of our programs related to food security. In Ethiopia and Kenya, I visited HIV/AIDS programs to look at how food and nutrition was included. At that time, I heard from local communities, NGO partners, and our embassy staff how restrictive guidance for global HIV/AIDS assistance often hindered their ability to design and carry out effective food and nutrition programs targeted at HIV/AIDS affected individuals, families, and communities. The lack of resources available for food and nutrition programs within the global HIV/AIDS assistance and from other sources also posed a significant barrier.

I very much appreciate and support the work of the committee in ensuring that this bill addresses these concerns throughout, and especially in the section entitled "Food Security and Nutrition Support." The bill recognizes that strengthening the linkages and enhancing coordination among HIV/AIDS programs and vital development programs, like food and nutrition programs, will significantly increase our effectiveness in the fight against HIV/AIDS while we advance other essential U.S. development priorities. I remain concerned, however, that the bill is less clear on where or how such funding will be provided for these purposes. It is not clear on how much funding will come from the Global HIV/AIDS program versus other sources of funding. I am concerned that, without adequate resources through the Global HIV/AIDS program, or necessary increases for current food and nutrition services through programs like Food for Peace, that USAID will be faced with the possibility of having to divert funding from programs that address long-term chronic hunger and food insecurity to meet the enhanced mandates of H.R. 5501.

I know the chairman will agree that we want to avoid this scenario of robbing Peter to pay Paul so that we do not end up shortchanging other communities suffering from hunger, malnutrition, and food insecurity.

I want to yield to the gentlelady from Missouri in this regard.

Mrs. EMERSON. I thank the gentleman from Massachusetts.

Madam Chairman, I am also concerned that the situation will become even worse, because the cost of food, commodities, and transportation is skyrocketing. Just last month, on February 12, the USAID's Office of Food for Peace announced that the cost of wheat and other food the United States donates to poor countries jumped 41 percent, 41 percent, in the first half of fiscal year 2008. According to USAID, this means $120 million in food assistance will not be available for people who are malnourished or food insecure.

I would ask the chairman to work on strengthening the language in the bill as it moves through the legislative process and into conference negotiations to clarify how the necessary level of funding for food security and nutrition will be provided, especially in light of rising food and transportation costs, so that funds won't be diverted from U.S. programs addressing chronic hunger and emergency operations.

I yield back to the gentleman from Massachusetts.

Mr. McGOVERN. And I yield back to the chairman to express his views.

The CHAIRMAN. The gentleman's time has expired.

Mr. BERMAN. Madam Chairman, before I respond with my views, I would like to yield 1 minute to the gentleman from New Jersey (Mr. Payne) to express his views on the subject of this colloquy.

Mr. PAYNE. Mr. Chairman, as you know, the provision on food and nutrition security in the bill currently under consideration is drawn directly from a bill I introduced in December, H.R. 4914, the Global HIV/AIDS Food Security and Nutrition Support Act of 2007. I introduced the bill after chairing a hearing in the Subcommittee on Africa and Global Health to determine whether the Global HIV/AIDS program was adequately addressing the nutritional needs of its beneficiaries.

The hearing corroborated what I had already heard in the field on numerous visits to Africa over the past 5 years: PEPFAR is falling short in this critical area. I share the concerns of the gentleman from Massachusetts and the gentlelady from Missouri about the increasing cost of food aid. Just last week, the World Food Program had to issue an appeal for an additional $500 million to offset the increased costs of food and fuel.

The CHAIRMAN. The gentleman's time has expired.

Mr. BERMAN. I yield the gentleman an additional 30 seconds.

Mr. PAYNE. Without the extra $73 million, people who rely on WFP for their daily sustenance may have their rations cut. This is a truly alarming situation, and it is not my intent for the provision of this bill to exacerbate it. The language under consideration very clearly states that these activities are to be funded from amounts authorized under section 401 of this bill. I used this language deliberately, as I strongly believe that the food assistance and nutritional support we are providing under the Global AIDS program must be on top of the food aid we are already providing.

Mr. BERMAN. Madam Chairman, I yield myself 1½ minutes to respond to the concerns raised during this colloquy. I thank my colleagues for raising these important concerns.

H.R. 5501 provides clear and specific instructions to the USAID Administrator and the Global AIDS Coordinator to address the food and nutrition needs of individuals with HIV/AIDS and other affected individuals, including orphans and vulnerable children; and to fully integrate food and nutrition support in HIV/AIDS prevention, treatment, and care programs carried out under this act.

I would like to emphasize that the committee and I personally share our colleagues' concerns about the negative effect rising costs are having on our long-term and emergency food aid programs. This is a matter that has our most serious attention, because it affects a wide array of our food aid and development programs, including the effectiveness and success of this program.

I want to reassure my colleagues that I will be working over the coming weeks to strengthen and clarify in the bill that food security and nutrition programs, especially those referred to as wrap-around services, are not to be funded with monies diverted from other standing commitments to address food and security elsewhere in the world or in these countries.

I yield 30 seconds' additional time to the gentleman from Massachusetts.

Mr. McGOVERN. I want to thank the chairman for that assurance. I know that many Members of Congress on both sides of the aisle stand ready to support him in these efforts.

Ms. ROS-LEHTINEN. Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. ROYCE) who is the ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. Many have described the crisis: HIV/AIDS, tuberculosis, malaria. These take countless lives every day, especially on the continent of Africa. These diseases devastate families, they devastate communities, and nations. This bill is titled the "Leadership Act," and it is titled that way because it honors two former Foreign Affairs Committee chairmen who indeed did show leadership in forging this legislation 5 years ago. And, with this act, the United States will continue to lead in tackling these killer diseases.

As others have said, this legislation did not come together easily; and the reason it is difficult is because many people have strong views on how best to fight these diseases. This bill is a compromise. It would have been far easier to hold onto positions, probably, but that would have gotten no bill. But, instead, those working on it did the hard work to craft a policy that most everyone could support.

☐ 1245

Frankly, had it not been done, it would have been a sharp rebuke to the work Chairman Hyde and Mr. Lantos did 5 years ago. Tens of millions of people around the world would have lost, and America would have lost. That we are in this position now, to continue these two men's legacy, is due to the dedication of Chairman BERMAN and Ranking Member ROS-LEHTINEN. I particularly appreciate their inclusion of a provision I had recommended prohibiting foreign countries, foreign governments, from taxing our aid, and I thank them for that provision.

While endorsing the policy, the bill's authorization level is a great concern, as others have expressed. I have conferred with enough people working in the field and been in enough African countries to doubt the ability to productively absorb this very large funding level, which is well over the administration's request.

And while these are devastating diseases, these countries face many other public challenges, some deadly, which may be shortchanged. Our country has many public health needs, too. That leads me to believe that this would be a better bill if it conformed more closely with the level the administration, which has gotten real results, thinks it could best spend.

I believe this bill's authorization level will be addressed in our recommittal motion which will be offered for a vote before this House.

So again, I thank Chairman BERMAN and Ranking Member ROS-LEHTINEN.

Mr. BERMAN. Madam Chairman, I am pleased to yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE), the chairman of the Foreign Affairs Subcommittee on Africa and Global Health, and a key architect of this legislation.

Mr. PAYNE. Madam Chairman, let me begin by commending Chairman BERMAN of the committee for bringing forth this tremendous, important legislation, and for the support in this bipartisan effort from Ranking Member ROS-LEHTINEN, and for her support of this very important legislation.

I rise in strong support of the legislation currently under consideration. I am very pleased to be an original cosponsor of H.R. 5501, the Tom Lantos and Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

This bill is appropriately named because it was under the leadership of the late Henry Hyde, then chairman of the Foreign Affairs Committee, that the PEPFAR legislation was originally authorized. And under the leadership of the late Tom Lantos, reauthorization began. Both of these tireless giants who have left us should be remembered by this legislation. I might also note that under the leadership of the original authorization, Congresswoman BARBARA LEE and the Congressional Black Caucus were very strong advocates to push the leadership of the House and the President to consider this very important legislation.

In the 5 years, there has certainly been a pandemic that the world is facing, and there has not been a pandemic similar to this since the plague during medieval days in Europe. So I am pleased that we are finally dealing with this pandemic in the way that it should be.

In the 5 years since Congress passed the original legislation authorizing the President's Emergency Plan for AIDS Relief, or PEPFAR, as it is well known, it has become an historic program. In my opinion, this will be remembered as the single most significant achievement of President Bush's two terms in office.

And from my recent conversations with the President, I know that he has worked very hard on this reauthorization, and it is with the support of the White House and the staff, they helped us craft this bipartisan legislation.

Prior to PEPFAR, the United States did very little in supporting AIDS treatment programs abroad. In fact, Members may recall a high-ranking USAID official said that treatment was not feasible in Africa, the most heavily AIDS-infected region of the world, because Africans cannot tell time and therefore would not be able to take the required medication properly. As we know, it was foolish to say that at the time; and as we have seen the results, it has proven once again to have been a foolish statement.

These officials advocated limiting our activities only to education and prevention, a position that would have in effect sentenced millions of HIV-infected men, women and children to die if it were only that program. And so I am very pleased we expanded it to where it is today.

Fortunately, the Congress and the President did not agree with that position. And because we were willing to find a way to provide treatment for over 800,000 people, today they are receiving antiretroviral medication to prevent AIDS in the 15 focus countries, 12 of which are in sub-Saharan Africa.

We are also pleased that we are increasing the number of countries to the 14 Caribbean countries. And as cochair of the bipartisan Caribbean Caucus, and under the leadership of Representative DONNA CHRISTENSEN, at a meeting she convened in her district, we had health ministers admit that the Caribbean also needed substantial help.

Our progress, while significant, is not enough. Only 28 percent of Africans needing antiretrovirals are receiving them. Shockingly, over 85 percent of African children who need ARVs are going without them. A mere 11 percent of HIV-positive women who need drugs to prevent mother-to-child transmission of HIV during child birth are getting them.

The CHAIRMAN. The gentleman's time has expired.

Mr. BERMAN. I yield the gentleman an additional minute.

Mr. PAYNE. In light of these troubling facts, we have taken steps in this legislation to transform PEPFAR from an emergency response to a sustainable program by expanding the program beyond a series of medical interventions. For example, the committee incorporated the provision that I discussed earlier about food security into the legislation in order to address the nutritional needs of HIV patients, their families, and communities heavily affected by the disease.

Lack of food and nutrition support has been, up to now, a major impediment to the adherence of HIV/AIDS treatment regimens.

H.R. 5501 also contains provisions to build and strengthen health systems in developing countries. The committee has given the Office of Global AIDS Coordinator the flexibility to do prevention, care and treatment programs tailored to the characteristics of the epidemic in the country in which they are operating by eliminating cumbersome earmarks that the GAO said were ineffective.

Finally, the bill authorizes significant funds, $50 billion over the next 5 years, in order to accomplish the goals of the bill. I urge the House to pass this legislation.

Ms. ROS-LEHTINEN. Madam Chairman, I am proud to yield 7 minutes to the gentleman from New Jersey (Mr. SMITH), the ranking member of the Subcommittee on Africa and Global Health, who has worked so long and so hard on this topic.

Mr. SMITH of New Jersey. Madam Chairman, I rise in strong support of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, an admittedly long, but appropriate title for a bill that is long on substance, meaningful intervention, tangible compassion, and relief.

Aptly named for two of the giants of this institution who helped shepherd President George W. Bush's PEPFAR initiative through the Congress in 2003, H.R. 5501 will literally mean the difference between life and death to millions, especially in sub-Saharan Africa.

The bill before us today is consensus legislation, a delicate balance that if kept intact, and only if kept intact, will be signed into law. So I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN and other Members and staff for helping to forge today's PEPFAR consensus. I want to especially thank Sheri Rickert, Mary Noonan, Autumn Fredericks, Yleem Poblete, Peter Yeo, Pearl Alice Marsh, Dr. Bob King, Kristin Wells, and David Abramowitz for their extraordinary work in drafting this legislation.

Madam Chairman, as Members know, close to 70 percent of the estimated 33 million people with HIV live in sub-Saharan Africa. Of the 2.5 million children afflicted with this dreaded disease, 90 percent live in Africa as well.

When combined with opportunistic infections like tuberculosis—the number one killer of individuals with HIV—and malaria alone kills one million each year, again mostly in Africa—the HIV/AIDS pandemic compares among humanity's worst. Former Chairman Hyde frequently compared the sickness to the bubonic plague—the black death—an epidemic that claimed the lives of over 25 million people in Europe during the mid-1300s.

I know some Members are likely to wince at the cost of the bill—$50 billion over 5 years for PEPFAR, the Global Fund, Tuberculosis, and Malaria—but that sum of money will be used to prevent 12 million new HIV infections worldwide, and support treatment for 3 million people, including an estimated 450,000 children. That sum of money will provide care to 12 million individuals with HIV/AIDS, including 5 million orphans and vulnerable children, and will help train and deploy at least 140,000 new health care professionals and workers for HIV/AIDS prevention, treatment and care.

On the prevention side, the legislation requires that the Global AIDS Coordinator provide balanced funding for sexual transmission prevention including abstinence, delay of sexual debut, monogamy, fidelity, and partner reduction. If less than 50 percent of the sexual transmission prevention moneys are spent on the Abstinence and the Be Faithful parts of the ABC model, the coordinator must provide a written justification. I note that currently, the coordinator exercises waiver authority in this regard without notifying Congress so this language ensures greater transparency and accountability.

Five years, Madam Chairman, after PEPFAR first began, the efficacy and importance of promoting abstinence and be faithful initiatives have been demonstrated beyond any reasonable doubt, and the evidence is compelling.

According to joint comments by the U.S. Department of State, USAID, and HHS on PEPFAR, "Congressional directives have helped focus U.S. Government prevention strategies to be evidence based. Because of the data, ABC is now recognized as the most effective strategy to prevent HIV in generalized epidemics.

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The original legislation's emphasis on AB activities has been an important factor in the fundamental and needed shift in U.S. government prevention strategies from a primarily "C" approach prior to PEPFAR to a balanced ABC strategy. The Emergency Plan developed a more holistic and equitable strategy, one that reflects the growing body of data that validates ABC behavioral change.

The U.S. government report goes on to say that recent data from Zimbabwe and Kenya mirrors the earlier successes of Uganda's ABC approach to preventing HIV. These three countries, with what is known as "generalized epidemics," have demonstrated reductions in HIV prevalence. And in each country, the data point to significant AB, abstinence, be faithful; behavioral change; and modest, but important, changes to C.

So, I want to thank Mr. PITTS for writing the original AB earmark into the original law because it has instructed and has had a tremendously positive impact.

I would note to my colleagues that this past September the Foreign Affairs Committee heard from a world renowned expert, Dr. Norman Hearst, who said that 5 years ago he had been commissioned by U.N. AIDS to conduct a technical review of how well condoms had worked for AIDS prevention in the developing world. And he said, and I quote in part, "my associates and I collected mountains of data, and here is what we found: When we looked for evidence of public health impact for condoms in generalized epidemics, to our surprise we couldn't find anything. No generalized HIV epidemic has ever been rolled back by a prevention strategy primarily based on condoms. Instead, a few successes in turning around generalized epidemics, such as Uganda, were achieved not through condoms, but by getting people to change their sexual behavior."

He goes on to say that these are not just our conclusions. A recent consensus statement in the Lancet was endorsed by 150 AIDS experts, including Nobel Laureates, the President of Uganda, and officials of the most prominent international AIDS organizations. And it said, "the priority for adults should be, B, limiting one's partners. The priority for young people should be A, not starting sexual activity too soon." And this contrasted with other funders that often officially endorse ABC, but in practice continue to put their money in the same old strategies that have been unsuccessful in Africa for the past 15 years.

A Washington Post article by Craig Timberg noted that "men and women in Botswana continued to contract HIV faster than almost anyone else on Earth. Researchers increasingly attribute the resilience of HIV in Botswana, and in southern Africa generally, to the high incidence of multiple sexual relationships."

"Researchers increasingly agree," and please, I ask my colleagues to take note of this, "that curbing behavior is key to slowing the spread of AIDS in Africa." In a July report, southern African AIDS experts said that reducing multiple and concurrent partnerships was their first priority for stopping the spread.

The CHAIRMAN. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. Madam Chair, I yield 3 additional minutes to the gentleman.

Mr. SMITH of New Jersey. Thank you.

Madam Chairman, the legislation before us also leaves intact the anti-prostitution/sex tracking pledge, a policy designed to ensure that pimps and brothel owners don't become, via an NGO that supports such exploitation, U.S. government partners.

Last February, the U.S. Government Court of Appeals for the District of Columbia upheld the prostitution pledge and said, in pertinent part, "In this case, the government's objective is to eradicate HIV/AIDS. One of the means of accomplishing this objective is for the U.S. to speak out against legalizing prostitution in other countries."

The Court of Appeals goes on to say, "it would make little sense for the government to provide billions of dollars to encourage the reduction of HIV/AIDS behavioral risks, including prostitution and sex trafficking, and yet to engage as partners in this effort organizations that are neutral towards or even actively promote the same practices sought to be eradicated."

Finally, we've come a long way, Madam Chairman, since 2003, when significant opposition materialized against an amendment that I had offered to ensure that faith-based providers, and others, are not excluded from participation. Worldwide, but especially in Africa, faith-based organizations are absolutely critical in the fight against AIDS. So, we welcome and are deeply grateful for their support and their work.

The conscience clause in H.R. 5501 restates, improves, and expands conscience protection in a way that ensures that organizations like the Catholic Relief Services, with its 250 plus projects in 52 countries, which has had a remarkable record on HIV/AIDS prevention, treatment and care, are not discriminated against or in any way precluded from receiving public funds.

Madam Chairman, this bill is carefully crafted, and again, I want to thank my colleagues on both sides of the aisle for the enormous amount of work that has been poured into its creation.

Mr. BERMAN. Madam Chairman, I am very pleased to yield 3 minutes to the chairman of the Foreign Affairs Subcommittee on the Western Hemisphere. And remember, this is a bill about HIV/AIDS, malaria, and tuberculosis. He played a major role in the tuberculosis section of the bill, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank our distinguished chairman for yielding to me.

Madam Chairman, I'm proud to be an original cosponsor of H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008, named after our dearly departed two great House Foreign Affairs Committee chairmen that I had the pleasure of serving under, Tom Lantos and Henry Hyde.

The HIV/AIDS pandemic continues to pose a major threat to the health of the global community, from the most severely affected regions of sub-Saharan Africa and the Caribbean, as the chairman mentioned, I'm the chairman of the Subcommittee of the Western Hemisphere, to the emerging epidemics of eastern Europe, central Asia, south and southeast Asia, and Latin America.

I also want to take this time to pay tribute to our colleague who is in the Chamber, the gentlewoman from California (Ms. LEE), who has worked so hard in combating global AIDS, probably harder than anyone else in the Congress. I'm delighted that she's here, and her hard work has not gone unnoticed.

While most widely recognized for reviewing our commitment to global AIDS relief, H.R. 5501 reauthorizes provisions on HIV/AIDS, malaria and tuberculosis, all deadly diseases of poverty. The Lantos-Hyde Act is a decisive step forward for global health, particularly for our efforts to control tuberculosis.

I want to take a moment to specifically address the tuberculosis provisions included, as the chairman mentioned, as my bill H.R. 1567, the Stop TB Now Act which passed the floor earlier this year, was largely incorporated into this bill, and I'm delighted about that.

The World Health Organization reports that 1.5 million people died of tuberculosis in 2006, with another 200,000 dying from HIV-associated tuberculosis. The multi-drug resistant and extensively drug resistant TB, known as MDR and XDR, poses a grave risk to global health. A contagious airborne disease, TB knows no barriers or borders and can only be successfully controlled in the United States by controlling it overseas.

This Lantos-Hyde Act declares TB control a major objective of U.S. foreign assistance programs. In support of WHO targets, the bill prioritizes halving TB deaths and disease, cutting them in half, and achieving a 70 percent detection rate and an 85 percent cure rate by 2015.

The Lantos-Hyde Act prioritizes the Stop TB Partnership's strategy, which includes expansion of the successful treatment regimen for standard TB, treatment for individuals infected with both TB and HIV, treatment for individuals with drug-resistant TB, and enabling research and development of new tools.

Recognizing the deadly synergy between TB, an opportunistic infection, and HIV, the Lantos-Hyde Act authorizes assistance to strengthen the coordination of HIV/AIDS and TB programs. TB is the leading killer of people with HIV/AIDS.

The CHAIRMAN. The gentleman's time has expired.

Mr. ENGEL. May I ask for an additional minute?

Mr. BERMAN. I yield the gentleman an additional minute.

Mr. ENGEL. And the explosion of drug-resistant TB in sub-Saharan Africa threatens to halt and roll back our progress in combating both diseases.

The legislation supports key TB-HIV activities, such as providing AIDS patients with TB screening and treatment, and providing TB patients with proper counseling, testing and treatment for HIV/AIDS.

Finally, the legislation authorizes assistance for the development of new vaccines for TB. The current TB vaccine is more than 85 years old and is unreliable against pulmonary TB, which accounts for most of the worldwide disease burden. New TB vaccines have the potential to save millions of lives and would lead to substantial cost savings.

Studies modelling the 10-year economic benefits of a vaccine that is 75 percent effective have estimated worldwide savings in medical costs of $25 billion or more.

I strongly urge my colleagues to support this bill. This is a very, very important bill.

Ms. ROS-LEHTINEN. Madam Chairman, before yielding to my distinguished colleague from Illinois, I would like to recognize the efforts of Yleem Poblete, our staff director on the GOP side, Mark Gage, Joan Condon, Sarah Kiko of our committee staff, they have all been working so hard, and our detailee, a valuable addition to our PEPFAR team, Ben Snyder. Thank you to everyone who has worked so hard.

Madam Chairman, I would like to yield 3 minutes to the gentleman from Illinois (Mr. WELLER), an esteemed member of the Committee on Ways and Means.

Mr. WELLER of Illinois. Madam Chairman, I rise in strong support for the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act. I want to commend the current leadership of the committee, the bipartisan leadership, Mr. BERMAN and Ms. ROS-LEHTINEN, for their leadership in moving this legislation to the floor in a bipartisan way. And it's most appropriate that it be named after Tom Lantos and Henry Hyde, two distinguished chairmen of the International and Foreign Relations Committees that changed names, but one thing that was in common between Tom Lantos and Henry Hyde was they always worked to ensure that foreign policy should be a bipartisan product and a team effort. So, it is so appropriate that they be recognized by naming this legislation after them, which reauthorizes President Bush's emergency plans for AIDS relief.

As noted by a number of my colleagues, almost 33 million citizens of this planet today suffer from the consequences of HIV/AIDS. We have a moral responsibility, and it's important that the United States exhibit and demonstrate moral leadership in addressing this crisis, which not only is a health issue, but it's a security issue for this globe.

I think we all watched the reception of President Bush when he traveled recently to Africa and the appreciation that was shown by the leadership in Africa for the President's initiative and the bipartisan support that we've seen in the effort against AIDS, and to help those who are victims of AIDS in Africa.

We often think of Africa when we talk about global AIDS, but of the 33 million, there are also many living in Latin America and the Caribbean who suffer from HIV/AIDS as well. In Latin America today there are 1,600,000 people living with HIV/AIDS, that's up from 1.3 million in 2001; and 58,000 citizens of Latin America have lost their lives to HIV/AIDS. In the Caribbean, 230,000 adults and children are currently known to be infected with HIV/AIDS. That's up from 190,000 in 2001. In the Caribbean, 11,000 citizens of the Caribbean have lost their lives.

I note we've made some progress as a result of the President's initiative for AIDS relief. In Haiti alone, a large recipient of aid as a result of this initiative, almost 4 percent of the population of Haiti is infected with HIV/AIDS. Think about that, 190,000 people. And since 2004, thanks to this initiative, the number of people receiving care and support has grown from 30,000 to 125,000, and an anticipated 150,000 people will be reached this year because of this initiative. Haiti received almost $85 million from this program in the past year to address this crisis which affects many in the Caribbean.

The point is is that PEPFAR, as we know it, has allowed us to reach almost every person in Haiti struggling with HIV/AIDS. And, for example, the continued support is necessary to make sure we reach every person struggling with HIV/AIDS in the world, and that's why this extension is so important.

The CHAIRMAN. The gentleman's time has expired.

Mr. WELLER of Illinois. May I ask for an additional 2 minutes?

Ms. ROS-LEHTINEN. I yield an additional 2 minutes to the gentleman from Illinois.

Mr. WELLER of Illinois. I would also like to share a couple other examples of the success of this initiative and how this funding is helping regular people and making a difference in Latin America.

Bolivia, a large nation the size of Texas with 9 million people, thanks to the PEPFAR initiative we're using data to combat HIV/AIDS. In fact, real-time data is helping Bolivian health officials carry out more HIV/AIDS prevention education, including HIV counseling and testing services. And according to the Joint United Nations Program on HIV/AIDS, prevalence rates in Bolivia's general population has remained at 1–10th of 1 percent, which is remarkable success compared to some of its neighbors.

In Central America, in the Republic of Honduras, beginning in February of 2005 the United States awarded its first set of grants through USAID to 10 local nongovernmental organizations working with 43 Honduran communities most impacted by HIV/AIDS.

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In their first 7 months of implementation, the organization has reached over 27,000 at-risk individuals with behavioral change models. As part of the HIV prevention efforts, the group began offering HIV counseling and testing, and the counseling and testing programs were the first in Honduras to be offered by those trained in accordance working with the Ministry of Health standards as part of a larger national prevention effort. And this collaboration between the government of the Honduras, USAID, indigenous organizations and the Ministry of Health has set this standard expanding access to testing in the Nation of Honduras.

The bottom line is, this program is making a difference in combating what is clearly a terrible crisis throughout the world, currently impacting 33 million citizens of this planet.

We have a moral obligation, and it's important that the United States continue to exert the leadership and demonstrate the leadership we have over the last few years to address the global AIDS crisis.

I urge bipartisan support.

Mr. BERMAN. Madam Chairman, I am very pleased to yield to my friend from California, someone who has been heavily invested in getting our attention on this issue and passing the legislation, putting, fashioning and passing the legislation in 2003 and again this time, our gentlelady from California, BARBARA LEE, for 5 minutes.

Ms. LEE. Madam Chairman, I rise in strong support of H.R. 5501.

And let me begin by thanking Chairman BERMAN, our ranking member, Ms. ROS-LEHTINEN, our subcommittee chair, Mr. PAYNE, also Chairman WAXMAN, Mr. SMITH, ranking member of the subcommittee, and all who have helped to make this legislation an amazing piece of legislation. And I know that Chairman Lantos and Chairman Hyde want to thank us and are here with us honoring their legacy because they would want to see this move forward as it is today.

As one the five original co-authors of both the initial legislation establishing PEPFAR and of this new bill reauthorizing PEPFAR, I am pleased that we are moving forward. And again, I have to thank Chairman BERMAN and Ms. ROS-LEHTINEN for making sure that this legislation is really in the spirit of the bipartisan cooperation that we have moved forward with in the past.

There's no other piece of legislation that we will consider in Congress this year that will have the greatest impact on the lives of people around the world. Like many, I have witnessed firsthand many times the dramatic and positive impact of our AIDS programs on individuals and communities throughout the world, especially in sub-Saharan Africa. But it wasn't always this way.

Now, 10 years ago, actually, when I first came to Congress, I think it was 10 years in April, the world really had not recognized the devastating toll that HIV and AIDS were beginning to take on families and communities throughout Africa. Since that time, however, we have worked together on a bipartisan basis on a number of very important legislative initiatives that have put the United States on the right side of history when it comes to this global pandemic.

First, in 2000, we passed and President Clinton signed into law, H.R. 3519, the Global AIDS and Tuberculosis Relief Act. Now this important bill was a vision inspired by an idea by our former colleague and our friend, former Congressman, now Mayor Ron Dellums of Oakland, California to establish an AIDS Marshall plan in Africa, for Africa, funded through a World Bank AIDS Trust Fund.

With the help and leadership of our former colleague, Congressman Jim Leach of Iowa, we turned this idea into legislation which provided the founding contribution and the framework for what we know today as the Global Fund to Fight AIDS, Tuberculosis and Malaria.

In 2001, working with both former Chairmen Hyde and Lantos, Mr. BERMAN, Mr. PAYNE, Ms. ROS-LEHTINEN, Mr. SMITH, we drafted H.R. 2069, which was called the Global Access to HIV/AIDS Prevention, Awareness, Education and Treatment Act. This was the first bill that dared to provide large scale antiretroviral therapy to people living in the developing world.

Although we made progress in advancing this legislation through Congress in 2001 and 2002, we weren't able to reach a conference agreement with the Senate before the 107th Congress. Thankfully, however, our discussions would lay the foundation for quick action in the next Congress.

So at the end of 2002, the Congressional Black Caucus, along with practically every advocacy group in the United States, sent a letter to President Bush urging him to set up and create a presidential initiative on AIDS especially for sub-Saharan Africa.

In January of 2003, the President took up our cause, understanding the growing sense of urgency that had been building for years. His promise of $15 billion during his State of the Union address provided the impetus that we needed to pass H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, which created PEPFAR.

In 2005, we took yet another step forward when we recognized that our foreign assistance programs did not adequately address the needs of children orphaned or made vulnerable by AIDS. So, working again with former Chairman Hyde and Chairman Lantos, we passed, and the President signed H.R. 1409, the Assistance for Orphans and Vulnerable Children in Developing Countries Act.

So, Madam Chairman, I lay out some of the history of our work on this important issue because it speaks volumes about what is possible when we come together in the spirit of bipartisan compromise as we honor the great legacy of both Chairman Lantos and Chairman Hyde through this legislation. Chairman Lantos, I know, very much wanted to reach a bipartisan compromise on this bill, as did Chairman Hyde. I'm saddened that both of them are not with us to witness this moment. But I know that they are very pleased with what we have put together today.

The CHAIRMAN. The gentlewoman's time has expired.

Ms. LEE. May I have an additional minute, please?

Mr. BERMAN. I yield the gentlelady an additional 2 minutes.

Ms. LEE. As a former member of the staff here on Capitol Hill for 11 years, I have to mention some of our staff members' names particularly because they did a phenomenal job in this. Dr. Pearl Alice Marsh, of course, Kristin Wells, David Abramowitz, Peter Yeo, Bob King, Yleem Poblete, Mark Gage, Joan Condon, Heather Flynn, Sheri Rickert, Naomi Seiler, Jessica Boyer, and of course Christos Tsentas of my staff. These staff members and other members, they deserved, their work deserves really to be applauded because this was not just work as a professional on the Hill. This is part of their life's work and I have to thank them again for their diligence and their competence.

This is a bipartisan compromise, so there were things that we had to give up and things that our colleagues on the other side of the aisle had to give up, but that's what compromise is all about.

Let me just mention a few of the items that were included in this bill. Of course it included language taken from my bill, H.R. 1713, the PATHWAY Act, to strike the 33 percent abstinence-until-marriage and provide a comprehensive prevention strategy to address the needs of women and children.

It also includes language taken from my bill, H.R. 3812, the African Health Capacity and Investment Act, to build health capacity by recruiting, training and retaining health professionals and strengthen health systems.

Now, of course there's still some issues I think need to be addressed which aren't in this bill. I think we should eliminate the prostitution pledge, which violates the first amendment and poses an unnecessary barrier to organizations that work with sex workers.

I think we need to recognize the public health benefits of linking our HIV and AIDS programs with family planning services by eliminating ideological restrictions imposed by the global gag rule.

I think we need to end the unjust and discriminatory travel and immigration ban on people living with HIV and AIDS who wish to enter into the United States.

So these are not impossible goals. In addition, we should fully fund the recruitment, training and retention programs for health professionals with a focus on training doctors and nurses to build health capacity and strengthen health care systems. So I hope that we can do this as we move forward.

Let me again thank the chairman for his leadership in addressing the greatest humanitarian, national security and public health crisis of our time.

Ms. ROS-LEHTINEN. Madam Chairman, I would like to yield 5 minutes to the gentleman from Indiana, Congressman PENCE, the ranking member on the Subcommittee on Middle East and South Asia, who spoke so eloquently during the committee markup on the need for this bill. 5 minutes.

Mr. PENCE. I thank the ranking member for yielding.

I rise in support of the Tom Lantos and Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008.

The Bible tells us to whom much is given much is expected. And I believe the United States has a moral obligation to lead the world in confronting the pandemic of HIV/AIDS.

The dimensions of this crisis are truly staggering. The HIV/AIDS pandemic has infected more than 60 million people worldwide. It has killed more than 25 million, a number which grows grievously every day by more than 8,500. HIV/AIDS has orphaned some 14 million children. And today, 70 percent of the people in the world with HIV/AIDS reside in Africa. Within that continent, there are entire countries where more than one-third of the adult population is infected.

More startlingly, if current infection rates continue, new epicenters for the disease are likely to arise out of India, China, Eastern Europe with numbers that could surpass Africa in a few short years.

And the threat this pandemic poses to our security is also real. Left unaddressed, this plague will continue to undermine the stability of nations throughout the two-thirds world, leaving behind collapsing economies and tragedy and desperation, a breeding ground for extremist violence. This is truly a global crisis. And because the United States can render timely assistance, I believe we must.

Originally titled the President's Emergency Plan for AIDS Relief, PEPFAR put the world on notice that America will not ignore despair, desperation and disease. I am proud to have supported the original passage of PEPFAR in 2003, and I'm proud to support it today.

You know, every so often, in this place, we have the opportunity to do something for humanity and serve the American people, and this is such a time.

I thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their strong leadership. I commend my colleague, CHRIS SMITH in particular for his yeoman's work on carefully preserving the delicate balance of this legislation.

And I also would like to publicly acknowledge the work of our President, George W. Bush. Mr. President, because of your moral leadership and compassion, Africa will never be the same, and history will record your work.

This Global AIDS bill seeks to address the crisis, not by providing medicine and health care to those in need, but also by providing resources for evidence based programs that have been successful in preventing infection. It's imperative, I believe, that we not only send our resources, but we also send them in a manner that is consistent with our values. We cannot send billions of dollars to Africa without sending value-based safeguards and techniques that work to fight the spread of HIV/AIDS by changing behavior.

Currently, within the Global AIDS bill, these pivotal provisions exist in the form of a requirement to "provide balanced funding for prevention activities" and to ensure that abstinence and faithfulness programs are "implemented and funded in a meaningful and equitable way."

It was essential that we preserve these prevention methods that focus on behavioral change, that we work with faith-based and nongovernmental organizations at the local level, particularly through the ABC model that has produced such undeniable results.

Also, it was absolutely critical that we administer this foreign aid under the historic pro-life guidelines that prevent our foreign aid from going in a direction that's antithetical to the values of millions of Americans. I'm pleased to say the Lantos/Hyde Global AIDS bill preserves all of these vital pro-family provisions.

As we tend to the suffering though, we always have to figure out how we're going to pay for it. The Federal budget, I believe, is packed with wasteful and bloated programs which could supply more than enough opportunities to cover the costs of the Lantos/Hyde Global AIDS bill.

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This summer, Madam Chairman, when it comes time to fund this program during the appropriations process, I believe Congress should make the hard choices necessary to ensure that this global health crisis does not become a crisis of debt for our children and grandchildren. I believe it is possible to be responsible to our fiscal constraints while being obedient to our moral calling.

The greatest of all human rights is the right to live. America is a Nation of great wealth, wealth of resources, but more importantly, a wealth of compassion. The history of the world is filled with telling moments regarding the character of a people. Sometimes we are witness to mankind's great inhumanities; other times, we marvel at the beauty of mankind's selfless acts of compassion when we rise above politics and raise up those in dire need. Let this be such a day.

I urge my colleagues to support the Lantos/Hyde Global AIDS bill and its carefully crafted bipartisan compromise.

Mr. BERMAN. Madam Chairman, I am pleased to yield 1 liberal minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Thank you, Mr. Chairman. Congratulations to the chairman of the committee. He is an extraordinary individual whom I have known for four decades. He will do an excellent job. We lament the loss, however, of the two individuals for whom this bill is named.

I want to congratulate my good friend, ILEANA ROS-LEHTINEN, as well for her leadership, and I want to associate myself generally with the remarks of the previous speaker. And I think it is emblematic of the partnership that we have, not only with the administration, but on both sides of the aisle as it relates to this moral, as well as health, issue, and I thank the gentleman for his comments.

Madam Chairman, 5 years ago, the United States made an unprecedented commitment to the people of the world who suffer from HIV and AIDS, malaria, tuberculosis, and other diseases. We pledged $15 billion, and with that funding, we have provided life-saving drugs to almost a million and a half people. We facilitated care for over 2 million orphans and vulnerable children and provided mother-to-child transmission prevention services during more than 6 million pregnancies.

We have played a very real role in helping to transform HIV from a death sentence to a manageable disease.

And, Madam Chairman, as I said 5 years ago when we first passed this legislation, we must recognize that our Nation and each one of us has a moral obligation and a national security interest, as has been spoken of, in combating the HIV/AIDS pandemic, as well as malaria and tuberculosis.

Today, with this legislation, the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act, we build on and increase our commitment to stop the spread of HIV/AIDS.

Through this legislation, we make a $50 billion contribution to the fight to eradicate HIV/AIDS, malaria and tuberculosis. In addition to expanding our prior efforts, this carefully negotiated legislation will strengthen HIV-related healthcare delivery systems and increase health workforce capacities; foster stronger relationships between HIV/AIDS initiatives and other support programs, including those that promote better nutrition and education; allow HIV/AIDS testing and counseling to be provided in the United States bilateral family planning programs, and it finances prevention and treatment programs targeting women and girls.

This bill, Madam Chairman, also eliminates an ineffective requirement: that one-third of PEPFAR prevention funds be spent on abstinence. Instead, we have directed the administration to create a balanced approach requiring behavioral change programs to receive 50 percent of the funds devoted to the prevention of sexual transmission of HIV, and in addition, we require the administration to report to Congress if programs in nations where the epidemic has become generalized do not adhere to this balanced approach. This legislation represents both commitment and compromise.

It will not make everyone happy, but it does signal to the international community that the United States recognizes and accepts our moral obligation to act.

Last year alone, 2.5 million people contracted HIV, roughly 6,800 people per day. Last year alone, 2.1 million people died of HIV. Global AIDS is a problem too large to fall prey to political sport.

My very good friend, the late Chairman Lantos, noted 5 years ago that this health care crisis ruins families, communities, and indeed, whole nations, fueling violence and bloodshed across borders. And thus, it is a global challenge that demands a global humanitarian response with the United States in the lead.

Madam Chairman, this is a very good bill. It builds on proven outcomes, and it deserves the support of the Members on both sides of the aisle.

And again, I congratulate Chairman BERMAN and Ranking Member ROS-LEHTINEN on their leadership on this effort.

Ms. ROS-LEHTINEN. Madam Chairman, I would like to yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH) for the purpose of engaging in a colloquy with our chairman, Mr. BERMAN of California.

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Madam Chairman, I would like to engage in a colloquy with my friend and colleague, the chairman of the Foreign Affairs Committee, Mr. BERMAN.

I would note there are two versions of the committee report for H.R. 5501 designated as part 1 and part 2. I wish to clarify that the definitive version that applies for purposes of the legislative history of this bill is part 2.

Is that the understanding of the chairman?

Mr. BERMAN. I appreciate the gentleman yielding, and the gentleman is absolutely correct. Part 2 of the report is the definitive report on the legislation being considered by the House today.

Mr. SMITH of New Jersey. I thank the Chair for that clarification.

Mr. BERMAN. Madam Chairman, I am pleased to yield 2 minutes to my colleague from California (Ms. WOOLSEY), the chairman of the Education and Labor Subcommittee on Workforce Protections and a member of the Foreign Affairs Committee.

Ms. WOOLSEY. Madam Chairman, I rise today in strong support of 5501 and to congratulate our new chairman of the International Relations Committee and to thank our chairman and to thank our Ranking Member ROS-LEHTINEN, and particularly congratulate the chairman of the Africa and Global Health Care Subcommittee for writing a bill that clearly reaffirms Congress' commitment to healthy communities, this time with the focus overseas.

As a member of the subcommittee, I'm especially pleased that this bill supports maternal health, orphans, and vulnerable children. Today, in Africa and throughout the world, children are losing their parents to the AIDS epidemic. These same kids will grow up too soon. They will be forced to become caregivers to their own siblings, leaving school, joining the underage workforce, praying that they are not the next in line for the graveyard.

In a world as prosperous as our own, Madam Chairman, it is absolutely unacceptable that this could be happening anywhere. But this bill actually continues our promise to rid the planet of this plague. This bill offers real hope. We invest in treatment, but most importantly, it works towards prevention.

Like many of my colleagues, I'm disappointed that conservative forces pushed to reduce the Reproductive Health Initiative, but the overall result will actually be remarkable. And most importantly, it will be life saving.

I encourage all of my colleagues to vote for H.R. 5501 to make this a better place to live in worldwide.

Mr. PAYNE. I recognize the gentleman from Missouri (Mr. CARNAHAN) for 2 minutes.

Mr. CARNAHAN. Madam Chairman, I am proud to rise in support of H.R. 5501, properly named after our former Chairmen Lantos and Hyde, both of whom I had the honor to serve under on the Foreign Affairs Committee.

I also want to thank President Bush for reaffirming his commitment to Africa in his State of the Union but also to being open to improvements in how we deliver our support in Africa.

I want to also add my thanks to Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership in bringing this to the floor, but especially to Chairman BERMAN for his great instincts to reach out and craft an achievable and better bill in this Congress in this way.

Today, we have an opportunity to improve the way the U.S. funds and administers these HIV/AIDS, TB and malaria programs around the world. I believe that it is important to make real changes and real progress in reauthorizing this vital life-saving program.

In February, I had the opportunity to travel to Ethiopia and study and investigate the effectiveness of many of these programs. The positive effect that PEPFAR has had over the last several years is quite obvious: countless lives have been saved and numerous infections have been prevented.

I visited health clinics in rural Ethiopia, including PMTCT, family planning, and government-supported clinics. This bill makes important steps to not just increase funding but to have a more balanced approach to integrate prevention programs.

While I would have liked to have seen even greater integration in these programs with family planning and prevention programs, I'm pleased with the steps the bill does take and steps that are being taken in a bipartisan way that can help this be done sooner.

Mr. PAYNE. We will now have the gentleman from New York (Mr. CROWLEY) for 2 minutes, a member of the Foreign Affairs Committee.

Mr. CROWLEY. Madam Chairman, I rise in support of the bipartisan agreement that will reauthorize PEPFAR for an additional 5 years. I want to thank both the Chair of the committee, HOWARD BERMAN, the new and very capable chair of the committee, HOWARD BERMAN, as well as my long-time friend, the ranking member, Ms. ROS-LEHTINEN, for their crafting of the legislation and in naming it the Tom Lantos/Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria, the Reauthorization Act of 2008. And in so doing, I think it enhances the legacy of both of these fine gentlemen.

Let me say from the start, I support the strong program and will urge my colleagues to do the same. The first 5 years of PEPFAR have provided unprecedented prevention, care, and treatment of HIV/AIDS for millions around the world. By passing this bill we can, and we will, do more.

Through PEPFAR, the United States has spearheaded the global fight against HIV/AIDS by supporting services to prevent mother-to-child HIV transmission. These services have helped women during more than 10 million pregnancies and led to the prevention of more than 150,000 infant infections. It has supported life-saving treatment for almost 1.5 million men, women, and children. In the focus countries, over 60 percent of those receiving treatment are women and girls.

It is my honor to say that I have supported this program when it was first introduced before this body, and I worked to ensure that PEPFAR was as effective and as efficient as possible. An example of this bipartisan effort was the inclusion of language, which I championed, to emphasize education on gender equality and respect for women and girls. The reauthorization act strengthens these provisions by calling for the empowerment of women and youth and by promoting changes in male behavior and attitudes that respect the human rights of women and youth and that support and foster gender equity.

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However, let me be equally clear, this bill could do so much more and could prevent many more infections if it improved a critical partnership with these programs in the fields that have served women and their families for over four decades, and that is in the field of family planning providers.

The CHAIRMAN. The gentleman's time has expired.

Mr. PAYNE. Madam Chairman, I yield an additional minute to the gentleman from New York.

Mr. CROWLEY. Madam Chairman, the House version of the U.S. Global AIDS Act contains language suggesting that only family planning programs compliant with the global gag rule will be eligible to receive PEPFAR funds to provide HIV education, counseling, and testing. I believe that this would be a new restriction. No such requirement exists in current law or policy. And I believe if we are serious about preventing the most new infections, we need to put aside our political differences on the merits of the global gag rule and ensure that the very best in the field have the support of the U.S. to do what they need to do, and that is prevent the spreading of HIV/AIDS.

Mr. PAYNE. Madam Chairman, I yield 3 minutes to the gentleman from the Ways and Means Committee, from the State of Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Madam Chairman, we know what needs to be done. The PEPFAR reauthorization bill is it, and we're doing it.

This bipartisan bill not only reauthorizes PEPFAR but also dramatically strengthens the programs. H.R. 5501 elevates the fight against HIV/AIDS, TB, and malaria from an emergency to sustainability. In so doing, we declare that HIV is no longer the death sentence that it was only 5 short years ago. We can hope and strive for a generation free of HIV and AIDS.

I want to thank the chairman and the subcommittee chairman for including provisions in the legislation that Representative GRANGER and I introduced, which strengthens the prevention of mother-to-child transmission of HIV. We must ensure that women and children have access to early screening and lifesaving drug therapies. We can do this by providing greater training and education on effective prevention. We also must ensure that they integrate these services with other maternal health efforts.

Every day more than 1,000 children around the world are infected with HIV. An estimated 90 percent of those infections occur in Africa. But a single dose of an antiretroviral drug given once to the mother at the onset of labor and once to the newborn during the first 3 days of life reduces transmission by 50 percent. Fewer than 10 percent of pregnant women with HIV in resource-poor countries have access to these prevention services. But I'm proud that this bill includes prevention provisions to strengthen our commitment to prevention and save lives in the process.

Perhaps the most important provisions are those that recognize the importance of expanding access to screening and treatment of women and children. H.R. 5501 also provides my provisions to establish two 5-year targets that will bring us closer to a generation free of HIV/AIDS.

The first goal is to increase the percentage of children receiving treatment under PEPFAR from 9 to 15 percent. Treatment allows the greatest hope for giving a child infected with HIV the chance to an adulthood free of the disease.

The second goal is for 80 percent of pregnant women in the most affected countries to receive HIV counseling and testing and, where necessary, antiretroviral treatment to prevent mother-to-child transmission.

The biggest limitation on reaching these goals is the availability of trained personnel. This bill sets a goal of 140,000 people to be trained by 2015. In South Africa, where my wife is working on the ground in this epidemic, they are closing pediatric hospitals because there's no pediatrician to run them. Now, the 80 percent goal is a down payment on our hope of achieving 100 percent by the time this authorization expires.

We have a chance today to send a message that America cares enough to lead the world in fighting these deadly diseases. We should speak loud and clearly. The legislation gives more people the chance to be survivors instead of statistics.

I urge my colleagues to support this important bill that strengthens our commitment to fighting the global HIV/AIDS/TB and malaria epidemic.

Mr. PAYNE. Madam Chairman, it is my pleasure to yield to a member of the Foreign Affairs Committee, the gentleman from Florida (Mr. KLEIN) for 2 minutes.

Mr. KLEIN of Florida. Madam Chairman, I rise today in strong support of the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act.

This legislation represents the best in bipartisan compromise, and it demonstrates that, despite what divides us from time to time as Republicans and Democrats, we can and do come together to tackle issues that matter most. And the global HIV/AIDS crisis matters deeply to all of us. Some 40 million people around the world are living with this disease. We have a moral imperative to act and to act decisively.

Just 5 years ago, an HIV diagnosis for a poor villager in Africa was a death sentence. Thanks to lifesaving drugs provided by the American people, this is no longer the case. The global AIDS program works, and it works because it is an initiative not of one political party or another. It is truly a compassionate statement by the American people, and I am very proud to support its reauthorization and urge my colleagues to do the same.

Mr. PAYNE. Madam Chairman, I yield to the vice chairperson of the Subcommittee on Africa, a member, of course, of the Foreign Affairs Committee, the gentlewoman from California (Ms. WATSON) for 2 minutes.

Ms. WATSON. Madam Chairman, I just returned from South Africa, and I did a single codel visiting the various clinics and hospices that are receiving PEPFAR funds. And I happily report that the small donations they do receive are stretched beyond imagination. They are finally realizing that the NGOs have really made great strides.

About 4 years ago, when we went offering them assistance and so on, most of our help was rejected. But I want you to know that one clinic, which is a hospice, gets $70,000 a year. And what they do is reach out to the NGOs in the area. There are volunteers from America there. They run an excellent facility, and you can see gradual progress.

I was told by our appointed ambassador that he was going to reduce the amount of donation by $50 million, and I cautioned him because that would be the wrong message to send for the small successes they have had and that what we can do is say to the government there that we will cap it at a certain amount and then you need to also kick in.

So I want to report to our committee and to Mr. PAYNE, the Chair, that the funds are working. They're improving our image, and they're helping to save lives in South Africa.

Thank you so much, Mr. PAYNE.

Mr. PAYNE. Madam Chairman, I thank Representative WATSON for her kind remarks.

Madam Chairman, at this time I would like to yield 3 minutes to the gentlewoman from Texas, a member of the Foreign Affairs Committee and Africa Subcommittee (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, there's a terminology that we use to describe joyous occasions. Sometimes it describes freedom. The Fisk Singers in Tennessee were called the Jubilee Singers, and it was because they organized around slavery and after slavery and the ability to be free with jubilation, and, therefore, they were called the Jubilee Singers.

I think today is a day of jubilation, and it certainly is a time to express the jubilation that we feel with the passage, or the intended passage, of this legislation.

Let me thank the chairman of the subcommittee, Mr. PAYNE, for persistence and determination and wisdom. Let me also acknowledge his ranking member, Mr. SMITH; and, of course, our chairman, Mr. BERMAN; and the ranking member of the full committee, Ms. ILEANA ROS-LEHTINEN for working with us.

But I do want to spend some time acknowledging that we have named this bill after the late former Chairman Tom Lantos and Henry J. Hyde. That is a jubilation. It is something to express great excitement about because these two distinct figures, in many instances with common views but many instances different views, came together around this lifesaving legislation, Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria. And it is particularly important because we have added malaria and tuberculosis as an element that is not a partner but results thereof and/or stands alone, but all of them kill.

I am reminded of the first mission to Zimbabwe, to Zambia, and to South Africa, where we went on a Presidential mission, three Members of Congress, to look closely at the devastation of HIV/AIDS. It was in 1996/1997. And it was there that I saw a 4 year old taking care of a dying grandparent, the last person surviving who had tuberculosis and HIV/AIDS. So this legislation is crucial, and it is particularly crucial because it recognizes the devastation of all of them.

It is likewise crucial because we have not won the war. The jubilation is that the bill is on the floor, but we have not won this war. And I might also say that we have not won the war in education, the ability to prevent all of these diseases.

So let me ask my colleagues to support this legislation.

Madam Speaker, I rise today in strong support of H.R. 5501, The Global HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008. I believe that the legislation we are considering today makes vital improvements to what is already a groundbreaking program. I would like to thank Chairman BERMAN for his ongoing leadership on this issue, and for bringing this legislation to the floor today. I would also like to thank the Committee's Ranking Member, Congresswoman ROS-LEHTINEN, and my colleagues across the aisle, for working toward a compromise, to develop legislation of which we can all be proud. Today's legislation is a crucial step toward transforming PEPFAR from an emergency response to a sustainable program.

I would also like to thank both Chairman BERMAN and the Chairman of the Subcommittee on African and Global Health, Congressman PAYNE, for working with me to include important language in this legislation. My language, in Section 301 of this bill, addresses the necessity of making children a priority among individuals with HIV for proper food and nutritional support. Section 301, with my language included, states that it is the sense of Congress that "for the purposes of determining which individuals infected with HIV should be provided with nutrition and food support—

(i) children with moderate or severe malnutrition, according to WHO standards, shall be given priority for such nutrition and food support; and

(ii) adults with a body mass index, BMI of 18.5 or less, or at the prevailing WHO-approved measurement for BMI, should be considered 'malnourished' and should be given priority for such nutrition and food support;"

Madam Chairman, as Chair of the Congressional Children's Caucus, I believe that this language is crucial, and I thank the Chairman for including it in the text of the bill. HIV-infected children have been underrepresented among beneficiaries of PEPFAR-supported programs. As this legislation cites in the findings section, "of those infected with HIV, 2.5 million are children under 15 who also account for 460,000 of the newly-infected individuals." And even these large numbers are deceiving, as children die much quicker from AIDS than do adults. UNICEF reports that every minute, a child dies from an AIDS-related illness, and only 1 child in 20 who needs HIV treatment receives it. I am pleased to see this language, which focuses attention on the plight of these children, and makes serving their needs a priority.

I am particularly pleased to support an amendment offered by my colleague Congressman CARSON. Representative CARSON's amendment would direct the Coordinator of United States Government Activities to Combat HIV/AIDS Globally and the Administrator of the United States Agency for International Development to expand their plan for strengthening health systems of host countries by allowing for postsecondary educational institutions, particularly in Africa, to collaborate with United States postsecondary educational institutions and specifically historically black colleges and universities. I believe that such educational exchanges would be extremely beneficial for students both in our own Nation and in developing nations. I urge my colleagues to join me in supporting this amendment.

In addition, I am also pleased to support the amendment offered by my colleague Congressman BLUMENAUER. This amendment adds safe drinking water to nutrition and income security on the list of programs for which direct linkages are encouraged. People with HIV/AIDS are at increased risk for diarrheal diseases, and these illnesses leave HIV-infected patients with a reduced ability to absorb antiretroviral and other medications. The availability of safe drinking water must be part of any sustainable strategy of HIV prevention and treatment.

As this House is aware, it is estimated that HIV/AIDS, tuberculosis, TB, and malaria together kill more than 6 million people each year. In January 2003, President Bush announced the President's Emergency Plan for AIDS Relief, or PEPFAR. As its name implies, PEPFAR was envisioned as an emergency response; the bill before us today represents a crucial first step in the process of transitioning to a sustainable program to address these global epidemics.

Seventeen years after the first cases were diagnosed, AIDS remains the most relentless and indiscriminate killer of our time, with 39.5 million people worldwide now living with HIV or AIDS. Despite pouring billions and billions of private and Federal dollars into drug research and development to treat and "manage" infections, HIV strains persist as a global health threat by virtue of their complex life cycle and mutation rates. Of those infected, 24.7 million, or about 63 percent, live in Sub-Saharan Africa, a region with just 11 percent of the world's population. 61 percent of those infected in this region are women. Though Africa, and even more specifically African women, bears the brunt of the AIDS pandemic, Americans should be reminded that HIV/AIDS does not discriminate, with well over a million people in our own country currently living with HIV or AIDS.

Tragically, 6 percent of the 39.5 million people currently infected with HIV/AIDS are children under 15 years of age. In 2006, the virus killed 380,000 children (13 percent of all HIV/AIDS deaths), and 90 percent of all children living with HIV reside in sub-Saharan Africa. According to UNAIDS statistics from 2005, 1,500 children worldwide became newly infected with HIV every single day, due largely to inadequate access to drugs that prevent the transmission of HIV from mother to child. Only 8 percent of pregnant women in low- and middle-income countries were offered services to prevent HIV transmission to their newborns.

Madam Chairman, HIV/AIDS continues to represent a serious and large-scale challenge throughout much of the world. It goes far beyond a simple health problem, and it hinders attempts to foster economic development and political stability. As we reauthorize PEPFAR, I believe it is crucial that we emphasize the long-term sustainability of our HIV efforts, and that we integrate AIDS prevention and treatment within our larger-scale development initiatives. I believe that the legislation before us today makes groundbreaking strides toward moving the Global HIV/AIDS program beyond emergency implementation and toward sustainability. It dramatically boosts HIV/AIDS programming related to women and girls, strengthens health systems in countries hardest-hit by the HIV virus, increases U.S. contributions to the Global Fund, and authorizes HIV/AIDS programs to include linkages to food, nutrition, education, and health care programs.

Though we have drugs that are effective in managing infections and reducing mortality by slowing the progression to AIDS in an individual, they do little to reduce disease prevalence and prevent new infections. For this reason, there is growing consensus among health experts that we must put greater emphasis on comprehensive prevention programs, which are perhaps the most critical aspect of any initiative to combat global HIV/AIDS. Even as increasing numbers of people have access to anti-retroviral drugs, ARVs, an estimated 5.1 million people who needed treatment did not receive it in 2006. In sub-Saharan Africa, the percentage of individuals needing treatment who actually received it rose substantially, from 2 percent in 2003 to 28 percent in 2006. This growth is impressive, and represents a significant step forward, but it also means that 72 percent of sub-Saharan Africans requiring treatment did not receive it.

Madam Chairman, despite our concerted efforts, we continue to face a serious and persistent health threat. I believe that it is imperative that we ensure that American taxpayer dollars are used to greatest effect, not to bolster ideology. This legislation makes important strides forward by removing elements of the original authorization that speak more to ideology than actual conditions in the field. Under the current law, one-third of all prevention funds under PEPFAR must be used on abstinence-only education, which neglects the real needs of populations both in America and abroad. These stipulations hurt the ability of PEPFAR to adapt its activities in accordance with local HIV transmission patterns, and they impair efforts to coordinate with national health plans. Though AIDS is clearly a global problem, it does not affect every nation equally or in the same manner.

Madam Chairman, I am extremely pleased that the legislation we are considering today removes these restrictive provisions, allowing PEPFAR to better address the requirements of each country, making more efficient and effective use of taxpayer dollars in serving the millions affected by this disease. According to studies by both the Government Accountability Office and the National Academy of Science's Institute of Medicine, the abstinence-only earmark has forced a reduction in mother-to-child transmission programs, reduced prevention efforts with high-risk groups, and undermined efforts to implement Abstinence, Faithfulness, and Condoms, ABC, prevention programs.

Under the provisions of today's compromise legislation, the administration will be directed to promote a "balanced" prevention program in target countries. This will include all elements of the ABC approach to HIV prevention. The legislation will require that the administration report to Congress if behavioral change programs do not receive 50 percent of funds devoted to the prevention of sexual transmission of HIV in countries in which there is a generalized epidemic. I believe this language is extremely important, as it not only recognizes that HIV is transmitted in other ways, besides sexual activity, but it also acknowledges that the epidemic is not the same in every country. By requiring a report, rather than earmarking the expenditure of funds, this legislation provides guidance while still affording organizations working in the field the flexibility to respond to nuanced circumstances.

I am proud to be part of this Democratic Congress, which will produce legislation reauthorizing a Global HIV/AIDS program driven by facts, rather than ideology. The removal of the abstinence-only earmark will make this reauthorization legislation stronger than the original 2003 legislation that it will replace, and I strongly urge my colleagues to oppose any efforts that might attempt to reinstate it.

In addition, I believe it is crucial that we dedicate greater attention to strengthening local health infrastructure. Health experts have expressed concern that the high amount of spending directed toward HIV/AIDS initiatives has drawn health workers away from public health facilities and other important programs. This merely compounds a chronic shortage of qualified health workers, which, according to WHO's 2006 World Health Report, is the single most important health issue facing countries today. This need is felt particularly sharply in Southeast Asia and sub-Saharan Africa.

Many health experts also continue to advocate greater integration between PEPFAR and other health programs, including those focused on nutrition, maternal and child heath, and other infectious diseases. These experts note that HIV is intricately linked to these other areas of concern; for example, malnutrition and lack of food may heighten exposure to HIV, raise the likelihood of engaging in risky behavior, increase susceptibility to infection, and complicate efforts to provide anti-retroviral, ARV, medication. Further, an HIV epidemic will likely worsen food insecurity, by depleting the agricultural workforce. I believe it is necessary, to ensure maximum effectiveness, that we integrate PEPFAR with other aspects of our international health outreach and development programs. The legislation before us today does that.

Madam Chairman, while I recognize the importance of compromise, and I am glad we were able to reach an accord with our colleagues on the other side of the aisle, I am disappointed that the compromise text does not include a repeal of the language, known as the pledge requirement, requiring that all funding recipients to "have a policy explicitly opposing prostitution and sex trafficking."

Madam Chairman, the removal of the prostitution pledge was a critical facet of the bill we are considering today. The pledge currently restricts recipients' privately funded HIV prevention programs. No funds may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking. Funding recipients must refrain from speech or conduct that is inconsistent with the Government's views on prostitution, even when they use private funds. Organizations must refrain from some effective HIV prevention strategies, for fear that the Government will view it as "pro-prostitution." A repeal of the prostitution pledge language would leave in place language ensuring that U.S. Government funds may not be used to "promote or advocate the legalization or practice of prostitution and sex trafficking."

Madam Chairman, the prostitution pledge undermines prevention efforts targeting one of the populations most vulnerable to HIV transmission. Because high-risk populations such as sex workers are extremely marginalized, it is crucial that any intervention promotes a level of trust between sex workers and service providers. Failure to provide sex workers with information and services that will help them protect themselves and their partners from HIV transmission and other sexually-transmitted diseases also puts the broader community at risk. I am disappointed that this legislation does not remove this vague and counterproductive requirement.

This legislation also contains crucial provisions with regards to malaria and tuberculosis prevention and treatment. It incorporates H.R. 1567, the Stop Tuberculosis, TB, Now Act of 2007 sponsored by Congressman ENGEL, important legislation which I am proud to cosponsor. Today's legislation emphasizes the linkages between HIV/AIDS and TB, and it also creates new strategies for attacking MDR and XDR forms of drug-resistant TB. The bill also requires the President to develop a comprehensive 5-year strategy to combat malaria globally and strengthen United States leadership against this disease, and creates a new Coordinator of United States Government Activities to Combat Malaria Globally.

If we are to turn the tide of turmoil and tragedy that HIV/AIDS, malaria, and tuberculosis cause to millions around the world, and hundreds of thousands right here in our backyard, it is imperative that we continue to fund and expand medical research and education and outreach programs. However, the only cure we currently have for HIV/AIDS is prevention. While we must continue efforts to develop advanced treatment options, it is crucial that those efforts are accompanied by dramatic increases in public health education and prevention measures. Investments in education, research and outreach programs continue to be a crucial part of tackling and eliminating this devastating disease.

As Americans, we have a strong history, through science and innovation, of detecting, conquering and defeating many illnesses. We must and we will continue to fight HIV/AIDS until the battle is won.

Ms. ROS-LEHTINEN. Madam Chairman, at this time I am pleased to yield 1 minute to my colleague, my friend from California (Mr. ROHRABACHER), who is the ranking member of the Subcommittee on International Organizations, Human Rights, and Oversight.

Mr. ROHRABACHER. Madam Chairman, I rise in strong opposition to sending $50 billion, $50 billion taken from the American people, to Africa to fight AIDS.

When it comes to this situation with AIDS in Africa, obviously, we have some people in crisis who are very deserving people. But where does that $50 billion come from? Are we going to be helping people overseas at the expense of the well-being of our own people?

There are only three ways of getting the money: We can take it from domestic programs, take it from those programs to help our own elderly and the health care for our own people, our own veterans; or we can raise taxes, which would knock the legs out from under our economy and make our deficit even higher; or we can borrow the money. And if we borrow the money, we end up spending hundreds of millions of dollars a year on interest. We're going to borrow $50 billion in order to help people overseas and then end up paying interest on it for the next umpteen years? This is benevolence gone wild.

Yes, we would like to help everybody in the world. But if we vote for this, it's the most irresponsible measure that I have ever seen in my term here in Congress for 20 years. We are taking directly from our veterans, from our elderly, and others to give $50 billion to Africa.

The CHAIRMAN. The gentleman's time has expired.

Ms. ROS-LEHTINEN. Madam Chairman, I yield the gentleman an additional 30 seconds.

Mr. ROHRABACHER. Thank you very much.

Thus what we have to decided to is, are we going to deprive our own people, our seniors? I just came from a meeting with doctors from my district. We can't afford to provide health care for our seniors, for our veterans. We can't afford all the educational things we want to do. How can we possibly, then, take $50 billion and send it to Africa, even though it's a worthy cause?

We should not be doing this. It is not in the interests of the American people. And I would call on my colleagues to oppose this totally wasteful expenditure of money.

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Mr. PAYNE. It is my pleasure to recognize the Speaker of the House for 1 minute, the gentlewoman from California, Speaker PELOSI.

Ms. PELOSI. I thank the gentleman for yielding, and recognize his extraordinary leadership on issues that relate to the alleviation of poverty and eradication of disease, which really are a national security interest for our country. They are about the health and well-being, the respect we command throughout the world.

I want to commend Chairman BERMAN. I think this is probably the first piece of legislation to come out of the committee under your leadership as chairman, and Congresswoman ILEANA ROS-LEHTINEN, the ranking member of the committee, for their leadership in bringing a bipartisan, strong initiative to the floor. This initiative is a continuation of the work that President Bush has as a priority in the eradication of AIDS, malaria, and tuberculosis.

For those of us who have been involved in these issues over the years, whether on the committees of authorization, and Congresswoman BARBARA LEE has been on the authorizing committee, and now on the appropriating committee; Congresswoman WATERS, in many ways in the House; and you, Madam Chairman, all of us know that for our country to be healthy, for the eradication of these diseases to take place, we must have a global approach to it. Disease knows no borders and boundaries. So, again, while it is the compassionate thing to do, it is in our self-interest to do as well.

The distinguished chair, Congresswoman ELEANOR HOLMES NORTON, and I, and others, just had the opportunity to visit a PEPFAR site in India at the Salvation Army, where they were distributing these drugs through a regimen, an organized regimen related to hygiene and the rest to people with HIV and AIDS. We can tell you from firsthand experience; I visited these sites in South Africa, this trip was to India, that wherever we go, there is great appreciation for what our country is doing, and President Bush's leadership on this subject.

I am so pleased that the bill is named for Congressman Chairman Lantos, our friend who left us earlier this year, and Congressman Hyde before that, because they were the original authors of the first historic President's emergency plan for AIDS relief legislation in 2003. That landmark bill authorized $15 billion for 5 years. Working together with the Bush administration and Appropriations Committee, we succeeded in providing lifesaving antiretroviral treatment to almost 1.5 million people, supporting care for nearly 6.7 million people, including more than 2.7 million orphans and vulnerable children; and supporting prevention of more than 150,000 infected infants. We are talking about AIDS, malaria, and tuberculosis. Now we must take the next step in fighting AIDS in the poorest countries of the world. The legislation before us will move us from the emergency phase to the sustainability phase in fighting AIDS, tuberculosis, and malaria.

My colleagues have presented the provisions of the bill to you, so I will just submit mine for the RECORD, Madam Chairman, and just say in closing that the leadership against HIV/AIDS is our compact with developing nations across the globe. It says that America stands with them in this fight, that our commitment will not waver, and shows them America's true face of passion.

Since the AIDS epidemic began, 20 million men, women, and children have died from the disease. Twenty million. Forty million around the globe are HIV positive. That is what we know. We don't even know of those who have not come forth to be tested. Each and every day, another 6,000 people become infected with HIV. In addition, the number of orphans, vulnerable children with sick parents and adolescents at risk with HIV continues to grow, with an estimated 19 million needing assistance by 2010.

There is a moral imperative to combat this epidemic. If we have these drugs distributed in the manner in which they are under the President's program, this PEPFAR, then people will come forward to be tested, then we will have better success with our prevention initiatives. So it's all related. Care causes people to say there is a reason to be tested, and knowing the consequences of the disease contributes to the prevention effort.

Few crises have called out for more sustained constructive American leadership. This legislation before us makes that commitment. I urge our colleagues to support it. Once again, I salute you, Mr. PAYNE, for your leadership in so many ways that relate to, again, the eradication of disease and the alleviation of poverty and the strength of America related to that and how we are viewed in the world and how that all contributes to a healthier America.

All of these, if we don't, we will have a fury of despair that springs from a lack of hope in the world that contributes to violence and, again, takes us back to the security of our country. So for that security, and out of compassion, I urge my colleagues to support this initiative, which is President's Bush's initiative, named for our colleagues, Mr. Lantos and Mr. Hyde, put forth by the chair, Mr. BERMAN, and Congresswoman ROS-LEHTINEN in a strong bipartisan way, and we salute that, and advocated by Mr. PAYNE of New Jersey.

I urge my colleagues to support it.

INTRODUCTION/ACKNOWLEDGEMENTS

I rise today in strong support of the Tom Lantos and Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act.

I congratulate Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN for their bipartisan efforts to fight HIV/AIDS and to help alleviate poverty and disease in the developing world.

PROGRESS IN THE FIGHT AGAINST AIDS

This legislation is appropriately named to honor the two authors of the first historic President's Emergency Plan for AIDS Relief legislation in 2003. That landmark bill authorized $15 billion over 5 years.

Working together with the Bush administration and the Appropriations Committee we succeeded in: providing lifesaving antiretroviral treatment to almost 1.5 million people; supporting care for nearly 6.7 million including more than 2.7 orphans and vulnerable children; and supporting prevention of more than 150,000 infant infections.

NEXT STEPS

Now we must take the next step in fighting AIDS in the poorest countries of the world.

The legislation before us today will move us from the emergency phase to the sustainability phase in fighting AIDS, TB and Malaria.

The legislation will: authorize $50 billion for the sustained commitment required to stop the global AIDS pandemic; dramatically strengthen health care delivery systems; encourage new and innovative ways to deliver the ABC prevention message; improve relationships with governments and NGOs; eliminate the requirement that one third of the funding be used for abstinence programs; improve services for women and girls and prevent violence against them; and build stronger linkages to health care and hunger initiatives.

CLOSE

The Leadership Against HIV/AIDS Act is our compact with developing nations across the globe. It says that America stands with them in this fight, that our commitment will not waver, and shows them America's true face of compassion.

Since the HIV/AIDS epidemic began, 20 million men, women, and children have died from the disease. Forty million around the globe are HIV-positive. Each and every day, another 6,000 people become infected with HIV.

In addition, the number of orphans, vulnerable children with sick parents, and adolescents at risk for HIV continues to grow, with an estimated 19 million needing assistance by 2010. There is a moral imperative to combat this epidemic.

Few crises have called out more for sustained, constructive America leadership. The legislation before us makes that commitment and I urge its adoption.

Ms. ROS-LEHTINEN. Madam Chairman, I would like to yield myself such time as I may consume.

Madam Chairman, sometimes when we are negotiating legislative text or debating the merits of an important bill, such as the one before us today, we can lose sight of the extent of the impact that our decisions here can have on the lives of so many.

I would like to quote from some of the African leaders whose people and societies have been rescued from certain death by our PEPFAR programs. The President of Tanzania has said the following, "There would have been so many orphans to date. Had it not been for PEPFAR, the care and treatment, so many parents now who would have been infected can now live. And some of them can live as many years as possible. So can you imagine if this program is discontinued or disrupted? There would be so many people who would lose hope, and certainly there would be death. You create more orphans. So my passionate appeal is for PEPFAR to continue."

Or listen to the words of the President of Botswana when he said, "PEPFAR is now a critical partner in the historic and heroic battle to save lives. PEPFAR has turned despair into hope. PEPFAR has galvanized donor countries and agencies alike to act in concert in the interest of humanity. If the fund is not renewed and if it is not replenished, the momentum generated by PEPFAR thus far will no doubt be lost, and the hope rekindled by the generosity of the American people will be extinguished. I say this to you," said the President of Botswana, "and that's what I said to the congressional committees recently."

So, Madam Chairman, these and so many other statements reflect the human contribution of this critical United States program. But they also demonstrate that PEPFAR programs are helping to win hearts and minds throughout the world. They are building and strengthening the bonds between the governments and the people of these countries and the United States of America. They are building good will toward our Nation and toward the American people.

Madam Chairman, after the deplorable attacks on our Nation on that fateful day almost 7 years ago, we in this Chamber committed ourselves to using the range of U.S. foreign policy tools, including soft power, to counter the conditions that breed hatred, intolerance and radicalism; radicalism that targets the United States, our interests and our allies, and seeks to undermine our freedom and democracy everywhere. The bill before us is a vital tool in that effort.

Again, as our former colleague, our Ambassador to Tanzania has said, "I want you to know that PEPFAR is crucial to my current mission as Ambassador to the United Republic of Tanzania. It is a tremendous public diplomacy tool that shows America at her best, a compassionate partner who is committed to helping Tanzania meet its enormous HIV/AIDS challenges."

"I was asked to present remarks to the National Consultive Meeting of Islamic Leaders and Scholars here in Dar es Salaam," continues the Ambassador. "This was a historic gathering, as it was the first time that the most esteemed Muslim leaders of Tanzania had gathered together to discuss their role in the fight against HIV/AIDS. They invited me to speak alongside the President because of their concern about HIV/AIDS and their awareness of America's historic contribution to HIV prevention, treatment and care programs." Why? Because of PEPFAR. "So as we help to save lives and restore hope," the Ambassador ends, "we are leaving a lasting impression on the people of this country."

Madam Chairman, I hope that our colleagues will see the great merit of this program and that we will continue to build upon it to save many more lives.

With that, I reserve the balance of my time.

Mr. BERMAN. Madam Chairman, I am pleased to yield 2 minutes to my friend and colleague from California, the gentlelady, MAXINE WATERS.

Ms. WATERS. Madam Chairman and Members, I am pleased and proud to be here today to commend not only Chairman BERMAN but the late Tom Lantos and Henry Hyde for their wisdom and their foresight in putting together this most important legislation.

Ladies and gentlemen, I just returned from South Africa and I am pleased to announce that while I was there, I was recognized and given the Order of the Companions of Oliver Tombo Award for my work to help dismantle apartheid in South Africa, and basically for being a friend of South Africa's. I was very proud.

But as I sat there talking with President Umbeke and others, I was reminded that in South Africa there is an estimated 5.5 million people living with HIV and AIDS. That is more than any other country in the world. Over 18 percent of the adult population of South Africa is infected by HIV. Infected persons include thousands of well-educated professionals, such as doctors, nurses, civil servants, and teachers.

In recognizing that we have done a great job in helping to promote democracy and get rid of apartheid, the enemy now is HIV and AIDS and tuberculosis. They are losing all of their professionals. They don't have the personnel to carry out the plan that they have put together to continue to move South Africa to where South Africa needs to be.

I was very proud that they had built 2.3 million new houses over the last 10 years. But, again, tuberculosis, HIV and AIDS is destroying this population. This legislation will help this country and other countries. These are our friends. They love us. And they love us for having been involved in the struggle to help save them. These are countries that we will be able to count on in the world because we have come to their aid.

Let me also recognize that there were many Americans traveling in South Africa. Those Americans who were there are being served by people who live in areas where tuberculosis and HIV is rampant.

So we need this for protection and security of all peoples.

Mr. BERMAN. Might I inquire of the remaining time.

The CHAIRMAN. The gentleman from California has 9 minutes remaining. The gentlewoman from Florida has 18 minutes remaining.

Ms. ROS-LEHTINEN. Thank you, Madam Chairman.

We have no further requests for time. I would like to yield back the balance of my time.

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Mr. BERMAN. Madam Chairman, we have no further requests for time. I would like to make a few closing comments, and I yield myself such time as I may consume.

It is an accident of fate and hanging around a long time that put me in the position of managing this bill today, and it is the first bill not on the Suspension Calendar that has come out of the committee since I have become Chair. But the fact is the work on this legislation began a very long time before I became the Chair.

They have been mentioned before, but there are so many new initiatives and so much thoughtful logic underlying this legislation that I thought it would pay to once again mention a group of staff people who, working under the leadership of our staff director, Dr. Bob King, spent a huge amount of time working for Chairman Lantos, working with the minority staff, to craft what became a strong, bipartisan piece of legislation:

Peter Yeo; Pearl Alice Marsh; Kristin Wells; David Abramowitz; Macani Toungara; Heather Flynn from Chairman PAYNE's Africa Subcommittee; Christos Tsentas from Congresswoman BARBARA LEE's staff; Naomi Seiler and Jessica Boyer from the Government Oversight Committee staff, all played important roles on our side in working on this legislation. Yleem Poblette on the minority staff made major contributions.

The result is a bipartisan product where in a way we have internalized on our side the logic of efforts to change behavior and recognized the validity of abstinence programs in the context of a comprehensive approach to this problem and accepted the value of faith-based organizations, and the minority has accepted the logic that this is a fundamental, moral and humanitarian concern that we should address and be willing to put a lot of value to, because we know it works.

We know there is a direct relationship between the resources we put into this program and the lives saved, the people who can avoid and prevent it, and that it has implications beyond just the moral and humanitarian dimension, as Speaker PELOSI and Congresswoman ROS-LEHTINEN said, in terms of security and economic welfare and economic growth in so many parts of the world, which ultimately all inure to our benefit and our national interest.

So, once again, I am very pleased to be part of this process with my partner, the ranking member.

Mr. SIRES. Madam Chairman, I rise today in support of H.R. 5501, the Tom Lantos Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. The passage of this bipartisan bill will continue Congress' commitment to the fight against HIV, TB and malaria around the world. Currently, 95 percent of people with HIV live in the developing world, and I believe we must be leaders in combating the global AIDS crisis. H.R. 5501 would: dramatically boost HIV/AIDS programs for women and girls, strengthen health and education systems in nations hard-hit by the HIV virus, and provide funding for orphans and vulnerable children, as well as food and nutrition programs.

The World Health Organization estimates that over 38 million people are living with HIV/AIDS.

I believe H.R. 5501 provides needed funding and support to transition the very successful PEPFAR program, and I urge my colleagues to vote in favor of this bill. Finally, I can think of no better way to honor our late chairman, Tom Lantos, and his predecessor, Henry Hyde, by naming this bill after them. Chairman Lantos was an inspiration to so many and spent his entire life fighting for those around the world that were less fortunate. His memory will live on through his wife, family, and the lives of those who are saved with this vital legislation.

Ms. SCHAKOWSKY. Madam Chairman, I want to commend the chairman and ranking member of the committee for their work in bringing such a strong reauthorization before us today.

In an op-ed that appeared in the Washington Post a few weeks ago, Michael Gerson wrote that in voting for this bill, members of Congress can participate in "something extraordinary—a true miracle of science and conscience, and politics at its noblest."

When the emergency plan for aids was first announced, there were approximately 50,000 people on AIDS drugs in sub-Saharan Africa. Today there are roughly 1.4 million, so I share Mr. Gerson's enthusiasm for this bill, and I am proud of the statement we will make as a Congress by passing it.

I am also extremely encouraged by provisions in the Senate bill that will play a key role in the development of safe and effective microbicides. I hope that in conference, the Committee will look at these microbicides provisions, which hold great promise to save the lives of millions of women as part of a comprehensive program to stem the spread of global AIDS.

I am so pleased to be able to lend my voice in support of this critical and imperative bill. I urge my colleagues to support it.

Mr. GENE GREEN of Texas. Madam Chairman, I rise today to show my support for H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. This important bill will aim to address the devastating effects of AIDS, malaria, and tuberculosis on our global community.

Numbers from the Joint United Nations Program on HIV/AIDS show that since AIDS was identified in 1981, about 65 million people have been infected with HIV and more than 30 million have died from AIDS. These numbers include the figures from 2005 that show more than 2 million of those living with HIV/AIDS were children and the daily infection of an estimated 1,500 children worldwide was due in large part to inadequate access to drugs that prevent the transmission from mother to child.

Additionally, programs within the Department of Health and Human Services account for 71 percent of the total amount spent, with the U.S. as the largest single contributor to the Global Fund, an independent foundation dedicated to disbursing new resources in developing countries aimed at combating AIDS, tuberculosis and malaria.

This bill will further these efforts that we started 5 years ago by raising the United States' contribution to $50 billion over the next 5 years. I am also encouraged that this bill will encourage the development of a TB vaccine.

The TB germ is constantly changing and drug resistant strains have been found in 28 countries on 6 continents, including right here in the United States, where it is estimated that

10 to 15 million people in the U.S. have latent TB. These drug resistant forms of TB have severe implications both internationally and domestically.

The World Health Organization recently released its new tuberculosis drug resistance surveillance report. The WHO found that the MDR and XDR strains of TB are at their highest levels ever. Both of these strains are far deadlier than normal TB, and are much more difficult and expensive to treat.

In fact, the Department of Homeland Security recently identified XDR–TB as an "emerging threat to the homeland." For this reason, we need to devote resources to stopping this disease and developing a new vaccine is the first step. This is not a partisan issue.

Some of my colleagues might ask why an AIDS reauthorization bill should be the vehicle for doing this; there is a very simple reason. TB is the number one infectious killer among people living with HIV/AIDS, and accounts for up to half of HIV/AIDS deaths in some parts of Africa. If we do not address TB in a systematic way and work to develop a vaccine, then much of the progress that we have made on addressing HIV/AIDS globally will be undone.

Studies also show that the 10-year economic benefits of a TB vaccine that was only 75 percent effective could result in an estimated savings of $25 billion dollars. There is no denying that this is a significant amount. Our current TB vaccine, BCG, is more than 85 years old and is not compatible against pulmonary TB, which accounts for most TB cases.

This legislation is a good start in our critical battle against TB. Finally, I am happy to see that this bill will encourage public-private partnerships in combating these diseases. The Baylor Pediatric AIDS Initiative has been working in Africa for several years, and the government should work with this and similar programs to leverage the expertise that they can provide.

I support these strong health initiatives across the globe and I encourage my colleagues to do the same.

Mrs. TAUSCHER. Madam Chairman, I rise today in support of H.R. 5501, the Lantos-Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

The world has achieved more in the fight against HIV/AIDS in the past decade than it has since this deadly epidemic began nearly 30 years ago, due in no small part to the efforts of the President's Emergency Plan for AIDS Relief (PEPFAR), combined with Congressional enactment of the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2003.

As a nation, we have provided care for more than 6 million HIV-infected individuals, including nearly 3 million orphans. We have prevented 150,000 infant infections by providing mother-to-child HIV transmission prevention services for more than 10 million pregnancies. And we have provided anti-retroviral drugs for nearly 1.5 million men, women, and children.

Yet in an era where 40 million men, women, and children are infected with HIV worldwide, and where infections continue at a rate of nearly 6,000 per day, U.S. global leadership on HIV/AIDS—as well as the associated diseases of TB and malaria—remains as important as ever.

I quote Stephen Lewis, the former United Nations Special Envoy for HIV/AIDS in Africa: "the international community must now finally keep its word and mobilize for global AIDS treatment delivery . . . it is a moral imperative that global leaders and institutions keep their promises to scale up AIDS services with urgency and increased resources."

I believe passage of H.R. 5501 displays our commitment to doing just that.

This legislation authorizes $50 billion over the next 5 years, including $41 billion for HIV/AIDS, $4 billion for tuberculosis, and $5 billion for malaria, and is designed to move these programs from the "emergency" phase, towards greater sustainability.

In particular, I am pleased to see a strengthened focus on the needs of women and girls, and prevention and treatment programs targeted towards this population—including, for the first time, the provision of HIV/AIDS testing and counseling services in family planning programs. I would note that concerns have been raised that the bill's language would block HIV testing and counseling services from being offered by family planning providers that are not compliant with the misguided "global gag rule" policy, and I hope that Congressional intent can be clarified that this is not the case.

I am also supportive of provisions that remove the requirement targeting one-third of prevention funding towards abstinence-only programs. Prevention programs must be evidence-based, rather than ideologically-based.

This legislation doubles, to $2 billion per year, the U.S. contribution to the multilateral Global Fund to Fight AIDS, Tuberculosis, and Malaria. The Global Fund, with its emphasis on stimulating a global commitment under an umbrella organization with a truly international AIDS budget, is the best chance the world has of combating this epidemic. I urge my colleagues and the President to ensure that these new authorization levels are fully funded.

Madam Chairman, I applaud the bipartisan work of the Foreign Affairs Committee, including its new Chairman, HOWARD BERMAN, and Ranking Member ILEANA ROS-LEHTINEN. I also want to recognize and commemorate the leadership of our dear friend, Congressman Tom Lantos, whose commitment to the most vulnerable people worldwide continues to be felt through our work on HIV/AIDS. I urge my colleagues to support H.R. 5501.

Mr. WAXMAN. Madam Chairman, as one of the original cosponsors of this bill, I am proud of what it represents, and I strongly urge my colleagues to support it. This five-year reauthorization tells the world that the United States is truly committed to a sustainable global response to HIV, TB, and malaria.

The bill raises our financial commitment. It authorizes the strengthening of local health systems and the training of workers, including the doctors and nurses on whom the sustainability of this program will rely.

The bill also eliminates the onerous abstinence-only spending requirement. It replaces it with a provision directing country teams to tell Congress if they spend less than half of their funds for sexual transmission on behavior change programs. This is merely a reporting requirement, and should not be understood as a restriction on country spending.

I do want to acknowledge some concerns about the bill. Many would have liked to see stronger and more inclusive language encouraging linkages to reproductive health services. I would have liked to see such language too.

There is also concern about the current requirement that recipients sign an "anti-prostitution pledge." People involved in sex work are very vulnerable to HIV infection, along with many other health and social risks. But what we hear from the field is that the pledge has had the unintended consequence of making groups shy away from effective outreach programs for sex workers. They are scared of running afoul of this broad oath requirement. I'm disappointed that we weren't able to eliminate it.

While I think we've got more work to do in certain areas, I'd like to take this opportunity to comment on several elements of the bill which I believe are vitally important.

First, despite the prostitution pledge, it is unambiguous that the intent of Congress is to direct close attention to the needs of sex workers and other marginalized groups. The bill specifically directs the provision of care, treatment, and prevention services to sex workers, injection drug users, and men who have sex with men. And it requires the development of strategies for providing evidence-based prevention services to each of these populations.

This bill also makes some important refinements to the treatment program. The expansion of antiretroviral services has been a huge success. But many people still lack needed treatment. Others require more expensive second-line therapy. And while significant progress has been made in the utilization of generic drugs, some U.S. dollars are still being used to buy brand-name drugs when lower-cost generics are available.

In light of these challenges, this bill instructs the AIDS coordinator to develop mechanisms for encouraging and facilitating the purchase of safe and effective drugs at the lowest possible price. The bill also requires the coordinator to report annually on the amounts paid for generic and branded antiretroviral drugs. And it requires that information on drug pricing be shared and updated routinely, so our partners can make purchases based on the best available information.

Finally, I'd like to note that this bill puts an important new emphasis on research. While we've learned much through this program, we haven't seen a coordinated research agenda to address questions about what works and what doesn't, especially in the area of prevention. This bill mandates a detailed strategic plan for program monitoring, operational research and impact evaluation research. It also requires a strategy for maximizing the capacity of host countries to conduct their own research.

But we should not let these developments make us complacent. The most basic, but often most pressing, health needs of the world's poor aren't being met. Children are still dying for lack of clean drinking water. Women face staggering rates of morbidity and death related to pregnancy and childbirth. And people across the world succumb to disability and death from treatable, and often preventable, illnesses.

As we pass this bill today, let's not forget these other pressing health problems. I urge my colleagues to vote yes on H.R. 5501. And I hope that the lessons and successes of our global AIDS program inspire us to reinvigorate our commitment to a broader global health agenda.

Mr. VAN HOLLEN. Madam Chairman, I rise in strong support of the critical bipartisan Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

We have a moral obligation to address the global pandemics of HIV/AIDS, tuberculosis and malaria. It was 5 years ago that Congress took leadership to address this crisis. Today, because of Congress's actions, the United States has become the leading provider in the world of HIV/AIDS assistance, treatment, prevention and care.

AIDS continues to be the leading cause of death in sub-Saharan Africa. The United Nations estimates that 33 million people are infected with HIV worldwide, with an estimated 22 million HIV-infected people in sub-Saharan Africa. Approximately 1.6 million deaths in sub-Saharan African resulted from AIDS in 2007. This legislation reaffirms our commitment to combating this deadly epidemic by reauthorizing the 2003 law and will give more flexibility to host governments in planning, directing, and managing prevention, treatment and care programs that have been established with our assistance.

I am pleased that the bill also includes a provision that authorizes funding for U.S. contributions to research and development of a tuberculosis vaccine. Tuberculosis is a deadly epidemic that faces our planet today. Nearly 2 million people die from it each year and approximately 9 million are diagnosed with tuberculosis annually. It is the largest killer of people with HIV/AIDS, accounting for one-third of AIDS deaths alone. The current tuberculosis vaccine is more than 85 years old and is unreliable against pulmonary tuberculosis. New tuberculosis vaccines have the potential to save millions of lives and would lead to substantial cost savings.

Madam Chairman, let us honor the spirit of the two men—Chairmen Lantos and Hyde—who guided the 2003 law through this body in bipartisan manner by passing this much needed legislation to combat these deadly diseases.

Mr. MORAN of Virginia. Madam Chairman, I rise today in support of this important bill. PEPFAR-funded programs have provided life-saving assistance in the fight against HIV/AIDS, and I welcome any expansion of this assistance. Additionally, I am pleased that we have removed the "hard earmark" requiring 33% of all prevention funds be spent on abstinence-only until marriage programs. Studies by GAO and the Institutes of Medicine found that the one-third earmark undermines successful HIV prevention efforts by limiting flexibility in developing countries. However, I continue to be concerned about any funds being directed towards unproven, ineffective programs using the "abstinence-only" approach. I worry that the new "balanced funding" requirement may cause mission directors and public health officials to be anxious about doing what they think Congress wants, instead of what is needed in the field. Public health experts on the ground are the ones who can best determine the mix of prevention activities, especially since what works for one culture may be disastrous for another. Even in our own country, young people who take part in abstinence-only education are less likely to use condoms. With 15,000 new HIV infections every day, the need for additional resources is clearly tremendous, and I'm extremely supportive of the goals of this important legislation, and I continue to believe that our highest priority should be funding science-based, comprehensive efforts to prevent HIV.

Ms. WATERS. Madam Chairman, I strongly support H.R. 5501, the Tom Lantos and Henry Hyde Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. This bill authorizes $50 billion over the next five years for international health programs, including $41 billion for HIV/AIDS treatment and prevention, $4 billion for tuberculosis programs, and $5 billion for malaria programs.

I just returned from South Africa, where I received the "OR Tambo Award," from South African President Thabo Mbeki. I received this award because of my efforts to end the brutal system of apartheid in South Africa and to obtain the release of South African anti-apartheid activist Nelson Mandela from prison. Apartheid was dismantled and Nelson Mandela was elected President of South Africa in 1994, when South Africa held its first democratic elections.

I was very proud to receive the OR Tambo Award because I have always been and continue to be a friend to South Africa. However, in South Africa today, the enemy is HIV/AIDS. It is estimated that 5.5 million people are living with HIV/AIDS in South Africa. That is more than any other country in the world. Over 18 percent of the adult population of South Africa is infected by HIV. Infected persons include thousands of well-educated professionals, such as doctors, nurses, civil servants and teachers.

Everywhere I went in South Africa, people told me about the terrible problem they have trying to fill professional positions. The shortage of educated professionals is a result of the fact that so many South African professionals have died of AIDS or are too sick to work.

The involvement of doctors, nurses, teachers, and other professionals is critical to stopping the spread of HIV and AIDS. That is why I am pleased that this bill includes provisions to strengthen the health care infrastructure in countries like South Africa and train at least 140,000 new health care professionals and workers for HIV/AIDS prevention, treatment and care. The bill also includes prevention funds to stop the spread of HIV and treatment funds to allow infected individuals to live productive lives and continue to serve their communities.

It is impossible to address HIV without also addressing tuberculosis. Almost 9 million people develop tuberculosis every year. At least 2.4 million are killed by the disease. According to the World Health Organization, HIV and tuberculosis form a lethal combination, each speeding the progress of the other. In the past 15 years, tuberculosis rates have doubled in Africa overall and tripled in areas with high HIV concentrations. In some areas of Africa, up to 80 percent of tuberculosis patients also test positive for HIV. This makes tuberculosis clinics an ideal location for HIV prevention, treatment, and care.

I urge all of my colleagues to support this bill and help stop the spread of HIV/AIDS, tuberculosis, and malaria in South Africa and around the world.

Mr. HOLT. Madam Chairman, I rise today in strong support of the Tom Lantos and Henry J. Hyde United States Global Leadership against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, H.R. 5501.

This important legislation reauthorizes and expands the President's Emergency Plan for AIDS Relief (PEPFAR). I have long supported this bold initiative that has made the U.S. a leader in this critical health and moral issue of our time. PEPFAR has shown to the world our nation's vision and compassion in addressing this healthcare crisis.

Five years ago, an estimated 31 million people were living with HIV/AIDS worldwide, antiretroviral drug treatments were expensive, and approximately 8,200 people were infected with HIV/AIDS every day.

I have heard from a number of my constituents about their support for continued U.S. efforts to combat AIDS and the spread of HIV around the globe. It is obvious that Americans care. In the absence of a cure for AIDS, this worldwide epidemic continues to spread at an alarming rate.

That is why I am pleased that H.R. 5501 makes an important transition from emergency relief to the establishment of long-term and sustainable AIDS relief programs. The legislation also works to better integrate the tuberculosis and malaria programs with the HIV/AIDS programs. This is essential because in sub-Saharan Africa tuberculosis is the leading killer of individuals with HIV/AIDS.

Since the creation of this program, the United States has invested more than $19 billion to combat HIV/AIDS, tuberculosis, and malaria. The results have been striking. By the end of 2007, the United States had helped provide anti-retroviral drug treatments to approximately 1.5 million people with AIDS, supported care for 6.6 million—including 2.7 million orphans and vulnerable children—and helped to prevent more than 157,000 infant infections.

H.R. 5501 greatly expands our efforts abroad by authorizing a total of $50 billion over five years. This total includes $41 billion for HIV/AIDS programs, $5 billion for malaria programs, and $4 billion for tuberculosis programs. This dramatic increase in funding will help partner countries continue to identify and meet targets for treatment and prevention. Additionally, the funding will help build and strengthen the existing health systems in host countries.

While I support the underlying bill, I do have some concern about one specific issue. I have long been concerned by the restrictions placed on how PEPFAR funds can be spent. I have opposed the requirement that one-third of the funds be spent on abstinence-only education because it has not proven to be a successful way to prevent the spread of HIV/AIDS. A report by the Government Accountability Office found that this restriction tied the local hands of public health workers.

I believe that PEPFAR funds should be spent on the most effective HIV/AIDS treatment and prevention strategies available. That is why I am pleased that H.R. 5501 removes the requirement that one-third of the funds be spent on abstinence education. As this bill works through the legislative process, I hope that any language in the bill that might be interpreted to limit funding to programs that are compliant with the global gag rule be removed.

Madam Chairman, our country has done more to end the spread of HIV/AIDS in the last five years than any nation in the history of the world. We must continue. This bill represents a reasonable expansion of our efforts and makes the important transition to permanent HIV/AIDS relief. I urge my colleagues to support this investment in the health of our global community and in the fight against HIV/AIDS.

Mrs. LOWEY. Madam Chairman, I rise today to urge my colleagues to vote in favor of H.R. 5501, the Tom Lantos and Henry J. Hyde U.S. Global Leadership against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act.

Over the past five years two major initiatives have been created to combat HIV/AIDS and TB: the Global Fund and the President's Emergency Plan for AIDS Relief (PEPPAR). These initiatives have provided over $18 billion and exceeded the President's target of $15 billion by more than $3 billion. As we seek to reauthorize this program today, I commend the target of $50 billion over the next five years for these critical programs. This funding will allow us to prevent 12 million new HIV infections, provide treatment for 3 million people living with HIV/AIDS, treat 450,000 children and provide care for 12 million individuals, including 5 million orphans and vulnerable children. This funding will reduce tuberculosis deaths and disease burden by half, the primary cause of death for those living with HIV/AIDS.

Five years ago, only 50,000 people living with HIV/AIDS were receiving antiretroviral treatment. Today with American leadership, almost 2 million people are receiving treatment. Clearly, we are making a difference.

With this next phase, we need to devote more resources to strengthen the capacity of nations to meet their own health challenges. If any of these interventions are to be sustainable in the long term, it requires that developing countries be able to shoulder more of the responsibility for the health of their populations. I am pleased that this bill invests more in health infrastructure and the training of healthcare professionals. In addition, I am pleased that the bill recognizes the important role played by the Global Fund to Fight AIDS, Tuberculosis, and Malaria in empowering countries to address their own health problems.

The HIV/AIDS pandemic has ravaged the world, especially the African continent, and shows no signs of slowing down. While U.S.-funded HIV/AIDS prevention programs reached 57 million people last year alone, new infections are on the rise. It is essential that we renew our focus on prevention efforts, including key work on preventing mother-to-child transmission. Additionally, we must provide the flexibility to respond to the needs of the communities served including through the removal of the abstinence earmark in this bill, which I applaud.

While I believe this bill represents the strong bipartisan commitment of Congress to combating these epidemics, I am disappointed that the bill took a step backwards in the struggle for poor women to receive access to critical family planning services. A provision in the bill could be interpreted to limit, for the first time and contrary to current practice, the types of family planning programs that would be eligible for PEPFAR funding. I understand this was not the intent of the Committee and hope that this issue can be addressed during conference.

I commend Congressman BERMAN and Congresswoman ROS-LEHTINEN for crafting a bipartisan bill that will save millions of lives. It truly honors the legacy of our great colleagues, Congressman LANTOS and Congressman HYDE.

I urge my colleagues to vote in favor of this critical legislation.

Mr. BERMAN. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 5501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Purpose.

TITLE I—POLICY PLANNING AND COORDINATION

Sec. 101. Development of a comprehensive, five-year, global strategy.
Sec. 102. HIV/AIDS Response Coordinator.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

Sec. 201. Sense of Congress on public-private partnerships.
Sec. 202. Participation in the Global Fund to Fight AIDS, Tuberculosis and Malaria.
Sec. 203. Voluntary contributions to international vaccine funds.
Sec. 204. Program to facilitate availability of microbicides to prevent transmission of HIV and other diseases.
Sec. 205. Plan to combat HIV/AIDS, tuberculosis, and malaria by strengthening health policies and health systems of host countries.

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

Sec. 301. Assistance to combat HIV/AIDS.
Sec. 302. Assistance to combat tuberculosis.
Sec. 303. Assistance to combat malaria.
Sec. 304. Health care partnerships to combat HIV/AIDS.

Subtitle B—Assistance for Women, Children, and Families

Sec. 311. Policy and requirements.
Sec. 312. Annual reports on prevention of mother-to-child transmission of the HIV infection.
Sec. 313. Strategy to prevent HIV infections among women and youth.
Sec. 314. Clerical amendment.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Sense of Congress.
Sec. 403. Allocation of funds.
Sec. 404. Prohibition on taxation by foreign governments.

TITLE V—SUSTAINABILITY AND STRENGTHENING OF HEALTH CARE SYSTEMS

Sec. 501. Sustainability and strengthening of health care systems.
Sec. 502. Clerical amendment.

SEC. 2. FINDINGS.

Section 2 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601) is amended by adding at the end the following:

"(29) The HIV/AIDS pandemic continues to pose a major threat to the health of the global community, from the most severely-affected regions of sub-Saharan Africa and the Caribbean, to the emerging epidemics of Eastern Europe, Central Asia, South and Southeast Asia, and Latin America.

"(30) According to UNAIDS' 2007 global estimates, there are 33.2 million individuals with HIV/AIDS worldwide, including 2.5 million people newly-infected with HIV. Of those infected with HIV, 2.5 million are children under 15 who also account for 460,000 of the newly-infected individuals.

"(31) Sub-Saharan Africa continues to be the region most affected by the HIV/AIDS pandemic. More than 68 percent of adults and nearly 90 percent of children with HIV/AIDS live in sub-Saharan Africa, and more than 76 percent of AIDS deaths in 2007 occurred in sub-Saharan Africa.

"(32) Although sub-Saharan Africa carries the heaviest disease burden of HIV/AIDS, the HIV/AIDS pandemic continues to affect virtually every world region. While prevalence rates are relatively low in Eastern Europe, Central Asia, South and Southeast Asia, and Latin America, without effective prevention strategies, HIV prevalence rates could rise quickly in these regions.

"(33) By world region, according to UNAIDS' 2007 global estimates—

"(A) in sub-Saharan Africa, there were 22.5 million adults and children infected with HIV, up from 20.9 million in 2001, with 1.7 million new HIV infections, a 5 percent prevalence rate, and 1.6 million deaths;

"(B) in South and Southeast Asia, there were 4 million adults and children infected with HIV, up from 3.5 million in 2001, with 340,000 new HIV infections, a 0.3 percent prevalence rate, and 270,000 deaths;

"(C) in East Asia, there were 800,000 adults and children infected with HIV, up from 420,000 in 2001, with 92,000 new HIV infections, a 0.1 percent prevalence rate, and 32,000 deaths;

"(D) in Eastern and Central Europe, there were 1.6 million adults and children infected with HIV, up from 630,000 in 2001, with 150,000 new HIV infections, a 0.9 percent prevalence rate, and 55,000 deaths; and

"(E) in the Caribbean, there were 230,000 adults and children infected with HIV, up from 190,000 in 2001, with 17,000 new HIV infections, a 1 percent prevalence rate, and 11,000 deaths.

"(34) Tuberculosis is the number one killer of individuals with HIV/AIDS and is responsible for up to one-half of HIV/AIDS deaths in Africa.

"(35) The wide extent of drug resistant tuberculosis, including both multi-drug resistant tuberculosis (MDR–TB) and extensively drug resistant tuberculosis (XDR–TB), driven by the HIV/AIDS pandemic in sub-Saharan Africa, has hampered both HIV/AIDS and tuberculosis treatment services. The World Health Organization (WHO) has declared the prevalence of tuberculosis to be at emergency levels in sub-Saharan Africa.

"(36) Forty percent of the world's population, mostly poor, live in malarial zones, and malaria, which is highly preventable, kills more than 1 million individuals worldwide each year. Ninety percent of malaria's victims are in sub-Saharan Africa and 70 percent of malaria's victims are children under the age of 5. Additionally, hunger and malnutrition kill another 6 million individuals worldwide each year.

"(37) Assistance to combat HIV/AIDS must address the nutritional factors associated with the disease in order to be effective and sustainable. The World Food Program estimates that 6.4 million individuals affected by HIV will need nutritional support by 2008.

"(38) Women and girls continue to be vulnerable to HIV, in large part, due to gender-based cultural norms that leave many women and girls powerless to negotiate social relationships.

"(39) Women make up 50 percent of individuals infected with HIV worldwide. In sub-Saharan Africa, where the HIV/AIDS epidemic is most severe, women make up 57 percent of individuals infected with HIV, and 75 percent of young people infected with HIV in sub-Saharan Africa are young women ages 15 to 24.

"(40) Women and girls are biologically, socially, and economically more vulnerable to HIV infection. Gender disparities in the rate of HIV infection are the result of a number of factors, including the following:

"(A) Cross-generational sex with older men who are more likely to be infected with HIV, and a lack of choice regarding when and whom to marry, leading to early marriages and high rates of child marriages with older men. About one-half of all adolescent females in sub-Saharan Africa and two-thirds of adolescent females in Asia are married by age 18.

"(B) Studies show that married women and married and unmarried girls often are unable or find it difficult to negotiate the frequency and timing of sexual intercourse, ensure their partner's faithfulness, or insist on condom use. Under these circumstances, women often run the risk of being infected by husbands or male partners in societies where men in relationships have more than one partner. Behavior change is particularly important in societies in which this is a common practice.

"(C) Because young married women and girls are more likely to have unprotected sex and have more frequent sex than their unmarried peers, and women and girls who are faithful to their spouses can be placed at risk of HIV/AIDS through a husband's infidelity or prior infection, marriage is not always a guarantee against HIV infection, although it is a protective factor overall.

"(D) Social and economic inequalities based largely on gender limit access for women and girls to education and employment opportunities and prevent them from asserting their inheritance and property rights. For many women, a lack of independent economic means combines with socio-cultural practices to sustain and exacerbate their fear of abandonment, eviction, or ostracism from their homes and communities and can leave many more women trapped within relationships where they are vulnerable to HIV infection.

"(E) A lack of educational opportunities for women and girls is linked to younger sexual debut, earlier childhood marriage, earlier childbearing, decreased child survival, worsening nutrition, and increased risk of HIV infection.

"(F) High rates of gender-based violence, rape, and sexual coercion within and outside marriage contribute to high rates of HIV infection. According to the World Health Organization, between one-sixth and three-quarters of women in various countries and settings have experienced some form of physical or sexual violence since the age of 15 within or outside of marriage. Women who are unable to protect themselves from such violence are often unable to protect themselves from being infected with HIV through forced sexual contact.

"(G) Fear of domestic violence and the continuing stigma and discrimination associated with HIV/AIDS prevent many women from accessing information about HIV/AIDS, getting tested, disclosing their HIV status, accessing services to prevent mother-to-child transmission of HIV, or receiving treatment and counseling even when they already know they have been infected with HIV.

"(H) According to UNAIDS, the vulnerability of individuals involved in commercial sex acts to HIV infection is heightened by stigmatization and marginalization, limited economic options, limited access to health, social, and legal services, limited access to information and prevention means, gender-related differences and inequalities, sexual exploitation and trafficking, harmful or non-protective laws and policies, and exposure to risks associated with commercial sex acts, such as violence, substance abuse, and increased mobility.

"(I) Lack of access to basic HIV prevention information and education and lack of coordination with existing primary health care to reduce stigma and maximize coverage.

"(J) Lack of access to currently available female-controlled HIV prevention methods, such as the female condom, and lack of training on proper use of either male or female condoms.

"(K) High rates of other sexually transmitted infections and complications during pregnancies and childbirth.

"(L) An absence of functioning legal frameworks to protect women and girls and, where such frameworks exist, the lack of accountable and effective enforcement of such frameworks.

"(41) In addition to vulnerabilities to HIV infection, women in sub-Saharan Africa face a 1-in-13 chance of dying in childbirth compared to a 1-in-16 chance in least-developed countries worldwide, a 1-in-60 chance in developing countries, and a 1-in-4,100 chance in developed countries.

"(42) Due to these high maternal mortality rates and high HIV prevalence rates in certain countries, special attention is needed in these countries to help HIV-positive women safely deliver healthy babies and save women's lives.

"(43) Unprotected sex within or outside of marriage is the single greatest factor in the transmission of HIV worldwide and is responsible for 80 percent of new HIV infections in sub-Saharan Africa.

"(44) Multiple randomized controlled trials have established that male circumcision reduces a man's risk of contracting HIV by 60 percent or more. Twelve acceptability studies have found that in regions of sub-Saharan Africa where circumcision is not traditionally practiced, a majority of men want the procedure. Broader availability of male circumcision services could prevent millions of HIV infections not only in men but also in their female partners.

"(45)(A) Youth also face particular challenges in receiving services for HIV/AIDS.

"(B) Nearly one-half of all orphans who have lost one parent and two-thirds of those who have lost both parents are ages 12 to 17. These orphans are in particular need of services to protect themselves against sexually-transmitted infections, including HIV.

"(C) Research indicates that many youth benefit from full disclosure of medically accurate, age-appropriate information about abstinence, partner reduction, and condoms. Providing comprehensive information about HIV, including delay of sexual debut and the ABC model: 'Abstain, Be faithful, use Condoms', and linking such information to health care can help improve awareness of safe sex practices and address the fact that only 1 in 3 young men and 1 in 5 young women ages 15 to 24 can correctly identify ways to prevent HIV infection.

"(D) Surveys indicate that no country has succeeded in fully educating more than one-half of its youth about the prevention and transmission of HIV.

"(46) According to the United Nations High Commissioner for Refugees (UNHCR), HIV/AIDS prevalence rates among refugees are generally lower than the HIV/AIDS prevalence rates for their host communities, though perceptions run counter to this fact. However, peacekeeping operations that no longer deploy HIV/AIDS-positive troops still face vulnerabilities to sexual transmission of HIV with HIV-positive individuals in refugee camps. Host countries generally do not provide HIV/AIDS prevention, treatment, and care services for refugees.

"(47) Continuing progress to reach the millions of impoverished individuals who need voluntary testing, counseling, treatment, and care for HIV/AIDS requires increased efforts to strengthen health care delivery systems and infrastructure, rebuild and expand the health care workforce, and strengthen allied and support services in countries receiving United States global HIV/AIDS assistance.

"(48) While HIV/AIDS poses the greatest health threat of modern times, it also poses the greatest development challenge for developing countries with fragile economies and weak public financial management systems that are ill equipped to shoulder the burden of this disease. International donors will have to play a critical role in providing resources for HIV/AIDS programs far into the future.

"(49) The emerging partnerships between countries most affected by HIV/AIDS and the United States must include stronger coordination between HIV/AIDS programs and other United States foreign assistance programs, and stronger collaboration with other donors in the areas of economic development and growth strategies.

"(50) The future control of HIV/AIDS demands coordination between international organizations such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, UNAIDS, the World Health Organization (WHO), the World Bank and the International Monetary Fund (IMF), the international donor community, national governments, and private sector organizations, including community and faith-based organizations.

"(51) The future control of HIV/AIDS further requires effective and transparent public finance management systems in developing countries to advance the ability of such countries to manage public revenues and donor funds aimed at combating HIV/AIDS and other diseases.

"(52) The HIV/AIDS pandemic contributes to the shortage of health care personnel through loss of life and illness, unsafe working conditions, increased workloads for diminished staff, and resulting stress and burnout, while the shortage of health care personnel undermines efforts to prevent and provide care and treatment for individuals with HIV/AIDS.

"(53) The shortage of health care personnel, including doctors, nurses, pharmacists, counselors, laboratory staff, paraprofessionals, trained lay workers, and researchers is one of the leading obstacles to combating HIV/AIDS in sub-Saharan Africa.

"(54) Since 2003, important progress has been made in combating HIV/AIDS, yet there is more to be done. The number of new HIV infections is still increasing at an alarming rate. According to the United States National Institute of Allergy and Infectious Diseases, globally, for every 1 individual put on antiretroviral therapy, 6 individuals are newly infected with HIV.

"(55) The United States Government continues to be the world's leader in the fight against HIV/AIDS and the unsurpassed partner with developing countries in their efforts to control this disease.

"(56) By September 2007, the United States, through the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.), had provided services to prevent mother-to-child-transmission of HIV to women during 10 million pregnancies; provided antiretroviral prophylaxis for women during over 827,300 pregnancies; prevented an estimated 157,240 HIV infections in infants; cared for over 6.6 million individuals, including over 2.7 million orphans and vulnerable children; supported lifesaving antiretroviral therapies for approximately 1.4 million men, women, and children in sub-Saharan Africa, Asia, and the Carribean; and provided counseling and testing to over 33.7 million men, women, and children in developing countries.

"(57) These numbers were achieved because of the commitment of substantial resources and support of the United States Government to our partners on the front lines—the dedicated and committed women and men, communities, and nations who are taking control of the HIV/AIDS epidemics in their own countries.".

SEC. 3. DEFINITIONS.

Section 3(2) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7602(2)) is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

SEC. 4. PURPOSE.

Section 4 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7603) is amended to read as follows:

"SEC. 4. PURPOSE.

"The purpose of this Act is to strengthen and enhance United States global leadership and the effectiveness of the United States response to the HIV/AIDS, tuberculosis, and malaria pandemics and other related and preventable infectious diseases in developing countries by—

"(1) establishing a comprehensive, integrated five-year, global strategy to fight HIV/AIDS, tuberculosis, and malaria that encompasses a plan for continued expansion and coordination of critical programs and improved coordination among relevant executive branch agencies and between the United States and foreign governments and international organizations;

"(2) providing increased resources for United States bilateral efforts to combat HIV/AIDS, tuberculosis, and malaria, particularly for prevention, treatment, and care (including nutritional support), technical assistance and training, the strengthening of health care systems, health care workforce development, monitoring and evaluations systems, and operations research;

"(3) providing increased resources for multilateral efforts to combat HIV/AIDS, tuberculosis, and malaria;

"(4) encouraging the expansion of private sector efforts and expanding public-private sector partnerships to combat HIV/AIDS; and

"(5) intensifying efforts to support the development of vaccines, microbicides, and other prevention technologies and improved diagnostics treatment for HIV/AIDS, tuberculosis, and malaria.".

TITLE I—POLICY PLANNING AND COORDINATION

SEC. 101. DEVELOPMENT OF A COMPREHENSIVE, FIVE-YEAR, GLOBAL STRATEGY.

(a) STRATEGY.—Subsection (a) of section 101 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611) is amended—

(1) in the first sentence of the matter preceding paragraph (1), by striking "to combat" and inserting "to develop efforts further to combat";

(2) by amending paragraph (4) to read as follows:

"(4) provide that the reduction of HIV/AIDS behavioral risks shall be a priority of all prevention efforts in terms of funding, scientifically-accurate educational services, and activities by—

"(A) designing prevention strategies and programs based on sound epidemiological evidence, tailored to the unique needs of each country and community, and reaching those populations found to be most at risk for acquiring HIV infection;

"(B) promoting abstinence from sexual activity and substance abuse;

"(C) encouraging delay of sexual debut, monogamy, fidelity, and partner reduction;

"(D) promoting the effective use of male and female condoms;

"(E) promoting the use of measures to reduce the risk of HIV transmission for discordant couples (where one individual has HIV/AIDS and the other individual does not have HIV/AIDS or whose status is unknown);

"(F) educating men and boys about the risks of procuring sex commercially and about the need to end violent behavior toward women and girls;

"(G) promoting the rapid expansion of safe and voluntary male circumcision services;

"(H) promoting life skills training and development for children and youth;

"(I) supporting advocacy for child and youth community-based protective social services;

"(J) eradicating trafficking in persons and creating alternatives to prostitution;

"(K) promoting cooperation with law enforcement to prosecute offenders of trafficking, rape, and sexual assault crimes with the goal of eliminating such crimes;

"(L) promoting services demonstrated to be effective in reducing the transmission of HIV infection among injection drug users without increasing illicit drug use;

"(M) promoting policies and programs to end the sexual exploitation of and violence against women and children; and

"(N) promoting prevention and treatment services for men who have sex with men;";

(3) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(4) by inserting after paragraph (4) (as amended by paragraph (2) of this subsection) the following:

"(5) include specific plans for linkage to, and referral systems for nongovernmental organizations that implement multisectoral approaches, including faith-based and community-based organizations, for—

"(A) nutrition and food support for individuals with HIV/AIDS and affected communities;

"(B) child health services and development programs;

"(C) HIV/AIDS prevention and treatment services for injection drug users;

"(D) access to HIV/AIDS education and testing in family planning and maternal health programs supported by the United States Government; and

"(E) medical, social, and legal services for victims of violence;";

(5) by redesignating paragraphs (10) and (11) (as redesignated by paragraph (3) of this subsection) as paragraphs (11) and (12), respectively; and

(6) by inserting after paragraph (9) (as redesignated by paragraph (3) of this subsection) the following:

"(10) maximize host country capacities in training and research, particularly operations research;".

(b) REPORT.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking "this Act" and inserting "the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008"; and

(2) in paragraph (3)—

(A) by amending subparagraph (C) to read as follows:

"(C) A description of the manner in which the strategy will address the following:

"(i) The fundamental elements of prevention and education, care and treatment, including increasing access to pharmaceuticals, vaccines, and microbicides, as they become available, screening, prophylaxis, and treatment of major opportunistic infections, including tuberculosis, and increasing access to nutrition and food for individuals on antiretroviral therapies.

"(ii) The promotion of delay of sexual debut, abstinence, monogamy, fidelity, and partner reduction.

"(iii) The promotion of correct and consistent use of male and female condoms and other strategies and skills development to reduce the risk of HIV transmission.

"(iv) Increasing voluntary access to safe male circumcision services.

"(v) Life-skills training.

"(vi) The provision of information and services to encourage young people to delay sexual debut and ensure access to HIV/AIDS prevention information and services.

"(vii) Prevention of sexual violence leading to transmission of HIV and assistance for victims of violence who are at risk of HIV transmission.

"(viii) HIV/AIDS prevention, care, and treatment services for injection drug users.

"(ix) Research, including incentives for HIV vaccine development and new protocols.

"(x) Advocacy for community-based child and youth protective services.

"(xi) Training of health care workers.

"(xii) The development of health care infrastructure and delivery systems.

"(xiii) Prevention efforts for substance abusers.

"(xiv) Prevention, treatment, care, and outreach efforts for men who have sex with men.";

(B) in subparagraph (D), by adding at the end before the period the following: ", including through faith-based and other nongovernmental organizations";

(C) in subparagraph (E), by inserting "access to HIV/AIDS education and testing in family planning and maternal and child health programs supported by the United States Government and" after "the unique needs of women, including";

(D) in subparagraph (F), by inserting "(including by accessing voluntary clinical circumcision services)" after "in their sexual behavior";

(E) in subparagraph (G), by inserting "and men's" after "women's";

(F) by redesignating subparagraphs (M) through (W) as subparagraphs (N) through (X);

(G) by inserting after subparagraph (L) the following:

"(M) A description of efforts to be undertaken to strengthen the public finance management systems of selected host countries to ensure transparent, efficient, and effective management of national and donor financial investments in health.";

(H) in subparagraph (O) (as redesignated by subparagraph (F) of this paragraph), by striking "evaluating programs," and inserting "evaluating programs to ensure medical accuracy, operations research,";

(I) in subparagraph (Q) (as redesignated by subparagraph (F) of this paragraph), by inserting ", strengthen national health care delivery systems, and increase national health workforce capacities," after "HIV/AIDS pandemic";

(J) in subparagraph (R) (as redesignated by subparagraph (F) of this paragraph), by inserting at the end before the period the following: ", including strategies relating to agricultural development, trade and economic growth, and education";

(K) in subparagraph (T) (as redesignated by subparagraph (F) of this paragraph), by inserting "efforts of intergenerational caregivers and" after ", including";

(L) by redesignating subparagraphs (V) through (X) (as redesignated by subparagraph (F) of this paragraph), as subparagraphs (W) through (Y), respectively;

(M) by inserting after subparagraph (U) (as redesignated by subparagraph (F) of this paragraph) the following:

"(V) A plan to strengthen and implement health care workforce strategies to enable countries to increase the supply and retention of all cadres of trained professional and paraprofessional health care workers by numbers that move toward global health program needs and toward targets established by the World Health Organization, while enabling health systems to expand coverage consistent with national and international targets and goals."; and

(N) by striking subparagraph (Y) (as redesignated by subparagraphs (F) and (L) of this paragraph) and inserting the following:

"(Y) A description of the specific strategies, developed in coordination with existing health programs, to prevent mother-to-child transmission of HIV, including the extent to which HIV-positive women and men in treatment, care, and support programs and HIV-negative women and men are counseled about methods of preventing HIV transmission and the extent to which HIV prevention methods are provided on-site or by referral in treatment, care, and support programs.

"(Z) A description of the specific strategies developed to maximize the capacity of health care providers, including faith-based and other nongovernmental organizations, and family planning providers supported by the United States Government to ensure access to necessary and comprehensive information about reducing sexual transmission of HIV among women, men, and young people, including strategies to ensure HIV/AIDS prevention training for such providers.

"(AA) A strategy to work with international and host country partners toward universal access to HIV/AIDS prevention, treatment, and care programs.".

(c) STRATEGIC PLAN FOR PROGRAM MONITORING, OPERATIONS RESEARCH, AND IMPACT EVALUATION RESEARCH.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall develop a 5-year strategic plan for program monitoring, operations research, and impact evaluation research of United States HIV/AIDS, tuberculosis, and malaria programs.

(2) ELEMENTS OF PLAN.—The strategic plan developed under this subsection shall include—

(A) the amount of funding provided for program monitoring, operations research, and impact evaluation research under sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2, 2151b–3, and 2151b–4) and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.) available through fiscal year 2009;

(B) strategies to—

(i) improve the efficiency, effectiveness, quality, and accessibility of services provided under the provisions of law described in subparagraph (A);

(ii) establish the cost-effectiveness of program models;

(iii) ensure the transparency and accountability of services provided under the provisions of law described in subparagraph (A);

(iv) disseminate and promote the utilization of evaluation findings, lessons, and best practices in services provided under the provisions of law described in subparagraph (A); and

(v) encourage and evaluate innovative service models and strategies to optimize the delivery of care, treatment, and prevention programs financed by the United States Government;

(C) priorities for program monitoring, operations research, and impact evaluation research and a time line for completion of activities associated with such priorities; and

(D) other information that the Coordinator determines to be necessary.

(3) CONSULTATION.—In developing the strategic plan under this subsection and implementing, disseminating, and promoting the use of program monitoring, operations research, and impact evaluation research, the Coordinator shall consult with representatives of relevant executive branch agencies, other appropriate executive branch agencies, multilateral institutions involved in providing HIV/AIDS assistance, nongovernmental organizations involved in implementing HIV/AIDS programs, and the governments of host countries.

(4) DEFINITIONS.—In this subsection—

(A) the terms "program monitoring", "operations research", and "impact evaluation research", have the meanings given such terms in section 104A(d)(4)(B) of the Foreign Assistance Act of 1961 (as added by section 301(a)(4)(C) of this Act); and

(B) the term "relevant executive branch agencies" has the meaning given the term in section 3 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7602).

SEC. 102. HIV/AIDS RESPONSE COORDINATOR.

Section 1(f)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting ", host country finance, health, and other relevant ministries" after "community-based organizations)"; and

(B) in clause (iii), by inserting "and host country finance, health, and other relevant ministries" after "community-based organizations)"; and

(2) in subparagraph (B)(ii)—

(A) by striking subclauses (IV) and (V) and inserting the following:

"(IV) Establishing an interagency working group on HIV/AIDS that is comprised of, but not limited to, representatives from the United States Agency for International Development, the Department of Health and Human Services (including the Centers for Disease Control and Prevention, the National Institutes of Health, and the Health Resources and Services Administration), the Department of Labor, the Department of Agriculture, the Millennium Challenge Corporation, the Department of Defense, and the Office of the Coordinator of United States Government Activities to Combat Malaria Globally, for the purposes of coordination of activities relating to HIV/AIDS. The interagency working group shall—

"(aa) meet regularly to review progress in host countries toward HIV/AIDS prevention, treatment, and care objectives;

"(bb) participate in the process of identifying countries in need of increased assistance based on the epidemiology of HIV/AIDS in those countries; and

"(cc) review policies that may be obstacles to reaching objectives set forth for HIV/AIDS prevention, treatment, and care.

"(V) Coordinating overall United States HIV/AIDS policy and programs with efforts led by host countries and with the assistance provided by other relevant bilateral and multilateral aid agencies and other donor institutions to achieve complementarity with other programs aimed at improving child and maternal health, and food security, promoting education, and strengthening health care systems.";

(B) by redesignating subclauses (VII) and (VIII) as subclauses (IX) and (X), respectively;

(C) by inserting after subclause (VI) the following:

"(VII) Holding annual consultations with host country nongovernmental organizations providing services to improve health, and advocating on behalf of the individuals with HIV/AIDS and those at particular risk of contracting HIV/AIDS.

"(VIII) Ensuring, through interagency and international coordination, that United

States HIV/AIDS programs are coordinated with and complementary to the delivery of related global health, food security, and education services, including—

"(aa) maternal and child health care;

"(bb) services for other neglected and easily preventable and treatable infectious diseases, such as tuberculosis;

"(cc) treatment and care services for injection drug users; and

"(dd) programs and services to improve legal, social, and economic status of women and girls.";

(D) in subclause (IX) (as redesignated by subparagraph (B) of this paragraph)—

(i) by inserting "Vietnam, Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, the Dominican Republic" after "Zambia,";

(ii) by adding at the end before the period the following: "and other countries in which the United States is implementing HIV/AIDS programs"; and

(iii) by adding at the end the following: "In designating countries under this subclause, the President shall give priority to those countries in which there is a high prevalence of HIV/AIDS and countries with large populations that have a concentrated HIV/AIDS epidemic.";

(E) by redesignating subclause (X) (as redesignated by subparagraph (B) of this paragraph) as subclause (XII);

(F) by inserting after subclause (IX) (as redesignated by subparagraph (B) and amended by subparagraph (D) of this paragraph) the following:

"(X) Working, in partnership with host countries in which the HIV/AIDS epidemic is prevalent among injection drug users, to establish, as a national priority, national HIV/AIDS prevention programs, including education, and services demonstrated to be effective in reducing the transmission of HIV infection among injection drug users without increasing drug use.

"(XI) Working, in partnership with host countries in which the HIV/AIDS epidemic is prevalent among individuals involved in commercial sex acts, to establish, as a national priority, national prevention programs, including education, voluntary testing, and counseling, and referral systems that link HIV/AIDS programs with programs to eradicate trafficking in persons and create alternatives to prostitution.";

(G) in subclause (XII) (as redesignated by subparagraphs (B) and (E) of this paragraph), by striking "funds section" and inserting "funds appropriated pursuant to the authorization of appropriations under section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 for HIV/AIDS assistance"; and

(H) by adding at the end the following:

"(XIII) Publicizing updated drug pricing data to inform pharmaceutical procurement partners' purchasing decisions.

"(XIV) Working in partnership with host countries in which the HIV/AIDS epidemic is prevalent among men who have sex with men, to establish, as a national priority, national HIV/AIDS prevention programs, including education and services demonstrated to be effective in reducing the transmission of HIV among men who have sex with men.".

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

SEC. 201. SENSE OF CONGRESS ON PUBLIC-PRIVATE PARTNERSHIPS.

Section 201(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7621(a)) is amended—

(1) in paragraph (2), by striking "infectious diseases" and inserting "easily preventable and treatable infectious diseases"; and

(2) in paragraph (4), by striking "infectious diseases" and inserting "easily preventable and treatable infectious diseases".

SEC. 202. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA.

(a) FINDINGS.—Subsection (a) of section 202 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (7) through (9), respectively; and

(2) by inserting before paragraph (7) (as redesignated by paragraph (1) of this subsection) the following:

"(1) The Global Fund to Fight AIDS, Tuberculosis and Malaria is the multilateral component of this Act, extending United States efforts to a total of 136 countries around the world.

"(2) Created in 2002, the Global Fund has played a leading role in the fight against HIV/AIDS, tuberculosis, and malaria around the world and has grown into an organization that currently provides nearly a quarter of all international financing to combat HIV/AIDS and two-thirds of all international financing to combat tuberculosis and malaria.

"(3) By 2010, it is estimated that the demand for funding by the Global Fund will grow in size to between $6 and $8 billion annually, requiring significant contributions from donors around the world, including at least $2 billion annually from the United States.

"(4) The Global Fund is an innovative financing mechanism to combat HIV/AIDS, tuberculosis, and malaria, and has made progress in many areas.

"(5) The United States Government is the largest supporter of the Global Fund, both in terms of resources and technical support.

"(6) The United States made the initial contribution to the Global Fund and is fully committed to its success.".

(b) UNITED STATES FINANCIAL PARTICIPATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d)(1) of such section is amended—

(A) by striking "$1,000,000,000" and inserting "$2,000,000,000";

(B) by striking "for the period of fiscal year 2004 beginning on January 1, 2004," and inserting "for each of the fiscal years 2009 and 2010,"; and

(C) by striking "the fiscal years 2005–2008" and inserting "each of the fiscal years 2011 through 2013".

(2) LIMITATION.—Subsection (d)(4) of such section is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013";

(ii) in clause (ii), by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013"; and

(iii) in clause (vi)—

(I) by striking "for the purposes" and inserting "For the purposes";

(II) by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013"; and

(III) by striking "fiscal year 2004" and inserting "fiscal year 2009";

(B) in subparagraph (B)(iv)—

(i) by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013"; and

(ii) by adding at the end before the period the following: ", unless such amount is made available for more than one fiscal year, in which case such amount is authorized to be made available for such purposes after December 31 of the fiscal year following the fiscal year in which such funds first became available."; and

(C) in subparagraph (C)(ii) by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(3) STATEMENT OF POLICY.—The following shall be the policy of the United States:

(A) Support for the Global Fund to Fight AIDS, Tuberculosis and Malaria should be based upon achievement of the following benchmarks related to transparency and accountability:

(i) As recommended by the Government Accountability Office, the Fund Secretariat has established standardized expectations for the performance of Local Fund Agents (LFAs), is undertaking a systematic assessment of the performance of LFAs, and is making available for public review, according to the Fund Board's policies and practices on disclosure of information, a regular collection and analysis of performance data of Fund grants, which shall cover both Principal Recipients and sub-recipients.

(ii) A well-staffed, independent Office of the Inspector General reports directly to the Board and is responsible for regular, publicly published audits of both financial and programmatic and reporting aspects of the Fund, its grantees, and LFAs.

(iii) The Fund Secretariat has established and is reporting publicly on standard indicators for all program areas.

(iv) The Fund Secretariat has established a database that tracks all subrecipients and the amounts of funds disbursed to each, as well as the distribution of resources, by grant and Principal Recipient, for prevention, care, treatment, the purchases of drugs and commodities, and other purposes.

(v) The Fund Board has established a penalty to offset tariffs imposed by national governments on all goods and services provided by the Fund.

(vi) The Fund Board has successfully terminated its Administrative Services Agreement with the World Health Organization and completed the Fund Secretariat's transition to a fully independent status under the Headquarters Agreement the Fund has established with the Government of Switzerland.

(B) Support for the Global Fund to Fight AIDS, Tuberculosis and Malaria should be based upon achievement of the following benchmarks related to the founding principles of the Fund:

(i) The Fund must maintain its status as a financing institution.

(ii) The Fund must remain focused on programs directly related to HIV/AIDS, malaria, and tuberculosis.

(iii) The Fund must maintain its Comprehensive Funding Policy, which requires confirmed pledges to cover the full amount of new grants before the Board approves them.

(iv) The Fund must maintain and make progress on sustaining its multisectoral approach, through Country Coordinating Mechanisms (CCMs) and in the implementation of grants, as reflected in percent and resources allocated to different sectors, including governments, civil society, and faith- and community-based organizations.

(4) SENSE OF CONGRESS.—Congress—

(A) notes that section 625 of Public Law 110-161 establishes a requirement to withhold 20 percent of funds appropriated for the Global Fund if the Global Fund fails to meet certain benchmarks; and

(B) will continue to review the implementation of the benchmarks to ensure accountability and transparency of the Global Fund.

SEC. 203. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL VACCINE FUNDS.

(a) VACCINE FUND.—Subsection (k) of section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013".

(b) INTERNATIONAL AIDS VACCINE INITIATIVE.—Subsection (l) of such section is amended by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013".

(c) MALARIA VACCINE DEVELOPMENT PROGRAMS.—Subsection (m) of such section is amended by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013".

(d) RESEARCH AND DEVELOPMENT OF A TUBERCULOSIS VACCINE.—Such section is further amended by adding at the end the following:

"(n) In addition to amounts otherwise available under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to be available for United States contributions to research and development of a tuberculosis vaccine.".

SEC. 204. PROGRAM TO FACILITATE AVAILABILITY OF MICROBICIDES TO PREVENT TRANSMISSION OF HIV AND OTHER DISEASES.

(a) STATEMENT OF POLICY.—Congress recognizes the need and urgency to expand the range of interventions for preventing the transmission of human immunodeficiency virus (HIV), including nonvaccine prevention methods that can be controlled by women.

(b) PROGRAM AUTHORIZED.—The Administrator of the United States Agency for International Development, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, shall develop and implement a program to facilitate wide-scale availability of microbicides that prevent the transmission of HIV after such microbicides are proven safe and effective.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671) for HIV/AIDS assistance, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this section.

SEC. 205. PLAN TO COMBAT HIV/AIDS, TUBERCULOSIS, AND MALARIA BY STRENGTHENING HEALTH POLICIES AND HEALTH SYSTEMS OF HOST COUNTRIES.

(a) IN GENERAL.—Title II of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7621 et seq.) is amended by adding at the end the following:

"SEC. 204. PLAN TO COMBAT HIV/AIDS, TUBERCULOSIS, AND MALARIA BY STRENGTHENING HEALTH POLICIES AND HEALTH SYSTEMS OF HOST COUNTRIES.

"(a) FINDINGS.—Congress makes the following findings:

"(1) One of the most significant barriers to achieving universal access to HIV/AIDS treatment and prevention in developing countries is the lack of health infrastructure, particularly in sub-Saharan Africa.

"(2) In addition to HIV/AIDS programs, other treatable and preventable infectious diseases could be treated concurrently and easily if health care delivery systems in developing countries were significantly improved.

"(3) More public investment in basic primary health care should be a priority in public spending in developing countries.

"(b) STATEMENT OF POLICY.—It shall be the policy of the United States Government—

"(1) to invest appropriate resources authorized under this Act and the amendments made by this Act to carry out activities to strengthen HIV/AIDS health policies and health systems and provide workforce training and capacity-building consistent with the goals and objectives of this Act and the amendments made by this Act; and

"(2) to support the development of a sound policy environment in host countries to increase the ability of such countries to maximize utilization of health care resources from donor countries, deliver services to the people of such host countries in an effective and efficient manner, and reduce barriers that prevent recipients of services from achieving maximum benefit from such services.

"(c) PLAN REQUIRED.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally, in collaboration with the Administrator of the United States Agency for International Development, shall develop and implement a plan to combat HIV/AIDS by strengthening health policies and health systems of host countries as part of the United States Agency for International Development's 'Health Systems 2020' project.

"(d) ASSISTANCE TO IMPROVE PUBLIC FINANCE MANAGEMENT SYSTEMS.—

"(1) IN GENERAL.—The Secretary of the Treasury, acting through the head of the Office of Technical Assistance, is authorized to provide assistance for advisors and host country finance, health, and other relevant ministries to improve the effectiveness of public finance management systems in host countries to enable such countries to receive funding to carry out programs to combat HIV/AIDS, tuberculosis, and malaria and to manage such programs.

"(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 401 for HIV/AIDS assistance, there are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this subsection.".

(b) CLERICAL AMENDMENT.—The table of contents for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 note) is amended by inserting after the item relating to section 203 the following:

"Sec. 204. Plan to combat HIV/AIDS by strengthening health policies and health systems of host countries.".

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

SEC. 301. ASSISTANCE TO COMBAT HIV/AIDS.

(a) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) FINDING.—Subsection (a) of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2) is amended by inserting ", South and Southeast Asia, Central and Eastern Europe" after "the Caribbean".

(2) POLICY.—Subsection (b) of such section is amended—

(A) in the first sentence—

(i) by striking "It is a major" and inserting the following:

"(1) GENERAL POLICY.—It is a major";

(ii) by striking "control" and inserting "care"; and

(iii) by adding at the end before the period the following: "and to fulfill United States commitments to move toward the goal of universal access to prevention, treatment, and care of HIV/AIDS";

(B) by adding at the end the following: "The United States and other developed countries should provide assistance for the prevention, treatment, and care of HIV/AIDS to countries in sub-Saharan Africa, the Caribbean, South and Southeast Asia and Central and Eastern Europe, addressing both generalized epidemics and epidemics concentrated among populations at high risk of infection."; and

(C) by further adding at the end the following:

"(2) SPECIFIC POLICY.—It is therefore the policy of the United States, by 2013, to—

"(A) prevent 12,000,000 new HIV infections worldwide;

"(B) support treatment of at least 3,000,000 individuals with HIV/AIDS with the goal of treating 450,000 children;

"(C) provide care for 12,000,000 individuals affected by HIV/AIDS, including 5,000,000 orphans and vulnerable children in communities affected by HIV/AIDS, including orphans with HIV/AIDS; and

"(D) train at least 140,000 new health care professionals and workers for HIV/AIDS prevention, treatment and care.".

(3) AUTHORIZATION.—Subsection (c) of such section is amended—

(A) in paragraph (1)—

(i) by inserting ", South and Southeast Asia, Central and Eastern Europe" after "the Caribbean"; and

(ii) by adding at the end before the period the following: ", and particularly with respect to refugee populations in such countries and areas";

(B) in paragraph (2)—

(i) by inserting ", South and Southeast Asia, Central and Eastern Europe" after "the Caribbean"; and

(ii) by adding at the end before the period the following: ", and particularly with respect to refugee populations in such countries and areas";

(C) by redesignating paragraph (3) as paragraph (4);

(D) by inserting after paragraph (2) the following:

"(3) ROLE OF PUBLIC HEALTH CARE DELIVERY SYSTEMS.—It is the sense of Congress that—

"(A) the President should provide an appropriate level of assistance under paragraph (1) to help strengthen public health care delivery systems financed by host countries; and

"(B) the President, acting through the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, should support the development of a policy framework in such host countries for the long-term sustainability of HIV/AIDS prevention, treatment, and care programs, and for strengthening health care delivery systems and increasing health workforces through recruitment, training, and policies that allows the devolution of clinical responsibilities to increase the work force able to deliver prevention, treatment, and care services, as necessary, with clearly identified objectives and reporting strategies for such services.";

(E) in paragraph (4) (as redesignated by subparagraph (C) of this paragraph), by striking "foreign countries" and inserting "host countries and donor countries"; and

(F) by adding at the end the following:

"(5) SENSE OF CONGRESS.—

"(A) IN GENERAL.—It is the sense of Congress that the Coordinator of United States Government Activities to Combat HIV/AIDS Globally and the heads of relevant executive branch agencies (as such term is defined in section 3 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003) should operate in a manner consistent with the 'Three Ones' goals of UNAIDS.

"(B) 'THREE ONES' GOALS OF UNAIDS DEFINED.—In this paragraph, the term "'Three Ones" goals of UNAIDS' means—

"(i) the goal of one agreed HIV/AIDS action framework that provides the basis for coordinating the work of all partners in host countries;

"(ii) the goal of one national HIV/AIDS coordinating authority, with a broad-based multisectoral mandate; and

"(iii) the goal of one agreed country-level data-collection, monitoring, and evaluation system.".

(4) ACTIVITIES SUPPORTED.—

(A) PREVENTION.—Subsection (d)(1) of such section is amended—

(i) in subparagraph (A)—

(I) by inserting "efforts by faith-based and other nongovernmental organizations and" after "infection, including";

(II) by inserting ", including access to such programs and efforts in family planning programs supported by the United States Government," after "health programs"; and

(III) by inserting "male and female" before "condoms";

(ii) in subparagraph (B)—

(I) by inserting "relevant and" after "culturally";

(II) by inserting "and programs" after "those organizations"; and

(III) by inserting ", level of scientific and fact-based knowledge" after "experience";

(iii) in subparagraph (D), by inserting "and nonjudgmental approaches" after "protections";

(iv) by amending subparagraph (E) to read as follows:

"(E) assistance to achieve the target of reaching 80 percent of pregnant women for prevention and treatment of mother-to-child transmission of HIV in countries in which the United States is implementing HIV/AIDS programs by 2013, as described in section 312(b)(1) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, and to promote infant feeding options that meet the criteria described in the World Health Organization's Global Strategy for Infant and Young Child Feeding;";

(v) in subparagraph (G)—

(I) by adding at the end before the semicolon the following: ", including education and services demonstrated to be effective in reducing the transmission of HIV infection without increasing illicit drug use"; and

(II) by striking "and" at the end;

(vi) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(vii) by adding at the end the following:

"(I)(i) assistance for counseling, testing, treatment, care, and support programs for prevention of re-infection of individuals with HIV/AIDS;

"(ii) counseling to prevent sexual transmission of HIV, including skill development for practicing abstinence, reducing the number of sexual partners, and providing information on correct and consistent use of male and female condoms;

"(iii) assistance to provide male and female condoms;

"(iv) diagnosis and treatment of other sexually-transmitted infections;

"(v) strategies to address the stigma and discrimination that impede HIV/AIDS prevention efforts; and

"(vi) assistance to facilitate widespread access to microbicides for HIV prevention, as safe and effective products become available, including financial and technical support for culturally appropriate introductory programs, procurement, distribution, logistics management, program delivery, acceptability studies, provider training, demand generation, and post-introduction monitoring; and

"(J) assistance for HIV/AIDS education targeted to reach and prevent the spread of HIV among men who have sex with men.".

(B) TREATMENT.—Subsection (d)(2) of such section is amended—

(i) in subparagraph (B), by striking "; and" at the end and inserting a semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(D) assistance specifically to address barriers that might limit the start of and adherence to treatment services, especially in rural areas, through such measures as mobile and decentralized distribution of treatment services, and where feasible and necessary, direct linkages with nutrition and income security programs, referrals to services for victims of violence, support groups for individuals with HIV/AIDS, and efforts to combat stigma and discrimination against all such individuals;

"(E) assistance to support comprehensive HIV/AIDS treatment (including free prophylaxis and treatment for common HIV/AIDS-related opportunistic infections) for at least one-third of individuals with HIV/AIDS in the poorest countries worldwide who are in clinical need of antiretroviral treatment; and

"(F) assistance to improve access to psychosocial support systems and other necessary services for youth who are infected with HIV to ensure the start of and adherence to treatment services.".

(C) MONITORING.—Subsection (d)(4) of such section is amended—

(i) by striking "The monitoring" and inserting the following:

"(A) IN GENERAL.—The monitoring";

(ii) by inserting "and paragraph (8)" after "paragraphs (1) through (3)";

(iii) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(iv) in clause (iii) (as redesignated by clause (iii) of this subparagraph), by striking "and" at the end;

(v) in clause (iv) (as redesignated by clause (iii) of this subparagraph), by striking the period at the end and inserting "; and";

(vi) by adding at the end the following:

"(v) carrying out and expanding program monitoring, impact evaluation research, and operations research (including research and evaluations of gender-responsive interventions, disaggregated by age and sex, in order to identify and replicate effective models, develop gender indicators to measure both outcomes and impacts of interventions, especially interventions designed to reduce gender inequalities, and collect lessons learned for dissemination among different countries) in order to—

"(I) improve the coverage, efficiency, effectiveness, quality and accessibility of services provided under this section;

"(II) establish the cost-effectiveness of program models;

"(III) assess the population-level impact of programs, projects, and activities implemented;

"(IV) ensure the transparency and accountability of services provided under this section;

"(V) disseminate and promote the utilization of evaluation findings, lessons, and best practices in the implementation of programs, projects, and activities supported under this section; and

"(VI) encourage and evaluate innovative service models and strategies to optimize functionality of programs, projects, and activities."; and

(vii) by further adding at the end the following:

"(B) DEFINITIONS.—For purposes of subparagraph (A)(v)—

"(i) the term 'impact evaluation research' means the application of research methods and statistical analysis to measure the extent to which a change in a population-based outcome can be attributed to a program, project, or activity as opposed to other factors in the environment;

"(ii) the term 'program monitoring' means the collection, analysis, and use of routine data with respect to a program, project, or activity to determine how well the program, project, or activity is carried out and at what cost; and

"(iii) the term 'operations research' means the application of social science research methods and statistical analysis to judge, compare, and improve policy outcomes and outcomes of a program, project, or activity, from the earliest stages of defining and designing the program, project, or activity through the development and implementation of the program, project, or activity.".

(D) PHARMACEUTICALS.—Subsection (d)(5) of such section is amended—

(i) by redesignating subparagraph (C) as subparagraph (D); and

(ii) by inserting after subparagraph (B) the following:

"(C) MECHANISMS TO ENSURE COST-EFFECTIVE DRUG PURCHASING.—Mechanisms to ensure that pharmaceuticals, including antiretrovirals and medicines to treat opportunistic infections, are purchased at the lowest possible price at which such pharmaceuticals may be obtained in sufficient quantity on the world market.".

(E) REFERRAL SYSTEMS AND COORDINATION WITH OTHER ASSISTANCE PROGRAMS.—

(i) FINDING.—The effectiveness of all HIV/AIDS prevention, treatment, and care programs and the survival of individuals with HIV/AIDS would be enhanced by ensuring that such individuals are referred to appropriate support programs, including education, income generation, HIV/AIDS support group and food and nutrition programs, and by providing assistance directly to such programs to the extent such programs would further the purposes of expanding access to and the success of HIV/AIDS prevention, treatment, and care.

(ii) AMENDMENT.—Subsection (d) of such section is further amended by adding at the end the following:

"(8) REFERRAL SYSTEMS AND COORDINATION WITH OTHER ASSISTANCE PROGRAMS.—

"(A) REFERRAL SYSTEMS.—Assistance to ensure that a continuum of care is available to individuals participating in HIV/AIDS prevention, treatment, and care programs through the development of referral systems for such individuals to community-based programs that, where practicable, are co-located with such HIV/AIDS programs, and that provide support activities for such individuals, including HIV/AIDS treatment adherence, HIV/AIDS support groups, food and nutrition support, maternal health services, substance abuse prevention and treatment services, income-generation programs, legal services, and other program support.

"(B) COORDINATION WITH OTHER ASSISTANCE PROGRAMS.—

"(i)(I) Assistance to integrate HIV/AIDS testing with testing for other easily detectable and treatable infectious diseases, such as malaria, tuberculosis, and respiratory infections, and to provide treatment if possible or referral to appropriate treatment programs.

"(II) Assistance to provide, whenever possible, as a component of HIV/AIDS prevention, treatment, and care services, and cotreatment of curable diseases, such as other sexually transmitted diseases.

"(III) Assistance and other activities to ensure, through interagency and international coordination, that United States global HIV/AIDS programs are integrated and complementary to delivering related health services.

"(ii) Assistance to support schools and related programs for children and youth that increase the effectiveness of programs described in this subsection by providing the infrastructure, teachers, and other support to such programs.

"(iii) Assistance and other activities to provide access to HIV/AIDS prevention, treatment, and care programs in family planning and maternal and child health programs supported by the United States Government.

"(iv) Assistance to United States and host country nonprofit development organizations that directly support livelihood initiatives in HIV/AIDS-affected countries that provide opportunities for direct lending to microentrepreneurs by United States citizens or opportunities for United States citizens to purchase livestock and plants for families to provide nutrition and generate income for individual households and communities.

"(v) Assistance to coordinate and provide linkages between HIV/AIDS prevention, treatment, and care programs with efforts to improve the economic and legal status of women and girls.

"(vi) Technical assistance coordinated across implementing agencies, offered on a regular basis, and made available upon request, for faith-based and community-based organizations, especially indigenous organizations and new partners who do not have extensive experience managing United States foreign assistance programs, including for training and logistical support to establish financial mechanisms to track program receipts and expenditures and data management systems to ensure data quality and strengthen reporting.

"(vii) In accordance with the World Health Organization's Interim Policy on TB/HIV Activities (2004), assistance to individuals with or symptomatic of tuberculosis, and assistance to implement the following:

"(I) Provide opt-out HIV/AIDS counseling and testing and appropriate referral for treatment and care to individuals with or symptomatic of tuberculosis, and work with host countries to ensure that such individuals in host countries are provided such services.

"(II) Ensure, in coordination with host countries, that individuals with HIV/AIDS receive tuberculosis screening and other appropriate treatment.

"(III) Provide increased funding for HIV/AIDS and tuberculosis activities, by increasing total resources for such activities, including lab strengthening and infection control.

"(IV) Improve the management and dissemination of knowledge gained from HIV/AIDS and tuberculosis activities to increase the replication of best practices.".

(5) ANNUAL REPORT.—Subsection (e) of such section is amended—

(A) in paragraph (1), by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking "including" and inserting "including—";

(II) by striking clauses (i) and (ii) and inserting the following:

"(i)(I) the effectiveness of such programs in reducing the transmission of HIV, particularly in women and girls, in reducing mother-to-child transmission of HIV, including through drug treatment and therapies, either directly or by referral, and in reducing mortality rates from HIV/AIDS, including through drug treatment, and addiction therapies;

"(II) a description of strategies, goals, programs, and interventions to address the specific needs and vulnerabilities of young women and young men; the progress toward expanding access among young women and young men to evidence-based, comprehensive HIV/AIDS health care services and HIV prevention and sexuality and abstinence education programs at the individual, community, and national levels; and clear targets for integrating adolescents who are orphans, including adolescents who are infected with HIV, into programs for orphans and vulnerable children; and

"(III) the amount of United States funding provided under the authorities of this Act to procure drugs for HIV/AIDS programs in countries described in section 1(f)(2)(B)(IX) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(VIII)), including a detailed description of antiretroviral drugs procured, including—

"(aa) the total amount expended for each generic and name brand drug;

"(bb) the price paid per unit of each drug; and

"(cc) the vendor from which each drug was purchased; and

"(ii) the progress made toward improving health care delivery systems (including the training of adequate numbers of health care professionals) and infrastructure to ensure increased access to care and treatment, including a description of progress toward—

"(I)(aa) the training and retention of adequate numbers of health care professionals in order to meet a nationally-determined ratio of doctors, nurses, and midwives to patients, based on the target of the 2.3 per-thousand ratio established by the World Health Organization (WHO);

"(bb) increases in the number of other health care professions, such as pharmacists and lab technicians, as necessary; and

"(cc) the improvement of infrastructure needed to ensure universal access to HIV/AIDS prevention, treatment, and care by 2015;

"(II) national health care workforce strategy benchmarks, as required by section 202(d)(5)(B) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, United States contributions to developing and implementing the benchmarks, and main challenges to implementing the benchmarks;

"(III) ensuring, to the extent practicable, that health care workers providing services under this Act have safe working conditions and are receiving health care services, including services relating to HIV/AIDS;

"(IV) activities to strengthen health care systems in order to overcome obstacles and barriers to the provision of HIV/AIDS, tuberculosis, and malaria services;

"(V) improving integration and coordination of HIV/AIDS programs with related health care services and supporting the capacity of health care programs to refer individuals to community-based services; and

"(VI) strengthening procurement and supply chain management systems of host countries;";

(III) in clause (iii), by adding at the end before the semicolon the following: ", including the percentage of such United States foreign assistance provided for diagnosis and treatment of individuals with tuberculosis in countries with the highest burden of tuberculosis, as determined by the World Health Organization (WHO)"; and

(IV) in clause (iv), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(D) a description of efforts to integrate HIV/AIDS and tuberculosis prevention, treatment, and care programs, including—

"(i) the number and percentage of HIV-infected individuals receiving HIV/AIDS treatment or care services who are also receiving screening and subsequent treatment for tuberculosis;

"(ii) the number and percentage of individuals with tuberculosis who are receiving HIV/AIDS counseling and testing, and appropriate referral to HIV/AIDS services;

"(iii) the number and location of laboratories with the capacity to perform tuberculosis culture tests and tuberculosis drug susceptibility tests;

"(iv) the number and location of laboratories with the capacity to perform appropriate tests for multi-drug resistant tuberculosis (MDR–TB) and extensively drug resistant tuberculosis (XDR–TB); and

"(v) the number of HIV-infected individuals suspected of having tuberculosis who are provided tuberculosis culture diagnosis or tuberculosis drug susceptibility testing;

"(E) a description of coordination efforts with relevant executive branch agencies (as such term is defined in section 3 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003) and at the global level in the effort to link HIV/AIDS services with non-HIV/AIDS services;

"(F) a description of programs serving women and girls, including—

"(i) a description of HIV/AIDS prevention programs that address the vulnerabilities of girls and women to HIV/AIDS; and "(ii) information on the number of individuals served by programs aimed at reducing the vulnerabilities of women and girls to HIV/AIDS;

"(G) a description of the specific strategies funded to ensure the reduction of HIV infection among injection drug users, and the number of injection drug users, by country, reached by such strategies, including medication-assisted drug treatment for individuals with HIV or at risk of HIV, and HIV prevention programs demonstrated to be effective in reducing HIV transmission without increasing drug use; and

"(H) a detailed description of monitoring, impact evaluation research, and operations research of programs, projects, and activities carried out pursuant to subsection (d)(4)(A)(v)."; and

(C) by adding at the end the following:

"(3) PUBLIC AVAILABILITY.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall make publicly available on the Internet website of the Office of the Coordinator the information contained in paragraph (2)(H) of each report and, in addition, the individual evaluations and other reports that were the basis of such information, including lessons learned and collected in such evaluations and reports.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (b) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7631) is amended—

(1) in paragraph (1), by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013"; and

(2) in paragraph (3), by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013".

(c) FOOD SECURITY AND NUTRITION SUPPORT.—Subsection (c) of such section is amended to read as follows:

"(c) FOOD SECURITY AND NUTRITION SUPPORT.—

"(1) FINDINGS.—Congress finds the following:

"(A) The United States provides more than 60 percent of all food assistance worldwide.

"(B) According to the United Nations World Food Program and other United Nations agencies, food insecurity of individuals with HIV/AIDS is a major problem in countries with large populations of such individuals, particularly in sub-Saharan African countries.

"(C) Individuals infected with HIV have higher nutritional requirements than individuals who are not infected with HIV, particularly with respect to the need for protein. Also, there is evidence to suggest that the full benefit of therapy to treat HIV/AIDS may not be achieved in individuals who are malnourished, particularly in pregnant and lactating women.

"(2) SENSE OF CONGRESS.—It is the sense of Congress that—

"(A) malnutrition, especially for individuals with HIV/AIDS, is a clinical health issue with wider nutrition, health, and social implications for such individuals, their families, and their communities that must be addressed by United States HIV/AIDS prevention, treatment, and care programs;

"(B) food security and nutrition directly impact an individual's vulnerability to HIV infection, the progression of HIV to AIDS, an individual's ability to begin an antiretroviral medication treatment regimen, the efficacy of an antiretroviral medication treatment regimen once an individual begins such a regimen, and the ability of communities to effectively cope with the HIV/AIDS epidemic and its impacts;

"(C) international guidelines established by the World Health Organization (WHO) should serve as the reference standard for HIV/AIDS food and nutrition activities supported by this Act and the amendments made by this Act;

"(D) the Coordinator of United States Government Activities to Combat HIV/AIDS Globally and the Administrator of the United States Agency for International Development should make it a priority to work together and with other United States Government agencies, donors, and multilateral institutions to increase the integration of food and nutrition support and livelihood activities into HIV/AIDS prevention, treatment, and care activities funded by the United States and other governments and organizations;

"(E) for purposes of determining which individuals infected with HIV should be provided with nutrition and food support—

"(i) children with moderate or severe malnutrition, according to WHO standards, shall be given priority for such nutrition and food support; and

"(ii) adults with a body mass index (BMI) of 18.5 or less, or at the prevailing WHO-approved measurement for BMI, should be considered 'malnourished' and should be given priority for such nutrition and food support;

"(F) programs funded by the United States should include therapeutic and supplementary feeding, food, and nutrition support and should include strong links to development programs that provide support for livelihoods; and

"(G) the inability of individuals with HIV/AIDS to access food for themselves or their families should not be allowed to impair or erode the therapeutic status of such individuals with respect to HIV/AIDS or related comorbidities.

"(3) STATEMENT OF POLICY.—It is the policy of the United States to—

"(A) address the food and nutrition needs of individuals with HIV/AIDS and affected individuals, including orphans and vulnerable children;

"(B) fully integrate food and nutrition support into HIV/AIDS prevention, treatment, and care programs carried out under this Act and the amendments made by this Act;

"(C) ensure, to the extent practicable, that—

"(i) HIV/AIDS prevention, treatment, and care providers and health care workers are adequately trained so that such providers and workers can provide accurate and informed information regarding food and nutrition support to individuals enrolled in treatment and care programs and individuals affected by HIV/AIDS; and

"(ii) individuals with HIV/AIDS who, with their households, are identified as food insecure are provided with adequate food and nutrition support; and

"(D) effectively link food and nutrition support provided under this Act and the amendments made by this Act to individuals with HIV/AIDS, their households, and their communities, to other food security and livelihood programs funded by the United States and other donors and multilateral agencies.

"(4) INTEGRATION OF FOOD SECURITY AND NUTRITION ACTIVITIES INTO HIV/AIDS PREVENTION, TREATMENT, AND CARE ACTIVITIES.—

"(A) REQUIREMENTS RELATING TO GLOBAL AIDS COORDINATOR.—Consistent with the statement of policy described in paragraph (3), the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall—

"(i) ensure, to the extent practicable, that—

"(I) an assessment, using validated criteria, of the food security and nutritional status of each individual enrolled in antiretroviral medication treatment programs supported with funds authorized under this Act or any amendment made by this Act is carried out; and

"(II) appropriate nutritional counseling is provided to each individual described in subclause (I);

"(ii) coordinate with the Administrator of the United States Agency for International Development, the Secretary of Agriculture, and the heads of other relevant executive branch agencies to—

"(I) ensure, to the extent practicable, that, in communities in which a significant proportion of individuals with HIV/AIDS are in need of food and nutrition support, a status and needs assessment for such support employing validated criteria is conducted and a plan to provide such support is developed and implemented;

"(II) improve and enhance coordination between food security and livelihood programs for individuals infected with HIV in host countries and food security and livelihood programs that may already exist in such countries;

"(III) establish effective linkages between the health and agricultural development and livelihoods sectors in order to enhance food security; and

"(IV) ensure, by providing increased resources if necessary, effective coordination between activities authorized under this Act and the amendments made by this Act and activities carried out under other provisions of the Foreign Assistance Act of 1961 when establishing new HIV/AIDS treatment sites;

"(iii) develop effective, validated indicators that measure outcomes of nutrition and food security interventions carried out under this section and use such indicators to monitor and evaluate the effectiveness of such interventions; and

"(iv) evaluate the role of and, to the extent appropriate, support and expand partnerships and linkages between United States postsecondary educational institutions with postsecondary educational institutions in host countries in order to provide training and build indigenous human and institutional capacity and expertise to respond to HIV/AIDS, and to improve capacity to address nutrition, food security, and livelihood needs of HIV/AIDS-affected and impoverished communities.

"(B) REQUIREMENTS RELATING TO USAID ADMINISTRATOR.—Consistent with the statement of policy described in paragraph (3), the Administrator of the United States Agency for International Development, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally and the Secretary of Agriculture, shall provide, to the extent practicable, as an essential component of antiretroviral medication treatment programs supported with funds authorized under this Act and the amendments made by this Act, food and nutrition support to each individual with HIV/AIDS who is determined to need such support by the assessing health professional, based on a body mass index (BMI) of 18.5 or less, or at the prevailing WHO-approved measurement for BMI, and the individual's household, for a period of not less than 180 days, either directly or through referral to an assistance program or organization with demonstrable ability to provide such support.

"(C) REPORT.—Not later than October 31, 2010, and annually thereafter, the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, in consultation with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a report on the implementation of this subsection for the prior fiscal year. The report shall include a description of—

"(i) the effectiveness of interventions carried out to improve the nutritional status of individuals with HIV/AIDS;

"(ii) the amount of funds provided for food and nutrition support for individuals with HIV/AIDS and affected individuals in the prior fiscal year and the projected amount of funds to be provided for such purpose for next fiscal year; and

"(iii) a strategy for improving the linkage between assistance provided with funds authorized under this subsection and food security and livelihood programs under other provisions of law as well as activities funded by other donors and multilateral organizations.

"(D) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 401 for HIV/AIDS assistance, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this subsection.".

(d) ELIGIBILITY FOR ASSISTANCE.—Subsection (d) of such section is amended to read as follows:

"(d) ELIGIBILITY FOR ASSISTANCE.—An organization, including a faith-based organization, that is otherwise eligible to receive assistance under section 104A of the Foreign Assistance Act of 1961 (as added by subsection (a)) or under any other provision of this Act (or any amendment made by this Act or the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008) to prevent, treat, or monitor HIV/AIDS—

"(1) shall not be required, as a condition of receiving the assistance, to endorse or utilize a multisectoral approach to combating HIV/AIDS, or to endorse, utilize, make a referral to, become integrated with or otherwise participate in any program or activity to which the organization has a religious or moral objection; and

"(2) shall not be discriminated against in the solicitation or issuance of grants, contracts, or cooperative agreements under such provisions of law for refusing to do so.".

(e) SENSE OF CONGRESS.—Such section is further amended by striking subsection (g).

(f) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall submit to the appropriate congressional committees a report identifying a target for the number of additional health professionals and workers needed in host countries to provide HIV/AIDS prevention, treatment, and care and the training needs of such health professionals and workers. The target should reflect available data and should identify the need for United States Government contributions to meet the target.

(2) DEFINITION.—In this subsection, the term "appropriate congressional committees" has the meaning given the term in section 3 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7602).

SEC. 302. ASSISTANCE TO COMBAT TUBERCULOSIS.

(a) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) FINDINGS.—Subsection (a) of section 104B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–3) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) Tuberculosis is one of the greatest infectious causes of death of adults worldwide, killing 1.6 million individuals per year—one person every 20 seconds.

"(2) Tuberculosis is the leading infectious cause of death among individuals who are infected with HIV due to their weakened immune systems, and it is estimated that one-third of such individuals have tuberculosis. Tuberculosis is also a leading killer of women of reproductive age.

"(3) Driven by the HIV/AIDS pandemic, incidence rates of tuberculosis in sub-Saharan Africa have more than doubled on average since 1990. The problem is so pervasive that in August 2005, African health ministers and the World Health Organization (WHO) declared tuberculosis to be an emergency in sub-Saharan Africa.

"(4)(A) The wide extent of drug resistance, including both multi-drug resistant tuberculosis (MDR–TB) and extensively drug resistant tuberculosis (XDR–TB), represents both a critical challenge to the global control of tuberculosis and a serious worldwide public health threat.

"(B) XDR–TB, which is a form of MDR–TB with additional resistance to multiple second-line anti-tuberculosis drugs, is associated with worst treatment outcomes of any form of tuberculosis.

"(C) XDR–TB is converging with the HIV/AIDS epidemic, undermining gains in HIV/AIDS prevention and treatment programs and requires urgent interventions.

"(D) Drug resistance surveillance reports have confirmed the serious scale and spread of tuberculosis, with XDR–TB strains confirmed on six continents.

"(E) Demonstrating the lethality of XDR–TB, an initial outbreak in Tugela Ferry, South Africa, in 2006 killed 52 of 53 patients with hundreds more cases reported since that time.

"(F) Of the world's regions, sub-Saharan Africa, faces the greatest gap in capacity to prevent, treat, and care for individuals with XDR–TB.".

(2) POLICY.—Subsection (b) of such section is amended to read as follows:

"(b) POLICY.—It is a major objective of the foreign assistance program of the United States to control tuberculosis. In all countries in which the Government of the United States has established development programs, particularly in countries with the highest burden of tuberculosis and other countries with high rates of tuberculosis, the United States Government should prioritize the achievement of the following goals by not later than December 31, 2015:

"(1) Reduce by one-half the tuberculosis death and disease burden from the 1990 baseline.

"(2) Sustain or exceed the detection of at least 70 percent of sputum smear-positive cases of tuberculosis and the cure of at least 85 percent of such cases detected.".

(3) ACTIVITIES SUPPORTED.—Such section is further amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g); and

(B) by inserting after subsection (c) the following:

"(d) ACTIVITIES SUPPORTED.—Assistance provided under subsection (c) shall, to the maximum extent practicable, be used to carry out the following activities:

"(1) Provide diagnostic counseling and testing to individuals with HIV/AIDS for tuberculosis (including a culture diagnosis to rule out multi-drug resistant tuberculosis (MDR–TB) and extensively drug resistant tuberculosis (XDR–TB) and provide HIV/AIDS voluntary counseling and testing to individuals with any form of tuberculosis.

"(2) Provide tuberculosis treatment to individuals receiving treatment and care for HIV/AIDS who have active tuberculosis and provide prophylactic treatment to individuals with HIV/AIDS who also have a latent tuberculosis infection.

"(3) Link individuals with both HIV/AIDS and tuberculosis to HIV/AIDS treatment and care services, including antiretroviral therapy and cotrimoxazole therapy.

"(4) Ensure that health care workers trained to diagnose, treat, and provide care for HIV/AIDS are also trained to diagnose, treat, and provide care for individuals with both HIV/AIDS and tuberculosis.

"(5) Ensure that individuals with active pulmonary tuberculosis are provided a culture diagnosis, including drug susceptibility testing to rule out multi-drug resistant tuberculosis (MDR–TB) and extensively drug resistant tuberculosis (XDR–TB) in areas with high prevalence of tuberculosis drug resistance.".

(4) PRIORITY TO STOP TB STRATEGY.—Subsection (f) of such section (as redesignated by paragraph (3) of this subsection) is amended—

(A) by amending the heading to read as follows: "PRIORITY TO STOP TB STRATEGY";

(B) in the first sentence, by striking "In furnishing" and all that follows through ", including funding" and inserting the following:

"(1) PRIORITY.—In furnishing assistance under subsection (c), the President shall give priority to—

"(A) activities described in the Stop TB Strategy, including expansion and enhancement of Directly Observed Treatment Short-course (DOTS) coverage, treatment for individuals infected with both tuberculosis and HIV and treatment for individuals with multi-drug resistant tuberculosis (MDR–TB), strengthening of health systems, use of the International Standards for Tuberculosis Care by all care providers, empowering individuals with tuberculosis, and enabling and promoting research to develop new diagnostics, drugs, and vaccines, and program-based operational research relating to tuberculosis; and

"(B) funding"; and

(C) in the second sentence—

(i) by striking "In order to" and all that follows through "not less than" and inserting the following:

"(2) AVAILABILITY OF AMOUNTS.—In order to meet the requirements of paragraph (1), the President—

"(A) shall ensure that not less than";

(ii) by striking "for Directly Observed Treatment Short-course (DOTS) coverage and treatment of multi-drug resistant tuberculosis using DOTS–Plus," and inserting "to implement the Stop TB Strategy; and"; and

(iii) by striking "including" and all that follows and inserting the following:

"(B) should ensure that not less than $15,000,000 of the amount made available to carry out this section for a fiscal year is used to make a contribution to the Global Tuberculosis Drug Facility.".

(5) ASSISTANCE FOR WHO AND THE STOP TUBERCULOSIS PARTNERSHIP.—Such section is further amended—

(A) by redesignating subsection (g) (as redesignated by paragraph (3) of this subsection) as subsection (h); and

(B) by inserting after subsection (f) (as redesignated by paragraph (4) and amended by paragraph (5) of this subsection) the following new subsection:

"(g) ASSISTANCE FOR WHO AND THE STOP TUBERCULOSIS PARTNERSHIP.—In carrying out this section, the President, acting through the Administrator of the United States Agency for International Development, is authorized to provide increased resources to the World Health Organization (WHO) and the Stop Tuberculosis Partnership to improve the capacity of countries with high rates of tuberculosis and other affected countries to implement the Stop TB Strategy and specific strategies related to addressing extensively drug resistant tuberculosis (XDR–TB).".

(6) DEFINITIONS.—Subsection (h) of such section (as redesignated by paragraph (5)(A) of this subsection) is amended—

(A) in paragraph (1), by adding at the end before the period the following: ", including low cost and effective diagnosis and evaluation of treatment regimes, vaccines, and monitoring of tuberculosis, as well as a reliable drug supply, and a management strategy for public health systems, with health system strengthening, promotion of the use of the International Standards for Tuberculosis Care by all care providers, bacteriology under an external quality assessment framework, short-course chemotherapy, and sound reporting and recording systems"; and

(B) by adding after paragraph (5) the following new paragraph:

"(6) STOP TB STRATEGY.—The term 'Stop TB Strategy' means the six-point strategy to reduce tuberculosis developed by the World Health Organization. The strategy is described in the Global Plan to Stop TB 2007–2016: Actions for Life, a comprehensive plan developed by the Stop Tuberculosis Partnership that sets out the actions necessary to achieve the millennium development goal of cutting tuberculosis deaths and disease burden in half by 2016.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 302(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7632(b)) is amended—

(1) in paragraph (1), by striking "such sums as may be necessary for each of the fiscal years 2004 through 2008" and inserting "$4,000,000,000 for fiscal years 2009 through 2013"; and

(2) in paragraph (3), by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013".

SEC. 303. ASSISTANCE TO COMBAT MALARIA.

(a) AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.—Section 104C(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 21516–4(b)) is amended by striking "control, and cure" and inserting "treatment, and care".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 303(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7633(b)) is amended—

(1) in paragraph (1), by striking "such sums as may be necessary for fiscal years 2004 through 2008" and inserting "$5,000,000,000 for fiscal years 2009 through 2013"; and

(2) in paragraph (3), by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013".

(c) DEVELOPMENT OF A COMPREHENSIVE FIVE-YEAR STRATEGY.—Section 303 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7633) is amended by adding at the end the following:

"(d) DEVELOPMENT OF A COMPREHENSIVE FIVE-YEAR STRATEGY.—The President shall establish a comprehensive, five-year strategy to combat global malaria that strengthens the capacity of the United States to be an effective leader of international efforts to reduce the global malaria disease burden. Such strategy shall maintain sufficient flexibility and remain responsive to the ever-changing nature of the global malaria challenge and shall—

"(1) include specific objectives, multisectoral approaches and strategies to treat and provide care to individuals infected with malaria, to prevent the further spread of malaria;

"(2) describe how this strategy would contribute to the United States' overall global health and development goals;

"(3) clearly explain how proposed activities to combat malaria will be coordinated with other United States global health activities, including the five-year global HIV/AIDS and tuberculosis strategies developed pursuant to section 101 of this Act;

"(4) expand public-private partnerships and leveraging of resources to combat malaria, including private sector resources;

"(5) coordinate among relevant executive branch agencies providing assistance to combat malaria in order to maximize human and financial resources and reduce unnecessary duplication among such agencies and other donors;

"(6) maximize United States capabilities in the areas of technical assistance, training, and research, including vaccine research, to combat malaria; and

"(7) establish priorities and selection criteria for the distribution of resources to combat malaria based on factors such as the size and demographics of the population with malaria, the needs of that population, the host countries' existing infrastructure, and the host countries' ability to complement United States efforts with strategies outlined in national malaria control plans.

"(e) MALARIA RESPONSE COORDINATOR.—

"(1) IN GENERAL.—There should be established within the United States Agency for International Development a Coordinator of United States Government Activities to Combat Malaria Globally, who should be appointed by the President.

"(2) AUTHORITIES.—The Coordinator, acting through such nongovernmental organizations and relevant executive branch agencies as may be necessary and appropriate to effect the purposes of section 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–4), is authorized—

"(A) to operate internationally to carry out prevention, treatment, care, support, capacity development of health systems, and other activities for combating malaria;

"(B) to transfer and allocate funds to relevant executive branch agencies;

"(C) to provide grants to, and enter into contracts with, nongovernmental organizations to carry out the purposes of such section 104C;

"(D) to enter into contracts and transfer and allocate funds to international organizations to carry out the purposes of such section 104C; and

"(E) to coordinate with a public-private partnership to discover and develop effective new antimalarial drugs, including drugs for multi-drug resistant malaria and malaria in pregnant women.

"(3) DUTIES.—

"(A) IN GENERAL.—The Coordinator shall have primary responsibility for the oversight and coordination of all resources and global United States government activities to combat malaria.

"(B) SPECIFIC DUTIES.—The Coordinator shall—

"(i) facilitate program and policy coordination among relevant executive branch agencies and nongovernmental organizations, including auditing, monitoring and evaluation of such programs;

"(ii) ensure that each relevant executive branch agency has sufficient resources to execute programs in areas in which the agency has the greatest expertise, technical capability, and potential for success;

"(iii) coordinate with the Office of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally and equivalent managers of other relevant executive branch agencies that are implementing global health programs to develop and implement program plans, country-level interactions, and recipient administrative requirements in countries in which more than one program operates;

"(iv) coordinate relevant executive branch agency activities in the field, including coordination of planning, implementation, and evaluation of malaria programs with HIV/AIDS programs in countries in which both programs are being carried out;

"(v) pursue coordinate program implementation with host governments, other donors, and the private sector; and

"(vi) establish due diligence criteria for all recipients of funds appropriated pursuant to the authorizations of appropriations under section 401 for malaria assistance.

"(f) ASSISTANCE TO WHO.—In carrying out this section, the President is authorized to make a United States contribution to the Roll Back Malaria Partnership and the World Health Organization (WHO) to improve the capacity of countries with high rates of malaria and other affected countries to implement comprehensive malaria control programs.

"(g) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than 270 days after the date of the enactment of the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, and annually thereafter, the President shall transmit to the appropriate congressional committees a report on United States assistance for the prevention, treatment, control, and elimination of malaria.

"(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include a description of—

"(A) the countries and activities to which malaria assistance has been allocated;

"(B) the number of people reached through malaria assistance programs;

"(C) the percentage and number of children and mothers reached through malaria assistance programs;

"(D) research efforts to develop new tools to combat malaria, including drugs and vaccines;

"(E) collaboration with the World Health Organization (WHO), the Global Fund to Fight AIDS, Tuberculosis and Malaria, other donor governments, and relevant executive branch agencies to combat malaria;

"(F) quantified impact of United States assistance on childhood morbidity and mortality;

"(G) the number of children who received immunizations through malaria assistance programs; and

"(H) the number of women receiving antenatal care through malaria assistance programs.".

SEC. 304. HEALTH CARE PARTNERSHIPS TO COMBAT HIV/AIDS.

(a) IN GENERAL.—Title III of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7631 et seq.) is amended by striking section 304 and inserting the following:

"SEC. 304. HEALTH CARE PARTNERSHIPS TO COMBAT HIV/AIDS.

"(a) SENSE OF CONGRESS.—It is the sense of Congress that the use of health care partnerships that link United States and host country health care institutions create opportunities for sharing of knowledge and expertise among individuals with significant experience in health-related fields and build local capacity to combat HIV/AIDS and increase scientific understanding of the progression of HIV/AIDS and the HIV/AIDS epidemic.

"(b) AUTHORITY TO FACILITATE HEALTH CARE PARTNERSHIPS TO COMBAT HIV/AIDS.—The President, acting through the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, shall facilitate the development of health care partnerships described in subsection (a) by–

"(1) supporting short- and long-term institutional partnerships, including partnerships that build capacity in ministries of health, central- and district-level health agencies, medical facilities, health education and training institutions, academic centers, and faith- and community-based organizations involved in prevention, treatment, and care of HIV/AIDS;

"(2) supporting the development of consultation services using appropriate technologies, including online courses, DVDs, telecommunications services, and other technologies to eliminate the barriers that prevent host country professionals from accessing high quality health care services information, particularly providers located in rural areas;

"(3) supporting the placements of highly qualified individuals to strengthen human and organizational capacity through the use of health care professionals to facilitate skills transfer, building local capacity, and to expand rapidly the pool of providers, managers, and other health care staff delivering HIV/AID services in host countries; and

"(4) meeting individual country needs and, where possible, insisting on the implementation of a national strategic plan, by providing training and mentoring to strengthen human and organizational capacity among local health care service organizations.

"(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 401 for HIV/AIDS assistance, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of contents for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 note) is amended by striking the item relating to section 304 and inserting the following new item:

"Sec. 304. Health care partnerships to combat HIV/AIDS.".

Subtitle B—Assistance for Women, Children, and Families

SEC. 311. POLICY AND REQUIREMENTS.

(a) POLICY.—Subsection (a) of section 312 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7652) is amended—

(1) in the first sentence, by striking "The United States Government's" and inserting the following:

"(1) IN GENERAL.—The United States"; and

(2) by adding at the end the following:

"(2) COLLABORATION.—The United States should work in collaboration with governments, donors, the private sector, nongovernmental organizations, and other key stakeholders to carry out the policy described in paragraph (1).".

(b) REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) REQUIREMENTS.—The 5-year United States strategy required by section 101 of this Act shall—

"(1) establish a target for prevention and treatment of mother-to-child transmission of HIV that by 2013 will reach at least 80 percent of pregnant women in those countries most affected by HIV/AIDS;

"(2) establish a target requiring that by 2013 up to 15 percent of individuals receiving care and up to 15 percent of individuals receiving treatment under this Act and the amendments made by this Act are children;

"(3) integrate care and treatment with prevention of mother-to-child transmission of HIV programs in order to improve outcomes for HIV-affected women and families as soon as is feasible, consistent with the national government policies of countries in which programs under this Act are administered, and including support for strategies to ensure successful follow-up and continuity of care;

"(4) expand programs designed to care for children orphaned by HIV/AIDS;

"(5) develop a timeline for expanding access to more effective regimes to prevent mother-to-child transmission of HIV, consistent with the national government policies of countries in which programs under this Act are administered and the goal of achieving universal use of such regimens as soon as possible;

"(6) ensure that women receiving voluntary contraceptive counseling, services, or commodities in programs supported by the United States Government have access to the full range of HIV/AIDS services; and

"(7) ensure that women in prevention of mother-to-child transmission of HIV programs are provided with appropriate maternal and child services, either directly or by referral.".

SEC. 312. ANNUAL REPORTS ON PREVENTION OF MOTHER-TO-CHILD TRANSMISSION OF THE HIV INFECTION.

Section 313(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7653(a)) is amended by striking "5 years" and inserting "10 years".

SEC. 313. STRATEGY TO PREVENT HIV INFECTIONS AMONG WOMEN AND YOUTH.

(a) IN GENERAL.—Title III of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7631 et seq.) is amended by adding at the end the following:

"SEC. 316. STRATEGY TO PREVENT HIV INFECTIONS AMONG WOMEN AND YOUTH.

"(a) STATEMENT OF POLICY.—In order to meet the United States Government's goal of preventing 12,000,000 new HIV infections worldwide, it shall be the policy of the United States to pursue a global HIV/AIDS prevention strategy that emphasizes the immediate and ongoing needs of women and youth and addresses the factors that lead to gender disparities in the rate of HIV infection.

"(b) STRATEGY.—

"(1) IN GENERAL.—The President shall formulate a comprehensive, integrated, and culturally-appropriate global HIV/AIDS prevention strategy that, to the extent epidemiologically appropriate, addresses the vulnerabilities of women and youth to HIV infection and seeks to reduce the factors that lead to gender disparities in the rate of HIV infection.

"(2) ELEMENTS.—The strategy required under paragraph (1) shall include specific goals and targets under the 5-year strategy outlined in section 101 and shall include comprehensive HIV/AIDS prevention education at the individual and national level including the ABC ('Abstain, Be faithful, use Condoms') model as a means to reduce HIV infections and shall include the following:

"(A) Specific goals under the five-year strategy outlined in section 101.

"(B) Empowering women and youth to avoid cross-generational sex and to decide when and whom to marry in order to reduce the incidence of early or child marriage.

"(C) Dramatically increasing access to currently available female-controlled prevention methods and including investments in training to increase the effective and consistent use of both male and female condoms.

"(D) Accelerating the de-stigmatization of HIV/AIDS among women and youth as a major risk factor for the transmission of HIV.

"(E) Addressing and preventing post-traumatic and psycho-social consequences and providing post-exposure prophylaxis to victims of gender-based violence and rape against women and youth through appropriate medical, social, educational, and legal assistance and through prosecutions and legal penalties to address such violence.

"(F) Promoting changes in male attitudes and behavior that respect the human rights of women and youth and that support and foster gender equality.

"(G) Supporting the development of microenterprise initiatives, job training programs, and other such efforts to assist women in developing and retaining independent economic means.

"(H) Supporting universal basic education and expanded educational opportunities for women and youth.

"(I) Protecting the property and inheritance rights of women.

"(J) Coordinating inclusion of HIV/AIDS prevention information and education services and programs for individuals with HIV/AIDS with existing health care services targeted to women and youth, such as ensuring access to HIV/AIDS education and testing in family planning programs supported by the United States Government and programs to reduce mother-to-child transmission of HIV, and expanding the reach of such HIV/AIDS health services.

"(K) Promoting gender equality by supporting the development of nongovernmental organizations, including faith-based and community-based organizations, that support the needs of women and utilizing such organizations that are already empowering women and youth at the community level.

"(L) Encouraging the creation and effective enforcement of legal frameworks that guarantee women equal rights and equal protection under the law.

"(M) Encouraging the participation and involvement of women in drafting, coordinating, and implementing the national HIV/AIDS strategic plans of their countries.

"(N) Responding to other economic and social factors that increase the vulnerability of women and youth to HIV infection.

"(3) TRANSMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—Not later than 180 days after the date of the enactment of the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, the President shall transmit to the appropriate congressional committees and make available to the public the strategy required under paragraph (1).

"(c) COORDINATION.—In formulating and implementing the strategy required under subsection (b), the President shall ensure that the United States coordinates its overall HIV/AIDS policy and programs with the national governments of the countries for which the United States provides assistance to combat HIV/AIDS and, to the extent practicable, with international organizations, other donor countries, and indigenous organizations, including faith-based and community-based organizations specifically for the purposes of ensuring gender equality and promoting respect of the human rights of women that impact their susceptibility to HIV/AIDS, improving women's health, and expanding education for women and youth, and organizations, including faith-based and other nonprofit organizations, providing services to and advocating on behalf of individuals with HIV/AIDS and individuals affected by HIV/AIDS.

"(d) GUIDANCE.—

"(1) IN GENERAL.—The President shall provide clear guidance to field missions of the United States Government in countries for which the United States provides assistance to combat HIV/AIDS, based on the strategy required under subsection (b).

"(2) TRANSMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The President shall transmit to the appropriate congressional committees and make available to the public a description of the guidance required under paragraph (1).

"(e) REPORT.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, and annually thereafter as part of the annual report required under section 104A(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(e)), the President shall transmit to the appropriate congressional committees and make available to the public a report on the implementation of this section for the prior fiscal year.

"(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

"(A) A description of the prevention programs designed to address the vulnerabilities of women and youth to HIV/AIDS.

"(B) A list of nongovernmental organizations in each country that receive assistance from the United States to carry out HIV prevention activities, including the amount and the source of funding received.".

(b) CLERICAL AMENDMENT.—The table of contents for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 note) is amended by inserting after the item relating to section 315 the following:

"Sec. 316. Strategy to prevent HIV infections among women and youth.".

SEC. 314. CLERICAL AMENDMENT.

The table of contents for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 note) is amended by striking the item relating to subtitle B of title III and inserting the following:

"Subtitle B—Assistance for Women, Children, and Families".

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671(a)) is amended—

(1) by striking "$3,000,000,000" and inserting "$10,000,000,000"; and

(2) by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2013".

SEC. 402. SENSE OF CONGRESS.

Section 402(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7672) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (2) (as redesignated by paragraph (2) of this section), by striking ", of which" and all that follows through "programs".

SEC. 403. ALLOCATION OF FUNDS.

(a) HIV/AIDS PREVENTION ACTIVITIES.—Subsection (a) of section 403 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673) is amended to read as follows:

"(a) HIV/AIDS PREVENTION ACTIVITIES.—

"(1) IN GENERAL.—For each of the fiscal years 2009 through 2013, not less than 20 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for HIV/AIDS prevention activities consistent with section 104A(d) of the Foreign Assistance Act of 1961.

"(2) BALANCED FUNDING REQUIREMENT.—(A) The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall provide balanced funding for prevention activities for sexual transmission of HIV/AIDS and shall ensure that behavioral change programs, including abstinence, delay of sexual debut, monogamy, fidelity and partner reduction, are implemented and funded in a meaningful and equitable way in the strategy for each host country based on objective epidemiological evidence as to the source of infections and in consultation with the government of each host county involved in HIV/AIDS prevention activities.

"(B) In fulfilling the requirement under subparagraph (A), the Coordinator shall establish a HIV sexual transmission prevention strategy governing the expenditure of funds authorized by the Act used to prevent the sexual transmission of HIV in any host country with a generalized epidemic. In each such host country, if this strategy provides less than 50 percent of such funds for behavioral change programs, including abstinence, delay of sexual debut, monogamy, fidelity, and partner reduction, the Coordinator shall, within 30 days of the issuance of this strategy, report to the appropriate congressional committees on the justification for this decision.

"(C) Programs and activities that implement or purchase new prevention technologies or modalities such as medical male circumcision, pre-exposure prophylaxis, or microbicides and programs and activities that provide counseling and testing for HIV or prevent mother-to-child prevention of HIV shall not be included in determining compliance with this paragraph.

"(3) REPORT.—Not later than 1 year after the date of the enactment of the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, and annually thereafter as part of the annual report required under section 104A(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(e)), the President shall transmit to the appropriate congressional committees and make available to the public a report on the implementation of paragraph (2) for the prior fiscal year.".

(b) ORPHANS AND VULNERABLE CHILDREN.—Subsection (b) of such section is amended by striking "fiscal years 2006 through 2008" and inserting "fiscal years 2009 through 2013".

SEC. 404. PROHIBITION ON TAXATION BY FOREIGN GOVERNMENTS.

(a) PROHIBITION ON TAXATION.—None of the funds appropriated pursuant to the authorization of appropriations under section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671) may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) DE MINIMUS EXCEPTION.—Foreign taxes of a de minimus nature shall not be subject to the provisions of subsection (a).

(c) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (a) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(d) DETERMINATIONS.—

(1) IN GENERAL.—The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

(2) CONSULTATION.—The Secretary of State shall consult with the Committees on Foreign Affairs and Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(e) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(f) DEFINITIONS.—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are authorized by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the

government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

TITLE V—SUSTAINABILITY AND STRENGTHENING OF HEALTH CARE SYSTEMS

SEC. 501. SUSTAINABILITY AND STRENGTHENING OF HEALTH CARE SYSTEMS.

The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"TITLE VI—SUSTAINABILITY AND STRENGTHENING OF HEALTH CARE SYSTEMS

"SEC. 601. FINDINGS.

"Congress makes the following findings:

"(1) The shortage of health personnel, including doctors, nurses, pharmacists, counselors, laboratory staff, and paraprofessionals, is one of the leading obstacles to fighting HIV/AIDS in sub-Saharan Africa.

"(2) The HIV/AIDS pandemic aggravates the shortage of health workers through loss of life and illness among medical staff, unsafe working conditions for medical personnel, and increased workloads for diminished staff, while the shortage of health personnel undermines efforts to prevent and provide care and treatment for individuals with HIV/AIDS.

"(3) Failure to address the shortage of health care professionals and paraprofessionals, and the factors forcing such individuals to leave sub-Saharan Africa, will undermine the objectives of United States development policy and will subvert opportunities to achieve internationally-recognized goals for the prevention, treatment, and care of HIV/AIDS and other diseases, the reduction of child and maternal mortality, and for economic growth and development in sub-Saharan Africa.

"SEC. 602. NATIONAL HEALTH WORKFORCE STRATEGIES AND OTHER POLICIES.

"(a) National Health Workforce Strategies.—

"(1) Statement of Policy.—It shall be the policy of the United States Government to support countries receiving United States assistance to combat HIV/AIDS, tuberculosis, and malaria, and other health programs in developing, strengthening, and implementing 5-year health workforce strategies.

"(2) Technical and Financial Assistance.—The Administrator of the United States Agency for International Development, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, is authorized to provide technical and financial assistance to countries described in paragraph (1) to enable such countries, in conjunction with other funding sources, to develop, strengthen, and implement health workforce strategies.

"(3) Activities Supported.—Assistance provided under paragraph (2) shall, to the maximum extent practicable, be used to carry out the following:

"(A) Activities to promote an inclusive process that includes nongovernmental organizations and individuals with HIV/AIDS in developing health workforce strategies.

"(B) Activities to achieve and sustain a health workforce sufficient in numbers, skill, and capacity to meet United States and host-country international health commitments, including the Millennium Development Goals and universal access to HIV/AIDS prevention, treatment, and care. In particular, such health workforce strategies should include plans for progress toward achieving the minimum ratio of health professionals required to achieve these goals by 2015, estimated by the World Health Organization to require at least 2.3 doctors, nurses, and midwives per 1,000 population, and additional health workers such as pharmacists and lab technicians.

"(C) Activities to ensure that health workforce strategies are aimed at creating appropriate distribution of health workers and prioritizing activities required to ensure rural, marginalized, and other underserved populations are able to access skilled and equipped health workers.

"(D) Activities to expand the capacity of public and private medical, nursing, pharmaceutical, and other health training institutions.

"(b) Positive Broader Health Impact.—It shall be the policy of the United States to ensure to expand the capacity of the health workforce engaged in HIV/AIDS programming in ways that contribute to, and do not detract from, the capacity of countries to meet other health needs, particularly child survival and maternal health.

"(c) Safety for Health Workers.—It is the sense of Congress that the United States should ensure that all health workers participating in programs that receive assistance under this Act and the amendments made by this Act have the proper training to create safe and sanitary working conditions in accordance with universal precautions and other forms of infection prevention and control.

"(d) Health Care for Health Workers.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall ensure that comprehensive and confidential health services shall be provided to all health workers participating in programs that receive assistance under this Act and the amendments made by this Act, including—

"(1) testing and counseling for all such employees;

"(2) providing HIV/AIDS treatment to HIV-positive employees; and

"(3) taking measures to reduce HIV-related stigma in the workplace.

"(e) Training and Compensation Finance.—Where the Coordinator determines such financial support is essential to fulfill the purposes of this Act, the Coordinator shall finance training and provide compensation or other benefits for health workers in order to enhance recruitment and retention of such workers.

"SEC. 603. EXEMPTION OF INVESTMENTS IN HEALTH FROM LIMITS SOUGHT BY INTERNATIONAL FINANCIAL INSTITUTIONS.

"(a) Coordination Within the United States Government.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall work with the Secretary of the Treasury to reform International Monetary Fund macroeconomic and fiscal policies that result in limitations on national and donor investments in health.

"(b) Position of the United States at the IMF.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice, vote, and influence of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the International Monetary Fund that does not exempt increased government spending on health care from national budget caps or restraints, hiring or wage bill ceilings, or other limits sought by any international financial institution.

"SEC. 604. PUBLIC-SECTOR PROCUREMENT, DRUG REGISTRATION, AND SUPPLY CHAIN MANAGEMENT SYSTEMS.

"(a) In General.—The Coordinator of United States Government Activities to Combat AIDS Globally shall work with the Partnership for Supply Chain Management Systems, host countries, and nongovernmental organizations to develop effective, reliable host country-owned and operated public-sector procurement and supply chain management systems, including regional distribution, with ongoing technical assistance and sustained support to ensure the function of such systems, as well as the function of existing non-public sector supply chains, including those operated by faith-based and other humanitarian organizations that procure and distribute medical supplies.

"(b) Availability of Equipment and Supplies.—The public-sector procurement and supply chain management systems developed pursuant to subsection (a) should ensure that adequate laboratory equipment and supplies commonly needed to fight HIV/AIDS, including diagnostic tests for CD4 and viral load counts, x-ray machines, mobile and facility-based rapid HIV test kits and other necessary assays, reagents and basic supplies such as sterile syringes and gloves, are available and distributed in a manner that is accessible to urban and rural populations.

"(c) Drug Registration.—The Coordinator shall work with host country partners and development partners to support efficient and effective drug approval and registration systems that allow expeditious access to safe and effective drugs, including antiretroviral drugs.

"(d) Report.—The Coordinator shall submit to the appropriate congressional committees an annual report on the implementation of this section, including progress toward specific benchmarks established by the Partnership for Supply Chain Management Systems, and the projection of when host countries can fully sustain their own procurement and supply chain management and distribution systems at a scale necessary for national primary health needs.

"SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—Of the amounts authorized to be appropriated under section 401 for HIV/AIDS assistance, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this title.

"(b) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.".

SEC. 502. CLERICAL AMENDMENT.

The table of contents for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 note) is amended by inserting after the items relating to title V the following:

"TITLE VI—SUSTAINABILITY AND STRENGTHENING OF HEALTH CARE SYSTEMS

"Sec. 601. Findings.
"Sec. 602. National health workforce strategies and other policies.
"Sec. 603. Exemption of investments in health from limits sought by international financial institutions.

"Sec. 604. Public-sector procurement, drug registration, and supply chain management systems.
"Sec. 605. Authorization of appropriations.".

The CHAIRMAN. No amendment to the bill is in order except those printed in House Report 110–562. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–562.

Mr. BLUMENAUER. Madam Chairman, I have an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BLUMENAUER:

Page 59, line 7, insert ", safe drinking water," after "nutrition".

The CHAIRMAN. Pursuant to House Resolution 1065, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, it is a pleasure for me to rise dealing with the underlying legislation that contains an important section to address barriers that might limit the start of and adherence to treatment services. This section also encourages direct linkages between the efforts to treat HIV/AIDS, nutrition and income security programs.

I applaud the chairman and ranking member for the work that they have done bringing this together, and the recognition that dealing with HIV/AIDS must be done in a holistic fashion that treats the entire person and their environment, not just the disease.

I have a very personal connection to this legislation now that was not present when I first started working on issues of water for the poor now that I have a daughter working in Mozambique in the Peace Corps who is dealing with these problems on a day-to-day basis.

This direct amendment would add safe drinking water to nutrition and income security on the list of programs for which direct linkages are encouraged. This is an important tribute to our late colleagues, Chairman Lantos and Chairman Hyde, who were so instrumental in the enactment of our Water for the Poor Act, and their insights that are bringing safe drinking is an important component of developmental sectors from health to the environment. To include safe drinking water in legislation through which we honor their memories is a small testament to their lasting legacies.

Including safe drinking water is critical because we cannot treat HIV/AIDS without safe drinking water. USAID has recognized in its guidance for missions carrying out these programs that people with HIV/AIDS are at increased risk for diarrheal diseases and far more likely to suffer severe and chronic complications if infected.

There is terrible irony in providing patients with advanced antiretroviral agents, and then asking them to use the water in a glass that may infect them with a life-threatening illness to wash down the life-saving pills.

To add irony, one of the complications of diarrheal illnesses is HIV-infected patients have a reduced ability to absorb antiretroviral and other medications from the gut. This poor absorption can contribute to the development of HIV strains that are resistant. In addition to the negative impact on life expectancy and quality of life, they also add significantly to the burdens on caregivers in clinics and at home and put them and other family members at risk for infection.

We are all a part of this in the global community. This legislation is important to tie these challenges together, not deal with it piecemeal, and to help with advancing the overall objective of this legislation.

Madam Chairman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chairman, I ask unanimous consent to claim the time in opposition to the amendment for purposes of debate.

The CHAIRMAN. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I support Mr. BLUMENAUER's amendment, which would add safe drinking water to nutrition and income security on the list of programs for which direct linkages are encouraged. For patients whose immune systems have been compromised by AIDS, the availability of safe, clean drinking water is vitally important. This is especially true for HIV positive women with young infants who use infant formula to avoid transmitting the virus to their babies during feeding. If the water used in the formula is not clean, their babies are at high risk for waterborne diseases. Therefore, this amendment would allow PEPFAR to link with existing safe drinking water programs in order to provide clean water to these treatment patients.

Mr. BERMAN. Madam Chairman, will the gentlewoman yield?

Ms. ROS-LEHTINEN. I yield to the gentleman from California.

Mr. BERMAN. Madam Chairman, I appreciate the gentlewoman yielding, and I rise to join you in supporting the gentleman's amendment. What was interesting to me was to learn, and there are many things I learned in this bill that I didn't know, but one was that about 1.2 billion people globally lack safe water to consume in the least-developed countries, and up to 90 percent of AIDS patients, 90 percent, suffer and frequently die from the chronic diarrheal diseases that the gentleman discussed. These diseases are caused by the use of unsafe water.

This is a compelling amendment. I join the gentlewoman in supporting it.

Ms. ROS-LEHTINEN. Madam Chairman, I would also like to yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Madam Chairman, I rise in support of Mr. BLUMENAUER's amendment to ensure that safe drinking water is a component of our HIV/AIDS strategy. Congressman BLUMENAUER, the lead sponsor of the Water for the Poor Act of 2005, has been a strong advocate on this issue for years, and he was kind enough to testify about the challenge of clean water in Africa at a hearing of the Subcommittee on Global Health I chaired in May of 2007.

During the course of that hearing, it became clear that in Africa, the region hardest hit by the AIDS pandemic, the problem of safe water is particularly acute. The total number of people without access to potable water in the region has actually increased by 60 million in the past half decade. That is why Mr. BLUMENAUER and I, along with other Members of Congress, successfully secured $300 million for safe drinking water and sanitation projects for fiscal year 2008.

We all know that HIV compromises the immune system. Those infected with the disease are far more likely to succumb to the illness caused by unsafe drinking water, especially if they are children, and there is no way that people can take ARVs if they do not have access to clean drinking water.

I strongly support Mr. BLUMENAUER's amendment, and thank him for his cosponsorship of H. Res. 318, supporting the goals of the United Nations International Year of Sanitation. His resolution encourages international communities to achieve the target of halving the proportion of people without access to safe drinking water and basic sanitation. I encourage my colleagues to support the Blumenauer amendment.

Mr. BLUMENAUER. Madam Chairman, I yield myself such time as I may consume.

I would like to express my deep appreciation to Chairman PAYNE. I appreciate the ranking member yielding time to him. I was prepared to do so, but she was able to give him more time, and that is important.

Congressman PAYNE, your laser-like focus on this with the subcommittee, your long-term advocacy, your work on the continent, is something that I find inspirational. I look forward to working with you and partnering on these issues as we move forward.

To the Chair and ranking member, your willingness to include this is important, and our work together to be able to focus on the whole person and to be able to deal with waterborne disease, the number one preventible cause of death and disease around the world. Half the people who are sick today anywhere in the world are sick needlessly from water-borne disease. Adding this critical amendment to your important legislation is an important step forward. I hope it is just one step that we can work on together to bring people around the world to support this critical priority.

As I say, I can think of no more fitting tribute to your previous predecessors as Chair of the committee, Congressman Hyde and Congressman Lantos, who worked so hard to advance this cause. I urge adoption of this amendment.

Madam Chairman, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FORTENBERRY

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–562.

Mr. FORTENBERRY. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FORTENBERRY:

Page 43, line 4, insert before the period at the end the following: ", including both Principal Recipients and sub-recipients".

The CHAIRMAN. Pursuant to House Resolution 1065, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, as a member of the House Foreign Affairs Committee and the Subcommittee on Africa and Global Health, I have been involved extensively in the issues before us today. I really do appreciate the bipartisan cooperation that has guided this process, particularly by Chairman BERMAN and our ranking member, Ms. ROS-LEHTINEN. Thank you. This bill is appropriately named for two giants of this institution, Tom Lantos and Henry Hyde.

My amendment addresses the issue of transparency and accountability in the Global Fund. The Global Fund is a unique, non-governmental multilateral organization headquartered in Switzerland and focused on combating HIV/AIDS, tuberculosis and malaria throughout the developing world.

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The U.S. Government is the single largest provider of resources and technical assistance to the Global Fund, and since 2001 Congress has appropriated nearly $4 billion to the Fund. The Lantos-Hyde bill before us today authorizes additional funds that will total in the billions.

The bill currently and appropriately calls for systematic assessments of performance data of principal recipients and subrecipients of funds, as recommended by the Government Accountability Office, the GAO. This technical amendment simply clarifies that audits by the Fund's Inspector General should also encompass principal recipients and subrecipients, the entities that actually receive programmatic funding.

Madam Chairman, I believe that this amendment strengthens the spirit of accountability that is present in the underlying bill. According to a June 2005 report by the GAO, the Global Fund possessed a limited ability to monitor and evaluate grants. Concerns have also been raised that the volume of funding provided through the Global Fund may exceed the capacity of the recipients in the field to actually utilize it.

Since we are considering an additional contribution that may total in the billions of U.S. taxpayer dollars to the Global Fund over the life of this reauthorization, I believe that it would be beneficial for ourselves, as well as for the Fund, as well as for other donors, to have additional clarity on how these funds are being used in the field for those most in need of our assistance.

Madam Chairman, I intend to support the overall bill, and I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. BERMAN. Madam Chairman, while I do not oppose the amendment, I ask unanimous consent to take the time in opposition.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BERMAN. Madam Chairman, the gentleman's amendment, and I have spoken to him about it, encourages the Global Fund Inspector General to not only audit its grantees, but also the subgrantees and subrecipients who receive Global Fund money.

Obviously, I share the gentleman's concern that transparency and accountability in the use of HIV/AIDS assistance provided through the Global Fund is critically important for all the reasons that he stated. The Global Fund, in all fairness, I do want to point out, has shown, I believe, its commitment to that transparency and accountability. It has a new inspector general, and has instituted an enhanced accounting system that focuses on improving accountability among subrecipients. But the principle of this amendment makes sense. While there are some technical issues I will want to talk to him about as we move through the legislative process, I look forward to working with him on it and I certainly urge the adoption of the amendment.

I yield 1 minute to the gentlelady from Florida, the ranking member.

Ms. ROS-LEHTINEN. Madam Chairman, I also support Mr. FORTENBERRY's amendment which would ensure that audits by the Global Fund Inspector General include information on subcontractors.

The U.S. government is the largest contributor to the Global Fund to fight HIV/AIDS, tuberculosis, and malaria. Since the fund was created, the U.S. has appropriated and pledged $3.5 billion for contributions to the Global Fund, representing nearly one-third of the total budget of the Global Fund. It is an important component to the world's response to these three diseases, and has made progress on issues of transparency and accountability in recent years.

As the bill makes clear, continued support to the Global Fund should be based on the Fund's ability to meet certain transparency and accountability benchmarks.

This amendment builds on and clarifies the underlying text in order to ensure that the audits conducted by the Global Fund's Office of Inspector General cover both primary recipients of grant funding and subrecipients who perform smaller pieces of the grants. These audits are important. I thank the gentleman for the time, and I support the Fortenberry amendment on Inspector General audits at the Global Fund.

Mr. BERMAN. Madam Chairman, I yield 1 minute to the chairman of the Africa Subcommittee, the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Madam Chairman, I rise to speak on the amendment offered by Mr. FORTENBERRY. We appreciate the work that he does on the subcommittee and he contributes greatly.

We feel that the Inspector General has been doing an adequate job; however, we do not oppose this amendment. The Office has approved over $10 billion for programs in 136 countries around the world so far, which amounts to 21 percent of all donor HIV/AIDS spending, and two-thirds of all the donor spending on malaria and tuberculosis. Through the Global Fund, 1.4 million people have been treated with life-saving antivirals, 3.3 million cases of TB have been treated; and, in a new area, 46 million bed nets have been distributed to protect children against malaria. And I am pleased to say that Ray Chambers from New Jersey and my congressional district has been appointed ambassador for the U.N. to combat malaria.

So, we do not oppose this amendment, and we look forward to the bill's passage.

Mr. BERMAN. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FORTENBERRY. Madam Chairman, I want to thank the chairman of the Foreign Affairs Committee for his support of this. I understand the concerns he addressed and understand his comments, as well as the chairman's of the subcommittee. I look forward to continuing to work with him, but do appreciate his support of the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. MC COLLUM OF MINNESOTA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–562.

Ms. McCOLLUM of Minnesota. Madam Chairman, I have an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. McCOLLUM of Minnesota:

Page 35, line 13, insert ", Malawi, Swaziland, Lesotho" after "Republic".

The CHAIRMAN. Pursuant to House Resolution 1065, the gentlewoman from Minnesota (Ms. McCOLLUM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Minnesota.

Ms. McCOLLUM of Minnesota. Madam Chairman, the amendment offered by Mr. JACKSON of Illinois and myself would add three Southern African countries, Malawi, Swaziland, and Lesotho, to the lists of countries that will be a part of the focus countries in the reauthorization of this Global HIV/AIDS legislation.

In 2003, the original PEPFAR legislation designated 14 focus countries. These countries were prioritized for intensive investment of resources and technical expertise as provided through PEPFAR. The bill on the floor today adds focus countries by designating Vietnam and 14 Caribbean basic countries with PEPFAR focus status. Unfortunately, these three countries in Southern Africa, each confronting devastation as a result of HIV/AIDS, have not been granted priority status in PEPFAR. The crisis of HIV/AIDS confronting Malawi, Swaziland, and Lesotho is real and in some cases worse than the existing focus countries.

Malawi is a country of 13 million people, with 900,000 children orphaned by AIDS and nearly 1 million of its adults living with HIV, a 14 percent infection rate. Swaziland, with a population of only 1.1 million people, has over 200,000 adults living with HIV, one in three adults, or a 33 percent adult infection rate. Lesotho has a population of 2 million people, and an HIV infection rate among its adults of 23 percent.

These three countries are not only confronting HIV and AIDS, but they are also among the poorest countries on the planet, which makes their challenge so much greater. Malawi, for example, is 164th out of 177 countries on the United Nations Human Development Index. Also, each country is geographically surrounded by countries that were designated focus countries in the original PEPFAR legislation, South Africa, Mozambique, Zambia, Tanzania, which are presently receiving massive investments to confront their epidemics.

Malawi, Swaziland, and Lesotho are working bilaterally with the United States; but by not being granted PEPFAR's focus country status, the gap that they face between the needs and available resources means that too many people will continue to be infected, too many people will continue to die needlessly, and too many orphans will be left to fend for themselves.

This amendment has the support of the governments of Malawi, Swaziland and Lesotho.

I submit for the RECORD a letter of support from the three governments.

EMBASSY OF THE REPUBLIC OF MALAWI,
Washington, DC, March 28, 2008.

Hon. BETTY McCOLLUM,
House of Representatives,
Washington DC.

DEAR HONOURABLE McCOLLUM, we are writing to follow up on our recent meeting during which we discussed, among other things, the re-authorization of the President's Emergency Plan for AIDS Relief (PEPFAR).

We are deeply concerned that the three countries that have been heavily impacted by the HIV/AIDS virus in Southern Africa, and whose prevalence rates are above 14% have been left out from the new list of focus countries as reflected in H.R. 5501. Our countries have become islands amidst countries that are receiving tremendous resources from PEPFAR within the region.

The AIDS epidemic in our countries has brought additional pressure to bear on the health sector. We are failing to train adequate number of health workers to provide services to those living with HIV and suffering from AIDS. The few that we have trained have died from the virus while others have left the continent for greener pastures in the western countries. Although the recent increase in the provision of ARV has brought hope to many, it has also put increased strain on the remaining healthcare workers. In addition, there are many more people living with the HIV virus who are not receiving treatment due to lack of resources to purchase drugs and to train personnel to administer treatment.

The presence of AIDS has also affected many households. Many children have lost one or both parents due to HIV/AIDS. At the same time, we have a large number of children who were born with the virus because the risk of mother-to-child transmission remains very high. Although we have put in place orphan care programs, the need for more resources to provide comprehensive care cannot be overemphasized. The pandemic has also added strain to the food insecurity in many areas because agricultural work has been neglected or abandoned due to household illness. The labor force, in general, has also been affected by HIV/AIDS, setting back economic and social progress.

Our leadership is highly committed to the fight against HIV/AIDS. Our governments have provided enough domestic resources within their means and are receiving external funding for HIV/AIDS programs. However, there is a wide funding gap between planned programs and resources required for implementation. It is for this reason that we humbly request you to introduce an amendment to H.R. 5501, to include Lesotho, Malawi and Swaziland as focus countries.

Your assistance on this matter will be greatly appreciated.

Yours sincerely,

HAWA OLGA NDILOWE,
Ambassador of Malawi to the U.S.
EPHRAIM MANDLENKOSI M. HOPE,
Ambassador of the Kingdom of Swaziland to the U.S.
MABASIA NTSOAKI MOHOBANE,
Charge d'Affaires, Embassy of the Kingdom of Lesotho to the U.S.

These countries believe, as I do, that the severity of the epidemic in their countries should make their fight against AIDS a priority for this Congress and for the American people.

Finally, I want to thank the chairman and the ranking member for their commitment for fighting HIV/AIDS, and for their hard work in bringing H.R. 5501 to the floor.

I also had the honor of serving on the International Relations Committee under the leadership of Mr. Hyde and Mr. Lantos when we passed the original PEPFAR legislation. They were both extraordinary men and wonderful mentors to me. They were compassionate leaders in this House, and it is fitting that we pay tribute to their lives and their contributions to this country by passing a bill that will save lives and improve life all around the world. I urge my colleagues to support this amendment to be included in the bill, and also to support passage of this important bill.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chairman, I ask unanimous consent to claim the time in opposition to the amendment for purposes of debate.

The CHAIRMAN. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Chairman, I actually support the McCollum-Jackson amendment, which would add Malawi, Swaziland and Lesotho to the list of countries in which the Global AIDS Coordinator is given explicit statutory authority.

Malawi, Swaziland, and Lesotho all face major HIV/AIDS epidemics and have received significant resources through PEPFAR in the first 5 years of implementation. By giving the Global AIDS Coordinator explicit authority over the U.S. Government's HIV/AIDS programs in these countries, the Congress is signaling that it believes the U.S. Government should continue to come alongside these nations' governments and their citizens to support them in the fight against HIV/AIDS, and I commend Ms. McCOLLUM and Mr. JACKSON for offering it.

I would like to yield the remaining time, Madam Chairman, to our chairman, Chairman BERMAN of California, as well as Mr. PAYNE of New Jersey, with Mr. PAYNE of New Jersey first.

Mr. PAYNE. I thank the gentlelady for yielding. I rise in strong support of the amendment offered by the gentlelady from Wisconsin.

Southern Africa has the highest rate of HIV and AIDS in the entire world. In Lesotho, we have heard, a country with an HIV/AIDS prevalence rate of 38 percent among pregnant women, only 19 percent of those in need of treatment for the disease have access for it. Even more troubling is the fact that only 5 percent of HIV-positive mothers get drugs to prevent the transmission of the virus to their children during childbirth. Life expectancy for women is 44 years, and for men a mere 39.

In Malawi, the situation is a little better; men are expected to live 41 years, women 42. The health care worker shortage in the country remains a major obstacle.

Circumstances in Swaziland are equally grim: 26 percent of adults are HIV positive. In a country of just over 1 million, there are 70,000 AIDS orphans. Clearly, HIV and AIDS pose a dire threat in these countries and must be urgently addressed. Therefore, I commend the gentlewoman, Ms. McCOLLUM, for her amendment to make Swaziland, Lesotho, and Malawi focus countries, and I urge my colleagues to support this amendment.

Ms. ROS-LEHTINEN. Madam Chairman, if I could yield now to Chairman BERMAN, the gentleman from California.

Mr. BERMAN. I thank the gentlelady for yielding.

I support this amendment. I congratulate Representatives McCOLLUM and JACKSON for their leadership in adding these hard-hit nations to the focus country list.

All three of these Southern African countries suffer from both high HIV/AIDS prevalence rates and high poverty rates, with devastating effects. The statistics in all three countries regarding AIDS have been put on the record by both the gentlelady from Minnesota and the gentleman from New Jersey, so I will just add my words of support for the amendment.

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Ms. ROS-LEHTINEN. Madam Chairman, I yield back the balance of my time.

Ms. McCOLLUM of Minnesota. Madam Chairman, I would like to thank the chairman, the ranking member, and the distinguished Chair of the Subcommittee on Africa and Global Health for their kind words, and urge all of my colleagues to support the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Minnesota (Ms. McCOLLUM).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CARSON OF INDIANA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–562.

Mr. CARSON of Indiana. Madam Chairman, I have an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CARSON of Indiana:

Page 49, line 10, insert before the period at the end the following: "Recognizing that human and institutional capacity form the core of any health care system that can sustain the fight against HIV/AIDS, tuberculosis, and malaria, the plan shall include a strategy to encourage postsecondary educational institutions in host countries, particularly in Africa, in collaboration with United States postsecondary educational institutions, historically black colleges and universities, to develop such human and institutional capacity and in the process further build their capacity to sustain the fight against these diseases.".

Page 104, line 21, before "capacity" insert "human and institutional".

Page 105, line 5, insert "partnerships," after "telecommunications services,".

The CHAIRMAN. Pursuant to House Resolution 1065, the gentleman from Indiana (Mr. CARSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. CARSON of Indiana. Madam Chairman, I rise today in support of H.R. 5501, the Tom Lantos and Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 and to offer my amendment which I believe will enhance the base bill. I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their hard work in bringing this legislation to the floor.

I find it of coincidence the timing of our consideration of this legislation for it is juxtaposed between two pivotal historical moments in time: The deaths of the renowned African American medical doctor, Dr. Charles Drew on April 1, 1950, and the celebrated human rights leader, Dr. Martin Luther King, Jr. on April 4, 1968.

Both Dr. Drew and Dr. King were products of the American educational system and particularly of historically black colleges and universities. Madam Chairman, I cannot think of any better way to explain the importance of this amendment and its use. The effort to address HIV/AIDS requires the best of human rights and of medical science.

My amendment is a simple amendment that would make changes to section 204 of H.R. 5501. The amendment directs the coordinator of the United States Government Activities to Combat HIV/AIDS Globally and the administrator of the United States Agency for International Development to expand their plan for strengthening health systems of host countries by allowing for African post secondary educational institutions to collaborate with United States post secondary educational institutions and specifically historically black colleges and universities to develop such human and institutional capacity.

The goal of my amendment is to allow our Nation's finest post secondary educational institutions to be directly involved in the training of health care workers that will enhance the effectiveness and efficacy of the efforts put forth in H.R. 5501.

Madam Chairman, I can think of no better way for the citizens of Indiana, the great Hoosier State, to contribute in the fight against this pandemic than to train the best and brightest, and to commit to countries whose health care systems suffer woefully from the lack of trained health professionals. After all, who are we to block the opportunity to these children to be successful.

Madam Chairman, before I close, I want to acknowledge and salute the two men this piece of legislation is named after, Congressmen Tom Lantos and Henry Hyde. I didn't get a chance to work with them in this body, but I cannot think of a better way to honor their service in this great institution.

Finally, I want to thank the wonderful staff of the Foreign Relations Committee and the Rules Committee for helping me craft this amendment.

Madam Chairman, I ask for support of my amendment.

Madam Chairman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Chairman, I ask unanimous consent to claim the time in opposition to the amendment for purposes of debate.

The CHAIRMAN. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Madam Chairman, first of all, I would like to thank Mr. CARSON for his well-reasoned and important amendment. We all had the honor of serving with his grandmother, Julia Carson, for many years in this body, and I know that Congresswoman Carson is looking down at her grandson and saying she is mighty proud. So thank you so much for your amendment, and thank you for carrying on in her great legacy by presenting wonderful topics and themes for us to discuss on the floor.

I fully support the Carson amendment because it focuses on building human and institutional capacity in PEPFAR host countries. It directs the global AIDS coordinator and the USAID administrator to expand their plan by strengthening health systems of host countries by encouraging post secondary educational institutions, particularly those in the African continent, to collaborate with the post secondary educational institutions here in the United States, including historically black colleges and universities in training health care workers.

As other provisions of this bill made clear, an important component of the fight against HIV/AIDS, tuberculosis, and malaria, is the strengthening of the educational capacity in host countries to train health care workers. The Carson amendment does exactly that. I congratulate him for it. He is a welcome addition to our Chamber.

I would like to yield to Ms. LEE of California who has been working on this issue for a long time, Madam Chairman.

Ms. LEE. I want to thank the gentlelady for yielding.

I rise today to support this amendment and to commend the gentleman from Indiana. I understand this is his first amendment, and it shows that he has hit the ground running. Today, I am reminded of our former colleague, his grandmother, our beloved Congresswoman Julia Carson. I know she is smiling today and is very proud of your efforts; thank you.

Historically black colleges and universities have trained some of our finest dedicated doctors, nurses, and health care workers. These colleges and universities go way beyond the call of duty. They have a deep cultural and historical understanding and connection to the continent of Africa. They are attacking HIV/AIDS here on the homefront where HIV and AIDS is disproportionately affecting the African-American community. So by developing human and institutional capacity in Africa and in the Caribbean, we are bringing to bear, in a comprehensive manner, mechanisms to maximize our effectiveness in combating HIV and AIDS, malaria and tuberculosis.

So I want to salute and thank the gentleman from Indiana once again for his leadership and for helping to strengthen this bill.

Ms. ROS-LEHTINEN. Madam Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Madam Chairman, I appreciate the gentlelady, the ranking member, yielding me this time, and I rise in strong support of the Carson amendment relating to the building of human capacity to fight HIV/AIDS through collaborations between U.S. colleges and universities and those in the developing world.

I, too, am very pleased to see this piece of legislation by Mr. CARSON. We all knew Julia Carson. She came to my district to deal with health disparities in my district in New Jersey, and traveled to Africa with me on a trip dealing with this problem. So this is very appropriate, and let me commend you again.

In May of 2007, Doctors Without Borders released a report that found that in southern Africa, a shortage of trained health care workers was the main barrier to increasing access to antiretroviral treatment.

The report found that in Mozambique, people had to wait up to 2 months to start ARVs because there were not enough doctors and nurses to manage it. In one health district in Lesotho, nearly half of the nursing posts were vacant. Malawi has only two doctors per 100,000 people. The minimum standard according to the WHO is 20 doctors per 100,000 people.

I am pleased to say that the bill under consideration seeks to address those problems. It calls on the United States to train 140,000 new health care workers and professionals so people can start on life-saving therapy.

University partnerships are a logical and effective means through which to support this goal. So I once again commend Mr. CARSON for his amendment, and urge my colleagues to support it.

Mr. CARSON of Indiana. Madam Chairman, I yield 1½ minutes to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Madam Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the amendment offered by Mr. CARSON. Congressman CARSON's amendment rightfully recognizes that the HIV/AIDS epidemic is proliferating at an alarming rate around the globe, particularly in Africa.

This amendment establishes a cooperative framework in which AIDS researchers in Africa can collaborate with American medical experts, including researchers at historically black colleges and universities, on the best ways to treat and prevent the spread of this devastating infectious disease.

I commend and thank the gentleman from Indiana for offering this worthwhile amendment. I encourage my colleagues to support this amendment and the underlying bill.

Mr. CARSON of Indiana. I want to thank the Members for listening and considering this amendment. I think it is a great opportunity for us.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. CARSON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BERMAN. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 10, not voting 10, as follows:

[Roll No. 156]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
  Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene

Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—10

Campbell (CA)
Cannon
Garrett (NJ)
Goode
Hensarling
Jordan
Neugebauer
Poe
Sessions
Westmoreland

NOT VOTING—10

Bishop (UT)
Boswell
Cubin
Faleomavaega
Granger
Jefferson
Miller (FL)
Rush
Souder
Tauscher

☐ 1521

Mr. WESTMORELAND changed his vote from "aye" to "no."

Mr. ADERHOLT and Mrs. BACHMANN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Ms. NORTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, pursuant to House Resolution 1065, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RYAN of Wisconsin. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ryan of Wisconsin moves to recommit the bill H.R. 5501 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendments:

Page 96, line 10, strike "$4,000,000,000" and insert "such sums as may be necessary".

Page 97, line 1, strike "$5,000,000,000" and insert "such sums as may be necessary".

Page 116, line 8, strike "$10,000,000,000" and insert "6,000,000,000".

Page 122, after line 2, insert the following:

SEC. 405. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) According to Congressional Budget Office estimates, $50 billion to carry out the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 would not be spent during the five-year authorization period, but instead would take 10 years or until 2018 to spend.

(2) Recent funding disbursement trends for the current program suggest that the current funding levels are outpacing the capacity of the countries and nongovernmental organizations to efficiently implement the program. Over the 2005–2006 funding period, assistance commitments grew $1.3 billion from $4.3 billion to $5.6 billion, while the actual disbursements of funds grew at a much slower rate of $400 million from $3.5 billion to $3.9 billion. As such, the current commitment exceeds disbursement by $1.7 billion, or 30 percent of the current commitment.

(3) Reports from recipient countries indicate the absorptive capacity for HIV/AIDS programs has become a constraint on actual expenditure of funds. For instance, a 2005 survey of World Bank Multi-Country AIDS Program (MAP) country directors in Africa found that nearly 40 percent of those countries believed that absorptive capacity "remains limited and is the real issue; new financial resources will exacerbate this problem".

(4) Additionally, a 2007 Center for Global Development report on HIV/AIDS programs in Mozambique, Uganda, and Zambia found that overburdened government staff at all levels, along with the limited absorptive capacity of sub-grantees, created major bottlenecks for funding disbursement.

(5) Advocates of increased HIV/AIDS funding appear to have based their recommendations for such funding at least in part on UNAIDS' estimates of a global price tag for addressing the HIV/AIDS epidemic. Such international estimates are flawed, however, because the primary source for such projections—the UNAIDS' "Resource Needs Model", or RNM—overestimates the resources needed, relies on a higher estimate of people living with HIV/AIDS, and includes support for countries that are also Global Fund donors. Specifically:

(A) The UNAIDS report titled "Critical Review of Costing Models to Estimate Resource Needs to Address Global HIV and AIDS" found that "the [RNM] has a number of limitations", each of which contributes to an overestimate of the resources needed to mount a successful response.

(B) Newer projections such as the 2007 "Epidemic Update" lowered the estimated number of people living with HIV/AIDS worldwide from 39.5 million to 33.2 million—a 16 percent reduction—yet UNAIDS has not publicly released a revised lower projection of resource needs.

(C) Projections in the RNM report include significant financing for middle-income countries such as China, Russia, and Brazil that are actually Global Fund donors themselves and should not require international assistance.

(b) SENSE OF CONGRESS.—In light of the findings contained in subsection (a), which indicate that even current levels of funding for HIV/AIDS programs cannot be disbursed in an efficient and effective manner, Congress should ensure that the amount of funding authorized by this Act to carry out the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 is consistent with the demonstrated absorptive capacity to carry out such programs around the world.

The SPEAKER pro tempore (during the reading). Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin is recognized for 5 minutes in support of his motion.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to start off by complimenting the chairman of the committee and the ranking member of the committee, along with all the other members of the Foreign Affairs Committee for working in a bipartisan way to put together this compromise.

We heard a very good fulfilling debate about the merits of PEPFAR. I, too, agree that the PEPFAR program is a very worthwhile program. So we agree that this is the right thing to do.

The question is, should we more than double the authorization of this program? Now, the President's budget called for doing just that. And I think you can make a very good and compelling case that this program is so successful that it ought to be doubled. That's not what the underlying bill does. This underlying bill more than triples this program.

I have three concerns about this tripling of this program. Number 1, the spending levels set out in this authorization bill are higher than the recipient countries can even accept. They can't absorb all of this money. We know this from the studies in the field. So even if we hit these authorization levels, we know that the recipient countries cannot even accept all of this money. They can't spend it that fast.

Point Number 2, the Congressional Budget Office has told us that we couldn't even spend this money this fast. So why are we having this kind of an authorization level when our own Congressional Budget Office is telling us that it would take at least 10 years to spend down a $50 billion authorization?

And that brings me to my third point, and that is the budget resolution that passed the floor just 2½ weeks ago. The Democratic budget resolution itself assumes the $30 billion level. The Democratic budget resolution assumes we're funding this at the President's request of $30 billion. In fact, the Democratic budget resolution has a lower level of funding for section 150, the Foreign Affairs program, than even the President's budget does. We don't know what cut they're talking about, but more to the point, why don't we defend the budget resolution that passed this very house 2½ weeks ago?

Mr. Speaker, we support this program. I support this program. It's a good program. It has proven to work. By any metric, by any definition, it's impossible to deny the success of PEPFAR.

The question is, should we be tripling a program when we know full well it breaks the budget resolution, it purports to spend money faster than we can even spend, and those who are receiving this money can't receive it nearly as fast as we're proposing.

☐ 1530

This recommit is not intended to kill this bill. This is a forthwith recommit. This recommit is very simple. It says, rather than funding it at $50 billion, let's fund it at $30 billion. That's the level called for on the Democratic budget resolution. That's the level called for in the President's budget. That's the level that independent experts have said can be justified. So this says go from 50 to 30 forthwith, that's all.

I want to compliment the gentleman, the chairman of the committee, the ranking member of the committee, all of those who worked in a bipartisan basis for this very worthwhile program, but this is a time when we have fiscal problems in America. We have a deficit. We have a looming debt. We need to show discipline in Congress. We should not be tripling funding for programs that we know the recipients themselves cannot receive at this pace and we know from our own independent budget experts that we simply can't spend at this pace.

Let's bring it back down to earth. Let's double it and keep it within reason. That is why we should pass this motion to recommit.

I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise to oppose the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. Thank you, Mr. Speaker.

First, I appreciate the compliments of my friend from Wisconsin. I prefer that the compliments be withheld and the motion to slash this bill by 40 percent be rejected, although I do appreciate the implication of his comments that a recommittal motion that is forthwith is not intended to kill the bill and that, therefore, the recommittal motions that are not forthwith are intended to kill the bills they are made to.

But getting to the merits of this. The purpose of my comments is directly to the other side. I know the easy vote, even for those who support this bill, is to vote both to cut some money and to support the minority on their motion to recommit.

But I would like to suggest that in this particular case, given what has transpired in terms of putting together this bipartisan bill, both on the merits of the motion to recommit and on the message it sends about how we can work on a bipartisan basis in the future, this motion is wrong and that Members on the other side should oppose it along with the Members on our side.

First, on the facts. The administration supports this bill and supports our number on this bill. To the extent they have concerns about what the level of appropriations may be in this year, their statement of administration position directly says, talk about the level of appropriation; don't cut the authorization.

Secondly, the U.N. HIV/AIDS commission, which I'm not a fan of a lot of different agencies that start with "U.N.," but this one is the preeminent authority, talks about the incredible remaining need. And in the issue of absorptive capacity, this was the same argument made in 2003 against a $15 billion authorization for which the Republican Congress appropriated far more than the authorization because we were able to see an absorptive capacity, and we saved well over a million lives.

But here we are dealing with a situation where there are 35 million people worldwide that are still living with HIV/AIDS. This is a program that works. The combination of changing behavior, prevention, and treatment is saving lives. I don't like to throw the words "moral imperative" around. It's usually used for anything people feel passionately about. But talk about pro-life, I can't think of any single program that I have been involved with where we are going to be more pro-life than in pushing this with programs that work, with the capacity that can be absorbed. No one is saying we are going to spend $50 billion in the next 5 years. We are going to obligate, based on the appropriation moneys, and those moneys will be spent probably over the course of 8 to 10 years. That's the way this appropriation process works, as everyone knows.

My final point is the ranking member and I, the White House directly, the President and his chief of staff were directly involved, the Republican leadership in this body, we put together a bipartisan bill. Part of the key negotiation was about the number. In return for that, a number of issues of importance to the minority were preserved in this bill: the preservation of the concept of behavior change through abstinence and faithfulness; the understanding that approved family planning programs would be the ones that were funded. A variety of different aspects. The belief in the use of faith-based institutions.

How are we, in the future, going to come together on bipartisan programs where the deal is made and then all of a sudden a key part of the quid pro quo, the other side says "no" to?

I would suggest, sure there are issues about what is our fiscal condition and what can we do, and the appropriations could be weighing these very carefully. But this was a fundamental agreement to maintain a bipartisan tradition on this legislation named after Henry

Hyde and Tom Lantos, both of whom worked in that capacity.

I think this motion to recommit massively undercuts that whole bipartisan approach, and I would urge my colleagues to defeat it.

I would be happy to yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I do rise in opposition to this motion to recommit with great respect to my friend from Wisconsin.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RYAN of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 175, nays 248, not voting 7, as follows:

[Roll No. 157]

YEAS—175

Aderholt
Akin
Alexander
Altmire
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—248

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—7

Cubin
Culberson
Granger
Jefferson
Miller (FL)
Rush
Tauscher

☐ 1555

Messrs. GILCHREST, DUNCAN, MACK, Mrs. CAPPS, Messrs. MANZULLO, MARSHALL, KANJORSKI, Ms. HARMAN, and Mr. PETERSON of Minnesota changed their vote from "yea" to "nay."

Mr. ALTMIRE changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BERMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 308, noes 116, not voting 7, as follows:

[Roll No. 158]

AYES—308

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)

Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—116

Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Coble
Conaway
Crenshaw
Culberson
Davis, David
Deal (GA)
Doolittle
Drake
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Lamborn
LaTourette
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pearce
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Tiberi
Upton
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wittman (VA)

NOT VOTING—7

Cubin
Granger
Jefferson
Miller (FL)
Renzi
Rush
Tauscher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain.

□ 1603

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5501, TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5501, to include corrections in spelling, punctuation, section numbering and cross-referencing, and in the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME AS COSPONSOR OF H. RES. 865

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 865.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

FIX FISA IMMEDIATELY

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to express to the House the fear and uncertainty felt by the American people. For over a month, America has been vulnerable to terrorist attacks. Not only has the majority refused to call a vote on bipartisan legislation that would reauthorize the Foreign Intelligence Surveillance Act, they will not even let us debate this very crucial matter.

I have heard from hundreds of constituents regarding this matter, and they want the Senate bill. They are fearful and angry that Congress cannot accomplish one of its principal tasks, and that is protecting the security of this great Nation.

Just recently, there were reports that the majority said we were too busy to add FISA to the schedule of bills. Is Congress too busy to protect the citizens of this country? We are too busy to monitor the activity of terrorists who have launched attacks on innocent civilians, and are likely to do it again? There are few things more important than protecting our Nation from terrorist activity.

MARINE PATRICK DOWDELL OF BREEZY POINT

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, it is easy in the era where we look at the big numbers and the headlines in the newspaper to forget about the great acts of heroism that are going on right this very moment in Iraq and elsewhere in our world. I rise to bring to the attention of this body the heroism of Lieutenant Patrick Dowdell. He is serving with the 4th Infantry in Iraq as we speak. That is a division that has lost, unfortunately, over 135 heroic men and women. He is not the only hero in the family. His younger brother, James, recently began service in Ladder Company 174 in East Flatbush. I hope you will join with me and all of his neighbors in Breezy Point in expressing tribute to this family.

This family has one other chapter of heroism in its book. Lieutenant Kevin Dowdell, the father of both Patrick and James, was lost on September 11, a firefighter, in the World Trade Center. We join with this entire body and all of this country in commending Rose Ellen, their mother, and the acts of heroism that they are paying both here and in generations in the past. May God bless them, and God bless the United States of America.

TRIBUTE TO CONCORD HIGH SCHOOL GIRLS BASKETBALL TEAM

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I rise today to acknowledge and pay tribute to the Concord High School girls basketball team for winning the North Carolina State Championship this year. Lady Spiders ended a 31 win and 2 loss season by defeating Beddingfield 77-62 on March 15, the first girls championship in the school history and the fourth State championship for the school in the last 5 years.

Concord's Nyshia Hammond was named Most Valuable Player, and T.T. Belcher won the Most Outstanding Player Award for the Spiders. Concord's coach and school Athletic Director, Angela Morton, was also named the 2008 Associated Press women's basketball Coach of the Year for North

Carolina. Morton has coached the team for five seasons, during which she led them from a 0–24 season, to a State championship title.

The athletic program at Concord High is one of the great traditions that dates back even further than my years. The nickname, Spiders, came from the athletic field at the old high school, named after Principal and School Superintendent A.S. Webb. Concord's first title was won in 1929.

I am extremely proud of the hard work and dedication of these young women from my hometown. Congratulations, Coach of the Year, Angela Morton; Assistant Coaches, JarMark Parker and Samantha Bedford, and the Lady Spiders on your successful season and State championship victory.

REAUTHORIZE THE NATIONAL POISON CONTROL INFRASTRUCTURE

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Yesterday, I introduced legislation with LEE TERRY from Nebraska to provide for the reauthorization of the Poison Control Center. Since being codified into law in 2000, the Poison Control Centers must undergo reauthorization every 3 years. These centers provide immediate value to the public, providing free medical facilities that are staffed by toxicologists, nurses, and other professionals.

Each year, poisoning results in 285,000 hospitalizations, 1,200 days of acute hospital care, and 1,300 fatalities. H.R. 5669 will reauthorize these critical Poison Control Centers to keep our national public health infrastructure intact. I would like to thank Congressman TERRY for this support.

The 24-hour emergency and information hotline services that are provided for this legislation are given by the National Poison Center Toll-Free Telephone number. By providing direct patient care services to residential callers, health care professionals and institutions, Poison Control Centers save lives and help avoid costly hospitalizations. Let us keep that in mind as we move forward and reauthorize the Poison Control Centers.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COHEN). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1615

AMERICAN DEATH TOLL IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, when the American death toll in Iraq hit 4,000 on March 23, there was a great deal of coverage about it in the media. But the media only seems to care about the death toll when it reaches a special milestone. But now that the number of dead has reached 4,012, they have packed up their cameras, they have gone back to ignoring Iraq. Once again, our brave soldiers are dying in virtual anonymity, surely paying the highest price.

Here at home, the administration's occupation policies are harming American people in other ways. I am talking about the millions of Americans who are suffering because we are spending our Nation's treasure in Iraq rather than on vitally-needed social and economic programs here at home. We're spending about $4,600 every second on the occupation, or about $12 billion a month.

Joseph Stiglitz, the Nobel Prize winning economist, has calculated that the occupation will ultimately cost $3 trillion, and that, Mr. Speaker, is a conservative estimate. And it will certainly cost a whole lot more if the administration gets its way and we establish permanent bases in Iraq or the others get their way and we remain involved in Iraq for 50 to 100 years.

This enormous drain on our resources has buried us so deeply in debt that we cannot make investments in the programs that would really move our Nation forward. Just think of what we could do with all of those trillions of dollars.

We could invest in the education of the 48 million children in our public schools. We could prepare them to compete and win in the global economy.

We could invest in early childhood education and the childcare that millions of poor and middle-class families so desperately need.

We could invest in the medical research needed to cure disease and to save millions of Americans from needless suffering and from premature death.

We could invest in our infrastructure and new green technologies which could produce millions of jobs around our Nation.

We could produce an economic stimulus package to fulfill remaining unmet needs.

We could help States and cities to provide their first responders with the equipment they need to save lives in the event of terrorism or natural disasters.

We could build more affordable housing and assist those who have been caught up in the mortgage meltdown.

We could provide health care to our citizens, starting with SCHIP for our children.

We could move to ensure the solvency of Social Security.

We could invest in global health. As a member of the Foreign Relations Subcommittee on Africa and Global Health, I can tell you that every single dollar spent on global health is a dollar spent to make our world more peaceful and stable.

These are just a few examples, Mr. Speaker. We couldn't do them all, but if we did just a few, we would go much further toward safeguarding our national security than we are currently doing in Iraq.

I hope my colleagues will remember this when General Petraeus arrives next week with his bar charts and statistics. Let us remember that the turmoil in the Middle East is helping to spike gas prices at the pump. It is leading us deeper and deeper into the effects of the Iraq recession.

The responsible redeployment of our troops out of Iraq is the one policy that makes sense, and the one policy that the great majority of the American people support. It is high time for us to do what the American people expect us to do, and they expect us to end our occupation of Iraq.

COMPREHENSIVE ASSESSMENT OF THE IMPACT OF IRAQ ON THE NATIONAL SECURITY OF AMERICA IS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Shortly, General Petraeus and Ambassador Crocker will come before the House and the Senate to provide an update on the military and the political situation in Iraq. That is my grave concern, that once again we will have placed a man who is responsible for the security, the military security only, of Iraq, in the position, in the singular position, of determining the national security policy of the United States and the public's perception of it, when what is needed, what is direly needed, is a comprehensive assessment of the national security of America and the impact of the strategy we have in Iraq upon it. So in fact it is the questions that General Petraeus cannot or should not answer that are the most important ones.

For example, the Joint Chiefs of Staff should be asked directly, what is the impact of Iraq upon the military's readiness to deploy and meet the required timelines of its various war plans, when in fact today it cannot deploy its forces, its army, in order to protect the 28,000 men and women who wear the cloth of our Nation in South Korea from an attack on the timelines required by North Korea against the South?

And while before Iraq we actually trained on multiple areas of warfare, for the past 3 years your army has only been training in counterinsurgency. The Joint Chiefs of Staff must address the impact of 3 years of its army training only in one warfare area and being unable to meet any timeline of any war plan by its army in America's arsenal of war plans.

Then, in the long term, the impact of 42 percent of our men and women who we are recruiting today being less capable than ever of being able to operate and maintain the systems of our weaponry in the future as they can in the past 3 years.

Second, it is not the general or the ambassador who should come here to speak about Iraq's security, but rather our intelligence agencies that must address the question about whether the Iraq strategy has improved our overall efforts in the global war on terror, with Afghanistan once again prey to terrorists, and the Taliban having gone back into the ungoverned regions to protect them, and General Hayden, head of the CIA, having said that al Qaeda now has a safe haven in the border regions between Afghanistan and Pakistan. What is the impact of a strategy in that unstable region that the Chairman of the Joint Chiefs of Staff has described as "in Iraq what we do what we must, but in Afghanistan, we do what we can."

Officials from the State Department likewise must address the impact upon our allies of this war in Iraq and our relationships with them and the efforts to achieve other diplomatic goals, remembering that when we went into Bosnia, 50 percent of the coalition troops were non-U.S., and when we went into Iraq 5 years ago, less than 7 percent of the troops that entered that country were non-U.S.

And then the Treasury, how can they explain the impact of what all economists agree are now almost $2 trillion to $3 trillion as the cost of this war in Iraq? When Iraq is awash in oil revenues, why are we using taxpayers' dollars?

Therefore, the questions that General Petraeus can and should not answer comes down to, he should not be the one to tell us how long and at what cost before we change our strategy. It is only if Congress changes the forum for this general to come before us to say and hold up a national mirror, this is the impact of Iraq upon our overall national security strategy, and if it is not working and if it is negatively impacting it, we must therefore change the strategy.

I believe it is against the spirit, as a man who has served in the military 31 years until I entered Congress, to have a military man placed in the position to determine singularly, when he is only responsible for the security of Iraq, to then determine without everyone else there the right strategy and course for America's national security.

We must have that debate. Is the strategy working? Is it harming our overall national security? If it is, change the strategy.

PRESIDENT BUSH INSULTS THE AMERICAN PEOPLE WITH HIS SELECTIVE PARDONS AND COMMUTATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, on March 25, President Bush pardoned 15 people and granted one commutation to crimes that ranged from falsifying records, conspiracy, bank embezzlement, dealing in firearms, distributing marijuana, conspiracy to commit wire and mail fraud, heroin importation, selling migratory bird parts in violation of the Migratory Bird Treaty Act, aiding and abetting the escape of a prisoner, distributing more than 50 grams of crack cocaine, and a variety of other crimes.

This brings to about 157 the number of pardons and/or commutations that President Bush has distributed in his administration in his term in office. And although that number is fewer than other presidents, it in fact is reflective of something that I consider to be a serious problem, and that is this, that although the President has been compassionate or for whatever reason chosen to commute or pardon 157 people up to this point in time, he leaves two Border Patrol agents in jail today because I believe of the misbehavior of the U.S. Attorney in that particular district. And this is unconscionable.

This House actually voted last session unanimously to in fact deny funding to the Department of Justice to continue to hold Border Patrol agents Ramos and Compean in the Federal prison where they have been incarcerated now for well over a year. And their terms are for 11 and 12 years. This is because they have been sentenced because of the testimony of a known drug smuggler by the name of Osvaldo Aldrete-Davila, who was given immunity from prosecution by U.S. Attorney Sutton.

The SUV that Aldrete was driving was found to contain 743 pounds of marijuana. The jury in the Ramos-Compean trial was never told of Aldrete's criminal background. They were led to believe that Aldrete was a one-time smuggler trying to make money to help a sick relative. In fact, he was a professional drug smuggler, and his history was known to the DEA and to Johnny Sutton, who was the prosecuting attorney, at the time of the trial, but this history was kept from the jury.

It has been revealed in documents since the trial that U.S. Attorney Johnny Sutton deliberately delayed the arrest of Aldrete for a subsequent drug smuggling incident that occurred while Aldrete was under the grant of immunity but before the trial date. All of this information, of course, was withheld because it would have revealed Aldrete as a professional smuggler, not an innocent victim of the Border Patrol agents. This is a flagrant abuse of prosecutorial discretion.

These mistakes were compounded by asking for a mandatory 10-year sentence for Ramos and Compean for the use of a firearm in the commission of a "crime." The law was never intended to apply to law officers who use their weapons in the performance of their jobs.

The key question at the trial was whether the drug smuggler Aldrete had a weapon and had pointed it at one of the Border Patrol agents. Mr. Aldrete denied having such a weapon. It was his word against the testimony of the Border Patrol agents, so the credibility of each witness was critical to the jury's evaluation of the incident, yet the jury was kept in the dark about Aldrete's other arrests and his history as a drug smuggler.

The mistakes made by Ramos and Compean in trying to apprehend Mr. Aldrete should have been handled as a violation of agency rules, the failure to write and file a report of an incident involving Aldrete, and punished by a 5-day suspension, not by criminal prosecution. For that reason alone, this conduct rises to the level of reprehensible, the conduct I believe of the U.S. Attorney in this case and of the President of the United States.

To compound the injustice in this case, it is widely known that the U.S. Attorney is a friend of the President, going back to his days as Governor. But Bush's refusal to issue a pardon or a commutation amounts to a coverup I believe of this misconduct in this trial.

Ramos and Compean have appealed their conviction to the U.S. Circuit Court and a decision on that appeal is due shortly. At the very least they deserve a new trial. President Bush has it within his power to end this injustice now by issuing a pardon or a commutation. I sincerely hope that he takes that responsibility seriously and offers this to Mr. Ramos and Mr. Compean, who are languishing in prison for literally no good reason.

COMMEMORATING THE LEGACY OF DR. MARTIN LUTHER KING, JR., BY SERVICE FOR PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

Mr. YARMUTH. Mr. Speaker, I rise today on the 40th anniversary of the week Dr. Martin Luther King, Jr., was killed to commemorate his legacy as continued by Service for Peace.

During his short life, Dr. King marched in my hometown of Louisville, Kentucky, on his way to touching millions of American lives throughout this Nation and inspiring the masses with his message of freedom and of peace. Today, I am proud to say that, in no small part thanks to the efforts of Reverend Peter Hayes, our local Service for Peace, and programs like 40 Days of Peace, the MLK Season of Service, and the King Memorial Walk and Peace Fest, the spirit of Dr. King is alive and well in our hometown.

Each year, Service for Peace reminds us that though King was taken from us far too early, the gifts he gave to us, his lessons, his passion, his legacy, remain and continue to inspire within us a deep sense of justice.

Nationwide, half a million volunteers took part in this year's MLK Day of Peace, contributed to their communities and committed themselves to peace and justice.

☐ 1630

This Saturday for the second year in a row I will join with members of the Louisville community for the King Memorial Walk and Peace Fest. We will gather at the Muhammad Ali Center to share stories of yesterday's struggles and a vision for tomorrow's successes, before walking as one to the north side of the Ohio River. Crossing that boundary once was a journey between slavery and salvation, Jim Crow and justice, oppression and opportunity for far too many Americans. But this weekend, when we return to Louisville, we will enter a community proud of its diversity, alive with the spirit of peace, and working toward a more just future for all.

While it is true that we cannot bring Martin Luther King, Jr., back, by promoting his teachings, Service for Peace ensures that we will never really lose him, either. The activism of Service for Peace is so much more than a tribute to a great American hero; it is a practical and proven strategy to reduce drug use, crime, violence, and murder in my community and others throughout our great Nation.

I know my colleagues will join me in honoring Service for Peace, just as Service for Peace honors the memory of Dr. Martin Luther King, Jr.

WIN-WIN FOR U.S. AND COLOMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER of Illinois. Mr. Speaker, I rise in support of the U.S.-Colombia Trade Promotion Agreement, and I urge the Speaker of the House to bring this important measure before the House for an up-or-down vote, and submit for the RECORD two articles, one a column recently published in the New York Times by Edward Schumacher-Matos, a former foreign correspondent for the Times and a visiting professor of Latin American studies at Harvard, as well as an editorial in this week's Washington Post in support of the trade agreement.

KILLING A TRADE PACT

(By Edward Schumacher-Matos)

President Bush has been urging Congress to approve a pending trade agreement with Colombia, an ally that recently almost went to war with Venezuela and Hugo Chávez. Even though the agreement includes the labor and environmental conditions that Congress wanted, many Democrats, including Senators Hillary Clinton and Barack Obama, now say that Colombia must first punish whomever has been assassinating the members of the nation's trade unions before the agreement can pass.

An examination of the Democrats' claims, however, finds that their faith in the assertions of human-rights groups is more righteous than right. Union members have been assassinated, but the reported number is highly exaggerated. Even one murder for union organizing is atrocious, but isolated killings do not justify holding up the trade agreement.

All sides agree that trade-union murders in Colombia, like all violence, have declined drastically in recent years. The Colombian unions' own research center says killings dropped to 39 last year from a high of 275 in 1996.

Yet in a report being released next week, the research center says the killings remain "systematic" and should be treated by the courts as "genocide" designed to "exterminate" unionism in Colombia. Most human-rights groups cite the union numbers and conclude, as Human Rights Watch did this year, that "Colombia has the highest rate of violence against trade unionists in the world."

Even if that is true, it was far safer to be in a union than to be an ordinary citizen in Colombia last year. The unions report that they have 1 million members. Thirty-nine killings in 2007 is a murder rate of 4 unionists per 100,000. There were 15,400 homicides in Colombia last year, not counting combat deaths, according to the national police. That is a murder rate of 34 citizens per 100,000.

Many in Congress, moreover, assume that "assassinations" means murders that are carried out for union activity. But the union research center says that in 79 percent of the cases going back to 1986, it has no suspect or motive. The government doesn't either.

When the Inter American Press Association several years ago investigated its list of murdered Colombian journalists, it found that more than 40 percent were killed for nonjournalistic reasons. The unions have never done a similar investigation.

There are, however, a growing number of convictions for union murders in Colombia. There were exactly zero convictions for them in the 1990s, Colombia's bloodiest decade, when right-wing paramilitaries and leftist guerrillas were at the height of their strength. Each assassinated the suspected supporters of the others across society, including in unions.

With help from the United States, in 2000 the Colombian military and the judicial system began to reassert themselves. Prosecuting cases referred by the unions themselves, the attorney general's office won its first conviction for the murder of a trade unionist in 2001. Last year, the office won nearly 40.

Of the 87 convictions won in union cases since 2001, almost all for murder, the ruling judges found that union activity was the motive in only 17. Even if you add the 16 cases in which motive was not established, the number doesn't reach half of the cases. The judges found that 15 of the murders were related to common crime, 10 to crimes of passion and 13 to membership in a guerrilla organization.

The unions don't dispute the numbers. Instead, they say the prosecutors and the courts are wasting time and being anti-union by seeking to establish motive—a novel position in legal jurisprudence.

The two main guerrilla groups have an avowed strategy of infiltrating unions, which attracts violence. About a third of the identified murderers of union members are leftist guerrillas. Most of the rest are members of paramilitary groups—presumed to be behind two of the four trade unionist murders this month. The demobilization of most paramilitary groups, along with the prosecutions and government protection of union leaders, has contributed to the great drop in union murders.

President Álvaro Uribe, who has thin skin, can be unwisely provocative when responding to complaints from unions and human rights groups. Still, the level of unionization in Colombia is roughly equal to that in the United States and slightly below the level in the rest of Latin America. The government registered more than 120 new unions in 2006, the last year for which numbers are available. The International Labor Organization says union legal rights in Colombia meet its highest standards. Union leaders have been cabinet members, a governor and the mayor of Bogotá.

Delaying the approval of the trade agreement would be convenient for Democrats in Washington. American labor unions and human-rights groups have made common cause to oppose it this election year. The unions oppose the trade agreement for traditional protectionist reasons. Less understandable are the rights groups.

Human Rights Watch says that it has no position on trade but that it is using the withholding of approval to gain political leverage over the Colombian government. Perversely, they are harming Colombian workers in the process. The trade agreement would stimulate economic growth and help all Colombians.

[From the Washington Post, Mar. 31, 2008]

FREE COLOMBIA—A TRADE PACT EVERYONE CAN LOVE

Sometime after Congress returns from Easter recess this week, President Bush is likely to present the Colombia Trade Promotion Agreement for the approval of the House and Senate. As we have said, the proposed pact is good policy for both Colombia and the United States. Colombia has long enjoyed periodically renewable tariff-free access to the U.S. market; the agreement would make that permanent. In exchange, U.S. producers would, for the first time, get the same tariff-free deal when they export to Colombia. Meanwhile, the agreement contains labor and environmental protections much like those that Congress has already approved in a U.S.-Peru trade pact. A vote for the Colombia deal would show Latin America that a staunch U.S. ally will be rewarded for improving its human rights record and resisting the anti-American populism of Venezuela's Hugo Chávez.

Sending the agreement to the House of Representatives without the prior approval of Speaker Nancy Pelosi (D-Calif.) would be risky for the president; usually, the executive and legislative branches tee up such votes cooperatively. But months of Democratic resistance to the Colombia deal may have left Mr. Bush no choice. The agreement is being held hostage by members of the House (and Senate) who argue that Colombia—despite a dramatic drop in its overall murder toll under the leadership of President Álvaro Uribe—hasn't done enough to protect trade union activists or to punish past murders of labor leaders. Its a spurious complaint: Actually, in 2006, union members were slightly less likely than the average Colombian to be murdered. But the human rights issue has served as cover for many Democrats whose true objections are to free trade itself.

Once the agreement arrives on the Hill, Congress will have 90 legislative days to vote yes or no—no amendments and no filibusters allowed, because special "fast track" rules apply. The Bush administration is betting that enough Democrats would support the pact to ensure its passage in the House, if it ever comes up for a vote. Of course, Ms. Pelosi could make an issue of the president's failure to get her approval to submit the pact and then could have her caucus shoot down the deal. But she could also engage the White House in serious negotiations. The president has signaled a willingness to consider reauthorizing aid for workers displaced by trade, legislation that is dear to the Democrats' labor constituency and that he has heretofore resisted.

Ms. Pelosi recently said that no Colombia deal could pass without trade adjustment assistance—without also mentioning the bogus trade unionists issue. Perhaps she is realizing that talking to Mr. Bush about swapping a Colombia vote for trade adjustment assistance might actually lead to a tangible accomplishment. At least we have to hope so.

Mr. Speaker, I rise in strong support of the U.S.-Colombia Trade Promotion Agreement. I urge the Speaker to schedule a vote soon on this important agreement. Why? It is good for Illinois.

I represent an export dependent district. I have 8,000 union workers who make construction equipment; and, because of the U.S.-Colombia Trade Promotion Agreement, the 15 percent tariffs, taxes, the 15 percent on that construction equipment exported to Colombia are eliminated on day one. When you talk to agriculture, our farmers, those who raise corn and soybeans and livestock and specialty crops, they will tell you the U.S.-Colombia agreement is the best ever for agriculture. Clearly, States like Illinois win under the U.S.-Colombia Trade Agreement.

I would note that, overall, 80 percent of U.S. exports currently taxed will see those taxes waived and eliminated immediately upon implementation of the U.S.-Colombia Agreement. And facts have shown, if we have a trade agreement with a nation, exports grow 50 percent faster. So, it is good for Illinois and good for America.

Ladies and gentlemen, who is Colombia? Let me tell you, Colombia is America's best friend in Latin America. It is the oldest democracy in Latin America. It is America's most reliable partner in counterterrorism and in counternarcotics in this entire hemisphere. And today, President Uribe, who was democratically elected overwhelmingly with a mandate to bring security to the country, has been successful in driving the leftist narcotic-trafficking terrorist group, the FARC, to the fringes of Colombia and brought security to his country. As a result, he is the most popular elected president anywhere in the hemisphere, with an 80 percent approval rating.

I would note that 71 percent of Colombians in a recent opinion poll say that they believe that Colombia is more secure because of President Uribe, and 73 percent of Colombians say that President Uribe respects human rights. Homicides are down 40 percent, kidnappings are down 76 percent. And I would note, the murder rate in Colombia today is lower than Washington, DC. It is safer to walk the streets of Colombia than it is our own Nation's capital. President Uribe has made tremendous progress in the last few years in reducing violence.

Now there are those who oppose the U.S.-Colombia Trade Agreement, and they say that President Uribe hasn't done enough. He hasn't done enough, particularly when it comes to violence against labor leaders. Let's look at the facts regarding President Uribe and the democratically-elected government of Colombia as it comes to violence against labor leaders as well as against other Colombian citizens.

President Uribe has increased by 75 percent in the last 2 years funding for the prosecution of those who commit violent acts. He has added over 2,100 new posts overall in the Prosecutor General's Office, adding 418 new prosecutors and 545 new investigators. He has made major changes. Colombia should be recognized and rewarded for the progress they have made. And, I would note that Carlos Rodriguez, president of the United Workers Confederation, has said about this effort: "Never in the history of Colombia have we achieved something so important."

When it comes specifically to labor leaders and labor activists, almost $39 million was spent by the government of Colombia last year to provide body guards and protection for labor activists and labor leaders; 1,500 individuals, labor activists and labor leaders, participated and they are protected. And, I would note, that it has been successful. No labor leader has suffered a violent act or lost his life under this protection. Again, as the Washington Post noted this week, the murder rate for labor activists is actually lower than the national average. So he has made tremendous progress.

I would note, the International Labor Organization has removed Colombia from its labor watch list, even while Colombia has agreed to permanent ILO representation in Colombia. Most telling is 1,400 major labor union leaders have endorsed the Trade Agreement. The bottom line is, those who oppose this trade agreement always say they never do enough, but they never say what more can they do. Colombia deserves to be rewarded.

The U.S.-Colombia Trade Promotion Agreement is good for America, it is good for Illinois, it is good for Colombia. They deserve a vote. Let's bring this agreement to the floor for an up-or-down vote soon.

TEACH YOUR CHILD—GO TO JAIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, homeschooling is an ever growing choice for parents in America. Parents teach their children at home for various reasons: They are concerned about the quality of education, or the lack of it, in government schools; they don't approve of the public school curriculum; they want their kids to have a religious-based education, which is of course strictly forbidden in public schools; parents are concerned about school safety, especially in big urban schools; or, parents have special needs children that are not adequately served in public schools. Whatever the reason, many parents choose to homeschool.

Homeschooling is successful. Recent statistics show that homeschooled kids get higher test scores on ACT tests than non-homeschoolers. In the last 10 years, homeschooled children have scored higher every year on the ACT test than non-homeschoolers. I just recently appointed a homeschooler to the United States Air Force Academy, and his homeschooled education was superb.

But now, an appellate State court in California has ruled that, "Parents not only don't have a constitutional right to homeschool; parents that homeschool their children can face fines and go to jail," sayeth the all-powerful Judge Walter Croskey.

Where does the California court get such nonsense? Education has been the responsibility of parents since the beginning of time. Public education really is a relatively new concept. And now we have judges saying that parents are criminals unless their children are taught in government schools. This reminds me of my visit to the school system in the Soviet Union, which mandated all students should be indoctrinated with propaganda in the communist school system. This is Big Brother and government control at its worst. Can you imagine? A crime to teach your own children.

I have nothing against public schools or teachers. My mother was a public school teacher. All my daughters are teachers. I even taught in the State university. But no government has the right to tell parents how to educate their children, not even the government in California.

Parents and students need all education options. They need private school options, public school, religious school, or even home school. The real issue is not quality of education, but education freedom of choice by parents.

The judge says it is unconstitutional to homeschool your children. Well, Justice Croskey must not have ever read the U.S. Constitution. There is nothing written in the United States Constitution about giving government or judges the authority to control education. In fact, the word "education" is not even mentioned in the Constitution as a responsibility of government. The California court's ruling, in my opinion, is unconstitutional.

Education has generally been deemed a matter for local communities and parents. We have always believed that in this country. In fact, the Constitution in the Tenth Amendment states, "The powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved to the states respectfully or to the people."

And, I submit, "the people" in that phrase are parents that have the power, under our Constitution, to decide how to educate their children. It is their responsibility, their right, and their authority. After all, our children do not belong to the government and are not government possessions to be molded as the government or government judges deem fit.

The U.S. Constitution gives liberty to Americans, not enslavement to government. It is a parent's responsibility and right, not the government's, to raise our children. That includes how best to educate our children.

Living in a Nation that was founded on the inalienable right of life, liberty, and the pursuit of happiness, means that parents have the right to raise and teach their children in a manner that is consistent with their beliefs and their principles, whether the California appellate judges like it or not.

And that's just the way it is.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4847, UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–563) on the resolution (H. Res. 1071) providing for consideration of the bill (H.R. 4847) to reauthorize the United States Fire Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HONORING FORMER REPRESENTATIVE BILL DICKINSON OF ALABAMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I just wanted to rise and talk a little bit about a great former member who just passed away, Bill Dickinson of Alabama.

Mr. Speaker, and my colleagues, when I came in in 1981 and campaigned with Ronald Reagan in that great year in which we brought back a policy of peace through strength to the United States Government with respect to foreign policy, I was lucky enough to be placed on the Armed Services Committee and Bill Dickinson was the new ranking Republican member.

In those days, we had 1,000 petty officers a month leaving the U.S. Navy because they couldn't afford to take care of their families on the pay they were making; we had 50 percent of our aircraft or more which were not combat mission capable; we had what was called a hollow Army, that is, an Army within which skilled people were leaving at an enormous rate. And, under Ronald Reagan's leadership and Bill Dickinson's hard work as the ranking member of the Armed Services Committee, along with lots of right-thinking Republicans and Democrats, we reversed that trend. We rebuilt national security.

I will always remember Bill working the budgets that Ronald Reagan brought in his early years, that 12.6 percent pay raise that we brought in early to start moving military families up to scale, the new equipment budgets that we brought in. The decision that we were going to stand up to the Soviet Union, and those decisions that the President made like the one that he made to move ground launch cruise missiles and Pershing 2s into Europe as the Russians were then ringing our allies with SS–20 missiles, and the fact that that helped to bring them to the table, helped to bring them to the point where they picked up the phone and said, "We want to talk."

I can remember Bill Dickinson standing tall and supporting the President very strongly when, in Central America, we saw the FMLN in El Salvador, the Communist group that was taking arms and materiel from the Soviet Union and trying to establish a Communist beachhead in El Salvador.

☐ 1645

I remember the United States moving in to provide a shield around that fragile new government that was standing up, a democratically elected government. I remember Bill Dickinson, as a ranking member of the Armed Services Committee, spearheading support in Congress for that very important initiative.

Time after time, Bill Dickinson moved to the fore to make sure that we rebuilt America's forces, that we operated under a policy of peace through strength. And he was, indeed, Ronald Reagan's strongest ally with respect to national security in the House of Representatives.

Bill was a wonderful guy, a great guy with a sense of humor, a guy who was elected in a district in Alabama that until 1964 had not been Republican for 100 years. But he kept that district with a good sense of humor, a good sense of touch with the people, being approachable, and having a very strong, conservative peace-through-strength philosophy that resonated not only with his constituents but with the American people.

To Barbara and the children, we express our greatest condolences. We have lost a great former representative, and I have lost a great friend.

ENACT U.S-COLOMBIA TRADE PROMOTION AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, as Members of Congress, we are entrusted with the responsibility of keeping this Nation's economy strong by enacting policies which keep U.S. companies competitive in the global marketplace, to also support job growth at home, and ensure that the Federal Government operates effectively and efficiently.

Today, Mr. Speaker, the 9,000 U.S. companies who export industrial and consumer goods to our fourth largest trading partner in Latin America face tariffs of up to 35 percent in their exports while most Colombian products imported to the U.S. enter tariff free, tax free.

On February 27, just 5 weeks ago, the House agreed unanimously to extend existing unilateral trade preferences to Colombia and other Andean countries. In May 2007, House leadership publicly committed to passing a full bilateral trade agreement with Colombia, thereby allowing equal access to U.S. businesses in Colombia.

The Colombian government supports lowering these tariffs on U.S. goods, and many Members of Congress have shown time and time again that they support lowering barriers to trade with free nations. Yet the answer so far has been total inaction by the leadership. Inaction on the part of this Congress has levied an unnecessary burden and an uncalled for tax upon American companies, including 8,000 small- and medium-sized businesses, many of which operate in southern Florida.

Furthermore, it has been reported in the press that files recovered from a computer belonging to Raul Reyes, a leader within the terrorist rebel Colombian Revolutionary Armed Forces, FARC, link the terrorist organization to the Venezuelan leadership in Caracas. In light of this news, Mr. Speaker, recent threats also made by the reckless and irresponsible leader, Hugo Chavez, and the ongoing attacks by the FARC, the United States needs to be supportive of the Colombian government, which stands up to anti-democratic and anti-American forces in the region.

It is time for the House leadership to follow through on their promises. Enactment of the U.S.-Colombia trade promotion agreement would show our strong support for this democracy while strengthening our own economy by creating greatest access for U.S. companies and creating more jobs in our communities here in the United States.

It would be negligent, irresponsible and unthinkable for this House to not immediately pass a free trade agreement with our closest ally in an otherwise volatile region.

Passage of this agreement will benefit businesses in our communities, create jobs for our constituents, and help strengthen our alliance with that democratically elected government and the people of Colombia. I call upon the House leadership to bring this agreement to the floor for a vote so we can show the world community that the United States stands with its allies.

COLOMBIAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I would like to begin by associating myself with the very eloquent remarks of my colleague from Miami, Mr. DIAZ-BALART.

Mr. Speaker, you never get a second chance to make a first impression, so the old saying goes that we've all heard. Once first impressions are made, it can be difficult to reinvent oneself. Circumstances may change, but assumptions and perceptions are very stubborn things. Just ask any Colombian.

People became familiar with the country of Colombia in the 1980s and the 1990s as the drug wars exploded. We didn't know much about the place, but we were familiar with the highlights: Bloody drug wars fought in jungles and on the streets of cities like Medellin, Bogota and Cali. And although we probably couldn't name many of the elected officials in Colombia, everyone knew the name of Pablo Escobar, the drug lord.

But over the course of this decade, a dramatic transformation has taken place in Colombia. The rule of gang lords has been replaced by the rule of law. The streets have become safe again. Armed terrorist organizations no longer operate in huge swaths of the country with impunity, and paramilitary groups have been dismantled with their leaders having gone to jail.

Funding for the Colombian Justice Department has nearly doubled, to ensure that criminal cases, old and new, are dealt with professionally and expeditiously, sending a clear signal that the days of impunity are long gone. Poverty has been cut dramatically, while social spending has increased. The Colombia of today is unrecognizable to those who knew it just a decade ago.

Mr. Speaker, I have had the privilege of being there on several occasions and have been amazed by what I have seen. Nowhere is the transformation starker than in the city of Medellin. This city was ground zero for the Escobar drug cartel. Its murder rate rivaled the most dangerous places on the face of the Earth. Terror and violence ruled everyday life.

Today, the city tells an utterly different story. Violence has plummeted. New public transportation projects and schools have given hope to previously blighted neighborhoods. New jobs and development, especially in the apparel industry, have provided a path to that first rung of the economic ladder, and greater upward mobility which was totally unheard of just a few years ago.

Mr. Speaker, fair trade and specialty coffee industries have also provided new opportunities for well-paying jobs in the area. This thriving community is a shining example of the stunning turnaround that it has made since 2002.

And yet much of the world has failed to take notice. While hostages and explosions make for front-page headlines, the slow and steady work of rebuilding a country is far less flashy. But the very difficult and remarkable work that has been done deserves recognizing. Many of us in Congress are working hard to solidify the gains that have been made through the implication of a free trade agreement. This agreement is strongly supported by the private sector unions of Colombia because they welcome the jobs and opportunity that the agreement will bring.

I hope very much that the free trade agreement will be considered soon for a vote. But as this debate does go forward, I believe it must proceed based on facts, not assumptions, inaccurate perceptions, and outdated figures. When we talk about Colombia in the year 2008, we are not talking about the Colombia of Pablo Escobar. We are talking about a country transformed and on the mend. After the long, difficult struggle of the Colombian people, we owe them a little credit and recognition for the remarkable things that they have accomplished.

BUDGET SCHOOL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the recognition and I appreciate the opportunity to come and talk about a subject that is near and dear to the heart of every single taxpayer in this Nation. That subject is the Federal budget. It is something that as we debate issues here, we say it affects 10 percent or 20 percent or 50 percent of the population. Our Federal budget, it affects everyone, Mr. Speaker, and I think we should start this second session of budget school with a little bit of perspective.

I have got a copy of the Constitution of the United States, and there is also included in this a Declaration of Independence. Now this copy is small enough to fit into my pocket. I could put it in my jacket pocket and carry it with me all day long.

What is a little bit frightening, Mr. Speaker, is here is the phone book for the news media that covers Washington, DC. We are one of the most covered places on the face of the Earth, and here is the phone book that covers that.

Well, I also have the Federal budget. As you can see, it is an enormous document. It is much larger. By the time you have the tables and the justifications and the analytical information and go through the appendix and find what you need, it is a huge document. It is much larger in size than the simple documents on which this great Nation was founded.

What we are going to do today is talk a little bit about this budget and talk about what our response should be on behalf of the American people.

Mr. Speaker, I am grateful for the time. I am coming to the floor as a member of the Republican Study Committee. This group of conservatives within the Republican conference have developed this project called "Budget School" because we think that it is imperative that the American people know what is in this budget and know where to find this budget and are fully aware of how their money is being spent because we realize it is not the Federal Government's money that is being spent, Mr. Speaker, it is the money of the taxpayers of this great Nation.

This evening to open our session as we begin this period of time called special orders which comes at the end of our workday, and Congress has finished its regular business for the day, and it is 5 minutes of 5 in the afternoon here in Washington, and we are moving into the period of time called special orders. It is the period of time when we can come to the floor and talk a little bit more at length about the issues that are very important to us.

This evening we have several of our colleagues from the Republican Study Committee that will join me to talk about the budget and their concerns with the increase in spending, the concerns with the increase in taxation and their concerns about the long term fiscal health of this great Nation.

I would like to begin our conversation this evening by yielding to the gentleman from Georgia (Mr. KINGSTON) to hear his comments on the budget.

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman from Tennessee for yielding, and there are a couple of points I want to make. One is just now a lesson that we have simply learned or seen, I guess, witnessed, if you will. The Democrats passed a budget the week before we adjourned for a 2-week work recess, so it would have been 3 weeks ago. So 3 weeks the Democrat budget is passed, and it had in it $30 billion for AIDS money for Africa.

As we know, the President has been very passionate about getting AIDS support for the continent of Africa. Indeed, Africa has suffered a lot because of the AIDS problem. But the President called for a $30 billion expenditure.

☐ 1700

Now, the Democrats called for a $30 billion expenditure as well in the budget 3 weeks ago, but something may have happened in their districts over the last 2 weeks. I suspect person after person who's paying $3.25 a gallon and who's concerned about the war and concerned about health care ignored that and said to their Democrat Member, you have got to spend more than the President has promised for AIDS in Africa; and don't just spend $30 billion, spend $50 billion. So, when we get back to Washington, the first thing the Democrats do is ignore the President's request, ignore their own budget, and go $20 billion on one vote on one line item expenditure.

Mrs. BLACKBURN. If the gentleman will yield.

Mr. KINGSTON. Absolutely.

Mrs. BLACKBURN. The budget that was presented is over a $3 trillion budget, and it calls for a $683 billion tax increase. And discretionary spending is increased in this budget by $280 billion. So, what I'm hearing the gentleman say, that's not enough. We've already, day two coming back from our Easter district work period, day two we have seen them move forward and increase $20 billion more.

And I yield to the gentleman.

Mr. KINGSTON. That's correct. So, here we are, the first day back basically voting on anything of substance, we've already spent $20 billion over a budget that's only 3 weeks old.

Now, you had mentioned discretionary spending, and I want to make sure folks understand. Discretionary spending means Congress has agreed that year by year that level of spending can fluctuate. Now, that's opposed to what we call mandatory spending. And I use the term "mandatory" loosely because nothing is mandatory if you're the legislative branch that set laws. But we call things like Medicare, Medicaid, Social Security mandatory spending, meaning, not just that we're going to spend a certain amount every year depending on a formula, but it also means, and I don't know if my friend from Tennessee or the other gentleman from Texas or Tennessee know this, but we don't have hearings on mandatory spending traditionally.

I'm a member of the Appropriations Committee. We spend a huge amount of money on Social Security and Medicaid, but we've never had a hearing on it. Every year we wrestle on some of the mandatory spending and some of the discretionary spending, but the biggest portion of the budget we don't do hearings on. And I think that it's time that we start talking about some of the mandatory spending if we're ever going to be serious about balancing the budget.

Mrs. BLACKBURN. If the gentleman will yield.

There are a couple of things that I would point out. I'm sure people are sitting there going, I'm not believing this. I have worked all day long, I work all year, I haven't even finished paying my obligations for my property taxes, my state taxes, my Federal income taxes this year because you have to work until around the first of June to meet your obligations on taxes before you're working for money to take home.

So, what I'm hearing him say is, all that increasing, they want you to work further into the year to pay them. Somebody sitting at their desk right now, they're thinking, I can't believe this. If they want to pull down a copy of the budget, here are some Web sites and some resources we would encourage them to use. To get a copy of the President's budget, they can go to whitehouse.gov/omb. To get the Republican response, which our Republican Study Committee was involved in, budget.house.gov/republicans. And to get some of our budget school resources, they can go to house.gov/blackburn. They can also go to YouTube and Face Book and pull some of this information.

Mr. KINGSTON. Let me ask, before the gentlewoman takes that down, do those budgets balance, by the way; or when do they balance out, when do they balance? And do they have to be passed by the Senate and the House?

Mrs. BLACKBURN. I thank the gentleman for yielding. We're going to work through explaining that process this evening because the budget has come through the House and it is going to the Senate, it will come back to conference committee. And we set all of those different, the template, if you will, and then it will go through the appropriations process this year.

And I wanted to show this second poster. You were just mentioning about Medicare and Social Security and some of the different functions that are entitlements. And then we also have the areas that are seen as being discretionary. And you were mentioning discretionary spending. And those who want to follow the budget discussion with us can follow these different functions in the budget documents that we had mentioned earlier.

And I yield back to the gentleman from Georgia.

Mr. KINGSTON. Well, I think, though, that when you're talking about spending, you have to look at everything. And when you have such a large portion on mandatory spending, and I think of it in terms of automatic spending, and I understand that Social Security, Medicaid and Medicare are sacred cows, that if you touch them politically somebody's going to twist your words around and say that you're trying to do something nefarious, but the reality is if you're ever going to balance the budget, you have to look at everything. And there are areas I know that we can do a better job on.

Now I'm on the AG Committee on Appropriations. Many people don't know this, and they always complain about how big the USDA is. Sixty-three percent of the agriculture budget is in welfare. Food stamps, the WIC programs, school nutrition programs, these are supplemental assistance programs to the poor. Now, I was here in 1996 when we reformed welfare, and it went from 14 million people who were on welfare down to 5 million people. That was a step in the right direction because you want to help those who truly need it, but you don't want to create a system where able-bodied people are able to game it and not work.

But what we're doing in AG appropriations is year after year making it a little bit easier to qualify for food stamps. We lighten up on the work requirements. We extend it to this group or the other. The WIC program is a child nursing supplement program. And Dr. BURGESS knows well, it's a supplemental program for nursing mothers, but you're eligible for age 6. Now, I'm a father of four. I know you're a mama, you weren't breast-feeding your children at age 6, I assume.

Mrs. BLACKBURN. And I'm about to be a grandmother. And I appreciate the gentleman from Georgia's comments about the historical data that is involved in that. And as we look at the budget, and how did this budget get to be so big? That is just so very important. And if you look at the budget, which is what I have right here on the podium in front of me, and you can see it, you can hardly hold it up it's so big, but it comes in sections. This much is just the overview. And I said, that pales in comparison when you look at the small size of our Constitution and our Declaration of Independence.

Here's the appendix. And you would get inside this and look for the program that you're talking about with the Department of Agriculture. Then you would come in here to the Analytical Perspectives. This volume is where you would go to look at the analysis that you were just speaking of. And then, here are the historical tables.

And Mr. Speaker, this is where our colleagues go to look at where a program was when it started, to trace back through why this program was put in place and go back and see if that program is still aimed toward meeting what it was put in place for, meeting that original mission, how has it changed? And as you're pointing out, so many programs get changed on a regular ongoing basis. You go into the analysis and look at if you think this is worthy, if those are certainly the type data and the type premises on which you want to be operating to fund that budget. You look at this appendix to see how much they decided that they ought to be putting into that budget.

So, the gentleman is quite right in explaining how these programs grow, and did they begin to move away from their original mission? That is why some of our colleagues that are joining us this evening have been busy working on fighting waste, fraud and abuse, fighting increased spending, fighting wasteful earmarks, and working for the past few years to raise this issue.

And I know the gentleman from Georgia has constituents, and we have the gentleman from Iowa, Ms. BACHMANN, who is from Minnesota, Mr. DAVIS from Tennessee, who are joining us on the floor this evening to talk about this issue and to talk about where we are seeing the movement in this budget.

At this time, I would like to yield to the gentleman from Iowa (Mr. KING) who has worked tirelessly. He was in my freshman class as we made waste, fraud and abuse our freshman class project, and as we have worked to reduce what the Federal Government spends and begin to try to tame this budget and to bring it back in so that it is a friendlier budget for the American taxpayer.

And I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady from Tennessee for organizing this Special Order and for the privilege to address you, Mr. Speaker.

This budget issue that rolls out in front of us, I'd like to take us back to anchor it a little bit on what's really going on. And we haven't gone very far into all the news and the indicators we have on this economy, but this budget is the largest tax increase in the history of America; it amounts to $683 billion in tax increases over the next 5 years. That's almost triple the largest tax increase in history that took place in 1993. We remember that year, 1993, that was a $240.6 billion tax increase, about a third of what this one amounts to in '93. We will look back and remember what happened in 1994, Republicans took over the majority in the House of Representatives partly because of overspending.

But as we followed this economy a little over a year ago, I remember the swearing-in ceremony here on the floor of Congress when Speaker PELOSI took the gavel for the first time. I watched what went on when all new committee chairs for the first time in 12 years picked up the gavel and began to manage their committees. And I watched as the chairman of the Ways and Means Committee went on the talk circuit all around the country, media stop after media stop after media stop, and he was constantly asked, are you, Chairman RANGEL, going to make the Bush tax cuts permanent? Are you going to preserve any part of the Bush tax cuts? And he demurred on a straight answer time after time. But by a process of elimination it became clear to the American investor that those Bush tax cuts were not going to be made permanent, that every one of them was going to be designed to end, expire and fail at some point.

Now, these tax cuts, the big ones, the ones that matter, was on May 28, 2007. That was when we had the real tax cuts that inspired this economy. And we have been on a growth pattern ever since that time and today we're still on that growth pattern in spite of what they say about our economy if you just track the DOW. But when the public understood and the investment community understood that the chairman of the Ways and Means Committee was going to continue down this path of spending, that he didn't see a tax cut he liked and he didn't see a tax increase that he didn't like, they stopped investing in industrial investment.

The reduction in industrial investment that took place January, February, March, April and onwards of 2007 was the lead indicator for this economic inactivity that we're seeing today. That was item number one, the understanding that there would be tax increases, this understanding that we know, according to Adam Smith and Wealth of Nations from 1776 when he said "the cost of any goods is the cost of the labor that it takes to produce it and the capital required to support the labor." And the cost of capital went up because of the tax increases that were around the corner, the tax increases that were implicit in this budget. When the cost of capital went up, capital is always reactive and smart, and capital investments declined. That led us into the subprime, and we know about the subprime, but that's only really about $150 billion in real losses. There might be a greater reaction on that in this Congress, but about $150 billion. That's equivalent to a dollar a gallon on gasoline. By the way, there's no energy policy either.

But what this matters to us in this country is, we want to slow this growth in spending. We want to balance this budget. We want to bring a budget that gets us down to a responsible budget. And we want to get into the entitlements, fix Medicaid, fix Medicare, fix Social Security. And if we go down this path and we see the tax increases that were part of this, we put in it in one term that's relevant, what's relevant to us, how does this affect the family of four, mom, dad and two kids that are making $50,000 a year? The result of this budget and the tax increases that are part of it to a family of four making $50,000 a year, it will cost them annually $2,100 in additional taxes.

And additionally, we're paying more for gas. We have no plan for a balanced budget coming out of the majority side. This economy has been driven down into the drink because of lack of confidence, lack of an energy policy, because of the tax increases that reduce the capital investment, especially in industrial investment, and because of the subprime.

Things that you do in a bad economy are not increase taxes, not increase government spending. You don't take a larger share out of your gross domestic product and roll that into government, that's the nonproductive sector of the economy. That's one I'm not feeling charitable; I call that the parasitic sector of the economy. We need to have more dollars in the productive sector and the private sector of the economy; that means less taxes, less government, more personal responsibility, more fiscal discipline on the part of this Congress and this House where we start the spending here.

So, I applaud the gentlelady for leading this Special Order. I look forward to many more. I look forward to the day when I can say, I stood on the floor of this Congress and voted for a balanced budget that made it through the Senate to the President's desk, and fiscal responsibility, and letting people keep the money that they earn.

Thank you for yielding. I appreciate it.

I yield back to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding back.

And he is exactly right. In 1993, the $240.6 billion tax increase that came about in 1993 is something that people in this Nation stood up and said we are not going to stand for this.

☐ 1715

And I appreciate also that the gentleman mentioned Wealth of Nations and made reference to that wonderful work.

I think another one that we could add to the reading list of those who are fiscal conservatives is Road to Serfdom, which is a book, and I would commend that, Mr. Speaker, to all of our colleagues, to go back and read that work by a wonderful economist, Friedrich Hayek. And it talks about how, when you tax more and government spends more, and you take more from your people in a Nation, that you're walking on that Road to Serfdom.

As the gentleman was saying, we look at the rate of taxations based on our GDP, where we are right now in 2007, and many of us feel like this is too high. We are under 20 percent.

This is the CBO long-term outlook for taxation. You can see by looking at the bars, the red one is net interest. Social Security is the purple area. Medicare and Medicaid is the orange area, and then you have all other spending, which is in green.

Look at this chart, and look at what happens from 2007 to 2015, where we move above that 20 percent. Look what happens by 2030, when meeting the cost of your entitlements and your interest are going to take all revenue coming in on our current percentage of taxation. And then 2040, look at what happens, when you're spending about 35 percent of your GDP on taxes.

Mr. KING of Iowa. Will the gentlelady yield?

Mrs. BLACKBURN. I will yield.

Mr. KING of Iowa. As I look at your chart, it occurs to me that that's Federal spending. And I'm going to speculate here, though, that if we would add to that the State and the political subdivision spending on to that, because that also is a share of the GDP, we have a significantly higher percentage. And I would think that that percentage today may well go to 37 percent.

I've seen some studies by some very well-respected and highly credentialed economists that make the argument that there's a right size to government, and that right size to government, when you add all the taxation across the spectrum, from Federal to State to local, that right size of government taxing a percentage of GDP, they believe, falls somewhere between 17 and 23 percent. So I'd just argue that we've passed that already, and we've got to go down in those numbers. I'd like to see those bar charts go down.

Mrs. BLACKBURN. And the gentleman is exactly right. And we would all like to see, and that is the reason that we are here. And my hope is that as we work with our colleagues on this budget issue, that we will see these charts level off and then head downward, because Federal spending is far too high. And then you're exactly right; when you add your political subdivisions and the State taxation and spending to that, you do see a different picture.

At this point, to talk a little bit more about what we see happening with this budget, I want to yield to the gentlelady from Minnesota (Mrs. BACHMANN) who has joined us this year and has jumped right into the discussion of budget and taxation, and does a wonderful job representing our conservative perspective.

Mrs. BACHMANN. I want to thank the gentlelady from Tennessee and applaud her and thank her for her efforts as she is leading this wonderful budget school for the people of the United States, and I would consider her the dean of our budget school, and she's doing a wonderful job as dean. And I think that Representative STEVE KING may be considered a tenured professor in the budget school that the gentlelady from Tennessee is quite brilliantly hosting for the benefit of the American people.

It's so important that we're taking up this topic and devoting this time, because what all Americans share in common is that we, generally speaking, all are working for a living. And the one thing that we're finding is that more and more of our time is being spent working on behalf of political subdivisions. Whether it's the Federal Government, whether it's State government, whether it's local government, quite often our taxes are taking up perhaps as much time as from when we get up on January 1 and go to work, or if it's January 2, until perhaps in May or June, almost everything that we make during that time period is going to government.

I know that's hard to believe. But when you add up all the money that we're paying in taxes, about that much of our time is going to earn money that will, in turn, be handed over to government to spend our money. That's what's happening, and that's what we're yielding in terms of our sovereignty, is the amount of time that we are spending working to provide for our families; that much time is being spent going to government, because someone is going to spend the money that we earn.

The question is, will we have the power over being able to make those choices over spending, or will political subdivisions, whether it is the Federal, State or local, have the ability to make those choices?

I want to show you now a chart that we have up here. This talks about how much the budget that has just been passed, which the majority, the Democrat majority has the largest spending increases in American history for the budget and the largest tax increases in American history.

Take a look at the numbers. On every State, from Alabama to Wyoming, there's an increase in taxes for every American across the board, on average, from Alabama to Wyoming. And these aren't small increases. This is over and above what the average American is already paying.

But take a look at these increases. If you're in the State of Alabama, it's over a $2,500 increase in taxes beyond what you're paying now. If you're in the State of Wyoming, it's over a $3,100 tax increase.

I represent great people, great people from the State of Minnesota in the Sixth Congressional District. In Minnesota, the average taxpayer in Minnesota will pay over $3,000 more in taxes than what they're paying now.

Well, take a look at what your grocery bill has been doing. It's been going sky high lately.

And take a look at what we're paying at the gas pump. I was in St. Cloud, Minnesota last week. The price of diesel gasoline was $3.81. The price of regular gasoline was $3.14. When I took office and was sworn in for the first time as a brand new freshman Member of Congress, I thought gasoline was too high then, and it was about $2.25 a gallon.

Well, what has this Congress yielded, the 110th Congress?

So far this Congress has gone for the largest tax increase in American history, the largest spending increase in American history.

And as the gentlewoman from Tennessee (Mrs. BLACKBURN), and as Representative STEVE KING has said, from Iowa, and also the gentleman from Georgia, Representative KINGSTON has said, this Congress has failed to do anything to reform Social Security and Medicare. Every American should take pause right now and realize how sobering that is, because the United States Government has made a promise to the senior citizens of this country, has made a promise. I'm worried that this Congress will have difficulty keeping that promise with our senior citizens if we don't reform these important programs. We can't do that if we are raising the average American's taxes.

And I will yield back to the gentlewoman from Tennessee after I make this important point, and it's this: In the Budget Committee markup of Fiscal Year 2009 there was a unanimous vote to increase the marginal tax rates.

What does this mean?

Whether you are a low-income American, a middle-income American, or a high-income American, guess what? Your taxes are going up. That will impact you in an already weak economy.

Unanimously, unfortunately, the Democrats voted to cut the $1,000 child tax credit in half. That really hurts. My husband and I have five kids. We raised 23 foster kids. Do you know how important a $1,000 child tax credit is to the average family? That's really important. Well, they voted unanimously, unfortunately, the Democrats, to cut the $1,000 child tax credit in half. That will impact average Americans.

They also voted to eliminate the marriage penalty tax relief. Why would we do that? Why would we want to take away tax credits for people who are married? Married people are raising the next generation of Americans. We want to help them, not hurt them.

They also voted to eliminate the capital gains and dividends relief. This was the big driver. From 2000 until 2008, this has driven our economy forward. This has been a good thing.

And also, unfortunately, to bring back the death tax.

This is not the direction we want to go. The direction we want to go is one, a budget that the Republicans have put forward, and that's a growth budget, a budget to cut your taxes, cut wasteful spending, and put in place the mechanisms that will provide growth for this economy so that you can keep more of your income and start working for you, rather than working for the government.

And that's why I commend the gentlelady from Tennessee. As the dean of our budget school, she has been letting the American people know, in the plainest possible language, that we are here because we want to work for you. We hear you. We hear the difficulties that you're laboring under.

And I yield back to the gentlelady now to go on and continue to explain forthwith to the American people how important this ongoing discussion is.

Mrs. BLACKBURN. I thank the gentlelady from Minnesota. And as she said, we do have a response to this budget. You can go to budget.house.gov/republicans and pull that budget up, because it is a budget that is there to encourage growth, reduce taxes, and be certain that our constituents have the money left in their pockets.

At this time I yield to DAVID DAVIS, the gentleman from Tennessee who joined us in this House this year. He was in the State Legislature in Tennessee. He knows firsthand how important a low rate of taxation, low and reasonable regulation is to having small businesses grow and develop jobs. And as we all know, there is no economic stimulus as good as a job. And I yield to the gentleman from Tennessee.

Mr. DAVID DAVIS of Tennessee. I'd like to thank my colleague from Tennessee. Thank you for your leadership, Ms. BLACKBURN. You're doing a wonderful job. I had the opportunity to serve with you in the State Legislature, and we fought off a State income tax together back in our home State. And it worked well in Tennessee and it would work well here to keep our taxes low.

As you well know, mothers and fathers all across Tennessee, I'm more concerned about East Tennessee, to be honest with you, but mothers and fathers all across East Tennessee and across America sit around their kitchen tables putting budgets together. They have to make decisions on how am I going to fill up my pickup truck or my car and it costs over $50 a tank? How am I going to put food on my table? How am I going to pay my housing payment? How am I going to pay for my health care? Those are some of the things that real Americans, real mothers and fathers have to make decisions about.

And if you look at the gasoline prices and you look at the energy bill that actually came out of this House back in December, I voted against the legislation. It had new taxes. It had new regulations. The only thing it didn't have was any new energy. And I think the American people are starting to feel that today, and because of that, they're starting to see increases in things such as their food bill going up.

I know my wife comes home every week and says, I can't believe how much our grocery bill's gone up this month. So people all across East Tennessee are struggling to make ends meet.

The Democrat budget resolution fails the test of fiscal responsibility miserably. Instead of exercising fiscal restraint and lowering taxes, the Democrat budget raises taxes, as you well know, by $683 billion over the next 5 years. You heard me correctly. $683 billion over the next 5 years.

And as it's been pointed out, that is the largest tax increase in America's history. Not only America's history. It's the largest tax increase in America's history, but it's also the largest tax increase of any country in the world. That's pretty amazing.

I don't go home every weekend and hear people say, if you could just raise my taxes, my family will do better. I hear just the opposite. Keep taxes low. Keep regulations low. Lower gasoline prices, and let me succeed.

This budget actually blows away the previous record tax increase back in 1993. That was $443 billion.

These are real tax hikes being imposed on real people. Here are some of the staggering statistics for families in Tennessee's First District. According to the Heritage Institute, because of the Democrat budget, the average taxpayer in my district will be forced to pay an increase of $1,596, and it will result in almost 2,000 jobs being lost, and a loss of $188 million in the First District's economy.

☐ 1730

That's not what I hear when I go home every weekend to east Tennessee: If you could just raise my taxes, increase regulations, then it's going to be good for my family. That's not what I hear. I hear, Keep taxes low, keep regulations low, lower gas prices and get government out of my way and we will be able to do better.

And by reimposing the marriage tax, you know, I hear comments here in Washington that, well, if we could only tax the wealthy. Well, when I go home to east Tennessee every weekend, there's a lot of married folk that are not wealthy. That's just common sense. And by bringing back the marriage tax, roughly 23 million taxpayers will see their taxes increase by $466 by the year 2011 simply because they're married. I don't know if that's the policy that we need to be bringing forth in this Congress. That's not what I hear when I go home to east Tennessee every weekend.

We have a choice between bigger economy or bigger government. Taxing and spending is not a road we need to head down. Ronald Reagan once said, "We don't have a trillion-dollar debt because we haven't taxed enough; we have a trillion-dollar debt because we spend too much."

I think we, as Members of Congress, need to be more concerned about the budgets of mothers and fathers who have to put a budget together around their kitchen tables back in East Tennessee and across America rather than growing a Federal budget that supports out-of-control spending that relies on taking money from the very mothers and fathers who are struggling to make ends meet back in northeast Tennessee and across America.

I would like to thank my colleague, Congresswoman BLACKBURN, for her leadership in putting on this budget school; and if we could just get back to using some common sense, we will go forward in America. It's worked well for over 200 years; we just need to get back to that common sense.

Thank you for your leadership.

Mrs. BLACKBURN. I thank the gentleman from Tennessee, and as he said, the loss to the economy is something we hear a lot about.

Look at this chart. You can see what happened with Federal revenues in 2001, 2002. Look at what happened when we reduced taxes in 2001 and then again in 2003, and look what happened, how we took off with a growth in Federal revenues. It just shows you what happened when you reduce taxes, when the government takes less and allows individuals to make those decisions, what to do with that money. When government doesn't take first right of refusal on so much of that paycheck and allows our constituents to make those choices, you can see there are four straight years of increases there.

To talk a little bit about the impact of the economic policy that's before us on his constituents from Ohio, I yield to the gentleman from Ohio, Mr. JORDAN.

Mr. JORDAN of Ohio. I thank the gentlelady for yielding and for her leadership on this special order hour and her leadership in Congress and her work with the RSC along with our chairman.

Mr. Speaker, the Federal Government spends a lot of money. The American people understand that instinctively. In fact, let me give some context to it.

The United States' economy is a $14 trillion annual economy. The second largest economy in the world is Japan, approximately $4 trillion annual economy. The third largest economy, if you define it this way, would be the Federal Government. So 1 year of spending by the Federal Government would be the third largest economy in the world. $3 trillion, the largest budget in history, is what passed on this floor 4 weeks ago.

Again, to provide a little context to that. $3 trillion budget. That's the Federal Government spending your tax dollars, the American families' taxpayer money for families in Ohio and across this country spending at $100,000 a second, $6 million a minute, $350 million an hour. I mean, even by politicians' standards, that is spending money like crazy.

The Federal Government spends, again, just to provide some context, and I appreciate the work that everyone has done and what the previous figures have said. The Federal Government spends $25,000 per year per family. Instead of spending $25,000 per family, if we would just spend $20,000 we could balance the budget in 1 year. Just spending $20,000 per family, we could do it.

The previous speakers have talked about the tax burden that was also contained in this budget, $600 billion in taxes. You always hear about tax-and-spend politicians. I actually argue that it's just the opposite. In fact, the gentleman from Tennessee just talked about this. It's spending tax. Spending always drives the equation.

So to make sure that this $3 trillion could be spent, this budget contains the largest tax increase in the history of our country. At a time when families are already dealing with tough economic situations in their family and in their communities, the last thing we need is higher taxes.

You can compound all of this situation by what we heard last week. And I just want to read from the trustees' report, the 2008 Social Security and Medicare trustees' report, because I think it's poignant to this, a discussion about where we are at this point in our Nation's history. The trustees said, We are increasingly concerned about the inaction on the financial challenges facing the Social Security and Medicare programs. The longer action is delayed, the greater will be the required adjustments, the larger the burden on future generations, and the more severe the detrimental economic impact on our Nation.

The longer we wait to do anything, the tougher it is going to be to address it and fix the problem.

In fact, outgoing Comptroller General David Walker has said this: We run the risk, for the first time in American history, turning over a worse financial picture to the next generation. It's never happened before in the history of the United States.

One of the reasons we are the greatest countries in history is because parents make sacrifices for their children so they can have a better economic situation, a better life, a better standard of living than what we have. We run the risk of beginning to turn that. We have got to begin to address that.

I just want to bring up two simple concepts that were proposed in the Budget Committee by Members of the Republican party and the RSC. We offered two simple ideas. One was, it's time for a second Grace Commission. If you remember, President Reagan put together the Grace Commission. He had outside business people come in and look at the Federal Government, look at the government, say, Where is the waste? Where is the fraud? Where is the redundancy? Where is the ridiculousness? Let's get rid of it and save taxpayer money and better spend taxpayer money.

Back in the 1980s, they identified $400 billion in waste, fraud, and redundancy. Certainly we can find some savings by doing that. The Grace Commission, unfortunately, was defeated in committee.

We also offered an amendment that said let's hold the line on spending. Outside of the military, let's just hold the line, and let's keep the baseline lower, which saves us a lot of money in the outyears. And we made the argument in committee that this won't solve the problem, but this will better position our Congress, better position our government to deal with what we know is coming, to deal with what the trustees reported last week is coming relative to Social Security and Medicare. Two simple ideas that we couldn't even get passed in committee because the majority party wouldn't go for it. Things that we need to do to long-term begin to address the situation.

As the previous speaker said, and I will close with this and turn it back over, he's confident that we will get this right. I am, too. Not because the politicians in Washington get it but because the American people do. The old adage is often true: Most politicians don't see the light; they feel the heat. And they feel the heat from their constituents because their constituents have the common sense of the folks, like in East Tennessee and back in western Ohio as well, and they understand the situation is real, they understand it's time for politicians and elected officials to step forward and say, Enough is enough. Let's fix this because it's about our kids and about our grandkids.

That's why I applaud the leadership of the gentlewoman from Tennessee.

Mrs. BLACKBURN. I thank the gentleman from Ohio.

Mr. Speaker, we have had some absolutely wonderful freshmen to join us this year, and the gentleman from Ohio is one of them; and we are just so grateful to his constituents who have sent him here to join in on seeking fiscal responsibility for this great Nation of ours. We appreciate his leadership, as Mr. DAVIS and Ms. BACHMANN, and the work that they have done.

And now someone who came to this Congress and has been a leader serving on the Budget Committee working toward fiscal responsibility.

I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. And I thank the gentlelady from Tennessee for all of your work on this matter and others as well, shining the light of day on the budget process here in the House under Democrat control of this legislature.

That last point, under Democrat control, here we find ourselves 15 months into the 110th Congress under a new Democrat majority in this House, and we have to ask that basic question, What has that Democrat control of 15 months brought? Well, in outside groups in the media, it has been reported this has been one of the most inefficient and ineffective Congresses in passing legislation out of the House and making it to the President's desk and getting it signed, in most people's memory. And that is a bad thing when it comes to trying to solve the problems that are addressing America's families and America's pocketbook as well.

I would like to spend my couple of minutes personalizing this budget process from the great State of New Jersey and other residents of my State as well and how it impacts upon them.

New Jerseyans are already overtaxed. Just recently, the legislature in Trenton, the State capital, raised taxes. They raised the sales tax, they raised corporate taxes, they raised user fees and what have you. And now there is talk about, in our State, maybe doubling or tripling the tolls on the road, and not to speak, of course, about property taxes which are going through the roof in our State. So New Jersey families are already taxed.

What do we see here in the Congress under Democrat control with the budget that they have passed through this House? Well, for New Jerseyans it would amount to around $3,700 increase, a $3,700 increase in taxes on the American family or the New Jersey family. More of their hard-earned money being taken from them and sent to Washington.

And what else? Well, another independent analysis, this one done by the Heritage Foundation, shows that folks in my district, the Fifth District in New Jersey, which my district represents, they would lose upwards to

2,000 jobs. So mind you, the budget that the Democrats have passed would do two things: raise our taxes in my State by around $3,700 for the average family, and we would lose 2,000 jobs. All a bad thing now under the Democrat's Congress.

So while it may have been one of the most ineffective and inefficient Congresses under the Democrat leadership, they are doing some things all bad.

Let me take a moment, if I may, to address three points that went through the budgetary process when the bills came through the committee.

If you hadn't been turned on C–SPAN from 10:30 in the morning when the bills came through with the Budget Committee initially until around 1 o'clock the next morning when the bill finally came out, you may have missed exactly what the Budget Committee did under the leadership of the Democrat Conference.

Let me touch upon three of them. Democrats proposed their budget. Republicans tried to take a bad bill and tried to make it better with a number of amendments, and I will go through very quickly, if I may, three of those amendments. In each instance, when we took our amendments and said, Here is an idea that maybe would make your bill a little bit better, they voted unanimously, and it shows the bipartisanship is not there in that committee, unanimously against our ideas.

First idea. AMT, alternative minimum tax. We suggested that this very harsh tax should be repealed. Remember, it was the AMT started under 1969 under a Democrat Congress, in the 1990s under a Democrat President, Bill Clinton. We Republicans tried to repeal it. He said no. Now we said we have to get rid of this unfair tax that in just a couple of years from now, around 34 million American families would see their taxes go up incredibly. They said "no" to our amendment.

Secondly, again, Democrats unanimously voted against another amendment that we suggested to their bill with regard to earmarks. We all have problems with earmarks. It made the news heavily in the last months, what have you. We see the waste, fraud, and abuse there. We suggested we could save a billion dollars in earmarks and let's appropriate it over to veterans and for their good causes. That was our amendment. They voted unanimously to oppose it.

And finally in the area of Social Security. You would think here is one area that there would be bipartisanship, that they would reach across the aisle and try to get something done. Again, no go. Earmarks, again, was the basis of our areas that we thought we could save some money. There was so much waste, fraud, and abuse with their earmarks. We said, Let's save some of the money there. Let's make sure that Social Security is here for seniors today and for the next generation and next generation. Let's stop robbing from the Social Security trust fund. We put in an amendment to do that. What do the Democrats do once again? Unanimously they voted against that amendment as well.

The amendments all went down. The bill passed as the Democrats initially proposed it, in essence, and that bill, of course, is bad for my constituents, bad for New Jerseyans as we will be losing jobs, seeing our taxes go up.

So, again, I close where I began, commending the lady for bringing this information to the American public as we work together to make it a better situation.

Thank you.

Mrs. BLACKBURN. I thank the gentleman from New Jersey, and I do thank him, Mr. Speaker, for his continued leadership. As I mentioned, we were freshman classmates in the 108th Congress and have worked each session of these past three sessions of Congress to bring to light the needed changes that are there for our government budget processes, the way we go about building this budget, and the way we handle the taxpayers' money.

Another of our 108th freshmen who worked making waste, fraud, and abuse our class project as we developed to the wasteful Washington spending and the Washington waste watchers and started shining some light on earmarks and the need to change that practice on wasteful spending, on increased taxation, on programs that may be have outlived their usefulness, and that is the chairman of our Republican Study Committee, JEB HENSARLING of Texas.

And as I mentioned, we are all Members of the Republican Study Committee, and I want to yield to our chairman, the gentleman from Texas (Mr. HENSARLING) for his comments and remarks on the budget process and welcome him to this session of budget school.

□ 1745

Mr. HENSARLING. I thank the gentlewoman from Tennessee for yielding, and I certainly thank her for her leadership and ingenuity in putting together this budget school for the American people. It is their money. Too often people come to this floor and they think it's their money. It's not. It's the people's money, and they need to know what the U.S. House is doing about it.

The gentlewoman had so many great speakers from our Conservative Caucus, the Republican Study Committee, and I think I just want to sum up really what is probably a tale of two budgets: the Republican budget and the Democrat budget. And, unfortunately, for the American people, it was the Democrat budget that was passed into law.

Number one, the Democrat budget included the single highest tax increase in American history on American families at a time when we know the economy is struggling, American families are struggling. I have two small children. I know what's happened to the price of milk. I know what's happened to the cost of a loaf of bread and to all the various and sundry cereals that they see advertised on Saturday morning that my wife and I are compelled to buy. Groceries have gone up. Gasoline has gone up. Ever since the Democrats took control of the economic policy of America 15 months ago, all we have seen is that American families have to struggle.

But what are the Democrats doing on top of this as American families are struggling? They are imposing a tax increase of almost $3,000 per American family over the course of the next 3 years. I mean, Mr. Speaker, this is just simply unconscionable. In my district in East Texas, the average family will see their taxes increase $2,734. Small businesses, as we struggle to make sure that we keep our jobs, that we expand our jobs, small businesses, their taxes are going to go up by as much as 13 percent. Taxes on capital gains will go up 33 percent; dividends, 164 percent. Mr. Speaker, you can't have capitalism without capital. You can't have the job engine if you take that away. And so at a time when people are concerned about their paychecks, the Democrats are going to take even a bigger bite out of their paychecks and the people who create those paychecks in the first place: the small business. I mean, Mr. Speaker, this is just unconscionable.

The death tax is going to go from zero percent up to 55 percent. People work their whole life to put together a farm, a ranch, a small business; and all of a sudden Uncle Sam can come in and take over half of it, and there's just not enough left to go around. The child tax credit is going to be cut in half. The lowest tax bracket is going to be increased by 50 percent. The marriage penalty will return. This is the Democrat plan for economic growth? This is the Democrat plan to help struggling American families?

A tale of two budgets. The Republican budget has no tax increase, Mr. Speaker. I repeat, no tax increase.

Another incredibly distinguishing aspect of the tale of two budgets is that the Republican budget says enough is enough on these earmarks. No more bridges to nowhere. It's your money. So the Republican budget included an earmark moratorium. They said you know what? The system's broken. The system's wasteful. We're going to stop it. We are going to ensure that there's a select committee to see if there's a better way to spend the people's money. And, instead, the Democrat budget rejects that. And, instead, what do they have? They have almost $15 billion for congressional earmarks that all too often represent the victory of seniority over merit, special interest over the general interest, and secrecy over transparency.

In the Democrat budget, in the last budget, they financed $2 million so that one of their committee chairmen could build a museum to himself; $100,000 is sent to the Los Angeles Fashion District for landscaping at the same time they are increasing taxes on American families. They earmark $300,000 to train people to work on Hollywood movie sets while they're taxing hardworking American families. And the list goes on and on. They are the party of congressional earmarks. Business as usual.

Some say it's not a whole lot of money. Well, Mr. Speaker, I hope I'm never in Congress so long that I conclude that $16 billion of the people's money is not a lot of money. It's a lot of money to the people in the Fifth Congressional District of Texas. And at the time when they are trying to keep a roof over their head, send their kids to college, pay for a gallon of gasoline, pay for a gallon of milk, to sit there and be building museums to sitting Members of Congress, to be sending money to the L.A. Fashion District is simply unconscionable.

So, Mr. Speaker, again, when you look at two budgets, it's not just about numbers; it's about visions. At a time when we need more jobs and more growth and we need to secure the family paycheck, all the Democrats offer are more earmarks, and they offer tax increases on the American family as much as $3,000 per year.

The Republican budget has no tax increase. It will help the family paycheck. It will help create small businesses. It has spending control and will lead to a brighter future for our children and future generations and provide them with greater freedom and greater opportunity. That is the tale of two budgets and how the American people's money is spent.

So I thank the gentlewoman from Tennessee for this wonderful program on the budget. I thank her for her leadership within the Republican Study Committee, the Conservative Caucus in Congress.

Mrs. BLACKBURN. I thank the gentleman from Texas for the leadership that he provides every day on these issues.

And at this point, Mr. Speaker, I want to yield to the gentleman from Maryland (Mr. BARTLETT), who has such a wonderful understanding of the budget.

And as I mentioned earlier, we have our Constitution and our Declaration of Independence, a little tiny document. Then we've talked about the appendix of the budget, this big volume right here. And what you're going to find there with some of the line items, as our colleague from Georgia was talking about, is the ag program. That's where you find that information. Then there is analytical and historical data that we look at and what we actually find with our trust fund and with our debt.

And to provide some insight into this, I yield to the gentleman from Maryland for his insight into the budget and the budget structure.

Mr. BARTLETT of Maryland. I thank the gentlewoman for yielding.

Mr. Speaker, I thought it might be instructive for the last couple of minutes of this hour to kind of put what we've been talking about in perspective.

When you say “budget, “you have to know which budget we're talking about because we have two budgets in Washington. We have the one we talk about publicly, and then we have the official budget that we have to deal with, and they're different. You will understand in a couple of moments why they're different.

When we generally talk about public, you'll hear what we call the unified budget. Now, the unified budget is all the money that comes into Washington and all the money that we spend. But about 10 percent of the money that comes into Washington shouldn't be Washington's money to spend because it's moneys that they've taken from you, like Social Security, Medicare, railroad retirement, and about 50 others, presumably to be put in trust for you. But they do not put those moneys in trust for you. What they do with them in Washington is immediately convert them to a nonnegotiable U.S. security and spend them.

When we talk about debt, there's the national debt and the public debt, and I will bet you, Mr. Speaker, that not one person in fifty out there knows the difference between the national debt and the public debt.

Our time's going to run out in just a couple of minutes, and I would like to come back to the floor to talk again. But there never was a moment in time during those years during the Clinton presidency when we said we were paying down the debt that, in fact, the national debt went down. Because what we were doing with the lockbox money, which was surplus money from Social Security and Medicare, we were taking that money and paying down the public debt. The public debt did go down, but for every dollar the public debt went down, the trust fund debt went up another dollar. So there was no change in the total debt, or the national debt. But there were some trust fund moneys that were not lockbox moneys. In fact, only two of them were lockbox, Social Security and Medicare; so we happily took that additional money and spent that, and so the national debt did go up. As a matter of fact, there was not a moment in time during those years when we said we had a budget surplus when, in fact, the national debt went down.

There's a lot of duplicity in Washington. It probably shouldn't surprise you to learn that you shouldn't believe everything that comes out of Washington. I have the numbers here for that debt, and a half hour ago when I came to the floor, the public debt was over $5.3 trillion. They call this the intergovernmental holdings debt, which was just a little over $4 trillion. I have $4 trillion here, $5 trillion here, and the total national debt was $9.446 trillion.

I would very much appreciate coming back to the floor at another time to expand on this because I think it's very instructive for people to know, as your budget school says up there, who have the right to know how Washington spends your money.

Mrs. BLACKBURN. Mr. Speaker, reclaiming my time, I think individuals can see how instructive and how exciting our next session will be because we're going to talk a little bit about this budget, and I thank the gentleman for his insight.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to come before the House once again.

As you know, in the 30-Something Working Group, we work very hard to put forth the agenda of the American people. We have been consistent over a number of years in doing this. And I think that it's important for the forward progress of not only the House of Representatives but also for the American people.

The good thing about coming to the floor and sharing what's happening here in the Capitol Dome, or what's not happening, is its importance in strengthening our democracy and also strengthening our economy and strengthening the faith in government by the American people. And I think that some of the information, especially as it comes in a bipartisan fashion, that it allows our friends on the Republican side of the aisle to be able to take part in legislation that the American people support wholeheartedly.

Case in point: increasing the minimum wage, adopting all the 9/11 recommendations, and also looking at the issue of the greening of America, putting forth incentives of saving our Earth as we move forth, fighting for community police officers for local law enforcement agencies, State law enforcement agencies, and also the Federal outlook of being able to deter crime in this country; also assisting children and getting a level of health care that they deserve in a universal sense as it relates to S-CHIP, or what we call CHAMP here on the floor; and to also have hearings, to open up this government to the American people, of transparency.

As we started talking about Member projects, Mr. Speaker, in the appropriations process, we brought about the transparency that the American people have been looking for, disclosure, to make sure that these projects are worthy projects, and also having what we call reform, and we have shown that.

□ 1800

I want to just talk about a few things, Mr. Speaker, if I can, before the rest of the 30-Something Group is recognized, of what is happening now, not only in America, but overseas. We know that a number of officials from the Bush administration have been asked to come to Capitol Hill to testify before various committees, be they House or Senate. Today's news is the economy. When we start looking at testimony that took place here today, where it was first mentioned, not that we were trying to make history, a Bush administration official saying that the country is in a small recession and that recovery will be soon, and very soon, well, it reminds me of the debate when we talked about what was going on in Darfur, in Africa, if we want to call it genocide or not. We already knew it was genocide so we didn't necessarily have to wait for the President or the Bush administration to say it was genocide. But it did help when they said that it was.

Well, since now the Bush administration has come around to find out that their policies of tax breaks for billionaires and millionaires did not help the economy, and now has testified that we are in a recession, or a small recession, using the R word, maybe we can start dealing with the solution as a unified government.

One example of how we have worked together in unity has been what was shown when we passed the small stimulus bill that was passed, and I know that the Speaker and Democratic leaders are looking, and also hopefully Republican leaders, are working towards a stimulus package that will create jobs, U.S. jobs here, and would allow those from the GED education to the post-graduate education, doctoral, those that have gone beyond in their education to be able to take part in new job creation here in the United States. So we have these forward leaning initiatives that we are ready and willing to work on.

The second point, I think it's also important as we look at the housing crisis that we are in right now. Mr. Speaker, I am actually in the next couple of weeks holding a "save your home" or recovery effort in my district. I am asking my constituents to come forth, those that are trying to make their mortgages, and bringing lenders together, along with credit counselors, to be able to assist them to save the only thing that they have, and that is their home.

I think it's so very, very important that we continue to work very hard. I know that Chairman FRANK, the Financial Services Committee, will be having a hearing in response to what has been happening in the housing crisis. I know that the Senate is working very hard to have some product come before this House soon, and very soon, to deal with this.

I think it's important that those of us in Congress not only support the public efforts that are going on, but also encourage the banking community and the lending community to step forward and try to assist as much as they can in saving the piece of the pie of the American dream. With so many Americans, that dream is now turning into a nightmare. It's our job to be able to stand up for those individuals.

I think that it's also important to know the chair of the Federal Reserve is continuing to warn us of a possible recession. I think that it's important for us to look at it as a reality where it is now.

Now for individuals that have substance abuse problems, or whatever the case may be, first you have to admit that you have a problem for us to get to the recovery, or to recover from that problem, to be able to receive the kind of treatment that is needed. As it relates to the decision makers in Washington and in the lending community, admitting that there is a problem is important. Many of us have, but we still have some holdouts for the sake of holding out. I think that as we move on, that we press on in a bipartisan way to make that happen. There will be efforts to make that happen. I ask my Republican friends on the other side of the aisle to be a part of the solution and not just the argument.

I think that when we also, Mr. Speaker, and I just want to share some of these thoughts because we have had 2 weeks off and I have had an opportunity to focus on some of the things that I wanted to share with the House of not only the observations, my personal observations, but what I have read of what others have written of their concerns about the lack of leadership on recovering or bringing about the kind of recovery we need on this economy. That there are certain things that have to be in place.

I know the first stimulus package we did gives some relief to homeowners through Fannie Mae and Freddie Mac and FHA loans and raising that ceiling so they can be able to assist individuals to save their homes. But we have got to go further than that. We have to be able to create the jobs that individuals need to be able to save their homes.

The second point I wanted to make, Mr. Speaker, that I think is vital, General Petraeus is going to be here on the Hill within a week. We know that we are starting to see violence again in Iraq. We know that we have put a large investment on the ground in Iraq, not only in our men and women that are over 140,000, that are there, but also we put a major cash investment on the streets of Iraq in hiring a number of Iraqis with U.S. dollars, cash dollars that they are paid in to help keep the peace in certain neighborhoods that have been a part of the uprising and the insurgency.

If I had the dollars that we have on the ground in Iraq in my district, there would be no crime. We would be able to hire those individuals that some may say are unemployable, that are out doing things that we don't necessarily agree with. Some justify their actions on the lack of being able to be employed, some justify their acts on the fact that they are not able to, even if they are employable, there are no jobs for them to get to be a productive member of society. Of course, there is a lack of job training dollars in our States and in our communities. There is a lack of bridge dollars to be able to introduce these individuals back into society, especially those that have made youthful indiscretions.

But as we start looking at General Petraeus' testimony when we come back before Congress, we have to look at it from the standpoint of where are we going from this point. I think that the American people are ready for the Iraq experience to be over as it relates to street-to-street, neighborhood-to-neighborhood protection of the Iraqi people. I think that it's time for our government to be able at the highest levels, and I know many Members of the House, including myself, have personal editorials on this issue. But we are looking forward to General Petraeus' report. We are also looking forward to Ambassador Crocker's report.

We are also looking forward to hearing not only from other experts that are in the area of Iraq, and I know the Armed Services Committee is going to be dealing with that, but I ask the Members in a bipartisan way to look at it not with a partisan eye, but look at it from a standpoint of what is best for the United States of America. So when we deal with the economy and we deal with Iraq, I mean there are two major issues that are going on in the country. For those that write books and for those that are historians, they are paying very, very close attention to what is going on.

Mr. Speaker, I am glad to be joined by my colleagues. I am just going to do it in order of seniority and order of people that are next to me. Even though I am going to recognize Mr. ALTMIRE, since he made it here first, we have Mr. RYAN from the great State of Ohio, and represents Niles, Ohio, Youngstown, and has been doing great work here when we first started the 30-Something Working Group. We do have what I mentioned at the beginning of my comments, Mr. Speaker, is what we look for is consistency and accuracy on what we share with the Members and also the American people.

I have my good friend Ms. CLARKE, YVETTE CLARKE from the great State of New York, and representing Brooklyn in a very proud way. I have been to her district and seen her work, and she has worked on the local government level and brings a flavor to this body that all Members should appreciate, and I know that will continue to be a force here in Congress. And Mr. JASON ALTMIRE, he and Mr. RYAN speak of very fondly, in the same television market, media market. Mr. RYAN actually participated in Mr. ALTMIRE's election. I am glad that Mr. ALTMIRE is here. He is a great voice here in Congress and has passed bills on this floor that are substantial to the very fiber of our democracy.

Mr. Speaker, with that, just these opening comments that I have made, I know that with us being off 2 weeks, many of these Members have a lot to share. But as we look at the next couple of weeks and beyond, there is going to be a lot going on here in the Capitol dome, and the American people are going to be paying very careful attention to it, and we need bipartisan support in making that happen.

Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman from Florida, and I look forward to continuing the discussion tonight on all these issues the gentleman has brought up.

The gentleman closed with Iraq. We are going to have General Petraeus and we are going to have Ambassador Crocker come before Congress again next week and give their status report on what they see on the ground in Iraq. As the gentleman from Florida knows, he and I traveled to Iraq together last year. One of the things that you would see over there is that the military situation, without question, our brave men and women are doing incredible work over there. It's amazing to see firsthand the men and women in action and seeing the great things that they have been able to do with the situation that they have been presented with in Iraq.

But I cannot say the same thing about the politicians in Baghdad, the Iraqi politicians. We have had for several months now, if not more than a year, a situation in Baghdad where the politicians have just refused to step up and make the necessary political accommodations to administer their own government and run their own affairs. This situation in Iraq can only be resolved by the Iraqis themselves. It is their country. Our brave men and women in the military have provided a bubble of security around Baghdad to give the decisionmakers, the Iraqis in Baghdad the opportunity to make the tough political accommodations that are necessary, and they have refused to do it.

What we have seen in recent weeks, unfortunately, is the situation in Iraq regress. We will hold judgment on that until I hear from General Petraeus next week and Ambassador Crocker and hear what they have to say. But it does not appear that the situation in Iraq over the past several weeks has gotten any more stable. I hope that General Petraeus has good news.

But nobody can argue that our brave men and women in the military, the best and brightest this country has to offer, have done everything they can possibly do to give the Iraqis the opportunity to take the reins of power and control their own affairs and manage their own destiny. Unfortunately, it appears that they have refused to do so, the politicians in Baghdad. So we will certainly talk more about that.

I also wanted to touch on the economic downturn that we are in. There's a lot of debate on what you call it; is it a recession, are we in a recession, or are we not. I really don't care what we call it, what I know about is when I go back to my district in western Pennsylvania and I talk with people who are struggling in this economy, I can see firsthand what has happened and what the impact of this economic downturn has had on my constituents in southwestern Pennsylvania. We hear stories from all around the country of families going through the same trouble and turmoil as my constituents are in western Pennsylvania.

One of the things I hear over and over again is, well, these are just people who bought too much house. They got in over their heads and they bought more house than they can afford. You know what, they are getting what is coming to them.

That is not what happened. What we have had is people all across this country that have a mortgage, but they also have health care costs.

□ 1815

They have kids in school, where they are paying college tuition that is going up three and four and five times the rate of inflation. They have perhaps businesses to run. They have costs with fuel and gas prices and everything that that affects, with food prices going up.

Perhaps they took out a second mortgage, and maybe then they got overextended because they couldn't afford their daily household expenses because of everything else happening in the economy. This wave came on, and we had over 1 million foreclosures last year. We are on schedule this year to perhaps double that in 2008.

And I don't think anyone can argue that the economy is certainly in trouble right now. It is in a downward spiral, and we are hoping to prevent a recession, if we are not in one already. But I think to have an argument, as we have had on this floor many times with people on the other side who want to deny that this is a recession or not, that is missing the boat. I don't care what you call it. What I want to do is get out there and make a difference for the American people in a way that is going to make their life better and help them pay their daily household expenses and avoid bankruptcy and avoid defaulting on their mortgage. And that helps everybody.

Perhaps you do say, well, these are people who bought too much house and they got what they deserve. Even that is not the case. If those people live in your neighborhood and they default on their mortgage and their house is foreclosed, guess what? That is going to hurt your property values. That is going to have a direct impact on you, and maybe at that point you might take a second look at it. I don't want it to get to that point. I want to take proactive action.

The President this week, when he talked about what his economic plan was he was moving forward, it sounded a lot like Herbert Hoover and what his plan was in the 1930s. And if you sit on your hands and you do nothing, I can promise you, this is not going to correct itself. This problem is going to continue to get worse.

So I am grateful that we have come here tonight to talk about these important issues and to take action on these issues as a Congress, because working together we can take a giant step in solving these problems for the American people, hopefully avoiding a recession, if we are not in one, but in the long term making policy decisions that are going to directly improve the lives of our constituents all across the country.

With that, I would now yield to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE. Thank you very much.

Mr. Speaker, Mr. ALTMIRE, and to my colleague the gentleman from Florida (Mr. MEEK) and to my colleague the gentleman from Ohio (Mr. RYAN), it is great to be here with you once again. I just wanted to come and have a conversation with you folks out there and, of course, my colleagues here.

I was in my office when I heard the wrap-up of the last Republican hour, and I thought I heard one of my colleagues state that we are in this economic crisis currently due to the last 13 months of Democratic control. I couldn't believe what I heard, because I thought to myself, what a joke. Who does he think he is fooling with this type of baseless rhetoric?

Americans know exactly who and what caused this economic downturn. Pointing the finger right now does not help us to put milk in the refrigerators of our neighbors and our constituents, and it certainly doesn't fill the gas tank, and it certainly does not enable people to stop fretting about whether they can make next month's mortgage payment.

One of the things that we can all be grateful for is that this Democratic-controlled Congress saw fit to rise to the occasion to forecast what we see as a real economic downturn by putting forth in a bipartisan way an economic stimulus package that we hope will bring at least a moment of respite, a moment where folks can catch their breath and catch their bearings as we present to them the opportunities to refinance their homes and the opportunities to just sort of take a look at the landscape and be able to catch up.

Right now, everyone is sort of running after themselves and trying to catch up with the mounting costs of just living today. And it is really just not a time for us to be pointing fingers. It is a time for us to put our shoulders to the wheel with real solutions for all Americans.

Certainly this "New Direction" Congress has enacted an economic stimulus package that brings relief to our families and provides recovery rebates starting next month, that raises loan limits for mortgages backed by the FHA, Fannie Mae and Freddie Mac, and allows our families to get mortgages with better terms. That is the type of language that Americans want to hear today. That is what the families of my district need to know is coming from us today.

When you think about the fact that we are going to be putting hundreds of dollars in the hands of more than 130 million American families who will spend it immediately to invigorate the economy, then you know that we are concerned, that we are not just saying that you got yourself into this, now get yourself out.

I noticed that no one said to Bear Stearns, you got yourself into this, now get yourself out. We decided as a nation that we had to make sure that the underpinning of our economic society was not withdrawn from under us. We need to do that for every single family here in America. We need to get that done.

Listening to our caucus and the conversations we are having as Democrats around phase two of our economic stimulus is quite heartening; knowing that we are examining what is needed to really get this economy going, which means really innovation, which means bringing to the table the idea that we cannot continue to buy oil which is not an unlimited source, but that we have to look at renewable energies and the type of industry that will be developed in the years to come through that industry and looking at our infrastructure that has not been addressed, at least in my lifetime, that we know that we are going to need to get this done over the next decade or so.

So all of these things are on the table. These are things we are discussing as Democrats in terms of phase two, because we know that this stimulus is just the beginning of a multi-pronged strategy that we must take to ensure the future economic growth and strengthening of America.

So I want to just thank my colleagues for their continued focus, and not being distracted by those who would rhetorically joke about what is really a major concern to so many Americans right now as they sit at their kitchen tables, at their dining room tables, and they look at the energy bills that have come in from a very harsh winter and a very rough climate in many parts of the country, as they look at the fact that the cost of milk per gallon is now the same cost as gasoline per gallon, as they look at what it takes to travel from one part of this Nation to another, the cost, or from their homes to where they work each day, the cost. All of this is what we need to be focused on, and I am really excited that we are on our way.

We talked about the war in Iraq, and there is a direct correlation between what is happening with us economically and what we are able to do economically when we have got so much invested in a war in Iraq.

Just this last week, we have looked at 5 long years of war. I can't ever recall in my lifetime, and that is just to give you a sense, of us ever being at war this long. It says something to those who have given their lives and who are veterans of the wars of years gone by and those who would give their lives as our soldiers in the future that we can't be reckless about the call to arms in this country.

Some would say that what we have done with the war in Iraq has not been the best moment in our history. So as we look at the fact that over 29,000 Americans have been injured and more than 31,300 have been treated for noncombat injury and illness, I hope that we will also focus on the redeployment that will ultimately have to take place once the Iraqi government stands up. It is in the capacity to do so, and we are hoping that these things will happen simultaneously, quite frankly. But that we also pay attention to these families in our communities, of the walking-wounded warriors who will need our support and will need our help as they readjust to coming back to an America that has a faltering economy, that is struggling to keep its own people in their homes.

We need to pay very close attention to what is happening with our veterans, and this Democratic Caucus, this Democratic Congress, has been in the forefront of veterans' rights, of veterans' benefits, in a way that no other part of this government has paid attention to it.

So when I hear my colleagues in the last Republican hour focus on trying to cast aspersions at what the Democratic Congress has done, I really hope that they will join us in the bipartisan effort to focus on what is real. What is real are the veterans that are coming home to our communities and the struggles of their families and the duress that their families have been under in just trying to make ends meet on veterans' salaries. It is the struggle that everyone in our communities is facing, whether it is personally or it is a neighbor, in seeing those for-sale signs going up throughout the neighborhood. These are the issues that we are concerned about.

Mr. MEEK of Florida. If the gentlewoman will yield for a second, I want to share something with the Members and also with those of us here on the floor.

During the break, I took the privilege of going out to Camp Pendleton in California. As you go through the gate off of I–5, there is a billboard that is there, like you would see out in front of a drugstore or something, but it is an electronic billboard and it talks about if you need counseling. They have folks coming back every 4 months or so, some folks who have gone on their third and fourth tour.

Think about it. You have families that live on that base. You have individuals the age of 18 or 19 years old, just single, that are living there.

I had an opportunity to go through a simulator there at Camp Pendleton like you are in an Iraqi village or in a city, in Baghdad, in Fallujah. I have walked the streets of Fallujah. Mr. ALTMIRE and I have done it. Mr. RYAN and I have been to Iraq on another trip. The ground, the structure, the folks dressed as though you are in Baghdad, it is a true simulation, and they have gunfire and IEDs and all of these things kind of going off in this simulator.

Just walking through that was an experience for me, and that was just an enactment of what could happen or what should happen and giving our troops, our Marines, units going through there, a real flavor of what is going on.

I can imagine being in the situation. I knew that I could walk out, the sun will be shining, it will be California weather. But when you are in that kind of situation, some folks feel that this is just some sort of made-for-television kind of thing.

I love the troops. Mr. RYAN and I, we have been hearing this since we have been in Congress, because when we first got here, the war just started. We weren't here for the vote to go or not to go, but we got here right as soon as the war actually started. Some of the statements that are littered throughout the CONGRESSIONAL RECORD are, you know, "our troops, we'll show 'em," and carrying on.

We do have the best and the greatest and the most able military on the face of the Earth, by far. But when you start dealing with the real human issues of our men and women that are in combat, they go through a lot and their families go through a lot.

What you said, Ms. CLARKE, about we should take under consideration what happens to those individuals, it's not a game.

☐ 1830

Mr. RYAN OF Ohio. Just to share a little bit, Mr. Speaker. We were up at Walter Reed on Monday. And you want to talk about the issue of war smacking you right in the face, when you see someone just a few years younger than we are without legs, traumatic brain injury. You hear stories from parents who say, "I got a call from Iraq, and my son or daughter, all they told me was he had a brain injury, and hung up the phone," and they don't hear back for 4 days.

I mean, when you put all these stories together, that one particular mom waiting there 4 days not knowing, the unknown of whether or not your kid is going to live or die; or you hear the stories about the soldier we had in Batavia, Ohio, where you didn't know; the body was missing, you couldn't find it, and then you find it.

When you add all of this stress up and you put it into our families and you put it into the soldiers that are there, and you talk about the long-term health care costs of this war, not to mention what is happening there day-to-day there now, but the long-term effects when at some point this is all settled hopefully, one way or the other, at least our portion of it is and our troops are back home for the most part, the effects are still going to be left with us. And I don't know if any of you have had the opportunity to see, Phil Donahue has this new documentary out called Body of War, and it is all about the actual physical injuries that these families are going through. And I think it is important for us to remember that. And when you hear and read in the paper that 10 or 15 civilians or four troops, those are real people. And those kind of situations, when you have all these civilian deaths in Iraq, from a very practical standpoint, one is they are civilians and that is a whole other issue, but from a very practical standpoint it makes it very difficult for us to solve the political problems over there when everyone who is a part of the government are losing brothers and sisters and aunts and uncles who are getting killed by these bombs that are going off over in Iraq. It makes it very difficult.

Mr. ALTMIRE. I thank the gentleman from Ohio. I wanted to think about this in the terms of what this Congress has done to resolve some of the issues that we are talking about right now for our brave service men and women and their families. Because anyone listening to this debate would say, well, that is great that you are talking about what the problems are; but what have you done to solve the problems? And I want to tell anyone who is willing to listen that we have a tremendous record of accomplishment in supporting our troops. Not just saying the words, but supporting the troops with our actions, not just our words. And we are in the sixth year of the war in Iraq right now, and here are some things that this new Congress has done, bills that have been signed into law to address the issues that we are talking about.

The gentleman from Ohio talks about traumatic brain injury and the incredible impact that has had. TBI is the signature injury of the wars in Afghanistan and Iraq, because people who would have been killed in previous wars, thanks to better medical technology and better armor and equipment, thankfully they survive; but, unfortunately, in many cases they are horrifically injured, the type of injuries the gentleman witnessed at Walter Reed. I took a trip to Walter Reed, myself, and I saw the same types of injuries, the lost limbs, the spinal cord injuries and the traumatic brain injuries.

But what happens is, when these men and women come back and they are still in the Defense health care system, they are treated for the apparent physical injuries that you can see in front of you. And because they are moving so quickly, they don't think to screen them for TBI if it is not a severe case of TBI. They move them over to the VA. The VA has no record of them having had a head injury, so it doesn't become part of their medical record and we have symptoms that go undiagnosed the rest of the time they are in the VA health care facility.

So what this Congress did is said that every VA facility in this country has to have somebody on staff who is equipped and trained to treat traumatic brain injury, and we created a national data base for all of those cases where we establish treatment protocols to make sure that those brave men and women who suffered from TBI get the highest quality care anywhere in the country. That is something that is going to directly impact people's lives.

Because of that law that we passed in this House and that has been signed into law, every veteran who enters a VA health care facility is going to be screened for traumatic brain injury, so never again will it go undiagnosed.

Mr. RYAN of Ohio. I was also watching our friends who were here before, and they were saying things like: We have been so unproductive in this Congress. We haven't really done anything; and the things we have done, they are all bad. And I wrote the quote down. They are all bad.

Is this bad? Is this piece of legislation that we passed to make sure that our soldiers get at least looked at for traumatic brain injury, is that bad? We can give the gentleman an opportunity to come back here and maybe correct his statement, because I am sure he didn't mean it.

But to inject the kind of politics that some folks have on this floor over the course of the past few years into this debate has really poisoned it; and these are things that have been successful.

The largest increase in veterans spending in the history of the VA. Was that bad? Increasing the minimum wage. Was that bad? The education funding, more funding and more expansive, and the most investment this country has made since the GI bill and the education. Was that bad? Cutting student loans. Was that bad? I don't think so.

So we are trying to have these debates here very civilized in a bipartisan way and talk about how we can improve the situation for our soldiers.

I didn't mean to interrupt.

Mr. ALTMIRE. I thank the gentleman for that clarification, because that is instructive when we do hear from the other side, the unproductivity alleged of this Congress.

How about this. The gentleman from Florida talked about the tremendous strain, as did the gentlewoman from New York, the tremendous strain our families of our men and women who are in the Guard and Reserve that are being deployed not once, not twice, but multiple redeployments, four, even five times now as we head into the sixth year of the war in Iraq, and we have been in Afghanistan since before that. So these families are left behind, and they have to struggle just to make ends meet.

What has this Congress done about it? We are being told on the other side we haven't done anything, we don't have any record. Well, let me tell you what this Congress has done about it. This has been signed into law.

We expanded the Family and Medical Leave Act for the first time to cover the families of our military Guard and Reserve, people who are putting their lives on the line for us with multiple redeployment overseas. And now, because of the action in this Congress, you can use Family and Medical Leave Act time to care for a wounded service man or woman when they come back, to use time to reassimilate as a family, to get to know your kids again and get to know your spouse again after being away for 15 months. And while they are gone, the spouse can use that time to attend these deployment briefings that happen often during the workday and they can't get time off of work, they can use it for child care, they can use it to get their economic house in order and deal with the household finances, things that weren't covered before.

That is a law that is going to directly impact people's lives. It is going to make it a little bit easier for the families of our military Guard and Reserve, and that is something that we did in this Congress after the previous Congresses had done nothing to address the issue.

So, I do take offense to the comment that the gentleman from Ohio relayed that had been made about how we had done nothing.

Mr. MEEK of Florida. Mr. ALTMIRE, I can tell you, it is a breath of fresh air. I want to differ with you all just for a minute.

I don't mind our colleagues on the Republican side giving misinformation. I don't mind it, because American people have a lack of trust in what they say and very little understanding of what they do.

We speak here in the 30-Something Working Group, Ms. CLARKE, about fact, not fiction. We spend a lot of time working with the Speaker's staff, working with our personal staffs to make sure we are accurate when we come to the floor, because it does mean something when you come to this floor and share with your colleagues about what we should be doing, how we should be doing it, and what we have done. And I am glad you focused on what we have done.

When I was in the State legislature, there was a gentleman by the name of Alzo Reddick that represented Orlando, Florida; I represented Miami, Florida. And I will never forget, I was like in my second year of public service or something and all of this debate is going on in the legislature; it was a great melting pot of opinions.

We were going back and forth, and folks were spending a lot of time describing the problem. And he got up and he said, "I just want to remind the members that we were not only elected to describe the problem, but mainly to do something about it. Okay? And now we are trying to do something about it with this bill." And he went on from there.

And it was very profound, because I have a lot of folks in my district who spend a lot of time describing problems, and a lot of them I run into when I am at the grocery store or what have you, and there are a lot of folks who are on the sideline who don't want to get in the game. This is a contact sport in many ways in this legislative body. And when we were in the minority, we talked about what we would do if we had the opportunity. Remember that, Mr. RYAN? And I know that you all remember it because you were watching and a part of it and running for office at the time. So you were out there echoing "what I would do once I get there." And I am glad you talk about that, because there was a laundry list. And, Mr. Speaker, you know prior in this hour we talked and I talked about some of the accomplishments we have made. And we have done it, Ms. CLARKE, in a bipartisan way.

We don't stand up here and dance in the end zone and say where are Democrats only passed this piece of legislation. There has been some legislation that Republicans have not seen eye to eye and it has become law. And we don't want to dance in the end zone on that, because the American people want to win.

So I say all of that to say this. I very seldom make reference to what my colleagues say on the other side, because as far as I am concerned, I don't want to echo inaccurate information. But we do need to clarify it so that folks don't get concerned and start saying, "Oh, my gosh. Do you mean to tell me that's true? Is it really true?" So we're trying to build faith, because right now Congress is not where it should be as it relates in the minds of the American people that they feel good and warm and fuzzy. Polls have shown that they do feel more comfortable with Democratic leadership in Congress than Republican leadership in Congress. But as an institution and as a government, I guarantee you that Suzy whoever and Johnny whoever would like to see a government that works in a cohesive way toward the common good.

The gentlewoman, YVETTE CLARKE, came to the floor with a purpose today. She came to the floor with the purpose of talking about the realities of life. And you know that we have Members here thinking that our commitment and our loyalty to the military comes in the form of smart bombs, guns, and some sort of grenade. But, guess what, it also comes in the form of thinking about their families.

We just can't use and abuse and just say, well, we don't want to deal with that part that is after the fact; that is dealing after. Because when I was at Camp Pendleton, I stayed on base, as I do when I went to MacDill Air Force Base, as I do when I go to any location. I have been down to Norfolk, Virginia and big Navy. I stay on base so we can hear the stories from these families of what they are going through. And they say, well, we understood a Member of Congress is on base, and you bump into them: Sir, I just want to let you know how I feel as an individual. And that is important. And we have taken that, because we have had hearings in the Armed Services Committee, we have taken that into consideration in the Appropriations Committee. Mr. MURTHA has done an excellent job by making sure that we pump dollars in on the family side and doing some of the things in our MILCON appropriations trying to do things to help those kids deal with the shock and the trauma of dad or mom coming home screaming in the middle of the night and they don't understand what is going on.

So when we look at these issues, I am glad that we are addressing those issues, but we have to look at retooling this whole Iraq debate and how we got into this in the first place, because we are going to have Ambassador Crocker here, we are going to have General Petraeus that we have met with, we have met with all of these individuals before in the past. We want the real deal from them. But, as Members of Congress, we have got to stand up on behalf of the American people, be they Democrat, Republican, or Independent.

Ms. CLARKE. The gentleman from Florida really has emphasized what we know is a challenge for America right now. And we are making the marriage here in our conversation, the marriage between the fact that we have to disengage from Iraq, that we realize that our policies have failed there, that it is now a diplomatic mission more so than anything else. And, yes, there will be a cost to redeployment, but the cost to American families has been extensive. And as our brave men and women come back to the United States of America, come back to our respective communities and they face the economic challenges that we have all been facing over the past couple of months, couple of years in some communities, that just compounds the whole reintegration process that is going to be required, the health care, the ongoing health care that is going to be required. And I think that we have positioned ourselves as a Congress to really meet those issues. We know what the challenges are. We have heard firsthand.

And when you look at our first economic stimulus package that will provide child tax credits as a rebate to these families, when you look at that expansion of financing opportunities for those who may be in mortgage crisis; and, believe me that we can't separate the wounded warrior from the home they own in the community and the cost of gasoline to get back and forth to the VA hospital and the milk that they have to buy for their child.

□ 1845

This economic stimulus is going to be of support to those families as well. But they are going to face what we are facing as civilians in a very special way. And I know that the work we are doing here, Mr. ALTMIRE and Mr. RYAN, is making a difference in their lives. That is why it was important for me to talk about the baseless rhetoric that I heard coming from across the aisle because I don't want Americans to overlook the fact that we have raised the bar and set the standard for how we are going to treat one another as Americans, how we face our challenges head-on, and come up with the solutions that are most important.

Right now there is a crisis in health care. There is a crisis in affordable housing and mortgage financing, and there is a crisis called Iraq. There is a direct correlation if you put the equation together, the type of money that we have been spending on this war in Iraq, and let's not forget our soldiers who are also fighting in Afghanistan, but the primary cost, the overwhelming cost is going into the war.

And our hope is that we will down surge, redeploy, have a surge in diplomacy and get our economic house in order in the United States of America and treat our veterans and their families as they ought to be treated, treat all Americans as they ought to be treated, and help them through this time of extreme pressure and extreme challenge.

I am proud to be a member of this Democratic caucus that has looked at the landscape in its entirety, that is dealing with it in a holistic way. We are not compartmentalizing these issues because one has a direct bearing on the other.

I see Mr. RYAN standing here in rare form, and I know he wants to chime in.

Mr. RYAN of Ohio. You were mentioning the troops and how complicated things have gotten.

One of the things you mentioned was what was happening in Iraq, and Mr. MEEK mentioned how we got in. I think it is important to recognize, and there was a great article today in the Washington Post, what is happening with our troop strength, where we are getting to the point, we have all of these troops who go for 15 months and come back for a year. We are hearing from psychologists and psychiatrists at Walter Reed that they are not getting enough downtime. It is intense, urban warfare. They are not getting enough downtime, and that is contributing to a lot of the psychiatric problems that our troops are coming back with that need to be addressed.

What people are saying now in the military is that it has to be a year on or 15 months on, and 2 years off. Can you imagine if that is the recommendation. The recommendation is 15 months and then 2 years. Or it may even be 1 year. No, they are asking for 1 year on, 2 years off; and then if they have to go back, send them back. Can you imagine, that is the recommendation.

For them to now say you wonder what the issues are going to be when it is 15 months on, 1 year off and back again, the psychological effect on our soldiers and the cost long term to our VA health care. I think that is important.

I wanted to highlight this. This is General Richard Cody, Army's vice chief of staff who was testifying yesterday, and was talking about basically troop strength. Mr. MEEK, you sit on the Armed Services Committee. You know how critical this is to where our country needs to be in case there is another conflict somewhere in the world that we have to react to.

Right now what the military leaders are saying is that we do not have the capability to react to that. Now can you imagine putting this country in that position, that we can't handle two separate fights going on at the same time when that has been the golden rule from the military for years. And what Cody said was that "I've never seen our lack of strategic depth be where it is today. The Nation needs an airborne brigade, a heavy brigade, and a striker brigade ready for 'full spectrum operations' and we don't have that today."

Now if anybody wants to make a judgment, it is not the Democrats making a judgment against President Bush, this is the Army vice chief of staff who happens to be retiring in the next couple of months and maybe feels a little freer to say the kinds of things that need to be said, but if we don't recognize what position we are in, and then to have some folks saying we need to be there another hundred years, how are we going to possibly sustain this?

Ms. CLARKE. That's real, Mr. RYAN.

Mr. RYAN of Ohio. That's the real deal.

Another quote, "There has been little, if any, change of the stress or tempo of our forces," calling the current pace of operations "unsustainable." That's where we are.

To quote Cody again, "Where we need to be with this force is no more than 12 months on the ground and 24 months back."

It is critical that these soldiers get the kind of rest that they need. When you look at the cost now, saying the projection, when you factor in the health care, and we are close to a trillion dollars for this war, and the projections, when you factor in the health care costs over time, this war is going to cost us $3 trillion.

And we have Members of this body who stand up and want to slash out an earmark for $250,000 to help a local community that doesn't have any money put in an EPA-mandated sewer and ignore the 800-pound gorilla sitting in the middle of the room. It is a shame. It is a shame that the debate has gotten that messy.

If we stay focused on what we have been trying to accomplished in the past few years, focus on the veterans, focus on making sure that there is an assessment for their mental health, making sure that they have their money, which we put up, the highest investment in veterans' health care in the history of the VA, those are the kinds of things that we need to focus on as a country in a time of war.

I would just urge all of our colleagues to have this debate be civilized and not taken to the lowest recesses of political dialogue, which is sometimes I think where we end up.

Ms. CLARKE. Mr. RYAN, you've put your finger on the pulse of what we are trying to accomplish here. It is our responsibility to redirect those who would take the debate to its lowest common denominator and distract the American people from the realities of where we are today.

Where we are is a Democratic Congress that has risen to the occasion, that has filled in the gaps and is holding the line while others would seek to continue failed policies that are costing us more and more and more with each day. Basically mortgaging, you know, the lives of our children and our grandchildren in order to pay for it, while at the same time neglecting all that needs to be done to make sure that we can live a decent standard of living here in this country.

So we have fought this and we are still fighting. I yield.

Mr. RYAN of Ohio. I think it is important for us to recognize as we have this debate in Congress, we recognize where we are at right now. And our friends are talking about their alternative budget, and I know my friend from Florida doesn't like me using quotes from the other side, and I understand that.

Mr. MEEK of Florida. You can do whatever you want to do. It's a free country.

Mr. RYAN of Ohio. It is a free country, and I am an American so I am going to say what I want.

Our friends on the other side, this alternative budget, alternative this, alternative that, I think it is important for us to recognize if you want to know what the conservative, neoconservative, right-wing government looks like, all you have to do is open your eyes, read the paper, go to the gas station, pay your health care bill, pay your tuition bill, and you will know that philosophy implemented is the reality we are living in today. They deregulated the financial markets, deregulated the energy sector, gave billionaires tax cuts. You see this every day. Increased tuition, energy costs going up double the rate of inflation, milk going up 26 percent, eggs going up 40 percent. And $3 trillion in war over the course. And you put all of this together and you say that's the alternative? That's what you want us to go back to?

We spent the whole year just trying to get back to ground zero, raising minimum wage, cutting student loan interest rates in half, investing in alternative energy, implementing the 9/11 report, making sure that our veterans are taken care of. We are still digging out of a hole. Can you imagine, these folks raised the debt limit five times to the tune of $3 trillion, borrowing it from China, Japan, and OPEC.

And the mortgage crisis, the anxiety people feel, that is the conservative Republican agenda implemented. We don't have to look anywhere; we are living it now. Now. So we don't have to look too far.

The other day the President said if the Democrats repeal the $18 billion in corporate welfare for the oil companies, I will veto any bill that has that in it. Now can you imagine how screwed up the situation is. Consumer protection, toys, pet food, food coming over, medicine coming over from China without the proper folks checking the stuff out, mine safety has gone down so we have mining accidents because there wasn't the proper oversight. We know what happened with Hurricane Katrina and FEMA because we put political hacks in jobs. All of this happened under the conservative Republican agenda.

So I just would like to say we are working very hard to balance the budget, make investments in education and our vets, take care of the environment, and make these investments in alternative energy so we can have green collar jobs replacing the blue collar jobs we have been losing.

Mr. MEEK of Florida. Mr. Speaker, I thank Mr. RYAN and Ms. CLARKE. I am glad you both are in Congress.

IRAQ AND THE MIDDLE EAST

The SPEAKER pro tempore (Mr. ELLISON). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. GILCHREST) is recognized for 60 minutes.

Mr. GILCHREST. Mr. Speaker, I would like to talk about Iraq tonight in the context in which historical incidents have created this most pressing and urgent situation, Iraq and the Middle East, to give the American people, Mr. Speaker, a frame of reference upon which to judge the way forward in this conflict. Are there solutions to this conflict? Is there something in our history or the history of the relationship of the international community that can resolve the present crisis that we are now experiencing?

So what I would like to do is during this next hour that I have is to break this topic down into a number of different areas, take a look at the United States and the Cold War, especially through the 1950s and the 1960s, take a look at what was happening in the Middle East during that same period of time during the Cold War, what was going on in the Middle East, and then look at the present crisis that we are now experiencing in Iraq and Afghanistan with a focus on Iraq. And then what are the solutions? Is there a way forward? Can we judge from past precedents, past crises, what we can do now to resolve this conflict. And I think there is a way forward.

□ 1900

So, to frame this discussion tonight, I would like to start off with a quote by a man named Norman Cousins, who was the editor of the Saturday Evening Post and wrote an extraordinary book, I believe it was about 1980, called "Human Options." Whenever there is a crisis, there are always options. There are always things that we, as human beings, with initiative, ingenuity, intellect and courage can figure out. Here are the two quotes: "Knowledge is the solvent for danger." "Knowledge is the solvent for danger." If you're faced with a crisis, the more information you have, the more likely it is that you will make competent decisions.

The second quote is, "History is a vast early warning system." There have been a number of crises in America's past where people said you have to wait 20 years to figure out what went wrong. People will always say, well, 20 years later we have hindsight that we didn't have during the incident or the crisis or the conflict or the war. Well, with this quote, knowing history, knowing where we were 10 years ago, 20 years ago, who lit the fuse that slowly burned over decades to cause the present crisis, "history is a vast early warning system." And the more we understand history, the better we will be able to deal with situations that we are presented with today.

I want to give another quote from a man, a British writer, Rudyard Kipling, whose son fought in World War I, died in northern France in that battle, and the distraught father said this, "Why did young men die? Because old men lied." Let me paraphrase that today in the 21st century, nearly 100 years later. "Old men should talk before they send young men to die."

Let's take a look at the 1950s and 1960s, the Cold War, our successes and failures, just briefly. We know that the Soviet Union and the United States were Cold War adversaries. The Cold War brought about a nuclear arms race. The Cold War brought about a number of conflicts around the world. They separated the world into two camps, pro-Soviet, pro-U.S.A. We faced down the Soviet Union, they faced down us. Thousands upon thousands of nuclear weapons. There were crises and discussions and situations where we came close to a nuclear holocaust. It was a time when Khrushchev pounded his shoe in a podium at the United Nations and pointed his finger at the western diplomats and said, "We will bury you." That was not the only time he said that.

But what was Eisenhower's view of the Soviet Union during the Cold War? He knew we needed a strong military; he knew we needed the best intelligence services to be objectively analyzed in the world; but he also had an understanding of consensus and dialogue. So, what did he do with his most fearsome adversary on a number of occasions? Invite him to the United States to tour our farms, our schools, our cities. Consensus and dialogue was one of the ways in which we resolved these most difficult times.

What did President Kennedy do when Castro and the Soviet Union actually had deployable nuclear weapons? Did we attack? Did we shut them off from the dialogue or discussion? Did we have preconditions before we talked to them face to face? No. We had an ongoing dialogue which resolved the crisis and prevented a nuclear holocaust, prevented a war.

What did we do with communist China during the period of time when we were bitter enemies, when Mao Tse-tung said it would be worth it if half the population of China died if we could destroy the imperialists in the United States. What did we do? We worked for years to figure out how we could go to China and resolve these conflicts through dialogue. Those were our successes during the Cold War period.

And I will always wonder, maybe with a little more research I could figure this out, why the United States did not have a dialogue with Ho Chi Minh. We talked to Khrushchev many times, we talked to many Soviet leaders. We talked to Mao Tse-tung, with no human rights etiquette, human rights violations that came close to some of the worst despots in the history of the world. We talked to them, we had a dialogue, but we didn't have a dialogue with Ho Chi Minh, and 58,000 Americans died, and their names are on a wall here in Washington, D.C. Thousands were wounded, and more than one million Vietnamese were killed.

What did he learn from that? Well, we learned that Ho Chi Minh wanted sovereignty from British colonial rule. He first approached the United States in 1918, and he relentlessly pursued the United States to be his ally to gain the kind of sovereignty, self-determination that the whole world fought for in World War II.

Let's take a look at the Middle East during the Cold War. The Middle East, throughout the Ottoman empire, throughout World War I, certainly after World War I, during World War II, but during the Cold War the Middle East continued to be a tangled web of complexity and intrigue, a difficult place to understand, tribal groups, religious groups, fundamentalists, moderates, secular leaders. 1953, the United States set a slow fuse that would erupt decades later.

In 1953, for a lot of reasons, John Foster Dulles said the Iranians may be toying with becoming communists with the Soviet Union. A number of other reasons. But the United States, along with the aid of Britain, pursued a very violent coup which overthrew an elected prime minister, a secular Muslim, Mohammed Mosaddeq, and installed Mohammad Reza Pahlavi, the Shah. We took away their officially, independently elected prime minister and put in the Shah, who was a dictator, and that lit a slow fuse that burned. And it exploded in 1979, when the Iranians took over our embassy in Tehran during the Islamic Revolution that put in power the Ayatollah, the Ayatollah Ruhollah Khomeini. That was a slow fuse. That was a mistake that we made early in 1953 because of our fear of communism. We didn't pursue a dialogue with Mohammed Mosaddeq to talk about what his intentions were. We made a mistake, in a similar fashion that we did with Ho Chi Minh.

What was it like for the Soviet Union in the Middle East during the same period of time, the fifties, the sixties, the seventies? The Soviet Union was sometimes allied with the Egyptians, the Syrians, the Iraqis, and sometimes they weren't. This complexity, this intrigue ran in cycles. And Russia was almost never trusted. And sometimes they bought arms from the Russians, different Arab countries, and sometimes they chose to be allies with the United States.

Where was Israel during this period of time, and, let's say, the country of Iran, which is now considered a bitter enemy of Israel? From 1948 nearly to 1991, Israel, during the Cold War, was a quiet ally of the Iranians. Israel, during the Cold War in the Middle East, were quiet allies, the Israelis and the Iranians. Why? They were both enemies of the Soviet Union. They were both enemies of many of the Arab countries. They needed some form of economic viability in a very hostile region of the world. Israel needed oil, and Iran needed technology. And so, there was a constant trade between those two commodities for decades.

Now, Ruhollah Reza Pahlavi, the Shah, certainly seemed to condemn Israel at every point. That was the geopolitical way to survive in this region of the world. We know from 1980 to 1989, Russia was involved in a bitter war with Afghanistan which began to set the stage for more bitterness with presumed allies of the Soviet Union in the Arab world because of conflict with the Muslim world.

From 1980 to 1988, there was a terrible war between Iran and Iraq, as many as 2 million casualties between both countries. This is when Iraq began to use weapons of mass destruction. Given consideration you had two big oil-producing states at war with each other, where did the superpowers and where did European countries, where did the rest of the world ally themselves? They weren't going to stay out of this conflict, they were going to become a part of who was going to win this war, who was going to lose this war. Most of the big countries of the world, like Russia, the Soviet Union, European countries, including Japan and China, to a certain extent aided both of these countries. And as a result of that, the conflict went on for 8 years, and there were many, many, many problems, many casualties, and much bitterness that remains to this day.

1979 was a presumed bright spot when President Sadat and Prime Minister Begin of Israel got together and Egypt recognized the State of Israel. What happened with this in 1979, it pulled Egypt away from the Soviet sphere of influence. It brought more objectivity to how to deal with the country of Israel in a sea of hostile allies.

The Persian Gulf War in 1991, pretty much the end of the Cold War, was a conflict that the international community decided that they needed to get involved with, that is, if you recall, when Saddam Hussein decided that he wanted to invade Kuwait and take much of their oil and much of their land. But the international community, with the United States at the helm of leadership, saw the conflict, had very clear, defined objectives, created an international coalition, and some countries contributed troops, some countries contributed financial assets, and the conflict was resolved. But it was an international conflict that the countries made clear their objectives before they went in, they knew what the end result was going to be, and it was a success.

Now, that complex, brief history brings us to the present crisis in Iraq and the Middle East. This conflict started in 2003, it is now 2008. It has been going on for about 5 years. And what does it look like today? What does the conflict in Iraq look like?

It is a place where the three great religions of the world were spawned, Judaism, Christianity and Islam. It is a place in the world where faith is a very important part of an individual's life. If you're a Jew, if you're a Christian, if you're a Muslim, you adhere strongly to your faith. It is a place where oil exports are extremely vital for economic viability. And every one of those countries knows it, whether it's Saudi Arabia, Iraq, Iran, Oman, Qatar, you name it, oil exports is a vital part of economic viability.

Right now, however, as that economic process continues, the Middle East, as far as the balance of power is concerned, is fractured. And nobody in the Middle East, as a result of this conflict, knows which direction that balance of power is going to lead to.

Now, the Middle East became an extreme focus for the United States as a result of 9/11. America responded; we sent troops to Afghanistan. The conflict there is still hotly contested. NATO forces are contributing troops, financial assistance. A number of allies outside of NATO are trying to work to resolve the conflict in Afghanistan. But Iraq became a focus because there was some question of whether or not Saddam Hussein had weapons of mass destruction, whether or not Saddam Hussein was connected with al Qaeda, whether or not Saddam Hussein was actually going to deploy these weapons of mass destruction, was there a danger that the United States security was in jeopardy? And so, it was recommended in the beginning that America send between 300,000 and 500,000 troops into Iraq because this was going to be a very difficult conflict. And so, with 300,000 to 500,000 troops, you could resolve the problems of convoys, you could resolve the problems that would inevitably come as far as looting was concerned, chaos was going to be dealt with, ammo dumps that proliferated the countryside would be a problem, border security was going to be a problem. A whole range of issues would be resolved if you could send in 300,000 to 500,000 troops. Not to mention the fact that, I would recommend a book called "Fiasco" by Thomas Ricks, that many of the military planners in the Pentagon did not want to go into Iraq in the first place. They saw the same kind of issues that they dealt with back in 1991, when many of the military people did not want to go to Baghdad after the first Persian Gulf War ended. They simply didn't want to go. That discussion was ended and military was asked to come up with a plan. They came up with a plan of 300,000 to 500,000 troops, but that was reduced to 180,000 troops. The 180,000 troops were not sufficient to deal with the looting, with the convoys, with guarding prisoners, with border security, with eliminating the ammo ducts, et cetera, et cetera, et cetera.

And so, the U.S. has been fighting a protracted war in Iraq for the last 5 years. What are the specific defined objectives?

☐ 1915

Where is the international coalition that can deal with this conflict in a much more cogent fashion?

Who are we fighting? Are we fighting al Qaeda? Are we fighting a criminal element? Are we fighting the different factions within the Shiite groups? Are we fighting the Sunnis? Where do the Kurds enter into this picture? What is the defined end to this conflict? These are all questions that are really not resolved yet. It's a very difficult place.

Let's take a look at Iraq's neighbors. We have a tendency to look at Islam or the Muslim world as being all the same. And yet there are very, very distinct differences between the different factions in the Shiite world, in the Sunni world, in the Allawi world, in the Wahabi world. There's many, many different sects within Islam. Some are moderate, some are secular, and some are more fundamentalists, and some are terrorists like al Qaeda. Some are brutal like the Taliban.

If we look at Saudi Arabia, they're a fundamentalist country. If we look at

Iran, which is a Persian country, not an Arab country, but a Muslim country, Iran, if you are a woman, you can drive a car. But if you're a woman in Saudi Arabia, you cannot. If you're a woman in Iran, you can run for political office. You can own property. You can be educated. You can be a doctor or a lawyer or a schoolteacher, or a member of their parliament. That's our enemy. In Saudi Arabia you cannot do those things.

Syria, it's a secular country. Syria, women can be educated. They can drive cars. In Saudi Arabia, our ally, that's a completely different situation.

In Qatar, the U.S. has a massive military base there, provides security. It's a good arrangement with the small country of Qatar. Oil is an important commodity for them. The U.S. has a base there; it's convenient for us and our relationship with Afghanistan and Iraq, and it's a mutually agreeable situation.

But what's interesting about Qatar is that they own al Jazeera. Most of us have heard of al Jazeera, the news media outlet which predominates the Middle East, and which pokes their finger in the eye of the United States just about every single day. It's a pretty strange relationship. It's the conflict without a resolution.

Is there a resolution for the conflict in Iraq? Is there a way forward?

U.S. troops are stunningly competent at what they do in Iraq; stunningly competent, whether it's in Mosul, Anbar province, the ancient city of Babylon, Kirkuk, Baghdad, you name it, U.S. troops are stunningly competent. And what they deserve and need and must have from us, the Government, the Congress, the people that make the policy, which, to a large extent has been flawed in the past, they need for us to be knowledgeable in order to be competent to create a policy that is also worthy of those soldiers that have put their lives on the line and continue to do so every single day.

So where are we in Iraq? Is there a way forward? Let's take a look at the present crisis, the present situation. And what do we see?

We know that in Iraq right now, the U.S. military is the skeletal structure upon which the entire Iraqi society depends. Would it be a good idea to withdraw our troops precipitously? Absolutely not. We have a responsibility to the Iraqi people and to our soldiers.

Iraq. What is Iraq's position within the region? What is Iraq's position within the region as far as its relationship with its neighbors is concerned? Does Iraq have any security alliances with any of its neighbors?

Remember, after World War II we created NATO, North Atlantic Treaty Organization. We created the Organization of American States in Latin America. We created Southeast Asia Treaty Organization in Southeast Asia. The United States reached out for regional security. The United States reached out to integrate our security needs with friends and allies.

What is the European Union doing right now? Besides NATO, the European Union is creating a region in the world that provides security through an integrated economic system.

Now, I'm not saying that the Middle Eastern countries should or may form a North Atlantic Treaty Organization. But I'm saying it's important for Iraq to begin looking with, certainly our help, at security arrangements within the region of the Middle East.

The United States is the skeletal structure upon which all of Iraqi society rests. We're integrated with Iraqi society, with their economy, with their culture, with their educational institutions, with their military, with their political institutions. So for us to begin to break away from that, slowly leave, we must do it in a very responsible fashion.

And we can't just focus on Iraq, because the region is one region, and it's interconnected in a very complex web. So let's take a look at the region in the context of the present crisis.

The United States needs to be an objective arbitrator, and I mean objective, in the Palestinian-Israeli question. And the Middle Eastern countries and the rest of the world need to see that the U.S. is an objective arbitrator in that particular conflict. And when we are seen that way, the reduction of al Qaeda recruits will drop like a stone.

Our discussions with Saudi Arabia have to be as far as a regional resolution to this conflict in Iraq is concerned. And Saudi Arabia has some fear of Iraq being an Iranian satellite. That's a real fear.

The geopolitical balance of power in the Middle East right now is fractured, and no one knows in which direction it's going to go, who's going to have more influence, where the military power will be, where the economic power will be, and so Saudi Arabia needs to have a discussion with the United States, where they see the United States having some integrity and objectivity in that part of the world.

Syria needs to be brought into the loop of conversations about what's happening with the Palestinian-Israeli problem, what's going on in Lebanon, what are our objectives in Iraq. The Syrians can be a positive element in our conversations. The Syrians can be a positive element. If they would sign a non-aggressive pact with Israel and have all the parties sign it, they could get the Golan Heights back.

The Iranian historic fears. Iran has a fear of Iraq. They lost about a million people in that 8-year conflict. So Iran has a natural fear that if certain elements in Iraq come back to power, they could have security concerns. So we need to have conversations and dialogue with the Iranians, a conversation and a dialogue with no preconditions, we just sit down and talk.

Did we have preconditions when we talked to Mao Tse-Tung? We didn't. They were established after the conversation started.

Did we have preconditions when we talked to Khrushchev or Brezhnev or Kosygin? No, it was an ongoing dialogue. The conditions were set after the conversation started.

So it's important for the Iranians, I think, in this region to begin resolving some of these conflicts, to begin talking, especially to the Syrians and the Iranians.

No one in the Middle East wants Russia to have a sphere of influence there. No one in the Middle East wants the Chinese to have an economic sphere of influence there. The objective history of the United States in this region is one that still is respected.

Eisenhower, during his administration, said we need a strong military. We need a strong intelligence service with their analysis being objectively viewed. But we need consensus and dialogue.

What is in America's arsenal? We have a strong military. We have the best intelligence services in the world. But as Eisenhower and Nixon and Ford and Kennedy and past presidents saw, it was more than just a strong military, more than just good intelligence, it was diplomacy, it was trade. It was exchanges of education, science, technology, social, and cultural exchanges. These are the things that brought countries together. These are the things that integrated nations.

The way forward in Iraq is to begin setting up a string, a series of dialogue with all of Iraq's neighbors, including Syria and Iran, with no preconditions. The conditions can come as soon as the best diplomats in the world begin those conversations, and that's American diplomats.

And Iran was an enemy of the Soviet Union for years. They were enemies of many countries in the Middle East, many Arab countries. They had a strong, quiet, but strong relationship with Israel. It's a country that can be a part of the solution in this troubled part of the world.

Knowledge is the solvent for danger, so said Norman Cousins. And knowledge, in this instance, can help us resolve the danger in the Middle East.

History is a vast early warning system. What is the history of all these countries? Whether it's Israel or Egypt or Lebanon or Syria, Iraq, Afghanistan, Iran and so on, if we understand how they view the world, and we understand our place in that region, we can go a long way to resolving the conflict.

Sam Rayburn, famous congressman, the building that I work in is named after him, said an interesting thing while he was a Member of Congress, this great institution. Any mule can kick a barn door down; but it takes a carpenter to build one. And we need carpenters now. We need the best carpenters, the best diplomats, the best people with an understanding of the history of this region to begin, in a political, diplomatic fashion, taking the burden off the 1 percent of Americans who are now, almost alone, fighting the problems in the conflict there in Iraq.

Remember Rudyard Kipling. Why did young men die? Because old men lied nearly 100 years ago in Northern France. To paraphrase Rudyard Kipling today, old people should talk before they send young people to die. That's a pretty urgent message.

In the landscape of human tragedy, in the history of the human race, who has been our enemy almost all the time, almost exclusively? Who is the enemy on the landscape of human history? Ignorance, arrogance and dogma.

□ 1930

Ignorance, arrogance, and dogma inevitably leads to monstrous certainty. And monstrous certainty from any source leads to conflict, leads to war.

And so how do we resolve the enemy on the landscape of human tragedy? How do we resolve that?

We replace ignorance with knowledge. We replace arrogance with humility. And we replace dogma with tolerance. It takes courage to do that, but those young men and women fighting in Iraq deserve nothing less.

Mr. Speaker, I thank you for the time.

I yield back the balance of my time.

THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Hampshire (Mr. HODES) is recognized for 60 minutes.

Mr. HODES. Thank you, Mr. Speaker.

I'm glad to be here tonight. I will soon be joined by a number of my colleagues in the historic class of 2006, the Majority Makers. And we are here tonight to talk about the economy.

There certainly is a lot to talk about. We've come back recently from 2 weeks at home in our districts where we've all made observations and talked to our constituents, talked to the people we represent. We've gotten out and visited people in their homes. We've been out shopping, we've been to the malls, we've been all over and hearing the way the sorry state of the economy is having an effect on middle-class families and working-class families, and things are not right.

Hard times are here, and unfortunately, those hard times may be with us for a while. Some have been seeing this coming, and I would like to say that certainly my Democratic colleagues, including people I serve with on the Financial Services Committee, have been seeing this coming for quite a while. We have been working on it, talking about it, passing legislation to deal with these issues.

Others have come a little bit late to the table and are just beginning to see that middle-class families in this country are facing rising costs, difficult times. We've had a feed-the-rich policy and a squeeze-the-middle class, and it's time that we did something about it.

I recall that about a year ago, maybe a little more than a year ago, when I had just joined the Financial Services Committee, I had the opportunity to talk to the Federal Reserve Chairman, Ben Bernanke. He came before our committee and testified about the state of the economy. Now this was before we'd seen the mortgage crisis and the credit crunch and the bailout for Bear Stearns and all of the other things that are now making headlines in what are fairly arcane policy matters but now take up the front pages of our newspapers.

And we asked Mr. Bernanke about the state of the economy and what he saw then, and it was very interesting. At the time, he was reporting that corporate profits were in good shape, that corporate productivity was in good shape. In other words, that corporate productivity was on the rise. Corporate profits seemed to be okay. It meant that people who were working were working a lot harder and helping the corporations earn profits, and their productivity was good.

But we saw troubling signs. Back then, we saw that real wages in income for middle-class families were stagnant or had been slipping backwards in real dollar terms. We saw that we had had a record trade deficit, $758 billion. We've seen tax cuts for 7 years under this administration which mostly benefited the very wealthy. In fact, last year, the 500 top wage earners in this country earned about $18.8 billion and paid about 17 percent of their income in wages. That's not what they were supposed to pay, apparently, according to the tax rates, but that's what they've ended up paying. They're doing pretty well.

So while middle-class families were experiencing slippage in their real wages and income going backwards and facing ever-increasing costs, we had gasoline prices rising, home heating oil was about to start zooming up that winter, costs for education were going up. We asked Mr. Bernanke whether or not the increase in corporate profits and the higher rates of corporate productivity necessarily were the best indicators of the health of the economy. Because we also pointed out at the time there was a troubling issue on the horizon, and the issue was that there had been many loans made to people over the past few years, let's call them subprime loans, which meant loans that were given to people with rates that started out being very good but then kind of rose precipitously and that we saw a problem with these subprime mortgages which may not have been given with the right kinds of appraisals which had been given to people who couldn't pay them back, whose incomes weren't sufficient to own homes, whose assets weren't sufficient, for whom there were no requirements to put money down like there used to be in the old days.

We took all of this in, and many of us had just come to Congress. We asked Mr. Bernanke whether or not that was a true measure of the health of our economy. And I do have to report that Mr. Bernanke is an expert economist and a very smart man who runs the Federal Reserve. He's the chairman, and his job, along with the other members of the Federal Reserve board, is to help control the money supply, among other things, in this country. It's like turning on the spigot for money that flows into the economy and helps make more credit available and deals with interest rates, and they deal with whether or not to cut interest rates or raise interest rates which then affect consumers who want to borrow money for mortgages on their houses or second equity lines, as many people have, also, on their houses or credit cards or to buy a car. So that credit and the flow of money, in large part, is controlled by the Federal Reserve.

His answer was he thought things were in pretty good shape.

Well, unfortunately, Mr. Speaker, today, the chickens have come home to roost on 8 years of this administration's fiscal policies. I just pulled this off of the AOL service before I came down here to speak about these matters, and today, for the first time, Federal Reserve Chairman Ben Bernanke acknowledged that the U.S. could reel into a recession from the powerful punches of housing, credit, and financial crises. Yet, he didn't have much to say at this time about what the Federal Reserve is going to do next.

I have to tell you, after a couple of weeks at home, Mr. Bernanke doesn't have to tell us that we are in a financial crisis. There are neighborhoods in some of the cities in New Hampshire where you go on a street and we are seeing four and five houses foreclosed. We are seeing the "bank owned" signs. And what that means is there is nothing worse to a family than losing a home. And what happens when a family loses its home is not only are they in peril, are they in distress, but whole neighborhoods are in distress. Because when homes are foreclosed in a neighborhood, it puts pressure on the housing prices in the neighborhood, it puts pressure on the other financial indicators in the whole community. So there is a huge ripple effect from what has turned into a housing problem.

At home in New Hampshire we are seeing it. In fact, by the end of 2009, Mr. Speaker, we anticipate seeing more than 4,900 foreclosures in the small State of New Hampshire alone. That's a huge rise. In some places we are seeing a hundred percent foreclosures. We've seen mill closings up north. We are seeing the job market beginning to soften in New Hampshire and around the country. Things are getting tough.

Rising costs, credit problems, home mortgage foreclosure crises, the war in Iraq goes on at the rate of $12 billion a month. Nobody has to tell the middle-class families of this country who have been squeezed by 8 years of this administration's policies that we are having hard times.

So tonight we are going to talk about what those hard times are, how we got there, and what we are doing in Congress, what my colleagues are doing, what we are trying to do here, especially on the Democratic side, to deal with these crises, and how we got here; and we are going to hear about what is going on in some of the other parts of the country as well.

I'm joined tonight by my other colleagues, as I said, from the Majority Makers, the class of 2006, Mr. Speaker, of which you are a part, which we are very proud of.

And I would like to introduce now and turn it over to my distinguished colleague from the State of Florida, the Sunshine State, where things are, frankly, much warmer than they are back home for me in New Hampshire where there is still snow on the ground and people are still digging out from a record snowfall.

So I will turn it over now to my distinguished colleague from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Thank you very much, Mr. HODES, the distinguished gentleman from New Hampshire, who really has been a great leader in our class. He was the first president of our class this year. And I am also joined by JOHN YARMUTH from Kentucky, who is our current class President. That's an honor that's bestowed, elected by the members of our freshman class on both of you. So I'm glad to be here with both of you tonight. We are going to be joined by a few other people.

Yes, I do come from the Sunshine State, and the sun does come out every day, and it's a wonderful place to live. My wife and I have lived there for many years, and a lot of people in your districts come down and eventually retire there. Maybe you will be part of my constituency some day. Although the sunshine is out and it is warm there and beautiful, we have also had our trials and tribulations as of late with the economy.

We in Florida have actually been blessed for a number of years, 15 years straight, until just recently with growth and appreciation of home values, expanding businesses, a lot of international trade and agriculture production and things like that. Yet, we now are facing the same problems that most other States in the United States are, and that is our real estate industry has just stopped. People are having a great deal of difficulty selling their homes. If they're trying to downsize, they're retired and want to move to something smaller, or if they're a family growing and want to get into something a little bigger. There is nothing that is selling right now. Despite the great efforts of our realtors and people who are in the development business, they're having a difficult time.

And as a result of the real estate industry, which is a big part of Florida's economy, as a result of that having stopped, retail, and all of the service businesses and all of the businesses that relate to an economy which is growing and people are moving, coming and going, they have also stopped.

So we are now facing a very, very difficult time in Florida, and our Florida legislature is meeting, as we speak, and deciding how they're going to take $3 billion-plus out of a State budget that funds education, health care, and all of the other things that our States do.

So we obviously understand that up here in Washington because all of us live at home. We live in our districts. We go to church and synagogue with people and go to our local supermarkets, and neighbors and friends are telling us what they're dealing with right now. And what they're dealing with is what people all over the United States are dealing with.

In Florida right now, gas prices are averaging about $3.40 a gallon despite the fact that we live very close to a port. As a matter of fact, I have Port Everglades right in my district. That's a fuel farm where large tankers come in, bring the fuel right there, and it's $3.40 on average per gallon of gas.

Food prices. Anybody who has been in the supermarket lately, and I know all of us have and our families have and people on the floor here have all been to the supermarket, a dozen eggs is $3.50. A dozen eggs. Milk prices. And it goes on and on and on. Things that are manufactured in your States, the cost of transporting things, the oil prices. These things add to the cost of living in all of our communities and I know in Florida.

I find it very interesting, and Mr. HODES and I serve on the Financial Services Committee, which is a committee that deals with the economy, that deals with the Federal Reserve. It deals with banks and credit and insurance and housing. All of these things are part of this committee.

So we have been hearing from Mr. Bernanke and Mr. Paulson, the Treasury Secretary and others. It's very interesting. When the information is presented to us and you hear this debate, is there a recession or is there not a recession; people back in my district are saying, What are you talking about? Who cares if there's a defined recession or not? We know what's going on. My job is not as secure as it was a year ago. I know what my food prices are, my energy costs, my insurance costs, my taxes. All of these things are weighing very heavily on me, and things are not good.

People have lost that confidence, that swagger that Americans have. And, of course, we know we can get it back, but it is a question of what we can do about it.

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Well, in the discussion with Financial Services, when they present the inflationary numbers to us and say, well, inflation is in check, that maybe it's moving a little and we have to watch it but it's in check, guess what the inflationary factors do not consider: energy and food prices. And they say that the reason they're not considered is because they fluctuate wildly and they are really not a determining factor of whether there's an inflation. Well, you know something? They certainly are a big factor on my budget and my neighbor's budget and my parents' budget and everyone else who lives in the United States because those two factors are things that affect us. Every time you go to the gas station and you spend $50, $60, $70 for a tank of gas, that's a lot of money. And whether you can afford it or not, you feel like something's wrong here. We're sending money overseas to countries that are not our friends and are supporting our enemies or these oil companies are creating the largest profit in American company history. And nobody's out there criticizing the entrepreneurial system, but let's have a little fairness here, a little investing in renewable energy, which is what this Democratic Congress has been focusing on, which is a good thing. And food prices, our farmers and people who produce, this is a big factor to American families when they go to the supermarket. When all of a sudden it costs $175 for your weekly bill instead of $130, that adds up. People that are on fixed incomes, we have a lot of seniors that have retired to my community that are on fixed incomes. These are real issues that I think we are concerned about.

And the good news is there are some things coming out of this Congress that are going to begin to help deal with everything from energy prices, both short and long term; food prices, of course. And nobody's looking to control the economy, but we are saying we need to work together to help reduce the costs of the materials that make up these products. And, of course, the mortgage crisis and the credit crisis, and I know we're going to talk about that as we get into our discussion tonight. Fortunately, we have some great people. Congressman BARNEY FRANK, chairman of Financial Services, probably one of the smartest people, he's working every day with Mr. Bernanke and Mr. Paulson to try to find things that we can do to help people stay in their homes. We're not talking about land speculators. We're not talking about people who have five homes. We are talking about the families that got in a little bit over their heads here, and they need some help and those communities need some help so you don't have this cascading of foreclosures in any one area.

So I'm looking forward to being with our colleagues here tonight to talk about some of these things. And with that if I can yield to the gentleman from Kentucky, I will do that.

Mr. YARMUTH. I thank my good friend for yielding.

And you raised a very important point, and that is that while much of the headlines today talk about a recession and the debate over whether we are technically in a rescission, those of us who campaigned in 2006 and were talking to our constituents at that point knew that this was on the way. We saw the gathering storm, if you will. We saw the ripples in the ocean that became the tsunami. We talked to our constituents. We knew that they were hurting. We knew that their standard of living was not increasing even though they were working harder and harder. We knew they were scared about their retirement and scared about their ability to afford health care. That's what I heard throughout my campaign in 2006.

Yes, people were concerned about the war in Iraq. But, Mr. Speaker, that wasn't really what they were talking about on a day-to-day basis. It was, "I'm really having a hard time." And while the President wasn't talking about it at that time and the majority leaders and the majority party in the Congress weren't talking about it, they were talking about it. They were saying, My friend, his company just went out of business or his plant was moved overseas and he had a pension that had accumulated $150,000 and now it was down to $30,000 because his company hadn't adequately funded it; so now what's he going to do? So we heard these problems day after day after day.

And I'm proud to say that when we came to the Congress in January, 2007, we didn't wait for somebody to declare that there was a recession. We started immediately. We said the middle class is hurting. We have people at the very lowest ends of the income scale who are working very hard, who are working at or near minimum wage, and we haven't raised the minimum wage in 10 years in this Congress. That's an outrage. And within the first few days of this 110th Congress, we raised the minimum wage. We put it on track to get to the point where, hopefully, there will be a living wage for everyone who works in this country.

And we set about looking at college costs. We said that college costs have been inflating at a very, very dramatically high rate, in my State 8 or 9 percent each year for the last 4 or 5 years. People trying to put their kids through college or people trying to put themselves through college are having a harder and harder time. No increase in the amount of financial aid that was available. No increase in the Pell grants. We passed the College Cost Reduction Act, $21 billion in additional aid to help college students get their degrees. So we understood the problem. We were dealing with it early on.

It has not been an easy fight. It has not been an easy fight because we have an administration that has this theory that the marketplace is sacrosanct, that it's infallible, that nothing ever goes wrong, that everything will even out, and that we just need to get out of the way. We just need to get out of the way and let these big corporations do whatever they want to do because the marketplace will force them into doing the right thing. And we now, of course, know that's not the case. We now, of course, know that, as we looked at, in kind of the aftermath of the Bear Stearns situation, an astounding fact coming from Wall Street that one-third of all the income in New York City was on Wall Street. One-third. The average wage, including all of the clerical help and all of the support staff on Wall Street, was $380,000 a year. Those are enormous salaries. And when something goes bad to deflate that bubble, it doesn't just hurt those people, as we have seen; it ripples through the entire economy.

So, yes, we have some problems that have just hit us now because, again, the bubble has burst. But it wasn't that we were asleep at the switch because, again, we heard these complaints, we sensed these signals 2 years ago when we were out in the campaign trail. I certainly did in my community, a wonderful community that never quite experiences all the booms but never has the busts. We have two Ford plants making vehicles that consume a lot of gas. There's a lot of stress on those because sales are down for those vehicles. We knew that then. We knew that they were negotiating constantly, the company with the union, trying to drive those wages down. People who were making $25, $30 an hour negotiated down so that they were making $15 an hour because they said that they're having hard times, that the company is suffering. Well, yes, we know the company is suffering. But, meanwhile, the same people doing the same hard work day after day with the same expenses, the same obligations in their life, and now their income has been cut by 10, 20, 30 percent.

So we have been at this battle for now 15 months, since we have been in Congress, and we are going to stay in this battle because this is a battle for the very essence of American society. And I'm very proud to be part of a Congress that is committed to making sure that this economy works for every American and not just for the very elite Americans. And that's why I came to Congress. That's why my colleagues came to Congress. And I think over time, given the commitment that we have, we are going to make a difference for the American people.

Mr. HODES. Thank you, Mr. YARMUTH. I really appreciate hearing from both of you about your perspectives about what's going on.

And the discussion we've had brings to mind a quote that I read by Abraham Lincoln, who was a good Republican. Today he might not be a Republican. Today he might be a Democrat. And it really addressed some of the fundamental underpinnings of the debates that we are having about how to fix things. What Abraham Lincoln said was that "the purpose of government is to do what the free markets cannot or will not do so well for themselves." And today in Congress and around Washington and around the country, we are beginning a debate at one level about what kind of changes we need to make and what kind of help we need to offer to struggling middle-class families. And those are two separate questions really.

One of the questions is, what kind of changes do we need to make to the regulation of our financial systems? That integrated big financial system that, as Mr. KLEIN pointed out, deals with banks. It deals with stocks. It deals with housing. It deals with real estate. It deals with insurance. It's a complex system that is now regulated in Washington. It's regulated at the State levels because there are regulators in the States who regulate all these industries. And Washington, what we are now seeing is that we've had Depression-era regulatory systems that really took their eye off the ball over the past 8 years certainly. While things for the middle class were squeezing tighter and tighter and tighter and those at the very top were doing okay, the regulators didn't seem to notice. And a lot of people are asking questions: Well, why not?

The interesting thing here is to hear how the tunes of some people in this Chamber have changed. It used to be that some of our colleagues across the aisle who were saying don't regulate, deregulate, and that was a huge push for this administration and many of our colleagues on the other side of the aisle, and, in fact, many have said just let the free markets take care of it.

Well, what we are seeing in this boom-bust cycle is that the free markets need some control from government. It's got to be balanced, of course, because you don't want to go too far with the free market. But what we have seen, for instance, just in the housing crisis is this: When I go home to talk to my community bankers in New Hampshire, what they tell me is that their foreclosure rates aren't really any different than they were before we got into the crisis we are in. They're not seeing a huge spike in foreclosures. They are regulated very closely. They have to follow strict standards. And they have been making loans the way they always have. They've been requiring down payments. They've been asking people what are their incomes? They've been verifying those incomes. They have been appraising properties accurately. They have been making sure that the loans they make in their communities are the kinds of loans that a lot of people are familiar with. Unfortunately, there were a lot of lenders who weren't regulated in the same way and they were making loans to people who probably shouldn't have loans, maybe people who were speculating. And then what was happening was those loans were being packaged. And they were going to Wall Street where they were being packaged into huge kinds of packages of loans and sliced and diced into securities with very odd names and securities that many of us don't even understand: "Credit Default Swap Exchange Opportunities," not listed on any stock exchange, traded sort of desk to desk on Wall Street, essentially where people were taking air and risky loans and slicing them up and selling them around the globe because we're in a global economy. There are global markets, especially on the financial side. So I read articles where pension funds from municipal employees in towns in Norway were going underwater because of the mortgage crisis here.

And so one of the fundamental questions that we have got to ask is how are we going to fix this regulatory scheme? Because really if you think about it, over the past 8 years, we have had the Bush tax cuts, which advantaged the very rich; and as you said, Mr. YARMUTH, pay for CEOs has gone through the roof, 350, 400 times what the average person is making. So while we had tax cuts that were advantaging the very rich and the middle class was being squeezed, we were spending $800 billion on the war in Iraq. And while that was going on, the Federal Reserve was keeping interest rates very low. And mortgages were being handled in a different way, packaged, sliced and diced into stocks, and sold by unregulated lenders. So with very low interest rates, what people were lulled into thinking was that the prices of their houses would just keep going up and up and up and up, and people began to treat their houses like it was a revolving ATM machine.

I know that I got calls from people offering to rewrite my loan. I have a 30-year fixed loan. I'm very glad about it now. They were offering to rewrite my loan. They gave me all kinds of incredible deals. They were so incredible that I couldn't understand them, and I figured if I can't understand them, thank you very much but I'm going to stick with something simple. They were talking about a rate here and then in 3 years the rate would go there, and don't worry, when the rate goes up and if it goes up, you won't have to worry. Don't worry because your house will be worth more, and when your house is worth more, you will be able to refinance it again. So for the past 8 years we have seen that spiral. What happened was when the housing market crested and began to come down, everything began to unravel down the line, not only housing prices but then the credit crunch. It meant that people couldn't borrow for their businesses. They can't borrow to get out of their problems with their housing prices. We have seen at the same time a huge rise in energy prices. Jobs are now under real pressure in terms of people losing their jobs. And this has exploded into a crisis that we now have to deal with in Congress.

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But we haven't been silent about it. Some of the things we have done, I am just going to talk really briefly, then hand it over to you, Mr. KLEIN, we took action. One of the things we did was we expanded affordable mortgage loan opportunities through the Federal Housing Administration for families who are in danger of losing their home by increasing the loan limits that the Federal Housing Authority administration could make to help with the fact that house prices have gone up. It's a very important part of the economic stimulus package which this Democratic Congress passed to put money into the hands of consumers through rebates that will come when people file their tax returns this year. Instant money. We address the housing piece, and we also helped small businesses in lots of significant ways.

So we haven't been sitting around. We are working on helping people. That was just a one-time shot, a shot in the arm for the economy. We are going to do other things because this is really once in a lifetime, in some way, kind of a problem.

People are using words like recession and other words like that. But as Mr. KLEIN said, let's just say that hard times are here. They are hard times that we haven't really had to face in this country in this way in a long, long, long time. And we are going to take action to make sure that we are helping squeezed middle-class families and hurting working families to get on their feet. We are going to offer a hand up. It's not going to be a handout, but it's going to be a hand up of the kind that the American people expect.

The last thing I will say before I turn it over to you, Mr. KLEIN, is that so far, the administration at the other end of the mall on Pennsylvania Avenue has set up an 800 number for homeowners. But so far, I am not sure that the administration really understands and is really feeling the depth and breadth of what our folks are facing back at home. I would say Mr. Bush ought to get out a little more and maybe he would see that some steps are necessary to help the middle-class families and working families. Because we are going to have to soften the hard landing that's coming.

With that, I will turn it back over to Mr. KLEIN.

Mr. KLEIN of Florida. Thank you for laying out as you did. It's very easy to understand the way you just explain it. I will just mention another item that we did pass last year as we saw this coming on. The question is what is Congress doing. What are we doing to help our neighbors and friends. This is a community issue. Sure, it's a national issue. But it boils down to what is happening in my community in Delray Beach and Boynton Beach and Lauderdale by the Sea and places that are close-knit communities and close-knit families that have lived together for a long time and they are seeing house after house after house with a sign that says Foreclosure, that notice on the door. It's not very troubling. It's not just that homeowner him or herself, it's the community that gets affected. It has a downward pressure on home values, which is what we want to avoid.

Another thing that is very important that this Congress, the two gentlemen here and others supported, and we are all very proud to do this, it was a bill called the Mortgage Forgiveness Debt Relief Act. It did something which is very important. It prevents homeowners from facing a tax bill at the same time they are losing their homes. Here's how it works. This is a problem with the current Internal Revenue Code. Basically, it says if you have a debt, a mortgage, and somebody releases you from that debt, they cancel the debt, or they reduce the amount, that is considered income to you. You actually have to pay tax on that, which is pretty ridiculous. But that is the way the current tax law is set up. It's not just for homes, it's for other things as well. It's called "phantom income." It's the worst kind of income you can have because there is no cash in your pocket to pay for it.

So this Congress under the leadership of NANCY PELOSI and others, in a bipartisan way, it was the right thing to do, we passed a law that said no, that is not going to be the case. If you're foreclosed on or there is a problem and there is a release of this debt, that is not going to be income to you, and you don't have to pay tax on it. It's bad enough your losing your home, but you certainly shouldn't have to add insult to injury by paying income on that as well.

We also passed a bill which expanded financial counseling for families in danger of losing their homes. A lot of it is information. If you're getting this notice and you can't afford that mortgage payment, what can you do? As Mr. HODES correctly said, this isn't the old days when you went to your local banker, in many cases, and it was a man or woman you knew, it was someone in the community, and they took down your application, they knew where you worked and what your income was and everything else, and that bank was going to hold that mortgage.

Today, that is not the way it works. Many banks, not all banks, but many banks, they take that mortgage and it's sold within 30 days in the package that Mr. HODES mentioned. Packaged and sold again and again, and most people don't even know who's holding their paper. They send a mortgage payment to some P.O. box somewhere. They won't even know who to call if they were late on their payments.

One of the things this Congress said is let's help people, get them information, and this counseling process is one which you bring people together and say listen, maybe I can't afford this, but I can afford this. It's not in the bank's best interest to foreclose on a piece of property. They lose all the way around. It's certainly not in the best interest of the homeowner. So we are very proud that that was the right thing to do. But there's so much more to do.

This past week, the Treasury Secretary, Mr. Paulson, released a series of proposals. He called them short, intermediate, and long-term views on the financial markets. Unfortunately, the short-term really wasn't much of anything. The way I read it, it was sort of we are going to reinstate this commission, put some new people on it, and study it.

Well, time for study is over. People are in real need right now. We are not into bailouts. We are not into bailouts of banks or investment groups that made bad investments, and we are not into bailouts of land speculators. But there is a narrow group of people that are homeowners, family owners. It's their primary home, their only home. It's where they live. They are raising their kids, or they are senior citizens. This is the group of people that may have got caught short. This is the group of people that I think there are some strategies being discussed right now in Congress just to give them some relief to encourage the lenders to work with them and create some ways that the financing can be stabilized.

So I think that is a very good thing. But, again, it's not in the President's proposal. I am not saying that he is not prepared to work with us, but I think the ideas are going to come out of this Congress.

The second thing I will mention quickly and turn it over to my colleague from Kentucky is the notion that these organizations at the Federal level, SEC, Securities Exchange Commission; CFTC, another group that regulates commodities, and the groups go on and on in evaluating and regulating banks. They call it the alphabet soup of regulators.

It's pretty clear that these organizations have failed or not had the legal authority to do what they need to do. I think what this means to all of us, and the President and through the Treasury Secretary has said let's merge some of these together. That may be a good idea for efficiency purposes and it may be a good idea in term of creating a better form of regulation. But it's like reorganizing the chairs on the Titanic, or even creating the Department of Homeland Security by putting Immigration and FEMA in there. It isn't always necessarily a better idea to just merge everything together.

I am all for efficiency, I am all for saving money, I am all for the better regulatory side without, as Mr. HODES, said over regulating. But I think there has to be a mission clarification here to understand that a whole lot of things that were being sold on Wall Street are not understandable, not only to the average investor, like any American that buys stocks or investment vehicles, but even to the most sophisticated people.

There are a lot of things being traded that nobody real understood what they were trading, and the result of that is no transparency and a whole lot of businesses and a lot of people have lost a lot of money. Again, I think I am mostly concerned about the average investor and our markets being creative and innovative. That is all a good thing. But at the same time, we want to make sure that there's a regulatory scheme that doesn't stifle innovation, but it's that side of capitalism, that capitalism unregulated results in the Depression, as we had in 1929, and certainly there have been pitfalls along the way. This is obviously a pitfall, and we need to fix it and learn from the mistakes of what got us here in the first place.

So I am hopeful that this Congress in a bipartisan way with the leadership of Chairman BARNEY FRANK will be able to come up with some good ideas, work with Federal Reserve Chair, work with the Treasury Secretary, work with the Bush administration. America is depending on us. Our families are depending on us, our neighbors are depending on us. We are all optimists. That is why we are here. As Americans, we are optimists. Let's not repeat these mistakes again.

With that, Mr. HODES, if it's okay, I will turn it back to you.

Mr. HODES. It's very interesting to think about. One of the great things about the Financial Services Committee under Mr. FRANK is that very often we are able to work in a bipartisan way in the kind of spirit that the people of this country really are hoping that we will take to deal with these complex financial matters. Because while we are dealing with try to fix the regulatory scheme and figure out exactly what measures, which we will talk about, are the kind of measures are going to help people on the ground who are losing their homes, it's really important that we are able to come together.

So there may be different philosophical approaches. My colleagues on the other side of the aisle on the Republican side, Mr. Bush in the White House may say, no, no, no. They may say to keep hands off. Let the free markets do everything.

But now people I think are beginning to come along and see that this is exactly the kind of situation where some appropriate government intervention to fix fundamental problems in the financial schemes and help with this mortgage crisis are going to be necessary. I am hoping that the President is going to come along. I am hoping that he is going to come on out of the Rose Garden. I am hoping that he is going to see that we need more than a 1–800 number, 1–88 I AM IN TROUBLE.

I am hoping that Secretary Paulson will continue to have what I think has been a pretty good dialog with the White House about what we have to do and that we are going to see the cooperation between the regulators, Mr. Paulson, the House of Representatives, the Senate, and the President to move things forward.

Mr. YARMUTH. Will the gentleman yield? We have been joined by another colleague. But I just have to follow up on something that Mr. KLEIN said because I almost thought he was telepathic there when he talked about the Great Depression.

None of us wants to be alarmist here. But when I was in college, I did my senior thesis on speculation in the 1920s. In fact, there is some remarkable parallels between the situation today with the housing crisis and what happened in the 1920s that led to the Great Depression.

The similarity is that back in the 1920s, if you wanted to buy stock, you only had to put up 10 percent of the price of the stock. You could borrow the rest of the money. The theory there, because the stock market was going higher and higher and higher, and everybody thought it was going to continue to get higher, happy days are here again, before they disappeared, and that was the psychology. So nobody ever thought about regulating that. Everybody thought that was an endless gravy train. So people would keep buying stock, paying 10 percent down, 10 percent down.

When the stock dropped 10 percent, their equity was gone. This happened time after time after time. The same thing has happened now with the housing market when people are lured into markets with low interest rates and then they borrowed against the equity and then when the value started to slip a little bit, they were in a negative equity situation, and that is what precipitated this crash.

I am hoping, and I don't believe that the situation in terms of the overall economy is as threatening as that situation was. The parallels are the same. After that situation in the 1920s, we created the SEC, we went to an environment, because the pendulum had swung over to the side of absolutely no regulation, and we saw the problems with that.

I listened to Senator OBAMA today on the campaign trail, and he made I think a very profound statement, and that was: Things go wrong when nobody is looking. That is what we have had over last 8 years, maybe more than that. We decided we didn't need to look at all that stuff. We found out now we need to pay attention. We need to hold all these institutions accountable. We need to set up certain rules.

We don't want to swing the pendulum to the other side, as my good friend Mr. HODES said, but there is a happy medium. In order to avoid the pitfalls that we have experienced in the past, this is the time. I think this Congress is committed to that.

I yield back.

Mr. HODES. Thank you for that really important point. I know my mother and others who lived through the Great Depression and its aftermath would be very interested to hear the analysis and the parallels, because they are not lost. Our job is going to be to try to deal with the 21st century realities and make the landing softer than it was then.

I would now like to turn it over to a distinguished colleague and an extraordinary leader, Mr. ELLISON, from Minnesota, who serves on both the Judiciary Committee and serves with us on the Financial Services Committee, someone who has been a leader in his commitment to protecting consumers, dealing with the problems that people are facing every day in their lives, who understands that hard times demand from the Congress imaginative action, and has a way of addressing things in a head-on way that has been a great example for all of us here in Congress.

With that, I am very happy to yield to the distinguished gentleman from Minnesota (Mr. ELLISON).

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Mr. ELLISON. Let me thank my friends from New Hampshire, Kentucky and Florida.

My dad likes to say, "people respect what others inspect. If you don't inspect, you are not going to get any respect." So it is important that we have oversight. It is important that we have a regulatory system.

The market and the public sector should work in a balanced way, should compliment each other. That has not happened, and, as a result of the lack of regulation, as a result of deregulation, Gramm-Leach-Bliley in 1999, and I would like to talk about that in a moment, we have got ourselves into quite a situation.

Let me share with you what the Center on Budget and Policy Priorities issued recently. You probably would not be surprised to know that between 2005 and 2006, the average income of the top 1 percent of households increased by $73,000, after adjusting for inflation, while the average income of the bottom 90 percent, that is us based on our pay here, increased by $20. I am talking about a twenty-spot. You know, bam, that is your pay increase between 2005 and 2006 if you are in the bottom 90 percent of the income distribution.

Now, you might be thinking, gee, that is not good. But let me just tell you, what this means is that the share of the Nation's income flowing to the top 1 percent has increased sharply, as a matter of fact rising from 15.8 percent in 2002 to 20.3 percent in 2006. That means that people in the top 1 percent of our income distribution make one-fifth of the money. That is not good.

Now, you might be thinking, that is kind of bad there. But the fact is that it hasn't been this bad since.

Mr. YARMUTH, when was the last time the top 1 percent were making this much of the money in America? It did happen before, Mr. YARMUTH. I want to ask you if you know?

Mr. YARMUTH. I will defer.

Mr. ELLISON. I know you have an idea, because you were already talking about the era.

Mr. YARMUTH. Obviously in the Robber Baron Era of the 1920s.

Mr. ELLISON. The 1920s. It starts with "Great." In fact, Mr. HODES, your mother was born and lived during this era. When was the last time the top 1 percent made 20 percent of the money in America?

Mr. HODES. 1929.

Mr. ELLISON. The Great Depression. I am telling you, the signs are not good. We need bold, decisive action which puts the public sector and the private sector in a partnership to look out for the American consumer. This is what we have to do.

You know, Mr. YARMUTH, let me talk to you a little bit about some things you inspired me to think about.

When we had Chairman FRANK out to Minnesota, we had a hearing on the foreclosure crisis. One of the pieces of testimony that came out is that a lot of folks actually could not find rent at the amount that they could buy into a subprime mortgage. In other words, they could get into a 228 or a 327, which means you have a low rate for 2 or 3 years and then it jumps way up. The teaser rate was lower than the market rent they could find. Since nobody was checking income, they got into that. Then when the 2 or 3 years expired, they were in a mess. The mortgage jumped up, there was not enough equity in the house even to refinance it, and they were foreclosed upon.

Now, that speaks to another thing we have done in this 110th Congress, and that is invested in a National Housing Trust Fund so we could truly invest in affordable housing, which is part of the equation here.

In America, we need an overhaul of our economic system. We need real progressivity in our Tax Code. We need real regulation in the financial housing markets, we need to have a real aggressive attempt to support affordable housing, and we need to make sure that people have livable wages to live on. We need a new vision for an economy which puts economic prosperity at the very center dot of what we do around here.

So I yield back at this time.

Mr. HODES. Thank you very much for that perspective.

Before I introduce another colleague from the class of 2006, The Majority Makers, I do want to point out that we have not been quiet about what we think is necessary. Some of the things that we have done here in the House of Representatives, back in November we saw what was coming. We have been ahead of the curve.

We saw what was coming on this mortgage crisis and we passed the Mortgage Reform and Anti-Predatory Lending Act to strengthen consumer protections against risky loans. We wanted to make sure that going forward, the kind of lending practices that we have seen causing this mortgage and housing crisis would not be repeated.

That bill is sitting now somewhere across Statuary Hall, across the Rotunda on the other side of this building in the United States Senate, hopefully going to be passed by the United States Senate. But it is being held up there, like much legislation that we have passed here in the House to help middle-class families, to help working families, which has been held up in the Senate.

So I am hoping our colleagues are going to see the wisdom of making sure that we have loan standards in this country that really help to ensure that people who shouldn't get loans aren't getting the loans, that lenders who are taking advantage of people aren't taking advantage of them when they make the loans.

It goes along with what we have done to expand affordable mortgage loan opportunities for families in danger of losing their homes through the FHA reform. That is also being held up over in the Senate by Senator SHELBY, who apparently is upset about the economic stimulus package and has taken it out by refusing to deal with that loan.

We have strengthened Fannie Mae and Freddie Mac to increase their loan limit size. We are hoping that that goes through. And we have increased the supply of affordable rental housing to address the current shortage with the bill you talked about, the National Affordable Housing Trust Fund, which we have to get through the Senate, across the way. It has to go up the Mall to the President. We have got to pass these kinds of measures.

We have done our job here in the House on those kinds of measures to help middle-class families and working families and people who are being struck. There are some other things that are coming from Mr. FRANK and the Financial Services Committee in a couple of days as we hold hearings and pass things through.

But now what I would like to do in about the last 10 minutes that we have got is to introduce another colleague and turn it over to my esteemed, distinguished colleague from New York, a gentleman who understands small business, a gentleman who has been working hard for veterans, a gentleman who understands the problems that he is seeing in his community in Upstate New York, the distinguished gentleman from New York, JOHN HALL.

Mr. HALL of New York. I thank my colleague.

Madam Speaker, the last few months has certainly seen severe damage done to our economy and have left many Americans battered. As a parent, I wonder how many other people have had the experience that I have had of watching my daughter when she was in high school getting credit card offers from banks, or when she was in college, with me and my wife paying for her expenses, getting credit card offers from banks, and wondering how many college students or young adults are taking those offers and not realizing the interest rates that come with them?

Signs of economic turmoil are multiplying, and I don't think anyone doubts that we are either in or headed for a recession. Some academic economists may quibble over the technical terms, but the bottom line is that our economy is headed in the wrong direction, and for many Americans, tough times are either here or lie ahead.

Stock markets around the world have behaved as if they are a roller coaster, alternating huge increases and dramatic declines. Wall Street traders don't seem to know what to make of each contradictory economic indicator. As a musician and songwriter, and now a Member of Congress, I have had hedge fund traders and stock market advisers and financial experts come to me and say, what do you think is going to happen, and that is a sign I think of the confusion and the general uncertainty that we see in the market.

While the cost of everyday expenses like food and fuel continue to rise, most people have seen their wages stagnate. People in my district make little more than they did a decade ago, yet their costs continue to rise dramatically.

People I represent in the Hudson Valley have been particularly hard hit. Oil has long passed the $100 a barrel mark, making it more expensive than ever for people to heat their homes and drive their cars. In suburban communities in the Northeast, like the area I represent, home heating bills increased more than 30 percent just between last winter and this winter.

While personal debt has skyrocketed to a record level, investment for the future has become all but nonexistent. As a result, families struggle to pay their everyday costs, more people have made incalculable personal sacrifices, lost their homes, and went hungry. As necessities become outrageously expensive and more and more employers are moving overseas to take advantage of the cheap labor and complacent regulations in places like India and China, as always, it is the American families who pay the price.

Ultimately I believe these troubles are a direct result of President Bush's disastrous economic policies. After years of the President and his enablers in the previous Republican Congress mismanaging the economy, more Americans are looking for work than ever before, the housing crisis has caused millions of Americans to risk losing their homes, and the price of gas has hit an all-time high. Clearly it is up to this Congress to act soon and act decisively. If we do not, it may well take years for the country to recover from the last 7 years.

I am proud that this Congress has already begun to take steps to do what we need to do. First we enacted the 2008 Economic Stimulus Package, which provided tax rebates for most Americans to go out and spend, and raised the loan limits for mortgages backed by FHA, Fannie Mae and Freddie Mac, to make it easier to get a mortgage with better terms. Both of these measures have already begun to help.

But I hope none of us are naive enough to think that that alone will be enough. We still have a lot more work to be done, specifically targeting working and middle-class families, the true lifeblood of our Nation's success. Relief for these people will only come from a clear commitment to increasing assistance for unemployment insurance, food stamps, Federal Medical Assistance Percentage payments and Federal housing programs.

I am proud of the steps we have taken here in the House, but I know we have much farther to go. As you say, my friend, Congressman HODES, we need to not only pass these progressive and family oriented middle-class steps in the House, we need to persuade our friends in the Senate to approve them as well and then persuade the President to sign them. I hope together we can do that.

Mr. HODES. I thank the gentleman for his cogent and eloquent remarks.

I am going to turn it over to the distinguished gentleman from Kentucky for some closing thoughts.

Mr. YARMUTH. I thank the gentleman. It is good to see our colleague Mr. HALL here as well, and I thank him for his comments.

You know, it becomes almost a cliche, and actually an overly used one these days since we have a big presidential campaign, to talk about the contrasts between Wall Street and Main Street. But it has never been more apt, and particularly with the situation we have seen on Wall Street very recently.

We have a very serious orientation problem in this country. For many years, going back probably three decades now, we have taken the position in this country that we are going to let companies get as big as they can get because they say "we need to get big so we can function in the global economy." But the ramifications of letting them get so big with no regulation has been that if they make a mistake, then it doesn't just affect their stockholders and their employees, it affects the rest of the country. Now we have seen that. As you said early on in the opening remarks, the chickens have come home to roost. That is where we are.

This Congress, this government, has to start standing up for Main Street, not for Wall Street, understanding that Wall Street provides great benefits for this country at times. But we have to make sure that ultimately we protect the average American working family. That is what this Congress I think has been committed to doing since day one, and we will continue to be committed to that as we move forward.

I yield back, and thank you for your leadership, Mr. HODES.

Mr. HODES. Thank you, Mr. YARMUTH.

I appreciate the time we had, Madam Speaker, to talk about the economy. In the coming days, the Financial Services Committee will be presenting two very important proposals to help more on the mortgage crisis. One, we will provide some loan-ability and guarantee-ability through the Federal Housing Administration to lenders who are willing to write down loans and help people who are facing foreclosure and who may be in distress on their homes in order to make more money available to prevent foreclosures, and to help those, say at least 1 million, perhaps up to 2 million people who have been in foreclosures.

The second thing is we expect to propose a program of loans and grants to help States and cities acquire properties that have been foreclosed and facilitate returning them to the rolls as owner-occupied or rental units.

Taken together, these initiatives are going to be very important. They are going to allow millions of families to avoid disasters, they are going to help hard-pressed jurisdictions avoid the cascade of deteriorating neighborhoods and abandoned houses that follow the kind of crises we have seen, and they are going to help stem the steep and destabilizing decline in house prices that led to and is intensifying the financial crisis, because we cannot allow this crisis to continue unabated.

This Congress is ready to act. We are going to help middle-class and working families out of this hole.

I thank my colleagues for joining me tonight, and I thank Madam Speaker for her indulgence in allowing us to go over a short amount of time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

(The following Members (at the request of Mr. TANCREDO) to revise and extend their remarks and include extraneous material:)

Mr. TANCREDO, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, April 3.

Mr. POE, for 5 minutes, April 9.

Mr. JONES of North Carolina, for 5 minutes, April 9.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. WELLER of Illinois, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today and April 3.

Mr. BISHOP of Utah, for 5 minutes, April 8.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 960. An act to amend the Controlled Substances Act to address online pharmacies; to the Committee on Energy and Commerce, in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. HALL of New York. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Thursday, April 3, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5807. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Community Facilities Grant Program (RIN: 0575-AC75) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5808. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the Corporation's annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunications entities, pursuant to 47 U.S.C. 396(m)(2); to the Committee on Energy and Commerce.

5809. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Alternative Fuel Transportation Program; Private and Local Government Fleet Determination (RIN: 1904-AB69) received March 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5810. A letter from the Secretary, Department of Energy, transmitting the Department's report outlining the status of Exxon and Stripper Well Oil Overcharge Funds as of September 30, 2006, satisfying the request set forth in the Conference Report accompanying the Department of Interior and Related Agencies Appropriations Act of 1988, Pub. L. 100-202; to the Committee on Energy and Commerce.

5811. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of a report entitled "Emissions of Greenhouse Gases in the United States 2006," pursuant to Public Law 102-486 section 1605(a); to the Committee on Energy and Commerce.

5812. A letter from the Chief Financial Officer, Department of Energy, transmitting the Department's status of the report entitled, "Report on Uncosted Balances," pursuant to Public Law 102-486; to the Committee on Energy and Commerce.

5813. A letter from the Secretary, Department of Energy, transmitting a letter expressing the Department's opposition to efforts to legislatively impose temporary or long-term suspensions on the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

5814. A letter from the Comptroller General, Government Accountability Office, transmitting the Office's report concerning GAO employees who were assigned to congressional committees during fiscal year 2007, pursuant to 31 U.S.C. 719(b)(1)(C); to the Committee on Oversight and Government Reform.

5815. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report for Calendar Year 2007, in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

5816. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — National Park System Units in Alaska (RIN: 1024-AD38) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5817. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2008 Scup Specifications; Correction [Docket No. 071030625-8130-02] (RIN: 0648-XC84) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5818. A letter from the Director, Administrative Office of the United States Courts, transmitting the third annual report to Congress on victims' rights, pursuant to 18 U.S.C. 3771; to the Committee on the Judiciary.

5819. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's fiscal year 2008 update to the Long Range Plan for Information Technology in the Federal Judiciary and the Judiciary Information Technology Fund Annual Report for Fiscal Year 2007, pursuant to 28 U.S.C. 612(h); to the Committee on the Judiciary.

5820. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Mound Plant near Dayton, Ohio to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5821. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Combustion Engineering facility in Windsor, Connecticut to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5822. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Lawrence Livermore National Laboratory to be added to the Special Exposure

Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5823. A letter from the Director, Citizenship and Immigration Services, Department of Homeland Security, transmitting the Annual Report of the Citizenship and Immigration Services for Fiscal Year 2007; to the Committee on the Judiciary.

5824. A letter from the Ombudsman, Department of Labor, transmitting the Third Annual Report of the Ombudsman of the Energy Employees Occupational Illness Compensation Program; to the Committee on the Judiciary.

5825. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of immigrants under the Immigration and Nationality Act, as amended. [Public Notice:] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5826. A letter from the Executive Vice President/COO, National Security Council, transmitting the Council's 2007 Financial Report, pursuant to 36 U.S.C. 463 Public Law 83-259; to the Committee on the Judiciary.

5827. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-24; Small Entity Compliance Guide [Docket FAR-2007-0002, Sequence 11] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5828. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-004, Common Security Configurations [FAC 2005-24; FAR Case 2007-004; Item VI; Docket 2008-0001; Sequence 5] (RIN: 9000-AK88) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5829. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-027, FAR Part 30-CAS Administration [FAC 2005-24; FAR Case 2005-027; Item V; Docket 2006-0020; Sequence 9] (RIN: 9000-AK60) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5830. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-028, New Designated Countries-Dominican Republic, Bulgaria, and Romania [FAC 2005-24; FAR Case 2006-028; Item IV; Docket 2008-0001; Sequence 4] (RIN: 9000-AK77) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5831. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-016, Trade Agreements — New Thresholds [FAC 2005-24; FAR Case 2007-016; Item III; Docket 2008-0001; Sequence 3] (RIN: 9000-AK89) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5832. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-016, Numbered Notes for Synopses [FAC 2005-24; FAR Case 2006-016; Item II; Docket 2008-0001; Sequence 2] (RIN: 9000-AK70) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5833. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-011, Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission [FAC 2005-24; FAR Case 2005-011; Item I; Docket 2008-0001; Sequence 1] (RIN: 9000-AK42) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5834. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-24; Introduction [Docket FAR-2007-0002, Sequence 10] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5835. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Expansion of the Alexander Valley Viticultural Area (2005R-501P) [T.D. TTB-65; Re: Notice No. 61] (RIN: 1513-AB23) received March 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5836. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 61.-Gross Income Defined 26 CFR 1.61-21: Taxation of fringe benefits. (Rev. Rul. 2008-14) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5837. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Issuance of Opinion and Advisory Letters and Opening of the EGTRRA Determination Letter Program for Pre-Approved Defined Contribution Plans [Announcement 2008-23] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5838. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Abandonment of Stock or Other Securities [TD 9386] (RIN: 1545-BE80) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5839. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also, Part 1, 446, 461, 481; 1.446-1, 1.461-1, 1.461-4, 1.461-5, 1.481-1) (Rev. Proc. 2008-25) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5840. A letter from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting the Administration's final rule — Revised Medical Criteria for Evaluating Immune System Disorders [Docket No. SSA 2006-0070] (RIN: 0960-AF33) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SUTTON: Committee on Rules. House Resolution 1071. A resolution providing for consideration of the bill (H.R. 4847) to reauthorize the United States Fire Administration, and for other purposes (Rept. 110–563). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. AKIN (for himself and Mr. WOLF):

H.R. 5677. A bill to amend the Tariff Act of 1930 to prohibit the importation into the United States of plastinated human remains; to the Committee on Ways and Means.

By Ms. WATERS:

H.R. 5678. A bill to provide economic stimulus through emergency community development block grant assistance for the redevelopment of abandoned and foreclosed homes; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 5679. A bill to amend the Real Estate Settlement Procedures Act of 1974 to require mortgagees for mortgages in default to engage in reasonable loss mitigation activities; to the Committee on Financial Services.

By Mr. GRIJALVA:

H.R. 5680. A bill to amend certain laws relating to Native Americans, and for others purposes; to the Committee on Natural Resources.

By Mr. MCNERNEY:

H.R. 5681. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. ALLEN:

H.R. 5682. A bill to improve access to broadband service in rural and underserved areas of the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. WAXMAN, and Ms. NORTON):

H.R. 5683. A bill to make certain reforms with respect to the Government Accountability Office, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN (for herself and Mr. BOOZMAN):

H.R. 5684. A bill to amend title 38, United States Code, to make certain improvements in the basic educational assistance program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. MELANCON):

H.R. 5685. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Transportation and Infrastructure.

By Mr. PERLMUTTER (for himself, Mr. ANDREWS, Mr. BRALEY of Iowa, Ms. CLARKE, Mr. ELLISON, Mr. ETHERIDGE, Mr. FOSSELLA, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MCCAUL of Texas, Mr. MCGOVERN, Mr. NADLER, Mr. ROSS, Mr. SCOTT of Georgia, Mr. SIRES, and Mr. TERRY):

H.R. 5686. A bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national consensus standards and any barriers to achieving compliance with such standards, and for other purposes; to the Committee on Science and Technology.

By Mr. GILCHREST (for himself, Mr. CUMMINGS, Mr. JONES of North Carolina, Mr. MEEKS of New York, Mr. JOHNSON of Illinois, Mr. MURTHA, Mr. REYES, Mr. SHAYS, Mr. ENGLISH of Pennsylvania, Ms. KAPTUR, and Ms. BALDWIN):

H. Con. Res. 321. Concurrent resolution expressing the need for a more comprehensive diplomatic initiative led by the United States, Iraq, and the international community; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BOYDA of Kansas (for herself and Mr. MOORE of Kansas):

H. Res. 1072. A resolution amending the Rules of the House of Representatives to require that Members post on their websites all earmark requests made to the Committee on Appropriations; to the Committee on Standards of Official Conduct.

By Mr. DAVIS of Illinois (for himself and Mr. MARCHANT):

H. Res. 1073. A resolution expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN:

H. Res. 1074. A resolution honoring the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. WITTMAN of Virginia.

H.R. 402: Mr. YOUNG of Alaska and Mr. COURTNEY.

H.R. 406: Mr. ACKERMAN, Mr. BERRY, Mr. CLYBURN, Mr. DEFAZIO, Mr. DOGGETT, Mr. FOSTER, Ms. HOOLEY, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LEVIN, Mr. MCNULTY, Mr. MARKEY, Mr. THOMPSON of Mississippi, Mr. WEINER, Mr. YARMUTH, Mr. FLAKE, Mr. HALL of Texas, Mr. COURTNEY, Mr. ELLSWORTH, Mr. MEEK of Florida, Mr. MITCHELL, Mr. MOLLOHAN, Mr. OBERSTAR, Mr. RAHALL, Ms. RICHARDSON, Mr. SKELTON, Ms. FALLIN, Mr. HUNTER, Mr. RENZI, Mr. SMITH of Nebraska, and Mr. WITTMAN of Virginia.

H.R. 552: Mr. PETRI, Mr. SHUSTER, Mr. LYNCH, Mr. REYES, and Mr. TANCREDO.

H.R. 621: Mr. SCOTT of Virginia and Mr. WITTMAN of Virginia.

H.R. 715: Mr. HINOJOSA.

H.R. 728: Mr. HINOJOSA, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, Mr. DOOLITTLE, and Mrs. JONES of Ohio.

H.R. 772: Ms. BALDWIN.

H.R. 989: Mr. DUNCAN.

H.R. 1050: Mr. LEWIS of Georgia.

H.R. 1105: Mr. BOOZMAN.

H.R. 1110: Ms. WATSON and Mr. BROWN of South Carolina.

H.R. 1157: Mr. DEAL of Georgia.

H.R. 1222: Mr. BOOZMAN.

H.R. 1223: Mr. BOOZMAN.

H.R. 1264: Mr. BOOZMAN.

H.R. 1343: Mr. CULBERSON and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1363: Mr. EMANUEL, Ms. LORETTA SANCHEZ of California, and Mr. HINOJOSA.

H.R. 1474: Mr. HALL of Texas.

H.R. 1497: Mr. KAGEN and Mr. ELLISON.

H.R. 1524: Mr. FARR, Mr. BOOZMAN, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. TOWNS, and Mr. KILDEE.

H.R. 1527: Mr. DOOLITTLE and Mr. LAHOOD.

H.R. 1535: Mr. CARSON.

H.R. 1553: Mr. TIERNEY and Mr. WITTMAN of Virginia.

H.R. 1589: Mr. RAHALL.

H.R. 1609: Mr. MITCHELL.

H.R. 1619: Mr. HOLDEN.

H.R. 1665: Mr. OBERSTAR, Mr. MANZULLO, and Mr. KUHL of New York.

H.R. 1738: Ms. MCCOLLUM of Minnesota.

H.R. 1742: Mr. BISHOP of New York and Mr. CULBERSON.

H.R. 1888: Mr. GARRETT of New Jersey.

H.R. 1919: Mr. BOSWELL and Mr. FERGUSON.

H.R. 1938: Mr. CHANDLER.

H.R. 1984: Mr. WU.

H.R. 1992: Ms. ZOE LOFGREN of California.

H.R. 2052: Ms. SUTTON and Mr. HARE.

H.R. 2054: Mr. RYAN of Wisconsin and Mr. KAGEN.

H.R. 2063: Mr. PAYNE.

H.R. 2092: Mr. FARR.

H.R. 2106: Mr. KELLER.

H.R. 2123: Mr. SESTAK.

H.R. 2232: Mr. ELLISON.

H.R. 2267: Mr. MCCAUL of Texas.

H.R. 2514: Mr. ROSS.

H.R. 2585: Mr. CUELLAR.

H.R. 2634: Mrs. BIGGERT and Mr. BACA.

H.R. 2686: Mr. SCOTT of Georgia, Mr. BOSWELL, Mr. THOMPSON of California, Mrs. GILLIBRAND, Mr. TAYLOR, Mr. ARCURI, Mr. WILSON of Ohio, Mr. SPACE, and Mr. CARDOZA.

H.R. 2694: Mr. WELCH of Vermont.

H.R. 2702: Mr. RYAN of Ohio.

H.R. 2790: Mr. BOOZMAN.

H.R. 2820: Mr. BURGESS.

H.R. 2885: Mrs. BACHMANN.

H.R. 2897: Ms. DEGETTE, Mr. ALLEN, Mr. GENE GREEN of Texas, and Mr. ALTMIRE.

H.R. 2933: Mr. WALZ of Minnesota.

H.R. 3089: Mr. POE, Mr. ADERHOLT, and Mr. WILSON of South Carolina.

H.R. 3175: Mr. KIRK.

H.R. 3229: Ms. KILPATRICK, Ms. LEE, Mr. CLEAVER, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Ms. CLARKE, Mr. CLAY, Mr. CLYBURN, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. MEEKS of New York, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WYNN, Mr. CARSON, and Ms. RICHARDSON.

H.R. 3232: Mr. ETHERIDGE, Mr. MCDERMOTT, and Mr. LAHOOD.

H.R. 3298: Mr. FOSTER.

H.R. 3404: Mr. CUMMINGS.

H.R. 3513: Mr. TOWNS.

H.R. 3533: Mr. BERRY.

H.R. 3543: Ms. WATERS, Mr. KLEIN of Florida, and Mr. ELLISON.

H.R. 3658: Mr. SMITH of New Jersey.

H.R. 3660: Mr. RAHALL and Mr. SMITH of Nebraska.

H.R. 3797: Mr. FRANK of Massachusetts.

H.R. 3829: Mr. MOORE of Kansas.

H.R. 3846: Mr. BUTTERFIELD.

H.R. 3852: Mr. DOOLITTLE.

H.R. 3934: Mr. CULBERSON.

H.R. 3979: Mr. HOLT.

H.R. 3980: Mr. SIRES.

H.R. 4000: Mr. SNYDER.

H.R. 4044: Mr. MCINTYRE.

H.R. 4061: Mr. JOHNSON of Georgia, Mr. WAMP, and Mr. CANNON.

H.R. 4088: Mr. BACHUS and Mr. HULSHOF.

H.R. 4093: Mr. ELLISON and Ms. ESHOO.

H.R. 4105: Mr. DOOLITTLE and Mr. ALTMIRE.

H.R. 4107: Mr. MARSHALL.

H.R. 4138: Mr. BOSWELL and Mr. KIRK.

H.R. 4139: Mr. ROSS.

H.R. 4157: Mr. PICKERING and Mrs. SCHMIDT.

H.R. 4337: Mr. FILNER and Mr. LOBIONDO.

H.R. 4355: Mr. BERRY, Ms. BERKLEY, Mr. FARR, and Mr. ELLISON.

H.R. 4464: Mr. COBLE, Mr. CAMP of Michigan, Mrs. CUBIN, Mrs. BACHMANN, and Mr. MCHUGH.

H.R. 4544: Mr. LYNCH.

H.R. 4651: Ms. SCHAKOWSKY.

H.R. 4900: Mr. LEWIS of Kentucky, Mr. DENT, Mr. ROGERS of Kentucky, Mr. WILSON of Ohio, Mr. GOODLATTE, Ms. GRANGER, Mr. UPTON, and Mr. HERGER.

H.R. 4930: Mr. LINCOLN DAVIS of Tennessee, and Mr. TOM DAVIS of Virginia.

H.R. 5087: Mr. SALI.

H.R. 5131: Mr. MARSHALL and Mr. COURTNEY.

H.R. 5143: Mr. MCNERNEY and Mr. KIND.

H.R. 5157: Mr. MEEKS of New York.

H.R. 5176: Mr. COSTELLO.

H.R. 5179: Mr. PRICE of North Carolina.

H.R. 5235: Mr. LATTA.

H.R. 5266: Mr. MARKEY and Mr. MCGOVERN.

H.R. 5267: Mr. MEEKS of New York and Mr. FRANKS of Arizona.

H.R. 5443: Mr. SMITH of New Jersey, Mr. CHABOT, and Mr. BOOZMAN.

H.R. 5445: Mr. BUYER, Mr. KLEIN of Florida, and Mr. SALI.

H.R. 5464: Mr. MEEKS of New York.

H.R. 5465: Mr. EMANUEL.

H.R. 5467: Mrs. BLACKBURN and Mr. DONNELLY.

H.R. 5481: Mr. MICHAUD, Mr. PUTNAM, and Mr. GORDON.

H.R. 5488: Mr. FILNER and Ms. JACKSON-LEE of Texas.

H.R. 5490: Mr. JORDAN, Mr. MARCHANT, Mr. Fortuño, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. WILSON of South Carolina, Mr. ROYCE, Mr. WELDON of Florida, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. TANCREDO, Mr. GINGREY, Mrs. MUSGRAVE, and Mrs. BACHMANN.

H.R. 5507: Mr. BRADY of Pennsylvania.

H.R. 5515: Mr. BONNER and Mr. MOORE of Kansas.

H.R. 5519: Mr. WALSH of New York.

H.R. 5532: Mr. WOLF.

H.R. 5534: Mr. KILDEE, Mr. FILNER, Mr. GALLEGLY, and Mrs. MALONEY of New York.

H.R. 5546: Mr. ELLISON.

H.R. 5552: Mr. KLEIN of Florida.

H.R. 5610: Mr. TOWNS.

H.R. 5613: Mr. ABERCROMBIE, Mr. KILDEE, Mr. DELAHUNT, Mr. ALTMIRE, Mr. KAGEN, Mr. STUPAK, Mr. TIERNEY, Mr. CARDOZA, and Mr. WYNN.

H.R. 5618: Mr. INSLEE and Mrs. CAPPS.

H.R. 5635: Mr. BOUCHER.

H.R. 5640: Mr. PAYNE.

H.R. 5641: Mr. KILDEE.

H.R. 5668: Ms. FOXX.

H. J. Res. 12: Mr. HELLER.

H. J. Res. 53: Mr. PAYNE and Mr. CARNAHAN.

H. Con. Res. 33: Mr. ELLISON.

H. Con. Res. 70: Mr. KAGEN and Mr. MCDERMOTT.

H. Con. Res. 244: Mr. COSTELLO, Mr. PAYNE, Mr. SHIMKUS, Mr. FORTENBERRY, Mrs. BIGGERT, and Mr. DOOLITTLE.

H. Con. Res. 249: Mr. YOUNG of Alaska and Mr. WAXMAN.

H. Con. Res. 294: Mr. UDALL of New Mexico, Mr. OBERSTAR, Mr. GORDON, Ms. SHEA-PORTER, Mr. BOSWELL, and Mr. MARCHANT.

H. Con. Res. 295: Mr. CARTER.

H. Con. Res. 305: Mr. GILCHREST, Ms. NORTON, and Mr. LEWIS of Georgia.

H. Con. Res. 318: Mr. TOWNS, Ms. BORDALLO, and Ms. MCCOLLUM of Minnesota.

H. Con. Res. 320: Mr. SMITH of Texas, Mr. CARTER, Mrs. MALONEY of New York, Mr. BRADY of Texas, Ms. NORTON, and Mr. MARCHANT.

H. Res. 76: Ms. RICHARDSON.

H. Res. 259: Ms. MCCOLLUM of Minnesota.

H. Res. 711: Mr. WALZ of Minnesota.

H. Res. 758: Mr. KNOLLENBERG.

H. Res. 820: Mr. KLEIN of Florida.

H. Res. 838: Mr. ACKERMAN, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. FILNER, Ms. GRANGER, Mr. DANIEL E. LUNGREN of California, Mr. PEARCE, Mr. TIBERI, and Mr. WITTMAN of Virginia.

H. Res. 896: Mr. WYNN and Mr. WATT.

H. Res. 977: Mr. ISRAEL.

H. Res. 981: Mr. BERMAN, Mr. WAMP, Mr. JEFFERSON, Ms. SOLIS, Mr. KING of New York, Mr. WILSON of South Carolina, Mr. ENGLISH of Pennsylvania, Mrs. LOWEY, and Mrs. BLACKBURN.

H. Res. 984: Mr. LAMPSON and Mr. UDALL of Colorado.

H. Res. 987: Mr. LEWIS of Georgia, Mr. BISHOP of New York, Mr. FILNER, Mr. CHANDLER, and Mr. BARROW.

H. Res. 1002: Mr. EHLERS, Mr. BOSWELL, Mr. NADLER, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. RAMSTAD, Mr. BISHOP of New York, Mr. HODES, and Mr. WALZ of Minnesota.

H. Res. 1008: Mr. RAMSTAD, Mr. SALI, and Mr. SHIMKUS.

H. Res. 1011: Mr. MCCOTTER, Ms. LEE, Mr. FRANK of Massachusetts, and Mr. MCINTYRE.

H. Res. 1026: Mr. BOYD of Florida, Mr. ROSS, Ms. HERSETH SANDLIN, Mr. ARCURI, Mr. BARROW, Ms. BEAN, Mr. BERRY, Mr. BOSWELL, Mr. CARNEY, Mr. SPRATT, Mr. COOPER, Mr. COSTA, Mr. CRAMER, Mr. LINCOLN DAVIS of Tennessee, Ms. HARMAN, Mr. HILL, Mr. HOLDEN, Mr. LAMPSON, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. PETERSON of Minnesota, Mr. SPACE, Mr. WILSON of Ohio, Mr. MATHESON, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLYBURN, Mr. ELLISON, Mr. FATTAH, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. RANGEL, Mr. THOMPSON of Mississippi, Ms. WATSON, Ms. RICHARDSON, and Mr. CARSON.

H. Res. 1028: Mr. BRADY of Pennsylvania.

H. Res. 1037: Mr. BILBRAY.

H. Res. 1044: Mr. HINCHEY.

H. Res. 1063: Mr. KING of New York and Mr. WILSON of South Carolina.

H. Res. 1064: Mr. CAMP of Michigan, Mr. KING of New York, Mr. BOOZMAN, and Mr. CONYERS.

H. Res. 1070: Mr. GILCHREST and Ms. BORDALLO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1108: Mr. PITTS.

H.R. 1983: Mrs. EMERSON.

H. Res. 865: Mr. BURTON of Indiana.

EXTENSIONS OF REMARKS

YULIANA ESPINOZA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Yuliana Espinoza who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Yuliana Espinoza is a student at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Yuliana Espinoza is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Yuliana Espinoza for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

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IN RECOGNITION OF HARRISON HIGHTOWER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Harrison Hightower's victory at the Ohio High School Athletic Association's 2008 Division II Wrestling Championships.

Harrison Hightower is a star senior at Hunting Valley University School in Strongsville, Ohio, and bested his 130 lb. weight class with a 7-2 decision. Hunting Valley University School has a strong wrestling program and a history of cultivating champions. Hightower, loved by his friends and family for his sense of humor, is now a local hero and an example of what perseverance and dedication to your sport, school and teamwork can do.

Madam Speaker and colleagues, please join me in recognizing the accomplishments of Harrison Hightower, an outstanding team member and now a State wrestling champion.

* * *

TRIBUTE TO CAMILLE "KING DERBY" MACEDON

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mrs. CHRISTENSEN. Madam Speaker, I rise to salute a cultural icon in my home community of St. Croix, U.S. Virgin Islands, Camille "King Derby" Macedon, who has spent much of his life in the performance and preservation of our musical art forms.

In 1957, Camille "King Derby" Macedon began singing calypso, or "kaiso" as he always reminds us, as it is a link from our African musical heritage that took root in the Caribbean over the 400 years of our people's sojourn there. Since that time he has performed for audiences large and small and is an 11-time winner of the St. Croix Calypso Crown. He has won competitions in calypso tents from St. Lucia to Canada.

King Derby is a well-known figure, as he performs with his ukulele, solo or with a quelbe band, lending his rhythm and distinctive musical styling to the songs of our lives, which are often social commentary par excellence. He has recorded several popular compositions such as "Juan Luis Jam" (1979), "Rum and Coke" (1989), and "Witey Could Wine" (1982).

In 1982, in an effort to preserve the calypso art form, King Derby founded Calypso, Inc., an organization which gives workshops in the Virgin Islands schools to students who have the talent and are interested in becoming musicians. He has taught our youth the traditional means of preserving history and telling stories with local flavor and color in order to keep our vibrant culture alive. The young people with whom he has worked over the past two decades are known as "Junior Calypsonians" and perform every year during our Christmas Festival and Agricultural Festival.

As his day job, Camille "Derby" Macedon has worked for the Virgin Islands Department of Public Works for the past 40 years, the last 20 in the Utilities Division.

He has been married for 39 years to his wife Leona and they have seven children to include Walton, Randall, Michelle, Renee, Doreen, Monique, Marjorie and Aubrey.

* * *

HONORING THE 85TH ANNIVERSARY OF THE LT. JOSEPH M. WILCOX CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. BONNER. Madam Speaker, today I rise to pay tribute to the Lt. Joseph M. Wilcox Chapter of the Daughters of the American Revolution (DAR) on the occasion of its 85th anniversary.

The National Society of the Daughters of the American Revolution was organized on August 9, 1890, in Washington, DC. Thirty-three years later, on February 8, 1923, the DAR chapter in Camden, Alabama, was founded by my grandmother, Ezra Robins Bonner, with 19 charter members. The chapter will celebrate its 85th anniversary on April 3, 2008, at Camden Associate Reformed Presbyterian Church.

The DAR, which is headquartered in Washington, DC, is a volunteer women's service organization dedicated to promoting patriotism and preserving American history through better education for children. The society's purpose remains much the same today as when it was chartered by an Act of Congress in 1895: "To perpetuate the memory and spirit of the men and women who achieved American independence; to promote, as an object of primary importance, institutions for the general diffusion of knowledge; to cherish, maintain and extend the institutions of American freedom, to foster true patriotism and love of country."

Nationally, DAR members volunteer more than 60,000 hours annually to veteran patients, award over $150,000 in scholarships and financial aid each year to students, and support schools for the underprivileged with annual donations in excess of one million dollars.

Madam Speaker, the organizing and charter members of the Lt. Joseph M. Wilcox Chapter were: Ezra Robins Bonner, Regent; Ervin McWilliams Carr, Vice Regent; Madison McWilliams Ervin, Recording Secretary; Nannie Miller Turner, Corresponding Secretary; Charlotte Tait Beck, Treasurer; Lucy D. Jones Moore, Registrar; Mary Goode Berry, Chaplain; Sarah Ervin Henderson, Historian; Grace Pugh Goode; Anna Mary Robins Crain; Katie Lee Robins; Janie Margaret Robins Wood; Narcissa McDowell Harris; Maud McWilliams; Amelie Ervin Hixon; Henrietta Irby; Mary Bibb Irby; Miriam Perryman Primm; and Mabel Stokes. May all of these ladies—and their proud descendants—know that their work throughout the years has left a lasting mark on the people of Wilcox County, Alabama.

It is indeed my sincere hope that the Lt. Joseph M. Wilcox Chapter of the Daughters of the American Revolution will continue its vital service for another 85 years. I ask my colleagues to join me today in recognizing the Camden chapter, along with all of the other DAR chapters around the country, for their patriotism and love of country, as well as for their dedication and hard work. We wish them all the best at this historic celebration.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A PROCLAMATION HONORING ARRIANNA SCHROCK FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SPACE. Madam Speaker:

Whereas, Arrianna Schrock showed hard work and dedication to the sport of basketball; and

Whereas, Arrianna Schrock was a supportive team player; and

Whereas, Arrianna Schrock always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Arrianna Schrock on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

HONORING HAMILTON HORNETS GIRLS HIGH SCHOOL BASKETBALL TEAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievement of the Hamilton Hornets Girls High School Basketball team on defeating the Westran Hornets by a score of 46–39, to win the Class 2A girls' basketball state championship. The Hornets finished their incredible season by posting an unblemished record of 32–0 this season in Class 2A girls' basketball. This team is the second team in the school's history to have an undefeated season.

The Hornets consist of 15 remarkable young women, including Jordan Esry, Lacy Jones, Micah Brown, Taryn Bruce, Ashley Flook, Eileen Greenwood, Shelby Dickey, Carissa Conger, Brooke Flook, Lindsay Vollmer, Katie Jones, Emily Schieber, Angie Dalton, Katie Rasmussen and Kelsey Schieber.

Also, I want to recognize the great leadership of the team, including Head Coach David Prather, who was assisted by Christy Prather and Sara Lasher. I also want to acknowledge the work of school administrators, Superintendent Steve Yost, Principal Tim Schieber, and Athletic Director Troy Ford, as additional keys to success.

Madam Speaker, I ask you to join me in congratulating the achievement of the Hamilton Hornets Girls High School Basketball team on their perfect season and state championship. It is an honor to represent this team in the United States Congress.

TAYLOR PLATT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Taylor Platt who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Taylor Platt is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Taylor Platt is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Taylor Platt for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt he will exhibit the same dedication he has shown in his high school career to his college career and future accomplishments.

HONORING THE LIFE OF CAROL KIENER

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory of Carol Kiener, a resident of the First District, who passed away on March 24th of this year.

Mrs. Kiener was a pillar of her community and cornerstone of her family. Our thoughts and prayers are with her family during this difficult time.

Mrs. Kiener spent more than thirty years in the field of education. She loved life and shared that with the children she taught. As a passionate volunteer, Mrs. Kiener taught adult GED classes in her spare time.

Outside of teaching, Mrs. Kiener volunteered her time with the Washington County Historical Society, the Girl Scouts of America, and the March of Dimes. She also was an active member of the Washington County Republican Women and was a member of the B'nai Sholom Congregation in Bristol.

Mrs. Kiener was well respected by her students, colleagues, and parents as an admired educator. Madam Speaker, I ask you and my fellow members to join me in honoring the life of Mrs. Carol Kiener, a loving wife, servant in her community, and a compassionate educator, whose commitment and unwavering determination will be greatly missed throughout East Tennessee.

HONORING PFC PATRICK J. MILLER

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. BILIRAKIS. Madam Speaker, Patrick J. Miller of New Port Richey, Florida, was killed in Iraq over the weekend defending the freedom and liberties of those unable to defend themselves.

Private First Class Miller, also known as P.J., was assigned to the 1st Infantry Division, stationed in Fort Riley, Kansas. He was deployed in Iraq since September 2007 and was fatally wounded when his unit came up against an IED attack and small arms fire during combat operations in Baghdad.

Although I did not have the privilege of knowing this courageous young man, by all accounts he was someone who lived every day with the same honor and integrity that he brought to the service of his country.

Prior to joining the Army, P.J. graduated from Mitchell High School in New Port Richey. While there, he excelled both in academics and athletics. These traits would serve him well later in life in both college and as a soldier in the U.S. Army. P.J. eventually earned his bachelor's degree in biology from the University of South Florida and aspired to one day further his education in graduate school.

Private First Class Miller's life was one of courage, perseverance and determination. He gave the ultimate sacrifice to protect us and the country he loved. This is a debt that can never be repaid to his family and loved ones.

Madam Speaker, I am saddened by the loss of P.J. and grieve for his family. May God bless them and comfort them in this time of great loss. May God also bless this great country for which Private First Class Miller so nobly fought and died. We shall never forget him.

40TH ANNIVERSARY OF NATALIA, TEXAS AND THE 20TH ANNUAL BLUEBONNET FESTIVAL

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. RODRIGUEZ. Madam Speaker, I am honored to rise today to recognize the 40th anniversary of Natalia, Texas and the 20th Annual Bluebonnet Festival, to be held on Saturday, April 5, 2008. The Bluebonnet Festival has grown into a homecoming for former residents and others who wish to celebrate the incorporation of Natalia, Texas.

Natalia was founded in 1912 by Dr. Frederick Stark Pearson who named the town in honor of his daughter, Natalia Pearson Nicholson. Dr. Pearson was the engineer, designer and builder of the Medina Dam, and Natalia was established as the headquarters for the irrigation district. Destined to be the "Queen City of the Southwest," Natalia was quickly built with macadamized streets, electric power and water works. Today Natalia continues to be home to the seat of the irrigation district, now known as the Bexar, Medina, Atascosa Water District (BMA). BMA owns and operates Medina Dam, Medina Lake and the entire canal system, furnishing water for 35,000 acres of land year-round for vegetable crops, grain and hay.

Though established by Dr. Pearson, Natalia was not incorporated as a city until March 2, 1968. In January of that year, a group of 50 citizens petitioned Medina County to incorporate as a municipality using a City Council form of government. A vote was held on the 2nd of March and by a tally of 116 to 50, Natalia, Texas was incorporated. Just a few weeks later the first elections for Mayor, Alderman and City Marshall were held. During the 40 years of the City of Natalia's existence, the goal of its elected officials has always been to offer a better quality of life for its citizens. Natalia continues to retain its small-town charm while also constantly preparing for the future.

There is perhaps no better way to celebrate Natalia's anniversary than with the Texas Bluebonnets. The flower blooms in early spring across fields and roadsides in central and south Texas. Aptly named for its vibrant color and shape, the Bluebonnet's petal is often said to resemble a woman's sunbonnet. Though especially prevalent in towns like Natalia, the Bluebonnet has come to symbolize the entire State of Texas and it was chosen as its state flower in 1901. The annual Bluebonnet Festival celebrates not only the anniversary of Natalia, but also the wild beauty that we have come to associate with the Bluebonnet and the untamed landscape of West Texas.

As they celebrate 40 years of city incorporation, I congratulate all current and past residents of Natalia, Texas for working to achieve the dream of Dr. Pearson of being the "Queen City of the Southwest."

CHRISTINE SHEHAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Christine Shehan who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Christine Shehan is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Christine Shehan is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Christine Shehan for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

IN REMEMBRANCE OF ROBERT E. DOGGETT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Robert E. Doggett, and to honor a life spent in service to his country, his community, and his family.

As a young man, Mr. Doggett served our country bravely during World War II, earning a Purple Heart of Honor for his service in the first African-American army combat unit in the South Pacific Theatre. After returning stateside from his service, he followed his parents to Cleveland to put down roots in Northeast Ohio in the late 1940's. An artist at heart and by trade, he first utilized his artistic talents by designing calendars for local businesses. He later began work with the City planning commission as a draftsman in 1951, work which would mark the beginning of a career-long commitment to the City of Cleveland and the residents of Northeast Ohio. During his twenty years at the City planning commission, he became the city's first African-American senior planner. His integrity and work ethic carried him up the ranks quickly when in 1972, Mayor Ralph Perk appointed Mr. Doggett as the Cleveland director of the federal community redevelopment Model Cities Initiative, a program dedicated to rebuild Cleveland's East Side. To top off his career of civic service, Robert is responsible for the architectural designs of more than thirty churches, office buildings and restaurants.

Recognized for his talents as a great abstract and landscape artist by his friends and family, he was also a known jazz aficionado and has met Jazz greats Duke Ellington and Lionel Hampton who both performed regularly in the Cleveland area. Mr. Doggett is survived by his loving wife of 53 years, Georgia; his children Lisa, Enid and Steven; and one granddaughter. He will be affectionately remembered by his family and friends for his compassion, humor, intelligence and artistic talents.

Madam speaker and colleagues, please join me in remembering Robert E. Doggett, and to honor his commitment to his country, community, and family. May his exemplary life serve as an example for us all to follow.

TRIBUTE TO MR. RHUDEL A. GEORGE

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mrs. CHRISTENSEN. Madam Speaker, I am proud to recognize a man from my district, the U.S. Virgin Islands, who is being celebrated as a "selfless humanitarian." Mr. Rhudel A. George is well known in our community as a tireless government worker, an advocate for the small businessman, a teacher and a political organizer. As a friend and supporter that I can always count on, Rhudel is exemplary. We are all encouraged by his work as president of Concerned Virgin Islanders, an advocacy group that is determined to both preserve and invigorate the cultural touchstones that make the Virgin Islands special.

He grew up in the Down Street area of Charlotte Amalie, St. Thomas and graduated in 1956 from the Charlotte Amalie High School (CAMS). He relocated to New York City where he joined the army in 1957 and served honorably for two years, leaving with a rank of Specialist 4th Class. Upon returning to the territory in 1959, he worked in both the private and public sector, while at the same time pursuing a Bachelor of Arts degree in Business Management at the University of the Virgin Islands in 1975. In 1975, he began to work for the V.I. Small Business Development Agency, first as a Field Investigator, and later as a Loan Officer. He was appointed Deputy Director of the Agency by Governor Alexander Farrelly and rose to the position of Director, where he served until his retirement in 1995. In addition, Rhudel George served as a part-time instructor of business management and accounting at the CAHS Adult Continuing Education Program from 1981 through 1990. He also taught Business Management at the University of the Virgin Islands in 1991. He also served as a panelist with the U.S. Small Business Administration, conducting small business seminars and workshops in the U.S. Virgin Islands, the British Virgin Islands, and St. Martin for over 10 years.

Mr. Rhudel George received several prestigious awards for his work, to include being named the Small Business Advocate of the Year from the U.S. Small Business Administration 1990/1991 and a Certificate of Commendation for Service beyond the call of duty after Hurricane Hugo in 1989. He also served his community on various boards and commissions, lending his financial and business management expertise as Chairman of the Finance Committee of the Virgin Islands Port Authority, the Public Employees Relations Board, the Board of Land Use Appeals, the V.I. Small Business Development Agency's Board, the U.S. Small Business Administration Advisory Council for Puerto Rico and the U.S. Virgin Islands.

Rhudel George is currently the President of Concerned Native Virgin Islanders, Inc., an organization that has awarded 15 scholarship awards to deserving high school graduates. Mr. Rhudel George is an extraordinary community minded individual who has lent his expertise when needed. He has been married for 43 years to Lucia Cid-George and has two daughters, Semele and Sionne.

HONORING THE MEMORY OF THE HONORABLE WILLIAM DICKINSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. BONNER. Madam Speaker, it is with great sadness that I rise today to honor the memory of former Alabama Congressman William "Bill" Dickinson and his lifetime of dedication to the people of Alabama and the United

States. I was deeply saddened to learn of his passing. Our Nation lost a wonderful friend and an individual who made countless contributions toward the betterment of America.

A native of Opelika, Alabama, Bill enlisted in the Navy upon graduation from high school. He served from 1943 until 1946 before joining the Air Force Reserves. He graduated from the University of Alabama Law School in 1950 and was admitted to the bar that same year. He returned to his hometown of Opelika and practiced law there until 1952 when he became an Opelika city judge. Two years later, he became judge of Lee County Court of Common Pleas and of the Juvenile Court before becoming a judge on the Fifth Judicial Circuit of Alabama in 1958. In 1962, Bill was named assistant vice president of the Southern Railway System and moved to Montgomery.

A lifelong conservative Democrat, Bill changed parties in 1964 and ran as a Republican to the U.S. House of Representatives for Alabama's Second District. In so doing, he was part of the Barry Goldwater sweep in Alabama that propelled five Republican congressional candidates to victory in what had previously been solid Democratic country.

Bill Dickinson went on to serve 13 consecutive terms in Congress and was a leading advocate for a strong national defense. He served as ranking member of the House Armed Services Committee, and from this position, he was a staunch supporter of increased military funding and halting the spread of communism throughout the world. He was also a fierce protector of military bases vital to Alabama's economy.

Madam Speaker, we are privileged to have known such a passionate and loyal individual, and I ask my colleagues to join me in remembering this dedicated public servant. Congressman Dickinson will be deeply missed by his family—his wife, Barbara; their four children, Christopher Dickinson, Michael Dickinson, Tara Dickinson Sherer, and William Dickinson, Jr.; and their five grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

A PROCLAMATION HONORING KATELYN STUCKEY FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SPACE. Madam Speaker:

Whereas, Katelyn Stuckey showed hard work and dedication to the sport of basketball; and

Whereas, Katelyn Stuckey was a supportive team player; and

Whereas, Katelyn Stuckey always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Katelyn Stuckey on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

HONORING RODNEY ALEXANDER AMES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Rodney Alexander Ames, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 134, and in earning the most prestigious award of Eagle Scout.

Rodney has been very active with his troop, participating in many Scout activities. Over the many years Rodney has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Rodney Alexander Ames for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ATSEDU KIDANE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Atsedu Kidane who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Atsedu Kidane is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Atsedu Kidane is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Atsedu Kidane for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

LOSS OF GEORGE LACKMAN

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Ms. CASTOR. Madam Speaker, I rise today to herald the lifetime achievements of Tampanian George Lackman. Mr. Lackman was a jack of all trades. He made contributions to our community ranging from shipbuilding to banking to philanthropy.

Mr. Lackman was born in Palmetto Beach in 1931. He spent most of his career as a shipbuilder. He worked his way up the ranks from a mechanic's assistant to vice president at Tampa Ship Repair and Dry Dock, and he oversaw construction of Tampa's legendary pirate ship, the Jose Gasparilla. For 35 years he served as the ship's captain during Tampa's annual pirate invasion and festival, "Gasparilla." He also built submarines and stern-wheelers and refurbished a steam locomotive for the opening of the Magic Kingdom at Walt Disney World in 1971.

Working with bass pro Doug Hannon, Mr. Lackman invented an electric boat propeller that prevents seaweed from becoming entangled in the blades. Many anglers swear by this invention, and Mr. Lackman would joke that it raised enough money to put his kids, son Peter and daughter Nancy, through college.

In a new career endeavor, Mr. Lackman founded Citrus Park Bank, where he served as president. Later, he started the private banking program for First Union Bank in Tampa. He retired from First Union as vice president of corporate development. He also served as president of Nutri-Sol Chemical Company, Marine Insulation Company, Corban Industries, and Acetogen Gas Company of Florida.

In his philanthropic efforts, Mr. Lackman started Genesis Clinic to provide prenatal care to mothers who were unable to afford proper health care. Infant mortality dropped in Tampa as a result of the services provided at Genesis. He also served as chairman of the Hillsborough County Hospital Board for two terms and helped save Tampa General Hospital when it faced the possibility of closing its doors.

Madam Speaker, Mr. Lackman's death on March 29 marked a great loss to his wife Patricia, to Peter and Nancy, to his grandchildren George III, Caroline, and Grace, and to the entire Tampa Bay area. His unique contributions to our community and his common sense and intelligence will not soon be forgotten.

EXPRESSING SOLIDARITY WITH GREECE AHEAD OF THE NATO SUMMIT AND URGING A MUTUALLY AGREED UPON RESOLUTION TO THE NAME ISSUE REGARDING FYROM

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. BILIRAKIS. Madam Speaker, I rise today to voice my support for a resolution of a 15-year impasse on a mutually agreed upon name for the Former Yugoslav Republic of Macedonia as we near the North Atlantic Treaty Organization (NATO) Heads of State and Government summit in Bucharest, Romania. One of the major issues considered will be the expansion of NATO and the possible extension of membership invitations to Albania, Croatia and the Former Yugoslav Republic of Macedonia (FYROM). Greece is the greatest supporter and promoter for the realization of the Euro-Atlantic aspirations of all countries in S.E. Europe and has contributed to that end enormous human and financial capital.

Greece has been FYROM's best friend in the Balkan neighborhood by donating over $1 billion in aid and bolstering its fledgling market economy. While Greece wholehearted, however, cannot agree to the accession of FYROM that is wholly contrary to the principles of NATO.

According to the Membership Action Plan NATO adopted in 1999, potential members must first display a willingness "to settle international, ethnic or external territorial disputes by peaceful means, commitment to the rule of law and human rights, and democratic control of armed forces." Clearly, the FYROM has failed to meet even this first criterion. The addition of FYROM to NATO would undoubtedly enhance the Alliance but only if it displays an adherence to the rule of law. FYROM must resolve the name issue in accordance with adherence to U.S. policy and a UN-brokered agreement that calls for ending negative propaganda against Greece by the Former Yugoslav Republic of Macedonia (FYROM) and setting the name issue.

Madam Speaker, I hope that NATO and the international community will do the right thing by requiring FYROM to work with Greece in reaching a mutually agreed upon name resolution that comports with bilateral and international agreements. Once that is accomplished we can then and only then know that FYROM is serious about engaging in good neighborly relations.

81ST BIRTHDAY OF CESAR CHAVEZ

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. RODRIGUEZ. Madam Speaker, I am proud to rise today to recognize and to celebrate what would have been the 81st birthday of Cesar Chavez by urging Congress and the President to make this day a national holiday.

Cesar Chavez grew up in migrant labor camps, into the poverty of a migrant worker's life. He became an historical figure who embodied humility and extraordinary strength in his peaceful struggle toward social justice. By dedicating his life to tirelessly championing the rights of farm laborers, along with Dolores Huerta, he helped found the United Farm Workers Union, fighting for better wages, conditions, and respect for farmworkers.

As our country faces the continuing bad news on the economy and more Americans are searching for jobs, we are reminded on the birthday of Cesar Chavez that the types of working families to whom Chavez dedicated his life will suffer the most if gas prices continue to rise, people continue to lose their homes, and job losses continue to grow.

Cesar Chavez has been an icon in my home State of Texas, where he is honored statewide on his birthday. In San Antonio, there is an annual Cesar Chavez march, which took place this past Saturday and had about 4,000 people in attendance. In San Antonio, we also have Cesar Chavez Boulevard, and in the county of Hidalgo there is a town named after Cesar Chavez, where 1,469 people live.

I hope that his legacy and memory will someday become a fundamental piece of American history so that all Americans will understand the fight that Cesar Chavez began in the fields—a fight for social justice, civil rights, and human rights that continues today.

Therefore, Madam Speaker, I rise today to encourage my colleagues in urging the President and Congress to establish a national holiday by passing H. Res. 76.

ARIEL TOVAR

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Ariel Tovar who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Ariel Tovar is a student at Arvada Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Ariel Tovar is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Ariel Tovar for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

IN HONOR OF MAYOR THOMAS P. PERCIAK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Honorable Thomas P. Perciak, the Mayor of the City of Strongsville, Ohio. A profoundly respected and influential member of Cleveland's Polish community and a leader of greater Cleveland's civic culture, Mayor Perciak is the recipient of the Forty-Fifth annual "Good Joe" Polish Heritage Award.

Mayor Perciak, a lifelong resident of the Cleveland area, carries with him a rich history of public service and advocacy for northeast Ohio, especially in the Polish community. A graduate of the David M. Myers University, he has served and continues to serve in many leadership roles. Prior to becoming Mayor of Strongsville, he held various senior positions within Fifth Third Bank, including Executive Vice President of the Northeastern Ohio region. In addition, Mayor Perciak leads the charitable gift and fundraising arm of Southwest General Hospital as Chairman of the Southwest General Community Health Foundation, a position he has held since 1996.

From his time as a student at St. Andrews Abbey—founded Benedictine High School—located in Cleveland—to his volunteer service on their Board of Trustees, Mayor Perciak has represented the Benedictine Order of Cleveland with pride and distinction. His religious faith also compels him to dedicate his time and talent toward serving on the Board of Financial Advisors for the Diocese of Cleveland, as well as on the Finance Committee of St. John Neumann Catholic Church.

Mayor Perciak has been the recipient of many honors and awards, including induction into the Benedictine High School Hall of Honors and Companions on the Journey Awards of outstanding service and generosity. In addition, in the summer of 2007, the Southwest General Residential Hospice was renamed the Thomas P. Perciak Family Residential Hospice.

Madam Speaker and colleagues, please join me in recognizing Mayor Thomas Perciak for his outstanding and tireless efforts as a supporter and advocate for Polish causes, as well as for his extensive and diverse service to many individuals and families who call the Cleveland area home.

A PROCLAMATION HONORING REBEKAH THOMAS FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SPACE. Madam Speaker:

Whereas, Rebekah Thomas showed hard work and dedication to the sport of basketball; and

Whereas, Rebekah Thomas was a supportive team player; and

Whereas, Rebekah Thomas always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Rebekah Thomas on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

HONORING JOSHUA TYLER BOYDSTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua Tyler Boydston, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many Scout activities. Over the many years Joshua has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua Tyler Boydston for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF JUANITA PERRY

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory of Mrs. Juanita Perry, a longtime resident of the First District, who passed away on March 24th of this year.

Mrs. Perry was a leader in the First District where she has touched many lives through her countless hours of dedication to her community. Our thoughts and prayers are with her family as they mourn her loss.

Juanita loved to help anyone in need. She spent sixty-two years volunteering at Mountain Home Veterans Affairs Medical Center where she carried the name of "Little Sweetheart of Mountain Home."

Juanita was also a lifetime member at Veterans of Foreign Wars Auxiliary Post 2108 and Military Order of the Purple Heart Post 224. Her time spent with the Tennessee Federation of Republican Women's Club was honorable and she received a Certificate of Award from the National Federation of Republican Women in 2007.

Madam Speaker, I ask you and my fellow members to join me in honoring the life of Juanita Perry, a loving family member whose commitment and unwavering support to East Tennessee will be greatly missed.

RECOGNIZING WORLD AUTISM DAY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. LARSON of Connecticut. Madam Speaker, I rise today to recognize World Autism Day in an effort to increase awareness about one of the most common mental disorders afflicting our country today. Autism is becoming an increasingly common disorder; more and more children in America and throughout the world are born with it every day. The first step toward treating this incurable condition is recognition. Therefore, I rise today in support of World Autism Day and to help shed light on this growing and very serious problem.

The statistics concerning autism are, to say the least, alarming. One in 150 children born today is diagnosed with autism. One in 94 newborn boys is now autistic. In fact, today alone there will be approximately 67 new cases of autism diagnosed. That translates to a new diagnosis every 20 minutes. These are incredibly alarming numbers and we must recognize that this disorder is increasingly common and also that, while there is no cure, the quicker we identify what the problem is, the quicker we can act. We may not yet be able to cure autism, but with a strong commitment from the Federal Government we can create better lives for the growing number of children that are afflicted with this condition.

There is no medical way to detect autism in a child. We must rely on a physician's trained eye to diagnose a child as autistic, and even then we cannot cure it, we can only treat it. There are various symptoms that indicate autism that a physician must recognize. This is why awareness and education are so important.

Today, I would like to recognize the efforts of doctors, advocates and families on World Autism Day and also bring attention to the shocking frequency with which autism is diagnosed. Therefore, I rise today to recognize World Autism Day, to commend those working toward education, treatment and some day a cure and to offer my support for these efforts.

TRIBUTE TO POLICE CHIEF ALBERT W. BELL

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SALAZAR. Madam Speaker, it is with great pleasure that I pay tribute to a respected leader from southwest Colorado, Police Chief Albert W. Bell of Durango, Colorado. Chief Bell has served the community of Durango with distinction for 14 years and has now announced his retirement, effective April 5, 2008.

Chief Bell's career in law enforcement started 37 years ago as a patrolman for the Topeka Police Department. On July 1, 1999, then Colorado Governor Bill Owens appointed Chief Bell to the Colorado Peace Officer Standards and Training, POST, Board. Chief Bell served that Board with distinction and in the highest traditions of the law enforcement profession.

Chief Bell is a member of the Colorado Association of Chiefs of Police and has served on numerous boards that serve the interests of the citizens of Colorado. In service to his local community, Chief Bell has served as Undersheriff in the La Plata County Sheriff's Department and also served on the Community Connections Board at Hilltop House.

Chief Bell has demonstrated an outstanding level of professionalism and is recognized as a leader among law enforcement professionals in the Third Congressional District, fostering cooperative relationships amongst the Federal, State, and local law enforcement communities.

Madam Speaker, I commend Durango Police Chief Al Bell for his outstanding leadership, service, and dedication to the residents of Durango, Colorado. While we will all miss Chief Bell's service and dedication, I ask that you join me in wishing him well upon his retirement.

INTRODUCTION OF THE "GOVERNMENT ACCOUNTABILITY ACT OF 2008"

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. DAVIS of Illinois. Madam Speaker, the "Government Accountability Office Act of 2008" (the Act), is intended to improve the oversight, administration, and pay adjustment functions at the Government Accountability Office, GAO.

The former Comptroller General has asserted that Federal agencies should have "modern, effective, credible, and, as appropriate, validated performance management systems in place with adequate safeguards, including reasonable transparency and appropriate accountability mechanisms, to ensure fairness and prevent politicization and abuse." Some of the safeguards recommended by the Government Accountability Office, GAO, include a performance management system that makes meaningful distinctions in individual employee performance; involves employees and stakeholders in designing the system; and achieves consistency, equity, and non-discrimination.

Over the last 24 months, the subcommittee has conducted oversight, and more recently investigated, the implementation of GAO's new personnel system to determine if it meets the aforementioned criteria. The subcommittee found that it did not. In addition, based on its investigation the subcommittee concluded that, contrary to legislative intent, GAO employees who met and exceeded expectations in 2006 and 2007 did not receive the annual across-the-board increase that other GAO employees received.

The Act would restore the 2006 and 2007 annual across-the-board increase to GAO employees who met expectations but did not receive the adjustment. It would also set a "floor guarantee" that would preserve GAO's performance-based compensation system, while ensuring that GAO employees receive an annual increase in their permanent pay, provided they "meet expectations," that is at least equal to the Congressionally approved across-the-board increase.

The floor guarantee will be comprised of the annual adjustment to the GAO pay schedule plus the permanent merit pay increase received by an employee under GAO's merit pay system. At a hearing the subcommittee held on March 23, 2008, on this legislation and GAO's personnel reforms, the subcommittee learned from the Ivy Planning Group, a consulting firm hired by GAO to conduct an African American Performance Assessment Study at GAO, that there are significant differences between the ratings for African American analysts and Caucasian analysts. Therefore, the personnel reforms at GAO had a significant negative impact on African American staffers. Furthermore, a survey that was administered to GAO employees at my request, found that 81 percent of respondents thought morale in general at GAO is worse or much worse than before the reforms and a majority of the respondents felt that not having an across-the-board increase for all staff is very or somewhat unreasonable. While the subcommittee recognizes that more work needs to be done at GAO, the Act will help improve the morale at GAO and remedy the inequities that resulted from the denial of the 2006 and 2007 across-the-board adjustments.

Other provisions in the Act include creating a statutory Inspector General for GAO; permitting the Comptroller General, CG, greater flexibility to administer oaths to witnesses when auditing and settling accounts; enabling the CG to accept gifts and to make expenditures for meals and other expenses in connection with recruitment; and eliminates the statutorily imposed GS–15 pay cap to allow the CG the authority to pay employees up to the rate for Executive Level III. The Act has the support of GAO and its union, the International Federation of Professional and Technical Engineers.

"ALL IN A NAME," GREECE'S CONCERNS REGARDING THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA'S ACCESSION TO THE NORTH ATLANTIC TREATY ORGANIZATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Ms. ROS-LEHTINEN. Madam Speaker, later this week the North Atlantic Treaty Organization (NATO) will hold a Heads of State and Government summit in Bucharest, Romania. One of the major issues considered will be the expansion of NATO and the possible extension of membership invitations to Albania, Croatia and the Former Yugoslav Republic of Macedonia (FYROM). In this context, I would like to bring to the House's attention excerpts from the April 1, 2008 Op-ed in the Wall Street Journal titled "All in a Name," written by Greece's Minister of Foreign Affairs, Dora Bakoyannis.

[FROM THE WALL STREET JOURNAL, APR. 1, 2008]

ALL IN A NAME

(By Dora Bakoyannis)

ATHENS.—The NATO summit comes to Southeastern Europe this week, and Greece is looking forward to it . . . As the region's oldest NATO and EU member, Greece feels a profound obligation to be constructive, supportive and practical regarding our neighbors. We wholeheartedly espouse the policy of enlargement, and I am happy to say that two members of the so-called "Adriatic Three," Croatia and Albania, are today in a position to further the principles of the North Atlantic Treaty and earn their invitation to NATO in Bucharest. However, it saddens me that we cannot so far say the same about our neighbor, the Former Yugoslav Republic of Macedonia (Fyrom).

For over 15 years, our two countries have been involved in United Nations-sponsored negotiations regarding Fyrom's name. Greece has real and concrete concerns over the issue. What's in a name, you may ask? A great deal, I can assure you. The term "Macedonia" has always been used to delineate a wider geographical region, approximately 51% of which is part of Greece, 38% of which is in Fyrom, and 9% of which is in Bulgaria.

Not only does the government in Skopje insist on being the sole claimant to the name of an entire area—the largest part of which lies outside its borders—but authorities in Fyrom insist on portraying Greek Macedonia as "occupied" territory. While government leaders declare they have no designs on Greek territory, they refuse to remove such claims from textbooks, state maps and national documents . . .

And we are not alone in our quest. In the U.S. Congress, 115 members, both Republicans and Democrats, recently co-sponsored House Resolution 356, which expressed the "sense of the House of Representatives that Fyrom should stop hostile activities and propaganda against Greece, and should work with the United Nations and Greece to find a mutually acceptable official name."

NATO has consistently encouraged full normalization of relations not only with aspirants themselves but with neighboring third countries not belonging to the Alliance. Greece will spare no effort in reaching a real and viable solution for the sake of peace and stability in the region. Alliances and partnerships, however, can only be fostered among countries if there is mutual trust and goodwill.

TYLER SALEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Tyler Salen who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Tyler Salen is a student at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Tyler Salen is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Tyler Salen for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

IN RECOGNITION OF THE CHINESE SPECTACULAR SHOW

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Chinese Spectacular Show, a world-class troupe that showcases Chinese Classical performance to audiences worldwide and serves as a bridge between cultures.

In 2006, the Chinese Spectacular was ranked number seven on Billboard Magazine's top shows and has played in the finest theaters around the country. This year, as men and women of Asian descent celebrate the Year of the Rat together with their friends, family and neighbors in Cleveland, the Oriental Cultural Association, OCA, is bringing this great show to the State Theatre. In keeping with its mission as an organization that promotes a cultural exchange and understanding, the OCA is proud to bring this spectacular show to Cleveland. The show is a unique opportunity to showcase and bring together Cleveland's rich multicultural society and appreciation of the various rich cultures that constitute the greater Cleveland community.

The Chinese Spectacular show is the largest overseas Chinese cultural production and exemplifies the very best of classical Chinese music and dance through its lavish costumes and choreography. They have toured over 65 cities around the world just this year and are able to show a side of Chinese culture that is often not seen in the United States.

Madam Speaker and colleagues, please join me in recognizing this year's Chinese Spectacular show and celebrating Cleveland's rich multicultural community.

A PROCLAMATION HONORING ASHLEY WEAVER FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SPACE. Madam Speaker:

Whereas, Ashley Weaver showed hard work and dedication to the sport of basketball; and

Whereas, Ashley Weaver was a supportive team player; and

Whereas, Ashley Weaver always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Ashley Weaver on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

HONORING ZACHARY JAMES BUCKNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary James Buckner, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many Scout activities. Over the many years Zachary has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zachary James Buckner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EXXONMOBIL'S RECKLESSNESS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. REICHERT. Madam Speaker, on March 24, 1989, the worst oil spill in our Nation's history occurred as the supertanker *Exxon Valdez* ran aground on Bligh Reef and dumped 11 million gallons of crude oil into Prince William Sound off the scenic Alaskan coast. Five years later, a Federal jury in Anchorage awarded the fishermen, businesses, and affected communities punitive damages. However, to date, Exxon has paid none of the $2.5 billion punitive damages awarded to these fishermen as a result of the environmental devastation caused by ExxonMobil's recklessness.

What has ExxonMobil done? While the company has paid for the value of the lost fish, it has never compensated the families for their other continuing damages including, in the words of one trial judge, the fact that "the social fabric of Prince William Sound and Lower Cook Inlet was torn apart." There are still thousands of fishermen, food processors, and others who are awaiting justice. Tragically, this number is dwindling as many of those affected have passed away while waiting for some form of resolution that has never come. All the while, ExxonMobil employs one primary tactic: delay. I would usually not comment on litigation that is ongoing, but these delay tactics of repeatedly appealing a just verdict all the way to the Supreme Court are irresponsible and indefensible. It has now been over 19 years since one of the worst environmental disasters in our Nation's history and 14 years since the initial jury verdict.

I believe in the free market, and I believe a corporation has the right to earn profits, but they also have a responsibility to their community and their country, especially when they make an awful mistake. ExxonMobil has done the former by earning $36 billion in 2006, a record for a single company. Now it is time for ExxonMobil to face up to its corporate responsibility, close this dark chapter in the company's history, and end this undue burden on the victims and the courts.

March 24, 2008, marked the 19th anniversary of this tragedy—but the question has now turned to: Will our Nation's highest court uphold the judgment that these victims still sadly await?

PAYING TRIBUTE TO WHMI RADIO IN HOWELL, MICHIGAN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise to honor the recent accomplishments of WHMI radio in Howell, Michigan, on the occasion of the station receiving the prestigious Associated Press "General Excellence" Award.

WHMI was recognized above all other medium market radio in the State of Michigan, including Flint, Lansing, Grand Rapids, Bay City/Saginaw, Ann Arbor, and Kalamazoo/Battle Creek. To achieve the "General Excellence" Award, WHMI earned recognition for Best Newscast, Best Continuing Coverage, Best Feature Story, Best Investigative Reporting and Best Natural Sound.

Celebrating 51 years of service to the Howell and Livingston County communities, WHMI adds to its many awards for broadcast excellence and community service this new recognition. All of this comes thanks to the hard work of owners Greg and Marcia Jablonski, General Operations Manager Reed Kitteridge, News Director Jon King, and the entire WHMI team.

Madam Speaker, I ask my colleagues to join me in honoring WHMI for its contributions to the community. Their new milestone is truly deserving of our respect and admiration.

CONGRATULATING THE FRANKLIN ACADEMY HUSKIES UPON WINNING THE 2008 NEW YORK STATE GIRLS CLASS A CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. MCHUGH. Madam Speaker, I rise today to congratulate the Franklin Academy Huskies of Malone, New York, upon winning the 2008 New York State Girls Basketball Class A Championship. I am proud to represent the Huskies, who won Franklin Academy's first team state championship in their third consecutive final four appearance.

On March 15, 2008, the Franklin Academy Huskies won the New York State Class A Championship when they defeated the Honeoye Falls-Lima Cougars 43 to 41. In that game, the Huskies persevered and came from nine points behind in the second half to take the lead with 2:20 left on a three pointer by Tournament MVP and Class A Player of the Year Alyson Johnson, who led all scorers with 17 points and also had five rebounds. All Tournament and Second Team All State selection Haley Poupore added 10 points and nine rebounds for the Huskies while teammate Kelsey Johnson contributed seven points and four rebounds to the Huskies' total and received the Tournament Sportsmanship Award.

The Franklin Academy Huskies completed the 2008 season with a record of 25 and 3. They were coached by Class A Coach of the Year Mike Wescott and assistant coaches Greg Dumas, Dave Farden, and Shelley Skelly. Other team members were Maggie Aguglia, Stephanie Edwards, Brittany Flick, Erica Johnson, Monique LaFlesh, Ashley Marshall, Brittany Marshall, Meaghan Patterson, Abby Premo, and Emily Sharlow.

Accordingly, Madam Speaker, I ask my colleagues in the United States House of Representatives to join me in extending congratulations to the Franklin Academy Huskies for winning the 2008 New York State Girls Basketball Class A Championship.

RECOGNIZING THE LIFE AND SERVICE OF HERMINIA DUENAS DIERKING

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and honor the life and public service of Herminia Duenas Dierking, a distinguished leader from Guam who passed away on March 24, 2008. Herminia served the people of Guam in leadership positions in our community including as a Senator in the Guam Legislature, a professor at the University of Guam, and as a cabinet officer in the Government of Guam.

Herminia Duenas Dierking, daughter of the late Maria Pangelinan Guzman and Jose Cruz Duenas, was born on August 17, 1939 in the capital village of Hagåtña. She grew up aware of the hardships endured by our people during the occupation of Guam and she later used that knowledge and compassion to work for justice for our people as a member of the Guam War Reparations Commission.

Herminia is a fine example of how education can open doors to new opportunities. She received her high school diploma from the Academy of Our Lady of Guam and pursued college degrees from the University of Missouri at Kansas City and later from the University of Guam where she earned a Bachelor of Science Degree in Business. She continued to work toward an advanced degree from Emporia State University, Kansas and successfully obtained a Masters of Science in Business Administration.

Herminia began her professional career as an assistant professor at the University of Guam and rose to become the chairperson of the Accounting Department, serving thirteen years in the College of Business and Public Administration. Governor Ricardo J. Bordallo, my late husband, recognized her expertise in management and appointed her as the Director of the Bureau of Budget and Management Research in 1983. She was also appointed as the Chairperson of the Fiscal Policy Committee of the Government of Guam. Herminia's leadership helped to restore the fiscal health of the Government of Guam, leading to an economic recovery.

Herminia was urged by Governor Bordallo and other local leaders who recognized her leadership potential to run for a seat in the 18th Guam Legislature. She was successful in her first run for elected office and was subsequently reelected to the 19th, 20th, 21st, and

22nd Guam Legislatures. During her tenure as a Senator, she served as Chairwoman of the Committee on Ways and Means, Chairwoman of the Committee on Rules, Chairwoman of the Committee on Health, Welfare, & Ecology, and Vice Chair of the Committee on General Governmental Operations. In addition to her leadership positions in the Guam Legislature, Herminia also served on the Legislative Management Committee on the Assembly of the Legislature of the National Conference of State Legislatures, the Executive Committee of the Western Legislative Conference, and the Committee on Suggested State Legislation on the Council of State Governments. She was appointed to represent Guam in the Association of Pacific Island Legislatures.

Herminia contributed her time and effort to community improvement by volunteer work and service in several community organizations. She served as president of the Association of Government Accountants, the Guam Business Education Association, and the Guam Business and Professional Women's Club. She was also appointed to serve in leadership roles for the Western Business Education Association, Manukai Swim Club, Far East Swim League, Beauty World Guam, Tamuning Elementary School PTA, Guam Beauty Association, Father Duenas Memorial High School Parents Guild, American Heart Association, and Guam Memorial Board of Trustees. She was a member of the Soroptomist International, the Guam Lytico and Bodig Association and the Guam Memorial Hospital Volunteers Association.

My thoughts and prayers are with Herminia's husband, Deacon John C. Dierking, their five children, Cliff, Kurt, Steven, Anna Maria, and John Paul, their grandchildren, and the many family and friends whose lives she touched. We honor her life's work as an educator and community leader. Most of all, she will always be remembered as a gentle woman who always had a kind word and a warm smile. She lived a full life and we are grateful for her public service. We will all miss her dearly.

CONGRATULATIONS TO THE KERN COUNTY FIRE FIGHTERS UNION IAFF LOCAL 1301 ON THE CELEBRATION OF THEIR 50TH ANNIVERSARY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. COSTA. Madam Speaker, I rise today, to congratulate the Kern County Fire Fighters Union, Inc. IAFF Local 1301 on the celebration of their 50th anniversary.

The Kern County Fire Fighters Union dates back to 1957, when the first organizing meeting was held. Kern County Fire Fighters Union, Inc. IAFF Local 1301 was officially organized on March 24, 1958 with 44 charter members, including Organizing President Arthur A. Arvizu and First Elected President Lester Cheek.

The first Union office was a cardboard box inside an automobile trunk. IAFF Local 1301 bought their first building located at 230 Truxtun Avenue in Bakersfield, California in April of 1968. The office on Truxtun Avenue was eventually sold and the Union moved to 3615 Mt Vernon Avenue in August of 1982.

While the Union has kept pace with all phases of Kern County Fire Fighter wages, hours and working conditions, some examples of its biggest accomplishments include establishing an Educational Incentive Plan, reducing the work week from 72 hours to 56 Hours with paid holidays, and playing a major role in the signing implementation of the Joint Powers Agreement between the Kern County Fire Department and the Bakersfield City Fire Department.

In the past 50 years, their membership has grown from 44 to 529 strong while 18 presidents have played a vital role in the Union's success.

The Union continues to make every effort to work with the Board of Supervisors, department heads and staff, as well as the Chief of the Kern County Fire Department and his staff, believing that greater strides can be made with all parties working together. Members have always felt secure knowing that no matter what task lies ahead, it will be met with enthusiasm by dedicated members who believe in and live by the Union motto, "In Unity There Is Strength."

The 50th anniversary of the Kern County Fire Fighters Union, Inc. IAFF Local 1301 is a perfect opportunity to pay tribute to the men and women who risk their lives every day for the safety of our community. Often, when people are running out of buildings, away from the danger, these brave men and women are the ones running toward the flames. They are our everyday heroes and I, along with all Kern County communities, am eternally grateful for their service.

HONORING THE LIFE OF HAYGANOUSH MARKARIAN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Ms. LEE. Madam Speaker, I rise with sadness and respect today, along with Congresswoman LYNN C. WOOLSEY, to honor Hayganoush Markarian, a resident of the San Francisco Bay Area, who passed away recently at the age of 105. Hayganoush was one of the few survivors of the Armenian Genocide of the early 20th century, so it further saddens me that she died without the government of Turkey, from where she fled, or the government of the United States, where she found refuge, officially recognizing that Genocide.

Much has been said about the facts and numbers and statistics. We know that in Turkey between 1915 and 1921, 1.5 million Armenians died—80 percent of the population. But it is women like Hayganous who put a human face on the Armenian Genocide and remind us that we are talking about actual people whose lives were lost or whose homes and families were destroyed.

Hayganoush Markarian was born on January 24, 1902, in the historic Armenian city of Kharpert, which suffered huge losses in the Armenian Genocide. She lived with her parents, older brother, and four sisters.

When the Turks came after her father and brother, both went into hiding—her brother dressed as a girl in order to safely cross dangerous areas and her father initially hid in the well at their home and later with Kurdish friends.

Her mother somehow saved the family from the deportations and massacres and re-united with her husband briefly after World War I, before he died as a result of the damp conditions in the wells he had hidden in for such long periods.

In 1923, the remainder of the family made their way to Syria, where Hayganoush married Markar Markarian in 1925. The Markarians later moved to Lebanon and eventually the United States. In both Syria and Lebanon, Hayganoush was an active member of the Armenian Relief Society, the oldest Armenian women's organization operating in the world.

Hayganoush resided in Oakland until her death in March of this year at the age of 105. She had prayed she would live to see the day when she and other victims of the Armenian Genocide would see the Genocide officially recognized both here and in Turkey.

Madam Speaker, although Hayganoush's prayer was not granted, she did see such a resolution pass the Committee on Foreign Affairs in the House of Representatives last fall. I am proud to be a cosponsor of that resolution, and I look forward to the day when the U.S. government officially recognizes the Genocide. Hayganoush Markarian's story will serve as a reminder to us of the sanctity of human life in Armenia and around the world.

HONORING THE LIFE OF HAYGANOUSH MARKARIAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Ms. WOOLSEY. Madam Speaker, I rise with sadness and respect today, along with Congresswoman BARBARA LEE, to honor Hayganoush Markarian, a resident of the San Francisco Bay Area, who passed away recently at the age of 105. Hayganoush was one of the few survivors of the Armenian Genocide of the early 20th century, so it further saddens me that she died without the government of Turkey, from where she fled, or the government of the U.S., where she found refuge, officially recognizing that Genocide.

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ELIJAH QUINTANILLA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Elijah Quintanilla who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Elijah Quintanilla is a student at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Elijah Quintanilla is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Elijah Quintanilla for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

A PROCLAMATION HONORING JESSICA STUTZMAN FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SPACE. Madam Speaker:

Whereas, Jessica Stutzman showed hard work and dedication to the sport of basketball; and

Whereas, Jessica Stutzman was a supportive team player; and

Whereas, Jessica Stutzman always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Jessica Stutzman on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

HONORING WILLIAM CROOKS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William Crooks, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many Scout activities. Over the many years William has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending William Crooks for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on March 31, 2008. If I were present for rollcall votes, I would have voted "yea" on each of the following bills:

Roll No. 147, March 31, 2008: On Motion to Suspend the Rules and Pass, as Amended: H.R. 3352, To reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes.

Roll No. 148, March 31, 2008: On Motion to Suspend the Rules and Pass, as Amended: H.R. 2675, To provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

Roll No. 149, March 31, 2008: On Motion to Suspend the Rules and Agree: H. Con. Res. 302, Supporting the observance of Colorectal Cancer Awareness Month, and for other purposes.

HONORING ANNA ETHEL LOUISE MOORE PORTER AND CORDEN PORTER

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. HILL. Madam Speaker, on April 8, 2008, Anna Ethel Louise Moore Porter will celebrate her 100th birthday. I would like to not only recognize this incredible milestone in Mrs. Porter's life, but also reflect upon all that she and her late husband, Corden Porter, have accomplished in their lives. Mr. and Mrs. Porter have given so much to the Jeffersonville community, and for that, I am eternally grateful.

The young Porter couple moved to Jeffersonville, Indiana, in 1928. Corden Porter's daughter described his life as "spent trying to overcome poverty and racial segregation." And, Mrs. Porter was always at his side, always supporting this mission.

Mr. Porter had a distinguished career as a long-time educator at Taylor High School in Jeffersonville. First a teacher, then a principal, Mr. Porter worked at Taylor High School from 1928–1952. Because of his position at the high school and well-regarded intellect, most of the Porter's friends and neighbors referred to him as "Doc Porter." He was an unparalleled leader in the African-American community of Jeffersonville. Unfortunately, his life was cut much too short when he passed away in 1963.

Mrs. Porter was also a presence at Taylor High. School, often serving as a substitute teacher. When not teaching, Mrs. Porter was known to collect donations for the local Red Cross and give piano lessons. She and her husband were very active in their church—Wesley Memorial Methodist Church. Mrs. Porter has been awarded two Guiding Light Awards as an outstanding person in the Jeffersonville African-American community. What she most often speaks about, however, is her family. The Porters have five children, 16 grandchildren, 27 great grandchildren and nine great-great grandchildren.

Happy birthday Mrs. Porter and thank you for giving so much back to the Southern Indiana community during your 100 years.

TRIBUTE TO THIRD DISTRICT CONGRESSIONAL YOUTH ADVISORY COUNSEL

SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SAM JOHNSON of Texas. Madam Speaker, last fall I invited high school students living in the Third Congressional District to join the Congressional Youth Advisory Counsel. The goal of the CYAC is to foster civic involvement and to encourage students to unleash their passions for America. Each meeting, they exceed my expectations and make me hopeful for the future.

The students who serve on the CYAC represent the best and the brightest in North Texas. Students are leaders, athletes, musicians, volunteers, and activists. They are the voice of their generation to Congress. They make a difference at each meeting and I'm proud of them.

For this year's community project, students interviewed a veteran and wrote an essay. The summary of each submitted essay follows.

It is my hope that some day the Congressional Youth Advisory Council will be associated with excellence and one of our highest standards of civic pride for young people in North Texas. I commend the students for volunteering their time on the Congressional Youth Advisory Council. Without a doubt, every student will continue to play an important role in our community for decades to come, and that America and North Texas, will continue to benefit from their dedication, smarts, and service.

To the members of the 2007–2008 Congressional Youth Advisory Council . . . Thank you. I salute you; God Bless You and God Bless America.

A twenty-six year old when the Korean War began, Seung Sik Kim was already a member of the armed forces. He had received education at the PoByungGamBoo Artillery School, from which he graduated as Class President. When the Korean War began, Kim was a Second Lieutenant who served in the field artillery service branch, and he was eventually promoted to the rank of Captain. His instructors consisted of General Kim Suk Won, Commander Shin In Gyoon, and Commander Kim Kae Won, who would later become a Secretary on the South Korean President's Cabinet. Kim and his unit played major roles in the incident at Ohdae Mountain in North Korea, where he starved for three days, and in the fight against the Chinese in the city Dukchun of the North Korean state Pyongamnamdo. Although his unit was pushed back at first, he and his fellow soldiers participated actively in strategically combating the North Koreans. This experience of interviewing a veteran and collecting and preserving his story has opened my eyes to and greatly increased my respect for the honorary members of our community who served for a cause and acted for remoter ends, for higher good, and for interests other than their own.—Susie Choi

The purpose of the Veterans History Project is to collect and archive the personal recollections of U.S. military veterans, which is a way of honoring their service and sharing their stories with current and future generations. Veterans of the United States military have demonstrated tremendous courage and heroism and made untold sacrifices in the service of our country to preserve freedom. Each veteran has a story that is unique, and of historical significance. The legacy of these men and women must be preserved. As I interviewed U.S. Army veteran: Specialist Joe White, I realized that veteran's stories must be told and preserved. I have gained the knowledge that the history of our veterans is vanishing rapidly. I have learnt the more eyes and ears we have around our country meeting with veterans, the more of this priceless information we are going to save. Sharing stories and gathering reminiscences had an immediate impact on me and the interviewee. Specialist White took away a sense of pride in his contribution to preserving freedom around the world. His accomplishments while in the U.S. Army will forever be archived in the annuals of U.S. history. Like most military veterans, Specialist White may have not been in combat, won a battle or firefight; but his contribution to freedom throughout the world has been immeasurable and lasting.—Derek Guckes

I met Mr. James Marberry through a friend of my father. Previously, I had been taking flight lessons for nearly seven years, and just recently needed a more schedule friendly instructor, and we found Mr. Marberry as the best answer. So, for the past 2½ months, Mr. Marberry has been my flight instructor. I began in Mid-December taking lessons from a laid-back, thorough man that I knew hardly anything about. As time progressed, and he told me stories of experiences he's had in his over forty years of flying, I continually became more intrigued. When I received this project from the Congressional Youth Advisory Council, I could think of only a few individuals that I was truly interested in interviewing and Mr. Marberry was one of them.

This interview is the first time that he and I had a conversation in whose subject was not about flying. He mentioned to me how he thoroughly enjoyed bringing back those old memories, and I likewise was elated to hear of his experiences. Many of the interview questions that one might ask if interviewing a combat seen veteran didn't apply here, but I can personally assure that even the men such as Mr. (Private) Marberry who never saw combat will forever remember their times serving our great nation. Military service is an unforgettable part of one's life and we should continue to hold the men and women of our military in the highest honor, respect, and esteem.—Brandon Maso

Mr. Ridgell M. McKinney was living prosperous. He had an amazing wife, owned and lived on his own chicken farm and had a great job managing McKinney's downtown general store. He had all he wanted or needed. Then World War II came about, and in 1942 Mr. McKinney gave up his more than satisfactory life to go fight for our country. Mr. McKinney voluntarily joined the United States Air Force as a private and fought for three honorable years on a B–24 Liberator. Mr. McKinney trained all over the United States to be part of the ten man crew that flew the largest war aircraft of that time. During those three years Mr. McKinney and his squadron successfully completed over 50 bombing missions. This was a major help in the winning of World War II, but if you ask me his real accomplishment was joining the armed forces in time of war and coming home alive against all the odds.

Interviewing Mr. McKinney has flipped my view on things inside and out. He is a remarkable man with many life lessons to teach. I have learned several. For example, he had no selfishness. Even though life was going great for him, he looked at it as his patriotic duty to leave all of it behind and go fight for his country. Because of this, I now have even more respect and admiration for all of those men and women who have served in the past or are currently in the service.

"And so, my fellow Americans, ask not what your country can do for you—ask what you can do for your country." John F. Kennedy—Corbin Dowell Ringley

My name is James Garrett Tollette and I interviewed Captain Ralph Peter "Pete" Langenfeld on January 26, 2008. Pete enlisted with the Air Force in the summer of 1942 and saw active duty in January 1943 as a 2d lieutenant. Pete was assigned to the 785th Bombardment Squadron of the 466th Bombardment Group of the 8th Air Division stationed in England as a bombardier for a B–24 Liberator. His last day of service was on December 19, 1945. For two years, Pete also flew B-29 Bombers during the Korean War. He held the rank of Captain when he was discharged on April 14, 1951.

On August 24, 2006 he received the Distinguished Flying Cross with valor for his heroism on January 2, 1945. On his 31st combat mission over Remagen, Germany, one of the live 2,000-pound bombs on his B–24 Liberator did not release. Pete removed his parachute and oxygen mask so he could move to the open bomb bay and manually release the weapon. Interviewing Captain Langenfeld has been an incredible experience. To listen to the thrill and patriotism in his voice is contagious. It makes one realize how important history is and we do not want to lose these experiences.—Garrett Tollette

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SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is April 2, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,854 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,854 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is April 2, 2008—12,854 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of free and the home of the brave.

BROOKE KING

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Brooke King who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Brooke King is a student at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Brooke King is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Brooke King for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

A PROCLAMATION HONORING MYKEILA MAST FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SPACE. Madam Speaker:

Whereas, Mykeila Mast showed hard work and dedication to the sport of basketball; and

Whereas, Mykeila Mast was a supportive team player; and

Whereas, Mykeila Mast always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Mykeila Mast on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

HONORING TAYLOR HALL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Taylor Hall, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Taylor has been very active with his troop, participating in many Scout activities. Over the many years Taylor has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Taylor Hall for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PAYING TRIBUTE TO CLAUDE G. PERKINS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PORTER. Madam Speaker, I rise today to honor Claude G. Perkins for his long and distinguished career in teaching, program development, and educational leadership, and commend him on having a school named after him within the Clark County School District in his honor.

Claude is a graduate of Mississippi Valley State University, where he received his bachelor of arts in political science. He also earned a master's degree in teaching economics from the Krannert School of Management at Purdue University and his Ph.D. in instructional supervision from the Ohio University in Athens, Ohio. In 1978, Claude was appointed to be the superintendent of the Clark County School District, where he served as the first African-American superintendent for 12 years.

During his time as superintendent, there was an increase in students' performance results with standardized testing; an increase in the percentage of women hired as administrators and department heads, and expansion of various vocational programs within the school district.

After his time spent as superintendent, Claude became a tenured professor at Clarion University of Pennsylvania and the founding director of the Center for Educational Leadership at Clarion University. Following his time at Clarion, Dr. Perkins came to Albany State University as a professor and dean of the College of Education in 1997. Three years later he was promoted to associate vice president for academic affairs, and dean of the Graduate School. During his time spent as the dean of the Graduate School, graduate enrollment reached its highest level, new graduate faculty criteria were implemented, and most graduate programs were nationally accredited. Faculty scholarships and research interest were supported, more on-line classes were developed, and the post-tenure review process became well established at the university. He also established five international partnership agreements to promote expanded international opportunity for students and faculty members.

Claude has been the recipient of many awards, including the Medal of Merit Award from the Ohio University in 1982, the City of Richmond, Virginia Resolution in Recognition of Educational Leadership in 1997, the James Herbert White Preeminence Award for Education and Academics in 2002, and the Nevada State Senate Resolution of Educational Achievement in 2005. He presently serves as a professor of educational leadership, chair of the College Education Committee on graduate education and is the team leader for the African Educational Research Network, USA.

Madam Speaker, I am proud to honor the accomplishments of Claude G. Perkins as an experienced educator. I would also like to congratulate him on having an elementary school named in his honor by the Clark County School District.

HONORING BYRON JANIS: MUSICIAN, DIPLOMAT, AND INSPIRATION

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. DOYLE. Madam Speaker, I rise today to honor Byron Janis, internationally recognized as one of the world's greatest pianists. The story of his life is one of immense talent, dedication and perseverance which has captivated audiences and inspired others across America and around the world.

Byron Janis was born in McKeesport, Pennsylvania, in 1928. At the age of 15, Mr. Janis made his orchestral debut, and by age 20, had made his Carnegie Hall debut in front of a sold-out audience. Later, Mr. Janis was selected to be the first American performer to participate in a cultural exchange between the United States and the Soviet Union in 1960. On November 2, 1960, the New York Times wrote, "If music could replace international politics, Byron Janis could consider himself an ambassador". So successful was Mr. Janis' performance that the Soviet government invited him back just two years later for a six-week tour of the country. Since that time, Mr. Janis has performed for American Presidents and received acclaim around the world. Mr. Janis has been honored both in America and abroad with such distinctions as the Distinguished Pennsylvania Artists Award, the Gold Medal from the French Society for the Encouragement of Progress, and the Harriet Cohen International Music Award. He has also appeared on the Tonight Show with Johnny Carson, Good Morning America, 20/20 with Barbara Walters, and CNN.

Perhaps Mr. Janis' greatest contribution to America lies not in his graceful work at the piano, but rather the tremendous perseverance and unbreakable spirit he has shown in the face of significant adversity. In 1973, be was diagnosed with arthritis in both his hands and wrists, an affliction which seriously threatened his ability to continue practicing the craft he loved. Reflecting his will and determination to rise above the obstacle which was placed in his path, Mr. Janis once said, "I have arthritis—it doesn't have me." For 12 years, Mr. Janis continued performing, often in great pain, while keeping his condition a closely held secret.

While announcing his affliction at the White House in 1985, Mr. Janis also declared he was assuming the role of Ambassador for the Arts for the Arthritis Foundation. Through his music, he has raised a significant amount of money for the Foundation's work and research. More importantly, however, his story of determination is one which serves as an inspiration and makes Mr. Janis a role model for Americans with disabilities. In spite of his condition, to this day, Mr. Janis is still performing before admiring audiences. Mr. Janis is living proof that the American spirit can and will prevail in the face of challenges large and small.

2008 marks Mr. Janis' 80 birthday as well as the 60th anniversary of his first performance at Carnegie Hall. Each year, Congress honors individuals who have distinguished themselves with acts of courage and determination which capture the essence of the American spirit and serve as an inspiration to those around them. The life and accomplishments of Byron

Janis—as a musician, ambassador, and role model—embody the best in American culture and values. I ask my colleagues to join me in honoring Mr. Janis on the occasion of these two noteworthy anniversaries.

TRIBUTE TO CHAIRMAN DANIEL O'CONNELL AND THE SENIOR CITIZENS LEAGUE BOARD OF TRUSTEES

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. JONES of North Carolina. Madam Speaker, I am here to congratulate the Board of Trustees of The Senior Citizens League (TSCL) that works to educate the public about issues important to older Americans. The Senior Citizens League represents over 1 million members nationwide and over 2,500 in my congressional district.

Five retired enlisted association men work tirelessly as non-paid volunteers to help the plight of our most elderly and low income seniors: The Senior Citizens League Chairman Daniel O'Connell, Vice Chairman Nash Mines, Treasurer Marvin Stout, Secretary Thomas O'Connell, and PAC Treasurer Larry Hyland.

Chairman Daniel O'Connell spent a distinguished 29-year career in the U.S. Air Force including service as the Training NCO for the Queens College ROTC Program. Subsequently he served in protocol at the Air Force Space Command in Colorado Springs where he retired as Director of Protocol, an attribute that has come in handy when the chairman meets with dignitaries on Capitol Hill.

Vice Chairman Mines had a 23-year military career concluded by service as the Training NCO for Oklahoma State University's ROTC Program. Later, he worked as general services manager for a Colorado brokerage firm and for a Denver-based retirement investment company. His military experience as a senior master sergeant gave him the calm reasoned approach to problem-solving on the TSCL Board.

Treasurer Marvin Stout had a 26-year military career that concluded with medals for meritorious service. He has also worked as an owner of an income tax consultant firm bringing his expertise to use for the TSCL Board finances.

Secretary Thomas O'Connell served in the U.S. Army including service as Division Logistics NCO. And his experiences as a former high school teacher and librarian have facilitated his work as TSCL Secretary.

TSCL PAC Treasurer Larry Hyland retired from the U.S. Air Force as a senior master sergeant before launching a small business. He also re-entered the civil service overseas before returning to the states.

The organization's objectives are to encourage Congress to protect earned benefits of seniors (i.e., Social Security and Medicare), and to cosponsor bills that secure these promises to seniors and improve the quality of life for older Americans.

The TSCL Board of Trustee members visit Washington every quarter to personally meet with members of the U.S. House and Senate to consult with them about senior's issues including the Social Security Notch and cost-of-living adjustment, Medicare, drug importation, Alzheimer's research, and the Lock Box of Social Security Trust Funds.

The Senior Citizens League is a non-profit organization headquartered in Alexandria, Virginia, that strives to educate millions of seniors via direct mail, e-alerts, senior faxes, and publications including a monthly newsletter The Advisor. On a day-to-day basis, TSCL operations are run by Executive Director Shannon Benton, with legislative activities guided by TSCL Legislative Consultants David and Betty Funderburk and Legislative Director Jamie McMillen.

Under the recent leadership of Chairman Dan O'Connell and Vice Chairman Nash Mines, TSCL has made significant progress in representing its seniors. The TSCL legislative team (with the Board of Trustee members on a quarterly basis) has met with over two-thirds of the Members of Congress and their chief staff members during the past 3½ years.

In the 110th Congress, a new Notch Resolution was introduced in the Senate by Sen. NORM COLEMAN with Sen. RICHARD BURR as an original cosponsor. This was the first such Notch resolution in almost 5 years.

Notably more Members of the House have cosponsored Representative Ralph Hail's (Social Security) Notch Fairness Act, H.R. 368, than ever before, setting a new record. It is a tribute to the continuing dedication of all of the TSCL Board members and to the leadership of its Chairman Dan O'Connell. The fact that more than 117 Members of Congress have already in this session of Congress cosponsored H.R. 368 proves the legitimacy and premise of the organization's fight for Notch victims. It reflects the fact that Chairman O'Connell has been dedicated and persistent in his desire to see TSCL have legislative success on the issues important to seniors.

In addition to support for the Social Security Trust Funds Lock Box and opposition to Social Security funds going to those who worked in the U.S. as "illegals" (via the U.S.-Mexico Totalization Agreement), TSCL has pledged to help promote Alzheimer's research.

It is a pleasure for me to pay tribute to the leadership of the Senior Citizens League, in particular its Chairman Daniel O'Connell, whose vision and determination to help the most worthy and needy of our citizens, are commendable.

I also thank each of these board members for their military service to our country. May

God richly bless them for their continued contributions to seniors, to their communities and to our great Nation.

TRIBUTE TO MOINA SHAIQ, THE 2008 WOMAN OF ACHIEVEMENT AWARD RECIPIENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. STARK. Madam Speaker, I rise to pay tribute to Moina Shaiq, the 2008 Woman of Achievement award recipient designated by California's Tenth Senate District. Moina is an exemplary community leader in the 13th Congressional District. She will receive her award on Saturday, April 5, 2008, from California State Senator Ellen Corbett.

Moina and her husband, Mohammed, have been residents of Fremont, CA, for the past 25 years and are the parents of four children. She has bachelor degrees in economics and psychology. Moina was a small business owner from 1991 to 1997. After the birth of her daughter, Samah, she chose to stay home and become more involved in community affairs. She has since been involved in a major way and has contributed tireless hours, making a positive difference in her community.

Numerous organizations continue to benefit from Moina's commitment, expertise and talents. She is a co-founder of the Muslim Support Network, established to improve the health and well-being of elders in the Muslim communities of Union City, Newark, and Fremont; serves as chair of the Fremont City Human Relations Commission; is a member of the Washington Hospital Foundation; and was a founder of the Muslim Spiritual Care Program for Kaiser Permanente.

Moina serves on the board of the Tri City Elder Coalition, coordinates the Community Ambassadors Program for Seniors and volunteers her service to the Palo Alto Medical Foundation's Citizens Advisory Committee, the Tri-City Interfaith Council, the Fremont Alliance for a Hate Free Community and the American Cancer Society.

I join the family, friends and admirers of Moina Shaiq who will gather on April 5 to commend her for her tireless volunteer efforts. The honor she will receive as the 2008 Woman of Achievement award is well deserved. She continues to set the standard for community service and is a model to follow.

TRIBUTE TO 127 ROYAL AUSTRALIAN AIR FORCE VETERANS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. GARY G. MILLER of California. Madam Speaker, I rise to recognize 127 Royal Australian Air Force veterans who on April 4 will be awarded the United States Air Force's Air Medal by the U.S. Embassy in Australia for their service during the Vietnam war.

These men bravely contributed to the tactical air mission of the United States Air Force in Southeast Asia between 1964 and 1972. Under dangerous conditions they displayed courage, dedication and resolve as they completed their missions.

I also wish to thank current and retired members of our military, including many who served alongside these Royal Australian Air Force veterans, for volunteering many hours to insure that they were properly recognized.

ARTHUR CONKLIN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Arthur Conklin who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Arthur Conklin is a student at Wheat Ridge Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Arthur Conklin is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Arthur Conklin for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

A PROCLAMATION HONORING HILARY WEAVER FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SPACE. Madam Speaker:

Whereas, Hilary Weaver showed hard work and dedication to the sport of basketball; and

Whereas, Hilary Weaver was a supportive team player; and

Whereas, Hilary Weaver always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Hilary Weaver on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

HONORING THE AUGUSTA STATE UNIVERSITY BASKETBALL TEAM

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. BROUN of Georgia. Madam Speaker, today I rise to honor and pay tribute to an exceptional athletic team in my Congressional District of Georgia.

The men's basketball Jaguars achieved what no team had ever accomplished before them at Augusta State University. For the first time in school history, the basketball team advanced to the NCAA Division II Championship Game.

The basketball team played its most successful season with 27 wins in 2007–08. The players gave fans a dazzling performance on Thursday, March 27, as they beat Alaska-Anchorage 56–50 in the semifinals of the Elite Eight. They gave it their all on Saturday, March 29, as the Jaguars battled it out with Winona State University but came up just short of winning the National Championship.

The Tenth Ranked Jaguars have proven the team is among the best in the nation. Under the leadership of Coach Dip Metress, the Blue Crew played an incredible season that bodes well for the future of the program. Their athleticism and determination put Augusta State in the national spotlight, establishing its team as a national contender. As Augusta State University's representative in Congress, I couldn't be more proud of what these young men have accomplished.

HONORING GALE "WHITEY" FLOCKERZIE OF BELLVILLE, OHIO

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. JORDAN of Ohio. Madam Speaker, I rise today with deep respect to honor the life and service of Mr. Gale "Whitey" Flockerzie of Bellville, Ohio.

Like many in his generation, Whitey thinks of himself as an ordinary guy. He served the nation with honor in the United States Army. He was wounded in combat in Vietnam, fighting as a member of Battery A of the 6th Battalion, 29th Field Artillery, 4th infantry Division.

Whitey was honorably discharged as a Specialist Fourth Class and returned stateside. In 1973, he opened Whitey's Barbershop on a quiet street in the quiet town of Bellville. Things haven't been the same since!

Over time, customers became friends, and friends have become what is known throughout the area as the "Barbershop Crew." More than a quarter-million haircuts later, the crew still gathers every Saturday morning at Whitey's for a town hall meeting to share opinions on the issues of the day. More importantly, they wait to hear Whitey's verdict—which, of course, is final.

Madam Speaker, I submit to you that if Congress followed some of the common sense and Midwestern logic employed by Whitey and the Barbershop Crew, the country would be in far better shape.

Is Whitey Flockerzie an ordinary guy? I would say he is extraordinary. The only thing ordinary about Whitey is that he represents a profound yet humble greatness about America that has helped us become the greatest nation in history: Service before self, giving back to the country that gave so much to you, and living by example the sacrifice that allows each generation of Americans to reach higher than the last.

Whitey returned from Vietnam without officially receiving his Vietnam Service Ribbon. Out of respect and admiration, his friends recently obtained this ribbon for him and have graciously asked me to present it to him this weekend.

Throughout his lifetime of service, Whitey Flockerzie has affected countless lives in his part of Ohio. I am honored to recognize him on behalf of the House for all he has done.

INTRODUCTION OF A RESOLUTION TO INCLUDE ALBANIA, CROATIA AND MACEDONIA INTO NATO MEMBERSHIP

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PASCRELL. Madam Speaker, it is my pleasure today to introduce a bipartisan resolution expressing the strong support of the House of Representatives for the North Atlantic Treaty Organization, NATO, to extend invitations for membership to Albania, Croatia, and Macedonia at this week's Heads of State and Government summit in Bucharest, Romania. Representatives MARK SOUDER, ELIOT ENGEL, EARL POMEROY, and CANDICE MILLER have joined me in this effort.

Albania, Croatia, and Macedonia have been preparing for NATO membership for more than 8 years, and are undergoing a historic process of democratic and free market transformation after emerging from decades of occupation. They have made important improvements in the areas of ethnic diversity, human rights, free market economic principles, and the promotion of good neighborly relations.

They can also play important roles in NATO activities in southeastern Europe, through their unique geostrategic position. Lasting stability and security in southeastern Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

In addition, Macedonia, Albania, and Croatia have been steadfast partners in the war on terror and the war in Iraq, sending troops to serve in Iraq and Afghanistan. It is also important to note that Macedonia was the only former Yugoslav republic to win independence from Yugoslavia in the 1990s without bloodshed.

Madam Speaker, I proudly support the efforts of Macedonia, Croatia, and Albania to join NATO, and urge my colleagues in the House to support their efforts as well.

TRIBUTE TO HELLIER HIGH SCHOOL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. ROGERS of Kentucky. Madam Speaker, I want to recognize some individuals in my district who are committed to maintaining ties to their community. In Pike County, the Hellier High School shut down a long time ago and many of its graduates scattered to all parts of the country. While it is true that many young people leave their hometowns, it is especially true in our region, dependent as it was on industries that rely on limited natural resources.

So it takes a special effort to remember those from high school. As young people reach that turning point where childhood is left behind and the tough choices about what career to choose, how to start a family and where to live come all at once, it is all too easy to leave those memories behind as we become adults.

The Hellier High School "Hellcats" have developed a strong alumni network to ensure that the past is more than something found in pages of an old year book. Rather, they make this part of Pike County stronger today by meeting every Memorial Day weekend and posting photos and comments on their alumni website.

They meet every May 24 and a growing number of re-connected alumni rightfully consider this "Hellier High School Day." This year, eight more alumni were inducted into their alumni hall of fame, going back to the 1930's. They are starting an annual award for their 1941 basketball captain, Victor Ratliff, who lost his life defending our country in World War II.

We are working very hard to make our region of Kentucky one where people want to stay and raise their own families, and we are succeeding. We succeed because people remember the rich traditions and the values that guide the way during challenges that inevitably come later in life.

I am proud of the Hellier High School graduates who make the effort to embrace their past. In doing so, they remind us of what really counts in life—the people you meet along the way, fellow students, coaches, teachers, who play a critical role in making us productive citizens later on.

Every town needs people committed to making their communities better by actively participating in it. Communities are built by one high school, one church or one civic group at a time. They do not have to dry up and go away if we chose not to let them. We are fortunate to have that in Pike County, at the Hellier High School.

The people connected to Hellier High School made it more than an old school building. It is a symbol for many who wish never to forget the place they came from.

A PROCLAMATION HONORING JENA STUTZMAN FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SPACE. Madam Speaker:

Whereas, Jena Stutzman showed hard work and dedication to the sport of basketball; and

Whereas, Jena Stutzman was a supportive team player; and

Whereas, Jena Stutzman always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Jena Stutzman on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

INTRODUCTION OF THE "MORTGAGE AND RENTAL ASSISTANCE RESOTRATION ACT OF 2008"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mrs. MALONEY of New York. Madam Speaker, today, along with Representative MELANCON, I am re-introducing "The Mortgage and Rental Assistance Restoration Act of 2008."

My bill would reauthorize the Mortgage and Rental Assistance Act, MRA, which was discontinued by the Disaster Mitigation Act, effective May 2002. The MRA provides mortgage or rental payments to people who suffer a loss of income due to a federally declared disaster such as a hurricane or terrorist attack. Without a job, most people would be unable to keep their homes due to the financial burdens of mortgages or rents. The MRA provides cover for both homeowners and renters.

After the terrorist attack on September 11, 2001, individuals who required temporary housing assistance relied upon the MRA, included in the Stafford Act, for aid. Under the MRA program, many were eligible for grants to repair homes to a habitable condition, or to obtain mortgage or rental payment assistance to prevent foreclosures or evictions.

The MRA program was a crucial component to help victims of the September 11 attack in my home State of New York. However, in 2005, in the wake of Hurricane Katrina, the MRA was not available for mortgage or rental assistance. As a result many people who would have been eligible for mortgage or rental assistance were unable to receive it. This was unfair and detrimental to the recovery process.

The United States Government has a responsibility to help communities recover from unpredictable disasters and help citizens keep from losing their homes. The MRA program helps provide stability during unstable times, and that is why it must be reauthorized.

THE OCCASION OF THE 30TH ANNIVERSARY OF RID (REMOVE INTOXICATED DRIVERS)

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. McNULTY. Madam Speaker, I wish to express my congratulations to RID (Remove Intoxicated Drivers) on its 30th anniversary. RID was the first organization to be effective in lowering DWI deaths in New York State.

RID is the oldest anti-DWI national organization in the U.S. It was formed in 1978 in Schenectady, New York, by Doris Aiken, the current president. RID began its battle against drunk driving after the deaths of Karen and Timothy Morris, 17 and 19, the only Morris children, caused by an intoxicated 22 year old on December 4, 1977.

RID's mission, then and now, is to deter impaired driving and teen binge drinking. RID educates the public about the impact of abusive alcohol use on life and health with materials, public awareness campaigns, and intense media interactions.

RID has chapters and/or coordinators in 41 States. RID relies heavily on volunteers. RID has never accepted funding from the alcohol industry or other special interests that do not support its goals. They have no paid workers in the field and do not hire professional fundraisers; 90 percent of all funds are spent on programs and 10 percent on administration and fundraising.

Madam Speaker, I ask all Members of the House to recognize and applaud the work of Doris Aiken and volunteers of RID. Their dedication and determination to end drunken driving and alcohol abuse is an excellent example of the power in each and every one of us to effect change in our communities and the Nation. May they continue to provide service and compassion for many years to come.

REMEMBERING THE TRAGEDY OF HALABJA 20 YEARS LATER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. FILNER. Madam Speaker and colleagues, 20 years ago, on March 16, 1988, Saddam Hussein launched the largest chemical weapons attack ever used against civilians in the Kurdish town of Halabja. The deadly cocktail killed an estimated 5,000 residents. Saddam's regime held the gruesome distinction of being the first in history to attack its own population with poison gas.

The brutal attack on Halabja was part of a larger campaign, Anfal, which means "the Spoils," to annihilate the Kurds of Iraq. It has been estimated that between 50,000 and 200,000 Kurds were killed during Anfal. Many died in mass executions; thousands more were simply "disappeared" by the regime.

Halabja symbolizes the suffering of the Kurdish people. The plight of Halabja's survivors continues today because of a lack of remediation. Little or no decontamination has been done and the health consequences of exposure to chemicals including mustard gas, sarin, tabun and VX continue to bring death and destruction to Halabja and surrounding villages. Children are born with deformities and cancers, and other diseases caused by genetic mutations are occurring at much higher rates than in other areas.

The world has historically failed to recognize what happened at Halabja. As we reflect on the tragedy of Halabja, it is important to look to the future, and we must honor Halabja's victims and stand in solidarity with those who survive.

INTRODUCTION OF A BILL EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 5 THROUGH 11, 2008

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. DAVIS of Illinois. Madam Speaker, the week of May 5 through May 11, 2008, marks the 24th anniversary of Public Service Recognition Week, PSRW. PSRW is a week set aside to commemorate the hard work, dedication, and sacrifice made by our Nation's Federal, State and local government employees. I am proud to once again introduce this resolution honoring public service and public servants.

Public Service Recognition Week offers an opportunity for all Americans to both recognize and learn about the significant contributions public sector employees make on a daily basis to our local communities, States, and country. Whether fighting crime, educating future generations, or serving on the front line to protect our Nation, public servants touch every aspect of our lives.

While Public Service Week lasts only 7 days, I believe that the contributions and sacrifices of public servants ought to be recognized and appreciated throughout the entire year. By honoring public servants we show younger generations the importance of public service and inspire them to consider entering the field, whether on the Federal, State, or local level of government.

We, as a nation, have a responsibility to honor the commitment of government employees and to recognize that our country runs on their diligence and hard work. The commemoration of Public Service Recognition Week stands as a reminder to every citizen that the sacrifices and contributions made by American public employees is what makes our country a more perfect union and our Government one that is truly of the people, for the people and by the people.

CESAR CHAVEZ'S BIRTHDAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Monday, March 31, 2008, marked the 81st birthday of the late Cesar Chavez, a national hero who devoted his life to fighting for civil rights for all Americans. Today, I join the millions of Americans who will honor this migrant farmworker, labor organizer, and champion of social justice for his many contributions.

Cesar Chavez was a civil rights and human rights leader who learned about the importance of justice early in his life. After graduating from the eighth grade, a young Cesar Chavez went to work in the fields as a migrant farmworker to support his family. In 1962, Chavez and Dolores Huerta founded the National Farm Workers Association, later to become the United Farm Workers, UFW. Chavez had the foresight to train his union workers and then to send many of them into the cities where they were to use the boycott and picket as their weapon. The UFW would soon become a significant political force, demonstrating that Mexican Americans could and would participate in electoral politics.

Chavez was able to successfully organize farmworkers because of his tireless leadership and nonviolent tactics that helped pass laws which would permit farmworkers to organize into unions and allow collective bargaining agreements. He also helped make people aware of the struggles of farmworkers for fair wages and safer working conditions. His movement was the beginning of La Causa, "The Cause," a cause that was supported by organized labor, religious groups, minorities, and students.

Cesar Chavez, the founder and president of the United Farm Workers of America, AFL—CIO, died peacefully in his sleep on April 23, 1993. On August 8, 1994, Cesar Chavez was posthumously awarded the Medal of Freedom, our country's highest civilian honor, by President Clinton. Since his passing, ten States across the country have paid tribute to his memory by celebrating a statewide holiday name in his honor, including my home State of Texas.

Cesar Chavez left our world better than he found it. He taught us to face and overcome adversity with the rallying cry of "Si Se Puede!", or "Yes We Can!". His legacy inspires not just the more than 45 million Latinos in this country but every person who believes in nonviolence as a means to achieve social change. He truly was, in the words of Senator Robert Kennedy, "one of the heroic figures of our time."

ON THE BIRTH OF SARAH ELIZABETH BURT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate my cousin Elizabeth Hatchell Burt and her husband

Travis Ryan Burt of Columbia, South Carolina, on the birth of their new baby girl. Sarah Elizabeth Burt was born on March 31, 2008, weighing 8 pounds and 3 ounces. She has been born into a loving home where she will be raised by parents who are devoted to her well-being and bright future.

I am so excited for this new addition to our family. I want to congratulate Sarah's grandparents James Clarence Hatchell, Jr., and Dale Wilson Hatchell of Lexington, SC, and George W. Burt and Ramona L. Burt of Williston, SC. Additionally, I wish to send our best wishes to Sarah's great grandparents Richard Bryan Wilson and Mary Dale Lott Wilson of West Columbia and James C. Hatchell, Sr., of Columbia, as well as Frances Burt of Alabama. On behalf of my wife Roxanne, and our entire family, we want to wish Elizabeth, Travis, and Sarah all the best.

PERSONAL EXPLANATION

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. HARE. Madam Speaker, on March 31, 2008, I was unavoidably detained. I would like the RECORD to reflect that had I been present, I would have voted as follows: on rollcall No. 147, To reauthorize and amend the Hydrographic Services Improvement Act, I would have voted "yea"; on rollcall No. 148, To provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, I would have voted "yea"; and on rollcall No. 149, Supporting the observance of Colorectal Cancer Awareness Month, I would have voted "yea."

AMBER WESTERFIELD

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Amber Westerfield who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Amber Westerfield is a student at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Amber Westerfield is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Amber Westerfield for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

A PROCLAMATION HONORING GABRIELLE FOWLER FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SPACE. Madam Speaker:

Whereas, Gabrielle Fowler showed hard work and dedication to the sport of basketball; and

Whereas, Gabrielle Fowler was a supportive team player; and

Whereas, Gabrielle Fowler always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Gabrielle Fowler on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

HONORING MS. HALLEY PAGE UPON RECEIVING THE 2008 GEORGIA ELEMENTARY SCIENCE TEACHER OF THE YEAR AWARD BY THE GEORGIA SCIENCE TEACHERS ASSOCIATION

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. BROUN of Georgia. Madam Speaker, I rise today with great enthusiasm to congratulate Ms. Halley Page for receiving the 2008 Georgia Elementary Science Teacher of the Year Award from the Georgia Science Teachers Association. Ms. Page is a science teacher at Fowler Drive Elementary School in the Clarke County School District, which is located in the heart of the congressional district, which I am proud to serve.

Throughout her 23 years as an elementary school teacher, 20 of which have been at Fowler Drive Elementary, Halley Page has been a role model and inspiration to the literally thousands of children whose lives she has touched and influenced. A graduate of Georgia Southern University, Ms. Page holds advanced degrees from the University of Georgia. Her dedication to teaching and her love for science are clear and obvious not only to the students who have had the privilege of having her as a teacher but also to the teachers whom she has befriended and mentored.

Today, Ms. Page spends many hours outside her regular schoolday working with her fellow science and Spectrum teachers throughout the district in developing and implementing a science curriculum that flows and maximizes the potential of every one of her students. Ms. Page has been instrumental in strengthening a partnership between Fowler Drive Elementary and the Richard Russell Agricultural Research Center, United States Department of Agriculture, often hosting USDA scientists who have come into the classrooms to provide our children with real hands-on experience. She also brings in multiple guests throughout the school year which not only excite the students about learning but also gives them an opportunity to learn about the outside world.

Accolades such as this one are not new to Ms. Page. She is a three-time Fowler Drive Elementary School Teacher of the Year—1994–1995, 1995–1996, and 2003–2004—and she also received the 2002 Georgia Marine Educator of the Year awarded by the Georgia Association of Marine Educators. Halley Page is indeed worthy of all of these great recognitions and the congratulations of the House of Representatives.

Also worthy of recognition are the more than 12,000 students who attend over 20 schools that make up the Clarke County School District. With over 19 native languages spoken throughout the district, many students face constant difficulty as they work to achieve their greatest potential. With the help of their teachers, parents, and the support of the community, they are overcoming the challenges and succeeding. Just this past year, the graduates of the district's high schools received over $2 million in academic scholarships—not including the HOPE Scholarship. They are all to be congratulated for a job well done.

Finally, Madam Speaker, I want to recognize the over 2,000 faculty and staff working tirelessly throughout the school district. Their hard work and devotion to the students of Clarke County are succeeding. I also acknowledge the commitment of Superintendent James Simms and School Board Members Charles Worthy, Chester Sosebee, Denise Mewborn, Vernon Payne, David Nunnally, Sr., Allison Wright, John Knight, Sidney Anne Waters, and Ovita Thornton.

All of these great individuals, most especially Ms. Halley Page, deserve our highest praise and the commendation of the House of Representatives.

HONORING DON LOPEZ'S SERVICE TO THE SMITHSONIAN AND HIS COUNTRY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the legacy of Donald S. Lopez.

Don, described as a "walking encyclopedia" by his friends and colleagues, was hired by the Smithsonian as assistant director for aeronautics in 1972. He was part of the team, which included Apollo astronaut and then director Michael Collins, that planned the National Air and Space Museum, which opened in 1976 and would become the most visited museum in the world.

Don's love of and knowledge of flight began as a boy—seeing Charles Lindbergh parade through the streets of Brooklyn, New York; reading World War I aviation publications; and hitching rides on barnstormers. He enlisted in the U.S. Air Force in 1942. A year later, Don received his wings. During his 2 years in China, he flew 101 missions and scored five victories to become a World War II ace fighter pilot. He received the Silver Star, Distinguished Flying Cross with One Oak Leaf Clusters, Soldier's Air Medal with Two Oak Leaf Clusters, Soldier's Medal, and Chinese Breast Order of Yun Hui.

After World War II, he became a test pilot and finished his education, earning a master's degree in aeronautics from the California Institute of Technology. Apollo 8 astronaut Frank Borman was one of his classmates. In the early 1960s, Don helped establish the aeronautics program at the new U.S. Air Force Academy. He retired from the Air Force in 1964 and worked as a systems engineer on the Apollo-Saturn Launch Vehicle and Skylab Orbital Workshop.

Lopez became deputy director of the National Air and Space Museum in 1983 and held various advisory positions through the late 1990s. He was most proud of the Pioneers of Flight gallery, which he filled with "such great airplanes." In his lifetime, he flew more than 32 different types of aircraft.

I am especially grateful to Don for choosing my constituents at Corporate Flight Management and Tangent Industries to rebuild and modify a Cessna 150 for an interactive display in the museum's How Things Fly gallery.

Don Lopez will be interred at Arlington National Cemetery on April 22, 2008. A memorial fund at the National Air and Space Museum has been named in his honor.

Donald S. Lopez—a war hero, test pilot, educator, and preserver, of our Nation's aeronautic achievements—was truly a renaissance man.

* * *

RECOGNIZING CORONA DEL SOL HIGH SCHOOL'S STAND CLUB

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. MITCHELL. Madam Speaker, I rise today to acknowledge the STAND Club from Corona del Sol High School in my hometown, Tempe, Arizona, for its dedication to addressing the genocide in Darfur. The school club has worked tirelessly to raise over $7,000 for the Backpack Project and the Solar Cooker Project, which provide direct aid to the people in Darfur.

STAND, a group of about 30 high school students that was started just a year and a half ago, has spent countless hours doing fundraisers and projects to support and raise awareness of the Darfur cause. Specifically, the students have organized Thankful Thoughts at Thanksgiving and a Guitar Hero competition at Corona's Bonfire, as well as numerous candy, cookie, and candle sales. I would like to congratulate the students on their efforts to raise an additional $3,000 through its silent auction fundraiser, One Night STAND. Including guest speakers from the Lost Boys of Sudan, the upcoming event seeks to both raise money to directly assist those affected by the genocide as well as raise awareness about the ongoing tragedy.

The students should be proud of their accomplishments. I congratulate them on a job well done and ask them to keep up the good work.

* * *

HONORING MR. GEORGE NTIM, RECIPIENT OF J. WILLARD MARRIOTT AWARD OF EXCELLENCE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. ANDREWS. Madam Speaker, I rise today to honor Mr. George Ntim, in recognition of receiving the J. Willard Marriott Award of Excellence. As director of guest relations and community services at the New York Marriott Marquis, Mr. Ntim is receiving this prestigious award for his dedication to excellence in service and hospitality. This is quite an honor as this award will be given to only nine individuals in the entire global operations this year.

Madam Speaker, the dedication that Mr. George Ntim shows to his profession is truly praiseworthy, and I thank him for his service to his numerous clients. I have personally had the good fortune to know Mr. Ntim, as he has assisted me various times during my stays at the Marriott. His affable personality and enthusiasm certainly does not go unnoticed, and contributes to his professional success. The hard work Mr. Ntim exhibits on a daily basis exemplifies that he is truly deserving of this honor.

* * *

IN HONOR OF MARY QUARRIER GOURLEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. FARR. Madam Speaker, I rise today to honor Mary Quarrier Gourley, who passed away on Friday, March 14, 2008.

Mary, who was known to most people as Molly, was born in 1932 and grew up in Modesto, California. She attended Modesto Junior College and later Zweegman's School for Medical Assistants in San Francisco. In 1957, she married William H. "Bill" Gourley, who was a 1st Lieutenant in the U.S. Army. While Bill traveled the world for the United States Army, Molly was at his side. Over a 35-year span they covered every corner of the United States and Europe. Even after Bill retired, they continued to hit the road often. Among Molly's favorite places to visit were Washington DC, Germany and Turkey.

Molly loved to spend her time researching her genealogy, gardening, traveling, and entertaining her friends and family. Through genealogy, she discovered her families' extraordinary history. She had family members who took part in the American Revolution and joined the Daughters of the American Revolution. Molly had a great amount of pride in her family origins. It was that pride in her family history that she imbued in her own family and what built strong bonds among them, bonds that keep them close despite being settled in disparate places.

I always knew Molly as a vivacious, bubbly person—always full of life and laughter. But that bubbly spirit was not to be confused with frivolousness. Absolutely not. Molly was a person of depth and substance, a woman of strength. Hers was a presence always felt and will be sorely missed.

Molly is survived by her husband, William Gourley, who attained the rank of Major General in the U.S. Army and is now retired: her son Michael; and daughter Cecily, Carolyn, Mary Jane; and her nine grandchildren. She will be laid to rest at Arlington Cemetery later this month.

Madam Speaker, I rise to honor Mary Quarrier Gourley, who was a thoughtful and loving wife, mother, and grandmother.

* * *

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 3, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 4

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the current employment situation.

SD–106

APRIL 8

9:30 a.m.

Armed Services

To hold hearings to examine the situation in Iraq and progress made by the Government of Iraq in meeting benchmarks and achieving reconciliation.

SD–106

Foreign Relations

To hold hearings to examine the nominations of Barbara McConnell Barrett, of Arizona, to be Ambassador to the Republic of Finland, Yousif Boutrous Ghafari, of Michigan, to be Ambassador to the Republic of Slovenia, Frank Charles Urbancic, Jr., of Indiana, to be Ambassador to the Republic of Cyprus, Nancy E. McEldowney, of Florida, to be Ambassador to the Republic of Bulgaria, and Kurt Douglas Volker, of Pennsylvania, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.

SD–419

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the Federal Trade Commission reauthorization.

SR–253

Finance

To hold hearings to examine S. 970, to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program.

SD–215

10:15 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine the adequacy of representation in capital cases.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the digital television transition, focusing on consumers, broadcasters, and converter boxes.

SR–253

Energy and Natural Resources

To hold hearings to examine S. 2259 and H.R. 813, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, H.R. 31, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects, H.R. 716, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan, H.R. 786, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, H.R. 1140, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, H.R. 1503, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra Black Wash Reclamation and Riparian Restoration Project, H.R. 1725, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled Non-Potable Distribution Facilities and Demineralization Desalination Recycled Water Treatment and Reclamation Facility Project, H.R. 1737, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California, and H.R. 2614, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California.

SD–366

Foreign Relations

To hold hearings to examine Iraq after the surge.

SH–216

Armed Services

SeaPower Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 on Navy force structure requirements and programs to meet those requirements, and the future years defense program.

SR–222

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

APRIL 9

9:30 a.m.

Armed Services

To hold hearings to examine the situation in Iraq, focusing on progress made by the Government of Iraq in meeting benchmarks and achieving reconciliation.

SH–216

Veterans' Affairs

To hold an oversight hearing to examine making Veterans Affairs the workplace of choice for health care providers.

SR–418

10 a.m.

Environment and Public Works

To hold hearings to examine S. 1870, to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

SD–406

Homeland Security and Governmental Affairs

Business meeting to consider pending legislation, and the nomination of Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

SD–342

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of State and foreign operations.

SD–138

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine S. 1633, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefield and related sites of the Battle of Shepherdstown in Shepherdstown, West Virginia, as part of Harpers Ferry National Historical Park or Antietam National Battlefield, S. 1993 and H.R. 2197, bills to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, S. 2207, to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee, as a unit of the National Park System, S. 2254, to establish the Mississippi Hills National Heritage Area in the State of Mississippi, S. 2329 and H.R. 2627, bills to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site, S. 2502 and H.R. 3332, bills to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, S. 2512, to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and H.R. 3998, to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures.

SD–366

Finance

To hold hearings to examine covering uninsured children, focusing on the provisions and regulations in the current Children's Healthcare Insurance Program (CHIP) directive.

SD–215

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine coal gasification technologies, focusing on the need for large scale projects.

SR–253

APRIL 10

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine aviation safety oversight.

SR–253

Health, Education, Labor, and Pensions

To hold hearings to examine climate change, focusing on a challenge for public health.

SD–430

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

APRIL 15

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 2438, to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

SD–366

APRIL 16

10 a.m.

Judiciary

To hold hearings to examine National Security Letters, focusing on the need for greater accountability and oversight.

SD–226

APRIL 23

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine an update on the Veterans Affairs and the Department of Defense cooperation and collaboration.

SR–418

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine phantom traffic.

SR–253

APRIL 24

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, S. J. Res. 28, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership, S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005, H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, and the nomination of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration.

SR–253

MAY 7

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending benefits legislation.

SR–418

MAY 21

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending health care legislation.

SR–418

HOUSE OF REPRESENTATIVES—*Thursday, April 3, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HOLDEN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 3, 2008.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Divine source of eternal light and everlasting life, we offer You praise and thanks for the blessings You give us as families and as a Nation. Forgive us our narrow-minded self-centeredness. With a vision of faith, help us to see the goodness around us. May we truly recognize the actual needs of our brothers and sisters in the human family and establish bonds of solidarity in the community of nations.

Deepen our belief in the religious sincerity of others, our belief in representative government and our belief in Your divine Providence. Show us how to strengthen our collaboration with others and manifest our true destiny as a Nation in world history. For You are our sovereign Lord now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. CARNAHAN) come forward and lead the House in the Pledge of Allegiance.

Mr. CARNAHAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain requests for up to five 1-minute speeches on each side.

ECONOMIC DISASTER UNWINDS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. The economic disaster continues to unwind. Of course, there was reckless lending, bad investment, cheating and, yes, bad borrowing. But the major failure was of this administration and Congress over the last 7 years. I commend Chairman FRANK for his understanding and resisting the rush to less regulation and oversight, while there was far more risk taken on in our economic system.

There is a seriously flawed Senate package moving its way forward. We must remember the people who need help the most, by reforming bankruptcy laws so that we do not favor the speculator over the homeowner. Above all, we must not reward the people who got us into this mess and profited overwhelmingly along the way. American people deserve better; not just the almost 8,000 per day facing foreclosure, but the tens of millions whose neighborhoods will be harmed as a result.

CONGRATULATIONS TO MASON COUNTY HIGH SCHOOL BASKETBALL TEAM

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to recognize the achievements of the Mason County High School boys' basketball team. The Mason County Royals won the Kentucky State Boys' Basketball Championship on March 22, 2008, at Rupp Arena in Lexington.

The Mason County Royals defeated the Covington Holmes Bulldogs 57–48 in the championship game. Tournament MVP Darius Miller scored 19 of his game-high 24 points in the second half of the championship, to lead the Royals to victory. This year marked the 12th time in 28 years that the Mason County Royals advanced to the Sweet Sixteen Tournament and the second time the team has won the Kentucky State Championship. The young men on this team are not only championship-caliber players, by but all accounts, students and leaders who are a credit to their community.

Finally, I want to congratulate the coaches and fans who support the team. Coach Chris O'Hern guided the Royals to victory. The team also received tremendous community support, evidenced by 17,000 fans that traveled to Lexington to attend the game.

Mr. Speaker, I ask you to join me in congratulating the achievement of the Mason County Royals on their State championship. It's an honor to represent this team in the United States Congress.

FARM BILL CONFERENCE

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, get this. The Secretary of Agriculture has publicly stated that he is not enthusiastic about increasing spending for nutrition programs above the $9.5 billion currently being discussed as part of the farm bill conference. I have news for the Secretary. Families going to food banks aren't enthusiastic about their struggles. People applying for food stamps aren't enthusiastic about the tough choices they are forced to make because their food stamp benefit isn't keeping up with the price of milk. Seniors aren't enthusiastic about having to take their medicines on an empty stomach.

The Secretary should get out more into the real world and meet with some of these families. $9.5 billion is simply not enough, not when families are choosing between food and heat; not when the minimum food stamp benefit is still $10 a month, unchanged since 1977; not when the price of milk eats more of the food stamp dollar today, than last year, simply because food stamps aren't indexed for inflation.

The farm bill conferees should do the right thing and properly fund the nutrition title. Anything less is shameful.

PARDON BORDER AGENTS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the Constitution gives the President absolute authority to grant a pardon. He has exercised that power 157 times. Last week, he pardoned 15 more people convicted of everything from importation of drugs to bank fraud and other crimes.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

But two people not on his pardon list are Border Agents Ramos and Compean, who are serving 11 and 12 years for enforcing the law on the Texas-Mexico border. They were convicted of civil rights violations when they shot a drug smuggler bringing in $750,000 worth of drugs to the United States.

The United States Government gave the drug dealer complete immunity for his crimes to testify against the agents. Then the Justice Department hid from the jury the fact that the drug dealers smuggled in another load of drugs shortly before the trial. The U.S. Attorney made a backroom deal with the smuggler for his testimony and got the tainted testimony they bartered for.

Last session, this House passed legislation to prevent taxpayer money from being used to incarcerate Ramos and Compean, but they are still in prison. Because of the U.S. Attorney's actions of deception in this trial, and the fact that the agents were just doing their job, are grounds for the President to pardon both of the border agents immediately.

And that's just the way it is.

HONORING PFC ANDREW HABSIEGER

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I rise today to honor the life of Private First Class Andrew Habsieger, who died serving our country in Iraq. On Easter Sunday, March 23, he was one of four soldiers killed by a roadside bomb in Baghdad. He was scheduled to return home to his family in 2 weeks. Andy was just 22 years old.

In Festus, Missouri, friends and family remembered him as a loving child and standout high school football player. Andy proudly served the U.S. Army as an infantryman and was inspired to fight for his country after the terrible attacks of September 11.

On March 22, 2005, Andy wrote me requesting assistance in joining the Marine Corps because of experiencing migraines while growing up. Andy ultimately joined the Army. Looking back on his letter, I am reminded of his steely determination to serve his country. That he did.

The weekend Andy died marked the 4,000th American soldier killed in Iraq. My heart goes out to Andy's parents, Michael and Brenda Habsieger, as well as his brother, Jacob, who is also in the Army. We must never forget our Nation's fallen heroes. PFC Andrew Habsieger will not be forgotten and his service will inspire generations yet to come.

THE COOPER-WOLF SAFE COMMISSION ACT: BIPARTISANSHIP REQUIRED

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, last week the annual Medicare trustees report concluded that consideration of reforms to ensure the financial security of Medicare must occur in the near future. The report states, "The sooner the solutions are enacted, the more flexible and gradual they can be." As lawmakers, we are obligated, on economic and moral grounds, to tackle this enormous issue.

Newspaper headlines in the days following the release of the report say as follows, "Should political stalemate end, entitlement solution possible"; "Entitlement reform cannot wait on politics"; "Budget experts left and right urge action on entitlements."

Every day that the Congress doesn't act, nor the administration, we miss an opportunity for our children and our grandchildren to get this country moving. Congressman COOPER and I have a bill called the SAFE Commission. It's a bipartisan bill.

I am also, Mr. Speaker, disappointed that Secretary Paulson has failed to address this issue. He said he feels like he is playing solitaire. Secretary Paulson, there are 74 cosponsors in the House, 40 Republicans, 34 Democrats that are waiting for you to do something. Secretary Paulson, if you leave this administration with failing to do that, you will regret it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to others in the second person.

REPORT FROM THE FEDERAL RESERVE

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, yesterday the Chairman of the Federal Reserve, Ben Bernanke, was before us at the Joint Economic Committee. Chairman Bernanke noted many negative factors for the current economy, increased unemployment claims, increased food and energy prices, and it has reduced Americans' confidence in the economy.

Recently, we have all seen news reports about the Federal Reserve's unprecedented actions aimed at increasing liquidity, stabilizing credit markets, and protecting a Wall Street investment bank from bankruptcy. Despite these dramatic measures, liquidity remains limited, and with only news reports to go on, the American public seems unsure about whether government is acting in their best interest.

The Federal Reserve needs to start clearly informing the American public about the impact of its actions. This openness would encourage sensible economic policy, bring stability to the markets, and help restore individuals' confidence in the government and in our economy.

Millions of homeowners are struggling to make mortgage payments or have already lost their homes, and they do not feel like their government is helping them. The Federal Reserve needs to clearly communicate better to the American people.

OBAMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in a recent speech in my home State of Pennsylvania, one of the candidates for President referred to the possibility of his daughter conceiving a child as a "punishment." In referring to his own two daughters, he said, "I am going to teach them first about values and morals, but if they make a mistake, I don't want them punished with a baby. I don't want them punished with an STD."

I agree that teens should be taught about values and morals. But I find it disturbing that any candidate for high office finds the notion of a grandchild to be punishment, a punishment on the same level as a sexually transmitted disease. Have we come this far? Has the opposing party embraced an ideology that is so opposed to life that a grandchild is seen as a punishment?

In the same speech he said, "This is an example where good people can disagree." Well, I see nothing good about believing a grandchild is a punishment. Not his most eloquent or uniting speech.

□ 1015

CONGRATULATING NICKELODEON AND THE WOLFF-DRAPER FAMILY

(Mr. COHEN asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, during Read Across America Week, I went to Lincoln Elementary School in Memphis, Tennessee, and we read our favorite book, "Green Eggs and Ham." I asked the young people if they ever watched C-SPAN, and they looked at me quizzically. Then I asked them if they ever watched Nickelodeon, and they all raised their hand and cheered. I said, "Which show do you watch the most?" They watch "The Naked Brothers Band."

The Naked Brothers Band is a show on Nickelodeon that has been an award winner starring Nat and Alex Wolff, produced by their mother, Polly Draper, and co-produced by their father, Michael Wolff. It is the "Ozzie and Harriet," the Nelson brothers of the 21st century, and it shows that there is good television that gives kids good values and teaches them about the environment and how to be good young people and grow up to be great Americans.

So my congratulations to the Nickelodeon Network and to the Wolff-Draper family and Nat and Alex.

PROVIDING FOR CONSIDERATION OF H.R. 4847, UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1071 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1071

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4847) to reauthorize the United States Fire Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 4847 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1071 provides for consideration of H.R. 4847, the United States Fire Administration Reauthorization Act of 2008 under a structured rule. The rule provides 1 hour of debate, controlled by the Committee on Science and Technology, and makes in order all three amendments that were submitted for consideration. I am proud to rise today in support of this rule and the underlying bill.

Mr. Speaker, twenty-seven years ago, in 1971, over 12,000 citizens and more than 250 firefighters tragically lost their lives due to fires. In response to those tragic occurrences, this body passed the Federal Fire Prevention and Control Act into law, establishing the United States Fire Administration, also known as the USFA, and the National Fire Academy, known as the NFA. The USFA was created to reduce the incidence of death, injury and property loss from fire through public education, data collection, research and training.

Mr. Speaker, we have made great progress. Since the creation of the USFA in 1974, the number of fire deaths has been reduced by more than one-half. Besides providing training and educational programs for over 30,000 fire departments across this great Nation, the USFA promotes fire safety and prevention programs to the public.

Mr. Speaker, these educational and outreach programs undoubtedly have saved thousands of lives and thousands of dollars, and will continue to do so.

Reports published by the USFA provide essential information to help reduce the risk of fires. For example, the USFA releases a report in December to encourage fire safety during the holiday season. According to last year's report, "Fires occurring during the holiday season claimed the lives of over 400 people, injured more than 1,650, and caused $990 million in damage." The report outlines precautionary tests to help American families avoid devastating but often preventable accidents.

The USFA also collects reliable data on civilian and firefighter deaths and injuries. In 2006, there were 3,245 civilian deaths from fires and 81 percent of all civilian fire deaths occurred in residences, which represents 25 percent of all fires. Direct property loss due to fires was approximately $11.3 billion, $755 million of which was the result of 31,000 intentionally-set structure fires.

Mr. Speaker, sadly, 106 firefighters were killed in the line of duty in 2006. For nearly 30 years, the USFA has collected data on the number and causes of firefighter fatalities. The analysis of this invaluable research allows the USFA to find solutions to specific problems and reduce the number of fatalities with our firefighters.

While the number of firefighter deaths has been greatly reduced, approximately 100 brave firefighters make the ultimate sacrifice to protect our loved ones and our communities each year. We must continue to strive to prevent fires, to learn the lessons from unpreventable fires, and to properly train and equip our firefighters. It is vital that our Federal Government ensure that our brave firefighters have the training and the support they need to keep our families and communities safe.

Mr. Speaker, this reauthorization bill will promote national consensus standards for safe fire fighting at all levels of Government. H.R. 4847 will also help to provide training for firefighters who are increasingly called on to handle modern-day challenges and catastrophes, including fire fighting in the wildland-urban interface and responding to hazardous material incidents.

Firefighters are the first on the scene and the last to leave. Captain Robert Livingston echoed these sentiments in his testimony before the House Subcommittee on Technology and Innovation when he said, "The days of firefighters whose primary function was to 'put the wet stuff on the red stuff' are long gone. The men and women of the 21st century fire service have evolved into highly-trained, highly-skilled all-purpose emergency responders with broad responsibilities."

Firefighters in my district know this all too well. With the recent and reoccurring damaging floods in cities like

Barberton, North Royalton, Elyria and Lorain, our firefighters have been called upon to provide emergency flood assistance. And we must never forget, Mr. Speaker, the heroics our Nation witnessed on September 11th as these brave men and women ran into the Twin Towers to save as many people as possible. Three hundred forty-one of New York City's finest firefighters, three fire safety directors, two paramedics and one volunteer firefighter died in the line of duty at the World Trade Center on that fatal day.

It is our responsibility to provide the resources necessary to train those who protect us, and today, with passage of this act, we will be providing the support to meet the needs of our firefighters for the 21st century. By reauthorizing and improving this act, we are ensuring that the USFA continues to provide training, education and the tools to the firefighters we entrust to protect our communities and our families.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Ohio, Ms. SUTTON, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, in 2003, this legislation, the United States Fire Administration Reauthorization Act, passed the U.S. Senate by unanimous consent, and it passed the House that same year as a suspension bill by a voice vote. This year it was approved with bipartisan support and a voice vote out of the House Science Committee. The history of this bill has clearly been one of bipartisanship and broad agreement on the merits for renewing the U.S. Fire Administration activities.

Mr. Speaker, it is a prime candidate for consideration as a suspension bill by this House, and in a Tuesday meeting of the Rules Committee, I suggested that if no amendments were filed with the committee, that the House should actually consider it as a suspension bill because of its broad support.

The Democrats on the Rules Committee said no to consideration as a suspension, as was done in 2003, which, I might add, was done with their consent in 2003. The Democrat Rules Committee insisted on a structured amendment process requiring Representatives to file their proposed amendments through the Rules Committee for the committee's review. Ultimately three amendments were filed with the committee. This rule would make only those three amendments in order, thereby prohibiting the 432 other Members of the House from coming to the House floor and offering an amendment.

Mr. Speaker, the Democrat majority has set an historic record for the most closed rules in the history of the House. In doing so, they shut down debate on the House floor more than any other majority has.

Mr. Speaker, it is really a terrible record. As the new Democrat majority took control after the November 2006 elections, they promised the exact opposite. They pledged to run the most open House and to allow for bipartisanship.

Mr. Speaker, they have broken that promise. Other than appropriation bills, which are historically considered under open rules, this Congress has had only one, just one open rule, and that was over a year ago, in February of 2007.

Mr. Speaker, this bill to renew the activities of the Fire Administration is noncontroversial. If it is not going to be considered under suspension of the rules, then it should be done under an open rule. If this noncontroversial bill is not a candidate for an open rule, then what bill will this Democrat majority be willing to bring to the floor and allow under an open rule?

The Democrat majority blocks debates on controversial bills and noncontroversial bills. No legislation appears safe from their drive to shut down and shut out debate in this House. They promised to run the House in an open manner, and they are not. They passed new rules to make conference committees more open. Then they just stopped using conference committees and retreated further behind closed doors to write final bills. Mr. Speaker, as just one example, take the Democrat refusal to conference with the Senate on FISA legislation.

The American people were promised that this House would be run differently, that it would be run better, but in fact it has not been. The Democrat majority has exceeded and surpassed the heavy-handed tactics that they condemned in the last Congress. Now they have gone so far as to take a noncontroversial bill that was passed by voice vote and turn it into another opportunity to tighten the vise and block debate on the House floor.

☐ 1030

This House deserves to be allowed to work in an open and free manner, and it hasn't had that, Mr. Speaker.

I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I would like to, if I could, just mention this bill. The bill has such wide support, not only within this Congress, but it has been endorsed by some extraordinarily important organizations out there. It has been endorsed by the Congressional Fire Services Institute, the International Association of Arson Investigators, the International Association of Fire Chiefs, the International Association of Firefighters, the International Fire Service Training Association, the National Fire Protection Association, the National Volunteer Fire Council, the North American Fire Training Directors. So this bill has wide support and on both sides of the aisle.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I would just make the observation: This bill, as I mentioned in my remarks and as the gentlelady from Ohio mentioned in her remarks, has obviously very, very broad bipartisan support. Why not consider it then under an open process? There are probably many Members that have an idea that they could perfect this legislation, but we are being denied, with the exception of three amendments, to try to perfect this bill.

I just think it is the wrong way to go in a body that prides itself being open to debate and being very deliberative. We are certainly not getting that opportunity under this noncontroversial bill.

I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, we have heard on this floor today why we must pass this rule and pass the United States Fire Administration Reauthorization Act.

As I have said, we must continue to support firefighters in communities like Sheffield Lake, Brunswick, and Akron, and all across this Nation, and ensure that they have the resources available to do their job to protect our loved ones and our communities.

This bill authorizes appropriations for the fiscal year 2009–2012 for the USFA in the responsible manner the American people expect of Congress. According to the Congressional Budget Office, enacting this legislation will not affect direct spending or revenues, and will impose no costs on State, local, or tribal governments.

H.R. 4847 expands the list of training activities the National Fire Academy is authorized to engage in, which will help our firefighters manage the demands of the 21st century. These programs include response activities to all types of national catastrophes; exposure of hazardous materials; and increased emergency medical services. This bill also authorizes the USFA to assist the Nation's fire services by improving equipment and sharing best practices to address fire suppression and prevention.

This bill was passed by a voice vote by the Science and Technology Committee with bipartisan support, and has been endorsed by the International Association of Firefighters.

I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 4847, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1071 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4847.

□ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4847) to reauthorize the United States Fire Administration, and for other purposes, with Mr. FALEOMAVAEGA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Arizona (Mr. MITCHELL) and the gentleman from Georgia (Mr. GINGREY) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. MITCHELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 4847, the U.S. Fire Administration Reauthorization Act of 2008, a bill I introduced with the original cosponsor, my good friend from Georgia, Dr. GINGREY.

Firefighters are often the first to arrive at an emergency scene and the last to leave. Whether it is putting out a house fire or a wild fire, or responding to a terrorist attack or car accident, we depend on firefighters every day. But firefighters also depend on us; they depend on the public and their elected officials to make sure that they have the resources, the equipment, and the training they need to do their job. Without those tools, we put them and all of us at risk.

The U.S. Fire Administration is an invaluable resource for our Nation's firefighters and the communities they protect. Through training, data collection, fire education for the public, and support for fire-related research and development, the USFA provides critical tools and leadership to the Fire Service.

Fire is one of nature's most destructive forces. In 1973, when USFA was created, over 6,000 Americans died each year in fires and another 100,000 were injured. Through the leadership of USFA and others, the number of people killed by fires each year is now between 3,000 and 3,500, with approximately 16,000 people who were injured. We can all be proud of the significant reduction. However, 3,000 Americans a year is still too many, especially when so many of these deaths and injuries are from our most vulnerable populations, children and the elderly.

In addition, the Nation still suffers over $11 billion per year in direct losses due to fire, and the trend for this number is going up, not down. With statistics like these, it is clear that fire continues to be a major problem for the U.S. H.R. 4847 reauthorizes this important agency for 4 years at funding levels that will enable USFA to carry out fully its mission.

□ 1045

At a hearing with the Technology and Innovation Subcommittee held last fall, we heard the priorities of the Nation's fire service communities for USFA. This bill directly reflects their priorities.

This bill authorizes the USFA to focus on the pressing challenges of fighting fires in the wildland-urban interface, and fires involving hazardous materials, as well as advanced topics of emergency medical services.

Back home in Arizona, one of the toughest challenges our firefighters face is wildfires in the wildland-urban interface. This is an important year for wildfires. We have had a pretty wet winter which means a great deal of shrubs and bushes have grown at lower elevations. When the summer months heat up and the vegetation dries out, those shrubs and bushes will turn into tinder that can start a fast-moving wildfire in urban areas. Those fires threaten homes and lives. Fighting wildfires in urban areas requires special training, and I am proud that this legislation enhances fire administration training for wildland-urban interface fires.

Firefighters today are called upon to respond to an ever-broader range of emergencies. This authorization bill gives USFA the authority to make sure its training program keeps pace with the increasing challenges to the fire service.

The bill also addresses an important priority of the fire service in USFA, and that is to update the National Fire Incident Reporting System, or NFIRS. This system provides important data on fire events to policymakers at all levels of government. The current system is slow to report the data to the National Fire Data Center, and does not capture data on every fire, thus limiting its value to users. H.R. 4847 would direct USFA to update NFIRS to a real-time reporting, web-based system.

The bill also directs the U.S. Fire Administrator to continue USFA's leadership in firefighter health and safety. Every year over 100 firefighters die in the line of duty. H.R. 4847 directs USFA to educate local fire departments about national voluntary consensus standards for firefighter health and safety, and to encourage local departments to adopt these standards. This provision will help reduce the tragic loss of life the fire service suffers each year in line-of-duty deaths by promoting good practices in a variety of fire emergencies.

I also understand there have been some concerns that this provision would affect the jurisdiction of NIOSH, the National Institute of Occupational Safety and Health. I would like to reassure my colleagues that it is not my intent for this bill to have any effect on NIOSH or any other agency of the Department of Health and Human Services.

H.R. 4847 is the product of bipartisan collaboration, and is supported by major fire service organizations, including the International Association of Fire Chiefs, the International Association of Firefighters, the National Volunteer Fire Council, National Fire Protection Association, and the Congressional Fire Services Institute.

The resources and leadership of the USFA are an essential part of the ability of the fire service to protect our cities, towns and communities. I urge my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GINGREY. Mr. Chairman, I yield myself such time as I may consume.

H.R. 4847, the U.S. Fire Administration Reauthorization Act of 2008 reauthorizes USFA's activities in training, fire education and awareness, data collection, research and standards development and promotion. This legislation also authorizes $291 million in Federal funds for fiscal years 2009 through 2012 for the USFA. This authorization level, Mr. Chairman, is consistent with previously authorized levels and it only includes a very modest growth in funding that is capped at 3 percent in any of the fiscal years for the bill.

Mr. Chairman, as the lead Republican sponsor of this legislation, I am pleased to have worked with my colleague from Arizona, Mr. MITCHELL, over these past few months to bring this bill, H.R. 4847, to the House floor today.

I am also pleased that this bill has gone through the regular order process. That is a refreshing phrase, Mr. Chairman, but I am certainly pleased that it went through regular order. In fact, in October, the Science Committee's Subcommittee on Technology and Innovation, of which I am the ranking member, we held a hearing on reauthorizing USFA, and H.R. 4847 was unanimously reported out of our subcommittee earlier this year.

On February 27 of this year, the full committee, the full Science Committee, reported the bill after accepting both Republican and Democratic amendments that I think have improved the bill.

The mission of USFA is to limit economic and life loss "due to fire and related emergencies, through leadership, advocacy, coordination and support."

This organization provides vital assistance in the areas of training, fire education and awareness, and it awards grants to a number of our local fire departments across this country. We all have them in every district of all 435 Members. These activities have made a substantial impact over the last 30 years.

Mr. Chairman, it is important to note that because of the work of the USFA, smoke alarms are now standard issue in residences across the country. Over a million firefighters have received advanced training, and firefighter equipment and safety continually improves.

USFA should be proud of its record of achievement. However, it is also clear that certainly there are still improvements that can be made. In the last 10 years, deaths related to fires have decreased by approximately 25 percent, from nearly 5,000 in 1996 to 3,675 in 2006. Although that decrease in fire-related deaths is commendable, the United States still has one of the highest death rates from fires in the industrialized world.

Additionally, despite decreases in the numbers of fires, direct damage costs are increasing and have surpassed $10 billion per year. The number of fires have gone down, but the damage from them has gone up to $10 billion per year. In an average year, Mr. Chairman, fires caused as much damage in the United States as have hurricanes. The reauthorization of USFA will allow the agency to continue to improve our preparedness and to reduce our vulnerability to fires.

Unfortunately, last year we saw wildfires that literally ravaged southern California, and we need to develop a more cohesive way of combating these fires. I am happy to see that this legislation specifically addresses the issue of fighting fires in what we refer to as an urban-wildland interface by implementing methods to better respond and prepare for fires that move from wildlands to suburban and indeed urban areas.

Furthermore, Mr. Chairman, I am particularly pleased that this legislation now includes an amendment that I offered at full committee. It will allow the USFA administrator to perform studies related to the management of emergency medical services at the scene of a fire. Our brave firefighters, men and women, are called upon to extract victims from car crashes, building fires or collapses, and other emergencies, so it is critical that patients receive consistent care under medical direction.

While I do not expect USFA to pursue studies into the medical care EMS patients should receive, I believe my amendment, which was accepted by the full Science Committee, will give the administrator the authority to conduct studies into training, system design, on-scene patient management while making sure to work with appropriate Federal agencies and existing medical services in these local communities.

Mr. Chairman, the current bill is an important and well-crafted step forward for the USFA, and it represents months of diligent work by both the majority and the minority members and staff of the Science Committee. I want to make sure to commend the great staff of both the minority and the majority.

This legislation has been a bipartisan accomplishment of our committee. That is pretty much standard practice in the Science Committee, I am proud to say, Mr. Chairman. And it is being supported not only unanimously by the committee, but by a number of fire related advocacy groups, including the Congressional Fire Services Institute, the International Association of Arson Investigators, the International Association of Fire Chiefs, the International Association of Firefighters, the International Fire Service Training Association, the National Fire Protection Association, the National Volunteer Fire Council, and the National North American Fire Training Directors.

Mr. Chairman, I could go on, but my staff didn't list any more.

I certainly want to say, Mr. Chairman, this is an outstanding bill and I urge all my colleagues to support it, H.R. 4847, because this bill will enable the USFA to continue its record of achievement, as well as prepare firefighters for the challenges that they will undoubtedly face in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. MITCHELL. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. GORDON), the chairman of the Science and Technology Committee.

Mr. GORDON of Tennessee. Mr. Chairman, I thank Mr. MITCHELL for yielding to me, and I want to thank him for the introduction of this important and outstanding piece of legislation.

As my friend Dr. GINGREY said, this is a bipartisan piece of legislation coming out of what I hope is thought of as a bipartisan committee. I want to thank him, as well as Mr. WU, for their work as the subcommittee chairman and ranking member. I want to thank Mr. HALL for his help in getting this bill out as the ranking member of the committee.

We have passed more than 30 bills and resolutions out of the Science and Technology Committee, all of which have been bipartisan, and all but one have been unanimous. This is another one of those unanimous bills. I think that happens because we are working together to try to do it the right way. We had a good subcommittee hearing. We had a subcommittee markup, a full committee markup. When you do it that way, you get the type of third-party endorsements that Dr. GINGREY talked about.

We have the endorsement of the International Association of Fire Chiefs, the International Association of Firefighters, the National Volunteer Fire Council, the National Fire Protection Association, the International Association of Arson Investigators, the National North American Training Directors, the International Fire Service Training Association, and the Congressional Fire Service Institute. That is quite a lineup to demonstrate the support for this good bill.

I also want to thank the members of the committee for their work as this bill was crafted. Ms. RICHARDSON was particularly helpful in bringing her experience of firefighting from a coastal area, and made us realize that a curriculum in marine and port firefighting was important.

This is a good bill done the right way, and I thank all parties for their participation.

Mr. Chairman, at this time I would like to place into the RECORD an exchange of letters between the Committee on Science and Technology and the Committee on Homeland Security.

COMMITTEE ON HOMELAND SECURITY,
Washington, DC, March 28, 2008.
Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR CHAIRMAN GORDON: I am writing to you concerning H.R. 4847, the United States Fire Administration Reauthorization Act of 2007. Though H.R. 4847 implicates the Rule X jurisdiction of the Committee on Homeland Security, I will not seek a sequential referral of this bill because I share your interest in assuring that this legislation is brought to the House floor in an expeditious manner. Agreeing to waive consideration of the bill should not be construed as the Committee on Homeland Security waiving its jurisdiction.

Further, the Committee on Homeland Security while forgoing a sequential referral of this bill, reserves the right to seek the appointment of conferees during any House-Senate conference convened on this or similar legislation. I ask for your commitment to support any request by the Committee on Homeland Security for the appointment of conferees on H.R. 4847 or similar legislation.

In addition, I ask that you please include this letter and a copy of your response acknowledging the Committee on Homeland Security's jurisdictional interest in this bill and indicating your support of our agreement in the committee report on H.R. 4847 and into the Congressional Record during consideration of the measure on the House floor. Thank you for your cooperation in this matter.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

COMMITTEE ON SCIENCE
AND TECHNOLOGY,
March 28, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the consideration of H.R. 4847, the United States Fire Administration Reauthorization Act of 2008. I appreciate your willingness to forgo a sequential referral on this measure so that it may move expeditiously to the Floor.

While the Committee on Science and Technology has been given sole jurisdiction over every U.S. Fire Administration (USFA) bill since the USFA's creation, we recognize that the Committee on Homeland Security has an interest in H.R. 4847 based on your jurisdiction over functions of the Department of Homeland Security relating to research and development (House Rule X(1)(i)(3)(E)). Research, development, and demonstration programs and projects at the Department of Homeland Security remain within the shared jurisdiction of the Committee on Science and Technology due to our jurisdiction over "scientific research, development, and demonstration, and projects, therefor" (House Rule X(1)(o)(14)). I acknowledge that by forgoing a sequential referral, the Committee on Homeland Security does not waive its jurisdiction. In addition, I will support any request you may make to have conferees to a conference committee on those sections of H.R. 4847, or any similar legislation.

The exchange of letters between our two committees will be inserted in the legislative report on H.R. 4847 and the Congressional Record during consideration of the measure on the House floor.

Thank you for your cooperation in this matter.

Sincerely,

BART GORDON,
Chairman.

Mr. GINGREY. Mr. Chairman, I continue to reserve my time.

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Mr. MITCHELL. Mr. Chairman, I would like to yield 3 minutes to Mr. PASCRELL, the gentleman from New Jersey.

Mr. PASCRELL. Mr. Chairman, to all of those on both sides of the aisle who made it possible for the reauthorization bill to come to the floor today, I say thank you, and all the services.

The U.S. Fire Administration, through FEMA, provides the leadership, the coordination, and support services for fire prevention and control, which is critical. I mean, we still lose 100 firefighters, on average, every year. That certainly is unacceptable to any of us on this floor. And we need to work even harder to make sure that our firefighters have the resources and the wherewithal to do the job we ask them to do.

If you remember the Fire Act we passed before 9/11, this was a response to the very basic needs of the 32,000 fire departments throughout the United States and the one million firefighters. That legislation broke ground because it was a response to needs that we've neglected. We can't expect that every local community in this country has the resources to supply and provide the training and the state-of-the-art equipment to the fire departments throughout America, and so that Fire Act has been so successful.

There is literally $3.5 billion in applications in the Fire Act, and a tremendous amount of applications for SAFER every year. And we have devised, both of us, on both sides of the aisle, probably the best format of how to judge the competitive applications. We've asked the firefighters to step up to the plate, judged by their peers. But the Fire Administration is partner with all of these peer firefighters who review the applications. In the Fire Act and SAFER bill, this is very unusual, the money goes directly to the departments so that the States cannot skim and the local government cannot skim. So, this is a real competition, and I believe that's how all Federal funds should be used. That's my own personal opinion.

The Fire Administration has been a true partner for 34 years. The roles and responsibilities of the fire service have evolved for the 1.1 million men and women in fire and emergency services, over 316,000 career firefighters, almost 317,000, and the 824,000 volunteers.

What I am so thankful for, in terms of the U.S. Fire Administration, Mr. Chairman, is that the U.S. Fire Administration has brought the volunteers and the career firefighters together. This is invaluable.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. MITCHELL. I yield an additional minute to the gentleman.

Mr. PASCRELL. I cannot express how important this is. All the competition that existed before 2000, we've gotten out of it, and thanks to the Fire Administration. They are working together, the career firefighters and the volunteer firefighters.

This is a very important legislation that is going to save lives. And isn't this what we're here for, to do what we can on a Federal level, realizing it's always going to be the local efforts that are going to be most important. But we have a responsibility, and it seems to me today, Mr. Chairman, that we're stepping up to the plate.

I want to commend Members on both sides, the good doctor and my good friend from the Southwest part of the country. This has brought us together, this legislation, and it is good legislation.

Mr. GINGREY. Mr. Chairman, I will continue to reserve my time.

Mr. Chairman, may I ask how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Arizona, his time remaining is 18 minutes. The gentleman from Georgia, his time remaining is 22 minutes.

Mr. MITCHELL. Mr. Chairman, I would like to yield as much time as she may consume to Ms. RICHARDSON, the gentlelady from California.

Ms. RICHARDSON. Mr. Chairman, I rise in strong support today of H.R. 4847, which is the United States Fire Administration Reauthorization Act.

This reauthorization of this vital legislation demonstrates Congress' commitment to enhance the protection of our citizens throughout this great Nation to prevent any harm that might come to loss of life or property due to devastation caused by fires. Included in this legislation is an amendment that I offered at a full committee markup that I'd like to reiterate and clarify at this time.

Inclusive in H.R. 4847 is an amendment that does not create a new standalone course regarding port and marine firefighting. In fact, much effort was taken by my staff, the Republican side, committee staff, as well as the various agencies, to ensure that we would take conscious action in not creating additional costs for the agencies and/or programs that are right now really not funded to the levels we would like to see.

The intent of the amendment is to take the unique content of port and marine firefighting activity and to incorporate that information into existing classes. Why, you might ask? This Congress' goal of using, in an efficient manner, resources that we have, we also want to integrate information to best prepare our firefighters to respond to disasters.

And you might ask the question, why? In the United States alone, we have over 126 shipping ports, all of which are critical to the movement of goods and the general health of our economy. The volatility of the products that are being shipped and the new increased size of these shipping vessels causes problems to our firefighters in terms of responding. So, when you consider a district such as mine that borders along the Port of Long Beach and also the Port of Los Angeles, one of the things that we learned in the wake of Katrina, we learned in the San Diego fires, and we also learned with September 11th is that firefighters are brothers and sisters. You might have rural firefighters who respond to an urban disaster; likewise, urban firefighters might be called to respond to a rural disaster.

And so, one of the things that we've learned in these incredible complex disasters that we've had over the last couple of years is that inoperability, the ability for rural and urban firefighters to have the same information and to be prepared in the midst of a disaster because it's one thing to play Monday night quarterback when everything can be planned in advance, but when we have a disaster, it is too late at that point for our firefighters to be trained on how do you respond to an extended vessel, or how do you respond to an LNG disaster, or how do you respond to anything else that might be occurring. And so, with that, it is my pleasure to work with, we had great leadership by Mr. MITCHELL here in this effort of the reauthorization bill.

Because we never know what our firefighters might be facing, I, unfortunately, lost a firefighter in California just last week. So, I would be remiss at this moment not to thank my colleagues on the other side of the aisle, Representative BARTLETT and Representative ROHRABACHER, for their support of this amendment.

I intend, through conference with staff and the appropriate members of the Department of Homeland Security, USFA, and the Superintendent of the Fire Academy to ensure that we have the right curriculum that can be incorporated that can benefit all firefighters to ultimately protect our citizens in a better way.

In closing, I want to again commend our colleague, Representative MITCHELL, for his leadership on this issue, and also Chairman GORDON for his commitment on the Science and Technology Committee to move beyond all of the limits and the challenges that we have, and to make sure that Americans are protected every day.

I encourage my colleagues to support this bill.

Mr. GINGREY. Mr. Chairman, I continue to reserve the balance of my time.

Mr. MITCHELL. Mr. Chairman, I would like to yield as much time as he may consume to Mr. WU, the gentleman from Oregon. He is the chairman of the Technology and Innovation Subcommittee. And I want to thank Chairman WU for moving this bill so quickly through the subcommittee.

Mr. WU. I thank the gentleman.

Mr. Chairman, first of all, I would like to recognize the leadership of the gentleman from Arizona (Mr. MITCHELL) for working diligently on this important piece of legislation, for reaching across the aisle and working with the gentleman from Georgia, and for his leadership in shaping this important piece of legislation. In fact, it was, indeed, through efforts like this that Congress first formed the United States Fire Administration in 1974 because of then reports that there are over 12,000 deaths each year in this country, and over 300,000 fire injuries. And through the hard work of the USFA, and others, we have been fortunate to see that number drop dramatically.

We are now a much safer Nation thanks to improved awareness of fire safety practices, increased use of smoke detectors and sprinklers, and other fire safety measures. Still, about 3,000 people die each year of fires, and 10,000 more are injured. We also still see too many firefighters die in the line of duty. And I want to recognize Mr. PASCRELL, the gentleman from New Jersey, for his diligent work over many years to decrease that unconscionable number.

We have a lot more work to do. The USFA supports local fire departments in a variety of ways. It offers training and career development to thousands of mid-level firefighters, fire chiefs, and other emergency management officials.

USFA is a great way for the Federal Government to help coordinate efforts for local firefighters. USFA also develops fire education and awareness curriculum material to be used in training citizens across the country. It aims these messages at groups which suffer the highest fire casualties, such as the young and the elderly.

While Congress is working to reauthorize and build on this program, the President, unfortunately, is cutting the budget for USFA. Indeed, the President's fiscal '09 budget cuts USFA by more than 5 percent.

As firefighters learn to respond to new issues, such as fires and the wildland-urban interface, terrorist events and harmful materials incidents, we need to provide sufficient funds to train and prepare them for these situations.

Firefighters risk their lives every day so that they can protect ours. Passing this legislation is one way that we can not only show, but tangibly demonstrate our deep appreciation.

I urge my colleagues to vote "yes" on the underlying bill. I again recognize the leadership of the gentleman from Arizona (Mr. MITCHELL).

Mr. GINGREY. Mr. Chairman, at this time, I am pleased to yield to the ranking member of the full committee, the Science Committee, the gentleman from Texas (Mr. HALL). I yield to him as much time as he might consume.

Mr. HALL of Texas. I thank the gentleman for yielding, and I won't take all that much time.

I've heard it said that water and fire are wonderful friends and fearful enemies, and I'm sure that's been said a lot of times today. And we know the terrible devastation that both of these can bring.

Thousands of people die in the United States every year due to fire, and many more are injured. The total would be even higher if it weren't for the dedication and the service of our Nation's fire men and women.

I don't know how you can say enough about our Nation's firefighters. I would say this: It's kind of a shame that it took a 9/11 for people to really fully appreciate firefighters and men and women that defend us and defend our property and our lives. I just think they're treasures of the country, and it's good for this Congress to honor them every chance we get. And that's why I'm very pleased that the Committee on Science and Technology has taken the time to deliberate and produce a bill that will greatly contribute to the effectiveness of the United States Fire Administration, and by extension, the local men and women who serve us so very well.

I'd like to thank the gentlemen from Arizona and Georgia for their leadership on this bill, as well as the rest of the colleagues on the committee for their work. And I, of course, urge passage of H.R. 4847 and yield back the balance of my time after once again saying that it's unusual that it would take some kind of devastation like we had in our sister State over here to really bring the full appreciation of men and women who, day and night, face the fires and face protection of our property and our goods. I'm honored to be a part of recognizing them and saying to them one more time from the bottom of our hearts, we thank you, we appreciate what you're doing, and we look forward to the fact that you're going to be able to continue to do it.

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Mr. MITCHELL. Mr. Chairman, I would like to yield as much time as he may consume to Mr. MATHESON, the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, once again the Science Committee brings to the House floor a bill that makes sense, that was developed in a bipartisan way. It's a great tradition of this committee, and I think Members on both sides of the aisle on that committee know what a great committee it is to work on.

And I want to thank Congressman MITCHELL, in particular, for taking the lead on this issue, because his approach really fits into the Science Committee approach about how we look at issues, and we try to work together in a bipartisan way to make progress. And that's why I'm happy to stand up and offer my support for this bill today.

In the grand scheme of things, one of the reasons why I think this is incredibly important is that the United States has one of the highest fire-related death rates among all industrialized nations. Think about that. With all the technology we have in this country, all the safety measures, we still rank so poorly among industrialized nations in terms of fire-related deaths. And this legislation takes a step in terms of trying to address that problem.

Now, I come from a western State, the State of Utah; and in the West, we have particular danger in terms of forest fires. This legislation fully funds the National Fire Incident Reporting System, which is going to help the U.S. Fire Administration prevent future forest fires. Currently, we're only able to capture data from 50 percent of wildfires, which just is not enough.

By improving the incident reporting system, the U.S. Fire Administration will be able to speed up the reporting data, generating a more comprehensive database. In practical terms, that's going to mean better analysis, greater fire prevention, and fewer lives lost.

And, in particular, this bill, if enacted, will expand the program to include training in wildland-urban interface areas. And this is an issue that's particularly important in western States where, as population growth has taken place, there has been greater development of housing that's moved more into where the forest exists; and that's a critical problem during these wildfire incidents is how we deal with fire issues in that very sensitive area.

Most of my congressional district faces this problem, and my congressional district is not unusual compared to most of the West. I believe better training in terms of this wildland-urban interface will be a huge asset to Fire Departments in similar areas.

So Mr. Chairman, I want to again thank you for your leadership on this issue. I thank Chairman GORDON and ranking member HALL. I thank Chairman WU from the subcommittee. I thank Congressman MITCHELL for his leadership. I know Mr. GINGREY's been a leader on this issue as well. And again, the Science Committee, as usual, comes up with a bill that makes sense. I'm sure it will be adopted today, and I urge all my colleagues to support the bill.

Mr. GINGREY. Mr. Chairman, if I might ask my good friend from Arizona how much time, first of all, does he have left, and does he have additional speakers.

The CHAIRMAN. The gentleman from Arizona, the time remaining for him is 8 minutes. And the gentleman from Georgia, the balance of time remaining for him is 20½ minutes.

Mr. MITCHELL. Thank you. We have some additional speakers that are on their way.

Mr. GINGREY. At this point, Mr. Chairman, I will continue to reserve the balance of my time. But if the gentleman needs some time from our side, we will be glad to yield it to him.

Mr. MITCHELL. Thank you. Mr. Chairman, we do have a couple more speakers. They are on their way.

Mr. Chairman, if I may, I appreciate the good words that people have come and said before this body. We've made significant strides in reducing fire-related deaths and injuries since Congress first created this agency in the 1970s. But again, as we've noted, and all the speakers have noted, there are still more than 3,000 Americans that die every year from fires, and many more injured. And despite the decreases in the number of fires, the cost, as we said, is continually rising. And, in fact, it's roughly the same cost, the damage of fires is roughly the same cost as caused by hurricanes.

We know that the Fire Service provides critical assistance in protecting our communities from emergency events. From house fires to terrorist events to natural disasters, firefighters, as we've noted, are not only the first on the scene, but many times the last to leave.

As the wildfires in California last fall demonstrated, the Fire Service plays a vital role in protecting our communities, and that's why we introduced H.R. 4847, to reauthorize the U.S. Fire Administration and provide additional resources for our Nation's firefighters.

The U.S. Fire Administration is an invaluable resource for over 1.3 million firefighters and emergency personnel around the country. Through training, educational materials, data collection and other services, the USFA provides tools and leadership to firefighters and communities that they serve.

H.R. 4847 will reauthorize the USFA, funding its critical work until the Fiscal Year 2012. This bill will ensure that our firefighters are trained to handle modern-day challenges facing today's first responders, including, as we have mentioned before, firefighting in the wildland-urban interface and responding to hazardous material incidents.

The bill is supported by, and we've listed a whole list of these before, all of these national associations that deal with firefighting.

This bill is the product of bipartisan collaboration and had considerable input from the Fire Service community.

We encourage you to help support firefighters in your district by ensuring that everyone has the resources they need by supporting this important legislation.

I would reserve the balance of my time.

Mr. GINGREY. Mr. Chairman, I will yield to myself such time as I might consume.

I was recently in Iraq. I've been a number of times, of course, to Iraq, and Afghanistan. And also just recently, I saw a news special back home highlighting one of our great heroes from the Middle East who was burned severely. His injuries, I think, were the result of an improvised explosive device, and he was an occupant of one of the up-armored HUMVEES or the new MRAP vehicles. I think, indeed, it was an up-armored HUMVEE.

And while he was not injured by shrapnel or a projectile, there was a fire, and there was a significant fire. And of course, as he was pulled from the burning vehicle, he sustained severe, severe injuries to his person from the fire. And he described how he just, he knew what to do. He rolled, he tried everything in his power. But of course, thanks to what happened to him at Landstuhl Medical Center in Germany, and then eventually at Walter Reed and Bethesda, he's alive and well and has a family and children. And this little news clip featured him playing with his kids. But you could certainly see the ravages that that fire inflicted upon his body, and the scarring of course. What a brave—I wish I could remember his name, Mr. Chairman, because it was, talk about a profile in courage.

But it just made me think about, as we've been discussing here today, and you talk about what these firefighters do and how important they are. And actually, as we know, 40 percent of the workload in Operation Iraqi and Enduring Freedom has been carried by our Guard and Reserve, many of whom are firefighters who, you know, they've been trained. And thank God for that. And I'm very hopeful. I want to look into this further. I'm sure that our military, our regular Army and Marine Corps, they're all well-trained in that. But that just goes to show you how important it is, not just to save a life, but try to bring that life back and so they can rejoin their family and friends in society, go back to their job.

One of the statistics that I think both Mr. MITCHELL and I mentioned in regard to the fact that the latest year that we had numbers, there was still something like 37, 3,800 people that lose their lives every year in fires in this country.

Well, you know what? That's about the number, we're at 4,000 now, that have lost their lives in this 4½, 5-year war. And of course there were practically 3,000 lives lost, many of them from fire, a lot of them firefighters themselves, on 9/11. So it just brings home the message that fire is an awful thing. It is an awful thing. It might not kill you immediately, like one of these high powered projectiles, but it can certainly destroy one's life.

And so what we're talking about here today is so important, and that's why this bill is so important.

I just wanted to make those remarks, Mr. Chairman.

I, at this time, don't have additional speakers waiting for time, but I would like to reserve the balance of my time. And I still make the offer to yield to the gentleman from Arizona if he needs some more minutes.

Mr. MITCHELL. Mr. Chairman, I would, again, like to yield as much time as he may consume to Mr. WU, the gentleman from Oregon, who is the chairman of the Technology and Innovation Subcommittee. I, again, want to thank him for all the efforts he's put into this bill.

Mr. WU. Mr. Chairman, again, I would like to recognize the leadership of the gentleman from Arizona for working so hard on this important legislation, this legislation which was developed in regular order in both subcommittee and full committee.

The gentleman from Georgia, my ranking member, we held hearings last October at the subcommittee level, and then we had a full committee markup, and the bill was drafted in full consultation with both majority and minority members and majority and minority staff.

Much has been made of the work that will be done on the wildland-urban interface and the fuel loads and the biomass loads there, and the hazardous materials, and that is very, very important.

I also want to draw attention to the sections of the bill that directs the USFA to educate local fire departments about voluntary consensus standards for firefighters health and safety. And many fire groups, especially the National Association of Firefighters, very strongly believe that adherence to these standards can help reduce the number of firefighters who die each year in the line of duty.

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This bill has been endorsed by the International Association of Fire Chiefs, the International Association of Firefighters, the National Volunteer Fire Council, the National Fire Protection Association, the International Association of Arson Investigators, the North American Fire Training Directors, the International Fire Service Training Association, and the Congressional Fire Services Institute; and I would like to specifically thank all of the firefighters from home in Oregon who helped me with this legislation in shaping it and bringing it to this point on the House floor.

And with that, I would again like to commend the gentleman from Arizona (Mr. MITCHELL) for his leadership on this important legislation.

Mr. GINGREY. Mr. Chairman, I will continue to reserve my time.

Mr. MITCHELL. I would like to yield as much time as he may consume to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Thank you, Mr. MITCHELL. I will not consume much.

I do want to applaud the work of the Science and Technology Committee on reauthorizing this program that has been remarkably effective.

Fire is remarkably destructive, but we have made great strides under this program. In 1973, there were more than 6,000 Americans who died each year in fires, another hundred thousand were injured. Largely because of this program and the training and other support, we are now about to the point where about 16,000 a year are injured and between 3,000 and 3,500 die each year. That is obviously still too much, but is remarkable progress.

And among the most dangerous work that anyone can do is fighting fires. The number of deaths each year among firefighters is a large number, and even more are injured every year. A great many firefighters never complete their term of service before qualifying for retirement because they suffer from disabling injuries.

This bill does provide for additional training for fighting fires, particularly where wild areas come into contact or where urban areas and wildland areas meet. It helps training for fires that involve hazardous materials as well as giving advance training in emergency medical services. And it does, as Mr. WU just pointed out a moment ago, provide for moving towards a voluntary consensus for firefighters' health and safety.

This will help reduce that number of firefighters who die each year and who suffer from grievous injuries in doing very courageous work in protecting us and protecting our property.

Mr. MITCHELL. I would like to yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

The CHAIRMAN. The Chair will remind the gentleman from Arizona he has 1½ minutes remaining.

Mr. THOMPSON of Mississippi. Mr. Chairman, I would rise today in strong support of the underlying bill which reauthorizes one of the most effective agencies in the Department of Homeland Security. H.R. 4847 provides $70 million annually to the Fire Administration through 2012 to ensure long-term funding stability for this critical agency.

I would like to thank the gentleman from Arizona, Mr. MITCHELL, and the chairman of the Science and Technology Committee, Mr. GORDON, for their leadership on this issue and for working with me to bring this legislation to the floor today.

Mr. Chairman, the statistics are sobering. Every year, over 100 firefighters die in the line of duty. In 2005, the National Fire Protection Association reported 3,675 civilian deaths, nearly 18,000 civilian fire injuries, and over $10 billion in direct losses due to fire. The United States Fire Administration plays a critical leadership role in leading local fire departments to dramatically reduce these numbers.

Mr. Chairman, I, along with all of the other speakers who have come before you in support of this legislation, encourage its passage.

Mr. GINGREY. Mr. Chairman, I will continue to reserve.

Mr. MITCHELL. Mr. Chairman, we have no further speakers.

Mr. GINGREY. How much time do we have, Mr. Chairman?

The CHAIRMAN. At this point in time, the gentleman from Arizona's time has totally expired. The time remaining for the gentleman from Georgia is 16½ minutes.

Mr. GINGREY. I would be happy, Mr. Chairman, if the Chair would allow, to yield up to 5 minutes for the gentleman from Arizona to close. But I want to make my closing remarks, of course, before that.

The CHAIRMAN. After the gentleman from Georgia concludes his remarks, he may then yield time to the gentleman from Arizona.

Mr. GINGREY. Thank you, Mr. Chairman.

To close on my side, again, let me just simply say as I did before, it has been a great pleasure to work with Mr. MITCHELL on this bill. It has been an even greater pleasure to meet with the many firefighters and fire chiefs who I have consulted with over the past few months: our own fire chiefs in my county and city, Cobb County, Georgia; Marietta City, Georgia; Chief Jackie Gibbs, Chief Becky Dillenger. I see them literally every week in the district and the great work that they do, and it makes me awfully proud to be up here representing not only them but the other eight counties in my district. They know that we are fighting to help them protect us, and that's a comforting feeling.

H.R. 4847 is a very good bill. And this is the least that we, in this body, can do to support our Nation's fire services. And I want to again say I hope that we will have as many Members that are present today, close to 430, I hope, voting "yes" for 4847 to support this bill.

At this time, I am prepared to yield as much time as the gentleman from Arizona needs for the purpose of his closing.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona.

Mr. MITCHELL. Thank you, Mr. Chairman.

And first, I would like to thank Mr. GINGREY and all of his staff for the support they've given this important piece of legislation. And it's the least we can do, here in Congress, to provide the resources necessary for our first responders to react, the education that's involved, the training, particularly in areas that are very important, like in Arizona and California where there is a wildfire/urban interface.

As I said earlier, we have had a very wet winter in Arizona. It's good and bad. It brings out the wild flowers; it brings out a lot of green. But at the same time, in the lower elevations it brings out a lot of dry tender which just really is very dangerous this time of year.

So I would like to thank everyone, the staffs on both sides, the committee chairman, the subcommittee chairman, everyone who dealt with this particular issue.

And I, again, want to thank all of the firefighters, the professional people who are involved, who gave us what they felt is necessary to move this bill forward and to give them the tools that they need.

This piece of legislation will last until 2012. At that time, of course, we will have more input. Hopefully, we won't have as many disasters or types of disasters, but there will be new things that we need to learn and train for.

So I appreciate, again, everyone's efforts in this, and I know that the people around this country who are protected by these first responders also appreciate what we are doing for them today.

Thank you.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendment in the nature of a substitute printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 110–563. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Fire Administration Reauthorization Act of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The loss of life due to fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. For 2006, the National Fire Protection Association reported 3,245 civilian fire deaths, 17,925 civilian fire injuries, and $11,307,000,000 in direct losses due to fire.

(2) Every year, over 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) Members of the fire service community should continue to work together to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the Nation's 30,300 fire departments through training, data collection, fire awareness and education, and other activities for improving fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the United States Fire Administration's data collection capabilities is essential for accurately tracking and responding to the magnitude and nature of the Nation's fire problem.

(6) The research and development performed by the Federal Government and nongovernment organizations on fire technologies, techniques, and tools advance the capabilities of the Nation's fire service to prevent and suppress fires.

(7) The United States Fire Administration is one of the strongest voices representing the Nation's fire service within the Federal Government, and, as such, it should have a prominent place within the Federal Government.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking "and" after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following new subparagraphs:

"(E) $70,000,000 for fiscal year 2009;

"(F) $72,100,000 for fiscal year 2010;

"(G) $74,263,000 for fiscal year 2011; and

"(H) $76,490,890 for fiscal year 2012.".

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) in subparagraph (H), by striking "terrorist-caused national catastrophes" and inserting "national catastrophes";

(2) in subparagraph (K), by striking "forest" and inserting "wildland";

(3) in subparagraph (M), by striking "response tactics and" and inserting "response, tactics, and";

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following new subparagraphs:

"(I) response, tactics, and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

"(J) response, tactics, and strategies for fighting fires occurring at the wildland-urban interface;

"(K) response, tactics, and strategies for fighting fires involving hazardous materials;

"(L) advanced emergency medical services training;".

(b) TRIENNIAL REPORTS.—Section 7 of such Act (15 U.S.C. 2206) is amended by adding at the end the following new subsection:

"(m) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the Academy curriculum, including—

"(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

"(2) the desired training outcome of all such changes.".

(c) AUTHORIZING THE ADMINISTRATOR TO ENTER INTO CONTRACTS TO PROVIDE ON-SITE TRAINING THROUGH CERTAIN ACCREDITED ORGANIZATIONS.—Section 7(f) of such Act (15 U.S.C. 2206(f)) is amended to read as follows:

"(f) ASSISTANCE.—

"(1) IN GENERAL.—The Administrator is authorized to provide assistance to State and local fire service training programs through grants, contracts, or otherwise.

"(2) AUTHORIZATION TO ENTER INTO CONTRACTS TO PROVIDE ON-SITE TRAINING THROUGH CERTAIN ACCREDITED ORGANIZATIONS.—

"(A) IN GENERAL.—The Administrator is authorized to enter into a contract with one or more nationally recognized organizations that have established on-site training programs that prepare fire service personnel to meet national voluntary consensus standards for fire service personnel and that facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

"(B) RESTRICTIONS.—The Administrator shall not enter into a contract with such organization unless such organization—

"(i) provides training that leads to certification by a program accredited by a nationally recognized accreditation organization; or

"(ii) at the time the Administrator enters into the contract, provides training under such a program under a cooperative agreement with a Federal agency.

"(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 4 percent of the amount authorized to be appropriated in such fiscal year pursuant to section 17 of this Act.".

(d) INCIDENT COMMAND TRAINING COURSE FOR FIRES AT PORTS REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Superintendent of the National Academy for Fire Prevention and Control, shall consolidate and integrate into the current Academy curriculum a course on incident command training for fire service personnel for fighting fires at United States ports and in marine environments, including fires on the water and aboard vessels. Such course shall not relate to border and port security.

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following new subsection:

"(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use no more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out activities necessary to update the National Fire Incident Reporting system to an Internet-based, real-time incident reporting database, including capital investment, contractor engagement, and user education.".

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking "assist State," and inserting "assist Federal, State,".

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended—

(1) by striking "RURAL ASSISTANCE" in the heading and inserting "RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE";

(2) by striking "The Administrator" and inserting "(1) The Administrator"; and

(3) by adding at the end the following new paragraph:

"(2) The Administrator is authorized to assist the Nation's fire services, directly or through contracts, grants, or other forms of assistance, for activities and equipment to improve fire prevention and control in the wildland-urban interface.".

(b) DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following new subsection:

"(h) DISSEMINATION.—Beginning 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, the Administrator, in collaboration with the relevant departments and agencies of the Federal Government, shall make available to the public information regarding United States Fire Administration funded activities to advance new knowledge and best practices in firefighting, through a regularly updated Internet database.".

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

"SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

"The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by educating fire services about such standards, encouraging the adoption at all levels of government of such standards, and making recommendations on other ways in which the Federal government can promote the adoption of such standards by fire services.".

SEC. 8. COORDINATION REGARDING FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

"(e) COORDINATION.—

"(1) IN GENERAL.—To the extent practicable, the Administrator shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

"(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the Administrator's activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to programs of fire prevention and control with private and other Federal organizations and offices so concerned.

"(3) COORDINATION OF FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the Administrator's activities with State and local government agencies, departments, bureaus, or offices concerned with programs related to emergency medical services provided by fire service-based systems with private and other Federal organizations and offices so concerned.".

(b) FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES BEST PRACTICES.—Section 8(c) of such Act (15 U.S.C. 2207(c)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire service-based emergency medical services and coordination between emergency medical services and fire services. Such studies may include the optimum protocols for on-scene care, the allocation of resources, and the training requirements for fire service-based emergency medical services.".

SEC. 9. DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking "Administration" and inserting "Administration, who is the Assistant Administrator of the Federal Emergency Management Agency";

(2) in paragraph (7), by striking "and" after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting "; and";

(4) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively;

(5) by inserting after paragraph (5) the following new paragraph:

"(6) 'hazardous materials' has the meaning given such term in section 5102(2) of title 49, United States Code;"; and

(6) by adding at the end the following new paragraph:

"(10) 'wildland-urban interface' has the meaning given such term in section 101(16) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(16)).".

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. PASCRELL

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–563.

Mr. PASCRELL. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. PASCRELL:

Page 3, strike lines 23 through 25 and insert the following new paragraph:

(1) by amending subparagraph (H) to read as follows:

"(H) response, tactics, and strategies for dealing with national catastrophes, including terrorist-caused national catastrophes and incidents that involve weapons of mass destruction;";

The CHAIRMAN. Pursuant to House Resolution 1071, the gentleman from New Jersey (Mr. PASCRELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PASCRELL. Thank you very much, Mr. Chairman.

Mr. Chairman, in the reauthorization act of 2008, this amendment provides that the National Fire Academy training program could train fire service personnel in response tactics and strategies for dealing with natural catastrophes, including terrorist-caused national catastrophes and incidents that involve weapons of mass destruction.

I want to thank the cosponsor of the underlying bill, Representative HARRY MITCHELL from Arizona, for presenting a very strong piece of legislation that will reauthorize the United States Fire Administration for another 5 years.

I also want to thank the chairman of the Science Committee, Congressman GORDON, for his leadership in considering all of the necessary elements of this legislation with the end result being a strong, comprehensive bill.

The underlying bill would authorize $293 million through fiscal year 2012 for the U.S. Fire Administration, which is a vital agency charged with reducing debt and economic losses because of fire emergencies. I want to make clear that this is a small price to pay when considering the thousands of lives we lose each year to fire emergencies and the billions of dollars we spend to fight them.

Throughout my years in Congress, I have always been passionate for funding our Nation's fire departments and firefighters, the Fire and Safety grants that this Congress has provided in the funds supplied through this reauthorization. I feel especially strong about this reauthorization because it also includes provisions that help guide the fire academy on how to best train our Nation's firefighters for the added and the increased challenges they face every day. My amendment addresses this issue by simply updating the training program at the National Fire Academy to include national catastrophes related to terrorism.

We saw on 9/11 our Nation's heroic firefighters were among the first responders on the scene trying desperately to rescue as many people as possible in that horrific act of terror. Clearly, we all understand that the responsibilities of our Nation's firefighters became greater on that day as they now have to train for emergency response to catastrophic terrorist attacks, including the foreboding threats of incidents involving weapons of mass destruction. Many of these types of courses already exist at the fire academy, but the future of these critical courses for these firefighters should never be put in doubt and need to be codified.

My amendment simply puts these practices into law and sends a message to the Department of Homeland Security and the U.S. Fire Administration that this issue continues to be important to the Congress and the protection of our constituents.

I thank the sponsor, Mr. MITCHELL, the chairman, Mr. GORDON, once again for all of their work.

Mr. Chairman, I reserve the balance of my time.

Mr. GINGREY. Mr. Chairman, I rise to claim the time under the rule but I am in support of the gentleman's amendment, not in opposition to it.

The CHAIRMAN. Without objection, the gentleman from Georgia is recognized for 5 minutes.

There was no objection.

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Mr. GINGREY. Mr. Chairman, the men and women of our Nation's fire services are among the very first responders to an extraordinary wide range of accidents, injuries, and disasters. And the gentleman from New Jersey, he knows as well as anybody in this body. He was right there. His district's right there, very close to the scene of 9/11. And I think that his amendment is very, very appropriate because this was a fire caused by a terrorist attack. Unlike the Murrah Building attack at Oklahoma City, which was an incidence of domestic violence by our own, if you will, homegrown terrorists, this situation that occurred on 9/11 is the reason why I'm sure the gentleman from New Jersey has brought forth this good amendment. And he is so right to point out that firefighters will also be the first to the scene when many of these catastrophes happen.

Hopefully, it won't occur in this country again. We've been blessed. I think there has been a lot of hard work on the part of this Congress and this administration to protect our country on our soil from another terrorist attack. Thank God so far it hasn't happened. But that doesn't mean you don't train for and prepare for it. And those firefighters that went to work that day, they were well trained, but I'm sure they weren't expecting a terrorist attack. And in such an event like that, their first job, of course, always is to heroically save lives. But fire services will also act to minimize the damage and property loss that a terrorist strike or ensuing events may cause. I mean, as the amendment addresses, there may be biological weapons of mass destruction, and there could have been, right behind the two planes, maybe another plane with a terrorist coming into the city in parachutes with nuclear or biological weapons, a sarin gas attack. God knows what could have happened in the subways of New York City. So the United States Fire Administration works hand-in-glove with other components of the Department of Homeland Security, and Chairman THOMPSON is here on the floor right now, to ensure that our Nation's fire services have access to the best training and resources available.

So I'm proud of the U.S. Fire Administration's work to date to improve our resiliency and our preparedness, yes, for terrorist events, natural disasters, and, of course, the daily accidents and fires that occur in communities across the country.

Mr. Chairman, I wholeheartedly support the gentleman's amendment. I urge all my colleagues and expect all my colleagues to support his amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair will remind the gentleman from New Jersey that he has 2 minutes remaining.

Mr. PASCRELL. Mr. Chairman, I would like to thank my friend from Georgia.

Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, I also want to say thank you to Mr. GINGREY for his support of this amendment, which we know will make this a much stronger bill and a better bill.

So I thank you very much for the amendment and all the support that it's receiving.

Mr. PASCRELL. Mr. Chairman, it now gives me a tremendous sense of honor to introduce also the gentleman from Mississippi, my good friend, who is also the chairman of the Homeland Security Committee. No one, no one has worked harder to bring all of the agencies together in this effort to protect our country and to protect our families and our neighborhoods.

Mr. Chairman, I am pleased to yield the balance of my time to Chairman THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Chairman, today I rise in support of the amendment offered by my good friend, a member of the Committee on Homeland Security, Mr. PASCRELL. The gentleman from Paterson, New Jersey, is a leader on the committee and in Congress on first responder issues.

As a former volunteer firefighter and graduate of the Mississippi Fire Academy, I understand that many firefighters are unable to travel to the National Fire Academy's campus in Maryland to partake in training. The Fire Academy recognizes this need. By harnessing technology, the Fire Academy partners with existing local and State training academies to reach more first responders.

The Pascrell amendment addresses one key area of training: terrorism response training. Specifically, the amendment seeks to ensure that fire service personnel get training on response tactics and strategies for dealing with "terrorist-caused national catastrophes and incidents that involve weapons of mass destruction." Such incidents can be very complex and require response from many public safety agencies across multiple jurisdictions.

Today, the Fire Academy has a terrorism curriculum in place. The Pascrell amendment will ensure this continuation.

It has been nearly 7 years since the attacks of 9/11, and, thankfully, we have not been attacked since. However, Mr. Chairman, the threat is still very real. As Members of Congress, it's our collective responsibility to ensure that responders in our communities are fully trained, equipped, and staffed to answer the question call.

Once again, I encourage my colleagues to support the Pascrell amendment as well as the underlying bill.

Mr. GINGREY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SALI

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110–563.

Mr. SALI. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. SALI:

Page 9, line 24, strike "section" and insert "sections".

Page 10, after line 11, insert the following:

"SEC. 38. TRAINING AGENCIES ON IMPORTANCE OF CLEARING BIOMASS IN WILDLAND AREAS TO PROMOTE FIREFIGHTER SAFETY.

"In collaboration with the relevant departments and agencies of the Federal Government, the Administrator shall develop and provide information and training to relevant departments and agencies of the Federal Government on the importance of clearing biomass in wildland areas of Federal lands to promote the safety of firefighters.".

The CHAIRMAN. Pursuant to House Resolution 1071, the gentleman from Idaho (Mr. SALI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. SALI. Mr. Chairman, firefighting is a high-risk, high-consequence activity, and the agencies that are involved in managing wildland-urban interface have always had strong firefighter safety and training programs. Firefighter safety is their highest priority. In fact, the 1995 Federal Fire Policy sets the order of priorities for wildland firefighters as, number one, public and firefighter safety; number two, protection of resources; number three, protection of property.

The safety, health, and welfare of firefighters and the general public are becoming increasingly linked to the decline in the health of forested ecosystems. The most effective means of reducing burgeoning fire suppression costs, protecting community values, restoring forest and grassland health, and improving firefighter safety is an aggressive fuel treatment program. How land managers apply the fuels reduction program will have the greatest impact on the safety of wildland firefighters.

Threats to human life are compounded by the fact that more and more people are living in homes near fire-prone forests, placing themselves and the firefighters who try to protect them at greater risk.

My amendment allows the Administrator of the United States Fire Administration to develop and distribute information on the importance of clearing biomass from Federal lands. This commonsense amendment requires USFA to work in consultation with other Federal agencies such as the U.S. Forest Service and the BLM to ensure that USFA provides the best possible recommendation. As we come upon what many are predicting to be another deadly and costly fire season, this information will be as vital as ever. We must provide our Federal employees, who are the best in the world, all the tools they need to keep our communities and themselves safe from catastrophic wildfires.

The Federal hazardous fuels reduction program can be a very good thing for wildfire fighters. If it is done properly, the program can reduce the most extreme of the hazardous fuels and make the working environment for wildland firefighters much safer.

The Federal Government has invested millions of dollars in a hazardous fuels reduction program to mitigate the risks, costs, and consequences of wildfire across millions of acres of publicly owned wildlands. The knowledge gained as to relative effectiveness of different types of treatments and the overall effectiveness of those treatments will have much greater value for protecting and promoting firefighter safety when that information is shared. The United States Fire Administration should be an important vehicle for disseminating this information, and this amendment will help to make that a reality.

Mr. WU. Mr. Chairman, will the gentleman yield?

Mr. SALI. I yield to the gentleman from Oregon.

Mr. WU. I thank the gentleman for yielding.

Do I understand the gentleman's amendment is designed specifically to increase firefighter safety within the wildland-urban interface?

Mr. SALI. The gentleman is correct.

Mr. WU. I thank the gentleman. Do I further understand that the gentleman's amendment does not intend to expand the clearing of biomass beyond current force management practices outside of the wildland-urban interface?

Mr. SALI. Mr. Chairman, this is intended to promote sharing of information. It doesn't have anything actually to do with the actual clearing of the biomass. It just deals with the information that's gained, and it would be in the wildland-urban interface for the results of that fuels treatment.

Mr. WU. If the gentleman would yield.

Mr. SALI. I yield.

Mr. WU. So all that information or other things to be done would be focused on the wildland-urban interface?

Mr. SALI. That's the purpose of this amendment too.

Mr. WU. I thank the gentleman.

And if the gentleman would further yield, the language that has been traditionally used, it refers to "fuel load," and the gentleman's amendment, I believe, sometimes uses "biomass," and the gentleman has sometimes referred to fuel load.

Is the gentleman using "biomass" in this sense, in the traditional sense that "fuel load" has been used in similar legislation?

Mr. SALI. I believe that that is correct.

Mr. WU. I thank the gentleman.

Mr. SALI. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman's time has expired.

Does any Member seek time in opposition to the proposed amendment?

Mr. MITCHELL. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

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Mr. MITCHELL. I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I want to thank the gentleman for yielding, and the generosity of his time.

Mr. Chairman, in this decade, wildland fires have consumed 50 million acres in this country. While the term "wildland fires" brings to mind uninhabited areas in our Nation's parks, forests, and rural areas, wildland fires have done tremendous damage to urban and suburban development as well. I think that was the reason for the colloquy between Mr. WU from Oregon and Mr. SALI from Idaho.

Last fall, western States were hit particularly hard by wildland fires that encroached into developed areas and destroyed homes, businesses, and livelihoods. The amendment offered by the gentleman from Idaho addresses that concern. The amendment allows the Administrator of the USFA to distribute information on the importance of clearing in these areas biomass materials from Federal lands, not out in the interior of a National Park. That was a point that was made in the colloquy.

The amendment requires USFA to work in consultation, of course, with other Federal agencies to ensure that USFA provides the best possible recommendations. Removing hazardous fuels, biomass materials, from Federal forests and lands will help to prevent, and more importantly, to limit these forest fires as they begin to encroach on urban areas. So if you leave these materials susceptible to forest fires, the consequences, as Mr. SALI pointed out, can be disastrous.

So, Mr. Chairman, I support wholeheartedly his amendment and urge my colleagues to do the same.

Mr. MITCHELL. I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SALI).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. LANGEVIN

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-563.

Mr. LANGEVIN. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. LANGEVIN:

At the end of the bill, add the following new section:

SEC. 10. SUPPORTING THE ADOPTION OF FIRE SPRINKLERS.

Congress supports the recommendations of the United States Fire Administration regarding the adoption of fire sprinklers in commercial buildings and educational programs to raise awareness of the importance of installing fire sprinklers in residential buildings.

The CHAIRMAN. Pursuant to House Resolution 1071, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I rise to introduce an amendment that highlights the critical importance of deploying fire sprinklers in all commercial buildings. My amendment encourages the installation of fire sprinklers in commercial buildings and supports educational programs about installing them in residential buildings as well.

Five years ago, a tragedy struck in my home State of Rhode Island when a fire tore through the Station Nightclub in West Warwick. It was certainly a terrible awakening for all of us about the importance of fire safety. That fire, which killed 100 people and injured 200 more, could have been prevented, Mr. Chairman, if fire sprinklers had been installed throughout the building. Almost every Rhode Islander knows someone whose life was changed forever by that terrible night, and we all learned a very hard lesson on the importance of installing fire protection equipment in our homes, workplaces, our schools, and recreational buildings. I hope that with a renewed focus on installing fire sprinklers and other safety devices, that we can prevent a tragedy like the one in West Warwick from ever occurring again.

There is no question that fire sprinklers save lives. In fact, the National Fire Protection Association has no record of a fire killing more than two people in a public building equipped with a fully operational automatic fire sprinkler system.

So, to this end I have introduced a piece of legislation called the Fire Sprinkler Incentive Act, H.R. 1742, which would amend the Internal Revenue Code to provide an incentive to business owners for retrofitting existing buildings with lifesaving sprinklers. This legislation, which right now has 114 cosponsors, will reduce the tax depreciation time for retrofitting sprinklers in nonresidential real property from 39 years down to only 5. So a significant time reduction. Again, from 39 years down to only 5 years for this tax depreciation to take advantage of the retrofitting of sprinklers.

While it's clear that fire sprinklers save lives, Congress has to date not taken a position on the importance of this important technology. So I believe that it is critical that we lend our voice to this issue and hopefully save another community from ever experiencing the devastating losses that West Warwick did.

So while we may not always be able to prevent fires from occurring, we certainly can minimize the damage they cause and the lives that they take. My amendment that I am offering today is a sense of Congress, and takes us one step closer toward that goal.

With that, Mr. Chairman, I strongly support reauthorizing the United States Fire Administration, and I would like to commend Chairman GORDON for his leadership in bringing this bill to the floor. This bill will allow the U.S. Fire Administration to continue to provide support services for fire prevention, firefighter training and education, and emergency medical services activities. I urge my colleagues to support my amendment as well, H.R. 4847.

Mr. Chairman, I reserve the balance of my time.

Mr. GINGREY. Mr. Chairman, I rise to claim time in opposition. However, we are very supportive of the gentleman's amendment, and I yield myself such time as I may consume.

The CHAIRMAN. Without objection, the gentleman from Georgia is recognized for 5 minutes.

There was no objection.

Mr. GINGREY. Mr. Chairman, millions of United States houses today contain smoke alarms. They have been credited with saving thousands of lives. Yet, smoke alarms can only warn the occupants of a fire. They cannot contain or extinguish a fire. Fire sprinkler systems provide the means to limit fire growth and therefore save lives and property. We already mentioned $10 billion a year, I think, in property damage, 3,600 lives lost every year.

Studies by the USFA have shown that the installation of residential fire sprinkler systems could save thousands of lives and millions of dollars in property taxes. Bottom line. So together with their Federal partners, USFA has reported a potential 82 percent reduction in fire deaths if fire sprinklers, along with smoke alarms, were installed in all residential dwellings. With the cost of a home sprinkler system in new construction being estimated as low as $1.50 a square foot, or as low as 1 percent of the total cost of the house, and of course, many insurance companies offering discounts up to 15 percent on houses that contain sprinkler systems, it is clear that the benefits in lives and property saved far outweigh the costs.

The amendment from the gentleman from Rhode Island (Mr. LANGEVIN) supports the efforts of the U.S. Fire Administration to improve the awareness of the effectiveness and availability of residential sprinkler systems.

Mr. Chairman, I wholeheartedly support the gentleman's amendment, and urge my colleagues to do the same.

I yield back my time.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman from Georgia for his supportive comments and look forward to working with him on passage of this amendment.

At this time, Mr. Chairman, I would like to yield as much time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to thank Mr. LANGEVIN for all of his critical work on this too often neglected issue of fire sprinklers. I applaud this amendment for encouraging the installation of fire sprinklers in all commercial buildings and supporting educational programs about installing them in residential buildings. A very critical issue here.

We must take every opportunity to promote the use of fire sprinklers, as the gentleman from Georgia just pointed out, which is why we introduced the Campus Fire Safety Legislation to require mandatory responses. Every university now, every college, every community college, whether it is a college building or a dormitory, any building connected to that university or institution has an obligation to tell the parents and the students what is their record on fire safety. No students should be sent to any university, any university or any college, unless their parents and they themselves know what the record is, if there are sprinklers installed, if there are smoke detectors installed. We lost three who were killed in the Seton Hall fire in New Jersey, 58 were injured. Since 2000, 108 people have died in campus fires. There are 20 campus-related fire deaths in the last 2 years.

Mr. Chairman, I want to bring the attention to everyone on this as part of the educational process. I want to thank the gentleman from Rhode Island for introducing this amendment. It makes sense, and I hope everybody will support it.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SALAZAR) having assumed the chair, Mr. FALEOMAVAEGA, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4847) to reauthorize the United States Fire Administration, and for other purposes, pursuant to House Resolution 1071, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. MC MORRIS RODGERS

Mrs. McMORRIS RODGERS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. McMORRIS RODGERS. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. McMorris Rodgers moves to recommit the bill H.R. 4847 to the Committee on Science and Technology with instructions to report the same back to the House forthwith with the following amendment:

Page 5, line 16, after the em dash, insert "(1)".

Page 5, line 23, strike "otherwise" and insert "otherwise, so long as the State or local government in which such fire service training program operates provides that any firefighter or rescue personnel, entity, or organization, including a governmental or intergovernmental entity, providing inspection services or advice on a voluntary basis without expectation of compensation regarding proper installation, use, defects, or recalls of infant and child safety seats shall not be liable for any act or omission in connection with providing such services or advice that results in harm to an infant or child".

Page 7, after line 6, insert the following new paragraph:

(2) That portion of paragraph (1) added by the amendment made by this subsection that appears after "otherwise" shall take effect after the end of the 2-year period beginning on the date of enactment of this Act.

☐ 1215

The SPEAKER pro tempore. The gentlewoman from Washington is recognized for 5 minutes.

Mrs. McMORRIS RODGERS. Mr. Speaker, the underlying bill importantly recognizes the role and sacrifices of firefighters. And, yes, it is our firefighters who often volunteer to help protect our greatest asset, our children, yet they face a growing threat of liability lawsuits related to the proper installation of car seats.

Each year, nearly 2,500 children under the age of 14 die in car accidents, and more than 200,000 are injured in motor vehicle accidents. In 2005, half of those who died were not restrained.

According to the National Institute of Highway Safety, children that are restrained in child seats have an 80 percent lower risk of fatal injury. The good news is that we are doing better as a country in using child seats and saving lives. This may have something to do with the fact that all 50 States and the District of Columbia now have child restraint laws on the books. Yet it is estimated that 25 percent of kids are still not restrained.

We are making great progress in ensuring child safety seats are used to protect our Nation's greatest asset. However, even though more children are using child safety seats, improper installation or improper use of a child safety seat can have the same fatal consequences. As a new mom, this is a scary reality, and, like many new parents, I fear that we haven't installed our child safety seat properly.

A recent study in six States on the misuse of child restraint systems concluded that nearly 75 percent of child seats had at least one critical misuse. In an effort to reduce the misuse of child safety seats, many fire departments send personnel to a 32-hour 4-day course on their proper installation and use. Once these personnel have been trained, they are able to provide inspection services or advice on a voluntary basis regarding the proper installation and use.

When my husband and I had Cole last year, we were advised to have a fire department ensure our seat was properly installed. But I have also heard the stories of people being denied by their local fire department due to liability concerns.

One example was in Eaton Rapids, where new parents, John and Carol Doyle, like many parents, were nervous about the new responsibility for the health and safety of their new baby, and it began with that first ride home from the hospital. They had a pretty good idea how to strap their rear-facing infant car seat into the back seat of their car, but they didn't like the idea of guessing. They sought help from the people at the local medical center, but those folks declined. "They were afraid that if they told us how to do it, then there would be a problem. We would sue them."

The medical staffers suggested that they seek help from the fire department, so on the way home from the hospital they stopped by the fire station. The woman wanted to help, but couldn't. "It is a liability issue," she said, referring the family to the local police. They called the police department, but the person they spoke to said again it is a liability thing.

This is an important service that can help save the life of a child. However, the fear is that some departments and communities may be unwilling to offer this life-saving service because of fear of liability.

The motion to recommit I offer today would help remedy the situation. It would protect fire departments that wish to offer this service to the public. The language requires States or local governments covered under the provisions of this bill to protect their properly-trained firefighters from liability and lawsuits when they offer inspection and advice regarding car seat use.

This motion to recommit gives States 2 years to provide protection for our firefighters. This service the firefighters are offering is too valuable to let it get bogged down by the threat of lawsuits. We should not allow trial lawyers to hijack the safety of our children.

Mr. Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Speaker, my mother grew up way out in the country, way, way out in the country, and when she was a young girl their house burned. The only things they saved were their lives and the clothes on their back. Today, 70 years later, whenever my mother hears a fire engine or sees a fire truck, she tells me that story about how her house burned, almost in a trance. It is a very traumatic experience when a family goes through something like this.

That is the reason that our committee worked in a bipartisan way to try to come forth with a very good bill that would help to save lives, save property and help our firefighters do a better job of hopefully shielding some other families from that trauma that my mother went through.

It is really unfortunate after all of that work that the gentlewoman would come forth with a mischievous amendment that has had no discussion. We don't know anything about is there a liability problem or not. We don't know whether or not this is going to affect States' own liability or whether this is going to preempt it.

The gentlewoman had an opportunity, if this is such an important issue, to both come before the committee and talk to us at the subcommittee level. But there was no discussion. She could have come to the subcommittee markup, where it passed unanimously. But there was no discussion. She could have come to the full committee markup, where again it passed out unanimously, but there was no effort. Or she could have gone to the Rules Committee and asked to have a rule and be allowed to submit the amendment so we could have a discussion, even here at this late date. But there was no effort.

Quite frankly, I think this is a game of "gotcha." It is an insult to the Democrats and Republicans on the Science Committee, who worked hard to put this good bill together. It is an insult to the firefighters, who are trying to do their job every day and who need these funds and training. It is an insult to all those individuals and organizations that endorsed this bill, like the International Association of Fire Chiefs, the International Association of Firefighters, the National Volunteer Fire Council, the National Fire Protection Association, the International Association of Arson Investigators, the North American Fire Training Directors, the International Fire Services Training Association, and the Congressional Fire Service Institute. They endorsed this bill because it is a good bill, a bill that will help firefighters do their job. It is very unfortunate that we are trying to play these games at the last moment.

Mr. Speaker, I recommend that we vote down this amendment that we know nothing about and that we move forward with this good bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. McMORRIS RODGERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 205, nays 209, not voting 16, as follows:

[Roll No. 159]

YEAS—205

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Allen
Boucher
Castor
Cubin
Granger
Hooley
Jefferson
Klein (FL)
Knollenberg
Miller (FL)
Paul
Rangel
Rush
Sires
Wittman (VA)
Wynn

□ 1246

Messrs. GUTIERREZ, BERMAN, Ms. LORETTA SANCHEZ of California, Messrs. CROWLEY, LARSON of Connecticut, UDALL of Colorado, and Ms. SLAUGHTER changed their vote from "yea" to "nay."

Messrs. MICA, PRICE of Georgia, LEWIS of California, McINTYRE, and KING of Iowa changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 18, as follows:

[Roll No. 160]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick

Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Allen
Boehner
Boucher
Castor
Cubin
Granger
Hooley
Jefferson
Knollenberg
Miller (FL)
Paul
Pryce (OH)
Rangel
Rush
Sires
Velázquez
Wittman (VA)
Wynn

☐ 1256

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 4312

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 4312, a bill originally introduced by Representative Baker of Louisiana, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. CUELLAR). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

☐ 1300

LEGISLATIVE PROGRAM

Mr. BLUNT. Mr. Speaker, I ask to address the House for one minute for the purpose of inquiring about next week's schedule.

The SPEAKER pro tempore. Without objection.

Mr. BLUNT. Mr. Speaker, I yield to my friend, the majority leader, for information about the schedule for next week.

Mr. HOYER. I thank the distinguished whip for yielding.

On Monday, the House is not in session. On Tuesday, the House will meet at 12:30 for morning hour and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected.

We will consider several bills under suspension of the rules, including several important public health bills, H.R. 2464, the Wakefield Act, and H.R. 1237, the Cytology Proficiency Improvement Act. The final list of bills under suspension of the rules will be announced by the close of business tomorrow.

In addition, we will consider H.R. 2016, the National Landscape Conservation System Act, and H.R. 2537, a bill to amend the Federal Water Pollution Control Act relating to beach monitoring.

Mr. BLUNT. I thank the gentleman for that.

I have a couple of questions on things that we haven't discussed. First of all, the supplemental budget, I know General Petraeus is in Washington next week, and I believe Ambassador Crocker. The President sent up a supplemental request in February of last year. By approximately June of this year we're told that the Army will run out of money, and that by July, their ability to use transfer authority will be exhausted. I wonder at what point, in conjunction with or following the Petraeus visits next week, does the leader think we will be talking about that supplemental request.

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

It's our expectation that, following the testimony of General Petraeus and Ambassador Crocker, the committees will be meeting to not only discuss substantive policy, but also to discuss the supplemental appropriation bill. It would be my expectation that that bill would be on the floor either the end of April or the first week in May. We are cognizant, as the gentleman indicated, of the June period, and so we want to move this significantly before that debate so that there will not be any lag.

Mr. BLUNT. I thank the gentleman for that. I think that date is important, and we need to be sure and be aware of it as we move through this process, as you are.

The spending bill, I know as this administration comes to an end, I'm confident that the White House has had lots of requests from the administration side for additional spending, which I believe they have held the line on. Does the gentleman have a sense of whether this bill will be able to be contained to the defense supplemental, or will it possibly get bigger than that?

And I would yield.

Mr. HOYER. I thank the gentleman for yielding.

Well, there are obviously needs in addition to Iraq that are being discussed, and I would tell my friend that those discussions are ongoing. A decision on what may or may not be added in addition to the supplemental that may be necessary for Iraq, there may be other things, that decision has not been made at this point in time. But I do want to let the gentleman know that that is under discussion.

As the gentleman will recall, last year, when we passed the supplemental, there were domestic priorities that were also addressed, in particular, Katrina, as the gentleman will recall, and some other matters as well. So, that's under discussion.

Mr. BLUNT. Well, I do appreciate that. And I just say for my friend's information that we've certainly discouraged the White House, we're hoping, not only discouraged them from moving forward with any new additions, and I think they have decided not to do that and will be concerned about this going as quickly as possible and meeting these defense needs rather than being tied down.

Another topic is housing. On the other side of the building they've been talking about housing this week. I know that Chairman FRANK has some proposals on housing. I really have two questions there: One, when do you anticipate some housing legislation on the floor? And two would be, do you expect that that housing legislation will follow the PAYGO rules of this Congress, or will those rules be suspended for that housing discussion?

And I would yield.

Mr. HOYER. As you know, we are strong proponents of the PAYGO rule and have adhered to that in all but one instance last year. We did not adhere to it, as you know, with the stimulus package. There was concern, and obviously we didn't want to stimulate and depress at the same point in time, so that was under discussion. But I will tell you on the housing bill itself, Mr. FRANK has been working on that with his committee, MAXINE WATERS and others, and with Mr. BACHUS and others on the committee. And we would certainly hope to move a housing bill in the near term, certainly no later than the latter part of this month or the very first days of the next month, so that we can pass a bill that would give relief to those who have either been foreclosed upon or are on the brink of foreclosure. We believe that it is essential for us to try to address what is a national problem and a very serious one. And so, that will also go into the consideration, I think, of how much money is needed, how that will be paid for.

Mr. BLUNT. I think in that time frame there is a chance there will be some administrative actions taken as well, and that may be an important part of that debate.

I do know that this week Mr. Bernanke testified before the Joint Economic Committee, and part of his testimony was that he thought that this would be the wrong time for any tax increases. And I would hope we could maintain some openness on that PAYGO discussion as it relates to this housing concern that people are facing.

I would yield.

Mr. HOYER. Thank you very much for yielding.

I will say that over the last 7 years, the President has told us things are pretty good. There was never a right time for revenues to be increased. Even in the times when the President was telling us the economy was robust, we were growing, we still weren't paying our bills.

We feel very strongly on this side of the aisle, and Mr. Bernanke, in a telephone conversation with me, said one of the things we didn't want to do, when you and I and Mr. BOEHNER and Ms. PELOSI were talking about the stimulus package, one thing we did not want to do is exacerbate the long-term debt that confronts us. Mr. Bernanke is very concerned about that. But certainly in the context of wanting to move quickly in an emergency way where we have an economy now that Mr. Bernanke, although he didn't say it was a recession, he certainly gave the implication that we were on the brink of that, we're very concerned about the economic policies, very frankly, that we think have led to that.

But I will say that we have two concerns: Number one, paying for what we buy, not exacerbating the deficit. But clearly we're concerned about getting relief to people that need it in the short term. But my discussions with Mr. Bernanke were, yes, tax increases in the short term he thought were not helpful, but he wanted to make it very clear that he thought making the debt worse over the long term, whether it's for international expenses or domestic expenses, was not helpful to the economy in the long term.

I thank my friend for yielding.

Mr. BLUNT. Well, I wouldn't quarrel with the gentleman about not having a good time for tax increases since '01 and '03, but revenue actually has increased during that period of time. I think in '05, '06 and '07 we may have set records of increased revenues, percentage over last year. So, you used the term revenue, and I think you meant taxes, because we did see some revenue increases during that time, and they were significant. I think over 14 percent in FY05, and double digits in the next 2 years.

I would yield.

Mr. HOYER. I won't debate that now, but I would be interested in discussing it at some point in time because, as you know, in those years revenues fell short of the administration's projections in the previous years. So that, although revenues did increase, you're absolutely correct, as revenues have every year over the last 50 except for 2, they increased less than the administration had projected.

Mr. BLUNT. Well, while we don't want to enter into this debate too fully, on the projections, even though we still had deficits in those years, which I regret for a number of reasons, those deficits were always less at the end of the year than we had thought they were going to be at the beginning of the year because revenues exceeded projections. That's why the deficit was less.

The third topic, I think my last topic today, is, we're at a point in the congressional calendar where it's at least possible that, under the TPA, the Trade Promotion Authority rules, the President will send the Colombia Trade Agreement up because of the number of days left that under TPA would require a vote during the calendar we've put in place. And I wonder if the gentleman has a sense of whether the Colombia Trade Agreement process will go through the normal Trade Promotion Authority process, or if that process could possibly be shut off.

And I would yield.

Mr. HOYER. I thank the gentleman for the question.

We all agree this is an important agreement, but as you know, there are still major long-standing issues to be resolved, violence being one of them, labor rights being another, trade adjustment assistance, which the gentleman referred to, as another. If the White House does choose to send up the agreement, we will discuss the full range of options available to us under the TPA and the House rules.

Mr. BLUNT. I thank the gentleman, and I yield back.

ADJOURNMENT FROM FRIDAY, APRIL 4, 2008, TO TUESDAY, APRIL 8, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, April 4, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ISRAEL'S 60TH ANNIVERSARY

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, May 14 marks the 60th anniversary of Israel's independence. On behalf of the House Republican Israel Caucus, I rise today to honor the Jewish state for its significant achievements over the past six decades.

Israel has shared an important strategic relationship with our Nation. And today, our countries are working more closely than ever before to defeat the common threat of terrorism.

Research and development collaborations between our countries have produced security technologies that are now used to protect the lives of Americans, Israelis, and of people all over the world. In fact, Israeli equipment has saved the lives of hundreds of U.S. soldiers stationed in Iraq and Afghanistan. And because of Israel's desert location, farmers and agricultural experts there have been forced to adapt their irrigation methods. This research now benefits dry weather areas around the world, all because Israel discovered a way to make the desert bloom.

Over the years, I have had the great fortune to travel to Israel four times, and each trip has been marked by emotional and spiritual moments. Anyone who has traveled to Israel feels a connection to the people and places there. This is because America shares a special bond with Israel. This bond will only become stronger in the next 60 years, and I am very humbled to begin this celebration.

ISRAEL AT 60

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor the State of Israel on its 60th anniversary and help kick off a series of weekly bipartisan speeches leading up to Israel's 60th anniversary.

As cochair of the Democratic Israel Working Group, I want to thank my colleague, Congressman REYNOLDS, and other members of the Republican Israel

Caucus for joining us in this effort to honor and recognize the contributions Israel has made during the last 60 years.

I've been to Israel several times and can personally vouch for Israel's contributions to the global community, particularly to agriculture techniques, solar power generation, seawater desalination, academia, telecommunications, and medical technology.

In my home State of Texas, we have an economic cooperative agreement with Israel, which is one of the oldest state-to-state relationships in our country. Israel's success in innovative programs constantly serve as ideas for addressing problems facing citizens in Texas.

In the last 60 years, Israel has faced many struggles, conflicts with its neighbors, terrorism on its borders and in its neighborhoods, and led peace efforts by leaving Gaza and southern Lebanon only to be attacked from these locations.

Despite these struggles, Israel has grown from a state of less than 1 million people in 1948 to a state of over 7 million people committed to promoting human rights, protecting the rule of law, and to open and fair elections.

Israel is truly an inspiration to people around the globe. And I would like to again congratulate the Israeli people and join them in celebrating the 60th anniversary of Israel's independence.

BOEING VS. AIRBUS

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, I rise today to express my strong opposition to the decision made by the United States Air Force to choose a foreign company for their new refueling tanker. The recent Air Force decision to give the KC–X tanker contract to Airbus jeopardizes our national security. We should not send a contract that could potentially be worth more than $40 billion to a foreign company when we have a viable American option.

Additionally, Airbus is a company that receives European government subsidies. Boeing, with the support of the government, is currently fighting Airbus at the World Trade Organization on the basis that they have an unfair advantage from these subsidies. What message does this send when our own government is fighting these subsidies on one hand and rewarding them with a $40 billion contract on the other?

The Tacoma News Tribune recently said, "The Air Force's job was to make a business decision. Now Congress has to make a policy decision, and there's room for legitimate debate." Mr. Speaker, I wholeheartedly agree.

☐ 1315

CELEBRATING THE 60TH ANNIVERSARY OF ISRAEL

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I want to join my colleagues in saluting Israel on its 60th anniversary. And I want to also salute the strong bond and ties between the United States and the State of Israel. We have shared values, we have shared concerns, and we have had a wonderful, close ally-to-ally relationship for the past 60 years, and we want it to continue for another 60 and way beyond.

I think it's important, at this time, to reflect the fact that Israel was created in the ashes of the Holocaust, and that the United States and Israel, sharing in common bonds, there is also a moral imperative for us to continue to stand by that beleaguered State.

I think it's also important to say that we must not put pressure on Israel to make unilateral concessions in her quest for peace. It takes two to tango, and we need to have both sides make concessions and work together.

Let's remember that Israel left Gaza. Israel left Southern Lebanon. She was willing to do land for peace, but, instead, got land for war. So we have to be very careful and not put pressure on Israel. Celebrate her 60th anniversary. And long may the close relations between our two countries continue.

COMMEMORATING THE 40TH ANNIVERSARY OF THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few minutes ago, many of us gathered to commemorate the 40th anniversary of the assassination of Dr. Martin Luther King, Jr. I'm always reminded that even in his death, we celebrate his life.

And as I think of him, I think of the 60th anniversary of Israel, for Dr. King was inspired by a land that sought its freedom. And so it is important that we honor this Nation State; celebrate it for peacefully living in the mid east.

And as I travel to Israel, there are more people that I meet that are peace loving, and look forward to a time when they can live alongside of their brothers and sisters in peace. Let us thank them for the history that they have, and as well, what they give around the world.

It is important to take note that Israel has trained those of us who are seeking a greater understanding of how to fight the war on terror, how to have first responders. They have certainly worked to be able to be a friend to the world.

So, again, let me congratulate Israel on its 60th anniversary, and most importantly, the people of Israel for its peace. I might also acknowledge that we extend our hand of friendship.

WELCOMING THE FIRST MINISTER OF SCOTLAND, ALEX SALMOND

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today has been historic for the Capitol building, in that today we were able, through the Friends of Scotland Caucus, to welcome the First Minister of Scotland, Alex Salmond. This was a great honor for me because he presented to the Heritage Golf Foundation an authentic golf club from the St. Andrews course. This was presented to the trustees of the Heritage Golf Tournament, the members who were present, John Curry and Bill Miles. And this is in recognition of the strong relationship that we have of the United States, particularly the State of South Carolina and Scotland.

We were very pleased that the very first golf course located in North America was in South Carolina. In recognition of this, we have the Heritage Golf Classic which is held every year, April 14, this year, through the 20th, at Hilton Head Island at Sea Pines Golf Course, sponsored by Verizon. Indeed, the money raised for this goes for scholarships for persons in the low country.

This has been an exciting time for those of us Scottish heritage. Last night we had a reception with the St. Andrews Society of Washington, recognizing Alex Ferguson, the Speaker of the Scottish Parliament.

For me, the week began with a Kirkin' o' the Tartan at the First Presbyterian Church in Columbia, South Carolina with a program that was hosted by the St. Andrews Society of Columbia. And our church, the First Presbyterian Church of Columbia, is very grateful that our pastor is Dr. Sinclair Ferguson, who is a native and very distinguished son of Scotland.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LET'S DO THE RIGHT THING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, tomorrow is the 40th anniversary of the death of Martin Luther King, Jr. Dr. King was one of the world's greatest champions of peace. He said, "We must find an alternative to war and bloodshed." He often quoted President Kennedy, who said, "Mankind must put an end to war, or war will put an end to mankind."

Unfortunately, the administration today seems to have a different point of view when it comes to war. Take, for example, President Bush's video conference with our military and civilian personnel in Afghanistan last month. The President told them the following, and I quote: "I must say, I'm a little envious. If I were slightly younger and not employed here, I think it would be a fantastic experience to be on the front lines in Afghanistan. It must be exciting for you, in some ways romantic, confronting danger."

Mr. Speaker, I am shocked that the Commander-in-Chief believes that war is some sort of romantic adventure. It isn't. War is hell. War, as President Kennedy said, could put an end to all mankind. Just ask the millions of Iraqis who have been forced to flee their homes since our occupation of their country began over 5 years ago.

The U.N. recently reported that the number of internally displaced Iraqis has soared to more than 2.77 million people. More than a million of them do not have adequate shelter. More than 300,000 of them do not have access to clean water.

Another 2 million Iraqis have been forced to become refugees in other countries, where they're called guests. And the conditions are as bad, or worse, because guests cannot go to work in a foreign country.

Life isn't very good for Iraqis who have stayed at home either. ABC News has reported that sizable majorities of Iraqis say they don't have electricity, they don't have fuel, clean water, medical care, or jobs.

And if anyone still thinks that war is a romantic adventure, I urge them to learn about an organization called Iraq Veterans Against the War. Recently, this group held a 4-day conference where veterans of the conflicts of Iraq and Afghanistan spoke about their experiences. These veterans gave very frank accounts of the bloodshed and destruction that they experienced or saw with their own eyes. Their descriptions of combat are heartbreaking. They are too graphic to describe here.

Let me just say that they do not agree with their Commander-in-Chief that their time on the front lines was a fantastic experience. It was more like a living nightmare that may be with them forever.

Anyone who is interested can see videos of these veterans' testimony on the Internet. There you will see brave young American men and women who went into the military because they wanted to make our country and the world safer. They were ready to sacrifice their lives for that cause. But when they saw the consequences and the inconsistencies and the horrors of this war, they decided to speak out. They are men and women of conscience who now oppose policy in Iraq because of the harm that it is doing to that country, to its people, and to our own military.

That, Mr. Speaker, is why we must move forward with the responsible redeployment of our troops out of Iraq. The administration will never do it, obviously. They've seen too many John Wayne movies, and must think that war is exciting, it must be romantic, something to be envied, because that's what they say.

So it is up to us in Congress to use our power of the purse to say, we will give you the money to safely bring our troops out, but we will not, we will not give you another penny to continue this occupation.

Two-thirds of the American people, Mr. Speaker, think that the occupation was wrong to begin with. They're right.

So let us honor Dr. Martin Luther King. Let us honor the American people by doing what they know is right. End it.

POLITICAL PRISONERS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, as we talk about the war on the first front in Iraq and Afghanistan, we must remember that there is another war going on on the second front, and that is the border war between the United States and Mexico. All of the politicians that are running for President this year are talking about everything. Some things are just not important. But one thing they're not talking about is the border war in the south part of the United States, between Mexico and the United States.

Two years ago, two border agents by the name of Ramos and Compean were tried and convicted for doing their job on the Texas/Mexico border. What happened was, that in February of 2005, Ramos and Compean came in contact with a drug dealer. He came into the United States at Fabens, Texas. Most of America's never heard of this little small Texas town.

He's driving a van. He sees the border agents and he turns around and he tries to run back to Mexico. He abandons the van. The border agents give chase. An altercation occurred down in the Rio Grande riverbed. Shots were fired. The drug dealer disappears into Mexico.

It turns out that the drug dealer had been shot by one of the border agents, and it turns out that the van that he was driving had, get this, $750,000 worth of drugs in the van.

So what does our Government do? Instead of trying to find the drug dealer to prosecute him, our Government goes to Mexico, finds the drug dealer and promises him a back room deal, a deal to testify against the border agents, claim that the border agents unlawfully used their firearms, even though they said they fired in self-defense. And they make a deal with him not to prosecute him for his drug smuggling if he testified. And he did testify against the border agents, and 2 years ago they were convicted.

□ 1330

But unbeknownst to the jury, and what the U.S. Attorney's Office would not let the jury know, is that before the trial took place, this star witness, backroom-deal witness, brought in another load of drugs into the United States for money. The U.S. Attorney's Office knew about it. They didn't want the jury to know about it, and they kept it out of the trial. Now the whole world knows the U.S. Attorney's Office was deceitful in that trial.

Those border agents are serving 11 to 12 years in the Federal penitentiary. The President pardoned 157 people in his administration. Fifteen of them last week. Some of them were drug dealers. But why doesn't the President pardon these border patrol agents for doing their job?

The Fifth Circuit Court of Appeals has heard this case. I suspect they will reverse it because the U.S. Attorney's Office was deceitful in the trial and prosecution of these two border agents because they were relentless in prosecuting them.

Our government is on the wrong side of the border war. We're trying to hire more border agents, and people don't want to join the Border Patrol. One reason is because our government doesn't support them. When an altercation takes place, they side with the other guys instead of siding with our border agents.

And this is not the first time the U.S. Attorney's Office has been caught cheating in a trial. A border agent by the name of David Sipe was arrested by our government because he was in a fight and assault with a drug dealer down in Texas. And he was prosecuted for a civil rights violation, but it turns out in his trial the U.S. Attorney's Office hid evidence in that case as well, but they got caught; and that case was retried and the jury found David Sipe not guilty because the U.S. Attorney's Office, once again, didn't want the jury to know the truth about the person that came in contact with our border agent.

So it's time our government gets on the right side of the border war. Defend our boarder patrol agents. Secure the border. Make sure that the war on the second front is won, that people not be allowed to come into the United States illegally for any purpose, especially drug smugglers; and our government needs to quit taking the side of drug dealers from foreign countries and start siding with the American Border Patrol because they're doing their job to protect the rest of us.

And that's just the way it is.

WHERE ARE THE GOOD GOVERNANCE AND DIPLOMACY IN IRAQ?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, next week, the chief commander of U.S. forces in Iraq will be up here before Congress, General David Petraeus, and he will be reporting on the conduct of the war. I can remember about a year ago, quite a large delegation from our defense subcommittee spent some time with General Petraeus in Iraq; and one statement that he made at that time remains in my mind, and I have shared it with every audience I have gone before. He said, Victory equals one-third military and two-thirds good governance and diplomacy. The two-thirds is missing.

Victory equals one-third military and two-thirds good governance and diplomacy and the two-thirds is missing in Iraq. So where does that place our soldiers? I have asked myself that every single minute of every single day since that discussion. The good governance and the diplomacy are nowhere.

The President of our country says, Well, I'm going to listen to my commanders in theater.

No, no. President Bush is the Commander in Chief. The military is doing their job, but they can only do one-third of the job. The other two-thirds rests on the top political leadership of this country, and they, and I would include every person in this room, and we have not done our jobs because the political equation, the good governance and diplomacy piece, is totally missing.

And so more soldiers die, more Iraqis die, and what is the vision? What is the vision for ultimate victory and exit of our troops? There isn't any. The President said mission was accomplished. No, the mission was just begun, but there is no end game.

Within Iraq, we have a corrupt and incapable state. They have billions of dollars in their budget unspent, our money, their money from oil. They're not spending it, yet the American people are going to be asked to appropriate another $170 billion here? Think about it, my friends.

Within Iraq, we broke the State. In Iraq, 2½ million people thrown out of their homes within the country and another 2½ million fleeing for their lives to Syria, to Jordan. And you know what? They will never be citizens of those countries. They're guests. They're actually refugees. We saw what happened with the Palestinians post-World War II. 600,000 of them still a refugee population with no homeland. And look at the difficulty that has caused the world.

So you say, Well, what is the mission? Are we winning the war on terrorism? Is America any more secure?

Well, we are having trouble in Afghanistan. The President had to beg NATO for more forces in Afghanistan. We've now got over 40,000 troops there. The situation there is not getting any better. And Pakistan, at the provincial level, the worst elements are being elected. Maybe that isn't the right adjective. But those that are most anti-American are being elected. There's trouble between Afghanistan and Pakistan at the border in those provinces. We don't have a solution there.

And Turkey, our closest ally in NATO for years. What is happening with elections at the provincial level there, mayors and so forth? The most anti-American individuals are being elected. That is true in Pakistan at the provincial level.

So you can say all you want to say about winning this war on terrorism, but how do you win a war when the majority of the people turn against this country? And you say to our military, You fix it. You fix it.

General Petraeus' testimony up here next week simply isn't enough. We need to hear from the President of the United States, not just passing the buck to, Well, let the generals tell me what to do. No. What is he going to do to accomplish this mission and bring our troops home and begin to repair the image of the United States across a vast growing region of the world where we are losing friends every day from North Africa, from Egypt, all the way through to Pakistan and Afghanistan? What are we going to do to correct the damage that is producing more terrorists, more anti-Americanism and less resolution?

Don't just place this burden on the backs of our brilliant military. They have been asked to do everything this President has sent them to do. But as General Petraeus wisely told us a year ago, victory means one-third military and two-thirds good governance and diplomacy, and the two-thirds is missing and it has been missing and it is missing.

What can we do? Why didn't the President take two of our exemplary ambassadors, people like Zbigniew Brzezinski and James Baker, put them on the same airplane, send them over to Iraq, work with the neighboring countries of Iraq, give us a date certain in order to begin redeploying forces to an over-the-horizon position? Give us a time: 6 months, 1 year, 1 year and 3 months? Let's have a plan. There is no plan.

The only plan is to send more troops to keep extending deployments to put more burden on our military, to ask our Marines to become civilian officials within that country with the civilian workload when they're trying to be a strike force. What kind of solution is that? It's asking too much of our military. Let's give them the respect they're due but ask the person in charge as Commander in Chief to give America the plan for victory and ultimate redeployment from that region and building back the kind of friendships with adjoining nations that will not give our children and grandchildren the burden of fighting terrorism two decades or more down the road.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this body with yet another Sunset Memorial.

It is April 3, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,855 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Mr. Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet, Mr. Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should have given them.

Mr. Speaker, let me conclude, in the hope that perhaps someone new who heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,855 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is April 3, 2008—12,855 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children—this, in the land of the free and the home of the brave.

NEED FOR SAFE VACCINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the things that's made the United States and the world healthier than at any period of the world has been vaccinations. Vaccinations have stopped so many dreaded diseases from killing hundreds of thousands, millions of people, it's not even funny.

But while vaccines have saved so many lives, there have also been some shortcomings in vaccines. When I was chairman of the Government Reform and Oversight Committee, I held hearings on autism; and we have gone from 1 in 10,000 children who are autistic to 1 in 150. We have an absolute epidemic of autism in this country, and hundreds of thousands of families have been affected and they have nowhere to turn.

Because of that, we passed in the 1980s what was called the Vaccine Injury Compensation Fund, and it was supposed to take care of families and people who were injured by vaccines and had nowhere to turn. Well, that was supposed to be a nonconfrontational system. But unfortunately, there has been nobody, up until recently, who has been paid out of the vaccine compensation fund. And one of the reasons is because Health and Human Services and the Food and Drug Administration have said that the mercury in vaccines, 50 percent of it is a preservative called thimerosal. The mercury in vaccines did not cause autism, and there have been a lot of studies that have come out saying the mercury in the vaccines was not a root cause of the autism crisis that we have in this country.

In fact, in 2004, there was a report that said categorically that the thimerosal, the mercury in the vaccines, was not a cause of autism. And yet, just recently, in the Journal of Child Neurology, an article published by Drs. DeSoto and Hiltlan, both doctors, reexamined that study and they said it was in error and that there was no doubt that the mercury in the vaccinations was a contributing factor to the epidemic of autism that we have in this country.

As a result of that and other information, some of the test cases that have been raised and are in progress right now have come before the special master. And just recently, a young lady who was damaged by vaccinations, a young lady from Georgia, Hannah Poling, her case went before the special master, and the Justice Department had five attorneys who said that this young lady was not damaged in part by the mercury in the vaccinations. This young lady got five vaccinations in one day, most of which contained thimerosal, which is 50 percent ethyl-mercury. Shortly thereafter, she became autistic.

The same thing happened to my grandson. He got nine shots in one day, and within a short time, he became autistic. I won't go into all of the details of what happens when you become autistic, but it is certainly a tremendous change in the lives of not only the child but the entire family.

But anyhow, this case went before the special master along with two others. And just recently, a decision was made in that case by the special master; and in spite of the evidence that was presented by the Health and Human Services, the FDA, and the Justice Department, the special master awarded damages to this family and said that this girl was damaged by the vaccination. And the case was brought because this young lady took several shots, five in one day, that had mercury in them. So this is the first case that shows, in my opinion, that the mercury in vaccines is a contributing factor to the epidemic of autism that we have in this country.

The reason I come before the floor tonight to talk about this is it's time that we got mercury out of all vaccinations. We've been able to get it out of most of the children's vaccinations, but it's still in some. I think it is in three or four now. It needs to be out of all children's vaccinations.

We have had an increase in the cases of Alzheimer's in this country, and that's because in part, in my opinion, because mercury is in almost all of the adult vaccinations. When you get a flu shot or almost any kind of a shot, you're getting ethyl-mercury injected into your body. Now if we eat fish, they tell us to be careful because there's mercury in the fish and it may cause neurological damage. Yet, we are injecting it into ourselves and into our children through vaccinations.

It's high time that the Food and Drug Administration, Health and Human Services, and the pharmaceutical industry decides we want vaccinations because they give us a better quality of life and makes us live longer and prevents us from getting diseases, but we have to get mercury out of all vaccinations out of anything that goes into the human body; and until we do that, the problems with autism and other neurological diseases will continue to rise.

So I would like to say to my colleagues, I hope you will pay attention to this special order tonight. We have to get mercury out of all vaccinations. We can do it with single-shot vials that will not require that preservative; and once we do that, I think we will have a much better quality of life, and people will be able to get vaccinations without worrying about becoming autistic.

☐ 1345

CONGRESSIONAL MEMORIAL CERTIFICATE OF RECOGNITION PRESENTED TO THE FAMILY OF CHARLES COOPERI' THORNTONA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, tomorrow, April 4, will mark the date that Martin Luther King departed and went for his just rewards. I have a theory that messengers are sent to Earth to make us better human beings. And if you go back in history, Jesus Christ left early in his thirties, the Kennedy brothers left early in their thirties, and Martin Luther King, after he had done his work, left us.

And so we are very fortunate to be able to participate in a service today honoring the 40th anniversary of the assassination of Dr. Martin Luther King, Jr.

I would like to pay tribute to someone from the State of California who can be described as a "diamond in the sky."

Charles Thorntona left this Earth about 2 weeks ago, and I presented his family with a Congressional Memorial Certificate of Recognition:

"Whereas he was preceded in death by parents Polly and Jimmie Thorntona and godson Gary Parker.

"Whereas he leaves behind lifelong soul mate Christine; children Kishaun and Charles Thorntona, Victoria and Aurea Smith and Chris Bale; grandsons DeAndre and Jaydn; and siblings Jim, Sandra, Pamela, and Timothy Thorntona and also Debra.

"Whereas, as a musician, artist, and coach, Charles touched many lives. A big-hearted father figure who thrived on making others happy. A legend, never to be forgotten.

"Be it resolved that Charles Thorntona be immortalized as a humanitarian, who shared his life to make it better for his fellow man and left an outstanding lasting legacy for his family and friends. May he rest in peace."

And may I just share a poem that was written called "A Diamond in the Sky," and it's a tribute from his brothers Jim and Tim and also written by Alice Holmes McKoy:

Stand and take a bow;
As you leave us for the pureness of heaven,
You have left us in this mist of life;
What becomes a legend most . . . you, my brother;
The one who reached out to everyone.
You chose to engage to interact to love;
Sharing and caring, never too busy to do.
Why you? The original rock of our world has been called to your eternal rest with the Lord;
You were supposed to let me know these things in advance . . . after all,
I am your brother . . . but it's all right;
As you sit with Jesus, Mom, Dad, and young Gary,
Man, know that you will always be loved and appreciated; and as I look into the sky tonight . . .
I see you . . . a diamond in the sky.

THE PROTECT AMERICA ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, it's now 1:48 p.m. on Thursday afternoon. Throughout the Nation, folks are finishing the day shift, getting ready to finish the day shift. People who work the afternoon shift are getting ready for work. Those who work the night shift are probably snoozing a little bit so they can get up in a few moments and start it all over again this evening. And where's the House, Mr. Speaker? The House has gone home. The House has gone home.

Now, why is that important? Well, we have just finished 2 weeks at home talking to constituents about issues great and small. They're concerned about a lot of things, Mr. Speaker. They're concerned about gas prices. They're concerned about the housing situation. And in my district, the Sixth District of Georgia, I get constant questions about national security: What is Congress doing to make certain that our Nation is safe? And that's important because, Mr. Speaker, today is the 48th day, the 48th day, of a unilateral disarmament on behalf of the Democrat leadership of the House of Representatives.

Why do I say that? Well, Mr. Speaker, we are at the 48th day now where the Protect America Act has been allowed to expire. This isn't going to happen in the future. This has happened. This Speaker, this Democrat leadership, has allowed the Protect America Act to expire.

Now, what's the Protect America Act? Well, it's an act, a portion of amendments that were adopted to the Foreign Intelligence Surveillance Act shortly after 9/11. And what this portion of it allows that was allowed to expire is for the United States, our intelligence community, to listen or intercept electronic communication or phone communication between a foreign individual in a foreign land talking to a foreign individual in a foreign land. Not an American citizen, not on American soil. That means, Mr. Speaker, what they would be allowed to do is to listen to a potential terrorist or a terrorist talking to another potential terrorist or a terrorist outside the United States.

Mr. Speaker, I asked every single group that I spoke with at home for 2 weeks, who believes that our intelligence community ought not have the authority to do that, to listen to a terrorist talking to another terrorist outside the United States, talking potentially about how to do you, me, and our Nation harm? I didn't find a single individual who didn't think that was the right thing to do.

But this leadership, this Speaker, this Democrat leadership has allowed that act to expire. Why? Because they believe that trial lawyers ought to have the ability to represent foreign individuals in the same way that the United States Constitution protects Americans.

Mr. Speaker, that's wrong. Many in my district and I believe also that it's a dereliction of duty. It's an abrogation of duty. It's a violation of the oath that we take as Members of the House of Representatives to uphold the Constitution and to protect and defend the United States of America.

Mr. Speaker, I call on this leadership, I call on this Speaker, to allow this House to vote on the Protect America Act, a bill, amendments that the Senate passed 68–29, in a bipartisan way; a bill that the majority of this House, the majority, Democrats and Republicans combined, have said they will support if allowed to vote on the floor. Mr. Speaker, this is essential to the protection of the United States of America and to reverse the unilateral disarmament that has come about because of the leadership of the majority party.

Mr. Speaker, I call on this leadership to bring this bill up as soon as we come back next week and do the people's business.

CONGRATULATING THE HOWARD PAYNE LADY JACKETS BASKETBALL TEAM ON THEIR NATIONAL CHAMPIONSHIP AND PERFECT SEASON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise today to congratulate the Howard Payne University Lady Jackets on their 2008 NCAA Division III Women's Basketball National Championship. In this, their fourth consecutive appearance in the tournament, the Lady Jackets defeated the Messiah University Falcons 68–54. Winning the National Championship was a fitting end to an unbelievable season for this rising basketball powerhouse. From day one the women of the Lady Jackets unwaveringly pursued excellence, and in the end they achieved perfection. The Lady Jackets finished with a record of 33–0, the only perfect record of any of the 3,823 men's and women's collegiate basketball teams in this country.

Located in Brownwood, Texas, Howard Payne University is a small school of 1,400 students that I am honored to represent. As Division III athletes, the members of the Lady Jackets team receive no scholarships or lucrative contracts for their collegiate exploits. Rather, these women play for the thrill of competition and the glory of their achievements. Every minute of every team practice, at every meeting, and every game is endured for the love of basketball.

I am proud to commend the Lady Jackets today, not only for their victories but also for their dedication to their sport and to each other in the drive to be the best. It is my great pleasure to extend my personal congratulations to team members Tiffany Warner, Katy Sarem, Stephanie Brewer, Mionca Hall, Daphnie Pippins, Kimberly Hoffman, Makiesha Davis, Meia Daniels, Elaine Hobbs, Stacey Blalock, Hope Hohertz, Sarah Pfiester, and Sarah Jockers on their remarkable accomplishments.

I'd also like to congratulate coaches Mr. Chris Kielsmeier and Ms. Lindy Hatfield, who coached this year's team. This season belongs to them as well. While a coach's devotion to their team is often displayed simply in the wins column, this perfect season speaks volumes about Mr. Kielsmeier and Ms. Hatfield's ability to bring out the very best of their players and nurture the talents of their team.

Mr. Speaker, hallowed as these walls that we work in are, we rarely have an opportunity to witness perfection, that which cannot be improved upon. Lest we forget what such accomplishments look like, the women of the Lady Jackets have reminded us that there are rare moments in time when imperfect individuals can work together to achieve perfect results. I hope that by taking time to celebrate these small moments we can remind ourselves the importance of working together to achieve success.

And, again, Lady Jackets, congratulations on a very unforgettable season.

REMEMBERING THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I joined a bipartisan group of Members of the House and Senate just a few short hours ago here in the Capitol where we were accompanied by Martin Luther King III, and we gathered to remember a day that tens of millions of Americans will pause to remember tomorrow. That was the day that saw the assassination of the Reverend Dr. Martin Luther King, Jr. 40 years ago.

I rise today as someone who, as a 9-year-old boy, was deeply inspired by the example of Dr. King and as a 9-year-old boy who was shaped by those tragic events.

But I also rise today as a Hoosier and as a congressman representing Muncie, Indiana, because it may not be known to many, Mr. Speaker, but both Indiana, and Muncie, Indiana, in particular, played a small role in the unfolding drama of that day, April 4, 1968. And I will borrow generously from an article written by Nick Werner recently in the Muncie Star Press as I reflect on that connection.

Muncie helped shape history after the King assassination because it was in Muncie and at Ball State University where Senator Robert Kennedy was speaking. He was speaking at the men's gym, which is now Irving gym. He was running for President of the United States. And it was there after his speech, as he was moving through the crowd, that historians recall and record that he had first learned of the assassination of Martin Luther King, Jr. And as he went to the Muncie Airport and traveled from the Muncie Airport to Indianapolis, Robert Kennedy would prepare what for all the world appeared to be an impromptu speech but one that perhaps he had been writing all of his life. A speech that he would deliver to a stunned crowd in Indianapolis that night, and it was a speech that I rise today to remember.

It was humbling to me, despite our differences on philosophy and politics, to sit today on the same row with Senator TED KENNEDY as we remembered the tragic events of that day.

Robert Kennedy stood before a largely black audience in an outside park in Indianapolis, and he spoke these words:

"I have some very sad news for all of you and I think sad news for all our fellow citizens and people who love peace all over the world, and that is that Martin Luther King was shot and was killed tonight in Memphis, Tennessee."

As Nick Werner wrote: "The crowd gasped and screamed, but they remained fixed on Kennedy as he continued speaking, words that condemned violence and lawlessness.

He said, and I add, "For those of you who are black, considering the evidence evidently that there were white people who were responsible, you can be filled with bitterness, with hatred, and a desire for revenge. But," he added, "what we need in the United States is not division. What we need in the United States is not hatred. What we need is not violence and lawlessness, but love and wisdom, compassion toward one another. He asked those gathered to "return home tonight to say a prayer for the family of Martin Luther King. Yeah, that's true, but more importantly, say a prayer for our country, which all of us love; a prayer for understanding and the compassion of which I spoke."

☐ 1400

After he spoke those words, rioting would break out in more than 100 cities across the United States. But Indianapolis was peaceful. Robert Kennedy would go on to a tragic end of his own.

But I rise today as an American shaped by the courage in the life of the Reverend Dr. Martin Luther King, Jr., and I will remember tomorrow with gratitude his example. I will also say very humbly that the words of Robert Kennedy are as true today as ever, and that Muncie, Indiana, and the State of Indiana, will always be proud of the small role we played as a backdrop to those historic and tragic events.

May the words of Robert Kennedy, may the example of the Reverend Dr. Martin Luther King, Jr., continue to inspire our Nation to aspire to a more perfect union.

UNITY IN AMERICA

The SPEAKER pro tempore (Mr. YARMUTH). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, before I discuss the topic upon which I arise to speak, I do want to join my colleagues in celebrating the reauthorization of the United States Fire Administration Act. As a member of the Homeland Security Committee since its origin after 2001, I am a direct witness of the work of our first responders around the Nation. It is important that we recognize the elements of this bill and the funding that is necessary to ensure a system of first responders that works.

Yesterday, I met with the chiefs of the fire departments of departments in my State of Texas. I salute them. Through their efforts, we were able to pass this bill. I congratulate the sponsor, and I believe that the National Fire Incident Reporting System improvements that will come about are important; the fire technology assistance and dissemination will be important that is reauthorized; the encouraging of the adoption of standards for firefighter health and safety, one of the ills that we are still dealing with after 9/11, people who have gotten sick after 9/11 and still not addressed; and the coordination on fire service-based emergency medical services is important; and as well, the funding that will come about, upwards of $100 million.

Certainly, I encourage them to work with the Federal Emergency Management Agency, the work that we can do together. Congratulations on the reauthorization of this bill. I stand as a strong supporter.

I rise today, as my colleagues have done, to acknowledge the 40th anniversary of the assassination of Dr. King. That will be tomorrow. I head to Memphis to commemorate that. I just got through speaking to a number of constituents from Texas Southern University and from Prairie View A&M. I asked them about presidential politics. They were thoughtful and discussed with me the balance that they saw in the candidates that happened to be running in the Democratic primary.

What I have seen as we watched this debate is really a call on the sensitivities of America, race and gender, and we have seen the tensions and the divisiveness; rather than focus on the message and mission of an American hero like Dr. King, who talked about unity and talked about, as was said by his son today, the horrible evil of racism and poverty and militarism. But even in that voice, he spoke of unity.

Today, I rise to call upon the candidates themselves, that whoever will run to the mike first and call upon unity in America may find a surprising response from all the voters, wherever they might be. For Americans are good people. They extend themselves to the battlefields of Afghanistan and Iraq so that others might have freedom and democracy.

I might imagine that our soldiers would look back on this divisiveness and the name calling and someone castigating one person because they are for one candidate over another, and ask whether or not we truly understand freedom and democracy. It is choice, it is the ability to make your choice. Yet, it is the ability to come together and unify around the goodness of America.

I was glad to hear Majority Whip CLYBURN say today that, "time is neutral." As Martin Luther King said, "It is neutral because it says nothing. It is what you do with it." What he reminded us is that people of ill will seem to use time more effectively than people of good will.

I truly believe that we have outstanding Americans running for this office. I will be pushing for the one that happens to be in my party, strongly and enthusiastically. But what I will come to this floor and this Congress for is to join me in putting together a reconciliation commission in America. Not just because of the candidacy and the campaigns that we have seen, but because Americans are still sensitive about race and about gender, two groups of people that have been disenfranchised in our history. Yet, we are blessed to be in America, recognizing that many of us have made strides. I am proud to stand here as an African American woman. Some might say I have double issues. But I have double benefits, double celebration.

Yet, there are those who I believe would benefit from having this broad discussion, this reconciliation in America about women who were disenfranchised until 1920, woman who suffer from the lack of pay equity, and those who live under a minority umbrella, who themselves still remain discriminated against in schools and jobs and in corporate America.

Mr. Speaker, we can benefit from this wonderful debate and discourse between someone who's an African American male with the potential of being the President of the United States and a woman who has the potential of being President of the United States. Why don't we celebrate in that difference and diversity? Why don't we call for unity, because America is greater than our individual differences. As Martin Luther King said, "It can be the promised land. Why don't we attempt to go there together."

BE A PART OF THE CHANGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Thank you so very much, Mr. Speaker. It's an honor to come before the House once again. I can share with you, as Congresswoman SHEILA JACKSON-LEE just finished speaking about, the wonderful ceremony that we had today, but sad ceremony, reflecting on the life of Dr. Martin Luther King some 40 years later. To see Democrats and Republicans standing side by side, to have reflection from those that worked beside Dr. King, like our very own JOHN LEWIS and Majority Whip CLYBURN, who talked about his experience and first meeting that he met with him in 1960 in Morehouse University, to Majority Leader REID reflecting on, the Senate reflecting on how he worked here in the Capitol at that time as a part of the crowd outside; and others that shared stories of their time when Dr. King walked the Earth; his son, Martin Luther King, III, who reflected on his father's death and his memory and charged the House and the Senate to carry out efforts against poverty, also to deal with the issue of war and conflict, and also looking at the very issue of making sure that we stand up for the least of these, as many of us are very, very familiar with. Mr. Speaker, I also believe that it's important in that light to have Americans, and as leaders of this great country of ours, have Americans remember the past, but look forward in a forward leaning way to the future.

I had the opportunity to talk to the National Association of Black Realtors or African American Realtors over at Union Station just about 30 minutes ago. It reminded me of a story, and I shared it with them, of when my mother served here in the House of Representatives and I had the opportunity as a State legislator to come up to see her sworn in once again. While I was up here, I had a chance to run into one of my good friends, Reverend Jesse Jackson.

He spoke to a group of folks that were here that day when his son was sworn into Congress for the first time. He said that he could not help but to get emotional. He got emotional when he was sharing with us how that experience was a moving experience for him because he reflected on the story of his father, who fought in World War II, and after World War II was over, came back to the United States. But he was taking the train going south and riding behind the prisoner of wars when they went through Union Station. And his father couldn't help reflect that he saw the United States Capitol, but even though he fought on behalf of his country, felt that he did not move forward because he was behind prisoners of war in his own country. And that God would have him live long enough for his grandson to become a Member of Congress is an example of how this country can correct itself over time. We still have a long way to go and a short time to get there. I shared that with them because many of us are professionals and have an opportunity to take part in this democracy and be a part of the change in America.

I can say that tomorrow will be a day for the country to pause and to recognize the contributions of one of the greatest Americans that ever walked the Earth, and that's Dr. King. I look forward to participating in that reflection like I did today.

With that, Mr. Speaker, I would like to share just a few thoughts with the House, as we have now broken for the week and will be back next week and the business of the people of the United States of America will continue. The New Direction Democratic Congress are about working with some of our colleagues on the other side of the aisle about solutions, Mr. Speaker, and not just conversation.

I think it's important for us to look at what has taken place under the Capitol Dome. I was on the floor yesterday evening and I spoke to the Members on how we are going to have to work together to be able to help everyday Americans work through their real life issues that they are facing now. Long ago, we knew of not only predatory lending practices, but we also knew of the fact that there are a number of Americans that are going to hit hard times, and many pieces of legislation passed off of this floor riding on the backs of everyday Americans, individuals that punch in and punch out every day, those that try to carry out the American dream by purchasing a home and getting their piece of the American pie.

For many Americans, that is the only savings they have. A home is a way to be able to allow their blood line, wherever they may be in rural America, urban America, wherever their background may be, if they are a citizen or resident of this country, to be able to educate their children, to be able to borrow money to be able to educate their children, or to be able to allow their children to have something that they can call a piece of the rock or a piece of the American pie.

I can tell you right now, Mr. Speaker, that a number of those families, and I mean they are in the millions, are in jeopardy right now of losing the very thing that they can hold on to. They may not own their car, they may not necessarily have a lot of money. But what they do have are homes. Many of these individuals are up in age. They have fewer tomorrows than they have yesterdays. They are finding themselves in a situation of not having the financial means to be able to protect their home.

☐ 1415

One of the cornerstones of public service is to make sure that we come up and we protect those individuals and that we make sure those Americans are not left behind. I do know that this Congress in the past, not this Democratic Congress, but Congresses before, have attempted to stimulate the economy through tax breaks for the very super-wealthy and the super-rich, saying it will trickle down to the everyday American. That hasn't happened. This is a perfect example that it hasn't happened.

This week the Senate worked very hard, Leader REID and others, with Senate bill 2636, the Keep Families From Facing Foreclosures in Their Homes. This "new direction" Congress came here saying that we are here to represent the American people; not just Democrats, not just independents, not just Republicans, but the American people, and we have done that. We have been able to enact measures into law expanding affordable mortgage loan opportunities through the Federal Housing Administration for families that are in danger of losing their home by increasing the FHA loan limits up to $729,750 within the economic stimulus bill which passed recently.

Also we have passed a measure to prevent homeowners from facing a tax bill at the same time they are losing their homes through H.R. 3638, the Mortgage Forgiveness Debt Act. We also expanded Federal counseling for families in danger of losing their homes through foreclosure through the FY 2008 omnibus appropriations bill.

I think it is important for us to talk about what we have done in this Congress versus what we haven't done. But I can tell you that since I started out with what has already happened, and more has to happen, because we still have individuals that are out there that are hurting. It is not enough in my district, the 17th Congressional District, that we are going to have a foreclosure prevention workshop, where we are going to have lenders and counselors there to be able to talk to them. My constituents need more than that. The American people need more than that. By the fact they voted for me on a given Tuesday, early one Tuesday, by federalizing me, allowing me to come to Congress and other Members of Congress to come here, we are here to represent their best interests. So we have to continue to move forward.

These are measures that have passed the House but have not become law. Strengthening consumer protection against risky housing loans in the future; H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act; expanding affordable housing mortgage opportunities for families in danger of losing their homes through the Federal Housing Administration reform, which is H.R. 1852. This bill passed both House and Senate and is supported by the White House, I must add, but has been held up by one Senator due to his opposition to the temporary FHA loan limit increase.

I think it is important that everyone understands that this has to be a group effort. Back home in my district, folks don't understand one individual having a problem with it, but that is going back to the rules in one of our chambers here in Congress. Also it strengthens regulations of Freddie Mac and Fannie Mae, and raised the loan limits and increased the amount of the loan through H.R. 1427. It goes on and on and on of efforts that we have tried to pass here in the Congress and become law, but for some reason, have not.

So next week the House, under Chairman FRANK's leadership and the Financial Services Committee, will work very hard to address these issues through legislation. The act we are bringing forth will be comprehensive legislation to address the housing crisis that we face here in America, and the legislation will help stabilize the housing market, which is the first step to rebounding our economy. The measure will do many of the things that I just talked about that are held up either in the legislative process or procedural maneuvers that have taken place or objections by the White House.

It would also prevent the value, as it relates to homes, the value of homes going down. It will work towards that. Chairman FRANK's legislation will loan $10 billion to States and localities to purchase and rehab foreclosed properties.

This is very, very important, Mr. Speaker and Members. As we talk about 1 million Americans losing their homes in the last year, with a prediction that 2 million will lose their homes this year, imagine how back home America is going to look, need it be small or large. Homes that are vacant, Americans not able to receive loans to be able to buy those homes. In rural America, homes vacant without having individuals able to move into those homes. You know they will fall into disrepair. This $10 billion will stimulate the economy, and that will increase American jobs. They are not jobs overseas, but are jobs right here.

I think it is very important that we pay very close attention to this. I want to commend the Democratic leadership for continuing to push this measure forward in light of so many accomplishments that have taken place since the Democratic Congress has been put into place.

I want to mention just a few of them so that my time on the floor today just won't be about describing what our problem is in America, but to talk about how we are making real change here in Washington, DC. I have been here 6 years. I have seen more happen in the last year than I saw in the 4 years prior to this time, the 4 years prior to this Congress.

There was the minimum wage increase that was signed into law that passed in 2007. There was stem cell research enhancement, which was sent to the President's desk in June of 2007. Also we implemented all of the 9/11 Commission recommendations, which were recommendations that came out of a bipartisan commission. They were all implemented by this House and by the Senate and sent to the President and he signed it. Also repealing subsidies to big oil and reinvesting in renewable energy.

I want to stop right there. That is a major accomplishment. Just yesterday I noticed that a number of the independent truck drivers went on strike. They went on strike because of the high cost of diesel fuel. I can tell you, Mr. Speaker, if we were doing the kind of things that this Congress has done 4 years ago, this country would not be as dependent on Middle Eastern oil as we are now. The President's response to what needed to happen 2 years ago or 3 years ago was "America is addicted to oil."

Well, to talk about something and blame the American people saying we are addicted to oil is not an answer and not a solution. I can tell you, this legislation that passed this house by 264-163 is the kind of Congress that the American people voted for to be able to lead this country in a new direction and to move this country in a new direction, or, as a matter of fact, let me put this way, move this Congress in a new direction, which has happened and will continue to happen.

We also are making college more affordable. I think that is very, very important. It was one of the first pieces of legislation that we passed in this new Congress, to cut student loan rates in half.

I think it is very, very important that we look at these measures as accomplishments and not as wedges that will cut Democrats from Republicans, because the American people ultimately are counting on us to move in the right direction.

Since we know what is going to happen next week, and it will be one of the major actions that will take place, when Chairman FRANK will have a chance to start considering the markup for his piece of legislation out of this committee, we also have to reflect on the reports that we will be receiving on the status of what is happening in Iraq.

As many of the Members know, recently we had an uptick in violence. That should not be shocking, because one of the leaders of one of the insurgent groups over in Iraq said they were going to take 6 months off to regroup.

The American people have put a lot of money, or this Congress has put a lot of money on the ground in Iraq, and I am talking about outside of the money that we have supplied to protect our troops and the men and women that are over there that are civilians, but I am saying cash money on the streets in Iraq.

Now, here is where the rub comes in and here is where the leadership has to begin. We have to start not only having the discussion, we have to take action and make sure that we bring our men and women home and that we bring them home faster than what the President is looking to bring them home, the timeline he is looking to bring them home. As a matter of fact, he is not looking to bring them home any time soon. There are members of the Senate that are talking about 100 years or what have you.

But I had the opportunity, Mr. Speaker and Members, when we broke for Easter to go and spend 2 days at Camp Pendleton, which is one of the largest Marine bases we have in the country, over on the West Coast in California. I stayed on base purposely so that we would have an opportunity to interface with those that are in uniform and their families.

Of course, the word gets around that there is a Member of Congress on base. That is not an everyday event, because there are only 500 and some Members of Congress. I think that it is important that we have a chance to interface, because I think that this Congress needs to understand and the Bush White House needs to understand that this is not just about buying smart bombs. It is not just about buying MWRAP vehicles. It is not just about making sure that they have the ammunition that they need and the kevlar that they need to protect themselves. All of those things that I mentioned are very worthy, and they are the reason why we have the number one military on the face of the Earth.

But I think there is also a human side to this and that we should be just as excited about trying to assist those individuals, and that is on the family side and the human side of what is happening to our men and women in Iraq.

When I first got on the base, Mr. Speaker, I noticed a billboard that was an electronic billboard that had on there, if you are in need of counseling or if you are in need of group therapy, please call this number. I was pleased to see that, because so many times we feel that the only injury that could possibly happen when we see one of our patriots come back is one of losing an arm or a leg, or those that have Purple Heart tags that are traveling throughout America.

But many of those injuries from this conflict are between the ears of the stress and also some of the concussion bombs that are going on over in Iraq. And these Americans have fought more than any other American soldier, marine, sailor, airman, Coast Guard, than any other time in the history of the republic; longer than World War II, longer than world World War I, longer than Vietnam, longer than Korea and the other conflicts, and on and on. These Americans are special because they are unique, and we have to make sure that we do what we have to do.

Now, let me just say this: The Democratic Congress has made sure that the VA received the most money that it has ever received in the history of the Republic, in the history of the VA, making sure that our men and women get what they need when they come back. And as they continue to come back, that is there for them. We have to make sure that we take action as we look at this budget and as we have the debate about this war in Iraq, that we bring our men and women home more sooner than later.

Now, I have heard some Members on the floor talk about things that Iraqi children and women and men and boys and what have you, that they don't have the opportunity to do or they didn't have the opportunity to do until we got there.

□ 1430

Let me just share something with you. It is good to have goodwill and all of those things throughout the world, but right here in America, Mr. Speaker, and as a Member of Congress I think it is important that we also understand, that there are Americans right now, women, children, boys, men, girls, our seniors that don't have; because $70 billion, $100 billion, $200 billion are on the ground in Iraq and on and on and on, and we are sitting here thinking, we have Members running around here talking about we need earmark reform. Well, guess what. Reform has happened. There are fewer earmarks than there were in the previous Republican Congress and the Congress before that. And, that we have disclosure. Americans can go on Members' Web sites and can go and can see exactly what the request that they are making.

You want to talk about reform. More has happened in the last 14 months in the Democratic new direction Congress than at any other time since I have been in Congress. So when we look at these issues and they stand here and talk about a $250 project, as Mr. RYAN talked about yesterday, an EPA mandated project on the local government, complaining about that; meanwhile, looking and not even paying attention to the mountain of debt that we have in this country that was built up by the Bush administration and his friends here in Congress on the Republican side, but not even looking at the $70 billion that individuals voted for to continue this effort in Iraq saying that we have to help the poor people of Iraq.

Now, let me tell you something. I may feel a little warm and fuzzy about the $70 billion, saying maybe that is right, if the Iraqi government was working under the same light that we are working under here. I think it is important that we reflect on what is happening right here in America, what is happening two blocks away from this Capitol; that we have individuals that are in poverty, we have individuals that don't have health care. Not individuals, but Americans that don't have health care. We have veterans that are sitting right out as I speak now in front of the Lincoln memorial at the last outpost that are in need.

I was out there, and sometimes, Mr. Speaker and Members, I take my children and we ride our bikes down the mall here, and we pass by the Washington monument, and then we move on and we go by the World War II memorial, and then we go by, we go down to the reflection pool and go down to the Lincoln memorial. And every time we are there, we stop to talk to those veterans. And there is one, they are there, veterans from Korea and veterans from Vietnam, and sometimes every now and then you will get a Gulf War I veteran that is out there. And I start talking to them about health care and many of them don't even know I am a Member of Congress or what have you. What is happening at the VA? What is happening with you in your everyday life? And you would be shocked how many times I have been there, in that very short time talking to them taking a break, and they pull pills out of their pocket into their hands because it is time for them to take one of the cocktails they have to take to be able to deal with those demons they have been having to deal with all of those years.

Now, I am going to say, those individuals allow us to salute one flag, those individuals allow me to sit here as an American congressman and speak my mind in this democracy, and I salute them. Beyond mentioning their commitment to this country and the fact that their comrades, some of them did not make it back, which are also there in the various memorials that are on the mall.

I say all of this because Members are taking this time lightly. And I have shared many times that I have come to the floor, as I move towards a close here, Mr. Speaker and Members, that this time in our country is like no other time in the history of the Republic. We owe foreign countries more money than we have ever owed them in the history of the Republic, some of the countries that we have concerns about, security concerns about. They have a part of the piece of the American pile because we have had an administration and a White House that has said we have got to give these tax cuts, even we can't even afford them, to individuals that are not even asking for them. And that strategy failed, because now we are in an economic downturn. And it ain't just about housing. It is the fact that jobs have not been created here. Jobs have been shipped overseas. And that seems to be the kind of global piece of saying, oh, we need to do that, because there is this importance that we have a strong global economy. I agree with that. But, at the same time, we have to have a strong America.

So as we look at what our veterans are going through and the more and more veterans that are going to be passed on because of some of the bad decisions that have been made in the past doesn't mean that we have to continue to make those bad decisions. It means that we should learn from those bad decisions, and then have the kind of paradigm shift that Democrats, Republicans, and Independents are looking for.

So, I feel that as we continue to look at our time here in Congress, as we continue to look at our responsibility, we have to take every living moment to make sure that we bring about that change.

When I first got here, we used to talk about not leaving the responsibility on our children and grandchildren. Now, we can say not leaving the responsibility on ourselves. There was a time we thought that the debt, folks would, our children will have to bear the responsibility of our bad decisions or inaction or lack of action. And now, it is about those of us today bearing the brunt of the bad decisions that were made in the past and decisions that are being made today by some Members of Congress. Luckily, we have this new direction Congress that are here to stand up on behalf of the American people and not the special interests.

So I say that, Mr. Speaker. In the light of saying that, I hope, and I want to commend some of my friends on the Republican side that have saw the light, that have gone to the wizard, that have asked for courage and they have stepped out and they voted with Members on the majority side to bring about the kind of paradigm shift. But there are some that are here that are not willing to do that. And that is fine. Because, as far as I am concerned, the American people spoke in the last election, and that is the reason why I can say I am a member of the majority now.

And, guess what. Some of them were Republicans that were very frustrated with the fact that fiscal responsibility was not carried out, that decisions that should have been made as relates to the war in Iraq were not made, that the economy was going south, that they didn't have what they used to have in their bank accounts and investment in their family and their bloodline and no longer had it, so they had to bring about the kind of change. The American spirit will rise beyond partisan politics every time when this country is in jeopardy.

So when we come around to the next election, Mr. Speaker and Members, I want you to reflect on that individual that is going to go on a given Tuesday to vote for the kind of representation that he or she expects to have. And if they don't see when they look at the report card, because we have four 24-hour channels that are dedicated to news or close to the news, we have public television that is dedicated, gavel-to-gavel coverage of county commission and city commission and State legislators and also here in Congress, dedicated for the American people to take an opportunity to take a look at it. We have our cyber space that is available.

We used to have, Mr. Speaker, a digital divide in this country, so that when I was in the State legislature, it was thought, where would the DSL lines go? Where will the phone company allow those lines to be put on by the cable company? And now we have moved to the technology of Blackberries and I-phones and all of these things where individuals get news like that.

When the report card is mailed to the home or when they look at those, they go on-line or they look at television, they listen to the radio or they read the paper to find out, where were you standing on these very issues that are before Congress that are dealing with them, the foreclosure of their home, the economy, health care for children as we look at the SCHIP legislation which we call CHAMP here that provides for children with health care; as we look at what happened with oil subsidies, of bringing about alternative fuel to allow us to be able to invest in the Midwest versus the Middle East. When we start looking at biofuel that is, for instance, in my State, sugarcane that has already been extracted of its sugar, but the leftovers of that turn into fuel to run those sugar mills and to be able to go into tanks of Americans that are trying to make a living. We start looking at that. We start looking at why we are paying per gallon for fuel as we pay for a gallon of milk.

When we start looking at those issues, I think they are going to look at and they are going to say, listen, I am an Independent, I am going to have to vote for the folks that are about the solution; I am a Republican, I am going to have to vote for the folks that are about the solution. In my house, I am a Democrat, I am going to have to vote for the folks that are willing to move this country in a new direction. And the evidence has spoken over the last 14 to 15 months that the new direction Congress has moved in that direction; and, that through the fact that we have been empowered by the American people to lead this country in a new direction, the President on bills that he said he would not sign had to sign because we kept that pressure on.

So I say all of this, Mr. Speaker, in closing that what we are facing right now are real issues. Our responsibility is great. Historians will write about this time in Congress. And I share with the Members, as a matter of fact I beg the Members to be on the right side of history and making the right decisions right now.

I will close with the information that I received as of April 3 as it reflects in Iraq: 4,011 Americans that have died in the line of duty; total number wounded in action and returned to duty 16,364; total number of wounded in action and have not returned to duty is 13,264.

As we break for the next couple of days and over the weekend, come back hopefully with the heart and the mind to be about the solution.

I yield back the balance of my time.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Mr. Speaker, it has been a long week. We have had a pretty tough legislative day today. It is springtime in Washington. Springtime brings lots of different groups to town; we saw farmers this week, we saw the firefighters, first responders this week, FEMA personnel this week. We also saw some of my friends at the American Medical Association this week, many of my friends from the Texas Medical Association. They came to Capitol Hill to discuss things that are important to them in health care. And, as I frequently do at the end of the day, I thought I would come down here and talk a little bit about health care. I like to call these little visits house calls.

Now, prior to coming to Congress I was a practicing physician. I am still licensed; I am not insured. But in honor of my fellow physicians who are here in town this week, I brought a picture of a famous doctor. No, he is not a medical doctor; he is a physicist. This is Dr. Albert Einstein. But I thought we would have Dr. Einstein accompany me on this house call this afternoon. It is going to be a little talk about the role of healers, the role of physicians, the roles that perhaps they should play in health care reform in America.

Now, Dr. Einstein did a lot of famous things. He did some things that were infamous as well. He is well known for a number of quotes, and one of my favorite quotes from Dr. Albert Einstein is, "Insanity is doing the same thing over and over again, and expecting a different result this time." Of course, Dr. Einstein was right. And I wanted him to be with us today because that quote is a terrific theme for a little talk about how doctors and policymakers can together work on the things that should dictate health care reform in this country. So if you would, let's have a candid conversation about health care, health care at the Federal level, health care at the provider level.

Now, this is an election year in this country, a Presidential election year. It happens every 4 years. There is a lot of big discussions, there is a lot of big debates, and health care will be one of those big debates. There is a broad national recognition that reform is needed in health care. There is not a lot of consensus on how to achieve that.

Now, every one of the Presidential candidates, those who are still active in the race, those who were active in the race and have since dropped out, everyone has or had their own ideas. It won't surprise anyone here to know that Members of Congress also have their own ideas.

☐ 1445

Policymakers are focused on change. That is good. That is appropriate. And as we learned this week from visits from doctors of the American Medical Association, physicians are focused on change as well. And they must be because, after all, in this country health care begins and ends with doctors.

Without our doctors, there is no health care. That means our doctor friends, the ones who are in town this week, have to be ones who take an active role in the process of transforming health care in this country. We need them to take a leading role in creating the road map on reasonable reform, to go from where we are now to where we ought to be.

We depend upon our physician leaders because they are leaders and are proactive. They are not reactive. Think about it for a minute. When you are only in a reactive mode, what you end up with are basically band-aid solutions. You think about the term death by a thousand cuts, we can call this death by a thousand scalpels because we were talking to doctors all week.

You know, refusing to do something about liability laws in this country, putting the interest of trial lawyers ahead of patients, that is a cut. Let me give you an example.

My home State of Texas, September 2003, we enacted sweeping liability reform as it affected the health care industry. We got fair medical justice legislation out of our State legislature. It required a constitutional amendment to go into effect, but it did pass under a vote of the people. As a consequence, now some 4 or 5 years later, Texas is seeing the benefits from passing commonsense legislation that limited the amount of payouts for noneconomic damages in medical liability cases.

Because this Texas law has made such a difference in Texas, and let me give you an example, in 2002, the year I first ran for Congress in Texas, the number of medical liability insurers in Texas had dwindled from 17 down to two. You don't get much in the way of competitive bidding when you only have two insurance companies that are willing to write your business. But all the rest had left. The climate in Texas was so hostile that no one wanted to write insurance in Texas.

As a consequence, you had good doctors who were simply unable to get insurance and stopped practicing. I met a young woman during one of the stops I made during my campaign in 2002 who was a radiologist, an interventional radiologist, highly trained, highly specialized, trained by the State of Texas, State-supported schools, so the taxpayers of Texas had paid for a portion of her education. And now 4, 5 years out in practice, she lost her liability insurance and was not able to get another carrier to pick her up. It was too risky. She couldn't practice without it, and she became a full-time mom, no longer practicing interventional radiology at a time I would argue when our health care needs are doing nothing but increasing.

That was wrong, and the State legislature in Texas recognized that was wrong and got busy and changed it. They didn't come up with a new idea, they copied an old idea.

In 1974, the State of California passed a sweeping set of medical liability changes called the Medical Injury Compensation Reform Act of 1974. And with those caps on noneconomic damages, they were able to tamp down the premium increases that doctors had seen over time. And, indeed, when we passed that legislation in Texas, we have seen the same result. It does work and it should be tried in more areas.

In fact, I have introduced legislation similar to the Texas legislation in the House of Representatives, H.R. 3509. This bill actually scores as a saving by the Congressional Budget Office. We are in our budget time in the springtime here in Washington. We are scrapping around for every dollar we can find to pay for Federal programs. Here is a gift I will give to Congress. It is a $5 billion gift this bill would save over 5 years as estimated under the Congressional Budget Office, and it does the same things on a national scale as the Texas legislature was able to deliver for their patients back home in Texas.

One of the unintended beneficiaries of this whole process was the small, community-based hospital. The small, not-for-profit community hospital had to hold many hundreds of thousands, millions of dollars in escrow against a potential bad outcome, a bad event in a liability case. They have been able to back down those holdings and invest that money in just the things you want your community hospital to invest in, like nurses and capital investment. The result has been an expansion of medical care in Texas.

Since that bill was passed, we had gone down to two medical liability insurers. We are now back up in excess of 20, and they have come back into the State without an increase in fees.

My old insurer of record, Texas Medical Liability Trust, has reduced its liability premiums 22 percent in the aggregate since the passage of this law in 2003. Clearly it works.

Remember, our Founding Fathers said that the States should act as great laboratories for the Nation, and things that work in States should be considered for use countrywide. And, indeed, this is one of the concepts that embodies that.

The principles here on the chart are pretty straightforward. It does cap noneconomic damages in a medical liability suit, $250,000 per physician, $250,000 for the hospital, $250,000 for a second hospital or a nursing home if one is involved. It does allow for some periodic payment, and it allows for good Samaritan care. Very sensible, straightforward legislation. It is not a complicated bill, and it behaves as advertised. And that is one of the things in this Congress, we just heard a gentleman talking about solutions. Here is a solution. I offer it as a gift to the United States House of Representatives. It saves $5 billion over the next 5 years. Use that money somewhere else because in a $3 trillion budget, there are plenty of places you can spend money.

Another place where we apply just a band-aid where we really need to do something major is in how we reimburse physicians for taking care of Medicare patients. They are taking care of our Medicare patients. Medicare is one of the largest deliverers of health care in the country, indeed the world. We have asked doctors to take care of our Medicare patients. They are some of our most complex patients. They have multiple conditions, multiple diseases, frequently on multiple medications, and we have asked the medical community since 1965 to provide care for these patients.

What do we do in return? We passed legislation a number a years ago that reduces year over year the amount we reimburse for that care. That doesn't make any sense. Can you imagine a doctor, a small businessman, going to his banker with a business plan. He says I am going to expand my business and I have this business plan, and part of the business plan is I am going to make 10 percent less every year, year over year as far as the eye can see.

Well, even back in the subprime days, no banker is going to make a loan on that type of business plan. How do we expect physicians across the country who are small business owners, how do we expect them to survive? And they certainly cannot thrive in that kind of an environment.

We do this because we have created a condition called the sustainable growth rate formula. I have put it up on this poster, and I am not going to go through this line by line. It is available on the Website of the Center for Medicare and Medicaid Services. But just to demonstrate the complexity of this formula and to point out that going through all of these calculations, the final line in this formula is that you go back to 1996 and capture all of the money that you should have saved and add it on at the end. It is a formula that is destined to fail over time. Until we in Congress recognize that this formula is destined to fail over time, repeal it, reverse it, revise it, get rid of it, stop the cuts, pay the doctors what they are owed, and get on with things.

Currently in this country, we have Medicare divided into four parts. Each part is supposed to be an integrated member of the whole. We have Parts A, B, C and D. Part A deals with hospitalizations; Part B compensates physicians; Part C is Medicare HMOs; and Part D is drugs.

Every part of Medicare with the exception of the physician payment receives a cost-of-living adjustment year over year. Part B is different. It is governed under the sustainable growth rate formula. So a hospital will receive ever-increasing amounts of compensation because the cost of inputs increases, because a drug company or HMO will receive an upgrade every year, year over year because the cost of doing business increases, physician reimbursement will decline over time. Clearly, that is unsustainable.

I have a real problem here in Congress. I show this formula to any Member of the House of Representatives, although they recognize that patient access is a problem, physicians are in peril, although they recognize those features, this is very difficult to understand. This quickly goes into the "too-hard box" in someone's mind, and we are just not going to deal with it. But Congress must deal with this.

An example of how we don't deal with it, last December we were right up against a deadline. Cuts were going to go into effect on January 1, so at the last minute we came to this House and we passed a bill that would delay these cuts by 6 months. What an insult to the practicing physicians in America. What an insult that this was all the time we would expend on this very important issue that affects virtually every aspect of their practice life.

I say that because it is not just the Medicare reimbursement that is affected, but literally every private insurance company in this country pegs to Medicare. And so if Medicare does a 5 percent or 10 percent cut, guess what happens to Blue Cross/Blue Shield, United, on down the line. They will follow suit. Can't blame them for doing so, it is the market price. But as a consequence, this House of Representatives, this Congress, exerts wage and price controls over health care in this country that most of us here don't really have an understanding of.

So last December we passed a 6-month delay on phasing in the Medicare cuts. We have to deal with that before the end of June. It is the first of April. Half of that time has been consumed. Half of that time has been squandered, and have we seen any meaningful effort in my committee, the Committee on Energy and Commerce, which has jurisdiction over Part B in Medicare? No, we haven't. We did steroid hearings, for crying out loud, on baseball players. This is the work we should be doing.

We heard the other gentleman talk about solutions. Here is a solution we could wrap up and give to patients in America, and they would be the better for it.

Now, one of the other things that happened in December which we didn't get done, and sometimes in a way it is a good thing that we don't get things done. We talk a lot about trying to bring the architecture and information technology in health care, to bring it on up into the 21st century. It is a difficult concept for a lot of people to understand. It is difficult for some people to understand why we don't just flip a switch and turn on a computer and make it happen.

One of the bills that we saw come to Congress last December which didn't get passed was a bill that was going to mandate that physicians in the Medicare program use electronic prescribing.

Conceptually, it is a good idea. I am a physician. I am left-handed and have bad handwriting. Every year older I get, my handwriting doesn't get any clearer. So e-prescribing will remove some of those problems. And yes, it could reduce error rates. And yes, it will immediately flag things like medicines that are in conflict with each other and allergies that a patient has.

So it is a good concept, but what do we do with it here in Congress? We make it punitive. We come to the medical community and say here is our grand plan for e-prescribing. First of all, we give you $2,000 to invest in the infrastructure. Two thousand dollars; $2,000, do you have any idea how much these programs cost and how much it costs to buy the infrastructure and do the training? It is far in excess of $2,000. In addition to that, if you do this e-prescribing program, we are going to give you a 1 percent bonus over time for doing this program. But if you haven't done it in 4 years' time, we are going to come back with a $10 penalty for every patient that you see.

Well, a 1 percent bonus, that is better than nothing, but think about it for a moment. In my practice if I saw a Medicare patient, return visit, moderately complex, on a good day, if that was a $50 visit, they reimbursed $50, that would be a miracle in itself. But let's do it that way because it makes the math easy and I'm not good at math. So a $50 patient visit. And if I am really moving and if I am really on my game, I can see four of those patients in an hour. So that is a $200 hour that I have put in in the clinic that morning. And we are going to get a 1 percent bonus for that. So for each of those four patients I saw in that hour, I am going to get an extra 50 cents. That is a $2 an hour increase. Well, that is not a lot when you think about all of the extra work that goes into maintaining and training for these e-prescribing programs.

□ 1500

But what if I don't do it, what's going to happen then? In 4 years' time, we're going to come back with a 10 percent reduction. What does that 10 percent reduction mean to that same hour of intensity, that same hour of work applied 4 years later? Well, a 10 percent reduction, instead of now a $2 increase, I get a $20 penalty for seeing those four patients but not using e-prescribing.

If you couple that on top of the program, 10 percent cuts that are supposed to go in year after year, is it any wonder that when you pick up a phone and try to make a new patient appointment in a doctor's office, they say, I'm sorry, we're full, I'm sorry, we're not taking any new Medicare patients. And this is becoming a crisis for our seniors all because Congress will not do the work for our physician community and for our patients. And it's work we've asked our physicians to do. Since 1965, we have asked them to participate in this program.

But let's stay on the concept of information technology for just a moment. And I will tell you, Mr. Speaker, I haven't always been a big fan of some of the advanced and higher information technology, electronic medical records. Yeah, those were good for someone else, maybe not for me. E-prescribing, I did it with a couple different vendors in my private practice. It never was all that it was cracked up to be. But in August of 2005, late August of 2005, I changed my mind on this subject. And I changed my mind on this subject because of a very harsh event that happened in America, and that was the passage of Hurricane Katrina over the City of New Orleans.

And we all know the story there, the multiple breaches in the levees and the city flooded. And one of the consequences of that city flooding was the flooding of one of the venerable old health care institutions in this country, Charity Hospital in New Orleans. The basement was flooded for weeks. Guess what we have in our basements of our hospitals around the country? That's where we put our records. That's where we store these paper records.

So, here is a visit. In January of 2006, we did a field hearing on one of my subcommittees on Energy and Commerce. We went down into the basement of Charity Hospital in New Orleans. The room had been dewatered. Prior to that visit, I didn't even know "dewatered" was a verb. The room had been dewatered, and here is the medical records department.

Now, this black stuff that you see smudged on the charts, and these are rows and rows of medical charts, you can see the identifying patient numbers on the end, this black material smudged on the charts is not soot from a fire, it's black mold. That means that anyone who comes in here and pulls a record off the shelf is going to get a lung full of mold spores. And clearly, because of that hazardous condition, these records will never be accessed again. And of course you can imagine, this room was under water for weeks and weeks and weeks. The effect of salt water, brackish water on the ink that went to record these medical events, these records were likely unreadable even if someone had been willing to hazard the mold spores to pull one off the shelf. So, all of this data is lost forever.

And we don't know what's in there. Perhaps a kidney transplant, perhaps a premature birth, perhaps just a well-baby check. Absolutely impossible to tell. This was so critical because when many of the people who left New Orleans after that storm, after the difficulties that were encountered in the aftermath, a lot of those individuals came to Dallas, Texas and they arrived on the parking lot at Reunion Arena, where they were to be triaged to receive health care if they needed, housing, start to get their lives back on track. There were many people who arrived there who actually had significant medical conditions. And it was very, very difficult to obviously go back and access these records that were, in effect, under water in the City of New Orleans.

Now, there were some big chain pharmacies who arrived on the scene with a mobile truck. And using the information that they could download off their central computer system, from a patient's name and birth date they were able to recreate medicine lists. And I will just tell you, if you can get an accurate medicine list on a patient, a lot of times you can know a great deal about their medical history given the types of medications they were on. Or, if nothing else, here was verification that this was the anti-hypertensive that this patient needed, this was the type of diabetes medication that this patient was on. It accelerated care for these patients in an unbelievable fashion.

And these two series of events made me a believer in electronic medical records. If you have an electronic medical record that stays with the patient, that follows the patient throughout life, that can be accessed by the patient, be accessed by that patient's physician if the patient gives permission. If you have that capability, that would have gone a long way towards the rapid reinstitution of medical care. For some patients who are, frankly, quite ill, not just because their underlying medical condition made them ill, but they were ill from spending several days in water up to their waists, or in the Superdome where they lacked air conditioning or lacked access to some of the most basic facilities for hygiene, these were patients in distress because of their medical condition and because of the conditions in which they had existed after the storm.

So, how much better was it to be able to resume their care because there was the availability of at least a small amount of data that could be retrieved electronically. If a patient had their own medical record over which they had control, much, much more facile to be able to treat those patients in that type of situation.

Now, we do hear a lot, here in Congress there are various bills and ideas out there, as far as how to get the health care community up to speed on electronic medical records or health information technology, as you frequently hear it referred to here in Congress. There was a big study done a few years ago by the RAND people. And in this study they talk about the billions of dollars, $77 billion, that can be saved over 15 years if we go to an electronic medical record model. Now, that's a significant amount of money. And the study is a very meaningful one, very well thought out, very well constructed. Most people don't go much more deeply into it than that, but if you actually take the trouble to read the RAND study, if you look into it, most of those savings actually occur on up towards that 15th year of that study.

Most of the investment in information architecture is going to be done on an individual basis and wasn't included in the cost or the benefit of the RAND study, so it skews the figure a little bit on the plus side because of that; no allowance for training, no allowance for maintenance. But, nevertheless, still they do show a significant savings available by going to electronic medical records.

Their sum-up paragraph, the very last paragraph of the study, they say for this world to go away and the electronic world to occur, it is going to take incentives. And they talk about incentives that they must begin early, that is, you want to be sure and make that incentive available so that you don't penalize someone for getting in early, or more importantly, you don't reward a late adopter. So, the incentives have to be available early. And the time limit that the incentives are available, the time frames that the incentives are available have to be limited.

But the final point, and the one that is always missed on the floor of this Congress, is the incentives must be substantial. I would submit to you that a 1 percent increase in a Medicare patient's compensation for an office visit for using e-prescribing does not fall into the category of a substantial benefit. And then, as we so often do here in Congress, we go on to add insult to injury by saying, if you don't do it, we're going to punish you. Here's a little carrot, but a big stick if you don't do what we've asked you to do.

So, I do think that the day will come when we will see a great deal more adoption of electronic medical records. Some of the things I think we could do are: encourage the private sector, that is really light-years ahead of the Federal Government on this, perhaps with a little relaxation of some regulatory regimens called the Stark provisions, perhaps with at least some definition of what privacy is and what privacy means so people have some certainty about the systems that they're developing. Maybe a little bit on the liability side. And true enough, ask something from the private sector in return. If it's an insurance company that's developing this model, make certain that the information itself is owned by the patient and may travel with the patient if they transition from one company to another, or if they transition from one employer and they go to individually owned insurance, make certain that that information is not lost in that transaction and the patient can control the information.

But I do believe if we put some of our partisan differences aside, we could devise a scenario that would be conducive to the development of this type of technology. And again, as the gentleman who was talking before me kept talking about solutions, these are the types of solutions that the American people want to see us working on. Again, they're not really interested if we hold another hearing about steroids in baseball. They are interested if we can provide them this type of value in their doctor/patient interactions.

Now, one of the other concerns that I have when you hear people talk about health care, and certainly when you hear people talk about it at the national scale, is, well, why don't we expand the Medicare program. Please be advised, in my opinion, the Medicare program, for all the good things that it does do, has enough areas of uncertainty around it that, number one, I don't think it is the type of program in which we want to be placing everyone.

But going back to the SGR formula, I spent probably 40 to 60 percent of my week dealing with problems that are brought about by difficulties administered through Medicare, Medicaid, SCHIP, all of the Federal systems that we have to provide health care in this country. We are not doing a great job.

So, at this point, I don't see the value in rewarding the Federal Government by giving it a greater and greater share of health care in this country. And I would simply ask the question, does the private sector have a role to play in the delivery of health care in the United States of America? My answer to the question is yes. And, in fact, a long hearing that we had today dealing with Medicaid funding, if you do not have the private sector, you have no way to pay for Medicare and Medicaid because, let's be honest, Medicare and Medicaid do not pay the full cost of the care that's rendered. Hospitals, physicians and clinics across the country have to cross-subsidize their Medicare and Medicaid populations with money from their private practices, with money that they receive from the private sector.

So, I would submit that the private sector does have a role to play in the delivery of health care in this country because, at the very least, right now we depend upon the excess payment from the private sector to fund the cross-subsidization for Medicare and Medicaid.

One last thing about the physician's compensation let me talk about, because I've been very critical of the way the current majority, the current leadership handled the Medicare reimbursement at the end of 2007, but I must say at the end of 2006, when my side was in charge, we didn't do a great deal better.

We decided to provide a 1–1.5 percent increase in physician compensation if doctors were willing to undergo some quality reporting. Now, quality reporting generally would be thought of as a good thing, but again, the incentive was so low as to not cover the cost of collecting the data. And now, after the first year and a half of this initiative called the Physician Quality Reporting Initiative, started out life as PVRP, and then became PQRI, the results are pretty disappointing. Not that quality wasn't there, the results are disappointing because it wasn't worth the time of the doctors and clinics around the country to participate in the program. Almost 90,000 physicians across the country could have participated in a reporting program for asthma patients, but, in fact, less than 100 did.

Again, if incentives are going to work, if incentives are going to be worthwhile, they have to be meaningful. If you provide a meaningless incentive, then the person who is to receive the incentive says, this is information you really don't value, so I'll tell you what, I'm not going to bother with it, it's not worth it to me.

Incentives will work; they will work if they're meaningful, they will work if they start early, they will work if they're time limited, but they must, above all else, they must be substantial.

Now, again, I referenced earlier that a physician's office is nothing more than a small business. They need the resources to pay the overhead. We heard a very moving story today in committee of a pediatrician who practiced in Alabama. Her patient population was 70 percent Medicaid, and she had reached the point in her practice where she wasn't covering overhead any longer; she had to borrow from her savings in order to keep her practice open. And from what she described to us, it sounded as if she had done all the things she could do to hold costs down in her practice, extended hours, hired physician extenders, she had a physician's assistant working with her. But the reality is, because the payment for Medicaid patients is so low for physicians, the result is, if they don't have a sufficient private population, again, to bring those earnings up, they're not going to make it. So, a practice that is 70 percent Medicaid in rural Alabama apparently can't make it paying the overhead and trying to keep the doors open for, again, the very critically ill patients, the disadvantaged patients, the patients that we in Congress have asked this doctor to take care of.

It is disappointing, to say the least, it's a travesty, it's a tragedy, that a doctor in that situation will only be able to keep that up so long. There are only so many nights you can go home and explain to your family that, once again, you had to raid the retirement savings or raid the children's college fund simply to pay for operational expenses to keep the office open, because if you were doing that, bear in mind, that physician is not drawing a paycheck for those months either.

So, it's difficult for doctors to build their businesses. It's difficult for doctors to pay their bills when the very policies developed on the floor of this House are so detrimental to the practice of medicine.

□ 1515

And if we can continue to accept these types of Band-Aid solutions in liability, in Medicare, in Medicaid, if we continue to accept those Band-Aid solutions, just like Dr. Einstein said, we're going to get the same results, or worse.

Doctors are leaving Medicare as a result of some of the activities taken on by this country. It is time, it is time for this Congress to step up and do something new, try something new. I mean, 435 leaders, elected by their respective constituents across the country; 435 leaders, we need to lead.

We need to do the hard work, take a short-term, a mid-term and a long-term approach to these problems. And they're not insoluble. They're hard, to be sure. They're complex. They may require hours of work. They may require some hard bargaining and, at the end, they may require some compromise. But solutions are within our grasp.

But when we do stuff like a 6-month Medicare payment fix, we do more than harm the physicians who we've asked to take care of our Medicare patients. We do more than harm our seniors who now pick up the phone and can't find a doctor who will accept their Medicare. We actually harm the very credibility of this institution, and we undermine the credibility of this institution when we take such short-sighted approaches to very significant national problems. And the American people, correctly, stand back and say, what's going on?

And so is it any wonder that approval ratings of Congress are at historic all time lows?

Well, to be certain, there are health care policy reform questions and goals that, over time, and with some thoughtful deliberation, can result in successes. But we're going to have some big questions we have to answer.

And that's one of the fortunate things about being in the middle of an election year because these things now get elevated to a national forum; there's a national referendum, if you will, about the future of health care.

We'll have really, I expect, some fairly different choices out there to make. We'll have to ask ourselves, how are we going to go through these changes and continue to value that interaction that takes place between the doctor and the patient in the treatment room? After all, that's the fundamental unit of production that occurs in this big, vast machine that we call American medicine.

So how do we keep that relationship sacred? And what do we do that delivers value to that relationship?

We're going to hear a lot of talk about mandates. We already have. We hear people talk about individual mandates, where every individual is required to buy health insurance. We hear things about employer mandates, where every employer is required to have health insurance.

Do mandates work? Are they a good thing? Will they work in a free society? How do you force everyone to do what you think is a good idea and ought to be done?

Well, it turns out it can be terribly difficult to do that, and the history of mandates is sketchy, to say the least.

A very good article in Health Affairs, a magazine or periodical called Health Affairs last November, the title was Consider It Done, talking about mandates. We're there; we've reached the promised land and we're going to have mandates to require health insurance.

But even in that article, as they go through the history of mandates in this country, certainly raises some valuable questions about whether or not mandates will ultimately work.

And going back into the 1960s, there was the helmet law brought to motorcycle riders by this United States Congress. And the outcry was so severe when Members of Congress went home from their constituents who were part of the motorcycle riding community that they very quickly came back and said, well, that's a State's issue. We're going to repeal that at the national level and, Mr. State Legislator, you're going to have to deal with that; Governor, you'll have to deal with that as a problem, and States have over the intervening 40 years. Some States, my home State of Texas does not require a helmet. Some States do. But Congress very quickly found out that mandates can have some negative consequences.

Well, can you get 100 percent compliance with a mandate? Some people argued that if the penalty for not complying is severe enough and well-known enough, that you will, indeed, get near that 100 percent compliance. But think about it for a minute.

We're just a few weeks away from April 15. We've all got to pay our income taxes. There's a mandate. Everyone is aware of the income tax law in this country. Everyone is aware of the Internal Revenue Service. Everyone is aware, they may not be aware of the specific penalties, but if they know that they don't do what they're supposed to do there is a very swift and sure penalty out there awaiting them from the Internal Revenue Service. And all of us know the story of Al Capone, who was arrested not for being a bootlegger and doing bad things to people, but arrested because he did not pay his income taxes.

So you would think, with the mandate for paying Federal income taxes, that there would be near 100 percent compliance. But the reality is you get about 85 percent compliance. You get about 15 percent of people who decide not to follow the rules with the Internal Revenue Service.

In fact, you'll hear us talk about it on the House floor, especially this time of year when taxes are due and we're talking about budgets and we're looking for more money. People on the floor of the House will talk about the tax gap, that is $300 billion, and if we had that $300 billion we could do good and great things for the country. We have the tax gap because we have 15 percent of the people in this country who are willing to look at the penalties for not filing their income tax and say, you know what? I'm not going to file my income tax.

How many people do we have this it country without health insurance? A lot. It's about 15 percent of the population. We have 300 million people in this country, give or take, probably more than that now. That figure's a couple of years old. And how many people do we have without health insurance? People argue about the number, but around 45 million, and that's about 15 percent of what our population is in this country.

We already have that compliance, even without mandates. So are mandates going to take us to a higher level of compliance?

And what do we give up in terms of freedom if we go down the road of mandates?

But to me, more importantly, what's the flip side to mandates? If you're not going to have mandates, okay, well how are you going to get people to recognize that they should have health insurance?

Well, one thing you can do is work on the affordability side because it's no question, if the bills get too high the employer's going to say I'm not going to provide insurance for my employees any longer because it becomes cost prohibitive. And if an individual looks at the individual market and says the cost is so high I'm not going to comply with it. So certainly the affordability side is a big part of the equation.

But more importantly, it's creating problems that people want. It's creating programs that people recognize as delivering value back to their lives.

And we do have a little experience with this over the past 5 years. We did, in a number of Medicare reforms in 2003, provide Medicare Part D, a Medicare prescription drug benefit. And there were those in this House who argued that this should be something that is mandated by the Federal Government and completely controlled by the Federal Government.

There were others who argued that maybe it would be better to let companies compete with seniors for that business. And that was the argument that eventually prevailed. And as a consequence, we had, at the roll out of Medicare part D, we had complaints because there's too many choices; there's too many companies out there that are offering this, and I can't make up my mind. The cost ranges from $10 a month to $50 a month, and how in the world am I ever going to know what I'm supposed to do?

But after some of the louder rhetoric died down and people began to look at these programs, indeed, these were programs that delivered value to a segment of the population who had never had an affordable prescription drug benefit available to them before and, as a consequence, the penetration with this benefit is extremely high in the Medicare population. And the overall satisfaction rate is also extremely high.

So that's perhaps a model for us to consider when we talk about things about how do we provide insurance. We tell everybody you've got to have it, but there are going to be some people who just won't do it. We make programs that are affordable and that appeal to people, that people want. People want to be able to provide protection for their families. They want to be able to provide additional help if health care is needed in their families. So that would be another way to approach.

One of the great privileges of serving in the United States House of Representatives, you occasionally get to go places or meet people that you otherwise may not have gotten to meet. And for me that hour came last fall when I had the opportunity to spend an hour with one of my heroes, Dr. Michael DeBakey down in Houston. Many people know Dr. DeBakey as a famous heart surgeon. He was also the individual who developed the Mobile Army Surgical Hospital that has been responsible for the saving of so many lives in our Nation's conflicts over the last 50 years. Dr. DeBakey himself is going to turn 100 years old this year, so it was a phenomenal ability to talk with an individual who has witnessed and lived through and directed the last century of medicine.

And many of the comments Dr. DeBakey made to me were similar to the same things that I wrestle with; how do you provide mandates? How do you require mandates in a free society? Wouldn't it be better to give people things, make available to people things that they would want and would willingly sign up for, rather than forcing them into individual programs that really might not appeal to them?

One of the other things that Dr. DeBakey said to me that gives me, really gives me a lot of hope, really gives me a lot of optimism in looking forward to the future, because he said, Congress can do this. Congress is up to this task. And he said he knew that because when he was a young man, having just graduated from LSU, I'm sorry, graduated from Tulane down in New Orleans, Louisiana, as a young man, after graduating from medical school he had to go to Europe in order to get the credentials in order to be a research physician. Those credentials were not available to him at American institutions, so he went to France and Germany and did his study there in order to get the credentials to be seen as a credible researcher.

But that changed in the 1940s, and it changed because of the efforts of Congress in funding research at the National Institutes of Health, and developing the types of programs that now allow America to be at the forefront of research across the globe. And scientists come here to train, come here to get those credentials, those same credentials that Dr. DeBakey had to cross the ocean to receive a half century ago.

So he told me, Congress can do this and I know Congress can do this because they've done it in the past. They've tackled big things and they've come to the right conclusion.

Well, I pray that he's right. I wouldn't be here if I didn't believe that he was right. But it is going to be difficult to do that.

Now, I can't make all of these things happen by myself. And one of the reasons you're in Congress is because you want to work with others. Well, maybe that's not the reason you're in Congress. But nevertheless, Mr. Speaker, you're in Congress and you do work with others, as is the nature of this body. There's 434 other individuals who have to be consulted, whose vote has to be one before you're going to be able to see your policies become law.

So I will just tell you one of the things I've learned. You can have the best ideas in the world, and you can have all of the enthusiasm and all of the energy required to get those things over the line, but if you don't have people working with you, if you don't have people helping you, it's going to be very difficult to get those things done.

So I am very grateful, with the legislation that I have, to help reform the Medicare payment formula, the bill Number 5545, I do have help. I've got help now over in the Senate. I've got help from the doctors in the American Medical Association. And very important to me, I've got help from my doctors with the Texas Medical Association. And I think together we can get this work done.

There's not a Member of Congress that I've talked to when I've asked them how things are going with their doctors back home who doesn't bring up the problems that their doctors bring in to them about the Medicare payment formula. So the groundwork has been done, and now it's up to us in this Congress to get that accomplished.

And a little preventive medicine will go a long way, will go a long way in fixing some of these problems.

And if you know that two trains are coming at each other down the track and it looks like tragedy's inevitable, what do you do? What does this responsible person do? Do they run down to the track and see if they can find the appropriate switch, or warn somebody off to avert the disaster? Or do you run home and get your video camera so you'll be the first one to get it up on YouTube? I would submit the responsible thing to do is to try to avert the disaster, and not simply document its destructive events.

Mr. Speaker, as our time draws short and this week is going to draw to a close, let me just reflect on a couple of things from the last century of medicine. The last century of medicine I do feel I have some interest in, some ability to talk about that. My father was a physician. His father before him was a physician, so between the three of us, we pretty much occupied the last century in the delivery of health care.

And over the last century, we saw some incredibly transformative things occur within the science of medicine, and we saw some incredibly transformative things occur at the social level, at the legislative level.

□ 1530

And you think back to what the state of medicine was coming into at the end of the first decade of the last century, what things were like coming up to 1910, medical schools across the country where the curricula was so varied. There was no standardization. The graduate of one medical school could be well-trained and the graduate of another medical school could be woefully inadequate.

We were right upon the time of intense scientific discovery: Anesthesia was coming into its own, the ability to administer a blood transfusion, the knowledge about blood blanking was coming into its own. Immunizations, the whole science of immunology was just coming upon the scene. And at the same time, from Congress, a group of individuals were convened called the Flexner Commission. They came up with a report called the Flexner Report which called for the standardization of medical school curricula across the country, and that stabilization of medical school curricula allowed for the stable platform on which those scientific discoveries could be based and set the stage for some of the great scientific breakthroughs that were yet to come.

And right around the corner, some 30 years later, we were engaged in the activities of the second world war. A scientist in great Britain had found an odd thing had happened when he grew a mold in a petri dish and it inhibited the growth of bacteria. And he had discovered Penicillin. That was 1928. But that was a little more than a laboratory curiosity. There wasn't really anything you could do with it on a commercial basis. There certainly wasn't any patient application for this until American scientists discovered in the 1940s how to produce this on a mass scale, the cost came way down, and the first antibiotic became commercially available, and relatively cheaply, to large numbers of people.

It changed the course of things in the second world war. This happened right before D-Day. And think of the life and limb that was saved by the ability to fight inspection reliably for the first time with a chemotherapeutic agent.

Also, around the same time, cortisone had been discovered earlier, but cortisone was one of those things that was very rare, very difficult to get. You obtained it at the slaughter house. Very, very labor intensive. A Ph.D. chemist, a gentleman that we honored in this House last Congress, Percy Julian, an African American scientist, found a way to extract cortisone from soy beans. Well, that changed the course. Suddenly this very potent anti-inflammatory agent became readily available in large quantities at a relatively low cost.

On the social side in the 1940s, we saw some big changes in the practice of medicine because we were in the middle of the Second World War. President Roosevelt wanted to keep down trouble from inflation so he put wage and price controls in place across the land. Employers wanted to keep the few employees who were still able to work for them. They wanted to keep them coming to work. So they said, can we provide benefits to our employees since we can't raise their wages? Can we provide them benefits?

The Supreme Court ruled that, indeed, did not violate the spirit of the wage and price controls. Those benefits could be given to individuals and, oh, by the way, they could be given with pre-tax dollars. And that set the stage for employer-derived insurance, and some people would argue it has given us some of the difficulties that we now encounter 60 or 70 years later.

But nevertheless, in the 1940s we saw for the first time commercially available, large-scale quantities of antibiotics, anti-inflammatory and health insurance. And think about how the next several decades were changed.

In the 1960s, we saw similar changes. For the first time we saw reliable drugs to fight hypertension become available. Anti-psychotics became available. Antidepressants became available. And in the midst of all of that scientific change, there also occurred a big change in that this Congress, or this House of Representatives, passed a bill that we now know as the Medicare bill.

In 1965 when Medicare was enacted, for the first time the Federal Government had a large footprint in health care in this country, and, of course, it has grown significantly since that time in ways that probably most of the people who are on the floor of this House voted for that bill would never have imagined that it would spend in excess of $300 billion a year, but that's where we find ourselves now.

Think of where we are now on just the beginning of the dawn of the 21st century. The human genome has been sequenced. You can go on line and find a place that, for a little less than a thousand dollars, will investigate your human genome, will tell you your risk factors for diseases like multiple sclerosis, heart disease, diabetes, even being overweight. It's phenomenal to have that information literally at our fingertips. When I was a resident at Parkland Hospital in the 1970s, I never would have imagined that that type of information would be available to people so cheaply and so easily. I never would have imagined that there was anything called the Internet, but nevertheless, that information that could be so easily accessed.

We are indeed at a transformative time in medicine in this country. I referenced information technology. Think of the speed of change of information technology, how things are progressing and evolving so rapidly that it really isn't reasonable to ask the Federal Government to keep up and moderate those changes. We need to depend on the private sector to do that because it's happening so fast.

But as medicine is transformative, Congress, by its very nature, can't be transformative. We are transactional. We take money from one group and we give it to the next. That's what we do. We collect the taxes, we spend the money. Congress is inherently a transactional body. But Dr. DeBakey said Congress can do this; Congress can participate in the transformation of delivering health care in this country.

Well, I thank Dr. DeBakey for his wise counsel. I thank the American Medical Association for being up here this week. It is not easy taking time away from their families and their practices and their practices to come here and interact with legislators such as myself and other Members on both sides of the aisle to help explain and help us understand some of the very complex issues that they face on a day-to-day basis, yes, dealing with sick people but also dealing with this vast morass of regulations and rules that we lay at their feet every year.

And most of all, I want the American people over this next year's time to focus on this grand debate that we are going to have at the national level. Your future is dependent upon it. Certainly your children's future and your children's children's future is dependent upon it.

Think of the Congress back in 1965. It enacted Medicare and had no idea what it would be like 40 years hence. The same things apply today. The decisions we make on the floor of this body today, 30 and 40 years from now are going to look decidedly different. And I would say help us to make the right kinds of decisions so that the American citizens, 30 and 40 years' time from now, will look back and say the 110th Congress stepped up and did the right thing.

Mr. Speaker, it has been a long week, and with that, I am going to yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, April 10.

Mr. JONES of North Carolina, for 5 minutes, April 10.

Mr. PENCE, for 5 minutes, today.

Mr. WELLER of Illinois, for 5 minutes, April 8 and 9.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Friday, April 4, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5841. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5842. A letter from the Director, Department of Labor, transmitting the Department's final rule — Mine Rescue Teams (RIN: 1219-AB53) received March 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5843. A letter from the Deputy Director Office of Health Plan Standards and Compliance Assistance EBSA/USDOL, Department of Labor, transmitting the Department's final rule — Mental Health Parity (RIN: 1210-AA62) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5844. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received March 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5845. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Final Rule: Standard for the Flammability (Open Flame) of Mattress Sets; Correction — received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5846. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Fitness For Duty Programs (RIN: 3150-AF12) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5847. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Arms Traffic in Arms Regulations: Sri Lanka [Public Notice:] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5848. A letter from the Deputy Assistant Administrator For Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; 2008 and 2009 Final Harvest Specifications for Groundish [Docket No. 071106671-8010-02] (RIN: 0648-XD67) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5849. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery and Shrimp Fishery of the Gulf of Mexico; Amendment 27/14; Correction [Docket No. 0612243157-7799-07] (RIN: 0648-AT87) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5850. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish, Crab, Scallop, and Salmon Fisheries of the Bering Sea and Aleutian Islands Management Area [Docket No. 070711313-8014-02] (RIN: 0648-AV62) received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5851. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule — Changes in the Requirement for a Description of the Mark in Trademark Applications [Docket No. PTO-T-2007-0035] (RIN: 0651-AC17) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5852. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Revised Jurisdictional Thresholds for Section 7A of the Clayton Act — received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5853. A letter from the OGE Director, Office of Government Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restriction; Revision of Departmental Component Designations (RIN: 3209-AA14) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5854. A letter from the Acting Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — ADDITION OF SAN ANTONIO INTERNATIONAL AIRPORT TO LIST OF DESIGNATED LANDING LOCATIONS FOR CREAIN AIRCRAFT [USCBP-2007-0017 CBP Dec. 08-01] received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5855. A letter from the Acting Chief, Trade & Comm'l Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — ADDITION OF LITHUANIA TO THE LIST OF NATIONS ENTITLED TO SPECIAL TONNAGE TAX EXEMPTION [CBP Dec. 08-02] received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5856. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1035 (Also 72) (Rev. Proc. 2008-24) received March 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5857. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Multiple Source Drug Definition [CMS-2238-IFC] (RIN: 0938-AP26) received March 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CLAY (for himself and Mr. WAXMAN):

H.R. 5687. A bill to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WELLER (for himself and Mr. TIBERI):

H.R. 5688. A bill to provide for a program of targeted extended unemployment compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPPS, Mr. CAPUANO, Ms. CLARKE, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. ELLISON, Mr. EMANUEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PLATTS, Ms. RICHARDSON, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SESTAK, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Ms. TSONGAS, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WELCH of Vermont, Ms. WOOLSEY, and Mr. WU):

H.R. 5689. A bill to amend the Internal Revenue Code of 1986 and title 18, United States Code, to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. THOMPSON of Mississippi, Mr. PAYNE, and Ms. LEE):

H.R. 5690. A bill to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H.R. 5691. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for State and local real property taxes on principal residences of taxpayers who elect not to deduct State and local income and general sales taxes, a refundable credit for the increased cost in 2008 of heating oil used to heat the principal residence of the taxpayer, and to increase and make permanent the deduction for qualified tuition and related expenses; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mr. ROGERS of Michigan, Mr. BLUMENAUER, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. KILDEE, Mr. KUCINICH, and Mr. TOWNS):

H.R. 5692. A bill to provide for infant crib safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOOZMAN:

H.R. 5693. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for volunteer firefighters; to the Committee on Ways and Means.

By Mr. BOOZMAN:

H.R. 5694. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for certain travel expenses of qualified emergency volunteers; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. BILBRAY):

H.R. 5695. A bill to amend the National Voter Registration Act of 1993 to require applications for voter registration with respect to elections for Federal office to include a statement that an alien who falsely claims to be a citizen of the United States is deportable under the Immigration and Nationality Act, and for other purposes; to the Committee on House Administration.

By Mr. DEFAZIO (for himself, Mr. WALDEN of Oregon, and Mr. BOUCHER):

H.R. 5696. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, Mr. PALLONE, Ms. HIRONO, Mr. STARK, Ms. WATSON, Mr. CUMMINGS, Mr. MCCOTTER, Ms. BERKLEY, Ms. LEE, Mr. WELCH of Vermont, Mr. ABERCROMBIE, and Ms. ZOE LOFGREN of California):

H.R. 5697. A bill to prohibit the use of certain funds related to the 2008 Olympic Games in China, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. HOLT, and Mr. BURGESS):

H.R. 5698. A bill to amend titles XVI, XVIII, XIX, and XXI of the Social Security Act to remove inmate limitations on Medicaid, Medicare, SSI, and SCHIP benefits for persons in custody pending disposition of charges; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING (for himself, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. CAMPBELL of California, Mr. CANNON, Mr. CANTOR, Mr. DAVID DAVIS of Tennessee, Ms. FALLIN, Mr. FEENEY, Mr. FLAKE, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. HOEKSTRA, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. MARCHANT, Mr. MCCARTHY of California, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SHADEGG, Mr. TANCREDO, Mr. WALBERG, Mr. WILSON of South Carolina, and Mr. WITTMAN of Virginia):

H.R. 5699. A bill to amend the Federal Election Campaign Act of 1971 to protect uncompensated Internet activity by individuals from treatment as a contribution or expenditure under the Act, and for other purposes; to the Committee on House Administration.

By Mr. HINCHEY (for himself, Mrs. GILLIBRAND, Mr. ARCURI, Mr. HALL of New York, Mr. HOLT, Mr. ENGEL, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MCCARTHY of New York, Mr. KENNEDY, Mr. GOODE, Mr. DAVID DAVIS of Tennessee, Mr. RODRIGUEZ, Ms. SHEA-PORTER, Mr. LOEBSACK, Mr. ANDREWS, Mr. ALEXANDER, Mr. ALTMIRE, and Mr. BISHOP of New York):

H.R. 5700. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 5701. A bill to extend the temporary suspension of duty on Acetamiprid; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. CASTLE, Mr. MCDERMOTT, Mr. KILDEE, Mrs. MCCARTHY of New York, Mr. MOORE of Kansas, Mr. FARR, Ms. DELAURO, Ms. SLAUGHTER, Ms. WASSERMAN SCHULTZ, Mr. GEORGE MILLER of California, Ms. HOOLEY, Mr. CUMMINGS, Mr. BLUMENAUER, Mr. HIGGINS, Mr. WU, and Mr. COHEN):

H.R. 5702. A bill to amend titles XVIII and XIX of the Social Security Act to promote the use of advance directives, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia:

H.R. 5703. A bill to amend the Internal Revenue Code of 1986 to provide that elderly and disabled individuals receiving in-home care under certain government programs are not liable for the payment of employment taxes with respect to the providers of such care, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 5704. A bill to ensure that home health agencies can assign the most appropriate skilled service to make the initial assessment visit for home health services for Medicare beneficiaries requiring rehabilitation therapy under a home health plan of care, based upon physician referral; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself and Mr. MARKEY):

H.R. 5705. A bill to establish a commission to study methods for improving and promoting bilateral renewable energy cooperation between the United States and India, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. MYRICK:

H.R. 5706. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mr. POMEROY (for himself and Mr. MORAN of Kansas):

H.R. 5707. A bill to provide incentives to physicians to practice in rural and medically underserved communities; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself and Mr. HASTINGS of Florida):

H.R. 5708. A bill to adjust the boundary of the Everglades National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. SPACE:

H.R. 5709. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to carry out quality assurance activities with respect to the administration of disability compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of New Mexico:

H.R. 5710. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Natural Resources.

By Mr. WEINER:

H.R. 5711. A bill to amend part B of title XVIII of the Social Security Act to establish a floor for payment for mammography under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH of Vermont (for himself, Mr. TOWNS, and Mr. WAXMAN):

H.R. 5712. A bill to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; to the Committee on Oversight and Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. BISHOP of Georgia, Mr. WOLF, Mr. BLUMENAUER, Mr. PITTS, Mr. CHABOT, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. ROHRABACHER, and Mr. WALSH of New York):

H. Res. 1075. A resolution condemning the Chinese Government's unwarranted violence against Tibetan protesters, the Chinese Government's use of Internet censorship and surveillance to control news of the protests, and urging compliance with Chinese criminal law and to provide information and access to all persons detained; to the Committee on Foreign Affairs.

By Mr. MCKEON (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. EHLERS, Mr. PRICE of Georgia, Mr. HOEKSTRA, Mr. KLINE of Minnesota, Mr. BOUSTANY, Mr. WILSON of South Carolina, Mr. DAVID DAVIS of Tennessee, Mr. MARCHANT, Ms. FOXX, Mr. FEENEY, Mr. HENSARLING, Mr. POE, Mr. SAM JOHNSON of Texas, Mrs. MUSGRAVE, Mr. BROUN of Georgia, Mr. PITTS, Mr. HAYES, Mr. AKIN, Mr. BRADY of Texas, Mr. DANIEL E. LUNGREN of California, Mr. WAMP, Mr. CAMPBELL of California, Mr. JORDAN, Mr. MCCARTHY of California, Mr. FRANKS of Arizona, Mr. MCCOTTER, Mr. FORBES, Mr. BARTLETT of Maryland, Mr. ROYCE, Mr. CALVERT, Mr. MCHENRY, Mrs. BONO MACK, Mr. HUNTER, Mr. SESSIONS, Mr. HERGER, and Mr. GARY G. MILLER of California):

H. Res. 1076. A resolution calling upon the courts to uphold the fundamental and constitutional right of parents to direct the upbringing and education of their children; to the Committee on the Judiciary.

By Ms. PELOSI (for herself, Mr. SENSENBRENNER, Mr. MARKEY, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Ms. ESHOO, Mr. INSLEE, Ms. SOLIS, Ms. NORTON, and Mr. HOLT):

H. Res. 1077. A resolution calling on the Government of the People's Republic of China to end its crackdown in Tibet and enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identity, and fundamental freedoms of all Tibetans, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ELLISON (for himself, Mr. MORAN of Virginia, and Mr. CLEAVER):

H. Res. 1078. A resolution expressing the sense of the House of Representatives that a Global Marshall Plan holds the potential to demonstrate the commitment of the United States to peace and prosperity; to the Committee on Foreign Affairs.

By Mr. HINOJOSA (for himself and Mrs. BIGGERT):

H. Res. 1079. A resolution supporting the goals and ideals of Financial Literacy Month 2008, and for other purposes; to the Committee on Financial Services.

By Mr. WHITFIELD of Kentucky (for himself, Mrs. BLACKBURN, Mr. SKELTON, Mr. HUNTER, Mr. LEWIS of Kentucky, Mr. YARMUTH, Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. CHANDLER, Mr. DAVID DAVIS of Tennessee, Mr. DUNCAN, Mr. WAMP, Mr. LINCOLN DAVIS of Tennessee, Mr. COOPER, Mr. GORDON, Mr. TANNER, Mr. COHEN, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. HAYES, Mr. TAYLOR, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. CONAWAY, Mrs. DAVIS of California, Mr. SESTAK, Mr. SNYDER, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mr. THORNBERRY, Mr. TERRY, Mr. FORTUÑO, Mrs. SCHMIDT, Mr. BURGESS, Ms. FOXX, Mr. ROGERS of Michigan, Mrs. EMERSON, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. NUNES, Mr. BROWN of South Carolina, Mr. PETRI, and Mr. LINDER):

H. Res. 1080. A resolution honoring the extraordinary service and exceptional sacrifice of the 101st Airborne Division (Air Assault), known as the Screaming Eagles; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

241. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 243 memorializing the Congress of the United States to enact legislation to change the computation of state federal medical assistance percentage (FMAPS) by disregarding employer contributions to prefund retiree health care in calculating medicaid; to the Committee on Energy and Commerce.

242. Also, a memorial of the Legislature of the State of Maine, relative to Senate Joint Resolution No. 845 memorializing the members of the Congress of the United States to act in the best interests of Maine citizens concerning medicaid changes; to the Committee on Energy and Commerce.

243. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 909 urging the Congress of the United States to amend the Voting Rights Act of 1965 to make all its provisions permanent; to the Committee on the Judiciary.

244. Also, a memorial of the Legislature of the State of Alaska, relative to a Resolution urging the Congress of the United States to reauthorize federal, state, and local forensic DNA grants for DNA labs in Alaska; to the Committee on the Judiciary.

245. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 86 memorializing the Congress of the United States to reject legislation that would preempt the authority of the Great Lakes states to curb the release of ballast water; to the Committee on Transportation and Infrastructure.

246. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1563 memorializing the President of the United States, the Congress of the United States and the United States Department of Veterans Affairs to ensure funding for Veterans' healthcare; to the Committee on Veterans' Affairs.

247. Also, a memorial of the Legislature of the State of Mississippi, relative to Senate Concurrent Resolution No. 565 requesting that the Congress of the United States extend the Gulf Opportunity (GO) Zone Act of 2005; to the Committee on Ways and Means.

248. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 7 memorializing the Congress of the United States to review and consider eliminating provisions of law which reduce social security benefits for those receiving benefits from federal, state, or local government retirement systems; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 190: Mr. EVERETT.

H.R. 192: Mr. GOODE.

H.R. 197: Mrs. BACHMANN.

H.R. 245: Mr. SHUSTER.

H.R. 333: Mr. HOLT, Mr. AL GREEN of Texas, and Mr. PLATTS.

H.R. 351: Mr. RANGEL and Mr. RUSH.

H.R. 406: Mr. DAVIS of Alabama, Mr. DICKS, Mr. MAHONEY of Florida, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SPRATT, Mr. STUPAK, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Ms. WATSON, Mr. BILBRAY, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. FERGUSON, Mr. GERLACH, Mr. GILCHREST, Mrs. MILLER of Michigan, Mr. ROGERS of Kentucky, Mr. SULLIVAN, Ms. SCHWARTZ, Ms. GINNY BROWN-WAITE of Florida, and Mrs. DRAKE.

H.R. 583: Mr. HILL, Mr. UPTON, Mr. JOHNSON of Georgia, Mr. TOM DAVIS of Virginia, Mr. WHITFIELD of Kentucky, Mr. MARCHANT, Mr. ALTMIRE, Mr. KLEIN of Florida, Mrs. BIGGERT, Mr. RYAN of Ohio, and Mr. SESSIONS.

H.R. 610: Mrs. LOWEY.

H.R. 654: Mr. SESTAK.

H.R. 728: Mr. BISHOP of New York, Mr. LOEBSACK, Ms. WATSON, and Mrs. DAVIS of California.

H.R. 917: Ms. KAPTUR.

H.R. 989: Mr. PLATTS.

H.R. 1000: Mr. KIND, Mr. HINOJOSA, Mr. CHANDLER, Mrs. GILLIBRAND, Mr. MCNERNEY, Mr. SESTAK, Mr. THOMPSON of California, Mr. MILLER of North Carolina, and Mr. HALL of Texas.

H.R. 1050: Mr. PAYNE.

H.R. 1134: Mr. BARTLETT of Maryland, Mr. CRAMER, and Mr. HILL.

H.R. 1147: Mr. DOGGETT.

H.R. 1264: Mr. SALI and Mr. BISHOP of Georgia.

H.R. 1279: Mr. PICKERING.

H.R. 1306: Ms. GINNY BROWN-WAITE of Florida and Mr. WITTMAN of Virginia.

H.R. 1386: Ms. KAPTUR and Mr. BERMAN.

H.R. 1419: Mr. RYAN of Ohio, Mr. MICHAUD, and Mr. PLATTS.

H.R. 1474: Mr. SESTAK and Ms. KAPTUR.

H.R. 1524: Mr. MELANCON.

H.R. 1552: Ms. WASSERMAN SCHULTZ, Mr. ALTMIRE, and Mr. GENE GREEN of Texas.

H.R. 1584: Mr. NEAL of Massachusetts, Mrs. BONO MACK, and Mr. LATTA.

H.R. 1609: Mr. GALLEGLY and Mr. SHULER.

H.R. 1610: Mr. CUELLAR, Mr. STUPAK, and Mr. JACKSON of Illinois.

H.R. 1629: Mr. BOOZMAN.

H.R. 1643: Mr. CHANDLER.

H.R. 1647: Mr. JOHNSON of Illinois.

H.R. 1653: Ms. SUTTON, Mrs. MALONEY of New York, and Mrs. TAUSCHER.

H.R. 1791: Mr. SALI.

H.R. 1881: Mrs. MCCARTHY of New York, Ms. ESHOO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BRADY of Pennsylvania, and Mr. MEEK of Florida.

H.R. 1927: Mr. BISHOP of Georgia, Mr. HOLT, and Mr. UDALL of New Mexico.

H.R. 1992: Mrs. DAVIS of California.

H.R. 2033: Mr. WU.

H.R. 2046: Mr. NADLER.

H.R. 2060: Mr. PORTER.

H.R. 2131: Mr. GRIJALVA.

H.R. 2160: Mr. COURTNEY.

H.R. 2164: Mr. HINCHEY.

H.R. 2247: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MCGOVERN.

H.R. 2330: Mr. KUHL of New York.

H.R. 2357: Mr. RYAN of Ohio and Ms. CLARKE.

H.R. 2370: Mr. ROTHMAN and Mr. PRICE of North Carolina.

H.R. 2488: Mr. MCCAUL of Texas.

H.R. 2550: Mr. COURTNEY and Mr. KUHL of New York.

H.R. 2677: Mr. KENNEDY.

H.R. 2686: Mr. MICHAUD, Ms. HARMAN, Mrs. BOYDA of Kansas, Mr. BISHOP of Georgia, Mr. CHANDLER, Mr. CUELLAR, Mr. SALAZAR, and Mr. ELLSWORTH.

H.R. 2712: Mr. YOUNG of Alaska.

H.R. 2744: Mr. DAVIS of Alabama and Mr. CROWLEY.

H.R. 2762: Mr. MCCAUL of Texas and Mr. LEWIS of Kentucky.

H.R. 2802: Mr. PASTOR, Mr. LEWIS of Georgia, Mrs. BLACKBURN, and Ms. JACKSON-LEE of Texas.

H.R. 2818: Mr. ROSS, Mrs. MALONEY of New York, and Mr. YOUNG of Alaska.

H.R. 2892: Mr. STARK.

H.R. 2894: Mr. WITTMAN of Virginia.

H.R. 2914: Mr. ANDREWS.

H.R. 2941: Mr. LOBIONDO.

H.R. 2943: Mr. MCCOTTER.

H.R. 3112: Mr. RYAN of Ohio.

H.R. 3177: Mrs. BACHMANN.

H.R. 3229: Mr. CARNAHAN, Mr. PETERSON of Minnesota, and Mr. HASTINGS of Florida.

H.R. 3404: Mr. LEWIS of Georgia and Mr. PRICE of North Carolina.

H.R. 3636: Mr. SIRES.

H.R. 3664: Mr. MCCOTTER.

H.R. 3750: Mr. TOM DAVIS of Virginia.

H.R. 3819: Mr. MITCHELL and Mr. DEFAZIO.

H.R. 3934: Mr. MITCHELL and Mr. REGULA.

H.R. 4081: Mr. SMITH of Texas.

H.R. 4102: Ms. BALDWIN.

H.R. 4105: Mr. GRIJALVA and Ms. ROS-LEHTINEN.

H.R. 4116: Mr. TERRY.

H.R. 4175: Mr. AL GREEN of Texas.

H.R. 4206: Mr. ALTMIRE.

H.R. 4236: Mr. NADLER.

H.R. 4248: Mr. PASTOR, Mr. MARSHALL, Mr. ALTMIRE, Mr. KING of New York, and Mr. COSTELLO.

H.R. 4312: Mr. PICKERING.

H.R. 4318: Mr. BECERRA.

H.R. 4335: Mr. BACA and Mr. RYAN of Ohio.

H.R. 4544: Mr. AL GREEN of Texas.

H.R. 4688: Ms. BERKLEY and Mr. MCCOTTER.

H.R. 4690: Mr. WEINER.

H.R. 4836: Ms. DEGETTE, Ms. MATSUI, Mr. BOYD of Florida, Mr. RYAN of Ohio, and Ms. SOLIS.

H.R. 4930: Mr. TERRY.

H.R. 4934: Ms. BALDWIN.

H.R. 4936: Mr. SHAYS.

H.R. 5057: Mr. WYNN.

H.R. 5124: Mr. ALEXANDER.

H.R. 5173: Mr. NADLER and Mr. WEXLER.

H.R. 5236: Mrs. BONO MACK.

H.R. 5404: Mrs. CAPPS.

H.R. 5443: Mr. BLUMENAUER, Mr. SCHIFF, Mr. MCCOTTER, Mr. CARNAHAN, and Mr. SESSIONS.

H.R. 5450: Mr. ELLSWORTH and Mr. BRADY of Pennsylvania.

H.R. 5461: Mr. CONAWAY.

H.R. 5466: Mr. CARDOZA, Ms. DEGETTE, Mr. ELLISON, and Mr. LAMPSON.

H.R. 5467: Mr. MOORE of Kansas.

H.R. 5469: Mr. ALTMIRE.

H.R. 5475: Mr. BROWN of South Carolina.

H.R. 5481: Mr. PASTOR.

H.R. 5496: Mr. MCNULTY.

H.R. 5540: Ms. NORTON.

H.R. 5546: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5554: Mr. HINOJOSA.

H.R. 5565: Mr. DUNCAN.

H.R. 5591: Mr. CHABOT, Mr. BURGESS, and Mr. WELDON of Florida.

H.R. 5603: Mr. SHULER.

H.R. 5611: Mr. MILLER of North Carolina and Mr. LEWIS of Kentucky.

H.R. 5616: Mr. MARCHANT, Mr. AKIN, Mr. HOEKSTRA, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. DOOLITTLE, Mr. LAMBORN, Mr. TANCREDO, Mr. POE, Mr. CULBERSON, Mr. PAUL, and Mr. CONAWAY.

H.R. 5641: Mr. BILBRAY.

H.R. 5645: Mr. CLEAVER.

H.R. 5646: Mr. LATTA, Mr. ROGERS of Alabama, Mr. POE, Mr. CARTER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 5656: Mr. SENSENBRENNER, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. CANTOR, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. MCHENRY, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. SHADEGG, and Mr. SULLIVAN.

H.R. 5668: Mr. GARRETT of New Jersey and Ms. ROS-LEHTINEN.

H.R. 5670: Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, and Mr. KUHL of New York.

H.R. 5684: Ms. CORRINE BROWN of Florida and Ms. BERKLEY.

H.J. Res. 12: Mr. PITTS.

H.J. Res. 68: Ms. BALDWIN.

H.J. Res. 79: Ms. WATERS and Mr. FRANK of Massachusetts.

H. Con. Res. 75: Ms. BALDWIN.

H. Con. Res. 137: Mr. BOOZMAN.

H. Con. Res. 295: Mrs. MCMORRIS RODGERS.

H. Con. Res. 305: Mr. WAMP and Mr. ROSKAM.

H. Con. Res. 315: Mr. BARTLETT of Maryland and Mr. CANNON.

H. Con. Res. 318: Mr. MCGOVERN, Mr. HINOJOSA, and Mr. CHABOT.

H. Res. 76: Ms. SUTTON.

H. Res. 111: Mr. STEARNS.

H. Res. 424: Mr. LEWIS of Georgia, Mr. MURPHY of Connecticut, Mrs. BOYDA of Kansas, Mr. CROWLEY, Mr. HIGGINS, Mr. ELLISON, Mr. HARE, Mr. HINCHEY, Mr. MCGOVERN, Ms. BORDALLO, MR. REYES, Mr. EDWARDS, and Mr. GRIJALVA.

H. Res. 758: Mr. HOEKSTRA.

H. Res. 820: Mr. GONZALEZ.

H. Res. 937: Mr. PLATTS.

H. Res. 987: Mr. MELANCON.

H. Res. 1011: Mr. AKIN, Mr. MORAN of Virginia, Mr. HERGER, Mr. KIRK, and Mr. CARNAHAN.

H. Res. 1020: Mr. BRALEY of Iowa, Mr. DANIEL E. LUNGREN of California, Mr. HODES, Mr. UDALL of Colorado, Mr. YOUNG of Alaska, Mr. VAN HOLLEN, Mr. BRADY of Pennsylvania, Mr. SESTAK, Mr. LARSEN of Washington, Mr. MAHONEY of Florida, Mr. NUNES, Mr. ELLISON, Mr. ALTMIRE, Mr. COSTA, Mr. DONNELLY, Mr. FILNER, Mr. MILLER of Florida, and Mr. CARNAHAN.

H. Res. 1052: Mr. ALTMIRE.

H. Res. 1058: Mr. MCCAUL of Texas.

H. Res. 1063: Mr. KUHL of New York and Mr. BROWN of South Carolina.

H. Res. 1069: Mr. HODES, Mrs. MALONEY of New York, Mr. BLUMENAUER, and Ms. BERKLEY.

H. Res. 1070: Mr. MACK.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

221. The SPEAKER presented a petition of the Board of Chosen Freeholders of the County Monmouth, New Jersey, relative to Resolution No. 2008-11 requesting the Congress of the United States and the President of the United States reverse the decision to close the United States Army Installation at Fort

Monmouth and supporting requests for an investigation by the Attorney General; to the Committee on Armed Services.

222. Also, a petition of the Common Council of the City of Hammond, Lake County, Indiana, relative to Resolution No. R3 calling upon the Congress of the United States to take emergency action to protect homeowners by enacting a Homeowners and Banks Protection Act; to the Committee on Financial Services.

223. Also, a petition of the Board of Supervisors of Essex County, New York, relative to Resolution No. 56 supporting H.R. 3036 and S. 198, the No Child Left Inside Act; to the Committee on Education and Labor.

224. Also, a petition of the City Council of Foster City, California, relative to Resolution No. 2008-8 requesting the U.S. Postal Service assign zip codes 94404 exclusively to Foster City and to designate Foster City's postal facility as a main post office; to the Committee on Oversight and Government Reform.

225. Also, a petition of the Commission of the City of Lauderhill, Florida, relative to Resolution No. 07R-11-311 supporting S. 344 which would require youth athletic coaches to meet level two screening requirements; to the Committee on the Judiciary.

226. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-131-08 urging the Congress of the United Staes and the Florida Legislature to strengthen hate crime laws to provide that intentionally exposing a person to hanging nooses or other objects or symbols evidencing prejudice creates a presumption of a hate crime, in light of recent events in Jena, Louisiana; to the Committee on the Judiciary.

227. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-132-08 urging the Florida Legislature to designate that portion of State Road 934 on N.W. 79th Street between N.W. 7th Avenue and N.W. 37th Avenue as "Rev. Dr. C.P. Preston, Jr. Street"; to the Committee on Transportation and Infrastructure.

228. Also, a petition of the California State Lands Commission, relative to a letter expressing concerns regaring H.R. 2830, the Coast Guard Authorization Act of 2007; jointly to the Committees on Transportation and Infrastructure, Homeland Security, Energy and Commerce, and the Judiciary.

SENATE—*Thursday, April 3, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Thou Giver of every good and perfect gift, satisfy the hungers of our hearts, minds, and souls. Make us to lie down in green pastures and restore our souls. Lead us in the paths of righteousness that we may live with integrity.

Guide our Senators. Grant them the courage to give themselves to the discipline of introspection that enables them to hear Your voice. Awaken them to the fact that truth is more than theory but commands a commitment. Help them to discipline themselves to follow the truth wherever it leads. Motivate them by the magnitude of the responsibilities You have entrusted to them.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 3, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if he chooses to make any remarks, the Senate will adopt the motion to proceed to H.R. 3221 and Senator DODD or his designee will be recognized to offer a substitute amendment on his behalf and that of Senator SHELBY. Following opening statements by Senators DODD and SHELBY, Senator DURBIN will be recognized to offer an amendment related to bankruptcy.

MEASURES PLACED ON THE CALENDAR—S. 2807, S. 2808, S. 2809, S. 2810, AND S. 2811

Mr. REID. Mr. President, I understand there are five bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (S. 2807) to protect the liberty and property of all Americans.

A bill (S. 2808) to require that citizens within a National Heritage Area are informed of the designation and that government officials must receive permission to enter private property.

A bill (S. 2809) to ensure that there are no adverse effects of a National Heritage Area designation to local communities and home owners.

A bill (S. 2810) to require an annual report detailing the amount of property the federal government owns and the cost of government land ownership to taxpayers.

A bill (S. 2811) to require citizens' approval of federal government land grabs.

Mr. REID. Mr. President, I object to further proceedings regarding these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection being heard, the bills will be placed on the calendar.

HOUSING DEBATE

Mr. REID. Mr. President, the Senate is evenly divided: 51 Democrats, 49 Republicans. Is the bill that is going to be the subject matter of the housing debate perfect? It is not perfect. But with the Senate as evenly divided as it is, we have to work on a compromise basis. We are not going to get everything we want. The Republicans are not going to get everything they want.

I was interested to see people in the press today telling us how they could have done a much better job on this work Senators DODD and SHELBY have done. I am satisfied with what we have. Is it everything I want? Of course not. If I were a dictator, I would come up with a different bill. But I am not. The Senate is such that everyone's rights are protected. When you have a body that is so evenly divided, with the procedures we have in the Senate, there has to be compromise.

I admire and congratulate Senators DODD and SHELBY for working this out to the point where we are. I have complimented them on a number of occasions. The last time I did it was last night, indicating what good work they have done.

But, also, to get this bill where it is now, we needed cooperation from other people: for example, those who run the Finance Committee—Senator BAUCUS and Senator GRASSLEY. There are some tax measures in this housing bill, and they had to sign off on that. They did that. Their staffs worked hand in hand with the Banking Committee staff, and we have their product.

I look forward to a good debate on this legislation. There will be amendments offered to take provisions out of the bill. There will be amendments offered to put provisions in the bill. That is the way it should be. I would hope that people would be willing to have relatively limited time. We wish to move forward on this bill as quickly as we can.

At this stage, I have had a number of conversations with the Republican leader as to what we hope can be accomplished in this bill. I think at this time it is far too early to talk about timelines and when, in fact, we are going to get it done. We do know there is an emergency out there and we need to do it as quickly as we can. I applaud the bipartisan work, as I have indicated. I think we need to continue this effort of bipartisanship. I think it is critical to do this, to complete this action on this important legislation, and in an expedited manner.

I have not had the chance privately to ask the Republican leader—and I normally do not do this—but I will violate my own rules today and ask the Republican leader if he could agree to a unanimous consent to provide for housing-related amendments only.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, let me say my expectation is that the amendments that will be offered to the bill will be housing-related, but I am not in a position at the beginning of the bill to enter into such a consent agreement. I think there is a widespread feeling on both sides of the aisle that we need to get an accomplishment here, that we need to do it on a bipartisan basis. But I am not in a position other than to say to my good friend that is my expectation. I am not in a position to agree to such a consent here at the outset of the bill.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, we have an extremely important hearing that is going to start at 10 o'clock or thereabouts, being conducted by the two managers of this bill. The assistant leader, Senator DURBIN, has agreed to manage this bill until these two good men can complete enough of their work at the hearing to come back and manage the bill. Senator DURBIN is experienced, and he will handle things extremely well, as well as anyone could do that. I appreciate his stepping in. He had his own schedule, and he set that aside to work on this bill. I appreciate that very much.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CONGRATULATING SENATORS SHELBY AND DODD

Mr. MCCONNELL. Mr. President, let me begin this morning by congratulating my good friends Senator SHELBY and Senator DODD for their great work in getting us to the point we are today. Of course, Senator GRASSLEY and Senator BAUCUS were deeply involved in that with regard to the tax portion of the bipartisan bill we have before us. I think this is a good start to the debate.

I also say to my good friend, the majority leader, I think this is a good example of how we can work together and accomplish something on an important issue for the country. We know now we will have amendments on both sides because that is the way the Senate operates. It is my hope we can get to the end of the trail here in the very near future and have a bipartisan bill we can all feel proud of.

I want to begin the debate by again thanking Senator SHELBY and Senator DODD for getting us to this point. We look forward to moving forward as rapidly as possible.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate adopts the motion to proceed to H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

AMENDMENT NO. 4387

(Purpose: To provide a complete substitute)

Mr. DODD. Mr. President, I have an amendment at the desk.

I call up that amendment.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 4387.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DODD. Mr. President, let me, first of all, begin by thanking the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL. We would not be where we are at this moment without their leadership. So any discussion of where we are on this matter begins with them and their staffs for helping us organize the effort over the last number of hours, beginning earlier this week, as we returned from the 2-week Easter break, to try to fashion together a proposal, at least on matters with which there was common agreement.

As the leader has pointed out, there are many matters here with which there is significant disagreement. They are not part of the pending substitute. Senator SHELBY and I and our respective staffs, along with many others—certainly the Finance Committee, because there are portions of this that are exclusively the jurisdiction of the Finance Committee—have worked over the last 2 days to find those issues upon which there was common agreement, or at least levels of spending on which there was common agreement, to move forward on as the centerpiece, with the full understanding our colleagues will offer various other ideas either to increase amounts of money or to add additional provisions to this bill.

What is important here is we are finally working on this issue. As I pointed out earlier this week, we have close to 8,000 foreclosures a day occurring in this country, not to mention, of course, the residual effects spreading across the economy of our Nation—the contagion effect affecting students loans, car loans, people who are current in their mortgage but are watching the value of their house decline because their neighbor's house is in foreclosure, watching home sales drop. This is in the midst of an economy that is stumbling along, to put it mildly, with a fiscal situation in dire straits. The dollar has been weakened. Inflation is rising. Unemployment rates are increasing. Consumer confidence is at a low point, the lowest it has been in years.

So it has been critical, in my view, aside from the specifics which you will hear about over the coming days, that we do everything possible to remind the American people that in this body Democrats and Republicans can come together to try to take intelligent steps to move against the flow of the economy heading in the wrong direction.

This proposal we bring to you as a substitute this morning on behalf of myself and Senator SHELBY, along with the leadership, is that first major step. Is it the end game? Absolutely not. Are there ideas I would love to have had included in this bill? Absolutely. Are there matters here the Senator from Alabama would like to have included or excluded? Absolutely. But we realized we were not going to be able to do that in this discussion over the last 2 days, that we needed at least to come up with a core group of issues around which there was general agreement, and then from that move forward. That is the good news.

A month ago, we had a cloture motion on going to a housing debate. It was defeated. You could not even get to a debate on this housing crisis. That now is behind us. There are matters that occurred over the last several weeks that I think probably had a lot of influence on what has caused us to come here this morning. The Bear Stearns, JPMorgan situation, which we will be hearing about later this morning in the Banking Committee, was certainly one. I suspect the other major event was the fact that we went home for a couple weeks.

There is nothing like going home and to get a message. Members went back home—Democrats and Republicans—and they heard from their constituents. They watched what happened on Wall Street in New York when all of a sudden there was an arrangement, which I think was the right one, probably, with some minor differences, that saved a major collapse in our financial institutions.

But they asked the very legitimate question: If it was good enough for people to get together to solve a problem on Wall Street, what about the problem on Main Street? What are you doing here to see to it that I can stay in my home, that our neighborhood is not going to collapse—that our taxes and properties and neighborhoods are not going to further deteriorate? So I suspect more than anything else going home made a big difference, and we are here this morning to then talk about what we can do.

Two days ago, the majority leader and the Republican leader asked Senator SHELBY and myself to put together a consensus package to move this process forward, and I am pleased to say we have complied with the wishes of the two leaders in crafting a compromise proposal that we believe merits the full support of this body.

Again, I thank the majority leader and the Republican leader for their leadership and support in this effort.

We worked very intensely through Tuesday night until yesterday evening to put together this package that is before us. This effort built on the considerable time that we have spent in the Banking Committee over the past 15 months, I might add, in hearings, meetings, and briefings, on the causes of and remedies to the current economic crisis. Senator SHELBY and I said yesterday that at times of crisis such as this, inaction is not an option. With more than 7,000 Americans going into foreclosure every single day, true leaders cannot simply turn passively away. Our agreement takes important action to address symptoms of this crisis in a constructive and sensible manner.

I would be remiss if I did not also mention Senator BAUCUS and Senator GRASSLEY, who did very good and important work in the Finance Committee over this same period of time, the fruits of which are also reflected in the package that is now before us in the substitute. This package includes a number of important provisions:

Foreclosure mitigation fund—$4 billion for towns and cities to acquire foreclosed and abandoned properties, renovate them, and put them in the hands of qualified home buyers or turn them into rental housing as the local markets dictate. That is important because when you have a foreclosed property in the neighborhood, every other property in that neighborhood declines in value immediately. So trying to do something about foreclosed properties to put them back on the market and get them back with people living in them, either by purchase or rental, which will also benefit the neighbors in that community, not to mention property taxes, services, and the like—it is a major provision, one which I am glad is included.

Foreclosure prevention counseling—$100 million of additional funding in fiscal year 2008 to bring borrowers and lenders to the table to work out terms that will prevent foreclosures. This brings the budget for foreclosure prevention counseling to $280 million for this fiscal year. That is up from $42 million last year. Now, would we have liked to have done more? Absolutely, we would have liked to have done more. Senator SCHUMER and Senator MURRAY wanted $200 million. My colleague from Alabama will tell you there was not a lot of appetite for this proposal here, to put it mildly, so we compromised between $200 million and virtually zero and got it to $100 million. I am told by the nonprofits that there are adequate funds here now in the calendar year to assist in the counseling effort, which can make a huge difference.

FHA modernization. The bill also includes the FHA modernization legislation which passed this body 93 to 1 last fall, with some improvements. For example, we increased the FHA loan limits from the current $362,000 to as high as $550,000. This will make FHA more available and usable to people who live in higher cost States. It would also strengthen the solvency of the FHA fund. FHA can help an awful lot of people seeking safe, solid, affordable, fixed-rate mortgages. We think it is a very important component to our comprehensive strategy.

Better disclosure. Senator JACK REED has included a provision in the legislation that improves disclosure. It updates penalties for lenders who fail to make disclosures. These kinds of disclosures might have helped prevent some abusive lending if they had been in place in years past. I would point out that I think another Senator also had disclosure provisions in this bill, and this is a compromise between Senator REID and a Republican Senator who was also interested in disclosure language.

Tax provisions. Senator BAUCUS and Senator GRASSLEY worked out a package of tax provisions as well. I will mention them briefly and let them describe the provisions more fully themselves. They include a home buyer tax credit to incentivize the purchase of foreclosed properties, the Isakson-Stabenow-Cardin proposal. No. 2 is a property tax deduction to help people offset rising mortgage payments. We will provide a modest tax cut to middle-income families of $100 to $250 who don't already itemize their deductions. Senator BAYH and Senator BAUCUS offered that idea. Mortgage revenue bonds to help communities raise resources to invest in affordable mortgages and rental housing—it goes right to the heart of the problem we are talking about. Net operating loss carryback will help businesses ride out the current downturn.

This package is a good start. I wish to thank as well Senator KERRY, Senator AKAKA, and Senator NORM COLEMAN for talking about veterans and making sure those serving our country in Afghanistan, Iraq, and elsewhere are not going to have their properties foreclosed in the midst of all of this.

There are other provisions as well that I am not going into here, but needless to say, again, these are items upon which we could agree, both Democrats and Republicans, to serve as the core of the coming debate. Our action today does not preclude, as I have said, further legislative action by the Senate. In fact, I am committed to going forward and doing more. In fact, I will hold a hearing next week on the home preservation idea that a number of Democrats and Republicans are attracted to. Senator SHELBY, to his credit—I appreciate his willingness to be a part of that debate and discussion during the coming days. There was a reluctance, and I would have loved to have included that in this package. There is resistance to that idea at this juncture, but I am still determined to do everything I can in the coming days to have that included as well, to see to it that we really get a floor and a bottom on this issue as quickly as we can.

My colleague from Alabama is here. We are both going to be going over to chair a hearing, so I want to give him some time to discuss this.

Let me thank Senator REID and Senator DURBIN for their efforts. They will be offering ideas as well to improve and strengthen this legislation. Some of these ideas we will welcome, others we will oppose.

Senator SHELBY and I will consult with each other in that process to determine how to go forward, but we want to stick with this core idea if we can. Other ideas that come to the table we will certainly consider and may, in fact, be added to the package, but I think we want to try to keep this core package whole and together if we can, rather than having it unravel.

So with that, I thank the majority leader, the Republican leader, and I thank my colleague from Alabama. He and I work closely together. Last year, we did 35 hearings and 17 bills in the Banking Committee, half of which became the law of the land, and some others are still pending here. Our committee is a good committee with good working members who care about these issues, and we are determined to make a difference.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, this morning I am pleased to join my friend and colleague, the chairman of the Senate Banking Committee, Senator DODD, in supporting the pending amendment.

When a crisis such as the one we are now facing arises, I believe the American people expect us to provide effective and timely solutions. Chairman DODD and I have worked together to develop a package of targeted measures intended to help stabilize and strengthen the housing and the financial markets. We chose not to pursue partisan goals here. Instead, we are focusing our efforts on achieving the best possible results in a bipartisan fashion. I commend the chairman for his willingness to work with me in this manner.

The amendment before us provides immediate help to the marketplace by reforming the Federal Housing Administration, allowing it to provide greater liquidity and thereby enhancing the options available to America's homeowners. It also provides additional funding for foreclosure prevention counseling, which will hopefully help many homeowners stay current on their mortgages and be able to remain in their homes.

In order to prevent this situation from repeating itself, the amendment increases the disclosures—this is very important—disclosures made to consumers when they obtain mortgages and close their loans. I believe that giving consumers; that is, buyers, more information and greater ability to understand the choices they are making will help them avoid the pitfalls and bad decisions many underinformed consumers made in the recent past.

To better protect our soldiers, sailors, and airmen, the amendment extends additional consumer protections and provides those returning from combat a chance to get back on their feet before they face foreclosure. That is the least we can do.

In an effort to provide communities with the ability to clean up the damage caused by the foreclosures that have already occurred, we have included funding to allow States and communities to buy and repair foreclosed residences. Attached to this funding is a requirement that any profits from the sale of properties must be used to buy and repair additional properties, similar to a revolving fund. I believe that reuse of this funding in this manner will maximize the impact of these dollars and minimize the possibility that funds will be wasted or profits inappropriately pocketed, as has been the case in the past.

The amendment before us also contains a number of tax-related provisions prepared in a bipartisan fashion by the chairman and ranking member of the Finance Committee, Senator BAUCUS and Senator GRASSLEY.

I believe this is a focused and targeted piece of legislation that will address in an appropriate manner a number of the difficulties we are now facing in the housing market. There is no doubt that we are experiencing serious economic stress in communities across the Nation. As I said in the beginning of my remarks, the American people expect us here in the Senate to provide effective and timely solutions. But I would caution my colleagues here that while we are in agreement on the measures contained in this bill, there is a line that I believe we should not cross. That line is represented by a taxpayer-funded bailout of investors or homeowners who freely and willingly entered into mortgages that they knew or should have known they could not afford. Nor should we be using taxpayer dollars to bail out financial institutions that also contributed to this problem. Chairman DODD and I will shortly be attending a Banking Committee hearing in the Senate where we will be examining that very question in relation to the Bear Stearns situation.

While there are a large and growing number of homes entering foreclosure, I believe we must remember that the vast majority of homeowners are living within their means and are making their mortgage payments. While some would argue that we have a responsibility to aid those who find themselves underwater on their mortgages or unable to afford their increasing payments, I would argue, on the contrary, that we also have a responsibility to those who have made prudent financial decisions and those who may be looking to enter the housing market for the first time. There is a large group of Americans who see falling home prices not only as an opportunity to buy for the first time but also as an opportunity to move up. We must not forget them in our zeal to do something here.

Recently, I received a letter from an individual stationed in Japan. I think he very effectively makes the case for the other side of the housing market, and I would like to share this with my Senate colleagues. I will read it into the RECORD:

> Dear Sir: While I'm not a resident of your State of Alabama, I would like to share my opinion with you on a very important issue. My wife and I are very concerned with the direction government policy seems to be taking on the debate over the "housing crisis." I am an employee of the Department of Defense and I am serving overseas in Japan. Before we came here, we lived in Washington, DC, an area with a very high cost of living. From the very first paycheck I received we have been saving every month for an eventual down payment on a home. We could not afford to purchase a home in DC or anywhere near DC and were unwilling to take on an alternative mortgage with 100 percent financing. As such, we rented.
>
> When my tour is up in Japan we will probably be going back to Washington and we hope to buy a home. We have worked hard, saved hard, and will be putting down a 20 percent down payment on the home with a 30 year fixed mortgage. An important factor in our being able to purchase a home is how much the market has softened. House prices are dropping because the market was incredibly inflated.
>
> Yes, people are losing their homes to foreclosure, but more often than not they shouldn't have been in those homes in the first place. I have very little sympathy for someone who took out two risky mortgages to cover 100 percent of the cost of a home that they could not afford.

And the letter goes on:

> In fact, I would consider it an absolute slap in the face to see my tax dollars being spent on people to allow them to stay in the home they can't afford when I have been saving for years to get into the home that I hope I can afford.

The letter goes on:

> I recognize that much of the debate centers around predatory lending practices, and people being duped into a mortgage they didn't fully understand. I feel for those people. I really do. But there must come a point when people take responsibility for their actions. If you didn't read your mortgage before you signed, you made a big mistake, and now are going to pay for it. It is not the Federal Government's job to save people from the natural consequences of their actions.

The letter reads on:

> As you look for a solution to the current situation please consider the position many of us are in. We work hard, we save, and we buy a home we can afford. Do you really want to punish us by using our tax dollars in a bailout for those who got in over their heads? Do you want to reward poor fiscal discipline and encourage people once again to bite off more than they can chew knowing that Uncle Sam is going to come to the rescue? I believe that people like me are very much in the majority in this Nation. But the media attention isn't going to focus on us. It doesn't make for good TV. They are going to focus on the family that is losing their home because of "corporate greed." No mention will be made of the family that simply wanted more than they can afford and now has to pay the price.
>
> Please be an advocate not only for fiscal discipline and responsibility in the government, but in each and every American as an individual.

I think that is a good letter. I believe these are wise words, and I believe they are words that I hope we can keep in mind to encourage my colleagues as we work through this legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

AMENDMENT NO. 4388

(Purpose: To address the treatment of primary mortgages in bankruptcy, and for other purposes)

Mr. DURBIN. Mr. President, pursuant to the unanimous consent agreement, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN], for himself and Mr. REID, proposes an amendment numbered 4388.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DURBIN. Mr. President, I am going to make a brief opening statement because I know the Senator from Oklahoma, Mr. INHOFE, would like to take the floor and has to go to a committee meeting. I am going to stay here to manage this bill while Senators DODD and SHELBY are off to a Banking Committee hearing with the head of the Federal Reserve, Mr. Bernanke.

The rules of the Senate are written so that virtually any Senator can stop the train. It is a strange way to do business around here, but it is the way we have done it historically. The so-called filibuster is where a Senator can take to the floor and say: Stop. I don't want this to go forward. Literally, that interrupts the proceedings of the Senate until that Senator yields the floor or is persuaded by an agreement to cooperate with the progress that is needed.

This bill is critically important for America. It is relating to our housing crisis—and it is a crisis. We proposed, on the Democratic side, a housing stimulus bill that had five or six component parts and that I thought was a good, fair, and important piece of legislation. It included a provision that may have been one of the major provisions of that bill I had authored related to the Bankruptcy Code. It turns out this was the most controversial part of the Democratic housing stimulus package. It drew more fire than anything else. There were other provisions even the President objected to, but it seemed like most of the opposition was directed at my amendment, which I will describe.

There came a time this week, though, where we were going to return to the bill with the controversy associated with it—this Democratic stimulus package—where an opportunity presented itself. Senator SHELBY from Alabama, the ranking Republican on the Banking Committee, approached Senator DODD, the chairman, and suggested we try to work this out. In fact, that effort was undertaken with the blessing and approval of both HARRY REID, the majority leader, and Senator MCCONNELL, the Republican leader. A lot of hard work went into the compromise. The staff, as usual, had to burn the midnight oil to get this bill ready—not just the Banking Committee but also the Finance Committee. The end result is the substitute amendment that is pending before the Senate at this moment.

I will tell you, as I walked through this substitute amendment, this compromise, this effort, I found there was a glaring omission—my amendment was gone. The bankruptcy amendment I offered on the original bill had been stripped from it. I wasn't surprised. There was a genuine effort and undertaking to find common ground between Republicans and Democrats. Clearly, there was opposition to my proposal. I had an option at that point, as a Senator—and every Senator has this option—to stop the train, to hold things up, and say that is the end of the story. I have seen it done, where some Senators have made a career by being obstinate, saying nothing will happen until I get my way. Sometimes they prevail but not always. The net result is an elongated Senate process and a lot of wasted time.

Those who follow the Senate proceedings on C-SPAN may be familiar with the so-called quorum call, which basically means nothing happens but for a clerk who, every 5 or 10 minutes, reads a name to remind people we still have a pulse in the Senate. But that is a delay, it is a lack of effort, and it is a waste of time. So I made the decision not to use my right as a Senator to stop this bill. I thought that would have been selfish, self-centered and, honestly, didn't serve the purpose we are all trying to serve. All I asked in return was to be able to offer this amendment. All I ask my colleagues, in return, is to give me a vote. I don't know if I can prevail. It has substantial opposition. I wish to give my point of view, state my case for the amendment, and I welcome those who are opposed to do the same.

In fact, I am prepared to do something that is rarely done on the floor of the Senate today. I am prepared to stand here and debate my amendment. I welcome those who oppose it, and I would debate it on the merits of what I have to offer. You don't see that much anymore in this great deliberative body. People give their speeches and leave. I will stick around and I will be prepared to debate the merits of it and then I will accept the decision of the Senate as to whether this amendment should be included in the package.

All I ask is that, in good faith, those who oppose the amendment give us a timely debate and a vote. Let's not drag this out forever. There are Members on both sides of the aisle who would like to offer their amendments. I wish to say, at the outset, I will not be unreasonable in the debate time I ask for. I hope we can reach an agreement where we can actually have a complete debate and vote on this amendment by 12:15 today. I am prepared to do that. As I said, whatever the decision of the Senate, I accept it. Let's move forward.

When I ran for the Senate—I left the House of Representatives—I did it because I respected this institution. I knew so many fine people who served here, and I looked forward to the possibility that on the floor of the Senate we could engage and debate on the issues of our time, and those following debate in the gallery or through C-SPAN would hear both sides of the debate and form their own opinions and feel like we were doing our job. Let's do that on this amendment.

On the bankruptcy amendment I have offered with Senator REID, let's have that kind of debate.

I am going to yield now to the Senator from Oklahoma at this point and ask unanimous consent to reclaim the floor after he completes his remarks.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask the Senator, would he state publicly the time he thinks he might need?

Mr. INHOFE. Yes. It is my understanding we had up to 30 minutes. It is not my intention to take that much time, but there might be someone else on our side who will want some of the time, in which case I will yield to them. So it could take that long.

Mr. DURBIN. Then, I ask unanimous consent that when 30 minutes has expired, or if the Senator has not used all that, I be allowed to reclaim the floor and describe the amendment I have laid at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

VICTORY IN IRAQ AND THE MIDDLE EAST

Mr. INHOFE. Mr. President, I thank the Senator from Illinois for his cooperation. As I said, if we have any other Members of our side who wish to come down and talk about this, there was that length of time set aside. So I reserve that time for anybody else who wants to speak. If anybody is listening and they wish to use some of this 30 minutes, they are welcome to do it.

I returned 2 days ago from Iraq. It is my 18th trip in the area, in the theater. Sometimes it was Afghanistan and other areas, but it was in that zone there. I wished to take this opportunity to kind of show where we are today, how we got here, and where we are going to go. Some good things are happening over there. A lot of people don't believe it, and some people don't want to believe it.

The first thing I wish to do is try to give an indication as to where we started and how this whole thing started. We keep hearing quotes from people—and misquotes—such as General Cody. He is very certain the Army—even though it is stressed—the soldiers themselves are in a position to continue as they have been. But there is a problem. I think the world needs to know how we got into this problem in the first place.

It began in the 1990s during the Clinton administration. I have a chart. When I make this statement, people tend not to believe it is true. At that time, we downgraded the military, during those 8 years in the 1990s, by approximately $412 billion. If you look at where we were during the beginning of the Clinton administration, that would be this black line on the chart. If you merely put into this chart the inflation rate and kept the funding of the military at a constant level, it would be this black line. However, the red line down here was the Clinton budget. The budget came in—if you added up all 8 years—at $412 billion below what the static budget would have been with inflation added.

I say that, and it sounds a little bit like something people are hearing for the first time. Yet it should not be the first time. I know there wasn't one month that went by in the 1990s that I didn't come down to the Senate floor and say this euphoric attitude that the Cold War is over and we don't need a military anymore is something that is going to come back to haunt us. Well, it has come back to haunt us. This is the problem we have. It is very much like during the Carter administration in the 1970s, when President Ronald Reagan inherited a hollow force when he took office. It was.

When you are decreasing the funding of the military over 8 years, you are dropping behind in your modernization program, and it means your force strength will be dropped, and it was a downgrading of about 40 percent.

One of the things that concerned me at that time was there is this feeling among the American people that we have the best of everything; that when our kids go into combat, they are armed and equipped with the very best equipment that is out there. Unfortunately, that is not true. It should be true. I think the American people would demand—if they knew we were having these problems—that we would give our kids the very best of everything.

I have always been very appreciative of GEN John Jumper, who, in 1998, might been the Vice Chief of the Air Force. He stood up and said Russia was making a strike vehicle—he was referring to the SU-25 and SU-30 vehicles—and selling them all over the world to countries such as China, or potential adversaries, which are better than our best strike vehicles, the F-15 and the F-16. In some areas, they were better. He talked about the stealth capabilities of what the Russians were making as opposed to what we had. At that time, there was one sale of around 240 of these vehicles to the Chinese. So they had equipment that was better than ours.

Another example is the NLOS cannon. This is the best thing we have. The Paladin is World War II technology. With the Paladin, after every shot of this cannon, you have to swab the breach. You saw pictures of this in prior wars. But this isn't acceptable because there are five countries making a better one than we are making, including South Africa.

So what we have been attempting to do, after this period of time was over, was to start upgrading, modernizing, and increasing the force strength and capability of our American military. Nonetheless, it is very significant that people realize that when this administration took over, and 9/11 came about, this was the condition of our military. It should not have been that way. The terrorist movement was active through the 1990s and during the Clinton administration.

In February of 1993, there was a car bomb planted in the underground parking garage below the World Trade Center. We knew that, and that was prior to 9/11. In June of 1996, Khobar Towers, we remember, were bombed by Hezbollah, with intelligence pointing to support by al-Qaida. The embassies in Kenya and Tanzania, in 1998, were blown up, and that was done by the terrorists. We all remember what happened in Yemen, when a small craft went into the USS *Cole* and killed a number of Americans. That was another terrorist attack.

So this terrorism was going on all during the time we were downsizing our military. The next thing we find out is we are in a position where we have a down-sized military, and 9/11 comes along and 3,000 Americans are killed by terrorists, and we found out other terrorist attacks were planned at that time. That is when this all started.

I have to say—because right now I am missing a hearing, which I will go to when my remarks are finished—in talking about this stressed situation of our Army, people need to understand how we got into this situation. After my 18th trip over there, and every time in talking to the young people over there, yes, they are stressed and their families are stressed and, yes, they have had more deployments, and they should be 12 months instead of 15 months but they understand this has to be done. We cannot compromise our victory. So we went in after 9/11 for three reasons.

First, we went in to liberate Iraq from a tyrannical leader. I remember so well in 1991, after the first Iraq war, I had an occasion to be on the first freedom flight. It was 1991. There were nine of us, Democrats and Republicans. We were the first ones, in fact, to go to Kuwait City, but the Iraqis did not even know at that time the war was over. They were burning oilfields. The day would turn into night because of the smoke. That was the environment we were in at that time.

We had a person of nobility in Kuwait who had a palace by the Persian Gulf who was with us. He had a 7-year-old daughter. They went with us. Alexander Haig, Tony Cuello was one of the party who went over. At that time, he was, I believe, the Democratic whip of the House of Representatives. So it was a mixture of people. This man of nobility and his daughter wanted to see what their house looked like, if it was torn up during the first gulf war. When we got there, we found out that Saddam Hussein had used it for a headquarters. I took the little girl up to her bedroom—she wanted to see her little animals—only to find they had used her bedroom for a torture chamber, and there were body parts just scattered around in different areas. When we saw this, we realized what an animal this man we were dealing with was.

After 1991, we went back several different times, only to find that Saddam Hussein went after everybody who he suspected had been opposed to him during that first war, and he took care of them in different ways. He tortured thousands of people to death. You have to have gone over there, as I did, and looked into the graves and seen people who had been buried alive. His sons would raid weddings that were taking place. They would rape the bride, and then they would bury her alive. People who were going to be tortured to death by Saddam Hussein were begging to be dropped into the vats of acid head first so they would die quicker, or into the grinders, or the limbs that were cut off.

We really cannot draw a distinction between al-Qaida and Saddam Hussein in terms of the fact they are terrorists and they have no regard for human life. We just recently found an al-Qaida torture manual. The very things Saddam Hussein was doing in torturing people, they are doing now. Take a look at this chart. They are using flames on the throat; cutting the feet open so if they live, they will never be able to walk again; hanging by the arms while they had electrodes going in; drills used on their hands; and, of course, chopping off their limbs. This is a manual teaching them how to do it. We watched this and saw this was happening. I would think any reasonable person would say that alone would have been enough to go in to stop that reign of tyranny that was taking place at that time. But there are other reasons too.

The second reason is there were training camps located in Iraq in places such as Sargot, Ramadi, Samarra, and one of them was in Salmon Pac. Salmon Pac is a community in Iraq where they have a fuselage of a 707 on the ground, and they were teaching people how to hijack airplanes. We will never know whether the perpetrators of 9/11 were trained in Salmon Pac. We don't know that. We never will know. Nonetheless, those are four training camps in Iraq. They are all closed now. They are not training anymore. That alone is certainly itself enough reason to have gone in there.

The third reason is to help the Iraqi people create a free and democratic country. People say: Why do we care about the Iraqis? We have problems at home. Why are we spending all this money? Why do we care about what kind of democracy they have? And they thought it was impossible to start one, anyway. One reason is, if they do not do it, it is going to be a problem area for terrorists in the Middle East until they are fighting on our soil. The troops who are over there know this.

I just got back. I talked with many troops. In fact, now we have the Oklahoma 45th over there, and we visited with most of them. They understand why they are there.

What would happen? There were a lot of surrender resolutions, a lot of cut-and-run resolutions that got a lot of attention in this body. I can remember when moveon.org had the big ad campaign portraying David Petraeus, one of our great American heroes, as "General Betray Us." It was unconscionable. There were resolutions to disavow what he said. There were 25 Members of this Senate body who opposed those resolutions.

When the terrorists see this, they are hoping and praying that we, the Americans, are going to leave Iraq. On August 28, 2007, Ahmadinejad made a statement. He was referring to these resolutions that are going to draw our people out of Iraq. He said:

> Soon we will see a huge power vacuum in the region. Of course, we are prepared to fill that gap. . . .

We are talking about Ahmadinejad. That is why the Iraqis are getting so cooperative with us. They don't want that vacuum filled.

I was talking the other day with BG Jimmy Cash. He is retired. He is the former command director inside the Cheyenne Mountain complex in the late 1980s. He said: I watched Iran and Iraq shoot missiles every day, all day long for months. They killed hundreds of thousands of their own people. They were fighting for control of the Middle East.

Which reminds me, when all these people are talking about weapons of mass destruction, we knew they had weapons of mass destruction then. We knew they were killing hundreds of thousands of their own people in the north, the Kurds, and they were using weapons of mass destruction to send chemical warheads up there that have the effect of burning people to death from the inside out, the most painful thing—women, babies, everybody, thousands and thousands of them.

Anyway, if he were to fill that vacuum, we do not know how long it will take for America to be a target on our soil.

If we look at what is working, one of the things I noticed on the many trips I have taken over there—about a year ago, a little more than 13 months ago, the surge began. That was General Petraeus. What did he say? GEN David Petraeus said we have to go in there with a surge capability in certain areas. He was concerned about some of the areas around the triangle. As we went in there and positioned ourselves, we found that he was right in his analysis as to where we needed to have more troops stationed—in Fallujah and Ramadi. Remember, just about 2 years ago, they declared that Ramadi would become the terrorist capital of the world. Now Ramadi is under total security, not by the United States but by the Iraqi security forces. So we have watched what has happened since that time.

One of the reasons the surge has worked so successfully is that we have had the religious leaders realizing that if we leave, Iran will come in and fill the vacuum, and they cannot have that happen. So the religious leaders, the imams, the clerics started giving positive messages about the United States of America.

A year ago, we had our defense intelligence attending the weekly meetings of the mosques. I think they meet every Friday. At that time, 85 percent of the messages that were given in the mosques by the clerics and the imams were anti-American messages. As of April of last year, almost a year ago, there had been virtually none. They are all now positive messages. What does that mean? It means that the Iraqi citizens have now—just like, Mr. President, anyplace in your State of Arkansas or elsewhere in our communities, we have Neighborhood Watch programs. Now they have them. They have their own citizens going in with bait cans, drawing circles around the undetonated IEDs so our troops will not be killed. We watched in Anbar all the incidents. They have been down from 40 a day to 10 a day. We have seen economic growth, the markets open and crowded. The large project in the Sunni Triangle is now back on track. They are going to have the capability to help their people now.

The Iraqi Army is starting to perform really well. This surprises a lot of people because they don't think the Iraqi security forces have the capability of being the type of soldiers they are today. We saw this the other day. In fact, I was over there the other day in Bucca in Basra when they went in and took care of the problems so we didn't have to do it. This is what we are seeing.

If you have any question that it is true, all you have to do is look at some of the people who never really wanted to be friends of the Bush administration who were opposed to the liberation of Iraq. One such person was Katie Couric. This shocked everybody when she was interviewed. That was in September 2007 by Bob Schieffer. This was live on TV. She had made a trip, after she had been criticizing the war, criticizing the Bush administration, criticizing the whole liberation effort. She went over and came back and said:

> Well, I was surprised, you know, after I went to Eastern Baghdad. I was taken to the Allawi market—

I have been there also—

> which was near Haifa Street which was the scene of that very bloody gun battle back in January, and you know this market seemed to be thriving and there were a lot of people out and about. A lot of family-owned businesses and vegetables stalls and so you do see signs of life that seem to be normal . . . the situation is improving.

That is not me talking, that is Katie Couric, whom we least expected that from.

We see these things happening. I always make a point when I visit with people in the markets, if I see someone carrying a little baby, I will go in there intentionally without any kind of armament, with an interpreter. The interpreter will tell us just what they are saying. And people with young kids love the Americans.

I have to say this too. We are going to see, and have seen already, a lot of accusations that we in the United States, in our Department of Defense, CIA, and the rest of agencies, are guilty of all kinds of torture. It is true that back in Abu Ghraib, when it first happened, there were some people there who did the wrong thing. I think there were 11 of them altogether. They were doing some things that were perhaps not the kinds of things we would endorse. That was taken care of by the U.S. Army. They took care of it. But that came out, and people started talking about what the Americans were doing. Yet look what is in their manual, the types of inhumane torture.

I went to Bucca. Bucca is where we have the most detainees in Iraq. I was wanting to find out for sure by going around and interviewing detainees. I interviewed, I would say, about 40 or 50 of them. I picked them out myself. I took an interpreter. Each one said: We never were tortured when we were captured. We have been detained. We will be going back to where we came from. They have become real supporters of the United States. They were treated right. They were treated humanely. They are teaching them to read. They are teaching them to study their Koran. They are teaching them carpentry and other trades because one of the biggest problems they have—it is easy to recruit people when there is total unemployment. The unemployment rate is so high. They have to feed their families some way. Now we have trained them, and they are able to go back and get jobs and take care of their families without having to do it through the military.

I just say to you, Mr. President, since this whole situation began—and I happened to be in Fallujah during each of the two elections that took place, and I watched the Iraqi security forces go down to vote when they knew they were risking their lives. They voted the day before so they could offer security. I watched those people risking their lives—remember the purple finger—knowing their lives were at risk when they voted. This is the democracy they have been looking for. Democracy has been working. I came back this last time thinking the surge has been progressing so well; if we just keep it up, really good things are happening over there.

Considering we started with a downgrading of some $412 million in our military, then 9/11 came and we were forced into a war as a result of that, we have done so well.

Mr. President, I was a part of the draft many years ago, and I was a believer for quite a number of years, until the first gulf war, that we should have mandatory service because I know what a great thing it did for my life. But when you go over today and you see an all-volunteer force and see what they are capable of doing and what they have done, you come back so proud that they started out down here with very little to work with, and they have been able to sustain it.

Are they overworked right now? Are they deployed too often and too long—15 months? Yes, they are. It looks as though we are going to be able to drop that down to 12 months. But the troops themselves say: Whatever it takes, we are going to do this. They know the alternative. The alternative is the war will be waged on American soil. We don't want that to happen.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, I yield 10 minutes to the Senator from Pennsylvania before we claim the floor to describe my amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent to have printed in the RECORD the two documents I have in front of me, one of which is a description of the life of one of our fallen soldiers, as well as a news article from the Citizens' Voice newspaper dated December 23, 2005.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

First Lieutenant Michael J. Cleary, of Dallas, born April 4, 1981 was killed in action by hostile forces on December 20, near Samarra, Iraq. Lt. Cleary had just completed a demolitions mission when an ambush occurred. Mike was Platoon Leader of the Explosive Ordinance Disposal Team in E Company, 1st of the 15th Infantry Regiment, 3rd Brigade, 3rd Infantry Division.

Mike graduated from Dallas Senior High in June 1999. While at Dallas, he was a four-year letterman in both soccer and tennis, and captain of both teams his senior year. He was named to all star teams in both sports. He was selected to attend the National Youth Leadership Forum on law in his junior year and was involved in many school activities including National Honor Society. He received the Dr. Pepper Soccer MVP Scholarship and the History Scholarship at graduation and was offered academic scholarships at Ursinus College, Gettysburg, Dickinson, and Lafayette. He chose Hamilton College in Clinton, NY.

While at Hamilton, Mike participated in varsity soccer and lettered in varsity tennis. He joined Sigma Phi Fraternity and became the chapter president. He gave up intercollegiate sports and participated in all fraternity intramural sports, winning the Hamilton Golf Intramural Championship. He wanted to enlist in Special Forces immediately after the attacks of September 11, but chose to follow the advice of his mother and stayed in school until completing his studies. He graduated in May 2003 with honors from the Economics Program.

In his senior year, he applied to, was tested for, and was accepted into the Marine Flight Officer Program. He was notified that his class would be deferred to January and enlisted in the U.S. Army. He went to Basic Training three weeks after college graduation, earned his Airborne Wings and Sapper Tab, and graduated from the SAS Antiterrorist Course. He was a player-coach of the Ft. Leonard Wood soccer team, which won the Post Commander's Cup. His last soccer competition was as player-coach of 1st/15th Infantry Soccer Team that played a Thanksgiving Day game with the Republic of Georgia Army Team.

Mike's military decorations include the Combat Action Badge, Bronze Star Purple Heart, Army Commendation Medal, Air Force Commendation Medal, Army Achievement Medal, Good Conduct Medal, and three campaign medals. He was awarded the Overseas Military Service and Active Duty Army Ribbons, as well as Meritorious and Valorous Unit Citations.

Mike is survived by his parents, Marianne and Jack Cleary, Dallas; sisters, Erin Flanagan, her husband James and their three children, Bedford, N.H.; Shannon Cleary, Maui, HI; Kelly Cleary and Fred Tangeman, DeLand, FL; brother, Patrick Cleary, Dallas; his loving fiancée, Erin Kavanagh, Dallas, and his maternal grandfather Joseph Nemeth of Waverly, N.Y.

[From citizensvoice.com, Dec. 23, 2005]

A FAMILY MOURNS A FALLEN SOLDIER

(By Robert Kalinowski)

DALLAS.—It was at her bridal shower Sunday when Erin Kavanagh had one of her last conversations with fiancé, 1st Lt. Michael Cleary.

"Mike called during the shower and said, 'Have fun doing whatever girls do at bridal showers. I love you,'" Kavanagh recalled, her voice soft and crackling with a cup of water she was sipping in hand.

A grand wedding was set for mid-February. Cleary was "packing up" in Iraq, scheduled to complete his yearlong tour in 10 days. The couple was to move into an apartment near his Georgia Army base Jan. 4, she said.

"I kind of thought we were free and clear," Kavanagh said Thursday with Cleary's dad, Jack, by her side just two days after Cleary was killed in action.

The two spoke at length about the heroic 24-year-old Army officer from the office of Jack Cleary's Dallas-based business, Cleary Forest Products.

Cleary and another soldier from his unit, Spc. Richard Junior D. Naputi, 24, of Guam, died Tuesday in Taji, Iraq, when an improvised explosive device detonated near their Humvee during combat operations, the Department of Defense reported Thursday. They were assigned to the 1st Battalion 15th Infantry Regiment, 3rd Brigade, 3rd Infantry Division, Fort Benning, Ga.

Kavanagh sporadically cried while slowly flipping though a thick stack of pictures of Cleary.

There were photos of him fishing and hunting. Some were of him with family and some with fellow soldiers in Iraq. She cracked a small laugh at one of him chopping down a Christmas tree last year.

The 25-year-old then paused when she came across one of the couple and their parents, immediately recalling the date it was taken: May 19, 2005.

That was the day her lifelong friend and then-boyfriend asked her to be his wife.

It was the last full day they spent together. The next day, Cleary shipped off to finish his tour after a two-week leave at home, she said.

Behind Kavanagh was a laptop computer, on which she had just checked her e-mail. The subject line of one of Cleary's final messages to her, sent Dec. 17, read: "So good to hear your voice today, Love."

After Kavanagh's bridal shower—attended by 50 people at Apple Tree Terrace, Newberry Estates, Dallas, where the wedding reception was to be—she traveled to Virginia, where she was living.

She was packing her belongings for the move to an apartment at Cleary's military base in Georgia, where they planned to live until Cleary's enlistment was complete in December 2006.

It was there on Tuesday night when she learned the devastating news her soon-to-be husband had been killed.

Her mother, brother and close friend drove the 250 miles to tell her face-to-face, she said.

Kavanagh struggled but couldn't describe her initial reaction Thursday before a family member walked into the office, approached her crying and offered condolences. The two sustained a lengthy embrace as they whispered to each other and sobbed.

Several minutes later, Kavanagh discussed how she's coping with the tragedy.

"I've just been with family. I'll have to take it one day at a time," she said.

"And, I have a new family, right Jack?" she innocently asked Cleary's father, who said yes without delay.

Cleary tried to, and usually did, call every other day, Kavanagh and Jack Cleary said.

He last called each of them Monday, they said.

Toward the end, he focused on talking about a Dodge Ram pickup truck he bought and was waiting for him and where he and Kavanagh should go on their honeymoon, they said.

The honeymoon location was still being finalized.

"Erin said she didn't care (where they were going), but he said, 'Dad, I think that means she really does,'" Jack Cleary recalled.

Cleary and Kavanagh began dating on Nov. 25, 2004, which was Kavanagh's 24th birthday, while Cleary was home before deploying to Iraq.

The two knew each other since they were children and graduated together from Dallas High School in 1999. After high school, Cleary decided to follow in his dad's footsteps to Hamilton College in New York state.

Pursuing an economics degree, Cleary was in his junior year when he first considered the military. He was troubled by the Sept. 11, 2001, attacks, his dad said.

"He came home for Thanksgiving in November and told us he all but signed the final papers to join the Army special forces," said Jack Cleary, a decorated Army veteran of the Vietnam War.

His parents convinced him to finish college first. While doing so, he applied for the Marine Corps officer flight school. When told his entry would be delayed, he "said 'I'm not waiting'" and decided to enlist in the regular Army.

After completing basic training, Cleary was quickly promoted several ranks and entered the Army's Officer Candidate School.

He was commissioned first lieutenant in December 2003 and trained extensively for his eventual deployment to Iraq, where he was a platoon leader and champion for his soldiers, his dad said.

"He loved the guys he was with. They were doing their job," Jack Cleary said.

The military has offered Cleary's family a full honors burial in Arlington National Cemetery.

Jack Cleary said the family is honored by the request, but will likely decline.

"Our feeling is home," he said with a pause. "We want Mike home."

HONORING OUR ARMED FORCES

FIRST LIEUTENANT MICHAEL CLEARY

Mr. CASEY. Mr. President, I rise this morning to speak about a young man from my home region of northeastern Pennsylvania who lost his life in the war in Iraq, 1LT Michael J. Cleary of Dallas, PA. He was born April 4, 1981, and we are thinking of him today for so many reasons, not the least of which is a birthday tomorrow. I want to provide somewhat of a biographical sketch, and then talk a little bit about his life.

Michael Cleary was a graduate of Dallas High School in Luzerne County, PA, in June of 1999. He was captain of two teams there, both soccer and tennis. He was an active member of so many organizations, including a proud member of the National Honor Society. He had opportunities at several colleges, but he chose Hamilton College in the State of New York. While at Hamilton, he participated in varsity soccer and received letters in varsity tennis. He was the chapter president of the Sigma Phi fraternity. And despite all of his college and academic interests, he also had a feeling in his heart for his country, and he wanted to serve. He wanted to enlist in special forces immediately after the attacks of September 11 but chose to follow the advice of his mother—which for all of us is the right thing to do—and she urged him to stay in school and to complete his studies.

He did that, and he graduated in May of 2003 with honors from the economics program. Ultimately, his dream was fulfilled when he joined the military. Unfortunately, he lost his life in December of 2005. His military decorations include the following: The Combat Action Badge, the Bronze Star, the Purple Heart, the Army Commendation Medal, the Air Force Commendation Medal, the Army Achievement Medal, the Good Conduct Medal, and three campaign medals.

It is hard to describe in a short amount of time, even in a writeup in the newspaper, as local papers did at that time, but probably the best way to encapsulate what Michael Cleary's life has meant to this country is to remember the words of Abraham Lincoln when he talked about the sacrifice of our soldiers. When he spoke about the battle of Gettysburg, he spoke of those who gave the last full measure of devotion to their country. We now can say that about so many of our young men and women who fought in Iraq, and one of them was Michael Cleary. He indeed gave the last full measure of devotion to the country he loved.

He didn't have to do it. He had a great career ahead of him because of his academic achievements and because of his leadership qualities. He could have pursued another path, but he chose to give back. He chose to sacrifice for his country, knowing full well that he could be asked by God to give the last full measure of devotion, and he did.

We are thinking of his family today for so many reasons, not the least of which is that First Lieutenant Cleary was the fourth generation of that family to serve his country. His father, Jack Cleary, was a decorated Army veteran from the Vietnam war, and then two generations before that. So this is a family who has sacrificed in generation after generation, and we are thinking of them today. Tomorrow, they should have been able to celebrate Michael's birthday, which would have been his 27th birthday, but they cannot. They are strong people. They understand the sacrifice he made, and we are thinking about them this morning and tomorrow and on so many other days.

I think sometimes it is very difficult for us to fully comprehend—those of us who have not had a close family member lost in combat—what this means to a family, what it means to a community such as northeastern Pennsylvania, in Luzerne County, even years later now. It is difficult because in so many parts of our State, as is true of the whole country, when we lose one soldier, especially in a small town, in a smaller community, the impact is devastating. And not only the initial impact of that, but months and years later.

I think it is important we don't just look back and remember and pay tribute to the day they died and to the sacrifice they made, as important as that is, but we should be remembering, as well, their life, their life of achievement and triumph, and their life of service because when these families look back on these young people, they are not just going to remember their service in the military. Family members know our fighting men and women weren't born into divisions and platoons. They weren't born with a uniform on; they were born into families—families of mothers and fathers and brothers and sisters and aunts and uncles and cousins and friends and so many others we all know are part of all of our families. So I think it is important to remember these young men and women, to the extent that we can, on their birthday or some other significant moment in their life.

Finally, let me say this: The news article I cited from December of 2005 talked about the plans Michael Cleary had to be married to Erin Kavanagh. I will not review the whole article, but suffice it to say that it is a powerful story of what one soldier's hopes and dreams were—to serve his country but to come home and then start a new life and to be married. So we are remembering her as well today and remembering they graduated together from Dallas High School in that year of 1999.

We are grateful this day in so many ways, but it is difficult to fully explain how grateful we are for his life of service and sacrifice, his life of courage and commitment, and his life which was focused on the future, his own future but also the future of our country. So tomorrow, as his family celebrates his birthday, we are remembering Michael J. Cleary at this time, and we wish for him and for his family all of God's blessings.

Mr. President, I yield the floor.

The **ACTING PRESIDENT** pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, pending before the Senate is an amendment to the housing bill, which I offered earlier and on which I have asked the Republican side to consider a unanimous consent request so that we can debate and vote on it still this morning. I hope they will consider that in a timely manner. I am prepared to offer an equal amount of time to both sides of the aisle on the substance of this amendment and then accept a vote at 12:15.

We have proffered this unanimous consent request, and I hope, in the interest of time and fairness, that the Republican minority will accede to this request, or if they wish to modify it, let us know as quickly as possible.

Here is what this amendment is all about. We have 2 million people about to lose their homes. These are people who bought a home with a subprime mortgage. A subprime mortgage usually meant some exotic brew of terms for a mortgage which didn't exist traditionally or historically. It might be an adjusted rate mortgage where you pay a low interest rate on the front end and then, after 1 year, 3 years, or 5 years that interest rate would go up. There were even mortgages offered that were interest only, so that people were paying low monthly payments of interest but not retiring the debt on the house. The principal debt remained the same. The theory was that as long as the value of real estate was going up in America, you couldn't go wrong. No matter what deal you signed up for to get into a house, if the house was going to appreciate in value, don't worry about it.

There were also people who took that mortgage on their home and consolidated a lot of other debts they had on cars and other things, home improvements, and put it all in that mortgage so that they had a mortgage debt that was actually greater than the current value of the home.

These so-called subprime mortgages were being written right and left. In the old days, going back to when I first bought a home, there used to be pretty close scrutiny of your credit record. They used to require 10 percent of the value of the home as a downpayment, or 5 percent. You had to pay points; in other words, thousands of dollars at the closing. It was pretty tough in those days.

Well, the whole climate of home lending changed with the subprime mortgages. More and more people moved into homes. The values of homes were mushrooming, and it looked as though we were just riding the crest of a wave. Well, guess what happened. The wave crested and started to fall. And when it fell with the subprime mortgages, a lot of people were hurt. The so-called adjustment of the mortgage took place and an affordable monthly payment became unaffordable. All of a sudden, the low interest rate blossomed into a much larger interest rate. Or perhaps a family stumbled—somebody lost a job, a divorce, a serious illness in the family—and with that stumble, they missed a few payments.

Well, now, add this up into a nation of 300 million people, and we end up with 2 million folks who face the prospect of losing their homes. Now, a lot of people say, well, isn't it a darned shame. But why did they sign up for those crazy things to start with? They should have used better judgment. They should accept their medicine at this point and maybe they will be a little smarter the next time around.

If it were that easy, we could write it off as the moral hazard of making a bad decision, of irresponsible borrowing. But it turns out to be more significant. Two million people losing their home in a nation of 300 million doesn't sound like much, but 2 million people losing their home will affect the value of homes around them.

What is the value of my home in Springfield, IL? Well, if you ask an appraiser or realtor, they will say: I don't know, but I will tell you what I will do. I will look at other homes in the neighborhood that have gone for sale—comparable sales, comparable values. So they look up and down the block and around the block, in the neighborhood, and look at what homes are selling for, comparing them to my home, and they come up with a valuation on my home.

Well, if down the block and around the corner a home was foreclosed upon—in other words, the people were forced out of the home, there was a forced sale of the home, and it was sold for less than fair market value—that value will be calculated into the appraisal of my home. The experts tell us that 2 million people losing their homes in America will drag down the value of 44 million homes. It is a ripple effect.

As the value of homes declines, more people face the reality that the mortgage principal, the amount they owe on the mortgage, is greater than the value of their home. The shorthand term they use is, you are "underwater." Your mortgage value, your mortgage principal is greater than the value of your home, so you can't borrow against the value of your home anymore. You are already in debt over the value of your home. That is the third ripple.

Then there is the fourth, the mentality of buyers across America. This is the one that troubles me the most. For over 70 percent of people in America, if you ask them are they going to buy a home, and they say no, when you say: Can't you get a mortgage, they say: Yes, we can get a mortgage. Why won't you buy a home? They say: I don't think it is a good investment.

Seventy percent of people in America today say buying a home, real estate, is not a good investment. Why? They are afraid the $500,000 home today will be worth $450,000 next year—not a smart deal.

As long as this mentality is out there, the housing industry is flat. That doesn't hurt just your realtors and your developers, it hurts homebuilders, skilled craftsmen, people who supply homes—from those who are gardeners and do the landscaping, to furniture—you name it. All of these related industries are slowing down into this recession which Mr. Bernanke finally conceded yesterday may be on the horizon. That is why addressing this home crisis is important—not just for 2 million people who had the mortgages, but if we do not deal with those 2 million people losing their homes, it is going to have a dampening effect on our entire economy. It is going to hurt all of us.

A recession is a period of time in which businesses fail, jobs are lost, consumer confidence is low, the economy slows down. It happens in a free market economy. But you do not want it to go on too long because it can have a long-term negative impact.

What we are trying to do today is to pass a bill to breathe some life back into the housing industry and housing market in America. The bill is good, and it has a lot of good provisions. I am happy to support it. I think there are things in this bill which will be of value to us as a nation. I think virtually every one of them has some impact, some positive impact. But there is not a single one of them that will have the positive impact of the amendment I offer. Here is what the amendment says.

Currently—now—if you find you cannot pay your bills and you still have a job, you can go into chapter 13 in bankruptcy. You go to the bankruptcy court and say: I am in a mess. I am in over my head. I have more debt than I can take care of. Will the bankruptcy court work with my creditors so I can have an arrangement to pay off my debts? I would have to change the terms of some of the debts, but at the end of the day I will get out of this mess.

The bankruptcy court takes a look at it and decides whether it is going to work. You may be dreaming. You may not even have a chance. Your creditors may not want to cooperate. So this chapter 13 is just an effort to try to help people get out of this mess.

We think about 600,000 people facing mortgage foreclosure will take this option and go to bankruptcy court. If they go into the bankruptcy court and try to work out their debts and keep their homes, they have a problem. Under current bankruptcy law, you cannot modify the terms of the mortgage on your home. In other words, at the end of the day, you are still stuck with that same subprime mortgage that may have toppled you in the first place. The reason I offer this amendment and the reason I want to change that one provision is because it is fundamentally unfair.

If I walk into a bankruptcy court and I own a farm and I say I cannot make my farm payments, my mortgage on my farm, the bankruptcy court has the legal authority to change the mortgage terms on my farm or on my ranch or on my vacation condo—I don't own one—or on the big boat I just bought and on which I can't make the payments. The bankruptcy court can change every single one of those, but it cannot change or modify the mortgage on your home. Why? Of all of the things in the world they can change, why not that?

It turns out that by tradition it has never happened. So I bring the amendment and propose the court be given that authority.

The group that is opposed to this, screaming bloody murder, is none other than the mortgage bankers, the same people who brought us the subprime mortgage mess. They do not want to see the terms of their subprime mortgages changed in court. And they say: If you change them, interest rates will go up.

What I did, working with that industry, is say: I will apply this to a narrow group of people, the most limited group I can find that still has some impact on this issue, and I will narrow the discretion of the bankruptcy court. So listen to where this amendment takes us.

First, you have to qualify to go into court. We changed the law sometime a few years ago. To qualify to go into bankruptcy court you have to have a certain income; you have to go through certain processes and disclosures—even credit counseling. All that is required before you can walk into the court.

Second, this only applies to your home. I don't want a person walking in saying: I bought 100 acres down in southern California and I need help—no way. Just your home.

Third, it only applies to existing mortgages as of the date of the enactment of this bill. A mortgage you enter into after the day this bill is enacted would not apply.

Fourth, the court can only reduce the principal on the mortgage—the amount that you owe—no lower than the fair market value of the home. You protect the lender. If you go through foreclosure and have an auction, it can sell for a lot less than fair market value. So fair market value is the bottom line.

Fifth, the interest rate the bankruptcy court can impose can be no lower than the prime rate plus a premium for risk.

Sixth, the term of the mortgage can be no more than 30 years.

And then, seventh—and we did this saying to the banking industry: What more can you ask? If in the next 5 years you sell that home and it has appreciated in value, any increase in value over the fair market value as of the date of the bankruptcy goes to the lender, not to the owner. What more can we do to protect these bankers—fair market value on one end, any appreciation in value on the other end. And they still oppose it.

I hope my colleagues in the Senate will take a look at this. The credit unions support this because they don't get into the crazy loan business that some of these mortgages did. A group that includes the AARP, groups all across America, consumer groups, they understand this is only reasonable. The New York Times has editorialized in favor of it. I think this is an approach which will help a number of people. It is narrow and focused. It is limited in its scope, and it is really directed toward giving people another chance to stay in their homes. They still have to pay the mortgage. They don't get off the hook, but they can stay in their homes.

Stabilizing the housing market, stabilizing your neighborhood and my neighborhood, breathing some life back into this housing industry, that is the way to turn this recession around. This amendment I offer on the Bankruptcy Code will help more people than all of the provisions combined in the rest of this housing act. This reaches a lot of people. Hundreds of thousands could qualify. I urge my colleagues on both sides of the aisle to please consider this amendment.

Mr. President, at this point I see two of my colleagues on the Senate floor, Senator SMITH of Oregon and Senator KERRY of Massachusetts, and I would like to yield to them for whatever periods they would like to speak and then reclaim the floor on my amendment.

Mr. President, let me make a unanimous consent request that when the two Senators have completed their remarks I be recognized again on my amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the distinguished assistant leader for his comments and his leadership in this area. As he may recall, we were together at a meeting at the White House a month and a half, 2 months ago now with the President, with Secretary Paulson, Vice President CHENEY, and a small group of Senators there to talk about the stimulus package. As I know he may recall, I raised at that time the housing crisis, saying to the President that the entire cause of everything that was bringing us there to discuss the stimulus was in fact the subprime crisis and that no stimulus package should be passed that didn't in effect stem the tide of foreclosures and address the uncertainties in the marketplace and the lack of confidence. So I know he joins me in expressing regret that not withstanding the nodding heads and comments of affirmation, absolutely nothing happened. Nothing happened.

Sadly, it is not until the Federal Government puts up $400 billion to bail out Bear Stearns and other investment banks that you really get some kind of response from the Federal Government. I am not complaining that they should not have done what they did with respect to Bear Stearns and other investment banks because the implications of their failure could have had a profound impact, spilling down into our economy. But when the pain is trickling up to a Bear Stearns, and finally the administration notices—that very same pain has been felt for over a year now by people being foreclosed on in the economy—it really is an underscoring of the degree to which an administration is out of touch with the real concerns and realities in the life of the American people.

We need to show that commitment, here and now, in passing this foreclosure act to deal with the problem nationally. We need to do it now. It is long overdue. As many as 8,000 foreclosures are occurring daily. Some of these loans we know were absolutely predatory; almost, I believe, criminal. People knowingly went out, knowingly made loans to people they knew were not capable, ultimately, of meeting the adjusted rate mortgages, but because of the benefit to them and the immediate take in terms of the points they would make and the commissions and returns on those transactions, they went ahead and did it. Frankly, some of those came from the very same people who have just been bailed out by the Federal Government.

I commend our majority leader for his efforts to bring this to the Senate floor now and his efforts, together with Senator DODD, to try to work through this particular legislation. Let me share with my colleagues, last weekend—things have gotten so bad in Boston that Mayor Tom Merino recently opened a war room where city officials are working together on a day-by-day basis to fight the wave of foreclosures that we have seen in recent days.

A few months ago I was in the city of Brockton in Massachusetts and met with the mayor. He said: You have to take a moment and come upstairs and meet with me with these folks who are here, and impromptu we went upstairs and there was a group of people from the community who came together in desperation to try to figure out how they were going to deal with the foreclosures in Brockton. This mayor had already processed some 400 foreclosures in Brockton, and he was staring at an additional 800 or so that were going to come at them.

What happens to a community already struggling to get their economy back on track when they face that kind of wave of foreclosures is, street by street, house by house, as they get boarded up and people leave the homes, the rest of the property values start to go down—the local gas station, the local 7-Eleven, the pharmacy—everybody begins to feel the impact.

But most important, from the mayor's point of view and from the Government's point of view, they begin to see a decline in revenues. The only place mayors can go in any kind of wholesale fashion to deal with a decline of revenues is to cut fire, police, and schools.

There are plenty of communities in America where we have already seen those kinds of reductions, all of which run completely counter to how we build a community and to what we are trying to do in order to restore economic strength in the country.

Just this last weekend I attended, with Mayor Menino, at a high school in Roxbury, in Massachusetts, in Boston, a homeowner foreclosure prevention workshop. I was literally stunned at the numbers of people who had come into this high school on a Sunday afternoon, bringing all their financial records because they had been unable to get hold of a real human being to talk to in order to try to work out a reasonable agreement for what they could pay and be able to stay in their homes.

Rather than face one of those endless phone calls where you press 2 to talk to somebody who will tell you to press 4 who will give you an automated response to press 7 or whatever it is—we have the lenders there. We brought the various lenders there and people were able to go through a screening process and then go back to a room, sit down with the lenders, tell them their predicament, and actually negotiate a refinancing.

I met people that afternoon who were smiling, who said to me: Thank you for getting us together. Now I can stay in my home.

That is all it takes, that kind of effort. I talked to one woman who, together with her husband, is paying $5,000 a month for their home, for their mortgage. They have two mortgages now. They are both working, both of them are working.

But I asked her what her rate was. What are you paying for a rate? She said: Well, I am paying 7.25 percent on one, and I am paying 9.25 percent on the other. Nobody, with the current discount rates in America, is paying those kinds of rates. It is absurd.

I also had the woman next to that particular one who was waiting in line, who, when she heard the 7.25 and 9.25 said: That is nothing. I am paying 13.25 percent on mine. So if we were to renegotiate, according to a fair standard of what the rate is, with what the national interest rates are today, and fixed rates that are available to people, a lot of those folks could stay in their homes, and they can afford to service their mortgage.

What we need do is stop the greed and unbelievable sort of arrogance of some of these companies, some of those people who asked literally to be able to renegotiate: We were told no. I will tell you in a moment about a woman I met in Lawrence, MA, where this predicament is also going on.

The fact is that nationwide, by last year, we all knew that 2.5 million mortgages were already in default. That was 40 percent more than 2 years earlier. And despite a 40-percent increase, there was no response from this administration. Communities across the country are being hit hard. Last year the mortgage foreclosures in Massachusetts alone were up 128 percent, and the foreclosure rates of five Massachusetts metro areas were in the top 100 in this country.

How did we get here? Well, we got here because lenders lowered their standards for lending but did not appropriately plan for the increased risk they incurred when they lowered the standards. They flooded the market with mortgage loans, ignoring the risks to borrowers and to their own bottom line.

As usual, most of these people turn around and expect us to bail them out; in most cases to bail them out first. For some time, some of us here in Congress have been screaming about predatory lending practices. I happen to think it is usury to allow 30 percent rates. A whole bunch of Americans do not know they are actually paying 30 percent rates after a group of penalties on their credit cards.

There are even more Americans, millions of them, who are paying 18 percent. I urge any American to go back and look at what their rate is at the bottom in the fine print on their credit card or ATM statements and they will be shocked by the levels of interest they are paying.

I think these are excessive. These are wrong. Many people I know, all those of us who went to law school, learned about "buyer beware," "caveat emptor." That is one of the first things you learn in law school.

But the fact is, we put standards in place through the years as to what is an unfair practice. We have unfair trade practice laws in many States, and they are simply not being applied. But legislators in this case have backed up and turned a blind eye to what are unfair practices in the marketplace. Now, were there abuses on the other side of the ledger? The answer is: Yes, there were. Some homeowners inflated their income. Some misrepresented themselves to get a bigger home than they could afford, and obviously we are not talking about bailing out people from those kinds of situations. But there is blame enough to go around.

I will tell you what has not been enough to go around, and that is a rapid and appropriate response from the Federal Government in order to deal with this problem. Lenders are now getting help. But homeowners are still struggling. The fact is there are a lot of homeowners out there who have the ability to pay for a mortgage. They cannot carry the increased rates and they cannot necessarily carry the inflated levels that some of them have been put into because of these predatory practices.

Let me give you an example. This week I went to Lawrence, MA and met with homeowners who are facing foreclosure. Approximately 700 homes were foreclosed in Lawrence last year alone. I am told that number is going to rise for this year.

I talked with a woman by the name of Rosa Hernandez, who has four children, works two jobs, one as a nursing assistant at the local nursing home, in order to support her family and to be able to earn enough to own her home. She did everything she could in order to make her house a home. She fixed the roof, she bought a new boiler, she updated the electrical system of her new house, and she did it with this increase in value that the company came and loaned her. After she was hospitalized twice last year she could no longer afford to work two jobs. At the same time her subprime mortgage interest rates went up from 4.5 percent 5 years ago to 7.5 percent. She told me, through a translator, that when she could not make the payments, she went to her lender. Her lender refused to make loan modifications that would allow her to stay in her home. Her lender told her they were going to devalue her home down to about $99,000. I think she had a total of $220,000 in the home. They are going to devalue it to $99,000 and put it on the market and sell it. She said: I can afford to pay $99,000. Let me stay in it for that. They refused to let her stay in, even though she could service that payment with the job she has with a family of four, stay in her home. They are prepared to kick her out and then put it on the market and sell it to someone else for the same price. That is disgraceful. That is disgusting. And that is the kind of unregulated practice that is taking place out there because people have walked away from any sense of common decency and responsibility.

The fact is that thousands of families such as hers have been through the same kind of predicament where they are forced to start all over again. Each time a house is foreclosed on, a family's economic dream lies in tatters. But it is not only the family that faces the foreclosure that suffers; the entire community suffers. I have talked to police officers who tell me about the increased work they have now to try to patrol by houses that they know are abandoned and boarded up. The property values of entire streets and communities start to drop, which affects the entire ability of that community to be able to function. As I described earlier, crime rates go up, neighborhoods get torn apart, schools are disrupted because when the family gets kicked out, kids are yanked out of the classroom and you end up with a complete disruption to the school system.

According to the census, by late 2007 a higher percentage of houses in the Northeast sat vacant than at any time in the last 50 years, probably since the Great Depression.

So today we are debating the Foreclosure Act of 2008. This has the opportunity to be able to deal with this crisis. It reflects a bipartisan compromise. It is a good first step toward addressing this crisis. It includes a provision, and I thank Senator SMITH from Oregon for his long participation with me in this effort as a member of the Finance Committee. We both passed an amendment in the Finance Committee to the stimulus package. We had hoped this would have been included in the stimulus package a few months ago so this good could have begun to take hold so that families who have been foreclosed on in the last few months would not have been. Regrettably it did not happen. But we are here now.

I am appreciative of him and his efforts to help include that in the bill to provide an additional $10 billion. We originally sought $15 billion of tax-exempt private activity bonds that finance our housing agencies. What the housing agencies would do with this money is take the proceeds from the bonds and use them directly to refinance subprime loans, provide mortgages for first-time home buyers, for multifamily rental housing.

In the case of Massachusetts, that would mean about $211 million of targeted mortgage relief to the homeowners of our State. Similarly, every

State in the country would benefit from this provision. I thank Chairman BAUCUS and Senator DODD for their efforts to include this provision in the final bill because of what it can do to help struggling families.

In 2006, State and local governments financed 120,000 new homes with mortgage revenue bonds. With the additional $10 billion in funds, States and localities can equal that amount and finance approximately 80,000 more home loans. According to the National Association of Home Builders, every mortgage revenue bond new home loan produces almost two full-time jobs, $75,000 in additional wages and salaries, $41,000 in new Federal, State, and local revenues. Each new home then results in an average of about $3,700 that gets spent by the new occupants on appliances, furnishings, property alterations, all of which provide a real shot in the arm to our economy.

The reason this mortgage revenue bond proposal is so important is that to many lower income families, they are having difficulty refinancing their existing mortgages. This additional funding makes it easier for families facing foreclosure. It will make it easier for first-time home buyers to buy a home, which means that the glut in the marketplace today of all of those homes that have already been foreclosed will finally find a group of people because of these bonds who will be able to take those houses off the market and become part of the community.

The goal is simple. We want to provide assistance to those who need it most. The extra $10 billion for this program is a proven way to help Rosa Hernandez or others be able to stay in their homes. I might add also, before I close and cede the floor to my colleague, there is in this bill also $4 billion for the community development block grant, which a number of us have advocated strongly for, that will also help local communities to deal with the effects of the housing crisis.

As we all know, the community development block grant is the only real flexibility mayors get in dealing with crises in their community. So I am delighted that is here and that we can help local governments be able to deal with this crisis.

Finally, there is a provision I fought for in this legislation that I am pleased is in it, which is the proposal I put forward to address the foreclosure concerns of our returning veterans. Those who have served our country in Iraq and Afghanistan should never come home to a home that is in danger of foreclosure. But some are. You have a lot of National Guard folks who are doing their second or third deployment, and many of these people are in small businesses, or in some cases even sole proprietors. They have taken a pay cut, in many cases, to serve their country. They do not get paid as much for serving on active duty. The result is that many of them have been put into difficulty.

What we do is extend the foreclosure grace period from 90 days to 9 months, and we extend the freeze on mortgage interest rates for the first year a soldier is home. This is one of the ways we can make good on the rhetoric which is present all over the country about how we care for the veterans but, in fact, whether it is the VA budget or counseling or post-traumatic stress syndrome, or a host of other things, we have rarely put enough money there to keep pace with that rhetoric.

This helps to do it. I do thank Senator DODD for his work to include those provisions in this bill. I do not think anybody wants to see an Iraq or Afghanistan or any other area veteran join their brothers and sisters who served in Vietnam, too many of whom were in the ranks of the homeless or the dispossessed during those years. We owe them more for their plights. This helps to do that.

I close by drawing attention to the fact that a record 37.3 million households currently pay more than 30 percent of their income on housing costs, and more than 17 million Americans are paying more than half of their income to be in their homes. So as we consider additional remedies down the road, I hope we are going to deal with the fact that we can create jobs while easing the affordable lending housing crisis if we were to pass this and pay more attention.

I used to be chairman of the Housing Subcommittee on Banking before I went over to Finance.

I know for almost 10 years we were struggling to get one voucher or two for housing. It wasn't until 1999 that we got the first 50,000 vouchers in 10 years and the year after 100,000. But we have neglected housing as a matter of national policy for almost 20 years now. What some of us wish to do is create a housing trust fund that takes money from the surplus that comes through the FHA lending program, insurance program. But the money that housing produces in surplus actually goes to the general revenue. Some of us believe money produced by housing, that creates a profit in effect or a surplus for the Federal Government, ought to go back into housing rather than continually have housing be the stepchild of American policy. We hope we will ultimately be able to do that.

I urge my colleagues to vote for this legislation. I thank my colleague from Oregon for his patience and, most importantly, for his coefforts in this initiative.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oregon.

Mr. SMITH. Mr. President, I thank Senator KERRY, my colleague from Massachusetts, for his kind words. We come to the floor today as Republicans and Democrats trying to work out a bill that will make a difference on the central plank of the current economic slowdown. It is a time, frankly, to note we are finally working in a way that will make a difference and make progress for the American people.

Tuesday evening, I went home and TiVo'd the news. I saw Senator REID and Senator MCCONNELL standing together before the cameras. Behind them were Senators DODD and SHELBY, as well as Senator BAUCUS and Senator GRASSLEY from the Finance Committee, who have worked with Senator KERRY. When I saw these Senators together in a joint press conference, I thought I also heard a collective sigh of relief from the American people that finally the Senate was proceeding in a way they expect. I, for one, was breathing a sigh of relief that there was agreement and that we are here productively engaged in finding a solution. I also thank Senator KERRY. He and I have been at this amendment now for months. I have had the privilege of working with him on many issues over a long time. I am currently on the Finance Committee, and this amendment we actually got approved in the Finance Committee in the last stimulus package. I wish it had survived that process because it would already be making a difference. But with the help of leaders on the Finance Committee and the approval of the Banking Committee, it has now been included in the underlying bill. I thank all of them for this.

As I noted back in January, we offered this legislation as an amendment. The committee approved our amendment with an overwhelming 20-to-1 bipartisan vote. Again, we were not able to keep it in the package, but it is in the package today.

Across the country, rising interest rates and slumping home values are creating the perfect financial storm for many American families. The legislation Senator KERRY and I authored is aimed at stemming this tide and providing homeowners an option to avoid foreclosure and stay in their homes. Under current law, State and local governments are permitted to issue tax-exempt bonds, called qualified mortgage bonds, to finance new mortgage loans to first-time home buyers. What our legislation does is temporarily expand the use of this program to include refinancing of existing subprime loans. It would also provide a $10 billion increase in tax-exempt bond authority which could be used to provide these refinancing loans, issue new mortgages for first-time home buyers, and, finally, invest in multifamily rental housing. Our proposal would also exempt mortgage revenue bonds from the alternative minimum tax to make them more attractive to investors and to cut home-buyer mortgage costs further.

For Oregon, the increased bond cap will translate to roughly $122 million in new bond authority to address the State's housing needs. Our neighbors in Washington State will receive roughly $210 million in new bonding authority, enough to produce more than 1,300 loans. In Arizona, where the delinquency rate has jumped from 2.9 percent in the fourth quarter of 2005 to 5.45 percent in the fourth quarter of last year, an estimated 1,400 new mortgage loans will be generated by this bill.

Michigan, which had a delinquency rate of 8.9 percent at the end of the fourth quarter of last year, will have its bond cap increased by more than $332 million, enough to generate more than 3,300 new home loans or refinancing.

Another example, Arkansas, with a delinquency rate of 6.6 percent as of last December, will receive more than $92 million in increased bonding authority which would lead to more than 1,100 new loans. Nationwide it is estimated our proposal would lead to roughly 80,000 new loans.

To anyone who questions whether addressing the housing crisis is economic stimulus, I would say each one of these new home loans is projected to produce almost two full-time jobs; $75,000 in additional wages and salaries; $41,000 in new Federal, State, and local revenues; and an average of $3,700 in new spending on appliances, furnishings, and property alterations.

Our proposal is not going to solve all that ails the housing economy, but it is an important and good start, and it will provide real relief to working families at risk of losing their homes. This relief is targeted, not a bailout to investors who were looking to cash in on the housing boom. The new housing bond authority will be subject to the program's income and purchase price requirements. In 2006, mortgage revenue bond borrowers had an average income of $45,000 and bought first-time homes with an average purchase price of $137,000.

I wish to say, again, how pleased I am the Senate is finally moving to debate on this housing package. If we are serious about stimulating the economy, we need to take a look at the root causes of this slowdown. First among those is housing. There are a number of important items in the bill we are debating. I was disappointed, however, the AMT exemption for the low-income housing tax credit was not included in the base bill. This is something Senator CANTWELL and I have been advocating and will continue to work this week to see if we can add to the bill.

I hope we can work quickly, though, as Americans, as Republicans and Democrats, to get this bill to the President, a bill he can sign, so we can, through common sense and common ground, achieve some common good for the American people.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. McCONNELL are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 4388

Mr. SPECTER. Mr. President, I have sought recognition to comment on the pending Durbin amendment.

Mr. CORNYN. Mr. President, before the Senator begins, I wonder if he will yield for a unanimous consent request.

Mr. SPECTER. I will.

Mr. CORNYN. Mr. President, I ask unanimous consent that following the comments of the Senator from Pennsylvania, the Senator from Montana be recognized and then I be recognized following the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend the distinguished Senator from Illinois for offering this amendment and for initiating very considerable discussion on the plight now being faced by many individuals who are faced with mortgage foreclosure.

He and I have had very extensive discussions on his proposal and my legislative proposal, which has been introduced as S. 2133, which differs from the Durbin amendment in that it provides authority for the bankruptcy court to change the variable interest rate mortgages which have caused so much confusion and so much difficulty in leading to foreclosures by people who could not pay the increases which were noted by the variable interest rate mortgages.

There have been a number of situations where the mortgage rate has jumped far in excess of what the borrower had anticipated.

A homeowner in Lithonia, GA, who borrowed on a variable interest rate mortgage, found the interest payments rising from $1,079 to $1,444, which the borrower could not afford.

A first-time home buyer in De Soto, TX, found their variable interest rate mortgage moving from $1,400 to $1,900.

It is a pattern across the country where people have faced foreclosures.

The difficulty which I see with the Durbin amendment is it will impact on the ability of borrowers to secure mortgages in the future because lenders will be unwilling to loan money where there is the prospect that Congress will intervene and grant authority to bankruptcy courts similar to that suggested by Senator DURBIN today.

The core of the consideration was articulated by Justice Stevens in a case captioned Nobleman v. American Savings, in 1993, where Justice Stevens said:

> At first blush it seems somewhat strange that the Bankruptcy code should provide less protection to an individual's interest in retaining possession of his or her home than of other assets. The anomaly is, however, explained by the legislative history indicating that favorable treatment of residential mortgages was intended to encourage the flow of capital into the home lending market.

So you have the anomalous situation, as articulated by Justice Stevens, that on the principal home the bankruptcy court does not have such authority. That is for a very sound public policy reason: that if the bankruptcy court did have that authority, then lenders would be unwilling to lend money for first-home mortgages. So if you have a second home or if you have a yacht or if you have other assets, the bankruptcy court does have that authority, but for good reason it does not have the authority on first homes.

There have been a number of studies on the subject concluding that the impact of the Durbin amendment would be deleterious to the ability of people to get mortgages because of the reluctance of lenders to put up the money.

Professor Joseph Mason of Drexel University testified before the Senate Judiciary Committee that "it is straightforward to conclude" that cramdowns will increase the cost of mortgage credit.

In its analysis of economic stimulus options, the Congressional Budget Office noted that one of the costs of cramdown proposals "could be higher mortgage interest rates."

Federal Chairman Bernanke testified before Congress that modification of mortgages "would probably lead to concern about the value of existing mortgages and probably higher interest rates for mortgages in the future."

In studying the impact of cramdowns for farm real estate in Chapter 12 bankruptcy, the U.S. Department of Agriculture estimated that cramdowns raise the interest rates on farm real estate loans by between 25 and 100 basis points.

Even the report cited by supporters of Senator DURBIN's bill concluded interest rates will increase. In their paper, "The Effect of Bankruptcy Strip-Down on Mortgage Interest Rates," Georgetown law professor Adam Levitin and Joshua Goodman acknowledge that allowing bankruptcy courts to cram down mortgages will increase interest rates.

The effect of my bill, which is a great deal more modest, will not, I submit, have that effect. The essence of the bill which I have proposed will apply only to mortgages given, borrowings, prior to the date of the introduction of my bill and will sunset in 7 years.

I think it is important the legislation now pending in the Senate deal with the so-called little guy, the guy who lives on Main Street. We have already seen very substantial relief for Wall Street in the Bear Stearns bailout. I am opposed to bailouts. If the entrepreneurs on Wall Street are making investments with the prospect or the expectation or the hope of big profits, and they find their judgment is bad and those profits are not realized and instead there are losses, it seems to me they ought not to be coming to the taxpayers for a bailout. Where they are looking for big-time speculative profits, and they are wrong, they ought to sustain those losses instead of having the losses sustained by the taxpayers.

It is understandable that the Federal Reserve took an exceptional view of the Bear Stearns situation in order to avoid a potential ripple effect and devastating consequences on the economy. It was not a gigantic bailout, in any event, when Bear Stearns stock was selling for $150 or thereabouts a year ago, and the initial bailout was for $2 and the prospect of increasing that to $10.

But I believe the current legislation pending before the Senate is unduly balanced for the big guy as opposed to the little guy or the person who operates on Wall Street as opposed to the person who lives on Main Street. That is why I support the focus of attention which Senator DURBIN has brought with his bill—although for the reasons I have stated I disagree, and my bill takes a much more modest approach—Senator DURBIN and I worked long and hard to try to reach some accommodation and some compromise, and we could not do it because our approaches are so basically different.

We finally had a vote on our bill in the Judiciary Committee today. Our legislation was introduced last fall and could have been acted on by the Senate a long time ago. We could have brought this matter to the floor and stimulated other amendments and other discussion. The delay of months has resulted in many foreclosures. In the Judiciary Committee today, on a 10-to-9 party-line vote, my bill was defeated, and the Durbin bill was passed for action on the floor. But events on the floor have finally overtaken the committee action. The committee did act today.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. SPECTER. I do.

Mr. DURBIN. Mr. President, if I could very briefly, because I know others are here to speak, I would like to distinguish, if I can, three or four approaches where we differ between us.

The first element that is important—and I wish to make sure it is clear for the record—my amendment gives to the bankruptcy court the authority to modify the mortgage. But under your amendment, or your approach, the ultimate decision on whether a mortgage is going to be modified still has to be approved by the lending institution; is that not correct?

Mr. SPECTER. Mr. President, I answer the distinguished Senator from Illinois through the Chair by saying that is correct. My bill does allow for the modification of the principal sum but only where the lender is in agreement. I do not do that to give the lender control of the situation. I do that to avoid having a principle established where lenders in the future will be unwilling to loan money for mortgages if they think the bankruptcy court has the authority to reduce the principal over their objection. But if the lender agrees to it—and I think it is important because the bankruptcy court would not have the authority to reduce the principal unless there is the provision I have by obtaining the lender's agreement.

But the principle that the Senator from Illinois seeks to reduce the principal sum, I think, is sound, so long as you do not destroy the ability of the lender to control it so as to not discourage future lenders. So my answer is yes.

Mr. DURBIN. Mr. President, if the Senator will yield for only two or three more questions.

I might acknowledge the fact that currently those lenders can renegotiate the terms of a mortgage without a bankruptcy court and that giving them the last word is going to diminish, I believe, the likelihood that they would agree to anything by the bankruptcy court.

I might also say that under chapter 12 bankruptcies and on farm loans a few years ago, we gave this authority to the Bankruptcy Court and the lenders said: Oh, interest rates will go up, and they didn't.

But I wish to ask this specific question. My amendment limits these modifications to mortgages that are subprime mortgages, and the Specter bill, S. 2133, says these modifications would apply to any type of loan, even prime fixed rate mortgages. Is that not correct?

Mr. SPECTER. It would apply only as long as they are variable interest rate mortgages.

Mr. DURBIN. Mr. President, I wish to also ask the Senator from Pennsylvania, through the Chair: Is it true that the Senator limits the application of his modification of mortgages by the Bankruptcy Court to families earning less than 150 percent of State median income, which would be somewhere in the range of $60,000 to $70,000 a year in most States—annual income of most States—and would not cover those, for example, in the State of California and other States where they have higher incomes and higher mortgages?

Mr. SPECTER. Mr. President, the Senator from Illinois is correct. It may be that my proposal is too modest in that respect. I am not in concrete on that specific provision because I think that could be modified to accommodate different markets without dealing with the underlying principles I am concerned with.

Mr. DURBIN. I thank the Senator for yielding.

I might say to the Chair, I have spoken to the Senator in the hopes that we can bring this to a vote. I have spoken to the minority leader, Senator MCCONNELL, and he has said there are other Members who wish to come to the floor to speak on this amendment, and I hope they will. There is no point in dragging this out indefinitely. There are many other amendments that are going to be offered and I wish to bring this to a vote.

I thank the Senator from Pennsylvania for yielding for a question.

Mr. SPECTER. Mr. President, I thank the Senator from Illinois for the questions. I think the questions clarify the positions. It is almost like debating an issue in the world's greatest deliberative body. Too often speeches are made with no one present except the Presiding Officer and perhaps someone who is listening on C–SPAN 2, besides my sisters. But we need more of this kind of a discussion in the Senate to illuminate and provide a little life and a little spontaneity besides Senators who rise and read from a text, and frequently reading badly from a text.

I agree with the Senator from Illinois that we ought to move ahead on this bill and vote as soon as possible, and I join him in urging people who have amendments to come to the floor. It is my intention to offer another—my amendment, S. 2133, and to have a vote on that after we conclude with the amendment by the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I agree with the Senator from Pennsylvania. The last 10, 15 minutes has been one of the more edifying, constructive, and helpful explanations on various approaches. He made the statement that perhaps there should be more of that on the Senate floor, a point with which I strongly agree. I thank both Senators for that dialog.

Mr. BAUCUS. Mr. President, Charles Dickens wrote:

> Home is a name, a word,
> it is a strong one;
> stronger than a magician ever spoke,
> or a spirit ever answered to,
> in the strongest conjuration.

Simply put, we are here today to help families keep their homes. We are here today to move a package of tax provisions that will help those families to keep their homes. Our package does so with tax relief for homeowners, for home buyers, and for home builders.

We are offering this Finance Committee tax package as part of the pending consensus amendment assembled by the two leaders and by Senators DODD and SHELBY.

Today, many American families find their home is threatened. A weak housing market has spread weakness throughout the larger economy. More than 5 million households now owe more than their house is worth. That is about 1 out of every 10 home mortgages. As prices fall, that number is expected to grow.

Our tax package seeks to stabilize the housing market by providing temporary, targeted, and timely tax relief to the housing market. We have developed a consensus package that is limited to four provisions and these provisions focus solely on our ailing housing sector. The Finance Committee passed the first two provisions early this year as part of the economic stimulus package.

First, our package increases the number of mortgage revenue bonds. Mortgage revenue bonds are tax-exempt bonds issued by State and local housing finance agencies. With the proceeds, these agencies can extend mortgages to home buyers at interest rates below the market rate. This will help. It will help homeowners avoid foreclosure and will increase first-time home purchases.

The subprime and affordable mortgage markets have virtually collapsed. As a result, demand for mortgages financed by housing finance agencies is increasing. State housing agencies can respond immediately to the growing risks of foreclosure. These agencies can issue more mortgage revenue bonds. That can provide States the option to refinance subprime mortgages, and additional mortgage revenue bonds can help clear out the glut of existing homes on the market through first-time home purchases.

Our proposal includes a second provision that the Finance Committee passed earlier this year. That is extending the carryback period for net operating losses, otherwise known as NOLs, from 2 years to 4 years.

Generally, cyclical businesses have profitable years followed by loss years. During a loss period, a company will carry back the net operating losses from the loss years to their prior profitable years. They will file a quick refund claim and that quick refund claim will act as a cash infusion that will allow the company to survive a loss period.

The housing industry in particular will greatly benefit from an increased NOL carryback period. The expanded period will allow builders to avoid selling land and houses at distressed prices, and it will provide less costly financing.

An increased NOL carryback period will improve business conditions for the eventual return of the housing market, and the expanded period would give the housing industry cash to meet payroll, which would certainly limit additional job losses.

Third, our proposal provides broad-based tax relief for low-income individuals and those who have already paid off their mortgages. Under our proposal, homeowners would be allowed to deduct local real estate property taxes from their Federal tax return, even if they don't itemize. According to the Joint Committee on Taxation, more than 28 million taxpayers pay property taxes but don't itemize. Our proposal would provide these 28 million taxpayers a deduction for the amount of their property taxes up to $500 for individuals and $1,000 for married filers. Most often, nonitemizers are low or middle-income people. Our proposal will also benefit those who are not likely to itemize because they have already paid off their mortgages. Senior citizens clearly would benefit. The Congressional Research Service estimates that nearly 130,000 property taxpayers could benefit in my home State of Montana alone.

Fourth, our package provides a home ownership tax credit for the purchase of homes subject to foreclosure. Behind each foreclosed property is a family kicked to the curb, and the suffering does not end there. Foreclosed and vacant homes are a blight on the neighborhood. They drag down home prices. They are targets for vandalism and burglaries. Congress should encourage people to purchase those properties. That will help to stabilize home prices and get the housing industry back on track.

Our proposal provides a one-time credit for taxpayers of $7,000. The credit will be claimed over 2 years and the home purchase would have to be made in the following 12 months. The short-term nature of this credit is critical to providing immediate stimulus. It also ensures that we do not oversubsidize the housing industry or exacerbate the current oversupply of residential homes.

This focused package of four proposals will go far. It will go far to address the housing downturn and economic weakness in our country. I am proud we have all pulled together on this with Senator GRASSLEY and others, and I hope the Senate can pass it into law expeditiously.

A lot of irresponsible actions led to the housing crisis, but now a lot of responsible homeowners, home buyers and home builders are caught up in it. Tax relief and mortgage help to folks who played by the rules in the housing market is the right thing for Congress to do. The tax provisions in this package will keep property values up, keep folks in their homes, and keep businesses afloat, and those are all keys to handling the housing crisis.

In sum, this is an effort to provide tax relief to homeowners, home buyers, and home builders. It is an attempt to help families keep their homes. It is an effort to preserve an important word stronger than any magician ever spoke or any spirit ever answered to—the word called "home."

I urge my colleagues to support the package.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, the Senator from Georgia has asked me to yield 1 minute of my time, and I will do so without yielding the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I thank the Senator from Texas.

While the chairman of the Finance Committee is on the floor, I express my appreciation to him, Chairman BAUCUS, on the hard work that has been done on this particular legislation, in particular, the tax credit on foreclosed homes, and to praise his staff for the late night concentrated hours Tuesday night and early Wednesday morning when this was put together. It was a remarkable effort and I wanted the chairman to know how much I appreciate it.

Mr. BAUCUS. Mr. President, if I might respond to the Senator from Georgia, I certainly appreciate those remarks. He is to be complimented for bringing the idea forward to me personally and to others. It is a major contribution to the solution we are providing here. We did have to tailor it down a little bit within the confines of the package. I thank the Senator from Georgia for being agreeable and for working with us to find a way to make this work.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I want to address the Durbin amendment because I am concerned that the Durbin amendment would hurt low and middle-income families by making home mortgage interest payments higher, make them more expensive, by discouraging credit counseling and mortgage renegotiations and inadvertently steering more American homeowners into bankruptcy.

Let me try to quantify what I mean in terms of the expense. It is estimated that the so-called cramdown provision would raise interest rates on average by about 1½ percent. In Texas the average home loan is $122,000 a year. The monthly payment for a 30-year fixed home mortgage at 6 percent is $734. If you add a percentage point and a half to that, it goes up by $122 a month. So if these estimates are correct—and I think they are the best information we have available to us now—the average increase to Texas homeowners would be almost $1,500 a year. It would be $1,465 a year. For that reason, among others, I oppose the Durbin amendment.

The bill actually risks increasing the cost of owning a home for every American, and not just for people in my State, in Texas. There has been a little history to this provision as well.

The Democratic Congress and President Jimmy Carter back in 1978 had a reason for excluding from cramdown the ability for a bankruptcy judge to actually go in and rewrite the interest rate so people could afford their home. As a matter of fact, the cramdown exception, which this amendment would eliminate, actually helps people buy homes. It is pretty clear—Senator SPECTER from Pennsylvania quoted a U.S. Supreme Court opinion relative to this, but it is pretty clear that the congressional intent to exclude home mortgages from cramdown was intended. Some have disputed that Congress was pursuing a policy of making home mortgages more available when we created the cramdown exception.

Senator DURBIN, I believe, has said that the cramdown exception for home mortgages makes no sense whatsoever. The record from the 1978 act clearly shows that Congress viewed exceptions to cramdown as a means of making mortgages more available. The Senate Judiciary Committee report explained that the purpose of the real estate exception was to: "afford greater protection" to real estate financing "by creating a safe harbor that would facilitate, rather than discourage, this type of financing."

As I alluded, the courts have recognized this policy in interpreting the act, most notable in Justice Stevens' concurrence in Nobleman v. American Savings Bank. So I would say that the Democratic Congress of 1978, President Carter, and Justice Stevens all have acknowledged that this policy of excepting home mortgages from cramdown makes sense and helps keep mortgage rates low, which I think ought to be our policy.

Inadvertently, I think this amendment would also encourage more people to seek bankruptcy as a way to deal with their financial difficulties. It has been argued that this provision would actually encourage borrowers to negotiate with their lender. The one problem with that is, as we all know, most mortgages these days are actually sold by the lender; they are packaged and then purchased as securities and sold on the open market. It is, in fact, what has happened in the subprime mortgage market, which has created this crisis. The people who actually bought those securities now find that they are worth dramatically less than they thought because of the problems these mortgage holders are having. So it is certainly not a given that they will be in a position to negotiate with the lender, who no longer even holds that mortgage.

I am concerned, though, that the amendment goes too far in those rare cases where negotiations are still possible to remove the homeowner's incentive to negotiate and, instead, steer them into bankruptcy. The Durbin amendment would, in fact, create a siren's song that would lure struggling families onto the rocks of bankruptcy. For most Americans, our homes are our largest and most-cherished investment. The chance to have their mortgage decreased by a bankruptcy court, basically to renegotiate what a negotiated interest rate is, would encourage struggling families to seek bankruptcy protection instead of trying to negotiate and get their finances back in order in a way that will preserve their credit and will not lure them into bankruptcy.

I think it is worth noting that bankruptcy itself has lasting and serious consequences to the credit rating of the people who seek it. Bankruptcy is not in the long-term interest of every family who falls behind on their mortgage. We should encourage negotiation where possible. In fact, we know that is what happens anyway. Very few mortgage holders refuse to negotiate with the borrower when they get behind in their payments because, frankly, they don't want the property back. They want to continue the loan in effect, if possible.

So I think the Durbin amendment actually discourages negotiation and creates an effective magnet, attracting people into bankruptcy. I have already talked about why I think that is a bad idea.

Of course, this amendment also waives the bankruptcy law's counseling requirement when a home is in foreclosure, which is inconsistent with the underlying Shelby-Dodd compromise that provides $100 million to encourage credit counseling.

The goal of the bill should be to help struggling families get back on their feet, not encourage bankruptcy filings that would raise mortgage rates for everybody, ruin the credit of the borrower, and ultimately not solve the problem it is intended to solve. For that reason, I oppose the Durbin amendment and encourage my colleagues to do likewise.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CORNYN. Yes.

Mr. DURBIN. Mr. President, I acknowledge that the Senator is correct that this modification of a mortgage on a primary residence would be a change in bankruptcy law. I ask the Senator from Texas, is he aware that in the 1980s we created chapter 12 bankruptcy for farms and created the opportunity for the bankruptcy court to modify mortgages on family homes and farms, and at the time the banking industry said the same thing about that change as they have about my amendment—that it would raise interest rates? Is the Senator aware of the fact that there was no significant increase in interest rates on farms as a result of the creation of chapter 12 bankruptcies?

Mr. CORNYN. I accept what the Senator says. I have no reason to dispute it. I, frankly, have no knowledge of it. I know that currently we have roughly 2 percent of the mortgages in America that are in foreclosure proceedings. While there is undoubtedly a serious problem, I don't think this is the right solution to it. I said that some estimates are that it would increase interest rates by 1.5 percent on mortgages. On a $122,000 mortgage in Texas, it would increase annual costs about $1,500. So I must oppose it.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. CORNYN. I will.

Mr. DURBIN. Is the Senator aware that my amendment limits the modification of mortgages in bankruptcy to those on primary residences, existing as of the date of the enactment of this law, and that it would not apply to any future mortgages and would not have an impact on future mortgages, those that are going to be issued. So the credit industry is saying: We are afraid this is going to apply to everybody. There is a limited application of a narrow class of people who would be eligible.

Mr. CORNYN. Mr. President, I appreciate the clarification. I also note that the tendency in Washington and in Congress, and the Federal Government generally, is for things to get bigger rather than to contract. So while I appreciate the clarification, I am not consoled by the current limitation.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I am a cosponsor of the Durbin amendment and am very happy to support it. Later, Senator MARTINEZ and I will be submitting an amendment. The Senator is in the Banking Committee now and will come to the floor shortly.

I wish to take this opportunity to speak about this amendment. It is also supported by Senators BOXER, OBAMA, SALAZAR, DOLE, DURBIN, and CLINTON. Essentially, this amendment deals with the fact that today there is a very thin patchwork of State licensing for brokers. It is insufficient. There are no national standards for the licensing of a mortgage broker in this subprime marketplace. In many States, there are really no requirements. What that has done is enabled bad actors to flourish. I wish to give you two examples of what a bad actor as a subprime mortgage broker means.

I met this family in the picture in Los Angeles this past week. This is the Simmons family. Mr. Simmons worked for Northrop Grumman for 20 years, and Mrs. Simmons has been a checker at Alpha Beta for 26 years. They are retired. They have owned this home in Los Angeles for 39 years. Mr. Simmons had a stroke. When he had this stroke, they obviously had additional medical expenses. Last year, they were in the market for a better rate than the 8 percent they were paying on the loan on their house which remained and was $550,000. They got a cold-call from an unlicensed broker, who offered them a $629,000 loan with these terms: $25,000 cash back, a 4.5-percent interest rate, and monthly payments of $2,000 after four months at $5,300 to lower the interest rate. They studied it and said, "We can afford this." And so they did it. Here is what really happened. The interest rate was 11.2 percent, not 4.5 percent. There was no cash back. The monthly payments were $5,300 every month. They called about it, and they were told it just wasn't true. The paper they signed was for $5,300 every month for the length of the mortgage. Then they learned that not only was there no cash back, but this broker walked off with $20,000 in his pocket. These are retired people. They were confronted with hundreds of pages of loan documents, filled with small print. They trusted their broker.

Not too long ago, my husband and I bought a home. We trusted our broker. He went through the papers with us. Candidly, I do not believe most people read every line of what amounts to a stack about 6 inches high of papers when you buy a home.

For the Simmons family, they dipped into their life savings. They are afraid they may lose their home. This is exactly the type of situation our bill would prevent.

Let me give you another story of Steve and Valvina McFatten. They live in Fresno, and they are in this photo with their children and dog in front of their house. They have two teenage daughters. Steve is an assembly-line worker. Valvina is an office assistant. They both work.

In 2005, a bank told them they could handle a mortgage of up to $135,000. When they saw their dream home the next year—listed at $250,000—they thought it was out of reach. But a broker steered them into two mortgages for $250,000 for only $1,000 down, with an adjustable interest rate. Their combined monthly payments were $1,600. Now, the McFattens have weak credit, modest income, and two children to raise. They told their broker they could not afford this loan. The broker told them not to worry, that their monthly payments included their property taxes, their mortgage insurance, and a warranty for home repairs. Well, did that turn out? No. Here is what the real deal was: no money toward property taxes, no money toward insurance, and no warranty. It was canceled without their knowledge.

These are two examples of what is happening in California. Many Americans trying to get a piece of the American dream have actually been sold a bill of goods by unscrupulous brokers and lenders. When I was in Los Angeles, the San Bernardino district attorney, the Los Angeles district attorney, and the State attorney general had just arrested nine bad actors in the mortgage broker business. So it is going on all of the time. People are told: Don't worry, you don't need a big downpayment. You can get into a zero-interest loan. Don't worry about what you are getting into. Home values always rise. Don't worry about the adjustable interest rate; you can always refinance. Don't worry, you cannot lose.

Well, the fact is that you can lose, and you can lose big. I can say that everybody should read the fine print and take the time to understand exactly what their mortgage documents say. The fact is that people have difficulty understanding these very legal documents. They tend to depend on their mortgage broker. So the damage is staggering.

There were more than 2 million filings last year, and another 2 million are expected this year. Senator BOXER's and my State is ground zero, with 4 of the 10 metropolitan areas with the highest foreclosure rates in the Nation. No. 2 is Stockton. No. 4 is San Bernardino. No. 5 is Sacramento. No. 7 is Bakersfield. It just so happens that these are areas with a lot of middle-class, hard-working families who tend to trust their broker. Both people in the family work. They may not all be college graduates. They may have a tough time understanding the fine print, and they depend on the person who comes to them as a professional and makes personal representations to them.

My State accounts for more than 20 percent of the Nation's foreclosure filings. It is very serious. We have now learned how easy it is for anyone to get into the mortgage business in some States and, quite frankly, it is astonishing. A simple Internet search will show how easy it is.

These are statements taken right off the Internet for a broker. Here is the source: http://www.cflicense.com. We accessed this site on the 27th of February of this year. Here is what they advertised:

> No experience, education or exam is necessary.

To sell subprime mortgages in the State of California.

And here is also what we learned:

> You can hire unlicensed sales agents to originate loans under your company license.

In fact, a lot of the real estate industry is opposed to mortgage licensing. They want to be able to do that. But our job is to decide, is this in the best interest of the consumer? I don't believe it is. As a matter of fact, I find it rather outrageous. I say to the real estate industry: This does you no good to have unlicensed subprime mortgage brokers who give bogus information to your clients.

So here is what this bipartisan amendment would do. First, it would establish some minimum, basic Federal license requirements. They would ensure mortgage brokers and lenders are trained in ethics, consumer protection, lending laws, and the subprime marketplace. To be licensed, you would have to have no felony convictions, have no similar license revoked, demonstrate a record of financial responsibility, successfully complete educational requirements, at least 20 hours of approved courses—it seems to me that is pretty basic—pass a comprehensive written exam, and meet an annual license review and renewal requirement. It would also require that all mortgage brokers and lenders provide fingerprints, a summary of work experience, and consent to a background check to authorities.

The bill would also establish a national database so individuals buying a home who wanted to use a subprime mortgage broker could go on the Internet and find out if that broker is, in fact, licensed.

The State would have the responsibility to carry out these minimum standards and could add any standards they wished. But State regulators would be required to develop a satisfactory licensing system within 1 year following the enactment of this legislation. If this does not occur, the Housing and Urban Development Secretary is empowered to quickly develop a national database and license-generating revenue for its implementation through fees to license applicants.

There is broad bipartisan support for this amendment. Our amendment is similar to a provision authored by Representative SPENCER BACHUS, a Republican from Alabama, the ranking member of the House Committee on Financial Services.

The national licensing concept for mortgage lenders and brokers was included in the comprehensive mortgage reform bill which passed the House in November. And last month, the President's working group on financial markets recommended a similar proposal in their report on the housing crisis.

I will conclude. The emergence in recent years of subprime and other exotic mortgage products have put many American home buyers at great financial risk, and many of these products require little or no downpayment. They allow people with bad credit to get in over their head. They do not verify their wages. Many have exaggerated wages on the loan documents. And most lenders and brokers offered these mortgages, though, in a responsible fashion. But many others used predatory tactics, such as failing to disclose the full risk in order to place unsuspecting borrowers into mortgages they could not afford.

Madam President, my heart broke when I met the Simmons family. When I think of somebody working for 20 years for a defense firm in California, his wife working for 26 years as a checker in a supermarket so they could buy and sustain a home which, as we can see, they have kept in pristine condition, having a health problem—namely, a stroke by Mr. Simmons; it is difficult for him to get around, it is difficult for him to speak—costing them extra, using the home as a basis to try to refinance to take some money out of this house to pay for medical bills.

What is happening now? A bad actor got hold of them. They did not realize what they were getting into. He promised certain things which did not come through. And now this couple faces losing their home.

Fortunately, we were able to hook them up last week with a community pro bono law firm that will now represent them and deal with their mortgage company and try to see if they can recondition some of this loan back to what they were promised.

This is going on, and it is going on all over California. The areas I just pointed out, the 4 out of the 10 highest areas are not the most affluent places in my State. They are places where families just like the Simmons have heard the rhetoric: We can put you into the American dream; we can enable you to buy a home; and here, I, the mortgage broker am willing to sit down and make you all these commitments. Then they find out the commitments are ashes.

This has to stop. There is no place for the predator in this industry. I know Citibank told me they oppose the legislation. I say to Citibank: Are you proud of this? Is this the way you want to do business?

And I say to realtors who do not want these brokers to be licensed: Is that the way you want to do business? If it is, I am against what you want.

I hope this amendment is adopted. It has been talked about, it has been dealt with in general terms in a past bill that passed the House. The President's working group said we should consider it. We now have the chance to do it.

We face 2 million additional foreclosures, and we have to do something about predatory lenders and brokers, and this amendment is a beginning.

Mr. DURBIN. Madam President, will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mr. DURBIN. Through the Chair, I am happy to be a cosponsor of the Senator's amendment. The last point she made is the one I found almost nothing short of amazing: that the largest banks that are involved in the mortgage business, and the realtors who are involved, obviously, in these transactions are resisting Senator FEINSTEIN's amendment that would provide some basic standards for the licensure of mortgage brokers. That is the point I would like to make, through the Chair, to the Senator from California. I continue to wonder why these noble professions are protecting the bottom feeders of our economy, those who are preying on people such as the Simmons.

I have stories in Illinois I can tell that will match each one of the Senator from California, where there is basic exploitation of people by those who mislead people in terrible financial circumstances, people of limited experience and education who are trying to understand the complexity of mortgages and closings and interest rates and all of the matters that have to be understood well.

I ask the Senator from California, Madam President, does she have the support of any financial institutions or any of these professions that should be in support of State licensing of these mortgage brokers?

Mrs. FEINSTEIN. Let me answer that. Not to the best of my knowledge. Let me also say—and perhaps I do, but I will find out—let me also say Citibank and even the California real estate establishment want exemptions. Well, I am not willing to give exemptions. I say for shame if this is the way you want to practice your business. It is not acceptable.

Mr. DURBIN. I thank the Senator from California.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, too many families in Missouri and across the Nation are feeling the pain of the housing crisis. They need our help now. This Senate is coming together on a bipartisan basis to provide some relief to deal with some of the real problems we find in communities throughout our Nation.

Over the Easter break, I traveled around the State. I talked with a lot of folks who have a real and deep interest in this housing crisis. I met with families struggling under the threat of foreclosure, neighborhood groups counseling families on how to keep their homes, government officials at the local level—mayors and council members—who were trying to find ways they could assist, community leaders asking for our help. They told me about the neighborhoods devastated by foreclosures. More critically, they told me of the personal problems faced by families running into foreclosure where their adjustable rates had risen so high they could no longer afford them. And they talked to me about the devastation of family after family being threatened with losing their home.

I did not hear from speculators who overbuilt and are now caught with too much inventory. I did not hear from investors who bought a second or third vacation home, expecting that the price would go up more than they paid for it and now regret their bad decisions. And I did not hear from the greedy lenders who went out and offered terms that were too good to be true. Some of the worst ones were the no-downpayment loans. Many others offered unbelievable teaser rates and then put out paper that was absolutely unaffordable by the borrowers. They spread this toxic paper throughout the system. It is putting at risk not only our national financial system, but that toxic stuff has spread to international markets, and markets across the world are feeling the pain of our subprime crisis.

In Missouri, I heard from mothers and fathers who want to keep their home. I heard from fixed-income seniors who thought they had a deal they could live with until the rates started adjusting and the mortgages got out of their ability to pay. These folks do not want a government handout. They do not want a bailout. They do not want the Federal Government buying their mortgage or buying the homes around them. They are hard-working Americans who want to be able to meet their original commitments and keep the promises they made. They need targeted temporary help to get them refinanced and on with the rest of their lives.

That is the kind of relief I offered on behalf of several of my Republican colleagues in the Security Against Foreclosure and Education Act, or SAFE Act, of 2008. It provided help for families to refinance distressed subprime mortgages, help for neighborhoods for the purchase of foreclosed homes, help for returning war vets coming home to the threat of foreclosure, and reform of the Federal Housing Administration that we all agreed upon last year and still have not been able to pass.

These proposals, I am very happy to say, form the core of the Foreclosure Prevention Act substitute amendment that is before us today. I thank Senators DODD and SHELBY who came together and assembled this bipartisan package of relief for families and neighborhoods. They took proposals from our SAFE Act, housing proposals from our Democratic colleagues, and provisions from our friends on the Finance Committee to make this relief package.

Most importantly, this measure will help struggling families refinance their subprime mortgages by authorizing State housing finance agencies to issue $10 billion in tax-exempt bonds and use the proceeds for refinancing.

I happen to know very well how effectively our Missouri Housing Development Corporation functions, and if they have this authority and if they can sell their bonds, then they will be able to refinance where people have seen their mortgage payments escalate beyond their ability to pay. This is the kind of assistance we expect from our housing finance agencies, and we need to empower them.

Secondly, to help families know their options to avoid foreclosure and keep them in their homes, it provides an additional $100 million for loan counseling. I was proud to be able to join with my colleague from Connecticut, Senator DODD, in the Housing and Urban Development appropriations bill last year to put $180 million in counseling. Congress passed it in December. The first of these funds has gone out, and they tell me already they are having a great effect. Many say that knowledge means power. Housing counselors I met with over the recess told me how these counseling funds are helping families know how to renegotiate with their banks to get good refinancing and keep their homes.

The message all of us ought to carry back to our home States when we talk to people who are threatened by these problems is that if you see your mortgage rates going up beyond your ability to pay, if you have concerns about whether you can meet the terms of the financing, don't wait until foreclosure proceedings are initiated. Don't wait until you get hauled up on the courthouse steps to see your property sold. There are counseling agencies that we have funded and will be funded additionally across the country in every large community that will come in and work with the homeowner and with the lending agencies to try to work out terms.

Many of these will be able to get refinanced. It has to be voluntary on both sides, but as has been said earlier on this floor, lenders have a real disincentive for foreclosing. They got into the business not to own homes, they got in the business to receive payments. Very often this means there is common ground which can be agreeable to the homeowners and the lenders to stay the costs and the risks of foreclosure.

Foreclosure not only is devastating to the family, it is very devastating to the neighborhood. The neighbors see their home values go down, and the whole community suffers. That is why I had mayors and council members and city aldermen coming out and saying, what can we do? I said: Get good education.

As the Senator from California said, we need better education for people before they seek to buy a home, and certainly we need education and counseling for those who see mortgage payments rising above their reach.

Back to the provisions in this bill. We supported on our side—and this measure includes—help for struggling neighborhoods by providing tax credits for that purpose over the next year of a home in or facing foreclosure. It is $7,000 available for families moving in and living in the home over 2 years to keep the neighborhoods from being flooded with properties in foreclosure, which drags down property values for everyone. These tax credits should help all homeowners in the neighborhood by stabilizing property values as families get back into vacant homes and add value.

Not surprisingly—not surprisingly—when I laid out this proposal to the roundtables and the discussion groups I had around the State, one of the things the mayors and the city councilmen liked the most was this ability to get those homes in foreclosure sold and occupied by borrowers who would be contributing members of the community and helping to stabilize those communities. They recognize the importance this has for their communities as well as the families who would be living there.

One other part of this proposal that is very important to me is that the measure proposes new loan disclosure requirements with a prominent, plain English explanation of key loan conditions. I want the borrowers to see in big type any teaser rates or introductory rates, anything that will change the terms of their payments or limit their ability and lead to foreclosure.

I have had the distinction of living in several houses in the last few years. As we have moved from house to house and purchased homes, I have seen that stack of documents. As the occupant of the chair, I used to be a lawyer. I am recovering from it now. I have looked at those documents and tried to make sense of them, and I tell you there is not enough time if you are purchasing a house. It took me about 45 minutes to sign all the pieces of paper that came before me. Now, that doesn't help anybody. The Truth in Lending Act has gone to ridiculous extremes. Unfortunately, we let lawyers draft that, and there ought to be a law against lawyers drafting any kind of disclosure documents. We need to have those simple, in plain English, so you know what your rate is, what it could rise to, whether there is a prepayment penalty, and whether you can refinance it. That is on the first or second page.

Tell me something I need to know. Don't make me sign 30 pages saying I have read all the fine type or all the fine print.

Everybody knows that is a joke. Let us put disclosure in plain terms. That should be a help in the future.

We also have a provision from Senator COLEMAN of Minnesota in this bill to give returning war veterans more time to avoid home foreclosure. Currently, they have a 3-month window from their return to work out any mortgage difficulties they have. This may not be enough time for them. So this proposed measure would extend the protection against foreclosure to 6 months after arrival home. That is the least we can do for our returning heroes.

We have included provisions of the Federal Housing Act reform bill, which passed the Senate 93 to 1 last year. That bipartisan, near unanimous reform bill deserves to become law. FHA is one of our key financing insuring agencies for lower income people. We need to make sure it works. We have heard about the possible application of FHA Secure to assist borrowers whose mortgage payments have gone beyond their reach, but it is too limited. They can't use it. We need to loosen up the terms so that the terms are not so strict that FHA is in the position of what some people used to characterize as a bank being a place that lends you an umbrella and takes it back when it starts to rain. The FHA holds out great promise for being able to insure loans and get people in houses, but when they say, if you do anything, if there is anything, if you miss any step, you can't get the protection, it seems to me maybe we have tightened it down too hard.

I believe, however, for the future, it ought to be the policy of the FHA—and I would hope it would be the policy of any responsible mortgage broker or lender—not to make any no-downpayment loans. No-downpayment loans are one of the most significant contributors to housing foreclosures and failure to be able to meet those terms. If you don't have the money to buy a house, there is nothing wrong with living in a rented house. I have lived in rented houses. You can save up the money to buy a house. But to buy a house responsibly, you need to have some downpayment. I hope that the FHA would get rid of the idea that it is the American dream to put somebody into a house with no equity in it. That is asking for trouble, and that is one of the sources of the trouble we face.

I would say one other thing. A lot of people are now realizing that this housing crisis is the basis of financial challenges and financial difficulties in the United States and possibly even internationally. I said earlier, this toxic paper has been spread throughout the world, and there are banks in other countries, there are investment houses in other countries that are suffering because of it. There had to be steps taken at the Federal level, and some of the steps were a little bit breathtaking. I was not wild about seeing the Fed have to move in and wipe out Bear Stearns and provide the guarantees, but I am willing to accept what the Chairman said, and what others have said, that this was necessary to stop the domino effect of collapsing Federal institutions and federally insured institutions, and it is necessary to stop a worldwide panic from subprime loans.

There are other steps that have been taken as well—lowering the Fed rate to

3¼, 2¼. These steps are necessary on a macro level. But let me tell you one thing. This macro problem has a micro problem basis. The problem we face is not just what happens in Washington or happens in New York or happens at the Federal Reserve. This problem depends upon how we solve the problems of the families facing foreclosure, of the communities seeing a wave of foreclosures driving down property values.

This problem requires also that we work for a solution that begins at the ground up; that takes care of the families in need; that takes care of the communities facing these problems and not do only what has been done nationally, what we read about in the headlines, but what we can only see in community newspapers back home, as to how we help families and communities struggling with foreclosure.

This housing bill before us represents the needs and values of our families and neighborhoods. It doesn't provide for any government buyouts of mortgages, as some propose. It does not provide for refinancing of vacation or investment homes, as some fear. Together, our housing proposal will help families and neighborhoods across this country get through the crisis and help our financial systems to maintain stability. But most of all, for our families, for our neighborhoods, for our communities, I urge my colleagues to support this measure.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank the Senator from Missouri for his statement. He made reference to something which I thought was so obvious. Senator JACK REED of Rhode Island had an amendment to the original bill, and since Senator BOND is an attorney, and the Presiding Officer is an attorney, and I have been one in the past, we know what happens at a real estate closing. You give people a stack of papers and you turn the corners and say: Keep signing until you are finished. If someone has the nerve to ask: What am I signing? Nine times out of ten, it is going to be dismissed by the realtor or the lawyer in the room: Oh, it is another Federal form required by law. Just sign it. Everything is fine.

At the end of the day, let's be honest. No one has read all of those forms. No one understands all those forms, particularly those who are borrowing money. But the fine print in those forms is going to dictate their lives, and they do not even know it. How many of us take the time to carefully read the back of our monthly credit card statement? Not me. And the print is so fine, even with these glasses which I have all over my house, I can't keep up with it and understand it.

So what Senator JACK REED proposed was that there be a cover sheet to the disclosing documents which says: You are borrowing X number of dollars, the interest rate is X, the monthly payment will be X, the interest rate can increase to X number, your monthly payment can increase to a certain amount, and there is or is not a penalty for repaying your mortgage. Pretty simple, right? Well, you ought to see what the financial institutions did to JACK REED's very simple proposal—one that made sense.

The reason it caught my attention is it amends the Truth in Lending law in America. I have kind of a special attachment to this, because the first person I ever worked for on Capitol Hill was Senator Paul Douglas, who tried to pass the Truth in Lending Act for 18 years. He was fought by the banks and never succeeded. He left Congress in 1966, and Senator William Proxmire of Wisconsin passed it.

It was, I am sure, a good-faith effort for better disclosure at closing, but the law is so complicated, so arcane, that at the end of the day it did not serve the ultimate purpose Senator Douglas sought. So I was anxious to read what the banking institutions would agree to as part of the compromise bill before us. I hope my colleagues will take a few minutes and go to section 501 of this bill and try to make sense out of this. What I described to you, in Senator JACK REED's proposals, I could explain at any town meeting in Illinois—any Senator could—and people would say: Sure, why shouldn't we know this? We might have avoided some of the problems we have today if the borrowers actually knew what they were getting into.

Try to make sense out of what the financial institutions agreed to in this bill. I have read through it. I don't get it. I mean, it does try my patience that at this moment in history, with so many people facing mortgage foreclosures, we do not have an appetite in the Senate to change the basic laws and rules to have more oversight and avoid this happening again.

If it is uncomfortable for us to be plowing through all this legislation, think about how uncomfortable it is for 2 million homeowners facing the loss of their homes.

Senator FEINSTEIN was here a few moments ago, talking about these homeowners in her State. I have met them in my State. They are in Missouri, they are in Iowa. These are unsuspecting people, many of them retired, many of them with limited experience and education, drawn into complicated loans that have traps every time you turn. If you reach a situation where you have lost a job, where you have a serious medical bill, where something has occurred here, you could lose your home. A lifetime of savings could be gone.

That isn't right. I understand people have to accept responsibility for their actions, but you know a lot of these people are being preyed upon, they are being deceived. I have seen it happen. I have talked to the families back in Illinois. We had a chance, with this bill, to put a very important and simple provision in, on which the Senator from Missouri spoke. We didn't do it. I might say, I see the Senator from Iowa, and I don't want to take any additional time, but I wish to say through the Presiding Officer: We convened this morning at 9:30. My amendment, which is pending, has been on the floor for virtually 3 hours now—almost 3 hours. I have stayed that entire period of time to entertain any questions or to engage in any debate related to this amendment.

There have been a lot of speeches about other issues. I don't wish to be critical of my colleagues. I have done the same thing. They have issues that are important to them relating to this bill and other subjects. That is their right.

I tried to get an agreement that at 12:15 we would vote on my amendment, up or down, win or lose; let's debate it and vote on it. I asked the Republican minority leader and he said: Too soon. Other Members want to come and speak to this amendment. I don't want to foreclose anyone's opportunity to speak on the floor for or against this amendment, but why are we wasting this time? That is my question. This is an important bill. There are a lot of very important amendments. Let's get on with it. Three hours should be enough for this amendment. It is way too much. We could have debated this thoroughly in a matter of an hour. Unfortunately, a lot of Members have not come to the floor.

There should reach a point where the minority leader says to his colleagues: You had your chance. Now let's vote. That is kind of the normal consequence in life—you snooze, you lose, whether you are in the Senate or not. So I encourage those who support or oppose my amendment, come to the floor. I am here. Let's have something unprecedented, a debate, an actual debate in the Senate, where I say something and someone challenges it or they say something and I challenge it. Wouldn't that be exciting? C-SPAN might advertise that is going to happen on the floor of the Senate, it is so rare.

I am ready. I hope, if the Senator from Iowa is here on my amendment, that we can be engaged in a debate shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I rise for two purposes. One, to state some views on the Durbin amendment and, No. 2, to give very short remarks on tax provisions that are part of the underlying housing bill. I would like to speak on the Durbin amendment for the reason that I am the author of the bankruptcy reform provisions that passed here, maybe 3 or 4 years ago, and are now law. I would like to speak on the tax provisions as ranking Republican on the Senate Finance Committee.

Senator DURBIN and I have had opportunities to work together on many issues, and in fact we are working together on other things this very day, unrelated to this bill. I appreciate the opportunities to cooperate in a bipartisan way with Senator DURBIN. Senator DURBIN, many months ago, was very polite, coming to me and asking me to take a look at his bankruptcy language. It is probably similar to the one that is before us right now. I know the language has been changed some since then, but it is basically the same concept. He asked me to consider it.

I and my staff did consider it, and I am standing here now to speak against it. But Senator DURBIN was very courteous in giving me a heads up, not just a few weeks ago but a long time ago. I want my colleagues to know Senator DURBIN is an easy Senator to work with, even if you disagree with him.

So I am here to voice opposition to Senator DURBIN's bankruptcy amendment. While I appreciate Senator DURBIN's sincerity in trying to alleviate the home mortgage crisis, I believe his amendment is misguided and will have serious unintended consequences. So I am going to point out some of my concerns.

First, the proposal would make filing bankruptcy a deceptively attractive option for people trying to keep their homes. But we do not want to encourage people to go into bankruptcy for the sole reason of keeping their homes. Rather, we should be working on solutions outside of bankruptcy to address this issue, and that is what a great part of the other provisions of this housing legislation before us is all about. That is what a lot of the things the Federal Reserve and the Secretary of the Treasury are trying to do, both through public policy as well as through encouraging private sector policy.

Other solutions need to be sought before bankruptcy. In order to get the relief Senator DURBIN wants, homeowners will have to go into bankruptcy to get it. That is no news. He has made that very clear. I believe otherwise; that voluntary efforts and programs outside of bankruptcy will be quicker and more efficient, in terms of helping people keep their homes and shoring up the housing market. We need to let these efforts work.

Also, people will not risk ruining their credit history by filing for bankruptcy just because they think that this is the only way maybe they are going to be able to keep their home. The mortgage banking industry needs to be doing all it can to make sure that all homeowners in distress, not just the ones in bankruptcy, are getting help in making their payments.

I think more importantly, we have been told the cramdown provision in Senator DURBIN's amendment will increase the cost of mortgages for all borrowers in the form of higher interest rates or higher downpayments, or both. Independent experts, as well as the Congressional Budget Office—and I like quoting the Congressional Budget Office because they are not partisan—have concluded that there will be an interest rate increase for all home mortgages, between 1 and 2 percent. Higher interest rates will deny many Americans the ability to buy a home and will make it more expensive for other Americans to get a home loan. So, in effect, this will put up barriers—maybe unintended barriers, but real barriers, the experts tell us—to the American dream of owning a home.

The fact is, in 1978, a Democratic-controlled Congress and a Democratic President specifically—and I wish to emphasize "specifically"—exempted primary residences from cramdown to keep interest rates low for primary homes and to ensure credit was available for low-income borrowers. In fact, U.S. Supreme Court Justice Stevens explained, in the Nobleman case, that the legislative history of the 1978 bankruptcy law indicated very clearly that:

> . . . favorable treatment of residential mortgages was intended to encourage the flow of capital into the home lending market.

Debate surrounding the Senate version of the 1978 act indicates that exceptions for real estate liens were allowed with the explicit goal of making home mortgages more available and more affordable than other kinds of credit. So I think, from the history of the 1978 act, there is a sound policy basis for this decision to not allow cramdown for primary homes in bankruptcy.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. DURBIN. I would like to ask the Senator—I don't question what he has said, but after that, in the 1980s, we created a new chapter in bankruptcy, Chapter 12.

Mr. GRASSLEY. Now you are getting personal.

Mr. DURBIN. That is why I wish to make this point. Because we said that when it came to the so-called cramdown or modification of mortgages, we would make an exception and the exception would apply to the homes of farmers and their farm property. We said if they go into bankruptcy, they can have the mortgage on their farm home crammed down or modified.

At the time, the banking industry said this is a terrible decision because we are going to have to raise interest rates on farms. You are going to regret this. We did it anyway, and there was no significant increase in interest rates.

I would like to ask, through the Chair, whether the Senator from the great agricultural State of Iowa objects to cramming down mortgages on farm homes under Chapter 12.

Mr. GRASSLEY. Madam President, I am glad to answer that. First, let me explain why I said he is getting personal. I am the author of that Chapter 12 bankruptcy provision. I am going to address it very soon. So if you would listen, I think I will answer your questions. I appreciate what you are saying and, in fact, I anticipated that, and I hope I am ready for it. I am sure it is going to be difficult to satisfy the Senator from Illinois, though.

The amendment of Senator DURBIN will not only increase interest rates on mortgages and make home ownership more expensive for everyone, many experts tell us this proposal will also have an adverse impact on financial markets because of difficulties and uncertainty in valuing the mortgages that back up securities. In addition, innocent investors would be hurt. So the Durbin amendment would cause other adverse impacts beyond higher costs of home loans.

Proponents of this amendment, particularly the cramdown provisions, argue that primary residences should be crammed down in bankruptcy just as second homes, family farms, and boats are. But there are good reasons why primary homes are treated differently from these other things.

First, interest rates and downpayments for vacation homes are significantly higher than for primary homes. If we are to start treating primary homes the same as vacation homes, I am told that then interest rates are certain to rise to the same level of second homes where cramdown is permitted.

Second, Chapter 12, referred to by the Senator from Illinois, only applies to very small commercial farming and ranching operations, not all farms and not all ranches. There are very specific requirements that need to be met in order to be able to file under Chapter 12. So we are not talking about the same number of loans that could be eligible under the Durbin amendment. I would be glad to give some statistics on that, but I am going to wait and see if the Senator from Illinois is satisfied.

Actually, I will give these numbers now because I think they are significant at this point. According to the USCOURTS.GOV Web site, the Federal courts Government Web site, for fiscal year 2006 there were only 348 Chapter 12 filings; in fiscal year 2007, there were only 361 Chapter 12 filings. This would compare to what, at least I believe, you are saying are possibly at least 600,000 filings under your amendment.

Moreover, it took Congress over two decades to make Chapter 12 a permanent part of the Bankruptcy Code because people were concerned about the possible negative consequences to allowing cramdown for family farms. Chapter 12 was initially only enacted as a temporary provision.

In addition, I would like to say that the definition of family farm which can file under Chapter 12 is very limited. In fact, Chapter 12 only applies to a limited number of farms—those that have less than $3.2 million in debt; debt has to arise out of the farming operation; 50 percent of income within the last 3 years has to come from farming income; and 80 percent of the assets in the estate have to be related to farming operations. Those are some of the requirements.

So probably Chapter 12 ended up, quite frankly, being a lot more narrow than maybe I originally intended. But I think it is working.

Finally, I want to go to the cramdown that is allowed for boats, because boats are like cars: their values diminish rather than increase, which is very different from real estate, where values are expected to rise over the long term.

Proponents of Senator DURBIN's amendment argue that the way the amendment is now drafted, only a very limited number of loans will qualify for cramdown in bankruptcy. Now, while the amendment does attempt to limit the scope of the legislation from how it was originally drafted when Senator DURBIN introduced his bankruptcy proposal as a stand-alone bill—that was probably soon after he had talked to me about it several months ago—the reality is that the language still is extremely broad. Cramdown and other loan modifications are available for many loans, both nontraditional and subprime as defined by Senator DURBIN's amendment, made before the amendment's effective date. That is, of course, a lot of loans. Since there is no sunset date in the amendment, borrowers could file for bankruptcy and still get this cramdown relief years and years from now.

Mr. DURBIN. Would the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. DURBIN. I ask the Senator, through the Chair, if he is aware of the fact that this only applies to mortgages, subprime mortgages on a primary residence that had been entered into as of the date of the enactment of legislation, not to any future mortgages of any kind?

Mr. GRASSLEY. So then you are saying my statement was wrong?

Mr. DURBIN. I am saying your statement should be modified.

Mr. GRASSLEY. I am looking at my staff because I am not a lawyer. My staff would disagree with you that my statement is inaccurate. But I will not go into that now.

Furthermore, according to the Durbin amendment, subprime loans are defined to be any loan with an interest rate of 3 to 5 percent over the Treasury yield rates for comparable loans. It is my understanding that this definition could include prime loans and home equity lines of credit, which would encompass a large number of loans.

The cramdown provision is just one of several problematic provisions in Senator DURBIN's amendment. The amendment will increase bankruptcy filings, something I really do not think we should encourage. We should be doing everything we can to keep people out of bankruptcy. It ought to be very much a last resort, particularly because filing bankruptcy in and of itself hurts a consumer's credit rating. I think we can all agree that bankruptcy should be a last resort and one should not file for bankruptcy unless it is absolutely necessary. The amendment will increase mortgage interest rates and downpayments for other homeowners and potential home buyers. The Durbin bankruptcy amendment will inject greater risk into and negatively impact our financial markets.

I would like to be clear: I want to help homeowners weather the storm just as much as the next Senator. I want to support constructive solutions to help homeowners meet their obligations so they do not lose their homes. In fact, I have worked very hard with other Senators to craft tax provisions that I am soon going to address that are currently contained in the underlying housing proposal before us. But I am concerned that the Durbin bankruptcy amendment we are considering right now—if we adopt that, we are going to pass legislation that would do a great deal of harm. I am concerned about the possibility of the amendment helping some, but hurting many others. I am not alone in my concerns. Many experts agree that the Durbin bankruptcy cramdown proposal is problematic and could have serious adverse consequences. So I am asking my colleagues to vote against the Durbin bankruptcy amendment.

I said that I am the ranking Republican on the Senate Finance Committee. I now wish to give a short statement about some of the tax provisions. I may have to be more specific when we get into debate on this, so this is kind of a preliminary notice of where the committee is coming from. First of all, as usual, I find it very necessary to thank Chairman BAUCUS for his courtesy and hard work in the legislative effort. Our goal was to develop a bipartisan tax package that responds to the needs of Americans and, in particular, the housing market.

Americans are struggling to keep their homes and their jobs. As economic conditions continue to worsen, it is appropriate that Congress act to enact tax laws that address the housing problem. After all, the housing problem is at the root of the current economic turmoil and anxiety that people have.

Last year, we responded to the call for help. Congress enacted the Mortgage Debt Relief Act of 2007 which was signed into law by the President. This law excludes from income discharges of indebtedness incurred by taxpayers to acquire homes. It also extends the tax deduction for mortgage insurance premiums.

Earlier this year, Congress acted at lightning speed to enact a stimulus package that delivers additional relief to American taxpayers. As a result of that legislation, Treasury will be sending out rebate checks in a few weeks that will give the economy a much needed boost.

We have carefully balanced this tax relief package being considered today on the floor. It addresses the housing downturn but is limited so as to ensure that it helps the problem and does not simply create new problems. We are mindful that any relief that benefits one sector of the public does not do so at the expense of another sector. The other sector is the taxpaying population that carefully managed their family budget, especially as it is related to housing costs. Taxpayers bear the burden of a bailout of these risky mortgages that went south. So it is important that we have a compassionate view that recognizes taxpayers possibly picking up some of the tab.

Once again, the Senate is stepping in to help Americans in distress. The tax relief package helps encourage home ownership and encourages the basic businesses that are tied to the housing industry to recover some losses. Keep in mind that those businesses create jobs. More jobs means a stronger economy.

In 2002, Congress passed a stimulus bill that provided some of the very same relief that is contained in this bill. In 2002, Congress passed, with overwhelming support, a provision to extend the net operating loss carryback. This provision passed without controversy. Hopefully, there will be no controversy this time. Then, again, earlier this year the Senate Finance Committee passed a similar provision to extend the net operating loss carryback once again, with overwhelming support by the committee.

Relying on our successes in the past, we have included similar provisions in this bill. However, the net operating loss provision in this bill is even more conservative than the relief offered in the past. Instead of a 5-year carryback, this proposal offers a 4-year carryback. This provision, of course, is a no-brainer. It helps the very industries suffering from this housing downturn and will help Americans continue to be employed.

This bill also offers a tax credit to help people buy homes that are in foreclosure. These homes are depressing home values in the marketplace. It is important that this inventory is moved so as to help retain home values.

This bill also increases the cap on mortgage revenue bonds to give people in distressed loans additional options for refinancing. This is not a bailout for homeowners; this is a provision that helps enable people to keep their homes and to pay mortgages.

As we proceed on this bill, I am asking everybody to keep in mind what I said at the beginning: We need to address the housing downturn, but we need to show restraint. We need to limit the relief so that it eases the problem, but does not create new ones. We need to be considerate of the many Americans who worked hard to save and buy homes and who will ultimately pay the price for this relief, if the relief is used, and we expect it will be. They should benefit, too, in that any targeted relief will, in fact, give the economy a boost and not be a drag on the economy, drag it down even further. We want to keep people employed, and particularly the taxpayers who were conservative in their financial plans should not be harmed as a result of this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I thank my colleague from Iowa. He and I are friends. We have worked together and continue to work together on many issues. We have profound disagreements on some issues, but we have managed to maintain our friendship regardless.

We had the responsibility for a number of years of dealing with the Bankruptcy Code. I will say to my friend from Iowa, for a man who is not an attorney, I was always impressed by his knowledge of the issues and his ability to articulate his position effectively whether his opponents were attorneys or not. So I thank you very much for your comments today. I respect very much your point of view, although I disagree with the conclusions.

The purpose here is not to send people to bankruptcy court, it is the opposite. Going to bankruptcy court these days is not a trip to Disney World. It is a problem. You have to go through credit counseling, you have to gather all of your documentation, walk into a courtroom, usually with a lawyer, and be prepared for a pretty tough ordeal. And then, if you successfully complete the bankruptcy, you carry that stigma with you for years. Whenever you want to apply for a loan, one of the questions asked is: Have you ever filed for bankruptcy? So I do not believe people are gleefully jumping at the chance to go to bankruptcy court. For most of them, it is an embarrassing experience, it is a humbling experience, and it is one they want to avoid.

The purpose of this bankruptcy provision is to avoid that experience. Here is the problem: If banks today, if mortgage lenders today were jumping forward to renegotiate these mortgages, we would not be standing here in this debate. They are not. People are in a position where they are about to lose their homes, and these mortgage institutions are not responding.

I will give you an example. A woman named Carol Thomas in Peoria, IL, retired as a drugstore clerk, spent her lifetime in that very basic job, retired with her husband, who worked at a factory. They bought a little home in Peoria. After they retired, her husband got sick. He could not climb the stairs anymore. She wanted to keep him home as long as possible and knew he could not get upstairs to the bedroom, so she went looking for another house, a smaller house but one floor. She found one near where she lived, and she ended up buying the house.

Unfortunately, the medical bills got the best of them. She ended up needing some money to pay off medical bills. Now, this is the No. 1 reason people do file bankruptcy in America: medical bills. But to avoid bankruptcy, she thought: Maybe I can borrow more money on my home. She got ahold of one of those mortgage lenders. And this is why I support Senator FEINSTEIN's effort to license these mortgage brokers. She could not have received worse advice. This poor woman who was no business expert, no college graduate, just a hard-working woman who deserves a decent retirement, was advised to consolidate her debts in her new mortgage. They brought together all of the debts she had and lumped them into a new debt on her home. They were so unscrupulous and so deceptive that they brought into this package of consolidated loans a zero-percent loan she had from the city of Peoria for home improvements. Can you imagine? This woman was paying off that home-improvement loan with zero percent, and this unscrupulous mortgage broker and lender ended up putting that debt into her home where she was paying interest on it now. Thanks so much for the help for Mrs. Thomas.

It did not take but a year for the bottom to fall out. The reset came in. Her husband has since passed away. She was trying to get by on meager savings and Social Security. Her mortgage payment doubled, and there she stood, about to lose her home and her retirement, thinking about going back to work to save the home.

That is when she showed up at that little gathering I had to talk about this issue. It is a heartbreaking situation. She said to me ahead of time, before the press conference got started: I hope I do not cry. I said: Just be as strong as you can. And she did not cry.

She contained her emotions but almost lost it when she talked about her husband and what he went through. She then said: I don't know which way to turn. I call this mortgage company.

I will not give their names here because there is a good ending to this.

She said: I call the mortgage company and they say to me, you clearly can't make these payments, so just stop making payments.

So she said: I didn't send in the monthly payment which would have exhausted my savings. Then they sent me a notice and said: You are in default. You are facing foreclosure. I can't win. I follow their instructions; they tell me they are going to foreclose.

She had some counselors helping her, and the counselors said to me: Would you call the mortgage institution and see if you can talk to them?

So I did. I called and left a message for the vice president of this major company. If I gave their name, it would be recognized instantly.

I said: Please give this woman straight advice and figure out if there is any way she can stay in her home. Within 24 hours this vice president said: We will take care of it. Ms. Thomas can stay in her home, new interest rate, much lower percent interest rate, and she is OK. Don't worry about it.

Why did she have to go through that? Why did I have to make that call? Do Senators have to get on the phone, all 100 of us, and call on behalf of 2 million home owners to get this straightened out? I had to make that call because that mortgage company wouldn't step up and do that until somebody pushed them. I didn't have any threat I could hang over their head other than the embarrassment to their company of not helping this poor woman out. But they finally did it. Why did I have to make that phone call? Why did she have to go through month after month of being beaten up by people on the phone giving her conflicting advice?

That is why this is needed, not so that Carol Thomas and people such as her end up in bankruptcy court but so that the mortgage lenders know if they will not sit down and work with people, those folks may end up in bankruptcy court and the bankruptcy judge may modify the terms of the mortgage. If they know that is coming, they might sit down and talk to Carol Thomas or somebody before it reaches that point.

Some of my colleagues may have been listening or on the Senate floor earlier when my colleague from Massachusetts, Senator KERRY, told his story. Isn't this a great story? Irene Hernandez of Lawrence, MA, a mother trying to raise her children, ends up over her head with a mortgage. They come in and tell her that since she has defaulted, they are going to have to foreclose on her mortgage and toss her out of the house.

They say: Your $210,000 house is now only worth $99,000. So we are going to toss you out and we are going to sell your house for $99,000.

Irene Hernandez says: I will buy it. I can pay a mortgage on $99,000. You know that. I have been paying this mortgage. So why don't you let me buy it?

They said: No. You are disqualified. You are disqualified because you defaulted on a mortgage with our company.

You think of these cases, and you wonder what is going through the minds of these financial institutions. Here many of them have created this subprime mortgage mess which was a catalyst for this recession, which we are sadly heading into according to Mr. Bernanke, and these same mortgage bankers still rule the debate in the Senate. Doesn't this tell you a great story about this institution; that the mortgage bankers responsible for this mortgage foreclosure crisis are telling people: Don't vote for that Durbin amendment. We are opposed to that. And Senators say: That is what mortgage bankers say, and that is where I am going to be.

We have a responsibility beyond the special interest groups that line the hallways in nice silk suits. We have a responsibility to a lot of people like Carol Thomas and Irene Hernandez. These are hard-working people who deserve a break. Many of them were exploited, deceived. They deserve a chance. That is all I am asking. The vast majority of them will never end up in bankruptcy court, will never have the benefit of this proposal. But some of them will. Some of them are going to be able to keep their homes because of this.

I cannot imagine what it would have meant to my family when I was raising them if I thought I was going to lose my home—not only the embarrassment of it, the uncertainty of where they would go, but moving out of the neighborhood, changing schools, leaving their friends. That is something we should not just look on as a routine occurrence in life. It is something they will never, ever forget. That is why this bill is important.

I have been on the Senate floor now for 3 hours and 10 minutes with my amendment. I have invited every Senator who wants to come to this floor to oppose or support this amendment to come on down. The Senate floor is empty but for the Presiding Officer, whom I thank very much for being here. There have been three Senators on the other side of the aisle who have come to speak against my amendment. When I asked the Republican minority leader if we could schedule this for a vote up or down, let's have the decision of the Senate, he said: Senators want to speak. Well, good. That is appropriate. There should be speeches, and I hope even debate. But I have to urge my colleagues, if they believe there is a sense of urgency about the housing crisis, please come to the floor. Please join us in a conversation for or against the provision.

I respect Senator GRASSLEY of Iowa who opposes my provision. I respect the fact that he came to the floor and expressed his point of view and submitted to a question or two. For some who don't follow the Senate, this is a rare occurrence. A Senator actually allowed another Senator to ask a question. We have reached the point where we just come down to the floor and read speeches and finish the speeches and leave the floor. That is unfortunate. It would be better for the debate, for the Senate, and for people following it to hear both sides of the story, to hear me defend my amendment and those who are critical of it express their point of view. It doesn't happen much. It should happen more. I hope it will happen soon.

I am going to renew my request of the Republican leader after the lunch period which many Senators now are involved in to try to bring this to a vote. I think we have given Senators over 3 hours to come to the floor, and exactly three Republicans have come to speak to this amendment. If it is one an hour, then we have 46 more hours to go because there are 49 Republican Senators. That is unfortunate. It is unnecessary. I hope those who do come to the floor will read this amendment carefully.

The argument that this change in the bankruptcy law is going to raise interest rates is one that cannot be sustained. When I asked Senator GRASSLEY about the provision relating to farmers' homes being allowed to be treated this way, he said it was a limited number of farmers who have filed for bankruptcy. He is right. But if the principle is sound for a farmer's home, why is it not sound for a person living in town? If a farmer can go into court and ask the bankruptcy court to change the terms of the mortgage so that they can stay on the farm, why is this inappropriate when it comes to those living in town? The principle is the same, and the principle is sound.

It is true that chapter 12 bankruptcies for those facing agricultural shortcomings are restricted, but so is this provision, restricted to those who qualify for bankruptcy; to those who have a primary residence, a home at stake; for existing mortgages, as of the date of enactment of this law, not after; to provide, as well, that the mortgage terms can only be reduced for the principal to fair market value, no lower; that the interest rate on the new mortgage modification cannot be lower than the prime rate plus a premium for risk; that the term of the new mortgage modification cannot be more than 30 years; that we protect the lending institution; if the property appreciates in value over the next 5 years after the bankruptcy, any appreciation in value goes to the lender, not to the owner of the property. We have put all of these provisions in there. We keep narrowing it down to what I think is a very discrete group of people. It is not prospective. It does not apply to things in the future.

Once every 60 years or so we have a housing crisis in America. I am glad it doesn't occur more often. To respond in a temporary, focused, and narrowly gauged way is appropriate. I think it gives people a fighting chance.

I have taken the floor most of the morning. I know my colleague from Louisiana is here and has a very important statement to make regarding this bill and her region of the country. I thank Senator LANDRIEU for being such a strong advocate for the State of Louisiana and for their recovery from Hurricane Katrina.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank my colleague from Illinois for those comments. I do appreciate his help because from the beginning of the catastrophe we faced from Hurricanes Katrina and Rita, the anniversaries of which we will not celebrate, by any chance, but mark by the end of August of this year and, of course, 3 weeks later in September, we still are struggling. I thank the Senator from Illinois for his constant help and support as we work through how to recover, how to rebuild with a Federal agency, FEMA, that was caught flat footed and poorly staffed and poorly resourced and disorganized. Initially, it made some improvements, but we still have great challenges when it comes to the rebuilding of the gulf coast.

That is why I am here to take this opportunity, while we are on a housing bill for the Nation, and there is some real urgency to get real help to real people who need the Federal Government to act to help stabilize markets appropriately. And as we are talking about this, I wanted to offer an amendment that I would like to speak on, one amendment that I intend to offer to make sure this bill, in its attempt to help homeowners struggling to get back in their homes, as this bill tries to help neighborhoods stabilize from Detroit to California to the east coast, as this bill attempts to do other things, that we do continue to give appropriate aid and support to the hundreds of thousands of homeowners who are still struggling despite the good work this Congress has done to give them help.

A chart illustrates this, if I could put it up. We have heard a lot about the city of Detroit and a region which has, outside of Stockton, CA, and Las Vegas, NV, the highest percentage of foreclosures, almost 5 percent in this region, which is a significant percentage. Stockton, CA, almost 5 percent; Las Vegas, 4.2; other communities from Sacramento to Miami, FL, to the Denver-Aurora area, Fort Lauderdale, a fairly significant percentage of homes that are foreclosed. In some areas, it is quite a few people.

Let's look at San Bernardino, CA. This is 51,000 homes. That is a lot of homes, a big place, lots of people, lots of children. You can imagine in your mind, if you are from a community of 50,000, how big that could be. They are not all in this situation, clustered, 51,000 foreclosures all in the same block. Some of them are spread throughout a great area. But that is still a large number.

This is why we have come to the floor to try to bring help to these families. Some of them, in my opinion, deserve help. Maybe some of them don't. I hope this bill will sort the wheat from the chaff because maybe some of these people entered into the kind of loans they shouldn't have. Maybe they should have read the fine print, and they didn't. I am not here saying every single one deserves a handout, but I am saying they deserve this Senate to talk about what help they might need to receive and the ramifications.

If the whole financial establishment could get together and have a debate about Bear Sterns and Wall Street and what it might mean, what it would mean to the country if Bear Sterns collapsed, and they debated and came up with a solution, we most certainly need to be on this Senate floor talking about what solutions might be appropriate for homeowners. I understand the Bear Sterns issue was that they were all intertwined and, if they failed, maybe all the other banks would fail.

Let me say for the record that in places such as Detroit, if all of these homes fail, it will put such a burden on that city or that area that others who had nothing to do with any of this may also fail. That is the principle. It is the same principle for which the Fed sort of bailed out Bear Sterns. And we most certainly need to be on the floor of the Senate talking about not trying to save people who did the wrong thing but trying to help people who did nothing wrong and may get pulled down by maybe whatever people want to characterize as our inaction or inappropriate regulation, whatever. But this is not normal. We are on the floor talking about these numbers because they are high.

Let me show you what the gulf coast numbers, though, look like because it is striking.

Let's take St. Bernard Parish. Let's look at this chart with the other one so we can get a comparison. Remember, Detroit has 41,000 homes, or 4.9 percent, that were destroyed. That is basically this Detroit, Livonia, Dearborn area.

Let me tell you about what the people from St. Bernard are still reeling from. It is not a 5-percent, it is not a 10-percent, it is a 54-percent destruction rate—54 percent. There is no county or parish in the country that is experiencing right now the devastation of homes, including those that are closed, empty or vacated.

Now, we are recovering from a disaster, which is not necessarily the same thing as a foreclosure. But I hold these charts up to show the nature and the scope of the problem.

In Cameron Parish, it is not 4 percent, it is not 10 percent. It is 46 percent.

In Plaquemines Parish, it is 44 percent. In Orleans, it is 78,000 households, 41 percent.

In Hancock County, MS, it is 27 percent.

In Harrison County, MS, it is 10 percent.

In Jackson County, MS, it is 4 percent.

In Jefferson Parish, LA, it is 2.6 percent.

In St. Tammany Parish, LA, it is 2.4 percent.

In Vermilion Parish, LA, it is 1.0 percent.

So my amendment is drafted to address something that will help these families.

After the storm, when these homes were destroyed, we passed a special community development block grant, extra grants to Mississippi and Louisiana and Alabama and Texas, sort of like we did right after the Twin Towers fell in New York, there was some extra community development block grants sent. The Congress did the same. Not everything we did was perfect in that regard. There were still some discrepancies in how it was allocated. But suffice it to say for this discussion that money was sent, and out of that money, Mississippi created the Homeowners Assistance Program and Louisiana created the Road Home Program.

These were grants that were given to homeowners to try to help them between what their insurance would pay—and many of these homes were fully paid. These are problems where the mortgages were completely paid off. Some of these properties had insurance. Some of these properties did not have insurance because they were not in a flood plain, and they were not required to have insurance. So these are homeowners who did not do anything wrong. The homeowners I am talk talking about did just about everything right. Some of them maybe should have had insurance and did not, but, believe me, they are suffering the consequences of that. We are not bailing everybody out.

But what we did do was allow them to take this Road Home grant. Then in the tax law they can also take a casualty deduction. This is the problem: If my amendment, which I am going to offer when I can, and ask for a vote on it—and I will offer this amendment not just for myself but for Senator COCHRAN, Senator VITTER, and Senator WICKER. All of us are together in a bipartisan way asking the Congress to give us some relief. If this amendment I am going to offer is not adopted, these families—I am going to give you an example of the Jones family and the Smith family—will end up paying much more in taxes than they can afford, and it will be counterproductive to our recovery effort.

Let's take the Jones family. They earn $75,000 a year. Their home was substantially damaged. They did not take a casualty deduction as the current law allows. They paid the full amount of the taxes. Then out of the community development block grant—let's say they are in Mississippi—they received a grant from the State of Mississippi of $75,000, from the Mississippi Homeowners Assistance Program. Their Road Home grant will not be taxed. This family is fine.

But for this family, the Smith family—which makes the same amount of money, and their house was completely damaged—they did take the deduction. They got about a $7,000 benefit. Because of what we did, they got their $75,000 grant, but if they have to pay taxes on this, their tax could be as high as $24,000.

Now, the people whom I represent in Louisiana—and I am sure this is the same for Mississippi—can barely pay their utility bills right now, their insurance bills. They most certainly cannot pay a $24,000 tax bill.

If my amendment is not adopted—and I think it has good support from Finance on both sides—this family that I told you about that makes only $75,000 a year, that had their home destroyed—through no fault of their own—because of a confluence of things we have done, will end up having to pay $24,000.

So you may ask me: Senator, how expensive is your amendment? It is not cheap. The score for this amendment is $1 billion. It is not cheap. But we have to provide this support for these gulf coast families or you will have thousands and thousands of families suffer who arguably need the most help in the country.

These are families who at one time owned homes such as this, as shown in this picture. This happens to be a double. I will show you another picture of another home. These are people who did not do anything wrong. They did not take out any subprime loan. They did not try to take out a low adjustable mortgage. They took out their regular 30-year mortgage. They paid off their regular 30-year mortgage. They paid insurance their whole life. They will have to end up paying $24,000 in taxes, and it will be the straw that breaks the camel's back.

So you have heard me speak before about this issue. I know it can be a little complicated. We are not trying to ask for double dipping or anything. But I am going to be offering this amendment. It is important to remember, if we do not do this, we will have thousands of people, homeowners, who are trying to stay in their homes, rebuild these neighborhoods that are virtually destroyed, not on a beach—even though that is the case in some places in Mississippi—in the middle of the city, not close to any water or any beach, 5 minutes from the Super Dome, where the Hornets will be playing in one of their division championship games in a couple days, 5 minutes from the Super Dome.

They did not even know the levees were going to break. The Federal levees broke and put their homes underwater. As shown in this picture, this is where the water line is. These families will have to pay $24,000 in taxes if we cannot get this fixed.

So the bottom line is this: I am happy to try to vote for this bill for Michigan and California and places that have families that are experiencing some difficulty with their mortgages. But I have to ask this Congress to please continue to know that we still have homeowners who are struggling after 2½ years to get back into their homes, with some very complicated help that we and the States and the parishes are trying to give them.

So my amendment will correct that. I will offer it when we move to that part of the legislation. I will also have several other amendments that will help the recovery process move forward. They are all about housing. They are all about helping people get back in their houses. They are not necessarily on a different subject or anything because I realize we will have other discussions later.

But while we are on housing and while we are trying to fix it for everybody in the country, let's please stay focused and give a few tweaks here and there to keep this recovery going in the right direction on the gulf coast because we have a long way to go.

I see my colleague from Kansas, and I yield the floor.

Mr. ALLARD. Madam President, homeownership has long been the American dream, and over the last decade record numbers of families have been able to achieve the dream of homeownership. Unfortunately, too many homeowners now find themselves in mortgages they can't afford. Many of them knowingly or unknowingly took out exotic mortgages that made wildly unrealistic assumptions about the housing market; namely, that housing values would continue to dramatically increase.

As we all now know, home price growth was unsustainable. Unfortunately, too many families are now facing the possibility of foreclosure. Just as ownership brings many benefits to families and neighborhoods, foreclosures have dramatic negative consequences for both individual homeowners and the economy as a whole.

We have seen a rapid increase in the number of foreclosures, and many experts predict that the number will continue to climb in the near future. Obviously, this creates great hardships for the families facing this possibility. Accordingly, Congress is currently considering various proposals to help prevent foreclosures.

As part of any proposal, though, I think we must be careful not to reward irresponsible behavior. Borrowers have a responsibility to understand the terms of their loan, and lenders have a responsibility to provide them with clear, accurate information in order to help them understand the terms. Borrowers have a responsibility to only borrow what they can repay, but lenders have a responsibility to only lend to those who can repay.

Should Congress choose to provide relief, it should not do so in a manner that is simply a "bail out" for either lenders or borrowers who acted irresponsibly. We should also not set a broad precedent that the Government will simply bail people out whenever they lose money or face tough times in the housing market. Financial investments involve both risk and reward, and contracts are legal documents; we need to reinforce accountability amongst all parties for these elements.

I also believe that any efforts to address foreclosures should be done in a thoughtful, comprehensive manner. Any effort to provide foreclosure relief must carefully address any risk to taxpayers.

As part of the housing package before the Senate, we are considering an amendment which would give bankruptcy judges the ability to modify mortgage contracts after the fact.

The bankruptcy modification provision would undermine the recovery of the housing market and the economy by creating a credit crunch: It would have a negative impact in the financial markets, making it difficult to value mortgages that underlay securities. The provision will discourage securitization, and securitization encourages homeownership. Securitization frees up capital to go back into making more mortgages. Approximately 84 percent of primary home mortgages are securitized; however, looking at second homes, where the mortgage can be modified in bankruptcy, we see that only 9 percent are securitized. Justice Stevens of the Supreme Court reiterated in the Nobleman case that "the favorable treatment of residential mortgagees was intended to encourage the flow of capital into the home lending market."

The cramdown amendment would significantly increase the cost of homeownership: This provision will inject risk into the lending process. Whether the other side likes it or not, the markets will price to this risk by increasing the cost of mortgages for primary residences in the form of higher interest rates, down payments, points and fees. It is a basic tenant of the free markets that more risk requires a risk premium. Even the Congressional Budget Office noted in a recent report that one of the costs of the bill "would be higher mortgage interest rates." Estimates are that the provision will increase mortgage interest rates by 1.5 percent to 2 percent. Assuming an increase of 1.5 percent, for a Colorado family with an average sized loan—$184,362—their monthly mortgage payment would increase by $184. For those families who can still afford a home, it will cost them anywhere from $23,000, in rural areas, to well over $500,000, in many metropolitan suburbs, in extra interest over the life of a 30-year mortgage. That money should be used for bills, their children's education, or other expenses.

The other side likes to claim that the talk of increased interest rates is little more than a scare tactic. They couldn't be more wrong. These effects are not merely a hypothetical. We have seen the effects in a real life case example: Secondary homes. A bankruptcy judge can currently change the balance on a mortgage for a second home. As a result of this, the cost of buying a second home is higher—interest rates, downpayment, shorter repayment period—than a primary home. Title IV will increase the cost of buying a primary home similar to the cost of buying a second home.

The bankruptcy provision would have a price far too high: Every quarter point increase in mortgage interest rates will prevent 1.1 million Americans from being able to afford a home. This provision could price homes out of reach for 9 million Americans. Those advocating for this ill-advised provision have estimated that it could help as many as 600,000 families, although more realistic estimates put this number closer to only 15,000. We can surely find a better way to help a small number of families than to deny homeownership to 9 million families and increase costs for millions more. Quite simply, the cost for this provision, in terms of what it will mean for families, is far too high. Congress shouldn't be forcing families into bankruptcy for mortgage relief.

The bankruptcy amendment is bad policy: The provision would reopen the bankruptcy code and would undo the 2005 requirement for prebankruptcy counseling. Senator DURBIN's proposal would grant new powers to bankruptcy judges to change the terms of primary mortgages. Judges have little, if any, expertise in the complexity in mortgage terms. The bankruptcy code is not the right area to address the subprime issues and mortgage markets. The Senate Banking Committee, the House Financial Services Committee, Federal banking regulators, and industry are all working. These are the appropriate areas.

The bankruptcy provision will discourage other alternatives: It will undermine efforts to put the two parties to the mortgage contract together. Borrowers must file for bankruptcy in order for the proposed changes to work. The HOPE NOW Alliance has helped more than a million homeowners through workouts and repayment plans. In Colorado, the Foreclosure Hotline received thousands of calls and has been able to help 80 percent who called. The hotlines are not perfect, and they cannot help all borrowers, but they are helping many. The 1 million plus families helped didn't have to pay a bankruptcy attorney; they didn't have to deal with the long-term problems caused by filing for bankruptcy; the Federal Government didn't have to spend taxpayer dollars. That is a far better approach. Drying up the credit markets and making loan terms less favorable will make it far more difficult for homeowners to refinance their loans, thus creating new problems where none existed previously.

I know that many families are hurting from foreclosures, but this amendment isn't the right approach, and I urge my colleagues to oppose it.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Kansas.

Mr. BROWNBACK. Thank you very much, Mr. President.

I thank my colleague from Louisiana. I appreciate the information she has put forward. I will certainly be looking at it and considering it.

I am delighted we are on the housing bill. Chairman Bernanke of the Federal Reserve, who was in front of the Joint Economic Committee yesterday, I thought did a nice job testifying. There are lot of interesting things going on as to what he was talking about taking place. But he was saying the primary thing to watch in the economy right now is housing, the price of housing, it is holding or declining—it is declining in a number of key areas—but to watch that marketplace because that is the linchpin issue. He urged Congress to act on housing.

So I am delighted we have this bill up. I am delighted we have a bipartisan bill that I can look at and say a number of the provisions look pretty good. We do not try to get too one-sided one way or the other so it gets held up. Because this is something we need to act on. I think it would be a good confidence builder for the housing market across the country if we can get something through here, through the House, and signed by the President.

Having confidence is a key part of the marketplace. Confidence is a key part of what they did on the Bear Stearns bailout. He said a year ago they probably would not have done it. A year from now, they probably would not do it. But right now things are too shaky and it could cause things to crumble. The key piece to watch is housing.

So it is good we are working on this legislation. It is good we are working in a bipartisan fashion. I will be filing an amendment that I think can be very helpful in the pay-fors on this because we need to pay for this. We are in a difficult budgetary situation, so we have a commission bill to look at all spending within HUD and within Treasury and to make recommendations for programs to be eliminated and then requiring a vote of Congress, up or down, whether to eliminate these programs and then use those funds to pay for some of the efforts that are taking place here.

I think this is the sort of thing we ought to look at and the sort of thing we ought to do in paying for this because nobody wants the deficit to go up further. I think that is everybody's objective. So we are going to be putting forward that amendment and at the appropriate time bring that up.

One of the key things we need to look at and to do on this is something every physician in the United States does when they become a physician. They take an oath. We take an oath of office. We swear to uphold and abide by the Constitution. A physician takes an oath. It is a very simple, very old oath. I think it is a very good one for legislating as well. The oath is very simple. It is, "First, do no harm." That is the first premise that you operate on: "First, do no harm."

I appreciate the amendment my colleague from Illinois has up on the restructuring of loans within bankruptcy, cramdown provisions on residential homes people own. I understand the provision. As to my background in the law practice I had, such as it was—I am not bragging about a fabulous law practice; it was a pretty simple pedestrian law practice in Manhattan, KS—we did bankruptcies and we had provisions similar to these in other areas. They were not existing on the loans. So I think I have some familiarity with the impact of this. I believe this one violates the oath of: "First, do no harm."

I know my colleague from Illinois has all the right intentions, and I have worked closely with him on a number of issues. He is a very successful, able legislator. I believe this one violates that oath of: "First, do no harm." I say that advisedly. A number of people looking at this believe this provision, if added to this bill and becoming the law of the United States, will drive up mortgage interest rates on residential homes 1 to 2 percent because it introduces a degree of uncertainty. Markets do not like uncertainty, so they factor in for uncertainty. It is believed this would increase mortgage interest rates 1 to 2 percent. I think there could be some fluff in that number. It could be low, initially. Typically, as well, markets will look at things, and at first they will factor more risk in until they have had some practice with this and seen how it hits in the numbers. So maybe over a period of time it would not have as much of an impact. But earlier on it could have more of an impact. Right at the point in time when we are trying to stimulate the housing market, you up your mortgage interest rates on your primary residence 1 to 2 percent, possibly more, because early on the market has not factored in: What will this actually do?

The other thing it could well do on top of increasing interest rates is reduce the number of people who could borrow to buy a home. In fact, in 1978 Congress specifically barred cramdown on primary residences to keep interest rates low for primary homes and to ensure that lenders provide credit to low-income borrowers. As many people are in a low-income situation, a more fragile economic situation, if things go south for them on a set of items, they have no choice but to pursue bankruptcy. So now then you introduce another set of risk factors on low-income individuals where it is going to make it harder for them to get a mortgage to buy a home.

We want people to be able to buy homes. We want particularly low-income individuals to be able to buy homes. If we introduce another factor of uncertainty that is going to drive interest rates up, it could well end up working out that a low-income individual will have their interest rates driven up even more than the 1 to 2 percent, as the factors for risk are built into it.

Again, I add, these are things that are unknown. I have groups that are saying this is indeed the case. I don't think we particularly know on this provision. But you are introducing that period of uncertainty with it.

If I could say to my colleague: I know you have talked a long time and you know this issue very well; I wish to finish my statement and then I am happy to take questions or comments, because I know there will be extensive rebuttal taking place on it.

I am talking about my experience. I am talking about what I believe will happen in this marketplace. I know it is intended to have a positive effect, but I think it violates this first "do no harm" provision.

I wish to add some other comments. What we are trying to do here is to stimulate a housing market, not introduce factors of risk into the housing market. We have a good bipartisan proposal that is being put on the floor by

Senators DODD and SHELBY, two senior Members of this body who have seen a lot and who have worked on a lot. I think our wisest course at this point in time would be to work together on those provisions where we can get bipartisan support rather than introducing factors that are highly likely to slow down a bill. We need to encourage the market by showing an ability to work together.

This amendment, I believe, will be highly controversial and will continue to have the effect of slowing this bill down. The amendment would actually create an ability for unsecured creditors as well of an individual, to reduce their exposure, at the expense of a mortgageholder in consumer bankruptcy proceedings. I think this is an unintended consequence, but it is a consequence of it. This would be bad policy. This was considered in 1978. We want these mortgages to have as low a rate as we possibly can.

Potentially 4.5 million Americans could be priced out of the housing market for every 1 percent increase in mortgages. That is according to home builders. They are saying that. So if you have a 2-percent increase, you are looking at the possibility of keeping 9 million Americans priced out of the housing market at a time when we want them in the housing market. That is not going in the right direction.

Having said all of that, I think there are people who could look at this another way. Indeed, I asked Chairman Bernanke about this particular provision, because he said we ought to do work on the housing market. I asked him about this particular provision and he did not take a stance on it. He just said he didn't take a stance on prior bankruptcy reform. He said there are arguments on both sides. So I recognize arguments on the other side. I have used cramdown provisions in other bankruptcy settings, in business settings. It does introduce a factor of risk. It does allow restructuring to take place.

I think where we are right now, with his statements and with our ability to move a piece of legislation, the key thing we should do is to get the base legislation moving forward, add things where we can get broad bipartisan support, not introduce more risk into the marketplace and possibly limit mortgageholders. I am presuming my colleague from Illinois has facts he is putting forward which say this is not going to take place. I think it is too much of a possibility that it will take place, and that it will first do harm. For those reasons, with all due respect to its supporters, I don't think this is a wise provision. Of course, I don't think this is the time for us to do it. I think we ought to spend a lot more time studying and thinking about this. I believe this is not the bill for this amendment, and I object to the Durbin amendment.

Mr. DURBIN. Mr. President, would the Senator yield for a question?

Mr. BROWNBACK. I am happy to yield.

Mr. DURBIN. I have two questions. I know the Senator from Massachusetts, Senator KENNEDY, wishes to speak on an unrelated issue. First, I wish to ask the Senator from Kansas, through the Chair, on the issue of uncertainty: Is the Senator from Kansas aware that on this amendment I am offering, I have narrowed the class of people eligible for this benefit, which would be modification of mortgage in Bankruptcy Court, to those who first qualify to go into Bankruptcy Court which, in many instances, requires credit counseling; secondly, that they must be talking about property that is their primary residence, not a piece of real estate they happen to own; third, that it be subject to a mortgage which is a subprime mortgage, not a prime rate mortgage; and fourth, that it has to be a mortgage that exists as of the date of the enactment of this legislation and none in the future? Also, that if there is to be a modification of the mortgage, it can be to a principal level no lower than the current fair market value; that the interest rate imposed by the court be no lower than the prime rate plus a premium for risk; that the term of the modification of the mortgage can be no more than 30 years, and that if within 5 years of bankruptcy the property is sold at a price higher than the fair market value at the time of bankruptcy, all of the proceeds will go to the lender—not to the owner, but to the lender?

I say to the Senator from Kansas that every time the banking and financial institutions came to me and said: It is too uncertain, too many people could benefit from this, every time they did that I would narrow this more and more and more. I would further say to the Senator from Kansas that if we are talking about a limited group of people who fit the description I have given here, how can you project this to have an impact on real estate mortgages of 1 and 2 percent into the future?

The last time we dealt with this issue in Congress was 30 years ago. The last time we had a housing crisis was 60 years ago. It isn't as if we are meeting every 6 months to change the law on mortgages and bankruptcy. I ask the Senator: How much more can I do to deal with his concern and the stated concerns of the banking industry about uncertainty?

Mr. BROWNBACK. Mr. President, responding to my colleague through the Chair, a couple of things. I appreciate that the Senator has narrowed this down from when he started, because he started with a much broader amendment; no question about it. I think what the Senator has done is advisable and good.

The base of the concern remains then the same, that now you have narrowed this in on a smaller class that you are going to raise the interest rates on because of the uncertainty that is going to be conducted there, or the likelihood of this having impacts on the mortgage marketplace and reducing their ability to get these houses on the market, which could further depress the prices on those houses. I think this is first do no harm. I appreciate that the Senator has narrowed this and he has narrowed it substantially.

I would also point out—and it was 1978 when we did the overall—we took up bankruptcy reform. We did that within the last 5 or 6 years where we had broad bankruptcy reform, and this sort of provision could have come forward in that bankruptcy reform at that point in time. I voted against that bankruptcy reform. I didn't think that overall was the way to go and that again was based on the experience I had in dealing with bankruptcy.

I appreciate the Senator's efforts. I think the basic issue he is introducing here continues to be the same even if it is within a narrow marketplace.

Mr. DURBIN. Will the Senator yield for one more question?

Mr. BROWNBACK. Yes.

Mr. DURBIN. I wish to ask the Senator from the great farming State of Kansas if, in his private practice experience with bankruptcy, he ever dealt with a chapter 12 bankruptcy involving farm real estate and whether he believes that the change in the bankruptcy law in the 1980s, which allowed cramdown or modification of the mortgages on farm homes, was unreasonable; whether he believes that the banking institutions which fought that chapter 12 bankruptcy saying it would raise interest rates 1 or 2 percent on farmers—and it didn't turn out to be the case—whether we ought to believe those financial institutions again today when we talk about using the same provision—or a similar provision, I should say—as chapter 12 to deal with the current housing crisis? Did the Senator from Kansas feel it was unfair to allow cramdowns or modifications of mortgages in farm bankruptcies in his own State under chapter 12?

Mr. BROWNBACK. Mr. President, if I could respond to my colleague through the Chair, again in my limited background—I have actually taught agricultural law and written a book on it. It is not very good. I doubt my colleague has read it. I would recommend this chapter of it for him if he wishes to read it.

In the provisions that were done at that time before either of us were in the Senate, what you were doing was taking business bankruptcy reorganizations and allowing for farm application because it was a different business type of setting that was taking place. It did introduce risks that are even still factored in today, because this is a provision that is allowed within it.

Now, as I mentioned earlier, over a period of time as markets get adjusted to these, they say: Well, OK, this factor is only going to happen in this series of cases. Or they looked at lower end income clients and they said this is a more likely situation where we are going to see this taking place. Therefore, we are not going to loan to this guy, or it only goes to a bank that is willing to get into a more aggressive loan position and is desirous to do it. So it does have those impacts.

But what you were doing with that chapter reorganization during the farm crisis was taking a business reorganization and allowing for the differences in agriculture which are substantial. Now you are getting into the basic housing market with this. This isn't a business reorganization; this is a housing market issue, and you are introducing the very factors I talk about—in a limited fashion; I appreciate that greatly. I think it is less harmful potentially than the original design of the Durbin amendment. I appreciate your heart on it. It is going to have an introduction of factors of uncertainty and will drive interest rates up, and it will drive lenders out in this situation. That is what will happen. I don't think we should go that route.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, before I yield the floor, as I see Senator KENNEDY is here and wishes to speak, I wish to make a point for the RECORD.

We introduced this amendment 4 hours ago. I have come to the floor, and but for a brief period off the floor, to entertain any debate on this amendment. In 4 hours there have been four Republican Senators who have come to the floor, one each hour, to oppose this amendment. At this rate, with 49 Republican Senators, in 45 hours we should be able to close this amendment and vote on it. I say that facetiously.

I hope those who have an interest in the amendment will come forward and that we can schedule it for a vote. I have asked repeatedly for that. I don't know what more I can do other than be here and be available for any debate they want to take place.

This is a critically important bill. There are several important amendments, and I think mine might be one of them. But if Members won't come to the floor and debate it, apparently they either don't have an interest in the amendment or the bill. I hope they will seriously consider coming to the floor in the very near future.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have an interesting situation. We have a substitute amendment that has been laid down. We have worked hard to get it here. We started on the bill at 9:30 this morning. It is now 2 o'clock. We have one amendment that has been laid down. I even tried to arrange a vote on a resolution honoring the 4,000 Americans who have been killed in Iraq. We can't even get that up for a vote. I don't know what is going on. We are going to work through this. I asked for a consent agreement that any amendments that would be offered would be related to the housing bill. No, we can't do that yet. I realize the majority we have is very slim, but we do have the majority and that gives us certain rights. I am going to exercise those rights.

I would like to have a housing bill. I think it is important to the country. I hope the American people see what we have put up with now during the last 15 months. Every step of the way is a struggle. We are not able to legislate. We are constantly trying to figure a way procedurally to get past the minority, which is still upset about the November 2006 elections. That is what this is all about. We are in the majority, as slim as it might be, and they have to get over this. Let us work together. We want to work. We want to pass things. My friend has offered an amendment.

Let's vote on it.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see our leader leaving the floor. He was expressing his frustration about the lack of action. I join him in underlining what he has stated here. Yesterday, a number of us, including the chairman of the Joint Economic Committee, listened to Mr. Bernanke. Mr. Bernanke was before the Joint Economic Committee talking about how they had let go more than $200 billion over the period of these last weeks—$200 billion in secret transactions, without any guarantees to the American taxpayers. And here we have a proposal that the Senator from Illinois, Mr. DURBIN, and Senator DODD and others are involved with in the Banking Committee, trying to do something about the fact that homes are being foreclosed while we are here on the floor of the Senate.

What is it about the other side that they are quite prepared to see hundreds of billions of dollars flow out of the Treasury, and when you stand up and say: Can we not this afternoon help stop some of these foreclosures of homes of working-class people, they say: No go, no way, we are not going to let you take action, but we are fine with the hundreds of billions of dollars that have flowed out of the Treasury in the last several days. What possible justification is there for that?

Finally, when I asked the Federal Reserve—I said: Well, we have the immediate crisis, but we are also going to have the crisis in the States. States have two options: they can either raise their taxes or cut services. What are they going to cut? Medicaid is first. They are the poorest of the poor. When we ask the leader of the Federal Reserve, the architect—because he is the man in charge—whether he believes we ought to reach out and help those families, he said he did not have a position on that and that is a position that will have to be taken up by the Congress of the United States. Why doesn't he tell that to the Republican leaders? Why? Here you are trying to take some kind of a position, and this is the old Chicago movie that I remember so well where they talk about "Give us the old razzle-dazzle. I will razzle-dazzle me, too." We are finding out that the American homeowners, who are hard pressed, are being given the old razzle-dazzle.

I applaud the determination and resolution the leader has shown on this issue. Real people are hurting. We are here this afternoon waiting to take some action, ready to move ahead on a proposal that has broad support, and we find out the emptiness and vacuousness of the Republican response.

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. I will yield.

Mr. REID. Does the Senator from Massachusetts realize that today, this day in April, April 3, 2008, almost 8,000 people will be pushed out of their homes because their foreclosure has been completed? They are gone—8,000 today and 8,000 tomorrow. Now, foreclosures usually don't happen on weekends; it is during the week. So this week, 5 times 8,000 is 40,000 people, approximately, who will be out of their homes while we have been here this week. If we don't get something done today, we will start tomorrow, and there will be another 8,000. Is the Senator aware of that?

Mr. KENNEDY. Well, I have been aware of it because we have listened to our good leaders, including yourself, Senator DURBIN, Senator SCHUMER, and Senator DODD, talking about between 8,000 and 12,000.

I had a chance to be out in Youngstown, OH, recently. Five-thousand homes are empty there, and it is increasing every single day just in that one community. That is being replicated in my State. People are saying: Where is the action? Where is the leadership? When are you going to do something on this issue? We are interested in getting something done.

Mr. Bernanke was asked, after he became Chairman of the Federal Reserve: How are things going in terms of our economy? "Fine," he said. He never exercised the bully pulpit to stop the explosiveness that is taking place in the housing market and put so many homeowners at risk.

This is as bad as Katrina and as bad as the Iraq war. We have a similar response from the administration, and that is a failure of leadership and a failure of action. The American people ought to understand that.

Mr. REID. Will the Senator yield for another question?

Mr. KENNEDY. Yes.

Mr. REID. Did the Senator hear me when I said we have asked for an agreement that the only amendments that will be offered on this bill are relating to housing? Is he aware that they said no deal? And is the Senator aware that Senator DURBIN had offered an amendment at approximately 10 o'clock this morning, and there have only been four speakers, with not long speeches, and that we are not voting because of the speeches, because they are gone? Is the Senator aware that I said: Okay, how about voting on a resolution offered by the Senator from Massachusetts that honors the lives of 4,000 Americans who have been killed in Iraq? Is he aware that we could not get a vote on that?

Mr. KENNEDY. Well, it is difficult to believe, Mr. President. We had our moment just last week in which those of us who were there in the Rotunda listened to our leader, who spoke so well, so movingly, as well as the other leaders, both Republicans and Democrats, to honor the anniversary of the war. Now, in the last few days, we have another moment of special significance, and that is the 4,000 soldiers—just with regard to Iraq—who have been lost and 500 more in terms of Afghanistan. I was very grateful to the Senator and to our other colleagues—and I am sure on the other side as well—who thought it would be useful to memorialize in the CONGRESSIONAL RECORD the names of these extraordinary men and women, listing their names, hometowns, their ranks, and their service, and that we could include that in the RECORD at this time. We are trying to do it at an appropriate time because we have been reminded about the loss of the 4,000—not as an add-on to some other kind of action here but to give respect and dignity and honor to these individuals and do so by having a rollcall vote to send a special message to their families and friends in their communities that we honor their service. Why is it that we cannot get an agreement on that?

The good Senator—I will not insult his intelligence. I read the resolution, and it may be 8 lines long. It is honoring these extraordinary men and women and in tribute to their valor. Why is it that we cannot have a time when we could bring the membership together to honor those names? What is the possible problem? Where is the Republican leader? Can he explain to the American people why we cannot have that? Usually, if they are going to object, at least they indicate why. Why don't they take the floor? Why can't they give an explanation to the American people? Look at these pages. On each one of these pages is 50 names. Look at these pages. There are 50 names on each and every one of them with their home addresses. We ought to be able to take a few moments for those who want to speak to be able to express themselves and pass this resolution and include it in the RECORD at this time, where we have paused as a Nation out of respect for the loss of some 4,000 Americans.

I thank the majority leader for all he has done. Since I have the floor, I will just take a few moments here, obviously, before the Senator from Illinois, whose amendment is pending. I will withhold at any time he thinks he can get action.

Mr. President, this is the resolution we will be offering. It honors the sacrifice of the members of the Armed Forces who were killed in Iraq and Afghanistan:

> Whereas 4,009 members of the United States Armed Forces have lost their lives in support of Operation Iraqi Freedom and 487 members of the United States Armed Forces have lost their lives in support of Operation Enduring Freedom;
>
> Whereas we honor the ultimate sacrifice that these men and women made for our country;
>
> Whereas the sacrifices of the fallen are in keeping with the highest traditions of the United States Army, Navy, Marine Corps, Air Force, and Coast Guard;
>
> Whereas, as their families and loved ones have sacrificed as well, we honor them in commemorating the memory of those that lost their lives;
>
> Whereas the following 4,009 members—

It starts off listing the fallen members of the Armed Forces.

Mr. REID. Mr. President, will my friend yield?

Mr. KENNEDY. Yes.

Mr. REID. Mr. President, progress in this body is sometimes very hard to come by, but progress has been made. I appreciate Senator KENNEDY coming to the floor. As those of us who have such affection and love for him know, once in a while he raises his voice. As a result of raising his voice, I ask unanimous consent that at 2:45 p.m. today, the Senate proceed to vote on the adoption of S. Res. 501, honoring the sacrifice of the members of the U.S. Armed Forces who have been killed in Iraq and Afghanistan; that upon adoption of the resolution, the preamble be agreed to, with no intervening action of our debate; and that no amendments be in order to the resolution or the preamble.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate the Senator yielding.

Mr. KENNEDY. Mr. President, I thank the majority leader for his leadership in making this all possible.

Mr. President, the war in Iraq has deeply divided our country. But whatever our views are about the war, we know our soldiers are serving nobly under extraordinarily difficult circumstances and that far too many are making the ultimate sacrifice for our country. The war continues to impose an enormous human toll on our soldiers, their families, and their loved ones. Our men and women in uniform have served with great courage and honor for 5 years, and last week, during the recess of Congress, we reached a sad milestone—the loss of 4,000 service men and women in support of Operation Iraqi Freedom. An additional 30,000 service men and women have been wounded. We have also lost nearly 500 service men and women in support of Operation Enduring Freedom in Afghanistan.

This loss of life is deeply distressing, and the impact of the wars in Iraq and Afghanistan continues to be devastating to families and communities around our Nation. We honor their service, and we pray that God's grace and mercy may ease the anguish of those they have left behind.

It is fitting, therefore, that today we honor and remember the courageous men and women who gave the last full measure of their devotion to our country in these wars. From Lexington and Concord and Gettysburg, to Normandy and Iwo Jima, to Korea and Vietnam, to Iraq and Afghanistan today, these heroes are part of a long line of courageous patriots who stood their ground with uncommon valor and sacrificed for all of us.

Since the terrorist attack by al-Qaida on September 11, millions of Americans have proudly and voluntarily defended our country and our Constitution by serving in our Armed Forces, our Reserves, and our National Guard. Their devotion to duty is beyond question, and their valor is proven. They volunteered to serve and help us meet the immense challenge we face. They knew the vast danger to life and limb and were well aware that at any moment they might make the ultimate sacrifice. And as of today, 4,496 have made that sacrifice in Iraq and Afghanistan. They were all patriots. They put themselves in harm's way to protect us all. And because of their dedication and sacrifice, we continue to enjoy the freedoms we cherish in our democracy.

Each of these men and women has a poignant story to tell. Just as poignant are the fond memories of their loved ones here at home. I know something of that feeling. I was 12 years old when my mother became a Gold Star mother. It still seems like only yesterday when that knock on our door came in 1944, and we learned that my oldest brother, Joe, had been lost in World War II.

I know there is no easy way to mend these broken hearts, no way to lift the almost unbearable burden from the families and friends of those we lost. We mourn the loss of these heroes. We honor their sacrifice and extend our deepest condolences to their families.

Words cannot ease the grief of losing a loved one, but I hope the families may find some comfort in the words of Abraham Lincoln in that famous letter he sent to a bereaved mother during the Civil War. He wrote:

> Dear Madam, I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and the lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

The consequences of the decisions we make in Congress profoundly affect our military, their families, and the communities they have left. We have an obligation to our soldiers to make sensible decisions that will not place them needlessly in harm's way.

It is fitting that we now pause to recognize, remember, and honor those who have lost their lives far from home for our grateful Nation in Iraq and Afghanistan.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from Massachusetts. I have been a Senator for a number of years and have visited Iraq and Afghanistan on three separate occasions. I try my best to meet with as many of our soldiers as possible—but, of course, focus on those from Illinois—to sit and eat lunch with them and talk about the Cubs, the White Sox, the Bears, the Bulls, the news back home. The thing that haunts me—and I thank the Senator from Massachusetts for reminding me—the thing that haunts me are the frequent conversations where they say: Does anybody know we are still here? Does anybody back home know what we are going through? It really is heartbreaking to think that these men and women are risking their lives every day while we go about our safe, secure, normal, daily routine and how little focus we put on this war and the men and women who are fighting it for us and particularly those who have given their lives.

We have lost almost 150 soldiers in Illinois. I took an inspiration from the Senator from Massachusetts and said I was going to send a note to every family in Illinois who loses a soldier. I thought after a year or two that task would have been completed. After 5 years, it is not. Sadly, in our State and every other State we are still losing lives. The fact that the Senator from Massachusetts would take the time to come to the floor today as a solemn reminder of what this means to us, should mean to us, and what it means to these families is something I deeply appreciate.

Last week or so, the New York Times had a front-page story talking about the lives that had been lost just last year, with color photographs of all the soldiers, sailors, airmen, and marines who were among the casualties. There were six or eight personal stories of their lives. I took the time to read it carefully to try to absorb what was happening to these men and women and their families.

I think I can speak for the Senator from Massachusetts. We have cast between us thousands of votes on the floor of the Senate, myself in the House of Representatives as well. I cannot think of another vote more profound and more important than the vote to authorize the invasion of Iraq in October 2002. Senator KENNEDY and I joined 21 of our colleagues in voting against that authorization to go to war. At the time, it was not the most popular vote, but it turned out to be the right vote. Not to take anything away from these brave men and women who have given so much for our country, but this war may be the most fatal foreign policy mistake of the modern era, and we continue to pay for it every day in American lives and blood and treasure and in our reputation and safety in the world.

The fact that the Senator from Massachusetts would take some time—even a brief period of time—to remind us is something that should be done and I am glad is being done. I know this will receive an overwhelmingly unanimous vote of support, as it should. We all want to be on record. But I hope that also, the next time this matter comes up for a debate about the policy of this war in Iraq, some of our colleagues who want to just continue this indefinitely for years and years will reflect on how many more American lives will be sacrificed if that happens. That is the sad reality of where we are.

The Senator could not, because his stack of papers would be dramatically larger, include the names of all those who have been seriously wounded or injured in this war. They deserve our thanks and our recognition as well. Many of them will carry scars for a lifetime. Some are very visible scars and some not visible. They are struggling with lives, facing blindness, burns and amputations, traumatic brain injuries, and post-traumatic stress disorder. I visit these veterans hospitals and see those veterans of past wars who are still paying the price today, alive—maybe barely alive—but paying the price for their service.

I hope beyond the resolutions we will have the resolve to make sure we keep our word to these veterans, that when they come home they will receive the best medical care, they will receive our help to continue their lives, to go to school or to own a home. When I read about the percentages—half the homeless people in America are veterans—when I read that the unemployment rate among returning veterans is so high, it is a grim reminder that those who have given the most often receive the least when they come home.

I thank the Senator from Massachusetts. I hope I can add my name, along with many others, as a cosponsor of this resolution and thank him for his leadership on this important issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, earlier, when I was speaking to Senator KENNEDY's resolution, I made reference to a New York Times article. It is an article from Tuesday, March 25. It tells in a very graphic way the correspondence of fallen soldiers and the circumstances they faced in Iraq before they died. As I mentioned before, I read this article in its entirety and was moved by it.

I ask unanimous consent to have printed in the RECORD this New York Times article so my colleagues and others have an opportunity to read it as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 25, 2008]

SIX OF THE FALLEN, IN WORDS THEY SENT HOME

FROM LATEST 1,000, WORDS BY E-MAIL, AND IN JOURNALS TO THOSE AT HOME

[By Lizette Alvarez and Andrew W. Lehren]

By the time Specialist Jerry Ryen King decided to write about his experiences in Iraq, the teenage paratrooper had more to share than most other soldiers.

In two operations to clear the outskirts of the village of Turki in the deadly Diyala Province, Specialist King and the rest of the Fifth Squadron faced days of firefights, grenade attacks and land mines. Well-trained insurgents had burrowed deep into muddy canals, a throwback to the trenches of World War I. As the fighting wore on, B–1 bombers and F–16s were called in to drop a series of powerful bombs.

Once the area was clear of insurgents, the squadron, part of the 82nd Airborne Division, uncovered hidden caches of weapons.

Two months later, Specialist King, a handsome former honors student and double-sport athlete from Georgia, sat down at this computer. In informal but powerful prose, he began a journal.

After 232 long, desolate, morose, but somewhat days of tranquility into deployment, I've decided that I should start writing some of the things I experienced here in Iraq. I have to say that the events that I have encountered here have changed my outlook on life . . .

The most recent mission started out as a 24–36 hour air-assault sniper mission in a known al-Qaida stronghold just north of Baghdad. We landed a few hours before daybreak and as soon as I got off the helicopter my night vision broke, I was surrounded by the sound of artillery rounds, people screaming in Arabic, automatic weapons, and the terrain didn't look anything like what we were briefed. I knew it was going to be a bad day and a half.

Jerry Ryen King, Journal Entry, March 7, 2007

A month later, Special King was sitting inside his combat outpost, an abandoned school in Sadah, when suicide bombers exploded two dump trucks just outside the building. The school partly collapsed, killing Specialist King on April 23, 2007, along with eight other soldiers, and making the blast one of the most lethal for Americans fighting in Iraq.

In that instant, Specialist King became one of 4,000 service members and Defense Department civilians to die in the Iraq war—a milestone that was reached late Sunday, five years since the war began in March 2003. The last four members of that group, like the majority of the most recent 1,000 to die, were killed by an improvised explosive device, known as a I.E.D. They died at 10 p.m. Sunday on a patrol in Bagdad, military officials said; their names have not yet been released.

The next day we cleared an area that made me feel as if I were in Vietnam. Honestly, it was one of the scariest times of my life. At one point I was in water up to my waist and heard an AK fire in my direction. But all in all the day was going pretty good, no one was hurt, I got to shoot a few rounds, toss a grenade, and we were walking to where the helicopter was supposed to pick us up.

Jerry Ryen King, Journal Entry, March 7, 2007

The year 2007 would prove to be especially hard on American service members; more of them died last year than in any other since the war began. Many of those deaths came in the midst of the 30,000-troop buildup known as "the surge," the linchpin of President Bush's strategy to tamp down widespread violence between Islamic Sunnis and Shiites, much of it in Baghdad. In April, May and June alone, 331 American service members died, making it the war's deadliest three-month period.

But by fall, the strategy, bolstered by new alliances with Sunni tribal chiefs and a decision by the Shiite cleric Moktada al-Sadr to order his militia to stop fighting, appeared to be paying off as the country entered a period of relative calm. Military casualties and Iraqi civilian deaths fell, and the October-December period produced the fewest casualties of any three months of the war. The past month, though, has seen an uptick in killings and explosions, particularly suicide bombings. The violence has traveled north to Mosul, where the group calling itself Al Qaeda in Mesopotamia remains strong.

Everything changed in a matter of 15 minutes . . . About the time I was opening my MRE (meal ready to eat) I heard an explosion. Everyone started running towards the sound of the explosion. Apparently a suicide bomber had blown himself up killing four soldiers from my squadron and injuring another. Our 36 hour mission turned into another air-assault into a totally different city, the clearing of it, and 5 more days. We did find over 100 RPG's, IED making materials, insurgents implacing IED's, artillery rounds, a sniper rifle, and sort of like a terrorist training book and cd's.

Jerry Ryen King, Journal Entry, March 7, 2007.

Unlike the soldiers of some previous wars, who were only occasionally able to send letters back home to loved ones, many of those who died left behind an extraordinary electronic testimony describing in detail the labor, the fears and the banality of serving in Iraq.

In excerpts published here from journals, blogs and e-mail, six soldiers who died in the most recent group of 1,000 mostly skim the alarming particulars of combat, a kindness shown their relatives and close friends. Instead, they plunge readily into the mundane, but no less important rhythms of home. They fire off comments about holiday celebrations, impending weddings, credit card bills, school antics and the creeping anxiety of family members who are coping with one deployment too many.

At other moments, the service members describe the humor of daily life down range, as they call it. Hurriedly, with little time to worry about spelling or grammar, they riff on the chaos around them and reveal moments of fear. As casualties climb and the violence intensifies, so does their urge to share their grief and foreboding.

A LAST GOODBYE

Hey beautiful well we were on blackout again, we lost yet some more soldiers. I cant wait to get out of this place and return to you where i belong. I dont know how much more of this place i can take. i try to be hard and brave for my guys but i dont know how long i can keep that up you know. its like everytime we go out, any little bump or sounds freaks me out. maybe im jus stressin is all. hopefully ill get over it . . .

you know, you never think that anything is or can happen to you, at first you feel invincible, but then little by little things start to wear on you. . .

well im sure well be able to save a couple of bucks if you stay with your mom . . . and at the same time you can help her with some of the bills for the time being. it doesnt bother me. as long as you guys are content is all that matters. I love and miss you guys like crazy. I know i miss both of you too. at times id like to even just spend 1 minute out of this nightmare just to hold and kiss you guys to make it seem a little bit easier. im sure he will like whatever you get him for xmas, and i know that as he gets older he'll understand how things work. well things here always seem to be . . . uhm whats the word . . . interesting i guess you can say. you never know whats gonna happen and thats the worst part. do me a favor though, when you go to my sisters or moms or wherever you see my family let them know that i love them very much..ok? well i better get going, i have a lot of stuff to do. but hopefully ill get to hear from you pretty soon. *muah* and hugs. tell mijo im proud of him too!

love always,
your other half

Juan Campos, E-mail Message to His Wife, Dec. 12, 2006

When Staff Sgt. Juan Campos, 27, flew from Baghdad to Texas for two weeks last year, there was more on his mind than rest and relaxation. He visited his father's grave, which he had never seen. He spent time with his grandparents and touched base with the rest of his rambling, extended family.

The day he was scheduled to return to war, Sergeant Campos and his wife went out dancing and drinking all evening with friends. Calm and reserved by nature, Sergeant Campos could out-salsa and out-hip-hop most anyone on the dance floor. At the airport, his wife, Jamie Campos, who had grown used to the upheaval of deployment, surprised herself.

"I cried and I have never ever cried before," said Mrs. Campos, 26, who has a 9-year-old son, Andre. "It was just really really weird. He knew, and I kind of knew. It felt different."

We both felt that it was the last goodbye," she said.

Tuesday, Oct. 3, 2006
Mood: gloomy

The life of an infantryman is never safe . . . how do I know, well I live it every day.

I lost a good friend of mine just two days ago to an enemy sniper. The worst feeling in the world is having lost one of your own and not being able to fight back. The more I go on patrol, the more alert I tend to be, but regardless of the situation here in Iraq is that we are never safe. No matter the countermeasures we take to prevent any attacks. They seem to seep through the cracks. Every day a soldier is lost or wounded by enemy attacks. I for one would like to make it home to my family one day. Pray for us and keep us in your thoughts . . . for an infantryman's life is never safe.

Juan Campos, Myspace Blog

Sergeant Campos, a member of the First Battalion, 26th Infantry, Charlie Company out of Germany, was one of thousands of infantrymen assigned to stabilize Baghdad and the surrounding areas last year during the troop buildup. Troops were sent deep into insurgent neighborhoods, where they lived in small outposts, patrolled on foot, cleared houses, mingled with Iraqis and rebuilt the infrastructure.

The extra 30,000 service members—160,000 in all—were deployed to Iraq to help quell the runaway violence that threatened large-scale civil war. Most soldiers spent 15 months in Iraq, a length of time that military commanders have said is unsustainable. Many had fought in the war at least once. A few had been in Iraq multiple times.

My only goals are to make it out of this place alive and return you guys and make you as happy as I can.

Juan Campos, E-mail Message to his Wife, Dec. 15, 2006

But to Sergeant Campos and the rest of Charlie Company in Adhamiya, a north Baghdad stronghold for Sunni insurgents, the buildup seemed oddly invisible. The men patrolled almost every day, sometimes 16 to 18 hours a day for months, often in 120-degree weather. Exhaustion was too kind a word for their fatigue.

More than 150 soldiers lived in a two-story house with portable toilets, no air-conditioning and temperamental showers. Sleep came only a few hours at a time. The fighting was vicious. Adhamiya was such a magnet for sectarian bloodletting that the military built a wall around it to contain the violence.

"They walled us in and left us there," Staff Sgt. Robin Johnson, 28, said of the 110 men in Charlie Company. "We were a family. I would die for these guys before I die for my own blood brother."

On patrol, sniper fire rang out so routinely that soldiers in Sergeant Campos's platoon seldom stood still for more than four seconds. They scoured rooftops for Iraqi children who lobbed grenades at American soldiers for a handful of cash. Roadside bombs burst from inside drainage pipes, impossible to detect from the street. The bombs grew larger by the month.

Last year, these powerful improvised explosive devices were responsible for a majority of American fatalities, a new milestone.

The bombs also killed multiple soldiers more often than in the past, a testament to their potency.

"It was the most horrible thing you could possibly imagine," Sergeant Johnson said. "As soon as you left the gate, you could die at any second. If you went out for a day and you weren't attacked, it was confusing."

Charlie Company soldiers found a steady stream of Iraqis killed by insurgents for money or revenge. Some had their faces wiped clean by acid. Others were missing their heads or limbs.

"IT COULD HAVE BEEN ME"

To tell the story of iraq is a hard one.

Ryan Wood, Myspace Blog

Sgt. Ryan M. Wood, 22, a gifted artist, prolific writer and a sly romantic from Oklahoma, was also one of the bluntest soldiers inside Charlie Company.

it is fighting extreme boredom with the lingering thought in the forefront of your mind that any minute on this patrol could be my last endeavour, only highlighted by times of such extreme terror and an adrenaline rush that no drug can touch. what [expletive] circumstances thinking "that should've been me" or "it could've been me". wondering if that pile of trash will suddenly explode killing you or worse one of your beloved comrads . . . only backed by the past thoughts and experiences of really losing friends of yours and not feeling completely hopeless that it was all for nothing because all in all, you know the final outcome of this war. it is walking on that thin line between sanity and insanity. that feeling of total abandonment by a government and a country you used to love because politics are fighting this war . . . and its a losing battle . . . and we're the ones ultimently paying the price.

Ryan Wood, Myspace Blog, Adhamiya

For the soldiers in Iraq, reconciling Adhamiya with America was not always easy. One place was buried in garbage and gore and hopelessness. The other seemed unmoored from the war, fixated on the minutia of daily life and the hiccups of the famous. The media was content to indulge.

What the Hell America??

"What the hell happened?" any intelligent American might ask themselves throughout their day. While the ignorant, dragging themselves to thier closed off cubicle, contemplate the simple things in life such as "fast food tonight?" or "I wonder what motivated Brittany Spears to shave her unsightly, mishaped domepiece?"

To the simpleton, this news might appear "devastating." I assume not everyone thinks this way, but from my little corner of the earth, Iraq, a spot in the world a majority of Americans could'nt point out on the map, it certainly appears so. . . . To all Americans I have but one phrase that helps me throughout my day of constant dangers and ever present death around the corner, "WHO THE [expletive] CARES!" Wow America, we have truly become a nation of self-absorbed retards. . . . This world has serious problems and it's time for America to start addressing them.

Ryan Wood, Myspace Blog,
May 26, 2007

The somberness of the job was hard to shake off. But, day to day, there was no more reliable antidote than Pfc. Daniel J. Agami, a South Floridian with biceps the size of cantaloupes, and Pfc. Ryan J. Hill, a self-described hellion who loved his "momma" and hailed from what he called the "felony flats" of Oregon. Funny men in the best sense of the word, the two provided a valuable and essential commodity in a war zone.

Their mother jokes—the kind that begin, "your mother is so . . ."—were legendary, culminating in a Myspace joke-off. It ended abruptly after an enough-is-enough phone call from Private Hill's mother, who ranked No. 1 on his list of heroes in Myspace. Private Agami proclaimed victory.

About a month later . . . I went to my room and my mattress was missing and all my clothes were being worn by other people. I couldn't figure it out so I knew right off the bat to go to Hill. I saw him walking down the hall wearing five of my winter jackets. He sold half my wardrobe right off his back to people in our company and my mattress was in someone else's room. So then I had go to around and buy all my stuff back. (Now I think he won).

Daniel J. Agami, Charlie Company. Eulogy
Sent via E-mail Message to his Mother,
Jan. 29, 2007

To keep their spirits up, combat soldiers learned to appreciate the incongruities of war in Iraq. Jokes scrawled inside a Port-o-Potty quickly made the rounds. Situational humor, from goofy to macabre, proved plentiful.

A really girly guy who was a cheerleader in high school, got knocked down and nearly hurt by the wind of the helicopter. Listening to Dickson recite what was in every single MRE was pretty funny. A cow charged and nearly trampled one of my friends when we were raiding a compound. And lastly, I thought that it was pretty comical that I shot at a guy a long ways out but missed and later after taking his house and using it as a patrol base he offered me Chai and rice.

Jerry Ryen King, Diyala Province

Even a trip to the dentist, with its fringe benefits, is cause for amusement in a war zone.

Last Sat. I had two of my wisdom teeth pulled. After taking double the prescribe percocot and morphine pills that the doctor gave me for the pain I decided to catch a flight back to my FOB (forward operation base). It was the coolest Blackhawk ride I've had, I was absolutely ripped and I talked the pilots into leaving the doors open. We had four more guys die a couple days ago. They hit an IED, it killed everyone in the humvee. It's starting to get a little scary. We made it our first six months with just two deaths and that was plenty. But now just in the past two and a half weeks we've had nine more guys get killed, and over 50 wounded. I'm just hoping that I can make it the 75 more days or so that we have left of combat operations before we start packing.

Jerry Ryen King, Journal Entry, April 11, 2007

Among the guys in Charlie Company, Private Agami, 25, was one of the boldest and most resilient. He was the kind of guy who joined an endurance ski contest on a whim. He came in fourth. He had never skied in his life.

Private Agami had time for everyone, and everyone had time for him. Affectionately called G.I. Jew, he held his religion up to the light. He used it to build tolerance among the troops and shatter stereotypes; few in his unit had ever met a Jew. He flew the Israeli flag over his cot in Adhamiya. He painted the words Hebrew Hammer onto his rifle. He even managed to keep kosher, a feat that required a steady diet of protein shakes and cereal.

Commander Mom, I can't wait to come home and when I do, don't worry I'll have a lot to say to the congregation. Don't worry about my mental state either, we all receive counseling and help from doctors when something like this happens. I am a strong individual physically and mentally and if there is one thing the army teaches you, it is how to deal with death. Every day that passes it gets easier and easier. I miss you guys very much and I love you!

Daniel Agami, E-mail Message to his Mother,
Oct. 28, 2006

It did not get easier.

I try not to cry. I have never cried this much my entire life. Two great men got taken from us way too soon. I wonder why it was them and not me. I sit here right now wondering why did they go to the gates of heaven and not me. I try every night to count my blessing that I made it another day but why are we in this hell over here? Why? I can't stop asking why?

Ryan Hill, Myspace Blog,
Nov. 1, 2006

Private Hill was riding in a Humvee on Jan. 20, 2007, when an I.E.D. buried in the middle of the road detonated under his seat, killing him instantly.

Sergeant Campos was riding in a Humvee on May 14, 2007, two weeks after returning from Texas, when it hit an I.E.D. The bomb lifted the Humvee five feet off the ground and engulfed it in flames. "That's when we just left hope at the door," Sergeant Johnson said. Severely burned over 80 percent of his body, Sergeant Campos lived two weeks. He died June 1. Another soldier, Pfc. Nicholas S. Hartge, 20, of Indiana, died in the same attack.

Private Agami was driving a Bradley fighting vehicle on June 21, 2007, when it hit an I.E.D. The explosion flipped the 30-ton vehicle, which also carried Sergeant Wood. Both men were killed, along with three other soldiers and an Iraqi interpreter.

"Obviously, it came to a point, you didn't care anymore if it got better," said Staff Sgt. Jeremy S. Rausch, 31, one of Sergeant Campos's best friends in Charlie Company. "You didn't care about the people because they didn't care about themselves. We had already lost enough people that we just thought, you know, 'why?' "

During their time in Adhamiya, the soldiers of Charlie Company caught more than two dozen high-value targets, found nearly 50 weapons caches, detained innumerable insurgents and won countless combat awards. They lost 14 men. Their mission was hailed a success.

JUST IN CASE

Texan to the core, enamored of the military, Specialist Daniel E. Gomez, 21, an Army combat medic in the division's Alpha Company, relied on his books, his iPod and an Xbox to distract him from the swirl.

Strange but this place where we are at is unreal almost. I hope I come back mentally in shape. LOL.

Daniel Gomez, Myspace Blog,
Sept. 9, 2006

He took pride in being the guy who tended to wounded soldiers under fire, patching them up to help them survive.

As the violence intensified, Specialist Gomez set aside thoughts of a free Iraq or a safer America and, like generations of soldiers before him, simply started fighting for the soldier next to him.

A few days ago I realized why I am here in Baghdad dealing with all the gunfire, the rocket attacks, the IEDs, the car bombs, the death. I have only been here going on a month and a half. Already I have seen what war really is. . . but officially it's called "full spectrum operations." No, I don't down Bush, he is my CinC, and I think he is doing a good job with what Clinton left him. I don't debate why we are involved in Iraq. I just know why I am here. It is not for the smiling Iraqi kids, or even the feeling of wearing the uniform (it feels damn good though :). I am here for the soldier on patrol with me.

But why are you there in the States? Why are you having that nice dinner, watching TV, going out on dates. . . .

Daniel Gomez, E-mail to Friends and Family, Sept. 27, 2006

And then Specialist Gomez fell in love. An e-mail flirtation with Katy Broom, his sister's close friend, gradually led to a cyber exchange of guarded promises about the future. Headed home for a rest break in May, the tentativeness lifted and they began to rely on each other to get through the day. The two joked about "the best sex we never had."

. . . this R&R there is someone new in my life. Exactly what she is to me, and what I am to her is uncertain, but it's not really important at the moment. Just the thought that I could spent a second of my life with her, before I have to come back here makes everything worth it.

Daniel Gomez, Myspace Blog, May 9, 2007

Rest and relaxation in Georgia went better than expected. He fell in love with the love of his life all over again, this time in person. The couple shared one kiss during his leave.

"He was everything I expected and more," said Ms. Broom, 20, who spent one week and two days with him. "It was kind of surreal when we met. It's almost like a perfect love and war story."

Not many soldiers leave behind a just-in-case letter. Specialist Gomez did. He handed Ms. Broom an envelope at the airport with the 'words, "Don't read unless something happens to me."

On July 18, 2007, two months after his leave, Specialist Gomez died in Adhamiya when the Bradley fighting vehicle he was in struck a roadside bomb. The explosion and flames also killed three other soldiers.

Ms. Broom waited three days after she got word to open the letter. She sat alone in the couple's favorite spot, her apartment balcony.

"I was very thankful that he wrote it," she said of the letter. "I have opened and closed it so many times, I'm surprised it hasn't fallen apart."

R+R 2007

Hey baby. If you're reading this, then something has happen to me and I am sorry. I promised you I would come back to you, but I guess it was a promise I could not keep. You know I never believe in writing "death letters." I knew if I left one for my folks it would scare them. Then I met you. We were supposed to meet, darling. I needed someone to make me smile, someone that was an old romantic like I was. I was going through a very rough time in Iraq and I was starting to doubt my mental state. Then one day after a patrol, I go to my facebook and there you were. . . .

I can't stop crying while I am writing this letter, but I have to talk to you one last time, because maybe the last time I heard your voice I did not know it would be the last time I heard your voice. . . .

I Love You. Go be happy, go raise a family. Teach your kids right from wrong, and have faith, darling. I think I knew I loved you before I met. I love you, Katy. * Kiss * Goodbye

Mr. DURBIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I congratulate Majority Leader REID and Minority Leader MCCONNELL, as well as Committee Chairman DODD, and ranking committee member SHELBY for their hard work in beginning the process of trying to bring relief to families who are struggling to hold on to their homes. I think they are taking a good step forward. I think we have to do a lot more to address this very serious crisis.

It is no secret to anyone that the middle class in this country is in great danger. It is shrinking. Some think it is on the verge of collapse. Workers today who are going to fill up their car's gas tank are paying $3.20 for a gallon of gas in the State of Vermont, and there is a fear that may go higher. People are paying higher and higher prices for food. Since President Bush has been President, some 8 million Americans have lost their health insurance, health care costs are soaring, and a college education is unaffordable. In the meantime, wages, the real median family income for the average American family is going down, and the gap between the very rich and everybody else is getting wider. So we have some very serious problems. Among other aspects of that crisis is that the personal savings rate today is below zero, which, up until 2005, hasn't happened since the Great Depression. So what is happening is that people are working longer and longer hours, their wages are going down, we are losing good-paying jobs, and they do not have enough money to survive on so they are borrowing more and more money. That is the reality.

There is a lot, to my mind, that we have to consider as a country to begin addressing the fact that poverty is going up, the middle class is declining, and the gap between the rich and everybody else is growing wider. There is a lot we have to do. But as we now focus on the mortgage crisis, we have to take a hard look at interest rates in this country. I intend to offer an amendment to the housing bill that I want to say a few words on now and I will speak to at greater length later.

My amendment will clearly not solve all of the problems facing the middle class, but it will do one very important thing: It will take one action that is long overdue, and that is it would stop big banks, credit card companies, payday lenders, mortgage bankers, and other lenders from ripping off American consumers by charging outrageous interest rates.

I do a national radio show every Friday afternoon where people call in. And you know what they say? They say: We are sick and tired of paying 20, 25, 30 percent interest rates when, in fact, we pay our debt on time every single month. That is what they are saying. People who are borrowing money to send their kids to college are paying outrageously high rates, and certainly we know, given the crisis we are debating today, that mortgage interest rates are off the charts.

With this amendment I will be offering, it would cap all interest rates at 8 percent above what the IRS charges income tax deadbeats. That is the formula we are using. Currently, the IRS charges a 6-percent interest rate to Americans who are late on paying their income tax returns. That is what we are doing today. The IRS adjusts these rates every quarter based on the Federal funds rate. If the Federal funds rate rises, the interest rate the IRS charges late filers goes up. If the Federal funds rate goes down, so does the interest rate the IRS charges late filers.

If the amendment I am offering were signed into law today, all interest rates in this country would be capped at 14 percent, including subprime mortgages, credit cards, auto loans, payday loans, and income tax refund anticipation loans. Why 14 percent? Why do we pick that number? It is an interesting point. I am glad you asked that question, Mr. President, and here is the answer. Because 14 percent happens to be the same level that former Senator Al D'Amato chose when he offered an amendment in 1991 to cap credit card interest rates. Al D'Amato, Senator from New York, offered that amendment.

Do you know what the vote was on that bipartisan amendment, offered by the Republican Senator from New York? That amendment passed the Senate by a vote of 74 to 19—74 to 19—a huge bipartisan vote. And among those Members who are today in the Senate, and who cosponsored that amendment, were Senators SPECTER, LIEBERMAN, and DOMENICI, among others. Unfortunately, that amendment ended up not being signed into law.

Like my amendment, the D'Amato amendment was also pegged slightly above the interest rates for late income tax filers. I have the feeling that in my career in the Senate I will not often be quoting former Senator D'Amato, probably won't be doing that, but let me quote what Senator D'Amato said on the Senate floor in 1991. This is what he said.

> Fourteen percent is certainly a reasonable rate of interest for banks to charge customers for credit card debt. It allows a comfortable profit margin, but keeps banks in line so that interest rates rise and fall with the health of the economy.

He was then the chairman of the Banking Committee.

I say to my colleagues that if the Senate in 1991 thought that interest rates should be capped, trust me, we should at least do as much today, because the problem is in fact much more severe.

A recent report, published by Tamara Draut, the Director of the Economic Opportunity Program at Demos, found that one-third of all credit card holders in this country are paying interest rates above 20 percent and as high as 41 percent—more than double what they paid in interest rates in 1990. In other words, if we had a problem then, the problem today is much more severe.

Between 1989 and 2006, Americans' overall credit card debt grew by 315 percent from $211 billion to $876 billion. One-third of low- and middle-income families reported going into credit card debt to pay for rent, utilities, and food in 2006.

Now, I don't know about Nebraska, but I will tell you that in the State of Vermont there are a lot of people who are buying their food with credit cards. They do not have the cash. They have to go in debt to buy food and pay for other basic necessities. All of this—high interest rates—has resulted in credit card companies earning $90.1 billion in interest in 2006 alone—credit card companies ripping off the American people and earning huge profits.

But credit card companies aren't the only ones charging outrageous interest rates, and that is why my amendment expands on the D'Amato amendment to cover all forms of loans. For example, the Center for Responsible Lending has found that some American consumers are paying interest rates for payday loans as high as 800 percent. And if you want to know why these outrageous levels of interest on credit cards and payday loans are relevant to the debate on foreclosure, let me quote from two articles on the subject. The first is a recent Reuters article entitled "Pay Day Loans Exacerbate Housing Crisis." According to this article:

> As hundreds of thousands of American homeowners fall behind on their mortgage payments, more people are turning to short-term loans with sky-high interest rates just to get by. While figures are hard to come by, evidence from nonprofit credit and mortgage counselors suggests that the number of people using these so-called "pay day loans" is growing as the U.S. housing crisis deepens, a negative sign for economic recovery.

The second article is from a recent front-page story from USA Today. The title of the article says it all. "Facing losses on bad loans, banks boost credit card rates." According to the article:

> Even as the Federal Reserve has aggressively slashed short-term interest rates, banks are raising rates on credit cards.

Federal Reserve lowering; banks increasing. This should not happen. When the Federal Reserve has slashed the Federal funds rate five times, from a high of 5.25 percent down to 2.25 percent, credit card interest rates should be going down, not up. Interest rates for payday loans should be going down, not up. Mortgage interest rates should be going down, not up.

The PRESIDING OFFICER. If the Senator can suspend for just a second?

Mr. SANDERS. I ask unanimous consent for an additional 2 minutes, please.

The PRESIDING OFFICER. Without objection, it is so ordered. Please proceed.

Mr. SANDERS. Unfortunately, in many cases interest rates for consumers are going up at the worst possible time. One of the reasons for this is the virtual lack of regulation when it comes to interest rates. For example, credit card companies are able to raise interest rates at any time for any reason, and recently that is exactly what, for example, the Bank of America has done. According to a recent Business Week article:

> Bank of America sent letters notifying some responsible card holders that it would more than double their rates to as high as 28 percent, without giving an explanation for the increase. Fine print at the end of the letter advised calling a 800 number for the reason, but consumers who called said they were unable to get a clear answer. What is striking is how arbitrary the Bank of America rate increases appear, credit industry experts say.

This is unacceptable. Lenders should not be able to raise interest rates at any time for any reason.

There are Biblical references to what can be described as usury; that when people are down and in need of money, there is a strong moral objection to charging them sky-high interest rates.

In the "Divine Comedy" by Dante, there is reserved a special place for people who charge usurious interest rates, the inner ring of the Seventh Circle of Hell.

I don't wish this on the credit card companies or the mortgage lenders, but this is what I do say. In this country today, especially as interest rates go down from the Fed, it is an outrage that millions of our fellow Americans are paying 25 percent or 30 percent interest rates, and our amendment would begin to address this issue. The time is long overdue for us to move in that direction. I ask at the appropriate time for the support of my colleagues.

HONORING THE SACRIFICE OF MEMBERS OF THE UNITED STATES ARMED FORCES WHO HAVE BEEN KILLED IN IRAQ AND AFGHANISTAN

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Res. 501, which the clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 501) honoring the sacrifice of the members of the United States Armed Forces who have been killed in Iraq and Afghanistan.

Mr. McCONNELL. Mr. President, the resolution before the Senate honors the sacrifice of the members of our Armed Forces who have given their lives in Iraq and Afghanistan. It is fitting that we honor their service and their sacrifice.

The resolution states that sacrifices of the fallen are in keeping with the highest traditions of the U.S. Army, Navy, Marine Corps, Air Force and Coast Guard. These selfless Americans have upheld the fine traditions of those who fought at Guadalcanal, Inchon, in Vietnam, Korea, Gettysburg, and Trenton.

We have lost 69 brave volunteers from Kentucky. They are not forgotten by their families, they are not forgotten by the U.S. Senate, and they are not forgotten by those who carry on the fight.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the resolution. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—95

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin

Carper
Casey
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—5

Chambliss
Clinton
Inouye
McCain
Obama

The resolution (S. Res. 501) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in todays RECORD under "Submitted Resolutions."

Mrs. LINCOLN. Madam President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007—Continued

The PRESIDING OFFICER (Ms. KLOBUCHAR). The majority leader is recognized.

Mr. REID. Madam President, we are in a situation that is hard for me to comprehend, but that is where we are. We have an amendment pending, the Durbin amendment, and we cannot get a vote. That is unfortunate.

We have been told by the minority they want a 60-vote threshold. I cannot understand—there are a lot of people who have been in the Senate a lot longer than I have. But I do not know where we came up with a 60-vote deal.

We should legislate. If someone on the minority side would offer a motion to table and that motion fails, they still are protected with the 60-vote margin. I do not understand why we cannot move forward on this legislation. It appears we cannot. It appears we cannot.

It appears we have legislated our hearts out to try to arrive at a bipartisan arrangement. Let's go back and start at the beginning.

Madam President, we offered a Democratic package. In good faith, Senators DODD and SHELBY, along with the Finance Committee chair and ranking member, came with a package for us. If you look at it, the only thing taken out of the Democratic package was the bankruptcy amendment. Many other provisions were changed drastically, but that was the only one that was taken out.

Senator DURBIN has offered to send it to the bill. During the negotiations, Senators DODD and SHELBY knew we on this side of the aisle wanted that bankruptcy amendment in the bill, so the minority would have to take it out. But negotiating in good faith, and recognizing that a legislator is someone who needs to be able to compromise, in the presence of Senator DODD we agreed to take that provision out.

That is where we are. We are not going to agree to a 60-vote margin. It is unfair. It is unfair that every time someone thinks they may lose, they want a 60-vote margin. I do not comprehend that. It has not been that way until the recent minority came into power, or lack of power, whatever the case may be.

Today about 8,000 people will be told: You are out of your home forever. Someone else owns your home. Foreclosure is over with—Friday, tomorrow, another 8,000 people. Because of our inaction today and tomorrow, that is 16,000 people. Fortunately, foreclosure finalizations do not occur on weekends. That is standard law around the country. So we come back Monday. It is a nonvote day that has been scheduled for several months. That will be another 8,000 people. Now we are up to 24,000 people and their families. I don't know how many it would add up to, but their families are out. So if on some phantom matter of principle the Republicans are going to say: You are going to have to get 60 votes on this, then I guess we will not have a bill. I ask my friends who have been in the Senate much longer than I why we have to do that.

I think we are in an impossible situation. I admire, I have said many times, the good work done by Senators DODD and SHELBY. I have also said the substitute amendment that is before us is far from being perfect. I have had members of my own party say: Why did you give up on that or why did you add that? For example, Senator SHELBY, why did we raise the downpayment to 3.5 percent? It was a compromise. The House wanted 1 percent. People over here wanted 6 percent. We compromised. The whole substitute before us is a compromise. Legislation is the art of compromise. I would be satisfied if we walked out of this Chamber today with just the substitute amendment as having been agreed upon.

Some think we have done too much for certain segments of society and we haven't done enough, on my side, for the middle class. "Other side" people think we have done far too much, that we should back off. Government is involved in this too much.

I repeat, that is what legislation is all about. It is compromising. The American people are waiting for us to act. Someone please explain to me, I say to my friend, the Republican leader, why do we need to have 60 votes on every amendment that comes along? We have another amendment sponsored by Senators FEINSTEIN and MARTINEZ. There are some people who are concerned about that. They don't like it. It is a licensing provision. All kinds of special interest groups have weighed in on this. Should we have 60 votes on that? Senator SCHUMER has been somewhat aggrieved at both me and Senator DODD because of a provision in here for counseling that is not $500 million. It is $100 million.

It was a compromise. Our bill had $200 million. Senator SCHUMER wanted $500 million. But do we need to have 60 votes on that? If that is the case, we would not get 60 votes on anything.

There may be a point that there are so many amendments offered that I would consult with the Republican leader and say: Well, maybe we need to file cloture on this bill. We have been here since 9:30 this morning on this bill, and we have not had a single vote.

Again, through the Chair, I ask the distinguished Republican leader, why can't we move forward and try to dispose of, affirmatively or negatively, the Durbin amendment?

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, with all due respect to my good friend the majority leader, this is somewhat of a manufactured controversy. Where are we? We have an underlying bill, negotiated on a bipartisan basis by Senator SHELBY and Senator DODD. Then we have, with all due respect to our friends on the other side, an expression of incredulity that 60 votes might be required for something in the Senate.

Let me quote my good friend the majority leader who said last year:

> In the Senate, it has always been the case you need 60 votes. I don't have 60 votes.

Senator REID said in January of last year:

> Sixty votes are required for just about everything. We may have to come up with a number of resolutions that require 60 votes.

My point is—I say this with the greatest respect and admiration for my counterpart—acting like this is unusual is—well, it is clearly not the case.

Why would Members on my side want to subject this proposal to a 60-vote threshold? It is the most controversial provision in the bill. It is the principal reason my side was unwilling to go to the bill as previously crafted. So why would anyone feel aggrieved that the most controversial part of the bill, the issue which needed to come out in order to craft a bipartisan beginning, which Senators DODD and SHELBY did, why would anybody be incredulous that 60 votes would be required for this? That is routine in the Senate. It is also frustrating to the majority. I was in the majority recently. But that is the way it is. To act like it is somehow unusual strikes me as somewhat odd.

I would be happy to propose a unanimous consent request now, if the majority leader would like me to, that we have a vote on this amendment in the very near future at a 60-vote threshold. It is quite routine and common in the Senate. It would allow us to dispose of the Durbin amendment and move on to completion of the bill in the near future, something most of my Members would like to do. I assume, based on what my good friend said, that he would object to that, so I would not propose it, but I would be happy to. It would allow us to do what I think he wants to do, which is to go on and vote on the Durbin amendment and move ahead with amendments on both sides of the aisle.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I apologize. I was interrupted. Did the Senator make a suggestion? What was that?

Mr. McCONNELL. I did not make a consent request. But I said I would be happy, if you would like me to, that we vote on the Durbin amendment shortly with a 60-vote threshold, which is pretty common around here on all matters of controversy. I was pointing out that this Durbin amendment is the most controversial part of the bill. Both sides knew that. I don't know why we don't have a vote at 60 like we do on virtually everything of controversy in the Senate. Then dispose of the Durbin amendment and move on.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. Madam President, there is an objection on behalf of the majority leader. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection to dispensing with the quorum call?

Without objection, it is so ordered.

VOTE EXPLANATION

Mr. CHAMBLISS. Madam President, I was unavoidably detained on the last vote. Had I been present to vote on S. Res. 501, I would have voted in the affirmative. I would like to be recorded as such.

The PRESIDING OFFICER. The RECORD will so note the Senator's position.

Mr. CHAMBLISS. I thank the Senator.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I say to my friend from Georgia, we vote in a very hurried fashion lots of times. It is a wonder we do not make more mistakes. I have done the same thing the Senator from Georgia has done. You should not be embarrassed. It happens all the time. I am glad the RECORD reflects your feelings. We know your feelings on this issue.

Mr. CHAMBLISS. Thank you.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 4388

Mr. DURBIN. Madam President, in the interest of moving forward this important housing stimulus bill as quickly as possible, I move to table the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—58

Alexander
Allard
Barrasso
Baucus
Bennett
Brownback
Bunning
Burr
Byrd
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Wicker

NAYS—36

Akaka
Bayh
Biden
Bingaman
Brown
Cantwell
Cardin
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Menendez
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Webb
Whitehouse
Wyden

NOT VOTING—6

Bond
Boxer
Clinton
Inouye
McCain
Obama

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I had the good fortune in 1982 to be elected to the House of Representatives, one of the biggest thrills of my life. As a result of that, I have made some very good friends. One of the people who came in that class of 1982 was RICHARD DURBIN of Illinois.

What everybody here witnessed was an act of unselfishness. Senator DURBIN procedurally moved to table his own amendment. That is unheard of in the Senate. He did that in an effort to move this along. He knew where the votes were. I want the RECORD to be spread with the fact that this is a fine legislator, a good human being. The people of Illinois are so fortunate to have this man who cares so much about people. In front of all of my colleagues, Democrats and Republicans, I express my appreciation to DICK DURBIN for doing something that is unheard of here, something very unselfish, for which he gets no credit.

Mr. KYL. Will the leader yield for a question?

Mr. REID. Yes.

Mr. KYL. Madam President, I served in the House of Representatives with the Senator from Illinois as well. This isn't the first time he has done something unheard of. I was in the minority in the House of Representatives and on a particular vote—I don't know how many were on the floor, but probably about a dozen altogether—DICK DURBIN was in the chair as Presiding Officer. He called the vote—a voice vote. It was supposed to be "the ayes have it," but there were a bunch of Republicans on the floor and, in full-throated voice, we said "no." I think one timid soul said "aye." The Presiding Officer said: "The nos appear to have it, the nos do have it." He called the vote, but not the way his side of the aisle wanted it called. Of course, about 10 minutes later, the appropriate number of people were on the floor and the vote was reversed. So this is not the first time the Senator from Illinois has done something unusual and in a way to move the process along and be fair in it. I always have appreciated that.

The PRESIDING OFFICER. The Senator from Ohio is recognized—the Senator from Louisiana is recognized.

Ms. LANDRIEU. Madam President, may I inquire about the order of amendments that will be offered? Is there an order?

Mr. DODD. May I ask the Senator from Ohio to yield without giving up his right to the floor?

Mr. VOINOVICH. Yes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Senator SHELBY will be coming over shortly. A lot of Members have amendments they want to offer. We wish to obviously accommodate as many people as we can. I don't know what the leader's intentions are for this evening, but we will try to accommodate people and go back and forth in the normal process. We will be here while Senator VOINOVICH is offering his amendment. I know Senator SCHUMER is next in line. We will have to sit down and work out an order after that.

Ms. LANDRIEU. Madam President, reserving the right to object—

Mr. DODD. Reserving the right to object, I will try to accommodate everybody.

Ms. LANDRIEU. My suggestion is that we get an order now.

Mr. DODD. I am going to try to do that.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 4406 TO AMENDMENT NO. 4387

Mr. VOINOVICH. Madam President, I send amendment No. 4406 to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Ms. STABENOW, Mr. HATCH, Mr. ROCKEFELLER, Mr. SMITH, Ms. CANTWELL, Mr. VITTER, and Mr. LEVIN, proposes an amendment numbered 4406.

Mr. VOINOVICH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect families most vulnerable to foreclosure due to a sudden loss of income by extending the depreciation incentive to loss companies that have accumulated alternative minimum tax and research and development tax credits)

At the end of title VI, insert the following:

SEC. ____. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

"(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—

"(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and

"(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

"(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

"(i) the limitation under section 38(c), and

"(ii) the limitation under section 53(c).

"(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

"(I) the aggregate amount of depreciation which would be determined under this section for the taxable year if no election under this paragraph were made and if this subsection applied only to eligible qualified property, over

"(II) the aggregate amount of depreciation allowable under this section for the taxable year.

"(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

"(I) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

"(II) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

"(III) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

"(iii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iv), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

"(iv) APPLICABLE LIMITATION.—For purposes of clause (iii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

"(I) $50,000,000, or

"(II) 50 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).

"(v) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iv).

"(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

"(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

"(I) from taxable years beginning before January 1, 2006, and

"(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

"(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

"(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

"(F) OTHER RULES.—

"(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

"(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

Mr. VOINOVICH. Madam President, along with my colleague from Michigan, Senator STABENOW, we have worked to craft an amendment to help struggling companies and their employees during this time of economic downturn. The two of us have been joined by a bipartisan group of cosponsors, including Senators HATCH, SMITH, VITTER, LEVIN, CANTWELL, and ROCKEFELLER.

Without a job and financial security, it is extremely difficult to keep paying your mortgage and keep your home out of foreclosure. A job is the first step in ensuring that Americans can achieve the dream of home ownership.

My hometown of Cleveland is the epicenter of the foreclosure crisis, and with Ohio ranked No. 1 in foreclosures nationwide, according to the Mortgage Bankers Association, addressing this issue is of critical importance to me and all of my constituents in the great State of Ohio. The reason Ohio is experiencing a foreclosure crisis has nothing to do with speculators. It has to do with a bubble of rapidly rising prices. Ohio has a foreclosure crisis despite the fact that house prices never did increase there as they did in other parts of the country. Ohio families have been losing their homes because Ohio manufacturing workers have been losing their jobs.

It is the same story next door in Michigan. Our amendment is one step in the plan to turn things around for workers in these and other manufacturing States so families have the income to stay in their homes.

Our amendment will help unprofitable companies—many of which are in Ohio—to use existing AMT and R&D credits in 2008 to stimulate their businesses, turn profits, and create new jobs. The amendment would allow companies operating in the red to use the AMT and R&D credits already on their books instead of bonus depreciation deductions, as long as the money is used to expand operations in the United States.

Bonus depreciation has already been included in the economic stimulus package, but it left out companies that don't have income against which to deduct their expenses because they are not making any money. This is an important thing. Ironically, these are the companies that are most in need of relief during a strained economy, but they are not receiving it.

My colleagues should also note that this amendment is fiscally responsible because it simply allows for the speedier use of tax credits that would be used anyway in the future. In other words—and I wasn't aware of this—companies that are not making money pay an AMT corporate tax, and what happens is when they do start making money, they deduct the corporate AMT from the taxes, so in effect they get credit for that corporate AMT. We are basically saying let's let those companies—because they cannot use the bonus depreciation—use that AMT credit so they can create jobs and keep people working. So this basically lets them use these credits speedier than they would ordinarily be used if we waited over a longer period of time.

I want everybody to know we will continue to work with the Joint Committee on Taxation to get a fiscally responsible revenue estimate. We have every reason to believe it is going to be very small during this 10-year period. As a matter of fact, if you take into consideration that these companies, down the road, would use the R&D or their corporate AMT, it could end up being a wash.

This bipartisan amendment has wide-ranging support from the biotech industry, to the American auto industry, to the coal industry. All of these industries are hurting and need a boost to get back on track. This amendment would give them that boost to make investments now and create jobs so Americans can keep their homes. I urge my colleagues to support this amendment and work to protect their constituents' jobs and homes.

I yield the floor to the Senator from Michigan, whom I appreciate joining me on this amendment. It is something the two of us have been working on for quite some time. I am glad we have a bipartisan group that understands how important it is to our respective States and to this country.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I first give thanks to my colleague and friend from Ohio. We have been working together on this issue. Michigan and Ohio are part of the epicenter as we have seen the downturn in the economy since 2000. We have seen 3 million manufacturing jobs—middle-class jobs that created the standard of living in this country—that have been lost.

This amendment addresses those companies that have done the right thing, that have paid good wages, provided health insurance, provided pensions, that now find themselves in a challenging time but that we want to continue to support so they can continue to keep great American jobs in this country.

I am so pleased we are joined by others in a truly bipartisan effort. We have four Democrats and four Republicans cosponsoring the amendment. We have Senators HATCH, ROCKEFELLER, CANTWELL, VITTER, LEVIN, and SMITH coming together from all parts of the country, representing important American industries that are asking to be recognized and to basically allow them to use the AMT and R&D credits they have already accumulated. They have made investments and we want them to make more, and we want to create a mechanism that allows them to benefit from the mechanisms we are putting into place to support industries that need assistance in this difficult time and need to be ready to come out of this economic downturn as quickly as possible.

There is no question that we are in a housing and economic crisis in America. Few States have been hurt worse than Michigan and Ohio. In Michigan alone, right now, we rank No. 6 in the number of foreclosures. Last year, 87,000 households were foreclosed upon; 87,000 families faced the loss of their homes and their piece of the American dream.

Last year, Michigan lost 62,000 good-paying jobs. Unfortunately, we are not alone. In February, the manufacturing sector lost 52,000 jobs. Over the last 7 years, manufacturing has lost more than 3.6 million jobs. Again, these are middle-class jobs and these companies have stepped forward to do the right thing and pay health care, pensions, and provide a standard of living that has been unsurpassed in the world.

Yet the Labor Department announced that the number of new people signing up for unemployment benefits last week shot up to the highest levels in more than 2 years, from a seasonal adjusted 38,000 people to 407,000 people.

In Michigan alone, right now, our unemployment rate is 7.2 percent. American families are in a state of crisis. They are losing their homes, their jobs and, of course, we cannot ignore this situation. We need to do everything possible to be able to support families, workers, and businesses that are being affected.

The Voinovich-Stabenow amendment would help save many of these important middle-class jobs and keep families out of foreclosure. From manufacturing States such as Michigan, families are not losing their homes because of a housing bubble, they are losing their homes because they lost their jobs, their livelihood. They have exhausted their unemployment benefits and they have spent all of their savings, probably dipped into the equity in their houses, and they cannot afford to pay the mortgages anymore. This is a daily reality for the families I represent in Michigan.

The bonus depreciation provision we passed in the stimulus package earlier this year gave manufacturers a strong incentive to increase their capital investments in an effort to stimulate the economy. Unfortunately, that did nothing for manufacturers that are struggling the most right now, the ones that are not profitable, that are being forced to shut down plants and lay off workers.

Our amendment would also give these struggling manufacturers an incentive to be here in America and invest in American jobs. By utilizing the AMT and R&D credit provision, manufacturers in this loss position that have built up AMT and research and development tax credits will now be able to use their credits, stimulate the economy, and create new jobs. These manufacturers will be able to recover their accumulated credits—in other words, they have invested and developed credits. They just cannot use them because they are currently not making a profit. This will allow them to recover those credits after they have made new investments, which will help them to fully realize the intended benefits of the bonus depreciation provision and put them on equal ground with profitable companies.

This amendment will not only allow these manufacturers to stay afloat in this time of economic uncertainty, but will help them invest, expand, and create more American jobs. It will allow them to avoid laying off more workers, many of whom are the most vulnerable when it comes to the issue of foreclosure, losing their home.

Adopting this amendment is an important first step in addressing the crisis facing our Nation. It cannot wait for another day. We would very much appreciate strong bipartisan support for this amendment that is a very important piece of addressing what is happening to so many millions of American families across this country.

I urge colleagues to join us in this bipartisan amendment.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I hope the tabling motion that the Senate has dealt with has broken the logjam and we can move to the amendments, such as the one we are now on, and work our way through the evening. The reason I say that is because there are a good many of us, well over a month ago, who said if you want to fix the economic trouble in our country today, solve the housing crisis.

I did not agree with the stimulus package we debated a month ago. I did not agree with borrowing $150 billion and standing on street corners and handing out $500 bills. That helps someone, but it does not help the economy in general because that money has not been handed out yet.

What we do today, and if it were to become law in a reasonable period of time, would deal with one of the bigger industries in our country. I think few people, unless you look at it, recognize the value of the housing industry to our country, its breadth and its depth.

One of the things I monitor in Idaho, and I know my colleague from Montana, who is on the floor, monitors as chairman of the Finance Committee is mill closures; that is, sawmill closures, across the United States since the first of the year because the timber industry is flat. It is at a 40-year low in prices of dimensional lumber.

Why is it? Because the housing industry is flat. Talk to plumbing fixture manufacturers and everybody else out there and look at the breadth and the depth of the housing economy.

So it is time we deal with the real problem. Had we dealt with it a month ago, possibly the House would have been done with it, it could have been signed into law, and, more importantly, it would be recognized in the marketplace today as a reality and the marketplace would be adjusting. That is the banking industry, that is the mortgage industry, that is the housing industry.

There are real problems out there, and they are very real problems if you are involved in it. If you have been conned into a subprime loan and it sounded so good at the time you took it and it turned south on you and your values drop, that is one thing and you are out on the street or you simply walked because you used the "credit card" economy of the subprime market to buy a house.

If I am across the street from you and you have left your house and the bank now has it and they knock it down 20 percent in the market, what does that do to the value of your home? You may be in better shape. You may have a fixed-rate 30-year mortgage. You may not be losing your job or you may not be in a subprime market, but your house went down 20 percent because the house across the street that is comparable went down 20 percent.

That is the reality of the world in which we are playing, and that is why I was so extremely pleased when Senator DODD and Senator SHELBY came to grips with this issue in a very real, honest, brokered bill in a bipartisan way and have brought to the floor the bill before us. I hope the House will respond quickly, and we can get this to the President and it actually can become law in our timeframe so the markets can begin to react.

Back at the time we were debating the $150 billion bailout, I and Senator ISAKSON and others said: Wait a moment, that is all well pleasing and it may be politically correct for the time and the White House and the majority party in the Congress may agree with it, but when will it get to the ground and how much will it stimulate?

I had a lot of people in Idaho say: LARRY, we are not going to buy anything; we are going to pay off the credit card debt; in other words, we are not going to move the money through the market in a way to stimulate the economy, we are simply going to put it in savings or pay off a debt. We are not going to go out and buy a new Chinese or Japanese television set or anything in the market that was not produced in our market that is oftentimes the kind of consumer product that kind of money buys today.

So Senator ISAKSON and I said we ought to go back and look at history and what worked. In the seventies, we had a housing bubble, and it broke. The housing industry said we have a 3-year inventory. At that time—and I was not here; some who serve today were here—they put a tax credit out there, and they said: If you are going to be an owner occupant and you are going to buy out of inventory or repo or bankruptcy, you get the credit. What was supposedly a 3-year glut in the market of housing inventory turned into a 12- to 15-month glut, and the lights came on in our sawmills, workers went back to work, contractors went back to work, and we were able to effectively get that economy stabilized.

In December of 2007, housing starts fell to the weakest level since May of 1991. As a whole, housing starts were down 24.8 percent in 2007, the second largest decline on record, and housing prices declined almost 9 percent in the final quarter of 2007, the largest year-to-year drop in a 20-year history of the index. That is what we were looking at in February and in January and saying to this Senate in a bipartisan way: Let's fix this problem; let's do it now; let's do it sooner rather than later.

It is now later, and I wish it had been done earlier. But, most importantly, the Congress has recognized it, or at least the Senate has recognized it. Leaders such as Senators DODD and SHELBY have recognized it and they have come to an agreement. I hope we stick to that agreement.

There are amendments floating around that ought not pass, and if they do pass, all of us will have to reevaluate the compromise because the compromise, in large part, is a bipartisan effort to solve this problem.

We owe it to the American people this time to get it right, this time to fix the underlying primary problem that is dragging the economy down, threatening everyone out there in that industry, in the mortgage banking industry, and we ought to get it done in a way that makes it work.

I believed all along that a timely targeted housing stimulus bill would focus on the builders and the buyers, and I think this housing legislation is workable and does that.

Overall, I think it is a pretty good package, as I have said, and I will support it as long as we do not mess it up with more partisan-like amendments that might make their way to the final text.

I believe in compromises when it is necessary and appropriate and when issues are as big as this issue is, when the problem is as big as this problem is, whether it is Boise, ID, or Las Vegas, NV, or San Diego, CA, or Seattle, WA, it is a problem that deserves to be dealt with in a timely and an appropriate way.

Extending the carryback period for net operating losses will allow these companies, these builders to receive the infusion of cash helping them stay in business and pay their employees. The legislation will also help the buyer, as I have mentioned. We are proposing to provide additional money to tax-exempt private activity bonds authority to be used to refinance subprime loans which will keep families in their homes and make it easier for them, the home buyers, to buy that home.

We are also going to allow taxpayers who do not itemize on their Federal taxes, which tends to be middle-class and lower income families, to deduct property taxes from their Federal tax liability. Frankly, that is a good deal. That makes sense in this interim period of time.

Finally, the last tax provision in this legislation, in my opinion, is one of the most important provisions in the bill because it is the Isakson concept I listened to, helped develop, bought into very early on several months ago as we were looking at this problem, and that is giving taxpayers a $7,000 direct tax credit to buy homes that have been foreclosed on, payable over a 2-year period of time.

Foreclosed homes are a significant problem in any housing market. For the reasons I explained a few moments ago, they drive down the prices of everybody else's values. They are oftentimes not maintained, they are attracted to vandalism and burglary, and they become eyesores in communities if banks and those companies that hold them are not doing the due diligence to make sure the lawns are mowed and the house is maintained and at least the house looks as if it is being occupied.

Oftentimes, if there are too many in the market, that simply does not happen. This tax credit will help clear our housing inventory sitting in today's market. I talked about the seventies. There is no reason to believe we cannot clear the inventory in a reasonable period of time.

Lastly, let me once again turn to Senator DODD and Senator SHELBY and thank them. We are all partisan, but we are all bipartisan when we see big issues that deserve a solution, that demand it, and these two Senators stepped up and, in my opinion, have put a very good package together. It is certainly a package I wish to support, that I hope we can move in a timely and responsible way to conclude because it is, in my opinion, the greatest stimulus to the biggest problem in the economy today.

In Idaho, a State that has experienced phenomenal growth over the last good number of years, those foreclosures are beginning to develop. But unlike some States, we have something else happening. We have sawmills going down and lights going out and hard-working men and women simply not having their jobs in the housing industry because the housing industry is flat.

This kind of legislation, when it becomes law, will work in the marketplace to solve those problems and allow the markets to adjust in a way we ought to be allowing them to do, not to step in and fix it with a Federal bailout but to allow the markets to adjust, the buyers to adjust, and those who may have been victimized, in part, by the uniqueness of the loan packages of a few years ago, to make sure they can be helped a bit. But more importantly, they have learned their lesson that there is no free ride, that you cannot buy a house with a credit card, that a little savings and a little investment and a little fortuitousness can help you into probably one of the largest investments you will make in your lifetime and historically—and it will be true tomorrow as it was true yesterday—will be the best buy you have ever made in your lifetime and that is to own a home in a community of your interest and your support.

I hope we can work this through the evening. I hope we can move to final passage with the quick handling of these amendments. It is important we get this work done and say to the American people: You see, when there is a big problem out there, the Congress can respond in a responsible way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I first thank the Senator from Idaho for his very generous comments about the effort. We appreciate that very much. His willingness to work with us will be of help to see if we cannot move this legislation along.

I am going to ask consent to get a batting order of amendments. Madam President, we have already considered the Durbin amendment. We are now considering the Voinovich-Stabenow amendment. Following that amendment, Senator MURRAY and Senator SCHUMER have an amendment, Senator SPECTER—I should refer to them by number. The Voinovich amendment is amendment No. 4406, the Murray-Schumer amendment is No. 4397, the Specter amendment is No. 4392, the Feinstein-Martinez amendment is No. 4393, and an amendment offered by Senator KYL of Arizona is No. 4407. I ask unanimous consent that those amendments be considered in the order I announced them; that the underlying amendment, the Voinovich amendment, at the conclusion of debate, be set aside and we move to consider these next amendments. We will try to complete four or five of these amendments, I am told by the leadership, with the possibility of votes on one or all these amendments this evening, with a couple more tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I want to ask the chairman of the Banking Committee to read those amendments off one more time.

Mr. DODD. Be happy to. Presently, we are considering the Voinovich-Stabenow amendment, No. 4406. The next amendment would be the amendment offered by Senators MURRAY and SCHUMER, No. 4397. There is then an amendment offered by Senator SPECTER, No. 4392; an amendment offered by Senators FEINSTEIN and MARTINEZ, which is amendment No. 4393; and an amendment offered by Senator KYL, No. 4407. There are other amendments, but these are the four or five we are going to try to deal with here by setting aside the underlying amendment and debating them.

Mr. BAUCUS. I object, Madam President. There is one in there I don't want on that list, so I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. It is the Ensign amendment. Take that off the list.

Mr. DODD. It is not on there.

Mr. BAUCUS. It is not on there? OK, good. I am okay as long as that amendment is not on there.

The PRESIDING OFFICER. Is the objection withdrawn?

Mr. BAUCUS. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. May I also just request that Members let the staff know how much time they may need. It would help us to inform other people about when their amendments are coming up. So if you need a half hour, 15 minutes, or whatever to explain your amendment, we can let others know about coming over and offering their amendments in a timely fashion.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I believe the Voinovich amendment is the pending amendment. I have spoken to that amendment and at this point cannot agree to it. It costs about $3 billion over 10 years. I have spoken to the sponsors and asked them to rewrite that amendment and talk to the Joint Committee on Taxation to get the score down to about $1 billion, and they are working on that right now. I very much hope they can get that amendment down to a billion because then it would be in a much more acceptable form. But right now, the size and scope of it is just too large. And I think it is appropriate, when we consider these tax amendments, to be somewhat prudent when we consider them and not go overboard. I do believe the current scope of the Voinovich amendment is too large, and they are very agreeable and are working with Joint Tax in amending the language to get it down to about $1 billion over 10 years.

Mr. DODD. Madam President, if I may, since the Senator from Montana has spoken on this amendment, I wish to advise Members that any amendment that is within the jurisdiction of the Finance Committee, I am going to defer entirely to the Senator from Montana and his colleague from Iowa as to their advice and counsel. So if you have any amendment that impacts the Finance Committee, I am happy to see you, but I will turn you right over to see the Senator from Montana to talk about it. So I am going to make it clear we are going to rely entirely on the judgment of the Finance Committee on any amendments that affect that committee.

Mr. BAUCUS. Thank you very much.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 4397 TO AMENDMENT NO. 4387

Mrs. MURRAY. Madam President, I ask unanimous consent to set aside the Voinovich amendment in order to call up amendment No. 4397.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN, proposes an amendment numbered 4397.

Mrs. MURRAY. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for housing counseling resources)

On page 58, line 10, strike "$100,000,000" and all that follows through "2008" on line 11, and insert the following: "$200,000,000, to remain available until December 31, 2008".

Mrs. MURRAY. Madam President, I offer this amendment for myself and Senator SCHUMER, Senator CASEY, and Senator BROWN.

I am extremely happy that we do have a bipartisan bill now that provides a solution to the problem at the very center of our Nation's economic downturn—the housing crisis—that has shaken communities across this country. We know that each month this year thousands of homeowners will see their interest rates rise, and many more will find themselves underwater as the housing market in their region continues to suffer. If the Federal Government doesn't take action, as many as 2 million American families are going to lose their homes to foreclosure this year. Each one of those foreclosures represents a family whose dream of a comfortable home and a secure future is going to be dashed, and each one of those foreclosures really weakens the foundation of a community.

This crisis has already rippled across our economy. If we don't take aggressive steps to prevent it from becoming worse, it is going to take that much longer for our neighborhoods and our hometowns to recover. That is why I rise this afternoon to offer an amendment with Senators SCHUMER, CASEY, and BROWN which I believe will help make this bill much stronger. Our amendment will provide an additional $100 million for housing counselors, who really are our front line of defense in the fight to prevent more families from losing their homes. What our amendment does is double the money for housing counseling that is in this bill. It builds on our efforts we started last year.

In last year's omnibus budget, we included $180 million through the NeighborWorks America Program for housing counseling to help 450,000 homeowners who are in trouble today. As chairman of the Appropriations Subcommittee on Transportation and Housing, I worked hard with my colleague, Senator BOND, to push for that money. The bill before us today would provide the resources to help another 250,000 homeowners, and our amendment would enable us to bring the total number of families helped through this bill to 500,000.

Many homeowners today don't know that they can get help if they get behind on their mortgage. Too many of them don't make contact with their lender when they miss their first payment, and too many just feel intimidated or don't trust their bank enough to make a call. But housing counselors can help these families. They can help them negotiate with their lender, readjust their payment, or learn how to budget their expenses better.

The last couple of years have really proven that this kind of assistance may be the most cost-effective and important piece of the solution to the housing crisis, and that is why we believe we must ensure that counseling agencies get more resources as soon as possible if we are going to turn around this economic crisis.

According to the Secretary of Housing and Urban Development, 96 percent of the families who get counseling avoid foreclosure. Let me say that again. Ninety-six percent of the families who get counseling avoid foreclosure. That means almost all the people who seek help from an expert will not lose their homes.

We know the demand is there. Last year, the demand for the $180 million made available for counseling in the omnibus was twice as high as the money available, and that happened even though counseling agents across the country had only 2 weeks last year to apply for the grants. In just the couple of months that have passed since then, several States have seen a dramatic increase in their foreclosures, and people in those communities and other communities across the country are very worried. We all know that foreclosures have left our neighborhoods full of vacant homes. Families are distressed, they are in trouble, and State and local governments are seeing their tax revenues drop now, even as the needs out there are piling up.

These counseling agencies we provide the funding for are telling us they need desperately more resources to help address this. In my home State of Washington, the number of calls to counselors doubled in just the first few months of this year, and we know that is true across the country. But if the numbers aren't compelling enough, let me tell you personally about a few people I know who have been helped.

One of them is a man named Clifford. He is a gentleman from my State, and I don't want to use his last name to protect his privacy, but he told me what happened to him. He and his family thought they had achieved the American dream by owning a home. Their home represented stability. It was an important investment in their future. But they started having trouble with their mortgage because Clifford lost his factory job, and pretty soon his wife got sick and she needed surgery. Before they knew it, they were a couple of months behind and were struggling with their mortgage company about how they could ever catch up. They turned eventually to Consumer Counseling Northwest, got a counselor who gave them help and advice, and he told me that made all the difference. Clifford's housing counselors were able to help him get his payments reduced, and now his family has been able to pay the mortgage and keep their home.

Madam President, there are many families like Clifford's across the country—people who are teetering on the edge and just need a little bit of help and counseling to avoid a crisis.

Earlier this year, at an event with Senators BOND and COCHRAN—and with Representatives OLVER and KNOLLENBERG from the House—I had an opportunity to meet a single mom from Ohio. She told us she had fallen on very hard times, which in turn led her to fall behind, and she soon found out she couldn't pay her mortgage. But thanks to help from NeighborWorks America, she told us that she and her children didn't lose their home and they were able to stay there. She told me that when she got behind, she just got completely overwhelmed. She told me she didn't know what to do. She said: You know, this is not something they teach you in school.

Well, these counselors made a difference in her life and thousands of others. We should not turn our back on families today who want to make a call and get help, who want to get their mortgages back in line and keep their homes. The economic health of this country depends on Americans having a safe and stable place to live and raise their families. We want every family who is facing a challenge today to know that there is help out there, and when they call, we want to make sure there is a knowledgeable counselor on the other end of the line who can give them the help they need.

So here is the bottom line. We know we have millions of people who need help, and we know housing counseling can make a difference. So I think it would be unconscionable not to provide this money, and I urge my colleagues to support this amendment that will put the resources out there to make sure families in all our communities can pick up their phone, make a call, get the help they need, and keep their investment in their home and their security for the future.

Madam President, I have been proud to work with the Senator from New York, as well as others, on this bill, and I know he is on the floor and ready to speak as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I am proud to rise in support of the amendment offered by the Senator from Washington, the Senator from Pennsylvania, the Senator from Ohio, and myself, and I first wish to thank Senator MURRAY for her leadership on this issue. This is crucial, and when Senators CASEY, BROWN, and I sent her a request to include this money first in the appropriations bill and then in the omnibus bill, Senators DODD and BOND offered an amendment for another $100 million, and by the time we got through with conference, $180 million was offered. So I thank all my colleagues. We also have Senators CLINTON, MENENDEZ, and KERRY as cosponsors of our amendment.

Madam President, as you know, we are in the midst of a massive spike in mortgage delinquency and foreclosures. Housing prices are going down at record levels. We haven't seen housing prices go down this much since the Depression. Our economy, the national economy, is heading south. Yet where is the President? The President has been in Bucharest, both literally and figuratively. The President is literally in Bucharest today, but he has been in Bucharest for months when it comes to the economy and housing. He is nowhere to be seen here.

Foreclosure filings are soaring. They are up 57 percent in January. From December to January alone, foreclosures increased 8 percent. The 57-percent figure is over the year. Home foreclosure filings topped 1.3 million in 2007, and more than 2 million are likely now. We are all more than aware of the havoc this has wreaked in neighborhoods, on Main Street, on Wall Street, and throughout the Nation and even the world. So it is amazing that with all of these problems rippling out from housing foreclosures, a simple addition could greatly ameliorate the problem, and that addition is mortgage counselors. Why, you ask? Why should a mortgage counselor help solve not just problems of individual foreclosures but of declining home prices and declining economy and financial ripples throughout the world, in London and Shanghai? The answer is simple: The majority of those in foreclosure do not have to have their houses foreclosed upon. They have the resources, and the price of their home is such that a simple refinancing would work.

In the old days—when banks were the only issuer of mortgages, they issued them and held them—none of this would have happened. The mortgage counselor from the bank would have gone over to the homeowner and helped him or her rework this. Madam President, 60 percent of those in foreclosure or about to go into foreclosure are prime borrowers; most of them, the majority, are in home refinancings, not new homes; and many of them were duped through no fault of their own.

A mortgage counselor on the scene, provided there are dollars to refinance, can help that homeowner refinance.

I ask unanimous consent that Senator KLOBUCHAR, the Presiding Officer, be added as a cosponsor of our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I thank her for always being on top of things.

In any case, a mortgage counselor could easily do the job in so many cases, but there are none around. Foreclosure counselors are skilled and work. There are groups throughout the country that do this and do it well, with very little waste and much dedication. That is why Senators CASEY, BROWN, and I went to Senator MURRAY and asked her to put this in the omnibus bill. That is why she did it, and that is why Senators BOND and DODD added additional money in an amendment. We need these people.

I wish to tell a story. I have told it before on this floor, but I want to make sure people hear about it. It shows the need for counselors. It is about Frank Ruggiero, a homeowner from Ozone Park in Queens. Frank is a retired subway motorman. He had a pension of $28,000 a year, Social Security of $11,000 a year—$39,000 income a year. He lived in his nice little brick house with a mortgage of $1,100 a month or about $12,000 a year and happily paid the mortgage for 16 years of the 30-year mortgage.

Then Frank got diabetes. He needed $50,000 for some kind of treatment that his medical plan would not pay for. Instead of going to the bank, which was Frank's mistake—because banks have not caused this problem; it is the independent mortgage companies, unregulated, that caused it—he saw an ad in the paper for one of these fiends—they are not all fiends but this person was—that said "get quick cash; refinance your home."

Frank called, and he came over. Frank said: How much more will I pay?

He said: You will pay $100 more in January.

And Frank says: I can easily afford $1,200 a month to cure my diabetes. That is worth it. He signed a new 30-year mortgage and sure enough, his mortgage only went up to $1,200 in January.

What he was never told was that the following January his mortgage would go up to $3,900 a month. That is easy math. That is about $47,000 a year. Frank's total income was $39,000 a year. Even if he didn't pay one nickel for the whole year for any food or heat or taxes, he couldn't pay it.

What happened? This more relates to the amendment of my colleague from California—the mortgage broker was paid a huge commission to dupe Frank. He duped him legally because there are no regulations. It said on the big document Frank signed, on page 23—I am a lawyer, but I couldn't understand it—6 points above LIBOR after 4 months, after this, after that—it said the mortgage would go up that much, but no right person would understand it. It wasn't in plain English, and it wasn't available. The mortgage broker made a huge fee, walked off into the sunset, and Frank was about to lose his home.

The irony is, Frank was a prime borrower. He had never missed a payment on his mortgage, he had never missed a payment on his credit card. His FICO score was above 700. He easily could refinance. Frank is a good customer for a lending institution. But there was no one to help him. There was no bank. It was a mortgage broker, independent, who got money from a mortgage company, independent, both unregulated. That relates to the amendment of my friend from California. They are off into the sunset with their profits, and Frank is stuck and no one is there. The mortgage company didn't hold the mortgage, they chopped it up in 40 pieces and gave it to some investment house that sold securities, and it is now scattered among thousands of investors in little tiny pieces in different degrees of reliability.

So Frank is out there alone. If there were a mortgage counselor on the scene, that mortgage counselor could easily help Frank refinance.

You say, where would they get the money for refinancing? Good news; finally, after months of prodding by myself and Senator DODD and others, Fannie Mae and Freddie Mac have made $200 billion available for these kinds of mortgages.

But the dollars are not going to walk over to Frank's house in Ozone Park, Queens, and say: Here we are. You need a mortgage counselor. And that is what the amendment of the Senator from Washington and the Senator from Pennsylvania and the Senator from Ohio and my amendment does. It simply provides more mortgage counselors. It is not huge science. You do not need a Ph.D. in mathematics or an accounting degree to be a mortgage counselor. You have to take a little course and learn it. It is easy for the various groups that have done this for years but were not faced with a flood of foreclosures to do it again. We could probably prevent about 50 percent of all the foreclosures that are about to happen, maybe even more, because 60 percent are prime borrowers, and even some of the nonprime borrowers could be helped by this, depending on the value of the home and the cost of their mortgage and the mortgage processing agreement.

That is all we want to do. In this package originally that we offered about 3 weeks ago, there was $200 million. That is not enough. Senator MURRAY and I and others wanted to ask for $500 million, but we were asked by the majority leader to keep the cost down so we offered $200 million. Madam President, $200 million is not enough. We need more than that.

We did appropriate $180 million in the omnibus bill, as I mentioned before, that Senator MURRAY put together—at least her part of it. Now there is talk we don't need the $180 million; they have not even spent that. Why give them more?

Here is a letter. I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 2, 2008.

Hon. CHRISTOPHER DODD,
Chairman, Senate Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.
Hon. RICHARD SHELBY,
Ranking Member, Senate Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: As you consider the current housing stimulus legislation we urge you to restore essential funding for foreclosure prevention counseling. We respectfully request that you fund this program for not less than $200 million as was initially proposed by Senator Reid in S. 2636.

As you well know, the nation is experiencing a serious spike in mortgage delinquency and foreclosures. In 2006 more than 1.3 million homes were in default, up 42 percent from the year before. Foreclosures are expected to be greatest in 2008 when one in three loans is predicted to end in default as a result of mortgage payment resets on adjustable rate loans. The crisis is widespread and not just confined to the urban housing market. Increasingly, rural borrowers are subject to harsher prepayment penalties and targeted lending discrimination so the prosperity and stability of rural counties, like their urban and suburban counterparts, is becoming jeopardized.

The FY 2008 HUD Appropriations Act provided $180 million for use by the Neighborhood Reinvestment Corporation to provide mortgage foreclosure prevention counseling. Neighborhood Reinvestment received applications for $340 million in grants to combat the foreclosure crisis. With only two weeks to apply for funds, demand was nearly twice the $180 million that Congress appropriated for these mitigation activities. Several states were underrepresented in the applicant pool, in part because those states had not seen high rates of foreclosure up to that point. Now, however, many of the states that did not apply or receive an initial grant have seen a dramatic increase in home foreclosures and are in desperate need of these supplemental counseling resources.

In particular, there is a need to expand the capacity of housing counselors to assist delinquent homeowners with accurate and honest information and options, budget and workout plans, loan modifications, refinancing or responsible sales of the residence. It is also essential given the nature of this crisis to ensure an ongoing, adequate level of support for mortgage foreclosure activities.

We urge you to fund the foreclosure mitigation counseling program at no less than $200 million in order for housing counselors to keep pace with rising rates of foreclosure in rural and urban neighborhoods. Thank you for your consideration of this important request.

Sincerely,
PEG MALLOY,
President, NNA.
DAVID C. BROWN,
Executive Director, NNA.

Mr. SCHUMER. It is a letter dated yesterday, to Senator DODD and Senator SHELBY, signed by about 100 organizations that do this, saying the following:

> We respectfully request that you fund this program for not less than $200 million as was initially proposed by Senator Reid in S. 2636.

They said they have received applications for $340 million in grants, twice the $180 million Congress appropriated. Several States were underrepresented in the original applicant pool because they had not seen high rates of foreclosure, but now many of them have applied. Of the $180 million, $130 million has already been spent in a short 6 weeks. The only reason the rest has not been spent is they are keeping it aside for a very rainy day. They could spend that in a minute if we were to ask them to in report language, should this bill get that far, which I hope and pray it does.

So we need the money. It is not much money. We are putting $4 billion in for CDBG. That is worthy, but it is not as important as mortgage counselors. We are putting $6 billion in for the loss carryback provisions, the FOLs, to help homebuilders. We can't afford a needed $100 million more for mortgage counselors, who do more good to prevent foreclosure and provide more bang for the buck than any other part of this bill, bar none?

Why the $100 million was cut out—I was told they said they didn't need it. This letter proves conclusively they need it. It is now in the RECORD. I urge my colleagues to look at it. We desperately need it.

I hope we will have bipartisan support for this amendment. Senator BOND, who has been a leader on these issues, supported the amendment, with Senator DODD, to put in the original $200 million. This is hardly a partisan issue. This is not a bill that costs $15 billion. Another $100 million is not going to make that much difference, especially when we are doing $6 billion for the loss carrybacks, and $4 billion for CDBG. I urge my colleagues to support it. It is a much needed amendment that will do tremendous good. It will help the Frank Ruggieros and the millions of others like him to keep their homes. It will prevent housing prices in their neighborhoods and in the country from declining more than they have to. It will stabilize mortgage markets and thus stabilize many of our largest banks and institutions, both here and abroad.

So this little amendment is like Mighty Mite—it is small, it is at the center, but it has tremendous power to ripple outward and affect us positively.

I urge my colleagues on both sides of the aisle to support it so we might strengthen this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I do not see anyone on the Republican side on the floor, although if they are coming, now would be a good time. I believe Senator MARTINEZ and I are up, after a Republican, for an amendment. I am prepared to proceed.

Madam President, although I spoke about this amendment this morning, I wish to speak about it again. This amendment is called the SAFE Mortgage Licensing Act, "licensing" being the dispositive word. I am very proud to work with this with Senator MARTINEZ of Florida. He is on his way and he will be making a statement following mine. This amendment is cosponsored by Senators BOXER, OBAMA, DOLE, DURBIN, SALAZAR, and CLINTON.

One of the things I didn't realize is how big scams are a part of the subprime market. I remember picking up a USA Today newspaper in January and the headline reading, "Housing Scams Rising, FBI Says. 2007 Convictions More Than Doubled."

As we began to look at this, we found there was a very real problem. The problem is that there is but a thin patchwork of State regulations. They vary. Some do not have any. Some are pretty good; some are not so good. So we put together this bill, Senator MARTINEZ and I, and I am very proud to say it is supported by the National Association of Mortgage Brokers, by the Conference of Bank Supervisors, by the mayor of Los Angeles, and by the National Association of Realtors. I wish to read, if I might, the realtors letter because I think it is important to the discussion.

> On behalf of over 1.3 million members of the National Association of REALTORS, I want to share our views on the SAFE Mortgage Licensing Act offered by Senators Feinstein and Martinez.
>
> We believe this amendment will go far towards preventing another subprime market failure that would further erode confidence in the Nation's housing finance system. While responsible subprime lenders have played an important role in helping millions of consumers achieve homeownership, abusive subprime lending has occurred much too often. As a result, roughly 2.2 million American households have been projected to lose their homes, and as much as $164 billion due to subprime mortgage foreclosures.
>
> Many of the provisions of the amendment are consistent with NAR's "Responsible Lending Principles." We believe our principles provide an appropriate basis for legislation that would help eliminate irresponsible practices such as making loans without sufficient regard to the borrower's ability to repay the loan and avoid foreclosure.
>
> The National Association of REALTORS supports responsible lending, mortgage servicing, and appraisal practices. We support this amendment that will help close the door on abusive lending practices.

I wish to say on behalf of the cosponsors of this amendment and myself, thank you to the National Association of Realtors.

We are very grateful for the support. The fact is, mortgage fraud complaints have jumped more than 700 percent over the last 5 years, from 5,623 in 2002 to 46,717 last year. Mortgage fraud complaints in my State, California—Senator BOXER's and my State—have increased 400 percent over the last 5 years, from 1,143 in 2002 to 4,060 last year.

All you have to do is take a look at the jump in these complaints and the jump in convictions to know there are scams going on and we need to stop them. The best way to stop them is to license these brokers and lenders so we prevent the 25-year-old scam artist—I do not pull this out of the air; this is a fact—who can come in, get on a telephone, and tell lenders or tell individuals what they can do to refinance their house and do it all in a bogus manner.

We have 10 States that are mortgage fraud hot spots in the United States. They are California, New York, Texas, Florida, Georgia, Utah, Illinois, Indiana, Ohio, and Michigan. These are mortgage fraud hot spots because of the number of complaints and convictions of mortgage fraud coming from these States. So the time has come to do something about it.

Now, there are some people in this body who say: Do not pass this bill today; put it in regular order. Let it go to the committee.

Let it go to the committee, and it will be another year before this bill is before us. And I will bet any amount of money the mortgage fraud will continue because all of the conditions are ripe for it.

The only way to handle it is to pass this bill so we set into motion some minimum national standard and allow the States to carry out this minimum standard and add to it anything the States might want.

As I say, the 1.3 million-member National Association of Realtors is in support of this amendment. And the group that regulates them is in support of the amendment as well. Today, subprime mortgages are 30 percent of all the mortgages in the largest State in the Union. Thirty percent of every mortgage is subprime in California. This is a community because they are mainly working class, not necessarily college graduates, who are eager pawns for bad actors in the mortgage and lending business.

Now, having said that, not all brokers are bad actors; many of them are honorable professionals. The fact is, this is a profession. This is what you do as a mortgage broker, as a lender.

You should have standards. You should have to pass a test. You should have to get a license, and you should have to renew that license periodically. How else can you be able to go out, get on a phone, call people and say: Look, I can refinance your house at 4 percent. You bring in the eager homeowner, and then the reality is something very different.

These bad actors must be stopped. There is only one way to stop them; that is, have minimum Federal standards, allow the States—and in my State it would be the Corporation Department that would do this, that sets up the licenses, that sets up the training. And individuals would go through the training, they would have their background checked, they would get a license, and the license would go up for renewal annually.

Some object to it. My goodness, attorneys have to renew their licenses. Why not someone who puts out mortgages which is very often everything an individual owns? Why is it not important for them to have a license and have that license renewed?

Once again, I would like to tell you about this family. I do so because I met them in Los Angeles last week. This is the Simmons family. Look at their house. It is not a mansion. It is a one-story, well-kept stucco home with flowers planted, bushes trimmed.

The gentleman, Mr. Simmons, was an employee of Northrop Grumman for 20 years; his wife employed as a food checker at Alpha Beta for 26 years. They have owned this home for 39 years. Mr. Simmons had a stroke. They found they needed cash. They received a cold call, a phone call from somebody. They wanted $500,000, to be able to get a loan, take this out, use it for medical expenses.

They offered them a $629,000 loan with $25,000 cash back, 4.5 percent interest rate, and monthly payments of $2,000. Now, they are not college graduates. These are working people who did everything they could to buy a home, who have kept that home up for 39 years in good condition, and who today are going to lose that home.

And here is why: There was no cash back, different from what they were promised. The interest was 11.2 percent on this loan. The monthly payments were not $2,000 as they were told; it was $5,300. When they had to make the first payment, they called the broker and said: You told us $2,000. Why is it $5,300?

The broker said: It is only that for 4 months, to draw down the interest rate.

They said: Ok, I guess we can do it for 4 months. It was not only for 4 months, it was for the length of the mortgage. And the broker walks off with a $20,000 fee.

Now, in my book this is fraud. There are some who say: Oh, people get the papers. Let them read through them.

You have bought a home, Mr. President. I have bought a home. I did not read all of the fine print on all of the documents. I depend on the word of the broker. And I believe most people do that.

Now, I am not a lawyer. I do have a college degree. What if I only had a high school degree or not even that? I worked all my life. I do not understand the fine print. This is why you have professionals representing you to tell you the truth.

There is a penalty—should be—if they do not tell you the truth. Buying a home should not be a scam. Refinancing a home should not be a scam. So we then went on the Internet. Let's see what companies advertising to employ brokers say. And here is one of them. Here is the source. We accessed it on February 27 for brokers: No experience, education, or exam is necessary. No experience, education, or exam is necessary.

They go on to say to the company: You can hire unlicensed sales agents to originate loans under your company license.

I do not think they should be able to do that because it is these people who pick up the phone and call the homeowners and offer that second mortgage. Particularly in the subprime market, where many people have very little, if any, downpayment, this presents enormous difficulty.

Consequently, we have a real problem. I hope this amendment passes today. Perhaps some people do not like this or that. It can be worked out in conference. But when we are passing this bill, we ought to pass something that says once and for all the Federal Government is willing to step in, set minimum standards; you, the State, set up your laws, set up your licensing requirements. These are the minimum standards, and you can add to them and see that those people, mortgage brokers and lenders, are licensed.

The legislation also creates a database so that I, Joe Doe, about to buy a house, can go into my computer, if I have one, and see that my mortgage broker is licensed, know that he has been to school, know that he has been informed of ethics, know that he does not have a felony background right now, you can have a felony background—and know that his license is renewed annually so he is kept up to date on ethics and best practices.

This industry, real estate, because it controls such a large proportion of most people's wealth, their homes—their home is their rock. Everything flows from that home ownership. And for most people buying a home is truly the American dream. Owning, having that equity, building that equity over the years, being able to finance retirement from the equity in a home when they choose to sell it is such a big deal. And to have bad actors, flim-flam artists going around suckering in people makes me angry. So I would hope this body, on behalf of Senator MARTINEZ and me, will be willing to pass this legislation today.

I ask unanimous consent to add Senator KLOBUCHAR as a cosponsor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask unanimous consent to add to the RECORD letters from the State Bank Supervisors and the National Association of Mortgage Brokers in support of this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE OF
STATE BANK SUPERVISORS,
Washington, DC, April 3, 2008.

DEAR SENATOR: The Conference of State Bank Supervisors (CSBS) supports the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S. 2595 the SAFE Mortgage Licensing Act of 2008) introduced by Senators Feinstein and Martinez.

The SAFE Mortgage Licensing Act of 2008 will help protect borrowers from unscrupulous lenders and brokers and improve transparency in the mortgage lending process. CSBS encourages Congress to include this bipartisan reform in a legislative package to address the current mortgage crisis.

State regulators recognize that this reform effort builds on state initiatives to modernize our mortgage regulatory system. Specifically, the legislation establishes a nationwide mortgage lending database that coordinates with the Nationwide Mortgage Licensing System currently being operated by CSBS and the American Association of Residential Mortgage Regulators (AARMR).

By January of this year, 42 state agencies representing mortgage regulators in 40 states have signed a statement of intent indicating their commitment to participate in the CSBS/AARMR Nationwide Mortgage Licensing System. Eventually, CSBS and AARMR expect all 50 will transition onto the System. The System successfully began operations on January 2, with 7 states launching the system. An additional 9 states will be on by the end of 2008 with the rest of the states rolling on in 2009 and beyond.

Again, we strongly encourage you to include the provisions of the SAFE Mortgage Licensing Act in legislation designed to resolve the current mortgage crisis.

Sincerely

NEIL MILNER,
President and CEO.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, April 3, 2008.

Hon. DIANE FEINSTEIN,
U.S. Senate,
Washington, DC.
Hon. MEL MARTINEZ,
U.S. Senate,
Washington, DC.

DEAR SENATORS FEINSTEIN AND MARTINEZ: On behalf of over 1.3 million members of the National Association of REALTORS, I want to share our views on the SAFE Mortgage Licensing Act amendment offered by Senators Feinstein and Martinez.

We believe this amendment will go far toward preventing another subprime market failure that would further erode confidence in the Nation's housing finance system. While responsible subprime lenders have played an important role in helping millions of consumers achieve homeownership, abusive subprime lending has occurred much too often. As a result, roughly 2.2 million American households have been projected to lose their homes and as much as $164 billion due to subprime mortgage foreclosures.

Many of the provisions of the amendment are consistent with NAR's "Responsible Lending Principles." We believe our principles provide an appropriate basis for legislation that would help eliminate irresponsible practices such as making loans without sufficient regard to the borrower's ability to repay the loan and avoid foreclosure.

The National Association of REALTORS supports responsible lending, mortgage servicing and appraisal practices. We support this amendment that will help close the door on abusive lending practices.

Sincerely,

RICHARD F. GAYLORD,
2008 President.

Mrs. FEINSTEIN. I yield to the distinguished Senator from Florida, Mr. MARTINEZ.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. I thank the Senator from California. What a pleasure it is to work with the Senator on this bill, this important piece of legislation. She has stated it so well.

I want to perhaps go over a few items I think ought to be also said. I know when I first became Secretary of Housing and Urban Development I was shocked at the role, ever-increasing and prominent role, that mortgage brokers play in the home purchasing process.

When there is such a close working relationship with a customer—there are issues that deal with premiums, there is the question of fiduciary responsibility—all of these issues arise because of that relationship, and oftentimes it is the closest point of contact with the customer. And many times they are the most vulnerable of customers.

So that is why I am delighted to join with the Senator from California in the Safe Mortgage Licensing Act. I hope, like her, that we can get at it and talk about it, and I would like for us to work with the managers of the bill. I know there are some concerns that the Senator mentioned perhaps that can be resolved in conference. But I look forward to working with the bill managers toward the resolution of those small issues that may remain.

With foreclosures at record levels and home prices in steady decline, we must act quickly to restore consumer confidence in the housing market. Florida has the dubious distinction of ranking No. 2 in the Nation in foreclosures. In February, Florida had one foreclosure filing for every 254 households, up more than 7 percent from January's rate—truly frightening.

Last year, more than 2 percent of Florida's households entered some form of foreclosure, and that is a 124-percent increase from the year of 2006. Many of these foreclosures can be attributed to predatory lending practices of unscrupulous mortgage brokers. And while the mortgage broker industry ought to be commended for supporting this bill, and to my own profession of law, there are always bad actors out there. That is what this is getting at.

Let me point out, in the State of Florida we have the dubious distinction of leading the country when it comes to foreclosures. This is the list of the top cities across the country. And you can see why the Senators from Florida and California are here talking about this. We have been hit hard. No. 1 leading the country is Cape Coral-Fort Myers, FL, at 5.8 percent. Then we have No. 2, which is Port St. Lucie, FL, at 3.9 percent. Then Miami, Miami Beach, and Kendall at 3.1 percent; Fort Lauderdale, Pampano, Deerfield Beach at 3 percent. And then after a couple of California communities and Ohio, we have Naples-Marco Island, FL, at 2.7 percent. This is concentrated in some of the better areas of Florida where home prices have been in a dramatic rise for many months and years in the recent past.

The current system provides little coordination between State regulators and, therefore, exposes consumers to predatory loan originators who have crossed State lines. The creation of a nationwide system will eliminate bad actors by keeping track of those who violated the law, had their licenses revoked or failed to fulfill appropriate educational requirements that will benefit families and eventually the marketplace.

It would give home buyers more transparency and more peace of mind as they make one of the most important decisions and, frankly, maybe the largest financial decision of their lives. The SAFE Mortgage Licensing Act would, for the first time, establish a national professional licensing standard for mortgage brokers and lenders. This would ensure that all mortgage professionals are trained in Federal lending laws, ethics, consumer protection, and subprime market lending. The legislation also would create a national database that consumers can use to verify the credentials of the brokers and lenders. This amendment would require all residential mortgage loan originators to be licensed, provide fingerprints, and a summary of work experience, and consent to a background check.

States are given 12 months to develop licensing standards to ensure that applicants meet the following minimum criteria: No felony convictions; no similar license ever revoked; a demonstrated record of financial responsibility; successful completion of educational requirements; and passage of a written exam. If this does not occur, the Housing and Urban Development Secretary is empowered to develop the national database and license, generating revenue for its implementation through fees to license applicants. The Federal Reserve, Treasury, and FDIC must also register all residential mortgage loan originators employed by national banks within 12 months of this legislation being enacted.

The SAFE Act has been endorsed by mortgage regulators in 40 States, and the National Association of Realtors agrees with and supports this amendment.

I thank the Senator from California for working with me on this important piece of legislation. We need to do more to empower families who have worked hard, who look to home ownership as an important piece of their American dream. While there are details to be worked out, I look forward to working with Chairman DODD and Ranking Member SHELBY to see if we cannot eliminate any concerns that might be out there. We don't want to throw the net so wide it may ensnare people for whom we are not intending this to be their concern, but we also are committed to getting this done. This is an important step forward. I look forward to moving the process along.

I appreciate working with the distinguished Senator from California.

I thank the Chair, yield the floor, and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that the pending amendment be laid aside for the purpose of my offering an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4407 TO AMENDMENT NO. 4387

Mr. KYL. Mr. President, I ask that amendment No. 4407 be called up. I believe it is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 4407 to amendment No. 4387.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to adjust for inflation the dollar limitation for the principal residence gain exclusion)

At the end add the following:

TITLE _—PRINCIPAL RESIDENCE GAIN EXCLUSION

SEC. _01. INFLATION ADJUSTMENT FOR PRINCIPAL RESIDENCE GAIN EXCLUSION DOLLAR LIMITATION.

(a) IN GENERAL.—Section 121(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any calendar year after 2008, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.".

(b) CONFORMING AMENDMENT.—So much of subparagraph (A) of section 121(b)(2) of the Internal Revenue Code of 1986 as precedes clause (i) thereof is amended to read as follows:

"(A) LIMITATION FOR CERTAIN JOINT RETURNS.—Paragraph (1) shall be applied by doubling the dollar amount specified in such paragraph if—".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2008.

Mr. KYL. Mr. President, this amendment is actually very simple, and I think it will be another one of the things that we can do to help promote home ownership and the transfer of property to make it less expensive for people and, frankly, to advance a policy that we should have advanced a long time ago.

Most people know under current law they can exclude $250,000—for a married couple it is $500,000—from the capital gains when they sell their principal residence. In other words, even though you may make $250,000 on the value of your home when you sell it, that is excluded from the capital gains that would otherwise have to be paid.

You are limited by some requirements. You have to live in the home for 2 years. You have to own and occupy the home in 2 of the previous 5 years from the sale. But you are able to exclude from the capital gains $250,000. The problem is, as we found out with the alternative minimum tax, inflation can drive the value of this exclusion down.

So what this amendment does, simply, is index the exclusion for inflation. It is very simple. I cannot imagine it would be controversial. What this would do, of course, is to preserve the value of this deduction that we have all taken advantage of for the future and thereby encourage individuals to purchase a new home. Of course, much of what we are trying to do in this legislation is encourage home ownership but, more than that, encourage people to purchase homes or be able to transact the sale and purchase of a home.

There is another point I want to make, and it is important because some people have been caught in an innocent situation with regard to the foreclosures we are concerned about. People do not buy homes, for the most part, to make money. Now, it is true there were speculators in this red hot housing market and, obviously, we are in no mood to bail out speculators. But most people buy a home to raise their family, and they live in the home.

This exclusion, of course, requires they live in the home for 2 years out of 5 years before the sale. So we are not talking about the situation where brokers would buy a home and then wait a couple months and flip it and sell it and make a big profit. This is for legitimate folks who bought a home to live in and have their family live in it and then sold it.

A large portion of a capital gain on a home is now inflation. That is the hard reality of it. I do not think any of my colleagues believe it should be subject to taxation. Unfortunately, inflation now is around 4 percent. It is growing faster than that. Therefore, for the future I think this is an important amendment as well.

So this amendment protects homeowners from unexpected changes in family status, employment, and health. It would help elderly taxpayers who sell their home and choose to move into less expensive housing during their retirement. Frequently, there is a capital gain on their longtime residence, and it would help them avoid having to pay a capital gains tax.

It clearly simplifies tax administration and record keeping. It would provide people with a much easier situation for acquiring a home.

Mr. President, there are some additional arguments that I could make. Let me cite a couple statistics. Then I am hoping I can perhaps engage some of my colleagues in a discussion to see if there would actually be a need to vote on this amendment or whether we could agree to it.

Let me cite a couple statistics. Usually we do not like to get into this much detail, but I think in this case it makes sense. We have seen housing prices now fall from what some call their bubble highs—the value that was driven up so dramatically, and now it has fallen. Alan Greenspan famously called it the froth in the housing market.

But housing prices are still much higher than they were in 1997. I think about my State. I think about the Senator from California, her State, and those States where property values appreciated, but a lot of that appreciation is now due to inflation.

Here are a couple of interesting stats: The median single-family home price in 1997 was $146,000. A decade later, in 2007, the median home price was $247,200—over $100,000 more in just 10 years. The median home price in California 10 years ago was $186,500, roughly. In February of 2008 it was $409,240—in other words, an increase of $222,750.

So, very clearly, there is a huge inflation factor going into the value of these homes, and we are going to have to pay capital gains tax on that above the $250,000 level if we do not index that amount for inflation.

So I could go on. I think it is so simple. It is a proposition that I would assume would have support from both sides of the aisle. There is nothing political about this, of course, and it would certainly help a lot of our homeowners at a time when we are searching for ways to do exactly that.

So I would pause at this point to see if anyone has any objection or questions about it. I will yield the floor otherwise. But I would love the opportunity to get into a discussion about it and see if there is any concern on anybody's part about it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, if I may, let me say to my friend from Arizona, I do not know. I have asked Senator BAUCUS and Senator GRASSLEY, with matters involving tax policy, to come over and defer to them.

Mr. KYL. I appreciate that.

Mr. DODD. This is within their jurisdiction, and I just do not feel competent to address this as an issue. I am told by staff we are waiting for a score on this, how you would score it. That much I do know, that you have to score tax amendments. So I will let them come over and make a case for or against when they arrive. They should be here at some point to respond to the Senator from Arizona. I apologize to him, but I just do not feel—

Mr. KYL. Mr. President, I appreciate that. We have an estimated cost, but perhaps we should wait until my colleagues get here. I will be happy to discuss that aspect of it as well.

With that, if there is no further discussion, then I will be happy to yield the floor. But I certainly hope my colleagues will take a look at this amendment and join me in supporting this amendment for the benefit of homeowners all over the United States of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to lay the pending amendment aside so I can offer the amendment I spoke on earlier today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4389 TO AMENDMENT NO. 4387

Ms. LANDRIEU. Mr. President, I call up amendment No. 4389 for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. COCHRAN, Mr. VITTER, and Mr. WICKER, proposes an amendment numbered 4389 to amendment No. 4387.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to allow use of amended income tax returns to take into account receipt of certain hurricane-related casualty loss grants by disallowing previously taken casualty loss deductions, and to waive the deadline on the construction of GO Zone property which is eligible for bonus depreciation)

At the end add the following:

TITLE _—HURRICANE-RELATED CASUALTY LOSSES

SEC. _01. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina or Hurricane Rita and in a subsequent taxable year receives a grant under Public Law 109-148, 109-234, or 110-116 as reimbursement for such loss from the State of Louisiana or the State of Mississippi, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance shall not be subject to any penalty or interest under such Code if such amended return is so filed.

TITLE _—GO ZONE PROPERTY

SEC. _01. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

Ms. LANDRIEU. Mr. President, I really appreciate the cooperation of the manager because this is a very important amendment for the gulf coast. It is an amendment I offer with the support of the Senators from Mississippi—Mr. COCHRAN and Mr. WICKER—as well as Senator VITTER from Louisiana.

We have been waiting for some time now for some housing bill to get to the floor of the Senate where we could offer a small number of amendments that are essential to give aid during the ongoing housing crisis that exists in the gulf today.

I say to the Presiding Officer, as you know, as you remember because you have been down to Louisiana, to New Orleans particularly—and we are very grateful for the support that so many Senators have given—throughout the gulf coast, literally from Mobile to Beaumont, and particularly from Biloxi to Cameron Parish, there is still a tremendous crisis in housing and reconstruction.

I am not going to belabor the point—only to say that I have had Secretary Chertoff on the record as late as 3 weeks ago, Chief Paulson today, the IG of the Homeland Security Committee today in Homeland Security saying the Stafford Act was not intended to handle catastrophic disasters and that FEMA has yet to make any substantial progress in getting ready to handle catastrophic disasters. They have made moderate progress. They have made modest but not substantial progress.

Our people need substantial everything. They needed it yesterday. They need it today. This amendment will help them get a little bit of it now. My amendment basically will allow the people of Mississippi and Louisiana and Texas and Alabama—those who are affected by Katrina, Rita, and Wilma, which was one of the worst seasons of hurricane disaster, in 2005—to basically receive the aid we have already sent to them through the community development block grants. In Louisiana we call it the Road Home Program. These programs were designed at the State level, but they were funded by us. In Mississippi it is called the Mississippi Homeowner Assistance Program. It has literally sent direct lifesaving aid to over 150,000 families in Louisiana and about probably 50,000 to 75,000 in Mississippi. I do not have the Mississippi numbers.

My amendment will help to correct this great injustice that is occurring now. We did not intend for this to occur, but it is going to occur if this amendment or something like this amendment is not adopted.

We sent under a design, basically designed by this Congress, an approximately $150,000 grant to homeowners to help close the gap between what their insurance covered and the total cost of their loss. As I have said many times, homes that were worth $1 million or $2 million were totally destroyed, as well as homes that were worth $50,000.

Many of these homes were not in the flood plain. They were not required to have flood insurance. They were destroyed by the failure of a Federal levee system that collapsed, as well as historic highs of flooding and water coming from Hurricane Rita, which was one of the toughest and most aggressive storms on record.

So the long and short of it is, when we sent this $150,000 grant—we are still in the process of sending it. It has been very slow, very frustrating, and just so aggravating to so many people who are holding on by their fingernails to try to save what equity they had in their homes, which, as you know, for most American families that is their personal wealth. I think 95 percent of all Americans have almost 100 percent of their entire personal wealth tied up in their home. So this issue of helping homeowners in the gulf coast is literally trying to help restore to them a lifetime of work. In some instances, generations of work have been lost in this storm.

Now, we are not making everybody whole. Believe me, there has been enough pain in the gulf coast to go around for a century or more. But what happens is, when they receive their

$150,000 grant—and most people have received an average of about $65,000. The authorized level is $150,000, but you have to qualify for that amount. So the average is about $60,000, which sounds like a lot of money, but if your house was worth $500,000, and your insurance has refused to pay you, it is not a whole lot of money to rebuild your house with labor costs that are going up at 20 percent or more since the storm.

So what is happening now is, when they receive these grants—and under the tax law, they can take a casualty deduction. If they did that last year, what happens this year—by April 15, which is in about 2 weeks—for that family who makes $75,000 a year—let's say the Smith family—let's take the Jones and Smith families. They make about the same amount of money. One family this year who took the casualty loss deduction is going to have to pay $24,000 in taxes. The family only makes $75,000, if they are lucky enough to have the job they had before Katrina and Rita struck.

Now, this amendment is not cheap. I make no bones about it. It is about $1 billion. It can be done on an emergency basis. This most certainly is an emergency in housing.

So that is the essence of the amendment. The Finance Committee is well aware of it. We have been talking about it with them for over a year now actually. We have just been waiting for a time to get it fixed.

Now, again, this is an emergency. It is a real problem. It is almost April 15. We have, I would argue, families in America who need the most help on housing. I feel very sorry for people who are losing their homes in foreclosure, and I am not even going to try to say whether they are suffering more than the people in the gulf south. All I can say is the people in the gulf south didn't take out any adjustable mortgages. The people in the gulf south, most of them had already paid their 30-year mortgage. They own their house scot-free. They paid for it. Now they have lost everything, and we are trying to help them, but in my view, everything we try to do to help them kind of—sometimes it turns out to not help them as much as we would like. There is no textbook. There is no Stafford Act. There is no way to help people who lost everything because of levees that should have held but didn't. We are making it up as we go along, and this is part of my job here to do this. So we have to fix this, and that is what this amendment will do. I am very proud that the Senators from both States have agreed to cosponsor this.

On behalf of Senator COCHRAN, at his request—and I am happy to support it—there is also a small change in this amendment which will allow this deduction—this goes on the accelerated depreciation piece that we gave to help some of our businesses. We lost 20,000 businesses that weekend. I think Mississippi lost 1,800. That is a lot of businesses to lose over a weekend. To help those businesses and people get back on their feet, this Congress extended to them a way to accelerate their depreciation, but we said: The way to get that accelerated depreciation is you have to start your project by a certain time and finish by a certain time. The problem is, the recovery has been so much slower than everybody anticipated because we have never really gone through this catastrophic situation. Senator COCHRAN is right when he says we should eliminate the start date. We are not asking for an extension, so technically it really shouldn't add money. We are not asking to extend it to any time or to let a lot of new people come in. But for the same universe, just don't make them start their project the way it said, but let them end it. That is also in my amendment. So we will solve two big problems: We will help our businesses, many small businesses, get the full benefit of what we wanted to give them anyway, actually work for them, and we will make this grant program work for them.

Now, let me be clear. When we pass this amendment, which I hope we will do by unanimous consent or get a large vote on it because I think we really should do it in a bipartisan way, the people to whom we give this tax break—this will lower their rate to their regular rate they will have to pay. They have to go back and reimburse the Treasury for that deduction they took. So, in other words, we are not allowing them to take two benefits. They are going to have to lower their tax this year, eliminate the tax on Road Home, and go back and pay the Federal Government the benefit they took. Their CPAs will have to figure that out. But if we don't do this, there will be people who will be stuck with a tax bill they could not possibly pay, and they shouldn't have to; they have suffered enough.

So I know the Senator from Connecticut, the chairman of the Banking Committee, knows full well what is happening down in the gulf. This is only one thing we are attempting to fix. I have several other amendments I intend to offer, if my colleagues would allow me, at an appropriate time, but this is the amendment I wanted to get in. April 15 is right around the corner, and they need to know what our intention is. This will help so many people. I appreciate it. I will ask for this amendment to be voted on when the first group, however large that group is—2, 5, 6, 10—whenever the first group of amendments is voted on, I would like for this to be included in that group. I ask unanimous consent for that to be the case.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Mr. President, I will repeat for the Senator from Connecticut that I will be happy to take this amendment whenever, but I would like it to be voted on in the first group of amendments, however big that group is and whenever that group will be taken up.

Mr. DODD. Mr. President, if I may, reserving the right to object, I would say to my colleague, this is a tax amendment, and I am very carefully deferring any questions regarding tax matters to the Finance Committee, to Senator BAUCUS and Senator GRASSLEY, as to how they want to proceed. So I really would be hesitant about agreeing to—no votes have been agreed to on anything at this point. I would strongly recommend that my colleague from Louisiana talk to Senator BAUCUS about this.

Ms. LANDRIEU. I appreciate that. Let me tell my colleague that I have, and it is included in their tax package. So just so the Senator from Connecticut knows, I will not agree to any votes going forward unless this amendment is in the group. So I am fine, and I will just stay here. The Finance Committee is well aware of this, and they have actually put it in their package. My concern is that their package may not ever really sort of get to the floor. There are some things in that package that I think really need to be voted on. So that is OK. I will just stay here, and we will work on what we can do. I really appreciate it.

Mr. DODD. Mr. President, further, having spoken with Senator BAUCUS and his staff on this matter, they are trying to accommodate the various amendments that are being posed in the area the Senator is also suggesting some ideas for, and I think they are desirous of accommodating as many as they can, provided it can be worked out. I don't know enough about this to say any more than that. They are working on it. It might make more sense to work with them to make sure we are OK.

Ms. LANDRIEU. Mr. President, again, I just want to be clear that I would expect this to be in the first group of votes that are taken as we proceed on this bill. Whether it is 2 or 3 or 10 or 20, this needs to be in it or I will object to going forward. Thank you.

The PRESIDING OFFICER. Does the Senator withdraw her unanimous consent or is there objection?

Mr. DODD. I have to object to any unanimous consent request at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Does my colleague from Louisiana need to be heard any further on the amendment?

Ms. LANDRIEU. No. Thank you.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

AMENDMENT NO. 4401 TO AMENDMENT NO. 4387

Mr. SANDERS. Mr. President, I ask unanimous consent to lay the pending amendment aside so I may call up my amendment No. 4401 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 4401.

Mr. SANDERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a national consumer credit usury rate, and for other purposes)

At the appropriate place, insert the following new section:

SEC. ___. NATIONAL CONSUMER CREDIT USURY RATE.

Section 107 of the Truth in Lending Act (15 U.S.C. 1606) is amended by adding at the end the following:

"(f) NATIONAL CONSUMER CREDIT USURY RATE.—The annual percentage rate applicable to any extension of credit may not exceed by more than 8 percentage points the rate established under section 6621(a)(2) of the Internal Revenue Code of 1986, as determined by the Board.".

Mr. SANDERS. Mr. President, this amendment is extremely important because it addresses not only the foreclosure crisis we are seeing in this country, but it is also an issue that impacts millions and millions of Americans every single day of their lives well above and beyond the housing crisis.

What this amendment essentially says is the time is long overdue for this Congress to have the courage to stand up to the banks, credit card companies, and mortgage lenders who are charging outrageously high interest rates and ripping off the American people. I know when I go back to Vermont, I talk to people who say: Why is it I am paying 20, 25, 28 percent interest rates on my credit card? I can tell you, as a former member of the Financial Services Committee in the House, we heard horror story after horror story about payday lending.

We know mortgage brokers are, in some cases, bringing forth unscrupulously dishonest packages that drive interest rates up far beyond what should be charged in this country. This is an issue we must address, and now is the time to do that.

Specifically, this amendment would cap all interest rates at 8 percent above what the IRS charges income tax deadbeats. Currently, the IRS charges a 6-percent interest rate to Americans who are late on paying their income tax returns. The IRS adjusts these rates every quarter based on the Federal funds rate. If the Federal funds rate rises, the interest rate the IRS charges late filers goes up as well. If the Federal funds rate goes down, so does the interest rate the IRS charges late filers.

If the amendment I am offering were to become law today, all interest rates would be capped in this country at 14 percent, including subprime mortgages, credit cards, auto loans, payday loans, and income tax refund anticipation loans.

Why 14 percent? How did we come up with that magical number? Well, it is interesting. I will tell you why we came up with that number. In 1991, our former colleague, the Republican Senator from New York, the former chairman of the Banking Committee, as I recall, Al D'Amato, offered an amendment that would cap credit card interest rates at 14 percent. Senator D'Amato was not remembered as a radical extremist. He was the chairman of the committee. Here is what is interesting. That amendment to cap interest rates at 14 percent for credit cards won on the floor of the Senate by a vote of 74 to 19; it was not even close. It had strong bipartisan support.

If I might, obviously, 1991 was a while ago and many people who served are no longer here. But a number of people who served in 1991 are still here today. These are the people who voted in 1991 for the D'Amato amendment to cap credit card interest rates at 14 percent in alphabetical order: Senators AKAKA, BAUCUS, BIDEN, BYRD, COCHRAN, CONRAD, DODD, DOMENICI, GRASSLEY, INOUYE, KENNEDY, KERRY, KOHL, LAUTENBERG, LEAHY, LEVIN, LIEBERMAN, MCCAIN, MIKULSKI, REID, ROCKEFELLER, SHELBY, SPECTER, STEVENS, and WARNER. Those 25 Members, in 1991, voted to cap interest rates at 14 percent on credit cards.

In truth, this amendment goes beyond credit cards to other areas where people are today paying very high interest rates. Similar to my amendment, the D'Amato amendment of 1991 was also pegged slightly above the interest rates for late income tax filers. We are using the same formula D'Amato used.

Let me quote Senator D'Amato on the floor in 1991:

> Fourteen percent is certainly a reasonable rate of interest for banks to charge customers for credit card debt. It allows a comfortable profit margin but keeps banks in line so that interest rates rise and fall with the health of the economy.

Other people went to the floor and also spoke on this issue. Senator LIEBERMAN spoke on it and Senator DOMENICI spoke on it as well.

What I say to my colleagues is, if this legislation, which passed with overwhelming support in 1991, made sense then, let me tell you, it makes a lot more sense today. A recent report published by Tamara Draut, the director of the Economic Opportunity Program at Demos, found that one-third of all credit card holders in this country are paying interest rates above 20 percent and as high as 41 percent—more than double what they paid in interest in 1990. So if we had over 70 Members of the Senate voting to cap interest rates at 14 percent in 1991, today the vote should be even higher because the crisis is far more severe.

Between 1989 and 2006, Americans' overall credit card debt grew by 315 percent, from $211 billion to $876 billion. All over this country, people who are not earning enough money to pay for basic needs are buying groceries and gasoline to fill up their car with credit cards. And then, in turn, what happens is they are paying 20, 25 percent interest rates, and we have the cycle of misery going around and around, where they are too poor to pay with cash, so they pay with credit, and credit card interest rates are soaring, and they go deeper into debt.

I know this is a hard vote. It is no secret to anybody in the Senate that the financial services industry is enormously powerful. But it is time for us to think about the folks back home who are going deeper into debt and to stand with them and put a cap on interest rates.

One-third of low- and middle-income families reported going into credit card debt to pay for rent, utilities, and food in 2006. That same year, Americans charged $51 billion worth of fast food on their credit card, a 29-fold increase since 2001.

All of this, and more, has allowed credit card companies to earn $90 billion in interest in 2006 alone. I will repeat that.

But credit card companies are not the only ones charging outrageous interest rates. That is why this amendment I am offering expands on the D'Amato amendment to cover all forms of loans.

For example, the Center for Responsible Lending has found some American consumers are paying interest rates for payday loans as high as 800 percent. I think all the Senators understand this. These types of outrageous interests should not be allowed to continue. When the Federal Reserve has slashed the Federal funds rate five times, from a high of 5.25 percent to 2.25 percent, credit card interest rates should be going down, not up. Interest rates for payday loans should be going down, not up. If the Fed is cutting interest rates, how in God's name—and why—are people paying higher and higher interest rates on their credit cards, their mortgages, and in other areas?

One of the reasons for this scam, this rip-off, is the virtual lack of regulation in this country when it comes to interest rates. For example, credit card companies are able to raise interest rates at any time for any reason. I suspect I am not the only Member of the Senate who talked to a constituent who said: I pay my credit card bill on time every single month, and I used to be paying 9 percent, but now they raised it to 14 percent. What did I do wrong? Why are they raising my interest rates?

Every Member of the Senate has, himself or herself, received, along with everybody else in this country, all these fancy prospectives that come from the credit card companies, saying zero percent interest rate or 2 percent interest rate. But they forget to tell you in big bold print what is in the little print on page 4: They can raise interest rates any time for any reason. You don't even have to be late paying your phone bill or rent. They can raise it for any reason whatsoever.

One of the interesting facts, in terms of credit cards, is people would be stunned to know that the credit card companies send out, every single year—do you know how many of these things they send out? Four billion. We are a country of 300 million people. I thought I was getting all of them but apparently not. They seem to come to my house twice a day. Apparently, others are getting them as well. They send out 4 billion of these fancy brochures, urging you to buy into the credit card thing and it costs them a fortune. But, obviously, they can afford to do that because they are ripping off the American people, and they are charging 20, 25, and 30 percent, in some cases, in interest. This is unacceptable behavior. Lenders should not be able to raise interest rates at any time for any reason.

I am not going to go into a religious theme now. I am not going to do that. But I know the Presiding Officer is a religious person and probably more familiar with the Bible than I am. But he will know that the word "usury" is mentioned in the Bible on many occasions. I will not quote from them, but in Leviticus chapter 25, verses 35 to 37, the issue about usury rates is, in fact, addressed.

I will talk about Dante's "Divine Comedy." In the "Divine Comedy" by Dante, he speaks about a special place for people who charge usurious interest rates, and that is the inner ring of the Seventh Circle of Hell.

I don't particularly wish that on the banking industry and all the lobbyists who come here every day. I don't wish that on them. But I do wish they would take a deep breath and understand that this is not just an economic issue, it is a moral issue. People who are struggling to pay their bills, who are going into debt, through no fault of their own, should not have to pay 25 or 30 percent interest rates.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. SANDERS. I will be very happy to yield to the Senator from Illinois.

Mr. DURBIN. I direct my question through the Chair to the Senator and thank him for offering the amendment and say to the Senator from Vermont that over a year ago, while making a phone call to someone in a financial institution in New York on an unrelated issue, the person said to me: Watch out for subprime mortgages. It did not register with me, but I should have paid closer attention. A few months ago, while making a similar call to a financial institution in New York, the fellow said: Watch out for credit cards because people are shifting their debt now into credit card debt with the sky-high interest rates.

Many people listening may ask what is this about. This is supposed to be about housing. It is not about housing. It is about the credit vulnerability of America. Housing is the first canary in the cage the Senator shared, if he will allow me to use that analogy. Credit cards will quickly follow.

I say to the Senator from Vermont, when we debated bankruptcy reform on the floor of the Senate 3 or 4 years ago, the credit card industry was pushing that bill because they wanted credit card debt to survive bankruptcy so you could carry it to the grave. I put a provision in that bill that said on a monthly statement for a credit card asking for a minimum monthly payment, you have to disclose to the person holding the credit card how long it would take them to pay off the balance if they paid the minimum monthly payment. The credit card industry refused, saying it was technically impossible to calculate. Does anybody believe that?

I say to the Senator from Vermont, they had a feature on "NOVA," which I think is an extraordinary program, about credit cards. They heralded this one man who is the guru of credit cards who dreamed up lowering the percentage of minimum monthly payments from 5 percent a month to 2 percent because he created an endless stream of debt. If you pay 2 percent, you will never catch up with yourself. You will pay debt forever.

So those who think this amendment of the Senator from Vermont is unrelated to our conversation about housing are wrong.

The last point I will make is, I thank the Senator from Vermont for mentioning payday loans. They rip off members of the military like no other entity in America, and they are a blight on America's credit horizon.

I thank the Senator for offering this amendment. My question is, Can I sign on as a cosponsor?

Mr. SANDERS. With pleasure. I thank the Senator from Illinois.

Mr. President, I will conclude because the Senator from Illinois made the point better than I can make it. Every Member of the Senate knows this is a huge issue. In their heart, every Senator knows there is something immoral, that there is something outrageous about hard-working people paying 25, 30 percent, especially at a time when the Fed is lowering interest rates.

I say to my colleagues, it is no great secret. The financial services industry is very powerful. We all know that. They make huge campaign contributions. They have a lot of power here. But I hope that on this amendment, we have the courage to stand up to them.

In concluding, I remind my colleagues that in 1991, when Senator D'Amato offered a similar amendment, there was overwhelming bipartisan support. The American people want us to act on this issue. As the Senator from Illinois indicated, this is directly related to the housing crisis, and I think it is time we move forward and put a cap on interest rates.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I commend Senator SANDERS on his amendment and look forward to supporting it. We have a lot of work to do on credit cards. It is much worse than people realize in terms of some of the practices the credit card industry has employed. One of my favorites is trying to lure people to their limit on credit, and when they get them there, raising their interest rates and telling them: Well, you are at your credit limit.

I can give many examples of how that practice is utilized, including sending people the check already made out so if they sign their name on that check and use it, then they are at their credit limit and up pops their interest rate. All kinds of tricks are used to try to—by the way, don't ever try to pay off a bunch of credit cards because it is hard to pay them off. First, they don't want you to pay in full every month and they don't want you to pay them off. For gosh sakes, they don't want you to cancel a card. They will immediately take notice you lost your card because they are on the hook. In fact, I pointed out in one of the hearings we had to the credit card executives, the only thing that is easy to understand on this is the first line which says if you lose your credit card or your credit card is stolen, call this phone number because they know they are on the hook if the credit card is lost or stolen, so they are interested in you getting to them in those circumstances. All the other circumstances you press this number and maybe you will get someone who will talk to you after you have hung on the phone for 2 hours.

I do not rise to talk about credit cards today. I rise to talk about reverse mortgages. I have an amendment that will be called up at a later time. I am proud we have been working on this amendment. We had a hearing on this subject in the Aging Committee. We have been working with Senator SHELBY and his staff. We have been working with HUD. AARP has been helping with this amendment. They did a massive report that they issued about reverse mortgages.

If we look at the subprime mess and sit back and say, what caused the problem, the root of the problem is the people selling the subprime mortgages had no risk. If you have a risk, you are careful. If you have no risk, then it is very simple: I just have to close the sale.

We are doing the exact same thing with reverse mortgages. If you are watching any cable TV—and probably way too many people in this Chamber are watching way too much cable TV right now because everybody is watching the cable news channels because we are all addicted to the Presidential race and every twist and turn it encompasses—if you are watching any of the cable news shows, you are seeing advertisements over and over again by Robert Wagner, Pat Boone, and all these familiar, trusted faces saying: You know, don't miss out. There are advertisements that are being marketed to elderly people across this country that are saying: Don't pass up this Government benefit you are entitled to.

I have to tell the truth, I don't think anybody envisioned reverse mortgages were going to be called "a Government benefit you are entitled to." Why are they saying that? They are saying that because ultimately the taxpayers are on the hook for these loans.

Guess what. The people who are selling them are making commissions, and they have no risk. We kind of like these reverse mortgages around here because, guess what, we make some money on it, too. That is, the Federal Government. So there is a push to lift the lid on how many reverse mortgages can be marketed to elderly people because the Federal Government is getting some of the money when they are sold. But we are going down a dangerous path because we are marketing a product that is complicated and expensive to the most vulnerable population in America.

For many of these elderly people, all they have is their home. For many of these elderly people, they do not have a loved one with whom they can talk about whether this financial instrument is a good idea.

Don't get me wrong, some reverse mortgages are good and they may be appropriate in some circumstances. But here is what is not appropriate: We require counseling. We have appropriated a whopping $300 million for counseling. They have to have counseling in every case, so guess who is paying for the counseling? Bad news: The lenders are paying for the counseling. So the same people who want to close the loans are paying the counselors who are supposed to be giving these elderly people advice that is unbiased as to whether this is a good idea for them.

The amendment will step up to the plate and say we are not going to repeat the subprime fiasco with the Nation's "greatest generation." We are going to, in fact, fund the counselors so they get good, independent information. We are going to make sure those counselors are certified. Right now, they can have a criminal record, they can have no training. This is the wild, wild west out there selling a financial product that is expensive and complicated to our elderly. It does not take a rocket scientist to figure out that is a dangerous combination.

The other thing this amendment does is it is going to prohibit someone who is marketing one of these reverse mortgages from being able to sell another product. Believe it or not, there are actually some people who are sitting down with elderly people right now in America saying: We are going to get you a reverse mortgage and, by the way, at the same time, we are going to sell you a deferred annuity. I don't know how these people look themselves in a mirror.

We had a witness in front of our committee whose mother was in her eighties and sold a deferred annuity and a reverse mortgage at the same time. It is unconscionable to make the sale and make the money. It is a get-rich-quick scheme for some of these sales people. If we can provide certified counselors who are truly independent to make sure that every elderly person understands exactly what they are getting into, and if we can make sure they are not being marketed products that are inappropriate by the same people who are selling them reverse mortgages, and if we can make sure we are not closing a blind eye to this because we are benefiting in the short run from the marketing of these products, then I think reverse mortgages have an appropriate place as one potential help to people in their elderly years who need to get the equity out of their homes for emergencies or medical bills or even to send a loved one to college. Right now, it is a dangerous situation.

I look forward to hopefully having unanimous, bipartisan support for this amendment. As I say, HUD has been very helpful in drafting this language, along with AARP, along with our colleagues on the other side of the aisle. It is well thought out. I think it is very appropriate, noncontroversial. It is not opposed by the industry. There are many good guys who are doing this work. We want to make sure we are protecting the elderly from the bad guys and making sure we are not standing here 5 years from now saying: Why didn't we do something about reverse mortgages? It is the same kind of dangerous mix we have in the subprime mortgages.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The chairman of the Banking Committee.

Mr. DODD. Mr. President, before our colleague from Missouri leaves the floor, I thank her. She has done a terrific job on this proposal. I know she is working with Senator SHELBY and others on the committee in crafting this proposal in a way that can make a difference.

Our colleague is absolutely correct in describing this problem. It is despicable in many ways how people are being lured into arrangements they cannot afford. It would be devastating for them economically. I thank her for the proposal and let her know we are going to do everything we can in these hours of trying to work this out to accommodate this very important idea. She has put in tremendous effort on this issue and needs to be recognized. I thank the Senator from Missouri, and we will try to be helpful on this amendment. I thank the Senator for raising it.

My colleague from Vermont, Senator SANDERS, who has left the Chamber, offered his amendment. I listened to my colleague from Missouri. I spent the last 20 years or so dealing with the credit card industry and various problems with it. I have not done terribly well, I might point out, trying to modify some of these ideas that have become outrageous. Senator CARL LEVIN of Michigan cares deeply about the issue as well. We have been preoccupied with the housing issue, obviously, in the Banking Committee over the last year, but we are also crafting legislation dealing with the credit card companies.

Many are doing the right things today. Some of the major companies are. I don't want to suggest here it is an indictment of every credit card company, nor do any of us have any objection to credit cards. It has been a tremendously valuable vehicle for a significant number of consumers. But an abuse of the process, and where literally they are targeting some of the most vulnerable people in our society and targeting them in such a way where the slightest delay, even an hour or so, can add significant cost, fees, and an interest rate climb, makes it virtually impossible for some people to ever get out from underneath their credit card debt.

The average person in this country today, an adult, has a revolving debt exceeding $9,300, getting close to $10,000, I was told the other day. And 95 percent of that is credit card debt. This is, obviously, heading in the wrong direction at a time when we have a negative savings rate and consumer debt is mounting. We need to be doing everything we can to make it possible for people to have credit cards, for the credit card industry to make a legitimate profit in that industry—that is critically important—but not to make it impossible for people to pay off these obligations and to get their lives in order.

This is one of the concerns I had with the bankruptcy bill a few years ago when it was adopted; that bankruptcy legislation made it so difficult for people with credit cards to get out from under those obligations if they took the bankruptcy act. So there are a lot of issues to talk about, and Senator SANDERS has raised an important issue and certainly Senator MCCASKILL has as well in talking about these problems. I want my colleagues to know that at some point we are going to craft legislation dealing with this issue in a comprehensive and thoughtful manner so we don't allow the abuses to go on where people never, ever can manage to climb out from under those obligations, saddling them with lifelong economic burdens and making it impossible for them to accumulate wealth and provide for the needs of their families.

So I appreciate very much their raising these concerns as they have this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 4419 and ask for its immediate consideration.

Mr. DODD. Reserving the right to object, Mr. President, I see my colleague from Montana is here, and we need to see the amendment, first of all. I have no idea what the amendment is.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, the amendment I was attempting to offer is a bipartisan amendment on renewable energy at a time when our country is looking for cleaner sources of energy. We are also looking for more domestic sources of energy and at ways to help our economy. This housing bill is not just a housing bill, it is a bill to help our economy. It is a bill to keep us from going further into recession. The amendment I introduce is a bill Senator CANTWELL and I have worked on for the last several weeks because there has been an impasse on renewable energy legislation. The offsets that were included in the original bill were unacceptable. And because there are going to be very few vehicles that are moving this year, we are trying to get this amendment on this bill to try to get renewable tax credits included so it can be signed into law this year.

The problem is, if you wait too long on these renewable tax credits, these businesses will shut down because they require time in advance for planning and business development. So it is critical we get this done.

I know the chairman of the Finance Committee is working on a bill, he is working on some offsets, but the problem I see with what he is doing is it may not pass later on in the year, and it also may be too late. So this bill may be the best vehicle we have to ensure America becomes less dependent on foreign sources of oil and other energy sources. It may be the last chance we have to preserve over 100,000 jobs in the United States that have been and can be created in the renewables industry. And it may be the last chance we have this year to significantly help the environment in America.

So I appreciate that the Democratic chairman of the Finance Committee has objected to us bringing up this amendment, but we are going to continue to try to get this amendment on this bill. Mr. President, I think it is a mistake at this critical time for renewables and for our country that an objection has been made to our offering of this amendment at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, all of us are concerned about ways to protect and to make our country more self-sufficient in the production of energy. We have made many attempts on this floor, in fact a major bill was voted on last year and was actually one vote shy of the necessary 60 votes.

Many of us are working here, including the Senator from Nevada, as well as the Senator from Washington, Senator CANTWELL, to find a way to bring up a significant energy bill later this year. There are various candidate bills for that. One is something called the extenders, and I think that is one of several ways where we can get this done. Extenders is going to pass. That is not an idle bill. It is going to pass.

The amendment offered by Senator ENSIGN is unpaid for, and, to be honest, I frankly think the other body—some of them are called Blue Dogs—is not going to put up with it. We have to pay for an energy bill, and we are working on the offsets so we can get it paid for and so we can get it enacted into law.

So I think, at this point, it would be a mistake to bring up this version because it would not survive a point of order challenge, and I urge the Senator from Nevada to work with the Finance Committee, work with others together, in a concerted way, to get something passed rather than going solo and trying on his own to push something that is not part of a team but, rather, as an individual. Because individual efforts are not going to be as successful as team efforts, and so I urge the Senator to be a part of the team so we can get this thing passed.

Mr. ENSIGN. Will the Senator yield for a question?

Mr. BAUCUS. Through the Chair, I will be glad to.

Mr. ENSIGN. Mr. President, we have over 20 cosponsors of the bill we introduced today. It is a bipartisan effort. We are working as part of a team. What we are trying to do is work together.

So I would ask the Senator: With 20 Republicans and Democrats cosponsoring this bill together, does he consider them to be working as individuals or as part of a team? We will probably have over 50 cosponsors by the early part of next week. It seems to me that the way the Senate works is getting people together and not worrying about whether you are a Republican or Democrat but worrying about what is right for the American people. That is what we are attempting to do.

Mr. BAUCUS. I deeply appreciate the Senator wanting to be part of the team. There is another number here called 60. And it is my judgment that with more working together on measures with others, the greater the likelihood we will get this passed. We all want it passed. Let us do it in the context and in a forum in which we can get it passed.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CARDIN. Mr. President, I ask unanimous consent to withdraw that amendment for a moment so we can make sure everyone has copies of it. I will use this time now to speak on the amendment, and then I will offer it when I have completed.

The PRESIDING OFFICER. The amendment is not yet pending.

AMENDMENT NO. 4421 TO AMENDMENT NO. 4387

Mr. CARDIN. Mr. President, the amendment I will be offering shortly, along with Senator ENSIGN, is an amendment that would try to help the housing market itself. It would provide a tax credit, a temporary tax credit just for this next year, for residential home purchases. It is for someone who is using the house as their primary residence. It would be a $7,000 credit spread out over 2 years. It would be aimed at trying to get people to buy homes today.

As I am sure you are aware and as has been explained on this floor, there is a glut on the housing market. There are so many homes that people are trying to sell, and potential buyers are reluctant to come in to purchase a home because they don't know whether the value will go down. They are waiting. They are sitting it out.

It was the housing market that triggered our current downturn in the economy. We need to pay attention to the housing market in order to get our economy back on track.

The intent of this amendment is to get more interest by home buyers so they will buy homes today knowing that the Government, through a tax credit, is covering some of their risks and making it more affordable for them to be able to buy a home. That is exactly what this amendment would do.

Senator ENSIGN and I have crafted this amendment so it is temporary. It is available only for the next year. We have crafted it so it is targeted. It only applies to first-time home buyers, those who are most in need. In the Nation, approximately 35 percent of those who buy homes are first-time home buyers. In my own city of Baltimore, it is closer to 65 percent. So it is a large number of people who are potentially in the market, but they are the most reluctant—those who do not own homes today are the most reluctant to come in and buy a home because of the uncertainty in the market. It is targeted in that it only applies to those of limited income, middle-income families. It uses the same dollar limits that are currently used in the District of Columbia tax credit that has been so successful in encouraging families to buy homes within our Nation's Capital. About 3,000 to 4,000 individuals every year take advantage of the tax credit we provide for the residents of the District to buy a home.

This credit, which is temporary and which is targeted, which is aimed at middle-income families, which is aimed at first-time home buyers, which is aimed at getting more interest among consumers into our housing so we can try to help our economy—I think it is the right complement to the legislation that is before us.

The legislation before us is aimed at trying to help people to be able to find mortgages. It is aimed at dealing with homes that are in foreclosure, trying to allow people to stay in their homes, and allowing local governments to have more ability to deal with refinancing homes for those who have subprime mortgages. I have already talked on the floor about this issue. It is aimed at trying to get better advice to people who may be buying homes, and it also has a tax credit. I acknowledge Senator ISAKSON, who has worked on that. It deals with distressed properties. I would also like to acknowledge that my colleague, Senator STABENOW, has been a longtime proponent of tax credits to stimulate home buys. This amendment is aimed at generating more interest in home buys so we can help bring our economy back to recovery.

I thank my colleague, Senator ENSIGN, for his input in helping to craft this amendment and his cosponsorship of it. I urge our colleagues to consider that.

Mr. President, I now offer that amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself and Mr. ENSIGN, proposes an amendment numbered 4421 to amendment number 4387.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer)

At the end, insert the following:

TITLE _—FIRST-TIME HOMEBUYERS' TAX CREDIT

SEC. _01. CREDIT FOR FIRST-TIME HOMEBUYERS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during any taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to so much of the purchase price of the residence as does not exceed $7,000.

"(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the principal residence is made.

"(b) LIMITATIONS.—

"(1) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this subsection) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the credit so allowable as—

"(i) the excess (if any) of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $70,000 ($110,000 in the case of a joint return), bears to

"(ii) $20,000.

"(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of paragraph (1), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section and section 23) for the taxable year.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) FIRST-TIME HOMEBUYER.—

"(A) IN GENERAL.—The term 'first-time homebuyer' has the same meaning as when used in section 72(t)(8)(D)(i).

"(B) ONE-TIME ONLY.—If an individual is treated as a first-time homebuyer with respect to any principal residence, such individual may not be treated as a first-time homebuyer with respect to any other principal residence.

"(C) MARRIED INDIVIDUALS FILING JOINTLY.—In the case of married individuals who file a joint return, the credit under this section is allowable only if both individuals are first-time homebuyers.

"(D) OTHER TAXPAYERS.—If 2 or more individuals who are not married purchase a principal residence—

"(i) the credit under this section is allowable only if each of the individuals is a first-time homebuyer, and

"(ii) the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe.

"(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

"(3) PURCHASE.—

"(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

"(i) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267 (b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only the individual's spouse, ancestors, and lineal descendants), and

"(ii) the basis of the property in the hands of the person acquiring it is not determined—

"(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

"(II) under section 1014(a) (relating to property acquired from a decedent).

"(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer.

"(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date of acquisition (within the meaning of section 72(t)(8)(D)(iii)).

"(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

"(e) RECAPTURE IN THE CASE OF CERTAIN DISPOSITIONS.—In the event that a taxpayer—

"(1) disposes of the principal residence with respect to which a credit is allowed under subsection (a), or

"(2) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the remaining portion of the credit allowed under subsection (a) shall be disallowed in the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence, and in any subsequent taxable year in which the remaining portion of the credit would, but for this subsection, have been allowed.

"(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

"(g) PROPERTY TO WHICH SECTION APPLIES.—The provisions of this section shall apply to a principal residence if the taxpayer's date of acquisition of the residence (within the meaning of section 72(t)(8)(D)(iii)) and date of settlement on such residence are during the period beginning on the date of the enactment of this section and ending on the date that is 1 year after such date.".

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking "and 25B" and inserting ", 25B, and 25E".

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting "25E," after "25D,".

(3) Section 25B(g)(2) of such Code is amended by striking "section 23" and inserting "sections 23 and 25E".

(4) Section 25D(c)(2) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(5) Section 26(a)(1) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(6) Section 904(i) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(7) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 25E(f).".

(8) Section 1400C(d)(2) of such Code is amended by striking "and 25D" and inserting "25D, and 25E".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Purchase of principal residence by first-time homebuyer.".

Mr. CARDIN. I now yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I wish to applaud the Senator from Maryland, Mr. CARDIN, for his great work. It has been a pleasure working with his staff and with him personally on this very important amendment.

We are trying to help the housing situation in the United States. My State, Nevada, leads in foreclosures. I saw a statistic the other day that, after a record month of foreclosures in February, foreclosures in March were up another 50 percent over February. So it is a huge problem. There are a lot of young people out there—first-time home buyers—who want to get into the marketplace to try to participate in the American dream. That is what this amendment is about. It is targeted right at those young people, or the single person, who is trying to buy a home for the first time. And maybe they might even be a little older but have never been able to afford a home until now. This might be the economic incentive to get them into owning their home for the first time.

There are so many benefits to home ownership. There is more of a sense of community when you are paying property taxes; you care more about the schools; you care more about where those taxes are going.

So this is an excellent amendment at a great time when we are trying to help the housing market. But we will also be helping individual Americans with this tax credit at the same time. I wish to applaud the leadership of Senator CARDIN on this. We worked together well when we were both on the Ways and Means Committee in the House of Representatives. This is another example of what bipartisanship can be about. It is about putting the country before your party and looking for solutions that actually work. So I am proud to cosponsor this amendment and be the lead Republican on it. I hope this amendment can be adopted as part of the final package.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me say to my colleague again from Nevada, the two of us did work together very closely in the other body, and now it is a real pleasure to serve together in this body. It is a great honor.

I think the comments the Senator has made about home ownership are so important. Home ownership is critically important to our country. We know where there is home ownership, schools are better, the crime is less.

One of the statistics I found very interesting was a study in Chicago that there was a distinct relationship in a neighborhood between the number of foreclosures and the rise of violent crime. This is an issue that should involve all of us.

I also wish to thank Senator DODD. He has done a great service to our Nation in being able to bring forward a bill that has bipartisan support. That is not easy today; it is very difficult. We now have the opportunity to move forward.

I was explaining to Senator DODD that one of my constituents a little bit earlier this evening said: You know, we are so encouraged that Democrats and Republicans could come together on a housing bill, that there is now hope we can act quickly.

What he said to me is interesting. He said: You know, there are a lot of good things in this bill. I think I could have done it better. There are some things I would like to have seen in there. But what I like is you are able to move, you are able to get something done. It is a real signal to this country that Congress is engaged on the housing crisis and wants to do something to help that person who today is in danger of losing his or her home because of a foreclosure, or is in danger of walking away.

One of the things I found amazing is 50 percent of people walk away from their homes; they do not even try. This bill will give them hope that the Government is on their side. It can provide some additional financing, it is going to provide some additional help and counseling, it is going to provide an opportunity for that person to maintain the American dream.

The American dream is about being able to succeed in this country. The most visible sign is owning a home. A lot of people are going to lose their homes as a result of this recession. This legislation will make it possible for more Americans to save their homes.

The amendment Senator ENSIGN and I are offering is a way in which we believe, I think our colleagues believe, that this body has a responsibility to help build our economy. One of the ways we can do it is by encouraging more home ownership.

This amendment, by providing a tax credit, is saying: The Government is on your side. Go now, buy a home, we will help you hedge against the potential risk and make it a little more affordable for you to own a home.

I encourage my colleagues to accept that amendment.

I yield the floor.

Mr. ISAKSON. Would the Senator yield for a question?

Mr. CARDIN. I yield.

Mr. ISAKSON. Mr. President, I wish to ask the Senator from Maryland a point of clarification for the Members. This amendment is an additional tax credit in addition to the one that is already in the bill; is that correct?

Mr. CARDIN. That is correct.

Mr. ISAKSON. So what you are doing, you leave targeted the stimulus to absorb the foreclosed properties, but you add a stimulus for first-time home buyers in the marketplace?

Mr. CARDIN. The Senator is correct.

Mr. ISAKSON. I wanted to make sure that is reflected in the RECORD.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to thank my colleague from Maryland for his generous comments about the effort and to also commend him and Senator ENSIGN and others who are working on these ideas to provide some relief and some opportunity for people. I think he said it well.

It becomes almost axiomatic, maybe it is becoming overused, but it certainly captures what all of us feel. That is, there is no greater wealth creator, there is nothing more to stabilize a family or a community, there is nothing that does more for families than having a stable, reliable home. It sounds maybe silly to some people.

I am old enough to remember when this issue was never a partisan issue. In fact, some of the strongest advocates of affordable shelter came from some of the most conservative Members of this body historically. Going back, I recall as a young man growing up listening to the distinguished Senators from Alabama and others, they were "Mr. Housing" in those days. They made a huge difference. This was an issue where we all worked together to see to it that families and individuals had the opportunity to have affordable shelter.

So our colleague from Maryland is absolutely correct. In fact, you could make the case even more so today. And to watch what has happened over the last relatively short period of time, values decreasing, prices falling, which has been good news to some degree, except that obviously as supply increases demand and neighborhoods deteriorate—we were talking about the city of Baltimore.

I do not know if my colleague heard me talking about Bridgeport, CT, the other day. I have a new mayor that got elected, Bill Finch, former State Senator in Connecticut. He got elected to be mayor in my biggest city in Connecticut. He walks in to be mayor, he has got between 5,000 and 6,000 foreclosures in a city in Fairfield County, one of the most affluent counties in America, hearing as many as 6,000 families could be losing their homes in the coming days.

So his point here about how to make sure we rehabilitate, provide opportunity, create those ideas and thoughts that will make it possible for people to move into a home, to acquire a home, is critically important.

I commend him for that, thank him for his generous comments about the effort here tonight.

Mr. CARDIN. Let me thank again the Senator from Connecticut. The circumstances in Baltimore, in Maryland, in June we ranked 40th in the Nation in foreclosures. We now rank in the teens, 18th in foreclosures. The number of foreclosures in communities where we never thought we would see foreclosures is recordbreaking. That is not the type of records we want to have.

So as the Senator knows, it not only affects that homeowner who is going to potentially lose his or her home, it affects every house in the community. I was talking with some of the housing authority people, some of the people from the nonprofit community who work with these neighborhoods, and the cost to the neighborhood is staggering when you have foreclosed properties. So we are going to have to do something about that.

But it would be a lot better investment that we prevent the foreclosures for those who are financially able to stay in their homes. I think that is what your legislation does. I applaud you for that. Every person we can keep in the home who can afford to stay there will benefit many more people in that community. By the way, it is good for local Government. It will help their property tax revenues. It is good for local governments; I think it will reduce their costs. I think it is a win-win situation. So I congratulate you for bringing forward a bill we can act on quickly, in order to save homes for people who otherwise are likely to lose their homes and to strengthen neighborhoods that would otherwise be suffering as a result of those foreclosures.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I wish to first extend my appreciation to the Senator in the chair for the courtesy he extended to me earlier with regard to the duties of the Presiding Officer. The Senator from Vermont is very kind.

Later on, I will be offering an amendment with Senator COLEMAN, and we think this is an amendment that will possibly be accepted. So I am going to wait and not offer the amendment until Senator COLEMAN is able to be here.

But I wish to go on and set the record of what this amendment would be. Under current law, if a person has a 401(k) retirement plan and they want to buy a house and it is to be their principal residence, they can take up to $10,000 out of their retirement plan for the purchase of that house and not pay the penalty under law for taking assets out of their retirement plan.

Now, since that is available to us under current law, would it not make sense for a person, if they are about to lose their home, their principal residence, to be able to take money out of their retirement plan in order to save their home from foreclosure, if it were done in a limited period of time, if it were the principal residence for them, not to have to pay that 10-percent penalty?

So that is the essence of the amendment. It would allow a person, under these circumstances, and this would only be available for 2 years, given the fact that now is the time of the foreclosure crisis, that the homeowner, on their principal residence, could then take $25,000 out of their retirement plan without having to pay that penalty.

Now, of course, if they keep it out, they are then going to have to pay income tax on that, which has up to that point been nontaxable because it has been in the retirement plan. But if they put it back in within a 3-year period, they would avoid the income tax.

So we are trying to make it available under the theory that if it is going to purchase a home and to give someone a break by going into their retirement savings, then it ought to be good public policy to help them save their home from foreclosure by going into their retirement savings in order to save their home.

That is why we think, at least from the early signals from the staff on both sides of the aisle, this would be a salutary amendment that may get some serious consideration to accept.

This benefit is limited to 2 years, so it is not going to be permanent. So it will address the situation here. Why? Because in most instances, for Americans, their home is the single source of wealth for those Americans. So it makes sense, it makes common sense, to allow homeowners to use every tool available to stay in their own home and avoid foreclosure and save their greatest investment.

So I am certainly encouraging my colleagues to support this amendment, and at the appropriate time, with the approval of the chairman of the committee, we will actually offer the amendment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that at 7:40 tonight, the Senate proceed to vote in relation to the following two amendments, with no amendments in order to the amendments prior to the vote; that if a point of order is raised against any of the amendments covered in this agreement for tonight and Friday and a motion to waive the appropriate point of order is made, then there be 2 minutes of debate with respect to the waiver prior to a vote on the motion to waive, equally divided and controlled in the usual form; and that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendments in the order listed for today and Friday: Murray-Schumer amendment No. 4397, and the Kyl amendment No. 4407; that when the Senate resumes consideration of the bill on Friday, the Senate then proceed to vote in relation to the following two amendments: Voinovich-

Stabenow amendment No. 4406 and the Landrieu, et al., amendment No. 4389, with no amendment in order to the amendments prior to a vote; that in the sequence of votes for today and Friday, after the first vote, the remaining vote be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, but I will not object, it is my understanding it would be the intention of the majority leader that immediately following the prayer and pledge and the opening of the session, we would begin the votes, that there would not be a long period of leader time taken in speaking by the leaders; is that correct?

The PRESIDING OFFICER. The majority leader.

Mr. REID. I say to my friend, I am always very short in my speeches. But we will have to talk to Senator McCONNELL. I am happy to set a good example and have about a minute and a half.

Mr. KYL. I appreciate that very much. I do not object, therefore.

Mr. DODD. Mr. President, I said 7:40. Let me modify the request and say 7:30. I was trying to provide a little leeway.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 4397

Mr. KYL. Mr. President, with respect to Murray-Schumer amendment No. 4397, I make a point of order that the amendment violates section 201(a) of S. Con. Res. 21 of the 110th Congress.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, pursuant to section 201(b) of S. Con. Res. 21 of the 110th Congress, I move to waive the point of order for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the order, there are 2 minutes to be equally divided for debate.

The Senator from Washington.

Mrs. MURRAY. Mr. President, what our amendment simply does is provide an additional $100 million for counseling so families do not go into foreclosure. There is $15 billion in spending in this underlying bill, all of which is being declared an emergency. It seems to me that $100 million of it, which is a small additional amount compared to that $15 billion, that we know has a 96-percent success rate of keeping families in their home so they do not go into foreclosure, is a very smart investment.

I think it would be very foolish to block this on a budget point of order because it is one of the few issues in this bill that will actually keep people in their homes and prevent this crisis from getting larger.

I urge my colleagues to vote against the budget point of order.

Mr. President, I ask unanimous consent that Senator JACK REED of Rhode Island be listed as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the motion to waive?

The Senator from Alabama.

Mr. SHELBY. Mr. President, Senator DODD and I agreed to provide an additional $100 million for foreclosure counseling. This is already in addition to the $180 million provided for the same purpose earlier.

It is my strong belief that we should conduct some due diligence on the money we have already provided to ensure that it is being spent properly and, most importantly, that it is actually helping people.

In the interest of reaching an accommodation, I agreed to provide an additional $100 million. It is in the amendment. This brings the total spending for counseling for 2008 up to $280 million, an amount that represents a $238 million increase from last year. That is a lot of money.

If there is a gap between what we have provided and what is needed, that need can be addressed through the normal appropriations process.

I think a point of order has already been raised. I hope it will be sustained.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion to waive.

The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. OBAMA), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. McCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 40, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Bond
Brown
Cantwell
Cardin
Carper
Casey
Coleman
Collins
Durbin
Feingold
Feinstein
Harkin
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Voinovich
Whitehouse
Wyden

NAYS—40

Alexander
Allard
Barrasso
Bennett
Brownback
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
DeMint
Dodd
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Stevens
Sununu
Thune
Vitter
Warner
Wicker

NOT VOTING—16

Biden
Bingaman
Boxer
Bunning
Byrd
Clinton
Conrad
Crapo
Domenici
Dorgan
Inouye
Kennedy
Lautenberg
McCain
Obama
Webb

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 4407

The PRESIDING OFFICER. The question is on agreeing to the Kyl amendment No. 4407.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I raise a point of order that the pending amendment violates section 401 of Senate Concurrent Resolution 21 of the concurrent resolution for the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, under section 904, I move to waive the Budget Act, and I will ask for the yeas and nays after the presentation by Senator BAUCUS and myself.

The PRESIDING OFFICER. Who yields time on the motion to waive?

Mr. BAUCUS. Mr. President, I will take 30 seconds out of my time.

This is not a proper amendment—

Mr. DODD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAUCUS. Mr. President, this amendment essentially indexes the capital gains exclusion for the sale of a home. The problem is that homes are decreasing in value, not that they are increasing, and most people who are trying to sell their homes have a much lower market value for their house. Therefore, this is not a necessary provision for them.

This amendment would apply to others who are not subprime candidates who are in good shape and have nothing to do with the subprime issue, and I don't think we want to index for them at this point. It is $50 billion that is the cost. It is unpaid for. This swallows up the housing bill. This is not the proper time, and that is why the point of order should stand because it violates the budget.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, this amendment is very simple. We all know that for individuals, there is a $250,000 exclusion from capital gain when you sell your owner-occupied property. For a couple, it is $500,000. But just like the AMT, it is not indexed for inflation. This amendment indexes that for inflation. That is all it does.

Now, to my colleague saying that home values are going down, here are two statistics. I will cite one for the Nation and one for one State. Ten years ago, the median family priced home was $146,000. Today, it is $247,000. That is $100,000. In California, the median price 10 years ago was $186,000, roughly. It was $409,000 in February of this year, an increase of $222,000. The reality is that inflation has caused a tremendous increase in the value of homes, and when they are sold, people are going to have to pay the capital gains tax above $250,000.

Could we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator's time has expired.

Mr. KYL. Well, Mr. President, might I ask unanimous consent for 15 seconds to make the point that the cost of this is $2.1 billion over 5 years, not the number the chairman indicated.

Mr. BAUCUS. Mr. President, on my remaining time, the cost is $15 billion over 10 years.

Mr. KYL. Ten years.

Mr. BAUCUS. We are taking 10-year numbers here. That is all we are talking about is 10 years, $15 billion.

Second, this is not targeted to people who need it the most. Who needs it the most are those people whose homes are declining in value, not those homes that are increasing in value.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion to waive the Budget Act.

Mr. KYL. Mr. President, I thought the yeas and nays had been ordered, but I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. OBAMA), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yes."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 44, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—41

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Wicker

NAYS—44

Akaka
Baucus
Bingaman
Brown
Cantwell
Cardin
Carper
Casey
Collins
Corker
Dodd
Durbin
Feingold
Feinstein
Harkin
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Warner
Whitehouse
Wyden

NOT VOTING—15

Biden
Boxer
Bunning
Byrd
Clinton
Conrad
Crapo
Domenici
Dorgan
Inouye
Kennedy
Lautenberg
McCain
Obama
Webb

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

Mr. DODD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4389, AS MODIFIED

Mr. ROBERTS. Mr. President, I ask unanimous consent that the pending Landrieu amendment be modified to include my amendment No. 4422.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment, as modified, is as follows:

At the end add the following:

TITLE _—HURRICANE-RELATED CASUALTY LOSSES

SEC. _01. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina or Hurricane Rita and in a subsequent taxable year receives a grant under Public Law 109-148, 109-234, or 110-116 as reimbursement for such loss from the State of Louisiana or the State of Mississippi, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance shall not be subject to any penalty or interest under such Code if such amended return is so filed.

TITLE _—GO ZONE PROPERTY

SEC. _01. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

TITLE _—DISASTER TAX RELIEF ASSISTANCE

SEC. ____. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert

T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados" for "on or after August 25, 2005, by reason of Hurricane Katrina".

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(D) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(E) by substituting "beginning on May 4, 2007, and ending on November 5, 2007" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(F) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(G) by substituting "December 31, 2007" for "December 31, 2006" in subsection (c)(2)(A),

(H) by substituting "beginning on June 4, 2007, and ending on December 31, 2007" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(I) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(J) by substituting "January 1, 2008" for "January 1, 2007" in subsection (d)(2)(A)(ii).

VOTE EXPLANATIONS

Mr. DURBIN. Mr. President, my colleague from Delaware, Senator BIDEN, was unable to get back to the Capitol in time for the two rollcall votes tonight.

He is a cochair of the Congressional Fire Services Caucus and, at the time of the votes tonight, he was addressing his many friends in the fire service who were attending the 20th Annual National Fire and Emergency Services Dinner.

Mrs. BOXER. Mr. President, had I been present for the vote today to table the Durbin amendment to help families save their homes in bankruptcy, I would have cast a vote of nay. I am a cosponsor and strong supporter of the Durbin proposal, which could have helped more than 600,000 of these financially troubled families keep their homes by allowing them to modify their mortgages in bankruptcy.

Mr. ROBERTS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS LANCE S. CORNETT

Mr. McCONNELL. Mr. President, I rise today to speak for a soldier from Kentucky who has fallen in the war on terror. SFC Lance S. Cornett of London, KY, was killed while engaging the enemy in a firefight near Ramadi, Iraq, on February 3, 2006. He was 33 years old.

As a special operations soldier, Sergeant First Class Cornett was among the most elite of the men and women who make up our fighting forces. A veteran of nearly 15 years, he received many awards, medals, and decorations throughout his career, including nine Army Achievement Medals, four Army Commendation Medals, the Joint Service Commendation Medal, the Defense Meritorious Service Medal, the Purple Heart, and three Bronze Star Medals for Valor.

As a highly trained member of a special operations team, Sergeant First Class Cornett also earned the prestigious Ranger and Sapper tabs.

"He was a very dedicated soldier, loving husband, and devoted father and grandfather," says Lance's wife, Sandra. "Lance lived by and died by the words 'Don't Ever Give Up.' He taught us all to do the same."

Lance's 10-year-old daughter, Cheyenne, adds simply, "I hope to follow in my dad's footsteps one day, and it was truly an honor to be his daughter. He was a true American soldier."

Lance's father, Rhudell Cornett, served as a Marine for 22 years, rising to the rank of master gunnery sergeant. But having a Marine sergeant for a father did not stop young Lance from sometimes getting into trouble. I'll let his mother, Karen McMullen, explain.

"While Lance's father was in the Marines, when Lance was three and his sister was four, and we were temporarily assigned to a base in Albany, GA, Lance decided to use the neighbor's golf cart and take his sister for a ride," she says. "They went through the side of a trailer."

Growing up, young Lance loved to camp, fish, ski, and go caving. He enjoyed outdoor sports. He collected dragon figurines. "Eye of the Tiger," from the movie "Rocky III," was his favorite song.

Lance's sister, Cristal Chesnut, has fond memories of her brother. "He was my best friend," Cristal says. "We went to school together. We worked together at McDonald's and we did everything together."

Lance went on to graduate from London's Laurel County High School. Following in the footsteps of his father and other veteran relatives, Lance enlisted in the U.S. Army as an infantryman in August 1991.

He made the Army his career and sought to advance as far as he could, eventually becoming a special operations soldier. Special operations soldiers serve as the tip of the spear in our country's war on terrorism. Sergeant First Class Cornett had to endure rigorous military training to earn that position.

That training included successful completion of the air assault course, the basic airborne course, the sniper course, the special forces diving supervisor course, and the military freefall jumpmaster course.

I mentioned earlier that Sergeant First Class Cornett also earned his Ranger and Sapper tabs. That meant he had successfully completed combat leadership training at the Army's Ranger school and in a Sapper leader course.

Lance was eventually assigned to the HHC Company, U.S. Army Special Operations Command, based in Fort Bragg, NC. His father, Rhudell, bought Lance a huge sword with a skull and crossbones on it that became his unit's official team logo.

Even while remaining the consummate soldier, Lance never lost sight of the simple pleasures of helping others. His wife, Sandra, tells us one story that illustrates this.

"We were in London one winter and it was really cold outside and snowing," Sandra recalls. "We passed a homeless man. Lance went down the street and went back until he found [him and] he gave him the coat off of his back and all of the money he had. He was that type of person."

His mother, Karen, tells another story that reveals the same sense of caring and compassion in the man everyone else called "Lance," but she called "Lanny."

"Lance came home on leave before he was married," she says. "His uncle Rayne Smith wanted to build a brick firepit in his back yard. He asked Lanny to help him. They went to buy the bricks and then Rayne said, 'I don't know how many to get.'

"Lanny said, 'Let's put it together here in the parking lot and then we'll know for sure.' They built the entire firepit in the parking lot before bringing the bricks home."

Lance got married on February 10, 1996, to Sandra S. Cornett at the Laurel County Courthouse. Together they raised three wonderful children, Brandy Hart Rudy, Christopher Hart, and Breanna Cheyenne Cornett.

When Lance was home with his family, he would enjoy their company, and get down on the floor to play with his children. One time his mother asked him, "How do you do what you do?"

Lance said to her, "I turn my baseball cap the right way when I'm home and backwards when I'm not. I separate my work from my life." But whether at home or at work, Lance excelled at and was loved in both.

Lance was buried in Manchester, KY, and his uncle Rayne delivered the eulogy at the funeral. In London, England, they also held a memorial service. This was because Lance's special operations unit had once served alongside a British unit, and Lance earned so much respect from these men that they created a memorial to him and just this last November 11, Veterans Day, placed a wreath there to honor his life.

Recently, Lance's family received a visit from a soldier who was with Lance the day he died. This soldier stayed with Lance for 45 minutes after he had been shot, covering him and sheltering him in a ditch until he could be recovered.

He received the Silver Star for his heroic efforts. "He is a wonderful man," Lance's mother Karen said about the warrior who became like a brother to her son on his last day on this Earth.

Mr. President, my prayers are with the Cornett family after the tragic loss of their husband, father, brother and son. We are thinking today of his wife, Sandra S. Cornett; his daughter, Breanna Cheyenne Cornett; his stepchildren, Christopher Hart and Brandy Hart Rudy and her husband, Benjamin Rudy; his mother, Karen McMullen; his sister, Cristal Chesnut and her husband, Jimmy, and their son, Jesse; his step-grandchildren, Logan and Taylor Rudy; his grandmother, Mary Lou Egan his uncle Rayne Smith, along with his wife Pam and their family; his uncle Warren "Jopo" Egan, along with his wife Patti and their family; and many other beloved family members and friends. Since Lance's passing, his father, Rhudel Cornett, has also sadly left us.

I have tried to describe Lance Cornett as best I can, Mr. President, but his mother, Karen, knows and understands her son more than I could ever hope to. So I will let her have the closing words.

"He was and is the finest man I've ever known, and it was an honor to be his mom," she says.

It is also an honor for this U.S. Senate to pay tribute to SFC Lance S. Cornett's lifetime of service. He gave his life in the performance of that service. Our Nation is richer today for the sacrifice he made on behalf of freedom's cause.

SMALL BUSINESS HEALTH OPTIONS PROGRAM (SHOP) ACT

Mr. DURBIN. Mr. President, yesterday I introduced a bipartisan bill with Senator SNOWE, Senator LINCOLN, and Senator COLEMAN to make health coverage more accessible and affordable for small businesses and the self-employed.

In Illinois and across the Nation, families and individuals agonize over the availability and rising cost of health insurance. Those who don't have health insurance desperately want it. And those who have health coverage realize how easily they could lose it.

Health insurance premiums continue to rise faster than wages and the rate of inflation, placing a great strain on businesses and family budgets.

We are seeing the consequences. People are less likely to receive health coverage through their employer today than in 2000. And the number of uninsured Americans has soared to 47 million, largely because of this drop in employer-sponsored coverage.

While everyone is struggling with rising health costs and reduced health coverage, small businesses and the self-employed experience these problems most acutely.

Workers in the smallest businesses are almost three times as likely to be uninsured as those who work for the largest businesses.

And when you look at who makes up the uninsured, you find that over 60 percent are either self-employed or work for business with fewer than 100 employees.

This disparity is not because small businesses don't want to offer health insurance. It occurs because small businesses face more obstacles than large employers when they seek coverage.

Administrative costs for health insurance are higher for small businesses than larger businesses. About 20–25 percent of a small business's premium goes to administrative expenses, compared to about 10 percent for large employers. Small businesses are less able to spread the risk of someone getting sick than large employers. Even a single employee with a serious medical condition can cause a dramatic increase in a small business's health insurance premium. Small businesses are also more likely to have lower wages and narrower profit margins than large businesses, making it more difficult for employers and employees to cover the cost of health coverage. Our bill addresses each of these problems. This is not comprehensive health care reform. We leave that to the next President.

But our legislation addresses one of the most serious weaknesses in our current health coverage system, by making health coverage more accessible and affordable for small businesses and the self-employed.

More than a year ago, Senator LINCOLN and I reached out to the National Federation of Independent Business and the National Association of Realtors to see if it was possible to find common ground on an issue that previously could not move forward in a closely divided Senate. We indicated a willingness to make changes to the approach we took during the previous Congress, and they expressed a desire to work with us to try to find a middle ground that would allow us to move forward in a bipartisan manner.

Over the course of many months, we have succeeded in finding that middle ground. With the contributions of Senators SNOWE and COLEMAN, we have developed a bill that provides practical solutions to the very real problems small businesses and the self-employed face in today's health insurance system.

Our bill has three core elements: purchasing pools for small businesses and the self-employed; health insurance rating reforms; and tax credits.

Our bill would create incentives for States to establish purchasing pools and would create a national pool that we call SHOP, the Small Business Health Options Program, for small businesses with up to 100 employees and for the self-employed. Purchasing pools will lower administrative costs, provide more private health insurance plans for employers and employees to choose from, and enhance competition by making it easier to compare those plans and pick the one that best meets particular needs.

Our bill would prohibit insurers from setting premiums based on health status in both the national SHOP pool and in States' small group markets. Over time, the rating rules in SHOP would reduce insurers' ability to use other factors in setting premiums in order to reduce the wide variation in premiums that often exists today. The bill would provide incentives for states to adopt similar rating rules. These rating changes will make premiums more stable from year to year and make coverage more affordable for those who need it most.

To lower the cost of health coverage, our bill would provide a tax credit to small businesses with up to 50 workers who pay at least 60 percent of their employees' premiums. The size of the tax credit would be targeted to the size of the business. The full tax credit of $1,000 for self-only coverage and $2,000 for family coverage would be available to the smallest businesses, with the value of the tax credit phased down as the size of the employer increases. Employers who cover more than 60 percent of the premium would be rewarded with a bonus credit.

In addition, we would begin moving to a system where individual employees would be able to choose their own health plan instead of having their employer choose. Where rating rules permit it, each worker would be able to enroll in the health plan in SHOP that best meets his or her needs.

The bill we have introduced reflects our commitment to find reasonable compromises and address the challenges faced by small employers and the self-employed.

I am pleased that the National Federation of Independent Business and the National Association of Realtors support the bill.

I am also delighted that this is a bipartisan bill. We reached out to Senator SNOWE last year, and she has made valuable contributions to this bill. We are pleased that Senator COLEMAN also has joined us as a cosponsor of the bill.

I am also glad to say the Service Employees International Union is supporting our bill. It is a true sign of our ability to find a reasonable middle ground that such a diverse group has come together to support this bill.

We recognize that other Senators, on both sides of the aisle, have a sincere interest in addressing the problems small businesses and the self-employed are facing. We are committed to working with them to see if an even broader consensus can be found.

I hope my colleagues will take a close look at what we have developed so far and join with us in the fight to expand small businesses' access to affordable health insurance.

SMALL BUSINESS HEALTH PLAN ACT OF 2008

Mr. ENZI. Mr. President, I wish to discuss the cost of health care and what the Senate can do this year to make health care more affordable for America's working families.

Last summer I introduced a bill, Ten Steps to Transform Healthcare in America, which if enacted would provide every American with private health insurance. To help spread the word and get some suggestions and comments from the people of Wyoming, I took it on the road and headed throughout our State, making 10 stops to talk about my bill, Ten Steps to Transform Healthcare in America.

I designed Ten Steps to be an evolving product, something that could be moved in pieces. I have found that Congress isn't very successful doing things in a revolutionary way. I believe we can have success and accomplish real health care reform in an evolutionary fashion.

In just over 3 days we traveled over 1,200 miles, visited 10 towns, and met with hundreds of Wyoming folks. They all had one message for us—they are worried about their health care, and so am I. Of all of the Ten Steps, one in particular created a host of comments and support: Step No. 4, Small Business Health Plans. You see, 70 percent of the people in Wyoming work for small businesses. They experience firsthand the challenges of finding affordable health insurance and keeping it.

So today I am introducing Step 4 of my Ten Steps bill, the Small Business Health Plans Act of 2008, to give a special level of focus to the need to find a way to help small businesses stem the tide of rising health care costs. They simply cannot keep up with the increases and are clamoring for us in the Senate to do something, anything, to help. And do it now.

Small Business Health Plans is something I have been working on for a while with my friend, Senator BEN NELSON. I want to thank Senator NELSON for his leadership and expertise in this matter and for his steadfast support.

Step 4, the Small Business Health Plans Act, will reduce the cost of health care, especially for America's small business owners and working families. Today, of the 46 million people without health insurance in this country, 12 million people own or work for small businesses or live in families that depend on small business wages. Another 5 million are self-employed. That makes 17 million people who can't afford decent health insurance right now and would be helped by this bill.

Small Business Health Plans, SBHPs, will allow business and trade associations to band their members together across State lines and offer group health coverage to their employees. By banding groups of small businesses together on a regional or national basis, SBHPs create real purchasing power that small businesses could never have on their own. This purchasing power will allow them to negotiate for better prices and greater benefits. Just like big businesses do.

A report prepared by an independent analyst found that Small Business Health Plans would reduce health insurance costs for small business by 12 percent—in today's dollars, about $1,000 per employee—and would reduce the number of uninsured in working families by 8 percent, or approximately 1 million people. That is real relief.

The American people overwhelmingly support giving small businesses the same power that big companies have to negotiate for better benefits and better prices. And small business owners for years have been asking for the power that big businesses have, so they can secure affordable health care for their employees and their families.

Every day, emergency rooms treat more than 30,000 uninsured Americans who work for or depend on small businesses. That is at least 30,000 reasons why we need to get something done now to help create affordable, market-based choices for America's small businesses and working families.

I am a former small business owner, and I know something about the struggle to provide affordable health coverage to my own family and to my "work family." And Senator NELSON is a former State insurance commissioner, so he knows something about the importance of protecting consumers.

I also want to thank Senator GREGG for his leadership on this issue. Senator GREGG has worked very hard to help find relief for small businesses, and I very much appreciate his support and thank him for being a cosponsor of this important legislation.

Let's take the first step toward more affordable health care for all Americans by giving small business owners the power to create Small Business Health Plans for themselves, their families, and their workers. Let's give them the change they are seeking instead of "more of the same" or more excuses for not acting.

I believe we can agree on 80 percent of the issues and on 80 percent of each issue. If we focus on that 80 percent, we can get things done. I have been and will continue to work with my colleagues and stakeholders to find that 80 percent on Small Business Health Plans to provide real relief for America's working families. The time for action is now.

DHS APPOINTMENT FLEXIBILITY

Mr. AKAKA. Mr. President, I rise to support a bill offered by my good friend Senator VOINOVICH to treat the appointment of the chief Human Capital Officer, CHCO, at the Department of Homeland Security, DHS, the same as all other CHCO appointments.

As part of the Homeland Security Act of 2002, Congress established CHCOs at Federal agencies to improve workforce planning so agencies could better meet their omissions. Agencies were given the discretion whether to designate the position as a political appointment or career civil servant. However, the act required the CHCO at DHS to be a political appointee nominated by the President. Where most agencies can select political or career positions without having to go through an external source, DHS has to go outside its walls to have the President select a person for this position.

Throughout the Federal Government, the mix of political and career CHCOs is almost equal. The important factor is that each agency has the discretion to choose whether the CHCO position best fits into the framework of the agency and its human capital strategy as a political or civilian employee. DHS by statute does not have this flexibility. As such, we believe that DHS should be treated like all other Federal agencies and have the discretion whether to make the position a political or career civil service job. Our bill would make the requirements for the CHCO position uniform for all agencies.

DHS has faced many management challenges and integration issues. The DHS CHCO office has been working diligently to address the human capital challenges within DHS and through the CHCO Council. The DHS CHCO has partnered with other agencies to discover best practices and tackle difficult issues of succession planning, administration transition planning, hiring strategies, and workforce flexibilities. CHCOs' work is critical to the support of effective government management and strategic workforce planning. Given DHS's critical mission and the fact that it continues to remain on the Government Accountability Office High-Risk List, it is important to give DHS the same flexibility as other Federal agencies in appointing its CHCO.

I urge my colleagues to support this bill.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On the night of January 21, 2008, in Charleston, SC, Adolphus Simmons was shot to death on the steps of his apartment. According to reports, Simmons had been dressed as a woman when the attack occurred. Friends say that Simmons, an 18-year-old transgender person, often dressed in women's clothes. Sadly, the suspect charged with Simmons' murder is only 15 years old. Baffled by this seemingly unprovoked attack, investigators are not ruling out that Simmons may have been targeted based on his sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

COMMENDING THE PEACE CORPS

Mr. CONRAD. Mr. President, I would like to take a moment to commend the Peace Corps and its volunteers for 47 years of service to our country.

In 1960, John F. Kennedy challenged students to dedicate a portion of their lives to serving their country overseas in the cause of peace. A year later, as President, he established the Peace Corps. And now, after 47 years, the Peace Corps shines as a beacon of our commitment to the world.

Created to extend the volunteerism of the American people abroad, the Peace Corps has sent more than 190,000 citizens to nearly 140 countries as grassroots ambassadors of American goodwill. They have made lasting contributions in fields like agriculture, education, health care, and the environment.

Twenty-seven North Dakotans currently serve in the Peace Corps. I know many individuals who volunteered their service. What I have heard of their experiences is truly remarkable.

President Kennedy challenged us to ask what we can do for our country. The men and women of the Peace Corps rise to that challenge. Through their service, they demonstrate to the world that America and her people truly do care.

HONORING MARY LANGSTON TAYLOR

Mr. HATCH. Mr. President, thank you for the opportunity today to pay tribute to a wonderful woman, dedicated public servant and loyal friend—Ms. Mary Langston Taylor. Mary is retiring from my staff on May 1, 2008, after 31 years of dedicated service.

Mary has been with me from the beginning. She joined my staff on January 1, 1977, the first week I was in office. You could say we have literally grown up in this job together. I believe the very first assignment I ever gave her was to take dictation for letters I wanted to send to all of my new colleagues. She didn't miss a word then and is still one of the fastest people I know at shorthand—a vanishing talent I might add.

In the early days of my Senate career, Mary was instrumental in the beginnings of all aspects of running a U.S. Senate Office. She drafted and implemented the initial quality control procedures for all office documents, and correspondence. She managed the "conversion" of the office from typewriters to computers—hard to fathom knowing what equipment we now have at our fingertips. She also helped spearhead the first Utah Women's Conference, an annual event Elaine and I have the pleasure of hosting for women across Utah. From its beginnings with Jihan Sadat as the first keynote speaker to today, this conference has served a vital purpose to bring together women from diverse backgrounds to discuss the issues most important to their health and well-being. Her innovation and hard work, along with many others, has made this annual event the huge success that it is.

Mary has worn many hats during her years of service: personal secretary, office manager, legislative assistant, special assistant, and currently constituent services representative. In fact, she was even kind enough to wheel me to the Capitol for votes after I severed my Achilles tendon. She got pretty fast with my wheelchair.

In her current position Mary helps solve hundreds of constituent cases each year that are brought to my attention by Utahns needing help working with the Federal Government. Mary's areas of expertise include: veterans and military affairs, transportation issues, and the U.S. Postal Service. While working with constituents, Mary has always conveyed her warmth and deep caring for each person. Perhaps her work is summed up best in the words of gratitude expressed to Mary by a happy constituent: "What would we have done without you? You are our hero. I want to thank you for never giving up. . .Thank you for making all the difference in the world to my mom and us."

Even in the face of severe adversity, she always came to work each day with a smile on her face and a willingness to get the job done. I have always admired Mary for her courage and fortitude. As a single mother for many years, she raised three wonderful boys—Robby, David, and James. She has taught them well and has sacrificed many things for the happiness of her children. Mary is not only the proud mother of these three boys but the loving stepmother to five children she was fortunate to inherit when she wed Brian Taylor. They have formed a wonderful partnership and it is always a pleasure to see them together.

In addition to her Senate service, Mary has been a tireless advocate for conservative ideals, and women's issues. She has served as the president of the Professional Republican Women of Utah, is a member of the Women's State Legislative Council, and is currently finishing her term as the president of the Salt Lake Council of Women. In this position Mary spearheaded the Hall of Fame to honor outstanding women who have provided service to the community. She also created a special committee on domestic abuse to help others learn to spot indicators and educate women on what resources are available to those in need.

Mr. President. I am truly grateful for the service Mary Taylor has given to me, to our community, and to Utah. I will miss Mary tremendously but know that life holds many exciting and wonderful new opportunities for her to enjoy. When I think of the best way to describe Mary, the word "loyal" just seems to fit. Mary is a loyal friend, mother, wife, and has been a tremendously loyal staff member for 31 years. Someone once said: "Loyalty cannot be blueprinted. It cannot be produced on an assembly line. In fact, it cannot be manufactured at all, for its origin is the human heart." This is Mary—her heart is pure and she is loyal to all.

I want to wish Mary the very best in retirement and want her to know that I will pray for her continued good health, success and happiness. May God bless Mary and her family for her wonderful service.

CELEBRATING THE MANGINOS' DIAMOND ANNIVERSARY

Ms. SNOWE. Mr. President, I rise today to honor and recognize the sixtieth wedding anniversary of Antonio and Rose Ann Mangino of Portland, ME on April 4, 2008.

Originally born in Lewiston, ME, Antonio, Tony, graduated from Portland High School in 1942. He was the son of Camillo and Antoinette Mangino, who owned a small grocery store in Portland. He had two brothers and three sisters. From 1943–1945, Tony served in the United States Army in the Third Armored Division, where he was one of the brave men who landed on the beaches of Normandy, 13 days after D-Day. Tony went on to fight the Nazi army in Normandy, France and in Germany. And he is one of the proud members of the "greatest generation" who can say they fought in the Battle of the Bulge.

Having served his Nation courageously, placing his own life on the line, Tony returned home to Maine where he met Rose Ann Atripaldi, a 1947 graduate of Portland High School and the daughter of Vincent and Marie and one of five sisters and three brothers. In 1948 Tony proposed to Rose, and they got married at St. Peter's Catholic Church in Portland. Preferring not to return to the family grocery business, Tony worked for the United States Postal Service as a letter carrier, and he was actively involved in his union and worked at the Postal Service until he retired. At the same time, Tony enjoyed selling real estate, and worked as a part-time broker with Deering Realty in Portland, helping to sell property in areas of North Deering in Portland.

Although Rose Ann was a full-time mother, raising two daughters—Judy Fox of Portland, ME and Camilla McCannell of Gray, ME—she remained civically involved by volunteering for the Maine Democratic Party, one of the highlights of which was riding in a motorcade when President John F. Kennedy visited Portland, ME. In addition, Rose Ann volunteered at the St. Vincent De Paul soup kitchen and was known for her weekly trips to Brunswick, ME to make her famous meatball recipe for Vincenzo's, a restaurant owned by her brother Andy.

With a marriage that is an enduring inspiration to us all and a standing testament to their mutual devotion and love, Tony and Rose Mangino today are the proud grandparents of three grandchildren, Christopher McCannell of Washington, DC, Michael Fox of Denver, CO, and Jennifer Fox, also of Denver. They are also blessed with two great-grandchildren, Zack and Coby Fox, sons of Michael and his wife Eileen Fox. I couldn't be more pleased to join with the McCannell and Fox families in wishing Tony and Rose Mangino a happy diamond anniversary.

TRIBUTE TO MAJOR PERRY JEFFERSON

Mr. ALLARD. Mr. President, I rise today to pay tribute to Major Perry Jefferson. On April 3, 1969, Major Jefferson was an aerial observer on board an O–1G Bird Dog observation aircraft conducting a reconnaissance mission in the Ninh Thuan Province of Vietnam when the aircraft crashed. After an extensive search, Major Jefferson's body was not recovered and he was subsequently listed Missing in Action. However, in 2001, after 32 years, a Vietnamese national turned over remains that were identified to be that of Major Jefferson. Today, Major Jefferson was finally laid to rest in our nation's most hallowed grounds in a moving ceremony at Arlington National Cemetery.

While growing up in Colorado, Major Jefferson developed a love for geology, wilderness and the mines of Colorado; so much so, that his code word was Geneva Creek, after a tributary of the North Fork South Platte River in central Colorado. A graduate of Southern Methodist University, Major Jefferson joined the Colorado Air National Guard as a technician and intelligence officer with the 120th Tactical Fighter Squadron when it was mobilized to Vietnam in 1968. Major Jefferson was a committed patriot. While in Vietnam, he served his Nation with great distinction. Major Jefferson embodies the spirit and character of Colorado, and I commend his service and sacrifice.

The return of his remains brings closure to his family and friends. I am grateful to have this opportunity and I hope that the 96,000 Americans missing and unaccounted for while serving their country will eventually receive a similar honor.

THE SAVE LIVES FIRST ACT OF 2008

Mr. COBURN. Mr. President, 5 years ago, Africa was in crisis and in despair. HIV/AIDS was decimating whole communities. Some countries, such as Botswana, were literally on a path to extinction, with rates of HIV infection among pregnant women in some locations reaching as high as 40 and even 50 percent. In South Africa, while a third of pregnant woman were infected with the virus, the country's political leaders were actually denying that AIDS was caused by HIV infection, an ominous sign that little help was on the way for the over 4 million South Africans—over 10 percent of the population—dying of AIDS.

In 2003, if a woman in sub-Saharan Africa was infected with HIV, the familiar story was all too oft-repeated. She would very likely watch her husband die first, and then her youngest children would also become infected either at birth or through breastfeeding, as she languished under her own death sentence. Within a short time, her children would be orphans, left to fend for themselves in the streets and slums of Nairobi, or Soweto, often getting sick with their own HIV infections and dying alone, without food or shelter or medicine.

The sheer numbers at the time were staggering. The disease affected well over 20 million people in sub-Saharan Africa by the year 2000, roughly equivalent to the total number of American children under 6 years old. The problem seemed overwhelming, indeed hopeless.

What was the world doing to stop the carnage? Were there armies of doctors sweeping in with the miracle drugs that had been saving lives in America and other rich countries for nearly a decade? No. The U.S. was spending under $200 million a year on HIV/AIDS overseas, mostly on report-writing, some condom marketing, and "capacity-building" programs that never actually used any of the capacity supposedly built and that had no measurable impact on the devouring epidemic.

Treatment was the demand of most global health activists of the day. An indignant group gathered in South Africa in 2002. "While a necessary component of the response to HIV/AIDS, prevention will never be enough," insisted Winston Zulu of the Network of Zambian People Living with HIV/AIDS (NZP+). "When will the world wake up to the fact that the 16 million Africans that have already died of HIV/AIDS? This is only the beginning if we continue down the prevention-only path. This movement will make treatment, which we all know strengthens prevention efforts, our priority demand." Domestic and international chapters of ACT-UP and others were heckling U.S. officials at international health conferences, demanding antiretroviral treatment for people with HIV/AIDS in the developing world, especially in Africa.

And then something remarkable happened. On a cold January night in Washington, DC, far from the overcrowded, underequipped clinics of Africa, an American president made a promise—a $15 billion promise to provide treatment to millions of Africans, within 5 years.

> Anti-retroviral drugs can extend life for many years. And the cost of those drugs has dropped from $12,000 a year to under $300 a year—which places a tremendous possibility within our grasp. Ladies and gentlemen, seldom has history offered a greater opportunity to do so much for so many...tonight I propose the Emergency Plan for AIDS Relief—a work of mercy beyond all current international efforts to help the people of Africa. This comprehensive plan will prevent 7 million new AIDS infections, treat at least 2 million people with life-extending drugs, and provide humane care for millions of people suffering from AIDS, and for children orphaned by AIDS.—President George W. Bush, State of the Union Address, Jan. 28, 2003.

Glimmers of hope ignited around the world that night, as the U.S. policy against providing treatment in a foreign aid program came to an abrupt and inspiring end. The Congress took up the challenge, and passed a bill a few months later that was groundbreaking, a seismic shift in current policy and funding levels. The first and perhaps most dramatic policy shift was the statutory requirement that over half, a full 55 percent of all $15 billion of the program's funding be spent on life-saving medical treatment for people with HIV/AIDS.

People said it couldn't be done. The naysayers said that Africans would not be able to adhere to complex drug regimens. They said that there simply wasn't the capacity to absorb all those dollars and build new clinics and expand hospital wings. They said people wouldn't come from miles around to get tested and treated. We wouldn't be able to use mopeds and bicycles to deliver drugs to the rural hinterlands. There weren't enough doctors. There wasn't sufficient logistic ability to store so many drugs. These arguments are being repeated today. They were uninspired and uninformed in 2003 and they still are today. The President's Emergency Plan for AIDS Relief, PEPFAR, has proven them all wrong.

Since PEPFAR started, over 1.4 million people who would either be dead or dying today have received life-saving antiretroviral treatment. That's millions of children who didn't become orphans. Millions of parents who get to see their children grow up. Millions of moms whose babies were protected from infection. Countless communities across the plains and prairies, streets and slums of Africa and the Caribbean, where hope has taken a foothold. Where once stigma and despair kept people from even getting tested, people now come out by the thousands on HIV testing days in Kampala and elsewhere.

PEPFAR is a comprehensive program, investing heavily in prevention and care as well as treatment. However, the majority of the funds have been spent on treatment. The true nature of PEPFAR, the appeal of the program, the miracle that has raised millions from the dead is the program's commitment to life-saving antiretroviral treatment. If you ask Africans what PEPFAR is, they'll tell you it's about AIDS treatment. It is the treatment component of PEPFAR that has made it the most successful U.S. humanitarian effort in history because it has literally saved the lives of millions, preserved families and communities, and rescued countless babies from being born with an AIDS death sentence.

Five years later, the American people stand at a crossroads. PEPFAR is expiring and the true test of our commitment to life-saving treatment is before us. We have a choice. Will we lose heart? Will we lose our focus? Will we allow a program that was ambitious, inspiring, targeted and tangibly and measurably effective at saving lives become diluted, vague, ill-defined and lose its life-saving impact? Will we allow partisanship and competing priorities and even some good intentions cloud and subvert the long-term success of PEPFAR? Will we turn PEPFAR into just another bloated, unmeasured and unmeasurable foreign aid program with no accountability and no real impact, a program that tries to do too much and accomplishes too little? As funding increases and rhetoric builds, will we, in this moment of testing, betray our historic commitment to Africa and the lives of millions of its inhabitants?

It is embarrassing to admit that we find ourselves on a direct path to that shameful outcome. The once loud and indignant voices demanding treatment for Africans have found other priorities, it would seem. Inexplicably and inexcusably, the House and Senate PEPFAR reauthorization bills, negotiated with the approval of the Administration, reverse what was undoubtedly the most important element of PEPFAR the requirement that the majority of funding be spent on HIV/AIDS treatment. What's more, the bills more than triple PEPFAR funding, but only increase treatment targets by 50 percent. Despite their $50 billion pricetags, the House-passed bill and the Senate committee-reported bill would only add an additional one million people, of the many more millions in need, to the treatment rolls over the next five years. It seems that, after five years focusing on helping people with HIV/AIDS, the focus of the program under these proposed reauthorizations would shift to helping the foreign aid "industrial complex" of USAID contractors based in the U.S. and European capitals. The proposed reauthorization bills would prioritize literally every possible development cause except HIV diagnosis and treatment.

It is this glaring policy reversal that is the impetus for S. 2749, the "Save Lives First Act of 2008." The bill reinstates the current policy requiring at least 55 percent of funding to go to life-saving medical treatment for people infected with HIV/AIDS. It also allocates a small percentage of funding for the critical diagnostic screening that must be ramped up dramatically if we are to locate and treat every infected person in the countries where PEPFAR operates. Finally, the bill acknowledges that every baby infected with HIV by her mother during birth or breastfeeding is a largely preventable tragedy that should be eliminated.

Although we have grave concerns about many other policies in the House and Senate reauthorization bills, including the prevention policy, the expansion of funding to rich countries, the "mission creep" that diverts funding from high-priority HIV/AIDS programs to lower-priority development programs, and others, we chose to focus in the Save Lives First Act on the critical problem of the House and Senate bills' betrayal of the President's and the 108th Congress' historic commitment to life-saving HIV/AIDS treatment.

There is no question that PEPFAR has been the most successful foreign aid program since the Marshall Plan. The structural reason for its success is that it approaches and addresses AIDS for what it is—a viral epidemic. Though much may have changed in the past four years, this simple fact has not, and will not, change.

Regardless of location, demography, mode of transmission, and so forth, the basic method of combating an epidemic, any epidemic, is the same: find the infected, provide them care, and help them prevent transmission to others. There are 33 million people living with HIV, and only they can prevent the transmission of the disease. If we find the people with HIV, we could not only treat them, but yes, prevent new infections as well. That's why treatment and testing are critical to prevention efforts. They are not the whole story—behavior change programs are needed—but diagnosis and treatment are two of the foundations of disease control. What's more, prevention through education is far less costly than treatment. Uganda's success in the 1990s proved that with the proper message and political leadership, behavior change that reduces transmission rates dramatically can be achieved fairly inexpensively. The current PEPFAR program and its original authorizing legislation are appropriately structured on this foundation of diagnosis, treatment and successful prevention.

So what are the mechanics of treating people? First, you must diagnose those who are infected. That is why this bill designates specific funding for performing rapid tests, and sets testing target goals. If we test 1 billion people over the next 5 years, we will discover the vast majority of all those living with HIV. However, experience shows that people will not get tested, no matter how much they may want to, without an incentive to know their status. It cannot be disputed that people known to be HIV positive suffer enormous stigma and discrimination throughout the world, and therefore need an incentive strong enough to overcome this.

The incentive is treatment. If people know that, should they be found to be HIV positive, there is hope and health in their future, they will have an incentive to get tested. The promise of a longer and healthier life is necessary to overcome the stigma—and, in a self-reinforcing loop, the presence of treatment, and the effect of people literally returning from the dead, goes a long way to reduce HIV stigma. That is one of the reasons why the Save Lives First Act maintains the 55 percent allocation of PEPFAR funding for treatment, and seeks to increase the number of people treated proportionally to the increase in overall funding.

The AIDS drug nevirapine, which costs only $4 per treatment, can dramatically reduce the likelihood that a newborn will become infected with HIV. Yet a new U.N. report delivers the news that only a quarter of HIV-positive pregnant women in poorer countries are receiving the medication needed to prevent baby AIDS. Furthermore, the number of AIDS orphans in poorer countries continues to increase, and in sub-Saharan Africa an estimated 12.1 million children in 2007 had lost one or both parents to HIV.

By sticking to the fundamental disease control methods of testing and treatment, new infections are prevented. First, we have seen here in the U.S. that people who know their HIV status are less likely to engage in risky behavior—they seek to protect themselves and their partners. The Centers for Disease Control and Prevention reports that the 25 percent of Americans who don't know their HIV status transmit 50–75 percent of new infections. What's more, a recent study has suggested that increased testing in the U.S. reduced infection. Further, people who are receiving treatment have less of the virus in them, and are less infectious. There is increasing evidence documenting this phenomenon. Behavior change programs targeted to the general population, most of whom are uninfected, may help reduce infection rates to a point, but it is hard to think of a more direct preventive measure than rendering an HIV positive person less infectious and less likely to infect others.

Therefore, claims that the bill does not address prevention are simply untrue. First, billions and billions of dollars not dedicated to treatment and testing are available for prevention in the House and Senate bills. After spending 55 percent of the $50 billion in the bills on lifesaving treatment, there will still be $27.5 billion left over from which prevention programs could be funded, dramatically more programs than under the current, $15 billion program. Second, and to an important extent, testing and treatment are part of an effective prevention approach.

In addition, some have claimed that the Save Lives First Act significantly increases costs, anywhere from $13–$17 billion. These claims miss the point of the Save Lives First Act—which is not to add to costs, but to prioritize how authorized funds are spent. As the attached treatment cost analysis shows, the total dollar amount for all drugs, test kits, and prevention-of-mother-to-child-transmission materials needed to meet the goals in the bill is just over $11 billion (using conservative assumptions about costs that are likely to be lower in reality due to government discounts). A reauthorization bill containing $50 billion plus numerous "such sums" authorities, such as the bills under current consideration in the House and Senate, would contain sufficient money to meet these goals as well as procure the infrastructure necessary to deliver these drugs and diagnostic tests. These costs are not added on top of the proposed reauthorization spending levels, as some have claimed. Rather, the Save Lives First Act takes the first 55 percent of all funding in any reauthorization bill—whatever the ultimate amount of funding turns out to be—$30 billion, $50 billion or more (as is actually likely given the current appropriations frenzy in the Congress)—and directs it to treatment costs. If meeting the heroic targets in our bill—adding 5 million new people to treatment (in addition to the 2 million already in treatment), conducting a billion HIV tests, and saving babies from being infected by their moms—ends up costing more than 55 percent of PEPFAR funding, we challenge any critic to think of a better use of funds. However, as the attached chart demonstrates, there will be plenty of money in a $50 billion bill left for prevention and care after meeting the requirements of the Save Lives First Act.

The current alternative to this approach, as embodied by the House and Senate bills containing no money dedicated to testing and treatment—is that millions of people will die for lack of treatment. In addition, the vast majority of people with HIV will remain ignorant of their status, and will continue to unknowingly infect others, continuing the cycle that led to the devastating epidemic we now face. Letting people die, and keeping people ignorant of their status, is not the way to end this epidemic. We recognize this truth here in the U.S., where we spend 11 percent annually on prevention, but 67 percent on treatment out of a total budget of $23.3 billion spent on AIDS domestically.

Some have argued that a heroic American commitment to testing and treatment such as the targets in the Save Lives First Act will discourage other donors from supporting diagnosis and treatment. The truth is that other donors have yet to demonstrate substantial commitment to bilateral treatment programs. Most other donors prefer to fund treatment through their contributions to the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, a multilateral organization affiliated with the United Nations, to which the U.S. is the largest (by far) contributor. That is what the Global Fund is for—to create efficiencies of scale and allow smaller donors to contribute to those more efficient programs rather than reinventing the wheel and starting up their own bilateral programs. When other donors do invest in bilateral efforts, it is almost always on the prevention side—funding needle exchanges for drug users, condom and "empowerment" programs for prostitutes, and other prevention efforts in Africa, Asia and eastern Europe, usually based on behavior change programs. This is all the more reason why one donor, the U.S., needs to focus on diagnosis and treatment—the rest of the donor community is not as committed to these programs compared to other approaches. But let's say that other donors want to support treatment—great! We welcome their participation. There is so much to do—between 7 and 8.4 million people still need treatment today. PEPFAR certainly can't treat everyone in a given year, and will have to rely on the efforts of others going forward, if we want to bring hope to everyone affected by this dreadful disease.

We are proud of PEPFAR and the millions of miracles it has created already in its first four years of operation. The American people can look at PEPFAR and, unlike what they'll find with most government programs, they can see measurable and tangible results in the faces of the millions saved and cared for with U.S. funding. PEPFAR isn't "broken," and it doesn't require "fixing" in its reauthorization—it's a stunning success. The burden of proof is on those who want to radically change PEPFAR policies, not on those of us who want to preserve them. We look forward to working with the President and House and Senate leaders to ensure that PEPFAR continues its successful, miraculous, lifesaving track record.

Bertha, a 23-year-old PEPFAR treatment client in Tanzania speaks for millions when she says, "If it is not these ARVs, I think I was dead long time ago because I use and I am still using these drugs. Now I can do anything. I'm healthy and I'm strong."

Mr. President, I ask unanimous consent that my endnotes and graph be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Estimated PEPFAR Treatment, Testing, and PMTCT Costs and Benchmarks for FY 2009 Though FY 2013

Adult ARVs and rapid HIV test prices are based on those listed by SCMS (SCMS is a PEPFAR procurement partner).
(http://scms.pfscm.org/scms/ecatalog)

ARV Cost is based on the average price of the most commonly used triple combination therapies (based on PEPFAR and WHO purchases) and includes average prices for PEPFAR approved second-line ARVs for the estimated 10% of patients in need of second-line treatment.
(See pages 71 and 72 of the 2007 PEPFAR Report to Congress and page 47 of the 2008 report.)
(For second-line estimate see page 6 of MSF 9th Edition Price Guide, http://www.accessmed-msf.org/resources/key-publications/ and see, http://www.africaaction.org/resources/docs/BigPharmaBigProfits0807.pdf)

Pediatric ARV Prices were obtained from a summary report of the *WHO Global Price Reporting Mechanism* based on ARV purchases from January through October of 2007 (http://www.who.int/hiv/amds/GPRMsummaryReportOct07.pdf).

"PMTCT Cost" is based on the average cost for PMTCT based on WHO/UNICEF prices for ARV PMTCT prophylaxis (estimated at $168).
(http://www.wpro.who.int/sites/hsi/psm_ipr.htm)

The pediatric treatment goal is equal to the estimated number of children in need of ARV treatment (780,000).
(Towards Universal Access: Scaling up priority HIV/AIDS interventions in the health sector, WHO/UNAIDS, April 2007, page 6, http://www.who.int/hiv/mediacentre/univeral_access_progress_report_en.pdf)

The 2.1 million goal for PMTCT is the estimated number of pregnant women living with HIV/AIDS in developing countries.
(See: Towards Universal Access, page 31.)

	End of FY 2009	End of FY 2010	End of FY 2011	End of FY 2012	End of FY 2013	*Total Over 5 Years*
ARV Cost	$994,331,544	$1,331,700,158	$1,669,068,772	$2,006,437,386	$2,343,806,000	***$8,345,343,860***
Total Number Treated	3,000,000	4,000,000	5,000,000	6,000,000	7,000,000	
Adult 1st-Line	2,475,280	3,236,460	3,997,640	4,758,820	5,520,000	
Adult 2nd-Line	300,000	400,000	500,000	600,000	700,000	
Pediatric 1st-Line	202,248	327,186	452,124	577,062	702,000	
Pediatric 2nd-Line	22,472	36,354	50,236	64,118	78,000	

	End of FY 2009	End of FY 2010	End of FY 2011	End of FY 2012	End of FY 2013	*Total Over 5 Years*
HIV Rapid Tests Cost	$326,000,000	$326,000,000	$326,000,000	$326,000,000	$326,000,000	***$1,630,000,000***
Number of Tests	200,000,000	200,000,000	200,000,000	200,000,000	200,000,000	***1,000,000,000***

	End of FY 2009	End of FY 2010	End of FY 2011	End of FY 2012	End of FY 2013	*Total Over 5 Years*
PMTCT Cost	$100,293,520	$162,895,140	$225,496,760	$288,098,380	$350,700,000	***$1,127,483,800***
Number of PMTCT Treatments	600,560	975,420	1,350,280	1,725,140	2,100,000	

	Total for FY 2009	Total for FY 2010	Total for FY 2011	Total for FY 2012	Total for FY 2013	*Total Over 5 Years*
Total Cost	***$1,420,625,064***	***$1,820,595,298***	***$2,220,565,532***	***$2,620,535,766***	***$3,020,506,000***	***$11,102,827,660***

Summary of Appendix I (see page 2)

Avg. Adult 1st-Line	**$197**	**Avg. Pediatric 1st-Line**	**$154**
Avg. Adult 2nd-Line	**$1,472**	**Avg. Pediatric 2nd-Line**	**$1,511**
Avg. Rapid Test	**$1.63**	**PMTCT**	**$168**

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Appendix I: Prices and Averages of Individual ARVs and HIV Rapid Tests

All ARV Prices Listed as Per Patient Per Year (with the exception of the single treatment cost for PMTCT)

Adult 1st-Line

3TC+D4T+NVP	$88.80
3TC+AZT+NVP	$162.00
3TC+AZT+EFV	$347.40
3TC+D4T+EFV	$190.00
Average	**$197**

Adult 2nd-Line

LPV/r+ABC+ddi	$1,107.60
IDV/r+ABC+ddi	$1,252.00
SQV/r+ABC+ddi	$2,055.00
Average	**$1,472**

Pediatric 1st Line

	5kg Child Price
3TC+D4T+NVP	$141
3TC+AZT+NVP	$171
3TC+D4T+EFV	$175
3TC+AZT+EFV	$205
	10kg Child Price
3TC+D4T+NVP*	$66*
3TC+AZT+NVP	$103
3TC+D4T+EFV	$135
3TC+AZT+EFV	$150
Average (5kg+10kg)	**$154**

Price for Fixed Dose Combination (Triomune).

Pediatric 2nd-Line

	5kg Child Price
ABC+ddI+LPV/r	$1,256
ABC+ddi+NFV	$2,483
	10kg Child Price
ABC+ddI+LPV/r	$987
ABC+ddi+NFV	$1,316
Average (5kg+10kg)	**$1,511**

Rapid HIV Test

	(Price Per Test)
Uni-Gold HIV	$1.60
Stat-Pak HIV 1/2	$1.45
Precise HIV	$0.96
Bioline HIV 1/2	$1.88
Bio-Lytical INSTI**	$2.25**
Average	**$1.63**

***Rapid test used in AIDS Healthcare Foundation (AHF) HIV testing field usage in Uganda. Price includes shipping.*

PMTCT

Zidovudine	$108.81
Lamivudine	$24.16
Nevirapine	$33.49
Zidovudine Syrup	$1.16
Nevirapine Syrup	$0.02
Cost	**$168**

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Average (5kg+10kg)	**$1,511**

PMTCT

Zidovudine	$108.81
Lamivudine	$24.16
Nevirapine	$33.49
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Average	**$1.63**

***Rapid test used in AIDS Healthcare Foundation (AHF) HIV testing field usage in Uganda. Price includes shipping.*

ADDITIONAL STATEMENTS

IN CELEBRATION OF REBECCA WOOD WATKIN

• Mrs. BOXER. Mr. President, I am pleased and honored to salute my dear friend Rebecca, Becky, Wood Watkin as she celebrates her 95th birthday.

Born on April 4, 1913 in Portland, OR, Becky graduated from Bryn Mawr College in 1933 and went on to the University of Pennsylvania to study architecture. Undeterred by the fact that the architecture department did not accept female students at that time, Becky completed all required courses, and became the first woman graduate in architecture from the University of Pennsylvania in 1937. That same year, Becky relocated to San Francisco and applied at a variety of architectural firms, none of which wanted a woman in the drafting room. Despite her difficulties with finding employment in the male-dominated workforce, Becky persevered, earning her California architectural license in 1944.

A vanguard for aspiring women professionals everywhere, Becky opened her own architectural practice in Marin County in 1951. In the midst of these professional milestones, Becky also gave birth to three wonderful children. As a working mother, Becky looked for ways to use her personal and professional talents to help those in need, becoming a tremendous source of support and energy to causes that she believed helped the community, including the Ecumenical Housing Association and Planned Parenthood.

Mr. President, 1948 saw Becky enter the political realm for the first time, by fundraising for Roger Kent, a local Democratic candidate for Congress. This initial political activity 60 years ago spearheaded a lifelong involvement with Democratic politics, a passion of Becky's that allowed her to work on the presidential campaigns for Adlai Stevenson, John Kennedy, Eugene McCarthy, George McGovern, and Jimmy Carter.

Inspired by Becky's trailblazing story and her fervent belief in good government, I first met Becky in the 1960s as we worked together to end the Vietnam war. As a young working mother myself, Becky quickly became a deeply admired mentor. As the years passed and our friendship grew, she was instrumental in helping me move up the political ladder from the board of supervisors to the House of Representatives and then to the Senate.

As we celebrate the 95th year of her remarkably courageous and passionate life, I remain in admiration of Becky's strong sense of civic duty, honesty, integrity, and perseverance. Along with hundreds of her family, friends, and admirers, I wish her many more years of continued happiness.•

EL MALPAIS CONSERVATION AREA

• Mr. DOMENICI. Mr. President, the turn of the year marked the 20th year the El Malpais Conservation area in western New Mexico has had the benefit of special Federal protection. Two decades ago with the help of the delegation, Congress passed legislation to ensure the protection of this culturally and geographically significant portion of New Mexico, while an amendment of mine allowed the nearby native tribes to continue to utilize the area for their traditional religious and cultural activities.

Located just south of Grants, between State highways 53 and 117, the El Malpais conservation area is unlike any other in the United States. This unique area is an important cultural resource for the pueblos of Acoma, Laguna, Zuni, and Ramah Navajo. El Malpais, meaning "the badlands," describes the hardened lava plains where molten rock once flowed thousands of years ago. The uneven cooling of these lava flows created many lava tube caves throughout the designation which now provide for a unique hiking experience. This exceptional conservation area also contains the West Malpais and Cebolla Wilderness areas, spectacular sandstone cliffs and canyons, and a habitat for a multitude of desert vegetation such as aspen, pine, juniper, fir, grasses and cacti. The El Malpais conservation area offers visitors guided tours, picnicking, camping, biking, and horseback riding in designated areas.

Last year I was able to help secure $250,000 for the purchase of 200 acres of inholdings at the El Malpais national conservation area. This additional acreage is an important additional step to preserving the history and consolidating the varied landscapes contained within this one of a kind conservation area.

Our public lands are truly national treasures, and as such, they demand our most thoughtful management. The outdoors in New Mexico reminds us all of the things we hold so dear. I am proud to have played a role in ensuring the expansion and continued protection of El Malpais. This New Mexico treasure remains much the same as it did as so many years ago, and I am glad this will be the case for generations to come.•

35TH ANNIVERSARY OF THE CENTER FOR DISABILITIES

• Mr. JOHNSON. Mr. President, today I congratulate the University of South Dakota School of Medicine and Health Sciences Center for Disabilities in Vermillion, SD, which will celebrate its 35th anniversary in 2008.

Started in September of 1973 as the Developmental Disabilities Evaluation Center, the Center for Disabilities has a long and distinguished history of providing training, service, information, and research not only to South Dakota but to the entire region. My wife Barbara worked on the DDEC staff during those initial years. Thirty-five years later, the school continues to serve those needs of South Dakota through current projects, such as the Autism and Related Disorders Program, Birth to 3 Connections, Cheyenne River Reservation Rural Health Outreach Project, Deaf-Blind Program, Dietetic Internship, the Upper Midwest Public Health Training Center, and the Pine Ridge Developmental Clinic, which was established in 2008. The Center for Disabilities is also working with other States to provide service in projects such as the Four-State Consortium on Studies in the Prevention of Fetal Alcohol Syndrome/Fetal Alcohol Effect and the Upper Midwest Public Health Training Center.

Over the last 35 years, the University of South Dakota School of Medicine and Health Sciences Center for Disabilities has provided quality services to the people of South Dakota. Their goal, to help those with disabilities live without limitations, has been demonstrated through the citizens with whom they have worked. Those ideals have also been carried out by the students who have graduated and gone on to excel in their careers.

Not only has this center encouraged learning and research, but the University of South Dakota School of Medicine and Health Sciences Center for Disabilities also strives to bring together communities. Indeed, one of the core functions of the center is community education. The center works to provide training and assistance, not only to individuals with disabilities and their families, but also to professionals, paraprofessionals, policymakers, students, and any member of the community who chooses to get involved.

I am proud to honor the University of South Dakota School of Medicine and Health Sciences Center for Disabilities for its 35 years of outstanding service. It is an honor for me to share with my colleagues the exemplary leadership and strong commitment to education and research the University of South Dakota School of Medicine and Health Sciences Center for Disabilities has provided. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.•

UNIVERSITY OF SOUTH DAKOTA WOMEN'S BASKETBALL TEAM

• Mr. JOHNSON. Mr. President, today I wish to publicly commend the University of South Dakota women's basketball team for their great season, and their 2nd place finish in the 2008 NCAA Division II Women's Basketball tournament.

The USD women's basketball team has worked especially hard this last year, to reach the Division II championship game. All South Dakotans are extremely proud of their wonderful efforts and achievements in going so far.

They finished with a 33–2 record, won the North Central Conference with a perfect 12–0 record and won the North Central Region title for the first time in school history. They then won two out of three games in the Elite Eight Championship and finished in second place.

These young women represented USD and South Dakota in an extraordinary fashion. Their hard work is representative of South Dakota values and was rewarded with a great season. I would like to give credit to the coaches, parents, supporters and organizers, and especially the hard work and dedication of these young players. I would like all of South Dakota to recognize the hard work, dedication, and sportsmanship this team has shown on their way through the tournament.

I recognize Head Coach Chad Lavin, Assistant Coach Becky Flynn-Jensen for their guidance and support to help make this year's team so successful. I also congratulate all of this year's team members: Natalie Carda, Shannon Daly, Michelle Dirks, Anne Doshier, Kelli Fargen, Amber Hegge, Jeana Hoffman, Jenna Hoffman, Kara Iverson, Jasmine Mosley, Amy Robinette, Ashley Robinette, Annie Roche, Kendra Schomer, Bridget Yoerger, and Maggie Youngberg for their dedication and commitment this great season.

Again, congratulations to the University South Dakota Coyotes women's basketball team on fighting their way to the championship game.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5501. An act to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5501. An act to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on Foreign Relations.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Armed Services by unanimous consent, and referred as indicated:

S. 2764. A bill to amend the Servicemembers Civil Relief Act to enhance protections for servicemembers relating to mortgages and mortgage foreclosures, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2807. A bill to protect the liberty and property of all Americans.

S. 2808. A bill to require that citizens within a National Heritage Area are informed of the designation and that government officials must receive permission to enter private property.

S. 2809. A bill to ensure that there are no adverse effects of a National Heritage Area designation to local communities and home owners.

S. 2810. A bill to require an annual report detailing the amount of property the Federal government owns and the cost of government land ownership to taxpayers.

S. 2811. A bill to require citizens' approval of Federal government land grabs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5638. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ferric Citrate; Inert Ingredient; Exemption from the Requirement of a Tolerance" (FRL No. 8071-2) received on March 31, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5639. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "S-Abscisic Acid, Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8357-4) received on March 31, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5640. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flonicamid; Pesticide Tolerance" (FRL No. 8356-7) received on March 31, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5641. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dicamba; Pesticide Tolerance" (FRL No. 8356-6) received on March 31, 2008; to the Committee on Agriculture , Nutrition, and Forestry.

EC–5642. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acequinocyl; Pesticide Tolerance" (FRL No. 8356-6) received on March 31, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5643. A communication from the Secretary of Energy and the Secretary of Defense, transmitting, a report entitled "National Security and Nuclear Weapons in the 21st Century"; to the Committee on Armed Services.

EC–5644. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Fitness-for-Duty Programs" (RIN3150-AF12) received on March 28, 2008; to the Committee on Environment and Public Works.

EC–5645. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8549-8) received on March 27, 2008; to the Committee on Environment and Public Works.

EC–5646. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8549-6) received on March 27, 2008; to the Committee on Environment and Public Works.

EC–5647. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities" ((RIN2060-AO52)(FRL No. 8547-4)) received on March 27, 2008; to the Committee on Environment and Public Works.

EC–5648. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Virginia: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 8548-9) received on March 27, 2008; to the Committee on Environment and Public Works.

EC–5649. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments" (FRL No. 8549-4) received on March 27, 2008; to the Committee on Environment and Public Works.

EC–5650. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Bay Area Quality Management District" (FRL No. 8547-6) received on March 27, 2008; to the Committee on Environment and Public Works.

EC-5651. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alabama: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 8550-3) received on March 31, 2008; to the Committee on Environment and Public Works.

EC-5652. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada, Nevada Division of Environmental Protection" (FRL No. 8550-9) received on March 31, 2008; to the Committee on Environment and Public Works.

EC-5653. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada" (FRL No. 8551-1) received on March 31, 2008; to the Committee on Environment and Public Works.

EC-5654. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Implementation Plan for the Billings/Laurel, Montana, Sulfur Dioxide Area" ((RIN2008-AA01)(FRL No. 8551-2)) received on March 31, 2008; to the Committee on Environment and Public Works.

EC-5655. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final 8-Hour Ozone National Ambient Air Quality Standards Designations for the Early Action Compact Areas" ((RIN2060-AO83)(FRL No. 8550-1)) received on March 31, 2008; to the Committee on Environment and Public Works.

EC-5656. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Modification to the Weighting Methodology Used to Calculate the Low-Income Benchmark Amount" (RIN0938-AP25) received on March 31, 2008; to the Committee on Finance.

EC-5657. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Partnership Audit Techniques Guide—Chapters 1, 2, and 7" (Docket No. LMSB-04-0208-007) received on March 25, 2008; to the Committee on Finance.

EC-5658. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Cost Sharing Stock Based Compensation" (Docket No. LMSB-04-0208-005) received on March 25, 2008; to the Committee on Finance.

EC-5659. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Classification of Certain Foreign Entities" (TD 9388) received on March 25, 2008; to the Committee on Finance.

EC-5660. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Issue - Foreign Tax Credit Generator Directive" (Docket No. LMSB-04-0208-003) received on March 25, 2008; to the Committee on Finance.

EC-5661. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the 2008 Annual Report of the Boards of Trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund; to the Committee on Finance .

EC-5662. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Transfer of Intangibles Offshore/Section 482 Cost Sharing Buy-in Payment Issue Directive No. 2" (Docket No. LMSB-04-0308-016) received on March 25, 2008; to the Committee on Finance.

EC-5663. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Government of Cuba's compliance with several agreements; to the Committee on Foreign Relations.

EC-5664. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an annual report relative to Federal sector equal employment opportunity complaints filed with the Office during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 468. A resolution designating April 2008 as "National 9-1-1 Education Month".

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 579. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Catharina Haynes, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Rebecca A. Gregory, of Texas, to be United States Attorney for the Eastern District of Texas for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself and Ms. STABENOW):

S. 2812. A bill to amend title XVIII of the Social Security Act to improve the provision of telehealth services under the Medicare program; to the Committee on Finance.

By Mr. BUNNING (for himself, Ms. STABENOW, and Mr. BAYH):

S. 2813. A bill to require the Secretary of the Treasury to take action with respect to currency manipulation by the People's Republic of China, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2814. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. SANDERS, Mrs. MURRAY, Mr. DODD, Mr. REED, and Mr. LEVIN):

S. 2815. A bill to amend the Higher Education Act of 1965 in order to increase unsubsidized Stafford loan limits for undergraduate students, provide for a secondary market for FFEL loans, allow for the in-school deferment of PLUS loans, augment the maximum Federal Pell Grant for the lowest income students, and expand the number of students eligible to obtain loans under the lender-of-last-resort program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 2816. A bill to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SALAZAR (for himself, Ms. COLLINS, Mr. BAUCUS, Mr. COLEMAN, and Mr. TESTER):

S. 2817. A bill to establish the National Park Centennial Fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself, Mr. NELSON of Nebraska, and Mr. GREGG):

S. 2818. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide for enhanced health insurance marketplace pooling and relating market rating; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KENNEDY):

S. 2819. A bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. GRAHAM):

S. 2820. A bill to amend part A of title IV of the Social Security Act to extend and expand the number of States qualifying for supplemental grants under the Temporary Assistance for Needy Families program; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. ENSIGN, Mr. SALAZAR, Mr. SUNUNU, Ms. STABENOW, Mr. COLEMAN, Mr. SCHUMER, Ms. SNOWE, Mrs. FEINSTEIN, Mr. MARTINEZ, Mr. SANDERS, Mr. GRAHAM, Ms. KLOBUCHAR, Mrs. DOLE, Mr. DODD, Ms. COLLINS, Mrs. BOXER, Mr. CORNYN, Mr. DOMENICI, Mr. CRAIG, Mr. SMITH, Mr. THUNE, Mr. ALLARD, Mr. HATCH, Mr. ROBERTS, Ms. MURKOWSKI, Mr. STEVENS, Mrs. HUTCHISON, and Mr. BIDEN):

S. 2821. A bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. WYDEN, and Mr. CASEY):

S. Res. 499. A resolution urging Palestinian Authority President Mahmoud Abbas, who is also the head of the Fatah Party, to officially abrogate the 10 articles in the Fatah Constitution that call for Israel's destruction and terrorism against Israel, oppose any political solution, and label Zionism as racism; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself and Mr. BAYH):

S. Res. 500. A resolution honoring military children during "National Month of the Military Child"; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. REID, Mr. MCCONNELL, Mr. DURBIN, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 501. A resolution honoring the sacrifice of the members of the United States Armed Forces who have been killed in Iraq and Afghanistan; considered and agreed to.

By Mr. ALLARD:

S. Res. 502. A resolution commemorating the 25th anniversary of the Space Foundation; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. DODD, Mr. BROWN, and Mr. VOINOVICH):

S. Res. 503. A resolution recognizing and honoring the 40th anniversary of the Fair Housing Act and the 20th anniversary of the Fair Housing Amendments Act of 1988; considered and agreed to.

By Mr. WYDEN (for himself, Mr. ENZI, Mr. WICKER, Mr. BROWN, and Mr. WHITEHOUSE):

S. Con. Res. 73. A concurrent resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 45

At the request of Mr. ENSIGN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 45, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 439

At the request of Mr. REID, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 459

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 459, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 582

At the request of Mr. VITTER, his name was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 773

At the request of Mr. WARNER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1243

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2029

At the request of Mr. GRASSLEY, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 2029, a bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2240

At the request of Mr. VITTER, his name was added as a cosponsor of S. 2240, a bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies, and for other purposes.

S. 2384

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2384, a bill to authorize the Chief of Engineers to conduct a feasibility study relating to the construction of a multipurpose project in the Fountain Creek watershed located in the State of Colorado.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2386, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments.

S. 2388

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2388, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to increase the maximum amount of assistance to individuals and households.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2521

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2521, a bill to provide benefits to domestic partners of Federal employees.

S. 2602

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2602, a bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008, to terminate the authority of the Secretary of the Treasury to deduct amounts from certain States.

S. 2674

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2674, a bill to amend titles 10 and 38, United States Code, to improve and enhance procedures for the retirement of members of the Armed Forces for disability and to improve and enhance authorities for the rating and compensation of service-connected disabilities in veterans, and for other purposes.

S. 2715

At the request of Mr. INHOFE, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2715, a bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

S. 2719

At the request of Mrs. DOLE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2719, a bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2722

At the request of Mrs. DOLE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2722, a bill to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

S. 2729

At the request of Mr. CORNYN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2729, a bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes.

S. 2731

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2743

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2743, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of financial security accounts for the care of family members with disabilities, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S.J. RES. 29

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.J. Res. 29, a joint resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day.

S. RES. 470

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Ohio (Mr. VOINOVICH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. NELSON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 470, a resolution calling on the relevant governments, multilateral bodies, and non-state actors in Chad, the Central African Republic, and Sudan to devote ample political commitment and material resources towards the achievement and implementation of a negotiated resolution to the national and regional conflicts in Chad, the Central African Republic, and Darfur, Sudan.

S. RES. 498

At the request of Mr. DODD, his name was added as a cosponsor of S. Res. 498, a resolution designating April 8, 2008, as "National Cushing's Syndrome Awareness Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself and Ms. STABENOW):

S. 2812. A bill to amend title XVIII of the Social Security Act to improve the provision of telehealth services under the Medicare program; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I rise with my colleague, Senator STABENOW, to introduce an important piece of legislation for Medicare beneficiaries living in rural areas. The Medicare Telehealth Improvement Act will ensure that rural beneficiaries have access to health care services by connecting remote areas to the services often only available in large urban centers.

Fifteen years ago, I cofounded the Congressional Steering Committee on Telemedicine and Health Care Informatics to bring more attention to this technology and its potential. I took an interest in this technology because in large, rural, medically underserved States like mine, telemedicine provides access to care that is simply unavailable otherwise. In many areas of North Dakota, routine check-ups with a specialist can require a 200 mile round trip journey. That's fine for a young person on a nice spring day. But it doesn't work for seniors in the middle of a North Dakota blizzard.

That's why in 1997, we fought to provide Medicare coverage of telemedicine services. But access to this benefit was strictly limited. For example, the telehealth service must be provided in a health professional shortage area or county not classified as a metropolitan statistical area. In addition, only consultations, office visits, individual psychotherapy and pharmacologic management are covered services. Moreover, reimbursement, which is the same as the current physician fee schedule amount, is limited to physicians, nurse practitioners, physician assistants, nurse midwives, clinical nurse specialists, clinical psychologists, clinical social workers, and registered dieticians. Finally, only physician offices, hospitals, rural health clinics, and Federally-qualified health centers are eligible to be originating sites and receive the "facility fee."

While this benefit has been helpful to seniors in rural areas, the adoption of telemedicine in the Medicare program has been slow. That is because we had to place too many restrictions on the benefit to control the estimated costs o covering these services. However, experience has shown that the use of telemedicine does not dramatically increase spending. In fact, it can actually save money.

That is why Senator STABENOW and I are introducing the Medicare Telehealth Improvement Act today. More seniors need to have access to this technology in all areas of health care, and our bill makes important changes in Medicare coverage.

First, the Medicare Telehealth Improvement Act would increase the number of originating sites eligible to receive the facility fee to include nursing homes, dialysis facilities and community mental health centers. Moreover, it would allow any other site that has telecommunications systems to be an originating site, but these sites would not be eligible for the facility fee.

Second, the bill allows more providers to participate. For a number of years, we have advocated to include physical therapists, occupational therapists, audiologists, and speech-language pathologists. This bill would make that change.

Finally, we would improve the Medicare process for updating the list of eligible services. Despite widespread support for the inclusion of new codes, CMS has not sufficiently updated the list of covered services in recent years. In response, our bill creates an advisory panel that would give recommendations on the addition or deletion of services.

Senator STABENOW and I have worked to garner support from a variety of stakeholders. In fact, the bill we are introducing today has the support of the American Telemedicine Association, the National Council on Community Behavioral Healthcare, the American Health Care Association, the American Health Information Management Association, the Center for Aging Services Technologies, the National Association for the Support of Long Term Care, and the National Center for Assisted Living.

This bill is a meaningful step to further adoption of telehealth in the Medicare program. It will allow seniors to seek care in the comfort of their communities, instead of having to drive hundreds of miles. I urge my colleagues to support this initiative to ensure that every senior has access to the care they need.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

AMERICAN TELEMEDICINE ASSOCIATION,
Washington, DC, March 12, 2008.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SEN. CONRAD: I am pleased to express the strong support of the American Telemedicine Association for your proposed legislation, the Medicare Telehealth Improvement Act of 2008.

This legislation would improve the current Medicare telehealth program in three significant ways. First, it would increase the number of eligible sites by adding skilled nursing facilities, dialysis centers and community mental health centers to the list of approved originating sites. These are areas where telemedicine is proven to improve quality and reduce costs.

Second, this bill would expand the list of eligible providers under the Medicare telehealth program. This is not only appropriate but necessary as more and more health professions develop their telemedicine capabilities.

Finally, your legislation would improve the process used for updating covered Medicare telehealth services by creating an advisory committee of telemedicine practitioners to advise CMS on the appropriate addition of deletion of telehealth services. This committee, made up of physician and nonphysician providers, will improve the process by providing the perspective of those directly involved in the provision of telehealth services.

The ATA is the leading resource and advocate promoting access to medical care for consumers and health professionals via telecommunications technology. ATA seeks to bring together groups from traditional medicine, academic medical centers, technology and telecommunications companies, e-health, medical societies, government and others to overcome barriers to the advancement of telemedicine through the professional, ethical and equitable improvement in health care delivery.

ATA is happy to support your proposed bill, the Medicare Telehealth Improvements Act of 2008.

Sincerely,

JONATHAN D. LINKOUS,
Executive Director.

MARCH 18, 2008.

Hon. KENT CONRAD,
Chairman, Senate Budget Committee, Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CONRAD: Our coalition of long term care and health information technology organizations is pleased to support your efforts to expand the use of telehealth to skilled nursing facilities and other care settings serving Medicare patients. Telehealth will enhance the quality of care for those with chronic illnesses, permanent disabilities, or terminal illnesses and will improve the communication and information exchange between caregivers and patients.

According to the June 2007 Centers for Medicare & Medicaid Services Statistics report, roughly 1.8 million persons received Medicare-covered care in skilled nursing facilities in 2005. Long term care is a critical stakeholder in the adoption of health information technology and the use of telehealth to ensure continuous quality of care to our patients and residents.

Your recognition of the importance of telehealth in the long term care setting will go a long way toward bringing the benefits of this technology to millions of Medicare patients. Your legislation will facilitate the adoption of technologies that can save lives, reduce administrative costs, and provide better medical care, and we support your efforts wholeheartedly.

We look forward to continuing to work with you to secure passage of legislation to accelerate the adoption of telehealth to increase quality and safety for patients.

Sincerely,

AMERICAN HEALTH CARE ASSOCIATION.
AMERICAN HEALTH INFORMATION MANAGEMENT ASSOCIATION.
CENTER FOR AGING SERVICES TECHNOLOGIES.
NATIONAL CENTER FOR ASSISTED LIVING.
NATIONAL ASSOCIATION FOR THE SUPPORT OF LONG TERM CARE.

NATIONAL COUNCIL FOR COMMUNITY BEHAVIORAL HEALTHCARE,
Rockville, MD, March 31, 2008.

Hon. KENT CONRAD,
Hart Senate Office Bldg.,
Washington, DC.
Hon. DEBBIE STABENOW,
Hart Senate Office Bldg.,
Washington, DC.

DEAR SENATOR CONRAD AND SENATOR STABENOW: On behalf of the National Council on Community Behavioral Healthcare—representing 1,400 Community Mental Health

Centers and other community mental health and substance abuse agencies serving over 6 million low-income Americans with mental illnesses and addiction disorders—I am writing to express our strong support for the Conrad/Stabenow Medicare Telehealth Improvement Act.

The National Council is particularly pleased that you included provisions designating CMHCs as originating sites, thereby authorizing to seek reimbursement directly from Medicare for tele-mental health services in rural areas.

Such proposals have long enjoyed strong bipartisan support. As an illustration, President George W. Bush's New Freedom Commission on Mental Health stated: "Telehealth—using electronic information and telecommunications technologies to provide long-distance clinical care and consultation, patient and professional health-related education, public health and health administration—is a greatly underused resource for mental health services." The Commission went on to note that tele-mental health can increase access to care for patients in remote geographic areas, and is especially important for individuals with multiple chronic conditions, people with severe mental illnesses, underserved populations, children and the frail elderly [Achieving the Promise: Transforming Mental Health Care in America, pg. 80, July 2003].

Like other safety net providers in rural America, CMHCs struggle to recruit skilled medical staff in health professional shortage areas. The only practical means of expanding access to mental health services in these regions is through the application of new technologies—including tele-mental health care.

The National Council is committed to working with both of your offices to secure passage of the Medicare Telehealth Improvement Act.

Sincerely,

LINDA ROSENBERG,
President & CEO.

Ms. STABENOW. I am pleased to join with my good friend, Senator KENT CONRAD, in introducing the Medicare Telehealth Improvement Act, which improves access for many Medicare beneficiaries by expanding telehealth services.

As Senator CONRAD has noted, this legislation makes a number of technical corrections to promote telehealth. First, this bill would expand the number of sites that provide telehealth services under Medicare to include nursing homes, dialysis facilities, and community mental health centers. Also, it would expand the list of providers to include physical therapists, occupational therapists, speech-language pathologists, and other providers determined appropriate by the Secretary of Health and Human Services. Lastly, this bill would require the Centers for Medicare and Medicaid Services to update the list of covered telehealth services, along with the creation of a permanent advisory committee made up of physicians and nonphysicians to provide recommendations to the Secretary and continue expansions of telehealth services forward.

Michigan providers have been very innovative in using telehealth, often out of necessity because of geographic isolation. Telehealth allows providers to collaborate across great distances and share, rather than duplicate, services. This helps save money and improve patient access. One innovation is the use of tele-mental health services. Many Michigan community mental health centers have made tremendous strides in their ability to monitor patients and provide clinical consultations long distance.

I am very pleased that both the Michigan Association of Community Mental Health Boards and the National Council on Community Behavioral Healthcare support this legislation.

I believe that the Medicare Telehealth Improvement Act will build upon already successful initiatives happening in my home State of Michigan and across the country. I urge my colleagues to join with me and Senator CONRAD in expanding upon this promising technology.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

MICHIGAN ASSOCIATION OF COMMUNITY MENTAL HEALTH BOARDS,
Lansing, Mi, March 28, 2008.

Hon. DEBBIE STABENOW,
U.S. Senator; SH–133 Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR STABENOW: On behalf of the Michigan Association of Community Mental Health Boards (MACMHB)—representing county administered community mental health and substance abuse agencies serving low-income people with mental illnesses and addiction disorders statewide—I am writing to express our strong support for the Stabenow/Conrad Medicare Telehealth Improvement Act.

MACMHB is particularly pleased that you included provisions designating CMHCs as originating sites, thereby authorizing these agencies to seek reimbursement directly from Medicare for tele-mental health services.

As you well know, we have consistently struggled to expand access to mental health care in the vast northern reaches of Michigan for many years. In the best of times, MACMHB member agencies have fought to retain skilled professional staff, but the current economic challenges that our state confronts make personnel recruitment and retention along with services delivery in rural areas—even more difficult. By contrast, telemental health care can partially compensate for these staff shortages and, furthermore, we believe that these services can be successfully implemented and expanded in highly urbanized communities including metropolitan Detroit.

Passage of the Stabenow/Conrad telehealth improvement legislation would be of greatest benefit to individuals eligible for both Medicare and Medicaid—who compose roughly one-third of the combined caseload of our member agencies. This patient population is likely to have multiple chronic conditions in addition to severe mental illnesses, and they generally reside in underserved communities. The expansion of tele-mental health services will substantially improve our ability to provide long distance clinical consultation and health status monitoring for these "dually eligible" persons.

Senator Stabenow, we deeply appreciate your support. You can count on MACMHB and the National Council of Community Behavioral Healthcare to fight for passage of the Medicare Telehealth Improvement Act.

Sincerely,

DAVID A, KAKMIA, L.M.S.W.,
Executive Director.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2814. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am introducing a bill, with Senator DOMENICI's support, that would authorize the Bureau of Reclamation to help communities in eastern New Mexico develop the Eastern New Mexico Rural Water System, ENMRWS. The water supply and long-term security to be made available by this project is absolutely critical to the region's future. I look forward to working with my colleagues here in the Senate to help make this project a reality.

This is the third time this bill has been introduced. In June 2004, it was the subject of a hearing before the Water & Power Subcommittee of the Energy & Natural Resources Committee. At that hearing, the Bureau of Reclamation raised a number of issues that needed to be addressed by the Project sponsors prior to securing Reclamation's support. Last August, the Energy & Natural Resources Committee conducted a field hearing on the project in Clovis, New Mexico, and it was clear that the sponsors have worked diligently to address the issues raised by Reclamation. Given that progress and the broad support that exists for the project, it is time to move forward with Federal authorization under Reclamation's rural water program.

The source of water for the ENMRWS is Ute Reservoir, a facility constructed by the State of New Mexico in the early 1960s. In 1966, Congress authorized Reclamation to study the feasibility of a project that would utilize Ute Reservoir to supply water to communities in eastern New Mexico, P.L. 89–561. Numerous studies were completed, but it was not until recently that several communities, concerned about their reliance on declining and degraded groundwater supplies in the area, began to plan seriously for the development of a regional water system that would make use of the renewable supply available from Ute Reservoir.

As part of that process, the Eastern New Mexico Rural Water Authority was formed to carry out the development of the ENMRWS. The Authority consists of six communities and two counties in eastern New Mexico, and has been very effective in securing local funds and State funding to support the studies and planning necessary to move the project forward. To date, the State of New Mexico has provided approximately $7.5 million to develop the ENMRWS.

Mr. President, this is a very important bill to the citizens of New Mexico. It has the broad support of the communities in the region as well as financial support from the State of New Mexico. There is no question that completion of the ENMRWS will provide communities in Curry and Roosevelt counties with a long-term renewable source of water that is needed to sustain current economic activity and support future development in the region. I hope my colleagues will support this legislation and help address one of the many pressing water needs in the rural West.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eastern New Mexico Rural Water System Authorization Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term "Authority" means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) ENGINEERING REPORT.—The term "engineering report" means the report entitled "Eastern New Mexico Rural Water System Preliminary Engineering Report" and dated October 2006.

(3) PLAN.—The term "plan" means the operation, maintenance, and replacement plan required by section 4(b).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of New Mexico.

(6) SYSTEM.—

(A) IN GENERAL.—The term "System" means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) INCLUSIONS.—The term "System" includes the major components and associated infrastructure identified as the "Best Technical Alternative" in the engineering report.

(7) UTE RESERVOIR.—The term "Ute Reservoir" means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

SEC. 3. EASTERN NEW MEXICO RURAL WATER SYSTEM.

(a) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(2) USE.—

(A) IN GENERAL.—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under section 5(a)(2).

(B) LIMITATIONS.—Financial assistance provided under paragraph (1) shall not be used—

(i) for any activity that is inconsistent with constructing the System; or

(ii) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this Act shall be not more than 75 percent of the total cost of the System.

(2) SYSTEM DEVELOPMENT COSTS.—For purposes of paragraph (1), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(c) LIMITATION.—No amounts made available under this Act may be used for the construction of the System until—

(1) a plan is developed under section 4(b); and

(2) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(d) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

SEC. 4. OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(b) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this Act.

(2) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(B) REQUIREMENTS.—The cooperative agreement entered into under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(i) ensuring that the cost-share requirements established by section 3(b) are met;

(ii) completing the planning and final design of the System;

(iii) any environmental and cultural resource compliance activities required for the System; and

(iv) the construction of the System.

(b) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(c) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(d) EFFECT.—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal rights to—

(A) the water of a stream; or

(B) any groundwater resource.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In accordance with the adjustment carried out under subsection (b), there is authorized to be appropriated to the Secretary to carry out this Act an amount not greater than $327,000,000.

(b) ADJUSTMENT.—The amount made available under subsection (a) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this Act.

(c) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under section 3(b) shall be nonreimbursable and nonreturnable to the United States.

(d) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this Act shall be retained for use in future fiscal years consistent with this Act.

By Mr. KENNEDY (for himself, Mr. SANDERS, Mrs. MURRAY, Mr. DODD, Mr. REED, and Mr. LEVIN):

S. 2815. A bill to amend the Higher Education Act of 1965 in order to increase unsubsidized Stafford loan limits for undergraduate students, provide for a secondary market for FFEL loans, allow for the in-school deferment of PLUS loans, augment the maximum Federal Pell Grant for the lowest income students, and expand the number of students eligible to obtain loans under the lender-of-last-resort program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, Americans are facing economic challenges at every turn. They see jobs disappearing, homes being foreclosed, debts soaring, and benefits worth less and less. Now families are finding that the loans they rely on to afford the high cost of college may also be at risk.

Some lenders have stopped making private student loans, and others have even temporarily stopped making loans under the Federal program. We can't allow problems in the credit market to prevent students from going to college.

We have been working with the Secretary of Education to take steps to see that all Federal backstops are in place and operational in order to protect students from these problems.

Today, I am introducing legislation for additional steps to protect students by reducing their reliance on loans, and by improving the existing Federal student loan programs to give them better terms and conditions.

The legislation does three things. It increases grant aid for the neediest students. It expands options for students and parents under the Federal loan programs so that fewer of them will have to turn to higher cost private loans. It takes steps to shore up the reliability of the current Federal loan programs so that families will have timely and reliable access to Federal loans.

Over 6 million students relied on Federal loans last year. It is essential to make sure this support is there for them when they need it. In the past 20 years, the cost of college has tripled, and more and more students are relying on student loans to afford a college education. In 1993, less than half of all graduates took out loans, but in 2004, nearly ⅔ did so.

The average U.S. student now graduates with more than $19,000 of student loan debt. As a result, they are under increasing pressure to give up lower-paying jobs and careers they may prefer, due to the burden of repaying their loan debts.

Legislation was enacted last year that increased grant aid and made Federal loans cheaper for students by reducing interest rates. We also provided that no graduates should have to pay more than 15 percent of their income in monthly loan payments, and that those who enter public service will have their loans completely forgiven. But these benefits will be meaningless if students cannot obtain the loans needed to gain a degree.

In recent weeks, the credit market crisis has made it more difficult for lenders to obtain capital for student loans. As a result, some lenders are leaving the student loan market and those operating outside the Federal loan program are cutting back on loans to high risk borrowers.

So far, because of the attractiveness of the Federal guarantee in the Federal loan program, other lenders are stepping in to fill the gaps in that program. Since the interest rates in that program are capped, students are protected from inflated interest costs.

But students who need to go beyond the Federal loan program will have a more difficult time finding lenders, and their rates will go up.

Also, parents who traditionally had various options for borrowing to finance college for their children are seeing those options disappear. Some no longer have access to low-cost home equity lines of credit. Others are being turned down for additional loans as they struggle to pay their own mortgages.

As I mentioned, we are already taking action to ensure that programs already in place to protect students and families from credit market disruptions are fully operational.

I have urged Secretary Spellings to make it as easy as possible for colleges and families to participate in the existing loan program that allows students and parents to borrow directly from the Federal Government, without going through a bank. This Direct Loan program uses Treasury funds. It does not rely on capital from the private financial markets, so it's insulated from the market disruptions now taking place.

I have also urged the Secretary to put in place a plan to activate the "Lender-of-Last-Resort" program, which enables the Secretary to advance capital to designated lenders and guaranty agencies, so they can help students who are having trouble finding loans through other banks.

These programs are now in the law, and nearly 2,000 colleges are already signed up to use the Direct Loan Program.

We're also taking steps to help students and parents who must borrow outside the Federal loan program, since they are the ones most likely to be affected by the credit market decline.

Currently, however, many students and parents don't know about their Federal options. According to Department of Education estimates, between 40 and 60 percent of students who turn to high-cost private loans are not actually taking full advantage of Federal grants and loans first.

We're taking steps to correct that problem in the Higher Education Reauthorization bill that's in conference now.

But there is much more we can do to reduce families' reliance on high-cost private loans. The legislation I am offering today will increase access for students and families to low-cost Federal loans. It will also strengthen the backstops in the Federal program, to ensure students and families will continue to have access to Federal loans.

The legislation cuts back in several ways on the number of private loans that families have to take out:

It increases Pell Grant aid for the lowest income students.

It increases the amount that students can borrow under the Federal loan program.

It makes Federal loans for parents more attractive by enabling parents to defer payments on the loans while students are in college just as students can defer payments on their own loans.

It also takes steps to shore up the Federal loan program to ensure there are no disruptions in access for students.

It makes it easier for schools to use the "Lender-of-Last-Resort" program when students or schools have problems finding lenders.

It provides an additional backstop to give lenders access to the capital they need for new loans, if the situation worsens.

I will take a moment to describe each of these provisions.

The best way to help students and families afford college is to increase grant aid. More aid up front means fewer loans and less debt on graduation day. That is why the Democratic Congress delivered on our promise last year to raise the Pell Grant. The maximum grant will increase to $5,400 by 2012—an increase of $1,350 over the level at which it had stagnated under the current administration.

This increase in up-front aid means that students eligible for the maximum Pell grant will have to borrow $6,000 less in loans over the course of their college career.

The legislation I am introducing builds on that progress, and focuses on students who need it most. Currently, over 2.6 million students—half of all Pell Grant recipients—come from families whose income, under the Federal formula, makes them eligible for the maximum amount of Federal assistance because they are determined to be unable to contribute to their children's college bills. Still, after all grant aid, these families face an average unmet need of $5,600, which they are forced to borrow in order to pay for college. This bill brings additional assistance to these students, by increasing the maximum Pell Grant for these students by up to $750.

Because Federal grant aid has not kept pace with the rising cost of college in recent decades, many students have been forced to turn to loans. The bill helps students who still need to borrow for college by guaranteeing their access to additional low-cost federal loans, rather than forcing them to turn to the more expensive private loan market.

Currently, undergraduate students who are dependents of their parents can take out loans of between $3,500 and $5,500 annually, depending what year of college they're in. The total amount they can borrow is $23,000. Independent students can borrow about double that amount.

Consider what this means for a middle-class family in Massachusetts struggling to send a child to college.

Here is a family that makes $68,700—the median income in our State. On average, these families will spend $17,424 a year for college. Based on the federal formula, the parents are expected to contribute between $8,000 and $10,000 a year from their earnings with the rest to be obtained through grants and loans. After accounting for all federal, state, and institutional aid, this family still faces over $2,600 in unmet costs each year—on top of their expected family contribution. The estimate is conservative, because many parents don't have the $8,000–10,000 they're expected to contribute.

To make up the difference, many families can take out federal parent "PLUS" loans at a 7.9 percent interest rate. If they don't qualify for such loans because of poor credit, their children may have to turn to higher cost private loans.

The bill increases eligibility for Federal student loans in order to give students a better, lower-cost option than relying on private lenders.

It allows undergraduates dependent on their parents to borrow up to $1,000 more a year. It tracks current law by allowing independent students to borrow twice that amount. It also allows students whose parents are not able to borrow under the Federal parent loan program because of poor credit to borrow an additional $2,000 per year.

In addition, the bill increases the total amount that students can borrow over the course of their college career. Dependent students will be able to borrow up to $29,500. Independent students, and students whose parents don't have access to PLUS parent loans, can borrow up to $57,500.

Further, the legislation makes federal parent loans more attractive. Currently, most parents have the option of borrowing low-cost federal loans—up to the cost of attendance—for their children. In the 2006–2007 school year, 600,000 parents borrowed approximately $8 billion in PLUS loans, and the average loan was $13,600.

Many parents in recent years have not taken advantage of PLUS loans, because they had other options, such as home equity lines of credit, or private loans with good terms and conditions. This year, for the first time in a decade, the number of PLUS loan borrowers declined—by about 160,000. At the same time, student and parent dependence on private loans has increased. In the 2006–2007 school year, over $17 billion in private student loans were used to finance higher education.

With the credit crunch making it harder and more expensive for parents to borrow from private sources, this legislation will make it easier for parents to obtain Federal loans. Specifically, it allows parents to defer payment on those loans until their children graduate from school—just as students are able to do under their own Federal loans.

This provision protects parents from having to make any payments over the next few years, and allows them to use that time to meet other financial obligations, such as getting their mortgages back on track.

In addition to these provisions that significantly reduce families' need to turn to the private loan market, the legislation also takes two important steps to strengthen the backstops in the Federal loan program, to ensure that students and parents can continue to have timely, uninterrupted access to Federal loans.

First, it makes it easier for students and schools to participate in the "Lender-of-Last-Resort" program. Current law requires designated lenders to make loans to students who are having trouble finding a Federal student loan elsewhere. But the program requires individual students to demonstrate that they can't find a loan before they can turn to a "lender of last resort."

If the current market worsens, more lenders may stop making Federal student loans, and this "lender-of-last-resort" process will become untenable. Nationally, 18 million students are enrolled in colleges and universities. We can't require each of them to demonstrate they can't find another lender before using this safety net.

The legislation instead allows financial aid officers and colleges to make this determination on behalf of all their students, so that students can easily obtain a loan through a "lender of last resort." Consider the difference this would make at state universities, some of which enroll more than 50,000 college and graduate students and generally rely on one or two primary lenders.

The Clinton Administration enacted such a policy in 1998—the last time lenders threatened to leave the program. The legislation requires the Secretary to make clear that colleges have this option should they need it.

Finally, many lenders who have announced they will not be able to make loans for this college year have had to make that decision because they cannot obtain capital for those loans through their traditional sources in the private financial markets.

Many of these lenders sell the loans they originate in order to replenish their capital and make new loans. But these so-called "secondary markets" have begun to close because of the credit crunch.

Some lenders can't find a buyer for their loans. They are stuck with the loans now on their books, and have no capital for new loans in the fall. Over the past month, this has caused some lenders to announce that they will stop making new Federal loans.

This legislation provides a back-up plan for lenders who need it, in case the private credit markets are unavailable to lenders. It allows the Secretary of Education to act as a "secondary market of last resort," by buying the loans that lenders are currently holding on their books and cannot sell.

This will not cause students any greater complexity—under the program established by this legislation, student loans will continue to be serviced under the same terms and conditions that the borrower signed up for. The Department can contract with the same loan servicers that private banks use, and the transition will be seamless for borrowers.

We hope that these additional protections for students and families will not be needed. But given the uncertainties in the overall economy and the credit markets, Congress has an obligation to shore up programs on which millions of students heavily depend. Few things are more important than ensuring that families can afford a college degree for their children, and the goal of this legislation is to make that possible. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Student Aid for All Act".

SEC. 2. INCREASING UNSUBSIDIZED STAFFORD LOAN LIMITS FOR UNDERGRADUATE STUDENTS.

(a) AMENDMENTS.—Section 428H(d) of the Higher Education Act of 1965 (20 U.S.C. 1078-8(d)) is amended—

(1) in paragraph (1), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2) through (5)"; and

(2) by adding at the end the following:

"(4) ANNUAL AND AGGREGATE LIMITS FOR UNDERGRADUATE DEPENDENT STUDENTS.—

"(A) ANNUAL LIMITS.—The maximum annual amount of loans under this section an undergraduate dependent student (except an undergraduate dependent student whose parents are unable to borrow under section 428B or the Federal Direct PLUS Loan Program) may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the sum of the amount determined under paragraph (1), plus $1,000.

"(B) AGGREGATE LIMITS.—The maximum aggregate amount of loans under this section a student described in subparagraph (A) may borrow shall be $29,500. Interest capitalized shall not be deemed to exceed such maximum aggregate amount.

"(5) ANNUAL AND AGGREGATE LIMITS FOR UNDERGRADUATE INDEPENDENT STUDENTS.—

"(A) ANNUAL LIMITS.—The maximum annual amount of loans under this section an undergraduate independent student, or an undergraduate dependent student whose parents are unable to borrow under section 428B or the Federal Direct PLUS Loan Program. may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the sum of the amount determined under paragraph (1), plus—

"(i) in the case of such a student attending an eligible institution who has not completed such student's first 2 years of undergraduate study—

"(I) $6,000, if such student is enrolled in a program whose length is at least one academic year in length; or

"(II) if such student is enrolled in a program of undergraduate education which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in clause (i) as the length of such program measured in semester, trimester, quarter, or clock hours bears to one academic year;

"(ii) in the case of such a student at an eligible institution who has successfully completed such first and second years but has not successfully completed the remainder of a program of undergraduate education—

"(I) $7,000; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year; and

"(iii) in the case of such a student enrolled in coursework specified in sections 484(b)(3)(B) and 484(b)(4)(B), $6,000 for coursework necessary for enrollment in an undergraduate degree or certificate program.

"(B) AGGREGATE LIMITS.—The maximum aggregate amount of loans under this section a student described in subparagraph (A) may borrow shall be $57,500. Interest capitalized shall not be deemed to exceed such maximum aggregate amount.".

(b) CONFORMING AMENDMENTS.—Section 428H(d) of the Higher Education Act of 1965 (as amended by subsection (a)) (20 U.S.C. 1078-8(d)) is further amended—

(1) in paragraph (2)—

(A) in the paragraph heading, by striking "INDEPENDENT, GRADUATE," and inserting "GRADUATE";

(B) in the matter preceding subparagraph (A), by striking "an independent student" and all that follows through "Program)" and inserting "a student who is a graduate or professional student";

(C) by striking subparagraphs (A) and (B);

(D) in subparagraph (D)—

(i) in the matter preceding clause (i), by inserting "graduate" before "student";

(ii) in clause (i), by striking "$4,000" and all that follows through "degree,"; and

(iii) in clause (ii), by striking "in the case" and all that follows through "degree,"; and

(E) by redesignating subparagraphs (C) and (D) (as amended by subparagraph (D)) as subparagraphs (A) and (B), respectively; and

(2) in the paragraph heading of paragraph (3), by striking "INDEPENDENT, GRADUATE," and inserting "GRADUATE".

SEC. 3. IN-SCHOOL DEFERMENT OF PLUS LOANS.

Section 428B(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078–2(d)(1)) is amended—

(1) by striking "deferral during" and inserting "deferral—

"(B) during"; and

(2) by inserting before subparagraph (B) (as added by paragraph (1)) the following:

"(A) in the case of the parents of a dependent student, until the student ceases to be enrolled in an undergraduate program of study at an institution of higher education on at least a half-time basis; or".

SEC. 4. SECONDARY MARKET OF LAST RESORT.

(a) IN GENERAL.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by adding at the end the following:

"SEC. 440B. SECONDARY MARKET OF LAST RESORT.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act and subject to subsections (b), (c), and (d), the Secretary—

"(1) shall serve as the secondary market of last resort for loans under section 428, 428B, 428C, or 428H;

"(2) shall buy any such loan that an eligible lender wishes to sell to the Secretary, at a price equal to the sum of—

"(A) the total of the outstanding principal of such loan and any accrued, unpaid interest due on such loan; and

"(B) a premium in the amount equal to the cost of originating a similar loan under part D;

"(3) shall hold and service such loan under section 428, 428B, 428C or 428H in the same manner as the Secretary holds and services similar loans under part D; and

"(4) may not alter the terms and conditions of a promissory note of such loan under section 428, 428B, 428C, or 428H except as necessary to comply with paragraphs (1) through (3), and shall not require the execution of a new promissory note.

"(b) REPRESENTATIVE SUBSET OF LOANS.—An eligible lender that wishes to sell to the Secretary loans under section 428, 428B, 428C, or 428H, that do not represent 100 percent of all loans under such sections that are held by the lender, shall offer for sale to the Secretary a subset of the loans under such sections held by the lender that is representative (including representative with respect to risk of default) of the lender's total portfolio of loans under such sections.

"(c) SUNSET PROVISION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided to the Secretary under subsection (a) shall expire on July 1, 2009.

"(2) EXTENSION.—If the Secretary determines that economic circumstances necessitate extending the authority provided under subsection (a) in order to continue to ensure timely, uninterrupted access to student loans, the Secretary may extend the sunset provision under paragraph (1). The Secretary may make multiple extensions under this paragraph, except that each such extension may not be for a period of more than 12 months.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 5. NEGATIVE EXPECTED FAMILY CONTRIBUTION.

(a) DEPENDENT STUDENTS.—Section 475 of the Higher Education Act of 1965 (20 U.S.C. 1087oo) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (C)—

(i) by striking "dividing the assessment resulting under paragraph (2)" and inserting "if the amount of the assessment resulting under paragraph (2) is a positive number, dividing such assessment"; and

(ii) by striking the semicolon and inserting a period; and

(B) by striking the matter following subparagraph (C); and

(2) in subsection (g)(6), by inserting "and the absolute value of the amount of the lowest assessment of adjusted available income in the table described in section 475(e) (or a successor table prescribed by the Secretary under section 478)," after "subsection (c)(1)".

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476 of the Higher Education Act of 1965 (20 U.S.C. 1087pp) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "dividing the sum resulting under paragraph (1)" and inserting "if the sum resulting under paragraph (1) is a positive number, dividing such sum"; and

(B) in the matter following paragraph (3)(B), by striking "less than zero" and inserting "less than the amount of the lowest assessment of adjusted available income in the table described in section 477(d) (or a successor table prescribed by the Secretary under section 478)"; and

(2) in paragraph (b)(5), by inserting before the period at the end ", except that in no case shall the assessed amount be less than the amount of the lowest assessment of adjusted available income in the table described in section 477(d) (or a successor table prescribed by the Secretary under section 478).".

(c) INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477(a) of the Higher Education Act of 1965 (20 U.S.C. 1087qq(a)) is amended—

(1) in paragraph (3), by striking "dividing the assessment resulting under paragraph (2)" and inserting "if the amount of the assessment resulting under paragraph (2) is a positive number, dividing such assessment";

(2) in paragraph (4)(B), by striking the semicolon and inserting a period; and

(3) by striking the matter following paragraph (4)(B).

(d) ASSESSMENT SCHEDULES AND RATES.—Section 478(e)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087rr(e)(1)) is amended by striking "increasing" and inserting "adjusting".

(e) SIMPLIFIED NEEDS TESTS.—

(1) SIMPLIFIED NEEDS TESTS.—Section 479(c) of the Higher Education Act of 1965 (20 U.S.C. 1087ss) is further amended—

(A) in the subsection heading, by striking "EXPECTED"; and

(B) in the matter preceding paragraph (1), by striking "equal to zero" and inserting "equal to the amount of the lowest assessment of adjusted available income in the table described in section 477(d) (or a successor table prescribed by the Secretary under section 478)".

(2) CONFORMING AMENDMENTS TO THE COLLEGE COST REDUCTION AND ACCESS ACT.—

(A) AMENDMENT.—Section 602(a)(3) of the College Cost Reduction and Access Act (Public Law 110–84) is amended in the quoted material inserted by subparagraph (C), by striking "zero expected family contribution" and inserting "expected family contribution under this subsection.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on July 1, 2009, as if enacted on the date of enactment of the College Cost Reduction and Access Act (Public Law 110–84).

(f) FEDERAL PELL GRANTS.—Section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)) is amended by inserting after paragraph (7) the following:

"(8) INCREASED AMOUNT FOR STUDENTS WITH NEGATIVE EXPECTED FAMILY CONTRIBUTION.—

"(A) IN GENERAL.—Notwithstanding paragraph (2)(A) and any other provision of law and subject to subparagraph (B) and (C), in the case of a student whose expected family contribution is a negative number, such student shall be eligible for a Federal Pell Grant under this section in the amount equal to the sum of—

"(i) the maximum Federal Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year;

"(ii) the Federal Pell Grant increase described in paragraph (9) applicable to that award year; and

"(iii) an additional amount equal to the absolute value of the student's expected family contribution.

"(B) COST OF ATTENDANCE LIMIT.—Notwithstanding paragraph (3), in the case of a student whose expected family contribution is a negative number, the student's Federal Pell Grant under this subpart, as calculated under subparagraph (A), shall not exceed the student's cost of attendance at such institution, and if the amount of the student's Federal Pell Grant exceeds such cost of attendance for that year, such amount shall be reduced accordingly.

"(C) FORMULA OTHERWISE UNAFFECTED.—Except as provided in subparagraphs (A) and (B), nothing in this paragraph shall be construed to alter the requirements of this section, or authorize the imposition of additional requirements, for the determination and allocation of Federal Pell Grants under this section.".

SEC. 6. LENDER-OF-LAST-RESORT.

(a) IN GENERAL.—Section 428(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(j)) is amended—

(1) in the first sentence of paragraph (1), by striking "part." and inserting "part or who attend an institution of higher education in the State that is designated under paragraph (4).";

(2) in paragraph (2)(B), by inserting ", in the case of students applying for loans under this subsection because of an inability to otherwise obtain loans under this part," after "lender, nor";

(3) in paragraph (3)(C)—

(A) in the first sentence, by inserting "or designates an institution of higher education for participation in the program under this subsection under paragraph (4)," after "under this part"; and

(B) in the third sentence, by inserting "or to eligible borrowers who attend an institution in the State that is designated under paragraph (4)" after "problems"; and

(4) by adding at the end the following:

"(4) INSTITUTION-WIDE STUDENT QUALIFICATION.—Upon the request of an institution of higher education, the Secretary shall designate such institution for participation in the lender-of-last-resort program under this paragraph in the State where the institution is located. If the Secretary designates an institution under this paragraph, the guaranty agency shall make loans, in the same manner as such loans are made under paragraph (1), to students of the designated institution who are eligible to receive interest benefits paid on the students' behalf under subsection (a) of this section, regardless of whether the students are otherwise unable to obtain loans under this part.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 7. MANDATORY ADVANCES.

(a) IN GENERAL.—Section 421(b) of the Higher Education Act of 1965 (20 U.S.C. 1071(b)) is amended—

(1) in paragraph (4), by striking "programs, and" and inserting "programs,";

(2) in paragraph (5), by striking "agencies." and inserting "agencies, and"; and

(3) by adding at the end the following:

"(6) there is authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out section 427(c)(7).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 8. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this Act shall take effect on July 1, 2008.

BY Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 2816. A bill to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation to correct what I perceive to be an anomaly in the law. I am grateful to be joined in my efforts by my good friend and partner in human capital reform, Senator AKAKA.

The enabling statute of the Department of Homeland Security requires the Chief Human Capital Officer, or CHCO, to be appointed by the President. This differs from all other departments and agencies where the head of the agency designates the CHCO. Using that authority, agency heads have varied in appointing Chief Human Capital Officers who are political appointees as well as career employees.

This bill would strike the provision of statute that requires the Chief Human Capital Officer to be appointed by the President. Therefore, the Department would be covered by section 1401 of title 5, which directs the head of each agency to appoint the CHCO. Of the 23 agencies that make up the Chief Human Capital Officers Council, 11 are career employees.

As the Department prepares for its first transition between administrations, it is imperative that there are able and capable individuals in place to continue its important mission and all related functions. Key to a successful Department of Homeland Security is a well trained workforce. I believe central to this smooth transition would be a career Chief Human Capital Officer. While I have no intention of mandating that position be a career position, I believe the Secretary of the Department of Homeland Security should have the flexibility and authority to hire a career employee to that position, just as all other agency heads do, and I urge my colleagues to support this bill.

By Mr. SALAZAR (for himself, Ms. COLLINS, Mr. BAUCUS, Mr. COLEMAN, and Mr. TESTER):

S. 2817. A bill to establish the National Park Centennial Fund, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today I am proud to introduce the National Park Centennial Fund Act, a bill that will help restore the grandeur of our national parks in preparation for the 100th birthday of the National Park System in 2016. I am pleased to introduce this bill with Senator COLLINS, Senator BAUCUS, Senator COLEMAN, and Senator TESTER. I want to thank them for their work and for their support of this bill, which I hope we can pass this year.

Nearly a century ago, following the extraordinary vision of leaders whose dreams were ahead of their time, we as Americans pledged to protect our Nation's most special lands and treasures. At places like Yellowstone, Yosemite, Mesa Verde, and Gettysburg we have set aside for permanent protection those landscapes that conjure the sublime, those historic treasures that tell the American story, and those cultural sites that help define us as a people.

In 2016, we will celebrate the 100th anniversary of the National Park System. The centennial celebration will be an opportunity to resurrect the spirit that drove people like Enos Mills, one of the founders of Rocky Mountain National Park, to work tirelessly to protect our Nation's crown jewels for future generations. "In years to come when I am asleep beneath the pines," Mills proclaimed in 1909, "thousands of families will find rest and hope in this park." He was right. Thanks to the excellent work of the Park Service and its employees over the past 90 years, the 3.2 million visitors that come to Rocky Mountain National Park each year experience the same wild lands and spectacular vistas that our ancestors enjoyed.

The coming of the 2016 centennial of the National Park System is an opportunity to restore the luster of our national parks and inspire future generations to protect these national treasures.

Secretary Kempthorne took an important step in this direction when, in August 2006, he announced that the National Park Service will undertake the Centennial Initiative to prepare for the 100th anniversary of the Park System in 2016. As part of the Centennial Initiative, Secretary Kempthorne proposed the creation of a partnership between: the federal government; the private, philanthropic sector; and other non-federal sources. The goal of this partnership would be to increase philanthropic contributions to the parks by providing Federal matching funds for donations made by Americans for projects that improve the parks and visitor experiences. This program is called the Centennial Challenge.

When Secretary Kempthorne presented this proposal to the Senate Energy and Natural Resources Committee last year, I offered my strong support for the concept. However, the legislation offered by the Administration to put the Centennial Challenge into action suffered from a number of deficiencies—namely, a lack of a spending offset and an unclear delineation of the public's and Congress' role in the program. There were also concerns about the bill's effect on other Park Service accounts, friends groups, and existing philanthropic initiatives.

The National Park Centennial Fund Act that we are introducing today answers many of these questions and, I believe, is a legislative package that is worthy of bipartisan support and passage.

This bill takes Secretary Kempthorne's Centennial Challenge proposal from vision to reality by establishing the Centennial Challenge Fund, a matching donation fund in the federal treasury that will provide up to $100 million a year to the national parks in support of signature "Centennial projects and programs." This would allow supporters of the parks to match their contributions with federal dollars to carry out a program or a project at a national park unit, provided that the project or program is approved by the Park Service and Congress.

This bill provides $100 million in mandatory spending for each of the fiscal years from 2008 to 2017 to carry out special, select Centennial projects throughout the National Park System. Non-federal philanthropic participation is encouraged, but not required, for a project to be executed with Federal money from the Centennial Fund.

To ensure that Congress has the opportunity to review and approve the proposed project list, the bill requires the Secretary ofInterior to submit to Congress, as part of the President's annual budget submission, a list of proposed Centennial projects. The yearly project lists are to be developed by the Secretary with input from the public and National Park Service employees.

Projects must meet specific criteria set forth in the bill. All projects must be consistent with Park Service policies and adopted park planning documents and be representative of the breadth of the national park system. The bill also requires that project proposals fall into one of seven categories or "initiatives" defined in the bill: Education, Diversity, Supporting Park Professionals, Environmental Leadership, Natural Resource Protection, Cultural Resource Protection, and Visitor Enjoyment and Health, and Construction. No more than 30 percent of the amounts available in the fund in any fiscal year may be spent on construction activities.

The National Park Centennial Fund Act also specifies that the Federal dollars made available from the Centennial Fund shall supplement and not replace annual Park Service expenditures, and that adequate permanent staffing levels must be maintained. The Secretary is required to submit a report to Congress each year detailing Centennial Fund accounting, results, and Park Service staffing levels.

The National Park Centennial Fund Act bill proposes to pay for the Centennial Fund by establishing a new conservation royalty from unanticipated off-shore oil and gas revenues in the Gulf of Mexico that the Federal Government is now collecting. In 2008, offshore oil and gas lease sales have already generated more than $4 billion in revenue above Department of Interior projections. Rather than returning all these revenues—which were generated from the depletion of a natural resource—to the Federal treasury, the National Park Centennial Fund Act reinvests up to $1 billion in the Centennial Fund and the permanent protection of our national treasures.

Moreover, the bill supplements the funding from this conservation royalty with revenues that would be generated through the sale of a new postage stamp celebrating the 100th anniversary of the National Park System.

I want to again thank my colleagues, Senator COLLINS, Senator BAUCUS, Senator COLEMAN, and Senator TESTER, for their support and for their work on this bill. This is an effort that is worthy of broad, bipartisan support, and it is a bill which I hope we will pass this year.

Finally, I would like to note that I see another bill that I have introduced, S. 2194, as complementary to this effort. The National Park Ranger School Partnership Act, which I introduced with Senator CONRAD, would provide greater opportunities for our kids to experience and learn from the tremendous resources in our national parks by establishing partnerships between NPS and local schools under the No Child Left Behind Act. The bill would also create a pilot grant program aimed at getting more school children into the national parks.

I look forward to working with my colleagues to pass both of these bills.

Ms. COLLINS. Mr. President, I am proud to join Senator SALAZAR in introducing the National Park Centennial Fund Act. This bill celebrates the 100th anniversary of the National Park System by infusing our parks with $1 billion over 10 years, which will be matched by an additional $1 billion in private donations. This challenge fund adds to efforts to increase the operations budget of the National Park Service by $1 billion over the next decade.

We Americans love our National Parks. In fact, in a December 2007 Harris Interactive Poll, the National Park Service ranked as the most popular Federal Government service.

In 1872, Congress designated Yellowstone as the world's first national park, and in 1916 the National Park Service formally was created to manage what had become a 6 million acre system of national protected areas.

Today the National Park System protects more than 84 million acres. National Parks conserve our culture and our places of natural beauty and value. They also provide recreation opportunities for more than 270 million visitors each year.

My State of Maine is home to the first National Park east of the Mississippi River, Acadia National Park, a true gem on Maine's rocky coast. Visitors enjoy granite mountain tops, sparkling lakes, forested valleys, meadows, marshes, and a spectacular coastline. They can hike up Cadillac Mountain, the tallest mountain on the east coast, which offers amazing views of Porcupine Islands and Frenchman Bay.

The National Park Centennial Fund Act will maintain and improve all of our parks for the next century of enjoyment. The bill establishes a mandatory annual fund of $100 million, which will be matched by private donations for projects in parks around the country.

Eligible projects will be prioritized through input from both the public and a broad cross-section of National Park Service employees. Centennial challenge projects may fall into one of these categories: education, diversity, supporting park professionals, environmental leadership, natural resource protection, cultural resources protection or visitor enjoyment and health.

For example, at Acadia National Park, officials are undertaking an environmental leadership project to make Acadia virtually car-free by providing a variety of public transportation options within the park. This partnership with the local community will include providing a central parking and bus boarding area for park visitors to use the Island Explore bus system. Since 1999, these low-emissions propane vehicles have carried more than 1.5 million riders. In doing so, they removed 424,000 vehicles from the park and reduced pollution by 24 tons.

We propose two offsets in the National Park Centennial Fund Act. The first is a postal stamp for National Parks, estimated to raise about $10 million annually.

The second offset is from unanticipated revenues from offshore oil and gas leases. Thus far for fiscal year 2008, bids and royalties from offshore oil and gas leases are $4.2 billion higher than CBO anticipated. The National Park Centennial Fund Act bill would take these revenues that were not anticipated each year and dedicate them into the centennial fund until the total in the fund reaches $1 billion. If we are depleting one natural resource, I believe we should return part of the revenues to the protection of other natural resources like our National Parks.

Mr. President, I thank Senator SALAZAR for his leadership on this bill and Senators BAUCUS, COLEMAN and TESTER for their support. I urge all my colleagues to consider joining us on this important legislation.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KENNEDY):

S. 2819. A bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my esteemed colleagues—Senator OLYMPIA SNOWE of Maine and Senator EDWARD KENNEDY of Massachusetts—to introduce a timely and vital piece of legislation, the Economic Recovery in Health Care Act of 2008. This bill will preserve access to health care for our most vulnerable citizens during this time of economic uncertainty.

Earlier this week, Federal Reserve Chairman Ben Bernanke confirmed what we have all long-suspected—that the U.S. economy could be headed for a protracted recession. The tell-tale warning signs of recession have been visible in the states for at least a full quarter now. According to the National Governors Association, the recent economic downturn has left 18 States with budget shortfalls totaling $14 million in 2008, and 21 States project shortfalls totaling more than $32 million in 2009. If the current downturn follows the path of most recessions, between 35 and 40 States will face severe budget shortfalls in 2009.

As a former Governor, who survived the tough times of the 1980s, I can attest to the enormous budget pressures States face when the economy slows. State revenues often evaporate rapidly during an economic downturn. Unlike the Federal Government, States cannot borrow infinite amounts of debt from China and other countries. By law, 49 States—including West Virginia—are required to balance their budgets and, in times of economic downturn, this task becomes significantly more difficult.

Some of my colleagues may be wondering why health care is such a big deal when we have all these other problems to worry about—the mortgage crisis, the credit crunch, and a weak dollar. Well, I would say to my colleagues that we don't have to look very far for an answer to this very question. As we saw during the economic downturn of 2001–2003, decreased access to health care coverage was a huge crisis for working families.

There was a huge loss in private health care coverage. Data from the Center for Studying Health System Change indicates that the proportion of the under-65 population with employer-sponsored coverage fell from 67 percent in 2001 to 63.4 percent in 2003. After adjusting for population growth, this means that nearly 9 million fewer people were covered by employer-sponsored health insurance during the recession than would have been the case if coverage rates remained unchanged.

Medicaid also didn't fare very well during the last recession. It is consistently the first program slated for cuts during a state budget squeeze. According to the Kaiser Commission on Medicaid and the Uninsured, between fiscal years 2002 and 2005, the loss of revenue led all 50 States to reduce Medicaid provider payment rates and implement prescription drug cost controls, 38 States to reduce Medicaid eligibility and 34 States to reduce benefits.

These cuts placed a huge burden on Medicaid providers and the working families who depend on Medicaid to meet their health care needs. While Congress did ultimately respond to the last economic downturn by providing $20 billion in State fiscal relief in 2003, and this relief went a long way to preserve health care coverage for millions of working families, we cannot discount the fact that one million low-income people had already lost Medicaid coverage because we waited two years into the recession to act.

In response to this current downturn, state legislatures are already beginning to limit access to Medicaid and CHIP in preparation for the harsh economic times ahead. According to the Center on Budget and Policy Priorities, at least 10 states have implemented or are considering budget cuts that will reduce access to Medicaid or CHIP for working families. For example, Nevada has capped the State's CHIP program at its approximate current number of enrollees. As a result, hundreds of children will be denied coverage. California has proposed increasing co-payments and premiums for children enrolled in CHIP and reducing CHIP dental services. I want to remind my colleagues that it was only 1 year ago that millions across the country mourned the death of 12-year-old Deamonte Driver, whose lack of dental care led to fatal brain infection.

At least four States are cutting or proposing to cut Medicaid services for the elderly or disabled, or significantly increasing the cost of these services. For example, Maine has proposed cuts that will remove 7,000 mentally ill and poor adults from Medicaid; and Rhode Island is requiring low-income elderly people to pay more for adult daycare.

Several States have proposed reductions in or delayed payments to providers. For example, New Jersey has proposed a reduction in funding for hospital charity of 15 percent, which will impact hospitals' ability to care for some of the State's most vulnerable residents.

There is no question that our States are in economic peril. However, children don't stop getting sick just because the economy slows. Seniors don't suddenly stop needing long-term care services simply because the economy slows. Instead, the need for access to Medicaid and CHIP grows during times of economic uncertainty, and we must act to ensure that Medicaid and CHIP coverage is available when families need it the most.

The Economic Recovery in Health Care Act provides the timely, targeted, and temporary Federal response necessary to avoid a health care crisis during this current economic slowdown. Our legislation accomplishes this objective in two ways.

First, our bill responds to the Medicaid administrative regulations recently proposed by the administration, which, if allowed to go into effect, would further aggravate the impact of the economic downturn on States and working families. The Congressional Budget Office estimates that these regulations would reduce Federal Medicaid matching payments by approximately $18 billion over 5 years and $42 billion over 10 years. However, State reports to the House Oversight Committee indicate that the cost shift to States could be far greater.

Now is a time when States need greater financial support from the Federal Government, not less financial support and more restrictions that make providing quality care to those most in need nearly impossible.

Our bill will preserve access to Medicaid for seniors, pregnant women, individuals with disabilities, and children during the economic downturn by temporarily extending—through April 1, 2009—the Medicaid moratoria on payments to public providers, graduate medical education, school-based services, and rehabilitative services that Congress has already enacted. The Economic Recovery in Health Care Act would also preserve access to Medicaid by delaying—through April 1, 2009—implementation of the following additional Medicaid regulations, which are already in effect or scheduled to go into effect in the near future: targeted case management, allowable provider taxes, outpatient clinic and hospital services, and the Departmental Appeals Board rule. Our bill would also preserve access to CHIP for low-income children by implementing a 1-year moratorium on the August 17 CHIP guidance.

The second major component of our legislation is targeted State fiscal relief. Leading economists have found that targeted State aid would generate increased economic activity of $1.36 for each dollar of cost. Our legislation provides approximately $12 billion in targeted State fiscal relief, equally divided between an increase in Federal Medicaid matching payments and targeted grants to States.

Unlike the State fiscal relief provided in 2003 and previous fiscal relief proposals offered this year, each State must meet certain criteria in order to qualify for an increase in federal matching payments and the targeted grants. The criteria would be based on the average of State ranks in unemployment, food stamp participation, and foreclosures. These three economic indicators closely align with State budget deficits and would allow us to more appropriately target State fiscal relief to the States with the most need.

I urge my colleagues to strongly support this important legislation. Medicaid is a Federal-State partnership, and the Federal Government bears the primary responsibility for ensuring that the Federal guarantee of health benefits is not denied to eligible working families, particularly during an economic downturn. With all the worries that working American families are currently facing, they should not have to add health care to their growing list of concerns.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Recovery in Health Care Act of 2008".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) State and local governments are an integral part of our national economic engine. They provide health care and a wealth of social services to millions of Americans, particularly when the economy is weak.

(2) During the last economic downturn, the number of uninsured Americans would have been millions more if Medicaid and the State Children's Health Insurance Program (CHIP) had not responded to the twin challenges of an economic downturn and a sharp drop-off in private health insurance coverage.

(3) In the last year, our unemployment rate has increased to 5.0 percent with nearly 900,000 more Americans without jobs. Because the majority of Americans get their health insurance through their jobs, the loss of a job often results in a simultaneous loss of health insurance coverage.

(4) Medicaid fills the gap for working families when they lose access to private coverage. For every 1 percent increase in the unemployment rate, Medicaid enrollment increases by 2,000,000 to 3,000,000 people.

(5) States experience enormous budget pressures when the economy slows. By law, 49 States are required to balance their budgets and, in times of economic downturn, this task becomes significantly more difficult.

(6) According to the National Governors Association, 18 States already face budget shortfalls totaling $14,000,000,000 in 2008, and 21 States project shortfalls totaling more than $32,000,000,000 in 2009. If the current downturn follows the path of most recessions, between 35 and 40 States will face severe budget shortfalls in 2009.

(7) A critical factor in helping States sustain Medicaid enrollment during the last economic downturn was the $20,000,000,000 in State fiscal relief that Congress enacted in 2003.

(8) Not only should Congress enact a similar State fiscal relief provision in 2008, but Congress should also delay the implementation of administrative regulations that would reduce Federal Medicaid matching payments at a time when States need greater Federal resources.

(9) There is no question that health care is economic stimulus.

(10) Keeping Medicaid and CHIP whole shores up the safety net for vulnerable working families. People who are able to get the health services they need are more likely to be able to continue working and contribute to the economy as it recovers.

(11) Leading economists have found that targeted State aid would generate increased economic activity of $1.36 for each dollar of cost. The increase in Federal dollars to States generates business activity, jobs, and wages that States would not otherwise see.

SEC. 3. PRESERVING ACCESS TO MEDICAID AND CHIP DURING AN ECONOMIC DOWNTURN.

(a) PROHIBITION.—Effective on the date of enactment of this Act, notwithstanding any other provision of law, the Secretary of Health and Human Services shall not finalize, implement, enforce, or otherwise take any action to give effect to the following administrative actions (or to any administrative actions relating to the same subject matters that are similar to the following administrative actions or that reflect the same or similar policies set forth in the following administrative actions) prior to April 1, 2009:

(1) The proposed and final rule entitled "Medicaid Program; Health-Care Related Taxes", published, respectively, on March 23, 2007, on pages 13726 through 13734 of volume 72, Federal Register, and on February 22, 2008, on pages 9685 through 9699 of volume 73, Federal Register, with the exception of the proposed amendments to sections 433.56(a)(8) and 433.68(f)(3)(i) of title 42, Code of Federal Relations.

(2) The proposed rule entitled "Medicaid Program; Graduate Medical Education", published on May 23, 2007, on pages 28930 through 28936 of volume 72, Federal Register.

(3) The State Health Official Letter 07-001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as "crowd-out") and the enforcement of medical support orders. Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

(4) The proposed rule entitled "Medicaid Program; Clarification of Outpatient Clinic and Hospital Facility Services definition and Upper Payment Limit", published on September 28, 2007, on pages 55158 through 55166 of volume 72, Federal Register.

(5) The interim final rule entitled "Medicaid Program; Optional State Plan Case Management Services", published on December 4, 2007, on pages 68077 through 68093 of volume 72, Federal Register.

(6) The proposed rule entitled "Revisions to Procedures for the Departmental Appeals Board and Other Departmental Hearings", published on December 28, 2007, on pages 73708 through 73720 of volume 72, Federal Register.

(b) EXTENSION OF PRIOR MORATORIA.—

(1) MORATORIUM RELATING TO THE COST LIMIT FOR PROVIDERS OPERATED BY UNITS OF GOVERNMENT AND PROVISIONS TO ENSURE THE INTEGRITY OF FEDERAL-STATE FINANCIAL PARTNERSHIP.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110–28) is amended by striking "the date that is 1 year after the date of enactment of this Act" and inserting "April 1, 2009".

(2) MORATORIA RELATING TO REHABILITATION SERVICES, SCHOOL-BASED ADMINISTRATION AND SCHOOL-BASED TRANSPORTATION.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended by striking "June 30, 2008" and inserting "April 1, 2009".

SEC. 4. TEMPORARY, TARGETED STATE FISCAL RELIEF.

(a) DEFINITIONS.—In this section:

(1) ROUND ONE QUALIFYING STATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "Round One Qualifying State" means with respect to a State that is 1 of the 50 States or the District of Columbia, a State that has 1 of 28 highest averages of the State rankings for each of the following 3 qualifying criteria, based on the most recent data available as of April 1, 2008:

(i) REDUCTION IN EMPLOYMENT.—The year-to-year reduction in total employment, based on the average total employment for the State or District in the 3 most recent months compared to the average total employment for the State or District in the same months a year earlier, as determined based on the most recent monthly publications of the Current Employer Statistics Survey of the Bureau of Labor Statistics.

(ii) INCREASE IN FOOD STAMPS PARTICIPATION.—The year-to-year increase in food stamps participation, based on average monthly participation for the State or District in the 3 most recent months compared to the average monthly participation for the State or District in the same months a year earlier, as determined based on the most recent monthly publications of Food and Nutrition Service Data of the Department of Agriculture.

(iii) INCREASE IN THE FORECLOSURE RATE.—The year-to-year increase in the foreclosure rate for the State or District, based on the foreclosure rate for the State or District for the most recent quarter compared to the same quarter a year earlier, as determined by the Mortgage Bankers Association's National Delinquency Survey, as published in most recent report entitled, "Recent Foreclosure Trends Report for all States".

(B) COMMONWEALTHS AND TERRITORIES INCLUDED.—Such term includes a commonwealth or territory specified in paragraph (4).

(2) ROUND TWO QUALIFYING STATE.—The term "Round Two Qualifying State" means a State that is 1 of the 50 States or the District of Columbia and that—

(A) has 1 of 38 highest averages of the State rankings for the 3 qualifying criteria identified in clauses (i), (ii), and (iii) of paragraph (1)(A), based on the most recent data available as of October 1, 2008; and

(B) is not a Round One Qualifying State.

(3) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(4) STATE.—The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(b) ASSISTANCE FOR ROUND ONE QUALIFYING STATES.—

(1) TEMPORARY INCREASE OF MEDICAID FMAP.—

(A) PERMITTING MAINTENANCE OF FISCAL YEAR 2007 FMAP FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2008.—Subject to subparagraphs (E), (F), (G), and (H), if the FMAP determined without regard to this paragraph for a Round One Qualifying State for fiscal year 2008 is less than the FMAP as so determined for fiscal year 2007, the FMAP for the State for fiscal year 2007 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2008, before the application of this paragraph.

(B) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FIRST 3 QUARTERS OF FISCAL YEAR 2009.—Subject to subparagraphs (E), (F), (G), and (H), if the FMAP determined without regard to this paragraph for a Round One Qualifying State for fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for the first, second, and third calendar quarters of fiscal year 2009, before the application of this paragraph.

(C) GENERAL 1.667 PERCENTAGE POINTS INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2008 AND FIRST 3 CALENDAR QUARTERS OF FISCAL YEAR 2009.—Subject to subparagraphs (E), (F), (G), and (H), for each Round One Qualifying State for the third and fourth calendar quarters of fiscal year 2008 and for the first, second, and third calendar quarters of fiscal year 2009, the FMAP (taking into account the application of subparagraphs (A) and (B)) shall be increased by 1.667 percentage points.

(D) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subparagraphs (E), (F), (G), and (H), with respect to the third and fourth calendar quarters of fiscal year 2008 and the first, second, and third calendar quarters of fiscal year 2009, the amounts otherwise determined for the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 3.334 percent of such amounts.

(E) SCOPE OF APPLICATION.—The increases in the FMAP for a Round One Qualifying State and the increases in the cap amounts under subparagraph (D) under this paragraph shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(i) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4);

(ii) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(iii) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(F) STATE ELIGIBILITY.—

(i) IN GENERAL.—Subject to clause (ii), a Round One Qualifying State is eligible for an increase in its FMAP under subparagraph (C) or an increase in a cap amount under subparagraph (D) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(ii) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A Round One Qualifying State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after December 31, 2007, is eligible for an increase in its FMAP under subparagraph (C) or an increase in a cap amount under subparagraph (D) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(iii) RULE OF CONSTRUCTION.—Nothing in clause (i) or (ii) shall be construed as affecting a Round One Qualifying State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(G) REQUIREMENT FOR CERTAIN STATES.—In the case of a Round One Qualifying State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the Round One Qualifying State shall not require that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for the third and fourth calendar quarters of fiscal year 2008 and the first, second, and third calendar quarters of fiscal year 2009, than the percentage that would have been required by the State under such plan on December 31, 2007.

(H) REQUIREMENTS.—A Round One Qualifying State—

(i) may not use the additional Federal funds paid to the State as a result of this paragraph for purposes of increasing any reserve or rainy day fund maintained by the State; and

(ii) shall expend the additional Federal funds paid to the State as a result of this paragraph within 1 year of the date on which the State receives such funds.

(2) TARGETED GRANTS TO ROUND ONE QUALIFYING STATES.—

(A) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to Round One Qualifying States under this paragraph—

(i) $2,500,000,000 for fiscal year 2008; and

(ii) $2,500,000,000 for fiscal year 2009.

(B) PAYMENTS.—

(i) FISCAL YEAR 2008.—From the amount appropriated under subparagraph (A)(i) for fiscal year 2008, the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this Act or the date that a Round One Qualifying State provides the certification required by subparagraph (E) for fiscal year 2008, pay each such State the amount determined for the State for fiscal year 2008 under subparagraph (C).

(ii) FISCAL YEAR 2009.—From the amount appropriated under subparagraph (A)(ii) for fiscal year 2009, the Secretary of the Treasury shall, not later than the later of October 1, 2008, or the date that a Round One Qualifying State provides the certification required by subparagraph (E) for fiscal year 2009, pay each such State the amount determined for the State for fiscal year 2009 under subparagraph (C).

(C) PAYMENTS BASED ON POPULATION.—

(i) IN GENERAL.—Subject to clause (ii), the amount appropriated under subparagraph (A) for each of fiscal years 2008 and 2009 shall be used to pay each Round One Qualifying State an amount equal to the relative population proportion amount described in clause (iii) for such fiscal year.

(ii) MINIMUM PAYMENT.—

(I) IN GENERAL.—No Round One Qualifying State shall receive a payment under this paragraph for a fiscal year that is less than—

(aa) in the case of a Round One Qualifying State that is 1 of the 50 States or the District of Columbia, ½ of 1 percent of the amount appropriated for such fiscal year under subsection (a); and

(bb) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, ⅒ of 1 percent of the amount appropriated for such fiscal year under subsection (a).

(II) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to Round One Qualifying States determined under this paragraph without regard to this subclause to the extent necessary to comply with the requirements of subclause (I).

(iii) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this clause is the product of—

(I) the amount described in subparagraph (A) for a fiscal year; and

(II) the relative State population proportion (as defined in clause (iv)).

(iv) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of clause (iii)(II), the term "relative State population proportion" means, with respect to a Round One Qualifying State, the amount equal to the quotient of—

(I) the population of the State (as reported in the most recent decennial census); and

(II) the total population of all such States (as reported in the most recent decennial census).

(D) USE OF PAYMENT.—

(i) IN GENERAL.—Subject to clause (ii), a Round One Qualifying State shall use the funds provided under a payment made under this paragraph for a fiscal year to—

(I) provide essential government services;

(II) cover the costs to the State of complying with any Federal intergovernmental mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the State, and the Federal Government has not provided funds to cover the costs; or

(III) compensate for a decline in Federal funding to the State.

(ii) REQUIREMENTS.—A Round One Qualifying State—

(I) may only use funds provided under a payment made under this paragraph for types of expenditures permitted under the most recently approved budget for the State;

(II) may not use the additional Federal funds paid to the State as a result of this paragraph for purposes of increasing any reserve or rainy day fund maintained by the State; and

(III) shall expend the additional Federal funds paid to the State as a result of this paragraph within 1 year of the date on which the State receives such funds.

(E) CERTIFICATION.—In order to receive a payment under this section for a fiscal year, a Round One Qualifying State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subparagraph (D).

(c) ASSISTANCE FOR ROUND TWO QUALIFYING STATES.—

(1) TEMPORARY INCREASE OF MEDICAID FMAP.—

(A) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FIRST 3 QUARTERS OF FISCAL YEAR 2009.—Subject to subparagraph (C), if the FMAP determined without regard to this paragraph for a Round Two Qualifying State for fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for the first, second, and third calendar quarters of fiscal year 2009, before the application of this paragraph.

(B) GENERAL 1.667 PERCENTAGE POINTS INCREASE FOR FIRST 3 CALENDAR QUARTERS OF FISCAL YEAR 2009.—Subject to subparagraph (C), for each Round Two Qualifying State for the first, second, and third calendar quarters of fiscal year 2009, the FMAP (taking into account the application of subparagraph (A)) shall be increased by 1.667 percentage points.

(C) APPLICATION OF REQUIREMENTS FOR ROUND ONE QUALIFYING STATES.—Subparagraphs (E), (F), (G), and (H) of subsection (b)(1) apply to a Round Two Qualifying State receiving an increase in its FMAP under subparagraph (B) in the same manner as such subparagraphs apply to a Round One Qualifying State under such subsection.

(2) TARGETED GRANTS TO ROUND TWO QUALIFYING STATES.—

(A) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to Round Two Qualifying States under this paragraph, $1,000,000,000 for fiscal year 2009.

(B) PAYMENTS.—From the amount appropriated under subparagraph (A) for fiscal year 2009, the Secretary of the Treasury shall, not later than the later of October 1, 2008, or the date that a Round Two Qualifying State provides the certification required by subparagraph (E) of subsection (b)(2) for fiscal year 2009, pay each such State the amount determined for the State for fiscal year 2009 under subparagraph (C).

(C) PAYMENTS BASED ON POPULATION.—

(i) IN GENERAL.—Subject to clause (ii), the amount appropriated under subparagraph (A) for fiscal year 2009 shall be used to pay each Round Two Qualifying State an amount equal to the relative population proportion amount described in clause (iii) for such fiscal year.

(ii) MINIMUM PAYMENT.—

(I) IN GENERAL.—No Round Two Qualifying State shall receive a payment under this paragraph for fiscal year 2009 that is less than ½ of 1 percent of the amount appropriated for such fiscal year under subsection (a).

(II) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to Round Two Qualifying States determined under this paragraph without regard to this subclause to the extent necessary to comply with the requirements of subclause (I).

(iii) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this clause is the product of—

(I) the amount described in subparagraph (A) for a fiscal year; and

(II) the relative State population proportion (as defined in clause (iv)).

(iv) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of clause (iii)(II), the term "relative State population proportion" means, with respect to a Round Two Qualifying State, the amount equal to the quotient of—

(I) the population of the State (as reported in the most recent decennial census); and

(II) the total population of all such States (as reported in the most recent decennial census).

(D) APPLICATION OF REQUIREMENTS FOR ROUND ONE QUALIFYING STATES.—Subparagraphs (D) and (E) of subsection (b)(2) apply to a Round Two Qualifying State receiving a payment under subparagraph (B) in the same manner as such subparagraphs apply to a Round One Qualifying State under such subsection.

(d) REPEAL.—Effective as of October 1, 2009, this section is repealed.

BY Mr. ROCKEFELLER (for himself and Mr. GRAHAM):

S. 2820. A bill to amend part A of title IV of the Social Security Act to extend and expand the number of States qualifying for supplemental grants under the Temporary Assistance for Needy Families program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the bipartisan reauthorization and expansion for the Temporary Assistance for Needy Families, TANF, Supplemental Grants with my colleague, Senator LINDSEY GRAHAM of South Carolina.

The TANF Supplemental Grants will expire this year without action. Currently 17 States depend on these grants, but our legislation would expand and improve on the grants. Welfare reform was passed in 1996, and since then neither the basic TANF Block Grant nor the TANF Supplemental Grant has been increased. This means that the value of the TANF funding in constant dollars has declined by almost 20 percent.

In 2010, Congress will need to review the entire TANF program, but between now and then our legislation seeks to provide modest help for States that are struggling to serve vulnerable children in needy families. Our legislation would provide a modest increase for any State which spends less than the national average per underprivileged child on TANF activities of Federal and State resources. This would help States that cannot meet the average "catch up," and provide more services to underprivileged children. To be reasonable, the increase is capped at $10 million or 10 percent of their existing TANF grant for States that have never received a TANF Supplemental Grant. For States that are receiving a TANF Supplemental Grant, they could qualify for up to $2.5 million in additional funding or 2.5 percent of their existing TANF grant.

This is a modest but important effort to help every state provide for vulnerable children who are receiving less than that national average for an underprivileged child. This proposal should help the most vulnerable at a time when the economic slowdown is creating more obstacles for families to make a successful transition from welfare to work.

In West Virginia, our neediest children are not even receiving the average amount spent on America's underprivileged children, and that is true in too many States. Our children and families are struggling to meet the bold goals of welfare reform with fewer resources and tougher standards. This reauthorization is a chance to help those States that are struggling to achieve the national average for funding. It would be base funding for underprivileged children rather than population growth. It will target resources to vulnerable children.

Mr. GRAHAM. Mr. President, I rise in support of the reauthorization of the TANF Supplemental Grant program. Today Senator ROCKEFELLER and I introduced legislation that would reauthorize these grants and more accurately ensure that the dollars spent on this program are directed to poor children in the States that need it most.

I am committed to ensuring that Federal dollars spent on welfare services and benefits are spent efficiently and provided to our citizens in a way that encourages self-sufficiency. In South Carolina, I am pleased that our Department of Social Services continues to work toward that end. Currently, less than half of States' TANF block grants are spent on welfare checks, and the majority of funding is spent on moving welfare recipients into the workforce. More and more States are using TANF dollars to help beneficiaries purchase services such as childcare, transportation and job training.

However, the neediest States continue to struggle to provide welfare-to-work services to poor families with children. South Carolina can only afford to spend 29 percent of the national average per poor child on TANF services compared to some States that spend well over the national average. It is important that this discrepancy be addressed.

The TANF Supplemental Grant program was created in 1996 to provide additional assistance to States that spend less money per poor person on TANF services. However, many States, like South Carolina, spend well below the national average and do not qualify for this assistance. To date, South Carolina has the lowest spending per poor person of any State in the country that does not receive a supplemental grant. Many States that do receive supplemental grants spend more than twice the TANF funds per poor person than South Carolina.

The Supplemental Grant program will expire on September 30, 2008. Reauthorizing this program is an opportunity to provide assistance, based on updated statistics, to States, like South Carolina, that cannot afford to spend the national average per poor child on TANF services. Especially during economically challenging times, providing this assistance to States can help our neediest families with children to get back on their feet and back to work.

In working to pass this legislation, I look forward to collaborating with the Senate Finance Committee and Senator ROCKEFELLER on identifying an appropriate mechanism to offset the costs of this proposal. I am hopeful that the Senate will consider this legislation in a timely manner.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 499—URGING PALESTINIAN AUTHORITY PRESIDENT MAHMOUD ABBAS, WHO IS ALSO THE HEAD OF THE FATAH PARTY, TO OFFICIALLY ABROGATE THE 10 ARTICLES IN THE FATAH CONSTITUTION THAT CALL FOR ISRAEL'S DESTRUCTION AND TERRORISM AGAINST ISRAEL, OPPOSE ANY POLITICAL SOLUTION, AND LABEL ZIONISM AS RACISM

Mr. SPECTER (for himself, Mr. WYDEN, and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 499

Whereas, on October 3, 2006, President Mahmoud Abbas of the Palestinian Authority said, "It is not required of Hamas, or of Fatah, or of the Popular Front to recognize Israel";

Whereas, on February 8, 2007, President Mahmoud Abbas openly signed the Mecca Agreement with Hamas, which does not recognize Israel and calls "for confronting the [Israeli] occupation";

Whereas, in 2007, there continue to exist 10 specific articles out of 27 articles in Chapter 1 of the Fatah Constitution that call for Israel's destruction, call for the armed struggle and armed revolution against Israel to continue, call for the prevention of Jewish immigration to Israel, oppose any political solution, and label Zionism as racism;

Whereas the 10 articles of the Fatah Constitution that oppose Israel and Zionism are: (1) "Article (4): The Palestinian struggle is part and parcel of the world-wide struggle against Zionism, colonialism and international imperialism."; (2) "Article (7): The Zionist Movement is racial, colonial and aggressive in ideology, goals, organization and method."; (3) "Article (8): The Israeli existence in Palestine is a Zionist invasion with a colonial expansive base, and it is a natural ally to colonialism and international imperialism."; (4) "Article (12): Complete liberation of Palestine, and eradication of Zionist economic, political, military and cultural existence."; (5) "Article (17): Armed public revolution is the inevitable method to liberating Palestine."; (6) "Article (19): Armed struggle is a strategy and not a tactic, and the Palestinian Arab People's armed revolution is a decisive factor in the liberation fight and in uprooting the Zionist existence, and this struggle will not cease unless the Zionist state is demolished and Palestine is completely liberated."; (7) "Article (22): Opposing any political solution offered as an alternative to demolishing the Zionist occupation in Palestine, as well as any project intended to liquidate the Palestinian case or impose any international mandate on its people."; (8) "Article (23): Maintaining relations with Arab countries . . . with the proviso that the armed struggle is not negatively affected"; (9) "Article (24): Maintaining relations with all liberal forces supporting our just struggle in order to resist Zionism and imperialism"; and (10) "Article (25): Convincing concerned countries in the world to prevent Jewish immigration to Palestine as a method of solving the problem.": Now, therefore be it

Resolved, That the Senate—

(1) urges President Mahmoud Abbas of the Palestinian Authority, who is also head of the Fatah Party, to officially abrogate the 10 articles from the Fatah Constitution that call for the destruction of Israel and terrorism against Israel, oppose any political solution, and label Zionism as racism; and

(2) condemns the continuing existence of these articles as part of the Fatah Constitution.

Mr. SPECTER. Mr. President, I have sought recognition to offer legislation to encourage Palestinian Authority President Mahmoud Abbas, who is also the chairman of the Fatah Party, to officially abrogate the 10 articles in the Fatah Constitution that call for Israel's destruction and terrorism against Israel, oppose any political solution, and label Zionism as racism.

In order to move the Middle East peace process forward, it is necessary that the Fatah Party recognize Israel's legitimacy. The Fatah Constitution makes this impossible. At present, 10 articles in the constitution oppose Israel and Zionism. They read as follows:

(1) "Article [4]: The Palestinian struggle is part and parcel of the world-wide struggle against Zionism, colonialism and international imperialism."

(2) "Article [7]: The Zionist Movement is racial, colonial and aggressive in ideology, goals, organization and method."

(3) "Article [8]: The Israeli existence in Palestine is a Zionist invasion with a colonial expansive base, and it is a natural ally to colonialism and international imperialism."

(4) "Article [12]: Complete liberation of Palestine, and eradication of Zionist economic, political, military and cultural existence."

(5) "Article [17]: Armed public revolution is the inevitable method to liberating Palestine."

(6) "Article [19]: Armed struggle is a strategy and not a tactic, and the Palestinian Arab People's armed revolution is a decisive factor in the liberation fight and in uprooting the Zionist existence, and this struggle will not cease unless the Zionist state is demolished and Palestine is completely liberated."

(7) "Article [22]: Opposing any political solution offered as an alternative to demolishing the Zionist occupation in Palestine, as well as any project intended to liquidate the Palestinian case or impose any international mandate on its people."

(8) "Article [23]: Maintaining relations with Arab countries . . . with the proviso that the armed struggle is not negatively affected."

(9) "Article [24]: Maintaining relations with all liberal forces supporting our just struggle in order to resist Zionism and imperialism."

(10) "Article [25]: Convincing concerned countries in the world to prevent Jewish immigration to Palestine as a method of solving the problem."

The issue of the Mideast peace process has been tortuous. There have been so many developments since Israel emerged as a state in 1949. The enmity, which has existed for thousands of years, has meant senseless killing, terrorism in Israel, and Hezbollah firing rockets into northern Israel, prompting the justified retaliation by Israel as a matter of self-defense.

Much has changed since the Fatah Constitution was written in 1964. While some question the relevance of the document with respect to the day-to-day operations of the Palestinian Government, the fact remains that the language is incendiary. By striking the polemical language from its constitution, Fatah would be setting an example for the Arab world. It would demonstrate that the Palestinian leadership understands the importance of words and perceptions in the peace process.

This is not the first time I have addressed such an issue. In 1994, the U.S. Congress adopted an amendment put forward by Senator SHELBY and myself, which conditioned U.S. aid on the Palestinian Liberation Organization's elimination of provisions in its charter that called for the destruction of Israel. The amendment was accepted by the U.S. Congress.

The problem of the institutionalization of inflammatory language in the Middle East extends beyond the Fatah Constitution. The Center for Religious Freedom, formerly affiliated with Freedom House, in a 2006 report entitled "Saudi Arabia's Curriculum of Intolerance," stated that despite 2005 statements by the Saudi Foreign Minister that their educational curricula have been reformed, this is "simply not the case." On the contrary, religious textbooks continue to advocate the destruction of any non-Wahhabi Muslim. Saudi Arabia has established Wahhabism, an extreme form of Islam, as the official state doctrine, and about 5 million children are instructed each year in Islamic studies using Saudi Ministry of Education textbooks.

My intent in bringing the Fatah Constitution into focus now is not to undermine the Presidency of Mahmoud Abbas. Rather, my intent is to ensure that these problems of perception are addressed now so that all parties can take further steps towards peace.

The November 27, 2007, Joint Israeli-Palestinian Declaration at Annapolis stated, "We express our determination to bring an end to bloodshed, suffering and decades of conflict between our peoples; to usher in a new era of peace, based on freedom, security, justice, dignity, respect and mutual recognition; to propagate a culture of peace and nonviolence; to confront terrorism and incitement, whether committed by Palestinians or Israelis."

As Secretary of State Condoleezza Rice stated on October 15, 2007, in Ramallah, "If you're going to have a two-state solution, you have to accept the right of the other party to exist. If you're going to have a two-state solution that is born of negotiation, you're going to have to renounce violence." I urge President Abbas to take action, not only in words, but with deeds.

SENATE RESOLUTION 500—HONORING MILITARY CHILDREN DURING "NATIONAL MONTH OF THE MILITARY CHILD"

Mr. KENNEDY (for himself and Mr. BAYH) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 500

Whereas more than 2,000,000 men and women are demonstrating their courage and commitment to freedom by serving in the Armed Forces of the United States;

Whereas 46 percent of members of the Armed Forces, when deployed away from their permanent duty stations, leave families with children behind;

Whereas no one feels the effect of deployments more than the children of deployed members of the Armed Forces;

Whereas, as of March 2007, approximately 2,108 children had lost a parent serving in Operation Iraqi Freedom and Operation Enduring Freedom;

Whereas the daily struggles and personal sacrifices of children of members of the Armed Forces too often go unnoticed;

Whereas the children of members of the Armed Forces are a source of pride and honor to the people of the United States and it is fitting that the Nation recognize their contributions and celebrate their spirit;

Whereas the "National Month of the Military Child", observed in April each year, recognizes military children for their sacrifices and contributes to demonstrating the Nation's unconditional support for members of the Armed Forces;

Whereas, in addition to Department of Defense programs to support military families and military children, various programs and campaigns have been established in the private sector to honor, support, and thank military children by fostering awareness and appreciation for the sacrifices and the challenges they face; and

Whereas a month-long salute to military children will encourage support for those organizations and campaigns established to provide direct support for military children and families: Now, therefore, be it

Resolved, That the Senate—

(1) joins the Secretary of Defense in honoring the children of members of the Armed Forces and recognizes that those children also share in the burden of protecting the Nation;

(2) urges the people of the United States to join with the military community in observing the "National Month of the Military Child" with appropriate ceremonies and activities that honor, support, and thank military children; and

(3) recognizes with great appreciation the contributions made by private-sector organizations that provide resources and assistance to military families and the communities that support them.

SENATE RESOLUTION 501—HONORING THE SACRIFICE OF THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO HAVE BEEN KILLED IN IRAQ AND AFGHANISTAN

Mr. KENNEDY (for himself, Mr. REID, Mr. MCCONNELL, Mr. DURBIN, Mr. KYLE, Mr.AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENCI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 501

Whereas 4,009 members of the United States Armed Forces have lost their lives in support of Operation Iraqi Freedom and 487 members of the United States Armed Forces have lost their lives in support of Operation Enduring Freedom;

Whereas we honor the ultimate sacrifice that these men and women made for our country;

Whereas the sacrifices of the fallen are in keeping with the highest traditions of the United States Army, Navy, Marine Corps, Air Force, and Coast Guard;

Whereas, as their families and loved ones have sacrificed as well, we honor them in commemorating the memory of those that lost their lives;

Whereas the following 4,009 members of the United States Armed Forces have lost their lives in support of Operation Iraqi Freedom:

(1) Corporal Roberto Abad, Los Angeles, California;

(2) Commander Joseph Acevedo, Bronx, New York;

(3) Sergeant First Class Ramon A. Acevedoaponte, Watertown, New York;

(4) Sergeant Michael D. Acklin II, Louisville, Kentucky;

(5) Specialist Genaro Acosta, Fair Oaks, California;

(6) Private First Class Steven Acosta; Calexico, California;

(7) Specialist James L. Adair, Carthage, Texas;

(8) Captain James Francis Adamouski, Springfield, Virginia;

(9) Private Algernon Adams, Aiken, South Carolina;

(10) Sergeant Brandon E. Adams, Hollidaysburg, Pennsylvania;

(11) Sergeant First Class Brent A. Adams; West View, Pennsylvania;

(12) Sergeant Leonard W. Adams, Mooresville, North Carolina;

(13) Sergeant Mark P. Adams, Morrisville, North Carolina;

(14) First Lieutenant Michael R. Adams, Seattle, Washington;

(15) Private First Class Michael S. Adams, Spartanburg, South Carolina;

(16) Lieutenant Thomas Mullen Adams, La Mesa, California;

(17) Sergeant Shawn G. Adams, Dixon, California;

(18) Specialist Clarence Adams III, Richmond, Virginia;

(19) Captain Shane T. Adcock, Mechanicsville, Virginia;

(20) Specialist Jamaal Rashard Addison, Roswell, Georgia;

(21) Sergeant Dustin M. Adkins, Finger, Tennessee;

(22) Lance Corporal Patrick R. Adle, Belair, Maryland;

(23) Private First Class Christopher S. Adlesperger, Albuquerque, New Mexico;

(24) Private First Class Daniel J. Agami, Coconut Creek, Florida;

(25) Corporal Andres Aguilar, Jr., Victoria, Texas;

(26) Lance Corporal Anthony Aguirre, Channelview, Texas;

(27) Specialist Nathaniel A. Aguirre, Carrollton, Texas;

(28) Major James M. Ahearn, Concord, California;

(29) Sergeant Clinton W. Ahlquist, Creede, Colorado;

(30) Lance Corporal Jeramy A. Ailes, Gilroy, California;

(31) Captain Tristan Neil Aitken, State College, Pennsylvania;

(32) Sergeant Spencer C. Akers, Traverse City, Michigan;

(33) Sergeant James C. Akin, Albuquerque, New Mexico;

(34) Specialist Segun Frederick Akintade, Brooklyn, New York;

(35) Captain Paul C. Alaniz, Corpus Christi, Texas;

(36) Staff Sergeant Ivan Vargas Alarcon, Jerome, Idaho;

(37) Sergeant First Class Jesse B. Albrecht, Hager City, Wisconsin;

(38) Corporal Juan M. Alcantara, New York;

(39) Private Christopher M. Alcozer, Villa Park/DeKalb, Illinois;

(40) Seaman Zachary M. Alday, Donalsonville, Georgia;

(41) Lance Corporal Nickalous N. Aldrich, Austin, Texas;

(42) Navy Hospitalman Geovani Padilla Aleman, South Gate, California;

(43) Staff Sergeant Eugene Alex, Bay City, Michigan;

(44) Corporal Matthew L. Alexander, Gretna, Nebraska;

(45) Staff Sergeant George T. Alexander, Jr., Killeen, Texas;

(46) Specialist Alexandre A. Alexeev, Wilimington, California;

(47) Second Lieutenant Tracy Lynn Alger, New Auburn, Wisconsin;

(48) Private First Class Wilson A. Algrim, Howell, Michigan;

(49) Specialist Azhar Ali, Flushing, New York;

(50) Corporal Jeremy D. Allbaugh, Luther, Oklahoma;

(51) Private First Class Jacob H. Allcott, Caldwell, Idaho;

(52) Sergeant Chad M. Allen, Maple Lake, Minnesota;

(53) Sergeant Howard P. Allen, Mesa, Arizona;

(54) Sergeant John E. Allen, Palmdale, California;

(55) First Lieutenant Louis E. Allen, Milford, Pennsylvania;

(56) Army Staff Sergeant Charles D. Allen, Wasilla, Alaska;

(57) Corporal Terrence P. Allen, Pennsauken, New Jersey;

(58) Sergeant Lonnie Calvin Allen, Jr., Bellevue, Nebraska;

(59) Specialist Ronald D. Allen, Jr., Mitchell, Indiana;

(60) Staff Sergeant William Alvin Allers III, Leitchfield, Kentucky;

(61) Colonel Brian D. Allgood, Oklahoma;

(62) Sergeant Glenn R. Allison, Pittsfield, Massachusetts;

(63) Private First Class Daniel J. Allman II, Canon, Georgia;

(64) Specialist Jeremy O. Allmon, Cleburne, Texas;

(65) Lance Corporal Michael J. Allred, Hyde Park, Utah;

(66) Captain Eric L. Allton, Houston, Texas;

(67) Sergeant David J. Almazan, Van Nuys, California;

(68) Petty Officer Second Class Joseph D. Alomar, Brooklyn, New York;

(69) Lance Corporal Joshua C. Alonzo, Dumas, Texas;

(70) Sergeant Conrad Alvarez, Big Spring, Texas;

(71) Corporal Nicanor Alvarez, San Bernardino, California;

(72) Corporal Daniel R. Amaya, Odessa, Texas;

(73) Specialist Jason E. Ames, Cerulean, Kentucky;

(74) Private First Class John D. Amos II, Valparaiso, Indiana;

(75) Corporal Andy D. Anderson, Falls Church, Virginia;

(76) Lance Corporal Brian Edward Anderson, Durham, North Carolina;

(77) Hospitalman Christopher A. Anderson, Longmont, Colorado;

(78) Private First Class Danny L. Anderson, Corpus Christi, Texas;

(79) Sergeant Ian C. Anderson, Prairie Village, Kansas;

(80) Petty Officer Second Class Michael C. Anderson, Daytona, Florida;

(81) Corporal Michael D. Anderson, Modesto, California;

(82) Corporal Nathan R. Anderson, Howard, Ohio;

(83) Lance Corporal Nicholas H. Anderson, Las Vegas, Nevada;

(84) Major Stuart M. Anderson, Peosta, Iowa;

(85) Private First Class Travis W. Anderson, Hooper, Colorado;

(86) Sergeant First Class Victor A. Anderson, Ellaville, Georgia;

(87) Sergeant Phillip R. Anderson, Everett, Washington;

(88) Specialist Joshua R. Anderson, Jordan, Minnesota;

(89) Lance Corporal Norman W. Anderson III, Parkton, Maryland;

(90) Airman First Class Carl L. Anderson, Jr., Georgetown, South Carolina;

(91) Private First Class Edwin Anthony Andino, Jr., Culpeper, Virginia;

(92) Specialist Michael Andrade, Bristol, Rhode Island;

(93) Master Sergeant Joseph J. Andres, Jr., Seven Hills, Ohio;

(94) Specialist Harley D. Andrews, Weimar, California;

(95) Specialist Yoe M. Aneiros, Newark, New Jersey;

(96) Lance Corporal Levi T. Angell, Cloquet, Minnesota;

(97) Specialist Edward John Anguiano, Brownsville, Texas;

(98) Master Sergeant Brett E. Angus, St. Paul, Minnesota;

(99) Private First Class Joseph J. Anzack, Torrance, California;

(100) Sergeant Matthew S. Apuan, Las Cruces, New Mexico;

(101) Sergeant Kurtis Dean K. Arcala, Palmer, Alaska;

(102) Private First Class Elden D. Arcand, White Bear Lake, Minnesota;

(103) Private First Class Michael A. Arciola, Elmsford, New York;

(104) Sergeant Brian D. Ardron, Acworth, Georgia;

(105) Sergeant Julian M. Arechaga, Oceanside, New York;

(106) Private First Class James J. Arellano, Cheyenne, Wyoming;

(107) Captain Derek Argel, Lompoc, California;

(108) Sergeant Roberto Arizola, Jr., Laredo, Texas;

(109) Corporal Reynold Armand, Rochester, New York;

(110) Specialist Raymond S. Armijo, Phoenix, Arizona;

(111) Corporal Bradley Thomas Arms, Charlottesville, Virginia;

(112) Corporal David C. Armstrong, Zanesville, Ohio;

(113) Sergeant Travis M. Arndt, Bozeman, Montana;

(114) Staff Sergeant Jason R. Arnette, Amelia, Virginia;

(115) Chief Warrant Officer (CW2) Andrew Todd Arnold, Spring, Texas;

(116) Staff Sergeant Daniel L. Arnold, Montrose, Pennsylvania;

(117) Private First Class James L. Arnold, Mattawan, Michigan;

(118) Sergeant Larry R. Arnold, Sr., Carriere, Mississippi;

(119) Lance Corporal Alexander S. Arredondo, Randolph, Massachusetts;

(120) Corporal Carlos Arrelano Pandura, Los Angeles/Rosemead, California;

(121) Specialist Richard Arriaga, Ganado, Texas;

(122) Staff Sergeant Jimmy J. Arroyave, Woodland, California;

(123) Specialist Robert R. Arsiaga, Greenwood, Texas;

(124) Corporal Nicholas A. Arvanitis, Salem, New Hampshire;

(125) Sergeant Brandon S. Asbury, Tazewell, Virginia;

(126) Corporal Evan Asa Ashcraft, West Hills, California;

(127) Corporal Benjamin J. Ashley, Independence, Missouri;

(128) Lance Corporal Trevor D. Aston, Austin, Texas;

(129) Sergeant Julia V. Atkins, Bossier City, Louisiana;

(130) Private First Class Shawn M. Atkins, Parker, Colorado;

(131) Staff Sergeant Travis W. Atkins, Bozeman, Montana;

(132) Major Jay Thomas Aubin, Waterville, Maine;

(133) Master Sergeant Steven E. Auchman, Waterloo, New York;

(134) Captain Matthew J. August, North Kingstown, Rhode Island;

(135) Sergeant Corey J. Aultz, Port Orchard, Washington;

(136) Lance Corporal Aaron C. Austin, Sunray, Texas;

(137) Private First Class Shane R. Austin, Edgerton, Kansas;

(138) First Lieutenant Garrison C. Avery, Lincoln, Nebraska;

(139) Private First Class Jeffrey A. Avery, Colorado Springs, Colorado;

(140) Lance Corporal Andrew Julian Aviles, Tampa, Florida;

(141) Specialist Luis G. Ayala, South Gate, California;

(142) Staff Sergeant Alejandro Ayala, Riverside, California;

(143) Private First Class Eric A. Ayon, Arleta, California;

(144) Sergeant Robert T. Ayres III, Los Angeles, California;

(145) Private First Class Lionel Ayro, Jeanerette, Louisiana;

(146) Sergeant Brock A. Babb, Evansville, Indiana;

(147) Specialist Travis A. Babbitt, Uvalde, Texas;

(148) Petty Officer First Class Howard E. Babcock IV, Houston, Texas;

(149) Sergeant Christopher J. Babin, Houma, Louisiana;

(150) Specialist David J. Babineau, Springfield, Massachusetts;

(151) First Lieutenant Andrew J. Bacevich, Walpole, Massachusetts;

(152) Corporal Salem Bachar, Chula Vista, California;

(153) Sergeant First Class Travis S. Bachman, Garden City, Kansas;

(154) Sergeant First Class Henry A. Bacon, Wagram, North Carolina;

(155) Sergeant Andrew Joseph Baddick, Jim Thorpe, Pennsylvania;

(156) Staff Sergeant Daniel A. Bader, Colorado Springs, Colorado;

(157) Petty Officer Second Class Cesar O. Baez, Pomona, California;

(158) Private First Class Roberto C. Baez, Tampa, Florida;

(159) Corporal Miguel A. Baez, Bonaire, Georgia;

(160) Staff Sergeant Nathan J. Bailey, Nashville, Tennessee;

(161) Specialist William Lee Bailey III, Bellevue, Nebraska;

(162) Private First Class Joe L. Baines, Newark, New Jersey;

(163) Specialist Brian K. Baker, West Seneca, New York;

(164) Corporal Riley E. Baker, Pacific, Missouri;

(165) Sergeant Ronald W. Baker, Cabot, Arkansas;

(166) Specialist Ryan T. Baker, Brown Mills, New Jersey;

(167) Sergeant Sherwood R. Baker, Plymouth, Pennsylvania;

(168) Corporal Zachary D. Baker, Arkansas, Vilonia;

(169) Specialist Dane R. Balcon, Colorado Springs, Colorado;

(170) Chief Petty Officer Joel Egan Baldwin, Arlington, Virginia;

(171) Private First Class Stephen P. Baldwyn, Saltillo, Mississippi;

(172) Private First Class Chad Eric Bales, Coahoma, Texas;

(173) Private First Class Paul Balint, Jr., Willow Park, Texas;

(174) Gunnery Sergeant Terry W. Ball, Jr., East Peoria, Illinois;

(175) First Lieutenant Kenneth Michael Ballard, Mountain View, California;

(176) Technical Sergeant Ryan A. Balmer, Mishawaka, Indiana;

(177) Private Michael A. Baloga, Everett, Washington;

(178) Private First Class Michael Balsley, Hayward, California;

(179) First Lieutenant Debra A. Banaszak, Bloomington, Illinois;

(180) Corporal Scott M. Bandhold, North Merrick, New York;

(181) Staff Sergeant Metodio A. Bandonill, Honolulu, Hawaii;

(182) Specialist Solomon C. "Kelly" Bangayan, Jay, Vermont;

(183) Sergeant Derek R. Banks, Newport News, Virginia;

(184) Lieutenant Colonel Dominic Rocco Baragona, Niles, Ohio;

(185) Specialist Thomas J. Barbieri, Gaithersburg, Maryland;

(186) Corporal Felipe C. Barbosa, High Point, North Carolina;

(187) Private First Class Mark A. Barbret, Shelby Township, Michigan;

(188) Private First Class Collier Edwin Barcus, McHenry, Illinois;

(189) Sergeant Michael C. Barkey, Canal Fulton, Ohio;

(190) Staff Sergeant Patrick O. Barlow, Greensboro, North Carolina;

(191) Specialist Jonathan P. Barnes, Anderson, Missouri;

(192) Lance Corporal Matthew Ron Barnes, West Monroe, Louisiana;

(193) Sergeant Nathan S. Barnes, American Fork, Utah;

(194) Airman First Class Eric M. Barnes, Lorain, Ohio;

(195) First Lieutenant Christopher W. Barnett, Baton Rouge, Louisiana;

(196) Sergeant Jeremy D. Barnett, Mineral City, Ohio;

(197) Command Sergeant Major Edward C. Barnhill, Shreveport, Louisiana;

(198) First Sergeant Michael S. Barnhill, Folsom, California;

(199) Corporal Jeremiah A. Baro, Fresno, California;

(200) Sergeant Lester Domenico Baroncini, Jr., Bakersfield, California;

(201) Lance Corporal Aric J. Barr, Allegheny, Pennsylvania;

(202) Staff Sergeant Ricardo Barraza, Shafter, California;

(203) Sergeant Michael Paul Barrera, Von Ormy, Texas;

(204) Staff Sergeant Chad A. Barrett, Saltville, Virginia;

(205) Specialist Bryan Edward Barron, Biloxi, Mississippi;

(206) Corporal John Barta, Corpus Christi, Texas;

(207) Specialist Daniel D. Bartels, Huron, South Dakota;

(208) Private First Class Benjamin B. Bartlett, Jr., Manchester, Georgia;

(209) Sergeant Douglas E. Bascom, Colorado Springs, Colorado;

(210) Staff Sergeant Robert J. Basham, Kenosha, Wisconsin;

(211) Staff Sergeant Aram J. Bass, Niagara Falls, New York;

(212) Corporal David A. Bass, Nashville, Tennessee;

(213) Sergeant Todd M. Bates, Bellaire, Ohio;

(214) Sergeant First Class Michael Battles, Sr., San Antonio, Texas;

(215) Corporal Phillip E. Baucus, Wolf Creek, Montana;

(216) Corporal Nathaniel S. Baughman, Monticello, Indiana;

(217) Gunnery Sergeant Ronald E. Baum, Hollidaysburg, Pennsylvania;

(218) Sergeant Ryan J. Baum, Aurora, Colorado;

(219) Private First Class Matthew E. Baylis, Oakdale, New York;

(220) Staff Sergeant Steven G. Bayow, Colonia Yap Federated States of Micronesia;

(221) Corporal Jason J. Beadles, La Porte, Indiana;

(222) Private First Class Matthew A. Bean, Pembroke, Massachusetts;

(223) Sergeant Alan N. Bean, Jr., Bridport, Vermont;

(224) Specialist Bradley S. Beard, Chapel Hill, North Carolina;

(225) Sergeant William J. Beardsley, Coon Rapids, Minnesota;

(226) Corporal Jonathan S. Beatty, Streator, Illinois;

(227) Specialist Beau R. Beaulieu, Lisbon, Maine;

(228) Captain Ryan Anthony Beaupre, Bloomington, Illinois;

(229) Staff Sergeant Michael A. Bechert, New Castle, Indiana;

(230) Private First Class Gunnar D. Becker, Forestburg, South Dakota;

(231) Staff Sergeant Shane R. Becker, Helena, Montana;

(232) Specialist James L. Beckstrand, Escondido, California;

(233) Private First Class Andrew D. Bedard, Missoula, Montana;

(234) Lance Corporal Brent E. Beeler, Jackson, Michigan;

(235) Staff Sergeant Brock A. Beery, White House, Tennessee;

(236) Corporal Joseph O. Behnke, Brooklyn, New York;

(237) Specialist David W. Behrle, Tipton, Iowa;

(238) Lance Corporal Jacob Walter Beisel, Lackawaxen, Pennsylvania;

(239) Sergeant Gregory A. Belanger, Narragansett, Rhode Island;

(240) Corporal Christopher Belchik, Jersey, Illinois;

(241) Sergeant Aubrey D. Bell, Tuskegee, Alabama;

(242) Specialist Rusty W. Bell, Pocahontas, Arkansas;

(243) Specialist Ryan M. Bell, Colville, Washington;

(244) Specialist Rickey L. Bell, Caruthersville, Missouri;

(245) Lance Corporal Timothy Michael Bell, Jr., West Chester, Ohio;

(246) Private First Class Wilfred Davyrussell Bellard, Lake Charles, Louisiana;

(247) Staff Sergeant Joseph P. Bellavia, Wakefield, Massachusetts;

(248) Specialist Katrina Lani Bell-Johnson, Orangeburg, South Carolina;

(249) Captain Donnie R. Belser, Jr., Anniston, Alabama;

(250) Staff Sergeant Jason A. Benford, Toledo, Ohio;

(251) Private First Class Stephen C. Benish, Clark, New Jersey;

(252) Specialist Durrell L. Bennett, Spanaway, Washington;

(253) Staff Sergeant Keith A. Bennett, Holtwood, Pennsylvania;

(254) Corporal Richard A. Bennett, Girard, Kansas;

(255) Sergeant First Class William M. Bennett, Seymour, Tennessee;

(256) Sergeant Darry Benson, Winterville, North Carolina;

(257) Corporal Johnathan Benson, North Branch, Minnesota;

(258) Sergeant First Class Michael A. Benson, Winona, Minnesota;

(259) Specialist Robert T. Benson, Spokane, Washington;

(260) Corporal Anthony K. Bento, San Diego, California;

(261) Private First Class David J. Bentz III, Newfield, New Jersey;

(262) Private First Class Ryan R. Berg, Sabine Pass, Texas;

(263) Sergeant Bradley J. Bergeron, Houma, Louisiana;

(264) Private First Class Joseph R. Berlin, Jr., Chelsea, Alabama;

(265) Lance Corporal Eric J. Bernholtz, Grove City, Ohio;

(266) First Lieutenant David R. Bernstein, Phoenixville, Pennsylvania;

(267) Staff Sergeant David R. Berry, Wichita, Kansas;

(268) Sergeant Sean B. Berry, Mansfield, Texas;

(269) Specialist Joel L. Bertoldie, Independence, Missouri;

(270) Staff Sergeant Stephen A. Bertolino, Orange, California;

(271) Staff Sergeant Marvin Best, Prosser, Washington;

(272) Sergeant Bradley H. Beste, Naperville, Illinois;

(273) Corporal Ray M. Bevel, Andrews, Texas;

(274) Sergeant Allan R. Bevington, Beaver Falls, Pennsylvania;

(275) Petty Officer Second Class Kevin R. Bewley, Hector, Arkansas;

(276) Private First Class Paul A. Beyer, Jamestown, North Dakota;

(277) Corporal Mark Anthony Bibby, Watha, North Carolina;

(278) Private First Class Stephen Bicknell, Prattville, Alabama;

(279) Corporal Joseph P. Bier, Centralia, Washington;

(280) Staff Sergeant Mario J. Bievre, Constantinople, Illinois;

(281) Specialist Ethan J. Biggers, Beavercreek, Ohio;

(282) Specialist Charles E. Bilbery, Jr., Owego, New York;

(283) Chief Petty Officer Gregory J. Billiter, Villa Hills, Kentucky;

(284) Lance Corporal Dustin V. Birch, Saint Anthony, Idaho;

(285) Staff Sergeant Alicia A. Birchett, Mashpee, Massachusetts;

(286) Sergeant Tracy R. Birkman, New Castle, Virginia;

(287) Sergeant First Class Jason Lee Bishop, Williamstown, Kentucky;

(288) Lance Corporal Jeffery A. Bishop, Dickson, Tennessee;

(289) Specialist Ryan A. Bishop, Euless, Texas;

(290) Sergeant Benjamin W. Biskie, Tucson, Arizona;

(291) Specialist Jeffrey D. Bisson, Vista, California;

(292) Corporal Albert Bitton, Chicago, Illinois;

(293) Sergeant Michael Edward Bitz, Ventura, California;

(294) Private Evan A. Bixler, Racine, Wisconsin;

(295) Corporal Stephen R. Bixler, Suffield, Connecticut;

(296) Sergeant Jarrod W. Black, Peru, Indiana;

(297) Specialist Justin R. Blackwell, Paris, Tennessee;

(298) Corporal Jonathan F. Blair, Fort Wayne, Indiana;

(299) Specialist Robert E. Blair, Ocala, Florida;

(300) Lance Corporal Thomas Alan Blair, Wagoner, Oklahoma;

(301) Chief Warrant Officer (CW2) Michael T. Blaise, Tennessee;

(302) Staff Sergeant Richard A. Blakley, Avon, Indiana;

(303) Captain Ernesto M. Blanco, Texas;

(304) Corporal Joseph A. Blanco, Bloomington, California;

(305) Staff Sergeant Brian D. Bland, Newcastle/Weston, Wyoming;

(306) Private First Class Christopher T. Blaney, Winter Park, Florida;

(307) Command Sergeant James D. Blankenbecler, Alexandria, Virginia;

(308) Lance Corporal Jeffery S. Blanton, Fayetteville, Georgia;

(309) Staff Sergeant Melvin L. Blazer, Moore, Oklahoma;

(310) Second Lieutenant James P. "JP" Blecksmith, San Marino, California;

(311) Specialist Joseph M. Blickenstaff, Corvallis, Oregon;

(312) Specialist Kamisha J. Block, Vidor, Texas;

(313) Private First Class Nicholas H. Blodgett, Wyoming, Michigan;

(314) Corporal Clinton C. Blodgett, Pekin, Indiana;

(315) Lance Corporal Nicholas William B. Bloem, Belgrade, Montana;

(316) Private First Class Alan R. Blohm, Kenai, Alaska;

(317) Major Gerald M. Bloomfield II, Ypsilanti, Michigan;

(318) First Lieutenant Shaun M. Blue, Munster, Indiana;

(319) Sergeant Aron C. Blum, Tucson, Arizona;

(320) Sergeant Trevor A. Blumberg, Canton, Michigan;

(321) Gunnery Sergeant Darrell W. Boatman, Fayetteville, North Carolina;

(322) Sergeant Michael L. Boatright, Whitesboro, Texas;

(323) Private First Class Brandon K. Bobb, Orlando, Florida;

(324) First Lieutenant Amos C.R. Bock, New Madrid, Missouri;

(325) Sergeant Jeremiah J. Boehmer, Parkston, South Dakota;

(326) Corporal Henry W. Bogrette, Richville, New York;

(327) Private First Class Jeremy S. Bohannon, Bon Aqua, Tennessee;

(328) Sergeant Matthew Charles Bohling, Eagle River, Alaska;

(329) Lance Corporal Jeremy L. Bohlman, Sioux Falls, South Dakota;

(330) Gunnery Sergeant Jeffrey Edward Bohr, Jr., Ossian Iowa;

(331) Private First Class Kyle G. Bohrnsen, Philipsburg, Montana;

(332) Specialist Matthew T. Bolar, Montgomery, Alabama;

(333) Lance Corporal Todd J. Bolding, Manvel, Texas;

(334) Sergeant Dennis J. Boles, Homosassa, Florida;

(335) Sergeant First Class Craig A. Boling, Elkhart, Indiana;

(336) Petty Officer Third Class Doyle W. Bollinger, Jr., Poteau, Oklahoma;

(337) Sergeant First Class Kelly Bolor, Whittier, California;

(338) Staff Sergeant Jerry L. Bonifacio, Jr., Vacaville, California;

(339) Captain Orlando A. Bonilla, Killeen, Texas;

(340) Sergeant Jon E. Bonnell, Jr., Fort Dodge, Iowa;

(341) Staff Sergeant Daryl D. Booker, Midlothian, Virginia;

(342) Staff Sergeant Stevon Alexander Booker, Apollo, Pennsylvania;

(343) Sergeant Kenneth R. Booker, Vevay, Indiana;

(344) Chief Warrant Officer Clarence E. Boone, Fort Worth, Texas;

(345) Specialist Christopher K. Boone, Augusta, Georgia;

(346) Second Lieutenant Joshua L. Booth, Fiskdale, Massachusetts;

(347) Private First Class John G. Borbonus, Boise, Idaho;

(348) First Sergeant Michael J. Bordelon, Morgan City, Louisiana;

(349) Sergeant First Class Russell P. Borea, El Paso, Texas;

(350) Captain John J. Boria, Broken Arrow, Oklahoma;

(351) Specialist Val John Borm, Sidney, Nebraska;

(352) Corporal Jeffrey A. Boskovitch, Seven Hills, Ohio;

(353) Corporal Kirk J. Bosselmann, Napa, California;

(354) Sergeant Andrew L. Bossert, Fountain City, Wisconsin;

(355) Sergeant Kenneth E. Bostic, Hawthorne, Nevada;

(356) Private First Class Rachel K. Bosveld, Waupun, Wisconsin;

(357) Corporal Samuel M. Boswell, Elkridge, Maryland;

(358) Private First Class Brian A. Botello, Alta, Iowa;

(359) Sergeant Nathan K. Bouchard, Wildomar, California;

(360) Corporal Jeremy P. Bouffard, Middlefield, Massachusetts;

(361) Specialist Matthew George Boule, Dracut, Massachusetts;

(362) Staff Sergeant Elvis Bourdon, Youngstown, Ohio;

(363) Private Michael E. Bouthot, Fall River, Massachusetts;

(364) Lance Corporal Jeremy D. Bow, Lemoore, California;

(365) Private First Class Matthew C. Bowe, Coraopolis, Pennsylvania;

(366) Private First Class Samuel R. Bowen, Cleveland, Ohio;

(367) Corporal Jonathan W. Bowling, Patrick, Virginia;

(368) Corporal Theodore A. Bowling, Casselberry, Florida;

(369) Specialist William G. Bowling, Beattyville, Kentucky;

(370) Lance Corporal Jon Eric Bowman, Dubach, Louisiana;

(371) Sergeant Larry R. Bowman, Granite Falls, North Carolina;

(372) Staff Sergeant Hesley Box, Jr., Nashville, Arkansas;

(373) Sergeant Timothy R. Boyce, North Salt Lake, Utah;

(374) Specialist Joshua M. Boyd, Seattle, Washington;

(375) Private Noah L. Boye, Grand Island, Nebraska;

(376) Lance Corporal Aaron Boyles, Alameda, California;

(377) Specialist Edward W. Brabazon, Philadelphia, Pennsylvania;

(378) Corporal Travis J. Bradachnall, Multnomah County, Oregon;

(379) Specialist Hoby F. Bradfield, Jr., The Woodlands, Texas;

(380) Staff Sergeant Kenneth R. Bradley, Utica, Mississippi;

(381) Staff Sergeant Juantera T. Bradley, Greenville, North Carolina;

(382) Corporal Anthony M. Bradshaw, El Paso, Texas;

(383) Sergeant Emerson N. Brand, Rigby, Idaho;

(384) Staff Sergeant Stacey C. Brandon, Hazen, Arkansas;

(385) Private First Class David J. Brangman, Lake Worth, Florida;

(386) Lance Corporal David M. Branning, Cockeysville, Maryland;

(387) Specialist Artimus D. Brassfield, Flint, Michigan;

(388) Civilian Darren D. Braswell, Riverdale, Georgia;

(389) Private First Class Joel K. Brattain, Yorba Linda/Brea, California;

(390) Private First Class Jeffrey F. Braun, Stafford, Connecticut;

(391) Lance Corporal Raul S. Bravo, Jr., Elko, Nevada;

(392) Specialist Joshua T. Brazee, Sand Creek, Michigan;

(393) Sergeant Dale G. Brehm, Turlock, California;

(394) Chief Warrant Officer William I. Brennan, Bethlehem, Connecticut;

(395) Sergeant First Class Christopher R. Brevard, Phoenix, Arizona;

(396) Specialist Adam Noel Brewer, Dewey/Bartlesville, Oklahoma;

(397) Corporal James L. Bridges, Buhl, Idaho;

(398) Private Michael P. Bridges, Placentia, California;

(399) Staff Sergeant Steven H. Bridges, Tracy, California;

(400) Private First Class Dean Bright, Roseburg, Oregon;

(401) Staff Sergeant Scottie L. Bright, Montgomery, Alabama;

(402) Specialist Kyle A. Brinlee, Pryor, Oklahoma;

(403) Seaman Pablito Pena Briones, Jr., Anaheim, California;

(404) Corporal Dustin R. Brisky, Round Rock, Texas;

(405) First Lieutenant Benjamin T. Britt, Wheeler, Texas;

(406) Staff Sergeant Sandy R. Britt, Apopka, Florida;

(407) Captain Sean Lee Brock, Redondo Beach, California;

(408) Corporal Phillip J. Brodnick, New Lennox, Illinois;

(409) Lance Corporal Adam R. Brooks, Manchester, New Hampshire;

(410) Staff Sergeant Cory W. Brooks, Philip, South Dakota;

(411) Staff Sergeant William J. Brooks, Birmingham, Alabama;

(412) Specialist Edward L. Brooks, Dayton, Ohio;

(413) Major Sid W. Brookshire, Missouri;

(414) Sergeant Thomas F. Broomhead, Cannon City, Colorado;

(415) Sergeant Andrew W. Brown, Pleasant Mount, Pennsylvania;

(416) Technical Sergeant Bruce E. Brown, Coatopa, Alabama;

(417) Lance Corporal Demarkus D. Brown, Martinsville, Virginia;

(418) Lance Corporal Dominic C. Brown, Austin, Texas;

(419) Private First Class Donald S. Brown, Succasunna, New Jersey;

(420) Staff Sergeant Harrison Brown, Prichard, Alabama;

(421) Corporal Henry Levon Brown, Natchez, Mississippi;

(422) Lance Corporal James Brown, Owensville, Indiana;

(423) Sergeant Jeffery S. Brown, Trinity Center, California;

(424) Staff Sergeant Jeremy A. Brown, Mabscott, West Virginia;

(425) Private First Class John Eli Brown, Troy, Alabama;

(426) Sergeant First Class John G. Brown, Little Rock, Arkansas;

(427) Lance Corporal Kyle W. Brown, Newport News, Virginia;

(428) Specialist Larry Kenyatta Brown, Jackson, Mississippi;

(429) Private First Class Nathan P. Brown, South Glens Falls, New York;

(430) Specialist Nicholas P. Brown, Huber Heights, Ohio;

(431) Private First Class Oliver J. Brown, Carbondale, Pennsylvania;

(432) Specialist Philip D. Brown, Jamestown, North Dakota;

(433) Specialist Timothy D. Brown, Cedar Springs, Michigan;

(434) Lance Corporal Timothy W. Brown, Sacramento, California;

(435) First Lieutenant Tyler Hall Brown, Atlanta, Georgia;

(436) Specialist Lerando J. Brown, Gulfport, Mississippi;

(437) Petty Officer Second Class Menelek M. Brown, Roswell, New Mexico;

(438) Specialist Michael D. Brown, Williamsburg, Kansas;

(439) Staff Sergeant Kevin R. Brown, Harrah, Oklahoma;

(440) Sergeant William E. Brown, Phil Campbell, Alaska;

(441) Private First Class Joshua D. Brown, Tampa, Florida;

(442) Sergeant First Class Scott J. Brown, Windsor, Colorado;

(443) Specialist Lunsford B. Brown II, Creedmore, North Carolina;

(444) Private First Class Timmy R. Brown, Jr., Conway, Pennsylvania;

(445) Corporal Andrew D. Brownfield, Akron, Ohio;

(446) Private First Class Brian A. Browning, Astoria, Oregon;

(447) Specialist Ari D. Brown-Weeks, Abingdon, Maryland;

(448) Sergeant First Class Daniel A. Brozovich, Greenville, Pennsylvania;

(449) Corporal Travis R. Bruce, Rochester/Byron, Minnesota;

(450) Petty Officer Third Class Nathan B. Bruckenthal, Stony Brook (Long Island), New York;

(451) Lance Corporal Cedric E. Bruns, Vancouver, Washington;

(452) Specialist Jacques Earl "Gus" Brunson, Americus, Georgia;

(453) Lance Corporal Benjamin S. Bryan, Lumberton, North Carolina;

(454) Second Lieutenant Todd J. Bryant, Riverside, California;

(455) Sergeant Jack Bryant, Jr., Dale City, Virginia;

(456) Lance Corporal Daniel Scott R. Bubb, Grottoes, Virginia;

(457) Sergeant John T. Bubeck, Collegeville, Pennsylvania;

(458) Sergeant First Class Raymond R. Buchan, Johnstown, Pennsylvania;

(459) Sergeant Ernest G. Bucklew, Enon Valley, Pennsylvania;

(460) Specialist Roy Russell Buckley, Snow Camp, North Carolina;

(461) Corporal Ryan J. Buckley, Nokomis, Illinois;

(462) Specialist Brock L. Bucklin, Caledonia, Michigan;

(463) Private First Class Paul J. Bueche, Daphne, Alabama;

(464) Lieutenant Colonel Charles H. Buehring, Fayetteville, North Carolina;

(465) Lance Corporal Richard A. Buerstetta, Franklin, Tennessee;

(466) Lance Corporal Brian Rory Buesing, Cedar Key, Florida;

(467) Private First Class Travis Wayne Buford, Galveston, Texas;

(468) Sergeant George Edward Buggs, Barnwell, South Carolina;

(469) Corporal Jimmy D. Buie, Floral, Arkansas;

(470) Specialist Joshua I. Bunch, Hattiesburg, Mississippi;

(471) Staff Sergeant Christopher Bunda, Bremerton, Washington;

(472) Staff Sergeant Michael Lee Burbank, Bremerton, Washington;

(473) Staff Sergeant Richard A. Burdick, National City, California;

(474) Staff Sergeant Jerry C. Burge, Carriere, Mississippi;

(475) Corporal Dale A. Burger, Jr., Port Deposit, Maryland;

(476) Specialist Alan J. Burgess, Landaff, New Hampshire;

(477) Sergeant Bryan Burgess, Garden City, Michigan;

(478) Lance Corporal Jeffrey C. Burgess, Plymouth, Massachusetts;

(479) Lance Corporal Ryan J. Burgess, Sanford, Michigan;

(480) Specialist Taylor J. Burk, Amarillo, Texas;

(481) Specialist Armer N. Burkart, Rockville, Maryland;

(482) Specialist Timothy Burke, Hollywood, Florida;

(483) Private First Class Tamario Demetrice Burkett, Buffalo, New York;

(484) Specialist Donald A. Burkett, Comanche, Texas;

(485) Sergeant Travis L. Burkhardt, Edina, Missouri;

(486) Second Lieutenant Peter H. Burks, Dallas, Texas;

(487) Lance Corporal Jason K. Burnett, St. Cloud, Florida;

(488) Lance Corporal Kyle W. Burns, Laramie, Wyoming;

(489) Specialist Richard B. Burress, Naples, Florida;

(490) Specialist Eric T. Burri, Wyoming, Michigan;

(491) Private First Class David Paul Burridge Lafayette, Louisiana;

(492) Lance Corporal Jeremy W. Burris, Tacoma, Washington;

(493) Private Joshua C. Burrows, Bossier City, Louisiana;

(494) Private First Class Jesse R. Buryj, Canton, Ohio;

(495) Private Matthew D. Bush, East Alton, Illinois;

(496) Private First Class Charles E. Bush, Jr., Buffalo, New York;

(497) Private First Class Damian S. Bushart, Waterford, Michigan;

(498) Sergeant William W. Bushnell, Jasper, Arkansas;

(499) Specialist Marlon A. Bustamante, Corona, New York;

(500) Staff Sergeant Steve Butcher, Penfield, New York;

(501) Staff Sergeant Jason M. Butkus, West Milford, New Jersey;

(502) Specialist Adrian J. Butler, East Lansing, Michigan;

(503) Sergeant Jacob Lee Butler, Wellsville, Kansas;

(504) Lance Corporal Kenneth J. Butler, Rowan, North Carolina;

(505) Private First Class Tyler Butler, East Liverpool, Ohio;

(506) Corporal Rhett A. Butler, Fort Worth, Texas;

(507) Lance Corporal Anthony E. Butterfield, Clovis, California;

(508) Sergeant Jason J. Buzzard, Ukiah, California;

(509) Sergeant Casey Byers, Schleswig, Iowa;

(510) Captain Joshua T. Byers, Mountville, South Carolina;

(511) Specialist William J. Byler, Ballinger, Texas;

(512) Specialist Thomas H. Byrd, Cochise, Arizona;

(513) Lance Corporal John T. Byrd II, Fairview, West Virginia;

(514) Private First Class Henry G. Byrd III, Veguita, New Mexico;

(515) Lance Corporal Shayne M. Cabino, Canton, Massachusetts;

(516) Corporal Juan C. Cabralbanuelos, Emporia, Kansas;

(517) Specialist Jonathan D. Cadavero, Takoma Park, Maryland;

(518) Staff Sergeant Marshall H. Caddy, Nags Head, North Carolina;

(519) Specialist Frank L. Cady III, Sacramento, California;

(520) Private First Class Daniel P. Cagle, Carson, California;

(521) Specialist Mark R.C. Caguioa, Stockton California;

(522) Captain Joel E. Cahill, Norwood, Massachusetts;

(523) Corporal Marcus A. Cain, Crowley, Louisiana;

(524) Private First Class Jay S. Cajimat, Lahaina, Hawaii;

(525) Private Lewis T. D. Calapini, Waipahu, Hawaii;

(526) Private First Class Cody S. Calavan, Lake Stevens, Washington;

(527) Sergeant Pablo A. Calderon, Brooklyn, New York;

(528) Sergeant Juan Calderon, Jr., Weslaco, Texas;

(529) Private First Class Roland E. Calderon-Ascencio, Miami, Florida;

(530) Sergeant Charles Todd Caldwell, North Providence, Rhode Island;

(531) Corporal Eric T. Caldwell, Salisbury, Maryland;

(532) Specialist Nathaniel A. Caldwell, Omaha, Nebraska;

(533) Specialist Derek A. Calhoun, Oklahoma City, Oklahoma;

(534) Sergeant First Class Keith A. Callahan, McClure, Pennsylvania;

(535) Corporal Robert Thomas Callahan, Jamestown, North Carolina;

(536) Sergeant William J. Callahan, South Easton, Massachusetts;

(537) Specialist Leeroy A. Camacho, Saipan, Northern Mariana Islands;

(538) Seaman Anamarie Sannicolas Camacho, Panama City, Florida;

(539) Sergeant Carlos M. Camacho-Rivera, Carolina, Puerto Rico;

(540) Staff Sergeant Joseph Camara, New Bedford, Massachusetts;

(541) Corporal Lyle J. Cambridge, Shiprock, New Mexico;

(542) Sergeant Radhames Camilomatos, Carolina, Puerto Rico;

(543) First Lieutenant Jaime L. Campbell, Ephrata, Washington;

(544) Sergeant Jeremy M. Campbell, Middlebury, Pennsylvania;

(545) Specialist Michael C. Campbell, Marshfield, Missouri;

(546) Sergeant Ryan M. Campbell, Kirksville, Missouri;

(547) Staff Sergeant Juan F. Campos, McAllen, Texas;

(548) Specialist Marvin A. Camposiles, Austell, Georgia;

(549) Specialist Isaac Campoy, Douglas, Arizona;

(550) Corporal Steven I. Candelo, Houston, Texas;

(551) Lieutenant Colonel David C. Canegata, St. Croix, Virgin Islands;

(552) Sergeant Adam Leigh Cann, Davie, Florida;

(553) Corporal Kelly M. Cannan, Lowville, New York;

(554) Lance Corporal Wesley J. Canning, Friendswood, Texas;

(555) Seaman Jakia Sheree Cannon, Baltimore, Maryland;

(556) Private First Class Ryan J. Cantafio, Beaver Dam, Wisconsin;

(557) Corporal Joseph H. Cantrell IV, Ashland, Kentucky;

(558) Specialist Ervin Caradine, Jr., Memphis, Tennessee;

(559) Specialist Adolf C. Carballo, Houston, Texas;

(560) Sergeant Alessandro Carbonaro, Bethesda, Maryland;

(561) Private First Class Sean T. Cardelli, Downers Grove, Illinois;

(562) Private First Class Edgar E. Cardenas, Lilburn, Georgia;

(563) Corporal Anthony O. Cardinal, Muskegon, Michigan;

(564) Private First Class Michael M. Carey, Prince George, Virginia;

(565) Sergeant Deyson K. Cariaga, Honolulu, Hawaii;

(566) Corporal Richard P. Carl, King Hill, Idaho;

(567) Specialist Ryan G. Carlock, Macomb, Illinois;

(568) Specialist Frederick A. Carlson, Bethlehem, Pennsylvania;

(569) Sergeant Michael C. Carlson, St. Paul, Minnesota;

(570) Private First Class Benjamin R. Carman, Jefferson, Iowa;

(571) Staff Sergeant Edward W. Carman, McKeesport, Pennsylvania;

(572) Sergeant Robert M. Carr, Warren, Ohio;

(573) Specialist Jocelyn "Joce" L. Carrasquillo, Wrightsville Beach, North Carolina;

(574) Specialist Miguel Carrasquillo, River Grove, Illinois;

(575) Private First Class Casey S. Carriker, Hoquiam, Washington;

(576) Sergeant Alejandro Carrillo, Los Angeles, California;

(577) Specialist Rafael A. "T. J." Carrillo, Jr., Boys Ranch, Texas;

(578) Sergeant James D. Carroll, McKenzie, Tennessee;

(579) Sergeant John A. Carroll, Ponca City, Oklahoma;

(580) Specialist Justin B. Carter, Mansfield, Missouri;

(581) Sergeant Lawrance J. Carter, Rancho Cucamonga, California;

(582) Chief Petty Officer Mark T. Carter, Fallbrook, California;

(583) Sergeant David M. Caruso, Naperville, Illinois;

(584) Specialist Dane O. Carver, Freeport, Michigan;

(585) Private First Class Cody M. Carver, Haskell, Oklahoma;

(586) Chief Warrant Officer (CW3) Mitchell K. Carver, Jr., Charlotte, North Carolina;

(587) Sergeant Frank T. Carvill, Carlstadt, New Jersey;

(588) Private First Class Jose Casanova, El Monte, California;

(589) Staff Sergeant Virgil R. Case, Mountain Home, Idaho;

(590) Captain Thomas J. Casey, Albuquerque, New Mexico;

(591) Captain Christopher S. Cash, Winterville, North Carolina;

(592) Sergeant First Class Alwyn C. "Al" Cashe, Oviedo, Florida;

(593) Sergeant Kenith Casica, Virginia Beach, Virginia;

(594) Specialist Ahmed Akil "Mel" Cason, McGehee, Arkansas;

(595) Lance Corporal James A. Casper, Coolidge, Texas;

(596) Captain Paul J. Cassidy, Laingsburg, Michigan;

(597) Private First Class Stephen A. Castellano, Long Beach, California;

(598) Lance Corporal Luis J. Castillo, Lawton, Michigan;

(599) Lance Corporal Mario Alberto Castillo, Brownwood, Texas;

(600) Staff Sergeant Samuel Tyrone Castle, Naples, Texas;

(601) Lance Corporal Roger D. Castleberry, Jr., Austin, Texas;

(602) Corporal Stephen W. Castner, Cedarburg, Wisconsin;

(603) Sergeant Jesse J.J. Castro, Chalan Pago, Guam;

(604) Corporal Jonathan Castro, Corona, California;

(605) Staff Sergeant Roland L. Castro, San Antonio, Texas;

(606) Specialist Romel Catalan, Los Angeles, California;

(607) Sergeant Sean K. Cataudella, Tucson, Arizona;

(608) Lance Corporal Steven C. T. Cates, Mount Juliet, Tennessee;

(609) Second Lieutenant James J. Cathey, Reno, Nevada;

(610) Private First Class Thomas D. Caughman, Lexington, South Carolina;

(611) Specialist Roberto J. Causor, Jr., San Jose, California;

(612) Sergeant Forrest D. Cauthorn, Midlothian, Virginia;

(613) Staff Sergeant James Wilford Cawley, Roy, Utah;

(614) Sergeant Jessica L. Cawvey, Normal, Illinois;

(615) Lance Corporal Geofrey R. Cayer, Fitchburg, Massachusetts;

(616) Petty Officer Third Class David A. Cedergren, South St. Paul, Minnesota;

(617) Corporal Willie P. Celestine, Jr., Lafayette, Louisiana;

(618) Lance Corporal Manuel A. Ceniceros, Santa Ana, California;

(619) Corporal Bernard L. Ceo, Baltimore, Maryland;

(620) Sergeant Aaron N. Cepeda, Sr., San Antonio, Texas;

(621) First Lieutenant Michael A. Cerrone, Clarksville, Tennessee;

(622) Private First Class Daniel B. Chaires, Tallahassee, Florida;

(623) Lance Corporal William C. Chambers, Ringgold, Georgia;

(624) Lance Corporal Donald E. Champlin, Natchitoches, Louisiana;

(625) Lance Corporal James Chamroeun, Union City, Georgia;

(626) Specialist Doron Chan, Highland, New York;

(627) Corporal Kemaphoom "Ahn" Chanawongse, Waterford, Connecticut;

(628) Specialist James A. Chance III, Kokomo, Mississippi;

(629) Staff Sergeant William D. Chaney, Schaumburg, Illinois;

(630) Petty Officer First Class Jeffrey L. Chaney, Omaha, Nebraska;

(631) Chief Warrant Officer (CW2) Robert William Channell, Jr., Tuscaloosa, Alabama;

(632) Chief Warrant Officer Cornell C. Chao, Orange City, California;

(633) Master Sergeant Chris S. Chapin, Proctor, Vermont;

(634) Specialist Jason K. Chappell, Hemet, California;

(635) Lance Corporal Holly A. Charette, Cranston, Rhode Island;

(636) Specialist Joe G. Charfauros, Jr., Rota, Mariana Islands;

(637) Staff Sergeant Lance M. Chase, Oklahoma City, Oklahoma;

(638) Lance Corporal Daniel Chavez, Seattle, Washington;

(639) Lance Corporal Steven M. Chavez, Hondo, New Mexico;

(640) Private First Class Javier Chavez, Jr., Cutler, California;

(641) Airman First Class Leebenard E. Chavis, Hampton, Virginia;

(642) Private First Class Jonathan M. Cheatham, Camden, Arkansas;

(643) Sergeant Yihiyh L. Chen, Saipan, Northern Mariana Islands;

(644) Corporal Nicholas O. Cherava, Ontonagon, Michigan;

(645) Lance Corporal Marcus M. Cherry, Imperial, California;

(646) Corporal Brian L. Chevalier, Georgia;

(647) Second Lieutenant Therrel Shane Childers, Harrison Co., Mississippi;

(648) Sergeant Kyle William Childress, Terre Haute, Indiana;

(649) Sergeant Tyrone L. Chisholm, Savannah, Georgia;

(650) Specialist Johnathan Bryan Chism, Gonzales, Louisiana;

(651) Private First Class Adam J. Chitjian, Philadelphia, Pennsylvania;

(652) Private First Class Min-su Choi, River Vale, New Jersey;

(653) Corporal Andrew F. Chris, Huntsville, Alabama;

(654) Specialist Jeremy E. Christensen, Albuquerque, New Mexico;

(655) Private First Class Ryan D. Christensen, Spring Lake Heights, New Jersey;

(656) Staff Sergeant Thomas W. Christensen, Atlantic Mine, Michigan;

(657) Lance Corporal Curtis A. Christensen, Jr., Collingswood, New Jersey;

(658) Sergeant Brett T. Christian, North Royalton, Ohio;

(659) Sergeant David Christoff, Jr., Rossford, Ohio;

(660) Sergeant Caleb P. Christopher, Chandler, Arizona;

(661) Chief Warrant Officer Theodore U. Church, Ohio;

(662) Lance Corporal Michael J. Cifuentes, Fairfield, Ohio;

(663) Staff Sergeant Ernesto G. Cimarrusti, Douglas, Arizona;

(664) Staff Sergeant Kristofer R. Ciraso, Bangor, Maine;

(665) Lance Corporal Julio C. Cisneros-Alvarez, Pharr, Texas;

(666) Corporal Jason S. Clairday, Camp Fulton, Arkansas;

(667) Staff Sergeant Lillian Clamens, Lawton, Oklahoma;

(668) Specialist Arron R. Clark, Chico, California;

(669) Sergeant Carlton A. Clark, South Royalton, Vermont;

(670) Private First Class Eric D. Clark, Pleasant Prairie, Wisconsin;

(671) Lance Corporal Matthew W. Clark, St. Louis, Missouri;

(672) Staff Sergeant Michael J. Clark, Leesburg Lake, Florida;

(673) Petty Officer First Class Regina R. Clark, Centralia, Washington;

(674) Corporal Ryan J. Clark, Lancaster, California;

(675) Lance Corporal Lance M. Clark, Cookeville, Tennessee;

(676) Corporal Kevin Michael Clarke, Tinley Park, Illinois;

(677) Sergeant Don Allen Clary, Troy, Kansas;

(678) Staff Sergeant Daniel J. Clay, Pensacola, Florida;

(679) Staff Sergeant Darrell P. Clay, Fayetteville, North Carolina;

(680) Captain Hayes Clayton, Marietta, Georgia;

(681) First Lieutenant Michael J. Cleary, Dallas, Pennsylvania;

(682) Master Sergeant Brad A. Clemmons, Chillicothe, Ohio;

(683) Private First Class Nathan B. Clemons, Winchester, Tennessee;

(684) Staff Sergeant Thomas W. Clemons, Leitchfield, Kentucky;

(685) Private First Class Adare W. Cleveland, Anchorage, Alaska;

(686) Specialist Ross A. Clevenger Givens, Hot Springs, Idaho;

(687) Lance Corporal Richard C. Clifton, Milford, Delaware;

(688) Specialist Karen N. Clifton, Lehigh Acres, Florida;

(689) Lance Corporal Donald John Cline, Jr., Sparks, Nevada;

(690) Specialist Zachary Clouser, Dover, Pennsylvania;

(691) Private First Class Christopher R. Cobb, Bradenton, Florida;

(692) Corporal Benny Gray Cockerham III, Conover, North Carolina;

(693) Lance Corporal Kyle W. Codner, Wood River, Nebraska;

(694) Sergeant Ronald L. Coffelt, Fair Oaks, California;

(695) First Sergeant Christopher D. Coffin, Bethlehem, Pennsylvania;

(696) Corporal Michael R. Cohen, Jacobus, Pennsylvania;

(697) Private First Class Gavin J. Colburn, Frankfort, Ohio;

(698) Staff Sergeant Timothy B. Cole, Jr., Missouri City, Texas;

(699) Private Bradli N. Coleman, Ford City, Pennsylvania;

(700) Corporal Gary B. Coleman, Pikeville, Kentucky;

(701) Sergeant Dominic R. Coles, Jesup, Georgia;

(702) First Lieutenant Benjamin J. Colgan, Kent, Washington;

(703) Staff Sergeant Jay T. Collado, Columbia, South Carolina;

(704) Sergeant Russell L. Collier, Harrison, Arkansas;

(705) Sergeant David S. Collins, Jasper, Georgia;

(706) Staff Sergeant Gary L. Collins, Hardin, Texas;

(707) Lance Corporal Jonathan W. Collins, Crystal Lake, Illinois;

(708) Sergeant First Class Randy D. Collins, Long Beach, California;

(709) Corporal Ryan D. Collins, Vernon, Texas;

(710) Sergeant James S. Collins, Jr., Rochester Hills, Michigan;

(711) Lance Corporal Clifford R. Collinsworth, Chelsea, Michigan;

(712) Sergeant Kyle A. Colnot, Arcadia, California;

(713) Staff Sergeant Pedro J. Colon, Cicero, Illinois;

(714) Chief Warrant Officer Lawrence S. Colton, Oklahoma City, Oklahoma;

(715) Specialist Zeferino E. Colunga, Bellville, Texas;

(716) Sergeant Robert E. Colvill, Jr., Anderson, Indiana;

(717) Sergeant First Class Kurt J. Comeaux, Raceland, Louisiana;

(718) Specialist Anthony S. Cometa, Las Vegas, Nevada;

(719) Lance Corporal Chase Johnson Comley, Lexington, Kentucky;

(720) Lance Corporal Adam C. Conboy, Philadelphia, Pennsylvania;

(721) Sergeant Kenneth Conde, Jr., Orlando, Florida;

(722) Corporal Matthew D. Conley, Killen, Alabama;

(723) Sergeant First Class James David Connell, Jr., Lake City, Tennessee;

(724) Sergeant Major Bradly D. Conner, Coeur d'Alene, Idaho;

(725) Sergeant Brian R. Conner, Baltimore, Maryland;

(726) Sergeant Timothy M. Conneway, Enterprise, Alabama;

(727) Specialist Steven Daniel Conover, Wilmington, Ohio;

(728) Hospitalman Matthew G. Conte, Mogadore, Ohio;

(729) Captain Aaron Joseph Contreras, Sherwood, Oregon;

(730) Sergeant Andres J. Contreras, Huntington Park, California;

(731) Lance Corporal Pedro Contreras, Harris, Texas;

(732) Sergeant Jason Cook, Okanogan, Washington;

(733) Command Sergeant Major Eric F. Cooke, Scottsdale, Arizona;

(734) Sergeant First Class Sean Michael Cooley, Ocean Springs, Mississippi;

(735) Private First Class James J. Coon, Walnut Creek, California;

(736) Master Sergeant James Curtis Coons, Conroe, Texas;

(737) Sergeant John E. Cooper, Ewing, Kentucky;

(738) Sergeant Travis S. Cooper, Macon, Mississippi;

(739) Private Troy D. Cooper, Amarillo, Texas;

(740) Private Charles S. Cooper, Jr., Jamestown, New York;

(741) Sergeant First Class David A. Cooper, Jr., State College, Pennsylvania;

(742) Specialist Jeffrey W. Corban, Elkhart, Indiana;

(743) Specialist Jason J. Corbett, Casper, Wyoming;

(744) Staff Sergeant Todd R. Cornell, West Bend, Wisconsin;

(745) Sergeant Wayne R. Cornell, Holstein, Nebraska;

(746) Sergeant First Class Lance S. Cornett, London, Kentucky;

(747) Sergeant Marcelino Ronald Corniel, La Puente, California;

(748) Sergeant Dennis A. Corral, Kearney, Nebraska;

(749) Sergeant Richard V. Correa, Honolulu, Hawaii;

(750) Private Isaac T. Cortes, Bronx, New York;

(751) Staff Sergeant Victor M. Cortes III, Erie, Pennsylvania;

(752) Lance Corporal Christopher B. Cosgrove III, Cedar Knolls, New Jersey;

(753) Specialist Jeremiah D. Costello, Carlinville, Illinois;

(754) Private First Class James F. Costello III, St. Louis, Missouri;

(755) Lance Corporal Budd M. Cote, Marana, Arizona;

(756) Lance Corporal Derrick J. Cothran, Avondale, Louisiana;

(757) Staff Sergeant Eric D. Cottrell, Pittsview, Alabama;

(758) Sergeant David J. Coullard, Glastonbury, Connecticut;

(759) Chief Warrant Officer Alexander S. Coulter, Bristol, Tennessee;

(760) Private First Class Daniel Courneya, Vermontville, Michigan;

(761) Private First Class Nicholas Cournoyer, Gilmanton, New Hampshire;

(762) Sergeant Kelley L. Courtney, Macon, Georgia;

(763) Second Lieutenant Matthew S. Coutu, North Kingstown, Rhode Island;

(764) Private First Class Dwane A. Covert, Jr., Tonawanda, New York;

(765) Second Lieutenant Leonard M. Cowherd, Jr., Culpeper, Virginia;

(766) Specialist Gregory A. Cox, Carmichaels, Pennsylvania;

(767) Private First Class Ryan R. Cox, Derby, Kansas;

(768) First Lieutenant Simon T. Cox, Jr., Texas;

(769) Sergeant First Class Daniel Crabtree, Canton, Ohio;

(770) Staff Sergeant Alexander B. Crackel, Wilstead, England;

(771) Sergeant James E. Craig, Hollywood, South Carolina;

(772) Private First Class Brandon M. Craig, Earleville, Maryland;

(773) Private First Class Andre Craig, Jr., New Haven, Connecticut;

(774) Staff Sergeant Casey Crate, Spanaway, Washington;

(775) Second Lieutenant Johnny K. Craver, McKinney, Texas;

(776) Lance Corporal Timothy R. Creager, Millington, Tennessee;

(777) Specialist Tyler L. Creamean, Jacksonville, Arkansas;

(778) Specialist Matthew W. Creed, Covina, California;

(779) Corporal Shawn R. Creighton, Windsor, North Carolina;

(780) Private First Class Michael Russell Creighton-Weldon, Palm Bay, Florida;

(781) Major Ricardo A. Crocker, Mission Viejo, California;

(782) Sergeant Michael T. Crockett, Soperton, Georgia;

(783) Staff Sergeant Ricky L. Crockett, Broxton, Georgia;

(784) Private First Class David N. Crombie, Winnemucca, Nevada;

(785) Sergeant Brud J. Cronkrite, Spring Valley, California;

(786) Corporal Duncan C. Crookston, Denver, Colorado;

(787) Corporal Kenneth Cross, Superior, Wisconsin;

(788) Specialist William J. Crouch, Zachary, Louisiana;

(789) Sergeant William W. Crow, Jr., Grandview Plaza, Kansas;

(790) Lieutenant Colonel Terrence K. Crowe, New York, New York;

(791) Master Sergeant Thomas A. Crowell, Neosho, Missouri;

(792) Lance Corporal Kyle D. Crowley, San Ramon, California;

(793) Lance Corporal Adam J. Crumpler, Charleston, West Virginia;

(794) Specialist Michael J. Crutchfield, Stockton, California;

(795) Sergeant Sirlou C. Cuaresma, Chicago, Illinois;

(796) Master Sergeant Clinton W. Cubert, Lawrenceburg, Kentucky;

(797) Sergeant Bacilio E. Cuellar, Odessa, Texas;

(798) Private Rey D. Cuervo, Laguna Vista, Texas;

(799) Staff Sergeant Daniel M. Cuka, Yankton, South Dakota;

(800) Corporal Russell G. Culbertson III, Amity, Pennsylvania;

(801) Private First Class Kevin A. Cuming, North White Plains, New York;

(802) Private First Class Branden C. Cummings, Titusville, Florida;

(803) Corporal Ryan J. Cummings, Streamwood, Illinois;

(804) Staff Sergeant Darren J. Cunningham, Groton, Massachusetts;

(805) Specialist Daniel Francis Cunningham, Jr., Lewiston, Maine;

(806) Sergeant Carl F. Curran, Union City, Pennsylvania;

(807) Corporal Michael Edward Curtin, Howell, New Jersey;

(808) Staff Sergeant Christopher E. Cutchall, McConnellsburg, Pennsylvania;

(809) Private First Class Brian K. Cutter, Riverside, California;

(810) Specialist Edgar P. Daclan, Jr., Cypress, California;

(811) Private First Class Anthony D. Dagostino, Waterbury, Connecticut;

(812) Sergeant Joel A. Dahl, Los Lunas, New Mexico;

(813) Second Lieutenant Mark J. Daily, Irvine, California;

(814) Specialist Ryan S. Dallam, Norman, Oklahoma;

(815) Specialist Ernest W. Dallas, Jr., Denton, Texas;

(816) Captain Nathan S. Dalley, Kaysville, Utah;

(817) Staff Sergeant Joel P. Dameron, Ellabell, Georgia;

(818) Private First Class Grant Allen Dampier, Merrill, Wisconsin;

(819) Sergeant Corey A. Dan, Norway, Maine;

(820) Lance Corporal Andrew S. Dang, Foster City, California;

(821) Corporal Jason B. Daniel, Crowley, Texas;

(822) Specialist Danny B. Daniels II, Varney, West Virginia;

(823) Private First Class Torey J. Dantzler, Columbia, Louisiana;

(824) Chief Petty Officer Paul J. Darga, Lansing, Michigan;

(825) Private First Class Norman Darling, Middleboro, Massachusetts;

(826) Captain Eric Bruce Das, Amarillo, Texas;

(827) Petty Officer First Class Steven Phillip Daugherty, Barstow, California;

(828) Specialist Andrew P. Daul, Brighton, Michigan;

(829) Lance Corporal James R. Davenport, Danville, Indiana;

(830) Corporal Seamus M. Davey, Lewis, New York;

(831) Lance Corporal Wesley G. Davids, Dublin, Ohio;

(832) Specialist Shawn M. Davies, Aliquippa/Hopewell, Pennsylvania;

(833) Sergeant Jessie Davila, Greensburg, Kansas;

(834) Private Brandon L. Davis, Cumberland, Maryland;

(835) Staff Sergeant Craig Davis, Opelousas, Louisiana;

(836) Specialist Daryl A. Davis, Orlando, Florida;

(837) Sergeant David J. Davis, Mount Airy, Maryland;

(838) Staff Sergeant Donald N. Davis, Saginaw, Michigan;

(839) Major Gloria D. Davis, St. Louis, Missouri;

(840) Staff Sergeant Kevin Dewayne Davis, Lebanon, Oregon;

(841) Specialist Raphael S. Davis, Tutwiler, Mississippi;

(842) Staff Sergeant Wilbert Davis, Tampa, Florida;

(843) Private First Class William N. Davis, Adrian, Michigan;

(844) Sergeant Zachariah Scott Davis, Spiro, Oklahoma;

(845) Corporal Todd E. Davis, Raymore, Missouri;

(846) Staff Sergeant Carletta S. Davis, Anchorage, Alaska;

(847) Sergeant Chris Davis, Lubbock, Texas;

(848) Private First Class Steven A. Davis, Woodbridge, Virginia;

(849) Corporal Michael W. Davis, San Marcos, Texas;

(850) Sergeant Edward G. Davis III, Waukegan/Antioch, Illinois;

(851) Sergeant Anthony J. Davis, Jr., Long Beach, California;

(852) Staff Sergeant David F. Day, Saint Louis Park, Minnesota;

(853) Staff Sergeant Jeffrey F. Dayton, Caledonia, Mississippi;

(854) Sergeant Kyle Dayton, El Dorado Hills, California;

(855) Sergeant Mario K. De Leon, San Francisco, California;

(856) Petty Officer Third Class Lee Hamilton Deal, West Monroe, Louisiana;

(857) Private First Class John Wilson "J.W." Dearing, Hazel Park, Michigan;

(858) Staff Sergeant Michael L. Deason, Farmington, Missouri;

(859) Private First Class Darren A. Deblanc, Evansville, Indiana;

(860) Sergeant Germaine L. Debro, Omaha, Nebraska;

(861) Lance Corporal Kurt Edward Dechen, Springfield, Vermont;

(862) Sergeant Matthew L. Deckard, Elizabethtown, Kentucky;

(863) Lance Corporal Roger W. Deeds, Biloxi, Mississippi;

(864) Specialist Michael S. Deem, Rockledge, Florida;

(865) First Lieutenant Joshua Deese, Robeson County, North Carolina;

(866) Chief Warrant Officer Jason Garth DeFrenn, Barnwell, South Carolina;

(867) Corporal Christopher Degiovine, Lone Tree, Colorado;

(868) Sergeant Dariek E. Dehn, Spokane, Washington;

(869) Private Jason L. Deibler, Coeburn, Virginia;

(870) Lance Corporal Jesse D. Delatorre, Aurora, Illinois;

(871) Specialist Lauro G. DeLeon, Jr., Floresville, Texas;

(872) Private First Class Marc A. Delgado, Lithia, Florida;

(873) Private George Delgado, Palmdale, California;

(874) Sergeant Felix M. Delgreco, Simsbury, Connecticut;

(875) Sergeant Jacob H. Demand, Palouse, Washington;

(876) Private First Class Robert H. Dembowski, Ivyland, Pennsylvania;

(877) First Lieutenant Joseph D. deMoors, Jefferson, Alabama;

(878) Corporal Kevin J. Dempsey, Monroe, Connecticut;

(879) Sergeant Jason C. Denfrund, Cattaraugus, New York;

(880) Lance Corporal Tenzin Dengkhim, Falls Church, Virginia;

(881) Staff Sergeant Mike A. Dennie, Fayetteville, North Carolina;

(882) Captain John R. Dennison, Ijamsville, Maryland;

(883) Specialist Darryl T. Dent, Washington, District of Columbia;

(884) Private Cory R. Depew, Beech Grove, Indiana;

(885) Lance Corporal Leon Deraps, St. Louis, Missouri;

(886) Sergeant First Class Robert V. Derenda, Ledbetter, Kentucky;

(887) Corporal Dustin A. Derga, Columbus, Ohio;

(888) Specialist Brian K. Derks, White Cloud, Michigan;

(889) Sergeant Gabriel G. DeRoo, Paw Paw, Michigan;

(890) Sergeant Andrew Joseph Derrick, Columbia, South Carolina;

(891) Private First Class Ervin Dervishi, Fort Worth, Texas;

(892) Specialist Daniel A. Desens, Jacksonville, North Carolina;

(893) Lance Corporal Travis R. Desiato, Bedford, Massachusetts;

(894) Lance Corporal Benjamin D. Desilets, Elmwood, Illinois;

(895) Specialist Douglas C. Desjardins, Mesa, Arizona;

(896) Private First Class Nathaniel E. "Nate" Detample, Morrisville, Pennsylvania;

(897) Private First Class Michael R. Deuel, Nemo, South Dakota;

(898) Private Michael J. Deutsch, Dubuque, Iowa;

(899) Sergeant Israel Devora Garcia, Clint, Texas;

(900) Lance Corporal Brandon Christopher Dewey, Tracy/San Joaquin, California;

(901) Lance Corporal Daniel Nathan Deyarmin, Jr., Tallmadge, Ohio;

(902) First Lieutenant Carlos J. Diaz, Juana Diaz, Puerto Rico;

(903) Specialist Sergio R. Diaz, Varela Lomita, California;

(904) Captain Douglas A. DiCenzo, Plymouth, New Hampshire;

(905) Corporal Tyler J. Dickens, Columbus, Georgia;

(906) Petty Officer Third Class Christopher M. Dickerson, Eastman, Georgia;

(907) Lance Corporal Joshua W. Dickinson, Pasco, Florida;

(908) Staff Sergeant Michael A Dickinson II, Battle Creek, Michigan;

(909) Specialist Christopher W. Dickison, Seattle, Washington;

(910) Corporal Nicholas J. Dieruf, Versailles, Kentucky;

(911) Sergeant First Class Trevor J. Diesing, Plum City, Wisconsin;

(912) Private David E. Dietrich, Marysville, Pennsylvania;

(913) Specialist Jeremiah J. DiGiovanni, Tylertown, Mississippi;

(914) Staff Sergeant Christopher W. Dill, Tonawanda, New York;

(915) Corporal Matthew V. Dillon, Aiken, South Carolina;

(916) Corporal Benjamin C. Dillon, Rootstown, Ohio;

(917) Sergeant Catalin D. Dima, White Lake, New York;

(918) Specialist Jeremy M. Dimaranan, Virginia Beach, Virginia;

(919) Specialist Joshua P. Dingler, Hiram, Georgia;

(920) Sergeant Michael A. Diraimondo, Simi Valley, California;

(921) Specialist Anthony J. Dixon, Lindenwold, New Jersey;

(922) Private First Class Christopher R. Dixon, Columbus, Ohio;

(923) Specialist Robert J. Dixon, Minneapolis, Minnesota;

(924) Staff Sergeant Donnie D. Dixon, Miami, Florida;

(925) Corporal Derek C. Dixon, Riverside, Ohio;

(926) Captain Derek A. Dobogai, Fond du Lac, Wisconsin;

(927) Sergeant Philip Allan Dodson, Jr., Forsyth, Georgia;

(928) Specialist Thomas K. Doerflinger, Silver Spring, Maryland;

(929) Private First Class Dan Dolan, Roy, Utah;

(930) Sergeant Ryan E. Doltz, Mine Hill, New Jersey;

(931) Staff Sergeant Carlos Dominguez, Savannah, Georgia;

(932) Sergeant Chadrick O. Domino, Ennis, Texas;

(933) Sergeant Jacob D. Dones, Dimmitt, Texas;

(934) Specialist Dustin R. Donica, Spring, Texas;

(935) First Lieutenant Mark H. Dooley, Wallkill, New York;

(936) Sergeant Michael E. Dooley, Pulaski, Virginia;

(937) Private First Class Jason E. Dore, Moscow, Maine;

(938) Chief Warrant Officer Patrick D. Dorff, Buffalo, Minnesota;

(939) Staff Sergeant Richwell A. Doria, San Diego, California;

(940) Captain Nathanael J. Doring, Apple Valley, Minnesota;

(941) Petty Officer Second Class Trace W. Dossett, Orlando, Florida;

(942) Sergeant First Class James D. Doster, Pine Bluff, Arkansas;

(943) Sergeant First Class Shawn Christopher Dostie, Granite City, Illinois;

(944) Sergeant Thomas John Dostie, Somerville, Maine;

(945) Lance Corporal Scott Eugene Dougherty, Bradenton, Florida;

(946) Master Sergeant Robert John Dowdy, Cleveland, Ohio;

(947) Lance Corporal Michael A. Downey, Phoenix, Arizona;

(948) Private First Class Stephen P. Downing II, Burkesville, Kentucky;

(949) Major William Downs, Winchester, Virginia;

(950) Staff Sergeant Jeremy W. Doyle, Chesterton, Maryland;

(951) Staff Sergeant Jonathan K. Dozier, Rutherford, Tennessee;

(952) Specialist Chad H. Drake, Garland, Texas;

(953) Sergeant George Ray Draughn, Jr., Decatur, Georgia;

(954) Sergeant Duane J. Dreasky, Novi, Michigan;

(955) Private First Class Justin W. Dreese, Northumberland, Pennsylvania;

(956) Sergeant Shawn E. Dressler, Santa Maria, California;

(957) Private Jeremy L. Drexler, Topeka, Kansas;

(958) Sergeant Charles A. "Chuck" Drier, Tuscola County, Michigan;

(959) Staff Sergeant Eric T. Duckworth, Plano, Texas;

(960) Private First Class Kasper Allen Dudkiewicz, Chalan Pago/Mangilao, Guam;

(961) Private First Class Joseph J. Duenas, Mesa, Arizona;

(962) Private First Class Amy A. Duerksen, Temple, Texas;

(963) Specialist Christopher M. Duffy, Brick, New Jersey;

(964) Corporal Joseph C. Dumas, Jr., New Orleans, Louisiana;

(965) Sergeant Allen J. Dunckley, Yardley, Pennsylvania;

(966) Corporal Jason L. Dunham, Scio (Allegany Co.), New York;

(967) Sergeant First Class Robert E. Dunham, Baltimore, Maryland;

(968) Staff Sergeant Joe L. Dunigan, Jr., Belton, Texas;

(969) Sergeant Shawn M. Dunkin, Columbia, South Carolina;

(970) Sergeant Brent W. Dunkleberger, Bloomfield, Pennsylvania;

(971) Sergeant Brian E. Dunlap, Vista, California;

(972) Sergeant Jeannette T. Dunn, Bronx, New York;

(973) Staff Sergeant Terrence D. Dunn, Houston, Texas;

(974) Sergeant Clayton G. Dunn II, Moreno Valley, California;

(975) Sergeant Arnold Duplantier II, Sacramento, California;

(976) Staff Sergeant Joan J. Duran, Roxbury, Massachusetts;

(977) Staff Sergeant Jerry M. "Michael" Durbin, Jr., Spring, Texas;

(978) Specialist Robert L. DuSang, Mandeville, Louisiana;

(979) Specialist William D. Dusenbery, Fairview Heights, Illinois;

(980) Second Lieutenant Seth J. Dvorin, East Brunswick, New Jersey;

(981) Petty Officer Second Class Jason B. Dwelley, Apopka, Florida;

(982) Lance Corporal Christopher Jenkins Dyer, Cincinnati, Ohio;

(983) Sergeant Scott D. Dykman, Helena, Montana;

(984) Sergeant First Class Donald W. Eacho, Black Creek, Wisconsin;

(985) Specialist Carl A. Eason, Lovelady, Texas;

(986) Staff Sergeant Richard S. Eaton, Jr., Guilford, Connecticut;

(987) Specialist Blain M. Ebert, Washtucna, Washington;

(988) Corporal Christopher S. Ebert, Mooresboro, North Carolina;

(989) Lance Corporal Thomas P. Echols, Shepherdsville, Kentucky;

(990) Sergeant Gary A. "Andy" Eckert, Jr., Sylvania, Ohio;

(991) Lance Corporal Robert F. Eckfield, Jr., Cleveland, Ohio;

(992) Private First Class Christopher M. Eckhardt, Phoenix, Arizona;

(993) Sergeant William C. Eckhart, Rocksprings, Texas;

(994) First Lieutenant Jonathan W. Edds, White Pigeon, Michigan;

(995) First Lieutenant William A. Edens, Columbia, Missouri;

(996) Captain James C. Edge, Virginia Beach, Virginia;

(997) Specialist Marshall L. Edgerton, Rocky Face, Georgia;

(998) Sergeant Benjamin C. Edinger, Green Bay, Wisconsin;

(999) Corporal Phillip C. Edmundson, Wilson, North Carolina;

(1000) Specialist William L. Edwards, Houston, Texas;

(1001) Private First Class Chase A. Edwards, Lake Charles, Louisiana;

(1002) Staff Sergeant Mark O. Edwards, Unicoi, Tennessee;

(1003) Specialist Michael I. Edwards, Fairbanks, Alaska;

(1004) Private First Class Shawn C. Edwards, Bensenville, Illinois;

(1005) Sergeant First Class Amos C. Edwards, Jr., Savannah, Georgia;

(1006) Sergeant Michael Egan, Pennsauken, New Jersey;

(1007) Staff Sergeant Kyle A. Eggers, Euless, Texas;

(1008) Private First Class Jeremy W. Ehle, Richmond, Virginia;

(1009) Sergeant Robert W. Ehney, Lexington, Kentucky;

(1010) Specialist Andrew C. Ehrlich, Mesa, Arizona;

(1011) Private First Class Wyatt D. Eisenhauer, Pinckneyville, Illinois;

(1012) Sergeant Aaron C. Elandt, Lowell, Michigan;

(1013) Specialist Farid Elazzouzi, Paterson, New Jersey;

(1014) Specialist Elias Elias, Glendora, California;

(1015) Sergeant First Class Adrian M. Elizalde, North Bend, Oregon;

(1016) Staff Sergeant Michael D. Elledge, Brownsburg, Indiana;

(1017) Private First Class Kevin J. Ellenburg, Middleburg, Florida;

(1018) Gunnery Sergeant Terry J. Elliott, Middleton, Tennessee;

(1019) Staff Sergeant James D. Ellis, Valdosta, Georgia;

(1020) Sergeant Major Joseph J. Ellis, Ashland, Ohio;

(1021) Lance Corporal Justin M. Ellsworth, Mount Pleasant, Michigan;

(1022) Lance Corporal Nathan R. Elrod, Salisbury, North Carolina;

(1023) Specialist Steven R. Elrod, Hope Mills, North Carolina;

(1024) Specialist William River Emanuel IV, Stockton, California;

(1025) Hospitalman Luke Emch, Kent, Ohio;

(1026) Specialist Matthew J. Emerson, Grandview, Washington;

(1027) Sergeant Blair W. Emery, Lee, Maine;

(1028) Specialist Ebe F. Emolo, Greensboro, North Carolina;

(1029) Lance Corporal Adam Q. Emul, Vancouver, Washington;

(1030) Sergeant Cory M. Endlich, Massillon, Ohio;

(1031) Lance Corporal Mark E. Engel, Grand Junction, Colorado;

(1032) Sergeant Christian P. Engeldrum, Bronx, New York;

(1033) Chief Warrant Officer (CW4) John W. Engeman, East North Port, New York;

(1034) Captain Shawn L. English, Westerville, Ohio;

(1035) Private First Class Andrew T. Engstrom, Slaton, Texas;

(1036) Sergeant Peter G. Enos, South Dartmouth, Massachusetts;

(1037) Lance Corporal Nicholas B. Erdy, Williamsburg, Ohio;

(1038) Lance Corporal Brian A. Escalante, Dodge City, Kansas;

(1039) Corporal Christopher E. Esckelson, Vassar, Michigan;

(1040) Lance Corporal Sergio H. Escobar, Pasadena, California;

(1041) Senior Airman Pedro I. Espaillat, Jr., Columbia, Tennessee;

(1042) Petty Officer Second Class Allan M. Espiritu, Oxnard, California;

(1043) Captain Phillip T. Esposito, Suffern, New York;

(1044) Sergeant Adam W. Estep, Campbell, California;

(1045) Staff Sergeant James E. Estep, Leesburg, Florida;

(1046) Staff Sergeant Justin M. Estes, Sims, Arkansas;

(1047) Corporal Michael A. Estrella, Hemet, California;

(1048) Private Ruben Estrella-Soto, El Paso, Texas;

(1049) Lance Corporal Jonathan Edward Etterling, Wheelersburg, Ohio;

(1050) Captain Kermit O. Evans, Hollandale, Mississippi;

(1051) Specialist William L. Evans, Hallstead, Pennsylvania;

(1052) Sergeant Michael S. Evans II, Marrero, Louisiana;

(1053) Private David Evans, Jr., Buffalo, New York;

(1054) Staff Sergeant Christopher L. Everett, Huntsville, Texas;

(1055) Staff Sergeant Jason M. Evey, Stockton, California;

(1056) Corporal Mark Asher Evnin, Burlington, Vermont;

(1057) Private First Class Jeremy Ricardo Ewing, Miami, Florida;

(1058) Sergeant Anthony D. Ewing, Phoenix, Arizona;

(1059) Sergeant Justin L. Eyerly, Salem, Oregon;

(1060) Lance Corporal Bradley M. Faircloth, Mobile, Alabama;

(1061) Private First Class Nathan P. Fairlie, Candor, New York;

(1062) Private Jonathan I. Falaniko, Pago Pago, American Samoa;

(1063) Corporal Adam R. Fales, Cullman, Alabama;

(1064) Private Shawn Patrick Falter, Cortland, New York;

(1065) Corporal Adam J. Fargo, Ruckersville, Virginia;

(1066) Staff Sergeant Donald B. Farmer, Zion, Illinois;

(1067) Private First Class Colby M. Farnan, Weston, Missouri;

(1068) Specialist Clay P. Farr, Bakersfield, California;

(1069) Sergeant Andrew K. Farrar, Jr., Weymouth, Massachusetts;

(1070) Private First Class William A. Farrar, Jr., Redlands, California;

(1071) Corporal Billy B. Farris, Bapchule, Arizona;

(1072) Staff Sergeant Jefferey J. Farrow, Birmingham, Alabama;

(1073) First Lieutenant Michael J. Fasnacht, Mankato, Minnesota;

(1074) Sergeant Huey P. L. Fassbender, LaPlace, Louisiana;

(1075) Command Sergeant Major Steven W. Faulkenburg, Huntingburg, Indiana;

(1076) Sergeant James Daniel Faulkner, Clarksville, Indiana;

(1077) Private First Class Raymond J. Faulstich, Jr., Leonardtown, Maryland;

(1078) Captain Brian R. Faunce, Philadelphia, Pennsylvania;

(1079) Staff Sergeant Jason A. Fegler, Virginia Beach, Virginia;

(1080) Captain Arthur L. "Bo" Felder, Lewisville, Arkansas;

(1081) Specialist Tyanna S. Felder, Bridgeport, Connecticut;

(1082) Lieutenant Colonel Glade L. Felix, Lake Park, Georgia;

(1083) Sergeant Robin V. Fell, Shreveport, Louisiana;

(1084) Second Lieutenant Paul M. Felsberg, West Palm Beach, Florida;

(1085) Colonel Thomas H. Felts, Sr., Sandston, Virginia;

(1086) Corporal Llythaniele Fender, Medical Lake, Washington;

(1087) Private First Class Shelby J. Feniello, Connellsville, Pennsylvania;

(1088) Sergeant Sean P. Fennerty, Corvallis, Oregon;

(1089) Sergeant Matthew J. Fenton, Little Ferry, New Jersey;

(1090) Specialist Dennis J. Ferderer, Jr., New Salem, North Dakota;

(1091) Specialist Rian C. Ferguson, Taylors, South Carolina;

(1092) Master Sergeant Richard L. Ferguson, Conway, New Hampshire;

(1093) Master Sergeant George Andrew Fernandez, El Paso, Texas;

(1094) Sergeant William V. Fernandez, Reading, Pennsylvania;

(1095) Private First Class Marius L. Ferrero, Miami, Florida;

(1096) Sergeant First Class Clint D. Ferrin, Picayune, Mississippi;

(1097) Major Gregory J. Fester, Grand Rapids, Michigan;

(1098) Specialist Jon P. Fettig, Dickinson, North Dakota;

(1099) Corporal Tyler R. Fey, Eden Prairie, Minnesota;

(1100) Sergeant Damien T. Ficek, Pullman, Washington;

(1101) Sergeant Nathan R. Field, Lehigh, Iowa;

(1102) Captain Michael S. Fielder, Holly Springs, North Carolina;

(1103) Sergeant Eric A. Fifer, Knoxville, Tennessee;

(1104) Private First Class Gabriel J. Figueroa, Baldwin Park, California;

(1105) Lance Corporal Luis A. Figueroa, Los Angeles, California;

(1106) Sergeant Courtney D. Finch, Leavenworth, Kansas;

(1107) Sergeant Michael W. Finke, Jr., Wadsworth/Huron, Ohio;

(1108) Lieutenant Colonel Paul J. Finken, Earling, Iowa;

(1109) Sergeant Jeremy J. Fischer, Lincoln, Nebraska;

(1110) Sergeant Keith E. Fiscus, Townsend, Delaware;

(1111) Sergeant David M. Fisher, Watervliet/Green Island, New York;

(1112) Specialist Dustin C. Fisher, Fort Smith, Arkansas;

(1113) Sergeant Paul F. Fisher, Cedar Rapids, Iowa;

(1114) Staff Sergeant Sean P. Fisher, Santee, California;

(1115) Corporal Donald E. Fisher II, Avon, Massachusetts;

(1116) Corporal Joseph E. Fite, Round Rock, Texas;

(1117) Second Lieutenant Almar L. Fitzgerald, Lexington, South Carolina;

(1118) Lance Corporal Dustin R. Fitzgerald, Huber Heights, Ohio;

(1119) Sergeant Dennis J. Flanagan, Inverness, Florida;

(1120) Private First Class Jacob S. Fletcher, Bay Shore, New York;

(1121) Staff Sergeant Marion Flint, Jr., Baltimore, Maryland;

(1122) Private First Class John D. Flores, Barrigada, Guam;

(1123) Lance Corporal Jonathan R. Flores, San Antonio, Texas;

(1124) Staff Sergeant Omar Flores, Mission, Texas;

(1125) Private First Class Jose Ricardo Flores-Mejia, Santa Clarita, California;

(1126) Army Specialist Wilfred Flores-Mejia, Santa Clarita, California;

(1127) Specialist Camy Florexil, Philadelphia, Pennsylvania;

(1128) Sergeant Al'Kaila T. Floyd, Grand Rapids, Michigan;

(1129) Sergeant Clarence L. Floyd, Jr., Manhattan, New York;

(1130) Chief Warrant Officer Paul J. Flynn, Whitsett, North Carolina;

(1131) Specialist Thomas Arthur Foley III, Dresden, Tennessee;

(1132) Staff Sergeant Tommy Ike Folks, Jr., Amarillo, Texas;

(1133) Sergeant Timothy Folmar, Sonora, Texas;

(1134) Private First Class Jesus Fonseca, Marietta, Georgia;

(1135) Private First Class Victor M. Fontanilla, Stockton, California;

(1136) Gunnery Sergeant Elia P. Fontecchio, Milford, Massachusetts;

(1137) Staff Sergeant Jarred S. Fontenot, Port Barre, Louisiana;

(1138) Corporal Aaron M. Forbes, Oak Island, North Carolina;

(1139) Specialist Jason C. Ford, Bowie, Maryland;

(1140) Sergeant Joshua Ford, Wayne, Nebraska;

(1141) Lance Corporal Michael L. Ford, New Bedford, Massachusetts;

(1142) Specialist Philip C. Ford, Freeport, Texas;

(1143) Sergeant Richard L. Ford, East Hartford, Connecticut;

(1144) Captain Travis Allen Ford, Ogallala, Nebraska;

(1145) Specialist David H. Ford IV, Ironton, Ohio;

(1146) Sergeant Curtis J. Forshey, Hollidaysburg, Pennsylvania;

(1147) Chief Warrant Officer Wesley C. Fortenberry, Woodville, Texas;

(1148) Sergeant Maurice Keith Fortune, Forestville, Maryland;

(1149) Captain Erick M. Foster, Wexford, Pennsylvania;

(1150) First Sergeant Bradley C. Fox, Adrian, Michigan;

(1151) Lance Corporal Travis A. Fox, Cowpens, South Carolina;

(1152) Sergeant Kraig D. Foyteck, Skokie, Illinois;

(1153) Private First Class Jason Franco, Corona, California;

(1154) Sergeant Craig S. Frank, Lincoln Park, Michigan;

(1155) Specialist Michael Frank, Great Falls, Montana;

(1156) Lance Corporal Phillip E. Frank, Elk Grove, Illinois;

(1157) Captain Stephen W. Frank, Lansing, Michigan;

(1158) Staff Sergeant Bobby C. Franklin, Mineral Bluff, Georgia;

(1159) Private First Class Michael W. Franklin, Coudersport, Pennsylvania;

(1160) Specialist Jermaine D. Franklin, Arlington, Texas;

(1161) Corporal Lucas A. Frantz, Tonganoxie, Kansas;

(1162) Specialist Matthew C. Frantz, Lafayette, Indiana;

(1163) Private Robert L. Frantz, San Antonio, Texas;

(1164) First Lieutenant David M. Fraser, Houston, Texas;

(1165) Lance Corporal Grant B. Fraser, Anchorage, Alaska;

(1166) Private First Class Vincent M. Frassetto, Toms River, New Jersey;

(1167) Sergeant Joshua J. Frazier, Spotsylvania, Virginia;

(1168) Sergeant Kendall K. Frederick, Randallstown, Maryland;

(1169) Private Benjamin L. Freeman, Valdosta, Georgia;

(1170) Staff Sergeant Brian L. Freeman, Caledonia, Mississippi;

(1171) Captain Brian Scott Freeman, Temecula, California;

(1172) Sergeant Bryan L. Freeman, Lumberton, New Jersey;

(1173) Private First Class Walter Freeman, Jr., Lancaster, California;

(1174) Corporal Carrie L. French, Caldwell, Idaho;

(1175) Captain Jeremy Fresques, Clarkdale, Arizona;

(1176) Private First Class Steven Freund, Pleasant Hills, Pennsylvania;

(1177) Lance Corporal David Keith Fribley, Lee, Florida;

(1178) Sergeant Armand L. Frickey, Houma, Louisiana;

(1179) Sergeant David Travis Friedrich, Hammond, New York;

(1180) Petty Officer First Class Nathan J. Frigo, Kokomo, Indiana;

(1181) Specialist Luke P. Frist, Brookston, Indiana;

(1182) First Lieutenant Jacob N. Fritz, Vernon, Nebraska;

(1183) Specialist Adam D. Froehlich, Pine Hill, New Jersey;

(1184) Private Kurt R. Frosheiser, Des Moines, Iowa;

(1185) Staff Sergeant Christopher S. Frost, Waukesha, Wisconsin;

(1186) Gunnery Sergeant John D. Fry, Lorena, Texas;

(1187) Private First Class Jason L. Frye, Landisburg, Pennsylvania;

(1188) Private First Class Nichole M. Frye, Lena, Wisconsin;

(1189) Private First Class Daniel A. Fuentes, Levittown, New York;

(1190) Specialist Ray M. Fuhrmann II, Novato, California;

(1191) Specialist Timothy Fulkerson, Utica, Kentucky;

(1192) Corporal William B. Fulks, Culloden, West Virginia;

(1193) Sergeant Alexander H. Fuller, Centerville, Massachusetts;

(1194) Staff Sergeant Carl Ray Fuller, Covington, Georgia;

(1195) First Lieutenant Travis J. Fuller, Granville, Massachusetts;

(1196) Sergeant Alexander J. Funcheon, Bel Aire, Kansas;

(1197) Lance Corporal Kane M. Funke, Vancouver, Washington;

(1198) Captain James A. Funkhouser, Katy, Texas;

(1199) Sergeant Donald D. Furman, Burton, South Carolina;

(1200) Sergeant Marcus S. Futrell, Macon, Georgia;

(1201) Sergeant Major Marilyn L. Gabbard, Polk City, Iowa;

(1202) Sergeant First Class Dan H. Gabrielson, Spooner, Wisconsin;

(1203) Second Lieutenant Clifford V. "CC" Gadsden, Red Top, South Carolina;

(1204) Lance Corporal Jonathan E. Gadsden, Charleston, South Carolina;

(1205) Sergeant Alexander U. Gagalac, Wahiawa, Hawaii;

(1206) Staff Sergeant Greg P. Gagarin, Los Angeles, California;

(1207) Staff Sergeant Joseph A. Gage, Modesto, California;

(1208) Private First Class Shawn D. Gajdos, Grand Rapids, Michigan;

(1209) Lance Corporal Patrick J. Gallagher, Jacksonville, Florida;

(1210) Sergeant Denis J. Gallardo, St. Petersburg, Florida;

(1211) Corporal Jose A. Galvan, San Antonio, Texas;

(1212) Corporal Adam Anthony Galvez, Salt Lake City, Utah;

(1213) Specialist Carter A. Gamble, Jr., Brownstown, Indiana;

(1214) Staff Sergeant Joseph D. Gamboa, Yigo, Guam;

(1215) Sergeant Steven C. Ganczewski, Niagara Falls, New York;

(1216) Sergeant Jerry Lewis Ganey, Jr., Folkston, Georgia;

(1217) Captain Richard J. Gannon II, Escondido, California;

(1218) Sergeant Seth K. Garceau, Oelwein, Iowa;

(1219) Specialist Tomas Garces, Weslaco, Texas;

(1220) Captain Anthony R. Garcia, Fort Worth, Texas;

(1221) Corporal J. Adan Garcia, Irving, Texas;

(1222) Sergeant Javier J. Garcia, Crawfordville, Florida;

(1223) Corporal Justin R. Garcia, Elmhurst, New York;

(1224) Chief Warrant Officer (CW2) Ruel M. Garcia, Wahiawa, Hawaii;

(1225) Specialist Victor A. Garcia, Rialto, California;

(1226) Private First Class Alberto Garcia, Jr., Bakersfield, California;

(1227) Specialist Felipe J. Garcia, Villareal Burke, Virginia;

(1228) Staff Sergeant Juan de Dios Garcia-Arana, Los Angeles, California;

(1229) Lance Corporal Derek L. Gardner, San Juan Capistrano, California;

(1230) Specialist James W. "Will" Gardner, Glasgow, Kentucky;

(1231) Sergeant Freeman L. Gardner, Jr., Little Rock, Arkansas;

(1232) Corporal Jose Angel Garibay, Orange, California;

(1233) Specialist Joseph M. Garmback, Jr., Cleveland, Ohio;

(1234) Corporal Erik T. Garoutte, Santee, California;

(1235) Sergeant Mickel D. Garrigus, Elma, Washington;

(1236) Sergeant Landis W. Garrison, Rapids City, Illinois;

(1237) Specialist Benjamin J. Garrison, Houston, Texas;

(1238) Sergeant Justin W. Garvey, Townsend, Massachusetts;

(1239) Lance Corporal Edward M. Garvin, Malden, Massachusetts;

(1240) Staff Sergeant Joseph P. Garyantes, Rehoboth, Delaware;

(1241) Specialist Israel Garza, Lubbock, Texas;

(1242) First Sergeant Joe Jesus Garza, Robstown, Texas;

(1243) Private First Class Juan Guadalupe Garza, Jr., Temperance, Michigan;

(1244) Sergeant Cari Anne Gasiewicz, Depew/Cheektowaga, New York;

(1245) First Lieutenant Kevin Gaspers, Hastings, Nebraska;

(1246) Staff Sergeant Sean M. Gaul, Reno, Nevada;

(1247) Private First Class Anthony Alexander "Alex" Gaunky, Sparta, Wisconsin;

(1248) Sergeant Jay R. Gauthreaux, Thibodaux, Louisiana;

(1249) Private First Class Aaron D. Gautier, Hampton, Virginia;

(1250) Lance Corporal Dimitrios Gavriel, New York, New York;

(1251) Private First Class Alva L. Gaylord, Carrollton, Missouri;

(1252) Specialist Ron Gebur, Delavan, Illinois;

(1253) Private First Class George R. Geer, Cortez, Colorado;

(1254) Specialist Wayne M. Geiger, Lone Pine, California;

(1255) Second Lieutenant Mark C. Gelina, Moberly, Missouri;

(1256) Sergeant Christopher D. Gelineau, Portland, Maine;

(1257) Private First Class Aaron M. Genevie, Chambersburg, Pennsylvania;

(1258) Staff Sergeant Lewis J. Gentry, Detroit, Michigan;

(1259) Corporal Orville Gerena, Virginia Beach, Virginia;

(1260) Seaman Genesia Mattril Gresham, Lithonia, Georgia;

(1261) Specialist Clinton R. Gertson, Houston, Texas;

(1262) Corporal Albert Pasquale Gettings, New Castle, Pennsylvania;

(1263) Lance Corporal Cory Ryan Geurin, Santee, California;

(1264) First Lieutenant David L. Giaimo, Waukegan, Illinois;

(1265) Corporal Peter J. Giannopoulos, Inverness, Illinois;

(1266) Private First Class Devon J. Gibbons, Port Orchard, Washington;

(1267) Specialist Mathew V. Gibbs, Ambrose, Georgia;

(1268) Specialist Nicholas R. Gibbs, Stokesdale, North Carolina;

(1269) Sergeant First Class Todd Clayton Gibbs, Lufkin, Texas;

(1270) Sergeant Brennan C. Gibson, Tualatin, Oregon;

(1271) Corporal Christopher A. Gibson, Simi Valley, California;

(1272) Private First Class Derek A. Gibson, Eustis, Florida;

(1273) Corporal Timothy M. Gibson, Merrimack/Hillsborough, New Hampshire;

(1274) Second Lieutenant Richard Brian Gienau, Longview, Iowa;

(1275) First Sergeant Alan Nye Gifford, Tallahassee, Florida;

(1276) Private Jonathan Lee Gifford, Macon, Illinois;

(1277) Specialist Micah S. Gifford, Redding, California;

(1278) Sergeant Carlos J. Gil, Orlando, Florida;

(1279) Corporal Carlos E. Gilorozco, San Jose, California;

(1280) Private Kyle C. Gilbert, Brattleboro, Vermont;

(1281) Sergeant Thomas M. Gilbert, Downers Grove, Illinois;

(1282) Major Troy L. Gilbert, Litchfield, Park Arizona;

(1283) Corporal Richard A. Gilbert, Jr., Dayton/Montgomery, Ohio;

(1284) Sergeant Kevin A. Gilbertson, Cedar Rapids, Iowa;

(1285) Private Landon S. Giles, Indiana, Pennsylvania;

(1286) Corporal Steven P. Gill, Round Rock, Texas;

(1287) Sergeant Charles C. Gillican III, Brunswick, Georgia;

(1288) Specialist Joseph A. Gilmore, Webster, Florida;

(1289) Sergeant Terrell W. Gilmore, Baton Rouge, Louisiana;

(1290) Command Sergeant Major Cornell W. Gilmore I, Baltimore, Maryland;

(1291) Specialist Richard Gilmore III, Jasper, Alabama;

(1292) Petty Officer Third Class Ronald A. Ginther, Auburndale, Florida;

(1293) Sergeant Daniel Gionet, Pelham, New Hampshire;

(1294) Sergeant Milton A. Gist, Jr., St. Louis, Missouri;

(1295) Private First Class Nathaniel A. Given, Dickinson, Texas;

(1296) Private First Class Jesse Alan Givens, Springfield, Missouri;

(1297) Specialist Steven Ray Givens, Mobile Alabama;

(1298) Specialist Curtis E. Glawson, Jr., Daleville, Alabama;

(1299) Specialist Michael T. Gleason, Warren, Pennsylvania;

(1300) Lance Corporal Marcus S. Glimpse, Huntington Beach, California;

(1301) Lance Corporal Michael Dennis Glover, Brooklyn, New York;

(1302) Lance Corporal James M. Gluff, Tunnell Hill, Georgia;

(1303) Sergeant Lee M. Godbolt, New Orleans, Louisiana;

(1304) Corporal Todd J. Godwin, Muskingum County, Ohio;

(1305) Second Lieutenant James Michael Goins, Bonner Springs, Kansas;

(1306) Sergeant Christopher A. Golby, Johnstown, Pennsylvania;

(1307) Staff Sergeant Marcus A. Golczynski, Lewisburg, Tennessee;

(1308) Sergeant David J. Goldberg, Layton, Utah;

(1309) Lance Corporal Shane Lee Goldman, Orange, Texas;

(1310) Lance Corporal Cliff Golla, Charlotte, North Carolina;

(1311) Sergeant Jose Gomez, Corona, New York;

(1312) Specialist Daniel E. Gomez, Warner Robbins, Georgia;

(1313) Specialist Zacharaiah J. Gonzalez, Indiana;

(1314) Staff Sergeant Ramon E. Gonzalez-Cordova, Davie, Florida;

(1315) Corporal Armando Ariel Gonzalez, Hileah, Florida;

(1316) Lance Corporal Benjamin R. Gonzalez, Los Angeles, California;

(1317) Corporal Carlos M. Gonzalez, Middletown, New York;

(1318) Sergeant Christopher N. Gonzalez, Winslow, Arizona;

(1319) Corporal Jesus Angel Gonzalez, Indio, California;

(1320) Corporal Jorge Alonso Gonzalez, Los Angeles, California;

(1321) Lance Corporal Mario D. Gonzalez, La Puente, California;

(1322) Private First Class Orlando E. Gonzalez, New Freedom, Pennsylvania;

(1323) Lance Corporal Victor A. Gonzalez, Watsonville, California;

(1324) Sergeant Felix G. Gonzalez-Iraheta, Sun Valley, California;

(1325) Corporal Bernard George Gooden, Mt. Vernon, New York;

(1326) Sergeant Dakotah L. Gooding, Des Moines, Iowa;

(1327) Private First Class Gregory R. Goodrich, Bartonville, Illinois;

(1328) Staff Sergeant Joseph P. Goodrich, Allegheny, Pennsylvania;

(1329) Staff Sergeant Anthony L. Goodwin, Mount Holly, New Jersey;

(1330) Sergeant David W. Gordon, Williamsfield, Ohio;

(1331) Captain Lyle L. Gordon, Midlothian, Texas;

(1332) Sergeant First Class Richard S. Gottfried, Lake Ozark, Missouri;

(1333) Staff Sergeant Dustin M. Gould, Longmont, Colorado;

(1334) Staff Sergeant Gregson G. Gourley, Salt Lake City, Utah;

(1335) Specialist Richard Allen Goward, Midland, Michigan;

(1336) Second Lieutenant Jeffrey C. Graham, Elizabethtown, Kentucky;

(1337) Lance Corporal Lance Tanner Graham, San Antonio, Texas;

(1338) Private Mark W. Graham, Lafayette, Louisiana;

(1339) Sergeant Shawn A. Graham, Red Oak, Texas;

(1340) Sergeant James R. Graham III, Coweta, Oklahoma;

(1341) Lance Corporal David J. Grames Sanchez, Fort Wayne, Indiana;

(1342) Corporal Cesar A. Granados, Le Grand, California;

(1343) Private Brian K. Grant, Dallas, Texas;

(1344) Lance Corporal Jonathan Walter Grant, Santa Fe, New Mexico;

(1345) Seaman Sandra S. Grant, Linwood, North Carolina;

(1346) Corporal Zachary A. Grass, Beach City, Ohio;

(1347) Captain Jonathan D. Grassbaugh, East Hampstead, New Hampshire;

(1348) Specialist Cody C. Grater, Spring Hill, Florida;

(1349) Specialist Joseph A. Graves, Discovery Bay, California;

(1350) Sergeant Jamie A. Gray, Montpelier, Vermont;

(1351) Petty Officer Second Class Michael J. Gray, Richmond, Virginia;

(1352) Sergeant Tommy L. Gray, Roswell, New Mexico;

(1353) Lance Corporal Torrey L. Gray, Patoka, Illinois;

(1354) Staff Sergeant Yance T. Gray, Ismay, Montana;

(1355) Corporal Jeffrey G. Green, Dallas, Texas;

(1356) Sergeant Ryan P. Green, Woodlands, Texas;

(1357) Specialist Toccara R. Green, Rosedale, Maryland;

(1358) Lieutenant Colonel David S. Greene, Raleigh, North Carolina;

(1359) Private First Class Satieon V. Greenlee, Pendleton, South Carolina;

(1360) Private First Class Nicholas J. Greer, Monroe, Michigan;

(1361) Sergeant Allen A. Greka, Alpena, Michigan;

(1362) Private First Class Devin J. Grella, Medina, Ohio;

(1363) Staff Sergeant Daniel G. Gresham, Lincoln, Illinois;

(1364) Lance Corporal Jourdan L. Grez, Harrisonburg, Virginia;

(1365) Sergeant Louis A. Griese, Sturgeon Bay, Wisconsin;

(1366) Specialist Kyle A. Griffin, Emerson, New Jersey;

(1367) Staff Sergeant Darrell R. Griffin, Jr., Alhambra, California;

(1368) Staff Sergeant Patrick Lee Griffin, Jr., Elgin, South Carolina;

(1369) Staff Sergeant Donald D. Griffith, Jr., Mechanicsville, Iowa;

(1370) Private First Class Travis J. Grigg, Inola, Oklahoma;

(1371) Specialist James T. Grijalva, Burbank, Illinois;

(1372) Corporal Sean R. Grilley, San Bernardino, California;

(1373) Corporal Kyle J. Grimes, Northampton, Pennsylvania;

(1374) Captain Sean Grimes, Southfield, Michigan;

(1375) Corporal Matthew T. Grimm, Wisconsin Rapids, Wisconsin;

(1376) Specialist Chad D. Groepper, Kingsley, Iowa;

(1377) Specialist Kelly B. Grothe, Spokane, Washington;

(1378) Private First Class Daniel F. Guastaferro, Las Vegas, Nevada;

(1379) Specialist Sergio Gudino, Pomona, California;

(1380) Corporal James D. Gudridge, Carthage, New York;

(1381) Sergeant Jose Guereca, Jr., Stafford/Missouri City, Texas;

(1382) Private Ernesto R. Guerra, Long Beach, California;

(1383) Private Joseph R. Guerrera, Dunn, North Carolina;

(1384) Specialist Marieo Guerrero, Fort Worth, Texas;

(1385) Lance Corporal Salvador Guerrero, Los Angeles, California;

(1386) Chief Warrant Officer Hans N. Gukeisen, Lead, South Dakota;

(1387) Private First Class Zachary R. Gullett, Hillsboro, Ohio;

(1388) Sergeant Nicholas A. Gummersall, Chubbuck, Idaho;

(1389) Private First Class Hannah L. Gunterman, Redlands, California;

(1390) Captain James M. Gurbisz, Eatontown, New Jersey;

(1391) Private First Class Christian Daniel Gurtner, Ohio City, Ohio;

(1392) Private First Class Analaura Esparza Gutierrez, Houston, Texas;

(1393) Lance Corporal Jose Antonio Gutierrez, Guatemala City, Guatemala;

(1394) Lieutenant Colonel Marshall A. Gutierrez, Las Vegas, New Mexico;

(1395) Sergeant First Class Luis E. Gutierrez-Rosales, Bakersfield, California;

(1396) Private First Class Robert A. "Bobby" Guy, Willards, Maryland;

(1397) Sergeant Shaker T. Guy, Pomona, California;

(1398) Private First Class Larry I. Guyton, Brenham, Texas;

(1399) Corporal Chase A. Haag, Portland, Oregon;

(1400) Private First Class Andrew J. Habsieger, Festus, Missouri;

(1401) Private First Class Richard W. Hafer, Cross Lanes, West Virginia;

(1402) Major William G. Hall, Seattle, Washington;

(1403) Staff Sergeant Joshua R. Hager, Broomfield, Colorado;

(1404) Sergeant Jonathon C. Haggin, Kingsland, Georgia;

(1405) Staff Sergeant Guy Stanley Hagy, Jr., Lodi, California;

(1406) Sergeant First Class Peter J. Hahn, Metairie, Louisiana;

(1407) Specialist Charles G. Haight, Jacksonville, Alabama;

(1408) Specialist Kenneth W. Haines, Fulton, New York;

(1409) Staff Sergeant Christopher M. Hake, Enid, Oklahoma;

(1410) Lance Corporal Michael J. Halal, Glendale, Arizona;

(1411) Lance Corporal John Edward Hale, Shreveport, Louisiana;

(1412) Petty Officer Second Class Curtis R. Hall, Burley, Idaho;

(1413) Specialist Robert E. Hall, Jr., Pittsburgh, Pennsylvania;

(1414) Private First Class Deryk L. Hallal, Indianapolis, Indiana;

(1415) Command Sergeant Major Roger W. Haller, Davidsonville, Maryland;

(1416) Private Jesse M. Halling, Indianapolis, Indiana;

(1417) Staff Sergeant Santiago M. Halsel, Bowling Green, Kentucky;

(1418) Private First Class Andrew Halverson, Grant, Wisconsin;

(1419) Chief Warrant Officer (CW4) Erik Anders Halvorsen, Bennington, Vermont;

(1420) Captain Jason R. Hamill, New Haven, Connecticut;

(1421) Staff Sergeant Christopher N. Hamlin, London, Kentucky;

(1422) Private First Class Jonathan V. Hamm, Baltimore, Maryland;

(1423) Corporal Nathaniel T. Hammond, Tulsa, Oklahoma;

(1424) Captain Kimberly N. Hampton, Easley, South Carolina;

(1425) Sergeant Michael S. Hancock, Yreka, California;

(1426) Lance Corporal Michael Wayne Hanks, Gregory, Michigan;

(1427) Private First Class Fernando B. Hannon, Wildomar, California;

(1428) Staff Sergeant Jeffrey J. Hansen, Cairo, Nebraska;

(1429) Sergeant Warren S. Hansen, Clintonville, Wisconsin;

(1430) Private First Class Jason Hanson, Forks, Washington;

(1431) Sergeant Joshua R. Hanson, St. Paul, Minnesota;

(1432) Private First Class Timothy R. Hanson, Kenosha, Wisconsin;

(1433) Lance Corporal Charles A. Hanson, Jr., Panacea, Florida;

(1434) Sergeant Michael C. Hardegree, Villa Rice, Georgia;

(1435) Corporal Brandon M. Hardy, Cochranville, Pennsylvania;

(1436) Specialist Richard Allen Hardy, Bolivar/Newcomerstown, Ohio;

(1437) Chief Petty Officer Nathan H. Hardy, Durham, Nw Hampshire;

(1438) Sergeant Jason R. Harkins, Clarkesville, Georgia;

(1439) Sergeant James William Harlan, Owensboro, Kentucky;

(1440) Staff Sergeant Darren Harmon, Newark, Delaware;

(1441) Corporal Joshua S. Harmon, Mentor, Ohio;

(1442) Sergeant Atanasio Haro Marin, Jr., Baldwin Park, California;

(1443) Sergeant Bradley J. Harper, Dresden, Ohio;

(1444) Staff Sergeant Marlon B. Harper, Baltimore, Maryland;

(1445) Staff Sergeant Gary R. Harper, Jr., Virden, Illinois;

(1446) Staff Sergeant William M. Harrell, Placentia, California;

(1447) Private First Class James J. Harrelson, Dadeville, Alabama;

(1448) Sergeant Foster L. Harrington, Fort Worth, Texas;

(1449) Private First Class Adam J. Harris, Abilene, Texas;

(1450) Sergeant Blake M. Harris, Hampton, Georgia;

(1451) Sergeant Blake Harris, Pueblo, Colorado;

(1452) Specialist Dustin J. Harris, Bangor, Maine;

(1453) Captain Jennifer J. Harris, Swampscott, Massachusetts;

(1454) First Lieutenant Noah Harris, Ellijay, Georgia;

(1455) Lance Corporal Shane P. Harris, Las Vegas, New Mexico;

(1456) Private First Class Torry D. Harris, Chicago, Illinois;

(1457) Sergeant Kenneth W. Harris, Jr., Charlotte, Tennessee;

(1458) Private First Class Leroy Harris-Kelly, Azusa, California;

(1459) Private First Class George Daniel Harrison, Knoxville, Tennessee;

(1460) Private First Class John D. Hart, Bedford, Massachusetts;

(1461) Sergeant David J. Hart, Lake View Terrace, California;

(1462) Sergeant Nathaniel Hart, Jr., Valdosta, Georgia;

(1463) Private First Class Nicholas S. Hartge, Rome City, Indiana;

(1464) Specialist Adam J. Harting, Portage, Indiana;

(1465) Captain Ralph J. "Jay" Harting III, Union Lake, Michigan;

(1466) Specialist Jared D. Hartley, Newkirk, Oklahoma;

(1467) Sergeant First Class David A. Hartman Akron, Tuscola County, Michigan;

(1468) Sergeant Jennifer M. Hartman, New Ringgold, Pennsylvania;

(1469) Sergeant Jonathan N. Hartman, Jacksonvile, Florida;

(1470) Staff Sergeant John L. Hartman Jr., Tampa, Florida;

(1471) Chief Warrant Officer (CW3) Michael L. Hartwick, Orrick, Missouri;

(1472) Private First Class Travis F. Haslip, Ooltewah, Tennessee;

(1473) Sergeant Donald J. Hasse, Wichita Falls, Texas;

(1474) Staff Sergeant Stephen C. Hattamer, Gwinn, Michigan;

(1475) Staff Sergeant Ryan E. Haupt, Phoenix, Arizona;

(1476) Private First Class Sheldon R. Hawk, Eagle Grand Forks, North Dakota;

(1477) Sergeant Gene A. Hawkins, Orlando, Florida;

(1478) Staff Sergeant Omer T. Hawkins II, Cherry Fork, Ohio;

(1479) Staff Sergeant Asbury F. Hawn II, Lebanon, Tennessee;

(1480) Chief Warrant Officer Dennis P. Hay, Valdosta, Georgia;

(1481) Specialist Erik W. Hayes, Cascade, Maryland;

(1482) Sergeant First Class James F. Hayes, Barstow, California;

(1483) Private First Class Michael Ray Hayes, Morgantown, Kentucky;

(1484) Specialist William S. Hayes III, St. Tammany, Louisiana;

(1485) Sergeant First Class Schuyler B. Haynes, New York, New York;

(1486) Sergeant Timothy L. Hayslett, Newville, Pennsylvania;

(1487) Chief Warrant Officer (CW2) Brian D. Hazelgrove, Fort Rucker, Alabama;

(1488) Civilian Barbara Heald, Stamford, Connecticut;

(1489) Sergeant David M. Heath, LaPorte, Indiana;

(1490) Specialist Justin W. Hebert, Arlington, Washington;

(1491) Private First Class Anthony D. Hebert, Lake City, Minnesota;

(1492) Major William F. Hecker III, St. Louis, Missouri;

(1493) Sergeant Christopher T. Heflin, Paducah, Kentucky;

(1494) Private First Class Damian L. Heidelberg, Batesville, Mississippi;

(1495) First Liutenent Keith N. Heidtman, Connecticut, Norwich;

(1496) Private First Class Raheen Tyson Heighter, Bay Shore, New York;

(1497) Specialist Jeremy M. Heines, New Orleans, Louisiana;

(1498) Private First Class Charles T. Heinlein, Hemlock, Michigan;

(1499) Lance Corporal Erik R. Heldt, Hermann, Missouri;

(1500) Staff Sergeant Brian R. Hellerman, Freeport, Minnesota;

(1501) Sergeant Paul M. Heltzel, Baton Rouge, Louisiana;

(1502) Staff Sergeant Terry Wayne Hemingway, Willingboro, New Jersey;

(1503) Corporal Matthew C. Henderson, Lincoln, Nebraska;

(1504) Chief Warrant Officer Miles P. Henderson, Amarillo, Texas;

(1505) First Lieutenant Robert L. Henderson II, Alvaton, Kentucky;

(1506) Staff Sergeant Kenneth W. Hendrickson, Bismarck, North Dakota;

(1507) Specialist Robert T. Hendrickson, Broken Bow, Oklahoma;

(1508) Staff Sergeant Jason R. Hendrix, Freedom, California;

(1509) Sergeant First Class Richard J. Henkes II, Portland, Oregon;

(1510) Specialist Melvin L. Henley, Jr., Jackson, Mississippi;

(1511) Sergeant Jack Taft Hennessy, Naperville, Illinois;

(1512) Private First Class Chassan S. Henry, West Palm Beach, Florida;

(1513) Specialist Joshua J. Henry, Avonmore, Pennsylvania;

(1514) Private First Class Raymond L. Henry, Anaheim, California;

(1515) Corporal Lorne E. Henry, Jr., Niagara Falls, New York;

(1516) Corporal Shawn D. Hensel, Longansport, Indiana;

(1517) Private First Class Clayton Welch Henson, Stanton, Texas;

(1518) Specialist Jeffrey S. Henthorn, Choctaw, Oklahoma;

(1519) Corporal Joseph J. Heredia, Santa Maria, California;

(1520) Specialist Marisol Heredia, El Monte, California;

(1521) Sergeant First Class David A. Heringes, Tampa, Florida;

(1522) Staff Sergeant Bryant A. Herlem, Copperas Cove, Texas;

(1523) Specialist Michael L. Hermanson, Fargo, North Dakota;

(1524) Sergeant Armando Hernandez, Hesperia, California;

(1525) Sergeant Frank B. Hernandez, Phoenix, Arizona;

(1526) Staff Sergeant Robert Hernandez, Silver Spring, Maryland;

(1527) Lance Corporal Tony L. Hernandez, Canyon Lake, Texas;

(1528) Sergeant Eric J. Hernandez, Waldwick, New Jersey;

(1529) Specialist Jason J. Hernandez, Stretsboro, Ohio;

(1530) Sergeant Irving Hernandez, Jr., New York, New York;

(1531) Corporal Joseph F. Herndon II, Derby, Kansas;

(1532) Specialist Adam G. Herold, Omaha, Nebraska;

(1533) Sergeant First Class Richard J. Herrema, Hudsonville, Michigan;

(1534) Sergeant David L. Herrera, Oceanside, California;

(1535) Lance Corporal Evenor C. Herrera, Gypsum, Colorado;

(1536) Private First Class Edward J. Herrgott, Shakopee, Minnesota;

(1537) Specialist Patrick W. Herried, Sioux Falls, South Dakota;

(1538) Sergeant Jacob R. Herring, Kirkland, Washington;

(1539) Lance Corporal Eric W. Herzberg, Severna Park, Maryland;

(1540) Specialist Jordan W. Hess, Marysville, Washington;

(1541) Sergeant Kenneth D. Hess, Asheville, North Carolina;

(1542) Private First Class Charles B. Hester, Cataldo, Idaho;

(1543) Private First Class Thomas J. Hewett, Temple, Texas;

(1544) Corporal Cory Michael Hewitt, Stewart, Tennessee;

(1545) Sergeant First Class Gregory B. Hicks, Duff, Tennessee;

(1546) Sergeant Glenn D. Hicks, Jr., College Station, Texas;

(1547) Lance Corporal Jon T. Hicks, Jr., Atco, New Jersey;

(1548) Staff Sergeant Kristopher A. Higdon, Odessa, Texas;

(1549) Lance Corporal James W. Higgins, Frederick, Maryland;

(1550) Sergeant Andrews J. Higgins, Hayward, California;

(1551) Specialist Thomas L. Hilbert, Venus, Texas;

(1552) Lance Corporal Chad R. Hildebrandt, Springer, New Mexico;

(1553) Specialist Seth A. Hildreth, Myrtle Beach, South Carolina;

(1554) Specialist Christopher K. Hill, Ventura, California;

(1555) Private First Class Ryan J. Hill, Keizer, Oregon;

(1556) Private First Class Tarryl B. Hill, Shelby Township, Michigan;

(1557) Captain Raymond D. Hill II, Turlock, California;

(1558) Lance Corporal Eric Hillenburg, Indianapolis, Indiana;

(1559) Specialist Stephen D. "Dusty" Hiller, Opelika, Alabama;

(1560) Private First Class Cory F. Hiltz, La Verne, California;

(1561) Lance Corporal Joshua M. Hines, Olney, Illinois;

(1562) Sergeant Keicia M. Hines, Citrus Heights, California;

(1563) Private First Class Timothy J. Hines, Jr., Fairfield, Ohio;

(1564) Specialist Dominic Joseph Hinton, Jacksonville, Texas;

(1565) Captain Kelly C. Hinz, Woodbury, Minnesota;

(1566) Lance Corporal James Daniel Hirlston, Murfreesboro, Tennessee;

(1567) Private First Class Melissa J. Hobart, Ladson, South Carolina;

(1568) Sergeant Jeremy M. Hodge, Ridgeway, Ohio;

(1569) Lance Corporal Erick J. Hodges, Bay Point, California;

(1570) Sergeant Michael Paul Hodshire, North Adams, Michigan;

(1571) Sergeant Nicolas Michael Hodson, Smithville, Missouri;

(1572) First Lieutenant Nainoa K. Hoe, Hawaii;

(1573) Corporal Benjamin D. Hoeffner, Wheat Ridge, Colorado;

(1574) Sergeant First Class James T. Hoffman, Whitesburg, Kentucky;

(1575) Sergeant Justin F. Hoffman, Delaware, Ohio;

(1576) Captain Roselle M. Hoffmaster, Cleveland, Ohio;

(1577) Private First Class Brian Lee Holden, Claremont, North Carolina;

(1578) Staff Sergeant Theodore S. "Sam" Holder II, Littleton, Colorado;

(1579) Specialist Manuel J. Holguin, Woodlake, California;

(1580) Specialist Eric M. Holke, Crestline, California;

(1581) Specialist Christopher J. Holland, Brunswick, Georgia;

(1582) Lieutenant Colonel Daniel E. Holland, San Antonio, Texas;

(1583) Civilian Fern L. Holland, Miami, Oklahoma;

(1584) Staff Sergeant Robert Lee Hollar, Jr., Griffin, Georgia;

(1585) Lance Corporal Luke B. Holler, Bulverde, Texas;

(1586) Specialist Matthew J. Holley, San Diego, California;

(1587) Staff Sergeant Aaron N. Holleyman, Glasgow, Montana;

(1588) Specialist Jaron D. Holliday, Tulsa, Oklahoma;

(1589) Staff Sergeant Courtney Hollingsworth, Yonkers, New York;

(1590) Staff Sergeant Lincoln Daniel Hollinsaid, Malden, Illinois;

(1591) Specialist Josiah W. Hollopeter, San Diego, California;

(1592) Lance Corporal Matthew W. Holloway, Fulton, Texas;

(1593) Lance Corporal John M. Holmason, Surprise, Arizona;

(1594) Specialist James J. Holmes, East Grand Forks, Minnesota;

(1595) Lance Corporal Jeffery Scott Holmes, White River Junction, Vermont;

(1596) Sergeant Jeremiah J. Holmes, North Berwick, Maine;

(1597) Corporal Terry Holmes Ordóñez, Hollywood, Florida;

(1598) Airman First Class Antoine J. Holt, Kennesaw, Georgia;

(1599) Corporal Paul C. Holter III, Corpus Christi, Texas;

(1600) Sergeant James J. Holtom, Rexburg, Idaho;

(1601) Lance Corporal Raymond J. Holzhauer, Dwight, Illinois;

(1602) Specialist Michael A. Hook, Altoona, Pennsylvania;

(1603) Private First Class Levi K. Hoover, Midland, Michigan;

(1604) Lance Corporal Brian C. Hopper, Wynne, Arkansas;

(1605) Private First Class Sean Horn, Irvine, California;

(1606) Master Sergeant Kelly L. Hornbeck, Fort Worth, Texas;

(1607) Sergeant Manny Hornedo, Brooklyn, New York;

(1608) Sergeant Bruce E. Horner, Newport News, Virginia;

(1609) Master Sergeant Robert M. Horrigan, Austin, Texas;

(1610) Staff Sergeant Jeremy R. Horton, Erie, Pennsylvania;

(1611) Specialist Christopher L. Hoskins, Danielson, Connecticut;

(1612) Lance Corporal David B. Houck, Winston-Salem, North Carolina;

(1613) Captain Andrew R. Houghton, Houston, Texas;

(1614) Sergeant Jessica M. Housby, Rock Island, Illinois;

(1615) Petty Officer Third Class John Daniel House, Ventura, California;

(1616) Sergeant Joel A. House, Lee, Maine;

(1617) Sergeant Thomas E. Houser, Council Bluffs, Iowa;

(1618) Staff Sergeant John R. Howard, Covington, Virginia;

(1619) Staff Sergeant Curtis T. Howard II, Ann Arbor, Michigan;

(1620) Corporal Walter B. Howard II, Rochester, Michigan;

(1621) Sergeant William R. Howdeshell, Norfolk, Virginia;

(1622) Sergeant First Class Casey E. Howe, Philadelphia, New York;

(1623) Specialist Darren D. Howe, Beatrice, Nebraska;

(1624) Private First Class George J. Howell, Salinas, California;

(1625) Specialist Alun R. Howells, Parlin, Colorado;

(1626) Lance Corporal Blake H. Howey, Glendora, California;

(1627) Lance Corporal Gregory C. Howman, Charlotte, North Carolina;

(1628) Private First Class Bert Edward Hoyer, Ellsworth, Wisconsin;

(1629) Specialist Robert W. Hoyt, Ashford, Connecticut;

(1630) Specialist Hai Ming Hsia, New York, New York;

(1631) Lance Corporal Jared P. Hubbard, Clovis, California;

(1632) Lance Corporal Tavon L. Hubbard, Reston, Virginia;

(1633) Corporal Nathan C. Hubbard, Clovis, California;

(1634) Specialist Corey A. Hubbell, Urbana, Illinois;

(1635) Staff Sergeant Darren P. Hubbell, Tifton, Georgia;

(1636) Private Aaron M. Hudson, Highland Village, Texas;

(1637) Private First Class Christopher E. Hudson, Carmel, Indiana;

(1638) Staff Sergeant Sean P. Huey, Fredericktown, Pennsylvania;

(1639) First Lieutenant Ashley L. Henderson, Huff Belle Mead, New Jersey;

(1640) Private First Class Sam W. Huff, Tucson, Arizona;

(1641) Corporal Jason Huffman, Conover, North Carolina;

(1642) First Lieutenant Doyle M. Hufstedler, Abilene, Texas;

(1643) Staff Sergeant Jamie L. Huggins, Hume, Missouri;

(1644) Sergeant Jonathan A. Hughes, Lebanon, Kentucky;

(1645) Specialist Rachael L. Hugo, Madison, Wisconsin;

(1646) Lance Corporal David A. Huhn, Portland, Michigan;

(1647) Sergeant Eric R. Hull, Uniontown, Pennsylvania;

(1648) Petty Officer First Class Thomas C. Hull, Princeton, Illinois;

(1649) Sergeant Michael R. Hullender, Little Falls, New Jersey;

(1650) Specialist Joshua U. Humble, Appleton, Maine;

(1651) Corporal Barton R. Humlhanz, Hellertown, Pennsylvania;

(1652) Private First Class Isaiah R. Hunt, Green Bay, Wisconsin;

(1653) Sergeant Joseph Daniel Hunt, Sweetwater, Tennessee;

(1654) Lance Corporal Justin T. Hunt, Riverside, California;

(1655) Master Sergeant Kenneth E. Hunt, Jr., Tucson, Arizona;

(1656) Specialist Simeon Hunte, Essex, New Jersey;

(1657) Sergeant Matthew D. Hunter, Valley Grove, West Virginia;

(1658) First Lieutenant Joshua C. Hurley, Virginia;

(1659) Lance Corporal Seth Huston, Perryton, Texas;

(1660) Lance Corporal James B. Huston, Jr., Umatilla, Oregon;

(1661) Private Nolen Ryan Hutchings, Boiling Springs, South Carolina;

(1662) Private First Class Ray J. Hutchinson, League City, Texas;

(1663) Private First Class Gregory Paul Huxley, Jr., Forestport, New York;

(1664) Specialist Nicholas R. Idalski, Crown Point, Indiana;

(1665) Sergeant Michael J. Idanan, Chula Vista, California;

(1666) Staff Sergeant Thor H. Ingraham, Murrysville, Pennsylvania;

(1667) Captain Rowdy J. Inman, Panorama Village, Texas;

(1668) Staff Sergeant Henry E. Irizarry, Bronx, New York;

(1669) Sergeant Benjamin W. Isenberg, Sheridan, Oregon;

(1670) Staff Sergeant Daniel Isshak, Alta Loma, California;

(1671) Specialist Craig S. Ivory, Port Matilda, Pennsylvania;

(1672) Staff Sergeant Kendall H. Ivy II, Crawford, Ohio;

(1673) First Lieutenant Edward D. Iwan, Albion, Nebraska;

(1674) Private First Class Kenneth J. Iwasinski, West Springfield, Massachusetts;

(1675) Specialist Derence W. Jack, Saipan, Northern Mariana Islands;

(1676) Lieutenant Commander Edward E. Jack, Detroit, Michigan;

(1677) Chief Warrant Officer (CW2) Kyle E. Jackson, Sarasota, Florida;

(1678) Private First Class Leslie D. Jackson, Richmond, Virginia;

(1679) Specialist Marlon P. Jackson, Jersey City, New Jersey;

(1680) Specialist Dustin C. Jackson, Arlington, Texas;

(1681) Staff Sergeant William Samuel Jackson II, Saginaw, Michigan;

(1682) Lance Corporal Jeriad P. Jacobs, Clayton, North Carolina;

(1683) Specialist Morgen N. Jacobs, Santa Cruz, California;

(1684) Captain William W. Jacobsen, Jr., Charlotte, North Carolina;

(1685) Airman First Class Elizabeth Nicole Jacobson, Riviera Beach, Florida;

(1686) Petty Officer Second Class Jamie Jaenke, Bay City, Wisconsin;

(1687) Lance Corporal Saeed Jafarkhani-Torshizi, Jr., Fort Worth, Texas;

(1688) First Sergeant Aaron Jagger, Hillsdale, Michigan;

(1689) Corporal Jesse Jaime, Henderson, Nevada;

(1690) Private First Class Alfred H. Jairala, Hialeah, Florida;

(1691) Sergeant Grzegorz Jakoniuk, Schiller Park, Illinois;

(1692) Chief Warrant Officer (CW2) Scott Jamar, Granbury, Texas;

(1693) Corporal Evan Tyler James, Hancock, Illinois;

(1694) Sergeant Lindsey T. James, Urbana, Missouri;

(1695) Second Lieutenant Luke S. James, Oklahoma;

(1696) Lance Corporal Richard Z. James, Seaford, Delaware;

(1697) Corporal William C. James, Huntington Beach, California;

(1698) Lieutenant Colonel Leon G. James II, Sackets Harbor, New York;

(1699) Staff Sergeant Tricia L. Jameson, Omaha, Nebraska;

(1700) Captain Benjamin D. Jansky, Oshkosh, Wisconsin;

(1701) Specialist Justin R. Jarrett, Jonesboro, Georgia;

(1702) Corporal Michael J. Jaurigue, Texas City, Texas;

(1703) Private First Class Allen B. Jaynes, Henderson, Texas;

(1704) Sergeant Moises Jazmine, Providence, Rhode Island;

(1705) Sergeant Brahim J. Jeffcoat, Philadelphia, Pennsylvania;

(1706) Petty Officer First Class Victor W. Jeffries, Honolulu, Hawaii;

(1707) Sergeant Edmund J. Jeffers, Daleville, Alabama;

(1708) Specialist William Andrew Jeffries, Evansville, Indiana;

(1709) Staff Sergeant Gary W. Jeffries, Roscoe, Texas;

(1710) Staff Sergeant Kenneth A. Jenkins, Fouke, Arkansas;

(1711) Petty Officer Second Class Robert B. Jenkins, Stuart, Florida;

(1712) Sergeant Troy David Jenkins, Ridgecrest, California;

(1713) Private First Class Rush M. Jenkins, Clarksville, Tennessee;

(1714) Specialist Darius T. Jennings, Cordova, South Carolina;

(1715) Captain Drew N. Jensen, Clackamas, Oregon;

(1716) Private First Class Ryan M. Jerabek, Oneida, Wisconsin;

(1717) Master Sergeant Ivica Jerak, Houston, Texas;

(1718) Staff Sergeant Kevin P. Jessen, Paragould, Arkansas;

(1719) Specialist Steven R. Jewell, Bridgeton, North Carolina;

(1720) Sergeant Linda C. Jimenez, Brooklyn, New York;

(1721) First Lieutenant Oscar Jimenez, San Diego, California;

(1722) Corporal Romulo J. Jimenez II, Miami, Florida;

(1723) Sergeant Andrew R. Jodon, Karthaus, Pennsylvania;

(1724) Private Adam R. "A.J." Johnson, Clayton, Ohio;

(1725) Major Alan R. Johnson, Yakima, Washington;

(1726) Captain Christopher B. Johnson, Excelsior Springs, Missouri;

(1727) Sergeant David W. Johnson, Portland, Oregon;

(1728) Corporal Jeremiah Johnson, Vancouver, Washington;

(1729) Specialist John P. Johnson, Houston, Texas;

(1730) Sergeant Joshua Allen Johnson, Richford, Vermont;

(1731) Specialist Justin W. Johnson, Rome, Georgia;

(1732) Private Lavena L. Johnson, Florissant, Missouri;

(1733) Sergeant Leon M. Johnson, Jacksonville, Florida;

(1734) Private First Class Markus J. Johnson, Springfield, Massachusetts;

(1735) Specialist Maurice J. Johnson, Levittown, Pennsylvania;

(1736) Specialist Nathaniel H. Johnson, Augusta, Georgia;

(1737) Staff Sergeant Paul J. Johnson, Calumet, Michigan;

(1738) Lance Corporal Philip A. Johnson, Hartford, Connecticut;

(1739) Private First Class Rayshawn S. Johnson, Brooklyn, New York;

(1740) Staff Sergeant Robert S. Johnson, Castro Valley, California;

(1741) Specialist Robert T. Johnson, Erwin, North Carolina;

(1742) Lance Corporal Stephen F. Johnson, Marietta, Georgia;

(1743) Corporal Stephen P. Johnson, Covina, California;

(1744) Corporal Ty J. Johnson, Elk Grove, California;

(1745) Sergeant First Class Randy L. Johnson, Washington, District of Columbia;

(1746) Specialist Rodney J. Johnson, Houston, Texas;

(1747) Chief Warrant Officer Christopher C. Johnson, Michigan;

(1748) Sergeant Courtney T. Johnson, Garner, North Carolina;

(1749) Private William C. Johnson, Oxford, North Carolina;

(1750) Corporal Carl W. Johnson II, Philadelphia, Pennsylvania;

(1751) Private First Class Howard Johnson II, Mobile, Alabama;

(1752) Hospital Corpsman Third Class Michael Vann Johnson, Jr., Little Rock, Arkansas;

(1753) Chief Warrant Officer Philip A. Johnson, Jr., Mobile, Alabama;

(1754) Sergeant Gary S. Johnston, Windthorst, Texas;

(1755) Staff Sergeant Jude R. Jonaus, Miami, Florida;

(1756) Sergeant Anthony G. Jones, Greenville, South Carolina;

(1757) Sergeant First Class Charles Jason Jones, Lawrenceburg, Kentucky;

(1758) Chief Warrant Officer Charles S. Jones, Lawtey, Florida;

(1759) Lance Corporal Derek W. Jones, Salem, Oregon;

(1760) Private Devon Demilo Jones, San Diego, California;

(1761) Captain Gussie M. Jones, Shreveport, Louisiana;

(1762) Corporal Jeremy Jones, Millard, Nebraska;

(1763) Corporal Joshua D. Jones, Pomeroy, Ohio;

(1764) Corporal Kevin M. Jones, Washington, North Carolina;

(1765) Sergeant Rickey E. Jones, Kokomo, Indiana;

(1766) Specialist Robert L. Jones, Milwaukee, Oregon;

(1767) Specialist Rodney A. Jones, Philadelphia, Pennsylvania;

(1768) First Lieutenant Ryan P. Jones, Westminster, Massachusetts;

(1769) Private First Class Roy L. Jones III, Houston, Texas;

(1770) Staff Sergeant Raymond Edison Jones, Jr., Gainesville, Florida;

(1771) Staff Sergeant David R. Jones, Sr., Augusta, Georgia;

(1772) Lieutenant Kylan A. Jones-Huffman, Aptos, California;

(1773) Sergeant Ryan D. Jopek, Merrill, Wisconsin;

(1774) Petty Officer Second Class Brian K. Joplin, Hugo, Oklahoma;

(1775) Corporal Alexander Jordan, Miami, Florida;

(1776) Sergeant Jason D. Jordan, Elba, Alabama;

(1777) Petty Officer First Class Michael Anthony Jordan, Augusta, Georgia;

(1778) Staff Sergeant Phillip Andrew Jordan, Brazoria, Texas;

(1779) Sergeant Curt E. Jordan, Jr., Green Acres, Washington;

(1780) Private First Class Ron J. Joshua, Jr., Austin, Texas;

(1781) Corporal Forest Joseph Jostes, Albion, Illinois;

(1782) Staff Sergeant David D. Julian, Evanston, Wyoming;

(1783) Private First Class Dillon M. Jutras, Fairfax Station, Virginia;

(1784) Sergeant First Class Matthew R. Kading, Madison, Wisconsin;

(1785) Staff Sergeant Henry K. Kahalewai, Hilo, Hawaii;

(1786) Lance Corporal Adam Wade Kaiser, Naperville, Illinois;

(1787) Private First Class Anthony A. Kaiser, Narrowsburg, New York;

(1788) Sergeant Anthony N. Kalladeen, Purchase, New York;

(1789) Specialist Vincent G. Kamka, Everett, Washington;

(1790) Specialist Alain L. Kamolvathin, Blairstown, New Jersey;

(1791) Staff Sergeant Joseph M. Kane, Darby, Pennsylvania;

(1792) Sergeant Brian C. Karim, Talcott, West Virginia;

(1793) Specialist Spencer Timothy Karol, Woodruff, Arizona;

(1794) Staff Sergeant Edward Karolasz, Powder Springs, New Jersey;

(1795) Sergeant First Class Paul D. Karpowich, Bridgeport, Pennsylvania;

(1796) Specialist Michael G. Karr, Jr., San Antonio, Texas;

(1797) Specialist Mark Joseph Kasecky, McKees Rocks, Pennsylvania;

(1798) Sergeant Michael M. Kashkoush, Chagrin Falls, Ohio;

(1799) Private First Class Douglas E. Kashmer, Sharon, Pennsylvania;

(1800) Staff Sergeant Darrel D. Kasson, Florence, Arizona;

(1801) Specialist Hatim S. Kathiria, Fort Worth, Texas;

(1802) Specialist Charles A. Kaufman, Fairchild, Wisconsin;

(1803) Private Eric Kavanagh, Glen Burnie, Maryland;

(1804) Second Lieutenant Jeffrey Joseph Kaylor, Clifton, Virginia;

(1805) Lance Corporal Thomas O. Keeling, Strongsville, Ohio;

(1806) Sergeant Chad L. Keith, Batesville, Indiana;

(1807) Lance Corporal Quinn A. Keith, Page, Arizona;

(1808) Lance Corporal Bryan P. Kelly, Klamath Falls, Oregon;

(1809) Colonel Paul M. Kelly, Stafford, Virginia;

(1810) Corporal Sean P. Kelly, Pitman, New Jersey;

(1811) Staff Sergeant Dale James Kelly, Jr., Richmond, Maine;

(1812) Sergeant Samuel E. Kelsey, Troup, Texas;

(1813) Corporal Andrew J. Kemple, Cambridge, Minnesota;

(1814) Corporal Dustin L. Kendall, Conway, Arkansas;

(1815) Sergeant Courtland A. Kennard, Starkville, Mississippi;

(1816) Sergeant Adam P. Kennedy, Norfolk, Massachusetts;

(1817) Corporal Brian Matthew Kennedy, Houston, Texas;

(1818) Chief Warrant Officer (CW3) Kyran E. Kennedy, Boston, Massachusetts;

(1819) Sergeant First Class Stephen C. Kennedy, Oak Ridge, Tennessee;

(1820) Staff Sergeant Morgan DeShawn Kennon, Memphis, Tennessee;

(1821) First Lieutenant Christopher J. Kenny, Miami, Florida;

(1822) Lance Corporal Patrick Brian Kenny, Pittsburgh, Pennsylvania;

(1823) Specialist Joseph P. Kenny, Veneta, Oregon;

(1824) Seaman Aaron A. Kent, Portland, Oregon;

(1825) Hospitalman Chadwick Thomas Kenyon, Tucson, Arizona;

(1826) Chief Warrant Officer (CW3) Rex C. Kenyon, El Segundo, California;

(1827) Specialist Jonathan Roy Kephart, Oil City, Pennsylvania;

(1828) Corporal Dallas L. Kerns, Mountain Grove, Missouri;

(1829) Specialist James C. Kesinger, Pharr, Texas;

(1830) Corporal Jason M. Kessler, Mount Vernon, Washington;

(1831) Chief Warrant Officer Erik C. Kesterson, Independence, Oregon;

(1832) Captain Humayun S. M. Khan, Bristow, Virginia;

(1833) Corporal Kareem R. Khan, Manahawkin, New Jersey;

(1834) Corporal Mark D. Kidd, Milford, Michigan;

(1835) Staff Sergeant Ricky A. Kieffer, Ovid, Michigan;

(1836) Specialist James Michael Kiehl, Comfort, Texas;

(1837) Lance Corporal Shane E. Kielion, La Vista, Nebraska;

(1838) Staff Sergeant Christopher S. Kiernan, Virginia Beach, Virginia;

(1839) Private First Class Christopher R. Kilpatrick, Columbus, Texas;

(1840) Lance Corporal Andrew J. Kilpela, Fowlerville, Michigan;

(1841) Corporal In C. Kim, Warren, Michigan;

(1842) Private First Class Jang H. Kim, Placentia, California;

(1843) Private Jeungjin Na "Nikky" Kim, Honolulu, Hawaii;

(1844) Lance Corporal Kun Y. Kim, Atlanta, Georgia;

(1845) Specialist Louis G. Kim, West Covina, California;

(1846) Lance Corporal Minhee Kim, Ann Arbor, Michigan;

(1847) Sergeant Shin W. Kim, Fullerton, California;

(1848) Staff Sergeant Dexter S. Kimble, Houston, Texas;

(1849) Private First Class Danny L. Kimme, Fisher, Illinois;

(1850) Staff Sergeant Matthew A. Kimmell, Paxton, Indiana;

(1851) Staff Sergeant Kevin C. Kimmerly, North Creek, New York;

(1852) Private First Class Kenneth E. Kincaid IV, Lilburn, Georgia;

(1853) Lance Corporal Jeremiah C. Kinchen, Salcha, Alaska;

(1854) Specialist Levi B. Kinchen, Tickfaw, Louisiana;

(1855) Staff Sergeant Bradley D. King, Marion, Indiana;

(1856) First Sergeant Charles M. King, Mobile, Alabama;

(1857) Specialist Eric D. King, Vancouver, Washington;

(1858) Sergeant Jeremy E. King, Meridian, Idaho;

(1859) Specialist Jerry R. King, Browersville, Georgia;

(1860) Corporal Paul N. King, Tyngsboro, Massachusetts;

(1861) Sergeant Jonathan P. C. Kingman, Nankin, Ohio;

(1862) Sergeant James Ondra Kinlow, Thompson, Georgia;

(1863) Staff Sergeant Lester O. Kinney II, Zanesville, Ohio;

(1864) Specialist Anthony D. Kinslow, Westerville, Ohio;

(1865) Sergeant William S. Kinzer, Jr., Hendersonville, North Carolina;

(1866) Private First Class David M. Kirchhoff, Anamosa, Iowa;

(1867) Sergeant Jeffrey L. Kirk, Baton Rouge, Louisiana;

(1868) Lance Corporal Johnathan E. Kirk, Belhaven, North Carolina;

(1869) Private First Class David Austin Kirkpatrick, Upland, Indiana;

(1870) Sergeant Scott L. Kirkpatrick, Reston, Virginia;

(1871) Staff Sergeant Charles A. Kiser, Cleveland, Wisconsin;

(1872) Sergeant Timothy Craig Kiser, Tehama, California;

(1873) Specialist Rhys W. Klasno, Riverside, California;

(1874) Lance Corporal Nicholas Brian Kleiboeker, Irvington, Illinois;

(1875) Lance Corporal Allan Klein, Clinton Township, Michigan;

(1876) Sergeant Keith A. Kline, Oak Harbor, Ohio;

(1877) Specialist John K. Klinesmith, Jr., Stockbridge, Georgia;

(1878) Private First Class Joshua P. Klinger, Easton, Pennsylvania;

(1879) Sergeant First Class Tony L. Knier, Sabinsville, Pennsylvania;

(1880) Corporal Timothy A. Knight, Brooklyn, Ohio;

(1881) Sergeant Floyd G. Knighten, Jr., Olla, Louisiana;

(1882) Private First Class Garrett C. Knoll, Bad Axe, Michigan;

(1883) Specialist Allen J. Knop, Willowick, Ohio;

(1884) Petty Officer Third Class Eric L. Knott, Grand Island, Nebraska;

(1885) Private Joseph L. Knott, Yuma, Arizona;

(1886) Specialist Joshua L. Knowles, Sheffield, Iowa;

(1887) Sergeant Adam L. Knox, Columbus, Ohio;

(1888) Sergeant Rene Knox, Jr., New Orleans, Louisiana;

(1889) Specialist Brent W. Koch, Morton, Minnesota;

(1890) Specialist Matthew A. Koch, West Henrietta, New York;

(1891) Chief Petty Officer Michael E. Koch, State College, Pennsylvania;

(1892) Corporal Gary A. Koehler, Ypsilanti, Michigan;

(1893) Staff Sergeant Lance J. Koenig, Fargo, North Dakota;

(1894) Sergeant Allen D. Kokesh, Jr., Yankton, South Dakota;

(1895) Corporal Alexander J. Kolasa, White Lake, Michigan;

(1896) Sergeant First Class Obediah J. Kolath, Louisburg, Missouri;

(1897) Corporal Zachary A. Kolda, Corpus Christi, Texas;

(1898) Corporal Kevin T. Kolm, Hicksville, New York;

(1899) Petty Officer Second Class Charles V. Komppa, Belgrade, Montana;

(1900) Specialist Martin W. Kondor, York, Pennsylvania;

(1901) Lance Corporal William C. Koprince, Jr., Lenoir City, Tennessee;

(1902) Chief Warrant Officer Patrick W. Kordsmeier, North Little Rock, Arkansas;

(1903) Captain Edward Jason Korn, Savannah, Georgia;

(1904) Sergeant Bradley Steven Korthaus, Scott, Iowa;

(1905) Private First Class Cory C. Kosters, The Woodlands, Texas;

(1906) Petty Officer Second Class Edward A Koth, Towson, Maryland;

(1907) Specialist Jason B. Koutroubas, Dunnellon, Florida;

(1908) Lance Corporal Ryan J. Kovacicek, Washington, Pennsylvania;

(1909) Specialist Stephen M. Kowalczyk, San Diego, California;

(1910) Lance Corporal Jakub Henryk Kowalik, Schaumburg, Illinois;

(1911) Sergeant Elmer C. Krause, Greensboro, North Carolina;

(1912) Private First Class Travis C. Krege, Cheektowaga, New York;

(1913) Private Dustin L. Kreider, Riverton, Kansas;

(1914) Lance Corporal Jared J. Kremm; Hauppage, New York;

(1915) Corporal David Kenneth J. Kreuter, Cincinnati, Ohio;

(1916) First Lieutenant Nathan M. Krissoff, Nevada;

(1917) Sergeant Tyler J. Kritz, Eagle River, Wisconsin;

(1918) Private First Class Bradley G. Kritzer, Irvona, Pennsylvania;

(1919) Specialist Kurt E. Krout, Spinnerstown, Pennsylvania;

(1920) Lieutenant Colonel Eric J. Kruger, Garland, Texas;

(1921) Sergeant Christopher R. Kruse, Emporia, Kansas;

(1922) Captain Kevin M. Kryst, West Bend, Wisconsin;

(1923) Corporal Jared William Kubasak, Rocky Mount, Virginia;

(1924) Private First Class Christopher D. Kube, Sterling Heights, Michigan;

(1925) Private First Class Brian J. Kubik, Hardin, Texas;

(1926) Staff Sergeant David C. Kuehl, Wahpeton, North Dakota;

(1927) Staff Sergeant Matthew J. Kuglics, North Canton, Ohio;

(1928) Civilian Daniel J. Kuhlmeier, Omaha, Nebraska;

(1929) Sergeant Larry R. Kuhns, Jr., Austintown, Ohio;

(1930) Specialist John Kulick, Harleysville, Pennsylvania;

(1931) Captain John F. "Hans" Kurth, Columbus, Wisconsin;

(1932) Sergeant Russell A. Kurtz, Bethel Park, Pennsylvania;

(1933) Corporal Joshua J. Kynoch, Santa Rosa, California;

(1934) Sergeant First Class William W. Labadie, Jr., Bauxite, Arkansas;

(1935) Major Douglas A. LaBouff, La Puente, California;

(1936) Sergeant Reno S. Lacerna, Waipahu, Hawaii;

(1937) Sergeant Joshua S. Ladd, Port Gibson, Mississippi;

(1938) Corporal Jason K. Lafleur, Ignacio, Colorado;

(1939) Corporal Matthew P. LaForest, Austin, Texas;

(1940) Corporal Johnathan A. Lahmann, Richmond, Indiana;

(1941) Sergeant Dustin D. Laird, Martin, Tennessee;

(1942) Sergeant Chad W. Lake, Ocala, Florida;

(1943) Staff Sergeant Floyd E. Lake, St. Thomas, Virgin Islands;

(1944) Sergeant Michael Vernon Lalush, Troutville, Virginia;

(1945) Lance Corporal Alan Dinh Lam, Snow Camp, North Carolina;

(1946) Lance Corporal Jeffrey Lam, Queens, New York;

(1947) Specialist Charles R. Lamb, Casey, Illinois;

(1948) Sergeant First Class Randall L. Lamberson, Springfield, Missouri;

(1949) Private First Class James P. Lambert, New Orleans, Louisiana;

(1950) Sergeant Jonathan W. Lambert, Newsite, Mississippi;

(1951) Specialist David E. Lambert, Cedar Bluff, Virginia;

(1952) Specialist James I. Lambert III, Raleigh, North Carolina;

(1953) Sergeant Gene L. Lamie, Homerville, Georgia;

(1954) Captain Andrew David LaMont, Eureka, California;

(1955) Sergeant Andrew W. Lancaster, Stockton, Illinois;

(1956) First Lieutenant Jared M. Landaker, Big Bear City, California;

(1957) Captain Kevin C. Landeck, Wheaton, Illinois;

(1958) Staff Sergeant Sean G. Landrus, Thompson, Ohio;

(1959) Specialist Joseph N. Landry III, Pensacolam, Florida;

(1960) Private First Class John F. Landry, Jr., Lowell, Massachusetts;

(1961) Gunnery Sergeant Shawn A. Lane, Corning, New York;

(1962) Specialist David J. Lane, Emporia, Kansas;

(1963) Corporal Victor M. Langarica, Decatur, Georgia;

(1964) Private First Class Richard P. Langenbrunner, Fort Wayne, Indiana;

(1965) Private First Class Moises A. Langhorst, Moose Lake, Minnesota;

(1966) Lance Corporal Sean M. Langley, Lexington, Kentucky;

(1967) Sergeant First Class Steven M. Langmack, Seattle, Washington;

(1968) Lieutenant Commander Jane Elizabeth Lanham, Owensboro, Kentucky;

(1969) Command Sergeant Major Jonathan M. Lankford, Scottsboro, Alabama;

(1970) Sergeant Denise A. Lannaman, Bayside, New York;

(1971) Sergeant Jason M. Lantieri, Killingsworth, Connecticut;

(1972) Staff Sergeant Jose A. Lanzarin, Lubbock, Texas;

(1973) Corporal Stanley J. Lapinski, Las Vegas, Nevada;

(1974) Corporal Christopher J. Lapka, Peoria, Arizona;

(1975) Specialist Tracy L. Laramore, Okaloosa, Florida;

(1976) Sergeant Bryan W. Large, Cuyahoga Falls, Ohio;

(1977) Private First Class Cole W. Larsen, Canyon Country, California;

(1978) Lance Corporal Nicholas D. Larson, Wheaton, Illinois;

(1979) Specialist Scott Quentin Larson, Jr., Houston, Texas;

(1980) Chief Warrant Officer Matthew C. Laskowski, Phoenix, Arizona;

(1981) Corporal Michael H. Lasky, Sterling, Alaska;

(1982) Corporal Shawn Thomas Lasswell, Jr., Reno, Nevada;

(1983) Sergeant Thomas L. Latham, Delmar, Maryland;

(1984) Staff Sergeant William T. Latham, Kingman, Arizona;

(1985) Specialist Aaron P. Latimer, Ennis, Texas;

(1986) Staff Sergeant Paul M. Latourney, Roselle, Illinois;

(1987) Private First Class Karina S. Lau, Livingston, California;

(1988) Specialist Timothy J. Lauer, Saegertown, Pennsylvania;

(1989) Private First Class Casey M. LaWare, Redding, California;

(1990) Corporal Jeffrey D. Lawrence, Tucson, Arizona;

(1991) Specialist Issac S. Lawson, Sacramento, California;

(1992) Staff Sergeant Mark A. Lawton, Hayden, Colorado;

(1993) Lance Corporal Travis J. Layfield, Fremont, California;

(1994) Sergeant Benjamin J. Laymon, Mount Vernon, Ohio;

(1995) Corporal Binh N. Le, Alexandria, Virginia;

(1996) Chief Warrant Officer Patrick D. Leach, Rock Hill, South Carolina;

(1997) Specialist Jeff LeBrun, Buffalo, New York;

(1998) Specialist Daniel A. Leckel, Medford, Oregon;

(1999) Staff Sergeant Rene Ledesma, Abilene, Texas;

(2000) Corporal Michael C. Ledsome, Austin, Texas;

(2001) Second Lieutenant Ryan Leduc, Pana, Illinois;

(2002) Corporal Bumrok Lee, Sunnyvale, California;

(2003) Sergeant Carl W. Lee, Oklahoma City, Oklahoma;

(2004) Corporal Dustin Jerome Lee, Quitman, Mississippi;

(2005) Petty Officer Second Class Marc A. Lee, Hood River, Oregon;

(2006) Specialist Qixing Lee, Minneapolis, Minnesota;

(2007) Private First Class Samuel S. Lee, Anaheim, California;

(2008) Corporal Jason T. Lee, Fruitport, Michigan;

(2009) Sergeant Terrance D. Lee, Sr., Moss Point, Mississippi;

(2010) Private First Class Thomas R. Leemhuis, Binger, Oklahoma;

(2011) Staff Sergeant Emmanuel L. Legaspi, Las Vegas, Nevada;

(2012) Specialist Damon G. LeGrand, Lakeside, California;

(2013) Staff Sergeant Jason A. Lehto, Mount Clemens, Michigan;

(2014) Staff Sergeant Hector Leija, Houston, Texas;

(2015) Private First Class Ken W. Leisten, Cornelius, Oregon;

(2016) Corporal Jason F. Lemke, West Allis, Wisconsin;

(2017) Staff Sergeant Jerome Lemon, North Charleston, South Carolina;

(2018) Specialist Cedric Lamont Lennon, West Blocton, Alabama;

(2019) Corporal Christopher D. Leon, Lancaster, California;

(2020) Specialist Charles E. Leonard, Jr., Monroe, Louisiana;

(2021) Private First Class Jesus A. Leon-Perez, Houston, Texas;

(2022) Captain Brian S. Letendre, Woodbridge, Virginia;

(2023) Specialist Farao K. Letufuga, Pago Pago, American Samoa;

(2024) Lance Corporal William J. Leusink, Maurice, Iowa;

(2025) Sergeant Adrian J. Lewis, Mauldin, South Carolina;

(2026) Staff Sergeant Bryan A. Lewis, Bunkie, Louisiana;

(2027) Staff Sergeant Dwayne Peter R. Lewis, New York, New York;

(2028) Sergeant Joel W. Lewis, Sandia Park, New Mexico;

(2029) Sergeant Mason L. Lewis, Gloucester, Virginia;

(2030) Petty Officer First Class Jason Dale Lewis, Brookfield, Connecticut;

(2031) Private First Class Lee A. Lewis, Jr., Norfolk, Virginia;

(2032) Sergeant Jesse M. Lhotka, Alexandria, Minnesota;

(2033) Corporal Dustin J. Libby, Presque Isle, Maine;

(2034) Second Lieutenant Michael L. Licalzi, Garden City, New York;

(2035) Staff Sergeant Wilgène T. Lieto, Saipan, Northern Mariana Islands;

(2036) Staff Sergeant Victoir P. Lieurance, Seymour, Tennessee;

(2037) Private First Class Robert A. Liggett, Urbana, Illinois;

(2038) Corporal Robbie Glen Light, Kingsport, Tennessee;

(2039) Sergeant Nicholas J. Lightner, Newport, Oregon;

(2040) Staff Sergeant Daniel R. Lightner, Jr., Hollidaysburg, Pennsylvania;

(2041) Sergeant Eric A. Lill, Chicago, Illinois;

(2042) Staff Sergeant Henry W. Linck, Manhattan, Kansas;

(2043) Staff Sergeant Jonh D. Linde, New York, New York;

(2044) Corporal Michael B. Lindemuth, Petoskey, Michigan;

(2045) Specialist Justin W. Linden, Portland, Oregon;

(2046) Corporal Troy Carlin Linden, Detroit Lakes, Minnesota;

(2047) Specialist Darryl W. Linder, Hickory, North Carolina;

(2048) Specialist James T. Lindsey, Florence, Alabama;

(2049) Lance Corporal David Paul Lindsey, Spartanburg, South Carolina;

(2050) Specialist Roger G. Ling, Douglaston, New York;

(2051) Technical Sergeant Joey D. Link, Portland, Tennessee;

(2052) Lance Corporal Karl R. Linn, Chesterfield, Virginia;

(2053) Sergeant Terry Lisk, Fox Lake, Illinois;

(2054) Specialist Joseph L. Lister, Pleasanton, Kansas;

(2055) Lance Corporal Jason T. Little, Climax, Michigan;

(2056) Specialist Kyle A. Little, West Boylston, Massachusetts;

(2057) Staff Sergeant Tommy S. Little, Aliceville, Alabama;

(2058) Staff Sergeant Nino Dugue Livaudais, Syracuse, Utah;

(2059) Sergeant Dale Thomas Lloyd, Watsontown, Pennsylvania;

(2060) Staff Sergeant Michael C. Lloyd, San Antonio, Texas;

(2061) Private First Class Keith E. Lloyd, Milwaukee, Wisconsin;

(2062) Staff Sergeant Jeffrey S. Loa, Waianae, Hawaii;

(2063) Staff Sergeant Kenneth E. Locker, Jr., Wakefield, Nebraska;

(2064) Colonel Jon M. Lockey, Fredericksburg, Virginia;

(2065) Sergeant Velton Locklear III, Lacey, Washington;

(2066) Lance Corporal Adam Loggins, Athens, Alabama;

(2067) Senior Airman Elizabeth A. Loncki, New Castle, Delaware;

(2068) Sergeant Daniel J. Londono, Boston, Massachusetts;

(2069) Corporal Jonerik Loney, Hartselle, Alabama;

(2070) Lance Corporal Bunny Long, Modesto, California;

(2071) Lance Corporal Jeremy Z. Long, Sun Valley, Nevada;

(2072) Specialist Ryan Patrick Long, Seaford, Delaware;

(2073) Corporal William A. Long, Lilburn, Georgia;

(2074) Specialist Zachariah W. Long, Milton, Pennsylvania;

(2075) Specialist Braden J. Long, Sherman, Texas;

(2076) Staff Sergeant Brian M. Long, Burns, Wyoming;

(2077) Corporal John M. Longoria, Nixon, Texas;

(2078) Private First Class Duane E. Longstreth, Tacoma, Washington;

(2079) Sergeant Jonathan E. Lootens, Lyons, New York;

(2080) Sergeant Edgar E. Lopez, Los Angeles, California;

(2081) Lance Corporal Hilario F. Lopez, Ingleside, Texas;

(2082) Lance Corporal Juan Lopez, Whitfield, Georgia;

(2083) Corporal Manuel Lopez III, Cape Coral, Florida;

(2084) Lance Corporal Edwardo Lopez, Jr., Aurora, Illinois;

(2085) Corporal Juan M. Lopez, Jr., San Antonio, Texas;

(2086) Lance Corporal Hugo R. Lopezlopez, La Habra, California;

(2087) Specialist William Lopez-Feliciano, Quebradillas, Puerto Rico;

(2088) Sergeant Jason Lopezreyes, Hatillo, Puerto Rico;

(2089) Sergeant Richard M. Lord, Jacksonville, Florida;

(2090) Second Lieutenant Christopher E. Loudon, Brockport, Pennsylvania;

(2091) Chief Warrant Officer (CW4) Matthew Scott Lourey, East Bethel, Minnesota;

(2092) First Lieutenant Scott M. Love, Knoxville, Tennessee;

(2093) Staff Sergeant Robert L. Love, Jr., Livingston, Mississippi;

(2094) Private First Class Joseph I. Love-Fowler, North Pole, Alaska;

(2095) Corporal Jeremy M. Loveless, Estacada, Oregon;

(2096) Sergeant First Class Jonathan A. Lowery, Houlton, Maine;

(2097) Staff Sergeant David L. Loyd, Jackson, Tennessee;

(2098) Sergeant Angelo L. Lozada, Jr., Brooklyn, New York;

(2099) Lance Corporal Victor R. Lu, Los Angeles, California;

(2100) Lance Corporal Adam Lucas, Greensboro, North Carolina;

(2101) Specialist Joseph Alan Lucas, Augusta, Georgia;

(2102) Lance Corporal John A. "JT" Lucente, Grass Valley, California;

(2103) Lance Corporal Joshua E. Lucero, Tucson, Arizona;

(2104) Captain Robert L. Lucero, Casper, Wyoming;

(2105) Sergeant Bryan C. Luckey, Tampa, Florida;

(2106) Private First Class Jason C. Ludlam, Arlington, Texas;

(2107) Corporal Eric R. Lueken, Dubois, Indiana;

(2108) Private First Class Caleb A. Lufkin, Knoxville, Illinois;

(2109) Lance Corporal Jacob R. Lugo, Flower Mound, Texas;

(2110) Private First Class John Lukac, Las Vegas, Nevada;

(2111) Private First Class Kevin M. Luna, Oxnard, California;

(2112) Specialist James E. Lundin, Bellport, New York;

(2113) Corporal Brett L. Lundstrom, Stafford, Virginia;

(2114) Sergeant Audrey Daron Lunsford, Sardis, Mississippi;

(2115) Captain Joe Fenton Lusk II, Reedley, California;

(2116) Sergeant Derrick Joseph Lutters, Burlington, Colorado;

(2117) Private First Class George Anthony "Tony" Lutz II, Virginia Beach, Virginia;

(2118) Specialist Wai Pyoe Lwin, Queens, New York;

(2119) Captain Sean E. Lyerly, Pflugerville, Texas;

(2120) Private First Class Jason N. Lynch, St. Croix, Virgin Islands;

(2121) First Lieutenant Matthew D. Lynch, Jericho, New York;

(2122) Lance Corporal Robert A. Lynch, Louisville, Kentucky;

(2123) Lance Corporal Christopher P. Lyons, Mansfield/Shelby, Ohio;

(2124) First Lieutenant James N. Lyons, Rochester, New York;

(2125) Private First Class Christopher D. Mabry, Chunky, Mississippi;

(2126) Lance Corporal Gregory E. MacDonald, Washington, District of Columbia;

(2127) Lance Corporal Cesar F. Machado-Olmos, Spanish Fork, Utah;

(2128) Lance Corporal Fred L. Maciel, Spring, Texas;

(2129) Sergeant First Class Brian A. Mack, Phoenix, Arizona;

(2130) Master Sergeant Kenneth N. Mack, Fort Worth, Texas;

(2131) Private First Class Vorn J. Mack, Orangeburg, South Carolina;

(2132) Private First Class Tyler R. MacKenzie, Evans, Colorado;

(2133) Staff Sergeant Bryant W. Mackey, Eureka, Kansas;

(2134) Captain Michael J. Mackinnon, Helena, Montana;

(2135) Seaman Apprentice Robert D. Macrum, Sugarland, Texas;

(2136) Private First Class Nicholas A. Madaras, Wilton, Connecticut;

(2137) Sergeant Joshua B. Madden, Sibley, Louisiana;

(2138) Sergeant Stephen R. Maddies, Elizabethton, Tennessee;

(2139) Specialist Vincent A. Madero, Port Hueneme, California;

(2140) Specialist Ronnie G. Madore, Jr. San Diego, California;

(2141) Lance Corporal Blake A. Magaoay, Pearl City, Hawaii;

(2142) Lance Corporal Joseph Basil Maglione III, Lansdale, Pennsylvania;

(2143) Captain Shane Mahaffee, Gurnee, Illinois;

(2144) Lance Corporal Marcus Mahdee, Fort Walton Beach, Florida;

(2145) Corporal Jarrod L. Maher, Imogene, Iowa;

(2146) Lance Corporal Sean P. Maher, Grayslake, Illinois;

(2147) Specialist William J. Maher III, Yardley, Pennsylvania;

(2148) Specialist David P. Mahlenbrock, Maple Shade, New Jersey;

(2149) Sergeant Mark A. Maida, Madison, Wisconsin;

(2150) Specialist Russell M. Makowski, Union, Missouri;

(2151) First Lieutenant Dan T. Malcom, Jr. Brinson, Georgia;

(2152) Captain Torre R. Mallard, Oklahoma;

(2153) Staff Sergeant Toby W. Mallet, Kaplan, Louisiana;

(2154) Sergeant Jimy M. Malone, Wills Point, Texas;

(2155) Captain John W. Maloney, Chicopee, Massachusetts;

(2156) First Lieutenant Adam Malson, Rochester Hills, Michigan;

(2157) Corporal Michael T. Manibog, Alameda, California;

(2158) First Lieutenant Travis L. Manion, Doylestown, Pennsylvania;

(2159) Lance Corporal Nicholas J. Manoukian, Lathrup Village, Michigan;

(2160) Chief Warrant Officer Ian D. Manuel, Florida;

(2161) Staff Sergeant William F. Manuel, Kinder, Louisiana;

(2162) Private First Class Pablo Manzano, Heber, California;

(2163) Sergeant Myla L. Maravillosa, Wahiawa, Hawaii;

(2164) Lance Corporal Howard S. March, Jr., Buffalo, New York;

(2165) Corporal Jason N. Marchand, Greenwood, West Virginia;

(2166) Private First Class Miguel A. Marcial III, Secaucus, New Jersey;

(2167) Private First Class Luigi Marciante, Jr., Elizabeth, New Jersey;

(2168) Sergeant Joshua S. Marcum, Evening Shade, Arkansas;

(2169) Private First Class Lyndon A. Marcus, Jr., Long Beach, California;

(2170) Staff Sergeant Paul C. Mardis, Jr. Palmetto, Florida;

(2171) Corporal Douglas Jose Marencoreyes, Chino, California;

(2172) Specialist Jeremy E. Maresh, Penn Forest Township, Pennsylvania;

(2173) Master Sergeant Jude C. Mariano, Vallejo, California;

(2174) Private Robbie M. Mariano, Stockton, California;

(2175) Sergeant Javier Marin, Jr., Mission, Texas;

(2176) Lance Corporal Jose S. Marin-Dominguez, Jr., Liberal, Kansas;

(2177) Lance Corporal Kristen K. Marino (Figueroa), Honolulu, Hawaii;

(2178) Private First Class Christopher L. Marion, Pineville, Missouri;

(2179) Chief Warrant Officer Keith R. Mariotti, Elkton, Maryland;

(2180) Corporal Jonathan A. Markham, Bedford, Texas;

(2181) Corporal Gentian Marku, Warren, Michigan;

(2182) Private First Class Chad E. Marsh, Wichita, Kansas

(2183) Specialist James E. Marshall, Tulsa, Oklahoma

(2184) Sergeant First Class John Winston Marshall, Los Angeles, California

(2185) Sergeant Randell T. Marshall, Fitzgerald, Georgia;

(2186) Corporal Evan A. Marshall, Athens, Georgia;

(2187) Sergeant Bradley W. Marshall, Little Rock, Arkansas;

(2188) Hospitalman Robert N. Martens, Queen Creek, Arizona;

(2189) Private First Class David J. Martin, Edmond, Oklahoma;

(2190) Staff Sergeant Jay Edward Martin, Baltimore, Maryland;

(2191) Private First Class Ryan A. Martin, Mount Vernon, Ohio;

(2192) Staff Sergeant Stephen G. Martin, Wausau/Rhinelander, Wisconsin;

(2193) Sergeant Timothy P. Martin, Pixley, California;

(2194) Staff Sergeant Jonathon L. Martin, Bellevue, Ohio;

(2195) First Lieutenant Thomas M. Martin, Ward, Arkansas;

(2196) Sergeant Shawn P. Martin, Delmar, New York;

(2197) Sergeant Francisco Martinez, Humacao, Puerto Rico;

(2198) Specialist Francisco G. Martinez, Fort Worth, Texas;

(2199) Private First Class Jesse J. Martinez, Tracy, California;

(2200) Corporal Joseph L. Martinez, Las Vegas, Nevada;

(2201) Specialist Michael A. Martinez, Juana Diaz, Puerto Rico;

(2202) Major Michael R. Martinez, Kansas City/Columbia, Missouri;

(2203) Staff Sergeant Misael Martinez, Chapel Hill, North Carolina;

(2204) Private First Class Oscar A. Martinez, North Lauderdale, Florida;

(2205) Lance Corporal Rene Martinez, Miami, Florida;

(2206) Lance Corporal Robert Alexander Martinez, Splendora, Texas;

(2207) Specialist Victor A. Martinez, Bronx, New York;

(2208) Staff Sergeant Virgil C. Martinez, West Valley, Utah;

(2209) Sergeant Anselmo Martinez, Robstown, Texas;

(2210) Sergeant Michael J. Martinez, Chula Vista, California;

(2211) Specialist Roberto L. Martinez Salazar, Long Beach, California;

(2212) Private First Class Francisco Abraham Martinez-Flores, Los Angeles, California;

(2213) Sergeant Trinidad R. Martinezluis, Los Angeles, California;

(2214) Lance Corporal Philip John Martini, Lansing, Illinois;

(2215) Captain Michael D. Martino, Fairfax, Virginia;

(2216) Specialist Jacob D. Martir, Norwich, Connecticut;

(2217) Gunnery Sergeant Justin R. Martone, Bedford, Virginia;

(2218) Sergeant Michael A. Marzano, Greenville, Pennsylvania;

(2219) Staff Sergeant Ryan D. Maseth, Pittsburgh, Pennsylvania;

(2220) Corporal Chris Mason, Mobile, Alabama;

(2221) Private First Class Collin T. Mason, Staten Island, New York;

(2222) Staff Sergeant Johnnie V. Mason, Rio Vista, Texas;

(2223) Sergeant Nicholas C. "Nick" Mason, King George, Virginia;

(2224) Private First Class Casey P. Mason, Lake, Michigan;

(2225) Sergeant John R. Massey, Judsonia, Arkansas;

(2226) Sergeant Arthur S. (Stacey) Mastrapa, Apopka, Florida;

(2227) Chief Warrant Officer Johnny Villareal Mata, Amarillo, Texas;

(2228) Lance Corporal Ramon Mateo, Suffolk, New York;

(2229) Sergeant Randy J. Matheny, McCook, Nebraska;

(2230) Sergeant Charles E. Matheny IV, Stanwood, Washington;

(2231) Specialist Micheal B. Matlock, Glen Burnie, Maryland;

(2232) Lance Corporal John J. Mattek, Jr., Stevens Point, Wisconsin;

(2233) Staff Sergeant Joshua P. Mattero, San Diego, California;

(2234) Sergeant James C. "J.C." Matteson, Jamestown/Celoron, New York;

(2235) Specialist Clint Richard "Bones" Matthews, Bedford, Pennsylvania;

(2236) Captain Matthew C. Mattingly, Reynoldsburg, Ohio;

(2237) Corporal Matthew E. Matula, Spicewood, Texas;

(2238) Lance Corporal Andrew G. Matus, Chetek, Wisconsin;

(2239) Staff Sergeant Donald Charles May, Jr., Richmond, Virginia;

(2240) Private First Class Joseph Patrick Mayek, Rock Springs, Wyoming;

(2241) Lance Corporal Ryan L. Mayhan, Hawthorne, California;

(2242) Lance Corporal Chad B. Maynard, Montrose, Colorado;

(2243) Private Barry Wayne Mayo, Ecru, Mississippi;

(2244) Corporal Pablo V. Mayorga, Margate, Florida;

(2245) Private Anthony M. Mazzarella, Blue Springs, Missouri;

(2246) Master Sergeant Brian P. McAnulty, Vicksburg, Mississippi;

(2247) Specialist Montrel S. Mcarn, Raeford, North Carolina;

(2248) Sergeant Zachary W. McBride, Bend, Oregon;

(2249) Sergeant Patrick R. McCaffrey, Sr., Tracy, California;

(2250) Sergeant Daniel L. McCall, Pace, Florida;

(2251) Private First Class Rodney L. McCandless, Camden, Arkansas;

(2252) Specialist Marquis J. McCants, San Antonio, Texas;

(2253) Lance Corporal Joseph C. McCarthy, Concho, Arizona;

(2254) Lance Corporal Ryan T. McCaughn, Manchester, New Hampshire;

(2255) Private First Class Ryan Michael McCauley, Lewisville, Texas;

(2256) Sergeant First Class Randy D. McCaulley, Indiana, Pennsylvania;

(2257) Major Joseph Trane McCloud, Grosse Pointe Park, Michigan;

(2258) Private First Class Christopher M. McCloud, Malakoff, Texas;

(2259) Major Megan M. McClung, Coupeville, Washington;

(2260) Specialist Daniel James McConnell, Duluth, Minnesota;

(2261) Corporal Brad Preston McCormick, Overton, Tennessee;

(2262) Private Clinton T. McCormick, Jacksonville, Florida;

(2263) Staff Sergeant Gregory W. G. McCoy, Webberville, Michigan;

(2264) Lance Corporal Christopher M. McCrackin, Liverpool, Texas;

(2265) First Lieutenant Erik S. McCrae, Portland, Oregon;

(2266) Specialist Donald R. McCune, Ypsilanti, Michigan;

(2267) Lance Corporal Ryan S. McCurdy, Baton Rouge, Louisiana;

(2268) Private First Class Juctin R. P. McDaniel, Andover, New Hampshire;

(2269) Corporal Robert T. McDavid, Starksville, Mississippi;

(2270) Specialist Sean K. McDonald, Rosemount, Minnesota;

(2271) Specialist Bryan T. McDonough, Maplewood, Minnesota;

(2272) Sergeant Robert M. McDowell, Deer Park, Texas;

(2273) Staff Sergeant Brian McElroy, San Antonio, Texas;

(2274) Corporal Anthony T. McElveen, Little Falls, Minnesota;

(2275) Staff Sergeant Thomas M. McFall, Glendora, California;

(2276) Specialist Dwayne James McFarlane, Jr., Cass Lake, Minnesota;

(2277) Chief Warrant Officer Jackie L. McFarlane, Jr., Virginia Beach, Virginia;

(2278) Specialist Dustin K. McGaugh, Derby, Kansas;

(2279) Sergeant John E. McGee, Columbus, Georgia;

(2280) Private First Class Holly J. McGeogh, Taylor, Michigan;

(2281) Sergeant Arthur R. McGill, Gravette, Arkansas;

(2282) Sergeant Brian Daniel McGinnis, St. George, Delaware;

(2283) First Sergeant Ricky L. McGinnis, Hamilton, Ohio;

(2284) Private Ross A. McGinnis, Knox, Pennsylvania;

(2285) Second Lieutenant Donald R. McGlothin, Lebanon, Virginia;

(2286) Specialist Michael A. McGlothin, Milwaukee, Wisconsin;

(2287) Captain Timothy I. McGovern, Indiana;

(2288) Corporal Stephen M. McGowan, Newark, Delaware;

(2289) Specialist Jeremy W. McHalffey, Mabelvale, Arkansas;

(2290) Petty Officer Second Class Scott R. Mchugh, Boca Raton, Florida;

(2291) Staff Sergeant Eric A. McIntosh, Trafford, Pennsylvania;

(2292) Hospitalman Joshua McIntosh, Kingman, Arizona;

(2293) Corporal Scott A. McIntosh, Houston, Texas;

(2294) Sergeant David M. McKeever, Buffalo, New York;

(2295) Captain John James McKenna IV, Brooklyn, New York;

(2296) Specialist Eric S. McKinley, Corvallis, Oregon;

(2297) Private Robert L. McKinley, Kokomo, Indiana;

(2298) First Sergeant Jeffrey R. McKinney, Garland, Texas;

(2299) Corporal Antoine J. McKinzie, Indianapolis, Indiana;

(2300) Lieutenant Colonel Michael E. McLaughlin, Mercer, Pennsylvania;

(2301) Sergeant Scott P. McLaughlin, Hardwick, Vermont;

(2302) Sergeant Garrett I. McLead, Rockport, Texas;

(2303) Lance Corporal Justin D. McLeese, Covington, Louisiana;

(2304) Staff Sergeant Don Steven McMahan, Nashville, Tennessee;

(2305) Corporal Graham M. McMahon, Corvallis, Oregon;

(2306) Staff Sergeant Jacob G. McMillan, Lafayette, Louisiana;

(2307) Sergeant Heath A. McMillin, Canandaigua, New York;

(2308) Staff Sergeant Michael Joseph McMullen, Salisbury, Maryland;

(2309) Sergeant Robert A. McNail, Meridian, Mississippi;

(2310) Sergeant First Class Robbie D. McNary, Lewistown, Montana;

(2311) Staff Sergeant James D. McNaughton, Middle Village, New York;

(2312) Sergeant Phillip D. McNeill, Sunrise, Florida;

(2313) Master Sergeant Michael L. McNulty, Knoxville, Tennessee;

(2314) Specialist Alan E. McPeek, Tucson, Arizona;

(2315) First Lieutenant Brian Michael McPhillips, Pembroke, Massachusetts;

(2316) Corporal James H. McRae, Springtown, Texas;

(2317) Petty Officer First Class Robert Richard McRill, Lake Placid, Florida;

(2318) Sergeant First Class Clarence D. McSwain, Meridian, Kentucky;

(2319) Petty Officer First Class Joseph A. McSween, Valdosta, Georgia;

(2320) Sergeant First Class Otie Joseph McVey, Oak Hill, West Virginia;

(2321) Lance Corporal Daniel M. McVicker, Alliance, Ohio;

(2322) Corporal Jesus Martin Antonio Medellin, Fort Worth, Texas;

(2323) Lance Corporal Brian A. Medina, Woodbridge, Virginia;

(2324) Specialist Irving Medina, Middletown, New York;

(2325) Lance Corporal Matthew S. Medlicott, Houston, Texas;

(2326) Sergeant Jean P. Medlin, Pelham, Alabama;

(2327) Sergeant William B. Meeuwsen, Kingwood, Texas;

(2328) Sergeant Benjamin E. Mejia, Salem, Massachusetts;

(2329) Private Bobby Mejia II, Saginaw, Michigan;

(2330) Staff Sergeant David A. Mejias, San Juan, Puerto Rico;

(2331) Specialist Mark W. Melcher, Pittsburgh, Pennsylvania;

(2332) Sergeant John Mele, Bunnell, Florida;

(2333) Lance Corporal Anthony C. Melia, Thousand Oaks, California;

(2334) Corporal Casey L. Mellen, Huachuca City, Arizona;

(2335) Staff Sergeant Julian S. Melo, Brooklyn, New York;

(2336) Specialist Jacob E. Melson, Wasilla, Alaska;

(2337) Specialist Kenneth A. Melton, Westplains, Missouri;

(2338) Corporal Jaygee Ngirmidol Meluat, Tamuning, Guam;

(2339) Staff Sergeant Tracy L. Melvin, Seattle, Washington;

(2340) Private Kristian Menchaca, San Marcos, Texas;

(2341) First Sergeant Bobby Mendez, Brooklyn, New York;

(2342) Lance Corporal David A. Mendez Ruiz, Cleveland, Ohio;

(2343) Private First Class Antonio "Tony" Mendez Sanchez, Rincon, Puerto Rico;

(2344) Petty Officer Third Class Fernando A. Mendez-Aceves, Ponce, Puerto Rico;

(2345) Corporal Antonio Mendoza, Santa Ana, California;

(2346) Sergeant Giann C. Joya Mendoza, North Hollywood, California;

(2347) Major Ramon J. Mendoza, Jr., Columbus, Ohio;

(2348) Sergeant Steven P. Mennemeyer, Granite City, Illinois;

(2349) Gunnery Sergeant Joseph Menusa, San Jose, California;

(2350) Staff Sergeant Eddie E. Menyweather, Los Angeles, California;

(2351) Specialist Gil Mercado, Paterson, New Jersey;

(2352) Lance Corporal Raul Mercado, Monrovia, California;

(2353) Staff Sergeant Angel D. Mercado-Velazquez, Puerto Rico;

(2354) Specialist Sergio A. Mercedes Saez, New York, New York;

(2355) Sergeant Chad M. Mercer, Waycross, Georgia;

(2356) Specialist Christopher S. Merchant, Hardwick, Vermont;

(2357) Staff Sergeant Dennis P. Merck, Evans, Georgia;

(2358) Sergeant Michael M. Merila, Sierra Vista, Arizona;

(2359) Private First Class Ivan E. Merlo, San Marcos, California;

(2360) Sergeant Jason L. Merrill, Mesa, Arizona;

(2361) Specialist Christopher A. Merville, Albuquerque, New Mexico;

(2362) Sergeant Christopher P. Messer, Petersburg, Florida;

(2363) Private First Class Scott A. Messer, Ashland, Kentucky;

(2364) Private First Class Nicolas E. Messmer, Gahanna/Franklin, Ohio;

(2365) Sergeant Daniel K. Methvin, Belton, Texas;

(2366) Sergeant Major Michael C. Mettille, St. Paul, Minnesota;

(2367) Private First Class Harrison J. Meyer, Worthington, Ohio;

(2368) Private First Class Jason Michael Meyer, Swartz Creek, Michigan;

(2369) Specialist Brandon A. Meyer, Orange, California;

(2370) Sergeant Barry K. Meza, League City, Texas;

(2371) Corporal Gilberto A. Meza, Oxnard, California;

(2372) Corporal Joseph P. Micks, Rapid River, Michigan;

(2373) Sergeant Eliu A. Miersandoval, San Clemente, California;

(2374) Specialist Michael G. Mihalakis, San Jose, California;

(2375) Private First Class Matthew G. Milczark, Kettle River, Minnesota

(2376) Corporal Jason David Mileo, Centreville, Maryland;

(2377) Sergeant Sean H. Miles, Midlothian, Virginia;

(2378) Specialist Gregory N. Millard, San Diego, California;

(2379) Sergeant Joseph B. Milledge, Pointblank, Texas;

(2380) Private First Class Patrick J. Miller, New Port Richey, Florida;

(2381) Private First Class Anthony Scott Miller, San Antonio, Texas;

(2382) Lance Corporal Clinton J. Miller, Greenfield, Iowa;

(2383) Sergeant John W. Miller, West Burlington, Iowa;

(2384) Specialist Kyle Miller, Willmar, Minnesota;

(2385) Sergeant Marco L. Miller, Longwood, Florida;

(2386) Sergeant First Class Marvin Lee Miller, Dunn, North Carolina;

(2387) Lance Corporal Nicholas A. Miller, Silverwood, Michigan;

(2388) Lance Corporal Ryan A. Miller, Pearland, Texas;

(2389) Private Ryan Edwin Miller, Gahanna, Ohio;

(2390) Lance Corporal William L. Miller, Pearland, Texas;

(2391) Sergeant Mikeal W. Miller, Albany, Oregon;

(2392) Private Scott A. Miller, Casper, Wyoming;

(2393) Captain Lowell T. Miller II, Flint, Michigan;

(2394) Private First Class James H. Miller IV, Cincinnati, Ohio;

(2395) Private First Class Bruce Miller, Jr., Orange, New Jersey;

(2396) Senior Airman Daniel B. Miller, Jr., Galesburg, Illinois;

(2397) Private First Class Dennis J. Miller, Jr., La Salle, Michigan;

(2398) Staff Sergeant Frederick L. Miller, Jr., Hagerstown, Indiana;

(2399) Private First Class Jonathan Millican, Trafford, Alabama;

(2400) Sergeant Lea R. Mills, Brooksville, Florida;

(2401) Sergeant Jerry W. Mills, Jr., Arkansas City, Kansas;

(2402) First Sergeant Timmy J. Millsap, Wichita, Kansas;

(2403) Specialist Avealalo Milo, Hayward, California;

(2404) Lance Corporal Robert T. Mininger, Sellersville, Pennsylvania;

(2405) Petty Officer First Class Gilbert Minjares, Jr., El Paso, Texas;

(2406) Staff Sergeant Brian L. Mintzlaff, Fort Worth, Texas;

(2407) Sergeant Joseph Minucci II, Richeyville, Pennsylvania;

(2408) Sergeant First Class Troy "Leon" Miranda, DeQueen, Arkansas;

(2409) Sergeant Gordon F. Misner II, Sparks, Nevada;

(2410) Private Jody W. Missildine, Plant City, Florida;

(2411) Staff Sergeant Curtis A. Mitchell, Malta, Ohio;

(2412) Sergeant Keman L. Mitchell, Hilliard, Florida;

(2413) Sergeant Michael W. Mitchell, Porterville, California;

(2414) Sergeant Sean R. Mitchell, Youngsville, Pennsylvania;

(2415) Specialist Raymond N. Mitchell III, West Memphis, Arkansas;

(2416) Specialist George Arthur Mitchell, Jr., Rawlings, Maryland;

(2417) Sergeant David A. Mitts, Hammond, Oregon;

(2418) Private First Class Jesse D. Mizener, Auburn, California;

(2419) Sergeant Willsun M. Mock, Harper, Kansas;

(2420) Lance Corporal Scott T. Modeen, Hennepin, Minnesota;

(2421) Private First Class Joshua S. Modgling, Las Vegas, Nevada;

(2422) Specialist Yari Mokri, Pflugerville, Texas;

(2423) Specialist Joshua A. Molina, Houston, Texas;

(2424) Staff Sergeant Jorge A. Molina Bautista, Rialto, California;

(2425) Sergeant First Class Justin S. Monschake, Krum, Texas;

(2426) Private First Class Anthony W. Monroe, Bismarck, North Dakota;

(2427) Specialist Christopher T. Monroe, Kendallville, Indiana;

(2428) Lance Corporal Jeremy Scott Sandvick Monroe, Chinook, Montana;

(2429) Petty Officer Second Class Michael A. Monsoor, Garden Grove, California;

(2430) Staff Sergeant Jesus M. Montalvo, Rio Piedras, Puerto Rico;

(2431) Staff Sergeant Jason W. Montefering, Parkston, South Dakota;

(2432) Sergeant Alphonso J. Montenegro II, Far Rockaway, New York;

(2433) Sergeant Luis A. Montes, El Centro, California;

(2434) Lance Corporal Brian P. Montgomery, Willoughby, Ohio;

(2435) Sergeant Ryan J. Montgomery, Greensburg, Kentucky;

(2436) Sergeant Robert J. Montgomery, Scottsburg, Indiana;

(2437) Specialist Damien M. Montoya, Holbrook, Arizona;

(2438) Sergeant Michael J. Montpetit, Honolulu, Hawaii;

(2439) Sergeant Milton M. Monzon, Jr., Los Angeles, California;

(2440) Staff Sergeant Michael D. Moody, Jr., Richmond, Virginia;

(2441) Sergeant Jae S. Moon, Levittown, Pennsylvania;

(2442) First Lieutenant Adam G. Mooney, Cambridge, Maryland;

(2443) Chief Warrant Officer Dwayne L. Moore, Williamsburg, Virginia;

(2444) Major Horst Gerhard "Gary" Moore, Los Fresnos/San Antonio, Texas;

(2445) Corporal James Lee Moore, Roseburg, Oregon;

(2446) Lance Corporal Jason William Moore, San Marcos, California;

(2447) Private First Class Keith J. Moore, San Francisco, California;

(2448) Corporal Nathaniel K. Moore, Champaign, Illinois;

(2449) Private First Class Stuart W. Moore, Livingston, Texas;

(2450) Staff Sergeant William C. Moore, Benson, North Carolina;

(2451) Private First Class Joshua M. Moore, Russellville, Kentucky;

(2452) Staff Sergeant Christopher Lee Moore, Alpaugh, California;

(2453) Sergeant Travis A. Moothart, Brownsville, Oregon;

(2454) Specialist Jose L. Mora, Bell Gardens, California;

(2455) Private First Class Michael A. Mora, Arroyo Grande, California;

(2456) Sergeant Omar L. Mora, Texas City, Texas;

(2457) Sergeant Arthur A. Mora, Jr., Pico Rivera, California;

(2458) Sergeant Melvin Y. Mora Lopez, Arecibo, Puerto Rico;

(2459) Private First Class Jason M. Morales, La Puente, California;

(2460) Private Joshua M. Morberg, Sparks, Nevada;

(2461) Master Sergeant Kevin N. Morehead, Little Rock, Arkansas;

(2462) Captain Brent L. Morel, Martin, Tennessee;

(2463) Petty Officer Third Class David J. Moreno, Gering, Nebraska;

(2464) Sergeant Gerardo Moreno, Terrell, Texas;

(2465) Specialist Jaime Moreno, Round Lake Beach, Illinois;

(2466) Private First Class Luis A. Moreno, Bronx, New York;

(2467) Private Reece D. Moreno, Prescott, Arizona;

(2468) Sergeant Trista L. Moretti, South Plainfield, New Jersey;

(2469) Sergeant Carl J. Morgain, Butler, Pennsylvania;

(2470) Sergeant Dennis B. Morgan, Valentine, Nebraska;

(2471) Specialist Keisha M. Morgan, Washington, District of Columbia;

(2472) Staff Sergeant Richard L. Morgan, Jr., Maynard/St. Clairsville, Ohio;

(2473) Sergeant Steve Morin, Jr., Arlington, Texas;

(2474) Sergeant Joshua L. Morley, Boise, Idaho;

(2475) Staff Sergeant Christopher R. Morningstar, San Antonio, Texas;

(2476) Private First Class Allan A. Morr, Shiawassee County, Michigan;

(2477) Staff Sergeant Brian Lee Morris, Centreville, Michigan;

(2478) Staff Sergeant Daniel M. Morris, Clinton, Tennessee;

(2479) Lance Corporal Daniel T. Morris, Crimora, Virginia;

(2480) Corporal Darrel J. Morris, Spokane, Washington;

(2481) Sergeant Eric Wayne Morris, Sparks, Nevada;

(2482) Private First Class Geoffrey S. Morris, Gurnee, Illinois;

(2483) Sergeant Kelly S. Morris, Boise, Idaho;

(2484) Lance Corporal Stephen L. Morris, Lake Jackson, Texas;

(2485) Private First Class Ricky A. Morris, Jr., Lubbock, Texas;

(2486) Sergeant First Class Lawrence E. Morrison, Yakima, Washington;

(2487) Lance Corporal Nicholas B. Morrison, Carlisle, Pennsylvania;

(2488) Sergeant Shawna M. Morrison, Paris/Champaign, Illinois;

(2489) Corporal Jason W. Morrow, Riverside, California;

(2490) Lance Corporal Marty G. Mortenson, Flagstaff, Arizona;

(2491) Sergeant Benjamin C. Morton, Wright, Kansas;

(2492) Lance Corporal Robert L. Moscillo, Salem, New Hampshire;

(2493) Captain Timothy J. Moshier, Delmar/Albany, New York;

(2494) Specialist Jason L. Moski, Blackville/Wagener, South Carolina;

(2495) Sergeant Keelan L. Moss, Houston, Texas;

(2496) Technical Sergeant Walter M. Moss, Jr., Houston, Texas;

(2497) Sergeant First Class Allen Mosteiro, Fort Worth, Texas;

(2498) Corporal Todd A. Motley, Clare, Michigan;

(2499) Staff Sergeant Christopher O. Moudry, Baltimore, Maryland;

(2500) Sergeant First Class James S. "Shawn" Moudy, Newark, Delaware;

(2501) Corporal Clifton Blake Mounce, Pontotoc, Mississippi;

(2502) Corporal Kevin S. Mowl, Pittsford, New York;

(2503) Specialist Clifford L. Moxley, Jr., New Castle, Pennsylvania;

(2504) Sergeant Ashly L. Moyer, Emmaus, Pennsylvania;

(2505) Sergeant Cory R. Mracek, Hay Springs, Nebraska;

(2506) Sergeant James P. Muldoon, Bells, Texas;

(2507) Staff Sergeant Jeremy W. Mulhair, Omaha, Nebraska;

(2508) Private First Class Adam J. Muller, Underhill, Vermont;

(2509) Major Michael Lewis Mundell, Brandenburg, Kentucky;

(2510) Specialist Joshua J. Munger, Maysville, Missouri;

(2511) Staff Sergeant Donald L. Munn II, Saint Clairs Shores, Michigan;

(2512) Private First Class Matthew M. Murchison, Independence, Missouri;

(2513) Gunnery Sergeant Herman J. Murkenson, Jr., Adger, Alabama;

(2514) Private First Class Christopher E. Murphy, Lynchburg, Virginia;

(2515) Private First Class Shawn M. Murphy, Fort Bragg, North Carolina;

(2516) Sergeant Warren A. Murphy, Marrero, Louisiana;

(2517) Commander Philip A. Murphy-Sweet, Caldwell, Idaho;

(2518) Lance Corporal Adam R. Murray, Cordova, Tennessee;

(2519) Sergeant David Joseph Murray, Felixville/Clinton, Louisiana;

(2520) Sergeant Jeremy E. Murray, Atwater, Ohio;

(2521) Sergeant Rodney A. Murray, Ayden, North Carolina;

(2522) Sergeant Joel L. Murray, Kansas City, Missouri;

(2523) Private First Class Robert W. Murray, Jr., Westfield, Indiana;

(2524) Sergeant James P. Musack, Riverside, Iowa;

(2525) Sergeant Dimitri Muscat, Aurora, Colorado;

(2526) Sergeant Mitchel T. Mutz, Falls City, Texas;

(2527) Lance Corporal Veashna Muy, Los Angeles, California;

(2528) Specialist Edward L. Myers, St. Joseph, Missouri;

(2529) Sergeant Krisna Nachampassak, Burke, Virginia;

(2530) Specialist Russell H. Nahvi, Arlington, Texas;

(2531) Specialist Paul T. Nakamura, Santa Fe Springs, California;

(2532) Specialist Nathan W. Nakis, Sedro-Woolley, Washington;

(2533) Private Kenneth A. Nalley, Hamburg, Iowa;

(2534) Petty Officer Third Class Roger Alan Napper, Jr., Greenburg, Pennsylvania;

(2535) Specialist Richard Junior D. Naputi of Talofofo, Guam;

(2536) Staff Sergeant Joe A. Narvaez, San Antonio, Texas;

(2537) Specialist Casey W. Nash, Baltimore, Maryland;

(2538) Chief Warrant Officer (CW2) Christopher G. Nason, Los Angeles, California;

(2539) Airman First Class Jason D. Nathan, Macon, Georgia;

(2540) Specialist Peter J. Navarro, Wildwood, Missouri;

(2541) Lance Corporal Juana NavarroArellano, Ceres, California;

(2542) Major Kevin Gerard Nave, Union Lake, Michigan;

(2543) Specialist Rafael L. Navea, Pittsburgh, Pennsylvania;

(2544) Specialist Brynn J. Naylor, Roswell, New Mexico;

(2545) Specialist Christine M. Ndururi, Dracut, Massachusetts;

(2546) Corporal Jacob H. Neal, San Marcos, Texas;

(2547) Lance Corporal Troy D. Nealey, Eaton Rapids, Michigan;

(2548) Master Sergeant Robb Gordon Needham, Vancouver, Washington;

(2549) First Lieutenant Phillip I. Neel, Maryland;

(2550) Specialist Charles L. Neeley, Mattoon, Illinois;

(2551) Sergeant Peter C. Neesley, Grosse Pointe Farms, Michigan;

(2552) Private First Class Christian M. Neff, Lima, Ohio;

(2553) Staff Sergeant Paul M. Neff II, Fort Mill, South Carolina;

(2554) Sergeant Julio E. Negron, Pompano Beach, Florida;

(2555) Specialist Christopher T. Neiberger, Gainesville, Florida;

(2556) Private First Class Gavin L. Neighbor, Somerset, Ohio;

(2557) Staff Sergeant Regilio E. Nelom, Queens, New York;

(2558) Private First Class Albert M. Nelson, Philadelphia, Pennsylvania;

(2559) Private First Class Andrew H. Nelson, Saint Johns, Michigan;

(2560) Sergeant Craig L. Nelson, Bossier City, Louisiana;

(2561) Specialist Lex S. Nelson, Salt Lake City, Utah;

(2562) Sergeant Mario Nelson, New York, New York;

(2563) Staff Sergeant Travis L. Nelson, Anniston, Alabama;

(2564) Corporal Christopher J. Nelson, Rochester, Washington;

(2565) Staff Sergeant Andrew P. Nelson, Moorhead, Minnesota;

(2566) Specialist Keith V. Nepsa, New Philidelphia, Ohio;

(2567) Petty Officer Third Class Marcques J. Nettles, Beaverton, Oregon;

(2568) Sergeant Paul C. Neubauer, Oceanside, California;

(2569) Specialist Joshua M. Neusche, Montreal, Missouri;

(2570) Private First Class William R. Newgard, Arlington Heights, Illinois;

(2571) First Lieutenant Gwilym J. Newman, Waldorf, Maryland;

(2572) Lance Corporal Randy Lee Newman, Bend, Oregon;

(2573) Senior Airman William N. Newman, Kingston Springs, Tennessee;

(2574) Staff Sergeant Daniel A. Newsome, Chicopee, Massachusetts;

(2575) Corporal Meresebang Ngiraked, Koror, Republic of Palau;

(2576) Specialist Dan H. Nguyen, Sugarland, Texas;

(2577) Sergeant First Class Tung M. Nguyen, Tracy, California;

(2578) Lance Corporal Joseph L. Nice, Nicoma Park, Oklahoma;

(2579) Corporal Dominique J. Nicolas, Maricopa, Arizona;

(2580) Private First Class Louis E. Niedermeier, Largo, Florida;

(2581) Specialist Isaac Michael Nieves, Unadilla, New York;

(2582) Staff Sergeant Scott E. Nisely, Marshalltown, Iowa;

(2583) Lance Corporal Patrick Ray Nixon, Nashville, Tennessee;

(2584) Hospitalman Daniel S. Noble, Whittier, California;

(2585) Specialist Allen Nolan, Marietta, Ohio;

(2586) Sergeant Joseph M. Nolan, Philadelphia, Pennsylvania;

(2587) Specialist Marcos O. Nolasco, Chino, California;

(2588) Hospitalman Kyle A. Nolen, Ennis, Texas;

(2589) Sergeant Nicholas S. Nolte, Falls City, Nebraska;

(2590) Captain Michael A. Norman, Killeen, Texas;

(2591) Sergeant William J. Normandy, East Barre, Vermont;

(2592) Specialist Joseph C. Norquist, San Antonio, Texas;

(2593) Sergeant Curtis L. Norris, Dansville, Michigan;

(2594) Staff Sergeant Paul B. Norris, Cullman, Alabama;

(2595) Private First Class Christopher M. North, Sarasota, Florida;

(2596) Technical Sergeant Jason L. Norton, Miami, Oklahoma;

(2597) Sergeant Justin Dean Norton, Rainier, Washington;

(2598) Sergeant Byron W. Norwood, Pflugerville, Texas;

(2599) Captain Leif E. Nott, Cheyenne, Wyoming;

(2600) Specialist Shaun A. Novak, Two Rivers, Wisconsin;

(2601) Lance Corporal Andrew W. Nowacki, South Euclid, Ohio;

(2602) Sergeant Justin Noyes, Vinita, Oklahoma;

(2603) Staff Sergeant Todd E. Nunes, Chapel Hills, Tennessee;

(2604) Corporal Jason Nunez, Naranjito, Puerto Rico;

(2605) Corporal Keith A. Nurnberg, McHenry, Illinois;

(2606) Sergeant Joseph C. Nurre, Wilton, California;

(2607) Sergeant David T. Nutt, Blackshear, Georgia;

(2608) Corporal Mick R. Nygardbekowsky, Concord, California;

(2609) Staff Sergeant Nathaniel J. Nyren, Reston, Virginia;

(2610) Lance Corporal Walter K. O'Haire, Lynn, Massachusetts;

(2611) Sergeant Donald Samuel Oaks, Jr., Erie, Pennsylvania;

(2612) Private First Class Francis C. Obaji, Queens Village, New York;

(2613) Private First Class Branden F. Oberleitner, Worthington, Ohio;

(2614) Specialist George R. Obourn, Jr., Creve Coeur, Illinois;

(2615) Corporal William D. O'Brien, Rice, Texas;

(2616) Lance Corporal Patrick Terence O'Day, Sonoma, California;

(2617) Sergeant Major Robert D. ODell, Manassas, Virginia;

(2618) Lance Corporal Shane K. O'Donnell, DeForest, Wisconsin;

(2619) Specialist Charles E. Odums II, Sandusky, Ohio;

(2620) Sergeant John B. Ogburn III, Fruitland, Idaho;

(2621) Corporal Wade J. Oglesby, Grand Junction, Colorado;

(2622) Specialist Ramon C. Ojeda, Ramona, California;

(2623) Sergeant Randell Olguin, Ralls, Texas;

(2624) Corporal Brian Oliveira, Raynham, Massachusetts;

(2625) Sergeant Nicholas J. Olivier, Ruston, Louisiana;

(2626) Major Andrew J. Olmsted, Colorado Springs, Colorado;

(2627) Lance Corporal Daniel R. Olsen, Eagan, Minnesota;

(2628) Specialist Toby R. Olsen, Manchester, New Hampshire;

(2629) Corporal John T. Olson, Elk Grove Village, Illinois;

(2630) Staff Sergeant Todd D. Olson, Loyal, Wisconsin;

(2631) Specialist Nicholas P. Olson, Novato, California;

(2632) First Lieutenant Robert C. Oneto-Sikorski, Bay St. Louis, Mississippi;

(2633) Sergeant Justin B. Onwordi, Chandler, Arizona;

(2634) Sergeant Bryan James Opskar, Princeton, Minnesota;

(2635) Private First Class Michael K. Oremus, Highland, New York;

(2636) Specialist Richard P. Orengo, Toa Alta, Puerto Rico;

(2637) Lieutenant Colonel Kim S. Orlando, Nashville, Tennessee;

(2638) Lance Corporal Eric James Orlowski, Buffalo, New York;

(2639) Private First Class Jay-D H. Ornsby-Adkins, Ione, California;

(2640) Sergeant Adrian N. Orosco, Corcoran, California;

(2641) First Lieutenant Osbaldo Orozco, Delano, California;

(2642) Private First Class Cody J. Orr, Ruskin, Florida;

(2643) Private Elijah M. Ortega, Oxnard, California;

(2644) Captain Maria I. Ortiz, Bayamon, Puerto Rico;

(2645) Staff Sergeant Billy J. Orton, Humnoke, Arkansas;

(2646) Sergeant Timothy R. Osbey, Magnolia, Mississippi;

(2647) Sergeant Pamela G. Osbourne, Hollywood, Florida;

(2648) Sergeant John C. Osmolski, Eustis, Florida;

(2649) Staff Sergeant Ryan S. Ostrom, Liberty, Pennsylvania;

(2650) Chief Warrant Officer Scott A.M., Oswell, Washington;

(2651) Lance Corporal Deshon E. Otey, Hardin, Kentucky;

(2652) Private First Class Kevin C. Ott, Columbus, Ohio;

(2653) Staff Sergeant Michael C. Ottolini, Sebastopol, California;

(2654) Lance Corporal Tyler R. Overstreet, Gallatin, Tennessee;

(2655) Sergeant Michael G. Owen, Phoenix, Arizona;

(2656) Specialist Anthony Chad Owens, Dillon/Conway, South Carolina;

(2657) Lance Corporal David Edward Owens, Jr., Winchester, Virginia;

(2658) Staff Sergeant Paul Pabla, Fort Wayne, Indiana;

(2659) Private First Class Paulomarko U. Pacificador, Shirley, New York;

(2660) Sergeant Steven M. Packer, Clovis, California;

(2661) Hospitalman Geovani Padilla Aleman, South Gate, California;

(2662) Sergeant Fernando Padilla-Ramirez, San Luis, Arizona;

(2663) Private First Class Rex A. Page, Kirksville, Missouri;

(2664) Private Shawn D. Pahnke, Shelbyville, Indiana;

(2665) Captain Mark C. Paine, Rancho Cucamonga, California;

(2666) Specialist Gabriel T. Palacios, Lynn, Massachusetts;

(2667) Captain Anthony Palermo, Jr., Brockton, Massachusetts;

(2668) Captain Eric Thomas Paliwoda, Farmington, Connecticut;

(2669) Corporal Jacob C. Palmatier, Springfield, Illinois;

(2670) Corporal Cory L. Palmer, Seaford, Delaware;

(2671) Corporal Joshua D. Palmer, Blandinsville, Illinois;

(2672) First Lieutenant Joshua M. Palmer, Banning, California;

(2673) Lance Corporal Nick J. Palmer, Leadville, Colorado;

(2674) Specialist Eric C. Palmer, Maize, Kansas;

(2675) Corporal Charles O. Palmer II, Manteca, California;

(2676) Lance Corporal Eric A. Palmisano, Florence, Wisconsin;

(2677) Staff Sergeant Dale A. Panchot, Northome, Minnesota;

(2678) Corporal Jose A. Paniagua-Morales, Bell Gardens, California;

(2679) Sergeant Larry Wayne Pankey, Jr., Morrison, Colorado;

(2680) Private First Class Phillip J. Pannier, Washburn, Illinois;

(2681) Corporal Jennifer M. Parcell, Bel Air, Maryland;

(2682) Corporal Javier G. Paredes, San Antonio, Texas;

(2683) Sergeant Alfred G. Paredez, Jr., Las Vegas, Nevada;

(2684) Lance Corporal Bradley L. Parker, Marion, West Virginia;

(2685) Private First Class Daniel R. Parker, Lake Elsinore, California;

(2686) Sergeant Elisha R. Parker, Taberg/Camden, New York;

(2687) Sergeant Evan S. Parker, Arkansas, Kansas;

(2688) Private First Class James D. Parker, Bryan, Texas;

(2689) Sergeant Kenya A. Parker, Fairfield, Alabama;

(2690) Staff Sergeant Saburant "Sabe" Parker, Foxworth, Mississippi;

(2691) Sergeant Richard K. Parker, Phillips, Maine;

(2692) Corporal Tommy L. Parker, Jr., Cleburne, Arkansas;

(2693) Sergeant Harvey Emmett Parkerson III, Yuba City, California;

(2694) Private First Class Larry Parks, Jr., Altoona, Pennsylvania;

(2695) Sergeant Brandon Allen Parr, West Valley, Utah;

(2696) Lance Corporal David S. Parr, Benson, North Carolina;

(2697) Lance Corporal Brian P. Parrello, West Milford, New Jersey;

(2698) Sergeant Lawrence Parrish, Lebanon, Missouri;

(2699) Staff Sergeant Michael C. Parrott, Timnath, Colorado;

(2700) Sergeant David B. Parson, Kannapolis, North Carolina;

(2701) Sergeant First Class Lonnie J. Parson, Norcross, Georgia;

(2702) Sergeant Willard Todd Partridge, Ferriday, Louisiana;

(2703) Captain Christopher T. Pate, Hampstead, North Carolina;

(2704) Lance Corporal Matthew P. Pathenos, Ballwin, Missouri;

(2705) Private First Class Justin T. Paton, Alanson, Michigan;

(2706) Staff Sergeant Jason L. Paton, Poway, California;

(2707) Captain Travis L. Patriquin, Lockport, Illinois;

(2708) Lance Corporal Andrew G. Patten, Byron, Illinois;

(2709) Sergeant Jayton D. Patterson, Wakefield/Sedley, Virginia;

(2710) Sergeant Nicholas J. Patterson, Rochester, Indiana;

(2711) Staff Sergeant Esau G. Patterson, Jr., Ridgeland, South Carolina;

(2712) Specialist Christopher G. Patton, Lawrenceville, Georgia;

(2713) Private First Class Henry Paul Kolonia, Pohnpei, Federated States of Micronesia;

(2714) Staff Sergeant Ronald L. Paulsen, Vancouver, Washington;

(2715) Corporal Bradford H. Payne, Montgomery, Alabama;

(2716) Sergeant Rocky D. Payne, Howell, Utah;

(2717) Master Sergeant William L. Payne, Otsego, Michigan;

(2718) Private First Class Cameron K. Payne, Corona, California;

(2719) Private Dylan R. Paytas, Freedom, Pennsylvania;

(2720) Lance Corporal George J. Payton, Culver City, California;

(2721) Specialist Joshua M. Pearce, Guymon, Oklahoma;

(2722) Sergeant First Class Eric P. Pearrow, Peoria, Illinois;

(2723) Sergeant Brice A. Pearson, Phoenix, Arizona;

(2724) Specialist Samuel F. Pearson, Westerville, Ohio;

(2725) Sergeant Michael Francis Pedersen, Flint, Michigan;

(2726) Sergeant Michael C. Peek, Chesapeake, Virginia;

(2727) Specialist Gennaro Pellegrini, Jr., Philadelphia, Pennsylvania;

(2728) Gunnery Sergeant Javier Obleas-Prado Pena, Falls Church, Virginia;

(2729) Staff Sergeant Abraham D. Penamedina, Los Angeles, California;

(2730) Staff Sergeant Jorge Luis Pena-Romero, Fallbrook, California;

(2731) Specialist Brian H. Penisten, Fort Wayne, Indiana;

(2732) Sergeant Ross A. Pennanen, Shawnee, Oklahoma;

(2733) Staff Sergeant Gregory V. Pennington, Glade Spring, Virginia;

(2734) Specialist Justin O. Penrod, Mahomet, Illinois;

(2735) Sergeant Johnny J. Peralez, Jr., Kingsville, Texas;

(2736) Sergeant Rafael Peralta, San Diego, California;

(2737) Corporal Andres H. Perez, Santa Cruz, California;

(2738) Sergeant Christopher S. Perez, Hutchinson, Kansas;

(2739) Second Lieutenant Emily J.T. Perez, Fort Washington, Maryland;

(2740) Private First Class Geoffrey Perez, Los Angeles, California;

(2741) Staff Sergeant Hector R. Perez, Corpus Christi, Texas;

(2742) Sergeant Joel Perez, Rio Grande, Puerto Rico;

(2743) Corporal Jose R. Perez, Ontario, California;

(2744) Private First Class Luis A. Perez, Theresa, New York;

(2745) Lance Corporal Nicholas Perez, Austin, Texas;

(2746) Lance Corporal Stephen Joseph Perez, San Antonio, Texas;

(2747) Specialist Orlando A. Perez, Houston, Texas;

(2748) Specialist Jose A. Perez III, San Diego, Texas;

(2749) Lance Corporal Richard A. Perez, Jr., Las Vegas, Nevada;

(2750) Specialist Wilfredo Perez, Jr., Norwalk, Connecticut;

(2751) Sergeant Andrew C. Perkins Northglenn, Colorado;

(2752) Petty Officer First Class Michael J. Pernaselli, Monroe, New York;

(2753) Sergeant Carlos E. Pernell, Munford, Alabama;

(2754) Staff Sergeant David S. Perry, Bakersfield, California;

(2755) Sergeant Joseph W. Perry, Alpine, California;

(2756) Private First Class Charles C. "C.C." Persing, Albany, Louisiana;

(2757) Staff Sergeant Dustin W. Peters, El Dorado, Kansas;

(2758) Specialist Alyssa R. Peterson, Flagstaff, Arizona;

(2759) Lance Corporal Dale G. Peterson, Redmond, Oregon;

(2760) Captain Justin D. Peterson, Davisburg, Michigan;

(2761) Staff Sergeant Brett J. Petriken, Mundy Township, Michigan;

(2762) Lance Corporal Neil D. Petsche, Lena, Illinois;

(2763) Staff Sergeant James L. Pettaway, Jr., Baltimore, Maryland;

(2764) Captain Christopher P. Petty, Vienna, Virginia;

(2765) Staff Sergeant Erickson H. Petty, Fort Gibson, Oklahoma;

(2766) Private First Class Jerrick M. Petty, Idaho Falls, Idaho;

(2767) Private Jonathan R. Pfender, Evansville, Indiana;

(2768) Corporal Jacob M. Pfister, Buffalo, New York;

(2769) Sergeant Travis D. Pfister, Richland, Washington;

(2770) Lieutenant Colonel Mark P. Phelan, Green Lane, Pennsylvania;

(2771) Private First Class Chance R. Phelps, Clifton, Colorado;

(2772) Sergeant First Class Christopher W. Phelps, Louisville, Kentucky;

(2773) Specialist Coty J. Phelps, Arizona, Kingman;

(2774) Sergeant First Class Gladimir Philippe, Linden, New Jersey;

(2775) Lance Corporal Lawrence R. Philippon, Hartford, Connecticut;

(2776) Lance Corporal James R. Phillips, Hillsboro, Florida;

(2777) Sergeant John P. Phillips, St. Stephen, South Carolina;

(2778) Lance Corporal Steven L. Phillips, Chesapeake, Virginia;

(2779) Specialist Michael E. Phillips, Ardmore, Oklahoma;

(2780) Private First Class Sammie E. Phillips, Cecilia, Kentucky;

(2781) Sergeant Ivory L. Phipps, Chicago, Illinois;

(2782) Captain Pierre E. Piche, Starksboro, Vermont;

(2783) Corporal Joshua D. Pickard, Merced, California;

(2784) Lance Corporal Aaron C. Pickering, Marion, Illinois;

(2785) Specialist Randy W. Pickering, Bovey, Minnesota;

(2786) Corporal Jordan C. Pierson, Milford, Connecticut;

(2787) Private First Class Lori Ann Piestewa, Tuba City, Arizona;

(2788) Chief Warrant Officer Paul J. Pillen, Keystone, South Dakota;

(2789) Corporal Carlos Pineda, Los Angeles, California;

(2790) Sergeant Foster Pinkston, Warrenton, Georgia;

(2791) Sergeant Amanda N. Pinson, St. Louis, Missouri;

(2792) Captain Dennis L. Pintor, Lima, Ohio;

(2793) Staff Sergeant Robert R. Pirelli, Franklin, Massachusetts;

(2794) Specialist James H. Pirtle, La Mesa, New Mexico;

(2795) Private First Class Michael Patrick Pittman, Davenport, Iowa;

(2796) Staff Sergeant Raymond J. Plouhar, Lake Orion, Michigan;

(2797) Private First Class Derek J. Plowman, Everton, Arkansas;

(2798) Sergeant Adam J. Plumondore, Gresham, Oregon;

(2799) Specialist Eric J. Poelman, Racine, Wisconsin;

(2800) Private First Class Jason T. Poindexter, San Angelo, Texas;

(2801) Second Lieutenant Frederick Eben Pokorney, Jr., Nye, Nevada;

(2802) Staff Sergeant Andrew R. Pokorny, Naperville, Illinois;

(2803) Specialist Justin W. Pollard, Foothill Ranch, California;

(2804) Specialist Jessy G. Pollard, Springfield, Missouri;

(2805) Specialist Larry E. Polley, Jr., Center, Texas;

(2806) Sergeant Joe Polo, Opalocka, Florida;

(2807) Specialist Vincent J. Pomante III, Westerville, Ohio;

(2808) Sergeant Lorenzo Ponce Ruiz, El Paso, Texas;

(2809) Corporal Christopher L. Poole, Jr., Mount Dora, Florida;

(2810) Corporal Robert C. Pope II, East Islip, New York;

(2811) Sergeant Ralph N. Porras, Merrill, Michigan;

(2812) Sergeant Benjamin B. Portell, Bakersfield, California;

(2813) Lance Corporal Robert G. Posivio III, Sherburn, Minnesota;

(2814) Staff Sergeant Kenneth B. Pospisil, Andover, Minnesota;

(2815) Lance Corporal Michael V. Postal, Glen Oaks, New York;

(2816) Lance Corporal Christopher M. Poston, Glendale, Arizona;

(2817) Private First Class Michael J. Potocki, Baltimore, Maryland;

(2818) Sergeant Darrin K. Potter, Louisville, Kentucky;

(2819) Private First Class David L. Potter, Johnson City, Tennessee;

(2820) Private First Class Jerome J. Potter, Tacoma, Washington;

(2821) Sergeant Christopher S. Potts, Tiverton, Rhode Island;

(2822) Sergeant Lynn Robert Poulin, Sr., Freedom, Maine;

(2823) Corporal Chad W. Powell, West Monroe, Louisiana;

(2824) Specialist James E. Powell, Radcliff, Kentucky;

(2825) Corporal Kyle W. Powell, Colorado Springs, Colorado;

(2826) Corporal Willard M. Powell-Kerchief, Evansville, Indiana;

(2827) Lance Corporal Caleb J. Powers, Manfield, Washington;

(2828) Private Joshua Francis Powers, Skiatook, Oklahoma;

(2829) Staff Sergeant Terry W. Prater, Speedwell, Tennessee;

(2830) Sergeant First Class Daniel J. Pratt, Youngstown, Ohio;

(2831) Corporal Dean P. Pratt, Stevensville, Montana;

(2832) Sergeant Austin D. Pratt, Cadet, Missouri;

(2833) Lance Corporal Taylor B. Prazynski, Fairfield, Ohio;

(2834) Corporal Brian P. Prening, Sheboygan, Wisconsin;

(2835) Corporal Michael B. Presley, Batesville, Mississippi;

(2836) Specialist Aaron L. Preston, Dallas, Texas;

(2837) Private First Class James E. Prevete, Whitestone, New York;

(2838) Private Kelley Stephen Prewitt, Birmingham, Alabama;

(2839) Sergeant Tyler D. Prewitt, Phoenix, Arizona;

(2840) Private First Class James W. Price, Cleveland, Tennessee;

(2841) Lance Corporal Jonathan Kyle Price, Woodlawn, Illinois;

(2842) First Lieutenant Timothy E. Price, Midlothian, Virginia;

(2843) Private First Class Tina M. Priest, Austin, Texas;

(2844) Sergeant First Class James D. Priestap, Hardwood, Michigan;

(2845) Chief Warrant Officer John R. Priestner, Pennsylvania;

(2846) Corporal Kevin William Prince, Plain City, Ohio;

(2847) Sergeant First Class Neil A. Prince, Baltimore, Maryland;

(2848) Lance Corporal Michael S. Probstm, Irvine, California;

(2849) Second Lieutenant Mark J. Procopio, Stowe, Vermont;

(2850) Corporal Scott J. Procopio, Saugus, Massachusetts;

(2851) Sergeant Joseph E. Proctor, Indianapolis, Indiana;

(2852) Lance Corporal Mathew D. Puckett, Mason, Texas;

(2853) Sergeant Jaror C. Puello-Coronado, Pocono Summit, Pennsylvania;

(2854) Staff Sergeant Kenneth I. Pugh, Houston, Texas;

(2855) Sergeant Robert Shane Pugh, Meridian, Mississippi;

(2856) Staff Sergeant George A. Pugliese, Carbondale, Pennsylvania;

(2857) Staff Sergeant Richard T. Pummill, Cincinnati, Ohio;

(2858) Corporal Michael A. Pursel, Clinton, Utah;

(2859) Sergeant Christopher M. Pusateri, Corning, New York;

(2860) Corporal Cody A. Putnam, Lafayette, Indiana;

(2861) Lance Corporal Louis W. Qualls, Temple, Texas;

(2862) Sergeant Marquees A. Quick, Hoover, Alabama;

(2863) Corporal Richard O. Quill III, Roswell, Georgia;

(2864) Staff Sergeant Michael B. Quinn, Tampa, Florida;

(2865) Specialist Bryan L. Quinton, Sand Springs, Oklahoma;

(2866) Corporal Stephen J. Raderstorf, Peoria, Arizona;

(2867) Lance Corporal Mourad Ragimov, San Diego, California;

(2868) Sergeant Joseph A. Rahaim, Laurel, Mississippi;

(2869) Lance Corporal Carl L. Raines II, Coffee, Alabama;

(2870) Lance Corporal Rhonald Dain Rairdan, Castroville/San Antonio, Texas;

(2871) Lance Corporal Branden P. Ramey, Boone, Illinois;

(2872) Staff Sergeant Richard P. Ramey, Canton, Ohio;

(2873) Sergeant Angel De Jesus Lucio Ramirez, Pacoima, California;

(2874) Lance Corporal Benito A. Ramirez, Edinburg, Texas;

(2875) Sergeant Christopher Ramirez, Edinburg (McAllen), Texas;

(2876) Specialist Eric U. Ramirez, San Diego, California;

(2877) Staff Sergeant Gene Ramirez, San Antonio, Texas;

(2878) Specialist Ignacio Ramirez, Henderson, Nevada;

(2879) Sergeant Reyes Ramirez, Willis, Texas;

(2880) Private First Class William C. Ramirez, Portland, Oregon;

(2881) Lance Corporal Rogelio Ramirez, Pasadena, California;

(2882) Specialist Aleina Ramirezgonzalez, Hormigueros, Puerto Rico;

(2883) Corporal Julian A. Ramon, Flushing, New York;

(2884) Private First Class Christopher Ramos, Albuquerque, New Mexico;

(2885) Lance Corporal Hector Ramos, Aurora, Illinois;

(2886) Sergeant Miguel A. Ramos, Mayaguez, Puerto Rico;

(2887) Specialist Tamarra J. Ramos, Quakertown, Pennsylvania;

(2888) Private First Class Brandon Ramsey, Calumet City, Illinois;

(2889) Private Carson J. Ramsey, Winkelman, Arizona;

(2890) Sergeant Christopher J. Ramsey, Batchelor, Louisiana;

(2891) Specialist David J. Ramsey, Tacoma, Washington;

(2892) Private First Class Joshua A. Ramsey, Defiance, Ohio;

(2893) Staff Sergeant Jason C. Ramseyer, Lenoir, North Carolina;

(2894) Sergeant Edmond Lee Randle, Jr., Carol City, Florida;

(2895) Private First Class Cleston C. Raney, Rupert, Idaho;

(2896) Staff Sergeant Jose C. Rangel, Fresno, California;

(2897) Staff Sergeant Ray Rangel, San Antonio, Texas;

(2898) Specialist Shawn Rankinen, Independence, Missouri;

(2899) Corporal Nicholas P. Rapavi, Springfield, Virginia;

(2900) Captain Patrick Marc M. Rapicault, St. Augustine, Florida;

(2901) Sergeant Sameer A. M. Rateb, Absecon, New Jersey;

(2902) Captain Gregory A. Ratzlaff, Olympia, Washington;

(2903) Captain Nathan R. Raudenbush, Pennsylvania;

(2904) Specialist Rel A. Ravago IV, Glendale, California;

(2905) First Lieutenant Jeremy E. Ray, Houston, Texas;

(2906) Sergeant Thomas C. Ray II, Weaverville, North Carolina;

(2907) Specialist Jared J. Raymond, Swampscott, Massachusetts;

(2908) Sergeant Pierre A. Raymond, Lawrence, Massachusetts;

(2909) Specialist Omead H. Razani, Los Angeles, California;

(2910) Sergeant Brandon Michael Read, Greeneville, Tennessee;

(2911) Sergeant Regina C. Reali, Fresno, California;

(2912) Corporal William J. Rechenmacher, Jacksonville, Florida;

(2913) Lance Corporal Jason C. Redifer, Stuarts Draft, Virginia;

(2914) Specialist Matthew K. Reece, Harrison, Arkansas;

(2915) Lance Corporal Aaron H. Reed, Chillicothe, Ohio;

(2916) Private First Class Christopher J. Reed, Craigmont, Idaho;

(2917) Staff Sergeant Jonathan Ray Reed, Krotz Springs/Opelousa, Louisiana;

(2918) Private First Class Ryan E. Reed, Colorado Springs, Colorado;

(2919) Sergeant Tatjana Reed, Fort Campbell, Kentucky;

(2920) Gunnery Sergeant Edward T. Reeder, Camp Verde, Arizona;

(2921) Staff Sergeant Aaron T. Reese, Reynoldsburg, Ohio;

(2922) Sergeant Gary L. Reese, Jr., Ashland City, Tennessee;

(2923) Specialist Joshua H. Reeves, Watkinsville, Georgia;

(2924) Sergeant James J. Regan, Manhasset, New York;

(2925) Specialist Jeremy F. Regnier, Littleton, New Hampshire;

(2926) Sergeant First Class Randall Scott Rehn, Longmont, Colorado;

(2927) Staff Sergeant Gavin B. Reinke, Pueblo, Colorado;

(2928) Sergeant Brendon Curtis Reiss, Casper, Wyoming;

(2929) Corporal Kyle J. Renehan, Oxford, Pennsylvania;

(2930) Staff Sergeant George S. Rentschler, Louisville, Kentucky;

(2931) Lance Corporal Justin D. Reppuhn, Hemlock, Michigan;

(2932) Captain Mark T. Resh, Fogelsville, Pennsylvania;

(2933) Sergeant Luis R. Reyes, Aurora, Colorado;

(2934) Private First Class Mario A. Reyes, Las Cruces, New Mexico;

(2935) Specialist Daniel F. Reyes, San Diego, California;

(2936) Private First Class Seferino J. Reyna, Phoenix, Arizona;

(2937) Sergeant Sean C. Reynolds, E. Lansing, Michigan;

(2938) Staff Sergeant Steven C. Reynolds, Jordan, New York;

(2939) Staff Sergeant Stanley B. Reynolds, Rock, West Virginia;

(2940) Staff Sergeant Edward C. Reynolds, Jr., Groves, Texas;

(2941) Lance Corporal Rafael Reynosasuarez, Santa Ana, California;

(2942) Sergeant Yadir G. Reynoso, Wapato, Washington;

(2943) Specialist David L. Rice, Sioux City, Iowa;

(2944) Corporal Demetrius Lamont Rice, Ortonville, Minnesota;

(2945) Corporal Bryan J. Richardson, Summersville, West Virginia;

(2946) Private First Class Stephen K. Richardson, Bridgeport, Connecticut;

(2947) Staff Sergeant William D. Richardson, Houston, Texas;

(2948) Corporal William D. Richardson, Moreno Valley, California;

(2949) Sergeant Ariel Rico, El Paso, Texas;

(2950) Sergeant Kenneth L. Ridgley, Olney, Illinois;

(2951) Specialist Jeremy L. Ridlen, Paris, Illinois;

(2952) Private First Class Andrew G. Riedel, Northglenn, Colorado;

(2953) Private First Class Nicholas E. Riehl, Shiocton, Wisconsin;

(2954) Sergeant James D. Riekena, Redmond, Washington;

(2955) Staff Sergeant David G. Ries, Clark, Washington;

(2956) Sergeant Greg N. Riewer, Frazee, Minnesota;

(2957) Private First Class Wesley R. Riggs, Baytown, Texas;

(2958) Corporal Garrywesley Tan Rimes, Santa Maria, California;

(2959) Private First Class Diego Fernando Rincon, Conyers, Georgia;

(2960) Specialist Michelle R. Ring, Martin, Tennessee;

(2961) Corporal Steven A. Rintamaki, Lynnwood, Washington;

(2962) Sergeant First Class Matthew I. Pionk, Superior, Wisconsin;

(2963) First Lieutenant Daniel P. Riordan, St. Louis, Missouri;

(2964) Sergeant Duane Roy Rios, Hammond, Indiana;

(2965) Private First Class Hernando Rios, Queens, New York;

(2966) Master Sergeant Julian Ingles Rios, Anasco, Puerto Rico;

(2967) Captain Russell Brian Rippetoe, Avarda, Colorado;

(2968) Private First Class Henry C. Risner, Golden, Colorado;

(2969) Specialist Brian E. Ritzberg, New York, New York;

(2970) Corporal Jonathan Rivadeneira, Jackson Heights, New York;

(2971) Specialist Eric G. Palacios Rivera, Atlantic City, New Jersey;

(2972) Sergeant First Class Jose A. Rivera, Bayamon, Puerto Rico;

(2973) Specialist Michael D. Rivera, Brooklyn, New York;

(2974) Staff Sergeant Rafeal Alicea Rivera, Bayamon, Puerto Rico;

(2975) Staff Sergeant Gregory Rivera-Santiago, St. Croix, Virgin Islands;

(2976) Specialist Jose A. Rivera-Serrano, Mayaguez, Puerto Rico;

(2977) Staff Sergeant Milton Rivera-Vargas, Boqueron, Puerto Rico;

(2978) Corporal John Travis Rivero, Tampa, Florida;

(2979) Specialist Frank K. Rivers, Jr., Woodbridge, Virginia;

(2980) Private First Class Christopher T. Riviere, Cooper City, Florida;

(2981) Staff Sergeant Timothy J. Roark, Houston, Texas;

(2982) Sergeant Thomas D. Robbins, Schenectady, New York;

(2983) Sergeant Todd James Robbins, Pentwater, Michigan;

(2984) Staff Sergeant William T. Robbins, North Little Rock, Arkansas;

(2985) Lance Corporal Anthony P. Roberts, Bear, Delaware;

(2986) Lance Corporal Bob W. Roberts, Newport, Oregon;

(2987) Corporal Robert D. Roberts, Winter Park, Florida;

(2988) Lance Corporal Trevor A. Roberts, Oklahoma City, Oklahoma;

(2989) Corporal Allen C. Roberts, Arcola, Illinois;

(2990) Sergeant Derek T. Roberts, Gold River, California;

(2991) Sergeant Michael T. Robertson, Houston, Texas;

(2992) Corporal Jeremiah W. Robinson, Mesa, Arizona;

(2993) Sergeant Lizbeth Robles Vega, Baja, Puerto Rico;

(2994) Staff Sergeant Joseph E. Robsky, Jr., Elizaville, New York;

(2995) Sergeant Moses Daniel Rocha, Roswell, New Mexico;

(2996) Sergeant Nathaniel S. Rock, Toronto, Ohio;

(2997) Private First Class Marlin T. Rockhold, Hamilton, Ohio;

(2998) Specialist Ricky W. Rockholt, Jr., Winston, Oregon;

(2999) Petty Officer Second Class David Sean Roddy, Aberdeen, Maryland;

(3000) Sergeant John D. Rode, Pineville, North Carolina;

(3001) Major Alan G. Rodgers, Hampton, Florida;

(3002) Private Damian Lopez Rodriguez, Tucson, Arizona;

(3003) Private First Class Jose F. Gonzalez Rodriguez, Norwalk, California;

(3004) Staff Sergeant Joseph E. Rodriguez, Las Cruces, New Mexico;

(3005) Specialist Michael J. Rodriguez, Sanford, North Carolina;

(3006) Corporal Robert Marcus Rodriguez, Queens, New York;

(3007) Corporal Yull Estrada Rodriguez, Alegre Lajas, Puerto Rico;

(3008) Sergeant Ricardo X. Rodriguez, Arecibo, Puerto Rico;

(3009) Specialist Jaime Rodriguez, Oxnard, California;

(3010) Specialist Dominic N. Rodriguez, Klamath Falls, Oregon;

(3011) Lance Corporal Juan Rodrigo Rodriguez, Velasco Laredo/El Cenizo, Texas;

(3012) Specialist Luis O. Rodriguez-Contrera, Allentown, Pennsylvania;

(3013) Private First Class George R. Roehl, Jr., Manchester, New Hampshire;

(3014) Sergeant First Class Gregory S. Rogers, Cincinnati, Ohio;

(3015) Corporal Jeffry A. Rogers, Oklahoma City, Oklahoma;

(3016) Specialist Nicholas K. Rogers, Deltona, Florida;

(3017) Specialist Philip G. Rogers, Gresham, Oregon;

(3018) Staff Sergeant Jonathan Rojas, Hammond, Indiana;

(3019) Private First Class Kenny D. Rojas, Pembroke Pines, Florida;

(3020) Corporal Michael M. Rojas, Fresno, California;

(3021) Specialist Cristian Rojas-Gallego, Loganville, Georgia;

(3022) Staff Sergeant Robb L. Rolfing, Milton, Massachusetts;

(3023) Specialist Justin A. Rollins, Newport, New Hampshire;

(3024) Specialist Alexis Roman-Cruz, Brandon, Florida;

(3025) Staff Sergeant Vincenzo Romeo, Lodi, New Jersey;

(3026) Private First Class Ramon Romero, Huntington Park, California;

(3027) Specialist Joshua G. Romero, Crowley, Texas;

(3028) Sergeant Brian M. Romines, Simpson, Illinois;

(3029) Specialist Edwin William Roodhouse, San Jose, California;

(3030) Sergeant First Class Robert E. Rooney, Nashua, New Hampshire;

(3031) Corporal Timothy D. Roos, Delhi, Ohio;

(3032) Private First Class Angel Rosa, South Portland, Maine;

(3033) Specialist Alexander R. Rosa, Orlando, Florida;

(3034) Corporal Randal Kent Rosacker, San Diego, California;

(3035) Corporal Benjamin S. Rosales, Houston, Texas;

(3036) Staff Sergeant Victor A. Rosaleslomeli, Westminster, California;

(3037) Specialist Jose E. Rosario, St. Croix, Virgin Islands;

(3038) Private First Class Richard H. Rosas, Saint Louis, Michigan;

(3039) Corporal Christopher D. Rose, San Francisco, California;

(3040) Sergeant Scott C. Rose, Fayetteville, Kentucky;

(3041) Specialist Adam J. Rosema, Pasadena, California;

(3042) Sergeant Thomas Chad Rosenbaum, Hope, Arkansas;

(3043) Sergeant Randy S. Rosenberg, Berlin, New Hampshire;

(3044) Staff Sergeant Eric Ross, Kenduskeag, Maine;

(3045) Specialist Marco D. Ross, Memphis, Tennessee;

(3046) Private First Class Jonathan M. Rossi, Safety Harbor, Florida;

(3047) Sergeant Lawrence A. Roukey, Westbrook, Maine;

(3048) Sergeant David L. Roustum, West Seneca, New York;

(3049) Petty Officer First Class Gary Rovinski, Roseville, Illinois;

(3050) Captain Alan Rowe, Hagerman, Idaho;

(3051) Specialist Brandon Jacob Rowe, Roscoe, Illinois;

(3052) Sergeant Michael D. Rowe, New Port Richey, Florida;

(3053) Sergeant Roger Dale Rowe, Bon Aqua, Tennessee;

(3054) Second Lieutenant Jonathan D. Rozier, Katy, Texas;

(3055) Second Lieutenant Charles R. Rubado, Clearwater, Florida;

(3056) Sergeant Isela Rubalcava, El Paso, Texas;

(3057) Specialist Jose A. Rubio Hernandez, Mission, Texas;

(3058) Sergeant David A. Ruhren, North Stafford, Virginia;

(3059) Specialist Jose L. Ruiz, Brentwood, New York;

(3060) Petty Officer Third Class Manuel A. Ruiz, Federalsburg, Maryland;

(3061) Lance Corporal Gregory P. Rund, Littleton, Colorado;

(3062) Specialist Gregory B. Rundell, Ramsey, Minnesota;

(3063) Specialist Luke S. Runyan, Spring Grove, Pennsylvania;

(3064) Staff Sergeant Michael L. Ruoff, Jr., Yosemite, California;

(3065) Private First Class Aaron J. Rusin, Johnstown, Pennsylvania;

(3066) Captain Blake H. Russell, Fort Worth, Texas;

(3067) Sergeant John W. Russell, Portland, Texas;

(3068) Specialist Ryan D. Russell, Elm City, North Carolina;

(3069) Lance Corporal Andrew D. Russoli, Greensboro, North Carolina;

(3070) Sergeant Monta S. Ruth, Winston-Salem, North Carolina;

(3071) First Lieutenant Christopher N. Rutherford, Newport, Ohio;

(3072) Corporal Marc T. Ryan, Gloucester, City New Jersey;

(3073) First Lieutenant Timothy Louis Ryan, Aurora, Illinois;

(3074) Specialist Lyle W. Rymer II, Fort Smith, Arkansas;

(3075) Sergeant Yevgeniy Ryndych, Brooklyn, New York;

(3076) Sergeant Corey J. Rystad, Red Lake Falls, Minnesota;

(3077) Corporal Thomas E. Saba, Toms River, New Jersey;

(3078) Chief Warrant Officer (CW2) Scott A. Saboe, Willow Lake, South Dakota;

(3079) Sergeant Dominic J. Sacco, Albany, New York;

(3080) First Sergeant Carlos N. Saenz, Las Vegas, Nevada;

(3081) Specialist Lance S. Sage, Hempstead, New York;

(3082) Specialist Rasheed Sahib, Brooklyn, New York;

(3083) Lance Corporal Gael Saintvil, Orlando/Orange, Florida;

(3084) Sergeant Steve M. Sakoda, Hilo, Hawaii;

(3085) Corporal Rudy Salas, Baldwin Park, California;

(3086) Private First Class Ricky Salas, Jr., Roswell, New Mexico;

(3087) Corporal William I. Salazar, Las Vegas, Nevada;

(3088) Private First Class Bruce C. Salazar, Jr., Tracy, California;

(3089) Sergeant First Class Rudy A. Salcido, Ontario, California;

(3090) Specialist Adriana N. Salem, Elk Grove Village, Illinois;

(3091) Sergeant First Class David J. Salie, Columbus, Georgia;

(3092) Specialist Eric D. Salinas, Houston, Texas;

(3093) Chief Warrant Officer Richard Matthew "Matt" Salter, Cypress, Texas;

(3094) First Lieutenant Edward M. Saltz, Bigfork, Montana;

(3095) Captain Benjamin Wilson Sammis, Rehobeth, Massachusetts;

(3096) Specialist Sonny Gene Sampler, Oklahoma City, Oklahoma;

(3097) Private First Class Joey T. Sams II, Spartanburg, South Carolina;

(3098) Specialist Dennis K. Samson, Jr., Hesperia, Michigan;

(3099) Private First Class Tenzin L. Samten, Prescott, Arizona;

(3100) Sergeant Princess Samuels, Mitchellville, Maryland;

(3101) Lance Corporal Emilian D. Sanchez, Santa Ana Pueblo, New Mexico;

(3102) Private First Class Enrique Henry Sanchez, Garner, North Carolina;

(3103) Private First Class Oscar Sanchez, Modesto, California;

(3104) Sergeant Paul T. Sanchez, Irving, Texas;

(3105) Staff Sergeant Virrueta A. Sanchez, Houston, Texas;

(3106) Private First Class Junior Cedeno Sanchez, Miami, Florida;

(3107) Lance Corporal Efrain Sanchez, Jr., Port Chester, New York;

(3108) Specialist Gregory Paul Sanders, Hobart, Indiana;

(3109) Staff Sergeant Ronnie L. Sanders, Thibodaux, Louisiana;

(3110) First Lieutenant Ryan T. Sanders, Richardson, Texas;

(3111) Sergeant Christopher A. Sanders, Roswell, New Mexico;

(3112) Private Justin T. Sanders, Watson, Louisiana;

(3113) Sergeant Frank M. Sandoval, Yuma, Arizona;

(3114) Private First Class Leroy Sandoval, Jr., Houston, Texas;

(3115) Lance Corporal Felipe D. Sandoval-Flores, Los Angeles, California;

(3116) Sergeant Matthew J. Sandri, Shamokin, Pennsylvania;

(3117) Staff Sergeant Barry Sanford, Sr., Aurora, Colorado;

(3118) Lance Corporal Daniel J. Santee, Mission Viejo, California;

(3119) Sergeant Ed Santini, Toa Baja, Puerto Rico;

(3120) First Lieutenant Neil Anthony Santoriello, Verona, Pennsylvania;

(3121) Chief Warrant Officer Isaias E. Santos, Ancon, Panama;

(3122) Corporal Jeremiah S. Santos, Minot, North Dakota;

(3123) Corporal Jonathan J. Santos, Bellingham, Washington;

(3124) Specialist Luis D. Santos, Rialto, California;

(3125) Staff Sergeant Fernando Santos, San Antonio, Texas;

(3126) Private First Class Brandon R. Sapp, Lake Worth, Florida;

(3127) Hospital Corpsman Charles O. Sare, Hemet, California;

(3128) Staff Sergeant Cameron B. Sarno, Waipahu, Hawaii;

(3129) Staff Sergeant Scott Douglas Sather, Clio, Michigan;

(3130) Private Oscar Sauceda, Del Rio, Texas;

(3131) Private Anthony J. Sausto, Lake Havasu City, Arizona;

(3132) Lance Corporal Jeremiah E. Savage, Livingston, Tennessee;

(3133) Sergeant Stephen P. Saxton, Temecula, California;

(3134) Specialist Phillip N. Sayles, Jacksonville, Arkansas;

(3135) Sergeant Paul A. Saylor, Norcross, Georgia;

(3136) Lance Corporal Michael P. Scarborough, Washington, Georgia;

(3137) Staff Sergeant William D. Scates, Oklahoma City, Oklahoma;

(3138) Sergeant Kenneth J. Schall, Peoria, Arizona;

(3139) Sergeant Kurt D. Schamberg, Euclid, Ohio;

(3140) Captain Robert C. Scheetz, Jr., Dothan, Alabama;

(3141) Sergeant First Class Daniel E. Scheibner, Muskegon, Michigan;

(3142) Staff Sergeant Jens E. Schelbert, New Orleans, Louisiana;

(3143) Staff Sergeant Daniel R. Schelle, Antioch, California;

(3144) Corporal Christopher G. Scherer, East Northport, New York;

(3145) Lance Corporal Daniel R. Scherry, Rocky River, Ohio;

(3146) Private First Class Jason D. Scheuerman, Lynchburg, Virginia;

(3147) Lance Corporal Nickolas David Schiavoni, Haverhill, Massachusetts;

(3148) Sergeant First Class Richard L. Schild, Tabor, South Dakota;

(3149) Lance Corporal Juan M. Garcia Schill, Grants Pass, Oregon;

(3150) Corporal Jonathan E. Schiller, Ottumwa, Iowa;

(3151) Captain Rhett W. Schiller, Waterford, Wisconsin;

(3152) Specialist Justin B. Schmidt, Bradenton, Florida;

(3153) Corporal Peter W. Schmidt, Eureka, California;

(3154) Lance Corporal John T. Schmidt III, Brookfield, Connecticut;

(3155) Sergeant Joshua A. Schmit, Willmar, Minnesota;

(3156) Corporal Joshua M. Schmitz, Spencer, Wisconsin;

(3157) Sergeant Jacob S. Schmuecker, Atkinson, Nebraska;

(3158) Specialist Jeremiah W. Schmunk, Richland/Kennewick, Washington;

(3159) Specialist Matthew E. Schneider, Gorham, New Hampshire;

(3160) Private First Class Sean M. Schneider, Janesville, Wisconsin;

(3161) Seaman Apprentice Shayna Ann Schnell, Tell City, Indiana;

(3162) Sergeant Anthony J. Schober, Reno, Nevada;

(3163) Specialist Collin R. Schockmel, Richwood, Texas;

(3164) Private First Class Brian J. Schoff, Manchester, Tennessee;

(3165) Lance Corporal Michael D. Scholl, Lincoln, Nebraska;

(3166) Specialist Jon M. Schoolcraft III, Wapakoneta, Ohio;

(3167) Staff Sergeant Christopher J. Schornak, Hoover, Alabama;

(3168) Corporal Dustin H. Schrage, Brevard, Florida;

(3169) Major Matthew E. Schram, Brookfield, Wisconsin;

(3170) Lance Corporal Brian K. Schramm, Rochester, New York;

(3171) Lance Corporal Edward August Schroeder II, Columbus, Ohio;

(3172) Corporal Nathan A. Schubert, Cherokee, Iowa;

(3173) Corporal Brandon S. Schuck, Safford, Arizona;

(3174) Special Agent Nathan J. Schuldheiss, Newport, Rhode Island;

(3175) Specialist Christian C. Schultz, Colleyville, Texas;

(3176) Captain David E. Schultz, Illinois;

(3177) Lance Corporal Darrell J. Schumann, Hampton, Virginia;

(3178) Sergeant Jason A. Schumann, Hawley, Minnesota;

(3179) Private First Class Benjamin C. Schuster, Williamsville, New York;

(3180) Staff Sergeant Coby G. Schwab, Puyallup, Washington;

(3181) Lance Corporal Michael A. Schwarz, Carlstadt, New Jersey;

(3182) Petty Officer Second Class Joseph C. Schwedler, Crystal Falls, Michigan;

(3183) Master Sergeant David A. Scott, Union, Ohio;

(3184) Lance Corporal Joshua A. Scott, Tunnel Hill, Georgia;

(3185) Chief Warrant Officer (CW2) Joshua Michael Scott, Sun Prairie, Wisconsin;

(3186) Private First Class Kerry D. Scott, Mount Vernon, Washington;

(3187) Staff Sergeant Rickey Scott, Columbus, Georgia;

(3188) Specialist Stephen M. Scott, Lawton, Oklahoma;

(3189) Corporal Bryan J. Scripsick, Wayne, Oklahoma;

(3190) Corporal Aaron L. Seal, Elkhart, Indiana;

(3191) Staff Sergeant Stephen A. Seale, Grafton, West Virginia;

(3192) Private First Class Timothy J. Seamans, Jacksonville, Florida;

(3193) Lance Corporal Myles Cody Sebastien, Opelousas, Louisiana;

(3194) Sergeant First Class Benjamin L. Sebban, Chattanooga, Tennessee;

(3195) Captain Robert M. Secher, Germantown, Tennessee;

(3196) Sergeant Michael T. Seeley, Fredericton, Canada;

(3197) First Lieutenant Aaron N. Seesan, Massillon, Ohio;

(3198) Lance Corporal Juan E. Segura, Homestead, Florida;

(3199) Sergeant Leroy Segura, Jr., Clovis, New Mexico;

(3200) First Lieutenant Robert Seidel III, Emmitsburg, Maryland;

(3201) Specialist Tyler R. Seideman, Lincoln, Arkansas;

(3202) Specialist Marc S. Seiden, Brigantine, New Jersey;

(3203) Captain Christopher Scott Seifert, Easton, Pennsylvania;

(3204) Private First Class Anthony P. Seig, Sunman, Indiana;

(3205) Sergeant Carl Leonard Seigart, San Luis Obispo, California;

(3206) Private First Class Dustin M. Sekula, Edinburg, Texas;

(3207) Staff Sergeant John T. Self, Pontotoc, Mississippi;

(3208) Specialist Dennis L. Sellen, Jr., Newhall, California;

(3209) Sergeant Bernard L. Sembly, Bossier City, Louisiana;

(3210) Lance Corporal Matthew K. Serio, North Providence, Rhode Island;

(3211) Sergeant Juan M. Serrano, Manati, Puerto Rico;

(3212) Lance Corporal Nazario Serrano, Irving, Texas;

(3213) Sergeant Daniel L. Sesker, Ogden, Iowa;

(3214) Lance Corporal Darin T. Settle, Henley, Missouri;

(3215) Private First Class Robert J. Settle, Owensboro, Kentucky;

(3216) Sergeant Raymond S. Sevaaetasi, Pago Pago, American Samoa;

(3217) Lance Corporal Devon Paul Seymour, St. Louisville, Ohio;

(3218) Staff Sergeant Michael B. Shackelford, Grand Junction, Colorado;

(3219) Sergeant Edward W. Shaffer, Mont Alto, Pennsylvania;

(3220) Specialist Jason A. Shaffer, Derry, Pennsylvania;

(3221) Private First Class Jeffrey Shaffer, Harrison, Arkansas;

(3222) Staff Sergeant Wentz Jerome Henry Shanaberger III, Naples, Florida;

(3223) Private First Class Jeremy R. Shank, Jackson, Missouri;

(3224) First Lieutenant Neale M. Shank, Fort Wayne, Indiana;

(3225) Corporal Stephen D. Shannon, Guttenberg, Iowa;

(3226) Private First Class David H. Sharrett II, Oakton, Virginia;

(3227) Sergeant Jeffrey R. Shaver, Maple Valley, Washington;

(3228) Staff Sergeant Alan W. Shaw, Little Rock, Arkansas;

(3229) Sergeant Daniel J. Shaw, West Seneca, New York;

(3230) Major Kevin M. Shea, Washington, District of Columbia;

(3231) Corporal Timothy M. Shea, Sonoma, California;

(3232) Specialist Casey Sheehan, Vacaville, California;

(3233) Sergeant Kevin F. Sheehan, Milton, Vermont;

(3234) Sergeant Ronnie L. "Rod" Shelley, Sr., Valdosta, Georgia;

(3235) Corporal Jimmy Lee Shelton, Lehigh Acres, Florida;

(3236) Private Randol S. Shelton, Schiller Park, Illinois;

(3237) Chief Warrant Officer Steven E. Shepard, Purcell, Oklahoma;

(3238) Private First Class Adam R. Shepherd, Somerville, Ohio;

(3239) Sergeant Daniel Michael Shepherd, Elyria, Ohio;

(3240) Staff Sergeant Kristopher L. Shepherd, Lynchburg, Virginia;

(3241) Specialist Joshua D. Sheppard, Quinton, Oklahoma;

(3242) Sergeant Alan David Sherman, Wanamassa, New Jersey;

(3243) Lieutenant Colonel Anthony L. Sherman, Pottstown, Pennsylvania;

(3244) Sergeant Stephen R. Sherman, Neptune, New Jersey;

(3245) Sergeant James Alexander Sherrill, Ekron, Kentucky;

(3246) First Lieutenant Andrew C. Shields, Campobello, South Carolina;

(3247) Sergeant Jonathan B. Shields, Atlanta, Georgia;

(3248) Specialist Bradley N. Shilling, Stanwood, Michigan;

(3249) Private First Class Darrell W. Shipp, San Antonio, Texas;

(3250) Lance Corporal Jeremy S. Shock, Tiffin, Ohio;

(3251) Corporal Jared M. Shoemaker, Tulsa, Oklahoma;

(3252) Staff Sergeant Russell K. Shoemaker, Sweet Springs, Missouri;

(3253) Private First Class Harry N. Shondee, Jr., Ganado, Arizona;

(3254) Lance Corporal Brad S. Shuder, El Dorado, California;

(3255) Captain James A. Shull, Kirkland, Washington;

(3256) First Lieutenant Dustin M. Shumney, Benicia/Vallejo, California;

(3257) Private First Class Kenneth L. Sickels, Apple Valley, California;

(3258) Lance Corporal Dustin L. Sides, Yakima, Washington;

(3259) Captain Todd M. Siebert, Baden, Pennsylvania;

(3260) Specialist Eric R. Sieger, Layton, Utah;

(3261) Private First Class Thomas C. Siekert, Lovelock, Nevada;

(3262) Specialist Ashley Sietsema, Melrose Park, Illinois;

(3263) Specialist John P. Sigsbee, Waterville, New York;

(3264) Sergeant William M. Sigua, Los Altos Hills, California;

(3265) Sergeant Alfred Barton Siler, Duff, Tennessee;

(3266) Sergeant Alfredo B. Silva, Calexico, California;

(3267) Corporal Erik Hernandez, Silva Chula Vista, California;

(3268) Staff Sergeant Marco A. Silva, Alva, Florida;

(3269) Private Sean A. Silva, Roseville, California;

(3270) Private First Class David N. Simmons, Kokomo, Indiana;

(3271) Sergeant Leonard D. Simmons, New Bern, North Carolina;

(3272) Specialist Windell J. Simmons, Hopkinsville, Kentucky;

(3273) Staff Sergeant Chad J. Simon, Monona/Madison, Wisconsin;

(3274) Lance Corporal Aaron William Simons, Modesto, California;

(3275) Lance Corporal Abraham Simpson, Chino, California;

(3276) Sergeant Jacob M. Simpson, Hood River/Ashland, Oregon;

(3277) Sergeant Jonathan J. Simpson, Rockport, Texas;

(3278) Sergeant Christopher C. Simpson, Hampton, Virginia;

(3279) Private First Class Charles M. Sims, Miami, Florida;

(3280) Lance Corporal Justin D. Sims, Covington, Kentucky;

(3281) Captain Sean P. Sims, El Paso, Texas;

(3282) Lance Corporal John T. Sims, Jr., Alexander City, Alabama;

(3283) Sergeant Isiah J. Sinclair, Natchitoches, Louisiana;

(3284) Sergeant Uday Singh, Lake Forest, Illinois;

(3285) Specialist Channing G. Singletary, Sylvester, Georgia;

(3286) Sergeant Todd A. Singleton, Muskegon, Michigan;

(3287) Private First Class Steven F. Sirko, Portage, Indiana;

(3288) Specialist Aaron J. Sissel, Tipton, Iowa;

(3289) Private First Class Christopher A. Sisson, Oak Park, Illinois;

(3290) Petty Officer Third Class David Sisung, Phoenix, Arizona;

(3291) Staff Sergeant Garth D. Sizemore, Mount Sterling, Kentucky;

(3292) Staff Sergeant Bradley J. Skelton, Gordonville, Missouri;

(3293) Private First Class Nicholas M. Skinner, Davenport, Iowa;

(3294) Private Michael J. Slater Scott, Depot, West Virginia;

(3295) Private First Class Ben Slaven, Plymouth, Nebraska;

(3296) First Lieutenant Brian D. Slavenas, Genoa, Illinois;

(3297) Staff Sergeant Russell L. Slay, Humble, Texas;

(3298) Sergeant Eric W. Slebodnik, Greenfield Township, Pennsylvania;

(3299) Private Brandon Ulysses Sloan, Cleveland, Ohio;

(3300) Lance Corporal Richard Patrick Slocum, Saugus, California;

(3301) Lance Corporal Thomas Jonathan Slocum, Adams, Colorado;

(3302) Private First Class Corey L. Small, East Berlin, Pennsylvania;

(3303) Specialist Erich S. Smallwood, Trumann, Arkansas;

(3304) Lieutenant Colonel Albert E. Smart, San Antonio, Texas;

(3305) Sergeant Keith L. Smette, Makoti, North Dakota;

(3306) Sergeant Aaron A. Smith, Killeen, Texas;

(3307) Lance Corporal Antoine D. Smith, Orlando, Florida;

(3308) Captain Benedict J. Smith, Monroe City, Missouri;

(3309) Specialist Benjamin A. Smith, Hudson, Wisconsin;

(3310) Sergeant Benjamin K. Smith, Carterville, Illinois;

(3311) Private First Class Brandon C. Smith, Washington, Arkansas;

(3312) Second Lieutenant Brian D. Smith, McKinney, Texas;

(3313) Chief Warrant Officer Bruce A. Smith, West Liberty, Iowa;

(3314) Corporal Darrell L. Smith, Otwell, Indiana;

(3315) First Sergeant Edward Smith, Chicago, Illinois;

(3316) Chief Warrant Officer (CW3) Eric Allen Smith, Rochester, New York;

(3317) Lance Corporal Jason E. Smith, Phoenix, Arizona;

(3318) Private First Class Jeremiah D. Smith, Odessa, Missouri;

(3319) Sergeant John M. Smith, Wilmington, North Carolina;

(3320) Specialist Jonathan K. Smith, Atlanta, Georgia;

(3321) Lance Corporal Jonathan L. Smith, Eva, Alabama;

(3322) First Lieutenant Justin S. Smith, Lansing, Michigan;

(3323) First Lieutenant Kevin J. Smith, Brandon, Florida;

(3324) Lance Corporal Kevin S. Smith, Springfield, Ohio;

(3325) Corporal Matthew R. Smith, West Valley City, Utah;

(3326) Lance Corporal Matthew R. Smith, Anderson, Indiana;

(3327) Sergeant Michael A. Smith, Camden, Arkansas;

(3328) Specialist Michael J. Smith, Media, Pennsylvania;

(3329) Sergeant Orenthial Javon Smith, Allendale, South Carolina;

(3330) Sergeant First Class Paul Ray Smith, Tampa, Florida;

(3331) Corporal Raleigh C. Smith, Troy, Montana;

(3332) Corporal Richard A. Smith, Grand Prairie, Texas;

(3333) Corporal Ross A. Smith, Wyoming, Michigan;

(3334) Sergeant First Class Scott R. Smith, Punxsutawney, Pennsylvania;

(3335) Specialist Tristan Smith, Bryn Athyn, Pennsylvania;

(3336) Private First Class Tyler J. Smith, Bethel, Maine;

(3337) Private Daren A. Smith, Helena, Montana;

(3338) Lance Corporal Michael J. Smith, Jr., Jefferson, Ohio;

(3339) Specialist Brandon W. Smitherman, Conroe, Texas;

(3340) Sergeant Mark T. Smykowski, Mentor, Ohio;

(3341) Sergeant First Class Brandon K. Sneed, Norman, Oklahoma;

(3342) Sergeant Eric L. Snell, Trenton, New Jersey;

(3343) Private First Class Stephen P. Snowberger III, Lopez, Pennsylvania;

(3344) Corporal Joshua D. Snyder, Hampstead, Maryland;

(3345) Lance Corporal Matthew A. Snyder, Finksburg, Maryland;

(3346) Captain Adam P. Snyder, Fort Pierce, Florida;

(3347) Captain Christopher F. Soelzer, Sturgis, South Dakota;

(3348) Private First Class Katie M. Soenksen, Davenport, Iowa;

(3349) Staff Sergeant Gordon George Solomon, Fairborn, Ohio;

(3350) Sergeant Roderic Antoine Solomon, Fayetteville, North Carolina;

(3351) Specialist Ismael Solorio, San Luis, Arizona;

(3352) Staff Sergeant Juan M. Solorio, Dallas, Texas;

(3353) Corporal Adrian V. Soltau, Milwaukee, Wisconsin;

(3354) Major Charles R. Soltes, Jr., Irvine, California;

(3355) Major Kevin H. Sonnenberg, McClure, Ohio;

(3356) Sergeant Mike T. Sonoda, Jr., Fallbrook, California;

(3357) Sergeant Matthew Soper, Kalamazoo, Michigan;

(3358) Sergeant Skipper Soram, Kolonia, Pohnpei, Federated States of Micronesia;

(3359) Lance Corporal Ryan J. Sorensen, Boca Raton, Florida;

(3360) Private First Class Armando Soriano, Houston, Texas;

(3361) Corporal Tomas Sotelo, Jr., Houston, Texas;

(3362) Sergeant Danny R. Soto, Houston, Texas;

(3363) Staff Sergeant Karl O. Soto-Pinedo, San Juan, Puerto Rico;

(3364) Petty Officer First Class Luis A. Souffront, Miami, Florida;

(3365) Sergeant Richard A. Soukenka, Oceanside, California;

(3366) Sergeant Kampha B. Sourivong, Iowa City, Iowa;

(3367) Private First Class Kenneth C. Souslin, Mansfield, Ohio;

(3368) Sergeant Nicholas R. Sowinski, Tempe, Arizona;

(3369) Major John C. Spahr, Cherry Hill, New Jersey;

(3370) Specialist Philip I. Spakosky, Browns Mill, New Jersey;

(3371) Private First Class Jacob D. "Jake" Spann, Columbus/Westerville, Ohio;

(3372) Staff Sergeant Gina R. Sparks, Drury, Missouri;

(3373) Private First Class Jason L. Sparks, Monroeville, Ohio;

(3374) Sergeant Corey E. Spates, LaGrange, Georgia;

(3375) Staff Sergeant Theodore A. Spatol, Thermopolis, Wyoming;

(3376) Lance Corporal Jonathan R. Spears, Molino, Florida;

(3377) Corporal Michael Raymond Speer, Redfield, Kansas;

(3378) Lance Corporal Joseph B. Spence, Scotts Valley, California;

(3379) Private Cole E. Spencer, Gays, Illinois;

(3380) Lance Corporal William D. Spencer, Paris, Tennessee;

(3381) Private First Class Raymond N. Spencer, Jr., Carmichael, California;

(3382) Sergeant First Class William C. Spillers, Terry, Mississippi;

(3383) Staff Sergeant Trevor Spink, Farmington, Missouri;

(3384) Specialist Curtis R. Spivey, Chula Vista, California;

(3385) Major Christopher J. Splinter, Platteville, Wisconsin;

(3386) Specialist Clifford A. Spohn III, Albuquerque, New Mexico;

(3387) Sergeant Marvin R. Sprayberry III, Tehachapi, California;

(3388) Specialist Lance C. Springer II, Benbrook, Texas;

(3389) Private Bryan N. Spry, Chestertown, Maryland;

(3390) Corporal Brad D. Squires, Middleburg Heights, Ohio;

(3391) Corporal Shannon L. Squires, Virginia Beach, Virginia;

(3392) Corporal Brian R. St. Germain, West Warwick, Rhode Island;

(3393) Private First Class Jon B. St. John II, Neenah, Wisconsin;

(3394) Staff Sergeant David R. Staats, Pueblo, Colorado;

(3395) Specialist Jeremy L. Stacey, Bismarck, Arkansas;

(3396) Sergeant Major Michael Boyd Stack, Lake City, South Carolina;

(3397) Lance Corporal Steven A. Stacy, Coos Bay, Oregon;

(3398) Private First Class Nathan E. Stahl, Highland, Indiana;

(3399) Corporal John R. Stalvey, Conroe, Texas;

(3400) Specialist Matthew J. Stanley Wolfeboro, Falls New, Hampshire;

(3401) Staff Sergeant Robert Stanley, Spotsylvania, Virginia;

(3402) Private First Class Seth M. Stanton, Colorado Springs, Colorado;

(3403) Private First Class Kenny F. Stanton, Jr., Hemet, California;

(3404) Private First Class Lucas V. Starcevich, Canton, Illinois;

(3405) Lance Corporal Shawn V. Starkovich, Arlington, Washington;

(3406) Corporal Jeffrey B. Starr, Snohomish, Washington;

(3407) Lance Corporal Michael L. Starr, Jr., Baltimore, Maryland;

(3408) Staff Sergeant Eric M. Steffeney, Waterloo, Iowa;

(3409) Specialist Nicholas P. Steinbacher, La Crescenta, California;

(3410) Sergeant David S. Stelmat, Littleton, New Hampshire;

(3411) Sergeant Derek T. Stenroos, North Pole, Alaska;

(3412) Sergeant Blake C. Stephens, Pocatello, Idaho;

(3413) Sergeant First Class John S. Stephens, San Antonio, Texas;

(3414) First Lieutenant Andrew K. Stern, Germantown, Tennessee;

(3415) Sergeant Andy A. Stevens, Tomah, Wisconsin;

(3416) Staff Sergeant Joseph W. Stevens, Sacramento, California;

(3417) Specialist Randy Lee Stevens, Swartz Creek, Michigan;

(3418) Staff Sergeant Robert Anthony Stever, Pendleton, Oregon;

(3419) Specialist Carla Jane Stewart, Sun Valley, California;

(3420) Corporal David S. Stewart, Bogalusa, Louisiana;

(3421) Corporal Ian W. Stewart, Lake Hughes, California;

(3422) Sergeant James D. Stewart, Chattanooga, Tennessee;

(3423) Corporal Joshua C. Sticklen, Virginia Beach, Virginia;

(3424) Private Shane M. Stinson, Fullerton, California;

(3425) Staff Sergeant John C. Stock, Longview, Texas;

(3426) Sergeant Michael J. Stokely, Sharpsburg, Georgia;

(3427) Corporal Sean A. Stokes, Auburn, California;

(3428) Sergeant First Class Douglas C. Stone, Taylorsville, Utah;

(3429) Major Gregory Lewis Stone, Boise, Idaho;

(3430) Staff Sergeant Clint J. Storey, Enid, Oklahoma;

(3431) Specialist Brandon L. Stout, Grand Rapids, Michigan;

(3432) Second Lieutenant Matthew R. Stovall, Horn Lake, Mississippi;

(3433) Major Michael D. Stover, Mansfield, Ohio;

(3434) Sergeant Morgan W. Strader, Crossville, Tennessee;

(3435) Lance Corporal Adam J. Strain, Smartville, California;

(3436) Private First Class William R. Strange, Adrian, Georgia;

(3437) Sergeant Kirk Allen Straseskie, Beaver Dam, Wisconsin;

(3438) Sergeant Francis J. Straub, Jr., Philadelphia, Pennsylvania;

(3439) Sergeant Matthew Straughter, St. Charles, Missouri;

(3440) Sergeant Thomas J. Strickland, Douglasville, Georgia;

(3441) Sergeant Jesse W. Strong, Irasburg, Vermont;

(3442) Specialist Joseph A. Strong, Lebanon, Indiana;

(3443) Lance Corporal Johnny R. Strong, Waco, Texas;

(3444) Captain Mark N. Stubenhofer, Springfield, Virginia;

(3445) Sergeant Michael R. Sturdivant, Conway, Arkansas;

(3446) Private First Class Brandon C. Sturdy, Urbandale, Iowa;

(3447) Specialist William R. Sturges, Jr., Spring Church, Pennsylvania;

(3448) Specialist Paul J. Sturino, Rice Lake, Wisconsin;

(3449) Lance Corporal Jesus Alberto Suarez del Solar, Escondido, California;

(3450) Private First Class Roger A. Suarez-Gonzalez, Miami, Florida;

(3451) Sergeant Joseph D. Suell, Lufkin, Texas;

(3452) Staff Sergeant Wilberto Suliveras, Humacao, Puerto Rico;

(3453) Captain Christopher J. Sullivan, Princeton, Massachusetts;

(3454) Sergeant John M. Sullivan, Hixon, Tennessee;

(3455) Specialist John R. Sullivan, Countryside, Illinois;

(3456) Specialist Narson Bertil Sullivan, N. Brunswick, New Jersey;

(3457) Lance Corporal Vincent M. Sullivan, Chatham, New Jersey;

(3458) Staff Sergeant Vincent E. Summers, South Haven, Michigan;

(3459) Corporal James E. Summers III, Missouri, Bourbon;

(3460) Private First Class Ming Sun, Cathedral City, California;

(3461) Specialist Astor A. Sunsin-Pineda, Long Beach, California;

(3462) Sergeant Robert A. Surber, Inverness, Florida;

(3463) Staff Sergeant Stephen J. Sutherland, West Deptford, New Jersey;

(3464) Private First Class Ernest Harold Sutphin, Parkersburg, West Virginia;

(3465) Staff Sergeant Michael J. Sutter, Tinley Park, Illinois;

(3466) Sergeant Timothy J. Sutton, Springfield, Missouri;

(3467) Sergeant First Class Greg L. Sutton, Spring Lake, North Carolina;

(3468) Sergeant First Class Sean M. Suzch, Hilltown, Pennsylvania;

(3469) Lance Corporal Daniel Freeman Swaim, Yadkinville, North Carolina;

(3470) Lance Corporal James E. Swain, Kokomo, Indiana;

(3471) Lance Corporal Harry R. Swain IV, Cumberland, New Jersey;

(3472) Lance Corporal Shane C. Swanberg, Kirkland, Washington;

(3473) Private First Class Robert A. Swaney, West Jefferson, Ohio;

(3474) Sergeant Brett D. Swank, Northumberland Co., Pennsylvania;

(3475) Staff Sergeant Christopher Swanson, Rose Haven, Maryland;

(3476) Corporal Timothy A. Swanson, San Antonio, Texas;

(3477) Chief Warrant Officer (CW5) Sharon T. Swartworth, Virginia;

(3478) Sergeant Robert Wesley Sweeney III, Pineville, Louisiana;

(3479) Private First Class Jack T. Sweet, Alexandria Bay, New York;

(3480) Sergeant Thomas J. Sweet II, Bismarck, North Dakota;

(3481) Lance Corporal Franklin A. Sweger, San Antonio, Texas;

(3482) Sergeant Jason Swiger, South Portland, Maine;

(3483) Sergeant Nathaniel T. Swindell, Bronx, New York;

(3484) Staff Sergeant Christopher W. Swisher, Lincoln, Nebraska;

(3485) Captain Tyler B. Swisher, Cincinnati, Ohio;

(3486) Major Paul R. Syverson III, Lake Zurich, Illinois;

(3487) Lance Corporal Steven W. Szwydek, Warfordsburg, Pennsylvania;

(3488) Sergeant Joseph M. Tackett, Whitehouse, Kentucky;

(3489) Staff Sergeant Ayman A. Taha, Vienna, Virginia;

(3490) Sergeant Patrick S. Tainsh, Oceanside, California;

(3491) Sergeant DeForest L. "Dee" Talbert, Charleston, West Virginia;

(3492) Sergeant Matthew L. Tallman, Groveland, California;

(3493) Lance Corporal Fernando S. Tamayo, Fontana, California;

(3494) Lance Corporal Jeremy P. Tamburello, Denver, Colorado;

(3495) Specialist Eddie D. Tamez, Galveston, Texas;

(3496) Corporal Jonh C. Tanner, Columbus, Georgia;

(3497) Private First Class Nickolas A. Tanton, San Antonio, Texas;

(3498) Lance Corporal Samuel Tapia, San Benito, Texas;

(3499) Sergeant First Class Linda Ann Tarango-Griess, Sutton, Nebraska;

(3500) Captain Michael Yury Tarlavsky, Passaic, New Jersey;

(3501) Sergeant Nimo W. Tauala, Honolulu, Hawaii;

(3502) Staff Sergeant Ioasa F. Tavae, Jr., Pago Pago, American Samoa;

(3503) Sergeant Michael E. Tayaotao, Sunnyvale, California;

(3504) Lance Corporal Bryan N. Taylor, Milford, Ohio;

(3505) Sergeant Christopher J. Taylor, Opelika, Alabama;

(3506) Specialist Christopher M. Taylor, Daphne, Alabama;

(3507) Major David G. Taylor, Apex, North Carolina;

(3508) Lieutenant Commander Keith Edward Taylor, Irvine, California;

(3509) Major Mark D. Taylor, Stockton, California;

(3510) Major Michael Taylor, Little Rock, Arkansas;

(3511) Sergeant Michael C. Taylor, Hockley, Texas;

(3512) Sergeant Shannon D. Taylor, Smithville, Tennessee;

(3513) Corporal William G. Taylor, Macon, Georgia;

(3514) Sergeant Norman R. Taylor III, Blythe, California;

(3515) Captain John R. Teal, Mechanicsville, Virginia;

(3516) Sergeant Brandon L. Teeters, Lafayette, Louisiana;

(3517) Specialist Prince K. Teewia, Durham, North Carolina;

(3518) Corporal Luis E. Tejeda, Huntington Park, California;

(3519) Staff Sergeant Riayan Augusto Tejeda, New York, New York;

(3520) Sergeant Joshua A. Terando, Morris, Illinois;

(3521) Lance Corporal Miguel Terrazas, El Paso, Texas;

(3522) Sergeant First Class Jonathan Tessar, Simi Valley, California;

(3523) Lance Corporal Jason Tetrault, Moreno Valley, California;

(3524) Private Nathan Z. Thacker, Greenbrier, Arkansas;

(3525) Petty Officer First Class Jerry A. Tharp, Aledo, Illinois;

(3526) Private First Class Sean D. Tharp, Orlando, Florida;

(3527) Corporal Joseph C. Thibodeaux III, Lafayette, Louisiana;

(3528) Master Sergeant Thomas R. Thigpen, Sr., Augusta, Georgia;

(3529) Corporal Jesse L. Thiry, Casco, Wisconsin;

(3530) Sergeant Carl Thomas, Phoenix, Arizona;

(3531) Sergeant John Frank Thomas, Valdosta, Georgia;

(3532) Staff Sergeant Kendall Thomas, St. Thomas, United States Virgin Islands;

(3533) Specialist Kyle G. Thomas, Topeka, Kansas;

(3534) Master Sergeant Sean Michael Thomas, Harrisburg, Pennsylvania;

(3535) Sergeant Paul W. Thomason III, Talbot, Tennessee;

(3536) Sergeant Anthony O. Thompson, Orangeburg, South Carolina;

(3537) Petty Officer Third Class Christopher W. Thompson, North Wilkesboro, North Carolina;

(3538) Sergeant Jarrett B. Thompson, Dover, Delaware;

(3539) Corporal Lance M. Thompson, Marion/Upland, Indiana;

(3540) Private First Class Nils George Thompson, Confluence, Pennsylvania;

(3541) Private First Class William E. Thorne, Hospers, Iowa;

(3542) Lance Corporal Jonathan B. Thornsberry, McDowell, Kentucky;

(3543) Lance Corporal John Joshua Thornton, Phoenix, Arizona;

(3544) Major Steven W. Thornton, Eugene, Oregon;

(3545) Staff Sergeant Robert C. Thornton, Jr., Rainbow City, Alabama;

(3546) Specialist Brandon T. Thorsen, Trenton, Florida;

(3547) Sergeant Robert B. Thrasher, Folsom, California;

(3548) Staff Sergeant Frank F. Tiai, Pago Pago, American Samoa;

(3549) Captain Benjamin D. Tiffner, West Virginia;

(3550) Sergeant James Rodney Tijerina, Beasley, Texas;

(3551) Lance Corporal Jesse D. Tillery, Vesper, Wisconsin;

(3552) Lance Corporal Harry H. Timberman, Minong, Wisconsin;

(3553) Sergeant Tina Safaira Time, Tucson, Arizona;

(3554) First Lieutenant Jason G. Timmerman, Cottonwood/Tracy, Minnesota;

(3555) Sergeant Humberto F. Timoteo, Newark, New Jersey;

(3556) Lance Corporal Jeremy L. Tinnel, Mechanicsville, Virginia;

(3557) Private First Class Patrick A. Tinnell, Lake Havasu City, Arizona;

(3558) Specialist Douglas L. Tinsley, Chester, South Carolina;

(3559) Captain John E. Tipton, Fort Walton Beach, Florida;

(3560) Private First Class Joshua K. Titcomb, Somerset, Kentucky;

(3561) Specialist Brandon T. Titus, Boise, Idaho;

(3562) Sergeant First Class John J. Tobiason, Bloomington, Minnesota;

(3563) Specialist Brandon Scott Tobler, Portland, Oregon;

(3564) Major Jeffrey P. Toczylowski, Upper Moreland, Pennsylvania;

(3565) Sergeant Lee Duane Todacheene, Farmington, New Mexico;

(3566) Corporal John H. Todd III, Bridgeport, Pennsylvania;

(3567) Corporal Victor H. Toledo Pulido, Hanford, California;

(3568) Specialist John O. Tollefson, Fond du Lac, Wisconsin;

(3569) Sergeant Norman L. Tollett, Columbus, Ohio;

(3570) Corporal Joseph A. Tomci, Stow, Ohio;

(3571) Staff Sergeant Zachary B. Tomczak, Huron, South Dakota;

(3572) Sergeant Nicholas A. Tomko, Pittsburgh, Pennsylvania;

(3573) Staff Sergeant Jacob M. Tompson, North Mankato, Minnesota;

(3574) Master Sergeant Timothy Toney, Manhattan, New York;

(3575) Private First Class David T. Toomalatai, Long Beach, California;

(3576) Lance Corporal Joshua L. Torrence, Lexington, South Carolina;

(3577) Sergeant Daniel Torres, Fort Worth, Texas;

(3578) Private First Class George D. Torres, Long Beach, California;

(3579) Lance Corporal Michael S. Torres, El Paso, Texas;

(3580) Specialist Ramon Reyes Torres, Caguas, Puerto Rico;

(3581) Second Lieutenant Richard Torres, Clarksville, Tennessee;

(3582) Specialist Teodoro Torres, Las Vegas, Nevada;

(3583) Private First Class Omar E. Torres, Chicago, Illinois;

(3584) Lance Corporal Elias Torrez III, Veribest, Texas;

(3585) Sergeant Michael L. Tosto, Apex, North Carolina;

(3586) Specialist Eric L. Toth, Edmonton, Kentucky;

(3587) Staff Sergeant Michael L. Townes, Las Vegas, Nevada;

(3588) Staff Sergeant Robin L. Towns, Sr., Upper Marlboro, Maryland;

(3589) Sergeant Tromaine K. Toy, Sr., Eastville, Virginia;

(3590) Private First Class Jacob T. Tracy, Palestine, Illinois;

(3591) Sergeant Seth R. Trahan, Crowley, Louisiana;

(3592) Sergeant Quoc Binh Tran, Mission Viejo, California;

(3593) Staff Sergeant Philip L. Travis, Snellville, Georgia;

(3594) Corporal Joseph S. Tremblay, New Windsor, New York;

(3595) Specialist Richard K. Trevithick, Gaines, Michigan;

(3596) Private First Class Brett L. Tribble, Lake Jackson, Texas;

(3597) Staff Sergeant Marvin Lee Trost III, Goshen, Indiana;

(3598) Sergeant John Byron Trotter, Marble Falls, Texas;

(3599) Corporal Tyler S. Trovillion, Richardson, Texas;

(3600) Chief Warrant Officer 4 Chester W. Troxel, Anchorage, Alaska;

(3601) Lance Corporal Tyler J. Troyer, Tangent, Oregon;

(3602) Specialist Francis M. Trussel, Jr., Lincoln, Illinois;

(3603) Sergeant Daniel A. Tsue, Honolulu, Hawaii;

(3604) Private First Class Andrew L. Tuazon, Chesapeake, Virginia;

(3605) Lance Corporal Marc Lucas Tucker, Pontotoc, Mississippi;

(3606) Sergeant Robert W. Tucker, Hilham, Tennessee;

(3607) Private First Class Thomas Lowell Tucker, Madras, Oregon;

(3608) Staff Sergeant Steven R. Tudor, Dunmore, Pennsylvania;

(3609) Staff Sergeant Salamo J. Tuialuuluu, Pago Pago, American Samoa;

(3610) Lieutenant Commander Morgan C. Tulang, Hilo, Hawaii;

(3611) Master Sergeant Tulsa T. Tuliau, Watertown, New York;

(3612) Sergeant Gregory L. Tull, Pocahontas, Iowa;

(3613) Sergeant First Class Michael J. Tully, Falls Creek, Pennsylvania;

(3614) Sergeant Lui Tumanuvao, Fagaalu, American Samoa;

(3615) Sergeant Nicholas D. Turcotte, Maple Grove, Minnesota;

(3616) Staff Sergeant Roger C. Turner, Jr., Parkersburg, West Virginia;

(3617) Sergeant Thomas B. Turner, Jr., Cottonwood, California;

(3618) Sergeant Bryan J. Tutten, St. Augustine, Florida;

(3619) Staff Sergeant Abraham G. Twitchell, Yelm, Washington;

(3620) Lance Corporal Bobby L. Twitty, Bedias, Texas;

(3621) Specialist Wade Michael Twyman Vista California

(3622) Captain Corry P. Tyler, Georgia;

(3623) Private Scott Matthew Tyrrell, Sterling, Illinois;

(3624) First Lieutenant Andre D. Tyson, Riverside, California;

(3625) Specialist Eugene A. Uhl III, Amherst, Wisconsin;

(3626) Lance Corporal Drew M. Uhles, Du Quoin, Illinois;

(3627) Private First Class Brian Scott "Scotty" Ulbrich, Chapmanville, West Virginia;

(3628) Civilian Rick A. Ulbright, Waldorf, Maryland;

(3629) Sergeant George M. Ulloa, Jr., Austin, Texas;

(3630) First Lieutenant Colby J. Umbrell, Doylestown, Pennsylvania;

(3631) Private First Class Daniel Paul Unger, Exeter, California;

(3632) Corporal David M. Unger, Leavenworth, Kansas;

(3633) Specialist Robert Oliver Unruh, Tucson, Arizona;

(3634) Sergeant Gregory D. Unruh, Dickinson, Texas;

(3635) Specialist Clinton R. Upchurch, Garden City, Kansas;

(3636) Private First Class Wilfredo F. Urbina, Baldwin, New York;

(3637) Sergeant Iosiwo Uruo, Agana Heights, Guam;

(3638) First Sergeant Ernest E. Utt, Hammond, Illinois;

(3639) Sergeant Michael A. Uvanni, Rome, New York;

(3640) Sergeant Nathan J. Vacho, Janesville, Wisconsin;

(3641) Corporal Steve Vahaviolos, Airmont, New York;

(3642) Staff Sergeant Gary A. Vaillant, Trujillo, Puerto Rico;

(3643) Lance Corporal Eric P. Valdepenas, Seekonk, Massachusetts;

(3644) Corporal Ramona M. Valdez, Bronx, New York;

(3645) Lance Corporal Ruben Valdez, Jr., San Diego, Texas;

(3646) Petty Officer First Class Jennifer A. Valdivia, Cambridge, Illinois;

(3647) Specialist Donald E. Valentine III, Orange Park, Florida;

(3648) Sergeant Melissa Valles, Eagle Pass, Texas;

(3649) Chief Warrant Officer Brian K. Van Dusen, Columbus, Ohio;

(3650) Lance Corporal Gary F. Van Leuven, Klamath Falls, Oregon;

(3651) Sergeant Timothy R. Van Orman, Port Matilda, Pennsylvania;

(3652) Lance Corporal Brandon J. Van Parys, New Tripoli, Pennsylvania;

(3653) Private First Class Bufford "Kenny" Van Slyke, Bay City, Michigan;

(3654) Lance Corporal Adam J. VanAlstine, Superior, Wisconsin;

(3655) Specialist Allen Jeffrey "A.J." Vandayburg, Mansfield, Ohio;

(3656) Specialist Jacob T. Vanderbosch, Vadnais Heights, Minnesota;

(3657) Staff Sergeant Christopher J. Vanderhorn, Pierce, Washington;

(3658) Specialist Josiah H. Vandertulip, Irving, Texas;

(3659) Sergeant Thomas E. Vandling, Jr., Pittsburgh, Pennsylvania;

(3660) Sergeant Joseph M. Vanek, Elmhurst, Illinois;

(3661) Lance Corporal John J. Vangyzen IV, Bristol, Massachusetts;

(3662) Staff Sergeant Darren D. VanKomen, Bluefield, West Virginia;

(3663) Private First Class Alexander R. Varela, Fernley, Nevada;

(3664) Specialist Robert D. Varga, Monroe City, Missouri;

(3665) Staff Sergeant Oscar D. Vargas-Medina, Chicago, Illinois;

(3666) Sergeant Daniel Ryan Varnado, Saucier, Mississippi;

(3667) Staff Sergeant Justin L. Vasquez, Manzanola, Colorado;

(3668) Staff Sergeant Mark D. Vasquez, Port Huron, Michigan;

(3669) Lance Corporal Cristian Vasquez, Coalinga, California;

(3670) Second Lieutenant John Shaw Vaughan, Edwards, Colorado;

(3671) Sergeant Michael L. Vaughan, Otis, Oregon;

(3672) Specialist Brian A. Vaughn, Pell City, Alabama;

(3673) Sergeant Jason W. Vaughn, Luca, Mississippi;

(3674) Lance Corporal Dennis J. Veater, Jessup, Pennsylvania;

(3675) Sergeant Mark Richard Vecchione, Tucson, Arizona;

(3676) Specialist Frances M. Vega, Fort Buchanan, Puerto Rico;

(3677) First Lieutenant Michael W. Vega, Lathrop, California;

(3678) Private First Class Jerimiah J. Veitch, Dibble, Oklahoma;

(3679) Staff Sergeant Paul A. Velasquez, San Diego, California;

(3680) Corporal Jose A. Velez, Lubbock, Texas;

(3681) Sergeant Jose M. Velez, Bronx, New York;

(3682) Lance Corporal Juan C. Venegas, Simi Valley, California;

(3683) Private First Class Justin A. Verdeja, La Puente, California;

(3684) Staff Sergeant Russell J. Verdugo, Phoenix, Arizona;

(3685) Staff Sergeant David Michael Veverka, Jamestown, Pennsylvania;

(3686) Corporal David M. Vicente, Methuen, Massachusetts;

(3687) Staff Sergeant Eric R. Vick, Spring Hope, North Carolina;

(3688) Sergeant Chirasak Vidhyarkorn, Queens, New York;

(3689) Private First Class Caesar S. Viglienzone, Santa Rosa, California;

(3690) Sergeant First Class Ruben J. Villa, Jr., El Paso, Texas;

(3691) Specialist Javier A. Villanueva, Temple, Texas;

(3692) Sergeant First Class Joselito O. Villanueva, Los Angeles, California;

(3693) Civilian Linda J. Villar, Franklinton, Louisiana;

(3694) Lance Corporal Emmanuel Villarreal, Eagle Pass, Texas;

(3695) Private First Class Ramon A. Villatoro, Jr., Bakersfield, California;

(3696) Sergeant Franklin R. Vilorio, Miami, Florida;

(3697) Corporal Scott M. Vincent, Bokoshe, Oklahoma;

(3698) Specialist Anthony M. K. Vinnedge, Okeana, Ohio;

(3699) Specialist Travis M. Virgadamo, Las Vegas, Nevada;

(3700) Staff Sergeant Thomas E. Vitagliano, New Haven, Connecticut;

(3701) Specialist Eric Vizcaino, Albuquerque, New Mexico;

(3702) Staff Sergeant Kimberly A. Voelz, Carlisle, Pennsylvania;

(3703) Specialist Robert J. Volker, Big Spring, Texas;

(3704) Sergeant Chad J. Vollmer, Grand Rapids, Michigan;

(3705) Private First Class Kenneth G. Vonronn, Bloomingburg, New York;

(3706) Sergeant Matthew J. Vosbein, Metairie, Louisiana;

(3707) Staff Sergeant Michael S. Voss, Aberdeen, North Carolina;

(3708) Private First Class Brent T. Vroman, Oshkosh, Wisconsin;

(3709) Specialist Thai Vue, Willows, California;

(3710) Chief Petty Officer Patrick L. Wade, Key West, Florida;

(3711) Lance Corporal Michael B. Wafford, Spring, Texas;

(3712) Sergeant Christopher A. Wagener, Fairview Heights, Illinois;

(3713) Private First Class Peter D. Wagler, Partridge, Kansas;

(3714) Staff Sergeant Gregory A. Wagner, Mitchell, South Dakota;

(3715) Staff Sergeant Terry D. Wagoner, Piedmont, South Carolina;

(3716) Sergeant Gregory L. Wahl, Salisbury, North Carolina;

(3717) Specialist Andrew K. Waits, Waterford, Michigan;

(3718) Sergeant Dustin S. Wakeman, Fort Worth, Texas;

(3719) Private First Class Steven J. Walberg, Paradise, California;

(3720) Sergeant First Class Brett Eugene Walden, Fort Walton Beach, Florida;

(3721) Staff Sergeant Allan K. Walker, Lancaster, California;

(3722) Sergeant Antwan L. "Twan" Walker, Tampa, Florida;

(3723) Sergeant Jeffrey C. Walker, Havre de Grace, Maryland;

(3724) Lance Corporal Jeffrey D. Walker, Macon, Georgia;

(3725) Specialist Kristofer C. Walker, Creve Coeur, Illinois;

(3726) Specialist Ryan D. Walker, Stayton, Oregon;

(3727) Specialist Aaron J. Walker, Harker Heights, Texas;

(3728) Lance Corporal Jeffrey D. Walker, Macon, Georgia;

(3729) Specialist Zandra T. Walker, Greenville, South Carolina;

(3730) First Lieutenant Frank B. Walkup IV, Woodbury, Tennessee;

(3731) Staff Sergeant Mark A. Wall, Alden, Iowa;

(3732) Sergeant Andrew P. Wallace, Oshkosh, Wisconsin;

(3733) Sergeant Brandon L. Wallace, St. Louis, Missouri;

(3734) Private First Class Jeffrey R. Wallace, Hoopeston, Illinois;

(3735) Corporal Matthew P. Wallace, Lexington Park, Maryland;

(3736) Sergeant First Class Terry O. P. Wallace, Winnsboro, Louisiana;

(3737) Corporal Richard P. Waller, Fort Worth, Texas;

(3738) Master Sergeant Thomas A. Wallsmith, Carthage, Missouri;

(3739) Petty Officer Second Class Christopher Walsh, St. Louis, Missouri;

(3740) Sergeant Justin T. Walsh, Cuyahoga Falls, Ohio;

(3741) Sergeant Nicholas R. Walsh, Millstadt, Illinois;

(3742) Private First Class Rowan D. Walter, Winnetka, California;

(3743) Sergeant Donald Ralph Walters, Kansas City, Missouri;

(3744) Corporal Gary W. Walters, Jr., Victoria, Texas;

(3745) Private First Class Brett Andre Walton, Hillsboro, Oregon;

(3746) Private First Class Andrew M. Ward, Kirkland, Washington;

(3747) Private Jason M. Ward, Tulsa, Oklahoma;

(3748) Corporal Joshua J. Ware, Apache, Oklahoma;

(3749) Airman First Class Carl Jerome Ware, Jr., Glassboro, New Jersey;

(3750) Corporal William T. Warford III, Temple, Texas;

(3751) Corporal Christopher Tyler Warndorf, Burlington, Kentucky;

(3752) Private First Class Heath Warner, Canton, Ohio;

(3753) Lance Corporal Richard D. Warner, Waukesha, Wisconsin;

(3754) Corporal Robert P. Warns II, Waukesha, Wisconsin;

(3755) Sergeant First Class Charles Houghton Warren, Duluth, Georgia;

(3756) Lance Corporal Kristopher C. Warren, Resaca, Georgia;

(3757) Sergeant First Class Mark C. Warren, La Grande, Oregon;

(3758) First Sergeant William T. Warren, Little Rock, Arkansas;

(3759) Lance Corporal Kevin G. Waruinge, Tampa, Florida;

(3760) Private First Class Nachez Washalanta, Bryan, Oklahoma;

(3761) Corporal Rusty L. Washam, Huntsville, Tennessee;

(3762) Sergeant Bennie J. Washington, Atlanta, Georgia;

(3763) Staff Sergeant Javares J. Washington, Pensacola, Florida;

(3764) Lance Corporal Christopher B. Wasser, Ottawa, Kansas;

(3765) Specialist Forrest J. Waterbury, Richmond, Texas;

(3766) Private David L. Waters, Auburn, California;

(3767) Staff Sergeant Kendall Damon Waters-Bey, Baltimore, Maryland;

(3768) Corporal Glenn J. Watkins, Carlsbad, California;

(3769) Corporal Joshua C. Watkins, Jacksonville, Florida;

(3770) Specialist Timothy D. Watkins, San Bernardino, California;

(3771) Major William Randolph Watkins III, Danville, Virginia;

(3772) Lance Corporal Cody G. Watson, Oxford, Alabama;

(3773) Lance Corporal Craig N. Watson, Union City, Michigan;

(3774) Specialist David L. Watson, New Port, Arkansas;

(3775) Sergeant Kimel L. Watt, Brooklyn, New York;

(3776) Petty Officer Second Class Christopher E. Watts, Knoxville, Tennessee;

(3777) Command Sergeant Major Donovan E. Watts, Atlanta, Georgia;

(3778) Corporal Justin J. Watts, Crownsville, Maryland;

(3779) Chief Warrant Officer Aaron A. Weaver, Inverness, Florida;

(3780) Corporal Christopher L. Weaver, Fredericksburg, Virginia;

(3781) Lance Corporal Drew W. Weaver, St. Charles, Missouri;

(3782) Staff Sergeant Shannon V. Weaver, Urich, Missouri;

(3783) Lance Corporal Brandon J Webb, Swartz Creek, Michigan;

(3784) Sergeant Charles Joseph Webb, Hamilton, Ohio;

(3785) Staff Sergeant Christopher R. Webb, Winchester, California;

(3786) Sergeant Matthew A. Webber, Kalamazoo, Michigan;

(3787) Corporal Robert Weber, Western Hills, Ohio;

(3788) Chief Warrant Officer (CW5) Jamie D. Weeks, Daleville, Alabama;

(3789) Specialist Michael S. Weger, Houston, Texas;

(3790) Staff Sergeant Kyle B. Wehrly, Galesburg, Illinois,

(3791) Sergeant Michael R. Weidemann, Newport, Rhode Island;

(3792) Staff Sergeant Joseph M. Weiglein, Audubon, New Jersey;

(3793) Captain Ian P. Weikel, Colorado Springs, Colorado;

(3794) Corporal David G. Weimortz, Irmo, South Carolina;

(3795) Technical Sergeant Timothy R. Weiner, Tamarac, Florida;

(3796) Sergeant David Thomas Weir, Cleveland, Tennessee;

(3797) Staff Sergeant David J. Weisenburg, Portland, Oregon;

(3798) Specialist Douglas J. Weismantle, Pittsburgh, Pennsylvania;

(3799) Specialist Andrew R. Weiss, Lafayette, Indiana;

(3800) Lance Corporal Joseph T. Welke, Rapid City, South Dakota;

(3801) Lance Corporal Larry L. Wells, Mount Hermon, Louisiana;

(3802) Sergeant Lonny D. Wells, Vandergrift, Pennsylvania;

(3803) Chief Warrant Officer Stephen M. Wells, Egremont, Massachusetts;

(3804) Warrant Officer Charles G. Wells, Jr., Montgomery, Alabama;

(3805) Specialist Michael J. Wendling, Mayville, Wisconsin;

(3806) Sergeant Brad A. Wentz, Gladwin, Michigan;

(3807) Specialist Cody L. Wentz, Williston, North Dakota;

(3808) Private Raymond M. Werner, Boise, Idaho;

(3809) Specialist Jeffrey M. Wershow, Gainesville, Florida;

(3810) Specialist Christopher Jude Rivera Wesley, Portland, Oregon;

(3811) Private First Class Kevin S. K. Wessel, Newport, Oregon;

(3812) Corporal Bobby R. West, Beebe, Arkansas;

(3813) Sergeant James G. West, Watertown, New York;

(3814) Captain Jason M. West, Pittsburgh, Pennsylvania;

(3815) Lance Corporal Jeromy D. West, Aguanga, California;

(3816) Lance Corporal Phillip G. West, American Canyon, California;

(3817) Master Sergeant Robert H. West, Elyria, Ohio;

(3818) Private First Class Theodore M. West, Richmond, Kentucky;

(3819) Staff Sergeant Laurent J. West, Raleigh, North Carolina;

(3820) Specialist Christopher J. West, Arlington, Texas;

(3821) First Lieutenant Kile G. West, Texas, Pasadena;

(3822) Sergeant Marshall A. Westbrook, Farmington, New Mexico;

(3823) Colonel Theodore S. Westhusing, Dallas, Texas;

(3824) First Lieutenant Alexander E. Wetherbee, Fairfax, Virginia;

(3825) Specialist Donald L. Wheeler, Concord, Michigan;

(3826) Sergeant First Class Dexter E. Wheelous, Winder, Georgia;

(3827) Sergeant Mason Douglas Whetstone, Anchorage, Alaska;

(3828) Staff Sergeant Jerald A. Whisenhunt, Orrick, Missouri;

(3829) Private First Class Marquis A. Whitaker, Columbus, Georgia;

(3830) Staff Sergeant Aaron Dean White, Shawnee, Oklahoma;

(3831) Private Anthony White, Columbia, South Carolina;

(3832) Private First Class Christopher N. White, Southport, North Carolina;

(3833) Sergeant Lucas T. White, Moses, Lake Washington;

(3834) Lieutenant Nathan Dennis White, Mesa, Arizona;

(3835) Specialist Raymond L. White, Elwood, Indiana;

(3836) Sergeant First Class Stephen J. White, Talladega, Alabama;

(3837) Sergeant Steven W. White, Lawton, Oklahoma;

(3838) Lance Corporal William Wayne White, Brooklyn, New York;

(3839) Private Dewayne L. White, Country Club Hills, Illinois;

(3840) Staff Sergeant Delmar White, Wallins, Kentucky;

(3841) Specialist Doonewey White, Milpitas, California;

(3842) Staff Sergeant Jason D. Whitehouse, Phoenix, Arizona;

(3843) Private First Class Joey D. Whitener, Nebo, North Carolina;

(3844) Staff Sergeant Justin R. Whiting, Hancock, New York;

(3845) Lance Corporal Dion M. Whitley, Los Angeles, California;

(3846) Specialist Chase R. Whitman, Eugene, Oregon;

(3847) Lance Corporal Nicholas J. Whyte, Brooklyn, New York;

(3848) Lançe Corporal Travis M. Wichlacz, West Bend, Wisconsin;

(3849) Corporal Vernon R. Widner, Redlands, California;

(3850) Specialist Lee A. Wiegand, Hallstead, Pennsylvania;

(3851) Staff Sergeant David A. Wieger, North Huntingdon, Pennsylvania;

(3852) Petty Officer Third Class Jeffery L. Wiener, Louisville, Kentucky;

(3853) Corporal Kory D. Wiens, Independence, Oregon;

(3854) Specialist Michael J. Wiesemann, North Judson, Indiana;

(3855) Staff Sergeant Michael J. Wiggins, Cleveland, Ohio;

(3856) Lance Corporal William Brett Wightman, Sabina, Ohio;

(3857) Corporal Joshua S. Wilfong, Walker, West Virginia;

(3858) Sergeant Charles T. Wilkerson, Kansas City, Missouri;

(3859) Private First Class David A. Wilkey, Jr., Elkhart, Indiana;

(3860) First Lieutenant Charles L. Wilkins III, Columbus, Ohio;

(3861) Private Eric R. Wilkus, Hamilton, New Jersey;

(3862) Seargent Gary D. Willett, Alamogordo, New Mexico;

(3863) Sergeant Cheyenne C. Willey, Fremont, California;

(3864) Corporal Andre L. Williams, Galloway, Ohio;

(3865) Staff Sergeant Benjamin D. Williams, Orange, Texas;

(3866) Sergeant Christian B. Williams, Winter Haven, Florida;

(3867) Sergeant Clint E. Williams, Kingston, Oklahoma;

(3868) Staff Sergeant Dwayne E. Williams, Baltimore, Maryland;

(3869) Sergeant Eugene Williams, Highland, New York;

(3870) Corporal Jeffrey A. Williams, Warrenville, Illinois;

(3871) Staff Sergeant Jesse L. Williams, Santa Rosa, California;

(3872) Corporal Luke C. Williams, Knoxville, Tennessee;

(3873) Lance Corporal Michael Jason Williams, Yuma, Arizona;

(3874) Specialist Michael L. Williams, Buffalo, New York;

(3875) Private First Class Phillip B. Williams, Gardnerville, Nevada;

(3876) Specialist Ronnie D. Williams, Erlanger, Kentucky;

(3877) Sergeant Taft V. Williams, New Orleans, Louisiana;

(3878) Private Wesley J. Williams, Philadelphia, Pennsylvania;

(3879) Sergeant David B. Williams, Tarboro, North Carolina;

(3880) Sergeant Arthur C. Williams IV, Edgewater, Florida;

(3881) Specialist Tracy C. Willis, Marshall, Texas;

(3882) Sergeant First Class Christopher R. Willoughby, Phenix City, Alabama;

(3883) Corporal Bryan S. Wilson, Otterbein, Indiana;

(3884) Specialist Dana N. Wilson, Fountain, Colorado;

(3885) Staff Sergeant Jamie D. Wilson, San Diego, California;

(3886) Command Sergeant Major Jerry L. Wilson, Thomson, Georgia;

(3887) Staff Sergeant Joe Nathan Wilson, Crystal Springs, Mississippi;

(3888) Lance Corporal Lamont N. Wilson, Lawton, Oklahoma;

(3889) Petty Officer Third Class Nicholas Wilson, Valley Newark, New York;

(3890) Specialist Nicholas E. Wilson, Glendale, Arizona;

(3891) Staff Sergeant Robert J. Wilson, Boynton Beach, Florida;

(3892) Sergeant Lee C. Wilson, Chapel Hill, North Carolina;

(3893) Staff Sergeant Stephen J. Wilson, Duluth, Georgia;

(3894) Private First Class Le Ron A. Wilson, Queens, New York;

(3895) Lance Corporal Nicholas Wilt, Tampa, Florida;

(3896) Specialist Thomas J. Wilwerth, Mastic, New York;

(3897) Sergeant David Neil Wimberg, Louisville, Kentucky;

(3898) Corporal Christopher D. Winchester, Flomaton, Alabama;

(3899) First Lieutenant Ronald Winchester, Rockville Center, New York;

(3900) Sergeant First Class Nathan L. Winder, Blanding, Utah;

(3901) Lance Corporal Nathanial Dain Windsor, Scappoose, Oregon;

(3902) Specialist Trevor A. Wine, Orange, California;

(3903) Sergeant Daniel W. Winegeart, Kountze, Texas;

(3904) Lance Corporal Jordan D. Winkler, Tulsa, Oklahoma;

(3905) Private First Class Harry A. Winkler III, Clarksville, Tennessee;

(3906) Private First Class Ryan G. Winslow, Jefferson, Alabama;

(3907) Lieutenant Colonel Peter E. Winston, Plant City, Florida;

(3908) Corporal Jonathan D. Winterbottom, Falls Church, Virginia;

(3909) Lance Corporal William J. Wiscowiche, Victorville, California;

(3910) Staff Sergeant Clinton Lee Wisdom, Atchison, Kansas;

(3911) Specialist Robert A. Wisem Tallahassee, Florida;

(3912) Sergeant Justin D. Wisniewski, Standish, Michigan;

(3913) Private First Class Donovan D. Witham, Malvern, Arkansas;

(3914) Sergeant James Witkowski, Surprise, Arizona;

(3915) Specialist Michelle M. Witmer, New Berlin, Wisconsin;

(3916) Private First Class Owen D. Witt, Sand Springs, Montana;

(3917) Staff Sergeant Kevin M. Witte, Beardsley, Minnesota;

(3918) Private First Class Brett Witteveen, Shelby, Michigan;

(3919) Staff Sergeant Zachary Ryan Wobler, Ottawa, Ohio;

(3920) Specialist James R. Wolf, Scottsbluff, Nebraska;

(3921) Private First Class Colin Joseph Wolfe, Manassas, Virginia;

(3922) Second Lieutenant Jeremy L. Wolfe, Menomonie, Wisconsin;

(3923) Sergeant Elijah Tai Wah Wong, Mesa, Arizona;

(3924) Sergeant Brian M. Wood, Torrance, California;

(3925) Captain George A. Wood, New York, New York;

(3926) Specialist John Edward Wood, Humboldt, Kansas;

(3927) Lance Corporal Nathan R. Wood, Kirkland, Washington;

(3928) Sergeant First Class Ronald T. Wood, Cedar City, Utah;

(3929) Colonel William W. Wood, Panama City, Florida;

(3930) Sergeant Ryan M. Wood, Oklahoma City, Oklahoma;

(3931) Sergeant Peter Woodall, Sarasota, Florida;

(3932) Corporal Julian M. Woodall, Tallahassee, Florida;

(3933) Sergeant Daniel E. Woodcock, Glennallen, Alaska;

(3934) Sergeant Michael R. Woodliff, Port Charlotte, Florida;

(3935) Private First Class Eric Paul Woods, Omaha, Nebraska;

(3936) Petty Officer Third Class Julian Woods, Jacksonville, Florida;

(3937) Specialist Shane W. Woods, Palmer, Alaska;

(3938) Corporal Ryan A. Woodward, Fort Wayne, Indiana;

(3939) Private First Class Curtis L. Wooten III, Spanaway, Washington;

(3940) Specialist Dustin L. Workman II, Greenwood, Nebraska;

(3941) Major Matthew W. Worrel, Lewisville, Texas;

(3942) Sergeant James R. Worster, Broadview Heights, Ohio;

(3943) Private First Class Robert A. Worthington, Jackson, Georgia;

(3944) Sergeant James M. Wosika, Jr., St. Paul, Minnesota;

(3945) Lieutenant Colonel Thomas A. Wren, Lorton, Virginia;

(3946) Specialist Brian A. Wright, Keensburg, Illinois;

(3947) Sergeant Gregroy A. Wright, Boston, Massachusetts;

(3948) Specialist James C. Wright, Morgan, Texas;

(3949) Private First Class Jason G. Wright, Luzerne, Michigan;

(3950) Sergeant Thomas G. Wright, Holly, Michigan;

(3951) Second Lieutenant John Thomas "J.T." Wroblewski, Oak Ridge, New Jersey;

(3952) First Lieutenant Luke C. Wullenwaber, Lewiston, Idaho;

(3953) Lance Corporal Daniel R. Wyatt, Calendonia, Wisconsin;

(3954) Corporal Matthew A. Wyatt, Millstadt, Illinois;

(3955) Private First Class Stephen E. Wyatt, Kilgore, Texas;

(3956) Specialist Benyahmin B. Yahudah, Bogart, Georgia;

(3957) Private First Class Dustin A. Yancey, Goose Creek, South Carolina;

(3958) Sergeant Michael J. Yarbrough, Malvern, Arkansas;

(3959) Sergeant Michael E. Yashinski, Monument, Colorado;

(3960) Corporal Nyle Yates III, Lake Odessa, Michigan;

(3961) Sergeant Clifton J. Yazzie, Fruitland, New Mexico;

(3962) Sergeant Henry Ybarra III, Austin, Texas;

(3963) Lance Corporal Hatak Yuka Keyu M. Yearby, Overbrook, Oklahoma;

(3964) Lance Corporal Luke C. Yepsen, Kingwood, Texas;

(3965) Chief Warrant Officer Keith Yoakum, Hemet, California;

(3966) Private Justin R. Yoemans, Eufaula, Alabama;

(3967) Specialist Viktar V. Yolkin, Spring Branch, Texas;

(3968) Master Sergeant Anthony R. C. Yost, Millington/Flint, Michigan;

(3969) Sergeant Joshua V. Youmans, Flushing, Michigan;

(3970) Private First Class Rodricka Antwan Youmans, Allendale, South Carolina;

(3971) Specialist Christopher D. Young, Los Angeles, California;

(3972) Sergeant Ryan C. Young, Corona, California;

(3973) Private First Class Joshua A. R. Young, Riddle, Oregon;

(3974) Specialist Donald M. Young, Helena, Montana;

(3975) Specialist John J. Young, Savannah, Georgia;

(3976) Private Kelly D. Youngblood, Mesa, Arizona;

(3977) Petty Officer Third Class Travis L. Youngblood, Surrency, Georgia;

(3978) Lance Corporal Andrew J. Zabierek, Chelmsford, Massachusetts;

(3979) Corporal Jesse M. Zamora, Las Cruces, New Mexico;

(3980) Corporal Jose Zamora Sunland, Park, New Mexico;

(3981) Specialist Nicholas J. Zangara, Philadelphia, Pennsylvania;

(3982) Civilian Robert J. Zangas, Prince William County, Virginia;

(3983) Corporal Adam O. Zanutto, Caliente, California;

(3984) Specialist Mark Anthony Zapata, Edinburg, Texas;

(3985) Sergeant First Class William A. Zapfe, Muldraugh, Kentucky;

(3986) Lance Corporal Thomas J. Zapp, Houston, Texas;

(3987) Sergeant First Class Mickey E. Zaun, Brooklyn Park, Minnesota;

(3988) Private First Class Angelo A. Zawaydeh, San Bruno, California;

(3989) Specialist Edgardo Zayas, Dorchester, Massachusetts;

(3990) Staff Sergeant Kevin L. Zeigler, Overland Park, Kansas;

(3991) Private First Class Kenneth E. Zeigler II, Dillsburg, Pennsylvania;

(3992) Private Matthew T. Zeimer, Glendive, Montana;

(3993) Major Douglas Zembiec, Albuquerque, New Mexico;

(3994) Private First Class Benjamin T. Zieske, Concord, California;

(3995) First Lieutenant Dennis W. Zilinski, Freehold, New Jersey;

(3996) Private First Class Nicholaus E. Zimmer, Columbus, Ohio;

(3997) Sergeant Christopher Michael Zimmerman, Stephenville, Texas;

(3998) Sergeant Luke J. Zimmerman, Luxemburg, Wisconsin;

(3999) Private Travis C. Zimmerman, New Berlinville, Pennsylvania;

(4000) Corporal Christopher E. Zimny, Cook, Illinois;

(4001) Corporal Matthew R. Zindars, Watertown, Wisconsin;

(4002) Corporal Nicholas L. Ziolkowski, Towson, Maryland;

(4003) Corporal Ian T. Zook, Port St. Lucie, Florida;

(4004) Lance Corporal Brent Zoucha, Clarks, Nebraska;

(4005) Lance Corporal Scott A. Zubowski, Manchester, Indiana;

(4006) Lance Corporal Robert Paul Zurheide, Jr., Tucson, Arizona;

(4007) Staff Sergeant Michael S. Zyla, Elgin, Oregon; and

(4008) Corporal Casey P. Zylman, Coleman, Michigan; and

(4009) Sergeant Jevon K. Jordan, Norfolk, Virginia

Whereas the following 487 members of the United States Armed Forces have lost their lives in support of the war in Afghanistan:

(1) Captain Clayton Lee Adamkavicius, Fairdale, Kentucky;

(2) Sergeant Kevin D. Akins, Burnsville, North Carolina;

(3) Sergeant Major Phillip R. Albert, Terryville, Connecticut;

(4) Staff Sergeant Leroy E. Alexander, Dale City, Virginia;

(5) Chief Warrant Officer Christopher M. Allgaier, Middleton, Missouri;

(6) Specialist Thomas F. Allison, Roy, Washington;

(7) Corporal William M. Amundson, Jr., The Woodlands, Texas;

(8) Lance Corporal Nicholas R. Anderson, Sauk City, Wisconsin;

(9) Specialist Marc A. Anderson, Brandon, Florida;

(10) Master Sergeant Evander E. Andrews, Solon, Maine;

(11) First Lieutenant Tamara Long Archuleta, Belen, New Mexico;

(12) Sergeant Jan M. Argonish, Peckville, Pennsylvania;

(13) Sergeant First Class Moses E. Armstead, Rochester, New York;

(14) Private Alan J. Austin, Houston, Texas;

(15) Petty Officer Second Class Matthew G. Axelson, Cupertino, California;

(16) Chief Warrant Officer David Ayala, New York, New York;

(17) Staff Sergeant Charlie L. Bagwell, Lake Toxaway, North Carolina;

(18) Private Michael V. Bailey, Waldorf, Maryland;

(19) Master Sergeant Scott R. Ball, Mount Holly Springs, Pennsylvania;

(20) Captain Matthew W. Bancroft, Shasta, California;

(21) Sergeant Major Barbaralien Banks, Harvey, Louisiana;

(22) Sergeant Michael C. Barry, Overland Park, Kansas;

(23) Major Larry J. Bauguess, Jr., Moravian Falls, North Carolina;

(24) Sergeant Tane T. Baum, Pendleton, Oregon;

(25) Sergeant Bobby E. Beasley, Inwood, West Virginia;

(26) Lieutenant Colonel Richard J. Berrettini, Wilcox, Pennsylvania;

(27) Private First Class Matthew L. Bertolino, Hampstead, New Hampshire;

(28) Lance Corporal Bryan P. Bertrand, Coos Bay, Oregon;

(29) Private Joseph R. Blake, Portland, Oregon;

(30) Sergeant Jesse Blamires, South Jordan, Utah;

(31) Corporal Joshua C. Blaney, Matthews, North Carolina;

(32) Sergeant First Class Matthew D. Blaskowski, Levering, Michigan;

(33) Sergeant Jay A. Blessing, Tacoma, Washington;

(34) Sergeant Phillip Allen Bocks, Troy, Michigan;

(35) Captain David A. Boris, Pennsylvania;

(36) Major Thomas G. Bostick, Jr., Llano, Texas;

(37) Chief Petty Officer Matthew J. Bourgeois, Tallahassee, Florida;

(38) Staff Sergeant Collin J. Bowen, Millersville, Maryland;

(39) Private First Class Brian J. Bradbury, Saint Joseph, Missouri;

(40) Sergeant Joshua C. Brennan, Ontario, Oregon;

(41) Sergeant Bryan A. Brewster, Fontana, California;

(42) Lance Corporal Billy D. Brixey, Jr., Ferriday, Louisiana;

(43) Sergeant First Class William R. Brown, Fort Worth, Texas;

(44) Sergeant Charles R. Browning, Tucson, Arizona;

(45) Master Sergeant Thomas L. Bruner, Owensboro, Kentucky;

(46) Gunnery Sergeant Stephen L. Bryson, Montgomery, Alabama;

(47) Staff Sergeant James D. Bullard, Marion, South Carolina;

(48) Staff Sergeant Eric Caban, Fort Worth, Texas;

(49) Major Jeffrey R. Calero, Queens Village, New York;

(50) Specialist Isaiah Calloway, Jacksonville, Florida;

(51) Staff Sergeant Damion G. Campbell, Baltimore, Maryland;

(52) Lance Corporal Dustin L. Canham, Lake Stevens, Washington;

(53) Petty Officer Third Class Mark R. Cannon, Lubbock, Texas;

(54) Staff Sergeant Nicholas R. Carnes, Dayton, Kentucky;

(55) Sergeant First Class Scott M. Carney, Ankeny, Iowa;

(56) Specialist Curtis A. Carter, Lafayette, Louisiana;

(57) Sergeant First Class Victor H. Cervantes, Stockton, California;

(58) Captain Jeremy A. Chandler, Clarksville, Tennessee;

(59) Technical Sergeant John A. Chapman, Waco, Texas;

(60) Sergeant First Class Nathan R. Chapman, San Antonio, Texas;

(61) Staff Sergeant Kyu H. Chay, Fayetteville, North Carolina;

(62) Sergeant Steven Checo, New York, New York;

(63) Staff Sergeant Craig W. Cherry, Winchester, Virginia;

(64) Staff Sergeant Robert J. Chiomento, Fort Dix, New Jersey;

(65) Sergeant Cory L. Clark, Plant City, Florida;

(66) Lance Corporal Jeffery L. Clark, Bay City, Florida;

(67) Gunnery Sergeant Theodore Clark, Jr., Emporia, Virginia;

(68) Master Sergeant Herbert R. Claunch, Wetumpka, Alabama;

(69) Staff Sergeant Shawn M. Clemens, Allegany, New York;

(70) Specialist Brian Michael Clemens, Kokomo, Indiana;

(71) Staff Sergeant Jesse G. Clowers, Jr., Herndon, Virginia;

(72) Staff Sergeant Walter F. Cohee III, Wicomico, Maryland;

(73) Corporal Jeremiah S. Cole, Hiawatha, Kansas;

(74) Staff Sergeant Casey D. Combs, Auburn, Washington;

(75) Private First Class Matthew A. Commons, Boulder City, Nevada;

(76) Captain David S. Connolly, Boston, Massachusetts;

(77) Specialist Robert J. Cook, Sun Prairie, Wisconsin;

(78) Tech. Sergeant Sean M. Corlew, Thousand Oaks, California;

(79) Corporal Bernard P. Corpuz, Watsonville, California;

(80) Staff Sergeant Heathe N. Craig, Severn, Maryland;

(81) Staff Sergeant Brian T. Craig, Houston, Texas;

(82) Specialist Richard M. Crane, Independence, Missouri;

(83) Sergeant Peter P. Crose, Orange Park, Florida;

(84) Private First Class Joseph Cruz, Whittier, California;

(85) Senior Airman Jason D. Cunningham, Camarillo, California;

(86) Staff Sergeant Joseph F. Curreri, Los Angeles, California;

(87) First Sergeant Michael S. Curry, Jr., Dania Beach, Florida;

(88) Captain Patrick Damon, Falmouth, Maine;

(89) Private First Class Adam J. Davis, Twin Falls, Idaho;

(90) Private First Class Justin R. Davis, Gaithersburg, Maryland;

(91) Sergeant Robert G. Davis, Jackson, Missouri;

(92) Master Sergeant Jefferson D. Davis, Clarksville, Tennessee;

(93) Machinist's Mate Fireman Apprentice Bryant L. Davis, Chicago, Illinois;

(94) Staff Sergeant Edwin H. Dazachacon, Belleville, Illinois;

(95) Specialist Robert W. Defazio, West Babylon, New York;

(96) Sergeant First Class Bernard Lee Deghand, Mayetta, Kansas;

(97) Private Jerod R. Dennis, Antlers, Oklahoma;

(98) Sergeant Jeremy E. DePottey, Ironwood, Michigan;

(99) Specialist Isaac E. Diaz Rio, Hondo, Texas;

(100) Petty Officer Second Class Danny P. Dietz, Littleton, Colorado;

(101) Private First Class James R. Dillon, Jr., Grove City, Pennsylvania;

(102) Specialist Jason A. Disney, Fallon, Nevada;

(103) Major Duane W. Dively, Rancho California, California;

(104) Staff Sergeant John G. Doles, Claremore, Oklahoma;

(105) Chief Warrant Officer Christopher B. Donaldson, Illinois;

(106) Staff Sergeant James P. Dorrity, Goldsboro, North Carolina;

(107) Sergeant David J. Drakulich, Reno, Nevada;

(108) Private First Class Robert E. Drawl, Jr., Alexandria, Virginia;

(109) First Lieutenant Brandon R. Dronet, Erath, Louisiana;

(110) Technical Sergeant Scott E. Duffman, Albuquerque, New Mexico;

(111) Sergeant Russell M. Durgin, Henniker, New Hampshire;

(112) Specialist Ciara M. Durkin, Quincy, Massachusetts;

(113) Chief Warrant Officer Scott W. Dyer, Cocoa Beach, Florida;

(114) Private James H. Ebbers, Bridgeview, Illinois;

(115) Private First Class Kevin F. Edgin, Dyersburg, Tennessee;

(116) Specialist Jonn Joseph Edmunds, Cheyenne, Wyoming;

(117) Captain Daniel W. Eggers, Cape Coral, Florida;

(118) Chief Warrant Officer Jody L. Egnor, Middletown, Ohio;

(119) Senior Airman Nicholas D. Eischen, Sanger, California;

(120) Staff Sergeant Gregory L. Elam, Columbus, Georgia;

(121) Master Sergeant Emigdio E. Elizarraras, Pico Rivera, California;

(122) Private First Class Zachary R. Endsley, Spring, Texas;

(123) Sergeant Michael J. Esposito, Jr., Brentwood, New York;

(124) First Lieutenant Forrest P. Ewens, Washington;

(125) Staff Sergeant Troy S. Ezernack, Lancaster, Pennsylvania;

(126) Staff Sergeant Christopher M. Falkel, Highlands Ranch, Colorado;

(127) Major Curtis D. Feistner, White Bear Lake, Minnesota;

(128) Sergeant Gregory D. Fejeran, Barrigada, Guam;

(129) Lieutenant Colonel Joseph J. Fenty, Florida;

(130) Sergeant Christopher J. C. Fernandez, Dededo, Guam;

(131) Specialist Kyle Ka Eo Fernandez, Waipahu, Hawaii;

(132) First Lieutenant Matthew C. Ferrara, Torrance, California;

(133) Captain Michael T. Fiscus, Milford, Indiana;

(134) Chief Warrant Officer (CW3) William T. Flanigan, Milan, Tennessee;

(135) Corporal Jacob R. Fleischer, St. Louis, Missouri;

(136) Chief Warrant Officer John M. Flynn, Sparks, Nevada;

(137) Chief Petty Officer Jacques J. Fontan, New Orleans, Louisiana;

(138) Sergeant Ryan D. Foraker, Logan, Ohio;

(139) Sergeant James F. Fordyce, Newton Square, Pennsylvania;

(140) Sergeant Jeremy D. Foshee, Jackson, Alabama;

(141) Corporal Dale E. Fracker, Jr., Apple Valley, California;

(142) Corporal David M. Fraise, New Orleans, Louisiana;

(143) Petty Officer Third Class John T. Fralish, New Kingstown, Pennsylvania;

(144) Sergeant Gregory Michael Frampton, Fresno, California;

(145) Private First Class Benny S. Franklin, Hammond, Louisiana;

(146) Staff Sergeant Jacob L. Frazier, St. Charles, Illinois;

(147) Specialist Daniel J. Freeman, Cincinnati, Ohio;

(148) Staff Sergeant Kerry W. Frith, Las Vegas, Nevada;

(149) Staff Sergeant William R. Fritsche, Martinsville, Indiana;

(150) Staff Sergeant Joseph F. Fuerst III, Tampa, Florida;

(151) Sergeant First Class Mike Fuga, Nuuli, American Samoa;

(152) Specialist Chad C. Fuller, Potsdam, New York;

(153) Staff Sergeant Michael J. Gabel, Crowley, Louisiana;

(154) Staff Sergeant Justin J. Galewski, Olathe, Kansas;

(155) Sergeant Daniel Lee Galvan, Moore, Oklahoma;

(156) Private First Class Ryan C. Garbs, Edwardsville, Illinois;

(157) Private First Class Damian J. Garza, Odessa, Texas;

(158) Specialist Rogelio R. Garza, Jr., Corpus Christi, Texas;

(159) Sergeant Christopher P. Geiger, Allentown, Pennsylvania;

(160) Lance Corporal Phillip C. George, Houston, Texas;

(161) Staff Sergeant Scott N. Germosen, Queens, New York;

(162) Chief Warrant Officer (CW2) Thomas J. Gibbons, Calvert County, Maryland;

(163) Master Sergeant Randy J. Gillespie, Coaldale, Colorado;

(164) Sergeant Benjamin L. Gilman, Meriden, Connecticut;

(165) Staff Sergeant Shamus O. Goare, Danville, Ohio;

(166) Sergeant Nicholes Darwin Golding, Addison, Maine;

(167) Corporal Billy Gomez, Perris, California;

(168) Sergeant First Class Chad A. Gonsalves, Turlock, California;

(169) Specialist Rodrigo Gonzalez-Garza, San Antonio, Texas;

(170) Senior Airman Alecia S. Good, Broadview Heights, Ohio;

(171) Private First Class Jordan E. Goode, Kalamazoo, Michigan;

(172) Caporal Nathan J. Goodiron, Mandaree, North Dakota;

(173) Chief Warrant Officer Corey J. Goodnature, Clarks Grove, Minnesota;

(174) Staff Sergeant Robert S. Goodwin, Albany, Georgia;

(175) Specialist Brandon D. Gordon, Naples, Florida;

(176) Specialist Brian Gorham, Woodburn, Kentucky;

(177) Seaman Katrina Renee Grady, Greenville, Mississippi;

(178) Major Michael L. Green, Chagrin Falls, Ohio;

(179) Corporal Jeremy R. Greene, Springfield, Ohio;

(180) Sergeant John C. Griffith, Las Vegas, Nevada;

(181) Corporal Aaron M. Griner, Tampa, Florida;

(182) Chief Warrant Officer Travis W. Grogan, Virginia Beach, Virginia;

(183) Specialist Agustin Gutierrez, San Jacinto, California;

(184) Specialist Kelvin Feliciano Gutierrez, Anasco, Puerto Rico;

(185) Sergeant Gabriel Guzman, Hornbrook, California;

(186) Sergeant Brandon E. Hadaway, Valley, Alabama;

(187) First Lieutenant Benjamin J. Hall, Virginia;

(188) Specialist Blake W. Hall, East Prairie, Missouri;

(189) Specialist David E. Hall, Uniontown, Kansas;

(190) Chief Warrant Officer (CW2) Stanley L. Harriman, Wade, North Carolina;

(191) Sergeant Taurean T. Harris, Liberty, Mississippi;

(192) Private First Class Joseph G. Harris, Sugar Land, Texas;

(193) Colonel James W. Harrison, Jr., Missouri;

(194) Private First Class Jason D. Hasenauer, Hilton, New York;

(195) Sergeant Nathan P. Hays, Lincoln, Washington;

(196) Sergeant James K. Healy, Hesperia, California;

(197) Senior Chief Petty Officer Daniel R. Healy, Exeter, New Hampshire;

(198) Private First Class Kyle M. Hemauer, Chilton, Wisconsin;

(199) Sergeant First Class Christopher Dale Henderson, Hillsboro, Oregon;

(200) Private John M. Henderson, Jr., Columbus, Georgia;

(201) Sergeant First Class John Henning, Lake Charles, Louisiana;

(202) Sergeant Edelman L. Hernandez, Hyattsville, Maryland;

(203) Private First Class Emmanuel Hernandez, Yauco, Puerto Rico;

(204) Sergeant First Class Rocky H. Herrera, Salt Lake City, Utah;

(205) Specialist Brett M. Hershey, State College, Pennsylvania;

(206) Sergeant Edward R. Heselton, Easley, South Carolina;

(207) Specialist Julie R. Hickey, Galloway, Ohio;

(208) Staff Sergeant Jason Carlyle Hicks, Jefferson, South Carolina;

(209) Sergeant David M. Hierholzer, Lewisburg, Tennessee;

(210) Master Sergeant Michael T. Hiester, Bluffton, Indiana;

(211) Sergeant Anton J. Hiett, Mount Airy, North Carolina;

(212) Sergeant Stephen C. High, Spartanburg, South Carolina;

(213) Sergeant Adrian E. Hike, Callender, Iowa;

(214) Sergeant Shawn F. Hill, Wellford, South Carolina;

(215) Specialist Joshua Lee Hill, Fairmount, Indiana;

(216) First Lieutenant Derek S. Hines, Newburyport, Massachusetts;

(217) Staff Sergeant Brian S. Hobbs, Mesa, Arizona;

(218) Specialist Christopher S. Honaker, Cleveland, North Carolina;

(219) Sergeant Bryce D. Howard, Vancouver, Washington;

(220) Sergeant First Class Merideth Howard, Waukesha, Wisconsin;

(221) Staff Sergeant Christopher T. Howick, Hamburg, New York;

(222) Sergeant Buddy J. Hughie, Poteau, Oklahoma;

(223) First Lieutenant Joshua M. Hyland, Missoula, Montana;

(224) Specialist Wakkuna Jackson, Jacksonville, Florida;

(225) Sergeant First Class Mark Wayne Jackson, Glennie, Michigan;

(226) Sergeant Kip A. Jacoby, Pompano Beach, Florida;

(227) Electrician's Mate Fireman Apprentice Michael J. Jakes, Jr., Brooklyn, New York;

(228) Command Sergeant Dennis Jallah, Jr., Fayetteville, North Carolina;

(229) Petty Officer Second Class Laquita Pate James, Orange Park, Florida;

(230) Technical Sergeant William H. Jefferson, Jr., Norfolk, Virginia;

(231) Private First Class Joseph A. Jeffries, Beaverton, Oregon;

(232) Private First Class Jason D. Johns, Frankton, Indiana;

(233) Sergeant Travon T. Johnson, Palmdale, California;

(234) Sergeant First Class Allen C. Johnson, Los Molinos, California;

(235) Electronics Technician Third Class Benjamin Johnson, Rochester, New York;

(236) Petty Officer Second Class Darrell Jones, Wellston, Ohio;

(237) Lance Corporal Kevin B. Joyce, Ganado, Arizona;

(238) Sergeant First Class Matthew Ryan Kahler, Granite Falls, Minnesota;

(239) Sergeant Robert P. Kassin, Las Vegas, Nevada;

(240) Specialist Christopher M. Katzenberger, St. Louis, Missouri;

(241) Specialist James C. Kearney III, Emerson, Iowa;

(242) First Lieutenant Benjamin D. Keating, Shapleigh, Maine;

(243) Sergeant Michael J. Kelley, Scituate, Massachusetts;

(244) Technical Sergeant William J. Kerwood, Houston, Missouri;

(245) Sergeant First Class Jeffrey D. Kettle, Madill, Oklahoma;

(246) Lieutenant Colonel Paul W. Kimbrough, Little Rock, Arkansas;

(247) Specialist Adam G. Kinser, Sacramento, California;

(248) Lance Corporal Nicholas C. Kirven, Fairfax/Richmond, Virginia;

(249) Staff Sergeant Daniel Leon Kisling, Jr., Neosho, Missouri;

(250) Sergeant Charles B. Kitowski III, Farmers Branch, Texas;

(251) Specialist Chris Kleinwachter, Wahpeton, North Dakota;

(252) Specialist Steven R. Koch, Milltown, New Jersey;

(253) Staff Sergeant Shane M. Koele, Wayne, Nebraska;

(254) Lieutenant Commander Erik S. Kristensen, San Diego, California;

(255) Staff Sergeant Patrick F. Kutschbach, McKees Rocks, Pennsylvania;

(256) Staff Sergeant Anthony S. Lagman, Yonkers, New York;

(257) Private First Class Joseph M. Lancour, Swartz Creek, Michigan;

(258) Sergeant First Class Mitchell A. Lane, Lompoc, California;

(259) Specialist Sean K. A. Langevin, Walnut Creek, California;

(260) Lance Corporal Samuel W. Large, Jr., Villa Rice, Georgia;

(261) Sergeant James Shawn Lee, Mount Vernon, Indiana;

(262) Sergeant Michael R. Lehmiller, Anderson, South Carolina;

(263) Sergeant Donnie Leo F. Levens, Long Beach, Mississippi;

(264) Captain Darrell C. Lewis, Washington, District of Columbia;

(265) Corporal Timothy D. Lewis, Lawrenceburg, Kentucky;

(266) Staff Sergeant Roy P. Lewsader, Jr., Clinton, Indiana;

(267) Specialist George V. Libby, Aberdeen, North Carolina;

(268) Second Lieutenant Stuart F. Liles, Hot Spring, Arkansas;

(269) Master Sergeant Arthur L. Lilley, Smithfield, Pennsylvania;

(270) Sergeant Nathaniel Brad Lindsey, Troutdale, Oregon;

(271) Staff Sergeant Christian Longsworth, Newark, New Jersey;

(272) Airman First Class Raymond Losano, Del Rio, Texas;

(273) Private First Class Jacob Michael Lowell, New Lenox, Illinois;

(274) Specialist Jason A. Lucas, Columbus, Ohio;

(275) Petty Officer First Class Jeffery A. Lucas, Corbett, Oregon;

(276) Second Lieutenant Scott B. Lundell, Hurricane, Utah;

(277) Staff Sergeant Patrick L. Lybert, Ladysmith, Wisconsin;

(278) Master Sergeant Patrick D. Magnani, Martinez, California;

(279) Master Sergeant Thomas D. Maholic, Bradford, Pennsylvania;

(280) Master Sergeant Michael Maltz, St. Petersburg, Florida;

(281) Sergeant First Class Curtis Mancini, Fort Lauderdale, Florida;

(282) Corporal Matthieu Marcellus, Gainesville, Florida;

(283) Private Giovanny Maria, New York, New York;

(284) Private First Class Conor G. Masterson, Inver Grove Heights, Minnesota;

(285) Master Sergeant Edwin A. Matoscolon, Juana Diaz, Puerto Rico;

(286) Sergeant Jamie O. Maugans, Wichita, Kansas;

(287) Petty Officer First Class Alec Mazur, Vernon, New York;

(288) Chief Warrant Officer Hershel D. McCants, Jr., Arizona;

(289) Sergeant Charles J. McClain, Fort Riley, Kansas;

(290) Private First Class Daniel B. McClenney, Shelbyville, Tennessee;

(291) Sergeant Jonathan E. McColley, Gettysburg, Pennsylvania;

(292) Captain Daniel G. McCollum, Richland, South Carolina;

(293) Master Sergeant William L. McDaniel II, Greenville, Ohio;

(294) Sergeant Edmund W. McDonald, Casco, Maine;

(295) Sergeant Thomas P. McGee, Hawthorne, California;

(296) Staff Sergeant Robert K. McGee, Martinsville, Virginia;

(297) Lieutenant Michael M. McGreevy, Jr., Portville, New York;

(298) Sergeant Major Jeff McLochlin, Rochester, Indiana;

(299) Lieutenant Colonel Michael J. McMahon, Connecticut;

(300) Private First Class Spence A. McNeil, Bennettsville, South Carolina;

(301) Specialist Curtis R. Mehrer, Bismarck, North Dakota;

(302) Specialist Daniel F. Mehringer, Morgantown, West Virginia;

(303) First Sergeant Tobias C. Meister, Jenks, Oklahoma;

(304) Staff Sergeant Luis M. Melendez, Sanchez Bayamon, Puerto Rico;

(305) Specialist Hugo V. Mendoza, Glendale, Arizona;

(306) Sergeant Jeffery S. Mersman, Parker, Kansas;

(307) Captain Seth R. Michaud, Hudson, Massachusetts;

(308) Petty Officer Second Class Charles Luke Milam, Littleton, Colorado;

(309) Staff Sergeant Robert J. Miller, Iowa City, Iowa;

(310) Private First Class Mykel F. Miller, Phoenix, Arizona;

(311) Sergeant First Class Daniel E. Miller, Rossford, Ohio;

(312) Specialist Harley D. R. Miller, Spokane, Washington;

(313) Private First Class Joseph A. Miracle, Ortonville, Michigan;

(314) Sergeant First Class Sean K. Mitchell, Monterey, California;

(315) Chief Warrant Officer Timothy Wayne Moehling, Panama City, Florida;

(316) Staff Sergeant Robert J. Mogensen, Leesville, Louisiana;

(317) Sergeant First Class Jared C. Monti, Raynham, Massachusetts;

(318) Sergeant Alberto D. Montrond, Suffolk, Massachusetts;

(319) Private Brian M. Moquin, Jr., Worcester, Massachusetts;

(320) Sergeant Orlando Morales, Manati, Puerto Rico;

(321) Petty Officer Third Class Fabricio Moreno, Brooklyn, New York;

(322) Staff Sergeant Dwight J. Morgan, Mendocino, California;

(323) Sergeant First Class John D. Morton, Stanton, Kentucky;

(324) Staff Sergeant James D. Mowris, Aurora, Missouri;

(325) Specialist Scott J. Mullen, Tucson, Arizona;

(326) Lieutenant Colonel Charles E. Munier, Wheatland, Wyoming;

(327) Sergeant First Class Pedro A. Munoz, Aquada, Puerto Rico;

(328) Sergeant First Class Marcus V. Muralles, Shelbyville, Indiana;

(329) Lieutenant Michael P. Murphy, Patchogue, New York;

(330) Major Edward J. Murphy, South Carolina;

(331) Lance Corporal Ryan J. Nass, Franklin, Wisconsin;

(332) Staff Sergeant William R. Neil, Holmden, New Jersey;

(333) Staff Sergeant Clinton T. Newman, San Antonio, Texas;

(334) Sergeant Long N. Nguyen, Portland, Oregon;

(335) Travis W. Nixon, St. John, Washington;

(336) Specialist Justin L. O'Donohoe, San Diego, California;

(337) Private First Class Alex Oceguera, San Bernardino, California;

(338) Sergeant First Class James S. Ochsner, Waukegan, Illinois;

(339) Major Henry S. Ofeciar, Agana, Guam;

(340) Staff Sergeant Tony B. Olaes, Walhalla, South Carolina;

(341) Corporal Tanner J. O'Leary, Eagle Butte, South Dakota;

(342) Sergeant Michael C. O'Neill, Mansfield, Ohio;

(343) Private First Class Evan W. O'Neill, Haverhill, Massachusetts;

(344) Chief Warrant Officer (CW3) Mark O'Steen, Ozark, Alabama;

(345) Petty Officer First Class Brian J. Ouellette, Needham, Massachusetts;

(346) Captain Bartt D. Owens, Middletown, Ohio;

(347) Sergeant Timothy P. Padgett, Defuniak Springs, Florida;

(348) Private Christopher L. Palmer, Sacramento, California;

(349) Sergeant Jason T. Palmerton, Auburn, Nebraska;

(350) Private First Class Kristian E. Parker, Slidell, Louisiana;

(351) Engineman First Class Vincent Parker, Preston, Mississippi;

(352) Petty Officer Second Class Eric Shane Patton, Boulder City, Nevada;

(353) Staff Sergeant Robert J. Paul, The Dalles, Oregon;

(354) Corporal Ronald R. Payne, Jr., Lakeland, Florida;

(355) Specialist Pedro Pena, Florida;

(356) Sergeant Roger P. Peña, Jr., San Antonio, Texas;

(357) Sergeant Theodore L. Perreault, Webster, Massachusetts;

(358) Sergeant Dustin J. Perrott, Fredericksburg, Virginia;

(359) Sergeant First Class Daniel H. Petithory, Cheshire, Massachusetts;

(360) Private First Class Christopher F. Pfeifer, Spalding, Nebraska;

(361) Staff Sergeant Joseph E. Phaneuf II, Eastford, Connecticut;

(362) Sergeant Edward O. Philpot, Latta, South Carolina;

(363) Staff Sergeant Christopher N. Piper, Marblehead, Massachusetts;

(364) Senior Airman Jason Thomas Plite, Lansing, Michigan;

(365) Major Steven Plumhoff, Neshanic Station, New Jersey;

(366) Master Sergeant James W. "Tré" Ponder III, Franklin, Tennessee;

(367) Ensign Jerry O. Pope II, Tallahassee, Florida;

(368) Chief Warrant Officer Clint J. Prather, Cheney, Washington;

(369) Chief Warrant Officer Bruce E. Price, Maryland;

(370) Navy Petty Officer Third Class Jason Profitt, Charlestown, Indiana;

(371) Staff Sergeant Brian C. Prosser, Frazier Park, California;

(372) Chief Warrant Officer John A. Quinlan, New Jersey;

(373) Corporal Adam D. Quinn, Orange City, Florida;

(374) First Sergeant Christopher C. Rafferty, Brownsville, Pennsylvania;

(375) Sergeant Robert T. Rapp, Sonora, California;

(376) Staff Sergeant Joseph R. Ray, Asheville, North Carolina;

(377) Major Stephen C. Reich, Washington Depot, Connecticut;

(378) Private First Class Juan S. Restrepo, Pembroke Pines, Florida;

(379) First Class Petty Officer Thomas E. Retzer, San Diego, California;

(380) Staff Sergeant Juan M. Ridout, Maple Tree, Washington;

(381) Specialist Jeffrey G. Roberson, Phelan, California;

(382) Aviation Boatswain's Mate-Handling First Class Neil C. Roberts, Woodland, California;

(383) Private First Class Antione V. Robinson, Detroit, North Carolina;

(384) Lieutenant Colonel Michael A. Robinson, Sylacauga, Alabama;

(385) Specialist Fernando D. Robinson, Hawthorne, California;

(386) Staff Sergeant Christopher L. Robinson, Brandon, Mississippi;

(387) Captain Charles D. Robinson, Haddon Heights, New Jersey;

(388) Lieutenant Commander Thomas L. Robinson, Kingston, Massachusetts;

(389) Chief Warrant Officer Joshua R. Rodgers, Carson City, Nevada;

(390) Private First Class Jessy S. Rogers, Copper Center, Alaska;

(391) Staff Sergeant Alan L. Rogers, Kearns, Utah;

(392) Sergeant First Class Daniel A. Romero, Lafayette, Colorado;

(393) Specialist Lester G. Roque, Torrance, California;

(394) Sergeant Kenneth G. Ross, Peoria, Arizona;

(395) Staff Sergeant Larry I. Rougle, West Jordan, Utah;

(396) Staff Sergeant Bruce A. Rushforth, Jr., Bridgewater, Massachusetts;

(397) Sergeant First Class Michael L. Russell, Stafford, Virginia;

(398) Master Sergeant Wilberto Sabalu, Jr., Chicago, Illinois;

(399) Airman First Class Jesse M. Samek, Rogers, Arkansas;

(400) Sergeant Ian T. Sanchez, Staten Island, New York;

(401) Staff Sergeant Charles R. Sanders, Jr., Charleston, Missouri;

(402) Staff Sergeant Michael W. Schafer, Spring Hill, Florida;

(403) Chief Warrant Officer Chris J. Scherkenbach, Jacksonville, Florida;

(404) Corporal Richard P. Schoener, Hayes, Louisiana;

(405) Specialist Justin A. Scott, Bellevue, Kentucky;

(406) Sergeant Danton K. Seitsinger, Oklahoma City, Oklahoma;

(407) Senior Airman Adam P. Servais, Onalaska, Wisconsin;

(408) Staff Sergeant Michael A. Shank, Bonham, Texas;

(409) Staff Sergeant Anissa A. Shero, Grafton, West Virginia;

(410) Specialist Chris Sitton, Montrose, Colorado;

(411) Lance Corporal Antonio J. Sledd, Tampa, Florida;

(412) Major Douglas E. Sloan, Charlevoix, Michigan;

(413) Private First Class Andrew Small, Wiscasset, Maine;

(414) Chief Warrant Officer John D. Smith, West Valley City, Utah;

(415) Private First Class Norman K. Snyder, Carlisle, Indiana;

(416) Lance Corporal Nicholas J. Sovie, Ogdensburg, New York;

(417) Sergeant First Class Christopher J. Speer, Albuquerque, New Mexico;

(418) Specialist Michael K. Spivey, Fayetteville, North Carolina;

(419) Corporal Derek A. Stanley, Tulsa, Oklahoma;

(420) Captain Joshua E. Steele, North Henderson, Illinois;

(421) Lieutenant Colonel John Stein, Bardolph, Illinois;

(422) Sergeant David A. Stephens, Tullahoma, Tennessee;

(423) Sergeant Patrick D. Stewart, Fernley, Nevada;

(424) Specialist Matthew P. Steyart, Mount Shasta, California;

(425) Sergeant First Class James J. Stoddard, Jr., Crofton, Maryland;

(426) Sergeant First Class John Thomas, Stone Tunbridge/Norwich, Vermont;

(427) Private First Class Kristofor T. Stonesifer, Missoula, Montana;

(428) Specialist Chrystal Gaye Stout, Travelers Rest, South Carolina;

(429) Specialist Sascha Struble, Philadelphia, New York;

(430) Warrant Officer Adrian B. Stump, Pendleton, Oregon;

(431) Petty Officer Second Class James Suh, Deerfield Beach, Florida;

(432) Sergeant First Class Daniel Suplee, Ocala, Florida;

(433) Sergeant Philip J. Svitak, Joplin, Missouri;

(434) Staff Sergeant Paul A. Sweeney, Lakeville, Pennsylvania;

(435) Private First Class Pendelton L. Sykes II, Chesapeake, Virginia;

(436) Commander Adrian Basil Szwec, Chicago, Illinois;

(437) Staff Sergeant Donald T. Tabb, Norcross, Georgia;

(438) Petty Officer First Class David M. Tapper, Camden County, New Jersey;

(439) Private First Class Mathew D. Taylor, Cameron Park, California;

(440) Petty Officer First Class Jeffrey S. Taylor, Midway, West Virginia;

(441) Sergeant First Class John E. Taylor, Wichita Falls, Texas;

(442) Staff Sergeant John "Mike" Teal, Dallas, Texas;

(443) Sergeant Zachary D. Tellier, Charlotte, North Carolina;

(444) Lance Corporal Juston Tyler Thacker, Bluefield, West Virginia;

(445) Staff Sergeant Michael D. Thomas, Seffner, Florida;

(446) Private First Class Kristofer D. S. Thomas, Roseville, California;

(447) Private First Class Adam L. Thomas, Palos Hills, Illinois;

(448) Specialist Patrick D. Tillman, Chandler, Arizona;

(449) Specialist David N. Timmons, Jr., Lewisville, North Carolina;

(450) Specialist Juan Manuel Torres, Houston, Texas;

(451) Chief Warrant Officer (CW3) Eric W. Totten, Texas;

(452) Sergeant William John Tracy, Jr., Webster, New Hampshire;

(453) Corporal Steven Charles Tucker, Grapevine, Texas;

(454) Petty Officer Third Class Emory J. Turpin, Dahlonega, Georgia;

(455) Sergeant First Class Peter P. Tycz II, Tonawanda, New York;

(456) Angelo J. Vaccaro, Deltona, Florida;

(457) Lance Corporal Steven A. Valdez, McRea, Arkansas;

(458) Sergeant Alex Van Aalten, Monterey, Tennessee;

(459) Sergeant Travis A. Van Zoest, Larimore, North Dakota;

(460) Sergeant Gene A. Vance, Jr., Morgantown, West Virginia;

(461) Specialist Travis R. Vaughn, Reinbeck, Iowa;

(462) Specialist Andrew Velez, Lubbock, Texas;

(463) Private First Class Timothy R. Vimoto, Fort Campbell, Kentucky;

(464) Private First Class Brandon James Wadman, West Palm Beach, Florida;

(465) First Lieutenant Laura M. Walker, Texas;

(466) Staff Sergeant Thomas A. Walkup, Jr., Millville, New Jersey;

(467) Sergeant First Class Johnny C. Walls, Bremerton, Washington;

(468) Technical Sergeant Howard A. Walters, Port Huron, Michigan;

(469) Specialist Wesley R. Wells, Libertyville, Illinois;

(470) Staff Sergeant Joshua R. Whitaker, Long Beach, California;

(471) Staff Sergeant Robert F. White, Cross Lanes, West Virginia;

(472) Lance Corporal Russell P. White, Dagsboro, Delaware;

(473) Private Robert C. White III, Camden, New Jersey;

(474) Private First Class James P. White, Jr., Huber Heights, Ohio;

(475) Sergeant Jeffery S. Wiekamp, Utopia, Texas;

(476) Sergeant Adam A. Wilkinson, Fort Carson, Colorado;

(477) Captain Bryan D. Willard, Hummelstown, Pennsylvania;

(478) Private First Class Thomas R. Wilson, Maurertown, Virginia;

(479) Specialist Christopher M. Wilson, Bangor, Maine;

(480) Sergeant Jeannette L. Winters, Du Page, Illinois;

(481) Specialist Phillip L. Witkowski, Fredonia, New York;

(482) Sergeant Roy A. Wood, Alva, Florida;

(483) Staff Sergeant Romanes L. Woodard, Hertford, North Carolina;

(484) Corporal Travis M. Woods, Redding, California;

(485) Sergeant Jeremy R. Wright, Shelbyville, Indiana;

(486) Sergeant Charles E. Wyckoff, Jr., Chula Vista, California; and

(487) Private First Class Daniel Zizumbo, Chicago, Illinois; and

Whereas these American men and women have paid the ultimate sacrifice for their country: Now, therefore, be it

Resolved, That the Senate honors the service and sacrifice of the men and women who have lost their lives in support of Operation Iraqi Freedom and Operation Enduring Freedom and honors their families and loved ones.

SENATE RESOLUTION 502—COMMEMORATING THE 25TH ANNIVERSARY OF THE SPACE FOUNDATION

Mr. ALLARD submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 502

Whereas 2008 marks the 25th year of excellence and service of the Space Foundation;

Whereas the mission of the Space Foundation is to advance space-related endeavors to inspire, enable, and propel humanity;

Whereas the Space Foundation has become the leading nonprofit organization advancing the exploration, development, and use of space and space education for the benefit of all humankind;

Whereas the Space Foundation embraces all aspects of space including commercial, civil, and national security;

Whereas the current national security environment requires extensive use and advancement of space-based assets;

Whereas the Space Foundation has contributed to space education programs in all 50 States and also in Europe and Asia;

Whereas the Space Foundation is regarded internationally as a leading space advocacy organization, and is a member of the United States Delegation to the United Nations Committee on the Peaceful Uses of Outer Space; and

Whereas the Space Foundation hosts the National Space Symposium and Strategic Space and Defense, 2 of the top conferences for space professionals: Now, therefore, be it

Resolved, That the Senate—

(a) recognizes the contributions made by the Space Foundation; and

(b) commemorates the Space Foundation's 25 years of excellence and support to the Nation.

Mr. ALLARD. Mr. President, today I rise to commemorate the Space Foundation's 25th anniversary. Throughout this time, space has become an integral part of our national security and everyday life. The Space Foundation has been instrumental in our advancements in space, and I am proud to recognize their 25th anniversary.

The Space Foundation is a nonprofit organization which was founded in 1983 by a small group of innovative individuals in Colorado Springs, CO. It began as an organization "to foster, develop and promote, among the citizens of the U.S. and among other people of the world, a greater understanding and awareness of the practical and theoretical utilization of space for the benefit of civilization and the fostering of a peaceful and prosperous world." They have certainly lived up to this creed and have more than excelled in their promotion and edification of space.

The Space Foundation is a leader in exploration and development. They work with all components of space including commercial, civil, and national security. The Foundation is regarded internationally as a leading space advocacy organization, and is a member of the U.S. Delegation to the United Nation's Committee on the Peaceful Uses of Outer Space.

The Space Foundation has recognized the need for increased attention to space education. Their one-of-a-kind program allocates resources and helps prepare teachers to not only teach children about space, but to excite them about space. They have connected with teachers in all 50 States as well as countries in Europe and Asia. Beyond the classroom, the Space Foundation seeks to raise awareness and involvement in community programs. They hold two of the three top conferences for space professionals in the world: Strategic Space and Defense and the National Space Symposium. The National Space Symposium is the premier space policy and program forum in the world. It is a unique opportunity for interaction and discussion among the world's space community.

There is no question that space will continue to play an increasingly important strategic role in both technological advancement and national security. The Space Foundation will undoubtedly continue to play a major role in this arena. I commend the Space Foundation on their 25th anniversary, and wish them continued success in the future as they remain an invaluable advocate for space.

SENATE RESOLUTION 503—RECOGNIZING AND HONORING THE 40TH ANNIVERSARY OF THE FAIR HOUSING ACT AND THE 20TH ANNIVERSARY OF THE FAIR HOUSING AMENDMENTS ACT OF 1988

Mr. DURBIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. DODD, Mr. BROWN, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 503

Whereas 2008 marks the 40th anniversary of the enactment of the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas 2008 also marks the 20th anniversary of the enactment of the Fair Housing Amendments Act of 1988 (Public Law 100–430; 102 Stat. 1619);

Whereas the Chicago Freedom Movement, which took place from 1965 to 1967 and was led by the Reverend Doctor Martin Luther King, Jr., raised the national consciousness about housing discrimination and shaped the debate that led to landmark fair housing legislation;

Whereas the National Advisory Commission on Civil Disorders, appointed by President Lyndon B. Johnson and commonly known as the Kerner Commission, found in 1968 that "[o]ur nation is moving toward two societies, one black, one white—separate and unequal";

Whereas Congress passed the Fair Housing Act as part of the Civil Rights Act of 1968 (Public Law 90–284; 82 Stat. 73), and President Johnson signed the Act into law on April 11, 1968, one week after the assassination of Dr. King;

Whereas the Fair Housing Act prohibits discrimination in housing and housing-related transactions on the basis of race, color, national origin, and religion;

Whereas, in section 808 of the Housing and Community Development Act of 1974 (Public Law 93–383; 88 Stat. 728), Congress amended the Fair Housing Act to include protection on the basis of sex;

Whereas the Fair Housing Amendments Act of 1988 (Public Law 100–430; 102 Stat. 1619), passed by overwhelming margins in Congress, included protection on the basis of familial status and disability and expanded the definition of "discriminatory housing practices" to include interference and intimidation;

Whereas Congress's intent in passing the Fair Housing Act was broad and inclusive, to advance equal opportunity in housing and achieve racial integration for the benefit of all people in the United States;

Whereas housing integration affects other dimensions of life, including educational attainment, employment opportunities, access to health care, and home equity;

Whereas the majority of people in the United States support neighborhood integration and numerous studies have shown the universal benefits of residential integration;

Whereas the National Fair Housing Alliance estimates that 3,700,000 violations of fair housing laws still occur each year against African Americans, Latinos, Asian Americans, and American Indians, and that number does not include violations that occur on the basis of other national origins, religion, sex, or familial status or against persons with disabilities;

Whereas the Department of Housing and Urban Development estimates that only 1 percent of individuals who believe they are victims of housing discrimination report those violations of fair housing laws to the government, and this underreporting is a major obstacle to achieving equal opportunity in housing;

Whereas testing of the enforcement of fair housing laws continues to uncover a high rate of discrimination in the rental, sales, mortgage lending, and insurance markets; and

Whereas the Fair Housing Act is an essential component of our Nation's civil rights legislation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 40th anniversary of the enactment of the Fair Housing Act (42 U.S.C. 3601 et seq.) and the 20th anniversary of the enactment of the Fair Housing Amendments Act of 1988 (Public Law 100–430; 102 Stat. 1619);

(2) supports activities to recognize and celebrate the historical milestone represented by the anniversaries of the enactment of the Fair Housing Act and the enactment of the Fair Housing Amendments Act of 1988; and

(3) encourages all levels of government to rededicate themselves to the enforcement and the ideals of fair housing laws.

SENATE CONCURRENT RESOLUTION 73—EXPRESSING CONGRESSIONAL SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL HEALTH CARE DECISIONS DAY

Mr. WYDEN (for himself, Mr. ENZI, Mr. WICKER, Mr. BROWN, and Mr. WHITEHOUSE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 73

Whereas National Health Care Decisions Day is designed to raise public awareness of the need to plan ahead for health care decisions related to end-of-life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important decisions;

Whereas the Patient Self-Determination Act (42 U.S.C. 1395cc(f) et seq.) guarantees patients the right to information about their rights under State law regarding accepting or refusing medical treatment;

Whereas it is estimated that only a minority of Americans have executed advance directives, including those who are terminally ill or living with life-threatening or life-limiting illnesses;

Whereas advance directives offer individuals the opportunity to discuss with loved ones in advance of a health care crisis and decide what measures would be appropriate for them when it comes to end-of-life care;

Whereas the preparation of an advance directive would advise family members, health care providers, and other persons as to how an individual would want to be treated with respect to health care;

Whereas to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions, it is in the best interest of all Americans that each person over the age of 18 communicate his or her wishes by creating an advance directive;

Whereas the Conditions of Participation in Medicare and Medicaid, section 489.102 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this resolution), require all participating facilities to provide information to patients and the public on the topic of advance directives;

Whereas the Centers for Medicare & Medicaid Services has recognized that the use of advance directives is tied to quality health care and has included discussions of advance directives in the criteria of the Physician Quality Reporting Initiative;

Whereas establishing National Health Care Decisions Day will encourage health care facilities and professionals as well as chaplains, attorneys, and others to participate in a collective, nationwide effort to provide clear, concise, and consistent information to the public about health care decision-making, particularly advance directives; and

Whereas as a result of National Health Care Decisions Day, recognized on April 16, 2008, more Americans will have conversations about their health care decisions, more Americans will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Health Care Decisions Day;

(2) supports the goals and ideals of advance care planning for all adult Americans;

(3) encourages each person in the United States who is over the age of 18 to prepare an advance directive to assist his or her loved ones, health care providers, and others as they honor his or her wishes;

(4) calls upon all members of Congress to execute such documents and discussions for themselves; and

(5) encourages health care, civic, educational, religious, and for- and non-profit organizations to encourage individuals to prepare advance directives to ensure that their wishes and rights with respect to health care are protected.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4387. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 4388. Mr. DURBIN (for himself, Mr. REID, Mr. OBAMA, Mrs. CLINTON, Mr. WHITEHOUSE, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. MENENDEZ, Mrs. BOXER, Mr. BROWN, Mr. KENNEDY, Mr. HARKIN, Mr. KERRY, Mr. REED, and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4389. Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. VITTER, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4390. Mr. HATCH (for himself, Mr. SALAZAR, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4391. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4392. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4393. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. OBAMA, Mrs. BOXER, Mr. SALAZAR, Mr. DURBIN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4394. Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4395. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4396. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4397. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, Mr. BROWN, Mrs. CLINTON, Mr. MENENDEZ, Mr. KERRY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. OBAMA, Ms. MIKULSKI, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4398. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4399. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4400. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4401. Mr. SANDERS (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4402. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4403. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4404. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4405. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4406. Mr. VOINOVICH (for himself, Ms. STABENOW, Mr. HATCH, Mr. ROCKEFELLER, Mr. SMITH, Ms. CANTWELL, Mr. VITTER, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4407. Mr. KYL submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4408. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4409. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4410. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mrs. BOXER, Mr. OBAMA, Mr. SALAZAR, Mrs. DOLE, Mr. DURBIN, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4411. Mr. KOHL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4412. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4413. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4414. Mr. FEINGOLD (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4415. Ms. CANTWELL (for herself, Mr. SMITH, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4416. Ms. CANTWELL (for herself, Mr. SMITH, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4417. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4418. Mr. MARTINEZ (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4419. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4420. Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4421. Mr. CARDIN (for himself and Mr. ENSIGN) proposed an amendment to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4422. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 4389 submitted by Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. VITTER, and Mr. WICKER) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4423. Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4424. Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4425. Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4426. Mr. MARTINEZ (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4387. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreclosure Prevention Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FHA MODERNIZATION ACT OF 2008

Sec. 101. Short title.

Subtitle A—Building American Homeownership

Sec. 111. Short title.
Sec. 112. Maximum principal loan obligation.
Sec. 113. Cash investment requirement and prohibition of seller-funded downpayment assistance.
Sec. 114. Mortgage insurance premiums.
Sec. 115. Rehabilitation loans.
Sec. 116. Discretionary action.
Sec. 117. Insurance of condominiums.
Sec. 118. Mutual Mortgage Insurance Fund.
Sec. 119. Hawaiian home lands and Indian reservations.
Sec. 120. Conforming and technical amendments.
Sec. 121. Insurance of mortgages.
Sec. 122. Home equity conversion mortgages.
Sec. 123. Energy efficient mortgages program.
Sec. 124. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 125. Homeownership preservation.
Sec. 126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 127. Post-purchase housing counseling eligibility improvements.
Sec. 128. Pre-purchase homeownership counseling demonstration.
Sec. 129. Fraud prevention.
Sec. 130. Limitation on mortgage insurance premium increases.
Sec. 131. Savings provision.
Sec. 132. Implementation.
Sec. 133. Moratorium on implementation of risk-based premiums.

Subtitle B—Manufactured Housing Loan Modernization

Sec. 141. Short title.
Sec. 142. Purposes.
Sec. 143. Exception to limitation on financial institution portfolio.
Sec. 144. Insurance benefits.
Sec. 145. Maximum loan limits.
Sec. 146. Insurance premiums.
Sec. 147. Technical corrections.
Sec. 148. Revision of underwriting criteria.
Sec. 149. Prohibition against kickbacks and unearned fees.
Sec. 150. Leasehold requirements.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.
Sec. 203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

Sec. 301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.

TITLE IV—HOUSING COUNSELING RESOURCES

Sec. 401. Housing counseling resources.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

Sec. 501. Short title.
Sec. 502. Enhanced mortgage loan disclosures.

TITLE VI—TAX-RELATED PROVISIONS

Sec. 601. Election for 4-year carryback of certain net operating losses and temporary suspension of 90 percent AMT limit.
Sec. 602. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.
Sec. 603. Credit for certain home purchases.

Sec. 604. Additional standard deduction for real property taxes for non-itemizers.

TITLE VII—EMERGENCY DESIGNATION

Sec. 701. Emergency designation.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 101. SHORT TITLE.

This title may be cited as the "FHA Modernization Act of 2008".

Subtitle A—Building American Homeownership

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Building American Homeownership Act of 2008".

SEC. 112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

"(A) not to exceed the lesser of—

"(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect for 2007 under such section for a 1-family residence; or

"(ii) 132 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands), except that each such maximum dollar amount shall be adjusted effective January 1 of each year beginning with 2009, by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recently completed 12-month or 4-quarter period ending before the time of determining such annual adjustment, in an housing price index developed or selected by the Secretary for purposes of adjustments under this clause;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size, as such limitation is adjusted by any subsequent percentage adjustments determined under clause (ii) of this subparagraph; and

"(B) not to exceed 100 percent of the appraised value of the property."; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of "average closing cost") and all that follows through "section 3103A(d) of title 38, United States Code.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110-185).

SEC. 113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.

Paragraph 9 of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

"(9) CASH INVESTMENT REQUIREMENT.—

"(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

"(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

"(i) such lien shall be subordinate to the mortgage; and

"(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

"(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

"(i) The seller or any other person or entity that financially benefits from the transaction.

"(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).".

SEC. 114. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "or of the General Insurance Fund" and all that follows through "section 234(c),,"; and

(2) in subparagraph (A)—

(A) by striking "2.25 percent" and inserting "3 percent"; and

(B) by striking "2.0 percent" and inserting "2.75 percent".

SEC. 115. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking "on" and all that follows through "1978"; and

(2) in paragraph (5)—

(A) by striking "General Insurance Fund" the first place it appears and inserting "Mutual Mortgage Insurance Fund"; and

(B) in the second sentence, by striking the comma and all that follows through "General Insurance Fund".

SEC. 116. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking "section 202(e) of the National Housing Act" and inserting "this subsection"; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

"(4) the Secretary of Agriculture;"; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 117. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking "and" before "(2)"; and

(B) by inserting before the period at the end the following: ", and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)"; and

(2) in subsection (g), by striking ", except that" and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before "a first mortgage" insert "(A)";

(2) by striking "or on a leasehold (1)" and inserting "(B) a first mortgage on a leasehold on real estate (i)";

(3) by striking "or (2)" and inserting ", or (ii)"; and

(4) by inserting before the semicolon the following: ", or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project".

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

"(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.".

SEC. 118. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

"(a) MUTUAL MORTGAGE INSURANCE FUND.—

"(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

"(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

"(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

"(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

"(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

"(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

"(B) the types of loans insured, categorized by risk;

"(C) any significant changes between actual and projected claim and prepayment activity;

"(D) projected versus actual loss rates; and

"(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

"(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

"(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

"(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

"(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.".

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking "Notwithstanding section 202 of this title, the" and inserting "The"; and

(B) by striking "General Insurance Fund" the first place such term appears and all that follows through the end of the subsection and inserting "Mutual Mortgage Insurance Fund.".

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking "General Insurance Fund" and inserting "Mutual Mortgage Insurance Fund".

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking "203(b)" and all that follows through "203(i)" and inserting "203, except as determined by the Secretary".

SEC. 119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12(c)) is amended—

(1) by striking "General Insurance Fund established in section 519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13(f)) is amended—

(1) by striking "General Insurance Fund" the first place it appears through "519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

SEC. 120. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking "shall" and all that follows and inserting "means a metropolitan statistical area as established by the Office of Management and Budget;".

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Commonwealth of the Northern Mariana Islands".

SEC. 121. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting "or subordinate mortgage or" before "lien given"; and

(2) in subparagraph (C), by inserting "or subordinate mortgage or" before "lien".

SEC. 122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert "'real estate,'" after "'mortgagor',";

(2) in subsection (g), by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(3) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation"; and

(4) by adding at the end the following new subsection:

"(o) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which that the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.".

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended—

(1) by redesignating subsections (k), (l), and (m) as subsections (l), (m), and (n), respectively; and

(2) by inserting after subsection (j) the following new subsection:

"(k) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

"(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

"(A) the costs to the mortgagor; and

"(B) the impact of such fees on the reverse mortgage market;

"(2) be subject to a minimum allowable amount;

"(3) provide that the origination fee may be fully financed with the mortgage;

"(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

"(5) have the same effective date as subsection (o)(2) regarding the limitation on principal obligation.".

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) (in this subsection referred to as the "program").

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 123. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

"(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

"(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

"(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act."; and

(2) by adding at the end the following:

"(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.".

SEC. 124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

"(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

"(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

"(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

"(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.".

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 125. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking "; or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) a significant reduction in the income of the household due to divorce or death; or

"(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

"(I) an unexpected or significant increase in medical expenses;

"(II) a divorce;

"(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

"(IV) a large property-tax increase; or";

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

"(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.".

SEC. 128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an "eligible homebuyer" means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this title and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 129. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting "the Federal Housing Administration" before "the Farm Credit Administration"; and

(2) by striking "commitment, or loan" and inserting "commitment, loan, or insurance agreement or application for insurance or a guarantee".

SEC. 130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—

(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 131. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.

SEC. 132. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

SEC. 133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

For the 12-month period beginning on the date of enactment of this title, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on September 20, 2007 (Vol. 72, No. 182, Page 53872).

Subtitle B—Manufactured Housing Loan Modernization

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "FHA Manufactured Housing Loan Modernization Act of 2008".

SEC. 142. PURPOSES.

The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "In no case" and inserting "Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case"; and

(2) by striking ": *Provided*, That with" and inserting ". With".

SEC. 144. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

"(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.

SEC. 145. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "$17,500" and inserting "$25,090";

(2) in subparagraph (C) by striking "$48,600" and inserting "$69,678";

(3) in subparagraph (D) by striking "$64,800" and inserting "$92,904";

(4) in subparagraph (E) by striking "$16,200" and inserting "$23,226"; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008."

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "No" and inserting "Except as provided in the last sentence of this paragraph, no"; and

(2) by adding after and below subparagraph (G) the following:

"The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).".

SEC. 146. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting "(1) PREMIUM CHARGES.—" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

"(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

"(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

"(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

"(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).".

SEC. 147. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "on and after July 1, 1939," each place such term appears; and

(2) by striking "made after the effective date of the Housing Act of 1954".

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

"(c) HANDLING AND DISPOSAL OF PROPERTY.—

"(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

"(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

"(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

"(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

"(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.".

SEC. 148. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.".

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

"SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

"(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

"(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

"(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

"(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.".

SEC. 150. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

"(A) expires not less than 3 years after the origination date of the obligation;

"(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

"(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.".

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term "maximum guaranty amount" shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Credit counseling.

(2) Home mortgage counseling.

(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.

(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).

SEC. 203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the

Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking "90 days" and inserting "9 months".

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking "90 days" and inserting "9 months".

(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking "in excess of 6 percent" and all that follows and inserting "in excess of 6 percent—

"(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

"(B) during the period of military service, in the case of any other obligation or liability."; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

"(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.".

(c) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the "Secretary").

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are 'allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; and

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;

(C) establish land banks for homes that have been foreclosed upon; and

(D) demolish blighted structures.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.

(2) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.

(3) REINVESTMENT OF PROFITS.—

(A) REVENUES GENERATED FROM SALES.—Any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.

(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.

TITLE IV—HOUSING COUNSELING RESOURCES

SEC. 401. HOUSING COUNSELING RESOURCES.

There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" $100,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase "For an additional amount") under the heading "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" of Public Law 110–161.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Mortgage Disclosure Improvement Act of 2008".

SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting "(A)" before "In the";

(2) by striking "a residential mortgage transaction, as defined in section 103(w)" and inserting "any extension of credit that is secured by the dwelling of a consumer";

(3) by striking "shall be made in accordance" and all that follows through "extended, or"; and

(4) by striking "If the" and all that follows through the end of the paragraph and inserting the following:

"(B) In the case of an extension of credit that is secured by the dwelling of a consumer, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

"(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

"(ii) be furnished to the borrower not later than 7 business days before the date of consummation of the transaction, and at the time of consummation of the transaction, subject to subparagraph (D).

"(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall do the following:

"(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

"(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood.

"(D) In any case in which the disclosure statement provided 7 business days before the date of consummation of the transaction contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction. A consumer may modify or waive receipt of the additional, corrected statement 3 business days before the date of consummation of the transaction in order to meet a bona fide personal financial emergency, only if the consumer provides the creditor a dated, written statement that—

"(i) describes the emergency;

"(ii) specifically modifies or waives the right; and

"(iii) bears the signature of all the consumers entitled to receive the disclosure.

"(E) The consumer shall receive the disclosures required under this subsection before paying any fee to the creditor or other person in connection with the consumer's application for a residential mortgage transaction. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this subsection, provided the fee is bona fide and reasonable in amount.".

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking "not less than $200 or greater than $2,000" and inserting "not less than $400 or greater than $4,000"; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting "or section 128(b)(2)(C)(ii),"after "128(a),"; and

(B) by inserting "or section 128(b)(2)(C)(ii)" before the period.

TITLE VI—TAX-RELATED PROVISIONS

SEC. 601. ELECTION FOR 4-YEAR CARRYBACK OF CERTAIN NET OPERATING LOSSES AND TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—

(1) 4-YEAR CARRYBACK OF CERTAIN LOSSES.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 (relating to years to which loss may be carried) is amended to read as follows:

"(H) ADDITIONAL CARRYBACK OF CERTAIN LOSSES.—

"(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

"(ii) TAXABLE YEARS ENDING DURING 2008 AND 2009.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(4)) for any taxable year ending during 2008 or 2009—

"(I) subparagraph (A)(i) shall be applied by substituting '4' for '2',

"(II) subparagraph (E)(ii) shall be applied by substituting '3' for '2', and

"(III) subparagraph (F) shall not apply.".

(2) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(A) IN GENERAL.—Section 56(d) of the Internal Revenue Code of 1986 (relating to definition of alternative tax net operating loss deduction) is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(4)), the amount described in subclause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

"(A) carrybacks of net operating losses from taxable years ending during 2008 and 2009, and

"(B) carryovers of net operating losses to taxable years ending during 2008 or 2009.".

(B) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting "amount of such" before "deduction described in clause (ii)(I)".

(3) EFFECTIVE DATES.—

(A) NET OPERATING LOSSES.—The amendments made by paragraph (1) shall apply to net operating losses arising in taxable years ending in 2008 or 2009.

(B) SUSPENSION OF AMT LIMITATION.—The amendments made by paragraph (2) shall apply to taxable years ending after December 31, 1997.

(4) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this subsection, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(b) ELECTION AMONG STIMULUS INCENTIVES.—

(1) IN GENERAL.—

(A) BONUS DEPRECIATION.—Section 168(k) of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after December 31, 2007, and before January 1, 2009), as amended by the Economic Stimulus Act of 2008, is amended—

(i) in paragraph (1), by inserting "placed in service by an eligible taxpayer" after "any qualified property", and

(ii) by adding at the end the following new paragraph:

"(4) ELIGIBLE TAXPAYER.—

"(A) IN GENERAL.—At such time and in such manner as the Secretary shall prescribe, each taxpayer may elect to be an eligible taxpayer with respect to 1 (and only 1) of the following:

"(i) This subsection and section 179(b)(7).

"(ii) The application of section 56(d)(1)(A)(ii)(I) and section 172(b)(1)(H)(ii) in connection with net operating losses relating to taxable years ending during 2008 and 2009.

"(B) ELIGIBLE TAXPAYER.—For purposes of each of the provisions described in subparagraph (A), a taxpayer shall only be treated as an eligible taxpayer with respect to the provision with respect to which the taxpayer made the election under subparagraph (A).

"(C) ELECTION IRREVOCABLE.—An election under subparagraph (A) may not be revoked except with the consent of the Secretary.".

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in section 103 of the Economic Stimulus Act of 2008.

(2) ELECTION FOR INCREASED EXPENSING.—

(A) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 (relating to limitations), as added by the Economic Stimulus Act of 2008, is amended to read as follows:

"(7) SPECIAL RULE FOR ELIGIBLE TAXPAYERS IN 2008.—In the case of any taxable year of any eligible taxpayer (within the meaning of section 168(k)(4)) beginning in 2008—

"(A) the dollar limitation under paragraph (1) shall be $250,000,

"(B) the dollar limitation under paragraph (2) shall be $800,000, and

"(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).".

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect as if included in section 102 of the Economic Stimulus Act of 2008.

SEC. 602. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 (relating to State ceiling) is amended by adding at the end the following new paragraph:

"(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

"(i) the numerator of which is the population of such State, and

"(ii) the denominator of which is the total population of all States.

"(B) SET ASIDE.—

"(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

"(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).".

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code (relating to elective carryforward of unused limitation for specified purpose) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

"(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

"(ii) to issue any bond after calendar year 2010.

"(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.".

(c) ALTERNATIVE MINIMUM TAX EXEMPTION FOR QUALIFIED MORTGAGE BONDS, QUALIFIED VETERANS' MORTGAGE BONDS, AND BONDS FOR QUALIFIED RESIDENTIAL RENTAL PROJECTS.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 (relating to specified private activity bonds) is amended by striking "shall not include" and all that follows and inserting "shall not include—

"(I) any qualified 501(c)(3) bond (as defined in section 145), or

"(II) any qualified mortgage bond (as defined in section 143(a)), any qualified veterans' mortgage bond (as defined in section 143(b)), or any exempt facility bond (as defined in section 142(a)) issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)), but only if such bond is issued after the date of the enactment of this subclause and before January 1, 2011.

Subclause (II) shall not apply to a refunding bond unless such subclause applied to the refunded bond (or in the case of a series of refundings, the original bond).".

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) of such Code is amended by striking "QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 603. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the purchase price of the residence as does not exceed $7,000.

"(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

"(b) LIMITATIONS.—

"(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

"(A) after the date of the enactment of this section, and

"(B) before the date that is 12 months after such date.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section and section 23) for the taxable year.

"(3) ONE-TIME ONLY.—

"(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

"(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

"(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified principal residence' means an eligible single-family residence that is purchased to be the principal residence of the purchaser.

"(2) ELIGIBLE SINGLE-FAMILY RESIDENCE.—

"(A) IN GENERAL.—The term 'eligible single-family residence' means a single-family structure that is a residence—

"(i) upon which foreclosure has been filed pursuant to the laws of the State in which the residence is located, and

"(ii) which—

"(I) is a new previously unoccupied residence for which a building permit was issued and construction began on or before September 1, 2007, or

"(II) was occupied as a principal residence by the mortgagor for at least 1 year prior to the foreclosure filing.

"(B) CERTIFICATION.—In the case of an eligible single-family residence described in subparagraph (A)(ii)(I), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

"(3) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

"(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 1400C.

"(e) RECAPTURE IN THE CASE OF CERTAIN DISPOSITIONS.—In the event that a taxpayer—

"(1) disposes of the qualified principal residence with respect to which a credit is allowed under subsection (a), or

"(2) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the remaining portion of the credit allowed under subsection (a) shall be disallowed in the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence, and in any subsequent taxable year in which the remaining portion of the credit would, but for this subsection, have been allowed.

"(f) SPECIAL RULES.—

"(1) JOINT PURCHASE.—

"(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$3,500' for '$7,000' in paragraph (1) thereof.

"(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,000.

"(2) PURCHASE; PURCHASE PRICE.—Rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply for purposes of this section.

"(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply for purposes of this section.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.".

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking "and 25B" and inserting ", 25B, and 25E".

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting "25E," after "25D,".

(3) Section 25B(g)(2) of such Code is amended by striking "section 23" and inserting "sections 23 and 25E".

(4) Section 25D(c)(2) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(5) Section 26(a)(1) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(6) Section 904(i) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(7) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 25E(g).".

(8) Section 1400C(d)(2) of such Code is amended by striking "and 25D" and inserting "25D, and 25E".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Credit for certain home purchases.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases in taxable years ending after the date of the enactment of this Act.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment relates.

SEC. 604. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) of the Internal Revenue Code of 1986 (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) DEFINITION.—Section 63(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(8) REAL PROPERTY TAX DEDUCTION.—

"(A) IN GENERAL.—For purposes of paragraph (1), the real property tax deduction is so much of the amount of the eligible State and local real property taxes paid or accrued by the taxpayer during the taxable year which do not exceed $500 ($1,000 in the case of a joint return).

"(B) ELIGIBLE STATE AND LOCAL REAL PROPERTY TAXES.—For purposes of subparagraph (A), the term 'eligible State and local real property taxes' means State and local real property taxes (within the meaning of section 164), but only if the rate of tax for all residential real property taxes in the jurisdiction has not been increased at any time after April 2, 2008, and before January 1, 2009.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE VII—EMERGENCY DESIGNATION

SEC. 701. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 4388. Mr. DURBIN (for himself, Mr. REID, Mr. OBAMA, Mrs. CLINTON, Mr. WHITEHOUSE, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. MENENDEZ, Mrs. BOXER, Mr. BROWN, Mr. KENNEDY, Mr. HARKIN, Mr. KERRY, Mr. REED, and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—BANKRUPTCY

SEC. ___1. SHORT TITLE.

This title may be cited as the "Helping Families Save Their Homes in Bankruptcy Act of 2008".

Subtitle A—Minimizing Foreclosures

SEC. ___21. DEFINITIONS.

Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (40A) and (40B) as paragraphs (40B) and (40C), respectively;

(2) by inserting after paragraph (40) the following:

"(40A) The term 'nontraditional mortgage' means a security interest in the debtor's principal residence that secures a debt for a loan that at any period during the term of the loan provides for the deferral of payment of principal or interest through permitting periodic payments that do not cover the full amount of interest due or that cover only the interest due, except that such term excludes—

"(A) a loan that at any period during the term of the loan provides for the deferral of payment of principal through permitting periodic payments that cover only the interest due, if the creditor demonstrates that it determined in good faith at the time the loan was consummated, after undergoing a full underwriting process based on verified and documented information, that the debtor had a reasonable ability to repay at the full interest and principal payment amount (assuming an initial 30 year full amortization), and payments under the loan resulted in a debt-to-income ratio of the debtor in an amount equal to or less than that which would have been permitted under guidelines and directives established by the Secretary of Housing and Urban Development pursuant to section 203.33 of title 24, Code of Federal Regulations, for loans subject to such section;

"(B) a home equity line of credit that is in a subordinate lien position; and

"(C) a reverse mortgage.";

(3) by redesignating paragraphs (53B) through (53D) as paragraphs (53C), (53D), (53E), and (53F), respectively; and

(4) by inserting after paragraph (53A) the following:

"(53B) The term 'subprime mortgage' means a security interest in the debtor's principal residence that secures a debt for a loan that has an annual percentage rate that is greater than—

"(A) the sum of 3 percent plus the yield on United States Treasury securities having comparable periods of maturity, if the loan is secured by a first mortgage or first deed of trust; or

"(B) the sum of 5 percent plus the yield on United States Treasury securities having comparable periods of maturity, if the loan is secured by a subordinate mortgage or subordinate deed of trust.

Without regard to whether such loan is subject to or reportable under the Home Mortgage Disclosure Act, the difference between the annual percentage rate of such loan and the yield on United States Treasury securities having comparable periods of maturity shall be determined using the procedures and calculation methods applicable to loans that are subject to the reporting requirements of such Act, except that such yield shall be determined as of the 15th day of the month preceding the month in which a completed application is submitted for such loan. If such loan provides for a fixed interest rate for an introductory period and then resets or adjusts to a variable interest rate, the determination of the annual percentage rate shall be based on the greater of the introductory rate and the fully indexed rate. For purposes of this paragraph, the term 'fully indexed rate' means the prevailing index rate on a residential mortgage loan at the time at which the loan is made, plus the margin that will apply after the expiration of an introductory interest rate.".

SEC. ___22. SPECIAL RULES FOR MODIFICATION OF LOANS SECURED BY RESIDENCES.

(a) IN GENERAL.—Section 1322(b) of title 11, United States Code, is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

"(11) notwithstanding paragraph (2) and otherwise applicable nonbankruptcy law—

"(A) modify an allowed secured claim for a debt incurred prior to the effective date of this paragraph secured by a nontraditional mortgage, or a subprime mortgage, and any lien subordinate to such claim, on the debtor's principal residence, as described in subparagraph (B), if, after deduction from the debtor's current monthly income of the expenses permitted for debtors described in section 1325(b)(3) of this title (other than amounts contractually due to creditors holding such allowed secured claims and additional payments necessary to maintain possession of that residence), the debtor has insufficient remaining income to retain possession of the residence by curing a default and maintaining payments while the case is pending, as provided under paragraph (5);

"(B) provide for payment of such claim—

"(i) in an amount equal to the amount of the allowed secured claim;

"(ii) for a period that is the longer of 30 years (reduced by the period for which the loan has been outstanding) or the remaining term of such loan, beginning on the date of the order for relief under this chapter; and

"(iii) at a rate of interest accruing after such date calculated at a fixed annual percentage rate, in an amount equal to the most recently published annual yield on conventional mortgages published by the Board of Governors of the Federal Reserve System, as of the applicable time set forth in the rules of the Board, plus a reasonable premium for risk; and

"(C) if a claim has been modified to an amount below the original principal of the loan pursuant to subparagraph (B)(i) and the debtor's principal residence is sold during the term of the plan, the holder of the claim shall be entitled to receive, in addition to the unpaid portion of the allowed secured claim, the net proceeds of the sale, or the amount of the holder's allowed unsecured claim, whichever is less; and".

(b) CONFORMING AMENDMENT.—Section 1325(a)(5) of title 11, United States Code, is amended by inserting before "with respect" the following: "except as otherwise provided in section 1322(b)(11) of this title,".

SEC. ___23. WAIVER OF COUNSELING REQUIREMENT WHEN HOMES ARE IN FORECLOSURE.

Section 109(h) of title 11, United States Code, is amended by adding at the end the following:

"(5) Paragraph (1) shall not apply with respect to a debtor who files with the court a certification that a foreclosure sale of the debtor's principal residence has been scheduled.".

Subtitle B—Providing Other Debtor Protections

SEC. ___41. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, the United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) the plan need not provide for the payment of, and the debtor, the debtor's property, and property of the estate shall not be liable for, any fee, cost, or charge, notwithstanding section 506(b), that arises in connection with a claim secured by the debtor's principal residence if the event that gives rise to such fee, cost, or charge occurs while the case is pending but before the discharge order, except to the extent that—

"(A) notice of such fees, costs or charges is filed with the court, and served on the debtor and the trustee, before the expiration of the earlier of—

"(i) 1 year after the event that gives rise to such fee, cost, or charge occurs; or

"(ii) 60 days before the closing of the case; and

"(B) such fees, costs, or charges are lawful, reasonable, and provided for in the agreement under which such claim or security interest arose;

"(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) of this title or, if the violation occurs before the date of discharge, of section 362(a) of this title; and

"(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the principal residence of the debtor.".

SEC. ___42. MAINTAINING DEBTORS' LEGAL CLAIMS.

Section 554(e) of title 11, United States Code, is amended by adding at the end the following:

"(e) In any action in State or Federal court with respect to a claim or defense asserted by an individual debtor in such action that was not scheduled under section 521(a)(1) of this title, the trustee shall be allowed a reasonable time to request joinder or substitution as the real party in interest. If the trustee does not request joinder or substitution in such action, the debtor may proceed as the real party in interest, and no such action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest or on the ground that the debtor's claims were not properly scheduled in a case under this title.".

SEC. ___43. RESOLVING DISPUTES.

Section 1334 of title 28, United States Code, is amended by adding at the end the following: "Notwithstanding any agreement for arbitration that is subject to chapter 1 of title 9, in any core proceeding under section 157(b) of this title involving an individual debtor whose debts are primarily consumer debts, the court may hear and determine the proceeding, and enter appropriate orders and judgments, in lieu of referral to arbitration.".

SEC. ___44. ENACTING A HOMESTEAD FLOOR FOR DEBTORS OVER 55 YEARS OF AGE.

(a) IN GENERAL.—Section 522(b)(3) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end and inserting the following:

"(D) if the debtor, as of the date of the filing of the petition, is 55 years old or older, the debtor's aggregate interest, not to exceed $75,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a principal residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a principal residence.".

(b) EXEMPTION AUTHORITY.—Section 522(d)(1) of title 11, United States Code, is amended by inserting "or, if the debtor is 55 years of age or older, $75,000 in value," before "in real property".

SEC. ___45. DISALLOWING CLAIMS FROM VIOLATIONS OF CONSUMER PROTECTION LAWS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(10) the claim is subject to any remedy for damages or rescission due to failure to comply with any applicable requirement under the Truth in Lending Act (15 U.S.C. 1601 et seq.), or any other provision of applicable State or Federal consumer protection law that was in force when the noncompliance took place, notwithstanding the prior entry of a foreclosure judgment.".

SA 4389. Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. VITTER, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE ___—HURRICANE-RELATED CASUALTY LOSSES

SEC. _01. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina or Hurricane Rita and in a subsequent taxable year receives a grant under Public Law 109-148, 109-234, or 110-116 as reimbursement for such loss from the State of Louisiana or the State of Mississippi, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance shall not be subject to any penalty or interest under such Code if such amended return is so filed.

TITLE ___—GO ZONE PROPERTY

SEC. _01. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SA 4390. Mr. HATCH (for himself, Mr. SALAZAR, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

SEC. 800. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "REIT Investment Diversification and Empowerment Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Foreign Currency and Other Qualified Activities

SEC. 801. REVISIONS TO REIT INCOME TESTS.

(a) ADDITION OF PERMISSIBLE INCOME CATEGORIES.—Section 856(c) (relating to limitations) is amended—

(1) by striking "and" at the end of paragraph (2)(G) and by inserting after paragraph (2)(H) the following new subparagraphs:

"(I) passive foreign exchange gains; and

"(J) any other item of income or gain as determined by the Secretary;", and

(2) by striking "and" at the end of paragraphs (3)(H) and (3)(I) and by inserting after paragraph (3)(I) the following new subparagraphs:

"(J) real estate foreign exchange gains; and

"(K) any other item of income or gain as determined by the Secretary; and".

(b) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

"(n) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—With respect to any taxable year—

"(1) REAL ESTATE FOREIGN EXCHANGE GAINS.—For purposes of subsection (c)(3)(J), the term 'real estate foreign exchange gains' means—

"(A) foreign currency gains (as defined in section 988(b)(1)) which are attributable to—

"(i) any item described in subsection (c)(3) (other than in subparagraph (J) thereof),

"(ii) the acquisition or ownership of obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains attributable to any item described in clause (i)), or

"(iii) becoming or being the obligor under obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains attributable to any item described in clause (i)),

"(B) gains described in section 987 attributable to a qualified business unit (as defined by section 989) of the real estate investment trust, but only if such qualified business unit meets the requirements under—

"(i) subsection (c)(3) (without regard to subparagraph (J) thereof) for the taxable year, and

"(ii) subsection (c)(4)(A) at the close of each quarter that the real estate investment trust has directly or indirectly held the qualified business unit, and

"(C) any other foreign currency gains as determined by the Secretary.

"(2) PASSIVE FOREIGN EXCHANGE GAINS.—For purposes of subsection (c)(2)(I), the term 'passive foreign exchange gains' means—

"(A) real estate foreign exchange gains,

"(B) foreign currency gains (as defined in section 988(b)(1)) which are not described in subparagraph (A) and which are attributable to any item described in subsection (c)(2) (other than in subparagraph (I) thereof), and

"(C) any other foreign currency gains as determined by the Secretary.".

(c) ADDITION TO REIT HEDGING RULE.—Subparagraph (G) of section 856(c)(5) is amended to read as follows:

"(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent as determined by the Secretary—

"(i) any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraphs (2) and (3) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

"(ii) any income of a real estate investment trust from a transaction entered into by the trust primarily to manage risk of currency fluctuations with respect to any item described in paragraph (2) or (3), including gain from the termination of such a transaction, shall not constitute gross income under paragraphs (2) and (3), but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe).".

(d) AUTHORITY TO EXCLUDE ITEMS OF INCOME FROM REIT INCOME TESTS.—Section 856(c)(5) is amended by adding at the end the following new subparagraph:

"(H) SECRETARIAL AUTHORITY TO EXCLUDE OTHER ITEMS OF INCOME.—The Secretary is authorized to determine whether any item of income or gain which does not otherwise qualify under paragraph (2) or (3) may be considered as not constituting gross income solely for purposes of this part.".

SEC. 802. REVISIONS TO REIT ASSET TESTS.

(a) CLARIFICATION OF VALUATION TEST.—The first sentence in the matter following section 856(c)(4)(B)(iii)(III) is amended by inserting "(including a discrepancy caused solely by the change in the foreign currency exchange rate used to value a foreign asset)" after "such requirements".

(b) CLARIFICATION OF PERMISSIBLE ASSET CATEGORY.—Section 856(c)(5), as amended by this Act, is amended by adding at the end the following new subparagraph:

"(I) CASH.—The term 'cash' includes foreign currency if the real estate investment trust or its qualified business unit (as defined in section 989) uses such foreign currency as its functional currency (as defined in section 985(b)).".

SEC. 803. CONFORMING FOREIGN CURRENCY REVISIONS.

(a) NET INCOME FROM FORECLOSURE PROPERTY.—Clause (i) of section 857(b)(4)(B) is amended to read as follows:

"(i) gain (including any foreign currency gain, as defined in section 988(b)(1)) from the sale or other disposition of foreclosure property described in section 1221(a)(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in (or, in the case of foreign currency gain, not attributable to gross income described in) section 856(c)(3) other than subparagraph (F) thereof, over".

(b) NET INCOME FROM PROHIBITED TRANSACTIONS.—Clause (i) of section 857(b)(6)(B) is amended to read as follows:

"(i) the term 'net income derived from prohibited transactions' means the excess of the gain (including any foreign currency gain, as defined in section 988(b)(1)) from prohibited transactions over the deductions (including any foreign currency loss, as defined in section 988(b)(2)) allowed by this chapter which are directly connected with prohibited transactions;".

Subtitle B—Taxable Reit Subsidiaries

SEC. 811. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking "20 percent" and inserting "25 percent".

Subtitle C—Dealer Sales

SEC. 821. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking "4 years" in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting "2 years",

(2) by striking "4-year period" in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting "2-year period", and

(3) by striking "real estate asset"and all that follows through "if" in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting "real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if".

SEC. 822. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting ", or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;", and

(2) by adding "or" at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

"(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,".

Subtitle D—Health Care Reits

SEC. 831. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

"(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

"(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

"(ii) employs individuals working at such property or facility located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.".

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

"(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

"(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

"(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

"(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

"(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

"(I) January 1, 1999, or

"(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.".

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting "or a health care facility" after "a lodging facility", and

(2) by inserting "or health care facility" after "such lodging facility".

Subtitle E—Effective Dates and Sunset

SEC. 841 EFFECTIVE DATES AND SUNSET.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendment made by section 801(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 801(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 801(d) shall apply after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 803(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 803(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

(e) SUNSET.—All amendments made by this title shall not apply to taxable years beginning after the date which is 5 years after the date of the enactment of this Act. The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in the preceding sentence as if the amendments so described had never been enacted.

SA 4391. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE ___—GO ZONE PROPERTY

SEC. _01. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SA 4392. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—BANKRUPTCY PROVISIONS

SEC. ___1. SHORT TITLE.

This title may be cited as the "Home Owners' Mortgage and Equity Savings Act" or the "HOMES Act".

SEC. ___2. AUTHORITY TO MODIFY CERTAIN MORTGAGES.

Section 1322(b) of title 11, United States Code, is amended—

(1) in paragraph (2), by inserting "except as provided in paragraph (11)," after "residence,";

(2) by redesignating paragraph (11) as paragraph (12);

(3) in paragraph (10), by striking "and" at the end; and

(4) by inserting after paragraph (10) the following:

"(11) with respect to a claim secured by a security interest in real property initiated before September 26, 2007, that is the debtor's principal residence, if the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is less than, in the case of a debtor in a household of 1 person, 150 percent of the median family income of the applicable State for 1 earner, in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals, or in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4—

"(A) modify the rights of any holder of such claim by lowering the principal amount of the loan to the fair market value of the real property securing the loan at the time of submission of the plan, to the extent that such fair market value is less than the principal amount outstanding on the loan, if such action is agreed to in writing by the debtor and the holder of the claim;

"(B) waive any otherwise applicable early repayment or prepayment penalties; and

"(C) in any case in which the applicable rate of interest is adjustable under the mortgage contract, modify the rights of any holder of such claim, by prohibiting or delaying adjustments to the rate of interest applicable to the debt on and after the date of filing of the plan or voiding any such adjustments that occurred during the 2-year period preceding that date of filing; and".

SEC. ___3. TREATMENT OF CERTAIN INTEREST AND FEES.

Section 548(a) of title 11, United States Code, is amended by adding at the end the following:

"(3) For purposes of chapter 13, where the court finds there was a substantial failure to disclose material terms regarding interest, late fees, or other fees related to a claim secured by a security interest in the debtor's principal residence, the court may consider such interest, late fees, or other fees to be a transfer covered under paragraph (1)(B).".

SEC. ___4. DELAY OF COUNSELING REQUIREMENT WHEN HOUSES ARE IN FORECLOSURE.

Section 109(h) of title 11, United States Code, is amended by adding at the end the following:

"(5) The requirements of paragraph (1) may be delayed until after the date of filing, with respect to a debtor who submits to the court a certification that the holder of a claim secured by the debtor's principal residence has initiated a judicial or nonjudicial foreclosure on the debtor's principal residence.".

SEC. ___5. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine the impact of allowing bankruptcy judges to restructure principal residence mortgages on the secondary market for mortgages.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study required under subsection (a).

SEC. ___6. SUNSET.

This title and the amendments made by this title shall apply with respect to filings under chapter 13 of title 11, United States Code, occurring during the 7-year period following the date of enactment of this Act.

SA 4393. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. OBAMA, Mrs. BOXER, Mr. SALAZAR, Mr. DURBIN and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—S.A.F.E. MORTGAGE LICENSING ACT

SEC. 701. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" or "S.A.F.E. Mortgage Licensing Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 701. Short title; table of contents.
Sec. 702. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 703. Definitions.
Sec. 704. License or registration required.
Sec. 705. State license and registration application and issuance.
Sec. 706. Standards for State license renewal.
Sec. 707. System of registration administration by Federal banking agencies.
Sec. 708. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 709. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 710. Fees.
Sec. 711. Background checks of loan originators.
Sec. 712. Confidentiality of information.
Sec. 713. Liability provisions.
Sec. 714. Enforcement under HUD backup licensing system.
Sec. 715. Preemption of State law.
Sec. 716. Reports and recommendations to Congress.
Sec. 717. Study and reports on defaults and foreclosures.

SEC. 702. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information, offered at no charge, utilizing electronic media, including the Internet, regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

(8) Establishes a means by which residential mortgage loan originators would be required to act in the best interests of the consumer, to the greatest extent possible.

SEC. 703. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term "depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term "loan originator"—

(i) means an individual who—

(I) takes a residential mortgage loan application;

(II) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

(III) offers or negotiates terms of a residential mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain;

(ii) includes any individual who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will provide or perform any of the activities described in clause (i);

(iii) does not include any individual who is not otherwise described in clause (i) or (ii) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause; and

(iv) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual "assists a consumer in obtaining or applying to obtain a residential mortgage loan" by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term "loan processor or underwriter" means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term "clerical or support duties" may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term "Nationwide

Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 709.

(6) REGISTERED LOAN ORIGINATOR.—The term "registered loan originator" means any individual who—

(A) meets the definition of loan originator and is an employee of a depository institution or a wholly-owned subsidiary of a depository institution; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(7) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(8) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(9) STATE-LICENSED LOAN ORIGINATOR.—The term "State-licensed loan originator" means any individual who—

(A) is a loan originator;

(B) is not an employee of a depository institution or any wholly-owned subsidiary of a depository institution; and

(C) is licensed by a State or by the Secretary under section 708 and registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(10) SUBPRIME MORTGAGE.—The term "subprime mortgage" means a residential mortgage loan—

(A) that is secured by real property that is used or intended to be used as a principal dwelling;

(B) that is typically offered to borrowers having weakened credit histories and reduced repayment capacity, as measured by lower credit scores, debt-to-income ratios, and other relevant criteria; and

(C) the characteristics of which may include—

(i) low initial payments based on a fixed introductory rate that expires after a short period and then adjusts to a variable index rate plus a margin for the remaining term of the loan;

(ii) very high or no limits on how much the payment amount or the interest rate may increase (referred to as "payment caps" or "rate caps") on reset dates;

(iii) limited or no documentation of the income of the borrower;

(iv) product features likely to result in frequent refinancing to maintain an affordable monthly payment; and

(v) substantial prepayment penalties or prepayment penalties that extend beyond the initial fixed interest rate period.

(11) UNIQUE IDENTIFIER.—The term "unique identifier" means a number or other identifier that—

(A) permanently identifies a loan originator; and

(B) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

SEC. 704. LICENSE OR REGISTRATION REQUIRED.

(a) IN GENERAL.—An individual may not engage in the business of a loan originator without first—

(1) obtaining and maintaining, through an annual renewal—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator or a registered loan originator.

(2) INDEPENDENT CONTRACTORS.—A loan processor or underwriter may not work as an independent contractor unless such processor or underwriter is a State-licensed loan originator or a registered loan originator.

SEC. 705. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator or similar license revoked in any governmental jurisdiction.

(2) The applicant has never been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this title.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(6) The applicant has met a minimum net worth requirement.

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the subprime mortgage marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless—

(A) the test consists of a minimum of 100 questions; and

(B) the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(i) ethics;

(ii) Federal law and regulation pertaining to mortgage origination;

(iii) State law and regulation pertaining to mortgage origination; and

(iv) Federal and State law and regulation, including instruction on fraud, consumer protection, subprime mortgage marketplace, and fair lending issues.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring in less than 14 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After 3 consecutive tests, an individual shall wait at least 14 days before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) MORTGAGE CALL REPORTS.—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

SEC. 706. STANDARDS FOR STATE LICENSE RENEWAL.

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the subprime mortgage marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

SEC. 707. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL BANKING AGENCIES.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, develop and maintain a system for registering employees of depository institutions or subsidiaries of depository institutions as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of the enactment of this title.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator who is an employee of a depository institution or a wholly-owned subsidiary of a depository institution with the Nationwide Mortgage Licensing System and Registry, the appropriate Federal banking agency shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's identity, including—

(A) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) COORDINATION.—

(1) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies, through the Financial Institutions Examination Council, concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

(c) CONSIDERATION OF FACTORS AND PROCEDURES.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 704(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this title.

SEC. 708. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.

(a) BACK UP LICENSING SYSTEM.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this title or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 705 and 706 and subsection (d) of this section, or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) LICENSING AND REGISTRATION REQUIREMENTS.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 705 and 706 for State-licensed loan originators.

(c) UNIQUE IDENTIFIER.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) STATE LICENSING LAW REQUIREMENTS.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry.

(e) TEMPORARY EXTENSION OF PERIOD.—The Secretary may extend, by not more than 12 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 705 and 706 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

(f) LIMITATION ON HUD-LICENSED LOAN ORIGINATORS.—Any loan originator who is licensed by the Secretary under a system established under this section for any State may not use such license to originate loans in any other State.

(g) CONTRACTING AUTHORITY.—The Secretary may enter into contracts with qualified independent parties, as necessary to efficiently fulfill the obligations of the Secretary under this Section.

SEC. 709. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this title for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this title and the effective registration and regulation of loan originators.

SEC. 710. FEES.

The Federal banking agencies, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.

SEC. 711. BACKGROUND CHECKS OF LOAN ORIGINATORS.

(a) ACCESS TO RECORDS.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) AGENT.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

SEC. 712. CONFIDENTIALITY OF INFORMATION.

(a) SYSTEM CONFIDENTIALITY.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 709, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) COORDINATION WITH OTHER LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) PUBLIC ACCESS TO INFORMATION.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

SEC. 713. LIABILITY PROVISIONS.

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 9, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good-faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

SEC. 714. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.

(a) SUMMONS AUTHORITY.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 708; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this title.

(b) EXAMINATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes a licensing system under section 708 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) POWER TO EXAMINE.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 708 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this title.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 708, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 708 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this title, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 708, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease-and-desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease-and-desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this title or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to licensing system established by the Secretary under section 708, if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this title or any regulation prescribed by the Secretary under this title or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $5,000 for each day the violation continues.

SEC. 715. PREEMPTION OF STATE LAW.

Nothing in this title may be construed to preempt the law of any State, to the extent that such State law provides greater protection to consumers than is provided under this title.

SEC. 716. REPORTS AND RECOMMENDATIONS TO CONGRESS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit a report to Congress on the effectiveness of the provisions of this title, including legislative recommendations, if any, for strengthening consumer protections, enhancing examination standards, and streamlining communication between all stakeholders involved in residential mortgage loan origination and processing.

(b) LEGISLATIVE RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this title, the Secretary shall make recommendations to Congress on legislative reforms to the Real Estate Settlement Procedures Act of 1974, that the Secretary deems appropriate to promote more transparent disclosures, allowing consumers to better shop and compare mortgage loan terms and settlement costs.

SEC. 717. STUDY AND REPORTS ON DEFAULTS AND FORECLOSURES.

(a) STUDY REQUIRED.—The Secretary shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as is available.

(b) PRELIMINARY REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this title, the Secretary shall submit to Congress a preliminary report regarding the study required by this section.

(c) FINAL REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this title, the Secretary shall submit to Congress a final report regarding the results of the study required by this section, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to provide targeted assistance to populations with the highest risk of potential default or foreclosure.

SA 4394. Ms. MIKULSKI (for herself, Mr. KENNEDY and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 58, line 10, strike "$100,000,000" and insert "$137,500,000".

On page 58, line 17, strike the period and insert the following: ": Provided, That, of such amounts $37,500,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the 'NRC') to (1) make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys trained and capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure who have legal issues that cannot be handled by counselors already employed by such intermediaries, and (2) support NRC partnerships with State and local legal organizations and organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code with demonstrated relevant legal experience in home foreclosure law, as such experience is determined by the Chief Executive Officer of NRC: Provided further, That for the purpose of the prior proviso the term 'relevant experience' means experience representing homeowners in negotiations and or legal proceedings aimed at preventing or mitigating foreclosure or providing legal research and technical legal expertise to community based organizations whose goal is to reduce, prevent, or mitigate foreclosure: Provided further, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.".

On page 58, between lines 17 and 18, insert the following:

SEC. 302. LEGAL ASSISTANCE RELATED TO HOME OWNERSHIP PRESERVATION AND FORECLOSURE PREVENTION.

(a) APPROPRIATION.—

(1) IN GENERAL.—There is authorized to be appropriated and there is appropriated to the Legal Services Corporation $37,500,000 to provide legal assistance related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure.

(2) AVAILABILITY.—Such funds shall remain available until expended.

(b) FUNDING REQUIREMENTS.—Each limitation on expenditures, and each term or condition, that applies to funds appropriated to the Legal Services Corporation under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008, shall apply to funds appropriated to the Corporation under subsection (a), except as provided in subsections (a)(1) and (c).

(c) PRIORITY.—In providing financial assistance from the funds appropriated under subsection (a), the Corporation shall give priority to eligible entities and individuals that—

(1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates; and

(2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.

SA 4395. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 606. DEDUCTION FOR POINTS ON HOME MORTGAGE REFINANCING ALLOWED IN YEAR PAID.

(a) IN GENERAL.—Paragraph (2) of section 461(g) of the Internal Revenue Code of 1986 (relating to prepaid interest) is amended—

(1) by striking "This subsection" and inserting the following:

"(A) IN GENERAL.—This subsection", and

(2) by adding at the end the following new subparagraph:

"(B) EXCEPTION FOR CERTAIN REFINANCINGS.—

"(i) IN GENERAL.—This subsection shall not apply to points paid—

"(I) in respect of indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the subparagraph (A), and

"(II) before January 1, 2011.

"(ii) LIMITATION.—Clause (i) shall apply only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the sum of—

"(I) the amount of the refinanced indebtedness, plus

"(II) the lesser of $10,000 or the points paid in respect of the indebtedness resulting from the refinancing to the extent that the indebtedness resulting from the refinancing does not exceed the refinanced indebtedness.

"(iii) ADJUSTMENT FOR INFLATION.—In the case of any calendar year beginning after 2008, the $10,000 amount under clause (ii)(II) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next nearest multiple of $100.".

(b) CONFORMING AMENDMENT.—The heading of paragraph (2) of section 461(g) of such Code is amended by striking "EXCEPTION" and inserting "EXCEPTIONS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid in taxable years beginning after December 31, 2007.

SA 4396. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VIII—COMMISSION ON HOUSING AND REGULATORY ACCOUNTABILITY AND REVIEW

SEC. 801. DEFINITIONS.

In this title:

(1) AGENCY.—The term "agency" means—

(A) the Department of Housing and Urban Development; and

(B) the Department of the Treasury.

(2) CALENDAR DAY.—The term "calendar day" means a calendar day other than 1 on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(3) COMMISSION BILL.—The term "Commission bill" means only a bill which is introduced as provided under section 806, and contains the proposed legislation included in the report submitted to Congress under section 803(a), without modification.

(4) PROGRAM.—The term "program" means any activity or function of an agency.

SEC. 802. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission on Housing and Regulatory Accountability and Review (referred to in this title as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall consist of 15 members, of which, not later than 30 days after the date of enactment of this Act—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(2) COCHAIRPERSONS.—The President shall designate 2 Cochairpersons from among the members of the Commission. The Cochairpersons may not be affiliated with the same political party.

(c) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this Act.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Cochairpersons or a majority of its members.

(f) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

SEC. 803. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) evaluate all agencies and programs within the Department of Housing and Urban Development and the Department of Treasury using the criteria under subsection (c); and

(2) not later than 18 months after the date of enactment of this Act, submit to Congress with respect to the evaluation under paragraph (1)—

(A) a plan with recommendations of the agencies and programs that should be realigned or eliminated; and

(B) proposed legislation to implement the plan described under subparagraph (A).

(b) RELOCATION OF FEDERAL EMPLOYEES.—The proposed legislation under subsection (a) shall provide that if the position of an employee of an agency is eliminated as a result of the implementation of the plan under subsection (a)(2), the affected agency shall make reasonable efforts to relocate such employee to another position within the agency or within another Federal agency (including Federal agencies other than the Department of Housing and Urban Development and the Department of the Treasury).

(c) CRITERIA.—

(1) DUPLICATIVE.—If 2 or more agencies or programs are performing the same essential function and the function can be consolidated or streamlined into a single agency or program, the Commission shall recommend that the agencies or programs be realigned.

(2) WASTEFUL OR INEFFICIENT.—The Commission may recommend the realignment or elimination of any agency or program that has wasted Federal funds by—

(A) egregious spending;

(B) mismanagement of resources and personnel; or

(C) use of such funds for personal benefit or the benefit of a special interest group.

(3) OUTDATED, IRRELEVANT, OR FAILED.—The Commission may recommend the elimination of any agency or program that—

(A) has completed its intended purpose;

(B) has become irrelevant; or

(C) has failed to meet its objectives.

SEC. 804. POWERS OF THE COMMISSION.

(a) HEARINGS.—Subject to subsection (d), the Cochairpersons of the Commission may, for the purpose of carrying out this title—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the chairperson of the Commission considers advisable;

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses as the chairperson of the Commission considers advisable; and

(3) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(b) SUBPOENAS.—

(1) ISSUANCE.—

(A) IN GENERAL.—A subpoena may be issued under this section only by—

(i) the agreement of the Cochairpersons; or

(ii) the affirmative vote of 8 members of the Commission.

(B) SIGNATURE.—Subpoenas issued under this section may be issued under the signature of both Cochairpersons of the Commission and may be served by any person designated by the Cochairpersons or by a member designated by a majority of the Commission.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under this section, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(d) INFORMATION.—

(1) IN GENERAL.—The Commission shall have reasonable access to budgetary, performance or programmatic materials, resources, statistical data, and other information the Commission determines to be necessary to carry out its duties from the Congressional Budget Office, and other agencies and representatives of the executive and legislative branches of the Federal Government. The Cochairpersons shall make requests for such access in writing when necessary.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(3) LIMITATION OF ACCESS TO PERSONAL TAX INFORMATION.—Information requested, subpoenaed, or otherwise accessed under this title shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 805. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL MEMBERS.—Except as provided under subsection (b), each member of the Commission who is not an officer or employee of the Federal Government shall not be compensated.

(2) FEDERAL OFFICERS OR EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—With the approval of the majority of the Commission, the Cochairpersons of the Commission may, appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—Upon the approval of the Cochairpersons, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS–15 of the General Schedule under section 5332 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 806. EXPEDITED CONSIDERATION OF REFORM PROPOSALS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission bill language provisions submitted pursuant to section 803(a) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget of the Senate and the Committee on the Budget of the House of Representatives. A committee to which a Commission bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission bill, each Committee of Congress to which the Commission bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission bill has not reported such Commission bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission bill, and such Commission bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has reported a Commission bill or been discharged from consideration of a Commission bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment or to a motion to postpone consideration of the Commission bill. A motion to proceed to the consideration of other business shall not be in order. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission bill without intervening motion, order, or other business, and the Commission bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the Commission bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission bill. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the Commission bill, the vote on final passage of the Commission bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission bill that was introduced in such House, such House receives from the other House a Commission bill as passed by such other House—

(A) the Commission bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission bill of the other House, with respect to the Commission bill that was introduced in the House in receipt of the Commission bill of the other House, shall be the same as if no Commission bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission bill of the other House.

Upon disposition of a Commission bill that is received by one House from the other House, it shall no longer be in order to consider the Commission bill that was introduced in the receiving House.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 807. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the final evaluation and plan report under section 803.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for carrying out this title for each of the fiscal years 2008 through 2010.

SA 4397. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, Mr. BROWN, Mrs. CLINTON, Mr. MENENDEZ, Mr. KERRY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. OBAMA, Ms. MIKULSKI, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

On page 58, line 10, strike "$100,000,000" and all that follows through "2008" on line 11, and insert the following: "$200,000,000, to remain available until December 31, 2008".

SA 4398. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with State and local non-profit organizations operating statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

SA 4399. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. VETERANS HOUSING.

(a) SHORT TITLE.—This section may be cited as the "Housing for Heroes Act of 2008".

(b) AUTHORITY OF THE SECRETARY TO REPROGRAM FUNDS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may reprogram any funds appropriated or otherwise made available under this or any other Act for the Department of Housing and Urban Development that are intended to be used for any congressionally directed spending item to provide housing assistance to veterans of the Armed Forces who are eligible for housing assistance under the laws administered by the Secretary.

(c) REPORT OF THE SECRETARY ON VETERANS HOUSING.—Prior to September 30 of each fiscal year beginning with fiscal year 2008, the Secretary of Housing and Urban Development shall report annually to Congress and make available on its public Internet website a description of:

(1) The total number of veterans of the Armed Forces who sought housing assistance under any law administered by the Secretary in the preceding 12 months.

(2) The total number of veterans of the Armed Forces who received any such housing assistance in the preceding 12 months.

(3) The total number of veterans of the Armed Forces who did not receive such housing assistance due to a lack of funding in the preceding 12 months.

(4) The total number of section 8 vouchers applied for by veterans of the Armed Forces

(5) The total number of section 8 vouchers provided to veterans of the Armed Forces who were eligible for such vouchers.

(6) The total number of section 8 vouchers that could not be provided to veterans of the Armed Forces who were determined eligible for such vouchers within 6 months of that veteran submitting an application pursuant to section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19) due to a lack of funding.

(7) The total number and cost of congressionally directed spending items in the annual budget of the Department of Housing and Urban Development.

(8) The number and total amount of congressionally directed spending items in the annual budget of the Department of Housing and Urban Development that have been reprogrammed to support housing assistance for veterans of the Armed Forces.

(9) A listing of any congressionally directed spending items for which funding was not reprogrammed and an explanation for each why such funds were not reprogrammed if there are any veterans of the Armed Forces who are not receiving housing assistance due to a lack of funding.

(d) CURRENT FUNDING.—For fiscal year 2008, the Secretary of Housing and Urban Development may reprogram any unobligated funds appropriated or otherwise made available under any prior Act for the Department of Housing and Urban Development that are intended to be used for any congressionally directed spending item.

(e) DEFINITIONS.—As used in this section—

(1) the term "congressionally directed spending item" has the same meaning given that term under section 521 of the Honest Leadership and Open Government Act of 2007 (Public Law 110-81); and

(2) the term "section 8 voucher" means a voucher available to eligible veterans under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)).

SA 4400. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPORT ON FEDERAL HOUSING ASSISTANCE PROGRAMS.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains—

(1) a complete list of all programs administered by the Department of Housing and Urban Development that provide housing assistance;

(2) for each program listed under paragraph (1)—

(A) the total amount of Federal funds used to carry out each program in the most recent fiscal year for which comparable data is available;

(B) the proportion of funding spent on direct housing assistance for each program in the most recent fiscal year and the proportion spent on administration, counseling, and other activities not directly related to housing support;

(C) the amount of improper payments or fraud identified or estimated in each program in the most recent fiscal year; and

(D) the findings of any performance reviews of effectiveness with respect to achieving the goals of the program conducted by the Director of the Office of Management and Budget, the Comptroller General, or other agencies of each program within the previous 10 years (noting if no such review was conducted);

(3) a description of the funding formula for each housing grant program administered by the Department of Housing and Urban Development with recommendations to ensure better equity in distribution and targeting of such funds to assist those without permanent housing;

(4) a description of the amounts the Federal Government has spent on housing assistance over the past 25 years and how the number of those in the country without permanent housing today compares to the same number 25 years ago; and

(5) as of the date of the completion of the report—

(A) the number of employees of the Department of Housing and Urban Development, including contractors and other individuals whose salary is paid in full or part by the Department; and

(B) the number of individuals who receive housing assistance from the Department.

SA 4401. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. ___. NATIONAL CONSUMER CREDIT USURY RATE.

Section 107 of the Truth in Lending Act (15 U.S.C. 1606) is amended by adding at the end the following:

"(f) NATIONAL CONSUMER CREDIT USURY RATE.—The annual percentage rate applicable to any extension of credit may not exceed by more than 8 percentage points the rate established under section 6621(a)(2) of the Internal Revenue Code of 1986, as determined by the Board.".

SA 4402. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy

independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. ___. FINANCIAL EDUCATION AND COUNSELING ASSISTANCE ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the "Financial Education and Counseling Assistance Act of 2007".

(b) FINANCIAL EDUCATION AND COUNSELING.—

(1) DEMONSTRATION PROGRAM.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following:

"(g) FINANCIAL EDUCATION AND COUNSELING.—

"(1) PURPOSES.—The purposes of this subsection are to—

"(A) increase financial education and counseling services available to homeowners and prospective homebuyers;

"(B) assist homeowners and prospective homebuyers to develop monthly budgets, build personal savings, finance or plan for major purchases, reduce their debt, improve their financial stability, and set and reach their financial goals;

"(C) help homeowners and prospective homebuyers understand their credit histories and its relationship to their credit score, so as to improve their credit score;

"(D) educate homeowners and prospective homebuyers about the options available to build savings or plan for retirement; and

"(E) provide financial education and counseling for homeowners and prospective homebuyers seeking to understand or improve their credit, savings, bill payments, or other personal financial needs.

"(2) AUTHORITY.—The Secretary of Housing and Urban Development shall carry out a grant program to assist eligible organizations to provide financial education and counseling services to homeowners and prospective homebuyers.

"(3) GRANTS.—

"(A) IN GENERAL.—The Secretary shall make grants to eligible organizations to enable such organization to provide a range of financial education and counseling services to homeowners and prospective homebuyers.

"(B) SELECTION.—The Secretary shall select organizations to receive assistance under this subsection based on their experience and ability to provide financial education and counseling services to homeowners and prospective homebuyers.

"(C) PREFERENCE.—The Secretary shall give preference to established community-based financial education and counseling organizations capable of providing in-person services.

"(4) ELIGIBLE ORGANIZATIONS.—To be eligible to receive a grant under this subsection, an eligible organization shall be a—

"(A) housing counseling agency certified by the Secretary under subsection (e);

"(B) nonprofit organization organized under section 501(c)(3) of the Internal Revenue Code;

"(C) State, local, or tribal government agency; or

"(D) community development financial institution (as defined in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)) or a credit union.

"(5) ELIGIBLE USES.—A grant awarded to an eligible organization under this subsection shall be used to provide a range of financial education and counseling services, including—

"(A) assisting in the expansion of mortgage and housing-related financial counseling services;

"(B) providing information on important financial topics to homeowners and prospective homebuyers; and

"(C) assisting homeowners and prospective homebuyers to—

"(i) develop sustainable monthly budgets;

"(ii) understand their credit history and their credit scores, so as to improve their credit score;

"(iii) develop a plan to manage their bills, reduce their debt, and improve their savings; and

"(iv) set and reach their financial goals.

"(6) COUNSELING ACTIVITIES.—

"(A) REGULATIONS.—The Secretary shall develop and issue guidelines and regulations to carry out the financial education and counseling program established under this subsection.

"(B) CONTENT OF REGULATIONS.—The guidelines and regulations required under subparagraph (A) shall be modeled on the regulations issued by the Secretary pursuant to the housing counseling program under subsection (c) and shall require each eligible organization under this subsection to—

"(i) conduct a preliminary interview with a homeowner or prospective homebuyer to determine the financial needs of such homeowner or renter;

"(ii) develop a financial plan tailored to meet the financial needs of such homeowner or prospective homebuyer; and

"(iii) help each such homeowner or prospective homebuyer achieve their financial goals.

"(7) COORDINATION WITH THE FINANCIAL LITERACY AND EDUCATION COMMISSION.—In developing the guidelines and regulations required under paragraph (6) and in carrying out the grant program established under this subsection, the Secretary shall seek advice from and work in coordination with the Financial Literacy and Education Commission established under section 513 of the Fair and Accurate Credit Transactions Act of 2003 (20 U.S.C. 9702) in order to avoid duplication and to utilize the resources and experience of the Commission.

"(8) OUTREACH.—

"(A) TO INDIVIDUALS.—The Secretary, in cooperation with eligible organizations, shall—

"(i) carry out outreach efforts to ensure that homeowners and prospective homebuyers are aware of the financial education and counseling opportunities under this subsection; and

"(ii) make an special effort to serve individuals who—

"(I) qualify for the earned income tax credit under section 32 of the Internal Revenue Code;

"(II) have a low credit score, damaged credit, or are without sufficient data to create a credit score;

"(III) are in danger of filing for bankruptcy;

"(IV) are subject to, or are in danger of, becoming subject to foreclosure proceedings; and

"(V) have low levels of personal saving, low net-worth, or high levels of debt.

"(B) TO GRANTEES.—The Secretary shall also make an effort to publish grant opportunities under this subsection to eligible organizations who may not typically seek out such Federal funding.

"(9) STUDY AND REPORT ON EFFECTIVENESS AND IMPACT.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Financial Education and Counseling Assistance Act of 2007, the Inspector General of the Department of Housing and Urban Development shall conduct a study and report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the effectiveness and impact of the grant program established under this subsection.

"(B) CONTENT OF STUDY.—The study required under subparagraph (A) shall include the following:

"(i) The effectiveness of the grant program established under this subsection in improving the financial situation of homeowners and prospective homebuyers served by the grant program.

"(ii) The impact of the financial education and counseling services provided under this subsection on reducing debt, building savings, and improving the overall financial well-being of homeowners and prospective homebuyers served by the grant program.

"(iii) An evaluation of the effectiveness and quality of the counselors providing financial education and counseling services under the grant program.

"(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

(2) CERTIFICATION OF FINANCIAL COUNSELORS.—Section 106(e)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)(1)) is amended by striking "(c), or (d)," and inserting "(c), (d), or (g)".

SA 4403. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE VIII—NATIONAL AFFORDABLE HOUSING TRUST FUND

SEC. 801. SHORT TITLE.

This title may be cited as the "National Affordable Housing Trust Fund Act of 2008".

SEC. 802. NATIONAL AFFORDABLE HOUSING TRUST FUND.

(a) IN GENERAL.—Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle G—National Affordable Housing Trust Fund

"SEC. 291. PURPOSES.

"The purposes of this subtitle are—

"(1) to address the national shortage of housing that is affordable to low-income families by creating a permanently appropriated fund, with dedicated sources of funding, to finance additional housing activities, without supplanting existing housing appropriations or existing State and local funding for affordable housing;

"(2) to enable rental housing to be built, for families with the greatest economic need, in mixed-income settings and in areas with the greatest economic opportunities;

"(3) to promote ownership of one-to-four family owner-occupied housing by low-income families; and

"(4) to construct, rehabilitate, and preserve at least 1,500,000 affordable dwelling units over the next decade.

"SEC. 292. TRUST FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the National Affordable Housing Trust Fund.

"(b) DEPOSITS TO TRUST FUND.—There shall be authorized to be appropriated to the Trust Fund such sums as necessary to carry out this subtitle for fiscal years 2009 and 2010.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available to the Secretary of Housing and Urban Development, and are hereby appropriated, for providing assistance under this subtitle.

"(d) FEDERAL ASSISTANCE.—All assistance provided using amounts in the Trust Fund shall be considered to be Federal financial assistance.

"SEC. 293. ALLOCATIONS FOR STATES, INDIAN TRIBES, INSULAR AREAS, AND PARTICIPATING LOCAL JURISDICTIONS.

"(a) DETERMINATION OF AMOUNT AVAILABLE FOR FISCAL YEAR.—For fiscal year 2009 and for each fiscal year thereafter, the Secretary shall determine the total amount available from the Trust Fund pursuant to section 292(c) for assistance under this subtitle and shall use such amount to provide such assistance for such fiscal year.

"(b) ALLOCATION.—For each such fiscal year, of such total amount available from the Trust Fund, the Secretary shall allocate for use under section 294—

"(1) 40 percent for States, Indian tribes, and insular areas; and

"(2) 60 percent for participating local jurisdictions.

"SEC. 294. ASSISTANCE FROM TRUST FUND.

"(a) AFFORDABLE HOUSING NEEDS FORMULA.—

"(1) ESTABLISHMENT AND FACTORS.—The Secretary shall establish a formula to allocate amounts made available for a fiscal year for assistance under this subtitle among States, all Indian tribes, insular areas, and participating local jurisdictions based on the relative needs of such entities, for funds to increase the supply of decent quality affordable housing. The formula shall be based upon a comparison of the following factors with respect to each State, Indian tribes, each insular area, and each participating local jurisdiction:

"(A) The ratio of the population of the State, Indian tribes, insular area, or participating jurisdiction, to the aggregate population of all States, Indian tribes, insular areas, and participating jurisdictions.

"(B) The percentage of families in the jurisdiction of the State, of Indian tribes, or of the insular area or participating jurisdiction that live in substandard housing.

"(C) The percentage of families in the jurisdiction of the State, of Indian tribes, or of the insular area or participating jurisdiction that pay more than 50 percent of their annual income for housing costs.

"(D) The percentage of persons in the jurisdiction of the State, of Indian tribes, or of the insular area or participating jurisdiction having an income at or below the poverty line.

"(E) The cost of constructing or carrying out rehabilitation of housing in the jurisdiction of the State, of Indian tribes, or of the insular area or participating jurisdiction.

"(F) The percentage of the population of the State, of Indian tribes, or of the insular area or participating jurisdiction that resides in counties having extremely low vacancy rates.

"(G) The percentage of housing stock in the jurisdiction of the State, of Indian tribes, or of the insular area or participating jurisdiction that is extremely old housing.

"(H) For the jurisdiction of a State, of Indian tribes, or of an insular area or participating jurisdiction that has an extremely low percentage of affordable rental housing, the extent to which the State, Indian tribes, or the insular area or participating jurisdiction has in the preceding fiscal year increased the percentage of rental housing within its jurisdiction that is affordable housing.

"(I) The relationship between the median family income for the area, as determined by the Secretary, and fair market rent.

"(J) Any other factors that the Secretary determines to be appropriate.

"(2) FAILURE TO ESTABLISH.—If, in any fiscal year referred to in section 293(a), the regulations establishing the formula required under paragraph (1) of this subsection have not been issued by the date that the Secretary determines the total amount available from the Trust Fund for assistance under this subtitle for such fiscal year pursuant to section 292(c), or there has been enacted before such date a joint resolution expressly disapproving the use of the formula required under paragraph (1) and submitted to the Congress pursuant to paragraph (3), for purposes of such fiscal year—

"(A) section 293(b), paragraphs (2) and (3) of subsection (b) of this section, and subsection (c) of this section shall not apply;

"(B) the allocation for Indian tribes shall be such amount as the Secretary shall establish; and

"(C) the formula amount for each State, insular area, or participating local jurisdiction shall be determined by applying, for such State, insular area, or participating local jurisdiction, the percentage that is equal to the percentage of the total amounts made available for such fiscal year for allocation under subtitle A of this title (42 U.S.C. 12741 et seq.) that are allocated in such year, pursuant to such subtitle, to such State, insular area, or participating local jurisdiction, respectively, and the allocation for each State, insular area, or participating jurisdiction, for purposes of subsection (e) shall, except as provided in subsection (d), be the formula amount for the State, insular area, or participating jurisdiction, respectively.

"(3) SUBMISSION TO CONGRESS.—Notwithstanding any other provision of this subtitle, any formula established by the Secretary pursuant to this subsection shall be submitted to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not less than 120 days before application of the formula for purposes of determining formula amounts under subsection (b) for a fiscal year. Such submission shall be accompanied by a detailed explanation of the factors under the formula and anticipated effects of the formula.

"(b) FORMULA AMOUNT.—

"(1) IN GENERAL.—For each fiscal year referred to in section 293(a), the Secretary shall determine the formula amount under this subsection for each State, for Indian tribes, for each insular area, and for each participating local jurisdiction.

"(2) STATES, INDIAN TRIBES, AND INSULAR AREAS.—The formula amount for each State, for Indian tribes, and for each insular area shall be the amount determined for such State, for Indian tribes, or for such insular area by applying the formula under subsection (a) of this section to the total amount allocated under section 293(b)(1) for all States, Indian tribes, and insular areas for the fiscal year.

"(3) PARTICIPATING LOCAL JURISDICTIONS.—The formula amount for each participating local jurisdiction shall be the amount determined for such participating local jurisdiction by applying the formula under subsection (a) of this section to the total amount allocated under section 293(b)(2) for all participating local jurisdictions for the fiscal year.

"(4) NOTICE.—For each fiscal year referred to in section 293(a), not later than 60 days after the date that the Secretary determines the total amount available from the Trust Fund for such fiscal year pursuant to section 292(c) for assistance under this subtitle, the Secretary shall cause to be published in the Federal Register a notice that such amounts shall be so available.

"(c) ALLOCATION BASED ON AFFORDABLE HOUSING NEEDS FORMULA.—The allocation under this subsection for a State, for Indian tribes, for an insular area, or for a local participating jurisdiction for a fiscal year shall be determined as follows:

"(1) STATES.—Subject to subsection (d), the allocation for a State shall be as follows:

"(A) MINIMUM AMOUNT.—If the formula amount determined under subsection (b)(2) for the State for the fiscal year is less than 1 percent of the total amount allocated for such fiscal year under section 293(b)(1), the allocation for the State shall be 1 percent of the total amount allocated for such fiscal year under section 293(b)(1).

"(B) FORMULA AMOUNT.—If the formula amount determined under subsection (b)(2) for the State for the fiscal year is 0.5 percent or more of the total amount allocated for such fiscal year under section 293(b)(1), the allocation for the State shall be the formula amount for the State, except that—

"(i) the Secretary shall reduce such formula amounts for all States whose allocations are determined under this subparagraph on a pro rata basis, except as provided in clause (ii), by the amount necessary to account for any increases from the formula amount for allocations made under subparagraph (A), so that the total of the allocations for all States pursuant to this paragraph is equal to the aggregate of the formula amounts under subsection (b)(2) for all States; and

"(ii) no reduction pursuant to clause (i) for any State may reduce the formula amount for the State to less than 0.5 percent of such total amount allocated for such fiscal year.

"(2) INDIAN TRIBES AND INSULAR AREAS.—The allocation for Indian tribes and for each insular area shall be the formula amount for Indian tribes or for the insular area, respectively, determined under subsection (b), as applicable.

"(3) PARTICIPATING LOCAL JURISDICTIONS.—Subject to subsection (d), the allocation for each participating local jurisdiction shall be the formula amount for the jurisdiction determined under subsection (b).

“(d) Allocation Exception for Years in Which Less Than \$2 Billion Is Available.—If, for any fiscal year, the total amount available pursuant to section 293(a) for assistance under this subtitle is less than \$2,000,000,000—

“(1) for each participating local jurisdiction having a formula amount for such fiscal year of less than \$750,000, the allocation shall be \$0, except that the allocation for such a jurisdiction for such fiscal year shall be the formula amount for the jurisdiction for such fiscal year if—

“(A) the Secretary finds that the jurisdiction has demonstrated a capacity to carry out provisions of this subtitle and the State in which such jurisdiction is located has authorized the Secretary to transfer to the jurisdiction a portion of the State's allocation that is equal to or greater than the difference between the jurisdiction's formula amount and \$750,000, or the State or jurisdiction has made available such an amount from the State's or jurisdiction's own sources available for use by the jurisdiction in accordance with this subtitle; or

“(B) the formula amount for such jurisdiction for such fiscal year is an amount that is greater than the formula amount for such fiscal year for any other participating local jurisdiction that is located in the same State; and

“(2) in the case of any jurisdiction whose allocation is \$0 by operation of paragraph (1), the allocation for the State in which such participating local jurisdiction is located shall be increased by the amount of the formula amount for the participating local jurisdiction.

Any adjustments pursuant to paragraphs (1) and (2) shall be made notwithstanding the allocation percentages under section 293(b).

“(e) Grant Awards.—For each fiscal year referred to in section 293(a), using the amounts made available to the Secretary from the Trust Fund for such fiscal year under section 292(c), the Secretary shall, subject to subsection (f), make a grant to each State, insular area, and participating local jurisdiction in the amount of the allocation under subsection (a)(2), (c), or (d), as applicable, for the State, area, or jurisdiction, respectively.

“(f) Matching Requirement.—

“(1) In general.—Each grantee for a fiscal year shall contribute to eligible activities funded with Trust Fund grant amounts, or require the contribution to such eligible activities by recipients of such Trust Fund grant amounts of, in addition to any such grant amounts, not less than the following amount:

“(A) State, local, or private resources.—To the extent that such contributed amounts are derived from State, local, or private resources, 12.5 percent of such grant amounts.

“(B) Federal amounts.—To the extent that such contributed amounts are derived from State- or locally-controlled amounts from Federal assistance, or from amounts made available under the affordable housing program of a Federal Home Loan Bank pursuant to section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)), 25 percent of such grant amounts.

Nothing in this paragraph may be construed to prevent a grantee or recipient from complying with this paragraph only by contributions in accordance with subparagraph (A), only by contributions in accordance with subparagraph (B), or by a combination of such contributions.

“(2) Reduction or waiver for recipients in fiscal distress.—The Secretary may reduce or waive the requirement under paragraph (1) with respect to any grantee that the Secretary determines, pursuant to such demonstration by the recipient as the Secretary shall require, is in fiscal distress. The Secretary shall make determinations regarding fiscal distress for purposes of this paragraph in the same manner, and according to the same criteria, as fiscal distress is determined with respect to jurisdictions under section 220(d) (42 U.S.C. 12750(d)).

“(3) Qualification of services funding for match.—For purposes of meeting the requirements of paragraph (1), amounts that a grantee, recipient, or other governmental or private agency or entity commits to contribute to provide services to residents of affordable housing provided using grant amounts under this subtitle, by entering into a binding commitment for such contribution as the Secretary shall require, shall be considered contributions to eligible activities. Amounts to be considered eligible contributions under this paragraph shall not exceed 33 percent of the total cost of the eligible activity.

“(4) Reduction or waiver for certain activities.—With respect to Trust Fund grant amounts made available for a fiscal year, the Secretary shall reduce or waive the amount of contributions otherwise required under paragraph (1) to be made with respect to eligible activities to be carried out with such grant amounts and for which any variance from zoning laws or other waiver of regulatory requirements was approved by the local jurisdiction. Such reduction may be implemented in the year following the year in which such activities are funded with Trust Fund grant amounts.

“(5) Waiver for disaster areas.—In the case of any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Secretary shall, for the fiscal year following such declaration, waive the requirement under paragraph (1) with respect to any eligible activities to be carried out in such area.

“(g) Competitive Grants for Indian Tribes.—For each fiscal year referred to in section 293(a), the Secretary shall, using amounts allocated for Indian tribes pursuant to subsection (a)(2)(B) or (c)(2), as applicable, and subject to subsection (f), make grants to Indian tribes on a competitive basis, based upon such criteria as the Secretary shall establish, which shall include the factors specified in section 295(c)(2)(B).

“(h) Use by State of Unused Funds of Local Jurisdictions.—If any participating local jurisdiction for which an allocation is made for a fiscal year pursuant to this section notifies the Secretary of an intent not to use all or part of such funds, any such funds that will not be used by the jurisdiction shall be added to the grant award under subsection (e) for the State in which such jurisdiction is located.

“(i) Competitive Grants for Areas Without Allocation Plans and Recipients With Insufficient Matching Contributions.—

“(1) Available amounts.—For a fiscal year, the following amounts shall be available for grants under this subsection:

“(A) Allocation for areas not submitting allocation plans.—With respect to each State, insular area, or participating local jurisdiction that has not, before the expiration of the 12-month period beginning upon the date of the publication of the notice of funding availability for such fiscal year under subsection (b)(4), submitted to and had approved by the Secretary an allocation plan for such fiscal year meeting the requirements of section 295, the amount of the allocation for such State, insular area, or participating local jurisdiction for such fiscal year determined under this section.

“(B) Unmatched portion of allocation.—With respect to any grantee for which the Trust Fund grant amount awarded for such fiscal year is reduced from the amount of the allocation determined under this section for the grantee by reason of failure comply with the requirements under subsection (f), the amount by which such allocation for the grantee for the fiscal year exceeds the Trust Fund grant amount for the grantee for the fiscal year.

“(C) Uncommitted amounts.—Any Trust Fund grant amounts for a fiscal year that are not committed for use for eligible activities before the expiration of the 24-month period beginning upon the date of the publication of the notice of availability of amounts under subsection (b)(4) for such fiscal year.

“(D) Unused amounts.—Any Trust Fund grant amounts for which the grantee notifies the Secretary that such funds will not be used under this subtitle.

“(2) Notice.—For each fiscal year, not later than 60 days after the date that the Secretary determines that the amounts described in paragraph (1) shall be available for grants under this subsection, the Secretary shall cause to be published in the Federal Register a notice that such amounts shall be so available.

“(3) Applications.—The Secretary shall provide for nonprofit and public entities (and consortia thereof, which may include regional consortia of units of local government) to submit applications, during the 9-month period beginning upon publication of a notice of funding availability under paragraph (2) for a fiscal year, for a grant of all or a portion of the amounts referred to in paragraph (1) for such fiscal year. Such an application shall include a certification that the applicant will comply with all requirements of this subtitle applicable to a grantee under this subsection.

“(4) Selection criteria.—The Secretary shall, by regulation, establish criteria for selecting applicants that meet the requirements of paragraph (3) for funding under this subsection. Such criteria shall give priority to applications that provide that grant amounts under this subsection will be used for eligible activities relating to affordable housing that is located in the State or insular area, as applicable, for which such grant funds were originally allocated under this section.

“(5) Award and use of grant assistance.—

“(A) Award.—Subject only to the absence of applications meeting the requirements of paragraph (3), upon the expiration of the period referred to in such paragraph, the Secretary shall select an applicant or applicants under this subsection to receive the amounts available under paragraph (1) and shall make a grant or grants to such applicant or applicants. The selection shall be based upon the criteria established under paragraph (4).

“(B) Use.—Amounts from a grant under this subsection shall be Trust Fund grant amounts for purposes of this subtitle.

“SEC. 295. ALLOCATION PLANS.

“(a) In General.—Each grantee that is a State, insular area, participating local jurisdiction, or grantee under section 294(i) for a fiscal year, shall establish an allocation plan in accordance with this section for the distribution of Trust Fund grant amounts provided to the grantee for such fiscal year, which shall be a plan that—

"(1) provides for use of such amounts in accordance with section 296;

"(2) is based on priority housing needs, including priority housing needs in rural areas, as determined by the grantee; and

"(3) is consistent with the comprehensive housing affordability strategy under section 105 (42 U.S.C. 12705) or any applicable consolidated submission used for purposes of applying for other community planning and development and housing assistance programs administered by the Secretary, for the applicable State, insular area, jurisdiction, or grantee under section 294(i).

"(b) ESTABLISHMENT.—In establishing an allocation plan, a grantee described in subsection (a) shall notify the public of the establishment of the plan, provide an opportunity for public comments regarding the plan, consider any public comments received, and make the completed plan available to the public.

"(c) CONTENTS.—Each allocation plan of a grantee described in subsection (a) shall comply with the following requirements:

"(1) APPLICATION REQUIREMENTS FOR ELIGIBLE RECIPIENTS.—The allocation plan shall set forth the requirements for eligible recipients to apply to the grantee to receive assistance from Trust Fund grant amounts of the grantee for use for eligible activities, including a requirement that each such application include—

"(A) a description of the eligible activities to be conducted using such assistance;

"(B) a certification by the eligible recipient applying for such assistance that any housing assisted with such grant amounts will comply with—

"(i) all of the requirements under this subtitle, including the targeting requirements under section 296(c) and the affordable housing requirements under section 297;

"(ii) section 808(d) of the Fair Housing Act (relating to the obligation to affirmatively further fair housing); and

"(iii) section 504 of the Rehabilitation Act of 1973 (relating to prohibition of discrimination on the basis of disability); and

"(C) in the case of any recipient who has received assistance from Trust Fund grant amounts in any previous fiscal year, a report on the progress made in carrying out the eligible activities funded with such previous assistance.

"(2) SELECTION PROCESS AND CRITERIA FOR ASSISTANCE.—

"(A) SELECTION PROCESS.—The allocation plan shall set forth a process for the grantee to select eligible activities meeting the grantee's priority housing needs for funding with Trust Fund grant amounts of the grantee, which shall comply with requirements for such process as the Secretary shall, by regulation, establish.

"(B) SELECTION CRITERIA.—The allocation plan shall set forth the factors for consideration in selecting among applicants that meet the application requirements established pursuant to paragraph (1), which shall provide for geographic diversity among eligible activities to be assisted with Trust Fund grant amounts of the grantee and shall include—

"(i) the merits of the proposed eligible activity of the applicant, including the extent to which the activity addresses housing needs identified in the allocation plan of the grantee and the applicable comprehensive housing affordability strategy or consolidated submission referred to in subsection (a)(3);

"(ii) the experience of the applicant, including its principals, in carrying out projects similar to the proposed eligible activity;

"(iii) the ability of the applicant to obligate grant amounts for the proposed eligible activities and to undertake such activities in a timely manner;

"(iv) the extent of leveraging of funds by the applicant from private and other non-Federal sources for carrying out the eligible activities to be funded with Trust Fund grant amounts, including assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that is devoted to the project that contains the affordable housing to be assisted with such assistance;

"(v) the extent of local assistance that will be provided in carrying out the eligible activities, including financial assistance;

"(vi) the efficiency of total project fund use as measured by the cost per unit of the proposal, as adjusted by factors which shall include whether the funding with Trust Fund grant amounts is for new construction, rehabilitation, preservation, or homeownership assistance, whether the project involves supportive housing, differences in construction and rehabilitation costs in different areas of the grantee, and other appropriate adjustments;

"(vii) the degree to which the project in which the affordable housing will be located will have residents of various incomes;

"(viii) the extent of employment and other economic opportunities for low-income families in the area in which the housing will be located;

"(ix) the extent to which the applicant demonstrates the ability to maintain dwelling units as affordable housing through the use of assistance made available under this subtitle, assistance leveraged from non-Federal sources, assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), State or local assistance, programs to increase tenant income, cross-subsidization, and any other resources;

"(x) the extent to which the applicant demonstrates that the county in which the housing is to be located is experiencing an extremely low vacancy rate;

"(xi) the extent to which the percentage of the housing located in such county that is extremely old housing exceeds 35 percent;

"(xii) the extent to which the housing assisted with the grant amounts will be accessible to persons with disabilities;

"(xiii) the extent to which the applicant demonstrates that the affordable housing assisted with the grant amounts will be located in proximity to public transportation, job opportunities, child care, and community revitalization projects;

"(xiv) the extent to which the applicant has provided that assistance from grant amounts will be used for eligible activities relating to housing located in census tracts in which the number of families having incomes less than the poverty line is less than 20 percent;

"(xv) the extent to which the housing assisted with grant amounts will comply with energy efficiency standards and the national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as the Secretary shall by regulation provide; and

"(xvi) the extent to which the design, construction, and operation of the housing assisted with grant amounts reduces utility costs for residents and thereby reduces their total housing cost.

A grantee may allocate a portion of funds under this section for use by such grantee for eligible activities pursuant to the selection process under subparagraph (A).

"(3) USE FOR FIRST RESPONDERS AND TEACHERS.—To the extent that Trust Fund grant amounts of a grantee are made available for eligible activities involving one- to four-family owner-occupied housing, the grantee may give preference in the use of such grant amounts to eligible activities relating to affordable housing for first responders, public safety officers, teachers, and other public employees who have family incomes such that such use of the grant amounts complies with the requirements under section 296(c).

"(4) PERFORMANCE GOALS, BENCHMARKS, AND TIMETABLES.—The allocation plan shall include performance goals, benchmarks, and timetables for the grantee for the conducting of eligible activities with Trust Fund grant amounts that comply with requirements and standards for such goals, benchmarks, and timetables as the Secretary shall, by regulation, establish.

"(d) REVIEW AND APPROVAL BY SECRETARY.—

"(1) SUBMISSION.—A grantee described in subsection (a) shall submit an allocation plan for the fiscal year for which the grant is made to the Secretary not later than the expiration of the 6-month period beginning upon the notice of funding availability under section 294(b)(4) for such fiscal year amounts.

"(2) REVIEW AND APPROVAL OR DISAPPROVAL.—The Secretary shall review and approve or disapprove an allocation plan not later than the expiration of the 3-month period beginning upon submission of the plan.

"(3) STANDARD FOR DISAPPROVAL.—The Secretary may disapprove an allocation plan only if the plan fails to comply with requirements of this section or section 296.

"(4) RESUBMISSION UPON DISAPPROVAL.—If the Secretary disapproves a plan, the grantee may submit to the Secretary a revised plan for review and approval or disapproval under this subsection.

"(5) TIMING FOR FISCAL YEAR 2009.—With respect only to fiscal year 2009, the Secretary may extend each of the periods referred to in paragraphs (1) and (2), and the period referred to in section 294(i)(1)(A), by not more than 6 months.

"SEC. 296. USE OF ASSISTANCE BY RECIPIENTS.

"(a) DISTRIBUTION TO RECIPIENTS; USE REQUIREMENTS.—Each grantee shall distribute Trust Fund grant amounts of the grantee to eligible recipients for use in accordance with this section. Trust Fund grant amounts of a grantee may be used, or committed for use, only for eligible activities that—

"(1) are conducted in the jurisdiction of the grantee;

"(2) in the case of a grantee that is a State, insular area, participating local jurisdiction, or grantee under section 294(i), comply with the allocation plan of the grantee under section 295;

"(3) are selected for funding by the grantee in accordance with the process and criteria for such selection established pursuant to section 295(c)(2); and

"(4) comply with the targeting requirements under subsection (c) of this section and the affordable housing requirements under section 297.

"(b) ELIGIBLE RECIPIENTS.—Trust Fund grant amounts of a grantee may be provided only to an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, a faith-based organization, a community development financial institution, a community development corporation, and a State or local housing trust fund) that—

"(1) demonstrates the experience, ability, and capacity (including financial capacity) to undertake, comply, and manage the eligible activity;

"(2) demonstrates its familiarity with the requirements of any other Federal, State or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

"(3) makes such assurances to the grantee as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subtitle during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all eligible activities that are engaged in by the recipient and funded with such grant amounts.

"(c) Targeting Requirements.—The targeting requirements under this subsection are as follows:

"(1) REQUIREMENT OF USE OF ALL AMOUNTS FOR AFFORDABLE HOUSING FOR LOW-INCOME FAMILIES.—All Trust Fund grant amounts of a grantee shall be distributed for use only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed 80 percent of the greater of—

"(A) the median family income for the area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families; and

"(B) the median family income for the State or insular area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families.

"(2) USE OF 75 PERCENT FOR AFFORDABLE HOUSING FOR EXTREMELY LOW-INCOME FAMILIES.—Not less than 75 percent of the Trust Fund grant amounts of a grantee for each fiscal year shall be used only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed the higher of—

"(A) 30 percent of the median family income for the area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families; and

"(B) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved.

"(3) USE OF 30 PERCENT FOR AFFORDABLE HOUSING FOR VERY POOR FAMILIES.—Not less than 30 percent of the Trust Fund grant amounts of a grantee for each fiscal year shall be used only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed the maximum amount of income that an individual or family could have, taking into consideration any income disregards, and remain eligible for benefits under the Supplemental Security Income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

"(4) LIMITATION FOR YEARS IN WHICH LESS THAN $2 BILLION IS AVAILABLE.—If, for any fiscal year, the total amount available pursuant to section 293(a) for assistance under this subtitle is less than $2,000,000,000, in addition to the other requirements under this subsection, all such amounts shall be used only for eligible activities relating to affordable housing that are for the benefit only of families whose incomes do not exceed 50 percent of the median family income for the area in which the housing is located, as determined by the Secretary with adjustments for smaller and larger families.

"(5) REVIEW OF TARGETING REQUIREMENTS.—The Secretary shall assess the need for, and the appropriateness of, the requirements under paragraphs (1) through (3) and shall submit a report to the Congress on the results of the assessment not later than October 1, 2010, and not later than the expiration of the 5-year period beginning upon such date and each successive 5-year period thereafter. In each such report, the Secretary shall identify and make recommendations regarding the continuation or adjustment of the targeting requirements in paragraphs (1) through (3).

"(d) Use for Rural Areas.—Of the Trust Fund grant amounts for any fiscal year for any grantee that is a State or participating local jurisdiction that includes any rural areas, the State or participating local jurisdiction shall use a portion for eligible activities located in rural areas that is proportionate to the identified need for such activities in such rural areas.

"(e) Cost Limits.—The Secretary shall establish limitations on the amount of Trust Fund grant amounts that may be used, on a per unit basis, for eligible activities. Such limitations shall be the same as the per unit cost limits established pursuant to section 212(e) (42 U.S.C. 12742(e)), as adjusted annually, and established by number of bedrooms, market area, and eligible activity.

"(f) Forms of Assistance.—

"(1) In general.—Assistance may be distributed pursuant to this section in the form of—

"(A) capital grants, noninterest-bearing or low-interest loans or advances, deferred payment loans, guarantees, and loan loss reserves;

"(B) in the case of assistance for ownership of one- to four-family owner-occupied housing, downpayment assistance, closing cost assistance, and assistance for interest rate buy-downs; and

"(C) any other forms of assistance approved by the Secretary.

"(2) Repayments.—If a grantee awards assistance under this section in the form of a loan or other mechanism by which funds are later repaid to the grantee, any repayments and returns received by the grantee shall be distributed by the grantee in accordance with the allocation plan under section 295 for the grantee for the fiscal year in which such repayments are made or returns are received.

"(g) Coordination With Other Assistance.—In distributing assistance pursuant to this section, each grantee shall, to the maximum extent practicable, coordinate such distribution with the provision of other Federal, State, tribal, and local housing assistance, including—

"(1) in the case of any State, housing credit dollar amounts allocated by the State under section 42(h) of the Internal Revenue Code of 1986;

"(2) assistance made available under subtitles A through F (42 U.S.C. 12721 et seq.) or the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

"(3) private activity bonds;

"(4) assistance made available under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g);

"(5) assistance made available under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

"(6) assistance made available under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

"(7) assistance made available under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111);

"(8) assistance made available from any State or local housing trust fund established to provide or assist in making available affordable housing; and

"(9) any other housing assistance programs.

"(h) PROHIBITED USES.—The Secretary shall—

"(1) by regulation, set forth prohibited uses of grant amounts under this subtitle, which shall include use for—

"(A) political activities;

"(B) advocacy;

"(C) lobbying, whether directly or through other parties;

"(D) counseling services;

"(E) travel expenses; and

"(F) preparing or providing advice on tax returns;

"(2) by regulation, provide that, except as provided in paragraph (3), grant amounts under this subtitle may not be used for administrative, outreach, or other costs of—

"(A) a grantee; or

"(B) any recipient of such grant amounts; and

"(3) by regulation, limit the amount of any Trust Fund grant amounts for a fiscal year that may be used for administrative costs of the grantee of carrying out the program required under this subtitle to a percentage of such grant amounts of the grantee for such fiscal year, which may not exceed 10 percent.

"(i) Labor Standards.—Each grantee receiving Trust Fund grant amounts shall ensure that contracts for eligible activities assisted with such amounts comply with the same requirements under section 286 (42 U.S.C. 12836) that are applicable to contracts for construction of affordable housing assisted under subtitles A and D.

"(j) Compliance With Other Federal Laws.—All amounts from the Trust Fund shall be allocated in accordance with, and any eligible activities carried out in whole or in part with grant amounts under this subtitle (including housing provided with such grant amounts) shall comply with and be operated in compliance with, other applicable provisions of Federal law, including—

"(1) laws relating to tenant protections and tenant rights to participate in decision making regarding their residences;

"(2) laws requiring public participation, including laws relating to Consolidated Plans, Qualified Allocation Plans, and Public Housing Agency Plans; and

"(3) fair housing laws and laws regarding accessibility in federally assisted housing, including section 504 of the Rehabilitation Act of 1973.

"SEC. 297. AFFORDABLE HOUSING.

"(a) Rental Housing.—A rental dwelling unit (which may include a dwelling unit in limited equity cooperative housing, as such term is defined in section 143(k) of the Internal Revenue Code of 1986 (26 U.S.C. 143(k)) or in housing of a cooperative housing corporation, as such term is defined in section 216(b) of the Internal Revenue Code of 1986 (26 U.S.A. 216(b))), shall be considered affordable housing for purposes of this subtitle only if the dwelling unit is subject to legally binding commitments that ensure that the dwelling unit meets all of the following requirements:

"(1) RENTS.—The dwelling unit bears a rent not greater than the lesser of—

"(A) the existing fair market rental established by the Secretary under section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)) for a dwelling unit of the same size in the same market area, or the applicable payment standard for assistance under section 8(o) of such Act, if higher; and

"(B) a rent that does not exceed 30 percent of the adjusted income of a family whose income equals 65 percent of the median income for the area, as determined by the Secretary, with adjustment for number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 65 percent of the median for the area on the basis of the findings of the Secretary that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

"(2) TENANT RENT CONTRIBUTION.—The contribution toward rent by the family residing in the dwelling unit will not exceed 30 percent of the adjusted income of such family.

"(3) NON-DISCRIMINATION AGAINST VOUCHER HOLDERS.—The dwelling unit is located in a project in which all dwelling units are subject to enforceable restrictions that provide that a unit may not be refused for leasing to a holder of a voucher of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as a holder of such voucher.

"(4) MIXED INCOME.—

"(A) IN GENERAL.—The dwelling unit is located in a project—

"(i) that receives assistance under this subtitle; and

"(ii) for which not more than 50 percent of the rental units in the project that are not previously occupied may be rented initially only to families with incomes described in section 296(c)(2), as determined at a reasonable time before occupancy.

"(B) REHABILITATION.—In the case of a dwelling unit in a project for which Trust Fund grant amounts are used for the rehabilitation of the project, the dwelling unit is located in a project in which the percentage of units being rented upon completion of the rehabilitation to families with incomes described in section 296(c)(2) may not exceed the higher of 50 percent or the percentage of such families occupying the project at the time funds are awarded for such project.

"(C) EXCEPTIONS.—Subparagraph (A) shall not apply in the case of a project that—

"(i) has 25 or fewer dwelling units and that is—

"(I) located in a census tract in which the number of families having incomes less than the poverty line is less than 20 percent;

"(II) located in a rural area, as such term is defined in section 520 of the Housing Act of 1949 (42 U.S.C. 1490); or

"(III) specifically made available only for households comprised of disabled families; or

"(ii) is specifically made available only for households comprised of elderly families.

"(5) VISITABILITY.—To the extent the dwelling unit is not required under Federal law to comply with standards relating to accessibility to persons with disabilities, the dwelling unit complies with such basic visitability standards as the Secretary shall by regulation provide.

"(6) DURATION OF USE.—The dwelling unit will continue to be subject to all requirements under this subsection for not less than 50 years.

"(b) OWNER-OCCUPIED HOUSING.—For purposes of any eligible activity involving one- to four-family owner-occupied housing (which may include housing of a cooperative housing corporation, as such term is defined in section 216(b) of the Internal Revenue Code of 1986 (26 U.S.C. 216(b))), such a residence shall be considered affordable housing for purposes of this subtitle only if—

"(1) in the case of housing to be made available for purchase—

"(A) the housing is available for purchase only for use as a principal residence by families that qualify as first-time homebuyers, as such term is defined in section 104 (42 U.S.C. 12704), except that any reference in such section to assistance under title II of this Act shall for purposes of this section be considered to refer to assistance from Trust Fund grant amounts;

"(B) the housing has an initial purchase price that meets the requirements of section 215(b)(1); and

"(C) the housing is subject to the same resale restrictions established under section 215(b)(3) and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(2) the housing is made available for purchase only by, or in the case of assistance to a homebuyer pursuant to this subsection, the assistance is made available only to, homebuyers who have, before purchase, completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Secretary and includes counseling regarding financial literacy, strategies to save money, qualifying for a mortgage loan, methods to avoid predatory lenders and foreclosure, and, where appropriate by region, any requirements and costs associated with obtaining flood or other disaster-specific insurance coverage; except that the Secretary may, at the request of a State, waive the requirements of this paragraph with respect to a geographic area or areas within the State if—

"(A) the travel time or distance involved in providing counseling with respect to such area or areas, as otherwise required under this paragraph, on an in-person basis is excessive or the cost of such travel is prohibitive; and

"(B) the State provides alternative forms of counseling for such area or areas, which may include interactive telephone counseling, on-line counseling, interactive video counseling, and interactive home study counseling and a program of financial literacy and education to promote an understanding of consumer, economic, and personal finance issues and concepts, including saving for retirement, managing credit, long-term care, and estate planning and education on predatory lending, identity theft, and financial abuse schemes relating to homeownership that is approved by the Secretary, except that entities providing such counseling shall not discriminate against any particular form of housing.

"(c) PRIORITY FOR FAMILIES ON SECTION 8 OR PUBLIC HOUSING WAITING LIST FOR 12 MONTHS OR LONGER.—A dwelling unit in rental housing or owner-occupied housing shall be considered affordable housing for purposes of this subtitle only if the dwelling unit is subject to such requirements, as the Secretary shall provide, to ensure that priority for occupancy in or, in the case of owner-occupied housing, purchase of, the dwelling unit is provided to families who are eligible for rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or occupancy in public housing assisted under such Act, and have applied to a public housing agency for such assistance or occupancy, as applicable, and been on a waiting list of a public housing agency for such assistance or occupancy, as applicable, for at least 12 consecutive months.

"SEC. 298. OTHER PROVISIONS.

"(a) EFFECT OF ASSISTANCE UNDER PROGRAM.—Notwithstanding any other provision of law, the provision of assistance under this subtitle for a project shall not reduce the amount of assistance for which such project is otherwise eligible under subtitles A through F of this title, if the project does not exceed the cost limits established pursuant to section 296(e).

"(b) ACCOUNTABILITY OF GRANTEES AND RECIPIENTS.—

"(1) RECIPIENTS.—

"(A) TRACKING OF FUNDS.—The Secretary shall—

"(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from Trust Fund grant amounts of the grantee uses such amounts in accordance with this subtitle, the regulations issued under this subtitle, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the grantee and recipients, regarding assistance from the Trust Fund grant amounts of the grantee, which shall include—

"(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this subtitle and the regulations under this subtitle; and

"(II) any other requirements that the Secretary determines are necessary to ensure appropriate grant administration and compliance.

"(B) MISUSE OF FUNDS.—

"(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance from Trust Fund grant amounts of a grantee is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this subtitle, the regulations issued under this subtitle, or any requirements or conditions under which such amounts were provided—

"(I) such recipient shall be ineligible for any further assistance from any Trust Fund grant amounts of any grantee during the period that begins upon such determination and ends upon reinstatement by the Secretary of the eligibility of recipient for such assistance, except that the Secretary may reinstate such an ineligible recipient only pursuant to application by the recipient for such reinstatement and the recipient may not apply to the Secretary for such reinstatement during the 12-month period, or the 10-year period in the case of a second or subsequent such determination, beginning upon such determination; and

"(II) the grantee shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the grantee for such misused amounts and return to the grantee any amounts from the Trust Fund grant amounts of the grantee that remain unused or uncommitted for use.

The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is—

"(I) made by the Secretary; or

"(II)(aa) made by the grantee;

"(bb) the grantee provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

"(cc) the Secretary does not subsequently reverse the determination.

"(2) GRANTEES.—

"(A) REPORT.—

"(i) IN GENERAL.—The Secretary shall require each grantee receiving Trust Fund grant amounts for a fiscal year to submit a report, for such fiscal year, to the Secretary that—

"(I) describes the activities funded under this subtitle during such year with the Trust Fund grant amounts of the grantee;

"(II) describes the manner in which the grantee complied during such fiscal year with the allocation plan established pursuant to section 295 for the grantee; and

"(III) certifies the number of total dwelling units of affordable housing that were constructed, preserved, or rehabilitated during such fiscal year with assistance from Trust Funds grant amounts of the grantee comply with widely accepted standards for green building.

"(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

"(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this subtitle and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

"(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount of Trust Fund grant amounts which were not used in accordance with this subtitle;

"(ii) require the grantee to repay the Secretary an amount equal to the amount of the Trust Fund grant amounts which were not used in accordance with this subtitle;

"(iii) limit the availability of assistance under this subtitle to the grantee to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this subtitle to the grantee.

"(c) GREEN HOUSING CLEARINGHOUSE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a clearinghouse of information relating to green building techniques to provide grantees and recipients of Trust Fund amounts information regarding use of Trust Fund grant amounts in a manner that increases the efficiency of buildings and their use of energy, water, and materials, and reducing building impacts on human health and the environment, through better siting, design, construction, operation, maintenance, and removal, including information regarding best practices and technical recommendations.

"(2) ACCESS THROUGH INTERNET.—The Secretary shall make the information of the clearinghouse available by means of the Internet.

"SEC. 299. DEFINITIONS.

"For purposes of this subtitle, the following definitions shall apply:

"(1) ELIGIBLE ACTIVITIES.—The term 'eligible activities' means activities relating to the construction, preservation, or rehabilitation of affordable rental housing or affordable one- to four-family owner-occupied housing, including—

"(A) the construction of new housing;

"(B) the acquisition of real property;

"(C) site preparation and improvement, including demolition;

"(D) rehabilitation of existing housing;

"(E) use of funds to facilitate affordability for homeless and other extremely low-income households of dwelling units assisted with Trust Fund grant amounts, in a combined amount not to exceed 20 percent of the project grant amount, for—

"(i) project-based rental assistance for not more than 12 months for a project assisted with Trust Fund grant amounts;

"(ii) project operating reserves for use to cover the loss of rental assistance or in conjunction with a project loan; or

"(iii) project operating accounts used to cover net operating income shortfalls for dwelling units assisted with Trust Fund grant amounts;

"(F) use of funds to facilitate affordability for families having incomes described in section 296(c)(3), in a combined amount for a grantee in any fiscal year not to exceed 10 percent of the aggregate Trust Fund grant amounts provided to the grantee for such fiscal year, for project operating accounts used to cover net operating income shortfalls for dwelling units assisted with Trust Fund grant amounts;

"(G) providing incentives to maintain existing housing (including manufactured housing) as affordable housing and to establish or extend any low-income affordability restrictions for such housing, including covering capital expenditures and costs of establishing community land trusts to provide sites for manufactured housing provided such incentives; and

"(H) in the case of affordable one- to four-family owner-occupied housing, downpayment assistance, closing cost assistance, and assistance for interest rate buy-downs.

"(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means an entity that meets the requirements under section 296(b) for receipt of Trust Fund grant amounts of a grantee.

"(3) EXTREMELY LOW VACANCY RATE.—The term 'extremely low vacancy rate' means a housing or rental vacancy rate of 2 percent or less.

"(4) EXTREMELY OLD HOUSING.—The term 'extremely old housing' means housing that is 45 years old or older.

"(5) FAMILIES.—The term 'families' has the meaning given such term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

"(6) FISCAL DISTRESS; SEVERE FISCAL DISTRESS.—The terms 'fiscal distress' and 'severe fiscal distress' have the meanings given such terms in section 220(d).

"(7) GRANTEE.—The term 'grantee' means—

"(A) a State, insular area, or participating local jurisdiction for which a grant is made under section 294(e);

"(B) an Indian tribe for which a grant is made under section 294(g); or

"(C) a nonprofit or public entity for which a grant is made under section 294(i).

"(8) INDIAN TRIBE.—The term 'Indian tribe' means a federally recognized Indian tribe.

"(9) INSULAR AREA.—The term 'insular area' has the meaning given such term in section 104.

"(10) PARTICIPATING LOCAL JURISDICTION.—The term 'participating local jurisdiction' means, with respect to a fiscal year—

"(A) any unit of general local government (as such term is defined in section 104 (42 U.S.C. 12704) that qualifies as a participating jurisdiction under section 216 (42 U.S.C. 12746) for such fiscal year; and

"(B) at the option of such a consortium, any consortium of units of general local governments that is designated pursuant to section 216 (42 U.S.C. 12746) as a participating jurisdiction for purposes of title II.

"(11) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section.

"(12) RECIPIENT.—The term 'recipient' means an entity that receives assistance from a grantee, pursuant to section 296(a), from Trust Fund grant amounts of the grantee.

"(13) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(15) STATE.—The term 'State' has the meaning given such term in section 104.

"(16) TRUST FUND.—The term 'Trust Fund' means the National Affordable Housing Trust Fund established under section 292.

"(17) TRUST FUND GRANT AMOUNTS.—The term 'Trust Fund grant amounts' means amounts from the Trust Fund that are provided to a grantee pursuant to subsection (e), (g), or (i) of section 294.

"SEC. 299A. INAPPLICABILITY OF HOME PROVISIONS.

"Except as specifically provided otherwise in this subtitle, no requirement under, or provision of, title I or subtitles A through F of this title shall apply to assistance provided under this subtitle.

"SEC. 299B. REGULATIONS.

"Not later than 6 months after the date of enactment of the National Affordable Housing Trust Fund Act of 2008, the Secretary of Housing and Urban Development shall promulgate regulations to carry out this subtitle, which shall include regulations establishing the affordable housing needs formula in accordance with section 294(a).

"SEC. 299C. BENEFITS.

"Nothing in this subtitle allows any payments under this subtitle for any individual or head of household that is not a legal resident.".

(b) CONFORMING AMENDMENT.—Section 201 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 note) is amended by striking "This title" and inserting "Subtitles A through F of this title".

SA 4404. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 22 and all that follows through line 4 on page 69 and and insert the following:

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage which—

"(i) was originally financed by the mortgagor through a qualified subprime loan, or "(ii) is a mortgage on a residence—

"(I) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

"(II) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

"(III) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma.

On page 72, between lines 10 and 11, insert the following:

(c) WAIVER OF 3-YEAR REQUIREMENT FOR HOMES DAMAGED BY HURRICANES KATRINA, RITA, AND WILMA.—Paragraph (2) of section 143(d) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (C), by inserting "and" at the end of subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of bonds issued after the date of the enactment of this subparagraph and before January 1, 2011, financing with respect to the purchase of any residence—

"(i) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

"(ii) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

"(iii) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma,".

On page 72, line 11, strike "(c)" and insert "(d)".

On page 73, line 19, strike "(d)" and insert "(e)".

SA 4405. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure,.and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 52, line 4, strike "; and" and insert a semicolon.

On page 52, line 7, strike the period and insert "; and".

On page 52, between lines 7 and 8, insert the following:

(D) the number and percentage of homes damaged or rendered uninhabitable as a result of Hurricanes Katrina, Rita, and Wilma in each State or unit of general local government.

SA 4406. Mr. VOINOVICH (for himself, Ms. STABENOW, Mr. HATCH, Mr. ROCKEFELLER, Mr. SMITH, Ms. CANTWELL, Mr. VITTER, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. _____. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

"(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—

"(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and

"(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

"(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

"(i) the limitation under section 38(c), and

"(ii) the limitation under section 53(c).

"(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

"(I) the aggregate amount of depreciation which would be determined under this section for the taxable year if no election under this paragraph were made and if this subsection applied only to eligible qualified property, over

"(II) the aggregate amount of depreciation allowable under this section for the taxable year.

"(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

"(I) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

"(II) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

"(III) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

"(iii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iv), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

"(iv) APPLICABLE LIMITATION.—For purposes of clause (iii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

"(I) $50,000,000, or

"(II) 50 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).

"(v) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iv).

"(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

"(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

"(I) from taxable years beginning before January 1, 2006, and

"(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

"(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

"(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

"(F) OTHER RULES.—

"(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

"(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

SA 4407. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation;

At the end add the following:

TITLE _—PRINCIPAL RESIDENCE GAIN EXCLUSION

SEC. _01. INFLATION ADJUSTMENT FOR PRINCIPAL RESIDENCE GAIN EXCLUSION DOLLAR LIMITATION.

(a) IN GENERAL.—Section 121(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any calendar year after 2008, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.".

(b) CONFORMING AMENDMENT.—So much of subparagraph (A) of section 121(b)(2) of the Internal Revenue Code of 1986 as precedes clause (i) thereof is amended to read as follows:

"(A) LIMITATION FOR CERTAIN JOINT RETURNS.—Paragraph (1) shall be applied by doubling the dollar amount specified in such paragraph if—".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2008.

SA 4408. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. LEGAL SAFE HARBOR FOR ENTERING INTO CERTAIN LOAN MODIFICATIONS OR WORKOUT PLANS.

Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

"(i) Duty of Servicers Regarding Certain Loan Modifications or Workout Plans.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, absent specific contractual provisions to the contrary, a servicer of pooled qualified residential mortgages—

"(A) owes any duty to determine if the net present value of the payments on the loan as modified is likely to be greater than the anticipated net recovery that would result from foreclosure to all investors and parties having a direct or indirect interest in the pooled loans or securitization vehicle, but not to any individual party or group of parties; and

"(B) acts in the best interests of all such investors and parties, if the servicer agrees to or implements a qualified loan modification or workout plan for a qualified residential mortgage, or if, and only if, such efforts are unsuccessful or infeasible, takes other reasonable loss mitigation actions, including accepting partial payments or short sale of the property; and

"(C) if the servicer acts in a manner consistent with the duty set forth in subparagraphs (A) and (B), shall not be liable under any law or regulation of the United States, any State or any political subdivision of any State, for entering into a qualified loan modification or workout plan in any action filed by or on behalf of any person—

"(i) based on the person's ownership of any interest in a residential mortgage, a pool of residential mortgage loans, or a securitization vehicle, that distributes payments out of the principal, interest, or other payment on loans in the pool;

"(ii) based on the person's obligation to make payments determined in reference to any loan or interest referred to in clause (i); or

"(iii) based on the person's obligation to insure any loan or any interest referred to in clause (i).

"(2) DEFINITIONS.—As used in this subsection—

"(A) the term 'qualified loan modification or workout plan' means a contract, modification, or plan relating to a qualified residential mortgage loan consummated after January 1, 2004, with respect to which—

"(i) payment default on the loan or loans has occurred, is imminent, or is reasonably foreseeable;

"(ii) the dwelling securing the loan or loans is the primary residence of the owner;

"(iii) the servicer reasonably believes that the anticipated recovery under the loan modification or workout plan will exceed the anticipated recovery through foreclosure, on a net present value basis;

"(iv) the effective period runs for at least 5 years from the date of adoption of the plan, or until the borrower sells or refinances the property, if that occurs earlier; and

"(v) the borrower is not required to pay additional fees to the servicer;

"(B) the term 'qualified residential mortgage' means a consumer credit transaction or loan that is secured by the consumer's principal dwelling;

"(C) the term 'securitization vehicle' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans.; and"

(D) the term "servicer" includes the entities listed in subsection (i)(2)(A) and (B) of RESPA (12 U.S.C. sections 2605(i)(2)(A) and (B)).

Effective Period—this section shall apply only with respect to qualified loan modifications or workout plans initiated during the 6 month period beginning on the date of enactment of this section.

SA 4409. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE VIII—REVERSE MORTGAGE PROTECTION PROCEEDS ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Reverse Mortgage Proceeds Protection Act".

SEC. 802. PROHIBITION ON REQUIRED PURCHASE OF AN ANNUITY.

Section 255 of the National Housing Act of 1937 (12 U.S.C. 1715z–20) is amended—

(1) by amending subsection (d)(1) to read as follows:

"(1) have been originated by a mortgagee approved by the Secretary;";

(2) by amending subsection (d)(2)(B) to read as follows:

"(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in-

"(i) originating or servicing the mortgage;

"(ii) funding the loan underlying the mortgage; or

"(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;";

(3) in subsection (f)—

(A) by striking "(f) INFORMATION SERVICES FOR MORTGAGORS.—" and inserting "(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—"; and

(B) by amending the matter preceding paragraph (1) to read as follows: "The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—"

(4) striking subsection (l);

(5) redesignating subsection (m) as subsection (l);

(6) amending subsection (l), as so redesignated, to read as follows:

"(l) FUNDING FOR COUNSELING.—The Secretary shall use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage."; and

(7) adding at the end the following:

"(m) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

"(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

"(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

"(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

"(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

"(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

"(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

"(n) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).

"(o) REGULATIONS TO PROTECT ELDERLY HOMEOWNERS.—Not later than 12 months after the date of enactment of the Reverse Mortgage Proceeds Protection Act, the Secretary shall, in consultation with other relevant Federal departments and agencies, promulgate regulations to help protect elderly homeowners from the marketing of financial and insurance products not in the interest of such homeowners, including the marketing or sale of an annuity or investment associated with obtaining, or as a condition of obtaining, any home equity conversion mortgage.

"(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (n) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.".

SA 4410. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mrs. BOXER, Mr. OBAMA, Mr. SALAZAR, Mrs. DOLE, Mr. DURBIN, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VII—S.A.F.E. MORTGAGE LICENSING ACT

SEC. 701. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" or "S.A.F.E. Mortgage Licensing Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 701. Short title; table of contents.
Sec. 702. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 703. Definitions.
Sec. 704. License or registration required.
Sec. 705. State license and registration application and issuance.
Sec. 706. Standards for State license renewal.
Sec. 707. System of registration administration by Federal banking agencies.
Sec. 708. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 709. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 710. Fees.
Sec. 711. Background checks of loan originators.
Sec. 712. Confidentiality of information.
Sec. 713. Liability provisions.
Sec. 714. Enforcement under HUD backup licensing system.
Sec. 715. Preemption of State law.
Sec. 716. Reports and recommendations to Congress.
Sec. 717. Study and reports on defaults and foreclosures

SEC. 702. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information, offered at no charge, utilizing electronic media, including the Internet, regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

(8) Establishes a means by which residential mortgage loan originators would be required to act in the best interests of the consumer, to the greatest extent possible.

SEC. 703. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term "depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term "loan originator"—

(i) means an individual who—

(I) takes a residential mortgage loan application;

(II) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

(III) offers or negotiates terms of a residential mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain;

(ii) includes any individual who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will provide or perform any of the activities described in clause (i);

(iii) does not include any individual who is not otherwise described in clause (i) or (ii) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause; and

(iv) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual "assists a consumer in obtaining or applying to obtain a residential mortgage loan" by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term "loan processor or underwriter" means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term "clerical or support duties" may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term "Nationwide Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 709.

(6) REGISTERED LOAN ORIGINATOR.—The term "registered loan originator" means any individual who—

(A) meets the definition of loan originator and is an employee of a depository institution or a wholly-owned subsidiary of a depository institution; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(7) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(8) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(9) STATE-LICENSED LOAN ORIGINATOR.—The term "State-licensed loan originator" means any individual who—

(A) is a loan originator;

(B) is not an employee of a depository institution or any wholly-owned subsidiary of a depository institution; and

(C) is licensed by a State or by the Secretary under section 708 and registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(10) SUBPRIME MORTGAGE.—The term "subprime mortgage" means a residential mortgage loan—

(A) that is secured by real property that is used or intended to be used as a principal dwelling;

(B) that is typically offered to borrowers having weakened credit histories and reduced repayment capacity, as measured by lower credit scores, debt-to-income ratios, and other relevant criteria; and

(C) the characteristics of which may include—

(i) low initial payments based on a fixed introductory rate that expires after a short period and then adjusts to a variable index rate plus a margin for the remaining term of the loan;

(ii) very high or no limits on how much the payment amount or the interest rate may increase (referred to as "payment caps" or "rate caps") on reset dates;

(iii) limited or no documentation of the income of the borrower;

(iv) product features likely to result in frequent refinancing to maintain an affordable monthly payment; and

(v) substantial prepayment penalties or prepayment penalties that extend beyond the initial fixed interest rate period.

(11) UNIQUE IDENTIFIER.—The term "unique identifier" means a number or other identifier that—

(A) permanently identifies a loan originator; and

(B) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

SEC. 704. LICENSE OR REGISTRATION REQUIRED.

(a) IN GENERAL.—An individual may not engage in the business of a loan originator without first—

(1) obtaining and maintaining, through an annual renewal—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator or a registered loan originator.

(2) INDEPENDENT CONTRACTORS.—A loan processor or underwriter may not work as an independent contractor unless such processor or underwriter is a State-licensed loan originator or a registered loan originator.

SEC. 705. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator or similar license revoked in any governmental jurisdiction.

(2) The applicant has never been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this title.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(6) The applicant has met a minimum net worth requirement.

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the subprime mortgage marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless—

(A) the test consists of a minimum of 100 questions; and

(B) the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(i) ethics;

(ii) Federal law and regulation pertaining to mortgage origination;

(iii) State law and regulation pertaining to mortgage origination; and

(iv) Federal and State law and regulation, including instruction on fraud, consumer protection, subprime mortgage marketplace, and fair lending issues.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring in less than 14 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After 3 consecutive tests, an individual shall wait at least 14 days before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) MORTGAGE CALL REPORTS.—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

SEC. 706. STANDARDS FOR STATE LICENSE RENEWAL.

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the subprime mortgage marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

SEC. 707. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL BANKING AGENCIES.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, develop and maintain a system for registering employees of depository institutions or subsidiaries of depository institutions as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of the enactment of this title.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator who is an employee of a depository institution or a wholly-owned subsidiary of a depository institution with the Nationwide Mortgage Licensing System and Registry, the appropriate Federal banking agency shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's identity, including—

(A) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) COORDINATION.—

(1) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies, through the Financial Institutions Examination Council, concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

(c) CONSIDERATION OF FACTORS AND PROCEDURES.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 704(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this title.

SEC. 708. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.

(a) BACK UP LICENSING SYSTEM.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this title or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 705 and 706 and subsection (d) of this section, or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) LICENSING AND REGISTRATION REQUIREMENTS.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 705 and 706 for State-licensed loan originators.

(c) UNIQUE IDENTIFIER.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) STATE LICENSING LAW REQUIREMENTS.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry.

(e) TEMPORARY EXTENSION OF PERIOD.—The Secretary may extend, by not more than 12 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 705 and 706 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

(f) LIMITATION ON HUD-LICENSED LOAN ORIGINATORS.—Any loan originator who is licensed by the Secretary under a system established under this section for any State may not use such license to originate loans in any other State.

(g) CONTRACTING AUTHORITY.—The Secretary may enter into contracts with qualified independent parties, as necessary to efficiently fulfill the obligations of the Secretary under this Section.

SEC. 709. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this title for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this title and the effective registration and regulation of loan originators.

SEC. 710. FEES.

The Federal banking agencies, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.

SEC. 711. BACKGROUND CHECKS OF LOAN ORIGINATORS.

(a) ACCESS TO RECORDS.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) AGENT.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

SEC. 712. CONFIDENTIALITY OF INFORMATION.

(a) SYSTEM CONFIDENTIALITY.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 709, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) COORDINATION WITH OTHER LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) PUBLIC ACCESS TO INFORMATION.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

SEC. 713. LIABILITY PROVISIONS.

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 9, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good-faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

SEC. 714. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.

(a) SUMMONS AUTHORITY.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 708; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this title.

(b) EXAMINATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes a licensing system under section 708 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) POWER TO EXAMINE.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 708 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this title.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 708, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 708 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this title, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 708, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease-and-desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease-and-desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this title or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to licensing system established by the Secretary under section 706, if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this title or any regulation prescribed by the Secretary under this title or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $5,000 for each day the violation continues.

SEC. 715. PREEMPTION OF STATE LAW.

Nothing in this title may be construed to preempt the law of any State, to the extent that such State law provides greater protection to consumers than is provided under this title.

SEC. 716. REPORTS AND RECOMMENDATIONS TO CONGRESS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit a report to Congress on the effectiveness of the provisions of this title, including legislative recommendations, if any, for strengthening consumer protections, enhancing examination standards, and streamlining communication between all stakeholders involved in residential mortgage loan origination and processing.

(b) LEGISLATIVE RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this title, the Secretary shall make recommendations to Congress on legislative reforms to the Real Estate Settlement Procedures Act of 1974, that the Secretary deems appropriate to promote more transparent disclosures, allowing consumers to better shop and compare mortgage loan terms and settlement costs.

SEC. 717. STUDY AND REPORTS ON DEFAULTS AND FORECLOSURES.

(a) STUDY REQUIRED.—The Secretary shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as is available.

(b) PRELIMINARY REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this title, the Secretary shall submit to Congress a preliminary report regarding the study required by this section.

(c) FINAL REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this title, the Secretary shall submit to Congress a final report regarding the results of the study required by this section, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to provide targeted assistance to populations with the highest risk of potential default or foreclosure.

SA 4411. Mr. KOHL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

TITLE VII—FORECLOSURE RESCUE FRAUD

SEC. 701. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) FORECLOSURE CONSULTANT.—The term "foreclosure consultant"—

(A) means a person who directly or indirectly makes any solicitation, representation, or offer to a homeowner facing foreclosure on residential real property to perform, with or without compensation, or who performs, with or without compensation, any service that such person represents will prevent, postpone, or reverse the effect of such foreclosure; and

(B) does not include—

(i) an attorney licensed to practice law in the State in which the property is located who has established an attorney-client relationship with the homeowner;

(ii) a housing counseling agency approved by the Secretary; or

(iii) a person licensed as a real estate broker or salesperson in the State where the property is located, and such person engages in acts permitted under the licensure laws of such State.

(3) HOMEOWNER.—The term "homeowner", with respect to residential real property for which an action to foreclose on the mortgage or deed of trust on such real property is filed, means the person holding record title to such property as of the date on which such action is filed.

(4) LOAN SERVICER.—The term "loan servicer" has the same meaning as the term "servicer" in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(5) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act (15 U.S.C. 1602(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(6) RESIDENTIAL REAL PROPERTY.—The term "residential real property" has the meaning given the term "dwelling" in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602).

(7) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 702. MORTGAGE RESCUE FRAUD PROTECTION.

(a) LIMITS ON FORECLOSURE CONSULTANTS.—A foreclosure consultant may not—

(1) claim, demand, charge, collect, or receive any compensation from a homeowner for services performed by such foreclosure consultant with respect to residential real property until such foreclosure consultant has fully performed each service that such foreclosure consultant contracted to perform or represented would be performed with respect to such residential real property;

(2) hold any power of attorney from any homeowner, except to inspect documents, as provided by applicable law;

(3) receive any consideration from a third party in connection with services rendered to a homeowner by such third party with respect to the foreclosure of residential real property, unless such consideration is fully disclosed to such homeowner in writing before such services are rendered;

(4) accept any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation with respect to services provided by such foreclosure consultant in connection with the foreclosure of residential real property; or

(5) acquire any interest, directly or indirectly, in the residence of a homeowner with whom the foreclosure consultant has contracted.

(b) CONTRACT REQUIREMENTS.—

(1) WRITTEN CONTRACT REQUIRED.—Notwithstanding any other provision of law, a foreclosure consultant may not provide to a homeowner a service related to the foreclosure of residential real property—

(A) unless—

(i) a written contract for the purchase of such service has been signed and dated by the homeowner; and

(ii) such contract complies with the requirements described in paragraph (2); and

(B) before the end of the 3-business day period beginning on the date on which the contract is signed.

(2) TERMS AND CONDITIONS OF CONTRACT.—The requirements described in this paragraph, with respect to a contract, are as follows:

(A) The contract includes, in writing—

(i) a full and detailed description of the exact nature of the contract and the total amount and terms of compensation;

(ii) the name, physical address, phone number, email address, and facsimile number, if any, of the foreclosure consultant to whom a notice of cancellation can be mailed or sent under subsection (d); and

(iii) a conspicuous statement in at least 12 point bold face type in immediate proximity to the space reserved for the homeowner's signature on the contract that reads as follows: "You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you sign the contract. See the attached notice of cancellation form for an explanation of this right.".

(B) The contract is written in the principal language used by both the homeowner and the foreclosure consultant.

(C) The contract is accompanied by the form required by subsection (c)(2).

(c) RIGHT TO CANCEL CONTRACT.—

(1) IN GENERAL.—With respect to a contract between a homeowner and a foreclosure consultant regarding the foreclosure on the residential real property of such homeowner, such homeowner may cancel such contract without penalty or obligation by mailing a notice of cancellation not later than midnight of the 3rd business day after the date on which such contract is executed or would become enforceable against the parties to such contract.

(2) CANCELLATION FORM AND OTHER INFORMATION.—Each contract described in paragraph (1) shall be accompanied by a form, in duplicate, that—

(A) has the heading "Notice of Cancellation" in boldface type; and

(B) contains in boldface type the following statement:

"You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day after the date on which the contract is signed by you.

"To cancel this contract, mail or deliver a signed and dated copy of this cancellation notice or any other equivalent written notice to [insert name of foreclosure consultant] at [insert address of foreclosure consultant] before midnight on [insert date].

"I hereby cancel this transaction on [insert date] [insert homeowner signature].".

(d) WAIVER OF RIGHTS AND PROTECTIONS PROHIBITED.—

(1) IN GENERAL.—A waiver by a homeowner of any protection provided by this section or any right of a homeowner under this section—

(A) shall be treated as void; and

(B) may not be enforced by any Federal or State court or by any person.

(2) ATTEMPT TO OBTAIN A WAIVER.—Any attempt by any person to obtain a waiver from any homeowner of any protection provided by this section or any right of the homeowner under this section shall be treated as a violation of this section.

(3) CONTRACTS NOT IN COMPLIANCE.—Any contract that does not comply with the applicable provisions of this title shall be void and may not be enforceable by any party.

SEC. 703. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading "Notice Required by Federal Law" in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement: "Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [_______], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569-4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at http://www.hud.gov/foreclosure for additional assistance." (the blank space to be filled in by the loan servicer).

SEC. 704. CIVIL LIABILITY.

(a) LIABILITY ESTABLISHED.—Any foreclosure consultant who fails to comply with any provision of section 702 or 703 with respect to any other person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

(1) ACTUAL DAMAGES.—The greater of—

(A) the amount of any actual damage sustained by such person as a result of such failure; or

(B) any amount paid by the person to the foreclosure consultant.

(2) PUNITIVE DAMAGES.—

(A) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such amount (in addition to damages described in paragraph (1)) as the court may allow.

(B) CLASS ACTIONS.—In the case of a class action, the sum of—

(i) the aggregate of the amount which the court may allow for each named plaintiff; and

(ii) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any foreclosure consultant under subsection (a)(2), the court shall consider, among other relevant factors—

(1) the frequency and persistence of noncompliance by the foreclosure consultant;

(2) the nature of the noncompliance;

(3) the extent to which such noncompliance was intentional; and

(4) in the case of any class action, the number of consumers adversely affected.

SEC. 705. ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in section 702 or a failure to comply with any provision of section 702 or 703 shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of sections 702 and 703 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this title.

(b) STATE ACTION FOR VIOLATIONS.—

(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating the provisions of section 702 or 703, the State—

(A) may bring an action to enjoin such violation;

(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 704 as a result of the violation; and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees, as determined by the court.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) INTERVENTION.—The Commission shall have the right—

(i) to intervene in any action referred to in subparagraph (A);

(ii) upon so intervening, to be heard on all matters arising in the action; and

(iii) to file petitions for appeal in such actions.

(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for a violation of section 702 or 703, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 702 or 703 that is alleged in that complaint.

SEC. 706. PREEMPTION.

Nothing in this title affects any provision of State or local law respecting any foreclosure consultant, residential mortgage loan, or residential real property that provides equal or greater protection to homeowners than what is provided under this title.

SA 4412. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

SEC. 605. RECYCLING OF TAX-EXEMPT DEBT FOR FINANCING RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—Section 146(i) of the Internal Revenue Code of 1986 (relating to treatment of refunding issues) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF CERTAIN RESIDENTIAL RENTAL PROJECT BONDS AS REFUNDING BONDS IRRESPECTIVE OF OBLIGOR.—

"(A) IN GENERAL.—Subject to subparagraph (B), if within 6 months after receipt of a repayment of a conduit loan used to finance a project described in 142(d) such repayment is used to provide a new conduit loan for any project so described, any bond which is issued to refinance the issue financing the original conduit loan shall be treated as a refunding issue to the extent the principal amount of such refunding issue does not exceed the principal amount of the bonds refunded.

"(B) LIMITATIONS.—Subparagraph (A) shall apply to only one refunding of the original issue and only if—

"(i) the refunding issue is issued not later than the earlier of—

"(I) the date which is 4 years after the date on which the original issue was issued, or

"(II) December 31, 2014,

"(ii) the refunded bond is issued before January 1, 2011,

"(iii) the latest maturity date of any bond of the refunding issue is not later than 34 years after the date on which the refunded bond was issued, and

"(iv) the refunding issue shall have been approved in accordance with section 147(f) prior to the issuance of the refunding issue.".

(b) CONFORMING AMENDMENT.—Clause (ii) of section 42(h)(4)(A) of the Internal Revenue Code of 1986 (relating to credits for buildings financed by tax-exempt bonds subject to volume cap not taken into account) is amended by inserting "or such financing is refunded as described in section 146(i)(6)" after "provide such financing".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments of conduit loans received after the date of the enactment of this Act.

SA 4413. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

SEC. 605. RECYCLING OF TAX-EXEMPT DEBT FOR FINANCING RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—Section 146(i) of the Internal Revenue Code of 1986 (relating to treatment of refunding issues) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF CERTAIN RESIDENTIAL RENTAL PROJECT BONDS AS REFUNDING BONDS IRRESPECTIVE OF OBLIGOR.—

"(A) IN GENERAL.—Subject to subparagraph (B), if within 6 months after receipt of a repayment of a conduit loan used to finance a project described in 142(d) such repayment is used to provide a new conduit loan for any project so described, any bond which is issued to refinance the issue financing the original conduit loan shall be treated as a refunding issue to the extent the principal amount of such refunding issue does not exceed the principal amount of the bonds refunded.

"(B) LIMITATIONS.—Subparagraph (A) shall apply to only one refunding of the original issue and only if—

"(i) the refunding issue is issued not later than the earlier of—

"(I) the date which is 4 years after the date on which the original issue was issued, or

"(II) December 31, 2010,

"(ii) the latest maturity date of any bond of the refunding issue is not later than 34 years after the date on which the refunded bond was issued, and

"(iii) the refunding issue shall have been approved in accordance with section 147(f) prior to the issuance of the refunding issue.".

(b) CONFORMING AMENDMENT.—Clause (ii) of section 42(h)(4)(A) of the Internal Revenue Code of 1986 (relating to credits for buildings financed by tax-exempt bonds subject to volume cap not taken into account) is amended by inserting "or such financing is refunded as described in section 146(i)(6)" after "provide such financing".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments of conduit loans received after the date of the enactment of this Act.

SA 4414. Mr. FEINGOLD (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 53, line 24, strike "; and" and insert a semicolon.

On page 53, line 25, strike the period and insert a semicolon.

On page 53, after line 25, insert the following:

(E) conduct observations of neighborhoods where abandoned or foreclosed upon homes or residential properties are located to document instances of vandalism, unauthorized use, theft, or deterioration of the abandoned or foreclosed upon homes or residential properties in order to use this documentation in code enforcement proceedings; and

(F) make efforts to bring abandoned or foreclosed upon homes or residential properties into compliance with State, county, city, or local building and property maintenance code requirements through code enforcement proceedings.

SA 4415. Ms. CANTWELL (for herself, Mr. SMITH, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE VIII—AFFORDABLE HOUSING INVESTMENT

SEC. 801. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Facilitate Development of Housing Credit Property

SEC. 811. RENAMING THE LOW-INCOME HOUSING CREDIT AS THE AFFORDABLE HOUSING CREDIT.

(a) IN GENERAL.—The heading of section 42 (relating to low-income housing credit) is amended by striking "**LOW-INCOME**" and inserting "**AFFORDABLE**".

(b) CONFORMING AMENDMENTS.—

(1) Sections 38(b)(5), 42(a), 772(a)(7), and 772(d)(5) are each amended by striking "low-income" and inserting "affordable".

(2) The headings of subparagraphs (3)(D) and (6)(B) of section 469(i) are each amended by striking "LOW-INCOME" and inserting "AFFORDABLE".

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 42 and inserting the following:

"Sec. 42. Affordable housing credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 812. MODIFICATION OF RULES FOR DETERMINING APPLICABLE PERCENTAGE.

(a) IN GENERAL.—Subsection (b) of section 42 is amended—

(1) by striking the semicolon and all that follows to the period in the heading,

(2) by striking paragraph (1) and inserting the following new paragraph:

"(1) IN GENERAL.—For purposes of this section, the term 'applicable percentage' means the greater of the alternative applicable percentage determined under paragraph (2) or—

"(A) 9 percent in the case of any building to which subparagraph (B) does not apply, and

"(B) 4 percent in the case of—

"(i) any existing building, and

"(ii) any new building if, at any time during the taxable year or any prior taxable year, there is or was outstanding any obligation—

"(I) not taken into account under section 146,

"(II) which is exempt from tax under section 103, and

"(III) the proceeds of which are or were used (directly or indirectly) with respect to such building or the operation thereof.",

(3) by striking "BUILDINGS PLACED IN SERVICE AFTER 1987" in the heading for paragraph

(2) and inserting "ALTERNATIVE APPLICABLE PERCENTAGE", and

(4) by striking "In the case of any qualified low-income building placed in service by the taxpayer after 1987, the term 'applicable percentage' means" in paragraph (2)(A) and inserting "For purposes of paragraph (1), the term 'alternative applicable percentage' means".

(b) MODIFICATION OF RULES RELATED TO FEDERAL SUBSIDIES.—

(1) IN GENERAL.—Paragraph (2) of section 42(i) (relating to determination of whether building is Federally subsidized) is amended to read as follows:

"(2) EXCEPTIONS FOR CERTAIN NEW BUILDINGS OTHERWISE SUBJECT TO 4 PERCENT CREDIT LIMITATION.—

"(A) ELECTION TO REDUCE ELIGIBLE BASIS BY PROCEEDS OF OBLIGATIONS.—A tax-exempt obligation shall not be taken into account under subsection (b)(1)(B)(ii) if the taxpayer elects to exclude the proceeds of such obligation from the eligible basis of the building for purposes of subsection (d).

"(B) SPECIAL RULE FOR SUBSIDIZED CONSTRUCTION FINANCING.—A tax-exempt obligation used to provide construction financing for any building shall not be taken into account under subsection (b)(1)(B)(ii) if—

"(i) such obligation (when issued) identified the building for which the proceeds of such obligation would be used, and

"(ii) such obligation is redeemed before such building is placed in service.".

(2) CONFORMING AMENDMENT.—Section 1400N(c)(6) is amended by striking "December 31, 2010" and inserting "the date of the enactment of the Affordable Housing Investment Act of 2008".

SEC. 813. INCREASE IN CREDIT FOR BUILDINGS IN STATE DESIGNATED AREAS.

(a) IN GENERAL.—Clause (i) of section 42(d)(5)(C) (relating to increase in credit for buildings in high cost areas) is amended by striking "or difficult development area" and inserting ", difficult development area, or State designated project".

(b) STATE DESIGNATED PROJECT.—Subparagraph (C) of section 42(d)(5) is amended by adding at the end the following new clause:

"(v) STATE DESIGNATED PROJECT.—For purposes of this subparagraph, the term 'State designated project' means any project published as part of a State's qualified allocation plan (as defined in subsection (m)(1)(B)) and designated by the housing credit agency as meeting such criteria for designation under this clause as the State in which such project is located may specify. The rules of clauses (ii)(II) and (iii)(II) shall not apply for purposes designations made under this clause.".

(c) CONFORMING AMENDMENT.—The heading of subparagraph (C) of section 42(d)(5) is amended by striking "BUILDINGS IN HIGH COST AREAS" and inserting "CERTAIN BUILDINGS".

SEC. 814. MODIFICATION OF SCATTERED SITE RULE.

Paragraph (7) of section 42(g) (relating to scattered site projects) is amended to read as follows:

"(7) SCATTERED SITE PROJECTS.—Buildings which would (but for their lack of proximity) be treated as a project for purposes of this section shall be so treated if the rent-restricted (within the meaning of paragraph (2)) residential units of such project are distributed among such buildings in proportion to the number of residential units in each building.".

SEC. 815. TREATMENT OF RURAL PROJECTS.

Section 42(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(8) TREATMENT OF RURAL PROJECTS.—For purposes of this section, in the case of any project for residential rental property located in a rural area (as defined in section 520 of the Housing Act of 1949), any income limitation measured by reference to area median gross income shall be measured by reference to the greater of area median gross income or national non-metropolitan median income.".

SEC. 816. EXPANSION OF ALLOWABLE BASIS FOR COMMUNITY SERVICE FACILITIES.

Section 42(d)(4)(C) (relating to inclusion of basis of property used to provide services for certain nontenants) is amended—

(1) by striking "10 percent of the eligible basis" in clause (ii)and inserting "20 percent of the first $5,000,000 in eligible basis plus 10 percent of the remaining eligible basis", and

(2) by adding at the end the following new flush sentences:

"For each calendar year beginning after 2008, the dollar amount in clause (ii) shall be increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3), determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof. If any amount adjusted under the preceding sentence is not a multiple of $100,000, such amount shall be rounded to the next lowest multiple of $100,000.".

Subtitle B—Improve Coordination With Other Federal Housing Programs

SEC. 821. AFFORDABLE HOUSING CREDITS ALLOWED FOR SECTION 8 MODERATE REHABILITATION DEVELOPMENTS.

Paragraph (2) of section 42(c) (relating to qualified low-income building) is amended by striking the last sentence.

SEC. 822. MODIFICATION TO LOW-INCOME HOUSING CREDIT RULES FOR REDUCTION OF ELIGIBLE BASIS BY GRANTS RECEIVED.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.42–16(b) to provide that none of the following shall be considered a grant made with respect to a building or its operation for purposes of section 42(d)(5)(A) of the Internal Revenue Code of 1986:

(1) Rental assistance under section 521 of the Housing Act of 1949 (42 U.S.C. 1490a).

(2) Assistance under section 538(f)(5) of the Housing Act of 1949 (42 U.S.C. 1490p–2(f)(5)).

(3) Interest reduction payments under section 236 of the National Housing Act (12 U.S.C. 1715z–1).

(4) Rental assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(5) Rental assistance under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013).

(6) Modernization, operating, and rental assistance pursuant to section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132).

(7) Assistance under title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.).

(8) Tenant-based rental assistance under section 212 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742).

(9) Assistance under the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.).

(10) Per diem payments under section 2012 of title 38, United States Code.

(11) Rent supplements under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

(12) Assistance under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r).

(13) Any other ongoing payment used to enable the property to be rented to low-income tenants.

(b) EFFECTIVE DATE.—The modifications required by this section shall take effect on the date of the enactment of this Act.

(c) NO INFERENCE.—Nothing contained in subsection (a) may be construed to create any inference with respect to the consideration of any program specified under subsection (a) as a grant made with respect to a building or its operation for purposes of section 42(d)(5)(A) of the Internal Revenue Code of 1986 as in effect on the day before such date of enactment.

Subtitle C—Facilitate Private Investment Capital to Increase the Efficiency of Affordable Housing Investment

SEC. 831. REPEAL OF RECAPTURE BOND RULE.

(a) IN GENERAL.—Paragraph (6) of section 42(j) (relating to recapture of credit) is amended to read as follows:

"(6) NO RECAPTURE ON DISPOSITION OF BUILDING (OR INTEREST THEREIN) REASONABLY EXPECTED TO CONTINUE AS A QUALIFIED LOW-INCOME BUILDING.—

"(A) IN GENERAL.—In the case of a disposition of a building or an interest therein, the taxpayer shall be discharged from liability for any additional tax under this subsection by reason of such disposition if it is reasonably expected that such building will continue to be operated as a qualified low-income building for the remaining compliance period with respect to such building.

"(B) STATUTE OF LIMITATIONS.—

"(i) EXTENSION OF PERIOD.—The period for assessing a deficiency attributable to the application of subparagraph (A) with respect to a building (or interest therein) during the compliance period with respect to such building shall not expire before the expiration of 3 years after the end of such compliance period.

"(ii) ASSESSMENT.—Such deficiency may be assessed before the expiration of the 3-year period referred to in clause (i) notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.".

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by inserting after section 6050V the following new section:

"SEC. 6050W. RETURNS RELATING TO PAYMENT OF LOW-INCOME HOUSING CREDIT REPAYMENT AMOUNT.

"(a) REQUIREMENT OF REPORTING.—Every person who, at any time during the taxable year, is an owner of a building (or an interest therein)—

"(1) which is in the compliance period at any time during such year, and

"(2) with respect to which recapture is required by section 42(j),

shall, at such time as the Secretary may prescribe, make the return described in subsection (b).

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each person who, with respect to such building or interest, was formerly an investor in such owner at any time during the compliance period,

"(B) the amount (if any) of any credit recapture amount required under section 42(j), and

"(C) such other information as the Secretary may prescribe.

"(c) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such person.

The written statement required under the preceding sentence shall be furnished on or before March 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(d) COMPLIANCE PERIOD.—For purposes of this section, the term 'compliance period' has the meaning given such term by section 42(i).".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by inserting after clause (xxi) the following new clause:

"(xxii) section 6050W (relating to returns relating to payment of low-income housing credit repayment amount),".

(B) Paragraph (2) of section 6724(d) is amended by striking "or" at the end of subparagraph (BB), by striking the period at the end of subparagraph (CC) and inserting ", or", and by adding after subparagraph (CC) the following new subparagraph:

"(DD) section 6050W (relating to returns relating to payment of low-income housing credit repayment amount).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Returns relating to payment of low-income housing credit repayment amount.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to any liability for the credit recapture amount under section 42(j) of the Internal Revenue Code of 1986 that arises after the date of the enactment of this Act.

(2) SPECIAL RULE FOR LOW-INCOME HOUSING BUILDINGS SOLD BEFORE DATE OF ENACTMENT OF THIS ACT.—In the case of a building disposed of before the date of the enactment of this Act with respect to which the taxpayer posted a bond (or alternative form of security) under section 42(j) of the Internal Revenue Code of 1986 (as in effect before such date of enactment), the taxpayer may elect (by notifying the Secretary of the Treasury in writing)—

(A) to cease to be subject to the bond requirements under section 42(j)(6) of such Code, as in effect before such date of enactment, and

(B) to be subject to the requirements of section 42(j) of such Code, as amended by this section.

SEC. 832. AFFORDABLE HOUSING CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4) (relating to special rules for specified credits) is amended by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively, and by inserting after clause (i) the following new clause:

"(ii) the credit determined under section 42(a),".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

Subtitle D—Help Preserve Existing Affordable Housing

SEC. 841. REPEAL OF 10-YEAR RULE FOR ACQUISITION HOUSING CREDITS.

(a) IN GENERAL.—Subparagraph (B) of section 42(d)(2) (relating to existing buildings) is amended by striking clause (ii) and by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(b) CONFORMING AMENDMENT.—Section 42(d) is amended by striking paragraph (6) and by redesignating paragraph (7) as paragraph (6).

SEC. 842. MODIFICATION OF RELATED PERSON RULE FOR AFFORDABLE HOUSING CREDIT.

(a) IN GENERAL.—Clause (iii) of section 42(d)(2)(D) (related to related person, etc.) is amended to read as follows:

"(iii) RELATED PERSON.—For purposes of subparagraph (B)(iii), a person (hereinafter in this subclause referred to as the 'related person') is related to any person if the related person bears a relationship to such person specified in section 267(b) or 707(b)(1), or the related person and such person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52.".

(b) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

Subtitle E—Simplify Administration of the Housing Credit Program

SEC. 851. ELIMINATION OF CERTAIN ANNUAL RECERTIFICATIONS OF TENANT INCOMES.

Paragraph (8) of section 42(g) (relating to qualified low-income housing project) is amended—

(1) by striking "may waive" in the mater preceding subparagraph (A);

(2) by inserting "may waive" before "any recapture" in subparagraph (A); and

(3) by inserting "shall waive" before "any annual recertification" in subparagraph (B).

Subtitle F—Conform Multifamily Housing Bond Rules to Housing Credit Rules

SEC. 861. COORDINATION OF CERTAIN RULES APPLICABLE TO AFFORDABLE HOUSING CREDIT AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) DETERMINATION OF NEXT AVAILABLE UNIT.—Paragraph (3) of section 142(d) (relating to current income determinations) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PROJECTS WITH RESPECT TO WHICH AFFORDABLE HOUSING CREDIT IS ALLOWED.—In the case of a project with respect to which credit is allowed under section 42, the second sentence of subparagraph (B) shall be applied by substituting 'building (within the meaning of section 42)' for 'project'.".

(b) STUDENTS.—Paragraph (2) of section 142(d) (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

"(C) STUDENTS.—Students (as defined in section 152(f)(2)) shall not be treated as satisfying the requirements of subparagraph (A) or (B) of paragraph (1) except under rules similar to the rules of 42(i)(3)(D).".

(c) SINGLE-ROOM OCCUPANCY UNITS.—Paragraph (2) of section 142(d) (relating to definitions and special rules), as amended by this Act, is further amended by adding at the end the following new subparagraph:

"(D) SINGLE-ROOM OCCUPANCY UNITS.—A unit shall not fail to be treated as a residential unit merely because such unit is a single-room occupancy unit (within the meaning of section 42).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations of the status of qualified residential rental projects for periods beginning after the date of the enactment of this Act, with respect to bonds issued before, on, or after such date.

Subtitle G—Improve the Mortgage Revenue Bond Program

SEC. 871. SPECIAL RULE FOR USE OF MORTGAGE BONDS FOR DISASTER VICTIMS, SINGLE PARENTS, AND HOMEMAKERS.

(a) IN GENERAL.—Paragraph (2) of section 143(d) (relating to exceptions to 3-year requirement) is amended by striking "and" at the end of subparagraph (C) and by inserting after subparagraph (D) the following new subparagraphs:

"(E) financing of residences for individuals with an ownership interest in a principal residence which—

"(i) is located in an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and

"(ii) has been rendered uninhabitable by reason of the major disaster;

"(F) financing of residences for individuals who—

"(i) are not married, and

"(ii) have one or more qualifying children (within the meaning of section 152), and

"(G) financing of residences for displaced homemakers,".

(b) DISPLACED HOMEMAKERS.—Section 143(d) is amended by adding at the end the following new paragraph:

"(4) DISPLACED HOMEMAKER.—For purposes of paragraph (2)(G), the term 'displaced homemaker' means any individual who is—

"(A) over 18 years of age,

"(B) is not employed or underemployed and is experiencing difficulty in obtaining or upgrading employment, and

"(C) has not worked full-time full-year in the labor force for a number of years before the date on which financing for a residence is supplied, but has, during such years, worked primarily without remuneration to care for the home and family.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 872. REPEAL OF REQUIRED USE OF CERTAIN PRINCIPAL REPAYMENTS ON QUALIFIED MORTGAGE ISSUES TO REDEEM BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 143(a)(2) (relating to qualified mortgage issue defined) is amended by inserting "and" at the end of clause (ii), by striking ", and" at the end of clause (iii) and inserting a period, and by striking clause (iv) and the last sentence.

(b) CONFORMING AMENDMENT.—Clause (ii) of section 143(a)(2)(D) is amended by striking "(and clause (iv) of subparagraph (A))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments received after the date of the enactment of this Act.

Subtitle H—Effective Date

SEC. 881. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply to—

(1) housing credit dollar amounts allocated after the date of the enactment of this Act, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

SA 4416. Ms. CANTWELL (for herself, Mr. SMITH, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

SEC. 606. AFFORDABLE HOUSING CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4) of the Internal Revenue Code of 1986 (relating to specified credits) is amended—

(1) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively, and

(2) by inserting after clause (i) the following new clause:

"(ii) the credit determined under section 42(a),".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 4417. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

[SEC. ——. RULEMAKING PROCEDURE FOR SUBPRIME LENDING MORTGAGES AND NONTRADITIONAL MORTGAGE LOANS.

Notwithstanding section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) or any other provision of law, the Federal Trade Commission shall conduct rulemaking proceedings with respect to subprime mortgage lending and nontraditional mortgage loans in accordance with section 553 of title 5, United States Code.

SEC. ——. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—Except as provided in subsection (f), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate State or district court of the United States to enforce the provisions of the Federal Trade Commission Act or any other Act enforced by the Federal Trade Commission to obtain penalties and relief provided under such Acts whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of a subprime mortgage lending rule or a nontraditional mortgage loan rule promulgated by the Federal Trade Commission.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.

(c) INTERVENTION BY FTC.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) SAVINGS CLAUSE.—Nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(e) VENUE; SERVICE OF PROCESS; JOINDER.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which the lender or a related party operates or is authorized to do business;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with a lender or related party an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) PREEMPTIVE ACTION BY FTC.—If the Commission has instituted a civil action or an administrative action for violation of this Act or any other Act enforced by the Commission, no State attorney general, or other official or agency of a State, may bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

(g) AWARD OF COSTS AND FEES.—If the attorney general of a State prevails in any civil action under subsection (a), the State can recover reasonable costs and attorney fees from the lender or related party.

SA 4418. Mr. MARTINEZ (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3221 moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—REGULATION OF HOUSING ENTERPRISES

SEC. 800. SHORT TITLE.

This title may be cited as the "Federal Housing Enterprise Regulatory Reform Act of 2008".

Subtitle A—OFHEO

SEC. 801. DUTIES AND AUTHORITIES OF THE DIRECTOR OF OFHEO.

The Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended by striking section 1313 and inserting the following:

"SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

"(a) DUTIES.—

"(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

"(A) to oversee the operations of each enterprise; and

"(B) to ensure that—

"(i) each enterprise operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

"(ii) the operations and activities of each enterprise foster liquid, efficient, competitive, and resilient national housing finance markets that minimize the cost of housing finance (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities);

"(iii) each enterprise complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes; and

"(iv) each enterprise carries out its statutory mission only through activities that are consistent with this title and the authorizing statutes.

"(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

"(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in an enterprise; and

"(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each enterprise.

"(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers or employees of the Office, including each of the Deputy Directors, any of the functions, powers, or duties of the Director, as the Director considers appropriate.

"(c) LITIGATION AUTHORITY.—

"(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys.

"(2) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by an enterprise or director or officer thereof with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the enterprise has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

"SEC. 1313A. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

"(a) STANDARDS.—The Director shall establish standards, by regulation, guideline, or order, for each enterprise relating to—

"(1) adequacy of internal controls and information systems taking into account the nature and scale of business operations;

"(2) independence and adequacy of internal audit systems;

"(3) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the enterprise to a single counterparty or groups of related counterparties;

"(4) management of interest rate risk exposure;

"(5) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

"(6) adequacy and maintenance of liquidity and reserves;

"(7) management of any asset and investment portfolio;

"(8) investments and acquisitions by an enterprise, to ensure that they are consistent with the purposes of this Act and the authorizing statutes;

"(9) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the enterprise;

"(10) issuance of subordinated debt by that particular enterprise, as the Director considers necessary;

"(11) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

"(12) such other operational and management standards as the Director determines to be appropriate.

"(b) FAILURE TO MEET STANDARDS.—

"(1) PLAN REQUIREMENT.—

"(A) IN GENERAL.—If the Director determines that an enterprise fails to meet any standard established under subsection (a)—

"(i) if such standard is established by regulation, the Director shall require the enterprise to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

"(ii) if such standard is established by guideline, the Director may require the enterprise to submit a plan described in clause (i).

"(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the enterprise will take to correct the deficiency. If the enterprise is undercapitalized, the plan may be a part of the capital restoration plan for the enterprise under section 1369C.

"(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

"(i) provide the enterprises with reasonable time to submit plans required under subparagraph (A), and generally require an enterprise to submit a plan not later than 30 days after the Director determines that the enterprise fails to meet any standard established under subsection (a); and

"(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

"(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If an enterprise fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

"(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the enterprise to correct the deficiency.

"(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

"(i) Prohibit the enterprise from permitting its average total assets (as that term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the enterprise may increase from one calendar quarter to another.

"(ii) Require the enterprise, in the case of an enterprise, to increase its ratio of core capital to assets.

"(iii) Require the enterprise to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

"(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

"(A) the Director determines that the enterprise fails to meet any standard prescribed under subsection (a);

"(B) the enterprise has not corrected the deficiency; and

"(C) during the 18-month period before the date on which the enterprise first failed to meet the standard, the enterprise underwent extraordinary growth, as defined by the Director.

"(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.".

SEC. 802. AUTHORITY TO REQUIRE REPORTS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "SPECIAL REPORTS AND REPORTS OF FINANCIAL CONDITION" and inserting "REGULAR AND SPECIAL REPORTS";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "FINANCIAL CONDITION" and inserting "REGULAR REPORTS"; and

(ii) by striking "reports of financial condition and operations" and inserting "regular reports on the condition (including financial condition), management, activities, or operations of the enterprise, as the Director considers appropriate"; and

(C) in paragraph (2), after "submit special reports" insert "on any of the topics specified in paragraph (1) or such other topics"; and

(2) by adding at the end the following:

"(c) REPORTS OF FRAUDULENT FINANCIAL TRANSACTIONS.—

"(1) REQUIREMENT TO REPORT.—The Director shall require an enterprise to submit to the Director a timely report upon discovery by the enterprise that it has purchased or sold a fraudulent loan or financial instrument or suspects a possible fraud relating to a purchase or sale of any loan or financial instrument. The Director shall require the enterprises to establish and maintain procedures designed to discover any such transactions.

"(2) PROTECTION FROM LIABILITY FOR REPORTS.—

"(A) IN GENERAL.—If an enterprise makes a report pursuant to paragraph (1), or an enterprise-affiliated party makes, or requires another to make, such a report, and such report is made in a good faith effort to comply with the requirements of paragraph (1), such enterprise or enterprise-afffiliated party shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other person identified in the report.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

SEC. 803. DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514), as amended by the preceding provisions of this Act, is further amended by adding at the end the following:

"(d) DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.—

"(1) REQUIRED DISCLOSURE.—The Director shall, by regulation, require each enterprise to submit a report annually, in a format designated by the Director, containing the following information:

"(A) TOTAL VALUE.—The total value of contributions made by the enterprise to nonprofit organizations during its previous fiscal year.

"(B) SUBSTANTIAL CONTRIBUTIONS.—If the value of contributions made by the enterprise to any nonprofit organization during its previous fiscal year exceeds the designated amount, the name of that organization and the value of contributions.

"(C) SUBSTANTIAL CONTRIBUTIONS TO INSIDER-AFFILIATED CHARITIES.—Identification of each contribution whose value exceeds the designated amount that were made by the enterprise during the enterprise's previous fiscal year to any nonprofit organization of which a director, officer, or controlling person of the enterprise, or a spouse thereof, was a director or trustee, the name of such nonprofit organization, and the value of the contribution.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'designated amount' means such amount as may be designated by the Director by regulation, consistent with the public interest and the protection of investors for purposes of this subsection; and

"(B) the Director may, by such regulations as the Director deems necessary or appropriate in the public interest, define the terms officer and controlling person.

"(3) PUBLIC AVAILABILITY.—The Director shall make the information submitted pursuant to this subsection publicly available.".

SEC. 804. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the enterprises annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Office, including—

"(1) the expenses of any examinations under section 1317;

"(2) the expenses of obtaining any reviews and credit assessments under section 1319; and

"(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e).";

(2) in subsection (b)—

(A) by realigning paragraph (2) two ems from the left margin, so as to align the left margin of such paragraph with the left margins of paragraph (1); and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking "subparagraph (A)" and inserting "clause (i)";

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (ii), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(iii) by striking the matter that precedes clause (i), as so redesignated, and inserting the following:

"(3) DEFINITION OF TOTAL ASSETS.—For purposes of this section, the term 'total assets' means as follows:

"(A) ENTERPRISES.—With respect to an enterprise, the sum of—"; and

(3) by striking subsection (c) and inserting the following:

"(c) INCREASED COSTS OF REGULATION.—

"(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any enterprise that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the enterprise.

"(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual assessments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by an enterprise, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under subtitle B and C for an enterprise are borne only by such enterprise.

"(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of an enterprise that is not classified (for purposes of subtitle B) as adequately captitalized or as the result of supervisory or enforcement activities under subtitle B or C for an enterprise, the amount available from any semiannual payment made by such enterprise pursuant to subsection (b) is insufficient to cover the costs of the Office with respect to such enterprise, the Director may make and collect from such enterprise an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such enterprise for the following semiannual period.";

(4) in subsection (d), by striking "If" and inserting "Except with respect to amounts collected pursuant to subsection (a)(3), if"; and

(5) by striking subsections (e) through (g) and inserting the following:

"(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each enterprise any amount of assessment collected from such enterprise that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

"(f) TREATMENT OF ASSESSMENTS.—

"(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes of the United States (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

"(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

"(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

"(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Office and for all other expenses of the Director and the Office.

"(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect on the day before the effective date of the Federal Housing Enterprise Regulatory Reform Act of 2008), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

"(g) BUDGET AND FINANCIAL MANAGEMENT.—

"(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts as prepared by the Director in the ordinary course of the Office's operations, and copies of the quarterly reports of the Office's financial condition and results of operations as prepared by the Director in the ordinary course of the Office's operations.

"(2) FINANCIAL STATEMENTS.—The Office shall prepare annually a statement of assets and liabilities and surplus or deficit; a statement of income and expenses; and a statement of sources and application of funds.

"(3) FINANCIAL MANAGEMENT SYSTEMS.—The Office shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and that uses a general ledger system that accounts for activity at the transaction level.

"(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Office, using the standards established in section 3512 (c) of title 31, United States Code.

"(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any reports, plans, forecasts, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Office.

"(h) AUDIT OF OFFICE.—

"(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Office in accordance with the U.S. generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Office are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Office pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Office shall remain in possession and custody of the Office. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

"(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Office, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Office at the time submitted to the Congress.

"(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 5 of title 41, United States Code, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Office shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.''.

SEC. 805. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended——

(1) in subsection (a), by adding after the period at the end the following: "Each examination under this subsection of an enterprise shall include a review of the procedures required to be established and maintained by the enterprise pursuant to section 1314(c) (relating to fraudulent financial transactions) and the report regarding each such examination shall describe any problems with such procedures maintained by the enterprise.'';

(2) in subsection (b)—

(A) by inserting "of an enterprise" after "under this section''; and

(B) by striking "to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness" and inserting "or appropriate" ; and

(3) in subsection (c)—

(A) in the second sentence, by inserting "to conduct examinations under this section" before the period; and

(B) in the third sentence, by striking "from amounts available in the Federal Housing Enterprises Oversight Fund".

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

"(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, SPECIALISTS, AND EXAMINERS.—

"(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, specialist in financial markets, specialist in technology, and economist at the Office, with respect to supervision and regulation of the enterprises, that is in the competitive service.

"(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

"(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

"(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.''.

SEC. 806. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Housing and Community Development Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking "**OF EXCESSIVE**'' and inserting "**AND WITHHOLDING OF EXECUTIVE**'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

"(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the enterprise. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

"(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require an enterprise to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.''.

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following:

"(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following:

"(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

SEC. 807. REVIEWS OF ENTERPRISES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 1319. REVIEWS OF ENTERPRISES."; and

(2) by inserting after "any entity" the following: "that the Director considers appropriate, including an entity".

SEC. 808. REGULATIONS AND ORDERS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) AUTHORITY.—The Director shall issue any regulations, guidelines, and orders necessary to carry out the duties of the Director under this title and each of the authorizing statutes to ensure that the purposes of this title and such Acts are accomplished.'';

(2) in subsection (b), by inserting ", this title, or any of the authorizing statutes'' after "under this section''; and

(3) by striking subsection (c).

SEC. 809. RISK-BASED CAPITAL REQUIREMENTS.

Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

"SEC. 1361. RISK-BASED CAPITAL LEVELS FOR ENTERPRISES.

"(a) IN GENERAL.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

"(b) CONFIDENTIALITY OF INFORMATION.—Any person that receives any book, record, or information from the Director or an enterprise to enable the risk-based capital requirements established under this section to be applied shall—

"(1) maintain the confidentiality of the book, record, or information in a manner that is generally consistent with the level of confidentiality established for the material by the Director or the enterprise; and

"(2) be exempt from section 552 of title 5, United States Code, with respect to the book, record, or information.

"(c) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.''.

SEC. 810. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

"Subtitle B—Required Capital Levels for Enterprises, Special Enforcement Powers, and Reviews of Assets and Liabilities"; and

(2) by adding at the end the following:

"SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

"(a) IN GENERAL.—The Director shall conduct, on a periodic basis, a review of the on-balance sheet and off-balance sheet assets and liabilities of each enterprise.

"(b) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—Pursuant to such a review and notwithstanding the capital classifications of the enterprises, the Director may by order require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset or liability, if the Director determines that such action is consistent with the safe and sound operation of the enterprise or with the purposes of this Act or any of the authorizing statutes.''.

SEC. 811. CORPORATE GOVERNANCE OF ENTERPRISES.

The Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following:

"SEC. 1322A. CORPORATE GOVERNANCE OF ENTERPRISES.

"(a) BOARD OF DIRECTORS.—

"(1) INDEPENDENCE.—A majority of seated members of the board of directors of each enterprise shall be independent board members, as defined under rules set forth by the New York Stock Exchange, as such rules may be amended from time to time.

"(2) FREQUENCY OF MEETINGS.—To carry out its obligations and duties under applicable laws, rules, regulations, and guidelines, the board of directors of an enterprise shall meet at least eight times a year and not less than once a calendar quarter.

"(3) NON-MANAGEMENT BOARD MEMBER MEETINGS.—The non-management directors of an enterprise shall meet at regularly scheduled executive sessions without management participation.

"(4) QUORUM; PROHIBITION ON PROXIES.—For the transaction of business, a quorum of the board of directors of an enterprise shall be at least a majority of the seated board of directors and a board member may not vote by proxy.

"(5) INFORMATION.—The management of an enterprise shall provide a board member of the enterprise with such adequate and appropriate information that a reasonable board member would find important to the fulfillment of his or her fiduciary duties and obligations.

"(6) ANNUAL REVIEW.—At least annually, the board of directors of each enterprise shall review, with appropriate professional assistance, the requirements of laws, rules, regulations, and guidelines that are applicable to its activities and duties.

"(b) COMMITTEES OF BOARDS OF DIRECTORS.—

"(1) FREQUENCY OF MEETINGS.—Any committee of the board of directors of an enterprise shall meet with sufficient frequency to carry out its obligations and duties under applicable laws, rules, regulations, and guidelines.

"(2) REQUIRED COMMITTEES.—Each enterprise shall provide for the establishment, however styled, of the following committees of the board of directors:

"(A) Audit committee.

"(B) Compensation committee.

"(C) Nominating/corporate governance committee.

Such committees shall be in compliance with the charter, independence, composition, expertise, duties, responsibilities, and other requirements set forth under section 10A(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m)), with respect to the audit committee, and under rules issued by the New York Stock Exchange, as such rules may be amended from time to time.

"(c) COMPENSATION.—

"(1) IN GENERAL.—The compensation of board members, executive officers, and employees of an enterprise—

"(A) shall not be in excess of that which is reasonable and appropriate;

"(B) shall be commensurate with the duties and responsibilities of such persons,

"(C) shall be consistent with the long-term goals of the enterprise;

"(D) shall not focus solely on earnings performance, but shall take into account risk management, operational stability and legal and regulatory compliance as well; and

"(E) shall be undertaken in a manner that complies with applicable laws, rules, and regulations.

"(2) REIMBURSEMENT.—If an enterprise is required to prepare an accounting restatement due to the material noncompliance of the enterprise, as a result of misconduct, with any financial reporting requirement under the securities laws, the chief executive officer and chief financial officer of the enterprise shall reimburse the enterprise as provided under section 304 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7243). This provision does not otherwise limit the authority of the Office to employ remedies available to it under its enforcement authorities.

"(d) CODE OF CONDUCT AND ETHICS.—

"(1) IN GENERAL.—An enterprise shall establish and administer a written code of conduct and ethics that is reasonably designed to assure the ability of board members, executive officers, and employees of the enterprise to discharge their duties and responsibilities, on behalf of the enterprise, in an objective and impartial manner, and that includes standards required under section 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7264) and other applicable laws, rules, and regulations.

"(2) REVIEW.—Not less than once every three years, an enterprise shall review the adequacy of its code of conduct and ethics for consistency with practices appropriate to the enterprise and make any appropriate revisions to such code.

"(e) CONDUCT AND RESPONSIBILITIES OF BOARD OF DIRECTORS.—The board of directors of an enterprise shall be responsible for directing the conduct and affairs of the enterprise in furtherance of the safe and sound operation of the enterprise and shall remain reasonably informed of the condition, activities, and operations of the enterprise. The responsibilities of the board of directors shall include having in place adequate policies and procedures to assure its oversight of, among other matters, the following:

"(1) Corporate strategy, major plans of action, risk policy, programs for legal and regulatory compliance and corporate performance, including prudent plans for growth and allocation of adequate resources to manage operations risk.

"(2) Hiring and retention of qualified executive officers and succession planning for such executive officers.

"(3) Compensation programs of the enterprise.

"(4) Integrity of accounting and financial reporting systems of the enterprise, including independent audits and systems of internal control.

"(5) Process and adequacy of reporting, disclosures, and communications to shareholders, investors, and potential investors.

"(6) Extensions of credit to board members and executive officers.

"(7) Responsiveness of executive officers in providing accurate and timely reports to Federal regulators and in addressing the supervisory concerns of Federal regulators in a timely and appropriate manner.

"(f) PROHIBITION OF EXTENSIONS OF CREDIT.—An enterprise may not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any board member or executive officer of the enterprise, as provided by section 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(k)).

"(g) CERTIFICATION OF DISCLOSURES.—The chief executive officer and the chief financial officer of an enterprise shall review each quarterly report and annual report issued by the enterprise and such reports shall include certifications by such officers as required by section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241).

"(h) CHANGE OF AUDIT PARTNER.—An enterprise may not accept audit services from an external auditing firm if the lead or coordinating audit partner who has primary responsibility for the external audit of the enterprise, or the external audit partner who has responsibility for reviewing the external audit has performed audit services for the enterprise in each of the five previous fiscal years.

"(i) COMPLIANCE PROGRAM.—

"(1) REQUIREMENT.—Each enterprise shall establish and maintain a compliance program that is reasonably designed to assure that the enterprise complies with applicable laws, rules, regulations, and internal controls.

"(2) COMPLIANCE OFFICER.—The compliance program of an enterprise shall be headed by a compliance officer, however styled, who reports directly to the chief executive officer of the enterprise. The compliance officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current compliance policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the compliance officer considers necessary and appropriate.

"(j) RISK MANAGEMENT PROGRAM.—

"(1) REQUIREMENT.—Each enterprise shall establish and maintain a risk management program that is reasonably designed to manage the risks of the operations of the enterprise.

"(2) RISK MANAGEMENT OFFICER.—The risk management program of an enterprise shall be headed by a risk management officer, however styled, who reports directly to the chief executive officer of the enterprise. The risk management officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current risk management policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the risk management officer considers necessary and appropriate.

"(k) COMPLIANCE WITH OTHER LAWS.—

"(1) DEREGISTERED OR UNREGISTERED COMMON STOCK.—If an enterprise deregisters or has not registered its common stock with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the enterprise shall comply or continue to comply with sections 10A(m) and 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(m), 78m(k)) and sections 302, 304, and 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241, 7243, 7264), subject to such requirements as provided by subsection (l) of this section.

"(2) REGISTERED COMMON STOCK.—An enterprise that has its common stock registered with the Securities and Exchange Commission shall maintain such registered status, unless it provides 60 days prior written notice to the Director stating its intent to deregister and its understanding that it will remain subject to the requirements of the sections of the Securities Exchange Act of 1934 and the Sarbanes-Oxley Act of 2002, subject to such requirements as provided by subsection (l) of this section.

"(l) OTHER MATTERS.—The Director may from time to time establish standards, by regulation, order, or guideline, regarding such other corporate governance matters of the enterprises as the Director considers appropriate.

"(m) MODIFICATION OF STANDARDS.—In connection with standards of Federal or State law (including the Revised Model Corporation Act) or New York Stock Exchange rules that are made applicable to an enterprise by section 1710.10 of the Director's rules (12 C.F.R. 1710.10) and by subsections (a), (b), (g), (i), (j), and (k) of this section, the Director, in the Director's sole discretion, may modify the standards contained in this section or in part 1710 of the Director's rules (12 U.S.C. Part 1710) in accordance with section 553 of title 5, United States Code, and upon written notice to the enterprise.".

SEC. 812. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

The Housing and Community Development Act of 1992 is amended by adding after section 1322A, as added by the preceding provisions of this Act, the following:

"SEC. 1322B. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

"(a) IN GENERAL.—Each enterprise shall register at least one class of the capital stock of such enterprise, and maintain such registration with the Securities and Exchange Commission, under the Securities Exchange Act of 1934.

"(b) ENTERPRISES.—Each enterprise shall comply with sections 14 and 16 of the Securities Exchange Act of 1934.".

SEC. 813. FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

The Federal Financial Institutions Examination Council Act of 1978 is amended—

(1) in section 1003 (12 U.S.C. 3302)—

(A) in paragraph (1), by inserting "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development," after "Supervision,"; and

(B) in paragraph (3), by striking "or a credit union;" and inserting "a credit union, or an enterprise (as that term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502)).";

(2) in section 1004(a) (12 U.S.C. 3303)—

(A) in paragraph (4), by striking the comma at the end and inserting a semicolon;

(B) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(C) by inserting after paragraph (4) the following:

"(5) the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development; and"; and

(3) in section 1006(d) (12 U.S.C. 3305(d)), by striking "and employees of the Federal Housing Finance Board".

Subtitle B—Improvement of Mission Supervision

SEC. 821. TRANSFER OF PROGRAM APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the heading for the part and inserting the following:

"PART II—ADDITIONAL AUTHORITIES OF THE DIRECTOR";

and

(2) by striking sections 1321 and 1322.

SEC. 822. REVIEW OF ENTERPRISE PRODUCTS.

Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), as amended by this Act, is amended by inserting before section 1323 the following:

"SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS.

"(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

"(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

"(1) in the case of a product of the Federal National Mortgage Association, the Director determines that the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b), 1719);

"(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the Director determines that the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

"(3) the product is in the public interest;

"(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system; and

"(5) the product does not impair the stability or competitiveness of the mortgage finance system.

"(c) PROCEDURE FOR APPROVAL.—

"(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

"(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

"(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

"(4) OFFERING OF PRODUCT.—

"(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

"(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), then the enterprise may offer the product.

"(d) EXPEDITED REVIEW.—

"(1) DETERMINATION AND NOTICE.—If an enterprise determines that any new activity, service, undertaking or offering is excluded from the definition of a product under subsection (f), then the enterprise shall provide written notice to the Director prior to the commencement of such activity, service, undertaking, or offering.

"(2) DIRECTOR DETERMINATION OF APPLICABLE PROCEDURE.—Immediately upon receipt of any notice pursuant to paragraph (1), the Director shall make a determination under paragraph (3).

"(3) DETERMINATION AND TREATMENT AS A PRODUCT.—If the Director determines that any new activity, service, undertaking, or offering consists of, relates to, or involves a product—

"(A) the Director shall notify the enterprise of the determination;

"(B) the new activity, service, undertaking, or offering described in the notice under paragraph (1) shall be considered a product for the purposes of this section; and

"(C) the enterprise shall withdraw its request or submit a written request for approval of the product pursuant to subsection (c).

"(e) CONDITIONAL APPROVAL.—The Director may conditionally approve the offering of any product by an enterprise, and may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

"(f) DEFINITION OF PRODUCT.—As used in this section, the term 'product'—

"(1) all programs, products, and activities, offered by the enterprise in the marketplace; and

"(2) does not include—

"(A) the automated loan underwriting system of an enterprise in existence as of the date of enactment of the Federal Housing Enterprise Regulatory Reform Act of 2008, including any upgrade to the technology, operating system, or software to operate the underwriting system; or

"(B) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise, provided that such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing, or create significant new exposure to risk for the enterprise or the holder of the mortgage.

"(g) NO LIMITATION.—Nothing in this section shall be deemed to restrict—

"(1) the safety and soundness authority of the Director over all new and existing products or activities; or

"(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of an enterprise.".

SEC. 823. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

Section 1336(a)(1) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4566(a)(1)) is amended by striking "established" and all that follows through "1334" and inserting "under this subpart".

SEC. 824. ASSUMPTION BY DIRECTOR OF OTHER HUD RESPONSIBILITIES.

(a) IN GENERAL.—Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking "Secretary" each place that term appears and inserting "Director" in each of sections 1323, 1324, 1326, 1331, 1332, 1333, 1334, and 1336;

(2) in section 1332 (12 U.S.C. 4562), by striking subsection (d);

(3) in section 1333 (12 U.S.C. 4563), by striking subsection (d);

(4) in section 1334 (12 U.S.C. 4564), by striking subsection (d); and

(5) by striking sections 1337, 1338, and 1349 (12 U.S.C. 4567, 4562 note, 4589).

(b) RETENTION OF FAIR HOUSING RESPONSIBILITIES.—Section 1325 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4545) is amended in the matter preceding paragraph (1), by inserting "of Housing and Urban Development" after "The Secretary".

SEC. 825. ADMINISTRATIVE AND JUDICIAL ENFORCEMENT PROCEEDINGS.

(a) DIRECTOR AUTHORITY.—Subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581 et seq.) is amended by striking "Secretary" each place that term appears and inserting "Director" in each of—

(1) section 1341 (12 U.S.C. 4581);
(2) section 1342 (12 U.S.C. 4582);
(3) section 1343 (12 U.S.C. 4583);
(4) section 1344 (12 U.S.C. 4584);
(5) section 1345 (12 U.S.C. 4585);
(6) section 1346 (12 U.S.C. 4586);
(7) section 1347 (12 U.S.C. 4587); and
(8) section 1348 (12 U.S.C. 4588).

(b) SUBPOENA ENFORCEMENT BY DIRECTOR.—Section 1348(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4588(c)) is amended by inserting "may bring an action or" before "may request".

SEC. 826. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by striking "The Corporation shall establish" and all that follows through the end of the paragraph and inserting the following: "Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, or $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date under section 163 of the Federal Housing Enterprise Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Such limitation shall be calculated with respect to the total original principal obligation of the mortgage, and not merely with respect to the interest purchased by the enterprise. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or fourth quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Office of Federal Housing Enterprise Oversight (pursuant to section 1321 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)).".

(b) Freddie Mac.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by striking "The Corporation shall establish" and all that follows through the end of the paragraph and inserting the following: "Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, or $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date under section 163 of the Federal Housing Enterprise Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Such limitation shall be calculated with respect to the total original principal obligation of the mortgage and not merely with respect to the interest purchased by the enterprise. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or fourth quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Office of Federal Housing Enterprise Oversight (pursuant to section 1321 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)).".

(c) Housing Price Index.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by this Act, is amended by inserting before section 1323 the following:

"SEC. 1322. HOUSING PRICE INDEX.

"(a) Method of Assessment.—The Director shall establish, by regulation, and maintain a method of assessing the national average single-family housing price for use in adjusting the conforming loan limitations of the enterprises.

"(b) Considerations.—The Director shall take into consideration the monthly survey of all major lenders conducted by the Office to determine the national average single-family house price, the Housing Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 163 of the Federal Housing Enterprise Regulatory Reform Act of 2008, any appropriate housing price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measure that the Director considers appropriate.".

SEC. 827. REPORTING OF MORTGAGE DATA; HOUSING GOALS.

(a) Reporting of Mortgage Data.—Section 1325 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4546), as so redesignated by this Act, is amended—

(1) in subsection (a), by striking "The Director" and inserting "Subject to subsection (d), the Director"; and

(2) by adding at the end the following:

"(d) Mortgage Data.—The Director shall, by regulation or order, provide that certain information relating to single family mortgage data of the enterprises shall be disclosed to the public in order to make available to the public the same data from the enterprises that is required of insured depository institutions under the Home Mortgage Disclosure Act.".

(b) Definitions.—Section 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4564), as amended by this Act, is amended by adding at the end the following:

"(d) Definitions.—For purposes of this section, the term 'underserved area' means an urban census tract that has—

"(1) an average median family income of less than 80 percent of the area median family income; or

"(2) a minority population of at least 30 percent and a median family income of less than 100 percent of the area family median income.".

SEC. 828. DUTY TO SERVE UNDERSERVED MARKETS.

(a) Establishment and Evaluation of Performance.—Section 1335 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting **"DUTY TO SERVE UNDERSERVED MARKETS AND**" before **"OTHER"**;

(2) by striking subsection (b);

(3) in subsection (a)—

(A) by inserting "and to carry out the duty under subsection (a)" before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" at the end;

(C) in paragraph (4), by striking "; and" and inserting a period; and

(D) by striking paragraph (5); and

(4) by redesignating subsection (a) as subsection (b);

(5) by inserting before subsection (b) (as so redesignated) the following:

"(a) Duty To Serve Underserved Markets.—

"(1) Duty.—In accordance with the purposes of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families, involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

"(2) Underserved markets.—To meet its duty under paragraph (1), each enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market—

"(A) for mortgages on manufactured homes for very low-, low-, and moderate-income families;

"(B) to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act; and

"(vi) the rural rental housing program under section 515 of the Housing Act of 1949;

"(C) for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Director identifies as lacking adequate credit through conventional lending sources, which underserved markets may be identified by borrower type, market segment, or geographic area; and

"(D) for mortgages originated through State or local affordable or subsidized housing programs."; and

(6) by adding at the end the following:

"(c) Evaluation and Reporting of Compliance.—

"(1) Method of evaluation.—Not later than 6 months after the effective date of title I of the Federal Housing Enterprise Regulatory Reform Act of 2008, the Director shall establish a method for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance.

"(2) Annual evaluations.—Using the method established under paragraph (1), the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to the extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(3) Separate evaluations.—In determining whether an enterprise has complied with the duty under subsection (a), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

"(C) the volume of loans purchased in each of such underserved markets.".

(b) Enforcement.—Section 1336(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting before the period "and with the duty under section 1335A of each enterprise with respect to underserved markets"; and

(2) by adding at the end the following:

"(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—Compliance with the duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under sections 1332, 1333, and 1334 are enforceable. Such duty shall not be enforceable under any provision of this title (including subpart C), other than this section, or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act, as applicable.".

SEC. 829. HOME PURCHASE GOAL.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) by inserting after section 1334 the following:

"SEC. 1334A. HOME PURCHASE GOAL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director shall establish an annual home purchase goal for the purchase by each enterprise of mortgage financing of owner-occupied single family dwelling units.

"(2) COMPONENTS.—The Director may, by regulation, establish components for the goal established under paragraph (1) to include any or all of the following:

"(A) First-time home buyers.

"(B) Low- and moderate-income home buyers.

"(C) Home buyers in central cities, rural areas, and other underserved areas.

"(D) Home buyers who obtain financing through State or local affordable or subsidized housing programs.

"(3) OTHER AUTHORITY.—The Director may, by regulation, establish the goal under paragraph (1) with components as percentages of enterprise business, or by such other means as necessary to increase the secondary market financing of mortgages by the enterprises for home purchases, consistent with the missions of the enterprises.

"(4) ENFORCEABILITY.—The components of the goal established by the Director under paragraph (1) shall be enforceable as goals under subpart C.

"(b) FACTORS TO BE CONSIDERED.—In establishing the home purchase goal for an enterprise under this section, the Director shall consider—

"(1) national housing needs;

"(2) economic, housing, and demographic conditions;

"(3) the performance and effort of the enterprises toward achieving the home purchase goal in previous years;

"(4) the size of the conventional mortgage market serving home purchasers, relative to the size of the overall conventional mortgage market;

"(5) the ability of the enterprises to lead the industry in making mortgage credit available for home purchasers; and

"(6) the need to maintain the sound financial condition of the enterprises.

"(c) TRANSITION.—In order to permit a transition to the establishment of the goal under this section, such goal shall not be effective or enforceable during the 1-year period beginning on the date of its establishment under subsection (a).

"(d) IMPLEMENTATION DURING TRANSITION.—The Director shall establish, by rule, any requirements necessary to implement the transition provisions under subsection (c), after providing the enterprises with an opportunity to review and comment not less than 30 days before the issuance of such notice.

"SEC. 1334B HOUSING GOALS, ADDITIONS, MODIFICATIONS, AND RESCISSIONS.

"(a) IN GENERAL.—

"(1) AUTHORITY TO ADDRESS GOALS.—The Director may, by regulation, establish additional annual housing goals, or modify or rescind existing housing goals, to address national housing needs consistent with the missions, of the enterprises and the authorizing statutes, for the purchase of mortgages, if the Director determines, by regulation, that the housing need is greatest.

"(2) METHODOLOGY.—The Director may issue a regulation which establishes or modifies any goal under this subsection—

"(A) as a percentage of the mortgage purchases of each enterprise;

"(B) as a dollar amount of each enterprise's mortgage purchases; or

"(C) by such other means as necessary to increase the enterprises' secondary market financing of mortgages addressed by the goal.

"(b) FACTORS TO BE CONSIDERED.—In establishing any additional goals under this section, the Director shall consider—

"(1) national housing needs;

"(2) economic, housing, and demographic conditions;

"(3) the performance and effort of the enterprises toward achieving the need addressed by any such additional goal in previous years;

"(4) the size of the conventional mortgage market serving the need addressed by the goal, relative to the size of the overall conventional mortgage market;

"(5) the ability of the enterprises to lead the industry in making mortgage credit available to meet the need addressed by the goal; and

"(6) the need to maintain the sound financial condition of the enterprises.

"(c) TRANSITION.—In order to permit a transition to the establishment of any goal under this section, such goal shall not be effective or enforceable during the 1-year period beginning on the date of its establishment under subsection (a).";

(2) in section 1335 (12 U.S.C. 4565(a)), by striking "meet the low-" and all that follows through "1334" and inserting "meet the goals under this subpart";

(3) in section 1336 (12 U.S.C. 4566), by striking subsections (b) and (c) and inserting the following:

"(b) NOTICE AND PRELIMINARY DETERMINATION OF FAILURE TO MEET GOALS.—

"(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.

"(2) RESPONSE PERIOD.—

"(A) IN GENERAL.—During the 30-day period beginning on the date on which an enterprise is provided notice under paragraph (1), the enterprise may submit to the Director any written information that the enterprise considers appropriate for consideration by the Director in finally determining whether such failure has occurred or whether the achievement of such goal was or is feasible.

"(B) EXTENDED PERIOD.—The Director may extend the period under subparagraph (A) for good cause for not more than 30 additional days.

"(C) SHORTENED PERIOD.—The Director may shorten the period under subparagraph (A) for good cause.

"(D) FAILURE TO RESPOND.—The failure of an enterprise to provide information during the 30-day period under this paragraph (as extended or shortened) shall waive any right of the enterprise to comment on the proposed determination or action of the Director.

"(3) CONSIDERATION OF INFORMATION AND FINAL DETERMINATION.—

"(A) IN GENERAL.—After the expiration of the response period under paragraph (2), or upon receipt of information provided during such period by the enterprise, whichever occurs earlier, the Director shall issue a final determination on—

"(i) whether the enterprise has failed, or there is a substantial probability that the enterprise will fail, to meet the housing goal; and

"(ii) whether (taking into consideration market and economic conditions and the financial condition of the enterprise) the achievement of the housing goal was or is feasible.

"(B) CONSIDERATIONS.—In making a final determination under subparagraph (A), the Director shall take into consideration any relevant information submitted by the enterprise during the response period.

"(C) NOTICE.—The Director shall provide written notice, including a response to any information submitted during the response period to the enterprise, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, of—

"(i) each final determination under this paragraph that an enterprise has failed, or that there is a substantial probability that the enterprise will fail, to meet a housing goal;

"(ii) each final determination that the achievement of a housing goal was or is feasible; and

"(iii) the reasons for each such final determination.

"(c) CEASE AND DESIST, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

"(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart, and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan, or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7).

"(2) HOUSING PLAN.—If the Director requires a housing plan under this subsection, such a plan shall be—

"(A) a feasible plan describing the specific actions the enterprise will take—

"(i) to achieve the goal for the next calendar year; and

"(ii) if the Director determines that there is a substantial probability that the enterprise will fail to meet a goal in the current year, to make such improvements and changes in its operations as are reasonable in the remainder of such year; and

"(B) sufficiently specific to enable the Director to monitor compliance periodically.

"(3) DEADLINE FOR SUBMISSION.—The Director shall, by regulation, establish a deadline for an enterprise to comply with any remedial action or submit a housing plan to the Director, which may not be more than 45 days after the enterprise is provided notice. The regulations shall provide that the Director may extend the deadline to the extent that the Director determines necessary. Any extension of the deadline shall be in writing and for a time certain.

"(4) APPROVAL.—The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and, not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines it necessary. The Director shall approve any plan that the Director determines is likely to succeed, and conforms with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act (as applicable), this title, and any other applicable provision of law.

"(5) NOTICE OF APPROVAL AND DISAPPROVAL.—The Director shall provide written notice to any enterprise submitting a housing plan of the approval or disapproval of the plan (which shall include the reasons for any disapproval of the plan) and of any extension of the period for approval or disapproval.

"(6) RESUBMISSION.—If the initial housing plan submitted by an enterprise under this section is disapproved, the enterprise shall submit an amended plan acceptable to the Director not later than 30 days after such disapproval, or such longer period that the Director determines is in the public interest.

"(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing a cease and desist order under section 1341, and ordering civil money penalties under section 1345, the Director may seek other actions when an enterprise fails to meet a goal, including requesting that the Director exercise appropriate enforcement authority available to the Director under this title to prohibit the enterprise from entering into new activities, to freeze any pending approval of new activities, and to order the enterprise to suspend activities pending its achievement of the goal.";

(4) by striking section 1338 (12 U.S.C. 4568);

(5) by striking from the heading of subpart C "**of Housing Goals**";

(6) by striking section 1341 (12 U.S.C. 4581) and inserting the following:

"SEC. 1341. CEASE-AND-DESIST PROCEEDINGS.

"(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines that—

"(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

"(2) the enterprise has failed to submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, or section 1337 of this title;

"(4) the enterprise has violated any provision of part 2 of this title or any order, rule, or regulation under part 2;

"(5) the enterprise has failed to submit a housing plan or perform its responsibilities under a remedial order that substantially complies with section 1336(c) within the applicable period; or

"(6) the enterprise has failed to comply with a housing plan under section 1336(c).

"(b) PROCEDURE.—

"(1) NOTICE OF CHARGES.—Each notice of charges issued under this section shall contain a statement of the facts constituting the alleged conduct and shall fix a time and place at which a hearing will be held to determine on the record whether an order to cease and desist from such conduct should issue.

"(2) ISSUANCE OF ORDER.—If the Director finds on the record made at a hearing described in paragraph (1) that any conduct specified in the notice of charges has been established (or the enterprise consents pursuant to section 1342(a)(4)), the Director may issue and serve upon the enterprise an order requiring the enterprise to—

"(A) comply with the goals;

"(B) submit a report under section 1327;

"(C) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

"(D) submit a housing plan in compliance with section 1336(c);

"(E) comply with the housing plan in compliance with section 1336(c); or

"(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act.

"(c) EFFECTIVE DATE.—An order under this section shall become effective upon the expiration of the 30-day period beginning on the date of service of the order upon the enterprise (except in the case of an order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided in the order, except to the extent that the order is stayed, modified, terminated, or set aside by action of the Director of or otherwise, as provided in this subpart."; and

(7) by striking section 1345 and inserting the following:

"SEC. 1345. CIVIL MONEY PENALTIES.

"(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

"(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

"(2) submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

"(5) submit a housing plan or perform its responsibilities under a remedial order issued pursuant to section 1336(c) within the required period; or

"(6) comply with a housing plan for the enterprise under section 1336(c).

"(b) AMOUNT OF PENALTY.—The amount of a penalty under this section, as determined by the Director, may not exceed—

"(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $100,000 for each day that the failure occurs; and

"(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $50,000 for each day that the failure occurs.

"(c) PROCEDURES.—

"(1) ESTABLISHMENT.—The Director shall establish standards and procedures governing the imposition of civil money penalties under this section. Such standards and procedures—

"(A) shall provide for the Director to notify the enterprise in writing of the determination of the Director to impose the penalty, which shall be made on the record;

"(B) shall provide for the imposition of a penalty only after the enterprise has been given an opportunity for a hearing on the record pursuant to section 1342; and

"(C) may provide for review by the Director of any determination or order, or interlocutory ruling, arising from a hearing.

"(2) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under this section, the Director shall give consideration to factors including—

"(A) the gravity of the offense;

"(B) any history of prior offenses;

"(C) ability to pay the penalty;

"(D) injury to the public;

"(E) benefits received;

"(F) deterrence of future violations;

"(G) the length of time that the enterprise should reasonably take to achieve the goal; and

"(H) such other factors as the Director may determine, by regulation, to be appropriate.

"(d) ACTION TO COLLECT PENALTY.—If an enterprise fails to comply with an order by the Director imposing a civil money penalty under this section, after the order is no longer subject to review, as provided in sections 1342 and 1343, the Director may request the Attorney General of the United States to bring an action in the United States District Court for the District of Columbia to obtain a monetary judgment against the enterprise, and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the order imposing the penalty shall not be subject to review.

"(e) SETTLEMENT BY DIRECTOR.—The Director may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

"(f) DEPOSIT OF PENALTIES.—The Director shall deposit any civil money penalties collected under this section into the General Fund of the Treasury.".

Subtitle C—Prompt Corrective Action

SEC. 831. CRITICAL CAPITAL LEVELS.

Section 1363 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4613) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(2) by striking "shall be the sum of—" and inserting the following: "shall be—

"(1) the sum of—"; and

(3) in paragraph (1)(C), as so designated by this section, by striking the period at the end and inserting the following: "; or

"(2) such other level as the Director shall establish, by regulation.".

SEC. 832. CAPITAL CLASSIFICATIONS.

Section 1364 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4614) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(A)—

(i) by striking clause (i); and

(ii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(B) in paragraph (4)(A), by striking "enterprise—" and all that follows through "(ii) does" and inserting "enterprise does";

(2) by striking subsection (b) and inserting the following:

"(b) DISCRETIONARY CLASSIFICATION.—

"(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify an enterprise under paragraph (2) if—

"(A) at any time, the Director determines in writing that an enterprise is engaging in conduct that could result in a rapid depletion of core capital, or that the value of the property subject to mortgages held or securitized by an enterprise, or the value of collateral pledged as security, has decreased significantly;

"(B) after notice and an opportunity for hearing, the Director determines that an enterprise is in an unsafe or unsound condition; or

"(C) pursuant to section 1371(b), the Director determines that an enterprise is engaging in an unsafe or unsound practice.

"(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of an enterprise for any reason not specified in this subsection, if the Director takes any action described in paragraph (1), the Director may reclassify an enterprise—

"(A) as 'undercapitalized', if the enterprise is otherwise classified as adequately capitalized;

"(B) as 'significantly undercapitalized', if the enterprise is otherwise classified as undercapitalized; and

"(C) as 'critically undercapitalized', if the enterprise is otherwise classified as significantly undercapitalized."; and

(3) by striking subsection (d) and inserting the following:

"(d) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

"(1) IN GENERAL.—An enterprise shall make no capital distribution if, after making the distribution, the enterprise would be undercapitalized.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit an enterprise to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

"(A) is made in connection with the issuance of additional shares or obligations of the enterprise in at least an equivalent amount; and

"(B) will reduce the financial obligations of the enterprise or otherwise improve the financial condition of the enterprise.".

SEC. 833. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED ENTERPRISES.

Section 1365 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4615) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) REQUIRED MONITORING.—The Director shall—

"(A) closely monitor the condition of any undercapitalized enterprise;

"(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed on an undercapitalized enterprise under this section; and

"(C) periodically review the plan, restrictions, and requirements applicable to an undercapitalized enterprise to determine whether the plan, restrictions, and requirements are achieving the purpose of this section."; and

(C) by adding at the end the following:

"(4) RESTRICTION OF ASSET GROWTH.—An undercapitalized enterprise shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter, unless—

"(A) the Director has accepted the capital restoration plan of the enterprise;

"(B) any increase in total assets is consistent with the capital restoration plan; and

"(C) the ratio of tangible equity to assets of the enterprise increases during the calendar quarter at a rate sufficient to enable the enterprise to become adequately capitalized within a reasonable time.

"(5) PRIOR APPROVAL OF ACQUISITIONS AND NEW ACTIVITIES.—An undercapitalized enterprise shall not, directly or indirectly, acquire any interest in any entity or engage in any new activity, unless—

"(A) the Director has accepted the capital restoration plan of the enterprise, the enterprise is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

"(B) the Director determines that the proposed action will further the purpose of this subtitle.";

(2) in subsection (b)—

(A) in the subsection heading, by striking "DISCRETIONARY";

(B) in the matter preceding paragraph (1), by striking "may" and inserting "shall"; and

(C) in paragraph (2)—

(i) by striking "make, in good faith, reasonable efforts necessary to"; and

(ii) by striking the period at the end and inserting "in any material respect."; and

(3) by striking subsection (c) and inserting the following:

"(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to an undercapitalized enterprise, any of the actions authorized to be taken under section 1366 with respect to a significantly undercapitalized enterprise, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.".

SEC. 834. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED ENTERPRISES.

Section 1366 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4616) is amended—

(1) in subsection (a)(2), by striking "undercapitalized enterprise" and inserting "undercapitalized"; and

(2) in subsection (b)—

(A) in the subsection heading, by striking "DISCRETIONARY SUPERVISORY" and inserting "SPECIFIC";

(B) in the matter preceding paragraph (1), by striking "may, at any time, take any" and inserting "shall carry out this section by taking, at any time, 1 or more";

(C) by striking paragraph (6);

(D) by redesignating paragraph (5) as paragraph (6);

(E) by inserting after paragraph (4) the following:

"(5) IMPROVEMENT OF MANAGEMENT.—Take 1 or more of the following actions:

"(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the enterprise.

"(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the enterprise to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the date on which the enterprise became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the enforcement powers of the Director under section 1377.

"(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the enterprise to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director)."; and

(F) by adding at the end the following:

"(7) OTHER ACTION.—Require the enterprise to take any other action that the Director determines will better carry out the purpose of this section than any of the other actions specified in this subsection."; and

(3) by striking subsection (c) and inserting the following:

"(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—An enterprise that is classified as significantly undercapitalized in accordance with section 1364 may not, without prior written approval by the Director—

"(1) pay any bonus to any executive officer; or

"(2) provide compensation to any executive officer at a rate exceeding the average rate of compensation of that officer (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the enterprise became significantly undercapitalized.".

SEC. 835. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED ENTERPRISES.

(a) IN GENERAL.—Section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

"SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED ENTERPRISES.

"(a) APPOINTMENT OF THE OFFICE AS CONSERVATOR OR RECEIVER.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, the Director may appoint the Office as conservator or receiver for an enterprise in the manner provided under paragraph (2) or (4). All references to the conservator or receiver under this section are references to the Office acting as conservator or receiver.

"(2) DISCRETIONARY APPOINTMENT.—The Office may, at the discretion of the Director, be appointed conservator or receiver for the purpose of reorganizing, rehabilitating, or winding up the affairs of an enterprise.

"(3) GROUNDS FOR DISCRETIONARY APPOINTMENT OF CONSERVATOR OR RECEIVER.—The grounds for appointing conservator or receiver for any enterprise under paragraph (2) are as follows:

"(A) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

"(i) any violation of any provision of Federal or State law; or

"(ii) any unsafe or unsound practice.

"(B) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

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“(C) CEASE-AND-DESIST ORDERS.—Any willful violation of a cease-and-desist order that has become final.

“(D) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the enterprise, or any refusal to submit the books, papers, records, or affairs of the enterprise, for inspection to any examiner or to any lawful agent of the Director.

“(E) INABILITY TO MEET OBLIGATIONS.—The enterprise is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

“(F) LOSSES.—The enterprise has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the enterprise to become adequately capitalized (as defined in section 1364(a)(1)).

“(G) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

“(i) cause insolvency or substantial dissipation of assets or earnings; or

“(ii) weaken the condition of the enterprise.

“(H) CONSENT.—The enterprise, by resolution of its board of directors or its shareholders or members, consents to the appointment.

“(I) UNDERCAPITALIZATION.—The enterprise is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3)), and—

“(i) has no reasonable prospect of becoming adequately capitalized;

“(ii) fails to become adequately capitalized, as required by—

“(I) section 1365(a)(1) with respect to an enterprise; or

“(II) section 1366(a)(1) with respect to a significantly undercapitalized enterprise;

“(iii) fails to submit a capital restoration plan acceptable to the Office within the time prescribed under section 1369C; or

“(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

“(J) CRITICAL UNDERCAPITALIZATION.—The enterprise is critically undercapitalized, as defined in section 1364(a)(4).

“(K) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the enterprise has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

“(4) MANDATORY RECEIVERSHIP.—

“(A) IN GENERAL.—The Director shall appoint the Office as receiver for an enterprise if the Director determines, in writing, that—

“(i) the assets of the enterprise are, and during the preceding 30 calendar days have been, less than the obligations of the enterprise to its creditors and others; or

“(ii) the enterprise is not, and during the preceding 30 calendar days has not been, generally paying the debts of the enterprise (other than debts that are the subject of a bona fide dispute) as such debts become due.

“(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDERCAPITALIZED ENTERPRISE.—If an enterprise is critically undercapitalized, the Director shall make a determination, in writing, as to whether the enterprise meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

“(i) not later than 30 calendar days after the enterprise initially becomes critically undercapitalized; and

“(ii) at least once during each succeeding 30-calendar day period.

“(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) does not apply with respect to an enterprise in any period during which the Office serves as receiver for the enterprise.

“(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment of the Office as receiver of an enterprise under this section shall immediately terminate any conservatorship established for the enterprise under this title.

“(5) JUDICIAL REVIEW.—

“(A) IN GENERAL.—If the Office is appointed conservator or receiver under this section, the enterprise may, within 30 days of such appointment, bring an action in the United States district court for the judicial district in which the home office of such enterprise is located, or in the United States District Court for the District of Columbia, for an order requiring the Office to remove itself as conservator or receiver.

“(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Office to remove itself as such conservator or receiver.

“(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of an enterprise shall not be liable to the shareholders or creditors of the enterprise for acquiescing in or consenting in good faith to the appointment of the Office as conservator or receiver for that enterprise.

“(7) OFFICE NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Office shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Office.

“(b) POWERS AND DUTIES OF THE OFFICE AS CONSERVATOR OR RECEIVER.—

“(1) RULEMAKING AUTHORITY OF THE OFFICE.—The Office may prescribe such regulations as the Office determines to be appropriate regarding the conduct of conservatorships or receiverships.

“(2) GENERAL POWERS.—

“(A) SUCCESSOR TO ENTERPRISE.—The Office shall, as conservator or receiver, and by operation of law, immediately succeed to—

“(i) all rights, titles, powers, and privileges of the enterprise, and of any stockholder, officer, or director of such enterprise with respect to the enterprise and the assets of the enterprise; and

“(ii) title to the books, records, and assets of any other legal custodian of such enterprise.

“(B) OPERATE THE ENTERPRISE.—The Office may, as conservator or receiver—

“(i) take over the assets of and operate the enterprise with all the powers of the shareholders, the directors, and the officers of the enterprise and conduct all business of the enterprise;

“(ii) collect all obligations and money due the enterprise;

“(iii) perform all functions of the enterprise in the name of the enterprise which are consistent with the appointment as conservator or receiver;

“(iv) preserve and conserve the assets and property of the enterprise; and

“(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Office as conservator or receiver.

“(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF AN ENTERPRISE.—The Office may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any enterprise for which the Office has been named conservator or receiver.

“(D) POWERS AS CONSERVATOR.—The Office may, as conservator, take such action as may be—

“(i) necessary to put the enterprise in a sound and solvent condition; and

“(ii) appropriate to carry on the business of the enterprise and preserve and conserve the assets and property of the enterprise.

“(E) ADDITIONAL POWERS AS RECEIVER.—In any case in which the Office is acting as receiver, the Office shall place the enterprise in liquidation and proceed to realize upon the assets of the enterprise in such manner as the Office deems appropriate, including through the sale of assets, the transfer of assets to a limited-life enterprise established under subsection (i), or the exercise of any other rights or privileges granted to the Office under this paragraph.

“(F) ORGANIZATION OF NEW ENTERPRISE.—The Office shall, as receiver for an enterprise, organize a successor enterprise that will operate pursuant to subsection (i).

“(G) TRANSFER OR SALE OF ASSETS AND LIABILITIES.—The Office may, as conservator or receiver, transfer or sell any asset or liability of the enterprise in default, and may do so without any approval, assignment, or consent with respect to such transfer or sale.

“(H) PAYMENT OF VALID OBLIGATIONS.—The Office, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of an enterprise, pay all valid obligations of the enterprise that are due and payable at the time of the appointment of the Office as conservator or receiver, in accordance with the prescriptions and limitations of this section.

“(I) SUBPOENA AUTHORITY.—

“(i) IN GENERAL.—

“(I) OFFICE AUTHORITY.—The Office may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to an enterprise (including determining any claim against the enterprise and determining and realizing upon any asset of any person in the course of collecting money due the enterprise), exercise any power established under section 1348.

“(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power under this subparagraph, in the same manner as such provisions apply under that section.

“(ii) SUBPOENA.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

“(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Office, in any capacity, might otherwise have under section 1317 or 1379B.

“(J) INCIDENTAL POWERS.—The Office may, as conservator or receiver—

“(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

“(ii) take any action authorized by this section, which the Office determines is in the best interests of the enterprise or the Office.

“(K) OTHER PROVISIONS.—

“(i) SHAREHOLDERS AND CREDITORS OF FAILED ENTERPRISE.—Notwithstanding any other provision of law, the appointment of the Office as receiver for an enterprise pursuant to paragraph (2) or (4) of subsection (a) and its succession, by operation of law, to the rights, titles, powers, and privileges described in subsection (b)(2)(A) shall terminate all rights and claims that the stockholders and creditors of the enterprise may have against the assets or charter of the enterprise or the Office arising as a result of their status as stockholders or creditors, except for their right to payment, resolution, or other satisfaction of their claims, as permitted under subsections (b)(9), (c), and (e).

“(ii) ASSETS OF ENTERPRISE.—Notwithstanding any other provision of law, for purposes of this section, the charter of an enterprise shall not be considered an asset of the enterprise.

“(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

“(A) IN GENERAL.—The Office may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

“(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed enterprise, shall—

“(i) promptly publish a notice to the creditors of the enterprise to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the date of publication of such notice; and

“(ii) republish such notice approximately 1 month and 2 months, respectively, after the date of publication under clause (i).

“(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the enterprise—

“(i) at the last address of the creditor appearing in such books; or

“(ii) upon discovery of the name and address of a claimant not appearing on the books of the enterprise, within 30 days after the discovery of such name and address.

“(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

“(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

“(A) DETERMINATION PERIOD.—

“(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against an enterprise is filed with the Office as receiver, the Office shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

“(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Office.

“(iii) MAILING OF NOTICE SUFFICIENT.—The requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

“(I) on the books of the enterprise;

“(II) in the claim filed by the claimant; or

“(III) in documents submitted in proof of the claim.

“(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

“(I) a statement of each reason for the disallowance; and

“(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

“(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i) by the receiver from any claimant which is proved to the satisfaction of the receiver.

“(C) DISALLOWANCE OF CLAIMS FILED AFTER FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

“(D) AUTHORITY TO DISALLOW CLAIMS.—

“(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

“(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against an enterprise which is secured by any property or other asset of such enterprise, the receiver—

“(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the enterprise; and

“(II) may not make any payment with respect to such unsecured portion of the claim, other than in connection with the disposition of all claims of unsecured creditors of the enterprise.

“(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—

“(I) any extension of credit from any Federal Reserve Bank or the United States Treasury; or

“(II) any security interest in the assets of the enterprise securing any such extension of credit.

“(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (d).—No court may review the determination of the Office under subparagraph (D) to disallow a claim.

“(F) LEGAL EFFECT OF FILING.—

“(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

“(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

“(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

“(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the enterprise is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

“(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against an enterprise for which the Office is receiver; or

“(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

“(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

“(7) REVIEW OF CLAIMS.—

“(A) OTHER REVIEW PROCEDURES.—

“(i) IN GENERAL.—The Office shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

“(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Office shall strive for procedures which are expeditious, fair, independent, and low cost.

“(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Office may establish both binding and nonbinding processes under this subparagraph, which may be conducted by any government or private party. All parties, including the claimant and the Office, must agree to the use of the process in a particular case.

“(B) CONSIDERATION OF INCENTIVES.—The Office shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

“(8) EXPEDITED DETERMINATION OF CLAIMS.—

“(A) ESTABLISHMENT REQUIRED.—The Office shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

“(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any enterprise for which the Office has been appointed receiver; and

“(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

“(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date on which any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

“(i) determine—

“(I) whether to allow or disallow such claim; or

“(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

“(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining Office review or judicial determination.

“(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the date of appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

“(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

“(ii) the date on which the Office denies the claim.

“(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

“(E) LEGAL EFFECT OF FILING.—

“(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

"(9) PAYMENT OF CLAIMS.—

"(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent that funds are available from the assets of the enterprise, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

"(i) allowed by the receiver;

"(ii) approved by the Office pursuant to a final determination pursuant to paragraph (7) or (8); or

"(iii) determined by the final judgment of any court of competent jurisdiction.

"(B) AGREEMENTS AGAINST THE INTEREST OF THE OFFICE.—No agreement that tends to diminish or defeat the interest of the Office in any asset acquired by the Office as receiver under this section shall be valid against the Office unless such agreement is in writing and executed by an authorized officer or representative of the enterprise.

"(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the enterprise dividends on proved claims at any time, and no liability shall attach to the Office by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

"(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of any enterprise, following satisfaction by the receiver of the principal amount of all creditor claims.

"(10) SUSPENSION OF LEGAL ACTIONS.—

"(A) IN GENERAL.—After the appointment of a conservator or receiver for an enterprise, the conservator or receiver may, in any judicial action or proceeding to which such enterprise is or becomes a party, request a stay for a period not to exceed—

"(i) 45 days, in the case of any conservator; and

"(ii) 90 days, in the case of any receiver.

"(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by the conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

"(11) ADDITIONAL RIGHTS AND DUTIES.—

"(A) PRIOR FINAL ADJUDICATION.—The Office shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Office as conservator or receiver.

"(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Office as conservator or receiver—

"(i) shall have all of the rights and remedies available to the enterprise (before the appointment of such conservator or receiver) and the Office, including removal to Federal court and all appellate rights; and

"(ii) shall not be required to post any bond in order to pursue such remedies.

"(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver, or upon the charter, of an enterprise for which the Office has been appointed receiver.

"(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

"(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets or charter of any enterprise for which the Office has been appointed receiver; or

"(ii) any claim relating to any act or omission of such enterprise or the Office as receiver.

"(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of an enterprise for which the Office has been appointed conservator or receiver, the Office shall conduct its operations in a manner which—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases; and

"(iii) ensures adequate competition and fair and consistent treatment of offerors.

"(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Office as conservator or receiver shall be—

"(i) in the case of any contract claim, the longer of—

"(I) the 6-year period beginning on the date on which the claim accrues; or

"(II) the period applicable under State law; and

"(ii) in the case of any tort claim, the longer of—

"(I) the 3-year period beginning on the date on which the claim accrues; or

"(II) the period applicable under State law.

"(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

"(i) the date of the appointment of the Office as conservator or receiver; or

"(ii) the date on which the cause of action accrues.

"(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

"(A) IN GENERAL.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Office as conservator or receiver, the Office may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitations applicable under State law.

"(B) CLAIMS DESCRIBED.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the enterprise.

"(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

"(A) IN GENERAL.—The Office as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Office, maintain a full accounting of each conservatorship and receivership or other disposition of an enterprise in default.

"(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Office shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Office upon request to any shareholder of an enterprise or any member of the public.

"(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date on which the conservatorship or receivership is terminated by the Director, the Office may destroy any records of such enterprise which the Office, in the discretion of the Office, determines to be unnecessary, unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

"(15) FRAUDULENT TRANSFERS.—

"(A) IN GENERAL.—The Office, as conservator or receiver, may avoid a transfer of any interest of an enterprise-affiliated party, or any person determined by the conservator or receiver to be a debtor of the enterprise, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Office was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the enterprise, the Office, the conservator, or receiver.

"(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the enterprise, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

"(i) the initial transferee of such transfer or the enterprise-affiliated party or person for whose benefit such transfer was made; or

"(ii) any immediate or mediate transferee of any such initial transferee.

"(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

"(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

"(ii) any immediate or mediate good faith transferee of such transferee.

"(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

"(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the conservator or receiver under the control of the court, and appointing a trustee to hold such assets.

"(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against the conservator or receiver for the breach of an agreement executed or approved in writing by the conservator or receiver after the date of its appointment, shall be paid as an administrative expense of the conservator or receiver.

"(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of the conservator or receiver to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

"(19) GENERAL EXCEPTIONS.—

"(A) LIMITATIONS.—The rights of the conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

"(B) MORTGAGES HELD IN TRUST.—

"(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages held in trust, custodial, or agency capacity by an enterprise for the benefit of any person other than the enterprise shall not be available to satisfy the claims of creditors generally.

"(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages described in clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

"(iii) LIABILITY OF CONSERVATOR OR RECEIVER.—The liability of the conservator or receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance with in the regulations of the Director.

"(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

"(1) IN GENERAL.—Unsecured claims against an enterprise, or the receiver therefor, that are proven to the satisfaction of the receiver shall have priority in the following order:

"(A) Administrative expenses of the receiver.

"(B) Any other general or senior liability of the enterprise (which is not a liability described under subparagraph (C) or (D).

"(C) Any obligation subordinated to general creditors (which is not an obligation described under subparagraph (D)).

"(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

"(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the receiver may take any action (including making payments) that does not comply with this subsection, if—

"(A) the Director determines that such action is necessary to maximize the value of the assets of the enterprise, to maximize the present value return from the sale or other disposition of the assets of the enterprise, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the enterprise assets; and

"(B) all creditors that are similarly situated under paragraph (1) receive not less than the amount provided in subsection (e)(2).

"(3) DEFINITION.—As used in this subsection, the term 'administrative expenses of the receiver' includes—

"(A) the actual, necessary costs and expenses incurred by the receiver in preserving the assets of a failed enterprise or liquidating or otherwise resolving the affairs of a failed enterprise; and

"(B) any obligations that the receiver determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the enterprise.

"(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any enterprise may disaffirm or repudiate any contract or lease—

"(A) to which such enterprise is a party;

"(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

"(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the enterprise.

"(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

"(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

"(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

"(i) limited to actual direct compensatory damages; and

"(ii) determined as of—

"(I) the date of the appointment of the conservator or receiver; or

"(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

"(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

"(i) punitive or exemplary damages;

"(ii) damages for lost profits or opportunity; or

"(iii) damages for pain and suffering.

"(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

"(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

"(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

"(4) LEASES UNDER WHICH THE ENTERPRISE IS THE LESSEE.—

"(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the enterprise was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

"(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

"(i) be entitled to the contractual rent accruing before the later of the date on which—

"(I) the notice of disaffirmance or repudiation is mailed; or

"(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

"(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

"(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

"(5) LEASES UNDER WHICH THE ENTERPRISE IS THE LESSOR.—

"(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the enterprise under which the enterprise is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

"(i) treat the lease as terminated by such repudiation; or

"(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

"(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of subparagraph (A)—

"(i) the lessee—

"(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

"(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the enterprise under the lease after such date; and

"(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

"(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

"(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

"(i) treat the contract as terminated by such repudiation; or

"(ii) remain in possession of such real property.

"(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of subparagraph (A)—

"(i) the purchaser—

"(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

"(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the enterprise under the contract; and

"(ii) the conservator or receiver shall—

"(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

"(II) deliver title to the purchaser in accordance with the provisions of the contract; and

"(III) have no obligation under the contract other than the performance required under subclause (II).

"(C) ASSIGNMENT AND SALE ALLOWED.—

"(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

"(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

"(7) SERVICE CONTRACTS.—

"(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any enterprise for which the Office has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or receiver shall be—

"(i) a claim to be paid in accordance with subsections (b) and (e); and

"(ii) deemed to have arisen as of the date on which the conservator or receiver was appointed.

"(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

"(i) the other party shall be paid under the terms of the contract for the services performed; and

"(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

"(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by the conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

"(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

"(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10), and notwithstanding any other provision of this title (other than subsection (b)(9)(B) of this section), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right of that person to cause the termination, liquidation, or acceleration of any qualified financial contract with an enterprise that arises upon the appointment of the Office as receiver for such enterprise at any time after such appointment;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts; or

"(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

"(B) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(10) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the enterprise for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such enterprise.

"(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

"(i) IN GENERAL.—Notwithstanding paragraph (11), or any other provision of Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Office, whether acting as such or as conservator or receiver of an enterprise, may not avoid any transfer of money or other property in connection with any qualified financial contract with an enterprise.

"(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with an enterprise if the Office determines that the transferee had actual intent to hinder, delay, or defraud such enterprise, the creditors of such enterprise, or any conservator or receiver appointed for such enterprise.

"(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection the following definitions shall apply:

"(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Office determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan, unless the Office determines by regulation, resolution, or order to include any such agreement within the meaning of that term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date on which the contract is entered into, including a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (including a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as that term is defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined for purposes of this clause as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development, as determined by regulation or order adopted by the appropriate Federal banking authority), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan, unless the Office determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the enterprise.

"(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this section, any other Federal law, or the law of any State (other than paragraph (10) of this subsection and subsection (b)(9)(B)), no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with an enterprise in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to 1 or more such qualified financial contracts; or

"(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Office, or authorizing any court or agency to limit or delay in any manner, the right or power of the Office to transfer any qualified financial contract in accordance with paragraphs (9) and (10), or to disaffirm or repudiate any such contract in accordance with subsection (d)(1).

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an enterprise in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the status of such party as a nondefaulting party.

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of an enterprise in default which includes any qualified financial contract, the conservator or receiver for such enterprise shall either—

"(A) transfer to 1 person—

"(i) all qualified financial contracts between any person (or any affiliate of such person) and the enterprise in default;

"(ii) all claims of such person (or any affiliate of such person) against such enterprise under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such enterprise);

"(iii) all claims of such enterprise against such person (or any affiliate of such person) under any such contract; and

"(iv) all property securing, or any other credit enhancement for any contract described in clause (i), or any claim described in clause (ii) or (iii) under any such contract; or

"(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

"(10) NOTIFICATION OF TRANSFER.—

"(A) IN GENERAL.—The conservator or receiver shall notify any person that is a party to a contract or transfer by 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship, if—

"(i) the conservator or receiver for an enterprise in default makes any transfer of the assets and liabilities of such enterprise; and

"(ii) such transfer includes any qualified financial contract.

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an enterprise may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the enterprise (or the insolvency or financial condition of the enterprise for which the receiver has been appointed)—

"(I) until 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an enterprise may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the enterprise (or the insolvency or financial condition of the enterprise for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the conservator or receiver of an enterprise shall be deemed to have notified a person who is a party to a qualified financial contract with such enterprise, if the conservator or receiver has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an enterprise is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the enterprise in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

"(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any enterprise, except where such an interest is taken in contemplation of the insolvency of the enterprise, or with the intent to hinder, delay, or defraud the enterprise or the creditors of such enterprise.

"(13) AUTHORITY TO ENFORCE CONTRACTS.—

"(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of, or the exercise of rights or powers by, a conservator or receiver, the conservator or receiver may enforce any contract, other than a contract for liability insurance for a director or officer, or a contract or an enterprise bond, entered into by the enterprise.

"(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a liability insurance contract for an officer or director, or enterprise bond under other applicable law.

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which an enterprise is a party, or to obtain possession of or exercise control over any property of the enterprise, or affect any contractual rights of the enterprise, without the consent of the conservator or receiver, as appropriate, for a period of—

"(I) 45 days after the date of appointment of a conservator; or

"(II) 90 days after the date of appointment of a receiver.

"(ii) EXCEPTIONS.—This subparagraph shall not—

"(I) apply to a contract for liability insurance for an officer or director;

"(II) apply to the rights of parties to certain qualified financial contracts under subsection (d)(8); and

"(III) be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

"(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

"(e) VALUATION OF CLAIMS IN DEFAULT.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Office determines to utilize with respect to an enterprise in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such enterprise.

"(2) MAXIMUM LIABILITY.—The maximum liability of the Office, acting as receiver or in any other capacity, to any person having a claim against the receiver or the enterprise for which such receiver is appointed shall be not more than the amount that such claimant would have received if the Office had liquidated the assets and liabilities of the enterprise without exercising the authority of the Office under subsection (i).

"(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Office as a conservator or a receiver.

"(g) LIABILITY OF DIRECTORS AND OFFICERS.—

"(1) IN GENERAL.—A director or officer of an enterprise may be held personally liable for monetary damages in any civil action described in paragraph (2) brought by, on behalf of, or at the request or direction of the Office, and prosecuted wholly or partially for the benefit of the Office—

"(A) acting as conservator or receiver of such enterprise; or

"(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator.

"(2) ACTIONS ADDRESSED.—Paragraph (1) applies in any civil action for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct, as such terms are defined and determined under applicable State law.

"(3) NO LIMITATION.—Nothing in this subsection shall impair or affect any right of the Office under other applicable law.

"(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to an enterprise, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the enterprise shall include principal losses and appropriate interest.

"(i) LIMITED-LIFE ENTERPRISES.—

"(1) ORGANIZATION.—

"(A) PURPOSE.—The Office, as receiver appointed pursuant to subsection (a), shall, in the case of an enterprise, organize a limited-life enterprise with respect to that enterprise in accordance with this subsection.

"(B) AUTHORITIES.—Upon the creation of a limited-life enterprise under subparagraph (A), the limited-life enterprise may—

"(i) assume such liabilities of the enterprise that is in default or in danger of default as the Office may, in its discretion, determine to be appropriate, except that the liabilities assumed shall not exceed the amount of assets purchased or transferred from the enterprise to the limited-life enterprise;

"(ii) purchase such assets of the enterprise that is in default, or in danger of default as the Office may, in its discretion, determine to be appropriate; and

"(iii) perform any other temporary function which the Office may, in its discretion, prescribe in accordance with this section.

"(2) CHARTER AND ESTABLISHMENT.—

"(A) TRANSFER OF CHARTER.—

"(i) FANNIE MAE.—If the Office is appointed as receiver for the Federal National Mortgage Association, the limited-life enterprise established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

"(I) succeed to the charter of the Federal National Mortgage Association, as set forth in the Federal National Mortgage Association Charter Act; and

"(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal National Mortgage Association is subject, except as otherwise provided in this subsection.

"(ii) FREDDIE MAC.—If the Office is appointed as receiver for the Federal Home Loan Mortgage Corporation, the limited-life enterprise established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

"(I) succeed to the charter of the Federal Home Loan Mortgage Corporation, as set forth in the Federal Home Loan Mortgage Corporation Charter Act; and

"(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal Home Loan Mortgage Corporation is subject, except as otherwise provided in this subsection.

"(B) INTERESTS IN AND ASSETS AND OBLIGATIONS OF ENTERPRISE IN DEFAULT.—Notwithstanding subparagraph (A) or any other provision of law—

"(i) a limited-life enterprise shall assume, acquire, or succeed to the assets or liabilities of an enterprise only to the extent that such assets or liabilities are transferred by the Office to the limited-life enterprise in accordance with, and subject to the restrictions set forth in, paragraph (1)(B);

"(ii) a limited-life enterprise shall not assume, acquire, or succeed to any obligation that an enterprise for which a receiver has been appointed may have to any shareholder of the enterprise that arises as a result of the status of that person as a shareholder of the enterprise; and

"(iii) no shareholder or creditor of an enterprise shall have any right or claim against the charter of the enterprise once the Office has been appointed receiver for the enterprise and a limited-life enterprise succeeds to the charter pursuant to subparagraph (A).

"(C) LIMITED-LIFE ENTERPRISE TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life enterprise shall be treated as an enterprise in default at such times and for such purposes as the Office may, in its discretion, determine.

"(D) MANAGEMENT.—Upon its establishment, a limited-life enterprise shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Office.

"(E) BYLAWS.—The board of directors of a limited-life enterprise shall adopt such bylaws as may be approved by the Office.

"(3) CAPITAL STOCK.—

"(A) NO REQUIREMENT.—The Office is not required to pay capital stock into a limited-life enterprise or to issue any capital stock on behalf of a limited-life enterprise established under this subsection.

"(B) AUTHORITY.—If the Director determines that such action is advisable, the Office may cause capital stock or other securities of a limited-life enterprise established with respect to an enterprise to be issued and offered for sale, in such amounts and on such terms and conditions as the Director may determine, in the discretion of the Director.

"(4) INVESTMENTS.—Funds of a limited-life enterprise shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Office, or any Federal reserve bank.

"(5) EXEMPT TAX STATUS.—Notwithstanding any other provision of Federal or State law, a limited-life enterprise, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

"(6) WINDING UP.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), not later than 2 years after the date of its organization, the Office shall wind up the affairs of a limited-life enterprise.

"(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of a limited-life enterprise for 3 additional 1-year periods.

"(C) TERMINATION OF STATUS AS LIMITED-LIFE ENTERPRISE.—

"(i) IN GENERAL.—Upon the sale by the Office of 80 percent or more of the capital stock of a limited-life enterprise, as defined in clause (iv), to 1 or more persons (other than the Office)—

"(I) the status of the limited-life enterprise as such shall terminate; and

"(II) the enterprise shall cease to be a limited-life enterprise for purposes of this subsection.

"(ii) DIVESTITURE OF REMAINING STOCK, IF ANY.—

"(I) IN GENERAL.—Not later than 1 year after the date on which the status of a limited-life enterprise is terminated pursuant to clause (i), the Office shall sell to 1 or more persons (other than the Office) any remaining capital stock of the former limited-life enterprise.

"(II) EXTENSION AUTHORIZED.—The Director may extend the period referred to in subclause (I) for not longer than an additional 2 years, if the Director determines that such action would be in the public interest.

"(iii) SAVINGS CLAUSE.—Notwithstanding any provision of law, other than clause (ii), the Office shall not be required to sell the capital stock of an enterprise or a limited-life enterprise established with respect to an enterprise.

"(iv) APPLICABILITY.—This subparagraph applies only with respect to a limited-life enterprise that is established with respect to an enterprise.

"(7) TRANSFER OF ASSETS AND LIABILITIES.—

"(A) IN GENERAL.—

"(i) TRANSFER OF ASSETS AND LIABILITIES.—The Office, as receiver, may transfer any assets and liabilities of an enterprise in default, or in danger of default, to the limited-life enterprise in accordance with and subject to the restrictions of paragraph (1).

"(ii) SUBSEQUENT TRANSFERS.—At any time after the establishment of a limited-life enterprise, the Office, as receiver, may transfer any assets and liabilities of the enterprise in default, or in danger of default, as the Office may, in its discretion, determine to be appropriate in accordance with and subject to the restrictions of paragraph (1).

"(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of an enterprise in default or in danger of default to a limited-life enterprise shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

"(iv) EQUITABLE TREATMENT OF SIMILARLY SITUATED CREDITORS.—The Office shall treat all creditors of an enterprise in default or in danger of default that are similarly situated under subsection (c)(1) in a similar manner in exercising the authority of the Office under this subsection to transfer any assets or liabilities of the enterprise to the limited-life enterprise established with respect to such enterprise, except that the Office may take actions (including making payments) that do not comply with this clause, if—

"(I) the Director determines that such actions are necessary to maximize the value of the assets of the enterprise, to maximize the present value return from the sale or other disposition of the assets of the enterprise, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the enterprise; and

"(II) all creditors that are similarly situated under subsection (c)(1) receive not less than the amount provided in subsection (e)(2).

"(v) LIMITATION ON TRANSFER OF LIABILITIES.—Notwithstanding any other provision of law, the aggregate amount of liabilities of an enterprise that are transferred to, or assumed by, a limited-life enterprise may not exceed the aggregate amount of assets of the enterprise that are transferred to, or purchased by, the limited-life enterprise.

"(8) REGULATIONS.—The Office may promulgate such regulations as the Office determines to be necessary or appropriate to implement this subsection.

"(9) POWERS OF LIMITED-LIFE ENTERPRISES.—

"(A) IN GENERAL.—Each limited-life enterprise created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the enterprise in default or in danger of default to which it relates, except that—

"(i) the Office may—

"(I) remove the directors of a limited-life enterprise;

"(II) fix the compensation of members of the board of directors and senior management, as determined by the Office in its discretion, of a limited-life enterprise; and

"(III) indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life enterprise on such terms as the Office determines to be appropriate; and

"(ii) the board of directors of a limited-life enterprise—

"(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Office; and

"(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Office.

"(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life enterprise becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of an enterprise in default shall be stayed from further proceedings for a period of not longer than 45 days, at the request of the limited-life enterprise. Such period may be modified upon the consent of all parties.

"(10) NO FEDERAL STATUS.—

"(A) AGENCY STATUS.—A limited-life enterprise is not an agency, establishment, or instrumentality of the United States.

"(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life enterprise are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Office or of any Federal instrumentality who serves at the request of the Office as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life enterprise shall not—

"(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

"(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life enterprise in addition to such salary or benefits as are obtained through employment with the Office or such Federal instrumentality.

"(11) AUTHORITY TO OBTAIN CREDIT.—

"(A) IN GENERAL.—A limited-life enterprise may obtain unsecured credit and issue unsecured debt.

"(B) INABILITY TO OBTAIN CREDIT.—If a limited-life enterprise is unable to obtain unsecured credit or issue unsecured debt, the Director may authorize the obtaining of credit or the issuance of debt by the limited-life enterprise—

"(i) with priority over any or all of the obligations of the limited-life enterprise;

"(ii) secured by a lien on property of the limited-life enterprise that is not otherwise subject to a lien; or

"(iii) secured by a junior lien on property of the limited-life enterprise that is subject to a lien.

"(C) LIMITATIONS.—

"(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the issuance of debt by a limited-life enterprise that is secured by a senior or equal lien on property of the limited-life enterprise that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by an enterprise) only if—

"(I) the limited-life enterprise is unable to otherwise obtain such credit or issue such debt; and

"(II) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

"(12) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

"(13) AFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this subsection to obtain credit or issue debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so issued, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the issuance of such debt, or the granting of such priority or lien, were stayed pending appeal.

"(j) OTHER OFFICE EXEMPTIONS.—

"(1) APPLICABILITY.—The provisions of this subsection shall apply with respect to the Office in any case in which the Office is acting as a conservator or a receiver.

"(2) TAXATION.—The Office, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, county, municipality, or local taxing authority, except that any real property of the Office shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

"(3) PROPERTY PROTECTION.—No property of the Office shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Office, nor shall any involuntary lien attach to the property of the Office.

"(4) PENALTIES AND FINES.—The Office shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

"(k) PROHIBITION OF CHARTER REVOCATION.—In no case may the receiver appointed pursuant to this section revoke, annul, or terminate the charter of an enterprise.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1369, 1369A, and 1369B (12 U.S.C. 4619, 4620, and 4621).

Subtitle D—Enforcement Actions

SEC. 841. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS.—If, in the opinion of the Director, an enterprise or any enterprise-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the enterprise or any enterprise-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the enterprise or the Finance Facility, or is violating or has violated, or the Director has reasonable cause to believe is about to violate, a law, rule, regulation, or order, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the enterprise or the Finance Facility or any written agreement entered into with the Director, the Director may issue and serve upon the enterprise or enterprise-affiliated party a notice of charges in respect thereof.

"(b) ISSUANCE FOR UNSATISFACTORY RATING.—If an enterprise receives, in its most recent report of examination, a less-than-satisfactory rating for credit risk, market risk, operations, or corporate governance, the Director may (if the deficiency is not corrected) deem the enterprise to be engaging in an unsafe or unsound practice for purposes of subsection (a).";

(2) in subsection (c)—

(A) in paragraph (1), by inserting before the period at the end the following: ", unless the party served with a notice of charges shall appear at the hearing personally or by a duly authorized representative, the party shall be deemed to have consented to the issuance of the cease-and-desist order"; and

(B) in paragraph (2)—

(i) by striking "or director" and inserting "director, or enterprise-affiliated party"; and

(ii) by inserting "or enterprise-affiliated party" before "consents";

(3) in each of subsections (c), (d), and (e), by striking "conduct" each place that term appears and inserting "practice";

(4) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by striking "or director" and inserting "director, or enterprise-affiliated party";

(ii) by inserting "to require a enterprise or enterprise-affiliated party" after "includes the authority";

(B) in paragraph (1)—

(i) by striking "to require an executive officer or a director to"; and

(ii) by striking "loss" and all that follows through "person" and inserting "loss, if";

(iii) in subparagraph (A), by inserting "such entity or party or finance facility" before "was"; and

(iv) by striking subparagraph (B) and inserting the following:

"(B) the violation or practice involved a reckless disregard for the law or any applicable regulations or prior order of the Director;"; and

(C) in paragraph (4), by inserting "loan or" before "asset";

(5) in subsection (e), by inserting "or enterprise-affiliated party"—

(A) before "or any executive"; and

(B) before the period at the end; and

(6) in subsection (f)—

(A) by striking "enterprise" and inserting "enterprise, finance facility,"; and

(B) by striking "or director" and inserting "director, or enterprise-affiliated party".

SEC. 842. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GROUNDS FOR ISSUANCE.—

"(1) IN GENERAL.—If the Director determines that the actions specified in the notice of charges served upon an enterprise or any enterprise-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of that enterprise, or is likely to weaken the condition of that enterprise prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may—

"(A) issue a temporary order requiring that enterprise or enterprise-affiliated party to cease and desist from any such violation or practice; and

"(B) require that enterprise or enterprise-affiliated party to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings.

"(2) ADDITIONAL REQUIREMENTS.—An order issued under paragraph (1) may include any requirement authorized under subsection 1371(d).";

(2) in subsection (b), by striking "or director" and inserting "director, or enterprise-affiliated party"; and

(3) in subsection (d), by striking "or director" each place that term appears and inserting "director, or enterprise-affiliated party"; and

(4) in subsection (e)—

(A) by striking "request the Attorney General of the United States to"; and

(B) by striking "or may, under the direction and control of the Attorney General, bring such action".

SEC. 843. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended—

(1) by redesignating sections 1377 through 1379B (12 U.S.C. 4637–4641) as sections 1379 through 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following:

"SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

"(a) AUTHORITY TO ISSUE ORDER.—

"(1) IN GENERAL.—The Director may serve upon a party described in paragraph (2), or any officer, director, or management of the Finance Facility a written notice of the intention of the Director to suspend or remove such party from office, or prohibit any further participation by such party, in any manner, in the conduct of the affairs of the enterprise.

"(2) APPLICABILITY.—A party described in this paragraph is an enterprise-affiliated party or any officer, director, or management of the Finance Facility, if the Director determines that—

"(A) that party, officer, or director has, directly or indirectly—

"(i) violated—

"(I) any law or regulation;

"(II) any cease-and-desist order which has become final;

"(III) any condition imposed in writing by the Director in connection with the grant of any application or other request by such enterprise; or

"(IV) any written agreement between such enterprise and the Director;

"(ii) engaged or participated in any unsafe or unsound practice in connection with any enterprise or business institution; or

"(iii) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

"(B) by reason of the violation, practice, or breach described in subparagraph (A)—

"(i) such enterprise or business institution has suffered or will probably suffer financial loss or other damage; or

"(ii) such party has received financial gain or other benefit; and

"(C) the violation, practice, or breach described in subparagraph (A)—

"(i) involves personal dishonesty on the part of such party; or

"(ii) demonstrates willful or continuing disregard by such party for the safety or soundness of such enterprise or business institution.

"(b) SUSPENSION ORDER.—

"(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) upon a party subject to that subsection (a), the Director may, by order, suspend or remove such party from office, or prohibit such party from further participation in any manner in the conduct of the affairs of the enterprise, if the Director—

"(A) determines that such action is necessary for the protection of the enterprise; and

"(B) serves such party with written notice of the order.

"(2) EFFECTIVE PERIOD.—Any order issued under this subsection—

"(A) shall become effective upon service; and

"(B) unless a court issues a stay of such order under subsection (g), shall remain in effect and enforceable until—

"(i) the date on which the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

"(ii) the effective date of an order issued under subsection (b).

"(3) COPY OF ORDER.—If the Director issues an order under subsection (b) to any party, the Director shall serve a copy of such order on any enterprise with which such party is affiliated at the time such order is issued.

"(c) NOTICE, HEARING, AND ORDER.—

"(1) NOTICE.—A notice under subsection (a) of the intention of the Director to issue an order under this section shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action.

"(2) TIMING OF HEARING.—A hearing shall be fixed for a date not earlier than 30 days, nor later than 60 days, after the date of service of notice under subsection (a), unless an earlier or a later date is set by the Director at the request of—

"(A) the party receiving such notice, and good cause is shown; or

"(B) the Attorney General of the United States.

"(3) CONSENT.—Unless the party that is the subject of a notice delivered under subsection (a) appears at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order under this section.

"(4) ISSUANCE OF ORDER OF SUSPENSION.—The Director may issue an order under this section, as the Director may deem appropriate, if—

"(A) a party is deemed to have consented to the issuance of an order under paragraph (3); or

"(B) upon the record made at the hearing, the Director finds that any of the grounds specified in the notice have been established.

"(5) EFFECTIVENESS OF ORDER.—Any order issued under paragraph (4) shall become effective at the expiration of 30 days after the date of service upon the relevant enterprise and party (except in the case of an order issued upon consent under paragraph (3), which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

"(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

"(1) participate in any manner in the conduct of the affairs of any enterprise or the Finance Facility;

"(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any enterprise;

"(3) violate any voting agreement previously approved by the Director; or

"(4) vote for a director, or serve or act as an enterprise-affiliated party of an enterprise or as an officer or director of the Finance Facility.

"(e) INDUSTRY-WIDE PROHIBITION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in an enterprise or the Finance Facility, or prohibited from participating in the conduct of the affairs of an enterprise or the Finance Facility, may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any enterprise or the Finance Facility.

"(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date on which an order is issued under this section which removes or suspends from office any party, or prohibits such party from participating in the conduct of the affairs of an enterprise or the Finance Facility, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the enterprise or such Finance Facility described in the written consent. Any such consent shall be publicly disclosed.

"(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order issued under subsection (h) shall be treated as a violation of the order.

"(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business entity.

"(g) STAY OF SUSPENSION AND PROHIBITION OF ENTERPRISE-AFFILIATED PARTY.—Not later than 10 days after the date on which any enterprise-affiliated party has been suspended from office or prohibited from participation in the conduct of the affairs of an enterprise under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the enterprise is located, for a stay of such suspension or prohibition pending the completion of the administrative proceedings pursuant to subsection (c). The court shall have jurisdiction to stay such suspension or prohibition.

"(h) SUSPENSION OR REMOVAL OF ENTERPRISE-AFFILIATED PARTY CHARGED WITH FELONY.—

"(1) SUSPENSION OR PROHIBITION.—

"(A) IN GENERAL.—Whenever any enterprise-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding 1 year under Federal or State law, the Director may, if continued service or participation by such party may pose a threat to the enterprise or impair public confidence in the enterprise, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any enterprise.

"(B) PROVISIONS APPLICABLE TO NOTICE.—

"(i) COPY.—A copy of any notice under subparagraph (A) shall be served upon the relevant enterprise.

"(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in subparagraph (A) is finally disposed of, or until terminated by the Director.

"(2) REMOVAL OR PROHIBITION.—

"(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an enterprise-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the enterprise or impair public confidence in the enterprise, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the enterprise without the prior written consent of the Director.

"(B) PROVISIONS APPLICABLE TO ORDER.—

"(i) COPY.—A copy of any order under subparagraph (A) shall be served upon the relevant enterprise, at which time the enterprise-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such enterprise.

"(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove a party from office or to prohibit further participation in the affairs of an enterprise pursuant to subsection (a) or (b).

"(iii) EFFECTIVE PERIOD.—Unless terminated by the Director, any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4).

"(3) AUTHORITY OF REMAINING BOARD MEMBERS.—

"(A) IN GENERAL.—If at any time, because of the suspension of 1 or more directors pursuant to this section, there shall be on the board of directors of an enterprise less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

"(B) APPOINTMENT OF TEMPORARY DIRECTORS.—If all of the directors of an enterprise are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the enterprise and their respective successors take office.

"(4) HEARING REGARDING CONTINUED PARTICIPATION.—

"(A) IN GENERAL.—Not later than 30 days after the date of service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2), the enterprise-affiliated party may request in writing an opportunity to appear before the Director to show that the continued service or participation in the conduct of the affairs of the enterprise by such party does not, or is not likely to, pose a threat to the interests of the enterprise, or threaten to impair public confidence in the enterprise.

"(B) TIMING AND FORM OF HEARING.—Upon receipt of a request for a hearing under subparagraph (A), the Director shall fix a time (not later than 30 days after the date of receipt of such request, unless extended at the request of such party) and place at which the enterprise-affiliated party may appear, personally or through counsel, before the Director or 1 or more designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument.

"(C) DETERMINATION.—Not later than 60 days after the date of a hearing under subparagraph (B), the Director shall notify the enterprise-affiliated party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the enterprise will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the enterprise will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for any adverse decision of the Director.

"(5) RULES.—The Director is authorized to prescribe such rules as may be necessary to carry out this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) SAFETY AND SOUNDNESS ACT.—Subtitle C of title XIII of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (42 U.S.C. 4501 et seq.) is amended—

(A) in section 1317(f), by striking "section 1379B" and inserting "section 1379D";

(B) in section 1373(a)—

(i) in paragraph (1), by striking "or 1376(c)" and inserting ", 1376(c), or 1377";

(ii) in paragraph (2), by inserting "or 1377" after"1371"; and

(iii) in paragraph (4), by inserting "or removal or prohibition" after "cease and desist"; and

(C) in section 1374(a)—

(i) by striking "or 1376" and inserting ", 1376, or 1377"; and

(ii) by striking "such section" and inserting "this title".

(2) FANNIE MAE CHARTER ACT.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the second sentence, by striking "The" and inserting "Except to the extent that action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the".

(3) FREDDIE MAC CHARTER ACT.—Section 303(a)(2)(A) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended, in the second sentence, by striking "The" and inserting "Except to the extent action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the".

SEC. 844. ENFORCEMENT AND JURISDICTION.

(a) IN GENERAL.—Section 1375 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice, order, or subpoena issued under this title, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice, order, or subpoena."; and

(2) in subsection (b)—

(A) by striking "section 1371, 1372, or 1376 or";

(B) by inserting "subtitle C, or section 1313A" after "subtitle B,"; and

(C) by inserting ", standard," after "notice" each place that term appears.

(b) CONFORMING AMENDMENT.—Section 1379B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4641) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

SEC. 845. CIVIL MONEY PENALTIES.

Section 1376 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4636) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Director may impose a civil money penalty in accordance with this section on any enterprise, or any executive offices of an enterprise or any enterprise-affiliated party.";

(2) by striking subsection (b) and inserting the following:

"(b) AMOUNT OF PENALTY.—

"(1) FIRST TIER.—An enterprise or enterprise-affiliated party shall forfeit and pay a civil penalty of not more than $10,000 for each day during which a violation continues, if such enterprise or party—

"(A) violates any provision of this title, the authorizing statutes, or any order, condition, rule, or regulation under this title or any authorizing statute;

"(B) violates any final or temporary order or notice issued pursuant to this title;

"(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such enterprise;

"(D) violates any written agreement between the enterprise and the Director; or

"(E) engages in any conduct that the Director determines to be an unsafe or unsound practice.

"(2) SECOND TIER.—Notwithstanding paragraph (1), a enterprise or enterprise-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which a violation, practice, or breach continues, if—

"(A) the enterprise or enterprise-affiliated party, respectively—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of the enterprise; or

"(iii) breaches any fiduciary duty; and

"(B) the violation, practice, or breach—

"(i) is part of a pattern of misconduct;

"(ii) causes or is likely to cause more than a minimal loss to the enterprise; or

"(iii) results in pecuniary gain or other benefit to such party.

"(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any enterprise or enterprise-affiliated party shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues, if such enterprise or enterprise-affiliated party—

"(A) knowingly—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) engages in any unsafe or unsound practice in conducting the affairs of the enterprise; or

"(iii) breaches any fiduciary duty; and

"(B) knowingly or recklessly causes a substantial loss to the enterprise or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach.

"(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in paragraph (3) is—

"(A) in the case of any enterprise-affiliated party, an amount not to exceed $2,000,000; and

"(B) in the case of any enterprise, $2,000,000.";

(3) in subsection (c)—

(A) by inserting "or enterprise-affiliated party" before "in writing"; and

(B) by inserting "or enterprise-affiliated party" before "has been given"; and

(4) in subsection (d)—

(A) by striking "or director" each place that term appears and inserting "director, or enterprise-affiliated party";

(B) by striking "request the Attorney General of the United States to";

(C) by inserting ", or the United States district court within the jurisdiction of which the headquarters of the enterprise is located," after "District of Columbia";

(D) by striking ", or may, under the direction and control of the Attorney General of the United States, bring such an action"; and

(E) by striking "and section 1374".

SEC. 846. CRIMINAL PENALTY.

Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 1378. CRIMINAL PENALTY.

"Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any enterprise shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.".

SEC. 847. NOTICE AFTER SEPARATION FROM SERVICE.

Section 1379 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4637), as so designated by this Act, is amended—

(1) by striking "2-year" and inserting "6-year"; and

(2) by inserting "or an enterprise-affiliated party" after "enterprise" each place that term appears.

SEC. 848. SUBPOENA AUTHORITY.

Section 1379B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4641) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "administrative";

(ii) by inserting ", examination, or investigation" after "proceeding";

(iii) by striking "subchapter" and inserting "title"; and

(iv) by inserting "or any designated representative thereof, including any person designated to conduct any hearing under this subtitle" after "Director"; and

(B) in paragraph (4), by striking "issued by the Director";

(2) in subsection (b), by inserting "or in any territory or other place subject to the jurisdiction of the United States" after "State";

(3) by striking subsection (c) and inserting the following:

"(c) Enforcement.—

"(1) In general.—The Director, or any party to proceedings under this subtitle, may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district of the United States in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this section.

"(2) Power of court.—The courts described under paragraph (1) shall have the jurisdiction and power to order and require compliance with any subpoena issued under paragraph (1)";

(4) in subsection (d), by inserting "enterprise-affiliated party" before "may allow"; and

(5) by adding at the end the following:

"(e) Penalties.—A person shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both, if that person willfully fails or refuses, in disobedience of a subpoena issued under subsection (c), to—

"(1) attend court;

"(2) testify in court;

"(3) answer any lawful inquiry; or

"(4) produce books, papers, correspondence, contracts, agreements, or such other records as requested in the subpoena.".

SA 4419. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. Dodd (for himself and Mr. Shelby) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—CLEAN ENERGY TAX STIMULUS

SEC. 801. SHORT TITLE; ETC.

(a) Short Title.—This title may be cited as the "Clean Energy Tax Stimulus Act of 2008".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Extension of Clean Energy Production Incentives

SEC. 811. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) Extension of Credit.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2010":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) Production Credit for Electricity Produced From Marine Renewables.—

(1) In general.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(2) Marine renewables.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) Marine and hydrokinetic renewable energy.—

"(A) In general.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) Exceptions.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(3) Definition of facility.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) Marine and hydrokinetic renewable energy facilities.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.".

(4) Credit rate.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(5) Coordination with small irrigation power.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking "January 1, 2010" and inserting "the date of the enactment of paragraph (11)".

(c) Sales of Electricity to Regulated Public Utilities Treated as Sales to Unrelated Persons.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: "A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).".

(d) Trash Facility Clarification.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(e) Effective Dates.—

(1) Extension.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) Modifications.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) Trash facility clarification.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 812. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) Extension of Credit.—

(1) Solar energy property.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2017".

(2) Fuel cell property.—Subparagraph (E) of section 48(c)(1) (relating to qualified

fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2017".

(3) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2017".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.".

(c) REPEAL OF DOLLAR PER KILOWATT LIMITATION FOR FUEL CELL PROPERTY.—

(1) IN GENERAL.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B) of subsection (c)" and inserting "subsection (c)(2)(B)".

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) FUEL CELL PROPERTY AND PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 813. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) NO DOLLAR LIMITATION FOR CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking ", (2)," in subparagraph (C).

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 814. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting ", and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000" after "$1,200,000,000" in paragraph (1),

(2) by striking "$750,000,000 of the" in paragraph (2) and inserting "$750,000,000 of the $1,200,000,000", and

(3) by striking "bodies" in paragraph (2) and inserting "bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)".

(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

"(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).", and

(2) by inserting "; PUBLIC POWER PROVIDER" before the period at the end of the heading.

(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking "subsection (1)(6)" and inserting "subsection (1)(5)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 815. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking "December 31, 2007" and inserting "the date which is 2 years after the date of such transaction".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

SEC. 821. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

"(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.".

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking "2006" and inserting "2008".

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

"(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.".

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

"(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

"(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

"(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 822. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2010".

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

"(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

"(ii) used by such eligible contractor as a residence during the taxable year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. 823. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking "$1.80" and inserting "$2.25".

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking "$.60" and inserting "$0.75", and

(B) by striking "$1.80" and inserting "$2.25".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 824. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible", and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) fcr all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SA 4420. Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR FORECLOSURE RECOVERY RELIEF FOR INDIVIDUALS WITH MORTGAGES ON THEIR PRINCIPAL RESIDENCES.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified foreclosure recovery distribution.

(b) LIMITATIONS.—

(1) IN GENERAL.—For purposes of this section, the aggregate amount of distributions received by an individual which may he treated as qualified foreclosure recovery distributions for any taxable year shall not exceed the excess (if any) of—

(A) the lesser of

(i) the individual's qualified mortgage expenditures for the taxable year, or

(ii) $25,000, over

(B) the aggregate amounts treated as qualified foreclosure recovery distributions received by such individual for all prior taxable years.

(2) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to paragraph (1)) be a qualified foreclosure recovery distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified foreclosure recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $25,000.

(3) CONTROLLED GROUP.—For purposes of paragraph (2), the term ''controlled group'' means any group treated as a single employer under subsection (b), (e), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified foreclosure recovery distribution may, at any time during the 3–year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(h)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified foreclosure recovery distribution in an eligible rollover distribution (as defined in section 402(e)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified foreclosure recovery distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) APPLICATION TO ELIGIBLE RETIREMENT PLANS.—

(A) IN GENERAL.—Nothing in this section shall be treated as requiring an eligible retirement plan to accept any contributions described in this subsection.

(B) QUALIFICATION.—An eligible retirement plan shall not be treated as violating any requirement of Federal law solely by reason of the acceptance of contributions described in this subparagraph.

(d) DEFINITIONS.—FOR PURPOSES OF THIS SECTION

(1) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTION.—The term ''qualified foreclosure recovery distribution'' means any distribution to an individual from an eligible retirement plan which is made—

(A) on or after the date of the enactment of this Act and before January 1, 2010, and

(B) during a taxable year during which the individual has qualifying mortgage expenditures.

(2) QUALIFYING MORTGAGE EXPENDITURES.—

(A) IN GENERAL.—The term ''qualifying mortgage expenditures'' means any of the following expenditures:

(i) Payment of principal or interest on an applicable mortgage.

(ii) Payment of costs paid or incurred in refinancing, or modifying the terms of, an applicable mortgage.

(B) APPLICABLE MORTGAGE.—The term ''applicable mortgage'' means a mortgage which—

(i) was entered into after December 31, 1999, and before the date of the enactment of this Act, and

(ii) constitutes a security interest in the principal residence of the mortgagor.

(C) JOINT FILERS.—In the case of married individuals filing a joint return under section 6013 of the Internal Revenue Code of 1986, the qualifying mortgage expenditures of the taxpayer may be allocated between the spouses in such manner as they elect.

(3) ELIGIBLE RETIREMENT PLAN.—The term ''eligible retirement plan'' shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(4) PRINCIPAL RESIDENCE.—The term ''principal residence'' has the same meaning as when used in section 121 of such Code.

(e) INCOME INCLUSION SPREAD OVER 3–YEAR PERIOD FOR QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified foreclosure recovery distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3–taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph

(E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(f) SPECIAL RULES.

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified foreclosure recovery distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified foreclosure recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(3) SUBSTANTIALLY EQUAL PERIODIC PAYMENTS.—A qualified foreclosure recovery distribution—

(A) shall be disregarded in determining whether a payment is a part of a series of substantially equal periodic payment under section 72(t)(2)(A)(iv) of such Code, and

(B) shall not constitute a change in substantially equal periodic payments under section 72(t)(4) of such Code.

(g) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to the provisions this section, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date the legislative or regulatory amendment described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, any later effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SA 4421. Mr. CARDIN (for himself and Mr. ENSIGN) proposed an amendment to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE—FIRST-TIME HOMEBUYERS' TAX CREDIT

SEC. _01. CREDIT FOR FIRST-TIME HOMEBUYERS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during any taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to so much of the purchase price of the residence as does not exceed $7,000.

"(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the principal residence is made.

"(b) LIMITATIONS.—

"(1) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this subsection) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the credit so allowable as—

"(i) the excess (if any) of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $70,000 ($110,000 in the case of a joint return), bears to

"(ii) $20,000.

"(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of paragraph (1), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section and section 23) for the taxable year.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) FIRST-TIME HOMEBUYER.—

"(A) IN GENERAL.—The term 'first-time homebuyer' has the same meaning as when used in section 72(t)(8)(D)(i).

"(B) ONE-TIME ONLY.—If an individual is treated as a first-time homebuyer with respect to any principal residence, such individual may not be treated as a first-time homebuyer with respect to any other principal residence.

"(C) MARRIED INDIVIDUALS FILING JOINTLY.—In the case of married individuals who file a joint return, the credit under this section is allowable only if both individuals are first-time homebuyers.

"(D) OTHER TAXPAYERS.—If 2 or more individuals who are not married purchase a principal residence—

"(i) the credit under this section is allowable only if each of the individuals is a first-time homebuyer, and

"(ii) the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe.

"(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

"(3) PURCHASE.—

"(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

"(i) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267 (b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only the individual's spouse, ancestors, and lineal descendants), and

"(ii) the basis of the property in the hands of the person acquiring it is not determined—

"(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

"(II) under section 1014(a) (relating to property acquired from a decedent).

"(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer.

"(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date of acquisition (within the meaning of section 72(t)(8)(D)(iii)).

"(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

"(e) RECAPTURE IN THE CASE OF CERTAIN DISPOSITIONS.—In the event that a taxpayer—

"(1) disposes of the principal residence with respect to which a credit is allowed under subsection (a), or

"(2) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the remaining portion of the credit allowed under subsection (a) shall be disallowed in the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence, and in any subsequent taxable year in which the remaining portion of the credit would, but for this subsection, have been allowed.

"(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

"(g) PROPERTY TO WHICH SECTION APPLIES.—The provisions of this section shall apply to a principal residence if the taxpayer's date of acquisition of the residence (within the meaning of section 72(t)(8)(D)(iii)) and date of settlement on such residence are during the period beginning on the date of the enactment of this section and ending on the date that is 1 year after such date.".

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking "and 25B" and inserting ", 25B, and 25E".

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting "25E," after "25D,".

(3) Section 25B(g)(2) of such Code is amended by striking "section 23" and inserting "sections 23 and 25E".

(4) Section 25D(c)(2) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(5) Section 26(a)(1) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(6) Section 904(i) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(7) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 25E(f).".

(8) Section 1400C(d)(2) of such Code is amended by striking "and 25D" and inserting "25D, and 25E".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Purchase of principal residence by first-time homebuyer.".

SA 4422. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 4389 submitted by Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. VITTER, and Mr. WICKER) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United

States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE—DISASTER TAX RELIEF ASSISTANCE

SEC. _____. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados" for "on or after August 25, 2005, by reason of Hurricane Katrina".

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(D) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(E) by substituting "beginning on May 4, 2007, and ending on November 5, 2007" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(F) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(G) by substituting "December 31, 2007" for "December 31, 2006" in subsection (c)(2)(A),

(H) by substituting "beginning on June 4, 2007, and ending on December 31, 2007" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(I) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(J) by substituting "January 1, 2008" for "January 1, 2007" in subsection (d)(2)(A)(ii).

SA 4423. **Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:**

At the end of title VI, insert the following:

SEC. ____. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR FORECLOSURE RECOVERY RELIEF FOR INDIVIDUALS WITH MORTGAGES ON THEIR PRINCIPAL RESIDENCES.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified foreclosure recovery distribution.

(b) LIMITATIONS.—

(1) IN GENERAL.—For purposes of this section, the aggregate amount of distributions received by an individual which may be treated as qualified foreclosure recovery distributions for any taxable year shall not exceed the lesser of—

(A) the individual's qualified mortgage expenditures for the taxable year, or

(B) the excess (if any) of—

(i) $25,000, over

(ii) the aggregate amounts treated as qualified foreclosure recovery distributions received by such individual for all prior taxable years.

(2) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to paragraph (1)) be a qualified foreclosure recovery distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified foreclosure recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $25,000.

(3) CONTROLLED GROUP.—For purposes of paragraph (2), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified foreclosure recovery distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified foreclosure recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to

paragraph (1) with respect to a qualified foreclosure recovery distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified foreclosure recovery distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) APPLICATION TO ELIGIBLE RETIREMENT PLANS.—

(A) IN GENERAL.—Nothing in this section shall be treated as requiring an eligible retirement plan to accept any contributions described in this subsection.

(B) QUALIFICATION.—An eligible retirement plan shall not be treated as violating any requirement of Federal law solely by reason of the acceptance of contributions described in this subparagraph.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTION.—The term "qualified foreclosure recovery distribution" means any distribution to an individual from an eligible retirement plan which is made—

(A) on or after the date of the enactment of this Act and before January 1, 2010, and

(B) during a taxable year during which the individual has qualifying mortgage expenditures.

(2) QUALIFYING MORTGAGE EXPENDITURES.—

(A) IN GENERAL.—The term "qualifying mortgage expenditures" means any of the following expenditures:

(i) Payment of principal or interest on an applicable mortgage.

(ii) Payment of costs paid or incurred in refinancing, or modifying the terms of, an applicable mortgage.

(B) APPLICABLE MORTGAGE.—The term "applicable mortgage" means a mortgage which—

(i) was entered into after December 31, 1999, and before the date of the enactment of this Act, and

(ii) constitutes a security interest in the principal residence of the mortgagor.

(C) JOINT FILERS.—In the case of married individuals filing a joint return under section 6013 of the Internal Revenue Code of 1986, the qualifying mortgage expenditures of the taxpayer may be allocated between the spouses in such manner as they elect.

(3) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(4) PRINCIPAL RESIDENCE.—The term "principal residence" has the same meaning as when used in section 121 of such Code.

(e) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD FOR QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified foreclosure recovery distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified foreclosure recovery distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified foreclosure recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(3) SUBSTANTIALLY EQUAL PERIODIC PAYMENTS.—A qualified foreclosure recovery distribution—

(A) shall be disregarded in determining whether a payment is a part of a series of substantially equal periodic payment under section 72(t)(2)(A)(iv) of such Code, and

(B) shall not constitute a change in substantially equal periodic payments under section 72(t)(4) of such Code.

(g) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to the provisions this section, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date the legislative or regulatory amendment described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, any later effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SA 4424. Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 605. NEW RESTAURANT PROPERTY TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(E) of the Internal Revenue Code of 1986 (defining 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified new restaurant property placed in service before the date that is 12 months after the date of the enactment of this clause.".

(b) QUALIFIED NEW RESTAURANT PROPERTY.—Subsection (e) of section 168 of such Code is amended by adding at the end the following new paragraph:

"(8) QUALIFIED NEW RESTAURANT PROPERTY.—The term 'qualified new restaurant property' means any section 1250 property which is a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 4425. Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 605. NEW RESTAURANT PROPERTY TREATED AS 20-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (F) of section 168(e)(3) of the Internal Revenue Code of 1986 (defining 20-year property) is amended to read as follows:

"(F) 20-YEAR PROPERTY.—The term '20-year property' means—

"(i) initial clearing and grading land improvements with respect to any electric utility transmission and distribution plant, and

"(ii) any qualified new restaurant property placed in service before the date that is 12 months after the date of the enactment of this clause.".

(b) QUALIFIED NEW RESTAURANT PROPERTY.—Subsection (e) of section 168 of such Code is amended by adding at the end the following new paragraph:

"(8) QUALIFIED NEW RESTAURANT PROPERTY.—The term 'qualified new restaurant property' means any section 1250 property which is a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 4426. Mr. MARTINEZ (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION 2

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Division may be cited as the "Federal Housing Finance Reform Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Division is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

Sec. 101. Establishment of the Federal Housing Finance Agency.
Sec. 102. Duties and authorities of Director.
Sec. 103. Federal Housing Enterprise Board.
Sec. 104. Authority to require reports by regulated entities.
Sec. 105. Disclosure of income and charitable contributions by enterprises.
Sec. 106. Assessments.
Sec. 107. Examiners and accountants.
Sec. 108. Prohibition and withholding of executive compensation.
Sec. 109. Reviews of regulated entities.
Sec. 110. Inclusion of minorities and women; diversity in Agency workforce.
Sec. 111. Regulations and orders.
Sec. 112. Non-waiver of privileges.
Sec. 113. Risk-Based capital requirements.
Sec. 114. Minimum and critical capital levels.
Sec. 115. Review of and authority over enterprise assets and liabilities.
Sec. 116. Corporate governance of enterprises.
Sec. 117. Required registration under Securities Exchange Act of 1934.
Sec. 118. Liaison with Financial Institutions Examination Council.
Sec. 119. Guarantee fee study.
Sec. 120. Conforming amendments.

Subtitle B—Improvement of Mission Supervision

Sec. 131. Transfer of product approval and housing goal oversight.
Sec. 132. Review of enterprise products.
Sec. 133. Conforming loan limits.
Sec. 134. Annual housing report regarding regulated entities.
Sec. 135. Annual reports by regulated entities on affordable housing stock.
Sec. 136. Mortgagor identification requirements for mortgages of regulated entities.
Sec. 137. Revision of housing goals.
Sec. 138. Duty to serve underserved markets.
Sec. 139. Monitoring and enforcing compliance with housing goals.
Sec. 140. Affordable Housing Fund.
Sec. 141. Consistency with mission.
Sec. 142. Enforcement.
Sec. 143. Conforming amendments.

Subtitle C—Prompt Corrective Action

Sec. 151. Capital classifications.
Sec. 152. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 153. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 154. Authority over critically undercapitalized regulated entities.
Sec. 155. Conforming amendments.

Subtitle D—Enforcement Actions

Sec. 161. Cease-and-desist proceedings.
Sec. 162. Temporary cease-and-desist proceedings.
Sec. 163. Prejudgment attachment.
Sec. 164. Enforcement and jurisdiction.
Sec. 165. Civil money penalties.
Sec. 166. Removal and prohibition authority.
Sec. 167. Criminal penalty.
Sec. 168. Subpoena authority.
Sec. 169. Conforming amendments.

Subtitle E—General Provisions

Sec. 181. Boards of enterprises.
Sec. 182. Report on portfolio operations, safety and soundness, and mission of enterprises.
Sec. 183. Conforming and technical amendments.
Sec. 184. Study of alternative secondary market systems.
Sec. 185. Effective date.

TITLE II—FEDERAL HOME LOAN BANKS

Sec. 201. Definitions.
Sec. 202. Directors.
Sec. 203. Federal Housing Finance Agency oversight of Federal Home Loan Banks.
Sec. 204. Joint activities of Banks.
Sec. 205. Sharing of information between Federal Home Loan Banks.
Sec. 206. Reorganization of Banks and voluntary merger.
Sec. 207. Securities and Exchange Commission disclosure.
Sec. 208. Community financial institution members.
Sec. 209. Technical and conforming amendments.
Sec. 210. Study of affordable housing program use for long-term care facilities.
Sec. 211. Effective date.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of Federal Housing Enterprise Oversight

Sec. 301. Abolishment of OFHEO.
Sec. 302. Continuation and coordination of certain regulations.
Sec. 303. Transfer and rights of employees of OFHEO.
Sec. 304. Transfer of property and facilities.

Subtitle B—Federal Housing Finance Board

Sec. 321. Abolishment of the Federal Housing Finance Board.
Sec. 322. Continuation and coordination of certain regulations.
Sec. 323. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 324. Transfer of property and facilities.

Subtitle C—Department of Housing and Urban Development

Sec. 341. Termination of enterprise-related functions.
Sec. 342. Continuation and coordination of certain regulations.
Sec. 343. Transfer and rights of employees of Department of Housing and Urban Development.
Sec. 344. Transfer of appropriations, property, and facilities.

SEC. 2. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (7), by striking "an enterprise" and inserting "a regulated entity";

(2) by striking "the enterprise" each place such term appears (except in paragraphs (4) and (18)) and inserting "the regulated entity";

(3) in paragraph (5), by striking "Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Federal Housing Finance Agency";

(4) in each of paragraphs (8), (9), (10), and (19), by striking "Secretary" each place that term appears and inserting "Director";

(5) in paragraph (13), by inserting ", with respect to an enterprise," after "means";

(6) by redesignating paragraphs (16) through (19) as paragraphs (20) through (23), respectively;

(7) by striking paragraphs (14) and (15) and inserting the following new paragraphs:

"(18) REGULATED ENTITY.—The term 'regulated entity' means—

"(A) the Federal National Mortgage Association and any affiliate thereof;

"(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

"(C) each Federal home loan bank.

"(19) REGULATED ENTITY-AFFILIATED PARTY.—The term 'regulated entity-affiliated party' means—

"(A) any director, officer, employee, or agent for, a regulated entity, or controlling shareholder of an enterprise;

"(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, except that a shareholder of a regulated entity shall not be considered to have participated in the affairs of that regulated entity solely by reason of being a member or customer of the regulated entity;

"(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

"(i) the independent contractor knowingly or recklessly participates in—

"(I) any violation of any law or regulation;

"(II) any breach of fiduciary duty; or

"(III) any unsafe or unsound practice; and

"(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and

"(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity.".

(8) by redesignating paragraphs (8) through (13) as paragraphs (12) through (17), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

"(11) FEDERAL HOME LOAN BANK.—The term 'Federal home loan bank' means a bank established under the authority of the Federal Home Loan Bank Act.";

(10) by redesignating paragraphs (2) through (7) as paragraphs (5) through (10), respectively; and

(11) by inserting after paragraph (1) the following new paragraphs:

"(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.

"(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

"(A) the Federal National Mortgage Association Charter Act;

"(B) the Federal Home Loan Mortgage Corporation Act; and

"(C) the Federal Home Loan Bank Act.

"(4) BOARD.—The term 'Board' means the Federal Housing Enterprise Board established under section 1313B.".

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

SEC. 101. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

"SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

"(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

"(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

"(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

"(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, AND FEDERAL HOME LOAN BANKS.—The Director of the Federal Housing Finance Agency shall have general supervisory and regulatory authority over each regulated entity and shall exercise such general regulatory and supervisory authority, including such duties and authorities set forth under section 1313 of this Act, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out. The Director shall have the same supervisory and regulatory authority over any joint office of the Federal home loan banks, including the Office of Finance of the Federal Home Loan Banks, as the Director has over the individual Federal home loan banks.

"(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director.

"SEC. 1312. DIRECTOR.

"(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Federal Housing Finance Agency, who shall be the head of the Agency.

"(b) APPOINTMENT; TERM.—

"(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

"(2) TERM AND REMOVAL.—The Director shall be appointed for a term of 5 years and may be removed by the President only for cause.

"(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

"(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

"(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development shall serve as the Director until a successor has been appointed under paragraph (1).

"(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of financial management or oversight and of mortgage securities markets and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

"(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of the Federal Home Loan Bank System and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal home loan banks as the Director shall prescribe.

"(e) DEPUTY DIRECTOR FOR HOUSING.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance and of community and economic development.

"(2) FUNCTIONS.—The Deputy Director for Housing shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal home loan banks, as the Director shall prescribe.

"(f) LIMITATIONS.—The Director and each of the Deputy Directors may not—

"(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party;

"(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party; or

"(3) have served as an executive officer or director of any regulated entity, or regulated entity-affiliated party, at any time during the 3-year period ending on the date of appointment of such individual as Director or Deputy Director.

"(g) OMBUDSMAN.—The Director shall establish the position of the Ombudsman in the Agency. The Director shall provide that the Ombudsman will consider complaints and appeals from any regulated entity and any person that has a business relationship with a regulated entity and shall specify the duties and authority of the Ombudsman.".

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding any other provision of law or of this Division, the President may, any time after the date of the enactment of this Act, appoint an individual to serve as the Director of the Federal Housing Finance Agency, as such office is established by the amendment made by subsection (a). This subsection shall take effect on the date of the enactment of this Act.

SEC. 102. DUTIES AND AUTHORITIES OF DIRECTOR.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended by striking section 1313 and inserting the following new sections:

"SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

"(a) DUTIES.—

"(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

"(A) to oversee the operations of each regulated entity and any joint office of the Federal Home Loan Banks; and

"(B) to ensure that—

"(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

"(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets that minimize the cost of housing finance (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities);

"(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes; and

"(iv) each regulated entity carries out its statutory mission only through activities that are consistent with this title and the authorizing statutes.

"(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

"(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in an enterprise; and

"(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

"(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers or employees of the Agency, including each of the Deputy Directors, any of the functions, powers, or duties of the Director, as the Director considers appropriate.

"(c) LITIGATION AUTHORITY.—

"(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys, or request that the Attorney General of the United States act on behalf of the Director.

"(2) CONSULTATION WITH ATTORNEY GENERAL.—The Director shall provide notice to, and consult with, the Attorney General of the United States before taking an action under paragraph (1) of this subsection or under section 1344(a), 1345(d), 1348(c), 1372(e), 1375(a), 1376(d), or 1379D(c), except that, if the Director determines that any delay caused by such prior notice and consultation may adversely affect the safety and soundness responsibilities of the Director under this title, the Director shall notify the Attorney General as soon as reasonably possible after taking such action.

"(3) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity or director or officer thereof with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

"SEC. 1313A. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

"(a) STANDARDS.—The Director shall establish standards, by regulation, guideline, or order, for each regulated entity relating to—

"(1) adequacy of internal controls and information systems, including information security and privacy policies and practices, taking into account the nature and scale of business operations;

"(2) independence and adequacy of internal audit systems;

"(3) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

"(4) management of interest rate risk exposure;

"(5) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

"(6) adequacy and maintenance of liquidity and reserves;

"(7) management of any asset and investment portfolio;

"(8) investments and acquisitions by a regulated entity, to ensure that they are consistent with the purposes of this Act and the authorizing statutes;

"(9) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity;

"(10) issuance of subordinated debt by that particular regulated entity, as the Director considers necessary;

"(11) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

"(12) such other operational and management standards as the Director determines to be appropriate.

"(b) FAILURE TO MEET STANDARDS.—

"(1) PLAN REQUIREMENT.—

"(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

"(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

"(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

"(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

"(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

"(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

"(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

"(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

"(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

"(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

"(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

"(ii) Require the regulated entity—

"(I) in the case of an enterprise, to increase its ratio of core capital to assets.

"(II) in the case of a Federal home loan bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

"(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

"(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

"(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

"(B) the regulated entity has not corrected the deficiency; and

"(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

"(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.".

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by striking "the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 103. FEDERAL HOUSING ENTERPRISE BOARD.

(a) IN GENERAL.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by section 102 of this Division, the following new section:

"SEC. 1313B. FEDERAL HOUSING ENTERPRISE BOARD.

"(a) IN GENERAL.—There is established the Federal Housing Enterprise Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

"(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

"(c) COMPOSITION.—The Board shall be comprised of 3 members, of whom—

"(1) one member shall be the Secretary of the Treasury;

"(2) one member shall be the Secretary of Housing and Urban Development; and

"(3) one member shall be the Director, who shall serve as the Chairperson of the Board.

"(d) MEETINGS.—

"(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

"(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury or the Secretary of Housing and Urban Development may, upon giving written notice to the Director, require a special meeting of the Board.

"(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

"(1) the safety and soundness of the regulated entities;

"(2) any material deficiencies in the conduct of the operations of the regulated entities;

"(3) the overall operational status of the regulated entities;

"(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

"(5) operations, resources, and performance of the Agency; and

"(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.".

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4521 (a)) is amended—

(1) in paragraph (3), by striking "and" at the end; and

(2) by striking paragraph (4) and inserting the following new paragraphs:

"(4) an assessment of the Board or any of its members with respect to—

"(A) the safety and soundness of the regulated entities;

"(B) any material deficiencies in the conduct of the operations of the regulated entities;

"(C) the overall operational status of the regulated entities; and

"(D) an evaluation of the performance of the regulated entities in carrying out their missions;

"(5) operations, resources, and performance of the Agency;

"(6) a description of the demographic makeup of the workforce of the Agency and the actions taken pursuant to section 1319A(b) to provide for diversity in the workforce; and

"(7) such other matters relating to the Agency and its fulfillment of its mission.".

SEC. 104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)—

(A) in the subsection heading, by striking "SPECIAL REPORTS AND REPORTS OF FINANCIAL CONDITION" and inserting "REGULAR AND SPECIAL REPORTS";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "FINANCIAL CONDITION" and inserting "REGULAR REPORTS"; and

(ii) by striking "reports of financial condition and operations" and inserting "regular reports on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate"; and

(C) in paragraph (2), after "submit special reports" insert "on any of the topics specified in paragraph (1) or such other topics"; and

(3) by adding at the end the following new subsection:

"(c) REPORTS OF FRAUDULENT FINANCIAL TRANSACTIONS.—

"(1) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument or suspects a possible fraud relating to a purchase or sale of any loan or financial instrument. The Director shall require the regulated entities to establish and maintain procedures designed to discover any such transactions.

"(2) PROTECTION FROM LIABILITY FOR REPORTS.—

"(A) IN GENERAL.—If a regulated entity makes a report pursuant to paragraph (1), or a regulated entity-affiliated party makes, or requires another to make, such a report, and such report is made in a good faith effort to comply with the requirements of paragraph (1), such regulated entity or regulated entity-affiliated party shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other person identified in the report.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

SEC. 105. DISCLOSURE OF INCOME AND CHARITABLE CONTRIBUTIONS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514), as amended by the preceding provisions of this Division, is further amended by adding at the end the following new subsections:

"(d) DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.—

"(1) REQUIRED DISCLOSURE.—The Director shall, by regulation, require each enterprise to submit a report annually, in a format designated by the Director, containing the following information:

"(A) TOTAL VALUE.—The total value of contributions made by the enterprise to nonprofit organizations during its previous fiscal year.

"(B) SUBSTANTIAL CONTRIBUTIONS.—If the value of contributions made by the enterprise to any nonprofit organization during its previous fiscal year exceeds the designated amount, the name of that organization and the value of contributions.

"(C) SUBSTANTIAL CONTRIBUTIONS TO INSIDER-AFFILIATED CHARITIES.—Identification of each contribution whose value exceeds the designated amount that were made by the enterprise during the enterprise's previous fiscal year to any nonprofit organization of which a director, officer, or controlling person of the enterprise, or a spouse thereof, was a director or trustee, the name of such nonprofit organization, and the value of the contribution.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'designated amount' means such amount as may be designated by the Director by regulation, consistent with the public interest and the protection of investors for purposes of this subsection; and

"(B) the Director may, by such regulations as the Director deems necessary or appropriate in the public interest, define the terms officer and controlling person.

"(3) PUBLIC AVAILABILITY.—The Director shall make the information submitted pursuant to this subsection publicly available.

"(e) DISCLOSURE OF INCOME.—Each enterprise shall include, in each annual report filed under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), the income reported by the issuer to the Internal Revenue Service for the most recent taxable year. Such income shall—

"(1) be presented in a prominent location in each such report and in a manner that permits a ready comparison of such income to income otherwise required to be included in such reports under regulations issued under such section; and

"(2) be submitted to the Securities and Exchange Commission in a form and manner suitable for entry into the EDGAR system of such Commission for public availability under such system.".

SEC. 106. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Agency, including—

"(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

"(2) the expenses of obtaining any reviews and credit assessments under section 1319;

"(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

"(4) the wind up of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under title III of the Federal Housing Finance Reform Act of 2007.";

(2) in subsection (b)—

(A) in the subsection heading, by striking "ENTERPRISES" and inserting "REGULATED ENTITIES";

(B) by realigning paragraph (2) two ems from the left margin, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(C) in paragraph (1)—

(i) by striking "Each enterprise" and inserting "Each regulated entity";

(ii) by striking "each enterprise" and inserting "each regulated entity"; and

(iii) by striking "both enterprises" and inserting "all of the regulated entities"; and

(D) in paragraph (3)—

(i) in subparagraph (B), by striking "subparagraph (A)" and inserting "clause (i)";

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (ii), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(iii) by striking the matter that precedes clause (i), as so redesignated, and inserting the following:

"(3) DEFINITION OF TOTAL ASSETS.—For purposes of this section, the term 'total assets' means as follows:

"(A) ENTERPRISES.—With respect to an enterprise, the sum of—"; and

(iv) by adding at the end the following new subparagraph:

"(B) FEDERAL HOME LOAN BANKS.—With respect to a Federal home loan bank, the total assets of the Bank, as determined by the Director in accordance with generally accepted accounting principles.";

(3) by striking subsection (c) and inserting the following new subsection:

"(c) INCREASED COSTS OF REGULATION.—

"(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

"(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

"(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.";

(4) in subsection (d), by striking "If" and inserting "Except with respect to amounts collected pursuant to subsection (a)(3), if"; and

(5) by striking subsections (e) through (g) and inserting the following new subsections:

"(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

"(f) TREATMENT OF ASSESSMENTS.—

"(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

"(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

"(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

"(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

"(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date under section 185 of the Federal Housing Finance Reform Act of 2007), and any amounts remaining from assessments on the Federal Home Loan banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

"(6) TREASURY INVESTMENTS.—

"(A) AUTHORITY.—The Director may request the Secretary of the Treasury to invest such portions of amount received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

"(B) GOVERNMENT OBLIGATIONS.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(g) BUDGET AND FINANCIAL MANAGEMENT.—

"(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations as prepared by the Director in the ordinary course of the Agency's operations.

"(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of assets and liabilities and surplus or deficit; a statement of income and expenses; and a statement of sources and application of funds.

"(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and that uses a general ledger system that accounts for activity at the transaction level.

"(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

"(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any reports, plans, forecasts, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

"(h) AUDIT OF AGENCY.—

"(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the U.S. generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

"(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

"(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 5 of title 41, United States Code, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.".

SEC. 107. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by adding after the period at the end the following: "Each examination under this subsection of a regulated entity shall include a review of the procedures required to be established and maintained by the regulated entity pursuant to section 1314(c) (relating to fraudulent financial transactions) and the report regarding each such examination shall describe any problems with such procedures maintained by the regulated entity.";

(2) in subsection (b)—

(A) by inserting "of a regulated entity" after "under this section"; and

(B) by striking "to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness" and inserting "or appropriate"; and

(3) in subsection (c)—

(A) in the second sentence, by inserting "to conduct examinations under this section" before the period; and

(B) in the third sentence, by striking "from amounts available in the Federal Housing Enterprises Oversight Fund".

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

"(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, SPECIALISTS, AND EXAMINERS.—

"(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, specialist in financial markets, specialist in information technology, and economist at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

"(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

"(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

"(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

"(3) RULE OF CONSTRUCTION.—The appointment of a candidate to a position under the authority of this subsection shall not be considered to cause such position to be converted from the competitive service to the excepted service.".

(c) REPEAL.—Section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440) is amended—

(1) by striking the section heading and inserting the following: "EXAMINATIONS AND GAO AUDITS";

(2) in the third sentence, by striking "the Board and" each place such term appears; and

(3) by striking the first two sentences and inserting the following: "The Federal home loan banks shall be subject to examinations by the Director to the extent provided in section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517).".

SEC. 108. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Housing and Community Development Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking "**OF EXCESSIVE**" and inserting "**AND WITHHOLDING OF EXECUTIVE**";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

"(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

"(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.".

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(3) FEDERAL HOME LOAN BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

"(l) WITHHOLDING OF COMPENSATION.—Notwithstanding any other provision of this section, a Federal home loan bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

SEC. 109. REVIEWS OF REGULATED ENTITIES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 1319. REVIEWS OF REGULATED ENTITIES."; and

(2) by striking "is a nationally recognized" and all that follows through "1934" and inserting the following: "the Director considers appropriate, including an entity that is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78a) as a nationally registered statistical rating organization".

SEC. 110. INCLUSION OF MINORITIES AND WOMEN; DIVERSITY IN AGENCY WORKFORCE.

Section 1319A of the Housing and Community Development Act of 1992 (12 U.S.C. 4520) is amended—

(1) in the section heading, by striking "**EQUAL OPPORTUNITY IN SOLICITATION OF CONTRACTS**" and inserting "**MINORITY AND WOMEN INCLUSION; DIVERSITY REQUIREMENTS**";

(2) in subsection (a), by striking "(a) IN GENERAL.—Each enterprise" and inserting "(e) OUTREACH.—Each regulated entity"; and

(3) by striking subsection (b);

(4) by inserting before subsection (e), as so redesignated by paragraph (2) of this section, the following new subsections:

"(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—Each regulated entity shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Director shall establish.

"(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—Each regulated entity shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the regulated entity at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by each regulated entity for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

"(c) APPLICABILITY.—This section shall apply to all contracts of a regulated entity for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

"(d) INCLUSION IN ANNUAL REPORTS.—Each regulated entity shall include, in the annual report submitted by the entity to the Director pursuant to section 309(k) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(k)), section 307(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(c)), and section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440), as applicable, detailed information describing the actions taken by the entity pursuant to this section, which shall include a statement of the total amounts paid by the entity to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section."; and

(5) by adding at the end the following new subsection:

"(f) DIVERSITY IN AGENCY WORKFORCE.—The Agency shall take affirmative steps to seek diversity in its workforce at all levels of the agency consistent with the demographic diversity of the United States, which shall include—

"(1) heavily recruiting at historically Black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

"(2) sponsoring and recruiting at job fairs in urban communities, and placing employment advertisements in newspapers and magazines oriented toward women and people of color;

"(3) partnering with organizations that are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions; and

"(4) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring.".

SEC. 111. REGULATIONS AND ORDERS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) AUTHORITY.—The Director shall issue any regulations, guidelines, and orders necessary to carry out the duties of the Director under this title and each of the authorizing statutes to ensure that the purposes of this title and such statutes are accomplished.";

(2) in subsection (b), by inserting ", this title, or any of the authorizing statutes" after "under this section"; and

(3) by striking subsection (c).

SEC. 112. NON-WAIVER OF PRIVILEGES.

Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511) is amended by adding at the end the following new section:

"SEC. 1319H. PRIVILEGES NOT AFFECTED BY DISCLOSURE.

"(a) IN GENERAL.—The submission by any person of any information to the Agency for any purpose in the course of any supervisory or regulatory process of the Agency shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than the Agency.

"(b) RULE OF CONSTRUCTION.—No provision of subsection (a) may be construed as implying or establishing that—

"(1) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which subsection (a) does not apply; or

"(2) any person would waive any privilege applicable to any information by submitting the information to the Agency, but for this subsection.".

SEC. 113. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

"SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

"(a) IN GENERAL.—

"(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

"(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal home loan banks.

"(b) CONFIDENTIALITY OF INFORMATION.—Any person that receives any book, record, or information from the Director or a regulated entity to enable the risk-based capital requirements established under this section to be applied shall—

"(1) maintain the confidentiality of the book, record, or information in a manner that is generally consistent with the level of confidentiality established for the material by the Director or the regulated entity; and

"(2) be exempt from section 552 of title 5, United States Code, with respect to the book, record, or information.

"(c) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.".

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal home loan banks to ensure that the Federal home loan banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal home loans banks."; and

(2) in subparagraph (B), by striking "(A)(ii)" and inserting "(A)".

SEC. 114. MINIMUM AND CRITICAL CAPITAL LEVELS.

(a) MINIMUM CAPITAL LEVEL.—Section 1362 of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking "IN GENERAL" and inserting "ENTERPRISES"; and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal home loan bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

"(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal home loan banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

"(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis for such period as the Director may provide if the Director—

"(1) makes any determination specified in subparagraphs (A) through (C) of section 1364(c)(1);

"(2) determines that the regulated entity has violated any of the prudential standards established pursuant to section 1313A and, as a result of such violation, determines that an unsafe and unsound condition exists; or

"(3) determines that an unsafe and unsound condition exists, except that a temporary increase in minimum capital imposed on a regulated entity pursuant to this paragraph shall not remain in place for a period of more than 6 months unless the Director makes a renewed determination of the existence of an unsafe and unsound condition.

"(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PROGRAMS.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any program or activity of a regulated entity as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

"(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal home loan banks, and the minimum capital levels established for such regulated entities pursuant to this section. The Director shall rescind any temporary minimum capital level increase if the Director determines that the circumstances or facts justifying the temporary increase are no longer present.".

(b) CRITICAL CAPITAL LEVELS.—

(1) IN GENERAL.—Section 1363 of the Housing and Community Development Act of 1992 (12 U.S.C. 4613) is amended—

(A) by striking "For" and inserting "(a) ENTERPRISES.—FOR"; and

(B) by adding at the end the following new subsection:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal home loan bank shall be such amount of capital as the Director shall, by regulation require.

"(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal home loan banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.".

(2) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Housing and Community Development Act of 1992 (as added by paragraph (1) of this subsection) establishing the critical capital level under such section.

SEC. 115. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) IN GENERAL.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

"Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities";

and

(2) by adding at the end the following new section:

"SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

"(a) IN GENERAL.—The Director shall, by regulation, establish standards by which the portfolio holdings, or rate of growth of the portfolio holdings, of the enterprises will be deemed to be consistent with the mission and the safe and sound operations of the enterprises. In developing such standards, the Director shall consider—

"(1) the size or growth of the mortgage market;

"(2) the need for the portfolio in maintaining liquidity or stability of the secondary mortgage market (including the market for the mortgage-backed securities the enterprises issue);

"(3) the need for an inventory of mortgages in connection with securitizations;

"(4) the need for the portfolio to directly support the affordable housing mission of the enterprises;

"(5) the liquidity needs of the enterprises;

"(6) any potential risks posed to the enterprises by the nature of the portfolio holdings; and

"(7) any additional factors that the Director determines to be necessary to carry out the purpose under the first sentence of this subsection to establish standards for assessing whether the portfolio holdings are consistent with the mission and safe and sound operations of the enterprises.

"(b) TEMPORARY ADJUSTMENTS.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

"(c) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1369E(a) of the Housing and Community Development Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 116. CORPORATE GOVERNANCE OF ENTERPRISES.

The Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

"SEC. 1322A. CORPORATE GOVERNANCE OF ENTERPRISES.

"(a) BOARD OF DIRECTORS.—

"(1) INDEPENDENCE.—A majority of seated members of the board of directors of each enterprise shall be independent board members, as defined under rules set forth by the New York Stock Exchange, as such rules may be amended from time to time.

"(2) FREQUENCY OF MEETINGS.—To carry out its obligations and duties under applicable laws, rules, regulations, and guidelines, the board of directors of an enterprise shall meet at least eight times a year and not less than once a calendar quarter.

"(3) NON-MANAGEMENT BOARD MEMBER MEETINGS.—The non-management directors of an enterprise shall meet at regularly scheduled executive sessions without management participation.

"(4) QUORUM; PROHIBITION ON PROXIES.—For the transaction of business, a quorum of the board of directors of an enterprise shall be at least a majority of the seated board of directors and a board member may not vote by proxy.

"(5) INFORMATION.—The management of an enterprise shall provide a board member of the enterprise with such adequate and appropriate information that a reasonable board member would find important to the fulfillment of his or her fiduciary duties and obligations.

"(6) ANNUAL REVIEW.—At least annually, the board of directors of each enterprise shall review, with appropriate professional assistance, the requirements of laws, rules, regulations, and guidelines that are applicable to its activities and duties.

"(b) COMMITTEES OF BOARDS OF DIRECTORS.—

"(1) FREQUENCY OF MEETINGS.—Any committee of the board of directors of an enterprise shall meet with sufficient frequency to carry out its obligations and duties under applicable laws, rules, regulations, and guidelines.

"(2) REQUIRED COMMITTEES.—Each enterprise shall provide for the establishment, however styled, of the following committees of the board of directors:

"(A) Audit committee.

"(B) Compensation committee.

"(C) Nominating/corporate governance committee.

Such committees shall be in compliance with the charter, independence, composition, expertise, duties, responsibilities, and other requirements set forth under section 10A(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(m)), with respect to the audit committee, and under rules issued by the New York Stock Exchange, as such rules may be amended from time to time.

"(c) COMPENSATION.—

"(1) IN GENERAL.—The compensation of board members, executive officers, and employees of an enterprise—

"(A) shall not be in excess of that which is reasonable and appropriate;

"(B) shall be commensurate with the duties and responsibilities of such persons;

"(C) shall be consistent with the long-term goals of the enterprise;

"(D) shall not focus solely on earnings performance, but shall take into account risk management, operational stability and legal and regulatory compliance as well; and

"(E) shall be undertaken in a manner that complies with applicable laws, rules, and regulations.

"(2) REIMBURSEMENT.—If an enterprise is required to prepare an accounting restatement due to the material noncompliance of the enterprise, as a result of misconduct, with any financial reporting requirement under the securities laws, the chief executive officer and chief financial officer of the enterprise shall reimburse the enterprise as provided under section 304 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7243). This provision does not otherwise limit the authority of the Agency to employ remedies available to it under its enforcement authorities.

"(d) CODE OF CONDUCT AND ETHICS.—

"(1) IN GENERAL.—An enterprise shall establish and administer a written code of conduct and ethics that is reasonably designed to assure the ability of board members, executive officers, and employees of the enterprise to discharge their duties and responsibilities, on behalf of the enterprise, in an objective and impartial manner, and that includes standards required under section 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7264) and other applicable laws, rules, and regulations.

"(2) REVIEW.—Not less than once every three years, an enterprise shall review the adequacy of its code of conduct and ethics for consistency with practices appropriate to the enterprise and make any appropriate revisions to such code.

"(e) CONDUCT AND RESPONSIBILITIES OF BOARD OF DIRECTORS.—The board of directors of an enterprise shall be responsible for directing the conduct and affairs of the enterprise in furtherance of the safe and sound operation of the enterprise and shall remain reasonably informed of the condition, activities, and operations of the enterprise. The responsibilities of the board of directors shall include having in place adequate policies and procedures to assure its oversight of, among other matters, the following:

"(1) Corporate strategy, major plans of action, risk policy, programs for legal and regulatory compliance and corporate performance, including prudent plans for growth and allocation of adequate resources to manage operations risk.

"(2) Hiring and retention of qualified executive officers and succession planning for such executive officers.

"(3) Compensation programs of the enterprise.

"(4) Integrity of accounting and financial reporting systems of the enterprise, including independent audits and systems of internal control.

"(5) Process and adequacy of reporting, disclosures, and communications to shareholders, investors, and potential investors.

"(6) Extensions of credit to board members and executive officers.

"(7) Responsiveness of executive officers in providing accurate and timely reports to Federal regulators and in addressing the supervisory concerns of Federal regulators in a timely and appropriate manner.

"(f) PROHIBITION OF EXTENSIONS OF CREDIT.—An enterprise may not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any board member or executive officer of the enterprise, as provided by section 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(k)).

"(g) CERTIFICATION OF DISCLOSURES.—The chief executive officer and the chief financial officer of an enterprise shall review each quarterly report and annual report issued by the enterprise and such reports shall include certifications by such officers as required by section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241).

"(h) CHANGE OF AUDIT PARTNER.—An enterprise may not accept audit services from an external auditing firm if the lead or coordinating audit partner who has primary responsibility for the external audit of the enterprise, or the external audit partner who has responsibility for reviewing the external audit has performed audit services for the enterprise in each of the five previous fiscal years.

"(i) COMPLIANCE PROGRAM.—

"(1) REQUIREMENT.—Each enterprise shall establish and maintain a compliance program that is reasonably designed to assure that the enterprise complies with applicable laws, rules, regulations, and internal controls.

"(2) COMPLIANCE OFFICER.—The compliance program of an enterprise shall be headed by a compliance officer, however styled, who reports directly to the chief executive officer of the enterprise. The compliance officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current compliance policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the compliance officer considers necessary and appropriate.

"(j) RISK MANAGEMENT PROGRAM.—

"(1) REQUIREMENT.—Each enterprise shall establish and maintain a risk management program that is reasonably designed to manage the risks of the operations of the enterprise.

"(2) RISK MANAGEMENT OFFICER.—The risk management program of an enterprise shall be headed by a risk management officer, however styled, who reports directly to the chief executive officer of the enterprise. The risk management officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current risk management policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the risk management officer considers necessary and appropriate.

"(k) COMPLIANCE WITH OTHER LAWS.—

"(1) DEREGISTERED OR UNREGISTERED COMMON STOCK.—If an enterprise deregisters or has not registered its common stock with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the enterprise shall comply or continue to comply with sections 10A(m) and 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(m), 78m(k)) and sections 302, 304, and 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241, 7243, 7264), subject to such requirements as provided by subsection (l) of this section.

"(2) REGISTERED COMMON STOCK.—An enterprise that has its common stock registered with the Securities and Exchange Commission shall maintain such registered status, unless it provides 60 days prior written notice to the Director stating its intent to deregister and its understanding that it will remain subject to the requirements of the sections of the Securities Exchange Act of 1934 and the Sarbanes-Oxley Act of 2002, subject to such requirements as provided by subsection (l) of this section.

"(l) OTHER MATTERS.—The Director may from time to time establish standards, by regulation, order, or guideline, regarding such other corporate governance matters of the enterprises as the Director considers appropriate.

"(m) MODIFICATION OF STANDARDS.—In connection with standards of Federal or State law (including the Revised Model Corporation Act) or New York Stock Exchange rules that are made applicable to an enterprise by section 1710.10 of the Director's rules (12 CFR 1710.10) and by subsections (a), (b), (g), (i), (j), and (k) of this section, the Director, in the Director's sole discretion, may modify the standards contained in this section or in part 1710 of the Director's rules (12 CFR Part 1710) in accordance with section 553 of title 5, United States Code, and upon written notice to the enterprise.".

SEC. 117. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

The Housing and Community Development Act of 1992 is amended by adding after section 1322A, as added by the preceding provisions of this Division, the following new section:

"SEC. 1322B. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

"(a) IN GENERAL.—Each regulated entity shall register at least one class of the capital stock of such regulated entity, and maintain such registration with the Securities and Exchange Commission, under the Securities Exchange Act of 1934.

"(b) ENTERPRISES.—Each enterprise shall comply with sections 14 and 16 of the Securities Exchange Act of 1934.".

SEC. 118. LIAISON WITH FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1007 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3306) is amended—

(1) in the section heading, by inserting after "STATE" the following: "AND FEDERAL HOUSING FINANCE AGENCY"; and

(2) by inserting after "financial institutions" the following: ", and one representative of the Federal Housing Finance Agency,".

SEC. 119. GUARANTEE FEE STUDY.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the heads of the federal banking agencies, shall, not later than 18 months after the date of the enactment of this Act, submit to the Congress a study concerning the pricing, transparency and reporting of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal home loan banks with regard to guarantee fees and concerning analogous practices, transparency and reporting requirements (including advances pricing practices by the Federal Home Loan Banks) of other participants in the business of mortgage purchases and securitization.

(b) FACTORS.—The study required by this section shall examine various factors such as credit risk, counterparty risk considerations, economic value considerations, and volume considerations used by the regulated entities (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) included in the study in setting the amount of fees they charge.

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall identify and analyze—

(1) the factors used by each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) in determining the amount of the guarantee fees it charges;

(2) the total revenue the enterprises earn from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of how and why the guarantee fees charged differ from such fees charged during the previous year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) other relevant information on guarantee fees with other participants in the mortgage and securitization business.

(d) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Director of the Federal Housing Finance Agency, in connection with the study mandated by this section, to disclose information of the enterprises or other organization that is confidential or proprietary.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 120. CONFORMING AMENDMENTS.

(a) 1992 ACT.—Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this Division, is further amended—

(1) by striking "an enterprise" each place such term appears in such part (except in sections 1313(a)(2)(A), 1313A(b)(2)(B)(ii)(I), and 1316(b)(3)) and inserting "a regulated entity";

(2) by striking "the enterprise" each place such term appears in such part (except in section 1316(b)(3)) and inserting "the regulated entity";

(3) by striking "the enterprises" each place such term appears in such part (except in sections 1312(c)(2), and 1312(e)(2)) and inserting "the regulated entities";

(4) by striking "each enterprise" each place such term appears in such part and inserting "each regulated entity";

(5) by striking "Office" each place such term appears in such part (except in sections 1311(b)(2), 1312(b)(5), 1315(b), and 1316(a)(4), (g), and (h), 1317(c), and 1319A(a)) and inserting "Agency";

(6) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking "OFFICE PERSONNEL" and inserting "IN GENERAL"; and

(ii) by striking "The" and inserting "Subject to title III of the Federal Housing Finance Reform Act of 2007, the";

(B) by striking subsections (d) and (f); and

(C) by redesignating subsection (e) as subsection (d);

(7) in section 1319B (12 U.S.C. 4521), by striking "Committee on Banking, Finance and Urban Affairs" each place such term appears and inserting "Committee on Financial Services"; and

(8) in section 1319F (12 U.S.C. 4525), striking all that follows "United States Code" and inserting ", the Agency shall be considered an agency responsible for the regulation or supervision of financial institutions.".

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Federal Housing Finance Agency", in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));

(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and

(2) in section 309—

(A) in subsections (d)(3)(A) and (n)(1), by striking "Banking, Finance and Urban Affairs" each place such term appears and inserting "Financial Services"; and

(B) in subsection (m)—

(i) in paragraph (1), by striking "Secretary" the second place such term appears and inserting "Director";

(ii) in paragraph (2), by striking "Secretary" the second place such term appears and inserting "Director"; and

(iii) by striking "Secretary" each other place such term appears and inserting "Director of the Federal Housing Finance Agency"; and

(C) in subsection (n), by striking "Secretary" each place such term appears and inserting "Director of the Federal Housing Finance Agency".

(c) AMENDMENTS TO FREDDIE MAC ACT.—The Federal Home Loan Mortgage Corporation Act is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Federal Housing Finance Agency", in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));

(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));

(2) in sections 303(h)(1) and 307(f)(1) (12 U.S.C. 1452(h)(1), 1456(f)(1)), by striking "Banking, Finance and Urban Affairs" each place such term appears and inserting "Financial Services";

(3) in section 306(i) (12 U.S.C. 1455(i))—

(A) by striking "1316(c)" and inserting "306(c)"; and

(B) by striking "section 106" and inserting "section 1316"; and

(4) in section 307 (12 U.S.C. 1456))—

(A) in subsection (e)—

(i) in paragraph (1), by striking "Secretary" the second place such term appears and inserting "Director";

(ii) in paragraph (2), by striking "Secretary" the second place such term appears and inserting "Director"; and

(iii) by striking "Secretary" each other place such term appears and inserting "Director of the Federal Housing Finance Agency"; and

(B) in subsection (f), by striking "Secretary" each place such term appears and inserting "Director of the Federal Housing Finance Agency".

Subtitle B—Improvement of Mission Supervision

SEC. 131. TRANSFER OF PRODUCT APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the designation and heading for the part and inserting the following:

"PART 2—PRODUCT APPROVAL BY DIRECTOR, CORPORATE GOVERNANCE, AND ESTABLISHMENT OF HOUSING GOALS";

and

(2) by striking sections 1321 and 1322.

SEC. 132. REVIEW OF ENTERPRISE PRODUCTS.

(a) IN GENERAL.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

"SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS OF ENTERPRISES.

"(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

"(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

"(1) in the case of a product of the Federal National Mortgage Association, the Director determines that the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act, (12 U.S.C. 1717(b), 1719);

"(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the Director determines that the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

"(3) the product is in the public interest;

"(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system; and

"(5) the product does not materially impair the efficiency of the mortgage finance system.

"(c) PROCEDURE FOR APPROVAL.—

"(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

"(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

"(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

"(4) OFFERING OF PRODUCT.—

"(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

"(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), the enterprise may offer the product.

"(d) EXPEDITED REVIEW.—

"(1) DETERMINATION AND NOTICE.—If an enterprise determines that any new activity, service, undertaking, or offering is not a product, as defined in subsection (f), the enterprise shall provide written notice to the Director prior to the commencement of such activity, service, undertaking, or offering.

"(2) DIRECTOR DETERMINATION OF APPLICABLE PROCEDURE.—Immediately upon receipt of any notice pursuant to paragraph (1), the Director shall make a determination under paragraph (3).

"(3) DETERMINATION AND TREATMENT AS PRODUCT.—If the Director determines that any new activity, service, undertaking, or offering consists of, relates to, or involves a product—

"(A) the Director shall notify the enterprise of the determination;

"(B) the new activity, service, undertaking, or offering described in the notice under paragraph (1) shall be considered a product for purposes of this section; and

"(C) the enterprise shall withdraw its request or submit a written request for approval of the product pursuant to subsection (c).

"(e) CONDITIONAL APPROVAL.—The Director may conditionally approve the offering of any product by an enterprise, and may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

"(f) DEFINITION OF PRODUCT.—For purposes of this section, the term 'product' does not include—

"(1) the automated loan underwriting system of an enterprise in existence as of the date of the enactment of the Federal Housing Finance Reform Act of 2007, including any upgrade to the technology, operating system, or software to operate the underwriting system; or

"(2) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise: *Provided*, That such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing, or create significant new exposure to risk for the enterprise or the holder of the mortgage.

"(g) NO LIMITATION.—Nothing in this section shall be deemed to restrict—

"(1) the safety and soundness authority of the Director over all new and existing products or activities; or

"(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of the enterprise.".

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended—

(A) by striking "implement any new program" and inserting "initially offer any product";

(B) by striking "section 1303" and inserting "section 1321(f)"; and

(C) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended—

(A) by striking "implement any new program" and inserting "initially offer any product";

(B) by striking "section 1303" and inserting "section 1321(f)"; and

(C) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(3) 1992 ACT.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by section 2 of this Division, is further amended—

(A) by striking paragraph (17) (relating to the definition of "new program"); and

(B) by redesignating paragraphs (18) through (23) as paragraphs (17) through (22), respectively.

SEC. 133. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—

(1) GENERAL LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended—

(A) in the 4th sentence, by striking "the Resolution Trust Corporation,"; and

(B) by striking the 7th and 8th sentences and inserting the following new sentences: "For 2007, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).".

(2) HIGH-COST AREA LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act is (12 U.S.C. 1717(b)(2)) is amended by adding after the period at the end the following: "Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 133(d)(3) of the Federal Housing Finance Reform Act of 2007, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the corporation.".

(b) FREDDIE MAC.—

(1) GENERAL LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended—

(A) in the 3rd sentence, by striking "the Resolution Trust Corporation,"; and

(B) by striking the 6th and 7th sentences and inserting the following new sentences: "For 2007, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent

12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541))."

(2) HIGH-COST AREA LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding after the period at the end the following: "Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 133(d)(3) of the Federal Housing Finance Reform Act of 2007, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the Corporation.".

(c) HOUSING PRICE INDEX.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (as amended by the preceding provisions of this Division) is amended by inserting after section 1321 (as added by section 132 of this Division) the following new section:

"SEC. 1322. HOUSING PRICE INDEX.

"(a) IN GENERAL.—The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 185 of the Federal Housing Finance Reform Act of 2007, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.

"(b) GAO AUDIT.—

"(1) IN GENERAL.—At such times as are required under paragraph (2), the Comptroller General of the United States shall conduct an audit of the methodology established by the Director under subsection (a) to determine whether the methodology established is an accurate and appropriate means of measuring changes to the national average 1-family house price.

"(2) TIMING.—An audit referred to in paragraph (1) shall be conducted and completed not later than the expiration of the 180-day period that begins upon each of the following dates:

"(A) ESTABLISHMENT.—The date upon which such methodology is initially established under subsection (a) in final form by the Director.

"(B) MODIFICATION OR AMENDMENT.—Each date upon which any modification or amendment to such methodology is adopted in final form by the Director.

"(3) REPORT.—Within 30 days of the completion of any audit conducted under this subsection, the Comptroller General shall submit a report detailing the results and conclusions of the audit to the Director, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.".

(d) CONDITIONS ON CONFORMING LOAN LIMIT FOR HIGH-COST AREAS.—

(1) STUDY.—The Director of the Federal Housing Finance Agency shall conduct a study under this subsection during the six-month period beginning on the effective date under section 185 of this Division.

(2) ISSUES.—The study under this subsection shall determine—

(A) the effect that restricting the conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the last sentence of section 302(b)(2) of the Federal National Mortgage Association Charter Act and the last sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, pursuant to the amendments made by subsections (a)(2) and (b)(2) of this section) would have on the cost to borrowers for mortgages on housing in such high-cost areas;

(B) the effects that such restrictions would have on the availability of mortgages for housing in such high-cost areas; and

(C) the extent to which the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation will be able to issue and sell securities based on mortgages for housing located in such high-cost areas.

(3) DETERMINATION.—

(A) IN GENERAL.—Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall make a determination, based on the results of the study under this subsection, of whether the restriction of conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the amendments made by subsections (a)(2) and (b)(2) of this section) will result in an increase in the cost to borrowers for mortgages on housing in such high-cost areas.

(B) ORDER.—If such determination is that costs to borrowers on housing in such high-cost areas will be increased by such restrictions, the Director may issue an order terminating such restrictions, in whole or in part.

(4) PUBLICATION.—Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall cause to be published in the Federal Register—

(A) a report that—

(i) describes the study under this subsection; and

(ii) sets forth the conclusions of the study regarding the issues to be determined under paragraph (2); and

(B) notice of the determination of the Director under paragraph (3); and

(C) the order of the Director under paragraph (3).

(5) DEFINITION.—For purposes of this subsection, the term "conforming loan limits for high-cost areas" means the dollar amount limitations applicable under the section 302(b)(2) of the Federal National Mortgage Association Charter Act and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (as amended by subsections (a) and (b) of this section) for areas described in the last sentence of such sections (as so amended).

SEC. 134. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking section 1324 (12 U.S.C. 4544) and inserting the following new section:

"SEC. 1324. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

"(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act, section 307(f) of the Federal Home Loan Mortgage Corporation Act, and section 10(j)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(11)), the Director shall submit a report, not later than October 30 of each year, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on the activities of each regulated entity.

"(b) CONTENTS.—The report shall—

"(1) discuss the extent to which—

"(A) each enterprise is achieving the annual housing goals established under subpart B of this part;

"(B) each enterprise is complying with section 1337;

"(C) each Federal home loan bank is complying with section 10(j) of the Federal Home Loan Bank Act; and

"(D) each regulated entity is achieving the purposes of the regulated entity established by law;

"(2) aggregate and analyze relevant data on income to assess the compliance by each enterprise with the housing goals established under subpart B;

"(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

"(4) examine actions that—

"(A) each enterprise has undertaken or could undertake to promote and expand the annual goals established under subpart B and the purposes of the enterprise established by law; and

"(B) each Federal home loan bank has taken or could undertake to promote and expand the community investment program and affordable housing program of the bank established under section subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

"(5) examine the primary and secondary multifamily housing mortgage markets and describe—

"(A) the availability and liquidity of mortgage credit;

"(B) the status of efforts to provide standard credit terms and underwriting guidelines for multifamily housing and to securitize such mortgage products; and

"(C) any factors inhibiting such standardization and securitization;

"(6) examine actions each regulated entity has undertaken and could undertake to promote and expand opportunities for first-time homebuyers, including the use of alternative credit scoring;

"(7) describe any actions taken under section 1325(5) with respect to originators found to violate fair lending procedures;

"(8) discuss and analyze existing conditions and trends, including conditions and trends relating to pricing, in the housing markets and mortgage markets; and

"(9) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans (as identified in accordance with the regulations issued pursuant to section 134(b) of the Federal Housing Finance

Reform Act of 2007) and compare the characteristics of subprime loans purchased and securitized by the enterprises to other loans purchased and securitized by the enterprises.

"(c) DATA COLLECTION AND REPORTING.—

"(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b) and establishing the methodology described in section 1322, the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

"(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

"(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

"(i) the price of the house that secures the mortgage;

"(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(iii) the terms of the mortgage;

"(iv) the creditworthiness of the borrower or borrowers; and

"(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise; and

"(B) such other matters as the Director determines to be appropriate.

"(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data is not released in an identifiable form.

"(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.".

(b) STANDARDS FOR SUBPRIME LOANS.—The Director shall, not later than one year after the effective date under section 185, by regulations issued under section 1316G of the Housing and Community Development Act of 1992, establish standards by which mortgages purchased and mortgages purchased and securitized shall be characterized as subprime for the purpose of, and only for the purpose of, complying with the reporting requirement under section 1324(b)(9) of such Act.

SEC. 135. ANNUAL REPORTS BY REGULATED ENTITIES ON AFFORDABLE HOUSING STOCK.

The Housing and Community Development Act of 1992 is amended by inserting after section 1328 (12 U.S.C. 4548) the following new section:

"SEC. 1329. ANNUAL REPORTS ON AFFORDABLE HOUSING STOCK.

"(a) IN GENERAL.—To obtain information helpful in applying the formula under section 1337(c)(2) for the affordable housing program under such section and for other appropriate uses, the regulated entities shall conduct, or provide for the conducting of, a study on an annual basis to determine the levels of affordable housing inventory, and the changes in such levels, in communities throughout the United States.

"(b) CONTENTS.—The annual study under this section shall determine, for the United States, each State, and each community within each State—

"(1) the level of affordable housing inventory, including affordable rental dwelling units and affordable homeownership dwelling units;

"(2) any changes to the level of such inventory during the 12-month period of the study under this section, including—

"(A) any additions to such inventory, disaggregated by the category of such additions (including new construction or housing conversion);

"(B) any subtractions from such inventory, disaggregated by the category of such subtractions (including abandonment, demolition, or upgrade to market-rate housing);

"(C) the number of new affordable dwelling units placed in service; and

"(D) the number of affordable housing dwelling units withdrawn from service;

"(3) the types of financing used to build any dwelling units added to such inventory level and the period during which such units are required to remain affordable;

"(4) any excess demand for affordable housing, including the number of households on rental housing waiting lists and the tenure of the wait on such lists; and

"(5) such other information as the Director may require.

"(c) REPORT.—For each annual study conducted pursuant to this section, the regulated entities shall submit to the Congress, and make publicly available, a report setting forth the findings of the study.

"(d) REGULATIONS AND TIMING.—The Director shall, by regulation, establish requirements for the studies and reports under this section, including deadlines for the submission of such annual reports and standards for determining affordable housing.".

SEC. 136. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this Division, is further amended by adding at the end the following new section:

"SEC. 1330. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

"(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

"(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b); and

"(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b).

"(b) IDENTIFICATION REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that the mortgagor have, at the time of settlement on the mortgage, a Social Security account number.".

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

"(g) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

"(d) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

SEC. 137. REVISION OF HOUSING GOALS.

(a) HOUSING GOALS.—The Housing and Community Development Act of 1992 is amended by striking sections 1331 through 1334 (12 U.S.C. 4561–4) and inserting the following new sections:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish, effective for the first year that begins after the effective date under section 185 of the Federal Housing Finance Reform Act of 2007 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

"(1) SINGLE FAMILY HOUSING GOALS.—Three single-family housing goals under section 1332.

"(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOALS.—A multifamily special affordable housing goal under section 1333.

"(b) ELIMINATING INTEREST RATE DISPARITIES.—

"(1) IN GENERAL.—Upon request by the Director, an enterprise shall provide to the Director, in a form determined by the Director, data the Director may review to determine whether there exist disparities in interest rates charged on mortgages to borrowers who are minorities as compared with comparable mortgages to borrowers of similar creditworthiness who are not minorities.

"(2) REMEDIAL ACTIONS UPON PRELIMINARY FINDING.—Upon a preliminary finding by the Director that a pattern of disparities in interest rates with respect to any lender or lenders exists pursuant to the data provided by an enterprise in paragraph (1), the Director shall—

"(A) refer the preliminary finding to the appropriate regulatory or enforcement agency for further review;

"(B) require the enterprise to submit additional data with respect to any lender or lenders, as appropriate and to the extent practicable, to the Director who shall submit any such additional data to the regulatory or enforcement agency for appropriate action; and

"(C) require the enterprise to undertake remedial actions, as appropriate, pursuant to section 1325(5) (12 U.S.C. 4545(5)).

"(3) ANNUAL REPORT TO CONGRESS.—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the actions taken, and being taken, by the Director to carry out this subsection. No such report shall identify any lender or lenders who have not been found to have engaged in discriminatory lending practices pursuant to a final adjudication on the record, and after opportunity for an administrative hearing, in accordance with subchapter II of chapter 5 of title 5, United States Code.

"(4) PROTECTION OF IDENTITY OF INDIVIDUALS.—In carrying out this subsection, the Director shall ensure that no property-related or financial information that would enable a borrower to be identified shall be made public.

"(c) TIMING.—The Director shall establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such annual goals.

"SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, purchase money mortgages financing owner-occupied and rental housing for each of the following categories of families:

"(1) Low-income families.

"(2) Families that reside in low-income areas.

"(3) Very low-income families.

"(b) REFINANCE SUBGOAL.—

"(1) IN GENERAL.—The Director shall establish a separate subgoal within each goal under subsection (a)(1) for the purchase by each enterprise of mortgages for low-income families on single family housing given to pay off or prepay an existing loan secured by the same property. The Director shall, for each year, determine whether each enterprise has complied with the subgoal under this subsection in the same manner provided under this section for determining compliance with the housing goals.

"(2) ENFORCEMENT.—For purposes of section 1336, the subgoal established under paragraph (1) of this subsection shall be considered to be a housing goal established under this section. Such subgoal shall not be enforceable under any other provision of this title (including subpart C of this part) other than section 1336 or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.

"(c) DETERMINATION OF COMPLIANCE.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year. An enterprise shall be considered to be in compliance with such a goal for a year only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (d).

"(d) ANNUAL TARGETS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for each of the types of families described in subsection (a), the target under this subsection for a year shall be the average percentage, for the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available, of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated in such year that serves such type of family, as determined by the Director using the information obtained and determined pursuant to paragraphs (3) and (4).

"(2) AUTHORITY TO INCREASE TARGETS.—

"(A) IN GENERAL.—The Director may, for any year, establish by regulation, for any or all of the types of families described in subsection (a), percentage targets that are higher than the percentages for such year determined pursuant to paragraph (1), to reflect expected changes in market performance related to such information under the Home Mortgage Disclosure Act of 1975.

"(B) FACTORS.—In establishing any targets pursuant to subparagraph (A), the Director shall consider the following factors:

"(i) National housing needs.

"(ii) Economic, housing, and demographic conditions.

"(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

"(iv) The size of the conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall conventional mortgage market.

"(v) The ability of the enterprise to lead the industry in making mortgage credit available.

"(vi) The need to maintain the sound financial condition of the enterprises.

"(3) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated and purchased for the previous year.

"(4) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (3), as rounded to the nearest thousand dollars.

"(e) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (c) regarding a compliance of an enterprise for a year with a housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (d).

"(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(f) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be such income at the time of origination of the mortgage.

"(g) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing any goal under this subpart, the Director may take into consideration the number of housing units financed by any mortgage on single-family rental housing purchased by an enterprise.

"SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director shall establish, by regulation, an annual goal for the purchase by each enterprise of each of the following types of mortgages on multifamily housing:

"(A) Mortgages that finance dwelling units for low-income families.

"(B) Mortgages that finance dwelling units for very low-income families.

"(C) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

"(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the goal under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of such smaller sizes as are typical among such projects that serve rural areas.

"(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise for a year, the Director shall consider—

"(A) national multifamily mortgage credit needs;

"(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

"(C) the size of the multifamily mortgage market;

"(D) the ability of the enterprise to lead the industry in making mortgage credit available, especially for underserved markets, such as for small multifamily projects of 5 to 50 units, multifamily properties in need of rehabilitation, and multifamily properties located in rural areas; and

"(E) the need to maintain the sound financial condition of the enterprise.

"(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

"(1) are secured by a guarantee of the enterprise; or

"(2) are not investment grade and are purchased by the enterprise.

"(c) USE OF TENANT INCOME OR RENT.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

"(1) the income of the prospective or actual tenants of the property, where such data are available; or

"(2) where the data referred to in paragraph (1) are not available, rent levels affordable to low-income and very low-income families.

A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

"(d) DETERMINATION OF COMPLIANCE.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

"SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

"(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

"(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

"(1) market and economic conditions or the financial condition of the enterprise require such action; or

"(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, or section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)) or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

"(c) DETERMINATION.—The Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction. The Director may extend such period for a single additional 15-day period, but only if the Director requests additional information from the enterprise. A denial by the Director to reduce the level of any goal under this section may be appealed to the United States District Court for the District of Columbia or the United States district court in the jurisdiction in which the headquarters of an enterprise is located.".

(b) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking "low- and moderate-income housing goal" and all that follows through "section 1334" and inserting "housing goals established under this subpart"; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking "sections 1332, 1333, and 1334," and inserting "this subpart".

(c) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this Division, is further amended—

(1) in paragraph (22) (relating to the definition of "very low-income"), by striking "60 percent" each place such term appears and inserting "50 percent";

(2) by redesignating paragraphs (19) through (22) as paragraphs (23) through (26), respectively;

(3) by inserting after paragraph (18) the following new paragraph:

"(22) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490), except that such term includes micropolitan areas and tribal trust lands.".

(4) by redesignating paragraphs (13) through (18) as paragraphs (16) through (21), respectively;

(5) by inserting after paragraph (12) the following new paragraph:

"(15) LOW-INCOME AREA.—The term 'low income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.";

(6) by redesignating paragraphs (11) and (12) as paragraphs (13) and (14), respectively;

(7) by inserting after paragraph (10) the following new paragraph:

"(12) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

"(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

"(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.";

(8) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(9) by inserting after paragraph (6) the following new paragraph:

"(7) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under, as applicable—

"(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

"(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.".

SEC. 138. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting "**DUTY TO SERVE UNDERSERVED MARKETS AND**" before "**OTHER**";

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and to carry out the duty under subsection (a) of this section" before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" after the semicolon at the end;

(C) in paragraph (4), by striking "; and" and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

"(a) DUTY TO SERVE UNDERSERVED MARKETS.—

"(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

"(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

"(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

"(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

"(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

"(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

"(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area."; and

(5) by adding at the end the following new subsection:

"(c) EVALUATION AND REPORTING OF COMPLIANCE.—

"(1) IN GENERAL.—Not later than 6 months after the effective date under section 185 of the Federal Housing Finance Reform Act of 2007, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

"(C) the volume of loans purchased in each of such underserved markets.

"(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.".

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting "and with the duty under section 1335(a) of each enterprise with respect to underserved markets," before "as provided in this section"; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this title, the following new paragraph:

"(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 139. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) ADDITIONAL CREDIT FOR CERTAIN MORTGAGES.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by inserting ", except as provided in paragraph (4)," after "which"; and

(2) by adding at the end the following new paragraph:

"(5) ADDITIONAL CREDIT.—The Director shall assign more than 125 percent credit toward achievement, under this section, of the housing goals for mortgage purchase activities of the enterprises that comply with the requirements of such goals and support—

"(A) housing that meets energy efficiency or other environmental standards that are established by a Federal, State, or local governmental authority with respect to the geographic area where the housing is located or are otherwise widely recognized; or

"(B) housing that includes a licensed childcare center.

The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.".

(b) MONITORING AND ENFORCEMENT.—Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "PRELIMINARY" before "DETERMINATION";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal established under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.";

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting "finally" before "determining";

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) EXTENSION OR SHORTENING OF PERIOD.—The Director may—

"(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

"(ii) shorten the period under subparagraph (A) for good cause."; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking "determine" and inserting "issue a final determination of";

(ii) in subparagraph (B), by inserting "final" before "determinations"; and

(iii) in subparagraph (C)—

(I) by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services"; and

(II) by inserting "final" before "determination" each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

"(c) CEASE AND DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

"(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7) of this subsection.";

(B) in paragraph (2)—

(i) by striking "CONTENTS.—Each housing plan" and inserting "HOUSING PLAN.—If the Director requires a housing plan under this section, such a plan"; and

(ii) in subparagraph (B), by inserting "and changes in its operations" after "improvements";

(C) in paragraph (3)—

(i) by inserting "comply with any remedial action or" before "submit a housing plan"; and

(ii) by striking "under subsection (b)(3) that a housing plan is required";

(D) in paragraph (4), by striking the first two sentences and inserting the following: "The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines such extension necessary."; and

(E) by adding at the end the following new paragraph:

"(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may seek other actions when an enterprise fails to meet a goal, and exercise appropriate enforcement authority available to the Director under this Act to prohibit the enterprise from initially offering any product (as such term is defined in section 1321(f)) or engaging in any new activities, services, undertakings, and offerings and to order the enterprise to suspend products and activities, services, undertakings, and offerings pending its achievement of the goal.".

SEC. 140. AFFORDABLE HOUSING FUND.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

"SEC. 1337. AFFORDABLE HOUSING FUND.

"(a) ESTABLISHMENT AND PURPOSE.—The Director, in consultation with the Secretary of Housing and Urban Development, shall establish and manage an affordable housing fund in accordance with this section, which shall be funded with amounts allocated by the enterprises under subsection (b). The purpose of the affordable housing fund shall be to provide formula grants to grantees for use—

"(1) to increase homeownership for extremely low-and very low-income families;

"(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

"(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families;

"(4) to increase investment in public infrastructure development in connection with housing assisted under this section; and

"(5) to leverage investments from other sources in affordable housing and in public infrastructure development in connection with housing assisted under this section.

"(b) ALLOCATION OF AMOUNTS BY ENTERPRISES.—

"(1) IN GENERAL.—In accordance with regulations issued by the Director under subsection (m) and subject to paragraph (2) of this subsection and subsection (i)(5), each enterprise shall allocate to the affordable housing fund established under subsection (a), in each of the years 2007 through 2011, an amount equal to 1.2 basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year.

"(2) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend the allocation under paragraph (1) by an enterprise to the affordable housing fund upon a finding by the Director that such allocations—

"(A) are contributing, or would contribute, to the financial instability of the enterprise;

"(B) are causing, or would cause, the enterprise to be classified as undercapitalized; or

"(C) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

“(3) 5-YEAR SUNSET AND REPORT.—

“(A) SUNSET.—The enterprises shall not be required to make allocations to the affordable housing fund in 2012 or in any year thereafter.

“(B) REPORT ON PROGRAM CONTINUANCE.—Not later than June 30, 2011, the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report making recommendations on whether the program under this section, including the requirement for the enterprises to make allocations to the affordable housing fund, should be extended and on any modifications for the program.

“(4) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from redirecting such costs, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

“(c) AFFORDABLE HOUSING NEEDS FORMULAS.—

“(1) ALLOCATION FOR 2007.—

“(A) ALLOCATION PERCENTAGES FOR LOUISIANA AND MISSISSIPPI.—For purposes of subsection (d)(1)(A), the allocation percentages for 2007 for the grantees under this section for such year shall be as follows:

“(i) The allocation percentage for the Louisiana Housing Finance Agency shall be 75 percent.

“(ii) The allocation percentage for the Mississippi Development Authority shall be 25 percent.

“(B) USE IN DISASTER AREAS.—Affordable housing grant amounts for 2007 shall be used only as provided in subsection (g) only for such eligible activities in areas that were subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina or Rita of 2005.

“(2) ALLOCATION FORMULA FOR OTHER YEARS.—The Secretary of Housing and Urban Development shall, by regulation, establish a formula to allocate, among the States (as such term is defined in section 1303) and federally recognized Indian tribes, the amounts provided by the enterprises in each year referred to subsection (b)(1), other than 2007, to the affordable housing fund established under this section. The formula shall be based on the following factors, with respect to each State and tribe:

“(A) The ratio of the population of the State or federally recognized Indian tribe to the aggregate population of all the States and tribes.

“(B) The percentage of families in the State or federally recognized Indian tribe that pay more than 50 percent of their annual income for housing costs.

“(C) The percentage of persons in the State or federally recognized Indian tribe that are members of extremely low- or very low-income families.

“(D) The cost of developing or carrying out rehabilitation of housing in the State or for the federally recognized Indian tribe.

“(E) The percentage of families in the State or federally recognized Indian tribe that live in substandard housing.

“(F) The percentage of housing stock in the State or for the federally recognized Indian tribe that is extremely old housing.

“(G) Any other factors that the Secretary determines to be appropriate.

“(3) FAILURE TO ESTABLISH.—If, in any year referred to in subsection (b)(1), other than 2007, the regulations establishing the formula required under paragraph (2) of this subsection have not been issued by the date that the Director determines the amounts described in subsection (d)(1) to be available for affordable housing fund grants in such year, for purposes of such year any amounts for a State (as such term is defined in section 1303 of this Act) that would otherwise be determined under subsection (d) by applying the formula established pursuant to paragraph (2) of this subsection shall be determined instead by applying, for such State, the percentage that is equal to the percentage of the total amounts made available for such year for allocation under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) that are allocated in such year, pursuant to such subtitle, to such State (including any insular area or unit of general local government, as such terms are defined in section 104 of such Act (42 U.S.C. 12704), that is treated as a State under section 1303 of this Act) and to participating jurisdictions and other eligible entities within such State.

“(d) ALLOCATION OF FORMULA AMOUNT; GRANTS.—

“(1) FORMULA AMOUNT.—For each year referred to in subsection (b)(1), the Director shall determine the formula amount under this section for each grantee, which shall be the amount determined for such grantee—

“(A) for 2007, by applying the allocation percentages under subparagraph (A) of subsection (c)(1) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year, less any amounts used pursuant to subsection (i)(1); and

“(B) for any other year referred to in subsection (b)(1) (other than 2007), by applying the formula established pursuant to paragraph (2) of subsection (c) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year and any recaptured amounts available pursuant to subsection (i)(4), less any amounts used pursuant to subsection (i)(1).

“(2) NOTICE.—In each year referred to in subsection (b)(1), not later than 60 days after the date that the Director determines the amounts described in paragraph (1) to be available for affordable housing fund grants to grantees in such year, the Director shall cause to be published in the Federal Register a notice that such amounts shall be so available.

“(3) GRANT AMOUNT.—

“(A) IN GENERAL.—For each year referred to in subsection (b)(1), the Director shall make a grant from amounts in the affordable housing fund to each grantee in an amount that is, except as provided in subparagraph (B), equal to the formula amount under this section for the grantee. A grantee may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)) or other qualified instrumentality of the grantee to receive such grant amounts.

“(B) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a grantee fails to obtain reimbursement or return of the full amount required under subsection (j)(1)(B) to be reimbursed or returned to the grantee during such year—

“(i) except as provided in clause (ii)—

“(I) the amount of the grant for the grantee for the succeeding year, as determined pursuant to subparagraph (A), shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

“(II) the amount of the grant for the succeeding year for each other grantee whose grant is not reduced pursuant to subclause (I) shall be increased by the amount determined by applying the formula established pursuant to subsection (c)(2) to the total amount of all reductions for all grantees for such year pursuant to subclause (I); or

“(ii) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this subsection will not be made, the grantee shall pay to the Director for reallocation among the other grantees an amount equal to the amount of the reduction for the grantee that would otherwise apply under clause (i)(I).

“(e) GRANTEE ALLOCATION PLANS.—

“(1) IN GENERAL.—For each year that a grantee receives affordable housing fund grant amounts, the grantee shall establish an allocation plan in accordance with this subsection, which shall be a plan for the distribution of such grant amounts of the grantee for such year that—

“(A) is based on priority housing needs, as determined by the grantee in accordance with the regulations established under subsection (m)(2)(C);

“(B) complies with subsection (f); and

“(C) includes performance goals, benchmarks, and timetables for the grantee for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts that comply with the requirements established by the Director pursuant to subsection (m)(2)(F).

“(2) ESTABLISHMENT.—In establishing an allocation plan, a grantee shall notify the public of the establishment of the plan, provide an opportunity for public comments regarding the plan, consider any public comments received, and make the completed plan available to the public.

“(3) CONTENTS.—An allocation plan of a grantee shall set forth the requirements for eligible recipients under subsection (h) to apply to the grantee to receive assistance from affordable housing fund grant amounts, including a requirement that each such application include—

“(A) a description of the eligible activities to be conducted using such assistance; and

“(B) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

“(f) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND GRANT AMOUNTS.—Affordable housing fund grant amounts of a grantee may be used, or committed for use, only for activities that—

“(1) are eligible under subsection (g) for such use;

“(2) comply with the applicable allocation plan under subsection (e) of the grantee; and

“(3) are selected for funding by the grantee in accordance with the process and criteria for such selection established pursuant to subsection (m)(2)(C).

“(g) ELIGIBLE ACTIVITIES.—Affordable housing fund grant amounts of a grantee shall be eligible for use, or for commitment for use, only for assistance for—

“(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that such grant amounts may be used for the benefit only of extremely low- and very low-income families;

"(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

"(A) is available for purchase only for use as a principal residence by families that qualify both as—

"(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from affordable housing fund grant amounts;

"(B) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

"(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(D) is made available for purchase only by, or in the case of assistance under this paragraph, is made available only to, homebuyers who have, before purchase—

"(i) completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Director; except that the Director may, at the request of a State, waive the requirements of this subparagraph with respect to a geographic area or areas within the State if: (I) the travel time or distance involved in providing counseling with respect to such area or areas, as otherwise required under this subparagraph, on an in-person basis is excessive or the cost of such travel is prohibitive; and (II) the State provides alternative forms of counseling for such area or areas, which may include interactive telephone counseling, online counseling, interactive video counseling, and interactive home study counseling and a program of financial literacy and education to promote an understanding of consumer, economic, and personal finance issues and concepts, including saving for retirement, managing credit, long-term care, and estate planning and education on predatory lending, identity theft, and financial abuse schemes relating to homeownership that is approved by the Director, except that entities providing such counseling shall not discriminate against any particular form of housing; and

"(ii) demonstrated, in accordance with regulations as the Director shall issue setting forth requirements for sufficient evidence, that they are lawfully present in the United States; and

"(3) public infrastructure development activities in connection with housing activities funded under paragraph (1) or (2).

"(h) ELIGIBLE RECIPIENTS.—Affordable housing fund grant amounts of a grantee may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, and a faith-based organization) that—

"(1) has demonstrated experience and capacity to conduct an eligible activity under (g), as evidenced by its ability to—

"(A) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

"(B) design, construct or rehabilitate, and market affordable housing for homeownership;

"(C) provide forms of assistance, such as downpayments, closing costs, or interest-rate buy-downs, for purchasers; or

"(D) construct related public infrastructure development activities in connection with such housing activities;

"(2) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

"(3) demonstrates its familiarly with the requirements of any other Federal, State or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

"(4) makes such assurances to the grantee as the Director shall, by regulation, require to ensure that the recipient will comply with the requirements of this section during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under subsection (g) that are engaged in by the recipient and funded with such grant amounts.

"(i) LIMITATIONS ON USE.—

"(1) REQUIRED AMOUNT FOR REFCORP.—Of the aggregate amount allocated pursuant to subsection (b) in each year to the affordable housing fund, 25 percent shall be used as provided in section 21B(f)(2)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(E)).

"(2) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not less than 10 percent shall be used for activities under paragraph (2) of subsection (g).

"(3) MAXIMUM AMOUNT FOR PUBLIC INFRASTRUCTURE DEVELOPMENT ACTIVITIES IN CONNECTION WITH AFFORDABLE HOUSING ACTIVITIES.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not more than 12.5 percent may be used for activities under paragraph (3) of subsection (g).

"(4) DEADLINE FOR COMMITMENT OR USE.—Any affordable housing fund grant amounts of a grantee shall be used or committed for use within two years of the date of that such grant amounts are made available to the grantee. The Director shall recapture into the affordable housing fund any such amounts not so used or committed for use and allocate such amounts under subsection (d)(1) in the first year after such recapture.

"(5) USE OF RETURNS.—The Director shall, by regulation provide that any return on a loan or other investment of any affordable housing fund grant amounts of a grantee shall be treated, for purposes of availability to and use by the grantee, as affordable housing fund grant amounts.

"(6) PROHIBITED USES.—The Director shall—

"(A) by regulation, set forth prohibited uses of affordable housing fund grant amounts, which shall include use for—

"(i) political activities;

"(ii) advocacy;

"(iii) lobbying, whether directly or through other parties;

"(iv) counseling services;

"(v) travel expenses; and

"(vi) preparing or providing advice on tax returns;

"(B) by regulation, provide that, except as provided in subparagraph (C), affordable housing fund grant amounts of a grantee may not be used for administrative, outreach, or other costs of—

"(i) the grantee; or

"(ii) any recipient of such grant amounts; and

"(C) by regulation, limit the amount of any affordable housing fund grant amounts of the grantee for a year that may be used for administrative costs of the grantee of carrying out the program required under this section to a percentage of such grant amounts of the grantee for such year, which may not exceed 10 percent.

"(7) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any affordable housing fund grant amounts used under this section for eligible activities under subsection (g). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from affordable housing fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(8) ACCEPTABLE IDENTIFICATION REQUIREMENT FOR OCCUPANCY OR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance provided with any affordable housing grant amounts may not be made available to, or on behalf of, any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, personal identification in one of the following forms:

"(i) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

"(I) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

"(II) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109-13; 49 U.S.C. 30301 note).

"(ii) PASSPORT.—A passport issued by the United States or a foreign government.

"(iii) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

"(B) REGULATIONS.—The Director shall, by regulation, require that each grantee and recipient take such actions as the Director considers necessary to ensure compliance with the requirements of subparagraph (A).

"(j) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

"(1) RECIPIENTS.—

"(A) TRACKING OF FUNDS.—The Director shall—

"(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from affordable housing fund grant amounts of the grantee uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the grantee and recipients, regarding assistance from the affordable housing fund grant amounts of the grantee, which shall include—

"(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Director determines are necessary to ensure appropriate grant administration and compliance.

"(B) MISUSE OF FUNDS.—

"(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance from affordable housing fund grant amounts of a grantee is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the grantee shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the grantee for such misused amounts and return to the grantee any amounts from the affordable housing fund grant amounts of the grantee that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is—

"(I) made by the Director; or

"(II)(aa) made by the grantee;

"(bb) the grantee provides notification of the determination to the Director for review, in the discretion of the Director, of the determination; and

"(cc) the Director does not subsequently reverse the determination.

"(2) GRANTEES.—

"(A) REPORT.—

"(i) IN GENERAL.—The Director shall require each grantee receiving affordable housing fund grant amounts for a year to submit a report, for such year, to the Director that—

"(I) describes the activities funded under this section during such year with the affordable housing fund grant amounts of the grantee; and

"(II) the manner in which the grantee complied during such year with the allocation plan established pursuant to subsection (e) for the grantee.

"(ii) PUBLIC AVAILABILITY.—The Director shall make such reports pursuant to this subparagraph publicly available.

"(B) MISUSE OF FUNDS.—If the Director determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Director is satisfied that there is no longer any such failure to comply, the Director shall—

"(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount affordable housing fund grant amounts which were not used in accordance with this section;

"(ii) require the grantee to repay the Director an amount equal to the amount of the amount affordable housing fund grant amounts which were not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the grantee.

"(k) CAPITAL REQUIREMENTS.—The utilization or commitment of amounts from the affordable housing fund shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

"(l) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) AFFORDABLE HOUSING FUND GRANT AMOUNTS.—The term 'affordable housing fund grant amounts' means amounts from the affordable housing fund established under subsection (a) that are provided to a grantee pursuant to subsection (d)(3).

"(2) GRANTEE.—The term 'grantee' means—

"(A) with respect to 2007, the Louisiana Housing Finance Agency and the Mississippi Development Authority; and

"(B) with respect to the years referred to in subsection (b)(1), other than 2007, each State (as such term is defined in section 1303) and each federally recognized Indian tribe.

"(3) RECIPIENT.—The term 'recipient' means an entity meeting the requirements under subsection (h) that receives assistance from a grantee from affordable housing fund grant amounts of the grantee.

"(4) TOTAL MORTGAGE PORTFOLIO.—The term 'total mortgage portfolio' means, with respect to a year, the sum, for all mortgages outstanding during that year in any form, including whole loans, mortgage-backed securities, participation certificates, or other structured securities backed by mortgages, of the dollar amount of the unpaid outstanding principal balances under such mortgages. Such term includes all such mortgages or securitized obligations, whether retained in portfolio, or sold in any form. The Director is authorized to promulgate rules further defining such term as necessary to implement this section and to address market developments.

"(5) VERY-LOW INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

"(m) REGULATIONS.—

"(1) IN GENERAL.—The Director, in consultation with the Secretary of Housing and Urban Development, shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) a requirement that the Director ensure that the program of each grantee for use of affordable housing fund grant amounts of the grantee is audited not less than annually to ensure compliance with this section;

"(B) authority for the Director to audit, provide for an audit, or otherwise verify a grantee's activities, to ensure compliance with this section;

"(C) requirements for a process for application to, and selection by, each grantee for activities meeting the grantee's priority housing needs to be funded with affordable housing fund grant amounts of the grantee, which shall provide for priority in funding to be based upon—

"(i) greatest impact;

"(ii) geographic diversity;

"(iii) ability to obligate amounts and undertake activities so funded in a timely manner;

"(iv) in the case of rental housing projects under subsection (g)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

"(v) in the case of rental housing projects under subsection (g)(1), the extent of the duration for which such rents will remain affordable;

"(vi) the extent to which the application makes use of other funding sources; and

"(vii) the merits of an applicant's proposed eligible activity;

"(D) requirements to ensure that amounts provided to a grantee from the affordable housing fund that are used for rental housing under subsection (g)(1) are used only for the benefit of extremely low- and very-low income families;

"(E) limitations on public infrastructure development activities that are eligible pursuant to subsection (g)(3) for funding with affordable housing fund grant amounts and requirements for the connection between such activities and housing activities funded under paragraph (1) or (2) of subsection (g); and

"(F) requirements and standards for establishment, by grantees (including the grantees for 2007 pursuant to subsection (l)(2)(A)), of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with affordable housing fund grant amounts.

"(n) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

"(o) AFFORDABLE HOUSING TRUST FUND.—If, after the enactment of this Act, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (b)(1), the Director shall in such subsequent year and any remaining years referred to in subsection (b)(1) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (b) in such year to the affordable housing fund under this section, less any amounts used pursuant to subsection (i)(1). For such subsequent and remaining years, the provisions of subsections (c) and (d) shall not apply. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (i)(6). Nothing in this subsection shall be construed to alter the terms and conditions of the affordable housing fund under this section or to extend the life of such fund.

"(p) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee from the affordable housing fund established under subsection (a), any assistance provided to a recipient by a grantee from affordable housing fund grant amounts, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (o) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Director of the Federal Housing Finance Agency shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable pursuant to the preceding sentence.".

(b) TIMELY ESTABLISHMENT OF AFFORDABLE HOUSING NEEDS FORMULA.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall, not later than the effective date under section 185 of this Division, issue the regulations establishing the affordable housing needs formulas in accordance with the provisions of section 1337(c)(2) of the Housing and Community Development Act of 1992, as such section is amended by subsection (a) of this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

(c) REFCORP PAYMENTS.—Section 21B(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)) is amended—

(1) in subparagraph (E), by striking "and (D)" and inserting "(D), and (E)";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) PAYMENTS BY FANNIE MAE AND FREDDIE MAC.—To the extent that the amounts available pursuant to subparagraphs (A), (B), (C), and (D) are insufficient to cover the amount of interest payments, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (42 U.S.C. 4502)) shall transfer to the Funding Corporation in each calendar year the amounts allocated for use under this subparagraph pursuant to section 1337(i)(1) of such Act.".

(d) GAO REPORT.—The Comptroller General shall conduct a study to determine the effects that the affordable housing fund established under section 1337 of the Housing and Community Development Act of 1992, as added by the amendment made by subsection (a) of this section, will have on the availability and affordability of credit for homebuyers, including the effects on such credit of the requirement under such section 1337(b) that the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation make allocations of amounts to such fund based on the average total mortgage portfolios, and the extent to which the costs of such allocation requirement will be borne by such entities or will be passed on to homebuyers. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results and conclusions of such study. This subsection shall take effect on the date of the enactment of this Act.

SEC. 141. CONSISTENCY WITH MISSION.

Subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) is amended by adding after section 1337, as added by section 139 of this Division, the following new section:

"SEC. 1338. CONSISTENCY WITH MISSION.

"This subpart may not be construed to authorize an enterprise to engage in any program or activity that contravenes or is inconsistent with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 142. ENFORCEMENT.

(a) CEASE-AND-DESIST PROCEEDINGS.—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines—

"(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

"(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) the enterprise has violated any provision of this part or any order, rule or regulation under this part;

"(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

"(6) the enterprise has failed to comply with a housing plan under section 1336(c).";

(2) in subsection (b)(2), by striking "requiring the enterprise to" and all that follows through the end of the paragraph and inserting the following: "requiring the enterprise to—

"(A) comply with the goal or goals;

"(B) submit a report under section 1314;

"(C) comply with any provision this part or any order, rule or regulation under such part;

"(D) submit a housing plan in compliance with section 1336(c);

"(E) comply with a housing plan submitted under section 1336(c); or

"(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.";

(3) in subsection (c), by inserting "date of the" before "service of the order"; and

(4) by striking subsection (d).

(b) AUTHORITY OF DIRECTOR TO ENFORCE NOTICES AND ORDERS.—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

"(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.".

(c) CIVIL MONEY PENALTIES.—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

"(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

"(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) comply with any provision of this part or any order, rule or regulation under this part;

"(5) submit a housing plan pursuant to section 1336(c) within the required period; or

"(6) comply with a housing plan for the enterprise under section 1336(c).

"(b) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Director, may not exceed—

"(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $50,000 for each day that the failure occurs; and

"(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $20,000 for each day that the failure occurs.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "and" after the semicolon at the end;

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: "In determining the penalty under subsection (a)(1), the Director shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.";

(3) in the first sentence of subsection (d)—

(A) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,"; and

(B) by inserting ", or request that the Attorney General of the United States bring such an action" before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) ENFORCEMENT OF SUBPOENAS.—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,"; and

(2) by inserting "or request that the Attorney General of the United States bring such an action," after "District of Columbia,".

(e) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended to read as follows:

"Subpart C—Enforcement".

SEC. 143. CONFORMING AMENDMENTS.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking "Secretary" each place such term appears in such part and inserting "Director";

(2) in the section heading for section 1323 (12 U.S.C. 4543), by inserting "**OF ENTERPRISES**" before the period at the end;

(3) by striking section 1327 (12 U.S.C. 4547);

(4) by striking section 1328 (12 U.S.C. 4548);

(5) by redesignating section 1329 (as amended by section 135) as section 1327;

(6) in sections 1345(c)(1)(A), 1346(a), and 1346(b) (12 U.S.C. 4585(c)(1)(A), 4586(a), and 4586(b)), by striking "Secretary's" each place such term appears and inserting "Director's"; and

(7) by striking section 1349 (12 U.S.C. 4589).

Subtitle C—Prompt Corrective Action

SEC. 151. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a), by striking "IN GENERAL" and inserting "ENTERPRISES".

(2) in subsection (c)—

(A) by striking "subsection (b)" and inserting "subsection (c)";

(B) by striking "enterprises" and inserting "regulated entities"; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following new subsections:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

"(A) establish the capital classifications specified under paragraph (2) for the Federal home loan banks;

"(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

"(C) shall classify the Federal home loan banks according to such capital classifications.

"(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

"(A) adequately capitalized;

"(B) undercapitalized;

"(C) significantly undercapitalized; and

"(D) critically undercapitalized.

"(c) DISCRETIONARY CLASSIFICATION.—

"(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

"(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or, in the case of an enterprise, that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

"(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

"(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

"(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify a regulated entity—

"(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

"(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

"(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized."; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

"(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

"(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

"(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

"(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.".

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Housing and Community Development Act of 1992 (as added by paragraph (4) of this subsection), relating to capital classifications for the Federal home loan banks.

SEC. 152. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following paragraph:

"(1) REQUIRED MONITORING.—The Director shall—

"(A) closely monitor the condition of any regulated entity that is classified as undercapitalized;

"(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

"(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section."; and

(C) by inserting at the end the following new paragraphs:

"(4) RESTRICTION OF ASSET GROWTH.—A regulated entity that is classified as undercapitalized shall not permit its average total assets (as such term is defined in section 1316(b) during any calendar quarter to exceed its average total assets during the preceding calendar quarter unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity;

"(B) any increase in total assets is consistent with the plan; and

"(C) the ratio of total capital to assets for the regulated entity increases during the calendar quarter at a rate sufficient to enable the entity to become adequately capitalized within a reasonable time.

"(5) PRIOR APPROVAL OF ACQUISITIONS, NEW PRODUCTS, AND NEW ACTIVITIES.—A regulated entity that is classified as undercapitalized shall not, directly or indirectly, acquire any interest in any entity or initially offer any new product (as such term is defined in section 1321(f)) or engage in any new activity, service, undertaking, or offering unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity, the entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

"(B) the Director determines that the proposed action will further the purpose of this section.";

(3) in the subsection heading for subsection (b), by striking "FROM UNDERCAPITALIZED TO SIGNIFICANTLY UNDERCAPITALIZED"; and

(4) by striking subsection (c) and inserting the following new subsection:

"(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to a regulated entity that is classified as undercapitalized, any of the actions authorized to be taken under section 1366 with respect to a regulated entity that is classified as significantly undercapitalized, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.".

SEC. 153. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)(2)(A), by striking "enterprise" the last place such term appears;

(3) in subsection (b)—

(A) in the subsection heading, by striking "DISCRETIONARY SUPERVISORY ACTIONS" and inserting "SPECIFIC ACTIONS".

(B) in the matter preceding paragraph (1), by striking "may, at any time, take any" and inserting "shall carry out this section by taking, at any time, one or more";

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (4) the following new paragraph:

"(5) IMPROVEMENT OF MANAGEMENT.—Take one or more of the following actions:

"(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

"(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director's enforcement powers provided in section 1377.

"(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director)."; and

(E) by inserting at the end the following new paragraph:

"(8) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the actions specified in this paragraph.";

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting after subsection (b) the following new subsection:

"(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized may not, without prior written approval by the Director—

"(1) pay any bonus to any executive officer; or

"(2) provide compensation to any executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became undercapitalized.".

SEC. 154. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) In General.—Section 1367 of the Housing and Community Development Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

"SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

"(a) Appointment of Agency as Conservator or Receiver.—

"(1) In general.—Notwithstanding any other provision of Federal or State law, if any of the grounds under paragraph (3) exist, at the discretion of the Director, the Director may establish a conservatorship or receivership, as appropriate, for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

"(2) Appointment.—In any conservatorship or receivership established under this section, the Director shall appoint the Agency as conservator or receiver.

"(3) Grounds for appointment.—The grounds for appointing a conservator or receiver for a regulated entity are as follows:

"(A) Assets insufficient for obligations.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

"(B) Substantial dissipation.—Substantial dissipation of assets or earnings due to—

"(i) any violation of any provision of Federal or State law; or

"(ii) any unsafe or unsound practice.

"(C) Unsafe or unsound condition.—An unsafe or unsound condition to transact business.

"(D) Cease-and-desist orders.—Any willful violation of a cease-and-desist order that has become final.

"(E) Concealment.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

"(F) Inability to meet obligations.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

"(G) Losses.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

"(H) Violations of law.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

"(i) cause insolvency or substantial dissipation of assets or earnings; or

"(ii) weaken the condition of the regulated entity.

"(I) Consent.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

"(J) Undercapitalization.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3) or in regulations issued pursuant to section 1364(b), as applicable), and—

"(i) has no reasonable prospect of becoming adequately capitalized;

"(ii) fails to become adequately capitalized, as required by—

"(I) section 1365(a)(1) with respect to an undercapitalized regulated entity; or

"(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

"(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

"(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

"(K) Critical undercapitalization.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4) or in regulations issued pursuant to section 1364(b), as applicable.

"(L) Money laundering.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

"(4) Mandatory receivership.—

"(A) In general.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

"(i) the assets of the regulated entity are, and during the preceding 30 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

"(ii) the regulated entity is not, and during the preceding 30 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

"(B) Periodic determination required for critically under capitalized regulated entity.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

"(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

"(ii) at least once during each succeeding 30-calendar day period.

"(C) Determination not required if receivership already in place.—Subparagraph (B) shall not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

"(D) Receivership terminates conservatorship.—The appointment under this section of the Agency as receiver of a regulated entity shall immediately terminate any conservatorship established under this title for the regulated entity.

"(5) Judicial review.—

"(A) In general.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States District Court for the judicial district in which the principal place of business of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

"(B) Review.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

"(6) Directors not liable for acquiescing in appointment of conservator or receiver.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

"(7) Agency not subject to any other federal agency.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

"(b) Powers and Duties of the Agency as Conservator or Receiver.—

"(1) Rulemaking authority of the agency.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

"(2) General powers.—

"(A) Successor to regulated entity.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

"(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

"(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

"(B) Operate the regulated entity.—The Agency may, as conservator or receiver—

"(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

"(ii) collect all obligations and money due the regulated entity;

"(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver; and

"(iv) preserve and conserve the assets and property of such regulated entity.

"(C) Functions of officers, directors, and shareholders of a regulated entity.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

"(D) Powers as conservator.—The Agency may, as conservator, take such action as may be—

"(i) necessary to put the regulated entity in a sound and solvent condition; and

"(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity, including, if two or more Federal home loan banks have been placed in conservatorship contemporaneously, merging two or more such banks into a single Federal home loan bank.

"(E) Additional powers as receiver.—The Agency may, as receiver, place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity, having due regard to the conditions of the housing finance market.

"(F) Organization of new regulated entities.—The Agency may, as receiver, organize a successor regulated entity that will operate pursuant to subsection (i).

"(G) Transfer of assets and liabilities.—The Agency may, as conservator or receiver, transfer any asset or liability of the regulated entity in default without any approval, assignment, or consent with respect to such transfer. Any Federal home loan bank may, with the approval of the Agency, acquire the assets of any Bank in conservatorship or receivership, and assume the liabilities of such Bank.

"(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity in accordance with the prescriptions and limitations of this section.

"(I) SUBPOENA AUTHORITY.—

"(i) IN GENERAL.—

"(I) IN GENERAL.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

"(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power exercised under this subparagraph in the same manner as such provisions apply under that section.

"(ii) AUTHORITY OF DIRECTOR.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

"(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379D.

"(J) CONTRACTING FOR SERVICES.—The Agency may, as conservator or receiver, provide by contract for the carrying out of any of its functions, activities, actions, or duties as conservator or receiver.

"(K) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

"(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

"(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

"(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

"(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

"(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

"(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the publication of such notice; and

"(ii) republish such notice approximately 1 month and 2 months, respectively, after the publication under clause (i).

"(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

"(i) at the last address of the creditor appearing in such books; or

"(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity within 30 days after the discovery of such name and address.

"(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

"(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

"(A) DETERMINATION PERIOD.—

"(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

"(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

"(iii) MAILING OF NOTICE SUFFICIENT.—The notification requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

"(I) on the books of the regulated entity;

"(II) in the claim filed by the claimant; or

"(III) in documents submitted in proof of the claim.

"(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

"(I) a statement of each reason for the disallowance; and

"(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

"(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i), or the date specified in the notice required under paragraph (3)(C), which is proved to the satisfaction of the receiver.

"(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

"(D) AUTHORITY TO DISALLOW CLAIMS.—

"(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

"(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

"(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

"(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

"(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to any extension of credit from any Federal Reserve Bank, Federal home loan bank, or the Treasury of the United States.

"(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim. This subparagraph shall not affect the authority of a claimant to obtain de novo judicial review of a claim pursuant to paragraph (6).

"(F) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

"(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

"(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

"(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

"(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

"(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

"(7) REVIEW OF CLAIMS.—

"(A) OTHER REVIEW PROCEDURES.—

"(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

"(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

"(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

"(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

"(8) EXPEDITED DETERMINATION OF CLAIMS.—

"(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

"(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

"(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

"(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

"(i) determine—

"(I) whether to allow or disallow such claim; or

"(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

"(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

"(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

"(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

"(ii) the date the Agency denies the claim.

"(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

"(E) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

"(9) PAYMENT OF CLAIMS.—

"(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

"(i) allowed by the receiver;

"(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

"(iii) determined by the final judgment of any court of competent jurisdiction.

"(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing, and executed by an authorized official of the regulated entity, except that such requirements for qualified financial contracts shall be applied in a manner consistent with reasonable business trading practices in the financial contracts market.

"(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency, by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

"(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of regulated entities following satisfaction by the receiver of the principal amount of all creditor claims.

"(10) SUSPENSION OF LEGAL ACTIONS.—

"(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

"(i) 45 days, in the case of any conservator; and

"(ii) 90 days, in the case of any receiver.

"(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by any conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

"(11) ADDITIONAL RIGHTS AND DUTIES.—

"(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

"(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver shall—

"(i) have all the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

"(ii) not be required to post any bond in order to pursue such remedies.

"(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver.

"(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

"(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any regulated entity for which the Agency has been appointed receiver; or

"(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

"(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which maintains stability in the housing finance markets and, to the extent consistent with that goal—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases; and

"(iii) ensures adequate competition and fair and consistent treatment of offerors.

"(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

"(i) in the case of any contract claim, the longer of—

"(I) the 6-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law; and

"(ii) in the case of any tort claim, the longer of—

"(I) the 3-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law.

"(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

"(i) the date of the appointment of the Agency as conservator or receiver; or

"(ii) the date on which the cause of action accrues.

"(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

"(A) IN GENERAL.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitation applicable under State law.

"(B) CLAIMS DESCRIBED.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

"(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

"(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

"(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

"(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date that the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

"(15) FRAUDULENT TRANSFERS.—

"(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of a regulated entity-affiliated party, or any person who the conservator or receiver determines is a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the

Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

"(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

"(i) the initial transferee of such transfer or the regulated entity-affiliated party or person for whose benefit such transfer was made; or

"(ii) any immediate or mediate transferee of any such initial transferee.

"(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

"(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

"(ii) any immediate or mediate good faith transferee of such transferee.

"(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

"(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Agency or such conservator under the control of the court, and appointing a trustee to hold such assets.

"(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for the breach of an agreement executed or approved in writing by such receiver or conservator after the date of its appointment, shall be paid as an administrative expense of the receiver or conservator.

"(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

"(19) GENERAL EXCEPTIONS.—

"(A) LIMITATIONS.—The rights of a conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

"(B) MORTGAGES HELD IN TRUST.—

"(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, held in trust, custodial, or agency capacity by a regulated entity for the benefit of persons other than the regulated entity shall not be available to satisfy the claims of creditors generally.

"(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, described under clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in a pool of mortgages in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

"(iii) LIABILITY OF RECEIVER.—The liability of a receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance set forth in the regulations of the Director.

"(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

"(1) IN GENERAL.—Unsecured claims against a regulated entity, or a receiver, that are proven to the satisfaction of the receiver shall have priority in the following order:

"(A) Administrative expenses of the receiver.

"(B) Any other general or senior liability of the regulated entity and claims of other Federal home loan banks arising from their payment obligations (including joint and several payment obligations).

"(C) Any obligation subordinated to general creditors.

"(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

"(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Agency may make such other payments to creditors necessary to maximize the present value return from the sale or disposition or such regulated entity's assets or to minimize the amount of any loss realized in the resolution of cases so long as all creditors similarly situated receive not less than the amount provided under subsection (e)(2).

"(3) DEFINITION.—The term 'administrative expenses of the receiver' shall include the actual, necessary costs and expenses incurred by the receiver in preserving the assets of the regulated entity or liquidating or otherwise resolving the affairs of the regulated entity. Such expenses shall include obligations that are incurred by the receiver after appointment as receiver that the Director determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

"(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

"(A) to which such regulated entity is a party;

"(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

"(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

"(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

"(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

"(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

"(i) limited to actual direct compensatory damages; and

"(ii) determined as of—

"(I) the date of the appointment of the conservator or receiver; or

"(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

"(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

"(i) punitive or exemplary damages;

"(ii) damages for lost profits or opportunity; or

"(iii) damages for pain and suffering.

"(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

"(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

"(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

"(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

"(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

"(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

"(i) be entitled to the contractual rent accruing before the later of the date—

"(I) the notice of disaffirmance or repudiation is mailed; or

"(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

"(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

"(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

"(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

"(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

"(i) treat the lease as terminated by such repudiation; or

"(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

"(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of such subparagraph—

"(i) the lessee—

"(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

"(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

"(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II).

"(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

"(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

"(i) treat the contract as terminated by such repudiation; or

"(ii) remain in possession of such real property.

"(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of such subparagraph—

"(i) the purchaser—

"(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

"(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

"(ii) the conservator or receiver shall—

"(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II);

"(II) deliver title to the purchaser in accordance with the provisions of the contract; and

"(III) have no obligation under the contract other than the performance required under subclause (II).

"(C) ASSIGNMENT AND SALE ALLOWED.—

"(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

"(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

"(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

"(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or the receiver shall be—

"(i) a claim to be paid in accordance with subsections (b) and (e); and

"(ii) deemed to have arisen as of the date the conservator or receiver was appointed.

"(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

"(i) the other party shall be paid under the terms of the contract for the services performed; and

"(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

"(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by any conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

"(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

"(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10) and notwithstanding any other provision of this Division, any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts described in clause (i); or

"(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

"(B) APPLICABILITY OF OTHER PROVISIONS.—Paragraph (10) of subsection (b) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

"(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

"(i) IN GENERAL.—Notwithstanding paragraph (11) or any other Federal or State laws relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

"(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

"(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection:

"(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the regulated entity's equity of redemption.

"(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this Act (other than paragraph (13) of this subsection), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more such qualified financial contracts; or

"(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (d)(1) of this section.

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

"(A) transfer to 1 person—

"(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

"(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

"(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

"(iv) all property securing or any other credit enhancement for any contract described in clause (i) or any claim described in clause (ii) or (iii) under any such contract; or

"(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

"(10) NOTIFICATION OF TRANSFER.—

"(A) IN GENERAL.—If—

"(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity, and

"(ii) the transfer includes any qualified financial contract,

the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Agency as receiver or conservator of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity if the Agency has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the regulated entity in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

"(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

"(13) AUTHORITY TO ENFORCE CONTRACTS.—

"(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of a conservator or receiver, the conservator or receiver may enforce any contract or regulated entity bond entered into by the regulated entity.

"(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a director's or officer's liability insurance contract or surety bond under other applicable law.

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

"(I) 45 days after the date of appointment of a conservator; or

"(II) 90 days after the date of appointment of a receiver.

"(ii) EXCEPTIONS.—This paragraph shall—

"(I) not apply to a director's or officer's liability insurance contract;

"(II) not apply to the rights of parties to any qualified financial contracts under subsection (d)(8); and

"(III) not be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

"(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

"(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

"(A) any extension of credit from any Federal home loan bank or Federal Reserve Bank to any regulated entity; or

"(B) any security interest in the assets of the regulated entity securing any such extension of credit.

"(e) VALUATION OF CLAIMS IN DEFAULT.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

"(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall equal the lesser of—

“(A) the amount such claimant would have received if the Agency had liquidated the assets and liabilities of such regulated entity without exercising the authority of the Agency under subsection (i) of this section; or

“(B) the amount of proceeds realized from the performance of contracts or sale of the assets of the regulated entity.

“(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

“(g) LIABILITY OF DIRECTORS AND OFFICERS.—

“(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action by, on behalf of, or at the request or direction of the Agency, which action is prosecuted wholly or partially for the benefit of the Agency—

“(A) acting as conservator or receiver of such regulated entity, or

“(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator,

for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

“(2) NO LIMITATION.—Nothing in this paragraph shall impair or affect any right of the Agency under other applicable law.

“(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

“(i) LIMITED-LIFE REGULATED ENTITIES.—

“(1) ORGANIZATION.—

“(A) PURPOSE.—If a regulated entity is in default, or if the Agency anticipates that a regulated entity will default, the Agency may organize a limited-life regulated entity with those powers and attributes of the regulated entity in default or in danger of default that the Director determines necessary, subject to the provisions of this subsection. The Director shall grant a temporary charter to the limited-life regulated entity, and the limited-life regulated entity shall operate subject to that charter.

“(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

“(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, provided that the liabilities assumed shall not exceed the amount of assets of the limited-life regulated entity;

“(ii) purchase such assets of the regulated entity that is in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate; and

“(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

‘‘(2) CHARTER.—

‘‘(A) CONDITIONS.—The Agency may grant a temporary charter if the Agency determines that the continued operation of the regulated entity in default or in danger of default is in the best interest of the national economy and the housing markets.

‘‘(B) TREATMENT AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

‘‘(C) MANAGEMENT.—A limited-life regulated entity, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

‘‘(D) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

‘‘(3) CAPITAL STOCK.—No capital stock need be paid into a limited-life regulated entity by the Agency.

‘‘(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal Reserve bank.

‘‘(5) EXEMPT STATUS.—Notwithstanding any other provision of Federal or State law, the limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

‘‘(6) WINDING UP.—

‘‘(A) IN GENERAL.—Subject to subparagraph (B), unless Congress authorizes the sale of the capital stock of the limited-life regulated entity, not later than 2 years after the date of its organization, the Agency shall wind up the affairs of the limited-life regulated entity.

‘‘(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of the limited-life regulated entity for 3 additional 1-year periods.

‘‘(7) TRANSFER OF ASSETS AND LIABILITIES.—

‘‘(A) IN GENERAL.—

‘‘(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with paragraph (1).

‘‘(ii) SUBSEQUENT TRANSFERS.—At any time after a charter is transferred to a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of such regulated entity in default, or in danger in default, as the Agency may, in its discretion, determine to be appropriate in accordance with paragraph (1).

‘‘(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default, or in danger of default, transferred to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

‘‘(8) PROCEEDS.—To the extent that available proceeds from the limited-life regulated entity exceed amounts required to pay obligations, such proceeds may be paid to the regulated entity in default, or in danger of default.

‘‘(9) POWERS.—

‘‘(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

‘‘(i) the Agency may—

‘‘(I) remove the directors of a limited-life regulated entity; and

‘‘(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity;

‘‘(ii) the Agency may indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

‘‘(iii) the board of directors of a limited-life regulated entity—

‘‘(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

‘‘(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

‘‘(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of up to 45 days at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

‘‘(10) OBTAINING OF CREDIT AND INCURRING OF DEBT.—

‘‘(A) IN GENERAL.—The limited-life regulated entity may obtain unsecured credit and incur unsecured debt in the ordinary course of business.

‘‘(B) INABILITY TO OBTAIN CREDIT.—If the limited-life regulated entity is unable to obtain unsecured credit the Director may authorize the obtaining of credit or the incurring of debt—

‘‘(i) with priority over any or all administrative expenses;

‘‘(ii) secured by a lien on property that is not otherwise subject to a lien; or

‘‘(iii) secured by a junior lien on property that is subject to a lien.

‘‘(C) LIMITATIONS.—

‘‘(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by the regulated entity) only if—

‘‘(I) the limited-life regulated entity is unable to obtain such credit otherwise; and

‘‘(II) there is adequate protection of the interest of the holder of the lien on the property which such senior or equal lien is proposed to be granted.

‘‘(ii) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

‘‘(D) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this paragraph to obtain credit or incur debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so incurred, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the incurring of such debt, or the granting of such priority or lien, were stayed pending appeal.

"(11) ISSUANCE OF PREFERRED DEBT.—A limited-life regulated entity may, subject to the approval of the Director and subject to such terms and conditions as the Director may prescribe, issue notes, bonds, or other debt obligations of a class to which all other debt obligations of the limited-life regulated entity shall be subordinate in right and payment.

"(12) NO FEDERAL STATUS.—

"(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

"(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

"(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

"(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

"(13) ADDITIONAL POWERS.—In addition to any other powers granted under this subsection, a limited-life regulated entity may—

"(A) extend a maturity date or change in an interest rate or other term of outstanding securities;

"(B) issue securities of the limited-life regulated entity, for cash, for property, for existing securities, or in exchange for claims or interests, or for any other appropriate purposes; and

"(C) take any other action not inconsistent with this section.

"(j) OTHER EXEMPTIONS.—When acting as a receiver, the following provisions shall apply with respect to the Agency:

"(1) EXEMPTION FROM TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, country, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

"(2) EXEMPTION FROM ATTACHMENT AND LIENS.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

"(3) EXEMPTION FROM PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

"(k) PROHIBITION OF CHARTER REVOCATION.—In no case may a receiver appointed pursuant to this section revoke, annul, or terminate the charter of a regulated entity.".

(b) CONFORMING AMENDMENTS.—

(1) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 is amended by striking sections 1369 (12 U.S.C. 4619), 1369A (12 U.S.C. 4620), and 1369B (12 U.S.C. 4621).

(2) FEDERAL HOME LOAN BANKS.—Section 25 of the Federal Home Loan Bank Act (12 U.S.C. 1445) is amended to read as follows:

"SEC. 25. SUCCESSION OF FEDERAL HOME LOAN BANKS.

"Each Federal Home Loan Bank shall have succession until it is voluntarily merged with another Bank under this Act, or until it is merged, reorganized, rehabilitated, liquidated, or otherwise wound up by the Director in accordance with the provisions of section 1367 of the Housing and Community Development Act of 1992, or by further Act of Congress.".

SEC. 155. CONFORMING AMENDMENTS.

Title XIII of the Housing and Community Development Act of 1992, as amended by the preceding provisions of this Division, is further amended—

(1) in sections 1365 (12 U.S.C. 4615) through 1369D (12 U.S.C. 4623), but not including section 1367 (12 U.S.C. 4617) as amended by section 154 of this Division—

(A) by striking "An enterprise" each place such term appears and inserting "A regulated entity";

(B) by striking "an enterprise" each place such term appears and inserting "a regulated entity"; and

(C) by striking "the enterprise" each place such term appears and inserting "the regulated entity";

(2) in section 1366 (12 U.S.C. 4616)—

(A) in subsection (b)(7), by striking "section 1369 (excluding subsection (a)(1) and (2))" and inserting "section 1367"; and

(B) in subsection (d), by striking "the enterprises" and inserting "the regulated entities";

(3) in section 1368(d) (12 U.S.C. 4618(d)), by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services";

(4) in section 1369C (12 U.S.C. 4622)—

(A) in subsection (a)(4), by striking "activities (including existing and new programs)" and inserting "activities, services, undertakings, and offerings (including existing and new products (as such term is defined in section 1321(f))"; and

(B) in subsection (c), by striking "any enterprise" and inserting "any regulated entity"; and

(5) in subsections (a) and (d) of section 1369D, by striking "section 1366 or 1367 or action under section 1369)" each place such phrase appears and inserting "section 1367)".

Subtitle D—Enforcement Actions

SEC. 161. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS OF RULES OR LAWS.—If, in the opinion of the Director, a regulated entity or any regulated entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or is violating or has violated, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or such party a notice of charges in respect thereof. The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

"(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of this subsection.";

(2) in subsection (c)(2), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party"; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(B) in paragraph (1)—

(i) by striking "an executive officer or a director" and inserting "a regulated entity affiliated party"; and

(ii) by inserting "(including reimbursement of compensation under section 1318)" after "reimbursement";

(C) in paragraph (6), by striking "and" at the end;

(D) by redesignating paragraph (7) as paragraph (8); and

(E) by inserting after paragraph (6) the following new paragraph:

"(7) to effect an attachment on a regulated entity or regulated entity-affiliated party subject to an order under this section or section 1372; and".

SEC. 162. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GROUNDS FOR ISSUANCE.—Whenever the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the regulated entity or any regulated entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the regulated entity, or is likely to weaken the condition of the regulated entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may issue a temporary order requiring the regulated entity or such party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order may include any requirement authorized under section 1371(d).'';

(2) in subsection (b), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(3) in subsection (d)—

(A) by striking ''An enterprise, executive officer, or director'' and inserting ''A regulated entity or regulated entity-affiliated party''; and

(B) by striking ''the enterprise, executive officer, or director'' and inserting ''the regulated entity or regulated entity-affiliated party''; and

(4) by striking subsection (e) and inserting the following new subsection:

''(e) ENFORCEMENT.—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued pursuant to this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for an injunction to enforce such order, and, if the court determines that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.''.

SEC. 163. PREJUDGMENT ATTACHMENT.

The Housing and Community Development Act of 1992 is amended by inserting after section 1375 (12 U.S.C. 4635) the following new section:

''SEC. 1375A. PREJUDGMENT ATTACHMENT.

''(a) IN GENERAL.—In any action brought pursuant to this title, or in actions brought in aid of, or to enforce an order in, any administrative or other civil action for money damages, restitution, or civil money penalties brought pursuant to this title, the court may, upon application of the Director or Attorney General, as applicable, issue a restraining order that—

''(1) prohibits any person subject to the proceeding from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property; and

''(2) appoints a person on a temporary basis to administer the restraining order.

''(b) STANDARD.—

''(1) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subsection (a) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

''(2) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party's right to due process as Rule 65 (as modified with respect to such proceeding by paragraph (1)), the relief sought under subsection (a) may be requested under the laws of such State.''.

SEC. 164. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''; and

(2) in subsection (b), by striking ''or 1376'' and inserting ''1376, or 1377''.

SEC. 165. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking '', or any executive officer or director'' and inserting ''or any regulated-entity affiliated party''; and

(B) in paragraph (1)—

(i) by striking ''the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act'' and inserting ''any provision of any of the authorizing statutes'';

(ii) by striking ''or Act'' and inserting ''or statute'';

(iii) by striking ''or subsection'' and inserting '', subsection''; and

(iv) by inserting '', or paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act'' before the semicolon at the end;

(2) by striking subsection (b) and inserting the following new subsection:

''(b) AMOUNT OF PENALTY.—

''(1) FIRST TIER.—Any regulated entity which, or any regulated entity-affiliated party who—

''(A) violates any provision of this title, any provision of any of the authorizing statutes, or any order, condition, rule, or regulation under any such title or statute, except that the Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act;

''(B) violates any final or temporary order or notice issued pursuant to this title;

''(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(D) violates any written agreement between the regulated entity and the Director, shall forfeit and pay a civil money penalty of not more than $10,000 for each day during which such violation continues.

''(2) SECOND TIER.—Notwithstanding paragraph (1)—

''(A) if a regulated entity, or a regulated entity-affiliated party—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) the violation, practice, or breach—

''(i) is part of a pattern of misconduct;

''(ii) causes or is likely to cause more than a minimal loss to such regulated entity; or

''(iii) results in pecuniary gain or other benefit to such party,

the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity which, or any regulated entity-affiliated party who—

''(A) knowingly—

''(i) commits any violation or engages in any conduct described in any subparagraph of paragraph (1);

''(ii) engages in any unsafe or unsound practice in conducting the affairs of such regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,

shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

''(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

''(A) in the case of any person other than a regulated entity, an amount not to exceed $2,000,000; and

''(B) in the case of any regulated entity, $2,000,000.'';

(3) in subsection (c)(1)(B), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(4) in subsection (d), by striking the first sentence and inserting the following: ''If a regulated entity or regulated entity-affiliated party fails to comply with an order of the Director imposing a civil money penalty under this section, after the order is no longer subject to review as provided under subsection (c)(1) and section 1374, the Director may, in the discretion of the Director, bring an action in the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, to obtain a monetary judgment against the regulated entity or regulated entity affiliated party and such other relief as may be available, or request that the Attorney General of the United States bring such an action.''; and

(5) in subsection (g), by striking ''subsection (b)(3)'' and inserting ''this section, unless authorized by the Director by rule, regulation, or order''.

SEC. 166. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) by redesignating sections 1377, 1378, 1379, 1379A, and 1379B (12 U.S.C. 4637-41) as sections 1379, 1379A, 1379B, 1379C, and 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following new section:

''SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

''(a) AUTHORITY TO ISSUE ORDER.—Whenever the Director determines that—

''(1) any regulated entity-affiliated party has, directly or indirectly—

''(A) violated—

''(i) any law or regulation;

“(ii) any cease-and-desist order which has become final;

“(iii) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

“(iv) any written agreement between such regulated entity and the Director;

“(B) engaged or participated in any unsafe or unsound practice in connection with any regulated entity; or

“(C) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

“(2) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

“(A) such regulated entity has suffered or will probably suffer financial loss or other damage; or

“(B) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

“(3) such violation, practice, or breach—

“(A) involves personal dishonesty on the part of such party; or

“(B) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity, the Director may serve upon such party a written notice of the Director's intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any regulated entity.

“(b) SUSPENSION ORDER.—

“(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) to any regulated entity-affiliated party of the Director's intention to issue an order under such subsection, the Director may—

“(A) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

“(i) determines that such action is necessary for the protection of the regulated entity; and

“(ii) serves such party with written notice of the suspension order; and

“(B) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party.

“(2) EFFECTIVE PERIOD.—Any suspension order issued under this subsection—

“(A) shall become effective upon service; and

“(B) unless a court issues a stay of such order under subsection (g) of this section, shall remain in effect and enforceable until—

“(i) the date the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

“(ii) the effective date of an order issued by the Director to such party under subsection (a).

“(3) COPY OF ORDER.—If the Director issues a suspension order under this subsection to any regulated entity-affiliated party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

“(c) NOTICE, HEARING, AND ORDER.—A notice of intention to remove a regulated entity-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of a regulated entity shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Director at the request of (1) such party, and for good cause shown, or (2) the Attorney General of the United States. Unless such party shall appear at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such consent, or if upon the record made at any such hearing the Director shall find that any of the grounds specified in such notice have been established, the Director may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the regulated entity, as it may deem appropriate, together with an order prohibiting compensation described in subsection (b)(1)(B). Any such order shall become effective at the expiration of 30 days after service upon such regulated entity and such party (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

“(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

“(1) participate in any manner in the conduct of the affairs of any regulated entity;

“(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

“(3) violate any voting agreement previously approved by the Director; or

“(4) vote for a director, or serve or act as a regulated entity-affiliated party.

“(e) INDUSTRY-WIDE PROHIBITION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or prohibited from participating in the conduct of the affairs of a regulated entity may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity.

“(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date an order is issued under this section which removes or suspends from office any regulated entity-affiliated party or prohibits such party from participating in the conduct of the affairs of a regulated entity, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity described in the written consent. If the Director grants such a written consent, it shall publicly disclose such consent.

“(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

“(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

“(g) STAY OF SUSPENSION AND PROHIBITION OF REGULATED ENTITY-AFFILIATED PARTY.—Within 10 days after any regulated entity-affiliated party has been suspended from office and/or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension and/or prohibition and any prohibition under subsection (b)(1)(B) pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension and/or prohibition.

“(h) SUSPENSION OR REMOVAL OF REGULATED ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

“(1) SUSPENSION OR PROHIBITION.—

“(A) IN GENERAL.—Whenever any regulated entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party—

“(i) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity; and

“(ii) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the period of any such suspension or with any resignation, removal, retirement, or other termination of employment or office of the party.

“(B) PROVISIONS APPLICABLE TO NOTICE.—

“(i) COPY.—A copy of any notice under paragraph (1)(A) shall also be served upon the regulated entity.

“(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

“(2) REMOVAL OR PROHIBITION.—

“(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against a regulated entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order that—

“(i) removes such party from office or prohibits such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director; and

“(ii) prohibits the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the termination of employment or office of the party.

“(B) PROVISIONS APPLICABLE TO ORDER.—

“(i) COPY.—A copy of any order under paragraph (2)(A) shall also be served upon the regulated entity, whereupon the regulated entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

“(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in regulated entity affairs, and to prohibit compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party, pursuant to subsections (a), (d), or (e) of this section.

“(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

“(3) AUTHORITY OF REMAINING BOARD MEMBERS.—If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

“(4) HEARING REGARDING CONTINUED PARTICIPATION.—Within 30 days from service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2) of this subsection, the regulated entity-affiliated party concerned may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity or threaten to impair public confidence in the regulated entity. Upon receipt of any such request, the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before one or more members of the Director or designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument. Within 60 days of such hearing, the Director shall notify such party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity, and prohibiting compensation in connection with termination will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party. The Director is authorized to prescribe such rules as may be necessary to effectuate the purposes of this subsection.

“(i) HEARINGS AND JUDICIAL REVIEW.—

“(1) VENUE AND PROCEDURE.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the regulated entity is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code. After such hearing, and within 90 days after the Director has notified the parties that the case has been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, terminate, or set aside any such order with permission of the court.

“(2) REVIEW OF ORDER.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with the consent of the regulated entity or the regulated entity-affiliated party concerned, or an order issued under subsection (h) of this section) by the filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the regulated entity is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

“(3) PROCEEDINGS NOT TREATED AS STAY.—The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.”.

(b) CONFORMING AMENDMENTS.—

(1) 1992 ACT.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking “section 1379B” and inserting “section 1379D”.

(2) FANNIE MAE CHARTER ACT.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking “The” and inserting “Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the”.

(3) FREDDIE MAC ACT.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking “The” and inserting “Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the”.

SEC. 167. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by the preceding provisions of this Division) the following new section:

“SEC. 1378. CRIMINAL PENALTY.

“Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.”.

SEC. 168. SUBPOENA AUTHORITY.

Section 1379D(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4641(c)), as so redesignated by section 166(a)(1) of this Division, is further amended—

(1) by striking “request the Attorney General of the United States to” and inserting “, in the discretion of the Director,”;

(2) by inserting “or request that the Attorney General of the United States bring such an action,” after “District of Columbia,”; and

(3) by striking “or may, under the direction and control of the Attorney General, bring such an action”.

SEC. 169. CONFORMING AMENDMENTS.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.), as amended by the preceding provisions of this Division, is amended—

(1) in section 1372(c)(1) (12 U.S.C. 4632(c)), by striking “that enterprise” and inserting “that regulated entity”;

(2) in section 1379 (12 U.S.C. 4637), as so redesignated by section 166(a)(1) of this Division—

(A) by inserting “, or of a regulated entity-affiliated party,” before “shall not affect”; and

(B) by striking “such director or executive officer” each place such term appears and inserting “such director, executive officer, or regulated entity-affiliated party”;

(3) in section 1379A (12 U.S.C. 4638), as so redesignated by section 166(a)(1) of this Division, by inserting “or against a regulated entity-affiliated party,” before “or impair”;

(4) by striking “An enterprise” each place such term appears in such subtitle and inserting “A regulated entity”;

(5) by striking “an enterprise” each place such term appears in such subtitle and inserting “a regulated entity”;

(6) by striking “the enterprise” each place such term appears in such subtitle and inserting “the regulated entity”; and

(7) by striking “any enterprise” each place such term appears in such subtitle and inserting “any regulated entity”.

Subtitle E—General Provisions

SEC. 181. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking "eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom" and inserting "13 persons, or such other number that the Director determines appropriate, who";

(B) in the second sentence, by striking "appointed by the President";

(C) in the third sentence—

(i) by striking "appointed or"; and

(ii) by striking ", except that any such appointed member may be removed from office by the President for good cause";

(D) in the fourth sentence, by striking "elective"; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under Section 185 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom" and inserting "13 persons, or such other number as the Director determines appropriate, who"; and

(ii) in the second sentence, by striking "appointed by the President of the United States";

(B) in subparagraph (B)—

(i) by striking "such or"; and

(ii) by striking ", except that any appointed member may be removed from office by the President for good cause"; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking "elective".

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under Section 185 occurs.

SEC. 182. REPORT ON PORTFOLIO OPERATIONS, SAFETY AND SOUNDNESS, AND MISSION OF ENTERPRISES.

Not later than the expiration of the 12-month period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall submit a report to the Congress which shall include—

(1) a description of the portfolio holdings of the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) in mortgages (including whole loans and mortgage-backed securities), non-mortgages, and other assets;

(2) a description of the risk implications for the enterprises of such holdings and the consequent risk management undertaken by the enterprises (including the use of derivatives for hedging purposes), compared with off-balance sheet liabilities of the enterprises (including mortgage-backed securities guaranteed by the enterprises);

(3) an analysis of portfolio holdings for safety and soundness purposes;

(4) an assessment of whether portfolio holdings fulfill the mission purposes of the enterprises under the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act; and

(5) an analysis of the potential systemic risk implications for the enterprises, the housing and capital markets, and the financial system of portfolio holdings, and whether such holdings should be limited or reduced over time.

SEC. 183. CONFORMING AND TECHNICAL AMENDMENTS.

(a) 1992 ACT.—Title XIII of the Housing and Community Development Act of 1992 is amended by striking section 1383 (12 U.S.C. 1451 note).

(b) TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking "Office of Federal Housing Enterprise Oversight" and inserting "Federal Housing Finance Agency".

(c) FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Director of the Federal Housing Finance Agency".

(d) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(e) TITLE 5, UNITED STATES CODE.—

(1) DIRECTOR'S PAY RATE.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

"Director of the Federal Housing Finance Agency.".

(2) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(D) of title 5, United States Code, is amended—

(A) by striking "the Federal Housing Finance Board,"; and

(B) by striking "the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "the Federal Housing Finance Agency".

(f) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C.1821(t)(2)(A)) is amended by adding at the end the following new clause:

"(vii) The Federal Housing Finance Agency.".

(h) 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—Section 10001 of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those In Bosnia (42 U.S.C. 3548) is amended—

(1) by striking "the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight" and inserting "and the Government National Mortgage Association"; and

(2) by striking ", the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight" and inserting "or the Government National Mortgage Association".

(i) NATIONAL HOMEOWNERSHIP TRUST ACT.—Section 302(b)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851(b)(4)) is amended by striking "the chairperson of the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 184. STUDY OF ALTERNATIVE SECONDARY MARKET SYSTEMS.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, and the Secretary of Housing and Urban Development, shall conduct a comprehensive study of the effects on financial and housing finance markets of alternatives to the current secondary market system for housing finance, taking into consideration changes in the structure of financial and housing finance markets and institutions since the creation of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) CONTENTS.—The study under this section shall—

(1) include, among the alternatives to the current secondary market system analyzed—

(A) repeal of the chartering Acts for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(B) establishing bank-like mechanisms for granting new charters for limited purposed mortgage securitization entities;

(C) permitting the Director of the Federal Housing Finance Agency to grant new charters for limited purpose mortgage securitization entities, which shall include analyzing the terms on which such charters should be granted, including whether such charters should be sold, or whether such charters and the charters for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation should be taxed or otherwise assessed a monetary price; and

(D) such other alternatives as the Director considers appropriate;

(2) examine all of the issues involved in making the transition to a completely private secondary mortgage market system;

(3) examine the technological advancements the private sector has made in providing liquidity in the secondary mortgage market and how such advancements have affected liquidity in the secondary mortgage market; and

(4) examine how taxpayers would be impacted by each alternative system, including the complete privatization of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(c) REPORT.—The Director of the Federal Housing Finance Agency shall submit a report to the Congress on the study not later than the expiration of the 24-month period beginning on the effective date under section 185.

SEC. 185. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, this title shall take effect on and the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 201. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

"(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Finance Agency.

"(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.".

SEC. 202. DIRECTORS.

(a) ELECTION.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

"(1) IN GENERAL.—The management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate, each of whom shall be a citizen of the United States. All directors of a Bank who are not independent directors pursuant to paragraph (3) shall be elected by the members.

"(2) MEMBER DIRECTORS.—A majority of the directors of each Bank shall be officers or directors of a member of such Bank that is located in the district in which such Bank is located.

"(3) INDEPENDENT DIRECTORS.—At least two-fifths of the directors of each Bank shall be independent directors, who shall be appointed by the Director of the Federal Housing Finance Agency from a list of individuals recommended by the Federal Housing Enterprise Board. The Federal Housing Enterprise Board may recommend individuals who are identified by the Board's own independent process or included on a list of individuals recommended by the board of directors of the Bank involved, which shall be submitted to the Federal Housing Enterprise Board by such board of directors. The number of individuals on any such list submitted by a Bank's board of directors shall be equal to at least two times the number of independent directorships to be filled. All independent directors appointed shall meet the following criteria:

"(A) IN GENERAL.—Each independent director shall be a bona fide resident of the district in which such Bank is located.

"(B) PUBLIC INTEREST DIRECTORS.—At least 2 of the independent directors under this paragraph of each Bank shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, community development, economic development, or financial consumer protections.

"(C) OTHER DIRECTORS.—

"(i) QUALIFICATIONS.—Each independent director that is not a public interest director under subparagraph (B) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

"(ii) CONSULTATION WITH BANKS.—In appointing other directors to serve on the board of a Federal home loan bank, the Director of the Federal Housing Finance Agency may consult with each Federal home loan bank about the knowledge, skills, and expertise needed to assist the board in better fulfilling its responsibilities.

"(D) CONFLICTS OF INTEREST.—Notwithstanding subsection (f)(2), an independent director under this paragraph of a Bank may not, during such director's term of office, serve as an officer of any Federal Home Loan Bank or as a director or officer of any member of a Bank.

"(E) COMMUNITY DEMOGRAPHICS.—In appointing independent directors of a Bank pursuant to this paragraph, the Director shall take into consideration the demographic makeup of the community most served by the Affordable Housing Program of the Bank pursuant to section 10(j).";

(2) in the first sentence of subsection (b), by striking "elective directorship" and inserting "member directorship established pursuant to subsection (a)(2)";

(3) in subsection (c)—

(A) by striking "elective" each place such term appears and inserting "member", except—

(i) in the second sentence, the second place such term appears; and

(ii) each place such term appears in the fifth sentence;

(B) in the first sentence, by inserting after "less than one" the following: "or two, as determined by the board of directors of the appropriate Federal home loan bank,"; and

(C) in the second sentence—

(i) by inserting "(A) except as provided in clause (B) of this sentence," before "if at any time"; and

(ii) by inserting before the period at the end the following: ", and (B) clause (A) of this sentence shall not apply to the directorships of any Federal home loan bank resulting from the merger of any two or more such banks"; and

(4) by striking "elective" each place such term appears (except in subsections (c), (e), and (f)).

(b) TERMS.—

(1) IN GENERAL.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) is amended—

(A) in the first sentence, by striking "3 years" and inserting "4 years"; and

(B) in the second sentence—

(i) by striking "Federal Home Loan Bank System Modernization Act of 1999" and inserting "Federal Housing Finance Reform Act of 2007"; and

(ii) by striking "1/3" and inserting "1/4".

(2) SAVINGS PROVISION.—The amendments made by paragraph (1) shall not apply to the term of office of any director of a Federal home loan bank who is serving as of the effective date of this title under section 211, including any director elected to fill a vacancy in any such office.

(c) CONTINUED SERVICE OF INDEPENDENT DIRECTORS AFTER EXPIRATION OF TERM.—Section 7(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(2)) is amended—

(1) in the second sentence, by striking "or the term of such office expires, whichever occurs first";

(2) by adding at the end the following new sentence: "An independent Bank director may continue to serve as a director after the expiration of the term of such director until a successor is appointed.";

(3) in the paragraph heading, by striking "APPOINTED" and inserting "INDEPENDENT"; and

(4) by striking "appointive" each place such term appears and inserting "independent".

(d) CONFORMING AMENDMENTS.—Section 7(f)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(3)) is amended—

(1) in the paragraph heading, by striking "ELECTED" and inserting "MEMBER"; and

(2) by striking "elective" each place such term appears in the first and third sentences and inserting "member".

(e) COMPENSATION.—Subsection (i) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended to read as follows:

"(i) DIRECTORS' COMPENSATION.—

"(1) IN GENERAL.—Each Federal home loan bank may pay the directors on the board of directors for the bank reasonable and appropriate compensation for the time required of such directors, and reasonable and appropriate expenses incurred by such directors, in connection with service on the board of directors, in accordance with resolutions adopted by the board of directors and subject to the approval of the Director.

"(2) ANNUAL REPORT BY THE BOARD.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal home loan banks to the directors on the boards of directors of the banks.".

(f) TRANSITION RULE.—Any member of the board of directors of a Federal Home Loan Bank serving as of the effective date under section 211 may continue to serve as a member of such board of directors for the remainder of the term of such office as provided in section 7 of the Federal Home Loan Bank Act, as in effect before such effective date.

SEC. 203. FEDERAL HOUSING FINANCE AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Division, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) in section 6 (12 U.S.C. 1426(b)(1))—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "Finance Board approval" and inserting "approval by the Director"; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking "Finance Board regulations" each place that term appears and inserting "regulations of the Director";

(3) in section 8 (12 U.S.C. 1428), in the section heading, by striking "BY THE BOARD";

(4) in section 10(b) (12 U.S.C. 1430(b)), by striking "by formal resolution";

(5) in section 10 (12 U.S.C. 1430), by adding at the end the following new subsection:

"(k) MONITORING AND ENFORCING COMPLIANCE WITH AFFORDABLE HOUSING AND COMMUNITY INVESTMENT PROGRAM REQUIREMENTS.—The requirements under subsection (i) and (j) that the Banks establish Community Investment and Affordable Housing Programs, respectively, and contribute to the Affordable Housing Program, shall be enforceable by the Director with respect to the Banks in the same manner and to the same extent as the housing goals under subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) are enforceable under section 1336 of such Act with respect to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.";

(6) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking "The Board" and inserting "The Office of Finance, as agent for the Banks,"; and

(II) by striking "the Board" and inserting "such Office"; and

(ii) in the second and fourth sentences, by striking "the Board" each place such term appears and inserting "the Office of Finance";

(B) in subsection (c)—

(i) by striking "the Board" the first place such term appears and inserting "the Office of Finance, as agent for the Banks,"; and

(ii) by striking "the Board" the second place such term appears and inserting "such Office"; and

(C) in subsection (f)—

(i) by striking the two commas after "permit" and inserting "or"; and

(ii) by striking the comma after "require";

(7) in section 15 (12 U.S.C. 1435), by inserting "or the Director" after "the Board";

(8) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(9) in section 21 (12 U.S.C. 1441)—

(A) in subsection (b)—

(i) in paragraph (5), by striking "Chairperson of the Federal Housing Finance Board" and inserting "Director"; and

(ii) in the heading for paragraph (8), by striking "FEDERAL HOUSING FINANCE BOARD" and inserting "DIRECTOR"; and

(B) in subsection (i), in the heading for paragraph (2), by striking "FEDERAL HOUSING FINANCE BOARD" and inserting "DIRECTOR";

(10) in section 23 (12 U.S.C. 1443), by striking "Board of Directors of the Federal Housing Finance Board" and inserting "Director";

(11) by striking "the Board" each place such term appears in such Act (except in section 15 (12 U.S.C. 1435), section 21(f)(2) (12 U.S.C. 1441(f)(2)), subsections (a), (k)(2)(B)(i), and (n)(6)(C)(ii) of section 21A (12 U.S.C. 1441a), subsections (f)(2)(C), and (k)(7)(B)(ii) of section 21B (12 U.S.C. 1441b), and the first two places such term appears in section 22 (12 U.S.C. 1442)) and inserting "the Director";

(12) by striking "The Board" each place such term appears in such Act (except in sections 7(e) (12 U.S.C. 1427(e)), and 11(b) (12 U.S.C. 1431(b)) and inserting "The Director";

(13) by striking "the Board's" each place such term appears in such Act and inserting "the Director's";

(14) by striking "The Board's" each place such term appears in such Act and inserting "The Director's";

(15) by striking "the Finance Board" each place such term appears in such Act and inserting "the Director";

(16) by striking "Federal Housing Finance Board" each place such term appears and inserting "Director";

(17) in section 11(i) (12 U.S.C. 1431(i), by striking "the Chairperson of"; and

(18) in section 21(e)(9) (12 U.S.C. 1441(e)(9)), by striking "Chairperson of the".

SEC. 204. JOINT ACTIVITIES OF BANKS.

Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

"(l) JOINT ACTIVITIES.—Subject to the regulation of the Director, any two or more Federal Home Loan Banks may establish a joint office for the purpose of performing functions for, or providing services to, the Banks on a common or collective basis, or may require that the Office of Finance perform such functions or services, but only if the Banks are otherwise authorized to perform such functions or services individually.".

SEC. 205. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.—The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

"SEC. 20A. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

"(a) REGULATORY AUTHORITY.—The Director shall prescribe such regulations as may be necessary to ensure that each Federal Home Loan Bank has access to information that the Bank needs to determine the nature and extent of its joint and several liability.

"(b) NO WAIVER OF PRIVILEGE.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purpose of enabling the recipient to evaluate the nature and extent of its joint and several liability.".

(b) REGULATIONS.—The regulations required under the amendment made by subsection (a) shall be issued in final form not later than 6 months after the effective date under section 211 of this Division.

SEC. 206. REORGANIZATION OF BANKS AND VOLUNTARY MERGER.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by inserting "(a) REORGANIZATION.—" before "Whenever"; and

(2) by striking "liquidated or" each place such phrase appears;

(3) by striking "liquidation or"; and

(4) by adding at the end the following new subsection:

"(b) VOLUNTARY MERGERS.—Any two or more Banks may, with the approval of the Director, and the approval of the boards of directors of the Banks involved, merge. The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any such voluntary merger, including the procedures for Bank member approval.".

SEC. 207. SECURITIES AND EXCHANGE COMMISSION DISCLOSURE.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), 14(c), and 17A of the Securities Exchange Act of 1934 and related Commission regulations; and

(2) section 15 of that Act and related Securities and Exchange Commission regulations with respect to transactions in capital stock of the Banks.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Banks shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934 and related Securities and Exchange Commission regulations with respect to their ownership of, or transactions in, capital stock of the Federal Home Loan Banks.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) "exempted securities" within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) "government securities" within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934;

(C) excluded from the definition of "government securities broker" within section 3(a)(43) of the Securities Exchange Act of 1934;

(D) excluded from the definition of "government securities dealer" within section 3(a)(44) of the Securities Exchange Act of 1934; and

(E) "government securities" within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements pertaining to—

(1) the disclosure of related party transactions that occur in the ordinary course of business of the Banks with their members; and

(2) the disclosure of unregistered sales of equity securities.

(e) TENDER OFFERS.—The Securities and Exchange Commission's rules relating to tender offers shall not apply in connection with transactions in capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—In issuing any final regulations to implement provisions of this section, the Securities and Exchange Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating the accounting treatment with respect to the payment to Resolution Funding Corporation, the role of the combined financial statements of the twelve Banks, the accounting classification of redeemable capital stock, and the accounting treatment related to the joint and several nature of the obligations of the Banks.

SEC. 208. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Division, is amended by striking "$500,000,000" each place such term appears and inserting "$1,000,000,000".

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking "and"; and

(B) by inserting ", and community development activities" before the period at the end;

(2) in paragraph (3)(E), by inserting "or community development activities" after "agriculture,"; and

(3) in paragraph (6)—

(A) by striking "and"; and

(B) by inserting ", and 'community development activities'" before "shall".

SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency"; and

(2) by striking "Federal Housing Finance Board's" and inserting "Federal Housing Finance Agency's".

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking "Federal Housing Finance Board" each place such term appears in each of sections

212, 657, 1006, 1014, and inserting "Federal Housing Finance Agency".

(d) MARA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking "Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) SARBANES-OXLEY ACT OF 2002.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(B)(5)(b)(ii)(II)) is amended by inserting "and the Director of the Federal Housing Finance Agency" after "Commission,".

SEC. 210. STUDY OF AFFORDABLE HOUSING PROGRAM USE FOR LONG-TERM CARE FACILITIES.

The Comptroller General shall conduct a study of the use of affordable housing programs of the Federal home loan banks under section 10(j) of the Federal Home Loan Bank Act to determine how and the extent to which such programs are used to assist long-term care facilities for low- and moderate-income individuals, and the effectiveness and adequacy of such assistance in meeting the needs of affected communities. The study shall examine the applicability of such use to the affordable housing programs required to be established by the enterprises pursuant to the amendment made by section 139 of this Division. The Comptroller General shall submit a report to the Director of the Federal Housing Finance Agency and the Congress regarding the results of the study not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This section shall take effect on the date of the enactment of this Act.

SEC. 211. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, this title shall take effect on and the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of Federal Housing Enterprise Oversight

SEC. 301. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 6-month period beginning on the date of the enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of the enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight and in addition to carrying out its other responsibilities under law—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee pursuant to section 303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee pursuant to section 303.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred pursuant to any other provision of this Division or any amendment made by this Division to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 302. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight; or

(B) a court of competent jurisdiction and that relate to functions transferred by this subtitle; and

(2) are in effect on the date of the abolishment under section 301(a) of this Division, shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, as the case may be, any court of competent jurisdiction, or operation of law.

SEC. 303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Federal Housing Finance Agency for employment no later than the date of the abolishment under section 301(a) of this Division and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the date of the abolishment under section 301(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 301(a) if—

(1) the employee does not elect to give up the benefit or membership in the program; and

(2) the benefit or program is continued by the Director of the Federal Housing Finance Agency,

The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

SEC. 304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle B—Federal Housing Finance Board

SEC. 321. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 6-month period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this title referred to as the "Board") is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Board, for the purpose of winding up the affairs of the Board and in addition to carrying out its other responsibilities under law—

(1) shall manage the employees of such Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 323; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of such Board as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 323.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Board to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Division or any amendment made by this Division to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act or any other provision of law applicable with respect to such Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 322. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction and relates to functions transferred by this subtitle; and

(2) is in effect on the effective date of the abolishment under section 321(a).

SEC. 323. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Federal Housing Finance Agency for employment not later than the effective date of the abolishment under section 321(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 321(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 321(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 324. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 321(a), all property of the Board shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle C—Department of Housing and Urban Development

SEC. 341. TERMINATION OF ENTERPRISE-RELATED FUNCTIONS.

(a) TERMINATION DATE.—For purposes of this subtitle, the term "termination date" means the date that occurs 6 months after the date of the enactment of this Act.

(b) DETERMINATION OF TRANSFERRED FUNCTIONS AND EMPLOYEES.—

(1) IN GENERAL.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Director of the Office of Federal Housing Enterprise Oversight, shall determine—

(A) the functions, duties, and activities of the Secretary of Housing and Urban Development regarding oversight or regulation of the enterprises under or pursuant to the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, and any other provisions of law, as in effect before the date of the enactment of this Act, but not including any such functions, duties, and activities of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and such Office; and

(B) the employees of the Department of Housing and Urban Development necessary to perform such functions, duties, and activities.

(2) ENTERPRISE-RELATED FUNCTIONS.—For purposes of this subtitle, the term "enterprise-related functions of the Department" means the functions, duties, and activities of the Department of Housing and Urban Development determined under paragraph (1)(A).

(3) ENTERPRISE-RELATED EMPLOYEES.—For purposes of this subtitle, the term "enterprise-related employees of the Department" means the employees of the Department of Housing and Urban Development determined under paragraph (1)(B).

(c) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development (in this title referred to as the "Secretary"), for the purpose of winding up the affairs of the Secretary regarding the enterprise-related functions of the Department of Housing and Urban Development (in this title referred to as the "Department") and in addition to carrying out the Secretary's other responsibilities under law regarding such functions—

(1) shall manage the enterprise-related employees of the Department and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of any such employee under section 343; and

(2) may take any other action necessary for the purpose of winding up the enterprise-related functions of the Department.

(d) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the termination of the enterprise-related functions of the Department under subsection (b) may not be construed to affect the status of any employee of the Department as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 343.

(e) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Secretary to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Division or any amendment made by this Division to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Secretary regarding enterprise-related functions of the Department before the termination date under subsection (a) in connection with such functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary, or any other person, which—

(A) arises under the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, or any other provision of law applicable with respect to the Secretary, in connection with the enterprise-related functions of the Department; and

(B) existed on the day before the termination date under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Secretary in connection with the enterprise-related functions of the Department shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Secretary or any member thereof as a party to any such action or proceeding.

SEC. 342. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Secretary; or

(B) a court of competent jurisdiction and that relate to the enterprise-related functions of the Department; and

(2) is in effect on the termination date under section 341(a).

SEC. 343. TRANSFER AND RIGHTS OF EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), each enterprise-related employee of the Department shall be transferred to the Federal Housing Finance Agency for employment not later than the termination date under section 341(a) and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(2) AUTHORITY TO DECLINE.—An enterprise-related employee of the Department may, in the discretion of the employee, decline transfer under paragraph (1) to a position in the Federal Housing Finance Agency and shall be guaranteed a position in the Department with the same status, tenure, grade, and pay as that held on the day immediately preceding the date that such declination was made. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date that the transfer would otherwise have occurred, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(b) GUARANTEED POSITIONS.—Each enterprise-related employee of the Department transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the termination date under section 341(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any enterprise-related employee of the Department accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Department, as applicable, including insurance, to which such employee belongs on the termination date under section 341(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Department and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 344. TRANSFER OF APPROPRIATIONS, PROPERTY, AND FACILITIES.

Upon the termination date under section 341(a), all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department in connection with enterprise-related functions of the Department shall transfer to the Director of the Federal Housing Finance Agency. Unexpended funds transferred by this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the

Senate on Thursday, April 3, 2008, at 9:30 a.m., in open session to consider pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 3, 2008, at 10 a.m., to conduct a hearing entitled "turmoil in U.S. credit markets: Examining the recent actions of Federal Financial Regulators."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, April 3, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATIONAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, April 3, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 3, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Examining Strategies to Reduce Greenhouse Gas Emissions at U.S. Colleges and Universities."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 3, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Outside the Box on Estate Tax Reform: Reviewing Ideas to Simplify Planning".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2008, at 9:30 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 3, 2008, at 10 a.m. to conduct a hearing entitled "The New FEMA: Is the Agency Better Prepared for a Catastrophe Now Than It Was in 2005?".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, April 3, 2008, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Agenda

I. Bills: S.2136, Helping Families Save Their Homes in Bankruptcy Act of 2007, (Durbin, Schumer, Whitehouse, Biden, Feinstein); S. 2133, Home Owners "Mortgage and Equity Savings Act", (Specter, Coleman); S. 2041, False Claims Act Correction Act of 2007, (Grassley, Durbin, Leahy, Specter, Whitehouse); S. 2533, State Secrets Protection Act, (Kennedy, Specter, Leahy, Feingold, Whitehouse); S. 702, State Court Interpreter Grant Program Act, (Kohl, Kennedy, Durbin, Biden, Cardin, Leahy, Specter).

II. Resolution: S. Res. 468, designating April 2008 as "National 9–1–1 Education Month", (Clinton, Stevens).

III. Nominations: Catharina Haynes to be United States Circuit Court Judge for the Fifth Circuit, Rebecca Ann Gregory to be United States Attorney for the Eastern District of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing on Thursday, April 3, 2008, at 2:15 p.m., in room SD–226 of the Dirksen Senate Office Building.

Witness list: Mark S. Davis to be United States District Judge for the Eastern District of Virginia; David Gregory Kays to be United States District Judge for the Western District of Missouri; David J. Novak to be United States District Judge for the Eastern District of Virginia; Stephen N. Limbaugh, Jr. to be United States District Judge for the Eastern District of Missouri; Elisebeth C. Cook to be Assistant Attorney General for the Office of Legal Policy, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, April 3, 2008 to conduct a Joint Hearing with the House Veterans' Affairs Committee to hear the Legislative Presentations from the: AMVETS, Military Order of the Purple Heart, Gold Star Wives of America, Fleet Reserve Association, The Retired Enlisted Association, Military Officers Association of America, and National Association of State Directors of Veterans Affairs. The Committee will meet in room 216 of the Hart Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 3, 2008, at 3 p.m., in open session to receive testimony on Army modernization in review of the defense authorization request for fiscal year 2009 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, April 3, 2008 at 2 p.m. to conduct a hearing entitled, "Managing Diversity of Senior Leadership in the Federal Workforce an Postal Service."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, April 3, 2008, from 10:30 a.m. to 12:30 p.m. in Dirksen 608 for the purpose of conducting a hearing

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns on the staff of the Finance Committee be allowed floor privileges during consideration of the Foreclosure Prevention Act: Ben Miller, Blake Thompson, Bridget Mallon, Damian Kudelka, Emily Schwartz, Ezana Teferra, Kayleigh Brown, Mary Baker, Tom Louthan, and Tyler Gamble.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, on behalf of Senator LANDRIEU, I ask unanimous consent that Dionne Thompson, a fellow in Senator LANDRIEU's office, be granted privileges of the floor during consideration of H.R. 3221 and for the duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HEALTH CARE DECISIONS DAY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 73, introduced earlier today by Senator WYDEN.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 73) expressing Congressional support for the goals and ideals of National Health Care Decisions Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 73) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 73

Whereas National Health Care Decisions Day is designed to raise public awareness of the need to plan ahead for health care decisions related to end-of-life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important decisions;

Whereas the Patient Self-Determination Act (42 U.S.C. 1395cc(f) et seq.) guarantees patients the right to information about their rights under State law regarding accepting or refusing medical treatment;

Whereas it is estimated that only a minority of Americans have executed advance directives, including those who are terminally ill or living with life-threatening or life-limiting illnesses;

Whereas advance directives offer individuals the opportunity to discuss with loved ones in advance of a health care crisis and decide what measures would be appropriate for them when it comes to end-of-life care;

Whereas the preparation of an advance directive would advise family members, health care providers, and other persons as to how an individual would want to be treated with respect to health care;

Whereas to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions, it is in the best interest of all Americans that each person over the age of 18 communicate his or her wishes by creating an advance directive;

Whereas the Conditions of Participation in Medicare and Medicaid, section 489.102 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this resolution), require all participating facilities to provide information to patients and the public on the topic of advance directives;

Whereas the Centers for Medicare & Medicaid Services has recognized that the use of advance directives is tied to quality health care and has included discussions of advance directives in the criteria of the Physician Quality Reporting Initiative;

Whereas establishing National Health Care Decisions Day will encourage health care facilities and professionals as well as chaplains, attorneys, and others to participate in a collective, nationwide effort to provide clear, concise, and consistent information to the public about health care decision-making, particularly advance directives; and

Whereas as a result of National Health Care Decisions Day, recognized on April 16, 2008, more Americans will have conversations about their health care decisions, more Americans will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Health Care Decisions Day;

(2) supports the goals and ideals of advance care planning for all adult Americans;

(3) encourages each person in the United States who is over the age of 18 to prepare an advance directive to assist his or her loved ones, health care providers, and others as they honor his or her wishes;

(4) calls upon all members of Congress to execute such documents and discussions for themselves; and

(5) encourages health care, civic, educational, religious, and for- and non-profit organizations to encourage individuals to prepare advance directives to ensure that their wishes and rights with respect to health care are protected.

RECOGNIZING AND HONORING 40TH ANNIVERSARY OF FAIR HOUSING ACT AND 20TH ANNIVERSARY OF FAIR HOUSING AMENDMENTS ACT OF 1988

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 503, submitted earlier today by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 503) recognizing and honoring the 40th anniversary of the Fair Housing Act and the 20th anniversary of the Fair Housing Amendments Act of 1988.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, today I rise to support this resolution honoring the 40th anniversary of the Fair Housing Act and the 20th anniversary of the Fair Housing Amendments Act.

But first I want to honor a man whose work helped pave the way for this landmark civil rights legislation. Forty years ago, the Reverend Dr. Martin Luther King, Jr. lost his life to a sniper's bullet. Today, we remember him as one of the greatest civil rights leaders of our country. We know his dream. We are intimately familiar with it. It is a dream conceived in the founding of our country and enshrined in the words of the Declaration of Independence and in the Constitution, a dream that lives today in our values, our identities, our highest ideals as Americans.

This is the dream: that all men are created equal, and that in a just society all are afforded the same opportunities.

A week after Dr. King's assassination, and in a step closer to the fulfillment of this dream, Congress passed the Fair Housing Act as part of the Civil Rights Act of 1968. The Fair Housing Act prohibits discrimination in housing on the basis of race, color, national origin, and religion. In 1974, Congress added protection on the basis of sex. In 1988, thanks to the leadership of Senator KENNEDY and Senator SPECTER, Congress included protection on the basis of familial status and disability.

We have made a lot of progress since the summer of 1966, when Dr. King led a movement to protest housing discrimination and slum conditions for African Americans in Chicago. But if he were alive today, he would be the first to say—we aren't there yet. Segregation persists in our schools and neighborhoods. We are in the middle of a housing crisis that is hitting African-American and Hispanic families and communities particularly hard. In Chicago, African-American borrowers were 14 times more likely to have a higher cost loan from Wells Fargo than were White borrowers. This is a pattern that repeats all across the country. African-American and Latino families were dramatically more likely to have subprime loans than White families. Right now, millions face the possibility of foreclosure. And when they lose their homes, they lose their assets. They lose their plans for financing their kids' education, for building a better life for themselves in the future, for closing the income and education gaps.

For too many Americans, the dream is still just that—a dream, with little chance of becoming reality. We may have all been created equal, but since then we have been treated very differently. We are treated differently because of the color of our skin, the faith we practice, whether we are a man or a woman, single or with children, or use a wheelchair and a ramp to enter our apartment.

The irony is that we have fair housing laws that make this kind of treatment not only unfair but illegal—and we have had them for 40 years. Yet 3.7 million violations of these laws occur each year against African Americans, Latinos, Asian Americans, and Indian Americans. This doesn't even include the number of violations that occur on the basis of other protected classes. Only 1 percent of people who believe they are victims of fair housing violations report it to the Government. Testing on the enforcement of fair housing laws shows a high rate of discrimination in the rental, sales, mortgage lending, and insurance markets. More than four decades after Dr. King and his supporters marched through the streets of Chicago to fight housing discrimination, African Americans and Latinos in Cook County report substantial levels of unfair—and illegal—treatment in the housing industry.

The intent of the Fair Housing Act was broad and inclusive: To advance equal opportunity in housing and achieve racial integration for the benefit of all Americans. But enforcement of this law has been narrow and incomplete. Where you live profoundly affects where you work, what you do, where you send your kids to school, whether they grow up healthy and safe. As long as our commitment to fair housing laws—to civil rights—remains timid, we will never end segregation. We will never declare victory over poverty. We will never build a truly just society.

As we honor Dr. King, former Senator Walter Mondale and former Senator Edward Brooke, who cosponsored the original Fair Housing Act, and others who made possible fair housing laws, we need to remember that it is not enough to pass laws. We have to enforce them. The dream of equality is our Nation's moral compass. Our duty as legislators and as citizens is to make sure the needle points in the right direction.

I thank Senators SPECTER, KENNEDY, DODD, BROWN, and VOINOVICH for joining me today in honoring the 40th anniversary of the Fair Housing Act and the 20th anniversary of the Fair Housing Amendments Act, and I urge my colleagues in Congress to renew their dedication to upholding these laws. These laws may be 40 years old, but the dream they seek to make real is as old as our country.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 503) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 503

Whereas 2008 marks the 40th anniversary of the enactment of the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas 2008 also marks the 20th anniversary of the enactment of the Fair Housing Amendments Act of 1988 (Public Law 100–430; 102 Stat. 1619);

Whereas the Chicago Freedom Movement, which took place from 1965 to 1967 and was led by the Reverend Doctor Martin Luther King, Jr., raised the national consciousness about housing discrimination and shaped the debate that led to landmark fair housing legislation;

Whereas the National Advisory Commission on Civil Disorders, appointed by President Lyndon B. Johnson and commonly known as the Kerner Commission, found in 1968 that "[o]ur nation is moving toward two societies, one black, one white—separate and unequal";

Whereas Congress passed the Fair Housing Act as part of the Civil Rights Act of 1968 (Public Law 90–284; 82 Stat. 73), and President Johnson signed the Act into law on April 11, 1968, one week after the assassination of Dr. King;

Whereas the Fair Housing Act prohibits discrimination in housing and housing-related transactions on the basis of race, color, national origin, and religion;

Whereas, in section 808 of the Housing and Community Development Act of 1974 (Public Law 93–383; 88 Stat. 728), Congress amended the Fair Housing Act to include protection on the basis of sex;

Whereas the Fair Housing Amendments Act of 1988 (Public Law 100–430; 102 Stat. 1619), passed by overwhelming margins in Congress, included protection on the basis of familial status and disability and expanded the definition of "discriminatory housing practices" to include interference and intimidation;

Whereas Congress's intent in passing the Fair Housing Act was broad and inclusive, to advance equal opportunity in housing and achieve racial integration for the benefit of all people in the United States;

Whereas housing integration affects other dimensions of life, including educational attainment, employment opportunities, access to health care, and home equity;

Whereas the majority of people in the United States support neighborhood integration and numerous studies have shown the universal benefits of residential integration;

Whereas the National Fair Housing Alliance estimates that 3,700,000 violations of fair housing laws still occur each year against African Americans, Latinos, Asian Americans, and American Indians, and that number does not include violations that occur on the basis of other national origins, religion, sex, or familial status or against persons with disabilities;

Whereas the Department of Housing and Urban Development estimates that only 1 percent of individuals who believe they are victims of housing discrimination report those violations of fair housing laws to the government, and this underreporting is a major obstacle to achieving equal opportunity in housing;

Whereas testing of the enforcement of fair housing laws continues to uncover a high rate of discrimination in the rental, sales, mortgage lending, and insurance markets; and

Whereas the Fair Housing Act is an essential component of our Nation's civil rights legislation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 40th anniversary of the enactment of the Fair Housing Act (42 U.S.C. 3601 et seq.) and the 20th anniversary of the enactment of the Fair Housing Amendments Act of 1988 (Public Law 100–430; 102 Stat. 1619);

(2) supports activities to recognize and celebrate the historical milestone represented by the anniversaries of the enactment of the Fair Housing Act and the enactment of the Fair Housing Amendments Act of 1988; and

(3) encourages all levels of government to rededicate themselves to the enforcement and the ideals of fair housing laws.

DISCHARGE AND REFERRAL

Mr. DODD. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged of S. 2764, a bill relating to the Servicemembers Relief Act, and that it be referred to the Committee on Veterans' Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, APRIL 4, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. tomorrow, April 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 3221, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. Mr. President, Senators should be prepared to begin voting as early at 9:05 a.m. tomorrow in relation to the Voinovich-Stabenow amendment, No. 4406, to be followed by a vote in relation to the Landrieu amendment, No. 4389, as modified.

ADJOURNMENT UNTIL 9 A.M TOMORROW

Mr. DODD. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:32 p.m., adjourned until Friday, April 4, 2008, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

COMMODITY FUTURES TRADING COMMISSION

BARTHOLOMEW H. CHILTON, OF DELAWARE, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2013. (REAPPOINTMENT)

SCOTT O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2012, VICE RUEBEN JEFFERY III, RESIGNED

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS.

To be assistant surgeon

ROBERT P. DREWELOW
SARAH R. WHEATLEY

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING KARLI MAST FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. SPACE. Madam Speaker:

Whereas, Karli Mast showed hard work and dedication to the sport of basketball; and

Whereas, Karli Mast was a supportive team player; and

Whereas, Karli Mast always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Karli Mast on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

HONORING THE MEMORY OF MR. THORNTON PRICE-WILLIAMS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. BONNER. Madam Speaker, Mobile County, Alabama, and indeed the entire First Congressional District recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Thornton Price-Williams was a devoted family man and dedicated community leader throughout his life.

A native of Mobile, Thornton joined the Army Air Corps during World War II, and he served in five major engagements in the European Theater of Operations, including D-Day and the Battle of the Bulge.

Following his discharge from the Army Air Corps, Thornton graduated from the University of Alabama. He went on to work for the civil service at Brookley Air Force Base and retired after 25 years of service.

In 1968, Thornton was elected to the office of Mobile County License Commissioner, a seat he held until his retirement in 1988. Former Alabama Governor Guy Hunt named Thornton Supernumerary License Commissioner. He was also once awarded the title "Boss of the Year."

Thornton was a member of the Mobile Lyons Club and an active member of the Murphy High School Spike Shoe Booster's Club. He was also an avid fan of University of Alabama football, a devotion he passed down to his grandson, Christopher Hobden.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and long-time advocate for Mobile County, Alabama.

Mr. Price-Williams was preceded in death by his grandson, Aaron Price-Williams, and he will be deeply missed by his family—his wife of 33 years, Elizabeth Price-Williams; his sons, Ronald Price-Williams and Timothy Price-Williams; his step-children, Deborah Turner and Alfred Miller; his first wife, Dolores Spiers; his 11 grandchildren; and six great-grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

RECOGNIZING TAIWAN'S FOURTH PRESIDENTIAL ELECTION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. TANCREDO. Madam Speaker, on March 22, 2008, Taiwan held its fourth presidential election. Mr. Ma Ying-jeou, a Harvard-educated former Mayor of Taipei, won convincingly. Mr. Ma's victory was welcome news for friends of Taiwan, including the United States. Mr. Ma pledged that he would seek an immediate dialogue with the People's Republic of China on issues such as direct airline flights, an economic accord protecting investments, more tourist visits by mainlanders to Taiwan and a peace accord under which China would withdraw the thousands of missiles it aims at Taiwan. I hope Mr. Ma succeeds in doing business with Beijing. If the accords Mr. Ma seeks are reached, both countries will benefit and security in East Asia will be broadly enhanced.

In the meantime I am confident that Taiwan's relations with the United States will be further strengthened. Taiwan has been our friend and supportive of us throughout the years. Taiwan has supported the war against global terrorism spurred by 9/11. Taiwan has also given humanitarian assistance in Afghanistan and Iraq. We need to treasure Taiwan's friendship and loyalty to the United States by lifting some of the outdated travel restrictions on senior Taiwanese officials and actively promoting an international role for Taiwan, including an observer status for Taiwan at the World Health Assembly.

Madam Speaker, I join my colleagues in congratulating President-elect Ma Ying-jeou and we hope he will have a chance to visit the United States Congress before his inauguration on May 20.

IN RECOGNITION OF LAWRENCE J. HACKETT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the life of a beloved husband, father, friend, and patriot—SGT Lawrence J. Hackett, Jr. who passed away in 2006 at the age of 58.

Larry was born on December 12, 1947, in Syracuse, New York. After graduation from Thomas J. Corcoran High School in 1967, he was drafted into the United States Army and assigned to the First Air Cavalry Division in South Vietnam.

After being discharged from the Army, Larry received his associate of arts degree from Onondaga Community College and went on to serve as a manufacturer's representative for companies throughout central New York and the entire Northeast. Larry was chairman of the 11th Ward Democratic Committee and also served as a manager on numerous political campaigns.

In 1999, Larry was diagnosed with Myxoid Sarcoma of the Omentum, a cancer that most likely resulted from ingesting dioxins released from Agent Orange during his wartime service in Vietnam. He died 7 years later.

In addition to being a proud member of the United States Army, Larry was a loving husband to wife Alice and doting father to daughter Amanda.

On April 21, 2008, Larry's service to his country will be honored by the Vietnam Memorial Committee as part of their In Memory program. A ceremony will take place at the Vietnam Wall where Larry's name will be added to the In Memory Honor Roll Book and a certificate honoring him, as well as some of his personal items, will be placed in the National Park Service's permanent archive. These honors will serve as a lasting reminder of the sacrifices Larry made on behalf of his country.

On behalf of the people of the 25th District of New York, I congratulate Lawrence Hackett, Jr., and his family for this well deserved honor and thank him posthumously for his dedicated service to his country and community.

INTRODUCTION OF MEDICARE HOME HEALTH FLEXIBILITY ACT OF 2008

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. LEWIS of Georgia. Madam Speaker, I rise today to introduce the Medicare Home Health Flexibility Act of 2008. This bill would

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

allow home health agencies the flexibility to use the most appropriate skilled rehabilitation professionals to open cases and to conduct the initial assessment for Medicare home health beneficiaries who do not require skilled nursing care.

Currently, occupational therapists cannot conduct the initial assessments for Medicare home health cases even when occupational therapy is included in the physician's order along with one of the other qualifying services, like speech therapy and physical therapy. Under current law, home health agencies are not able to fully utilize all of their professional staff for Medicare rehabilitation clients, which can cause delays in beginning medically necessary care.

The Medicare Home Health Flexibility Act is actively supported by the American Occupational Therapy Association and the National Association of Home Care and Hospice.

I am proud to introduce this important legislation. I look forward to working with my colleagues to enact this legislation so that home health agencies can better manage their staff and better meet the needs of Medicare patients.

A PROCLAMATION HONORING KRISTI YODER FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. SPACE. Madam Speaker:

Whereas, Kristi Yoder showed hard work and dedication to the sport of basketball; and

Whereas, Kristi Yoder was a supportive team player; and

Whereas, Kristi Yoder always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Kristi Yoder on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

KANDY ARELLANO-TRETO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kandy Arellano-Treto who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kandy Arellano-Treto is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kandy Arellano-Treto is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kandy Arellano-Treto for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

A TRIBUTE TO BAFFORD HOPE HARRISON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Bafford Hope Harrison, recently elected and installed as Grand Master of the Masons in Maryland. Born in Talbot County, Maryland, he graduated from Hurlock High School in Dorchester County in 1942. It was there he met his wife, Willa Catherine Jaynes Harrison. They have two daughters and a son, Jerry Hope Harrison, who is following in his father's footsteps as a member of Granite Lodge #177.

During World War II, B. Hope Harrison served in the United States Navy on a radar/sonar training ship until his honorable discharge in 1946. At age 24, after becoming an operative mason, he started his own masonry contracting business in St. Michaels. Maryland. Over the next few years, B. Hope Harrison expanded his business to general construction on residential and light industrial projects as well as development. He spent the next 40 years in construction and real estate.

The long hours and pressures of his ever-expanding business were such that he did not petition his masonry lodge until the age of 39. Since that time, he has dedicated himself to the fraternity, holding such respected titles as Worshipful Master of Granite Lodge #177, Worthy Patron of St. Michaels Chapter, W. Grand Standard Bearer, and Senior Grand Warden, and he has maintained active membership in both the York and Scottish Rite bodies while serving on the Board of Trustees since 1978.

In addition to his Masonic service he has served the Methodist Church in almost every capacity from Sunday School Superintendent to Church Lay Leader, a position he still occupies. Active in his community, he has served Talbot County and the town of St. Michaels through membership on several boards and commissions.

Madam Speaker, I ask that you join with me today to honor Grand Master Harrison. His legacy as a committed and active member of his community, church, and the Masons in Maryland ensure that he will be remembered for the consistent, dedicated service he has provided. It is with great pride that I congratulate Grand Master B. Hope Harrison on his achievement and volunteer service to the State of Maryland.

HONORING THE ACHIEVEMENTS OF SISTER MAURA BRANNICK OF THE CONGREGATION OF THE HOLY CROSS

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. DONNELLY. Madam Speaker, I rise today to recognize the achievements of Sister Maura Brannick, a sister of the Congregation of the Holy Cross who has dedicated her life to the poor and disadvantaged members of the South Bend Community. After nearly 55 years with the Congregation of the Holy Cross, Sister Maura Brannick's legacy is marked by several distinguished awards and, most recently, a health clinic dedicated in her name.

Sister Maura Brannick was born in Joliet, Illinois, to Charles and Ellen Brannick. In 1948, Sister Maura graduated from Saint Mary's Hospital School of Nursing, the same year she completed her final profession into the Sisters of the Holy Cross. For the next three decades, Sister Maura's ministry focused on providing nursing care to patients in hospitals in both Indiana and Illinois. Her life has become a living example of how one person can make a difference in many lives.

Recognizing the need for a medical facility for the poor living within South Bend, Indiana, Sister Maura founded the Chapin Street Health Center in 1986. The original clinic, located in a 400 square foot converted carriage house, has grown into a 10,000 foot facility that was renamed in 2006 to honor its founder. The Sister Maura Brannick Health Center, as it is currently known, has served over 70,000 patients since its opening and over 60,000 hours have been donated by local physicians and volunteers.

Over the past 20 years, Sister Maura has received several awards honoring her dedication to the community. In 1991, she received the Points of Light Award from President George H.W. Bush, which honors individuals who find innovative ways to meet community needs with long-term solutions. Sister Maura was named Woman of the Year in 1994 by the Executive Journal and by the YWCA in 1987. She was inducted into the South Bend Hall of Fame in 1998 and received the Leighton Award for Nonprofit Excellence in 2003 for her remarkable commitment to the working poor.

At the dedication ceremony for the Sister Maura Brannick Health Center in 2006, Sister Maura shared the following perspective: "We only have one life to live and I want to live it all. And I just thought if I can do something, I want to do it." As Nancy Hellyer, president and CEO of South Bend Regional Medical Center said during the center's dedication, "Sister Maura Brannick has touched the lives of thousands in hospitals from Indiana to Idaho and back. The last twenty years are symbolic of her remarkable career as she still spends much of her time at the Health Center, a true Godsend to residents of South Bend."

So, today I rise to pay tribute to Sister Maura for her countless efforts at improving the lives of the less fortunate within our midst.

Her legacy will be forever remembered and her hard work cherished by all those whose lives she touched. May God grant Sister Brannick many more years of strength and courage so that her dedicated service to the people of Indiana may continue.

IN MEMORY OF SERGEANT 1ST CLASS JUSTIN S. MONSCHKE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. BURGESS. Madam Speaker, I proudly rise today in memory of one of our nation's bravest and finest men who gave his life protecting our nation and its citizens. Sgt. 1st Class Justin S. Monschke of Krum, Texas, who served our country during Operation Iraqi Freedom, was killed on Sunday, October 14, 2007 in Arab Jabour, Iraq by a roadside bomb.

Born October 20, 1978, Justin's lifelong dream was to be a United States soldier. He joined the United States Army after high school graduation and earned the distinguished rank of Green Beret in 2002. Sgt. Monschke was an instructor in the U.S. Army Rangers, Special Forces, and served tours in both Iraq and Afghanistan. Among the numerous awards he earned during his courageous service are: The Green Beret, a Silver Star, a Bronze Star Medal, the Purple Heart, and a Meritorious Service Medal. Sgt. Monschke was assigned to Company B, 2nd Battalion, 3rd Special Forces Group (Airborne), at Fort Bragg, North Carolina.

Devoted to both his country and his comrades-in-arms, Sgt. Monschke was, above all else, a family man. Always a soldier at heart, Justin assumed a new role in life when he married Melissa Morro on February 23, 2002, in Gatlinburg, Tennessee: The role of husband and father. Sgt. Monschke served in the army for more that 10 years, committed to protecting his country, community, and the future of his family.

Sgt. Monschke is remembered by his family as a hero who died doing something he loved—serving his country—and that is how he should be remembered by all. The Krum community and Sgt. Monschke's numerous friends and family members have lost a son, brother, husband, father, and friend; the United States has lost a patriot and protector. It is my honor to have represented Sergeant 1st Class Justin S. Monschke in the 26th District of Texas, and I extend my sincerest condolences to his family and friends. He will be deeply missed and the nation will be forever grateful for his honorable service.

A PROCLAMATION HONORING JENNIFER RABER FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. SPACE. Madam Speaker:

Whereas, Jennifer Raber showed hard work and dedication to the sport of basketball; and

Whereas, Jennifer Raber was a supportive team player; and

Whereas, Jennifer Raber always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Jennifer Raber on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

HONORING DAVID ALEXANDER PATERSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. RANGEL. Madam Speaker, today I would like to recognize the historic governorship of David Alexander Paterson, who at the age of 53, has become the 55th Governor of the great State of New York. Mr. Paterson is New York State's first Black Governor. I would like to again wish New York's new Governor well, and support his efforts on behalf of the great State of New York. I would like to enter this March 25th editorial from the CaribNews entitled "A Breath of Fresh Air in Albany" into the RECORD.

BREATH OF FRESH AIR STIRS ALBANY—GOVERNOR PATERSON TAKES OFFICE AS NEW YORK'S CHIEF EXECUTIVE

"I am David Paterson and I am the Governor of New York State."

With those words and many more, David Alexander Paterson, decisively assumed the mantle of office as the Chief Executive of America's most influential state at the age of 53 years.

With the State's Chief Judge, Judith S. Kaye, administering the oath office, the grandson of Caribbean immigrants was sworn in on Monday as the 55th Governor of New York and the third Black head of a state government in the more than 125 years after America's Reconstruction era.

It was truly a historic moment, filled with symbolism, pageantry and realism. Few, if anyone present in the legislature, who watched it on television or who listened to the ceremony on the radio would forget the class act that unfolded in Albany, the State capital.

Paterson's rise to the most powerful position in state government was swift as it was stunning and despite the unusual circumstances which led to his ascension—the forced resignation of Eliot Spitzer after he became embroiled in a lurid sex scandal involving high priced prostitutes—it was clear that the transition had occurred smoothly and that Paterson, a legally blind person, was and is in charge. His presence at the helm is a sharp reminder of the changing times in which we live. Who would have imagined a mere few years ago that in the first decade of the 21st century, the United States would be on the verge of electing a Black man, Senator Barack Obama of Illinois, or a woman, U.S. Senator Hillary Clinton, a Democrat of New York, as the next President of the country or would have a Black person with Jamaican and Grenadian roots occupying the Governor's mansion in the Empire state or another Black as the chief executive of Massachusetts.

It was not only pride that filled the hearts of New Yorkers everywhere. It was also a sense that a decent human being who had fought against the odds caused by his disability and spawned by the ubiquitous nature of prejudice had prevailed.

U.S. Congressman Charles Rangel, Chairman of the House of Representatives' powerful Ways and Means Committee, and an icon on Capitol Hill and in Harlem summed up the situation well in a "Dear David" letter to the new Governor when he said: "You have defied expectations, compiling a record of accomplishment as a member and leader of the New York State Senate. Now, as holder of the state's highest office, I am confident that you will govern with the same wisdom and leadership to make a positive difference in the lives of all New Yorkers."

The noble Congressman spoke for all of us.

In his short address after the official swearing in, Governor Paterson went straight to the issues that could define his administration: the need for jobs at a time of economic crisis; the necessity to improve education and reduce its costs to the taxpayers, students and their parents; the need for improved health care; and the importance of equity in society.

To get things done Paterson will need all of the goodwill he can get from his colleagues in government and from those whose taxes pay the bills. With the national economy in a tailspin and with the state facing a gaping hole in its budget of about $124 billion, fiscal prudence without sacrificing quality of services and help for those who need it the most must be a number one priority. The Governor, Senate and Assembly must work closer together, something that didn't happen at all during Spitzer's 16 months in office.

Paterson recognized that hard bit of reality and it was an important message which he sent when he lamented, rather briefly, about the absence of the cooperation in recent times. And he did it without holding up Spitzer to ransom, so to speak. An important signal was sent to everyone when some former governors, George Pataki, a Republican, and Hugh Carey, a Democrat made a point of being present and Paterson went to great lengths to recognize them and others who can make a difference in the weeks, months and the two and a half years he has left to complete the four year term.

Standing alongside the Governor were his wife and children, his parents, Mr. & Mrs. Basil Paterson, people known for their grace and integrity. Their presence sent a message about the value of family, something to which the state's chief executive alluded when he sought to tell New Yorkers something about himself and the role Harlem has played in his life.

In his letter, Rangel, a long-time friend of the Paterson family, reminded the Governor that as he faces the "great challenges" which are ahead of him and the state, "you are not alone. Count me among the many New Yorkers who wish you well and stand ready to support your efforts on behalf of the great state of New York."

We wish to join the choir and sing the chorus, not simply with voices and lyrics but with sincere action.

Yes, there are difficult days ahead for most people in the country. But with determination, clarity of thought and his noted sense of humor, not to mention his decency we are confident that the Governor and indeed the state will succeed.

SUPPORT FOR OVERRIDING THE PRESIDENT'S VETO OF H.R. 2082

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise in support of overriding the President's veto of the Intelligence Authorization bill (H.R. 2082). President Bush vetoed this important bill because of a clause that holds the intelligence community to the same standard as military personnel by banning the use of waterboarding and other harsh interrogation techniques that are prohibited in the Army Field Manual. While announcing his veto, the President stated that "this is no time for Congress to abandon practices that have a proven track record of keeping America safe." President Bush is misguided: the use of waterboarding and other tactics neither strengthens our national security nor improves our intelligence capabilities. The United States does not need to disregard human rights in order to keep our country safe.

There is no doubt in my mind and I want to make it clear, waterboarding is torture. Some call this practice "simulated drowning." In reality, waterboarding is drowning. The victim experiences the same struggle, panic, swallowing, vomiting, taking water into the lungs, and inability to breathe. This inhumane practice can cause severe psychological trauma for years. After World War II, the United States convicted Japanese soldiers of war crimes for waterboarding American and Allied prisoners of war. This method is also banned by the Geneva Convention, which was signed by the United States.

The CIA recently admitted to using waterboarding and the Bush Administration has refused to ban intelligence personnel from using this technique in the future. It is abhorrent that this White House would soil the reputation of this great Nation as a beacon of freedom and a champion of human rights by allowing the use of torture in the same manner as brutal dictatorships.

The Army Field Manual interrogation techniques produce dependable intelligence without resorting to torture. General David Petraeus, the top U.S. commander in Iraq, wrote: "Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. That would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary."

Torture is ineffective and inhumane and it is time that the intelligence community put an end to the use of barbaric practices. If the United States continues to condone torture, we put our men and women in uniform at risk of having the same interrogation practices inflicted upon them.

Torture is a crime against humanity and unacceptable under any circumstances. Any nation that tortures or tolerates torture is not truly free.

My State of Minnesota has a proud tradition of fighting for victims of torture both at home and abroad. Former Governor Rudy Perpich helped to found the Center for Victims of Torture—a world renowned center for the treatment and healing of torture victims. When the Center opened in 1985, it became the first of its kind in the United States and only the third treatment center in the entire world. Today, with centers in the Twin Cities, Sierra Leone and Liberia, CVT is helping thousands of torture survivors from 60 countries.

Madam Speaker, the reputation of the United States has been profoundly damaged in the eyes of the world as a result of the failed policies of the Bush Administration. First the world saw photographs of Abu Ghraib, then discovered that the U.S. practices extraordinary rendition, and now knows the President of the United States approves the use of torture. Torture will be a stain on President Bush's legacy and his presidency will be a dark shadow in our country's history. I strongly encourage my colleagues to overturn the Presidents veto and begin restoring the United States' moral standing in the world.

RECOGNIZING MAYOR ANNE HINES FARISH FOR HER SIGNIFICANT CONTRIBUTIONS TO THE CITY OF MONROEVILLE AND THE STATE OF ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to honor Mayor Anne Hines Farish for her extraordinary contributions to both the city of Monroeville and the state of Alabama. Mayor Farish is the epitome of a "Steel Magnolia," a real southern lady, strong and persevering and someone who is truly an institution among the residents of Monroeville.

A native of Monroeville, Anne grew up the oldest of four daughters of the late Dr. Jack and Mrs. Irma Hines.

She graduated from Monroe County High School in the same class as Nelle Harper Lee, another beloved fixture of Monroeville and Pulitzer Prize winning author of "To Kill A Mockingbird." Upon graduation from high school, she attended Auburn University. Anne's father, Dr. Hines, a local veterinarian, also served as mayor of Monroeville. Her late husband, Dick, served as Monroeville's postmaster for many years.

During her tenure as mayor, Monroeville has built an industrial park, added to its parks and recreation, and built a new City Hall and police station. Situated deep in the piney woods of Alabama's First Congressional District, Monroeville is a hidden treasure, and there is no better salesperson for this wonderful city than Mayor Farish.

Prior to serving as mayor, Anne served on the Monroeville City Council for two four-year terms. Anne is also a real estate agent, who began the successful brokerage firm, The Farish Agency, which is now managed by her daughter-in-law, Christie.

Madam Speaker, Anne Hines Farish has dedicated her entire life to making Monroeville, Alabama, a better place to live and work, all the while being a devoted wife and mother. I ask my colleagues to join with me in thanking Mayor Farish for her many years of devotion to her hometown and the people she has faithfully served.

I know Anne's colleagues, her family, and her many friends join with me in praising her accomplishments and extending thanks for her many efforts over the years on behalf of Monroeville and the First Congressional District.

COMMEMORATING THE TWIN OAKS ESTATE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. TANCREDO. Madam Speaker, this year will mark the 120 year anniversary of the Twin Oaks estate in Washington, DC. Built in 1888 by Mr. Gardiner Greene Hubbard, founder of the National Geographic Society, this 18-acre property was sold to the Republic of China in 1947 after having been rented to the government of Taiwan for the previous 10 years.

From 1937 through 1978, the Twin Oaks estate was the official residence of nine ROC ambassadors, who used it to host all types of functions in the interests of their government. Many agreements were discussed with the United States at this estate. However, during the winter of 1978, President Carter decided to switch diplomatic recognition from the Republic of China to the People's Republic of China.

During this critical period, ROC senior diplomat Mr. H.Y. Yang stayed at Twin Oaks and negotiated with the administration and Congress to hammer out a foundation for the future of U.S.-Taiwan relations.

Minister Yang's efforts gave birth to the enactment of the Taiwan Relations Act on April 10, 1979. The Act became the legal basis governing all types of relations between Taiwan and the U.S. It has enabled Taiwan to develop and prosper during the last 29 years. It also enabled the ROC government to retain the ownership of the Twin Oaks estate, which has continued to be a place for social gatherings and functions benefiting many in our nation's capital.

Madam Speaker, the Twin Oaks estate on Woodley Road is not only a historic building in downtown Washington; it is also a symbol of the long standing friendship between the people of the United States and the people of Taiwan.

HONORING THE WEBSTER THOMAS HIGH SCHOOL HOCKEY TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the Webster Thomas

High School boys varsity ice hockey team, 2008 Division II New York State Public School Ice Hockey Champions. The Webster Thomas Titans defeated the Thousand Islands' Vikings by a score of 5 to 2, earning Webster Thomas' first State ice hockey championship title.

On behalf of the people of New York's 25th Congressional District, I congratulate these young men on their outstanding athletic achievement and praise Head Coach David Evans, and Assistant Coaches Allan Mutrie and Sean O'Neill on their team's success. I look forward to another exciting year when the Titans take the ice to defend their title in 2009.

Joseph Amico, Brett Bannon, Matthew Casilio, James Chandler, John DiRose, Joseph DiRose, Mischa Dombovy-Johnson, Daniel Fetes, Kevin Glenwright, Mark Goodman, Alan Grabowski, Mason Hill, Michael Iulianello, Mikhial Jerzak, Zachary Lamb, Christopher Malec, Patrick Moore, Sean Moore, Matthew Prinzing, Justin Scharfe, Robert Sciarrone, Tyler Smedley, Matthew Solimano, Mark Vaccarelli, Michael Winderl.

HONORING RAY LACKEY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Ray Lackey, a remarkable soldier and public servant from my congressional district. Ray is retiring this month as Postmaster to Bowling Green, KY, ending a 38 year career in federal service.

A native of Middletown, OH, Ray first came to Bowling Green in 1979 following nine years of active duty in the U.S. Army. Beginning as a letter carrier, Ray quickly advanced through numerous managerial positions with the U.S. Postal Service prior to being named Bowling Green Postmaster in 2003.

During his tenure, Ray has overseen various infrastructure improvements at the facility. Colleagues and customers alike have long been impressed with his leadership abilities and rigid commitment to maintaining an efficient and consistent postal operation.

Throughout his career at the U.S. Postal Service, Ray remained active in the U.S. Army Reserve, serving in various noncommissioned officer leadership positions, culminating in a three year tour at the Pentagon as Command Sergeant Major. Ray was at the Pentagon during the September 11, 2001 terrorist attack and spent the ensuing hours assisting survivors. He has received numerous awards and commendations for the valor he demonstrated under pressure and at great personal risk that day.

It is my great privilege to recognize Ray Lackey today on the floor of the U.S. House of Representatives for his service to our country, support of our soldiers, and lifelong example of leadership and service. His unique achievements make him an outstanding American worthy of our honor and respect.

On behalf of the countless men and women who have benefited from his years of dutiful service to our country and community, I would like to express my profound appreciation to Ray and wish him a very happy and healthy retirement.

HONORING THE NORRISTOWN GARDEN CLUB ON ITS 95TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. GERLACH. Madam Speaker, I rise today to celebrate the upcoming 95th anniversary of the Norristown Garden Club in Norristown, Montgomery County, Pennsylvania.

The Norristown Garden Club was founded on April 13, 1913 by seven women who met at the home of Miss Bertha Slingluff Harry and established the Club to promote their common interest in the culture of flowers by exchanging ideas, seeds, plants and bulbs. At this first meeting, the group chose officers and laid the groundwork for what has been 95 years of fellowship and service to the beautification of Southeastern Pennsylvania.

Throughout the 20th Century and today, the members of the Norristown Garden Club have dedicated endless energies and hours to volunteer activities in the area. Examples of this include 32 years of consecutive service to the Montgomery Geriatric Center and Rehabilitation—an achievement they reached in 1986. The organization has also donated thousands of dollars in flowers to places such as the Valley Forge Historical Society Museum and Ronald McDonald House. It is clear that the members not only gather around a common love for botanicals, but seek to share this joy with fellow citizens and surrounding communities.

Madam Speaker, I ask that my colleagues join me today in honoring the history and service of the Norristown Garden Club as they celebrate their 95th anniversary.

KEVIN CALKINS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kevin Calkins who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Kevin Calkins is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Kevin Calkins is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kevin Calkins for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt he will exhibit the same dedication he has shown in his high school career to his college career and future accomplishments.

A PROCLAMATION HONORING LAYLA MILLER FOR WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. SPACE. Madam Speaker:

Whereas, Layla Miller showed hard work and dedication to the sport of basketball; and

Whereas, Layla Miller was a supportive team player; and

Whereas, Layla Miller always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Layla Miller on winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2007–2008 basketball season.

A TRIBUTE TO WENDY CRAMER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Wendy Cramer, recently awarded the 2008 Congressional Volunteer Recognition Award by the 2nd Congressional District of Maryland's Veterans Advisory Council.

Wendy Cramer is a dedicated employee with the Department of Veteran's Affairs (VA) Supplies, Processing and Distribution (SPD) program. In her physically demanding role in the program, Wendy is responsible for the retrieval of supplies from the Baltimore VA Medical Center and the distribution of the supplies to various centers. When she has an idea for a way to improve a service, she devotes her free time to making the improvements a reality.

Aside from her numerous work-related responsibilities that benefit our Nation's veterans, she also volunteers several hours a month for the veterans. She has volunteered her time toward such activities as National Salute, Veterans Day, and welcome home events. Every Christmas, she brings her family to VA hospitals to deliver gifts to wounded or ill veterans.

Members of the Veterans Advisory Council as well as patients and staff she interacts with every day praise her attitude and energy with the veterans. She is supportive and encouraging, and patients say her genuine enthusiasm is so infectious she can put everyone around her in a positive mood. The veterans Wendy interacts with can feel her honest empathy for them, and their appreciation for her work is obvious with the awarding of this honor.

Madam Speaker, I ask that you join with me today to honor Wendy Cramer. She is a remarkable volunteer for Maryland's veterans.

Through her ongoing efforts, she has helped hundreds of veterans receive the supplies they need and served as a positive influence in their lives. She has gone above and beyond the call of duty to aid those who have dedicated their lives to serve our great country.

CONGRATULATING THE INDIANA BOYS' BASKETBALL STATE CHAMPIONS OF TRITON HIGH SCHOOL

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. DONNELLY. Madam Speaker, I rise today to extend congratulations to the Triton High School Boys' Basketball Team. The Trojans succeeded in clinching the IHSAA 1–A State Championship on March 22, 2008, at Conseco Fieldhouse in Indianapolis with a thrilling 50–42 victory over Indianapolis Lutheran.

The Trojans' tireless efforts in practice resulted in a season of firsts: the team won their first-ever Semi-State Championship, made their first trip to the State Championship game and won their first State Championship title. For the team's seven seniors, it was the perfect ending for their high school basketball careers.

The Triton team is led by seniors Jake Everett, winner of the Class 1–A Trester Mental Attitude Award; Troy McIntyre; A.J. Harrison; Reggie Davis; Blake Schori; Patrick Smith, and Bart Christian. Other members of the team include juniors Colton Keel, Cody Carpenter, Joel Meister, Zac Moriarty, and Dustin Kreft; sophomores Ben Montalbano and Camron Garey and freshmen Griffyn Carpenter, Austin Davis, and Jordan Everett.

Also, I should acknowledge the wonderful support the team had. Head Coach Jason Groves and Assistant Coaches Tommy Mascari, Dave Carpenter, and Matt Landis guided the Trojans to victory. I would also like to thank Principal Michael Chobanov, Athletic Director Mason McIntyre, and, above all, the fans in the community, many of whom traveled to Indianapolis for the game and gathered to welcome the team home after their victory.

I offer my congratulations to the members of the boys' basketball team of Triton High School, the coaching staff, the school administration, and the surrounding community for their accomplishments this season on the road to the 1–A State Championship.

COMMENDING DON BUTTRESS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. BURGESS. Madam Speaker, I rise today to applaud Don Buttress of Little Elm, TX, for his commitment to bettering the environment. Don applied for a rebate through the Texas Emissions Reduction Program (TERP) to replace an early-model dump truck with one that is cleaner and more efficient. Don's efforts demonstrate the effect a single person's actions can have on the planet.

Buttress' rebate will keep 11.1793 tons of nitrogen oxides from polluting our skies throughout the next seven years. TERP is committed to replacing 4,500 older diesel engines with newer, less polluting models, and Don's participation moves them one engine closer to reaching that goal.

The Texas Emissions Reduction Program presents businesses with the opportunity to go green by trading in their vehicles for cleaner, more economical diesel engines. TERP provides rebates and grants to help replace aging diesel engines that consume more fuel and generate more pollution than newer models.

North Texas businesses have saved over $3.3 million and reduced nearly 353 tons of pollution to date. The Texas Emissions Reduction Program serves as a national model for replacing and retrofitting older diesel engines.

Madam Speaker, it is with great pride that I rise today to congratulate Don Buttress of the 26th District of Texas. His efforts are something I encourage other small businesses to follow, and I gladly congratulate him for his contribution to the betterment of North Texas.

URGING THE ESTABLISHMENT AND OBSERVATION OF A LEGAL PUBLIC HOLIDAY IN HONOR OF CÉSAR E. CHÁVEZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. KUCINICH. Madam Speaker, I fully support Representative BACA's legislation to encourage the establishment of a national holiday in honor of César Chávez and wish to thank him for introducing this important bill.

During the Great Depression, César's family lost their own farm. As such, César and his family joined the migrant farming community. César was only 10 years old when he began to work in the fields and vineyards of the southwest. He learned first hand about the injustices and indignities experienced by migrant farm workers.

Founder of the National Farm Workers Association and its successor the United Farm Workers of America, César led the Nation's first triumphant farm workers union.

César E. Chávez was a champion of workers' rights. He showed incredible dedication to social justice through his efforts on behalf of farm workers to garner improved wages, medical coverage, pension benefits, safer working conditions, humane living conditions and an end to child labor in the fields.

His remarkable achievements were realized through non-violent protest, through fasts, strikes and boycotts. This makes his accomplishments all the more meaningful and sets an example that is to be held in the highest regard.

César was nominated for the Nobel Peace Prize three times by the American Friends Service Committee. He received the distinguished Martin Luther King, Jr. Peace Prize and was posthumously awarded the Presidential Medal of Freedom.

Because César Chávez embodies so completely both the spirit and values of our Nation I believe it is only right to establish a national holiday in his honor. "Si se puede."

Again. I wish to thank Congressman BACA for introducing this important legislation and calling attention to one of our Nation's greatest heroes.

A PROCLAMATION HONORING COACH DAVID BORTER FOR COACHING THE HILAND HIGH SCHOOL GIRLS' BASKETBALL TEAM TO WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach David Borter showed hard work and dedication to the sport of basketball; and

Whereas, David Borter was a leader and mentor for the Hiland High School Girls' Basketball Team; and

Whereas, Coach Borter has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach David Borter for leading the Hiland High School Girls' Basketball Team to winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 Basketball season.

CONGRATULATING SARAH LONG DAMSON FOR BEING NAMED FIRST LADY OF MOBILE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to honor Mrs. Sarah Long Damson on the occasion of her being named First Lady of Mobile for 2007. The Mobile chapters of Beta Sigma Phi, an international women's network with over 165,000 members, recently bestowed this honor on Sarah.

A native of Mobile, Sarah is a tireless volunteer and has devoted her entire life to improving the lives of countless people who call Mobile and South Alabama home.

Sarah and her husband Tom are co-owners of Long's Human Resource Center, a multimillion dollar business passed on to them by Sarah's father. She serves as chairman of the board of the 60-year-old company with locations in Mobile, Fairhope and Foley.

However, Sarah's commitment to South Alabama goes far beyond the walls of her business. She has been active with the United Way for decades, and she is an emeritus board member of the organization. She is the first woman to lead the United Way of Southwest Alabama's annual fundraising campaign and head its board of trustees. She has also served as chairman of The Alexis de Tocqueville Society, a national movement within the United Way that recognizes individuals who donate $10,000 to $1 million annually.

In addition to her involvement with the United Way, Sarah serves on various boards at Dauphin Way United Methodist Church and was the first woman to serve on the local Regions Bank board. She is a past president of the Junior League of Mobile and is also on the Board of Trustees of Spring Hill College. Sarah is an active member of the Mobile Chamber of Commerce and has served on its board of directors as well.

A graduate of the University of Alabama, Sarah was the first woman to receive the prestigious Austin Cup, awarded to the most outstanding graduate of the University's Culverhouse College of Commerce and Business.

Madam Speaker, I would like to offer my personal congratulations to Mrs. Sarah Long Damson for being named the First Lady of Mobile for 2007; truly, no one is more deserving of this high honor. And in so doing, I would also like to recognize Sarah for her lifetime of outstanding professional and philanthropic accomplishments; she is truly a role model for our entire community.

Furthermore, I would ask my colleagues to join me in congratulating this respected and dedicated friend to many throughout South Alabama. I know Sarah's family; her husband, Tom; their two wonderful daughters, Mary Stewart Crane and Liz Freeman; her grandchildren and her many friends and other family join me in praising Sarah's accomplishments and extending thanks for her never-ending efforts to make South Alabama a better place to live and call home.

HONORING THE LIFE OF MR. ALBERT HAROUTOUNIAN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor Mr. Albert Haroutounian of Honey Brook, Pennsylvania, who died in Iraq on March 10, 2008.

Albert was a linguist working on contract in Iraq for the Trinity Technology Group. Albert was on a mission when his vehicle was hit by an Improvised Explosive Device (IED). He was killed along with 5 soldiers in the blast.

Albert's grandparents fled Armenia during the Ottoman Empire's genocide of the Armenian people and settled in Kuwait, where he was born. While in Kuwait, he became fluent in three languages, Armenian, Arabic and English. After suffering the loss of his mother at the age of 14, Albert's father immigrated to the United States with Albert and his 3 brothers. Since immigrating, Albert grew to become an author and aspiring film maker. He had planned to make his most recent book, The Clock Doc, into his first movie.

In addition to his budding writing and film career, Albert loved to travel and spent time visiting places such as Armenia, Canada, Greece, Hungary, Iraq, Mexico, Syria and Yugoslavia. His extensive travels and active lifestyle exposed him to many cultures and helped to formulate his outlook and dreams for the world.

Albert's goal in life was to establish an organization that would help educate, feed, and house people across the globe. He wished to make our world one of peace with a message to live a life of compassion, understanding, and happiness.

Madam Speaker, I ask that my colleagues join me today in paying honor to Mr. Albert Haroutounian for his exemplary service to our Nation. May his life be an inspiration to all fellow citizens and we extend our utmost respect and condolence to his family.

LUCAS CAMPBELL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Lucas Campbell who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Lucas Campbell is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Lucas Campbell is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Lucas Campbell for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt he will exhibit the same dedication he has shown in his high school career to his college career and future accomplishments.

RECOGNIZING PRO TOW WRECKER SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Pro Tow Wrecker Service, of Lewisville, TX, for participating in the Texas Emissions Reduction Program (TERP). Through its involvement in TERP, Pro Tow Wrecker Service recently received a rebate to upgrade one of its company trucks.

The rebate was awarded to Pro Tow Wrecker Service to replace an old haul truck with a new, more efficient model. By improving its fleet, not only is Pro Tow Wrecker Service becoming more competitive, it is also preventing a total of 10.6308 tons of nitrogen oxides from polluting the air over the course of seven years.

The Texas Emissions Reduction Program is offering an affordable means for businesses to replace older diesel equipment that they would not otherwise be able to upgrade. TERP provides rebates and grants to help replace aging diesel engines that consume more fuel and generate more pollution than newer models.

So far, North Texas businesses have saved over $3.3 million and reduced nearly 353 tons of pollution. TERP serves as a national model for replacing and retrofitting older diesel engines.

Madam Speaker, it is an honor to represent such an economically and environmentally-conscious company in the 26th district of Texas. I am confident that the positive example set by Pro Tow Wrecker Service will encourage more businesses to participate in TERP in the future.

DECLARING THE STATE OF INJUSTICE AN EMERGENCY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. RANGEL. Madam Speaker, I rise today to declare that we have an emergency on our hands—not altogether new but altogether urgent. African Americans are hurting, caught in a justice system that disproportionately targets them, facing aggressive and often violent law enforcement, and victimized by a steady rise in racial intolerance and intimidation. These are Americans in need, and Americans of all stripes must find ways to come together in the spirit of compassion and generosity when our own is in need. That same spirit is required of us now, to move with all deliberate swiftness in correcting injustices and finding solutions to the disparate treatment of Blacks in this society.

In a recently released report from the National Association for the Advancement of Colored People, "State of Emergency: Stemming the Tide of Injustice against African Americans," a solemn picture is depicted. Facing a startling number of police beatings, the shooting deaths of unarmed Blacks, and the excessive use of force against minority youth, a majority of Blacks today do not believe that police are held accountable for acts of misconduct, an NAACP survey finds. Even that perception, divorced from its almost-certain reality, is reason enough to be concerned. Just this past year, new cases of inexcusable police brutality sprung up across the country, many involving the deaths of young African Americans and the complete acquittal and absolution of the officers who perpetrated the offenses.

As the galvanizing Jena 6 case taught us, we sometimes treat our Black children harsher than we treat our White children in the courtroom. The NAACP report finds that when White and minority youth are charged with the same offenses, Black youth are six times more likely to be incarcerated than White youth are. We cannot afford to give up on any of our youth—Black or White—and we must commit the resources to invest in their rehabilitation and educations. We will, one day soon, rely on that generation.

The reemergence of the hangman's noose as a symbol of fervid threat and unspeakable hatred is more than troubling. It represents a regression in the remarkable progress we have made in this country in terns of race relations. Since early 2006, there have been 43 reported noose hangings, the overwhelming bulk of those, 32, since the Jena 6 rally this past September. The lackadaisical and nonchalant response on behalf of authorities seems to have spawned this new wave. We must send the clear message that these nooses are neither harmless nor ambiguous—they are unveiled throwbacks to a Jim Crow era of public lynchings and racist terrorism. It is as direct a threat as words can be and has no place in America but as sad artifacts of still-recent history. We are today, however, so much better than that.

We move forward now sobered by these unfortunate findings but focused on an optimistic plan that unifies all Americans in this call for greater equality. A community policing that trains officers in cultural awareness, teams tip officers with minority communities in a working relationship, and without bias prosecutes officers for misconduct works best. So, too, does a colorblind justice system that doles out punishment evenly and without prejudice, one that works to free our youth from lives of criminality and tap, instead, into their reservoir of talents and skills.

I have no doubt the American people have the commitment and resolve to get this done. I am hopeful that for our government, our law enforcement, our justice system, we can say the same.

STATE OF EMERGENCY: STEMMING THE TIDE OF INJUSTICE AGAINST AFRICAN AMERICANS

INTRODUCTION: STATE OF EMERGENCY

The case in which six black teens were arrested and charged with attempted murder for their part in a fight with fellow white students in Jena, Louisiana captured the country's attention. How is it that the black teens involved in the fight could be charged with attempted murder while the white students, whose racially-motivated actions presumably led to the schoolyard tussle, receive little more than a slap on the wrist?

Unfortunately, Jena is not an isolated case; rather, it is but one of many that are reminiscent of a disturbing trend involving the disparate treatment of African Americans in the criminal justice system. The latest examples include a boot camp beating death and an assault of black youths by representatives of law enforcement. In addition to the reprehensible treatment of youth at the hands of law enforcement officials, there has also been a startling increase in the number of hangman's noose sightings around the country.

If one were to take the aforementioned examples, coupled with the fact that racial harassment complaints filed with the Equal Employment Opportunity Commission (EEOC) have more than doubled from just over 2,000 in 1991 to roughly 7,000 today, I one might conclude that a steady stream of racial intolerance has resurfaced. Some individuals might view the series of incidents noted throughout this report as isolated incidents; others will view them as part of a larger systemic tide stubbornly connected to the history of American race relations. What is clear to anyone who cares about civil rights, however, is that the disparate treatment of blacks in the justice system accompanied by racial intimidation is unacceptable.

Not only do the police beatings, disparate sentencing cases, and noose hangings suggest movement toward a more hostile environment directed at blacks, but they call into question the extent to which African Americans really are viewed as a part of the American collective. A recent NAACP survey found that a majority of blacks do not believe the police are held accountable for acts of misconduct including, excessive use of force. Furthermore, they believe that when police use excessive force, they are more likely to exact it against African Americans than other racial and ethnic groups. The sentiment expressed by blacks in this survey is not new and demonstrates a consistency in the belief that "the system" works differently for blacks and whites. The disparate treatment of the Jena 6 defendants, the shooting deaths of unarmed blacks, and even the disparity in the rate at which black and Latino motorists are stopped and searched for drugs even though they are less likely than whites to actually have them, all serve to intensify the feelings of skepticism and mistrust toward the American criminal justice system.

It is in this context that the NAACP declares a State of Emergency.

THE CONTEXT OF INJUSTICE TODAY: POLICE MISCONDUCT, PROSECUTORIAL DISCRETION, AND RACIAL INTIMIDATION

POLICE MISCONDUCT

Regrettably, many African Americans are aware of police misconduct in this nation's history, be it in the form of excessive use of force, brutality, or racial profiling. Oftentimes this familiarity is a result of firsthand experience or that of family members or friends. Therefore, the more recent instances of police misconduct, no matter how shocking, confirm what many blacks already believe about the American criminal justice system: that justice is not always leveraged fairly. Indeed, when law enforcement officials who are charged with beatings or other forms of misconduct are acquitted, the assertion of an unequal system is further corroborated. What follows are examples of alleged incidents involving black youth and adult mistreatment, death, or both at the hands of police since 1999.

New York—18-year-old Khiel Coppin was shot 20 times when five officers opened fire killing him. Police believed Coppin was holding a gun; it turned out to be a hairbrush. (2007)

Florida—15-year-old Shelwanda Riley was thrown around, punched, and pepper sprayed by a police officer, a man twice her size, as he tried to arrest her for a non-violent curfew violation. (2007)

Maryland—17-year-old Isaiah Simmons died after struggling with several adult staff members of a residential program under contract with the Maryland Department of Juvenile Services. Witnesses and staff sat on Simmons' limbs, chest and head. The state medical examiner ruled his death a homicide, however, the staffers were charged with reckless endangerment—a misdemeanor. (2007)

Washington, DC—14-year-old DeOnte' Rawlings was fatally shot by an off-duty officer for allegedly stealing a mini-bike and shooting at the officer during a foot chase. An autopsy found no gunshot residue on Rawlings and several suspicious injuries to his elbows, knees, and face. (2007)

Florida—14-year-old Martin Lee Anderson died while in custody at the Bay County Boot Camp. An all-white jury acquitted deputies and a nurse who participated in the videotaped violent abuse that resulted in Anderson's death. (2006)

New York—23-year-old Sean Bell was leaving a bar after his bachelor party unaware that he and his friends were being followed by an undercover officer. Once accosted by the officer a confrontation ensued in which the officer said he believed Bell and his friends were going to retrieve a gun. During that confrontation, five officers fired 50 shots at the men's car, killing Bell and wounding his fiends. No gun was found in the car. (2006)

Georgia—Kathryn Johnston, an elderly woman, was shot 30 times by Atlanta police who entered her home with a fraudulent warrant. Two or three officers involved plead guilty to manslaughter. (2006)

Wisconsin—Frank Jude was beaten at a house party while unarmed. The three off-duty Milwaukee police officers were charged but acquitted. (2004)

New York—19-year-old Timothy Stansbury was shot and killed by police as he was attempting to climb to a rooftop with a pile of CDs in his pants. He was using the rooftop as a shortcut to go to a party in an adjacent building. The officer claimed he fired at Stansbury by accident and was cleared of criminal responsibility. (2004)

California—16-year-old Donovan Jackson-Chavis was slammed to the ground, tossed into the air, and bounced on the hood of a squad car and chocked by police as they handcuffed him for allegedly not dropping a bag of potato chips at a convenience store. The incident was videotaped. (2002)

Ohio—Timothy Thomas was fatally shot by police during a foot chase. Cincinnati Police said Thomas, who was wanted for traffic violations, was reaching for a gun. An investigation showed that Thomas was unarmed and was holding his pants up as he ran. The officer was cleared on the shooting charges. (2001)

New York—Amadou Diallo was killed when police shot him 41 times. He was unarmed. (1999)

PROSECUTORS AND JUDGES: COURTROOM INJUSTICE

According to a report on racial disparities in the juvenile system, although minority youth are one-third of the adolescent population in the United States, they are two-thirds of the more than 100,000 young people confined to local detention and state correctional systems. The report notes that when white youth and minority youth are charged with the same offenses, black youth with no prior admissions are six times more likely to be incarcerated than white youth with the same background. Latino youth are three times more likely than white youth to be incarcerated. Additionally, youth cases that are sent to the adult court system involve black defendants at least fifty percent of the time—a number that increases to sixty-three percent when the cases involve drugs. Nationally, custody rates are five times greater for African American youth than for white youth, and among all offense categories, white youth are more likely than minority youth to be placed on probation.

Judges and prosecutors have a certain amount of discretion within the confines of the law to determine which charges to seek in a given case. However, as the examples below suggest, prosecutors and judges can and do exact uneven punishment by using the law in unintended ways. This is not a minor issue of concern if one considers that abuse of sentencing power has the potential to destroy lives.

RECENT EXAMPLES:

Marcus Dixon—a Georgia high-school honors student was charged with rape, assault and aggravated child molestation for having consensual intercourse with a younger white classmate. Dixon was held for over a year; his 10-year conviction was overturned once it was discovered that the Georgia prosecutor had misled jurors.

Genarlow Wilson—a talented Georgia high-school student and athlete was sentenced to 10 years for having consensual oral sex with a younger classmate. Wilson's felony conviction of aggravated child molestation was recently amended to a misdemeanor, however, Wilson spent more than two years in prison. Interestingly, as Wilson was being sentenced to 10 years in prison, a white 27 year-old Georgia high school teacher who had sexual intercourse with a 16 year-old male student was sentenced to 90 days in jail and probation.

Mychal Bell—a Louisiana high-school student charged with attempted murder for a fight that ensued between six black students and white students following a noose hanging on the school's unofficial "white tree." The white students involved in the fight were expelled and then later reinstated but not arrested, despite having engaged in other incidents against the black students. The black students were charged as adults with attempted murder for their part in the fight. No one was ever arrested for hanging the noose on the tree.

Shaquanda Cotton—a 14 year-old Paris, TX freshman shoved a hall monitor in a dispute over entering the building before the school day started. The hall monitor was not seriously injured but Cotton was convicted of assault of a public servant and sentenced to prison for up to 7 years. Meanwhile, a 14 year-old white girl was convicted of burning down her family's home and received probation. In the same town of Paris, a 19 year-old white man was convicted of negligent vehicular homicide for killing a black woman and her grandson. He received probation and was ordered to send annual Christmas cards to the victims' family.

RACIAL HARASSMENT AND INTIMIDATION: NOOSE HANGINGS

"What's the big deal? It's only a noose..." Why the hangman's noose is so offensive. The hangman's noose is a symbol of the racist, segregation-era violence enacted on blacks. A frequent part of the Jim Crow Southern way of life, it is an unmistakable symbol of violence and terror that whites used to demonstrate their hatred for blacks. The noose was not used as a mechanism to punish an individual; it was used to send a message to blacks in general about respecting the racial boundaries and to not "get out of place." Similar to a burning cross on a lawn, a noose is not an ambiguous symbol. In the pre-civil rights era the noose was a very specific artifact used in the lynching of blacks. Lynchings were big community events in which hundreds of white families would come to watch a black man being burned and mutilated before he was hung. Those in attendance would even pose for pictures with the charred body.

Since the dangling noose from a schoolyard tree raised racial tensions in Jena, Louisiana last year, the symbol of segregation-era lynchings has turned up at an alarming rate all around the country. Some have been found in fire stations and police stations, in truck yards and construction sites, in corporate places of business, and on college campuses. What follows is an overview of reported noose hangings since early 2006.

At the time of this report's release 43 known noose hangings have occurred since early 2006. A review of the occurrences shows a pattern of noose hanging incidents in places of business and in school environments, with a significant increase following the media attention given to the Jena 6 case and the subsequent rally. That is, 11 cases were noted between February 2006 and August 2007; however, 32 noose incidents occur following the Jena 6 rally that took place in September. A strong pattern of noose hanging incidents seems to emerge in the northeast and southeast regions of the country.

RECENTLY REPORTED NOOSE INCIDENTS

Date, Location, and Incident:

Feb 2006, Jacksonville, FL, two black firefighters discover nooses at the fire station where they work. Both firefighters are placed on administrative leave.

Mar 2006, Conroe, TX, Black employee is choked in the bathroom by white employee.

Mar 2006, Newark, NJ, in an attempt to punish a student for not doing his homework, a substitute teacher instructs the student to stand on a chair, ties a noose around his neck, and kicks the chair.

Apr 2006, Bradenton, FL, noose found at entrance of Bayshore Elementary School.

July 2006, St. Louis, MO, noose hanging outside a holding cell in a civil court building. Two white employees and 1 black employee responsible for "practical joke".

Oct 2006, Baltimore, MD, Sigma Chi fraternity at John Hopkins University hosts a Halloween in the Hood party and uses a skeleton to imitate a noosing.

Oct 2006, Punta Gorda, FL, Mike Whiteaker has hung nooses in his front yard for 4 years and threatens to hang more.

Dec 2006, Jena, LA, A noose is found hanging under the high school's "all-white tree" after a black student sits there.

July 2007, New London, CT, Noose found on the bag of a black Coast Guard Academy cadet.

Aug 2007, Germantown, TN, 3 employees at Germantown Performing Arts Center hang a noose backstage as a practical joke.

Aug 2007, New London, CT, Noose found on the floor of a white woman co-worker who had been conducting race relations training in response to a previous noose sighting.

Sept 2007, Baltimore, MD, Noose hanging from tree near black student center on University of MD College Park campus.

Sept 2007, Greenville, NC, "Noose like" piece of rope in basement of residence hall at East Carolina University.

Sept 2007, Alexandria, LA, 2 men with nooses hanging from pick-up truck right after Jena rally.

Sept 2007, High Point, NC, 4 nooses spotted at Andrews high school—2 from a tree, 1 in the bus parking lot, 1 on the flag pole.

Sept 2007, Grambling, LA, At Grambling Lab's elementary school noose placed around kindergartner's neck as part of mock rally.

Sept 2007, Gurnee, IL, High school student hurls racial slurs at 2 black female students with nooses displayed from rearview mirror.

Sept 2007, Watchung, NJ, Holiday store in shopping center depicts Halloween scene showing a stuffed doll resembling a black man wearing a labor suit, hanging from a noose.

Sept 2007, Long Island, NY, Hampstead police find noose in men's bathroom.

Oct 2007, Columbia, SC, Nooses found hanging from a tree outside a high school. 2 teens—1 white and 1 biracial responsible.

Oct 2007, O'Hara Township, PA, Construction worker finds noose hanging from 2nd floor of construction site.

Oct 2007, Pittsburg, PA, Housekeep at Allegany General Hospital found a noose in a 10th floor hospital room.

WHY DOES THIS INJUSTICE MATTER?

All of the recent events noted above, particularly as they relate to police misconduct and prosecutorial discretion, shine a light on the racial inequality that is apparent in the American criminal justice system. The overly aggressive handling of black youth by law enforcement entities as well as the racially discriminatory use of prosecutorial discretion represent a blatant disregard for the appropriate application of the law. In the noose cases, a few perpetrators were reprimanded; some cases remain under investigation while many have been dismissed as pranks. The undertone here seems to be reluctance on the part of some public and private entities to address hate crimes.

The problem of aggressively dealing with crimes of hate as well as racially disparate treatment in our criminal justice system must be addressed at every level of governance—from small towns and counties to major metropolitan cities. When the very people who are the caretakers of America's criminal justice system do not believe in equality under the law, it sends a message that racism and hate are acceptable.

The criminal justice system must live up to its Constitutional obligations to serve and protect all Americans with dignity and fairness regardless of race, ethnicity, gender, or religious creed. The violence and intimidation being witnessed today against African Americans is unacceptable and must be tackled head on. Racial disparity in the handling of the law makes a mockery of American democracy, suggesting that all persons are not viewed as being equal under the law.

WHAT CAN BE DONE TO ADDRESS THE CURRENT TIDE OF INJUSTICE?

There are a number of steps that can be taken to address the seemingly hostile environment currently being witnessed.

BIG PICTURE

Vote to put into office individuals who are committed to a federal government that values civil rights enforcement. Many appointments to the U.S. Department of Justice and the EEOC, for example, come through the Executive branch. The U.S. Congress has the power to initiate and press for changes in hate crimes legislation. Congressional members also have the ability to deny confirmation of judges who are hostile to civil rights.

Hold state and local officials accountable as well. Push for State Attorney Generals and prosecutors to apply the law equally for all citizens and when they fail to do so, call them on it. Those who are charged with enforcing civil rights laws need to do their jobs.

OTHER ADVOCACY STEPS THAT CAN BE TAKEN (DEPENDING ON THE FACTS AND CIRCUMSTANCES OF A CASE IN A GIVEN COMMUNITY):

Advocate for more police training on cultural awareness and how to interact effectively with minority communities. In order to be effective in communities of color, police officers must have the trust of the communities they serve. Until the scourge of abuse has been addressed, police officers will not be as effective in those communities, and the assertion that the American criminal justice is one that exacts fair treatment across the board will continue to be highly suspect;

Advocate for more police training on 4th amendment (unreasonable search and seizure), 5th amendment (protection from selfincrimination), and 14th amendment (equal protection under the law) issues;

Call for the swift prosecution of police officers and other law enforcement officials who engage in undeniable misconduct against civilians;

Engage in greater outreach and education to African Americans on their rights in dealing with law enforcement (e.g., Miranda rights) as well as how to file a complaint should they become the victim of misconduct at the hands of police. In addition to highlighting African American mistrust of the police, the 2007 NAACP opinion survey also shows that a third of black respondents do not know if their local police department has a review process by which it investigates allegations of police misconduct or excessive use of force. Additionally, more than a third of the respondents indicate that they would not know where to go or what to do to file a formal complaint concerning misconduct;

Call attention to cases where overcharging for an offense and disparate sentencing for the crime are clearly evident. Insist that local/state governmental entities and the academic community begin to collect data on these instances and produce more studies on overcharging and disparities in sentencing in order to highlight what is happening. The civil rights community can use this information to alert the public and force those within the justice system to explain these phenomena;

Call on the Ethics Commission of the American Bar Association in the states to investigate overzealous prosecutors and judges who seem to have a pattern of applying the law unevenly when it comes to minority and white defendants;

Advocate for greater diversity and sensitivity training in schools and in the workplace. Some of the perpetrators who have been held responsible for recent noose hangings have indicated that they did it as a "practical joke." Other perpetrators were clearly being malicious. Places of business and educational centers must do a better job of letting their employees and students know that such intolerance is unacceptable;

Advocates should push for tougher prosecution of hate crime laws by local and state officials. For example, the state senate in New York has passed a bill that makes it a felony to display a noose in a threatening manner.

A NOTE ON HATE CRIME LEGISLATION

Federal hate crime legislation permits federal prosecution of hate crimes committed on the basis of a person's race, color, religion, or nation origin when engaging in a federally protected activity. This includes the federal government being able to intervene in the investigation and prosecution of hate crimes if they occur on federal property or if the victim was participating in one of six specific activities such as voting. Legislation currently pending (H.R. 1592 Local Law Enforcement Hate Crimes Prevention Act) would expand existing hate crime prevention laws and allow the federal government to assist local authorities in the investigation and prosecution of hate crimes regardless of what the victim was doing at the time of the crime. It would also expand the definition of a hate crime to include those motivated by the victim's disability, gender or sexual orientation and it would provide money to states to develop hate crime prevention programs. To date, 45 states and the District of Columbia have statutes criminalizing various types of bias-motivated violence or intimidation (the only states that do not are AR, GA, IN, SC, WY). Each of these statutes covers bias on the basis of race, religion, and ethnicity. The federal government as well as 27 states and the District of Columbia have statutes requiring the collection of hate crime statistics.

A PROCLAMATION HONORING COACH ROBERT MOSER FOR COACHING THE HILAND HIGH SCHOOL GIRLS' BASKETBALL TEAM TO WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP.

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Robert Moser showed hard work and dedication to the sport of basketball; and

Whereas, Robert Moser was a leader and mentor for the Hiland High School Girls' Basketball Team; and

Whereas, Coach Moser has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Robert Moser for leading the Hiland High School Girls' Basketball Team to winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 Basketball season.

RECOGNIZING JEFFREY SCOTT MOON FOR HIS SERVICE TO THE CITY OF ORANGE BEACH, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the distinguished career of Jeffrey Scott Moon and recognize his service to the city of Orange Beach, Alabama over the past 7 years.

The past 7 years for Orange Beach, as Charles Dickens would say, were the best of times and the worst of times. The city has experienced unprecedented economic growth, but in 2004, Hurricane Ivan struck and devastated the Alabama Gulf Coast. The steady hand of Jeff Moon helped guide the city through these ups and downs. His leadership and friendship will certainly be missed.

As city administrator, Jeff oversaw the planning and construction of 10 city facilities including the recreation center, aquatics center, tennis center, teen center, senior center, and fire station 2. He was instrumental in the planning and acquisition of properties for the city of Orange Beach, including the Orange Beach Golf Center, Medical Arts Complex, and Orange Beach Commerce Park. Jeff also helped guide the recovery and rebuilding efforts in Orange Beach following Hurricane Ivan in 2004. He worked to establish a professional team of skilled employees who serve the city of Orange Beach, a staff that doubled in size from about 150 to 300 employees during his tenure.

Jeff's hard work doesn't end at the office. From coaching youth basketball, softball and soccer to teaching Sunday school classes for high school students at First Baptist Church Orange Beach to volunteering as a cook and a concession stand worker, Jeff is involved in all facets of life in Orange Beach.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout south Alabama. I know his family, his wife, Nancy; their children, Kayla, Cheyenne, and Chason; and his many friends join me in praising his accomplishments and extending thanks for his service over the years on behalf of the city of Orange Beach and the state of Alabama.

On behalf of a grateful community, I wish him the best of luck as he heads to Woodstock, Georgia, to serve as the city manager.

MARIAM IBDAIWI

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Mariam Ibdaiwi, who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Mariam Ibdaiwi is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Mariam Ibdwaiwi is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Mariam Ibdwaiwi for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

CONGRATULATING A AND M EXCAVATING, INC.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. BURGESS. Madam Speaker, I rise today to commend A and M Excavating, Inc. of Lewisville, Texas, for its involvement in the Texas Emissions Reduction Program (TERP). By participating in TERP, A and M Excavating was given the opportunity to replace four of its trucks.

A and M Excavating was awarded four rebates to upgrade its aging dump trucks to a modern, more efficient fleet. This constructive move by A and M will give it a competitive edge among competitors while preventing 26.7542 tons of nitrogen oxides from polluting our North Texas skies over the next 7 years.

The Texas Emissions Reduction Program presents businesses with the opportunity to "go green" by trading in their vehicles for cleaner, more economical diesel engines. TERP provides rebates and grants to help replace aging diesel engines that consume more fuel and generate more pollution than newer models.

All together, North Texas businesses have accumulated more than $3.3 million in savings and cut down pollution by nearly 353 tons to date. The rebates and grants offered by TERP set a positive example of the benefits of replacing and modifying older diesel engines for the Nation.

Madam Speaker, I am privileged to represent such an environment-savvy and cost-conscious company in Texas' 26th Congressional District. I am certain that A and M Excavating's involvement in the Texas Emissions Reduction Program will encourage other area businesses to apply for the program in the future.

CAFÉ 2115—ANOTHER GREAT ADDITION TO HARLEM CUISINE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. RANGEL. Madam Speaker, today I would like to introduce and recognize Café 2115 in my home community, an example of the dining and retail renaissance in Harlem, and to enter into the RECORD an article from New York CaribNews for the week ending March 4, 2008, "Harlem's Finest with African Flavor."

Café 2115, recently opened at 2115 Frederick Douglas Boulevard, blends traditional African dishes with American fare and other delicacies from around the world. The owner, Abe Fofanah is a native of Sierra Leone, who came to the United States in 1998.

People who live in Harlem now have multiple options for shopping and dining that do not require them to leave the community. This is but one example of the richness of new restaurants and retail outlets that are opening in the 15th Congressional District on a daily basis. There is a renaissance occurring in Harlem.

HONORING THE RETIRED AND SENIOR VOLUNTEER PROGRAM OF MONTGOMERY COUNTY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor the 35 years of astounding community service provided by the citizen volunteers of the Retired and Senior Volunteer Program (RSVP) of Montgomery County, Pennsylvania.

RSVP was established for the purpose of creating opportunities for engagement, activity, and growth for older Americans. Through an amendment of the Older Americans Act, RSVP began as a nationwide program in 1969. The Montgomery County, Pennsylvania Chapter has been active since 1973.

With over 1,300 active volunteers assisting 300 non-profit organizations in Montgomery County, RSVP has become an invaluable resource. RSVP's volunteers serve to assist fellow citizens in a wide variety of activities. Their dedication to the community has greatly enhanced and contributed to an improved quality of life for thousands of citizens living in Montgomery County.

Madam Speaker, I ask that my colleagues join me today in thanking RSVP for their exemplary service to the citizens of Montgomery County. May their work be an inspiration to us all.

ON THE RETIREMENT OF MIDDLETOWN TOWNSHIP POLICE DEPARTMENT OFFICERS WILLIAM C. BEST, STANLEY MALINOSKI, BARRY GRIMM, RICHARD RAST, FRANK HOLDEN, AND GLENN MOREHEAD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. HOLT. Madam Speaker, earlier this year, six remarkable New Jersey public servants retired from the Middletown Township Police Department. Let me take a few moments to tell you a little bit about each of these men.

Lieutenant William C. Best joined the Middletown Township Police Department in June 1971. Bill spent 20 years in the Patrol Division, working daily to help keep his community safe, and moving up through the ranks in the department until becoming a Patrol Lieutenant in April 2006. After more than 36 years on the force, Bill decided it was time to spend more time with his wife of 43 years, Sandra, their children, Kim and Amanda, and their two grandchildren—Molly and Teddy. I should also note that Bill's service to his country included a stint in the Navy from November 1961 through November 1963. Bill was a witness to history during this time, as he served aboard the aircraft carrier Saratoga during the Cuban Missile Crisis in October 1962.

Lieutenant Stanley Malinowski joined the department in December 1972, and over his nearly 36 year career he held multiple assignments in the Patrol Division and the Community Relations/DARE program. Like Lieutenant Best, Lieutenant Malinowski served his country in the Navy before joining the police department. Stanley is a Vietnam veteran, having served from 1965 to 1969. He spent three of his four years in the Navy aboard the guided missile destroyer USS *H.B. Wilson*, with multiple tours in Vietnam.

Detective First Class Barry Grimm joined the force in June 1971, and he held numerous assignments in the Patrol and Detective Divisions over the course of his more than 36 years with the department. Barry was one of the department's arson investigation experts, and was an instructor at the National Fire Academy for more than 20 years. Barry has also been a member of the Middletown Township Fire Department since 1968 and served as its chief in 1999. Barry is looking forward to spending more time with his wife of 36 years, Birgit Mosehach Grimm, their four children, Amy, Michael, Christopher and Shawn, his son-in-law Patrick and daughter-in-law Bethany, and his two grandchildren Owen and Sophie.

Detective First Class Richard Rast joined the force in November 1977. During his more than 30 years on the force, Detective Rast served in the Patrol Division, the Community Relations Division, the Traffic Division, and the Detective Division. Detective Rast is a member of the Eastern State Criminal Investigators Association and the New Jersey Vehicle Theft Investigators Association. Like Lieutenants Best and Maliowski, Detective Rast is a Navy veteran, having served during the Vietnam era between January 1969 and November 1971. Rich and his wife Gloria have been married 38 years. They have two children, Bonnie and Sarah, and four grandchildren—Rebecca, Julia, and Brooke.

Corporal Frank Holden joined the department in August 1987 and retired on December 31, 2007. During his 20 year career in the Patrol Division, Corporal Holden received numerous awards for his work, both from the department and from community groups, including the Women's Center of Monmouth County, the American Legion Post 338 of Middletown, and the Middletown Fraternal Order of Police. Corporal Holden has been extremely active in his community as a fundraiser for multiple charities, including The Rainbow Foundation, Jason's Dreams for Kids, The Special Olympics, The Lance Armstrong Foundation, and Victory Junction Gang Camp. Frank and his wife Carol have lived in the Locust section of Middletown for the past 16 years. They have three children—Jennifer, Sara, and Adam.

Corporal Glenn Morehead joined the department in December 1980 and retired in December 2007. He received multiple awards during his long career, and his commitment to his community extended well beyond his work as a police officer. Corporal Morehead served over 20 years each with Leonardo First Aid Company, the Lincroft Fire Company, and the Middletown Township Fire Academy. In July 2008, Corporal Morehead and his wife will celebrate their 30th wedding anniversary. The Moreheads also have a son, Matthew.

I think it's important for their neighbors and the citizens of their community to understand just how fortunate Middletown has been to have had these six men in public service for so long. For decades, they helped keep Middletown and its residents safe from criminals, fires, and disasters—both natural and manmade. Their involvement in the community has enriched lives and helped make Middletown the wonderful place to live that it is today. As each of these men and their families begin a new chapter in their lives, I want them to know that they have my sincere thanks for their long years of service and my best wishes for the future. Congratulations and well done.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Monday, March 31, 2008, I was unavoidably detained with a prior obligation.

I would have voted as follows:

(1) Rollcall No. 147: "yes"—On Motion to Suspend the Rules and Pass H.R. 3352.

(2) Rollcall No. 148: "yes"—On Motion to Suspend the Rules and Pass H.R. 2675.

(3) Rollcall No. 149: "yes"—On Motion to Suspend the Rules and Pass H. Con. Res. 302.

A PROCLAMATION HONORING COACH DAVID SCHLABACH FOR COACHING THE HILAND HIGH SCHOOL GIRLS' BASKETBALL TEAM TO WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP.

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach David Schlabach showed hard work and dedication to the sport of basketball; and

Whereas, David Schlabach was a leader and mentor for the Hiland High School Girls' Basketball Team; and

Whereas, Coach Schlabach has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach David Schlabach for leading the Hiland High School Girls' Basketball Team to winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 Basketball season.

RICHARD SCHEMMEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Richard Schemmel who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Richard Schemmel is a student at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Richard Schemmel is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Richard Schemmel for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

CONGRATULATING JOEL ESTRADA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize Joel Estrada of Lewisville, Texas for his efforts to protect the environment. Joel has been granted a rebate by the Texas Emissions Reduction Program (TERP) to replace an older-model dump truck. Joel's involvement in this program illustrates that the world can be made better through the efforts of a single person.

Estrada's TERP rebate will allow him to upgrade his current dump truck to a new, more environment-friendly vehicle. Joel's participation moves TERP one unit closer to reaching its goal of replacing 4,500 older diesel engines with newer, less polluting models. Over the course of the next 7 years, the new dump truck will stop 5.8504 tons of nitrogen oxides from polluting the planet.

The Texas Emissions Reduction Program presents businesses with the opportunity to save money and protect the environment by trading in their business vehicles for cost-efficient diesel engines that conserve fuel more effectively.

Over all, North Texas businesses have accumulated more than $3.3 million in savings and cut down pollution by nearly 353 tons to date. The rebates and grants offered by TERP set a positive example of the benefits of replacing and modifying older diesel engines for the Nation.

Madam Speaker, it is with great pride that I rise today to congratulate Joel Estrada of the 26th District of Texas. He is a phenomenal example to other small businesses, and I heartily commend him for doing his part to help reduce pollution in North Texas one engine at a time.

IN HONOR OF PRESIDENT R. THOMAS WILLIAMSON

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. ALTMIRE. Madam Speaker, I rise today to honor President R. Thomas Williamson of Westminster College in New Wilmington, Pennsylvania. Westminster College was established on January 21, 1852. As one of the earliest co-educational colleges in the Nation, Westminster was founded to promote Christian values while focusing on individual development.

In June of 2008, Westminster College President R. Thomas Williamson will retire after 11 years of service. President Williamson's tenure has provided over a decade of exemplary leadership and vision for Westminster College.

During his time at Westminster College, President Williamson oversaw the completion of 10 major building projects, grew the college's endowment to over $100 million, and helped the college become the 15th best liberal arts college in the country, according to Washington Monthly. President Williamson's mantra of "get better, not bigger" has allowed students to receive the continued personal attention they deserve. Westminster College maintains a 12:1 student to faculty ratio and a 98 percent placement rate for its graduates.

President Williamson is a former U.S. Navy officer and holds a Juris Doctorate from the University of Baltimore. He and his wife, Jean Simmonds Williamson, have four children and three grandchildren.

I want to commend President Williamson for his dedication to the students of Westminster College and the community of New Wilmington. I congratulate him on his career and wish him all the best in his retirement.

HOUSE OF REPRESENTATIVES— *Friday, April 4, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCGOVERN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 4, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Monsignor Stephen J. Rossetti, President, St. Luke Institute, Silver Spring, Maryland, offered the following prayer:

Gracious God, in this season, from what was lifeless in death, we now see the bursting forth of new life. Thus we enter a great time of hope. As we begin this day and the days ahead, may we open ourselves to You, drink freely of Your new life, and step forward in confidence and trust.

We thank You for these great gifts that You share with us. We trust You to lead us into tomorrow. And we pray this, as we pray all things, in Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The Speaker pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The Speaker pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Tuesday, April 8, 2008, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5858. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation, "The Rural Housing Section 502 Guaranteed Loan Enhancements Act of 2007"; to the Committee on Financial Services.

5859. A letter from the Deputy Principal Director of Defense Research and Engineering, Department of Defense, transmitting the annual report to Congress describing the activities of the Defense Production Act Title III Fund for Fiscal Year 2007, pursuant to 50 U.S.C. app. 2094; to the Committee on Financial Services.

5860. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting a detailed boundary map for the Wildcat River in New Hampshire, pursuant to 16 U.S.C. 6394; to the Committee on Natural Resources.

5861. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's first biennial report on the implementation of the Deep Sea Coral Research and Technology Program, pursuant to the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006; to the Committee on Natural Resources.

5862. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's 2007 Report to Congress on the Disclosure of Financial Interests and Recusal Requirements for Regional Fishery Management Councils and Scientific and Statistical Committees (SSCs), in compliance with Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

5863. A letter from the Chair, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting the Foundation's Annual Report for FY 2007, pursuant to Public Law 99-661; to the Committee on Science and Technology.

5864. A letter from the Director, National Science Foundation, transmitting the Foundation's report on its support of basic research that can be considered high-risk or high-reward, pursuant to Public Law 110-69, section 1008(c); to the Committee on Science and Technology.

5865. A letter from the Secretary, Department of Homeland Security, transmitting an annual report of the Department's Office of Civil Rights and Civil Liberties for fiscal year 2007, pursuant to 6 U.S.C. 345(b); jointly to the Committees on Homeland Security and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 2176. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; adversely (Rept. 110–541 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 4115. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; adversely (Rept. 110–542 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1328. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act; with an amendment (Rept. 110–564 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1328. Referral to the Committee on Energy and Commerce and Ways and Means extended for a period ending not later than June 6, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHADEGG:

H.R. 5713. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility for certain fuels credits for fuel with insufficient nexus to the United States; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mr. BOEHNER, Mr. HOYER, Mr. BLUNT, Mr. CLYBURN, Mr. CANTOR, Mr. EMANUEL, Mr. PUTNAM, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ACKERMAN, and Mr. PENCE):

H. Con. Res. 322. Concurrent resolution recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel; to the Committee on Foreign Affairs.

By Ms. SOLIS (for herself, Mr. MARKEY, Mr. WAXMAN, Mr. GRIJALVA, Mrs. CAPPS, Mr. FARR, Ms. MCCOLLUM of Minnesota, Ms. LEE, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. BERMAN, Mr. TOWNS, Mr. HINCHEY, Mr. KUCINICH, Mr. BLUMENAUER, Mr. HONDA, Mr. ELLISON, Ms. ROYBAL-ALLARD, Mr. RANGEL, Ms. HIRONO, Mr. REYES, Ms.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

WOOLSEY, Ms. BALDWIN, Mr. BUTTERFIELD, Ms. CASTOR, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. DELAHUNT, Mr. OLVER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. LARSON of Connecticut, Ms. NORTON, Mr. KILDEE, Mr. AL GREEN of Texas, Ms. DEGETTE, Mr. ALLEN, Mrs. TAUSCHER, Mr. FRANK of Massachusetts, Mr. SCHIFF, Ms. ESHOO, Ms. MOORE of Wisconsin, Mr. KIND, Mr. NADLER, Mr. LANGEVIN, Ms. SCHAKOWSKY, Mr. GORDON, Ms. LINDA T. SÁNCHEZ of California, Mr. HASTINGS of Florida, Mr. CARNAHAN, Mrs. DAVIS of California, Mr. GUTIERREZ, Mr. MOORE of Kansas, Mr. LEWIS of Georgia, Mr. CHANDLER, Mr. ENGEL, Mr. HODES, Mr. COHEN, Mr. RODRIGUEZ, Mr. MICHAUD, Mr. HALL of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TIERNEY, Mr. STARK, Mr. JEFFERSON, Mr. DAVIS of Illinois, Ms. SHEA-PORTER, Ms. CLARKE, Mr. CROWLEY, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Mr. WEINER, Mrs. MALONEY of New York, Ms. ZOE LOFGREN of California, Mr. DOYLE, Ms. HARMAN, Ms. MATSUI, Ms. SUTTON, Ms. TSONGAS, Ms. BORDALLO, Mr. CLEAVER, Mr. SESTAK, Mr. DOGGETT, Mr. JOHNSON of Georgia, Mr. WELCH of Vermont, Mr. SHAYS, Mr. SHERMAN, Mr. GENE GREEN of Texas, Mr. SARBANES, Mr. LYNCH, Mr. SERRANO, Mr. GONZALEZ, and Mr. BAIRD):

H. Res. 1081. A resolution recognizing the week of April 7, 2008, to April 13, 2008, as "National Public Health Week"; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 460: Mr. MEEKS of New York.

H.R. 1359: Mr. WAMP.

H.R. 2268: Mr. BARRETT of South Carolina, Mr. TIAHRT, Mr. CANNON, Mr. GOHMERT, Mr. ALTMIRE, Mr. LATTA, Mr. CAMPBELL of California, Mr. ROGERS of Kentucky, Mr. LATHAM, Mr. WHITFIELD of Kentucky, Ms. SHEA-PORTER, and Mr. KNOLLENBERG.

H.R. 3654: Mr. PERLMUTTER, Mr. COSTA, and Mr. GALLEGLY.

H.R. 3822: Mr. WELCH of Vermont.

H.R. 3825: Mr. MOORE of Kansas and Mr. LEWIS of Georgia.

H.R. 5662: Mr. GRIJALVA.

H.J. Res. 12: Mr. KING of Iowa.

H. Con. Res. 163: Mr. HINOJOSA and Mr. PICKERING.

H. Con. Res. 239: Mr. JONES of North Carolina.

H. Res. 795: Ms. BALDWIN.

H. Res. 952: Ms. BALDWIN and Ms. HERSETH SANDLIN.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 6, April 1, 2008, by Mr. BOUSTANY, Jr. on House Resolution 1025, was signed by the following Members: Charles W. Boustany, Jr., Jim Gerlach, Joseph R. Pitts, Devin Nunes, John Campbell, Rodney Alexander, Kenny Marchant, Adam H. Putnam, Robert J. Wittman, Virginia Foxx, Thelma D. Drake, Jo Bonner, Wayne T. Gilchrest, John R. "Randy" Kuhl, Jr., Paul Ryan, Mike Pence, K. Michael Conaway, Charles W. Dent, Todd Tiahrt, and Peter Hoekstra.

The following Member's name was withdrawn from the following discharge petition:

Petition 6 by Mr. BOUSTANY on House Resolution 1025: James T. Walsh.

SENATE—*Friday, April 4, 2008*

The Senate met at 9 a.m. and was called to order by the Honorable KEN SALAZAR, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the true light of life whose power no earthly force can challenge and whose reign no alien god can shake, open our hearts to what You have done for us, what You are doing even now, and what You promise for us in the future.

Draw near to our lawmakers as they work. Let the consciousness of Your presence fill their minds with peace. Use them today to defend those who are helpless and have lost all hope. Quicken their memories to recall the many times You have intervened to keep our Nation safe. Let the warmth of Your divine solace scatter the shadows of perplexity and doubt, as You encircle them with the wonder of Your love.

Lord, on this 40th anniversary of the death of Dr. Martin Luther King, Jr., bring unity to our land.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KEN SALAZAR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 4, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KEN SALAZAR, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SALAZAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to resume consideration of the housing legislation. There will be 2 minutes for debate equally divided between the proponents and opponents of the amendments. The Senate will proceed to vote in relation to the Voinovich amendment, to be followed by a vote in relation to the Landrieu amendment. I have been told those two amendments will be modified. I think they will be approved.

I would say to all Members of the Senate, I have spoken to the Republican leader. We have a cloture motion ready to file sometime this afternoon. If we can, we will come up with a consent agreement that we can have a time for final passage on this bill on Tuesday. Before doing that, we would have to know what amendments are going to be offered. We would have to have a finite list of amendments so we knew that. We will all be in communication with the Republican leader. We will either go cloture or we will go with a consent agreement to finish on Tuesday. There has been a good debate on this bill. There will be managers available all afternoon to offer amendments that Senators want to offer. We will be available here on Monday. People can offer amendments. So there is plenty of time to offer amendments on this bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

Pending:

Dodd/Shelby amendment No. 4387, in the nature of a substitute.

Voinovich amendment No. 4406 (to amendment No. 4387), to protect families most vulnerable to foreclosure due to a sudden loss of income by extending the depreciation incentive to loss companies that have accumulated alternative minimum tax and research and development tax credits.

Landrieu modified amendment No. 4389 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to allow use of amended income tax returns to take into account receipt of certain hurricane-related casualty loss grants by disallowing previously taken casualty loss deductions, and to waive the deadline on the construction of GO Zone property which is eligible for bonus depreciation.

Sanders amendment No. 4401 (to amendment No. 4387), to establish a national consumer credit usury rate.

Cardin/Ensign amendment No. 4421 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time home buyer.

AMENDMENT NO. 4406

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on amendment No. 4406, offered by the Senator from Ohio, Mr. VOINOVICH, and the Senator from Michigan, Ms. STABENOW.

The Senator from Ohio.

AMENDMENT NO. 4406, AS MODIFIED

Mr. VOINOVICH. Mr. President, I ask unanimous consent to modify the amendment, and I now send the modification to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of title VI, insert the following:

SEC. _____. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

"(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—

"(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

"(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

"(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

"(i) the limitation under section 38(c), and

"(ii) the limitation under section 53(c).

"(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

"(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

"(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

"(ii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iii), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

"(iii) APPLICABLE LIMITATION.—For purposes of clause (ii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

"(I) $40,000,000, or

"(II) 10 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).

"(iv) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iii).

"(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

"(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

"(I) from taxable years beginning before January 1, 2006, and

"(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

"(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

"(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

"(F) OTHER RULES.—

"(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

"(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

Mr. VOINOVICH. Mr. President, the chairman of the Finance Committee has voiced concern about the original revenue loss associated with our amendment, which is bipartisan, with several members of the Finance Committee as sponsors. Senator STABENOW and I have worked very hard with Finance Committee staff and the Joint Committee on Taxation to bring the revenue estimate down. We managed to cut it by two-thirds to about $1.3 billion over 10 years. I am pleased Senator BAUCUS finds it acceptable and now supports my amendment.

I would now like to turn the floor over to Senator STABENOW.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, let me say, part of this recovery is to support those businesses currently not making a profit but that want to continue to invest in America and American jobs. That is the piece we address in this amendment.

I thank Senator BAUCUS and his staff and Senator GRASSLEY for working very closely with us to get this to a point where it is supported by them.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, under the rules, technically someone on the minority side would manage the time, theoretically, in opposition to this amendment. I do not see anyone here. Not to be too formal about this, I will speak anyway.

I thank the Senator from Ohio, as well as the Senator from Michigan, for working out this amendment. Very basically, they have a very good point; namely, that many businesses, particularly in some parts of the country, are not able to take full advantage of bonus depreciation or so-called 179 expensing. That is because these are companies that have no profits. They do not have the ability to take advantage of these depreciation write-downs.

So they have come up with an amendment to address that problem. The first version was a bit expensive. We have worked very closely together with the Senators, as well as with the Joint Committee on Tax, to find the proper amount that makes some sense, and it has been tailored down to about $1.3 billion. That is the modification which was sent to the desk by the Senator from Ohio. I think that is a proper amount. I think it is very helpful and ought to help these companies in these very stressed parts of our country that very much need the benefit of this provision. So I accept the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I thank the Senator from Montana for those words of support.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. OBAMA), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: The Senator from Colorado (Mr. ALLARD), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. SPECTER).

Further, if present and voting the Senator from Texas (Mr. CORNYN) and the Senator from Utah (Mr. HATCH) would have voted "yea." The Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 2, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—76

Akaka
Alexander
Barrasso
Baucus
Bayh
Biden
Bingaman
Bond
Brown
Brownback
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Coleman

Collins
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hutchison
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—2

Corker
Gregg

NOT VOTING—22

Allard
Bennett
Boxer
Bunning
Byrd
Clinton
Cochran
Conrad
Cornyn
Dorgan
Enzi
Hatch
Inhofe
Inouye
Kennedy
Lautenberg
Lieberman
McCain
Obama
Rockefeller
Specter
Tester

The amendment (No. 4406), as modified, was agreed to.

The PRESIDING OFFICER. The question now occurs on the Landrieu amendment No. 4389, as modified.

AMENDMENT NO. 4389, AS FURTHER MODIFIED

Ms. LANDRIEU. Mr. President, I ask unanimous consent that my amendment No. 4389 be further modified, the text of which is at the desk.

The PRESIDING OFFICER. Is there objection to the further modification of the amendment?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

On page 82, between lines 7 and 8, insert the following:

SEC. 605. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina or Hurricane Rita and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss from the State of Louisiana or the State of Mississippi, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance if such amended return is filed—

(1) shall be subject to interest on the underpaid tax for one year at the underpayment rate determined under section 6621(a)(2) of such Code; and

(2) shall not be subject to any penalty under such Code.

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 606. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

(c) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 607. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados" for "on or after August 25, 2005, by reason of Hurricane Katrina".

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(D) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(E) by substituting "beginning on May 4, 2007, and ending on November 5, 2007" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(F) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(G) by substituting "December 31, 2007" for "December 31, 2006" in subsection (c)(2)(A),

(H) by substituting "beginning on June 4, 2007, and ending on December 31, 2007" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(I) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(J) by substituting "January 1, 2008" for "January 1, 2007" in subsection (d)(2)(A)(ii).

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

Ms. LANDRIEU. Mr. President, the junior Senator from Mississippi wishes to speak on our amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I thank the Senator from Louisiana for yielding me an opportunity to speak. This is an example of how those in Government can work together to help citizens who have been disadvantaged by a storm, where Members can work together in a bipartisan manner.

The Senator from Louisiana will be able to explain briefly the base amendment she offered. I simply want to thank her for agreeing to incorporate two very important amendments into hers. One is with regard to the bonus depreciation piece of the Gulf Opportunity Zone Act, known in shorthand as the GO-Zone. Because of bureaucratic delays, and because of the magnitude of Hurricane Katrina, people who wish to take the opportunity of the GO-Zone bonus depreciation have not been able to commence construction. The Wicker-Cochran amendment, which the Senator has agreed to incorporate into her amendment, would move the commencement date of GO-Zone construction.

The Senator from Louisiana has also graciously agreed to add a Brownback-Roberts amendment that will help the small town of Greensburg, KS, which was completely devastated in a storm recently. I urge all Senators to vote in favor of this simple change in the date on bonus depreciation.

I thank the Senator from Louisiana.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CORKER. Mr. President, I raise a point of order that this amendment violates section 204 of S. Con. Res. 21.

Ms. LANDRIEU. Mr. President, pursuant to section 204 of Senate Concurrent Resolution 21, I move to waive that section of the concurrent resolution for the purpose of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN: I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. OBAMA), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: The Senator from Colorado (Mr. ALLARD), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. SPECTER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea." The Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 5, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—74

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Bond
Brown
Brownback
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Craig
Crapo
Dodd
Dole
Domenici
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hutchison
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Leahy
Levin
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—5

Barrasso
Corker
DeMint
Gregg
Kyl

NOT VOTING—21

Allard
Bennett
Boxer
Bunning
Byrd
Clinton
Conrad
Cornyn
Dorgan
Enzi
Hatch
Inhofe
Inouye
Kennedy
Lautenberg
Lieberman
McCain
Obama
Rockefeller
Specter
Tester

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order is moot.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4389), as further modified, was agreed to.

Ms. LANDRIEU. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, Senator DODD is going to be here, as will Senator BAUCUS, for offering of amendments. It is my understanding there are a number of tax related amendments that will be offered. Senator ENSIGN, Senator BILL NELSON, and Senator SNOWE have amendments.

For the benefit of Members, I wish to lay out generally what the plan is for next week. We will have no votes on Monday. That has been long scheduled. The Republican leader and I will work out what is going to happen on Tuesday. There are a couple alternatives. I discussed it briefly this morning.

I have a cloture motion waiting to file. Whether we do that or not, I will consult with my distinguished colleague, the Senator from Kentucky. What we might try to work out is having a finite list of amendments and have a time certain to complete work on this bill on Tuesday sometime.

Mr. MCCONNELL. Mr. President, if the majority leader will yield for an observation, I agree it would be appropriate filing a cloture motion. We can vitiate it later if we get there without that. I think it would help us get to the end of the trail, a point at which both of us would like to finish up, which will hopefully be Tuesday or Wednesday.

Mr. REID. Mr. President, I appreciate my friend's advice and will follow it.

I will also say this about next week. We can work Tuesday, and we can work Wednesday. Thursday the Pope will be in Washington, DC, and will say a mass. It is my understanding that mass will begin at 10 a.m. There will be a lot of traffic problems. There are a huge number of people expected to be at that mass, so we will have a window so Members and staff who wish to attend the mass will be able to do so. It will not be for all day, but I assume we will all work with those who know the schedule better. We will have a window on Thursday, but we will have to work into Thursday afternoon and Thursday evening on other issues.

On Friday, there is a long-scheduled Senate Democratic retreat in Richmond, VA.

That is the general view of next week.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. REID. I will be happy to yield.

Mr. LEAHY. I believe the mass is the Thursday after.

Mr. REID. It is not next week?

Mr. LEAHY. No. We are trying to make life easy. The Pope would like to make life easier for the majority leader.

Mr. REID. I had a couple of my Catholic friends come to me today and say: We have to have some time off. That is a week from Thursday. That is like an eternity in the Senate. Everybody is going to have to work all day Thursday, I hate to break the bad news to you. I guess I have said enough.

We will work with everyone's schedule so it is compatible with the Pope's a week from Thursday.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, a number of Senators wish to speak and offer amendments. I ask unanimous consent that Senator ENSIGN be recognized for 5 minutes and then I be allowed to follow him; following him, Senator NELSON of Florida recognized for 5 minutes and I be allowed to follow him. We will lock those two in at this point. There may be others throughout the day.

Mr. COLEMAN. Reserving the right to object, I would like to be added as a cosponsor with Senator NELSON on his amendment. I ask that I be recognized for 5 minutes after Senator NELSON.

Mr. BAUCUS. That is on the Bill Nelson of Florida amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Reserving the right to object, I would like to ask the Senator from Montana if I could be recognized following the Senator from Nevada to offer an amendment to his amendment.

Ms. LANDRIEU. Reserving the right to object, could I be added after the Senator from Tennessee?

Mr. ENSIGN. To clarify, the Senator from Tennessee objects to the wind power part, and he wants to offer a second-degree amendment. He wants to make sure he is in order for a second-degree amendment to our amendment is all.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object, may I follow after that debate is completed?

Mr. BAUCUS. A better procedure is not to line up second degrees because nobody's second-degree rights are ever denied anyway on any amendment. That is automatic. For example, when Senator ENSIGN's amendment is offered, if somebody wants to offer a second-degree amendment, that is certainly in order. The unanimous consent request would not preclude someone from offering a second-degree amendment. The Senator always has that right.

I don't want to get in the position of getting UCs for one second-degree amendment or another at this point, especially when, I say to my good friend from Tennessee, it is not necessary in any way. He will be fully protected when the amendment of the Senator from Nevada is up. He is protected to offer a second degree.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator. I wish to make sure I am fully protected and another Senator does not get ahead of me in terms of a second-degree amendment. Is that the assurance I am receiving from the Senator?

Mr. BAUCUS. That is absolutely this Senator's understanding, and I will protect that Senator's right as best I can.

The PRESIDING OFFICER. There is a unanimous consent request pending.

Ms. LANDRIEU. Reserving the right to object, may I inquire of whoever will be managing the next amendment how long they will go forward with the discussion on this amendment? I would like to be added to the list after it is all over for 5 minutes to present a wholly different amendment. It does not have anything to do with this issue.

Mr. BAUCUS. Mr. President, so the Senator from Louisiana does not have an amendment?

Ms. LANDRIEU. I do have an amendment that I would like to offer on a completely different subject and sometime today.

Mr. BAUCUS. Not to the housing bill?

Ms. LANDRIEU. To the housing bill.

Mr. BAUCUS. Later on today.

Ms. LANDRIEU. Later on today.

Mr. DODD. I am going to be here all afternoon. So anyone who wants to offer amendments, I will be here to consider any amendments and debate anytime they want. We are not going anywhere. We have no more votes. We certainly are offering amendments.

Ms. LANDRIEU. I am trying to get a timeframe as to when I might be able to do that so I can plan my day.

Mr. BAUCUS. As far as this Senator is concerned, it is fine if this Senator is added.

Mr. ENSIGN. To add a clarification, we were only going to talk for 5 minutes, 5 minutes, and the next people 5 minutes, 5 minutes.

Ms. LANDRIEU. So I will be in line to offer an amendment at 10:30 a.m.?

Mr. DODD. Mr. President, I ask unanimous consent that at the conclusion of the offering of the three amendments, the Senator from Louisiana be recognized.

Ms. LANDRIEU. Be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. Reserving the right to object, may I say to the Senator from Montana, I would like to follow the Senator from Nevada for 5 minutes for the purpose of offering a second-degree amendment, if he can show me that courtesy.

Mr. BAUCUS. Mr. President, as far as I am concerned, that is perfectly OK with me.

Mr. ALEXANDER. I thank the Senator from Montana.

The PRESIDING OFFICER. Is there objection to the initial request of the Senator from Montana? Without objection, it is so ordered.

The Senator from Nevada.

AMENDMENT NO. 4419 TO AMENDMENT NO. 4387

(Purpose: To amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.)

Mr. ENSIGN. Mr. President, I ask that the pending amendment be set aside and I be allowed to call up amendment No. 4419.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. THUNE, and Ms. CANTWELL, proposes an amendment numbered 4419 to amendment No. 4387.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ENSIGN. Mr. President, I ask unanimous consent that Senators CANTWELL and THUNE be added as cosponsors to the amendment. I am sure there will be others who will want to be added as cosponsors to this amendment. Since Senator CANTWELL and I introduced the freestanding bill yesterday, we already have 28 of our colleagues who have become cosponsors. Additionally, we expect many more of our colleagues will be added as cosponsors to the bill and will also want to be added as cosponsors to this amendment.

Briefly, I wish to share my time with the Senator from Washington, who has shown great leadership on this issue. The amendment we are proposing deals with renewables. We know this country has an energy problem. We are too dependent on foreign sources of energy. Too much of our energy byproducts are polluting the environment, and there are concerns about climate change around the world. And this amendment addresses both of those concerns, as well as being a stimulant to the economy. There are over 100,000 jobs that we protected with this amendment. We are talking about solar power, geothermal, wind energy and biomass. There are many different renewables that are going to help within this amendment. Additionally, at a time when our country is at war in places where we are spending over $100 per barrel of oil, we are spending hundreds of billions of dollars from our economy to support people who are not necessarily friendly to the United States. It is very important that we as a Senate, act now on this amendment in order to help the United States become less dependent on foreign sources of energy as well as clean up our environment. It is a national security concern, it is an economic concern, and it is an environmental concern.

I am very pleased to introduce this amendment today so we can vote on it next week. I think it is very critical that this be part of the package, and that is why it needs to be done as soon as possible. Some may ask why there is such an urgency. Well, because a lot of this type of energy production takes a long time to develop. We do not have a lot of time to set the financing of these projects. We have been told by a lot of industries that if there isn't stability, a lot of these industries are going to go away. We need to be encouraging renewable energy development.

Mr. President, I yield a couple of minutes to my friend, the Senator from Washington, who is the lead sponsor of the bill we introduced yesterday.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I thank the Senator from Nevada for yielding me some of his time.

This has been a big priority on this side of the aisle, to get clean energy tax credits so we can continue to stimulate investment in wind and solar and energy efficiency, and a variety of others—fuel cells, biomass, geothermal, and the list goes on and on. This is the fourth time we have tried to get to this legislation. Three other times we have come within one vote, so we are here today with more bipartisan support for a proposed solution.

My colleagues and the chairman of the Finance Committee have worked very hard on this legislation in general, on the concept of trying to push forward these tax credits, but we are at a critical point. In fact, I have said to my colleagues that Rome is burning; that is, we are at the precipice now of projects actually getting canceled. Having been in business, I know what it is like to have your first quarter earnings report and then have to show some forward advancement to your investors about your projects. That is where we are. And because we aren't giving certainty in the Tax Code to these investors, they are going to start canceling projects.

So we cannot wait another month, another 2 months to get about this tax. If we want to give certainty to the markets to continue to invest in alternative energy to take some of the pressure off of the rising cost of energy, now is the time to act. So I hope my colleagues will think about the bipartisan nature of the amendment. We have failed three times and have come one vote short to try to help our own economies in our States and in our country by saving this investment cycle. Give the predictability so we can keep 100,000 jobs working, so we can get renewable energy produced and invested in during 2008, and so we can have the production of CO_2-reducing energy supply and get that going now.

I could say to my colleagues that we are almost at a point where the United States is so far behind what other countries are doing that we are not even going to be able to claim we are leading in this area if we do not get about the task. So if the votes are here, let's start voting to say renewable energy and its ability to stimulate the economy is a priority.

I yield the floor.

Mr. ENSIGN. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. ENSIGN. Mr. President, I will yield the floor after one brief comment to once again thank the great leadership of the Senator from Washington. I look forward to all of our colleagues joining us on this vote in a bipartisan way next week.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 4429 TO AMENDMENT NO. 4419

Mr. ALEXANDER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 4429 to amendment No. 4419.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the amendment not be read further.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a longer extension of the renewable energy production tax credit and to encourage all emerging renewable sources of electricity, and for other purposes)

Beginning on page 2, line 14, strike all through page 6, line 13, and insert the following:

SEC. 811. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2011":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2011.".

(4) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(5) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking "January 1, 2011" and inserting "the date of the enactment of paragraph (11)".

(c) SALES OF ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: "A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).".

(e) REDUCTION OF CREDIT FOR WIND ENERGY.—Section 45(b)(4)(A) is amended by inserting "(1)," before "(3)".

(f) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(g) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) MODIFICATIONS.—The amendments made by subsections (b), (c), (d), and (e) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (f) shall apply to electricity produced and sold before, on, or after December 31, 2007.

Mr. ALEXANDER. Mr. President, I believe the amendment I offer on behalf of the Senator from Arizona, Mr. KYL, and myself would improve the amendment offered by the Senator from Nevada and the Senator from Washington.

As I listened to them talking, their concern is for emerging technologies, for businesses that are trying to develop emerging technologies to have time to plan, and so they offer a 1-year extension of the production tax credit, which gives a 1 cent per kilowatt hour tax credit to most emerging technologies producing electricity for commercial sales. Some renewable electricity sources receive a larger 2 cents per kilowatt hour credit. I would propose, along with Senator KYL, that we make it a 2-year extension for emerging technologies.

The way we would pay for that so it would not be any more expensive than the proposal they have offered is to do with wind what we have already done with solar: take it off the list of 2-cent-per-kilowatt-hour technologies and put it on the 1-cent list. In other words, we would be creating a 2-year extension of the production tax credit for renewable technologies. We would be treating wind the same way we treat open-loop biomass, small irrigation power, landfill gas, trash combustion, qualified hydropower, and wave and tidal facilities. They all would receive 1 cent per kilowatt hour.

I think it makes much more common sense today, if we want to encourage emerging technologies, to treat them the same, especially because wind has had a preferential treatment since 1992. What has happened, Mr. President, is wind has gobbled up most of the money that has been spent through the production tax credit, and very little has gone to any of the other technologies. The taxpayer has spent an enormous amount of money to build large wind turbines in this country.

According to the Joint Committee on Taxation, we are committed to spending another $11.5 billion over the next 10 years for wind power alone, even though wind power produces less than 1 percent of all of our electricity and less than 3 percent of our clean electricity. Nuclear power produces nearly 70 percent of our clean electricity; that is, no nitrogen, no sulfur, no mercury, and no carbon for those concerned about climate change. If we were subsidizing nuclear power at the same rate we subsidize wind power for clean energy, we would be spending $300 billion or $400 billion over the next 10 years for nuclear power. So wind has been gobbling up the available money for renewable energies, and making it difficult to identify appropriate offsets to pay for long-term extensions of this renewable electricity tax credit.

We have spent an extraordinary amount of money on wind. Wind has already proven that where the wind blows, it works. It is competitive. And where it does not blow, it is not competitive. In the Southeastern United States, for example, there is one wind farm. Because of the generous wind subsidies, this wind farm on the top of a lovely mountain, Buffalo Mountain in Tennessee, last August, in the middle of a drought when we were all sweating and turning up our air conditioners, was operating 10 percent of the time. It makes no sense to pay big subsidies to people in Chicago to build wind farms in places where the wind doesn't blow. So what we are suggesting, Senator KYL and I, is to let us take the available money and let us extend for 2 years the production tax credit, and let us let some of it go to open-loop biomass, more to small irrigation power, more to landfill gas and trash combustion, and qualified hydropower and wave and tidal power, and it would also go for wind. It means the wind part of the tax credit would be for 2 years and wind would still receive about $1 billion of the $6 billion or $7 billion that the Ensign-Cantwell amendment would consume.

So I ask my friends to seriously consider this not as an unfriendly amendment to renewable energy but as a friendly amendment. I have met with a lot of people who say we desperately need some certainty in business. Well, 2 years is twice as much certainty as 1 year, and there is no reason at this stage of development of energy why wind, which is well proven where the wind blows, and which has been subsidized so heavily since 1992, should continue to be subsidized at the expense of certainty in our tax policy and at the expense of all of the other renewable energies.

So in summary, Mr. President—and I will have more to say about this next week—we believe the Alexander-Kyl amendment would improve the Ensign-Cantwell amendment by doubling the time the production tax credit is available to emerging renewable technologies. And the way we would pay for it is to treat wind the same way we treat open-loop biomass, small irrigation power, landfill gas, trash combustion, qualified hydropower, and wave and tidal power. They would be treated the same, and they would be given a chance over 2 years to flourish rather than 1 year.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to address the underlying Ensign amendment. I think most Members of this body believe very strongly we need to be much more self-sufficient in the production of energy. We are way too reliant on OPEC. We have made several attempts in this Congress in the last several months to try to pass tax incentive provisions to accomplish that objective. They have not been successful, for various reasons. Some because they are paid for, and people don't like to pay for this, and others because it was not paid for.

For example, last February we passed an energy tax incentive package very similar to the Ensign package, which was not paid for, and that did not survive. So we are in a difficult position. I agree with the impetus of Senator CANTWELL and Senator ENSIGN, but we also know the other body is probably not as friendly toward passing this because it is not paid for—not as friendly as this body.

We hope the President signs this package. I am not terribly sanguine that will happen, but nevertheless let's at least try to see if the other body will in fact adopt it. This is a housing bill; it is not an energy bill. We want to get a housing bill passed very quickly, and now that we have an energy provision in it, that is a bit problematic as to whether we are going to get the housing bill passed as it is, especially when the energy provisions are not paid for.

The Finance Committee has other options to pass this package. All Senators on the committee know what we have been working on. I am committed to getting these tax incentives passed this year. They are so important, so vitally important, for reasons everyone has mentioned. And, in fact, I am even more worried about it than probably some other Senators. I am as worried as the Senator from Washington about getting this passed. So I am committed to finding a way. If this approach is not successful, I am committed to finding a way, to finding a successful approach so these energy provisions are in fact enacted into law this year.

Mr. DODD. Will the Senator yield?

Mr. BAUCUS. I will be happy to yield.

Mr. DODD. Mr. President, I underscore the point the Senator from Montana has just made, and I say this in the same spirit in which he has expressed his remarks. This is a housing bill. We have 8,000 people a day in foreclosure—8,000. Just as we started this debate, 24,000 of our fellow citizens have lost their homes—24,000 people lost their homes.

Now, I agree energy independence is critically important. But this isn't a Christmas tree. There are ways of doing these energy bills in other matters. I was under the impression we wanted to get a housing bill out that could make a difference in people's lives.

Why are we taking up matters that run the risk of tying this up for weeks on end in a conference with the House on matters they disagree with, that are not paid for, that may get a Presidential veto, and as a result we watch even more people lose their homes? It is a housing bill. It is a housing bill.

So with all due respect to the authors of this amendment, I am going to oppose every one of them from here on out so we can get this bill done. We have more to do. This is not an all-inclusive bill. A lot more needs to be done. We are, frankly, not doing enough for people in foreclosure, in my view, and I have made that speech for a year now on this matter. We have finally gotten to a point where we have come together in a bipartisan fashion to deal with housing, and all of a sudden I find myself dealing with every other issue in creation because we haven't had bills that have moved along for whatever reason.

But we shouldn't make people who are losing their homes, with our economy suffering, pay the price because we haven't dealt with these other issues. This is housing. The Senator from Montana is absolutely correct, and I intend to stand with him. We may lose. I hope we don't because we run the risk of having this one effort to make a difference on housing fall apart.

With all due respect to the authors of this legislation, and I agree with all of them on the substance, this is not the place and time for this issue. We need to deal with housing.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 4423 TO AMENDMENT NO. 4387

Mr. NELSON of Florida. Mr. President, because this is the Mortgage Foreclosure Prevention Act, just what the chairman of the Banking Committee has brought up, let's remind ourselves what is the underlying bill. The State of this Senator has the second highest number of foreclosures in the country. That is why I ask consent we set aside the pending amendment.

I call up amendment No. 4423.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. COLEMAN, proposes an amendment No. 4423 to amendment 4387.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the penalty-free use of retirement funds to provide foreclosure recovery relief for individuals with mortgages on their principal residences)

At the end of title VI, insert the following:

SEC. ___. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR FORECLOSURE RECOVERY RELIEF FOR INDIVIDUALS WITH MORTGAGES ON THEIR PRINCIPAL RESIDENCES.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified foreclosure recovery distribution.

(b) LIMITATIONS.—

(1) IN GENERAL.—For purposes of this section, the aggregate amount of distributions received by an individual which may be treated as qualified foreclosure recovery distributions for any taxable year shall not exceed the lesser of—

(A) the individual's qualified mortgage expenditures for the taxable year, or

(B) the excess (if any) of—

(i) $25,000, over

(ii) the aggregate amounts treated as qualified foreclosure recovery distributions received by such individual for all prior taxable years.

(2) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to paragraph (1)) be a qualified foreclosure recovery distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified foreclosure recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $25,000.

(3) CONTROLLED GROUP.—For purposes of paragraph (2), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified foreclosure recovery distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified foreclosure recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified foreclosure recovery distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) APPLICATION TO ELIGIBLE RETIREMENT PLANS.—

(A) IN GENERAL.—Nothing in this section shall be treated as requiring an eligible retirement plan to accept any contributions described in this subsection.

(B) QUALIFICATION.—An eligible retirement plan shall not be treated as violating any requirement of Federal law solely by reason of the acceptance of contributions described in this subparagraph.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTION.—The term "qualified foreclosure recovery distribution" means any distribution to an individual from an eligible retirement plan which is made—

(A) on or after the date of the enactment of this Act and before January 1, 2010, and

(B) during a taxable year during which the individual has qualifying mortgage expenditures.

(2) QUALIFYING MORTGAGE EXPENDITURES.—

(A) IN GENERAL.—The term "qualifying mortgage expenditures" means any of the following expenditures:

(i) Payment of principal or interest on an applicable mortgage.

(ii) Payment of costs paid or incurred in refinancing, or modifying the terms of, an applicable mortgage.

(B) APPLICABLE MORTGAGE.—The term "applicable mortgage" means a mortgage which—

(i) was entered into after December 31, 1999, and before the date of the enactment of this Act, and

(ii) constitutes a security interest in the principal residence of the mortgagor.

(C) JOINT FILERS.—In the case of married individuals filing a joint return under section 6013 of the Internal Revenue Code of 1986, the qualifying mortgage expenditures of the taxpayer may be allocated between the spouses in such manner as they elect.

(3) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(4) PRINCIPAL RESIDENCE.—The term "principal residence" has the same meaning as when used in section 121 of such Code.

(e) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD FOR QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified foreclosure recovery distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified foreclosure recovery distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified foreclosure recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(3) SUBSTANTIALLY EQUAL PERIODIC PAYMENTS.—A qualified foreclosure recovery distribution—

(A) shall be disregarded in determining whether a payment is a part of a series of substantially equal periodic payment under section 72(t)(2)(A)(iv) of such Code, and

(B) shall not constitute a change in substantially equal periodic payments under section 72(t)(4) of such Code.

(g) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to the provisions this section, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date the legislative or regulatory amendment described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, any later effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

Mr. NELSON of Florida. Mr. President, under current law, you can invade your retirement fund, your 401(k) fund, in order to purchase a home without paying the 10-percent penalty. What this amendment says is, if home ownership and keeping people in their homes is an important value in America, and they are about to have their home taken away because of this foreclosure crisis, then it seems to me we would want to amend the law to allow them to take money out of their retirement fund in order to forestall the foreclosure and stay in their homes.

That is what this amendment does. It allows someone to withdraw up to $25,000 from their retirement fund without paying the 10-percent penalty. That has to be used for the purpose of foreclosure prevention purposes; that is like paying on the principal or interest payments; that is like a refinancing or a mortgage modification.

To make sure people do not abuse this, we are limiting it to a 2-year period and we are additionally going to say, the money you bring out to help you so you do not go into foreclosure, if you put that money back into your retirement fund within 3 years, you are not going to have to pay the income tax on it. So it is a direct, tailored amendment to try to help people accomplish what the underlying goal is, which is to prevent foreclosures.

I am joined by my colleague from Minnesota, who wants to speak on this amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I rise with my colleague from Florida to speak on behalf of our amendment No. 4423. I start by thanking, first, the chairman of the Banking Committee, Senator DODD, and ranking member Senator SHELBY, for bringing us to this point. People are losing their homes. I hear it. We all heard it when we went back over Easter break. For Senator DODD and Senator SHELBY to come together in a bipartisan way and give us an opportunity to do what this Senate is going to be doing, I express my deep appreciation; also to Senator BAUCUS and Senator GRASSLEY, the chair and the ranking member, for working with us on this amendment. It is one of those things that goes to the heart of what we are trying to do today.

Mr. President, I ask unanimous consent that Senator MARTINEZ be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, during our travels back home to housing townhall forums during the course of this last year, we are all meeting more and more folks who are in very desperate straits, trying to keep their home. Minnesota ranks No. 2 in the number of subprime mortgages in for closure. Minnesota—who would have thought? That is the reality. It is across the country. I was in a forum at St. Cloud, in the central part of my State. I met a nurse named Terri Ross, a woman who had two jobs, bought a house which was in need of repair. She had a pretty good mortgage, low interest rate, and wanted actually to quit one job to go back to school. She wanted to improve herself, improve her life, add to her education. She met with the mortgage broker. He said: Have I got a deal for you. We can get you a mortgage and it will be at a low rate. Don't worry about the fact—I am not sure she even knew it was going to pop up in a few years. Don't worry about it because property values are rising and there will be more equity in your house. She put the money in the house, did the mortgage. When all was said and done, she found herself in the situation where the value of the house was less than the value of the additions. She had lost one job. She now had one job, her income was in half. She is in big trouble.

Here is a woman who worked all her life, put aside some money for retirement. What she did is she tapped into that and then she paid a penalty on it, trying to save her home. That was what she had. The problem is, across the Nation, people are now looking to use their retirement savings to save their homes and they get hit hard with a 10-percent early withdrawal penalty.

There was an article in USA Today. They ran a piece entitled "401(K)s Tapped to Save Homes." The article focuses on this problem. Americans are being slammed with taxes and penalties as they try to keep their homes.

I ask unanimous consent that at the conclusion of my remarks this article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. COLEMAN. These are the stories my friend from Florida and I have been exchanging. We have personal accounts that do stretch from the Gulf of Mexico to the Great Lakes. These are the reasons we were called to take up this commonsense cause. We want to work on this legislation that Senator NELSON and I believe is one more way we can responsibly help homeowners, to temporarily waive this 10-percent penalty for withdrawals up to $25,000. Our amendment would also waive ordinary income taxes, as the Senator from Florida indicated, if the homeowner pays back the withdrawal within 3 years of making it, so homeowners are provided with a strong incentive to make their retirement savings whole again.

This is not a silver bullet—I don't know if there is a silver bullet in terms of the crisis we are dealing with—but it helps those whom we want to help, homeowners who are in big trouble. In doing so, this temporary relief can prevent an unnecessary foreclosure from happening, one which hurts not only the family but hurts the entire community. When houses are foreclosed and vacant, it affects everyone in the surrounding area. It affects the neighborhoods. As a former mayor, I looked at neighborhoods we built up in my time as mayor and I believe the same neighborhoods are being torn down by the crisis we are facing.

This bill is about homeowners helping themselves. While the 10-percent penalty is well intentioned and we do not want people to be using retirement savings during their working years, times such as this require us to recognize that sometimes such rules need to be flexible in order to serve a greater good. Both on a home ownership level and community level, I believe it makes sense to enable those who can to keep their homes. Ultimately it is up to the homeowner to decide whether it makes financial sense to turn to their retirement savings to keep their homes.

At least for those who decide to do so, we should not penalize them for trying to keep a roof over their heads and wanting to remain part of the community they have called home.

I urge my colleagues to support this commonsense and much needed relief.

I yield the floor.

[From USA Today]

401(K)S TAPPED TO SAVE HOMES

(By Christine Dugas)

Struggling to save their homes from foreclosure, more Americans are raiding their 401(k) retirement accounts to pay their bills—and getting slammed with taxes and penalties in the process, according to retirement plan administrators.

Rather than borrow money from their 401(k) accounts, which would have to be paid back, a growing number of beleaguered families have been cashing out, plan administrators say.

This is happening even as borrowing from 401(k) accounts remains fairly flat. Fewer still are borrowing from 401(k) plans to buy homes. By contrast, new figures from plan administrators show the number of 401(k) "hardship withdrawals" is up in early 2008 compared with the same period last year.

The main reason? The need to stave off foreclosure or eviction.

Consider Tamara Campbell, who raided her 401(k) after her husband was laid off from his job as an occupational technician, and they fell behind on their mortgage for several months. "If I hadn't done that, we would have been foreclosed on last year," says Campbell, who lives in a Denver suburb.

Such hardship withdrawals began rising last year and, by January this year, had exceeded January 2007 levels. During the first month of the year, as the economic slowdown tightened pressure on mortgage holders, hardship withdrawals rose 23 percent at plans that Merrill Lynch (MER) administers compared with the same period in 2007, says Kevin Crain, managing director of the Merrill Lynch Retirement Group.

The 401(k) withdrawals are rising mainly because people such as Campbell and her husband want to save their homes. Merrill Lynch found that the primary reason for the rise in hardship withdrawals was to prevent foreclosure or eviction, based on its sampling of applications filed in January.

Likewise, in the first month of the year, compared with January 2007, Great-West Retirement Services saw a 20 percent increase in hardship withdrawals to save a home. And Principal Financial (PFG) reports that in January it received 245 calls from participants who inquired about 401(k) withdrawals to prevent a foreclosure or eviction, up dramatically from 45 similar calls it received in January 2007.

For workers, the consequences can be severe. About 85 percent of employers bar employees from making 401(k) contributions for six months after taking a hardship withdrawal, says Pamela Hess, director of retirement research at Hewitt Associates (HEW). Worse, employees who pull money out of tax-deferred 401(k) plans before age 59½ generally must pay a 10 percent penalty on top of the taxes owed.

A 401(k) loan imposes no such punishment. "But let's face it: If your problem is paying bills, and if you take out a loan, then you just add another bill to pay," says Nevin Adams of PlanSponsor.com, which monitors the 401(k) industry.

As Campbell considers whether to make another withdrawal, she notes, "It's not the kind of thing you want to use your 401(k) for. And if I keep doing this, I'm not going to have any retirement savings."

Mr. NELSON of Florida. Mr. President, I wish to close with a couple of sentences. As the chairman of the Banking Committee can so well instruct us, for most Americans, their home is their most valuable asset. We ought to be adopting policy, through enacting law, that allows them to be able to stay in their own home and to use every tool available to stay in that home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I have great respect for my colleague from Florida and the Senator from Minnesota for their work on this effort, having been involved years ago in the creation of Individual Retirement Accounts going back to the early 1980s, recognizing the value of encouraging people to set aside hard-earned income for retirement, for health care, for education as the motivation. Let me mention one concern I have while both Senators are on the floor, and I don't question at all the motivations behind it. There is nothing in this amendment that would require a writedown. What we are trying to do is get the lenders to write down the size of these mortgages, to work out different arrangements so the borrower could afford the mortgage.

What concerns me here is, while we are using this retirement income or these savings accounts to help meet these obligations, there is no commensurate responsibility on the part of the lender to try to reduce the cost. At the end of 2 years you may end up at exactly the same level. The money goes into the pockets of the lender, but at the end of the 2 years we are still faced with the size mortgage we had before, and the homeowner is in the same position they are in today.

I don't have any quick idea here for you to tie this together to see if we can't incentivize that lender on that mortgage to also write down the cost of part of that or to restructure it in a way so that person facing foreclosure would be able to handle this. These moneys would be of tremendous help to them. But if you don't do anything about the size of the mortgage or conditions of it, all you have done is kicked the can down the road for 2 years and then also watch that retirement income get exhausted. You can put it back in, but it seems to be defeating the very purpose of trying to get workouts.

We started a year ago with the stakeholders and set up a set of principles for writedowns. Unfortunately, according to Moody's, only 1 percent of the lending institutions have done that in a year—tragically, in my view. We would be in a very different position had they done otherwise. So I am very suspicious about their willingness to do this, and merely providing additional resources to them coming out of people's hard-earned money, although you have a good idea putting money back in. I would like to find a way to incentivize the lender so the people can use these resources to stay in the home. That is merely an idea to consider in the next couple of days as we go forward.

Mr. BAUCUS. Mr. President, frankly, I think this is a good discussion. There is merit for both, for those who want to amend the law so IRAs can be used to help people finance their homes, but I also think the Senator from Connecticut, the chairman of the Banking Committee, makes a very good point. We don't want to let the lenders off the hook either.

From a tax perspective, we in the Finance Committee believe—I can speak for myself anyway—that the purpose of this amendment is close enough to the nature of the purpose of the IRAs and the savings vehicles in the first place to warrant an exception that will last for 2 years because, after all, a home is pretty close to retirement. People should be saving for retirement in these retirement programs. If saving their home means dipping into their retirement savings, then I think that would be appropriate, as to avoiding the 10-percent penalty. Also it is in effect for only 2 years, so from a tax perspective I think it is appropriate. However, I think the chairman of the banking committees makes an excellent point and I would join with the Senator to see if he can find some way to incentivize lenders to do what they should be doing, at least with respect to the principal on a lot of these mortgage loans.

Mr. NELSON of Florida. Mr. President, will the Senator yield? Can we then create some ideas between our respective staffs—yours, Finance; the Banking Committee; ours individually—and see if we can come up with something to address the issue?

Mr. BAUCUS. I think we should. I will devote my staff to that effort.

Mr. NELSON of Florida. I thank the Senator.

Mr. COLEMAN. If the Senator will yield, I also understand the concern raised by the chairman of the Banking Committee. I will be pleased to work with the chairman and my colleagues. I ask the chairman of the Finance Committee, I think one of the things he did address, a piece of issue, had to do with the tax consequences. If a mortgage was $150,000 and it was taken down to $100,000 by agreement, in the past that $50,000 was a taxable gain. I believe recently—again, this little piece—we took that building block and said: Hey, if you knock it down to $100,000, that $50,000 is no longer a taxable gain; is that correct?

Mr. BAUCUS. That is correct.

Mr. COLEMAN. All these pieces fit together. Again, there is no silver bullet at the end, but if we can come closer to addressing the full range of concerns, I think that would be positive. I think we already moved, with the leadership of the chairman of the Finance Committee, to address that one piece. This is another piece. It is your home, your future, and clearly there is more work to be done.

Mr. BAUCUS. I appreciate that. Earlier, when the Senator from Minnesota talked about silver bullets I was smiling because it is my view there are never silver bullets. It is always a major effort to find lots of different pieces, different steps to address the difficulties.

The occupant of the chair might remember this. There is a famous journalist, H.L. Mencken, of Baltimore, who said: For every complicated problem there is a simple solution—and it doesn't work.

I guess that is true of this situation, too.

Mr. THUNE. Mr. President, what is the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from Louisiana is to be recognized.

Ms. LANDRIEU. Mr. President, I would like to add to the unanimous consent agreement: If I could let my colleague go before me and then I could speak whenever he is finished or at 11 o'clock.

The PRESIDING OFFICER. Is there objection.

Mrs. LINCOLN. Reserving the right to object, I will not. I am in the queue as well. I want to make sure I know where I am. I understand now I will follow Senator THUNE.

AMENDMENT NO. 4419

Mr. THUNE. Mr. President, I wish to speak to the amendment of the Senator from Nevada, Mr. ENSIGN, regarding renewable energy.

As much as I appreciate the fact, as the Senator from Connecticut has pointed out, that this is a housing bill and there is a mortgage crisis out there that needs to be addressed, I would also argue, first of all, that, this being the Senate, we oftentimes consider amendments to bills that are not necessarily related to the underlying base bill, and secondly, that there probably is not an issue that impacts the folks I represent in South Dakota any more than does the high cost of energy.

Now, granted, as you travel across the country—and this is true in my State, as I think it is in every State—people are following closely what is happening with the subprime mortgage crisis, and the Senate and the Congress are reacting to that with the legislation that is currently on the floor. But if you look at it in the context of the broader economy and what is impacting the pocketbooks of Americans every single day—and certainly of South Dakotans—there is no question that high energy prices are impacting the lives of everyone I represent in South Dakota. We are a very energy-dependent State, and we travel long distances; we are a farm economy, so those inputs are very important to our economic well-being. We are a cold-weather State, and so electricity is in very high demand, both during the cold-weather season but also during the hot-weather season.

It seems to me that if we are going to address the economic issues that affect this country right now, we cannot do that without taking a hard look at what we can do to make energy more affordable to people in this country. So I would argue to my colleagues who have made the point that this is, in fact, a housing bill that, notwithstanding that is the basic focus of this bill, when we look at addressing the economy, I think in the broader context this is what this whole discussion is about: how can we bring relief to hard-working people who are struggling with the economic pains created by the housing crisis, by high energy prices, by high health care costs. Those are all factors that impact the pocketbooks of everyday Americans. So I think the discussion of this renewable energy extender amendment is perfectly appropriate in the context of this debate.

I would also say, with respect to the Senator from Montana, who has worked very hard, along with the Senator from Iowa, Mr. GRASSLEY, on an energy package that would extend many of the tax incentives that are in place for renewable energy, we have had that legislation now on the floor of the Senate several different times and have been unable to reach that magic 60-vote threshold that is necessary to end a filibuster and to move forward with the legislation. So I would argue that every opportunity we have, we need to move forward with this debate about energy and what we are going to do to lessen our dependence on foreign sources of energy to make energy more affordable to more Americans. So I think it fits perfectly within the context of this debate.

I would also say, with regard to some of the extenders that will impact those that relate to energy production in my part of the world, I am particularly interested in the wind energy production tax credit, the 2-cent-per-kilowatt credit that applies to wind, and I have talked to investors who are looking at wind energy projects across this country and who are prepared to invest capital to build wind energy production but cannot deal with the uncertainty that exists with regard to Federal policy. The wind energy production tax credit expires at the end of this year, and if we do not do something in the very near future, those who are looking at making investments—that investment capital is going to dry up. We cannot afford to have that happen at a time when we have an increasing and growing demand for energy across this country.

We are trying to look at the whole issue of greenhouse gas emissions and carbon emissions and find new renewable forms of energy that will help address our energy needs in a clean, environmentally friendly way. We cannot afford to allow these tax incentives for renewable energy production to lapse at the very time that there is investment sitting there on the sidelines waiting to invest in wind energy production and solar energy production, but with the lack of certainty that exists today because of the pending expiration of these production tax credits, that investment very well could end up staying on the sidelines and not be made. That would be a very tragic outcome, I would argue, for our country.

So I would hope that every opportunity we have here in the Senate—and frankly there will not be that many opportunities, regrettably, this year on legislation that actually is going to pass here in the Senate to which to attach these types of amendments. The Senator from Montana has said there will be a tax extender bill moving later. I hope he is right. I hope we have a window down the road to get addressed some of these tax measures that are expiring. But if, in fact, that does not happen or if it happens later in the year, sometime in the summer, we are going to miss a lot of opportunity, a lot of capital investment in wind energy and other types of renewable energy production that we otherwise would get if we had some certainty with regard to what the policy is going to be.

So, again, as much as there are jurisdictional objections being raised by the Senator from Connecticut with regard to this bill being a housing bill, the Senator from Montana regarding the need to do this later on a piece of legislation that might be a tax bill moving through the Finance Committee and ultimately out to the floor, I would simply make the case to my colleagues that timing is important. Timing really is critical with respect to whether we are going to continue to have incentives in place, economic incentives for investment in renewable energy. Frankly, based on the conversations I have had with those who are looking at making those types of capital investments in wind energy and other forms of renewable energy production, they are very concerned that Congress has yet to act.

I would much rather see a multiyear extension of the production tax credit for wind, and some of the other renewable energy tax credits, than doing this for 1 year because I do not think that provides the long-term certainty that is necessary. But I would much rather have a 1-year extension than face the prospect of this production tax credit expiring at the end of this year and us not addressing it and seeing a whole lot of capital investment that otherwise would be made in these areas of production stay on the sidelines and us continue to go down this path of increasing dependance on foreign sources of energy, growing demand for energy here in the United States, and a need to lessen the greenhouse gas emissions into our atmosphere and us doing nothing about that. So my fear is that if we do not act now, perhaps this thing gets punted down the road, perhaps it does not get addressed this year, in which case the production tax credit would expire. That would be a tragic outcome, a tragic result for this country and for the goals we have when it comes to renewable energy.

I would simply say to my colleagues who are going to hear objections raised on procedural grounds about dealing with these production tax credits in the context of this particular bill that we need to look at the broader picture. We have an energy crisis in this country. We have those who want to invest in renewable energy products that would help address that, that would meet all of the goals I mentioned about clean energy, about lessening our dependence upon foreign energy.

Frankly, the argument that was made by my colleague from Tennessee, Senator ALEXANDER, with regard to wind energy being more of a localized, regional issue, that is predominately true. But so is oil production. There are lots of parts of the country that do not have certain energy sources. Yet we all rely upon all of those energy sources for our energy needs in this country. We happen to have an abundance of wind in the upper Midwest which I think has been underutilized, but it has the potential to meet the energy needs of people not just in South Dakota or North Dakota or Nebraska or Iowa or Minnesota but all across the country. We need to be making the investments in those types of energy sources, and we need to have the policies in place that would create the economic incentives for that to happen.

I hope that in spite of the objections that will be raised on some procedural grounds to moving forward, that absent action to date and having seen in the past—looking historically at what has happened to this wind energy production tax credit over time, since 1992 when it was originally enacted, every time it comes to where it is about to expire or does expire—you will see this peak investment when it is in place. When it comes to where it is running out, the investment falls off, tails off; it expires, gets put back in place, and it takes off again. We need to even that out so we don't have these peaks and valleys, that we have consistent policies in place that will provide the certainty and the necessary incentives for those who want to invest in these types of energy sources to be able to do.

So I hope we will pass the Ensign amendment and put it on this bill. The objection has been raised that this could derail the housing bill. Frankly, the House has voted not on one occasion but on several occasions already for these very same renewable energy tax credits, and I suspect that they would welcome the opportunity to have that vote again in the House of Representatives. I hope it will be part of this package because it does address the fundamental issue when it comes to our broader economy; that is, the high cost of energy that is plaguing and harming and impacting the pocketbooks of every single American.

I urge my colleagues, when we have this vote, which I assume will be early next week, to vote yes for the Ensign amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I might call up my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4382 TO AMENDMENT NO. 4387

(Purpose: To provide an incentive to employers to offer group legal plans that provide a benefit for real estate and foreclosure review)

Mrs. LINCOLN. I call up my amendment No. 4382.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. SMITH, Mr. KERRY, Ms. STABENOW, and Mr. LEVIN, proposes an amendment numbered 4382 to amendment No. 4387.

The amendment is as follows:

At the end of title III add the following:

SEC. 302. EXCLUSION FOR AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS RESTORED, EXTENDED, AND MODIFIED.

(a) REMOVAL OF DOLLAR LIMITATION.—Section 120(a) of the Internal Revenue Code of 1986 (relating to exclusion by employee for contributions and legal services provided by employer) is amended by striking the last sentence.

(b) REAL ESTATE MATTERS EMPHASIZED.—Section 120(c) of the Internal Revenue Code of 1986 (relating to requirements) is amended by adding at the end the following new paragraph:

"(6) BENEFITS.—The plan shall provide, at a minimum, legal services for real estate matters relating to family or personal residences, including document review of real estate sales, purchases, closings, mortgages, and foreclosures.".

(c) EXTENSION.—Section 120(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(e) APPLICATION.—This section and section 501(c)(20) shall apply to taxable years beginning after December 31, 2007, and before January 1, 2010.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Mrs. LINCOLN. Mr. President, the amendment I am offering today is a very important amendment because we are all here because we are concerned about the crisis that exists in the mortgage industry and certainly in home ownership, but, more importantly, we want to prevent it from happening again. We want to make sure we are providing information to home buyers and others, counseling them in a way that really makes a difference. The amendment I am offering today will encourage our employers to provide group legal services benefits with an emphasis on real estate counseling for their employees.

Group legal services plans have been around since the 1970s and are intended to do exactly what the Center for Responsible Lending says should be one of our very top priorities in this effort to deal with the housing crisis. We should be encouraging and incentivizing preventative legal services.

I want to make sure my colleagues understand how important this benefit is for our Nation's employees, particularly employees in rural areas and low-income areas where access to lawyers might be scarce. We should be giving the average American homeowner access to legal advice so that she or he can feel confident in the mortgages they are getting into and so that when, God forbid, things do go wrong, they can receive advice about what their rights and responsibilities are in dealing with foreclosures and what options are available to them in dealing with this crisis.

Section 120 of the Internal Revenue Code has lapsed. That section of the code was intended to provide a tax incentive so that our employers would offer group legal services plans to their employees. Since it has lapsed, virtually no new group legal benefit plans have been created and many employers are dropping those that do exist.

We should be encouraging these plans because they provide our working Americans with access to the legal advice they need, that they deserve, and that they often cannot access. Those legal services would provide a review of mortgage documents, would work with lenders to modify the loans and would create forbearance agreements, would assist in the restructuring of loans, and would provide counsel in foreclosure litigation when that is needed. These are all complex transactions that require significant legal counsel, and my amendment will help ensure that America's homeowners, particularly those who are hard-working American families, and those home buyers, can get that much needed advice. We have provided this advice and certainly these services, as I mentioned earlier, since the 1970s through this benefit where employers can actually pool their resources in providing this type of advice and service to their employees.

I wish to thank all of my colleagues who have cosponsored this important amendment. Many of us have worked on a separate bill, and we think this is absolutely an appropriate and a proper place to put this incentive. But Senator SMITH, Senator KERRY, Senator STABENOW, Senator LEVIN, Senator SCHUMER, and Senator KENNEDY are all cosponsors of our amendment.

Mr. President, I also ask unanimous consent now to add Senator SNOWE as a cosponsor, who is also a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. I also want to say a very big thanks to all of the groups that have endorsed this amendment: the American Bar Association, the American Prepaid Legal Services Institute, the International Union, the UAW, the AFSCME, and the Laborers. All of these groups have recognized how important it is to be able to provide these legal services to hard-working American families.

Particularly at a time when they may be affected in their home ownership or in the difficulties and challenges they face in the problems that exist in the mortgage industry right now, this is a critical component of the assistance we can provide them. To have let it lapse and to see that it virtually no longer exists is something we can correct. I hope we will with this amendment.

So, Mr. President, I thank you for the time, and I also say a special thanks to my chairman, Chairman BAUCUS, and Ranking Member GRASSLEY, who have worked with us on this issue, along with Chairman DODD and Ranking Member SHELBY, who have done such a tremendous job in organizing and putting together, in an expeditious way, the effort we have to address these issues that working families are facing.

So I thank them and their staff for working with us, and we look forward to being able to move our amendment. I hope my colleagues will join me in support of such an important amendment, a vehicle as well as a component that we already know works because we have had it in this country for quite some time in providing legal services to working American families. We want to continue to see that happen.

AMENDMENT NO. 4433 TO AMENDMENT NO. 4387

Mr. President, before I yield the floor, I ask unanimous consent to lay aside the pending amendment and call up an amendment on behalf of Senator SNOWE.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for Ms. SNOWE, proposes an amendment numbered 4433 to amendment No. 4387.

The amendment is as follows:

(Purpose: To modify the increase in volume cap for housing bonds in 2008)

On page 70, strike lines 14 through 22 and insert the following:

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—

"(i) $10,000,000,000 multiplied by a fraction—

"(I) the numerator of which is the population of such State, and

"(II) the denominator of which is the total population of all States, or

"(ii) the amount determined under subparagraph (B).

"(B) MINIMUM AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a State (other than a possession), $90,300,606, and

"(ii) in the case of a possession of the United States with a population less than the least populous State (other than a possession), the product of—

"(I) a fraction the numerator of which is $90,300,606 and the denominator of which is population of the least populous State (other than a possession), and

"(II) the population of such possession.

In the case of any possession of the United States not described in clause (ii), the amount determined under this subparagraph shall be zero.

"(C) SET ASIDE.—

Mrs. LINCOLN. Mr. President, the amendment Senator SNOWE is offering with several other colleagues is an amendment that focuses on what we passed and maybe what we did not quite notice. The Finance Committee passed an important provision that would provide an additional $10 billion in mortgage revenue bonds for first-time home buyers and at-risk borrowers. This is something we have been trying to do, and we have had much leadership in the Senate on this issue.

Under present law, however, mortgage revenue bonds are allocated with a small State set-aside. The $10 billion in the current package is allocated only based on State populations. As we know, the economic downturn and housing collapse do not necessarily correspond to the population of States.

Those of us who come from smaller States recognize that and also recognize the benefits that have been provided in the underlying law that exists in that small State set-aside.

The Snowe amendment adds enough additional bonds so large States will still receive their due under the allocation of the $10 billion by population, but small and rural States also receive their allocation based on a small State set-aside under the current law.

I think it is an important point we have noticed in terms of what the underlying law does and has done effectively and making sure we incorporate that into what we do moving forward in the legislation we have.

This amendment only costs about $134 million, but it means an awful lot for small and rural States in order to make sure they have equity in being able to access the resources their homeowners need and their States can provide through those revenue bonds.

So I urge my colleagues to support this fair and reasonable amendment which will be a good addition to the mortgage revenue bond provision in the underlying bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4404 TO AMENDMENT NO. 4387

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the pending amendment be laid aside and call up amendment No. 4404.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4404 to amendment No. 4387.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the provisions relating to qualified mortgage bonds to include relief for persons in areas affected by Hurricanes Katrina, Rita, and Wilma)

Beginning on page 68, strike line 22 and all that follows through line 4 on page 69 and and insert the following:

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage which—

"(i) was originally financed by the mortgagor through a qualified subprime loan, or

"(ii) is a mortgage on a residence—

"(I) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

"(II) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

"(III) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma.

On page 72, between lines 10 and 11, insert the following:

(c) WAIVER OF 3-YEAR REQUIREMENT FOR HOMES DAMAGED BY HURRICANES KATRINA, RITA, AND WILMA.—Paragraph (2) of section 143(d) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (C), by inserting "and" at the end of subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of bonds issued after the date of the enactment of this subparagraph and before January 1, 2011, financing with respect to the purchase of any residence—

"(i) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

"(ii) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

"(iii) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma,".

On page 72, line 11, strike "(c)" and insert "(d)".

On page 73, line 19, strike "(d)" and insert "(e)".

Ms. LANDRIEU. Mr. President, I appreciate the support earlier today of an amendment that I, Senator COCHRAN, Senator VITTER, and Senator WICKER brought forward for the people of the gulf coast—thousands and thousands and thousands of homeowners, responsible homeowners, homeowners who did not exploit opportunities for fancy-dancy mortgages, homeowners who took just the regular standard mortgages, who had actually paid their mortgages off, and kept insurance their whole life. Then, in 2005, two storms hit the gulf coast and literally wiped out the net worth—literally, a great deal of the net worth—of hundreds of thousands of families on the gulf coast.

The reason I continue to come to the Senate floor is because the Stafford Act, which would normally come, if you would, to the rescue of people in our country in this situation, is wholly inadequate for either the initial recovery or the long-term rebuilding. It is not just what MARY LANDRIEU says, the Senator from Louisiana. It is what Secretary Chertoff testified before our committee last week. I am going to submit his actual quote for the RECORD. It is what Chief Paulson of FEMA said yesterday, testifying before the committee. It is what the inspector general of the Homeland Security Department said yesterday testifying before our committee.

So this is my dilemma as a Senator from a State that has had an unprecedented disaster. I would have been happy to receive the Stafford Act and just make it work for us. But since it is not working for us, I am kind of inventing things as we go along, trying to take appropriate and responsible advantage of other bills that come along that actually might be appropriate for our situation.

I am trying not to ask for too much but only what we need. But since the structure we have is not applicable, I have no choice. So I have been waiting for a year and a half to get a housing bill on the Senate floor so we could make some of these changes. I appreciate my colleagues being understanding and supportive, and everybody has been just terrific.

As I said earlier this week, we have had some terrible situations in Detroit, in California, in Las Vegas, in Sacramento, thousands and thousands in San Bernardino, CA. But as I said, some of these homeowners could have gotten themselves in trouble. They might have done things they should not have done. I do not know. Maybe some people were victims of fraud. That will be worked out, I hope, through some of the legislation we are passing.

But the reason I pull this chart up is to say that even in the worst area in the country right now for foreclosures, which is Detroit, Dearborn, MI, with 42,000 homes—these are official numbers—only 4.9 percent of the houses in this whole area are basically in foreclosure or for which there is a threatening pending foreclosure.

I bring this contrast to show you that down on the gulf coast, those numbers are dwarfed by what Katrina and Rita and the subsequent levee breaks did to our homeowners. In St. Bernard Parish, almost 55 percent—not 4 percent, not 10 percent, not 20 percent but 54 percent of the homes in St. Bernard Parish—had damage exceeding 30,000. Some of these homes were only worth $50,000. Some were worth $350,000. But they are basically completely damaged.

In fact, the sheriff and the parish president told me that there were only five homes undamaged in the whole parish after Katrina and Rita—after those waters went down—5 out of the 67,000 people who live in this parish.

For Cameron Parish, almost 50 percent of their households have had completely devastating damage to their homes.

So, if you can, picture a place that does not have just a spattering of houses and weeds and emptiness but places that have blocks and blocks and miles and miles of homes that are empty and gutted with the windows and doors open and the families gone. People are struggling to come back with a very inadequate Federal framework right now to help them.

I know we have sent down a lot of community development block grant money. After a lot of contortions that everybody went through, we finally crafted a plan to give each of these homeowners, if they qualified—they had to prove they owned the land; they had to prove they paid taxes; they had to prove they were actually the right homeowner—we gave them a grant, no more than $150,000. The average is about $60,000 for Mississippi and Louisiana. Our plans are similar but not the same.

But you can imagine the problem with a family who owned their house outright, they had no mortgage. It was worth $350,000 or $400,000 or $500,000, and the most grant they could possibly get is $150,000.

So we are far away from trying to make people whole. Why should we try to make them whole? Again, it is nothing they did. They did not cause the hurricane. Some of them did not even live in floodplains. Some of the families did not have flood insurance because they were told by their mortgage holder and their bankers they did not need it. They were told by the Federal Government they did not need it.

So my amendment is an attempt to help these homeowners by not adding a penny to the underlying bill, which is a wonderful thing—that we do not have to add any money to the underlying bill because I know we are trying to keep the cost of all this down. But all my amendment would do would be to allow there to be a third reason that bonds could be issued at the State level.

In the underlying bill, the first reason, which is a good reason, is to allow first-time home buyers to buy some of the homes that have been foreclosed on that are sitting empty in neighborhoods. So what a good way to kind of get these homes back in circulation, to allow first-time home buyers with limited incomes—it is $65,000 in my State. I am not sure what it is in everybody else's State, but that would be a lot of families with teachers, firefighters, nurses, et cetera. They are not very wealthy but not poor middle-class families. These families could come in and buy some of these homes. That is a great idea.

I used to be the State treasurer. I issued these bonds. It works. It is a happy thing when people can buy a home. The underlying bill also allows these bonds to be issued to build more multifamily dwellings. This is a desperate need in Louisiana because while we spend a lot of time talking about our homeowners who have lost homes, we had over 60 percent of the population in New Orleans, maybe between 50 and 60 percent who were not even homeowners. They were renters. Some of them were very wealthy renters. They chose to live in nice places, but a lot of the people in New Orleans—my hometown—were poor, and they could not afford a home, so they were renting. Their places have been destroyed, and we now have a growing homeless population of historic proportions.

So the provision in the underlying bill that gives the opportunity to issue bonds to build multifamily dwellings is great. We can build for the elderly, who really need affordable housing in the country. I also believe the underlying provision allows for the building of places, rentals for the disabled, which is also a growing need.

But what my amendment simply says is, there will be a third option for these bonds, and it will help to refinance homes that have been destroyed along the gulf coast in basically the storms of 2005. That is what the current amendment says.

But let me say that I am very open to modify my amendment, if the leadership wants to do that, to allow the use of these bonds to go to basically any home that was destroyed by a disaster in the whole country. I think it would be a very good use of these bonds because, as I said, there is not a lot of help outside of just general insurance that helps people to rebuild. If people have insurance, fine; they can rebuild their home from insurance proceeds.

But many people who had their houses destroyed by tornadoes or flash floods or hurricanes or earthquakes were not required to have insurance by the current law, and if they already paid off their mortgage, even if they were required to have insurance, they weren't required to after they paid off their mortgage; so a disaster hits and there is no way.

This is not a grant. This is not a giveaway. It is an opportunity to provide mortgage lending for people who may want to buy some of these homes that have been destroyed. They are not foreclosed homes; they were destroyed and owned basically now by, in our case, Government entities that are trying to recirculate these properties back into the housing market.

So that is basically what my amendment does. I hope we will have an opportunity, of course, as the day goes on, to maybe speak about it more or to have a vote on it next week, whenever the Senate decides to proceed.

I thank the Senator from Connecticut. As I was saying before he came in, the amendment I am offering now adds no cost to the underlying bill. It takes the mortgage provision piece and makes it applicable for trying to help with homes that were destroyed in a disaster. Right now, we are trying to help with homes that were destroyed, if you will, by a foreclosure situation. We are also hoping to build multifamily housing, which is great.

All we are asking for with this amendment is to basically add a third voluntary—not mandatory but voluntary on the part of the States if they want to include disaster, without adding any additional expense to the bill.

So I thank the Senator from Connecticut. I hope we will take up this amendment whenever we can.

I yield the floor.

Mr. DODD. Mr. President, before the Senator from Louisiana leaves, first of all, let me commend her generally. All of us at one time or another have faced natural disasters in our State, but I can't recall anything, at least in recent memory, that would compare to what the Gulf State have suffered and particularly what the State of Louisiana has suffered. I know some may say: Well, every time there is a bill up, that Senator from Louisiana has an amendment to help her folks in Louisiana. That is how it ought to be. They are very fortunate indeed to have a fighter such as MARY LANDRIEU in their corner.

As she said, this wasn't any disaster. This was devastating. For those of us who have been there, as I was, and as one who has been there on several occasions since then, it still is stunning to me to go down and see the devastation still exists. In most disasters, within weeks or months after the occurrence, it is amazing how recuperative areas are; however, despite the Herculean efforts of many in her State and others, the devastation still persists.

Certainly, those who have lost their homes suffer the most devastating impact of all, in many ways, because that is the center of a neighborhood, it represents the ability of a family to survive and stay together. All the elements and qualities we like to attribute to being an American family are associated with our homes. The fact that so many have been destroyed as a result of these disasters is something all of us are mindful of, and if we are not, the Senator from Louisiana reminds us of it on a daily basis. We thank her for that.

We are certainly going to do everything we can to accommodate and be supportive of this effort. As she points out, it doesn't expand the program financially. It operates within the financial constraints as the amendment has been crafted. Right now it is focused on the Gulf States, those areas that were adversely affected. My inclination is to keep it that way. That is not to suggest other States may not have had similar occurrences, but I think because of the uniqueness of what happened there, we need to recognize that in this effort. I would be a little uneasy about expanding it. Not that that is without merit, but I think particularly in this case, with this one occasion we are talking about a particular compelling case which has been made.

So once again, I thank her for fighting on behalf of our fellow American citizens who happen to be her specific constituents. We thank her for it. Over this weekend, we will take a look at it, and if there are any questions we have about it, I will get back to her, but I will be urging Senator SHELBY and others to be supportive of this idea.

Ms. LANDRIEU. Mr. President, I thank the Senator from Connecticut. I will follow his advice and keep the amendment tailored, and if he changes his mind, he can let us know. I appreciate his attention to this matter.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4384 TO AMENDMENT NO. 4387

Mr. SANDERS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the Sanders amendment at the desk, No. 4384, be called up, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself and Mr. BROWN, Mr. SCHUMER, and Mr. HARKIN, proposes an amendment numbered 4384.

Mr. SANDERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an increase in specially adapted housing benefits for disabled veterans)

At the appropriate place, insert the following:

SEC. _. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000".

Mr. SANDERS. Mr. President, I ask unanimous consent that Senators BROWN, SCHUMER, and HARKIN be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, first, I wish to commend Senator DODD and Senator SHELBY for their work on this legislation. In particular, I wish to congratulate them on the provisions already in the bill to help our servicemembers and veterans. I also wish to thank Senator AKAKA, the chairman of the Committee on Veterans' Affairs, and Senator BURR, the ranking member, and their staffs, for helping to clear this amendment.

The amendment I am offering today will provide another piece of needed help to disabled veterans trying to stay in their homes. This amendment increases funding for a VA grant program that assists disabled veterans needing to adapt their homes to accommodate their disabilities. As the Presiding Officer knows, many thousands of soldiers, coming home from Iraq and Afghanistan as amputees, who are blind and who have a number of disabilities, and this amendment attempts to address some of those problems by helping them adapt their homes so they can live in those homes with their disabilities.

This amendment is supported by some of our Nation's largest veterans organizations, including the VFW, the DAV, AMVETS, Paralyzed Veterans of America, and the Vietnam Veterans of America. It is also important to note the policy changes we are advocating are contained in the independent budget, the document authored every year by many of the same organizations. It is also a policy that has the unanimous support of the majority members of the Senate Veterans' Affairs Committee, which endorsed this policy change in the 2007 and 2008 Views and Estimates letter to the Budget Committee; in other words, this policy in this amendment has broad support.

Veterans with certain severe service-connected disabilities are entitled to what are known as specially adapted housing grants of up to $50,000. Veterans with service-connected blindness only or with loss of use of both upper extremities may receive a grant of up to $10,000. The authors of the independent budget note increases in these amendments have been sporadic, despite the increases in real estate costs. In particular, veterans returning from Iraq and Afghanistan are finding the current VA program does not cover the cost of adapting their homes to accommodate wheelchairs or loss of vision, to create physical therapy space or other needed changes.

This amendment increases the specialty adaptive housing grant to provide $10,000 in additional benefits for those veterans eligible for the $50,000 grant and $2,000 in additional benefits for those veterans eligible for the current $10,000 grant. So we are raising the cap on each program to $60,000 and $12,000, respectively. According to CBO, for fiscal year 2009, this amendment would cost about $6 million.

The Senate is now debating an important piece of legislation to try to bring relief to so many of the middle-income Americans who are struggling to keep their heads above water in today's economy and housing crisis. I think, given the context of this bill, certainly we can reach out to disabled veterans to adapt their homes so they can try to live as full lives as possible.

I wish to again commend Senator DODD, Senator SHELBY, and the Banking Committee for the proveteran, proservicemember provisions already in this legislation, and I ask that my colleagues support this small additional benefit. I ask for my colleagues' support on this amendment, and if it is appropriate, I ask for the yeas and nays on the amendment.

Mr. DODD. Mr. President, let me commend my fellow New Englander for this idea. You wonder how something such as this persisted as long as it did. I wish to commend our colleague for discovering it and finding it out. Senator SHELBY is not here this afternoon, but his staff is around, and we have been talking with them. I think this will overwhelmingly be accepted. This should not require a recorded vote.

I was telling the staff I am one of six children. My oldest sister Carolyn was born legally blind. When I arrived at the House of Representatives in the mid-1970s, I remember as a freshman I discovered you couldn't be a foreign service officer if you were legally blind. We managed to change those regulations. How silly a rule it was. Unrelated or related, I guess, to some degree here, but I thank my colleague from Vermont for raising this.

I appreciate his kind comments about Senator AKAKA. Senator KERRY and Senator COLEMAN offered some ideas as well on the veterans housing issues also. I am told by Senator SHELBY's staff he is very supportive of this as well. This isn't a large amount. It may not be a banner headline for some, but the Senator from Vermont is going to make a difference in the lives of some families and some individuals. It may not be thousands. Even if there are a few hundred, it makes a difference.

So at a moment such as this, on a Friday afternoon, when most people have headed off for home, let the RECORD record and history record that the Senator from Vermont made a difference in the lives of a handful of people with this amendment. I thank him.

Mr. SANDERS. I thank the Senator for his kind remarks.

Mr. WHITEHOUSE. Mr. President, I thank all of my colleagues who have worked so hard this week on the housing stimulus bill. I particularly want to commend my friend from Rhode Island—Senator JACK REED—for his tireless work on simplifying mortgage disclosures so that mortgage applicants will have in plain English—not fine print or jargon—the most important terms of the loan including the maximum monthly payment possible. This provision was included in the bipartisan substitute amendment and I congratulate Senator REED.

For months, as America has sunk deeper and deeper into economic distress, hard-working people all over this country have wondered what they are going to do to make ends meet—and why their Government wasn't doing more to help.

For families already strained by rising health care and gasoline costs, and with many struggling to care for an elderly parent or put a child through college, the latest economic downturn is fast becoming the proverbial straw that broke the camel's back.

In my State of Rhode Island, where affordable housing was already in scarce supply, thousands of families face foreclosure, eviction, and an uncertain future. For the 12-month period ending in December 2007, the foreclosure rate in Rhode Island increased by a staggering 238 percent. More than 12 percent of subprime loans in my State were in foreclosure in December 2007. The foreclosure rate among subprime loans in Rhode Island is 15 times higher than the prime loan foreclosure rate.

This is a crisis that strikes at the most vulnerable. As I talked to Rhode Islanders during the recent recess, I heard over and over again about the difficulty of making ends meet in this fragile economy. And as they watch things get worse, they wonder why our Government would do so much to keep the investment bank Bear Stearns from going under, but so little for them and their neighbors.

There are some in this city, and in this building, who believe that if we simply let the markets correct themselves, all will be well. I have great faith in market forces, and I've seen firsthand the power of American industry and American ingenuity to work great good in our country and our world. But we in Government should know by now that market forces need disciplined constraint, and that the American people deserve better than to see their homes swept away by a financial typhoon while Congress stands idly by. They need our help.

Earlier this week, after hard work and good-faith negotiations, Senators DODD and SHELBY reached a compromise on legislation to soften the blow of the residential real estate collapse. In addition to Senator REED's disclosure provision, the bill now before us includes $4 billion in funding for community development block grants to assist States and municipalities in purchasing and rehabilitating homes that have been foreclosed upon, and $100 million for pre-foreclosure counseling. It also includes Federal Housing Administration reform that will increase the availability of FHA-backed mortgages, offering an alternative to the subprime market for more middle- and lower-income families for whom buying a new home might otherwise be out of reach.

This agreement is a strong start, but it failed to include a provision authored by Senator DICK DURBIN of Illinois that would permit bankruptcy judges to modify the terms of a primary residence mortgage. I was proud to cosponsor Senator DURBIN's amendment, which included this provision, and was disappointed that the amendment lost a procedural vote yesterday. I plan to support my colleague from Illinois as he continues his efforts to enact this important change to the bankruptcy code.

As my colleagues know, unlike most contracts, including mortgages on vacation homes and family farms, bankruptcy judges cannot currently modify the terms of the very contract most dear to families facing bankruptcy, their principal residence: the place they call home, where they raise their children, know their neighbors, and live their lives.

Simply put, this provision would fix this glaring anomaly in section 1322(b)(2) of the bankruptcy code so that primary residence mortgages are treated like most other secured debts. Like any secured creditor, the mortgage holder would be entitled to adequate protection of his or her property interest during the chapter 13 case. The modification of the mortgage would be limited by market prices and rates and to a repayment term of no longer than 30 years.

Given the cost of foreclosures—which may average as high as $50,000 per incident—it would seem that this amendment to the bankruptcy code would benefit all parties to a mortgage. Passing this measure could help more than 600,000 families facing bankruptcy stay in their homes.

As we continue to consider this housing stimulus package, we have an opportunity to help millions of families weather this crisis and get their lives back on track. I will continue to fight for meaningful relief for middle-class families threatened with the loss of their homes.

Mr. DODD. Mr. President, I am told, and I could be corrected, but I think we have probably completed any amendments to be offered on this legislation at this juncture. I will wait for instruction from the leaders on how they want to proceed, and while we are doing that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk to the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment No. 4387 to H.R. 3221:

Christopher J. Dodd, Harry Reid, Mark L. Pryor, Max Baucus, Charles E. Schumer, Patty Murray, Claire McCaskill, Patrick J. Leahy, Daniel K. Akaka, Ken Salazar, Sherrod Brown, Bryon L. Dorgan, Evan Bayh, Edward M. Kennedy, Jon Tester, John F. Kerry, Bill Nelson.

CLOTURE MOTION

Mr. REID. Mr. President, I now send to the desk a cloture motion on the bill itself.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3221, the Housing bill.

Christopher J. Dodd, Harry Reid, Mark L. Pryor, Max Baucus, Charles E. Schumer, Patty Murray, Claire McCaskill, Patrick J. Leahy, Daniel K. Akaka, Ken Salazar, Sherrod Brown, Bryon L. Dorgan, Evan Bayh, Edward M. Kennedy, Jon Tester, John F. Kerry, Bill Nelson.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the substitute amendment No. 4387 occur at 2:15 p.m., Tuesday, April 8; further, that the mandatory quorums for both motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to a period for the transaction of morning business for the filing of a cloture motion on the motion to proceed to S. 2739, and once this has been done, the Senate then return to H. R. 3221.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSOLIDATED NATURAL RESOURCES ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I ask that we move to proceed to Calendar No. 616, the Forest Service, Departments of Interior and Energy resources bill, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 616, S. 2739, Forest Service, Departments of Interior and Energy Resources bill.

Jeff Bingaman, Ron Wyden, Ken Salazar, Maria Cantwell, Mark L. Pryor, Daniel K. Akaka, Blanche L. Lincoln, Tim Johnson, Jon Tester, Christopher J. Dodd, Carl Levin, Richard Durbin, Wayne Allard, Byron L. Dorgan, Joseph Lieberman, Mary L. Landrieu, Harry Reid.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will continue with the consideration of H.R. 3221.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, there are at least one or two other Members who may come to the floor to talk about this bill or maybe even offer some ideas they intend to propose next week when we reconvene. I thought it might be worthwhile at the end of this week—which has been a busy week, obviously, and one where a lot of attention for the first time in a long time has been focused on the most critical economic issue we face, and that is the foreclosure crisis—to restate where we are.

As many of my colleagues know, I began this process almost a year ago when we convened the stakeholders across the country on a bipartisan basis, I might add, in the Senate Banking Committee to talk about the foreclosure crisis—that was March of last year—resulting in a set of principles we adopted jointly that would make it possible for workouts of these mortgages that would make it possible for more Americans facing foreclosures to stay in their homes. That was the goal as we began last spring when this emerged as a growing problem.

I felt then, and it has been confirmed over the last number of months, that this was not a minor issue, that it was not going to go away or likely to be contained very quickly. Unfortunately, that has proven to be just the case.

Today, we are looking at economic statistics that point to a difficult time. We are in a recession. I know it has not been declared formally yet, maybe Washington hasn't called it that yet, but if you are out there trying to feed your family, put fuel in your automobile, pay your mortgage, pay your child's college tuition or anything else, you are watching inflation at the highest rates it has been in years, and we are watching unemployment numbers continue to rise. The fiscal picture of our country is the worst it has been in years, with the national debt now reaching some $9 trillion, a staggering sum of money accumulated over the last 5 or 6 years. The value of the dollar is the lowest it has been since we allowed our currency to float back in the early 1970s.

Every major economic indicator points to what difficulty our country is in, and this crisis has been compounded and exacerbated by a foreclosure crisis. That is the center of this issue, the foreclosure crisis. So everything we should be doing should be designed to try to offer relief in that sector. If we do that, then I believe we can take a major step forward in getting us back on track again and, hopefully, this recession will not last long and people's confidence and optimism can begin to rise.

This is the first time we have dealt with this issue in any comprehensive way at all in the last year. There have been a number of other bills that have been brought to the floor that have made some contribution to this issue. But this is the first time we have actually had a day or two to debate the housing crisis and to offer some ideas on resolution of that issue.

I want to add, as quickly as I can, that anyone who thinks this bill is the end-all is making a huge mistake. This bill is a step in the right direction, it is a positive one and a good one, but there are key missing ingredients. Why is that the case? That is the case because, candidly, we weren't able to get any debate going at all unless we could develop some consensus around several provisions on which there would be little or no debate, some core issues, and then open the process for some additional ideas, as we have seen over the last few days, with various amendments that have been offered and considered already. But it is a step in the right direction. It does not include the kind of fundamental relief for those in foreclosure or about to go into foreclosure and offering them some escape from losing their homes.

So while I welcome the steps we are taking, I would be the first to admit and tell my colleagues that we have yet to really address the underlying problem; that is, how do we keep people in their homes? In fact, we will have a hearing next week, Mr. President, on the very idea that has now been circulating over several months and that I proposed back several months ago—that has also been embraced, I might point out, by the chairman of the Financial Services Committee of the other body. I am pleased to say that there are a number of Members here, both Republicans and Democrats, who, while they have not signed on to a bill, have been extremely encouraging in terms of their support for this idea. So I hope in the coming days to be able to finalize a proposal and bring it to the floor that would, for the first time, offer some very meaningful direct relief to the people who are facing foreclosure—some 8,000 a day.

We talk in numbers here of billions of dollars and millions of people, trillions of dollars. The language gets beyond the grasp of most people to understand. But I think everyone can understand when I tell you that almost 8,000 people a day are going into foreclosure. Over the last 2 or 3 days we have been debating this bill on the floor, some 24,000 of our fellow citizens are finding themselves in danger of losing the most important possession they have outside of their families, and that is their home. And every day we wait, every day we delay, every day we procrastinate, every day we talk about something other than the core issue affecting our economy, more and more Americans run the risk of being in that statistic of losing their homes. And it isn't just them, because for every foreclosure that occurs in a square block, the value of every other home in that neighborhood declines as well. So while people are saying: Well, I am not in foreclosure, I am not likely to be there, but my neighbors are, you are affected by it. We know that values decline by as much as 1 percent of median if one of your neighbors watches their property go into foreclosure, if it ends up being boarded up or in deteriorating condition. Crime rates go up. So there is a ripple effect to all of this, and hence the importance of addressing the underlying issue of how do we keep people in their homes.

A lot of what we are talking about in this bill is how to deal with the properties once they are foreclosed. That is not an insignificant problem, and I welcome the opportunity to do something about it. But it seems to me that if we really wanted to address the issue, instead of how much money we can spend to rehabilitate foreclosed property or how much money we can get to mayors or county supervisors to clean up neighborhoods and to put them in better shape for possible resale, or to come up with a tax provision that will make that foreclosed property attractive to some future buyer, why not spend as much time seeing to it that we keep people, where we can, in their homes? That is what we are going to be offering in the coming days.

But there are some very good ideas in this proposal, so as we go into the weekend now, before we come back on Monday and Tuesday, I thought it might be worthwhile just to briefly encapsulate what has been accomplished and what is in this bill.

First of all, we provide $100 million for counseling services to help people stay in their homes. That is in addition to the $180 million already appropriated last year. Senator BOND and I offered that language, and it was adopted, and it has been a real asset to these organizations out there that assist people every day.

I had the privilege of meeting with some families in Connecticut a week or so ago who were facing foreclosure and would have been in foreclosure but for the intervention of these nonprofit organizations that were able to establish a workout with the lender and the borrower and have been able to keep people in their homes. So this is $280 million for this fiscal year. If you compare that to the $42 million that existed previously, it is a substantial increase.

Would I like more here? Absolutely. My colleague from the State of Washington, Senator MURRAY, and Senator SCHUMER wanted $200 million. I am not going to ever tell them I disagree with that, but in trying to put together a package here, the only amount of money the majority leader and I were able to get in that negotiation was to cut the difference and get $100 million for counseling. I am hopeful we can add some more to that in time, but at this juncture we have $100 million for it.

We have provided $4 billion to go to community development block grants specifically targeted to assist local governments to take a foreclosed property and put it in condition so it can be resold or used as rental housing. That idea is to try to make sure we don't end up with a lot more supply than we already have.

One of the reasons the market is not necessarily addressing this issue as comprehensively as we might like is because the supply of housing vastly exceeds demand. When you end up with people in foreclosure, you are adding to that supply. One of the reasons we ought to keep people in their homes is you then reduce that supply, and the normal economic market forces then would begin to assist us. That is where supply and demand get closer together and the market can help resolve some of this problem. By having foreclosed properties that grow worse, become abandoned, fall into disrepair, the value of other homes begins to decline in the neighborhood, and it makes it far more difficult to address this problem in the near or long term. So the $4 billion in community development block grants is designed to go to those communities and specifically give them help to see to it that these properties can get back on their feet.

The mortgage revenue bonds we are providing here as well, some $1.5 billion for mortgage revenue bonds, will help people refinance out of the lousy mortgages they got into. It is not as much as I would like, but it will assist people to get a better deal, a better mortgage than the one they have. That does make a difference for some of these people who are trying to come to a different economic circumstance than the one they are in. So it is not insignificant. I would have liked to have seen us do a bit more, but it will make a difference. So there is $1.6 billion in that area.

Veterans. I want to thank Senators KERRY, AKAKA, SANDERS, and I think Senator COLEMAN as well, if I am not mistaken, who were all involved in trying to do what we could to assist our men and women serving in uniform in Iraq and Afghanistan and who are already under tremendous pressure, to make sure their properties are not foreclosed on underneath them while they are off in a desperate condition serving our country. Whether you agree or disagree with our policies, don't ever blame the soldier, the airman, the marine, the sailor out doing their job, and least of all they shouldn't be losing their homes in the process. So we provided for that in this legislation as well, and I thank my colleagues for those ideas.

We provided as well some assistance here for builders. I had some questions about this, I will be quite candid with my colleagues, and had I been writing this on my own, I am not sure I would have added those provisions. But there were those here who felt strongly about that, both Republicans and Democrats, and wanted to do something in the Tax Code to assist in these losses, to extend them over a longer period of time. It is in the bill. Again, I had some reservations about it, but, as my colleagues know, you don't write these things on your own, and if you are trying to put together a compromise package, the word "compromise" implies that you are going to accept some things you may not like and you are going to have some things tailored back that you want support for.

On Federal Housing Administration modernization, here we have raised the loan limits from $417,000 to $550,000. We also require that the downpayments will be as much as 3½ percent. That is a lot more than I would like, candidly. I wanted 1½ percent. But in order to get that additional $230,000 increase over the loan limits, where some 19 States, I might add, would have been disadvantaged—higher cost States or at least part of their States in higher cost—we had to agree on a compromise here and raising that number to 3½ percent. But that $550,000 under FHA will make a huge difference for many people who are looking again to refinance or to get mortgages they can afford. So it is a very valuable addition to this bill, and I welcome the opportunity to include that as well.

Those are some of the major provisions of what we have packaged. There will be additional amendments offered on Tuesday that will add to this, some of which or all of which may be adopted either by voice vote or recorded votes, but it is a step again in the right direction. It is action. It is movement on this issue.

Again, as I said, the bill doesn't in any way go far enough, in my view, to help the distressed borrowers, those who are living under the monthly threat of foreclosure, in fact the daily threat of foreclosure on their homes. So it is hardly a final action, but it is a first step and a major step in the right direction.

There was an idea that I had hoped to include in this bill and that I couldn't get agreement to bring as part of the bill. The danger of bringing it up as an amendment, Mr. President, is that I am concerned, because it is complicated, it might not carry, and therefore, with negative votes, it would be harder to bring it back. But as many will tell you here, the effort to try to restructure these mortgages could make a huge difference.

One of the problems we are having, of course, is that capital has seized up. It is not moving. How do you begin to get capital to flow in these markets? One certain way is to get some clear ideas of where the bottom, where the floor is in the residential mortgage market, and that is unclear as I speak. As long as it is unclear where that bottom is, then you are going to find people very reluctant to move capital into this area, or others, for that matter. This problem has spread far beyond the housing issue. It is now into student loans, car loans, and every other aspect of our economy is being affected by this.

So the idea—and it is not a new one; actually, it has been used in the past—is to try to see if we can come up with a scheme that would allow us to reduce or write down the value of these mortgages to some degree, thereby the lender would be getting less than they anticipated when they made the original mortgage, but they would end up getting something rather than a foreclosed property and nothing coming back. Secondly, the borrower would have to pay the insurance to FHA, which would guarantee this mortgage. They would also have to stay in the home. These residences would have to be owner occupied. It is a voluntary program both for the lender and the borrower. To the extent that value in the property increases, then money would come back to the Federal Government as a result of financing, through insurance, this instrument.

That is a rough idea of what it would do. The real value of it, aside from obviously helping people stay in their homes, is establishing that floor and that bottom. Anyone who is paying any attention to this issue at all will tell you that unless we address that issue—address that issue—we will be back here month after month after month in the coming years dealing with the effects of the problem, and that is money going to our cities to help them make foreclosed properties look better, and we will be doing things we can to help out people to somehow get through all of this. But if you really want to address the issue, then you have to confront the problem, and that is that capital is not moving.

The one thing we can do, of course, is to provide this kind of floor. You need to have enough transactions to determine that, but I believe that if we act quickly enough around here, we can make a difference in that area. And I will hold a hearing on this in the Banking Committee next week. We will have one additional hearing, at the request of Senator SHELBY and others, to examine this issue and fine-tune it. I am pleased a number of people here and outside of this body have indicated very strong support for this idea, cutting across the normal ideological lines that too often divide us, as something we ought to do.

I invite my colleagues to take a good look at this, or their staffs, over the weekend. I will submit, at the end of these remarks, a copy of the bill and its proposals, and I would strongly invite people to take a look at it, and any thoughts and ideas they have to strengthen this or improve it, I welcome. No one is claiming exclusive authorship of this idea. As I mentioned, it was tried during the Great Depression. In those days, the Federal Government actually purchased these very distressed mortgages at a very discounted rate and then arranged for that owner-occupied resident to stay in the home at a new rate. The Government actually made some $14 million on that program back in the Great Depression. We are not suggesting anything quite like that, although there are some similarities to it as a way of keeping people in their homes.

Anyway, I invite people to look at that idea because I think it does go right to the heart of what we are talking about. There are other ideas as well to try to strengthen this situation, but unless we do something like what I have suggested here, actually dealing with the 8,000 people a day who are falling into foreclosure, then this problem is only going to grow in its magnitude and the ability to provide some relief for people is going to grow far more expensive than it already is. That is the reason I am urging my colleagues to take a look at this idea to see if we can't, in the coming few days, complete a markup in the committee and then bring a bill to the floor that would really provide some meaningful and direct assistance to those who are facing this problem.

Look, I am not talking about speculators, Mr. President. That is a different crowd altogether. I feel bad that they have lost money, but we bear no moral obligation to help out a speculator. And I am worried about those who should never have gotten into a mortgage in the first place, but there is probably not a lot I can do about them except to help them in some ways.

We are talking about that large constituency in the middle, who were lured into very bad deals, were lured into arrangements they never could afford at the fully indexed rate. You could say they bear some responsibilities for having gone into those deals, and I do not disagree with that, but if you only were going to look at the foreclosed property you might draw that conclusion—we bear no responsibility to deal with the individual caught in those circumstances. But let me make a case to you if you are harboring those thoughts, why you might want to think differently about this. If you live in that neighborhood, if you live next-door or you live down the block or if your child does, in a new home, one they just bought, the value of every other property declines with one foreclosure in a neighborhood. That doesn't help anybody. We are watching housing values decline two consecutive years in a row. This is the first time that has happened since the Great Depression; sales are way off—all the related economic problems associated with a massive downturn in the housing area.

We may have as many as 50 million homes adversely affected by foreclosure. The number of foreclosures could be somewhere between 2.5 and 3 million homes in the country, but the number of homes affected by it is vastly in excess of the number of actual foreclosures. Those numbers on foreclosures may be low. It may be higher than that. We are hoping it will not be. But even if not, the ripple effect is going to be felt by everyone else in the area. If you are harboring the notion I don't care about my neighbor, I am sorry they got themselves into that mess, I feel badly for them, but I don't think we have any obligation to do anything about them at all, I remind you it will affect you—it affects all of us; hence, the necessity to address this issue and do everything we can to keep people in that home if we can.

We are all going to benefit from that. Our economy clearly would also benefit in a very specific way; people who live within that neighborhood will be benefited by our efforts to try to stabilize this situation and have better financial arrangements for those who otherwise are going to lose their homes.

That is where we are as we complete our business at the conclusion of this week. This bill has been a good week, I would say. This bill is not one that has everything we would like to have in it, but the good news is this: The Senate, for the first time in a year, is comprehensively trying to address this housing crisis. While you may not agree with everything we have done—you may be disappointed, as I am, that we do not have some provisions in here I would like to see included—the fact is we are debating, discussing and coming up with ideas and adopting them, to provide some relief for people in this area, as it should be.

I am grateful to Senator SHELBY, my colleague from Alabama, the former chairman of the Banking Committee. I am very grateful to the majority leader, Senator REID. When I talked to him last week before we came back, we both agreed this was an issue we had to pursue. He agreed and went out and sought out Senator MCCONNELL and created the kind of arrangement that allowed for Senator SHELBY and I to spend over 24 hours to package a proposal that could serve as the core coming forward. So we owe a deep debt of gratitude to the majority leader for insisting this be the debate this week, that we move forward next week and try to conclude our business, get together with the other body and resolve these matters and then come back with other ideas on how we can provide some real relief in this area.

I conclude by thanking him and his staff as well as our own staffs on the Banking Committee who worked through the night to try to come up with some compromises in these areas. It is always difficult to do it when you have 50 Members in a body with very strong ideas on where things ought to be. These people don't often get the recognition they deserve for spending the long hours and putting together these kinds of packages. I am grateful to the Senate Banking staff, Democrats and Republicans, for their efforts. My hope is next week we can conclude this and then come back again with some additional ideas that can truly make a difference.

I thank everyone for their involvement. I know there are several other people who want to come over and be heard on this subject matter, but in their absence, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4406, AS FURTHER MODIFIED

Mr. DODD. Mr. President, I ask unanimous consent that notwithstanding adoption of amendment No. 4406, as modified, the amendment be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

At the end of title VI, insert the following:

SEC. _____. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

"(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—

"(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and

"(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

"(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

"(i) the limitation under section 38(c), and"(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

"(iii) the limitation under section 53(c).

"(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

"(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

"(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

"(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

"(I) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

"(II) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

"(III) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

"(iii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iii), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

"(iv) APPLICABLE LIMITATION.—For purposes of clause (ii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

"(I) $40,000,000, or

"(II) 10 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).

"(v) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iii).

"(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

"(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

"(I) from taxable years beginning before January 1, 2006, and

"(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

"(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

"(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

"(F) OTHER RULES.—

"(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

"(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CONGRESSMAN WILLIAM DICKINSON

Mr. SHELBY. Mr. President, I rise today to pay tribute to Congressman William Dickinson, who passed away on Monday, March 31, 2008. Bill was a skilled legislator and a personal friend, and along with the entire State of Alabama, I mourn his passing.

William Dickinson was born on June 5, 1925, in Opelika, AL. He served in the United States Navy during World War II and as a Major in the United States Air Force Reserves. In 1950, he obtained a law degree from the University of Alabama. He then practiced law for 2 years. In 1952, Bill began his career as an elected official, serving as a judge in city, juvenile, and circuit courts in Lee County. After his successful career as a judge, Bill was an executive for the Southern Railway. Bill also served on the Opelika Board of Education.

When Bill was elected to Congress in 1964, most of his constituents had never before been represented by a Republican. Nevertheless, Bill was elected to 14 consecutive terms in office and was a pivotal force in Alabama's change into a two-party State. While in office, Congressman Dickinson accomplished a great deal for his district, the State of Alabama, and our Nation.

He worked tirelessly for the 13 counties in his congressional district, particularly on military matters. As ranking member of the House Armed Services Committee, Bill was able to protect and strengthen the military bases in Alabama. He was a steamroller in military funding issues for the Air War College at Air University, Maxwell Air Force Base, and Gunter Annex in Montgomery, AL, and also further south in Alabama at Fort Rucker, where Army helicopter pilots go through their training. His exemplary work in this area improved both the economy of our State and the security of our Nation.

Bill's work for the military also extended to the national level. He was very influential in the rearming of America during the Cold War, working to stop the spread of communism and providing the military with the programs and equipment they needed during the Vietnam war. Bill is credited both with the creation of the Aviation Department in the Department of the Army and for the Apache Attack Helicopter program. In fact, Bill was nicknamed the "Father of Army Aviation" due to his advocacy on behalf of those issues.

His work garnered the attention of the American Conservative Union, which presented him with the Statesman Award; the Army Aviation Association of America, which awarded him with its Congressional Appreciation Award; and the Association of the United States Army, which presented William with the Distinguished Service to Soldiers award, among others.

Bill is loved and will be missed by his wife Barbara, his four children and his five grandchildren. He was an inspiration to many and will be remembered for his service to our Nation. I ask the entire Senate to join me in recognizing and honoring the life of our colleague, Congressman William Dickinson.

ADDITIONAL STATEMENTS

CONGRATULATING HOLY FAMILY RESIDENCE

• Mr. CASEY. Mr. President, today I congratulate the Holy Family Residence of the Little Sisters of the Poor in Scranton, PA, on the occasion of its 100th anniversary.

The Holy Family Residence has served the elderly poor of Scranton for the past century with loving care and devotion. All of the devoted caregivers ensure that the guests of Holy Family Residence receive the physical, social, and spiritual care advocated by Blessed Jeanne Jugan, the foundress of the Little Sisters of the Poor. In fact, all of the sisters have taken a vow of hospitality to care for their impoverished neighbors. Not only do the guests of the Little Sisters of the Poor enjoy a true sense of belonging through recreational and social activities and responsibility for certain daily tasks, but the guests also receive hospitality in the form of physical comfort and compassionate healthcare.

The current staff of Holy Family Residence consists of ten Little Sisters of the Poor and 90 full and part-time employees. These devoted individuals offer skilled nursing care to 52 elderly residents and also operate apartment-style living for another 22 disadvantaged senior citizens. All of those under the care of Holy Family Residence are eligible for Medicaid. In spite of such financial difficulties, these residents can enjoy peace of mind and compassion through the charitable efforts of the Little Sisters of the Poor and the dedicated caregivers at Holy Family. It is with great pride that I congratulate Holy Family Residence for its 100 years of service to the elderly poor of Scranton. I hope that the Little Sisters of the Poor may continue their good works in Scranton for many years to come and that they might inspire others to show the same care toward their neighbors.•

UNIVERSITY OF IOWA WRESTLING TEAM

• Mr. GRASSLEY. Mr. President, I am here today to honor the University of Iowa wrestling team. The Hawkeye wrestlers won their 21st NCAA championship on March 22, 2008 in St. Louis. It was the first national championship for the Hawkeyes since 2000, and it shows that Iowa's great wrestling tradition continues. Under the tutelage of former Hawkeye great Tom Brands, the Iowa squad won its 32nd Big Ten conference title with a perfect 8–0 record. They had an overall dual record of 21-1.

Iowa crowned two individual national champions in St. Louis, Brent Metcalf and Mark Perry. Metcalf had an incredible season for the black and gold and was named Outstanding Wrestler at the Big Ten and NCAA Championships, and at the Division I NWCA/Cliff Keen National Duals. Metcalf was named Big Ten Wrestler of the Year, and most recently was awarded the Dan Hodge Trophy which recognizes the top college wrestler each year. Perry won the second national championship of his college career. He was also named an All-American for the fourth time. A senior, Perry compiled an overall record of 96–16, and a 20–3 record this season. They also had seven athletes named All-Americans, Metcalf, Perry, Jay Borschel, Matt Fields, Charlie Falck, Phillip Keddy and Joe Slaton.

Coach Brands was named National Wrestling Coaches Association Coach of the Year and Big Ten Coach of the Year.

Iowans also celebrated the Hawkeyes' success on April 3, which Governor Culver proclaimed "University of Iowa Wrestling Day" in our State.

I am proud to recognize the Iowa Hawkeye wrestling team, along with Coach Tom Brands and his outstanding staff, for winning the Division I Wrestling National Team Championship.•

HONORING DR. PHILIP MASON

• Mr. LEVIN. Mr. President, it is my pleasure to recognize the efforts of Dr. Philip P. Mason, widely regarded as one of Michigan's most distinguished living historians, on the opening of the 50th Annual Conference on Local History; "Michigan in Perspective." This conference, which Dr. Mason founded in 1958 and continued to organize and nurture for a half century, is one of our Nation's most outstanding historical gatherings, appealing to historians of all ranks. Dr. Mason's efforts throughout the years to preserve, promote, and facilitate the use of historical records is, indeed, an important endeavor.

Dr. Mason graduated from Boston University with a degree in liberal arts in 1951, and subsequently moved to Michigan to pursue a master's, and ultimately a doctorate, in history from the University of Michigan. While at the University of Michigan, he served as Michigan's State Archivist from 1953 to 1958.

In 1958, Dr. Mason launched a long and distinguished career at Wayne State University as a professor of history. That same year, he founded the Archives of Labor and Urban Affairs and served as its director until he retired in 1992 to return to teaching. By 1992, the Labor Archives had grown to become the official depository for the inactive records of nine international labor unions, including the United Auto Workers, Service Employees International Union, American Federation of State, County and Municipal Employees, Airline Pilots, American Federation of Teachers, and the United Farm Workers.

The archives also preserved and made available to researchers the historical files of several thousand labor leaders, reformers, and prominent community leaders. In May 1975, the new Walter Reuther Library opened on the Wayne State University campus. By the end of his tenure as director, the library had become one of the major research centers in the world and an integral part of the research of hundreds of scholars, writers, film producers, and other researchers.

Dr. Mason was promoted to full professor in the department of history in 1966. He also became professor of library and information science in 1993 and his popular archives curriculum educated and inspired hundreds of young professional archivists. In 1990, Wayne State University named Dr. Mason a distinguished professor of history, a rank he retained until his retirement in 2006. Throughout his career, he received numerous awards, including the Alumni Faculty Service Award in 2005, the President's Exceptional Service Award in 2001, and the Distinguished Graduate Faculty Award in 1985.

During his career as an archivist, he assisted many institutions, including Penn State University, Georgia State University, the University of Texas at Austin, and San Francisco State University to establish their labor archives. He was the major consultant to the AFL–CIO in establishing the George Meany Archives at Silver Spring. He also assisted 15 other international unions to set up archives and records management programs.

Dr. Mason played an active role as a member of at least seven professional societies ranging from the American Association of State and Local History to the Michigan Historical Society. From 1986 to the present he served as co-editor of Wayne State's award-winning Great Lakes Books Series, and in 1992, he became the editor of Michigan State University Press' Henry R. Schoolcraft series. He authored or co-authored eight books including "Rum Running and the Roaring Twenties," 1995, "The Ambassador Bridge," 1987, and Tracy W. McGregor: Humanitarian, Philanthropist and Detroit Civic Leader," 2008.

In addition to authoring and contributing to numerous other articles and television series, Dr. Mason has traveled for decades giving popular presentations that broaden the appreciation of Michiganders of their colorful Michigan heritage. And, along the way, Dr. Phil Mason has selflessly befriended, assisted, and inspired hundreds of young scholars to carve out careers in local history.

I know my colleagues join me in honoring Dr. Philip Mason. I wish him continued success in the years ahead.•

TRIBUTE TO WALLY BRONNER

• Ms. STABENOW. Mr. President, I wish to honor a remarkable man from Michigan, Wally Bronner, who passed away on April 1, 2008, at the age of 81. As the founder of BRONNER'S CHRISTmas WONDERLAND in Frankenmuth, he embodied the spirit of Christmas.

I had the privilege of visiting Wally at his store and it was an amazing experience. His enthusiasm and passion were contagious. He was truly an ambassador for the community of Frankenmuth and the State of Michigan, throughout our country and the world. It is hard to think of Christmas without thinking about Wally Bronner. BRONNER'S CHRISTmas WONDERLAND is truly one of a kind and provides visitors with the opportunity to experience different cultures and Christmas traditions from around the world.

Wally Bronner was born and raised in Frankenmuth, MI. He started a sign painting business while in high school and then decorated window displays for a local hardware store. Several merchants approached him about providing them with Christmas decorations and that was the beginning of what has now become BRONNER'S CHRISTmas WONDERLAND, which sits on 45 acres of land with a shipping department that is the size of 5½ football fields and a chapel.

Wally had a deep faith in God and was passionate about giving back to the community. His generosity has been felt in Frankenmuth and beyond. The Walter and Irene Bronner and Family Foundation, which he founded, has made many special things happen for the community, including a new auditorium at Frankenmuth High School and "Operation Sparkle" that provided the equipment needed to clean up Saginaw.

BRONNER'S CHRISTmas WONDERLAND will continue to delight people of all ages across the world, but Wally's presence will surely be missed. I want to express my deepest sympathies to his wife Irene Bronner and his children Carla Spletzer, Maria Sutorik and Wayne Bronner. Frankenmuth, the State of Michigan and Christmas lovers everywhere are forever indebted to Wally Bronner.•

MESSAGE FROM THE HOUSE

At 12:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4847. An act to reauthorize the United States Fire Administration, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4847. An act to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mrs. CLINTON, Mr. LIEBERMAN, and Mr. DODD):

S. 2822. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1963

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2709

At the request of Mr. SESSIONS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2709, a bill to increase the criminal penalties for illegally reentering the United States and for other purposes.

S. 2717

At the request of Mr. CHAMBLISS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2717, a bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

S. 2719

At the request of Mrs. DOLE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2719, a bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2821

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2821, a bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

At the request of Ms. CANTWELL, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2821, supra.

S. RES. 495

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 495, a resolution designating April 2008 as "Financial Literacy Month".

AMENDMENT NO. 4382

At the request of Mrs. LINCOLN, the names of the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 4382 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4384

At the request of Mr. SANDERS, the names of the Senator from Ohio (Mr. BROWN), the Senator from New York (Mr. SCHUMER), the Senator from Iowa (Mr. HARKIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4384 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4387

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 4387 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4399

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 4399 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4406

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 4406 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4414

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4414 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4419

At the request of Mr. ENSIGN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New Hampshire (Mr. SUNUNU), the Senator from South Dakota (Mr. THUNE), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. MARTINEZ), the Senator from Wyoming (Mr. ENZI), the Senator from Idaho (Mr. CRAIG), the Senator from Utah (Mr. HATCH), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mrs. DOLE) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 4419 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4421

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 4421 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4423

At the request of Mr. COLEMAN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 4423 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mrs. CLINTON, Mr. LIEBERMAN, and Mr. DODD):

S. 2822. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, along with Senator CLINTON, Senator LIEBERMAN, and Senator DODD, I am introducing legislation that will correct a fundamental wrong perpetrated in the 2005 that allowed Federal bureaucracy to override local control by placing the Federal Energy Regulatory Commission in the primary role of siting Liquified Natural Gas, LNG, terminals. That action, taken in the Energy Policy Act of 2005, took what had historically always been a state government responsibility—the permitting of LNG storage terminals—and handed it off to a Federal agency in Washington, DC—FERC.

At the time, 45 Senators went on record saying that cutting State siting agencies out of the LNG siting process was a bad idea and the history of FERC's actions since then have borne us out.

Right now, in Oregon, we have three separate LNG proposals pending before FERC. Together, they would have a combined capacity of 3.3 billion cubic feet, BCF, of gas per day. Oregon and Washington, together, only use 1.33 BCF per day. Yet, FERC categorically refuses to address the basic question of whether the three proposed facilities are even needed to serve our market. FERC also refuses to consider whether any of the three publicly announced interstate pipeline proposals to bring natural gas to Oregon from the Rocky Mountains would be a better option. In fact, FERC asserts that it's not its job to determine which, if any, of these proposals best serves our market. FERC also asserts that it has no obligation to determine which of these proposals—and the hundreds of miles of pipelines that would cut through forest lands, farms, vineyards, and residential neighborhoods to connect them to the interstate pipeline system—has the least environmental impact to our State and our citizens' private property.

To make matters worse, FERC's insistence that each of these projects is a separate, unrelated project has produced a bureaucratic nightmare of competing public meetings, scoping hearings, and filing requirements for each project. Letters from local officials to FERC asking legitimate questions about impacts on local land use don't get answered. They simply get filed, because that's what the FERC process is set up to do—to process paper and not address real concerns.

The end result is a public process in which the public has no due process and no assurance that their concerns will be heard, much less addressed.

At every turn, FERC's LNG siting process in Oregon has defied common sense and public accountability. It is a process divorced from the real world questions that need to be answered. The situation in other parts of the country is no different.

It's time to restore the local and State role in these critical decisions about in whose backyard a pipeline or LNG plant will be built. It is time to reverse the ill-considered decision Congress made in 2005 when it overrode State and local decision-making to put a Federal bureaucracy in charge of LNG siting authority. This bill would do exactly that.

I am pleased that Senator CLINTON is joining me in sponsoring this important legislation to give States and local communities a say in where LNG facilities and pipelines should be built. I urge colleagues to join me in sponsoring the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPORTATION OR IMPORTATION OF NATURAL GAS.

(a) IN GENERAL.—Section 311 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 685) is repealed.

(b) APPLICATION.—The Natural Gas Act (15 U.S.C. 717 et seq.) shall be applied and administered as if section 311 of the Energy Policy Act of 2005 (and the amendments made by the section) had not been enacted.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4427. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 4428. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. BROWN, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4429. Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4430. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4431. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4432. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4433. Mrs. LINCOLN (for Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4434. Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4435. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4436. Mr. BOND submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4437. Mr. SMITH (for himself, Mr. KOHL, Ms. MURKOWSKI, Mr. STEVENS, Mrs. HUTCHISON, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4427. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new techniques, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

SEC. ____. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

(a) IN GENERAL.—Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which arise in the tornado disaster area on or after January 1, 2007, and before April 1, 2008, and which are attributable to tornados.

(b) TORNADO DISASTER AREA.—For purposes of this Act, the term "tornado disaster area" means any area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act on or after January 1, 2007, and before April 1, 2008, by reason of damage attributable to tornados.

SA 4428. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. BROWN, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 50, line 23, strike "$4,000,000,000" and insert "$3,900,000,000".

On page 58, line 10, strike "$100,000,000" and all that follows through "2008" on line 11, and insert the following: $200,000,000, to remain available until December 31, 2008".

SA 4429. Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, as follows:

Beginning on page 2, line 14, strike all through page 6, line 13, and insert the following:

SEC. 811. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2011":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2011.".

(4) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(5) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking "January 1, 2011" and inserting "the date of the enactment of paragraph (11)".

(c) SALES OF ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: "A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).".

(e) REDUCTION OF CREDIT FOR WIND ENERGY.—Section 45(b)(4)(A) is amended by inserting "(1)," before "(3)".

(f) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(g) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) MODIFICATIONS.—The amendments made by subsections (b), (c), (d), and (e) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (f) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SA 4430. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, as follows:

At the end of title II, add the following:

SEC. 204. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking "in excess of 6 percent" the second place it appears and all that follows and inserting "in excess of 6 percent—

"(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

"(B) during the period of military service, in the case of any other obligation or liability."; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

"(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.".

(b) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking "90 days" and inserting "one year".

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking "90 days" and inserting "one year".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 4431. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 204. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.".

SA 4432. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting "or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts" before "may not be considered".

SA 4433. Mrs. LINCOLN (for Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

On page 70, strike lines 14 through 22 and insert the following:

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—

"(i) $10,000,000,000 multiplied by a fraction—

"(I) the numerator of which is the population of such State, and

"(II) the denominator of which is the total population of all States, or

"(ii) the amount determined under subparagraph (B).

"(B) MINIMUM AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a State (other than a possession), $90,300,606, and

"(ii) in the case of a possession of the United States with a population less than the least populous State (other than a possession), the product of—

"(I) a fraction the numerator of which is $90,300,606 and the denominator of which is population of the least populous State (other than a possession), and

"(II) the population of such possession.

In the case of any possession of the United States not described in clause (ii), the amount determined under this subparagraph shall be zero.

"(C) SET ASIDE.—

SA 4434. Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 58, line 10, strike "$100,000,000" and insert "$137,500,000".

On page 58, line 17, strike the period and insert the following: ": Provided, That, of such amounts $37,500,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the 'NRC') to (1) make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys trained and capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure who have legal issues that cannot be handled by counselors already employed by such intermediaries, and (2) support NRC partnerships with State and local legal organizations and organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code with demonstrated relevant legal experience in home foreclosure law, as such experience is determined by the Chief Executive Officer of NRC: Provided further, That for the purpose of the prior proviso the term 'relevant experience' means experience representing homeowners in negotiations and or legal proceedings aimed at preventing or mitigating foreclosure or providing legal research and technical legal expertise to community based organizations whose goal is to reduce, prevent, or mitigate foreclosure: Provided further, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.".

On page 58, between lines 17 and 18, insert the following:

SEC. 302. LEGAL ASSISTANCE RELATED TO HOME OWNERSHIP PRESERVATION AND FORECLOSURE PREVENTION.

(a) APPROPRIATION.—

(1) IN GENERAL.—There is authorized to be appropriated and there is appropriated to the Legal Services Corporation $37,500,000 to provide legal assistance related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure.

(2) AVAILABILITY.—Such funds shall remain available until expended.

(b) FUNDING REQUIREMENTS.—Each limitation on expenditures, and each term or condition, that applies to funds appropriated to the Legal Services Corporation under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008, shall apply to funds appropriated to the Corporation under subsection (a), except as provided in subsections (a)(1) and (c).

(c) PRIORITY.—In providing financial assistance from the funds appropriated under subsection (a), the Corporation shall give priority to eligible entities and individuals that—

(1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates; and

(2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.

SEC. 303. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, sections 301 and 302 are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 4435. Ms. LANDRIEU submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—HOME OWNERSHIP MADE EASIER ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Home Ownership Made Easier Act" or the "HOME Act".

SEC. 802. SINGLE FAMILY HOUSING LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) INCOME LIMITS FOR ELIGIBLE BORROWERS.—To be eligible to receive a guaranteed loan pursuant to this subsection, the income of a borrower—

"(A) shall not exceed the current 4-person household limit, as defined by the Secretary, for a borrower living in a 1 to 4 person household;

"(B) shall not exceed the current 8-person household limit, as defined by the Secretary, for a borrower living in a 5 to 8 person household; and

"(C) shall not exceed the current household limits for households greater than 8 persons, as defined by the Secretary, for a borrower living in a household of more than 8 persons.";

(2) in paragraph (4)—

(A) in subparagraph (A) by inserting "and" after the semicolon;

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B), as so redesignated, by striking the period and inserting the following "having a population of not more than 40,000.";

(3) in paragraph (8), by striking "1 percent" and inserting "2 percent";

(4) by amending paragraph (9) to read as follows:

"(9) REFINANCING.—

"(A) IN GENERAL.—Any loan guaranteed under this subsection or any loan not guaranteed under this section, but which is owed by an individual who would qualify as an eligible borrower under paragraph (3) on a residence that would qualify under paragraph (4), may be refinanced or extended for any of the following purposes:

"(i) To pay off any other loan (including a first or second purchase mortgage) not made or guaranteed under this section.

"(ii) To repair mechanical or structural deficiencies to the residence of the borrower, provided that such repairs are made under the supervision of an eligible lender, as that term is defined in paragraph (6).

"(iii) To pay for closing costs as may be authorized by the Secretary, which shall include a discount not to exceed 200 basis points and an origination fee not to exceed 100 basis points. For each 100 basis points of discount, there shall be a minimum corresponding reduction of a 50 basis points in the maximum note rate, as defined by the Secretary, charged to the borrower.

"(iv) To allow the borrower to consolidate the debts of the borrower up to the greater of $10,000 or 10 percent of the loan amount, provided that such amounts shall be disbursed by the settlement agent at the time of the loan closing.

"(v) For any other purpose, and under such terms and conditions, as the Secretary shall prescribe.

"(B) LIMITATION.—Any loan described under subparagraph (A) may not be refinanced or extended for an additional amount or term which exceeds the limitations under this subsection."; and

(5) by adding at the end the following:

"(15) ELIGIBILITY NOT DEPENDENT ON QUALIFYING UNDER OTHER HOUSING PROGRAMS.—In no event or circumstance shall an otherwise eligible borrower be denied a loan or loan guarantee under this section solely because such borrower is not eligible (or is eligible and has not applied for) assistance under any other loan, housing, housing assistance, or other housing related program administered, in whole or in part, by the Federal Government.

"(16) AUTHORITY TO HIRE ADDITIONAL STAFF.—The Secretary, in his or her discretion, may hire such additional administrative full-time personnel as is necessary to carry out the administration of the guaranteed loan program established under this subsection.".

(b) ADDITIONAL FUNDING.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008—

(1) $1,000,000,000, to remain available until expended, for gross obligations for the principal amount of guaranteed loans as authorized under section 502(h) of the Housing Act of 1949, to be available from funds in the rural housing insurance fund under section 517 of such Act; and

(2) such sums as are necessary to the Secretary of Agriculture to hire additional staff as authorized under section 502(h)(16).

SEC. 803. INCOME ADJUSTMENTS FOR MINORS, STUDENTS, AND PERSONS WITH DISABILITIES.

Section 501(b)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1471(b)(5)(A)) is amended by inserting before the period the following: ", except that for purposes of this title the mandatory exclusion amount for minors, students, and persons with disabilities under the definition of adjusted income shall be $2,400".

SA 4436. Mr. BOND submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 61, between lines 5 and 6, insert the following:

"(iii) If the loan is an adjustable rate mortgage that includes an initial fixed interest rate—

"(I) state in conspicuous type size and format the following phrase: This loan is an adjustable rate mortgage with an initial fixed interest rate. Your initial fixed interest rate is AAA with a monthly payment of BBB until CCC. After that date, the interest rate on your loan will 'reset' to an adjustable rate and both your interest rate and payment could go higher on that date and in the future. For example, if your initial fixed rate ended today, your new adjustable interest rate would be DDD and your new payment EEE. If interest rates are one percent higher than they are today or at some point in the future, your new payment would be FFF. There is no guarantee you will be able to refinance your loan to a lower interest rate and payment before your initial fixed interest rate ends.;

"(II) the blank AAA in subparagraph (I) to be filled in with the initial fixed interest rate;

"(III) the blank BBB in subparagraph (I) to be filled in with the payment amount under the initial fixed interest rate;

"(IV) the blank CCC in subparagraph (I) to be filled in with the loan reset date;

"(V) the blank DDD in subparagraph (I) to be filled in with the adjustable rate as if the initial rate expired on the date of disclosure under subparagraph (B);

"(VI) the blank EEE in subparagraph (I) to be filled in with the payment under the adjustable rate as if the initial rate expired on the date of disclosure under subparagraph (B); and

"(VII) the blank FFF in subparagraph (I) to be filled in with the payment under the adjustable rate as if index rate on which the adjustable rate was one percent higher than of the date of disclosure under subparagraph (B).

"(iv) If the loan contains a prepayment penalty—

"(I) state in conspicuous type and format the following phrase: This loan contains a prepayment penalty. If you desire to pay off this loan before GGG, you will pay a penalty of HHH.;

"(II) the blank GGG in subparagraph (I) to be filled in with the date the prepayment penalty expires; and

"(III) the blank HHH in subparagraph (I) to be filled in with the prepayment penalty amount.

SA 4437. Mr. SMITH (for himself, Mr. KOHL, Ms. MURKOWSKI, Mr. STEVENS, Mrs. HUTCHISON, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 6___. MODIFICATIONS RELATING TO QUALIFIED VETERANS' MORTGAGE BONDS.

(a) INCREASED LIMITATION FOR CERTAIN STATES.—

(1) IN GENERAL.—Section 143(l)(3)(B)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

"(ii) ALASKA, OREGON, AND WISCONSIN.—In the case of the following States, the State veterans limit for any calendar year is the amount equal to—

"(I) $100,000,000 for the State of Alaska,

"(II) $100,000,000 for the State of Oregon, and

"(III) $100,000,000 for the State of Wisconsin.".

(2) REPEAL OF PHASEIN.—Section 143(l)(3)(B) of such Code is amended by striking clause (iii).

(b) DEFINITION OF QUALIFIED VETERAN.—Paragraph (4) of section 143(l) of the Internal Revenue Code of 1986 is amended to read as follows:

"(4) QUALIFIED VETERAN.—For purposes of this subsection, the term 'qualified veteran' means any veteran—

"(A) who served on active duty, and

"(B) who applied for the financing before the date 25 years after the last date on which such veteran left active service.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on Tuesday, April 15, 2008, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 570 and H.R. 1011, to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; S. 758 and H.R. 1311, to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; S. 1680, to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes; S. 2109, to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; S. 2124, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery; and S. 2581, to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2008 first quarter Mass Mailings is Friday, April 25, 2008. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records Office will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office at (202) 224-0322.

ORDER FOR RECORD TO REMAIN OPEN

Mr. DODD. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, the RECORD remain open until 1:30 p.m. for the introduction of bills, statements, and cosponsorships.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 7, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, April 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of H.R. 3221, the vehicle for the housing debate, and that Senators have until 3 p.m. Monday to file first-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. Mr. President, for the information of all Senators, there will be no rollcall votes during Monday's session of the Senate. However, Senators should be prepared to vote Tuesday morning.

ADJOURNMENT UNTIL MONDAY, APRIL 7, 2008, AT 2 P.M.

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 12:40 p.m., adjourned until Monday, April 7, 2008, at 2 p.m.

EXTENSIONS OF REMARKS

INTRODUCING EASTERN NEW MEXICO RURAL WATER SYSTEM AUTHORIZATION ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. UDALL of New Mexico. Madam Speaker, today I am very pleased to introduce a bill that will authorize the Bureau of Reclamation to help communities in eastern New Mexico develop the Eastern New Mexico Rural Water System, ENMRWS. A companion to this bill is being introduced today in the Senate by my colleagues Senator BINGAMAN and Senator DOMENICI. There has long been a recognized need for a reliable and safe supply of potable water for eastern New Mexico. After years of drought and ever-increasing population growth, this water supply project is now absolutely critical for the continued economic well-being of Curry, Roosevelt, and Quay counties in eastern New Mexico.

The Entrada and the Southern High Plains, or Ogallala, aquifers currently provide 100 percent of the municipal and industrial water supplies and the vast majority of agricultural water for communities in these east-central New Mexico counties. However, both the quantity and quality of these ground water reserves have declined severely in recent decades. Despite voluntary conservation efforts and improvements in agricultural water-use efficiencies, these ground water supplies will not sustain current use levels in as little as 12 years, and may be functionally depleted within 25 years.

The water supply project authorized by this legislation builds upon more than 40 years of research, planning, and design. In 1959, after recognizing the water supply problems in eastern New Mexico, the New Mexico Legislature and Interstate Stream passed an Act authorizing the State Engineer to construct a dam on the Canadian River, thus establishing the the Reservoir. Since 1966, numerous congressionally-authorized studies have investigated the feasibility of a project that would utilize the Ute Reservoir as a reliable water supply for communities in eastern New Mexico. Finally, in the late 1990s, several communities, concerned about the increasingly urgent need, came together to begin planning for the development of a regional water system.

The Eastern New Mexico Rural Water Supply Authority, consisting of nine communities in the Curry, Roosevelt and Quay counties of eastern New Mexico, was formed in 2001 to oversee the development of the ENMRWS. This authority has expeditiously and effectively finalized the studies and planning necessary to move forward with this project.

Madam Speaker, as you can see from this brief history, the citizens of eastern New Mexico have both proven the critical need and completed the necessary steps to form the basis for a project of this magnitude. This project is not new, and the need for water is becoming increasingly more urgent. In fact, I introduced this bill with my New Mexico Colleagues in the Senate in both the 108th and 109th Congresses. In the 108th Congress the Senate Subcommittee on Water and Power in the Committee on Energy and Natural Resources held a hearing on the bill, which I understand brought out some very positive support and feedback. Since that time, the need for this project has only become greater and support for the venture has continued to increase in the local communities and State government.

Without this project, it is clear that this important region will suffer economically. We cannot stand by and watch vibrant communities dissolve into western ghost towns, especially when solutions exist. I sincerely hope my colleagues will support this legislation and help provide a positive, long-term solution to a pressing water need in the rural West. This legislation represents the important next step toward addressing the overarching issue of water in the and West.

DEDICATION OF THE KATHLEEN SAVAGE BROWNING MINIATURES COLLECTION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. DAVIS of Kentucky. Madam Speaker, on April 8, 2008, a new educational collection will be unveiled and celebrated at the Kentucky Gateway Museum Center in Maysville, Kentucky.

Chicago's Art Institute and England's Queen Mary's Dolls' House are among the few places in the world where visitors can enjoy expansive collections of miniature buildings and artifacts and Maysville's Kentucky Gateway Museum Center now joins these distinguished institutions. The 3,300 square foot Miniatures Gallery at the Kentucky Gateway Museum Center is now home to an unrivaled collection of thousands of 1⁄12 scale miniatures thanks to a generous donation from Maysville native and resident Kaye Browning. The collection features historic buildings, homes and monuments, including the ancestral home of Lady Diana Spencer, the Fleece Inn in England and the Cox Building in Maysville.

This collection has been a passion of Ms. Browning's for over thirty years. Her donation to the Kentucky Gateway Museum Center represents a substantial investment in the community and is certain to bring many visitors, both young and old, to Maysville to experience this world-class collection and gallery. I thank Ms. Browning for her incredible gift to the museum and for her tremendous dedication to Maysville and the entire region. I want to thank Lou Browning, her husband and partner in this endeavor and the staff and supporters of the Kentucky Gateway Museum Center who have made it a leader in telling the story of our Commonwealth.

THE INFANT CRIB SAFETY ACT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mrs. TAUSCHER. Madam Speaker, I rise today to introduce the Infant Crib Safety Act.

I originally introduced this legislation in 1999 at the request of the Danny Foundation, a national nonprofit organization established after the tragic death of Danny Lineweaver of Alamo, Calif. At the age of 23 months, Danny was injured while trying to climb out of his crib. He caught his shirt on a decorative knob on the corner post of his crib and hanged himself. Though his mother was able to perform CPR the moment she found him, Danny lived in a semi-comatose state for nine years and died in 1993.

But Danny Lineweaver's parents are by no means the only ones to face this heartbreaking and preventable tragedy. According to the U.S. Consumer Product Safety Commission, CPSC, more than 12,300 infants and children are hospitalized—and more than 40 children die—each year as a result of injuries from unsafe cribs. These children include Amaya Jade Dummar, a 2-month-old who died of asphyxiation when she was caught in the gap between the crib railing and the side of her crib, and Garrett Davis, a 4-month-old who died at his grandparents' home when he became wedged between an added mattress and the vinyl side of his mesh crib.

Madam Speaker. cribs are the only juvenile products manufactured expressly for leaving children unattended, and the design and construction of cribs must ensure that parents can have confidence that a crib is a safe place to leave an infant. Existing CPSC mandatory standards, as well as voluntary crib safety guidelines, have been effective in addressing most safety hazards associated with new cribs. The CPSC estimates that these standards prevent hundreds of deaths annually. However, these standards and guidelines apply only to new cribs, not to the sale or commercial use of second-hand and hand-me-down cribs. Secondhand cribs, many of which predate stringent federal safety standards and have been subsequently recalled, are responsible for the majority of crib-related infant injuries and deaths.

Used cribs can have any number of dangerous features. Missing or broken parts, excessive width between slats, poorly fitting crib

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sheets, inadequate mattress support, and faulty latches that do not prevent unintentional crib collapse all pose serious risks to infant safety. Nearly 4 million infants are born in the United States each year, but it is estimated that only 1 to 2 million new cribs are sold. This means that millions of infants are being placed in potentially unsafe used cribs. Secondhand cribs can persist for years in the secondary market in thrift and resale stores. Many hotels and motels continue to use second hand cribs that do not meet current safety standards established by CPSC.

In 2007 alone, more than 1.5 million cribs were recalled. It is vital to ensure that these potentially dangerous products are removed from the stream of commerce. Twelve States, including my home State of California, have already adopted legislation that would make it illegal to manufacture or sell a crib that does not meet current safety standards. But children in every State deserve this basic protection.

The Infant Crib Safety Act will save lives, and give peace of mind to the millions of parents who place their infants in cribs every single day.

This legislation will accomplish four main objectives to keep our children and infants safe. First, it will bar crib makers from manufacturing, and commercial users from selling, products that do not meet the most up-to-date safety standards, including voluntary industry standards. As a result, it will keep structurally unsound, lead-containing, and otherwise unsafe cribs out of the stream of commerce. Second, it will prohibit the use of unsafe secondhand cribs in hotels, motels, and inns. Third, it requires the Consumer Product Safety Commission to update its standards by including new rules on crib durability. Many cribs are not built to withstand the stresses that active toddlers place on them, rendering older, used cribs even less safe for infants. Durability standards will assure safe usage over time, as well as quickly identify failures in design or hardware that could lead to a hazardous crib.

And finally, the bill requires new cribs to feature labels warning against the use of potentially dangerous soft bedding, to remind parents of the risk of infant suffocation from the use of pillows, blankets, and stuffed animals.

Madam Speaker, this measure was approved by the Senate last month as part of comprehensive consumer product safety legislation, and I applaud my colleague from California, Senator FEINSTEIN, who worked to ensure its passage. Now is the time for the House to act on this vital provision.

A PROCLAMATION HONORING COACH JILL YODER FOR COACHING THE HILAND HIGH SCHOOL GIRLS' BASKETBALL TEAM TO WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Jill Yoder showed hard work and dedication to the sport of basketball; and

Whereas, Jill Yoder was a leader and mentor for the Hiland High School Girls' Basketball Team; and

Whereas, Coach Yoder has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Coach Jill Yoder for leading the Hiland High School Girls' Basketball Team to winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and leadership she has demonstrated during the 2007–2008 Basketball season.

KELSIE HUTCHINSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kelsie Hutchinson who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Kelsie Hutchinson is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kelsie Hutchinson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kelsie Hutchinson for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING BOB KUSSE, FORMER PENNSYLVANIA STATE SENATOR

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise today to recognize and honor the life of former Pennsylvania State Senator and personal friend, Bob Kusse who passed this February. Bob Kusse was born in Rochester, New York in 1918, and attended the Universities of Rochester and Buffalo. Despite his New York roots however, this man dedicated the rest of his adult life to serving the Commonwealth of Pennsylvania.

Bob Kusse served in the Pennsylvania House of Representatives from 1972 to 1977. He was elected to the State Senate in a special election in May 1977. I had the great pleasure of working for Senator Kusse from 1981 until the Senator's retirement in 1984.

Senator Kusse was one of the toughest, most principled voices in the Pennsylvania State Senate. He was a remarkable advocate of improving the state's transportation system as well as the state's business climate. He was a committed conservative who was always ready to make tough decisions and make Pennsylvania attractive for new job creation.

Senator Kusse presided at a critical time and over efforts to rebuild the states' roads and bridges, expand its turnpike and put its mass transit systems on a sound footing. As a top fiscal conservative, he was a uniquely credible spokesman to join with Transportation Secretary Larsen and push for much needed revenues to fix Pennsylvania's transportation system.

Senator Kusse brought a rare integrity and wonderful outspokenness to the House, and later, the Senate. Bob Kusse was a self-made man who loved his community and his family, and had a marvelous love of learning that culminated in his seeking his Bachelor's degree, in his seventies, at Edinboro University after his retirement from the Pennsylvania State Senate. He was wonderful mentor and a truly marvelous public servant.

I hope my colleagues will join me in commemorating the life of Senator Bob Kusse.

RECOGNIZING THE CAREER OF MR. ROBERT ZERKLE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the distinguished career and extensive community involvement of Mr. Robert Zerkle of Mascoutah, Illinois.

Bob served in the Mascoutah School District for 38 years, as a math teacher, Business Manager and Assistant Superintendent, before retiring in 2001.

Even after his retirement from the Mascoutah School District, Bob has continued to be a staunch advocate of Impact Aid, the Federal program which provides assistance to local school districts that have been impacted by the presence of Federal property, such as the impact Scott Air Force Base has had on the Mascoutah School District in the Congressional district I represent. He has received several awards commending his efforts, including the 2008 Friends of the National Association of Federally Impact Schools Award and the Globe Award recognizing his career working on behalf of Impact Aid.

Madam Speaker, as the Representative for Scott Air Force Base, I have witnessed first hand how important the Impact Aid program is to our region and our students. Not only does it provide school districts such as Mascoutah with essential funding otherwise unavailable, it assures the men and women of our fighting forces that their children will receive a great education while they are keeping America safe and secure.

The tireless efforts of individuals like Bob Zerkle are an example of how one individual's dedication to a cause can have a lifetime effect on a community. Bob's wealth of experience and overwhelming devotion will no doubt be missed among his colleagues and his students.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Bob Zerkle for his years of dedicated service in support of Impact Aid and the students of the Mascoutah School district. I wish Bob the very best in the future.

CONGRATULATING THE CHATEAUGAY BULLDOGS UPON WINNING THE 2008 NEW YORK STATE BOYS CLASS D CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. McHUGH. Madam Speaker, I rise today to congratulate the Chateaugay Central School District's Bulldogs upon winning the 2008 New York State Boys Basketball Class D Championship. I am proud to represent the community of Chateaugay, New York, and this team, which won not only Chateaugay's first state basketball championship but also the first boys state basketball championship won by a Section X team.

On March 15, 2008, the Chateaugay Bulldogs won the New York State Class D Championship when they defeated the North Star Christian Academy Knights by a score of 52 to 41. In that game, the Bulldogs were in control from the opening tip and never fell behind. Brad Dumont lead the Bulldogs' balanced scoring attack with 16 points and six assists in the championship game and was named the tournament's Most Valuable Player. In addition, the Bulldogs' Zach Peck, who was named to the Class D All Tournament team, contributed 10 points and 10 rebounds while Drew Boyea added 12 points in the final contest. Of note, the Bulldogs' Jordan Rankin was awarded the Tournament's Sportsmanship Award.

The Chateaugay Bulldogs completed the 2008 season with a record of 24 and 1. They were coached by Ron Boyea and assistant coaches Steve Lang, Jason LaPlante, and Mike Martin. Other team members were Tyler Beach, Andy Cook, Andrew Gadway, Ryan Helm, Jordan Henderson, Cody Hesseltine, Blake Parmater, Brad Spinner, Cory Spoor and Dylan White.

Madam Speaker, I am proud of this team and their accomplishments. Accordingly, I ask my colleagues to join with me in congratulating them.

INTRODUCING THE RESTORING THE PARTNERSHIP FOR COUNTY HEALTH CARE COSTS ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. HASTINGS of Florida. Madam Speaker. I rise today with my colleagues Representatives RUSH HOLT and MICHAEL BURGESS introduced bi-partisan legislation today which will restore the federal-local partnership in covering medical expenses for incarcerated individuals before they are adjudicated.

The Restoring the Partnership for County Health Care Costs Act of 2008 ensures that individuals currently receiving Medicaid, Medicare, or Social Security Insurance (SSI) will continue to receive those benefits until they are tried and convicted and that local governments will not be forced to cover the medical expenses of individuals who have not yet been convicted of any wrongdoing.

A person incarcerated in a county jail or juvenile detention facility in almost all states is ineligible to receive Medicare, Medicaid, or SSI benefits once they enter the facility. Under current law, however, the suspension of benefits occurs prior to the issuance of formal charges or conviction. As a result, local governments (usually county governments) are responsible for not only meeting and paying for the mandate that all individuals who are inmates of public institutions be provided with health care, but also for the days, weeks, months, and even years leading up to an actual conviction. If a person is found innocent, the reinstatement of federal benefits—benefits which should not have been taken away in the first place—can takes months, while the local government continues to be responsible for covering the non-reimbursable costs associated with providing the federally-mandated health care to these individuals. The cost assessed to counties, although not exact, is in the hundreds of millions nationwide.

The bipartisan Restoring the Partnership for County Health Care Costs Act of 2008 addresses this issue prohibiting the Federal Government from stripping individuals of their Medicare, Medicaid, and SSI benefits prior to actually being convicted and reaffirming the federal-local partnership in meeting this mandate.

Madam Speaker, stripping people of their federal benefits before they have been convicted of anything is a direct contradiction of the basic presumption of innocence which is the foundation of the American criminal justice system. And for the Federal Government to stick local governments with the tab for this contradictory policy is just plain wrong.

The Federal and local governments are partners in ensuring that all of our residents have medical coverage. Neither partner should be bearing an unfair burden in meeting this mandate.

Our bipartisan legislation is a common sense solution to this continuing problem, and I urge my colleagues to support its expeditious passage.

HONORING KATHRYN GUSTAFSON

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. McDERMOTT. Madam Speaker, on the occasion of the honoring of her lifetime achievement, one of Seattle's great historic organizations, the Rainier Club, the People of the State of Washington would like to hold up as a national inspiration the special record of one of our State, Nation, and world's most notable landscape architects, the distinguished and virtually peerless Kathryn Gustafson.

I have supported and honored the arts as a unique vehicle for personal growth and community enrichment. Landscape architecture in particular has the capacity to elevate the daily experiences of people from all walks of life while promoting harmony and balance between people and nature.

Ms. Kathryn Gustafson's significant contributions to the discipline of landscape architecture are as impressive as they are vast in geography, style, theme and dimensions ranging from 1 acre to 150 acres.

As the BBC noted in a 2002 article, Ms. Gustafson's work "is about harmony between the land and the mind, body and soul, she says, and harmony between the site's past and how it can be adapted for the future."

My home city of Seattle has been the beneficiary of her fine touch with projects such as Seattle's City Hall Plaza and the McCaw Hall Opera House.

From Seattle to London and Paris to Beirut, Kathryn Gustafson's work in designing landscapes for complex, high-use spaces has enriched the lives of countless people. A sampling of her works include The Square of Human Rights in Evry, France; the Square Rachmaninov in Paris; the Diana, Princess of Wales Memorial Fountain in Hyde Park, London; the Museum of Art at the University of Michigan; and countless others.

While Ms. Gustafson's awards are too numerous to list, she has been honored with the prestigious 2007 National Heritage of the 20th Century Award, bestowed by the French Minister of Culture; the 2003 Design Merit Award of the American Society of Landscape Architects for her work on the Arthur Ross Terrace at the American Museum of Natural History in New York City; and in 2001 the esteemed Chrysler Design Award, which is described by Chrysler as honoring the "achievements of individuals who have consistently championed seminal works of architecture and design, and significantly influenced modern American culture."

But perhaps the most enduring honor of all is to lay claim to the translation of one's talents and vision into works that lift the spirits of millions of world citizens each and every day, and for decades and perhaps centuries to come.

We in Washington's Seventh Congressional District give thanks to Kathryn Gustafson for her unique abilities and for sharing them with so many of her fellow citizens in the public sphere. We are proud to have such a distinguished architect among us.

A PROCLAMATION HONORING COACH ALISHA NUMBERS FOR COACHING THE HILAND HIGH SCHOOL GIRLS' BASKETBALL TEAM TO WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Alisha Numbers showed hard work and dedication to the sport of basketball; and

Whereas, Alisha Numbers was a leader and mentor for the Hiland High School Girls' Basketball Team; and

Whereas, Coach Numbers has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Coach Alisha Numbers for leading the Hiland High School Girls' Basketball Team to winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and leadership she has demonstrated during the 2007–2008 Basketball season.

KRISTEN VASQUEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kristen Vasquez who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Kristen Vasquez is a student at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kristen Vasquez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kristen Vasquez for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

TRIBUTE TO 100TH BIRTHDAY OF MRS. BESSIE (DAVIS) WYNN

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to pay tribute and to celebrate the 100th birthday of Mrs. Bessie (Davis) Wynn, a poet, born April 5, 1908 in Carr, Florida.

Mrs. Wynn is the daughter and second child of James Stephen Davis II and Annie Elizabeth Ware Davis. As a child she went to school at St. Paul AME Church in Blountstown, Florida since there were no other school systems available to Black children there. She first started doing poetry as a child when she noticed that the other children were not doing well with their Easter speech. She prayed to God to give her the power to help them, so she memorized all their speeches so that if they forgot a word she would be able to tell them. This was the beginning of a calling that has expanded for most her life. Her first poem she recited was "I'm Methodist bred and Methodist born, and when I die I'll be Methodist gone." As she learned poems she would mix other things in them to give them more flare. She moved to Pensacola when she was a teen to work and help out at home, but had to return to help take care of her siblings when her mother died.

In 1925 she married Reverend Samuel Wynn and had four children, one son, Samuel Jr. (deceased), and three daughters, Mary Catherine, Annie Laura, and Jimmie Ola. She lived in different places because her husband was a minister and settled down in Blountstown where she has lived in the same house for more than 70 years. In her younger days she made and sold jewelry as well as working in the lunch room at Mayhaw School. She was a den mother for FHA and made the basketball uniforms for the first girl's team at Mayhaw. She was elected as queen of St. Paul AME Church and won the talent competition in the Golden Girls contest held in Blountstown.

She worked for almost 40 years for the Hollinger family where she was forced to retire after out-living her employers. She was in her 80s at the time of her retirement. She also took in laundry and was a seamstress as well.

Mrs. Wynn is best known for her poetry and recitations, which she has performed along the eastern seaboard, including New York, and in Bermuda. She is now a great-great grandmother and still continues to delight audiences with her recitations and her quick wit and entertaining personality. I am privileged to honor the life of this centenarian and life long Floridian. Happy Birthday Mrs. Wynn and best wishes.

A TRIBUTE TO THE LIFE OF LEO KOLLIGIAN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. COSTA. Madam Speaker, I rise today along with my colleagues from California, Congressman DENNIS CARDOZA, Congressman GEORGE RADANOVICH, and Congressman DEVIN NUNES to pay tribute to the life of Leo Kolligian of Fresno, California, who recently passed away at 90 years of age. Mr. Kolligian was an ambitious man who made lasting, positive impacts on California's Central Valley. He leaves behind a loving family including his wife June, his son Lee Jay, a daughter-in-law Maria and his three grandchildren Tyler, Kyle, and Kate.

Leo was born in Fresno in August of 1917. After graduating from Fresno State, Leo spent time in Berkeley's Boalt Hall School of Law in order to obtain his Juris Doctorate. Leo soon began serving as the United States Deputy Attorney General in Sacramento, before venturing into the development industry throughout Fresno, Merced, and Madera counties where his impressive work is still appreciated today. In 1985, Leo was appointed to the University of California Board of Regents by the Governor of California. Leo was then elected Chairman of the Board, wherein he was a driving force in the establishment of the University of California, Merced—the Valley's only UC campus.

While achieving numerous successes and accolades for his service, Leo still found time to dedicate to the Boalt Hall Law School Board of Trustees, the American Cancer Society, the Saint Agnes Medical Center Board of Trustees, and the Fresno Metropolitan Museum. Leo earned a reputation as a passionate advocate for education and a supporter of many worthwhile charitable organizations. The legacy of his support for education is forever preserved on the University of California Merced campus with the establishment of the Leo S. Kolligian Library. Despite his many contributions and accomplishments, Leo remained a humble, grateful man who never forgot the values for which he stood—hard work, honesty and integrity.

It goes without saying that Leo Kolligian had a strong positive influence on the region. His lifelong commitment to the betterment of the entire San Joaquin Valley will forever live in the lives of the people he so graciously touched. We are honored and humbled to join his family in celebrating the life of this amazing man who will never be forgotten.

HOMESCHOOLING IS A CONSTITUTIONAL RIGHT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. POE. Madam Speaker, homeschooling has been a major part of this Nation's history since its founding. In fact, when the Constitution was written nearly everyone was homeschooled. Many of our country's greatest leaders received quality education at home including: George Washington, Thomas "Stonewall" Jackson, General George S. Patton, Abraham Lincoln, Benjamin Franklin, John Quincy Adams, Patrick Henry, James Madison, Davy Crockett, and General Douglas MacArthur.

From 1620 until the mid-1800s, most parents in America taught their children to read at home. Students would then attend university systems that were operated by religious leaders. Education was voluntary and yet literacy rates in colonial America were significantly higher than they are today.

Across the United States today more than 2.1 million children are homeschooled. Studies have confirmed that children who are educated at home consistently score higher on achievement tests and college entrance exams than non-homeschooled children. These graduates then go on to act as responsible parents and citizens in the workplace and the home.

Now judges on the California appellate court, want to overturn not only hundreds of years of tradition, but the United States Constitution by denying parents their constitutionally protected right to homeschool their children. According to the California court, parents who homeschool their children ought to be fined or sent to jail.

Who do these judges think they are?

Apparently, they don't believe they have a responsibility to uphold the Constitution of the United States. If they did they would have known that the Supreme Court has already addressed the fundamental and constitutional rights of parents to direct the upbringing and education of their children and they have found in favor of parents.

In Wisconsin v. Yoder, decided in 1972, the Supreme Court issued a ruling in favor of Amish parents who wanted to remove their children from public school after the 8th grade because it violated their religious beliefs. The Court held that the compulsory attendance law unduly burdened the free exercise clause in the First Amendment of the Constitution.

In Pierce v. Society of Sisters, decided in 1925, the Supreme Court invalidated legislation that required parents to send their children to public schools. The Court found that the law unreasonably interfered with the liberty of parents and guardians to direct the upbringing and education of their children.

Again in Meyer v. State of Nebraska, decided in 1923, the Supreme Court struck down a law that prohibited parents from letting their children learn a foreign language before the 8th grade. The Court held that the liberty guaranteed in the 14th Amendment protected the rights of parents to control the education of their own children.

In accordance with the Constitution, Supreme Court case law clearly supports the fundamental right of parents to direct the upbringing and education of their children.

It's about time for the judges out in California to pick up the U.S. Constitution, look at Supreme Court case precedent, and issue a new ruling that is consistent with the freedoms this country was founded on.

And that's just the way it is.

TRIBUTE TO 2008 JOHNSON COUNTY MOVERS AND SHAKERS AWARD WINNERS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today to note an important event in the Third Congressional District of Kansas. On April 28, 2008, the Volunteer Center of Johnson County in Overland Park, KS, will honor outstanding youth volunteers. Eighty young people have been nominated by school personnel and nonprofit organizations for their dedication and service to the community. Youth volunteerism continues to grow and be a strong force in Johnson County. These 104 young people exemplify the true meaning of volunteerism and giving back to their community. It is my honor to recognize each student volunteer and their schools by listing them in the CONGRESSIONAL RECORD.

Ben Ackerman, Blue Valley North, Leawood; Molly Allison-Gallimore, Home School, Spring Hill; Miriah Anderson, Olathe Northwest, Olathe; Sydney Ayers, Barstow, Leawood; Amir Bachelani, Olathe Northwest, Olathe; Elizabeth Baldwin, Blue Valley High School, Stilwell; Leah Barber, Westridge Middle School, Shawnee Mission; Derek Bradshaw, Frontier Trail Jr. High, Olathe; Kristina Buchanan, Shawnee Mission Northwest, Shawnee Mission; Alexx Burnside, Prairie Trail Jr. High, Olathe.

Julie Bywater, Pleasant Ridge Middle School, Olathe; Sally Carmichael, Shawnee Mission West, Lenexa; Jasmine Carr, Westridge Middle School, Lenexa; Kristy Carter, Olathe North, Olathe; Abigail Cattron, Notre Dame de Sion, Leawood; Carter Clause, Rockhurst, Leawood; Bryce Cooke, Olathe South, Olathe; Bradley Cooper, Olathe Northwest, Lenexa; Daniel Cooper, Olathe Northwest, Lenexa; Daniel Cooper, Olathe Northwest, Lenexa.

Steven Cooper, Olathe Northwest, Lenexa; Jacob Doles, Prairie Trail Jr. High, Olathe; Kathryn Duroe, Olathe Northwest, Olathe; Allison Ens, Prairie Trail Jr. High, Olathe; Rindy Fairchild, Midland Adventist Academy, Shawnee; Amber Fedor, Olathe Northwest, Lenexa; Emily Ann Ferbezar, Shawnee Mission Northwest, Shawnee Mission; Stephen Fowler, Shawnee Mission East, Shawnee Mission; Evan Gage, Blue Valley Northwest, Overland Park; Christy Garren, Westridge Middle School, Overland Park.

Jennifer Garren, Shawnee Mission West, Overland Park; Kevin Garrett, Shawnee Mission West, Lenexa; Michael Garrett, Shawnee Mission West, Lenexa; Finley Gates, Shawnee Mission East, Fairway; Victoria Gaughan, Olathe South, Olathe; Enaam Gettino, Shawnee Mission West, Shawnee Mission; Caroline Godfrey, Blue Valley North, Leawood; Jenna Gottschalk, Shawnee Mission West, Shawnee Mission; Jonathan Gregory, Maranatha Academy, Lenexa.

Lauren Gregory, Home School, Lenexa; Cameron Gunter, Chisholm Trail Jr. High, Olathe; Eileen Hall, Blue Valley West, Olathe; Stephanie Haynes, Olathe South, Olathe; Vienesse Homan, Prairie Trail Jr. High, Olathe; Lauren Hoobler, Olathe North, Olathe; Tyler Howard, Prairie Trail Jr. High, Olathe; Lisa Imgrund, Shawnee Mission Northwest, Shawnee Mission; Katie Kelter, Prairie Trail Jr. High, Olathe; Chris Kennedy, Prairie Trail Jr. High, Lenexa.

Jadhken Kerr, Olathe South, Olathe; Nicole Knapp, Shawnee Mission West, Shawnee Mission; Rachel Knapp, Westridge Middle School, Shawnee Mission; J. Paul Knightly, Olathe Northwest, Olathe; Laura Knowles, Shawnee Mission West, Overland Park; Allison Kohn, Blue Valley High School, Overland Park; Connor Lambert, Prairie Trail Jr. High, Lenexa; Angela Lee, Prairie Trail Jr. High, Olathe; Garrett Leiker, Prairie Trail Jr. High, Lenexa.

Terrell Mace, Shawnee Mission Northwest, Shawnee; Ciara Malone, Shawnee Mission Northwest, Shawnee; Kathryn Martin, Westridge Middle School, Shawnee Mission; Annie McBee, Shawnee Mission East, Leawood; Caleb McKay, Westridge Middle School, Shawnee Mission; Molly Miller, Olathe South, Olathe; Ashley Murry, St. Thomas Aquinas, Olathe; Paige Nawalany, Shawnee Mission Northwest, Shawnee Mission; Jack Nelson, Prairie Trail Jr. High, Olathe; Derek O'Grady, Shawnee Mission East, Prairie Village; Addie Orpin, Bishop Miege, Roeland Park.

Nisha Patel, Prairie Trail Jr. High, Olathe; Kristine Plankers, Olathe South, Olathe; Justin Pohl, Blue Valley Northwest, Overland Park; Ryan Pohl, Oxford Middle School, Overland Park; Lindsey Pollock, Prairie Trail Jr. High, Olathe; Justin Prelogar, Blue Valley High School, Overland Park; Jamie Purcell, Prairie Trail Jr. High, Olathe; Rebecca Queen, Pembroke Hill, Shawnee Mission.

Kristen Ramsdale, Prairie Trail Jr. High, Olathe; Kelly Regan, Blue Valley West, Overland Park; Rebecca Renteria, Santa Fe Trail Jr. High, Olathe; Bryce Reynolds, Olathe Northwest, Olathe; Cassie Rhodes, Spring Hill High School, Spring Hill; Rachael Riedel, Westridge Middle School, Shawnee Mission; Peter Rogers, Olathe North, Olathe; Laura Lynn Schneller, Bishop Miege, Shawnee; Justin Scott, Shawnee Mission West, Shawnee Mission; Hannah See, Home School, Merriam; Ryan Shelton, Shawnee Mission Northwest, Shawnee.

Cassie Slocum, Shawnee Mission Northwest, Shawnee Mission; Megan Smith, Westridge Middle School, Lenexa; Jennifer Sommerfeld, Shawnee Mission Northwest, Shawnee Mission; Joe Stack, Prairie Trail Jr. High, Lenexa; Jessica Storm, Shawnee Mission West, Overland Park; Rebeka Stowe, Olathe Northwest, Olathe; Maggie Stubbs, Olathe North, Olathe; Anna Sturman, Olathe South, Olathe.

Michelle Sudac, Mill Valley, Shawnee; Marissa Titus, Shawnee Mission East, Prairie Village; Cody Tousey, Olathe South, Olathe; Ashley Vaughan, Olathe Northwest, Olathe; Monica Vezendan, Olathe South, Olathe; Sarah Wacker, Home School, Merriam; Austin Walter, Bishop Miege, Shawnee; Russell Walter, Bishop Miege, Shawnee; Matt Wedel, Blue Valley West, Overland Park.

LUIS LARIOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Luis Larios who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Luis Larios is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Luis Larios is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Luis Larios for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt he will exhibit the same dedication he has shown in his high school career to his college career and future accomplishments.

COMMENDING JOSEPH P. ANDERSON ON HIS RETIREMENT FOR A LIFETIME OF COMMITMENT TO PUBLIC SERVICE

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PASTOR. Madam Speaker, I rise before you today to recognize the success of a man from my home state of Arizona—Joseph P. Anderson—who is retiring after devoting his professional life to helping our state's less fortunate and most vulnerable people.

Joe is a third-generation Arizonan raised in Prescott. His father, Novian Anderson, was an Army major and then an Arizona Department of Economic Security employee. His mother, Martha Anderson, was a school teacher. He credits these two hard working individuals with instilling in him a strong work ethic and sense of community. Those solid roots, which included a strong religious upbringing, gave him a base for everything he needed to know about life—work hard, live by the Golden Rule, be loyal to your friends, and never forget to give back to the community that nurtured you.

After graduating from Arizona State University, Joe embarked on a 17-year career with the Arizona State Government. While working for the Arizona Department of Administration, Joe's superb organizational and analytical skills were recognized by Governor Bruce Babbitt, who had the wisdom to couple them with the talents of Dr. Donald F. Schaller in a bold move to address the state's failing Medicaid system. Together, they rebuilt Arizona's pioneering health plan for the poor and created a successful new prototype of managed care that cut costs while providing high quality health care. It proved to be so effective, it has been emulated in whole or in part by most other states.

In 1986, Joe and "Doc" formed a partnership with P.J. Davis and started the consulting firm of Schaller Anderson. Working as a team, they established an acclaimed long-term care program and developed managed health plans for low income persons in seven states, while also working on Medicaid programs in two other states. Schaller Anderson became such a success that it was purchased by Aetna to serve as its Medicaid arm with Joe remaining as chairman of the Schaller Anderson Board.

Staying loyal to his parents' values, Joe always made time for worthy causes. Never one to scrimp on donating time, energy and money, he also encouraged his employees to contribute to charitable causes as well. His efforts were instrumental to the good work done by such groups as the Central Arizona Shelter Services, the Cesar Chavez School, a City of Phoenix smoke alarm distribution program that aided low-income households, and the Monsignor Edward J. Ryle Fund. Not surprisingly, these tireless efforts resulted in his being awarded with a number of prestigious commendations citing his service and leadership.

Clearly, Joe's indomitable belief in the importance of giving and participating has served both him and the State of Arizona very well. So, even in retirement, we expect Joe will continue to be guided by the strong sense of responsibility he gained from his parents and we look forward to his remaining active in making Arizona a better place to live for those in need.

BLAME CONGRESS FOR THE HIGH PRICE OF OIL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. POE. Madam Speaker, gasoline prices are soaring. The problem rests on the well-known principle of supply and demand. Our domestic energy supply cannot meet our demand. The solution is to increase our supply by exploring domestic energy sources and allowing drilling in ANWAR.

The problem is even worse when you consider that as more countries industrialize, especially India and China, there will be more demand for the same amount of oil. The result? Even higher gas prices.

While it is easy to point fingers and blame American oil companies, the real culprit is Congress. Congress is responsible because it decided to subsidize special interest groups, energy companies which may produce expensive and unreliable energy someday. Congress placed our future in the hands of unproven energy sources.

Instead of supporting those companies that provide our energy today, Congress punished them with high taxes. But Congress was sure to exempt Venezuelan oil company, CITGO, from these high taxes.

Gas companies have reported record profits in recent years, but these profits resulted in record high tax collection. Two months ago, Exxon-Mobil announced record profits of $40.7 billion, but they paid nearly $30 billion in taxes. Their high profits are due to the increasing demand for oil by American and global consumers. And this demand isn't going to change. Also these profits go to shareholders—the thousands of Americans that own stock in oil companies. By punishing oil companies, Congress is hurting the average American who owns a little stock in oil companies.

The United States is the only industrial power in the world that does not take advantage of its own energy resources. We must drill in the Arctic National Wildlife Refuge and the Outer Continental Shelf. Our gas prices will fall if we are able to increase our domestic supply of oil.

Federal government restrictions are burdening the American consumer and private business. These restrictions have put a halt on building new oil refineries. In fact, it's been 32 years since the last US oil refinery was built in Garyville, Louisiana. These unnecessary restrictions and taxes are driving companies to move off shore where restrictions and taxes are less.

Congress must lift the unnecessary regulations on off-shore drilling. If Congress doesn't lift these restrictions, the American consumer will continue paying high prices for gas and the United States will remain dependent on 3rd world nations and Dictator Chavez.

And that's just the way it is.

TRIBUTE TO BILLIE JEAN OSBORNE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. ROGERS of Kentucky. Madam Speaker, the reason our region in Kentucky moves forward is because people stand up to be counted. They have passion for their community, believe in others, and have a can-do spirit to get things done. They radiate optimism wherever they go and spread it to others, and it catches fire in the communities in which they live. These people are priceless—their passion makes them natural leaders.

One such person is Billie Jean Osborne. Because of her, young people in eastern Kentucky learned something that is as vitally important as it is elusive—self-confidence. The Kentucky Opry Junior Pros, who range in age from elementary school to college-aged students, perform live shows for up to 1000 people throughout the year. She gives them a musical education and they put that on display for the whole community.

She did more than give young kids self-confidence. Billie Jean is the driving force that led to the creation of the Mountain Arts Center in which they perform. Because of this facility, grandparents, parents, friends and neighbors can see the talents of these young performers.

Billie Jean approached many people about building this center in 1992. She talked to anyone who would listen about this idea and many said "this is great; call us when you're ready." It turns out she was ready, and made a lot of us ready as well and we got it built 5 years later. Communities large and small need a focal point. Whether it is the St. Louis arch or the Washington Monument, these landmarks define communities by the history and heritage they represent.

In this region that heritage involves country, bluegrass and gospel where folks learned to play guitars, banjoes and sing from their parents and grandparents. But for many smaller communities there isn't such a landmark or even a place nearby large enough where very many people can congregate. Thanks to Billie Jean we have both. It is the Mountain Art Center, or simply "the MAC" and it is the pride of Prestonsburg.

Her life experience led to the establishment of the Kentucky Opry nearly 20 years ago for older musicians. Many Junior Opry members later go on to join the Kentucky Opry. A school teacher for 30 years, Billie Jean still provides area schools with supplemental music education programs. She educates thousands of children with private music lessons, plays the organ at her Church, where she's been a member for nearly half a century, and started a music education program at the MAC at no cost to the students.

She will be honored at the MAC on April 12. Her students spanning generations, current and former members of the Kentucky Opry and Jr. Opry and people throughout the region will be there. They will be there because Billie Jean Osborne showed us how to take what is in us and put it on a stage.

I am proud to know her and pay tribute to her in the United States Congress.

ON THE PASSING OF HARRY McDONALD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. MILLER of Florida. Madam Speaker, it is with great sadness that I rise today to recognize the passing of Harry Ryan "Mack" McDonald, Jr. Mack was a patriot who over the course of many years put his country before himself.

Born on August 8, 1928. in Pensacola in my district in northwest Florida, Mack enjoyed an extensive career with both the United States Navy and Army. Over two decades of service saw him rise from his first enlistment to the rank of first sergeant and later retire at the rank of captain. Through those years he defended our Nation's liberty in World War II, the Korean war, and the Vietnam war. Mack's bravery in combat earned him, among other honors, both the Bronze Star Medal and the Combat Infantry Badge.

After his retirement, Mack returned to northwest Florida. the area of the country where he had grown up and still wanted to call home. After building a house in the city of Crestview, Mack wanted to continue to be engaged with our Armed Forces and joined the Disabled American Veterans, DAV, Crestview Chapter 57. His love of service to his country showed in his involvement with DAV, and he served in many positions. Mack went on to become a chapter commander, a district commander, and a State commander. This is no small task given the number of veterans that choose to call the State of Florida their home.

From 1997 to 1998, Mack served as the national commander for the Disabled American Veterans. There is no doubt that Mack was the right man for this monumental job. He served as the main advocate for over a million veterans throughout the nation. In this position, Mack traveled the Nation learning the needs of disabled veterans and came before Congress and the Department of Veterans Affairs to explain and press for improved services for those veterans.

My condolences go out to Mack's wife Merallyn, their family, and all others who mourn the loss of this great servant to our Nation. America is a better, safer place because of him and those many others who served in our Armed Forces. He loved his country and his family deeply, and his loss will have a vast impact on many.

Madam Speaker, on behalf of the United States Congress, it is with no small amount of sorrow that I tell of the passing of Mack McDonald from this world, and his family is in my thoughts and prayers.

TRIBUTE TO COACH CREAN

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. HILL. Madam Speaker, on April 2, 2008, Tom Crean was named the 28th head basketball coach at Indiana University. I wish to congratulate Coach Crean and welcome him to Indiana's 9th Congressional District.

Coach Crean comes to Indiana University from Marquette University. At Marquette, Coach Crean led the Golden Eagles to five NCAA Tournament appearances and a Final Four berth in 2003. Coach Crean also consistently graduated his players. Marquette's graduation rate was often ranked in the Top Ten amongst major NCAA conferences.

Indiana's 9th Congressional District is in the heart of Hoosier Hysteria. Tiny Milan High School defeated Muncie Central High School in 1954, creating inspiration for one of the greatest sports movies of all time, "Hoosiers." Many young men and women grow up dreaming of walking into Assembly Hall in Bloomington and playing for the Hoosiers.

Coach Crean is ready to embody and embrace the tradition that is Indiana basketball. From the five national championship banners that hang in Assembly Hall to the famous candy striped warm-up pants, Indiana University is steeped in basketball tradition. When asked why he left Marquette, Coach Crean simply responded, "It's Indiana, and that's the bottom line." Coach Crean understands the tradition.

Again, congratulations to Coach Crean. I know Hoosier fans across the 9th District are looking forward to seeing him on the sidelines.

INTRODUCTION OF THE POISON CENTER SUPPORT, ENHANCEMENT AND AWARENESS ACT OF 2008 (H.R. 5669)

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. TERRY. Madam Speaker, I am pleased to join my colleague, Congressman TOWNS (NY–10) on the introduction of the Poison Center Support, Enhancement, and Awareness Act of 2008 which provides the necessary funding to operate poison control centers across the country.

First, I want to thank Mr. TOWNS for his leadership on this issue. As a fellow member of the Energy and Commerce Committee, and a member of the Health Subcommittee, his expertise and experience with public health matters is much appreciated.

Poison Control Centers throughout the United States play a critical role in saving lives, especially of children. Poisoning is the second leading form of unintentional death in the United States and an estimated 60 percent of those exposures are experienced by children under the age of 6 who are exposed to toxins in their home. Commonly ingested items found in the home include cleaning supplies, cosmetics, and pesticides.

Poison centers are manned by medical professionals 24 hours a day. Toxicologists at these centers have access to a computerized information retrieval system with over 800,000 products. These professionals are then able to assess poison risk, advise treatment and/or triage patients, recommend treatment or refer them to appropriate medical facilities.

The Nebraska Regional Poison Center, established in 1957, serves Nebraska, Wyoming, American Samoa, and Federated States of Micronesia and provides 24-hour emergency and information hotline services. Last year alone, they received 40,129 calls and provided guidance and helped diagnose victims of accidental poisonings. Approximately 75 percent of calls to the Nebraska Regional Poison Center were able to be treated safely at home. In 2007, the Nebraska Regional Poison Center estimates that its services saved patients about $22 million in healthcare costs. Poison control centers save money by eliminating or reducing the number of unnecessary trips to emergency departments.

Madam Speaker, this bill provides the funding needed to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention. This legislation not only saves lives, but it saves millions of dollars a year in unnecessary costs. I urge my colleagues to support this bill and have it considered on the House floor.

NICOLE SANCHEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nicole Sanchez who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Nicole Sanchez is a student at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Nicole Sanchez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nicole Sanchez for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING CLIFTON CONRAD CURRY III

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Clifton Conrad Curry III, who was taken from us on March 1, 2008, at just 20 years of age.

Trey, as he was known, was a young man who greatly enjoyed life and loved the people that crossed his path. It has been said that he never met a person that he did not like, and, in turn, everyone loved him. His kindness toward others, compassion, and bear hugs for close friends and family will not soon be forgotten.

Trey attended Hillsborough Community College and Tallahassee Community College. He was a 2006 graduate of Newsome High School and a 2003 graduate of Brandon Academy. He was a member of both the Junior Varsity and Varsity football teams as a freshman at Tampa Catholic High School and played many seasons of South Brandon Little League Baseball. Trey was an avid Florida State University fan who enjoyed golfing with Coach Bobby Bowden and attending home football games with family. He was an outdoorsman who loved fishing, hunting, snow skiing, and golfing.

Madam Speaker, my heart aches for Trey's family. He leaves behind his parents, Terry and Clif, his brother and sister, Colton and Mary Beth, and many other family and friends who loved him and will forever miss this most remarkable young man. May God bless the Curry family. We shall never forget Trey.

RECOGNIZING CARLENE H. ANDERSON, 2008 WALTON COUNTY RECIPIENT OF THE SUPERINTENDENT'S AWARD FOR VOLUNTEER/COMMUNITY INVOLVEMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Carlene H. Anderson, the 2008 Walton County recipient of the Superintendent's Award for Volunteer Community Involvement.

Ms. Anderson has amplified education in the Walton County area, expanding it beyond the classroom and into the community. By building partnerships with the Walton County Chamber of Commerce, local businesses, and various other community organizations, Ms. Anderson has fused a significant relationship that enforces the role of education in the community. Her recent collaboration with the Florida Chautauqua Assembly brought the Hall of Presidents to Walton County. The event was an immense success, drawing national attention and acclaim. More importantly, however, the success of the event proved the importance of education within the community.

Ms. Anderson's shrewdness and exceptional leadership capabilities have enhanced the learning opportunities for the students she overlooks and enriched the community with educational outlets. She is especially involved in the volunteer programs coordinated by the schools in Walton County and is a strong supporter of community involvement. This endorsement has resulted in multiple accolades including the Golden and Silver School Award.

Volunteers play a vital role in the physiology of the classroom. Their presence eases the responsibilities of the teacher and their assistance provides extra services for students who otherwise would not receive extended aide. Ms. Anderson's foresight and devotion to Walton County schools enabled her to recognize the importance of volunteers and their outstanding contributions to the schools. Such discernment has benefited the entire community which prospers from the student's academic success. Ms. Anderson's accomplishments have distinguished her as one of the great people in Northwest Florida. Walton County is greatly indebted to her service and is honored to have her as one of their own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Superintendent Carlene H. Anderson on this outstanding achievement and for her exemplary service in the Walton County School District.

IN HONOR OF GLENN DORFMAN'S SERVICE TO HOMETOWN MINNESOTANS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mrs. BACHMANN. Madam Speaker, I rise to recognize Mr. Glenn Dorfman, who recently retired from the Minnesota Association of REALTORS. Having served as the association's Chief Operating Officer for 25 years, his genuine dedication, endless passion, tireless work ethic, and commitment to his community absolutely embody the finest of America's bedrock principles.

Many would tremble at the thought of being responsible for a 26,000 member trade association, but those who have worked with Glenn know he succeeded beyond all expectations. Glenn's colleagues have characterized him as having the unique ability to make complex concepts more understandable; and his ability to help and work with others has directly contributed to his success.

Maybe that's why a 1992 Star Tribune article referred to him as "a major player in shaping state tax policy," and why in the spring of 1995, a Star Tribune survey of Minnesota Legislators recognized Glenn as one of "The Top Eight Most Influential Lobbyists" in Minnesota.

Although Glenn has achieved so much in this line of work, some of his most significant achievements took place earlier in his career. Among those accomplishments, Glenn taught literature and mathematics to 7th & 8th graders in Kentucky, he was a college educator in Duluth, he served as Chief Executive Officer of a Catholic Charities Human Services Agency in Wisconsin, and he even held elective office.

Most recently, he was named the recipient of the 2005 21st Century Leadership Award from Minnesota Legal Aid. This honor recognized Glenn for the countless hours of pro bono work he has done for over 15 years to provide legal assistance to the poorest Minnesotans. A native of New York, Glenn has had a colorful and wide ranging career.

Madam Speaker, it is my honor to rise today to celebrate Glenn Dorfman's extraordinary and noble career of service. His passion, commitment and enthusiasm for his work truly provide inspiration for us all. I stand today and join his family, friends, and colleagues in wishing him nothing but a fulfilled and blessed retirement.

PERSONAL EXPLANATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. ROTHMAN. Madam Speaker, I would like to state for the RECORD my position on the following votes I missed on March 31st and April 1st, 2008.

On Monday, March 30, 2008 and Tuesday, April 1, 2008, I was unable to be present in the Capitol due to a family emergency and thus missed rollcall votes Nos. 147 through 152. Had I been present, I would have voted in the following manner:

On rollcall vote No. 147, on H.R. 3352, the Hydrographic Services Improvement Act Amendments of 2008, I would have voted "aye."

On rollcall vote No. 148, on H.R. 2675, the HALE Scouts Act, I would have voted "aye."

On rollcall vote No. 149, on H. Con. Res. 302, a resolution supporting the observance of Colorectal Cancer Awareness Month, I would have voted "aye."

On rollcall vote No. 150, on H. Con. Res. 310, a resolution expressing support for a national day of remembrance for Harriet Ross Tubman, I would have voted "aye."

On rollcall vote No. 151, on H. Res. 1005, a resolution supporting the goals and ideals of Borderline Personality Disorder Awareness Month, I would have voted "aye."

On rollcall vote No. 152, on H. Res. 1021, a resolution supporting the goals, ideals, and history of National Women's History Month, I would have voted "aye."

WORLD AUTISM AWARENESS DAY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. REICHERT. Madam Speaker, in December 2007, the United Nations General Assembly adopted a resolution declaring April 2 as the annual World Autism Awareness Day (WARD). Autism is only the third disorder to be recognized in this manner by the UN, showing the pervasive nature of autism and its ever-increasing effect on millions of people worldwide. As the Founder and Co-Chair of the Congressional Children's Health Care Caucus, I recognize the destructive force that is autism and I am proud to recognize Worldwide Autism Awareness Day in order to raise awareness of this life-altering and little known disorder.

Last year, the Centers for Disease Control and Prevention announced that autism now afflicts one in every 150 American children and nearly one in 94 boys. These numbers are extremely disconcerting, especially when coupled with the fact that we know little about the root causes of autism.

By raising public awareness of autism, hopefully more money will be allocated to research and develop cures and treatments. I am leading an effort to increase the funding for the National Institutes of Health (NIH). Increasing NIH funding offers the best hope we have to finding cures and treatments for diseases and disorders like autism. Collectively, we must commit every available resource to all research in order to enhance the quality of life for many, and it is my hope that raising awareness of this disorder will lead to new resources to combat it.

More children will be diagnosed with autism this year than with diabetes, cancer, and AIDS combined and autism is the fastest-growing serious developmental disability in the world. While currently there is no medical detection or cure for autism, early diagnosis and intervention shows much promise. With increased support for autism awareness, together we will offer hope in an area that desperately needs it. And finally Madam Speaker, I would encourage my colleagues to join us in this fight, to fund NIH medical research and bring hope to children and their families.

CONGRATULATING ENVIRONMENTALIST ROSA "CISSIE" DURANDO FOR BEING NAMED A STATE OF FLORIDA POINT OF LIGHT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor Rosa "Cissie" Durando, a legendary environmentalist in Palm Beach County, Florida.

I have known "Cissie" Durando since coming to Congress in 1993. As an officer in the Audubon Society and on her own, Rosa has been actively dedicated to the preservation of our environment for nearly 50 years. Her knowledge of all things ecological, her honesty, diligence and determination combine to make her an invaluable resource to everyone concerned about protecting our water, air and land and the flora and fauna with which we cohabit our planet.

Over the course of her life, Rosa has accrued awards too numerous to mention. Now, her work has been recognized again by Florida Governor Charlie Crist, who has named her a "Point of Light" during Environmental Awareness Month.

I am pleased to join Governor Crist, Rosa's family, friends and huge numbers of admirers in celebrating her much deserved award, and I look forward to her continued contributions to the education of our citizens and the health of our planet.

RECOGNIZING THE EFRAIN ANTHONY MARRERO FOUNDATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. WAXMAN. Madam Speaker, I rise today to recognize and congratulate the efforts of the Efrain Anthony Marrero Foundation.

Over the last three years, the House Oversight Committee has held numerous hearings into the impact of steroid abuse. We've learned of widespread abuse, not just by professional athletes, but by millions of teenage boys and girls, and we've learned of the terrible health impacts of this abuse.

We've heard from many experts who are doing the hard work necessary to reduce this epidemic of steroid abuse. And we've heard the tragic personal stories of families that have been affected by this problem.

Frank and Brenda Marrero are the parents of Efrain Marrero. Almost four years ago, their son Efrain, a promising high school athlete, committed suicide following steroid abuse.

The Marrerros grieved. And they also acted, starting the Efrain Anthony Marrero Foundation to tell their story and to educate teenagers about the dangers of steroid abuse.

Representing their foundation, and keeping alive the memory of their son, the Marreros have traveled the country, speaking to parents, teachers, coaches, and teenagers at hundreds of workshops. Their simple message—and the power of their tragic personal story and their ability to persevere—have educated thousands of parents and children about the health impacts of steroid abuse.

I want to thank the Marreros for their efforts. The foundation's motto—FAST—Fighting Against Steroids Together—is a reminder of the need for constant vigilance by coaches, teachers, parents, and public officials to solve this public health problem.

I ask my colleagues to join me in recognizing the ongoing work of Frank and Brenda Marrero, and the Efrain Anthony Marrero Foundation, to reduce steroid abuse.

SHEYLINN WORK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Sheylinn Work who has received the Arvada Wheat Ridge Service Ambassadors for Youth Award. Sheylinn Work is a student at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Sheylinn Work is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Sheylinn Work for winning the Arvada Wheat Ridge Service Ambassadors for Youth Award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

A PROCLAMATION HONORING THE 200TH BIRTHDAY OF KNOX COUNTY OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2008

Mr. SPACE. Madam Speaker:

Whereas, Knox County, Ohio celebrated its 200th birthday on March 1, 2008 with great joy; and

Whereas, they will reflect on the past 200 years with fondness and celebrate; and

Whereas, the residents of Knox County have positively contributed to the history of America from the Civil War to the Industrial Revolution to today's society; and

Whereas, Knox County will reminisce on a lifetime full of memories and look forward to many more: Now, therefore, be it

Resolved, That along with my friends, family, and the residents of the 18th Congressional District, I wish Knox County, Ohio a happy 200th birthday.

JAMES C. DUDDY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service and leadership of James C. Duddy on the occasion of his retirement after more than 50 years of service to the Kansas City, Missouri, Fire Department.

James began his career as a firefighter in 1955, and rose to Assistant Chief Fire Marshal. Over the years, James has earned many awards including Firefighter of the Year and the Medal of Honor.

James has also been instrumental in assisting several other organizations. He has assisted the Secret Service, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms on several occasions, and served as President of the Kansas City Arson Task Force for many years.

Madam Speaker, I ask my colleagues to join with me in commending James C. Duddy for his dedicated service to ensuring the safety of the people of Kansas City, Missouri. I know James' colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

A TRIBUTE TO BEVERLY WHITE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Beverly White of Altadena, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our Nation's women. Accordingly it is my privilege to highlight Ms. White as a woman whose extraordinary efforts are vital to my district.

Beverly is well known in southern California for her current role as the co-anchor of the "Today in L.A." weekend edition and as a long-time reporter on the popular 11 p.m. Channel 4 News. She focuses in particular on the live coverage necessitated by local natural disasters such as regional wildfires and the Northridge earthquake.

Armed with a degree in broadcast journalism from the University of Texas at Austin, Beverly first set out on her multi-State career at KCEN-TV, NBC, in Temple/Waco and KENS-TV, CBS, in San Antonio. In the late 1980s, she moved to Cincinnati and became the anchor of the top-rated morning newscast. There Beverly reported on the tumultuous saga of Pete Rose, as well as on the 1988 Democratic and Republican presidential conventions.

As a reporter for WTVJ in Miami, Beverly covered several stories on international affairs concerning Haiti and Cuba, as well as the rape trial of William Kennedy Smith. Exemplifying her specialty in live coverage, she was on the team that won a 1992 Peabody Award for their outstanding coverage of Hurricane Andrew.

Southern Californians encounter Beverly in the field in other ways as well. She is a past president of the Black Journalists Association of Southern California and is a member of the national affiliate, the National Association of Black Journalists. In addition to her professional leadership roles, Beverly supports community causes by hosting myriad annual awards functions, from YWCA's "Women of Excellence" event to Los Angeles Neighborhood Housing Service's luncheon.

As an icon of local journalism and a selfless volunteer, Beverly's dedication to the Altadena community is an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Ms. Beverly White.

APPLAUDING THE RISE IN REMITTANCES SENT TO THE CARIBBEAN AS CRUCIAL TO THE AREA'S DEVELOPMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. RANGEL. Madam Speaker, I rise today to note the significant role remittances play in the economies of the Caribbean and to applaud their record-setting increases, as described in the New York CARIB News article, "Remittances to Caribbean Reach Record High of $8 Billion in 2007." That money, sent on behalf of family and friends living abroad, represents a considerable—and pivotal—portion of the region's GDP. These funds go a long way in contributing to the area's development and provide aid for its people to better afford food, shelter, clothing, and medicine.

This boost is a remarkable and laudable sign of global support for our neighbors to the south. Jamaica, Haiti, Guyana, Trinidad and Tobago, Suriname and Belize have particularly benefitted from it, receiving each a record amount. It is my hope that the region continues to see an influx of these funds from supporters worldwide who care intimately about the progress of the Caribbean.

REMITTANCES TO CARIBBEAN REACH RECORD HIGH OF $8 BILLION IN 2007

The amounts typically range from $200 to $300 at each time.

Still, in 2007, they amounted to a whipping $8.1 billion to the Caribbean, accounting in same cases to at least a third of the economies of nations in the region which receive funds from nationals in North America, Europe and elsewhere. At least $5 billion of those funds went to Caricom states, particularly Jamaica, Haiti, Guyana, Trinidad and Tobago, Suriname and Belize.

In its annual report on remittances to Caribbean and Latin American nations in 2007, the Inter-American Development Bank's Multilateral Investment Fund stated that Jamaicans, Haitians, Guyanese, Trinidadians, Surinamese and Belizeans in that order sent a record amount of funds to their relatives and close friends last year.

And while the MIF didn't cite a specific sum for Barbados, the United Nations and the World Bank had previously estimated that Bajans abroad had sent more than $140 million to their country.

Overall, remittances to the Caribbean and Latin America rose by seven per cent in 2007 over the figure for 2006, the first year for which there wasn't a double digit increase stated the Fund.

The importance of the remittances, the MIF explained, could be seen in "the significant contribution to the region's economy. For instance, Jamaicans remitted $1.9 billion to relatives, accounting for 18% if country's gross domestic product while Haitians' $1.8 billion to in remittances represented 35% of the GDP. Guyana's was by far the largest single contributor to the GDP. The $424 million may have been about 16 per cent if Jamaicans' flow but the money was 43% of the economy.

The smallest contribution was the $125 million repatriated to Trinidad and Tobago. It represented one per cent of the economy while in Suriname's case, the $115 million was 5%.

The Dominican Republic was the largest single recipient of remittances in the larger Caribbean region, receiving $3.1 billion.

Belize's receipts of $105 million were the equivalent of 8% of the GDP.

A closer look at the figures for 2007 and prior years showed that remittances to:

Jamaica rose from $983 million in 2001 to almost $1.5 billion in 2004.

Haiti, they skyrocketed from less than $900 million in 2001 to just under $1 billion in 2005, rising to last year's record level of 1.5 billion.

Guyana are considered a "crucial source of income."

The Caribbean and Latin America as a whole reached $66.5 billion, about seven per cent more than in 2006.

Mexico amounted to almost $24 billion, and was virtually unchanged, rising barely by one percent. Apparently Mexicans "appear to be less inclined to send money home, citing concerns about stricter enforcement of immigration laws and a slowing economy in the United States," the MIF reported.

Brazil, totaled $7 billion, a decline of 4%. The reason: "increasing opportunities at home and a strengthening local currency, the "Real," has appreciated 14 percent against the dollar over the past 12 months.

The various countries pay for "basic expenses such as food, shelter, clothing and medicines but some of them are saved.

The region, about 75 percent of them "come from the United States, Spain and Japan."

Jamaica, the Dominica Republic, Guyana, Haiti and Trinidad and Tobago have risen every year since the beginning of the 21st century.

STATEMENT OF THE 60TH ANNIVERSARY OF THE STATE OF ISRAEL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. COSTELLO. Madam Speaker, I am pleased today to honor the 60th anniversary of the state of Israel and to honor the people and accomplishments of this great nation.

From its inception in 1948, Israel has had a long and painful struggle to sustain itself. On May 14, 1948, the United States was the first Nation to extend its formal recognition of Israel as a state, and our two states have since maintained a strong relationship through shared values and interests. Israel has a great deal to be proud of. It has built itself into a strong democracy with an advanced industrial, market economy in one of the most volatile regions of the world. While facing many challenges, it places a great emphasis on quality of life and leads the region in regards to education, democratic participation, and having a free press. The United States and Israel have had a strong relationship throughout their history, sharing these values. Our own country has benefited from Israel's prosperous economy, and in 1985, Israel and the United States concluded a free trade agreement. Israel's Silicon Wadi, an area comparable to the U.S.'s Silicon Valley, is one of the most robust telecommunications and technology industry areas in the world. As testament to this fact, important American companies have research and development facilities located there.

As we honor Israel's accomplishments, we also recognize the continued security threats the country faces from terrorist organizations and aggressive neighbors. Innocent Israelis are attacked with rockets and suicide bombings while belligerent leaders of other nations call for nothing short of Israel's destruction. The American people and Congress have consistently condemned these attacks on our friends. In the most recent example—rocket attacks from Gaza—the House passed a resolution strongly condemning these attacks, as well as the organizations and states supporting them. We have also provided aid for Israel's defense and for the security of the Middle East and will continue to support Israel's right to defend itself. While the challenges remain, the Israeli people have endured and persevered throughout history, and they will continue to do so, and the United States will remain a stalwart ally.

Madam Speaker, I again congratulate the people of Israel on this historic anniversary and wish them a peaceful and prosperous future.

A TRIBUTE TO LISSA LAYNG REYNOLDS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Mrs. Lissa Layng Reynolds of South Pasadena, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our Nation's women. Accordingly, it is my privilege to highlight Mrs. Reynolds as a woman whose extraordinary efforts are vital to my district.

Lissa is a professional theater, film, and television actress whose interaction with her community goes far beyond the stage and screen. As the president of the California Performing Arts Centre and co-artistic director of the award-winning Fremont Centre Theatre in South Pasadena, Lissa will celebrate the theatre's 10th anniversary this year. She shares the milestone with her husband, James, who also serves as the theatre's co-artistic director and can be seen on NBC's "Days of Our Lives" as Commissioner Abe Carver. Together they have produced and co-produced over 30 plays during the Fremont Centre Theatre's decade of existence. Lissa and her family have lived in South Pasadena for over 20 years. Her son, Jed Reynolds, graduated from South Pasadena schools and now coaches the high school junior varsity basketball team. Jed is also pursuing a career as an actor and is currently starring in the Fremont Centre Theatre's hit show "Ravensridge."

In addition to the Fremont Centre Theatre, Lissa and James own and operate Classes Unlimited, an adult learning center, and Big Men Stuff, a clothing company that uses slogans to combat domestic abuse. The Reynolds' were selected as two of the most influential people in Pasadena by Pasadena Weekly and they received the Gold Crown Award from the Pasadena Arts Council for supporting local arts education and development.

Giving back to the community is a priority for Lissa. Her busy schedule is packed equally with volunteer, fundraising, and professional efforts. Examples include the Haven House Women's Shelter in Pasadena, the Pasadena Humane Society, the Foothill YMCA, and the South Pasadena Police Department. For many years Lissa has joined her husband on USO handshake and educational tours for the troops and for their families. To encourage students to become active in the arts, the pair frequently directs local elementary school productions of Shakespeare and hosts an annual charity celebrity basketball tournament to benefit South Pasadena schools. For her continued philanthropic efforts Lissa has been honored by numerous organizations, including Women at Work, the South Pasadena Chamber of Commerce, and the Tournament of Roses Association.

Lissa's stage is her community; rather than focus on herself, she works to make South Pasadena the star. Her selfless service to the South Pasadena community is an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Mrs. Lissa Layng Reynolds.

A PROCLAMATION HONORING COACH MICHELLE MISHLER FOR COACHING THE HILAND HIGH SCHOOL GIRLS' BASKETBALL TEAM TO WINNING THE GIRLS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Michelle Mishler showed hard work and dedication to the sport of basketball; and

Whereas, Michelle Mishler was a leader and mentor for the Hiland High School Girls' Basketball Team; and

Whereas, Coach Mishler has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Coach Michelle Mishler for leading the Hiland High School Girls' Basketball Team to winning the Girls' Division IV State Basketball Championship. We recognize the tremendous hard work and leadership she has demonstrated during the 2007–2008 Basketball season.

ASSESSING THE BURDEN AFRICAN AMERICANS FACE IN A SLOWING ECONOMY—AND WHAT CONGRESS HAS DONE TO ALLEVIATE IT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. RANGEL. Madam Speaker, I rise today to underscore the unfortunate financial squeeze many African American families will face as a result of the slumping economy. African American families and other families of color will suffer the most from a recession because they are disproportionately poor and do not have the safety net enjoyed by others. They carry a significant and disproportionate share of the burden, victim to an economic downturn that will harm working- and middle-class Americans most—unless we offer fresh and bold solutions to cultivate an economy that works for us all. Not just the wealthy. Not just the politically connected. But us all.

The "New Direction" Congress has been swift in addressing this need. The stimulus package will provide much-needed tax relief to the tune of $600 per individual, $1,200 per married couple, and an additional $300 per child. But it doesn't stop there. It goes on to protect the least among us, committing $32 billion for those 35 million families who work tirelessly but do not earn enough to pay income taxes and guaranteeing rebates to seniors on Social Security, disabled veterans, and military widows. The package is estimated to create more than 500,000 jobs before the end of this year, of particular good news to African Americans, whose unemployment rate climbed from 8 percent in the fall to 9.2 percent just a few months afterwards.

A second phase of increases in the minimum wage will take effect this July, not a moment too soon for those two million African Americans who benefit from the hike, and the 1.1 million more African Americans now living in poverty since President Bush took office. Our work on behalf of small businesses has strengthened the 1.2 million of them owned by African Americans, with revenues eclipsing $88 billion. That work has resulted in tax cuts for small business of $4 million over the next 10 years, increasing their share of Federal contracts, and lowering their cost of financing. And in response to the subprime mortgage crisis—the result of bad lending practices that saddled African Americans and Hispanics two times as much as Whites with high-cost subprime loans—we've passed legislation providing some mortgage debt tax relief, cracking down on predatory lending, and expanding affordable loan opportunities.

As Americans endure the hardships of a sputtering economy, it is incumbent upon the people's Government to get us through it and steer us back to the path of prosperity. We have been responsive—and so shall we remain—to the needs of those communities most harshly hit in times of economic calamity, and as a unified people, looking after our own, we will get through this stronger and far more prosperous.

TWIN OAKS ESTATE

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SALI. Madam Speaker, atop a hill on Woodley Road in northwest Washington, DC is a 26-room mansion known as the Twin Oaks estate, which served as the official residence of nine ambassadors from the Republic of China between 1937 and 1978. During its heyday, the Twin Oaks estate welcomed to its 17.6-acre compound countless American dignitaries and friends in the local Chinese community, to meet with ROC ambassadors and representatives and chart a course of friendship and cooperation between our two nations. Among the more prominent guests to visit the estate were U.S. Secretaries of State, Senators and Congressmen and U.S. military leaders including General Dwight D. Eisenhower and General George Marshall. Distinguished visitors from Taiwan to the estate included Madame Chiang Kai-shek and the future Republic of China Presidents: Mr. Chiang Ching-kuo, Mr. Lee Teng-hui and Mr. Chen Shui-bian.

The Twin Oaks estate also played a role in the termination of official ties between the United States and the Republic of China, Taiwan, in the winter of 1978. During those uncertain days and weeks, ownership of the Twin Oaks estate was transferred to an American private organization; later returning to the ownership of the Taiwan government in 1982. Since then, the Twin Oaks estate has again become a popular spot in Washington, DC, hosting many social functions each year, at which Washingtonians continue to admire the estate's gorgeous peony gardens, its Georgian Revival architecture, and its priceless Ch'ing dynasty antiques.

The Twin Oaks estate was built in 1888 by the family of Mr. Gardiner Greene Hubbard, founder of the National Geographic Society. In celebrating this historic site's 120 year history we also celebrate the enactment of the Taiwan Relations Act, which protects the Republic of China's legal ownership of the estate. May the Twin Oaks estate remain a symbol of United States-Taiwan friendship in our Nation's Capital for the next 120 years.

HONORING PASTOR HOWARD-JOHN WESLEY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. NEAL of Massachusetts. Madam Speaker, it is an honor and privilege for me to celebrate the success of Pastor Howard-John Wesley. Pastor Wesley has accomplished a great deal in his 10 years at St. John's Congregational Church. Increasing the membership from 40 to over 3,000 is a very impressive feat. It may be his impressive sermons that continue to bring people from all walks of life to this church. Or perhaps it is his willingness and ability to help people who need his guidance. Either way, he consistently gathers thousands of people every week to celebrate together and follow in Gods path.

Pastor Wesley has brought Baptist influences to one of the oldest African American churches in the State, which tended to be very traditional and affluent. This uneasy path certainly came with a great deal of opposition. Nevertheless, he continued to encourage all citizens of the community to join his congregation as he stressed the need to closely follow the teachings of the bible.

While thousands gather at St. Johns to hear Pastor Wesley, he has also brought his powerful influence and Gods word into the community. He is on several boards in Springfield and has established several ministries within the church to deal with specific needs in education, youth, and the elderly. He welcomes many students from local colleges who consistently attend his services. He also influenced former residents of the York Street and Ludlow jail systems to become "Ministers In Training". These accomplishments truly highlight his desire to give back and help those throughout the community.

I would like to close by thanking you for allowing me to speak on this wonderful occasion. I am so grateful to be able to honor this tremendous man, who has given almost 20 years proclaiming Gods word. His service to the church and the community has not gone unnoticed. Although today marks the end of his time here in Springfield, he will continue to touch others through his eloquent sermons and teachings at Alfred Street Baptist Church in Alexandria, VA. Congratulations, good luck, and thank you for all you have done for this community.

A TRIBUTE TO ANGELINA LEVY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Angelina Levy of Temple City, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our Nation's women. Accordingly it is my privilege to highlight Ms. Levy as a woman whose extraordinary efforts are vital to my district.

Born in Brooklyn, New York, Angelina Levy began her career in fashion when she graduated from the Fashion Institute of Technology in 1954. After 20 years of experience in the New York fashion industry, she moved her family to California but was unable to find programs that catered to her son's special developmental needs. In response to the void, Angie established the School of Fashion and Design for the Developmentally Disabled in 1984 and embarked on a remarkable legacy of community service and leadership.

Angie's School of Fashion and Design for the Developmentally Disabled works to provide students with tools to become self-sufficient and to boost self-esteem. It proves that the skills necessary for sewing and crafts can also be used to improve the learning and the concentration skills of those who are developmentally disabled. In addition to sewing, dressmaking, and tailoring, the groundbreaking facility provides daily instruction via their "Healthy Living Skills" program, where students learn about food shopping, cooking, and computing, using the resources of the local community. At any given time there are over 40 students who range from young adults to seniors, and each emerges with enhanced social skills needed to integrate in today's complicated world.

In addition to her work with the School of Fashion and Design for the Developmentally Disabled, Angie is a past president of the United Commercial Travelers of America, the East Los Angeles Regional Center, and Civitan International. She has volunteered with the Special Olympics and the San Gabriel Civic Theater Group, as well as served on the Presidential Task Force on the Employment of Adults with Disabilities, PTFEAD, and its related U.S. Congressional Advisory Board. Angie is the recipient of numerous awards, including the Veterans of Foreign Wars Distinguished Service Award and the 2004 Soroptimist International Woman of the Year. It is little wonder that Angie's peers are proud to call her a "marvel."

Angie's selfless service to the Temple City community is an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Ms. Angelina Levy.

A PROCLAMATION HONORING HILAND HIGH SCHOOL FOR THEIR SUPPORT OF THE HILAND HIGH SCHOOL'S GIRLS' BASKETBALL TEAM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SPACE. Madam Speaker:

Whereas, Hiland High School has displayed incredible dedication to creating well-rounded students; and

Whereas, the Hiland High School has been supportive of their athletes; and

Whereas, the Hiland High School has broadened the abilities and skills of their athletes in the sport of basketball; and

Whereas, the Hiland High School has always promoted sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Hiland High School on supporting their girls' basketball team in winning the Girls' Division IV State Basketball Championship. We recognize the tremendous amount of support they have given to their athletes.

EXPRESSING THE BENEFIT OF EDUCATING PEOPLE ABOUT THE NEGATIVE HISTORY AND IMPACT OF THE N-WORD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my full support and recognition of the efforts made by Council Member Leroy Comrie, with cosponsors Abolish The N-Word Project Inc. and the Universal Circus, to organize the second annual Black History Month Essay Contest, which essay theme was: "Why The N-Word Should Never Be Used?"

In New York City, freedom of speech is granted depending on which word you use, but do not dare let the "n-word" slip to your comrades. The "n-word" has been around for nearly as long as language itself. According to Merriam-Webster, the origin comes from the "neger" modification, and the French "negrè," and the Spanish "negro." However, within the English language, the n-word was used to depict blacks during the slave trade. Blacks subsequently embraced a more palatable form, "negro." This with the end of slavery and imposition of the Jim Crew was altered as a sign of disrespect and contempt. Today, some "mainstream" hip-hop recording artists slide the n-word into their albums. And when they clamor their way up the Billboard pop charts everyone listens, including the New York City Council.

The abolish the N-Word Project Inc. has many worldwide supporters, with a mailing list of 27,000 people and 13 million hits on their Web site. Some critics state that focusing on a word will not solve the multitude of problems that exist within the black community. I support the council member's initiative; after all it has developed critical thinking wither and conversation about the use of the word is appropriate.

The initiative of the council member's n-word essay contest educated young people about the negative history and impact of the n-word. Educating our society and making us conscious is important, because we need to begin to work with our children to have them understand the history and cultural meaning of a word that should only be used with such understanding.

RECOGNIZING THE OAKTON HIGH SCHOOL UPON ITS 40-YEAR ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. DAVIS of Virginia. Madam Speaker, I would like to take this opportunity to pay tribute to Oakton High School as it prepares to celebrate its 40th anniversary.

Oakton High School was the first high school established in the Providence District of Fairfax County. Originally founded in 1911, the school was located above the Sutton Store in Oakton, Virginia. In 1914, it relocated to a two-story building on Chain Bridge and Blake Lane, recognized today as "Old Oakton High School." Oakton initially taught 1- and 2-year courses, but by 1922 it had become a 4-year state accredited institution. Since then, Oakton High School has committed itself to lofty standards of academic and extracurricular excellence. The school provided the first indoor basketball court in all of Fairfax County, and in 1935 it graduated 235 students, a great academic accomplishment for the time period. As the Oakton area began to change from a rural community to a suburb of Washington, D.C., the growth in population required the construction of larger facilities. In 1967, Oakton High School was relocated to its current site on Sutton Road.

Today, Oakton High School remains a distinguished and greatly lauded school in all aspects from sports to the arts to academics. In past years, U.S. News and World Report and Newsweek magazines have ranked Oakton High school one of the top 100 schools in the Nation. This year, Governor Kaine recognized Oakton High School with the 2008 Governor's Award of Excellence. Additionally, the school has won multiple State championships in men's and women's lacrosse, cross country, baseball, football, golf, and gymnastics. In the arts, the Virginia High School League has honored the band program multiple years in a row, and Oakton's One Act Play won the State championship in 1992.

Madam Speaker, in closing, I would like to thank the Oakton High School faculty and staff for the immeasurable contributions that they have made to the community by shaping today's youth and tomorrow's future. I congratulate the high school on its successes over the last 40 years and I wish it more successful years in the future. I ask that my colleagues join me in applauding this outstanding and distinguished institution.

HONORING TERRY C. WICKS, CRNA, MHS, PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. MCHENRY. Madam Speaker, today I pay tribute to Terry Wicks, CRNA, MHS, of Rutherford College, North Carolina, in my congressional district. Mr. Wicks, my constituent, recently completed his 2006–2007 term as the national president of the American Association of Nurse Anesthetists (AANA).

Having celebrated its 76th Anniversary, the AANA is a professional organization that represents more than 36,000 practicing Certified Registered Nurse Anesthetists (CRNAs) nationwide.

Originally from the state of Iowa, Mr. Wicks received his education in the art and science of Nurse Anesthesia while serving as an officer in the United States Army. His anesthesia training took him to Fort Sam Houston, Texas, for the first phase of his education, and then to Fitzsimmons Army Medical Center in Aurora, Colorado. He earned his Bachelor of Science in Nursing (BSN) from the University of Iowa in Iowa City, Iowa. In addition, Mr. Wicks also holds a Master of Health Sciences (MHS) degree from Texas Wesleyan University in Fort Worth, Texas. Previously serving as Director of the Anesthesia Department at Catawba Valley Medical Center in Hickory, NC, before taking over as National President of the AANA, Mr. Wicks continues his work as a Staff Anesthetist helping provide anesthesia services to residents of the Unifour, a geographic area encompassing Burke, Catawba, Alexander, and Caldwell counties in the western foothills of the Blue Ridge Mountains, whose population has grown to over 350,000 people.

Mr. Wicks has held numerous leadership positions in the AANA as Regional Director, Vice-President, and President-elect before becoming the National President of the AANA in 2006. In addition, he has served terms as President, President-Elect, and Vice-President, for the North Carolina Association of Nurse Anesthetists (NCANA).

Adding to his professional accomplishments, Mr. Wicks has been recognized for speaking on anesthesia-related topics over the years. He has taken his experience and knowledge from the workplace and AANA leadership roles to lecture on political and academic anesthesia-related topics before different professional groups.

Madam Speaker, I rise to ask my colleagues to join me today in recognizing my constituent, the outgoing President of the American Association of Nurse Anesthetists, Mr. Terry Wicks, CRNA, MHS, for his notable career and outstanding achievements.

A PROCLAMATION HONORING GREGG VAN VOLKINBURG FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SPACE. Madam Speaker:

Whereas, Gregg Van Volkinburg showed hard work and dedication to the sport of basketball; and

Whereas, Gregg Van Volkinburg was a supportive team player; and

Whereas, Gregg Van Volkinburg always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Gregg Van Volkinburg on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

A TRIBUTE TO VALARIE GOMEZ

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Valarie Gomez of San Gabriel, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our nation's women. Accordingly it is my privilege to highlight Ms. Gomez as a woman whose extraordinary efforts are vital to my district.

Valarie Gomez was born and raised in the San Gabriel Valley and attended both Marymount College in Rancho Palos Verdes and Loyola Marymount University. There she tackled the formidable combination of double majors in English and Business Administration, as well as double minors in Philosophy and Religious Studies. She and her husband Carlos have three children, including two daughters and one son.

Valarie and Carlos first immersed themselves in the local community by opening

Bob's Old Fashioned Freeze in 1983. Children and adults alike would flock to the establishment for the ice cream, the sandwiches, and the friendly owners who helped neighborhood children learn the value of hard work and of a supportive mentor. It was at that time that Valarie learned the importance of showing youth their true potential. Her sweet-toothed patrons have since become responsible community leaders and still keep in touch.

After owning and operating the family business for several years, Valarie turned her attention to community outreach. She rose to Executive Director of Children's Ministries at San Gabriel Union Church and Christian School, founded its After-School Day Care program, served as the Executive Director of the San Gabriel Chamber of Commerce, and led the Gabrielino High School Career Partners program. Valarie is also the 2-time past President and current member of the San Gabriel Rotary, is a volunteer for various Kiwanis and Asian Youth Center events, and is a member of the San Gabriel Coordinating Council and the Parks & Recreation Commission.

The 25-year San Gabriel resident recently became the CEO of the West San Gabriel Valley YMCA after only 17 months with the organization. She showed an enterprising attitude from the start and approached challenges with optimism and energy, leading to a doubling in profit compared to the previous year, newly rebuilt community relations, and the largest Service Club department in the nation. It is no wonder, then, that Valarie's generosity, approachability, and efficiency are so highly respected in the San Gabriel community.

Armed with a passion to "make memories that last a lifetime," Valarie is dedicated to empowering others to succeed. Her selfless service to the San Gabriel community is an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Ms. Valarie Gomez.

A PROCLAMATION HONORING CHILLICOTHE HIGH SCHOOL FOR THEIR SUPPORT OF THE CHILLICOTHE HIGH SCHOOL'S BOYS' BASKETBALL TEAM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SPACE. Madam Speaker:

Whereas, Chillicothe High School has displayed incredible dedication to creating well-rounded students; and

Whereas, the Chillicothe High School has been supportive of their athletes; and

Whereas, the Chillicothe High School has broadened the abilities and skills of their athletes in the sport of basketball; and

Whereas, the Chillicothe High School has always promoted sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Chillicothe High School on supporting their boys' basketball team in winning the Boys' Division II State Basketball Championship. We recognize the tremendous amount of support they have given to their athletes.

RECOGNIZING THE CAREER OF MR. ROBERT ZERKLE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the distinguished career and extensive community involvement of Mr. Robert Zerkle of Mascoutah, Illinois.

Bob served in the Mascoutah School District for 38 years, as a math teacher, business manager and assistant superintendent, before retiring in 2001.

Even after his retirement from the Mascoutah School District, Bob has continued to be a staunch advocate of Impact Aid, the Federal program which provides assistance to local school districts that have been impacted by the presence of Federal property, such as the impact Scott Air Force Base has had on the Mascoutah School District in the congressional district I represent. He has received several awards commending his efforts, including the 2008 Friends of the National Association of Federally Impact Schools Award and the Globe Award recognizing his career working on behalf of Impact Aid.

Madam Speaker, as the Representative for Scott Air Force Base, I have witnessed first hand how important the Impact Aid program is to our region and our students. Not only does it provide school districts such as Mascoutah with essential funding otherwise unavailable, it assures the men and women of our fighting forces that their children will receive a great education while they are keeping America safe and secure.

The tireless efforts of individuals like Bob Zerkle are an example of how one individual's dedication to a cause can have a lifetime effect on a community. Bob's wealth of experience and overwhelming devotion will no doubt be missed among his colleagues and his students.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Bob Zerkle for his years of dedicated service in support of Impact Aid and the students of the Mascoutah School District. I wish Bob the very best in the future.

HONORING THE CITY OF PETALUMA ON ITS SESQUICENTENNIAL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Ms. WOOLSEY. Madam Speaker, I rise with particular pleasure today to honor the sesquicentennial of my hometown of Petaluma, California, which has not only a special place in my heart, but a unique place in history over the past 150 years.

My political career began in Petaluma when I was elected to the city council. I raised my four children in this picturesque town with its lovely rural surroundings, and now they are raising their children here. It is a warm and friendly place to call home, and despite its growing population, people still walk down the streets and smile and wave and greet each other by first name.

Petaluma's recent history evolved from its position at the head of a tidal estuary. This location made it a natural shipping center for moving goods from fertile Sonoma County down to San Francisco in the years before the Golden Gate Bridge was built. Consequently, it prospered through the 19th century. But what put Petaluma on the map and made it famous in the early 20th century was the 1875 invention of the chick incubator by local farmers, Isaac Dias and Lyman Byce.

According to local historian and former newspaper editor Katie Watts, the incubator and Petaluma's mild climate made it a natural spot for raising chickens. On the advice of a public relations whiz, Bert Kerrigan, town leaders capitalized on this speciality, dubbing Petaluma "The World's Egg Basket."

What's more, in 1918, Kerrigan prevailed on Congress to create a National Egg Day, August 13, 1918, with Petaluma as the epicenter.

Everything became related to eggs—instead of receiving the keys to the city, esteemed visitors were inaugurated into the Order of the Cluck Clucks and given a bouquet, not of flowers, but of dressed chickens. The town colors were even yellow and white. And while parades in other cities featured floats carrying a contingent of young ladies in prom dresses, in Petaluma, they wore chicken costumes and handed out eggs.

The scheme worked and Petaluma became the wealthiest city of its size in the country.

"Civic pride was enormous," Watts says. "Showplace homes were built, many of which are still standing."

The egg business slowly faded in the 1930s and 40s, and after waterway shipping was replaced by truck transport, Petaluma drifted into a sleepy decline. Watts explains that "Attempts to modernize in the 1950s and 60s were mostly short-circuited by the fact the city determined not to tear down fine old buildings and replace them with parking lots and corrugated plastic."

Although chickens gave way to the cows and sheep that now dot the green hills around the city, Petaluma remains connected to its rural heritage by supporting a growing farmstead cheese industry.

But Petaluma is also firmly in the 21st century. Having been at the heart of Telecom Valley during the dotcom boom, it attracted tech and bio-tech companies, with many continuing to move here, drawn by the fertile business climate.

Petaluma's civic pride extends to the care of its citizens—there is a model homeless shelter and a noted housing program for the economically disadvantaged. Current environmental policies reflect the city's pioneering work in the first slow-growth ordinances in the U.S. Protecting the environment remains a priority for

Petalumans. For example, in 1983, students from Petaluma's Casa Grande High School founded United Anglers with the mission of bringing Adobe Creek back to life. Since then, they have raised more than half a million dollars and built a state-of-the-art fish hatchery, the only one nationwide on a high school campus. Their program has served as a worldwide model for ecology and watershed reclamation.

Madam Speaker, I am proud to represent the people of Petaluma, and I ask that you join me in congratulating them on their accomplishments of the past 150 years and wishing them the best for the future.

A TRIBUTE TO FRANCES A. MOORE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Frances A. Moore of Alhambra, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our Nation's women. Accordingly it is my privilege to highlight Ms. Moore as a woman whose extraordinary efforts are vital to my district.

A review of Frances' personal and professional activities reveals a life-long commitment to community involvement. Raised in Monterey Park, Frances is a native of the San Gabriel Valley. She is a product of our public schools and local colleges, earning degrees from East Los Angeles College, California State University at Los Angeles, and the University of Redlands. Frances has devoted her forty-five year professional career to the City Clerk's Office of the great City of Alhambra and has served as its beloved City Clerk since 1986.

As Alhambra's City Clerk, Frances is well-respected among her peers for her remarkable efficiency, her unparalleled depth of knowledge, and her professional dedication. By streamlining the city's legislative and record management procedures, she saved valuable time and public funding. Frances is also a member of several professional organizations such as the International Institute of Municipal Clerks, the City Clerks' Association of California, the City Clerks' Association of Southern California, and the Los Angeles Paralegal Federation.

In addition to her responsibilities as the City Clerk, Frances established the self-sustaining Public Arts Gallery in the lobby of Alhambra City Hall. The gallery promotes local artists' work by providing a forum for creative recognition, distribution, and sales. A commission on each artwork sold helps cover the gallery's operating expenses without reliance on public funds. For her efforts, Frances earned the Helen Putnam Award for Excellence from the League of California Cities.

Frances' star shines brightly among local, regional, and national philanthropic realms as well. A member of Rotary International since 1992, she has served as its Assistant Governor and as the President of the Alhambra Rotary Club. She is also a former member and past President of Soroptimist International of Alhambra, San Marino, and San Gabriel. Frances is a dedicated supporter of the West San Gabriel Valley YMCA and chaired the YMCA Capital Fund Campaign. She is a lifetime member of both the Alhambra Historical Society and the Alhambra Day Nursery Auxiliary.

With no professional or charitable stone left unturned, Frances' selfless dedication to the Alhambra community is an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Ms. Frances A. Moore.

EXPRESSING THE SENSE OF CONGRESS IN RECOGNIZING AND HONORING EARL LLOYD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my full support of the resolution recognizing and honoring Earl Lloyd for breaking the color barrier and becoming the first African-American to play in the National Basketball Association fifty eight years ago.

Earl Lloyd was born in Alexandria, Virginia on April 3, 1928. With a height of 6 ft 5 in and 225 lbs. Lloyd first developed his passion for basketball in the city of Alexandria's segregated Parker-Gray High School, where he started on the school team. He went on to play basketball at West Virginia College and then was drafted to play for the NBA in 1950. On October 31, 1950, he became the first African-American to play in a NBA game, against the Rochester Royals. Lloyd played five hundred and sixty NBA games and won a championship before retiring in 1960. In the midst of his career he proudly put his professional career on hold and served in the Army for two years before returning to the game. In 2003 he was inducted into the Naismith Memorial Basketball Hall of Fame and in his home town, Alexandria, a basketball court at T.C. Williams was named in his honor.

Earl Lloyd played for the love of the sport of basketball and not to make history, but his entry into the NBA meant a lot during segregation.

I am proud to honor Earl Lloyd for his career achievements as the first. He opened the doors for several famous basketball players, such as Michael Jordan, Scotty Pippin, Charles Barkley, etc. He truly blazed new trails for African-American athletes who today grace the professional game in significant numbers, constituting the great majority of the best players in the NBA.

A PROCLAMATION HONORING COACH GARY KELLOUGH FOR COACHING THE CHILLICOTHE HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Gary Kellough showed hard work and dedication to the sport of basketball; and

Whereas, Gary Kellough was a leader and mentor for the Chillicothe High School Boys' Basketball Team; and

Whereas, Coach Kellough has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Gary Kellough for leading the Chillicothe High School Boys' Basketball Team to winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 Basketball season.

COMMENDING H-E-B

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. CUELLAR. Madam Speaker, I rise today to commend H-E-B, one of the largest grocery store markets in Texas and in my congressional district, for embarking upon a remarkable energy initiative to power their stores using wind power by signing onto Windtricity, a renewable energy option provided by CPS Energy. Windtricity allows H-E-B to utilize electricity generated by wind turbines in West Texas. This new endeavor by one of Texas' leading corporate citizens demonstrates the commitment of H-E-B to building sustainable communities and leading others in environmental initiatives in communities across Texas.

Wind energy is the world's fastest growing energy source and is also one of the oldest forms of renewable energy. Wind turbines are an increasingly popular method of generating electricity with very little environmental impact. Many wind farms are built in geographical areas conducive to prevailing winds such as in the Panhandle and western parts of Texas.

I applaud H-E-B for joining in this remarkable partnership with Windtricity that shows a great commitment to safeguarding the environment for future generations of Texans in our communities. I thank you for this time.

A TRIBUTE TO DORIS LAU

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Doris Lau of Monterey Park, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our Nation's women. Accordingly, it is my privilege to highlight Ms. Lau as a woman whose extraordinary efforts are vital to my district.

Doris Lau's remarkable journey began when her parents left China and settled in Chile. Born in Iquique, the capital of the country's northernmost region, Doris worked in the fields alongside her family as a small child. Through hard work, dedication, and sacrifice the family built a neighborhood bakery and grocery store business; however, they eventually fled to the United States due to political unrest. In Los Angeles they began once again to rebuild their lives. Doris's supplemental income from working in garment district factories helped to purchase their first home in Monterey Park.

Doris progressed from sewing four buttons per penny to attending Los Angeles City College. She then went on to major in Business Administration and Law at Cal State Los Angeles and advanced from clerical to paralegal positions at various law firms.

Inspired by her personal history, Doris has become an integral member of the Monterey Park volunteer community since moving there in 1985. She supports intercultural exchange in her role as a Trustee of the city's Bruggemeyer Library, the Secretary for the city's Commission for Art & Culture, and as the chair of the local Artisan Fairs. Her other leadership positions include serving as a Board Member, Southern Regional Representative, and Membership Chair of the California Association of Library Trustees & Commissioners (CALTAC) and as the VP, Legislative Coordinator, and Membership Chair of the National Treasury Employee Union (NTEU) for her local, Chapter 103.

Doris's fluency in both Chinese and Spanish embodies the cultural diversity of Southern California and of our Nation's proud history. Her outreach is similarly inclusive: she is a Board Member of the Committee for Special Emphasis Programs, which includes national heritage awareness months, and she volunteers for the National Association of Latino Elected and Appointed Officials (NALEO).

In the past, Doris has led several organizations in which she remains an active member, including serving as President and Lieutenant Governor of Los Angeles Monterey Park Optimist, President of the Monterey Park Homeowners and Renters Association, Treasurer and Secretary of the Eastside Democratic Club, and President and Treasurer of Santa in York Hill, an annual community holiday event for low-income families.

Ever since she arrived on U.S. soil, Doris has devoted her time and energy beyond her own needs; she works for the benefit of the surrounding community as a whole. Her selfless service is an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Ms. Doris Lau.

EXPRESSING CONCERN OVER THE NEED TO IMPROVE THE GLOBAL SITUATION OF WOMEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. RANGEL. Madam Speaker, I rise today to discuss the editorial, "Women's Month, A Time to Reflect" which appeared in this week's edition of the New York Carib News.

The editorial, in recognition of March being international women's month, discusses the current situation of women in the United States, Canada, Africa, the Caribbean, Asia, Europe and Latin America. The standing of women in the global community has drastically improved, but is sadly far from the lofty goals outlined by the United Nations Millennium Goals. Today, women have achieved new highs, as women now outnumber men in those who pursue tertiary education. Similarly, women continue to outlive their male counterparts and a record number of women are pursuing leadership roles in politics. Yet, the struggle is far from over as women still remain largely underrepresented in politics and leadership roles in religious institutions. Women still comprise the largest community affected by domestic violence, human trafficking and poverty.

As a result of the continued disparity in equality among men and women, I urge Americans to remain informed on the situation by reading the editorial "Women's Month, A Time to Reflect" in CaribNews. In the 21st century, it is simply unacceptable for women to not be afforded the same opportunities as their male counterparts.

A PROCLAMATION HONORING COACH NAPOLEON CROSS FOR COACHING THE CHILLICOTHE HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Napoleon Cross showed hard work and dedication to the sport of basketball; and

Whereas, Napoleon Cross was a leader and mentor for the Chillicothe High School Boys' Basketball Team; and

Whereas, Coach Cross has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Napoleon Cross for leading the Chillicothe High School Boys' Basketball Team to winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 Basketball season.

A TRIBUTE TO CATHERINE M. PELLEY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Mrs. Catherine M. Pelley of Glendale, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our nation's women. Accordingly it is my privilege to highlight Mrs. Pelley as a woman whose extraordinary efforts are vital to my district.

As a past nurse and Captain in the U.S. Army, Cathy is a veteran who served her country during the Vietnam War as a psychiatric nurse working with the brave men and women returning home from combat. She is currently the President and CEO of Glendale Memorial Hospital and the Chair of the Glendale Chamber of Commerce Board. Cathy also serves on the Board of Directors for Glendale's Armenian Bone Marrow Bank, Salvation Army, and regional Brothers of Saint John of God Healthcare and Retirement Centers.

Under her leadership, Glendale Memorial Hospital's infrastructure has expanded to include additional imaging equipment, several new community clinics, and modern communications systems. These easily-accessible, digital patient records will prevent medication errors and reduce transcription times, as well as maintain up-to-date information for future reference.

With vision that reaches beyond hospital walls, Cathy believes wholeheartedly in the future of the Glendale community. Her efforts to overcome South Glendale's economic challenges were partnered with remarkable honesty, dignity, understanding, and determination. By highlighting common ground between conflicting groups, she gave victims a more effective voice in their healthcare and rallied community support behind the revitalization of a blighted area. Ever since, business has returned with new retail, dining, theatre, and housing options. Cathy has also improved the area by expanding the "Brand Boulevard of Cars" and by implementing solutions to severe traffic congestion.

Though she faced an aging medical facility, dwindling local business, and a community in conflict, Cathy never backed down from the obstacles before her. She chose instead to provide leadership where it was needed, to invest in the health—both corporeal and economic—of the City of Glendale. In return, the area has transformed itself over four short years to become a beacon of civic progress. It exists as an example of how one person's optimistic vision can infuse a diverse community with the hope and the means to achieve excellence as one.

With steadfast dedication, Cathy's selfless service to the Glendale community is an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Mrs. Catherine M. Pelley.

PAYING TRIBUTE TO CESAR ESTRADA CHAVEZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. RANGEL. Madam Speaker, today I join with the hundreds of thousands of Mexican residents of my congressional district and across our Nation in recognizing the everlasting accomplishments and contributions of Cesar E. Chavez, a social crusader who lived a lifetime of sacrifice and dedication for the betterment of others.

Cesar Estrada Chavez, World War II veteran and recipient of the Presidential Medal of Freedom, as the late New York Senator Robert F. Kennedy once noted, was "one of the heroic figures of our time." A true American hero, Cesar was a civil rights, Latino, farmworker, and labor leader; a religious and spiritual figure; a community servant and social entrepreneur; a crusader for nonviolent social change; an environmentalist and consumer advocate.

A second-generation Mexican-American, Cesar was born on March 31, 1927, near his family's farm in Yuma, Arizona. At age 10, his family became migrant farmworkers after losing their farm in the Great Depression. Throughout his youth and into his adulthood, Cesar migrated across the Southwest laboring in the fields and vineyards, where he was exposed to the hardships and injustices of farmworker life.

After achieving only an eighth-grade education, Cesar left school to work in the fields full time to support his family. Although his formal education ended then, he possessed an insatiable intellectual curiosity, and was self-taught in many fields and well read throughout his life.

From 1946 to 1948, Cesar served in the U.S. Navy and fought in the Western Pacific during the tail end of World War II. Upon his return from the war, he embarked on new beginnings that would set the tone of his life. He married Ms. Helen Fabela and shortly after in 1952 began working as a community organizer with the Community Service Organization, CSO, a prominent Latino civil rights group.

CSO afforded him the opportunity to learn how to organize groups for a common cause. Cesar coordinated voter registration drives and conducted campaigns against racial and economic discrimination, primarily in urban areas. In the late 1950s, he ascended to the position of national director.

Cesar's dream, however, was to create an organization to protect and serve farmworkers, whose poverty and disenfranchisement he had shared. In 1962, Cesar resigned from the CSO and founded the National Farm Workers Association, which later became the United Farm Workers of America.

For more than three decades, Cesar led the first successful farmworkers union in American history, achieving dignity, respect, fair wages, medical coverage, pension benefits, and humane living conditions, as well as countless other rights and protections for hundreds of thousands of farmworkers.

Against previously insurmountable odds, he led successful strikes and boycotts that resulted in the first industry-wide labor contracts in the history of American agriculture. His union's efforts brought about the passage of the groundbreaking 1975 California Agricultural Labor Relations Act to protect farmworkers. Today, it remains the only law in the Nation that protects the farmworkers' right to unionize.

The significance and impact of Cesar's life transcends any one cause or struggle. He was a unique and humble leader, in addition to being a great humanitarian and communicator who influenced and inspired millions of Americans to seek social justice and civil rights for the poor and disenfranchised in our society. Cesar forged a diverse and extraordinary national coalition of students, middle class consumers, trade unionists, religious groups, and minorities.

Sadly, Cesar Chavez passed away in his sleep on April 23, 1993. He was laid to rest in a rose garden at the foot of a hill he often climbed to watch the sun rise. More than 50,000 people attended his funeral services in the small town of Delano, California.

Cesar Chavez—a common man with an uncommon vision for humankind—stood for equality, justice, and dignity for all Americans. His motto, "si se puede," yes we can, embodies the uncommon and invaluable legacy he left for the world's benefit. His ecumenical principles remain relevant and inspiring today for all Americans.

A PROCLAMATION HONORING COACH DAVE HAMMOND FOR COACHING THE CHILLICOTHE HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Dave Hammond showed hard work and dedication to the sport of basketball; and

Whereas, Dave Hammond was a leader and mentor for the Chillicothe High School boys' basketball team; and

Whereas, Coach Hammond has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Dave Hammond for leading the Chillicothe High School Boys' Basketball Team to winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 basketball season.

A TRIBUTE TO JAYLENE L. MOSELEY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Jaylene L. Moseley of Pasadena, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our Nation's women. Accordingly it is my privilege to highlight Ms. Moseley as a woman whose extraordinary efforts are vital to my district.

Jaylene has focused her professional and philanthropic energies in northwest Pasadena and Altadena for over 30 years. She founded and leads the J.L. Moseley Company, a firm that develops and manages sustainable commercial real estate projects in northwest Pasadena and Altadena. She also serves as president of Flintridge Operating Foundation, a nonprofit organization that provides direct services to build the strength, effectiveness, and long-term viability of community-based organizations in northwest Pasadena and Altadena.

Her company's commitment is to develop community while developing real estate. This is accomplished by developing sustainable commercial projects that are sensitive to the neighborhoods in which they are situated; involving neighbors—including youth—in every phase of development; leasing commercial space to tenants who agree to participate in community revitalization by hiring or by providing services to local residents; meticulously maintaining the properties; ensuring that each of the 14 buildings the company manages contributes to neighborhood efforts annually; and participating in community dialogue and actions to strengthen neighborhoods. Reflecting the company's commitment to sustainability, J.L. Moseley Company developed the first Gold LEED-Certified building in Pasadena in 2006, and Jaylene donated her services and managed the development of Mothers' Club's Gold LEED-Certified building in 2007.

Jaylene is deeply committed to the education of the community's youth. She worked with community leaders to launch the afterschool program "Mustangs on the Move," which tutors high school students, works with youth on special projects, and hires students to work for her company. With the goal of inspiring students to expand their future horizons, she contributed $250,000 in profit from one of the company's developments to "Mustangs on the Move" to provide opportunities for PUSD students to participate in summer programs on college campuses. In addition, Jaylene personally contributes hundreds of hours each year to local nonprofit organizations, neighborhood groups, and community-based businesses.

J.L. Moseley Company has received 14 awards for its real estate developments, and

Jaylene has received 23 awards from community groups for her professional and personal contributions to the community. She lives every day by her personal mantra, that "in all [her] endeavors, [she] is committed to economic and social justice."

Jaylene's selfless service to the Pasadena community is an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Ms. Jaylene L. Moseley.

RECOGNIZING THE WORK OF SHARED INTEREST IN THE DEVELOPMENT OF SOUTH AFRICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize and praise the work of Shared Interest for their continued encouragement and investment in black-owned businesses in South Africa.

Shared Interest is a New York-based international social investment fund that has worked tirelessly since 1994 to mobilize U.S. investors to provide the necessary capital to foster the development of black-owned organizations, small businesses and agricultural cooperatives in South Africa. Undoubtedly, the work of Shared Interest has provided many struggling black South African people with the funds required to create a successful business. Shared Interest took its $11 million guaranteed fund and was able to successfully leverage credit of more than $100 million. Shared Interest has gone beyond simply providing capital to small black businesses in need. The investment fund has taken on a philanthropic role in the community by honoring the work of fellow business men and women in South Africa. Shared Interest has recognized many people including the Honorable Albie Sachs, Debra Lee, Jerry Dunfrey and Nadine Hack for their contributions both business and philanthropic in nature to building a better South Africa.

As a result of their continued initiatives to promote increased business and human rights standards, I hope that many more Americans will recognize the tireless efforts of Shared Interest and the need for further investment in minority owned and operated business within South Africa.

A PROCLAMATION HONORING STUART BEVERLY FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SPACE. Madam Speaker:

Whereas, Stuart Beverly showed hard work and dedication to the sport of basketball; and

Whereas, Stuart Beverly was a supportive team player; and

Whereas, Stuart Beverly always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Stuart Beverly on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

A TRIBUTE TO ELAINE PAONESSA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Elaine Paonessa of Burbank, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our Nation's women. Accordingly, it is my privilege to highlight Ms. Paonessa as a woman whose extraordinary efforts are vital to my district.

Born in Portsmouth, New Hampshire, and raised in San Diego, Elaine briefly attended San Diego State College before leaving to tour nationally with an all-girl orchestra as a trumpet player and a professional singer. Her musical background would return one day in her outreach efforts.

Before she emerged as one of the Burbank community's brightest stars, Elaine relocated to Burbank with her husband, Bill, in 1952. There they raised their daughter, Gay, and their son, Guy, and were together until Bill's passing in 2006. It was during her 15 years as a homemaker that Elaine first amassed an impressive roster of volunteer commitments.

As she worked with the Boy Scouts, led the Emblem Club of Burbank as president, chaired the city's Women's Council, founded the local Performing Arts Federation, and supported St. Joseph's Medical Center, Elaine established the blueprint of a truly devoted citizen. When she returned to work in 1967, Elaine blazed professional trails as the first female sales representative for the Automobile Club of Southern California. Never one to shy from community involvement, she served on the Burbank Chamber of Commerce board of directors and the Salvation Army advisory board.

Today Elaine has not slowed a bit. She continues to lead and volunteer with several community organizations, including the Burbank Farmer's Market and the Burbank Civitan Club, to name just a few. Elaine revisits her roots as a traveling performer as the Musical Director of the Van Bloem Singers, a group that visits and performs at senior residences and healthcare facilities. For her incredible breadth of service, Elaine has been recognized by Los Angeles County Commission on Aging and has been honored with the President's Volunteer Service Award.

With no charitable stone left unturned, Elaine's selfless and awe-inspiring dedication to the Burbank community is an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Ms. Elaine Paonessa.

SENATE—*Monday, April 7, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our sovereign King, You have given us the gift of another day. Thank You for the opportunity to serve You by serving others.

As our lawmakers labor for liberty, empower them to promote the welfare of this land. Give them the wisdom to look to You for support and blessings. Lord, may they not trust in human efforts alone but humbly acknowledge that You, Almighty God, preside over the destiny of nations. As they look back, help them to see Your hands working in our history and thereby find strength to face the future with optimism and thanksgiving. Let Your goodness and mercy sustain them throughout life's seasons. Remind them that You never ask them to do more than You will provide the strength for them to accomplish.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, if he chooses to make some remarks, there will be a period for the transaction of morning business until 3 o'clock today. Senators during that period of time will be allowed to speak for up to 10 minutes each.

At 3 o'clock the Senate will resume consideration of H.R. 3221, which is the vehicle we have used to move the housing legislation. As previously announced, there will be no votes today.

HOUSING VOTES

Mr. REID. Mr. President, thanks to Senators DODD, BAUCUS, SHELBY and GRASSLEY and their staffs, we have had some good bipartisan work on this housing bill. This bill will help communities, homeowners, and the homebuilding industry. This bill is not a silver bullet, but it is an important first step, so I hope we can pass it quickly and overwhelmingly so we can send it along to the House of Representatives.

We have nine pending amendments. I have asked my staff to see what they can do to work with the Republicans to see if we can come up with votes tomorrow morning on those amendments that are germane. The Parliamentarian has had a chance to look at those. A number of them are clearly germane, and I hope we can vote on them tomorrow morning.

IRAQ

Mr. REID. Mr. President, this is an important week not only because we are going to finish the housing bill this week but also because General Petraeus and Ambassador Crocker will testify. There are a number of questions they must be asked by Members of the Senate. The first one is will our troops come home soon or when will our troops come home. And I think they should be asked if the Iraq war has made America safer.

When the surge began more than a year ago, President Bush labeled the strategy "return on success." As the surge succeeds, according to the President, our troops would come home. We are already hearing General Petraeus has recommended to freeze the troop levels. In fact, there will be more troops after the freeze takes place than before the surge started. I assume President Bush will accept this request by General Petraeus. By the President's own measure, without our troops returning, there will be no success.

General Petraeus and Ambassador Crocker will be asked a number of other questions. We have seen what happened a week or 10 days ago in Basra: al-Sadr was attacked by the Iraqi armed services. Al-Maliki, the leader of Iraq, didn't notify the American troops or anyone else and simply took off after al-Sadr. That attack was basically a failure. The police didn't police. The Iraqi police didn't police. At least 1,000 Iraqi soldiers laid down their arms and quit. In fact, they didn't lay down their arms, they gave them over to al-Sadr's forces. Because of that, British artillery was asked to engage, and they did. U.S. troops were asked to come in, and they did. U.S. air support was asked to come in, and they did. We lost a number of soldiers and a significant number of soldiers were wounded.

As some of my colleagues will recall, when this attack by al-Maliki's forces took place, President Bush said: This is what it is all about. This shows the success of what I have been telling everyone.

Our troops in Iraq face a civil war that is growing more violent by the day—by the day. Any notion of renewed commitment to peace among Iraqi factions is betrayed by the news every day. Yesterday, five American soldiers were killed. In one attack, 2 were killed and 31 were wounded.

General Petraeus has to be asked the question: Why is this happening? The battle, as we see in the papers today, is intensifying between al-Sadr and al-Maliki. We have heard today's news that the Sunnis are becoming more violent. The Green Zone, which is supposed to be a safe haven, the safest part of Iraq, has seen a series of attacks over the last couple weeks. People have been killed in the Green Zone. Our soldiers are now being killed in the Green Zone.

The chorus for a smarter strategy in Iraq is growing among defense and military experts. COL John Gentile, a West Point history professor who has served two tours of duty in Iraq, has said directly about Petraeus's action in Iraq, as reported in headline news today in the Wall Street Journal, among other things:

> We've come up with this false narrative, this incorrect explanation of what is going on in Iraq. We've come to see counterinsurgency as the solution to every problem and we're losing the ability to wage any other kind of war.

General Petraeus must respond to the criticism of Lieutenant Colonel Gentile.

General Petraeus is responsible solely for the conditions in Iraq. He has responsibilities nowhere else. But others, including Secretary Gates, Admiral Mullen and Congress and the President must consider Iraq in the context of America's interests throughout the world. So General Petraeus must be asked: Has the war made us safer?

Based on every measure, the answer is a resounding no. Because of Iraq, our military's readiness for full-spectrum combat is stretched dangerously thin and becoming more so every day. Our troops are serving their second, third, fourth, fifth—and some are believed to be headed to Iraq for the sixth time. This is taking a tremendous toll on them and their families and the overall status of our military.

We are not ready for an unexpected crisis that could arise overnight someplace other than Iraq. Each additional tour results in substantially higher rates of post-traumatic stress disorder. On one tour, 12 percent of the soldiers are coming back with post-traumatic stress disorder; three of four tours, approaching 30 percent.

I, in my office last Friday, was leaving, and a young man and his wife were there with a baby. The young man married this very pretty lady, his wife, the mother of his child, when he was 15. She was 19. He joined the Army and went to Iraq. I said: How are you doing? He said: Not very well. These were his words: My cognitive abilities are gone. He is having trouble thinking. That is what post-traumatic stress disorder is all about.

The military is in such dire need of recruits. I can remember when I practiced law I did some criminal defense work. One of the things we would try with some of these young men who were in trouble was to see if we could get them in the military. The answer was no; they had criminal records. It is not the case anymore. If you haven't graduated from high school, the military will still take you. If you have committed a felony or a serious crime, the military will still take you. In fact, one out of every eight of our new recruits—that is 13 percent—have received a waiver for past criminal misconduct. Some of these are felons, these people who are going into the military after having committed a crime. But even with these people who have no high school diploma, those who have been involved in serious crimes, we are still struggling in meeting our recruitment goals.

As has been reported in all the print press and the electronic media today, we are losing our combat-hardened leaders, those with experience—sergeants, captains. There was a good report on the radio this morning about what are we going to do for colonels and generals 15 years from now, if all the captains are leaving.

We recognize General Petraeus's responsibility is Iraq, but in these hearings, these meetings with General Petraeus, he is going to have to understand we have taken our eye off the ball in other crucial areas of the world, including Afghanistan, Pakistan, North Korea, Iran, all through the Middle East. America's No. 1 enemy, bin Laden, remains free. Al-Qaida is going strong. Because of Iraq, courageous men and women of our National Guard don't have the manpower and equipment to do their job and protect us here at home. Because of Iraq, our moral authority is lost in the eyes of many. Our foreign allies are unwilling to stand by our side. General Petraeus is going to have to respond to some of these questions: When will our troops come home? Has the Iraq war made our country safer? These are the questions that matter. The American people deserve a fair assessment of both.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Missouri is recognized.

HOUSING PROBLEMS

Mr. BOND. Mr. President, I thank the majority leader for his kind words about the housing bill that is before us. This is the measure on which we are working on a bipartisan basis to deal with what is one of the most serious economic problems we face today in America and across the world. There has been so much subprime mortgage paper put out from adjustable rate mortgages and teaser mortgages in the United States that it has gone into financial systems in many countries, and they are facing similar problems to the ones our financial system faces here.

I believe there are a lot of steps that are important that we take at the macro levels, things the Federal Reserve does and what the Treasury can do and what the government-regulated, government-sponsored entities can do. But it is also my firm belief that this problem is one that we are going to have to save community by community, neighborhood by neighborhood, and family by family. That is why I have an amendment filed today, Bond amendment No. 3436, to avoid these problems in the future.

I have listened to a lot of homeowners, and one of the real problems we have is right now there is not a clear and simple disclosure of payments and interest rates for adjustable rate loans with the so-called teaser rates. The teaser loans with interest rates and payments that jump up to unaffordable levels played a large part in the current subprime mortgage crisis. Many potential borrowers either did not understand what they were getting into or were falsely assured that everything would be OK. That is a part of bringing relief to families and neighborhoods suffering through the current housing finance crisis. I want to ensure we do not face another crisis in the future because we did not correct the problem.

For those of us who have taken out a mortgage loan to buy or refinance a home, we know what a pile of paperwork we face and all the legal jargon. I am a recovering attorney. I have had the experience of having that stack of papers—enough to choke a horse—put down in front of me, and the real estate agent, whoever is there, just says: Sign this, sign this, sign this, sign this, sign this. About 40 minutes later, you are dizzy from signing, and nothing in those papers clearly tells you what you are getting into. That is why we passed the original Truth in Lending Act and applied it to home mortgage loans. We knew then that most people did not take the time to read and understand the fine print in mortgage loan documents.

Regrettably, the consumer protections in the original Truth in Lending Act were written long ago and are outdated—woefully outdated. They were written when most bought a home with a 30-year fixed rate mortgage. Now—and this is a good thing—there are many more loan tools to help people share in the dream of home ownership. There are adjustable rate mortgages, adjustable rate mortgages with initial fixed terms, sometimes called teasers, prepayment penalties, refinance options, quicker and easier than ever before. But while more choices can be a good thing, uneducated consumers or consumers who do not have assistance in understanding that information may not understand that what they are doing is falling into a trap.

I want to see the disclosures laid out simply so that nobody is caught in a trap the way one of my constituents, Willie Clay of Kansas City, MO, and his family were caught. I shared Willie's story on the floor a month ago when we first introduced the SAFE Act, Security Against Foreclosure and Education Act, a relief bill, which forms the basis of the Dodd-Shelby bill before us.

Willie lives in a working-class Kansas City neighborhood of modest ranch homes called Ruskin Heights. He was a Vietnam war paratrooper, living largely on disability payments. He refinanced a mortgage in 2004 for a total of $101,000. As we can see, Willie is a man of modest means. He was not a speculator gambling on the housing market;

he was not an investor buying a vacation home; he just wanted to live in a decent home. He was looking for extra money to pay off his medical bills, car loans, and some credit cards, and he agreed to a subprime adjustable rate loan with an initial fixed rate of 8.2 percent. For several years, everything went fine. He made the payments, honored his agreement. Then, last October, the initial fixed rate ended and the loan reset to a variable rate. Given the condition of the market at the time, his new interest rate became 11.2 percent and then was set to rise again in March to 12.2 percent, with more rises coming.

Willie told the Kansas City Star:

> If the rates go up again, I can't afford it.

Willie and his wife Ina would have to give up their home and move into an apartment. Willie now admits that he never fully understood how an adjustable rate worked when he agreed to the new loan. I will tell you, Mr. Clay, don't feel alone. There are a lot of people who do not understand the terms of their mortgage, and it is far too confusing under the system we have now.

He said:

> I don't have the education to understand it. And they didn't explain it to me. I thought if the interest [rate] went down, your payment went down. If the interest rate went up, your payment stayed the same.

Willie was now facing a mortgage payment 50 percent higher than when he started. He was trapped in his loan because there was a $2,500 prepayment penalty, which prevented him from getting out. This is not just Willie Clay's family crisis. The entire neighborhood is suffering through this housing crisis. There are more than 500 foreclosures in his ZIP Code alone. On Willie's block, there are already several empty houses.

Foreclosed homes are dragging property values down for everyone. It is becoming a self-perpetuating downward spiral. That is why I felt so strongly about how we need to help these suffering families and neighborhoods. That is why we introduced the original Security Against Foreclosure and Education Act.

The "e," for education, focused on language meant to prevent this problem in the future, and that is the subject of the amendment that will be before us when we return to the bill.

My amendment, representing the disclosure requirements from the SAFE Act that were not transferred to the Dodd-Shelby substitute, updates the Truth in Lending Act to modern times.

The Bond amendment will apply to adjustable rate mortgages with an original fixed or teaser rate. This is the kind of loan Willie Clay had and millions of Americans across the country hold. For these types of adjustable rate loans with teasers, lenders or brokers will be required to provide in large, prominent type the loan's fixed interest rate, the initial fixed payment, and the date on which the fixed rate will expire. The lender or broker will also need to provide an estimate of what the payment will be when the loan resets from its initial teaser rate to a floating adjustable rate. For many subprime borrowers lured with a low teaser rate, this jump can be quite large, and borrowers should be aware of it. If they are not aware of it, then they should not be permitted to do the loan.

What we are saying is, put the critical dollars-and-cents items in large type on the first one or two pages. Don't bury this in a whole bunch of legal mumbo-jumbo that we lawyers—my colleagues who are still lawyers—love to write to make sure we cover every possible contingency.

The Bond amendment also requires lenders to disclose that there is no guarantee the loan can be refinanced before the initial fixed rate expires. Too many of the people in this trap now have said and told me and others that they were told there was no problem to refinance. Yes, there is a problem, and a lot of borrowers were caught when they found out they could not refinance. They did not know how high their rates could go after the teaser rate expired. Any concern they had that they could not afford their loan in the future was put to rest by the broker with a reassurance that there was no problem refinancing the loan before the teaser rate expired. For many, this turned out to be true, but when the credit market seized up and loan standards were raised, the rest were caught in this squeeze.

The amendment I will ask this body to adopt requires a disclosure that there is no guarantee the borrower will be able to refinance the loan when the teaser rate expires.

The Bond amendment also requires disclosure of any prepayment penalty, the amount, and its expiration date. Prepayment penalties is what caught Willie Clay and his family. While prepayment penalties can be good, giving certainty to the lender, who can in turn provide a lower interest rate, people need to be aware of what they are getting into and how it will be costly to get out.

That is the theme of this entire amendment. It does not block adjustable rate mortgages. It does not block initial fixed rates. It allows prepayment penalties, an opportunity to refinance quickly.

The advantages in the mortgage business have been good for consumers, allowing a new generation of home buyers to share the American dream. It just requires plain disclosure of loan terms so that people will know what they are getting into.

Some may ask why we need to be prescriptive in telling brokers what to say and regulators what to require. That is because in this situation, current protections and oversight have failed. Brokers and lenders did not do enough to disclose to and educate consumers. Regulators also failed here, and they continue to fail. Neither HUD nor the Fed required disclosure of these terms in the past, neither sought to increase disclosures when the subprime crisis started, and neither's most recent proposal takes this on.

The American consumer cannot wait while the bureaucracy, slow to move before, further delays and equivocates on what must be done now. What must be done is simple, straightforward disclosure of the most basic loan terms—rate, payment, new rate, new payment, penalties, and guarantees.

These are basic consumer protections which I expect will help prevent a future home loan crisis and trapping of a large number of American families who are caught in this situation now. I urge my colleagues to adopt them and to support the Bond amendment when it is brought up.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

HOUSING CRISIS

Mr. DORGAN. Mr. President, I know the subject is housing. We will have a fair amount of discussion about the legislation on the floor of the Senate today, tomorrow, and later this week when we begin voting on it. I wish to start by talking about what got us into this mess because it seems to me, if what we are doing at the moment is trying to evaluate what we do with the difficulties that exist and the difficulties that confront us and do not deal with the underlying cause, we will have missed something very important.

The other day, I came to the floor and talked about what was happening in the mortgage industry. What was happening, of course, was an unbelievable amount of greed, unbelievable speculation, and the result is this occurrence of subprime loans proliferated across the country, and then it collapsed. We have investment banks that are about to go broke. We have the Federal Reserve Board coming in with a safety net, saying: We will have the taxpayers bail out the investment banks. All of this going on while the Federal Reserve Board, which did its best imitation of a potted plant on these issues, began reducing interest rates and then antes up $30 billion so the American taxpayers could inherit the risk so JPMorgan could buy Bear Stearns. All of this has occurred in recent months.

What started it? A lot of things started it. Let me give some examples.

This is from an advertisement on radio and television. It is from Zoom Credit. I don't know Zoom Credit company. But here is what they said when they advertised their services to unsuspecting buyers. They said:

> Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you. Even if your credit's in the tanks. Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation. Bankruptcy, slow credit, no credit—who cares?

That is what they were advertising: Let us give you a loan. You have been bankrupt, you can't make your payments, come to Zoom Credit. Does it sound like a business model that makes sense to anybody? Not to me.

Millennia Mortgage. I don't know this company. Here is what they were advertising:

> Twelve months, no mortgage payment. That's right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months.

They say: Come and get your home loan from us. You won't have to make a payment for 12 months. We will make it for you. What it doesn't say is it goes on the back of the loan and increases the price of that house.

Countrywide was the biggest mortgage company in America, and now it has been acquired by Bank of America. Here is what Countrywide said:

> Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us. . . .

Are you a bad credit risk? Call us, we are going to lend you some money. That is unbelievable to me.

So you ask, how did we get into this mess? Let me continue.

Lowest fixed rate loan in America, they are advertising on this one. One-quarter of 1 percent; that is a twenty-five-hundredths of 1 percent interest rate. A $200,000 home loan, a monthly payment of $41.66. You want to borrow half a million dollars; pay $146.16 a month?

Is that a business plan from a mortgage company? It doesn't look to me like it is. This, by the way, came off the Internet today. The reason I am mentioning it is, nothing has changed. They are still doing it.

This says First Premier Mortgage. One hundred percent loans you get, conforming loans. We will offer conforming loans. Perfect credit, by the way, isn't required. So on the Internet you can go to First Premier Mortgage. Perfect credit isn't required. If you have less than perfect credit, we have loans that will allow you to qualify for a competitive interest rate. You can consolidate everything.

So don't worry, perfect credit is not required to borrow from this company.

This is Florida Mortgage Corporation. This is Monday, April 7, 2008. That is today. Go to the Internet today. Here is what they tell you. Each month you will receive a loan statement. We have a 30-year fixed mortgage that is available to you—30-year fixed mortgage. By the way, no income verification.

What does that mean? It says: Come to us, borrow some money, we will give you a 30-year fixed mortgage. You can pay up to 2.75 percent interest rate and, by the way, no income verification. We will not have to verify your income to give you a big old fat home mortgage. Isn't that unbelievable? Not credit score driven.

This is on the Internet today. Nothing is changing. This one is on the Internet today as well: OptionArmConsultants.com. They make this sound like this is a terrific loan. You can lower your mortgage payment by 50 percent or more per month. You can control up to two or three times as much real estate as other fixed mortgages. It is saying: Hey, come over here, get a mortgage from us, that way you can speculate, own more real estate.

None of these have indicated to the borrower what the terms really are. These are all seductive approaches that say: Come and get a mortgage from us. You don't need good credit. You can have bad credit. You can be bankrupt. Come and borrow money from us.

What they do not say is they are going to throw all those extra charges on the back of the mortgage. They do not tell them when it resets later they will not be able to pay the mortgage payment.

So that is what has happened. I have heard the largest reset of mortgages is going to occur in the fourth quarter of this year. But what has happened is, millions of families took out these mortgages. Were they wrong? Yes, they were wrong. But was the advertising for this deceptive? I believe it was. So millions of families took out a mortgage without understanding the consequences.

They said: Come and get a mortgage from us. Twenty-five-hundredths of 1 percent interest rate, we will pay the payments for the first 12 months—not describing to them, of course, what the reset is going to be on interest rates 3 years from now or 2 years from now.

So what happens? Well, what happens is they stick these mortgages in what they call subprimes. And, by the way, one-half of the folks who were put into a subprime would have qualified for a regular mortgage. Why did they get put into subprime? Because it was much more profitable for the big investment banks and mortgage banks. So they stack all these subprime loans together with other loans, sort of like they used to make sausage. It is like packing sawdust and sausage, like they used to in the old days. They would put sawdust in sausage, slice it and dice it and ship it out. So they sell these loans to hedge funds and investment banks and everybody is fat and happy like hogs in a corn crib. Everybody is making lots of money, especially the big shots, until all of a sudden they understand that in these little pieces of sausage they bought, they didn't understand what was there. There were subprime mortgages there that could never, ever be repaid, and the whole thing started collapsing.

It collapsed to the point of Bear Stearns losing tens of billions of dollars of value in 2 weeks. But not to worry. This is a no-fault economy, at least no-fault capitalism for the folks at the top. So the Fed comes in and says: JPMorgan, you buy Bear Stearns, and we will put up $30 million at risk for the American taxpayer.

I want to ask this question of the Federal Reserve Board and the Treasury Secretary. If these companies are too big to fail—and that was the proposition with respect to the bailout of Bear Stearns—if investment banks are too big to fail, then why are they too small to be regulated? If we are going to designate companies as being too big to fail, is there not some responsibility, some obligation on behalf of the American taxpayer to have effective regulation?

I know regulation is a four-letter word for some, but the fact is, somebody should have been looking over the shoulder of these mortgage companies. Somebody should have been looking over the shoulder of the investment banks and, yes, the hedge funds, all unregulated largely, and as a result, the tent comes collapsing down.

And guess what. The American taxpayer is told: You pay the cost. You bear the burden. Even while they are told that, it still goes on today. Go to the Internet and see the deceptive advertising on the Internet for the same kind of loans.

So we have a housing bill on the floor of the Senate. What I wanted to do is to describe how we got here. If we don't do something about that, if we just sit around here like potted plants and say, well, it is OK, it is OK for us to decide that there are institutions that are too big to fail, including investment banks, so we can let them go broke. They are too big to fail because the consequences for the American economy would be catastrophic. If these institutions are too big to fail, then we have a reasonable expectation that there be effective regulation. And I am going to offer at least one amendment that deals with that subject, and that amendment will deal with the Federal Trade Commission.

The fact is, the Federal Trade Commission does not have the ability at this point, in any meaningful way, to go after this kind of deceptive advertising on mortgages. Those who took these mortgages, in some cases, if they took them in order to flip the property and speculate, it is their fault. But I would say in many, and most cases, these are folks who didn't know what the terms were. These were cold calls via a telephone call into the home to say: What is your mortgage payment? We have a better deal for you—without disclosing all of the terms. Those homeowners are victims, and many are now losing their homes.

My amendment will give the authority to the Federal Trade Commission to do a rulemaking under the Administrative Practices Act so they can develop rules about deceptive advertising and take effective and immediate action against those who are engaged in this practice. That is just something that must be done.

If we just come to the floor of the Senate and pass what is called a housing bill and ignore the other pieces of this puzzle, we will have made a mistake. We need to give the Federal Trade Commission the ability and the opportunity to go after the companies that were engaged in deceptive practices—predatory lending. We have to do that.

Now, Mr. President, I want to mention, as well, that my understanding is another amendment has been filed and is pending on the floor of the Senate to this bill dealing with the extension of renewable energy credits, including the production tax credit and the solar investment tax credit. I just wanted to say this: The amendment that is pending apparently, is a 1-year extension of the production tax credit to incentivize wind and other renewable energy resources.

Let me tell you what we did with oil and gas. In 1916, this country put in place robust, aggressive, permanent long-term tax incentives for people to go look for oil and gas. Well, look what it did. We have produced a lot of oil and gas. Guess what we have done for renewables—wind, solar, and others? In 1992, we had a tax credit for wind—the production tax credit. We had a solar investment tax credit for commercial purposes going back to 1985 but the residential credit was enacted in 2005. These have been short-term incentives though, not a particularly aggressive credits and short term.

Since 1992, for a country that is desperate to be less dependent on foreign sources of energy, we have extended it short term five times. We have let the production tax credit expire three times, and every time it expires, investment simply dries up. This is certainly the case for wind energy. This is stutter, start, stop. It doesn't make any sense at all.

Look, I will vote for anything that extends the production tax credit and renewable energy tax credits for a year or 2 years. I will vote for it, but the 1-year amendment look, but that is not what we should be doing.

I have introduced a bill that, as a country, will say to the renewable energy industry: Here is where we are headed; count on it, invest on it. For the next 10 years, here is what we intend to incentivize.

Why do we just stutter, step around with a baby step in one direction, saying start, stop, start, stop, go this way, with a 1-year extension of the production tax credit? Well, that will help for 1 year, but that is not what we ought to be doing. Further, it will do nothing for solar, by the way. We are way behind on solar energy because the solar projects take longer to develop—3 to 5 years. If you have this on-off switch that you turn off every year or two, all you have done is dampen and injure the opportunity to make renewable energy a significant part of this country's energy life.

So my hope is those who have announced the extension, and I want to work with them, but I am just saying I think what we have done since 1992 is a pathetic, anemic response for a country that keeps saying it believes in renewable energy because we never do enough to manifest that in public policy. If we are going to have an amendment, let's boost that amendment, and let's decide to make this a real incentive. We did it permanently nearly a century ago for oil and gas, and now in the last three decades for renewable, we have turned it on five times short term and off three times. What kind of a signal is that? It is not a signal at all.

Mr. President, on one other subject, I want to say a word about something I discussed last week. And I want to show you the photograph of a 22-year-old young man. His name is Efraim Diveroli. He is the president of a firm that was awarded $300 million in taxpayer contracts to provide ammunition to the Afghan army and police in Afghanistan.

Three hundred million dollars was given to that company. It turns out the company is run by a 22-year-old man named Efraim Diveroli. And, by the way, his vice president was a massage therapist named David Packouz, a former masseur. Between the two of them, they got $300 million in taxpayer contracts.

I will tell you who gave it to them. The Army Sustainment Command did. I want the general who was in charge of the Army Sustainment Command when this contract was awarded to come to the Congress and explain how you give $300 million in contracts to what had been a shell company, now run by a 22-year-old and a 25-year-old massage therapist.

This is a photo of the building in Florida that supposedly housed this company that received $300 million—$300 million.

The office is just an office inside this building, no markings on the door. The 22-year-old president says he is the only employee, but they got $300 million.

Here is a sample of what showed up for that $300 million. They sent ammunition to the Afghan fighters, and it turns out in some cases to have been mid-1960s ammunition made in China. Almost worthless. But we paid them $300 million.

Now, I mention this again, as I have so often, because three times I have offered on the floor of the Senate an amendment, and I will again, that would establish a Truman committee to investigate waste, fraud, and abuse in this kind of contracting. We have shoveled more money out the door. We have sent pallets of one-hundred-dollar bills on C–130s—billions in cash—to Iraq. We have such unbelievable waste and fraud and abuse, I think the greatest in American history, and yet there is nothing that represents the kind of oversight that Americans should expect of us. Three times I have offered the establishment of a Truman committee. Let me describe what the Truman committee was. Senator Truman from Missouri on the floor of the Senate proposed a bipartisan special committee to investigate waste, fraud, and abuse in the Pentagon, and it passed. They did 60 hearings a year for 7 years. They were started with $15,000 appropriations, and they saved $15 billion for the American taxpayer. If ever we need that kind of a committee, it is now.

Three times I have offered that on the floor of the Senate—three times. Every vote on the Democratic side of the aisle has been to say, yes, we need it. Every vote save one on the Republican side of the aisle objected and opposed and we have not been able to get this done.

I used this example because it was on the front page of the New York Times just last week, about a company that gets $300 million that appears now to have been largely wasted—American taxpayers' dollars once again just poured down a rat hole. I use this example to say we ought to be embarrassed to not have the kind of oversight we should.

I am proud to say everyone on this side of the aisle has voted three times to establish a special bipartisan committee called the Truman committee. We know this works. We have done it before.

I have held up on the floor so many examples. A little white towel that Halliburton was ordering for the troops because they have the LOGCAP contract to supply these things, a little white towel their buyer, Henry Bunting, was ordered to buy for the troops. So he orders the white towel and the supervisor says: You can't do that. You need to order a white towel with KBR, the subsidiary, Kellogg Brown & Root, embroidered on the towel.

Henry says: Well, that will triple or quadruple the cost.

The supervisor says: That doesn't matter. This is a cost-plus contract. The taxpayer will pay for that.

That is a small example, and there are so many large examples. Whistleblowers have told us $85,000 brandnew trucks were left beside the road in perfectly safe areas, to be torched because they didn't have a wrench to fix the tire. The attitude was, it doesn't matter; the American taxpayer bought those trucks, and they will buy the replacement trucks on a cost-plus contract. It is unbelievable.

A woman named Bunnatine Greenhouse came to testify before the policy committee which I chair. I have held almost all the hearings which have been held on these issues. The policy committee doesn't have the subpoena power, but you would be surprised how many whistleblowers want to talk about what is happening.

Bunnatine Greenhouse became the highest ranking civilian official in the Corps of Engineers, judged to be outstanding by all accords. She said the awarding of these contracts in the Pentagon for reconstruction—the LOGCAP contract, RIO contract, all of these contracts—is the most blatant contracting abuse she has seen in her career. For that, this courageous woman was demoted. She paid for it with her job, but she would not be silenced. Now her career is behind a curtain over in the Pentagon. No one will comment.

The American people should not stand for this. We should not stand for it. I intend again to offer the amendment that would establish a bipartisan committee to aggressively investigate waste, fraud, and abuse in contracting in Iraq; waste, fraud, and abuse in all of the other adjunct areas because I believe the American taxpayer is getting fleeced, and I believe American soldiers are being disserved by what is happening.

I can speak for hours about this subject because I have had somewhere around 15 or 17 hearings on this subject. I have had whistleblowers come to tell me they were at a camp that was serving food to 5,000 soldiers a day under the contract, but they were billing for 10,000 soldiers.

I have seen the reports that Halliburton was billing for 42,000 meals a day, and they were serving 14,000. They were overbilling by 28,000 meals. It is just unbelievable when you see the evidence of waste, fraud, and abuse and so little interest in pursuing it.

There is much more to say about this. I did want to say that the story in the New York Times yesterday ought to once again be a wake-up call. There is a commission that has been established, which is outside of this body. The Senator from Virginia, Mr. WEBB, and Senator MCCASKILL and others have worked hard to establish the commission. I think that is a step forward—evaluating and looking at waste, fraud, and abuse. But that is not, in my judgment, a substitute for—it certainly is a complement to but not a substitute for the Congress having a select committee with subpoena power. Without subpoena power and the select committee being able to investigate things like a company getting $243 million to rehabilitate 140 health clinics in Iraq, 3 years later the money is gone and there are only 20 places they have rehabilitated; otherwise the money is gone. So what happened to all the money?

We had testimony from a very courageous Iraqi yesterday who said $18 billion, mostly American money, has disappeared. At least disappeared within his eyesight because he was in charge of anticorruption in the Iraqi Government. He was in charge of the anticorruption unit in the Iraqi Government. They tried to kill him three times. He finally left because he said the corruption was so unbelievable, and he was so unable to stop it. He said $18 billion of American taxpayers' dollars—he believes most of it American taxpayers' dollars—has been wasted.

Later this week, I am going to speak at greater length about the waste, fraud, and abuse issue because we have to stop ignoring it. We have to start confronting it. My colleague, Senator REID, has been very strong and assertive in wanting to address this issue. All of my colleagues on the Democratic side have voted three times to establish a Truman committee.

Let me just mention one additional point. Three weeks ago I met a man named Herman Wouk. He is one of the great authors in American history. He wrote the books "The Caine Mutiny" and "War and Remembrance." I believe he is 91 years old. He has an unbelievable command of a lot of things. I was so impressed by him. It was a great honor to meet one of the great American authors, Herman Wouk.

He said to me, somewhat with a twinkle in his eye, he said: Senator DORGAN, I don't know much beyond 1945, but I know everything 1945 and back because I spent my life studying that history. I was part of it in the military. But, he said, I have written about it, I studied it. He said: I know everything about this period.

He said: You know what you ought to do in the Congress. I am reading about all of these things. You ought to do something, establish a Truman committee. Have you ever heard of a Truman committee?

I said: Mr. Wouk, I have. I offered an amendment to do that three times.

Then we talked about what the Truman committee had accomplished when a Democratic President was in the White House and a Democratic Senator wanted to put together that kind of investigative committee. People were concerned about it. The fact is, it got done, and the American taxpayer was served.

This war in Iraq has lasted longer than the Second World War. This amount of waste, fraud, and abuse is the greatest in the history of this country, I am convinced, and we are not near what we should be doing to provide the oversight. It is not the fault of this side of the aisle. It is not the fault of the majority leader. He has been aggressive and so have we. We have offered it time and time again, and we are not going to stop. The American taxpayer deserves better.

I yield the floor and make a point of order a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STRATEGIC PETROLEUM RESERVE

Mr. DORGAN. Mr. President, before I leave the Chamber, I do wish to mention the Energy Department has made an announcement last week which, once again, stands logic on its head. They have announced they would continue putting oil into the Strategic Petroleum Reserve underground. They are putting about 60,000 barrels of oil underground right now, at a time when the price of oil is $100 or $110 a barrel. They are busy putting 60,000 barrels a day underground.

It makes no sense at all. The Strategic Petroleum Reserve, which is where we store underground that amount of oil we want to use in an emergency is 97 percent full. So the Strategic Petroleum Reserve is 97 percent filled at a time when oil is at a record high. This administration is taking sweet light crude oil, which is a subset of all oil, and a highly valuable subset of oil, and putting 60,000 barrels of oil a day underground.

They have announced beginning in August of this year, they hope to get contracts to do just that. We know that in addition to that, they want to increase that, almost double that, to be around 120,000 barrels a day underground for the second half of the year. They are going to use their royalty-in-kind authorities and likely some of the $585 million they had received when they sold reserves because of supply disruptions caused by Hurricane Katrina.

So here is where we are: We have oil prices that are akin to a Roman candle, going right through the roof, and instead of doing things that would put downward pressure on oil and gas prices, the administration is taking oil through royalty-in-kind transfers, oil payments off the Gulf of Mexico wells, and sticking it underground in the Reserve and taking it out off supply.

I mean, that absolutely makes no sense at all. I followed a car once down a road in North Dakota, an old beat-up car with a back bumper hanging by one hinge. He had a bumper sticker, and the bumper sticker said, "We fought the gas war and gas won."

I thought, that is not so unusual. I mean, the other side always wins. But at least this administration, this Congress, ought to insist that we not put oil underground and stick it in the Reserve, when it is 97 percent full. We have to pay $110 a barrel for it and you take oil out of supply, which puts upward pressure on gas prices.

I do not understand who is advising them, but whoever is, I hope perhaps they can find someone with a little deeper reservoir of good judgment att the moment to suspend putting oil underground in the Reserve.

I have a piece of legislation I have introduced that does the following: It would suspend immediately the putting of oil underground in the Reserve for the remainder of 2008 unless oil comes back below $75 a barrel. But as long as it is over $75 a barrel, and the SPR is 97 percent full, let's at least stand up on the side of the average family out there that is trying to figure out how they can get a bank loan to fill their gas tank.

Let's see downward pressure on gas prices rather than allowing this administration to announce on Friday they want to continue to put upward pressure on gas prices by seeking to enter into contracts to continue filling the Strategic Petroleum Reserve.

Now, the Secretary of Energy says: Well this does not matter much. This is a small amount. It is 60,000 barrels a day. What he does not understand, I think, is it is a subset, this is sweet light crude, the most valuable subset of oil we have.

We had testimony before the Senate Energy Committee that clearly indicates this is putting upward pressure on gas prices. We do not know how much. One expert who came before the Energy Committee said 10 percent. But why should we sit idly by and have the administration have a policy of taking oil off the market and putting it underground, especially the sweet light crude?

This is not a debate about whether it is increasing gas prices, it is. The debate is simply: How much does it increase gas prices, and why should we have anyone in this town busy doing things that increase gas prices? How about standing up for the driver? How about standing up for ordinary families for a change?

So I wished to say I noted the press release put out by the Energy Department as a matter of policy. They are wrong, dead wrong. One way or another we are going to deal with it. I chair the subcommittee that funds the Department of Energy. I will have a chance to write the Chairman's mark. That will be a couple months from now. But I definitely intend to deal with that in the Chairman's mark. But I hope before then we can stop 60,000 barrels or more of oil a day from going underground because that is a policy that, in my judgment, flies in the face of good sense.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, is the parliamentary procedure that we are on the Mortgage Foreclosure Protection Act?

The PRESIDING OFFICER. At the present time, we are still in morning business.

Mr. NELSON of Florida. Mr. President, I will speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NELSON of Florida. Mr. President, I do wish to say a word about the Mortgage Protection Act, the protection against foreclosure on mortgages. Last Thursday, I had offered an amendment that will be considered perhaps tomorrow and will be voted on and it is a commonsense amendment which says that in order to save somebody's home and not have their mortgage foreclosed on, if they have a pile of cash sitting over in their retirement account, the 401(k), that they would be able to go in and get $25,000 out of their 401(k) retirement plan to use in order for them to forestall a foreclosure upon their home and, therefore, stay in their home.

Now, that is plain common sense, to be able to do that, pull it out, without paying the 10-percent penalty under current law that you would have to pay in order to take money out of that retirement fund and set it aside. Why is it common sense? Because the symmetry of the current law is you can take money out of the retirement fund without paying the penalty in order to buy a home. If you can do that to purchase a home, why would you not want to give a homeowner the opportunity to keep their home from foreclosure by allowing them to go into the retirement fund or 401(k) fund?

It makes common sense, and I am hoping the Senate is going to favorably consider that when we vote on this amendment. It is offered by me and a host of other Senators who are cosponsors.

SEATING DEMOCRAT DELEGATES

Mr. NELSON of Florida. Mr. President, the reason I asked to speak as in morning business is because I wish to talk on another subject that is not the subject of the Mortgage Foreclosure Protection Act but is the continuing saga we have about seating the Democratic delegates to the national convention from the States of Florida and Michigan.

Over the weekend, in the State of Florida, the State party met. Having already elected the delegates under their rules from the various congressional districts, the only thing to complete the election of the Florida delegation was the remaining delegates who are selected at large of the whole State, proportionate to the amount of votes both Senators OBAMA and CLINTON got in the January 29 primary—a primary, by the way, that had a record turnout of 1.75 million, almost 2 million Florida Democrats who turned out and voted. As a result of that, in that proportion to which Senator CLINTON got 50 percent of the vote and Senator OBAMA got 33 percent of the vote, the rest of the delegation of the total of 211 delegates were selected.

So Florida's delegate selection process has gone through under the normal procedures set out by the rules and bylaws of the Florida Democratic Party. So the question now is, now that we have our delegates duly elected, are they going to be seated? Well, of course, you know the position of this Senator from Florida, who has been trying for 9 months now to work a compromise by which we can get the delegates seated. But the Democratic National Committee has completely rejected all the attempts.

Just think, if we had done this last August and September, when we were trying this and had this issue behind us in Florida, how much easier it would be going forward not to face the nail-biting scenario and drama we see playing out in front of our eyes, since both the candidates, BARACK and HILLARY, are so close, not only in delegates but in national vote and so forth.

At the end of the day, I believe, as the Good Book says, come and let us reason together, that will prevail and the delegation from my State of Florida, as well as Michigan, will be seated. Because at some point, the party chieftains are going to understand that if you want to win the election in November, you can't "dis" the delegations from Florida and Michigan. Why? Conventional wisdom says that there are four big States. In order for a Democratic nominee to win, they must get three of those four. What are they? They are Michigan, Ohio to the east, and further to the east, Pennsylvania. What is the fourth? Florida. Well, lo and behold, of those critical States in winning a Presidential election in the electoral college, as a result of the November election, lo and behold, two of the four are Florida and Michigan. So the party chieftains need to start focusing on November and the treatment of Florida and Michigan.

Now, I can only speak for Florida—and I know Senators LEVIN and STABENOW can certainly speak for their State, and they have been trying as well—but it is time to get a formula by which we can seat the delegations.

We have tried everything since the Democratic National Committee last September said: No, the rules say we can take away half your delegates. But, no, we are going to take the full pound of flesh, and we are going to take away all your delegates, Florida. Then they left me no choice but I had to sue the chairman; my party, the Democratic National Committee, I had to sue them in Federal court. The Federal district judge in Florida did not agree with my constitutional arguments and dismissed the lawsuit. I disagreed with his reasoning because I think the constitutional protections of due process and equal protection of the laws do apply, but nevertheless I didn't have time to file an appeal because January 29 was fast upon us, so it is what it is.

Since then, I have been trying several different things, along with members of the Democratic congressional delegation of Florida. This is one of the most recent I have suggested, and other members of the delegation have as well. Since the Democratic National Committee's rules say that if a State moves earlier than February 5, that the DNC will take away half of that State's delegates to the national convention, let's try that as a means, in the spirit of compromise, of getting the Florida delegation seated. Of course, since all 211 are now elected, duly, in the processes of Florida, you can seat the whole delegation if such a compromise were struck by giving each of them half a vote. In the spirit of compromise, let's get that done.

Four weeks ago, on this floor, when we had that all-night session, the Presidential candidates were all here. Of course I took the opportunity to speak to Senator OBAMA and Senator CLINTON about such a compromise. In terms of raw politics, if the whole delegation were seated, Senator CLINTON would have an advantage of 38 votes, but if you seat the delegation with half of its vote, in the spirit of compromise, you cut that in half, and her advantage from Florida would be only 19 delegate votes.

I make my appeal again to the DNC. Nobody is happy with where we are. Every time anybody gets on the news programs talking about the Presidential contest, which is vigorous and close, everybody asks the question about what to do about Michigan and Florida. Everybody is starting to understand that it is time to get this decision done, a compromise to get the delegation seated, and to move on. The problem is, when you come to these kinds of decisions, one candidate sees that it advantages them and the other candidate sees that it disadvantages them, and it is very difficult to get an agreement. However, the question has to be injected: At the end of the day, what is most important? I submit that at the end of the day, it is clearly in the interests of the Democratic nominee to be able to win the votes, on November 4, from the State of Florida and from the State of Michigan. You say: Does that mean those States wouldn't vote for the Democratic nominee? I can only tell you what the data say. The data—surveys in Florida—say 22 percent of independents in Florida would be less likely to vote for the Democratic nominee because of all this fracas.

In truth, once we get a nominee, the electorate is going to be focused on the November election and choosing the leader of the free world and a leader who can straighten out the mess we find ourselves in and the huge challenges facing this country.

Let me give an example. I was stunned over the weekend to find this result to this question in a major national survey: Is this country going in the right direction or is it going in the wrong direction? I was stunned to see the results, that 81 percent of the American people were saying the country was going in the wrong direction. That is a phenomenal response that begs for leadership in whom we select as the next President of the United States. I do believe we will see down the road, once we have our nominee, that people get focused on that instead of the fracas we now have enveloping Florida and Michigan.

My final comment, since we have been joined by the esteemed senior Senator from California, the chairman of the Rules Committee: If ever there is an opportunity for reform, it is now. If ever there is a reminder to us that this chaos begs for order to emerge out of the chaos, if ever there is an example of Americans being dissatisfied with a nominating process, it is now. If you leave it alone and let it take its natural course, what is going to happen is States, in the next election, 4 years down the road, are going to be jumping each other. Suddenly, your first caucus or primary is going to be on Halloween, and as a result you will have an even more chaotic situation. So this begs for a rational plan.

Senator LEVIN and I have offered such a rational plan. It is one idea. There are many. Ours would have six primaries, interregional. They would start in March and go through June, and the order of the States collected together interregionally around the country, big States and small States together, would be done by lot, by drawing a number out of a hat, 1 to 6, whether they go first in March or are last, No. 6, in June. Then 4 years later they would rotate, and the 2's would go to 1's and the 1's would go to the end for the June primary.

That bill has been referred to the Rules Committee. It is an idea. Obviously, in the tumult and the hurly-burly of a Presidential campaign, we are not going to move on legislation such as this. But down the road, in the next Congress, after this election, the chaos begs for order, a rational plan of selecting our Presidential nominees.

I have offered a number of other suggestions as well. Make elections easier. Why do we have to vote just on 1 day—a Tuesday—when people often find it very difficult to get off of work or to go to work late or to get home early in order to vote? Why don't we make elections easier for people? Why don't we give them a 2-week period prior to the election that they could go to designated places in their county to vote early? Why don't we make it a lot easier for people to vote, if they want to vote by mail, which is—we traditionally call it an absentee ballot. Let's enable them to call up the supervisor of the elections office and get an absentee ballot without them having to swear they are not going to be in their community on the day of the election or without them having to swear they are sick and cannot get to the poll. Why don't we make it easy? Why don't we give grants for people back in their communities and counties and States to do pilot projects, to study whether we could, in fact, do what Oregon does, which is to vote by mail, where they get 90 percent participation? Why don't we give grants to do a pilot study as to whether the integrity of the voting process could be retained by voting by the Internet in certain circumstances, such as military overseas ballots? Why don't we do all of this in election reform?

Indeed, this Senator would propose the ultimate reach: Why don't we amend the U.S. Constitution and abolish the Electoral College where, in fact, the popular vote for President will determine who is going to be President instead of this arcane, archaic institution called the Electoral College which has caused, several times in our history, a Presidential candidate to get the most votes but the other candidate is the one who wins because of the Electoral College votes?

What I am saying is we ought to put all these ideas on the table. We ought to make voting easier. We certainly ought to reform the Presidential nominating process. And we ought to consider letting the majority rule in this country.

We have had a reminder in the chaos of this year. Americans are dissatisfied with this process. We need to make it better.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to commend the distinguished Senator from Florida. I have watched him over these months, and no one has tried harder than he to move toward a solution with respect to the Florida situation. He has told me on several occasions that never before have as many people voted in an election as did in Florida. I think the Senator mentioned some 2 million people voting in some primary election. It is inconceivable to you, and therefore to us, I believe, to have a convention where Florida is not represented. Of course, the same comments would go for the great State of Michigan.

I just want the Senator to know that I am very appreciative of the efforts he has made to try to settle the situation. I only wish they could have been successful. I do not believe the door is closed. I think the more the people of this country understand how important Florida and Michigan are to the democratic process, there will be strong support to reach some accommodation.

I thank the Senator for all he has done.

(The remarks of Mrs. FEINSTEIN pertaining to the submission of S. Res. 504 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER (Ms. STABENOW). The Senator from North Dakota.

Mr. DORGAN. Are we currently in morning business?

The PRESIDING OFFICER. We are.

COLOMBIAN FREE TRADE AGREEMENT

Mr. DORGAN. Madam President, today President Bush announced he was sending the Colombian Free Trade Agreement to the Congress. He expects and demands that we take it up and pass it. I regret he has taken that action because he proposes that we continue failed trade practices of the past. That makes precious little sense for this country's interests. I am in favor of trade and plenty of it. Trade advances our interests provided it is fair and mutually beneficial between our country and those with which we have agreements. But I want to cite the record of President Bush in the last 7 years because when I say our trade policy is a failure, let me describe it this way.

When President Bush took office in 2001, our trade deficit was $429 billion. That is way too high. But 7 years later, our trade deficit is $815 billion. When the President took office, our trade deficit was $429 billion. Now it is almost double, $815 billion. In 7 years, this President's trade policies have doubled the trade deficit. We are not only collecting a massive amount of debt around the necks of the American people, they are encouraging the shipping of U.S. jobs overseas.

Now the President says: I have a new policy. Let's do more of the same. If you have trade policies that double the trade debt in this country, and you say let's do more of the same, there is something wrong with that.

Last month we lost 80,000 jobs in this country. Just last week it was announced, last month we lost 80,000 jobs. And what do we get this week from the President? Another proposal of a free-trade agreement.

Let me describe. We have had plenty of practice with these trade agreements. Some long while ago, we had a proposal: We have to have a free-trade agreement with Mexico. At the time we had a $1.5 billion trade surplus with Mexico. The first President Bush began negotiating a free-trade agreement with Mexico. He had a bunch of economists tell us how wonderful this would be; if we can just have a free-trade agreement with Mexico, it would be nirvana. So we did. I didn't vote for it. I led the opposition. But we went from a $1.5 billion trade surplus with Mexico to now a $74 billion trade deficit with Mexico. Think of that. We went from a $1.5 billion surplus to a $74 billion deficit. We are borrowing money from the Mexicans in trade. It is unbelievable. Talk about failed agreements.

This agreement with Colombia is modeled after NAFTA. It is the same. You have a failure. Let's do more of it, the President says. I don't understand that at all. It is a curious strategy to decide: OK, let's hold up a failure and let's suggest we should double it. I don't understand it.

I was watching CNN this afternoon. Wolf Blitzer, who is a terrific broadcaster—kind of breathless from time to time—was describing the President coming out in his announcement and essentially demanding that the Congress pass this free-trade agreement. Wolf Blitzer put up on the screen the description the President offered, saying: Most of Colombian-made goods come into this country with no tariff on them. Many of American goods go to Colombia with a tariff as high as 35 percent.

They put up on the screen this zero and 35 with two arrows, Colombia, United States. I am thinking to myself, it is curious that the President uses this to say we have to have this trade agreement with Colombia, as if we have no leverage with Colombia. We are sending a lot of money to Colombia, and have for a long while, to help President Uribe fight the insurgents, the FARC, the insurgent organization. We are sending American tax dollars down there in substantial quantity. We don't need to do a bad trade agreement with a failed NAFTA strategy with Colombia to get them to reduce their tariffs, if they have tariffs on American goods going to Colombia. All we have to do is say: Look, we are sending a lot of money down here to help you. Get rid of your tariffs. If we don't have tariffs on your goods coming north, don't you put tariffs on American goods going south.

We don't have to pass a bad trade agreement to get that result. We just have to say to President Uribe: We have been bankrolling a fair amount of the effort that you are making, and we are doing it because we want to help you. But in the process of wanting to help you with American tax dollars, we expect you to remove the tariffs.

I have met with President Uribe. I have been in his office in Colombia. I have a lot of respect for him. It is a tough job down there. They have real problems. Some say: This discussion about labor issues and trade agreements is not so relevant. It is pretty relevant in a country where one labor leader is killed every week on average this year. It is pretty relevant when 97 percent of the killings of Colombia labor leaders going back to 2001 have been unpunished—97 percent. It is pretty relevant, it seems to me. I accept that President Uribe has a lot of issues, a lot of problems. We as a country have tried to help him. But it seems to me it doesn't help anybody for this country and for President Bush to try to push through a bad trade agreement.

While I have respect for President Uribe of Colombia, I don't have great happiness about President Uribe being involved in America's political system. He decides apparently that he believes he should comment on our Presidential race. He says, of one of our Presidential candidates, "I think it is for political calculations that he is making a statement," referring to a statement that one of the political candidates for President said that he didn't support this trade agreement with Colombia. So the President of Colombia says:

> I think it is for political calculations that he is making a statement.

I don't think we need the President of Colombia describing motives of our Presidential candidates. There is a perfectly reasonable approach to support or perhaps oppose the Colombian Free Trade Agreement. The reasonable approach is to say we like failure. We want to do more of the same. So give us what you gave us in NAFTA and run a small trade surplus up to a huge deficit.

But there is also a perfectly logical reason for a Presidential candidate or a Member of Congress who may wish to say at some point: We ought to do a U-turn and say this country is for trade. We are for trade and plenty of it. We believe in trade and plenty of trade. But we demand and insist at long last that it be fair to our country. I don't think the Colombia agreement by itself is some sort of pivotal moment. I don't allege that. But I do say I don't think we ought to sit here with a President who has doubled the trade deficit in 7 years and take advice about what we do in the next 90 days.

These trade agreements have not worked in our country's interest. Trade agreements should be mutually beneficial when we negotiate them, whether it is with China, Mexico, Canada, Europe, or Japan. They ought to be mutually beneficial. I am flatout tired of seeing the results of bad trade agreements.

I guess some may say if you have an $815 billion trade deficit, it doesn't matter. That means over $2 billion a day we are putting in the hands of foreigners because that is what we are buying every day that exceeds our ability to export. We are importing $2 billion a day more than we are exporting in goods. That debt someday will have to be repaid with a lower standard of living in the United States. You would think at long last someone would say this strategy isn't working.

It is true that whether it is the Colombian Free Trade Agreement, the free-trade agreement with Mexico or Canada or the agreements we have with China, it is true that no one in this Chamber is going to lose their job to a bad trade agreement. It is other people who will lose their jobs—people working in manufacturing plants making bicycles or wagons or producing textiles or in high tech.

I wrote a piece once about Natasha Humphries who lost her job. She wasn't a textile worker. She went to Stanford and did everything right, a young African-American woman who did everything right and then went to work for Palm Pilot. Regrettably, her last job was to train the engineer from India who was hired at one-fifth the salary they were paying Natasha Humphries.

So should American youngsters who come out of our colleges, should American workers coming out of our colleges, aspiring to work in engineering, be willing to work for 20 percent of the salary that is paid in this country in order to compete with an engineer from India? Those are questions we ought to start asking in this country.

Everybody says we need to train more engineers and scientists. That is true but not if their first job and their last job is to train their successor who is an engineer in India making one-fifth the salary.

So I went further than talking about Colombia, except to say this: This is not new. We in this Congress have been for so long a catcher's mitt of bad trade agreements from Presidents—for years and years and years—and this trade agreement is the model of NAFTA. It is the same old thing. There are a couple labor provisions and environmental provisions in it, but it is largely the same old strategy.

I just remind my colleagues what happened with Mexico. Nobody writes much about it. Nobody speaks much about it. But we did a trade agreement with Mexico. We had all of these claims, all of these boosts, all of these suggestions of what was going to happen. We had a $1.5 billion surplus with Mexico in our trade relationship; in other words, it was about balanced. Now it is a $74 billion United States trade deficit with Mexico. We end up, some years later, borrowing money from the Mexicans, even as we ship our jobs across the line. That is a trade strategy that I think is bankrupt for our country.

My hope is the U.S. House, which likely will deal with this first, will make short work of it and simply send a message. The message to the President is simple: This country stands for trade. Yankee ingenuity and shrewd Yankee business stand for trade. It is in our blood. But we also stand for fairness, and at last—at long last—this country will begin to write fair trade agreements with other countries that stand up for our country's economic interests as well. Yes, we want to pull up others, but we will not any longer allow trade agreements that push down this country's standards. That has been the case for too long.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this time, morning business is closed.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3221, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

Pending:

Dodd/Shelby amendment No. 4387, in the nature of a substitute.

Sanders amendment No. 4401 (to amendment No. 4387), to establish a national consumer credit usury rate.

Cardin/Ensign amendment No. 4421 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time home buyer.

Ensign amendment No. 4419 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

Alexander amendment No. 4429 (to amendment No. 4419), to provide a longer extension of the renewable energy production tax credit and to encourage all emerging renewable sources of electricity.

Nelson (FL)/Coleman amendment No. 4423 (to amendment No. 4387), to provide for the penalty-free use of retirement funds to provide foreclosure recovery relief for individuals with mortgages on their principal residences.

Lincoln amendment No. 4382 (to amendment No. 4387), to provide an incentive to employers to offer group legal plans that provide a benefit for real estate and foreclosure review.

Lincoln (for Snowe) amendment No. 4433 (to amendment No. 4387), to modify the increase in volume cap for housing bonds in 2008.

Landrieu amendment No. 4404 (to amendment No. 4387), to amend the provisions relating to qualified mortgage bonds to include relief for persons in areas affected by Hurricanes Katrina, Rita, and Wilma.

Sanders amendment No. 4384 (to amendment No. 4387), to provide an increase in specially adapted housing benefits for disabled veterans.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 4478 TO AMENDMENT NO. 4387

Mrs. MURRAY. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside so I may call up amendment No. 4478.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN, proposes an amendment numbered 4478 to amendment No. 4387.

Mrs. MURRAY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for housing counseling with an offset)

At the appropriate place in the bill, insert:

SEC. . Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,900,000,000 and the amount appropriated under section 401 of this Act shall be $200,000,000.

Mrs. MURRAY. Madam President, it is not my desire to debate this amendment at length at this time. I only wanted to call it up so it will be available for the Senate to consider as we continue to debate this extremely important housing bill that is in front of us.

Late last week, the Senate considered the question of additional funding for housing counseling. When the Senate voted on that matter, there were 16 Senators who were absent from the Chamber. So that amendment did fail at the time on a procedural vote. But I do believe some Senators may have voted against our initial amendment because it added funds to the overall cost of this bill. The new amendment I have just called up will add the necessary funding for housing counselors from within the funds already in the bill.

Senator SCHUMER and I are going to be talking about this amendment in greater detail at the appropriate time. I think as we continue to try to address the housing issue, we all remember there are up to 2 million families who may go into foreclosure this year, and our main objective ought to be to make sure they do not go into foreclosure. That is what this housing counseling funding does. It is extremely important. I hope as we move this bill along we will be able to add the additional funding.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RENEWABLE ENERGY

Mr. ALEXANDER. Madam President, over the last several weeks, a number of visitors have come to Capitol Hill urging us to support renewable energy. There is a lot of interest in this country for so-called renewable energy. The idea is for us to be less dependent on energy that is shipped from other parts of the world. Some of those places are unfriendly to us.

A number of us are also very concerned about climate change, and we would like cleaner energy. Renewable energy is usually cleaner energy. Some of us, as I do, live in parts of the country where clean air is a problem. We have coal plants that produce sulfur and nitrogen, and now we have become more concerned about mercury, so we are interested in clean air. So if there is some way to find new sources of renewable energy which can help our country have cleaner air, deal with climate change, and be less dependent on other countries, that would be a terrific thing for the United States of America.

Senator ENSIGN and Senator CANTWELL, the Senators from Nevada and Washington, have offered to the housing bill an amendment that would provide support for renewable energies. I would like to talk about the Ensign-Cantwell amendment No. 4419, and I hope I would be construed as talking about it in a friendly way. Because Mr. KYL, the Senator from Arizona, and I have a proposal, amendment No. 4429, which we have already introduced that we believe would improve the Ensign-Cantwell amendment in support of renewable energies. I would like to talk about that amendment for a few minutes this evening.

Today, the Federal support for renewable energy is basically in a piece of legislation called the renewable electricity production tax credit. That gives 2 cents or 1 cent for each kilowatt hour produced of renewable energy to a variety of emerging technologies.

In summary, the Ensign-Cantwell amendment extends the production tax credit for 1 year in its current form, with the addition of wave and tidal as a qualified emerging technology. Senator KYL and I propose to double the amount of time that the tax credit is extended from 1 year to 2 years to focus it more on emerging rather than proven technologies, to focus it on baseload technologies—that is to say technologies that will produce large amounts of reliable electricity around the clock and not just from time to time—and that would treat the various technologies the same, and it wouldn't cost any more than the estimated $6 billion or $7 billion over the next 10 years that the Ensign-Cantwell amendment would cost.

So that is our goal: to extend from 1 year to 2 years the extension; to focus on emerging baseload technologies to treat wind fairly, which has been the proven technology that has received most of the support to date; and not to spend more money than Senator ENSIGN and Senator CANTWELL have proposed.

Here is a picture of where we are today. The renewable electricity production tax credit began in 1992. As with many Government subsidies, in the early stages it was suggested that it would just be there for a while until the technology was proven and then we would step back and let it flourish on its own in the marketplace. But the year 1992 was a long time ago.

Here are the technologies that today get Federal support through the renewable electricity production tax credit. Getting 2 cents per kilowatt hour are closed-loop biomass, which is the burning of plant materials grown specifically for energy production; and geothermal, heat from underground. Solar received this support for several years, but it was removed in 2005 because this is a tax credit that focuses on energy produced, and most people who use solar power put panels on their roofs so they weren't really selling that power to the grid or to the utility company. So the solar manufacturers and others came to me, among others, and said this production tax credit isn't doing anything for them.

In the Energy Policy Act of 2005, I was the sponsor of a proposal that increased the amount of Federal subsidy for the solar panels. Now, there is within the Federal law a separate provision that provides an investment tax credit for what appears to be a very promising idea called solar thermal powerplants. Instead of putting a panel on your roof, what you would have instead is a whole field full of mirrors that would then catch the Sun, turn it into steam, put the steam underground, and then you could use the steam as you need it to produce electricity.

What people often forget about solar and wind energy is it is available when the Sun shines and when the wind blows, and that may not be when you want to turn your air-conditioning on or run your computer. The solar thermal plant has the potential of being a 50-megawatt plant or a 100-megawatt plant or a 500-megawatt plant. Solar thermal is beyond the experimental stage.

I believe Pacific Gas and Electric on the west coast is putting in one 500-megawatt solar thermal plant. There may be another. If there can be solar thermal powerplants, that would be a tremendous addition to our arsenal of electricity-producing facilities in this country because most parts of America can benefit from solar power if the technology can catch the sunlight and we can store this solar energy. Basically, with solar and wind, you have always had to use it or lose it, and if the wind blew at midnight but your air-conditioner was on at 5 o'clock, the wind power, or the solar power for that matter, was not of much value.

So closed loop biomass, geothermal, and wind are receiving a tax credit of 2 cents per kilowatt hour of electricity produced. These have been preferred. This is an example of the Government doing what I don't much like, along with many others on this side of the aisle, which is called picking and choosing technologies. I would rather see, if we are going to subsidize toward an objective, that we let the marketplace pick the technology. But we, in our wisdom, have said today biomass, geothermal, and wind get 2 cents per kilowatt hour of electricity produced and sold to a utility for distribution to customers.

Now, over here on the 1-cent side, 1 cent per kilowatt hour had been and would, under the Ensign-Cantwell bill, continue to be open-loop biomass, small irrigation power, landfill gas, trash combustion—Johnson City, TN, made a contract with a private company that takes its landfill trash and over the next number of years makes electricity from it and pays the city $1 million a year, which helps reduce property taxes. So that is promising. Also, qualified hydropower, about 7 percent of our electricity in the United States comes from rivers and dams. It is small, new hydropower projects that are qualified to receive this tax credit. Wave and tidal facilities are interesting. In the East River in New York, they are taking what amounts to be wind turbines and putting them under the water. There is more energy in the waves and in the rivers than there is in the air; in fact, so much that it broke the blades from the turbines and they are having to replace them, but at least there is energy there. We would subsidize that to the tune of 1 cent per kilowatt hour under the Ensign-Cantwell proposal.

Here is the difference that Senator KYL and I would make. We would move wind to the 1-cent per kilowatt-hour column. Why would we do that? Because wind is a proven technology. We know it works. Where the wind blows, such as in Texas and the Great Plains states, wind works. The electricity produced is competitive. Where it doesn't blow, such as on Buffalo Mountain in Tennessee—the Tennessee Valley Authority ratepayers are paying some big bill to developers in some other big city to put up a bunch of wind turbines on top of our mountaintops that only work 10 percent of the time in August when we need the electricity the most. So it may work in Minnesota and South Dakota, but it doesn't work in the foothills of Tennessee.

So wind is a proven technology. We would like to focus more on technologies that have the capacity of becoming baseload technologies; that is, that might produce large amounts of electricity all day and all night if we needed it. Wind can't do that. Solar, until lately, hasn't been able to do that. But biomass, geothermal, irrigation power, landfill gas, trash combustion, hydropower, wave and tidal, all of those have a potential—a potential—to substitute for what we use today, which is primarily coal, nuclear power, and gas.

So the Alexander-Kyl proposal would, for about the same amount of money, give 2 years of business certainty to those emerging renewable energy technologies. It would focus then on the emerging ones, not the proven ones. It would focus on those that have the capacity to produce baseload power. It would treat wind fairly because wind would still get, under our amendment, 2 years instead of 1; and wind would, based on my computation, get more of the Federal dollars than any other of the types of technology, and the extended tax credit would, as amended, cost about the same.

Now, let me go to a picture of where our renewable electricity comes from today. This green line, this is wood, burning wood; bonfires, one might say. We call that biomass, I guess, in scientific terms. Biomass has consistently produced about 35 million Megawatt-hours of electricity over recent years. That is a fair amount of electricity. This is waste, such as the landfill at Johnson City, TN, that I was describing, where we take what we have disposed of and turn it into electricity. That is beginning to amount to something. Our waste is being burned to consistently generate about 15 million Megawatt-hours of electricity.

The red line is geothermal. It is also consistently generating about 15 million Megawatt-hours of electricity per year. I have seen some of these technologies. You drill deeply into the ground, and the heat comes up and you can use that on a regular basis.

The yellow line is wind. We can see that it has increased rapidly since 1999. It has been the technology that has grown the most, although it is still less than 1 percent of all of the electricity that we produce. Then down here at the bottom is a blue line which is solar. The reason the solar is so small is because this represents electricity which is sold to the utilities; as we say, sold into the grid. Most people haven't sold their solar power into the grid. They have just put the panels on top of their houses or their businesses and used it when it was available to reduce their demand for electricity from the grid.

Now, let me go to the larger overall picture of where our electricity comes from because if we are talking about a realistic use of limited dollars—and we do have limited dollars in the Federal Government—sometimes it doesn't seem as though we know that. Where will we put those dollars? Ensign-Cantwell say let's add about $6 billion or $7 billion toward this worthy goal of renewable energy.

Well, let's look at the whole picture. This is where our electricity comes from today. We are not a desert island. The United States of America uses a lot of electricity, about 25 percent of all of the electricity in the world for about 5 percent of the people. That is the number of us who are Americans. How do we produce that electricity? Today, almost half of it is coal. Half of the electricity is coal. If coal disappeared, the lights would go off, the industries would stop, the computers would shut down, and there would be a revolution in our country. Forty-eight percent comes from coal.

Next comes gas, natural gas. During the 1990s, almost all the new powerplants were natural gas. The advantage to that was they were predictable, and easy to build. Investors in utilities could make practical business decisions, and they were cleaner than coal in terms of nitrogen and sulfur and mercury and carbon. The problem is it drove the cost of natural gas from $2 a unit to—at one point in the last few years $14 or $15 a unit—and begin to drive almost all of the chemical industry jobs and many other manufacturing jobs out of the United States. It began to drive up the cost of farming so that many farmers have a hard time making a profit because natural gas is used to make fertilizer, and that drove up the cost of food to people who couldn't afford to pay more for it.

So using natural gas increasingly for electricity is not a good idea for our country right now, particularly since the Congress the other day voted down my amendment by 52 to 47 to allow us to drill offshore for more natural gas so that we could increase the supply and reduce the price and reduce our dependence on foreign natural gas. So that is second. And third is nuclear power. Nineteen percent of all of our electricity in America comes from nuclear powerplants, which have the advantage of having no nitrogen, no sulfur, no mercury, and no carbon, if one is concerned about climate change. Then comes hydroelectric, which in 2007 produced 6 percent of our electricity in the United States. This is electricity from our rivers and the dams. There are even some parts of the United States where people want to take the dams out of the rivers for a variety of environmental reasons, which may be good reasons, but that will reduce one source of clean electricity. Then we get down to oil, petroleum.

Sometimes we get oil confused with electricity. We do not use much oil to make much electricity in this country. We use some natural gas. We use oil in automobiles for fuel, but we don't use it for electricity. Actually, it produces about the same amount of electricity as all the renewable technologies put together. Wood is less than 1 percent; waste is half of 1 percent; geothermal, half of 1 percent; solar is not sold into the grid; wind is not even 1 percent. The point is, the renewables are less than 3 percent of the electricity we use.

We live in not only a big economy but a growing economy. The Tennessee Valley Authority, in the area where I live, in 7 States, has said to me they need 700 more megawatts of electricity every year during this next few years. The Dominion Power Company, which is Virginia, I read in the Washington Post the other day, is estimating they need 400 more megawatts. Madam President, 700 megawatts is more than one gas plant or more than one coal plant or a little more than half of a nuclear powerplant, which today takes 8 or 10 years to build. We not only use a lot of electricity, primarily produced from coal, nuclear, and gas, and very little from renewables, but it is growing, and if it doesn't grow, our incomes will go down and we will not enjoy that same high standard of living.

I know, having been a Governor, when I was recruiting Nissan to come to Tennessee and Saturn to come to

Tennessee—now one-third of our manufacturing jobs in Tennessee are automotive jobs, and we have nearly 1,000 suppliers of auto parts in Tennessee—one of the most important items in our favor after location and a right-to-work law is the supply of large amounts of reliable, low-cost, clean electricity because that is not available everywhere in the United States and certainly not everywhere in the world.

This is the picture of where we get our electricity and what we are talking about in the Ensign-Cantwell amendment. The amendment Senator KYL and I have is to increase this renewable electricity from about 3 percent of all the electricity we produce to something a little higher. But in the next 10 or 12 years, it is not going to be a lot higher. It will be somewhat higher, and we hope we stumble upon something that will make a big difference. Even though, for example, wind has been around and heavily subsidized since 1992, it is still only eight-tenths of 1 percent of all the electricity produced in the United States.

The only difference in this next chart title is the word "clean." We care about clean really for three reasons: nitrogen, sulfur, and mercury. Federal ozone standards were stiffened recently. That means Knoxville, Chattanooga, Memphis, and cities in our region have to work harder to have cleaner air to meet those standards because a lot of the dirty air comes in from other parts of the United States which have dirty plants, mainly coal plants.

The clean electricity, which we prefer—and this is the reason the TVA is now focused on nuclear production—is 69 percent nuclear. That is an important figure for anyone who cares about clean air and climate change. Nearly 70 percent of all the clean electricity produced in the United States today is nuclear power; 21 percent of it is hydroelectric. There are not going to be more dams on rivers. And this little bit here, which all adds up to about 8 or 10 percent, is renewable energy. So if you care about climate change and if you care about clean air in this generation or in the next 10 years, you better look at nuclear or hydroelectric. Hydroelectric will not grow rapidly because there are not going to be a lot more dams, or we better be realistic about renewable or look at one other area, which would be conservation.

What have we done with our money? We have tried to focus, so we say, on renewable energy. I noticed in the debates here people talk about all the different kinds of renewable energy. The fact is, almost all of our investment has gone to wind. This, I imagine, would startle most Senators to know, that over the next 10 years, we are already committed to spending $11 billion subsidizing wind power although it produces less than 1 percent of our electricity and it does not produce it when we need it, it does it when the wind blows. But we have proven we can produce electricity from time-to-time when the wind blows. We have large amounts of huge turbines that are going up around the country, some in our most scenic areas, which in some parts of America are providing useful power, but at what cost?

This is a recent report that I asked for and just received this week from the Energy Information Administration where I asked: How much are we spending of the Federal taxpayers' dollars to subsidize the electricity we are using in this country?

Remember, coal produces about half the electricity we are using at this minute in the United States of America—44 cents per megawatt hour. Refined coal, which is a very small part of coal, is a very expensive subsidy—at this moment, the biggest Federal subsidy for electricity. For natural gas, almost nothing, a quarter per megawatt hour; nuclear, $1.59 per megawatt hour; biomass, 89 cents; geothermal, less than a dollar; hydroelectric, two-thirds of a dollar; solar, $24 per megawatt hour for Federal subsidies of electric power. This is a little misleading because, as I mentioned earlier, almost no one sells electricity today into the electric grid. That is all this represents. If you had extra electricity from the panels on your roof and you sold it to the local power company, that is what this would be. Only few people do that today.

In the future, we may have solar thermal plants. Wind we have quite a bit of, and we spent $23.37 per megawatt hour actually produced for wind. Landfill gas, $1.37; municipal solid waste, 13 cents; all renewables average $2.80, and all sources, $1.65.

I would argue wind is over subsidized, that we are not making the wisest use of our Federal dollars when we take a proven technology and spend $24 per megawatt hour and we starve a lot of the other emerging technologies and we ignore what we are spending for the ones on which we rely.

For example, we spend $24 per Megawatt hour for wind and $1.59 for nuclear. Nuclear produces 70 percent of our clean electricity. Wind produces about 2 percent of our clean electricity. If we were subsidizing nuclear power at the rate we subsidize wind, we would be spending $340 billion over the next 10 years for nuclear power. No one is proposing we do that. It would not be a wise expenditure even though it is a working technology that today provides most of our power, and if we are going to deal with climate change in a new generation, we would have more nuclear power.

I am doing this to show how disproportionate our renewable energy subsidies have become.

Coal provides half of our electricity. We have two problems with coal: one is it has too much of three pollutants—nitrogen, mercury, and sulfur—and the other is carbon. We can get the nitrogen, sulfur, and mercury out of coal almost entirely. So would it not be better to spend some of this money on coal and have clean air or to spend some of this money on investing in the recapture of carbon from coal plants so they can be operated cleanly?

One of the major environmental organizations has a coal solution for climate change because it knows China is producing two new dirty coal plants a week, and unless we invent a clean way to use coal, which means also getting rid of the carbon, then the rest of the world will not use it. If we do it, they will do it also or they will suffocate. If they do not do it, we will soon suffocate because the air blows all around the world and comes back to Los Angeles and then Wichita and then to Knoxville, Nashville, and Memphis as well.

This list of federal subsidies of electric power from the Energy Information Administration is a very revealing chart. It would suggest that at the very least, what we might do with a proven technology, wind, which is competitive where the wind blows and not competitive, obviously, where it doesn't, is take some of that money and focus it on some of the other emerging technologies which have been starved over the last 15 years because wind has gobbled up most of the money, and these new technologies have a capacity for being baseload technologies.

The solar thermal powerplant is a very good example. If it works for the Pacific Gas & Electric company, I bet you the Tennessee Valley Authority, within a short period of time, will start building it for reliable power plants. Why would they do that? Because last summer, in the middle of our drought, when we were all sweating and the rivers had run dry and lakes had run dry and our air-conditioners were turned up, the TVA had to go out and buy 6,000 or 7,000 megawatts of electricity. What did they buy? They bought natural gas because it was all that was available. They were paying—and I know my numbers are going to be a little off here—they were paying in the neighborhood of $78 or $80 per Megawatt hour for natural gas as compared to $2 per Megawatt hour for electricity from their hydro plants. They badly need some other form of clean energy.

Why spend 2 cents per kilowatt hour on wind when we can still subsidize wind generously at 1 cent per kilowatt hour and release enough money to extend to 2 years the length of the subsidy for other emerging technologies?

Just to be specific, the percentage of the renewable electricity production tax credit that goes for wind energy is 75 percent. In other words, 75 percent of all the money we give to renewable energies goes to wind. It does not go in meaningful amounts to this broad list of renewable technologies. Over a 10-year period, from fiscal year 2007 to 2016, according to the Joint Committee on Taxation, in a letter they wrote to me in May of 2007, we are committed to spend $11.5 billion, and the Ensign-Cantwell amendment would add another couple billion dollars to that. So we would be spending $13 billion or $14 billion for wind even though we are subsidizing at a rate of $24 per megawatt hour.

Senator BINGAMAN, the chairman of the Energy Committee, said in the debate on the Energy bill in 2007 that wind will receive about 76 percent of the production tax credit subsidy over the next 10 years. According to the Joint Committee on Taxation, in another report, wind energy is estimated to be 74 percent of that, and it is projected to grow as a percentage of the total production tax credit.

What we are doing is increasing our support for a technology that is proven, that is not reliable enough to be used for baseload or for peaking because it only works when the wind blows, you cannot store it, and it is already over subsidized by a massive amount compared to every form of electricity.

The largest single Federal tax expenditure for electricity over the next 5 years is the renewable production tax credit, and 75 percent of that goes to one proven technology, wind, which is competitive where the wind blows, not competitive where it does not, is not reliable for baseload, and is not reliable for peaking. That is not being good stewards of the Federal taxpayers' dollars at a time when we really do need to encourage renewable electricity and we need to deal with climate change and with clean air.

I have just a couple more points.

As one might suspect, when you are subsidizing something at $24 per Megawatt hour as compared to $1.50 for nuclear and 25 cents for natural gas, you get a big surge in wind capacity. That is what happened during the period of the subsidy. Even with this rapid growth, wind produced 2.7 percent of our clean electricity, of only 0.8 percent of all our electricity. And as I have mentioned several times, wind energy is not reliable. You can't store it. It is not produced when you are likely to need it most.

Another limitation on wind power is it is not available everywhere in the United States. There are some parts of the United States where wind power works fine, and there are some Members of the Senate who love to advocate wind power. You can see where those are. It is where the wind blows down from the North, and it blows on a reliable basis. So you can put up wind, and particularly if you are paying $24 per Megawatt hour to subsidize it, you are going to find a lot of investors in Chicago and New York and around this country that can make a big buck off putting wind up here where it is competitive and where they do not need the subsidy, or putting it down here where the wind doesn't blow, and they apparently get enough subsidy anyway. You may say: Well, if they only get paid when the wind blows, how do they make any money? Well, we have all kinds of tax subsidies for wind, and the production tax credit is one, but there are a number of other subsidies that I am looking for right now. There are subsidies in agriculture. There is the clean renewable energy bonds—the Federal Government. Those can help build the wind turbines. There is the Department of Energy grant incentive programs for renewable energy production. In the farm bill, there will be some renewable energy and energy-efficient grants and loans. Thirty-three million dollars of that goes to wind. There are a variety of State subsidies for wind. Twenty-four States have enacted renewable portfolio standards.

We have gotten all excited about renewable energy, which is a good thing, but what we have forgotten to do to be careful to encourage a wide variety of forms of renewable energy, so that we can have reliable energy that has the capacity to be used as a base load or peak load.

Then there is the other limitation that affects some people and doesn't affect others. Here is the Buffalo Mountain wind project in Tennessee. This is the only wind farm in the Southeastern United States. It is the only one the Tennessee Valley Authority has. There are 18 of these turbines here. They are tall and they are white. They are about twice as tall as the sky boxes in the football stadium at the University of Tennessee.

Now the Senator from Michigan will smile at that, because Michigan and Tennessee have, for years, had a little friendly competition going about who has the largest stadium. We are up to about 107 thousand on a Saturday afternoon, and I think the University of Michigan is at 1,010 or 1,011 people. So they are a little ahead of us now. But to visualize, each of those stadiums have these large sky boxes, and each of these towers is twice as large as those sky boxes. Each one has blades extending from the goal line to opposite goal line. They are white, and they have flashing lights so you can see them from 20 miles away during the day.

We are paying $24 per megawatt hour to subsidize that all over the country—only 25 cents an hour for natural gas—in a place where the wind doesn't blow. Last August, during the drought, that farm was operating at 10 percent. So it doesn't work there very well.

My argument is for realism. I would like to see us have a realistic policy. I would like to have clean air and deal with climate change not only in this generation but in the next 10 years. To the extent we need to do that with electricity, we need to look first at conservation.

The Tennessee Valley Authority operates at about 27,000 megawatts on the average, but every night it has about 7,000, 8,000, 9,000 or 10,000 megawatts of idle capacity. Now, some people remember how Ross Perot made his money. He noticed that in Texas, in the 1960s, the banks were closing at 5 and not using their computers. So he bought their time and came to the States and got a contract to manage Medicaid data, and he made a lot of money doing that. It is the same thing here. We have, in the TVA region, 7,000 or 8,000 megawatts of idle capacity at night. That is seven or eight nuclear power plants. That means we probably have 210,000 megawatts of idle nighttime electric capacity.

We should be spending this $11 billion on smart meters that encourage people to buy electric cars and plug them in at night and use the idle capacity we have already built rather than paying $24 an hour for wind that is proven where it works and would not work where the wind doesn't blow. Or we should take some of that money, as I have suggested with Senator KYL, and focus it on other emerging technologies. Wind has had its chance. It has done well and grown rapidly. Now, I see the majority leader, and I will be through momentarily, because I imagine he has a report to make about Senate business. So I will wind up in this way. What the Kyl-Alexander amendment would seek to do is to improve the Ensign-Cantwell proposal by extending from 1 year to 2 the length of the production tax credit extension by focusing it on emerging technologies, and by focusing it on base-load technologies. Our amendment would treat wind fairly by adding another billion dollars to the $11.5 billion we are already spending for less than 1 percent of our electricity on wind, and that would cost about the same.

I hope our colleagues will consider the Alexander-Kyl amendment, No. 4429, when the Ensign-Cantwell amendment is offered tomorrow.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The majority leader.

UNANIMOUS-CONSENT REQUEST—S. 2664

Mr. REID. Mr. President, I appreciate my friend yielding the floor. We are waiting for the Republican leader, who is on his way down here.

Good, he is here. But I do express my appreciation to my friend from Tennessee for yielding the floor.

I wish to speak briefly on the subject of the Foreign Intelligence Surveillance bill, known as FISA. Everyone knows this is a very important issue. The Presiding Officer, a member of the Intelligence Committee and a member of the Judiciary Committee, has worked as hard, if not harder, than anyone else on this issue, and I would acknowledge his wide breadth of knowledge on this important piece of legislation. We have relied on the Presiding Officer to give us direction and understanding of this bill, and he has done that.

We all agree on the need to strengthen the Foreign Intelligence Surveillance Act of 1978. Congress has modernized the act many times since then, and there is broad agreement on improvements that should be made now. I have said many times we need to give the Intelligence community all the tools it needs without compromising the privacy of law-abiding Americans.

The Senate passed its bill in early February. The House, which passed a bill on this subject last November, passed a new version before the Easter recess. The new House bill is similar to the Senate bill, although there remains disagreement over the issue of immunity. In any event, the two Houses must resolve their differences so the final bill can be enacted.

The President keeps giving speeches saying the House must yield to his demand to pass the Senate bill. But that thing we call the Constitution keeps getting in the way. You can't pass legislation unless the House and the Senate put their stamp of approval on this, and the House has not been willing at this point to move. That is how our system works. The President must work with the Democrats in Congress to find common ground and also give some direction to Republicans in the House and the Senate to negotiate this.

We have tried, since this legislation passed, to work out some type of a compromise. Legislation is the art of compromise. A number of meetings have been scheduled, but with rare exception, Democrats have been meeting with themselves. The Republicans have not been coming to these meetings. There are some positive signs the Republican position may be thawing. I hope that is true. We need good will on all sides to finish this important piece of legislation.

On several occasions, I have proposed a 30-day retroactive extension of the law that expired in February, so the so-called Protect America Act can move forward, at least for a limited period of time. My purpose is to make sure there is no gap in the intelligence-gathering capacity and to set a deadline for final action on a long-term bill. But the President has threatened to veto such a bill, and it has been blocked procedurally by the Republicans.

So I now again propose such an extension. The Republicans may again object. If they do, they bear responsibility for the fact this law is not in place.

Eventually, the President and Republican leaders must come to the negotiating table for the good of the country. We believe that is something that needs to be done and can be and should be done.

I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 583, S. 2664, a 30-day extension of the Protect America Act; that further, the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, I will make a short statement in response to what the majority leader has said before making an objection.

Last August, we passed a 6-month authorization which we called the Protect America Act, and it gave us plenty of time to complete our work. Yet our Democratic colleagues didn't put a bill on the Senate Floor until the week before Christmas. Even then, a Democratic filibuster forced the majority to pull it. We should have turned to it at the start of the year. Instead, we went to Indian health care. That caused another delay, which forced another extension. Our Democratic colleagues claimed this extension would give us enough time to complete our work. Unfortunately, that extension has come and gone.

The Senate used that time to overwhelmingly pass a bill that gives our intelligence professionals the tools they need to protect good corporate citizens whose assistance is essential. As a result, the Senate bill—the bipartisan Rockefeller-Bond bill—is the bill we know can get a Presidential signature. We also know a majority of the House, on a bipartisan basis, would pass it, if they had a chance to. Instead, the House has not used that time wisely. It refused to pass a bill that meets the minimum required criteria.

So now our Democratic colleagues want yet another extension as cover for their failure to responsibly act. What is needed, to keep the program going, is not another extension, not another delay. Rather, we need to get serious in protecting companies that helped protect our country. Right now, these companies face multibillion dollar lawsuits because they answered our call for help. We asked them to come help us. The Government is not in the communications business. They will not continue to help us if they are sued out of existence for doing so. If they do not help us, then, of course, we will not have a program at all.

In short, to ensure the continued functioning of this vital intelligence program, we need to protect our intelligence operations, not the trial lawyers. To address that concern, I ask unanimous consent to modify the UC the majority leader offered by including an amendment at the desk that would enact the liability protections passed by the Senate on an overwhelming bipartisan vote of 68 to 29. That is the liability title of the Rockefeller-Bond bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, if it is appropriate at this time, I object to the original unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I appreciate my friend, the Republican leader, coming to the floor and objecting to this rather than having someone do it. He gave his explanation, and I appreciate that. It would have been easy for anyone on the other side to object, and I appreciate his laying out the reasons.

But I would say this is not the way to negotiate on the Senate Floor. We have tried. Senator ROCKEFELLER supported the Senate position. I didn't, but Senator ROCKEFELLER did and a number of Democrats supported the Senate-passed position and that was something Senator ROCKEFELLER recognizes. As a result of that, he has tried very hard—February, March, and, of course, he is also working in April—to try to work something out. But as I indicated, he has called meetings and Republicans would not come. Even the people leading the committee, Senator BOND and others, wouldn't show up for the meetings to try to work something out.

Initially, the White House directed none of its people to come. It is a little tough to work something out when that is, in fact, what is happening. The House must be involved. As I have indicated, that is the Constitution.

We pass a lot of things the House disagrees with. They pass things there that we disagree with. No matter how foolish they may think we are or we think they are, we have to work together and get things passed. That is where we are with this legislation.

I would say to my friend, there is no need to criticize trial lawyers and try to focus blame on any one group of people. There are a lot of consumer organizations that have nothing to do with trial lawyers, who really do not like what the Senate did and they have really made their voices heard.

My friend said this unanimous consent request is cover for failure to responsibly act. I would say I think we are at the point where we are as a result of the White House's irresponsibility. Many say what was done in the Senate is only something to protect the telephone companies, the President, and Vice President from liability. We have even gone so far as to say if, in fact, there is liability, and the phone companies are not responsible for having done this—that they were following orders from the White House or whomever they follow orders from, someone in one of the intelligence communities—then the Government should pay for it. It is called substitution.

Senator LEVIN has pushed this a long time, as has Republican Senator ARLEN SPECTER. It is not as if we are not trying to work through this. It just appears to me, as has happened for more than 7 years with this administration, it is the President's way or no way. I think we have come to the realization here that it is not going to be the President's way. He needs to work with us.

We believe the actions of the President have been irresponsible. But that is what legislation is all about. His people and the Republicans in the Senate and the House should work with us to see if we can come up with something. Just ignoring us is no way to resolve the issue because it appears pretty clear the House is not blinking.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. McCONNELL. At the risk of prolonging this for just one more moment, it is not a solution to absolve the communications companies of the financial responsibility by having the taxpayers of the United States pick up the tab. What is inappropriate here is litigation in the wake of a response to the Government to protect American citizens. The Federal Government is not in the communications business, not in the telephone business. There will be no program without the companies. It is the litigation itself that endangers the program, not just the amount of money that might be awarded. Having the taxpayers in effect pay the plaintiffs' lawyers is not the kind of solution that is going to continue the program.

This is an area that cries out for bipartisanship, and that is exactly what happened in the Senate. By an overwhelming vote of 68 to 29, a substantial—I guess every single one of the 29 were Democrats—a significant number of Democrats, more than half, voted for this bipartisan bill. We know for a fact there are 21 Democrats in the House who support what the Senate did. If you add those 21 Democrats to the Republicans in the House, we know there is a bipartisan majority in the House of Representatives to pass the very same bill we passed in the Senate.

I keep hoping we will somehow, through this process, evolve the same kind of spirit that we were able to exhibit on a bipartisan basis in passing the economic stimulus package earlier in the year and that we exhibited last week on the housing bill, which presumably will pass tomorrow or Wednesday. So I have not given up hope. But this is no small matter. This is about protecting the American people from attacks on our homeland.

We know we have successfully protected them for almost 6 years now, since 9/11. I don't think we ought to let our guard down and assume that our enemies have gone to sleep. This is an extremely important issue. I hope at some point we will figure some way forward that gets the job done, but I do not see it at the moment, and I do not think a short-term extension will help us get there.

I yield the floor.

Mr. REID. Mr. President, one brief comment. As the Presiding Officer knows, under FISA as passed in 1978, that is in effect no matter what we do here.

Under the 1978 act, someone can go to a judge and ask that there be this information obtained. We would like it to be streamlined. We think the 1978 act should be modernized. We have been happy to work with the White House and Republicans in the Senate and House to do that. I say that in recent days we have seen signs that there is a thaw in the Republican position.

Does that mean we can get things done? I don't know. But at least people are beginning to talk a little bit and that is good. There have been some staff level discussions that have been very good too. I hope we can work together to bridge the differences between the House and Senate and do everything we can to get that done, but also understanding the 1978 FISA Act gives the President a lot of leeway to get this done anyway.

Mr. McCONNELL. Mr. President, to prolong it one more moment here, if that were adequate, we would not have passed the PROTECT America bill in the first place. Clearly, the 1978 law is not adequate to meet current challenges. There are many problems with the bill the House took up and passed and sent back over here. One is that it would require prior court approval before our intelligence professionals could monitor foreign terrorists overseas. So the House bill doesn't do anything about the problem. The Senate passed a good bill. I hope at some point the House will wake up here and do what is necessary to protect America.

In any event, the issue is not going away. The program may go away if we can't figure a way to get the job done. This is a very, very serious problem and I appreciate the good faith and attitude of the majority leader. The Senate is really not the problem here. Hopefully at some point the House will realize the best path forward.

Mr. REID. Never let it be said that I tried to get in the last word.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREEK INDEPENDENCE DAY

Mr. REED. Mr. President, on March 25, 2008, we marked the 187th anniversary of Greek independence. Throughout 400 years of oppressive rule by the Ottoman Empire, the Greeks were able to maintain their language, religion, and their sense of identity. In 1821, the Greeks began an 8-year war of independence and in 1829 became the first country within the powerful Ottoman Empire to achieve its freedom. Today, Greece remains one of the oldest democracies in the world, a tribute to those brave Greek citizens who risked everything in the quest for liberty and freedom.

Our own Founding Fathers were deeply influenced by the philosophers and statesmen of ancient Greece who first imagined the idea of a republic. The United States enjoys a long history of cooperation with our Greek friends, and we owe much of our civic foundations to the Greek concept that the power to govern is vested in the people.

Throughout the 20th century, Greece has been a stalwart ally, and is one of only three countries in the world outside the British Commonwealth that has allied with the United States in every major international conflict. American and Greek soldiers have fought alongside each other in efforts to advance freedom, democracy, peace, and stability. In this century the Greece-U.S. relationship has deepened as the two countries have partnered to spread greater security, stability, and prosperity throughout the Mediterranean, Southeastern Europe, and the Caucasus. Today, Greek defense forces are deployed as part of the International Security Assistance Forces in Afghanistan, maintain two battalions of troops in Kosovo as part of the NATO peacekeeping force, train Iraqi military officers at the Multi-National Peace Support Center, and provide logistical support to U.S. military forces throughout the Mediterranean region.

The historic friendship between Greece and the United States has been one of mutual respect and support. In history they have inspired, and in the present they enliven our great Nation. It gives me great pleasure to join my colleagues as a cosponsor of S. Res. 476 designating March 25, 2008, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I send all Greek Americans my best wishes as we celebrate Greece's independence and contributions to our national heritage.

NATIONAL MONTH OF THE MILITARY CHILD

Mr. KENNEDY. Mr. President, I urge support for S. Res. 500, which honors military children. The children of our servicemen and women in the Armed Forces have been deeply affected by the invasion in Iraq and Afghanistan. Thousands of children have lost a parent serving in Operation Iraqi Freedom and Operation Enduring Freedom, and tens of thousands more must deal with the daily pressure of their parents' deployment. Military children clearly deserve our support.

Even in times of peace, these children pay a high price as they are typically required to move to many new locations several times during their formative years. The Department of Defense agrees that these multiple moves can make it more difficult for military children to do well in school, form lasting relationships with peers and adults, or cope with emotional issues ranging from loneliness to anger to depression.

In spite of all the challenges facing military children, they persevere. Children attending Department of Defense schools continue to have some of the highest test scores in the country. They rank 8th or better in all categories in comparison to the states in every national test, and they rank first or second in all categories for African-American and Hispanic students. Military children also have high school graduation and college enrollment rates significantly higher than the rest of the Nation's children. One study estimates that about 75 percent of children who graduate from high school with one or both of their parents in the military go on to college. That's significantly higher than the national average of 67 percent.

These are all accomplishments to be proud of. Military children unquestionably deserve our support, and the resolution offered by Senator BAYH recognizes them and pays tribute to their commitment, sacrifice and unconditional support for their parents and their country. These youth are the children of our national heroes and their perseverance, patriotism and achievements make them heroes in their own right.

Despite all the obstacles they face, military children continue to succeed. I commend Senator BAYH for his leadership in offering this important resolution and urge the Senate to support it.

100TH ANNIVERSARY OF THE CHILDREN'S HOME SOCIETY OF IDAHO

Mr. CRAIG. Mr. President, I rise today to mark the 100th anniversary of the Children's Home Society of Idaho.

For the past century this organization has served Idaho's abandoned, abused and neglected children, first as an orphanage, and now as a counseling and foster care support system. Through the efforts of this remarkable organization, tens of thousands of lives have been touched and changed for the better.

Over the past 4 years, I have become acquainted with the society's newest program, "The Bridge." This program is a partnership with the Junior League of Boise, Inc., and the Idaho Department of Health and Welfare. It was created to address the crisis Idaho and the rest of the nation are facing with an abundance of children entering foster care, and a lack of homes providing the care those children so desperately need and deserve.

"The Bridge" is now helping Idaho to meet its obligation to these children by bringing the State into compliance with federal mandates and by leading the way for significant foster care reform.

As an adoptive father who is familiar with the trials and challenges of the foster care system, I commend the Children's Home Society of Idaho for its contribution to America's children and families and am honored today to mark this important milestone.

ADDITIONAL STATEMENTS

TRIBUTE TO AMY STOUT

● Mr. ROCKEFELLER. Mr. President, today I honor a courageous and dedicated young West Virginian: Ms. Amy Stout.

Before Amy even graduated high school, she joined the National Guard to help finance her college education. Shortly after Amy started her freshman year at Wesleyan, pursuing a degree in psychology, the events of September 11 took place. Within hours of that terrible event, Amy found herself guarding the wreckage of United Flight 93, near Shanksville, PA.

Amy remained activated with the National Guard for a year, serving Stateside in the Pocono Mountains of Pennsylvania while working to complete her first semester of school. Then, in the fall of 2002, Amy was once again activated, but this time she was sent to Camp Anaconda, north of Baghdad.

At a time when her fellow Wesleyan students were enjoying college life, Amy was serving her country as a gunner, providing security for 300-mile convoys. After her 12-month deployment, Amy returned to Wesleyan, determined to help people in as direct a way as possible. She changed her major to nursing.

Amy continued to pursue her nursing degree until, once again, the military called and Amy was sent back to Iraq, this time for 18 months. Amy's tour of duty ended on September 10, 2007, and she was back at Wesleyan the very next day, September 11, exactly 6 years after she was first activated by the National Guard.

In May 2008, Amy Stout will graduate with her nursing degree. She is a testament to the incredible bravery of our soldiers who sacrifice so much to protect this country. Her determination is an inspiration to her fellow students and her fellow West Virginians. She has served this nation with great honor and dignity and soon she will be a tremendous asset to the nursing profession.

It is with great pride that I congratulate her on her upcoming graduation and thank her for her service to this Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5665. A communication from the Chief Financial Officer, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Debt Management" (7 CFR Part 3) received on March 12, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5666. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals for the National Defense Authorization Bill for Fiscal Year 2009; to the Committee on Armed Services.

EC-5667. A communication from the National Executive Secretary, Navy Club of the United States of America, transmitting, pursuant to law, the organization's national financial statement for the year ending July 31, 2007; to the Committee on Armed Services.

EC-5668. A communication from the Assistant Secretary, Department of Homeland Security, transmitting proposed legislation relative to the passenger aviation security fee; to the Committee on Banking, Housing, and Urban Affairs.

EC-5669. A communication from the Secretary of Agriculture, transmitting proposed legislation entitled, "The Rural Housing Section 502 Guaranteed Loans Enhancements Act of 2007"; to the Committee on Banking, Housing, and Urban Affairs.

EC-5670. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Defense Priorities and Allocations System" (RIN1991-AB69) received on March 4, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5671. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a recommendation entitled, "Safety Classification of Fire Protection Systems"; to the Committee on Energy and Natural Resources.

EC-5672. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Cross-Subsidization Restrictions on Affiliate Transactions" (Docket No. RM07-15-000) received on February 26, 2008; to the Committee on Energy and Natural Resources.

EC-5673. A communication from the Administrator, Environmental Protection Agency, transmitting a legislative proposal intended to implement an important new treaty for the protection of aquatic life and the marine environment; to the Committee on Environment and Public Works.

EC-5674. A communication from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, "Federal Employees Short-Term Disability Security Act of 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-5675. A communication from the Administrator, General Services Administration, transmitting a draft bill entitled, "The General Services Enhancement Act of 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-5676. A communication from the Acting Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Addition of San Antonio International Airport to List of Designated Landing Locations for Certain Aircraft" (Docket No. USCBP-2007-0017) received on March 6, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5677. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled, "Federal Information Security Management Act"; to the Committee on Homeland Security and Governmental Affairs.

EC-5678. A communication from the Director, Office of Indian Energy and Economic Development, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Tribal Energy Resource Agreements under the Indian Tribal Energy Development and Self-Determination Act" (RIN1076-AE80) received on March 12, 2008; to the Committee on Indian Affairs.

EC-5679. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Immigrants under the Immigration and Nationality Act, as amended" (22 CFR Part 42) received on March 10, 2008; to the Committee on the Judiciary.

EC-5680. A communication from the Secretary of Veterans Affairs, transmitting, a draft bill intended to improve veterans' health care benefits; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 357. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes (Rept. No. 110-278).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1667. A bill to establish a pilot program for the expedited disposal of Federal real property (Rept. No. 110-279).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT:

S. 2823. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mr. BROWN, and Ms. MIKULSKI):

S. 2824. A bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA:

S. 2825. A bill to amend title 38, United States Code, to provide a minimum disability rating for veterans receiving medical treatment for a service-connected disability; to the Committee on Veterans' Affairs.

By Ms. LANDRIEU:

S. 2826. A bill to establish the 8/29 Investigation Team to examine the events beginning on August 29, 2005, with respect to the failure of the flood protection system in response to Hurricanes Katrina and Rita, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INHOFE:

S. 2827. A bill to repeal a requirement with respect to the procurement and acquisition of alternative fuels; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. BIDEN, Ms. KLOBUCHAR, Mr. BROWN, Mrs. DOLE, Ms. CANTWELL, Ms. SNOWE, Mr. MENENDEZ, Ms. COLLINS, Mr. OBAMA, Mr. BYRD, Mr. VOINOVICH, Mr. SCHUMER, and Mrs. MURRAY):

S. Res. 504. A resolution condemning the violence in Tibet and calling for restraint by the Government of the People's Republic of China and the people of Tibet; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 582

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 616

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 789

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 789, a bill to prevent abuse of Government credit cards.

S. 843

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 843, a bill to provide for the establishment of a national mercury monitoring program.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 1130

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1130, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1888

At the request of Mrs. CLINTON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1888, a bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2002

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2576

At the request of Mr. CRAPO, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2576, a bill to amend the Internal Revenue Code of 1986 to allow a credit for qualified expenditures paid or incurred to replace certain wood stoves.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mrs. CLINTON), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2690

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2690, a bill to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans.

S. 2755

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2755, a bill to provide funding for summer youth jobs.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2771

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2771, a bill to require the President to call a White House Conference on Children and Youth in 2010.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Ms. CANTWELL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2821

At the request of Ms. CANTWELL, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mrs. MURRAY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2821, a bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

S. RES. 468

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 468, a resolution designating April 2008 as "National 9-1-1 Education Month".

AMENDMENT NO. 4384

At the request of Mr. SANDERS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 4384 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4419

At the request of Mr. ENSIGN, the names of the Senator from New Mexico

(Mr. DOMENICI), the Senator from Alaska (Mr. STEVENS), the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 4419 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4421

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 4421 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4426

At the request of Mr. MARTINEZ, the names of the Senator from New York (Mr. SCHUMER), the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 4426 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4427

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 4427 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4433

At the request of Ms. SNOWE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 4433 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mr. BROWN, and Ms. MILKULSKI):

S. 2824. A bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation designed to fix the personnel laws that cover the Department of Veterans Affairs, VA, health care professionals, including registered nurses, physicians, physician assistants, dentists, podiatrists, optometrists, and dental assistants. I am proud to have the support of my colleagues, Senators WEBB, BROWN and MIKULSKI. This legislation is the companion bill to the pending House bill sponsored by House Veterans' Affairs Chairman, Congressman BOB FILNER.

Our goal is to support the VA health care professionals who work hard to provide quality care to our veterans. The bill seeks to return to the partnership agreement of the 1990s between VA management and workforce. Flexible scheduling and basic fairness from management are key issues to recruit and retain a strong workforce.

Almost 22,000 of the registered nurse caring for our veterans will be eligible to retire by 2010. Even more stunning is that 77 percent of all resignations of nurses occur within the first 5 years. This is a clear signal that more must be done to retain VA nurses and quality health care staff. Anyone involved in health care understands the important role that nurses play in the quality of care and patient satisfaction.

The VA has several options. VA could invest more of its precious, limited funding on contract care—or, as we recommend, support this legislation and restore the partnership that will encourage our nurses and other health care professionals to stay in the VA system to care for our Nation's heroes.

West Virginia has four VA Medical Centers, each with a dedicated team of health care professionals. I have met with the nurses and other professionals to hear their requests for flexible scheduling. I believe that we should restore the management partnership and work hard to retain our dedicated team of health professionals for our aging veterans, and those newly returning from Iraq and Afghanistan with both physical and mental wounds of war that deserved experienced VA care.

By Mr. AKAKA:

S. 2825. A bill to amend title 38, United States Code, to provide a minimum disability rating for veterans receiving medical treatment for a service-connected disability; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the Veterans' Compensation Equity Act of 2008. This legislation would mandate fair and equitable ratings for veterans whose disabilities require continuous medication or the use of adaptive devices, such as hearing aids.

Specifically, the bill would require that all veterans who receive continuous medication or require use of one or more adaptive devices, such as hearing aids, prescribed by the Department of Veterans Affairs or other licensed health care provider for treatment of a service-connected disability, shall be rated at not less than 10 percent.

The amount of compensation veterans with service-connected conditions receive is based on a disability rating, which VA assigns. VA uses its rating schedule to determine which rating to assign to a veteran's particular condition. Currently the rating schedule provides a minimum compensable rating of 10 percent or higher for most but not all disabilities that require continuous medication. I do not see any reason why one veteran who requires continuous medication for treatment of a service-connected disability, such as diabetes or asthma, should receive a compensable rating and another veteran who requires continuous medication for treatment of another disability, such as hypertension or chronic sinusitis, is assigned a zero percent rating and receives no compensation.

This legislation would also provide a minimum compensable rating when a veteran requires the use of a hearing aid or other adaptive device, but is nonetheless assigned a noncompensable rating under the current rating schedule. The use of adaptive devices prescribed by a Department of Veterans Affairs or other licensed health care provider for treatment of a service-connected condition would result in a rating of at least 10 percent.

It is important that veterans who are disabled as a result of military service are compensated in a fair and equitable manner. Providing different compensation for different medical conditions that all require continuous medication or adaptive devices is not just.

I urge all of my colleagues to support this measure, so that veterans seeking compensation will be treated in a fair and equitable manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Equity Act of 2008".

SEC. 2. MINIMUM DISABILITY RATING FOR VETERANS RECEIVING CERTAIN MEDICAL TREATMENT FOR A SERVICE-CONNECTED DISABILITY.

Section 1155 of title 38, United States Code, is amended by inserting after the third sentence the following new sentence: "For each veteran requiring continuous medication or the use of one or more adaptive devices, such as a hearing aid, prescribed by the Department or other licensed health care provider for treatment of a service-connected disability, the Secretary shall assign a disability rating for such disability of not less than 10 percent.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 504—CONDEMNING THE VIOLENCE IN TIBET AND CALLING FOR RESTRAINT BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE PEOPLE OF TIBET

Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. BIDEN, Ms. KLOBUCHAR, Mr. BROWN, Mrs. DOLE, Ms. CANTWELL, Ms. SNOWE, Mr. MENENDEZ, Ms. COLLINS, Mr. OBAMA, Mr. BYRD, Mr. VOINOVICH, Mr. SCHUMER, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 504

Whereas, beginning on March 10, 2008, Tibetans and Tibetan Buddhist monks began demonstrations in Lhasa, the capital of the Tibet Autonomous Region in the People's Republic of China;

Whereas those protests spread to elsewhere in the Tibet Autonomous Region and to Tibetan autonomous areas in the Sichuan, Gansu, and Qinghan provinces of China;

Whereas, long-suppressed resentment prompted violent clashes between demonstrators and government forces in the streets of Lhasa, resulting in innocent civilian casualties, the burning of buildings, and extensive property damage;

Whereas Chinese and Tibetan sources report dozens of fatalities, and the arrest of more than 1,000 protesters in the Tibet Autonomous Region and surrounding Tibetan areas of China;

Whereas Tibet is the center of Tibetan Buddhism and the Dalai Lama is the most revered figure in Tibetan Buddhism;

Whereas, the Government of China continues to restrict the rights of Tibetan Buddhists to practice their religion freely;

Whereas the Dalai Lama has condemned the violence that began on March 14, 2008, and announced his continuing support for the Olympic Games to be held in Beijing, China;

Whereas the Dalai Lama has specifically stated that he does not seek independence for Tibet from China and has called for negotiations to bring about meaningful autonomy for Tibet that allows Tibetans to maintain their distinctive identity within China;

Whereas the Constitution of the People's Republic of China guarantees freedom of religious belief for all citizens, but the 2007 Annual Report on International Religious Freedom of the Department of State states that "[d]uring the period covered by this report, the Government [of China]'s respect for freedom of religion remained poor"; and

Whereas, following the demonstrations that began on March 10, 2008, the Government of China began severely restricting access to journalists and diplomats and creating a shortage of independent verification of the situation on the ground in Tibet: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the violence in Tibet and calls for restraint by the Government of the People's Republic of China and the people of Tibet;

(2) calls for a dialogue between the leadership of the Government of China and His Holiness the Dalai Lama on meaningful religious and cultural autonomy for Tibet within China and urges that these discussions take place with all deliberate speed;

(3) calls for the release of individuals who protested in a peaceful manner and for medical care for those injured and wounded in the violence that followed the protests;

(4) calls on the Government of China to cease its efforts to enter monasteries to "reeducate" monks and nuns, to respect the right of the people of Tibet to speak of the Dalai Lama and possess his photograph, and to respect and protect basic human rights, as provided in the Constitution of the People's Republic of China;

(5) calls on the Government of China to honor its commitment to allow international journalists free access to China from mid-2007 to October 17, 2008;

(6) calls on the Government of China to provide a full accounting of the March 2008 protests in Tibet, the response of the Government of China, and the manner and number of detentions and deaths that occurred following the protests; and

(7) both—

(A) calls on the United States Department of State to fully implement the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note), including the stipulation that the Secretary of State "seek to establish an office in Lhasa, Tibet to monitor political, economic, and cultural developments in Tibet", and also to provide consular protection and citizen services in emergencies, and

(B) urges that the agreement to permit China to open further diplomatic missions in the United States should be contingent upon the establishment of a United States Government office in Lhasa, Tibet.

Mrs. FEINSTEIN. Mr. President, at this time, I send a resolution to the desk. Perhaps, rather than do that, I should just speak about it and then introduce it separately.

This resolution is sent on behalf of Senator GORDON SMITH of Oregon and myself. It is also cosponsored by the chairman of the Foreign Relations Committee, Senator BIDEN, as well as Senators KLOBUCHAR, BROWN, CANTWELL, DOLE, OBAMA, SNOWE, MENENDEZ, VOINOVICH, SCHUMER, COLLINS, and BYRD. It deals with Tibet.

It deals with what is happening in Tibet. This is a very difficult week because the day after tomorrow the Olympic torch is coming for the first time to my city, San Francisco, the only city in the United States that the torch will come to. It has created quite a stir.

This resolution condemns the violence in Tibet, and it calls for restraint by the Government of the People's Republic of China and the people of Tibet. It does other things as well; that is, to urge the Government of China to sit down with His Holiness the Dalai Lama and try to work toward meaningful autonomy with respect to the culture and religion of the people of Tibet.

There is an area called the Tibetan Autonomous Region. It has 3 million Tibetans. There are also 3 million Tibetans in the three surrounding provinces of China.

Starting on March 10, Tibetan monks and others began protesting in the autonomous area of western China. The protests were begun peacefully by monks who marched in their robes and were an expression of these religious people's desire to practice their religion freely and without Government interference.

The protesters took this action at great personal risk. Many monks and marchers carried pictures of the Dalai Lama, the most revered figure in Tibetan Buddhism. Possession of such a picture is punished in China, sometimes severely.

Unfortunately and tragically, on March 14, the protests in Lhasa, the capital of the Tibetan Autonomous Region, turned violent. Long-suppressed animosity boiled over. Innocent people were killed in the violence. Homes and businesses were burned in what appears to have been a riot.

Over the days and weeks that followed, the protests spread. They occurred in 42 separate Chinese counties. Most were peaceful. In some cases, they were met, though, with brute force by Chinese police. This resolution condemns force on both sides. The Chinese Government responded to these protests with force and secrecy. The crackdown included thousands of paramilitary police and possibly the People's Liberation Army, who were sent to Tibet.

International journalists and official representatives were kept out, making accurate information difficult to obtain. But we know dozens of people or more have died. We know more than 1,000 people have been incarcerated.

Now, how did all this happen? Over the past decade, China has flooded the Tibetan Autonomous Region with Han Chinese. They have built a major railroad. Han Chinese have participated in a major building boom in the capital city of Lhasa. In fact, there are many more hotels and restaurants and businesses there today.

The majority of Tibetans who live in rural areas benefit very little from central government investment in this Tibetan economy. Instead, the money has flowed to government-run enterprises, in which Han control is dominant.

The Tibetans lack the skills to compete. According to the Chinese Government's 2000 census, the illiteracy rate of ethnic Tibetans in China is 48 percent; that is five times higher than the Chinese national illiteracy rate.

Instead of providing educational opportunity to Tibetans, China is currently advancing patriotic education in Tibet's monasteries. What this means is Chinese reeducation teams go into the monasteries and try to reeducate the Tibetan monks. If they do not agree to reeducation, they are often punished and often beaten. The bottom line is, few Tibetans are prepared to compete for employment and business opportunities in the Han-dominated economic environment.

I first went to China and was the first American mayor to do so in June of 1979. I went with a delegation of San Francisco businesspeople and civic activists to develop the first friendship city agreement between an American city and a Chinese city.

From that flowed an agreement which at one time was the most active sister city relationship in the world. That was between the great cities of Shanghai and San Francisco. The Chinese have always had a love of San Francisco; it goes back many decades into former centuries of Chinese coming to this country and landing in San Francisco first.

We developed that relationship and good things happened. The first Chinese Consulate came to San Francisco and an American Consulate was opened in Shanghai. The first COSCO ship came into San Francisco Bay. The first chartered air service landed at San Francisco International Airport. A special relationship was developed between Guangdong Province and San Francisco. The first Bank of China opened in this country and on and on and on with many interesting projects.

It turned out the mayor of Shanghai was, first, Wang Daohan and then Jiang Zemin. Jiang Zemin and I met over an ensuing 8-year period every year. He then went on to become Secretary General of the party and President of the country. In 1992, 1997, and 1998, I, personally, carried letters from the Dalai Lama to the President of China. In 1997 and 1998, I had long discussions with the President of China, President Jiang Zemin.

I would like, if I might, to read parts of these letters. The second letter is dated June 12, 1997. It is signed by His Holiness the Dalai Lama. Let me read this to you:

> When I met Chairman Mao over forty years ago, I felt very assured by him and the other leaders of the new China. The promises made to me gave the people and government of Tibet considerable optimism and confidence. In the mid-1950s, when we were confronted with new crises, it was Premier Zhou En Lai who was able to play a crucial role in restoring my confidence; we met several times during my pilgrimage in India. Unfortunately, the situation in Tibet did not improve despite his best assurances and I ultimately had to go into exile.
>
> Despite lost time and opportunities and the turmoil of the recent past, my hopes were renewed in 1979 when Mr. Deng Xiaoping took the initiative to contact me through my brother in Hong Kong, assuring me that short of our demand for separation from the People's Republic of China, all problems could be discussed and resolved. It was a long overdue rapprochement, and within a few years were able to make considerable progress on several fronts.
>
> Unfortunately, this initiative, started by Mr. Deng and vigorously carried out by Mr. Hu Yaobang, then Party General Secretary, came to a stuttering halt owing to events in Tibet and elsewhere in China that prevented its natural fruition.
>
> Many of the issues are yet to be resolved, and Tibet now draws the concern of more than just the Tibetan people. The primary responsibility for resolving this matter lies with us, and I believe that now is an opportune moment to tackle these problems without prejudice. I have, for my part, openly and in confidence conveyed to you that I am not demanding independence for Tibet, which I believe is fundamental to the Chinese government.
>
> I think the issue of Tibet has remained unresolved for too long and any further delay will only complicate the matter. I am also deeply concerned by the growing restlessness among the Tibetan people in recent times. I can fully understand their frustrations. But if a mutually agreeable solution is found, I am confident that I will be able to dispel the Tibetan people's concerns and win their support for my efforts.

It is signed, "With my prayers, the Dalai Lama."

I delivered this to Jiang Zemin, in China, on June 12, 1997. On May 16, 1998, the next year, I returned to China and I delivered another letter from His Holiness to Jiang Zemin. I would like to quote from that.

> It is my fervent and sincere hope that you will provide similar leadership in resolving the Tibetan problem. If we look at the issue positively I really do not see major contradictions between our respective positions. If I understand correctly, the main concern of the Central leadership in China is the unity and stability of the nation. My middle-way approach for resolving the Tibetan issue will in fact contribute towards achieving the same objectives.
>
> I would like to reiterate here that I am not seeking independence for Tibet. My main concern is for the six million Tibetan people (or whatever the actual figure is of people who consider themselves Tibetans) to be able to enjoy the opportunity to fully preserve their civilisation and the distinct Tibetan culture, religion, and language. I am convinced that this could be achieved through genuine autonomy or self-rule within the framework of the People's Republic of China. Such a situation will also make it possible for the Tibetan people to take full advantage of, and be an integral part of, the socio-economic development, which is taking place in China. It is needless to mention that a solution to the Tibetan problem will gain tremendous international respect for the People's Republic of China as well as for your leadership.
>
> Mr. President, it has been four decades since I have had the opportunity to sit down personally with the leader of the Chinese people to have a frank and direct dialogue. With your leadership and initiative, I am confident that we can begin the process of resolving the many issues concerning Tibet. I believe that you are privileged to be leading the People's Republic of China at a unique time in history when it's economy is growing vigorously and when you are gaining a new respectability in the world.

It goes on.

> May I suggest that at our meeting, you and I discuss relations between the Tibetans and the Chinese government. I am also concerned about the maintenance and enhancement of those cultural, civic, and religious institutions that are so important to the Tibetan people and others throughout the world. In addition, we should discuss the fact that economic growth in Tibet has not matched that of the rest of China, and we would be interested in talking about how we can work together towards poverty alleviation and educational and economic growth.

There are other parts to these letters. But I would ask that the full text be incorporated at this point in my remarks in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 12, 1997.

DEAR MR. PRESIDENT: This letter comes to you through our mutual friends Mr. Richard Blum and Senator Dianne Feinstein. Unfortunately, it comes with a shared sense of deep concern, frustration, and great disappointment over the lack of any progress concerning the Tibetan situation.

When I met Chairman Mao over forty years ago, I felt very assured by him and the other leaders of the new China. The promises made to me gave the people and government of Tibet considerable optimism and confidence. In the mid-1950's, when we were confronted with new crises, it was Premier Zhou En Lai who was able to play a crucial role in reviving my confidence; we met several times during my pilgrimage in India. Unfortunately, the situation in Tibet did not improve despite his best assurances and I ultimately had to go into exile.

Despite lost time and opportunities and the turmoil of the recent past, my hopes were renewed in 1979 when Mr. Deng Xiaoping took the initiative to contact me through my brother in Hong Kong, assuring me that short of our demand for separation from the People's Republic of China, all problems could be discussed and resolved. It was a long overdue rapprochement, and within a few years were able to make considerable progress on several fronts.

Unfortunately, this initiative, started by Mr. Deng and vigorously carried out by Mr. Hu Yaobang, then Party General Secretary, came to a stuttering halt owing to events in Tibet and elsewhere in China that prevented its natural fruition.

Many of the issues are yet to be resolved, and Tibet now draws the concern of more than just the Tibetan people. The primary responsibility for resolving this matter lies with us, and I believe that now is an opportune moment to tackle these problems without prejudice. I have, for my part, openly and in confidence conveyed to you that I am not demanding independence for Tibet, which I believe is fundamental to the Chinese government.

I think the issue of Tibet has remained unresolved for too long and any further delay will only complicate the matter. I am also deeply concerned by the growing restlessness among the Tibetan people in recent times. I can fully understand their frustrations. But if a mutually agreeable solution is found, I am confident that I will be able to dispel the Tibetan people's concerns and win their support for my efforts .

I am sure there may be other issues on which clarifications may be needed from both sides in order to create the necessary congenial environment for formal negotiations. My assistants will continue to informally work with your people so that these issues can be clarified to a satisfactory conclusion candidly and in confidence.

With my prayers,

THE DALAI LAMA.

MAY 16, 1998.

His Excellency JIANG ZEMIN,
President of People's Republic of China,
Beijing.

DEAR PRESIDENT JIANG ZEMIN: I have been closely watching the developments in the People's Republic of China under your leadership and applaud you particularly for the leadership that you have provided both during the 15th Party Congress as well as the National People's Congress session early this year. Under your core leadership China is moving in the right direction and it is my sincere hope that this process will continue in the years to come. I also commend you for the smooth transfer of power in Hong Kong and more importantly for the way the affairs of Hong Kong are handled currently.

It is my fervent and sincere hope that you will provide a similar leadership in resolving the Tibetan problem. If we look at the issue positively I really do not see major contradictions between our respective positions. If I understand correctly, the main concern of the Central leadership in China is the unity and stability of the nation. My middle-way approach for resolving the Tibetan issue will in fact contribute towards achieving the same objectives.

I would like to reiterate here that I am not seeking independence for Tibet. My main concern is for the six million Tibetan people (or whatever the actual figure is of people who consider themselves Tibetans) to be able to enjoy the opportunity to fully preserve their civilization and the distinct Tibetan culture, religion, and language. I am convinced that this could be achieved through genuine autonomy or self-rule within the framework of the People's Republic of China. Such a situation will also make it possible for the Tibetan people to take full advantage of, and be an integral part of, the socio-economic development, which is taking place in China. It is needless to mention that a solution to the Tibetan problem will gain tremendous international respect for the People's Republic of China as well as for your leadership.

Mr. President, it has been 4 decades since I have had the opportunity to sit down personally with the leader of the Chinese people to have a frank and direct dialogue. With your leadership and initiative, I am confident that we can begin the process of resolving the many issues concerning Tibet. I believe that you are privileged to be leading the People's Republic of China at a unique time in history when its economy is growing vigorously and when you are gaining a new respectability in the world.

May I suggest that at our meeting, you and I discuss relations between the Tibetans and the Chinese government. I am also concerned about the maintenance and enhancement of those cultural, civic, and religious institutions that are so important to the Tibetan People and others throughout the world. In addition, we should discuss the fact that economic growth in Tibet has not matched that of the rest of China, and we would be interested in talking about how we can work together towards poverty alleviation and educational and economic growth.

I have been often told by our good friends Mr. Richard Blum and Senator Dianne Feinstein, and others, that a meeting between you and me could make important progress in a relatively short period of time on the aforementioned and other pertinent issues.

In this context, I would hope that it would be possible for you and me to be able to meet face to face some time in the near future. I look forward to your reply.

Sincerely,

THE DALAI LAMA.

Mrs. FEINSTEIN. This was 1998. It is now 10 years later. And no discussion. I have tried my level best but no discussion, no ability for the leader of 6 million people, part of China, to be able to sit down and discuss them.

So the events over the last month have been tragic. But if I think of the frustration that has built up over 40 years, of a leader who has renounced violence, who has proposed a middle way, it is shocking to me.

Since 2002, six sets of talks have occurred between the Dalai Lama's representative, namely his special envoy, Lodi Gyari, and the United Front Work Department of the Communist Party of China, but no progress has resulted.

Now, to bring this issue to a settlement, the leaders must be involved. I deeply believe it is in the interests of both the Chinese Government and the Tibetan people for the leaders to sit down and negotiate how to bring about meaningful cultural and religious autonomy for the Tibetan people and faith.

This is essentially what this resolution attempts to do in a constructive way. I know we called Senator SMITH. I hoped he would be here. But the floor opened up and I decided to take the opportunity to speak briefly about our resolution. We have worked with the chairman of the Foreign Relations Committee, with other Senators as well. I believe this resolution sets forward in positive terms our concern about what is happening with Tibet and with China. I certainly remain open to trying to help in any way I possibly can to bring the two sides together. I know the frustration I feel, having tried 10 years ago, 11 years ago, 12 years ago, carrying letters from the Dalai Lama and then, in virtually every conversation I have had with Chinese leadership since; it has all come to naught.

What is happening is there is a newer, younger group of Tibetans who see the large Tibetan community in exile in Dharamsala who say the Dalai Lama, in pursuing this middle way, hasn't achieved anything, and therefore we have to take to the streets and we have to show that the Communists in China must sit down with us and must talk with us. I believe that is the scenario playing out in many provinces and all over the world today.

It can all be stopped by a different kind of scenario. That is one that recognizes that the Dalai Lama, a historic and well-respected religious leader, should be able to sit down with the leadership of China and discuss the problem and come up with a mechanism that can provide for the cultural and religious autonomy of the people both in the Tibetan autonomous area, as well as in the three surrounding provinces.

I hope this resolution will be heard, and I hope we will pass it shortly. If there is no objection, I send the resolution to the desk at this time.

The PRESIDING OFFICER. The resolution will be received and referred appropriately.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4438. Mrs. LINCOLN (for herself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 4439. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4440. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4441. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4442. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4443. Mrs. LINCOLN (for herself and Mr. SMITH) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4444. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4445. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4446. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4447. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4448. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4449. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4450. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4451. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4452. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4453. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4454. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4455. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4456. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4457. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4458. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4459. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4460. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4461. Mr. CASEY (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4462. Mr. KERRY (for himself, Mr. GRASSLEY, Mrs. BOXER, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4463. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4464. Mr. CRAPO (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4465. Mr. VITTER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4466. Mr. VITTER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4467. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4468. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table .

SA 4469. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table .

SA 4470. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mrs. BOXER, Mr. OBAMA, Mrs. DOLE, Mr. DURBIN, Mr. SALAZAR, Mrs. CLINTON, Ms. KLOBUCHAR, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4471. Mr. KOHL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4472. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4473. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4474. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4475. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4476. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4477. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4478. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4479. Mrs. MURRAY (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4480. Mr. CARPER (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4481. Mr. BAUCUS (for himself, Ms. SNOWE, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4482. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4483. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4484. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4485. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4486. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4487. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4488. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4489. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4490. Mr. HAGEL (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4491. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4492. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4493. Mr. BUNNING (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4438. Mrs. LINCOLN (for herself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

TITLE VII—TIMBER PROVISIONS

SEC. 700. AMENDMENTS TO 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 701. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) In General.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) In General.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income in an amount equal to 60 percent of the lesser of—

"(1) the taxpayer's qualified timber gain for such year, or

"(2) the taxpayer's net capital gain for such year.

"(b) Qualified Timber Gain.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(2) the sum of the taxpayer's losses described in such subsections for such year.

"(c) Special Rules for Pass-Thru Entities.—

"(1) In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10)) other than a real estate investment trust, the election under this section shall be made separately by each taxpayer subject to tax on such gain.

"(2) In the case of any qualified timber gain of a real estate investment trust, the election under this section shall be made by the real estate investment trust.

"(d) Election.—An election under this section may be made only with respect to the first taxable year beginning after the date of the enactment of this section.".

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers other than corporations.—Paragraph (2) of section 1(h) is amended to read as follows:

"(2) Reduction of net capital gain.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

"(i) the amount described in paragraph (1) of section 1203(a), or

"(ii) the amount described in paragraph (2) of such section.".

(2) Corporations.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) Qualified Timber Gain Not Taken Into Account.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).".

(c) Deduction Allowed Whether or Not Individual Itemizes Other Deductions.—Subsection (a) of section 62 is amended by inserting before the last sentence the following new paragraph:

"(22) Qualified timber gains.—The deduction allowed by section 1203.".

(d) Deduction Allowed in Computing Adjusted Current Earnings.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

"(vii) Deduction for qualified timber gain.—Clause (i) shall not apply to any deduction allowed under section 1203.".

(e) Deduction Allowed in Computing Taxable Income of Electing Small Business Trusts.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction allowed under section 1203.".

(f) Treatment of Qualified Timber Gain of Real Estate Investment Trusts.—Paragraph (3) of section 857(b) is amended by inserting after subparagraph (F) the following new subparagraph:

"(G) Treatment of qualified timber gain.—For purposes of this part, in the case of a real estate investment trust with respect to which an election is in effect under section 1203—

"(i) Reduction of net capital gain.—The net capital gain of the real estate investment trust for any taxable year shall be reduced (but not below zero) by the real estate investment trust's qualified timber gain (as defined in section 1203(b)).

"(ii) Adjustment to shareholder's basis attributable to deduction for qualified timber gains.—

"(I) In general.—The adjusted basis of shares in the hands of the shareholder shall be increased by the amount of the deduction allowable under section 1203(a) as provided in subclauses (II) and (III).

"(II) Allocation of basis increase for distributions made during taxable year.—For any taxable year of a real estate investment trust for which an election is in effect under section 1203, in the case of a distribution made with respect to shares during such taxable year of amounts attributable to the deduction allowable under section 1203(a), the adjusted basis of such shares shall be increased by the amount of such distributions.

"(III) Allocation of excess.—If the deduction allowable under section 1203(a) for a taxable year exceeds the amount of distributions described in subclause (II), the excess shall be allocated to every shareholder of the real estate investment trust at the close of the trust's taxable year in the same manner as if a distribution of such excess were made with respect to such shares.

"(IV) Designations.—To the extent provided in regulations, a real estate investment trust shall designate the amounts described in subclauses (II) and (III) in a manner similar to the designations provided with respect to capital gains described in subparagraphs (C) and (D).

"(V) Definitions.—As used in this subparagraph, the terms 'share' and 'shareholder' shall include beneficial interests and holders of beneficial interests, respectively.

"(iii) Earnings and profits deduction for qualified timber gains.—The deduction allowable under section 1203(a) for a taxable year shall be allowed as a deduction in computing the earnings and profits of the real estate investment trust for such taxable year. The earnings and profits of any such shareholder which is a corporation shall be appropriately adjusted in accordance with regulations prescribed by the Secretary.".

(g) Loss Attributable to Basis Adjustment for Deduction for Qualified Timber Gain of Real Estate Investment Trusts.—

(1) Section 857(b)(8) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) Loss attributable to basis adjustment for deduction for qualified timber gain.—If—

"(i) a shareholder of a real estate investment trust receives a basis adjustment provided under subsection (b)(3)(G)(ii), and

"(ii) the taxpayer has held such share or interest for 6 months or less,

then any loss on the sale or exchange of such share or interest shall, to the extent of the amount described in clause (i), be disallowed.".

(2) Subparagraph (D) of section 857(b)(8), as redesignated by paragraph (1), is amended by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)".

(h) Conforming Amendments.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

"(B) the exclusion under section 1202, and the deduction under section 1203, shall not be allowed.".

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203."

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.".

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

"(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

"(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

"(ii) the deduction under section 1203 shall not be taken into account.".

(5) Paragraph (4) of section 691(c) is amended by inserting "1203," after "1202,".

(6) Paragraph (2) of section 871(a) is amended by inserting "or 1203," after "1202,".

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

"Sec. 1203. Deduction for qualified timber gain.".

(i) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 702. EXCISE TAX NOT APPLICABLE TO SECTION 1203 DEDUCTION OF REAL ESTATE INVESTMENT TRUSTS.

(a) In General.—

(1) Ordinary income.—Subparagraph (B) of section 4981(e)(1) is amended to read as follows:

"(B) by not taking into account—

"(i) any gain or loss from the sale or exchange of capital assets (determined without regard to any reduction that would be applied for purposes of section 857(b)(3)(G)(i)), and

"(ii) any deduction allowable under section 1203, and".

(2) Capital gain net income.—Section 4981(e)(2) is amended by adding at the end the following new subparagraph:

"(D) Qualified timber gain.—The amount determined under subparagraph (A) shall be determined without regard to any reduction that would be applied for purposes of section 857(b)(3)(G)(i) but shall be reduced for any deduction allowable under section 1203 for such calendar year.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 703. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Section 856(c)(5) is amended by adding after subparagraph (G) the following new subparagraph:

"(H) TREATMENT OF TIMBER GAINS.—

"(i) IN GENERAL.—Gain from the sale of real property described in paragraph (2)(D) and (3)(C) shall include gain which is—

"(I) recognized by an election under section 631(a) from timber owned by the real estate investment trust, the cutting of which is provided by a taxable REIT subsidiary of the real estate investment trust;

"(II) recognized under section 631(b); or

"(III) income which would constitute gain under subclause (I) or (II) but for the failure to meet the 1-year holding period requirement.

"(ii) SPECIAL RULES.—

"(I) For purposes of this subtitle, cut timber, the gain of which is recognized by a real estate investment trust pursuant to an election under section 631(a) described in clause (i)(I) or so much of clause (i)(III) as relates to clause (i)(I), shall be deemed to be sold to the taxable REIT subsidiary of the real estate investment trust on the first day of the taxable year.

"(II) For purposes of this subtitle, income described in this subparagraph shall not be treated as gain from the sale of property described in section 1221(a)(1).

"(iii) TERMINATION.—This subparagraph shall not apply to dispositions after the termination date.".

(b) TERMINATION DATE.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

"(8) TERMINATION DATE.—For purposes of this subsection, the term 'termination date' means the last day of the first taxable year beginning after the date of the enactment of this paragraph.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 704. MINERAL ROYALTY INCOME QUALIFYING INCOME FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(2) is amended by striking "and" at the end of subparagraph (G), by inserting "and" at the end of subparagraph (H), and by adding after subparagraph (H) the following new subparagraph:

"(I) mineral royalty income earned in the first taxable year beginning after the date of the enactment of this subparagraph from real property owned by a timber real estate investment trust held, or once held, in connection with the trade or business of producing timber by such real estate investment trust;".

(b) TIMBER REAL ESTATE INVESTMENT TRUST.—Section 856(c)(5), as amended by this Act, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) TIMBER REAL ESTATE INVESTMENT TRUST.—The term 'timber real estate investment trust' means a real estate investment trust in which more than 50 percent in value of its total assets consists of real property held in connection with the trade or business of producing timber.".

(c) EFFECTIVE DATE.—The amendments by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 705. MODIFICATION OF TAXABLE REIT SUBSIDIARY ASSET TEST FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(4)(B)(ii) is amended by inserting "(in the case of a quarter which closes on or before the termination date, 25 percent in the case of a timber real estate investment trust)" after "not more than 20 percent of the value of its total assets is represented by securities of one or more taxable REIT subsidiaries".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 706. SAFE HARBOR FOR TIMBER PROPERTY.

(a) IN GENERAL.—Section 857(b)(6) (relating to income from prohibited transactions) is amended by adding at the end the following new subparagraph:

"(G) SPECIAL RULES FOR SALES TO QUALIFIED ORGANIZATIONS.—

"(i) IN GENERAL.—In the case of sale of a real estate asset (as defined in section 856(c)(5)(B)) to a qualified organization (as defined in section 170(h)(3)) exclusively for conservation purposes (within the meaning of section 170(h)(1)(C)), subparagraph (D) shall be applied—

"(I) by substituting '2 years' for '4 years' in clause (i), and

"(II) by substituting '2-year period' for '4-year period' in clauses (ii) and (iii).

"(ii) TERMINATION.—This subparagraph shall not apply to sales after the termination date.".

(b) PROHIBITED TRANSACTIONS.—Section 857(b)(6)(D)(v) is amended by inserting "or, in the case of a sale on or before the termination date, a taxable REIT subsidiary" after "independent contractor (as defined in section 856(d)(3)) from whom the trust itself does not derive or receive any income".

(c) SALES THAT ARE NOT PROHIBITED TRANSACTIONS.—Section 857(b)(6), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(H) SALES OF PROPERTY THAT ARE NOT A PROHIBITED TRANSACTION.—In the case of a sale on or before the termination date, the sale of property which is not a prohibited transaction through application of subparagraph (D) shall be considered property held for investment or for use in a trade or business and not property described in section 1221(a)(1) for all purposes of this subtitle.".

(d) TERMINATION DATE.—Section 857(b)(6), as amended by subsections (a) and (c), is amended by adding at the end the following new subparagraph:

"(I) TERMINATION DATE.—For purposes of this paragraph, the term 'termination date' means the last day of the first taxable year beginning after the date of the enactment of this subparagraph.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SA 4439. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CLARIFICATION OF SCOPE OF APPLICABLE RATE PROVISION.

Section 44(f) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)) is amended by adding at the end the following new paragraphs:

"(3) OTHER LENDERS.—In the case of any other lender doing business in the State described in paragraph (1), the maximum interest rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved from time to time in any loan, discount, or credit sale made, or upon any note, bill of exchange, financing transaction, or other evidence of debt issued to or acquired by any other lender shall be equal to not more than the greater of the rates described in subparagraph (A) or (B) of paragraph (1).

"(4) OTHER LENDER DEFINED.—For purposes of paragraph (3), the term 'other lender' means any person engaged in the business of selling or financing the sale of personal property (and any servicers incidental to the sale of personal property) in such State, except that, with regard to any person or entity described in such paragraph, such term does not include—

"(A) an insured depository institution; or

"(B) any person or entity engaged in the business of providing a short-term case advance to any consumer in exchange for—

"(i) a consumer's personal check or share draft, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

"(ii) a consumer authorization to debit the consumer's transaction account, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.".

SA 4440. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 73, strike lines 19 through 21 and insert the following:

(d) MODIFICATION OF DEFINITION OF QUALIFIED HOME IMPROVEMENT LOAN.—Paragraph (4) of section 143(k) of the Internal Revenue Code of 1986 (relating to qualified home improvement loan) is amended to read as follows:

"(4) QUALIFIED HOME IMPROVEMENT LOAN.—The term 'qualified home improvement loan' means the financing (in an amount which does not exceed 50 percent of the purchase price limitation that would be applicable to the residence to be improved under subsection (e) if such residence were to be acquired by the mortgagor at the time of execution of the qualified home improvement loan)—

"(A) of alterations, repairs, and improvements on or in connection with an existing residence by the owner thereof, but

"(B) only of such items as substantially protect or improve the basic livability or energy efficiency of the property.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SA 4441. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MORTGAGE FRAUD

SEC. 801. MORTGAGE FRAUD.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1351. Mortgage fraud

"(a) IN GENERAL.—It shall be unlawful for any mortgage professional to knowingly execute, or attempt to execute, a scheme or artifice—

"(1) to defraud any natural person, financial institution, or purchaser of consumer credit or an interest in consumer credit in connection with the offer or extension of consumer credit (as such term is defined in subsections (e) and (h) under section 103 of the Truth in Lending Act (15 U.S.C. 1602(e) and (h))), which credit is, is to be, or is portrayed as being secured by an interest—

"(A) in real property; or

"(B) in personal property used or expected to be used as the principal dwelling (as such term is defined under section 103(v) of the Truth in Lending Act (15 U.S.C. 1602(v))) of the natural person to whom such consumer credit is offered or extended; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any money or property, including without limitation in the form of fees or charges, from a natural person in connection with an extension of consumer credit which is, is to be, or is portrayed as being secured by an interest—

"(A) in real property; or

"(B) in personal property used or expected to be used as the principal dwelling of such natural person;

"(b) PENALTIES.—

"(1) CRIMINAL PENALTIES.—Any mortgage professional who violates subsection (a) shall be fined not more than $5,000,000, or imprisoned not more than 35 years, or both.

"(2) CIVIL PENALTIES.—Any mortgage professional who violates subsection (a) shall be liable for an amount equal to the sum of all finance charges and fees paid or payable by the natural person, financial institution, or purchaser who was defrauded unless the mortgage professional demonstrates that such violation is not material.

"(c) PRIVATE RIGHT OF ACTION BY PERSONS AGGRIEVED.—

"(1) IN GENERAL.—Any person aggrieved by a violation of this section, or any regulation under this section may, but shall not be required to, file suit in any district court of the United States or any State court having jurisdiction of the parties to such suit—

"(A) without respect to the amount in controversy;

"(B) without regard to the citizenship of the parties; and

"(C) without regard to exhaustion of any administrative remedies.

"(2) REMEDIES.—Any court in which a civil action has been brought under paragraph (1) may—

"(A) award damages and appropriate declaratory and injunctive relief for each violation of this section; and

"(B) provide such additional relief as the court deems appropriate, including the award of court costs, investigative costs, and reasonable attorneys' fees incurred by persons aggrieved.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify, lessen, or otherwise affect any other provision of this title relating to the rights afforded to financial institutions or purchasers of consumer credit or interests in consumer credit.

"(e) DEFINITION.—As used in this section, the term 'mortgage professional' includes real estate appraisers, real estate accountants, real estate attorneys, real estate brokers, mortgage brokers, mortgage underwriters, mortgage processors, mortgage settlement companies, mortgage title companies, mortgage loan originators, and any other provider of professional services engaged in the mortgage process.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 63 of title 18, United States Code, is amended by inserting after the item relating to section 1350 the following:

"1351. Mortgage fraud.".

(c) CONFORMING AMENDMENT.—Section 3293(2) of title 18, United States Code, is amended by striking "or 1343" and inserting ", 1343, or 1351".

SA 4442. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—DEBARRED OR CENSURED MORTGAGE PROFESSIONAL DATABASE

SEC. 801. DEBARRED OR CENSURED MORTGAGE PROFESSIONAL DATABASE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall establish a Debarred or Censured Mortgage Professional Database that may be accessed by authorized depository institutions, mortgage lenders, mortgage professionals, securities and bond rating agencies, and consumers to determine the Federal and State bar status of mortgage professionals regulated by any Federal or State agency.

(2) PRIVATE CERTIFICATION BOARDS.—Any widely accepted private certification board shall have authority to access, maintain, and update the Debarred or Censured Mortgage Professional Database established in paragraph (1) for purposes of adding or removing the information of any mortgage professional contained in such Database.

(3) WIDELY ACCEPTED PRIVATE CERTIFICATION BOARD.—Not later than 18 months after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of the Treasury, shall—

(A) determine the definition of the term "widely accepted private certification board"; and

(B) issue procedures and guidance on how officers, agents, and employees of such boards shall conduct the responsibilities described in paragraph (2).

(4) PUBLIC AVAILABILITY.—The Attorney General shall make the Debarred or Censured Mortgage Professional Database established in paragraph (1) available to the public on the Internet, without fee or other access charge, in a searchable, sortable, and downloadable manner.

(b) IMMUNITY FROM CIVIL LIABILITY.—Any officer, agent, or employee of a widely accepted private certification board, who in good faith follows the procedures and guidance set forth under subsection (a)(3)(B), shall not be liable in any court of any State or the United States to any mortgage professional or other person—

(1) for carrying out the responsibilities described in subsection (a)(2); or

(2) for nondisclosure to that mortgage professional or other person that such conduct occurred.

(c) WHISTLEBLOWER PROTECTION.—

(1) IN GENERAL.—No officer, agent, or employee of a widely accepted private certification board may be discharged, demoted, threatened, suspended, harassed, or in any other manner discriminated against in the terms and conditions of the employment of such officer, agent, or employee because of any lawful act done by such officer, agent, or employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any—

(A) possible violation of this section, including not following the procedures and guidance set forth under subsection (a)(3)(B); or

(B) other misconduct, by any other officer, agent, or employee of the board.

(2) CIVIL ACTION.—An officer, agent, or employee injured by a violation of paragraph (1) may, in a civil action, obtain appropriate relief.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to establish and maintain the database required under subsection (a).

SA 4443. Mrs. LINCOLN (for herself and Mr. SMITH) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

TITLE VII—COMMUNITY RESTORATION AND REVITALIZATION

SEC. 701. MODIFICATIONS TO RULES FOR DETERMINING THE APPLICABLE PERCENTAGE FOR CERTAIN BUILDINGS ELIGIBLE FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 42(b)(2) of the Internal Revenue Code of 1986 (relating to the method of prescribing the applicable percentage) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by adding at the end the following new clauses:

"(iii) 87.5 percent of the qualified basis of a building described in paragraph (1)(A), if the basis of the building is subject to the basis adjustment for rehabilitation credit property required under section 50(c), and

"(iv) 37.5 percent of the qualified basis of a building described in paragraph (1)(B), if the basis of the building is subject to the basis adjustment for rehabilitation credit property required under section 50(c).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2006, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

SEC. 702. MODIFICATION TO BASIS ADJUSTMENT RULE.

(a) IN GENERAL.—Paragraph (3) of section 50(c) of the Internal Revenue Code of 1986 (relating to special rules for determining basis) is amended by inserting "or rehabilitation credit" after "energy credit".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 703. INCREASE IN THE REHABILITATION CREDIT FOR CERTAIN SMALLER PROJECTS.

(a) IN GENERAL.—Section 47 of the Internal Revenue Code of 1986 (relating to rehabilitation credit) is amended by adding at the end the following new subsection:

"(e) SPECIAL RULE REGARDING CERTAIN SMALLER PROJECTS.—

"(1) IN GENERAL.—In the case of any qualified rehabilitated building or portion thereof—

"(A) which is placed in service after the date of the enactment of this subsection, and

"(B) which is a smaller project,

subsection (a)(2) shall be applied by substituting '40 percent' for '20 percent' with respect to qualified rehabilitation expenditures not over $1,000,000, and '20 percent' with respect to qualified rehabilitation expenditures of over $1,000,000.

"(2) SMALLER PROJECT DEFINED.—For purposes of this section, the term 'smaller project' means any qualified rehabilitated building or portion thereof as to which—

"(A) the qualified rehabilitation expenditures reported by the taxpayer for purposes of calculating the credit under this section are not over $2,000,000, except that for purposes of making this determination, qualified rehabilitation expenditures attributable to the provisions of subsection (c)(2)(E) shall be disregarded, and

"(B) no credit was allowable under this section during any of the two prior taxable years, provided that this subparagraph shall not apply to any building as to which the election provided for in subsection (d)(5) shall have been made.

"(3) COORDINATION WITH SUBSECTION (d).—With respect to any building as to which the election provided for in subsection (d)(5) shall have been made, such building shall be deemed a smaller project only if the qualified rehabilitation expenditures reported by the taxpayer for purposes of calculating the credit under this section with respect to the taxable years to which such election shall apply are, in the aggregate, not over $2,000,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 704. USE FOR LODGING NOT TO DISQUALIFY FOR REHABILITATION CREDIT PROPERTY WHICH IS NOT A CERTIFIED HISTORIC STRUCTURE.

(a) IN GENERAL.—Subparagraph (C) of section 50(b)(2) of the Internal Revenue Code of 1986 (relating to property eligible for the investment credit) is amended by striking "certified historic structure" and inserting "qualified rehabilitated building".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 705. DATE BY WHICH BUILDING MUST BE FIRST PLACED IN SERVICE.

(a) IN GENERAL.—Subparagraph (B) of section 47(c)(1) of the Internal Revenue Code of 1986 (relating to the date by which building must be first placed in service) is amended—

(1) by striking "BUILDING MUST BE FIRST PLACED IN SERVICE BEFORE 1936" in the heading and inserting "DATE BY WHICH BUILDING MUST FIRST BE PLACED IN SERVICE", and

(2) by striking "before 1936" in the text and inserting "no less than 50 years prior to the year in which qualified rehabilitation expenditures are taken into account under subsection (b)(1)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 706. MODIFICATIONS REGARDING CERTAIN TAX-EXEMPT USE PROPERTY.

(a) IN GENERAL.—Subclause (I) of section 47(c)(2)(B)(v) of the Internal Revenue Code of 1986 (relating to tax-exempt use property) is amended by inserting ", except that for purposes of this clause, '50 percent' shall be substituted for '35 percent' in applying section 168(h)(1)(B)(iii))" before the period at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 707. INCREASE IN REHABILITATION CREDIT FOR BUILDINGS IN HIGH COST AREAS.

(a) IN GENERAL.—Paragraph (2) of section 47(c) of the Internal Revenue Code of 1986 (relating to the definition of qualified rehabilitation expenditures) is amended by adding at the end the following new subparagraph:

"(E) INCREASE IN CREDIT FOR BUILDINGS IN HIGH COST AREAS.—

"(i) IN GENERAL.—In the case of any qualified rehabilitated building located in a qualified census tract or difficult development area which is designated for purposes of this subparagraph, the qualified rehabilitation expenditures for purposes of this section shall be 130 percent of such expenditures determined without regard to this subparagraph.

"(ii) RULES.—For purposes of clause (i), rules similar to the rules of section 42(d)(5)(C) (excluding clause (i) thereof) shall be applied.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 708. RECAPTURE OF REHABILITATION CREDIT FOR CERTIFIED HISTORIC STRUCTURE NOT TRIGGERED BY CONDOMINIUM TRANSACTION.

(a) IN GENERAL.—Subsection (a) of section 50 of the Internal Revenue Code of 1986 (relating to recapture of credits upon disposition of property) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULE FOR CERTIFIED HISTORIC STRUCTURES.—In the case of the rehabilitation credit determined under section 47(a)(2), paragraphs (1) and (2) shall not apply to a transaction in which a portion of the building is transferred as a condominium unit.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transfers after the date of enactment of this Act.

SA 4444. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE VIII—SENSE OF THE SENATE

SEC. 801. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

SA 4445. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NOTIFICATION OF SALE OR TRANSFER OF MORTGAGE LOANS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129 the following new section:

"SEC. 129A. NOTICE OF NEW CREDITOR.

"(a) IN GENERAL.—In addition to other disclosures required by this title, not later than

30 days after the date on which a mortgage loan is sold or otherwise transferred or assigned to a third party, the creditor that is the new owner or assignee of the debt shall notify the borrower in writing of such transfer, including—

"(1) the identity, address, telephone number of the new creditor;

"(2) the date of transfer;

"(3) how to reach an agent or party having authority to act on behalf of the new creditor;

"(4) the location of the place where transfer of ownership of the debt is recorded; and

"(5) any other relevant information regarding the new creditor.

"(b) DEFINITION.—As used in this section, the term 'mortgage loan' means any consumer credit transaction that is secured by the principal dwelling of a consumer.".

SA 4446. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under each of section 301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes) and section 401 (relating to housing counseling resources).

SA 4447. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 53, strike lines 23 through 25, and insert the following:

(C) establish land banks for homes that have been foreclosed upon;

(D) establish or support land banks for homes that have been damaged or destroyed as a result of Hurricanes Katrina or Rita of 2005, or to rehabilitate or redevelop such damaged or destroyed homes which have been conveyed by the State or unit of local government; and

(E) demolish blighted structures.

SA 4448. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 76, strike line 13 through page 77, line 9, and insert the following:

structure that is—

"(i) a residence—

"(I) upon which foreclosure has been filed pursuant to the laws of the State in which the residence is located, and

"(II) which—

"(aa) is a new previously unoccupied residence for which a building permit was issued and construction began on or before September 1, 2007, or

"(bb) was occupied as a principal residence by the mortgagor for at least 1 year prior to the foreclosure filing, or

"(ii) a residence that is damaged as a result of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, and that has been sold or transferred to a State or local government as a result of such damage.

"(B) SINGLE-FAMILY.—For purposes of subparagraph (A)(ii), the term 'single-family' includes 2, 3, or 4 family residences one unit of which was occupied by the owner of the units at the time of the occurrence of the damage described in such subparagraph.

"(C) CERTIFICATION.—

"(i) NEW PREVIOUSLY UNOCCUPIED RESIDENCE.—In the case of an eligible single-family residence described in subparagraph (A)(i)(II)(aa), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

"(ii) RESIDENCE TRANSFERRED AS A RESULT OF HURRICANE.—In the case of an eligible single-family residence described in subparagraph (A)(ii), no credit shall be allowed under this section unless the purchaser submits a certification by the appropriate State or local government that such residence meet the requirements of such subparagraph.

On page 79, between lines 3 and 4, insert the following:

"(4) HOMES TRANSFERRED AS A RESULT OF HURRICANE.—In the case of a qualified principal residence described in subsection (c)(2)(A)(ii)—

"(A) LIMITATION BASED ON INCOME.—No credit shall be allowed under this section if the taxpayer's adjusted gross income for the taxable year exceeds $50,000 ($100,000 in the case of a joint return).

"(B) RECAPTURE PERIOD.—Subsection (e) shall be applied by substituting '36 months' for '24 months'.

SA 4449. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 54, strike line 17 and all that follows through page 55, line 9, and insert the following:

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 2-YEAR REINVESTMENT PERIOD.—During the 2-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 2-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(II) OTHER AMOUNTS.—Upon the expiration of the 2-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(4) SALE REQUIREMENT.—If a State or unit of general local government purchases or otherwise acquires an abandoned or foreclosed upon home or residential property with funds received pursuant to this section or with any amounts derived or generated from activities authorized under this section, that State or unit of general local government shall sell such home or property by a date that is not later than 4 years after the date of enactment of this Act.

SA 4450. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 70, strike lines 14 through 21 and insert the following:

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

"(i) the numerator of which is the number of foreclosures on residential property filed in such State, and

"(ii) the denominator of which is the total number of foreclosures on residential property filed in all States.

SA 4451. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 70, strike lines 14 through 22 and insert the following:

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—

"(i) $10,000,000,000 multiplied by a fraction—

"(I) the numerator of which is the number of foreclosures on residential property filed in such State, and

"(II) the denominator of which is the total number of foreclosures on residential property filed in all States, or

"(ii) the amount determined under subparagraph (B).

"(B) MINIMUM AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a State (other than a possession) or Puerto Rico, $90,300,606, and

"(ii) in the case of a possession of the United States (other than Puerto Rico) with a population less than the least populous State (other than a possession), the product of—

"(I) a fraction the numerator of which is $90,300,606 and the denominator of which is population of the least populous State (other than a possession), and

"(II) the population of such possession.

In the case of any possession of the United States not described in clause (i) or (ii), the amount determined under this subparagraph shall be zero.

"(C) SET ASIDE.—

SA 4452. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 34, line 13, insert after the period the following: "Notwithstanding any other provision of this Act or regulations promulgated under this Act, the Secretary shall, in addition to information regarding individual mortgagees, develop criteria to quantify risks associated with individual originators or lenders. In developing such criteria, the Secretary shall develop a system for grading the performance of individual originators and lenders that considers the adequacy of quality controls to ensure the accuracy of information supplied as part of any loan application, file, or agreement. The Secretary shall promulgate such rules as are necessary to facilitate the collection and evaluation of information necessary to establish the criteria specified in this subsection. The Secretary shall amend any planned implementation of risk-based premiums to incorporate information on originator and lender performance in the determination or calculation of any risk based premium.".

SA 4453. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following new title:

TITLE VIII—FEDERAL RESERVE

SEC. 801. FINDINGS.

Congress finds that—

(1) recent disruptions in the housing market and the market for mortgage-backed securities have had an adverse impact on the availability and price of credit associated with home mortgages;

(2) improving the ability of Government agencies, government-sponsored enterprises, financial institutions, and investors to better assess risks associated with mortgage lending is critical to the restoration of confidence and liquidity to those markets;

(3) the proper evaluation of risks associated with individual loans requires not only an evaluation of information about the prospective borrower and assessment of the adequacy if the collateral, but also the reliability and accuracy of information submitted by originators to prospective underwriters;

(4) developing a timely system of rating loans that incorporates an objective and standardized evaluation of risks associated with loans originated or funded initially by individual entities or institutions; and

(5) such a system would facilitate a more accurate rating of securities that loans are included in.

SEC. 802. RULEMAKING REQUIRED.

(a) STUDY AND EVALUATION.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System (in this title, referred to as the "Board") shall, in a manner determined by the Chairman of the Board, undertake an evaluation and study of the efficacy of including risks associated with the quality controls and data accuracy of market participants in the rating of individual mortgage loans.

(2) CONSULTATION.—In conducting the study and evaluation required by this subsection, the Board shall consult with private sector entities to evaluate private sector products that may exist and be currently utilized by various market participants to quantify risks associated with originator and lender quality controls and information.

(b) RULEMAKING.—Not later than 180 days after the date of completion of the study and evaluation prescribed under subsection (a), the Board shall promulgate regulations to implement a system of creating scores associated with mortgage loans that incorporates information about borrowers, originators, underwriters, and lenders. Such system shall be developed in a manner that allows for a more objective and complete evaluation of risks associated with individual loans to facilitate their inclusion in mortgage backed securities.

(c) REQUIREMENT FOR SECURITIZATION AND GUARANTEE.—Beginning 180 days after the effective date of the regulations promulgated under this section, it shall be unlawful to include any loan as part of any mortgage backed security offered for sale by any Government agency, government-sponsored enterprise, or financial institution that is subject to regulation by the Board or the Securities and Exchange Commission.

SA 4454. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 12, at the end of line 22, add the following: "The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.".

SA 4455. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 14, line 18, strike "and" and all that follows through "to meet" on line 19 and insert the following:

"(B) to develop objective and standardized criteria to quantify risks associated with individual originators or lenders, for which purpose, the Secretary shall develop a system for grading the performance of individual originators and lenders that considers the adequacy of quality controls to quantify the soundness and control of internal processes; and

"(C) to meet".

SA 4456. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 50, strike line 14 and all that follows through page 58, line 2.

SA 4457. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 63, strike line 3 and all that follows through page 68, line 13 and inserting the following:

SEC. 601. DEFINITION OF ELIGIBLE TAXPAYER.

Section 168(k) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(4) ELIGIBLE TAXPAYER.—For purposes of paragraph (5), the term 'eligible taxpayer' means any taxpayer who could claim a deduction under this subsection.".

SA 4458. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 58 between lines 2 and 3, insert the following:

SEC. 302. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 301 to fund any activity or project that involves, includes, or is associated with the use of eminent domain by such State or unit of general local government.

SA 4459. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE VIII—ENSURING ASSISTANCE IS NOT USED IN CONJUNCTION WITH EMINENT DOMAIN AUTHORITY

SEC. 801. LIMITATION ON USE OF FUNDS.

(a) DEFINITION.—For purposes of this section, the term "housing assistance" means the following:

(1) Any amounts appropriated, authorized to be appropriated, or otherwise made available under this Act, or any amendment made by this Act.

(2) Any qualified mortgage bond issued by a State or political subdivision or any other entity or organization pursuant to section 143(k)(12) of the Internal Revenue Code, as added by section 602 of this Act.

(3) Any tax credit related to certain home purchases allowable under section 25E of the Internal Revenue Code of 1986, as added by section 603 of this Act.

(4) Any assistance, loan, loan guarantee, housing, housing assistance, or other housing related program administered, in whole or in part, by the Secretary of Housing and Urban Development, the Secretary of Veterans Affairs, or any other Federal agency.

(b) LIMITATION ON USE OF ASSISTANCE WITH EMINENT DOMAIN AUTHORITY.—Any State or local government entity that receives housing assistance shall be prohibited from using any such assistance or authority in conjunction with any project that involves, includes, or relies on the use of eminent domain by such State or local government or pursuant to a delegation of such authority by the same.

(c) LIMITATION ON CHANGING THE NATURE OF PROPERTY.—Any State or local government entity that receives housing assistance shall be prohibited from using any such assistance to change the nature of the residential property or rezone the property for commercial use.

SA 4460. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF MOVING TO WORK DEMONSTRATION AGREEMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development (in this section referred to as the "Secretary") shall extend the effective period of the Moving to Work Demonstration Agreement entered into between the Philadelphia Housing Authority and the Department of Housing and Urban Development on or about February 28, 2002, pursuant to section 204 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, under the heading "Public Housing/Moving to Work Demonstration" (Public Law 104–134, 110 Stat. 1321–281) for the 45-day period beginning on April 1, 2008.

(b) COMPLIANCE REVIEW.—If the Philadelphia Housing Authority submits certifications by an independent expert verifying that at least 5 percent of its public housing units are in compliance with section 504 of the Rehabilitation Act of 1973, and such certifications are satisfactory to the Secretary, the Secretary shall further extend the Moving to Work Demonstration Agreement for an additional 1 year period.

(c) TERMS AND CONDITIONS.—Any extension of the Moving to Work Demonstration Agreement under this section shall be under the same terms and conditions as were applicable to the original agreement.

(d) LIMITATION ON ACTIONS OF THE SECRETARY.—The Secretary may not terminate or take any adverse action with respect to an agreement described in subsection (a) or any extension thereto—

(1) unless there has been an express finding, on the record, after opportunity for a hearing, of a failure by the Housing Authority to comply with the terms of the agreement or otherwise applicable provisions of law; and

(2) before the expiration of the 30-day period beginning on the date on which the Secretary has filed with the appropriate committees of Congress a full written report of the circumstances and the grounds for such action.

SA 4461. Mr. CASEY (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROPERTY APPRAISAL REQUIREMENTS.

(a) IN GENERAL.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by adding at the end the following new subsection:

"(m) PROPERTY APPRAISAL REQUIREMENTS.—

"(1) IN GENERAL.—A creditor may not extend credit in the form of a mortgage referred to in section 103(aa) to any consumer, without first obtaining a written appraisal of the property to be mortgaged, prepared in accordance with the requirements of this subsection.

"(2) APPRAISAL REQUIREMENTS.—

"(A) PHYSICAL PROPERTY VISIT.—An appraisal of property to be secured by a mortgage referred to in section 103(aa) does not meet the requirements of this subsection unless it is performed by a qualified appraiser who conducts a physical property visit of the interior of the mortgaged property.

"(B) SECOND APPRAISAL UNDER CERTAIN CIRCUMSTANCES.—

"(i) IN GENERAL.—If the purpose of a mortgage referred to in section 103(aa) is to finance the purchase or acquisition of the mortgaged property from a person within 180 days of the date of purchase or acquisition of such property by that person at a price that was lower than the current sale price of the property, the creditor shall obtain a second appraisal from a different qualified appraiser. The second appraisal shall include an analysis of the difference in sale prices, changes in market conditions, and any improvements made to the property between the date of the previous sale and the current sale.

"(ii) NO COST TO CONSUMER.—The cost of any second appraisal required under clause (i) may not be charged to the consumer.

"(C) QUALIFIED APPRAISER DEFINED.—For purposes of this subsection, the term 'qualified appraiser' means a person who—

"(i) is certified or licensed by the State in which the property to be appraised is located; and

"(ii) performs each appraisal in conformity with the Uniform Standards of Professional Appraisal Practice and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and the regulations prescribed under such title, as in effect on the date of the appraisal.

"(3) FREE COPY OF APPRAISAL.—A creditor shall provide 1 copy of each appraisal conducted in accordance with this subsection in connection with a mortgage referred to in section 103(aa) to the consumer without charge, at least 3 days prior to the transaction closing date.

"(4) CONSUMER NOTIFICATION.—At the time of the initial mortgage application, the consumer shall be provided with a statement by the creditor that any appraisal prepared for the mortgage is for the sole use of the creditor, and that the consumer may choose to have a separate appraisal conducted at their own expense.

"(5) VIOLATIONS.—In addition to any other liability to any person under this title, a creditor found to have willfully failed to obtain an appraisal as required in this subsection shall be liable to the consumer for the sum of $2,000.".

(b) EQUAL CREDIT OPPORTUNITY ACT AMENDMENT.—Section 701(e) of the Equal Credit Opportunity Act (15 U.S.C. 1691(e)) is amended to read as follows:

"(e) COPIES FURNISHED TO APPLICANTS.—

"(1) IN GENERAL.—Each creditor shall furnish to an applicant, a copy of all appraisal reports and valuations developed in connection with the applicant's application for a loan that is or would have been secured by a lien on residential real property.

"(2) PROCEDURES.—Appraisal reports shall be furnished under this subsection upon written request by the applicant, made within a reasonable period of time of the application and before closing.

"(3) REIMBURSEMENT.—The creditor may require the applicant to pay a reasonable fee for the provision of copies of appraisal reports under this subsection.

"(4) NOTIFICATION TO CONSUMERS.—The creditor shall notify (pursuant to regulations prescribed by the Board) an applicant in writing of the right to receive a copy of each appraisal report, under this subsection.".

(c) UNFAIR AND DECEPTIVE ACTS AND PRACTICES RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129 the following new section:

"SEC. 129A. UNFAIR AND DECEPTIVE ACTS AND PRACTICES RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

"(a) IN GENERAL.—It shall be unlawful, in providing any mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer or any mortgage brokerage services for such a transaction, to engage in any unfair or deceptive act or practice.

"(b) APPRAISAL INDEPENDENCE.—For purposes of subsection (a), unfair and deceptive acts or practices shall include—

"(1) any appraisal of a property offered as security for repayment of the consumer credit transaction that is conducted in connection with such transaction, in which a person with an interest in the underlying transaction coerces, bribes, extorts, colludes, or otherwise improperly influences a person conducting or involved in an appraisal, or attempts to coerce, bribe, extort, collude, or otherwise improperly influence such a person, for the purpose of causing the appraised value assigned under the appraisal to the property to be based on any factor other than the independent judgment of the appraiser;

"(2) mischaracterizing or suborning any mischaracterization of, the appraised value of the property securing the extension of credit;

"(3) seeking to influence an appraiser or otherwise to encourage a targeted value in order to facilitate the making or pricing of the transaction; and

"(4) failing to timely compensate an appraiser for a completed appraisal, regardless of whether the transaction closes.

"(c) EXCEPTIONS.—The requirements of subsection (b) may not be construed as prohibiting a mortgage lender, mortgage broker, mortgage banker, real estate broker, or any other person with an interest in a real estate transaction from asking an appraiser to correct errors in the appraisal report.

"(d) RULEMAKING PROCEEDINGS.—The Board and the Federal Trade Commission—

"(1) shall jointly prescribe regulations defining with specificity acts or practices which are unfair or deceptive in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer or mortgage brokerage services for such a transaction, within the meaning of subsections (a), (b), and (c); and

"(2) may jointly issue interpretive guidelines and general statements of policy with respect to unfair or deceptive acts or practices in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer and mortgage brokerage services for such a transaction, within the meaning of subsections (a), (b), and (c).

"(e) DEFINITIONS.—For purposes of this section—

"(1) the terms 'mortgage brokerage services' and 'mortgage lending services', have the meanings given such terms in section 13(f) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2611(f)); and

"(2) the term 'improperly influence' means any attempt to manipulate, through coercion, extortion, collusion, non-payment for services rendered, direct or indirect compensation, or bribery, the development, reporting, result, or review of a property appraisal.

"(f) PENALTIES.—

"(1) FIRST VIOLATION.—In addition to the enforcement provisions referred to in section 130, each person who violates this section shall forfeit and pay a civil penalty of not more than $10,000 for each day during which any such violation continues.

"(2) SUBSEQUENT VIOLATIONS.—In the case of any person on whom a civil penalty has been imposed under paragraph (1), paragraph (1) shall be applied by substituting '$20,000' for '$10,000' with respect to all subsequent violations.

"(3) ASSESSMENT.—The agency referred to in subsection (a) or (c) of section 108 with respect to any person described in paragraph (1) shall assess any penalty under this subsection to which such person is subject.".

(d) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129 the following new item:

"Sec. 129A. Unfair and deceptive practices and acts relating to certain consumer credit transactions.".

SA 4462. Mr. KERRY (for himself, Mr. GRASSLEY, Mrs. BOXER, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment Sa 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

SEC. _____. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

"(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year.".

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

"(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. No credit shall be allowed under this section with respect to any amount abated under this paragraph.

"(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—Any interest or penalty paid before the date of the enactment of this subsection which would (but for such payment) have been abated under paragraph (1) shall be treated for purposes of this section as an amount of adjusted net minimum tax imposed for the taxable year of the underpayment to which such interest or penalty relates.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

SA 4463. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 27, beginning on line 20, strike "conform with those customarily used by secondary market purchasers of residential mortgage loans" and insert the following: "improve the overall default risk evaluation currently used by secondary market purchasers of residential mortgage loans. Particular attention shall be given to the development and utilization of processes and technologies that provide a means to standardize the measurement of risk to the Fund as well as to the consumer".

SA 4464. Mr. CRAPO (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

(2) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

(b) INVESTMENTS BY FEDERAL SAVINGS ASSOCIATIONS TO PROMOTE PUBLIC WELFARE.—Section 5(c) of the Home Owners' Loan Act (12 U.S.C. 1464(c)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C), as subparagraphs (A) and (B), respectively; and

(2) in paragraph (4), by adding at the end the following new subparagraph:

"(G) DIRECT INVESTMENTS TO PROMOTE THE PUBLIC WELFARE.—

"(i) IN GENERAL.—A Federal savings association may make investments, directly or indirectly, each of which is designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families through the provision of housing, services, and jobs.

"(ii) DIRECT INVESTMENTS OR ACQUISITION OF INTEREST IN OTHER COMPANIES.—Investments under clause (i) may be made directly or by purchasing interests in an entity primarily engaged in making such investments.

"(iii) PROHIBITION ON UNLIMITED LIABILITY.—No investment may be made under this subparagraph which would subject a Federal savings association to unlimited liability to any person.

"(iv) SINGLE INVESTMENT LIMITATION TO BE ESTABLISHED BY DIRECTOR.—Subject to clauses (v) and (vi), the Director shall establish, by order or regulation, limits on—

"(I) the amount that any savings association may invest in any 1 project; and

"(II) the aggregate amount of investment of any savings association under this subparagraph.

"(v) FLEXIBLE AGGREGATE INVESTMENT LIMITATION.—The aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 5 percent of the capital stock of the savings association actually paid in and unimpaired and 5 percent of the unimpaired surplus of the savings association, unless—

"(I) the Director determines that the savings association is adequately capitalized; and

"(II) the Director determines, by order, that the aggregate amount of investments in a higher amount than the limit under this clause would pose no significant risk to the affected Deposit Insurance Fund.

"(vi) MAXIMUM AGGREGATE INVESTMENT LIMITATION.—Notwithstanding clause (v), the aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 15 percent of the capital stock of the savings association actually paid in and unimpaired and 15 percent of the unimpaired surplus of the savings association.

"(vii) INVESTMENTS NOT SUBJECT TO OTHER LIMITATION ON QUALITY OF INVESTMENTS.—No obligation that a Federal savings association acquires or retains under this subparagraph shall be taken into account for purposes of the limitation contained in section 28(d) of the Federal Deposit Insurance Act on the acquisition and retention of any corporate debt security not of investment grade.

"(viii) APPLICABILITY OF STANDARDS TO EACH INVESTMENT.—The standards and limitations of this subparagraph shall apply to each investment under this subparagraph made by a savings association directly and by its subsidiaries.".

SA 4465. Mr. VITTER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—ENSURING ASSISTANCE IS PROVIDED ONLY TO DESERVING HOMEOWNERS

SEC. 801. LIMITATION ON USE OF FUNDS.

(a) DEFINITION.—For purposes of this section, the term "housing assistance" means the following:

(1) Any amounts appropriated, authorized to be appropriated, or otherwise made available under this Act, or any amendment made by this Act.

(2) Any qualified mortgage bond issued by a State or political subdivision or any other entity or organization pursuant to section 143(k)(12) of the Internal Revenue Code, as added by section 602 of this Act.

(3) Any tax credit related to certain home purchases allowable under section 25E of the Internal Revenue Code of 1986, as added by section 603 of this Act.

(b) LIMITATION.—Housing assistance shall not be provided or distributed to, or used by, any homeowner that made—

(1) any material misstatement or misrepresentation on his or her original mortgage application; or

(2) any false statements on his or her original mortgage application to qualify for the home loan.

SA 4466. Mr. VITTER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—ENSURING ASSISTANCE IS PROVIDED ONLY TO DESERVING HOMEOWNERS

SEC. 801. LIMITATION ON USE OF FUNDS.

(a) LIMITATION.—None of the amounts appropriated, authorized to be appropriated, or otherwise made available under this Act, or any amendment made by this Act, shall be provided or distributed to, or used by, any homeowner that made—

(1) any material misstatement or misrepresentation on his or her original mortgage application; or

(2) any false statements on his or her original mortgage application to qualify for the home loan.

SA 4467. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Clean Energy Tax Stimulus Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—EXTENSION OF CLEAN ENERGY PRODUCTION INCENTIVES

Sec. 101. Extension and modification of renewable energy production tax credit.
Sec. 102. Extension and modification of solar energy and fuel cell investment tax credit.
Sec. 103. Extension and modification of residential energy efficient property credit.
Sec. 104. Extension and modification of credit for clean renewable energy bonds.
Sec. 105. Extension of special rule to implement FERC restructuring policy.

TITLE II—EXTENSION OF INCENTIVES TO IMPROVE ENERGY EFFICIENCY

Sec. 201. Extension and modification of credit for energy efficiency improvements to existing homes.
Sec. 202. Extension and modification of tax credit for energy efficient new homes.
Sec. 203. Extension and modification of energy efficient commercial buildings deduction.
Sec. 204. Modification and extension of energy efficient appliance credit for appliances produced after 2007.

TITLE I—EXTENSION OF CLEAN ENERGY PRODUCTION INCENTIVES

SEC. 101. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2010":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.".

(4) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(5) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking "January 1, 2010" and inserting "the date of the enactment of paragraph (11)".

(c) SALES OF ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: "A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).".

(d) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 102. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2017".

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2017".

(3) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2017".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.".

(c) REPEAL OF DOLLAR PER KILOWATT LIMITATION FOR FUEL CELL PROPERTY.—

(1) IN GENERAL.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B) of subsection (c)" and inserting "subsection (c)(2)(B)".

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) FUEL CELL PROPERTY AND PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 103. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) NO DOLLAR LIMITATION FOR CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking ", (2)," in subparagraph (C).

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 104. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting ", and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000" after "$1,200,000,000" in paragraph (1),

(2) by striking "$750,000,000 of the" in paragraph (2) and inserting "$750,000,000 of the $1,200,000,000", and

(3) by striking "bodies" in paragraph (2) and inserting "bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)".

(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

"(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).", and

(2) by inserting "; PUBLIC POWER PROVIDER" before the period at the end of the heading.

(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking "subsection (l)(6)" and inserting "subsection (l)(5)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 105. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking "December 31, 2007" and inserting "the date which is 2 years after the date of such transaction".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

TITLE II—EXTENSION OF INCENTIVES TO IMPROVE ENERGY EFFICIENCY

SEC. 201. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

"(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.".

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking "2006" and inserting "2008".

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

"(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.".

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

"(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

"(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

“(D) QUALIFIED PROPANE HOT WATER BOILER.—The term ‘qualified propane hot water boiler’ means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

“(E) QUALIFIED OIL FURNACES.—The term ‘qualified oil furnace’ means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

“(F) QUALIFIED OIL HOT WATER BOILER.—The term ‘qualified oil hot water boiler’ means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.”.

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 202. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2010”.

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

“(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

“(ii) used by such eligible contractor as a residence during the taxable year.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. 203. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking “$1.80” and inserting “$2.25”.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking “$.60” and inserting “$0.75”, and

(B) by striking “$1.80” and inserting “$2.25”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 204. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

“(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

“(1) DISHWASHERS.—The applicable amount is—

“(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

“(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

“(2) CLOTHES WASHERS.—The applicable amount is—

“(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

“(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

“(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

“(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

“(3) REFRIGERATORS.—The applicable amount is—

“(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

“(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

“(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

“(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.”.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking “(1) IN GENERAL” and all that follows through “the eligible” and inserting “The eligible”, and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking “3-calendar year” and inserting “2-calendar year”.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

“(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

“(1) dishwashers described in subsection (b)(1),

“(2) clothes washers described in subsection (b)(2), and

“(3) refrigerators described in subsection (b)(3).”.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

“(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.”.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

“(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).”.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

“(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term ‘qualified energy efficient appliance’ means—

“(A) any dishwasher described in subsection (b)(1),

“(B) any clothes washer described in subsection (b)(2), and

“(C) any refrigerator described in subsection (b)(3).”.

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting “commercial” before “residential” the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

“(4) TOP-LOADING CLOTHES WASHER.—The term ‘top-loading clothes washer’ means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.”.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

“(6) MODIFIED ENERGY FACTOR.—The term ‘modified energy factor’ means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.”.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

“(9) GALLONS PER CYCLE.—The term ‘gallons per cycle’ means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

“(10) WATER CONSUMPTION FACTOR.—The term ‘water consumption factor’ means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SA 4468. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —EXTENSION OF EXPIRING TAX PROVISIONS

SEC. -00. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Individual Tax Provisions

PART I—PROVISIONS EXPIRING IN 2007

SEC. -01. NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. -02. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF THE EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428, as amended by the Economic Stimulus Act of 2008, is amended to read as follows:

"(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. -03. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, 2008, or 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -04. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. -05. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by inserting "and after the date of the enactment of the Foreclosure Prevention Act and before January 1, 2010" after "January 1, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. -06. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -07. ARCHER MSAS.

(a) IN GENERAL.—Subsection (i) of section 220 (relating to limitation on number of taxpayers having Archer MSAs) is amended—

(1) by striking "2007" each place it appears in paragraphs (2) and (3)(B) and inserting "2009",

(2) by striking "2007" in the heading of paragraph (3)(B) and inserting "2009".

(b) CONFORMING AMENDMENTS.—Subsection (j) of section 220 is amended—

(1) by striking "or 2006" each place it appears in paragraph (2) and inserting "2006, 2007, or 2008",

(2) by striking "OR 2006" in the heading for paragraph (2) and inserting "2006, 2007, OR 2008", and

(3) by striking "and 2006" in paragraph (4) and inserting "2006, 2007, and 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2007.

SEC. -08. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -09. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. -10. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

PART II—PROVISIONS EXPIRING IN 2008

SEC. -11. RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Subsection (g) of section 25D (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

Subtitle B—Business Tax Provisions

PART I—PROVISIONS EXPIRING IN 2007

SEC. -21. RESEARCH ACTIVITIES.

(a) IN GENERAL.—Section 41(h) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009" in paragraph (1)(B).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. -22. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -23. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. -24. PRODUCTION OF FUEL FROM A NONCONVENTIONAL SOURCE AT CERTAIN FACILITIES.

(a) IN GENERAL.—Subsection (f)(1)(B) of section 45K (relating to extension for certain facilities) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels produced and sold after December 31, 2007.

SEC. -25. ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended by striking "calendar year 2006 or 2007" each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting "calendar year 2006, 2007, 2008, or 2009".

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended by inserting "beginning after December 31, 2007" after "for all prior taxable years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. -26. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. -27. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. -28. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. -29. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) CONTRIBUTIONS BY CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. -30. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. -31. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) In General.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Clerical Amendment.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting "of books" after "to any contribution".

(c) Effective Date.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. -32. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER EQUIPMENT FOR EDUCATIONAL PURPOSES.

(a) In General.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. -33. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) In General.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. -34. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) In General.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 4 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -35. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY.

(a) In General.—Paragraph (3) of section 451(i) (relating to qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendment made by this section shall apply to transactions occurring after December 31, 2007.

SEC. -36. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) In General.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. -37. SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL WELLS.

(a) In General.—Subparagraph (H) of section 613A(c)(6) (relating to temporary suspension of taxable income limit with respect to marginal production) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -38. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) Interest-Related Dividends.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Short-Term Capital Gain Dividends.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) Disposition of Investment in United States Real Property.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(d) Effective Date.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. -39. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) In General.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. -40. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Paragraph (1) of section 1397E(e) is amended by striking "and 2007" and inserting "2007, 2008, and 2009".

(b) Effective Date.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. -41. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) Designation of D.C. Enterprise Zone.—Subsection (f) of section 1400 (relating to time for which designation applicable) is amended by striking "December 31, 2007" each place it appears in paragraphs (1) and (2) and inserting "December 31, 2009".

(b) Tax-Exempt D.C. Empowerment Zone Bonds.—Subsection (b) of section 1400A (relating to period of applicability) is amended by inserting ", and after the date of the enactment of the Foreclosure Prevention Act and before Janaury 1, 2009" after "December 31, 2007".

(c) Acquisition Date for Eligibility for Zero-Percent Capital Gains Rate for Investment in D.C..—Subsection (b) of section 1400B (relating to D.C. zone asset) is amended by striking "January 1, 2008" each place it appears in paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) and inserting "January 1, 2010".

(d) Tax Credit for First-Time D.C. Homebuyers.—Subsection (i) of section 1400C (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(e) Effective Date.—The amendments made by this section shall apply to transactions after December 31, 2007.

PART II—PROVISIONS EXPIRING IN 2008

SEC. -46. BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.

Subsection (g) of section 40A (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. -47. ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES; PRODUCTION OF REFINED COAL AND INDIAN COAL.

Section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) and inserting "January 1, 2010".

SEC. -48. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking "and 2008" and inserting "2008, and 2009".

SEC. -49. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. -50. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. -51. EXTENSION OF ENERGY CREDIT.

(a) Solar Energy Property.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2010".

(b) Fuel Cell Property.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) Microturbine Property.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. -52. 5-YEAR NOL CARRYBACK FOR CERTAIN ELECTRIC UTILITY COMPANIES.

Subparagraph (I)(i) of section 172(b)(1) (relating to transmission property and pollution control investment) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010", and

(2) by striking "January 1, 2006" and inserting "January 1, 2007".

SEC. -53. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. -54. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. -55. EXTENSION AND MODIFICATION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.

Section 181(f) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. -56. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) Exempt Insurance Income.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010", and

(2) by striking "December 31, 2008" and inserting "December 31, 2009".

(b) Exception to Treatment as Foreign Personal Holding Company Income.—Paragraph (9) of section 954(h) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

SEC. -57. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

Subtitle C—Excise Tax Provisions

PART I—PROVISIONS EXPIRING IN 2007

SEC. -61. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) In General.—Paragraph (1) of section 7652(f) is amended by inserting ", and after the date of the enactment of the Foreclosure Prevention Act and before January 1, 2010" after "January 1, 2008".

(b) Effective Date.—The amendment made by this section shall apply to distilled spirits brought into the United States after the date of the enactment of this Act.

SEC. -62. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) In General.—Subsection (f) of section 9812 (relating to application of section) is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ", and before the date of the enactment of the Foreclosure Prevention Act", and

(3) by adding at the end the following new paragraph:

"(4) after December 31, 2009.".

(b) Amendment to the Employee Retirement Income Security Act of 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by inserting ", and before the date of the enactment of the Foreclosure Prevention Act, and after December 31, 2009" after "December 31, 2007".

(c) Amendment to the Public Health Service Act.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by inserting ", and before the date of the enactment of the Foreclosure Prevention Act, and after December 31, 2009" after "December 31, 2006".

(d) Effective Date.—The amendments made by this section shall apply to benefits for services furnished on or after the date of the enactment of this Act.

SEC. -63. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) In General.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 4 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2010".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

PART II—PROVISIONS EXPIRING IN 2008

SEC. -66. SPECIAL RULE FOR QUALIFIED METHANOL OR ETHANOL FUEL FROM COAL.

Subparagraph (D) of section 4041(b)(2) (relating to termination) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

SEC. -67. BIODIESEL MIXTURE CREDIT AND CREDIT FOR FUELS USED FOR NONTAXABLE PURPOSES.

(a) Biodiesel Mixtures.—Paragraph (6) of section 6426(c) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) Biodiesel Used for Nontaxable Purposes.—Paragraph (5)(B) of section 6427(e) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

Subtitle D—Tax Administration Provisions

PART I—PROVISIONS EXPIRING IN 2007

SEC. -71. DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.

(a) In General.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

SEC. -72. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

(a) In General.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. -73. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) In General.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. -74. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) In General.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) Effective Date.—The amendment made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. -75. AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) In General.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2008" each place it appears and inserting "January 1, 2010".

(b) Effective Date.—The amendments made by this section shall apply to operations conducted after the date of the enactment of this Act.

PART II—PROVISIONS EXPIRING IN 2008

SEC. -76. EXTENSION OF REPORTING OF INTEREST OF EXEMPT ORGANIZATIONS IN INSURANCE CONTRACTS.

Section 6050V(e) (relating to termination) is amended by striking "the date which is 2 years after the date of the enactment of this section" and inserting "December 31, 2009".

SEC. -77. DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) In General.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking "September 30, 2008" and inserting "December 31, 2009".

(b) Technical Amendment.—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

SA 4469. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —EXTENSION OF EXPIRING TAX PROVISIONS

SEC. -00. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Individual Tax Provisions

SEC. -01. NONBUSINESS ENERGY PROPERTY.

(a) Extension of Credit.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. -02. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF THE EARNED INCOME CREDIT.

(a) In General.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Conforming Amendment.—Paragraph (4) of section 6428, as amended by the Economic Stimulus Act of 2008, is amended to read as follows:

"(4) Earned income.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. -03. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) In General.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, or 2008".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -04. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) In General.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. -05. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) Qualified Mortgage Bonds Used To Finance Residences for Veterans Without Regard to First-Time Homebuyer Requirement.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by inserting "and after the date of the enactment of the Foreclosure Prevention Act and before January 1, 2009" after "January 1, 2008".

(b) Effective Date.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. -06. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) In General.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -07. ARCHER MSAS.

(a) In General.—Subsection (i) of section 220 (relating to limitation on number of taxpayers having Archer MSAs) is amended—

(1) by striking "2007" each place it appears in paragraphs (2) and (3)(B) and inserting "2008",

(2) by striking "2007" in the heading of paragraph (3)(B) and inserting "2008".

(b) Conforming Amendments.—Subsection (j) of section 220 is amended—

(1) by striking "or 2006" each place it appears in paragraph (2) and inserting "2006, or 2007",

(2) by striking "OR 2006" in the heading for paragraph (2) and inserting "2006, OR 2007", and

(3) by striking "and 2006" in paragraph (4) and inserting "2006, or 2007".

(c) Effective Date.—The amendments made by this section shall apply to calendar years beginning after December 31, 2007.

SEC. -08. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) In General.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -09. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) In General.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. -10. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) In General.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

Subtitle B—Business Tax Provisions

SEC. -11. RESEARCH ACTIVITIES.

(a) In General.—Section 41(h) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008" in paragraph (1)(B).

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. -12. INDIAN EMPLOYMENT CREDIT.

(a) In General.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" 'and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -13. RAILROAD TRACK MAINTENANCE.

(a) In General.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. -14. PRODUCTION OF FUEL FROM A NONCONVENTIONAL SOURCE AT CERTAIN FACILITIES.

(a) In General.—Subsection (f)(1)(B) of section 45K (relating to extension for certain facilities) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to fuels produced and sold after December 31, 2007.

SEC. -15. ENERGY EFFICIENT APPLIANCES.

(a) In General.—Subsection (b) of section 45M (relating to applicable amount) is amended by striking "calendar year 2006 or 2007" each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting "calendar year 2006, 2007, or 2008".

(b) Restart of Credit Limitation.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended by inserting "beginning after December 31, 2007" after "for all prior taxable years".

(c) Effective Date.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. -16. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) In General.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. -17. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) In General.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. -18. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) In General.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. -19. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) In General.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Contributions by Corporate Farmers and Ranchers.—Clause (iii) of section 170(b)(2)(B) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. -20. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. -21. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) In General.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Clerical Amendment.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting "of books" after "to any contribution".

(c) Effective Date.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. -22. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER EQUIPMENT FOR EDUCATIONAL PURPOSES.

(a) In General.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. -23. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) In General.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. -24. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) In General.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -25. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY.

(a) In General.—Paragraph (3) of section 451(i) (relating to qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to transactions occurring after December 31, 2007.

SEC. -26. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) In General.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. -27. SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL WELLS.

(a) In General.—Subparagraph (H) of section 613A(c)(6) (relating to temporary suspension of taxable income limit with respect to marginal production) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. -28. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) DISPOSITION OF INVESTMENT IN UNITED STATES REAL PROPERTY.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. -29. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. -30. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking "and 2007" and inserting "2007, and 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. -31. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF D.C. ENTERPRISE ZONE.—Subsection (f) of section 1400 (relating to time for which designation applicable) is amended by striking "December 31, 2007" each place it appears in paragraphs (1) and (2) and inserting "December 31, 2008".

(b) TAX-EXEMPT D.C. EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A (relating to period of applicability) is amended by inserting ", and after the date of the enactment of the Foreclosure Prevention Act and before January 1, 2009" after "December 31, 2007".

(c) ACQUISITION DATE FOR ELIGIBILITY FOR ZERO-PERCENT CAPITAL GAINS RATE FOR INVESTMENT IN D.C..—Subsection (b) of section 1400B (relating to D.C. zone asset) is amended by striking "January 1, 2008" each place it appears in paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) and inserting "January 1, 2009".

(d) TAX CREDIT FOR FIRST-TIME D.C. HOMEBUYERS.—Subsection (i) of section 1400C (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after December 31, 2007.

Subtitle C—Excise Tax Provisions

SEC. -41. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by inserting ", and after the date of the enactment of the Foreclosure Prevention Act and before January 1, 2009" after "January 1, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after the date of the enactment of this Act.

SEC. -42. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 (relating to application of section) is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ", and before the date of the enactment of the Foreclosure Prevention Act", and

(3) by adding at the end the following new paragraph:

"(4) after December 31, 2008.".

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by inserting ", and before the date of the enactment of the Foreclosure Prevention Act, and after December 31, 2008" after "December 31, 2007".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by inserting ", and before the date of the enactment of the Foreclosure Prevention Act, and after December 31, 2008" after "December 31, 2006".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after the date of the enactment of this Act.

SEC. -43. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle D—Tax Administration Provisions

SEC. -51. DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.

(a) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

SEC. -52. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. -53. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. -54. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. -55. AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2008" each place it appears and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to operations conducted after the date of the enactment of this Act.

SA 4470. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mrs. BOXER, Mr. OBAMA, Mrs. DOLE, Mr. DURBIN, Mr. SALAZAR, Mrs. CLINTON, Ms. KLOBUCHAR, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was orderd to lie on the table; as follows:

At the end, add the following:

TITLE VIII—S.A.F.E. MORTGAGE LICENSING ACT

SEC. 801. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" or "S.A.F.E. Mortgage Licensing Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 801. Short title; table of contents.
Sec. 802. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 803. Definitions.
Sec. 804. License or registration required.
Sec. 805. State license and registration application and issuance.
Sec. 806. Standards for State license renewal.
Sec. 807. System of registration administration by Federal banking agencies.
Sec. 808. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 809. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 810. Fees.
Sec. 811. Background checks of loan originators.

Sec. 812. Confidentiality of information.
Sec. 813. Liability provisions.
Sec. 814. Enforcement under HUD backup licensing system.
Sec. 815. Preemption of State law.
Sec. 816. Reports and recommendations to Congress.
Sec. 817. Study and reports on defaults and foreclosures

SEC. 802. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information, offered at no charge, utilizing electronic media, including the Internet, regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

(8) Establishes a means by which residential mortgage loan originators would, to the greatest extent possible, be required to act in the best interests of the consumer.

(9) Facilitates responsible behavior in the subprime mortgage market place and provides comprehensive training and examination requirements related to subprime mortgage lending.

SEC. 803. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term "depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term "loan originator"—

(i) means an individual who—

(I) takes a residential mortgage loan application; and

(II) offers or negotiates terms of a residential mortgage loan for compensation or gain;

(ii) does not include any individual who is not otherwise described in clause (i) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause; and

(iii) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual "assists a consumer in obtaining or applying to obtain a residential mortgage loan" by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(iii) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(iv) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(v) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), or (iv).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term "loan processor or underwriter" means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term "clerical or support duties" may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term "Nationwide Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 809.

(6) NONTRADITIONAL MORTGAGE PRODUCT.—The term "nontraditional mortgage product" means any mortgage product other than a 30-year fixed rate mortgage.

(7) REGISTERED LOAN ORIGINATOR.—The term "registered loan originator" means any individual who—

(A) meets the definition of loan originator and is an employee of a depository institution or a wholly-owned subsidiary of a depository institution; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(8) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(9) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(10) STATE-LICENSED LOAN ORIGINATOR.—The term "State-licensed loan originator" means any individual who—

(A) is a loan originator;

(B) is not an employee of a depository institution or any wholly-owned subsidiary of a depository institution; and

(C) is licensed by a State or by the Secretary under section 808 and registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(11) UNIQUE IDENTIFIER.—

(A) IN GENERAL.—The term "unique identifier" means a number or other identifier that—

(i) permanently identifies a loan originator;

(ii) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators; and

(iii) shall not be used for purposes other than those set forth under this title.

(B) RESPONSIBILITY OF STATES.—To the greatest extent possible and to accomplish the purpose of this title, States shall use unique identifiers in lieu of social security numbers.

SEC. 804. LICENSE OR REGISTRATION REQUIRED.

(a) IN GENERAL.—An individual may not engage in the business of a loan originator without first—

(1) obtaining and maintaining, through an annual renewal—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator or a registered loan originator.

(2) INDEPENDENT CONTRACTORS.—An independent contractor may not engage in residential mortgage loan origination activities as a loan processor or underwriter unless such independent contractor is a State-licensed loan originator or a registered loan originator.

SEC. 805. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator license revoked in any governmental jurisdiction.

(2) The applicant has never been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this title.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(6) The applicant has met either a minimum net worth or surety bond requirement.

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless—

(A) the test consists of a minimum of 100 questions; and

(B) the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(i) ethics;

(ii) Federal law and regulation pertaining to mortgage origination;

(iii) State law and regulation pertaining to mortgage origination;

(iv) Federal and State law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring in less than 14 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After 3 consecutive tests, an individual shall wait at least 14 days before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) MORTGAGE CALL REPORTS.—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

SEC. 806. STANDARDS FOR STATE LICENSE RENEWAL.

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

SEC. 807. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL BANKING AGENCIES.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, develop and maintain a system for registering employees of depository institutions or subsidiaries of depository institutions as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of the enactment of this title.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator who is an employee of a depository institution or a wholly-owned subsidiary of a depository institution with the Nationwide Mortgage Licensing System and Registry, the appropriate Federal banking agency shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's identity, including—

(A) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) COORDINATION.—

(1) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies,

through the Financial Institutions Examination Council, concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

(c) Consideration of Factors and Procedures.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 804(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this title.

SEC. 808. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.

(a) Back up Licensing System.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this title or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 805 and 806 and subsection (d) of this section, or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) Licensing and Registration Requirements.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 805 and 806 for State-licensed loan originators.

(c) Unique Identifier.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) State Licensing Law Requirements.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry.

(e) Temporary Extension of Period.—The Secretary may extend, by not more than 24 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 805 and 806 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

(f) Contracting Authority.—The Secretary may enter into contracts with qualified independent parties, as necessary to efficiently fulfill the obligations of the Secretary under this section.

SEC. 809. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this title for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this title and the effective registration and regulation of loan originators.

SEC. 810. FEES.

The Federal banking agencies, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.

SEC. 811. BACKGROUND CHECKS OF LOAN ORIGINATORS.

(a) Access to Records.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) Agent.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

SEC. 812. CONFIDENTIALITY OF INFORMATION.

(a) System Confidentiality.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 809, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) Nonapplicability of Certain Requirements.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) Coordination With Other Law.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) Public Access to Information.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

SEC. 813. LIABILITY PROVISIONS.

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 809, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good-faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

SEC. 814. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.

(a) Summons Authority.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 808; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this title.

(b) Examination Authority.—

(1) In general.—If the Secretary establishes a licensing system under section 808 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) Power to examine.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary

under section 808 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this title.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 808, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 808 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this title, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 808, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease-and-desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease-and-desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this title or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to licensing system established by the Secretary under section 808, if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this title or any regulation prescribed by the Secretary under this title or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $25,000.

SEC. 815. PREEMPTION OF STATE LAW.

Nothing in this title may be construed to preempt the law of any State, to the extent that such State law provides greater protection to consumers than is provided under this title.

SEC. 816. REPORTS AND RECOMMENDATIONS TO CONGRESS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit a report to Congress on the effectiveness of the provisions of this title, including legislative recommendations, if any, for strengthening consumer protections, enhancing examination standards, and streamlining communication between all stakeholders involved in residential mortgage loan origination and processing.

(b) LEGISLATIVE RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this title, the Secretary shall make recommendations to Congress on legislative reforms to the Real Estate Settlement Procedures Act of 1974, that the Secretary deems appropriate to promote more transparent disclosures, allowing consumers to better shop and compare mortgage loan terms and settlement costs.

SEC. 817. STUDY AND REPORTS ON DEFAULTS AND FORECLOSURES.

(a) STUDY REQUIRED.—The Secretary shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as is available.

(b) PRELIMINARY REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this title, the Secretary shall submit to Congress a preliminary report regarding the study required by this section.

(c) FINAL REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this title, the Secretary shall submit to Congress a final report regarding the results of the study required by this section, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to provide targeted assistance to populations with the highest risk of potential default or foreclosure.

SA 4471. Mr. KOHL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

TITLE VII—FORECLOSURE RESCUE FRAUD

SEC. 701. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) FORECLOSURE CONSULTANT.—The term "foreclosure consultant"—

(A) means a person who directly or indirectly makes any solicitation, representation, or offer to a homeowner facing foreclosure on residential real property to perform, with or without compensation, or who performs, with or without compensation, any service that such person represents will prevent, postpone, or reverse the effect of such foreclosure; and

(B) does not include—

(i) an attorney licensed to practice law in the State in which the property is located who has established an attorney-client relationship with the homeowner;

(ii) a housing counseling agency approved by the Secretary; or

(iii) a person licensed as a real estate broker or salesperson in the State where the property is located, and such person engages in acts permitted under the licensure laws of such State.

(3) HOMEOWNER.—The term "homeowner", with respect to residential real property for which an action to foreclose on the mortgage or deed of trust on such real property is filed, means the person holding record title to such property as of the date on which such action is filed.

(4) LOAN SERVICER.—The term "loan servicer" has the same meaning as the term "servicer" in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(5) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act (15 U.S.C. 1602)(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(6) RESIDENTIAL REAL PROPERTY.—The term "residential real property" has the meaning given the term "dwelling" in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602).

(7) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 702. MORTGAGE RESCUE FRAUD PROTECTION.

(a) LIMITS ON FORECLOSURE CONSULTANTS.—A foreclosure consultant may not—

(1) claim, demand, charge, collect, or receive any compensation from a homeowner for services performed by such foreclosure consultant with respect to residential real property until such foreclosure consultant has fully performed each service that such foreclosure consultant contracted to perform or represented would be performed with respect to such residential real property;

(2) hold any power of attorney from any homeowner, except to inspect documents, as provided by applicable law;

(3) receive any consideration from a third party in connection with services rendered to a homeowner by such third party with respect to the foreclosure of residential real property, unless such consideration is fully disclosed to such homeowner in writing before such services are rendered;

(4) accept any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation with respect to services provided by such foreclosure consultant in connection with the foreclosure of residential real property; or

(5) acquire any interest, directly or indirectly, in the residence of a homeowner with whom the foreclosure consultant has contracted.

(b) CONTRACT REQUIREMENTS.—

(1) WRITTEN CONTRACT REQUIRED.—A foreclosure consultant may not provide to a homeowner a service related to the foreclosure of residential real property—

(A) unless—

(i) a written contract for the purchase of such service has been signed and dated by the homeowner; and

(ii) such contract complies with the requirements described in paragraph (2); and

(B) before the end of the 3-business day period beginning on the date on which the contract is signed.

(2) TERMS AND CONDITIONS OF CONTRACT.—The requirements described in this paragraph, with respect to a contract, are as follows:

(A) The contract includes, in writing—

(i) a full and detailed description of the exact nature of the contract and the total amount and terms of compensation;

(ii) the name, physical address, phone number, email address, and facsimile number, if any, of the foreclosure consultant to whom a notice of cancellation can be mailed or sent under subsection (d); and

(iii) a conspicuous statement in at least 12 point bold face type in immediate proximity to the space reserved for the homeowner's signature on the contract that reads as follows: "You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you sign the contract. See the attached notice of cancellation form for an explanation of this right.".

(B) The contract is written in the principal language used by the homeowner.

(C) The contract is accompanied by the form required by subsection (c)(2).

(c) RIGHT TO CANCEL CONTRACT.—

(1) IN GENERAL.—With respect to a contract between a homeowner and a foreclosure consultant regarding the foreclosure on the residential real property of such homeowner, such homeowner may cancel such contract without penalty or obligation by mailing a notice of cancellation not later than midnight of the 3rd business day after the date on which such contract is executed or would become enforceable against the parties to such contract.

(2) CANCELLATION FORM AND OTHER INFORMATION.—Each contract described in paragraph (1) shall be accompanied by a form, in duplicate, that—

(A) has the heading "Notice of Cancellation" in boldface type; and

(B) contains in boldface type the following statement:

"You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day after the date on which the contract is signed by you.

"To cancel this contract, mail or deliver a signed and dated copy of this cancellation notice or any other equivalent written notice to [insert name of foreclosure consultant] at [insert address of foreclosure consultant] before midnight on [insert date].

"I hereby cancel this transaction on [insert date] [insert homeowner signature].".

(d) WAIVER OF RIGHTS AND PROTECTIONS PROHIBITED.—

(1) IN GENERAL.—A waiver by a homeowner of any protection provided by this section or any right of a homeowner under this section—

(A) shall be treated as void; and

(B) may not be enforced by any Federal or State court or by any person.

(2) ATTEMPT TO OBTAIN A WAIVER.—Any attempt by any person to obtain a waiver from any homeowner of any protection provided by this section or any right of the homeowner under this section shall be treated as a violation of this section.

(3) CONTRACTS NOT IN COMPLIANCE.—Any contract that does not comply with the applicable provisions of this title shall be void and may not be enforceable by any party.

SEC. 703. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading "Notice Required by Federal Law" in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: "Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [_______], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569-4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at http://www.hud.gov/foreclosure for additional assistance." (the blank space to be filled in by the loan servicer).

SEC. 704. CIVIL LIABILITY.

(a) LIABILITY ESTABLISHED.—Any foreclosure consultant who fails to comply with any provision of section 702 or 703 with respect to any other person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

(1) ACTUAL DAMAGES.—The greater of—

(A) the amount of any actual damage sustained by such person as a result of such failure; or

(B) any amount paid by the person to the foreclosure consultant.

(2) PUNITIVE DAMAGES.—In the case of any action by an individual, such amount (in addition to damages described in paragraph (1)) as the court may allow.

(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any foreclosure consultant under subsection (a)(2), the court shall consider, among other relevant factors—

(1) the frequency and persistence of noncompliance by the foreclosure consultant;

(2) the nature of the noncompliance; and

(3) the extent to which such noncompliance was intentional.

SEC. 705. ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in section 702 or a failure to comply with any provision of section 702 or 703 shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of sections 702 and 703 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this title.

(b) STATE ACTION FOR VIOLATIONS.—

(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating the provisions of section 702 or 703, the State—

(A) may bring an action to enjoin such violation;

(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 704 as a result of the violation; and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees, as determined by the court.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) INTERVENTION.—The Commission shall have the right—

(i) to intervene in any action referred to in subparagraph (A);

(ii) upon so intervening, to be heard on all matters arising in the action; and

(iii) to file petitions for appeal in such actions.

(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for a violation of section 702 or 703, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 702 or 703 that is alleged in that complaint.

SEC. 706. PREEMPTION.

Nothing in this title affects any provision of State or local law respecting any foreclosure consultant, residential mortgage loan, or residential real property that provides equal or greater protection to homeowners than what is provided under this title.

SA 4472. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, line 3, insert "by any law enacted" after "increased".

SA 4473. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 12, after line 25, insert the following:

SEC. 202. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title III shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term "applicable individual" means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by, or volunteers with, the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

SA 4474. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 50, strike line 14 and all that follows through page 58, line 2.

SA 4475. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—ENSURING ASSISTANCE IS NOT USED IN CONJUNCTION WITH EMINENT DOMAIN AUTHORITY

SEC. 801. LIMITATION ON USE OF FUNDS.

(a) DEFINITION.—For purposes of this section, the term "housing assistance" means the following:

(1) Any amounts appropriated, authorized to be appropriated, or otherwise made available under this Act, or any amendment made by this Act.

(2) Any qualified mortgage bond issued by a State or political subdivision or any other entity or organization pursuant to section 143(k)(12) of the Internal Revenue Code, as added by section 602 of this Act.

(3) Any tax credit related to certain home purchases allowable under section 25E of the Internal Revenue Code of 1986, as added by section 603 of this Act.

(b) LIMITATION ON USE OF ASSISTANCE WITH EMINENT DOMAIN AUTHORITY.—Any State or local government entity that receives housing assistance shall be prohibited from using any such assistance or authority in conjunction with any project that involves, includes, or relies on the use of eminent domain by such State or local government or pursuant to a delegation of such authority by the same.

SA 4476. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—ENSURING ASSISTANCE IS NOT USED IN CONJUNCTION WITH EMINENT DOMAIN AUTHORITY

SEC. 801. LIMITATION ON USE OF FUNDS.

None of the funds provided to a State or unit of general local government under this Act shall be used in conjunction with any project that involves, includes, or relies on the use of eminent domain by such State or unit of general local government or pursuant to a delegation of such authority by the same.

SA 4477. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill

H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 50, line 23, strike "$4,000,000,000" and insert "$3,900,000,000".

On page 58, line 10, strike "$100,000,000" and insert "$200,000,000".

SA 4478. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

SEC. ___. Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,900,000,000 and the amount appropriated under section 401 of this Act shall be $200,000,000.

SA 4479. Mrs. MURRAY (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 50, line 24, after the word "for", insert: "(1)"

On page 51, between lines 4 and 5 insert:

"(2) Targeted housing counseling activities to be provided through Neighborhood Reinvestment Corporation to make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) or State Housing Finance Agencies to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures primarily in the sub prime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure."

On page 51, line 6, before the word "The" insert:

"(A) Of the amounts made available under this section, $3,900,000,000 shall be made available for the purposes of subsection (a)(1) of this section and $100,000,000 shall be made available for the purposes of subsection (a)(2) of this section.

(B)"

On page 51, line 8, following the word "under" insert "subsection (a)(1) of"

On page 51, line 13, after "(1)" insert "(B)"

On page 51, line 17, after "(1)" insert "(B)"

On page 51, line 18, following the word "under" insert "subsection (a)(1) of"

On page 52, line 9, following the word "under" insert "subsection (a)(1) of"

On page 52, line 11, after "(1)" insert "(B)"

On page 52, at the beginning of line 17, insert "subsection (a)(1) of"

On page 52, at the beginning of line 23, insert "subsection (a)(1) of"

On page 53, line 12, insert after the word "under", "subsection (a)(1) of"

On page 54, line 3, insert after the word "under", "subsection (a)(1) of"

On page 55, line 15, following the word "under" insert "subsection (a)(1) of"

On page 56, line 3, following the word "under" insert "subsection (a)(1) of"

On page 56, line 14, after the word "the" insert "Committees on Appropriations of the House of Representatives and the Senate and"

On page 56, line 25, following the word "under" insert "subsection (a)(1) of"

On page 57, line 6, following the word "under" insert "subsection (a)(1) of"

SA 4480. Mr. CARPER (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.".

SA 4481. Mr. BAUCUS (for himself, Ms. SNOWE, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 51, strike line 5 and all that follows through page 52, line 13, and insert the following:

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) MINIMUM AMOUNT.—Each State shall be allocated not less than 0.50 percent of the total amount appropriated or otherwise made available under this section.

(2) REMAINING AMOUNTS.—Upon the distribution of amounts pursuant to paragraph (1), all remaining amounts appropriated or otherwise made available under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the "Secretary)".

(3) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (2) shall be established not later than 60 days after the date of enactment of this section.

(4) CRITERIA.—The funding formula required under paragraph (2) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(5) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established under paragraph (2) not later than 30 days after the establishment of such formula.

SA 4482. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 58, line 10, strike "$100,000,000" and insert "$137,500,000".

On page 58, line 17, strike the period and insert the following: ": Provided, That, of such amounts $37,500,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the 'NRC') to (1) make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys trained and capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure who have legal issues that cannot be handled by counselors already employed by such intermediaries, and (2) support NRC partnerships with State and local legal organizations and organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code with demonstrated relevant legal experience in home foreclosure law, as such experience is determined by the Chief Executive Officer of NRC: Provided further, That for the purpose of the prior proviso the term 'relevant experience' means experience representing homeowners in negotiations and/or legal proceedings aimed at preventing or mitigating foreclosure or providing legal research and technical legal expertise to community based organizations whose goal is to reduce, prevent, or mitigate foreclosure: Provided further, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.".

SEC. 302. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, section 301 is designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 4483. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. RESCISSION OF AMOUNTS APPROPRIATED FOR FISCAL YEAR 2008.

(a) IN GENERAL.—The discretionary amounts made available by Consolidated Appropriations Act, 2008 (121 Stat. 1845; Public Law 110–161), that are unobligated on the date of enactment of this Act are reduced on a pro rata basis by $4,100,000,000 and are rescinded, except for any amounts made available under—

(1) Division E (Department of Homeland Security Appropriations Act, 2008);

(2) Division I (Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008); and

(3) Division L (Emergency Supplemental Appropriations for Operation Enduring Freedom and for Other Purposes).

(b) ADMINISTRATION.—The Director of the Office of Management and Budget shall—

(1) administer the reduction specified in subsection (a); and

(2) submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report specifying the account and the amount of each reduction made pursuant to subsection (a).

SA 4484. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—VETERANS HOUSING MATTERS

SEC. 801. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

"(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.".

SEC. 802. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

"§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

"(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

"(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

"(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

"(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

"(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

"(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

"(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of such title is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of such title is amended—

(A) in subsection (a)—

(i) by striking "veteran" each place it appears and inserting "individual"; and

(ii) in paragraph (3), by striking "veteran's" and inserting "individual's";

(B) in subsection (b)(1), by striking "a veteran" and inserting "an individual";

(C) in subsection (c)—

(i) by striking "a veteran" and inserting "an individual"; and

(ii) by striking "the veteran" each place it appears and inserting "the individual"; and

(D) in subsection (d), by striking "a veteran" each place it appears and inserting "an individual".

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of such title is amended—

(A) by striking "veteran" each place it appears (other than in subsection (b)) and inserting "individual";

(B) in subsection (a), by striking "veteran's" each place it appears and inserting "individual's"; and

(C) in subsection (b), by striking "a veteran" each place it appears and inserting "an individual".

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of such title is amended by striking "veterans" both places it appears and inserting "individuals".

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of such title is amended—

(A) in subsection (a), by striking "veteran" each place it appears and inserting "individual"; and

(B) in subsection (b)—

(i) in the first sentence, by striking "A veteran" and inserting "An individual";

(ii) in the second sentence, by striking "a veteran" and inserting "an individual"; and

(iii) by striking "such veteran" each place it appears and inserting "such individual".

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of such title is amended—

(A) in subsection (a)—

(i) by striking "any eligible veteran" and inserting "any eligible individual"; and

(ii) by striking "the veterans'" and inserting "the individual's";

(B) in subsection (b), by striking "an eligible veteran" and inserting "an eligible individual";

(C) in subsection (e), by striking "an eligible veteran" and inserting "an individual";

(D) in subsection (h), by striking "each veteran" and inserting "each individual";

(E) in subsection (i), by striking "the veteran's" each place it appears and inserting "the individual's";

(F) by striking "the veteran" each place it appears and inserting "the individual"; and

(G) by striking "a veteran" each place it appears and inserting "an individual".

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of such title is amended to read as follows:

"§2101. Acquisition and adaptation of housing: eligible veterans".

(B) The heading of section 2102A of such title is amended to read as follows:

"§2102A. Assistance for individuals residing temporarily in housing owned by a family member".

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of such title is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

"2101. Acquisition and adaptation of housing: eligible veterans.";

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

"2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.";

and

(C) by striking the item relating to section 2102A and inserting the following new item:

"2102A. Assistance for individuals residing temporarily in housing owned by a family member.".

SEC. 803. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subsection (b)(2)—

(A) by striking "either" and inserting "any"; and

(B) by adding at the end the following new subparagraph:

"(C) The disability is due to a severe burn injury (as so determined).".

SEC. 804. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking "after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006" and inserting "after December 31, 2011".

SEC. 805. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000";

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000"; and

(3) by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

"(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

"(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 806. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 802(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 807. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 802(a) of this Act), who reside with family members on a permanent basis.

SEC. 808. REDIRECTION OF INTERNAL REVENUE SERVICE FEES.

Section 3 under the heading "Administrative Provisions—Internal Revenue Service" of title I of Public Law 103–329 is amended by striking "The Secretary of the Treasury may spend" in the second sentence and inserting "Except with respect to the first $10,000,000,000 in receipts, which shall be deposited in the general fund of the Treasury as miscellaneous receipts for any fiscal year beginning after September 30, 2007, the Secretary of the Treasury may spend".

SA 4485. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 6, between lines 13 and 14, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—The annual percentage rate applicable to any loan that is insured under title II of the National Housing Act may not exceed by more than 8 percentage points the rate established under section 6621(a)(2) of the Internal Revenue Code of 1986.

SA 4486. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VIII—FEDERAL BOARD OF CERTIFICATION

SEC. 801. SHORT TITLE.

This title may be cited as the "Restore Confidence in Mortgage Securities Act of 2008".

SEC. 802. PURPOSE.

It is the purpose of this title to establish a Federal Board of Certification, which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to mortgage characteristics including but not limited to: documentation, loan to value ratios, debt service to income ratios, and borrower credit standards and geographic concentration. The purpose of this certification process is to increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 803. DEFINITIONS.

As used in this title—

(1) the term "Board" means the Federal Board of Certification established under this title;

(2) the term "mortgage security" means an investment instrument that represents ownership of an undivided interest in a group of mortgages;

(3) the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1803); and

(4) the term "Federal financial institutions regulatory agency" has the same meaning as in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302).

SEC. 804. VOLUNTARY PARTICIPATION.

Market participants, including firms that package mortgage loans into mortgage securities, may elect to have their mortgage securities evaluated by the Board.

SEC. 805. STANDARDS.

The Board is authorized to promulgate regulations establishing enumerated security standards which the Board shall use to certify mortgage securities. The Board shall promulgate standards which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to documentation, loan to value ratios, debt service to income rations and borrower credit standards. The standards should protect settled investor expectations, and increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 806. COMPOSITION.

(a) ESTABLISHMENT; COMPOSITION.—There is established the Federal Board of Certification, which shall consist of—

(1) the Comptroller of the Currency;

(2) the Secretary of Housing and Urban Development;

(3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;

(4) the Undersecretary of the Treasury for Domestic Finance; and

(5) the Chairman of the Securities and Exchange Commission.

(b) CHAIRPERSON.—The members of the Board shall select the first chairperson of the Board. Thereafter the position of chairperson shall rotate among the members of the Board.

(c) TERM OF OFFICE.—The term of each chairperson of the Board shall be 2 years.

(d) DESIGNATION OF OFFICERS AND EMPLOYEES.—The members of the Board may, from time to time, designate other officers or employees of their respective agencies to carry out their duties on the Board.

(e) COMPENSATION AND EXPENSES.—Each member of the Board shall serve without additional compensation, but shall be entitled to reasonable expenses incurred in carrying out official duties as such a member.

SEC. 807. EXPENSES.

The costs and expenses of the Board, including the salaries of its employees, shall be paid for by excise fees collected from applicants for security certification from the Board, according to fee scales set by the Board.

SEC. 808. BOARD RESPONSIBILITIES.

(a) ESTABLISHMENT OF PRINCIPLES AND STANDARDS.—The Board shall establish, by rule, uniform principles and standards and report forms for the regular examination of mortgage securities.

(b) DEVELOPMENT OF UNIFORM REPORTING SYSTEM.—The Board shall develop uniform reporting systems for use by the Board in ascertaining mortgage security risk. The Board shall assess, and publicly publish, how it evaluates and certifies the composition of mortgage securities.

(c) AFFECT ON FEDERAL REGULATORY AGENCY RESEARCH AND DEVELOPMENT OF NEW FINANCIAL INSTITUTIONS SUPERVISORY AGENCIES.—Nothing in this title shall be construed to limit or discourage Federal regulatory agency research and development of new financial institutions supervisory methods and tools, nor to preclude the field testing of any innovation devised by any Federal regulatory agency.

(d) ANNUAL REPORT.—Not later than April 1 of each year, the Board shall prepare and submit to Congress an annual report covering its activities during the preceding year.

(e) REPORTING SCHEDULE.—The Board shall determine whether it wants to evaluate mortgage securities at issuance, on a regular basis, or upon request.

SEC. 809. BOARD AUTHORITY.

(a) AUTHORITY OF CHAIRPERSON.—The chairperson of the Board is authorized to carry out and to delegate the authority to carry out the internal administration of the Board, including the appointment and supervision of employees and the distribution of business among members, employees, and administrative units.

(b) USE OF PERSONNEL, SERVICES, AND FACILITIES OF FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES, AND FEDERAL RESERVE BANKS.—In addition to any other authority conferred upon it by this title, in carrying out its functions under this title, the Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Federal financial institutions regulatory agencies, and Federal Reserve banks, with or without reimbursement therefor.

(c) COMPENSATION, AUTHORITY, AND DUTIES OF OFFICERS AND EMPLOYEES; EXPERTS AND CONSULTANTS.—The Board may—

(1) subject to the provisions of title 5, United States Code, relating to the competitive service, classification, and General Schedule pay rates, appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title, and to prescribe the authority and duties of such officers and employees; and

(2) obtain the services of such experts and consultants as are necessary to carry out this title.

SEC. 810. BOARD ACCESS TO INFORMATION.

For the purpose of carrying out this title, the Board shall have access to all books, accounts, records, reports, files, memorandums, papers, things, and property belonging to or in use by Federal financial institutions regulatory agencies, including reports of examination of financial institutions, their holding companies, or mortgage lending entities from whatever source, together with work papers and correspondence files related to such reports, whether or not a part of the report, and all without any deletions.

SEC. 811. REGULATORY REVIEW.

(a) IN GENERAL.—Not less frequently than once every 10 years, the Board shall conduct a review of all regulations prescribed by the Board, in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions.

(b) PROCESS.—In conducting the review under subsection (a), the Board shall—

(1) categorize the regulations described in subsection (a) by type; and

(2) at regular intervals, provide notice and solicit public comment on a particular category or categories of regulations, requesting commentators to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome.

(c) COMPLETE REVIEW.—The Board shall ensure that the notice and comment period described in subsection (b)(2) is conducted with respect to all regulations described in subsection (a), not less frequently than once every 10 years.

(d) REGULATORY RESPONSE.—The Board shall—

(1) publish in the Federal Register a summary of the comments received under this section, identifying significant issues raised and providing comment on such issues; and

(2) eliminate unnecessary regulations to the extent that such action is appropriate.

(e) REPORT TO CONGRESS.—Not later than 30 days after carrying out subsection (d)(1) of this section, the Board shall submit to the Congress a report, which shall include a summary of any significant issues raised by public comments received by the Board under this section and the relative merits of such issues.

SEC. 812. LIABILITY.

Any publication, transmission, or webpage containing an advertisement for or invitation to buy a mortgage security shall include the following notice, in conspicuous type: "Certification by the Federal Board of Certification can in no way be considered a guarantee of the mortgage security. Certification is merely a judgment by the Federal Board of Certification of the degree of risk offered by the security in question. The Federal Board of Certification is not liable for any actions taken in reliance on such judgment of risk.".

SA 4487. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title V add the following:

SEC. 503. ENFORCEMENT.

(a) IN GENERAL.—In accordance with section 917 of the Truth in Lending Act (15 U.S.C. 1693o), the Federal Trade Commission shall—

(1) initiate a rulemaking proceeding within 90 days after the date of enactment of this Act to the extent necessary to implement the amendments made by section 502; and

(2) initiate a rulemaking proceeding with respect to subprime mortgage lending and nontraditional mortgage loans in accordance with section 553 of title 5, United States Code, notwithstanding section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) or any other provision of law.

(b) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—Except as provided in paragraph (6), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate State or district court of the United States to enforce the provisions of the Federal Trade Commission Act or any other Act enforced by the Federal Trade Commission to obtain penalties and relief provided under such Acts whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of section 128 of the Truth in Lending Act (15 U.S.C. 1638), as amended by section 502 of this Act, any other provision of that Act or any subprime mortgage lending rule or nontraditional mortgage loan rule promulgated by the Federal Trade Commission.

(2) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.

(3) INTERVENTION BY FTC.—Upon receiving the notice required by paragraph (2), the Commission may intervene in such civil action and upon intervening—

(A) be heard on all matters arising in such civil action;

(B) remove the action to the appropriate United States district courtand

(C) file petitions for appeal of a decision in such civil action.

(4) SAVINGS CLAUSE.—Nothing in this subsection shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(5) VENUE; SERVICE OF PROCESS; JOINDER.—In a civil action brought under paragraph (1)—

(A) the venue shall be a judicial district in which the lender or a related party operates or is authorized to do business;

(B) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(C) a person who participated with a lender or related party to an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(6) PREEMPTIVE ACTION BY FTC.—Whenever a civil action or an administrative action has been instituted by or on behalf of the Commission for violation of any provision of law or rule described in paragraph (1), no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under that paragraph against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(7) AWARD OF COSTS AND FEES.—If the attorney general of a State prevails in any civil action under paragraph (1), the State can recover reasonable costs and attorney fees from the lender or related party.

SA 4488. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 18, strike line 1 and all that follows through page 20, line 24, and insert the following:

SEC. 122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert "'real estate,'" after "'mortgagor',";

(2) by amending subsection (d)(1) to read as follows:

"(1) have been originated by a mortgagee approved by the Secretary;";

(3) by amending subsection (d)(2)(B) to read as follows:

"(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in-

"(i) originating or servicing the mortgage;

"(ii) funding the loan underlying the mortgage; or

"(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;";

(4) in subsection (f)—

(A) by striking "(f) INFORMATION SERVICES FOR MORTGAGORS.—" and inserting "(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—"; and

(B) by amending the matter preceding paragraph (1) to read as follows: "The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—"

(5) in subsection (g), by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(6) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation";

(8) by redesignating subsection (m) as subsection (l);

(9) by amending subsection (l), as so redesignated, to read as follows:

"(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles."; and

(10) by adding at the end the following new subsection:

"(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which that the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

"(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

"(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

"(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

"(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

"(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

"(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

"(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

"(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).

"(p) REGULATIONS TO PROTECT ELDERLY HOMEOWNERS.—Not later than 12 months after the date of enactment of the Reverse Mortgage Proceeds Protection Act, the Secretary shall, in consultation with other relevant Federal departments and agencies, promulgate regulations to help protect elderly homeowners from the marketing of financial products not in the interest of such homeowners, including the marketing or sale of an annuity or investment associated with obtaining, or as a condition of obtaining, any home equity conversion mortgage. This subsection shall not be construed to preempt, supercede, or alter the authority of any State to regulate the provision of insurance in that State, including the sale or marketing of any insurance product.

"(q) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—

The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.".

(b) Mortgages for Cooperatives.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) Limitation on Origination Fees.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

"(r) Limitation on Origination Fees.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

"(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

"(A) the costs to the mortgagor; and

"(B) the impact of such fees on the reverse mortgage market;

"(2) be subject to a minimum allowable amount;

"(3) provide that the origination fee may be fully financed with the mortgage;

"(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

"(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.".

SA 4489. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 18, strike line 1 and all that follows through page 20, line 24, and insert the following:

SEC. 122. HOME EQUITY CONVERSION MORTGAGES.

(a) In General.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert "'real estate,'" after "'mortgagor',";

(2) by amending subsection (d)(1) to read as follows:

"(1) have been originated by a mortgagee approved by the Secretary;";

(3) by amending subsection (d)(2)(B) to read as follows:

"(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

"(i) originating or servicing the mortgage;

"(ii) funding the loan underlying the mortgage; or

"(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;";

(4) in subsection (f)—

(A) by striking "(f) Information Services for Mortgagors.—" and inserting "(f) Counseling Services and Information for Mortgagors.—"; and

(B) by amending the matter preceding paragraph (1) to read as follows: "The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—"

(5) in subsection (g), by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(6) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation";

(7) by striking subsection (l);

(8) by redesignating subsection (m) as subsection (l);

(9) by amending subsection (l), as so redesignated, to read as follows:

"(l) Funding for Counseling.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles."; and

(10) by adding at the end the following new subsection:

"(m) Authority To Insure Home Purchase Mortgage.—

"(1) In general.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which that the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

"(2) Limitation on principal obligation.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

"(n) Requirements on Mortgage Originators.—

"(1) In general.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

"(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

"(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

"(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

"(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

"(2) Approval of other parties.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

"(o) Prohibition Against Requirements to Purchase Additional Products.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).

"(p) Regulations to Protect Elderly Homeowners.—Not later than 12 months after the date of enactment of the Reverse Mortgage Proceeds Protection Act, the Secretary shall, in consultation with other relevant Federal departments and agencies, promulgate regulations to help protect elderly homeowners from the marketing of financial products not in the interest of such homeowners, including the marketing or sale of an annuity or investment associated with obtaining, or as a condition of obtaining, any home equity conversion mortgage. This subsection shall not be construed to preempt, supercede, or alter the authority of any State to regulate the provision of insurance in that State, including the sale or marketing of any insurance product.

"(q) Study to Determine Consumer Protections and Underwriting Standards.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.".

(b) Mortgages for Cooperatives.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) Limitation on Origination Fees.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

"(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

"(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

"(A) the costs to the mortgagor; and

"(B) the impact of such fees on the reverse mortgage market;

"(2) be subject to a minimum allowable amount;

"(3) provide that the origination fee may be fully financed with the mortgage;

"(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

"(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.".

SA 4490. Mr. HAGEL (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—FEDERAL HOUSING ENTERPRISE REFORM

SECTION 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Division may be cited as the "Federal Housing Enterprise Regulatory Reform Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Division is as follows:

DIVISION 2—FEDERAL HOUSING ENTERPRISE REFORM

Sec. 2001. Short title; table of contents.
Sec. 2002. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES

Subtitle A—Improvement of Safety and Soundness Supervision

Sec. 2101. Establishment of the Federal Housing Enterprise Regulatory Agency.
Sec. 2102. Duties and authorities of Director.
Sec. 2103. Federal Housing Enterprise Board.
Sec. 2104. Authority to require reports by regulated entities.
Sec. 2105. Examiners and accountants; authority to contract for reviews of regulated entities.
Sec. 2106. Assessments.
Sec. 2107. Regulations and orders.
Sec. 2108. Prudential management and operations standards.
Sec. 2109. Capital levels and holdings.
Sec. 2110. Risk-Based capital test for enterprises.
Sec. 2111. Registration of enterprise securities.
Sec. 2112. Limit on golden parachutes.
Sec. 2113. Reporting of fraudulent loans.

Subtitle B—Improvement of Mission Supervision

Sec. 2121. Transfer of program approval and housing goal oversight.
Sec. 2122. Review of enterprise products.
Sec. 2123. Monitoring and enforcing compliance with housing goals.
Sec. 2124. Assumption by Director of other HUD responsibilities.
Sec. 2125. Administrative and judicial enforcement proceedings.
Sec. 2126. Conforming loan limits.
Sec. 2127. Reporting of mortgage data; housing goals.
Sec. 2128. Duty to serve underserved markets.
Sec. 2129. Home purchase goal.

Subtitle C—Prompt Corrective Action

Sec. 2141. Critical capital levels.
Sec. 2142. Capital classifications.
Sec. 2143. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 2144. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 2145. Authority over critically undercapitalized regulated entities.

Subtitle D—Enforcement Actions

Sec. 2151. Cease-and-desist proceedings.
Sec. 2152. Temporary cease-and-desist proceedings.
Sec. 2153. Removal and prohibition authority.
Sec. 2154. Enforcement and jurisdiction.
Sec. 2155. Civil money penalties.
Sec. 2156. Criminal penalty.
Sec. 2157. Notice after separation from service.
Sec. 2158. Subpoena authority.

Subtitle E—General Provisions

Sec. 2161. Conforming and technical amendments.
Sec. 2162. Presidentially appointed directors of enterprises.
Sec. 2163. Effective date.

TITLE II—FEDERAL HOME LOAN BANKS

Sec. 2201. Directors.
Sec. 2202. Definitions.
Sec. 2203. Agency oversight of Federal home loan banks.
Sec. 2204. Federal Home Loan Bank Finance Facility.
Sec. 2205. Exclusion from certain securities reporting requirements.
Sec. 2206. Mergers.
Sec. 2207. Authority to reduce districts.
Sec. 2208. Management of home loan banks.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

Sec. 2301. Abolishment of OFHEO.
Sec. 2302. Continuation and coordination of certain regulations.
Sec. 2303. Transfer and rights of employees of OFHEO.
Sec. 2304. Transfer of property and facilities.

Subtitle B—Federal Housing Finance Board

Sec. 2311. Abolishment of the Federal Housing Finance Board.
Sec. 2312. Continuation and coordination of certain regulations.
Sec. 2313. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 2314. Transfer of property and facilities.

TITLE IV—STUDIES AND REPORTS

Sec. 2401. Study and report on Basel II and enterprise debt.
Sec. 2402. Affordable housing audits.
Sec. 2403. Report on insured depository institution holdings of regulated entity debt and mortgage-backed securities.
Sec. 2404. Report on risk-based capital levels.
Sec. 2405. Report on resources and allocations.
Sec. 2406. Study and report on guarantee fees.
Sec. 2407. Report on conforming loan limits.
Sec. 2408. Reviews and studies relating to enterprises and related foundations.
Sec. 2409. Recommendations.

SEC. 2002. DEFINITIONS.

(a) FEDERAL SAFETY AND SOUNDNESS ACT DEFINITIONS.—Section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502) is amended—

(1) in each of paragraphs (8), (9), (10), and (19), by striking "Secretary" each place that term appears and inserting "Director";

(2) in paragraph (14), by striking "Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Federal Housing Enterprise Regulatory Agency";

(3) by redesignating paragraphs (16) through (19) as paragraphs (22) through (25), respectively;

(4) by striking paragraph (15) and inserting the following:

"(21) REGULATED ENTITY.—The term 'regulated entity' means—

"(A) the Federal National Mortgage Association and any affiliate thereof;

"(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

"(C) any Federal Home Loan Bank.";

(5) by striking paragraph (13);

(6) by redesignating paragraph (7) as paragraph (13);

(7) by redesignating paragraphs (11), (12), and (14) as paragraphs (18) through (20), respectively;

(8) by striking paragraphs (8) through (10) and inserting the following:

"(15) LOW-INCOME.—The term 'low-income' means a family income that is less than 50 percent of the area median income, or a family income that is less than 50 percent of the area median income.

"(16) MEDIAN INCOME.—The term 'area median income' means—

"(A) the median family income for a metropolitan statistical area (as designated under 13 U.S.C. 421), if the family is located in a metropolitan statistical area; or

"(B) the statewide nonmetropolitan median family income, if the family is located outside a metropolitan statistical area.

"(17) MODERATE-INCOME.—The term 'moderate-income' means an individual income that is at least 50 percent and less than 80 percent of the area median income, or a median family income that is at least 50 percent and not more than 80 percent of the area median income.";

(9) in paragraph (5)—

(A) by striking "(5)" and inserting "(9)"; and

(B) by striking "Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Federal Housing Enterprise Regulatory Agency";

(10) by redesignating paragraph (6) as paragraph (10);

(11) by redesignating paragraphs (2) through (4) as paragraphs (5) through (7), respectively;

(12) by inserting after paragraph (7), as redesignated, the following:

"(8) DEFAULT; IN DANGER OF DEFAULT.—

"(A) DEFAULT.—The term 'default' means, with respect to a regulated entity, any adjudication or other official determination by any court of competent jurisdiction, or the Agency, pursuant to which a conservator, receiver, limited-life regulated entity, or legal custodian is appointed for a regulated entity.

"(B) IN DANGER OF DEFAULT.—The term 'in danger of default' means a regulated entity with respect to which—

"(i) in the opinion of the Agency—

"(I) the regulated entity is not likely to be able to pay the obligations of the regulated entity in the normal course of business; or

"(II) the regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital; and

"(ii) there is no reasonable prospect that the capital of the regulated entity will be replenished.";

(13) by inserting after paragraph (1) the following:

"(2) AGENCY; DIRECTOR.—The term—

"(A) 'Agency' means the Federal Housing Enterprise Regulatory Agency established under section 1311; and

"(B) 'Director' means the Director of the Agency, appointed under section 1312;

"(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

"(A) the Federal National Mortgage Association Charter Act;

"(B) the Federal Home Loan Mortgage Corporation Act; and

"(C) the Federal Home Loan Bank Act.

"(4) BOARD.—The term 'Board' means the Federal Housing Enterprise Board established under section 1313A.";

(14) by inserting after paragraph (10), as redesignated, the following:

"(11) ENTITY-AFFILIATED PARTY.—The term 'entity-affiliated party' means—

"(A) any director, officer, employee, or controlling stockholder of, or agent for, a regulated entity;

"(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, provided that a member of a Federal Home Loan Bank shall not be deemed to have participated in the affairs of that Bank solely by virtue of being a shareholder of, and obtaining advances from, that Bank;

"(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

"(i) the independent contractor knowingly or recklessly participates in—

"(I) any violation of any law or regulation;

"(II) any breach of fiduciary duty; or

"(III) any unsafe or unsound practice; and

"(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and

"(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity; and

"(E) the Finance Facility.

"(12) FINANCE FACILITY.—The term 'Finance Facility' means the Federal Home Loan Bank Finance Facility established under section 11A of the Federal Home Loan Bank Act.

"(13) LIMITED-LIFE REGULATED ENTITY.—The term 'limited-life regulated entity' means an entity established by the Agency under section 1367(i) with respect to a Federal Home Loan Bank in default or in danger of default or with respect to an enterprise in default or in danger of default.";

(15) in paragraph (25), as so redesignated by this section, by striking "60" each place that term appears and inserting "30"; and

(16) by adding at the end the following:

"(26) UPPER- AND MIDDLE-INCOME.—

"(A) UPPER-INCOME.—The term 'upper-income' means a family income that is 120 percent of the area median income or greater.

"(B) MIDDLE-INCOME.—The term 'middle-income' means a family income that is not less than 80 percent but less than 120 percent of the area median income, or a median family income that is at least 80 percent and not more than 120 percent.

"(27) VIOLATION.—The term 'violation' includes any action (alone or in combination with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.".

(b) REFERENCES IN THIS DIVISION.—As used in this Division, unless otherwise specified—

(1) the term "Agency" means the Federal Housing Enterprise Regulatory Agency;

(2) the term "Director" means the Director of the Agency; and

(3) the terms "enterprise", "Finance Facility", "regulated entity", and "authorizing statutes" have the same meanings as in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by this Division.

TITLE I—REFORM OF REGULATION OF ENTERPRISES

Subtitle A—Improvement of Safety and Soundness Supervision

SEC. 2101. ESTABLISHMENT OF THE FEDERAL HOUSING ENTERPRISE REGULATORY AGENCY.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

"SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING ENTERPRISE REGULATORY AGENCY.

"(a) ESTABLISHMENT.—There is established the Federal Housing Enterprise Regulatory Agency, which shall be an independent agency of the Federal Government.

"(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

"(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

"(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, THE FEDERAL HOME LOAN BANKS, AND THE FINANCE FACILITY.—The Director shall have general regulatory authority over each regulated entity and the Finance Facility, and shall exercise such general regulatory authority, including such duties and authorities set forth under section 1313, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out.

"(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director under subsection (b).

"SEC. 1312. DIRECTOR.

"(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Agency, who shall be the head of the Agency.

"(b) APPOINTMENT; TERM.—

"(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

"(2) TERM.—The Director shall be appointed for a term of 6 years, unless removed before the end of such term for cause by the President.

"(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

"(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

"(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), during the period beginning on the effective date of the Federal Housing Enterprise Regulatory Reform Act of 2008, and ending on the date on which the Director is appointed and confirmed, the person serving as the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development on that effective date shall act for all purposes as, and with the full powers of, the Director.

"(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be designated by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of mortgage securities markets and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

"(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be designated by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of the Federal Home Loan Bank System and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal Home Loan Banks as the Director shall prescribe.

"(e) DEPUTY DIRECTOR FOR HOUSING MISSION AND GOALS.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing Mission and Goals, who shall be designated by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance.

"(2) FUNCTIONS.—The Deputy Director for Housing Mission and Goals shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the regulated entities as the Director shall prescribe.

"(f) ACTING DIRECTOR.—In the event of the death, resignation, sickness, or absence of the Director, the President shall designate either the Deputy Director of the Division of Enterprise Regulation, the Deputy Director of the Division of Federal Home Loan Bank Regulation, or the Deputy Director for Housing Mission and Goals, to serve as acting Director until the return of the Director, or the appointment of a successor pursuant to subsection (b).

"(g) LIMITATIONS.—The Director and each of the Deputy Directors may not—

"(1) have any direct or indirect financial interest in any regulated entity or entity-affiliated party;

"(2) hold any office, position, or employment in any regulated entity or entity-affiliated party; or

"(3) have served as an executive officer or director of any regulated entity or entity-affiliated party at any time during the 3-year period preceding the date of appointment of such individual as Director or Deputy Director.".

SEC. 2102. DUTIES AND AUTHORITIES OF DIRECTOR.

(a) IN GENERAL.—Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended to read as follows:

"SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

"(a) DUTIES.—

"(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

"(A) to oversee the prudential operations of each regulated entity; and

"(B) to ensure that—

"(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

"(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities);

"(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes;

"(iv) each regulated entity carries out its statutory mission only through activities that are authorized under and consistent with this title and the authorizing statutes;

"(v) the activities of each regulated entity and the manner in which such regulated entity is operated are consistent with the public interest;

"(vi) each regulated entity remains adequately capitalized, after due consideration of the risk to such regulated entity; and

"(vii) in the case of the Federal Home Loan Banks, they provide funds to community financial institutions for small businesses, small farms, and small agricultural businesses and accept as collateral whole interests in such obligations.

"(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

"(A) to review and, if warranted based on the principle duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in a regulated entity; and

"(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

"(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers and employees of the Agency any of the functions, powers, or duties of the Director, as the Director considers appropriate.

"(c) LITIGATION AUTHORITY.—

"(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys.

"(2) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principle place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.".

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93-495 (12 U.S.C. 250) is amended by striking "the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Enterprise Regulatory Agency".

SEC. 2103. FEDERAL HOUSING ENTERPRISE BOARD.

(a) IN GENERAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313 the following:

"SEC. 1313A. FEDERAL HOUSING ENTERPRISE BOARD.

"(a) IN GENERAL.—There is established the Federal Housing Enterprise Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

"(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

"(c) COMPOSITION.—The Board shall be comprised of 4 members, of whom—

"(1) 1 member shall be the Secretary of the Treasury;

"(2) 1 member shall be the Secretary of Housing and Urban Development;

"(3) 1 member shall be the Chairman of the Securities and Exchange Commission; and

"(4) 1 member shall be the Director, who shall serve as the Chairperson of the Board.

"(d) MEETINGS.—

"(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

"(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury, the Secretary of Housing and Urban Development, or the Chairman of the Securities and Exchange Commission may, upon giving written notice to the Director, require a special meeting of the Board.

"(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

"(1) the safety and soundness of the regulated entities;

"(2) any material deficiencies in the conduct of the operations of the regulated entities;

"(3) the overall operational status of the regulated entities;

"(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

"(5) operations, resources, and performance of the Agency; and

"(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.".

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4521(a)) is amended—

(1) by striking "enterprise" each place that term appears and inserting "regulated entity";

(2) by striking "enterprises" each place that term appears and inserting "regulated entities";

(3) in paragraph (3), by striking "; and" and inserting a semicolon;

(4) in paragraph (4), by striking "1994." and inserting "1994; and"; and

(5) by adding at the end the following:

"(5) the assessment of the Board or any of its members with respect to—

"(A) the safety and soundness of the regulated entities;

"(B) any material deficiencies in the conduct of the operations of the regulated entities;

"(C) the overall operational status of the regulated entities; and

"(D) an evaluation of the performance of the regulated entities in carrying out their respective missions;

"(6) operations, resources, and performance of the Agency; and

"(7) such other matters relating to the Agency and the fulfillment of its mission.".

SEC. 2104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

(a) IN GENERAL.—Section 1314 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) by striking "an enterprise" each place that term appears and inserting "a regulated entity";

(3) by striking "the enterprise" and inserting "the regulated entity";

(4) in subsection (a)—

(A) by striking the subsection heading and all that follows through "and operations" in paragraph (1) and inserting the following:

"(a) REGULAR AND SPECIAL REPORTS.—

"(1) REGULAR REPORTS.—The Director may require, by general or specific orders, a regulated entity to submit regular reports, including financial statements determined on a fair value basis, on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate"; and

(B) in paragraph (2)—

(i) by inserting ", by general or specific orders," after "may also require"; and

(ii) by striking "whenever" and inserting "on any of the topics specified in paragraph (1) or any other relevant topics, if"; and

(5) by adding at the end the following:

"(c) PENALTIES FOR FAILURE TO MAKE REPORTS.—

"(1) VIOLATIONS.—It shall be a violation of this section for any regulated entity—

"(A) to fail to make, obtain, transmit, or publish any report or information required by the Director under this section, section 309(k) of the Federal National Mortgage Association Charter Act, or section 307(c) of the Federal Home Loan Mortgage Corporation Act, within the period of time specified in such provision of law or otherwise by the Director; or

"(B) to submit or publish any false or misleading report or information under this section.

"(2) PENALTIES.—

"(A) TIER 1.—

"(i) IN GENERAL.—A violation described in paragraph (1) shall be subject to a penalty of not more than $2,000 for each day during which such violation continues, in any case in which—

"(I) the subject regulated entity maintains procedures reasonably adapted to avoid any inadvertent error and the violation was unintentional and a result of such an error; or

"(II) the violation was an inadvertent transmittal or publication of any report which was minimally late.

"(ii) BURDEN OF PROOF.—For purposes of this subparagraph, the regulated entity shall have the burden of proving that the error was inadvertent or that a report was inadvertently transmitted or published late.

"(B) TIER 2.—A violation described in paragraph (1) shall be subject to a penalty of not more than $20,000 for each day during which such violation continues or such false or misleading information is not corrected, in any case that is not addressed in subparagraph (A) or (C).

"(C) TIER 3.—A violation described in paragraph (1) shall be subject to a penalty of not more than $2,000,000 per day for each day during which such violation continues or such false or misleading information is not corrected, in any case in which the subject regulated entity committed such violation knowingly or with reckless disregard for the accuracy of any such information or report.

"(3) ASSESSMENTS.—Any penalty imposed under this subsection shall be in lieu of a penalty under section 1376, but shall be assessed and collected by the Director in the manner provided in section 1376 for penalties imposed under that section, and any such assessment (including the determination of the amount of the penalty) shall be otherwise subject to the provisions of section 1376.

"(4) HEARING.—A regulated entity against which a penalty is assessed under this section shall be afforded an agency hearing if the regulated entity submits a request for a hearing not later than 20 days after the date of the issuance of the notice of assessment. Section 1374 shall apply to any such proceedings.".

(b) CONFORMING AMENDMENT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1327 and 1328.

SEC. 2105. EXAMINERS AND ACCOUNTANTS; AUTHORITY TO CONTRACT FOR REVIEWS OF REGULATED ENTITIES.

(a) IN GENERAL.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by striking "enterprise" each place that term appears and inserting "regulated entity";

(2) in subsection (b), by striking "an enterprise" and inserting "a regulated entity";

(3) in subsection (c), in the second sentence, by inserting before the period "to conduct examinations under this section";

(4) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(5) by inserting after subsection (c) the following:

"(d) INSPECTOR GENERAL.—There shall be within the Agency an Inspector General, who shall be appointed in accordance with section 3(a) of the Inspector General Act of 1978.".

(b) DIRECT HIRE AUTHORITY TO HIRE ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

"(h) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—

"(1) APPLICABILITY.—This section shall apply with respect to any position of examiner, accountant, economist, and specialist in financial markets and in technology at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

"(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

"(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

"(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.".

(c) AMENDMENTS TO INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. 11 App.) is amended—

(1) in paragraph (1), by inserting ", the Director of the Federal Housing Enterprises Regulatory Agency" after "Social Security Administration"; and

(2) in paragraph (2), by inserting ", the Federal Housing Enterprises Regulatory Agency" after "Social Security Administration".

(d) AUTHORITY TO CONTRACT FOR REVIEWS OF REGULATED ENTITIES.—Section 1319 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4519) is amended in the section heading, by striking "**BY RATING ORGANIZATION**".

SEC. 2106. ASSESSMENTS.

Section 1316 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Agency, including—

"(1) the expenses of any examinations under section 1317;

"(2) the expenses of obtaining any reviews and credit assessments under section 1319; and

"(3) such amounts in excess of actual expenses for any given fiscal year, as deemed necessary by the Director to maintain working capital.";

(2) by striking "an enterprise" each place that term appears and inserting "a regulated entity";

(3) by striking "enterprises" each place that term appears and inserting "regulated entities";

(4) by striking "enterprise" each place that term appears, other than in subparagraph (B) of subsection (b)(3), and inserting "regulated entity";

(5) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "bears to" and inserting "bear to"; and

(ii) by striking "both" and inserting "all"; and

(B) in paragraph (3)(B)—

(i) by inserting "with respect to an enterprise," before "the unpaid principal"; and

(ii) by striking "by the enterprise" and inserting "by an enterprise";

(6) in subsection (c)—

(A) by striking "The semiannual" and inserting the following:

"(1) IN GENERAL.—The semiannual"; and

(B) by adding at the end the following:

"(2) ADJUSTMENTS.—The Director may adjust the amounts of any semiannual assessments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as the Director determines necessary to ensure that the costs of enforcement activities under subtitles B and C for a regulated entity are borne only by that regulated entity.

"(3) SPECIAL CIRCUMSTANCES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized, or as the result of supervisory or enforcement activities under subtitle B or C for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.";

(7) in subsection (d), by striking "If" and inserting "Except with respect to amounts collected pursuant to subsection (a)(3), if";

(8) by striking subsections (e) and (f) and inserting the following:

"(e) REMISSION OF ASSESSMENT.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of an assessment collected from the regulated entity that is attributable to subsection (a)(3), and is in excess of the amount that the Director deems necessary to maintain working capital.

"(f) NO APPROPRIATED FUNDS.—Salaries of the Director and other employees of the Agency, and all other expenses thereof, may be paid from assessments collected under this subsection or other sources, and shall not be construed to be Government funds or appropriated monies, or subject to apportionment for the purposes of chapter 15 of title 31, United States Code, or any other authority."; and

(9) in subsection (g)—

(A) by striking "the Secretary and" each place that term appears; and

(B) in paragraph (3)—

(i) by striking "(A)"; and

(ii) by striking ", and (B)" and all that follows through the end of the paragraph and inserting a period.

SEC. 2107. REGULATIONS AND ORDERS.

Section 1319G of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) AUTHORITY.—The Director shall issue any regulations, guidelines, directives, or orders necessary to carry out the duties of the Director under this title or the authorizing statutes, and to ensure that the purposes of this title and the authorizing statutes are accomplished."; and

(2) by striking subsection (c).

SEC. 2108. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by this Division, the following new section:

"SEC. 1313B. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

"The Director may establish standards, by regulation, order, or guideline, for each regulated entity relating to—

"(1) adequacy of internal controls and information systems taking into account the nature and scale of business operations;

"(2) independence and adequacy of internal audit systems;

"(3) management of interest rate risk exposure;

"(4) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

"(5) adequacy and maintenance of liquidity and reserves;

"(6) management of asset and investment portfolio growth;

"(7) investments and acquisitions of assets by a regulated entity, to ensure that they are consistent with the purposes of this title and the authorizing statutes;

"(8) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

"(9) such other operational and management standards as the Director determines to be appropriate.".

SEC. 2109. CAPITAL LEVELS AND HOLDINGS.

Subtitle B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

"Subtitle B—Required Capital Levels for Enterprises, Special Enforcement Powers, Limitation on Assets, and Securities Treatment";

and

(2) by adding at the end the following:

"SEC. 1369E. AFFORDABLE HOUSING FOCUSED PORTFOLIOS.

"(a) Supporting Affordable Housing.—Congress finds that, consistent with the missions of the enterprises, the portfolio holdings of the enterprises should be focused, to the maximum extent possible, on mortgages and mortgage-backed securities that meet the affordable housing goals established for the enterprises pursuant to this Act.

"(b) Authority of the Director.—The Director shall, by regulation, provide that any mortgages or mortgage-related securities acquired by an enterprise after the date of enactment of this Act shall—

"(1) meet one or more of the housing goals established for the enterprise under this Act; or

"(2) be promptly securitized and sold to third parties.

"(c) Temporary Adjustments.—The Director may, by order, make temporary adjustments to the standards under subsection (b), if such action would help to mitigate market disruptions in the housing finance system.".

SEC. 2110. RISK-BASED CAPITAL TEST FOR ENTERPRISES.

(a) Risk-Based Capital Levels.—Section 1361 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

"SEC. 1361. RISK-BASED CAPITAL LEVELS.

"(a) In General.—The Director shall, by regulation or order, establish risk-based capital requirements for each of the enterprises to ensure that the enterprises operate in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of each enterprise.

"(b) No Limitation.—Nothing in this section limits the authority of the Director to require other reports or undertakings in furtherance of the responsibilities of the Director under this Act.".

(b) Minimum Capital Levels for Regulated Entities.—

(1) Enterprises.—Section 1362 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4612) is amended—

(A) in the section heading, by inserting "for enterprises" after "levels"; and

(B) by striking subsection (b) and inserting the following:

"(b) Regulatory Discretion.—The Director may, by regulation or order, establish a minimum capital level that is higher than the level specified in subsection (a).".

(2) Federal home loan banks.—Section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)) is amended by adding at the end the following:

"(C) Authority to alter level.—The Director may, by regulation or order, establish a minimum capital level that is higher than the level specified in subparagraph (A).".

SEC. 2111. REGISTRATION OF ENTERPRISE SECURITIES.

(a) Fannie Mae.—

(1) Mortgage-backed securities.—Section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence and inserting the following: "Securities issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.".

(2) Subordinate obligations.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is amended by striking the fourth sentence and inserting the following: "Obligations issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.".

(3) Securities.—Section 311 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723c) is amended—

(A) in the section heading, by striking "association";

(B) by inserting "(a) In General.—" after "SEC. 311.";

(C) in the second sentence, by inserting "by the Association" after "issued"; and

(D) by adding at the end the following:

"(b) Treatment of Corporation Securities.—

"(1) In general.—Any stock, obligations, securities, participations, or other instruments issued or guaranteed by the corporation pursuant to this title shall not be exempt securities for purposes of the Securities Act of 1933.

"(2) Exemption for approved sellers.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

"(3) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Approved seller.—The term 'approved seller' means an institution approved by the corporation to sell mortgage loans to the corporation in exchange for pooled certificates.

"(B) Pooled certificates.—The term 'pooled certificates' means single class mortgage-backed securities guaranteed by the corporation that have been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.

"(4) Mortgage related securities.—A single class mortgage-backed security guaranteed by the corporation that has been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities or directly by the corporation for cash shall be deemed to be a mortgage related security, as defined in section 3(a) of the Securities Exchange Act of 1934.".

(b) Freddie Mac.—Section 306(g) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(g)) is amended to read as follows:

"(g) Treatment of Securities.—

"(1) In general.—Any securities issued or guaranteed by the Corporation shall not be exempt securities for purposes of the Securities Act of 1933.

"(2) Exemption for approved sellers.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the Corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

"(3) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Approved seller.—The term 'approved seller' means an institution approved by the Corporation to sell mortgage loans to the Corporation in exchange for pooled certificates.

"(B) Pooled certificates.—The term 'pooled certificates' means single class mortgage-backed securities guaranteed by the Corporation that have been issued by the Corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.".

(c) Limitation on Fees.—Section 6(b)(2) of the Securities Act of 1933 (15 U.S.C. 77f(b)(2)) is amended by adding at the end the following: "Notwithstanding any other provision of this title, no applicant, or group of affiliated applicants that does not include any investment company registered under the Investment Company Act of 1940, filing a registration statement subject to a fee shall be required in any fiscal year with respect to all registration statements filed by such applicant in such fiscal year to pay an aggregate amount in fees to the Commission pursuant to this subsection in an amount that exceeds 5 percent of the target offsetting collection amount for such fiscal year. Fees paid in connection with registration statements relating to business combinations shall not be included in calculating the total fees paid by any such applicant.".

(d) No Effect on Other Law.—Nothing in this section or the amendments made by this section shall be construed to affect any exemption from the provisions of the Trust Indenture Act of 1939 provided to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(e) Regulations.—The Securities and Exchange Commission may issue such regulations as may be necessary or appropriate to carry out this section and the amendments made by this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall become effective 1 year after the date of enactment of this Act.

SEC. 2112. LIMIT ON GOLDEN PARACHUTES.

Section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518) is amended by adding at the end the following:

"(c) AUTHORITY TO REGULATE OR PROHIBIT CERTAIN FORMS OF BENEFITS TO AFFILIATED PARTIES.—

"(1) GOLDEN PARACHUTES AND INDEMNIFICATION PAYMENTS.—The Agency may prohibit or limit, by regulation or order, any golden parachute payment or indemnification payment.

"(2) FACTORS TO BE TAKEN INTO ACCOUNT.—The Agency shall prescribe, by regulation, the factors to be considered by the Agency in taking any action pursuant to paragraph (1), which may include such factors as—

"(A) whether there is a reasonable basis to believe that the affiliated party has committed any fraudulent act or omission, breach of trust or fiduciary duty, or insider abuse with regard to the regulated entity that has had a material effect on the financial condition of the regulated entity;

"(B) whether there is a reasonable basis to believe that the affiliated party is substantially responsible for the insolvency of the regulated entity, the appointment of a conservator or receiver for the regulated entity, or the troubled condition of the regulated entity (as defined in regulations prescribed by the Agency);

"(C) whether there is a reasonable basis to believe that the affiliated party has materially violated any applicable provision of Federal or State law or regulation that has had a material affect on the financial condition of the regulated entity;

"(D) whether the affiliated party was in a position of managerial or fiduciary responsibility; and

"(E) the length of time that the party was affiliated with the regulated entity, and the degree to which—

"(i) the payment reasonably reflects compensation earned over the period of employment; and

"(ii) the compensation involved represents a reasonable payment for services rendered.

"(3) CERTAIN PAYMENTS PROHIBITED.—No regulated entity may prepay the salary or any liability or legal expense of any affiliated party if such payment is made—

"(A) in contemplation of the insolvency of such regulated entity, or after the commission of an act of insolvency; and

"(B) with a view to, or having the result of—

"(i) preventing the proper application of the assets of the regulated entity to creditors; or

"(ii) preferring one creditor over another.

"(4) GOLDEN PARACHUTE PAYMENT DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'golden parachute payment' means any payment (or any agreement to make any payment) in the nature of compensation by any regulated entity for the benefit of any affiliated party pursuant to an obligation of such regulated entity that—

"(i) is contingent on the termination of such party's affiliation with the regulated entity; and

"(ii) is received on or after the date on which—

"(I) the regulated entity became insolvent;

"(II) any conservator or receiver is appointed for such regulated entity; or

"(III) the Agency determines that the regulated entity is in a troubled condition (as defined in the regulations of the Agency).

"(B) CERTAIN PAYMENTS IN CONTEMPLATION OF AN EVENT.—Any payment which would be a golden parachute payment but for the fact that such payment was made before the date referred to in subparagraph (A)(ii) shall be treated as a golden parachute payment if the payment was made in contemplation of the occurrence of an event described in any subclause of such subparagraph.

"(C) CERTAIN PAYMENTS NOT INCLUDED.—For purposes of this subsection, the term 'golden parachute payment' shall not include—

"(i) any payment made pursuant to a retirement plan which is qualified (or is intended to be qualified) under section 401 of the Internal Revenue Code of 1986, or other nondiscriminatory benefit plan;

"(ii) any payment made pursuant to a bona fide deferred compensation plan or arrangement which the Board determines, by regulation or order, to be permissible; or

"(iii) any payment made by reason of the death or disability of an affiliated party.

"(5) OTHER DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) INDEMNIFICATION PAYMENT.—Subject to paragraph (6), the term 'indemnification payment' means any payment (or any agreement to make any payment) by any regulated entity for the benefit of any person who is or was an affiliated party, to pay or reimburse such person for any liability or legal expense with regard to any administrative proceeding or civil action instituted by the Agency which results in a final order under which such person—

"(i) is assessed a civil money penalty;

"(ii) is removed or prohibited from participating in conduct of the affairs of the regulated entity; or

"(iii) is required to take any affirmative action to correct certain conditions resulting from violations or practices, by order of the Agency.

"(B) LIABILITY OR LEGAL EXPENSE.—The term 'liability or legal expense' means—

"(i) any legal or other professional expense incurred in connection with any claim, proceeding, or action;

"(ii) the amount of, and any cost incurred in connection with, any settlement of any claim, proceeding, or action; and

"(iii) the amount of, and any cost incurred in connection with, any judgment or penalty imposed with respect to any claim, proceeding, or action.

"(C) PAYMENT.—The term 'payment' includes—

"(i) any direct or indirect transfer of any funds or any asset; and

"(ii) any segregation of any funds or assets for the purpose of making, or pursuant to an agreement to make, any payment after the date on which such funds or assets are segregated, without regard to whether the obligation to make such payment is contingent on—

"(I) the determination, after such date, of the liability for the payment of such amount; or

"(II) the liquidation, after such date, of the amount of such payment.

"(6) CERTAIN COMMERCIAL INSURANCE COVERAGE NOT TREATED AS COVERED BENEFIT PAYMENT.—No provision of this subsection shall be construed as prohibiting any regulated entity from purchasing any commercial insurance policy or fidelity bond, except that, subject to any requirement described in paragraph (5)(A)(iii), such insurance policy or bond shall not cover any legal or liability expense of the regulated entity which is described in paragraph (5)(A).".

SEC. 2113. REPORTING OF FRAUDULENT LOANS.

Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 1379E. REPORTING OF FRAUDULENT LOANS.

"(a) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument, or suspects a possible fraud relating to the purchase or sale of any loan or financial instrument. The Director shall require each regulated entity to establish and maintain procedures designed to discover any such transactions.

"(b) PROTECTION FROM LIABILITY FOR REPORTS.—Any regulated entity that makes a report pursuant to subsection (a), and any entity-affiliated party, that makes or requires another to make any such report, shall not be liable to any person under any provision of law or regulation, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement) for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other persons identified in the report.".

Subtitle B—Improvement of Mission Supervision

SEC. 2121. TRANSFER OF PRODUCT APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the designation and heading for the part and inserting the following:

"PART 2—PRODUCT APPROVAL BY DIRECTOR, CORPORATE GOVERNANCE, AND ESTABLISHMENT OF HOUSING GOALS";

and

(2) by striking sections 1321 and 1322.

SEC. 2122. REVIEW OF ENTERPRISE PRODUCTS.

(a) IN GENERAL.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

"SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS OF ENTERPRISES.

"(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

"(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

"(1) in the case of a product of the Federal National Mortgage Association, the Director determines that the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act, (12 U.S.C. 1717(b), 1719);

"(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the Director determines that the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

"(3) the product is in the public interest;

"(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system; and

"(5) the product does not materially impair the efficiency of the mortgage finance system.

"(c) PROCEDURE FOR APPROVAL.—

"(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

"(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

"(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

"(4) OFFERING OF PRODUCT.—

"(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

"(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), the enterprise may offer the product.

"(d) EXPEDITED REVIEW.—

"(1) DETERMINATION AND NOTICE.—If an enterprise determines that any new activity, service, undertaking, or offering is not a product, as defined in subsection (f), the enterprise shall provide written notice to the Director prior to the commencement of such activity, service, undertaking, or offering.

"(2) DIRECTOR DETERMINATION OF APPLICABLE PROCEDURE.—Immediately upon receipt of any notice pursuant to paragraph (1), the Director shall make a determination under paragraph (3).

"(3) DETERMINATION AND TREATMENT AS PRODUCT.—If the Director determines that any new activity, service, undertaking, or offering consists of, relates to, or involves a product—

"(A) the Director shall notify the enterprise of the determination;

"(B) the new activity, service, undertaking, or offering described in the notice under paragraph (1) shall be considered a product for purposes of this section; and

"(C) the enterprise shall withdraw its request or submit a written request for approval of the product pursuant to subsection (c).

"(e) CONDITIONAL APPROVAL.—The Director may conditionally approve the offering of any product by an enterprise, and may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

"(f) DEFINITION OF PRODUCT.—For purposes of this section, the term 'product' does not include—

"(1) the automated loan underwriting system of an enterprise in existence as of the date of the enactment of the Federal Housing Finance Reform Act of 2007, including any upgrade to the technology, operating system, or software to operate the underwriting system; or

"(2) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise: *Provided*, That such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing, or create significant new exposure to risk for the enterprise or the holder of the mortgage.

"(g) NO LIMITATION.—Nothing in this section shall be deemed to restrict—

"(1) the safety and soundness authority of the Director over all new and existing products or activities; or

"(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of the enterprise.".

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended—

(A) by striking "implement any new program" and inserting "initially offer any product";

(B) by striking "section 1303" and inserting "section 1321(f)"; and

(C) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended—

(A) by striking "implement any new program" and inserting "initially offer any product";

(B) by striking "section 1303" and inserting "section 1321(f)"; and

(C) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(3) 1992 ACT.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by section 2 of this Act, is further amended—

(A) by striking paragraph (17) (relating to the definition of "new program"); and

(B) by redesignating paragraphs (18) through (23) as paragraphs (17) through (22), respectively.

SEC. 2123. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

Section 1336(a)(1) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4566(a)(1)) is amended by striking "established" and all that follows through "1334" and inserting "under this subpart".

SEC. 2124. ASSUMPTION BY DIRECTOR OF OTHER HUD RESPONSIBILITIES.

(a) IN GENERAL.—Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking "Secretary" each place that term appears and inserting "Director" in each of sections 1323, 1324, 1326, 1331, 1332, 1333, 1334, and 1336;

(2) in section 1332 (12 U.S.C. 4562), by striking subsection (d);

(3) in section 1333 (12 U.S.C. 4563), by striking subsection (d);

(4) in section 1334 (12 U.S.C. 4564), by striking subsection (d); and

(5) by striking sections 1337, 1338, and 1349 (12 U.S.C. 4567, 4562 note, 4589).

(b) RETENTION OF FAIR HOUSING RESPONSIBILITIES.—Section 1325 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4545) is amended in the matter preceding paragraph (1), by inserting "of Housing and Urban Development" after "The Secretary".

SEC. 2125. ADMINISTRATIVE AND JUDICIAL ENFORCEMENT PROCEEDINGS.

(a) DIRECTOR AUTHORITY.—Subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581 et seq.) is amended by striking "Secretary" each place that term appears and inserting "Director" in each of—

(1) section 1341 (12 U.S.C. 4581);

(2) section 1342 (12 U.S.C. 4582);

(3) section 1343 (12 U.S.C. 4583);

(4) section 1344 (12 U.S.C. 4584);

(5) section 1345 (12 U.S.C. 4585);

(6) section 1346 (12 U.S.C. 4586);

(7) section 1347 (12 U.S.C. 4587); and

(8) section 1348 (12 U.S.C. 4588).

(b) SUBPOENA ENFORCEMENT BY DIRECTOR.—Section 1348(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4588(c)) is amended by inserting "may bring an action or" before "may request".

SEC. 2126. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by striking "The Corporation shall establish" and all that follows through the end of the paragraph and inserting the following: "Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, or $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date under section 2163 of the Federal Housing Enterprise Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Such limitation shall be calculated with respect to the total original principal obligation of the mortgage, and not merely with respect to the interest purchased by the enterprise. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or fourth quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Enterprise Regulatory Agency (pursuant to section 1321 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)).".

(b) FREDDIE MAC.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by striking "The Corporation shall establish" and all that follows through the end of the paragraph and inserting the following: "Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, or $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date under section 2163 of the Federal Housing Enterprise Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Such limitation shall be calculated with respect to the total original principal obligation of the mortgage and not merely with respect to the interest purchased by the enterprise. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or fourth quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Enterprise Regulatory Agency (pursuant to section 1321 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)).".

(c) HOUSING PRICE INDEX.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by this Act, is amended by inserting before section 1323 the following:

"SEC. 1322. HOUSING PRICE INDEX.

"(a) METHOD OF ASSESSMENT.—The Director shall establish, by regulation, and maintain a method of assessing the national average single-family housing price for use in adjusting the conforming loan limitations of the enterprises.

"(b) CONSIDERATIONS.—The Director shall take into consideration the monthly survey of all major lenders conducted by the Agency to determine the national average single-family house price, the Housing Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 2163 of the Federal Housing Enterprise Regulatory Reform Act of 2008, any appropriate housing price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measure that the Director considers appropriate.".

SEC. 2127. REPORTING OF MORTGAGE DATA; HOUSING GOALS.

(a) REPORTING OF MORTGAGE DATA.—Section 1325 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4546), as so redesignated by this Act, is amended—

(1) in subsection (a), by striking "The Director" and inserting "Subject to subsection (d), the Director"; and

(2) by adding at the end the following:

"(d) MORTGAGE DATA.—The Director shall, by regulation or order, provide that certain information relating to single family mortgage data of the enterprises shall be disclosed to the public in order to make available to the public the same data from the enterprises that is required of insured depository institutions under the Home Mortgage Disclosure Act.".

(b) DEFINITIONS.—Section 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4564), as amended by this Act, is amended by adding at the end the following:

"(d) DEFINITIONS.—For purposes of this section, the term 'underserved area' means an urban census tract that has—

"(1) an average median family income of less than 80 percent of the area median family income; or

"(2) a minority population of at least 30 percent and a median family income of less than 100 percent of the area family median income.".

SEC. 2128. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting "**DUTY TO SERVE UNDERSERVED MARKETS AND**" before "**OTHER**";

(2) by striking subsection (b);

(3) in subsection (a)—

(A) by inserting "and to carry out the duty under subsection (a)" before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" at the end;

(C) in paragraph (4), by striking "; and" and inserting a period; and

(D) by striking paragraph (5); and

(4) by redesignating subsection (a) as subsection (b);

(5) by inserting before subsection (b) (as so redesignated) the following:

"(a) DUTY TO SERVE UNDERSERVED MARKETS.—

"(1) DUTY.—In accordance with the purposes of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families, involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

"(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market—

"(A) for mortgages on manufactured homes for very low-, low-, and moderate-income families;

"(B) to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act; and

"(vi) the rural rental housing program under section 515 of the Housing Act of 1949;

"(C) for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Director identifies as lacking adequate credit through conventional lending sources, which underserved markets may be identified by borrower type, market segment, or geographic area; and

"(D) for mortgages originated through State or local affordable or subsidized housing programs."; and

(6) by adding at the end the following new subsection:

"(c) EVALUATION AND REPORTING OF COMPLIANCE.—

"(1) METHOD OF EVALUATION.—Not later than 6 months after the effective date of title I of the Federal Housing Enterprise Regulatory Reform Act of 2008, the Director shall establish a method for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance.

"(2) ANNUAL EVALUATIONS.—Using the method established under paragraph (1), the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to the extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(3) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty under subsection (a), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

"(C) the volume of loans purchased in each of such underserved markets.".

(b) ENFORCEMENT.—Section 1336(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting before the period "and with the duty under section 1335A of each enterprise with respect to underserved markets"; and

(2) by adding at the end the following:

"(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—Compliance with the duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under sections 1332, 1333, and 1334 are enforceable. Such duty shall not be enforceable under any provision of this title (including subpart C), other than this section, or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act, as applicable.".

SEC. 2129. HOME PURCHASE GOAL.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) by inserting after section 1334 the following:

"SEC. 1334A. HOME PURCHASE GOAL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director shall establish an annual home purchase goal for the purchase by each enterprise of mortgage financing of owner-occupied single family dwelling units.

"(2) COMPONENTS.—The Director may, by regulation, establish components for the goal established under paragraph (1) to include any or all of the following:

"(A) First-time home buyers.

"(B) Low- and moderate-income home buyers.

"(C) Home buyers in central cities, rural areas, and other underserved areas.

"(D) Home buyers who obtain financing through State or local affordable or subsidized housing programs.

"(3) OTHER AUTHORITY.—The Director may, by regulation, establish the goal under paragraph (1) with components as percentages of enterprise business, or by such other means as necessary to increase the secondary market financing of mortgages by the enterprises for home purchases, consistent with the missions of the enterprises.

"(4) ENFORCEABILITY.—The components of the goal established by the Director under paragraph (1) shall be enforceable as goals under subpart C.

"(b) FACTORS TO BE CONSIDERED.—In establishing the home purchase goal for an enterprise under this section, the Director shall consider—

"(1) national housing needs;

"(2) economic, housing, and demographic conditions;

"(3) the performance and effort of the enterprises toward achieving the home purchase goal in previous years;

"(4) the size of the conventional mortgage market serving home purchasers, relative to the size of the overall conventional mortgage market;

"(5) the ability of the enterprises to lead the industry in making mortgage credit available for home purchasers; and

"(6) the need to maintain the sound financial condition of the enterprises.

"(c) TRANSITION.—In order to permit a transition to the establishment of the goal under this section, such goal shall not be effective or enforceable during the 1-year period beginning on the date of its establishment under subsection (a).

"(d) IMPLEMENTATION DURING TRANSITION.—The Director shall establish, by rule, any requirements necessary to implement the transition provisions under subsection (c), after providing the enterprises with an opportunity to review and comment not less than 30 days before the issuance of such notice.

"SEC. 1334B. HOUSING GOALS, ADDITIONS, MODIFICATIONS, AND RESCISSIONS.

"(a) IN GENERAL.—

"(1) AUTHORITY TO ADDRESS GOALS.—The Director may, by regulation, establish additional annual housing goals, or modify or rescind existing housing goals, to address national housing needs consistent with the missions, of the enterprises and the authorizing statutes, for the purchase of mortgages, if the Director determines, by regulation, that the housing need is greatest.

"(2) METHODOLOGY.—The Director may issue a regulation which establishes or modifies any goal under this subsection—

"(A) as a percentage of the mortgage purchases of each enterprise;

"(B) as a dollar amount of each enterprise's mortgage purchases; or

"(C) by such other means as necessary to increase the enterprises' secondary market financing of mortgages addressed by the goal.

"(b) FACTORS TO BE CONSIDERED.—In establishing any additional goals under this section, the Director shall consider—

"(1) national housing needs;

"(2) economic, housing, and demographic conditions;

"(3) the performance and effort of the enterprises toward achieving the need addressed by any such additional goal in previous years;

"(4) the size of the conventional mortgage market serving the need addressed by the goal, relative to the size of the overall conventional mortgage market;

"(5) the ability of the enterprises to lead the industry in making mortgage credit available to meet the need addressed by the goal; and

"(6) the need to maintain the sound financial condition of the enterprises.

"(c) TRANSITION.—In order to permit a transition to the establishment of any goal under this section, such goal shall not be effective or enforceable during the 1-year period beginning on the date of its establishment under subsection (a).";

(2) in section 1335 (12 U.S.C. 4565(a)), by striking "meet the low-" and all that follows through "1334" and inserting "meet the goals under this subpart";

(3) in section 1336 (12 U.S.C. 4566), by striking subsections (b) and (c) and inserting the following:

"(b) NOTICE AND PRELIMINARY DETERMINATION OF FAILURE TO MEET GOALS.—

"(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.

"(2) RESPONSE PERIOD.—

"(A) IN GENERAL.—During the 30-day period beginning on the date on which an enterprise is provided notice under paragraph (1), the enterprise may submit to the Director any written information that the enterprise considers appropriate for consideration by the Director in finally determining whether such failure has occurred or whether the achievement of such goal was or is feasible.

"(B) EXTENDED PERIOD.—The Director may extend the period under subparagraph (A) for good cause for not more than 30 additional days.

"(C) SHORTENED PERIOD.—The Director may shorten the period under subparagraph (A) for good cause.

"(D) FAILURE TO RESPOND.—The failure of an enterprise to provide information during the 30-day period under this paragraph (as extended or shortened) shall waive any right of the enterprise to comment on the proposed determination or action of the Director.

"(3) CONSIDERATION OF INFORMATION AND FINAL DETERMINATION.—

"(A) IN GENERAL.—After the expiration of the response period under paragraph (2), or upon receipt of information provided during such period by the enterprise, whichever occurs earlier, the Director shall issue a final determination on—

"(i) whether the enterprise has failed, or there is a substantial probability that the enterprise will fail, to meet the housing goal; and

"(ii) whether (taking into consideration market and economic conditions and the financial condition of the enterprise) the achievement of the housing goal was or is feasible.

"(B) CONSIDERATIONS.—In making a final determination under subparagraph (A), the Director shall take into consideration any relevant information submitted by the enterprise during the response period.

"(C) NOTICE.—The Director shall provide written notice, including a response to any information submitted during the response period to the enterprise, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, of—

"(i) each final determination under this paragraph that an enterprise has failed, or that there is a substantial probability that the enterprise will fail, to meet a housing goal;

"(ii) each final determination that the achievement of a housing goal was or is feasible; and

"(iii) the reasons for each such final determination.

"(c) CEASE AND DESIST, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

"(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart, and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan, or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7).

"(2) HOUSING PLAN.—If the Director requires a housing plan under this subsection, such a plan shall be—

"(A) a feasible plan describing the specific actions the enterprise will take—

"(i) to achieve the goal for the next calendar year; and

"(ii) if the Director determines that there is a substantial probability that the enterprise will fail to meet a goal in the current year, to make such improvements and changes in its operations as are reasonable in the remainder of such year; and

"(B) sufficiently specific to enable the Director to monitor compliance periodically.

"(3) DEADLINE FOR SUBMISSION.—The Director shall, by regulation, establish a deadline for an enterprise to comply with any remedial action or submit a housing plan to the Director, which may not be more than 45 days after the enterprise is provided notice. The regulations shall provide that the Director may extend the deadline to the extent that the Director determines necessary. Any extension of the deadline shall be in writing and for a time certain.

"(4) APPROVAL.—The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and, not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines it necessary. The Director shall approve any plan that the Director determines is likely to succeed, and conforms with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act (as applicable), this title, and any other applicable provision of law.

"(5) NOTICE OF APPROVAL AND DISAPPROVAL.—The Director shall provide written notice to any enterprise submitting a housing plan of the approval or disapproval of the plan (which shall include the reasons for any disapproval of the plan) and of any extension of the period for approval or disapproval.

"(6) RESUBMISSION.—If the initial housing plan submitted by an enterprise under this section is disapproved, the enterprise shall submit an amended plan acceptable to the Director not later than 30 days after such disapproval, or such longer period that the Director determines is in the public interest.

"(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing a cease and desist order under section 1341, and ordering civil money penalties under section

1345, the Director may seek other actions when an enterprise fails to meet a goal, including requesting that the Director exercise appropriate enforcement authority available to the Director under this title to prohibit the enterprise from entering into new activities, to freeze any pending approval of new activities, and to order the enterprise to suspend activities pending its achievement of the goal.'';

(4) by striking section 1338 (12 U.S.C. 4568);

(5) by striking from the heading of subpart C **"of Housing Goals**'';

(6) by striking section 1341 (12 U.S.C. 4581) and inserting the following:

"SEC. 1341. CEASE-AND-DESIST PROCEEDINGS.

''(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines that—

''(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

''(2) the enterprise has failed to submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, or section 1337 of this title;

''(4) the enterprise has violated any provision of part 2 of this title or any order, rule, or regulation under part 2;

''(5) the enterprise has failed to submit a housing plan or perform its responsibilities under a remedial order that substantially complies with section 1336(c) within the applicable period; or

''(6) the enterprise has failed to comply with a housing plan under section 1336(c).

''(b) PROCEDURE.—

''(1) NOTICE OF CHARGES.—Each notice of charges issued under this section shall contain a statement of the facts constituting the alleged conduct and shall fix a time and place at which a hearing will be held to determine on the record whether an order to cease and desist from such conduct should issue.

''(2) ISSUANCE OF ORDER.—If the Director finds on the record made at a hearing described in paragraph (1) that any conduct specified in the notice of charges has been established (or the enterprise consents pursuant to section 1342(a)(4)), the Director may issue and serve upon the enterprise an order requiring the enterprise to—

''(A) comply with the goals;

''(B) submit a report under section 1327;

''(C) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

''(D) submit a housing plan in compliance with section 1336(c);

''(E) comply with the housing plan in compliance with section 1336(c); or

''(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act.

''(c) EFFECTIVE DATE.—An order under this section shall become effective upon the expiration of the 30-day period beginning on the date of service of the order upon the enterprise (except in the case of an order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided in the order, except to the extent that the order is stayed, modified, terminated, or set aside by action of the Director of or otherwise, as provided in this subpart.''; and

(7) by striking section 1345 and inserting the following:

"SEC. 1345. CIVIL MONEY PENALTIES.

''(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

''(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

''(2) submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

''(5) submit a housing plan or perform its responsibilities under a remedial order issued pursuant to section 1336(c) within the required period; or

''(6) comply with a housing plan for the enterprise under section 1336(c).

''(b) AMOUNT OF PENALTY.—The amount of a penalty under this section, as determined by the Director, may not exceed—

''(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $100,000 for each day that the failure occurs; and

''(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $50,000 for each day that the failure occurs.

''(c) PROCEDURES.—

''(1) ESTABLISHMENT.—The Director shall establish standards and procedures governing the imposition of civil money penalties under this section. Such standards and procedures—

''(A) shall provide for the Director to notify the enterprise in writing of the determination of the Director to impose the penalty, which shall be made on the record;

''(B) shall provide for the imposition of a penalty only after the enterprise has been given an opportunity for a hearing on the record pursuant to section 1342; and

''(C) may provide for review by the Director of any determination or order, or interlocutory ruling, arising from a hearing.

''(2) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under this section, the Director shall give consideration to factors including—

''(A) the gravity of the offense;

''(B) any history of prior offenses;

''(C) ability to pay the penalty;

''(D) injury to the public;

''(E) benefits received;

''(F) deterrence of future violations;

''(G) the length of time that the enterprise should reasonably take to achieve the goal; and

''(H) such other factors as the Director may determine, by regulation, to be appropriate.

''(d) ACTION TO COLLECT PENALTY.—If an enterprise fails to comply with an order by the Director imposing a civil money penalty under this section, after the order is no longer subject to review, as provided in sections 1342 and 1343, the Director may request the Attorney General of the United States to bring an action in the United States District Court for the District of Columbia to obtain a monetary judgment against the enterprise, and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the order imposing the penalty shall not be subject to review.

''(e) SETTLEMENT BY DIRECTOR.—The Director may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

''(f) DEPOSIT OF PENALTIES.—The Director shall deposit any civil money penalties collected under this section into the General Fund of the Treasury.''.

Subtitle C—Prompt Corrective Action

SEC. 2141. CRITICAL CAPITAL LEVELS.

Section 1363 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4613) is amended—

(1) by redesignating paragraphs (1) through (3) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking ''this subtitle, the critical capital level for each enterprise shall be the sum of—'' and inserting the following: ''this subtitle, the critical capital level—

''(1) for each enterprise shall be—

''(A) the sum of—''; and

(3) in paragraph (1)(A)(iii), as so designated by this section, by striking the period at the end and inserting the following: ''; or

''(B) such other level as the Director shall establish, by regulation; and

''(2) for each Federal Home Loan Bank, shall be the level that the Director shall establish, by regulation.''.

SEC. 2142. CAPITAL CLASSIFICATIONS.

Section 1364 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4614) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(A)—

(i) by striking clause (i); and

(ii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(B) in paragraph (4)(A), by striking ''enterprise—'' and all that follows through ''(ii) does'' and inserting ''enterprise does'';

(2) by striking subsection (b) and inserting the following:

''(b) DISCRETIONARY CLASSIFICATION.—

''(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

''(A) at any time, the Director determines in writing that a regulated entity is engaging in conduct that could result in a rapid depletion of core capital, or that the value of the property subject to mortgages held or securitized by an enterprise, or the value of collateral pledged as security, has decreased significantly;

''(B) after notice and an opportunity for hearing, the Director determines that a regulated entity is in an unsafe or unsound condition; or

''(C) pursuant to section 1371(b), the Director determines that a regulated entity is engaging in an unsafe or unsound practice.

''(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1), the Director may reclassify a regulated entity—

“(A) as ‘undercapitalized’, if the regulated entity is otherwise classified as adequately capitalized;

“(B) as ‘significantly undercapitalized’, if the regulated entity is otherwise classified as undercapitalized; and

“(C) as ‘critically undercapitalized’, if the regulated entity is otherwise classified as significantly undercapitalized.”; and

(3) by striking subsection (d) and inserting the following:

“(d) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

“(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

“(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

“(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

“(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the regulated entity.”.

SEC. 2143. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4615) is amended—

(1) by striking “the enterprise” each place that term appears and inserting “the regulated entity”;

(2) by striking “An enterprise” each place that term appears and inserting “A regulated entity”;

(3) by striking “an enterprise” each place that term appears and inserting “a regulated entity”;

(4) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

“(1) REQUIRED MONITORING.—The Director shall—

“(A) closely monitor the condition of any undercapitalized regulated entity;

“(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed on an undercapitalized regulated entity under this section; and

“(C) periodically review the plan, restrictions, and requirements applicable to an undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section.”; and

(C) by adding at the end the following:

“(4) RESTRICTION OF ASSET GROWTH.—An undercapitalized regulated entity shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter, unless—

“(A) the Director has accepted the capital restoration plan of the regulated entity;

“(B) any increase in total assets is consistent with the capital restoration plan; and

“(C) the ratio of tangible equity to assets of the regulated entity increases during the calendar quarter at a rate sufficient to enable the regulated entity to become adequately capitalized within a reasonable time.

“(5) PRIOR APPROVAL OF ACQUISITIONS AND NEW ACTIVITIES.—An undercapitalized regulated entity shall not, directly or indirectly, acquire any interest in any entity or engage in any new activity, unless—

“(A) the Director has accepted the capital restoration plan of the regulated entity, the regulated entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

“(B) the Director determines that the proposed action will further the purpose of this subtitle.”;

(5) in subsection (b)—

(A) in the subsection heading, by striking “DISCRETIONARY”;

(B) in the matter preceding paragraph (1), by striking “may” and inserting “shall”; and

(C) in paragraph (2)—

(i) by striking “make, in good faith, reasonable efforts necessary to”; and

(ii) by striking the period at the end and inserting “in any material respect.”; and

(6) by striking subsection (c) and inserting the following:

“(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to an undercapitalized regulated entity, any of the actions authorized to be taken under section 1366 with respect to a significantly undercapitalized regulated entity, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.”.

SEC. 2144. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4616) is amended—

(1) in subsection (a)(2), by striking “undercapitalized enterprise” and inserting “undercapitalized”;

(2) by striking “the enterprise” each place that term appears and inserting “the regulated entity”;

(3) by striking “An enterprise” each place that term appears and inserting “A regulated entity”;

(4) by striking “an enterprise” each place that term appears and inserting “a regulated entity”;

(5) in subsection (b)—

(A) in the subsection heading, by striking “DISCRETIONARY SUPERVISORY” and inserting “SPECIFIC”;

(B) in the matter preceding paragraph (1), by striking “may, at any time, take any” and inserting “shall carry out this section by taking, at any time, 1 or more”;

(C) by striking paragraph (6);

(D) by redesignating paragraph (5) as paragraph (6);

(E) by inserting after paragraph (4) the following:

“(5) IMPROVEMENT OF MANAGEMENT.—Take 1 or more of the following actions:

“(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

“(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the date on which the regulated entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the enforcement powers of the Director under section 1377.

“(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director).”; and

(F) by adding at the end the following:

“(7) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the other actions specified in this subsection.”; and

(6) by striking subsection (c) and inserting the following:

“(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized in accordance with section 1364 may not, without prior written approval by the Director—

“(1) pay any bonus to any executive officer; or

“(2) provide compensation to any executive officer at a rate exceeding the average rate of compensation of that officer (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became significantly undercapitalized.”.

SEC. 2145. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

“SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

“(a) APPOINTMENT OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, the Director may appoint the Agency as conservator or receiver for a regulated entity in the manner provided under paragraph (2) or (4). All references to the conservator or receiver under this section are references to the Agency acting as conservator or receiver.

“(2) DISCRETIONARY APPOINTMENT.—The Agency may, at the discretion of the Director, be appointed conservator or receiver for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

“(3) GROUNDS FOR DISCRETIONARY APPOINTMENT OF CONSERVATOR OR RECEIVER.—The grounds for appointing conservator or receiver for any regulated entity under paragraph (2) are as follows:

“(A) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

“(i) any violation of any provision of Federal or State law; or

“(ii) any unsafe or unsound practice.

“(B) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

“(C) CEASE-AND-DESIST ORDERS.—Any willful violation of a cease-and-desist order that has become final.

“(D) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

“(E) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

“(F) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

“(G) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

"(i) cause insolvency or substantial dissipation of assets or earnings; or

"(ii) weaken the condition of the regulated entity.

"(H) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

"(I) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3)), and—

"(i) has no reasonable prospect of becoming adequately capitalized;

"(ii) fails to become adequately capitalized, as required by—

"(I) section 1365(a)(1) with respect to a regulated entity; or

"(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

"(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

"(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

"(J) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4).

"(K) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

"(4) MANDATORY RECEIVERSHIP.—

"(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

"(i) the assets of the regulated entity are, and during the preceding 30 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

"(ii) the regulated entity is not, and during the preceding 30 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

"(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDERCAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

"(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

"(ii) at least once during each succeeding 30-calendar day period.

"(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) does not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

"(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment of the Agency as receiver of a regulated entity under this section shall immediately terminate any conservatorship established for the regulated entity under this title.

"(5) JUDICIAL REVIEW.—

"(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States district court for the judicial district in which the home office of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

"(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

"(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

"(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

"(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

"(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

"(2) GENERAL POWERS.—

"(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

"(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

"(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

"(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

"(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

"(ii) collect all obligations and money due the regulated entity;

"(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver;

"(iv) preserve and conserve the assets and property of the regulated entity; and

"(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Agency as conservator or receiver.

"(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

"(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

"(i) necessary to put the regulated entity in a sound and solvent condition; and

"(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity.

"(E) ADDITIONAL POWERS AS RECEIVER.—In any case in which the Agency is acting as receiver, the Agency shall place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity in such manner as the Agency deems appropriate, including through the sale of assets, the transfer of assets to a limited-life regulated entity established under subsection (i), or the exercise of any other rights or privileges granted to the Agency under this paragraph.

"(F) ORGANIZATION OF NEW ENTERPRISE.—The Agency shall, as receiver for an enterprise, organize a successor enterprise that will operate pursuant to subsection (i).

"(G) TRANSFER OR SALE OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer or sell any asset or liability of the regulated entity in default, and may do so without any approval, assignment, or consent with respect to such transfer or sale.

"(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity that are due and payable at the time of the appointment of the Agency as conservator or receiver, in accordance with the prescriptions and limitations of this section.

"(I) SUBPOENA AUTHORITY.—

"(i) IN GENERAL.—

"(I) AGENCY AUTHORITY.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

"(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power under this subparagraph, in the same manner as such provisions apply under that section.

"(ii) SUBPOENA.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

"(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379B.

"(J) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

"(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

"(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

"(K) OTHER PROVISIONS.—

"(i) SHAREHOLDERS AND CREDITORS OF FAILED REGULATED ENTITY.—Notwithstanding any other provision of law, the appointment of the Agency as receiver for a regulated entity pursuant to paragraph (2) or (4) of subsection (a) and its succession, by operation of law, to the rights, titles, powers, and privileges described in subsection (b)(2)(A) shall terminate all rights and claims that the stockholders and creditors of the regulated entity may have against the assets or charter of the regulated entity or the Agency arising as a result of their status as stockholders or creditors, except for their right to payment, resolution, or other satisfaction of their claims, as permitted under subsections (b)(9), (c), and (e).

"(ii) ASSETS OF REGULATED ENTITY.—Notwithstanding any other provision of law, for purposes of this section, the charter of a regulated entity shall not be considered an asset of the regulated entity.

"(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

"(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

"(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

"(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the date of publication of such notice; and

"(ii) republish such notice approximately 1 month and 2 months, respectively, after the date of publication under clause (i).

"(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

"(i) at the last address of the creditor appearing in such books; or

"(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity, within 30 days after the discovery of such name and address.

"(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

"(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

"(A) DETERMINATION PERIOD.—

"(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

"(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

"(iii) MAILING OF NOTICE SUFFICIENT.—The requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

"(I) on the books of the regulated entity;

"(II) in the claim filed by the claimant; or

"(III) in documents submitted in proof of the claim.

"(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

"(I) a statement of each reason for the disallowance; and

"(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

"(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i) by the receiver from any claimant which is proved to the satisfaction of the receiver.

"(C) DISALLOWANCE OF CLAIMS FILED AFTER FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

"(D) AUTHORITY TO DISALLOW CLAIMS.—

"(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

"(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

"(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

"(II) may not make any payment with respect to such unsecured portion of the claim, other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

"(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—

"(I) any extension of credit from any Federal Reserve Bank or the United States Treasury; or

"(II) any security interest in the assets of the regulated entity securing any such extension of credit.

"(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (d).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim.

"(F) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

"(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

"(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

"(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

"(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

"(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

"(7) REVIEW OF CLAIMS.—

"(A) OTHER REVIEW PROCEDURES.—

"(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

"(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

"(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes under this subparagraph, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

"(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

"(8) EXPEDITED DETERMINATION OF CLAIMS.—

"(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

"(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

"(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

"(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date on which any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

"(i) determine—

"(I) whether to allow or disallow such claim; or

"(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

"(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

"(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the date of appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

"(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

"(ii) the date on which the Agency denies the claim.

"(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

"(E) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

"(9) PAYMENT OF CLAIMS.—

"(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent that funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

"(i) allowed by the receiver;

"(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

"(iii) determined by the final judgment of any court of competent jurisdiction.

"(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing and executed by an authorized officer or representative of the regulated entity.

"(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

"(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of regulated entity, following satisfaction by the receiver of the principal amount of all creditor claims.

"(10) SUSPENSION OF LEGAL ACTIONS.—

"(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

"(i) 45 days, in the case of any conservator; and

"(ii) 90 days, in the case of any receiver.

"(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by the conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

"(11) ADDITIONAL RIGHTS AND DUTIES.—

"(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

"(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver—

"(i) shall have all of the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

"(ii) shall not be required to post any bond in order to pursue such remedies.

"(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver, or upon the charter, of a regulated entity for which the Agency has been appointed receiver.

"(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

"(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets or charter of any regulated entity for which the Agency has been appointed receiver; or

"(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

"(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases; and

"(iii) ensures adequate competition and fair and consistent treatment of offerors.

"(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

"(i) in the case of any contract claim, the longer of—

"(I) the 6-year period beginning on the date on which the claim accrues; or

"(II) the period applicable under State law; and

"(ii) in the case of any tort claim, the longer of—

"(I) the 3-year period beginning on the date on which the claim accrues; or

"(II) the period applicable under State law.

"(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

"(i) the date of the appointment of the Agency as conservator or receiver; or

"(ii) the date on which the cause of action accrues.

"(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

"(A) IN GENERAL.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitations applicable under State law.

"(B) CLAIMS DESCRIBED.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

"(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

"(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

"(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

"(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date on which the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary, unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

"(15) FRAUDULENT TRANSFERS.—

"(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of an entity-affiliated party, or any person determined by the conservator or receiver to be a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

"(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

"(i) the initial transferee of such transfer or the entity-affiliated party or person for whose benefit such transfer was made; or

"(ii) any immediate or mediate transferee of any such initial transferee.

"(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

"(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

"(ii) any immediate or mediate good faith transferee of such transferee.

"(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

"(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the conservator or receiver under the control of the court, and appointing a trustee to hold such assets.

"(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against the conservator or receiver for the breach of an agreement executed or approved in writing by the conservator or receiver after the date of its appointment, shall be paid as an administrative expense of the conservator or receiver.

"(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of the conservator or receiver to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

"(19) GENERAL EXCEPTIONS.—

"(A) LIMITATIONS.—The rights of the conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

"(B) MORTGAGES HELD IN TRUST.—

"(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages held in trust, custodial, or agency capacity by an enterprise for the benefit of any person other than the enterprise shall not be available to satisfy the claims of creditors generally.

"(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages described in clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

"(iii) LIABILITY OF CONSERVATOR OR RECEIVER.—The liability of the conservator or receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance with in the regulations of the Director.

"(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

"(1) IN GENERAL.—Unsecured claims against a regulated entity, or the receiver therefor, that are proven to the satisfaction of the receiver shall have priority in the following order:

"(A) Administrative expenses of the receiver.

"(B) Any other general or senior liability of the regulated entity (which is not a liability described under subparagraph (C) or (D).

"(C) Any obligation subordinated to general creditors (which is not an obligation described under subparagraph (D)).

"(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

"(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the receiver may take any action (including making payments) that does not comply with this subsection, if—

"(A) the Director determines that such action is necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity assets; and

"(B) all creditors that are similarly situated under paragraph (1) receive not less than the amount provided in subsection (e)(2).

"(3) DEFINITION.—As used in this subsection, the term 'administrative expenses of the receiver' includes—

"(A) the actual, necessary costs and expenses incurred by the receiver in preserving the assets of a failed regulated entity or liquidating or otherwise resolving the affairs of a failed regulated entity; and

"(B) any obligations that the receiver determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

"(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

"(A) to which such regulated entity is a party;

"(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

"(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

"(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

"(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

"(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

"(i) limited to actual direct compensatory damages; and

"(ii) determined as of—

"(I) the date of the appointment of the conservator or receiver; or

"(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

"(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

"(i) punitive or exemplary damages;

"(ii) damages for lost profits or opportunity; or

"(iii) damages for pain and suffering.

"(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

"(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

"(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

"(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

"(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

"(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

"(i) be entitled to the contractual rent accruing before the later of the date on which—

"(I) the notice of disaffirmance or repudiation is mailed; or

"(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

"(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

"(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

"(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

"(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

"(i) treat the lease as terminated by such repudiation; or

"(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

"(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of subparagraph (A)—

"(i) the lessee—

"(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

"(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

"(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

"(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

"(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

"(i) treat the contract as terminated by such repudiation; or

"(ii) remain in possession of such real property.

"(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of subparagraph (A)—

"(i) the purchaser—

"(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

"(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and "(ii) the conservator or receiver shall—

"(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

"(II) deliver title to the purchaser in accordance with the provisions of the contract; and

"(III) have no obligation under the contract other than the performance required under subclause (II).

"(C) ASSIGNMENT AND SALE ALLOWED.—

"(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

"(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

"(7) SERVICE CONTRACTS.—

"(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or receiver shall be—

"(i) a claim to be paid in accordance with subsections (b) and (e); and

"(ii) deemed to have arisen as of the date on which the conservator or receiver was appointed.

"(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

"(i) the other party shall be paid under the terms of the contract for the services performed; and

"(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

"(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by the conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

"(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

"(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10), and notwithstanding any other provision of this title (other than subsection (b)(9)(B) of this section), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right of that person to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts; or

"(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

"(B) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(10) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

"(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

"(i) IN GENERAL.—Notwithstanding paragraph (11), or any other provision of Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

"(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

"(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection the following definitions shall apply:

"(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date on which the contract is entered into, including a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (including a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined for purposes of this clause as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development, as determined by regulation or order adopted by the appropriate Federal banking authority), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the regulated entity.

"(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this section, any other Federal law, or the law of any State (other than paragraph (10) of this subsection and subsection (b)(9)(B)), no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to 1 or more such qualified financial contracts; or

"(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10), or to disaffirm or repudiate any such contract in accordance with subsection (d)(1).

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the status of such party as a nondefaulting party.

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

"(A) transfer to 1 person—

"(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

"(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

"(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

"(iv) all property securing, or any other credit enhancement for any contract described in clause (i), or any claim described in clause (ii) or (iii) under any such contract; or

"(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

"(10) NOTIFICATION OF TRANSFER.—

"(A) IN GENERAL.—The conservator or receiver shall notify any person that is a party to a contract or transfer by 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship, if—

"(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity; and

"(ii) such transfer includes any qualified financial contract.

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

"(I) until 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the conservator or receiver of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity, if the conservator or receiver has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the regulated entity in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

"(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

"(13) AUTHORITY TO ENFORCE CONTRACTS.—

"(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of, or the exercise of rights or powers by, a conservator or receiver, the conservator or receiver may enforce any contract, other than a contract for liability insurance for a director or officer, or a contract or a regulated entity bond, entered into by the regulated entity.

"(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a liability insurance contract for an officer or director, or regulated entity bond under other applicable law.

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

"(I) 45 days after the date of appointment of a conservator; or

"(II) 90 days after the date of appointment of a receiver.

"(ii) EXCEPTIONS.—This subparagraph shall not—

"(I) apply to a contract for liability insurance for an officer or director;

"(II) apply to the rights of parties to certain qualified financial contracts under subsection (d)(8); and

"(III) be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

"(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

"(e) VALUATION OF CLAIMS IN DEFAULT.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

"(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall be not more than the amount that such claimant would have received if the Agency had liquidated the assets and liabilities of the regulated entity without exercising the authority of the Agency under subsection (i).

"(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

"(g) LIABILITY OF DIRECTORS AND OFFICERS.—

"(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action described in paragraph (2) brought by, on behalf of, or at the request or direction of the Agency, and prosecuted wholly or partially for the benefit of the Agency—

"(A) acting as conservator or receiver of such regulated entity; or

"(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator.

"(2) ACTIONS ADDRESSED.—Paragraph (1) applies in any civil action for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct, as such terms are defined and determined under applicable State law.

"(3) NO LIMITATION.—Nothing in this subsection shall impair or affect any right of the Agency under other applicable law.

"(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

"(i) LIMITED-LIFE REGULATED ENTITIES.—

"(1) ORGANIZATION.—

"(A) PURPOSE.—The Agency, as receiver appointed pursuant to subsection (a)—

"(i) may, in the case of a Federal Home Loan Bank, organize a limited-life regulated entity with those powers and attributes of the Federal Home Loan Bank in default or in danger of default as the Director determines necessary, subject to the provisions of this subsection, and the Director shall grant a temporary charter to that limited-life regulated entity, and that limited-life regulated entity shall operate subject to that charter; and

"(ii) shall, in the case of an enterprise, organize a limited-life regulated entity with respect to that enterprise in accordance with this subsection.

"(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

"(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, except that the liabilities assumed shall not exceed the amount of assets purchased or transferred from the regulated entity to the limited-life regulated entity;

"(ii) purchase such assets of the regulated entity that is in default, or in danger of default as the Agency may, in its discretion, determine to be appropriate; and

"(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

"(2) CHARTER AND ESTABLISHMENT.—

"(A) TRANSFER OF CHARTER.—

"(i) FANNIE MAE.—If the Agency is appointed as receiver for the Federal National Mortgage Association, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

"(I) succeed to the charter of the Federal National Mortgage Association, as set forth in the Federal National Mortgage Association Charter Act; and

"(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal National Mortgage Association is subject, except as otherwise provided in this subsection.

"(ii) FREDDIE MAC.—If the Agency is appointed as receiver for the Federal Home Loan Mortgage Corporation, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

"(I) succeed to the charter of the Federal Home Loan Mortgage Corporation, as set forth in the Federal Home Loan Mortgage Corporation Charter Act; and

"(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal Home Loan Mortgage Corporation is subject, except as otherwise provided in this subsection.

"(B) INTERESTS IN AND ASSETS AND OBLIGATIONS OF REGULATED ENTITY IN DEFAULT.—Notwithstanding subparagraph (A) or any other provision of law—

"(i) a limited-life regulated entity shall assume, acquire, or succeed to the assets or liabilities of a regulated entity only to the extent that such assets or liabilities are transferred by the Agency to the limited-life regulated entity in accordance with, and subject to the restrictions set forth in, paragraph (1)(B);

"(ii) a limited-life regulated entity shall not assume, acquire, or succeed to any obligation that a regulated entity for which a receiver has been appointed may have to any shareholder of the regulated entity that arises as a result of the status of that person as a shareholder of the regulated entity; and

"(iii) no shareholder or creditor of a regulated entity shall have any right or claim against the charter of the regulated entity once the Agency has been appointed receiver for the regulated entity and a limited-life regulated entity succeeds to the charter pursuant to subparagraph (A).

"(C) LIMITED-LIFE REGULATED ENTITY TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

"(D) MANAGEMENT.—Upon its establishment, a limited-life regulated entity shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

"(E) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

"(3) CAPITAL STOCK.—

"(A) NO AGENCY REQUIREMENT.—The Agency is not required to pay capital stock into a limited-life regulated entity or to issue any capital stock on behalf of a limited-life regulated entity established under this subsection.

"(B) AUTHORITY.—If the Director determines that such action is advisable, the Agency may cause capital stock or other securities of a limited-life regulated entity established with respect to an enterprise to be issued and offered for sale, in such amounts and on such terms and conditions as the Director may determine, in the discretion of the Director.

"(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal reserve bank.

"(5) EXEMPT TAX STATUS.—Notwithstanding any other provision of Federal or State law, a limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

"(6) WINDING UP.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), not later than 2 years after the date of its organization, the Agency shall wind up the affairs of a limited-life regulated entity.

"(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of a limited-life regulated entity for 3 additional 1-year periods.

"(C) TERMINATION OF STATUS AS LIMITED-LIFE REGULATED ENTITY.—

"(i) IN GENERAL.—Upon the sale by the Agency of 80 percent or more of the capital stock of a limited-life regulated entity, as defined in clause (iv), to 1 or more persons (other than the Agency)—

"(I) the status of the limited-life regulated entity as such shall terminate; and

"(II) the entity shall cease to be a limited-life regulated entity for purposes of this subsection.

"(ii) DIVESTITURE OF REMAINING STOCK, IF ANY.—

"(I) IN GENERAL.—Not later than 1 year after the date on which the status of a limited-life regulated entity is terminated pursuant to clause (i), the Agency shall sell to 1 or more persons (other than the Agency) any remaining capital stock of the former limited-life regulated entity.

"(II) EXTENSION AUTHORIZED.—The Director may extend the period referred to in subclause (I) for not longer than an additional 2 years, if the Director determines that such action would be in the public interest.

"(iii) SAVINGS CLAUSE.—Notwithstanding any provision of law, other than clause (ii), the Agency shall not be required to sell the capital stock of an enterprise or a limited-life regulated entity established with respect to an enterprise.

"(iv) APPLICABILITY.—This subparagraph applies only with respect to a limited-life regulated entity that is established with respect to an enterprise.

"(7) TRANSFER OF ASSETS AND LIABILITIES.—

"(A) IN GENERAL.—

"(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with and subject to the restrictions of paragraph (1).

"(ii) SUBSEQUENT TRANSFERS.—At any time after the establishment of a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of the regulated entity in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate in accordance with and subject to the restrictions of paragraph (1).

"(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default or in danger of default to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

"(iv) EQUITABLE TREATMENT OF SIMILARLY SITUATED CREDITORS.—The Agency shall treat all creditors of a regulated entity in default or in danger of default that are similarly situated under subsection (c)(1) in a similar manner in exercising the authority of the Agency under this subsection to transfer any assets or liabilities of the regulated entity to the limited-life regulated entity established with respect to such regulated entity, except that the Agency may take actions (including making payments) that do not comply with this clause, if—

"(I) the Director determines that such actions are necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

"(II) all creditors that are similarly situated under subsection (c)(1) receive not less than the amount provided in subsection (e)(2).

"(v) LIMITATION ON TRANSFER OF LIABILITIES.—Notwithstanding any other provision of law, the aggregate amount of liabilities of a regulated entity that are transferred to, or assumed by, a limited-life regulated entity may not exceed the aggregate amount of assets of the regulated entity that are transferred to, or purchased by, the limited-life regulated entity.

"(8) REGULATIONS.—The Agency may promulgate such regulations as the Agency determines to be necessary or appropriate to implement this subsection.

"(9) POWERS OF LIMITED-LIFE REGULATED ENTITIES.—

"(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

"(i) the Agency may—

"(I) remove the directors of a limited-life regulated entity;

"(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity; and

"(III) indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

"(ii) the board of directors of a limited-life regulated entity—

"(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

"(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

"(B) Stay of judicial action.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of not longer than 45 days, at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

"(10) No federal status.—

"(A) Agency status.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

"(B) Employee status.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

"(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

"(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

"(11) Authority to obtain credit.—

"(A) In general.—A limited-life regulated entity may obtain unsecured credit and issue unsecured debt.

"(B) Inability to obtain credit.—If a limited-life regulated entity is unable to obtain unsecured credit or issue unsecured debt, the Director may authorize the obtaining of credit or the issuance of debt by the limited-life regulated entity—

"(i) with priority over any or all of the obligations of the limited-life regulated entity;

"(ii) secured by a lien on property of the limited-life regulated entity that is not otherwise subject to a lien; or

"(iii) secured by a junior lien on property of the limited-life regulated entity that is subject to a lien.

"(C) Limitations.—

"(i) In general.—The Director, after notice and a hearing, may authorize the obtaining of credit or the issuance of debt by a limited-life regulated entity that is secured by a senior or equal lien on property of the limited-life regulated entity that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by an enterprise) only if—

"(I) the limited-life regulated entity is unable to otherwise obtain such credit or issue such debt; and

"(II) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

"(12) Burden of proof.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

"(13) Affect on debts and liens.—The reversal or modification on appeal of an authorization under this subsection to obtain credit or issue debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so issued, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the issuance of such debt, or the granting of such priority or lien, were stayed pending appeal.

"(j) Other Agency exemptions.—

"(1) Applicability.—The provisions of this subsection shall apply with respect to the Agency in any case in which the Agency is acting as a conservator or a receiver.

"(2) Taxation.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, county, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

"(3) Property protection.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

"(4) Penalties and fines.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

"(k) Prohibition of Charter Revocation.—In no case may the receiver appointed pursuant to this section revoke, annul, or terminate the charter of an enterprise.".

(b) Technical and Conforming Amendments.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1368 (12 U.S.C. 4618)—

(A) by striking "an enterprise" each place that term appears and inserting "a regulated entity"; and

(B) by striking "the enterprise" each place that term appears and inserting "the regulated entity";

(2) in section 1369C (12 U.S.C. 4622), by striking "enterprise" each place that term appears and inserting "regulated entity";

(3) in section 1369D (12 U.S.C. 4623)—

(A) by striking "an enterprise" each place that term appears and inserting "a regulated entity"; and

(B) in subsection (a)(1), by striking "An enterprise" and inserting "A regulated entity"; and

(4) by striking sections 1369, 1369A, and 1369B (12 U.S.C. 4619, 4620, and 4621).

Subtitle D—Enforcement Actions

SEC. 2151. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) Issuance for Unsafe or Unsound Practices and Violations.—If, in the opinion of the Director, a regulated entity or any entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or the Finance Facility, or is violating or has violated, or the Director has reasonable cause to believe is about to violate, a law, rule, regulation, or order, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or the Finance Facility or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or entity-affiliated party a notice of charges in respect thereof.

"(b) Issuance for Unsatisfactory Rating.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for credit risk, market risk, operations, or corporate governance, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of subsection (a).";

(2) in subsection (c)—

(A) in paragraph (1), by inserting before the period at the end the following: ", unless the party served with a notice of charges shall appear at the hearing personally or by a duly authorized representative, the party shall be deemed to have consented to the issuance of the cease-and-desist order"; and

(B) in paragraph (2)—

(i) by striking "or director" and inserting "director, or entity-affiliated party"; and

(ii) by inserting "or entity-affiliated party" before "consents";

(3) in each of subsections (c), (d), and (e)—

(A) by striking "the enterprise" each place that term appears and inserting "the regulated entity";

(B) by striking "an enterprise" each place that term appears and inserting "a regulated entity"; and

(C) by striking "conduct" each place that term appears and inserting "practice";

(4) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by striking "or director" and inserting "director, or entity-affiliated party";

(ii) by inserting "to require a regulated entity or entity-affiliated party" after "includes the authority";

(B) in paragraph (1)—

(i) by striking "to require an executive officer or a director to"; and

(ii) by striking "loss" and all that follows through "person" and inserting "loss, if";

(iii) in subparagraph (A), by inserting "such entity or party or finance facility" before "was"; and

(iv) by striking subparagraph (B) and inserting the following:

"(B) the violation or practice involved a reckless disregard for the law or any applicable regulations or prior order of the Director;";] and

(C) in paragraph (4), by inserting "loan or" before "asset";

(5) in subsection (e), by inserting "or entity-affiliated party"—

(A) before "or any executive"; and

(B) before the period at the end; and

(6) in subsection (f)—

(A) by striking "enterprise" and inserting "regulated entity, finance facility,"; and

(B) by striking "or director" and inserting "director, or entity-affiliated party".

SEC. 2152. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GROUNDS FOR ISSUANCE.—

"(1) IN GENERAL.—If the Director determines that the actions specified in the notice of charges served upon a regulated entity or any entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of that entity, or is likely to weaken the condition of that entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may—

"(A) issue a temporary order requiring that regulated entity or entity-affiliated party to cease and desist from any such violation or practice; and

"(B) require that regulated entity or entity-affiliated party to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings.

"(2) ADDITIONAL REQUIREMENTS.—An order issued under paragraph (1) may include any requirement authorized under subsection 1371(d).";

(2) in subsection (b)—

(A) by striking "or director" and inserting "director, or entity-affiliated party"; and

(B) by striking "enterprise" each place that term appears and inserting "regulated entity";

(3) in subsection (c), by striking "enterprise" each place that term appears and inserting "regulated entity";

(4) in subsection (d)—

(A) by striking "or director" each place that term appears and inserting "director, or entity-affiliated party"; and

(B) by striking "An enterprise" and inserting "A regulated entity"; and

(5) in subsection (e)—

(A) by striking "request the Attorney General of the United States to"; and

(B) by striking "or may, under the direction and control of the Attorney General, bring such action".

SEC. 2153. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended—

(1) by redesignating sections 1377 through 1379B (12 U.S.C. 4637–4641) as sections 1379 through 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following:

"SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

"(a) AUTHORITY TO ISSUE ORDER.—

"(1) IN GENERAL.—The Director may serve upon a party described in paragraph (2), or any officer, director, or management of the Finance Facility a written notice of the intention of the Director to suspend or remove such party from office, or prohibit any further participation by such party, in any manner, in the conduct of the affairs of the regulated entity.

"(2) APPLICABILITY.—A party described in this paragraph is an entity-affiliated party or any officer, director, or management of the Finance Facility, if the Director determines that—

"(A) that party, officer, or director has, directly or indirectly—

"(i) violated—

"(I) any law or regulation;

"(II) any cease-and-desist order which has become final;

"(III) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(IV) any written agreement between such regulated entity and the Director;

"(ii) engaged or participated in any unsafe or unsound practice in connection with any regulated entity or business institution; or

"(iii) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

"(B) by reason of the violation, practice, or breach described in subparagraph (A)—

"(i) such regulated entity or business institution has suffered or will probably suffer financial loss or other damage; or

"(ii) such party has received financial gain or other benefit; and

"(C) the violation, practice, or breach described in subparagraph (A)—

"(i) involves personal dishonesty on the part of such party; or

"(ii) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity or business institution.

"(b) SUSPENSION ORDER.—

"(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) upon a party subject to that subsection (a), the Director may, by order, suspend or remove such party from office, or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

"(A) determines that such action is necessary for the protection of the regulated entity; and

"(B) serves such party with written notice of the order.

"(2) EFFECTIVE PERIOD.—Any order issued under this subsection—

"(A) shall become effective upon service; and

"(B) unless a court issues a stay of such order under subsection (g), shall remain in effect and enforceable until—

"(i) the date on which the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

"(ii) the effective date of an order issued under subsection (b).

"(3) COPY OF ORDER.—If the Director issues an order under subsection (b) to any party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

"(c) NOTICE, HEARING, AND ORDER.—

"(1) NOTICE.—A notice under subsection (a) of the intention of the Director to issue an order under this section shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action.

"(2) TIMING OF HEARING.—A hearing shall be fixed for a date not earlier than 30 days, nor later than 60 days, after the date of service of notice under subsection (a), unless an earlier or a later date is set by the Director at the request of—

"(A) the party receiving such notice, and good cause is shown; or

"(B) the Attorney General of the United States.

"(3) CONSENT.—Unless the party that is the subject of a notice delivered under subsection (a) appears at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order under this section.

"(4) ISSUANCE OF ORDER OF SUSPENSION.—The Director may issue an order under this section, as the Director may deem appropriate, if—

"(A) a party is deemed to have consented to the issuance of an order under paragraph (3); or

"(B) upon the record made at the hearing, the Director finds that any of the grounds specified in the notice have been established.

"(5) EFFECTIVENESS OF ORDER.—Any order issued under paragraph (4) shall become effective at the expiration of 30 days after the date of service upon the relevant regulated entity and party (except in the case of an order issued upon consent under paragraph (3), which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

"(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

"(1) participate in any manner in the conduct of the affairs of any regulated entity or the Finance Facility;

"(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

"(3) violate any voting agreement previously approved by the Director; or

"(4) vote for a director, or serve or act as an entity-affiliated party of a regulated entity or as an officer or director of the Finance Facility.

"(e) INDUSTRY-WIDE PROHIBITION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or the Finance Facility, or prohibited from participating in the conduct of the affairs of a regulated entity or the Finance Facility, may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity or the Finance Facility.

"(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date on which an order is issued under this section which removes or suspends from office any party, or prohibits such party from participating in the conduct of the affairs of a regulated entity or the Finance Facility, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity or such Finance Facility described in the written consent. Any such consent shall be publicly disclosed.

"(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order issued under subsection (h) shall be treated as a violation of the order.

"(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business entity.

"(g) STAY OF SUSPENSION AND PROHIBITION OF ENTITY-AFFILIATED PARTY.—Not later than 10 days after the date on which any entity-affiliated party has been suspended from office or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension or prohibition pending the completion of the administrative proceedings pursuant to subsection (c). The court shall have jurisdiction to stay such suspension or prohibition.

"(h) SUSPENSION OR REMOVAL OF ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

"(1) SUSPENSION OR PROHIBITION.—

"(A) IN GENERAL.—Whenever any entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding 1 year under Federal or State law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity.

"(B) PROVISIONS APPLICABLE TO NOTICE.—

"(i) COPY.—A copy of any notice under subparagraph (A) shall be served upon the relevant regulated entity.

"(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in subparagraph (A) is finally disposed of, or until terminated by the Director.

"(2) REMOVAL OR PROHIBITION.—

"(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director.

"(B) PROVISIONS APPLICABLE TO ORDER.—

"(i) COPY.—A copy of any order under subparagraph (A) shall be served upon the relevant regulated entity, at which time the entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

"(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove a party from office or to prohibit further participation in the affairs of a regulated entity pursuant to subsection (a) or (b).

"(iii) EFFECTIVE PERIOD.—Unless terminated by the Director, any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4).

"(3) AUTHORITY OF REMAINING BOARD MEMBERS.—

"(A) IN GENERAL.—If at any time, because of the suspension of 1 or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

"(B) APPOINTMENT OF TEMPORARY DIRECTORS.—If all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

"(4) HEARING REGARDING CONTINUED PARTICIPATION.—

"(A) IN GENERAL.—Not later than 30 days after the date of service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2), the entity-affiliated party may request in writing an opportunity to appear before the Director to show that the continued service or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity, or threaten to impair public confidence in the regulated entity.

"(B) TIMING AND FORM OF HEARING.—Upon receipt of a request for a hearing under subparagraph (A), the Director shall fix a time (not later than 30 days after the date of receipt of such request, unless extended at the request of such party) and place at which the entity-affiliated party may appear, personally or through counsel, before the Director or 1 or more designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument.

"(C) DETERMINATION.—Not later than 60 days after the date of a hearing under subparagraph (B), the Director shall notify the entity-affiliated party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for any adverse decision of the Director.

"(5) RULES.—The Director is authorized to prescribe such rules as may be necessary to carry out this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) SAFETY AND SOUNDNESS ACT.—Subtitle C of title XIII of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (42 U.S.C. 4501 et seq.) is amended—

(A) in section 1317(f), by striking "section 1379B" and inserting "section 1379D";

(B) in section 1373(a)—

(i) in paragraph (1), by striking "or 1376(c)" and inserting ", 1376(c), or 1377";

(ii) in paragraph (2), by inserting "or 1377" after"1371"; and

(iii) in paragraph (4), by inserting "or removal or prohibition" after "cease and desist"; and

(C) in section 1374(a)—

(i) by striking "or 1376" and inserting ", 1376, or 1377"; and

(ii) by striking "such section" and inserting "this title".

(2) FANNIE MAE CHARTER ACT.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the second sentence, by striking "The" and inserting "Except to the extent that action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the".

(3) FREDDIE MAC CHARTER ACT.—Section 303(a)(2)(A) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended, in the second sentence, by striking "The" and inserting "Except to the extent action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the".

SEC. 2154. ENFORCEMENT AND JURISDICTION.

(a) IN GENERAL.—Section 1375 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice, order, or subpoena issued under this title, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice, order, or subpoena."; and

(2) in subsection (b)—

(A) by striking "section 1371, 1372, or 1376 or";

(B) by inserting "subtitle C, or section 1313A" after "subtitle B,"; and

(C) by inserting ", standard," after "notice" each place that term appears.

(b) CONFORMING AMENDMENT.—Section 1379B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4641) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

SEC. 2155. CIVIL MONEY PENALTIES.

Section 1376 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4636) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Director may impose a civil money penalty in accordance with this section on any regulated entity, or any executive offices of a regulated entity or any entity-affiliated party.";

(2) by striking subsection (b) and inserting the following:

"(b) AMOUNT OF PENALTY.—

"(1) FIRST TIER.—A regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $10,000 for each day during which a violation continues, if such regulated entity or party—

"(A) violates any provision of this title, the authorizing statutes, or any order, condition, rule, or regulation under this title or any authorizing statute;

"(B) violates any final or temporary order or notice issued pursuant to this title;

"(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity;

"(D) violates any written agreement between the regulated entity and the Director; or

"(E) engages in any conduct that the Director determines to be an unsafe or unsound practice.

"(2) SECOND TIER.—Notwithstanding paragraph (1), a regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which a violation, practice, or breach continues, if—

"(A) the regulated entity or entity-affiliated party, respectively—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of the regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) the violation, practice, or breach—

"(i) is part of a pattern of misconduct;

"(ii) causes or is likely to cause more than a minimal loss to the regulated entity; or

"(iii) results in pecuniary gain or other benefit to such party.

"(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity or entity-affiliated party shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues, if such regulated entity or entity-affiliated party—

"(A) knowingly—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) engages in any unsafe or unsound practice in conducting the affairs of the regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) knowingly or recklessly causes a substantial loss to the regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach.

"(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in paragraph (3) is—

"(A) in the case of any entity-affiliated party, an amount not to exceed $2,000,000; and

"(B) in the case of any regulated entity, $2,000,000.";

(3) in subsection (c)—

(A) by striking "enterprise" each place that term appears and inserting "regulated entity";

(B) by inserting "or entity-affiliated party" before "in writing"; and

(C) by inserting "or entity-affiliated party" before "has been given";

(4) in subsection (d)—

(A) by striking "or director" each place such term appears and inserting "director, or entity-affiliated party";

(B) by striking "an enterprise" and inserting "a regulated entity";

(C) by striking "the enterprise" and inserting "the regulated entity";

(D) by striking "request the Attorney General of the United States to";

(E) by inserting ", or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located," after "District of Columbia";

(F) by striking ", or may, under the direction and control of the Attorney General of the United States, bring such an action"; and

(G) by striking "and section 1374"; and

(5) in subsection (g), by striking "An enterprise" and inserting "A regulated entity".

SEC. 2156. CRIMINAL PENALTY.

(a) IN GENERAL.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 1378. CRIMINAL PENALTY.

"Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1379 (as so designated by this Division)—

(A) by striking "an enterprise" and inserting "a regulated entity"; and

(B) by striking "the enterprise" and inserting "the regulated entity";

(2) in section 1379A (as so designated by this Division), by striking "an enterprise" and inserting "a regulated entity";

(3) in section 1379B(c) (as so designated by this Division), by striking "enterprise" and inserting "regulated entity"; and

(4) in section 1379D (as so designated by this Division), by striking "enterprise" and inserting "regulated entity".

SEC. 2157. NOTICE AFTER SEPARATION FROM SERVICE.

Section 1379 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4637), as so designated by this Division, is amended—

(1) by striking "2-year" and inserting "6-year"; and

(2) by inserting "or an entity-affiliated party" after "enterprise" each place that term appears.

SEC. 2158. SUBPOENA AUTHORITY.

Section 1379B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4641) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "administrative";

(ii) by inserting ", examination, or investigation" after "proceeding";

(iii) by striking "subchapter" and inserting "title"; and

(iv) by inserting "or any designated representative thereof, including any person designated to conduct any hearing under this subtitle" after "Director"; and

(B) in paragraph (4), by striking "issued by the Director";

(2) in subsection (b), by inserting "or in any territory or other place subject to the jurisdiction of the United States" after "State";

(3) by striking subsection (c) and inserting the following:

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—The Director, or any party to proceedings under this subtitle, may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district of the United States in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this section.

"(2) POWER OF COURT.—The courts described under paragraph (1) shall have the jurisdiction and power to order and require compliance with any subpoena issued under paragraph (1)";

(4) in subsection (d), by inserting "enterprise-affiliated party" before "may allow"; and

(5) by adding at the end the following:

"(e) PENALTIES.—A person shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both, if that person willfully fails or refuses, in disobedience of a subpoena issued under subsection (c), to—

"(1) attend court;

"(2) testify in court;

"(3) answer any lawful inquiry; or

"(4) produce books, papers, correspondence, contracts, agreements, or such other records as requested in the subpoena.".

Subtitle E—General Provisions

SEC. 2161. CONFORMING AND TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO 1992 ACT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), as amended by this Division, is amended—

(1) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) by striking "(a) OFFICE PERSONNEL.—The" and inserting "(a) IN GENERAL.—Subject to title III of the Federal Housing Enterprise Regulatory Reform Act of 2008, the"; and

(ii) by striking "the Office" each place that term appears and inserting "the Agency";

(B) in subsection (c), by striking "the Office" and inserting "the Agency";

(C) in subsection (e), by striking "the Office" and inserting "the Agency";

(D) by striking subsections (d) and (f); and

(E) by redesignating subsection (e) as subsection (d);

(2) in section 1319A (12 U.S.C. 4520)—

(A) by striking "(a) IN GENERAL.—"; and

(B) by striking subsection (b);

(3) in section 1364(c) (12 U.S.C. 4614(c)), by striking the last sentence;

(4) by striking section 1383 (12 U.S.C. 1451 note);

(5) in each of sections 1319D, 1319E, and 1319F (12 U.S.C. 4523, 4524, 4525) by striking "the Office" each place that term appears and inserting "the Agency"; and

(6) in each of sections 1319B and 1369(a)(3) (12 U.S.C. 4521, 4619(a)(3)), by striking "Committee on Banking, Finance and Urban Affairs" each place that term appears and inserting "Committee on Financial Services".

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) in each of sections 303(c)(2) (12 U.S.C. 1718(c)(2)), 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)), and 309(k)(1) (12 U.S.C. 1723a(k)(1)), by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place that term appears,

and inserting "Director of the Federal Housing Enterprise Regulatory Agency";

(2) in section 309—

(A) in subsection (m) (12 U.S.C. 1723a(m))—

(i) in paragraph (1), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Enterprise Regulatory Agency, in a form determined by the Director"; and

(ii) in paragraph (2), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Enterprise Regulatory Agency, in a form determined by the Director";

(B) in subsection (n) (12 U.S.C. 1723a(n))—

(i) in paragraph (1), by striking "and the Secretary" and inserting "and the Director of the Federal Housing Enterprise Regulatory Agency"; and

(ii) in paragraph (2), by striking "Secretary" each place that term appears and inserting "Director of the Federal Housing Enterprise Regulatory Agency"; and

(C) in paragraph (3)(B), by striking "Secretary" and inserting "Director of the Federal Housing Enterprise Regulatory Agency".

(c) AMENDMENTS TO FREDDIE MAC CHARTER ACT.—The Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is amended—

(1) in each of sections 303(b)(2) (12 U.S.C. 1452(b)(2)), 303(h)(2) (12 U.S.C. 1452(h)(2)), and section 307(c)(1) (12 U.S.C. 1456(c)(1)), by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place that term appears, and inserting "Director of the Federal Housing Enterprise Regulatory Agency";

(2) in section 306 (12 U.S.C. 1455)—

(A) in subsection (c)(2), by inserting "the" after "Secretary of";

(B) in subsection (i)—

(i) by striking "section 1316(c)" and inserting "section 306(c)"; and

(ii) by striking "section 106" and inserting "section 1316"; and

(C) in subsection (j), by striking "of substantially" and inserting "or substantially"; and

(3) in section 307 (12 U.S.C. 1456)—

(A) in subsection (e)—

(i) in paragraph (1), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Enterprise Regulatory Agency, in a form determined by the Director"; and

(ii) in paragraph (2), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Enterprise Regulatory Agency, in a form determined by the Director"; and

(B) in subsection (f)—

(i) in paragraph (1), by striking "and the Secretary" and inserting "and the Director of the Federal Housing Enterprise Regulatory Agency";

(ii) in paragraph (2), by striking "the Secretary" each place that term appears and inserting "the Director of the Federal Housing Enterprise Regulatory Agency"; and

(iii) in paragraph (3)(B), by striking "Secretary" and inserting "Director of the Federal Housing Enterprise Regulatory Agency".

(d) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking "Office of Federal Housing Enterprise Oversight" and inserting "Federal Housing Enterprise Regulatory Agency".

(e) AMENDMENT TO FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Director of the Federal Housing Enterprise Regulatory Agency".

(f) AMENDMENT TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(g) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

"Director of the Federal Housing Enterprise Regulatory Agency.".

(h) AMENDMENT TO SARBANES-OXLEY ACT.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(B)(ii)(II)) is amended by inserting "and the Director of the Federal Housing Enterprise Regulatory Agency," after "Commission,".

(i) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)(2)(A)) is amended by adding at the end the following:

"(vii) The Federal Housing Enterprise Regulatory Agency.".

SEC. 2162. PRESIDENTIALLY APPOINTED DIRECTORS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking "eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom" and inserting "13 persons, or such other number that the Director determines appropriate, who";

(B) in the second sentence, by striking "appointed by the President";

(C) in the third sentence—

(i) by striking "appointed or"; and

(ii) by striking ", except that any such appointed member may be removed from office by the President for good cause";

(D) in the fourth sentence, by striking "elective"; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 163 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "13 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom" and inserting "13 persons, or such other number as the Director determines appropriate, who"; and

(ii) in the second sentence, by striking "appointed by the President of the United States";

(B) in subparagraph (B)—

(i) by striking "such or"; and

(ii) by striking ", except that any appointed member may be removed from office by the President for good cause"; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking "elective".

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 163 occurs.

SEC. 2163. EFFECTIVE DATE.

Except as otherwise specifically provided in this title, this title and the amendments made by this title shall take effect on, and shall apply beginning on, the date of enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 2201. DIRECTORS.

Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (4), the management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate.

"(2) BOARD MAKEUP.—The board of directors of each Bank shall be comprised of—

"(A) member directors, who shall comprise at least the majority of the members of the board of directors; and

"(B) independent directors, who shall comprise not fewer than ⅓ of the members of the board of directors.

"(3) SELECTION CRITERIA.—

"(A) IN GENERAL.—Each member of the board of directors shall be—

"(i) elected by plurality vote of the members, in accordance with procedures established under this section; and

"(ii) a citizen of the United States.

"(B) INDEPENDENT DIRECTOR CRITERIA.—

"(i) PUBLIC INTEREST.—Not fewer than 2 of the independent directors shall be selected from among representatives of organizations having more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, or financial consumer protections.

"(ii) CONFLICTS OF INTEREST.—No independent director may, during the term of service on the board of directors, serve as an officer of any Federal Home Loan Bank or as a director or officer of any member Bank.

"(4) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(A) INDEPENDENT DIRECTOR.—The terms 'independent director' and 'independent directorship' mean a member of the board of directors of a Federal Home Loan Bank who is a bona fide resident of the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.

"(B) MEMBER DIRECTOR.—The terms 'member director' and 'member directorship' mean a member of the board of directors of a Federal Home Loan Bank who is an officer or director of a member institution that is located in the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.";

(2) by striking "elective" each place that term appears, other than in subsections (d), (e), and (f), and inserting "member";

(3) in subsection (b)—

(A) by striking the subsection heading and all that follows through "Each elective directorship" and inserting the following:

"(b) DIRECTORSHIPS.—

"(1) MEMBER DIRECTORSHIPS.—Each member directorship"; and

(B) by adding at the end the following:

"(2) INDEPENDENT DIRECTORSHIPS.—

"(A) ELECTIONS.—Each independent director—

"(i) shall be elected by the members entitled to vote, from among eligible persons nominated by the board of directors of the Bank; and

"(ii) shall be filled by a plurality of the votes of the members of the Bank at large, with each member having the number of votes for each such directorship as it has under subsection (b)(1) in an election to fill member directorships.

"(B) CRITERIA.—Nominees shall meet all applicable requirements prescribed in this section.

"(C) NOMINATION AND ELECTION PROCEDURES.—Procedures for nomination and election of independent directors shall be prescribed by the bylaws of each Federal Home Loan Bank, in a manner consistent with the rules and regulations of the Agency.";

(4) in subsection (c), by striking the second, third, and fifth sentences;

(5) in subsection (d)—

(A) in the first sentence—

(i) by striking ", whether elected or appointed,"; and

(ii) by striking "3 years" and inserting "4 years";

(B) in the second sentence—

(i) by striking "Federal Home Loan Bank System Modernization Act of 1999" and inserting "Federal Housing Enterprise Regulatory Reform Act of 2008";

(ii) by striking "⅓" and inserting "¼"; and

(iii) by striking "or appointed"; and

(C) in the third sentence—

(i) by striking "an elective" each place that term appears and inserting "a"; and

(ii) by striking "in any elective directorship or elective directorships";

(6) in subsection (f)—

(A) by striking paragraph (2);

(B) by striking "appointed or" each place that term appears; and

(C) in paragraph (3)—

(i) by striking "(3) ELECTED BANK DIRECTORS.—" and inserting "(2) ELECTION PROCESS.—"; and

(ii) by striking "elective" each place that term appears;

(7) in subsection (i)—

(A) in paragraph (1), by striking "(1) IN GENERAL.—Subject to paragraph (2), each" and inserting "Each"; and

(B) by striking paragraph (2); and

(8) by adding at the end the following:

"(l) TRANSITION RULE.—Any member of the board of directors of a Bank elected or appointed in accordance with this section prior to the date of enactment of this subsection may continue to serve as a member of that board of directors for the remainder of the existing term of service.".

SEC. 2202. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

"(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Enterprise Regulatory Agency.

"(12) AGENCY.—The term 'Agency' means the Federal Housing Enterprise Regulatory Agency, established under section 1311 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

"(13) FINANCE FACILITY.—The term 'Finance Facility' means the Federal Home Loan Bank Finance Facility established under section 11A.".

SEC. 2203. AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Division, is amended—

(1) by striking sections 2A, 2B, and 20 (12 U.S.C. 1422a, 1422b, 1440);

(2) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(3) in section 11 (12 U.S.C. 1431)—

(A) by striking subsections (b) and (c);

(B) by redesignating subsections (d) through (k) as subsections (c) through (j), respectively;

(C) in subsection (a)—

(i) by striking "Board" each place that term appears and inserting "Director"; and

(ii) by striking "upon such terms and conditions as the Board may approve"; and

(D) by inserting after subsection (a) the following:

"(b) ISSUANCE OF FEDERAL HOME LOAN BANK BONDS.—The Finance Facility may issue consolidated Federal Home Loan Bank debt, which shall be the joint and several obligations of all of the Federal Home Loan Banks, and shall be issued upon such terms and conditions as set by the Finance Facility for the Federal Home Loan Banks.";

(4) in section 6 (12 U.S.C. 1426)—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "Finance Board approval" and inserting "approval by the Director"; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking "Finance Board regulations" each place that term appears and inserting "regulations of the Director";

(5) in section 10(b) (12 U.S.C. 1430(b))—

(A) in the subsection heading, by striking "FORMAL BOARD RESOLUTION" and inserting "APPROVAL OF DIRECTOR"; and

(B) by striking "by formal resolution";

(6) in section 21(b)(5) (12 U.S.C. 1441(b)(5)), by striking "Chairperson of the Federal Housing Finance Board" and inserting "Director";

(7) in section 15 (12 U.S.C. 1435), by striking "issued with the approval of the Board" and inserting "issued under section 11(b)";

(8) by striking "the Board" each place that term appears and inserting "the Director";

(9) by striking "The Board" each place that term appears and inserting "The Director";

(10) by striking "the Finance Board" each place that term appears and inserting "the Director";

(11) by striking "The Finance Board" each place that term appears and inserting "The Director"; and

(12) by striking "Federal Housing Finance Board" each place that term appears and inserting "Director".

SEC. 2204. FEDERAL HOME LOAN BANK FINANCE FACILITY.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by inserting after section 11 the following:

"SEC. 11A. FEDERAL HOME LOAN BANK FINANCE FACILITY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Federal Home Loan Banks shall establish a Federal Home Loan Bank Finance Facility.

"(2) PURPOSES.—The purposes of the Finance Facility are—

"(A) to issue and service the consolidated obligations of the Federal Home Loan Banks in accordance with this Act; and

"(B) to perform all other necessary and proper functions in relation to the issuance and service of such obligations, as fiscal agent on behalf of the Federal Home Loan Banks, and any other functions performed by the Office of Finance on behalf of the Financing Corporation (established under section 21) and the Resolution Funding Corporation (established under section 21B).

"(3) TRANSFER OF FUNCTIONS.—

"(A) IN GENERAL.—The functions of the Office of Finance of the Federal Home Loan Banks shall be transferred to the Finance Facility on the effective time.

"(B) ORGANIZATIONAL MEETING.—The organizational meeting of the management board of the Finance Facility shall occur as soon as practicable after the date of enactment of the Federal Housing Enterprise Regulatory Reform Act of 2008.

"(C) INTERIM PROCEDURES.—Until the effective time, the predecessor office shall continue to operate as if this section had not been enacted.

"(D) REFERENCES.—After the effective time, any reference under any provision of Federal law to the Office of Finance and the Managing Director of the Office of Finance shall be deemed to be references to the Finance Facility and the chief executive officer of the Finance Facility, respectively.

"(4) SUCCESSION.—

"(A) ASSETS AND LIABILITIES.—On and after the effective time, the Finance Facility shall, by operation of law and without any further action by the Federal Housing Finance Board, the Director, the predecessor office, or any court, succeed to the assets of, and assume all debts, obligations, contracts, and other liabilities of the predecessor office, matured or unmatured, accrued or absolute, contingent or otherwise, and whether or not reflected or reserved against on balance sheets, books of account, or records of the predecessor office.

"(B) CONTRACTS.—On and after the effective time, the existing contractual obligations of the Federal Housing Finance Board, solely in its capacity as issuer of consolidated obligations of the Federal Home Loan Banks and the predecessor office shall, by operation of law and without any further action by the Federal Housing Finance Board, the Director, the predecessor office, or any court, become obligations, entitlements, and instruments of the Finance Facility.

"(C) TAXATION.—The succession to assets, assumption of liabilities, conversion of obligations and instruments, and effectuation of any other transaction by the Finance Facility to carry out this subsection shall not be treated as a taxable event under the laws of any State, or any political subdivision thereof.

"(b) POWERS.—Subject to the provisions of this Act, and such regulations as the Director may prescribe, the Finance Facility shall have the power—

"(1) to issue and service Federal Home Loan Bank consolidated notes, consolidated bonds, consolidated debentures, and other consolidated obligations authorized under section 11, as agent for the Federal Home Loan Banks;

"(2) to determine the amount, maturities, rate of interest, terms, and other conditions of Federal Home Loan Bank consolidated obligations;

"(3) to make contracts;

"(4) to determine the terms and conditions under which the Finance Facility may indemnify the members of the management board, as well as officers, employees, and agents of the Finance Facility;

"(5) to determine and implement the methodology for assessments of the Federal Home Loan Banks to fund all of the expenses of the Finance Facility; and

"(6) to exercise such incidental powers not inconsistent with the provisions of this Act as are necessary or advisable to carry out the purposes of the Finance Facility.

"(c) MANAGEMENT OF THE FINANCE FACILITY.—

"(1) ESTABLISHMENT.—The management of the Finance Facility shall be vested in a management board composed of the president of each of the Federal Home Loan Banks, ex officio.

"(2) DUTIES.—The management board of the Finance Facility shall administer the affairs of the Finance Facility in accordance with the provisions of this section.

"(3) INTERIM APPOINTMENTS.—If the office of the president of any Federal Home Loan Bank is vacant, the person serving in such capacity on an acting basis shall serve on the management board of the Finance Facility until replaced by the next person to fill the office of the president of that Federal Home Loan Bank.

"(4) POWERS.—The management board of the Finance Facility shall exercise such powers as may be necessary or advisable to carry out this section, including the power to—

"(A) set policies for the management and operation of the Finance Facility;

"(B) approve a strategic business plan for the Finance Facility;

"(C) review, adopt, and monitor annual operation and capital budgets of the Finance Facility;

"(D) constitute and perform the duties of an audit committee, which to the extent possible shall operate consistent with—

"(i) the requirements established for the Federal Home Loan Banks; and

"(ii) the requirements pertaining to audit committee reports set forth in the rules of the Securities and Exchange Commission;

"(E) select, employ, determine the compensation for, and assign the duties and functions of the President of the Finance Facility, who shall—

"(i) be the chief executive officer for the Finance Facility and shall direct the implementation of the policies adopted by the management board of the Finance Facility;

"(ii) serve as a member of the Directorate of the Financing Corporation, under section 21(b)(1)(A); and

"(iii) serve as a member of the Directorate of the Resolution Funding Corporation under section 21B(c)(1)(A);

"(F) provide for the review and approval of all contracts of the Finance Facility;

"(G) have the exclusive authority to employ and contract for the services of an independent, external auditor for the annual and quarterly combined financial statements of the Federal Home Loan Banks; and

"(H) select, evaluate, determine the compensation of, and, as appropriate, replace the internal auditor of the Finance Facility, who may be removed only by vote of the management board of the Finance Facility.

"(5) PAY.—The members of the management board of the Finance Facility shall not receive compensation for their services as members of the management board.

"(6) QUORUM REQUIREMENT.—

"(A) IN GENERAL.—No business of the Finance Facility may be conducted by the management board unless a quorum of the members of the management board is present in person or by telephone, or through action taken by written consent executed by all of the members of the management board.

"(B) NUMBER.—A quorum shall be a majority of the members of the management board.

"(C) VOTE REQUIRED.—Action taken by the management board shall be approved by a majority of the members in attendance at any meeting at which a quorum is present, unless the management board adopts procedures requiring a greater voting requirement.

"(7) APPOINTMENT OF OFFICERS AND ADOPTION OF RULES OF PROCEDURE.—The management board of the Finance Facility shall—

"(A) select, from among the members of such board, a Chairperson and a Vice Chairperson; and

"(B) adopt bylaws and other rules of procedure for actions before the management board, including—

"(i) the establishment of 1 or more committees to take action on behalf of the management board; and

"(ii) the delegation of powers of the management board to any committee or officer of the Finance Facility.

"(d) STATUS.—Except to the extent expressly provided in this Act, or in rules or regulations promulgated by the Director, or unless the context clearly indicates otherwise, the Finance Facility shall be accorded the same status as a Federal Home Loan Bank for purposes of any other provision of law (including section 13), other than section 1369F of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

"(e) DEFINITIONS.—As used in this section—

"(1) the term 'effective time' means the conclusion of the organizational meeting of the management board of the Finance Facility;

"(2) the term 'Finance Facility' includes a corporation, partnership, limited liability company, or joint venture that is jointly owned by the Federal Home Loan Banks;

"(3) the term 'management board' means the management board of the Finance Facility established in accordance with subsection (c); and

"(4) the term 'predecessor office' means the Office of Finance established as a joint office of the Federal Home Loan Banks.".

SEC. 2205. EXCLUSION FROM CERTAIN SECURITIES REPORTING REQUIREMENTS.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), 14(c), and 17A of the Securities Exchange Act of 1934, and related Commission regulations; and

(2) section 15 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to transactions in the capital stock of a Federal Home Loan Bank.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Bank System shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to ownership of or transactions in the capital stock of the Federal Home Loan Banks by such members.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) exempted securities, within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) government securities, within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934; and

(C) government securities, within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(3) BROKERS AND DEALERS.—A person that effects transactions in the capital stock or other obligations of a Federal Home Loan Bank, for the account of others or for his own account, as applicable, is excluded from the definition of—

(A) the term "government securities broker" under section 3(a)(43) of the Securities Exchange Act of 1934; and

(B) the term "government securities dealer" under section 3(a)(44) of the Securities Exchange Act of 1934.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements under the securities laws pertaining to the disclosure of—

(1) related party transactions that occur in the ordinary course of the business of the Banks with members; and

(2) the unregistered sales of equity securities.

(e) TENDER OFFERS.—Commission rules relating to tender offers shall not apply in connection with transactions in the capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—

(1) FINAL RULES.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue final rules to implement this section and the exemptions provided in this section.

(2) CONSIDERATIONS.—In issuing final regulations under this section, the Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating—

(A) the accounting treatment with respect to the payment to the Resolution Funding Corporation;

(B) the role of the combined financial statements of the Federal Home Loan Banks;

(C) the accounting classification of redeemable capital stock; and

(D) the accounting treatment related to the joint and several nature of the obligations of the Banks.

(g) DEFINITIONS.—As used in this section—

(1) the terms "Bank", "Federal Home Loan Bank", "member", and "Federal Home Loan Bank System" have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422);

(2) the term "Commission" means the Securities and Exchange Commission; and

(3) the term "securities laws" has the same meaning as in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)).

SEC. 2206. MERGERS.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by striking "Whenever" and inserting "(a) **IN GENERAL**.—Whenever"; and

(2) by adding at the end the following:

"(b) MERGERS AUTHORIZED.—

"(1) IN GENERAL.—Any Federal Home Loan Bank may, with the approval of the Director and of the boards of directors of the Banks involved, merge with another Bank.

"(2) REGULATIONS REQUIRED.—The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any voluntary merger described in paragraph (1).".

SEC. 2207. AUTHORITY TO REDUCE DISTRICTS.

Section 3 of the Federal Home Loan Bank Act (12 U.S.C. 1423) is amended—

(1) by striking "As soon" and inserting "(a) **IN GENERAL**.—As soon"; and

(2) by adding at the end the following:

"(b) AUTHORITY TO REDUCE DISTRICTS.—Notwithstanding subsection (a), the number of districts may be reduced to a number less than 8—

"(1) pursuant to a voluntary merger between Banks, as approved pursuant to section 26(b); or

"(2) pursuant to a decision by the Director to liquidate a bank pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.".

SEC. 2208. MANAGEMENT OF HOME LOAN BANKS.

(a) BOARD OF DIRECTORS.—Section 7(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1427(a)(1)) is amended to read as follows:

"(1) IN GENERAL.—Subject to paragraphs (2) through (4), and except to the extent that action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 results in a lesser number, the management of each Federal home loan bank shall be vested in a board of 13 directors, or such other number as the board of directors of each Federal home loan bank determines appropriate.".

(b) APPORTIONMENT AMONG STATES; DESIGNATION OF STATE LOCATION.—Section 7(c) of the Federal Home Loan Bank Act (12 U.S.C. 1427(c)) is amended to read s follows:

"(c) APPORTIONMENT AMONG STATES; DESIGNATION OF STATE LOCATION.—The number of elective directorships designated as representing the members located in each separate State in a bank district shall be determined by the Director, in the approximate ratio of the percentage of the required stock, as determined pursuant to regulation of the Director, of the members located in the State at the end of the calendar year next preceding the date of the election to the total required stock, as so determined, of all members of such bank at the end of such year, except that in the case of each State, such number shall not be less than 1 or 2, as determined by the board of directors of each Federal home loan bank, and shall be not more than 6.".

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

SEC. 2301. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight, solely for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight—

(1) shall manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 2303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 2303.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Division to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act;

(iii) the Federal Home Loan Mortgage Corporation Act;

(iv) or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the date of abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Enterprise Regulatory Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Enterprise Regulatory Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 2302. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, and determinations, and shall be enforceable by or against the Director or the Secretary of Housing and Urban Development, as the case may be, until modified, terminated, set aside, or superseded in accordance with applicable law by the Director or the Secretary, as the case may be, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described in this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight;

(B) the Secretary of Housing and Urban Development, and relates to the authority of the Secretary under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act, with respect to the Federal National Mortgage Association; or

(iii) the Federal Home Loan Mortgage Corporation Act, with respect to the Federal Home Loan Mortgage Corporation; or

(C) a court of competent jurisdiction, and relates to functions transferred by this Division; and

(2) is in effect on the effective date of the abolishment under section 2301(a).

SEC. 2303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 2301(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 2301(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Agency or the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 2301(a), if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Enterprise Regulatory Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Office of Federal Housing Enterprise Oversight and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 2304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of its abolishment under section 2301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Agency.

Subtitle B—Federal Housing Finance Board

SEC. 2311. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this subtitle referred to as the "Board") is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Board, solely for the purpose of winding up the affairs of the Board—

(1) shall manage the employees of the Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 2313; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of the Board as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 2313.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Board to perform functions which have been transferred to the Director, for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Division or any amendment made by this Division to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the 1-year period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred under this Division to the Director shall abate by reason of the enactment of this Act, except that the Director shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 2312. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described under subsection (b) shall remain in effect according to the terms of such regulations, orders, and determinations, and shall be enforceable by or against the Director until modified, terminated, set aside, or superseded in accordance with applicable law by the Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction, and relates to functions transferred by this title; and

(2) is in effect on the effective date of the abolishment under section 2311(a).

SEC. 2313. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 2311(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, if the employee is a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 2311(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 2311(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 2314. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 2311(a), all property of the Board shall transfer to the Agency.

TITLE IV—STUDIES AND REPORTS

SEC. 2401. STUDY AND REPORT ON BASEL II AND ENTERPRISE DEBT.

(a) STUDY.—The Board of Governors of the Federal Reserve System shall conduct a study on the effects on the regulated entities of the new Basel Capital Accord (Basel II), as endorsed by the Group of Ten countries in "The International Convergence of Capital Measurement and Capital Standards: a Revised Framework". The study shall examine the debt of the regulated entities and the capital classification on financial institutions that hold such debt.

(b) REPORT.—The Chairman of the Board of Governors of the Federal Reserve System shall submit a report to Congress on the results of the study required by this section not later than 2 years after the date of enactment of this Act.

SEC. 2402. AFFORDABLE HOUSING AUDITS.

The Inspector General of the Agency shall conduct an annual audit of the affordable housing activities, programs, and partnerships of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, to ensure that such activities, programs, and partnerships support the affordable housing missions of those enterprises.

SEC. 2403. REPORT ON INSURED DEPOSITORY INSTITUTION HOLDINGS OF REGULATED ENTITY DEBT AND MORTGAGE-BACKED SECURITIES.

Not later than 2 years after the date of enactment of this Act, the Director, the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board shall jointly submit a report to Congress regarding—

(1) the extent to which obligations issued or guaranteed by the regulated entities (including mortgage-backed securities) are held by federally insured depository institutions, including such extent by type of institution and such extent relative to the capital of the institution;

(2) the extent to which the unlimited holdings by federally insured depository institutions of the obligations of the regulated entities could produce systemic risk issues, particularly for the safety and soundness of the banking system in the United States, in the event of default or failure by a regulated entity;

(3) the effects on the regulated entities, the banking industry, and mortgage markets, if prudent limits on the holdings of the obligations of a regulated entity were placed on federally insured depository institutions; and

(4) the extent to which alternative investments are available to community depository institutions, and the impact that such alternative investments would have on the safety and soundness and capital levels of such community depository institutions.

SEC. 2404. REPORT ON RISK-BASED CAPITAL LEVELS.

(a) In General.—The Director shall submit a report to Congress at the end of each fiscal quarter regarding—

(1) the risk-based capital levels for the regulated entities under section 1361 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by this Division, including a description of the risk-based capital test under that section 1361 and any assumptions of the Director and factors used by the Director in establishing the test; and

(2) the minimum and critical capital levels for the regulated entities pursuant to sections 1362 and 1363, respectively, of that Act, as so amended.

(b) Timing.—Each report under this section shall be submitted not later than 60 days after the end of each fiscal quarter.

SEC. 2405. REPORT ON RESOURCES AND ALLOCATIONS.

The Comptroller General of the United States shall submit a report to Congress annually, on a fiscal year basis, regarding—

(1) the allocation of resources of the Agency by the Director; and

(2) the level of assessments collected by the Director for the operation of the Agency.

SEC. 2406. STUDY AND REPORT ON GUARANTEE FEES.

(a) Ongoing Study of Fees.—The Director shall conduct an ongoing study of fees charged by enterprises for guaranteeing a mortgage.

(b) Collection of Data.—The Director shall, by regulation or order, establish procedures for the collection of data from enterprises for purposes of this subsection, including the format and the process for collection of such data.

(c) Report to Congress.—The Director shall annually submit a report to Congress on the results of the study conducted under subsection (a), based on the aggregated data collected under subsection (a) for the subject year, regarding the amount of such fees and the criteria used by the enterprises to determine such fees.

(d) Contents of Reports.—The reports required under subsection (c) shall identify and analyze—

(1) the factors considered in determining the amount of the guarantee fees charged;

(2) the total revenue earned by the enterprises from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of any increase or decrease in guarantee fees from the preceding year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) a breakdown of guarantee fees charged based on asset size of the originator and the number of loans sold or transferred to an enterprise.

(e) Protection of Information.—Nothing in this section may be construed to require or authorize the Director to publicly disclose information that is confidential or proprietary.

SEC. 2407. REPORT ON CONFORMING LOAN LIMITS.

The Comptroller General of the United States shall submit a report to Congress on whether raising the loan limits under section 302(b) of the Federal National Mortgage Association Act (12 U.S.C. 1717(b)) and section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)) would promote the availability of affordable housing.

SEC. 2408. REVIEWS AND STUDIES RELATING TO ENTERPRISES AND RELATED FOUNDATIONS.

(a) Annual Reviews.—The Director shall annually conduct a review of the Freddie Mac Foundation and the Office of Corporate Giving of the Federal National Mortgage Corporation (formerly known as the "Fannie Mae Foundation"), or any successors thereto, to ensure that such entities are not engaged in impermissible lobbying activities.

(b) Study on Lobbying Activities To Obstruct Special Examination.—The Director shall conduct a study to determine whether any actions or inactions by an OFHEO-designated executive officer of a Government-Sponsored Enterprise, that was an employee of the Government-Sponsored-Enterprise during the period of review of the OFHEO Special Examination of Accounting Policies and Practices of Fannie Mae for the years 1998 through mid-2004 and remains an employee of such Government-Sponsored Enterprise as of the date of enactment of this Act, were intended to obstruct the Special Examination by OFHEO.

(c) Report.—The Director shall submit a report to Congress on the results of the reviews and study required under subsections (a) and (b), not later than 60 days after the date of enactment of this Act, and annually thereafter with respect to the reviews conducted under subsection (a).

SEC. 2409. RECOMMENDATIONS.

Each report submitted pursuant to this title shall include specific recommendations, if any, of appropriate policies, limitations, regulations, legislation, or other actions to deal appropriately and effectively with the issues addressed by such report.

TITLE V—GSE MISSION IMPROVEMENT

SEC. 2501 SHORT TITLE.

This title may be cited as the "Federal Housing Enterprise Regulatory Reform Act of 2008" or the "GSE Mission Improvement Act".

SEC. 2502. ANNUAL HOUSING REPORT REGARDING ENTERPRISES.

(a) Repeal.—Section 1324 of the Housing and Community Development Act of 1992 (12 U.S.C. 4544) is hereby repealed.

(b) Annual Housing Report.—The Housing and Community Development Act of 1992 is amended by inserting after section 1323 the following:

"SEC. 1324. ANNUAL HOUSING REPORT REGARDING ENTERPRISES.

"(a) In General.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act and section 307(f) of the Federal Home Loan Mortgage Corporation Act, the Secretary shall submit a report, not later than October 30 of each year, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the activities of each enterprise.

"(b) Contents.—The report required under subsection (a) shall—

"(1) discuss—

"(A) the extent to and manner in which—

"(i) each enterprise is achieving the annual housing goals established under subpart B;

"(ii) each enterprise is complying with its duty to serve underserved markets, as established under section 1335;

"(iii) each enterprise is complying with section 1337; and

"(iv) each enterprise is achieving the purposes of the enterprise established by law; and

"(B) the actions that each enterprise could undertake to promote and expand the purposes of the enterprise;

"(2) aggregate and analyze relevant data on income to assess the compliance of each enterprise with the housing goals established under subpart B;

"(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

"(4) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans; and

"(5) compare the characteristics of subprime loans purchased and securitized by each enterprise to other loans purchased and securitized by each enterprise.

"(c) Data Collection and Reporting.—

"(1) In general.—To assist the Secretary in analyzing the matters described in subsection (b), the Secretary shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

"(2) Data points.—Each monthly survey conducted by the Secretary under paragraph (1) shall collect data on—

"(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

"(i) the price of the house that secures the mortgage;

"(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(iii) the terms of the mortgage;

"(iv) the creditworthiness of the borrower or borrowers; and

"(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise;

"(B) the characteristics of individual subprime mortgages that are eligible for purchase by the enterprises and the characteristics of borrowers under such mortgages, including the credit worthiness of such borrowers and determination whether such borrowers would qualify for prime lending; and

"(C) such other matters as the Secretary determines to be appropriate.

"(3) PUBLIC AVAILABILITY.—The Secretary shall make any data collected by the Secretary in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Secretary may modify the data released to the public to ensure that the data—

"(A) is not released in an identifiable form; and

"(B) is not otherwise obtainable from other publicly available data sets.

"(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.".

SEC. 2503. PUBLIC USE DATABASE.

Section 1323 of the Housing and Community Development Act of 1992 (42 U.S.C. 4543) is amended—

(1) in subsection (a)—

(A) by striking "(a) IN GENERAL.—The Secretary" and inserting the following:

"(a) AVAILABILITY.—

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following new paragraph:

"(2) CENSUS TRACT LEVEL REPORTING.—Such data shall include the data elements required to be reported under the Home Mortgage Disclosure Act of 1975, at the census tract level.";

(2) in subsection (b)(2), by inserting before the period at the end the following: "or with subsection (a)(2)"; and

(3) by adding at the end the following new subsection:

"(d) TIMING.—Data submitted under this section by an enterprise in connection with a provision referred to in subsection (a) shall be made publicly available in accordance with this section not later than September 30 of the year following the year to which the data relates.".

SEC. 2504. REVISION OF HOUSING GOALS.

(a) REPEAL.—Sections 1331 through 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 through 4564) are hereby repealed.

(b) HOUSING GOAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4301 et seq.) is amended by inserting before section 1335 the following:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

"(a) IN GENERAL.—The Secretary shall, by regulation, establish effective for the first calendar year that begins after the date of enactment of the Federal Housing Enterprise Regulatory Reform Act of 2008, and each year thereafter, annual housing goals, as described in sections 1332, 1333, and 1334, with respect to the mortgage purchases by the enterprises.

"(b) SPECIAL COUNTING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall determine whether an enterprise shall receive full, partial, or no credit for a transaction toward achievement of any of the housing goals established pursuant to this section or sections 1332 through 1334.

"(2) CONSIDERATIONS.—In making any determination under paragraph (1), the Secretary shall consider whether a transaction or activity of an enterprise is substantially equivalent to a mortgage purchase and either (A) creates a new market, or (B) adds liquidity to an existing market, provided however that the terms and conditions of such mortgage purchase is neither determined to be unacceptable, nor contrary to good lending practices, and otherwise promotes sustainable homeownership and further, that such mortgage purchase actually fulfills the purposes of the enterprise and is in accordance with the chartering Act of such enterprise.

"(c) ELIMINATING INTEREST RATE DISPARITIES.—

"(1) IN GENERAL.—In establishing and implementing the housing goals under this subpart, the Secretary shall require the enterprises to disclose appropriate information to allow the Secretary to assess if there are any disparities in interest rates charged on mortgages to borrowers who are minorities, as compared with borrowers of similar creditworthiness who are not minorities, as evidenced in reports pursuant to the Home Mortgage Disclosure Act of 1975.

"(2) REPORT TO CONGRESS AND REMEDY REQUIRED ON DISPARITIES.—Upon a finding by the Secretary that a pattern of disparities in interest rates exists pursuant to the information provided by an enterprise under paragraph (1), the Secretary shall—

"(A) forward to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report detailing the disparities; and

"(B) require the enterprise to take such actions as the Secretary deems appropriate pursuant to this Act, to remedy such identified interest rate disparities.

"(3) IDENTITY OF INDIVIDUALS NOT DISCLOSED.—In carrying out this subsection, the Secretary shall ensure that no personally identifiable financial information that would enable an individual borrower to be reasonably identified shall be made public.

"(d) TIMING.—The Secretary shall establish an annual deadline for the establishment of housing goals described in subsection (a), taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such goals.

"SEC. 1331A. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

"(a) AUTHORITY.—An enterprise may petition the Secretary in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

"(b) STANDARD FOR REDUCTION.—The Secretary may reduce the level for a goal pursuant to such a petition only if—

"(1) market and economic conditions or the financial condition of the enterprise require such action; or

"(2) efforts to meet the goal would result in the constraint of liquidity, over investment in certain market segments, or other consequences contrary to the intent of this subpart, section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)), or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

"(c) DETERMINATION.—

"(1) 30-DAY PERIOD.—The Secretary shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) for a single additional 15-day period, but only if the Secretary requests additional information from the enterprise.

"SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

"(a) ESTABLISHMENT OF GOALS.—

"(1) IN GENERAL.—The Secretary shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, owner-occupied, purchase money mortgages financing housing for each of the following:

"(A) Low-income families.

"(B) Families that reside in low-income areas.

"(C) Very low-income families.

"(2) GOALS AS PERCENTAGE OF TOTAL PURCHASE MONEY MORTGAGE PURCHASES.—The goals established under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units financed by single-family purchase money mortgages of the enterprise.

"(b) DETERMINATION OF COMPLIANCE.—

"(1) IN GENERAL.—The Secretary shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year.

"(2) COMPLIANCE REQUIREMENTS.—An enterprise shall be considered to be in compliance with a goal described under subsection (a) for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target established under subsection (c) for the year for such type of family.

"(c) ANNUAL TARGETS.—

"(1) IN GENERAL.—The Secretary shall establish annual targets for each goal described in subsection (a).

"(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Secretary shall consider—

"(A) national housing needs;

"(B) economic, housing, and demographic conditions;

"(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

"(D) the ability of the enterprise to lead the industry in making credit available;

"(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other mortgage data as may be available for non metropolitan areas regarding conventional, conforming, single-family, owner-occupied, purchase money mortgages originated and purchased;

"(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

"(G) the need to maintain the sound financial condition of the enterprises.

"(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Secretary shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Secretary, of the performance of the enterprise for the year and the targets for the year under subsection (c).

"(2) COMMENT PERIOD.—The Secretary shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Secretary shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

"SEC. 1333. SINGLE-FAMILY HOUSING REFINANCE GOALS.

"(a) PREPAYMENT OF EXISTING LOANS.—

"(1) IN GENERAL.—The Secretary shall establish annual goals for the purchase by each enterprise of mortgages on conventional, conforming, single-family, owner-occupied housing given to pay off or prepay an existing loan served by the same property for each of the following:

"(A) Low-income families.

"(B) Families that reside in low-income areas.

"(C) Very low-income families.

"(2) GOALS AS PERCENTAGE OF TOTAL REFINANCING MORTGAGE PURCHASES.—The goals described under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units refinanced by mortgage purchases of each enterprise.

"(b) DETERMINATION OF COMPLIANCE.—

"(1) IN GENERAL.—The Secretary shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing refinance goals established under this section for such year.

"(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goals of this section for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied refinancing mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (c).

"(c) ANNUAL TARGETS.—

"(1) IN GENERAL.—The Secretary shall establish annual targets for each goal described in subsection (a).

"(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Secretary shall consider—

"(A) national housing needs;

"(B) economic, housing, and demographic conditions;

"(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

"(D) the ability of the enterprise to lead the industry in making credit available;

"(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other mortgage data as may be available for non metropolitan areas regarding mortgages on conventional, conforming, single-family, owner-occupied, refinanced mortgages originated and purchased;

"(F) the size of the refinance conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall refinance conventional mortgage market; and

"(G) the need to maintain the sound financial condition of the enterprises.

"(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Secretary shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Secretary, of the performance of the enterprise for the year and the targets for the year under subsection (c).

"(2) COMMENT PERIOD.—The Secretary shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Secretary shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

"SEC. 1334. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish, by regulation, by unit or dollar volume, as determined by the Secretary, an annual goal for the purchase by each enterprise of:

"(A) Mortgages that finance dwelling units affordable to very low-income families.

"(B) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

"(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Secretary shall establish additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of 5 to 50 units (as adjusted by the Secretary), or with mortgages of up to $5,000,000 (as adjusted by the Secretary).

"(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise, the Secretary shall consider—

"(A) national multifamily mortgage credit needs;

"(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

"(C) the size of the multifamily mortgage market;

"(D) the most recent information available for the Residential Survey published by the Census Bureau, and such other data as may be available regarding multifamily mortgages;

"(E) the ability of the enterprise to lead the industry in expanding mortgage credit availability at favorable terms, especially for underserved markets, such as for—

"(i) small multifamily projects;

"(ii) multifamily properties in need of preservation and rehabilitation; and

"(iii) multifamily properties located in rural areas; and

"(F) the need to maintain the sound financial condition of the enterprise.

"(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Secretary may give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualify under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if—

"(1) such bonds are secured by a guarantee of the enterprise; or

"(2) are not investment grade and are purchased by the enterprise.

"(c) USE OF TENANT INCOME OR RENT.—

"(1) IN GENERAL.—The Secretary shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

"(A) if such data is available, the income of the prospective or actual tenants of the property; or

"(B) if such data is not available, the rent levels affordable to low-income and very low-income families.

"(2) RENT LEVEL.—A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

"(d) DETERMINATION OF COMPLIANCE.—

"(1) IN GENERAL.—The Secretary shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

"(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goal of this section for a year only if for each of the properties described in subsection (a), the percentage of the number of multifamily mortgages purchased by each enterprise in such year, that serve such families, meets or exceeds the goals for the year for such type of properties that are established under subsection (a).

"(e) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing any goal under this section, the Secretary may take into consideration the number of housing units financed by any mortgage on single-family rental housing purchased by an enterprise.".

(c) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking "low- and moderate-income housing goal" and all that follows through "section 1334" and inserting "housing goals established under this subpart";

(2) in section 1336 (12 U.S.C. 4566)—

(A) in section (a)(1), by striking "sections 1332, 1333, and 1334," and inserting "this subpart"; and

(B) in subsection (b)(1), by striking "section 1332, 1333, or 1334," and inserting "this subpart".

(d) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (19), by striking "60 percent" each place such term appears and inserting "50 percent"; and

(2) by adding at the end the following:

"(20) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under—

"(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

"(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.

"(21) LOW-INCOME AREA.—The term 'low-income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.

"(22) VERY LOW-INCOME.—

"(A) IN GENERAL.—The term 'very low-income' means—

"(i) in the case of owner-occupied units, income in excess of 30 percent but not greater than 50 percent of the area median income; and

"(ii) in the case of rental units, income in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(B) RULE OF CONSTRUCTION FOR PURPOSES OF HOUSING GOALS.—Notwithstanding subparagraph (A), for purposes of any housing goal established under sections 1331 through 1334, the term 'very low-income' means—

"(i) in the case of owner-occupied units, families having incomes not greater than 50 percent of the area median income;

"(ii) in the case of rental units, families having incomes not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(23) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

"(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

"(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(24) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

"(ii) the number of extremely low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

"(25) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by either extremely low- or very low-income renter households or are vacant for rent; and

"(ii) the number of extremely low- and very low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low- and very low-income households as described in subparagraph (A)(ii), there is no shortage.".

SEC. 2505. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting "**DUTY TO SERVE UNDERSERVED MARKETS AND**" before "**OTHER**";

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and to carry out the duty under subsection (a) of this section," before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" after the semicolon at the end;

(C) in paragraph (4), by striking "; and" and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as redesignated by paragraph (3)(E) of this subsection) the following new subsection:

"(a) DUTY TO SERVE UNDERSERVED MARKETS.—

"(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to purchase or securitize mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

"(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

"(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

"(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to extremely low-, very low-, and low-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act; and

"(vi) the rural rental housing program under section 515 of the Housing Act of 1949.

"(C) SUBPRIME BORROWERS.—The enterprises shall lead the industry in making mortgage credit available to low- and moderate-income families with credit impairment, and shall develop underwriting guidelines that preclude the purchase of loans with unacceptable terms and conditions, or which are contrary to good lending practices or to sustainable homeownership, including—

"(i) mandatory arbitration provisions;

"(ii) single premium credit insurance financed into the mortgages;

"(iii) unreasonable prepayment penalties and up front fees;

"(iv) introductory rates that expire in less than 10 years; and

"(v) any other such loans with unacceptable terms and conditions, or which are contrary to good lending practices or to sustainable homeownership.

"(D) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—The enterprises shall—

"(i) lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on unconventional affordable housing loans made or purchased by Treasury certified community development financial institutions and other nonprofit housing lenders; and

"(ii) utilize credit facilities, capital and loss reserves, credit enhancements, securitization, and other methods to facilitate a secondary market for mortgages on unconventional affordable housing loans made or purchased by community development financial institutions certified by the Secretary of the Treasury, as determined by the Secretary and consistent with the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, and the provisions of this Act.

"(E) COMMUNITY REINVESTMENT ACT CONSIDERATIONS.—The enterprise shall take affirmative steps to assist depository institutions to meet their obligations under the Community Reinvestment Act, which shall include developing appropriate underwriting standards, business practices, repurchase requirements, pricing, fees, and procedures.

"(F) RURAL AND OTHER UNDERSERVED MARKETS.—

"(i) IN GENERAL.—The enterprises shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources.

"(ii) IDENTIFICATION OF UNDERSERVED MARKETS.—Underserved markets may be identified for purposes of this paragraph by borrower type, market segment, or geographic area.

"(G) OTHER UNDERSERVED MARKETS.—The Secretary may, by rule, determine other underserved markets that the enterprises shall be required to lead the market in facilitating the availability of investment capital for mortgage financing for such markets."; and

(5) by adding at the end the following new subsection:

"(c) EVALUATION AND REPORTING OF COMPLIANCE.—

"(1) EVALUATING COMPLIANCE.—

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Federal Housing Enterprise Regulatory Reform Act of 2008, the Secretary shall establish through notice and comment rulemaking, a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets, and for rating the extent of such compliance.

"(B) RATING COMPLIANCE.—Using the evaluation method established under subparagraph (A), the Secretary shall, for each year, evaluate such compliance and rate the performance of each enterprise as to the extent of compliance.

"(C) EVALUATIONS AND RATINGS INCLUDED IN ANNUAL REPORT OF THE SECRETARY.—The Secretary shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Secretary shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the volume of loans purchased in each of such underserved markets; and

"(C) such other factors as the Secretary may determine.".

(b) ENFORCEMENT.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting "and with the duty under section 1335(a) of each enterprise with respect to underserved markets" before ", as provided in this section,"; and

(2) by adding at the end the following new paragraph:

"(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—

"(A) IN GENERAL.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under sections 1332, 1333, and 1334 are enforceable.

"(B) LIMITATION.—The duty under section 1335(a) shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 2506. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "PRELIMINARY" before "DETERMINATION";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) NOTICE.—If the Secretary preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail to meet any housing goal established under this subpart, the Secretary shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Secretary based the determination.";

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting "finally" before "determining";

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) EXTENSION OR SHORTENING OF PERIOD.—The Secretary may—

"(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

"(ii) shorten the period under subparagraph (A) for good cause."; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking "determine" and inserting "issue a final determination of";

(ii) in subparagraph (B), by inserting "final" before "determinations"; and

(iii) in subparagraph (C)—

(I) by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services"; and

(II) by inserting "final" before "determination" each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

"(c) CEASE-AND-DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

"(1) REQUIREMENT.—

"(A) HOUSING PLAN.—If the Secretary finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Secretary may require that the enterprise submit a housing plan under this subsection.

"(B) REFUSAL TO SUBMIT HOUSING PLAN.—If the Secretary makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Secretary finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Secretary may—

"(i) issue a cease-and-desist order in accordance with section 1341;

"(ii) impose civil money penalties in accordance with section 1345; or

"(iii) order other remedies as set forth in paragraph (7) of this subsection.";

(B) in paragraph (2)—

(i) by striking "CONTENTS.—Each housing plan" and inserting "HOUSING PLAN.—If the Secretary requires a housing plan under this section, such a plan"; and

(ii) in subparagraph (B), by inserting "and changes in its operations" after "improvements";

(C) in paragraph (3)—

(i) by inserting "comply with any remedial action or" before "submit a housing plan"; and

(ii) by striking "under subsection (b)(3) that a housing plan is required";

(D) in paragraph (4), by striking the first 2 sentences and inserting the following:

"(A) REVIEW.—The Secretary shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action.

"(B) EXTENSION OF TIME.—The Secretary may extend the period for approval or disapproval for a single additional 30-day period if the Secretary determines such extension necessary.

"(C) APPROVAL.—"; and

(E) by adding at the end the following new paragraph:

"(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease-and-desist orders under section 1341, and ordering civil money penalties under section 1345, the Secretary may—

"(A) seek other actions when an enterprise fails to meet a goal; and

"(B) exercise appropriate enforcement authority available to the Secretary under this Act.".

SEC. 2507. AFFORDABLE HOUSING PROGRAMS.

(a) REPEAL.—Sections 1337 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562 note) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Housing and Community Development Act of 1992 is amended by inserting after section 1336 the following:

"SEC. 1337. AFFORDABLE HOUSING ALLOCATIONS.

"(a) SET ASIDE AND ALLOCATION OF AMOUNTS BY ENTERPRISES.—Subject to subsection (b), in each fiscal year—

"(1) the Federal Home Loan Mortgage Corporation shall—

"(A) set aside an amount equal to 4.2 basis points for each dollar of unpaid principal balance of its total new business purchases; and

"(B) allocate or otherwise transfer—

"(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the affordable housing block grant program established under section 1338; and

"(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339; and

"(2) the Federal National Mortgage Association shall—

"(A) set aside an amount equal to 4.2 basis points for each dollar of unpaid principal balance of its total new business purchases; and

"(B) allocate or otherwise transfer—

"(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the affordable housing block grant program established under section 1338; and

"(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339.

"(b) SUSPENSION OF CONTRIBUTIONS.—The Secretary shall temporarily suspend allocations under subsection (a) by an enterprise upon a finding by the Secretary that such allocations—

"(1) are contributing, or would contribute, to the financial instability of the enterprise;

"(2) are causing, or would cause, the enterprise to be classified as undercapitalized; or

"(3) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

"(c) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Secretary shall, by regulation, prohibit each enterprise from redirecting the costs of any allocation required under this section, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

"(d) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

"SEC. 1338. AFFORDABLE HOUSING BLOCK GRANT PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Housing and Urban Development shall establish and manage an affordable housing block grant program, which shall be funded with amounts allocated by the enterprises under section 1337. The purpose of the block grant program under this section is to provide grants to States for use—

"(1) to increase and preserve the supply of rental housing for extremely low- and very low-income families, including homeless families; and

"(2) to increase homeownership for extremely low- and very low-income families.

"(b) AFFORDABLE HOUSING BLOCK GRANT ALLOCATIONS FOR HOMEOWNERSHIP PRESERVATION IN FISCAL YEAR 2008.—

"(1) ASSISTANCE FOR HOMEOWNERS FACING FORECLOSURE.—

"(A) IN GENERAL.—To help address the subprime mortgage crisis, in fiscal year 2008, 100 percent of the amounts allocated for grants under this section shall be used to make grants to States to—

"(i) facilitate loan modification and refinance options for low- and moderate-income borrowers facing foreclosure; and

"(ii) expeditiously make available to low- and moderate-income homebuyers, properties that have been foreclosed upon.

"(B) DISTRIBUTION.—The amounts allocated to help address the subprime mortgage crisis under subparagraph (A) shall be distributed according to a formula established by the Secretary.

"(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

"(3) DEVELOPMENT OF DISTRIBUTION FORMULA.—Not later than 3 months after the date of enactment of the Federal Housing Enterprise Regulatory Reform Act of 2008, the Secretary shall develop the distribution formula required under paragraph (1)(B). Such formula shall be based on the following factors:

"(A) The population of the State based on the most recent estimate of the resident population of such State as determined by the Bureau of the Census.

"(B) The 90-day delinquency rate of the State.

"(C) The ratio of foreclosures to owner-occupied households within the State.

"(4) ELIGIBLE LOAN USES.—

"(A) LOANS TO HOMEOWNERS TO PRESERVE HOMEOWNERSHIP.—

"(i) IN GENERAL.—A State or State designated entity shall use any grant amounts made available under this subsection to—

"(I) support the refinancing of loans of eligible homeowners, only if such loans have a loan-to-value ratio of not greater than 100 percent of current appraised value of the home on which such loan was taken;

"(II) reduce the outstanding loan balances of eligible homeowners, but only if the lender, servicer, investor, or other appropriate entity reduces such balance by the amount necessary to bring the combined loan value (including first and second mortgages) at or below 100 percent of the appraised value of the home; and

"(III) pay off any outstanding amounts owed by eligible homeowners for taxes and insurance.

"(ii) PROGRAM REQUIREMENTS FOR ELIGIBLE HOMEOWNERS.—

"(I) DEVELOPMENT BY STATES.—Each State or State designated entity that is a recipient of a grant amount under this subsection shall develop program requirements for eligible homeowners seeking a loan under this subparagraph.

"(II) REQUIRED CONTENT.—The program requirements required to be developed under this clause shall, at a minimum, include the following:

"(aa) The annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.

"(bb) That any loan under this paragraph may be provided for up to a 4-family owner-occupied residence, including 1-family units in a condominium project or a membership interest and occupancy agreement in a cooperative housing project, that is used, or is to be used, as the principal residence of the applicant seeking such grant or loan.

"(cc) The homeowner has a loan with unsustainable loan terms, as determined by a State housing finance agency or other designated State agency. For purposes of this item, the term 'unsustainable loan terms' includes such activities as the lack of escrow of taxes and insurance, the inclusion of prepayment penalties, and the lack of the ability of the homeowner to pay at the fully indexed interest rate because the debt-to-income ratio on such home loan is greater than 45 percent.

"(iii) LOAN REQUIREMENTS.—In order for a State or State designated entity to use the amounts made available under this subsection to assist eligible homeowners, a loan under this subparagraph—

"(I) shall—

"(aa) have a fixed interest rate;

"(bb) be affordable, so that the maximum debt-to-income ratio of such loan is not greater than 45 percent;

"(cc) require mandatory escrow of taxes and insurance;

"(dd) have no prepayment penalties;

"(ee) have no mandatory arbitration clauses; and

"(ff) if the loan-to-value ratio of the original mortgage loan is greater than 100 percent, require the lender to reduce such balance by the amount necessary to bring the loan value at or below 100 percent of the appraised value of the home;

"(II) shall not be due and payable unless—

"(aa) the real property securing such loan is sold, transferred, or refinanced; or

"(bb) the last surviving homeowner of such real property dies;

"(III) shall not exceed 10 percent of the principal balance; and

"(IV) may be subordinated.

"(iv) EXISTING LOAN FUNDS.—Any State or State designated entity with a previously existing fund established to make loans to assist homeowners in satisfying any amounts past due on their home loan may use funds appropriated for purposes of this subparagraph for that existing loan fund, even if the eligibility, application, program, or use requirements for that loan program differ from the eligibility, application, program, and use requirements of this subparagraph, unless such use is expressly determined by the Secretary to be inappropriate.

"(v) NO FORECLOSURE IF NOTICE OF APPLICATION FOR HOME PRESERVATION LOAN.—A mortgagee shall not initiate a foreclosure—

"(I) upon receipt of a written confirmation from the State or other State designated entity that the homeowner has applied for a home preservation loan under this subparagraph; and

"(II) for the 2-month period after receipt of such written confirmation or until the mortgagee is informed, in writing, that the homeowner is not eligible for a home preservation loan, whichever occurs first.

"(B) LOANS TO NONPROFIT DEVELOPERS FOR THE REHABILITATION AND SALE OF FORECLOSED PROPERTIES TO LOW- AND MODERATE-INCOME HOMEBUYERS.—

"(i) IN GENERAL.—A State or State designated entity may use up to 20 percent of the grant amounts made available under this subsection for homeownership preservation to provide loans to nonprofit affordable housing developers for the purposes of assisting low- and moderate-income homebuyers to purchase properties that are in the process of being foreclosed upon or have been acquired by the mortgage holder through the foreclosure process.

"(ii) PROGRAM REQUIREMENTS FOR NONPROFIT AFFORDABLE HOUSING DEVELOPERS.—

"(I) IN GENERAL.—Each State or State designated entity that is a recipient of a grant under this subsection shall, if they choose to use part of their grant award to make loans under this subparagraph, develop program requirements for nonprofit affordable housing developers for the purposes of assisting low- and moderate-income homebuyers to purchase properties that are in the process of being foreclosed upon or have been acquired by the mortgage holder through the foreclosure process.

"(II) REQUIRED CONTENT.—The program requirements developed under subclause (I) shall, at a minimum, include the following:

"(aa) That any loan under this clause may be provided for up to a 4-family owner-occupied residence, including 1-family units in a condominium project or a membership interest and occupancy agreement in a cooperative housing project, that is used, or is to be used, as the principal residence of a low- or moderate-income homebuyer.

"(bb) The annual income of the low- or moderate-income homebuyer is not greater than the annual income established by the Secretary as being of low- or moderate-income.

"(cc) The property is in foreclosure or has been acquired by the mortgage holder through the foreclosure process, the property has been appraised, and the sales price of the property does not exceed 100 percent of the appraised value of the property.

"(iii) LOAN REQUIREMENTS.—In order for a State or State designated entity to use the amounts made available under this subsection, a loan under this subparagraph—

"(I) may be used for—

"(aa) downpayment and closing costs;

"(bb) financing the difference between the sales price of a home and the mortgage for which the low- or moderate-income homebuyer qualifies; and

"(cc) repairs of a home not to exceed 10 percent of the appraised value of the home;

"(II) shall carry a zero percent interest rate;

"(III) shall not be due and payable by the low- or moderate-income homebuyer unless—

"(aa) the real property securing such loan is sold, transferred, or refinanced; or

"(bb) the last surviving homeowner of such real property dies; and

"(IV) may be subordinated.

"(iv) EXISTING LOAN FUNDS.—Any State or State designated entity with a previously existing fund established to make loans for the purposes of this subparagraph may use funds appropriated for purposes of this subparagraph for that existing loan fund, even if the eligibility, application, program, or use requirements for that loan program differ from the eligibility, application, program, and use requirements of this subparagraph, unless such use is expressly determined by the Secretary to be inappropriate.

"(c) ALLOCATION FOR AFFORDABLE HOUSING BLOCK GRANTS IN 2009 AND SUBSEQUENT YEARS.—

"(1) IN GENERAL.—Except as provided in subsection (b), during each fiscal year the Secretary of Housing and Urban Development shall distribute the amounts allocated for the affordable housing block grant program under this section to provide affordable housing as described in this subsection.

"(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

"(3) DISTRIBUTION TO STATES BY NEEDS-BASED FORMULA.—

"(A) IN GENERAL.—The Secretary of Housing and Urban Development shall, by regulation, establish a formula within 12 months of the date of enactment of the Federal Housing Enterprise Regulatory Reform Act of 2008, to distribute amounts made available under this subsection to each State to provide affordable housing to extremely low- and very low-income households.

"(B) BASIS FOR FORMULA.—The formula required under subparagraph (A) shall include the following:

"(i) The ratio of the shortage of standard rental units both affordable and available to extremely low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to extremely low-income renter households in all the States.

"(ii) The ratio of the shortage of standard rental units both affordable and available to very low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to very low-income renter households in all the States.

"(iii) The ratio of extremely-low income renter households in the State living with either (I) incomplete kitchen or plumbing facilities, (II) more than 1 person per room, or (III) paying more than 50 percent of income for housing costs, to the aggregate number of extremely low-income renter households living with either (IV) incomplete kitchen or plumbing facilities, (V) more than 1 person per room, or (VI) paying more than 50 percent of income for housing costs in all the States.

"(iv) The ratio of very low-income renter households in the State paying more than 50 percent of income on rent relative to the aggregate number of very low-income renter households paying more than 50 percent of income on rent in all the States.

"(v) The resulting sum calculated from the factors described in clauses (i) through (iv) shall be multiplied by the relative cost of construction in the State. For purposes of this subclause, the term 'cost of construction'—

"(I) means the cost of construction or building rehabilitation in the State relative to the national cost of construction or building rehabilitation; and

"(II) shall be calculated such that values higher than 1.0 indicate that the State's construction costs are higher than the national average, a value of 1.0 indicates that the State's construction costs are exactly the same as the national average, and values lower than 1.0 indicate that the State's cost of construction are lower than the national average.

"(C) PRIORITY.—The formula required under subparagraph (A) shall give priority emphasis and consideration to the factor described in subparagraph (B)(i).

"(4) ALLOCATION OF GRANT AMOUNTS.—

"(A) NOTICE.—Not later than 60 days after the date that the Secretary of Housing and Urban Development determines the formula amounts described in paragraph (3), the Secretary shall caused to be published in the Federal Register a notice that such amounts shall be so available.

"(B) GRANT AMOUNT.—In each fiscal year other than fiscal year 2008, the Secretary of Housing and Urban Development shall make a block grant to each State in an amount that is equal to the formula amount determined under paragraph (3) for that State.

"(C) MINIMUM STATE ALLOCATIONS.—If the formula amount determined under paragraph (3) for a fiscal year would allocate less than $3,000,000 to any State, the allocation for such State shall be $3,000,000, and the increase shall be deducted pro rata from the allocations made to all other States.

"(5) ALLOCATION PLANS REQUIRED.—

"(A) IN GENERAL.—For each year that a State or State designated entity receives an affordable housing block grant under this subsection, the State or State designated entity shall establish an allocation plan. Such plan shall—

"(i) set forth a plan for the distribution of grant amounts received by the State or State designated entity for such year;

"(ii) be based on priority housing needs, as determined by the State or State designated entity in accordance with the regulations established under subsection (g)(2)(C);

"(iii) comply with paragraph (6); and

"(iv) include performance goals that comply with the requirements established by the Secretary pursuant to subsection (g)(2).

"(B) ESTABLISHMENT.—In establishing an allocation plan under this paragraph, a State or State designated entity shall—

"(i) notify the public of the establishment of the plan;

"(ii) provide an opportunity for public comments regarding the plan;

"(iii) consider any public comments received regarding the plan; and

"(iv) make the completed plan available to the public.

"(C) CONTENTS.—An allocation plan of a State or State designated entity under this paragraph shall set forth the requirements for eligible recipients under paragraph (8) to apply for such grant amounts, including a requirement that each such application include—

"(i) a description of the eligible activities to be conducted using such assistance; and

"(ii) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

"(6) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND GRANT AMOUNTS.—Grant amounts received by a State or State designated entity under this subsection may be used, or committed for use, only for activities that—

"(A) are eligible under paragraph (7) for such use;

"(B) comply with the applicable allocation plan of the State or State designated entity under paragraph (5); and

"(C) are selected for funding by the State or State designated entity in accordance with the process and criteria for such selection established pursuant to subsection (g)(2)(C).

"(7) ELIGIBLE ACTIVITIES.—Grant amounts allocated to a State or State designated entity under this subsection shall be eligible for use, or for commitment for use, only for assistance for—

"(A) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B) and for operating costs, except that such grant amounts may be used for the benefit only of extremely low- and very low-income families; and

"(B) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest rate buy-downs, that—

"(i) is available for purchase only for use as a principal residence by families that qualify both as—

"(I) extremely low- and very low-income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(II) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this subsection be considered to refer to assistance from affordable housing fund grant amounts;

"(ii) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

"(iii) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(iv) is made available for purchase only by, or in the case of assistance under this subsection, is made available only to homebuyers who have, before purchase completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Secretary;

"(8) ELIGIBLE RECIPIENTS.—Grant amounts allocated to a State or State designated entity under this subsection may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity or a nonprofit entity) that—

"(A) has demonstrated experience and capacity to conduct an eligible activity under paragraph (7), as evidenced by its ability to—

"(i) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

"(ii) design, construct or rehabilitate, and market affordable housing for homeownership; or

"(iii) provide forms of assistance, such as downpayments, closing costs, or interest rate buy-downs for purchasers;

"(B) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

"(C) demonstrates its familiarity with the requirements of any other Federal, State, or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

"(D) makes such assurances to the State or State designated entity as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subsection during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under paragraph (8) that are engaged in by the recipient and funded with such grant amounts.

"(9) LIMITATIONS ON USE.—

"(A) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount allocated to a State or State designated entity under this subsection not more than 10 percent shall be used for activities under subparagraph (B) of paragraph (7).

"(B) DEADLINE FOR COMMITMENT OR USE.—Grant amounts allocated to a State or State designated entity under this subsection shall be used or committed for use within 2 years of the date that such grant amounts are made available to the State or State designated entity. The Secretary shall recapture any such amounts not so used or committed for use and reallocate such amounts under this subsection in the first year after such recapture.

"(C) USE OF RETURNS.—The Secretary shall, by regulation, provide that any return on a loan or other investment of any grant amount used by a State or State designated entity to provide a loan under this subsection shall be treated, for purposes of availability to and use by the State or State designated entity, as a block grant amount authorized under this subsection.

"(D) PROHIBITED USES.—The Secretary shall, by regulation—

"(i) set forth prohibited uses of grant amounts allocated under this subsection, which shall include use for—

"(I) political activities;

"(II) advocacy;

"(III) lobbying, whether directly or through other parties;

"(IV) counseling services;

"(V) travel expenses; and

"(VI) preparing or providing advice on tax returns;

"(ii) provide that, except as provided in clause (iii), affordable housing block grant amounts of a State or State designated entity may not be used for administrative, outreach, or other costs of—

"(I) the State or State designated entity; or

"(II) any other recipient of such grant amounts; and

"(iii) limit the amount of any affordable housing block grant amounts for a year that may be used by the State or State designated entity for administrative costs of carrying out the program required under this subsection to a percentage of such grant amounts of the State or State designated entity for such year, which may not exceed 10 percent.

"(E) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Secretary may not consider any affordable housing block grant amounts used under this section for eligible activities under paragraph (7). The Secretary shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from such block grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(d) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a State or State designated entity fails to obtain reimbursement or return of the full amount required under subsection (e)(1)(B) to be reimbursed or returned to the State or State designated entity during such year—

"(1) except as provided in paragraph (2)—

"(A) the amount of the grant for the State or State designated entity for the succeeding year, as determined pursuant to this section, shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

"(B) the amount of the grant for the succeeding year for each other State or State designated entity whose grant is not reduced pursuant to subparagraph (A) shall be increased by the amount determined by applying the formula established pursuant to this section to the total amount of all reductions for all State or State designated entities for such year pursuant to subparagraph (A); or

"(2) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this section will not be made, the State or State designated entity shall pay to the Secretary for reallocation among the other grantees an amount equal to the amount of the reduction for the entity that would otherwise apply under paragraph (1)(A).

"(e) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

"(1) RECIPIENTS.—

"(A) TRACKING OF FUNDS.—The Secretary shall—

"(i) require each State or State designated entity to develop and maintain a system to ensure that each recipient of assistance under this section uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the State or State designated entity and recipients, regarding assistance under this section, which shall include—

"(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the assistance to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

"(B) MISUSE OF FUNDS.—

"(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance under this section is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the State or State designated entity shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the State or State designated entity for such misused amounts and return to the State or State designated entity any such amounts that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is made by the Secretary or made by the State or State designated entity, provided that—

"(I) the State or State designated entity provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

"(II) the Secretary does not subsequently reverse the determination.

"(2) GRANTEES.—

"(A) REPORT.—

"(i) IN GENERAL.—The Secretary shall require each State or State designated entity receiving grant amounts in any given year under this section to submit a report, for such year, to the Secretary that—

"(I) describes the activities funded under this section during such year with such grant amounts; and

"(II) the manner in which the State or State designated entity complied during such year with any allocation plan established pursuant to subsection (c).

"(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

"(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a State or State designated entity has failed to comply substantially with any provision of this section, and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

"(i) reduce the amount of assistance under this section to the State or State designated entity by an amount equal to the amount of block grant amounts which were not used in accordance with this section;

"(ii) require the State or State designated entity to repay the Secretary an amount equal to the amount of the amount block grant amounts which were not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the State or State designated entity to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the State or State designated entity.

"(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) EXTREMELY LOW-INCOME RENTER HOUSEHOLD.—The term 'extremely low-income renter household' means a household whose income is not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(2) RECIPIENT.—The term 'recipient' means an individual or entity that receives assistance from a State or State designated entity from amounts made available to the State or State designated entity under this section.

"(3) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means for any State or other geographical area the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

"(ii) the number of extremely low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

"(4) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means for any State or other geographical area the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by very low-income renter households or are vacant for rent; and

"(ii) the number of very low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of very low-income households as described in subparagraph (A)(ii), there is no shortage.

"(5) VERY LOW-INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

"(6) VERY LOW-INCOME RENTER HOUSEHOLDS.—The term 'very low-income renter households' means a household whose income is in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(g) REGULATIONS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development, shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) a requirement that the Secretary ensure that the use of block grant amounts under this section by States or State designated entities is audited not less than annually to ensure compliance with this section;

"(B) authority for the Secretary to audit, provide for an audit, or otherwise verify a State or State designated entity's activities to ensure compliance with this section;

"(C) requirements for a process for application to, and selection by, each State or State designated entity for activities meeting the State or State designated entity's priority housing needs to be funded with block grant amounts under this section, which shall provide for priority in funding to be based upon—

"(i) geographic diversity;

"(ii) ability to obligate amounts and undertake activities so funded in a timely manner;

"(iii) in the case of rental housing projects under subsection (c)(7)(A), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

"(iv) in the case of rental housing projects under subsection (c)(7)(A), the extent of the duration for which such rents will remain affordable;

"(v) the extent to which the application makes use of other funding sources; and

"(vi) the merits of an applicant's proposed eligible activity;

"(D) requirements to ensure that block grant amounts provided to a State or State designated entity under this section that are used for rental housing under subsection (c)(7)(A) are used only for the benefit of extremely low- and very low-income families; and

"(E) requirements and standards for establishment, by a State or State designated entity, for use of block grant amounts in 2009 and subsequent years of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts.

"(h) AFFORDABLE HOUSING TRUST FUND.—If, after the date of enactment of the Federal Housing Enterprise Regulatory Reform Act of 2008, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (c), the Secretary shall in such subsequent year and any remaining years referred to in subsection (c) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (c) in such year. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (c)(9)(D).

"(i) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee by a State or State designated entity, any assistance provided to a recipient by a State or State designated entity, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (h) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Secretary of the Office of Management and Budget, the Secretary shall obtain and provide such information regarding any such grants, assistance, and awards as the Secretary of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable, pursuant to the preceding sentence.

SA 4491. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Beginning on page 63, strike line 20 and all that follows through line 7 on page 64 and insert the following:

"(ii) TAXABLE YEARS ENDING DURING 2008 AND 2009.—An eligible taxpayer (within the meaning of section 168(k)(4)) may elect to apply this paragraph to any net operating loss for any taxable year ending during 2008 or 2009—

"(I) by substituting '4' for '2' in subparagraph (A)(i),

"(II) by substituting '3' for '2' in subparagraph (E)(ii), and

"(III) without regard to subparagraph (F).".

SA 4492. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MORTGAGE ENHANCEMENT AND MODIFICATION ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Mortgage Enhancement and Modification Act of 2008".

SEC. 802. SAFE HARBOR FOR QUALIFIED LOAN MODIFICATIONS OR WORKOUT PLANS FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

(a) STANDARD FOR LOAN MODIFICATIONS OR WORKOUT PLANS.—Absent specific contractual provisions to the contrary—

(1) the duty to maximize or not negatively affect, the recovery of total proceeds from pooled residential mortgage loans is owed by a servicer of such pooled loans to the securitization vehicle for the benefit of all investors and holders of beneficial interests in the pooled loans, in the aggregate, and not to any individual party or group of parties;

(2) a servicer of pooled residential mortgage loans shall be deemed to be acting on behalf of the securitization vehicle in the best interest of all investors and holders of beneficial interests in the pooled loans, in the aggregate if—

(A) for a loan that is in payment default under the loan agreement or for which payment default is imminent or reasonably foreseeable, the loan servicer makes reasonable and documented efforts, which shall be made available to the investors and holders of beneficial interests in the pooled loans upon request, to implement a modification or workout plan; or

(B) the efforts under subparagraph (A) are unsuccessful or such plan would be infeasible, engages in other loss mitigation, including accepting a short payment or partial discharge of principal, or agreeing to a short sale of the property, to the extent that the servicer reasonably believes the modification or workout plan or other mitigation actions will maximize the net present value to be realized on the loans over that which would be realized through foreclosure under the present terms of the contract; and

(3) a servicer shall be deemed to be acting on behalf of the securitization vehicle in the

best interest of all investors and holders of beneficial interests in the pooled loans, in the aggregate, if the servicer makes efforts—

(A) to proactively contact borrowers that are reasonably considered to be approaching a calendar date in which a predetermined or contractually established rate of interest on the principal of the loan shall—

(i) increase or fluctuate in accordance with a designated market indicator or indicators; or

(ii) increase or fluctuate within a predetermined range; and

(B) to determine—

(i) the ability of the borrower to make payments following a reset of interest rates using common and appropriate metric standards such as debt to income ratios;

(ii) whether the borrower is in danger of default or disclosure; and

(iii) whether a loan modification or other mitigation effort is appropriate.

(b) SAFE HARBOR.—Absent specific contractual provisions to the contrary, a servicer of a residential mortgage loan that acts in a manner consistent with the provisions set forth in subsection (a), shall not be liable for entering into a qualified loan modification, or other loss mitigation effort described in subsection (a) to—

(1) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest, and other payments in loans on the pool;

(2) any person who is obligated to make payments determined in reference to any loan or any interest referred to in paragraph (1);

(3) any person that insures any loan or any interest referred to in paragraph (1) under any law or regulation of the United States or any law or regulation of any State or political subdivision of any State; or

(4) any other person or institution that may have a financial or commercial relationship and association with the persons associated in paragraphs (1) through (3).

(c) RULE OF CONSTRUCTION.—No provision of this section shall be construed as limiting the ability of a servicer to enter into loan modifications or workout plans other than qualified loan modification or workout plans.

(d) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) QUALIFIED LOAN MODIFICATION OR WORKOUT PLAN.—The term "qualified loan modification or workout plan" means a modification or plan that—

(A) is scheduled to remain in place until the borrower sells or refinances the property, or for at least 5 years from the date of adoption of the plan, whichever is sooner;

(B) does not provide for a repayment schedule that results in negative amortization at any time;

(C) does not require the borrower to pay additional points and fees;

(D) materially improves the ability of the borrower to—

(i) prevent foreclosure; and

(ii) resume a reasonable repayment schedule based on, but not limited to, debt to income ratio; and

(E) would reasonably reduce the likelihood of default of foreclosure during the life of the modification or plan;

(F) may waive any prepayment penalties that reasonably inhibited a loan holder from fulfilling his ability to pay down the principal or maintain regular payments as defined by the terms of the loan; and

(G) includes full and accurate disclosure to the borrower of the terms of the modification or workout plan, provided that such disclosures are executed in easy to understand terms that demonstrate how the borrower will benefit from the new terms in such modification or workout plan as compared with the terms and conditions of the previous loan of the borrower.

(2) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means a loan that is secured by a lien on an owner-occupied residential dwelling.

(3) SECURITIZATION VEHICLE.—The term "securitization vehicle" means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(B) holds such loans.

(e) LIMITATIONS ON SAFE HARBOR.—Except for the provisions of section 2 that limit liability for efforts to pursue qualified loan modifications or workout plans, the provisions of this section shall not be construed to affect or limit any other liability, duty, or other fiduciary obligation of the servicer to the investors and holders of beneficial interests in the pooled loans to a securitization vehicle, as prescribed by any other specific contractual provision agreed upon, or any other liability, duty, or other fiduciary obligation set forth under any—

(1) law or regulation of the United States;

(2) law or regulation of any State or political subdivision of any State; or

(3) established and approved standards for best practices of any industry or trade group.

(f) EFFECTIVE PERIOD.—This section shall apply only with respect to qualified loan modification or workout plans initiated prior to January 1, 2012.

SA 4493. Mr. BUNNING (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 82, between lines 7 and 8, insert the following:

TITLE VII—CURRENCY MANIPULATION

SEC. ___01. SHORT TITLE.

This title may be cited as the "China Currency Manipulation Act of 2008".

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) The People's Republic of China has a material global current account surplus.

(2) The People's Republic of China has, since the beginning of 2000, accumulated a current account surplus with the United States of nearly $1,200,000,000,000, more than twice the size of the cumulative current account surplus of any other United States trading partner during the same period.

(3) The People's Republic of China has engaged in protracted large-scale intervention in currency markets, thereby subsidizing Chinese-made products and erecting a formidable nontariff barrier to trade for United States exports to the People's Republic of China, in contravention of the spirit and intent of the General Agreement on Tariffs and Trade and the Articles of Agreement of the International Monetary Fund.

SEC. ___03. ACTION TO ACHIEVE FAIR CURRENCY.

(a) DETERMINATION.—Notwithstanding any other provision of law, the Secretary of the Treasury shall—

(1) make an affirmative determination that the People's Republic of China is manipulating the rate of exchange between its currency and the United States dollar within the meaning of section 3004(b) of the Exchange Rates and International Economic Policies Coordination Act of 1988 (22 U.S.C. 5304(b)); and

(2) take the action described in subsections (b), (c), and (d) of this section.

(b) ACTION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 30 days after the date of the enactment of this Act, establish a plan of action to remedy currency manipulation by the People's Republic of China, and submit a report regarding that plan, to the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(2) BENCHMARKS.—The report described in paragraph (1) shall include specific benchmarks and timeframes for correcting the currency manipulation.

(c) INITIAL NEGOTIATIONS.—The Secretary shall initiate, on an expedited basis, bilateral negotiations with the People's Republic of China for the purpose of ensuring that the country regularly and promptly adjusts the rate of exchange between its currency and the United States dollar to permit effective balance of payment adjustments and to eliminate the unfair competitive advantage.

(d) COORDINATION WITH THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall, not later than 30 days after the date of the enactment of this Act, instruct the Executive Director to the International Monetary Fund to use the voice and vote of the United States, including requesting consultations under Article IV of the Articles of Agreement of the International Monetary Fund, for the purpose of ensuring the People's Republic of China regularly and promptly adjusts the rate of exchange between its currency and the United States dollar to permit effective balance of payments adjustments and to eliminate the unfair competitive advantage in trade.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 17, 2007, at 2 p.m., in room SD366 of the Dirksen

Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the increasing number of issues associated with aging water resource infrastructure that is operated and maintained, or owned, by the United States Bureau of Reclamation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Mr. President, I ask on behalf of Senator CASEY of Pennsylvania unanimous consent that Mr. James Hedrick of his staff be granted the privilege of the floor for the remainder of the Senate's consideration of H.R. 3221.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—SENATE REPORT 110–277

Mr. REID. Mr. President, I ask unanimous consent that Senate Report 110–277 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, APRIL 8, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, April 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for use later in the day, and the Senate proceed to a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 3221, the legislative vehicle for the housing legislation, and that the filing deadline for second-degree amendments be 12 noon tomorrow. I further ask unanimous consent that the Senate stand in recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. I would say that on the amendments filed—I think there are about 9 or 10 pending amendments—all but one are not germane. The one that is germane, I believe, is Senator SNOWE's amendment. It is my understanding that Senator MURRAY may have had one today that appears to be germane. We want to dispose of this, if cloture is invoked, which we feel comfortable it will be; those two should have the opportunity for a vote.

So this is a good piece of legislation. Does it solve all of the housing problems? Of course not. But it is a step in the right direction. It is imperfect. I have to say as an indication of how good it is, we are not happy on this side, and they, the Republicans, are not happy on that side. But we are working together, and this legislation I can defend anyplace. It is a good piece of legislation. Do I think it would be better if we have the bankruptcy provision? Of course I do. But it is not there.

This is a very strong package. I look forward to passing it. I think it sets the proper tone for the many things we have to accomplish in the Senate this work period. We have the patent bill. That is very difficult. We have the highway technical corrections, the supplemental appropriations bill. The only way we can get that done is by working together. We have a number of other issues we need to work on. So I am happy we are able to work together at this point on this very important housing legislation.

There will be no votes in the morning. We tried to work things out so that we would have some votes on some of the germane amendments, but in trying to do that, people who have nongermane amendments would not allow us to do that.

The cloture vote will be at 2:15 as we have announced.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business from my distinguished friend, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:25 p.m., adjourned until Tuesday, April 8, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

PETER WILLIAM BODDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5133 AND 5138:

To be rear admiral

REAR ADM. (LH) CAROL I. TURNER

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

HOWARD P. BLOUNT III

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

ERRILL C. AVECILLA

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

MARK Y. LIU

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

BRYCE G. WHISLER

To be major

TIMOTHY M. FRENCH

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

PHIET T. BUI
RENE F. MELENDEZ
MICHAEL J. MORRIS

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN C. KOLB

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 8, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 9

9:30 a.m.

Armed Services

To hold hearings to examine the situation in Iraq, focusing on progress made by the Government of Iraq in meeting benchmarks and achieving reconciliation.

SH-216

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy.

SD-124

Foreign Relations

International Operations and Organizations, Democracy and Human Rights Subcommittee

To hold hearings to examine closing legal loopholes, focusing on sexual assaults and other violent crimes committed overseas by American civilians in a combat environment.

SD-419

Veterans' Affairs

To hold an oversight hearing to examine making the Department of Veterans Affairs the workplace of choice for health care providers.

SR-418

10 a.m.

Environment and Public Works

To hold hearings to examine S. 1870, to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

SD-406

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of State and foreign operations.

SD-138

10:30 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings to examine cyber warfare programs.

S-407, Capitol

2 p.m.

Armed Services

Airland Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 on Air Force and Navy aviation programs, and the future years defense program.

SR-222

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine S. 1633, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefield and related sites of the Battle of Shepherdstown in Shepherdstown, West Virginia, as part of Harpers Ferry National Historical Park or Antietam National Battlefield, S. 1993 and H.R. 2197, bills to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, S. 2207, to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee, as a unit of the National Park System, S. 2254, to establish the Mississippi Hills National Heritage Area in the State of Mississippi, S. 2262, to authorize the Preserve America Program and Save America's Treasures Program, S. 2329 and H.R. 2627, bills to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site, S. 2502 and H.R. 3332, bills to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, S. 2512, to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and H.R. 3998, to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures.

SD-366

Finance

To hold hearings to examine covering uninsured children, focusing on the provisions and regulations in the current Children's Healthcare Insurance Program (CHIP) directive.

SD-215

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine coal gasification technologies, focusing on the need for large scale projects.

SR-253

3:15 p.m.

Foreign Relations

To hold hearings to examine the nominations of Patricia M. Haslach, of Oregon, for the rank of Ambassador during her tenure of service as United States Senior Coordinator for the Asia-Pacific Economic Cooperation (APEC) Forum, Scot A. Marciel, of California, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for East Asian and Association of Southeast Asian Nations (ASEAN) Affairs, D. Kathleen Stephens, of Montana, to be Ambassador to the Republic of Korea, and William E. Todd, to be Ambassador to the State of Brunei Darussalam, all of the Department of State.

SD-419

APRIL 10

9 a.m.

Environment and Public Works

To hold hearings to examine the nomination of David R. Hill, of Missouri, to be an Assistant Administrator of the Environmental Protection Agency.

SD-406

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of the Army, Army Corps of Engineers, Bureau of Reclamation, and the Department of the Interior.

SD-124

Foreign Relations

To hold hearings to examine negotiating a long-term relationship with Iraq.

SD-419

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine aviation safety oversight.

SR-253

Banking, Housing, and Urban Affairs

To hold hearings to examine U.S. credit markets, focusing on proposals to mitigate foreclosures and restore liquidity to the mortgage markets.

SD-538

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Justice.

SD-192

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Finance
To hold hearings to examine identity theft.
SD–215

Health, Education, Labor, and Pensions
To hold hearings to examine climate change, focusing on a challenge for public health.
SD–430

Homeland Security and Governmental Affairs
Business meeting to consider pending legislation, and the nomination of Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.
SD–342

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine the Federal Housing Administration's role in addressing the housing crisis.
SD–138

2 p.m.
Armed Services
To hold hearings to examine the situation in Iraq, focusing on the progress made by the Government in Iraq meeting benchmarks and achieving reconciliation, the future U.S. military presence in Iraq, and the situation in Afghanistan.
SH–216

Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Andrew Saul, of New York, Alejandro Modesto Sanchez, of Florida, and Gordon James Whiting, of New York, all to be Members of the Federal Retirement Thrift Investment Board.
SD–342

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine the Crandall Canyon mine accident.
SD–138

Appropriations
Military Construction and Veterans' Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Veterans Affairs.
SD–124

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine challenges facing Hawaii's Air Service Market.
SR–253

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine the status of efforts to improve mine safety and health.
SD–138

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

Commission on Security and Cooperation in Europe
To hold hearings to examine the Organization for Security and Co-operation in Europe (OSCE), focusing on the displacement of Iraqi citizens on Jordan, Syria, Egypt, Turkey, and other surrounding countries in the region.
1100, Longworth Building

APRIL 15

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 570 and H.R. 1011, bills to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, S. 758 and H.R. 1311, bills to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility, S. 1680, to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, S. 2109, to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, S. 2124, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery, and S. 2581, to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia.
SD–366

APRIL 16

10 a.m.
Judiciary
To hold hearings to examine National Security Letters, focusing on the need for greater accountability and oversight.
SD–226

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings to examine surface transportation and the global economy.
SD–406

2:30 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009 on military beneficiary organizations regarding the quality of life of Active, Reserve, and retried military personnel and their members, and the future years defense program.
SR–232A

APRIL 17

2 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine the United States Bureau of Reclamation, focusing on issues associated with aging water resource infrastructure.
SD–366

APRIL 23

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine an update on the Veterans Affairs and the Department of Defense cooperation and collaboration.
SR–418

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine phantom traffic.
SR–253

APRIL 24

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, S.J. Res. 28, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership, S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005, H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, and the nomination of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration.
SR–253

MAY 7

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending benefits legislation.
SR–418

MAY 21

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending health care legislation.
SR–418

POSTPONEMENTS

APRIL 15

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 2438, to repeal certain provisions of the Federal Lands Recreation Enhancement Act.
SD–366

SENATE—*Tuesday, April 8, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, unite us. Help the Members of this body to work together, finding common ground and resolving differences. Match their fervency with compassion, their zeal with civility. Erase from their spirits all feelings of arrogance or contempt. May they strive to understand and respect each other with a spirit of humility. Lord, make our Senators an example to the Nation of how to strive together for the common good. Give them a fresh burst of enthusiasm for the next chapter in the unfolding drama of the American dream. Energize their efforts with the power of Your spirit. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 8, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will be in a period of morning business, following my statement and that of the Republican leader, with Senators allowed to speak for up to 10 minutes each, with the times equally divided and controlled between the two leaders. The majority will control the first half, the Republicans the final half.

Then we will begin again the consideration of H.R. 3221, the housing legislation. The first vote today will be at 2:15 this afternoon on a motion to invoke cloture on the substitute amendment to H.R. 3221.

IRAQ HEARINGS

Mr. REID. Mr. President, as we speak, there are extremely important hearings taking place on Capitol Hill. General Petraeus and Ambassador Crocker are here. The hearings started 35 minutes ago. Clearly, the eyes of the world will look upon the Senate as General Petraeus and Ambassador Crocker testify today before the Armed Services Committee and the Foreign Relations Committee. These two committees are chaired by two of our most senior Senators and two of our most able Senators, Senator LEVIN and Senator BIDEN.

The appearances of these good and honorable men, General Petraeus and Ambassador Crocker, are meant to create an open, honest, and productive dialogue with Congress on the state of the war in Iraq and the future of military operations in Iraq. I hope it does occur in that manner, that there will be an open and honest and productive dialogue with us. As the American people weigh the testimony and consider the best course of action in far-off Iraq, only two questions matter: First, has the troop surge brought us closer to the day when our troops can come home? Second, is the war in Iraq making America safer? Sadly, by all accounts, the answer to both questions is no.

The stated purpose of the surge, according to President Bush, was "return on success," meaning that if the surge worked, the troops could come home. Now, the President claims success, but where is the return? It is clear to anyone that the violence has surged. Eleven Americans have been killed since Sunday in Iraq. Dozens and dozens more have been gravely wounded, including three dozen in one rocket attack. Attacks on the Green Zone have intensified. That is supposed to be the safest part of Iraq—the Green Zone. The conflict between al-Sadr and al-Maliki shows no signs of progress; in fact, there is deterioration. Has the surge brought us closer to the day when our troops come home? We have already heard General Petraeus has requested a freeze of troop levels and that President Bush is likely to accept that request.

Has the surge brought us closer to the day when our troops come home? Clearly, the answer is no. Has the war made us safer? No.

Military experts agree our Armed Forces are stretched thin beyond sustainable levels. We are taking in—13 percent of our recruits are young men and women who have committed crimes: felonies, violent crime—13 percent. One out of every eight of the people we are bringing into the military today are people who have criminal records.

Because our manpower and equipment is in Iraq, we are not committing the resources to hunt down our No. 1 enemy: bin Laden and his al-Qaida network. Because we are bogged down in Iraq, we are not fully engaged in the global challenge of Afghanistan, Pakistan, Iran, and the Middle East, among others.

The moral authority of our great Nation has suffered grave damage, with our former allies refusing to stand with us in even greater numbers.

Has the war in Iraq made America safer? There is no question it has not.

The surge may have provided a temporary window for the Iraq Government to make progress, but it is becoming increasingly clear every day the Iraq Government has squandered that opportunity. Even now, with the war in its sixth year, President Bush has failed to articulate an exit strategy.

A person running for President, Senator MCCAIN, has said we should be there another 50 or 100 years.

President Bush likes to say we will only leave Iraq once victory has been achieved. It is time for the President to be honest with the American people. What does victory look like to President Bush? How does all this end?

We must not commit our courageous troops to the endless task of policing another Nation's bloody civil war. The job of America's Armed Forces—a job to which they risk and often give their lives and limbs—is to protect our country and its interests. It is time to recommit to that crucial purpose and begin a responsible end to this war.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CELEBRATING THE VICTORY OF THE KANSAS JAYHAWKS

Mr. McCONNELL. Mr. President, I note the presence of the Senator from Kansas in the well of the Senate. He must be coming over to celebrate the victory of the Kansas Jayhawks last night. I assume that is the reason for his presence. I will let him address that and whatever other matter he may have in morning business. But in noting his presence, even though I know he has some K State leanings, he nevertheless must be incredibly proud of the Kansas Jayhawks, as they won the national championship last night.

EXTENDING SYMPATHY TO THE DOLE FAMILY

Mr. McCONNELL. Mr. President, on another matter and a sad matter, I wish to start with news of the passing of John Hanford. John was a World War II vet, a great patriot, and the dear brother of our colleague, Senator DOLE, who I know is very close to him and will miss him terribly.

This is a sad day for the Dole family, and I wish to extend our deepest sympathies to Senator DOLE and all her relatives and friends.

HOUSING CRISIS

Mr. McCONNELL. Mr. President, I know the main event isn't housing, but I would like to start by thanking the majority leader once again for realizing the only way to address the housing crisis was to do so on a bipartisan basis, and we are on the verge of doing that. We have now made significant progress, and I am confident that before the week is out, we will be able to stand together to announce completion of a good and responsible bill.

Most homeowners will be relieved to know one of the earlier proposals we heard from the other side—a proposal to let bankruptcy judges rewrite the terms of existing mortgages—will not be a part of the Senate's final product. Although well intentioned, this proposal would have led to a sharp increase in mortgage rates for millions of homeowners, and Republicans weren't going to allow that at a time when families are already stretched quite thin.

The final bill will help neighborhoods that have been hit hard by foreclosure with provisions that limit the amount of time empty homes sit on the market—a proposal by Senator ISAKSON. This, along with the economic growth package we passed earlier this year, will put more money in the pockets of homeowners, and it will help homebuilders climb back from the slowdown.

Americans don't want to bail out the speculators and those who tried to game the system at everyone else's expense, so this is a targeted bill that will help homeowners in the short term without jeopardizing the long-term economy. Its likely passage later this week is something we can be proud of on both sides of the aisle.

IRAQ WAR TESTIMONY

Mr. McCONNELL. Now, to the testimony on the Iraq war in committees today. General Petraeus and Ambassador Crocker will be here, as we all know. This is an eagerly anticipated update on political and military progress being made in Iraq.

Less than a year after our counterinsurgency plan went into full effect, we have been getting a steady flow of positive reports on the security situation in Iraq. Overall violence in Iraq is down. Civilian deaths are down. Sectarian killing is down. Attacks on American forces are down. As a result, thousands of U.S. troops have already begun to come back home.

Another measure of the Petraeus plan's success is the dramatic increase in Iraqi security forces since the full implementation of the counterinsurgency strategy last June. Between December 2007 and last month, Iraqi security forces have increased by more than 40,000, bringing the total number to more than 530,000. This includes 141,000 assigned soldiers and officers and a police force of 347,000 strong. Over the last year, the so-called surge of Iraqi security forces has been three or four times larger than our own surge. As we stand here, the Iraqi security forces continue to expand, with young Iraqis signing up for local police forces to protect the border and for special operations.

As the Iraqis take over more of their own security needs, Congress can help by passing a supplemental appropriations bill that has been on request for more than a year. These funds are also needed to ensure the combat readiness of the force and our forces over in Afghanistan as well.

Increased security in Iraq has led to political progress in Iraq. Although significant benchmarks remain unmet, progress on other significant benchmarks that seemed far off a few months ago is now underway. These include such things as passage and approval of debaathification legislation, an amnesty law, and measures leading to greater centralization of the Iraqi security forces. It is also worth noting the Iraq Government has started to meet more of its own expenses, including three-fourths of the costs of its security forces and a new jobs program.

The success of General Petraeus's strategy is the best reason we have for listening closely to his advice as we move forward. Last August, he said security and local political progress will enable us to reduce the number of U.S. troops to presurge levels, and we have reason to hope the progress that has been made, both politically and in security, will, in fact, lead to a reduction in troop levels.

But General Petraeus has a better grasp than most on whether the gains we have seen are secure enough for a full reduction to begin. For the sake of our long-term security, we should listen very closely to what he has to say.

When Democrats on the campaign trail tout their plans for Iraq and Afghanistan, they often cite the need to listen to the generals. The junior Senator from New York likes to say one of her first actions as President would be to convene the Joint Chiefs of Staff to help her draw up a plan for withdrawal of U.S. troops from Iraq. If military advice is needed to draw up plans for withdrawal, shouldn't it be important to draw up plans for success?

Our friends on the other side are rightly concerned about military readiness. I share their concern. But the best way to ensure the military's readiness is not to scrap a plan that has been working in Iraq. The best way to improve readiness is to approve the Defense supplemental without arbitrary dates for withdrawal and to fully fund the 2009 Defense appropriations bill.

As most Americans, I am eager to hear what General Petraeus and Ambassador Crocker have to say about the military and political progress in Iraq. These men have spent literally decades mastering their respective professional fields. They deserve our respect, and over the last year they have earned our admiration. I know we will all welcome them and give them the fair hearing they have earned and that this all-important mission certainly deserves.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CONGRATULATING KANSAS JAYHAWKS

Mr. REID. Mr. President, I, too, recognize that the Senator from Kansas is on the floor today. I have to admit I was pulling for Kansas because they were very lucky in beating UNLV to get where they are. As a result of their good fortune the night they beat UNLV, I have been pulling for them since. Had it not been for the bad night UNLV had, they may not have made it. All the men on Kansas are 6 feet 5 inches; they are virtual giants. They won and it is a good day for Kansas. I acknowledge it is the first time Kansas has won in 20 years. They have a great basketball legacy and I wish them many years of good fortune in the future and congratulate Senator ROBERTS and the Kansas Jayhawks for their great victory last night.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is received.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will not be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, the time equally divided between the two leaders or their designees, with the majority controlling the first half of the time and Republicans controlling the second half.

The Senator from Oklahoma is recognized.

IRAQ

Mr. INHOFE. Mr. President, first, I associate myself much with the remarks of Senator MCCONNELL. Serving on the Senate Armed Services Committee and having been in that theater more than any other Member from the very beginning, it is so obvious to see what the cost of defeat would be. When you look at Iran and Ahmadinejad saying that if the Americans cut and run, "there will be a void and we will fill that void," it would be a disaster for freedom and that would bring the fight from over there over to our soil. We cannot let that happen.

HONORING OUR ARMED FORCES

STAFF SERGEANT CHRISTOPHER M. HAKE

Mr. INHOFE. Mr. President, having returned a few days ago from my 14th trip in the area, I think it is particularly meaningful to remember the life and sacrifice of a remarkable young man, Army Staff Sergeant Christopher Hake. Chris died on the 23rd of March, 2008, of injuries he sustained when an IED detonated near his Bradley fighting vehicle in Baghdad, Iraq.

Chris grew up in Enid, OK, with two sisters, Shannon and Keri, and two brothers, Zachary and Skylar. I was in Enid yesterday. I looked around and I could see the area, the type of place where Chris grew up. He spent his time, as most Oklahoma boys did, attending school, playing ball, driving his car, spending time with family and friends, and going to church. His strong faith in Jesus matured during his time at Oklahoma Bible Academy. While there, he became very involved in his youth group and traveled to Mexico on a mission trip. Unsure of what he wanted to do after graduating from Oklahoma Bible Academy, Chris enlisted in the Army in 2000.

Chris excelled during basic training in Fort Benning and was selected to serve as a member of the "Old Guard"—one of the oldest and most respected infantry regiments in the U.S. Army. As a member of the Old Guard, Chris was responsible for guarding the Tomb of the Unknowns at Arlington National Cemetery and escorting deceased Army servicemembers to their final rest in the "Garden of Stone," as Arlington is sometimes called. While serving in the Old Guard unit, the Pentagon was attacked on September 11. Chris was immediately called upon to clear the Pentagon after the attack. This solidified Chris's commitment to the fight for freedom in the world and to protect the people of America. He saw that opportunity in Iraq.

In 2004, Chris transferred to the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, 3rd Infantry Division at Fort Stewart, GA. While home during the summer of 2004, he met Kelli Short and it was love at first sight. They married on 21 December 2004, and Chris deployed on his first Iraq tour in January.

Chris was disillusioned after his first tour, feeling many of the decisions being made back in DC were negatively impacting their ability to accomplish the mission. I know this is true because I talked to the troops when I was over there on the 14 trips I have made. As we speak, in the Senate Armed Services Committee, General Petraeus is telling us the truth about what is happening over there.

Chris returned to Fort Stewart after his year in Iraq, and on October 14, 2006, Kelli gave birth to Gage Christopher Michael Hake.

Chris was both a loving husband and a proud father. His focus and love was his family—spending time with them, playing games with them, sitting for hours just to be with them, working on their house together.

Chris returned to Iraq on his second tour in October of 2007. He fought back his emotions as he said goodbye to his 1-year-old son, but he knew what he had to do and why. He loved serving his country. Once in Iraq again, Chris saw a difference in the mission and what was happening with the Iraqi people.

During his second tour, Chris said he knew he should be there and talked of the love of the Iraqi people for him and the troops. Pete Hake, Chris's father, remembered him saying: "You couldn't pay me to come home early." That is the kind of dedication Chris and so many others have.

On Easter Sunday, March 23, 2008, Chris Hake tragically died of injuries he sustained when an IED detonated near his vehicle in Baghdad. Three other soldiers of his battalion and under his command were killed alongside Chris. Chris's father recounted that Chris had said, "They would die for each other," and they did. They gave the ultimate sacrifice in serving their country.

In a recent e-mail to his mom and dad, he said he wanted to dedicate his second tour in Iraq to becoming a closer follower of Jesus. Chris wrote:

> If anything were to happen to me, Gage would always be able to know that his father died so he could live in peace. I know Jesus did the same for me, so it is comforting. I don't have a nervous bone in my body this time. I am more at peace than I have been my whole life.

On March 31, Chris returned to Oklahoma and was greeted by an honor guard from Fort Sill, members of the Patriot Guard Riders motorcycle group, Airmen from Vance Air Force Base, and a mass of fellow Oklahomans to honor this American hero. It was obvious he held the respect of so many, and he was a beloved son, father, and husband.

I read through some of the comments written in Chris's online guest book, and I would like to share a few of these with you:

> Thank you for your sacrifice—my children will know what men like you have done for them.
>
> I am the mom of a soldier serving in Iraq and just wanted to tell you how proud I am of your son, husband, and daddy.
>
> Know that 1st Squad will always maintain and exceed the standards you have set. We miss you.
>
> I read through all of the entries and cried. I hope it is comforting to know that there are so many of us praying for you.
>
> John 15:13—Greater love has no one than this, that he lay down his life for his friends.
>
> The "Spartans" will keep you close to our hearts forever in time.
>
> Thank you for being my son. Thank you for Gage, a little copy of you. Thank you for fighting and making a stand. Goodbye, my son, my baby boy, my U.S. soldier, my pride and joy.

Today, we remember Staff Sergeant Chris Hake, a young man who loved his family and loved his country. Chris was doing the Lord's work, and the Lord is richly blessing him now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, first, I wish to associate myself with the thoughtful and special remarks of Senator INHOFE, a member of the Armed Services Committee. He is a champion of our young men and women in uniform. I thank him for his comments on behalf of another brave patriot who paid the ultimate sacrifice and his tribute to one of America's heroes from Oklahoma. Thank you, Senator, for the job you do, thank you for your tribute to this young man's life and sacrifice.

(The remarks of Mr. ROBERTS are printed in today's RECORD under "Morning Business.")

Mr. ROBERTS. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

TRIBUTE TO BILL KAMELA

Mrs. MURRAY. Mr. President, I come to the floor this morning to talk about a very special person on my staff. Bill

Kamela came on to head my HELP Subcommittee on Employment and Workforce Safety about 5 years ago. Ever since then, he has been a critical part of my staff.

Bill is a trusted adviser, and I think what impresses all of us the most is he truly is a visionary when it comes to making the Federal Government a strong partner in worker training and safety.

Thanks to the work of Bill Kamela, across the country today, fewer employees have to worry about the danger of hazards or unsafe working conditions that they go to work every day and see. Because of his good work and insistence, more workers today get access to good-paying jobs, training, and advancement.

I come to the floor today because Bill is now preparing to move on to the next phase of his career. While we are all in my office very happy for him, we are all extremely sad to see him go. I wanted to come to the floor today to take just a couple minutes to recognize Bill's tremendous contribution on behalf of working families throughout the entire country.

Bill grew up in Buffalo, NY, where he learned the value of hard work and public service. Although he left Buffalo for Washington, DC, many years ago, anyone who has spent time with him knows that his passions are all things Buffalo, especially his beloved Buffalo Bills. We know when it comes to them, they take precedence over anything else that is going on.

Anyone who has worked with Bill also knows that he took to heart those lessons he learned growing up there about the importance of public service. Bill has dedicated his life and his career to helping kids and young people and families everywhere find success. He has worked with the National Urban Coalition, in the office of Congressman Gus Hawkins, at the National Safe Kids Campaign, and with a number of nonprofits. In every one of those positions, he has worked behind the scenes for policies that keep our working families strong.

Before he came to my staff, Bill spent 6 years at the Department of Labor under President Clinton where he served as chief of staff for the Employment and Training Administration. When he worked at the Labor Department, one of his responsibilities was to implement the Workforce Investment Act, which is, as we all know, the cornerstone of our national job training system.

Since coming to my staff, he has worked diligently on WIA, and thanks to him workers today have access to the training they need so they can still be successful in life no matter what happens to them.

Bill has been the staff director for my Employment and Workforce Safety Subcommittee. His dedication to those working families, as well as his passion for public service, has made it possible for us to make progress on the key piece of legislation to which he has devoted so many years, the Workforce Investment Act.

What impresses many of us in the Senate is that he works across the aisle, and he brings people of all kinds to the table to get things done. He has worked tirelessly, as I said, to fund and strengthen WIA and other job training programs to help workers find and keep good-paying jobs.

He also worked extremely hard and impressively on the Miner Act, which improved safety and ensured coal miners have better access to lifesaving equipment, air, and water in case of an accident.

But I think one of the things I will remember Bill the most for is his work on helping us to pass in the Senate the Ban Asbestos in America Act. He sat with me in countless meetings. He talked to so many families. He held the hands of widows whose spouses had died as a result of their exposure to asbestos. And he brought so many people to the table and diligently worked detail after detail after detail until we could bring up this bill in the Senate and, after many years, finally pass it. I owe him a debt of gratitude for that, and I want him to know as he leaves my office we are going to keep working under his name to get that bill done and to the President so those people he has worked with can finally see this bill become law.

I have to say again he has been instrumental in our efforts to make the Federal Government a strong partner. He brings together educators, workforce folks, labor, and employers because he knows everyone needs a seat at the table so our workforce can compete in this global economy.

But his contributions go far beyond legislation. Outside of my office, his attention to building personal relationships has earned him tremendous respect and admiration of workforce leaders across my State. Inside my office, he has earned all of our respect. He is a mentor to all of his coworkers. He has never been one to close the door behind him. He is always generous with his time, and he has helped bring up the next generation of staffers who rely on him so much for his sound advice or a good pep talk, whichever they need.

Bill has an uncanny knack for keeping everything balanced on staff. He sets realistic expectations, but he does not ever let anyone get discouraged. I know that will carry him far in this world.

So I come to the floor today to thank Bill for his work and for his dedication to our country, and I thank him for his personal advice so many times, his enthusiasm, and his passion for working families in my State and across the country. I wish him the best as he moves on. He will be dearly missed.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

COLOMBIAN FREE TRADE AGREEMENT

Mr. BROWN. Mr. President, at the conclusion of my remarks, I will yield to Senator STABENOW of Michigan who will also talk about trade adjustment assistance in Michigan and Ohio and all that our States are going through in large part because of misdirected trade policies.

Yesterday, President Bush announced he would send a proposed Colombian Free Trade Agreement to Congress for a vote. He does this over the opposition of the Democratic leadership in the House and in the Senate, in defiance of our desire to work on a bipartisan basis, and in direct opposition to the desires of a growing number of Ohioans and Michiganders and Americans all over this country. In doing so, President Bush has nailed shut the fast-track coffin.

As my colleagues know, this agreement was negotiated under the so-called fast-track provisions. It is an extraordinary procedure provided only for trade agreements, not for any other kind of legislation. Trade is that special and that important to a very narrow but very powerful, very influential group of people in this country. Congress decided years ago to delegate an enormous amount of power to the executive branch to negotiate trade agreements. In nothing else does this body, charged under the Constitution with specific duties and responsibilities, give that much power to the executive branch as it does with these trade agreements.

Under the fast-track provisions, once presented to Congress, a so-called free-trade agreement triggers a 90-day clock for consideration of the agreement. No amendments can be offered to improve it, unlike anything else here. Congress is given a take-it-or-leave-it decision.

Much of the talk about this agreement centers around the violence and impunity in Colombia, especially as it relates to trade unionists, and for good reason.

International organizations and human rights groups look at Colombia's record with urgency and alarm. Human rights defenders, trade unionists, and community leaders in Colombia are today receiving death threats from the rearmed paramilitary group, known as the Black Eagles, and are reeling from a new wave of violence.

This leaflet blown up, of course, was distributed at a March 6 rally in Colombia. The beginning says: Death to the leaders who march for peace and justice. This was a peace and justice rally. The Black Eagles handed out this leaflet to state their point of view, if you will. Before, during, and after this countrywide rally on March 6 against paramilitary and all forms of violence, at least two march organizers were killed.

Union leaders Carlos Burbano and Carmen Cecilia Carvajal were killed for trying to voice their views. At least three other leaders were killed in events also associated with the march. March organizers all over the country received death threats such as these. One organizer's house was attacked with gunfire a week before the rally on February 29.

These human rights issues are exceedingly serious. Yet the administration cavalierly casts them aside, barely acknowledging the culture of violence and impunity.

Just the merits of the Colombian Free Trade Agreement is another fundamentally flawed trade pact in the long line of trade agreements such as NAFTA and CAFTA, in the long line of bad trade policies such as PNTR with China. If these are really "free" trade agreements, if it did what its supporters tell us, simply knocking down trade agreements, it would be a smaller document. It would be a couple of pages, just getting rid of tariffs. Instead, it is many more pages, such as NAFTA. NAFTA was 900 pages of rules and regulations, having little to do with trade because instead of simply eliminating tariffs, which we would like to do, these agreements are packed with rules on investment, services, procurement, telecommunications, drug patents, and more.

So why do we get thousands of pages of seemingly nontrade issues in a trade agreement? Because these trade agreements are rules to protect corporations, not rules to protect workers. These trade agreements are rules to protect the drug companies, not to protect the environment; rules to protect hedge funds, not rules to protect consumers; rules to protect Wall Street, not rules to protect Main Street.

Notice the word "protect." They—the editorial writers, the Harvard economists, the CEOs, the Wall Street bankers, the corporate lobbyists, the big-time lawyers, the hedge fund managers—try to label people such as us "protectionists." I guess it depends on whom, Mr. President, you want to protect.

NAFTA, CAFTA, and Colombia protect the drug companies and the investment banks. They protect the corporate interests. Theirs is sort of a high-class protectionism. But protecting labor, protecting consumers, that is not protectionist. That is the duty of Government.

Many in this Chamber will recall the debate on the Central American Free Trade Agreement. We had a coalition of religious people, consumer advocates, environmentalists, small business, medium-size manufacturers, and organized labor in opposition to CAFTA. CAFTA's proponents said if it did not pass, poverty would get worse in Central America. CAFTA, they promised, would promote economic growth and curb the violence in Central America and would serve as a model for strengthening democracy.

The U.S. Trade Representative, Mr. Zoellick, said "if CAFTA stumbles, labor rights in Central America will not be strengthened," as if anybody in this administration really wanted to strengthen labor rights. The reality is that there have been disturbing developments in the region, including the recent passage by the Honduran Government of a law to create exception zones that will allow foreign factories to pay less than the national minimum wage.

How does that help Honduran workers that there is a zone in which they pay a subminimum wage?

Labor ministries in Central American countries still lack the staffing and the resources to implement their programs. In many cases, budgets have actually been reduced since the passage of the Central American Free Trade Agreement.

Consistent with its history of repeating the same act and expecting different results, the administration now wants Congress to approve a deal with Colombia, a country where there are increased and continued death threats against labor activists, followed by assassinations of labor activists, followed by nothing, followed by no prosecution, no attempts to find the killers, continued excuses from President Uribe, and continued excuses from the U.S. Chamber of Commerce, the U.S. Trade Representative and, frankly, yesterday, President Bush himself.

The administration has shown no willingness to enforce labor and environmental rules at home, so it is hardly surprising it would ignore violations among our trading partners.

There have been well-documented abuses of sweatshops in Jordan, despite the supposedly better labor standards in that agreement. Jordan, to its credit, has taken steps to crack down on these companies and work with nongovernmental organizations and others in promoting the standards intended in that agreement.

It is important to note that the Bush administration, however, did not use the enforcement tools available to it in that trade agreement to require labor compliance. So why do we think they will use the provisions in this trade agreement, the Colombian Free Trade Agreement, to require labor compliance? Of course, they won't. But when there is a commercial dispute or a drug patent dispute, the administration comes down on a country with all the fury it can muster. Protect the drug companies? The administration says yes. Protect workers? No thanks. Protect oil interests? The administration says, of course. Protect the environment? The administration says, no thanks. Protect the banks and the financial institutions? The administration says: Where do I sign up? Protect food safety for our children, protect toys for our children, food safety for our families? The administration is not particularly interested.

Why then should we consider a trade agreement with a country such as Colombia which is known as the most dangerous country in the world to be a union activist? In fact, Colombia has an unbroken record in recent decades of leading the world in trade unionist killings. Violence against unionists continues at extremely high levels. The vast majority of trade union assassinations remains unsolved.

Preliminary figures show that between 12 and 17 trade unionists were killed in the first 3 months of 2008. Among those murdered was Carmen Ramirez, a teacher and member of the teachers union. She was killed on her way to work on March 4.

Gomez Rozo Leonidas, the director of the National Union of Bank Workers, disappeared on March 5 and was found dead 3 days later.

A subunit of the attorney general's office was established in 2006 in Bogota to accelerate resolutions of assassinations of trade unionists. Despite more resources for these cases, convictions have lagged behind murders, leaving the unsolved murder/conviction rate at 98 percent. Of the 2,283 murders between 1991 and 2007—2,283 murders of union activists in that 17-year period—there have been 50 convictions. There have been 50 convictions out of 2,283. Does that sound like the Government really is interested in going after hate groups like this?

We need to craft trade policies that deliver the long-term results we need, not just the short-term profits a few multinational companies crave. When it comes to trade and the Bush administration, idealogy trumps outcomes. Special interests always—always—trump U.S. interests.

Congress needs to reject this agreement. The Senate needs to make a clear statement that we stand for a better approach to trade, one based on using our market as leverage to raise living standards in Latin America, in Michigan, in Montana, in Ohio, and our whole country.

Mr. President, joining me today is Senator STABENOW of Michigan, who, during her almost 7½ years in the Senate and time in the House, has been a stalwart advocate for workers in Michigan and across this country, and she is particularly interested in this trade adjustment work, with the problems in Michigan. She has stood strong, and we are joining together today.

I yield to Senator STABENOW.

Ms. STABENOW. First of all, I thank Senator BROWN for his eloquence and his comments and his conviction. I know he would agree with me that we want trade; we just want to export our products, not our jobs. That is what we want to export.

It seems to me, Mr. President, that the administration, one more time, is getting the cart before the horse. We hear all the time about the interest in beefing up trade enforcement and passing Trade Adjustment Assistance or dealing with currency manipulation and so on. Yet those things are not happening, and the administration comes forward one more time with another trade agreement without those things in place.

Now, I first wish to thank the chairman of the Finance Committee for speaking out very strongly about this and for introducing the bipartisan Trade Adjustment Assistance bill that he has indicated must be passed before this trade agreement is even considered. I appreciate that very much and his willingness to report from the Finance Committee, on which I am honored to serve, a bill dealing with currency manipulation. We have a trade enforcement bill as well.

But the reality is that we have not received support from the administration, and we have not seen the willingness to make this the priority it needs to be in terms of our families. I know it is a priority for our leader. I know it is a priority for the chairman of the Finance Committee and the majority of us on that committee. Yet still today we are here one more time with an administration that, rather than listening to the leadership, the Speaker, rather than listening to our leadership and being willing to address the needs of workers who have lost their jobs because of trade, sends up another trade agreement. And as my friend from Ohio has indicated, it is not one that focuses on what is right in terms of workers—either the workers in Colombia or the workers in Michigan or Ohio or Montana or across the country. From my perspective, it is hard to imagine that since the beginning of this administration, almost 8 years ago, we have lost 3.6 million manufacturing jobs—million. That means 3.6 million families who had great middle-class jobs with health benefits and pensions now find themselves either unemployed or underemployed in many situations. In my home State of Michigan, we have lost 425,000 jobs. I don't know how many folks are in Montana for sure, but my guess is that would be a pretty big percentage of the folks who live in a State you love dearly and advocate for every day—425,000 people in the last 7½ years.

Again, we know the economy is changing, and we are focused on advanced manufacturing. We are focused on new technology. Michigan is becoming a leader in alternative energy and will be a leader in alternative energy, but we have to continue to make things in this country. That is what manufacturing is about. I happen to believe that an economy doesn't grow unless you make things and grow things and then you add leverage to it and you add value to it. That is how you have an economy. That is how we have had an economy and a middle class that has been the envy of the world.

Frankly, when we look at creating a level playing field, we ought to be talking about bringing other countries up to us, not racing to the bottom. Americans have been told: If you only work for less, lose your health care benefits, lose your pension, we can be competitive. Senator BROWN talks about Colombia setting up zones, or other countries, where companies don't have to even pay minimum wage in those countries. If they come in as an American company or a company from another part of the world, they can come in and pay workers less. That is a race to the bottom. That is not a race we can win, and I don't want to win it because if we win that race, we have lost the American dream. We have lost the middle class of this country. What we want is a race up, and that means education, innovation, changing the way we fund health care, and, yes, it means a level playing field on trade.

I believe that before we can go further with trade agreements, there are four things we have to make clear we are going to get done on behalf of American workers and American families:

Trade Adjustment Assistance. There is an excellent bipartisan bill which has been introduced in the Senate which is a bill that would extend and improve upon trade adjustment assistance. This was set up so that if somebody loses their job because of trade, they are going to be able to go back to school and they are going to have their health care benefits continued for a couple of years while they get retraining to be able to go into that new economy we all talk about.

Secondly, we have to have a stronger trade enforcement operation in this country. Mr. President, we have some 230 different trade agreements. According to former Secretary of Commerce Mickey Kantor, who came before the Finance Committee, we have the smallest trade enforcement office of anyplace in the industrialized world—the smallest trade enforcement office. So we need to beef that up. Again, we have legislation to do that. We just need to pass it and get it signed into law and hear the President will support it. It includes a provision that Senator LINDSEY GRAHAM and I have been working on, a bipartisan agreement we have worked on for years, to create what we call a U.S. Trade Prosecutor but basically is a chief enforcement officer—a place for business to go when their patent is stolen or there is an unfair trade practice against them so we have somebody fighting for American businesses and American workers. That needs to get done.

We need the strongest possible currency bill to address what is, in fact, against the law and creating an unfair advantage—particularly as regards China but in the case of the auto industry, Japan as well—where they are manipulating their currency and selling products to us that get anywhere from a 5-percent up to a 40-percent discount right off the top because of the valuation of their currency. That needs to change. That is called a level playing field.

Finally, Mr. President, we need to make sure we extend unemployment benefits for folks who have been unemployed due to our inaction on trade or through other parts of the economic upheaval we have been in, in so many parts of the country, and which, unfortunately, is growing across the country. I think Michigan was the canary in the coal mine, in many ways. We were hit hardest first—the epicenter of manufacturing—but this is now spreading across the country. We need to make sure the middle-class person who has lost their job has the opportunity to at least put food on the table and pay the mortgage while they are continuing to look for work.

I believe those things need to be put in place before we send any more trade agreements forward—a trade agreement that we don't have the capacity to enforce, where we are not helping the workers who have lost or will lose their jobs, and where we are not addressing the broader issues that have cost us jobs every single day.

I am stunned. We got the new numbers on Friday for what has happened. Last week's dismal jobs report was released. It was reported that our Nation lost 83,000 jobs last month—83,000 jobs last month. We know what is happening. We know we are in a recession. We have known it in Michigan for a long time. Yet President Bush's Chief Economist, Edward Lazear, said:

> I don't focus too much on the monthly unemployment rate because it has been a bit volatile.

A bit volatile? Three weeks, 4 weeks ago, we were hearing: Well, the underlying fundamentals of the country are good. We have a little housing problem, but the underlying fundamentals are good.

With all due respect, I don't know what planet these folks are on, but the reality is that we have seen a convergence of issues, from the housing situation, to the broader financial markets, to trade imbalance, trade deficits, huge deficits in our budget; we have seen a lack of enforcement on trade agreements; jobs lost, 3.6 million manufacturing jobs alone; and I think this is more than just a little bit of volatility in the economy.

So, Mr. President, I am extremely hopeful that we will say no to this Colombian Free Trade Agreement and that we will stand up for Americans, that we will stand up for Americans who have lived their lives working hard, trying to play by the rules, and who expect us to stand up for them, and American businesses that have done the same thing. Let's pass Trade Adjustment Assistance the right kind of way. Let's make sure we have a strong policy on currency manipulation. Let's make sure we toughen our trade enforcement laws. And let's most certainly recognize the tens of thousands—millions at this point—of those who are on unemployment insurance and who are asking us to extend those benefits, as has been done in every other time of recession, so that they have the ability to be able to care for their families while they are looking for a job.

Mr. President, I hope we will value the dignity of work and what millions of Americans are going through every day now and understand it is our job, first and foremost, to fight for them.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

IRAQ

Mr. BOND. Mr. President, I know many people have been watching General Petraeus and Ambassador Crocker reporting on what is going on in Iraq. Obviously, it is very important information, and I would hope we would heed what they are saying.

Regrettably, I must say that too many in the Democratic Party remain in denial over the progress being made in Iraq and still remain politically vested in defeat. We have heard the leaders of the party say: Oh, we have already lost. They believe that might give them an advantage in the November elections. That is certainly a bad way to decide what our strategy should be to defend the security of the United States.

We have made great progress in our fight against terrorism. The war is far from won, but today there is no question that the central battleground in the global war on terror is Iraq. Our men and women in the military are fighting the al-Qaida terrorists there in Iraq, where Osama bin Laden and Ayman Zawahiri say they are going to establish their caliphate. We are fighting that war so that future generations will not have to fight them on our own soil.

For my colleagues who argue we should not be fighting them in Iraq but in Afghanistan, let me get you a little bit of intelligence news. Al-Qaida is not in Afghanistan. Al-Qaida left Afghanistan after we deposed Saddam Hussein. What we are fighting there are the indigenous Taliban insurgents, not al-Qaida.

More than anyone else, our brave veterans who are fighting in Iraq against the al-Qaida know the dangers of defeat. They know what they and others like them have done. Their word to us is: We as a nation, but more specifically we as your military, have made too many contributions and too many sacrifices to walk away from this essential battle for our freedom and declare defeat.

My own son, a marine, returned last fall from his second tour of Iraq with his scout snipers. He returned on success because they cleaned al-Qaida out of Falluja and Al Anbar, and they turned the job of keeping security over to the Iraqi Sunni Citizens Watch and the police.

If my colleagues will listen today to the voices of veterans who are on the Hill in their tan golf shirts, they are the voice of people who have been in the field—the Vets for Freedom, with whom I have had the honor of being this morning, and to General Petraeus and Admiral Crocker—these are the people we need to listen to, not the voices of moveon.org and the Code Pink extremists. We need to bring our troops home, but we need to bring them home on success. That is what they fought for; that is what they are there for.

As one man in the field reported today: You can't be for us, for the troops, and against the war because we are the war.

Despite the evidence of progress in Iraq, the media seems trigger happy to report bad news. Less than 48 hours after Iraqi security forces began their campaign against the militant Shia factions in Basra, the media already was declaring the operation a failure. The operation initiated on March 25 was designed to quell rogue factions of Muqtada al-Sadr's Mahdi army. In covering the fighting, the press displayed its previously seen penchant for quickly throwing in the towel when the military operation does not instantaneously achieve its goals. If the operation were a failure and didn't meet its goals, then why did Muqtada al-Sadr order a cease-fire? I don't know of any commander who has declared a cease-fire when he is winning.

Right now, General David Petraeus and Ambassador Ryan Crocker are testifying before the Senate on the progress being made in Iraq. I expect that testimony will show that the new counterinsurgency, or COIN strategy, backed up by the surge, has been working and has brought Iraqi citizens to our side in the fight against al-Qaida.

Since the surge forces began operating under this new policy in mid-2007 and the adoption of the COIN strategy, there is some important security progress to point to. Overall violence in Iraq, civilian deaths, sectarian killings, and attacks on American forces are all down. Coalition forces have captured or killed thousands of extremists in Iraq, including hundreds of key al-Qaida leaders and operatives. American troops are beginning to return home on success.

In addition to security progress, the Iraqis are also making critical political progress. While this front has been the slowest—and we must continue to demand that the Iraqis assume greater control—the Government has taken several important steps. The Iraqi Government has enacted a pension law that keeps the promises made to Sunnis. It has enacted a debaathification law that allows midlevel Baath Party members to reenter political and civic life. It has passed a budget that focuses spending on security reconstruction projects and provincial governments. It has enacted an amnesty law, and it has reached agreement on a provincial powers law that will ensure the Iraqis the right to be heard in upcoming elections.

Democrats are in denial of the progress in Iraq despite this evidence of both security and political gain. Their rejection of the reality in Iraq does not extend just to the current Petraeus and Crocker testimony, however. Some who favor retreat and defeat in Iraq have also taken issue with the classified Iraq National Intelligence Estimate, or NIE, distributed to lawmakers last week.

Always quick to tout and cherry-pick information from a NIE that can be twisted to support their motives, the retreat-and-defeat gang has outright rejected the latest Iraqi intelligence report. They claim it is "too rosy."

Unfortunately, this denial is no more than rhetoric and fodder for the mainstream media because we know that defeat in Iraq would have serious national security implications and do great harm to our image around the world, an image that so many of our colleagues on the other side say they wish to repair. Iraq is the central battleground in the war on terror. In addition to giving al-Qaida safe haven, defeat in Iraq would embolden a possibly nuclear-armed Iraq. The intelligence community has stated in an open hearing before the Intelligence Committee earlier this year that if we withdraw from Iraq before their army and police can maintain security, violence and chaos will spread across the region.

This has been a tough fight. We have lost over 4,000 of our bravest and finest men and women. The surest and most fitting way to honor their memory and their service is to ensure victory, not defeat.

Mr. President, I have several Members on my side who have been waiting for time in morning business. What is the situation?

The ACTING PRESIDENT pro tempore. The Republicans control 9 minutes.

Mr. BOND. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the Senator from Georgia is also waiting to speak, so I would like to be notified at 4½ minutes, and I will split it down the middle with the Senator from Georgia.

Mr. President, I rise today to speak about General Petraeus' testimony. I was able to watch a little bit of it before I came over here. I was beginning to see, of course, the questioning from the Armed Services Committee. I think it is so important that we look at the big picture and what General Petraeus is saying. Also, of course, we have Ambassador Crocker who is doing a terrific job over there.

I was there at the end of February, just 6 weeks ago. I met with both of them. But what I saw was an incredible change from the other time I had been in Iraq. As General Petraeus said himself, from June 2007 through February 2008 deaths from ethno-sectarian violence in Bagdad have fallen 90 percent. American casualties have fallen sharply, down by 70 percent. In the last year, the number of high-profile attacks have fallen by 50 percent.

All of us believe one American death is not worth the price we would pay if we had a choice. But every one of those who are there understand our mission and how important it is. Every one of those with whom I have met, both the people who have returned from Iraq and Afghanistan and the families of those who have lost loved ones, say: Do not leave. Do not leave without a victory, without seeing through the successes that we have gained.

They understand this mission. Unfortunately, it does not seem that the majority in the Congress see it as those who are on the ground and who have suffered the most do. As recently as February, the Senate leadership was trying to stop the surge by requiring an immediate and arbitrary withdrawal of U.S. forces from Iraq when we didn't even have the results. Yet those of us who have been there recently have seen the results.

I went to a police station with our embedded forces and to a security regional center with embedded forces. I did that because I was very concerned. I wanted to see it myself. I was very pleased with the fact that our troops embedded there were causing the Iraqis to come forward and do more and help us.

The Sons of Iraq, which are now 91,000 strong, are serving as neighborhood watches. They are manning the checkpoints. They are taking us to the weapons caches. Do you know that, since the beginning of this year, we have found, because of the Sons of Iraq's cooperation, more weapons than we discovered in all of 2006? We are making progress. Mr. President, 21,000 of the Sons of Iraq have now been accepted into security forces or government work. It is amazing that we are seeing military gains, and we are seeing political gains. It is not as fast as we would like to see it, of course, but it is progress. It is in the right direction.

The consequences of leaving precipitously are consequences that would be unthinkable. People talk about the cost of Iraq, the cost of the war on terror, as if the costs are prohibitive. The costs are high. But the cost of leaving and letting al-Qaida have a base in Iraq are much more expensive. We are talking about 9/11 costing over $1 trillion, if you put it in monetary terms, which I don't think we should—this is not the thing that we should even be considering. We should be supporting our troops, and we should be supporting the effort that would require complete success for our country. This is the United States of America.

I met with the Vets for Freedom who just met by Senator BOND as well. They are the patriots who have been there, who know what it is like, and who are saying stay and fight and win. It is the right thing for the United States of America to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. I thank the distinguished Senator from Texas for allowing me part of the time. I ask unanimous consent to be recognized for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. I associate myself with the remarks of the distinguished Senators from Texas and Missouri. I am grateful for great Americans such as David Petraeus, and I am particularly grateful for the young men and women, Americans who volunteer day and night, who go to defend liberty, peace, and freedom around the world. I come to the floor now for just a few minutes to speak on the housing bill pending, coming back, and the stimulus bill coming to the floor, and a cloture vote that is going to take place at 2:15.

HOUSING CRISIS

Mr. ISAKSON. Mr. President, I come to the well specifically today to talk for a few minutes about the tax credit proposal that is included in the base bill as introduced by Senators DODD and SHELBY and approved by the Finance Committee, Senator GRASSLEY, and Senator BAUCUS. To that end I want to pay particular thanks to the staff of the Finance Committee for the tremendous work they did with respect to the housing tax credit amendment which is now part of the base bill.

I come here today, though, to correct some misinformation that has been appearing in the media particularly over the past weekend and in a couple of national publications and Washington newspapers with regard to the housing stimulus and tax credit being inappropriate or wrong. The presumptions of those who have written are absolutely inappropriate and wrong. Although they are attempting, I am sure, to contribute to the debate, they are in fact contributing to a tremendous misunderstanding about the reality of what the tax credits will do.

For the sake of discussion, the tax credit is a $7,000, $3,500-a-year tax credit that goes to any family who buys and occupies as their residence any home that has been foreclosed upon or is owned by a bank or lender, new or resale, and any resale owned by an owner occupant who is fending foreclosure.

There have been two comments made about what is wrong with this proposal that are exactly the opposite of what is really right about this proposal. No. 1, in one editorial it said it is rewarding people who did not pay their payments and punishing people who are making their payments. It is not rewarding anybody. If you are purchasing a foreclosed-upon house, the damage has already been done to the borrower. The family who didn't perform is not rewarded. In fact, they have already suffered their punishment. But everybody else in the neighborhood is suffering punishment because that vacant house sits there deteriorating and causing declining house values.

Secondly, it does not punish the homeowner who is in their house making their payments because the truth is, that home owner is hurt more when a foreclosure sits vacant and unsold than it is when that property is taken, bought by a homeowner, reestablished, the lawn is kept, the values are stabilized.

The fact is, we have an obligation at this critical time in our economy to do what we can to stimulate the market to solve our problems, not have a plethora of government solutions to problems. Stimulating the market to go back, absorb these houses, get them back in owner-occupied hands, get them out of REO inventory is precisely what we need to do.

Now, I do not come to this opinion as someone who has no experience; I come to it based on experience 33 years ago, in 1975. I was in the business. The United States had gone through a serious decline in housing. We had a problem. We had a 3-year supply of new houses standing unoccupied on the market. Buyers retreated because they did not know where the bottom was. The economy went down. Everything was in a mess.

Gerald Ford, a Republican President, and a Democratic Congress came to this very floor and introduced a $2,000-a-year tax credit to any family who went and bought one of those standing vacant new houses only—not any house, the standing vacant new houses that were there, the problem houses. They passed the $2,000 tax credit. The market immediately responded. Within the 1-year window of opportunity for that credit, two-thirds of the standing inventory was absorbed, home values stabilized and began to go up, and the economy returned to vitality.

So I ask those who are writing in criticism about a bill rewarding people who did bad things and punishing people who did it right, they are exactly the opposite; the damage has already been done when the foreclosure has taken place, and the reward is to stabilize neighborhoods for those who are in their homes and paying.

I think the wisdom of the Finance Committee and the Banking Committee to incorporate this provision is an insurance policy that we in Congress can do good things to drive the market, to help solve problems. You hear all those problems about us making payments for people and doing things to take money from one American and give it to another in a time of trouble. That only postpones the inevitable. It does not solve the problem. But stimulating buyers back to the marketplace to absorb those houses that have been foreclosed upon or are pending foreclosure addresses specifically the housing crisis in this country, absorbs specifically the houses that are causing us problems, reestablishes values in our neighborhoods, and stabilizes the values of those people who are in their homes making their payments, doing what is right.

So with all due respect to those who have opined over the weekend, they are absolutely incorrect and wrong in terms of the applications of this credit. It will, in fact, be a boost to the economy, a boost to the housing market, and a stabilizing factor on home values and equities in the United States of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Will the Senator yield for a question?

Mr. ISAKSON. I will.

Ms. MIKULSKI. I have a question exactly about not only those headlines but what people have asked me over the weekend. I want the Senator to know, first of all, we value his extensive experience in the real estate field—he was a well-known realtor in his own community—and, of course, his ongoing method of civility in this body.

Here is my question: This is a $7,000 tax credit if you buy a foreclosed home in a neighborhood; is that correct?

Mr. ISAKSON. That is right, $3,500 a year for each of the first 2 years you occupy it as a resident.

Ms. MIKULSKI. Here is the question: There are two houses for sale. One is a foreclosed property and one is a regular homeowner ready to sell. The question I get from non-profits and people is: Is the tax credit going to depress by $7,000 the house that is not in foreclosure? In other words, that it acts as a damper on price, and if you are in good standing, you have a good mortgage but you are ready to sell for whatever reasons, you are putting your house on the market, and next to you is a foreclosed house and that is going to get a $7,000 tax break, they are saying: I am going to have to eat $7,000 to sell my house.

Can the Senator answer that question for me and for all who I think are puzzled about the possible unintended consequences of this tax break?

Mr. ISAKSON. The Senator's question is right on target. My answer to you is not an opinion, it is a statement of what actually happened in 1975. In 1975, there was no demand for housing because the plethora of houses that were on the market that had been foreclosed on that were built new were not being sold. Nobody was in the market. When the $2,000 tax credit was established and those houses began to be absorbed, the housing values stabilized. So there was not a disadvantage to the person who was trying to sell who was in the house, it was actually an advantage.

The disadvantage you have right now is nobody knows where the bottom is. Because foreclosures are taking place, the values are going down. Those values, because of the cost-to-replace method of appraising, which is used by all lenders, decline the value of appraisals of houses that are pending on the market. It is a domino effect that affects everybody. The tax credit, by absorbing those houses that have been foreclosed upon and are vacant and are bringing down values, undergirds the market and raises those values for everyone.

Ms. MIKULSKI. Stick with me.

Mr. ISAKSON. I am here.

Ms. MIKULSKI. Real-world situation. This house is foreclosed, which means it already is going on the market at a depressed value, OK? The consequence of a foreclosure is a melancholy event, not only for the person who is losing their home, but the community feels it could lose a neighborhood. I believe that is the gentleman's point, and it is also a great concern to me. But because the foreclosed house is already depressed, then a $7,000 tax credit comes in. The question is, for the non-foreclosed, I do not understand how the price of the non-foreclosed home is not dampened, and we, ourselves, are helping create a new bottom.

Mr. ISAKSON. Well, two or three points. The first one I made is still the valid point; that is, as those foreclosures are absorbed, values stabilize and go back up, and that supports the values that were there in the neighborhood for the people who are making their payments, not in foreclosure. That is No. 1.

Forget about the tax credit. You ride through any neighborhood where somebody is in a house that is in trouble and look at the sign. It will say "Drastic Reduction." "Reduced." "Foreclosed Property." "Fire Sale." "Thirty Percent Discount." All you have to do is open any newspaper in any urban area in American, and you can read the classifieds and see that today. That is what is doing the terrible damage. That is because those numbers are growing. So if the incentive is to absorb those that have been foreclosed on, then you lessen that downward pressure, you underwrite the house values, and the neighborhoods begin to restore.

Remember this: The tax credit is only good for a year. It is only a finite period of time to drive people to the market in hopes that they will absorb those houses because if they do not, the only way they get absorbed is through deeper discounts because regulators are going to force those lenders to dump them. The deeper the discount, the more depressed values are, and the more difficult it is for anybody to sell their house at a reasonable value.

Ms. MIKULSKI. Well, first of all, I thank the Senator for explaining this. You can understand the origin of these questions. It is not only what I feel, but those working in our communities, those trying to sell homes, they all feel pretty much the same way. But I thank the Senator for answering that question, and we thank him for the expertise he brings to this debate.

Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The time for morning business is about to expire.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that morning business be extended for 10 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSING

Ms. MIKULSKI. Mr. President, let me state that we are waiting for Senator DODD to come from the Foreign Relations Committee so that we can report the bill and continue moving on the housing bill.

I have an amendment I wish to offer. I know the Senator from Vermont has a modification. I know the Senator from California also has some things she wants to do on this bill. But while we are waiting for Senator DODD I wanted to say a few things about housing. I want to say a few things about this bill. I have an amendment I wish to offer, but I have a lot on my mind about this housing bill. First of all, I have very serious questions about the bill itself. The original bill that has been brought to the floor takes care of the sharks and the whales, but it does not take care of the little people, the minnows. The Maryland General Assembly did more in their 90 day session that just adjourned than this body has been able to accomplish all year.

When you look at that which will actually help ordinary people work their way out of the foreclosure mess, the legislation is quite Spartan. We lost the bankruptcy provision that would have allowed families to put the pieces back together. The original housing bill had $200 million going to the nonprofit agencies that are working every day with people in those communities to be able to work out their problems. Now, this bill is being held hostage by the other party for more tax cuts we do not need, bigger bailouts for those who do not need them, and it does not help the 8,000 people a day who face foreclosure. We need to improve this bill.

Now, I am so disappointed that Senator DURBIN's amendment to amend the Bankruptcy Code to allow workouts did not occur. I know Senator MURRAY has an amendment to add more money to the front-line groups working with families. I want to thank Senator MURRAY for offering this amendment and I will have a second-degree adding legal help for the already overburdened nonprofit counselors.

I have seen what this housing crisis means, not by reading the Wall Street Journal but by getting out there and talking to my own constituents, holding roundtables on this subject. What we see is that the subprime housing crisis is a code red emergency. Thousands in my State got caught up in schemes and scams. They were not Wall Street speculators we give a bailout to, they are Main Street Americans who need a workout plan.

My State was hit hard, so at these roundtables we talk to the people who were most affected, the people who actually are facing bankruptcy, to get their stories, get a picture book of what is going on, talk to the nonprofits. But we also talked to the brokers and the Realtors and others in their community. I listened and I learned.

So while everybody here wants to talk about the big macropicture, I want to talk about the macaroni-and-cheese issues. I am on the side of the little people. I talked to a police officer who works every day, putting himself in the line of fire. Because he got into a home equity scam and scheme, he is about to lose his home. I talked to a mother, a single mother who thought she was part of the American dream, and now she is part of the American nightmare.

If you listen to the nonprofits, housing people, like St. Ambrose Housing in my own State, they are trying every day to help people work this problem out. What is it that they need? They need a plan to be able to do a workout. That is why the bankruptcy amendment was a big help. It would have enabled people to responsibly work out their problems. But at the same time, those nonprofits are being overwhelmed by the sheer magnitude of the caseload.

When you look in my own State, there are thousands and thousands of bankruptcies. In 2006, there were 3,000 foreclosures in Maryland. But guess what. In 2007, there were 23,000—23,000 Marylanders are in the foreclosure line. The sheer magnitude of the problem these nonprofit organizations—many of whom are faith-based—have to come to grips with to help these families with advice and counseling shows that we are in great difficulty.

This is why I so support Senator MURRAY's amendment to add more financial resources to these nonprofits to bring on the staff. I salute Senator MURRAY because she brings expertise in housing. But where she is a real expert is on people and the suffering people have.

We believe in working with nonprofit organizations that are out there closest to the people to do this. Now, in listening to them, so many of my constituents were steamed and scammed. They faced predatory—predatory—lending procedures. Some people get mugged when they walk down a back alley. Here, they got mugged when they sat down to sign up for their mortgage or their home equity loan. They were mugged big time.

If you are mugged, you get a lawyer. But if you are in foreclosure, you cannot get one. Legal Services barely can help anybody because the means testing means that that for a family of four, if you have an income over $26,500, you cannot get a legal aid lawyer. Well, if you have that kind of income, you were unlikely to be own housing at least in many areas of the country.

But NeighborWorks can offer help. I will offer an amendment later on this morning that will add $37.5 million as a second-degree amendment—$37.5 million to the NeighborWorks effort.

This NeighborWorks will do three things.

First of all, they are going to hire more lawyers and more paralegals to help the counseling groups help people work out of these predatory schemes. Why paralegals? They will maximize the lawyers we already have. They will hire more lawyers, particularly those who are semiretired or those young lawyers eager to build their skills, and so on. NeighborWorks and the experienced lawyers will train them.

It will provide money to legal organizations to train more attorneys in foreclosure law. We have lawyers who want to come forth, but they need their training expenses taken care of.

There are paralegals who are looking to not only work for a law firm but to also work for these nonprofits.

Then for the lawyers in foreclosure law, this would allow them to train counselors in some of the basic foreclosure law.

My amendment, I will offer at a later time, is very simple and very straightforward, but wow is it needed. We need to give help to those who are trying to practice self-help to the people who are in foreclosure, to the nonprofits that are trying to help them, and to the lawyers who are trying to advise them.

Remember, if you were mugged in a back alley, you could have access to a lawyer. But if you were mugged when you sat down for a settlement on buying a home, you are going to be on your own. You know what. We cannot have that. I want to have people feel that we are on their side.

Again, we do not seek bailouts. We seek workouts. We want to be able to help those families be able to restore their financial credit, to be able to work out and stay in their home.

When you have foreclosure on a home, it is a terrible tragedy for the family. But it is also a terrible tragedy for the community. So let's all work together. Let's pass a housing bill that helps those who are in need, those who are losing their home.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold the suggestion of an absence of a quorum?

Ms. MIKULSKI. I withdraw my suggestion.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to comment about an amendment which I have to the housing bill. It is amendment No. 4392. It was discussed last week.

The essence of the amendment would provide authority to the bankruptcy court to deal with variable interest rate mortgages, where we find people have been surprised by the acceleration of obligation. It is illustrated by a mortgage where the monthly payments were $1,079 and then raised to $1,444—an increase which was not expected by the borrower. Another illustration of a variable interest rate mortgage is where the monthly payments were

$1,400, which were raised to $1,900 a month.

This would give the bankruptcy courts authority to deal with these changes. Under these circumstances, the borrowers did not know how much the payment would be increased. Frequently, there is misrepresentation, and on some occasions there is even fraud.

This amendment was distinguished from the amendment offered by Senator DURBIN, which would have provided for bankruptcy courts to have authority to modify the principal. That was defeated largely because it would have created a problem for lending in the future when prospective lenders would not have confidence their contracts would be fulfilled.

I was looking for an opportunity to vote on this matter on Thursday afternoon but was called away in my capacity as ranking member on Judiciary because of the absence of any other Republican to preside at that time.

I have talked earlier today with the distinguished chairman of the committee with a request I have an opportunity to vote on this before cloture is imposed, before the cloture vote is taken. I note there are a number of Senators who have amendments which they wish to offer, and it would be my hope and projection that these amendments would not be foreclosed. Frequently, on this side of the aisle, the point is raised that we will not agree to have cloture to cut off further amendments when our Members have not had an opportunity to present their amendments.

This is a very important bill. The bill is lopsided in favor of Wall Street over Main Street. We have seen the situation with the bailout of Bear Stearns. This bill contains provisions which will help the big guy, so to speak, with the credit for purchases of homes, with the tax credit for those who buy homes in foreclosure, and with the provisions carrying losses forward.

This bill, as noted by Senator DODD, does not adequately take care of the so-called little guy. The amendment which I wish to have voted upon would be a significant move in that direction. So I hope we will have an opportunity to vote on my amendment and to give other Senators an opportunity to present amendments to give better balance to this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask to speak as in morning business. I might ask the Chair, is the Senate in morning business?

The ACTING PRESIDENT pro tempore. The time in morning business has expired, and the Senator can speak in morning business by unanimous consent.

Mr. BAUCUS. I might ask, Mr. President, if we are not in morning business, then what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. To make a unanimous consent request, that you can.

Mr. BAUCUS. The Chair is assuming my intention, which I will ignore at this moment.

Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSING

Mr. BAUCUS. Mr. President, a Chinese proverb asks: How can one beam alone support a house?

The same can be asked about the housing market. The housing market includes homeowners, home buyers, and homebuilders alike. To support the entire housing market, one does best to support each of its several parts.

That is why I worked with my colleague, Senator CHUCK GRASSLEY, and other members of the Finance Committee to craft the housing tax provisions in the pending substitute amendment. These provisions address the several parts of the housing market. Our legislation would help homeowners, home buyers, and homebuilders. In so doing, our legislation would provide sounder support for the market as a whole. In today's economy, many homeowners are having difficulty paying the mortgage. About 4 percent of first-mortgage debt is delinquent. Another 1 percent is in default.

Last year, nearly 1.5 million homeowners defaulted on their first mortgages. That is up from 900,000 in the year before and 800,000 in the year before that. Defaults and foreclosures have contributed to the decline in housing prices. They have destroyed more than $2.5 trillion in household net worth in the space of a year.

Our legislation would help homeowners with a property tax deduction available for people who do not itemize their tax deductions. This new deduction would alleviate some of the burden of local property taxes, at a time when homeowners are struggling to pay their mortgages.

This new property tax deduction would provide a standard deduction for up to $500 for single filers and $1,000 for joint filers. It would be available to the more than 28 million families who pay property taxes but who do not itemize their deductions. These are middle- and low-income households. These are some of the same families in the housing market who most need relief.

For home buyers, our legislation includes a home buyer credit and mortgage revenue bonds. The home buyer tax credit provides a $7,000 tax credit for the purchase of a home upon which foreclosure has been filed. The tax credit rightfully excludes second-home purchases and rental investments. It focuses on the principal residences of struggling families.

By targeting foreclosed properties, our provision would get families into vacant homes. By targeting homes that are near foreclosure, our credit may steer home buyers to those homes. That may make enough difference to help some families to get out of foreclosure and out of harsh eviction proceedings.

Our legislation also includes mortgage revenue bonds. We would provide an additional $10 billion of tax-exempt private activity bond authority. States could use these bonds to refinance subprime loans, to provide mortgages for first-time home buyers, and to provide multifamily rental housing.

This substantial increase for the States comes at a critical time. States are directly experiencing the effects of the economic downturn. With the financial crisis tightening up lending, this cash can provide much needed financing. That financing will once again help low- to middle-income households.

The subprime mortgage crisis and declining housing sales have forced many homebuilders to lose money. According to the most recent Labor Department report, construction and manufacturing are the hardest hit sectors of the economy. Construction shed 51,000 jobs so far this year, and manufacturing shed 48,000 jobs so far this year.

Construction employment alone is down 182,000 jobs since November. It is down by 356,000 jobs over last year. Overall, the private sector has lost 296,000 jobs over the last 3 months. That is a loss of 97,000 jobs a month.

For homebuilders, our package would allow businesses to carry back losses to profitable tax years. That would help the homebuilders hit the hardest by the housing market crisis. The pending amendment would allow troubled businesses to carry back net operating losses for 4 years, for tax years 2008 and 2009. That would allow them to receive quick tax refunds.

This tax relief would slow losses. These businesses would then have a quick cash infusion to meet payroll and other current expense obligations. We hope this relief would encourage these businesses to rehire some of those workers who have lost their jobs. This provision benefits both employers and employees.

As well, the net operating loss provisions in the pending amendment would allow homebuilders and other distressed businesses to take the book benefit of a net operating loss before claiming the amount on their tax return. This would help distressed businesses to obtain additional financing.

Now, these provisions alone would clearly not solve the housing market woes facing this Nation, but by helping homeowners, home buyers and homebuilders, we would take a significant step in the right direction. No one piece of legislation can solve all of our problems but inaction most certainly will solve none of our problems. That is why we must act. We should bring debate to a close. We should invoke cloture this afternoon. We should pass this much needed tax relief.

Let's not rely on one beam alone to support an entire structure. Let's pass this help for home buyers, homebuilders, and homeowners, and let's provide this much needed support for the housing market.

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT

Mr. BAUCUS. Mr. President, John F. Kennedy once said: "Let us not seek the Republican answer or the Democratic answer, but the right answer."

President Bush has said that he intends to submit the implementing legislation for the United States-Colombia Trade Promotion Agreement. He did so against the will of Congress, and he thus did not seek the right answer. He did not even bother with the Republican or the Democratic answer. The administration simply chose the easy answer. The administration's easy answer is also the wrong answer. It is the wrong answer for American workers. It is the wrong answer for the administration's relationship with Congress. It is the wrong answer for Colombian workers.

The Colombia Trade Promotion Agreement is a good trade agreement that will level the playing field for America's exporters. It will open the new export market for American products, including Montana beef, wheat, and barley, and it will bolster a close ally in a troubled region.

Expanding trade and supporting Colombia are important priorities. That is why the administration should have handled this agreement the right way. Had the administration sought the right answer, it would have worked harder to support my top priority: American workers. Had the administration not rushed forward with the easy answer, we could have had trade adjustment assistance in place before considering this agreement. We need expanded and effective trade adjustment assistance for America's workers. That is clear. That means ensuring that America's service workers—not just its manufacturers and its farmers—receive the help they need.

Service workers make up 80 percent of our workforce. They have helped to build and support the knowledge-based economy that is the engine of America's growth. They work hard. They deserve our support in return.

Expanded and effective trade adjustment assistance must also cover workers whose jobs have been shipped offshore, not just as a result of trade agreements but others as well. It must raise the health care tax credit to make it affordable and accessible, and expanded and effective TAA—trade adjustment assistance—must double the training funds available to our workers.

Were the administration serious about this agreement, it would not have resorted to the easy procedural answers either. In high school civics class, they teach that the Constitution grants Congress the power to regulate foreign commerce. Congress entrusted this power temporarily—and, I might add, importantly, conditionally—to the administration under something called trade promotion authority; that is, Congress did not write a blank check. By submitting the agreement now and against Congress's will, the administration abuses the power Congress granted it. By forcing Congress to consider this agreement now, the administration offends the trust of Congress and violates the compact that is the essence of fast track; that is, trade promotion authority.

When Congress extended trade promotion authority—or, as people call it, fast track—they did so on the condition that the administration would consult with Congress about the text of proposed agreements before it sent them up. Congress set up an informal markup process to apply before the administration formally sent up the legislation. That informal procedure is very important. It was to be conducted, again, before the administration formally sent up its legislative language. The administration has now completely bypassed that process. Now Congress has no opportunity to affect the language of the proposed agreement. This administration has said: It is my way or the highway.

Procedural checks and balances are the cornerstone of the congressional-executive relationship. It is the cornerstone of trade promotion authority. Democratic and Republican administrations have both respected this cornerstone. But today, this administration shattered this cornerstone. By so doing, they further diminish our trust.

By sending up the implementing bill today; that is, before consultation in the right way, the administration has failed to deliver the right answer for Colombia's workers. Colombia's workers must know that they can safely pursue equality and justice in the workplace, free from the violence that has plagued Colombia in the past.

The Colombian Government has made great strides in this area. The enforceable labor provisions in the United States-Colombia trade agreement are a critical step to ensuring further progress. We must make sure the Colombian Government takes these obligations seriously. They must show that these obligations are not just paper promises.

The normal congressional fast-track process of hearings and formal markups—which the administration has short-circuited—is an important time for Congress to air concerns, exercise its leverage. It allows Congress to ensure that the Colombian Government is committed to prosecuting labor violence. These hearings are important to accomplish that objective. It gives us real leverage to seek commitments from the Colombian Government and the administration to create a work environment in Colombia grounded in law and backed by action. It also allows Congress the chance to help the Colombian Government, through funding provisions included in the implementing bill, to create an environment where those who seek a better life through employment can flourish. Short-circuiting the process and forcing a premature vote on a trade agreement does nothing to help Congress accomplish these goals.

The President's unprecedented handling of the United States-Colombia Free Trade Agreement raises extraordinary questions about how we can move this agreement forward. For America's workers, for the relationship between Congress and the President, for the Colombian people, Congress must now find answers. Finding the right answer has never been easy. By submitting this agreement as it did and when it did, the administration has sought the easy answer, but in the end, the administration has simply made it harder to find the right answer.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, last week, I tried and failed to introduce an amendment which essentially would set minimum standards, minimum Federal standards for—I see the chairman of the committee has just come in, so if I might wait for a moment and see what he wishes to do. May I note the absence of a quorum for a moment, please.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business until the managers of the legislation wish to proceed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEMPHIS TIGERS

Mr. ALEXANDER. Mr. President, I thank the Senator from Montana especially.

There is sorrow in our Bluff City on the Mississippi River and across Tennessee today because the noble University of Memphis Tigers lost last night to Kansas in the finals of the NCAA National Championship basketball tournament. But there is also reason for great pride. The ebullient John Calipari and his team gave Memphis a new source of pride and the sport a season to remember, winning more games than any college basketball team ever has. Years from now, fans will be talking about the magical Douglas-Roberts, the indomitable Dorsey, the ubiquitous Anderson, the reliable Dozier, the explosive Rose, and the super sub Taggart. They have given fans a great year. They have helped unify Tennessee's largest city. They should hold their heads high as we look toward next year.

HOUSING

Mr. ALEXANDER. Mr. President, yesterday I made a few remarks about an amendment Senator KYL and I have offered to an Ensign-Cantwell amendment, and today I wish to place in the CONGRESSIONAL RECORD a couple of documents.

In May 2007, I requested that the Energy Information Administration conduct a study of Federal subsidies of electricity, including a comparison of subsidies for different fuel types. Last week, I received a 250-page study in response to my request.

I ask unanimous consent to have printed in the RECORD the following: a copy of my May 17, 2007, letter to the EIA Administrator, Guy Caruso; a copy of the April 2, 2008, cover letter from Mr. Caruso that arrived with the EIA's 250-page study; and finally, a table titled "Federal Subsidies of Electric Power" that is based on information that was included in the executive summary of EIA's study.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 17, 2007.

Hon. GUY CARUSO,
Administrator, U.S. Energy Information Administration, Washington, DC.

DEAR MR. CARUSO: I am writing to request that the Energy Information Administration (ETA) conduct an analysis of federal subsidies of the electricity industry, including a comparison of subsidies for the different fuel types (e.g., coal, natural gas, petroleum, nuclear, wind, solar, etc.). I am interested in learning—for each fuel type—both (1) the overall annual cost of those subsidies, and (2) the annual cost per unit electricity generated (e.g., cost per kilowatt-hour). My staff is familiar with the EIA report Federal Financial Interventions and Subsidies in Energy Markets 1999: Energy Transformation and End Use and understands that this new analysis will serve as an update of significant portions of this prior analysis with a focus on subsidies available to electricity and primary fuels used in electricity generation.

To expedite its completion, the analysis should be limited to subsidies provided by the federal government, those that are energy-specific, and those that provide a financial benefit with an identifiable federal budget impact. Broad policies or programs that are applicable throughout the economy need not be considered. The analysis should include the following types of subsidies: tax expenditures (such as deductions, credits, and loan guarantees); direct expenditures (such as direct grant programs and the Low Income Home Energy Assistance Program); federal research and development programs targeting electricity and its fuel inputs; and federal electricity programs (such as support for the Bonneville Power Administration).

The report should include an estimate on the size of each subsidy over a recent, representative year. Where there has been a significant change in the amount or scope of a particular subsidy since the 2000 report, it would be useful for the report to provide an explanation for the change. If a valid methodology can be developed, a forecast of subsidy impacts would be very informative as well. To be most helpful, I would appreciate it if the report could be completed by November 30, 2007.

Thank you for your assistance with this matter. If you have any questions, please contact Mr. Jack Wells of my staff.

Sincerely,

LAMAR ALEXANDER.

DEPARTMENT OF ENERGY,
Washington, DC, April 2, 2008.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: In response to your letter of May 17, 2007, I am providing the enclosed analysis of Federal subsidies and support for energy markets, with emphasis on the electricity industry. The analysis includes a comparison of per unit subsidies for the different fuel types used to generate electricity. I hope you will find this analysis to be of assistance.

Should you have any questions, please contact me, or your staff may contact Scott Sitzer, Director of the Office of Coal, Nuclear, Electric and Alternate Fuels.

Sincerely,

GUY F. CARUSO,
Administrator,
Energy Information Administration.

FEDERAL SUBSIDIES OF ELECTRIC POWER

	($/Megawatt-Hour)
Coal	0.44
Refined Coal	29.81
Natural Gas & Petroleum Liquids	0.25
Nuclear	1.59
Biomass (and biofuels)	0.89
Geothermal	0.92
Hydroelectric	0.67
Solar	24.34
Wind	23.37
Landfill Gas	1.37
Municipal Solid Waste	0.13
All Renewables (subtotal)	2.80
All Sources	1.65

Mr. ALEXANDER. Mr. President, I ask through the Chair whether there is more time or whether the Chair would like to reclaim the time.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am not managing this part of the bill. I think Senator DODD is talking to Senators. They are working out some provisions, so if he wants to proceed until they work it out.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, perhaps I will proceed with my statement on morning business, and then, when we return to the bill, I wish to call up the amendment.

Is that agreeable to the Senator from Tennessee?

Mr. BAUCUS. Mr. President, I ask how much time the Senator from Tennessee would like to speak. If it is a short amount of time——

Mr. ALEXANDER. Mr. President, if it is agreeable with the other Senators, I ask unanimous consent for 4 minutes, to be followed by the Senator from California.

Mrs. FEINSTEIN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DODD. Reserving the right to object, Mr. President.

Ms. MIKULSKI. Everybody is trying to extend morning business while we are waiting.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee has requested unanimous consent to speak for up to 4 minutes as in morning business.

Mr. DODD. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ WAR UPDATE

Mr. ALEXANDER. Mr. President, today General Petraeus comes to the Senate. I suggest that we listen to the General. When he reported to the Senate last September, some Senators were unwilling to listen. One even said that she thought that in order to believe the reports from Iraq it required a willing suspension of disbelief.

Let us remember what has happened since then. I can remember last August visiting with General Petraeus in Baghdad. I handed him a paper that said: It is time for a new strategy in Iraq. I had been urging President Bush and the Senate to adopt the Iraq Study Group recommendations. In my view, what General Petraeus has done since that time has been to adopt the Iraq Study Group recommendations with some amendments.

We are acknowledging that it is time to shift the mission from combat to support, province by province. We are acknowledging that there will be a long-term presence of the United States in Iraq, but as General Petraeus said, it is steadily diminishing. We are acknowledging that this is an important step-up in diplomatic and political efforts.

As General Petraeus and Ambassador Crocker speak today, the questions we should ask are: What progress are we making down this new path to bring this war to a successful conclusion? Second, now that there is widespread agreement that there has been success since last summer with an American-led military surge, what are the prospects for an Iraqi-led political and diplomatic surge, letting the Iraqis invite their neighbors to embassies in Baghdad, reconciling their differences among themselves, and paying for more of their own bills?

So instead of suspending our disbelief, let's listen to the General and to Ambassador Crocker, acknowledge the progress they are making and make it easier for them to progress on the diplomatic and political fronts.

I thank the managers of the bill for their courtesy.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

Pending:

Dodd/Shelby amendment No. 4387, in the nature of a substitute.

Sanders amendment No. 4401 (to amendment No. 4387), to establish a national consumer credit usury rate.

Cardin/Ensign amendment No. 4421 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer.

Ensign amendment No. 4419 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

Alexander amendment No. 4429 (to amendment No. 4419), to provide a longer extension of the renewable energy production tax credit and to encourage all emerging renewable sources of electricity.

Nelson (FL)/Coleman amendment No. 4423 (to amendment No. 4387), to provide for the penalty-free use of retirement funds to provide foreclosure recovery relief for individuals with mortgages on their principal residences.

Lincoln amendment No. 4382 (to amendment No. 4387), to provide an incentive to employers to offer group legal plans that provide a benefit for real estate and foreclosure review.

Lincoln (for Snowe) amendment No. 4433 (to amendment No. 4387), to modify the increase in volume cap for housing bonds in 2008.

Landrieu amendment No. 4404 (to amendment No. 4387), to amend the provisions relating to qualified mortgage bonds to include relief for persons in areas affected by Hurricanes Katrina, Rita, and Wilma.

Sanders amendment No. 4384 (to amendment No. 4387), to provide an increase in specially adapted housing benefits for disabled veterans.

Murray amendment No. 4478 (to amendment No. 4387), to increase funding for housing counseling with an offset.

Mr. DODD. What is the pending amendment, Mr. President?

The ACTING PRESIDENT pro tempore. The Murray amendment.

Mr. DODD. The Senator from Maryland wishes to speak.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

AMENDMENT NO. 4494 TO AMENDMENT NO. 4478

Ms. MIKULSKI. Mr. President, I call up amendment No. 4494.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 4494 to amendment No. 4478.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make additional funds available to the Neighborhood Reinvestment Corporation to increase legal assistance available to homeowners at risk of foreclosure and assistance to community organizations working to preserve homeownership and prevent foreclosure, with an offset)

In lieu of the matter proposed to be inserted, insert the following:

SEC. ________.

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,862,500,000 and the amount appropriated under section 401 of this Act shall be $237,500,00: Provided, That, of amounts appropriated under such section 401 $37,500,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the "NRC") to (1) make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys trained and capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure who have legal issues that cannot be handled by counselors already employed by such intermediaries, and (2) support NRC partnerships with State and local legal organizations and organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code with demonstrated relevant legal experience in home foreclosure law, as such experience is determined by the Chief Executive Officer of NRC: Provided further, That for the purpose of the prior proviso the term "relevant experience" means experience representing homeowners in negotiations and or legal proceedings aimed at preventing or mitigating foreclosure or providing legal research and technical legal expertise to community based organizations whose goal is to reduce, prevent, or mitigate foreclosure: Provided further, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.

Ms. MIKULSKI. Mr. President, I spoke earlier about the compelling need for this amendment. It would add money to NeighborWorks to be able to help them add more legal staff to help people workout a plan to stay in their homes. This amendment adds $37.5 million to the bill for the NeighborWorks Program to do three things: Help counseling groups hire more attorneys and paralegals to help with the foreclosure crisis, it would also provide money to legal organizations to train more attorneys and paralegals in foreclosure law, and also hire the people to train counselors and nonprofit groups in basic foreclosure law to help people do their workouts.

Many of my constituents and also constituents nationwide were victims of predatory lending practices, schemes, and scams. It is because of the complexity of dealing with these foreclosure increases that nonprofit counseling organizations need more legal help. That is why I am offering this amendment. It is to help those trying to have workouts to their foreclosure problems, while we are giving considerable bailouts to the people who caused the problem.

This is a second-degree amendment to the Murray amendment. I know it will be considered at the appropriate time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

AMENDMENT NO. 4401, AS MODIFIED

Mr. SANDERS. Mr. President, I seek recognition to modify Sanders-Durbin amendment No. 4401, and I send the modification to the desk.

The original amendment I offered would cap all interest rates on consumer loans using a similar formula that Senator D'Amato used when he offered an amendment to cap interest rates on credit cards in 1991.

Mr. President, I call for the regular order with respect to the amendment.

The ACTING PRESIDENT pro tempore. The amendment is standing.

Mr. SANDERS. Mr. President, that amendment passed on the floor by a vote of 74 to 19. The modification I have sent to the desk would only cap interest rates on mortgages insured by the Federal Housing Administration. If this amendment were in law today, interest rates for mortgages insured by the FHA could be no higher than 14 percent, which is 8 percentage points above what the IRS charges to income tax deadbeats.

The reason I am modifying this amendment is because if cloture is invoked on this legislation, capping interest rates on all consumer loans would not be germane. But capping interest rates on mortgages insured by the FHA would be germane to the underlying bill. In the future I will have more to say about this amendment. That is where we are.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To establish a maximum rate of interest for loans insured under title II of the National Housing Act, and for other purposes)

On page 6, between lines 13 and 14, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured under title II of the National Housing Act may not exceed by more than 8 percentage points the rate established under section 6621(a)(2) of the Internal Revenue Code of 1986.

AMENDMENT NO. 4485

Mr. SANDERS. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up Sanders amendment No. 4485.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SHELBY. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SANDERS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Pennsylvania.

AMENDMENT NO. 4392

Mr. SPECTER. Mr. President, I have sought recognition to discuss with the chairman of the committee the status of the bill and the pendency of my amendment No. 4392. This is a very important amendment which would give relief to homeowners with variable rate mortgages where there is foreclosure action, where they suddenly find the monthly payments increased unexpectedly from as much as $1,400 to $1,900, which they cannot afford and then their house goes into foreclosure. The borrowers do not understand that, and frequently there is misrepresentation, fraud.

This amendment differs markedly from the Durbin amendment, which was defeated, which would have had a serious impact on the availability of lenders to put up money if there is undue interference with the contractual rights.

This amendment protects the homeowners. It does little harm to the fluidity of the availability to get loans.

We are moving toward a cloture vote at 2:30 p.m. By all indications, cloture is going to be invoked, although I intend to fight it, to talk about it in the caucus which will be held in a few minutes.

On the Republican side, we talked about denying cloture in order to give Members an opportunity to have their amendments heard and voted on, and I intend to press that issue. I was prepared to vote on this amendment last Thursday, when I was taken from the floor to go to a Judiciary Committee hearing because the expectation of another Republican covering it was not fulfilled. So I had to go over to the hearing as ranking member because we had a number of nominees in the Judiciary Committee hearing. Now I find we are moving to cloture, and there is no opportunity for a vote.

In my judgment, that is not the way this place ought to operate. I know the chairman of the committee is bound by leadership decisions, but I hope we can find a way to get a vote on this amendment. I know there are other Members who have amendments who want votes.

May I ask the chairman for a response?

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, let me say to my colleague from Pennsylvania, I appreciate the substance of the idea he has offered and, of course, the amendment by Senator DURBIN as well. I will not belabor my colleagues with the history of why it is that provision exists.

There were about 10 or 12 of us who strenuously objected to the bankruptcy reform bill. So I had problems with that bill across the board. I will not go into all that here. Let me try and frame this again.

The majority leader, back about a week or so ago, talked with the Republican leader about the possibility of us breaking this logjam that existed, where nothing could even be debated on the housing issue. So the idea was Senator SHELBY and myself were designated by our respective leaders to try to come up with a consensus package of ideas, one Republicans and Democrats, by and large, could support to come out with as a core, and from that other amendments would be offered and added along the way, and if there was consensus, we would try to add those.

It is a complicated process, but it was the only way we were going to move beyond the gridlock that was allowing no debate whatsoever.

I am in the position, obviously, of trying to accomplish what our leader is trying to achieve—and he should and I applaud him for it—of trying to get us moving on this issue. We are losing 8,000 people a day in foreclosure and the country and the economy is suffering terribly and we were in gridlock on this issue.

There are some very meritorious ideas. Those who have been in this position of managing legislation, of trying to get it through, know from time to time you are confronted with substantively agreeing with what a colleague is offering but find yourself in the position of where, to move the product along, you do not agree at that particular time to deal with the issue for a variety of reasons.

Mr. SPECTER. Mr. President, will the Senator yield for a question?

Mr. DODD. Let me finish the thought. The idea is we are watching the legislation, quite candidly, because it is a tax bill, with which Senator GRASSLEY and Senator BAUCUS are dealing. All of a sudden, we found ourselves dealing with other issues. That is not to say this is one. This is one that could clearly relate to the subject matter. There are others dealing with energy policy and the like. It is one of the few vehicles that may move. So I understand the frustrations people may have about putting something on this bill.

The fact is, we could be here endlessly and fail to get a housing bill—albeit short of what I would like or others would like—to get us to a conference with the House to do something about this issue. We can stay the rest of this week or next week and debate a variety of amendments or try to get moving to get something accomplished.

That, I believe, is the motivation behind the majority leader, and I will let Senator SHELBY talk for the minority leader. That is the general thought. That is not to suggest these other ideas do not have merit or do not have value, including the idea promoted by the Senator from Pennsylvania. There is a reason why the leadership is responsible for trying to move product through here that may not include every idea everyone has that they would like to see added to legislation.

My hope is cloture will be invoked, that we can go forward, and there can be amendments in postcloture, and if they are germane and deal with the issues at hand, then we will try to accommodate them and, where we have consensus, add them and come to some closure and move forward.

This is not the end of the debate. This is not the end of ideas. We will have hearings this week in the committee. We have proposals we are going to bring up in our committee in markup in the next couple weeks, and we will be back on the floor with other ideas directly related to this subject matter. We are merely trying to move this subject along to achieve some of the results involved.

I admire what the Senator is trying to do. He and I have worked on a lot of issues over the years and certainly this idea. As my colleague from Alabama knows, when Senator DURBIN's amendment was offered, I told my colleagues this is one area where I am going to be supportive of that effort to deal with primary residences.

I agree with what my colleague wants to achieve, but there are other considerations we are trying to accomplish with this legislation.

I will be happy to respond to a question.

Mr. SPECTER. Mr. President, the problem with the argument by the chairman is that looking to the future, the reality is that nothing will happen. It is a long way from the representation, which I know the chairman makes in very good faith, to have a bill come out of committee and come back to the floor, in light of what has happened on the calendar. It is just that the chances are so small, it cannot remotely be relied upon.

When the chairman makes the comment about postcloture germaneness, the Senate rules on what is germane are so arcane as to be un-understandable, just un-understandable. Here we have a housing bill. What could be more material to a housing bill when foreclosures are happening across the country as we speak? The Senator from Connecticut comments about the high rate of foreclosures, and this is an amendment which seeks to stop the foreclosures, and it seeks to stop the foreclosures where the lender has provided an instrument, which is a variable rate mortgage, that the borrower does not understand; it has not been explained; there are probably misrepresentations in many cases and probably fraud in many cases. That is why this amendment opens up the court to make a determination of that.

It does not impede upon the fluidity of the market and the availability of capital, such as the Durbin amendment did, which changed the principal sum.

The legislation which is coming out of the Congress and what is happening on the administration is very heavily tilted to Wall Street and not to Main Street. Those are the expressions. It is the little guy who is not being taken care of.

I have admired what the Senator from Connecticut has had to say about that. This bill is imbalanced—a bailout of Bear Stearns but you cannot protect the borrower who has a variable rate mortgage which he did not understand, where the rates have ballooned and he is being foreclosed. That is not fair, and that is not right.

This bill is not balanced. It has a loss carried forward, which I think is a good provision, but that does not help the little guy. It has a tax credit for somebody who buys a house where the mortgage is in foreclosure, but that does not keep the homeowner in the house. I don't think the Senate ought to move ahead. This is not half a loaf, this is a crumb. This bill is a crumb.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I have been notified that at least one Member, on the side of my good friend from Pennsylvania, will object to any process going forward. So maybe he can spend some time in his conference lunch to convince some of his colleagues to be more supportive of some of these ideas.

This is not a crumb, let me say to my colleague from Pennsylvania. The idea we are modernizing the FHA is critically important. The fact we have money in here for disclosure, we have resources for counseling, the fact we are getting resources back to the States, $4 billion to assist them as they try to deal with the problems in their local communities, the fact we are providing some tax support for people to move into foreclosed property so we don't add to the supply is critically important as well. These are some very solid ideas.

There are some provisions in the bill, I will be the first to admit, frankly, had I written this all by myself without having to deal with other people who care about some of these issues, I would not have included.

This is far more than a crumb in terms of trying to deal with this issue. More needs to be done, but the suggestion somehow that the community development block grants, counseling, disclosure, and modernization of the FHA and raising loan limits and the like are insignificant is to fail to understand what is in this bill.

More can be done, I do not disagree. But the suggestion that what we have done falls into that category is a vast exaggeration in terms of what we have been trying to accomplish, and more will be done with this issue as well.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, metaphors are meant to be extreme. We cannot quantify a crumb as opposed to a loaf of bread. But no one would say this is half a loaf. The criticism of this bill has largely come from the chairman of the committee who has said it does not go far enough.

Mr. DODD. Agreed.

Mr. SPECTER. When we have foreclosures across the country on variable rate mortgages and no action is being taken to deal with them—let me ask the Senator from Connecticut: If we consider the action which has been taken by the Fed on Bear Stearns and otherwise and we consider what this legislation is, isn't it significantly out of balance between Main Street and Wall Street?

Mr. DODD. Mr. President, I say to my colleague from Pennsylvania, what was done in the Bear Stearns-JPMorgan Chase issue, I would argue alternatives may have been available. In the final analysis, what was done that Sunday night to allow the merger of Bear Stearns with JPMorgan Chase—and this is the conclusion, I think, unanimously of our committee, having had a hearing on it—was probably the right decision, given the alternative of bankruptcy of Bear Stearns and what could have happened on that Monday had the action not been taken by the Fed, the Treasury, and the New York Fed. That is one separate issue. It is a legitimate point to say, shouldn't we do something where we can help out communities and individuals and to get this economy moving in the right direction.

I made that case for a year now, not just in the wake of Bear Stearns. We had our first meetings on this matter in March of last year trying to get something done. I am not going to take a backseat to anyone who discovered this issue in the last couple days and how much they care about it. I have been at it for 13 months, trying to get things moving in this area.

We are doing some things here. My colleagues know very well what objections there have been to doing anything in this area: Let the market take care of it; the problem has been contained; no further problems. Quite the contrary. We are now down to the business of doing something about it, and I regret we are not accommodating everyone on every idea they have the moment they want it considered.

We are doing our best, Senator SHELBY and I and members of the committee, to come out with something. Four weeks ago, we couldn't do what we are doing now. We couldn't even debate the issue, I say to my colleague from Pennsylvania.

I am suggesting to the Senator from Pennsylvania this bill does a lot more than provide crumbs. It goes to the heart of very significant issues that need to be dealt with. There are other matters that need to be dealt with.

As my colleague knows, I agree with him about what bankruptcy courts can do with primary residences. I also understand the history of the seventies, why that provision was included, but I believe the times have changed, and under this fact situation, we ought to allow a bankruptcy judge to be able to modify that agreement to allow that individual to stay in their home.

I thought Senator DURBIN was right with his idea. The Senator from Pennsylvania has a more modest idea in this area and may attract a few more votes than the 36 we got with Senator DURBIN's amendment. So I am willing to support that, but the idea of trying to come to some closure is also important so we can move on, get with the House, resolve some of these matters, and come back. That is what this chairman is trying to accomplish. That is what we were doing last week when we were directed to do so by the leaders of our respective parties.

Mr. SPECTER. Mr. President, a final word. I don't disagree with what the chairman has had to say about what was done with Bear Stearns. I think we are all opposed—I certainly am opposed—to bailouts when highly sophisticated Wall Street operators are looking for big profits and their judgment is bad and they lose money. They ought not come to the taxpayers for a bailout. I do recognize the situation with Bear Stearns could have had a domino effect, which could have been devastating. So I don't disagree with that action.

I am not going to retreat from my crumb metaphor, but let the record show that on the question to the chairman as to whether there was not substantial imbalance between what has happened with the Fed and what is happening with proposals in the Congress, substantial imbalance between Wall Street and the Main Street, the chairman did not deny that, did not deal with it.

Let me close with a question, if the chairman would give favorable consideration to my amendment when he reconvenes the Banking Committee and take up this issue in the future.

Mr. DODD. Mr. President, we will be happy to consider it. It is a matter under the proper jurisdiction of the Judiciary Committee, of which the Senator is a member, and it is not in the jurisdiction of the Banking Committee. That is one of the other issues we face. If he is unable, as a leading member of that committee, as a former chairman of that committee, to have that adopted by his committee and come forward, we certainly would consider it.

I point out we only had 36 votes for the Durbin amendment. I regret that. We only had 12 of us who opposed the bankruptcy reform bill for 6 years around here. Those matters we widely endorsed and supported, including the efforts, as my colleagues may recall, that I tried to do with credit card companies that are gouging the public on a daily basis. So I will take a back seat to no one in my determination to get far better reforms out of the bankruptcy proceedings in the country, and we will certainly do our best. But I want to be realistic with my colleague as well. Unfortunately, the Senator from Pennsylvania and I don't represent a majority in this body when it comes to that issue. The realities are that we only have about half of us who seem to agree with the two of us on this matter.

Mr. SPECTER. Mr. President, if the Judiciary Committee did report out the Durbin amendment favorably, and my amendment on a second degree was defeated along party lines, it is true there is primary jurisdiction in the Judiciary Committee. But when this matter comes up before the Banking, Housing and Urban Development Committee, these ideas could be incorporated, and I would urge my colleague to do just that.

Mr. DODD. I thank my colleague. I know there have been a number of other amendments, Mr. President, and I have just been informed that objection will be expressed on every amendment, I guess, that is being offered by a Member of the other side on this matter. So I would inform my colleagues where we stand procedurally.

We are going to have our caucus luncheons where, I am sure, this will be the subject of some discussion as we try to move forward, but, again, I thank Senator REID, the majority leader. He has a thankless job when it comes to these issues, and he asked Senator SHELBY and I to try to do our best to come up with a consensus package. Granted, now the subject matter has become of great interest to everyone, and it should, and we have tried to do just that, to put together a consensus package—not an easy thing to accomplish in this body, but we tried to do that. Again, we will try to move forward with other ideas that we can incorporate through our committee and others.

Mr. President, the Senator from Arkansas wants to be heard on this matter as well, and I thank her for her patience.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, do I need to ask unanimous consent for more time?

I ask unanimous consent to extend the time for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I apologize to my colleagues. I know I am taking up time now when folks are ready to leave and do other things and then come back, but I do feel strongly about this amendment and I just wanted to voice my concerns.

This is an amendment that Senator SMITH and I are offering, along with Senator SNOWE and many others—Senators KERRY, STABENOW, LEVIN, SCHUMER, KENNEDY. It is a good amendment, and it will encourage our employers to provide group legal service benefits with an emphasis on real estate counseling for their employees. This is something which group legal service plans—which have been around since the 1970s—were intended to do and exactly what the Center for Responsible Lending said should be one of our top priorities in this effort in dealing with the housing crisis. We should be encouraging and incentivizing preventive legal services.

What the center had cited increasing are those incentives for mortgage counseling legal services. It is a key policy recommendation for dealing with what we find ourselves in now—the crisis situation we are in. Borrowers need affordable and available legal review of mortgages, mortgage-related documents, and financing and loan modifications. These are complex transactions and sometimes, oftentimes, folks in States such as Arkansas and Montana have nowhere else to go. Legal services provide them that kind of proactive involvement in making sure they are making the right decisions.

We should be giving the average American homeowner access to that legal advice so he or she can feel confident in the mortgages they are getting into, so that when, if, unfortunately, God forbid, things do go wrong, they can receive advice about their rights and responsibilities and what they are dealing with in foreclosure, what options are available to them in dealing with these crises.

This is a good addition to this bill. It is positive. It is all of what we have been talking about that we need. It is consumer friendly. It is something we have used in this country. Unfortunately, section 120 of the Internal Revenue Code has lapsed. That section of the code was intended to provide the tax incentives so that our employers could set up and offer group legal service plans. Since it has lapsed, virtually no new group legal benefit plans have been created, and many employers are dropping those that do exist.

So I would encourage us all to look at what we are trying to accomplish in this bill; not to just throw things overboard because somebody else didn't get what they wanted, but that we look at what we are trying to do for the American people. We should encourage these plans that provide our working Americans with access to legal advice. They review those mortgage documents, they assist those individuals in working with the lender to modify those loans, creating forbearance agreements and assistance in the restructuring of loans, and it provides that much needed counseling in foreclosure litigation when it is needed.

I thank Chairman DODD and the ranking member, Senator SHELBY, for their patience because I know they see all of us in these frantic modes of wanting to improve the bill and wanting to provide something that we know has been beneficial to the people we represent, and we know it can be beneficial again, and this is the appropriate place to put it.

So I just encourage that working through legal services, particularly in rural States such as mine, it is one of those places where people have to go. They do have the confidence of going to their neighbor, their country lawyer, and being able to get those services. They may not have a big, huge housing agency they can go to for the kinds of counsel they need, and these are good services that have proven themselves in years passed. Yet we find that employers cannot afford to provide them because we have lost that section in the Internal Revenue Code.

So I do thank all my colleagues who have cosponsored this amendment. We have worked on this for quite some time. I say a big thanks also to the groups that have endorsed our amendment—the American Bar Association, the American Prepaid Legal Services Institute, the International Union, UAW, AFSCME, and the laborers. So many different groups realize hardworking Americans who get caught in these circumstances need this kind of assistance.

I thank the Chair for his indulgence, and certainly my colleagues, the chairman, and the ranking member for trying to work with us. And I guess, Mr. President, and Mr. Chairman, my only option is to ask for a unanimous consent; is that correct? Is there something we can work through? Can I ask unanimous consent for regular order with respect to my amendment?

The ACTING PRESIDENT pro tempore. The amendment is not in regular order.

Mrs. LINCOLN. Mr. President, I ask my colleagues to take every consideration as they move forward in putting together this bill; that if there is any possible way we can work through making sure these individuals who really have nowhere else to go will be able to have the types of services they are used to having in years passed, and providing the incentives the employers need in order to be able to provide those services because they are clearly not providing them now. It is not something small businesses can do.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I will ask for 2 additional minutes, if I can, to respond to my colleague from Arkansas.

First of all, I agree with her totally about the value. Over the many years I have been a long-time supporter of these legal services offices and the job they do on behalf of people all across the country, particularly in rural America, and the difference they make. So I am in complete agreement with her about the value of this approach.

I would inform her that the regular order would be asking consent, after cloture has been invoked, to bring up the matter she wants to bring up. It is a tax matter and one that would require the consent of the chairman of the Finance Committee and the ranking member. So it is a matter where we are leaving it up to that jurisdiction to respond. So I want to be careful. I don't know how Senator BAUCUS feels about that. I don't want to put words in his mouth at all. I suspect he has the same sort of reaction as I do, and it is a positive one.

I am grateful for my colleague's understanding the situation we are in, trying to accommodate as many ideas as we can and to move from here to the next stage and deal with other aspects of the legislation. We couldn't have gotten here without the majority leader insisting, and really with the minority leader, to come together and allow us to bring up this package. So there are a lot of very good ideas and ones I applaud and welcome, but in the interest of trying to move forward, we are not going to be able to accommodate all of them.

I am not suggesting that will happen in this case, but I again appreciate her recognition that what we are trying to accomplish and deal with here is difficult. It is serious. As she points out, we have a lot of people suffering every single day—I have been making that case for 12 months—and we haven't been able to have a debate about this subject until last week. So to the extent that we have gotten that far along, that is some achievement.

I hope now that we are in the debate we can do some valuable and worthwhile works that will make a difference, and her suggestion contributes to that. So my hope is we will be able to accommodate this in the package as well.

Mrs. LINCOLN. I thank the chairman for his comments, and I certainly want to express this is a time-appropriate solution to the problems that exist, and I hope we will give every consideration to it.

I thank the Chair.

RECESS

There being no objection, the Senate, at 12:42 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4387 to H.R. 3221.

Christopher J. Dodd, Harry Reid, Mark L. Pryor, Max Baucus, Charles E. Schumer, Patty Murray, Claire McCaskill, Patrick J. Leahy, Daniel K. Akaka, Ken Salazar, Sherrod Brown, Bryon L. Dorgan, Evan Bayh, Edward M. Kennedy, Jon Tester, John F. Kerry, Bill Nelson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4387, offered by the Senator from Connecticut, Mr. DODD, to H.R. 3221, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD) and the Senator from North Carolina (Mrs. DOLE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 92, nays 6, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—92

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—6

Bunning
Coburn
DeMint
Inhofe
Kyl
Specter

NOT VOTING—2

Allard
Dole

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Who seeks recognition?

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent to set aside the pending amendment so I may offer an amendment.

Mrs. LINCOLN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, I am most surprised to hear my colleagues on the other side object to my request to call up an amendment, to have it called up and be heard. I thought the Senate was here to do business. I think it is reasonable as part of doing that business that we should address the largest item in this bill that involves passing a cost on to our children, which is the net operating loss proposal.

Now, the way this net operating loss works is that homebuilders—that is who it is directed toward, although anybody can take advantage of it; I do not think it is limited to the homebuilders who built all of those homes and made these massive amounts of money by offering people subprime mortgages which they then took the proceeds from over the last 4 or 5 years, which subprime mortgages have now caused this Nation to go through a massive contraction and which have created one of the largest bubbles in the history of Government, in the history of commerce. Those folks, having made a huge amount of money—I mean massive amounts of money, and, in fact, in the last quarter, they were the largest earning sector in our economy—those folks are now asking that they get an additional $20 billion bailout, $20 billion bailout by allowing them, now that they are losing money, to go back and take a tax deduction of their losses against the gains which they had in prior years.

This is as if you said to someone in business, say somebody running a small grocery store: OK, if you make money for 4 years, make a lot of money, and then you find you cannot compete or you have made some business error in your judgment and you lose money for a couple of years, we, the Government, are going to come in and give you insurance so you never lose money. You are able to go back during the years when you made money to recover the taxes you paid and use it today to give you profits.

My goodness, I think Adam Smith would be rolling over in his grave to hear this concept of economics. This is Komisar economics where nobody can lose, except for the taxpayer in the next generation who has to pay this bill. Remember, this $20 billion is going to be paid by somebody because it is being spent around here in the operation of the Government. And who is going to pay it? Well, it is obviously not going to be the homebuilder, the large corporations which ran up these huge profits. They are actually going to take that money in, take it in as income. No, that is going to be paid for by John and Mary Smith, John and Mary Smith working for a living today, or their children because it will go on the Federal debt—$20 billion on the Federal debt as a result of this little piece of chicanery.

It is unbelievable that we would claim this was a stimulus to begin with. In fact, if we are in an economic slowdown and if that economic slowdown is tied to the housing industry, none of these revenues will benefit that economic slowdown because they do not come in this year. They will be claimed this year, and they will be reimbursed next year. I think the estimate is that almost all of these recovery costs, recovery of taxes owed and paid as a result of getting this extra loss carryback, will occur in the next budget year, 2009. So, as a practical matter, it is not going to help in the next 6 months, which is when all of the major economists who have discussed this issue say we need some stimulus in the economy. No, it is not. It is simply a bonus payment from one group of people, the American taxpayers and their children, hard-working Americans, to another group of people, the speculative housing industry that ran up these huge expansions in the housing inventory over the last 3 years and then sold them in the subprime market in a way which many people have said in many instances were not appropriate, that they took advantage of the borrowers and then took those proceeds in as income, paid taxes on them, and now they want their taxes back because they are suddenly losing money.

Well, if you made money for 3 or 4 years—and a lot of money—you should not have a bonus given to you during the years when you are not making money simply because you happen to be one sector of this economy called the housing industry. In fact, just the opposite should happen, quite honestly. The market should be allowed to work here relative to the large housing manufacturers.

There is some legitimacy for doing something about homeowners who got hit with a subprime mortgage which is resetting at a rate that is astronomical on them today and they are willing to pay and could pay for and maintain their home if they had a reasonable mortgage rate. There is some reason for arguing those folks might and should get some support, or at least some assistance so they can stay in their homes, they can continue to pay their mortgages.

But there is no practical commercial argument which justifies taking tax dollars from working Americans and paying them to homebuilders because homebuilders suddenly start to lose money—after they had great years. It is not like this has been a distressed industry over a long period of time. This is an industry which has always been cyclical.

This cycle was a creation of their excess, nothing else. They were greedy. They built a lot of homes the market did not need. They sold them to people who could not afford them. They sold them with instruments which were totally inappropriately structured: the subprime mortgages. Then they took all that profit, and they used it. But, unfortunately, they had to pay taxes on that profit. So now they want their taxes back, and they want the American people to subsidize them on it.

Well, under no color of an open market, of a capitalist system—of even a marginally capitalist system; I do not think even France would accept this as a concept—should somebody who made a huge amount of money, created a speculative bubble, benefit from the taxpayers when that bubble bursts.

Yes, the people who were harmed inappropriately, the folks who bought those subprimes and did not understand the nature of them and maybe were misled relative to the nature of them, they justifiably could have some support, as long as they are the primary owners of that home and it was not bought for speculation and they are able to support a reasonable mortgage rate. Maybe there is some way to adjust that.

But this bill does not do that in this area. This net loss carry-back is simply a gift—pure and simply a gift—to one segment of our industrial community which participated in a very lucrative few years and now is having a hard time, created the problem which we now confront, and now wants to be given a gift. Unfortunately, this gift has to be paid for, as I said before.

We are going to run, this year, it looks like, a deficit somewhere of around $400 billion to $420 billion. That is the deficit we are going to run. That is up from a deficit which was under $200 billion last year. That is a huge increase in our deficit.

Now, who pays a deficit? Who pays for a deficit? Well, our children pay for it. All this goes on to our children's backs. They are the ones who pay the cost of paying off the debt, which is borrowed in order to finance a deficit.

So why would we want to say to them: OK, future Americans—young people coming through school today, going to college, thinking about starting a family, thinking about maybe having children and sending their kids to college—why would we want to say to them: We are going to stick you with a $20 billion bill so we can take care of the large housing manufacturers in this country who basically created a major disruption in our economy by putting on the market a massive inventory of homes we did not need and then using practices which were at the margin to draw people into buying those homes through subprime mortgage lending?

Why would we say that to them? How can we possibly, as a government, justify doing that to the next generation? But that is what we are going to do with this bill. We are putting $20 billion on their backs. Where is the money going? It goes into the pocket, primarily—at least that is the game plan; it is not specifically written so—it will be taken advantage of solely by manufacturers of homes. And I suspect there are going to be some other industries which will suffer losses in this economy that may take advantage of it. But it was written primarily to take advantage of the homebuilder industry, which is obviously an honorable industry, but it is also an industry which goes through cycles.

In this cycle, there is no reason we should be stepping up with this special gift to that part of our economy when we do not have any money to make the gift with, when we have to borrow the money to pay for the gift.

So that is why I have offered this amendment—or tried to offer this amendment. Now, it seems to me if everybody is so comfortable with this legislation and this idea of a net loss carry-back being extended and expanded, they should be willing to vote on this amendment. Is there no courage on the other side of the aisle? Are the sponsors of this concept afraid to vote and stand up for this bill with this proposal? It appears so.

I am not offering an alternative. I am just saying let's have an up-or-down vote on whether we should give a $20 billion gift to one segment of our commercial society at the expense of the next generation that has to pay the debt for this bill. I am just saying, stand up and be counted, so to say, as to whether you are for or against this amendment.

So, again, I will renew my request. I ask unanimous consent that the pending amendment be set aside and that my amendment relating to net loss carry forward, which strikes the provisions of the net loss carry forward, be called up.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Mr. GREGG. Well, I guess that makes the point. It is too bad. I would hope people would ask why. Why can't we have a vote? What is the fear out there? Are we so concerned about this segment of our industry that we are not willing to vote up or down on whether this type of a $20 billion event should occur? I hope not. It seems to me it is reasonable that the Congress should vote on that. The Senate should vote on that.

Mr. President, $20 billion is a lot of money. Do you know $20 billion would run the State of New Hampshire for 5 years? This is a lot of money. This is big-time dollars. Twenty billion dollars is going to cost our children a lot because it compounds with interest. You just do not borrow it. You borrow it and have to pay interest on it. Of course, the interest gets paid to the Chinese or the Indians or the Saudis because they are the ones who probably buy the debt.

So not only do we end up with a $20 billion bill we pass on to our kids, but we end up with our kids having to pay interest to the Saudis or the Chinese to support that debt. Also, that one segment of our society which participated in the robustness and the excitement of large economic expansion, and maybe inflated that expansion rather dramatically, does not have to bear the burden of their excesses.

Well, as I said, Adam Smith would be a little stunned to find this is the way the market has worked and the Government of the United States—which is allegedly the Government of a capitalist system—functions. So I will probably renew this request later on because it does seem to me, since this is by far the single biggest spending item in this bill, or tax item in this bill, it should have an up-or-down vote and an open debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, just a couple comments about the points made by the Senator from New Hampshire.

No. 1, it is not a $20 billion bill. That is not accurate at all. It is, first of all, about $6 billion. It is over 10 years. So it is much less than what the Senator makes it sound like it is.

Second, we all know the housing problems that occurred in this country—the subprime mortgage problems, as well as other mortgages in distress and home buyers in distress. The figure I saw was that about 10 percent of American homes are underwater, meaning the value of the homes for 10 percent of Americans is much less than the mortgage on their homes.

This is a very complicated problem. It requires a complicated solution. Senator DODD is to be commended for the Banking Committee's provisions in this housing bill. We in the Finance Committee wrote the tax provisions in this bill, and they are designed to help lots of different areas, lots of different people, in lots of different ways.

One is the mortgage revenue bond provisions, which helps States finance new mortgages for people, homeowners. Another is the tax credit for distressed homes. That helps people. That helps home buyers. That is in this legislation.

Another is to help give a little break to people who do not itemize their income tax returns but have property taxes so they can get a break on their property taxes. So we provide in this bill that if you have property taxes, you get at least a $500 deduction against your income taxes if you are single, $1,000 if you are married, irrespective of whether you itemize or use the standard deduction. That helps people.

There is a business provision in here to give a break to homebuilders. Why? Because homebuilders are going out of business. This is not a typical homebuilders' housing cycle we are in now. This is atypical.

A lot of areas in our country are very distressed. A lot of homebuilders are distressed, laying off a lot of people. The number of construction jobs is down—in the hundreds of thousands. For homebuilders' jobs, it is of a similar magnitude. These are people with hammers and nails going out building houses who no longer are building any houses, and they are laid off.

So this bill—basically, in that one provision with respect to homebuilders—kind of evens things out a little bit so homebuilders do not have to lay quite so many people off and they can still keep building some homes, which helps prevent a further deterioration of the value of the homes in a certain area. This is nowhere close to solving the problem, but it helps a little bit. That is why this is in this legislation.

So we have several provisions we in the Finance Committee passed out to help individuals. This one helps businesses in the business of homebuilding and homebuilders employ people, and those are the people who have lost their jobs.

So we are trying to help that sector a little bit so those people who build homes—some of them—can get back to work and not be laid off and also so some homes that might otherwise not be built might now be built to help alleviate the problem.

Homebuilders are not the cause of the problem. The problem, frankly, is worldwide where cash was slushing around, which helped create this situation where lenders were very easily lending money. The terms were very easy. People were enticed into buying homes. Mortgage brokers, for example, were very aggressive in encouraging people to buy homes with no downpayments and whatnot.

But homebuilders—they are not the problem. They are building the homes. Now, they are feeling the pain, as a lot of other Americans are, and I believe—and I think the Finance Committee believes—this is one of several provisions which will help address the housing crisis a little bit. That is why I think it should be in this bill, and I very much hope the Senate approves the bill if not today, by tomorrow.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for the utmost urgency of recognizing the University of Kansas basketball team's accomplishments last night.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE UNIVERSITY OF KANSAS BASKETBALL TEAM

Mr. BROWNBACK. Mr. President, I am delighted my colleagues granted me this special privilege to speak as in morning business on something so important. This is a bit personal if you are a Kansan. The sport of basketball was invented in Kansas by James Naismith in 1891, and last night it was perfected by the University of Kansas basketball team.

I don't know how many people got to watch it. What a fabulous game. I was able to be there, which was a great delight. It went into an overtime game with less than 3 seconds to play and a three-point shot by Mario Chalmers sent it into overtime. It was a classic of college basketball. The whole place was in pandemonium. There were great teams on both sides—Memphis and KU—playing this game. At the end of the day, Kansas came out with a victory. It was a fantastic night.

I congratulate the NCAA on the Final Four and the tournament. I think they do a spectacular job of bringing people together and having a great venue. This game was in San Antonio last night, a fantastic celebration of amateur athletics. These players are phenomenal in all they can do. It is certainly a great day to be a Kansan, a great day to be a Jayhawk.

My law school degree is from the University of Kansas. It is a great basketball school, with four national championships, one added last night. They have a great tradition of basketball at the school. I think we have one of the best mascots in the country, the jayhawk, which most people would recognize, being at the University of Kansas, but not knowing what it is. It has a civil war legacy in the fight over slavery, where Kansas was the State that started the fight on slavery, being settled by abolitionists. One of the things the proslavery forces were calling Kansas was jayhawkers, in a derisive way, but that then became a symbol much for the State and for the University of Kansas. I like the heritage of that symbol as well.

Twenty years ago was the last time we won a basketball championship. That one was Danny Manning and "the miracles." He was a guy who went on to play very well at the professional level. Danny Manning is now coach at the University of Kansas. I can't name anybody else on that team, but he was one who carried them forward.

Last night was a great team effort by a balanced team. I recognize as well coach Bill Self. This was his first Final Four, and he wins it. Along the way, he beat a rival school in basketball for Kansas. In North Carolina, there has been a long connection between North Carolina and Kansas. Dean Smith, a long-time coach at North Carolina, was from Kansas. Roy Williams, a long-time coach at Kansas, was from North Carolina. There were a number of people in Kansas, in my State, who were not particularly forgiving of Roy Williams going back to North Carolina even though he had given us a number of good years. I think on Saturday there was a lot of forgiveness. This was the first match between Kansas and North Carolina since he had left Kansas, and we were fortunate enough to be successful in that game. It was a great tournament overall.

As a wise sportsman famously said: "It's never over until it's over," especially if Mario Chalmers has one more shot to take. Sometimes big games are disappointments, but last night was certainly not the case, as the Nation was treated to a classic in college basketball. From James Naismith, as I mentioned, who invented the game in 1891, to the Kansas Jayhawks of 2008 that perfected the game, our school has had a great history and a great legacy of basketball. Through players like Wilt Chamberlain and Danny Manning, KU now has 13 Final Four appearances and 3 national championships. It is fantastic what they have been able to accomplish.

Again, congratulations to the University of Kansas men's basketball team for a great season, for a thrilling championship game, for writing another amazing chapter in the storied history of Jayhawk basketball. And what goes along with that rich tradition is a number of different chants, but the one that has the most lasting memory with Jayhawkers is "Rock Chalk, Jayhawk," which we don't get to say on the Senate floor very often. Congratulations to a fabulous team and a fabulous effort.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. CASEY. Madam President, I rise to speak about a housing matter. I have two amendments, but I am only speaking about them today, I will not be calling them up. I did want to speak very briefly and very generally about both of them.

There are two very important matters that come before us as parts of our debate on housing. The first involves appraisals. We know that one of the biggest concerns a lot of people have in attacking the problem of subprime mortgages and the aftermath of a lot of bad loans was that faulty and sometimes fraudulent appraisals were part of that. The first amendment I will speak of today deals with the question of how do we get a second independent appraisal for properties that are so-called flipped properties.

When you have a property that may go into foreclosure and then it is sold later, sometimes we have instances where property is sold at a grossly inflated price that does not reflect the true value, and then down the road another purchaser, a homeowner, would buy it, and then you have extraordinary inflation, often fraudulent inflation of the cost of a property. Our office has worked closely with Senator MARTINEZ on this as well. What this amendment does is to make it very clear that, in those instances where you have a house flipped within 180 days of the date of purchase, there will, in fact, be a second independent appraisal done.

Some of the work on this in the other body has been done by Representative PAUL KANJORSKI. He has worked on these issues for years. I commend him for his work in Congress on these and other matters that pertain to housing and to the financial questions that arise with regard to affordable housing.

First of all, we want to make sure, in those instances that a second independent appraisal is done, it would have to be by a qualified appraiser. That would mean the appraiser has to be certified in the State or somehow licensed in the State. And second, that the appraisal is performed in conformity with uniform standards of professional appraisal practice to make sure it is done the right way. We want to make sure consumers are given a copy of that appraisal, that it is done thoroughly, and that a statement is made by the creditor that any appraisal prepared for the mortgage is for the sole use of the creditor and that the consumers may choose to have a separate appraisal conducted at their own expense.

There will be heavy penalties imposed for those who violate this. It is one way to deal with one of the various problems we encounter when it comes to the difficulties so many families are confronting right now. The worst thing that can happen to a homeowner who saves money and borrows money to fulfill a dream of owning a home is to be presented with a situation where they buy a home that has been grossly and fraudulently inflated beyond its value and they don't find out about that until those who perpetrated the fraud are far away and have already made their money. This will hold people in the market accountable, as they should be held accountable.

We will have more time to talk about it later.

I want to make another point about a separate amendment. In the city of Philadelphia, as in many of our major urban areas, housing is a terribly difficult challenge for so many people. In the city of Philadelphia, we have more than 80,000—as HUD, Housing and Urban Development, officials would call them, clients—more than 80,000 clients in the city of Philadelphia who rely on HUD and the housing authority there to provide affordable housing in that city.

A dispute has arisen about a number of things. We don't have to go into the reasons for those disputes, but because of that dispute, now there is an agreement that was worked out between HUD and the housing authority called the Moving to Work Agreement which has allowed people not just to have the benefit of an agreement that provides them with the opportunity to live in housing that is safe and affordable, but also this agreement has allowed the Philadelphia Housing Authority to use the leverage of this agreement to borrow money and to finance other housing priorities in the city of Philadelphia.

Because of that, because of the importance of that agreement, we want to make sure the agreement stays in place at least for a year. That is what the amendment Senator SPECTER and I have been working on does. That is the reason for it, to give a 1-year extension so that the Moving to Work Agreement in the city of Philadelphia, with the U.S. Housing and Urban Development agency, stays in place for 1 year so we can continue to work out an arrangement between the housing authority and HUD.

Unfortunately, we have not been successful in working for many months on this. But I think it is critically important not to allow a bureaucratic fight between a housing authority and a Federal agency to interfere with important services that are provided to Philadelphians who benefit from this; some more than 80,000 Philadelphians.

Those are the two amendments I wish to speak about. We will have time later as we proceed to deal with them more directly. I wished to make sure we make both thorough and accurate and independent appraisals a priority as well as to make sure that when we are dealing with a local housing authority, we do not let a dispute prevent Philadelphians from getting the benefit of the services provided in this case by the Moving to Work Agreement.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLOMBIA FREE TRADE AGREEMENT

Mr. MCCONNELL. Mr. President, today the administration sought to strengthen America's ties with an already close ally by moving forward with the Colombia Free Trade Agreement. Now it is up to Congress to pass this very important piece of legislation.

The Colombia Free Trade Agreement is more than an act of friendship between allies. It would strengthen our security and strengthen our economy. It would send a strong and unmistakable signal to our other allies in Latin America that the United States stands with those who support strong markets and free societies, especially in the face of threats.

Colombia's support for free markets and Democratic reform under President Uribe has made it an even stronger ally of the United States in recent years, a very sharp contrast to its next-door neighbor, Venezuela. We cannot allow election-year politics in the United States to make a resurgent Colombia more vulnerable to its anti-America neighbor.

America got a closeup of Venezuela's dictator at the U.N., when he likened an American President to the devil and predicted America's demise. His anti-Americanism has not softened since that speech, nor has the threat Hugo Chavez poses to regional stability. Chavez is a corrosive influence in South America. He embraces state sponsors of terrorism such as Iran, for example, and he is aggressively courting like-minded leaders of other Latin American countries in order to draw a line in the sand between himself and his allies and America and its allies.

Now, most Latin American leaders such as President Uribe know allying themselves with Chavez is harmful in the long run. Unfortunately, Uribe's government has been severely tested by Chavez and his allies. Ecuador supports, for example, terrorist proxies in Colombia. Chavez has made it quite clear he supports Ecuador's efforts when he recently sent troops to the Colombian border.

Colombia has made tremendous progress. Not long ago, it appeared on the verge of collapse. Entire regions of the country were essentially ungoverned. Yet President Uribe, to his great credit, has pulled the country back from the brink.

The Colombia Free Trade Agreement is an important acknowledgment of the strides Colombia has made. And its passage would send a strong signal America is committed to Colombia's continued success and the success of our other allies in the region.

Now, as important, the Colombia Free Trade Agreement would strengthen the U.S. economy, our economy, at a time when Americans are searching for some economic good news. Some seem to think our economy can somehow grow without the trading partners. These people who are arguing that nonsense also say we are best served if we trade only with ourselves. How absurd is that? In fact, the opposite is true. America needs trading partners to buy the goods we are making in our country. This is especially true when there is an imbalance in market access. The imbalance between the United States and Colombia is startling indeed.

Today, more than 90 percent of Colombian exports to the United States enter our country duty free. So they are getting 90 percent of their imports into our country duty free, even as American exporters face steep barriers to selling American-made goods to Colombia.

Democrats and Republicans agree it was important for Colombian exporters to enjoy the benefits of increased access to our markets. Why would we not want to give American products made by American workers the same opportunity we are giving Colombians already in our market?

The current situation is totally unfair. Virtually all U.S. farm goods are slammed with tariffs on their way down to Colombia, while virtually all Colombian farm goods coming here enter the United States without any tariffs at all.

The beneficiary of this arrangement is abundantly clear, and it is not U.S. workers or the economy they support. We hear a lot of rhetoric about the need for fair trade. Permitting equal access to Colombian markets is the very essence of fair trade. That is what this free-trade agreement would do.

Looking at my own State, for example, more than one-sixth of all manufacturing jobs in my State rely on exports. Kentucky exports about $15 billion in manufacturing goods every single year, including $67 million in exports to Colombia last year—a figure that is all but certain to go up after this free-trade agreement is ratified.

In these economic times, we should be expanding overseas markets for American-made products and American-grown goods. Now, some have argued labor conditions in Colombia are reason not to support the Colombian Free Trade Agreement. That is a total red herring. How does maintaining high tariffs on goods of the United States shipped to Colombia reduce violence against union jobs down there?

How does rejecting an ally that has helped reduce homicides against union members by 79 percent improve trade union safety? What nonsense these arguments are. I mean even the Washington Post, no bastion of conservatism, has called the issue completely bogus.

Today the L.A. Times, again not a bastion of conservatism, said the same thing, noting pressure from human rights groups and labor organizations has prompted Colombia to already do what the Democrats in Congress have urged, which is to improve the country's dismal labor record.

If Senators truly wish to help Colombia's union members, they need to vote for this agreement, reward Colombia for its improvements in this area, and encourage Colombia to draw even closer to the United States.

I would close by noting this free-trade agreement comes nearly a year, a year after an agreement was struck between the U.S. Trade Representative, the House Democratic leadership, and the House Ways and Means Committee on a plan to move forward with all the free-trade agreements this Congress.

The deal stated: In return for USTR negotiating unprecedented new labor and environmental standards, House Democrats would proceed with free-trade agreements for Peru, Panama, Korea, and Colombia. The USTR did its part. Yet the Democratic Congress has not lived up to its end of the bargain. So far only the Peru agreement has been passed.

We should reject an isolationism that limits economic growth and stunts job creation here at home. We should support this important Latin American ally. The time is long past for Congress to do what it promised and move forward on America's trade agenda.

Congress must reaffirm its commitment to an invigorated Colombia and, in the process, help our own economy at a difficult economic moment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. BUNNING. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the Sanders amendment.

Mr. BUNNING. Mr. President, I ask unanimous consent that the amendment be set aside so I may speak on the bill itself for 15 minutes.

The PRESIDING OFFICER. The Senator may speak on the bill without setting aside the amendment.

Mr. BUNNING. I thank the Chair.

Mr. President, this is an unusually bad bill, and I have opposed it from the very start. The course it has followed almost guarantees that it will be filled with the worst kind of gimmickry, and it is. The Senate may be the most deliberative body in the world, but this bill is anything but the product of deliberation. It is a jumble of disjointed ideas, unlikely to solve the crisis at hand, and it is unpopular. It turns out that the American people do not like the idea of bailing out banks and their neighbors who gambled on home prices. The voters understand what is going on in Washington better than we do.

What is more, several of the complicated tax provisions in this bill never benefited from a full review by the Senate Finance Committee. Normally, this is a critical part of the Senate's deliberation.

One example of a provision that could use more review is the new deduction for State property taxes. While it may be well intended, this new provision will complicate life for millions of American homeowners who will have to calculate their taxes twice to find out which method results in a lower tax. This complicates tax filings, and any Senator who has said the Tax Code is too complicated should be ashamed to vote for this provision.

Because the Senate has not had any serious review of this provision, colleagues also may not know that this provision also allocates more of the Nation's tax burdens to residents of States that impose an income tax, such as Kentucky.

The State with the highest income taxes faces the biggest relative tax increase, and this is illustrated in the chart that supporters of this provision hastily distributed to us. For example, the chart shows that 59 percent of Texan homeowners but only 23 percent of Maryland residents will benefit.

The chairman of the Senate Finance Committee, on which I serve, is not even managing this bill, even though tax provisions account for about two-thirds of its cost. That is kind of hard to explain to the average Senator on the Finance Committee.

Another provision that deserves far more scrutiny is the $4 billion in community development block grants that will be allocated to the States and local governments to buy foreclosed properties. To begin with, this current program is very poorly managed. The Wall Street Journal called it among the worst run programs in Washington, and there is a lot of competition for that title. The White House called the program ineffective just 2 months ago, and when the HUD inspector general testified before Congress in 2006, he explained that his agency had recently indicted 159 individuals and recovered $120 million of misappropriated funds. GAO also has criticized the targeting of grant recipients, which is a polite way of saying that the money is going to those with political connections and influence in local governments. Adding money to this program is risky at best.

Let's have no illusions. This extraordinarily unwise grant of taxpayers' money is really just a bailout for banks in disguise. It goes to States, but the ultimate beneficiary will be banks that made risky loans.

Instead of selling foreclosed properties on the open market, these banks will have the luxury of selling to local officials with whom they may already have a relationship. These officials will be buying properties not with their own funds but with OPM—OPM stands for "other people's money"—and in this case, the OPM comes from you and me, the American taxpayers, and the millions of unborn Americans whom we are saddling with even more debt.

Another provision that could benefit from more thoughtful deliberation is the $100 million spending on counseling. Yes, counseling is a good idea before a homeowner signs a loan they can't afford. But afterward, the real problem is financial. It is too late for counseling.

We also don't know all that much about the nonprofit groups that will get the money. Are some of these groups funded mostly by credit card companies? Are they? If so, will they have a clear conflict of interest? Maybe they will actually advise people to abandon their home, to foreclose, in order to pay credit card debt. That would make the foreclosure situation worse, not better. One thing is certain: no amount of counseling is going to put money that they do not have into homeowners' pockets.

Now, I have an amendment that I have tried to get a vote on that would do so—put money into homeowners' pockets—and that is why I think it is appropriate to redirect these public funds toward helping homeowners with the cost of refinancing. If we are going to give away $4.1 billion—I will say it one more time—if we are going to give away $4.1 billion in this bill, let's give it back to the taxpayers and do so in a way that encourages homeowners to restructure their mortgages and keep them out of bankruptcy and foreclosure. My amendment would do this. It would use the $4 billion in funding this bill uses to bail out banks and give it back to taxpayers while simplifying the Tax Code as well.

The Joint Committee on Taxation says that this amendment would be revenue-neutral over 10 years. It is entirely paid for within the four corners of this legislation.

This change in the tax law that my amendment contains is strongly supported by the Mortgage Bankers Association because it would get to the heart of the housing crisis. Let me try to explain.

Often, when people are searching for a home, they are more concerned about qualifying for financing than getting the best possible terms on that loan. Millions of homeowners have taken out an adjustable rate mortgage that has a low interest rate for a short period of time, often 2 or 3 years. These loans adjust to a much higher rate after the initial period. The assumption of many homeowners has been that they can refinance later in a conventional fixed mortgage loan for 30 years. But the Tax Code creates an obstacle to this.

According to Bank of America research, published in the Wall Street Journal, more than $510 billion worth of adjustable mortgages, including prime and subprime loans, will reach the end of their fixed rate period before December of this year. For the holders of these loans, the options are stark: Refinance or default. It is unlikely that many of them can long afford the high interest rates on these mortgages after the fixed rate period expires.

Unfortunately, our tax law has this exactly backward. It encourages homeowners to spend lavishly on first-time financing, but it exacts a penalty when homeowners find they are living beyond their means and need to refinance. My amendment would have changed all this. It would allow homeowners to currently deduct the mortgage interest points that lenders typically charge in connection with a home mortgage refinance. For example, under my amendment, if a homeowner has a $200,000 adjustable rate mortgage and refinances into a 30-year fixed mortgage, paying 1 percent in points, the homeowner would have a $2,000 tax deduction for home mortgage interest paid. That is under my amendment. Under present law, the homeowner would only be allowed to deduct $66. There is no good reason to allow the deduction for home purchase mortgages and to deny it for those who need it to refinance.

My amendment would remove a significant financial obstacle to refinancing that would allow struggling borrowers to keep their homes. It would help Americans to get out of first mortgages that they have entered into without being able to shop for the best possible mortgage. Unlike some of the other provisions in this bill, it truly would help prevent foreclosures for many who are about to have their homes foreclosed.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. DORGAN. Mr. President, today has been a fairly significant day here in the Congress. General Petraeus and Ambassador Crocker have flown back to the United States from the country of Iraq, and they have reported to both the Armed Services Committee and also the Foreign Affairs Committee. I have not had a chance to listen to their testimony—I don't serve on either of those committees—but I know the news will carry the testimony, and I am sure I will see portions of it and will certainly read their testimony tomorrow morning, but I wanted to make this point.

While General Petraeus and Ambassador Crocker have come here today and I am sure have talked about the progress that results from the surge—although there has been a substantial amount of violence, and tragically, I believe 11 U.S. soldiers have lost their lives in Iraq just in the last few days—I think there is no question that the extra soldiers, the additional 30,000 or 40,000 soldiers they took to Baghdad and to the streets of Iraq, dampened down the violence some. Yet there is so much discussion about Iraq and so little discussion about something else that matters a great deal to our lives.

This is the 2,400th day since 9/11, and 2,400 days later, Osama bin Laden is still at large, the same Osama bin Laden who boasted the day after 9/11—a day when thousands of innocent Americans were killed—Osama bin Laden boasted about having engineered the murders of these Americans. Two thousand four hundred days later, he is not only at large, but he is reconstituting the leadership and the al-Qaida force, including building training camps to train additional terrorists.

Now, Mr. President, are some moments in history where I just remember where I was. I remember where I was as a very young boy when John F. Kennedy died. I remember the day. I remember the day astronauts walked on the moon. And I remember 9/11 very clearly. And it occurred to me on 9/11 that surely our country bring those who were responsible to account. When thousands of Americans were murdered and al-Qaida and its leader, Osama bin Laden, boasted about having engineered that murder, it occurred to me that Osama bin Laden is not long for this world, or at least Osama bin Laden will certainly be brought to justice and get his due rewards for murdering so many Americans. Yet, 2,400 days later, that has not happened. Now, one might ask the question: Why? And does it have to do with the detour into Iraq?

I want to point out that in July of last year, the last time a National Intelligence Estimate was given to us by all of the combined intelligence services in our Government, here is what they said:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland.

Let me read that again. That is the assessment of our National Intelligence Estimate in our country, the official assessment.

> Al-Qaida is and will remain the most serious terrorist threat to the homeland. We assess the group has protected or regenerated key elements of its homeland attack capability, including a safe haven in the Pakistan Federally Administered Tribal Areas, operational lieutenants, and its top leadership.

Al-Qaida is the most serious threat to us, No. 1. No. 2, it has regrouped and regenerated key elements of its attack capability. No. 3, it is in a safe haven in Pakistan.

Now, who would have guessed that 2,400 days after our country was attacked, an attack that Osama bin

Laden boasted about having engineered, that there would be 1 square inch of ground on this planet that would be called a safe haven for someone who murdered over 3,000 Americans? Who would have believed that to be the case? Not me. Almost certainly I would have thought he would have been brought to justice.

Here is an October 3 story from last year by Griff Witte of the Washington Post. It quotes top military officials in Pakistan talking about al-Qaida.

> "They've had a chance to regroup and reorganize," said a Western military official in Pakistan. "They're well equipped. They're clearly getting training from somewhere. And they're using more advanced tactics."

This is from CIA Director Hayden, a week ago, on "Meet the Press":

> It is very clear to us that al-Qaida has been able, over the past 18 months or so, to establish a safe haven along the Afghanistan-Pakistan border area that they have not enjoyed before; that they are bringing operatives into that region for training.

Now, I have flown over that Afghan-Pakistan area. I have been in an airplane at 20,000 feet and looked down. I understand there is no boundary. You don't know where Afghan ends and Pakistan begins. I understand it is a tough area, tribally controlled areas. But what I don't understand is how, 2,400 days later, we are told by our top intelligence officials that the greatest threat to our homeland here in America is al-Qaida and its leadership—the greatest threat to our homeland is al-Qaida and its leadership—and they are in a safe haven, quote-unquote. There shouldn't be 1 acre of ground on this planet that is safe for those who murdered Americans on 9/11.

So what happened? What has caused this to happen? Well, this country took a detour. President Bush told the American people and Secretary of State Colin Powell in a presentation to the world and the United Nations told us about the alleged threat posed by the country of Iraq. He made the case for a military attack against the country of Iraq. They made the case that Saddam Hussein was a bad guy. They got no argument about that. Saddam Hussein was in many ways a brutal dictator. There were football-field-size graves that were unearthed in Iraq with thousands of people who had been murdered by Saddam Hussein. So there is no argument about Saddam Hussein.

The fact is, there are a number of bad leaders in this world. That doesn't mean we go invade their country.

After 9/11 the case was made that Iraq was a threat to the United States of America. They said Iraq was trying to get yellowcake from Niger and build a nuclear capabilities; Iraq was buying aluminum tubes for the purpose of reconstituting its nuclear capabilities; Iraq has mobile chemical weapons laboratories to produce weapons of mass destruction, which threatened this country.

That is all pretty ominous. Colin Powell, at the request of President Bush, showed all the evidence to the world. Then, of course, in the years since discovered that evidence was false. The yellowcake from Niger was from a forged document. Yet it purported to tell the world that Saddam Hussein was trying to reconstitute his nuclear capability by buying yellowcake from Niger—a forged document. No one has ever described to us where that forgery came from.

The aluminum tubes, Condoleezza Rice, Stephen Hadley, and others sat idly by while in their offices they received reports from other parts of our Government saying those aluminum tubes were not for a reconstitution of nuclear capability. That information was withheld from Congress and the American people.

Mobile chemical weapons laboratories? That came from a man named Curveball; a man named Curveball. Curveball was an informant who was being held by the Germans. Curveball used to be a taxicab driver in Baghdad, largely considered a drunk and a fabricator by the German authorities. This country, this administration, this President, and this Secretary of State used Curveball as an example and a source—a single source, mind you—to describe mobile chemical weapons laboratories that existed in Iraq and therefore threatened this country.

It turns out it was not true. It turns out that thin thread, one person held by German authorities—again, considered to be a drunk and a fabricator, a former taxicab driver from Baghdad—was cited as a source, just an unidentified source to the entire world, to support the contention that what Saddam Hussein was doing in Iraq threatened this country.

So the President, Condoleezza Rice, Colin Powell, Stephen Hadley, and especially, of course, the neocons—Vice President CHENEY, Douglas Feith—all of them. They all got what they wanted. This country went into a detour, and the detour was right into the middle of Iraq. It was going to be a very simple operation, last only a very short amount of time. The fact is, we have been there now fighting in Iraq longer than the Second World War lasted, and we have reports today by the top general in Iraq, General Petraeus, a U.S. general, and by the U.S. Ambassador, Ambassador Crocker—both good Americans—who come to us to describe progress, progress in Iraq.

I don't know how progress is being measured. I hope we have a lot of progress. I hope we have enough progress so we can begin withdrawing American troops from Iraq.

But the fact is, Saddam Hussein is dead. He was executed. The Iraqi people had the ability to write a new constitution and then vote for it. They had the ability to vote for a new government, which they have. And they had the ability to receive two-thirds of a trillion dollars from the American taxpayers, which we have spent in Iraq and a smaller amount in Afghanistan. We have spent $16 billion of that training military and police capability for able-bodied Iraqis. Four hundred thousand able-bodied Iraqis have been trained for military and police work.

The question remains now, in my judgment, if 400,000 Iraqis who have been trained by using $16 billion of our money, and been trained by our people, if they don't have the will to provide the security in the country of Iraq that is their country, not ours, then we can't stay there 2 years or 4 years or 20 years or 100 years, as some have suggested. We must begin to bring troops home and say to the Iraqis: This is your country, not ours. This is your responsibility, not ours. You have a new government. We spent the money to train able-bodied Iraqis. Now you have to have the will to take back your country.

My point about Iraq, however, is that we will not only have been detoured in terms of two-thirds of a trillion dollars-plus, we have been detoured here and bogged down in a long-term civil strife in Iraq that has been deadly for this country and deadly for the Iraqis at a time in which the greatest threat to America and greatest continuing threat to our homeland comes from al-Qaida. Don't take that from me. Take that from the top military experts in our Government.

If that in fact is the top threat to our homeland, why, 2,400 days after 9/11, is Osama bin Laden in a safe haven? Why is there a safe haven anywhere on Earth for Osama bin Laden? That ought to be the question that is asked today. That ought to be the question that is answered for the American people.

I think all of us understand that the terrorist threat exists. It remains, and likely will remain for some time, but we didn't eliminate the terrorist threat and didn't address the terrorist threat by sending soldiers to Iraq. The purpose of sending soldiers to Iraq was to respond to what we now know to have been largely untrue, the threat that Iraq represented a threat to our country. But we do know now, as a result of our National Intelligence Estimate, that Osama bin Laden is a threat to our country. We knew that on 9/11. We knew that on the day he killed 3,000-plus innocent Americans. Everybody knows that. You don't need some intoxicated former taxicab driver from Baghdad to tell us that. We know Osama bin Laden is a threat. We now know that 6 years after he engineered the 9/11 attack that our intelligence estimate says he or his al-Qaida organization is the most serious terrorist threat to our homeland.

Were there any hearings today on Capitol Hill asking questions of the people who are supposed to be doing this, What kind of progress are you making? Are you really going after him? Is this job No. 1? Or is all the spotlight on the same spot, that is Iraq, while Osama bin Laden over here in northern Pakistan is rebuilding training camps, recruiting new terrorists, and reconstituting his al-Qaida leadership to once again remain the most serious threat to this country's homeland?

My only point is there is nothing Republican or Democrat or conservative or liberal about any of this. This is all about common sense. What is the greatest threat to this country? The National Intelligence Estimate says it is the al-Qaida leadership. So what are we doing about that? Is there any progress?

Were there any hearings today asking whether there is progress? Were there any hearings asking whether we are bringing Osama bin Laden to justice, calling in officials who ought to be working on this? It seems to me, after 2,400 days the American people have a right to expect some answers.

Again, I think it is good that we have hearings today. We will no doubt read about the hearings, the testimony of General Petraeus who, by all accounts, is a wonderful American soldier. I met Ambassador Crocker when he was Ambassador in Afghanistan. He is a good American diplomat. We will no doubt hear a lot of discussion about what they said today.

All the talk today is about Iraq. That is a very important subject. But I assume what will not be discussed today is anything about the most serious terrorist threat to our homeland, and that is the person and the leadership and the organization that engineered the attack that murdered thousands of innocent Americans on 9/11. I hope those hearings are held soon. I hope this administration gives us a report from time to time on what we can expect. .

Will there be another 2,400 days? Another national intelligence report telling us that the person who engineered the 9/11 attack is in a safe or secure—by the way, that word has been used as well—safe haven or secure haven? There ought not be anyplace safe or secure on this Earth for those who engineered the 9/11 attack, but it certainly has been safe and secure for 2,400 days.

My hope is we will not be on the floor of this Senate talking about another 2,400 days. We should be focusing on bringing to justice those who perpetrated the 9/11 attack. That goal, in my judgment, has taken a back seat to the detour that took us to Iraq all these many years, and I hope that will change soon.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, in just another couple of minutes, there is an amendment I believe has been filed to the underlying housing bill. I want to make a comment on it. It is an amendment that would extend the renewable energy tax credits. It is a very important amendment. I wish we would extend the renewable energy tax credits for a lengthy period of time. I am not sure if that amendment will be considered germane. If it is, we need to pass it. But I want to make this point.

This country has a history now going back to 1992 with respect to renewable energy for wind energy through the production tax credit and things we put in place to encourage renewable energy. We have a history of kind of a pathetic and anemic response to all this.

Let me describe what we did with oil. Once we decided we wanted to encourage people to look for oil and gas, we were at it. In 1916, Congress put in place deep, aggressive tax credits and incentives for people to go drill for oil and gas. So for almost 100 years our country's policies have been for going out to drill for oil and gas. God bless you, we are going to give you some big tax breaks. We want you to do that. That has been America's policy: find more oil and gas.

In 1992, the Congress put in place a provision that said: Now we want to encourage renewable energy. With oil we put in place permanent, robust tax incentives that have lasted almost a century. What did we do with renewables? When it came to renewable energy, it was kind of a pathetic, lackluster response. It was temporary and short term. We would extend it a little bit here and then we let it expire. We have extended it five times, and let it expire three times. What a pathetic response.

What this country has an obligation to do with respect to wind and solar energy and the basic renewables is to say to this country and developers: Look, here is where America is headed. For the next decade, here is where we are going, and you can count on it because this is America's policy. We ought to do that.

We are doing 1 year, 2 years, or 3 years at a time, but the production tax credit ought to be extended for 10 years. We should say here is where we are headed, and you can count on it. We are not going to want to be 2 years, 5 years, or 10 years from now 70 percent dependent on the Saudis and Kuwaitis and Iraqis and Venezuelans for our oil. That makes no sense. Yet the only way we are going to get out of this box is to say we are going to begin providing renewable energy in a very aggressive way. But we don't do that with the incentives we put in place. We just start and stop, stutter-start, stop, and every time we stop for a year, the whole investment cycle blows off. It goes to zero. So you have all kinds of projects on the shelf that sit there and never get deployed.

In solar, for example, we are way behind in solar because you can't do solar and put a tax incentive in for 1 year. You can't do that. It takes a number of years to get a solar project up and running. You can, if you get a short-term wind turbine up perhaps. You can have a shorter time line on that. But even with that, it seems to me that for wind or solar or any number of these renewable technologies, this country has a responsibility to get serious about becoming less dependent on Saudi Arabia and Kuwait and Iraq and all those countries.

The Lord did something really interesting: He put oil over there under the soil and put all the demand over here, with the blessings of a country that expanded and produced a great economy. You know we put little straws in this Earth every day and we suck oil out. We suck 84 to 85 million barrels of oil a day out of this Earth, and we use one-fourth of it here in the United States, 21 million barrels a day, and 60 percent of it comes from off our shores. If you don't think that is a dangerous dependency, then there is something wrong. I think that is dangerous and we have to fix it. How do you fix it? You make a commitment to renewable energy. My colleague from the State of Washington was on the floor, Senator CANTWELL, who has dedicated a lot of her time and effort to this subject, and I commend her for it.

You know, you have to focus around here on so many things. Senator CANTWELL has focused substantially on these issues. I wished to work with her. I want whatever she is proposing to succeed. We are working together in the Energy Committee. I am also the chairman of the Water and Energy Appropriations Subcommittee.

We need to do a lot. But, most importantly, we need to get this Congress on the side of policy that this country can be proud to say: We are going to make a commitment for the next decade, here is where we are headed in America. We are in support of renewable energy. You can count on us because we are going to put policies in place that will tell you we are in support of it.

We cannot keep doing what we have been doing. It is unfair, unfair to this country. So my hope is that when we consider this amendment, that we can approve it. But my hope is we will go much further this year. The minimum we should do on the production tax credit is a 5-year commitment—minimum.

I have a bill that says we ought to provide the PTC for 10 years. You know, it is one thing to talk about these things, it is another thing to be serious and enact public policies that demonstrate to the country and the world you are serious. We have not done that on renewable energy. It is time, long past time we do it. I hope perhaps we will support with the first step tomorrow.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for such time as I might consume but probably in the neighborhood of 8 or 9 minutes for anybody else who might be wanting to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLOMBIA FREE TRADE AGREEMENT

Mr. GRASSLEY. Today, President Bush submitted the Colombia Trade Promotion Trade Agreement Implementing Act to Congress. This bill, as the title implies, would implement our pending trade agreement with Colombia, which the administration and Colombia signed in November 2006.

This is an important agreement that deserves our support. Some of the economic reasons for supporting this trade agreement are that the economic rationale is obvious. In my view, the economic rationale is undeniable. That is because Colombia is a beneficiary of two of our unilateral trade preference programs: The Andean Trade Preference Act, and the Generalized System of Preferences.

Now, all this means is Colombia already gets duty-free access to U.S. markets for the vast majority of its goods. Now, meanwhile, less than 3 percent of our exports to Colombia, and not a single U.S. agricultural export, receives duty-free treatment from Colombia. Our exporters face Colombian tariffs as high as 35 percent for nonagricultural goods and even much higher tariffs for agricultural goods.

The Colombian trade agreement would thus eliminate this disparity or, as we like to say so often, level the playing field for American exporters, thus giving American workers the same access to Colombian markets that their workers get to the U.S. markets; in other words, being fair, leveling the playing field.

Now, the U.S. International Trade Commission has found that leveling the playing field will increase our exports to Colombia by $1.1 billion per year. That is as a result of eliminating the duty on goods. That means real benefits for American farmers, for American manufacturers, for American service suppliers.

One of the chief benefits is it will help keep good-paying jobs in the United States. So I would ask my colleagues and the American people to think about this whole proposition about the Colombian Free Trade Agreement this way: Either we maintain the status quo or we create new opportunities for American exporters.

At its heart, that is what this debate is all about. Last year, exports accounted for more than 40 percent of our total economic growth. We should be doing everything we can do to grow our exports even further. That is what we did last December when the Senate voted by this wide margin of 77 to 18 in favor of a free-trade agreement with Peru.

The Colombian trade agreement is very much like this Peru agreement, and the Colombian market is bigger than the Peru agreement. If it makes sense to approve the Peru agreement, it makes even more sense to approve the agreement with the country of Colombia.

Economic considerations are not the only reason to support the Colombian agreement. I say this because too often we measure trade entirely in economic terms. But there are a lot of ways to measure trade other than in dollars and cents. Because in this instance and in so many instances, trade agreements are about an important national security priority.

There is one very specific reason for doing this with Colombia. Because as my Senate colleagues know, Colombia is a strong Democratic ally in a very dangerous neighborhood. For many years, it has been under assault from the FARC, a group of narcoterrorists fighting to overthrow the democratically elected Government in Colombia. It is increasingly under pressure, as Colombia is, from Venezuela's President Hugo Chavez. You have seen a lot of this in the news in the last month.

President Chavez of Venezuela is using oil wealth to divide Latin America. He is trying to lure allies to his Socialist vision and, most importantly, to promote his anti-U.S. agenda. He is fiercely opposed in this process to anything that Colombia's President Uribe does in cooperating with the United States or even having a friendship with the United States.

There have been troubling reports that President Chavez may be working with the FARC. Last month, he tried to create a diplomatic crisis over a border incident that did not even involve Venezuela. He took the side of the FARC against the Colombian Government. At a challenging time such as this, the United States has a responsibility to provide strong, principled leadership. Our agreeing to the Colombian Free Trade Agreement is one way of showing strong, principled leadership in support of a friend in South America.

We must stand by our allies. We must help to promote economic stability, security and, most importantly, the rule of law, whether it is in trade or nontrade areas. President Uribe has made it clear that one of the most important steps we can take in this regard is then to help him, through our implementation of the Colombian Trade Agreement that levels the playing field for America, for America's manufacturers, service providers, so we can get our products into Colombia on the same basis as Colombian farmers or manufacturers or whatever have been able to get their products into this country without duty.

Our leaders in Latin America are watching us in this process. They see our approach to Colombia as a proxy for the overall attitude toward Latin America. If Congress rejects this trade agreement, or if we were to refuse to vote on it, our allies in Latin America might well conclude that the word of the United States is no good. That will not help Latin America, and it surely is not good for our country.

I know some of my colleagues have concerns about this agreement. One of those concerns is the issue of violence by Colombia or within Colombia against labor leaders. Anti-union violence has been a serious problem in Colombia for years.

If the Colombian Government were ignoring this issue, that might be reason to oppose this agreement. But Colombia and President Uribe are not ignoring the issue. To the contrary, Colombia has made massive strides in its fight against anti-union violence. Moreover, I have yet to hear a convincing reason why voting down the Colombian agreement or refusing to vote on it will help to reduce violence against labor leaders.

If we want to help Colombia reduce violence, and if we want to assist in the demobilization process, we should be doing what we can to enhance economic growth and create new opportunities for a legitimate economy. One way we can advance that objective is to vote to implement the Colombian trade agreement.

Now, the one other concern I have heard is the administration should have waited to submit the agreement until it reached a procedural agreement with the congressional leadership. The fact is, we have been waiting for Congress to take up this issue for over 10 months. On May 10 of last year, there was a great, grand deal made about our bipartisan compromise on trade that would pave the way for the continuation of pending trade agreements, including the Colombian agreement, including Peru, which has been passed, and including Panama, which still is on the agenda.

Now, since May 10 of last year, there has been no action on Colombia. This inaction violates the compact between the legislative and executive branches of our Federal Government on trade. The administration negotiated the Colombian trade agreement under the Bipartisan Trade Promotion Authorization of 2002.

Under the trade promotion authority procedures, the administration has an obligation to consult with Congress during the course of the negotiation and to conclude an agreement that meets the negotiation objectives specified in that statute, the Bipartisan Trade Promotion Authority Act of 2002.

Now, the administration has done all those things required by that act. The administration even went further by reopening the agreement to implement the enhanced labor and environmental provisions that were demanded by the new Democratic majority after the elections of 2006, which was their right to do.

These agreements then on labor and the environment were part of the May 10 bipartisan trade deal. Colombia has agreed to accept those provisions. But the trade promotion authority places a firm responsibility on Congress as well, the responsibility to process a trade agreement for an up-or-down vote once it has been concluded.

Congress has had over 10 months to engage the administration and commence that process. In that time, we have not even had a hearing on the Colombian trade agreement. So the time for that process ran out.

Now, this is the position the administration is in. In order to preserve sufficient time under the trade promotion authority to assure a final vote this year, the President has now submitted the agreement and implementing legislation to this Congress. But that does not mean Congress must vote tomorrow.

Today's action by the President starts the 90-day legislative clock in the House and Senate under that Bipartisan Trade Promotion Authority Agreement of 2002.

So there remains plenty of time to work together on a bipartisan basis to reach consensus. For example, I am engaging in intense discussion with the chairman of the Finance Committee, Senator BAUCUS of Montana, on a consensus bill to reauthorize our trade adjustment assistance programs. We will certainly continue that effort. Trade adjustment assistance is the top priority of Senator BAUCUS on the trade agenda this year. I have agreed to work with him to advance his priority that I also have an interest in advancing. But my priority is implementation of the Colombian trade agreement. I expect to see a vote on that as well. I think Congress can address both priorities. I think Congress can meet both responsibilities. I think Congress can accomplish them in a bipartisan way.

It is time to stop playing politics with our Nation's vital economic and foreign policy interests. It is time to level the playing field between the United States and Colombia on free trade. That level playing field is going to benefit the United States. It is not going to benefit Colombia much more, although it will benefit them some. American workers deserve a fair opportunity to sell our products and services abroad. Colombia deserves recognition for the tremendous progress it has made over the past few years. It is time for Congress to demonstrate leadership and to meet our responsibility in the economic and foreign policy areas.

The United States-Colombia trade promotion agreement deserves an up-or-down vote this year. This debate will continue. I hope that before the end it becomes more of a dialog than a debate because I think dialog is what foreign trade is all about.

This issue is too important. The stakes are too high. We must find a way forward, and we need to find it together. I think we will.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I thought I might take a couple of minutes toward the close of the day and share with my colleagues where we stand on the matter of the housing proposal we have been on since the middle of last week. I wish to again thank Majority Leader REID. Without his leadership, we would not be here. We would not be in a position to actually do some things that are critically important to work our way out of this mess our country is in when it comes to the foreclosure crisis, the problems Americans are facing, not to mention the contagion effects that are moving this issue beyond housing into other aspects of our economy. It was Majority Leader REID who reached out to the Republican leader, suggesting we try to get together, Democrats and Republicans, on a compromise proposal to move to and then deal with other issues where we could, where there was some consensus, to then be able to meet with the other body to see if we couldn't resolve outstanding questions dealing with the issue of housing and foreclosure.

As I have said over and over for the last week since Senator SHELBY and I spent that 24 hours we were given—not a great deal of time, considering the number of issues involved in this question—to come back with a package that represented Democrats' and Republicans' common points on this question, there were a lot of issues Democrats wanted, that I wanted, there were issues Republicans wanted that the other side was not willing to agree to, and that was the charge we were to avoid, to come back with a package on matters we could agree on, which is not always easy in a Senate that is divided 51 to 49, where the margins are narrow and the differences are significant. But nonetheless, we did that.

This package includes positive provisions. One, we are going to get an FHA modernization bill. That has been kicking around for a long time. We took those loan limits from, I think it is $362,000 up to $550,000. There were some 19 States that would have been excluded from the FHA program or at least parts of States that would have been excluded, such as California, my own State of Connecticut, candidly, Massachusetts, New Jersey, many States, New York. There are pockets in these States where even the average cost of a home is higher. So the loan limits went up. FHA modernization does other good as well, an important point.

The issue of counseling, last year we appropriated $42 million nationwide for counseling services to deal with the housing crisis—hardly enough to deal with the demands people had on counseling. Senator BOND and I offered an amendment last year and got $180 million for counseling services which we thought contributed, and it did, to assisting groups across the country, nonprofits to work with those facing foreclosure or in highly distressed mortgages to work out those differences.

I would have liked to have added $200 million more to the counseling program. That is a proposal Senator MURRAY, who cares deeply about this issue, Senator SCHUMER, who cares about the issue, and others wanted to bring up. When we sat down to negotiate that issue, there was little or no appetite for any additional money in the counseling area. So we compromised between the 200 and zero and came up with $100 million. I would have liked more. But again, we were directed and asked by the leadership to try to develop a set of consensus ideas. Again, there may be other amendments—there was on this—to add additional funds to it.

We provided money for community development block grants to assist communities that have a lot of distressed properties or foreclosed properties. I have made the case over and over what this can do to a community and neighborhood. When you have a single foreclosed property, the value of every other home in that neighborhood or the surrounding area can decline in value immediately. What you don't need is more supply out there. Right now we are overloaded with supply. It is one of the reasons why the market is not doing as much in correcting this problem, because of the oversupply of housing. So when we do what we can to clean up housing, to get it back on the market and hopefully get people into that housing, it not only benefits the people who get to purchase a home, but it also does a lot to increase the value of the surrounding homes, not to mention, of course, stabilizing a declining property tax base, which supports police, fire, social services, all the other issues that are adversely affected when you have a foreclosed property or properties in your neighborhood or community. So that was a major achievement in this bill.

I would have liked some additional funds for community development block grants. It is a very good program. It works very well. To target these resources into that area is something we can applaud in this legislation.

We also have offered some tax credits for people who move into foreclosed properties. It is a 2-year deal. It involves about $3,500 a year in tax credits. The idea is to get this property back on the tax rolls, to get people into the property so, again, you stabilize neighborhoods before you end up with further declining values and erosion in these areas, blight, all the other problems that happen.

How big a problem can that be? Let me tell you how big that can be. I have one community in my State that I have talked about where there are 6,000 foreclosures in a city of 100,000 people. Let me tell you what that looks like in a city. Imagine if you end up with 6,000 boarded-up properties in a city of 100,000 people or less. Obviously, the value of every other home in that city is going to be adversely affected. So while people said: I don't think you ought to be providing a tax credit to get owner-occupied people into these homes, well, you can make a case for that, but I think we all benefit if we can get someone into that property, clean it up. That is taxes coming into the community. The value of surrounding homes I think are benefited from it. So again, I think that is a good provision. It was offered here. It has to be foreclosed property. You have to live in the house for a period of time. It doesn't invite speculation or involve new properties. It is foreclosed properties.

We also had a number of provisions to deal with veterans. Again, I thank Senator JOHN KERRY, Senator DAN AKAKA of Hawaii, Senator COLEMAN, among others, Senator SANDERS of Vermont. All had ideas on how we could assist our men and women in uniform who are facing not only the difficulty of being in the military service today, potentially serving in Afghanistan and Iraq, but also facing potential foreclosures. We have done a lot in this bill to make sure they are not going to be adversely affected.

It may not seem like much or a lot of people, but the fact that we could do something to help mayors and local governments with foreclosed properties, as well as providing some way for people to get into these homes, is a positive step, not to mention the FHA modernization, the mortgage revenue bonds, $1.6 billion, not exactly a small amount of money, designed specifically to get people into fixed rate affordable mortgages that they can work out. That is going to be a tremendous asset to people.

There are some related matters we probably have to deal with in the Tax Code so it could be even more potent, but it is a major accomplishment in this bill that is something we can applaud again and celebrate as being very helpful. In fact, this is the $10 billion in mortgage revenue bond authority included in this proposal.

There are other provisions in the bill. Frankly, there are some that go too far. I am the first to admit it. But I was asked to try to put something together. In doing so, I wished to have a provision in here that I cared deeply about and that is the home preservation idea, where we could forestall the ability of people. In the ultimate situation, where you provide money to mayors to clean up, why not stop foreclosure in the first place. I have talked about it since January. There is, I think, sort of a growing constituency that understands this and has offered some ideas on how to be supportive. But I couldn't get my own idea in this bill as the negotiator. I tried to convince my good friend from Alabama and others this was a provision I thought we ought to have in this bill.

He has some very legitimate questions about it. A good set of hearings probably will accomplish it. This Thursday, we are going to have a hearing on this idea and other ideas in the Banking Committee and a hearing the following week as well because we would like to have a couple hearings on it. My hope is that at the conclusion, we can have a markup and, along with some other provisions the Presiding Officer is aware of, as a member of the committee, we can bring back as a package, hopefully, in a bipartisan way, that we can move through this Chamber that will contribute some answers to this economic crisis that has as its center the foreclosure crisis.

My own provision is not part of this package as much as I wanted it and argued for it. But I couldn't get it included at all. So there are things I would have liked to have had in this bill that are not here.

There are some things in this bill that I think go too far. I will be the first to admit it. But I have learned over the years that if you wait for the perfect, you don't get much. In this body with 100 Members, with very different views on a lot of these matters, you do your best. Particularly when you are divided 51 to 49, it is hard to develop that kind of consensus. But that is what it is, and that is how you get legislation passed. You begin to have to move on it. That is why I am urging my colleagues and I am grateful for the vote on cloture. I don't like to cut off debate for anyone on matters where certain amendments may not then survive a postcloture motion. But we need to come to some closure on this.

I would say to the Presiding Officer as well that there are about 15 or 20 amendments that are going to be worked out, I think, that various people have offered in addition to what is in the core provisions here that we are working hard on, the adjoining staff, to try to accommodate where we can. So in addition to the core provisions, there are other ideas that have come forward that we hope to have included in this final product that we can produce, hopefully, by tomorrow.

But we are pretty much done with the debate. We have debated this a lot. People know or can find out whether their amendments are germane or survive postcloture or would avoid an objection being filed against them. If that is the case and they want to come over and let Senator SHELBY and me talk about them and listen to people's ideas, it is still possible some additional ideas can be included.

I have been told there are some people who are just going to object to anything that comes up. I would wish that would not be the case, but that is a right Members have. They have the right to object to anything because it takes unanimous consent to bring up these matters. If you do not get the consent, it does not come up. So I know the Democratic leader, working with the Republican leader, is trying to convince those Members who have blanket objections to anything to remove those objections and to allow some of these ideas to come up to be considered as part of this package.

We then have to go through the process of meeting with the other body. Congressman BARNEY FRANK, the chairman of the Financial Services Committee of the House, is working on a similar package or related package. I am never going to get there to work out some differences, some of the different ideas that may become a part of this legislation, if I do not leave here. We cannot solve this problem by talking to ourselves. We are going to have to sit down and talk with people who have different points of view on this if we are going to come up with some common answers.

So that is sort of the status of play here at 6:30 this evening. There is no reason why we need to exhaust 30 hours. There is a lot of other work to be done in this body on other matters. This is not the only issue that is before this Congress.

So my hope would be that tomorrow morning, for those who have additional ideas who want to come over, for those who are waiting to see if we can get some answers, that we do that. I am prepared to spend the time to try to work things out where we can and to say to those where we cannot work it out: I am sorry, I cannot accommodate every Member who has an idea on this bill. Beyond that, we need to come to closure and move on. My hope would be we would not have to wait until 9 p.m. tomorrow night to arrive at that point.

I am more than happy to yield back time under the 30 hours, as I am confident Senator SHELBY would be, but we do not want to do that without giving our colleagues an opportunity to be heard on these matters.

So I will urge colleagues in the morning, if they would come over and bring their ideas or at least if they have amendments to bring them up. We can vote on some of these. Some may carry, some may not, but allow us to move forward and have a final vote on this package and then go back to work in the committee to bring out these additional ideas we have been talking about, as well as to get to a conference with the other body to try to resolve what is in this bill and what they will offer themselves.

With that, Mr. President, I ask unanimous consent to add Senators KOHL and CARPER as cosponsors to amendment No. 4489, as submitted by Senator McCASKILL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I would like to commend the hard work of Chairman DODD and Ranking Member SHELBY for putting together a bipartisan package of housing provisions.

If we have learned anything from the current economic situation, it is the need for improved oversight of the lending industry. There is a need to restore investor and consumer confidence in the housing market. Although this bill goes a long way to helping families and communities deal with issues related to foreclosure, there's still a critical component missing—regulatory reform of government-sponsored enterprises.

I would like to take a moment to remind my colleagues what precipitated the need for Congress to consider GSE regulatory reform.

In May 2006, OFHEO published a special report detailing egregious management and accounting scandals that highlighted a corporate culture of greed and corruption. I would like to read a few excerpts from the summary of that report:

Fannie Mae senior management promoted an image of the Enterprise as one of the lowest-risk financial institutions in the world and as "best in class" in terms of risk management, financial reporting, internal control, and corporate governance. The findings in the report show that risks at Fannie Mae were greatly understated and that the image was false.

During the period covered by the report—1998 to mid-2004—Fannie Mae reported extremely smooth profit growth and hit announced targets for earnings per share precisely each quarter. Those achievements were illusions deliberately and systematically created by the Enterprise's senior management with the aid of inappropriate accounting and improper earnings management. A large number of Fannie Mae's accounting policies and practices did not comply with Generally Accepted Accounting Principles, GAAP.

The Enterprise also had serious problems of internal control, financial reporting, and corporate governance. Those errors resulted in Fannie Mae overstating reported income and capital by a currently estimated $10.6 billion. By deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized the bonuses and other executive compensation they received, at the expense of shareholders.

Earnings management made a significant contribution to the compensation of Fannie Mae chairman and CEO Franklin Raines, which totaled over $90 million from 1998 through 2003. Of that total, over $52 million was directly tied to achieving earnings per share targets. Fannie Mae consistently took a significant amount of interest rate risk and, when interest rates fell in 2002, incurred billions of dollars in economic losses.

The Enterprise also had huge operational and reputational risk exposures.

Fannie Mae's Board of Directors contributed to those problems by failing to be sufficiently informed and to act independently of its chairman, Franklin Raines, and other senior executives; by failing to exercise the requisite oversight over the Enterprise's operations; and by failing to discover or ensure the correction of a wide variety of unsafe and unsound practices.

The board's failures continued in the wake of revelations of accounting problems and improper earnings management at Freddie Mac and other high profile firms, the initiation of OFHEO's special examination and credible allegations of improper earnings management made by an employee of the Enterprise's Office of the Controller.

Senior management did not make investments in accounting systems, computer systems, other infrastructure, and staffing needed to support a sound internal control system, proper accounting and GAAP-consistent financial reporting. Those failures came at a time when Fannie Mae faced many operational challenges related to its rapid growth and changing accounting and legal requirements. Fannie Mae senior management sought to interfere with OFHEO's special examination by directing the Enterprise's lobbyist to use their ties to Congressional staff to generate a congressional request for the inspector general of the Department of Housing and Urban development, HUD, to investigate OFHEO's conduct of that examination; and insert into an appropriations bill language that would reduce the agency's appropriations until the Director of OFHEO was replaced.

While I will concede that the Enterprises have made great strides in cleaning up their acts, Congress must enact regulatory reform to ensure that such deliberate and egregious practices can never happen again. This legislation achieves that objective and it is high time we take action to pass it.

If we really want to assist our fragile markets, we cannot forego the opportunity to include meaningful and comprehensive GSE reform in this housing package. I have spent the past five years advocating for GSE reform, first as Secretary of HUD and now here in the Senate. There has been a great deal of talk about reforming GSEs, but we haven't closed the deal.

The junior Senator from Delaware and I are offering this amendment because we believe the housing legislation before us represents the best opportunity for Congress to pass GSE reform.

There has been a great deal of uncertainty lately in the housing market, and as one of the most reliable resources for homeowners, we cannot afford to let the future of GSEs like Fannie Mae and Freddie Mac to remain equally as uncertain.

The combined obligations of Fannie Mae, Freddie Mac, and the Federal Home Loan Banks exceed $6 trillion. The Fed's bailout of Bear Sterns last month would look like a drop in the bucket compared to what would happen if one of these institutions were to fail. This is a risk we simply can't afford to take without giving the U.S. taxpayer every opportunity to ensure safety and soundness—a world-class regulator gives us that.

Last year, the House passed a bipartisan GSE reform bill, and our amendment mirrors that legislation. This amendment is broadly supported by those within the financial sector as well as the Treasury Department and OFHEO. It contains the essential components necessary for overhauling GSE oversight and for providing stability and strength to our housing finance system.

And given Congress's recent action raising conforming loan limits and OFHEO's decision to lower Fannie and Freddie's capital requirements, GSE reform is more critical than ever. We passed an economic stimulus package that increased the maximum size of a mortgage that Fannie and Freddie can purchase this year to almost $730,000 in high-cost areas, and recently OFHEO lowered their capital surplus requirements from 30 to 20 percent.

While I agree that these were necessary steps given the current market conditions, I am very concerned about the additional risk Fannie and Freddie will assume given these changes.

I am committed to ensuring the long-term sustainability of the GSEs and regulatory reform is critical to that effort. In terms of current regulation, OFHEO has done a great job with the tools at its disposal, but the problem is the regulator needs greater powers—like those of other Federal banking regulators. We need a world-class regulator to ensure the GSEs continue to operate in a safe and sound manner and that they remain focused on their affordable housing mission.

One of the most important elements of this proposal is the creation of a new regulator that is both politically independent and funded outside of the appropriations process. In order for this regulator to be credible, they cannot be subject to the annual budget machinations of a committee or the political influence inherent in Washington.

Part of its broad responsibility would be to ensure a more coherent regulatory framework, better enforcement, and a more consistent and aggressive effort on affordable housing. The regulator would have the ability to monitor the agency's portfolios—and direct the enterprises to acquire or sell any asset in order to maintain risk consistent with their missions. The regulator would also have the ability to set both minimum and risk-based capital levels for the GSEs—in other words, the amount of capital an enterprise would be required to hold would be directly related to the amount of risk they have undertaken.

The regulator would posses enhanced enforcement powers and be able to provide prompt corrective action, including the authority to set and enforce prudential management and internal control standards. It would also have the ability to put a GSE into receivership, and exercise a role in the authority over safety, soundness and mission. Finally, it would have a say in new product review and approval.

I know many of my colleagues have concerns that this legislation does not go far enough in its regulation of the enterprises or that the inclusion of an affordable housing fund is nothing more than a "political slush fund." Funds would be allocated to and distributed by the states, rather than the GSEs, under a formula to be developed by HUD.

The most important component of reform legislation is the establishment of a stronger, more credible regulator—which is greatly needed. Homeowners are frustrated and consumers are worried about what lies ahead for our housing market.

We have an opportunity to inject some much-needed confidence into a sagging portion of our economy, and I believe it would be irresponsible to further delay addressing this important issue. Ensuring the soundness of Fannie and Freddie will give market participants the confidence they need to continue investing in mortgage products. That confidence is critical for the proper functioning of our financial markets. In the same bipartisan spirit that helped us come to an agreement on the housing bill, I would urge my colleagues to follow the same course of action in passing this necessary bill.

Ms. SNOWE. Mr. President, I am not only deeply concerned that increasing foreclosures threaten the dream of home ownership, but it is also critical to understand that the housing crisis that the Senate is currently grappling with affects every corner of this country, including both small and large States.

Therefore, I have introduced an amendment that would ensure that States with low populations receive their fair share of the increase in mortgage revenue bond allocations provided for within the Dodd-Shelby substitute amendment.

Under current law, there is a small State floor that sets a minimum level of allocations of mortgage revenue bonds that any one State will receive. These bonds provide State housing finance agencies, like the Maine Housing Authority, that provided $134.4 million of loans to first-time homebuyers in 2006, a financing source for low-cost loans to first-time homebuyers.

It is imperative that we understand the magnitude of mortgage difficulties facing our Nation. By 2009, more than a trillion dollars of mortgages originated during the subprime lending boom will reset to higher interest rates. Currently, according to the Mortgage Bankers Association, 43 percent of subprime ARMs are already in foreclosure. This exceptionally high number is expected to skyrocket over the next year once the next wave of ARM loans reset and borrowers' mortgage payments increase by 30 to 50 percent. In December, the Center for Responsible Lending predicted that 2.2 million families with subprime loans will lose their homes to foreclosure.

High foreclosure rates harm communities, create blighted areas, and stunt local and national economic potential. Consequently, it is in the best interest of all of the parties involved in the subprime crisis that Congress act to preserve home ownership, and minimize foreclosures.

Appropriately, the housing stimulus legislation currently before the Senate extends for 2008 the availability of these low-cost mortgages to refinancings in addition to first-time homebuyers. This proposal, based from legislation, S. 2517, introduced by Senator SMITH, and of which, I have joined as a cosponsor, will help provide a low-cost refinancing alternative to those struggling to meet their payment obligations as their subprime loans begin to reset. It only makes sense to offer such an alternative to foreclosures.

Additionally, the proposal increases the authorization level of the tax-exempt mortgage revenue bonds by $10 billion for 2008. But, however, the proposal failed to apply the floor provided for under the current authorization levels to the increase for this year. My amendment addresses this inequity by providing an additional $930 million of authorization that ensures that more populous States will receive no less than what they are receiving under the Dodd-Shelby compromise while at the same time increases the allocation for smaller States to levels that they should receive if the floor were applied to the $10 billion authorization increase. So no State will be worse off by my amendment while making sure that smaller States are treated fairly.

According to the Mortgage Bankers Association, Maine, with a population of only 1.3 million, has a foreclosure rate of 2.4 percent while the national average is 2 percent. As you can see, Maine's foreclosure rate is well above the national average and goes to show that homeowners are struggling in small States as well as large States, and my amendment simply addresses the current housing crisis in a way that is fair to all States, both large and small.

Mr. President, I am committed to this issue, and urge my colleagues to join me in supporting this critical amendment that is a matter of equity and fairness.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Ms. MIKULSKI. Mr. President, I opposed going to war in Iraq. I opposed the escalation of American troop levels. And I still do.

When the Bush administration proposed the escalation of U.S. forces in Iraq, the President said it would enable the Iraqi government to achieve political reconciliation. Our troops have done their part. Yet as we ask our troops to do more, the Iraqi government does less.

While we were fighting the surge, the Iraqi parliament was on vacation. While our troops were wounded, dying, and away from their families, Prime Minister al-Maliki was running up a budget surplus.

The Iraqi government has failed to make their country safer or more stable; they have failed to hold provisional elections, reform their oil laws or disarm the militias. This is a failure in leadership. The battle of Basra was a disaster. We know that many members of the Iraqi military fought bravely and steadfastly. But we also know that more than 1,000 deserted or refused to fight. Once again, American troops had to step forward to salvage the operation.

Our troops have performed bravely and effectively. Yet a great American military cannot be a substitute for a weak Iraqi government. It is time to come home. We must bring our troops home, swiftly and safely.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In the early morning of July 15, 2007, Miranda Greer, an openly lesbian woman, was brutally attacked in a Jackson, TN, bar. Greer had been dancing when a man approached her and, using a homophobic slur, asked her to leave. The man had apparently mistaken Greer for a gay male. When she clarified that she was a lesbian, the man punched her in the face. He then used the bottom of a beer bottle to jab her left eye, and broke it over the back of her head. Greer ended up with a blind spot in her left eye after the attack. Police have issued a warrant for the arrest of Tyler Mansfield, who was identified as a suspect according to the Jackson Police Department.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CAMERON GULBRANSEN KIDS AND CARS SAFETY ACT

Mrs. CLINTON. Mr. President, on February 29, 2008, the Cameron Gulbransen Kids and Cars Safety Act was signed into law, marking a historic moment for children, families and safety advocates across the country.

Nearly every other day in the United States, a child dies in a nontraffic vehicle accident. This legislation will ensure that cars in the United States are properly equipped with safety technology to prevent unintentional harm to children, promising safer cars, and safer children in New York and across the country.

I am honored to have championed the Cameron Gulbransen Kids and Cars Safety Act in the Senate, named in remembrance of a 2-year-old Long Island boy who was killed when he wandered behind the SUV his father was backing into their driveway. With this legislation we honor his memory, and the memory of all children taken from us by these tragic and preventable auto accidents.

I have met many parents, sisters, and brothers who have lost a loved one to a nontraffic-related incident. Their presence in this fight represents a true testament of courage. I would also like to thank the advocacy community—KIDS AND CARS, Consumer's Union and the Advocates for Highway and Auto Safety—for their unwavering support throughout this push for passage. Together, these families and advocates played a critical role in raising awareness of this issue throughout Congress and across the country. Thanks to their tireless work, countless tragedies will be prevented in the future.

I would also like to thank all my colleagues on both sides of the aisle who joined me in supporting this important measure, especially Chairman JOHN DINGELL who was instrumental in helping this bill achieve passage in the House. Together we have shown that by working hard and finding common ground, we can produce legislation that will make a real difference in the lives of Americans.

As safety advocates and families gather in our Nation's Capitol to celebrate this seminal moment, I add to the chorus of thanks and praise for this long-awaited victory.

ADDITIONAL STATEMENTS

FAMILY SERVICE ASSOCIATION OF REDLANDS

• Mrs. BOXER. Mr. President, today I want to recognize the Family Service Association of Redlands as it celebrates 110 years of service and support to the communities of southern California.

As a nonprofit community service organization located in Redlands, CA, the Family Service Association has been a hallmark institution of assistance and guidance to all who have sought its support. Founded as the Associated Charities of Redlands by community leader A.K. Smiley in February of 1898, this organization has a long history of care and concern for the needs of its local communities. After spending its first few years using funds from local contributors to assist the less fortunate, the organization opened a wood yard in 1909 to provide employment for those out of work. Later, contributors would donate buildings that enabled the organization to expand and establish the first community hospital, enabling more and more community needs to be met.

Today, the Family Service Association of Redlands provides a variety of services and programs to benefit needy populations of inland southern California. Their Home Again program has made a significant effort to address the growing issues of poverty and homelessness, through providing homeless families with permanent housing, employment, and family stability. Their Family Support program has made a similar dramatic effort at bringing fundamental goods and services to families in need; these include clothing distribution, rental and mortgage assistance, utility bill assistance, motel vouchers, emergency medical assistance, dental and vision screening programs, educational and training programs, case management services, and many others.

As the Family Service Association of Redlands celebrates 110 years of service and support to the communities of inland southern California, I am pleased to ask my colleagues to join me in recognizing their more than a century of accomplishments.•

TRIBUTE TO JACK AND JAN McGOWAN

• Mr. SMITH. Mr. President, today I highlight the importance of acknowledging and celebrating extraordinary efforts by ordinary Americans who have led the way in protecting and preserving America's natural resources. I am honored to congratulate two inspiring "natural resource heroes" in my State of Oregon, Jack and Jan McGowan.

Jack and Jan McGowan have served as the executive director and associate director respectively of an organization called SOLV, which stands for Stop Oregon Litter and Vandalism. Jack and Jan's 18-year career with SOLV has seen many changes to the organization. Founded in 1969 by Oregon Governor Tom McCall, SOLV has focused on bringing together government agencies, businesses and Oregon citizens to work together on programs and projects that were meant to enhance the livability of our State. When Jack and Jan assumed leadership of SOLV in 1990, they worked out of their home and operated a very small organization of volunteers. Today, SOLV is the largest volunteer non-profit agency in the

Northwest and has provided inspiration to similar organizations around the country and the world.

Oregonians pride themselves in doing their part to protect and conserve the State's treasures and natural resources. The first beach cleanup in the United States was held in Oregon in 1984. Since then, annual beach cleanups now occur all along the west and east coasts of our country and in over 100 countries around the world. Just last month, SOLV organized Oregon's 24th annual spring beach cleanup. All 362 miles of Oregon's coastline were canvassed by almost 4,000 volunteers who accumulated over 110,000 pounds of trash.

As a young Boy Scout, I was taught that one's duty was to respect and protect the world around you. I believe that we have a responsibility to encourage efforts in conserving our natural resources by responsibly using them, not abusing them. Jack and Jan McGowan have made major contributions to a proud Oregon pioneering spirit of innovation and conservation. What they have given back to their community is invaluable, for they have taught us that everyone doing their small part can achieve huge successes. I wish Jack and Jan well as they pursue future endeavors in their retirement.•

RECOGNIZING BLACK HILLS STATE UNIVERSITY

• Mr. THUNE. Mr. President, today I recognize Black Hills State University as they celebrate their 125th anniversary.

Throughout the past 125 years, Black Hills State University, BHSU, has served the State of South Dakota by providing a quality educational experience. BHSU's commitment to education began in 1883 when the school was founded as the Dakota Territorial Normal School. With only 40 students and a 2-year budget of $2,000, BHSU began its journey in becoming a premier educational institution in South Dakota.

The school underwent a name change in 1941 and became the Black Hills Teacher's College. In the early 1940s, the rise of World War II resulted in a nationwide decline in university enrollment. In response, BHSU chipped in and hosted the training operations for Air Corp Cadets for the Manpower Commission to assist the war effort. After the war, the school rebounded and enrollment increased rapidly with the help of the G.I. Bill of Rights and BHSU's addition of graduate courses to its university catalogue.

Black Hills State University received its present name in 1964, and since, has continued to thrive in the South Dakota educational community. Now with three different colleges, an excellent academic environment, and many athletic opportunities, I am confident that BHSU will continue to serve the Spearfish community and the State of South Dakota for the next 125 years.

It gives me great pleasure to rise with the students, faculty, and alumni of Black Hills State University on this milestone anniversary and wish them continued success in the years to come.•

HONORING THE LOUISIANA HONORAIR

• Mr. VITTER. Mr. President, today I wish to acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit group that flies as many as 200 World War II veterans a year up to Washington, DC, free of charge. On April 12, 2008, a group of 95 veterans will reach Washington as part of this very special program.

I want to take a moment to thank all the brave veterans visiting our Capitol city this trip:

Durelle L. Allen, Sr.; Elmer R. Allison; Daniel Angelle, Jr.; Aline M. Arceneaux; Louis Armes; Charles Barber; Billy J. Barrett, Sr.; Charles Barber; Harry P. Becnel; Nicholas D. Bernard; James H. Booksh, Jr.; James L. Boulet; Valentin D. Breaux, Jr.; Warren J. Breaux, Sr.; John W. Broussard; Don L. Broussard; Emery Broussard; Tony Collette; Elmer Corkern; Jack H. Crouchet; Frank J. Culotta, Sr.

Frank Deerman; Joseph I. DeVille; James G. DeVille; Julian A. Didier; Irving A. Domingue; Carl Dougherty; Charles H. Driggers; Russell J. Duet; Stanley T. Duhon; Donald K. Dutt; Robert M. Fleming; Ernest E. Fontaine; Lucius J. Forsyth, Jr.; Thomas R. Fournet; Paul U. Gary; Buren J. Gautreau; Hewitt B. Gomez; Gerald M. Gossen; Milton L. Guilbeau.

Donald C. Harmon; Didier J. Hebert, Jr.; Joseph W. Hebert; Adlar Hebert; James M. Jennings, Jr.; Joseph Kenner; Ruth M. Kilgore; Robert S. King, Jr.; William A. Koch, Jr.; John E. Landry; Wilfred R. LeBlanc; Walter A. Leonard; Grady A. Lewis; Robert H. Little; Thomas W. Logan; Jack P. Martin; Frank M. Mathews; Remie McGee, Jr.; Ray J. Melancon; John M. Menard; A.G. Moulder.

William G. Neef; Richard D. Nunez; Peter C. Piccione, Sr.; Charles D. Pierce; Ulysses J. Prevost; Wilfred Racca; Antoine W. Richard; Javis J. Robert; Forrest Sadler; Leroy Salsman, Jr.; Shirley L. Savoy; Lannie Scarborough; William P. Scott; Emmet G. Sellers; William R. Shelton; Robert D. Snyder; Hubert Sonnier; Albin H. Steiner; C. W. Sunday; Robert Sutter; Edward Swearingen.

Vernon O. Tekell; Joseph Thibodeaux; Andrew Thibodeaux; Wilbur P. Thousand; Emery F. Toups; Prudhome J. Trahan; Frances C. Trahan; Walton Trahan; William O. Walker; Camile E. Weber, Sr.; Charles Webre, Jr.; Richard M. Whaley; Walter C. White; Frank S. Williams.

While visiting Washington, DC, these veterans will tour Arlington National Cemetery, the Iwo Jima Memorial, the Vietnam Memorial, the Korean Memorial, and the World War II Memorial. This program provides many veterans with their only opportunity to see the great memorials dedicated to their service.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Colombia Trade Promotion Agreement (the "Agreement"). The Agreement represents an historic development in our relations with Colombia, which has shown its commitment to advancing democracy, protecting human rights, and promoting economic opportunity. Colombia's importance as a steadfast strategic partner of the United States was recognized by President Clinton's support for an appropriation in 2000 to provide funding for Plan Colombia, and my Administration has continued to stand with Colombia as it confronts violence, terror, and drug traffickers.

This Agreement will increase opportunity for the people of Colombia through sustained economic growth and is therefore vital to ensuring that Colombia continues on its trajectory of positive change. Under the leadership of President Alvaro Uribe, Colombia has made a remarkable turnaround since 1999 when it was on the verge of being a failed state. This progress is in part explained by Colombia's success in demobilizing tens of thousands of paramilitary fighters. The Colombian government reports that since 2002, kidnappings, terrorist attacks, and murders are all down substantially, as is violence against union members.

The Government of Colombia, with the assistance of the United States, is continuing its efforts to further reduce the level of violence in Colombia and to ensure that those responsible for violence are quickly brought to justice. To speed prosecutions of those responsible for violent crimes, the Prosecutor

General's Office plans to hire this year 72 new prosecutors and more than 110 investigators into the Human Rights Unit. These additions are part of the increase of more than 2,100 staff that will be added to the Prosecutor General's Office in 2008 and 2009. To support these additional personnel and their activities, Colombia has steadily increased the budget for the Prosecutor General's Office, including by more than $40 million this year, bringing the total outlay for that office to nearly $600 million.

In negotiating this Agreement, my Administration was guided by the objectives set out by the Congress in the Trade Act of 2002. My Administration has complied fully with the letter and spirit of Trade Promotion Authority—from preparation for the negotiations, to consultations with the Congress throughout the talks, to the content of the Agreement itself. In addition, my Administration has conducted several hundred further consultations, led congressional trips to Colombia, and last year renegotiated key labor, environmental, investment, and intellectual property rights provisions in the Agreement at the behest of the Congress. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and higher levels of environmental protection in Colombia. The result is an Agreement that all of us can be proud of and that will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening the Colombian market and eliminating barriers to U.S. goods, services, and investment.

Under the Agreement, tariffs on over 80 percent of U.S. industrial and consumer goods exported to Colombia will be eliminated immediately, with tariffs on the remaining goods eliminated within 10 years. The Agreement will allow 52 percent of U.S. agricultural exports, by value, to enter Colombia duty-free immediately, with the remaining agricultural tariffs phased out over time. This will help to level the playing field, as 91 percent of U.S. imports from Colombia already enjoy duty-free access to our market under U.S. trade preference programs.

My Administration looks forward to continuing to work with the Congress on a bipartisan path forward to secure approval of this legislation that builds on the positive spirit of the May 10, 2007, agreement on trade between the Administration and the House and Senate leadership, and the strong bipartisan support demonstrated by both Houses of Congress in overwhelmingly approving the United States-Peru Trade Promotion Agreement last year. The United States-Colombia Trade Promotion Agreement represents an historic step forward in U.S. relations with a key friend and ally in Latin America. Congressional approval of legislation to implement the Agreement is in our national interest, and I urge the Congress to act favorably on this legislation as quickly as possible.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 7, 2008.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5681. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Removal of Regulated Areas in Texas" (Docket No. APHIS–2007–0157) received on April 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5682. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Selected Acquisition Reports for the quarter ending December 31, 2007; to the Committee on Armed Services.

EC–5683. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the Buy American Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–5684. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations Regulations (including 6 regulations beginning with USCG–2007–0070)" (RIN1625–AA09) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5685. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations Regulations (including 4 regulations beginning with USCG–2008–0151)" (RIN1625–AA09) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5686. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Waters Surrounding U.S. Forces Vessel SBX–1, HI" (RIN1625–AA87) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5687. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Manbirtee Key, Port of Manatee, FL" (RIN1625–AA87) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5688. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations Regulations: Atlantic Intracoastal Waterway (AIWW), Sunset Beach, NC" (RIN1625–AA09) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5689. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations Regulations (including 5 regulations beginning with USCG–2008–0046)" (RIN1625–AA09) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5690. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone Regulations (including 4 regulations beginning with USCG–2008–0080)" (RIN1625–AA00) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5691. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Cape Fear River, Wilmington, North Carolina" (RIN1625–AA87) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5692. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "2008 Rates for Pilotage on the Great Lakes" (RIN1625–AB23) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5693. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations Yarmouth, Maine, Casco Bay" (RIN1625–AA01) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5694. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Sector Anchorage Western Alaska Marine Inspection and Captain of the Port Zones; Technical Amendment" (RIN1625–ZA15) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5695. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area Regulations (including 2 regulations beginning with USCG–2008–0045)" (RIN1625–AA11) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5696. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries" (RIN1625–AB09) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5697. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations beginning with USCG–2007–0076)" (RIN1625–AA08) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5698. A communication from the Vice President, Government Affairs and Corporate Communications, National Railroad Passenger Corporation, transmitting, pursuant to law, a report relative to the Corporation's Grant and Legislative Request for fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC–5699. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Health, United States, 2007"; to the Committee on Health, Education, Labor, and Pensions.

EC–5700. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2007 Section 45K Inflation Adjustment Factor" (Notice 2008–44) received on April 1, 2008; to the Committee on Finance.

EC–5701. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Standards for Recognition of Tax-Exempt Status" ((RIN1545–BE37)(TD 9390)) received on April 1, 2008; to the Committee on Finance.

EC–5702. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 7623 (Whistleblower Regulations)" ((RIN1545–BG74)(TD 9389)) received on April 1, 2008; to the Committee on Finance.

EC–5703. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Announcement 2008–27) received on April 1, 2008; to the Committee on Finance.

EC–5704. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–328, "Special Election Amendment Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5705. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–327, "Producer Licensing Amendment Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5706. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–323, "Clean Cars Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5707. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–331, "Fire Hydrant Inspection, Repair, and Maintenance Amendment Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5708. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–337, "Local Rent Supplement Program Temporary Amendment Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5709. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–336, "Supplemental Appropriations Clarification Temporary Amendment Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5710. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–335, "Conversion Fee Clarification Temporary Amendment Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5711. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–334, "Inclusionary Zoning Implementation Temporary Amendment Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5712. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–333, "Extension of Time to Dispose of the Old Congress Heights School Temporary Amendment Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5713. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–332, "Department of Transportation Establishment Temporary Amendment Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5714. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–330, "Fire-Standard-Compliant Cigarettes Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5715. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–324, "Accrued Sick and Safe Leave Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5716. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–325, "College Savings Program Increased Tax Benefit Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5717. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–326, "Omnibus Executive Service System, Policy and Fire Systems, and Retirement Modifications for Chief of Police Cathy L. Lanier and Fire Chief Dennis L. Rubin Amendment Act of 2008" received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated

POM–295. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to strengthen mortgage fraud laws; to the Committee on Banking, Housing, and Urban Affairs.

POM–296. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to include venture capital firms that are developing alternative and renewable energy sources in the Florida Opportunity Fund; to the Committee on Energy and Natural Resources.

POM–297. A resolution adopted by the Board of Commissioners of Ferry County of the State of Washington relative to federal lands in the County; to the Committee on Energy and Natural Resources.

POM–298. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to designate a portion of State Road 934 as "Rev. Dr. CP. Preston, Jr. Street"; to the Committee on Environment and Public Works.

POM–299. A petition from a nongovernmental entity relative to Iranian Kurdish refugees currently residing in a camp between the Jordan and Iraq border; to the Committee on Foreign Relations.

POM–300. A resolution transmitted by a private citizen relative to the Uintah Treaty; to the Committee on Indian Affairs.

POM–301. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact legislation to change the computation of the State Federal Medical Assistance Percentage; to the Committee on Finance.

HOUSE RESOLUTION NO. 243

Whereas, the Federal Medicaid Assistance Percentage (FMAP) determines the distribution of federal matching funds for medical assistance programs, including Medicaid. The United States Department of Health and Human Services calculates the FMAP annually for each state. The formula for calculating the FMAP is determined by a state's per capita income as calculated by the United States Department of Commerce. In 2003, the state lost about $160 million in federal Medicaid funds when General Motors made a one-time $16 billion payment to its underfunded pension plan. This one-time payment was included and skewed the calculation of the state's per capita income; and

Whereas, recent contract negotiations between three domestic automakers and the UAW will generate large one-time payments beginning in 2010 to a Volunteer Employee Benefits Association (VEBA) trust fund to be administered by the union. These payments will be similar in character to the payment made by General Motors for underfunded pension liabilities that skewed the FMAP calculation of state per capita income in 2003; and

Whereas, State and local governments are encouraged to prefund their retiree health benefits as a result of the Governmental Accounting Standards Board (GASB) 45 reporting requirement. These payments will be similar in character to the General Motors one-time payment for underfunded pension liabilities that skewed the FMAP calculation of state per capita income; and

Whereas, the combined contributions of the automobile companies will result in over $60 billion that will overstate the state's personal income by billions of dollars. The prefunding of public employee retirement by state and local governments will result in an exponential increase in this overstatement. This would place the state at risk of a decline in its FMAP for the three years that these contributions affect personal income calculations; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation to change the computing of state Federal Medical Assistance Percentage by disregarding employer contributions toward retiree health care in calculating Medicaid; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-302. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to eliminate provisions of law which reduce social security benefits for those receiving benefits from government retirement systems; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 7

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor social security benefit, and the Windfall Elimination Provision (WEP), reducing the earned social security benefit for persons who also receive federal, state, or local retirement; and

Whereas, the intent of Congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, and local government employment might receive a public pension in addition to the same social security benefit as a worker who had worked only in employment covered by social security throughout his career; and

Whereas, the purpose of Congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving federal, state, or local government retirement benefits who would also be entitled to a social security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor social security benefit by two-thirds of the amount of the federal, state, or local government retirement benefit received by the spouse or survivor, in many cases completely eliminating the social security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement benefits, in addition to working in covered employment and paying into the social security system; and

Whereas, the WEP reduces the earned social security benefit using an averaged indexed monthly earnings formula and may reduce social security benefits for such persons by as much as one-half of the uncovered public retirement benefits earned; and

Whereas, because of these calculation characteristics, the GPO and WEP have a disproportionately negative effect on employees working in lower-wage government jobs; and

Whereas, Louisiana is making every effort to improve the quality of life of its citizens and to encourage them to live here lifelong. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and WEP social security benefit reductions and to consider eliminating them. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1858, A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes (Rept. No. 110–280).

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 2162. A bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes (Rept. No. 110–281).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 2828. A bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself, Mr. LUGAR, Mr. LEAHY, Mr. SPECTER, Mr. BIDEN, Mr. CORNYN, Mr. LEVIN, Mr. LIEBERMAN, Mr. OBAMA, Mr. MCCAIN, Mr. DURBIN, Mr. SUNUNU, Mr. CARDIN, Mr. SMITH, Mr. HAGEL, Mr. COLEMAN, and Mr. BOND):

S. 2829. A bill to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. GRASSLEY, and Mr. MCCONNELL) (by request):

S. 2830. A bill to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Finance pursuant to section 2103(c) of Public Law 107–210.

By Mr. DORGAN (for himself and Mr. INOUYE):

S. 2831. A bill to reauthorize the Federal Trade Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. STEVENS):

S. Res. 505. A resolution commending the University of Kansas men's basketball team for winning the 2008 National Collegiate Athletic Association (NCAA) Division I Basketball Championship; considered and agreed to.

By Mr. NELSON of Nebraska:

S. Res. 506. A resolution expressing the sense of the Senate that funding provided by the United States to the Government of Iraq in the future for reconstruction and training for security forces be provided as a loan to the Government of Iraq; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. DODD, and Ms. COLLINS):

S. Con. Res. 74. A concurrent resolution honoring the Prime Minister of Ireland, Bertie Ahern, for his service to the people of Ireland and to the world and welcoming the Prime Minister to the United States; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 582

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Oregon (Mr. WYDEN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 630

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 630, a bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1445

At the request of Mr. KENNEDY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Oregon (Mr. WYDEN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1693

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2181

At the request of Ms. COLLINS, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2674

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2674, a bill to amend titles 10 and 38, United States Code, to improve and enhance procedures for the retirement of members of the Armed Forces for disability and to improve and enhance authorities for the rating and compensation of service-connected disabilities in veterans, and for other purposes.

S. 2749

At the request of Mr. COBURN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2749, a bill to ensure that the highest priority for HIV/AIDS-related funding is saving lives most immediately and urgently threatened by HIV–AIDS, including babies at risk of being infected at birth.

S. 2793

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2793, a bill to direct the Federal Trade Commission to prescribe a rule prohibiting deceptive advertising of abortion services, and for other purposes.

S. 2821

At the request of Ms. CANTWELL, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2821, a bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

S. 2822

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2822, a bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas.

S. RES. 504

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 504, a resolution condemning the violence in Tibet and calling for restraint by the Government of the People's Republic of China and the people of Tibet.

AMENDMENT NO. 4384

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4384 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4427

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 4427 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4437

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4437 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4441

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4441 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4442

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4442 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4464

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4464 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4472

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 4472 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4481

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 4481 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4484

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 4484 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 4484 intended to be proposed to H.R. 3221, supra.

AMENDMENT NO. 4489

At the request of Mr. DODD, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 4489 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. GRASSLEY, and Mr. MCCONNELL) (by request):

S. 2830. A bill to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Finance pursuant to section 2103(c) of Public Law 107–210.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Colombia Trade Promotion Agreement Implementation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Customs user fees.
Sec. 205. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
Sec. 206. Reliquidation of entries.
Sec. 207. Recordkeeping requirements.
Sec. 208. Enforcement relating to trade in textile or apparel goods.
Sec. 209. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on goods of Colombia.

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

TITLE V—OFFSETS

Sec. 501. Customs user fees.
Sec. 502. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the free trade agreement between the United States and Colombia entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Colombia for their mutual benefit;

(3) to establish free trade between the United States and Colombia through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the United States-Colombia Trade Promotion Agreement approved by Congress under section 101(a)(1).

(2) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(3) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(4) TEXTILE OR APPAREL GOOD.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3–C of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Colombia Trade Promotion Agreement entered into on November 22, 2006, with the Government of Colombia, as amended on June 28, 2007, by the United States and Colombia, and submitted to Congress on April 8, 2008; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on April 8, 2008.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Colombia has taken measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Colombia providing for the entry into force, on or after January 1, 2009, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States; or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 21 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2008 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 21 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, this Act (other than this subsection) and the amendments made by this Act shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.3.13, and Annex 2.3 of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Colombia as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Colombia regarding the staging of any duty treatment set forth in Annex 2.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Colombia provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 2.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set forth in Appendix I to the Schedule of the United States to Annex 2.3 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE NTR (MFN) RATE OF DUTY.—The term "applicable NTR (MFN) rate of duty" means, with respect to a safeguard good, a rate of duty equal to the lowest of—

(A) the base rate in the Schedule of the United States to Annex 2.3 of the Agreement;

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(C) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(2) SCHEDULE RATE OF DUTY.—The term "schedule rate of duty" means, with respect to a safeguard good, the rate of duty for that good that is set forth in the Schedule of the United States to Annex 2.3 of the Agreement.

(3) SAFEGUARD GOOD.—The term "safeguard good" means a good—

(A) that is included in the Schedule of the United States to Annex 2.18 of the Agreement;

(B) that qualifies as an originating good under section 203, except that operations performed in or material obtained from the United States shall be considered as if the operations were performed in, and the material was obtained from, a country that is not a party to the Agreement; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good that is imported into the United States in that calendar year exceeds 140 percent of the volume that is provided for that safeguard good in the corresponding year in the applicable table contained in Appendix I of the General Notes to the Schedule of the United States to Annex 2.3 of the Agreement. For purposes of this subsection, year 1 in that table corresponds to the calendar year in which the Agreement enters into force.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in years 1 through 4, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(B) in years 5 through 7, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(C) in years 8 through 9, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

(3) NOTICE.—Not later than 60 days after the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under this subsection, the Secretary shall notify the Government of Colombia in writing of such action and shall provide to that Government data supporting the assessment of the additional duty.

(c) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(1) subtitle A of title III of this Act; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(d) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 2.3 of the Agreement.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Colombia or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Colombia, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Colombia, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 3–A or Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 3–A or Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Colombia, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AV.—The term "AV" means the adjusted value of the good.

(ii) RVC.—The term "RVC" means the regional value-content of the good, expressed as a percentage.

(iii) VNM.—The term "VNM" means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AV.—The term "AV" means the adjusted value of the good.

(ii) RVC.—The term "RVC" means the regional value-content of the good, expressed as a percentage.

(iii) VOM.—The term "VOM" means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement shall be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term "automotive good" means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term "RVC" means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term "NC" means the net cost of the automotive good.

(iv) VNM.—The term "VNM" means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of the United States or Colombia.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of motor vehicles, and is produced in the same plant in the territory of Colombia or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Colombia or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Colombia or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Colombia or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Colombia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Colombia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Colombia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Colombia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Colombia, the United States, or both.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF ANOTHER COUNTRY.—Originating materials from the territory of Colombia or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) MULTIPLE PRODUCERS.—A good that is produced in the territory of Colombia, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A)(i) the value of all nonoriginating materials that—

(I) are used in the production of the good, and

(II) do not undergo the applicable change in tariff classification (set forth in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(ii) the good meets all other applicable requirements of this section; and

(iii) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good; or

(B) the good meets the requirements set forth in paragraph 2 of Annex 4.6 of the Agreement.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of any of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in any of headings 1501 through 1508, or any of headings 1511 through 1515.

(F) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(G) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(H) Except as provided in subparagraphs (A) through (G) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(I) A nonoriginating material that is a textile or apparel good.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set forth in Annex 3–A of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV)) (as in effect on the date of the enactment of this Act).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Colombia, the United States, or both.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term "component of the good that determines the tariff classification of the good" means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term "inventory management method" means—

(i) averaging;

(ii) "last-in, first-out";

(iii) "first-in, first-out"; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Colombia or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether such accessories, spare parts, or tools are specified or are separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE-CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 3-A or Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Colombia or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Colombia or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Colombia or the United States.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 3-A and Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of a good, other than a textile or apparel good, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term "adjusted value" means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CLASS OF MOTOR VEHICLES.—The term "class of motor vehicles" means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term "fungible good" or "fungible material" means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term "generally accepted accounting principles" means the recognized consensus or substantial authoritative support in the territory of Colombia or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements. The principles may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(5) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF COLOMBIA, THE UNITED STATES, OR BOTH.—The term "good wholly obtained or produced entirely in the territory of Colombia, the United States, or both" means any of the following:

(A) Plants and plant products harvested or gathered in the territory of Colombia, the United States, or both.

(B) Live animals born and raised in the territory of Colombia, the United States, or both.

(C) Goods obtained in the territory of Colombia, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Colombia, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Colombia, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Colombia or the United States by—

(i) a vessel that is registered or recorded with Colombia and flying the flag of Colombia; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Colombia and flies the flag of Colombia; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Colombia or a person of Colombia from the seabed or subsoil outside the territorial waters of Colombia, if Colombia has rights to exploit such seabed or subsoil.

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territorial waters of the United States, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Colombia or the United States or a person of Colombia or the United States and not processed in the territory of a country other than Colombia or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Colombia, the United States, or both; or

(ii) used goods collected in the territory of Colombia, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Colombia, the United States, or both, from used goods, and used in the territory of Colombia, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Colombia, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J); or

(ii) the derivatives of goods referred to in clause (i).

(6) IDENTICAL GOODS.—The term "identical goods" means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) INDIRECT MATERIAL.—The term "indirect material" means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) MATERIAL.—The term "material" means a good that is used in the production of another good, including a part or an ingredient.

(9) MATERIAL THAT IS SELF-PRODUCED.—The term "material that is self-produced" means an originating material that is produced by a producer of a good and used in the production of that good.

(10) MODEL LINE OF MOTOR VEHICLES.—The term "model line of motor vehicles" means a group of motor vehicles having the same platform or model name.

(11) NET COST.—The term "net cost" means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost.

(12) NONALLOWABLE INTEREST COSTS.—The term "nonallowable interest costs" means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The terms "nonoriginating good" and "nonoriginating material" mean a good or material, as the case may be, that does not qualify as originating under this section.

(14) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term "packing materials and containers for shipment" means goods used to protect another good during its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) PREFERENTIAL TARIFF TREATMENT.—The term "preferential tariff treatment" means the customs duty rate, and the treatment under article 2.10.4 of the Agreement, that is applicable to an originating good pursuant to the Agreement.

(16) PRODUCER.—The term "producer" means a person who engages in the production of a good in the territory of Colombia or the United States.

(17) PRODUCTION.—The term "production" means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) REASONABLY ALLOCATE.—The term "reasonably allocate" means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) RECOVERED GOODS.—The term "recovered goods" means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) REMANUFACTURED GOOD.—The term "remanufactured good" means an industrial good assembled in the territory of Colombia or the United States, or both, that is classified under chapter 84, 85, 87, or 90 or heading 9402, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) TOTAL COST.—

(A) IN GENERAL.—The term "total cost"—

(i) means all product costs, period costs, and other costs for a good incurred in the territory of Colombia, the United States, or both; and

(ii) does not include profits that are earned by the producer, regardless of whether they are retained by the producer or paid out to other persons as dividends, or taxes paid on those profits, including capital gains taxes.

(B) OTHER DEFINITIONS.—In this paragraph:

(i) PRODUCT COSTS.—The term "product costs" means costs that are associated with the production of a good and include the value of materials, direct labor costs, and direct overhead.

(ii) PERIOD COSTS.—The term "period costs" means costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses.

(iii) OTHER COSTS.—The term "other costs" means all costs recorded on the books of the producer that are not product costs or period costs, such as interest.

(22) USED.—The term "used" means utilized or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3-A and Annex 4.1 of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) FABRICS AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric or yarn is added to the list in Annex 3-B of the Agreement in an unrestricted quantity, as provided in article 3.3.5(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 3-A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 3-A of the Agreement).

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN COLOMBIA AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding paragraph (3)(A), the list of fabrics, yarns, and fibers set forth in Annex 3-B of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) The term "interested entity" means the Government of Colombia, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) All references to "day" and "days" exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—(i) An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States and to add that fabric, yarn, or fiber to the list in Annex 3-B of the Agreement in a restricted or unrestricted quantity.

(ii) After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in Colombia or the United States; or

(II) any interested entity objects to the request.

(iii) The President may, within the time periods specified in clause (iv), proclaim that the fabric, yarn, or fiber that is the subject of the request is added to the list in Annex 3-B of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President has determined under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States; or

(II) no interested entity has objected to the request.

(iv) The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3-B of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3-B of the Agreement beginning—

(i) 45 days after the date on which the request was submitted; or

(ii) 60 days after the date on which the request was submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—(i) Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3-B of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D) of this paragraph; or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) An interested entity may submit a request under clause (i) at any time beginning 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in Colombia or the United States.

(iv) A proclamation under clause (iii) shall take effect no earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (18), the following:

"(19) No fee may be charged under subsection (a)(9) or (10) with respect to goods that qualify as originating goods under section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2013.

(c) REFUND.—Any fee described in paragraph (19) of section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) (as added by subsection (a)) that is paid on or after the date that the United States-Colombia Trade Promotion Agreement enters into force and before October 1, 2013, shall be refunded with interest if application for such refund is made on or after October 1, 2013, and before July 1, 2014.

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following new paragraph:

"(11) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the United States- Colombia Trade Promotion Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good."; and

(2) by adding at the end the following new subsection:

"(j) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a CTPA certification of origin (as defined in section 508(i)(1)(B) of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

"(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a CTPA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

"(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

"(A) the information was correct at the time it was provided in a CTPA certification of origin but was later rendered incorrect due to a change in circumstances; and

"(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.".

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

"(j) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States-Colombia Trade Promotion Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 203.".

SEC. 206. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

(1) by striking "or"; and

(2) by striking "for which" and inserting ", or section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act for which".

SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following new subsection:

"(i) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—

"(1) DEFINITIONS.—In this subsection:

"(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

"(i) the purchase, cost, and value of, and payment for, the good;

"(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

"(iii) the production of the good in the form in which it was exported.

"(B) CTPA CERTIFICATION OF ORIGIN.—The term 'CTPA certification of origin' means the certification established under article 4.15 of the United States-Colombia Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

"(2) EXPORTS TO COLOMBIA.—Any person who completes and issues a CTPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

"(3) RETENTION PERIOD.—The person who issues a CTPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued."; and

(3) in subsection (j), as so redesignated by striking "(f), (g), or (h)" and inserting "(f), (g), (h), or (i)".

SEC. 208. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Colombia to conduct a verification pursuant to article 3.2 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an exporter or producer in Colombia is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods, or

(B) a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203, or

(ii) is a good of Colombia,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 3.2.6 of the Agreement, the Secretary may publish the name of any person that the Secretary has determined—

(1) is engaged in circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

(f) VERIFICATIONS IN THE UNITED STATES.—If the government of a country that is a party to a free trade agreement with the United States makes a request for a verification pursuant to that agreement, the Secretary may request a verification of the production of any textile or apparel good in order to assist that government in determining—

(1) whether a claim of origin under the agreement for a textile or apparel good is accurate; or

(2) whether an exporter, producer, or other enterprise located in the United States involved in the movement of textile or apparel goods from the United States to the territory of the requesting government is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods.

SEC. 209. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) COLOMBIAN ARTICLE.—The term "Colombian article" means an article that qualifies as an originating good under section 203(b).

(2) COLOMBIAN TEXTILE OR APPAREL ARTICLE.—The term "Colombian textile or apparel article" means a textile or apparel good (as defined in section 3(4)) that is a Colombian article.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Colombian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Colombian article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Colombian article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Colombian article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who

did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2.3 of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.2 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section by up to 2 years, if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 2.3 of the Agreement, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which such termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set forth in the Schedule of the United States to Annex 2.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set forth in the Schedule of the United States to Annex 2.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on—

(1) any article that is subject to import relief under—

(A) subtitle B; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) any article on which an additional duty assessed under section 202(b) is in effect.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 2.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end ", and title III of the United States-Colombia Trade Promotion Agreement Implementation Act".

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a Colombian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits and losses, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in consumer preference or changes in technology in the United States as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under section 322(b) may not be in effect for more than 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 1 year, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 3 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON GOODS OF COLOMBIA.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article of Colombia that qualify as originating goods under section 203(b) are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING IMPORTS OF COLOMBIA.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action goods of Colombia with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking "or" at the end of clause (vi);

(2) by striking the period at the end of clause (vii) and inserting "; or"; and

(3) by adding at the end the following new clause:

"(viii) a party to the United States-Colombia Trade Promotion Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.".

TITLE V—OFFSETS

SEC. 501. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) shall be applied by extending by 155 days the date in effect on the date of the enactment of this Act after which fees may not be charged under paragraphs (9) and (10) of subsection (a) of such section 13031.

(b) OTHER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) shall be applied by extending by 155 days the date in effect on the date of the enactment of this Act after which fees may not be charged under paragraphs (1) through (8) of subsection (a) of such section 13031.

SEC. 502. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) CORPORATE ESTIMATED TAX DUE IN 2012.—The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 (Public Law 109-222; 26 U.S.C. 6655 note) in effect on the date of the enactment of this Act is increased by 1 percentage point.

(b) CORPORATE ESTIMATED TAX DUE IN 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 (Public Law 109-222; 26 U.S.C. 6655 note) in effect on the date of the enactment of this Act is increased by 2 percentage points.

By Mr. DORGAN (for himself and Mr. INOUYE):

S. 2831. A bill to reauthorize the Federal Trade Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I am introducing the Federal Trade Commission Reauthorization Act of 2008. I am joined by Senator INOUYE. We seek with this reauthorization to give the Federal Trade Commission, FTC, what it needs to protect consumers from unfair or deceptive practices and unfair methods of competition.

The agency has a very important mission, but needs more resources and authority. The number of FTC employees has been greatly reduced from its pre-1980 high of 1,746, and the agency currently has approximately 1,102 employees. We need to make sure that they have the manpower and the technology to protect consumers.

I'd like to take a second to highlight one of the areas where the FTC needs authority most. The subprime loan market was an orgy of greed from a large number of lenders who knowingly put borrowers in mortgage loans that they could not afford—while at the same time loading up these loans with provisions that trigger large fees and penalties.

The mortgage brokers ran ads from coast to coast—you have seen them: "Do you have bad credit? Do you have trouble getting a loan? Have you been missing payments on your home loan? Have you filed for bankruptcy? It doesn't matter. Come to us; we will give you a loan."

Many borrowers were brought in by teaser rates, interest-only payments, no payments for 12 months, etc. Loans had quick resets to higher and unaffordable interest rates. Loans had prepayment penalties. Marketed loan payment amounts did not include escrowed amounts, taxes, insurance, and other financial obligations. These unfair and deceitful advertisements are still on Web sites for lenders across the country today. The FTC needs the authority to stop this practice and resources to investigate and go after the bad actors.

Let me tell you a bit about what the bill does. The bill provides for a 7-year reauthorization starting in 2009. We set the fiscal year 2009 funding at $264 million and increase it by 10 percent per year. In addition, we give them an additional $20 million to be used by the commission to improve technology in support of its competition and consumer protection missions.

We give the FTC independent litigating authority so they won't have to refer their cases to the Department of Justice. We also give the FTC the authority to give preference in the hiring process to administrative law judges who have experience in their issues.

We provide the FTC the authority to commence a civil action to recover civil penalties in a district court for any violation of the FTC Act.

We extend their jurisdiction to allow them to go after nonprofit entities as well, so bad actors cannot hide behind nonprofit status, and we allow them to go after those aiding and abetting an FTC violation.

We also give them the authority, by majority vote of the full commission, to waive their current rulemaking requirements for any rule involving a consumer protection matter.

We require the FTC to conduct a rulemaking under the Administrative Procedures Act, APA, which is faster than their current Magnuson-Moss authority, in the area of subprime loans. The commission has sent 200 warning letters to mortgage advertisers and is conducting several investigations of mortgage advertisers and subprime lenders. In addition, the FTC has brought 21 cases in the last decade. But they haven't had the opportunity to review the bad practices and create a rule preventing their reoccurrence. We give them authority to create a rule preventing unfair or deceptive behavior by lenders and allow the State attorneys general to enforce the rule.

Finally, we repeal the common carrier exemption as the FTC has long been requesting. There are too many problems in the telecommunications world that need to be addressed by the FTC—consumers should not be left unprotected. We also make sure that the State Do Not Call laws are not preempted by Federal regulations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Trade Commission Reauthorization Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of comments.
Sec. 2. Authorization of appropriations.
Sec. 3. Independent litigation authority.
Sec. 4. Specialized administrative law judges.
Sec. 5. Civil penalties for violations of the Federal Trade Commission Act.
Sec. 6. Application of Federal Trade Commission Act to tax-exempt organizations.
Sec. 7. Aiding and abetting a violation.
Sec. 8. Permissive administrative procedure for consumer protection rules.
Sec. 9. Rulemaking procedure for subprime lending mortgages and nontraditional mortgage loans.
Sec. 10. Harmonizing FTC rules with banking agency rulemaking.
Sec. 11. Enforcement by State attorneys general.
Sec. 12. Harmonization of national do-not-call registry and effect on State laws.
Sec. 13. FTC study of alcoholic beverage marketing practices.
Sec. 14. Common carrier exception.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

The text of section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission—

"(1) $264,000,000 for fiscal year 2009;

"(2) $290,400,000 for fiscal year 2010;

"(3) $319,400,000 for fiscal year 2011;

"(4) $351,400,000 for fiscal year 2012;

"(5) $386,500,000 for fiscal year 2013;

"(6) $425,200,000 for fiscal year 2014; and

"(7) $467,700,000 for fiscal year 2015.

"(b) LITIGATION AND INTERNET COMMERCE TECHNOLOGY.—There are authorized to be appropriated to the Commission $20,000,000 for each of fiscal years 2009 through 2015 to be used by the Commission to improve technology in support of the Commission's competition and consumer protection missions.

"(c) INTERNATIONAL TECHNICAL ASSISTANCE.—From amounts appropriated pursuant to subsection (a), the Commission may spend up to $10,000,000 for each of fiscal years 2009 through 2015 to continue and enhance its provision of international technical assistance with respect to foreign consumer protection and competition regimes.".

SEC. 3. INDEPENDENT LITIGATION AUTHORITY.

Section 16(a) of the Federal Trade Commission Act (15 U.S.C. 56(a)) is amended—

(1) by striking paragraph (1) and inserting "(1) The Commission may commence, defend, or intervene in, and supervise the litigation of any civil action involving this Act (including an action to collect a civil penalty) and any appeal of such action in its own name by any of its attorneys designated by it for such purpose. The Commission shall notify the Attorney General of any such action and may consult with the Attorney General with respect to any such action or request the Attorney General on behalf of the Commission to commence, defend, or intervene in any such action.";

(2) by striking subparagraph (A) of paragraph (3) and inserting "(A) The Commission may represent itself through any of its attorneys designated by it for such purpose before the Supreme Court in any civil action in which the Commission represented itself pursuant to paragraph (1) or (2) or may request the Attorney General to represent the Commission before the Supreme Court in any such action."; and

(3) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

SEC. 4. SPECIALIZED ADMINISTRATIVE LAW JUDGES.

(a) IN GENERAL.—In appointing administrative law judges under section 3105 of title 5, United States Code, to conduct hearings and render initial decisions in formal adjudicative matters before it, the Federal Trade Commission may give preference to administrative law judges who have experience with antitrust or trade regulation litigation and who are familiar with the kinds of economic analysis associated with such litigation.

(b) DETAILS.—If the Commission asks the Office of Personnel Management to assign an administrative law judge under section 3344 of title 5, United States Code, to conduct a hearing or render an initial decision in a formal adjudicative matter before it, the Commission may request the assignment of an administrative law judge who has experience with antitrust or trade regulation litigation and is familiar with the kinds of economic analysis associated with such litigation and the Office of Personnel Management shall comply with the request to the maximum extent feasible.

SEC. 5. CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL TRADE COMMISSION ACT.

Section 5(m)(1)(A) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)(A)) is amended—

(1) by inserting "this Act, or" after "violates" the first place it appears; and

(2) by inserting "a violation of this Act or such act is" after "such act is".

SEC. 6. APPLICATION OF FEDERAL TRADE COMMISSION ACT TO TAX-EXEMPT ORGANIZATIONS.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by striking "members." in the second full paragraph and inserting "members, and includes an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.".

SEC. 7. AIDING AND ABETTING A VIOLATION.

Section 10 of the Federal Trade Commission Act (15 U.S.C. 50) is amended by adding at the end thereof the following:

"It is unlawful for any person to aid or abet another in violating any provision of this Act or any other Act enforceable by the Commission.".

SEC. 8. PERMISSIVE ADMINISTRATIVE PROCEDURE FOR CONSUMER PROTECTION RULES.

(a) IN GENERAL.—Section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) is amended by adding at the end thereof the following:

"(k) ALTERNATIVE RULEMAKING PROCEDURE.—The Commission may, by majority vote of the full Commission, dispense with the requirements of other provisions of this section and of section 22 of this Act with respect to rulemaking involving a consumer protection matter (as determined by the Commission). If the Commission dispenses with such requirements with respect to such a rulemaking, it shall conduct such rulemaking in accordance with section 553 of title 5, United States Code, and in such case the provisions for judicial review of rules promulgated under section 553 of title 5 shall apply.".

SEC. 9. RULEMAKING PROCEDURE FOR SUBPRIME LENDING MORTGAGES AND NONTRADITIONAL MORTGAGE LOANS.

Section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), as amended by section 8, is further amended by adding at the end thereof the following:

"(l) SPECIAL RULE FOR CERTAIN MORTGAGE-RELATED RULEMAKINGS.—Notwithstanding any other provision of this section, section

22 of this Act, or any other provision of law, the Commission shall conduct rulemaking proceedings with respect to subprime mortgage lending and nontraditional mortgage loans in accordance with section 553 of title 5, United States Code, and the provisions for judicial review of rules promulgated under section 553 of title 5 shall apply.".

SEC. 10. HARMONIZING FTC RULES WITH BANKING AGENCY RULEMAKING.

(a) IN GENERAL.—The second sentence of section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended—

(1) by striking "The Board of Governors of the Federal Reserve System (with respect to banks) and the Federal Home Loan Bank Board (with respect to savings and loan institutions described in paragraph (3))" and inserting "Each Federal banking agency (with respect to the depository institutions each such agency supervises)"; and

(2) by inserting "in consultation with the Commission" after "shall prescribe regulations".

(b) FTC CONCURRENT RULEMAKING.—Section 18(f)(1) of such Act is further amended by inserting after the second sentence the following: "Such regulations shall be prescribed jointly by such agencies to the extent practicable. Notwithstanding any other provision of this section, whenever such agencies commence such a rulemaking proceeding, the Commission, with respect to the entities within its jurisdiction under this Act, may commence a rulemaking proceeding and prescribe regulations in accordance with section 553 of title 5, United States Code. If the Commission commences such a rulemaking proceeding, the Commission, the Federal banking agencies, and the National Credit Union Administration Board shall consult and coordinate with each other so that the regulations prescribed by each such agency are consistent with and comparable to the regulations prescribed by each other such agency to the extent practicable.".

(c) GAO STUDY AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the status of regulations of the Federal banking agencies and the National Credit Union Administration regarding unfair and deceptive acts or practices by the depository institutions.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "banks or savings and loan institutions described in paragraph (3), each agency specified in paragraph (2) or (3) of this subsection shall establish" and inserting "depository institutions and Federal credit unions, the Federal banking agencies and the National Credit Union Administration Board shall each establish"; and

(B) by striking "banks or savings and loan institutions described in paragraph (3), subject to its jurisdiction" before the period and inserting "depository institutions or Federal credit unions subject to the jurisdiction of such agency or Board";

(2) in the sixth sentence of paragraph (1) (as amended by subsection (b))—

(A) by striking "each such Board" and inserting "each such banking agency and the National Credit Union Administration Board";

(B) by striking "banks or savings and loan institutions described in paragraph (3)" each place such term appears and inserting "depository institutions subject to the jurisdiction of such agency";

(C) by striking "(A) any such Board" and inserting "(A) any such Federal banking agency or the National Credit Union Administration Board"; and

(D) by striking "with respect to banks, savings and loan institutions" and inserting "with respect to depository institutions";

(3) by adding at the end of paragraph (1) the following new sentence: "For purposes of this subsection, the terms 'Federal banking agency' and 'depository institution' have the same meaning as in section 3 of the Federal Deposit Insurance Act.";

(4) in paragraph (2)(C), by inserting "than" after "(other";

(5) in paragraph (3), by inserting "by the Director of the Office of Thrift Supervision" before the period at the end;

(6) in paragraph (4), by inserting "by the National Credit Union Administration" before the period at the end; and

(7) in paragraph (6), by striking "the Board of Governors of the Federal Reserve System" and inserting "any Federal banking agency or the National Credit Union Administration Board".

SEC. 11. ENFORCEMENT BY STATE ATTORNEYS GENERAL

(a) IN GENERAL.—Except as provided in subsection (f), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate State or district court of the United States to enforce the provisions of the Federal Trade Commission Act or any other Act enforced by the Federal Trade Commission to obtain penalties and relief provided under such Acts whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of a subprime mortgage lending rule or a nontraditional mortgage loan rule promulgated by the Federal Trade Commission.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.

(c) INTERVENTION BY FTC.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action;

(2) remove the action to the appropriate United States district court; and

(3) file petitions for appeal of a decision in such civil action.

(d) SAVINGS CLAUSE.—Nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(e) VENUE; SERVICE OF PROCESS; JOINDER.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which the lender or a related party operates or is authorized to do business;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with a lender or related party to an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) PREEMPTIVE ACTION BY FTC.—Whenever a civil action or an administrative action has been instituted by or on behalf of the Commission for violation of any rule described under (a), no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under subsection (a) against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(g) AWARD OF COSTS AND FEES.—If the attorney general of a State prevails in any civil action under subsection (a), the State can recover reasonable costs and attorney fees from the lender or related party.

SEC. 12. HARMONIZATION OF NATIONAL DO-NOT-CALL REGISTRY AND EFFECT ON STATE LAWS.

(a) AMENDMENT OF THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.—Section 5 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6105) is amended by adding at the end thereof the following:

"(d) STATE LAWS NOT PREEMPTED.—Nothing in this Act or the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) preempts any State law that imposes more restrictive requirements on intrastate or interstate telemarketing to telephone numbers on a do-notWithin 2 years of the completion of the Federal Trade Commission study entitled "Self Regulation in the Alcohol Industry"-call registry maintained by that State.".

(b) CONFORMING AMENDMENT.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by inserting "interstate or" after "restrictive".

SEC. 13. FTC STUDY OF ALCOHOLIC BEVERAGE MARKETING PRACTICES.

Within 2 years after the Federal Trade Commission completes its study entitled Self-Regulation in the Alcohol Industry and every 2 years thereafter, the Commission shall transmit a report to the Congress on advertising and marketing practices for alcoholic beverages, together with such recommendations, including legislative recommendations, as the Commission deems appropriate. In preparing the report, the Commission shall consider information contained in reports by the Secretary of Health and Human services under section 519B of the Public Health Service Act (42 U.S.C. 290bb-25b), and shall include, to the extent feasible, data on measured and unmeasured media by brand and type of beverage, and data on expenditures for slotting and discounting.

SEC. 14. COMMON CARRIER EXCEPTION.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by striking the paragraph containing the definition of the term "Acts to regulate commerce" and inserting the following:

" 'Acts to regulate commerce' means subtitle IV of title 49, United States Code, and all Acts amendatory thereof and supplementary thereto.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 505—COMMENDING THE UNIVERSITY OF KANSAS MEN'S BASKETBALL TEAM FOR WINNING THE 2008 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) DIVISION I BASKETBALL CHAMPIONSHIP

Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. STEVENS) submitted the following resolution; Which was considered and agreed to:

S. RES. 505

Whereas, on April 7th, 2008, the University of Kansas men's basketball team won its third NCAA Division I Basketball Championship and fifth national title with its 75-68 overtime win over the University of Memphis—on the twentieth anniversary of the historic win by the team lead by Danny Manning known as "Danny and the Miracles";

Whereas, with this win the Jayhawks achieved a school record for all-time season wins, posting a 37-3 win-loss record during their run for the title, and finished the season with a thirteen-game winning streak, securing the Big XII Conference Championship title after starting the season with a twenty-game undefeated record, in addition to the 2008 NCAA Division I men's basketball crown;

Whereas, Head Coach Bill Self improved his all-time record at Kansas to 142-32 and 12-4 in the tournament assisted by a miraculous last-minute three-point shot by guard Mario Chalmers;

Whereas, Kansas guard Mario Chalmers was chosen as the Most Outstanding Player of the Final Four and was named to the all-tournament team along with guards Brandon Rush and Darrell Arthur;

Whereas, each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Kansas Jayhawks reached their goal of capturing a national championship; and

Whereas, the families of the players, students, alumni, and faculty of the University of Kansas, and all the supporters of the University of Kansas, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Kansas men's basketball team for winning the 2008 NCAA Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Kansas men's basketball team win its third NCAA Division I Basketball Championship and fifth national championship;

(3) respectfully requests the Secretary of the Senate to transmit enrolled copies of this resolution to—

(A) the University of Kansas for appropriate display;

(B) the Chancellor of the University of Kansas, Robert Hemenway;

(C) the Athletic Director of the University of Kansas, Lew Perkins;

(D) the Head Coach of the University of Kansas men's basketball team, Bill Self.

SENATE RESOLUTION 506—EXPRESSING THE SENSE OF THE SENATE THAT FUNDING PROVIDED BY THE UNITED STATES TO THE GOVERNMENT OF IRAQ IN THE FUTURE FOR RECONSTRUCTION AND TRAINING FOR SECURITY FORCES BE PROVIDED AS A LOAN TO THE GOVERNMENT OF IRAQ

Mr. NELSON of Nebraska submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 506

Whereas the United States has been engaged in Iraq for more than 5 years at a great cost to the United States in both lives and resources;

Whereas March 19, 2008, marked the fifth anniversary of the engagement of the United States in Iraq;

Whereas the United States Government has spent $600,000,000,000 to fight the war in Iraq and that expenditure has contributed greatly to the Nation's debt;

Whereas taxpayers in the United States have provided $45,000,000,000 in funding for reconstruction to the country and the Government of Iraq;

Whereas world oil prices have reached more than $100 a barrel;

Whereas consumers in the United States are paying record gas prices of approximately $3.29 a gallon;

Whereas, when the war began, Deputy Secretary of Defense Paul Wolfowitz said, "We're dealing with a country that can really finance its own reconstruction, and relatively soon.";

Whereas, due to high oil prices and expanded oil production, it has been predicted that the Government of Iraq is likely to experience an enormous revenue windfall;

Whereas, in January 2008, the Government Accountability Office issued a report stating that, according to Iraq's official expenditure reports, the Government of Iraq had spent only 4.4 percent of its $10,100,000,000 investment budget as of August 2007;

Whereas Iraq has not made satisfactory progress toward achieving the political benchmarks established by Congress; and

Whereas the Government of Iraq needs to invest in the future of Iraq by paying a larger share of the costs of reconstruction: Now, therefore, be it

Resolved, That it is the sense of the Senate that any funding provided by the United States to the Government of Iraq for reconstruction and training for security forces after the date on which the Senate agrees to this resolution be provided as a loan to the Government of Iraq.

SENATE CONCURRENT RESOLUTION 74—HONORING THE PRIME MINISTER OF IRELAND, BERTIE AHERN, FOR HIS SERVICE TO THE PEOPLE OF IRELAND AND TO THE WORLD AND WELCOMING THE PRIME MINISTER TO THE UNITED STATES

Mr. KENNEDY (for himself, Mr. DODD, and Ms. COLLINS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 74

Whereas the Members of the Senate and the House of Representatives are saddened that the Prime Minister of Ireland, Bertie Ahern, has announced that he will resign on May 6, 2008;

Whereas Prime Minister Ahern has served the people of Ireland with distinction for many years and has been an extraordinary friend to the United States throughout his years in office;

Whereas, during his extensive period of public service, Prime Minister Ahern has made significant contributions to an unprecedented era of peace, prosperity, and progress in Ireland;

Whereas Prime Minister Ahern entered politics in 1977 and has been elected 10 times in the past 31 years by the people of Dublin Central;

Whereas Prime Minister Ahern was elected leader of Fianna Fáil in 1994 and became Prime Minister in 1997;

Whereas Prime Minister Ahern is the second-longest-serving Taoiseach, or Prime Minister, in the history of Ireland, and the second-longest-serving leader of Fianna Fáil;

Whereas Prime Minister Ahern is the first Taoiseach since 1944 to be elected on 3 successive occasions;

Whereas Prime Minister Ahern has been fully committed to strengthening the economy of Ireland and, under his leadership, Ireland became more prosperous than at any time in the history of the country and became world-renowned as the "Celtic Tiger";

Whereas the people of Ireland have benefitted from a significantly improved quality of life during Prime Minister Ahern's service as Taoiseach;

Whereas Prime Minister Ahern promised years ago that one of his highest priorities was to end the decades-long cycle of hatred and violence in Northern Ireland;

Whereas Prime Minister Ahern kept that promise and worked assiduously to achieve the peace that Northern Ireland enjoys today;

Whereas the former Prime Minister of the United Kingdom, Tony Blair, described Prime Minister Ahern as a "remarkable leader" and stated that Prime Minister Ahern "will always be remembered for his crucial role in bringing about peace in Northern Ireland, [and] for transforming relations between Britain and the Irish Republic"; and

Whereas Prime Minister Ahern will address a joint session of Congress on April 30, 2008: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) the Prime Minister of Ireland, Bertie Ahern, has been a strong and effective leader for the people of Ireland and a good friend to the United States;

(B) the skillful leadership of Prime Minister Ahern was indispensable in finally achieving a successful resolution of the longstanding conflict in Northern Ireland; and

(C) the legacy of Prime Minister Ahern is clear and his contribution to peace is enormous;

(2) Congress thanks Prime Minister Ahern on behalf of the people of the United States, wishes him well, and hopes his unique talents will be of service in resolving conflicts elsewhere in the years ahead in our divided world; and

(3) the Members of the Senate and the House of Representatives look forward to paying fitting and fond tribute to Prime

Minister Ahern when he addresses a joint session of Congress on April 30, 2008.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4494. Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 4495. Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4425 submitted by Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) and intended to be proposed to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4496. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4497. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4498. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4395 submitted by Mr. BUNNING and intended to be proposed to the amendment SA 4387 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4499. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4500. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4448 submitted by Ms. LANDRIEU and intended to be proposed to the amendment SA 4387 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4501. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4502. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4467 submitted by Mr. ENSIGN and intended to be proposed to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4503. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4504. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4505. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4506. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4507. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4508. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4509. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4429 submitted by Mr. ALEXANDER (for himself and Mr. KYL) to the amendment SA 4419 proposed by Mr. ENSIGN to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4510. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4511. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4423 proposed by Mr. NELSON of Florida (for himself and Mr. COLEMAN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4512. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4433 submitted by Mrs. LINCOLN (for Ms. SNOWE) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4513. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4514. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4384 proposed by Mr. SANDERS to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4515. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4516. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4421 proposed by Mr. CARDIN (for himself and Mr. ENSIGN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4517. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4401 submitted by Mr. SANDERS (for himself and Mr. DURBIN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4494. Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ________.

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,862,500,000 and the amount appropriated under section 401 of this Act shall be $237,500,00: *Provided*, That, of amounts appropriated under such section 401 $37,500,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the "NRC") to (1) make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys trained and capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure who have legal issues that cannot be handled by counselors already employed by such intermediaries, and (2) support NRC partnerships with State and local legal organizations and organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code with demonstrated relevant legal experience in home foreclosure law, as such experience is determined by the Chief Executive Officer of NRC: *Provided further*, That for the purpose of the prior proviso the term "relevant experience" means experience representing homeowners in negotiations and or legal proceedings aimed at preventing or mitigating foreclosure or providing legal research and technical legal expertise to community based organizations whose goal is to reduce, prevent, or mitigate foreclosure: *Provided further*, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and

Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.

SA 4495. Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4425 submitted by Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) and intended to be proposed to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. NEW RESTAURANT PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Clause (i) of section 168(k)(2)(A) of the Internal Revenue Code of 1986 (relating to qualified property) is amended by striking "or" at the end of subclause (III), by inserting "or" at the end of subclause (IV), and by adding at the end the following new subclause:

"(V) which is new restaurant property,".

(b) QUALIFIED NEW RESTAURANT PROPERTY.—Subsection (k) of section 168 of such Code, as amended by this Act, is amended by adding at the end the following new paragraph:

"(6) QUALIFIED NEW RESTAURANT PROPERTY.—For purposes of this subsection, the term 'qualified new restaurant property' means any section 1250 property which is a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 4496. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF MOVING TO WORK DEMONSTRATION AGREEMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development (in this section referred to as the "Secretary") shall extend the effective period of the Moving to Work Demonstration Agreement entered into between the Philadelphia Housing Authority and the Department of Housing and Urban Development on or about February 28, 2002, pursuant to section 204 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, under the heading "Public Housing/Moving to Work Demonstration" (Public Law 104-134, 110 Stat. 1321-281) for the 45-day period beginning on April 1, 2008.

(b) COMPLIANCE REVIEW.—If the Philadelphia Housing Authority submits certifications by an independent expert verifying that at least 5 percent of its public housing units are in compliance with section 504 of the Rehabilitation Act of 1973, and such certifications are satisfactory to the Secretary, the Secretary shall further extend the Moving to Work Demonstration Agreement for an additional 1 year period.

(c) TERMS AND CONDITIONS.—Any extension of the Moving to Work Demonstration Agreement under this section shall be under the same terms and conditions as were applicable to the original agreement.

(d) LIMITATION ON ACTIONS OF THE SECRETARY.—The Secretary may not terminate or take any adverse action with respect to an agreement described in subsection (a) or any extension thereto—

(1) unless there has been an express finding, on the record, after opportunity for a hearing, of a failure by the Housing Authority to comply with the terms of the agreement or otherwise applicable provisions of law; and

(2) before the expiration of the 30-day period beginning on the date on which the Secretary has filed with the appropriate committees of Congress a full written report of the circumstances and the grounds for such action.

SA 4497. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike titles III and IV and insert the following:

TITLE III—TIMING OF THE HOME MORTGAGE DEDUCTION

SEC. 301. DEDUCTION FOR POINTS ON HOME MORTGAGE REFINANCING ALLOWED IN YEAR PAID.

(a) IN GENERAL.—Paragraph (2) of section 461(g) of the Internal Revenue Code of 1986 (relating to prepaid interest) is amended—

(1) by striking "This subsection" and inserting the following:

"(A) IN GENERAL.—This subsection", and

(2) by adding at the end the following new subparagraph:

"(B) EXCEPTION FOR CERTAIN REFINANCINGS.—

"(i) IN GENERAL.—This subsection shall not apply to points paid—

"(I) in respect of indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the subparagraph (A), and

"(II) before January 1, 2011.

"(ii) LIMITATION.—Clause (i) shall apply only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the sum of—

"(I) the amount of the refinanced indebtedness, plus

"(II) the lesser of $10,000 or the points paid in respect of the indebtedness resulting from the refinancing to the extent that the indebtedness resulting from the refinancing does not exceed the refinanced indebtedness.

"(iii) ADJUSTMENT FOR INFLATION.—In the case of any calendar year beginning after 2008, the $10,000 amount under clause (ii)(II) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next nearest multiple of $100.".

(b) CONFORMING AMENDMENT.—The heading of paragraph (2) of section 461(g) of such Code is amended by striking "EXCEPTION" and inserting "EXCEPTIONS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid in taxable years beginning after December 31, 2007.

SA 4498. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4395 submitted by Mr. BUNNING and intended to be proposed to the amendment SA 4387 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. DEDUCTION FOR POINTS ON HOME MORTGAGE REFINANCING ALLOWED IN YEAR PAID.

(a) DEDUCTION.—

(1) IN GENERAL.—Paragraph (2) of section 461(g) of the Internal Revenue Code of 1986 (relating to prepaid interest) is amended—

(A) by striking "This subsection" and inserting the following:

"(A) IN GENERAL.—This subsection", and

(B) by adding at the end the following new subparagraph:

"(B) EXCEPTION FOR CERTAIN REFINANCINGS.—

"(i) IN GENERAL.—This subsection shall not apply to points paid—

"(I) in respect of indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the subparagraph (A), and

"(II) before January 1, 2011.

"(ii) LIMITATION.—Clause (i) shall apply only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the sum of—

"(I) the amount of the refinanced indebtedness, plus

"(II) the lesser of $10,000 or the points paid in respect of the indebtedness resulting from the refinancing to the extent that the indebtedness resulting from the refinancing does not exceed the refinanced indebtedness.

"(iii) ADJUSTMENT FOR INFLATION.—In the case of any calendar year beginning after 2008, the $10,000 amount under clause (ii)(II) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next nearest multiple of $100.".

(2) CONFORMING AMENDMENT.—The heading of paragraph (2) of section 461(g) of such Code is amended by striking "EXCEPTION" and inserting "EXCEPTIONS".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid in taxable years beginning after December 31, 2007.

(b) OFFSET.—There is hereby rescinded 100 percent of budget authority provided for the appropriations in titles III and IV.

SA 4499. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR REFINANCING SUBPRIME LOANS AND CERTAIN RESIDENCES AFFECTED BY THE 2005 HURRICANES.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR CERTAIN REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage which—

"(i) is a mortgage on a residence and which was originally financed by the mortgagor through a qualified subprime loan, or

"(ii) is a mortgage on a residence—

"(I) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

"(II) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

"(III) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma.

"(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) USE OF ADDITIONAL VOLUME CAP FOR PURCHASES OF CERTAIN HOMES DAMAGED BY HURRICANES KATRINA, RITA, AND WILMA.—Subparagraph (B) of section 146(d)(5) of the Internal Revenue Code of 1986, as added by subsection (d), is amended by striking clause (ii) and inserting the following:

"(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) an issuance described in clause (iii).

"(iii) CERTAIN QUALIFIED MORTGAGE ISSUES.—A issuance is describe in this clause if such issuance is a qualified mortgage issue, determined—

"(I) by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i), and

"(II) in the case of a qualified residence, without regard to section 143(d).

"(iv) QUALIFIED RESIDENCE.—For purposes of clause (iii), the term 'qualified residence' means any residence—

"(I) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

"(II) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

"(III) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma.".

(c) EMERGENCY DESIGNATION RELATED TO SUBSECTIONS (a) AND (b).—For purposes of Senate enforcement, all provisions of subsections (a) and (b) are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

(d) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

SA 4500. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4448 submitted by Ms. LANDRIEU and intended to be proposed to the amendment SA 4387 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 2, beginning on line 16, strike through page 3, line 21, and insert the following:

"(ii) a residence that is damaged as a result of Hurricane Katrina, or Hurricane Rita, and that has been sold or transferred to the State of Louisiana or an agency or political subdivision thereof as a result of such damage.

"(B) SINGLE-FAMILY.—For purposes of subparagraph (A)(ii), the term 'single-family' includes 2, 3, or 4 family residences one unit of which was occupied by the owner of the units at the time of the occurrence of the damage described in such subparagraph.

"(C) CERTIFICATION.—

"(i) NEW PREVIOUSLY UNOCCUPIED RESIDENCE.—In the case of an eligible single-family residence described in subparagraph (A)(i)(II)(aa), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

"(ii) RESIDENCE TRANSFERRED AS A RESULT OF HURRICANE.—In the case of an eligible single-family residence described in subparagraph (A)(ii), no credit shall be allowed under this section unless the purchaser submits a certification by the State of Louisiana or by the appropriate agency or subdivision thereof that such residence meets the requirements of such subparagraph.".

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

(c) SPECIAL RULE FOR RESIDENCES TRANSFERRED AS A RESULT OF HURRICANE DAMAGE.—Section 25E, as added by subsection (a) and amended by subsection (d), is amended by adding at the end of subsection (f) of such section the following:

"(4) HOMES TRANSFERRED AS A RESULT OF HURRICANE.—In the case of a qualified principal residence described in subsection (c)(2)(A)(ii)—

"(A) LIMITATION BASED ON INCOME.—No credit shall be allowed under this section if the taxpayer's adjusted gross income for the taxable year exceeds $50,000 ($100,000 in the case of a joint return).

"(B) RECAPTURE PERIOD.—Subsection (e) shall be applied by substituting '36 months' for '24 months'.".

(d) DEFINITION OF PRINCIPAL RESIDENCE; SPECIAL RULES.—Section 25E, as added by subsection (a), is amended by adding at the end the following:

SA 4501. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr.

ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

Subtitle C—Revenue Provisions

SEC. 831. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—

(1) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).".

(2) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.".

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN MAJOR INTEGRATED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

"(A) IN GENERAL.—If a taxpayer (other than a major integrated oil company (as defined in section 167(h)(5)(B))) has oil related qualified production activities income for any taxable year beginning after 2009, the amount of the deduction under subsection (a) shall be reduced by 3 percent of the least of—

"(i) the oil related qualified production activities income of the taxpayer for the taxable year,

"(ii) the qualified production activities income of the taxpayer for the taxable year, or

"(iii) taxable income (determined without regard to this section).

"(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.".

(2) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking "subsection (a)(1)(B)" and inserting "subsections (a)(1)(B) and (d)(9)(A)(iii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 832. CLARIFICATION OF DETERMINATION OF FOREIGN OIL AND GAS EXTRACTION INCOME.

(a) IN GENERAL.—Paragraph (1) of section 907(c) of this amended by redesignating subparagraph (B) as subparagraph (C), by striking "or" at the end of subparagraph (A), and by inserting after subparagraph (A) the following new subparagraph:

"(B) so much of any transportation of such minerals as occurs before the fair market value event, or".

(b) FAIR MARKET VALUE EVENT.—Subsection (c) of section 907 is amended by adding at the end the following new paragraph:

"(6) FAIR MARKET VALUE EVENT.—For purposes of this section, the term 'fair market value event' means, with respect to any mineral, the first point in time at which such mineral—

"(A) has a fair market value which can be determined on the basis of a transfer, which is an arm's length transaction, of such mineral from the taxpayer to a person who is not related (within the meaning of section 482) to such taxpayer, or

"(B) is at a location at which the fair market value is readily ascertainable by reason of transactions among unrelated third parties with respect to the same mineral (taking into account source, location, quality, and chemical composition).".

(c) SPECIAL RULE FOR CERTAIN PETROLEUM TAXES.—Subsection (c) of section 907, as amended by subsection (b), is amended to by adding at the end the following new paragraph:

"(7) OIL AND GAS TAXES.—In the case of any tax imposed by a foreign country which is limited in its application to taxpayers engaged in oil or gas activities—

"(A) the term 'oil and gas extraction taxes' shall include such tax,

"(B) the term 'foreign oil and gas extraction income' shall include any taxable income which is taken into account in determining such tax (or is directly attributable to the activity to which such tax relates), and

"(C) the term 'foreign oil related income' shall not include any taxable income which is treated as foreign oil and gas extraction income under subparagraph (B).".

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 907(c)(1), as redesignated by this section, is amended by inserting "or used by the taxpayer in the activity described in subparagraph (B)" before the period at the end.

(2) Subparagraph (B) of section 907(c)(2) is amended to read as follows:

"(B) so much of the transportation of such minerals or primary products as is not taken into account under paragraph (1)(B),".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 4502. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4467 submitted by Mr. ENSIGN and intended to be proposed to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 15, strike lines 5 through 8, and insert the following:

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "before January 1, 2008" and inserting "by a taxpayer which is an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) before January 1, 2010".

SA 4503. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 14, strike lines 18 through 21, and insert the following:

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "before January 1, 2008" and inserting "by a taxpayer which is an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) before January 1, 2010".

SA 4504. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end add the following:

Subtitle C—Biofuels

SEC. 831. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking "plus" at the end of paragraph

(2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) the cellulosic biofuel producer credit.".

(b) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

"(6) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

"(A) IN GENERAL.—The cellulosic biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of qualified cellulosic biofuel production.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

"(i) $1.25, over

"(ii) the sum of—

"(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

"(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

"(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and any petroleum fuel product which—

"(i) is sold by the person producing such mixture to any person for use as a fuel, or

"(ii) is used as a fuel by the person producing such mixture.

"(E) CELLULOSIC BIOFUEL.—

"(i) IN GENERAL.—The term 'cellulosic biofuel' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

"(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(F) ALLOCATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

"(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2007, and before April 1, 2015.".

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting "or subsection (b)(6)(G)" after "by reason of paragraph (1)" in paragraph (2), and

(B) by adding at the end the following new paragraph:

"(3) EXCEPTION FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).".

(c) BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

"(i) any credit is allowed under subsection (a)(4), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass biofuel.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking "PRODUCER" in the heading and inserting "SMALL ETHANOL PRODUCER".

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking "or (C)" and inserting "(C), or (D)".

(d) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—No cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic biofuel unless such cellulosic biofuel is produced in the United States.".

(e) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting "(determined without regard to any qualified cellulosic biofuel production" after "15,000,000 gallons".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SEC. 832. EXTENSION AND MODIFICATION OF CREDIT FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.

(a) EXTENSION.—

(1) INCOME TAX CREDITS FOR BIODIESEL AND RENEWABLE DIESEL AND SMALL AGRI-BIODIESEL PRODUCER CREDIT.—Section 40A(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2010 (December 31, 2012, in the case of the credit allowed by reason of subsection (a)(3))".

(2) EXCISE TAX CREDIT.—Section 6426(c)(6) (relating to termination) is amended by striking "2008" and inserting "2010".

(3) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(5)(B) (relating to termination) is amended by striking "2008" and inserting "2010".

(b) MODIFICATION OF CREDIT FOR RENEWABLE DIESEL.—Section 40A(f) (relating to renewable diesel) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR CO-PROCESSED RENEWABLE DIESEL.—In the case of a taxpayer which produces renewable diesel through the co-processing of biomass and petroleum at any facility, this subsection shall not apply to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a mixture described in subsection (b)(1)(B) as exceeds 60,000,000 gallons.".

(c) MODIFICATION RELATING TO DEFINITION OF AGRI-BIODIESEL.—Paragraph (2) of section 40A(d) (relating to agri-biodiesel) is amended by striking "and mustard seeds" and inserting "mustard seeds, and camelina".

(d) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Section 40A(f)(3) (defining renewable diesel) is amended by adding at the end the following new flush sentence:

"The term 'renewable diesel' also means fuel derived from biomass (as defined in section 45K(c)(3)) using a thermal depolymerization process which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.".

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SA 4505. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,900,000,000 and the amount appropriated under section 401 of this Act shall be $200,000,000 and the increase in volume cap for certain bonds under section 602(b)(1) of this Act, shall be as follows:

SA 4506. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted by said amendment, insert the following:

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,900,000,000 and the amount appropriated under section 401 of this Act shall be $200,000,000.

SA 4507. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himelf and Mr. SHELBY) to the bill H.R. 3221, moving the United

States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the word "amount" the first time it appears, and insert the following:

"appropriated under section 301(a) of this Act shall be $3,899,000,000 and the amount appropriated under section 401 of this Act shall be $201,000,000."

SA 4508. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR REFINANCING SUBPRIME LOANS AND CERTAIN RESIDENCES AFFECTED BY THE 2005 HURRICANES.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR CERTAIN REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage which—

"(i) is a mortgage on a residence and which was originally financed by the mortgagor through a qualified subprime loan, or

"(ii) is a mortgage on a residence—

"(I) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

"(II) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

"(III) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma.

"(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) USE OF ADDITIONAL VOLUME CAP FOR PURCHASES OF CERTAIN HOMES DAMAGED BY HURRICANES KATRINA, RITA, AND WILMA.—Subparagraph (B) of section 146(d)(5) of the Internal Revenue Code of 1986, as added by subsection (d), is amended by striking clause (ii) and inserting the following:

"(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) an issuance described in clause (iii).

"(iii) CERTAIN QUALIFIED MORTGAGE ISSUES.—A issuance is describe in this clause if such issuance is a qualified mortgage issue, determined—

"(I) by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i), and

"(II) in the case of a qualified residence, without regard to section 143(d).

"(iv) QUALIFIED RESIDENCE.—For purposes of clause (iii), the term 'qualified residence' means any residence—

"(I) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

"(II) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

"(III) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma.".

(c) EMERGENCY DESIGNATION RELATED TO SUBSECTIONS (a) AND (b).—For purposes of Senate enforcement, all provisions of subsections (a) and (b) are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

(d) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

SA 4509. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4429 submitted by Mr. ALEXANDER (for himself and Mr. KYL) to the amendment SA 4419 proposed by Mr. ENSIGN to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured.

SA 4510. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured.

SA 4511. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4423 proposed by Mr. NELSON of Florida (for himself and Mr. COLEMAN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured.

SA 4512. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4433 submitted by Mrs. LINCOLN (for Ms. SNOWE) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured.

SA 4513. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured.

SA 4514. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4384 proposed by Mr. SANDERS to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured.

SA 4515. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured.

SA 4516. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4421 proposed by Mr. CARDIN (for himself and Mr. ENSIGN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured.

SA 4517. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4401 submitted by Mr. SANDERS (for himself and Mr. DURBIN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 9:30 a.m., in open session to receive testimony on the situation in Iraq and progress made by the Government of Iraq in meeting benchmarks and achieving reconciliation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 8, 2008 at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "S. 970, the Iran Counter-Proliferation Act of 2007."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 9:30 a.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 2:30 p.m., to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate, on April 8, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, to conduct a hearing entitled "The adequacy of Representation in Capital Cases" on Tuesday, April 8, 2008, at 10:15 a.m., in room SF–226 of the Dirksen Senate Office Building.

Witness List

Michael Greco, Former President of the American Bar Association, Kirkpatrick & Lockhart Preston Gates Ellis, Boston, MA; Bryan Stevenson, Executive Director, Equal Justice Initiative, Clinical Professor Law, New York University School of Law, Montgomery, AL; The Honorable Carolyn Engel Temin, Senior Judge, Court of Common Pleas of the First Judicial District of Pennsylvania, Philadelphia, PA; Donald Verrilli, Partner, Jenner & Block LLP, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 2:30 p.m., in open session to receive testimony on Navy force structure requirements and programs to meet those requirements in review of the Defense authorization request for fiscal year 2009 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, April 8, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Ayesha Khanna, a detailee with the Finance Committee staff, be allowed floor privileges today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMENDING THE UNIVERSITY OF KANSAS MEN'S BASKETBALL TEAM FOR WINNING THE 2008 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) DIVISION I BASKETBALL CHAMPIONSHIP

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 505, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 505) commending the University of Kansas men's basketball team for winning the 2008 National Collegiate Athletic Association (NCAA) Division I basketball championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERTS. Mr. President, it is my privilege today to submit S. Res. 505, along with Mr. BROWNBACK. It is my hope it will be considered hot-lined on both sides and passed later this afternoon.

This resolution is a commendation resolution on behalf of the University of Kansas Men's Basketball Team for winning the 2008 National Collegiate Athletic Association, NCAA, Division I, basketball championship as of last night.

This might be a little unique in that I am a graduate of Kansas State University, home of the ever-optimistic and fighting Wildcats. Sometimes we are rivals. In this particular case, all of Kansas, including every K State fan, stands in salute of the Jayhawks. It is clearly "Rock Chalk, Jayhawk" time in Kansas.

Mr. President, I will skip to the bottom line of the resolution, where it says:

> Whereas, the families of the players, students, alumni, and faculty of the University of Kansas, and all the supporters of the University of Kansas, are to be congratulated for their commitment to, and pride in, the basketball program at the university: Now, therefore be it resolved the Senate commends the University of Kansas men's basketball team for winning the 2008 NCAA Division I Basketball Championship.

The Secretary of the Senate will transmit enrolled copies of this resolution to the University of Kansas so they can display it; the chancellor of the university, Bob Hemenway, a great friend; the athletic director of the university, Lew Perkins; and the head coach of the team, Bill Self, who should remain at the University of Kansas. Those remarks were not prepared, but that is my advice.

For those of you who did not see the game last night—and it started at 9 p.m. and I know most Senators are probably asleep at 9 o'clock at night—trailing 60 to 51, with 2:12 seconds left in regulation, Kansas closed the second half with a 12–3 run, capped off by a Mario Chalmers' three-point basket, with 2.1 seconds remaining to force overtime. Kansas then outscored Memphis 12 to 5 in overtime to claim its third national championship.

As General Petraeus is here testifying before four committees in regard to national security and the war with Iraq, and when this Senate is considering a housing bill and stimulus package to help the economy, let us hope the example of the University of Kansas men's basketball team, in regard to their perseverance and dedication, will enable us to achieve our goals as well.

If you listen hard, from the mountains from which our acting Presiding Officer is so familiar, from Montana and further west, on to the high plains, to the Midwest, across the Appalachians, and clear to the east coast and our Nation's capital—if you listen hard, you can hear that chant, "Rock Chalk, Jayhawk, KU–U–U." If we listen hard, maybe we can work together, follow their example of perseverance and unbelievable heroics to win the NCAA championship. Thus, sayeth this champion of Kansas State athletics on behalf of the University of Kansas and their basketball team.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 505) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 505

Whereas, on April 7th, 2008, the University of Kansas men's basketball team won its third NCAA Division I Basketball Championship and fifth national title with its 75–68 overtime win over the University of Memphis—on the twentieth anniversary of the historic win by the team led by Danny Manning known as "Danny and the Miracles";

Whereas, with this win the Jayhawks achieved a school record for all-time season wins, posting a 37-3 win-loss record during their run for the title, and finished the season with a thirteen-game winning streak, securing the Big XII Conference Championship title after starting the season with a twenty-game undefeated record, in addition to the 2008 NCAA Division I men's basketball crown;

Whereas, Head Coach Bill Self improved his all-time record at Kansas to 142-32 and 12-4 in the tournament assisted by a miraculous last-minute three-point shot by guard Mario Chalmers;

Whereas, Kansas guard Mario Chalmers was chosen as the Most Outstanding Player of the Final Four and was named to the all-tournament team along with guards Brandon Rush and Darrell Arthur;

Whereas, each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Kansas Jayhawks reached their goal of capturing a national championship; and

Whereas, the families of the players, students, alumni, and faculty of the University of Kansas, and all the supporters of the University of Kansas, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Kansas men's basketball team for winning the 2008 NCAA Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Kansas men's basketball team win its third NCAA Division I Basketball Championship and fifth national championship;

(3) respectfully requests the Secretary of the Senate to transmit enrolled copies of this resolution to—

(A) the University of Kansas for appropriate display;

(B) the Chancellor of the University of Kansas, Robert Hemenway;

(C) the Athletic Director of the University of Kansas, Lew Perkins;

(D) the Head Coach of the University of Kansas men's basketball team, Bill Self.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–16

Mr. DODD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 8, 2008, by the President of the United States: Amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), (Treaty Document No. 110–16.)

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and the Plenipotentiary Conference (Marrakesh, 2002), together with the declarations and reservations by the United States, all as contained in the Final Acts of the Plenipotentiary Conference (Antalya, 2006). I transmit also, for the information of the Senate, the report of the Department of State concerning the amendments.

The Plenipotentiary Conference (Antalya, 2006) adopted amendments that, among other things: clarify the functions of certain International Telecommunication Union (ITU) officials and bodies; reduce the frequency of certain ITU conferences; clarify eligibility for re-election to certain ITU positions; enhance oversight of the ITU budget and provide for results-based (as well as cost-based) budget proposals; expand the scale of available contribution levels for Member States and Sector Members; and, clarify the definition of and role of observers participating in ITU proceedings.

Consistent with longstanding practice in the ITU, the United States, in signing the 2006 amendments, made certain declarations and reservations. Subject to those declarations and reservations, I believe the United States should ratify the 2006 amendments to the International Telecommunication Union Constitution and Convention. These amendments will contribute to the ITU's ability to adapt to changes in the global telecommunications sector and, in so doing, serve the needs of the United States Government and United States industry. It is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 8, 2008.*

ORDERS FOR WEDNESDAY, APRIL 9, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, April 9; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for use later in the day, the Senate then proceed to a period of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of H.R. 3221, and that all time during any morning business, recess, or adjournment of the Senate count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:35 p.m., adjourned until Wednesday, April 9, 2008, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, April 8, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. CAPPS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 8, 2008.

I hereby appoint the Honorable LOIS CAPPS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 34 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. JONES of Ohio) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our Defense and our Liberator, throughout our history as Americans, and even in our individual lives, You have come to our aid and strengthened us in the face of all our struggles against evil. Be with us now and always.

The prophet Daniel offers a distinction. He said he saw You in the very beginning "when the evil horn spoke arrogant words until the beast was slain and its body thrown into the fire. But there were other beasts, too, which also lost their dominion but were granted a prolongation of life for a time and a season."

Lord, we believe You always deliver us from evil. Yet each of us can name "the other beasts" described by Daniel in our history as a nation and in our personal lives. They may no longer have dominion to completely overcome us, but we know they can be granted "a prolongation of life for a time."

Therefore, Lord, we plead for Your help to persevere for the time being. Sometimes in the fight we personally need to undergo treatment or continue therapy. For a nation, it may take time to reform, rebuild, or reconcile, so continue, Lord, to uphold us until evil is brought to its end. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Guam (Ms. BORDALLO) come forward and lead the House in the Pledge of Allegiance.

Ms. BORDALLO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

DO NOT SELL OUT THE TROOPS AND LOSE A WINNABLE WAR

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, today is a serious day on Capitol Hill. General Petraeus and Ambassador Crocker have returned. They are reporting to the Nation on the progress in Iraq.

Since they were last here, this is what the Iraqi Parliament has passed: A pension law for regime officials; de-Baathification reform; an amnesty law; a provincial election law. The national government is sharing oil revenues with the provinces; sectarian killings are down 90 percent; civilian deaths have dropped by more than 70 percent; and coalition casualties have dropped by more than 70 percent. Most importantly, Iraqi security forces are fighting for the future of their very own country.

Some in this House are so invested in the narrative of defeat that they are blind to the results of a campaign that ranks among the greatest in the history of our Armed Forces.

Our troops have achieved tremendous success through valor and sacrifice. Let's not sell them out and choose to lose a winnable war. History would not forgive us for that.

HONORING THE INDEPENDENCE OF BOSNIA-HERZEGOVINA

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, I would like to take this time to congratulate the citizens of Bosnia-Herzegovina on their 16th anniversary of independence.

It is an honor for me to represent the largest Bosnian-American population in the United States, as well as cochair the bipartisan Congressional Caucus on Bosnia with Congressman CHRIS SMITH of New Jersey. Our Bosnian-American neighbors who have come to St. Louis and the other parts of the U.S. have contributed a great deal to our country.

I am proud that on April 7, 1992, the United States was one of the first nations to recognize the newly independent Bosnia-Herzegovina. As we honor the anniversary of their independence today, let us reaffirm our support for Bosnia's progress toward Euro-Atlantic integration and remember their long history of multi-ethnic and religious tolerance.

I would like to applaud their democratic orientation, and strongly encourage the further strengthening of government reforms with respect to human rights, rule of law and free market economy.

I once again congratulate the citizens of Bosnia-Herzegovina on the anniversary of their independence, and I look forward to further collaboration between our two countries.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE STRATEGY OF DEFEAT

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, as positive progress continues against America's enemies in Iraq, the vocal, timid and meek here at home promote a strategy of defeat and retreat. Victory to these retreatists is not an option because they plan for abandonment of the Iraqi people and failure for America's fight against those who murder in the name of religion.

These war alarmists wish to capitulate in this war. They want to redeploy the troops, which means withdraw our military while they are in the midst of success. This strategy of defeat will not bring peace to Iraq or America. It will not stop the extremists, but increase their determination for more violence against the innocents. It will not make us safe at home, but encourage those who hate us to kill again. And those vile zealots will rightfully claim America doesn't have the stomach to fight for the God-given principles of liberty.

President Kennedy told the world that America will pay any price, support any friend and oppose any foe to defend liberty. We do not fight for ourselves alone. This war is more than for our cause alone. We fight for the human cause of all peoples to be free. That is what this war is about.

And that's just the way it is.

PUTTING A POSITIVE SPIN ON THE WORST MILITARY FIASCO IN AMERICAN HISTORY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, General Petraeus and Ambassador Crocker are understandably trying to put a positive spin on the Iraq war. But the reality is that this has been the worst military fiasco in American history. But one of the questions I would like them to answer is how, when the Iraqi government has over $56 billion of revenue this year, they have the gall to ask the American taxpayer for another $170 billion?

They have $40 billion in reserve that they have gotten from oil being over $100 a barrel. The American taxpayer is paying more than $3.30 a gallon for gas, and yet Iraq wants another $170 billion? They have got $10 billion in reconstruction funds. Yet we are going to continue to pay for all their needs? But that is what we are doing. We are paying for everything from military training, all the way down to garbage pickup, with American taxpayers' money, when they have got tens of billions of dollars that they choose not to spend.

This is a disgrace, Madam Speaker. This policy has never been worthy of the sacrifice of our military families, let along their loved ones in uniform.

SUPPORT VICTORY, NOT DEFEAT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, this morning I joined many of my colleagues from both political parties with over 400 Iraq and Afghanistan veterans at an event organized by Vets for Freedom. This nonpartisan organization is dedicated to supporting our veterans by achieving victory in the global war on terrorism to protect American families by defeating terrorism overseas. I am proud to stand with these patriotic Americans.

Their visit to Washington comes on the eve of General David Petraeus' and Ambassador Ryan Crocker's presentation to the House of their report on Iraq. I hope my colleagues will listen to General Petraeus and Ambassador Crocker with an open mind.

As a grateful veteran with two sons who have served in Iraq, I know these two men serve the best interests of our troops and the safety of American families. They deserve attention to what they have to say.

The old, failed talking points that "the war is lost" or "so the surge is a failure" do a disservice to this debate. Those claims have been soundly refuted by the facts on the ground, as I saw last month on my ninth visit to Iraq. Let's be sure our policy going forward is based on the facts.

In conclusion, God bless our troops, and we will never forget September 11th.

SUPPORTING THE BRAVE AMERICANS IN HARM'S WAY

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Madam Speaker, as I closed the rally today with 400 veterans in support of our troops and their mission in Iraq and Afghanistan, I quoted John Stuart Mill, who said, "War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral unpatriotic feeling which thinks that nothing is worth war is much worse. A person who has nothing for which they are willing to fight, nothing they care more about than their own personal safety, is a miserable creature who has no chance of ever being free unless those very freedoms are made and kept by better persons than themselves."

Those better persons are our Nation's veterans, the men and women in uniform, and today may God almighty, Jehovah God, bless and keep those brave Americans in harm's way on our behalf.

APPROVE THE U.S.-COLOMBIA TRADE PROMOTION AGREEMENT

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, now that the Colombia trade agreement is before Congress, I hope that all Members will weigh its benefits carefully and approve it with a strong bipartisan up-or-down vote. The United States is the largest manufacturer and exporter in the world and new markets are essential to our workers, 42 percent of whom are employed by companies that are involved with trade.

The Colombia trade agreement would level the playing field for American workers and grant our exporters the same fair access that Colombian producers already enjoy into the U.S. market. It would also strategically strengthen Colombia's fight against narcoterrorists and help them reject the influence of Venezuela's anti-American strong man, Hugo Chavez.

I urge support of the U.S.-Colombia TPA.

SUPPORT THE TROOPS IN IRAQ

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Speaker and my fellow colleagues, today is the day with General Petraeus to recognize that with all the rhetoric on this floor, that we should listen to the troops. They are the ones that are sacrificing. They are the ones that I believe have firsthand knowledge of what is occurring in Iraq.

I have a letter that I am going to read:

Dear Congressman YOUNG:

I am an Alaska Army National Guard soldier serving in Iraq voluntarily on one of the 10 'surge' Embedded Provincial Reconstruction Teams, based at Camp Taji. My team works in the Taji and Abu Ghraib districts, and soon, Tarmiya. Our surge military forces, along with the greatly improved Iraq Army, Police and local Critical Infrastructure Security Forces have won the battles. Al Qaeda is gone from our districts. Now we need the time to win the war. The security situations are set and 180 degrees turned around from pre-surge. I've seen it happen and am living it daily. Do not let the United States lose this part of the Global War against Terrorists. This campaign in Iraq needs to play out and be a visible win for our country. Me and my fellow Servicemembers and the Civilians of DOD and State are here to make it true. We need your support. Thank you for your time and attention. WE ARE WINNING.

Most Sincerely,
Mike Bridges, Colonel,

Deputy Team Leader, EPRT Baghdad
5.

□ 1415

VETS FOR FREEDOM

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, this morning I was honored to join with Senator MCCAIN and other Republican and Democratic Members of both the House and Senate to welcome over 400 veterans from Iraq and Afghanistan that were here for a rally in support of all those who are risking their lives on the front lines in this global war against terror.

This morning's rally marks the single largest gathering of Iraq and Afghan veterans since the war began. Make no mistake, these heroes were gathering in support of victory, not a politically driven withdrawal, which would ensure defeat.

These veterans are so committed to success in Iraq and Afghanistan that they have formed a nationwide group, called Vets for Freedom, with a mission of educating the American public and Congress about the importance of achieving success in this global war on terror and what the failure to do so would mean for our Nation's security.

Every Member of this body should, this week, meet with these veterans, talk to them, learn of the benefits of their firsthand experience in Iraq and Afghanistan. In the words of the Vets for Freedom, it is time to put "long-term national security before short-term partisan political gain."

Again, I thank the Vets for Freedom, as well as General Petraeus and Ambassador Crocker, for their great service to this country.

ALTERNATIVE ENERGY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, according to the Energy Information Agency, the United States imports about 60 percent of its oil today and that number is expected to go up to almost 80 percent in the next 10 years. As a country, we need to reduce our dependency on foreign fuel sources and start implementing alternative energy sources and programs that can be found here in the United States, like coal.

Imported fuel such as crude oil and natural gas are costing the country millions of dollars a year and accounts for about one-third of the United States trade deficit. Imported fuels also account for about 17 percent of an increase in America's energy consumption from 2004 to 2005.

Now liquid coal can be developed for $50 a barrel. Compare that with $107 for oil today. Not only does this innovative fuel cost us less, but also coal is one of the most abundant natural resources in the United States. As Congress continues to explore the use of alternative energy sources, we need to look closely at coal to liquid.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

APRIL 7, 2008.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 7, 2008, at 10:33 a.m.:

That the Senate agreed to S. Con. Res. 73.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–103)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Colombia Trade Promotion Agreement (the "Agreement"). The Agreement represents an historic development in our relations with Colombia, which has shown its commitment to advancing democracy, protecting human rights, and promoting economic opportunity. Colombia's importance as a steadfast strategic partner of the United States was recognized by President Clinton's support for an appropriation in 2000 to provide funding for Plan Colombia, and my Administration has continued to stand with Colombia as it confronts violence, terror, and drug traffickers.

This Agreement will increase opportunity for the people of Colombia through sustained economic growth and is therefore vital to ensuring that Colombia continues on its trajectory of positive change. Under the leadership of President Alvaro Uribe, Colombia has made a remarkable turnaround since 1999 when it was on the verge of being a failed state. This progress is in part explained by Colombia's success in demobilizing tens of thousands of paramilitary fighters. The Colombian government reports that since 2002, kidnappings, terrorist attacks, and murders are all down substantially, as is violence against union members.

The Government of Colombia, with the assistance of the United States, is continuing its efforts to further reduce the level of violence in Colombia and to ensure that those responsible for violence are quickly brought to justice. To speed prosecutions of those responsible for violent crimes, the Prosecutor General's Office plans to hire this year 72 new prosecutors and more than 110 investigators into the Human Rights Unit. These additions are part of the increase of more than 2,100 staff that will be added to the Prosecutor General's office in 2008 and 2009. To support these additional personnel and their activities, Colombia has steadily increased the budget for the Prosecutor General's Office, including by more than $40 million this year, bringing the total outlay for that office to nearly $600 million.

In negotiating this Agreement, my Administration was guided by the objectives set out by the Congress in the Trade Act of 2002. My Administration has complied fully with the letter and spirit of Trade Promotion Authority—from preparation for the negotiations, to consultations with the Congress throughout the talks, to the content of the Agreement itself. In addition, my Administration has conducted several hundred further consultations, led congressional trips to Colombia, and last year renegotiated key labor, environmental, investment, and intellectual property rights provisions in the Agreement at the behest of the Congress. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and higher levels of environmental protection in Colombia. The result is an Agreement that all of us can be proud of and that will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening the Colombian market and eliminating barriers to U.S. goods, services, and investment.

Under the Agreement, tariffs on over 80 percent of U.S. industrial and consumer goods exported to Colombia will be eliminated immediately, with tariffs on the remaining goods eliminated within 10 years. The Agreement will allow 52 percent of U.S. agricultural exports, by value, to enter Colombia duty-free immediately, with the remaining agricultural tariffs phased out over time. This will help to level the playing field, as 91 percent of U.S. imports from Colombia already enjoy duty-free access to our market under U.S. trade preference programs.

My Administration looks forward to continuing to work with the Congress on a bipartisan path forward to secure approval of this legislation that builds on the positive spirit of the May 10, 2007, agreement on trade between the Administration and the House and Senate leadership, and the strong bipartisan support demonstrated by both Houses of Congress in overwhelmingly approving the United States-Peru Trade Promotion Agreement last year. The United States-Colombia Trade Promotion Agreement represents an historic step forward in U.S. relations with a key friend and ally in Latin America. Congressional approval of legislation to implement the Agreement is in our national interest, and I urge the Congress to act favorably on this legislation as quickly as possible.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 7, 2008*.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

NATIONAL MONTH OF THE MILITARY CHILD

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 265) honoring military children during "National Month of the Military Child," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 265

Whereas more than 2,750,000 Americans are demonstrating their courage and commitment to freedom by serving in the Armed Forces of the United States;

Whereas 50 percent of the members of the Armed Forces, when deployed away from their permanent duty stations, have left families with children behind;

Whereas no one feels the effect of those deployments more than the children of deployed service members;

Whereas as of March 15, 2008, approximately 3,400 of these children have lost a parent serving in the Armed Forces during the preceding 5 years;

Whereas the daily struggles and personal sacrifices of children of members of the Armed Forces too often go unnoticed;

Whereas the children of members of the Armed Forces are a source of pride and honor to all Americans and it is fitting that the Nation recognize their contributions and celebrate their spirit;

Whereas the "National Month of the Military Child", observed in April each year, recognizes military children for their sacrifices and contributes to demonstrating the Nation's unconditional support to members of the Armed Forces;

Whereas in addition to Department of Defense programs to support military families and military children, various programs and campaigns have been established in the private sector to honor, support, and thank military children by fostering awareness and appreciation for the sacrifices and the challenges they face; and

Whereas a month-long salute to military children will encourage support for those organizations and campaigns established to provide direct support for military children and families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) joins the Secretary of Defense in honoring the children of members of the Armed Forces and recognizes that they too share in the burden of protecting the Nation;

(2) urges Americans to join with the military community in observing the "National Month of the Military Child" with appropriate ceremonies and activities that honor, support, and thank military children; and

(3) recognizes with great appreciation the contributions made by private-sector organizations that provide resources and assistance to military families and the communities that support them.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I stand before you in support of House Resolution 265, honoring military children for their personal sacrifice and recognizing the month of April as the National Month of the Military Child.

Currently, 2.75 million Americans are serving in the Armed Forces of the United States. Of that number, 1.7 million who have served or who are currently serving have been deployed, nearly 600,000 members have deployed more than once, and close to 260,000 are currently deployed.

These are important points for us to take note of and reflect upon today because today there are nearly 1.2 million military children in families whose parents proudly serve in the uniform.

Unfortunately, 50 percent of the servicemembers who are currently deployed away from their duty stations are separated from their spouses and their children.

Long-term and multiple deployments have shown undesirable effects on both servicemembers, their families and their children. They sometimes experience severe emotional, psychological and fiscal problems over the course of these deployments. Over extended periods of time, anxiety and strain become a part of the daily lives of both spouses and children who sacrifice unduly.

Approximately 3,400 military children have lost a parent serving in the Armed Forces during the preceding 5 years. Military children are making personal sacrifices in support of this Nation.

During National Month of the Military Child, we need to ensure that we support all the American children who faithfully share their family in order to protect our way of life.

House Resolution 265 encourages public and private sector support for both military children and their families through direct contributions to scholarships, grants and donations, action which promotes family readiness.

So it is appropriate to celebrate the children who are loved by these brave men and women in uniform. The health and the well-being of these children is important to the overall readiness of our forces.

We therefore appreciate the leadership shown by our distinguished colleague from Northern Virginia (Mr. MORAN) in sponsoring this important resolution.

Madam Speaker, I urge my colleagues to support House Resolution 265, and I reserve the balance of my time.

Mr. WITTMAN of Virginia. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I rise in strong support of House Resolution 265, as amended, which honors military children during National Month of the Military Child.

Today we are a Nation at war with more than 2.75 million men and women in uniform and more than 280,000 deployed worldwide. The men and women of today's Armed Forces are all volunteers, but as never before in our history, they are also married and have families. At any given time, when deployed away from their home bases, 50 percent of the members of the Armed Forces leave behind families with children.

While the numbers and statistics are interesting, the real message here is that the sacrifices and commitments made by the members of the armed services are very often directly felt and experienced by their family members and especially their children. Each of the military services and the Department of Defense go to extraordinary lengths to provide the resources and environment to support military families and children. Preservation and support of families is recognized as a military readiness requirement.

I fully support those efforts. The resolution today strives to ensure that proper attention is focused on sacrifices, spirit and contributions made by the children of military families. This resolution also seeks to bring the recognition and thanks to both the Department of Defense and private sector programs that support military children and families.

I want to thank my friend, Mr. MORAN of Virginia, for sponsoring this important resolution and urge my colleagues to support it.

I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from Virginia (Mr. MORAN) who is the original sponsor of this important measure.

Mr. MORAN of Virginia. I thank my friend, the distinguished delegate from Guam, for yielding me the time.

I thank the gentleman from Virginia (Mr. WITTMAN) for his kind comments as well. I am glad to be joined here by the Chair of Military Construction, Veterans Affairs Appropriations Subcommittee, Mr. Chet Edwards.

Madam Speaker, a child's process of growing up is difficult, but imagine what it must be like when one parent or even both parents are deployed abroad as part of their duty in our Armed Forces.

While friends and relatives pray for their safe return, no one feels the impact of deployment more than the children of servicemembers in combat overseas. We are learning more about the impact that living under this shadow of uncertainty has on our children.

The incidence of military children needing psychological counseling has increased dramatically. Last year Children's Hospital in the District of Columbia had over 1,000 visits from military children suffering from behavioral and mental health problems. These are just normal kids who want what any child wants, their mothers and fathers at home to tuck them in at night reassuring them everything will be all right.

Today more than 2,300,000 Americans demonstrate their courage and commitment every day to our Nation by serving in our Armed Forces. Of these men and women, most have families subjected to frequent moves from one installation to another, long deployments abroad, and the fear that their loved one serving overseas might never come home.

□ 1430

Fifty percent of our troops deployed overseas have children that are left behind. That is more than one million children with at least one parent deployed overseas. Those figures, statistics, can too easily be ignored sometimes because they are abstract. But here is one that can't be dismissed: 3,400 children have already lost a parent serving in the Armed Forces over the past 6 years.

When I introduced this resolution 2 years ago, the number of children who had lost a parent was 1,000 and now it is 3,400. The Department of Defense understands that without the families' support, they will never have the soldiers' full support.

In 1986, Secretary of Defense Casper Weinberger declared this month the "National Month of the Military Child." Every year since, events at military bases, forts and other installations across the Nation have been held to celebrate the military family, replete with lots of lofty rhetoric but not enough true attention to their needs.

Two bases in my own district, Fort Belvoir and Fort Myer, hold annual events providing military kids the chance to be distracted a bit by just being a kid with other kids in similar situations. But the Congress needs to step up.

Today I am glad to join with my colleagues, particularly with my colleagues who will speak here today, to offer this resolution officially recognizing the month of April as the National Month of the Military Child, and dedicating the Congress to pay more attention to the children and the spouses of our soldiers.

My colleagues on the other side of the aisle, Representative ISSA and WALTER JONES of North Carolina are bipartisan sponsors for this effort. I thank them for their support and leadership.

This resolution is just a small way that Congress can recognize the sacrifice these youngsters and their families are asked to make, but it is an opportunity to commit ourselves to doing much more.

Specifically, the resolution joins the Secretary of Defense in honoring military children, recognizing that they too share the burden and are making a great sacrifice in protecting our Nation.

I would also like to take the opportunity to thank the organization Kids Serve Too. It is in my congressional district, and is dedicated to the needs of military families everywhere. It was created by military families to support other military families. Kids Serve Too sponsors activities and events for military children. It is represented in the gallery today specifically by Tricia Johnson and her daughters, Cat and Claire, and her sister, Kathleen Murphy.

Madam Speaker, military families and their children deserve our heartfelt appreciation for their sacrifice. Today we honor them and their sacrifice and thank you for bringing this resolution to the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are not permitted to recognize guests in the gallery.

Ms. BORDALLO. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS), the chairman of the Appropriations Subcommittee on Military Construction.

Mr. EDWARDS. Madam Speaker, I thank the gentlelady for her time and recognition.

Madam Speaker, I want to salute Mr. MORAN and the cosponsors of this resolution. In my book, military children and spouses are truly the unsung heroes and heroines of our Nation's defense. They may not put on our Nation's uniform, but they serve every single day and they serve with great honor and distinction.

One cannot have a makeup day for a parent not being present for a birthday, special occasion, for a mom or dad not being there for a high school graduation or a college graduation. There are no makeup days for those missed special occasions. And as Mr. MORAN pointed out, in 3,400 cases, military children have made the ultimate sacrifice of losing a mother or father in service to our country. It is so right that we honor these great Americans, the military children, today with this resolution.

As Mr. MORAN also pointed out, I think it is also more important that we honor them not just during the month of April with our words and floor speeches, but every day and every month and every year with our deeds, with effective funding, adequate funding for the Impact Aid Program that provides extra Federal funding to school districts with heavy concentrations of military children, with day-care programs which this Congress last year took the initiative on and added $130 million worth of day-care centers for military children throughout the country, especially needed during a time of war.

We worked hard on military housing so children can live in houses they are proud to call their homes, and their parents are as well. And this Congress last year took the initiative in increasing by an historic unprecedented level funding for VA medical care so that when those parents leave the military, they will continue to get their military care. I urge support of this resolution.

Mr. WITTMAN of Virginia. I yield back the balance of my time.

Mr. TIAHRT. Madam Speaker, I rise today to join my colleagues in support of H. Res 265, honoring military children during "National Month of the Military Child." While we understand and praise the personal sacrifices our brave men and women make in defending our great nation, we frequently forget about the sacrifices and burdens that children and families face while their parents are serving in the United States Armed Forces.

In peacetime, children of military parents bear the burdens of numerous military moves, both overseas and in the United States. In these moves, they cope with attending several different schools, losing good friends, leaving good communities, and typically have parents who cannot attend their sporting events, music recitals, and other after school activities. The military duty is a 24–7, 365-day commitment for the soldier and also their families.

In wartime, children of deployed military parents spend every day living in fear of the unknown. When will my mom or dad return? Will they be severely injured? Will they be killed? In years past, military children often faced one deployment lasting anywhere from 4 to 18 months. However, in today's long Global War on Terror, many military members and families are facing their second, third, or fourth deployments.

The impacts of these additional and prolonged separations are not clear and may have lasting adverse effects on military children and families. When military members return from deployments, we focus on the impact of Post Traumatic Stress Disorder; we also need to study and analyze the impacts of traumas created by war and deployments on the children of these military parents.

The children of military members play a vital role in the defense of this country. Their contributions and sacrifices have not gone unnoticed. This is our opportunity as a Nation to recognize their dedication and support. We honor our brave men and women in the Armed Forces who have dedicated their lives to defending our freedoms, but we must also pay great tribute to the children and the families of soldiers, who bear the burden of their tremendous sacrifice.

I encourage my colleagues to support this important resolution and am pleased that today the House recognizes the role of the military children.

Ms. BORDALLO. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 265, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE ARMY RESERVE ON ITS CENTENNIAL

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 70) congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 70

Whereas on January 9, 1905, the 26th President of the United States, Theodore Roosevelt, dispatched a "special message" to the Senate and the House of Representatives that "earnestly recommended passage" of legislation to establish a Federal reserve force of skilled and trained personnel to bring "our Army . . . to the highest point of efficiency";

Whereas on December 14, 1905, the then-Secretary of War and later 27th President of the United States, William Howard Taft, transmitted to the Senate and the House of Representatives a draft bill and letter authored by Major General Leonard Wood, "strongly commending . . . proposed legislation" to "increase the efficiency of the Medical Corps of the Army" by establishing a Federal reserve force comprised of specially trained personnel;

Whereas in response to the recommendations of President Theodore Roosevelt and senior military and civilian leaders, the 60th Congress enacted Public Law 101, entitled "An Act to increase the efficiency of the Medical Department of the United States Army", ch. 150, 35 Stat. 66, which was signed into law on April 23, 1908, by President Theodore Roosevelt;

Whereas Public Law 101 authorized the establishment of the first Federal reserve force and the first reservoir of trained officers in a reserve status for a United States military service;

Whereas Congress subsequently adapted, expanded, and amended the reserve organization of the Army to include additional military occupational specialties and capabilities and established the organization today known as the Army Reserve;

Whereas the Army Reserve has played a major role in the defense of our Nation and in furtherance of United States interests for 100 years;

Whereas many distinguished Americans have served honorably and with distinction in the Army Reserve, including Presidents Harry S. Truman and Ronald W. Reagan, the former Chairman of the Joint Chiefs of Staff, General Henry H. Shelton, Brigadier General Theodore Roosevelt, Jr., Major General William J. Donovan (Director of the Office of Strategic Services during World War II), Drs. Charles H. Mayo and William J. Mayo, and Captain Eddie Rickenbacker;

Whereas the Army Reserve contributed 169,500 soldiers to the Army during World War I;

Whereas the Army Reserve contributed 200,000 soldiers and 29 percent of the Army's officers during World War II and was recognized by General George C. Marshall for its unique and invaluable contributions to the national defense;

Whereas 240,500 soldiers of the Army Reserve were called to active duty during the Korean War;

Whereas more than 60,000 Army Reserve soldiers were called to active duty during the Berlin Crisis;

Whereas 35 Army Reserve units were activated and deployed in support of operations in Vietnam, where they served with distinction and honor;

Whereas the Army Reserve contributed more than 94,000 soldiers in support of Operations Desert Storm and Desert Shield in 1990 and 1991;

Whereas the Army Reserve contributed more than 48 percent of the reserve component soldiers mobilized in support of Operation Joint Endeavor and Operation Joint Guard in Bosnia;

Whereas since September 11, 2001, the Army Reserve has provided indispensable and sustained support for Operations Enduring Freedom, Noble Eagle, and Iraqi Freedom, with 98 percent of units either deployed or providing mobilized soldiers, and more than 147,000 individual soldiers being mobilized (of which more than 110,000 individual soldiers have deployed) in support of the Global War on Terrorism;

Whereas more than 39,000 individual soldiers of the Army Reserve have served multiple deployments since September 11, 2001;

Whereas 13,003 Army Reserve soldiers were forward-deployed in the Central Command Area of Responsibility on October 31, 2007, and 102 soldiers of the Army Reserve had borne the ultimate sacrifice in support of Operations Enduring Freedom and Iraqi Freedom through October 31, 2007;

Whereas the Army Reserve is organized into 3 components, the Ready Reserve, the Standby Reserve, and the Retired Reserve, which together contain more than 601,000 soldiers;

Whereas the Army cannot go to war or sustain a military operation without the highly skilled and trained personnel of the Army Reserve;

Whereas the Army Reserve provides more than 37 percent of the mission essential combat support and combat service support forces of the Army;

Whereas 100 percent of the Army's Internment Settlement Brigades, Judge Advocate General Units (Legal Support Organizations), Medical Groups, Railway Units, and Training and Exercise Divisions are in the Army Reserve;

Whereas more than 66 percent of the Army's Civil Affairs Units, Psychological Operations Units, Theater Signal Commands, Expeditionary Sustainment Commands, and Medical Capabilities are in the Army Reserve;

Whereas the Army Reserve is no longer a force held in strategic reserve but today functions as an integral and essential operational reserve in support of the missions of the active Army;

Whereas the Army cannot go to war or sustain a military operation without the skilled and trained Ready Reserve and Retired Reserve soldiers of the Army Reserve;

Whereas the Selected Reserve component of the Army Reserve is comprised of more than 30,000 officers and 150,000 enlisted soldiers who have volunteered their personal service in defense of the Constitution and their fellow citizens;

Whereas the Army and the Army Reserve are recognized as institutions that have played historic and decisive roles in promoting the cause of individual dignity and the value of integration;

Whereas nearly one in four Selected Reserve soldiers and more than one in five Individual Ready Reserve soldiers are women whose contributions are consistently characterized by a high degree of commitment, professionalism, and military bearing;

Whereas the ability of individual soldiers and the Army Reserve to perform their wartime missions is contingent on the active engagement and support of their families, employers, and local communities;

Whereas the Army Reserve is a community-based force with an active presence in 1,100 communities and 975 Army Reserve centers in operation throughout the United States;

Whereas Sir Winston Churchill once remarked that "Reservists are twice the citizen", a sentiment that applies especially to the soldiers of the Army Reserve; and

Whereas the Army Reserve makes these contributions to the security of our nation in return for less than 5 percent of the Army's total budget: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) congratulates the Army Reserve on the occasion of the 100th anniversary of the enactment of its original authorizing law;

(2) recognizes and commends the Army Reserve for the selfless and dedicated service of its past and present citizen-soldiers whose personal courage, contributions, and sacrifices have helped preserve the freedom and advance the national security and homeland defense of the United States; and

(3) extends its gratitude to the veterans, soldiers, families, and employers whose essential and constant support have enabled the Army Reserve to accomplish its vital missions and renews our Nation's commitment in support of their noble efforts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.J. Res. 70, which commemorates 2008 as the centennial of the United States Army Reserve, celebrating the historic contributions of its veterans and continuing contributions of its soldiers to operations at home and abroad. I thank my colleague, Mr. BISHOP of Georgia, for introducing this important resolution.

On January 9, 1905, the 26th President of the United States, Theodore Roosevelt, dispatched a special message to the Senate and the House of Representatives recommending passage of legislation to establish a Federal Reserve force of trained personnel to bring our Army to its highest point of efficiency.

Beginning as a supplementary unit at the turn of the 20th century, our Army Reserve soldiers have shown immeasurable dedication and valor through the broadening of their inceptive purpose. The Army Reserve has developed from a few support troops during World War I into a vital and sustained operational force for current and future operations. This Federal force has been deployed in different capacities, serving in eight wars and defending the interests of the United States and its allies in World War I, World War II, Korea, Vietnam, Russia, Berlin, Panama, the Persian Gulf, Somalia, Haiti, Bosnia, Kosovo, Kenya, Iraq and numerous humanitarian missions in other countries during its first 100 years. Involvement in operations Desert Storm, Desert Shield, Joint Endeavor, Joint Guard, Enduring Freedom, Noble Eagle, and Iraqi Freedom shows the Army is incomplete without the skilled and trained personnel of its Reserve.

The Army Reserve has grown from 160 medical officers to virtually 200,000 soldiers who play a major role in the defense of our Nation and who continue in the furtherance of the United States defense interests.

At this moment approximately 50,000 of our Nation's Army Reserve soldiers are serving on active duty around the world. These men and women voluntarily put their civilian careers and family lives on hold. And in most cases, they do so for over a year which is a testament to their selflessness, patriotism, and willingness to sacrifice for the good of our country.

Indeed, I am extremely proud of all of our Armed Forces: the Army, the Navy, the Air Force, the Marine Corps and the National Guard. Our entire military continues to work diligently in a time of conflict, and deserves the highest respect for their courage in the face of adversity.

H.J. Res. 70 is our way, as the United States Congress, of recognizing the centennial of our Army Reserve, a force that our institution played a role in creating 100 years ago. This resolution honors the sacrifice and tremendous distinction of the millions of American men and women who have served as Army soldiers since April 23, 1908.

Madam Speaker, I again thank our colleague from Georgia (Mr. BISHOP) for his initiative in bringing us together today to recognize and honor the Army Reserve on the occasion of its 100th anniversary, and I urge my colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. WITTMAN of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Joint Resolution 70, as amended, which congratulates the Army Reserve on its centennial.

There are over 340 Army reservists in Virginia's First Congressional District, and over 150 have been mobilized in support of the global war on terror. Ever since 1908 when the Army Reserve began as a means to increase the efficiency of the Army Medical Corps, the Army Reserve and its soldiers have stepped up magnificently to every challenge and mission presented to them.

Those challenges span the breadth of the American wars in the past 100 years. In World War I, 169,500 Army reservists served; in World War II, 200,000, including 29 percent of the Army's officer corps; in Korea, 240,500; in Operation Desert Shield and Desert Storm, 94,000. And since September 11, 2001, 147,000 Army reservists have been mobilized in support of the global war on terror; 110,000 have deployed, 39,000 have served multiple deployments, and 102 have died in the war on terror.

Army reservists are citizen soldiers active in 1,100 communities across the Nation. They are the sons and daughters, mothers and fathers of America. They are remarkable in many respects, but no more so than their willingness to serve this Nation in a professional and unselfish manner. They continue to serve today knowing that they will likely be deployed away from home, family and civilian employment.

For many in America, the patriotism, commitment, and sacrifice of these remarkable citizens called Army reservists goes unnoticed. I believe every effort should be made to highlight and acknowledge their service to a grateful Nation. So it is entirely proper and fitting that we take this moment not only to mark an historical milestone of 100 years of service to the Nation by the Army Reserve, but also to honor those soldiers past and present who have served and are serving so honorably as well as Army reservists.

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Madam Speaker, I strongly urge my colleagues to support this joint resolution.

I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield 5 minutes to my friend and colleague, the gentleman from Georgia (Mr. BISHOP), the original sponsor of this joint resolution.

Mr. BISHOP of Georgia. Madam Speaker, I'm honored to sponsor this bipartisan resolution, along with Representatives BUYER, SHIMKUS and TAYLOR, to congratulate the United States Army Reserve on its 100th anniversary, which will be formally celebrated on April 23, 2008.

The resolution, which has 260 cosponsors, also commemorates the contributions of Army Reserve veterans who've helped to ensure that the United States' vital national security interests are protected and defended in times of war and peace.

I'm very gratified by the outpouring of bipartisan support that this resolution has received. It's indicative of the high regard and esteem in which the Army Reserve is held among Members of Congress and the American people.

As a current member of the Appropriations Subcommittee on Defense, as well as the Military Construction and Veterans Affairs Committee, I've been extremely impressed by the level of commitment that Army Reserve soldiers bring to their work, and by their high degree of professionalism. They truly are "twice the citizen," as Winston Churchill once remarked.

Today, the U.S. Army Reserve is composed of more than 30,000 officers and 150,000 enlisted soldiers. They have an active presence in 1,100 communities across our Nation, contributing military values, important job skills, and economic support. They are husbands and wives, fathers and mothers, sons and daughters. They are our neighbors, our friends, our acquaintances and our colleagues at work. These soldiers can be called up at any time to serve our Nation, and they must be trained and prepared to respond at a moment's notice.

Here in the House of Representatives, 24 Members, including myself, have been privileged to serve in the Reserves. In fact, two of the lead sponsors of this resolution, Representatives STEVE BUYER and JOHN SHIMKUS, still serve in the Army Reserve.

As this resolution notes, the role of today's Army Reserve soldier has expanded and changed dramatically since President Roosevelt first requested that Congress establish a reserve of trained officers. On April 23, 1908, Congress responded to the President's request by establishing a permanent reserve corps of trained medical officers. The modest corps represented the humble start of what is today a multi-faceted operational and strategic force.

Since then, their duties have expanded. The Army Reserve is now an integral component in any active U.S. Army mission. They have answered the call of duty in World Wars I and II, Korea, Vietnam, the Cold War, Panama, the Gulf War, Somalia, Haiti, Bosnia, Kosovo and, of course, since September 11, 2001, in Operation Noble Eagle, Operation Iraqi Freedom, and Operation Enduring Freedom.

Through October 31, 2007, 102 Army Reserve soldiers made the ultimate sacrifice while serving in Iraq and Afghanistan. Since then, an additional four Reserve officers have lost their lives in combat. We dedicate this resolution to their memory and to the memory of all Reserve soldiers who fought and died defending our Nation's freedoms throughout our history.

We dedicate this resolution to our living heroes as well, to those men and women who continue their service to our Nation in the U.S. Army Reserve today.

I want to commend several staff members for the outstanding work in bringing this resolution to the floor: Kevin Coughlin, Joe Hicken and John Chapla on the House Armed Services Committee, Tim Welter and Abel Carreiro on Congressman BUYER's staff, Grant Culp from Congressman SHIMKUS' staff, Randy Jennings on Congressman TAYLOR's staff, David Whitney on the House Judiciary Committee, Lieutenant General Jack C. Stultz and Lieutenant Colonel Rob Young of the Army Reserve, and Jonathan Halpern and Ed Larkin on my staff.

Madam Speaker, I, again, thank my colleagues who are cosponsors for their extraordinary support of this resolution, and I urge its immediate adoption.

Mrs. BACHMANN. Madam Speaker, as the Army Reserve celebrates its centennial, I rise to congratulate the Reserve on its dedicated service and sacrifice to ensure our Nation's freedom. Since its inception on April 23, 1908, the Reserve and its more than 1 million citizen-soldiers have protected American citizens at home and abroad. When tyranny raises its fist and liberty is threatened, the citizen-soldier answers the call to ease the suffering. For this, our Nation is forever grateful.

Today, more than 20,000 Army Reserve soldiers are deployed in Iraq, Afghanistan, and 18 other countries, with an additional 7,000 Army Reserve serving in the United States. In my home State of Minnesota, historic Fort Snelling is the proud home to the 88th Regional Readiness Command, comprised of Reserve units from Minnesota, Wisconsin, Illinois, Indiana, Michigan, and Ohio. America's greatness lies in her people, and the American soldier is the embodiment of hard work, patriotism and service, the finest of America's principles.

Madam Speaker, it is my honor to recognize today the selfless commitment and sacrifice of so many citizen-soldiers. It is they who lay down their lives to defend those who cannot defend themselves. It is they who lay down their lives to protect the rights of those who disrespect our flag and our Nation. And it is they who lay down their lives so that true freedom will never know extinction. As April 23 approaches, let us remember and be forever grateful for the Army Reserve's 100 years of noble service and sacrifice to our Nation.

Mr. BUYER. Madam Speaker, I rise today in support of House Joint Resolution 70. The Centennial of the Army Reserves marks our proud heritage of citizen soldiers who have always answered the call to duty with honor and pride. I want to thank my colleagues Mr. BISHOP, Mr. TAYLOR, and Mr. SHIMKUS for their leadership on this resolution. As an original cosponsor of this resolution and as a co-chair of the National Guard and Reserve Components Caucus, I'm very pleased that 260 of my colleagues from both sides of the aisle recognize the crucial impact the members of the Army Reserve have had on this great Nation throughout its 100-year history.

Over my 28 years of service as a member of the Army Reserve, I have had the good fortune to see firsthand the actions of the men and women of this fine organization—they are the virtual bedrock of our Nation. I've seen the dedication of these Citizen-Soldiers operating across the United States; in the Netherlands, Belgium, and Germany; during Operations Desert Shield and Desert Storm in Kuwait and surrounding countries; and in the current conflicts in Iraq and Afghanistan. Regardless of the operating environment or the personal sacrifice required, these great Americans have responded again and again to our Nation's call. From the initial call-up of the Army Reserve to run down the bandit "Pancho" Villa, through bloody battles in World Wars I and II, to the wars in the Persian Gulf, they have always answered the Nation's call in its time of need, riding toward the sound of the guns, around the world, without hesitation.

Today's Army Reserve can no longer be characterized as a strategic reserve; it is an operational force called upon to be at the forefront of our Nation's warfighting capability. Of the 180,000 officers and enlisted soldiers serving in today's Army Reserve, nearly 3,000 are Hoosiers. I'm extremely proud of these men and women and the sacrifices that they make every day to keep our Nation free and safe.

Lieutenant General Jack Stultz, the Chief of the United States Army Reserve, recently said, "Our Citizen-Soldiers depend on their families, friends, civilian employers, and community to help them balance their responsibilities and commitments." And so, to those who support our federal Citizen-Soldiers, I offer my heartfelt thanks and congratulations for helping make this centennial possible. And to the families and loved ones of the 156 soldiers of the Army Reserve who have borne the ultimate sacrifice in support of Operations Enduring Freedom and Iraqi Freedom, including the family of Staff Sergeant Keith Maupin whose body was indentified only days ago after being classified as missing-captured for nearly 4 years, I offer my deepest thanks and respect for your sacrifice. And to the family of Sergeant Ahmed Altaie, who is still listed as missing-captured after 16 months, I offer my continued hope and prayers.

At any given time, more than 20,000 Army Reserve Soldiers are deployed to no fewer than 18 countries around the world. Their efforts ensure that America's vital national security interests are fulfilled and that our homeland is protected. I am proud to be counted among their ranks.

These Soldiers and their loved ones shoulder a greater share of our burden than at any time in our Nation's history. This resolution represents an opportunity for Congress to recognize the incredible history of service, sacrifice, and accomplishment of those Soldiers who have served in the Army Reserve since its inception. Please join me in celebrating that heritage and recognizing their proud history by supporting this resolution.

Mr. TIAHRT. Madam Speaker, I rise today to join my colleagues in support of H.J. Res. 70, congratulating the Army Reserve on their 100-year history. The U.S. Constitution of 1789 and the Militia Act of 1792 officially reaffirmed the continued reliance of the new Nation on the citizen-soldier for defense. According to Army Reserve Historian Lee S. Harford, Jr., the antecedents and heritage of the current United States Army Reserve are found in the tradition of the "federal" or "national" American citizen-soldier, dating back at least as far as the French and Indian War (1756-1763). America would be a very different place were it not for the patriotism and dedication of these citizen-warriors.

Members of the Army Reserve bring maturity, experience and civilian-acquired skills to the active military components and since September 11, 2001, over 188,025 soldiers have been mobilized in support of Operation Enduring Freedom and Operation Iraqi Freedom. The Army Reserve provides trained and ready soldiers and units with the critical combat service support and combat support capabilities necessary to support Nation strategy during peacetime, contingencies and war. They are a key element in the Army multi-component unit force, training with Active and National Guard units to ensure all 3 components work as a fully integrated team.

Since September 11th, the Nation's Reserve Components have evolved from a strategic force in reserve to an operational force that is constantly deployed. Gone are the days of working 2 weekends a month and 2 weeks in the summer. The on-going Global War on Terrorism has seen citizen-warrior deployments go from 1 in every 5 years to now 1 in every 2-3 years. Army Reserve members are deployed all around the world and fulfill a wide range of capabilities that include war-fighting, humanitarian assistance, disaster relief, and post-conflict and transitional operations such as democracy building, stability efforts and peace-keeping. Many of my fellow Kansans share in this tremendous Army Reserve tradition, as members of the 89th Regional Readiness Command. Their mission is to help train and deploy America's most effective supporting ground forces.

Army Reserve soldiers must balance military obligations with family obligations and also manage a delicate balance with their full-time civilian careers. Employers must cope with these year-long deployments and balance the instability created from having one less employee to conduct business. Additionally, we as a Nation must ensure that these Army Reserve heroes are taken care of when they return from deployments. We must properly treat returning soldiers for post traumatic stress disorders, and ensure their transition back to civilian life is as smooth as possible.

I encourage my colleagues to support this important resolution and am pleased that today the House recognizes the role of the Army Reserve.

Mr. WITTMAN of Virginia. Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, at this time I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the joint resolution, H.J. Res. 70, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Does the gentlewoman from Guam seek recognition?

Ms. BORDALLO. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Is there objection to the demand for the yeas and nays?

There was no objection.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE TREMENDOUS SERVICE THAT MEMBERS OF THE ARMED FORCES HAVE GIVEN TO THE NATION

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1020) recognizing the tremendous service that members of the Armed Forces have given to the Nation, especially those who have been wounded in combat, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1020

Whereas United States soldiers, sailors, airmen, Marines, and their families have made extraordinary sacrifices to serve our country in Afghanistan and Iraq;

Whereas more than 1,600,000 members of the Armed Forces of the United States have been deployed in Operation Enduring Freedom or Operation Iraqi Freedom since September 2001;

Whereas more than 30,000 soldiers, sailors, airmen, and Marines have been wounded in battle;

Whereas advances in battlefield medicine have resulted in hundreds of lives being saved; and

Whereas both physical and mental injuries sustained during combat have a life-altering impact on our servicemen and women as well as their families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the tremendous service that our soldiers, sailors, airmen, and Marines have given to the Nation, especially those who have sustained injury in combat;

(2) is committed to providing wounded warriors with the highest quality medical care available, and to supporting wounded members of all Armed Forces and their families during their recovery;

(3) commends the actions of private citizens and organizations who volunteer their continued support to America's wounded warriors; and

(4) encourages Members and all citizens to take steps to show support and appreciation for returning troops, especially those who have been wounded.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1020, recognizing the tremendous service that members of our Armed Forces have provided to the country, especially those who have been wounded in combat. I thank our colleague from Vermont (Mr. WELCH) for introducing this resolution.

Soldiers, sailors, airmen, marines and their families are making extraordinary sacrifices in service to our country. Over 4,500 servicemembers have made the ultimate sacrifice in Operations Enduring Freedom and Iraqi Freedom. Nearly 32,000 servicemembers have been wounded, of which a little over 17,000 have returned to duty.

Today, servicemembers have an unprecedented chance of survival, unlike those who had similar wounds in Vietnam and the Second World War. The medical advances that have taken place on the current battlefield have made these significant achievements possible.

However, while members are surviving their injuries and wounds at an unprecedented rate, they are coming home with more complex psychological injuries. These individuals who have honorably served our Nation may need medical care and assistance for the rest of their lives.

House Resolution 1020 commits this Congress to ensuring that these brave, wounded warriors receive the best medical care available, and commends all Americans who volunteer to support these wounded warriors and their families.

So, Madam Speaker, I again commend our colleague from Vermont (Mr. WELCH) for his introduction of this resolution, and I urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. WITTMAN of Virginia. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I rise in strong support of House Resolution 1020, as amended, which recognizes the tremendous service that members of the Armed Forces have given to the Nation, especially those who have been wounded in combat.

Madam Speaker, throughout our history, America's sons and daughters have been called upon to fight our Nation's wars to preserve our freedom and our way of life. Each time we have gone to war, these brave men and women who answered the call, unfortunately, have been wounded and injured; 204,002 in World War I, 671,846 in World War II, 103,284 in Korea, 153,303 in Vietnam, and 467 in Desert Storm.

Today, Madam Speaker, as we continue to fight terrorism throughout the world, 30,000 soldiers, sailors, airmen and Marines have been wounded and injured in Iraq and Afghanistan. As with previous generations, these men and women are our Nation's finest, and we owe them more than just our gratitude.

Madam Speaker, since the beginning of the wars in Iraq and Afghanistan, Congress and the American people have made it clear that our combat wounded deserve the best our Nation has to offer. To that end, Congress has worked hard to ensure that the needs of the wounded troops and their families are met. From the best health care to jobs, to education benefits, the Members of this House have and will continue to insist that the support to the wounded and injured is unsurpassed.

Madam Speaker, there is no question that serving in combat is a profoundly life-altering experience. Men and women who survive the horrors of combat return home forever changed. Our Nation is eternally indebted to the brave men and women of the Armed Forces who fight to preserve our freedoms.

It is right and fitting, Madam Speaker, that today we recognize the service and the sacrifice of the members of the Armed Forces who have been wounded while serving this great Nation.

I'd like to thank my friend and colleague from Vermont (Mr. WELCH) for introducing this resolution, and I strongly urge all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield 3 minutes to my friend and colleague, the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. I want to thank the sponsor of this bill, Mr. WELCH, from Vermont.

Madam Speaker, I'm proud to be an original cosponsor of House Resolution 1020. Thanks to advances in modern technology, many American soldiers serving in Iraq and Afghanistan have lived through events that would have previously cost them their lives. Of the 1.6 million servicemembers that have been deployed in Operation Enduring Freedom, in Operation Iraqi Freedom since September, 2001, more than 30,000 have been wounded in battle.

The numbers are staggering, but we are here today to acknowledge that these wounded warriors are not just statistics; they are men and women from across the country who have faced unique situations and struggles, and they have individual stories to tell.

Last summer I had the honor to meet a young man from my district who was injured in a roadside bomb explosion in Iraq that killed three other soldiers riding in the same HUMVEE. He suffered extensive injuries, including a broken back and elbow, and underwent two surgeries at a hospital in Germany before being transferred to Walter Reed Army Medical Center.

Quick reaction by the medics meant that instead of being paralyzed, he can now walk again, but only after extensive surgeries and painful rehabilitation. This young man is actually a lucky one. He was able to recover with the help of a caring family and a supportive wife. There are many others that are not as fortunate, and it is our responsibility to provide them with the best physical and emotional support possible.

Over the last year, Congress has taken many steps to enhance the quality of care of our veterans, including passing the largest increase in veterans' health funding in history, but there is still more to be done.

With this legislation, we do a simple but necessary thing; we take a moment to thank the men and women of the Armed Services who have been wounded in the line of duty and for their service and their sacrifice.

I urge my colleagues to support passage of House Resolution 1020.

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Mr. WITTMAN of Virginia. Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Vermont (Mr. WELCH), the original sponsor of this very important resolution.

Mr. WELCH of Vermont. Madam Speaker, I thank the gentlewoman from Guam, my cosponsor and traveling companion, the new Member, the distinguished Member already from Virginia, my cosponsors.

You know, they have said it pretty well. There's nothing that we can say or do that will acknowledge our appreciation for the sacrifice that the men and women of the uniformed services have given to this country.

What we are acknowledging here is that we have a common commitment to meeting the needs of those soldiers and sailors and airmen who return from active duty. What we are also acknowledging is that in this war, very much unlike past conflicts, our soldiers, benefiting from this extraordinary battlefield medicine, are returning with extraordinary injuries. That is what they will have to live with for the rest of their lives.

Many of us have had the opportunity to visit some of these soldiers out at Bethesda, out at Walter Reed. We are trying, in this small gesture, to acknowledge the sense that all of us have in Congress of our debt and our obligation and our appreciation to them.

Madam Speaker, next week, we are going to have a group of these servicemen and -women visiting us in the Capitol. I'm going to be joining with my colleagues here today to welcome those men and women of the uniformed services to this Capitol, and I will encourage all of us to join in welcoming them personally to thank them for their sacrifice.

Mr. WITTMAN of Virginia. Madam Speaker, I yield to the gentleman from Michigan (Mr. WALBERG) as much time as he may consume.

Mr. WALBERG. Madam Speaker, I rise with my colleague from Vermont to voice strong support for H. Res. 1020, which expresses the commitment of this Congress to our injured heroes, ensures they're receiving the highest quality of health care available and encourages all Americans to show support and appreciation for our veterans.

Today, I want to take time to thank all of the servicemen and -women and their families for their sacrifices. I know the pride of having a son serve in the United States military, and my wife, Sue, and I pray every day for the safety of our fighting men and women abroad and here at home.

When our soldiers go into battle, we can all agree that they deserve the best training, equipment, and necessary resources to accomplish their mission. Congress has an obligation to care for America's wounded heroes when they return home from the battlefield. I believe the least we can do is to provide the highest quality medical care to the brave men and women of our Armed Forces when they're injured defending the freedoms that we enjoy.

Right now, we have more wounded warriors returning home than ever before because of improved medical technology and advanced equipment to transport our sick and wounded. The thousands of men and women serving in the military who have been wounded serving in Iraq and Afghanistan and other wars deserve the best treatment and care available.

I look forward to working with my colleagues in a nonpartisan manner to make sure Congress delivers on our responsibility. I urge my colleagues to support H. Res. 1020 and support our wounded warriors.

Ms. BORDALLO. Madam Speaker, at this time I have no further requests for time. I am prepared to close after my colleague has yielded back his time. I continue to reserve the balance of my time.

Mr. WITTMAN of Virginia. Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, at this time I have no further speakers, and I would like to extend my sincerest thanks to my colleague on the House Committee on Armed Services and Natural Resources, Mr. WITTMAN. I've enjoyed working with him on the floor this afternoon.

Mr. TIAHRT. Madam Speaker, I rise in strong support of H. Res. 1020, a resolution recognizing the tremendous service that members of the Armed Forces, especially those who have been wounded in combat, have given.

As an original cosponsor of this resolution, I want to thank the lead sponsor, Mr. WELCH, for bringing this resolution to the floor and his leadership on this important issue. I also want to thank Mr. WALBERG and Mr. HIGGINS for joining Mr. WELCH and me in spearheading this effort to honor those who have given so much in service to our country.

Only 1 percent of Americans serve in the military. Only 1 percent have answered the call to arms in defense of our Nation, our values, and our freedoms. To this 1 percent, we owe so much; so much that can never be fully repaid.

Throughout our history, many Americans have given the ultimate sacrifice for this Nation, and many more have had their minds and bodies wounded for the same cause. In the current Global War on Terror, around 30,000 servicemembers have been wounded, including almost 400 from Kansas. Their lives and those of their families have been dramatically impacted.

I have had the honor to meet with many of these wounded warriors, both in Kansas and at Walter Reed. Though their lives have been forever changed, they continue their commitment to duty, country, and family. They are a great inspiration to me and those who are blessed to meet them.

Every American has a responsibility to thank these brave Americans. We must vocally honor them. We must honor them by providing excellent medical care, access to quality jobs and education, support for their families, and the resources to live fulfilling and productive lives. But, we also need to remember to say "thank you." "Thank you" for your service and your sacrifice. This resolution is just one more way the House of Representatives can say "thank you" to our Nation's veterans.

In addition to this resolution, Misters WELCH, WALBERG, HIGGINS and I are helping organize an April 16th reception for Members of Congress and wounded warriors from Walter Reed. This reception will provide Members of Congress the honor to personally meet with these brave heroes. I encourage all my colleagues to attend. This reception will encourage you, humble you, and challenge you to push harder in support of our veterans.

We can never fully honor or repay the sacrifice made by our Nation's veterans. Our veterans deserve so much, and, in comparison, we have so little to offer. But, I hope that this resolution and upcoming reception will take a step in the right direction. I ask that all my colleagues support this important resolution.

Ms. BORDALLO. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1020, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EARLY HEARING DETECTION AND INTERVENTION ACT OF 2008

Mrs. CAPPS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1198) to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Hearing Detection and Intervention Act of 2008".

SEC. 2. EARLY DETECTION, DIAGNOSIS, AND TREATMENT OF HEARING LOSS.

Section 399M of the Public Health Service Act (42 U.S.C. 280g–1) is amended—

*(1) in the section heading, by striking "**INFANTS**" and inserting "**NEWBORNS AND INFANTS**";*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "screening, evaluation and intervention programs and systems" and inserting "screening, evaluation, diagnosis, and intervention programs and systems, and to assist in the recruitment, retention, education, and training of qualified personnel and health care providers,";

(B) by amending paragraph (1) to read as follows:

"(1) To develop and monitor the efficacy of statewide programs and systems for hearing screening of newborns and infants; prompt evaluation and diagnosis of children referred from screening programs; and appropriate educational, audiological, and medical interventions for children identified with hearing loss. Early intervention includes referral to and delivery of information and services by schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children. Programs and systems under this paragraph shall establish and foster family-to-family support mechanisms that are critical in the first months after a child is identified with hearing loss."; and

(C) by adding at the end the following:

"(3) To develop efficient models to ensure that newborns and infants who are identified with a hearing loss through screening receive follow-up by a qualified health care provider. These models shall be evaluated for their effectiveness, and State agencies shall be encouraged to adopt models that effectively increase the rate of occurrence of such follow-up.

"(4) To ensure an adequate supply of qualified personnel to meet the screening, evaluation, diagnosis, and early intervention needs of children.";

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking "hearing loss screening, evaluation, and intervention programs" and inserting "hearing loss screening, evaluation, diagnosis, and intervention programs"; and

(B) in paragraph (2)—

(i) by striking "for purposes of this section, continue" and insert the following: "for purposes of this section—

"(A) continue";

(ii) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(B) establish a postdoctoral fellowship program to foster research and development in the area of early hearing detection and intervention.";

(4) in paragraphs (2) and (3) of subsection (c), by striking the term "hearing screening, evaluation and intervention programs" each place such term appears and inserting "hearing screening, evaluation, diagnosis, and intervention programs";

(5) in subsection (e)—

(A) in paragraph (3), by striking "ensuring that families of the child" and all that follows and inserting "ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, and language and communication options and are given the opportunity to consider and obtain the full range of such appropriate services, educational and program placements, and other options for their child from highly qualified providers."; and

(B) in paragraph (6), by striking ", after rescreening,"; and

(6) in subsection (f)—

(A) in paragraph (1), by striking "fiscal year 2002" and inserting "fiscal year's 2009 through 2014";

(B) in paragraph (2), by striking "fiscal year 2002" and inserting "fiscal years 2009 through 2014"; and

(C) in paragraph (3), by striking "fiscal year 2002" and inserting "fiscal years 2009 through 2014".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 1198, the Early Hearing Detection and Intervention Act. I'm very proud to have introduced this bill with Congressman JIM WALSH of New York, who has championed this issue for many years.

This bill is near and dear to me as cochair of both the Hearing Health Caucus and the Infant Health and Safety Caucus.

The Early Hearing Detection and Intervention Program is one of those success stories that are often rare in Washington. Since its authorization in 2000, we have seen a tremendous increase in the number of newborns who are being screened for hearing loss, but our work is not done. We need to ensure that every newborn is screened and that every family that needs access to follow-up care is given that access.

I have been a school nurse for over 20 years, and in those years, I can tell you firsthand what happens to a child who has undiagnosed hearing loss and/or never received proper intervention. They may fall behind in school and they may face other social difficulties. Early identification and intervention are essential to a child's well-being, and that's what we aim to achieve through the reauthorization of the Early Hearing Detection and Intervention Act.

I would like to thank the Deaf and Hard of Hearing Alliance, the American Academy of Audiology, and the March of Dimes for their support of this legislation. Let's continue to build upon the success of the past 8 years and make sure that every child has access to diagnosis and treatment of hearing loss.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

I would like to join my colleague in supporting H.R. 1198, the Early Hearing Detection and Intervention Act of 2008.

This legislation reauthorizes the Early Hearing Detection and Intervention Program, which was first enacted in 2000 to help States develop newborn hearing screening and early intervention programs. This program has successfully improved newborn screening for hearing loss, which allows many children to benefit from early detection. This provides enhanced opportunities for language and communication skill development.

Unfortunately, children experiencing hearing loss who are not identified early can have delays in speech, language, and cognitive development. Through grant programs, this legislation helps ensure infants with hearing losses are identified and receive appropriate follow-up care. The bill also establishes a post-doctoral fellowship program to improve early hearing detection research.

This legislation moved through our committee in a bipartisan fashion, and I would urge its adoption.

I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I continue to reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. WALSH) who was the sponsor of the original legislation which this bill seeks to reauthorize.

Mr. WALSH of New York. Madam Speaker, I thank my friend and colleague, Mr. DEAL from Georgia, for yielding time and his leadership on health issues. I would also like to thank my colleague from California, LOIS CAPPS, who's done such a marvelous job of leading the Hearing Caucus for the past several years.

I would like to recognize, also, my cochairs along with Congresswoman CAPPS, VERN EHLERS, and CAROLYN MCCARTHY, who also worked long and hard on this issue, as well as the Deaf and Hard of Hearing Alliance, the National Center of Hearing for Assessment and Management. Without their hard work, this important legislation would not have been possible.

In the year 2000, Congress authorized the Children's Health Act which, among several initiatives, provided the necessary authority for the U.S. Department of Health and Human Services to begin addressing the screening and intervention needs of newborns and children with hearing loss. Indeed, when this program began, there were pilot programs in the country, probably back about 12 or 13 years ago, 3 percent of the children born in the United States were tested. Today, it's well over 95 percent of the entire universe of newborns born in the United States today are being tested.

As we all know, the first 3 years of life are the most important period for language and speech development. It is essential that hearing impaired infants and young children be identified and an intervention begun in order to take full advantage of the developing sensory systems. If unidentified, these children will lose out on the crucial period of speech and language learning.

Auditory impairment can impact social, emotional, cognitive, and academic development leading to personal, vocational, and economical defects. Delayed identification in management of severe to profound hearing loss can impede a child's ability to adopt to life in a hearing or deaf community.

The early hearing, detection, and intervention programs include screening, audiological evaluation, and early intervention to enhance communication, thinking, and behavioral skills needed to achieve academic and social success. The EHDI programs are serving a critical need in a successful manner.

Today, I call upon Congress to continue the success that has been experienced since the year 2000 and enact legislation to reauthorize EHDI programs. H.R. 1198 builds upon the EHDI authorization from the year 2000 to address areas of continuing challenge.

First, it would provide authority to address those children who are falling through cracks and not receiving necessary care after a screening that shows they have potential hearing loss.

Second, it is clear that family-to-family support is critical in the first months after a child is identified with hearing loss. Excellent family-to-family support programs developed by state EHDI programs and other organizations are not yet wildly implemented. This legislation would provide the agency authority to support and disseminate such programs that are working for parents and their children.

Third, it is clear that more research and study is needed in the area of hearing detection and intervention.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DEAL of Georgia. I yield the gentleman an additional minute.

Mr. WALSH of New York. I thank the gentleman.

H.R. 1198 would enable NIH to establish a post-doctoral research fellowship program to effectively recruit researchers to become involved in early hearing detection and intervention.

Finally, H.R. 1198 provides the agency the authority to address the shortage of trained health professionals and other personnel necessary to make certain that every child who is screened with a hearing problem gets access to appropriate interventions needed to succeed.

I urge my colleagues to support this important legislation. Again, I thank my cochairs on the caucus.

Mrs. CAPPS. Madam Speaker, I continue to reserve.

Mr. DEAL of Georgia. I would urge the adoption of the resolution, and I yield back the balance of my time.

Mrs. CAPPS. Madam Speaker, I am prepared to close, and as I do, I would like to remind us all that since the authorization of the Early Hearing Detection Intervention Act in 2000, we've seen a tremendous increase in the numbers of newborns who are being screened for hearing loss; and with this passage of this reauthorization, we can continue to build upon the success of the past 8 years and make sure that every child has access to diagnosis and treatment of hearing loss.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the Early Hearing Detection and Intervention Act.

Sadly, thousands of infants are born with a hearing loss each year. Fortunately, thanks to the Early Hearing Detection and Intervention (EHDI) program that was established in 2000, today approximately 93 percent of all newborns are screened. Many infants with hearing loss and their families have benefited from early identification of hearing loss. The EHDI program allows babies with hearing loss to develop normally and lead productive lives by ensuring that they will be ready to learn when they enter school.

However, many infants who are identified as having a hearing disability due to the screening tests do not receive timely follow-up care because of shortages in trained professionals needed for infant hearing screening programs. We must do better in ensuring that infants and their families have access to comprehensive hearing loss care. The bill seeks to accomplish this by presiding comprehensive information about family support, training, and information services to the family of children identified with hearing loss and ensure that they are given the opportunity to consider all the options of early intervention services, educational and program placements.

This legislation will improve on the successful Early Hearing Detection and Intervention program. I urge my colleagues to vote for this much needed bill.

Mrs. CAPPS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and pass the bill, H.R. 1198, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1515

WAKEFIELD ACT

Mrs. CAPPS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2464) to amend the Public Health Service Act to provide a means for continued improvement in Emergency Medical Services for Children, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wakefield Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) There are 31,000,000 child and adolescent visits to the Nation's emergency departments every year.

(2) Over 90 percent of children requiring emergency care are seen in general hospitals, not in free-standing children's hospitals, with one-quarter to one-third of the patients being children in the typical general hospital emergency department.

(3) Severe asthma and respiratory distress are the most common emergencies for pediatric patients, representing nearly one-third of all hospitalizations among children under the age of 15 years, while seizures, shock, and airway obstruction are other common pediatric emergencies, followed by cardiac arrest and severe trauma.

(4) Up to 20 percent of children needing emergency care have underlying medical conditions such as asthma, diabetes, sickle-cell disease, low birth weight, and bronchopulmonary dysplasia.

(5) Significant gaps remain in emergency medical care delivered to children. Only about 6 percent of hospitals have available all the pediatric supplies deemed essential by the American Academy of Pediatrics and the American College of Emergency Physicians for managing pediatric emergencies, while about half of hospitals have at least 85 percent of those supplies.

(6) Providers must be educated and trained to manage children's unique physical and psychological needs in emergency situations, and emergency systems must be equipped with the resources needed to care for this especially vulnerable population.

(7) Systems of care must be continually maintained, updated, and improved to ensure that research is translated into practice, best practices are adopted, training is current, and standards and protocols are appropriate.

(8) The Emergency Medical Services for Children (EMSC) Program under section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is the only Federal program that focuses specifically on improving the pediatric components of emergency medical care.

(9) The EMSC Program promotes the nationwide exchange of pediatric emergency medical care knowledge and collaboration by those with an interest in such care and is depended upon by Federal agencies and national organizations to ensure that this exchange of knowledge and collaboration takes place.

(10) The EMSC Program also supports a multi-institutional network for research in pediatric emergency medicine, thus allowing providers to rely on evidence rather than anecdotal experience when treating ill or injured children.

(11) The Institute of Medicine stated in its 2006 report, "Emergency Care for Children: Growing Pains", that the EMSC Program "boasts many accomplishments ... and the work of the program continues to be relevant and vital".

(12) The EMSC Program has proven effective over two decades in driving key improvements in emergency medical services to children, and should continue its mission to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical and emergency surgical care children receive.

(b) PURPOSE.—It is the purpose of this Act to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive.

SEC. 3. REAUTHORIZATION OF EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is amended—

(1) in subsection (a), by striking "3-year period (with an optional 4th year" and inserting "4-year period (with an optional 5th year";

(2) in subsection (d)—

(A) by striking "and such sums" and inserting "such sums"; and

(B) by inserting before the period the following: ", $25,000,000 for fiscal year 2009, $26,250,000 for fiscal year 2010, $27,562,500 for fiscal year 2011, $28,940,625 for fiscal year 2012, and $30,387,656 for fiscal year 2013";

(3) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(4) by inserting after subsection (a) the following:

"(b)(1) The purpose of the program established under this section is to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive, through the promotion of projects focused on the expansion and improvement of such services, including those in rural areas and those for children with special healthcare needs. In carrying out this purpose, the Secretary shall support emergency medical services for children by supporting projects that—

"(A) develop and present scientific evidence;

"(B) promote existing and innovative technologies appropriate for the care of children; or

"(C) provide information on health outcomes and effectiveness and cost-effectiveness.

"(2) The program established under this section shall—

"(A) strive to enhance the pediatric capability of emergency medical service systems originally designed primarily for adults; and

"(B) in order to avoid duplication and ensure that Federal resources are used efficiently and effectively, be coordinated with all research, evaluations, and awards related to emergency medical services for children undertaken and supported by the Federal Government.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 2464, the Wakefield Act. This legislation reauthorizes the Emergency Medical Services for Children "EMSC" program. The EMSC program ensures state-of-the-art emergency medical care for ill or injured children and adolescents.

Since its establishment more than 20 years ago, the EMSC program has driven major improvements in emergency care for children. In fact, injury-related deaths among children have dropped by 40 percent over that time period. Enormous strides have been made in areas such as ensuring that all ambulances carry appropriate pediatric supplies and equipment, and in collecting data on pediatric emergency care to inform future quality improvement efforts. Although much progress has been achieved, more remains to be done.

H.R. 2464 is an important piece of legislation that will work toward ensuring the best emergency medical care for children.

I would like to congratulate my colleague on the Energy and Commerce Committee, JIM MATHESON, and commend him for his hard work and dedication to this important piece of legislation.

I encourage all of my colleagues to join me in support of H.R. 2464.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I, too, rise in support of H.R. 2464, which reauthorizes the Emergency Medical Services for Children program. It is, indeed, the only Federal program dedicated to improving emergency care for children. Since its inception in 1984, death rates due to pediatric injury have dropped some 40 percent.

The program provides grants to States to improve existing medical emergency services systems, and to evaluate pediatric emergency care data to improve future treatment efforts. Many emergency centers do not have all of the necessary supplies to treat pediatric emergencies, despite the fact that 18 percent of emergency department patients are children.

The legislation also increases the authorization for this program by 5 percent annually for the next 5 years starting at $25 million in FY 2009. The bill also extends by 1 year the period that the Secretary of the Department of Health and Human Services may award grants under the program. The bill had broad bipartisan support in the committee, and I would urge its passage.

Madam Speaker, I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I am very pleased to yield 5 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Speaker, I rise today to speak in support of H.R. 2464, the Wakefield Act. I am the lead sponsor of this legislation, along with Representative PETER T. KING on the other side of the aisle.

Today, the hospital emergency department is such a fundamental part of our health system that it's easy to forget that emergency medicine is a relatively new specialty. Emergency rooms were first established in the 1970s as medical personnel returned from the Vietnam War. The skills developed to save soldiers' lives on the battlefield were being put to use saving victims of car crashes and other traumas.

However, the bodies of adult soldiers are very different from those of kids. By the early 1980s, doctors were seeing marked disparities in survival rates among adults and children with similar injuries. In fact, kids had twice the death rate in emergencies as adults.

In 1984, the Emergency Medical Services for Children program was first created. This unique act has driven fundamental changes in America's emergency medical system. Since it was established, child injury death rates have dropped 40 percent. The research that resulted from this legislation helped establish pediatric emergency medicine as its own specialty.

Program grants have provided seed money to every State and territory to help first responders and hospitals improve children's emergency care. In the mid-1980s, emergency personnel received little training in caring for children. Now, thanks to this program, paramedics can be exclusively trained, and their ambulances are stocked with the equipment and supplies needed by seriously injured kids.

Nowhere has this been more critical than in rural areas where the closest emergency room is often many miles from the scene of an accident. Getting it right for these small patients in the first critical minutes often means the difference between life and death.

Data collection and training seminars offered under this program, including from the Emergency Medical Services for Children Data Analysis Resource Center based in my district at the University of Utah, help ensure that best practices are developed and disseminated across the country.

The Emergency Medical Services for Children program's authorization expired in September 2005. In the summer of 2006, the Institutes of Medicine released a report which documented the value of this program. It noted the gaps that still remain in providing quality emergency care for children. And there is still a serious gap between the percentage of kids who end up in the emergency room and the percentage of emergency rooms staffed, trained and equipped to respond appropriately. The report said this program is "well positioned to assume a leadership role" in closing this gap.

I am pleased that H.R. 2464, the Wakefield Act, has bipartisan and bicameral support, including support from 75 of my colleagues in the House of Representatives. The bill is endorsed by over 50 organizations, including the American Academy of Pediatrics, the American College of Emergency Physicians, the American Medical Association, the Emergency Nurses Association, and many more.

Madam Speaker, this legislation enhances the program by authorizing the appropriate funding needed to ensure the program can drive improvements in emergency and disaster care for children.

Madam Speaker, I want to acknowledge the bipartisan nature in which this bill moved through our committee, working on both sides of the aisle within the Energy and Commerce Committee. We worked together to make this bill as good as it can be.

Madam Speaker, nobody likes to see a child get hurt. Together, we can assure that when that happens, children have the best possible chance for recovery and a good outcome. I strongly urge the adoption of this legislation.

Mr. DEAL of Georgia. Madam Speaker, I urge the adoption of this resolution.

I yield back the balance of my time.

Mrs. CAPPS. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentlelady for yielding, and I am also very pleased to speak in favor of H.R. 2464, the Wakefield Act.

I wanted to bring you just a little bit of perspective in terms of the difference this act has made in one young man's life, and I think it's reflective of a number of children who have been saved by having medical appropriate services for traumatic and life-threatening injuries of kids.

The Wakefield Act is called the Wakefield Act in recognition of a living memory of a family, the family of Tom Wakefield, who was involved in a horrible head-on traffic accident as they drove to the airport for a winter's vacation. A vehicle crossed the median and struck this vehicle head on, killing Tom and two of his children, one age three and one age seven. Twelve-year-old Lucas lost his arm in the accident and was almost lost as well.

Emergency responders on the scene and thereafter saved his life and the life of his mother, Loy. I know this family, and I know their survivors, and I care deeply about them. They have certainly impressed upon me, as they would impress upon any of you, just how vitally important it is that we equip our emergency response to deal with any who may be hurt. And the 40 percent improvement in saving lives of children since the act was initially passed in 1984 shows just how critically important this reauthorization is. I'm very pleased that the Commerce Committee has done the work to bring it to the floor today, and I am grateful for the chance to speak on the bill.

I was at an event just this weekend where Lucas, now fully recovering, adapted to his new circumstance. This is a young man that makes me very, very proud. And I believe the Wakefield Act, named in honor of his family, is a very appropriate commendation of the ongoing efforts to keep all our children safe.

Mrs. CAPPS. Madam Speaker, I have no further requests for time. And following that eloquent testimony to the value of this legislation, we can all recognize that H.R. 2464 is an important measure that will work toward ensuring the best emergency medical care for all children.

I again want to congratulate my colleague on the Energy and Commerce Committee, JIM MATHESON, and all of those who have spoken today, including the ranking member of the subcommittee, for all the hard work and dedication to this important piece of legislation. I urge all of my colleagues to join in support of H.R. 2464.

Mr. KING of New York. Madam Speaker, today I rise as a strong supporter of H.R. 2464, the Wakefield Act, which will reauthorize the Emergency Medical Services for Children program for an additional 4 years.

Since the program began in 1984, EMSC grants have helped all 50 States to better prepare their health systems to treat children in an emergency. The EMSC program has improved the availability of child-appropriate equipment in ambulances and emergency departments, supported hundreds of programs to prevent injuries, and provided thousands of hours of training to EMTs, paramedics, and other emergency medical care providers.

In my home State of New York, EMSC funds are going toward the development of a statewide, standardized system that recognizes hospitals capable of managing pediatric emergencies, both trauma and medical. This will enhance the State's ability to transfer injured children to the hospital best suited to their treatment. New York is also utilizing EMSC funds to ensure that all ambulances have the essential pediatric equipment and supplies for prehospital pediatric emergency care.

Across the country, EMSC is enabling State and local emergency care providers to better treat children. The projects funded under EMSC are vital for the safety and well-being of America's children and have saved countless lives throughout the program's existence. During a time when a terrorist attack or natural disaster may occur at any moment, it is essential that we ensure that we are adequately prepared to care for every infant, toddler, and child in an emergency situation.

I would like to thank Representative MATHESON for his hard work and continued leadership on this issue, and I urge you to support the Wakefield Act.

Mrs. CAPPS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and pass the bill, H.R. 2464, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MATHESON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CYTOLOGY PROFICIENCY IMPROVEMENT ACT OF 2008

Mrs. CAPPS. Madam Speaker, I move that the House suspend the rules and pass the bill (H.R. 1237) to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cytology Proficiency Improvement Act of 2008".

SEC. 2. REVISED STANDARDS FOR QUALITY ASSURANCE IN SCREENING AND EVALUATION OF GYNECOLOGIC CYTOLOGY PREPARATIONS.

(a) IN GENERAL.—Section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)) is amended to read as follows:

"(iv) requirements that each clinical laboratory—

"(I) ensure that all individuals involved in screening and interpreting cytological preparations at the laboratory participate annually in a continuing medical education program in gynecologic cytology that—

"(aa) is approved by the Accrediting Council for Continuing Medical Education or the American Academy of Continuing Medical Education; and

"(bb) provides each individual participating in the program with gynecologic cytological preparations (in the form of referenced glass slides or equivalent technologies) designed to improve the locator, recognition, and interpretive skills of the individual;

"(II) maintain a record of the cytology continuing medical education program results for each individual involved in screening and interpreting cytological preparations at the laboratory;

"(III) provide that the laboratory director shall take into account such results and other performance metrics in reviewing the performance of individuals involved in screening and interpreting cytological preparations at the laboratory and, when necessary, identify needs for remedial training or a corrective action plan to improve skills; and

"(IV) submit the continuing education program results for each individual and, if appropriate, plans for corrective action or remedial training in a timely manner to the laboratory's accrediting organization for purposes of review and on-going monitoring by the accrediting organization, including reviews of the continuing medical education program results during onsite inspections of the laboratory.".

(b) EFFECTIVE DATE AND IMPLEMENTATION; TERMINATION OF CURRENT PROGRAM OF INDIVIDUAL PROFICIENCY TESTING.—

(1) EFFECTIVE DATE AND IMPLEMENTATION.—Except as provided in paragraph (2), the amendment made by subsection (a) applies to gynecologic cytology services provided on or after the first day of the first calendar year beginning 1 year or more after the date of the enactment of this Act, and the Secretary of Health and Human Services (hereafter in this subsection referred to as the "Secretary") shall issue final regulations implementing such amendment not later than 270 days after such date of enactment.

(2) TERMINATION OF CURRENT INDIVIDUAL TESTING PROGRAM.—The Secretary of Health and Human Services shall terminate the individual proficiency testing program established pursuant to section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)), as in effect on the day before the date of the enactment of subsection (a), at the end of the calendar year which includes the date of enactment of the amendment made by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 1237, the Cytology Proficiency Improvement Act of 2007. This legislation would modernize Federal regulations under the Clinical Laboratory Improvement Amendments Act of 1988, CLIA, that subject those who screen and interpret Pap tests to annual proficiency testing.

In 2005, CMS launched a program to begin testing pathologists and other laboratory professionals who performed Pap tests for proficiency. However, the program was designed using regulations written in 1992. In the 13 years between the regulation and the program's start, significant investments were made in the science and practice of Pap tests. Instead of relying on outdated practices, H.R. 1237 draws on the best that science and technology has to offer.

H.R. 1237 has 175 bipartisan cosponsors, including myself and every other female member of the Energy and Commerce Committee. Additionally, this bill is supported by the College of American Pathologists, the American Medical Association, the American Clinical Laboratory Association, the American College of Obstetricians and Gynecologists, and the American College of Nurse Midwives.

I want to commend my colleagues, Representative GORDON and Representative DEAL, for their hard work and commitment on this very important piece of legislation. This bill would improve the quality of women's health care. I strongly encourage all of our colleagues to join me in support of H.R. 1237.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

I, too, rise in support of the Cytology Proficiency Improvement Act. I was a sponsor of legislation similar to this in the last Congress which passed the House, but unfortunately it was never signed into law. The bill revises national quality assurance standards of laboratories responsible for cytology services.

A few summers ago, I had the opportunity to visit a laboratory of a pathologist in my district, and I saw first hand the impact of this legislation. This bill is the result of actions taken in 2005 by the Centers for Medicare and Medicaid Services to institute a proficiency testing program for individual pathologists.

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Unfortunately, this program was based on regulations first issued in 1992 as a result of the Clinical Laboratory Improvement Amendments of 1988. Thus the cytology proficiency program is now very outdated and based on regulations from nearly 15 years ago.

The legislation would provide for an orderly phase-out of the current program and transition into a new program where all individuals involved in screening and interpreting Pap tests would participate in a continuing medical education program in gynecologic cytology. This educational approach will present participants with complex cases to keep their skills on the cutting edge and will provide individuals an opportunity to test their skills.

I believe this legislation would be an important step in the right direction and would modernize the current regulatory framework while providing quality assurance, as was required in the Clinical Laboratory Improvement Amendments. Unlike last Congress, I hope we will be able to get this legislation signed into law in order to modernize an outdated proficiency testing program for pathologists.

Madam Speaker, I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I continue to reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Georgia (Mr. PRICE), one of the original cosponsors of the legislation this year, a medical doctor.

Mr. PRICE of Georgia. I thank my friend and colleague from Georgia, Congressman DEAL, for his leadership on this issue and for the time today.

I also want to express my gratitude and thanks to Representative GORDON, who was extremely cooperative and helpful and productive throughout this entire process. I want to thank the American College of Pathology and all of the pathologists across the Nation who are working day in and day out to make certain that they provide quality care for the patients for whom they are charged.

Madam Speaker, I include in the RECORD a copy of an article by Dr. George Nagy that documents the dysfunctional federally mandated proficiency test in cytopathology.

THE DYSFUNCTIONAL FEDERALLY MANDATED PROFICIENCY TEST IN CYTOPATHOLOGY—A STATISTICAL ANALYSIS

Proficiency testing in cytopathology and in other disciplines should be based on firm statistical and scientific foundations, because test theory in general is a heavily statistical subject. Statistical considerations have demonstrated that the design of "short" proficiency tests in cytopathology, including the current federally mandated test, fundamentally is unsound because of the lack of sufficient validity and reliability. Examinees too frequently are misclassified by such short-format tests: Competent examinees fail the test in surprisingly high numbers, whereas most of the examinees who have insufficient cytologic skills eventually pass the test after the allowed retakes. Only dichotomous tests are suitable for accurate computation of the effects of test design on reliability, but the statistical conclusions also are generalizable to nondichotomous tests. In conclusion, the current federally mandated proficiency test cannot reliably measure the level of expertise of cytologists and, thus, cannot assure that only adequately skilled individuals evaluate Papanicolaou test samples. To render the test suitable for its intended purpose, the authors believe that complete redesign of the test, with the participation of experts in modern test theory, would be advisable.

Proficiency testing in cytopathology (PTC), which was established in the 1991 regulations to implement the Clinical Laboratory Improvement Amendments of 1988 (CLIA'88), has only recently been enforced on a national scale. For more than a decade, during which logistical hurdles hampered the development of a national program for PTC, there was not much incentive to think about the value and potential of PTC or its theoretical background or to worry that the test design was so poor. In 2004, however, the Center for Medicare and Medicaid Services announced that a national PTC program developed by the Midwest Institute for Medical Education had been approved and that the regulations finally would be enforced on a national level. Suddenly, the shortcomings of the test were everyone's problem. What followed was a flurry of comments, articles, proposals, and Internet discussions about the PTC and its future. Although the testing has proceeded nationwide in conformity with the original regulations, the dust has not yet settled on the subject. The professional organizations agree that PTC, as prescribed in CLIA'88, is inadequate and is in great need of improvement if indeed it should remain in place at all. Regarding the projected revisions, it is a real impediment that some regulatory authorities that are in a position to make decisions about the implementation of PTC apparently are not familiar with most of the theoretical implications of test theory, which is an exceedingly complicated subject. So long as the test is mandatory for every practitioner of gynecologic cytopathology in the United States, it is in the best interest of all participants for PTC to become a scientifically well-founded, valid, and reliable quality assurance method. In the current article, we have attempted to shed light on some gaps in the knowledge about the theoretical underpinnings of PTC that seem to endure in the cytopathology literature.

TEST THEORY IS STATISTICAL

Test theory is a heavily statistical subject. Virtually all aspects of test theory have been investigated in depth almost exclusively by educators and psychologists, which is understandable, because testing is a central issue in their disciplines. Unfortunately, this valuable body of literature apparently has been disregarded completely by the federal authorities that are responsible for PTC regulations.

The statistical apparatus used in modern test theory is formidable. Many books and articles written about the subject use highly sophisticated mathematical tools, including differential and integral calculus and matrix algebra. One of the reasons for the high degree of mathematization of test theory in psychology and education science is that these disciplines deal largely with intangibles, like motivation, intelligence, understanding, and adaptability, which are not directly measurable. Such entities must be studied indirectly, through measurements of other quantities. That is why psychological test theory introduced the concept of "constructs" that can substitute for and represent the kinds of abstract attributes mentioned above. Even so, the highly complicated mathematical and statistical tools that have been promoted in educational and psychological test theory fulfill mainly academic purposes. Most actual problems in everyday testing can be solved on a practical level that does not use highly complicated mathematical methods but, at the same time, does not disregard basic statistical principles.

TESTING IN THE PHYSICAL AND BIOLOGIC SCIENCES

Cytopathology, unlike educational science or psychology, is an applied natural science, and this is one of the reasons why PTC can be performed without the application of overly sophisticated mathematical tools. Interpretation of Papanicolaou smears, reproduction of cytologic diagnoses, and measurement of false-negative proportions, among others, are very complex tasks. By comparison, technically, it is a comparatively straightforward matter to evaluate the examinees' ability to assign diagnostic categories to cytologic changes observed on a slide or computer screen. Thus, abstract constructs hardly are needed in PTC. Nevertheless, a certain level of mathematical and statistical understanding by the designers of the test is crucial if a fair and scientifically valid system of PTC is to be established. Most pathologists, including ourselves, do not have rigorous training in statistics; therefore, if PTC is to continue, then the regulatory authorities ought to contract with experts in statistics and test theory who, through interaction with knowledgeable cytopathologists and cytotechnologists, would design an equitable and scientifically well-founded system for the nationwide PTC.

We do not mean to suggest that statisticians have not participated in the design of cytology testing programs. In fact, the College of American Pathologists' (CAP) Interlaboratory Comparison Program for Cervicovaginal Cytology was designed, implemented, and monitored with the extensive help of statistical expertise. However, this educational endeavor was not intended to be a PTC program as envisioned in the federal regulations. In fact, its original, scientifically and statistically supported structure ironically prevented its use as a PTC program because of the specific requirements of the federal regulations.

SHORT TESTS AND RELIABILITY

One of the central problems in the practice of PTC is reliability, and the reliability of PTC is related closely to the size of the test sets (the number of the test items or challenges in 1 test set). "Short" tests, which require the evaluation of relatively small numbers of slides, are characterized by a high misclassification rate. (The pervasive effect of sample size on the reliability of statistical inference is the reason why pollsters use large samples: The larger the sample, the narrower are the confidence limits in relative terms. The statistical estimates inferred from a single sizable sample that has been chosen by randomization will approach the true parameters of the population.) Short tests will not prevent the frequent failure of competent examinees or the passing of examinees who have less than desirable skill levels. Already in 1991 one of us (G.K.N.), in a report that was written with D.C. Collins, emphasized that the expected misclassification rate of such short tests can be surprisingly high and that, in the case of dichotomous tests, this rate can be calculated (or approximated) through the use of the binomial theory of statistics. (A dichotomous test evaluates the responses to test items as "right" or "wrong," without using intermediate results or weighing of answers. The PTC system used in New York State for 36 years was dichotomous and so was the original Interlaboratory Comparison Program in Cervicovaginal Cytology. The CLIA'88-mandated PTC is not dichotomous.) This so-called "simple binomial error model" was described in test theory initially in the 1950s.

The results of the CLIA'88 mandated national PTC in 2005 dramatically demonstrated the effect of misclassification during short tests, as described previously. According to the data from the National Cytology Proficiency Testing Update, 9% of the examinees failed the test when they attempted it for the first time. However, when this group that supposedly had inferior skills retook the test, curiously, the failure rate for this second attempt was similar to that for the entire original group (10%). It appears that the cytologic skills among those examinees who had failed originally improved miraculously, allowing 90% of them to pass the examination, although all of them initially failed. It is hard to believe that a short remedial training between the first and second attempt could result in such an impressive real improvement. The only plausible scientific explanation is the well-known statistical phenomenon, the Galtonian "regression toward the mean." The majority of failures during the first attempt were the consequence of misclassification because of the poor validity and reliability of the short test and were not caused by the insufficient skills of those who failed. The failure rate in all groups of examinees is about the same on the first attempt and on the second attempt, and previous failures do not seem to matter much. Essentially, the results of the CLIA'88-mandated PTC mostly mirror the statistical chances and not the examinees' skills.

Of course, multiple other variables beyond regression toward the mean, including experience gained in the technique of the test, differences in the difficulty of particular test sets, and even increased skills after remedial training, etc, also may play a role in the improvement of test results at the second attempt for individual examinees. However, to date, we do not have any data or even a plausible explanation concerning how any of these other factors, with the exception of regression toward the mean, could produce such a consistent result.

THE SIMPLE BINOMIAL ERROR MODEL

Misclassification of examinees by any short test, including the CLIA'88-mandated PTC, can be demonstrated by means of an analogy. Strictly speaking, this analogy is applicable only to dichotomous testing systems. However, in this sense, dichotomous and non dichotomous systems are correspondent. For statistical or evaluation purposes, non dichotomous systems can be made dichotomous at any time, even after the tests have been carried out. For example, an answer can be evaluated as correct only if it falls into the appropriate single category ("success") and all other answers are rated as wrong ("failure"). Another solution to this problem in PTC would be to restrict the number of diagnostic categories to 2, with 1 category, for instance, "negative for premalignant or malignant changes" and the second category "premalignant or malignant lesions are present." This is the approach used in the original CAP PAP program with its "100 series" and "200 series."

The CLIA'88 regulations concerning PTC, with their 4 diagnostic categories and complicated scoring system, do not fit into the dichotomous scheme. Despite this fact, the conclusions drawn by using the binomial error model regarding PTC are applicable to any short test to a large extent.

EXAMPLE OF SIMPLE BINOMIAL ERROR MODEL

For the purpose of illustration, let us suppose, that in a large population (for instance, that of an entire country), the results from a scrupulous statistical survey using many thousands of questionnaires and proper randomization indicate that the proportion of individuals who like to watch television (TV) is 90%. Because the survey is conducted in a scientific way and the sample size is very large, this result is considered highly accurate. The basic question on which the analogy with PTC will be based is, "What can we expect if we ask 10 randomly selected individuals in this population about their attitude toward TV?" The most probable result will be that, in this population, 9 of 10 individuals will like TV. However, it is reasonable to expect that, in many samples that consist of 10 individuals, all 10 individuals are TV fans; whereas, in other similar samples, there may be only 8, 7, or 6 such individuals. However, it is hardly conceivable that we will identify as few as only 1 or 2 fans in a sample of 10 individuals if the principle of random selection is followed.

Random selection is important. For example, a nonrandom sample, like one that consists exclusively of nuns in convents, would not yield a statistically valid reflection of the entire population; indeed, we may identify only 1 or 2 individuals in such a sample who like to watch TV. Exclusive selection of nuns or members of any other group with some special interest would not be compatible with the principle of randomness. However, to select a nun occasionally in a sample, with a frequency roughly corresponding to the proportion of nuns in the entire population, would be appropriate.

There is a statistical method that uses the so-called "binomial formula" for calculating the probability of encountering 10, 9, 8, 7, etc, TV fans in a sample of 10 individuals from our postulated population. (This method is not detailed in the current article, but an explanation can be found in any elementary statistical textbook). The probabilities even can be looked up in tables that are found at the end of statistical books. Under the circumstances outlined above (with a 90% proportion of TV fans in a sample size of 10 individuals). the probabilities of identifying 10, 9, 8, 7, and 6 TV fans in a random sample of 10 individuals are 0.35, 0.39, 0.19, 0.06, and 0.01, respectively.

The probability of identifying ≤5 TV fans under the above-described circumstances in a truly random sample of 10 individuals is exceedingly small. The succession of numbers described above represents a "probability distribution," which can be observed in a histogram. This distribution is interpreted as follows: If, from this very large population, we take numerous random samples, each consisting of 10 individuals, and ask about their preferences for TV; then we will find that 35% of the samples would include 10 fans, 39% of the samples would include 9 fans, 19% of the samples would include 8 fans, and so on.

If we change the size of the sample, then the magnitudes of the single probabilities and their distribution also will change and, along with them, the probability distribution. If we choose sample sizes of 100 individuals instead of 10, then the probabilities will be clustered much more tightly around the value of 90% than was the case in the smaller samples. The larger the size of the sample, the more reliable is the estimation; in other words, the observed value in every sample approaches the real population parameter. It is virtually unimaginable that there will be only 50 or 60 TV fans among 100 randomly selected individuals from this population. (Distribution data for such large samples are not provided even in the tables of larger statistical reference books: They are not needed, because the probability distribution for large samples can be found by the so-called "normal approximation of the binomial distribution." To perform this method is mathematically simple, but the results may be slightly inaccurate. There are complex Web-based Internet tools, however, that calculate these probabilities very accurately.) Of course this holds true only if the randomness principle is strictly observed.

How can we apply the reasoning described above to the issue of sample sizes in PTC? Fortunately, the results of these binomial calculations can be generalized. The reason why we can do this is that, if the "experiment" qualifies as binomial, then the specifics of the experiment, whether they are related to liking TV or to success in PTC, have no bearing on the values of the probabilities or on the probability distribution.

TRUE SCORES

At this point, we need to review the term "true score," a concept that is used widely in modern test theory. The true score of a hypothetical examinee is defined as the average of the observed or measured scores that would be obtained over an infinite number of repeated testing by the same test, provided that the examinee's skills remain indefinitely stable. For actual examinees, the true score can be estimated with a small error margin, but its exact value is essentially unknowable. For instance, if a cytologist screens 100,000 cervical smears, and if his or her diagnoses are correct 98,000 times, then the approximation of his or her true score is 0.98. Because the accurate determination of the true score would require an infinite number of repeat testing, which is not feasible, this true score of 0.98 remains an approximation. Obviously, we can be rather sure that, when the same individual screens the next 100,000 preparations, the approximation of his or her true score will not remain the same: The chances of this are infinitesimally small. The estimate of the true score will almost certainly change slightly, for instance to 0.97 or to 0.99, and so on, for each successive trial.

It has to be emphasized that assignment of an exact "true score" to a cytologist is somewhat arbitrary for further reasons. It cannot be expected that anybody's cytologic skills will remain invariant for a prolonged time. We can hope, of course, that the professional prowess of cytologists improves over time. Furthermore, everybody who has ever screened cytology specimens knows that screening performance depends on many factors, some of which are extraneous to the level of cytology skills. On a "good" day, a cytologist may function on a 0.98 score level; whereas, on a different, "bad" day, he or she might be less "proficient." Even his or her experience with particular kinds of cytologic presentations on the previous day, for example, having seen an unusual presentation of high-grade squamous intraepithelial lesion on a quality-assurance review, could affect decision-making on the current day. Of course, these and other psychological variables (eg, the effects of anxiety or tiredness during tests or routine work) cannot be factored into the statistical considerations. Nagy and Collins, describing this concept, used the term "competence level" instead of "true score" in their 1991 article.

Direct measurement of the true score is not possible. What we have after an evaluation of test results is the "observed score," which is related to the true score but is not identical to it. It can be considered an estimate of the true score.

COMPARISON OF TV PREFERENCE AND PTC RESULTS

TV preference and PTC results can be compared as follows: The values derived by the binomial formula are determined only by the number of trials and the probability of success. If the "experiment" qualifies as binomial, then the specifics of the experiment have no bearing on the numerical results. (In statistical parlance, any methods or procedures that yield raw data are called experiments.) In our TV example, the number of trials (the sample size) is 10, and the probability of success is 0.9. These 2 data are sufficient to calculate the probability distribution for this specific case. Let us consider now an example of PTC in which these specifics are the same as described above. The PTC design prescribes 10 slide test sets (number of trials). A cytologist who performs routine screening and customarily renders accurate diagnoses 9000 times among 10,000 screened slides has an approximate true score of 0.9. (In other words, the probability of success is 0.9.) When this cytologist attempts to pass this particular PTC, then the probability distribution of the possible correct answers will be identical to the probability distribution observed in the TV example, because the specifics of the TV experiments are the same. If this hypothetical cytologist attempts the test many times, then he or she will read 10 slides correctly in 35% of the tests, 9 slides correctly in 39% of the tests, and so on. The numerical values in the 2 experiments are identical.

We also should note that, if an examinee reads 10 slides or 9 slides correctly:which happens in 74% of events under the circumstances described above, then he or she passes the test. However, this individual, who essentially has an adequate true score, will fail a dichotomous PTC 26% of the time because of the low validity and reliability of the test. The phenomenon of failure in this case can be called "type 1 error." (The null hypothesis is that "the cytoscreener is competent.") A valid and reliable test is expected to pass virtually all cytoscreeners with true scores on the 0.9 level; however, any dichotomous test that consists of 10 slides or challenges will misclassify approximately 26% of such individuals. It is obvious that this test does not really meet the expectation to determine the competence of an examinee who had a true score of 0.9.

It needs to be reiterated here that binomial calculations can be performed only for dichotomous tests. The probabilities for some well ordered, nondichotomous tests may be calculated by the use of more complicated multinomial assessments.

LIMITATIONS OF THE SIMPLE BINOMIAL ERROR MODEL

The binomial error model provides only a rough appraisal of the statistical factors that need to be taken into account in the design of PTC. One of the drawbacks of the model, as mentioned above, is that it is applicable only to dichotomous testing systems. However, the simplicity, transparency, and mathematical calculability of dichotomous setups counterbalance every other consideration. The dichotomous test design makes it possible to assess the impact of test set size on test validity and reliability and to calculate confidence intervals. Thus, the use of a dichotomous test would confer greater predictability and practicability to PTC. The effects on test validity and reliability of a haphazard design, like the CLIA'88-mandated PTC, hardly are calculable by scientific-statistical means. We do not state that dichotomous designs would solve every problem inherent in every type of test, including PTC. However, given that all other conditions of the testing are equal, dichotomous tests have insurmountable advantages over nondichotomous tests.

SIZE OF TEST SETS AND RATE OF MISCLASSIFICATION

Figures (not shown) illustrate the probability distributions of correct diagnoses for variable test set sizes and for examinees with different theoretical "true scores." An ideal and flawless PTC would fail all examinees with true scores of 0.85, but no test design can fulfill such requirements. The reliability of the tests improves, however, as the test sets get larger. For examinees with true scores of 0.85 or 0.8, the accuracy of the test increases in parallel with the increasing size of the test sets. (The failure rates become larger for larger test sets.)

Visualization of the effect of sample size on misclassification also is possible by tabulation. The more slides the test set contains, the lower the misclassification rate. There appear to be anomalies at the set sizes of 9 and 19, in which the misclassification rate decreases for examinees with low true scores and increases for the more competent examinees. A test set that consists of 9 or 19 slides would be a very impractical choice. If the passing level is set at 90% (eg, 9 correct answers for 10 slides in dichotomous tests), as it is the general practice for PTCs, then 1 error is allowed for a 10-slide set. Under these circumstances, to pass a test based on 9-slide sets with a 90% passing grade would be incomparably more difficult than to pass a test based on a 10-slide set, because a single mistake would mean an error >10% and, consequently, a failure. The situation is similar for 19- or 29-slide sets. The greater grade of difficulty with a 9-slide test set is reflected in the smaller passing rates for both competent and less competent examinees. (This circumstance, paradoxically, improves the accuracy of the test for the participants with low true scores.) For these reasons, if the passing level is set at 90%, then only decimal-based test set sizes (10, 20, 30, etc. slides or challenges) should be used.

Another observable phenomenon is the "law of diminishing returns," in which, as the number of slides in the test sets is increases, the misclassification rates decrease. However, the rate of decrease is not level but trails off with increasingly larger set sizes. For instance, misclassification of examinees with a true score of 0.8 is almost halved, from 38% to 20%, when the number of slides in the sets increases from 10 to 20. The next step, from a 20-slide set to a 30-slide set, is accompanied by a smaller relative improvement, and so on.

An important conclusion that can be drawn is that, when the number of slides is increased in the test sets, the decrease in the misclassification rate is more precipitous if the true score is 0.8 or 0.85, ie, on the side of the table for less competent examinees, than if the true score is 0.95. From our viewpoint, this is an advantage. The basic purpose of PTC is not the confirmation of the proficiency of the average cytologist who performs well but the identification of individuals who may have problems with expertise and need remediation. The type 1 error, the failure of competent examinees, is less consequential than the type 2 error, the passing of less competent examinees. The simple binomial model is more suitable to investigate the latter than the former in the set-size ranges that are prevalent in the practice of PTC.

WHAT SHOULD BE THE MINIMAL NUMBER OF TEST SLIDES IN TEST SETS?

The question about the minimal number of test slides in test sets could be formulated more accurately as follows: What should be the minimal number of test slides so that we can be 90% confident that the test result is accurate? This type of calculation is relatively simple to perform if the test is dichotomous. In our calculations, we assumed a dichotomous test and 90% as the passing level for the observed score.

The minimum necessary number of test slides depends to a large extent on the competence of the individual examinee. For a cytologist with very poor skills, a relatively small test set would suffice. However, the discriminatory power of PTC decreases at the point where the skills of the examinee are almost satisfactory but still insufficient. Therefore, for such an individual, the test sets should be much larger if we want 90% confidence. It would be unrealistic to expect any test to differentiate easily between an "incompetent" cytologist whose true score is 0.89 and a "competent" cytologist with a true score of 0.9.

Just to illustrate a possible solution, we calculated the minimal size of test sets for examinees who had a true score of 0.8. We wanted to have 90% confidence in the accuracy of the test result. (This means that at least 90% of examinees with a true score of 0.8 will fail the test if the test set contains the calculated number of test slides.) Similar calculations were performed for examinees who had a true score of 0.85.

For the calculation, we used the algorithm written by the Vassar Education Department, which is in the public domain and may be found on the Internet. According to the results, a 40-slide set would provide >90% confidence (exactly, 92.409% confidence) in the accuracy of the results for examinees with a true score of 0.8. A 30-slide set would provide only an 87.729% confidence level for these individuals.

For examinees with a true score of 0.85, much larger test sets would be necessary to provide 90% confidence in the results. A test set consisting of 90 slides would provide 88.468% confidence, and only the use of a 100-slide test set would ensure >90% confidence (exactly, 90.055 confidence) in the test results. The extent of the confidence intervals can be easily visualized. Lord et al. presented the 90% confidence intervals for a 30-item dichotomous test on different true score levels.

The numbers provided above are given only for illustrative purposes. It is obvious that test sets consisting of 100 slides, or even 40 slides, could not be used under the generally accepted conditions of PTC. Evidently, only a board-type, full-day, or 2-day-long examination would satisfy the statistical requirements for an accurate and equitable test. Conversely, because such a board-type test would determine the capabilities of the examinees with a high level of accuracy, it would become safe to increase the intertest interval to 8 years or 10 years.

However, if most aspects of the current federal regulations for PTC remain in force—in other words, if a highly inaccurate and unreliable test also will be used in the future—then it will not be advisable to increase the yearly interval between tests very much. The main reason for this is that short tests are incapable of accurately identifying examinees with low professional skills. Competent examinees who fail the test (type 1 error) pass the test on the second or third attempt with a high probability. Most of these valuable professionals are not harmed much beyond the inconvenience of repeated testing. In contrast, examinees with questionable skills who pass the test (type 2 error) do not have to submit to repeat testing, and they continue to screen patient slides without censure at least until the next test. Of course, it may be argued that, if the test were totally useless, then increasing the interval between test events would not have any effect on public health. However, if the test were totally useless, then the only honest course to follow would be the complete abolishment of PTC. In our opinion, the test in its present form is not totally useless. The current test will force a certain number of cytologists with very poor professional skills (regardless of their low proportion in the entire cytopathology community) to recognize their deficiencies, to participate in remediation(s), and at least to attempt to improve their professional skills. However, as made obvious in the discussion above, the federally mandated PTC in its current form is not able to identify all cytologists with very poor skills. Allowing such individuals, unidentified by the test, to continue screening constitutes a certain danger for the public. If we try to make the current PTC useful at least to some degree, then we should not increase the time interval between tests to 3 or 4 years.

THE HIGH PASSING RATE OF LESS SKILLED PROFESSIONALS IN SHORT TESTS

Through the use of the simple binomial model, it also is possible to calculate the number of less than competent individuals who eventually will pass the short tests after repeated attempts. For instance, among 100 examinees who have true scores in the less competent range of 0.85, 54 individuals will pass a dichotomous test that consists of 10 test slides on the first attempt. The remaining 46 examinees will attempt the test a second time, and 54% of them (ie, 25 individuals) will pass on this second try. The remaining 21 examinees will attempt the test a third time, and 54% of them (ie, 11 individuals) will pass. In summary, 54 + 25 + 11 = 90 of these less-skilled examinees among 100 who were supposed to be identified by the system will avoid serious consequences if a short, 10–slide-based dichotomous test with 3 permitted retakes is used.

A similar calculation illustrates that, among 100 examinees with true scores of 0.8, 76 individuals eventually will pass, if 3 attempts are allowed, in a 10 slide-set, dichotomous PTC system.

These numbers indicate all too clearly the utter uselessness of short dichotomous PTCs in terms of capability to identify less skilled cytologists. However, we do not go so far as to declare that short PTC systems, dichotomous or nondichotomous, are totally lacking in utility. Even a short test generates interest, creates opportunity for self-assessment, and possibly highlights deficiencies in some areas in the professional knowledge of the individual cytologist. This effect should be perceived as beneficial. Our personal experience indicates that very short educational tests, although they may not be suitable in themselves as statistical assessments of professional knowledge of individuals, almost always provide a welcome impetus for continuing education. A short PTC, as an educational experience, may remain a valuable quality-assurance method, although it is limited in scope. In this regard, other valuable educational activities, such as the CAP Pap program, have their full justification. However, we in the cytopathology community should persevere in our attempts to prevent the deleterious situation in which PTC remains an expensive and rather meaningless ritual; a test that, on repeated attempts, can be passed by virtually all competent cytologists, as expected, and also by a very high percentage of those who would be adjudged incompetent if a more reliable testing process were available.

STATISTICS ARE NOT EVERYTHING

A more intensive integration of statistical principles would be needed to make the current design of PTC more functional. However, we do not believe that, even if statistical principles were applied optimally to PTC, all of the inherent problems of testing could be eliminated. There are many nonstatistical facets of all tests, including PTC. For instance, because, in cytopathology, we are confronted with the morphologic manifestations of extremely complicated biologic systems, total equivalence in the difficulty of test challenges (that is, absolute conformity of corresponding slides in different test sets) cannot be achieved. Perhaps this can be overcome with computerized digital tests to some extent in the future.

LESSONS FROM THE SIMPLE MODEL OF DICHOTOMOUS PTC THAT CAN BE APPLIED TO THE DYSFUNCTIONAL FEDERAL DESIGN

We emphasize once more that the discussions and calculations above are based on the relatively simple model of dichotomous proficiency testing. The current CLIA'88–mandated test, with its elaborate scoring system and multiple diagnostic categories, is much more complicated; therefore, our conclusions cannot be transferred to it in any straightforward or easy way. The proportions of expected misclassification rates, the widths of confidence intervals, and other statistical parameters in nondichotomous systems cannot be calculated accurately by using the simple binomial model. In other words, the generalizability ("external validity") of the foregoing statistical considerations to nondichotomous systems could be questioned. The Galtonian regression toward the mean in the results of the first year of the CLIA'88-mandated test, however, provides indirect evidence that misclassification by the federal test is substantial, and its magnitude is in the range indicated by the simple binomial model. Therefore, it is plausible that the conclusions of the statistical considerations outlined above are applicable to the federally mandated PTC to a large extent.

We emphasize that the theoretical underpinnings of PTC are much more complex than may be perceived readily. We hope that, if mandatory, nationwide PTC remains in any form, then it is redesigned to be a valid and reliable proficiency testing system or possibly a board-type examination. We believe that accomplishing this would require the engagement of both cytologists and experts who are well versed in the practical and theoretical aspects of modern test theory. This does not mean that more descriptive data from the existing results of the CLIA'88–mandated PTC should be collected. On the contrary, because the design of the CLIA'88–mandated test is flawed, little true insight may be gained by amassing and further studying descriptive data from such a source. Rather, we advocate the careful application of more inferential or theoretical statistics, which would allow a fairer conceptual design of PTC while leaving the final decisions in the hands of expert cytopathologists and cytotechnologists who are familiar the wider aspects of our difficult discipline.

I also want to thank all of the members of the Women's Caucus. Without their wonderful support, I don't know where we would be at this point. And I thank, once again, Congressman DEAL, the ranking member of the subcommittee; Chairman PALLONE and Chairman DINGELL and Ranking Member BARTON.

Madam Speaker, as has been described by my colleagues, in 1998 the CLIA, or the Clinical Laboratory Improvement Amendments, went into effect. The law was passed. And it took them 4 years for the provision to evaluate the performance of laboratories interpreting Pap tests or Pap smears to be put into law or to have the rule finalized by Health and Human Services. The problem is that program then sat on the shelf for 13 years. So in 2005 the rules were then put into effect and enforced. And therein lies the program.

This program currently in place is based upon more than a decade old, even 15, 16 years old, 1992, regulatory approach that doesn't reflect the modern science and real-world laboratory practice. It does little to help patients or physicians charged with caring for them. The approach of relying on government-driven individual proficiency testing to evaluate the quality of Pap smear interpretations is both outdated and not cost effective.

So the solution is within the bill that we have before us today, H.R. 1237. There's a companion bill, Madam Speaker, over in the Senate, S. 2510, and I'm hopeful, as Congressman DEAL said, that we will be able to get this legislation through both Chambers during this session.

The Cytology Proficiency Improvement Act modifies CLIA by suspending the current regulation that subjects pathologists and others who screen for cervical cancer to annual proficiency testing and instead requires annual continuing medical education that would provide laboratory professionals opportunities to improve their screening and interpretation skills in a nonpunitive environment. The bill allows for an orderly phase-out of the current program and establishes reasonable timelines for the implementation of the new program. The educational approach is consistent with that included in the Mammography Quality Standards Act, a program that is remarkably effective. So the bill would ensure continuing education keeps up with the technology in the field and that clinicians are using day after day after day to help save lives of Americans all across our Nation. This is a major move in the right direction.

I want to thank once again all of those involved and encourage my colleagues to support the bill.

Mrs. CAPPS. Madam Speaker, I continue to reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I urge the adoption of the bill.

Madam Speaker, I yield back the balance of my time.

Mrs. CAPPS. Madam Speaker, I have no further requests for time and again would like to commend my colleagues Representative GORDON and Representative DEAL and also the Women's Caucus for their much hard work and commitment on this important piece of legislation.

This bill would improve the quality of women's health care, and I strongly encourage all of our colleagues to join in support of H.R. 1237.

Mrs. MYRICK. Madam Speaker, I rise today in support of H.R. 1237, the Cytology Proficiency Improvement Act. I am pleased to see that the House will vote today on revamping a 16-year-old CMS regulation—from 1992—that calls for a Federal program to test the proficiency of individual laboratory professionals who read Pap tests.

I first became aware of the need to revisit this outdated regulation several years ago, in 2005, when CMS first began implementation of the program long after it was first put on the books. Congress knows well that promulgating regulations and implementation can do more harm than good.

The current oversight model that CMS is using is intended to help ensure that Pap tests are being read accurately—to improve public health. However, the approach established more than a decade ago, and being used today, doesn't necessarily protect women, improve quality or further our fight against cervical cancer.

H.R. 1237 provides an alternative. It redirects the current "testing" scheme to require pathologists and other lab technicians who read Pap tests to participate in an annual continuing medical education, CME program where their skills would be assessed and where the latest advances in Pap test practice could be shared. It would complement extensive Pap test quality controls that labs must already meet under the Clinical Laboratory Improvement Act. The Mammography Quality Standards Act includes a similar CME approach.

I've talked to pathologists in my district to better understand what it would take to add value to their profession, rather than just more red tape. Dr. Jared Schwartz was one of those who educated me and lent his expertise. He is now serving as president of the College of American Pathologists and is a strong advocate for ensuring access to Pap tests for all women. The laboratory and medical community support this bill, and I'm pleased to support it.

Mr. BUCHANAN. Madam Speaker, I rise today in support of H.R. 1237, the Cytology Proficiency Improvement Act of 2007. I am a cosponsor of this important legislation, which enhances women's health by establishing a continuing medical education requirement for pathologists and laboratory professionals who examine Pap tests to screen for cervical cancer.

I recently toured Sarasota Pathology and heard directly from my constituents about the importance of this bill and its potential to help save lives.

This legislation amends the Clinical Laboratory Improvements Amendments of 1988, CLIA, which mandated a cytology proficiency test to be administered by the Federal Government. However, the program lay inactive until 2005, which, because of scientific advancements makes the test obsolete and out of date.

Unlike the current CLIA testing model, H.R. 1237, with its annual continuing medical education requirement, will provide the means to increase the skills necessary to identify potential cervical cancer, and will keep pace with new science.

H.R. 1237 is modeled after the Mammography Quality Standards Act, MQSA, which was passed in 1992. That bill ensured women would have access to quality mammography procedures. This bill requires similar educational testing for pathologists.

The American Medical Association, the College of OBGYNs, the College of American Pathologists, the American Society for Clinical Pathology, the College of Nurse Midwifes, and the Cancer Research and Prevention Foundation endorse the bill.

Finally, I want to mention that the Congressional Budget Office has determined that it will not cost the Federal Government any additional expenditure.

Madam Speaker, I urge my colleagues to join with me in support of a bill that will greatly improve the quality of women's health care in America.

Mr. CASTLE. Madam Speaker, I rise today in support of The Cytology Proficiency Improvement Act, H.R. 1237, which would modernize and improve a Federal program aimed at promoting quality cervical cancer screening. Pathologists are already required by Federal law under the Clinical Laboratory Improvement Amendments of 1988, CLIA, to comply with extensive quality assurance standards for Pap tests. The bill would complement CLIA by establishing a Federal continuing medical education, CME, requirement for pathologists and laboratory professionals who examine Pap tests to screen for cervical cancer.

I have been a long-time advocate of medical technology and education advancements. Earlier this year, I had the opportunity to tour the Pathology Lab at St. Francis Hospital in Wilmington, DE to get a first hand look at the practice and techniques used in Delaware. During the tour, the doctors and medical staff highlighted the need for H.R. 1237.

Regular screening can make all the difference in addressing cervical cancer and early detection can save lives. Women need access to the latest in Pap test science, principles of patient safety and technological advances such as computer-assisted screening, digital imaging, and HPV typing. Over the years, this educational requirement will also accommodate advances in science and technology without going through the long process of making changes in regulation.

I urge my colleagues on both sides of the aisle to support passage of The Cytology Proficiency Improvement Act, H.R. 1237.

Mrs. CAPPS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and pass the bill, H.R. 1237, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SAFETY OF SENIORS ACT OF 2007

Mrs. CAPPS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 845) to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safety of Seniors Act of 2007".

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating section 393B (as added by section 1401 of Public Law 106–386) as section 393C and transferring such section so that it appears after section 393B (as added by section 1301 of Public Law 106–310); and

(2) by inserting after section 393C (as redesignated by paragraph (1)) the following:

"SEC. 393D. PREVENTION OF FALLS AMONG OLDER ADULTS.

"(a) PUBLIC EDUCATION.—The Secretary may—

"(1) oversee and support a national education campaign to be carried out by a nonprofit organization with experience in designing and implementing national injury prevention programs, that is directed principally to older adults, their families, and health care providers, and that focuses on reducing falls among older adults and preventing repeat falls; and

"(2) award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety, health, senior citizen, and other organizations to design and carry out local education campaigns, focusing on reducing falls among older adults and preventing repeat falls.

"(b) RESEARCH.—

"(1) IN GENERAL.—The Secretary may—

"(A) conduct and support research to—

"(i) improve the identification of older adults who have a high risk of falling;

"(ii) improve data collection and analysis to identify fall risk and protective factors;

"(iii) design, implement, and evaluate the most effective fall prevention interventions;

"(iv) improve strategies that are proven to be effective in reducing falls by tailoring these strategies to specific populations of older adults;

"(v) conduct research in order to maximize the dissemination of proven, effective fall prevention interventions;

"(vi) intensify proven interventions to prevent falls among older adults;

"(vii) improve the diagnosis, treatment, and rehabilitation of elderly fall victims and older adults at high risk for falls; and

"(viii) assess the risk of falls occurring in various settings;

"(B) conduct research concerning barriers to the adoption of proven interventions with respect to the prevention of falls among older adults;

"(C) conduct research to develop, implement, and evaluate the most effective approaches to reducing falls among high-risk older adults living in communities and long-term care and assisted living facilities; and

"(D) evaluate the effectiveness of community programs designed to prevent falls among older adults.

"(2) EDUCATIONAL SUPPORT.—The Secretary, either directly or through awarding grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, may provide professional education for physicians and allied health professionals, and aging service providers in fall prevention, evaluation, and management.

"(c) DEMONSTRATION PROJECTS.—The Secretary may carry out the following:

"(1) Oversee and support demonstration and research projects to be carried out by qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, in the following areas:

"(A) A multistate demonstration project assessing the utility of targeted fall risk screening and referral programs.

"(B) Programs designed for community-dwelling older adults that utilize multicomponent fall intervention approaches, including physical activity, medication assessment and reduction when possible, vision enhancement, and home modification strategies.

"(C) Programs that are targeted to new fall victims who are at a high risk for second falls and which are designed to maximize independence and quality of life for older adults, particularly those older adults with functional limitations.

"(D) Private sector and public-private partnerships to develop technologies to prevent falls among older adults and prevent or reduce injuries if falls occur.

"(2)(A) Award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

"(B) Award 1 or more grants, contracts, or cooperative agreements to 1 or more qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, in order to carry out a multistate demonstration project to implement and evaluate fall prevention programs using proven intervention strategies designed for single and multifamily residential settings with high concentrations of older adults, including—

"(i) identifying high-risk populations;

"(ii) evaluating residential facilities;

"(iii) conducting screening to identify high-risk individuals;

"(iv) providing fall assessment and risk reduction interventions and counseling;

"(v) coordinating services with health care and social service providers; and

"(vi) coordinating post-fall treatment and rehabilitation.

"(3) Award 1 or more grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, specializing, or demonstrating expertise, in falls or fall prevention, to conduct evaluations of the effectiveness of the demonstration projects described in this subsection.

"(d) PRIORITY.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary may give priority to entities that explore the use of cost-sharing with respect to activities funded under the grant, contract, or agreement to ensure the institutional commitment of the recipients of such assistance to the projects funded under the grant, contract, or agreement. Such non-Federal cost sharing contributions may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"(e) STUDY OF EFFECTS OF FALLS ON HEALTH CARE COSTS.—

"(1) IN GENERAL.—The Secretary may conduct a review of the effects of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

"(2) REPORT.—If the Secretary conducts the review under paragraph (1), the Secretary shall, not later than 36 months after the date of enactment of the Safety of Seniors Act of 2007, submit to Congress a report describing the findings of the Secretary in conducting such review.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of Senate bill 845, the Safety of Seniors Act.

Falls represent a serious health risk for millions of older Americans. In the United States, one of every three persons age 65 or older falls each year. Falls are the leading cause of injury deaths and the most common cause of injuries and hospital admissions for trauma in older adults.

Senate bill 845 seeks to address the growing problem of falling and fall-related injuries among older adults. This legislation would direct the Department of Health and Human Services to oversee and support national and local education campaigns focused on reducing falls and preventing repeated falls among older adults. It is important to note that the House Committee on Energy and Commerce held a markup of the House companion legislation H.R. 3701, the Keeping Seniors Safe From Falls Act, which was introduced by Health Subcommittee Chairman FRANK PALLONE. The committee amended H.R. 3701 to ensure that it was identical to Senate bill 845, which has already passed the Senate by unanimous consent. So I want to commend my good friend FRANK PALLONE for his hard work and commitment on this important piece of legislation.

I urge my colleagues to support Senate bill 845.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my wife and I had the opportunity to take care of my mother and her parents in their later years for a period of about 8½ years prior to their passage some 1½ years ago. We were always aware of the danger that was posed by falls, and certainly falls are one of the main causes of injuries and hospital admissions for senior adults.

S. 845, the Safety of Seniors Act of 2008, tries to address this danger by focusing attention on preventing falls among senior citizens and conducting research to evaluate the cause of falls among our older adults. The legislation provides the Secretary with discretion to implement a national education campaign, and, also, it gives him authority to evaluate the effectiveness of community programs designed to prevent falls. It also gives the Secretary the ability to create demonstration projects focused on evaluating and preventing falls in senior citizens.

I urge the adoption of this bill.

Madam Speaker, I yield back the balance of my time.

Mrs. CAPPS. Madam Speaker, I have no further requests for time, and I support the passage of Senate bill 845, which seeks to address the growing problem of falls and fall-related injuries among older adults.

Mr. PALLONE. Madam Speaker, many of us have elder parents, relatives, neighbors or colleagues who have experienced an unnecessary fall. Recently, Nancy Reagan and Senator ROBERT BYRD have both suffered from falls that have caused them to be hospitalized.

Falls among elderly Americans in fact are so commonplace that one in three Americans over the age of 65 each year experiences a debilitating fall. As a result, it is the leading cause of injury-related deaths for older Americans.

The Centers for Disease Control and Prevention, CDC, estimates that fall-related medical expenses cost Americans more than $20 billion annually. Projections are that those expenses will climb to more than $40 billion over the next 15 years, posing additional burdens on already strapped Medicare and Medicaid funding.

Effective demonstration tests and comprehensive public information and education campaigns can help reduce and mitigate these avoidable and frequently disabling injuries.

To that end, I introduced H.R. 3701, the "Keeping Seniors Safe from Falls Act of 2007" with my good friend Representative RALPH HALL, which is the House companion to S. 845, the bill we are debating today. If enacted, this legislation would launch a comprehensive preventive care program and educational campaign to reduce the number and severity of falls to the elderly.

In closing I want to acknowledge all the hard work that went into this bill, including the work of my colleagues both here in the House and the Senate, as well as the Falls Free Coalition working group, which has been advocating for this legislation for sometime.

Madam Speaker, falls among the elderly are clearly an issue that affect and potentially imperil us all. This legislation offers a national approach to reducing these tragic events I urge my colleagues on both sides of the aisle to support this important bill.

Mrs. CAPPS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and pass the Senate bill, S. 845.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT ACT OF 2008

Mrs. CAPPS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2063) to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Allergy and Anaphylaxis Management Act of 2008".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Food allergy is an increasing food safety and public health concern in the United States, especially among students.

(2) Peanut allergy doubled among children from 1997 to 2002.

(3) In a 2004 survey of 400 elementary school nurses, 37 percent reported having at least 10 students with severe food allergies and 62 percent reported having at least 5.

(4) Forty-four percent of the elementary school nurses surveyed reported that the number of students in their school with food allergy had increased over the past 5 years, while only 2 percent reported a decrease.

(5) In a 2001 study of 32 fatal food-allergy induced anaphylactic reactions (the largest study of its kind to date), more than half (53 percent) of the individuals were aged 18 or younger.

(6) Eight foods account for 90 percent of all food-allergic reactions: milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soy.

(7) Currently, there is no cure for food allergies; strict avoidance of the offending food is the only way to prevent a reaction.

(8) Anaphylaxis is a systemic allergic reaction that can kill within minutes.

(9) Food-allergic reactions are the leading cause of anaphylaxis outside the hospital setting, accounting for an estimated 30,000 emergency room visits, 2,000 hospitalizations, and 150 to 200 deaths each year in the United States.

(10) Fatalities from anaphylaxis are associated with a delay in the administration of epinephrine (adrenaline), or when epinephrine was not administered at all. In a study of 13 food allergy-induced anaphylactic reactions in school-age children (6 fatal and 7 near fatal), only 2 of the children who died received epinephrine within 1 hour of ingesting the allergen, and all but 1 of the children who survived received epinephrine within 30 minutes.

(11) The importance of managing life-threatening food allergies in the school setting has been recognized by the American Medical Association, the American Academy of Pediatrics, the American Academy of Allergy, Asthma and Immunology, the American College of Allergy, Asthma and Immunology, and the National Association of School Nurses.

(12) There are no Federal guidelines concerning the management of life-threatening food allergies in the school setting.

(13) Three-quarters of the elementary school nurses surveyed reported developing their own training guidelines.

(14) Relatively few schools actually employ a full-time school nurse. Many are forced to cover more than 1 school, and are often in charge of hundreds if not thousands of students.

(15) Parents of students with severe food allergies often face entirely different food allergy management approaches when their students change schools or school districts.

(16) In a study of food allergy reactions in schools and day-care settings, delays in treatment were attributed to a failure to follow emergency plans, calling parents instead of administering emergency medications, and an inability to administer epinephrine.

SEC. 3. DEFINITIONS.

In this Act:

(1) ESEA DEFINITIONS.—The terms "local educational agency", "secondary school", and "elementary school" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SCHOOL.—The term "school" includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Education.

SEC. 4. ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT POLICY.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) develop a policy to be used on a voluntary basis to manage the risk of food allergy and anaphylaxis in schools; and

(2) make such policy available to local educational agencies and other interested individuals and entities, including licensed child care providers, preschool programs, and Head Start, to be implemented on a voluntary basis only.

(b) CONTENTS.—The voluntary policy developed by the Secretary under subsection (a) shall contain guidelines that address each of the following:

(1) Parental obligation to provide the school, prior to the start of every school year, with—

(A) documentation from the student's physician or nurse—

(i) supporting a diagnosis of food allergy and the risk of anaphylaxis;

(ii) identifying any food to which the student is allergic;

(iii) describing, if appropriate, any prior history of anaphylaxis;

(iv) listing any medication prescribed for the student for the treatment of anaphylaxis;

(v) detailing emergency treatment procedures in the event of a reaction;

(vi) listing the signs and symptoms of a reaction; and

(vii) assessing the student's readiness for self-administration of prescription medication; and

(B) a list of substitute meals that may be offered to the student by school food service personnel.

(2) The creation and maintenance of an individual health care plan tailored to the needs of each student with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such students in instances where—

(A) the students are capable of self-administering medication; and

(B) such administration is not prohibited by State law.

(3) Communication strategies between individual schools and local providers of emergency medical services, including appropriate instructions for emergency medical response.

(4) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school areas such as cafeterias.

(5) The dissemination of information on life-threatening food allergies to school staff, parents, and students, if appropriate by law.

(6) Food allergy management training of school personnel who regularly come into contact with students with life-threatening food allergies.

(7) The authorization and training of school personnel to administer epinephrine when the school nurse is not immediately available.

(8) The timely accessibility of epinephrine by school personnel when the nurse is not immediately available.

(9) Extracurricular programs such as non-academic outings and field trips, before- and after-school programs, and school-sponsored programs held on weekends that are addressed in the individual health care plan.

(10) The collection and publication of data for each administration of epinephrine to a student at risk for anaphylaxis.

(c) RELATION TO STATE LAW.—Nothing in this Act or the policy developed by the Secretary under subsection (a) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

SEC. 5. VOLUNTARY NATURE OF POLICY AND GUIDELINES.

The policy developed by the Secretary under section 4(a) and the food allergy management guidelines contained in such policy are voluntary. Nothing in this Act or the policy developed by the Secretary under section 4(a) shall be construed to require a local educational agency or school to implement such policy or guidelines.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2063, the Food Allergy and Anaphylaxis Management Act of 2008.

This legislation would provide schools with uniform guidance on how to create appropriate management and emergency plans for children with food allergies.

I was a school nurse, again, for 20 years, and I know so well the challenges confronting educators when working to ensure that their students are adequately cared for. And with the current shortage of school nurses, it is more important than ever that we assist local educational agencies in being prepared to manage the risk of food allergy and anaphylaxis in school.

The risk of accidental exposure to foods can be reduced in the school setting if schools will work with students, parents, nurses, and physicians to minimize risks and provide a safe educational environment for food-allergic students.

I want to commend my good friend from New York NITA LOWEY for her tireless work on this important bill. I urge my colleagues on both sides of the aisle to join me in supporting H.R. 2063.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I do rise in support of H.R. 2063, the Food Allergy and Anaphylaxis Management Act of 2008.

Many children face life-threatening food allergies which dramatically impact their lifestyles and make an ordinarily safe place like a school cafeteria a place filled with potential dangers. However, despite this threat and the growing prevalence of these food allergies, many schools struggle to establish effective guidelines to protect the health and well-being of students with food allergies.

I had the occasion this past year to visit with neighbors and constituents of mine whose children have these kind of allergies, one of the children having a very severe food allergy problem. It is truly remarkable the degree of care that children and parents must take and the life-changing events that occur as a result of these food allergies.

This legislation seeks to address this problem by requiring the Department of Health and Human Services to establish voluntary guidelines and policies to manage the risks of food allergy in a school setting. This policy will take into account the important role played by parents and the individual needs of students with differing allergies. Hopefully, this legislation will provide important Federal guidelines, which, when implemented, will provide peace of mind for parents of children with food allergies when they send their children to school every day.

Madam Speaker, I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I am very pleased to yield 5 minutes to the author of the bill, our good friend and colleague from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, I rise in strong support of H.R. 2063, the Food Allergy and Anaphylaxis Management Act.

And I want to thank my good friend Congresswoman LOIS CAPPS and Congressman DEAL for your support on this very important legislation.

More than 11 million Americans suffer from food allergies. Each year several hundred of these individuals die and an estimated 30,000 receive lifesaving treatments in emergency rooms due to food-induced anaphylaxis. Despite the critical nature of these allergies, the only way to prevent dangerous reactions is to avoid all foods that contain allergy-inducing ingredients. And while there have been vast improvements in food labeling, this is still easier said than done, particularly for millions of children in school-based settings.

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Unfortunately, we have a patchwork of policies, regulations and State laws to address this problem. Food allergies and the risk of anaphylaxis are simply too dangerous to not have a more uniform approach to safety.

The Food Allergy and Anaphylaxis Management Act, which I first introduced in 2005, would require the Department of Health and Human Services to provide schools across the country with uniform guidance on how to create management and emergency plans for students with food allergies. These guidelines, which will be developed in consultation with the country's leading scientists and public health officials, will help schools tailor management plans to their students' individual needs, while also giving them confidence that the measures they are taking have the stamp of approval from the Federal Government. These guidelines are not only critically important in keeping children safe throughout the school day, but in ensuring that there is uniformity in how schools address this growing problem.

With the enactment of this legislation, parents will no longer have to worry about their children's safety if they move to a different school district or State. And most importantly, parents will no longer be charged with creating these policies on their own. This commonsense legislation will give schools, teachers and parents the information they need to keep food-allergic children safer and deserves the support of every one of my colleagues.

I would like to thank Senator DODD, who is pushing a similar bill in the Senate, Leader HOYER and his staff, Ivana Alexander, Chairmen DINGELL, MILLER and PALLONE and their staffs, particularly William Garner and Bobby Clark, for their support of this bill, and of course Jean Doyle, my legislative director, for her tireless efforts on this issue. I would also like to thank Anne Munoz-Furlong from the Food Allergy and Anaphylaxis Network, Todd Slotkin from the Food Allergy Initiative, Dave Bunning from the Food Allergy Project, and Dr. Hugh Sampson from Mt. Sinai Hospital for their tireless work on behalf of all individuals with food allergies.

This bill will take an important step in protecting children with food allergies.

I urge my colleagues to support it.

Mr. DEAL of Georgia. Madam Speaker, I would urge the adoption of this legislation.

I yield back the balance of my time.

Mrs. CAPPS. Madam Speaker, I am very pleased to yield 1 minute to our majority leader of the House, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentlelady for yielding, and I rise in very strong support of this legislation, and I thank the gentlelady from New York for her leadership on this issue. I thank Mr. DEAL for his leadership, as well, on this very, very important issue.

Madam Speaker, today this House is considering seven very important but largely noncontroversial public health bills. This week, of course, is National Public Health Week, a time to reflect on the importance of the quality of public health programs and a time to reiterate our commitment to addressing the critical problems that afflict America's health care system, such as exploding costs and the rising number of uninsured.

Today, however, I want to address one of the seven health bills that we are considering. The one under consideration right now is H.R. 2063, the Food Allergy and Anaphylaxis Management Act, introduced by my good friend, NITA LOWEY, of New York, the chairwoman of the Foreign Operations Subcommittee, with whom I had the great privilege of serving for many years. She is a longtime member of the Health and Human Services and Education Subcommittee of the Appropriations Committee. On that committee, she has focused on health care for Americans, but health care particularly for children, as she has focused on education for our children.

In short, Madam Speaker, this legislation will provide schools across the country with uniform guidance on how to create appropriate management and emergency plans for children with food allergies. It will direct the Secretary of Health and Human Services to develop a voluntary policy for schools to implement measures to prevent exposure to food allergens and to ensure a prompt response if a child suffers a potentially fatal anaphylactic reaction.

Madam Speaker, deadly food allergies are not some arcane, rare occurrence. Frankly, even if they were, they would require our attention. But the reality is that as many as 2 million school-age children suffer from food allergies. One of those children is my granddaughter, Alexa.

No cure currently exists. Avoiding any and all products with allergy-causing ingredients is the only way to prevent potentially life-threatening reactions, reactions including severe anaphylaxis, which often occur at school and which can kill within minutes, unless epinephrine is administered.

Alexa, Madam Speaker, is 5 years of age. When she is at my house, as she was this past weekend, when she is in a restaurant, she is acutely aware, extraordinarily aware, for a 5-year-old, of what she can and cannot eat. And her mother, my daughter, asked the restaurant, what do you cook your french fries in? What do you use on your foods? It is an extraordinarily anxious time when my granddaughter eats. Just last week, for example, members of my family, including Alexa, visited my office, and we had sandwiches put out for a number of the family members. We had to make sure that all peanut butter and jelly sandwiches were removed from our conference room before Alexa entered to protect her.

To tell you how extraordinarily sensitive she is, she was in Disney World in Florida. She was walking with her mother and father down the pathway there from one exhibit to the other, and all of a sudden she started to wheeze heavily. Anne, who had seen this happen before, could not understand it because she didn't have anything to eat. They retraced their steps, and about 100 feet before this started, 100 feet, they saw some popcorn being popped in peanut oil. And it was simply the wind wafting that peanut odor. And whatever it was in the air she then breathed in, and that immediately started to give her a problem.

The importance of managing life-threatening food allergies in the school setting has been recognized by the American Medical Association, the American Academy of Pediatrics, the National Association of School Nurses and the American Academy of Allergy, Asthma and Immunology. One of the extraordinary nurses of America is our colleague, LOIS CAPPS. And I want to thank Congresswoman CAPPS for her leadership on this issue, as well. As a health professional, she knows firsthand of the consequences of allowing this to go unchecked and unprepared for.

Unfortunately, no consistent, standardized guidelines currently exist to help schools safely manage students with potentially deadly food allergies. As a matter of fact, my daughter, and parents similarly situated, meet with their child's teacher, Alexa is in kindergarten, and teaches them how to use the EpiPen, and it is ever present. My daughter goes nowhere without her EpiPen for use on Alexa should she have an attack.

That is why it is critical that we pass H.R. 2063 to ensure the safety of not only Alexa, but the millions of other school-age children afflicted with food allergies across the country.

I recently went to an event in New York. And after the event, I went to dinner, and there were eight of us at the table. Three of us were grandfathers. Eight people, in New York, not anything dealing with this issue, all three grandfathers were telling one another about the fact that they have grandchildren with food allergies. That is why it is critical that we pass this bill to ensure the safety not only of Alexa, but as I said, of the millions of other school-age children.

Madam Speaker, I urge all Members on both sides of the aisle to support this important, life-saving legislation.

Mrs. CAPPS. At this point, Madam Speaker, I have no further speakers, and as has been so eloquently underscored by our majority leader on behalf of all of the families, millions of children, as has been said across this country, their families, but also the schools in which they attend public schools that it is incumbent upon us to pass this important legislation and get this bill signed into law.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the Food Allergy and Anaphylaxis Management Act.

Imagine having a child with a food allergy who is at school and can potentially eat something that will cause a life-threatening or fatal reaction. This can especially be a very nerve-wracking experience for any parent when their child is away from home and spends most of their time in school.

This commonsense legislation was brought to my attention by many school-age children from my congressional district. They shared their experiences of what they have to do every day to manage their food allergies. They have to scrutinize everything they eat in order to make sure they avoid the allergy-producing ingredients. The least we can do for these children and their parents is to encourage school districts across the country to adopt uniform guidelines in managing the risk of food allergy and anaphylaxis, and develop emergency plans for children who suffer from this illness. This legislation would accomplish this goal by creating a new grant program to provide resources for those school districts who voluntarily implement these measures.

Madam Speaker, by passing this bill, we can help reduce the number of life-threatening allergic reactions and help children manage their food allergies. I urge my colleagues to support this legislation.

Mrs. CAPPS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and pass the bill, H.R. 2063, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools.".

A motion to reconsider was laid on the table.

NEWBORN SCREENING SAVES LIVES ACT OF 2007

Mrs. CAPPS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1858) to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Newborn Screening Saves Lives Act of 2007".

SEC. 2. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDER.

Section 1109 of the Public Health Service Act (42 U.S.C. 300b–8) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

"(a) AUTHORIZATION OF GRANT PROGRAM.—From amounts appropriated under subsection (j), the Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the 'Administrator') and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children (referred to in this section as the 'Advisory Committee'), shall award grants to eligible entities to enable such entities—

"(1) to enhance, improve or expand the ability of State and local public health agencies to provide screening, counseling, or health care services to newborns and children having or at risk for heritable disorders;

"(2) to assist in providing health care professionals and newborn screening laboratory personnel with education in newborn screening and training in relevant and new technologies in newborn screening and congenital, genetic, and metabolic disorders;

"(3) to develop and deliver educational programs (at appropriate literacy levels) about newborn screening counseling, testing, follow-up, treatment, and specialty services to parents, families, and patient advocacy and support groups; and

"(4) to establish, maintain, and operate a system to assess and coordinate treatment relating to congenital, genetic, and metabolic disorders.

"(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State or a political subdivision of a State;

"(2) a consortium of 2 or more States or political subdivisions of States;

"(3) a territory;

"(4) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

"(5) any other entity with appropriate expertise in newborn screening, as determined by the Secretary.

"(c) APPROVAL FACTORS.—An application submitted for a grant under subsection (a)(1) shall not be approved by the Secretary unless the application contains assurances that the eligible entity has adopted and implemented, is in the process of adopting and implementing, or will use amounts received under such grant to adopt and implement the guidelines and recommendations of the Advisory Committee that are adopted by the Secretary and in effect at the time the grant is awarded or renewed under this section, which shall include the screening of each newborn for the heritable disorders recommended by the Advisory Committee and adopted by the Secretary.";

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) by inserting after subsection (c), the following:

"(d) COORDINATION.—The Secretary shall take all necessary steps to coordinate programs funded with grants received under this section and to coordinate with existing newborn screening activities."; and

(4) by striking subsection (j) (as so redesignated) and inserting the following:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

"(1) to provide grants for the purpose of carrying activities under section (a)(1), $15,000,000 for fiscal year 2008; $15,187,500 for fiscal year 2009, $15,375,000 for fiscal year 2010, $15,562,500 for fiscal year 2011, and $15,750,000 for fiscal year 2012; and

"(2) to provide grant for the purpose of carrying out activities under paragraphs (2), (3), and (4) of subsection (a), $15,000,000 for fiscal year 2008, $15,187,500 for fiscal year 2009, $15,375,000 for fiscal year 2010, $15,562,500 for fiscal year 2011, and $15,750,000 for fiscal year 2012.".

SEC. 3. EVALUATING THE EFFECTIVENESS OF NEWBORN AND CHILD SCREENING PROGRAMS.

Section 1110 of the Public Health Service Act (42 U.S.C. 300b-9) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2008, $5,062,500 for fiscal year 2009, $5,125,000 for fiscal year 2010, $5,187,500 for fiscal year 2011, and $5,250,000 for fiscal year 2012.".

SEC. 4. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.

Section 1111 of the Public Health Service Act (42 U.S.C. 300b–10) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (6);

(B) in paragraph (2), by striking "and" after the semicolon;

(C) by inserting after paragraph (2) the following:

"(3) make systematic evidence-based and peer-reviewed recommendations that include the heritable disorders that have the potential to significantly impact public health for which all newborns should be screened, including secondary conditions that may be identified as a result of the laboratory methods used for screening;

"(4) develop a model decision-matrix for newborn screening expansion, including an evaluation of the potential public health impact of such expansion, and periodically update the recommended uniform screening panel, as appropriate, based on such decision-matrix;

"(5) consider ways to ensure that all States attain the capacity to screen for the conditions described in paragraph (3), and include in such consideration the results of grant funding under section 1109; and";

(D) in paragraph (6) (as so redesignated by subparagraph (A)), by striking the period at the end and inserting ", which may include recommendations, advice, or information dealing with—

"(A) follow-up activities, including those necessary to achieve rapid diagnosis in the short-term, and those that ascertain long-term case management outcomes and appropriate access to related services;

"(B) implementation, monitoring, and evaluation of newborn screening activities, including diagnosis, screening, follow-up, and treatment activities;

"(C) diagnostic and other technology used in screening;

"(D) the availability and reporting of testing for conditions for which there is no existing treatment;

"(E) conditions not included in the recommended uniform screening panel that are treatable with Food and Drug Administration-approved products or other safe and effective treatments, as determined by scientific evidence and peer review;

"(F) minimum standards and related policies and procedures used by State newborn screening programs, such as language and terminology used by State newborn screening programs to include standardization of case definitions and names of disorders for which newborn screening tests are performed;

"(G) quality assurance, oversight, and evaluation of State newborn screening programs, including ensuring that tests and technologies used by each State meet established standards for detecting and reporting positive screening results;

"(H) public and provider awareness and education;

"(I) the cost and effectiveness of newborn screening and medical evaluation systems and intervention programs conducted by State-based programs;

"(J) identification of the causes of, public health impacts of, and risk factors for heritable disorders; and

"(K) coordination of surveillance activities, including standardized data collection and reporting, harmonization of laboratory definitions for heritable disorders and testing results, and confirmatory testing and verification of positive results, in order to assess and enhance monitoring of newborn diseases."; and

(2) in subsection (c)(2)—

(A) by redesignating subparagraphs (E), (F) and (G) as subparagraphs (F), (H), and (I);

(B) by inserting after subparagraph (D) the following:

"(E) the Commissioner of the Food and Drug Administration;"; and

(C) by inserting after subparagraph (F), as so redesignated, the following:

"(G) individuals with expertise in ethics and infectious diseases who have worked and published material in the area of newborn screening;"; and

(3) by adding at the end the following:

"(d) DECISION ON RECOMMENDATIONS.—

"(1) IN GENERAL.—Not later than 180 days after the Advisory Committee issues a recommendation pursuant to this section, the Secretary shall adopt or reject such recommendation.

"(2) PENDING RECOMMENDATIONS.—The Secretary shall adopt or reject any recommendation issued by the Advisory Committee that is pending on the date of enactment of the Newborn Screening Saves Lives Act of 2007 by not later than 180 days after the date of enactment of such Act.

"(3) DETERMINATIONS TO BE MADE PUBLIC.—The Secretary shall publicize any determination on adopting or rejecting a recommendation of the Advisory Committee pursuant to this subsection, including the justification for the determination.

"(e) ANNUAL REPORT.—Not later than 3 years after the date of enactment of the Newborn Screening Saves Lives Act of 2007, and each fiscal year thereafter, the Advisory Committee shall—

"(1) publish a report on peer-reviewed newborn screening guidelines, including follow-up and treatment, in the United States;

"(2) submit such report to the appropriate committees of Congress, the Secretary, the Interagency Coordinating Committee established under Section 1114, and the State departments of health; and

"(3) disseminate such report on as wide a basis as practicable, including through posting on the internet clearinghouse established under section 1112.

"(f) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall continue to operate during the 5-year period beginning on the date of enactment of the Newborn Screening Saves Lives Act of 2007.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 2008, $1,012,500 for fiscal year 2009, $1,025,000 for fiscal year 2010, $1,037,500 for fiscal year 2011, and $1,050,000 for fiscal year 2012.".

SEC. 5. INFORMATION CLEARINGHOUSE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b-1 et seq.) is amended by adding at the end the following:

"SEC. 1112. CLEARINGHOUSE OF NEWBORN SCREENING INFORMATION.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this part as the 'Administrator'), in consultation with the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall establish and maintain a central clearinghouse of current educational and family support and services information, materials, resources, research, and data on newborn screening to—

"(1) enable parents and family members of newborns, health professionals, industry representatives, and other members of the public to increase their awareness, knowledge, and understanding of newborn screening;

"(2) increase awareness, knowledge, and understanding of newborn diseases and screening services for expectant individuals and families; and

"(3) maintain current data on quality indicators to measure performance of newborn screening, such as false-positive rates and other quality indicators as determined by the Advisory Committee under section 1111.

"(b) INTERNET AVAILABILITY.—The Secretary, acting through the Administrator, shall ensure that the clearinghouse described under subsection (a)—

"(1) is available on the Internet;

"(2) includes an interactive forum;

"(3) is updated on a regular basis, but not less than quarterly; and

"(4) provides—

"(A) links to Government-sponsored, non-profit, and other Internet websites of laboratories that have demonstrated expertise in newborn screening that supply research-based information on newborn screening tests currently available throughout the United States;

"(B) information about newborn conditions and screening services available in each State from laboratories certified under subpart 2 of part F of title III, including information about supplemental screening that is available but not required, in the State where the infant is born;

"(C) current research on both treatable and not-yet treatable conditions for which newborn screening tests are available;

"(D) the availability of Federal funding for newborn and child screening for heritable disorders including grants authorized under the Newborn Screening Saves Lives Act of 2007; and

"(E) other relevant information as determined appropriate by the Secretary.

"(c) NONDUPLICATION.—In developing the clearinghouse under this section, the Secretary shall ensure that such clearinghouse minimizes duplication and supplements, not supplants, existing information sharing efforts.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,500,000 for fiscal year 2008, $2,531,250 for fiscal year 2009, $2,562,500 for fiscal year 2010, $2,593,750 for fiscal year 2011, and $2,625,000 for fiscal year 2012.".

SEC. 6. LABORATORY QUALITY AND SURVEILLANCE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.), as amended by section 5, is further amended by adding at the end the following:

"SEC. 1113. LABORATORY QUALITY.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, shall provide for—

"(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

"(2) appropriate quality control and other performance test materials to evaluate the performance of new screening tools.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008, $5,062,500 for fiscal year 2009, $5,125,000 for fiscal year 2010, $5,187,500 for fiscal year 2011, and $5,250,000 for fiscal year 2012.

"SEC. 1114. INTERAGENCY COORDINATING COMMITTEE ON NEWBORN AND CHILD SCREENING.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) assess existing activities and infrastructure, including activities on birth defects and developmental disabilities authorized under section 317C, in order to make recommendations for programs to collect, analyze, and make available data on the heritable disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children under section 1111, including data on the incidence and prevalence of, as well as poor health outcomes resulting from, such disorders; and

"(2) make recommendations for the establishment of regional centers for the conduct of applied epidemiological research on effective interventions to promote the prevention of poor health outcomes resulting from such disorders as well as providing information and education to the public on such effective interventions.

"(b) ESTABLISHMENT.—The Secretary shall establish an Interagency Coordinating Committee on Newborn and Child Screening (referred to in this section as the 'Interagency Coordinating Committee') to carry out the purpose of this section.

"(c) COMPOSITION.—The Interagency Coordinating Committee shall be composed of the Director of the Centers for Disease Control and Prevention, the Administrator, the Director of the Agency for Healthcare Research and Quality, and the Director of the National Institutes of Health, or their designees.

"(d) ACTIVITIES.—The Interagency Coordinating Committee shall—

"(1) report to the Secretary and the appropriate committees of Congress on its recommendations related to the purpose described in subsection (a); and

"(2) carry out other activities determined appropriate by the Secretary.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $1,000,000 for fiscal year 2008, $1,012,500 for fiscal year 2009, $1,025,000 for fiscal year 2010, $1,037,500 for fiscal year 2011, and $1,050,000 for fiscal year 2012.".

SEC. 7. CONTINGENCY PLANNING.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.), as amended by section 6, is further amended by adding at the end the following:

"SEC. 1115. NATIONAL CONTINGENCY PLAN FOR NEWBORN SCREENING.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator and State departments of health (or related agencies), shall develop a national contingency plan for newborn screening for use by a State, region, or consortia of States in the event of a public health emergency.

"(b) CONTENTS.—The contingency plan developed under subsection (a) shall include a plan for—

"(1) the collection and transport of specimens;

"(2) the shipment of specimens to State newborn screening laboratories;

"(3) the processing of specimens;

"(4) the reporting of screening results to physicians and families;

"(5) the diagnostic confirmation of positive screening results;

"(6) ensuring the availability of treatment and management resources;

"(7) educating families about newborn screening; and

"(8) carrying out other activities determined appropriate by the Secretary.

"SEC. 1116. HUNTER KELLY RESEARCH PROGRAM.

"(a) NEWBORN SCREENING ACTIVITIES.—

"(1) IN GENERAL.—The Secretary, in conjunction with the Director of the National Institutes of Health and taking into consideration the recommendations of the Advisory Committee, may continue carrying out, coordinating, and expanding research in newborn screening (to be known as 'Hunter Kelly Newborn Screening Research Program') including—

"(A) identifying, developing, and testing the most promising new screening technologies, in order to improve already existing screening tests, increase the specificity of newborn screening, and expand the number of conditions for which screening tests are available;

"(B) experimental treatments and disease management strategies for additional newborn conditions, and other genetic, metabolic, hormonal and or functional conditions that can be detected through newborn screening for which treatment is not yet available; and

"(C) other activities that would improve newborn screening, as identified by the Director.

"(2) ADDITIONAL NEWBORN CONDITION.—For purposes of this subsection, the term 'additional newborn condition' means any condition that is not one of the core conditions recommended by the Advisory Committee and adopted by the Secretary.

"(b) FUNDING.—In carrying out the research program under this section, the Secretary and the Director shall ensure that entities receiving funding through the program will provide assurances, as practicable, that such entities will work in consultation with the appropriate State departments of health, and, as practicable, focus their research on screening technology not currently performed in the States in which the entities are located, and the conditions on the uniform screening panel (or the standard test existing on the uniform screening panel).

"(c) REPORTS.—The Director is encouraged to include information about the activities carried out under this section in the biennial report required under section 403 of the National Institutes of Health Reform Act of 2006. If such information is included, the Director shall make such information available to be included on the Internet Clearinghouse established under section 1112.

"(d) NONDUPLICATION.—In carrying out programs under this section, the Secretary shall minimize duplication and supplement, not supplant, existing efforts of the type carried out under this section.

"(e) PEER REVIEW.—Nothing in this section shall be construed to interfere with the scientific peer-review process at the National Institutes of Health.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Madam Speaker, I rise in strong support of Senate bill 1858, the Newborn Screening Saves Lives Act. This legislation would facilitate the creation of Federal guidelines on newborn screening and would assist State newborn screening programs in meeting these guidelines.

Newborn screening is used for early identification of infants affected by certain genetic, metabolic, hormonal, and functional conditions for which there may be an effective treatment or intervention. If left untreated, these disorders can cause death, disability, mental retardation and other serious conditions. Every year, more than 4 million infants are born and screened to detect conditions that could threaten their lives and their long-term health.

Senate bill 1858 will educate parents and health care providers about newborn screening. It will improve follow-up care for infants when illness is detected, and it will help States expand and improve their newborn screening programs.

It is very important to note that the House Committee on Energy and Commerce held a markup of House companion legislation H.R. 3825, which was introduced by my colleague, LUCILLE ROYBAL-ALLARD. And I want to say a word of commendation toward LUCILLE ROYBAL-ALLARD, who has really worked diligently over quite a period of time to make sure that this bill reached the floor today. She couldn't be here to speak on behalf of the legislation, but I know that there has been a great deal of leadership that has brought us to this point today.

The House Energy and Commerce Committee amended H.R. 3825 to ensure that it was identical to the Senate bill, 1858, which has already passed the Senate by unanimous consent. And so the good work of our friend, Congresswoman ROYBAL-ALLARD, has brought us to this point and to the commitment that I share on this important piece of legislation.

I appreciate all of her efforts to carry this legislation forward and admire her dedication to helping the children and families affected by these conditions.

I urge all of my colleagues to join in support of Senate bill 1858.

I reserve the remainder of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

Newborn screening can certainly identify children at risk for certain metabolic and genetic diseases for which there may be an effective treatment. If it is detected early it is certainly a cost-saving way of dealing with these problems that can lead to death, disability, mental retardation and many other serious conditions.

Currently, States have differing policies and procedures for doing newborn screening. Accurate screening ensures affected babies are identified and receive the proper care.

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This legislation establishes a newborn screening education and outreach program at the Department of Health and Human Services in order to improve newborn screening. Many parents of newborns are not aware of the wide variety of screening tests that are available. Thus, the legislation would establish a clearinghouse of educational and family support and services information on newborn screening in order to provide resources for those families.

This legislation moved through our committee in a bipartisan process and the majority and the minority were able to reconcile a few differences on the legislation in that committee process. I would ask my colleagues to join me in supporting this important bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Madam Speaker, I thank the gentleman from Georgia.

Madam Speaker, as one of the chief sponsors of the Newborn Screening Saves Lives Act, I rise today in strong support of Senate 1858 and urge its passage. I would like to extend my thanks to Chairman DINGELL and Ranking Member BARTON for working together to get this bill to the floor today.

This bill is a tribute to children and their parents who have had to face the pain of experiencing a disease that wasn't caught by newborn screening. Each year, over 4 million children are routinely tested at birth for genetic disorders. But what so many parents don't realize is that the actual number of conditions that their child is screened for depends on the State they live in. A child's life in one State should never mean more or less than a child's life in another.

Every child born with a disease, whether it is common or rare, should receive early diagnosis and treatment. That is why we need the Newborn Screening Laws Saves Lives Act signed into law and adequately funded. Through this legislation, we cannot only educate parents about lifesaving tests available for their newborn child, but greatly expand the screening programs at the State level.

Left untreated, many disorders are life-threatening or can cause serious mental and physical disabilities. Early detection through screening can lessen effects or even completely prevent progression of many disorders by providing for immediate medical intervention.

My State of New York has long been a national leader in newborn screening, starting in 1960 when Dr. Robert Guthrie developed the first newborn screening tests in Buffalo, New York. New York now tests each child for 44 different conditions.

In 2004, the American College of Medical Genetics completed a report commissioned by the U.S. Department of Health and Human Services which recommended at a minimum every baby born in the United States be screened for a core set of 29 treatable disorders. Currently, only 19 States and the District of Columbia require infants to be screened for all 29 of the recommended disorders. It is my sincere hope through grants and research funding provided for in the Newborn Screening Saves Lives Act, every State will be able to coordinate their newborn screening tests in order to bring consistency across the country.

Finally, I would like to acknowledge the strong bipartisan efforts of my colleagues LUCILLE ROYBAL-ALLARD, MIKE SIMPSON, and HENRY WAXMAN. They have long fought for life saving changes to newborn screening it, and it has been a pleasure working with them to achieve its consideration today.

I would like to thank Jill and Jim Kelly and Jacque Waggoner from Western New York for their tireless advocacy on behalf of enhanced newborn screening and for the tremendous efforts to raise public awareness about this vital issue.

Madam Speaker, I urge a "yes" vote on the bill.

Mr. DEAL of Georgia. Madam Speaker, I have no other requests for time. I urge the adoption of the resolution, and I yield back the balance of my time.

Mr. PAUL. Madam Speaker, as an OB–GYN I take a back seat to no one when it comes to caring about the health of newborn children. However, as a Representative who has taken an oath to uphold the Constitution, I cannot support legislation, no matter how much I sympathize with the legislation's stated goals, that exceeds the Constitutional limitations on Federal power or in any way threatens the liberty of the American people. Since S. 1858 violates the Constitution, and may have unintended consequences that will weaken the American health care system and further erode medical privacy, I must oppose it.

S. 1858 gives the Federal bureaucracy the authority to develop a model newborn screening program. Madam Speaker, the Federal Government lacks both the constitutional authority and the competence to develop a newborn screening program adequate for a nation as large and diverse as the United States. Some will say that the program is merely a guide for local hospitals. However, does anyone seriously doubt that, whatever the flaws contained in the model eventually adopted by the Federal Government, almost every hospital in the country will scrap their own newborn screening programs in favor of the Federal model? After all, no hospital will want to risk losing Federal funding because they did not adopt the "federally approved" plan for newborn screening. Thus, this bill takes another step toward the nationalization of health care.

As the Federal Government assumes more control over health care, medical privacy has increasingly come under assault. Those of us in the medical profession should be particularly concerned about policies allowing Government officials and State-favored interests to access our medical records without our consent. After all, patient confidentiality is the basis of the trust that must underline a positive physician-patient relationship. Yet my review of S. 1858 indicates the drafters of the legislation made no effort to ensure these newborn screening programs do not violate the privacy rights of parents and children.

In fact, by directing Federal bureaucrats to create a contingency plan for newborn screening in the event of a "public health" disaster, this bill may lead to further erosions of medical privacy. As recent history so eloquently illustrates, politicians are more than willing to take, and people are more than willing to cede, liberty during times of "emergency." Thus, most people will gladly sacrifice their families' medical privacy if they are told it is necessary to protect them from a Government-declared health emergency, while the Federal Government will be very unlikely to relinquish its new powers when the emergency passes.

I am also skeptical, to say the least, that a top-down Federal plan to screen any part of the population will effectively help meet the challenges facing the health care system in the event of a real public emergency. State and local Governments working together with health care providers, can better come up with effective ways to deal with public health emergencies than can any Federal bureaucracy. It is for these reasons, Madam Speaker, that I oppose S. 1858.

Mrs. CAPPS. Madam Speaker, I have no further speakers. I urge the adoption of S. 1858, the Newborn Screening Saves Lives Act, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and pass the Senate bill, S. 1858.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

TRAUMATIC BRAIN INJURY ACT OF 2008

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 793) to provide for the expansion and improvement of traumatic brain injury programs, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Traumatic Brain Injury Act of 2008".

SEC. 2. CONFORMING AMENDMENTS RELATING TO RESTRUCTURING.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating the section 393B (42 U.S.C. 280b–1c) relating to the use of allotments for rape prevention education, as section 393A and moving such section so that it follows section 393;

(2) by redesignating existing section 393A (42 U.S.C. 280b–1b) relating to prevention of traumatic brain injury, as section 393B; and

(3) by redesignating the section 393B (42 U.S.C. 280b–1d) relating to traumatic brain injury registries, as section 393C.

SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Clause (ii) of section 393B(b)(3)(A) of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b–1b) is amended by striking "from hospitals and trauma centers" and inserting "from hospitals and emergency departments".

(b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND REGISTRIES.—Section 393C of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b et seq.) is amended—

(1) in the section heading, by inserting "SURVEILLANCE AND" after "NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY"; and

(2) in subsection (a), in the matter preceding paragraph (1), by striking "may make grants" and all that follows through "to collect data concerning—" and inserting "may make grants to States or their designees to develop or operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain injury and related disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning—".

(c) REPORT.—Section 393C of the Public Health Service Act (as so redesignated) is amended by adding at the end the following:

"(b) Not later than 18 months after the date of enactment of the Traumatic Brain Injury Act of 2008, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health and in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall submit to the relevant committees of Congress a report that contains the findings derived from an evaluation concerning activities and procedures that can be implemented by the Centers for Disease Control and Prevention to improve the collection and dissemination of compatible epidemiological studies on the incidence and prevalence of traumatic brain injury in individuals who were formerly in the military. The report shall include recommendations on the manner in which such agencies can further collaborate on the development and improvement of traumatic brain injury diagnostic tools and treatments.".

SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393C, as so redesignated, the following:

"SEC. 393C–1. STUDY ON TRAUMATIC BRAIN INJURY.

"(a) STUDY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and in consultation with the Director of the National Institutes of Health and other appropriate entities with respect to paragraphs (2), (3), and (4), may conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:

"(1) In collaboration with appropriate State and local health-related agencies—

"(A) determining the incidence of traumatic brain injury and prevalence of traumatic brain injury related disability and the clinical aspects of the disability in all age groups and racial and ethnic minority groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities; and

"(B) reporting national trends in traumatic brain injury.

"(2) Identifying common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and, subject to the availability of information, including an analysis of—

"(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;

"(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

"(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

"(3) Identifying interventions and therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury.

"(4) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

"(b) DATES CERTAIN FOR REPORTS.—If the study is conducted under subsection (a), the Secretary shall, not later than 3 years after the date of the enactment of the Traumatic Brain Injury Act of 2008, submit to Congress a report describing findings made as a result of carrying out such subsection (a).

"(c) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma including near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (b)(2), by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions";

(2) in subparagraph (D) of subsection (d)(4), by striking "head brain injury" and inserting "brain injury"; and

(3) in subsection (i), by inserting ", and such sums as may be necessary for each of the fiscal years 2009 through 2012" before the period at the end.

SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a)—

(A) by striking "may make grants to States" and inserting "may make grants to States and American Indian consortia"; and

(B) by striking "health and other services" and inserting "rehabilitation and other services";

(2) in subsection (b)—

(A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term "State" each place such term appears and inserting the term "State or American Indian consortium"; and

(B) in paragraph (2), by striking "recommendations to the State" and inserting "recommendations to the State or American Indian consortium";

(3) in subsection (c)(1), by striking the term "State" each place such term appears and inserting "State or American Indian consortium";

(4) in subsection (e), by striking "A State that received" and all that follows through the period and inserting "A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Traumatic Brain Injury Act of 2008 may complete the activities funded by the grant.";

(5) in subsection (f)—

(A) in the subsection heading, by inserting "AND AMERICAN INDIAN CONSORTIUM" after "STATE";

(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term "State" each place such term appears and inserting "State or American Indian consortium"; and

(C) in clause (ii) of paragraph (1)(A), by striking "children and other individuals" and inserting "children, youth, and adults";

(6) in subsection (h)—

(A) by striking "Not later than 2 years after the date of the enactment of this section, the Secretary" and inserting "Not less than biennially, the Secretary";

(B) by striking "Commerce of the House of Representatives, and to the Committee on Labor and Human Resources" and inserting "Energy and Commerce of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions"; and

(C) by inserting "and section 1253" after "programs established under this section,";

(7) by amending subsection (i) to read as follows:

"(i) DEFINITIONS.—For purposes of this section:

"(1) The terms 'American Indian consortium' and 'State' have the meanings given to those terms in section 1253.

"(2) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities."; and

(8) in subsection (j), by inserting ", and such sums as may be necessary for each of the fiscal years 2009 through 2012" before the period.

(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsections (d) and (e), by striking the term "subsection (i)" each place such term appears and inserting "subsection (l)";

(2) in subsection (g), by inserting "each fiscal year not later than October 1," before "the Administrator shall pay";

(3) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively;

(4) by inserting after subsection (h) the following:

"(i) DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

"(j) TRAINING AND TECHNICAL ASSISTANCE.—

"(1) GRANTS.—For any fiscal year for which the amount appropriated to carry out this section is $6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national association for providing for training and technical assistance to protection and advocacy systems.

"(2) DEFINITION.—In this subsection, the term 'eligible national association' means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.

"(k) SYSTEM AUTHORITY.—In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000."; and

(5) in subsection (l) (as redesignated by this subsection) by striking "2002 through 2005" and inserting "2009 through 2012".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Senate bill, S. 793, the Traumatic Brain Injury Act of 2008, to authorize research and public health activities relating to trauma and traumatic brain injury. The version of the bill we are considering today represents bipartisan and bicameral consensus.

The purpose of S. 793, the Traumatic Brain Injury Act of 2008, is to authorize funding for research, treatment, surveillance and education activities related to trauma and traumatic brain injury at the National Institutes of Health, the Health Resources and Services Administration and the Centers for Disease Control and Prevention. Reauthorizing the traumatic brain injury program will strengthen the goal of understanding and addressing traumatic brain injury and strengthen our commitment to all those who experience traumatic brain injury.

I want to acknowledge my friend the gentleman from New Jersey, Congressman BILL PASCRELL, for his incredible leadership in the House on this important matter. I urge my colleagues on both sides of the aisle to join me in its support.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to join my colleague in support of S. 793, the Traumatic Brain Injury Act of 2008. This legislation reauthorizes important grant programs, which assist States, territories, and the District of Columbia in establishing and expanding coordinated services of community-based services and support for those with traumatic brain injuries.

Traumatic brain injuries, TBI, can happen to anyone, and occur when someone experiences brain damage from externally inflicted trauma to the head. While these injuries can impact children, teenagers and adults, TBI has been described as the signature wound of the war in Iraq.

This legislation, first authorized in 1996, was reauthorized in 2000. With the large number of troops returning from the battlefield afflicted by this injury, it is important that we continue the activities authorized by this legislation.

The bill ensures that we are working to improve treatment through research at the National Institutes of Health and are able to gather information about the incidence of TBI and the prevalence of TBI-related disability.

I urge my colleagues to join me in supporting this important effort.

Madam Speaker, I reserve the balance of my time.

Ms. BALDWIN. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, I want to thank the distinguished gentlewoman from Wisconsin. I would like to also thank Chairman DINGELL and

Chairman PALLONE for their thoughtful consideration and support for millions of TBI survivors and their families. But I personally want to thank my friend from Pennsylvania, Congressman TODD PLATTS, for his leadership on this important issue. He has shown true sensitivity, and as cochair of the Congressional Brain Injury Task Force, families all through America could not have a better friend than TODD PLATTS.

I have witnessed firsthand, Madam Speaker, how these programs make a difference in people's lives. Traumatic brain injury is a leading cause of death and disability in young Americans, as well as being the signature injury of our troops in Iraq and Afghanistan.

Every 21 seconds, one person in the United States sustains a traumatic brain injury. That adds up to 1.4 million TBIs each year. About half of these cases result in at least short-term disability, and about 50,000 people die as a result of these injuries. Eighty thousand people sustain severe brain injuries leading to long-term disability.

The Centers for Disease Control estimates there are 5.3 million Americans who are living with long-term severe disability as a result of brain injury. The national cost is estimated at $60 billion annually.

The statistics involving brain injury are increasing even more now that reports show that traumatic brain injuries account for 14 to 20 percent of the casualties for those who survive combat in Iraq. As of 3 months ago, Madam Speaker, 30,327 servicemembers have been wounded in Iraq. Two-thirds of those, approximately 20,000, have had injuries during this war affecting the brain.

We are in truly a very important time in history. The brain is the last frontier of science. Many returning servicemembers suffering from TBI will receive excellent care and rehabilitation services within the Department of Defense and Department of Veterans Affairs. But others suffering TBI that are initially undiagnosed or misdiagnosed will later look to the civilian community and local resources for information and services, especially those who serve in the National Guard and Reserves.

That is why it is essential that we continue to foster collaboration between the civilian and the military, like the Department of Defense Center of Excellence for Psychological Health and Traumatic Brain Injury. My good friend Colonel Sutton has done a fantastic job there to build a system that ensures returning troops receive what they need to put their lives back together again.

Unfortunately, TBI remains a silent epidemic in the United States of America. That is why the legislation today, Madam Speaker, is so important. The TBI Act is the only legislation that specifically allocates Federal funds for programs supporting individuals with brain injury.

Originally passed in 1996 and reauthorized in 2000, the TBI Act represents a foundation for coordinated and balanced public policy in prevention, education and research and community living for people living with TBI and their circles of support, many times forgotten as well. It has produced results. For 10 years, the Traumatic Brain Injury Act was successfully providing direction and legal authority for the vast brain injury community in the United States. The act was not designed to provide direct care to persons with TBI, but rather to inform.

The Health Resources and Services Administration grants within the TBI Act have helped States to improve access to health and other services for persons with TBI. Prior to the 1996 law, they did not have the tools to even access their own needs. Thanks to the Centers for Disease Control and Prevention, we now have a record of incidence, including details and prevalence, plans for prevention, and, finally, access to treatment. We have also begun to educate the public and provide much-needed scientific data for our scientists, our health care providers and policymakers.

Madam Speaker, I cannot tell you how crucial this is to those who have TBI folks within their family. This is serious business. They have to live with it as well.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. BALDWIN. I would yield the gentleman an additional 1 minute.

Mr. PASCRELL. I thank the gentlewoman from Wisconsin.

Funds would be authorized for the fiscal years 2009 to 2012. It authorizes several new studies, including a study from the CBC and NIH to not only determine the incidence and prevalence of traumatic brain injury, but to identify common therapeutic interventions and develop rehabilitation guidelines. It establishes a study in collaboration with the Departments of Defense and Veterans Affairs to identify the best methods of coordinating prevalence data in order to ensure that national research takes into account the incidence of brain injuries among our Nation's veterans and that current information about diagnostic tools and treatments are shared.

Madam Speaker, only a strong commitment from the folks here and on the other side of this building is going to continue the incredible advances we have made in the area of basic brain research with prevention, with detection and with early treatment, physical and mental rehabilitation, long-term care and patient advocacy.

I urge my colleagues to join with many of us on both sides of the aisle. I again thank the gentleman from Pennsylvania, TODD PLATT, for his great work.

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Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield to one of the real leaders who has kept this issue moving through this Congress, TODD PLATTS from Pennsylvania, and I yield the gentleman 5 minutes.

Mr. PLATTS. I thank the gentleman for yielding me the time.

Madam Speaker, I rise in strong support of Senate bill 793, which, as was well delineated, reauthorizes this very important legislation, the Traumatic Brain Injury Act.

I am honored to join with Representative BILL PASCRELL in introducing the House version of this legislation, which expands support systems for individuals who have sustained a traumatic brain injury. As the gentleman from New Jersey referenced, for the past 3 years, I have had the privilege of serving with him as cochair of the Congressional TBI Task Force.

I am pleased to recognize my distinguished colleague from New Jersey for his tremendous leadership and dedication related to TBI research and treatments over the course of many years. I have been delighted to serve as cochair for 3 years, but, long before that, the gentleman from New Jersey has been leading this effort and been a real champion of the importance of this work. I have been honored to work with the gentleman from New Jersey to bring awareness to the unique issues that surround TBI, such as frequent misdiagnoses and barriers to adequate and meaningful treatments.

Most Americans do not fully understand the amount of devastation caused by TBI each year. Most people do not realize that the incidence of TBI is greater than the incidence of breast cancer, HIV/AIDS, multiple sclerosis and spinal injuries combined.

Additionally, TBIs can manifest themselves in various manners, from a small behavioral change to complete physical disability and even death. Brain injuries affect the whole family emotionally and financially, often resulting in substantial medical and rehabilitation expenses.

The TBI Act of 1996 produced extensive research at the National Institutes of Health and Centers for Disease Control and Prevention regarding the incidence, detection and diagnosis of TBI. The time has come to better use these results and translate them into more extensive treatments. This is an important part of what Senate bill 793 aims to do.

In addition to expanding the research of NIH and CDC, this legislation will build on the support systems that States have already implemented to increase the independence and productivity of individuals living with TBI.

Soldiers returning from Iraq have brought much-needed attention to the variety of symptoms associated with TBI. Thanks to the state-of-the-art body armor with which our men and women overseas are equipped, these heroic individuals are able to survive violent attacks while receiving blunt force to the head. Studies have found that over 60 percent of all soldiers wounded in an explosion, vehicle accidents, gunshot wound to the head or neck sustain a traumatic brain injury.

This legislation provides additional support for States to integrate veterans into community-based treatments after these heroes return home from combat.

This is a bill aimed at helping individuals who, due to traumatic experiences, may never live their lives the same way again. Senate bill 793 builds on current research and support systems to help vulnerable individuals lead a more comfortable, productive and independent life.

I strongly urge my colleagues to support this legislation, and, I, again, commend my colleague from New Jersey for his great leadership in advancing this cause.

Ms. BALDWIN. Madam Speaker, I am proud to yield 2 minutes to my colleague on the Health Subcommittee, the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I want to thank my colleague for yielding to me.

Madam Speaker, I rise in strong support of Senate bill 793, the Traumatic Brain Injury Act of 2008. I want to commend the leaders of the bill in the House who have spoken already. This version of the bill we are considering today represents bipartisan and bicameral consensus.

It would fund, as we have heard, important research, treatment, surveillance and educational activities related to trauma and traumatic brain injury, commonly known now as TBI. The funding would support ongoing efforts at the National Institutes of Health, which are so important, and also the Health Resources and Services Administration and the CDC.

Reauthorizing this program will strengthen the goal of understanding and addressing TBI and strengthening our capacity to treat it. This current war has made us all too much familiar with the devastating effects of TBI and the importance of coordinated interventions to treat it. The war in Iraq and Afghanistan underscored the importance of this legislation, but by no means do these situations only arise in times of war.

We know that traumatic brain injury has been occurring all along with all kinds of traumas, traumas to the head and sometimes unsuspected injury that can result from other traumas. And so we need to, for a variety of reasons, pass this legislation and get this bill signed into law.

I want to acknowledge my friend and colleague Congressman BILL PASCRELL and also Congressman PLATTS from Pennsylvania. This leadership has brought us to this point. I know that our Health Subcommittee is pleased to be a part of this legislation.

I urge, strongly, our colleagues on both sides of the aisle to join in supporting Senate bill 793.

Mr. DEAL of Georgia. Madam Speaker, I yield back the balance of my time and urge adoption of the bill.

Ms. BALDWIN. Madam Speaker, I have no further requests for time and would also commend my colleagues to join me in support of this legislation.

Mr. EMANUEL. Madam Speaker, I rise today in support of S. 793, the Reauthorization of the Traumatic Brain Injury Act. S. 793 is the Senate companion to H.R. 1418, a bill that I cosponsored to amend the Public Health Service Act to reauthorize and improve our efforts to combat and treat traumatic brain injury, TBI, at the Federal and State levels. As a member of the Congressional Brain Injury Task Force, this issue is near and dear to my heart, and I am proud that we are debating this important legislation today.

Of troops wounded in Iraq 62 percent have sustained TBI, compared to a rate closer to 20 percent in previous conflicts. Overall in the U.S., there are about 1.5 million civilian cases of traumatic brain injury each year. I have worked hard to make researching and fighting TBI a priority and, in particular, the relationship between TBI and epilepsy.

Traumatic brain injury, TBI, causes epilepsy in up to 30 percent of civilians and 50 percent of military head injuries, greatly exacerbating chronic neurological disability. TBI is particularly problematic for soldiers currently serving or recently returned from Iraq and Afghanistan.

In 1996, members of Congress passed the Traumatic Brain Injury Act, which amended the Public Health Service Act to increase resources available to research on traumatic brain injury. Today, we have the opportunity to reauthorize and amend this act to include a broader spectrum of traumatic brain injury programs, especially those at the State level.

An expansion and improvement of our traumatic brain injury programs will serve those in this country who suffer from the condition, while providing opportunities for research and development of programs to better prevent and detect traumatic brain injuries.

Madam Speaker, traumatic brain injuries affect families across America, and we must continue to invest in programs to prevent, detect, and treat these injuries. I encourage all of my colleagues to join me in voting in favor of this important legislation.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the reauthorization of the Traumatic Brain Injury Act.

Traumatic Brain Injury, TBI, is a leading cause of death and disability in young Americans. Approximately 1.4 million people sustain a TBI each year in the United States. The most common causes of TBI are falls, traffic accidents, and assault. These brain injuries result in short-term or long-term disabilities and can severely impact how people live their lives.

Congress took an important step in 1996 by passing the Traumatic Brain Injury Act to promote brain injury research, education, treatment, and prevention. It is the only Federal law that specifically addresses the issues faced by persons with brain injury. This law has successfully improved access to health care and other services for individuals with TBI. Without the TBI Act, State governments and these individuals would be left to their own devices.

More recently, we have seen an increasing number of traumatic brain injuries in servicemembers returning home from combat operations. The programs in the TBI Act can help the thousands of troops wounded in combat and suffering from brain injury. We have an obligation to assist these soldiers, and I am proud that Congress has provided funding in the recent appropriations bill to address TBI in returning personnel.

The reauthorization of the Traumatic Brain Injury Act builds on the success of the original 1996 law by continuing to educate the public and provide much needed data on TBI for scientists, health care providers, and policy makers. I urge my colleagues to support this legislation.

Mr. SCOTT of Virginia. Madam Speaker, I rise today in support of National Public Health Week and the health bills that the House will debate today. It is important that we recognize and build on quality public health programs that affect every aspect of our lives—from effective childhood vaccination programs, to early screening programs for diseases, to ensuring that Americans have access to critical treatment programs.

Access to quality, affordable health care is critical to the well-being of our country, today and in the future. With 46 million uninsured—9 million of whom are children—we need to focus on strengthening the Medicare system, providing increased access to quality health care programs and ensuring that our low-income children and families have health insurance.

During my tenure in the Virginia General Assembly, I introduced a number of bills that focused on child and maternal health, preventive screenings for hearing and immunizations for children against certain diseases. The need for these services was vital to the health of the citizens not only of the Commonwealth of Virginia, but also to our Nation as a whole and continues to help our most vulnerable today.

Madam Speaker, there continues to be an urgent need for expanded health care coverage and increased access to health care for children, seniors and low-income individuals. Because of this need, I introduced H.R. 1688, The All Healthy Children Act. The All Healthy Children Act, endorsed by the Children's Defense Fund, is a logical, smart and achievable incremental next step to close the child coverage gap and guarantees all children have access to the health coverage that they need to survive, thrive and learn. This proposal would ensure that all children are covered by expanding the coverage of both the Medicaid and SCHIP programs while eliminating procedural red tape that currently prevents many children from being covered under either program. This comprehensive program would include all basic health care and preventive testing as well as coverage for mental health and prenatal care.

The bills that we will vote on today will also help to provide our medical community the tools necessary to improve lives through prevention, research and treatment of disease. For example:

The Early Hearing Detection and Intervention program is a critical CDC program intended to identify and help infants with hearing loss. This bill reauthorizes funding and expands the program to provide screening and intervention services for young children. We know that the earlier hearing problems are identified, the more effective the medical services can be.

The Wakefield Act is designed to improve emergency medical services for children needing trauma or critical care.

The Newborn Screening Saves Lives Act educates parents and health care providers about newborn health screening, improves follow-up care for infants with an illness detected through newborn screening, and helps States expand and improve their newborn screening programs. Many diseases and conditions which can be cured when detected early can lead to permanent disabilities if not detected in time.

The Cytology Proficiency Improvement Act is designed to improve the analysis of tests for cervical cancer by ensuring that health care professionals who read tests for cervical cancer are skilled in today's medical technology. It modernizes the cervical cancer testing program by requiring continuing medical education for pathologists to assess their diagnostic skills and ensure they keep up with the latest practices.

The Keeping Seniors Safe from Falls Act launches a comprehensive preventative care program to reduce the number and severity of falls by the elderly. It directs HHS to implement directives to reduce falls, including improving the identification of seniors who have a high risk of falling; supporting education campaigns focused on reducing and preventing falls and on educating health professionals about fall risk, assessment and prevention; and conducting research to reduce falls.

The Food Allergy and Anaphylaxis Management Act will help schools deal with food allergies among their student population by requiring the Department of Health and Human Services, in consultation with the Department of Education, to develop a policy for schools on appropriate management and emergency plans for children with food allergies and anaphylaxis. The policy would be provided to schools within 1 year after enactment, and schools could voluntarily implement the policy. The bill also authorizes HHS to award grants to local school districts to help them in implementing the policy.

The House amendment to the Traumatic Brain Injury Act authorizes the Centers for Disease Control, CDC, to provide State grants for patients with traumatic brain injury to enter treatment and rehabilitation programs. The thousands of brain injury survivors who are returning home from combat in Iraq and Afghanistan are joining the 5.3 million similarly afflicted Americans here at home. Indeed, TBI is the leading cause of death and disability among young Americans. The legislation would require the CDC to monitor brain injury incidents and create a reporting system to track the condition. It also directs CDC to study treatment techniques and NIH to conduct basic research to improve treatment.

Madam Speaker, action on these critical issues is imperative to meet the pressing health care concerns of our Nation. I urge my colleagues to support these bills.

Ms. BALDWIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the Senate bill, S. 793, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BALDWIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 22 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUMMINGS) at 6 o'clock and 33 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2537, BEACH PROTECTION ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–572) on the resolution (H. Res. 1083) providing for consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2016, NATIONAL LANDSCAPE CONSERVATION SYSTEM ACT

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–573) on the resolution (H. Res. 1084) providing for consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.J. Res. 70, by the yeas and nays;

H.R. 2464, by the yeas and nays;

S. 793, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CONGRATULATING THE ARMY RESERVE ON ITS CENTENNIAL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the joint resolution, H.J. Res. 70, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the joint resolution, H.J. Res. 70, as amended.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 37, as follows:

[Roll No. 161]

YEAS—393

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
  Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr

Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski

LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen

Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—37

Abercrombie
Boucher
Braley (IA)
Brown, Corrine
Buyer
Carnahan
Crenshaw
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
Engel
Feeney

Ferguson
Flake
Gonzalez
Gordon
Granger
Hall (NY)
Heller
Johnson (GA)
Johnson (IL)
Langevin
Markey
McDermott
Mollohan

Payne
Peterson (PA)
Pryce (OH)
Rodriguez
Rohrabacher
Rothman
Rush
Sires
Udall (CO)
Wilson (NM)
Woolsey

☐ 1859

Mr. MCCRERY changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Madam Speaker, on rollcall No. 161, I was unavoidably detained due to a delay in U.S. Airways flight number 3088. Had I been present, I would have voted "yea."

WAKEFIELD ACT

The SPEAKER pro tempore (Ms. RICHARDSON). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2464, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and pass the bill, H.R. 2464, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 1, not voting 39, as follows:

[Roll No. 162]

YEAS—390

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer

Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza

Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)

Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur

Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri

Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—39

Abercrombie
Berman
Boucher
Braley (IA)
Brown, Corrine
Buyer
Crenshaw
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
Engel
Feeney
Ferguson
Flake
Gonzalez
Gordon
Granger
Hall (NY)
Heller
Johnson (GA)
Langevin
Markey
McDermott
Miller, George
Mollohan
Murphy, Tim
Payne
Peterson (PA)
Pryce (OH)
Rohrabacher
Rothman
Rush
Schwartz
Sires
Sullivan
Udall (CO)
Wilson (NM)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

☐ 1907

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRAUMATIC BRAIN INJURY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 793, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the Senate bill, S. 793, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 37, as follows:

[Roll No. 163]

YEAS—392

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—37

Abercrombie
Boucher
Braley (IA)
Brown, Corrine
Buyer
Crenshaw
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
Engel
Feeney
Ferguson
Flake
Gonzalez
Gordon
Granger
Hall (NY)
Johnson (GA)
Langevin
Markey
McDermott
McIntyre
Mollohan
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Renzi
Rohrabacher
Rothman
Rush
Sali
Sires
Udall (CO)
Wilson (NM)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

☐ 1917

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

CALLING ON THE GOVERNMENT OF CHINA TO END ITS CRACKDOWN IN TIBET

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1077) calling on the Government of the People's Republic of China to end its crackdown in Tibet and enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identity, and fundamental freedoms of all Tibetans, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1077

Whereas March 10, 2008, marked the 49th anniversary of a historic uprising against Chinese rule over the Tibetan people, which forced His Holiness, the 14th Dalai Lama, to escape into exile in India;

Whereas Tibetan Buddhist monks and nuns in and around Lhasa were blocked by Chinese authorities from staging peaceful demonstrations on this anniversary date and were met with excessive force by the Chinese authorities;

Whereas protests by Tibetans spread inside the Tibet Autonomous Region and other Tibetan areas of China;

Whereas the accumulated grievances of almost six decades of cultural, religious, economic, and linguistic repression of the Tibetan people by the Government of the People's Republic of China has resulted in resentments which are at the root of the Tibetan protests;

Whereas resentment of the Chinese Government by the Tibetan people has increased sharply since 2005 as a result of Chinese policies, laws, and regulations that have reduced economic opportunity for Tibetans and severely eroded the ability of Tibetans to preserve their distinctive language, culture, and religious identity;

Whereas the response by the Chinese Government to the Tibetan protests was disproportionate and extreme, reportedly resulting in the deaths of hundreds and the detention of thousands of Tibetans;

Whereas there have been reports that some Tibetans engaged in rioting that may have resulted in the destruction of government and private property, as well as the deaths of civilians;

Whereas His Holiness the Dalai Lama has used his leadership to promote democracy, freedom, and peace for the Tibetan people through a negotiated settlement of the Tibet issue, based on autonomy within the context of China;

Whereas six rounds of dialogue between representatives of the Dalai Lama and Chinese officials have not resulted in meaningful progress;

Whereas the Chinese Government has rebuffed calls by the President of the United States, the United States Congress, and world leaders to respond positively to the Dalai Lama's willingness to be personally involved in discussions with Chinese leaders on the future of Tibet;

Whereas the Chinese Government has denigrated the Dalai Lama, labeling him as "a splittist" and "a wolf in monk's robes", thereby further alienating Tibetans who consider the Dalai Lama their spiritual leader;

Whereas the Dalai Lama was recognized for his contribution to world peace when he received the Nobel Peace Prize in 1989;

Whereas the United States Congress, in recognition of the Dalai Lama's outstanding moral and religious leadership and his advocacy of nonviolence, awarded him with the Congressional Gold Medal on October 17, 2007;

Whereas the Chinese Government has failed to honor its commitment to improve the human rights situation in China as a condition for Beijing being selected as the site for the 2008 Summer Olympic Games;

Whereas the Chinese Government has impeded the access of international journalists to Tibetan areas of China and distorted reports of events surrounding the Tibetan protests, thereby violating the commitment it made that "there will be no restrictions on media reporting and movement of journalists up to and including the Olympic Games";

Whereas for many years, the Chinese Government has restricted the ability of foreign journalists and foreign government officials, including United States Government officials, to freely travel in Tibetan areas of China, thereby curtailing access to information on the situation in Tibetan areas;

Whereas the Chinese Government's use of propaganda during the protests to demonize Tibetans and incite ethnic nationalism is exacerbating ethnic tensions and is counterproductive to resolving the situation;

Whereas the United States Department of State included the People's Republic of China among the group of countries described as "the most systematic violators of human rights" in the introduction of the 2006 Country Reports on Human Rights Practices and in previous Human Rights Reports, but did not do so in the 2007 Human Rights Report, despite no evidence of significant improvements in the human rights situation in China in the past year; and

Whereas it is the policy of the United States "to support the aspirations of the Tibetan people to safeguard their distinct identity" and "to support economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet", in accordance with the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note): Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) calls on the Government of the People's Republic of China to end its crackdown on nonviolent Tibetan protestors and its continuing cultural, religious, economic, and linguistic repression inside Tibet;

(2) calls on the Chinese Government to begin a results-based dialogue, without preconditions, directly with His Holiness the Dalai Lama to address the legitimate grievances of the Tibetan people and provide for a long-term solution that respects the human rights and dignity of every Tibetan;

(3) calls on the Chinese Government to allow independent international monitors and journalists, free and unfettered access to the Tibet Autonomous Region and all other Tibetan areas of China for the purpose of monitoring and documenting events surrounding the Tibetan protests and to verify that individuals injured receive adequate medical care;

(4) calls on the Chinese Government to immediately release all Tibetans who are imprisoned for nonviolently expressing opposition to Chinese Government policies in Tibet;

(5) calls on the United States Department of State to publicly issue a statement reconsidering its decision not to include the People's Republic of China among the group of countries described as "the world's most systematic human rights violators" in the introduction of the 2007 Country Reports on Human Rights Practices; and

(6) calls on the United States Department of State to fully implement the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note), including the stipulation that the Secretary of State "seek to establish an office in Lhasa, Tibet to monitor political, economic and cultural developments in Tibet", and also to provide consular protection and citizen services in emergencies, and further urges that the agreement to permit China to open further diplomatic missions in the United States should be contingent upon the establishment of a United States Government office in Lhasa.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, I would first like to thank our Speaker, NANCY PELOSI, for introducing this important resolution. Speaker PELOSI's commitment to human rights generally, and Tibetan human rights specifically, is deep, well established, and unwavering.

For two decades in Congress, from her earlier stage as a junior Member to her current position as Speaker, she has used her powerful voice to speak on behalf of the Tibetan people. The bipartisan delegation that she recently led to Dharmsala to meet with the Dalai Lama and her authorship of this resolution demonstrate her continuing dedication on the Tibetan issue. I am, and all of us in this body should be, grateful for her leadership.

China's response to Tibetan protests over the last month has been tragically predictable. For half a century, the Tibetan people have struggled under the repressive policies of the Chinese authorities. And sadly, the current crackdown is only the most recent example of Beijing's mistreatment of Tibetans.

As the world watched events unfold inside China, we were sickened not only by the shock of seeing images of Chinese authorities beating Tibetans in the street, but also by the realization that these are images that we have seen before, and fear we may see again.

It was this legacy of repression that caused Tibetan monks to take to the streets on March 10th to peacefully protest Beijing's ongoing denial of religious, cultural, and human rights for the Tibetan people. And sadly, it was the same legacy that caused Beijing to respond with excessive force and a propaganda campaign designed to stoke Chinese nationalism by demonizing Tibetans and their spiritual leader, His Holiness, the Dalai Lama.

If China wishes to be viewed by the world as a truly responsible power, it must put an immediate end to its shortsighted policies towards Tibet which are morally reprehensible, irresponsible and dangerous.

Beijing cannot credibly claim that is seeks genuine reconciliation with the

Tibetan people when its policies force Buddhist monks to denounce their allegiance to the Dalai Lama, deny educational and economic opportunities to Tibetans, and threaten Tibetan culture by encouraging an overwhelming influx of Han Chinese migrants into Tibetan areas. This resolution not only condemns Beijing's crackdown on Tibetan protesters, it also urges China to begin to move away from its policy of repression and incitement of ethnic tensions.

The resolution calls on Beijing to allow international monitors to assess the situation in Tibetan areas in China and ensure that those injured in the protest receive adequate medical treatment.

In addition, the resolution urges Beijing to hold direct and results-based discussions with the Dalai Lama in order to come to a resolution of the Tibetan issue, one that respects Chinese territorial integrity and sovereignty, but at the same time provides genuine religious and cultural autonomy for Tibetans.

The resolution instructs the Department of State to reconsider its decision not to include China among the countries with the worst human rights records in the Department's 2007 Human Rights Report.

Madam Speaker, at this point, once again, I would like to thank Speaker PELOSI for introducing this important resolution, which I strongly support, and ask my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong and enthusiastic support of this resolution which forcefully criticizes the current bloody crackdown that is taking place in Tibet. This resolution also condemns Beijing's almost six decades of suppression of the religious, linguistic, economic, and cultural rights of the people of Tibet.

It was my great honor, Madam Speaker, to sponsor legislation which resulted in the awarding of the Congressional Gold Medal, the highest honor that we can bestow in the United States Congress, to His Holiness, the Dalai Lama, last October. My late friend and colleague from across the aisle, Congressman Tom Lantos, and I worked together to ensure that His Holiness received the official recognition that he so richly deserves.

The Dalai Lama, who is also a Nobel Peace Prize recipient, has won the admiration of all of us, not only for his spiritual guidance, but also for his principled stand upholding the human rights of the captive people of Tibet.

Beijing's cynical and crass campaign to denigrate His Holiness both inside and outside of Tibet has drawn the anger of both the Dalai Lama's followers, as well as people of good will throughout the globe. Beijing has called His Holiness "a splittist" and "a wolf in monk's clothing." The Chinese Embassy even recently sent out a computer link to offices here on Capitol Hill ludicrously comparing His Holiness to Nazis.

The people of Tibet can no longer silently bear these continued insults directed at their spiritual leader, a man respected as an advocate of peace, of compassion, and good will. A boiling point was reached on March 10th, the anniversary of the 1959 uprising in Tibet and subsequent flight of the Dalai Lama into exile in India. When demonstrators broke out in Lhasa, Beijing responded with an iron fist. In implementing a bloody crackdown, Beijing ignored its past pledge to the International Olympic Committee to improve the human rights situation in China prior to this summer's Olympics. Chinese authorities even denied foreign diplomats and journalists all access to Tibet.

With increasing numbers of American tourists traveling to Tibet every year, the United States has a legitimate interest in having diplomatic access to Tibet for consular services. But there should be no further openings of more Chinese consulates in the United States until China stops its repression of religious and ethnic minorities and stops violating the fundamental human rights of its own citizens.

The crackdown continued until April 3, when Chinese troops fired into a peaceful crowd of demonstrators outside a Tibetan temple in southwest China. The crowd had been protesting the arrest of two monks who were found in possession of photographs of the Dalai Lama. Eight were killed, including members of the Buddhist clergy.

But the Chinese regime has not only been responsible for shedding innocent Tibetan blood, in Darfur, in Burma, in North Korea, and inside China itself, bloody repression continues unabated.

☐ 1930

This lack of liberty will further diminish the light of the Olympic torch. The progression of that torch from London and Paris to San Francisco has become a focal point for those who would raise their voices concerning the immense human rights abuses of the Chinese regime.

What has begun in Tibet will not stay in Tibet. Already there are reports of unrest among the Uyghur minority as well. Beijing's continued repression and denial of human rights will become the chief focal point of international attention in the summer of the Beijing Olympics. And, Madam Speaker, if the present repression continues, the Beijing games will indeed become the "Genocide Olympics."

I urge all of my colleagues to join in vigorous approval and support for this resolution.

With that, Madam Speaker, I reserve the balance of my time, and I ask unanimous consent that my good friend the gentleman from New Jersey (Mr. SMITH) be allowed to manage the remainder of our time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 2 minutes of time to a member of the committee, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairman and as well the ranking member of the full committee, to the Speaker of the House for her continued leadership. And I am always reminded of the late Chairman Tom Lantos and his commitment to the people of Tibet.

Madam Speaker, I've had the honor and privilege of being with the people of Tibet in their temples, listening to their plea, walking alongside of them, admiring and respecting their tenacity, determination, and their love of freedom and peace. As well, the Dalai Lama has visited not only this community but also the State of Texas, and we have had the pleasure of seeing him be a guiding force for peace.

It is time now for this resolution and the call that it makes for the People's Republic to shine the light on Tibet and give them the rights of engagement and discussion because what we are facing are accumulated grievances of almost six decades of cultural, religious, economic, and linguistic repression of the Tibetan people by the Government of the People's Republic of China. It has resulted in these resentments, and it has resulted in this oppression in the expression of the Tibetan people.

As this Olympic torch travels around the world, you will see the people who are peace loving and loving human rights standing up. As it comes to my city, as it goes to other cities, there will be those of us who stand against it. In fact, we have called upon the Chinese Ambassador to wake up and to recognize that the world is crying out for justice for the Tibetan people.

The resolution calls on this particular government, the Chinese Government, to begin a dialogue with the Dalai Lama, to bring about respect, to allow international monitors and journalists. I truly believe it is time now for the world to stand up.

And so to my colleagues, it is important that this resolution be passed. I believe we should be in front of the Chinese Embassy here in Washington, D.C., petitioning that government to hear the cry of the Tibetan people, to respect the Dalai Lama, and to bring finally peace and freedom and, yes, democracy to a peace-loving people. The oppressors cannot oppress the oppressed forever, and we stand against it. This resolution speaks to a resolution. We ask for the agreement.

Madam Speaker, I rise today in strong support of H. Res. 1077, Calling on the Government of the People's Republic of China to end its crackdown in Tibet and enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that represents the distinctive language, culture, religious identity, and fundamental freedoms of all Tibetans, and for other purposes, introduced by my distinguished colleague from California, Representative NANCY PELOSI. This important and timely legislation calls for an imperative dialogue which will set forth the road to peace and stability.

In recent days, the news has been littered with reports of human rights abuses by the Chinese government regarding Tibetan dissent. As we approach the 2008 Olympics that will be held in China, it is imperative that we look into the reports of violations of basic human rights by the Chinese government.

On March 4th, Tibetan monks began peaceful protests in the Tibetan capitol, Lhasa, which escalated into violence resulting in a staunch crackdown by the Chinese government, the effects of which have yet to be seen as international media has been strictly restricted in the area. What began as a peaceful protest for religious freedom and autonomy has resulted in Beijing admittedly sending thousands of paramilitary troops and police to the region in order to maintain "peace and stability."

March 14, 2008 marked the 49th anniversary of the Tibetan people's historic uprising against the Chinese government that forced His Holiness the Dalai Lama into exile in India, where he still resides. When Tibetan Buddhist monks and nuns attempted to assemble in peaceful demonstration on this anniversary, they were met with excessive force by Chinese authorities. Last month's riots in the Tibetan capitol of Lhasa have once again drawn international interest to the plight of the Tibetan people in their struggle for autonomy and religious freedom. The Chinese government has reported that more than 1,000 people have been captured or turned themselves in, in relation to their participation in said riots.

Last week, Amnesty International released a report stating that despite claims that hosting the Olympics will lead to Chinese observance of international human rights law, the approach of this historic event has actually lead to a crackdown of dissent on the part of the Chinese government. Just one day after the release of Amnesty International's report, Hu Jia, a Chinese activist who has publicized human rights abuses across China, was sentenced to three and a half years in prison for "inciting subversion of state power and the socialist system."

I wish to discuss briefly the importance of the relationship between the United States, China and Tibet and highlight some important legislation that I have supported to provide assistance to the human rights situation in Tibet. As we are well aware, controversy exists over Tibet's current political status as a part of China. This precarious relationship between China and Tibet has prompted U.S. congressional actions in support of Tibet's status and traditions.

Tibet has been under active Beijing rule since between 1949–1951, when the newly established communist government of the People's Republic of China, PRC, sent military troops to occupy Tibet. It was some years later, in 1959, that the Dalai Lama, who is still respected and regarded as the spiritual leader of the Tibetan people, along with his followers, fled from Tibet and went into exile in India.

As reports of human rights abuses and political activities surfaced regarding China's continuing repressive social and political controls in Tibet, it garnered more interest and congressional consideration in the late 1980s. Tenzin Gyatso, the fourteenth Dalai Lama, is the unrivaled spiritual and cultural leader of the Tibetan people. The Dalai Lama has used his leadership to promote democracy, freedom, and peace for the Tibetan people through a negotiated settlement of the Tibet issue, based on autonomy within the People's Republic of China. For his efforts on behalf of humanity, the Dalai Lama was awarded the Nobel Peace Prize in 1989. Most recently in 2006, I lent my support to S. Res. 2784, awarding the Congressional Gold Medal, the highest expression of national appreciation for exceptional service, to the Dalai Lama, Tenzin Gyatso. I appreciate his efforts to promote peace and non-violence throughout the globe, and his efforts to find democratic reconciliation for the Tibetan people through his "Middle Way" approach. I am grateful for the extensive work that the Dalai Lama has done for his country and on behalf of humanity.

Congress has taken a particular interest in the affairs of Tibet. Beginning in 1987, Congress passed non-binding measures declaring that the United States should make Tibet's situation a higher policy priority and urged China to establish a constructive dialogue with the Dalai Lama.

As a Member of Congress, I am interested in the welfare and human rights affairs of the Tibetan people and have previously proposed an amendment to provide $2 million in the Economic Support Fund for monitoring the human rights situation in Tibet and for training and education of Tibetans in democracy activities and an additional $2 million in the Emergency Refugee and Migration Assistance Fund for the Tibetan refugee program.

Madam Speaker, I am a staunch advocate for human rights and desire to see the plight of the Tibetan people rectified. As such, I strongly support H. Res. 1077 and call upon my colleagues to join me in supporting this important legislation.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the coauthor of this resolution who recently returned from Dharamsala, where he met with the Dalai Lama.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Madam Speaker, I rise in support of this resolution and in solidarity with the Tibetan people in this trying time. The recent events in Tibet have captured the attention of this body and the American people. We as Americans are both saddened and outraged by the Chinese Government's crackdown on peaceful protests in Tibet.

This body must be clear in its support of fundamental human rights. Tibetans deserve the right to preserve their culture, heritage, language, and religion.

The Chinese Government has argued that this crackdown was in response to violent protest by the Tibetan people. However, the government dismissed outside journalists from the region and has restricted their ability to accurately report on the situation. Meanwhile, Americans traveling in China in recent weeks have revealed that their televisions went black when the international media reported on Tibet.

This restriction of freedom is consistent with China's historically abysmal human rights record. While it would be simpler to believe that the Chinese Government's assertion that its crackdown was a just response to violent protest, the very fact that China has gone to such great lengths to control the flow of information on the protests makes such an assertion a great stretch of credulity.

I had the honor of meeting with Tibet's spiritual leader and historic head of state, the Dalai Lama, last month shortly after the protests began. His Holiness made very clear his opposition to the acts of violence taking place in Tibet. Since his exile 49 years ago, the Dalai Lama has consistently advocated for a peaceful resolution to the tension between Tibet and China. If there is to be a real solution to the problem, the Chinese Government must engage in dialogue with the Dalai Lama with the intention of finding a lasting resolution for both parties.

In the coming months, China will open its doors to the world and show its best face. We've heard a lot in this country recently about transparency, and this body responded by implementing greater transparency in our government. Now is the time for China to take responsibility for its actions and implement heightened transparency to the world community on the situation in Tibet and on the conduct of its own government.

The stage is set for China to demonstrate a newfound commitment to human rights and peace. This institution and the world are watching expectantly. Let us hope that the Chinese Government receives the message loud and clear that all pressures remain on the table in protecting the rights of the Tibetan people.

Madam Speaker, the Tibetan people have waited 49 years for their freedom. Their patience is wearing thin. If China wishes to be considered an equal among the leaders of the world, it must act like one by standing for basic human rights in Tibet.

Mr. BERMAN. Madam Speaker, I am pleased to yield 2 minutes to a member of our committee, a stalwart fighter for human rights, the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, first of all, let me thank our Speaker for her unyielding stand regarding China's human rights record in Tibet and its association with the genocidal government of the Sudan.

This resolution calls on China to end its crackdown on nonviolent protestors in Tibet and to talk with His Holiness the Dalai Lama to address the very legitimate grievances of the Tibetan people. It sends a clear message to China that the United States does not condone violence and repression against the Tibetan people.

This resolution is also timely as the Olympic torch will make its only stop in North America tomorrow when it comes to the Speaker's district in San Francisco, California, right across the bay from my home district.

As host of the Olympic games, China is facing calls to live up to the Olympic spirit of peace and brotherhood and sisterhood that the torch represents. China's actions in Tibet and its ongoing support for the genocidal regime in Sudan run contrary to that Olympic spirit.

Madam Speaker, China must play by the rules when it comes to human rights and to genocide. Now is the time to begin this dialogue with His Holiness the Dalai Lama. There are legitimate grievances of the Tibetan people which must be addressed, and who better to have this dialogue with than His Holiness the Dalai Lama?

I want to thank the Speaker for really carrying the torch for freedom and human rights and dignity of the Tibetan people. This resolution heeds the call of the international community and puts this body on the right side of history.

Mr. SMITH of New Jersey. Madam Speaker, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding.

Madam Speaker, I rise in support of H. Res. 1077, introduced by our Speaker, NANCY PELOSI, calling on the Government of China to end its crackdown in Tibet and to enter into a substantive dialogue with His Holiness the Dalai Lama.

The recent violence in Tibet, which was triggered by the Buddhist monks asking for religious freedoms, should be a great concern to everyone concerned about human rights. China needs to end the violence and engage in open and honest dialogue with the Dalai Lama to achieve peace and reconciliation. China must come to realize that Tibetans deserve more autonomy and the world community will not be silent until they achieve it.

As a member of the Congressional Human Rights Caucus, I am very concerned about human rights in China but in particular the political and religious freedoms of Tibetans. I urge the resolution's adoption and appreciate this resolution coming to the floor.

Ms. LEE. Madam Speaker, I would like to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

The SPEAKER pro tempore. Without objection, the gentlewoman from California will control the time.

There was no objection.

Mr. LEVIN. Madam Speaker, I rise in strong support of the resolution.

China has a law that includes protections for the distinctive culture, language, and identity of ethnic minority citizens. Its Regional Ethnic Autonomy Law guarantees ethnic minorities the "right to administer their internal affairs." More specifically, the term "regional ethnic autonomy" reflects "the state's full respect for . . . ethnic minorities' rights to administer their internal affairs." Madam Speaker, China in recent weeks has reflected anything but "the state's full respect" of ethnic minority rights nor of basic human rights recognized in both Chinese and international law.

Protest activity has included instances of rioting resulting in destruction of property and death of Tibetans and non-Tibetans alike. This is unacceptable in any context. But most protest activity, while at times disorderly, has been nonviolent. The Chinese Government's reaction, however, has revealed a level of hostility towards Tibetans not seen in decades and has heightened fears for the Tibetan people.

The Chinese Government would do well to consider a number of concrete steps to address the current crisis, and I would ask, Madam Speaker, that a list of such steps prepared by the staff of the Congressional-Executive Commission on China be submitted for the RECORD.

ADDENDUM TO FLOOR STATEMENT OF REPRESENTATIVE SANDER LEVIN, CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ADDRESSING TIBETAN PROTESTS

1. Distinguish between peaceful protestors and rioters, honor the Chinese Constitution's reference to the freedoms of speech and association, and do not treat peaceful protest as a crime;

2. Provide a detailed account of Tibetan protest activity in each location where such activity took place;

3. Provide details about each person detained or charged with a crime, including each person's name, the charges (if any) against each person, the name and location of the prosecuting office ("procuratorate") and court handling each case, and the name of each facility where a person is detained or imprisoned;

4. Allow access by diplomats and other international observers to the trials of people charged with protest-related crimes;

5. Allow international observers and journalists immediate and unfettered access to Tibetan areas of China;

6. Ensure that security officials fulfill their obligations under Articles 64(2) and 71(2) of China's Criminal Procedure Law to inform relatives and work places (monasteries in the case of monks) where detainees are being held;

7. Encourage and facilitate the filing of compensation suits under Chinese law in cases of alleged wrongful arrest, detention, punishment and other official abuses during the recent protests;

8. Permit international observers to monitor closely the implementation of China's new Regulation on Open Government Information, which comes into force on May 1, 2008, with special emphasis on implementation in Tibetan areas.

9. Strictly enforce the Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and the Preparatory Period, with special emphasis on access to and in Tibetan areas of China.

10. Commence direct talks between the Chinese government and the Dalai Lama.

The commission monitors and reports on human rights and rule of law developments in China on an ongoing basis, and I encourage all to visit the commission's Web site, www.cecc.gov, to subscribe to the online newsletter and to use the commission's work to remain up to date on developments in China.

The resolution of Tibetan grievances can only occur with direct talks between the Chinese Government and the Dalai Lama. The international spotlight will remain long after the ceremonies of the Olympic Summer Games. As China plays an increasingly important role in the international community, other countries will appropriately assess China's fulfillment of the commitments it has made in both Chinese and international law, including legal and constitutional commitments to ethnic minorities.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3 minutes to the gentleman from Texas, an esteemed member of the Committee on Foreign Affairs (Mr. POE).

Mr. POE. I thank the gentleman for yielding time.

Madam Speaker, Tibet is being denied the basic human rights of freedom of speech, freedom of religion, and the freedom to seek grievances against its own government.

China, the bully of Asia, literally is beating up on the small religious Tibetan community. China puts down dissent by the use of the bloody club and the firearm. And China suppresses the world press that tries to report on what they are doing by issuing scripted propaganda papers about these peaceful Tibetan people, propaganda that we have not seen since Hitler's Nazi Germany.

China's ugly personality of brutality and oppression is now being seen by all of the world. And as China tries to carry the Olympic torch throughout the world, the flame of the torch is setting peoples in this world on fire in support of the people of Tibet.

□ 1945

So China must cease its oppression of its own people or face international rebuke and international condemnation, including condemnation by this body.

I support the people of Tibet, and I urge passage of this resolution. And I want to thank the chairman for bringing this resolution so quickly to the House floor.

Ms. LEE. I yield 2½ minutes to the gentleman from New Jersey (Mr. HOLT) who is a member of the Permanent Select Committee on Intelligence.

Mr. HOLT. Madam Speaker, I thank the gentlelady for yielding.

I am pleased to join the Speaker of the House today as an original cosponsor of this important legislation to address the rights of the people of Tibet. Across the globe, people are speaking out in support of the people of Tibet. And today, Congress is making a strong statement. And no one outside Tibet has been more clear and more eloquent than the Speaker of the House.

I recently had the honor to join the Speaker as a member of a congressional delegation to India. We were with the spiritual leader, the Dalai Lama, and we saw and heard thousands of Tibetan refugees cheering America, I'm pleased to say, but pleading and pleading with us not to forget Tibet.

Tibet has been under the heavy hand of China for almost five decades, and the situation has deteriorated with China brutally suppressing Tibetans and systematically and relentlessly eradicating Tibetan culture. Our delegation was moved to see and hear the pleadings of Tibetans of all ages who have braved Himalayan crossings to escape oppression, some weeks ago, some years ago. And the Dalai Lama gives them hope and calls on the world not to forget those who have fled and those who are left in Tibet. And we, too, should give them hope.

I have in my office a crayon-drawn Tibetan flag given to me during our delegation's visit to the Tibetan Children's Village, and I keep this flag in my office because it reminds me of the human toll of the situation. Children and adults flee the villages of Tibet and cross the highest range of mountains in the world to reach the promise of a life where they can preserve their culture and have freedom. The journey is treacherous, but children try to escape the oppression in Tibet.

I am pleased that all the members of this important trip joined the Speaker in introducing this resolution. Both Democrats and Republicans agree that the Chinese Government needs to end the violent crackdown on nonviolent Tibetan protesters. Furthermore, it is long past time for the Chinese Government to begin, without preconditions, a dialogue with His Holiness, the Dalai Lama, and ensure that human rights and dignity of all Tibetans are protected, to address the legitimate grievances of the Tibetan people, to safeguard the people and their distinctive identity, to support economic development, cultural preservation, health care, education and environmental sustainability.

This important resolution reminds the world and China of our commitment to the people of Tibet.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Madam Speaker, we stand at a historic moment. In the stream of history, it is oftentimes overlooked as we circumnavigate around time, fate and circumstance the momentous era and the momentous deeds which must be undertaken. This is one of them.

I thank the Speaker for bringing this resolution. I thank her for bringing with it the moral weight of her opposition to Communist China's abysmal human rights record throughout her career in this Congress, and for uniting Republicans and Democrats behind it.

But at this moment, I am also reminded of someone who is no longer with us, someone from whom I learned very much. That man is the late Chairman Tom Lantos, a man who embodied the human spirit in its ability to triumph over evil. How many people in this Congress understood the moment when the tanks rolled into Budapest and the Soviets went into Hungary, that that was a seminal moment in the Cold War, that the desire to breathe free, of the Hungarian people, could not be quelled by tanks and could only be quenched by freedom? And throughout the history of the Cold War, their example was emulated by others, including the Czechs in 1968, and of course the Poles, and that eventually brought down the Soviet Union.

Today, what may appear a resolution of the moment for a specific incident is not that. It is our generation's Budapest. It is this generation of Americans who get to witness the Tibetans trying to breathe free from beneath the Communist yoke of the Chinese regime. And as we Republicans and Democrats stand together today, we stand with them, and we send a clarion message to the Communist Chinese Government. They will be free. And as the Olympic torch goes from town to town and you see people gathering together of all political persuasions and all walks of life to protest the abominable suppression of the Tibetans, let us remember that we here have come together to make sure that the torch of Lady Liberty still shines bright as a beacon of hope for all the world.

Ms. LEE. I yield 2 minutes to the gentlewoman from California, a member of the Committee on Energy and Commerce, Congresswoman HILDA SOLIS.

Ms. SOLIS. Madam Speaker, I rise this evening in strong support of House Resolution 1077.

At the end of March, I traveled to India with Speaker NANCY PELOSI and a congressional delegation and met with the leader of Tibet, His Holiness, the Dalai Lama. We met young Tibetan children in India and saw hope in their eyes for a better future. We were greeted by many thousands and thousands of Tibetans along the road as we traveled up the mountain where they lived. Yet we heard stories of violence and torture inflicted by the Chinese Government on the Tibetan people and protesters. We learned of recent Chinese policies and laws that have limited the economic opportunities for Tibetans in China and severely endangered the Tibetan culture, religion and their language, in fact, their whole being.

Tibetans have fled to India to be able to practice their religion in peace and preserve their culture with dignity and respect. The Dalai Lama spoke to us about his desire for peace and his longing to live autonomously, not independent of, but autonomously in China so that Tibetans could practice their religion openly.

I, too, share his desire. House Resolution 1077 calls on China to end its repression inside Tibet, release prisoners who participated in nonviolent protest, and to begin a dialogue, a true dialogue with the Dalai Lama to find a solution for Tibet that respects human rights. The resolution calls for access for journalists so that the world can see, hear and view the situation in Tibet.

The Tibetan people are at a critical point in their movement to live peacefully and autonomously. We must stand with them. We must also be a beacon of hope for them and for those thousands of children that we saw at the orphanage there. They greeted us with hearts open to us with flags both representing the U.S. Government and the Tibetan people.

I stand here, Members, strongly supportive of House Resolution 1077 and ask you to join with us and the Speaker of the House for its swift passage.

The SPEAKER pro tempore. Again, without objection, the gentleman from California regains control of the time.

There was no objection.

Mr. BERMAN. Madam Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. There are 5½ minutes remaining for the gentleman from California. There are 6½ minutes remaining for the gentleman from New Jersey.

Mr. BERMAN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Madam Speaker, due to the leadership of NANCY PELOSI, we were able to experience a profound and moving time in Dharamsala, India, 2 weeks ago, and it was profound for two reasons. One, when you talk to a Buddhist monk who has walked for 5 days through the Himalayan mountains to escape suppression and obtain some modicum of religious liberty, it would move the hardest of hearts. And we talked to monks who had that experience, monks who couldn't even show a little medallion with a picture of the Dalai Lama on their chest without having to go to jail in Tibet under the control of the Chinese Government. It was profound in that sense, but it was profound in meeting the Dalai Lama, as well, a person of great humor, great grace, great courage and great nonviolence. And he has asked for an investigation of what has gone on in Tibet, to quash what the Chinese Government has been saying about him, saying that he has instigated this violence. Anyone who makes that claim couldn't distinguish between Mahatma Gandhi and Che Guevara.

And I take great umbrage at this assertion that somehow he has been the reason for violence. His position has been reasonable. He has asked for a dialogue with the Chinese Government. He has asked for an investigation to what happened in Tibet. He has not called for a boycott of the Olympics, an extremely reasonable position given what his people have undergone.

His aspirations for China I think should be the world's, that as China grows into a great economic power, let it seek to be a great power in the sense of morality and humanity. My district has a growing relationship with China selling jets, software and agricultural products. And we like to see the economic potential of China. But that has to be married, to become a great nation, with a commitment to humanity, morality and religious freedom. This is consistent not only with America's core values, but international values in the Olympic spirit. We hope we move in that direction.

Mr. BERMAN. Madam Speaker, at this time, may I ask unanimous consent that we be granted an additional 10 minutes, 5 minutes for the majority, 5 minutes for the minority, on the time already allotted for this resolution debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin, Mr. STEVE KAGEN.

Mr. KAGEN. Madam Speaker, what kind of nation would we be if we wouldn't stand up to speak out in favor of liberty everywhere in the world?

It was on January 6, 1941, right here in this chamber that President Franklin Delano Roosevelt enunciated and outlined for us the four essential human freedoms, freedoms that this Nation fought several world wars for and won. Freedom of speech everywhere in the world, freedom from fear, freedom from want, and freedom to worship God everywhere in the world.

The people of Tibet tonight must hear that we, the people of these United States, are on their side. And we encourage the current leadership of China to support these four essential human freedoms everywhere in the world.

Madam Speaker, very shortly, there will be some Olympic games held in China, Olympic games and Olympic spirit, based upon fair competition, fair and open competition on a level playing field. Isn't it time, we might also ask, that China begins to compete with us on a fair and level playing field, and in particular with regard to Paper Valley in which I live in Wisconsin, isn't it time that they stopped dumping illegal paper into our domestic marketplaces?

Madam Speaker, I rise in strong support of this resolution because we must support these four essential human freedoms everywhere in the world.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

First of all, I want to thank Speaker PELOSI for introducing this very important resolution of which I am very proud to be one of the cosponsors, and especially for the trip, along with other Members of the House, that you led to India to be at the side of His Holiness, the Dalai Lama, in this hour of terrible suffering for the Tibetan people.

Madam Speaker, tonight we are here to speak frankly about what the Chinese Government is doing in Tibet. Last week, Lodi Gyari, His Holiness' Special Envoy, told me and others on the Congressional Human Rights Caucus that Tibet has "become, particularly in the last few weeks, in every sense an occupied nation, brutally occupied by armed forces."

Madam Speaker, despite the fact that there is an extensive news blackout, the grim consequences have gotten out.

□ 2000

Chinese soldiers and police have shot large numbers of people. The death toll is now well over 150. We don't have any idea how many have been wounded, how many are right now lying, wounded or dying, in attics and cellars, because they know that if they go to the hospital, they will simply disappear into the Chinese Laogai.

The Chinese Government has been subjecting Tibetans to mass arrests. They have searched whole sections of cities, house by house. Chinese officials admit to nearly 2,000 arrests. The China Commission estimates that there are at least 1,000 more. Frankly, I wonder if there might be thousands more, since there are large areas of Tibet from which nothing has been heard in weeks, where phone lines and cell towers and e-mail have been simply turned off.

Many thousands of monks are now being held under house arrest or in lockdown. Chinese riot police have surrounded some Buddhist monasteries and are letting no one get in and no one get out. Many have been tortured. I would remind my colleagues that we are seeing now, in a massive way, what has been ongoing and pervasive for decades.

I chaired a hearing in 1995, Madam Speaker. We heard from six survivors of the Laogai. One of those was Palden Gyatso, a Tibetan monk who spent 24 years in prison. When we invited him to come and speak, he brought with him some instruments of torture that are routinely employed and used in a horrific manner against men and women in the Chinese concentration camps. He told us that many people die of starvation. But when he brought those instruments, he couldn't even get past our Capitol Police. They stopped him. We had to come down and get him through.

Then, when he held up those batons that are used in the mouth and elsewhere in order to provide electric shocks, he actually broke down. He held it up and he said, "This is what went into my mouth as a Buddhist monk and into the mouths of many other people to shock and to deface," and he has trouble swallowing to this day.

He talked about these self-tightening handcuffs, and held up his wrists and showed us the marks on his body, not just on his wrists, but elsewhere. He talked about piercing with bayonets. And this is routine. I would encourage Members to realize what goes on each and every day, but now in a more pronounced way, in a more massive way, against the people of Tibet, through the use of torture.

The Chinese Government, Madam Speaker, what they are doing right now is exactly what happened in some of the parts of the world ruled from the Communists. Who can forget the Soviet invasion of Hungary, which was still felt on the streets of Budapest in the 1980s, even though that happened back in 1956. Tibet is now a cruel place, not the people, but the Chinese imposition of their crackdown.

Madam Speaker, it should be noted and emphasized that the Tibetan people have not provoked the government into this newest wave of repression. It is the Chinese Government that has provoked the Tibetan people to protest, a protest that, perhaps because of the Buddhist emphasis on peace, has been overwhelmingly peaceful.

As we all know, Tibet has been subjected to Chinese Communist tyranny since 1951. Since 1959, the Chinese Government is responsible for the deaths of hundreds of thousands of Tibetans—and that is a low estimate. The current number of Tibetans living in China is now about 5.4 million people.

I think Members should realize too that there has also been—and the Dalai Lama speaks about this when he speaks about his Five Points of Engagement—this population transfer, where the entire culture is being replaced by a Han Chinese culture. They are getting very good jobs. The incentive has been given them by the Chinese Government, in order to marginalize and decrease the Tibetan people, to make them more of a minority in their own land. What we are talking about here is nothing less than a planned destruction of a culture that has now gone to new lows with this recent crackdown.

In fact, the Chinese Government's attitude toward Tibet can be seen in these two insults by Zhang Qingli, the Secretary of the Chinese Party of the Tibet Autonomous Region, who offered to the people these words. He said, "The Communist Party is like the parent to the Tibetan people, and it is always considerate about what the children need." We are talking about a very abusive parent here. He also said, "The Central Party Committee is the real Buddha for Tibetans." What a sacrilege! What a sacrilege! What a violation of fundamental human rights.

I will say only a couple words about the Olympics, Madam Speaker. The IOC made a great mistake in allowing China to host the Olympics. Who can forget when they were vying for the 2000 Olympics and they let Wei Jingsheng out. Speaker PELOSI knows him very well. I met him in Beijing when he was let out, very briefly. As soon as they didn't get the Olympics, they rearrested him and beat him and tortured him. They finally let him out because he was close to death. But then the IOC awarded the Olympic venue to Beijing several years later.

They shouldn't be held in a nation that cracks down on all kinds of political dissent and has a system of coercion where brothers and sisters are illegal as part of its one-child-per-couple policy, its forced abortion policy, and also a country that is responsible for killing so many Africans. The most recent is happening in Darfur. This really is, as my colleague Ms. LEE said earlier, the "genocide Olympics."

That repression and those killing fields are ongoing today in Darfur. As we all know, some 4 million people died in Southern Sudan even before that, and it was the Chinese who enabled those killing fields as well.

Finally, let me just say briefly to my colleagues that there are American companies who may be supporting this tyranny. I am afraid some of them are doing that, playing smaller or larger roles in the crushing of Tibet, working with the Chinese Internet Surveillance Bureau to block Web sites and blocking and tracking down Tibetans who send Internet reports of arrests and massacres.

The New York Times has reported that the Chinese Government is indeed, and not unexpectedly, blocking Web sites to prevent uncensored news from reaching the Chinese people, including the Web sites of CNN, BBC, YouTube, Google and Yahoo.

The Times has also reported that the Chinese Internet Surveillance Bureau has warned Tibetans about sharing factual news about the protests. They have said, and I quote them, this is the Chinese Bureau, "We inform Internet users that it is forbidden to post news about Tibet events . . . The Internet Surveillance Bureau will carry out filtering and censorship . . . Anyone infringing this ban will have their IP addresses sent to the police, who will then take the necessary steps." That means, Madam Speaker, arrests; that means, Madam Speaker, torture of those who simply try to share the truth as to what is going on in Tibet.

Who can forget Shi Tao, the journalist who got 10 years simply for sending information to an NGO in New York about what the Chinese Bureau of Propaganda had told them they could not do with regard to the Tiananmen Square massacre? Now it is going on in Tibet, and the ugly cycle continues.

As I think Members know, the Global Online Freedom Act legislation, which is pending and hopefully will come to the floor, would finally give us a full and thorough accounting as to this complicity, whether it be witting or unwitting, on the part of these Internet companies, so that we are not part of this tyrannical regime that is now so brutally suppressing, murdering and torturing Tibetan people and putting so many monks into prison, rather than letting them be in their monasteries, where they want to practice their faith.

Madam Speaker, this is an excellent resolution you have brought to the floor. I congratulate you. This is bipartisanship, I believe, at its best. We are all in support of the Dalai Lama. You have led on this for so many years, and are doing so now as Speaker, and I hope we get very strong support for this, on behalf of the Tibetan people and on behalf of the Dalai Lama.

Madam Speaker, I yield back the balance of our time.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 1 minute to the gentlewoman from California, the author of the resolution, the Speaker of the House of Representatives (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I thank him for his leadership on the Foreign Affairs Committee, and Congresswoman ILEANA ROS-LEHTINEN, the ranking Republican on the committee, for their leadership in bringing this resolution to the floor. It isn't without a tear in the eye that we bring this to the floor and remember our colleague, Congressman Tom Lantos, and how important this resolution would have been to him.

Twenty years ago when I was a new Member of Congress, Tom invited some of us to a meeting that I will never forget. It was with His Holiness the Dalai Lama. At that time he presented to us his proposal for autonomy for Tibet. That is over 20 years ago he has been preaching autonomy, and it is on that basis that we wanted him to have the opportunity to have full negotiations with the Chinese Government. They had said if he doesn't reject the idea of independence, that cannot happen. Well, he rejected independence 20 years ago, much to the dismay of those who want independence.

But, in any event, Tom Lantos opened the door for many of us to meet with His Holiness the Dalai Lama. Twenty years later, in the Capitol of the United States, under Tom's leadership and of that Congresswoman ROS-LEHTINEN, we were able to present to His Holiness the Congressional Gold Medal, the highest honor that this body can bestow. I am proud to say that President Bush stood there side-by-side with His Holiness presenting our Congressional Gold Medal to him. No President before had been so courageous, and I appreciate and am proud that President Bush did that.

Following that, we talked about taking a trip to India to talk about global warming, that our Energy Independence and Global Warming Task Force, which Mr. MARKEY and Mr. SENSENBRENNER, who spoke so eloquently earlier, were in the lead on.

When we planned the trip, we had accepted His Holiness' invitation to visit him in Dharamsala, without any thought that it would be at a controversial time. As fate would have it, we made our plans in December and January. When we got there in the middle of March, it was following the crackdown in Tibet of the peaceful demonstrators in Lhasa and in other parts of Tibet by the Chinese Government. It was stunning really to see the reaction of the Chinese to the simple observance of the 49th anniversary of the Dalai Lama being forced out of Tibet by the Chinese. As the monks demonstrated and protested, the Chinese government cracked down.

While we were there, it was interesting to hear that the Government of China was saying that His Holiness was the instigator of violence in China, that he had the "heart of a jackal" and all kind of animal references. We all love our animals, but they were not appropriate to His Holiness. We all know His Holiness to be the personification of nonviolence in the world, a bridge builder for peace and human understanding, as we said in our presentation of the Congressional Gold Medal to him.

So we thought it must be our fate, it must be our karma, that we would be in Dharamsala at that time. As was indicated by some of our colleagues, Mr. INSLEE mentioned that some monks had traveled for 5 days over Himalayas to Dharamsala to tell us about the treatment they had received.

Some of the people we met with, Mr. SMITH, had been in prison for many years in China. One woman who was in her eighties had been in prison for over 25 years. We heard of the torture that was exacted upon them as recently as a matter of days before we were there. So the torture that you described that you heard about in your committee continues to this day, and we very tearfully received that information from the prisoners.

But the point is that in Tibet you are arrested and repressed for what you believe; not even for acting upon your beliefs, but for what you believe, and that is something that flies in the face of everything we stand for as a country. That is why I was so pleased that the President stood there and showed bipartisan spirit, Democrats and Republicans coming together, as Mr. SMITH mentioned. We have worked on this issue for many years and in a very bipartisan way in terms of China.

Another place where China has influence that Mr. SMITH and Mr. WOLF have been leaders has been in the Sudan. But for the Chinese's absolute insistence that they will not sanction the Sudan at the U.N., we could perhaps have an improvement in the human rights situation and the political situation in the Sudan.

Many of us took a trip, many Members have been there, I led a delegation there with Mr. CLYBURN to Darfur a couple of years ago and we saw firsthand the genocide that was going on there. It was horrible to see. We went to several camps. In one camp, 100,000 refugees were there. We saw the little children. The tiny ones really still had some brightness in their eyes. The older ones, they had seen too much.

In this camp, in the evening when it would be cool, if the father went out to get firewood, he would be killed. If the mother went out, she could be raped. In any event, the children could be kidnapped. They had been displaced from their villages with compliance of the Government of Sudan.

☐ 2015

All we need is strong international leadership to end that situation. China stands in the way. When we are talking about Tibet and when we are talking about the Olympics and we are talking about Tibet, we have to remember Burma as well and the house arrest also for all these many years.

We have to remember what is happening in Darfur. I was reading in the paper the other day as the torch was going through Paris that one of the marchers, the carriers of the torch said that what was happening with the protesters was very unpleasant. I thought, you think that's unpleasant? Maybe you should be in the sub-human conditions that the refugees are in Darfur. If you think that's unpleasant, maybe you should be in a prison in Tibet for your faith and His Holiness, the Dalai Lama.

You think that's unpleasant? Maybe you could still be in prison from the Tiananmen Square massacre. Some people are still in prison from that time.

Mr. SMITH knows well the fight we had at the time because shortly after, a couple of years after Tiananmen, we were still fighting for the release of the prisoners of Tiananmen. We had about a $5 billion a year trade deficit.

We thought that that would give us so much leverage with the Chinese Government that surely if we threatened the most-favored nation status, as it was called then, that they would yield and release these prisoners because it meant $5 billion a year to them.

Well, we didn't win. We didn't prevail in that situation.

As I say, it was a Republican President and a Democratic President. We didn't get any better policy from either of them when it came to China. They told us that granting most-favored nation status, they changed the name to permanent normal trade relations because it sounded better, would, in fact, improve the political situation in China and improve our trade relationship with China.

When these people are saying it's unpleasant, I think it's unpleasant to think that a $5 billion a year trade deficit is now $5 billion a week, $5 billion a week. That is a quarter of a trillion dollars a year trade deficit with China.

Has it improved our trade relationship? I don't think so. Has it improved the human rights situation in China? I don't think so.

Somewhere along the way we lost our way. We said at the time, some of us, if you choose to ride this tiger that is China, only China will decide when you can get off. China won the Olympics. Some of us supported resolutions in opposition to that, but they won the Olympics.

I don't support a boycott of the Olympics. I think our athletes who have trained should be able to go there and compete. I think it should be treated as a sports event. Any time it tries to rise to the occasion of harmony, one world, one dream, a unifying factor, that is where it falls short, because the Chinese cannot on the one hand take the political upside of the credibility given to them at any welcoming ceremony and refuse to hear the other side of the political view that they are unworthy of making that claim.

As we speak tonight as we are gathered here in this Chamber, in my City of San Francisco human rights activists are preparing for the torch to come through our city tomorrow, a city very committed to human rights. I was very proud that yesterday they were able to display a "One World, One Dream: Free Tibet" banner across the Golden Gate Bridge. It's just frightening to think of how they were able to accomplish it, but they got their message across with, probably in my view, the most beautiful backdrop in the world for all the world to see.

Tomorrow, as the torch goes through the city, people will voice their views on it. But, still tonight, Desmond Tutu is leading a prayer vigil in San Francisco in protest of what is happening with that torch going through.

Probably the most insulting of all, though, is that China insists that the torch go through Tibet, that it go to Mount Everest and through Tibet on its way back to Beijing. That's the biggest insult, I think, of all. The world should not allow that to happen. What's right about that?

When I was in Dharamsala, I had the privilege of addressing the crowd gathered in the square. I said at the time that the situation in Tibet challenges the conscience of the world. Indeed, the situation in Darfur challenges the conscience of the world, two places where China can change, make a difference. I also said that if we, the freedom-loving people throughout the world do not stand up for human rights in China and Tibet, then we lose all moral authority to talk about it any other place in the world.

It is many years of activism on this subject, and lots of documentation, but, as Mr. SMITH mentioned, we know so many of the people firsthand, such as Harry Wu, who had been imprisoned. Why this is important tonight is because what the Chinese did, the most excruciating form of torture that an oppressor can exact on a political prisoner is to say to him or her nobody even knows you are here. They don't even care about you anymore. Society has passed this issue by. It's no longer important. Your family is out there suffering, you are here forgotten, but the world does not remember you.

Well, we are here tonight to say that the world does, a continuation of the work that Mr. SMITH has referenced and others have referenced tonight about our calling to the attention of the world the names, the actual names of people who have been imprisoned for their beliefs, their religious beliefs, their political beliefs. This the resolution is very simple, and when we vote on it tomorrow, I hope we have an overwhelming vote.

What it says to the Chinese Government, as they prepare for the Olympics in harmony, "One World, One Dream: Free Tibet," is that they end the crackdown in Tibet, that they enter into substantive dialogue directly with His Holiness the Dalai Lama, that they allow independent monitors, journalists and others into Tibet and they also allow medical personnel. As was mentioned, people who have been beaten by the Chinese cannot receive medical assistance and they need that life-saving attention. That's what we are talking about here.

As for the accusation that that jackal, His Holiness the Dalai Lama, the instigator of violence in Tibet, started all of this, His Holiness called for and our delegation in Dharamsala associated ourselves with his call which was for an independent outside investigation as to how that all started. If they are going to accuse him, then they must be prepared to have an investigation to prove their point or to be proven wrong.

When we were there, I just want to close by saying, because it was very moving for us, when we got off the airplane and we were driving to Dharamsala for miles and miles and miles and miles, and when we got to Dharamsala to the center of town, we were greeted by many Tibetans flying American flags. We take the pledge in the morning, and any time we see the flag, it is an emotional experience for us. But to see these people who have had to struggle so much for freedom pay homage to our flag was quite a remarkable thing.

Here is one sign, which was my particular favorite. It said, "Thank you for everything you have done for us so far." But all the American flags, the Tibetans flags, and, just again, it was a forest of flags there.

Mr. HOLT referenced the children, when we went to the children's school, thousands of adorable children, many of them separated from their families, because that's the only way they could be raised in a Tibetan culture which is now restrained. Here are these children, they drew, they had thousands of these. I brought many of them home, an American flag on one side and on the other side a Tibetan flag, "Free Tibet, Free Tibet." It goes on, "Long live His Holiness the Dalai Lama."

"Long live the friendship between the United States and Tibet," a friendship that began when Franklin Roosevelt sent His Holiness, when he was a very little boy, a watch. That watch had the rising of the sun, the months of the year, the phases of the moon, and it did tell time too. It was a very special fit, a gold watch. His Holiness has said that he took that watch with him when he left Tibet, imagine, a piece of America in that flight to freedom.

It is our wish that under the provisions of this legislation and the voices being heard all over the world now that those negotiations will take place between the Chinese Government and His Holiness the Dalai Lama. I, like many, have asked about the opening ceremonies. You don't want to boycott the Olympics, what about the opening ceremonies?

I think we should, since the Chancellor of Germany, Angela Merkel, has put that on the table, it should stay there. Our President should hold back any decision about going to those opening ceremonies until he sees what progress could be made, what leverage we could use to have those negotiations take place so that before too long and while His Holiness is still in good health he can return to Tibet and, indeed, the Tibetan people in their autonomous state of Tibet can be free.

I am very proud of this resolution. I couldn't be prouder of all the statements that were made this evening with all the passion and interest and history that went with it. I think it is a tribute to His Holiness, and I hope the vote tomorrow will be unequivocal about that. I am certain it will. I also they think that it is a tribute to our friend, Tom Lantos, who had been so faithful to this cause.

Thank you, Mr. Chairman. Thank you, Mr. SMITH.

Mr. BERMAN. Thank you, Madam Speaker, for those wonderful worlds, for elevating this Chamber.

Mr. FARR. Madam Speaker, in mid-March, the Chinese government conducted a bloody crackdown, grossly violating the human rights of the peaceful protestors in Tibet.

The protest by the Tibetans touched a nerve and rapidly spread beyond the capital city of Lhasa into other areas of Tibet and around the world. The peaceful protest drew a violent and disproportionate reaction from the Chinese government who sought to tamp down the Tibetan desire for autonomy and self-determination. Not only did the Chinese government react with terrible force upon the protesters, the authorities also tried to discredit the Dalai Lama and his movement for a free Tibet.

The Dalai Lama is as determined and committed to nonviolence as he is to seeing the emergence of a peaceful, prosperous, autonomous and self-determined Tibet. The brutal crackdown that seeks to derail the inevitable movement toward a free Tibet resulted in the deaths of more than 100 Tibetans and caused a great deal of social upheaval.

While we live a safe distance away from the struggle, comfortably ensconced in a liberal democratic society, we cannot act as though we do not have a role to play to support the Dalai Lama. We do.

I am enormously grateful to Speaker PELOSI, who has offered this House resolution which calls upon the Chinese to end this crackdown. This violent reaction is shortsighted and unproductive and, furthermore, it's not the long-term solution that respects the human rights and dignity of every Tibetan.

Rather, the Chinese Government must enter into a serious, substantive negotiation directly with the Dalai Lama and must allow independent monitors into Tibet. Only then will we be on the path toward a solution to this crisis. Furthermore, I join Speaker PELOSI and other supporters of a free Tibet, to ask for the immediate release of all Tibetans who were arrested for non-violent protest.

I am pleased this evening to express my support for the struggle toward a free Tibet, and I would encourage all my colleagues to join me by supporting this important House resolution.

Mr. ABERCROMBIE. Madam Speaker, I rise today in support of House Resolution 1077, calling on the Government of the People's Republic of China to end its crackdown in Tibet. The resolution also calls for the Chinese Government to enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identity, and fundamental freedoms of all Tibetans.

The Dalai Lama has stated his willingness to accept cultural autonomy for Tibet under the Chinese Constitution. He has also been willing to negotiate with Beijing and has advanced a number of very moderate proposals regarding Tibet's future status. The Communist regime, however, has only met this attempt at accommodation with stiff opposition, and is currently instigating yet another crackdown in the lead up to the Beijing Olympics.

To date, Congress has stood strongly by the Tibetan people as they bravely struggle for their rights:

In 1991, Congress passed a resolution stating that Tibet is an occupied country.

In September of 2007, Representative ROHRABACHER introduced House Resolution 610, expressing the sense of the House of Representatives that the United States Government should take immediate steps to boycott the Summer Olympic Games in Beijing in August 2008 unless the Chinese regime stops engaging in serious human rights abuses against its citizens and stops supporting serious human rights abuses by the Governments of Sudan, Burma, and North Korea against their citizens. I wholeheartedly support and cosponsor this measure.

Congressman DANA ROHRABACHER and I recently formed the Tibet Caucus and already have 8 new members.

Congress awarded the Dalai Lama the Congressional Gold Medal.

We cannot stand silently by and watch as another wave of brutality and oppression sweeps across the country by the Beijing regime. Congress must continue to stand by the Tibetan people and uphold their rights as human beings. I urge every Member of Congress to join the Tibetan Caucus, vote "yes" for House Resolution 1077, and urge the President of the United States to issue an executive order boycotting the Beijing Olympics and uphold the rights of the Tibetan people to ensure their voice is not silenced.

Mr. MCGOVERN. Madam Speaker, I rise in strong support of H. Res. 1077 and I want to thank the Speaker of the House, NANCY PELOSI, for her leadership and commitment to the people of Tibet. For many years, in both words and deeds, she has stood by the people of Tibet, and called for the respect and support of their dignity, culture, heritage, and religion. And I am proud to be a cosponsor of this legislation.

Madam Speaker, I believe Tibet is one of the most serious human rights and political freedom issues of our time.

The violent response by Chinese military forces to peaceful protests that began in the Tibetan capital on March 11th is horrifying. I believe the United States and the international community must convey a strong condemnation of these acts, an accounting by China on the welfare and whereabouts of the many detained Buddhist monks and other Tibetan citizens who have been arrested, and facilitate access by international human rights monitors and journalists to Tibetan areas, as requested by His Holiness, the Dalai Lama.

The State Department's 2007 Country Reports on Human Rights describes a human rights situation in China and Tibet that continues to worsen while the repression of religious freedom has increased. There is very disturbing evidence of a pre-Olympic crackdown on religious leaders, journalists and lawyers in recent months. It is long past time for the government in Beijing to respect the human rights and religion of every Tibetan. Further, as the protests in Tibet began calling for greater economic opportunity and equality, they clearly call into question China's claims that its development of Tibet advances the prosperity of Tibetans as well as the ethnic Chinese Han who have been encouraged to migrate to Tibet and establish themselves there.

Since I was first elected to Congress, I have worked with many of my House colleagues to press for greater freedom for Tibet and for the release of Tibetan prisoners of conscience who have been jailed by Chinese authorities, most of whom are imprisoned for their political and cultural beliefs. Personally, I believe Tibet should be restored as an independent nation, which it was prior to China's military invasion over 50 years ago. I deeply fear that China is successfully destroying a culture, religion and national heritage that have survived for thousands of years.

The legislation before us this evening calls upon the Government of the People's Republic of China to end its crackdown in Tibet and enter into a substantive dialogue with his holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identify, and fundamental freedoms of all Tibetans. It is not a call for independence. But it is a call for the Chinese Government to respond as a mature member of the international community. I hope that Beijing will understand much is required of a nation that desires to be a leader in regional and international affairs, including the capacity to genuinely negotiate differences and find solutions that are meaningful and acceptable to all.

Madam Speaker, I have joined with my congressional colleagues, in a bipartisan fashion, on matters to Chinese authorities about the recent protests in Tibet. Over the past years I have also petitioned the Chinese Government on several individual cases, the most high profile of which would be the safety and well-being of the Pachan Lama. I have also asked my own government, at the highest levels, to advocate for the release of particular prisoners and for greater freedoms for the Tibetan people. I must admit, however, that I am very frustrated by the fact that the United States, like the rest of the international community, appears to voice reverence for the Tibetan culture and religion, while standing idly by and watching it be slowly eroded and dismantled year by year by the Chinese authorities. In the meantime, China continues to pursue its policies in Tibet, knowing there is no price to pay for its actions.

This time, Madam Speaker, we must all act differently. There must be consequences for the brutal repression of Tibet. I hope the Chinese Government will heed the message of this resolution. I hope it will open a genuine dialogue with His Holiness the Dalai Lama and negotiate in good faith a just solution with and for the people of Tibet.

I promise the sponsors of this bill that I will continue to join them and speak out on these matters and press President Bush, the international community, and the Chinese Government to respect the basic human rights of the Tibetan people. And passage of H. Res. 1077 is the first step in moving this process forward.

Mr. CHABOT. Madam Speaker, I rise in strong support of H. Res. 1077, a resolution you introduced calling on the government of the People's Republic of China to end its crackdown in Tibet and to enter into a substantive dialogue with the Dalai Lama to find a negotiated solution that respects the language, culture, and religious identity of the Tibetan people.

Madam Speaker, freedom, dignity, and respect are universal rights that should know no boundaries. When these rights are nurtured and protected, peace, prosperity, and harmony flourish among people and nations. When these rights are restricted, repressed, and ignored, each of us has an obligation to speak out, otherwise the world suffers.

Tibet has a long history of language, culture, and religion. Since the late 1500s, the teachings of the Dalai Lama and Buddhism have played integral roles in Tibet and throughout the world. The fact that Tibetans have lived under repressive conditions since China's crackdown in 1958, which led to the deaths of more than 10,000 Tibetans and sent the 14th Dalai Lama into exile, is inexcusable.

The fact that China has failed to live up to its commitment to improve its human rights record is intolerable. The continued attempts by the Chinese Government to placate the international community with promises cannot go unchallenged any longer. If China wants to be recognized as a world leader, it should start acting like one. A good first step would be to allow for vigorous political debate rather than suppressing it.

I urge my colleagues to support this important resolution and thank the distinguished gentlewoman from California, Madam Speaker, for her work on this issue.

Mr. MARKEY. Madam Speaker, I rise in strong support of this resolution, which calls upon China to end its repression in Tibet.

I would also like to commend the Speaker for her long advocacy on behalf of the rights of the Tibetan people, and for bringing this bill before the House today.

In Tibet, there is an ongoing struggle for basic human rights and human dignity. Our Nation has a moral obligation to make its views known to the Chinese Government regarding its oppression of the legitimate rights of the Tibetan people to practice their religion and express their culture.

Last month, I was honored to join Speaker PELOSI in traveling to Dharamsala. We met with His Holiness the Dalai Lama, with leaders of the Tibetan Government-in-Exile, and with ordinary Tibetan people have been forced to flee their homes and seek refuge from Chinese political oppression.

I was moved by the extraordinary struggle of the Tibetan people, and the stories I heard of the brutal repression that has been taking place in that country. All the Tibetan people are seeking is their right to be able to express their culture, language, and religion.

The Dalai Lama made it absolutely clear to us that he is firmly and unequivocally committed to nonviolence, that he is not seeking independence but autonomy, and that he is seeking peaceful dialogue with the Chinese Government. The Dalai Lama is not seeking a boycott of the Olympic Games; he is seeking to return to his homeland with his people in peace.

As I told Ambassador Zhou of China when I met with him last week, it is in the interest of China and Tibet to arrive at a lasting resolution of this dispute as soon as possible. China's reputation around the world, and its relations with other nations, will only continue to suffer if Beijing continues to ignore the world's call for action.

This resolution calls upon China to begin a dialogue with the Dalai Lama, without preconditions, to address the legitimate grievances of the Tibetan people. I truly hope that the Chinese Government heeds this call, ends its repression of Tibetan rights, and enters into a genuine dialogue on Tibet's future.

I urge adoption of the resolution.

Mr. UDALL of New Mexico. Madam Speaker, I rise today in support of H. Res. 1077 and to express my concern over recent and ongoing events in China. Since March 10th, when Tibetan protests began in Lhasa, there have been demonstrations in at least 48 locations. While there are some accounts of violent actions, most Tibetan protestors have been peaceful. Unfortunately, the Chinese government has not taken the same approach in responding to these protests and protestors. While we do not know the true number, it is estimated that at least 3,000 Tibetans may be under detention. And it is even more unclear how many people have perished because of the Chinese government's excessive response to these largely peaceful demonstrations.

The Tibetans are a peace loving and resilient people, and even under the Chinese occupation they have been able to retain their culture. Unfortunately, while responding harshly, the Chinese government has also placed blame for the situation at the feet of the Dalai Lama. This, despite the fact that none of the purported evidence is linked directly to the Dalai Lama.

As these demonstrations continue, it is important that the Chinese government distinguishes between the peaceful protestors and the rioters, and that it honor its own constitutionally guaranteed freedoms of speech, association, and demonstration.

Passing this resolution today sends the message to the Chinese Government that this is what we expect, and that we will not turn a blind eye to their actions. On the contrary, we are closely monitoring what occurs in Tibet and will continue to do so. As China's engagement in the international community continues to grow, we must call on the Chinese government to honor the commitments it has made to both Chinese and international law. This resolution does just that, and I strongly support its passage.

Mr. ROYCE. Madam Speaker, I rise in support of H. Res. 1077.

I would like to first commend the Speaker on her timely resolution that calls on the Government of the People's Republic of China to end its crackdown in Tibet and to open a dialogue with His Holiness the Dalai Lama.

Importantly, this resolution calls on the Chinese Government to release all Tibetan prisoners who were detained for their nonviolent expression of opposition to Chinese policy towards Tibet, something with which I very much agree.

In 2002, the Tibetan Policy Act was ushered through Congress under the leadership of former chairmen Lantos and Hyde, and signed into law. Amongst its components was a U.S. commitment to the economic and cultural preservation of Tibetans inside Tibet. I believe that this resolution reaffirms this commitment.

For decades, Beijing has oppressed the Tibetan people. As the State Department's most recent annual report on human rights found, tight control on religious expression and denial of other basic human rights are cause for serious concern. China's further crackdowns on peaceful protestors of the Olympic torch relay serve to further affirm the State Department's report.

At the center of international media coverage of China's crackdown on Tibetan Buddhism is Radio Free Asia, a non-profit broadcast corporation that provides alternative news sources in repressive countries. In addition to covering the abuses wrought against the Tibetans, Radio Free Asia has also documented the Chinese destruction of precious Tibetan religious relics and manuscripts. It is not just the ethnic discrimination against Tibetans that gives me pause, but also the efforts to erase their culture.

I commend Radio Free Asia on their tireless efforts to broadcast truth, and I commend you, Madam Speaker, on your work on this resolution.

Mr. GEORGE MILLER of California. Madam Speaker, as the Chinese Government was repressing peaceful Tibetan protests last month, I visited Dharamshala, India—the recognized home of Tibetans in exile—with Speaker Pelosi and several of my colleagues.

I had the honor and privilege to meet His Holiness, the Dalai Lama, and I was moved by the infinite patience and courage he exudes in the face of overwhelming odds. I was touched by the large population of Tibetans in exile who worry about family members they have left behind. These are people who left their homeland due to repression of religion and language by the Chinese Government and the constant violations of basic human rights and dignity in their own land.

The Speaker, along with everyone else on our trip, was incensed at the atrocities conducted by China. Our first order of business upon returning to the United States was to draft this important resolution before the House today.

Through this resolution, we call on the Government of the People's Republic of China to end its crackdown on nonviolent Tibetan protestors and its continuing cultural, religious, economic, and linguistic repression inside Tibet and to begin a dialogue directly with His Holiness the Dalai Lama.

The freedom of press is something we take for granted in the United States but Tibetans unfortunately do not enjoy this privilege, as all press inside Tibet, and all of China in fact, is closely monitored and controlled by the state. This resolution calls on the Chinese Government to allow independent international monitors and journalists, free and unfettered access to Tibet.

It is clear by the conviction and sentencing of human rights activist Hu Jia, who has been an outspoken critic of the human rights record of the Chinese Government and called on the international community to hold Beijing responsible for the promises it made when bidding to host the Olympic games, that China has no intention of unilaterally changing it's human rights record. The government of China has been and continues to be an abuser of basic human rights despite the State Department decision to not include China in a list of countries that most systemically violate human rights. This resolution asks the United States Department of State to publicly issue a statement reconsidering its decision.

The cause of the Tibetan people is a desire for freedom of religion, freedom to speak their own language, and to express their unique identity. It is a cause every American can relate to. I urge my colleagues to vote in support of this resolution—to vote in support of Tibet.

Ms. ESHOO. Madam Speaker, we've read and seen on the news the accounting of numerous deaths following the anti-government protests in the Tibetan capital of Lhasa. The proindependence protests were initiated by ethnic Tibetans commemorating the 49th anniversary of the failed 1959 uprising that sent the Dalai Lama into exile. China is now facing mounting international pressure, including the U.S., to demonstrate restraint in dealing with the dissent.

I support the aspirations of the Tibetan people to peacefully protest for independence and safeguard their distinct identity by promoting the elimination of all forms of racial, religious, and linguistic discrimination against them. The People's Republic of China, PRC, has failed miserably to guarantee the preservation of these rights for the Tibetan people and as a result, Tibetans remain plagued by poverty, illiteracy, and a limited infrastructure.

I was privileged to participate in the Speaker's congressional delegation to India last month when we visited the Dalai Lama in Dharamsala. During our visit we discussed the tragic violence that has been taking place in Tibet with the Dalai Lama and we agreed that an open dialogue with the PRC and international pressure are the most effective methods at our disposal for ending the crisis.

This resolution was born out of those discussions with the Dalai Lama. It condemns the government of the PRC for its bloody suppression of the Tibetan people and calls on the government of the PRC to invite the Dalai Lama to China for the purpose of dialogue to resolve the root causes of unrest in the Tibetan areas of China.

Free expression and the right to dissent are defining elements of a democracy. That's why it is essential for us to speak out in condemnation of China's repression of religion, its complicity in the Sudanese atrocities in Darfur and its oppression of Tibet.

I urge my colleagues to pass this important resolution.

Mr. VAN HOLLEN. Madam Speaker, today, the 2008 Olympic torch arrives for the first time on American soil. It almost didn't make it. After violence erupted in Paris and London between police and demonstrators protesting Chinese human rights abuses, there were serious discussions about ending the torch's journey across the world before it arrived in the United States.

Despite ongoing complaints by the international community about China's human rights abuses—and its restrictions on freedoms of speech—China refuses to take corrective action.

This resolution is an attempt to pressure the Chinese Government to address international concerns of human rights abuses in that country. This resolution is also a reaction to six decades of cultural and religious repression of the Tibetan people. Now is the time to bring the suffering of the Tibetan people to an end. I ask my colleagues to join me in supporting this resolution to encourage the People's Republic of China to enter into discussions with the Dalai Lama and respect the human rights of all its citizens.

Mr. MICHAUD. Madam Speaker, I rise to urge my colleagues to support H. Res. 1077 and to speak about the alarming human rights situation in Tibet and the People's Republic of China.

In recent weeks, we have seen citizens of the world rising up against the Chinese Government's crackdown in Tibet and requesting that the communist regime end human rights abuses. The crackdown by the Chinese Government resulted in more than 100 deaths of Tibetans and the detention of thousands more. The Chinese government has also impeded the access of international journalists to Tibetan areas of China. It is time for this body to stand with these protests and act to protect Tibetans and Chinese citizens from further violence.

Despite the upcoming 2008 Olympic Games in Beijing, the Government's human rights record remains poor. Tibetans are not the only victims of China's human rights abuses. We must not forget the persecution of Christians, Uyghur Muslims, Falun Gong, democracy advocates, AIDS victims, journalists, and lawyers in China. There have been numerous abuses in China tied to the upcoming Olympic Games, including media and Internet censorship, sentences on charges of state subversion of government critics and forced evictions. Human rights advocates are being imprisoned for criticizing the Government's human rights record.

The Chinese Government wants to use the 2008 Summer Olympic Games to showcase the progress their country has made. It is my hope that the Chinese Government will take immediate and substantial strides to resolve the situation in Tibet and to address domestic human rights issues in China. Until that time, the voices of this Congress and the world should continue to apply pressure on the Chinese Government. The Summer Olympic Games offer the international community the opportunity to speak up against ongoing abuses in China.

Human rights should be our first priority and our first requirement when we engage with countries. It is our duty to use our economic and diplomatic leverage to make sure that fundamental rights are protected in the world.

I urge my colleagues in Congress to support H. Res. 1077, which calls on the Government of the People's Republic of China to end its crackdown in Tibet and to engage in dialogue with the Dalai Lama. The Dalai Lama's movement is not radical, and it is not violent. It is time for the Chinese to end their brutal treatment of the Tibetan people. It is time for the Tibetan people to experience the inalienable freedoms and human rights that all free peoples should enjoy. Again, I urge my colleagues to support H. Res. 1077.

Mr. HONDA. Madam Speaker, the United States and the People's Republic of China, PRC, are friends and partners in this international community. I truly believe that the governments of both nations endeavor to support the wellbeing of not only their people, but also of those around the world. Like individuals, governments learn from experience, and learn from the experiences of others. And like individuals, perhaps with more frequency and greater impact, governments make errors in judgment. In just our short history, the United States government and its people have made more than our fair share of mistakes. We have endured social strife at home with class and racial warfare, and our Federal, State and local governments have played their ugly part, from voting rights to segregation and violence. And throughout this century, our Nation knew that the world was watching. During World War II, all eyes were on America, waiting for its actions to meet its rhetoric of freedom. It was in this backdrop that our grassroots civil rights movement pushed our society towards our own American ideals. We have learned many lessons from our own history on how to create and maintain a peaceful society, prioritizing the protection and promotion of human rights—there are many lessons to share, and many yet to learn.

As the Olympic Summer Games near, the spotlight is now on our friend China and on its actions. China has made inroads as a new member of the global community, as their economy becomes increasingly integrated into the world economy. The groundwork for greater freedom is slowly developing, as it makes incremental gains to strengthen the rule of law. There comes a time, however, when greater scrutiny calls for greater action. As friends, I have always believed that constructive criticism should be encouraged. That is why today, I rise in support for H. Res. 1077. Friends do not always agree with each other's actions, but I know that the U.S. and China share some common values and concerns, including the wellbeing of our peoples and stability and peace in our Nations.

The Chinese government is concerned over the instability and ethnic tensions that have erupted after the protests of March 10, 2008. The widespread arrests and detentions of Tibetans and harsh statements by the Chinese government against the Dalai Lama, however, have not helped the situation, but instead have fueled the fires of resentment. Certainly, rioters and those who have perpetrated violent crimes should be tried and punished. Their departure from the doctrine of nonviolence as supported by the Dalai Lama and other great civil rights leaders, such as César Chávez, Martin Luther King, Jr. and Mahatma Gandhi, has weakened their voice. To further social stability and sustained harmony, and to decrease resentment and anger among the Tibetan people, I believe that it is of utmost importance to differentiate between those peaceful protestors and those who have turned to violence—violence reported by Chinese and international journalists.

Despite these reports, the government nevertheless removed all international journalists from the Tibetan Autonomous Region. It is difficult to know exactly what had transpired in the Tibetan areas, as well as the current situation in the region, because of this unwarranted expulsion. In the end, there were conflicting reports on the nature of the protests in China and on the numbers of those injured and killed by not only China's security forces, but also by certain Tibetan protestors. It is essential that journalists and international monitors have unfettered access to Tibetan areas to shed light on the situation on the ground.

Finally, to create a harmonious society, all members must feel a part of the process, thereby developing trust and confidence among all parties. When racial tensions have arisen in the United States, the best of us have acknowledged mistakes, embraced them, and worked toward solutions, together. In the same vain, I firmly believe that direct dialogue between the government of the People's Republic of China and His Holiness the Dalai Lama is necessary for any meaningful, short- and long-term solution to this dire situation. Previous rounds of dialogue between the PRC and representatives of the Dalai Lama have resulted in an apparent misunderstanding of the Dalai Lama's concept of Tibetan "autonomy." While there are some proponents for an independent Tibet within the Tibetan community, the Dalai Lama has repeatedly shared his support for an autonomous Tibetan region within the governance of China that ensures basic freedoms for the Tibetan people with protections for their culture, language, and religion. The Chinese government should take advantage of his moderate position and considerable influence on the Tibetan population, and engage in peaceful, direct talks with the Dalai Lama. In fact, China's Regional Ethnic Autonomy Law has already laid the foundation by guaranteeing the rights of ethnic minorities to administer their internal affairs. This foundation should not be discarded, but built upon with further assurances and implementations of these guarantees.

It is in the spirit of friendship, mutual understanding, arid shared lessons that I rise to support H. Res. 1077. We know governments can make mistakes, and we can all work together to restore peace during times of social tension. The award of the Olympic bid to China is a global acknowledgement, a global celebration, of China's membership in the global community. As the Olympic torch is introduced in San Francisco for its only appearance in the United States, I hope that protestors and bystanders show their respect for the Olympic Summer Games and refrain from violence. As an advocate for human rights and a staunch supporter of our First Amendment rights, I admire the courage and conviction exhibited by peaceful protestors. Finally, I hope that China will use this opportunity of greater scrutiny to speak directly with the Dalai Lama to build the trust and confidence necessary to achieve the harmony it seeks.

Mr. KUCINICH. Madam Speaker, I rise today in support of H. Res. 1077, and I thank Speaker PELOSI for bringing this important piece of legislation to the floor.

I am deeply troubled by the violence that has erupted in Lhasa and the rest of the Tibetan Autonomous Region. The enduring human rights consequences have the potential to devastate Tibet and completely abolish any chance of peaceful reconciliation. According to news reports, Beijing has sent thousands of soldiers to the region to quell the violence, and Beijing's long-term plans for the region include ramped up ideological education for youth, restrictions on worship, and even harsh retribution for Tibetans who do not demonstrate fidelity to the official party line. This is not a matter of politics; this is not even a matter of international relations; this is a matter of basic human dignity. Tibetans, as we do here in America, ought to have the right to worship freely and live in peace, without fear of punishment.

I add my voice to the rising chorus of international leaders encouraging the Chinese Government to engage His Holiness the Dalai Lama in substantive dialogue. His Holiness has committed his life to social justice and nonviolent conflict resolution. If a lasting peace is to be achieved in Tibet, the Chinese Government must also commit themselves to these ideals.

Mr. WOLF. Madam Speaker, I rise to express my deep concern over the recent crackdown in Tibet by the Chinese government. I strongly believe that America must be a country that speaks out on behalf of those who cannot speak for themselves—men and women who are being persecuted for their religious or political beliefs.

Every person on earth has certain inalienable rights. In a 1987 Constitution Day speech, Ronald Reagan noted that the U.S. Constitution has been described "as a kind of covenant. It is a covenant we've made not only with ourselves but with all of mankind." America has a profound responsibility to keep this covenant and to stand up for freedom in the world's darkest corners.

China is a perfect example of a place where these rights are not being protected. The China of today is worse than the China of yesterday, or of last year, or of the last decade. China is not progressing. It is regressing. It is more violent, more repressive, and more resistant to democratic values than ever before.

The Cardinal Kung Foundation reports that in 2007, 35 Roman Catholic bishops were in jail, under house arrest, or harassed and put under surveillance. In 2007, the Chinese government arrested 693 Christians that we know of. Renowned human rights advocate and Uyghur Muslim Rebiya Kadeer has watched from exile as the Chinese government arrests and beats her family members in her homeland. Since the crackdown on Falun Gong began in 1999, untold numbers of Falun Gong practitioners have been arrested, imprisoned and tortured.

The Tibetans have suffered terribly over the years at the hands of the Chinese government. Tibet is gradually, but brutally, being subsumed by China. Inch by inch, this region, its people, its culture, its religion, even its language is growing fainter and fainter and could one day disappear as the Chinese government persists in trying to liquidate Tibetan culture and presence in China.

The reports and images of this most recent crackdown in Tibet are deeply disturbing. Tibetan Buddhist monks and Tibetan youth have been beaten down in the street and rounded up in house-to-house searches for protesting China's rule of the Tibet region. Scores of Tibetans are believed to have been killed in the violence, and hundreds of Tibetans have been arrested by Chinese police for participating in protests.

Given this legacy of violence and discrimination by the Chinese government, I'm not surprised it would crack down with such brutal force against these Tibetan protestors. My outrage at what China is doing in Tibet led me to visit Tibet in 1997, and I have seen first-hand the repression the Tibetans live under.

And despite all of its abhorrent acts, China was still awarded the honor of hosting the 2008 Olympics. The Olympic Games are an event designed to lift up "the educational value of good example and respect for universal fundamental ethical principles," according to its own charter.

Does China's behavior sound like a "good example" to the rest of the world? Or that it is reflecting "fundamental ethical principles" that all nations should aspire to? It is because of China's actions that I cannot support the President or other senior U.S. officials attending the 2008 Beijing Olympics.

While I have strenuously urged the President not to attend the Olympics, I know I cannot stop the President from going. But I am offering language in the 2008 emergency supplemental appropriations bill to prohibit U.S. government officials and employees from attending the Beijing Olympics on the taxpayers' dime.

The political prisoners in China and Chinese dissidents around the world will be deeply demoralized by what the Chinese government will surely portray as symbolic support for its regime if senior American officials attend the games.

Some say that the protection of human rights is secondary to attaining economic power and wealth. We must reject that notion. China poses a threat not only to its own citizens, but to the entire world.

Mrs. CAPPS. Madam Speaker, I rise in strong support of this resolution, and in support of nonviolence as the most powerful force in human relations.

Unnecessary force and the systemic violation of human rights have led us to this day. The recent events in Tibet have saddened many of us, and have served as a disturbing reminder of the suffering that Tibetans continue to endure.

News reports have captured violent scenes that are difficult to understand: Buddhist monks juxtaposed alongside armed riot police; protestors with fear and disbelief in their eyes standing across from stoic guards.

The Chinese Government's crackdown in Tibet is a sad example of the state of human rights in China, and its overall lack of respect for freedom of expression. We are witnessing the struggle of a people that seek to preserve their traditions and their religion, so that their children may inherit a rich, peace-loving culture. And we must do what we can to promote peaceful dialogue that produces a resolution that underscores the fundamental freedoms of all Tibetians.

I urge my colleagues to support H. Res. 1077.

Mr. OLVER. Madam Speaker, I rise today in support of H. Res. 1077 calling on the Peoples' Republic of China to end its crackdown in Tibet and engage in substantive dialogue with His Holiness, the Dalai Lama. For nearly six decades, China has pursued a deliberate policy of cultural, religious, linguistic, and economic repression against the people of Tibet. Last month on the 49th anniversary of a historic uprising against Chinese rule, Tibetan monks began a series of protests which widened into large-scale and often violent clashes between protesters and Chinese authorities. These protests were the largest since 1989, when Chinese authorities imposed martial law in Lhasa, the Tibetan capital, following mass antigovernment protests.

Since 1950, the history of Tibet—then an autonomous region inhabited by fewer than 3 million overwhelmingly ethnic Tibetans—has been characterized by harsh religious persecution and political repression. The Chinese government has been systematically eradicating the unique cultural and religious heritage of Tibet. In 2006, the Department of State Human Rights Report named China as one of "the most systematic violators of human rights" in part due to its repressive actions in Tibet.

In 2007, that same report documented discriminatory Chinese government policies that provide economic benefits to Han Chinese migrants willing to relocate to Tibet. While Tibetans maintain their majority in rural areas, cities such as Lhasa have seen hundreds of thousands of migrant workers lured by economic incentives and the construction of a new railroad, This influx of ethnically Han Chinese has spurred fears among many Tibetans, who have almost no political voice, that the government is engaging in a deliberate campaign to bludgeon their cultural and religious heritage. By suppressing the religious and political rights of Tibetans and by repeatedly denying access to journalists and human rights observers, China has demonstrated a negligent disregard for the rights of Tibetans and has unnecessarily repressed a society which embraces nonviolence and seeks political reconciliation rather than armed resistance.

It is my belief that President Bush should revoke his decision to attend the 2008 Olympic Games in Beijing to protest China's abysmal human rights record in Tibet in addition to its key support for the genocidal government in Sudan. Hosting the Olympic Games is a unique privilege and China's repression of Tibet stands in stark contrast to the ideals behind that august international competition. I join my colleagues today in condemning China's crackdown on nonviolent protesters in Tibet and urge the Chinese government to immediately commence negotiations with the Dalai Lama with the goal of forging a long-term solution that safeguards the unique cultural and religious heritage of the Tibetan people.

Ms. WOOLSEY. Madam Speaker, I rise today in support of this important resolution. On Monday, activists spread a huge banner across the Golden Gate Bridge reading "One World. One Dream. Free Tibet." I think we can all learn from these powerful words. China's crackdown on the Tibetan people has reminded us that human rights violations are an all too common part of life under Chinese rule.

As a member of the House Committee on Foreign Affairs, I believe China must engage in an open dialogue with the Dalai Lama that respects the independent national identity of the Tibetan people. However, China's violent oppression of these peaceful protestors only shows their refusal to reach a solution to this crisis. Additionally, China has refused to end its support for the Government of Sudan, continuing to invest in its corrupt leaders. Unfortunately, China's support has helped prolong the humanitarian crisis in Darfur.

We cannot expect China to lead the international community by hosting the Olympic games when it continues to show a lack of respect for fundamental human rights. Our President and all American travelers must seriously reflect on whether to support the Beijing Olympic games in any way because our country must never support those who stand in the way of peace and freedom.

Mr. RANGEL. Madam Speaker, I rise today to express my support of H. Res. 1077, Calling on the Government of the People's Republic of China to end its crackdown in Tibet and enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identity, and fundamental freedoms of all Tibetans, and for other purposes.

It is important to encourage and support a dialogue between the Government of the People's Republic of China and the Dalai Lama in order to improve the current and future situation of Tibet. For almost six decades the people of Tibet have been repressed by the Government of China by their policies, laws, and regulations, which have reduced the Tibetans' economic opportunity and have eliminated their cultural identity.

On March 10, 2008, Tibetan Buddhist monks staged peaceful demonstrations in recognition of the 49th anniversary of Chinese rule over Tibet and the forced exile of the Dalai Lama. In reaction to the protests, the Government of China used excessive force that resulted in the death of hundreds and detention of thousands of Tibetans.

It is time for the Chinese Government to talk with the Dalai Lama to reconcile their differences so that the Tibetans will no longer resent the Chinese and they can live peacefully together.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1077.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 2030

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NEWBORN SCREENING SAVES LIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Speaker, this week the Nation is celebrating National Public Health Week, and I can think of no better way for this House to have begun the celebration than by the passage of today's packet of critical bipartisan public health legislation.

I commend Chairman DINGELL and Chairman PALLONE for their leadership in helping to pass this group of bills which will make a significant contribution to improving our environment and the quality of our Nation's health.

Regrettably, I was unable to return from Los Angeles in time to be a part of today's floor discussion. I am particularly pleased, however, that the Newborn Screening Saves Lives Act, S. 1858, as amended by my bill, H.R. 3825, was one of the public health bills that passed today.

I extend my sincere thanks to my colleagues, Congressman MICHAEL SIMPSON, TOM REYNOLDS, and HENRY WAXMAN for their original cosponsorship of H.R. 3825, the Newborn Screening Saves Lives Act. Their commitment and steadfast efforts have helped make possible the passage of this significant piece of legislation.

In addition, I thank Senators DODD, ORRIN HATCH, HILLARY CLINTON, and EDWARD KENNEDY for championing the Senate companion bill, S. 1858.

I also thank the coalition of public health groups, especially the March of Dimes, for working with us over the last 4 years on this critical issue.

Madam Speaker, approximately 5,000 babies are born each year with detectable and treatable disorders. Forty years ago, these disorders would have gone undetected until symptoms appeared. This resulted in otherwise preventable deaths or lifelong suffering from disabling consequences such as mental retardation and cerebral palsy.

Today we have the ability to give a newborn baby a simple blood test that can identify many life-threatening genetic illnesses before symptoms occur. Fortunately, this early identification makes it possible to treat babies in time to prevent severe disorders, serious complications and even death.

Yet tragically in the United States, approximately 1,000 infants a year die or are permanently disabled from these treatable disorders. These preventable tragedies are largely due to the fact that our country lacks a national newborn screening standard. Without a national standard, our States have great disparity and variation in the quality and number of newborn screening tests an infant may receive.

Today's passage of Newborn Screening Saves Lives Act is a major step toward correcting these disparities because it encourages States to uniformly test for and keep updated a scientifically recommended panel of disorders. And it makes available the resources States need to expand and improve their newborn screening programs.

The Newborn Screening Saves Lives Act also has the potential to save millions of dollars in health care costs for families and States because it empowers parents and health care professionals with knowledge about the importance of newborn screening and follow-up care.

In addition, the bill requires the Centers for Disease Control to ensure the quality of laboratories involved in newborn screening and it establishes a system for collecting and analyzing data to help researchers develop better detection, prevention, and treatment tragedies.

Madam Speaker, by passing the Newborn Screening Saves Lives Act, this Congress seized an opportunity to protect vulnerable babies from undue suffering and death and to give them a chance for a long and healthy life. Once again, I thank my colleagues for voting to pass this critical piece of public health legislation.

RAPE OF A LITTLE GIRL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, in the early morning hours of March 2, 1998, 10 years ago, Patrick Kennedy of Jefferson Parish, Louisiana, called 911 to report that his 8-year-old stepdaughter had been dragged from her garage to the side yard and raped by two neighborhood boys. Kennedy told the 911 operator that he saw one of the boys riding away from the house on a bicycle, so a sheriff's deputy that was immediately in the area responded to the complaint and started looking for the culprit, but he did not find the individual.

The deputy noticed that the crime scene in the backyard was somehow inconsistent with rape, and he noticed that the dog was still sleeping undisturbed in the grass. Be that as it may, Kennedy led the deputy to the victim, his stepdaughter's bedroom, where she was lying on the bed wearing a T-shirt and wrapped in a filthy, bloody cargo blanket.

Kennedy informed the deputy that he had carried his stepdaughter like an infant from the yard and placed her in a bathtub to clean her. But the deputy noticed there was no blood on Kennedy's clothes.

When the deputy tried to question the victim, Kennedy constantly interrupted and answered the questions for his stepdaughter. The victim said that she was trying to sell Girl Scout cookies when the two neighborhood boys dragged her from the garage and raped her on the grass nearby.

The victim was taken to Children's Hospital for emergency surgery to repair serious injuries to her body. At the hospital, the victim told hospital personnel and a psychologist that the two neighborhood boys had raped her, but she finally told a family member that Patrick Kennedy, her stepfather, had assaulted her.

The investigation began to focus on Kennedy because his story did not make any sense to the investigators. And then the police learned more about Patrick Kennedy and who he was. Before he called 911, Kennedy called his boss at a local moving company to say he wasn't going to work that morning and he asked a co-worker how to get blood out of a carpet. The co-worker later indicated at trial that Kennedy sounded nervous, and he said his stepdaughter had "just become a young lady."

Kennedy also called B&B Carpet Cleaning at 7:30, 2 hours before the 911 call, and he asked how to clean and remove blood stains from a carpet. Police then found a 1-gallon jug of carpet cleaner and the bloody towels Kennedy used to clean up his crime and hide the evidence.

A forensic lab confirmed that the victim had no grass or soil stains on her clothes so she could not have been assaulted in the grass. The victim later told her mother that Kennedy had raped her. At the trial, she testified that when she woke up that morning, he was on top of her, covering her eyes with his hands, and that he raped her in her own bed. The victim said she fainted and later threw up.

A jury convicted Patrick Kennedy of aggravated rape of his own 8-year-old stepdaughter and sentenced him to death in Louisiana. Under Louisiana law, a person who commits sexual assault of a child under the age of 12 is subject to the death penalty. Kennedy has appealed to the Supreme Court, and next week in Kennedy v. Louisiana, the Supreme Court will hear the case and decide if rape of a child is constitutional under the eighth amendment and whether it violates the cruel and unusual punishment provision of the eighth amendment.

No one has been executed in the United States for a crime other than murder since 1964. Of 3,000 inmates on death row, only two face the death penalty for nonhomicide, and one is Patrick Kennedy.

In addition to Louisiana, Georgia, Montana, Oklahoma, South Carolina and Texas have laws allowing death penalty for rape of a child. In 1977, the Supreme Court decided that the death sentence for rape of an adult woman was unconstitutional, but they never ruled on the issue of sexual assault and rape of a child. Thus, this case appears before the Supreme Court.

Louisiana has interpreted the Supreme Court's previous rulings not to apply in Louisiana because the sexual assault was of a child and that is why this case appears before the Supreme Court to make this decision.

Madam Speaker, this crime is senseless. We can sometimes understand why people commit the crime of theft, we can understand why sometimes people commit the crime of burglary, and even sometimes commit the crime of murder, but there can never be a time in our culture when we understand why a person rapes an 8-year-old girl. It is the ultimate crime of degradation. It is the ultimate type of torture, and it is the ultimate crime against little girls and their identity. It is worse than murder. And in this instance, the victim has a daily reminder of the crime that has ruined her life. It is an attempt to destroy not the life but the soul of this victim. So justice must be pronounced in this case. Society will be judged and the Supreme Court will be judged by the way it treats the innocent among us. Hopefully this case will be upheld by the Supreme Court.

And that's just the way it is.

WASTE AND ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Madam Speaker, when I was first elected to Congress, my incoming class decided to concentrate on the concept of exposing waste, fraud and abuse in national government. I wish I was still doing that because with all due respect, I have struck the mother lode of waste, fraud and abuse.

Tomorrow we will debate on this floor under a rule a perfect example of abusing taxpayers, fraud on taxpayers, and wasting of taxpayers' money.

Less than 10 years ago, Secretary Babbitt established an organization called the National Land Conservation System. He said it was his idea, his hope, to move from what he called the "Bureau of Livestock and Mining," which was actually his legal responsibility, to what he wanted to be, a bureau of landscapes and monuments. He wanted this organization to emphasize and recognize the crown jewels of the Bureau of Land Management.

One has to ask: How does one actually recognize and emphasize the crown jewels of the Bureau of Land Management?

In hearings, we asked the bureau spokesman if before this entity was established, was the Bureau of Land Management incompetent in handling these goals, or of emphasizing and recognizing these lands. And the answer was, obviously, no.

So the question once again is: Why do we want tomorrow to codify and make permanent this entity which is at best redundant and is at worst simply a waste of taxpayers' money, because you see, this new entity doesn't appoint anyone. It doesn't fire anybody. It doesn't write or remove regulations. It doesn't administer or regulate. It doesn't do anything except cost the taxpayer $50 million a year to run it.

The best argument that the proponents of this bill will have is that it doesn't change anything. In essence, it does nothing to an entity that does nothing; so why do it.

Another of the great arguments is it won't cost us a dime, except when the sponsor was asked in his State newspaper whether this new system would have more funds and regulations, his response was, "Well, you've got to establish the system, and then you go to step two."

In what actually is being purported as something that doesn't really change anything, my fear is this bill might actually do something.

The Department of Interior tentatively supports this proposal because it says it helps them to maintain the basic difference between a national park and a national monument on BLM land as opposed to a monument or park on National Park Service land. And the key element in the difference between the two is the concept in the BLM of multiple use on the public lands.

And yet when our side tried to introduce an amendment in the committee to make sure that multiple use was one of the key values of this new system, it was defeated on a party-line vote. And when we went to the Rules Committee to try to bring this issue to the floor, it was once again defeated on a party-line vote.

The only difference between BLM and National Park Service is this concept of multiple use, and yet this is one issue that is specifically eliminated from the bill that will be in discussion tomorrow. This bill is supposed to take the status quo and make it permanent; and yet all of the problems inherent in the status quo are not solved by this particular bill. We have great issue with private in holdings on these lands, none of which is addressed.

We tried to make sure that those people who like to recreate on these lands, that no boating, no shooting areas would be diminished if this went into effect, and once again that issue was rejected on a party-line vote and not even allowed to be discussed on the House floor.

□ 2045

We talked about potential border security, and an amendment will be granted tomorrow that says we will do nothing to change what we are doing on border security on these lands which are part of our border, and that is, indeed, one of the problems because it's not the status quo we want. It is change that needs to be done.

This area is sometimes called sarcastically the Trail of Amnesty, where it's estimated that every year a quarter of a million people will go through, those who are most of the worst in the human traffickers, the drug dealers and some of our gang members.

There is one ranch that is near this area; already in a short period of time has been burglarized 16 times even though he has iron bars on the window, a security system. When he's on horseback riding his ranch he finds needles, baby clothes, two skulls, four dead bodies. No Country for Old Men looks like a soap opera compared to this territory.

It is not the status quo we need to do. It is change that is essential. And once again, nothing like this happens. When we write fuzzy and vague language we invite lawsuits against the Federal Government.

We'll have an amendment tomorrow to try to eliminate or at least limit the kinds of potential lawsuits we have. We will see what happens because, once again, that was rejected in the committee.

This national land conservation system should not be codified and made permanent; if anything, it should be eliminated as a $50 million example of waste, fraud and abuse. The dream of Secretary Babbitt is really an expensive millstone around the neck of all taxpayers in this country.

CONFLICT IN THE MIDDLE EAST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. Madam Speaker, I thank you. And it's indeed an honor to be here tonight to talk with my colleagues about something that's going on in the world today that is of huge import. And no, I'm not talking about who was the victor in the NCAA Final Four Basketball Tournament.

I'm not here to talk to my colleagues about who might be the winner this year of the American Idol contest, as we get closer and closer and that draws the interest of so many of television viewers throughout the country.

What I'm talking about tonight, Madam Speaker, is probably the most important thing that this country has on its plate in a long, long time, and that is the situation in the Middle East and what's going on in Iraq and Afghanistan and how important that conflict is, not just to this country and its citizens, but the region in the Middle East and, indeed, the entire world, Madam Speaker, as we continue to wage, as we have for the last 5½ years, this battle, this war against global terrorism. And ground zero, Madam Speaker, make no mistake about it, ground zero is in Iraq.

Today our commander there, of the multinational force Iraq, General David Petraeus, and the United States Ambassador, Ambassador to Iraq, Ambassador Ryan Crocker, are here in Washington, D.C. to testify before both the United States Senate and in this chamber, the United States House of Representatives, to the Armed Services Committee of both the House and the Senate, and to the Foreign Affairs Committee of both bodies. General Petraeus and Ambassador Crocker spoke to the Senate today in a full, long day of testimony, and they will be speaking tomorrow to the House committees that I just mentioned.

Madam Speaker, along with yourself and many other very fortunate Members of this House of Representatives, I do serve on the Armed Services Committee, and I certainly look forward to hearing from these two great men who have served so well and for so long in a difficult part of the world, and also to have the opportunity to ask some questions, and I'm sure some of them will be tough questions, hard questions for Members of both political bodies, both the majority and the minority.

So, as I say, this opportunity tonight, on behalf of my party, the Republican minority, to take this hour and talk about this and try to explain to my colleagues that this is really, we are at a critical point in this war in the Middle East. And we have an opportunity, as I've felt for a long time, as I felt last September when General Petraeus and Ambassador Crocker first came before the committees and explained that the surge that we enacted in January of 2007 is, indeed, working. And what they said last September is that we need to give it a chance.

Indeed, if you made an analogy to a sporting event, you might say that we're in the fourth quarter of a tough game, and at times, indeed, January of 2007 and several months before that, it did appear that we were losing. Members of this body and the other body in leadership positions made some pretty drastic statements, even to the extent of saying the war's lost, it's hopeless, it's a hopeless situation; we need to just pack up and come home.

But General Petraeus and Ambassador Crocker, last September told us, no, that is not the case because we did change courses. We listened to the recommendations of the Iraqi Study Group, co-chaired by a very prominent Democrat and Republican, and we listened very carefully to their recommendations in regard to what needed to be done. And this surge of about 30,000 additional troops has certainly given us the opportunity to regain control and get the upper hand against these Islamic extremists and thugs that could, and would, and are determined not only to destroy Iraq, but to make that country the base of their support. And, yes, of course I'm talking about al Qaeda.

Anyone who thinks, Madam Speaker, that Iraq is not ground zero now for al Qaeda simply is ignoring the words of Osama bin Laden.

So we are, as General Petraeus and Ambassador Crocker said, we are at a very critical point. And today, the evidence will show, and during this next 45 to 60 minutes of time that me and some of my colleagues on our side of the aisle will have to discuss this, we are going to present the evidence that we are succeeding. We have not won yet, but we're ahead in the fourth quarter, and this is certainly not the time to pull our team off the field and say, well, you know, they're tired, they're stressed; the ranks are thin. It's cost us too much money. And hey, you know, we may have some conflict break out somewhere else in the world, and we have to be ready for that. Maybe 6 months from now, maybe a year from now, maybe 10 years from now.

So this approach, strategy of giving up something that we have almost won, after sacrificing 4,000 killed in action, and closer to 20,000 of our brave men and women severely wounded, and an untold number, maybe as many as 100,000 Iraqi civilians who have also given their lives for the cause, it makes no sense to this Member, Madam Speaker, that you would give up at such a critical, crucial time.

So what we're going to talk about tonight is really four things. I want to concentrate on four things. And as I say, hopefully, a number of my colleagues will be able to finish up their previous engagements and be here with me on the floor, because these Members are members of the Armed Services Committee and the Committee on Foreign Relations of the United States House of Representatives. And they, Madam Speaker, know of what they speak.

And what we're going to do is break it down, as I say, into four areas of discussion. The first area would be to talk about where are we today? What difference has a year made? Actually, it's a little more than a year. January of 2007. But it took until October, just this past fall, to get all of the additional troops and their support, logistical support into the theater. And you really couldn't expect a lot of change in the battle until we got the full force of those 30,000 additional troops. And you, ladies and gentlemen, my colleagues, we all refer to that as the surge. And this was what was recommended by General Petraeus.

And so we're going to talk about it, what a difference a year makes, and talk about some of the statistics about overall violence and progress. And the statistics don't lie. You can't put spin on numbers. Numbers are what they are. And I think the numbers, when we finish this special order hour, Madam Speaker, I think my colleagues will agree that by any standard, any parameter, any metric that I talk about, you'd have to say that the surge that was essentially envisioned, planned by General Petraeus, is, indeed, working, maybe even far better than he expected.

And the second thing that I'll talk about is, what would victory look like? You know, we're on track. We're not there yet. I think it would be presumptuous, maybe even naive of me to say that we have victory in our grasp, or to suggest that the mission is over, we won. No, we're not there yet.

And I think the violence that broke out recently in Basra, the second largest city in Iraq, after Baghdad, the port city where every drop of oil that's taken out of the ground, those 2½ to 3 million barrels a day from the reserves in the country of Iraq, they flow out of that port at Basra. And there's been a lot of violence there. And, you know, that's some disappointing news after we have had a string of several months of good news and great statistics.

But we know from that little wake-up call that there's still a lot of work to be done. Unfortunately, as has been the case in so many conflicts throughout the course of the history of our country, we have had to take the lead so many times. And we have had strong allies, certainly, the Brits have been a great ally of ours throughout history, and continue to be. But the fact is that they're citizens are, they're not as supportive, maybe, from time to time, as we would like for them to be.

□ 2100

And it's very difficult for their parliament to keep troops as part of our multinational force. There are some in Basra, but something like a thousand British troops were removed from that critical area, which they have had responsibility for since day one of Operation Iraqi Freedom. A lot of those troops were brought home for political reasons in September of 2007, and it weakened our situation in Basra. We are paying the price today, I think, because of that, but we will talk about these statistics, and we will certainly talk about what victory would look like.

The third point that I am going to ask my colleagues to discuss, and I will discuss as well, is the fact that despite these overwhelming statistics and the progress that we've made, there are Members in this body, in this town, the media, voices, that say and continue to say, it is not worth it. It is not worth it. It is not worth the lives that we have sacrificed. It is not worth the money that we've spent. Even achieving victory is not worth it. We need to bring the troops home and spend that money on social welfare programs, on health care for everybody, and maybe a $5,000 tax rebate for every man, woman, and child in the country. There are other things that we could do to spend that $10 billion a month that this war is costing us. Now, I want to talk about that, and we will get into it.

And then lastly, and maybe most important tonight, we will talk about the consequences of failure, the consequences of withdrawal, which I am absolutely convinced, if done prematurely, will lead, inevitably, to failure.

So we will conclude by talking about the consequences of that. And I think, as my colleagues listen, it will be quite sobering to them as they think in their mind and understand, and this is an intelligent body of 435 great Americans, of people who have served this country well and representing their districts well, but sometimes we need a wake-up call. Sometimes we really, Mr. Speaker, need a wake-up call. And that's why we do these Special Orders on both sides of the aisle.

But tonight, I don't think there really is anything more important to talk about than the situation in the Middle East, and I'm proud to have this opportunity, and it's a great honor and a privilege.

I see my colleague from Tennessee, one of my classmates who joined with me in the 110th Congress. We were both elected in 2002. We both had served, me in the State of Georgia, she in the State of Tennessee, in the General Assembly; and we are part of a proud group of, I think there were 53 freshman back in 2003 as we got here. And we all, I'm sure, felt like we had the answers to all problems and that we were going to solve all of the country's problems and the world's problems. And I can tell you that we haven't, but we haven't given up, and we will continue to work hard.

So it's an honor to be joined now by the gentlewoman from Tennessee, my good friend and outstanding Member, MARSHA BLACKBURN.

Mrs. BLACKBURN. I thank the gentleman from Georgia, and Mr. Speaker, he just touched on something I think is so very important.

Every once in a while, we need a wake-up call, and I think that is indeed true. And today has been a very serious day. This week is a very serious week here on Capitol Hill. And as I entered the Capitol again this evening to participate in our Special Order hour, I was struck by this stillness of the surroundings, the serene feelings of the Capitol as you walk in and as you look at the paintings and at the statues, making my way over to the chamber, reminded of those who have loved this Nation and loved the freedoms that we all enjoy and that allow us to stand in this chamber and participate in debate and to bring forward ideas and talk about what is a good idea and what is a bad idea.

And indeed, as the gentleman from Georgia said, every once in a while we need a wake-up call and a reminder that freedom is an idea that definitely has served this Nation well. It, Mr. Speaker, is an idea that serves all of the nations of the world very well. It is something that people all over the globe seek to have.

We have had discussion on this floor tonight about Tibet and the desire there to live in freedom, to worship freely. Many of us have watched the Iraqi people move forward with elections freely and willingly. Some of us travel to other nations to participate as we watch people seek to go in large numbers to the ballot box in their nation to freely vote.

I was struck a little bit earlier today, and I think it was more or less a wake-up call for me, Mr. Speaker. I stood in the shadow of the Capitol on the Senate side with a group called Vets for Freedom. I have had the opportunity to spend some time with them as they have told their stories about the success, the success stories, if you will, of what is happening on the ground in Iraq. And today they were joined by Senator MCCAIN, Senator LIEBERMAN, and other Members of the Senate, several of us from the House, including one of our most distinguished Members and a former prisoner of war, SAM JOHNSON, the honorable gentlemen from the great State of Texas.

And it was amazing to stand there and look into the faces of these veterans who have been willing to put it all on the line for freedom, to put it all on the line to protect this great Nation. And then to give actions to, again, to the actions they've carried out, to the words and the stories they're telling, and again, to take an action of coming here and coming to the Capitol and meeting with the Members of this body and to stand and support General Petraeus and Ambassador Crocker as they reported to our Nation, to say we've been there, we've carried out the heavy lift, and indeed, freedom is worth the fight.

They've also made it very clear that America now has the opportunity to achieve our fundamental objectives in Iraq through the establishment of a peaceful, stable, secular, democratic State which will be a reliable ally in the struggle against both Sunni and Shiite terrorism. Establishing this ally would allow America to reorient our position in the Middle East away from a position that relies on anti-democratic States to a position based on a strong democratic partner whose citizens have explicitly rejected al Qaeda and terrorism in general and have chosen freedom.

Today, General Petraeus reported to the Senate on his progress. Tomorrow, the House will hear from the general.

What we've learned so far is that levels of violence and civilian deaths have been reduced substantially. Al Qaeda Iraq, and other extremist elements, have been dealt serious and damaging blows. The capabilities of the Iraqi security forces have grown. Indeed, the involvement of local Iraqis and local security has been noteworthy. The forces are growing, and indeed, the Iraqis have carried out their own surge, Mr. Speaker.

Americans are well aware the additional U.S. forces that deployed to Iraq as part of the surge and our great Nation's part there. What is less understood well is that Iraqi forces surged, adding over 100,000 additional soldiers and police to their very own security forces in 2007.

There has been a shift in attitude among certain elements of the Iraqi population. The Sunni communities in Iraq increasingly have rejected al Qaeda's indiscriminate violence and extremist ideology. They recognize that they cannot share in the new Iraq if they don't participate in the political arena. That, Mr. Speaker, is a major step forward.

Over time, these awakenings have prompted tens of thousands of Iraqis, some former insurgents, to contribute to local security as sons of Iraq. There are 91,000 sons of Iraq Shia, as well as Sunni, under contract to help coalition and Iraqi forces protect their own neighborhoods. Again, they are taking the lead.

Al Qaeda's leadership, who still see Iraq as the central front in a global strategy, send funding, instructions, and foreign fighters to Iraq. Iraq's ethno-sectarian conflict in many areas is taking place through debate rather than through violence. That is another turn that we have seen. Security incidents are at a level not seen since early 2005, and civilian deaths have decreased to a level not seen before the mosque bombings in 2006.

Mr. Speaker, these are all items that are being reported to us of successes, military successes, that are taking place; and indeed, the gentleman from Georgia has mentioned some of these, has touched on some of the trends that we are seeing; and I know he's going to spend a little bit of time this evening going back and looking at these steps that tell the story of what is happening on the ground.

And as we see this take place, we see a population that is, indeed, beginning to feel safe to leave their homes. And once you're safe to leave your home, then you can start to work to make certain that your neighborhood is safe and then you make certain that your province is safe. All of this leads to a safer and free Iraq.

We know that the Iraqi parliament is making some progress, and as the gentleman from Georgia detailed some of the stats tonight, these are going to be items that will be included as we look.

Mr. GINGREY. The gentlewoman remembers, I think we all remember, hopefully, that last year the Congress asked for the Iraqi government to meet certain benchmarks. And this is exactly what Representative BLACKBURN is talking about now in regard to certain laws that their parliament would need to pass. It was sort of like a, you know, we'll only continue to help you if you promise by a date certain that you will have provincial elections, that you will pass a de-Ba'athification law, which essentially meant that those Sunnis, those brave soldiers that we are calling now and referring to as sons of Iraq, and as I say, mostly Sunnis, that they would have an opportunity to be included, maybe to be officially a part of the Iraqi security force.

So the government had to get over the fact that there was this rivalry, if you will, between the Shias in the majority and the Sunnis in the minority and the Sunnis led by the brutal dictator. Saddam Hussein had suppressed, oppressed, murdered so many of the Shias for so many years of his reign of terror that it's difficult to all of a sudden reach out an olive branch, but that's what we asked them to do in regard to de-Ba'athification, and I think it's important. And also asking them to share the oil revenue with all parts of the country, not just where the oil is found in the oil-rich Kurdish region but also in the west where there's very little oil and in the south as you have sharing.

□ 2115

So that's what the gentlewoman is talking about, and I yield back to her.

I just wanted to say that, and I'll make this one last point before I yield back, if the gentlewoman will bear with me just a second. It was said that those benchmarks needed to be met before we would provide additional troops and security and help stabilize things on the ground. But you couldn't have an effective parliament, an effective government until the people on the ground, in the towns, in the villages felt that their new government that they voted for could protect them, that had the ability, had the military strength, had the training that they felt secure and that they could go forward with this government. So the provision of security on the ground was first and foremost, and that's what the surge was all about.

I yield back to the gentlewoman from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding. And he's exactly right. Security on the ground, a secure and stable environment. And that is what the counterinsurgency strategy has been about, and the results that it has yielded.

As we have just discussed, indeed, and as Americans know well, we had a surge from our troops. The Iraqis also carried out their surge, and what it has yielded is an environment where not only we saw the military progress, but also where political progress can take place. And there are some wonderful lessons learned here.

I think that one of those, when we are in Iraq visiting with our troops and working with some of the Iraqis and helping to mentor some of the women that we have mentored over there, one of the things they will tell you is, we are so glad that you have not left us. Thank you for not leaving us. We know people are frustrated. We know there are no guarantees. But we also know that it is important that we keep at it. It's not going to happen overnight. And thank you, thank you for not leaving. We fear what would happen if you left.

And they are, as the gentleman from Georgia was saying, Mr. Speaker, they are seeing progress. The Iraq parliament is seeing progress. And as the gentleman just listed some things, and let me touch on them again, a pension law for regime officials, that has happened. De-Ba'athification reform, that has been carried out. An amnesty law, provincial election laws. And as he said, the sharing, the national government now sharing oil revenues with the provinces, something that a year ago many people said, it will never happen. But, here we are, and yes, indeed, it all is beginning to take place.

I yield back to the gentleman from Georgia.

Mr. GINGREY. Well, again, I thank the gentlewoman from Tennessee. And I would like to reemphasize the statistics that she was talking about that we said at the outset, Mr. Speaker, of this hour that we're going to talk about what a difference that a year makes and present those statistics, how particularly violence has decreased. And Representative BLACKBURN has already talked about that.

But I would ask my colleagues to reference this first slide in regard to its title. This is a little difficult to see in the back of the Chamber, but "Civilian Deaths." And it is amazing, if you look at this top line going back to January of 2006 and then coming forward almost to present day, March of 2008, and you see that about the time of the surge, that peaked the civilian deaths. We're talking about on an almost monthly basis, 4,000 civilian deaths. I think if you follow the line down, that would be about January or February of 2007. And in March of 2008, at the far side of the chart, you're looking at a number just slightly over 600. So to go from almost 4,000 deaths to 600. And I have some additional charts to basically show the same thing, again, the statistics that we promised to present at the outset of the hour, to show you what a difference a year makes.

And this slide, my colleagues, says "High Profile Attacks," basically explosions. And the blue line is the total. The next, I guess you would call that the brown graph, is car bombs. The red is suicide car bombs. And then on the bottom is suicide deaths. But this is a total. And that's where the rubber meets the road in these statistics.

And again, about a year ago, you were talking about attacks occurring in the range of 125 a day. And until this recent outbreak in Basra, they were down to about 40 a day. So, again, as I said at the outset, by any measure, by any parameter, any metric you want to take, the success of the surge is obvious.

Mrs. BLACKBURN. If the gentleman will yield.

Mr. GINGREY. I will be glad to yield. I will make one further point, and then I will yield to the gentlewoman from Tennessee.

These success stories you don't see on the nightly news. I think it was Ann Murray that sang a very famous hit a number of years ago, and I think the title of that was "A Little Good News Today." You don't hear about good news because, by definition, it's not news. It's only mayhem and violence and killings and rapes and people putting their children in the trunk of a car and leaving them there for a day as a disciplinary action for some minor infraction. These are the kind of things that are on the front pages of our newspapers and on the 24-hour news service. They only talk about it when there's violence. Unfortunately, there's not much credit given to a little good news, in fact, a lot of good news.

I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

And he has shown us some great charts, civilian deaths, the coalition data, the high profile attacks with the suicide car bombings, the car bombs, the suicide attacks, the weapons caches that are found and cleared. And when you look at the fact that we are finding many more weapons caches than we were and when you look at the fact that the attacks are down and the deaths are down, you have to ask, how did this happen? And the way it has happened is our men and women in uniform, and God bless them all, and I think about my constituents from Fort Campbell who are deployed right now, who are in both Iraq and Afghanistan, but the men and women in uniform who are taking the lead and who are gaining the trust of the Iraqi people and of the Iraqi forces and of the Sons of Iraq. And it is our men and women in uniform, as they gain this trust, and as the Iraqis know we're not going to quit, they are telling them, this is what I know, this is where you go to root out this evil person, this is where you go to root out this weapons cache, this is where you go to get this information. Because they know that we are their partner in success and we are their partner in freedom.

And it really begs the question, and as I visited with some of the veterans that have come to spend some time with us today, this really begs the question, when you look at the data and when you have this discussion, can we afford to give up on a war where we are winning, that our military men and women tell us that they are seeing some successes every single day? Can you afford to give up? And how would history remember it if you did give up?

I yield back to the gentleman.

Mr. GINGREY. And I thank the gentlewoman from Tennessee for those very intelligent remarks and understanding of what is going on. She has added so much to this hour.

We're getting into the final third of our time. And I'm very pleased that one of my colleagues, a freshman, it's hard to believe, Mr. Speaker, indeed, that he is a freshman because his wisdom is far beyond that. He serves with me on the Armed Services Committee. He will be there tomorrow when General Petraeus and Ambassador Crocker testify to us, to the House Armed Services Committee.

At this point, I would be happy to yield to the gentleman from Colorado, Representative DOUG LAMBORN.

Mr. LAMBORN. I thank the gentleman from Georgia for his kind introduction and for his leadership in bringing this issue before the American people tonight. I also thank the gentlelady from Tennessee for her intelligent remarks as well.

Mr. Speaker, I rise to support and recognize the tremendous efforts of the men, women and leaders of our Armed Forces. The progress made in Iraq is undeniable. The surge is working. And as General Petraeus said today before the Senate Armed Services Committee, the men and women of Iraq and Iraqi Security Forces have themselves surged, determined to make Iraq a safe, secure and self-determined nation.

The surge in Iraq is working, but America's job is not complete. We must continue our mission until true freedom and stability are obtained in Iraq. To stop or pull back now would be irresponsible and reckless, risking American and Iraqi lives and the national security of both nations.

Reducing our presence in Iraq at this point would quickly undo the valuable progress that has taken years to achieve. As General Petraeus said before the Senators, it is a fragile situation, and it is easily reversible. To pull back now would communicate to terrorists that America has given up and does not have the stamina or commitment to persevere in the global war on jihadist terror.

The decision on when to reduce the presence of our troops must be based on winning the peace for the people of Iraq, not political whim that overlooks the successes of our military. But it must not be based on artificial timelines proposed by politicians in Washington as opposed to the considered judgment of the commanders in the field. History will not forgive us if we choose to lose a war we can win.

Precipitous withdrawal now means future generations of Americans and Iraqis will be forced to pay for our giving up victory at a time when we are not only achieving success, but when the people of Iraq themselves are rising up against the influence of terrorists and sectarian ideals in order to create an Iraqi state based on self-determination and freedom.

The right thing to do is to support our service men and women and General Petraeus in their mission in Iraq. I, too, would like to bring our troops home, but not at the price of providing a safe haven for terrorists and allowing terrorists to claim victory.

To quit now would be a disservice to those who have sacrificed in so many ways, but especially to America's sons and daughters who have given so much, and in some cases paid the ultimate price for our security and the freedom of the people in Iraq as well.

So I join with my colleague from Georgia. I, too, look forward to listening to the two gentlemen tomorrow, General Petraeus and Ambassador Crocker, as they describe what has been going on. And I look forward to the opportunity to ask questions and get to the bottom of things that are going on. But I know that I can say what I've just said now with full confidence because I've been watching what's happening in the news and I've been getting the reports up until now, just as my colleague from Georgia has.

I yield back to the gentleman from Georgia.

Mr. GINGREY. Well, I thank the gentleman from Colorado for being with us. And I hope that if time permits, he can remain with us for some of the additional time. I would be happy to yield to him if you'll just let me know. But, again, he is a member of the House Armed Services Committee, and indeed, he knows of what he speaks.

Mr. Speaker, and my colleagues, the testimony today that went on with the Senate Armed Services Committee was very telling. We are all busy on this side of the Capitol with committee meetings and other responsibilities, so you don't have the time to sit there glued to the television set and watch every single member ask questions of General Petraeus and Ambassador Crocker. But I was able, on occasion, to hear some of the dialogue and the exchange. And I want to share just a little bit of that, Mr. Speaker, with my colleagues at this time. And this poster, this slide that I have, you can reference what I'm talking about.

Senator LINDSEY GRAHAM, the senior Senator from the great State of South Carolina where I spent most of my youth, I live and represent Georgia proudly now, but Senator GRAHAM, formerly a Member of this body, the House of Representatives, and now serving so well in the United States Senate, asked this question of General Petraeus: "Is it fair to say that when Muslims will stand by us and fight against bin Laden, his agents and sympathizers, that we're safer? Is it fair to say that?"

☐ 2130

And General Petraeus's response: "Absolutely." It only took one word, my colleagues, "absolutely," we are safer.

And Ambassador Crocker responded this morning in a similar manner, and let me give his quote: "In the little over a year that I have been in Iraq, we have seen a significant degradation of al Qaeda's presence and its abilities. Al Qaeda is our mortal and strategic enemy. So to the extent that al Qaeda's capacities have been lessened in Iraq, and they have been significantly lessened, I do believe that makes America safer." And this is the direct quote from Ambassador Crocker's testimony this morning before the Senate Armed Services Committee.

We will get into now the third point that I said, Mr. Speaker, at the outset of the hour that I wanted to emphasize, and that's the question of is it worth it? Despite the progress that we have talked about tonight that General Petraeus told the Senate this morning, there are those who would ignore that progress and still as they did last September. Maybe it was a more credible argument then. Of course, they were making it before the surge had even gotten there, not really giving it much of a chance. But today to argue for immediate withdrawal and to give up, to snatch defeat literally from the jaws of victory, that's basically what they're saying: It's not worth it. It's not worth it. It's time to quit. And this is what General Petraeus said this morning, another quote, and I share it with my colleagues:

"I do believe it's worth it. I took on the task," and just like General

Petraeus he would say this, "the privilege of command of Multi-National Force Iraq because I do believe that it's worth it and I do believe the interests there are of enormous importance, again, to our country, not just the people of Iraq and the people of that region, and the world." That's a quote taken from General Petraeus's testimony this morning.

I am pleased at this time, Mr. Speaker, to yield to another one of my classmates, the gentleman from Iowa, Representative STEVE KING. Representative KING is not only on the Armed Services Committee, but I do believe he's on the Committee on Foreign Affairs. And he is extremely knowledgeable about foreign affairs, about national defense, about so many critical issues. So it's indeed a pleasure to welcome this evening another of my classmates, the distinguished gentleman from Iowa, Representative KING.

Mr. KING of Iowa. I thank the gentleman from Georgia and appreciate your yielding, Mr. GINGREY.

Mr. Speaker, I come to the floor tonight to join with my colleagues to raise our voices in unison in support of our Commander in Chief and the Commander of the Iraqi forces, General Petraeus, with whom I have had a significantly long working relationship for quite some time, and for all the troops that have fallen in line behind the Commander in Chief and behind General Petraeus all the way out across the board.

I have personally made five trips to Iraq. I've been to Afghanistan. Each time that I go over there, I stop in at Landstuhl. I visit the wounded. I see the price that's being paid. I see the dedication in their eyes. And I believe it's a little stronger in the eyes of those at Landstuhl than it is in those who are standing at attention in Iraq or those that are on duty in Iraq. But all them, all of them, have put their lives on the line. They are all volunteers.

And I think back to a time at a Thanksgiving dinner in Baghdad actually, and the command sergeant major gave me that look that was like I'd like to talk to you off on the side. And I walked over to the side, and he said, I know war is expensive, but we're all volunteers here. We are not just volunteers for this mission. We have volunteered for the military. We've all re-upped since the beginning of this war, and we all knew that we had a very high likelihood of being deployed here. We want to come here. And I volunteered for this because I want to take this fight from my children and my grandchildren. I want it done in my time. I know war is expensive, but you can't say "no" to us. You cannot pull us out now, not after this sacrifice, not this time. We have got to finish this fight that's before us.

And that's a conversation I will never forget, and I will never forget the look in his eye as he delivered that to me. That's some of the best that we have, our command sergeant majors. And this one fried that into my memory. And I think he has expressed for the fighting men and women over there what they want us all to hear on the floor of Congress and what they want the American people to know. If they're willing to take the risk, if they're willing to provide the sacrifice, how are we to say "no"?

Mr. GINGREY. Reclaiming my time, Mr. Speaker, I will yield right back to the gentleman, but I think his point is just so well taken.

This morning, I started the day at 8 o'clock in the morning with a rally in the park on the Senate side, and it was organized by a group called Veterans For Freedom, Vets For Freedom. And 400 of them, 400, were there to give us that very message that Representative KING is talking about, that it is worth it, it is worth it, and to beg us, literally to beg us. And I am sure, my colleagues, Mr. Speaker, you will be hearing from them. We will all be hearing from them. I did today. The members from Georgia that are part of the Veterans For Freedom are here, and they're going to make sure that we hear that message loud and clear.

And I yield back to my friend.

Mr. KING of Iowa. I thank the gentleman from Georgia. And I just left a table of marines that are all on multiple tours of duty in Iraq or Afghanistan, and a couple of them were decorated with Purple Hearts and serving in places like Fallujah. And you look them in the eye, and you see what they're asking us to do: Just back us. Just stand behind us. Don't undermine us. Stand behind us.

I take us back to the Vietnam war. I picked up the book written by General Giap, who was credited with what they call their victory for the Vietnamese, for North Vietnam. In that book on page 8, as I recall the page, page 8, there's a little phrase in there where he says they got our first inkling that we could defeat the United States when we saw that they didn't press for a total victory in Korea. A negotiated settlement in Korea gave Vietnam the inspiration to fight the war against us not only on the ground in Vietnam, where they paid multiple prices in lives beyond ours, but to do it in the public airwaves across the country. The protests that went on in the streets here and across in Europe were all part of their war strategy. The liberal media undermining the effort was all part of their war strategy. That doesn't mean they called the shots for the media, but they were complicit in this. And as the will of the American people was broken down by biased information and sometimes misinformation, they understood this: The bottom line in the book Principles of War by von Clausewitz, a summary of his analysis is the object of war is to defeat the will of the enemy.

So the voices that come out from this side of the aisle, Mr. Speaker, are the voices of defeat, not the voices of victory. They are undermining the will of the American people. The press is playing into that. We should be standing with our troops.

And I walked down the steps in the Cannon building, and I presume he was a veteran. He reached up and he said, "Support our troops," and shook my hand. And I said, "I will and I will continue to be there." But I missed a beat or I would have said "and their mission" because you can't support the troops without supporting their mission. You can't ask people to go off and put their lives on the line for something you don't believe in.

I believe in this. The Iraqi people believe in this. And today they know something they didn't know a year ago or 4 years ago, two big points that they understand, that's part of their national understanding: One is the Americans and the coalition forces are not there to occupy. We don't want to be there to occupy. We want them to have their freedom. The second thing is we're not there for the oil, or we would have taken it by now. We want the Iraqi people to live and breathe free.

Yesterday I had a lunch with an individual who was instrumental in bringing Benazir Bhutto to Iowa as she gave a keynote address shortly after September 11. I sat down with her on a couch afterwards one on one, and I asked her, How do we get to the point of victory? How do we defeat al Qaeda and our enemy?

And her answer was, You've got to give them freedom. You've got to give them a chance at democracy. If you do that, they'll change their focus from hatred towards taking care of their families, their communities, their neighborhoods, their jobs, and their mosques.

And I look back on that conversation. Sadly, we have lost her, her voice for freedom, but there is a piece of wisdom in that that the American people need to understand. Iraqi people are now breathing free. They weren't free before. The Afghani people are breathing free. They weren't free there ever. Today there are 50 million people that are free because of the sacrifice of U.S. and coalition troops and because of the inspiration that we provide for the world, and that is a very big thing to hand on to the next generations.

And as we watch the Bush administration move towards that last month in office, and we have many months to go yet, but when it gets to that point, I'm going to say this: I believe history will treat President Bush a lot more kindly than the media has treated him in this time when they write objectively what it means to have the strong leadership in the Commander in Chief, to have an all-volunteer military that's doing a better job than we could have ever asked anybody to do, and they say let us finish our task. The Iraqis say let us finish our task. They're paying their price. We need to hold up our end of this bargain, and we need to support General Petraeus.

And I yield back to the gentleman from Georgia, and I thank him.

Mr. GINGREY. I thank the gentleman from Iowa so much for being with us.

As we rapidly approach the conclusion of this hour, I wanted to make a few other points. The gentleman from Iowa spoke of it when he said we are not there for their oil. We are not there for their land. We're not there for anything except to try to bring a democracy to the Middle East. And you think about the history of this country in other battles that we have been in, in World War I in Belleau Wood, in World War II on the beaches of Normandy, or in the Argonne Forest, in the Korean war, in the rice paddies of Vietnam or the sands of Iwo Jima, whom were we fighting for, and what did we ask for in return? We were fighting for other people as much as we were fighting for ourselves, and the only thing that this country asked for in return was a little bit of dirt to bury our dead. We don't bury our fallen soldiers anymore on foreign soil, but that's really all we ever asked for.

The 4,000 that we have lost in this battle, how can we possibly turn our back on them? How can we turn our back on the Veterans For Freedom that I talked about that we met this morning?

And, Mr. Speaker, I have sufficient time, and I hope you will allow me to read these 25 names from my district, the 11th of Georgia, who have paid the ultimate sacrifice in this conflict to bring a little bit of democracy to the Middle East. And let me read quickly, Mr. Speaker:

Sergeant Michael Hardegree from Villa Rica; Lance Corporal Samuel Large, Jr., also from Villa Rica; Specialist Joshua Dingler from Hiram, Georgia; Sergeant Paul Saylor from Bremen; Captain Hayes Clayton from Marietta, my home; Private First Class Jesus Fonseca, Marietta; Lance Corporal Stephenen Johnson, Marietta; Airman First Class Antoine Holt, Georgia; Sergeant Brian Ardron, Acworth; Private First Class Marquis Whitaker from Columbus; Staff Sergeant John McGee, Columbus; Sergeant First Class David Salie from Columbus; Corporal Tyler Dickens, Columbus.

□ 2145

Staff Sergeant Rickey Scott, Columbus, Georgia; Corporal John Tanner, Columbus, Georgia; Sergeant Thomas Strickland, Douglasville, Georgia; Spec. Marvin Camposiles, Austell; Spec. Benjamin Bartlett, Jr., Manchester, Georgia; Lance Corporal Juan Lopez, Whitfield; Private John M. Henderson, Jr., from Columbus; First Lieutenant Michael Fasnacht, from Columbus; Lance Corporal Kristopher C. Warren, from Resaca; Specialist Justin Johnson, from Rome, Georgia; First Lieutenant Tyler Brown, president of the student body at Georgia Tech, died in Iraq, from Atlanta, Georgia; Jack Hensley, a civilian contractor from Marietta, Georgia was beheaded by the brutality known as al Qaeda.

Mr. Speaker, as I conclude my time, again, I thank you for allowing me to read those names.

And my colleagues, I hope that some of those families are listening because I pledge to you we will not turn our back on them. They have paid the ultimate sacrifice. You are continuing to pay the sacrifice, but God bless you for the support of this commander in chief and with your patience and our determination here in Congress, we will give victory a chance, and we will achieve victory.

And with that, Mr. Speaker, I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and until 11 a.m. on Thursday, April 10.

Mr. BRALEY of Iowa (at the request of Mr. HOYER) for today on account of travel delays.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of a family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, April 14 and 15.

Mr. BURTON of Indiana, for 5 minutes, today, April 9 and 10.

Mr. BURGESS, for 5 minutes, April 15.

Mr. TANCREDO, for 5 minutes, today, April 9 and 10.

Mr. JONES of North Carolina, for 5 minutes, April 14 and 15.

Mr. MORAN of Kansas, for 5 minutes, today and April 9.

Mr. CANNON, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A Concurrent Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 73. Concurrent resolution expressing Congresional support for the goals and ideals of National Health Care Decisions Day; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. GINGREY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 9, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5866. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Addition of Armenia to the List of Regions Where African Swine Fever Exists [Docket No. APHIS-2007-0142] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5867. A letter from the Chief Financial Officer, Department of Agriculture, transmitting the Department's final rule — Debt Management — received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5868. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Corporation's final rule — Common Crop Insurance Regulations; Cultivated Wild Rice Crop Insurance Provisions (RIN: 0563-AC00) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5869. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7766] received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5870. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5871. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5872. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HUD Office of Hearings and Appeals; Conforming Changes To Reflect Organization Regulations [Docket

No. FR-5185-F-01] (RIN: 2501-AD35) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5873. A letter from the Regulatory Specialist Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Lending Limits [Docket No. OCC-2008-0005] (RIN: 1557-AD08) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5874. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule — National Service Criminal History Checks (RIN: 3045-AA44) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5875. A letter from the Under Secretary Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certification and Nondiscretionary WIC Certification and General Administrative Provisions [FNS-2007-0009] (RIN: 0584-AD73) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5876. A letter from the Director, Department of Labor, transmitting the Department's final rule — Asbestos Exposure Limit (RIN: 1219-AB24) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5877. A letter from the Deputy Assistant Administrator Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Exempt Anabolic Steroid Products [Docket No. DEA-289F] (RIN: 1117-AB04) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5878. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Elimination of FERC Form No. 423 [Docket No. RM07-18-000; Order No. 709] received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce..

5879. A letter from the Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5880. A letter from the Acting Chairman, Consumer Product Safety Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

5881. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule — Corporation for National and Community Service Implementation of OMB Guidance on Nonprocurement Debarment and Suspension (RIN: 3045-AA48) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5882. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule — Program Fraud Civil Remedies Act (RIN: 3045-AA42) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5883. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5884. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5885. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5886. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's annual report for FY 2007, summarizing data and analysis of complaints filed for the past five fiscal years and how the Department is working to fulfill the requirements of the Act, pursuant to Public Law 107-174, section 203 of Title II; to the Committee on Oversight and Government Reform.

5887. A letter from the Secretary, Department of Transportation, transmitting the Departments' Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2007, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

5888. A letter from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's annual report on the Government in the Sunshine Act for Calendar Year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

5889. A letter from the Senior Vice President and Chief Financial Officer, Export-Import Bank, transmitting the Bank's Annual Management Report for the fiscal year ended September 30, 2007, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

5890. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's annual report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5891. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5892. A letter from the Commissioner, International Boundry and Water Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

5893. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

5894. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

5895. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2007 annual report on statistical data relating to Federal sector equal employment opportunity complaints filed with the Office, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

5896. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5897. A letter from the Acting Chief Administrative Office, Patent and Trademark Office, transmitting the Office's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

5898. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

5899. A letter from the EEO Director, Securities and Exchange Commission, transmitting a report about the Commission's activities in FY 2007 to ensure accountability for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203 of Title II; to the Committee on Oversight and Government Reform.

5900. A letter from the Administrator, Small Business Administration, transmitting a copy of the Administration's Fiscal Year 2007 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

5901. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Reporting Amendments [Docket No. MMS-2008-MRM-0021] (RIN: 1010-AD20) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5902. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No. 071218860-8246-02] (RIN: 0648-AW26) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5903. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG24) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5904. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG00) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5905. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD68) received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5906. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF57) received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5907. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Scallop Access Area to General Category Scallop Vessels [Docket No. 060314069-6138-002] (RIN: 0648-XG29) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5908. A letter from the Acting Chief, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Petitions Filed on Behalf of H-1B Temporary Workers Subject to or Exempt From the Annual Numerical Limitation [CIS No. 2434-07; DHS Docket No. USCIS-2007-0060] (RIN: 1615-AB68) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5909. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Immigrants and Nonimmigrants—Visa Classification Symbols [Public Notice: Docket No.] received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5910. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Indian Reservation Road Bridge Program [FHWA Docket No. FHWA-2007-27536] (RIN: 2125-AF20) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5911. A letter from the Acting Director of Regulations, DOT/PHMSA, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Administrative Procedures, Address Updates, and Technical Amendments [Docket No. PHMSA-2007-0033] (RIN: 2137-AE29) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5912. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Enhanced Airworthiness Program for Airplane Systems/Fuel Tank Safety (EAPAS/FTS); Final Rule [Docket No.: FAA-2004-18379; Amendment Nos. 1-60, 21-90, 25-123, 26-0, 91-297, 121-336, 125-53, 129-43] (RIN: 2120-AI31) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5913. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Airworthiness Certification of New Aircraft [Docket No. FAA-2003-14825; Amendment No. 21-88] (RIN: 2120-AH90) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5914. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites [Docket No. FHWA-2005-22884] (RIN: 2125-AF14 and 2132-AA83) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Civil Penalties [Docket No. NHTSA-2007-28445; Notice 2] (RIN: 2127-AK07) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5916. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped From Puerto Rico to the United States (2007R-368P) [T.D. TTB-68; Re: T.D. ATF-444 and Notice No. 912] (RIN: 1513-AB38) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5917. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reissuance Standards for State and Local Bonds [Notice 2008-41] received March 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5918. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amplification of Notice 2006-27 Certification of Energy Efficient Home Credit [Notice 2008-35] received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5919. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amplification of Notice 2006-28 Energy Efficient Home Credit; Manufactured Homes [Notice 2008-36] received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5920. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Action on Decision SUBJECT: Herbert V. Kohler, Jr. et al. v. Commissioner; T.C. Memo. 2006-152; 92 T.C.M. (CCH) 48; T.C. Dkt. Nos. 4621-03, 4622-03, 4646-03, 4649-03 [IRB No.: 2008-9] received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5921. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rules and Regulations. (Also Part I, 25, 103, 143; 1.25-4T, 1.103-1, 6a.103A-2.) (Rev. Proc. 2008-19) received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5922. A letter from the Program Manager, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Modification to the Weighting Methodology Used to Calculate the Low-income Benchmark Amount [CMS-4133-F] (RIN: 0938-AP25) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

5923. A letter from the Boards of Trustees, Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting the 2008 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund And Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. —102); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1198. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; with an amendment (Rept. 110–565). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1237. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; with an amendment (Rept. 110–566). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1418. A bill to provide for the expansion and improvement of traumatic brain injury programs; with an amendment (Rept. 110–567). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2464. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; with an amendment (Rept. 110–568). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3701. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults; with an amendment (Rept. 110–569). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3825. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; with an amendment (Rept. 110–570). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2063. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes; with amendments (Rept. 110–571 Pt. 1). Ordered to be printed.

Ms. MATSUI: Committee on Rules. House Resolution 1083. Resolution providing for consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes (Rept. 110–572). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1084. Resolution providing for consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes (Rept. 110–573). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and Labor discharged from further consideration. H.R. 2063 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SKELTON (for himself, Mr. ORTIZ, Mr. TAYLOR, Mr. ABERCROMBIE, Mr. REYES, Mr. SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. MCINTYRE, Mrs. TAUSCHER, Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, Mr. MARSHALL, Ms. BORDALLO, Mr. BOREN, Mrs. BOYDA of Kansas, Mr. COURTNEY, Mr. LOEBSACK, Mr. SESTAK, Ms. CASTOR, Mr. HUNTER, Mr. SAXTON, Mr. MCHUGH, Mr. EVERETT, Mr. BARTLETT of Maryland, Mr. MCKEON, Mr. FORBES, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. DAVIS of Kentucky, Mr. LAMBORN, Mr. CLAY, Ms. TSONGAS, and Mr. LOBIONDO):

H.R. 5714. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the Colonial period to today; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. MCKEON, Mr. HINOJOSA, Mr. ALTMIRE, Ms. SHEA-PORTER, Mr. HARE, Mr. HOLT, Mr. COURTNEY, Mr. GRIJALVA, Mr. SARBANES, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. BISHOP of New York, Ms. HIRONO, Mr. LOEBSACK, Mr. WU, and Mr. SESTAK):

H.R. 5715. A bill to ensure continued availability of access to the Federal student loan program for students and families; to the Committee on Education and Labor.

By Mr. BECERRA (for himself, Mr. DOGGETT, and Mr. PASCRELL):

H.R. 5716. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER (for himself, Mr. COHEN, and Mr. MEEKS of New York):

H.R. 5717. A bill to establish a reward system to provide monetary awards to individuals who provide information relating to violations of the CAN-SPAM Act; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York (for herself, Mr. DAVIS of Illinois, Mr. HOYER, Mr. GEORGE MILLER of California, Mr. TOM DAVIS of Virginia, Ms. WOOLSEY, Mr. BERMAN, Ms. DELAURO, Mr. ELLISON, Mr. FATTAH, Mr. FILNER, Mrs. GILLIBRAND, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. VAN HOLLEN, Mr. CUMMINGS, Mr. AL GREEN of Texas, and Mr. KUCINICH):

H.R. 5718. A bill to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Ms. BERKLEY, Mr. CROWLEY, Mr. MEEK of Florida, Mr. ELLISON, Ms. GIFFORDS, Mr. HALL of New York, Mr. MAHONEY of Florida, Mr. WALZ of Minnesota, Mr. WELCH of Vermont, and Mrs. JONES of Ohio):

H.R. 5719. A bill to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. THOMPSON of California, Mr. EMANUEL, Mr. BLUMENAUER, Ms. BERKLEY, Mr. CROWLEY, Mr. ELLISON, Ms. GIFFORDS, Mr. JOHNSON of Georgia, Mr. MAHONEY of Florida, Mr. RODRIGUEZ, Ms. SHEA-PORTER, Mr. SIRES, Mr. WELCH of Vermont, and Mrs. JONES of Ohio):

H.R. 5720. A bill to amend the Internal Revenue Code of 1986 to provide assistance for housing; to the Committee on Ways and Means.

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. ROSS, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. OBERSTAR, and Ms. FALLIN):

H.R. 5721. A bill to amend title XIX of the Social Security Act to provide for a DSH redistribution pool from unexpended Medicaid DSH allotments in order to increase Medicaid DSH allotments for low DSH States and to provide grants for health access networks serving the uninsured; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. FORTENBERRY, Mr. PITTS, Mr. WOLF, Mrs. DRAKE, Ms. ROS-LEHTINEN, Mr. CHABOT, and Mr. WILSON of South Carolina):

H.R. 5722. A bill to mandate reporting requirements for convicted sex traffickers and other sex offenders intending to engage in international travel, to provide advance notice of convicted sex offenders who intend to travel outside the United States to the government of the country of destination, to prevent entry into the United States by any foreign sex offender, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 5723. A bill to amend the Federal Home Loan Bank Act to allow Federal home loan banks to invest surplus funds in student loan securities and make advances for student loan financing, and for other purposes; to the Committee on Financial Services.

By Mr. HOYER (for himself and Mr. BOEHNER) (both by request):

H.R. 5724. A bill to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 5725. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employing members of the Ready Reserve or National Guard; to the Committee on Ways and Means.

By Mr. BAIRD:

H.R. 5726. A bill to amend the Immigration and Nationality Act to require prospective employers of H-1B nonimmigrants to participate in an educational, training, or mentorship program for United States workers; to the Committee on the Judiciary.

By Mrs. CAPITO:

H.R. 5727. A bill to authorize the Secretary of Labor to make grants for the establishment of information technology centers in rural areas; to the Committee on Education and Labor.

By Mrs. CAPITO (for herself, Mr. TANCREDO, Mr. BILBRAY, Mr. MARCHANT, Mr. POE, and Mr. MILLER of Florida):

H.R. 5728. A bill to amend the Internal Revenue Code of 1986 to allow individual taxpayers to designate a portion of income taxes to fund the improvement of barriers at the United States border, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH:

H.R. 5729. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 5730. A bill to direct the Secretary of Veterans Affairs to display in each prosthetic and orthotic clinic of the Department of Veterans Affairs an Injured and Amputee Veterans Bill of Rights; to the Committee on Veterans' Affairs.

By Mr. GALLEGLY (for himself and Mr. SMITH of Texas):

H.R. 5731. A bill to prohibit offices of the legislative branch from entering into a contract for the provision of goods or services within the Capitol Complex with any contractor who does not participate in the basic pilot program for employment eligibility verification, and for other purposes; to the Committee on House Administration.

By Mrs. MYRICK:

H.R. 5732. A bill to establish procedures for the issuance by the Commissioner of Social Security of "no match" letters to employers, and for the notification of the Secretary of Homeland Security regarding such letters; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 5733. A bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes; to the Committee on Financial Services.

By Mr. GINGREY (for himself, Mr. BOUSTANY, Mr. BROUN of Georgia, Mr. BURGESS, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. PRICE of Georgia, Mr. WELDON of Florida, Mr. PAUL, and Mr. SIMPSON):

H. Con. Res. 323. Concurrent resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day; to the Committee on Energy and Commerce.

By Ms. KAPTUR (for herself and Mr. KILDEE):

H. Con. Res. 324. Concurrent resolution expressing the sense of Congress relating to the trade promotion agreement between the United States and Colombia; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself and Mr. CHABOT):

H. Res. 1082. A resolution recognizing the plumbing industry and supporting the goals and ideals of "National Plumbing Industry Week"; to the Committee on Small Business.

By Ms. CORRINE BROWN of Florida (for herself and Mr. CASTLE):

H. Res. 1085. A resolution supporting the goals and ideals of National Train Day; to the Committee on Oversight and Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. CAPPS, and Mrs. MCCARTHY of New York):

H. Res. 1086. A resolution recognizing National Nurses Week on May 6 through May 12, 2008; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H. Res. 1087. A resolution expressing the sense of the House of Representatives that the North American Free Trade Agreement must be renegotiated to foster fair trade that truly benefits all the people of Canada, the United States and Mexico; to the Committee on Ways and Means.

By Mr. NADLER (for himself, Mr. RANGEL, Ms. CLARKE, Mr. SERRANO, Mr. TOWNS, and Mrs. MALONEY of New York):

H. Res. 1088. A resolution recognizing and commending the Alvin Ailey American Dance Theater for 50 years of service as a vital American cultural ambassador to the world; to the Committee on Education and Labor.

By Ms. LORETTA SANCHEZ of California (for herself and Ms. ZOE LOFGREN of California):

H. Res. 1089. A resolution calling on the government of Vietnam to release from prison, end the detention without trial, and cease the harassment and house arrest of the people who signed the Manifesto on Freedom and Democracy for Vietnam, and expressing the sense of Congress that the President should encourage Vietnam to release such people from prison and to direct the Secretary of State to establish a Countries of Particular Concern list to condemn countries like Vietnam, which engage in "particularly severe violations" of human rights; to the Committee on Foreign Affairs.

By Mr. JEFFERSON (for himself and Mr. PAYNE):

H. Res. 1090. A resolution honoring the esteemed former President Nelson Rolihlahla Mandela on the occasion of his 90th birthday; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. FEENEY, Mr. DREIER, Mr. JONES of North Carolina, Mr. ADERHOLT, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. EVERETT, Mr. LATTA, Mr. RAHALL, Mr. PAUL, Mr. BOREN, Mr. ISSA, and Mr. SIMPSON):

H. Res. 1091. A resolution honoring the life, achievements, and contributions of Charlton Heston and extending its deepest sympathies to the family of Charlton Heston for the loss of such a great generous man, husband, and father; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. MORAN of Kansas.

H.R. 281: Mr. PETERSON of Minnesota, Mr. BOSWELL, Ms. WATSON, Mr. INSLEE, and Mr. CARDOZA.

H.R. 303: Mr. ETHERIDGE and Mr. GOODLATTE.

H.R. 351: Mr. JACKSON of Illinois, Mr. HONDA, and Mr. PAYNE.

H.R. 368: Mr. JEFFERSON, Mr. KILDEE, and Mr. MURPHY of Connecticut.

H.R. 406: Mr. PEARCE, Mr. PASCRELL, Mr. ALEXANDER, Mr. COLE of Oklahoma, Mr. DREIER, Mr. HOEKSTRA, Mr. LOBIONDO, Mr. LUCAS, Mr. MCCRERY, Mr. REHBERG, Mr. SAXTON, Mr. SIMPSON, Mr. WALSH of New York, Mr. MCKEON, Mr. MELANCON, Mr. ALLEN, and Mr. GALLEGLY.

H.R. 471: Mr. DUNCAN, Mr. SHUSTER, Mrs. MCCARTHY of New York, and Mr. WITTMAN of Virginia.

H.R. 594: Mr. ALTMIRE.

H.R. 643: Mr. CULBERSON.

H.R. 728: Mr. VAN HOLLEN and Mr. MICA.

H.R. 741: Mr. MARKEY and Mr. KELLER.

H.R. 882: Mr. MILLER of Florida and Mr. SHUSTER.

H.R. 998: Mr. FILNER, Mr. HASTINGS of Florida, Mr. HARE, and Mr. DAVIS of Illinois.

H.R. 1017: Ms. MOORE of Wisconsin.

H.R. 1043: Mr. HONDA and Mr. KILDEE.

H.R. 1050: Mr. JACKSON of Illinois, Mr. KUCINICH, and Mr. CLAY.

H.R. 1076: Mr. LATOURETTE, Mr. CULBERSON, Mr. JOHNSON of Georgia, and Mr. LAHOOD.

H.R. 1078: Mr. PASTOR.

H.R. 1102: Mr. STARK.

H.R. 1110: Ms. SHEA-PORTER.

H.R. 1222: Mr. HONDA.

H.R. 1223: Mr. CLAY and Mr. HONDA.

H.R. 1228: Mr. JACKSON of Illinois.

H.R. 1264: Mr. PASTOR.

H.R. 1279: Mr. LYNCH.

H.R. 1280: Mr. WITTMAN of Virginia.

H.R. 1293: Mr. GARRETT of New Jersey.

H.R. 1295: Mrs. CUBIN.

H.R. 1306: Mr. PLATTS.

H.R. 1343: Mr. FOSSELLA and Mr. SPACE.

H.R. 1373: Mr. COHEN.

H.R. 1381: Mr. MCGOVERN.

H.R. 1418: Mr. GRIJALVA.

H.R. 1431: Mr. PITTS.

H.R. 1435: Mr. AL GREEN of Texas.

H.R. 1440: Mr. BUTTERFIELD and Mr. ROSS.

H.R. 1514: Mr. JOHNSON of Georgia and Mr. MILLER of Florida.

H.R. 1590: Ms. SLAUGHTER.

H.R. 1609: Mr. REGULA, Mr. BARROW, Mr. EHLERS, Mr. MCHUGH, Mr. BILBRAY, Mr. ETHERIDGE, Mr. STARK, Mr. PETRI, Mr. PUTNAM, Mr. BRADY of Texas, Mr. NEAL of Massachusetts, Mr. FALEOMAVAEGA, Mr. WELCH of Vermont, and Mr. POMEROY.

H.R. 1619: Mrs. EMERSON, Mr. LINCOLN DAVIS of Tennessee, and Mr. TERRY.

H.R. 1641: Mr. COHEN.

H.R. 1646: Ms. JACKSON-LEE of Texas, Ms. WATSON, and Mr. INSLEE.

H.R. 1667: Mr. BISHOP of New York and Ms. WATSON.

H.R. 1738: Mr. SPACE.

H.R. 1767: Mr. SMITH of Texas and Mr. LEWIS of Kentucky.

H.R. 1776: Mr. SHULER, Mr. FILNER, and Ms. SUTTON.

H.R. 1783: Ms. LEE.

H.R. 1884: Mr. JACKSON of Illinois, Mr. REGULA, Mr. MARKEY, Mr. BISHOP of Georgia, and Mr. WHITFIELD of Kentucky.

H.R. 1998: Mr. MCCOTTER.

H.R. 2014: Mr. PASTOR.

H.R. 2032: Ms. ZOE LOFGREN of California.

H.R. 2091: Ms. GINNY BROWN-WAITE of Florida, Mr. KIND, Mr. DONNELLY, Mr. KUHL of New York, and Mr. TIBERI.

H.R. 2111: Ms. ESHOO.

H.R. 2138: Ms. TSONGAS, Mr. GONZALEZ, and Mrs. BONO MACK.

H.R. 2140: Mr. ENGEL and Mr. PERLMUTTER.

H.R. 2160: Mr. WHITFIELD of Kentucky.

H.R. 2188: Ms. DELAURO.

H.R. 2312: Mr. FOSSELLA.

H.R. 2332: Ms. GIFFORDS.

H.R. 2343: Mr. PAYNE.

H.R. 2377: Mr. MARIO DIAZ-BALART of Florida.

H.R. 2564: Mr. ALEXANDER.

H.R. 2567: Mr. ELLISON.

H.R. 2578: Mr. DICKS.

H.R. 2580: Mr. GALLEGLY.

H.R. 2593: Mr. FATTAH, Ms. NORTON, Mrs. NAPOLITANO, Mr. OLVER, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2634: Mr. SHERMAN and Mr. ROTHMAN.

H.R. 2676: Mr. PAYNE, Mr. CULBERSON, and Mr. HILL.

H.R. 2694: Ms. SHEA-PORTER, Mr. SKELTON, and Mr. NEAL of Massachusetts.

H.R. 2702: Mr. CARDOZA, Mr. BOSWELL, Mr. THOMPSON of California, and Mr. COSTA.

H.R. 2708: Mr. BERMAN and Mr. BOREN.

H.R. 2711: Ms. ESHOO.

H.R. 2744: Mr. MURPHY of Connecticut, Mr. ELLSWORTH, Mrs. LOWEY, Mr. RUSH, Mr. BARROW, Mr. CUMMINGS, Mr. FURTUÑO, Mr. FOSTER, Ms. SCHWARTZ, and Mr. CLAY.

H.R. 2851: Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mr. COURTNEY, Mr. SHULER, Mr. KILDEE, Mr. HALL of New York, Mr. TOWNS, Mr. KUCINICH, Mr. MELANCON, and Mr. LOEBSACK.

H.R. 2914: Mr. PASTOR.

H.R. 2994: Mr. LATOURETTE.

H.R. 3001: Ms. DELAURO and Mr. GENE GREEN of Texas.

H.R. 3042: Mr. EMANUEL.

H.R. 3053: Mr. MCCOTTER.

H.R. 3109: Mr. ROGERS of Michigan.

H.R. 3195: Mrs. DRAKE.

H.R. 3212: Mr. STARK.

H.R. 3282: Mr. CAPUANO.

H.R. 3289: Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. PALLONE, and Mr. MOORE of Kansas.

H.R. 3314: Mr. MOORE of Kansas.

H.R. 3339: Mr. FILNER.

H.R. 3369: Mr. MCCOTTER.

H.R. 3453: Mr. KENNEDY, Mr. TIERNEY, and Ms. BERKLEY.

H.R. 3457: Mr. PITTS.

H.R. 3463: Ms. SUTTON.

H.R. 3543: Mr. CONYERS.

H.R. 3618: Mr. ETHERIDGE and Mr. SPACE.

H.R. 3622: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3634: Mr. MOORE of Kansas.

H.R. 3650: Mr. CARTER and Mr. GONZALEZ.

H.R. 3652: Mr. JACKSON of Illinois.

H.R. 3658: Mr. COHEN.

H.R. 3663: Ms. DEGETTE and Mr. TOWNS.

H.R. 3692: Mr. LEWIS of Georgia.

H.R. 3717: Mr. ELLISON and Mr. MCGOVERN.

H.R. 3797: Mr. LYNCH.

H.R. 3819: Mr. SHIMKUS.

H.R. 3844: Mr. MCCOTTER.

H.R. 3934: Mrs. SCHMIDT, Ms. MATSUI, Ms. KILPATRICK, Mr. WEXLER, and Mr. HONDA.

H.R. 3968: Mr. GRIJALVA, Mr. LEWIS of Georgia, and Mr. CAPUANO.

H.R. 3981: Mrs. MCMORRIS RODGERS, Mr. ROSS, Mr. RYAN of Ohio, and Mr. GORDON.

H.R. 4044: Ms. BORDALLO.

H.R. 4088: Mr. JOHNSON of Illinois and Mr. ROGERS of Alabama.

H.R. 4089: Mr. ALLEN, Ms. BERKLEY, and Mr. HOLDEN.

H.R. 4105: Mr. CLEAVER, Mr. VISCLOSKY, Mr. OLVER, Mr. ALEXANDER, and Mr. WAMP.

H.R. 4138: Mr. GENE GREEN of Texas.

H.R. 4206: Mr. LEWIS of Georgia, Mr. WAMP, and Mr. BACA.

H.R. 4246: Mr. MEEKS of New York and Mr. WELCH of Vermont.

H.R. 4304: Mr. GINGREY.

H.R. 4310: Mr. DELAHUNT.

H.R. 4318: Mr. MURPHY of Connecticut.

H.R. 4453: Mrs. CHRISTENSEN.

H.R. 4458: Mr. LOBIONDO.

H.R. 4544: Mr. RAHALL.

H.R. 4545: Mr. JACKSON of Illinois and Mr. HONDA.

H.R. 4574: Mr. GARRETT of New Jersey.

H.R. 4627: Mr. MCHUGH.

H.R. 4836: Mr. PAYNE and Mr. NEAL of Massachusetts.

H.R. 4838: Mr. TIERNEY.

H.R. 4883: Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. REYES, Mr. ORTIZ, and Ms. SCHAKOWSKY.

H.R. 4884: Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. REYES, Mr. WELCH of Vermont, Mr. ORTIZ, and Ms. SCHAKOWSKY.

H.R. 4915: Mr. CHABOT and Mrs. LOWEY.

H.R. 4930: Mr. DAVID DAVIS of Tennessee.

H.R. 4995: Mr. MCCAUL of Texas.

H.R. 5031: Mr. ADERHOLT.

H.R. 5058: Mr. ANDREWS and Mr. JACKSON of Illinois.

H.R. 5069: Mr. HILL.

H.R. 5106: Mr. HONDA and Mr. FORTUÑO.

H.R. 5110: Mr. HARE and Mr. PALLONE.

H.R. 5131: Mr. KUHL of New York, Mr. HENSARLING, Mr. LAMPSON, and Mr. NUNES.

H.R. 5143: Mr. BARRETT of South Carolina.

H.R. 5152: Mr. FOSSELLA.

H.R. 5160: Mr. BURTON of Indiana.

H.R. 5161: Mr. MATHESON.

H.R. 5175: Mrs. MUSGRAVE.

H.R. 5233: Mr. BOUSTANY.

H.R. 5244: Mr. ROTHMAN, Mr. KILDEE, Ms. LORETTA SANCHEZ of California, and Mr. ISRAEL.

H.R. 5265: Mr. KIRK, Mr. DELAHUNT, Mr. ROTHMAN, and Ms. WATSON.

H.R. 5268: Mr. BLUMENAUER, Mr. PASCRELL, Mr. JOHNSON of Georgia, Mr. HIGGINS, Mr. NADLER, Ms. CLARKE, Mr. WEXLER, Ms. MOORE of Wisconsin, and Ms. SLAUGHTER.

H.R. 5315: Ms. HOOLEY, Mr. GRIJALVA, Mr. UDALL of Colorado, Ms. GIFFORDS, Mr. HONDA, Ms. BORDALLO, Mr. PEARCE, and Mr. COHEN.

H.R. 5443: Ms. GIFFORDS, Mr. FALEOMAVAEGA, and Mr. ROHRABACHER.

H.R. 5446: Mr. ELLISON, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. MCNULTY, Mr. BURTON of Indiana, and Mr. WEXLER.

H.R. 5447: Mr. RUPPERSBERGER, Ms. KILPATRICK, and Ms. BORDALLO.

H.R. 5469: Ms. SCHAKOWSKY.

H.R. 5474: Mr. SPACE.

H.R. 5481: Mr. BURTON of Indiana and Mr. CARNEY.

H.R. 5490: Mrs. BLACKBURN.

H.R. 5505: Mr. JACKSON of Illinois.

H.R. 5522: Mr. GRIJALVA, Ms. ESHOO, Mr. SCOTT of Virginia, Mr. ANDREWS, Ms. HIRONO, Mr. ROTHMAN, Mr. DAVIS of Illinois, Ms. CLARKE, and Mr. YARMUTH.

H.R. 5532: Mr. WAMP and Mr. PETRI.

H.R. 5534: Ms. LEE, Mr. WHITFIELD of Kentucky, and Mr. SMITH of New Jersey.

H.R. 5541: Mr. DINGELL, Mr. THOMPSON of California, Mrs. CAPPS, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. DEFAZIO, Mr. MORAN of Virginia, Mr. HOLT, Mr. GILCHREST, Mrs. LOWEY, Mrs. BONO MACK, Mr. JACKSON of Illinois, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. MCGOVERN, Mr. LARSEN of Washington, Mr. MICHAUD, Mr. SAXTON, Mrs. MALONEY of New York, Mr. KILDEE, Mr. OLVER, Mr. LAHOOD, and Mr. GEORGE MILLER of California.

H.R. 5544: Mr. NEUGEBAUER.

H.R. 5545: Mr. SESSIONS.

H.R. 5546: Ms. MCCOLLUM of Minnesota.

H.R. 5561: Mr. CARNAHAN and Mrs. BONO MACK.

H.R. 5569: Mr. COSTA.

H.R. 5573: Ms. WATSON, Mr. VAN HOLLEN, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. FILNER, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mrs. JONES of Ohio, Mr. ALLEN, Mr. HINOJOSA, Mr. MCGOVERN, Mr. SIRES, Mr. BISHOP of New York, Mr. HARE, Ms. BALDWIN, Mr. ELLISON, and Mr. INSLEE.

H.R. 5586: Mrs. MCCARTHY of New York.

H.R. 5602: Mr. STARK, Ms. SLAUGHTER, Mr. NEAL of Massachusetts, Ms. DeLauro, Ms. GIFFORDS, Mr. BOYD of Florida, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5606: Mr. GORDON, Mr. YOUNG of Alaska, Mr. TOWNS, Mr. MCCAUL of Texas, Mr. BURTON of Indiana, Mr. PASTOR, Ms. WASSERMAN SCHULTZ, and Mr. CARNAHAN.

H.R. 5611: Mr. ROSKAM, Mrs. MYRICK, Ms. ROS-LEHTINEN, Mr. PERLMUTTER, and Mr. LAHOOD.

H.R. 5613: Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. MCGOVERN, Mr. SPRATT, Mr. DAVIS of Alabama, Mr. MCCOTTER, Mr. PRICE of North Carolina, Mr. ISRAEL, Mr. MILLER of North Carolina, Mr. FATTAH, Ms. MOORE of Wisconsin, Mr. PASCRELL, Ms. KAPTUR, Mr. SAM JOHNSON of Texas, Mr. MEEKS of New York, Mrs. WILSON of New Mexico, Ms. WOOLSEY, Ms. DELAURO, Mrs. MCCARTHY of New York, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mr. HALL of New York, Mr. BISHOP of Georgia, Mr. WEXLER, Mr. LANGEVIN, Mr. PASTOR, Mr. MORAN of Kansas, Mr. HONDA, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. GONZALEZ, Mr. PERLMUTTER, Mr. GRIJALVA, Mr. BECERRA, Ms. LEE, Mr. UDALL of New Mexico, Mr. WALSH of New York, Mr. WALZ of Minnesota, Mr. LYNCH, Mr. LOEBSACK, Ms. VELÁZQUEZ, Ms. LINDA T. SÁNCHEZ of California, Mr. HINCHEY, Mr. ELLISON, Mr. CLAY, Mr. THOMPSON of California, Mr. KENNEDY, Mr. NADLER, Mr. FILNER, Mrs. LOWEY, Mr. ACKERMAN, Mr. PLATTS, Mr. OBERSTAR, Ms. NORTON, Mr. CROWLEY, Mrs. GILLIBRAND, Mr. MICHAUD, Ms. HOOLEY, Mr. HIGGINS, Mr. SERRANO, Mr. BERMAN, Mrs. DAVIS of California, Mr. HAYES, Mr. GERLACH, Mrs. TAUSCHER, Mr. RAMSTAD, and Ms. GIFFORDS.

H.R. 5624: Mr. HOLT.

H.R. 5629: Mr. BOUCHER and Mr. MCCARTHY of California.

H.R. 5635: Mr. CHABOT, Mr. PETRI, Mrs. TAUSCHER, and Mr. CROWLEY.

H.R. 5638: Mr. BOUCHER and Mr. WILSON of Ohio.

H.R. 5641: Mr. MILLER of Florida.

H.R. 5654: Mr. ABERCROMBIE and Mr. JACKSON of Illinois.

H.R. 5666: Mr. TOWNS.

H.R. 5668: Mr. SMITH of New Jersey, Mr. TANCREDO, and Mr. CAPUANO.

H.R. 5670: Mr. PAUL and Mr. MCHUGH.

H.R. 5672: Ms. BORDALLO, Mr. TOWNS, Mr. BRADY of Pennsylvania, Mr. FILNER, and Ms. CLARKE.

H.R. 5674: Mr. MCCAUL of Texas.

H.R. 5678: Ms. VELÁZQUEZ.

H.R. 5681: Mrs. GILLIBRAND.

H.R. 5684: Mr. RODRIGUEZ, Ms. BORDALLO, Mrs. BOYDA of Kansas, and Mr. GRIJALVA.

H.R. 5690: Mr. CONYERS.

H.R. 5713: Mr. BUYER.

H. Con. Res. 194: Mr. CROWLEY.

H. Con. Res. 257: Mrs. MYRICK, Mr. KIRK, Mr. LAMBORN, Mr. LOBIONDO, Mr. MCCAUL of Texas, and Mr. BISHOP of Utah.

H. Con. Res. 295: Mr. HENSARLING.

H. Con. Res. 315: Mr. SENSENBRENNER, Mr. JORDAN, Mr. HULSHOF, Mr. SIMPSON, Mr. GARY G. MILLER of California, Mr. TURNER, Mr. ADERHOLT, Ms. GINNY BROWN-WAITE of Florida, Mr. LINDER, Mr. SHIMKUS, and Mr. BOOZMAN.

H. Con. Res. 317: Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. CROWLEY, Mr. ROHRABACHER, Ms. JACKSON-LEE of Texas, Mr. OLVER, and Mr. ROTHMAN.

H. Con. Res. 318: Ms. LEE, Mr. SERRANO, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. FATTAH, and Mr. ROTHMAN.

H. Con. Res. 320: Mrs. DAVIS of California, Mr. PAYNE, Mr. TOWNS, Mr. BURTON of Indiana, and Mr. DOGGETT.

H. Con. Res. 321: Mr. MORAN of Virginia.

H. Res. 265: Mrs. DAVIS of California.

H. Res. 652: Mr. MCCOTTER.

H. Res. 820: Mr. COSTA.

H. Res. 834: Mr. SMITH of Washington and Mrs. BOYDA of Kansas.

H. Res. 838: Mr. ARCURI, Mr. BARTON of Texas, Mr. BISHOP of Georgia, Mr. CLAY, Mr. COSTELLO, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DOYLE, Mr. FERGUSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Mr. LATTA, Mrs. MCCARTHY of New York, Mr. MCHENRY, Mrs. MILLER of Michigan, Mrs. SCHMIDT, Mr. SESSIONS, Ms. SHEA-PORTER, Mr. TOWNS, and Mr. STUPAK.

H. Res. 865: Ms. WASSERMAN SCHULTZ.

H. Res. 888: Mr. TIM MURPHY of Pennsylvania.

H. Res. 925: Mr. WILSON of South Carolina, Ms. GIFFORDS, Mr. PENCE, and Mr. ENGLISH of Pennsylvania.

H. Res. 977: Mr. ELLSWORTH.

H. Res. 981: Mr. LEWIS of Kentucky, Mr. HONDA, Mr. ALEXANDER, Mr. HOLDEN, Mr. LEWIS of Georgia, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. DAVID DAVIS of Tennessee, Mr. HAYES, Mr. CLAY, Mr. HIGGINS, Ms. DEGETTE, Mr. LATHAM, Ms. BORDALLO, Mr. FILNER, Mr. CRENSHAW, Mr. KENNEDY, Mr. CANTOR, Mr. MCGOVERN, and Ms. HOOLEY.

H. Res. 987: Mr. SESTAK, Mr. HODES, and Mr. PRICE of North Carolina.

H. Res. 1008: Mrs. TAUSCHER.

H. Res. 1019: Ms. BALDWIN, Mr. PAYNE, Mr. RUSH, Ms. JACKSON-LEE of Texas, and Ms. WATSON.

H. Res. 1020: Mr. PASTOR and Mr. POE.

H. Res. 1022: Mr. MOORE of Kansas, Mr. WYNN, Ms. HIRONO, Mr. DAVIS of Illinois, Ms. LEE, and Mr. COHEN.

H. Res. 1026: Mr. MCGOVERN, Mr. TANCREDO, Mr. BACHUS, and Mr. MICA.

H. Res. 1029: Mr. PETERSON of Minnesota, Mr. CLAY, Mr. YOUNG of Florida, Mr. FILNER, and Mr. GONZALEZ.

H. Res. 1030: Mr. POE, Mr. BURGESS, Mr. SMITH of Texas, Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. HENSARLING, Mr. PENCE, Mr. REGULA, and Mr. BUYER.

H. Res. 1048: Mr. TOM DAVIS of Virginia.

H. Res. 1053: Mr. MARCHANT and Mr. RUPPERSBERGER.

H. Res. 1063: Mr. BOUSTANY, Mr. INGLIS of South Carolina, Mr. GENE GREEN of Texas, Mr. BISHOP of New York, Mr. SKELTON, Mr. PAYNE, Mr. ETHERIDGE, and Mr. COHEN.

H. Res. 1069: Ms. SCHAKOWSKY, Mr. BURTON of Indiana, Mr. ENGEL, Mr. KLEIN of Florida, Mr. POE, Mr. PENCE, and Mr. FORTUÑO.

H. Res. 1070: Mr. CHABOT, Mr. FORTUÑO, and Mr. WELCH of Vermont.

H. Res. 1072: Ms. GIFFORDS.

H. Res. 1075: Mr. BURTON of Indiana, Mr. PAYNE, Mr. HINCHEY, Ms. GIFFORDS, Mr. MCCOTTER, and Mr. KING of New York.

H. Res. 1077: Mr. MCCOTTER, Mr. CHABOT, Ms. JACKSON-LEE of Texas, Ms. ROS-LEHTINEN, Mr. BERMAN, Ms. MCCOLLUM of Minnesota, Ms. LEE, Mr. FRANK of Massachusetts, and Mr. SMITH of New Jersey.

H. Res. 1080: Mr. WOLF, Mr. SPRATT, Mr. FILNER, and Mr. BOOZMAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The amendment to be offered by Ms. Johnson of Texas, or her designee, to H.R. 2537 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY RAÚL M. GRIJALVA

The amendment to be offered by Representative Grijalva or a designee to H.R. 2016 the National Landscape Conservation System, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2537

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 1: At the end of the bill, add the following:

SEC. 11. USE OF MOLECULAR DIAGNOSTICS FOR MONITORING AND ASSESSING COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study to assess the benefits of using molecular diagnostics for monitoring and assessing the quality of coastal recreation waters adjacent to beaches and similar points of access that are used by the public.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) to the extent practicable, evaluate the full range of available rapid indicator technologies and methods that meet prescribed performance standards, including—

(A) the amplified nucleic acid assay method; and

(B) the indicator organism enterococci; and

(2) compare the use of molecular diagnostics to culture testing of same source water, including the time for obtaining results, accuracy of results, and future applicability.

(c) PARTNERSHIPS.—Notwithstanding chapter 63 of title 31, United States Code, the Administrator may award a grant or cooperative agreement to a public or private organization to assist the Administrator in carrying out the study.

(d) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

H.R. 2537

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 2: Page 2, line 5, strike "2007" and insert "2008".

Page 2, line 8, strike "1346" and insert "1346(b)".

Page 4, line 1, strike "304(a)(9)" and insert "304(a)(9)(A)".

Page 4, line 2, strike "1314(a)(9)" and insert "1314(a)(9)(A)".

Page 4, strike lines 4 through 16 and insert the following:

(c) VALIDATION AND USE OF RAPID TESTING METHODS.—

(1) VALIDATION OF RAPID TESTING METHODS.—Not later than October 1, 2010, the Administrator of the Environmental Protection Agency shall complete an evaluation and validation of a rapid testing method for the water quality criteria and standards for pathogens and pathogen indicators described in section 303(i)(1)(A).

(2) GUIDANCE FOR USE OF RAPID TESTING METHODS.—

(A) IN GENERAL.—Not later than 180 days after completion of the validation under paragraph (1), and after providing notice and an opportunity for public comment, the Administrator shall publish guidance for the use at coastal recreation waters adjacent to beaches or similar points of access that are used by the public of rapid testing methods that will enhance the protection of public health and safety through rapid public notification of any exceeding of applicable water quality standards for pathogens and pathogen indicators.

(B) PRIORITIZATION.—In developing such guidance, the Administrator shall prioritize the use of rapid testing methods at those beaches or similar points of access that are the most used by the public.

Page 6, strike lines 13 through 19 and insert the following:

"(9) the availability of a geographic information system database that such State or local government program shall use to inform the public about coastal recreation waters and that—

"(A) is publicly accessible and searchable on the Internet;

"(B) is organized by beach or similar point of access;

"(C) identifies applicable water quality standards, monitoring protocols, sampling plans and results, and the number and cause of coastal recreation water closures and advisory days; and

"(D) is updated within 24 hours of the availability of revised information;

Page 7, line 6, strike "meeting" and insert "meeting or are not expected to meet".

Page 8, line 8, strike "on" and insert "on the Internet on".

Page 8, strike lines 10 through 24 and insert the following:

"(3) CORRECTIVE ACTION.—If a State or local government that the Administrator notifies under paragraph (2) is not in compliance with any requirement or grant condition described in paragraph (2) fails to take such action as may be necessary to comply with such requirement or condition within one year of the date of notification, any grants made under subsection (b) to the State or local government, after the last day of such one-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall have a Federal share of not to exceed 50 percent."

At the end of the bill, add the following:

SEC. 11. ADOPTION OF NEW OR REVISED CRITERIA AND STANDARDS.

Section 303(i)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1313(i)(2)(A)) is amended by striking "paragraph (1)(A)" each place it appears and inserting "paragraph (1)".

EXTENSIONS OF REMARKS

FIVE YEARS OF WAR

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Ms. SCHAKOWSKY. Madam Speaker, as we mark the fifth anniversary of the ill-planned and ill-executed war in Iraq, I rise to draw the House's attention to two articles from the Chicago Tribune about the lasting damage done by the conflict.

[From the Chicago Tribune, Mar. 16, 2008]

By Any Calculus, War's Cost Cruel: Politics, Money, Blood—All Show a Painful Bottom Line

(By David Greising)

It's a cold calculus, trying to estimate the cost of a war.

What is an Iraqi life worth? The life of an American GI? It's no easier estimating the value of removing Saddam Hussein from power than it is calculating the sum cost of lifetime health care for a host of disabled American soldiers.

When politicians talk about the war's costs in terms of lives and treasure, they don't necessarily expect someone to actually pull out a spreadsheet and start running the numbers.

But that is what has happened with the Iraq war. And as we approach the 5-year anniversary of the initial March 20, 2003, "shock and awe" aerial assault on Baghdad, it is worth noting an important shift in the accounting of the conflict's cost.

Those who opposed the war are finding that the costs far exceeded anything they would have expected, or might have argued, at the time the conflict started. The most notable and authoritative such argument is put forward by Nobel Prize-winning economist Joseph Stiglitz, who puts an eye-grabbing, ultimate bottom line on the seemingly endless U.S. commitment to Iraq: at least $3 trillion. That's trillion, with a "T."

Those who argued during the run-up to war that armed conflict would be more economical than the cost of containing Hussein have shifted fields. Instead of arguing, as some once did, that America's Iraq adventure might actually turn a profit once the country's vast oil wealth began to flow, they now put forward a more nuanced argument.

On a purely fiscal basis, they now acknowledge, the war has been at best a wash. But looked at as a total package—taking into account the benefits of removing a tyrant from power and thrusting Iraq into its post-Hussein period, however bloody and chaotic—they say armed intervention was still the more attractive alternative.

A trio of University of Chicago economists sought to estimate the cost of containing Hussein had there been no U.S.-led invasion. Their 2006 paper pegged it at $700 billion over an unspecified period of years.

That estimate figures in the extra U.S. military equipment and manpower that would have been needed to keep Hussein within his borders and keep his hands off Kuwait. It includes the cost of weapons inspection programs, of economic boycotts, of oil that would remain in the ground and a rate of premature Iraqi deaths ranging from 10,000 to 30,000 per year, based on Hussein's bloody track record and mismanagement of the country.

"When people talk about the cost of war, as an economist, you have to ask, 'In comparison to what?'" said Kevin Murphy, one of the U. of C. economists.

Though he faults President Bush for errors in execution, he believes war was the better option.

"I don't hear Joe Stiglitz saying the best world is the world where Saddam stays around as long as possible because it costs too much to make him leave," Murphy said.

He has a fair point. Stiglitz spends little time contemplating either the economic or moral consequences of allowing Hussein to remain in power. Perhaps that is because Stiglitz cannot take his eyes off the financial and human catastrophe that is unfolding before the nation's eyes.

Bringing important new scholarship to the book "The Three Trillion Dollar War: The True Cost of the Iraq Conflict," Stiglitz and co-author Linda Bilmes spend little time contemplating what-ifs. Instead they turn a calculating eye to the economic consequences of the American military invasion—and to the vital policy considerations presented by both its financial and human costs.

There is the expected, grim accounting that any actuary might calculate. The cost of 4,000 American troops' lives, for example, runs to roughly $28 billion. War outlays have added $1 trillion to the national debt, and could run to $2 trillion over time, the authors calculate.

One of the most important calculations is an aspect of the war often ignored by the politicians and pundits who are not quite as handy with a calculator as Stiglitz is: The staggering, long-term toll of veterans' health care, disability benefits and Social Security disability pay. Add them up, and even in a best-case scenario they amount to $371 billion, according to the authors' calculations.

Stiglitz expected his calculations would come under criticism, as they have. But he said the larger purpose—putting some price tag on the war—is important.

"The public ought to have some accounting of the costs," he said in an interview.

"Obviously, after Pearl Harbor, you wouldn't sit down and say, 'How are we going to respond?'" Stiglitz said. "But this was a war of choice. We didn't have to go to war. We had a choice of timing, and a choice of whether to go to war at all."

The debate is not purely among economists, obviously. But even among political scientists who supported the war, Stiglitz's view is starting to take hold.

Michael O'Hanlon, a security expert at the Brookings Institution who runs a project that compiles all manner of data on present-day Iraq—from military and civilian deaths to commodity costs to public opinion—said he cannot ignore the negatives: a huge increase in violence in Iraq, the lack of political stability, the inability to find weapons of mass destruction and oil prices at $110 a barrel.

O'Hanlon supported the initial American invasion, and he gave carefully delineated backing to the troop surge a year ago. Today, though, "common sense ultimately pushes me toward the Stiglitz view if I had to look at just the bottom line," O'Hanlon said.

The question for Americans, ultimately, no longer is whether going to war made sense. Today, as we head toward the presidential election, the question is whether we keep U.S. troops in Iraq or start bringing them back.

Based on governmental budget figures, several economists have put the cost of the Iraq war at $12 billion a month. Stiglitz figures the actual cost probably is at least twice that.

And putting a final fiscal argument to the test, Stiglitz invokes a tenet of economics that is hammered home at the U. of C. business school itself: The fallacy of the "sunk cost."

People throw good money after bad, in hopes of recovering what they first invested, even though every new dollar just perpetuates a lost cause.

Five years into the war, Americans must decide whether we are caught up in a sunk-cost fallacy. But in this case, the cost is not counted just in dollars and cents. It is tallied in the impact on American security, and in the cost of American and Iraqi lives.

[From the Chicago Tribune, Mar. 19, 2008]

5 Years After: Flowers, Ruins;. Iraq's Torn Social Fabric May Be the Hardest Item To Mend as the Country Makes Fitful Progress

(By Liz Sly)

BAGHDAD.—On Baghdad's battered streets, signs of the progress made over the past year mingle uneasily with the debris of the violent upheaval that has torn Iraq apart over the past five years.

The ubiquitous concrete blast walls that seal off Sunni and Shiite neighborhoods and protect government buildings serve as a reminder of the ever-present threat of suicide bombings and sectarian violence. But they have been brightly painted with flowers, animals and scenes of Iraqi life, bringing a splash of color to the decrepit, dusty streets.

Freshly planted marigolds bloom along the sidewalks, beside the wreckage of buildings destroyed in air raids and suicide bombings that still have not been rebuilt.

Many shopping streets and markets have sprung back to life, rejuvenated by the improvements in security that have taken place in recent months. In yet other neighborhoods, whole streets have been emptied by the flight of more than 1.1 million Baghdadis from their homes.

Compared with a year ago, the improvements brought about by the surge of an extra 30,000 U.S. troops are manifest. The U.S. military says the violence is down to levels not seen since 2005, permitting a sense of normality to return to many areas.

A BROKEN COUNTRY

But 5 years after the U.S.-led coalition launched the war that was to bring freedom,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

democracy and prosperity to a long-suffering populace, Iraq remains a broken country, with no clear sense of when, how or even if it is going to be fixed.

U.S. commanders are the first to acknowledge the enormity of the challenges that lie ahead.

"The gains are fragile and they are tenuous and until they are cemented by national reconciliation, by truly resolving the big political questions that are necessary, by truly getting the economy going again... until all of that happens, then understandably what has been achieved on the ground will be a bit fragile," Gen. David Petraeus, commander of U.S. forces in Iraq, said in an interview.

The statistics tell the story of a nation still a long way from recovery: About 60 percent of Iraqis lack access to clean drinking water, and 4 million don't get enough to eat, according to the United Nations. Electricity is supposed to average 7 hours a day in Baghdad, but many areas still receive only 2 to 3 hours a day. An estimated 151,000 Iraqis have died during the war, as have nearly 4,000 U.S. troops.

And the biggest undertaking of all will be healing the sectarian divide that opened wide and engulfed the country in bloodshed in 2006-07, after the attack on a holy Shiite shrine in Samarra, Petraeus said.

"It did incredible damage to the social structure. I'm talking about the tearing of the fabric of Iraqi society and I think that has probably been the most significant damage that has been sustained," he said. "And that is something that is going to take years."

Whether Iraq has the luxury of years to heal is in question. The extra troops of the "surge" are going home by July, and the U.S. presidential election calls into doubt the future strength of any force that remains.

Meanwhile, the two other factors that contributed to the success of the surge, the Sunni revolt against Al Qaeda in Iraq and the cease-fire declared by the Shiite Mahdi Army militia, cannot be counted on to endure.

Far from ending the civil conflict, the deployment of extra U.S. troops rather served to freeze it.

Neighborhoods have been pacified to a large extent because local feuding factions concluded it was no longer in their interests to continue fighting a beefed-up U.S. force, or in many instances because members of the opposite sect were driven out altogether.

For many, the war's chief legacy has been one of disappointment. "I was expecting to travel the world and now I can't even go to Washash," said Ammar Yahya, 33, referring to a Baghdad neighborhood now controlled by the Mahdi Army.

CONCRETE WALLS

He is a Sunni living in the troubled Dora district, surrounded by the high concrete walls that have helped secure many neighborhoods but which have also left communities isolated. Friends and relatives don't dare visit him, and he is reluctant to leave because most journeys require traveling through Shiite neighborhoods.

"We were so very happy when the Americans came," he said. "Now I wish we had stayed under Saddam's tyranny."

An ABC poll of 2,200 Iraqis conducted for the fifth anniversary showed that 46 percent now expect improvements in the coming year, up from 39 percent last August but still below the 69 percent who were optimistic in November 2005. And 55 percent now say their own lives are going well; that is down from 71 percent in late 2005.

"Give it time," said Said Hakki, a Shiite who returned from exile and now heads the Iraqi Red Crescent Organization. "Security is just beginning to improve. I think the glass is more than half full. We've got cell phones, satellite dishes, and how many new newspapers do we have? Under Saddam, bananas were like a dream.

"Iraq is a war zone. There are many different factions still settling their scores. The Shiites feel the Sunnis were harsh to them for the past 35 years and they want to get their rights back, but with time and understanding and reconciliation things might change."

But reconciliation is proving elusive. Even the mainstream Sunni National Accord Front, which has seats in Iraq's parliament, refused to attend a "national reconciliation conference" summoned Tuesday by Prime Minister Nouri al-Maliki.

Many Iraqis question the Shiite-led government's commitment to reconciliation with its former Sunni foes.

"The political leaders have no national vision," said Saad al-Hadithi, a political scientist at Baghdad University. "Their goal is to achieve benefits for their own specific group, This is why they don't want to share power or let anyone else in."

Petracus points to other recent gains, such as signs of improvement in the economy. "The difference over a year ago is very dramatic, there has been very substantial progress," he said. "It does give a sense of what might be if we can build on it and continue on the trajectory that we've seen now for a good four or live months."

But in terms of repairing the country's torn social fabric, the task has hardly even begun, he said.

"People say, have there been stitches put back in that fabric? I'd say we're just trying to line the fabric up and to just get the situation calm enough so that the seamstress can put a couple of stitches into it," he said.

PAYING TRIBUTE TO SERGEANT RON PORTILLO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. PORTER. Madam Speaker, I rise today to honor SGT Ron Portillo for his leadership and dedication to the Henderson community and for his service with the Nevada Army National Guard.

SGT Ron Portillo joined the United States Marines immediately after high school where he volunteered for an extremely demanding reconnaissance unit. He completed 3 years with the Marines. After a short break from the Marines, Ron joined the United States Army, where he was selected for the Special Forces and served in the Persian Gulf War, working with small teams on high-risk missions.

Following the Gulf War, Ron moved his wife and six children from Fort Bragg, NC to Henderson, NV where he became a successful small business owner. After a few years, his oldest son decided to join the military, and after talking to recruiters, Ron himself decided to re-enlist. Three months later, he was sent to Iraq as an active duty Special Forces soldier. After a month into his deployment, Ron was reassigned to a Special Forces team in Fallujah. In March 2007, Ron suffered serious injuries when his vehicle struck an IED while en route to provide support to Marines that were pinned down in a firefight.

While recovering at a hospital in Germany, Ron befriended a therapy dog, who visited him daily and assisted him with the healing process. Ron was then transferred to the Brookes Army Medical Center in San Antonio, TX, and was subsequently released in June 2007. Following his release Ron spent countless hours trying to find ways to partner therapy dogs with wounded warriors. Ron has since dedicated his efforts to developing a Web site dedicated to providing information on service-dog programs for those wounded in combat.

Madam Speaker, I am proud to honor the service and dedication of SGT Ron Portillo for his service in the Armed Forces, and his leadership throughout the Henderson community. He is a remarkable individual, and I applaud his efforts for serving our Nation and fellow comrades throughout the Armed Forces.

THE "TORTURE MEMO" AND THE LAW

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. UDALL of Colorado. Madam Speaker, this week the press reported the declassification and public release of a Justice Department memo popularly known as the "torture memo."

It's news that the memo has been made public, but, sadly, what it says comes as no surprise. At least since the summer of 2004, when it was reported in the press, the American people have known that after the September 11, 2001, terrorist attacks on New York and Washington the Bush Justice Department advised other agencies that the President, when acting as commander-in-chief, is not bound to follow duly enacted Federal laws.

After this was revealed, the Bush administration—preparing for the 2004 Presidential election—repudiated the memo. But it had guided the administration for 22 months, and experts have claimed that its startling reading of the law and the constitution led to excesses at Abu Ghraib and elsewhere.

In 2005, Congress responded by enactment of the Detainee Treatment Act, which requires the defense department to follow the interrogation guidelines in the Army Field Manual and which prohibits the "cruel, inhuman and degrading treatment or punishment of persons under the detention, custody, or control of the United States Government."

I strongly supported those provisions, which are often referred to as the "McCain amendment' in recognition of their Senate author.

But when President Bush signed them into law, he issued a "signing statement" that raises serious questions about whether he intends to follow the law by suggesting that he intended to reserve the right to authorize prohibited interrogation methods in some cases.

Taken together, the memo and the signing statement clearly signal the Bush administration's contempt for the rule of law. As the Rocky Mountain News says in an April 3 editorial, "This was one step on the path to the Bush administration's unfortunate assertion, until the courts knocked it down, that the president had the power to snatch an American citizen on U.S. soil and hold him incommunicado in solitary confinement indefinitely, without charge, trial or counsel."

And the memo and the signing statement also show that the administration refuses to recognize that its contempt for the law will result in placing every American, especially those in uniform around the world, at grave risk.

I think we all should remember that, in the words of the Colorado Springs Gazette, "In the larger struggle with jihadist terrorism and those tempted to support or harbor them, the perception that the United States has a certain moral authority is invaluable. Moral authority was a key factor in the long, twilight struggle with aggressive communism we call the Cold War. Using torture undermines that moral authority."

For the information of our colleagues, I am attaching the full text of the editorial in the April 3 edition of the Rocky Mountain News.

[From the Rocky Mountain News, Apr. 3, 2008]

NOT ABOVE THE LAW, DESPITE THE MEMO

The Justice department has released the full text of the infamous 2003 "torture memo" brushing aside the legal restraints on military interrogators. The memo, which originated in the department's Office of Legal Counsel, argues that the president's inherent powers in wartime overrode any federal law or international treaty, raising in the layman's mind the point, Why bother to have laws and treaties?

Our government is supposed to be one of checks and balances but the Office of Legal Counsel saw no check on the president's powers. The courts had no jurisdiction on what Americans did overseas and in any case "Congress cannot interfere with the president's exercise of his authority as commander in chief to control operations during a war."

This was one step on the path to the Bush administration's unfortunate assertion, until the courts knocked it down, that the president had the power to snatch an American citizen on U.S. soil and hold him incommunicado in solitary confinement indefinitely, without charge, trial or counsel.

EXPRESSING SUPPORT FOR THE NATIONAL TRADEMARK EXPO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to express my support of the United States Patent and Trademark Office's National Trademark Expo. After a 10-year hiatus, I am excited to join the USPTO in its efforts to recognize the vital role that trademarks play in the global economy.

This 3-day event, beginning on April 10, 2008 will turn the USPTO's campus into a "Trademark Theme Park," featuring themed displays, company booths, costumed characters, and much more. During the expo, costumed trademarked characters, including the Pillsbury Doughboy, Sprout, Hershey Kisses, and the Chocolate Bar will parade about the USPTO campus, and large inflatable characters including the "Cat in the Hat," "Thomas the Train," the "Jolly Green Giant," and "Shrek" will decorate the grounds.

Trademarks are valuable symbols of quality in our increasingly competitive global marketplace. On average, people are exposed to 1,500 trademarks each day and more than 30,000 if they make a trip to the grocery store. The exposition will feature celebrity trademarks, which are often subject to counterfeiting, unusual trademarks, the evolution of certain trademarks, the people behind the names of trademarks, and century-old registered trademarks.

Exhibitors will include many of America's leading corporations, whose exhibits will highlight some of the benefits of Federal trademark registration. These exhibitors include the American National Red Cross, Burberry, The Travelers Companies, Inc., Starmaker Products, Microsoft Corporation, Owens Corning, Callaway Golf Company, Caterpillar, Inc., CMG Worldwide, NASCAR, YKK Corporation of America, UPS, Bridgestone Firestone, the International Trademark Association, INTA, and the International Anti-Counterfeiting Coalition, IACC.

The expo will emphasize the essential role the USPTO plays in approving Federal trademark registrations. In a time of globalization, counterfeit goods pose an increasing threat to American businesses. Trademarks protect words, names, symbols, sounds, or colors that identify and distinguish the goods of one party from those of others. The USPTO, an award-winning leader in handling electronic filings, will showcase the impact of electronic filing and processing of trademark applications.

I applaud the USPTO for its efforts to educate the public on the role of trademarks during the National Trademark Expo, and I urge my colleagues to join me in recognizing the USPTO at a time when trademarks and intellectual property rights play an increasingly important role in our global economy.

A TRIBUTE TO JAMES YOO

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Ms. SCHAKOWSKY. Madam Speaker, I rise today to pay tribute to James Yoo, an incredible man who has worked in my district office as a constituent advocate for nearly 7 years, and who, sadly for me, will soon be leaving.

I want to first let others of my staff describe what James has meant to them and to the constituents of the ninth Congressional District.

Cathy Hurwit, Chief of Staff: When I think of James, I think of someone who has the strongest, most finely-turned moral compass of anyone I know. It is evidenced in terms of his compassion and understanding of the problems facing our constituents—particularly those caught up in a draconian immigration system. In dealing with constituents, he is always calm, professional and dedicated—but in talking about the unfairness of the system and the indignities that so many faced, his moral outrage is evident. His sense of justice led him to law school to learn the skills and get the degree necessary for him to represent them. But it also is evidenced in the way he deals with his colleagues and everyone around him—modest about his own outstanding accomplishments but always willing to praise the efforts of and look out for others.

James is a role model—the standard of what a constituent advocate should be. Fun to be around, collegial and thoughtful.

Leslie Combs, District Director: James is such an integral, essential and special part of our district office, that it truly is hard to imagine the office and team without him. He makes us all laugh daily with his dry sense of humor and his fascination with Malcolm Jamal Warner (Theo on the Cosby Show). He is an extraordinarily generous and compassionate person, both towards his colleagues and the constituents who he has helped. James has helped over 2,600 constituents since he started working for Representative SCHAKOWSKY 7 years ago on July 1, 2001. He has helped reunite families that have been separated due to immigration backlogs. He has helped explain the complicated nuances of the immigration process to hundreds of families and to his fellow constituent advocates. He has made sure that immigration applications are processed quickly and that people get their oath ceremonies and green cards. James is extremely intelligent, thoughtful, and warm, and he will be missed. He is going to be an excellent immigration lawyer.

Taina Rodriguez, Constituent Advocate: James "Malcolm Jamal Warner" Yoo James is definitely one of a kind. He has an outstanding ability to see the good in a person. He is supportive, caring, kind, honest, strong and hopeful. His views on many issues are a little nutty, but I never said he was perfect. He always tells me the truth, even when I hate to hear it because chances are 9 out of 10 times he's right. He told me once that he hates it when people say "I can't", and I find that to be very inspirational.

James calls our relationship "love and hate" relationship, but I see it more of a big brother, pain in the neck type of relationship. (But in a very good way). Who is going to lecture me about school and my study habits, and who is going to lecture me about how I choose my dates! It's very difficult to see myself coming into the office and not having James around. It's going to be a sad day on April 11, 2008. However, I know that he will go on and accomplish great things. Who knows, he might even get to meet Malcolm Jamal Warner!

Kim Muzeroll, Executive Assistant: James is one of the most selfless and thoughtful people I know. He is smart and he is savvy. He works under the radar but he is immensely effective. He doesn't seek the spotlight and he never wants credit for his accomplishments, but he deserves recognition for his commitment to social justice and his tireless work on behalf of the constituents of the 9th Cong. district, Illinois, the nation and in fact the world.

Abbey Eusebio: The ninth congressional district has been lucky to have James Yoo as a tireless advocate for almost a decade. He worked with constituents one on one to assist them with immigration matters and provided outreach to different ethnic groups in the district. James was the go-to person for immigration matters and was a constituent advocate that constituents and colleagues could always count on. He set a high standard for his colleagues for substantial and efficient constituent service. He is a great role model and always kept the needs of constituents and the office as a priority.

As a friend, James is like our big brother. He is a humble man who is down-to-earth and has a great sense of humor. James was a great asset to Team Schakowsky. We will be very sad to see him go but know that he will continue a career of advocacy as an immigration attorney.

Paola Castano, Constituent Advocate: James is very knowledgeable and a great source of information. I am always impressed about the wealth of knowledge that he has on various subjects. James is the type of person you can talk to about just about anything under the sun. And whenever we would discuss subject matter that we weren't exactly sure of, off to internet we went, and it was Wikipedia once again to the rescue! If it weren't for Wikipedia, we would have never learned the names of the 3 Chipettes (Brittany, Eleanor, and Jeanette), the Chipmunk's female counterparts. If we didn't know that, then where would we be?

I am most grateful to him for other reasons too. When I started working in this office in December of 2006, it was taking me a bit of time to adjust to all the transitions taking place within the office. However, the most difficult aspect for me, the thing that was holding me back was that I had just come from an unpleasant work experience in my previous law office job, so I wasn't allowing myself to warm up to my new surroundings. However, from the very beginning, it was James who helped me to feel very welcome and tried to make me feel like I was part of the office. I soon came to realize that if he was taking the time and making an effort to make me feel at home here, the least I could do was to try too. And because of these efforts, I have made friends with some truly great people in this office, including James.

I also thank James for taking the time to train me on immigration these last few weeks. He has been very patient and understanding with me. Though it was intense, I believed at times that it was all too much at one time, and I felt as if I could never, ever, come close to taking on the role he has had in this office and this community, James reassured me and helped me to believe that I could take on this new role as a CA.

Ann Limjoco, Suburban Director: I have had the privilege of working with James for more than 6 years now. Over the last 6 years, I have seen him become a master at immigration casework. He is the immigration guru in our office. James is the one we would all go to with any questions on immigration. He was able to grasp such an understanding of immigration law, more than any other Constituent Advocate I've seen in the last 6 years in this office. It is so fitting that he is leaving this office to become an immigration lawyer. I think the time he has spent in this office has prepared him to do this.

I can also call James a good friend. He is the type of person I can rely on at all times. When I moved into my apartment in Glenview, James was right there helping me move boxes into my parents' minivan and unloading them into my new place. We have also spent countless hours going out to dinner or having drinks. I will miss him greatly. Not only will the constituents of the 9th Congressional District be losing a great asset, but we will be losing a great co-worker. However, I know our friendship will continue on and that we will keep in touch. I will miss working with him dearly!

Kris Sadur, Constituent Advocate: It's been an honor to know and work with James Yoo. His calm demeanor and steadfast dedication to assisting our constituents is unwavering. He is an excellent and patient teacher, assisting all staff on the intricacies of immigration and always willing to listen to questions regarding a case. I will miss his sweet smile, composed nature and astonishing intelligence. We are losing an extraordinary staff member and thoughtful advocate for constituents in the 9th Congressional District.

I join all of my staff in praising James for his remarkable service to our district and to the thousands of people he has helped. I will never be able to thank him enough for his extraordinary work and for the standard of excellence that he set for our office. I am confident that James will continue to make this world a better place and a happier place to be. Though I will miss him in the office, I fully expect that he will never desert Team Schakowsky.

PAYING TRIBUTE TO KIM DOTTS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. PORTER. Madam Speaker, I rise to honor the accomplishments and civic contributions of my friend, Kim Dotts, whose commitment to her community and to the students of the Clark County School District is an inspiration.

Kim graduated with honors from Penn State University in 1988 with a degree in music education. While at school, she performed with the Penn State Singers, the Concert Choir, and the University Choir. After graduating from Penn State University, Kim began teaching music in the Catskills region of New York. During this time she was introduced to the method of motivating students through musical studies. Kim then relocated to Las Vegas and began a musical program for elementary school students in the Clark County School District.

At William Lummis Elementary School, Kim holds extracurricular guitar classes, Honor Choir, and Percussion Ensemble classes in the mornings before the start of the regular school day. These free lessons are an opportunity for the students to expand upon their normal schedules and learn something new and to develop an appreciation for the musical arts. She encourages students to express themselves creatively through the arts.

Madam Speaker, I am proud to honor Kim Dotts, an inspirational teacher and motivator. Her dedication to the Clark County School District is commendable, and I wish her and her students continued success in their music lessons.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. UDALL of Colorado. Madam Speaker, on April 2nd I was unavoidably delayed and unable to be present for three votes. Had I been present, I would have voted as follows:

On rollcall No. 154, on ordering the previous question on H. Res. 1605, providing for the consideration of H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act, I would have voted "no."

I would have done so because defeating the previous question would have allowed the House to consider an amendment dealing with the appropriations earmark process. I support reforming that process and think that the House should at least debate changes to it, although I reserve judgment on whether I would have supported the specific language of the amendment since it was not debated.

On rollcall No. 155, adoption of H. Res. 1605, I would have voted "yes."

On rollcall No. 156, the Carson of Indiana Amendment to H.R. 5501, I would have voted "yes."

On rollcall No. 157, the motion to recommit H.R. 5501, I would have voted "no."

On rollcall No. 158, passage of H.R. 5501, I would have voted "yes."

HONORING T.C. WILLIAMS CHAMPIONSHIP BASKETBALL TEAM

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the T.C. Williams men's basketball team upon becoming this season's Virginia AAA state champions.

Guided by Coach Ivan Thomas, on March 15, 2008 at the Siegel Center in Richmond, Virginia, the Titans ended Bethel High School's 29-game winning streak, surging to a commanding 70–57 victory and unprecedented 2nd state title.

Led by a trio of sharpshooters, seniors Travis Berry, Anthony Winbush and junior Edward Jenkins—who combined for 59 of the teams 70 points—the Titans started fast and never let up till the final buzzer sounded. The stifling T.C. team defense forced a whopping 20 turnovers, holding the opposition to only a 37 percent shooting percentage and less than 20 points in the first half.

Madam Speaker, T.C. Williams High School has a proud tradition of excellence, both in the classroom and on the athletic fields. I stand today on the floor of the House, to salute the entire T.C. Williams community—students, faculty, parents and fans—on this year's unforgettable championship basketball season. May this victory inspire you to climb to even greater heights in the road ahead.

DOMESTIC VIOLENCE, A SCOURGE IN THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. RANGEL. Madam Speaker. I would like to bring to your attention an article written on domestic violence featured in the New York CaribNews for the week ending March 25, 2008 on "Domestic Violence, A Scourge in the Caribbean—Women Suffer at Men's Hands in Almost Every Country."

Domestic violence is an ill that plagues many communities but is especially prevalent in immigrant communities as highlighted by a recent State Department human rights report. Domestic violence primarily affects women and children and mostly girls. The violence is often at the hands of fathers or male authority figures in the family or community.

Despite tougher laws and penalties, domestic violence continues as a "significant social problem." Often victims of domestic violence are reluctant to report incidents of abuse due to the stigmatism that it carries and fear of reprisal from their abusers. Even more troubling are the cases that go unreported because the perception that law enforcement officers and magistrates can be bribed to make cases disappear. Clearly there is much work to be done in educating both victims and law enforcement personnel on the serious effects of domestic violence.

Articles such as this are instrumental in raising public awareness of this critical problem; and serves as a reminder that domestic violence is problematic in both immigrant and nonimmigrant communities. As a society, we have a moral obligation to educate and protect our most vulnerable members.

U.S. STATE DEPARTMENT: DOMESTIC VIOLENCE, A SCOURGE IN CARIBBEAN—WOMEN SUFFER AT MEN'S HANDS IN ALMOST EVERY COUNTRY

(By Tony Best)

It's like a recurring decimal. In almost every country, from Barbados, the Bahamas, St. Vincent and Jamaica to Guyana, Jamaica, Trinidad and Tobago, Belize and Haiti the story was the same: physical abuse of women at the hands of their lovers is rampant throughout the Caribbean.

Admittedly, though, the problem is far more serious in some places than in others. Take the case of Barbados, where the U.S. State Department human rights report described violence and abuse against women as significant social problems.

And they exist despite the presence of tough laws which impost stiff sentences on men, depending on the severity of the charges.

For instance, penalties can range from fines for a first time offenders (unless the injury is serious) up to death penalty for a killing.

In between are prison terms for those who breach court-imposed restraining orders. But apart from physical abuse, there are the sexual offences, including spousal rate, for which the maximum penalty is life behind bars. In 2007, about 63 rape cases, seven assaults with intent to rape and 30 cases of sex with a minor were reported to the police.

But women were not the only victims of violence in the home. Children in Barbados too suffered, complained the State Department. The abuse of women and children by lovers and fathers was a serious issue in Belize. Domestic violence, discrimination against women, sexual abuse of children, trafficking in persons for sexual and labor exploitation, and child labor were also problems, as was the way the report described the situation in Caricom's lone member-state in Central America. The numbers tell much of the story: in the first six months of last year, the Ministry of Health recorded 455 cases of domestic violence, of which 385 involved physical abuse of women and 67 were for sexual abuse.

The picture of violence against women was worst in the Bahamas. For not only did the report term it "serious" and "widespread" but warned it often ended in murder.

Last year, 14 of the 79 homicides in the Bahamas "were related to domestic violence." To add to the tragedy, Washington cited complaints from women's rights groups that law enforcement authorities were generally reluctant "to intervene in domestic disputes." However, the State Department softened the blow by insisting that the "police recognized domestic violence as a high priority, provided specialized training for all incoming officers and offered continuing training in domestic violence." The sketch of Guyana didn't include homicides but at the core was a triple whammy: violence, rape, including spousal rape, and the trafficking of women.

In addition. Guyanese women face the added burden of a perception that some police officers and magistrates could be bribed to make cases of domestic violence go away.

That's not all. Despite the existence of laws designed to deal with the problem, the report charged that the real headache was a failure to implement programs designed to curb domestic violence.

Small wonder, then, that a leading NGO, Help and Shelter, which handled 739 abuse cases of which 538 involved spousal abuse against women in 2007 demanded sensitivity training for magistrates and court staff to improve the handling of domestic violence.

St. Vincent is another country where abuse of women is a hard and continuing fact of life. A human rights organization there charged that in far too many cases domestic violence went unpunished due to the culture in which victims choose not to seek assistance from the police or the prosecution.

As for Jamaica, the situation there too could best be described as dismal, although not as deadly as the Bahamas. Social and cultural traditions perpetuated violence against women, including spousal abuse the report charged. Violence against women was widespread, but many women were reluctant to acknowledge or report abusive behavior, leading to wide variations in estimates of its extent.

Just as serious and complex was the report on Trinidad and Tobago where abuse of women was a matter of grave concern. Like Jamaica, tough laws and programs to aid battered women are in existence in the twin-island republic but there was a common problem: cops are lax in enforcing the law. If figures compiled by women's groups are accurate between 20 to 25 percent of women in Trinidad and Tobago were victims of abuse.

While no figures existed in Haiti that would give a indication of the depth of problem, what was clear was that it was a nightmare. For instance, a man who kills his wife or her lover found in act of adultery in the home wouldn't be charged under the country's criminal code. But a woman who murders her spouse under similar circumstances would be hauled before the court, the State Department reported.

Although laws against domestic violence were enacted, human rights activists described domestic violence as both "commonplace and underreported," so much so that Women's Solidarity, a human rights body for women, estimated that eight of every 10 Haitian women were victims of domestic violence.

Meanwhile, the problem of domestic violence has seemingly spread from the West Indies to Caribbean immigrant groups in New York City. Both physical and verbal abuse is said to be high in Brooklyn where Charles Hynes, Brooklyn District Attorney, has an aggressive program to combat spousal abuse. "We see it quite a lot among Caribbean immigrants," said an official of the DA's office. "But people from the Caribbean aren't alone. Spousal abuse is prevalent in almost every immigrant community, whether they are from Europe, Latin America or the Caribbean."

PAYING TRIBUTE TO LEE TILLMAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. PORTER. Madam Speaker, I rise today to honor the life of my friend, Lee Tillman, who passed away on December 15, 2007.

Lee Tillman moved to Boulder City, NV, at the age of 18, in 1931, and worked as a ball mill operator for the Hoover Dam during its construction. Mr. Tillman also worked as a truck driver and an electrician during the construction of the Hoover Dam. He and his late wife, Norma, settled in Boulder City in 1939, where they raised their family and subsequently retired. He was the last known local Hoover Dam construction worker to reside in the area at the time of his death. He was 94 years old.

Lee's friends and family considered him to be a man of integrity, who enjoyed recounting stories about his life and his many experiences that he encountered as a resident of southern Nevada. He was revered as a walking historian because of his ability to recount significant facts and details about the construction of Hoover Dam. He told his accounts as a dam worker for countless documentaries. He enjoyed sharing those experiences with his friends and family alike. I also had the distinct pleasure of serving on the Boulder City Council with Lee's son, Tim, and I greatly appreciated the wealth of knowledge that Lee willingly shared.

Madam Speaker, I am proud to honor the life and legacy of my friend Lee Tillman for his integral work on the Hoover Dam, and his years of community service throughout the Boulder City and the southern Nevada community. Mr. Tillman was a historical force throughout the community and he will be profoundly missed.

VICTIM'S RIGHTS AWARDS, LAURIE DISHMAN UNSUNG HERO AWARD RECIPIENT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Ms. MATSUI. Madam Speaker, I am honored to announce that my constituent, Laurie Dishman has been selected by the Victim's Rights Caucus to receive the Unsung Hero Award.

Laurie is a remarkable young woman, who found the strength and courage to fight on behalf of others after she was a victim of a violent crime on a cruise ship. Laurie shared her story with me in a letter two years ago.

As a passenger on board a ship operated by Royal Caribbean, Laurie was raped by a crew member. The story of her ordeal on the ship was shocking and the response by the cruise industry was even more appalling.

Laurie was brave enough to report the incident to the crew authorities, even though they treated her poorly and with little sensitivity. She also reported the crime to the FBI. Unfortunately, the U.S. Attorney's office declined the case or prosecution just four days later.

I have since learned that there have been no convictions for rape cases on cruise lines in four decades. This statistic takes on a new meaning through the lens of Laurie's experience.

Laurie has devoted herself to a public awareness campaign to ensure that the cruise industry is held accountable for their lax security onboard cruise ships.

She has done television shows including The Montel Williams Show, the Morning Show, Inside Edition, and numerous others. She also has done radio interviews for the BBC and other international news organizations to send out her message. As the focus of numerous expose pieces about safety concerns on cruise ships, Laurie was profiled for stories in the Los Angeles Times and the San Francisco Chronicle.

She was also brave enough to testify at a Transportation and Infrastructure, Coast Guard and Maritime Transportation Subcommittee hearing on Crimes on Cruise Ships. At the hearing she spoke of her experience and also ways to improve prevention methods, including: peep holes and security latches on stateroom doors; instituting sensitivity training for crew members: and ensuring more CCTV cameras in hallways.

After the hearing, I introduced the Protect Americans from Crimes on Cruise Ships Resolution on September 17, 2007, with Reps. CHRISTOPHER SHAYS and CAROLYN MALONEY. The resolution now has over thirty cosponsors.

The Transportation and Infrastructure Coast Guard and Maritime Transportation Subcommittee held a follow-up hearing on September 19, 2007. We heard from other victims who were raped or assaulted on cruise ships. Laurie attended the full-day hearing and provided support for the women who testified and their families. Since then she has continued to attend meetings with the cruise industry, provide interviews and insight to our office on the progress, or lack thereof, of the cruise industries safety standards.

On April 8, 2008 Laurie testified in front of the California State Senate regarding a bill to require Ocean Rangers on cruise ships. "These Ocean Rangers will help to make sure that there are trained personnel who can respond to a reported crime, and that there is an advocate for a crime victim who is not employed by the cruise lines.

I am also working on introducing it bicameral, comprehensive cruise safety reform bill that is informed by two years of research and two Congressional hearings, but at its heart, addresses the concerns brought to our office two years ago by Ms. Dishman.

Laurie embodies the spirit of an unsung hero. She does all of this without acclaim, but because she feels compelled. Laurie has helped lead a campaign of awareness about safety concerns on cruise ships. We all know that crimes can only be prevented when we are aware of the chance for them to occur.

Laurie has taken leadership and shown strong determination throughout this terrible personal experience. I have been very proud to be by her side in this effort, to ensure safety on cruise ships by informing the public of their risks.

Because of her visibility and strength, other victims have been able to tell their stories. As a result, we have been able to garner public awareness and support for our efforts towards oversight and better public policy.

I applaud Laurie for her heroic work during these last two years. I nominated her for the Victim's Rights Caucus Unsung Hero Award. It is an honor to recognize her today for her important contributions to ensuring the safety of the over 10 million women and families across the country that cruise each year.

A TRIBUTE TO CANTOR AVIVA ROSENBLOOM

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. WAXMAN. Madam Speaker, I rise today to recognize the extraordinary contributions of Cantor Aviva Rosenbloom of Temple Israel of Hollywood. Cantor Aviva will be retiring this spring after 32 remarkable years of service to the Temple community. She will be honored at "Erev Aviva"—Night of Aviva for her dedication and inspiration during her lengthy and truly iconic career. The community-wide celebration will be an opportunity for us to thank Cantor Aviva and express appreciation for the contributions she has made to Temple Israel and the Los Angeles Jewish community at large.

Cantor Aviva is only the second full-time Cantor to have served Temple Israel in its 82-year history. In fact, she was the first full-time Cantor to serve in the Los Angeles area. Throughout her tenure, she has become part of the fabric of the Temple community.

She has a lively, warm and colorful presence. Her vibrant spirit and love for tradition is infectious; her voice has inspired many congregants over the years. Cantor Aviva has touched Temple Israel at its core as she led hundreds of children through their Bar and Bat Mitzvah ceremonies and taught countless adults to chant and sing Jewish prayers.

She is known for continually updating and expanding Temple Israel's musical liturgy with jazz services and songs in Hebrew, Yiddish and Ladino. Cantor Aviva has premiered new works by contemporary Jewish composers in concert settings, and is comfortable with a whole host of musical genres, including classical, opera and folk.

Our community owes Cantor Aviva a debt of gratitude for her tremendous record of accomplishments at Temple Israel of Hollywood. I ask my colleagues to join me in extending thanks for her outstanding and inspired contributions these past 32 years. Please also join me in wishing her all the best in her capacity as Cantor Emeritus and in all future endeavors.

IN RECOGNITION OF FOR THE LOVE OF THE LAKE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. PETE SESSIONS. Madam Speaker, I rise today to recognize For the Love of the Lake, a local community land and water conservation organization that is very dear to my heart.

White Rock Lake Park resulted from the need for a larger water supply for the growing population in Dallas during the late 1890s. Since it became a city park on December 13, 1929, White Rock Lake Park has always held a special place in the hearts of all Dallasites. Historically, it was known as the "people's playground" and is now referred to as the "Jewel of Dallas."

What initially began as an interest in keeping White Rock Lake Park clean and beautiful quickly evolved into a conservation organization with hundreds of dedicated and energetic volunteers. Since its founding in 1995, For the Love of the Lake has helped enhance the lake and park with various hands-on activities such as picking up litter and recyclables with their Second Saturday Shoreline Spruce-Up events and Adopt-A-Shoreline groups. Now led by President Steve Tompkins, For the Love of the Lake is reconstructing of a hike and bike trail, building a new bridge reminiscent of one built by the Civilian Conservation Corps, and expanding the Celebration Tree Grove. On April 11, 2008, Good Fulton & Farrell Architects will receive the Volunteer Group of the Year Award as the group leader of an Adopt-A-Shoreline group. In the past year, they have demonstrated their outstanding commitment in community service and financial contributions. Their first month with For the Love of the Lake was January 2007 and despite the bitter cold weather, they showed with a positive attitude and a giving heart. It is individuals like these that keep our communities strong and White Rock Lake Park beautiful. I am proud to be one of the many volunteers associated with this group.

Madam Speaker, I ask my esteemed colleagues to join me in recognizing For the Love of the Lake for their contributions to White

Rock Lake Park and the City of Dallas and in congratulating Good Fulton & Farrell on being named the Volunteer Group of the Year.

50TH ANNIVERSARY OF LAKOTA SCHOOL DISTRICT IN WEST CHESTER AND LIBERTY TOWNSHIP, OHIO

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. BOEHNER. Madam Speaker, I rise today to congratulate and recognize my hometown school system, the Lakota School District in West Chester and Liberty Township, Ohio, on its 50th Anniversary.

From the humble beginnings as the Liberty-Union School District in 1957 with an enrollment of just 1,700 students it would have been hard to predict the extraordinary growth and success of the district. Today the Lakota School District covers nearly 70 square miles, two townships, eight postal zones and nearly 100,000 people. It is home to two high schools, a freshman school, four junior schools, ten elementary schools, four early childhood schools and more than 18,000 students.

Even with the growth from a small rural district into the seventh largest district in Ohio the success of Lakota schools has not been impeded. The Lakota School District is the largest district in Ohio to receive an "Excellent" rating for six consecutive years. In 2006–2007 the district met 29 of 30 state indicators, graduated more than 96 percent of its students and saw 90 percent of high school students matriculate to college all while per pupil spending stayed well below the state average.

But facts and figures only tell part of the story. It is fitting that this fine school district bears the word "Lakota," a Native American word meaning unity and togetherness. Throughout the years the achievements of Lakota schools have been driven by the dedication and commitment of the entire Lakota community. Together, through a unified vision, the administrators, teachers, parents, students and citizens have made the Lakota School District a pillar of education and a foundation for community growth. Each and every person who has attended, taught, worked or simply lived in the district has played a role in its success.

I'm proud to represent the Lakota School District in our nation's Capitol. I'm proud my children attended Lakota schools, and I'm proud of what has been achieved and what I know will be achieved. I congratulate the Lakota School District on a spectacular fifty years and I know another extraordinary fifty are still to come.

TRIBUTE TO MATTHEW DANIELS, SENIOR AT FAYETTE COUNTY HIGH SCHOOL IN FAYETTEVILLE, GEORGIA

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to a young man from Fayetteville in Georgia's 3rd Congressional District who has excelled in the classroom and on the playing field.

For more than 17 years, the National Alliance of African American Athletes has honored young men who exemplify the best in sports and education.

This year, the top honor, called the Franklin D. Watkins Award, will go to a constituent of mine, Matthew Daniels, a senior at Fayette County High School.

Considered one of the best defensive backs in the country, Matthew has maintained a perfect 4.0 grade-point average. He is a member of the Beta Club, the National Honor Society, the Fellowship of Christian Athletes and other worthy community groups.

"This remarkable young man is unquestionably a premier scholar-athlete in a time when very few kids in the country can barely stay academically eligible," said a spokesperson for the National Association of African American Athletes. "Matthew lends inspiration to a younger generation that it is possible to achieve perfection in sports and in the classroom."

Matthew will represent Fayette County High proudly next year as an alumnus when he enrolls at Duke University on a full athletic scholarship.

"Among all my achievements and honors in high school, this award is the most memorable I must say," Matthew said after receiving the award earlier this year at the InterContinental Hotel in Century City, Calif. "This is the only award that acknowledges me for both my academic and athletic achievements."

Winners of the award are highly encouraged to use their time and talent to give back to the less fortunate in their communities.

"On the field, I want to work to become a freshman All-American next season." Daniels told a reporter. "Off the field. I want to leave a path so others know it can be done."

On behalf of everyone in Georgia's 3rd Congressional District, I want to congratulate Matthew Daniels on this prestigious award. We're proud that he's part of our community.

5TH ANNUAL MAYORAL SALUTE TO VETERANS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the Annual Mayoral Salute to Veterans which has been presented for the past five years by Phoenix Mayor Phil Gordon and the Phoenix Military Veterans Commission. The Salute this year on Tuesday, April 8, 2008, will focus on women veterans. This is appropriate given the rising numbers of women now serving in the armed forces and their wide-ranging and significant contributions to our nation's military efforts.

Women have served honorably in every war and conflict in American history. Many paid the ultimate price in defense of our nation. We all know the story of Army PFC Lori Piestewa, an Arizona native who became the first servicewoman to be killed in Operation Iraqi Freedom and the first Native American servicewoman to ever die in battle. In 2005, Sgt. Leigh Ann Hester of the Kentucky Army National Guard became the first woman to be awarded the Silver Star for close-quarters combat action for her role in turning back an ambush on her convoy in Iraq.

Madam Speaker, I want to focus special attention on seven veterans from Arizona who are being recognized today as living reminders of the honorable service that women in the armed forces have provided in overseas war zones from World War II to Operation Iraqi Freedom. Please join me in recognizing:

Bettie Lerdall, U.S. Marine Corps, World War II;

Grace Kokesch, U.S. Army, World War II;

Louise Glende, U.S. Navy, Korean War;

Carol Culbertson, U.S. Navy, Vietnam War;

Belinda Blase, U.S. Air Force, Operation Desert Storm;

First Lieutenant Kara C. Larson, Arizona Army National Guard, Operation Iraqi Freedom;

Sgt. Rachel L. Trotter, Arizona Army National Guard, Operation Iraqi Freedom.

Please join me in recognizing the service of these distinguished veterans on this special day.

THE 50TH ANNIVERSARY OF THE CARROLLTON CHURCH OF THE NAZARENE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. MARCHANT. Madam Speaker, I rise today to honor the 50th anniversary of the Carrollton Church of the Nazarene in Carrollton, Texas. Since its inception, the church has stood in the community as a symbol of perseverance and inspiration. This historic anniversary of the Carrollton Church of the Nazarene marks a time of remembrance of a storied past and renewal for a bright future.

On April 6, 1958, a group of twelve founded the Valwood Church of the Nazarene in what would later evolve into the Carrollton Church of the Nazarene. At the time, all adults of the church became founding members. The first pastor was Rev. Monroe Burkhart and the song leader was Mrs. Jo Ann Marchant. Charter members included Rev. and Mrs. R.A. Holloway, Glen and Mary; Rev. and Mrs. M.S. Burkhart and Elson; Mr. and Mrs. Thurman Marchant; Mr. and Mrs. S.E. Marchant, Jr. and Mrs. Irene Cardwell.

The founding members initially congregated at a building commonly referred to as the “rabbit hutch” on Harry Hines Boulevard. Over the coming years, the church relocated several times to worship at various locations including Carrollton City Hall, a store in downtown Carrollton, the Carrollton Community Center, individual homes, the basement of Valwood Parkway Baptist Church, local schools, a unit building on Dove Creek and Kelly Boulevard, and finally at Hebron Parkway. While the church has worshiped in many locations, its positive message has always remained the same.

Madam Speaker, please join me in applauding the Carrollton Church of the Nazarene as it celebrates 50 years of dedicated fellowship. Clergy and members of the past and present are to be commended for their service to the church and greater community. It is my hope the Carrollton Church of the Nazarene continues to stand as beacon of resolve, inspiration, and worship for many years to come.

PAYING TRIBUTE TO EDMUNDO ESCOBEDO, SR.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. PORTER. Madam Speaker, I rise today to pay tribute to my good friend, Edmundo “Eddie” Escobedo, Sr., who is being honored by the Clark County School District with the naming of the Edmundo “Eddie” Escobedo, Sr. Middle School.

Mr. Escobedo was born in Torreon, Coahuila, Mexico before coming to the United States. He enlisted and served in the United States Air Force, where upon completion of his military duties he settled in Las Vegas. In 1970, Mr. Escobedo began promoting live Mexican dances and popular musical groups. In 1972, he opened the only Spanish movie theater within the Las Vegas community, called the “El Rancho”. He also served several terms as the president of the National Spanish Pictures Exhibitors Association. For more than 20 years, Mr. Escobedo published “El Mundo”, a Spanish-language weekly newspaper serving Nevada's large and rapidly-growing Hispanic population. He currently serves as Chairman of the Board of KDOX 1280 AM, a Spanish-language local radio station.

He has served as founder, vice president, and president of the National Association of Hispanic Publications from 1997 to 2000. In 2002, Mr. Escobedo was named “Hispanic of the Year” by the Latin Chamber or Commerce and was included as number 23 of the list of “25 Most Influential Persons” in the city by “Las Vegas Life” magazine. In January 2003, he also became a member of the Board of Directors of Sunrise Hospital.

Madam Speaker, I am honored to pay tribute to Edmundo “Eddie” Escobedo, Sr. I would like to congratulate Eddie and his family, including his wife of over 43 years, Maria, his four children, and his nine grandchildren. I applaud Eddie on his leadership and congratulate him on this much deserved recognition of having a middle school named in his honor by the Clark County School District.

MR. JESSE J. MORANDO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great honor and gratitude that I stand before you today to recognize one of Northwest Indiana's most dedicated, distinguished, and honorable citizens, Mr. Jesse J. Morando, 2007–2008 State Commander for the Veterans of Foreign Wars (VFW), Department of Indiana. A lifelong resident of Northwest Indiana, Jesse is one of the most passionate and involved citizens that I have ever known, especially when it comes to his service to our veterans. To honor Jesse for his constant efforts to better the quality of life for Indiana's veterans, a testimonial dinner will be held at the Veterans of Foreign Wars Post 802 Hall in Hammond, Indiana, on Sunday, April 13, 2008.

Jesse James Morando was born in East Chicago, Indiana, the fourth of ten children. After relocating to Whiting, Indiana, in 1958, Jesse attended Immaculate Conception for grade school. Jesse's involvement in community activities began at an early age, when he excelled as a member of the Boy Scouts of America, eventually reaching the rank of Eagle Scout. Recognized as one of Whiting's young leaders, Jesse was even appointed “Mayor for a Day.” As a high school student at Whiting High School, Jesse excelled in athletics, participating on both the football and wrestling teams.

Following his graduation from Whiting High School, Jesse joined the United States Marine Corps and served a tour of duty in Vietnam. After receiving his honorable discharge from the Marine Corps in 1973, Jesse returned to Northwest Indiana and accepted a position at the Amoco, now BP, refinery in Whiting, where he has 27 years of service and has completed an apprentice program in pipe fitting and welding. Jesse's service, however, to veterans and to the Northwest Indiana community has remained a constant throughout his lifetime.

While he is well-known as the State Commander of the VFW, Jesse has also been involved in numerous other veterans' and service organizations in Northwest Indiana. Jesse is a life member of the American Legion Post 80 and the Veterans of Foreign Wars Post 2724 in Whiting, and also a member of the 40/8 Voiture 470 First District of Indiana, the AMVETS Post 64 in Whiting, the Indiana Freemasons, and the Mixtecas Motorcycle Group. Additionally, he is a life member of the VFW National Home.

Early on, Jesse learned that the best way to improve his community and to help people was to get involved. In many different roles, Jesse has remained true to one goal, to make a difference in society. From his service to veterans to his involvement in programs geared toward helping those in need, be it physically or financially, Jesse has always been a driving force in bettering the lives of many people. While it is impossible to list all of the ways in which Jesse has served his community, to name a few, Jesse has been a coach for the Challenger baseball team, where he assisted with obtaining funds to pay for the Field of Dreams in Hammond, Indiana. This outstanding program was aimed at affording physically challenged children the opportunity to play baseball. He has also assisted with the Special Olympics, participated in motorcycle runs for Toys-for-Tots and other organizations to help those in need, been a personal donor for Locks of Love, and for the past six years, he has volunteered his time to the March of Dimes, raising money and assisting participants at an annual event in Highland, Indiana.

A loving husband, father, and grandfather, Jesse's commitment to veterans throughout Indiana is surpassed only by his love for his family. Jesse and his loving wife, Laura, are the proud parents of five children: Jennifer, Samantha, Sara, Elizabeth, and Jesse III, and three adoring grandchildren: Kali Rose, James IV, and Jaslyn.

Madam Speaker, Jesse Morando has selflessly given his time and efforts to not only veterans, but to many other groups as well, throughout his lifetime of service. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his leadership and dedication. He serves as a true inspiration in the eyes of a grateful community.

HONORING DON TEMEYER

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate Don Temeyer on his retirement as the Community Planning and Development Director for the City of Waterloo. At the end of this month, Don will be retiring after 33 years of service to the City of Waterloo.

Over the past 33 years, Don has been instrumental in moving the City of Waterloo forward and bringing the community together. With Don's guidance the City of Waterloo has seen successes from economic development to upgrading the city's recreational opportunities.

Don has served six different mayors and began his work in the Planning and Zoning office in 1974, the same year he graduated from Iowa State University. Don eventually headed this department. Community Planning and Development—comprised of Planning and Zoning, Community Development, the Waterloo Housing Authority and economic development functions—was formed in the middle 1990s with Don taking the lead.

Don has dedicated his life to the promotion and development of the City of Waterloo. His work has proven that strong community advocates can make a tremendous difference in their own backyards. With Don's retirement we are losing years of institutional knowledge and a champion for the needs of Waterloo residents. I am proud to represent Don and the City of Waterloo in Congress. I wish him the best in all his endeavors.

IN REMEMBRANCE OF THE ATTORNEYS AND JUDGES OF CLEVELAND AND CUYAHOGA COUNTY WHO HAVE PASSED IN 2007

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of the men and women who served as attorneys and judges in Cleveland and Cuyahoga County who passed away in 2007. They will be remembered for their individual and collective dedication as public servants, all focused on the public good, on the occasion of the Annual Greater Cleveland Bench-Bar Memorial Program being held on April 7, 2008, in Cleveland.

I stand with Chief Judge James G. Carr of the U.S. Federal District Court, Northern District of Ohio, and all the judges and magistrates of the Northern District, and the Bench-Bar Program organizing committee to remember and commemorate the lives and accomplishments of the lawyers and judges in our community who have recently passed. Through their work as lawyers and judges, these individuals have contributed their talent, trade and expertise within an array of roles to guide and support the citizens of the greater Cleveland community. We remember Thomas F. Allen, Robert F. Belovich, Sr., William E. Blackie, Jr., Edward J. Corrigan, Norman A. Fuerst, Michael R. Gallagher, Victor Greenslade, Jr., John Gustin, James E. Kuth, Anne M. Landefeld, Howard A. Levy, Joseph J. LoPresti, Jr., Charles S. Lynch, Stuart O.H. Merz, Ivan L. Miller, Robert Nelson, Robert S. Passov, Robert B. Preston, Jr., Ralph Rudd, Constantino M. Scudiere, Dennis H. Sherman, Richard B. Steuer, Kent N. Stone, Mark Edward Sullivan, Robert E. Sweeney, William Cronin Trier, Jr., Owen F. Walker, and Herbert R. Whiting. Their dedication to the legal profession and to the community will forever be respected and remembered.

It is noteworthy that the program on April 7, 2008 is being held at the recently restored Howard M. Metzenbaum U.S. Courthouse at Cleveland's Public Square. Senator Metzenbaum himself was a public citizen, lawyer and legislator whose service to the people of Ohio and the Nation is legendary. He was a consummate consumer advocate, labor rights advocate, accomplished legislator and an important figure in Ohio's political history whose passing last month we also mourn.

Madam Speaker and colleagues, please join me in remembrance of the members of the legal profession who dedicated their professional lives to the law and to working among the people in the Greater Cleveland community to uphold and improve our justice system. Let their accomplishments and commitment to their profession serve as an example to be followed by all who follow in their footsteps.

COMMEMORATING UNITED STATES RECOGNITION OF NEWLY INDEPENDENT BOSNIA AND HERZEGOVINA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. OLVER. Madam Speaker, I rise today to honor the citizens of Bosnia and Herzegovina on their recent anniversary of independence which was recognized by the United States on April 7, 1992. I am honored that the United States was one of the first nations to recognize the newly independent Bosnia and Herzegovina.

I would like to applaud the democratic orientation of Bosnia and Herzegovina and I strongly support the further strengthening of its government and peoples and their respect for human rights, rule of law, and free market economics. As we mark the anniversary of U.S. recognition of an independent Bosnia and Herzegovina, let us reaffirm our support for Bosnia's progress towards Euro-Atlantic integration.

I once again congratulate the citizens of Bosnia and Herzegovina on this anniversary of their independence and I look forward to collaboration between our two countries.

HONORING JOHN DOSTER

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the extraordinary achievements of Mr. John Doster. Mr. Doster is being recognized by the Bristol Borough Traffic and Crowd Control Advisory Council for his hard work and exceptional accomplishments in working to better his community.

A lifelong resident of Bucks County, Mr. Doster's long and exemplary career of service to his community began 75 years ago and continues to this day. In 1934, Mr. Doster joined the Edgley Fire Company, and he has been a member ever since. Mr. Doster has held many important community leadership positions throughout the years, serving as the fire chief of the Edgley Firehouse, the fire marshal for Bristol Township, the president of the Fire Chiefs Association, and a fire school instructor.

Mr. Doster's dedication to keeping those in his community safe is also evident through the numerous awards he has received. In 1977, he received the Distinguished Hero award for his brave actions in saving the lives of two people trapped in a burning building. In 1999 and 2000, he received the Most Active Firefighter Award from the Edgley Fire Company. Mr. Doster was also the recipient of the Commanders Club Award in both 2001 and 2004.

In addition to his commendable service to his community. Mr. Doster has also dedicated himself to serving his country. He was a member of the United States Army, serving as a corporal in North Africa from 1942 to 1945. During his service in the Army, Mr. Doster received various commendations celebrating his heroic actions. He received the Purple Heart, the Bronze Leader Award from the Disabled American Veterans, the Silver Star Award from the Veterans of Foreign Wars, and the Legion Honor Award from the Chapel of Four Chaplains.

As his outstanding résumé shows, John Doster has pledged his life to helping those in our community and our Nation. Madam Speaker, as a fellow United States Army veteran and Bucks County resident, I am proud to recognize the remarkable achievements of Mr. John Doster, and I am honored to serve as his Congressman. Through his tireless work, Mr. Doster has unequivocally changed Bucks County and America for the better.

REGARDING THE TWIN OAKS ESTATE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. RADANOVICH. Madam Speaker, the Twin Oaks estate at 3225 Woodley Road in D.C. is a historic landmark. Situated on 18.1 acres in northwestern Washington, the estate was built in 1888 by the founder of the National Geographic Society, Mr. Gardiner Greene Hubbard, as a second residence for his family. At one time, Mr. Hubbard's son-in-law, Mr. Alexander Graham Bell, the inventor of the telephone, also resided at Twin Oaks.

The Twin Oaks property was first rented to the Republic of China, ROC, also known as Taiwan, government in 1937, and later was sold to the ROC government in 1947. Over the last six decades, many American dignitaries and friends have met with ROC ambassador and representatives to chart the course of friendship and cooperation between our two countries through times both good and bad. For example, American Secretaries of State such as John F. Dulles, Dean Rust, George Schultz, and Colin Powell have all at some point dined as guests at Twin Oaks. Important agreements such as parts of the Sino-American Defense Treaty have been negotiated at the estate.

The Twin Oaks estate has contributed greatly to the friendship between the Americans and our friends in the ROC. Today, U.S.-Taiwan relations have experienced decades of steady growth. President Bush has made a number of positive statements about Taiwan; telling one interview: "I am candid in my support of the Taiwan Relations Act (TRA). . . . I'll say it right now: That our nation will help Taiwan defend herself. . . . I will do what ever it takes to help Taiwan defend herself, and the Chinese must understand that." President Bush's feelings about the TRA are strongly echoed in the U.S. Congress. Madam Speaker, we too believe in the importance of U.S.-Taiwan relations. As we celebrate Twin Oaks' 120-year history, we hope that our friendship with the ROC shall remain just as robust and healthy in the future as it has been for the last seven decades.

TRIBUTE TO SHERIFF MICHAEL JACKSON

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. WYNN. Madam Speaker, I rise today to honor Sheriff Michael Jackson, Sheriff for Prince George's County, Maryland.

Sheriff Michael Jackson is a Prince George's County native who has dedicated his professional life to bettering the community in which he grew up and now serves. He grew up in Forestville, Maryland, and graduated from Crossland High School. He then went on to receive a bachelor of science from the DeVry Institute of Technology in electronic engineering technology. Serving in the Marine Corps Reserves for 3 years, he joined the Office of the Sheriff in 1989, and was first sworn in as Sheriff on December 2, 2002. Now in his second term. Jackson has implemented important changes in the past 6 years, both in domestic violence intervention and in his work with the local youth. The 2008 Congressional Victim's Rights Caucus Allied Profession Award is in recognition of these many accomplishments.

In the field of domestic violence. Sheriff Jackson has made many important innovations. He implemented a 24/7 Domestic Violence Intervention unit, a comprehensive approach to victim services and protection. The unit was created with the goal of providing assistance to the victim through every stage of the judicial process, starting at the 911 call to the final protective order. He initiated the first civilian Domestic Violence Intervention/Community Services Unit, expanding outreach and education throughout the county. The Violence Victim Advocate Unit followed, which evaluates the protective order issued and is an ongoing service as long as the victim needs it. He also formed an agency called "Empowering My Sister" which supports domestic violence victims in regaining their autonomy and moving forward by providing professional development, such as interview skills, appearance tips, GED training, and business contacts.

The sheriff expanded services for domestic violence by assuming first responder duties for all 911 calls in the central county area, and Jackson's goal is that by 2010 the Office of the Sheriff will serve the entire county as domestic violence first responders. This will centralize first responder, peace and protective order service, community outreach, victim advocacy and survivor empowerment within "Empowering My Sister."

Sheriff Jackson also serves as a role model to the youth in his community. As a Prince George's County native, he shares his story of overcoming the hardships of his youth with young people. Through the Michael A. Jackson Charitable Foundation, he helps to provide opportunities for young people in the community by providing such services as diversity camp, and a Sheriff's Explorer's program for teens.

The Congressional Victim's Rights Caucus Allied Profession Award recognizes the efforts of individuals, such as sheriff Jackson, who directly benefit crime victims, but are not direct service providers. Sheriff Jackson qualifies based on his creativity in expanding the services of existing organizations, as well as implementing new ones for the purpose of helping victims of domestic violence through every aspect of their recovery.

ON HOUSE APPROVAL OF H.R. 3773

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. BACA. Madam Speaker, I rise today to express my support for the House amendment to the Senate-approved version of H.R. 3773. the FISA Amendments Act of 2008, but also to voice an area of concern I have with the legislation. I want to thank Chairmen REYES and CONYERS and for the immense time and effort they both have put into this legislation, and also thank Speaker PELOSI for her efforts to negotiate with the Senate to work out the differences between the two bills.

As Congress works to reauthorize and improve our foreign intelligence surveillance, it is imperative to remember that the United States has enemies abroad who wish to do us harm. In these delicate negotiations, we must be sure to protect the civil liberties of the American people and keep our Constitution in tact, while at the same time giving our intelligence community all the critical tools necessary to keep us safe. I believe that with an updated bill approved by the House, we can work out our honest differences and come up with a good bill that keeps the American people safe and protects our civil rights.

While the House passed bill is a step in the right direction, I believe certain additional provisions should be included in final compromise legislation. It is critical that any FISA legislation works to encourage compliance with our private sector partners in the ultimate goal of keeping America and her people secure. As such, targeted immunity for telecom carriers that allegedly participated in anti-terrorism surveillance programs may become of vital importance.

I am confident that as Congress moves forward in negotiating sensible and effective FISA legislation, we will continue to work toward the right balance that protects the Constitutional rights of all Americans, while also authorizing the measures necessary to keep the United States safe.

HONORING PAUL CRAWFORD

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SHUSTER. Madam Speaker, I rise today to honor Paul Crawford, who has been named Historian of the Year by the Bedford County Historical Society. Paul, who is the founder of the Cumberland Valley Township Historical Society in Bedford County, will he honored with this distinguished award at the Bedford County Historical Society's annual history banquet in April.

As founder of the Cumberland Valley Township Historical Society, Paul has dedicated much of his life to researching and preserving the history of his community. He serves as a true leader in the community and the Society, directing many of the projects and events of the organization. Paul is a constant presence in the Cumberland Valley region, active in various community events and projects that support and promote the region.

Paul's role as a historian cannot be denied. He is consistently found pouring over historical documents and photographs, researching, documenting, and cataloging the history of the Cumberland Valley Township so that others can learn and remember the stories of those that came before them. Paul is a great leader in the community, and Bedford County is lucky to have such a dedicated individual working for the benefit of the entire community.

Paul Crawford's dedication to the preservation of his community's history is admirable, and we can hope that others will follow in his footsteps and view our history with the same pride and honor as he has so clearly done.

TRIBUTE TO RITA AND JACK SINDER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. BERMAN. Madam Speaker, I rise to pay tribute to two dear friends, Rita and Jack Sinder, who are being honored by Valley Beth Shalom's 60th Birthday of the State of Israel Dinner Celebration. They are being recognized for their lifetime of commitment to Israel, the Jewish people, and Valley Beth Shalom (VBS).

In 1967, Rita and Jack made their first trip to Israel just prior to the Six-Day War. The outbreak of hostilities forced their early departure on the eve of the war. The impact of their experience motivated them to mobilize the American Jewish community on Israel's behalf.

Their dedication to Israel, however, began long before the State of Israel was created.

Born in Vienna, Rita was immersed in Judaism as a young child. During WWII, when Hitler invaded Austria, Rita's father was shipped to Poland. He fortunately escaped and her mother managed to get herself and her daughters out of Austria. Rita was sent to London on Kindertransport and was not reunited with her family until the war ended. The determination, positive attitude, tremendous resilience, and adaptability that helped her survive still guide her life today. Rita's family was miraculously reunited in America, settling in Los Angeles where Rita attended Belmont High School and graduated from USC with a degree in Business Administration.

Jack, raised in the Orthodox tradition by his father, a prominent Rabbi in Michigan, earned a degree in Mechanical Engineering from Michigan State. He worked for a machine tool company that supplied parts to the big three automakers. He was asked by an associate to help send machine tools to the Jewish fighters in Israel, and together with his friends, he shipped tools which ultimately helped in the creation of the Israeli aircraft industry and the Israeli Air Force.

Rita and Jack have been an integral force in the Jewish Community, living up to the motto, "Give of yourself first and only then ask others to join you." They have generously contributed their time and resources to VBS, the Jewish Federation, Israel Bonds, AIPAC and many other worthy organizations. They endowed the Midrasha Program at the VBS, where Jack formerly was a member of the Board of Directors and currently serves on the Board of Trustees and the Steering Committee. Rita has chaired many special events at VBS. She is past president of the San Fernando Valley Women's Division of Israel Bonds and the Golda Meir Club, an active member of AIPAC serving on its National Executive Board, and is past president and member of the Executive Board of the Women's Alliance of Israel. Rita and Jack are founding members of the American Jewish University's Wagner Program, university patrons and also patrons of the Wiesenthal Center.

Rita and Jack work together in their business, Jasin Co., he as a real estate developer and she as a real estate broker and property manager. They are the proud parents of Sherri and Alan and adore their three grandchildren. Rita and Jack's greatest joys are being with family and friends, boating and traveling.

I ask my colleagues to join me in saluting Rita and Jack Sinder who have devoted their lives to working for the survival of the Jewish people and the State of Israel.

NATIONAL PUBLIC HEALTH WEEK

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. BOSWELL. Madam Speaker, I rise today in recognition of National Public Health Week (NPHW), April 7–13, a week to focus on issues facing the public health and find ways to improve the health of all. This year NPHW focuses on how climate change is affecting the health of Americans and people around the world.

The impact of global climate change on our planet and the role we have played in speeding its progress is becoming increasingly self-evident. The work of groups like the American Public Health Association and committed individuals, such as former Vice President Al Gore, have created a heightened awareness of what is one of the most important issues of the coming century. This heightened state of public awareness has led to calls across the country for a new emphasis on reducing the amount of greenhouse gases that are expelled into the atmosphere by finding new, cleaner sources of energy, reducing our consumption of natural resources, and using energy-efficient products.

In my home State of Iowa we are working hard to find new and innovative ways to reduce the amount of greenhouse gases produced. It gives me great pride to say that a recent study by the American Wind Energy Association found that Iowa ranked first in the Nation in the percentage of wind-generated electricity created in the State, and fourth in total wind electricity generation.

The Iowa Climate Change Advisory Council, ICCAC, created less than a year ago in April 2007, is charged with finding ways for Iowa to combat climate change by becoming more energy efficient and independent. The ICCAC is right now creating plans for the reduction of greenhouse gases statewide with target goals of 50 percent to 90 percent by 2050.

In February of this year Governor Chet Culver signed Executive Order Six, establishing a new "green government" initiative. This initiative calls for improving energy efficiency in three areas, greening new and existing State buildings and facilities, promoting resource efficiency by using recycled and sustainable products, and recycling used material, and increasing the use of biofuels in State automobiles and improving their fuel efficiency.

Across Iowa, communities large and small are following the example set by the State government, and in many places blazing their own path. These efforts must be replicated across the country and around the world if we are to curb the emission of greenhouse gases and protect our planet for future generations.

IN CELEBRATION OF FIRST BAPTIST CHURCH OF JACKSON'S 170TH ANNIVERSARY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. PICKERING. Madam Speaker, on May 4, 2008, First Baptist Church of Jackson, Mississippi will celebrate its 170th anniversary. First Baptist Church of Jackson has a rich history and has grown immensely in size over the years, not only in members but in its outreach to the community through different ministries.

When the church was founded in 1838, Jackson was a 16 year old village with less than 600 people and was struggling to become the permanent seat of state government. Although the early years of the church proved difficult with an economic depression, a yellow fever epidemic, and the Civil War, the church still grew strong in its relationship to God and continued to reach out to others in the name of Jesus Christ.

God has blessed First Baptist Church of Jackson because on May 4, the church stands 170 years old and occupies a 750,000 square foot facility in downtown Jackson. It also includes a sanctuary that seats 3,000; a chapel; two fellowship halls; a Christian Life Center with two regulation basketball courts; rock climbing wall; racquetball court; walking track; fitness facilities; and a fully staffed counseling center. Currently, they have a weekly television broadcast of their Sunday service that covers much of Mississippi as well as a national broadcast on Direct TV. In 2006, First Baptist Church of Jackson established a Madison Campus that has 200 active members today.

First Baptist Church has centered its ministries on connecting people to God through faith in Jesus Christ so that their lives can be transformed into passionate followers of Christ. Today, ministries of the church include an inner-city ministry that has a medical clinic, dental clinic, and legal clinic as well as after school programs for children. Other ministries include help for women recently released from prison and a ministry for international citizens from over 26 countries that teaches them English and assists them in adjusting to life in America. Last year, First Baptist sent hundreds of members across America and throughout the world to build homes and churches, provide medical and dental care and spread the love of God.

Madam Speaker, I hope the Congress joins me in celebrating with First Baptist Church of Jackson. For 170 years, the church has served out its battle cry, "Connecting People, Transforming Lives into Passionate Followers of Jesus Christ." This momentous occasion is a true testament of the service, commitment, love, and foundation this church is built upon. May the Lord continue to bless First Baptist in the years to come.

50TH ANNIVERSARY OF THE PORT JEFFERSON ELKS LODGE

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. BISHOP of New York. Madam Speaker, I rise today to recognize the 50th anniversary of an established and important landmark in New York's first congressional district—the Port Jefferson Elks Lodge.

The Benevolent and Protective Order of Elks is one of the oldest, largest and most respected private organizations in the United States. From its humble beginnings in 1868, the Benevolent and Protective Order of Elks has grown to nearly 1.3 million men and women with 2,300 local lodges throughout the country.

Through these local branches, the Elks organization has contributed more than 5.6 million volunteer hours and $142 million in philanthropic service last year alone. Many of my constituents are proud hosts of the Port Jefferson Elks Lodge, and many more of my constituents are beneficiaries of the Lodge's invaluable service and contributions to the community.

Since 1958, the Port Jefferson Elks Lodge has been recognized as a benevolent order dedicated to serving the community, including their notable service to our nation's youth and returning veterans. The members of the Port Jefferson Lodge support numerous charitable and patriotic activities in my district—from awarding youth scholarships and aid to disadvantaged families to local food pantry and veterans' program donations.

Through its "Helping Hand" dinner, the Port Jefferson Elks Lodge recently raised $37,000 for a local Marine Corps veteran, Richard Kramer, who died from cancer due to Agent Orange exposure in Vietnam. The lodge donated funds and hosted events at its facility in order to gather community support for the Kramer family. This is a shining example of the Port

Jefferson Elk's mission of goodwill and just one among many good deeds performed by the Elks on behalf of the veterans and citizens in our community who are most in need.

I am proud to represent the Port Jefferson Elks Lodge. It is an ally and champion of our continuing efforts to ensure that our veterans receive their deserved benefits and the best quality of life—a small price to pay in return for their bravery, sacrifice, and honorable service to our country. The Elk's mission is best reflected by their pledge: "So long as there are veterans, the Benevolent and Protective Order of Elks will never forget them."

Madam Speaker, I am honored to represent the Port Jefferson Elks Lodge and to recognize its 50th anniversary. On behalf of New York's first congressional district, I thank the Lodge and its members for their steadfast dedication to eastern Long Island and for embodying their cherished principles of "charity, justice, brotherly love and fidelity".

HONORING MRS. PINKIE PARKER HARDY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of Mrs. Pinkie Parker Hardy. We lost our beloved Mrs. Parker Hardy on April 3, 2008. She led a full and vibrant life during her 91 years on this earth, raising a loving family and mentoring many in her church and community.

On May 19, 1916, Pinkie Parker was born in Washington, Louisiana to Alice White and John Parker. During Pinkie's life, she witnessed many of the Nation's most turbulent and controversial moments. Growing up in the south in the first quarter of the last century, Pinkie was self-educated and she devoted her energies to her community, her family, and her faith. She was a life-long resident of Eunice, Louisiana.

In 1936, at the age of 20, Pinkie Parker married Herman Joseph Hardy. From this loving union, five sons and two daughters were born. In 1949, Mrs. Hardy, a devout and extremely active member of this congregation until she became ill just last year.

Mrs. Hardy contributed immeasurably to the growth and service of St. Mathilda Parish during her life. Bishop Flynn appointed her as the first Extraordinary Minister of the Eucharist at St. Mathilda. She also served as Lector and Parish Council President for several years. For 50 years, Mrs. Hardy was an active member of the Knights of Peter Claver (KPC) Council No. 92. Mrs. Hardy spent 26 of those years serving as the Grand Lady of KPC.

In 1987, Mrs. Hardy was the recipient of the Martin Luther King, Jr. Award from the Diocese of Lafayette. In 2002, she received the Bishop's Medal for devoted service to her church and society.

It is clear that Mrs. Hardy was an indispensable component of her community. She came of age and lived her adult life during the most tumultuous and influential political period in American history. Mrs. Hardy's life exemplifies that of many African-Americans during this century, their struggle for human rights and civic freedom, and their strength and perseverance.

These important men and women are seldom recognized for their greatness. Mrs. Hardy's life is one to be remembered and admired as an example of the true work and inner fortitude that keeps this country together. These individuals dedicated their lives in the service of their God and community in the face of incredible odds. Each and every one of them had a unique story, a special impact, and a loving family. Mrs. Pinkie Parker Hardy was a member of mine.

On a very personal level, Mrs. Hardy was "family" to me. She shared her deep religious faith, her wonderful Creole cooking (especially her gumbo) and her insights as a strong, yet gentle African-American woman with me on several occasions. To know "Mrs. Pinkie" was to love her.

Mrs. Pinkie Parker Hardy will be sorely missed by all those who loved her and were honored to have her kindness and spirit touch their lives. Her memory and legacy will live on through her seven children, five daughters-in-law, 34 grandchildren, 22 great-grandchildren, and four great-great grandchildren as well as innumerable relatives and friends.

Today, California's 9th Congressional District salutes and honors Mrs. Pinkie Parker Hardy. We extend our deepest condolences to her family and children. Thank you for sharing her great spirit with so many people over the last century. May her soul rest in peace.

THE CURRENT HUMAN RIGHTS SITUATION IN CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. WOLF. Madam Speaker, I would like to call to the attention of the House the following publication in the Washington Post of a letter penned by human rights activist Hu Jia, who was recently charged with subverting state authority and sentenced by a Beijing court to 3½ years in prison for his human rights advocacy activities.

As we approach the 2008 Olympics in Beijing, and China continues to grow as an economic and political powerhouse, we must remind ourselves of China's abusive and oppressive treatment of innocent civilians, and fight against the tyranny of the communist regime in Beijing.

[From the Washington Post, April 5, 2008]

THE REAL CHINA AND THE OLYMPICS

(By Hu Jia and Teng Biao)

This week, a Beijing court sentenced human rights activist Hu Jia to 3½ years in prison for subverting authority and to one additional year's loss of his "political rights." He was arrested in part for co-authoring, with Teng Biao, an open letter on human rights. Below, The Post prints Human Rights Watch's translation of the Sept. 10, 2007, letter.

On July 13. 2001, when Beijing won the right to host the 2008 Olympic Games, the Chinese government promised the world it would improve China's human rights record. In June 2004, Beijing announced its Olympic Games slogan, "One World, One Dream." From their inception in 1896, the modern Olympic Games have always had as their mission the promotion of human dignity and world peace. China and the world expected to see the Olympic Games bring political progress to the country. Is Beijing keeping its promises? Is China improving its human rights record?

When you come to the Olympic Games in Beijing, you will see skyscrapers, spacious streets, modern stadiums and enthusiastic people. You will see the truth, but not the whole truth, just as you see only the tip of an iceberg. You may not know that the flowers, smiles, harmony and prosperity are built on a base of grievances, tears, imprisonment, torture and blood.

We are going to tell you the truth about China. We believe that for anyone who wishes to avoid a disgraceful Olympics, knowing the truth is the first step. Fang Zheng, an excellent athlete who holds two national records for the discus throw at China's Special Sport Games, has been deprived of the opportunity to participate in the 2008 Paralympics because he has become a living testimony to the June 4, 1989[,] massacre. That morning, in Tiananmen Square, his legs were crushed by a tank while he was rescuing a fellow student. In April 2007, the Ministry of Public Security issued an internal document secretly strengthening a political investigation which resulted in forbidding Olympics participation by 43 types of people from 11 different categories, including dissidents, human rights defenders, media workers, and religious participants. The Chinese police never made the document known to either the Chinese public or the international community.

Huge investment in Olympic projects and a total lack of transparency have facilitated serious corruption and widespread bribery. Taxpayers are not allowed to supervise the use of investment amounting to more than $40 billion. Liu Zhihua, formerly in charge of Olympic construction and former deputy mayor of Beijing, was arrested for massive embezzlement.

To clear space for Olympic-related construction, thousands of civilian houses have been destroyed without their former owners being properly compensated. Brothers Ye Guozhu and Ye Guogiang were imprisoned for a legal appeal after their house was forcibly demolished. Ye Guozhu has been repeatedly handcuffed and shackled, tied to a bed and beaten with electric batons. During the countdown to the Olympic Games he will continue to suffer from torture in Chaobei Prison in Tianjin.

It has been reported that over 1.25 million people have been forced to move because of Olympic construction; it was estimated that the figure would reach 1.5 million by the end of 2007. No formal resettlement scheme is in place for the over 400,000 migrants who have had their dwelling places demolished. Twenty percent of the demolished households are expected to experience poverty or extreme poverty. In Qingdao, the Olympic sailing city, hundreds of households have been demolished and many human rights activists as well as "civilians" have been imprisoned. Similar stories come from other Olympic cities such as Shenyang, Shanghai and Qinhuangdao.

In order to establish the image of civilized cities, the government has intensified the ban against—and detention and forced repatriation of—petitioners, beggars and the homeless. Some of them have been kept in extended detention in so-called shelters or have even been sent directly to labor camps. Street vendors have suffered brutal confiscation of their goods by municipal agents.

On July 20, 2005, Lin Hongying, a 56-year-old woman farmer and vegetable dealer, was beaten to death by city patrols in Jiangsu. On November 19, 2005, city patrols in Wuxi beat 54-year-old bicycle repairman Wu Shouging to death. In January 2007, petitioner Duan Huimin was killed by Shanghai police. On July 1, 2007, Chen Xiaoming, a Shanghai petitioner and human rights activist, died of an untreated illness during a lengthy detention period. On August 5, 2007, right before the one-year Olympics countdown, 200 petitioners were arrested in Beijing.

China has consistently persecuted human rights activists, political dissidents and freelance writers and journalists. The blind activist Chen Guangcheng, recipient of the 2007 Ramon Magsaysay Award and named in 2006 by Time Magazine as one of the most influential 100 people shaping our world, is still serving his sentence of four years and three months for exposing the truth of forced abortion and sterilization. The government refused to give him the Braille books and the radio that his relatives and friends brought to Linyi prison in Shandong. Chen has been beaten while serving his sentence. On August 24, 2007, Chen's wife, Yuan Weijing, was kidnapped by police at the Beijing airport while waiting to fly to the Philippines to receive the Ramon Magsaysay Award on behalf of her husband. On August 13, 2007, activist Yang Chunlin was arrested in Heilongjiang and charged with subversion of state power "for initiating the petition 'Human Rights before Olympics.'"

China still practices literary inquisition and holds the world record for detaining journalists and writers, as many as several hundred since 1989, according to incomplete statistics. As of this writing, 35 Chinese journalists and 51 writers are still in prison. Over 90 percent were arrested or tried after Beijing's successful bid for the Olympics in July 2001. For example, Shi Tao, a journalist and a poet, was sentenced to ten years in prison because of an e-mail sent to an overseas website. Dr. Xu Zerong, a scholar from Oxford University who researched the Korean War, was sentenced to 13 years' imprisonment for "illegally providing information abroad." Qingshuijun If [Huang Jinqiu], a freelance writer, was sentenced to a 12-year term for his online publications. Some writers and dissidents are prohibited from going abroad; others from returning to China.

Every year in mainland China, countless websites are closed, blogs deleted, sensitive words filtered. Many websites hosted abroad are blocked. Overseas radio and television programs are interfered with or strictly prohibited. Although the Chinese government has promised media freedom for foreign journalists for 22 months, before, during, and after the Beijing Olympics, and ending on October 17, 2008, an FCCC [Foreign Correspondents Club in China] survey showed that 40 percent of foreign correspondents have experienced harassment, detention or an official warning during news gathering in Beijing and other areas. Some reporters have complained about repeated violent police interference at the time they were speaking with interviewees. Most seriously, Chinese interviewees usually become vulnerable as a result. In June 2006, Fu Xiancai was beaten and paralyzed after being interviewed by German media. In March 2007, Zheng Dajing was beaten and arrested after being interviewed by a British TV station.

Religious freedom is still under repression. In 2005, a Beijing pastor, Cai Zhuohua, was sentenced to three years for printing Bibles. Zhou Heng, a house church pastor in Xinjiang, was charged with running an "illegal operation" for receiving dozens of boxes of Bibles. From April to June 2007, China expelled over 100 suspected U.S., South Korean, Canadian, Australian, and other missionaries. Among them were humanitarian workers and language educators who had been teaching English in China for 15 years. During this so-called Typhoon 5 campaign, authorities took aim at missionary activities so as to prevent their recurrence during the Olympics.

On September 30, 2006, Chinese soldiers opened fire on 71 Tibetans who were escaping to Nepal. A 17-year-old nun died and a 20-year-old man was severely injured. Despite numerous international witnesses, the Chinese police insisted that the shooting was in self-defense. One year later, China tightened its control over Tibetan Buddhism. A September 1, 2007, regulation requires all reincarnated lamas to be approved by Chinese authorities, a requirement that flagrantly interferes with the tradition of reincarnation of living Buddhas as practiced in Tibet for thousands of years. In addition, Chinese authorities still ban the Dalai Lama, the spiritual leader of Tibet and a world-renowned pacifist, from returning to Tibet.

Since 1999, the government has banned many religious beliefs such as Falungong and the Three Servants. Their followers have experienced extremely cruel and planned persecutions. Many died from abuse, suffered torture, brainwashing, imprisonment and labor camp internment for persisting in their faith, possessing religious books, making DVDs and writing articles to expose the truth of the persecution.

China has the highest death penalty rate in the world. Execution statistics are treated as "state secrets." However, experts estimate that 8,000–10,000 people are sentenced to death in China every year, among them not only criminals and economic convicts, but totally innocent citizens, such as Nie Shubin, Teng Xingshan, Cao Haixin and Hugejiletu, whose innocence was proven only after they were already dead.

Another eight innocent farmers, Chen Guoqing, He Guoqiang, Yang Shiliang, Zhu Yanqiang, Huang Zhixiang, Fang Chunping, Cheng Fagen and Cheng Lihe, who confessed their "crimes" after being cruelly tortured by the police, have been sentenced to death and are currently held in prisons in Hebei [province] and in Jingdezhen [in Jiangxi province].

Torture is very common in China's detention centers, labor camps and prisons. Torture methods include electric shock, burning, use of electric needles, beating and hanging, sleep deprivation, forced chemical injection causing nerve damage, and piercing the fingers with needles. Every year, there are reported cases of Chinese citizens being disabled or killed by police torture.

Labor camps are still retained as a convenient Chinese system which allows the police to lock up citizens without trial for up to four years. The detention system is another practice that the police favor, freeing them to detain citizens for six months to two years. Dissidents and human rights activists are particularly vulnerable targets and are often sent to labor camps, detention centers or even mental hospitals by authorities who want to simplify legal procedures and mislead the media.

China has the world's largest secret police system, the Ministry of National Security (guo an) and the Internal Security Bureau (guo bao) of the Ministry of Public Security, which exercise power beyond the law. They can easily tap telephones, follow citizens, place them under house arrest, detain them and impose torture. On June 3, 2004, the Chinese secret police planted drugs on Chongqing dissident Xu Wanping and later sentenced him to 12 years' imprisonment for "subversion of state power."

Chinese citizens have no right to elect state leaders, local government officials or representatives. In fact, there has never been free exercise of election rights in township-level elections. Wuhan resident Sun Bu'er, a member of the banned political party the Pan-Blue Alliance, was brutally beaten in September 2006 for participating as an independent candidate during an election of county-level people's congress representatives. Mr. Sun disappeared on March 23, 2007.

China continues to cruelly discriminate against its rural population. According to the Chinese election law, a farmer's right to vote is worth one quarter of that of an urban resident. In June 2007, the Shanxi kiln scandal was exposed by the media. Thousands of 8- [to-] 13[-]year-old trafficked children had been forced to labor in illegal kilns, almost all with local government connections. Many of the children were beaten, tortured and even buried alive.

The Chinese judiciary still illegally forbids any HIV/AIDS lawsuits against government officials responsible for the tragedy. AIDS sufferers and activists have been constantly harassed by the secret police.

The Chinese government has been selling arms and weapons to Darfur and other African regions to support ethnic cleansing and crimes against humanity. The Chinese authorities have forcibly repatriated North Korean refugees, knowing that they would be sent to labor camps or executed once back home. This significantly contravenes China's accession to the "Convention Relating to the Status of Refugees" and the "Protocol Relating to the Status of Refugees."

Please be aware that the Olympic Games will be held in a country where there are no elections, no freedom of religion, no independent courts, no independent trade unions; where demonstrations and strikes are prohibited; where torture and discrimination are supported by a sophisticated system of secret police; where the government encourages the violation of human rights and dignity, and is not willing to undertake any of its international obligations.

Please consider whether the Olympic Games should coexist with religious persecution[,] labor camps, modern slavery, identity discrimination, secret police and crimes against humanity. As the Beijing Olympics slogan says, we live in "one world" with "one dream." We hope that one day the Chinese people will be able to share universal human rights, democracy and peace with people from all around the world. However, we can see that the Chinese government obviously is not yet prepared to honor its promise. As a matter of fact, the preparations for the Olympics have provided the perfect excuse for the Chinese government to restrict civil liberties and suppress human rights!

We do not want China to be contained or isolated from the rest of the world. We believe that only by adhering to the principles of human rights and through open dialogue can the world community pressure the Chinese government to change. Ignoring these realities and tolerating barbaric atrocities in [the] name of the Beijing Olympics will disgrace the Olympic Charter and shake the foundations of humanity. Human rights improvement requires time, but we should at least stop China's human rights situation from deteriorating. Having the Olympics hosted in a country where human dignity is trampled on will not honor its people or the Olympic Games. We sincerely hope that the Olympic Games will bring the values of peace, equality, freedom and justice to 1.3 billion Chinese citizens. We pray that the Olympics will be held in a free China.

We must push for the 2008 Olympics to live up to the Olympic Charter[,] and we must advocate for the realization of "one world" with "one human rights dream." We believe that only an Olympic Games true to the Olympic Charter can promote China's democratic progress, world peace and development.

We firmly hold to the belief that there can be no true Olympic Games without human rights and dignity. For China and for the Olympics, human rights must be upheld!

A PROCLAMATION HONORING MICHAEL HAMILTON FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SPACE. Madam Speaker:

Whereas, Michael Hamilton showed hard work and dedication to the sport of basketball; and

Whereas, Michael Hamilton was a supportive team player; and

Whereas, Michael Hamilton always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Michael Hamilton on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

COMMEMORATING THE LIFE OF SERGEANT THOMAS C. RAY, III

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SHULER. Madam Speaker, I rise today in strong support of H. Res. 1020, which recognizes the service and sacrifices that the members of our Armed Forces and their families have made during this time of war. I rise with a heavy heart, because the citizens of western North Carolina were recently reminded of this sacrifice by the death of my constituent, National Guardsman Sergeant Thomas C. Ray, III from Weaverville, North Carolina.

Sgt. Ray joined the Navy in 1985 as a medical specialist and served 3 years of active duty. In 2006, Sgt. Ray joined the Army National Guard and shortly thereafter became a military police officer. Sgt. Ray was assigned to the 105th Military Police Battalion in Asheville, but volunteered to serve with 1132nd Military Police Company when it mobilized in June to go to Iraq. In January of this year, Sgt. Ray was awarded the Army Commendation Medal for his service as a gunner. Sgt. Ray was killed in Baghdad, Iraq on March 22, 2008 when a roadside bomb blew up near his vehicle.

Madam Speaker, Sgt. Ray exemplified the bravery and dedication of the men and women of the Armed Forces, and his life of service stands as a tribute to the members of the North Carolina National Guard who have answered the call since before the founding of our Nation. In the words of President Franklin D. Roosevelt, Sgt. Ray "stands in the unbroken line of patriots who have dared to die that freedom might live, and grow, and increase its blessings. Freedom lives, and through it, he lives—in a way that humbles the undertakings of most men."

I offer a prayer of comfort for the family of Sgt. Ray, including his wife, Linda, his daughter, Sydney, and his mother, Ozelle.

Madam Speaker, I urge my colleagues today to vote for this important resolution that will give due honor and respect to the service that members of the Armed Services have dedicated to this country. I also ask my colleagues to join me in expressing sympathy for all our fallen soldiers and pray for the swift and safe return of those who continue to serve our Nation in harms way.

RECOGNIZING KARL SCHROEDER OF OSSIAN, IOWA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Karl Schroeder of Ossian, Iowa as a recipient of the Governor's Meritorious Service Award for saving another's life by risking his own.

The Meritorious Service Award is presented to those individuals who have rendered expeditious service in a time of emergency. The Governor and Public Safety Commissioner paid tribute to Karl and 24 other Iowans during the 2007 Governor's Lifesaving Awards ceremony.

On January 12, 2007, Karl happened upon an accident on Division Street in Decorah, Iowa, and saw that a vehicle was engulfed in flames. He called 911 and then immediately went to the vehicle. He attempted to free passenger, Olive Sims, from the car by cutting the safety belt with a knife. He was unable to remove her because her leg was broken and she was wedged in the car. Karl stayed with Olive until the officers arrived on the scene and pulled her to safety.

Karl's bravery goes above and beyond what we are asked of as citizens of this country. His courage illustrates the compassion of Iowans, willing to risk their own lives for a neighbor in need. For this I offer him my utmost respect, congratulations and thanks.

I commend Karl Schroeder for his bravery. I am honored to represent him in the United States Congress and I wish him the best in his future endeavors.

A PROCLAMATION HONORING ANTHONY HITCHENS FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SPACE. Madam Speaker:

Whereas, Anthony Hitchens showed hard work and dedication to the sport of basketball; and

Whereas, Anthony Hitchens was a supportive team player; and

Whereas, Anthony Hitchens always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Anthony Hitchens on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

INTRODUCTION OF "THE FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mrs. MALONEY of New York. Madam Speaker, today on behalf of myself, Chairman DANNY DAVIS, Chairman GEORGE MILLER, Mr. HOYER, Ranking Member TOM DAVIS and 17 other members, I introduce a new version of the Federal Employees Paid Parental Leave Act of 2008.

This new version of the bill will provide 8 weeks of paid parental leave to all employees of the Federal Government. In the legislative branch, this includes employees of the Chief Administrative Officer, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, Office of Compliance, Office of Technology Assessment, Member and committee offices, and employees of the Government Accountability Office and the Library of Congress.

As our Nation's largest employer, the Federal Government should be a leader in family-friendly workplace policies. Current policy not only does not lead, but in fact lags behind what most private sector employers provide. In a time when the Federal Government is struggling to recruit and retain the most qualified workforce, offering family-friendly workplace policies will not only make the Federal Government a more attractive employer, but will also set a standard for other industries to follow.

A TRIBUTE TO DR. WOLFGANG K. H. PANOFSKY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor the life of particle physicist, presidential advisor and arms control advocate, Dr. Wolfgang K. H. Panofsky, who died on September 27, 2007 in his home in Los Altos, California. He is survived by his wife Adele; two daughters, Margaret and Carol; three sons, Edward, Richard and Steven; nine grandchildren; and two great-grandchildren.

"Pief," as he was more affectionately known, was born in 1919 in Berlin. At the age of 15, Dr. Panofsky immigrated with his family to the United States where he received degrees from Princeton and the California Institute of Technology. In 1951, he accepted a professorship at Stanford University and, from 1961 to 1984, served as the founding director of the Stanford Linear Accelerator Center (SLAC).

Under his leadership, SLAC became one of the most productive research facilities ever constructed. Its research in high-energy physics and subatomic particles would yield three Nobel Prizes and the discovery of new forms of matter.

The wide-reaching moral and ethical repercussions of his work, particularly his earlier contributions to the Manhattan Project, were not lost on Dr. Panofsky. He carried his zest for discovery into impassioned advocacy, working with our Nation's highest offices and across borders and seas to prevent nuclear catastrophe.

Dr. Panofsky served as an adviser on arms control in the Kennedy and Johnson Administrations, helping to secure the Atmospheric Test Ban Treaty in 1963 and the Anti-Ballistic Missile Treaty of 1972. In 1983, as the Cold War marked an increasingly divided world, Dr. Panofsky dismissed the Reagan Administration's "Star Wars" weapons initiative, and advocated instead for collaboration between SLAC and Chinese and Russian scientists as a deterrent to nuclear war.

Madam Speaker, I ask the entire House of Representatives to join me in honoring Dr. Wolfgang K. H. "Pief" Panofsky. Through his many contributions to particle physics and arms control policy, he has left a legacy of brilliance and social consciousness which will never be forgotten.

A PROCLAMATION HONORING CALEB KNIGHTS FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SPACE. Madam Speaker:

Whereas, Caleb Knights showed hard work and dedication to the sport of basketball; and

Whereas, Caleb Knights was a supportive team player; and

Whereas, Caleb Knights always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Caleb Knights on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING THE 60TH ANNIVERSARY OF THE 3RD U.S. INFANTRY REGIMENT'S CONTINUOUS GUARDING OF THE TOMB OF THE UNKNOWNS

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the men and women of the 3rd U.S. Infantry Regiment, also known as the Old Guard. This past Sunday, April 6th, marked the 60th anniversary of the continuous guard detail provided by the Old Guard at the Tomb of the Unknowns at Arlington National Cemetery.

Guarding the Tomb of the Unknowns is a great military honor that requires the utmost perseverance and dedication by those chosen for the detail. The monument holds the remains of select unknown soldiers from World War I and II, the Korean war, and the Vietnam war. The guardsmen's vigilant watch over the memorial is a sign of honor and remembrance for all of the soldiers, sailors, marines, airmen, and coast guardsmen who have lost their lives in service to the United States and whose remains could not be returned to their families. Each body interred in the memorial is awarded the Medal of Honor, the highest symbol of recognition of service for the United States military.

Madam Speaker, I urge my colleagues to join me in thanking the soldiers of the Old Guard for their vigilance and dedication for the past 60 years in providing a constant guard at the Tomb of the Unknowns. Their efforts ensure that we as a Nation will never forget the service and sacrifice of all of the men and women who have served our Nation in uniform, including those who never returned.

RECOGNIZING NEW HAMPTON, IOWA POLICE OFFICER CHARLES LEMBKE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the service of New Hampton, Iowa Police Officer Charles Lembke on the occasion of his retirement, and to express my appreciation for his dedication and commitment to protecting the citizens of his community.

For the last 28 years, Officer Lembke has served New Hampton faithfully and honorably. Officer Lembke's daily courage goes above and beyond what we are asked of as citizens of this country. His service in providing safety to his community earns him respect and honor, and for this, I offer him my utmost respect, congratulations and thanks.

I commend Officer Charles Lembke for his many years of loyal service in protecting Iowans. It is an immense honor to represent Officer Lembke in the United States Congress, and I wish him a long, happy, and healthy retirement.

A PROCLAMATION HONORING SETH DAWES FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SPACE. Madam Speaker:

Whereas, Seth Dawes showed hard work and dedication to the sport of basketball; and

Whereas, Seth Dawes was a supportive team player; and

Whereas, Seth Dawes always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Seth Dawes on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING JAMES ROWLAND

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. COSTA. Madam Speaker, I rise today to honor one of our Nation's best victim's rights advocates. When you navigate the path of America's victims' rights movement, there is one person whose footprints are impossible to fill, difficult to ignore, and wonderful to follow. He is James Rowland, this year's recipient of the Ed Stout Memorial Award for Outstanding Victim Advocacy.

And "outstanding" he is in so many ways! Most people know Jim as the "father of the victim impact statement." Thirty-two years ago, when he was Chief Probation Officer in Fresno County, Jim saw a void in how courts made their sentencing decisions. In 1976, his revolutionary idea allowed written or oral information to be presented about the impact of the crime on the victim and the victim's family. To honor Jim's work in Fresno County, last year the Fresno County Probation Department renamed their crime victim facility as the James Rowland Crime Victim Assistance Center.

These statements allowed courts to refocus their attention on the human costs of crime, and provide a way for victims to participate and have a true voice in the criminal justice process. Today, all 50 states and the Federal government allow victim impact statements in sentencing hearings.

But Jim didn't stop there. He served as the President of NOVA from 1981 to 1983, when the National Organization for Victim Assistance was helping to actually create a "victim assistance field." This was back in the days when victims" rights and victim services were almost non-existent.

When Jim Rowland was Director of the California Department of Corrections, he was appointed as the first Chair of the American Correctional Association's Task Force on Victims of Crime in 1987. Its landmark Report and Recommendations for Victim Services in Corrections helped create corrections-based victim assistance programs to provide support and assistance to victims in the post-sentencing phases of their cases. Earlier this year, Hawaii became the 50th state to establish a victim assistance program within its Department of Corrections. Mahalo, Jim!

These accomplishments are amazing, but they pale in comparison to the number of professionals and volunteers who have benefited over the past 40 years from Jim Rowland's guidance, mentoring and support. He is a kind, gentle and thoughtful man who has given so much to so many people, including crime victims and those who serve them.

We wouldn't have a Congressional Victim's Rights Caucus today, were it not for the visionary efforts of Jim Rowland. Decades ago, he promoted victims' rights laws, policies and practices that our Caucus was created to promote in the U.S. Congress.

Jim is described by his colleagues as a "pioneer," a "hero," and an "outstanding Old Buffalo." I am proud to describe him as a constituent from my Congressional District in Fresno, California, and as a colleague who inspires all my efforts on behalf of victims of crime.

Ed Stout, in whose name this award is given, knew and worked with Jim Rowland. Ed would, without a doubt, say "great choice" in honoring Jim with this award. He would also likely ask, "what took you so long?"!

It gives me great pleasure to honor Jim Rowland, one of the true pioneers in victim advocacy, with the 2008 Ed Stout Memorial Award for Outstanding Victim Advocacy.

HONORING THE 40TH ANNIVERSARY OF WBBM-AM (780)

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. EMANUEL. Madam Speaker, I rise today to recognize WBBM–AM, which this year them continued success. will celebrate its fortieth anniversary as an all-news outlet.

WBBM–AM, more commonly known as Newsradio 780, became an all-news radio station in 1968 Under the direction of John Callaway. Today, with a power of 50,000 watts, Newsradio 780 is one of the highest rated stations in Chicago, providing listeners with the latest local, national, and international news.

On May 6, 2008, WBBM–AM will celebrate its 40th anniversary with a live midday broadcast from Daley Plaza in Chicago, and I am proud to recognize the radio station for serving as a trusted news source for 40 years. Known for its outstanding journalism as well as traffic and weather together on the 8s, WBBM–AM is a resource to Chicagoans at home, at work, and on the way.

Madam Speaker, as a listener and a Member of Congress from Chicago, I congratulate WBBM–AM on their 40th year of all-news broadcasting, and I wish them continued success.

CLIMATE CHANGE PUTS OUR HEALTH AT RISK!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. FILNER. Madam Speaker and colleagues, last month news agencies around the world reported that more than 160 square miles of the Wilkins Shelf had broken away from the Antarctic coast. Americans are concerned that climate change may be happening faster than previously thought. We are growing increasingly concerned as we see before us the direct connection between climate change and our health.

It is now indisputable that there is a direct connection between climate change and health. The scientific community has decisively stated that human beings are responsible for climate change and that the impacts of climate change will worsen as emissions continue to rise. We must support and promote policies that strengthen public health leadership and work force capacity to ensure the infrastructure is in place and ready to handle our future needs.

The time has come to accept responsibility for how our lifestyles have contributed to climate change and vow to be part of the solution. We must work to learn more about how what happens in our home, community and workplace has global impact.

There are many little things we all can do to make a big difference. We can: Prepare for climate change-related emergencies and be informed about the health impacts of climate change and regional climate change issues facing our community. Leave the car at home and use public transportation, carpool, walk, bike, or telecommute. Eat less meat and buy local produce from our community farmers market. Use recycled paper, print less, use energy saving computer settings and green our office. Seal and insulate our homes, reduce, reuse, recycle and use water efficiently. We should know that we are all in this together. For over a decade, the first full week in April has been National Public Health Week. 50,000 members of the American Public Health Association and its affiliates, across the Nation are speaking out this week on climate change and health. That's because when it comes to climate change, our health is in the balance.

A PROCLAMATION HONORING MICHAEL TURNER FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SPACE. Madam Speaker:

Whereas, Michael Turner showed hard work and dedication to the sport of basketball; and

Whereas, Michael Turner was a supportive team player; and

Whereas, Michael Turner always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Michael Turner on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is April 8, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,860 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should have given them.

Madam Speaker, let me conclude, in the hope that perhaps someone new who heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,860 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is April 8, 2008—12,860 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of free and the home of the brave.

CONGRATULATING THE HAMMOND CENTRAL LADY RED DEVILS UPON WINNING THE 2008 NEW YORK STATE GIRLS BASKETBALL CLASS D CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. McHUGH. Madam Speaker, I rise today to congratulate the Hammond Central School District's Lady Red Devils of Hammond, New York, upon winning the 2008 New York State Girls Basketball Class D Championship. It is an honor to represent the Lady Red Devils, who are the first North Country team to win back-to-back championships.

On March 16, 2008, the Hammond Central Lady Red Devils won their second New York State Girls Basketball Class D Championship when they defeated the John A. Coleman Catholic High School Stateswomen by a score of 47 to 38. In that game, the Lady Red Devils charged to a 10–1 first-quarter advantage and played tough defense as they worked to defend their State title. Of note, Aubrie Dunn pulled down 10 rebounds, Nicole Davidson had 9 rebounds and 12 points, and tournament MVP Brittany Kenyon scored 17 points.

The Hammond Central Lady Red Devils completed the 2008 season with a record of 24 and 4. They were coached by Athletic Director Shawn Dack and assistant coaches Larry Hollister, Superintendent Doug McQueer, and Chet Truskowski. Other team members were scorekeepers Todd Dack and Cathy Tulley and players Whitney Atkins, Cassie Cunningham, Jessie Disotell, Brooke Hollister, Katlyn Hunt, Malynda Jenne, Jackie Knight, Jessica Martin, Jessica Measheaw, Sara Measheaw, and Sarah Sheridan.

Madam Speaker, it takes a tremendous amount of dedication, discipline, hard work, and teamwork to win a State championship, let alone to win consecutive State championships. I am very proud of the Hammond Central Lady Red Devils and ask my colleagues to join with me in extending our congratulations to this team, their families, and the community.

A PROCLAMATION HONORING ALEX GROW FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SPACE. Madam Speaker:

Whereas, Alex Grow showed hard work and dedication to the sport of basketball; and

Whereas, Alex Grow was a supportive team player; and

Whereas, Alex Grow always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Alex Grow on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

INTRODUCTION OF H.R. 5721, THE STRENGTHENING THE SAFETY NET ACT OF 2008

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SULLIVAN. Madam Speaker, today, I am pleased to introduce H.R. 5721, the Strengthening the Safety Net Act of 2008. This important legislation will increase Medicaid Disproportionate Share Hospital (DSH) payments to Oklahoma and 19 other low DSH States and bring Oklahoma's hospitals on equal footing with other States who receive their fair share of DSH funds.

With Oklahoma having the fourth highest rate of uninsured in the Nation, it is critical that Oklahoma hospitals receive a fair distribution of DSH funds we need to care for our indigent population. This legislation will increase the rate that unused DSH funds are reimbursed to these low DSH States from the current rate of 16 percent to 19.5 percent for the next 5 years. The Medicare Modernization Act of 2003 statutorily defined low DSH States and provided these States with 16 percent funding increases each year for the last 5 fiscal years. In total, there are 20 States that have lower DSH allotments, including: Alaska, Arizona, Arkansas, Delaware, Florida, Idaho, Iowa, Maine, Maryland, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Wisconsin, and Wyoming. The 16 percent rate expires at the end of this fiscal year, so it is critical that we increase this percentage so that our hospitals do not feel the financial strain of providing health care services to the indigent.

Under the 19.5 percent increases, Oklahoma will receive an additional $49 million in Federal funds which, when matched by the State, could amount to $75 million over the 5-year period to allocate to Oklahoma hospitals to help offset the costs of uncompensated care. Oklahoma hospitals provided $325 million in uncompensated care costs in 2006. H.R. 5721 will help decrease uncompensated care costs for Oklahoma hospitals and ensure fairness among all 50 States by equitably distributing unused DSH Funds.

Since this bill is being solely funded through unused Federal DSH allotments, the funding source of the bill merely utilizes funds that are currently being returned to the Federal Government by other States that do not use all of their DSH funds. These unused funds currently are not being used toward any other health care related programs.

Another important issue which needs to be addressed is access to quality, affordable health care, especially within our Nation's indigent population. Indigent patients in Oklahoma and our Nation face a significant number of unmet health care needs. These patients have difficulty accessing primary, diagnostic and specialty care and rely on hospital emergency rooms as their primary entry into the health care system. The price of treating the indigent at hospital emergency rooms is astounding compared to care found in a primary care setting. H.R. 5721 will help bring down these costs and save taxpayer dollars in the process.

My legislation will create an innovative new grant program through the Department of Health and Human Services to help our Nation's health care providers fund health access networks, which will get low income and uninsured patients who need basic medical care out of emergency rooms and into primary care facilities. These networks would be required to provide high quality primary, outpatient, inpatient and specialty care to uninsured and other medically vulnerable populations in an effort to reduce the costs of treating these individuals for hospitals and taxpayers alike.

According to a 2005 study by the Lewin Group on Strategic Planning for Safety-Net Services, Tulsa, like many communities, faces many challenges in its delivery, financing and organization that limit its ability to successfully meet the needs of safety-net populations. To give an example, the price of treating the indigent at our hospital emergency rooms is astounding compared to the cost of treating someone in a primary care setting. To give you an example: the Oklahoma Health Care Authority recently found that the cost of a claim for asthma treatment in a primary care setting was $34.12 per claim, while the average cost for the same asthma treatment in an emergency room setting was $61.20 per claim. While some of these claims may have been emergencies, it is clear that treatment in an outpatient setting is significantly less, almost two times less, than treatment in an emergency room. Without these networks in place, the majority of Oklahoma's uninsured will continue to go without a primary healthcare provider.

Lastly, my bill also changes the grandfather clause for the mandatory requirement related to hospitals providing nonemergency obstetric services which are located in low DSH States. The new grandfather clause will be the date this law becomes enacted. The purpose of this change is to remove a constraint imposed on low DSH States whose rural hospitals stopped providing nonemergency obstetrics during the 1990s and early 2000s due to rising liability insurance costs. The change is intended to encourage low DSH States to change their approach to funding more hospitals through the DSH program. Should my legislation become law, 16 additional Oklahoma hospitals will be able to qualify for DSH funds.

I am pleased to have the support of the Oklahoma Health Care Authority, the Oklahoma Hospital Association and advocates for Tulsa health-plexes for the Strengthening the Safety Net Act of 2008. As a member of the House Energy and Commerce Subcommittee on Health, I am looking forward to working with my colleagues on the committee to see this legislation become law.

RECOGNIZING CAPTAIN JEREMY D. ANZEVINO

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Captain Jeremy D. Anzevino as a recipient of a Bronze Star Medal for heroic achievement during combat operations in support of Operation Iraqi Freedom. The Bronze Star is the fourth highest award that the Department of Defense gives for bravery. heroism, and meritorious service.

Captain Anzevino earned the Bronze Star while he was commander of Co. L, 3rd Battalion, 6th Marine Regiment, 2nd Marine Division of the II Marine Expeditionary Force in Iraq. He was team chief and staff maneuver advisor for the Military Transition Team. 1st Battalion. 3rd Brigade, 1st Iraqi Army Division, from January to July 2007.

His award citation states, "Anzevino provided advice and assistance to Iraqi leaders of 1st Battalion during counterinsurgency operations, which led to the elimination of numerous insurgents."

Captain Anzevino's bravery goes above and beyond what we are asked of as citizens of this country. His heroism illustrates the compassion of Iowans; willing to risk their own lives for their country. For this I offer him my utmost respect, congratulations, and thanks.

I commend Captain Jeremy Anzevino's courageousness and service to our great nation. I am honored to represent Captain Anzevino in the United States Congress and I wish him the best in his future service to our country.

A PROCLAMATION HONORING JAMES VAN VOORHIS FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SPACE. Madam Speaker:

Whereas, James Van Voorhis showed hard work and dedication to the sport of basketball; and

Whereas, James Van Voorhis was a supportive team player; and

Whereas, James Van Voorhis always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate James Van Voorhis on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

IN MEMORY OF PETTY OFFICER MICHAEL ANTHONY MONSOOR

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. HUNTER. Madam Speaker, I rise today to honor and pay tribute to the life and memory of former Petty Officer Second Class Michael Anthony Monsoor, who has been awarded this Nation's highest military honor, the Medal of Honor. A California native, Michael courageously gave his life in the service of his country, upholding and reflecting the highest traditions of the United States Navy.

Born April 5, 1981, in Long Beach California, Michael attended Garden Grove High School where he played football. He enlisted in the U.S. Navy on March 21, 2001 and attended Basic Training at Recruit Training Command, Great Lakes, Illinois. After graduation, he attended Quartermaster School and then transferred to the Naval Air Station, Sigonella, Italy, for a brief period.

From this assignment, Michael entered Basic Underwater Demolition/SEAL (BUD/S) training in Coronado, California, where he graduated as one of the top performers in his class. After BUD/S training, he completed advanced SEAL training, including parachute training, at Basic Airborne School, Fort Benning. Georgia, and cold weather training in Kodiak, Alaska.

Following his rating as Master-at-Arms, he was assigned to SEAL Team THREE Delta Platoon and deployed with his platoon to Iraq in April 2006 in support of Operation IRAQI FREEDOM, and was subsequently assigned to Task Unit Bravo in Ar Ramadi. From then until September 2006, Michael served as a heavy weapons machine gunner and, during combat patrols, he walked behind the platoon point man with his Mk 48 machine gun as protection against a frontal assault. On 15 such missions Michael served tirelessly with his platoon in one of the most hazardous areas in Iraq and, under the rendering of summer heat, he bore the extra burden of heavy communication gear and a full ammunition load.

Michael and his platoon operated in a highly contested part of Ramadi city called the Ma'laab district. During their deployment he and his fellow SEALs came under enemy attack on 75 percent of their missions. On May 9, 2006 Michael rescued a SEAL who was shot in the leg. He ran out in the street with another SEAL, shot cover fire and dragged his comrade to safety under intense enemy fire earning a Silver Star for gallantry.

But Michael's bravery did not end with this brave act. His Medal of Honor Citation reflects that on September 29, 2006, "as a member of a combined SEAL and Iraq Army sniper overwatch element, tasked with providing early warning and stand-off protection from a rooftop in an insurgent held sector of Ramadi, Iraq, Petty Officer Monsoor distinguished himself by his exceptional bravery in the face of grave danger. In the early morning, insurgents prepared to execute a coordinated attack by reconnoitering the area around the element's position. Element snipers thwarted the enemy's initial attempt by eliminating two insurgents."

"The enemy continued the assault engaging the element, engaging them with a rocket-propelled grenade and small arms fire. As enemy activity increased, Petty Officer Monsoor took position with his machine gun between two teammates on an outcropping of the roof. While the SEALs vigilantly watched for enemy activity, an insurgent threw a hand grenade from an unseen location, which bounced off Petty Officer Monsoor's chest landing in front of him. Although he could have escaped the blast, Petty Officer Monsoor chose instead to protect his teammates. Instantly and without regard for his own safety, he threw himself onto the grenade to absorb the force of the explosion with his body, saving the lives of his two teammates."

"By his undaunted courage, fighting spirit, and unwavering devotion to duty in the face of certain death, Petty Officer Monsoor gallantly gave his life for his country, thereby reflecting great credit upon himself and upholding the highest traditions of the United States Naval Service." For this the most extreme sacrifice, Petty Officer Michael Anthony Monsoor was posthumously awarded the Medal of Honor by the President of the United States on April 8, 2008.

An ancient historian once wrote, "The bravest are surely those who have the clearest vision of what is before them, glory and danger alike, and yet not withstanding, go out to meet it." Madam Speaker, these words could speak no better for the personal commitment of warriors like Petty Officer Monsoor whose service and sacrifice in the face of evil cannot be forgotten.

Michael is survived by his mother Sally, his father George, his sister Sara and his two brothers James and Joseph who will always cherish the memories of his loving and caring devotion to all that touched his life. A loyal friend and an exceptional SEAL, he is sorely missed by his brave brothers in Task Unit Bravo. I extend my prayers and deepest condolences to his loving family and friends and ask that my colleagues join me today in paying tribute to the life and memory of this true American hero.

RECOGNIZING THE SECOND ANNIVERSARY OF THE SIGNING OF THE MANIFESTO ON FREEDOM AND DEMOCRACY FOR VIETNAM

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to recognize the second anniversary of the signing of the Manifesto on Freedom and Democracy for Vietnam. This Manifesto, originally signed by 118 Vietnamese citizens and subsequently signed by thousands of others, has been an inspiration to many who seek to bring democracy and human rights to the citizens of Vietnam. Many signers of this document have been detained and have endured great sacrifice in the name of their cause, and it is with the utmost respect that I rise in their honor.

CONGRESSIONAL VICTIM'S RIGHTS CAUCUS HONORS JAMIE LEIGH JONES

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. POE. Madam Speaker, on Wednesday, April 9, 2008, the Congressional Victim's Rights Caucus will holds its annual awards ceremony to recognize individuals for their significant contributions to the victim's rights field. The Congressional Victim's Rights Caucus will award Jamie Leigh Jones with the Suzanne McDaniel Public Awareness Award to recognize her efforts in raising national awareness of the plight of American contractors victimized abroad.

Jamie Leigh Jones was only 20 years old when she went to work for KBR in Baghdad. She was only at the ironically-named Camp Hope a few days before her coworkers allegedly drugged and gang-raped her. An Army doctor administered a rape kit, which was then turned over to KBR, not the appropriate law enforcement authorities as is standard in rape cases. It's not a surprise then that KBR lost the very evidence that could be used against it.

Jamie was then kept in a shipping container, under armed guard. She was told that this was to protect her. It was really a way to keep her from telling others what she endured. Jamie convinced a sympathetic guard to let her use his cell phone. Jamie called her dad and asked for help. Her dad then called my office. My staff and I contacted the Department of State. Within 48 hours, agents were dispatched from the embassy in Baghdad and sent to rescue Jamie.

It's been nearly 3 years since Jamie was assaulted. No one has been held accountable for what happened to Jamie. For 2½ years, the Department of Justice was silent as to what it was doing, if anything, to prosecute the criminals. Its silence was broken once Jamie went public with her case.

In December 2007, Jamie went to the national media with her story. Since Jamie went to the press, my office has heard from several other former contractors alleging sexual assaults in Iraq. Jamie has heard from as many as 40 women through the nonprofit organization she created, the Jamie Leigh Foundation, to help other Americans victimized while working abroad as government contractors.

By telling her story, Jamie showed other victims that it is okay to come forward and talk about their assaults. She opened this country's eyes to the "boys will be boys" atmosphere among the contractors in Iraq. And perhaps most importantly, she showed other victims that they are not alone in their struggle to piece their lives back together.

And that's just the way it is.

RECOGNIZING PHIL FLEISTER OF ST. ANSGAR, IOWA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the dedication and hard work of one of my constituents. Phil Fleisher of St. Ansgar, Iowa, who has organized one of the most ambitious tributes to tell the story of America's veterans.

This Saturday, April 12, the first annual Veterans Heritage Day will be observed at the St. Ansgar Walter T. Ennenberg American Legion Post headquarters, thanks to Phil's coordination.

The event will display the largest military history collection in the north central region of Iowa, including thousands of veteran histories compiled by Fleischer, a Vietnam war veteran, in one of the most ambitious chronicles anywhere, dating back to the American Civil War.

It has been noted in press reports that Phil has sponsored and organized a number of these event, at his own expense, designed to educate and promote awareness for the sacrifices of U.S. military personnel in American history.

And, even though it is reported that Phil prefers to remain in the shadows and allow other veterans to take the spotlight, I wanted to properly recognize Phil's dedication to telling the veterans' stories of service and sacrifice today while at the same time collecting and preserving them for the benefit of future generations of Americans.

No one has done more to secure this country's freedom and prosperity than our veterans. And, thanks to Phil Fleisher's hard work, we all can benefit from his story as a veteran and the stories of thousands of other veterans who proudly served this great Nation.

I know that my colleagues in the United States Congress will join me in commending Phil Fleisher and wish him a safe and successful event this Saturday.

A PROCLAMATION HONORING RON SMITH FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SPACE. Madam Speaker:

Whereas, Ron Smith showed hard work and dedication to the sport of basketball; and

Whereas, Ron Smith was a supportive team player; and

Whereas, Ron Smith always displayed sportsmanship on and off of the court: now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Ron Smith on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

ACHIEVING THE AMERICAN DREAM

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. WILSON of South Carolina. Madam Speaker, on Monday, funeral services were conducted in the Midlands of South Carolina for two gentlemen who symbolized achieving the "American Dream" of extraordinary fulfillment promoting their families.

Louis Gonda and E.D. Phillips will always be cherished in our community for their service to others.

Louis Gonda was born in Murska-Lobota, Yugoslavia, and immigrated at age four to Cuba. In 1960, he fled with his family to America for freedom, where he established the innovative Fergon Tool & Machine Co.

His courage was proven when he was preparing to flee Communist Cuba. He bought multiple suitcases at a local shop, and as he arrived home, the secret police met him to interrogate him about his unusual purchase. The totalitarian enforcers accepted his story that his children were taking a short trip to New York to visit a sick aunt.

E.D. Phillips was a proud native of South Carolina and graduate of the University of South Carolina. As an independent entrepreneur, he founded the Phillips Farmer Garden and Phillips Plants at the State Farmers Market. He courageously ran as a pioneer for the State House at the beginning of the new Republican Party in 1968 and 1970. He and his late wife, Emily, were among the founding members of Republican efforts in Richland, Orangeburg, and Lexington Counties providing the foundation for dozens of successful candidates at the county, State, and Federal levels. In 1988, they were Congressional District chairmen for President George H.W. Bush.

Both Mr. Gonda and Mr. Phillips were married to active, strong, and supportive wives, who partnered with them to raise outstanding children as loving families.

Mr. Gonda is survived by his wife, Nena, who he met when he was 11 and she was 8. Their children are Luis Gonda, Maria Gonda Smoak, Diane Gonda, Frank Gonda, and Rick Gonda. Services were at St. Peter's Catholic Church of Columbia.

Mr. Phillips is survived by his children Becky Phillips, Deedie Belangia, Jackie Finch, Hal Phillips, and Steve Phillips. Services were held at the Church of Jesus Christ of Latter-day Saints, Windsor Lake Ward of Columbia.

A PROCLAMATION HONORING JORDAN BENSON FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. SPACE. Madam Speaker:

Whereas, Jordan Benson showed hard work and dedication to the sport of basketball; and

Whereas, Jordan Benson was a supportive team player; and

Whereas, Jordan Benson always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Jordan Benson on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

CRITICAL PUBLIC HEALTH BILLS CONSIDERED BY THE HOUSE TODAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2008

Mr. CONYERS. Madam Speaker, I rise in strong support of the seven bills the House is considering on suspension today in conjunction with National Public Health Week. This week gives us an opportunity to reflect on the importance of quality public health programs in all of our lives—from effective childhood vaccination programs, to early screening programs for diseases, to ensuring that all Americans have access to quality, affordable health care. These seven bills were all approved unanimously by the House Committee on Energy and Commerce, and I expect they will get a similar level of support today from the full House.

H.R. 1198, The Early Hearing Detection & Intervention (EDHI) Act, was introduced by Rep. LOIS CAPPS. Congresswoman CAPPS is a registered nurse (R.N.) who served for 20 years as a nurse and health advocate for the Santa Barbara School District. I want to commend her for continuing to advocate for the health of young Americans by authoring this legislation. H.R. 1198 will reauthorize this critical Centers for Disease Control and Prevention (CDC) program, intended to identify and help infants with hearing loss, through FY 2013. It also expands screening and intervention services to include young children.

Children who are hard of hearing find it much more difficult than children who have normal hearing to learn vocabulary, grammar, word order, idiomatic expressions, and other aspects of verbal communication. It is estimated that approximately 391,000 school-aged children in the U.S. have unilateral hearing loss, and early detection of hearing problems is critical to developing and implementing effective treatment for these children. When EHDI was first authorized in 1999, only 3 percent of all babies were being screened for hearing loss at birth; today, 93 percent of babies are screened within one month of birth.

H.R. 2464, The Wakefield Act (Emergency Medical Services for Children) reauthorizes through FY 2011 and makes improvements in the Emergency Medical Services for Children (EMSC) program, which is designed to improve emergency medical services for children needing trauma or critical care. There are over 30 million child and teen visits annually to our nation's emergency rooms. And yet many emergency services are still designed for adults. Since the EMSC program was created 20 years ago, major improvements in emergency care for children have been realized. Injury-related deaths have dropped by 40 percent over that period of time.

H.R. 1237, The Cytology Proficiency Improvement Act, is designed to improve the analysis of tests for cervical cancer by ensuring that health care professionals who read tests for cervical cancer are skilled in today's medical technology. It modernizes the cervical cancer testing program by requiring continuing medical education for pathologists to assess their diagnostic skills and ensure they keep up with the latest practices. The program is modeled after a similar quality standards program for reading mammograms. The American Cancer Society predicted 11,150 women in the U.S. would be diagnosed with cervical cancer last year and 3,670 women would die from the disease. The way to cut down on the number of deaths is to ensure that all cervical cancer tests are read correctly.

S. 845, The Keeping Seniors Safe from Falls Act, was passed by the Senate by unanimous consent in August 2007. Nationally, 42 percent of all nursing home admissions take place as a direct result of geriatric falls. Fractures of the hip are relatively common in seniors and often lead to devastating consequences. Disability frequently results from persistent pain and limited physical mobility. Hip fractures are associated with substantial morbidity and mortality; approximately 15–20% of patients die within one year of fracture. Most hip fractures occur in elderly individuals as a result of minimal trauma, such as a fall from standing height.

S. 845 launches a comprehensive preventative care program to reduce the number and severity of falls by the elderly. It directs the Department of Health and Human Services (HHS) to implement directives to reduce falls, including improving the identification of seniors who have a high risk of falling; supporting education campaigns focused on reducing and preventing falls and educating health professionals about fall risk, assessment and prevention; and conducting research to reduce falls.

H.R. 2063, The Food Allergy and Anaphylaxis Management Act, helps schools deal with food allergies among student populations. Nearly three million American children have food allergies. The danger of a life-threatening reaction from exposure to an allergen can be found beyond obvious places like the lunchroom. This danger also lurks in places where kids—and adults—wouldn't normally expect it, including field trips, school celebrations or special projects like arts and crafts.

Last year, the Congress appropriated $491,000 for the CDC to develop guidelines for schools regarding food allergies and anaphylaxis (a severe allergic reaction involving multiple organs). This bill requires HHS, in consultation with the Department of Education, to develop a policy for schools on appropriate management and emergency plans for children with food allergies and anaphylaxis. The policy would be provided to schools within one year after enactment, and schools could voluntarily implement the policy. The bill also authorizes HHS to award grants to local school districts to help them in implementing the policy.

S. 1858, The Newborn Screening Saves Lives Act was passed by the Senate by unanimous consent on Dec. 13, 2007. This bill educates parents and health care providers about newborn health screening, improves follow-up care for infants with an illness detected through newborn screening, and helps states expand and improve their newborn screening programs. Incredible advances in medical technology have equipped us to better screen and treat infants for congenital, genetic and metabolic disorders that, if left untreated, could lead to severe disability and death. S. 1858 authorizes funding to help states expand and improve their programs. It also helps to ensure the quality of laboratories involved in newborn screening, so that tests are as accurate as possible and infants receive appropriate care.

The House Amendment to S. 793, The Traumatic Brain Injury (TBI) Act, was sponsored by Rep. BILL PASCRELL. The House amendment was reported out by the Energy and Commerce Committee on March 13 and is similar to S. 793, which was passed by the Senate by unanimous consent on December 11, 2007. The thousands of brain injury survivors who are returning home from combat in Iraq and Afghanistan are joining the 5.3 million similarly afflicted Americans here at home. TBI is now the leading cause of death and disability among young Americans. The legislation would require the CDC to monitor brain injury incidence and create a reporting system to track the condition. It also directs CDC to study treatment techniques and NIH to conduct basic research to improve treatment. The House version renews through FY 1012 the Traumatic Brain Injury Act, which authorizes the Centers for Disease Control (CDC) to provide state grants for patients with traumatic brain injury to enter treatment and rehabilitation programs.

These bills make critical contributions to our nation's public health infrastructure, and I commend the House for considering them. I would like to add, however, that the single most important public health initiative the Congress could take would be to pass national health insurance legislation such as that proposed in my bill, H.R. 676, which was recently endorsed by the American Public Health Association. With a system of truly universal health care, there would no longer be any need to implement the stopgap, patchwork measures that we are so frequently obligated to consider.

SENATE—*Wednesday, April 9, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty God, most holy, in whom we live and dwell and have our being, we praise You and lift our hearts in gratitude. Hear our intercession for the Members of this body.

Lead our lawmakers as You led Your people once by a pillar of cloud through the day and a pillar of fire by night. Give our Senators more love and more self-denial. Make them kindly in thought, gentle in words, and generous in deeds. Teach them that it is better to give than to receive; better to forget themselves than to put themselves forward; better to serve than to be served. Give them the ability to discern the difference between the truth and the false as they test the issues through debates and hold fast to that which is good. Keep them close to You and open to each other as they serve You and country today. And unto You, the God of love, be all the glory and praise both now and for evermore. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 9, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if he chooses to make remarks, the Senate will proceed to a period of morning business for 1 hour, with Senators allowed to speak during that period of time for up to 10 minutes each, with the time equally divided and controlled between the two leaders. The Republicans will control the first half; the majority will control the final half. Following morning business, the Senate will resume consideration of H.R. 3221, the legislative vehicle for housing.

Yesterday, cloture was invoked on the substitute amendment. If all postcloture debate time is used, debate will expire about 8:45 p.m. tonight. I will be discussing with the Republican leader how we can come to a final determination as to how we should handle the wrapup. The two managers have, I understand, about three or four germane amendments that need to be voted on, and they can be voted on now or we can wait until the time runs out. Those amendments, germane amendments that are pending, require votes. For those that have been filed and are not pending, that is not the case, unless the two managers agree that they want to bring those up. So we will work our way through this legislation as quickly as we can.

IRAQ WAR TESTIMONY

Mr. REID. Mr. President, yesterday's testimony before the Senate Armed Services Committee and the Foreign Relations Committee afforded General Petraeus and Ambassador Crocker the opportunity to address the two central questions of the war in Iraq. No. 1: Has the troop surge brought us closer to the day when our troops can come home? Second, is the war in Iraq making America safer? By all accounts, the answer to both questions is no.

While General Petraeus and Ambassador Crocker both deserve our gratitude for their hard work—and this is hard work under extraordinarily difficult circumstances—their testimony gave our country no reason to believe the strategy will change. President Bush himself described the purpose of the surge as giving the Iraqi Government and its people the space to achieve reconciliation. Recent violence and the intensifying struggle between al-Maliki and al-Sadr proved beyond any doubt the window we provided may be closing.

President Bush clings to his talking points that the surge is working, but he called his plan a return on success, meaning that if the surge worked, our troops could return home. If we have the success he claims, where is the return?

Since Monday, we have had 12 American soldiers killed in Iraq. We are stuck in the "Twilight Zone" in Iraq. When violence is up, the President says we can't bring our troops home. When violence is down, the President says we can't bring our troops home.

So it is long past time for the President to be honest with the American people: Under what circumstances could our troops come home? Under what scenario could this war end? Based on everything we have heard, we can reach only one conclusion with 160,000 courageous American troops serving in Iraq. President Bush has an exit strategy for one person—and that is himself—on January 20 of next year.

Here is what three Senators had to say during yesterday's hearings. One Senator said:

> I think Osama bin Laden is sitting back right now looking at this thing and saying, in effect, "We're kinda bankrupting this country."

Another Senator said:

> I think people want a sense of what the end is going to look like.

A third Senator said:

> Our patience is not unlimited.

All three of these questions were from Republican Senators yesterday.

To my Republican friends I say: Let's work together. We had the opportunity to change course in Iraq last summer, but Republicans who were willing to criticize the war proved unwilling to break with President Bush by voting against it. But it is not too late. Neither side is looking for a hasty withdrawal that would put our troops or the Iraqi people at undue risk. We want a smarter, more sustainable strategy that addresses all the national security challenges our Nation faces—from Osama bin Laden's al-Qaida safe haven in Pakistan, to winning the peace in Afghanistan, to rebuilding full combat readiness of our ground forces.

If we work together, Democrats and Republicans, we can set a new course that takes us responsibly out of Iraq and would focus on the global challenges that have gone overlooked for far too long.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CONGRATULATING GENERAL PETRAEUS AND AMBASSADOR CROCKER

Mr. McCONNELL. Mr. President, let me say briefly, I wish to offer my congratulations, along with those of others, to both General Petraeus and Ambassador Crocker for their astonishingly good work over the last 9 to 12 months. In virtually every measurable way that you can look at Iraq, conditions have dramatically improved. That is a direct result of the smart military strategy that has put Iraq in a position where it can realistically aspire to be a relatively normal country by the standards of the Middle East and certainly an ally on the war on terror, which is extremely important.

I also think it is important for all of us to remember we have not been attacked here at home for almost 7 years—a direct result of the strategy of getting on the offense and pushing back against those who would attack us here at home, which we have done both in Afghanistan and in Iraq.

So it was an opportunity, with the appearance of the general and the ambassador, to congratulate them for their outstanding work over the last year. We look forward to going forward in Iraq in a way that leaves behind a stable country that can make a positive contribution to the security of the United States here at home and in the Middle East.

I yield the floor.

Mr. REID. Mr. President, 71 percent of the American people believe that invasion of Iraq was a mistake, a foreign policy blunder, some say the worst this country has ever done, the worst foreign policy blunder—71 percent. During that poll, there were a few percentage points where people had no opinion. So about 15 percent of the people think the invasion of Iraq was the right decision. We must get our troops home. The sooner we do that, the better off we are.

I look forward to General Petraeus's and Ambassador Crocker's hearing today before the two relevant committees in the House. When this is all over and done with, we will be able to assess when we can have a better opportunity of bringing our troops home. As we indicated earlier today, it seems difficult—when the violence is up, we need more troops and when it is down we need more troops. We can't have it both ways.

The military is at a breaking point. I am not saying that; I am repeating what others have said. General Cody, who is a four-star general on Active Duty, has said he has never seen our military in such a state of disrepair as it is now. So things aren't glowingly good. We have to work together to try to rebuild our military, and one way we can do that is focus on getting the right number of troops to Afghanistan and rebuilding our military, which is, as General Cody said, in very bad shape.

Mr. McCONNELL. Mr. President, the troops are coming home in an orderly way. Precipitous withdrawal we know would lead to a new haven for terrorists with the opportunity to attack us here at home. I think, clearly, we will debate this issue in the fall. The American people have this on their minds, obviously. They also have on their minds the economy, health care, and other matters. They are interested in their future. I think the American people are not interested in having additional attacks on the homeland in the future. That is something we will debate not only in the Senate but out on the campaign trail this fall.

Mr. REID. Mr. President, one of the things that will be debated this fall is whether our troops need to be in Iraq for another 50 or 100 years. I think that will be a pivotal part of the debate that takes place in the Presidential elections.

Mr. McCONNELL. Mr. President, of course, no one has said that, and my dear friend, the majority leader, knows it. That is a swipe at Senator McCAIN, who was talking about troop deployments overseas, not the continued engagement in warfare. The mainstream media—which has not been particularly friendly to the war—has hammered those who have accused Senator McCAIN of saying we were going to have a 100-year war in Iraq.

This is a deliberate misrepresentation of what he has said. Anybody who looks at the entire exchange, which occurred in a town meeting in New Hampshire back in January, knows precisely what he was saying. He was talking about having troops deployed overseas, which we have had in Germany and Japan and South Korea for many years. He was talking about a situation under which they are not under attack, not being killed or wounded but deployed overseas, not only to protect our security interests but also to reassure our allies. That is what Senator McCAIN was talking about. No one I know is suggesting—and it is almost laughable to suggest—that we are talking about that kind of lengthy military engagement.

Mr. REID. Mr. President, if one of the Democratic hopefuls had said it, I would also be trying to spin it in a way that looked good. The fact is, you can't spin what Senator McCAIN said at that town hall meeting in a favorable light. His record speaks for itself as to how he feels about the war in Iraq.

My friend always talks about the fact the American people don't want attacks here. Of course, they don't want attacks here at home. Of course, they don't. Everyone should understand, though, that prior to the invasion of Iraq, there was not a terrorist in Iraq, and now, of course, there are lots of them. We need to focus on Osama bin Laden, on his safe haven he has in Afghanistan, Pakistan, and as General Casey—also an active member of the military—said, we need to get more troops into Afghanistan. We can't do that when we have 140,000 troops this July in Iraq.

Mr. McCONNELL. Mr. President, one other thing. One thing we do agree on—in trying to end this exchange with something we do agree on—I think both the Democrats and Republicans agree the size of the Marines and Army is insufficient. I think there is bipartisan support in the Congress to increase the size of both the Army and the Marines. I think that is something we can agree on. Hopefully, that will be achieved in the coming years.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

56TH ANNUAL NATIONAL PRAYER BREAKFAST

Mr. ENZI. Mr. President, in light of the fact that a few minutes ago we opened the Senate in prayer, I want to say that last month I had the privilege of cochairing with the Senator from Colorado, Senator SALAZAR, the 56th Annual National Prayer Breakfast, held here in our Nation's Capital. This annual gathering is hosted by Members of the Senate and the House of Representatives, who have weekly prayer breakfast groups. Once again, we were honored to have the 56th consecutive participation of our President and the First Lady. Presidents since Dwight Eisenhower have spoken at the annual prayer breakfast. We were encouraged and inspired by the remarks shared by Ward Brehm. Unfortunately, a transcript doesn't give the superb pauses and delivery that we who attended got to enjoy, but it is a superb message I want to share.

This year, we hosted a gathering of over 3,500 individuals from all walks of life in all 50 States and from many countries around the world. So that all may benefit from this time together, on behalf of the Congressional Committee for the National Prayer Breakfast, I ask unanimous consent that a copy of the transcript of the 2008 proceedings be printed in the CONGRESSIONAL RECORD at the conclusion of my speech.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ENZI. Mr. President, this is an example of what we do in our weekly prayer breakfast, with little exception, and the presenters at our weekly prayer breakfast are always Senators or former Senators. It is a chance for us to get to know each person in this body as they present.

I thank the Chair and yield the floor.

EXHIBIT 1

56TH NATIONAL PRAYER BREAKFAST,
THURSDAY, FEBRUARY 7, 2008,
HILTON WASHINGTON HOTEL,
WASHINGTON, DC

Co-Chairs: U.S. Senator Mike Enzi and U.S. Senator Ken Salazar

U.S. Senator Mike Enzi: I would bet that some of you are wondering, "How did I get here?" and "What kind of an outfit is this?" We will try to explain a little bit. Ken and I are part of a very small breakfast group made up entirely of Senators that has met every Wednesday that the Senate has been in session since the middle part of the Truman administration. That was in the late 1940's. We share with each other, we eat, we pray and we discuss things that really matter.

I am reminded of a time I was in South Africa meeting with their parliament for a breakfast and I suggested that our Senate prayer breakfast could pray for their issues. A parliamentarian named Paul brought me up short and said, "Don't pray for the issues, pray for the people and the people will solve the issues." And that is what we do at our weekly prayer breakfast. That is what we will be doing here.

Now once a year we hold our weekly meeting in a slightly bigger room and we invite 4,000 people from around the world to come along for the ride. Welcome to our prayer breakfast. (Applause)

U.S. Senator Ken Salazar: We count it a privilege to serve in the United States Senate but frankly it is not always an easy job. President Truman once said that if you want to have a friend in Washington, buy a dog. We see that all the time. Our breakfast in the U.S. Senate is an attempt to put back into all of us what the job takes out from all of us and gives us a reason to have trusting relationships, to find wisdom and to reconcile our differences.

For me, I don't need to buy a dog in Washington, D.C. because I have a friend named Mike Enzi. (Laughter) Mike Enzi brings his common sense, compassion and approach to the issues that face our nation and it makes him a key leader in the United States Senate. That helps us get to results by putting the public purpose above the politics which sometimes so confines this town.

Washington, in my view, does not need a lot more speeches. It needs people who need to seek and listen and to understand. More people like Mike and his wife Diana, who is here with us this morning. It has been my honor and pleasure to serve with Mike Enzi for the last three years in the U.S. Senate.

Senator Enzi: I have enjoyed getting to know Ken and the deep wealth of heritage and caring that he brings to the Senate. His family has lived in Colorado for 150 years—longer than there has been a Colorado. Our connection began personally and now we are able to talk about things that Republicans and Democrats do not talk about together. And what do you know? We have figured some things out. We are a couple of guys from the high plains, Colorado and Wyoming, who are trying to keep things on a higher plane in our jobs. We have been working on this breakfast for many months now and we hope you enjoy it. A lot of prayer has gone into it and we hope it somehow scratches where you itch.

One special note, folks, Dr. Billy Graham attended the Breakfast and was the main speaker for the first few years. He sent a special word to us last night that he would be with us in spirit this morning and is praying for us at this very moment from his home in North Carolina. Thank you for your prayers and a lifetime of spiritual leadership, Billy. (Applause)

Senator Salazar: 155 nations are represented here this morning in Washington, D.C. I now want to introduce to all of you the distinguished heads of state who have joined us from other lands today: The Chairman of the Council of the Ministers of Bosnia-Herzegovina, Prime Minister Nicola Spiric; The President of the Republic of Burundi, Pierre Nkurunziza; The President of the Republic of El Salvador, Elias Antonio Saca Gonzalez, and the First Lady; The President of the Republic of Honduras, Jose Manuel Zelaya Rosales; The President of the Federated States of Micronesia, Immanuel Mori; and The Prime Minister of the Independent State of Samoa, Prime Minister Tuila'epa Lupesoliai Sailele Malielegaoi. (Applause)

You are all most welcome. Thank you for giving that warm welcome to our guests here to the United States of America. We live with human borders but we are one family across the face of the earth. Thank you for the honor of your presence and the chance to get to know you as friends and fellow travelers in search of truth and a better world.

Senator Enzi: When one of our members heard that our singer was Michael W. Smith he said, "Well that's worth getting out of bed early for." Michael is here with his wife, Debbie, this morning. He has been recording faithful music for more than two decades and won countless awards but he does not want the focus to be on him. He has always encouraged his fans, young and old, that faith is not a spectator sport. He has encouraged tens of thousands to sponsor children all over the world. We are happy to have two selections from him this morning. The first is "Above All."

Mr. Michael W. Smith: (sings) ["Above all powers above all kings"] (Applause)

Senator Enzi: Oh, how faith shines. Thank you, Michael. Everybody in life needs role models, including Senators. Senator Dianne Feinstein is that for many of the new members of the Senate. She personifies dignity and excellence in doing the people's work. She did that as the Mayor of San Francisco and she is certainly doing that in the Senate. To present a reading, our friend and colleague, Senator Dianne Feinstein of California.

U.S. Senator Dianne Feinstein: Thank you very much Senator Enzi. Mr. President, Mrs. Bush, ladies and gentlemen.

Religion is a very personal thing to me. I have been privileged to draw on two of the world's great religions—one being Judaism, and the other, Catholicism. I went to a Catholic convent while I was going to a Jewish Sunday school. Some people would say that left me very confused. But nonetheless it was a very special experience. A very young rabbi wrote what I am going to read. It is now part of Reformed Judaism's prayer book and is used in the High Holy Day services. I would like to share it with you.

"Birth is a beginning, and death a destination and life is a journey: From childhood to maturity, and youth to age. From innocence to awareness, and ignorance to knowing. From foolishness to discretion and then perhaps to wisdom. From weakness to strength or strength to weakness and often back again. From health to sickness and back we pray to health again. From offense to forgiveness. From loneliness to love. From joy to gratitude. From pain to compassion and grief to understanding. From fear to faith. From defeat to defeat, to defeat until looking backward or ahead we see that victory lies not at some high place along the way but in having made the journey stage by stage a sacred pilgrimage. Birth is a beginning and death a destination and life is a journey, a sacred pilgrimage to life everlasting."

Thank you. (Applause)

U.S. Representative Bart Stupak: I am Bart Stupak, co-chair of the House Prayer Breakfast. In my sixteen years in the house this is the second time that I have had the honor to address you from the dais. Some things never change—the National Prayer Breakfast remains heavy on prayer and light on breakfast. (Laughter) As we join in fellowship, filled with the Holy Spirit, I ask that you remember two House members who were devoted to the Prayer Breakfast and who are no longer with us, Congresswoman Jo Ann Davis and Congresswoman Julia Carson. We miss them. Now let me turn the podium over to my co-chair, friend and colleague, Gresham Barrett of South Carolina.

U.S. Representative J. Gresham Barrett: Good morning. Two things—number one, we will not take up a love offering today and number two, we are here to feed your soul. If you want to feed the body with ham and grits and eggs we are going to the Waffle House after this, OK? I do concur with Bart on that. It is an honor to be here. Bart told me that being from South Carolina I tend to speak a little bit slowly, but if I speak any slower it will take all day so I will speed up just a little bit.

I want to tell you a little bit about what we do in the House during our Prayer Breakfast. It is a bi-partisan meeting. We meet every Thursday at 8 o'clock. We talk amongst ourselves with fellowship, with food, with laughter. We pray for one another, we pray for folks that we don't know. It is open to members and former members, sometimes we have foreign dignitaries. But the biggest thing of all is to be an encouragement to each other. That is a little bit about how we do it. The question is "Why do we do it?" And I can sum it up the best in Paul's letter to the Corinthians. I Corinthians 13:13: "And now abideth faith, hope and love, these three, but the greatest is love." We meet together because we love each other, we love our families, we love what we do, we love this nation and I believe that the one thing we can do that is stronger than anything is to love. If you don't take anything away from this Prayer Breakfast this morning, remember this: someone in this room loves you. And more important than that, someone up above has given us the greatest gift of love. Thank you for being here this morning and have a blessed day.

Senator Salazar: Thank you, Congressman Stupak and Congressman Barrett. Part of what we try and celebrate here as well is our nation's government and to pray for our nation's government. Certainly the judiciary is very much a part of our government and our democracy. This morning I am honored to introduce my great friend and one of the most distinguished jurists in the United States of America, the Honorable Judge Carlos Lucero of the 10th Circuit Court of Appeals. Judge Lucero practiced law in my native, beautiful San Luis Valley in Colorado and like my family Judge Lucero's family helped found the city of Santa Fe, New Mexico, the city of Holy Faith, back in 1598. For the last 12 years he has served with distinction on the 10th Circuit Court of Appeals. To lead us in prayer for our national leaders help me welcome Judge Carlos Lucero.

The Honorable Carlos E. Lucero: Good morning, Mr. President and Mrs. Bush. As Ken says, our families go way back and these early pioneers were sustained in their travels to what was to them the new world by this deep abiding faith and great sense of belief and commitment. Some of my earliest memories of my grandfather were before there was electrification—his sitting next to a window reading the Bible and caring deeply about his prayer. My parents hauling us children, as I am sure Ken's parents did as well, to go to these early old adobe churches of southern Colorado and northern New Mexico for their Te Deums. And it is really the parents of the United States, the great families who inculcate their children with a belief in God and with a belief in values and in prayer that are the genuine heroes of the United States. Back in the earliest of days the faith of these pioneers carried them. There was an early territorial governor of New Mexico who is said to have prayed at one time, "pobre Nuevo Mexico, poor little New Mexico" he said, "so far from heaven, so close to Texas." (Laughter)

As public officials all of us take the oath of office to support and defend the constitution of the United States. The American history flows back to those images of the President raising his arm and stating his oath. The rest of us too are required, constitutionally, to take our oath of office or affirmation, the constitution allows both, to support the constitution of the United States. My prayer today relates to seeking God's help in asking that the leaders of our country faithfully discharge our obligations and that we might have the providence of God, the Creator, in aiding us to do so.

Dear God, as each of us may worship you in the many creeds represented here today, my prayer is that you bless our country, our government, the President of the United States and his family, the members of the United States Senate, the United States House of Representatives, the Justices of the United States Supreme Court and the members of the federal judiciary and all of our families. I ask the blessings of God on the governors of the states, the state legislatures and judges, the mayors of our cities, the members of our city councils throughout the United States and all those who serve in public service, most especially on the officers and the men and women of the United States military who serve our beloved country and our beloved constitution so faithfully.

May the Almighty grant us the wisdom and sound judgment to discharge our constitutional oath with the clearest of conscience and that our every action on behalf of the people of the United States be true and loyal and faithful to you and to this document. I pray that the citizens of our country may be blessed with your Spirit and citizens of all races and creeds may forge a common bond in true harmony, to banish hatred and replace it with love, to banish bigotry and replace it with understanding and to safeguard the ideals of free institutions that are the pride and glory of our country and of this world. I pray that this land under your providence may be an influence for good throughout the world, uniting all people in peace and in freedom. I have a very brief reading from the Old Testament today that I would like to conclude my prayer with. One word of explanation in speaking to friends of many denominations in preparing for today's prayer—I learned that in the earliest days of the history of the Old Testament when the tribes went forth, there were no kings or leaders as such but the judges governed, so a rabbi tells me. Don't think that I am getting any ideas. I know those of us in the judiciary know what is buzzed about us but you have to have that understanding to have a deeper understanding of what the Old Testament means as it speaks of judgment because of the special ethics and requirements that were imposed on these earliest leaders. From the book of Deuteronomy chapter 1 verses 15–17:

"So I took the leading men of your tribes, wise and respected men, and appointed them to have authority over you—as commanders of thousands, of hundreds, of fifties and of tens and as tribal officials. And I charged your judges at that time: Hear the disputes between your brothers and judge fairly, whether the case is between brother Israelites or between one of them and an alien. Do not show partiality in judging; hear both small and great alike. Do not be afraid of any man, for judgment belongs to God."

And from chapter 6 verse 8 of the book of Micah:

"He has showed you, O man, what is good; and what does the Lord require of you but to act justly and to love mercy and to walk humbly with your God." Amen.

Senator Enzi: Historically, we have been honored to have a member of the United States military be a part of our leadership of this breakfast and today we go all the way to the top of the chain of command—Admiral Michael Mullen is the Chairman of the Joint Chiefs of Staff. He is joined this morning by his wife, Deborah. He was born in Los Angeles, graduated from the Naval Academy and has served our nation all over the world. To present our second reading from the Holy Scriptures, Admiral Michael Mullen.

Admiral Michael Mullen: Mr. President and Mrs. Bush, good morning everyone. It is great to see all of you and join you in worship this morning. I testified before Congress yesterday so believe me I know the value of prayer. (Laughter) The verse I would like to read is from the book of Philippians. It is short, powerful, poetic and concise. It reminds me daily in this time of war and great uncertainty of the things of which we must always remain certain. It speaks to me of the nobility of service to one another, to the nation and to a cause greater than one's self and it calls to mind the sacrifices of those who serve and of the families and loved ones who wait and worry and support those men and women in uniform who serve this noble cause. Philippians 4: 8,9 ". . . whatever things are true, whatever things are noble, whatever things are just, whatever things are pure, whatever things are lovely, whatever things are of good report, if there is any virtue and if there is anything praiseworthy, think on these things. Those things, which you have learned, and received, and heard and seen in me, do; and the God of peace shall be with you." Thank you.

Senator Salazar: I am delighted to introduce my good friend from Minnesota, Senator Amy Klobuchar. Her husband, John Bessler is with her this morning. In her short time as a member of the United States Senate she has become one of the stars of our Senate. With the values of the Iron Range and the sharp mind and tongue of a prosecutor she is the champion of the people of Minnesota. To lead us in prayer for world leaders, Senator Amy Klobuchar.

U.S. Senator Amy Klobuchar: Thank you, Senator Salazar, President Bush, Mrs. Bush, members of Congress, friends. It is an honor to be here today to share a prayer for our world leaders. Like so many who are gathered here today, my faith came from those before me. Their worlds did not stretch the globe like the leaders for whom we will pray today instead they lived in much simpler, humbler circumstances but they still had the courage to believe. My grandpa worked 1,500 feet underground in the mines in Ely, Minnesota and never graduated from high school but he saved money in a coffee can in the basement to send my dad to college. Up in Iron Range there is a rollicking collision of ethnic cultures from the Slovenians to the Serbs to the Croatians and to the Finns. My grandma and grandpa were Catholic and you could worship up on the range at polka masses held by an entrepreneurial polka priest, named Father Frank Perkovich. He did so well that he has been last heard of as a priest on a Caribbean cruise line. Prayer is needed everywhere. But my faith also comes from my mom who never learned to drive until I was in high school but who was bound and determined to get our family to church. Once a week she would load us into a cab, which was quite a sight in a middle class Minnesota suburb on a Sunday morning, and it was my job to say at the end of the drive to the driver, "add 50 cents please." I would be so nervous that I would forget to say this and deny the driver his tip that the entire way to church I would say in my head, "add 50 cents, please, add 50 cents, please." Today I can never go to church without thinking, 'add 50 cents please'. That I got from my mom. And, finally, my faith comes from my dad who became a popular newspaper columnist and an avid adventurer. He climbed mountains the world over but his faith was tested time and time again through his own battle with alcoholism. I watched him climb the highest peaks, but at times slip in the lowest valleys. He finally overcame it when in his own words, he was pursued by grace.

We bow our heads today, God, to pray that our world leaders may also be pursued by grace. God, in the Himalayas of Nepal there is a simple greeting that today we share as a simple blessing for our world leaders. When the Nepalese see a friend they bow their heads and clasp their hands and say, Namaste, which in its most spiritual translation means, "I praise the God that lives within you." God, in this time of year when an English poet once described it as the bleak mid-winter, we are experiencing world events that too often match that somber description. We pray that when our world leaders are confronted by religion used to divide us, they will find the God that lives within them to guide them to common ground in peace. God, we pray that our leaders find the God that lives within them to work together across borders to cure disease, confront hunger and poverty and offer hope to the children of the world. God, as the icebergs melt and the seas flood we ask that our world leaders listen to you and answer your call to care for your creation, to treasure the changing of the seasons and to remember the philosophy of the Ojibwe Indians that great leaders' decisions are not always made for today but for children seven generations from now. And, God, we know that leadership is sometimes a lonely place, wisdom is often illusive and making the right choice can be hard but we pray that when burdened with difficult decisions our leaders will heed the God that lives within them and find the best that is in our humanity, draw from the best of our history and instincts and enlist the energy of our young. To all our world leaders we praise the God that lives within you. Namaste. Amen.

Senator Enzi: I am proud now to introduce our speaker, Ward Brehm. I knew him before I ever met him. I was involved in the United States AIDS bill and was headed to Africa to see what could be done. I was given a copy of a book called "White Man Walking," written by Ward, telling of his effort to get to know the people of a continent face to face, step by step. As I read about how the Lord used Africa to change his life it changed mine. Ward serves as the chair of the board of the United States Africa Development Fund, a small agency with a very big job—that of making micro investments across Africa that build people up through emerging private enterprise. Ward's wife, Chris, is here with us at the head table as well. After I read his book I got to work with his confirmation in the Senate. I then got to work with him to increase the agency's budget. He encouraged and was successful in getting countries to match the monies. He found customers for products made in Africa without going through middlemen. He has traveled to Africa more than 30 times. Each time he has a prayer and a scripture for each day of his journey and several of us join him in prayer from the United States as he makes a difference in Africa. Did you ever wonder what would happen if you allowed the Lord to really get a hold of your life and use you for His purposes? Here is a pretty good example of what happens when a great God gets a chance to use a regular person like you and me. Ladies and gentlemen, my friend, Ward Brehm.

Mr. Ward Brehm: Thank you, Senator Enzi. I am deeply humbled by your introduction and proud to be able to call you my friend.

Most of you were probably surprised when you picked up your program and saw a speaker you have never heard of before. I want to tell you, you are not alone. One month ago, I sent in my registration to this breakfast and I was just hoping for a good seat. (Laughter)

My thanks also to the members of the Senate group for this opportunity. A good friend emailed me last night and said that if God was going to speak through me, I did not need to be nervous . . . God is the one who should be nervous! (Laughter)

My wife read to me from Scriptures last night that Jesus said when two or more gather in His name, He will be there. That is good enough for me!

My work has given me the high privilege of serving you, Mr. President, the American people, and above all, the poor in Africa.

The best way to help the poor is to help them not be poor anymore. The only way I know how to do that is through job creation, and the very best form of sustainable development is a steady paycheck.

It has been said that if you give a man a fish, you feed him for a day; teach a man to fish, and you feed him for a lifetime. But that is not the full story. If you want to eat for a lifetime, you need to own the pond.

So a bit of background . . . Despite that eloquent introduction, I am a recovering Type-A controlling businessman. I have been described even by people who like me as someone who is often wrong but seldom in doubt. I was a bit of a problem child growing up. In fact, my pastor since childhood, Arthur Rouner, recently referred to me as a ministerial long shot!

They say that if God wants to get your attention he will toss a little pebble into your life. If that doesn't work, He will throw a rock. As a last resort, He will heave a brick!

Africa was my brick. In 1994, Africa was not on my personal radar screen. In fact, the only significant thing on that radar screen was ME!

In the Los Angeles airport I bought a copy of Stephen Covey's book, The Seven Habits for Highly Effective People. I didn't buy it to learn anything, but just wanted to make sure that he got them all right. (Laughter)

I was intrigued by Covey's notion of paradigms: identical sets of facts can mean something totally different because of your world view.

Somalia was in the news at the time, and countless numbers of Africans were dying from starvation. I felt no real connection to this humanitarian crisis. My radar screen was full.

Paradigms usually change because of shock or trauma, but I wondered if it might be possible for someone to change their paradigm on purpose. I supposed that if I were to see people starving, it would change that paradigm and perhaps much more. The thought left me as quickly as it came.

But God sent me a reminder . . . One week later, I made one of my occasional stops at church . . . and my pastor, out of the blue, took me aside and said, "Ward, I'm going to Africa in two months, and I would like you to go with me."

I told him I couldn't believe the coincidence of his invitation given my recent reflections on Somalia. Then I said . . . "No!" (Laughter)

He looked at me in a strange way, and he said, "Would you at least pray about it?" I looked at him and said, "You're the pastor; YOU pray about it. I will THINK about it but suspect my answer will be." (Laughter)

He must have prayed hard . . . because two months later, I found myself in the Minneapolis airport with a ticket to Ethiopia in my hand. I was surrounded by (for the lack of a better word) church ladies. (Laughter) And they were hugging me . . . (Laughter) Then someone suggested that we pray before we departed, so I found myself outside Gate 8A, holding hands with a group of strangers. And as I stand here before the National Prayer Breakfast, I can honestly say I uttered my first heartfelt and sincere prayer . . . "Lord, don't let any of my clients see me!" (Laughter)

And then we flew twelve thousand miles to Africa, and a million miles from my comfort zone. I had the high privilege of having my heart broken. I saw poverty on an obscene level. Children with flies on their eyes and for the lack of a 50 cent medicine doomed to blindness, the emaciated faces of famine, families shattered by civil war. In Masaka, Uganda I held the hand of a 22-year-old mother as she died of AIDS and then turned to look directly into the faces of four brand new orphans.

I was an eyewitness. It put a face on the statistics. I always believed that those statistics were true, but now they become real. It got personal. . . .

More recently, I took a long walk with a warrior turned pastor friend, Lodinyo, deep into an unknown wilderness along the northern Rift Valley that divides northwest Kenya with Uganda. He took me to where they had never seen a person with white skin. When they first spotted me, they thought I was a ghost . . . a dead man walking. For a while, I thought they would be right.

I fasted for five days on this walk to experience real hunger, but had brought along protein bars in case of (as Lodinyo put it) an "emergency". At the end of this walk, I collapsed in a borrowed sleeping hut. When I awoke 13 hours later, I saw a little boy peeking through the door. While he was initially terrified, curiosity eventually got the best of him, and I noticed he was concentrating more on my stash of power bars than he was on me. He succeeded in snatching a bar, and immediately ran away. "Kids are the same everywhere," I thought, until I stepped outside the hut, and I found that little boy kneeling over his two-year old sister with a terribly distended stomach, feeding her tiny pieces of protein. . . .

Three months later, I was to learn that she died . . . another paradigm shift.

Now after more than 30 trips to Africa, the question that I have been asked more than any other by my African friends is "What do you pray for?"

Most of us among the affluent have too many things. Too much food, multiple cars, great health care, retirement, insurance . . .

It is only when things fall apart completely, and we are totally out of control that we feel totally dependent, and thus closest to God. Death, cancer, business failure, addiction, divorce, crises; these are the things that truly drop us to our knees.

All across the world, including America, things are continuously falling apart for the truly poor . . . They are always out of control, constantly living in crises mode, and thus dependent and faithful to God's own commandment that we love Him with all of our hearts. God is often all the poor have.

The leaders that God anoints are their only hope. And despite the often-horrific conditions that they live in, the poor are thankful for their very existence.

Scripture asks, "Hasn't God chosen those who are poor in the eyes of the world to be rich in faith and to inherit the Kingdom?" Yes, He has. I have seen it with my own eyes.

The question that I am asked by most of my American friends is, "Why cross an ocean to help people when you need only cross the street, to help your own?" It is a great question, and the answer is, of course, that we need to do both.

Solzhenitsyn said that disaster is defined by two things: magnitude and distance. So a small disaster close to home or a huge disaster faraway, results in what he describes as "bearable disasters of bearable proportion." We have become too good at "bearing." Our hearts should be broken by the things that break the heart of God.

Specifically in Africa, there are many faraway disasters of epic proportions. In 1994, in Rwanda, a country the size of Maryland, the political genocide claimed over 800,000 lives: 9,000 lives per day for 90 days. That is two

World Trade Center disasters per day for three months.

Today, in Darfur, Sudan, 1.5 million homeless. Thousands terrorized, raped and killed. AIDS is killing 4,400 people per day in Africa, and even more are dying from curable malaria. Epic disasters of epic proportions, far from home for most of us. We have hundreds today right here in this room from all around the world, our neighbors this morning, who experience these epic disasters close to home.

I do want to say while I have the chance with the President sitting right here. Very few people are aware that due to President Bush's commitment and the resulting partnership with Congress there has been an absolutely historic four-fold increase in American assistance to fight poverty and AIDS in Africa.

In 2003 there were 50,000 Africans on Anti-Viral medication and today there are over 1.5 million. I have not met a SINGLE person who hasn't agreed with this high calling.

Proverbs the book of Wisdom says "speak up for those who can not speak for themselves and defend the rights of the poor and destitute." You have been that voice and on behalf of the "least of these" in Africa as well as the collective American conscience, I want to say . . ."Thank you Mr. President." (Applause)

Do you remember when Jesus was talking to His disciples, and asked them when He was hungry, why they didn't give Him any food, and when He was naked, why they didn't give Him any clothes? And the disciples said something like, "Lord, we never did any of those things to You." I always thought (like most folks) that Jesus replied "Whenever you did this to the least of these, you did this unto Me."

Except that's not what He said. What He said was, "When ever you did this to one of the least of these, you did this unto Me."

How often do we forget the word "one."

It changes the meaning of what Jesus said completely. In our quest to be helpful, we can rob the poor of their dignity. In order to be of any help to the poor, we need to understand them, we need to know them, and we need to love them. They are not a group. The poor is not a species. They are identical to us in their hopes and dreams. They love their families and long for a better life. The only difference is that they are poor.

And people don't suffer and die in groups. It is one at a time. And each one of those deaths leaves an identical wake of agony to what you and I and our families would experience.

So what are we supposed to do with all this? How does this fit with our world, so different and so far away? Frankly, I am not sure, but we do have some clues. Jesus said, "The poor will always be with you." What an odd thing to say, especially coming from Him!

Jesus also said, "To whom much has been given, much will be expected." So maybe this is a test of sorts. If so . . . how are we doing?

I have heard stories similar to mine of peoples' lives being changed: from orphanages in Russia to inner-city schools in Minneapolis, from the slums of Calcutta to remote medical clinics in the mountains of Afghanistan, from the streets of Washington, D.C., to wretched prisons in East Asia. Indeed, all across the world people are answering Jesus' question, "Who is my neighbor?" And these people are finding themselves changed, engaged, and discovering meaning and relevance by being involved in things much bigger than themselves.

I believe that, deep down, most people would love to have God change their lives. Here's the thing: If asked, He will, every time, guaranteed. And while these changes may initially seem scary, they ultimately lay a foundation for a life lived on purpose rather than by default.

I will forever be indebted to Africa. Africa awakened me when I didn't even know I was asleep. I pray that everyone who seeks one will find a similar path.

I pray that each of you will find your own Africa. . . .

A few years ago my friend, Gary Haugen, asked me the most important question of all . . .

For those four orphans I was with in Uganda who watched their mother die of AIDS and were suddenly and completely on their own . . . For a twelve year old girl kidnapped and sold into slavery in rural India . . . For a single mom evicted and homeless on the streets of Washington, D.C. . . . For each one of them: What is God's strategy for letting them know that He's good?

For the mother in Ethiopia who sees her baby die of malnutrition—Why would she think God is good? And what is God's strategy for allowing her to know that He loves her?

The answer is astounding. The answer is . . . US!

Even more astonishing . . . He has no plan B. . . .

God bless you one and all. (Applause)

Senator Salazar: Thank you, Ward Brehm, for that inspirational message. Ladies and gentlemen and guests from around the world, it is my honor to introduce to all of you the President of our United States. We are delighted to see with President Bush his lovely and wonderful wife, Laura. (Applause)

For all of us gathered here today in Washington, D.C. we know that this is a funny town. If you only read the papers you would think the Democrats and Republicans simply never work together. The truth is since I first met the President several years ago we have had a friendship that has helped us work on issues that are important to our nation, including the issues of renewable energy and the issues of immigration reform. It is a friendship that is rooted in our shared love for our nation, our faith and our reverence for family. The President and I have spoken several times about the powerful impact that our fathers have had on our lives. Our dad's stories show how the American experience can send different people down different paths to fulfill truly the American dream. World War II inspired both of our fathers to don the uniform of their country. The American West inspired their love for open spaces and for the ranching traditions of our states. Their love of God inspired them to work long days in service to generations to come. And so here we are today, the President of the United States and a United States Senator from Colorado, bound by our service to our country, by our faith in humanity, and by our hope that we too will be heroes to our daughters as our fathers were to all of us.

Ladies and Gentlemen, the President of the United States of America. (Applause)

The President of the United States: Thank you all. Gracias, mi amigo. Thank you, friend. Laura and I are honored to join you all here for the 56th National Prayer Breakfast. There are a lot of reasons to pray and one of course is to strengthen us against temptation—particularly this morning, the temptation to stay in bed. (Laughter)

Obviously there are a lot of prayerful people here and I appreciate your warm welcome.

We have a lot of distinguished guests here today, members of Congress, military leaders, captains of industry. Yet at this annual gathering we are reminded of an eternal truth, when we lift our hearts to God we are all equal in His sight. We are all equally precious; we are all equally dependant on His grace. It is fitting that we gather each year to approach our Creator in fellowship and to thank Him for the many blessings He has bestowed upon our families and our nation. It is fitting that we gather in prayer because we recognize a prayerful nation is a stronger nation.

I appreciate Senators Salazar and Enzi. Thank you for putting this event on.

Madame Speaker, Leader Hoyer, Leader Blunt, thank you for being here.

I welcome the members of Congress. I appreciate the Heads of State who are here. Welcome to America, again.

I thank the members of the Diplomatic Corps who joined us. I appreciate the distinguished dignitaries, all the members of my cabinet—don't linger, get back to work. (Laughter) Admiral, thank you for your leadership. I am always proud to be with the members of the United States military. I thank the state and local officials. Ward, thanks for your remarks. Those were awesome. I guess that is a presidential word. I am proud to be here with Michael W. and Debbie, long time friends of our family. Thank you for lending your beautiful voice. Judge, I am not going to hold the Texas thing against you. (Laughter)

Every President since Dwight Eisenhower has attended the National Prayer Breakfast—and I am really proud to carry on this tradition. It is an important tradition, and I am confident Presidents who follow me will do the same. The people in this room come from many different walks of faith. Yet we share one clear conviction: We believe that the Almighty hears our prayers—and answers those who seek Him. That is what we believe; otherwise, why come? That through the miracle of prayer, we believe he listens—if we listen to his voice and seek His presence in our lives, our hearts will change. And in so doing, in seeking God, we grow in ways that we could never imagine.

And in prayer we grow in gratitude and thanksgiving. When we spend time with the Almighty we realize how much he has bestowed upon us and our hearts are filled with joy. We give thanks for our families, we give thanks for the parents who raised us, we give thanks for the patient souls who married us and the children who make us proud each day. We give thanks for our liberty and the universal desire for freedom that He has written in every human heart. We give thanks for the God who made us in His image and redeemed us in His love.

In prayer we grow in meekness and humility. By approaching our Maker on bended knee we acknowledge our complete dependence on Him. We recognize that we have nothing to offer God that He does not already have, except our love. So we offer Him that love and ask for the grace to discern His will. We ask Him to remain near to us at all times. We ask Him to help us lead lives that are pleasing to Him. We discover that by surrendering our lives to the Almighty we are strengthened, refreshed and ready for all that may come. In prayer we also grow in boldness and courage.

The more time we spend with God, the more we see that He is not a distant king but a loving Father. Inspired by this confidence we approach Him with bold requests, we ask Him to heal the sick and comfort the dying and sustain those who care for them. We ask Him to bring solace to the victims of tragedy and help to those suffering from addiction and adversity. We ask Him to strengthen our families and to protect the innocent and vulnerable in our country. We ask Him to protect our nation from those who wish us harm and watch over all who step forward to defend us. We ask Him to bring about the day when His peace shall reign across the world and every tear shall be wiped away.

In prayer we grow in mercy and compassion. We are reminded in prayer that we are all fallen creatures in need of mercy. And in seeking God's mercy we grow in mercy ourselves. Experiencing the presence of God transforms our hearts and the more we seek His presence, the more we feel the tug at our souls to reach out to the poor and the hungry, the elderly and the infirmed.

When we answer God's call to love a neighbor as ourselves we enter into a deeper friendship with our fellow man and a deeper relationship with our Eternal Father.

I believe in the power of prayer because I felt it in my own life. Prayer has strengthened me in times of personal challenge. It has helped me meet the challenges of the presidency. I understand now clearly the story of the calm in the rough seas. And so at this final prayer breakfast as your President, I thank you for your prayers and I thank our people all across America for their prayers and I ask you not to stop in the year ahead. We have so much work to do for our country. And with the help of the Almighty we will build a freer world and a safer, a more hopeful, a more noble, America. God bless. (Applause)

Senator Enzi: Thank you, Mr. President for that prayer for our country. We thank you for your presence here. This is the 56th consecutive time that a President of the United States has been at the National Prayer Breakfast, a tremendous and important tradition. Ladies and gentlemen, we would ask that you please remain at your places as the President and First Lady take their leave of us. And we do thank you for your presence, Mr. President, and the faithful way that you strive to carry the burdens of our nation. I know all of us want to join in saying we will pray for you and for your spouse and for your family that the Lord will give you success in your efforts toward the common needs of all mankind, which are life, liberty and the pursuit of happiness.

God bless you, Mr. President and Mrs. Bush. (Applause)

Mr. Smith: (Sings) ["Amazing Grace"] (Applause)

Senator Enzi: Thank you, Michael for the gift of worship as you do it so well through song. We're very grateful for all at our head table, the participants and the loving, thoughtful spirit that they have shared with all of us. I know that when I leave today, I will take with me the prayers, the scriptures, the words of our two speakers and try to remember that the word "one" is the important part to the least and that we all have the opportunity to do our part. I hope that God doesn't get too nervous when He is working through us. This has been an outstanding morning. We have shared with you a little bit of what our Wednesday prayer breakfast is like, it is the way we get filled up during the week and I hope this has helped to fill you today.

Senator Salazar: We hope you have all been encouraged. We hope you have been challenged. We hope you take the faith and hope and optimism and challenges that Ward Brehm has presented to us here today that not only in Africa, but in Latin America and all across this world that we work for a more perfect world and I am sure that this prayer breakfast will help us move along the way. Thank you to the 4,000 people who are here, to the millions around the world who are praying for us, to the 155 nations who are represented here knowing at the end of the day we are one human race. Thank you for coming this morning.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

PROGRESS IN IRAQ

Mr. GRAHAM. Mr. President, I want to take a few minutes to talk about the testimony given yesterday by General Petraeus and Ambassador Crocker regarding our progress and challenges in Iraq. I think it is important for the American people to understand and for our colleagues to understand that the surge of troops in Iraq that began in the early part of last year was a corrective measure, and that from the fall of Baghdad until January 2007, it was clear to me, Senator McCAIN, and others that our strategy during that period of time was not working; that we had too few troops; that the country got into a lawless state; that political progress and economic progress was virtually nonexistent. There was a paralysis when it came to the ability to govern in Baghdad: The economy was stalled; violence was spreading throughout the country to the point, in 2006, that the al-Qaida flag flew over parts of Anbar Province.

So there was a moment of reckoning. The President had a decision to make after the Republican losses in November of 2006. It was widely held that the reason Republicans lost in the midterm elections was because of Iraq policy. Secretary Rumsfeld resigned and the President had a choice. One of the choices would have been to adopt the strategy of withdrawing at a faster rate, the theory being to put pressure on the Iraqi military and government to perform better because they were not doing well because they were relying too much upon us. The other theory was that the security environment is so out of control and so tenuous that you will never have military, political, or economic progress until you get better control over security.

Well, the surge argument, advocated primarily by Senators McCAIN, LIEBERMAN, and others, won the day with the President. So it was clear that we needed to change strategy at the end of 2006, and we did. There is an ongoing debate about whether that was the correct choice. To evaluate fairly the testimony of Ambassador Crocker and General Petraeus, I think one has to look at what happened from January of 2007 up to today and planned out to July 2008.

During that period of time, there was a surge of American combat forces into Iraq of 30,000 additional combat troops. The security argument prevailed over the withdrawal argument. The troops were deployed in a significantly different way. Not only were there more of the troops, which was a requirement, General Petraeus came up with a new strategy. He got the troops out into the communities, at security stations, where American soldiers served with Iraqi soldiers and policemen within the community. That built a sense of confidence we had not seen before. At the end of 2006, something very startling happened in Anbar Province. Sheik Sattar, one of the young sheiks in the Anbar Sunni region, after part of his family was murdered by al-Qaida, came to an American colonel and said: We have had it, we want to fight with you. We want these guys out of Anbar. We don't want to be dominated by al-Qaida in Iraq. The commander seized the moment and put a couple of tanks around the guy's house. From that action by the colonel and the addition of combat forces, Anbar Province is a completely different place.

If you ask me what is the most successful event of all within the surge period of time, I would argue it is the uprising in Anbar Province by Iraqi Sunni Arabs against the al-Qaida presence in Anbar. They have rejected the al-Qaida agenda and joined forces with the coalition forces, American forces, and we have literally delivered a punishing blow to al-Qaida in Anbar Province—to the point now that Ramadi and Fallujah are some of the safest places in all of Iraq.

So for the American public to grasp what is going on here, I think you have to understand this one fact. When Arab Muslim people say no to al-Qaida and we will fight bin Laden, his agents, and sympathizers, that is a good day for America. That is what the war is going to be about conventionally, in terms of how we win. If the people in the Mideast turn on al-Qaida and they say no and shoulder the burden of fighting and create a community in place of al-Qaida's agenda that is more tolerant, more open, that will allow the Shia and the Kurds to live in peace; that will not try to pass on the al-Qaida philosophy and agenda to everybody surrounding the region. So this is incredibly good news from the surge, with the increased combat capability and the overplaying of al-Qaida's hand in Anbar; they were incredibly vicious to the people.

I have been to Iraq 11 times, and the stories that come out of Anbar Province while al-Qaida dominated the region are heart-breaking and bone-chilling. Now we have, in April of 2008, a completely changed Anbar Province, where we have over 90,000 Iraqis, called the "Sons of Iraq," patrolling their communities at night and during the day to make sure al-Qaida doesn't come back.

Iraq is a changed place in many ways. If you had to list the winners and losers of the surge, I argue that the biggest loser of all is the al-Qaida presence in Iraq. Any time al-Qaida is losing, we are winning. What has happened in that period of time? The economic progress in Iraq is real and is fundamentally different than it was before the surge. The reason I think we have had economic progress in Iraq is because, with better security, you can engage in commerce. It is hard to run an economy when you are afraid to go to work. It is hard to build a society when your children cannot go to school. The GDP growth in Iraq is about 7 percent, and inflation before the surge was at 66 percent. Now it is close to 12 percent, and dropping. The oil production is up by 50 percent. Electricity demand is up by 25 percent.

We have economic progress in Iraq that is showing signs of a vibrant country moving toward normalcy. We had a budget path in Baghdad by the Iraqi Parliament, where Sunni, Shia, and Kurds took the $48 billion of revenue that the central government has under their authority and shared it with each province and each and every group within Iraq. What does that mean? I think most political leaders in America would tell you that money is political power. In our minority status as Republicans, the Democratic majority gives us an allocation to run our staffs and participate in committee activity. We share the resources of running the Senate. We sit down and say the Republicans get this and the Democrats get that. That is a recognition that we may disagree with, but we all have a vibrant role and we need the resources. The fact that the Shia, Sunni, and Kurds were able to come together and allocate resources owned by the country as a whole to each and every group is a major step forward. It would not have happened a year and a half ago. It is a buy-in by every group that Iraq is a separate country with a common identity. When you can get all three groups giving the resources of the country to each other, that is a buy-in to win Iraq.

There is more than that. An amnesty law was passed about 90 days ago. That means there are thousands of people in jail in Iraq—mostly Sunnis—who were captured in part of the surge and some before—that were taking up arms against the central government. These Sunnis in jail didn't want to participate in democracy. They ran the show under Saddam Hussein. Even though they were a minority in Iraq when Saddam was in power, they ran the show. They had an uprising, using violence to get their way, to topple the government. They landed in jail. One thing history will tell you and teach you, if you follow it closely, is that there will never be a reconciliation of a country that is divided ethnically or politically until there is a level of forgiveness. Reconciliation is a word, and it means nothing without action. The amnesty law was passed by the Shia, Kurds, and Sunnis, and it gave the people in jail who were captured as part of the Sunni insurgency a chance to be released and to start over again. There have been 24,000 applications to be released from jail under the amnesty law and 17,000, I have been told, have been granted.

That is a statement by the Shia and the Kurds who were on the receiving end of the violence to the people in jail, saying: Go back home. Let's start over as a new country. That, to me, is an act of forgiveness that is a precondition to reconciliation, and it would not have happened if there had not been a surge in the reduction of sectarian violence.

I see my good friend from Arizona.

Mr. KYL. I wonder if I might interrupt the Senator to ask a couple of questions.

Mr. GRAHAM. Please.

Mr. KYL. I think the Senator from South Carolina makes an exceedingly important point here, and that is that our theory, which was that the Muslim world itself had to reject this virulent, militant Islamist approach, which is manifested in the terrorism of al-Qaida; that until the Muslim world itself turned on those militants, those terrorists, it would be difficult for the West itself to actually defeat terrorism. It could pose a defensive posture, but it would not be defeated. What the Senator from South Carolina has said is what we are now seeing, as a result of the American support for the Iraqi people: A, a unification of the Iraqi people and, B, importantly, a rejection of this militant Islamist terrorism to the point that they are now joining in the fight and have something invested in that in terms of their country.

The question I want to ask has to do with how all of this relates to American security. Yesterday, Senator WARNER asked both General Petraeus and Ambassador Crocker whether, as a result of the success of the surge—and a key point that the Senator from South Carolina made, that now the Iraqi Muslim population was itself fighting to excise this cancer from the region—whether this fact does translate into America being safer. I wonder if the Senator could comment on both General Petraeus's response to that and Ambassador Crocker's response, and the Senator's own extensive experience and what his comments on that would be.

Mr. GRAHAM. I asked General Petraeus that very question. He said that anytime Muslims would take up arms against al-Qaida, it is marching toward the solution America has been seeking. I think General Petraeus, myself, and Senators KYL and LIEBERMAN understand this war is not just about killing terrorists; this is about supporting moderation where you can find it, isolating the elements within the region.

If you had to put a list of extreme elements together, al-Qaida would be at the top. To those men and women who have participated in the surge and stood by the Anbar Iraqis who turned on al-Qaida, I think you have made our country safer. To the Iraqis who took up arms against al-Qaida, I think you have made Iraq safer and the world safer.

Mr. President, my question back to the Senator from Arizona, if I may, is, from his understanding of what was said yesterday, what can the Congress do, rather than criticize, what constructively can we do as a body to support those in harm's way and make sure we leave Iraq with a successful outcome?

Mr. KYL. Mr. President, that is an extremely important question because there is a lot of rhetoric about this war. The question is, What is the action line here, what can Congress do? Actually, it is a question of what Congress must do.

As I understand it, looking at General Petraeus's testimony, he was very adamant that Congress needed to pass the supplemental appropriations bill that will actually fund the troops in the field. This money was requested over a year ago. It represents a little over $100 billion.

According to his testimony, it is critical not only to the military needs but also he importantly talked about the Commander's Emergency Response Program, the State Department's Quick Response Fund, and the USAID programs.

The Senator from South Carolina was talking a moment ago about this two-part process, not only the political reconciliation but the economic reconstruction of the country.

General Petraeus himself, who clearly wants to get the troops funded, noted the interrelationship of the funding to help reconstruct the country, as well as to support the troops.

We are very soon going to be in a situation, according to Secretary Gates, where the Armed Forces are going to have to allow money to be borrowed from their regular operational accounts to fund the operations in Iraq and Afghanistan. He said the results of that would be a slowdown in training and equipping Iraqi forces, the halting of military operations and pay of defense personnel, and losing the ability to replace lost and damaged equipment by ongoing operations and, finally, that some operations simply would not be started because they will not know in advance that the funding will be there to complete the operation, something with which I am sure no operational commander in the field would want to live.

My understanding of his testimony is he very strongly urged the Congress to quickly pass the supplemental appropriations bill so the troops in the field can be funded and do the mission, after all, we have sent them to do.

Mr. GRAHAM. Mr. President, I see our colleague, Senator LIEBERMAN, is on the floor. If I may, I wish to direct a question his way.

One of the themes of the testimony from General Petraeus is that after the surge has progressed to this stage, the biggest threat to Iraqi stability is no longer al-Qaida or sectarian violence but special groups trained by the Iranian Government sent back into Iraq to destabilize this effort of moderation.

Mr. President, can Senator LIEBERMAN tell us his take on Iran's involvement and where he thinks we need to go as a nation?

Mr. LIEBERMAN. Mr. President, I thank my friend from South Carolina and also my friend from Arizona.

This is a very important question, and I thought it was a very compelling part of the testimony offered both by General Petraeus and Ambassador Crocker yesterday. If I may approach this by going back to the colloquy between my two friends earlier, they put their finger on a very important point. Let me go even a little further back.

After 9/11/01, after we were attacked, one of the insights we had was there is a violent civil war, both theological and political, going on within the Muslim world between a small group of fanatics, violent jihadists and the rest of the Muslim world who are pretty much like the rest of all of us. They want to live better, freer, more opportunity-filled lives for themselves and their children.

We went into Iraq to overthrow Saddam Hussein. We are there now to essentially help the Iraqis—and remember, Iraq is not just another country. It is one of the historic centers of the Arab world—to help this great country and its leaders and people to take hold of their own destiny and, in doing so, reject the extremists, the jihadists, the suicide bombers, and create for the Muslim world a different path to the future than the extremism and suicidal death and hatred and primitivism that al-Qaida, the current leadership of Iran, and others of that sort present to them.

Part of what the testimony yesterday, I think, from Ambassador Crocker and General Petraeus said is that thanks to the backing of the United States through the surge, the Iraqis are taking control of their destiny.

As my colleagues pointed out, the moderates are winning. They have al-Qaida on the run out of Al Anbar Province. The businesses are reopening. The children are going back to school. They have hopes of a better future.

One of our colleagues on the Armed Services Committee said to General Petraeus: What is going on here? I thought we were in Iraq to fight al-Qaida. Now you are telling me we pretty much have beaten al-Qaida, we have them on the run, and now you are telling us we are there to fight Iran.

That question missed the point, the point my colleagues have made in their colloquy. The point is, we are there for an affirmative reason. We are there to help the Iraqis establish a self-governing, self-defending moderate country, an antiterrorist country. We do have al-Qaida on the run, but as the two witnesses made clear yesterday, Iran is not on the run. In fact, Iran is an expansionist, fanatic power not only working through these special groups in Iraq but through Hezbollah in Lebanon and through Hamas in the Palestinian areas. They were tremendous statements yesterday, very strong.

Ambassador Crocker:

> Iran continues to undermine the efforts of the Iraqi Government to establish a stable, secure state.

This takes me—and then I will yield back to my colleagues—to what seemed to be the frustration of some of our colleagues on the committee yesterday. They were trying to get General Petraeus and Ambassador Crocker to tell us again: We are going to get all our troops or most of our troops out by X date. Fortunately, General Petraeus and Ambassador Crocker are not accountable to political calculus. They have been given the responsibility for this mission. They have American lives on the line. They have lost American lives.

The answer General Petraeus gave us is clearly the right one: I wish I could tell you how many brigades more I can pull out after July, but I can't until I see what conditions on the ground are. Maybe I can bring out some more, but maybe I can't. If I do it prematurely, we will run the risk of chaos and a loss of all we have gained in Iraq; frankly, a disrespect of the lives of Americans who have been lost there. Their families and loved ones always tell us: Don't let them to have died in vain. The No. 1 winner, if we pull out prematurely, would be Iran. They are all over Iraq. They have their hands in just about everything.

If we leave and chaos ensues, as Ambassador Crocker said yesterday:

> Iran has said publicly it will fill any vacuum in Iraq, and extremist Shi'a militias would reassert themselves.

We cannot let that happen. I thank my colleague.

Mr. GRAHAM. Mr. President, I think our time expires in the next 5 minutes. I will quickly wrap up my thoughts and ask my colleagues to comment.

People want to know when we are going to come home. Trust me, if you have been to Iraq at all, if you spent any time with our men and women in uniform, you want them to be with their families and out of harm's way in the most desperate way.

The point I want people to remember is these are all volunteers. Some have been there two, three, four times. They make one simple request to me as a Senator: Take care of us, but support us so we can win. The reason they go back time and time again is they understand the consequences to our Nation if we lose.

So if you want to take stress off the military—and don't we all—the best stress we can take off our military is the stress of not knowing if they are going to be allowed to win.

I hope colleagues in this body will respect General Petraeus's reasoned opinion and give him some deference because I think he has produced results that will go down in history as one of the most successful military counterinsurgency operations anywhere on the planet and give a little deference and respect to Ambassador Crocker, who has put together political progress under the most difficult circumstances, where the Iraqis are seeing each other now not as enemies but as partners in an endeavor to create a better life for themselves, to live at peace with their neighbors, and to make the whole world safer against extremism.

When we come home is not the question for the ages. It may be for your next election and it may be about your political future; that may be the way you are looking at it or it may be about the Republican Party's political future. It is not that way for me, Senator MCCAIN, or I think anybody else, certainly not for Senator LIEBERMAN.

The question for me, the question for our Nation, and the world over time is, What did we leave behind? I am more confident than ever that we can leave behind, in the heart of the Mideast, in the center of the Arab world, a group of people called Iraqis, who will be our friends for a long time to come, will contain Iranian expansionism, and will continue to be al-Qaida's worst nightmare. That day is coming. The only way we can lose now is for Congress to undercut it.

To Senator KYL, how important is it for the Congress to pass a supplemental without strings attached?

Mr. KYL. Mr. President, I say to my colleague there are going to be efforts apparently to hold this war funding hostage to other funding requests. For example, one of our colleagues said we are going to look at the supplemental not only for the $190 billion for the war—by the way, that figure is incorrect; it is $102 billion—but also what we can do on this bill for summer jobs programs.

I submit it is important to fund the troops because we have sent them on a mission. They volunteered, and they deserve our support. We should not threaten to withhold that support unless there is also funding for other programs that have a far lower priority than the security of our troops and the security of the United States.

I will also add one other point. In reading from what General Petraeus said yesterday and focusing right down on the American people, it is clearly in our national interest, he said, to help Iraq prevent the resurgence of al-Qaida in the heart of the Arab world. Both he and Ambassador Crocker said it is worth it to the United States that the success there is making us safer here at home. That is what it all gets back to, when folks say we need to have supplemental funding on other programs. This is making us safer at home.

I will conclude. I want my colleague from Connecticut to comment for a moment, and the Senator from Tennessee also wanted a couple minutes at the end of our time. I assured him we would have a of couple minutes. We may have to ask for an extra minute or so.

Mr. LIEBERMAN. Mr. President, I thank my friend. Briefly, I recount a conversation with a friend of mine this morning. He said, watching the hearings yesterday, that he thought those who have been critical of our effort in Iraq seemed quite restrained yesterday. I said they were, and I think it is because the record General Petraeus and Ambassador Crocker were giving us was one of remarkable progress militarily, politically, and economically. It was hard to criticize, so the criticisms were kind of around the side: Why can't you tell us when we will get out exactly? Why didn't President Maliki consult more before he went south?

What I wish is that our colleagues had accepted the facts General Petraeus and Ambassador Crocker gave us of the extraordinary progress in Iraq, which is very critical to our security because it creates a victory for the moderates, the good guys in the civil war within the Islamic world, and it protects our security in that sense because, remember, it is the fanatics who killed 3,000 of us on 9/11.

Let's hope for another day when there will be an agreement on the facts, and maybe we can get together to figure out how we can accelerate progress in Iraq so what all of us want can happen, which is we bring as many of our troops home as quickly as possible, with honor and after success. What can Congress do? I would say two things, after listening yesterday. One is to pass a supplemental. The second is to stay out of the way and not force our military and diplomatic leaders to snatch defeat from the jaws of victory. Don't impose deadlines.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRAHAM. Mr. President, I ask unanimous consent that Senator ALEXANDER be recognized for 3 minutes to celebrate a big event for the State of Tennessee.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Tennessee is recognized.

CONGRATULATIONS TO THE LADY VOLS

Mr. ALEXANDER. Mr. President, I thank the Senator from South Carolina for his courtesy, and the Senator from Arizona as well, and I note the presence on the floor of the Senator from Illinois and the Senator from Connecticut as well.

I am sure a great many of the men and women of our Armed Forces, over the last few days, have been watching basketball when they could, and yesterday I expressed my pride in the University of Memphis Tigers, how they got to the finals of the NCAA Men's Division in basketball only to be defeated by a very good Kansas team. Well, today I have even better news. Last night, the University of Tennessee Lady Vols won their eighth NCAA women's basketball championship. They defeated an extraordinarily good Stanford team.

The Tennessee team has very good players. The Senator from Illinois, Mr. DURBIN, and I talked earlier this morning about Candace Parker from Illinois, from his home State. She may very well be the best woman college basketball player already. She is likely to be the first in the draft today of the WNBA, and this is her last year. She has graduated and has played 3 years.

There were four seniors who played. But even though there were extraordinary players, this one has to be about the coach as well. Pat Summitt has won national championships so often, she has made it look easy. She won last year as well as this year. She has won back-to-back championships before. She has won 983 games. This has been remarkably difficult. In her 34 years, she has dominated women's basketball. She has defined it. But she has also helped it with her spaghetti suppers for visiting players, with her encouraging other coaches, with her patience with the news media. She has shown her willingness to change, visiting with Phil Jackson about what offense to put in; to react to disappointment, playing with her superstar, the young woman from Illinois, Candace Parker, who was playing her last two games with a dislocated shoulder.

What I like best about the Lady Vols is not their winning streak over the years, it is the example they set. When I was president of the University of Tennessee, which was 15 or so years ago, I would proudly tell everyone that Pat Summitt and her teams have not only won championships, but their players graduated. It was true then and I believe it is true today that every single young woman who has played basketball for Pat Summitt for 4 years has graduated from the University of Tennessee. Pat Summitt not only requires them to go to class, she says: You go to class and you sit in the front row. I want the professors to know you are there.

Just a glimpse of Coach Summitt and her young players on national television is the best possible advertisement for the University of Tennessee that I can imagine. If Pat Summitt were the conductor of a symphony, one would say she has mastered the crescendo because she always plays the toughest schedule, but somehow she has learned as a coach to get the most out of her team, to have them playing the best as they get to the NCAA tournament, as they get to the Final Four, and as they get to the championship game, as they have so often.

So congratulations to the players, Parker and Hornbuckle, Bobbitt and Anosike and Auguste—those are the young women who played their last game last night. But special congratulations to Pat Summitt, whose remarkable career reminds us of what a mirror of the best of our society can look like.

I thank the President.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. Of course.

Mr. DURBIN. I wish to address a question through the Chair, although it is more a comment.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. And I would like to join with the Senator from Tennessee. We did speak this morning about that great game last night, and great praise to Stanford for yielding a wonderful squad and great players, too, and making it all the way to the finals. But a special praise to Pat Summitt and the Lady Vols from Tennessee. We had a special interest in the team because of Candace Parker. She is an extraordinary young woman, and watching her play with that physical challenge of her dislocated shoulder was an indication not only of her skill but of her courage.

When one of the players on the Tennessee team was injured toward the end of the game, you could sense the team feeling. There were tears running down the cheeks of fellow players. There was the sense of such a close-knit unit. That says a lot about them and an awful lot about their coach.

When we get into debates here on the floor of the Senate about title IX and women's athletics, I hope we can invite someone like Pat Summitt, someone like Candace Parker, and others to come and tell us what a transformative experience it has been for them to participate at this level of sport and to really achieve so much, not only on the court but in their lives, and I salute the Lady Vols.

I congratulate the Senator.

Mr. ALEXANDER. I thank the Senator from Illinois for his friendship, and we both admire a great coach and a great team and a great performance, which we saw last night.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, it is my understanding the majority now has 30 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

IRAQ

Mr. DURBIN. Mr. President, the country is consumed with the appearance this week of General Petraeus and Ambassador Crocker from Iraq. This is our annual report. Companies make annual reports. People like Warren Buffett call in to Omaha, NE, to shareholders of Berkshire Hathaway to talk about the state of his corporation and what the prospects are of the future. It has become an annual occurrence here on Capitol Hill that the two leaders from the diplomatic and military side come and make their report to Congress.

This is indeed the beginning of the sixth year of this war. This war in Iraq has lasted longer than World War II. By the end of this summer, it will have lasted longer than World War I and World War II combined. We have lost over 4,000 of our best and bravest, our men and women in uniform who have given their lives in this conflict—30,000 injured. Many with permanent injuries have returned from this battlefield.

Our military has been stretched to the absolute limit. There is no doubt in my mind that the U.S. military is the best in the world. You only have to meet them, you only have to understand the challenges they have faced and the success they have shown to know that. But it troubles me that in the midst of this debate about how long we can stay in Iraq, we are actually saying: How long can our military stay in Iraq with the support of the American people?

An honest appraisal of the American military today, in the sixth year of this war, will tell you they have paid a heavy price beyond the deaths and injuries. There is a serious challenge facing our military. The leaders—General Cody, who testified just a few weeks ago, and General McCaffrey—have told us that Iraq has pushed the U.S. Army to the breaking point. That is a sobering appraisal by the military itself of what this war has done to our great military.

Just the other day, the Army reported increased stress, anxiety, and depression for 27 percent of soldiers returning to Iraq for a third and fourth tour. Those of us who have been there to meet with soldiers, as I have on three different occasions, will tell you that these extraordinarily long deployments of our soldiers are virtually unprecedented since World War II, and they have taken their toll.

Our soldiers today are usually married. In previous wars, they were not. So they go to battle remembering that they have left behind spouses and children. On a daily basis, they are in contact by e-mail. They know if the car doesn't start. They know when the baby has to go to the doctor. They know when there is a problem paying the bills. They know it in real time.

In addition to the stress of being in battle and in combat, they have the added stress of separation from their families and the knowledge that for many of them it will be 15 months in deployment before they can come home.

A lieutenant colonel from Georgia, a career man, said to me as I left: Senator, we have to do something about these deployments. They are just entirely too long. And the period between deployments isn't long enough. He talked about leaving Georgia with his daughter in the fifth grade and returning after his deployment to find her in the seventh grade. He missed a year of her life.

He also talked about the fact that bringing these troops home for a year or sometimes even less before they are sent away again doesn't give them time to rest, to reunite with their families, to be reequipped, retrained, and to bring in new recruits and integrate them into the unit. We turn them around so quickly because this administration, and those who support it, look beyond the obvious, take for granted that the military will be there time and time again, and pursue a foreign policy which, sadly, has been a misguided policy from the start.

I will recall that evening as long as I serve in this body, in October of 2002, when we cast that fateful vote to give President George W. Bush the authority to invade Iraq, an authority which he used. It was a historic night and a sad night for many of us. Twenty-three Senators, 1 Republican and 22 Democrats, voted against the authorization to invade Iraq. I recall that evening believing that this President was poised and prepared and ready to go into Iraq. He had misled through statements—inaccurate statements. The American people were misled about the circumstance involving that invasion.

Do you recall the fear we had? We were told about weapons of mass destruction—biological, chemical weapons, nuclear weapons. We were told Saddam Hussein was somehow linked to the terrible tragedy of 9/11. We were told his continued presence in the Middle East made it more dangerous for Israel, for many of our closest friends and allies. We were told he was developing predator aircraft that could be sent in remote ways to drop these weapons of mass destruction all around the Middle East, if not beyond.

Virtually every one of those statements made by this administration prior to the invasion of Iraq was wrong, inaccurate, and was proven to have been false. America was misled into this war.

That does not diminish in any way the bravery and courage and determination of our troops, but it says that the policymakers, many of whom are finally going to leave the scene in a few months, have to accept the verdict of history that they were wrong. They were wrong to lead us into this war, and the price we have paid has been a heavy price for that deception and that mistake.

They come now and tell us that even if we were wrong getting into this war, even if it lasted far longer than anyone anticipated, even if the cost of this war in human lives and actual dollars went dramatically beyond anyone's expectation, we have to "stay the course." We have to stay the course. How many times have we been told by these military leaders and by the President that when the Iraqis are prepared to stand up with their own defense force, America's troops can stand down? I have heard that until I am weary of it.

Years ago, when I went to Iraq, I was greeted then by General Petraeus, who was not in charge but was part of the leadership there, and he took me off for a little exercise at the airfield to show me what the troops were doing—the Iraqi troops. I couldn't tell you whether it demonstrated skill or not. I am not an expert in military deployment by any means. But a handful of Iraqi soldiers, whose faces were hooded so they couldn't be identified by other Iraqis, went through the routine of a drill. I suppose it was undertaken to impress us. It didn't. I thought to myself: I will believe the Iraqi military has really reached the point of professionalism when they start replacing American soldiers and American soldiers start coming home.

Year after weary year, we have invested millions and millions of dollars in the training of their soldiers and their police. Yet 140,000 of our soldiers are still rising this morning and every morning risking their lives for the people of Iraq.

I sometimes wonder if the Iraqi people have really come to the basic conclusion as to whether they are a nation worth fighting for. I do not know the answer to that. When you hear what is going on in Iraq recently, where 1,000 Iraqi soldiers turned and deserted in battle, it is not encouraging. It tells me that despite all the time, all the money, and all the bloodshed, this war continues unabated.

I know now that many want to see this administration leave and hand over the quagmire of Iraq to the next President. That next President, whoever that person may be, will inherit two wars from this administration—in Iraq and Afghanistan—a recession, a situation where health care across America is in crisis, an energy challenge the likes of which we have never seen in this country, an environmental challenge of global warming that challenges not only our Nation but the entire world, entitlement programs such as Social Security and Medicare on the ropes, and, unfortunately, a country that needs real leadership. That is the legacy of the Bush administration.

For General Petraeus and Ambassador Crocker to come before us and talk about staying the course for another 9 or 10 months, to me betrays the obvious. We have given the Iraqi people more than any nation can ask, in terms of human life and treasure. It is estimated that the total cost of this war will be somewhere in the range of $3 trillion. What could we have done with that money in America had it been spent for America's strength? Just imagine: We could have provided 5.7 million Americans with health coverage each year since the war began, hired 430,000 new teachers across America, built 1 million units of affordable housing, and provided 4-year scholarships at State universities for 4.7 million students. Instead, the money has been sunk in Iraq.

Just so the record is straight, the Iraqis are not paupers. They have bountiful sources of oil that they sell. While we labor with one of the largest deficits—in fact, the largest deficit in the history of the United States, a debt, a mortgage we are passing on to our children—while we labor with that and are asked by the President to send another $100 billion into Iraq with the next request coming in just a few days, the Iraqis today have a surplus in their treasury of over $25 billion. We are sacrificing in America to send money to Iraq to rebuild their country while they are building a surplus in their treasury from their oil revenues. What is wrong with this picture? There is no earthly explanation for that, and it is a fact.

I think, too, of what this means in the long term for the next President. That next President is going to inherit a terrible situation, finding an honorable way out of Iraq. I notice when the Republicans refer to that they always talk about a precipitous withdrawal. No one is calling for that. But the Democratic candidates for President are talking about bringing our troops home. I do not believe there is any other way for the Iraqis to be convinced that this is their nation and their future and their responsibility. As long as they can dial 9–1–1 and order up the best and bravest soldiers in the world to come from America and defend them, they are not going to accept their responsibility and do what is necessary.

Meanwhile, our military is devastated by this war. West Point-educated officers are leaving the Army in record numbers. Between 2001 and 2004, there was a doubling of the Army's divorce rate and a dramatic increase in suicide among the members of the military, particularly from the National Guard. In addition to that, we know we are waiving requirements for recruits. One out of eight new Army recruits has a criminal record, some with serious charges. We are lowering the requirements for basic education to bring in recruits. We are offering thousands of dollars to 19-year-olds fresh out of high school if they will just sign up to be in the Army. That is not good for the future of our country. It is not good for the future of our military.

We know that an estimated 90,000 Iraqi civilians have been killed, and maybe more, innocent people caught in the crossfire of a war. We know there are literally millions of Iraqi refugees, and shamefully the United States has been unwilling to even accept Iraqi refugees who have risked their lives for our troops and our safety. It is just unconscionable that countries around the world are accepting these refugees and the United States, which has needed them and used them, refuses to accept them. It is a fact.

We have dangerously emboldened Iran, which is moving closer to the development of nuclear weapons with this morning's announcement. In fact, it was actually Iran that helped broker an end to the recent violence in Basra.

If this invasion of Iraq was determined to show the strength of the United States, it is hard to show while we are still there 6 years later with no end in sight. If this invasion of Iraq was designed to diminish the power of Iran in the Middle East, it is hard to believe anyone could make that assertion today, with proof to back it up. That is the reality of what we face.

When I hear Senator MCCAIN and Republican leaders talk about staying the course, I understand—and I hope Americans do—that we need to change the course. We need to change the direction of this war. We need to start to bring our brave soldiers home to the victor's welcome they deserve. We need to start to say to the Iraqis: Stand up and defend your own country. We need to start extricating ourselves from Iraq so this money we are now spending to build Iraq and make it stronger can give us strength right here at home. Instead of creating jobs in Iraq, we should be creating good-paying jobs right here in America, jobs that can't be outsourced, jobs that make a decent paycheck with benefits and health care and a promise of a good pension. We should be investing in this country's schools, in this country's hospitals, in this country's infrastructure, and the Iraqis should use their oil revenues to strengthen their own country and come together and make the hard political decisions which they have avoided.

I will close and turn it over to my colleague, Senator CARDIN from Maryland, by telling you that the debate will continue, and in a few weeks the President's supplemental request will be before us. It is another opportunity for us to engage this Chamber in a debate. I know and we all know that the majority of Republicans refuse to join us in talking about the change in direction in this war. We know as well that this President will veto anything that changes his policies. He is determined to leave office with Iraq in the same condition that we know it today, with no change in basic policy before us.

The time is coming and coming soon—in November—when the American people have the last word. Finally, after 4 years, they get a chance to speak. They get a chance to pick a leader, to change the direction of this country in the right way, to make certain we have economic policies that build America and make it stronger—our families and our businesses—and to make certain we have a new policy in Iraq which really focuses on capturing Osama bin Laden, beating back the al-Qaida wherever they are found—in Pakistan or Afghanistan—making America safe from terrorism, and stopping what has been a longstanding and negative impact of this President's policy in Iraq.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Maryland is recognized.

Mr. CARDIN. Madam President, first, let me compliment and thank the assistant majority leader, the Senator from Illinois, for his consistent comments with regard to the U.S. role in Iraq. He has made it clear that the U.S. interest has not been served by these last 5 years, that we have lost our focus on the war on terror. As he pointed out, we have real concerns, internationally, about terrorism, and we have been distracted, particularly in Afghanistan, because of the focus on Iraq.

He pointed out very clearly that the United States has invested so much—the lives of our soldiers, the cost to the taxpayers, those who have come back wounded. And what have we done this for? These soldiers deserve the right mission: that we concentrate on dealing with the war against terror, that we have the Iraqis take responsibility for their own country, particularly in the midst of civil war. A lot of this is just Iraqis fighting Iraqis—Shiites fighting Shiites for power—and the United States has sustained fighters on both sides, in some cases. This is so counterproductive to U.S. interests.

I congratulate the Senator and thank him for continuing to bring out these issues. We hope in the next 10 months there will be some changes. We also understand we have to transition to a different mission, considering the type of sacrifices that have been made by our troops and the taxpayers of this country. I thank him very much for his leadership.

Madam President, I was part of the Foreign Relations Committee yesterday when General Petraeus and Ambassador Crocker testified before our committee. When I had the time, I started to thank, on behalf of the people of Maryland, General Petraeus and Ambassador Crocker and all the soldiers and all the diplomats who have served in Iraq. They have served with great distinction. I am humbled by their skills and sacrifices. I acknowledge the tremendous sacrifices that have been made by their families. But I must tell you, they deserve the right mission, what is in the best interests of the United States. How should we judge that progress? It is an interesting point, as to whether we have made satisfactory progress in Iraq.

Let me go back to January 10, 2007, when the President brought forward his "New Way Forward in Iraq." His own words were that:

> If we increase our support at this crucial moment, and help the Iraqis break the current cycle of violence, we can hasten the day our troops begin coming home.

One of the reasons for the surge was to reduce our troop levels. But if we look at the presurge troop levels, it was 132,000 Americans; at the height of the surge last July, 160,000; and today, we have more than 140,000. We learned yesterday that General Petraeus believes we will be at that 140,000 level for the indefinite future, that there cannot be a commitment made at this stage to reduce our troop levels below 140,000. So at the end of the day we have more troops in Iraq rather than less.

The President stated in that same speech:

> Over time, we can expect . . . growing trust and cooperation from Baghdad's residents. When this happens, daily life will improve, Iraqis will gain confidence in their leaders, and the government will have the breathing space it needs to make progress in other critical areas.

As a result of that, benchmarks were established—not by the Congress, benchmarks were established by President Bush and his administration with the Iraqi Government. When you look at the progress we have made—let me use General Petraeus's comments that he made:

> No one [in the U.S. or the Iraqi government] feels that there has been sufficient progress by any means in the areas of national reconciliation or in the provision of basic public services.

Only 3 of the 18 benchmarks have been satisfactorily met. The circumstances on the ground in Iraq are unsatisfactory. Iraqis are not getting the basic services they need.

I questioned Ambassador Crocker, and following up questions that I posed to a panel we had last week before the Foreign Relations Committee, a panel of retired generals, experts in this area, and that was: Can you name a national leader in Iraq who is willing to step forward to provide the type of leadership, make the necessary concessions so that you can have a government in Iraq that has the confidence of its people? Because that is what we need to make the political progress. No one could mention a person's name. Ambassador Crocker said—and I used the examples of South Africa and Northern Ireland, where you had people willing to step forward—Ambassador Crocker said:

> There is no Nelson Mandela in Iraq.

What an understatement that was. That was the understatement of our hearing.

We seem to be changing our goals as to what is success or what we are trying to achieve, what is in the best interests of America, what type of government we want in Iraq. Well, our expectations certainly have changed there. There is no expectation that we will have the type of strong national government that has the confidence of all the ethnic communities. We have changed the expectation as to what that Government in Iraq's relationship will be with Iran. We seem to acknowledge that it may, in fact, strengthen Iran. There is no agreement now that we need to reduce our troop levels—certainly by the administration's mission. They want to maintain the troop level at the current level with no commitment to reduce it. There is certainly no expectation to reduce the cost to U.S. taxpayers. We are going to get a supplemental appropriation asking for more money from the U.S. taxpayers.

We certainly have not focused on the major dangers against terrorism. If we did, we would be concentrating on Afghanistan, not spending so much effort in Iraq. The current situation yesterday was characterized by our experts as: fragile, uneven, reversible. We went through the current flare-ups in Basra and Baghdad where Shiite are fighting Shiite, a fight for power within Iraq with U.S. soldiers in the middle of that power struggle.

We went through the influence of Iran and that the U.S. soldiers' presence may, in fact, be generating more support for Iran within Iraq. So let's take a look at the facts: The United States is supporting warring parties within Iraq. The fact is, over 5 years, over 4,000 soldiers have died, American soldiers; 30,000 American soldiers have been wounded.

I have visited them. I know these are life-changing injuries they will have to live with for the rest of their lives. Six hundred billion dollars and still counting of U.S. taxpayer money has been spent. This is a difficult mission for us to maintain. Look at our military. Our military is stretched. Look at our National Guards. I know what is happening in Maryland and our National Guard. They are serving with great distinction, but they are exhausted, and we need them in Maryland.

Look at our economy. We are losing jobs here in America. One reason is we are so focused on spending money in Iraq, we are not investing in our own country. Look what is happening on our fight against terrorism. Prior to our invasion of Iraq, there was no al-Qaida presence in Iraq. Now we have hundreds of thousands of troops, American and Iraqis, and a couple thousand al-Qaida, according to General Petraeus.

We are not focused on the war against terror, we are focused on a power struggle within Iraq, which should not be our focus. We need to do a better job in Afghanistan, but yet we are stuck in Iraq. We have no plan to draw down American troops. I find that unacceptable. That is not in the best interests of this country.

Let me mention one more aspect of what has happened in Iraq. This is factual: the number of displaced people, nearly 5 million now, nearly 5 million displaced; 2 million in neighboring countries. General Petraeus and Ambassador Crocker acknowledged that one of the reasons why violence in Baghdad is down is that the communities, the neighborhoods have been ethnically cleansed and people have left. They do not want to be in a violent neighborhood. They have left.

But they are displaced. What is going to happen to them? Nearly three million in Iraq alone. The United Nations High Commission on Refugees has said it is not safe for them to go back to their neighborhoods. What is going to happen? If we are talking about a solution for Iraq, we have got to take a look at the refugees. This is a humanitarian concern, it is a security concern, it is also a concern about stability in the region.

Let me give you one example. Jordan has now an extra 8 percent of its population as a result of refugees; an 8-percent increase. Now, if you used the same numbers in America, that would be 24 million, 24 million people coming to our country. Think about the stability of the region.

Well, my position has been clear. I have opposed the war since its inception. I opposed giving the President the right to use our military more than 5 years ago. I have opposed the manner in which this war has been conducted. But we are where we are. We cannot reverse history. Where do we go from here?

Well, we have 10 months left in this administration, 10 months to go, and the status quo is not what we need. We need to change course in Iraq, focus on the war on terror, rebuild and restrengthen our military. We have got to do that and stop spending $12 billion each month in Iraq at the expense of priorities right here at home. That is what we need to do starting immediately. We should not wait until the next election. We should start doing this today.

We need to change our mission. Our mission should be U.S. soldiers fighting terrorists, not refereeing community fights, neighborhood fights; American troops protecting our interests and helping transition the Iraqis to take responsibility for their own security.

We should draw down the U.S. troops, bring them home. The status quo is not acceptable, that is, 140,000 U.S. troops remaining in Iraq.

There was bipartisan recognition that the status quo is unacceptable. Several of our most distinguished Republican members of the Foreign Relations Committee made it clear that the status quo is not acceptable, yet this administration is trying to maintain the status quo for the next 10 months.

I hope we can change that. Public opinion is against the status quo. We know that. What we need is a surge in diplomacy. We need other countries that have a direct interest in what is happening in Iraq to step forward. We need to engage international organizations, the United Nations and the OSCE. We have to have the Iraqis step forward and take responsibility for the security of their own country. They have oil. We need the Iraqis to pay for the costs of their own defense. The American taxpayers should not be doing this.

One more thing I should talk about that we do not need: We do not need President Bush and the Iraqi Government negotiating a long-term security plan without Congressional approval. That would only restrict the options of the next administration or future Congresses. We should never allow that to happen.

The world has an interest in a safe and secure Iraq, but in working toward that end, we cannot ignore other competing needs around the world and at home. We need a more thoughtful approach that will bring our troops home, refocus our resources on al-Qaida, and Afghanistan and Pakistan, step up diplomatic efforts, and internalize the effort to bring stability to that country and to the Middle East.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3221, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

Pending:

Dodd/Shelby amendment No. 4387, in the nature of a substitute.

Sanders modified amendment No. 4401 (to amendment No. 4387), to establish a maximum rate of interest for loans insured under title II of the National Housing Act.

Cardin/Ensign amendment No. 4421 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time home buyer.

Ensign amendment No. 4419 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

Alexander amendment No. 4429 (to amendment No. 4419), to provide a longer extension of the renewable energy production tax credit and to encourage all emerging renewable sources of electricity.

Nelson (FL)/Coleman amendment No. 4423 (to amendment No. 4387), to provide for the penalty-free use of retirement funds to provide foreclosure recovery relief for individuals with mortgages on their principal residences.

Lincoln amendment No. 4382 (to amendment No. 4387), to provide an incentive to employers to offer group legal plans that provide a benefit for real estate and foreclosure review.

Lincoln (for Snowe) amendment No. 4433 (to amendment No. 4387), to modify the increase in volume cap for housing bonds in 2008.

Landrieu amendment No. 4404 (to amendment No. 4387), to amend the provisions relating to qualified mortgage bonds to include relief for persons in areas affected by Hurricanes Katrina, Rita, and Wilma.

Sanders amendment No. 4384 (to amendment No. 4387), to provide an increase in specially adapted housing benefits for disabled veterans.

Murray amendment No. 4478 (to amendment No. 4387), to increase funding for housing counseling with an offset.

Mikulski amendment No. 4494 (to amendment No. 4478), to make additional funds available to the Neighborhood Reinvestment Corporation to increase legal assistance available to homeowners at risk of foreclosure and assistance to community organizations working to preserve home ownership and prevent foreclosure, with an offset.

Mr. CARDIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING TENNESSEE VOLUNTEERS AND THE UNIVERSITY OF MEMPHIS

Mr. CORKER. Madam President, I rise today, while business is slow in the Senate, to send my strong congratulations to the University of Tennessee Lady Vols who again excelled and set an example for our country in the way they conducted themselves.

Pat Summitt has a tremendous legacy in our State. She is someone who not only is an outstanding coach and has won eight national championships, but she also teaches players life examples and ways to be successful later in life. Our students who play on the Lady Vols team are steeped and focused on academics and being successful later in life. The way she has led the Vols and led our State by her actions and the way this team has excelled is something to be congratulated and certainly makes all of us in Tennessee and in our country proud.

I also extend my congratulations to the University of Memphis. Memphis has also done an outstanding job. Coach John Calapiari has been a great addition to our State. While they fell short earlier this week in reaching the national championship, they still raised our excitement level in Tennessee and our tremendous respect for the University of Memphis and what they have accomplished. I am sure at some point in the near future they will achieve the ultimate goal they have of winning the national championship. My hat is off to both of these outstanding coaches, to both of these teams and programs which focus on student excellence and making sure players are prepared for life. I join Tennesseans all across the State in congratulating them and telling them how proud we are of all of them.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. SANDERS. Madam President, last Saturday, I held two town meetings in Vermont on the collapse of the middle class, and both of them were very well attended. Our guest speaker was Elizabeth Warren, who is a professor of law at Harvard Law School and one of the leading writers in this county on economic matters.

In preparation for that meeting, I sent out an e-mail on my Web site just asking people in Vermont to tell me their personal experiences regarding what is happening to the middle class. We have done that in the past and, frankly, I expected we would get a couple dozen responses. What happened was really astounding to me and speaks about what is going on in the economy in this country today. Over a period of a few days, we have now had some 500 responses, mostly from Vermont, but also I do a national radio show, and we made a similar request nationally, and we have had some from out of State. They are mostly from Vermont, some from out of State, but a total of some 500 responses.

What was absolutely astounding was the nature of these responses. They were so powerful, so overwhelming, that, in fact, they were sometimes difficult to read. Person after person wrote with amazing honesty and with an articulateness which comes from telling the truth. They were not giving a great speech, as we often do here in the Senate, talking about everything under the Sun. They were talking from their own hearts. They were talking about what it means to be trying to raise kids, trying to send your kids to college, trying to pay your fuel bills, fill up your gas tank when you get to work—amazing stories. We are going to post many of them on our Web site.

What I want to do this morning, because I think it is terribly important that the Senate hears from ordinary people to get a sense of what is really going on in America, the struggles people are having—maybe it is a good idea we hear from the people rather than just campaign contributors, rather than just lobbyists. The language I heard that came to my Web site was extraordinary. So what I want to do this morning—I have the feeling I will be doing it more than once—is just have you listen to what people have to say, reading exactly the words they have written to me.

Let me begin by reading an e-mail that came from a small town in northern Vermont. I am going to do my best to disguise the identities of the writers. But this is from a small town near the Canadian border. This is what this writer says:

My family has been squeezed for years now. My husband and I have two children. My husband works full time and has a degree. He works 60 miles away from home, and has tried to find a new job closer but has been unable to do so. I tried for 2 years to find a job, when I could not find a job I went back to school. I am hoping that my degree will help our family.

The price of gas and oil now consumes 30% of our disposable income. We have cut back on groceries, and recently was only able to get groceries because my parents were nice enough to give us money. We are going to buy a woodstove because we are afraid we will not be able to afford oil next year. We do not qualify for LIHEAP. My husband got a raise last year that disappeared on Jan. 1st when the cost of our health insurance increased. We have to have reduced cost lunch for our children, we cannot afford to put our children on his health insurance plan, and luckily they are on Dr. Dynasaur—

Which is the SCHIP program in Vermont—

but now we have to pay a premium where we didn't last year.

We have stopped doing any fun things. We have not been able to go out to eat in a long time, or to bring the kids to see a movie. There are no treats. I am praying that after I graduate I will be able to find a job to help my family out. Of course when I go back to work both my husband and I will have to start paying our student loans, and this payment will amount to about $500 per month. But what other option do we have? I couldn't find work. He can't find a better job closer to home.

Both my husband and I have degrees, we did everything right, we are not doing better than our parents when they were our age.

If it wasn't for our parents we would be worse off. Our parents have helped us with oil. My parents gave us $600 last year to pay for our oil, my husband's parents helped us with car repairs so we wouldn't go into debt. My parents have given us grocery money and bought our kids school clothes. I don't know what we would do without our parents.

This is demoralizing, my husband keeps asking when will we be able to actually afford to support our own family? I'm not sure what the answer is.

Thank you for listening.

That is a letter from a woman in northern Vermont.

This is a letter from a woman in north central Vermont whose job, it turns out, was outsourced. This is what she writes:

My husband and I are in our mid-fifties. At this time of our lives we should be at our peak earning power, putting money away for our retirement. Two years ago, we were, but now we are making about $42,000 between us and struggling through this Vermont winter.

I was an international IT manager, making a nice salary then. I spent 14 years getting my AS, BS and then my Masters degree from Champlain College.

Which is a college in Burlington, VT.

We were comfortable, and able to go on a nice vacation every couple of years. Then the company I worked for for 18 years outsourced its entire IT operation to India. I received a layoff package, but at my age it took me a while to find a job for one third of my previous salary, and that job is not even in my field—I am an accounting technician now.

My husband was laid off from a job as an electrician's assistant and he is now working in a hardware store. He makes $3 less per hour now.

Both of our moms are near 80 and live with us. We also help to take care of our next-door neighbor, who is 83. We are struggling to keep up with our bills. Fortunately when we refinanced our home several years ago, we took a fixed rate mortgage. Even so, our heating, gas and even grocery costs are rising so quickly and our salaries are not.

When I was younger, I found it easier to regroup from a loss like this, but then everyone wanted to hire me when I was younger. I thought the government was "of the people, by the people and for the people," but it seems to me that it's mostly "of the people, by the lobbyists and for the rich." By the time we get to retirement, maybe when we're 70 at this rate, Social Security and Medicare will be gone and we'll be on our own. I feel as though our government has sold us out and even if we elect a new President who cares for the people, it will take too long to recover for us to reach a comfortable place again.

Thank you for listening Senator SANDERS.

This is a very brief e-mail that we received from a small town in central Vermont:

Between my retirement & SS [Social Security], I get a grand total of $804 a month. My last oil delivery was over $600 for the month of March.

That's my story—and I'm stuck with it.

Thank you, Senator, for trying to "make it better."

This is from the wife of a logger in northern Vermont. A lot of people in the State of Vermont earn their money in the woods. They go out and they cut trees.

This is the toughest time I have seen since I was a child. My husband is a self employed logger and has an excavation business. The way the economy is has really hit in both of his employment very hard. The price of logs have dropped drastically and no one is building.

He has extremely high blood pressure but some how we can't receive any help. We do have catamount blue health insurance that we pay $250.00 a month for but that does not cover some of his medicine nor does it cover all hospital bills. We have exhausted any savings we had but still have a small IRA but cannot touch that with out being penalized. We have had to refinance our home of 34 years and I have just started a job but it requires me to travel 35 miles one way to work and with the price of gas it is almost a hopeless case.

I'm sure there are other people in worse shape than us, but I have to wonder why the government is not helping the working person? The only thing I guess a working person has is pride.

Is it worth it?????? I'm really beginning to wonder!

This is from a 57-year-old working widow, again from the central Vermont area. This is what she says:

I have no—

Underline "no"—

disposable income. Like many Vermonters I drive a long way to my job and consider myself lucky to have one and like most jobs in Vermont it does not pay as well as the same job in other areas of the country. My roundtrip mileage is 60 miles per day. I invested in an America made hybrid in 2004 which gets between 25 to 30 mpg [miles per gallon]. Also, the organization I work for does not reimburse me at the federal rate for the miles charged to them. I have to have more and more money each week to pay for that week's gas and then wait to be reimbursed. It really is a tough squeeze and some of my co-workers are in tighter spots.

I was fortunate to have locked in fuel oil last Spring at $2.46/gallon for 800 gallons. This is to supplement wood burning. However, I fell on the ice in December and hurt my shoulder which makes lifting wood difficult therefore I turned the thermostat back to 60 and live that way. Now the thermostat is back to 50 and the burner only comes on to heat hot water. I stopped using hot water to wash my clothes over a year ago and just use cold water. I don't notice a difference.

I have not had a vacation except a long weekend in years. At 57 and a widow and a woman, I can look forward to living in poverty. I am thankful for the things I have and pray that I can hold onto them. I have first hand experience that there are many, many Vermonters that have much less and are falling through the cracks. They do not have enough food to eat and are "too rich" for fuel programs.

I have a friend who is legally blind and lives on less than $800 per month. She lives in Senior housing so her rent is subsidized but she still has to pay for utilities and food. How does she buy food and clothing on this pathetic amount of money?

How can we be the richest nation in the world and allow this to happen?

I vote. I give to charities when I can albeit small amounts but how can I move mountains? I pray for peace and justice because I don't know what else to do and I am thankful for what I have and for what I am able to do.

I appreciate your keeping important issues before the public.

As I said, these are stories from Vermont. But we have received similar-type stories from all over America. Let me conclude with four stories from families in States other than Vermont.

This is from a young man in Tulsa, OK:

Thank you so much for allowing me to tell the story of how our family is being squeezed by the current economic conditions in our country. . . .

In December of 2000, I started work for my current company at the "bottom rung of the ladder." I was changing careers yet again and the old saying "you can't start at the top" certainly applied. I have since worked my way up from a starting position, part time at $7.65 an hour, through 3 promotions and into a management position in the mid $30k a year salary range. That used to be an ok salary here in Oklahoma. Not anymore.

The rising cost of fuel, food, utilities and other necessities has turned my "ok" salary into a near poverty-level experience for my family. In addition to the above mentioned costs, I experienced a $102 per month increase in my portion of the premium for my "employer provided" family health coverage.

I don't get it. I work hard, every day. I show up on time every day, give it everything I have and never back off and somehow everything except my salary is going up at an alarming rate. My parents taught me that no matter what, if we worked hard enough and never gave up, we'd get somewhere. It seems these days, that doesn't hold true anymore.

Please encourage your colleagues in D.C. to do something, and hurry. I am doing all I can and it just isn't enough.

This one is from a young engineer in Gladstone, OR:

I am a 26-year-old college graduate with a master's degree in mechanical engineering. I have been working for two years as an engineer in the Portland, OR metropolitan area, and though I consider my compensation for my job to be appropriate for my level of education and expertise (about $60,000 a year), I am still struggling to make ends meet in this economy.

Despite the fact that my home mortgage payment has remained stable, I am finding that the average price of energy and commodities has increased such that I can no longer afford to contribute to my 401(k) retirement plan, and I am living month-to-month with only about $200 in savings. I pay about $300 for gasoline, $200 for heat, $100 for electricity, and about $400 for food every month. This is fully twice as much as I was paying for the same expenses just 2 short years ago. Ouch!

My situation is ironic and a bit frustrating. Whereas I now make over four times what I made as a graduate student, I live with the same quality of life as I did in college. I cannot afford vacations or extravagant purchases, and I am burdened as so many people are these days with a persistent worry about getting sick or injured and stuck with a medical bill that I cannot afford.

I realize that I am nobody special in terms of how hard I work or how much I pay for food and gas or how "sad" my story is, and that is why I write to you. I am moved by the stories of how these middle-class families are surviving, and I can sympathize with them in terms of some of the financial worry they are experiencing. It is hard for me, it must be incredibly difficult for them.

Thank you for your time and thank you for your service as a U.S. Senator, and thank you for providing a forum like this.

This is from a 30-year-old man from the Pacific Northwest who feels the American dream has failed him. This is what he writes:

I was raised in extreme poverty. My mom had a 9th grade education and my father dropped out in 6th grade. My brother, 3 years my senior, dropped out of high school in 1996, the year I graduated. I never knew a house; we grew up in one and two bedroom apartments. I also never knew I was raised in poverty until adulthood—when I tried to transcend this state of economic marginalization.

I was the first of my family to graduate high school. Four years later I entered junior college; transferred to a private four-year institution and earned both an undergraduate and graduate degree. I also earned $70,000 in student loan debt. At that point, I had never earned more than $7,000 in my life.

Three years after college, I purchased my first home. You guessed it—my loan was predatory and was one of those ARMs. This was the first home ever purchased in the Ryan family. As you know, to truly gain a firm stance in the middle class, one must own property.

I earned $50,000 in 1997, more money than I've ever known. Yet I still have to charge my groceries or medications. My ARM matured and my mortgage raised $300 over night. The first home in my family is likely to go back to the bank and I'm falling short of the finish line in the race out of poverty.

I'm now in credit card debt just to buy the essentials and my student loan debt haunts me most days of my life. I feel disillusioned by the "American dream and the American middle class." If you graduate, if you go to college, if you . . . then you will rise above the poverty line. Let me tell you, Mr. SANDERS, I feel more impoverished today than I ever have. Why? Because when I was poor, I didn't have nearly $100,000 of debt; essentially making me indentured to my country. That isn't freedom.

Finally, an e-mail from a woman in California in a city near San Francisco. This is the last letter:

Both my husband and I have faced significant pay cuts the last year. We feel grateful to still have jobs, however. Many of our friends our age have no jobs and have been out of work for many months with no prospects in sight.

We have 3 children and live in the high-cost San Francisco Bay Area, where we were born. A combined income of $100,000 to $150,000 doesn't go very far at all here when a modest townhouse costs almost $600,000 and everything else is proportionately more expensive. (The difference in the cost of living across the country is never taken into account by politicians planning tax breaks and should be . . .)

Our oldest daughter completed 2 years in Ameri-Corps after graduating from the University of Vermont where she got a Bachelor's degree in environmental science and conservation biology. Some of her student loans were forgiven by Ameri-Corps, but not many. Now she works for an environmental consulting firm in Boston but her wages are so low she can barely support herself and we are still paying $350 per month on her student loans that remain. We will owe $350 a month on those loans for the next 30 years—she has close to $70,000 left to pay off.

My husband is almost 61 and I am 52. We have nothing saved for retirement. One small IRA we have will be cashed out this year to pay for a new roof on our townhouse. We can barely meet our mortgage payments, property taxes and pay our bills. We live month to month.

Over the past year we have cut out many of the extras we used to consider necessities. My husband felt extremely guilty running up a charge card to buy much needed clothes for himself for work. He had not bought clothes for himself in about 5 years.

Our home is now worth less than the loans we have on it. There is no money to replace our old rug, (or even have it professionally shampooed), no money to fix our broken clothes dryer, no money to repair our bathroom sink, no money to take even a modest vacation for a few days. The list goes on and on.

We no longer have what we once considered a middle-class standard of living. Now we are nearing retirement years realizing we will have to work (if we have jobs) until we die. How could we ever exist on Social Security alone in this area? It would be impossible since we will not have our home even close to paid off.

I have never felt so despondent about the state of our life and our family's prospects for the future. We have slid down the economic ladder one rung at a time. I used to believe if we worked hard enough we would be rewarded for our work—but no longer believe that. We are working harder than ever and now make far less money. I see no improvement in our financial well-being in the future whatsoever.

I am beyond anger. I have no more tears. I only have two questions that no one seems to be able to answer.

Mr. President, I think it is appropriate to end on this note, and this is what she says:

I have only two questions that no one seems to be able to answer. Is everyone in Washington so far removed from the plight of our country's middle class that they cannot see what we are going through? Or do they see and simply not care?

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and bring up the DeMint amendment No. 4474.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, if I may, I will mention a few things about the amendment. I am, obviously, disappointed that a germane amendment cannot even be brought up in this debate. A part of this housing package is a $4 billion title III section that we are referring to as community development block grants. Many people here support those.

I wish to make clear to my colleagues this is not a normal block grant. What it is—in the name of helping homeowners who have lost their homes, this $4 billion goes to selected areas of the country where there has been the highest concentration of foreclosures. What it actually does is use taxpayer dollars to buy homes from banks. The banks have taken these homes from former homeowners. This money doesn't help the people who have lost their homes. It takes taxpayer money from all over the country and bales out the banks that now hold this. What we are going to end up with is this money that goes through States down to local communities, through the block grant process, to local communities themselves or through an intermediary who is actually buying private property now owned by the banks, and we are spending money to fix those homes up and then to sell them, the local communities—we are helping to make them property owners.

The bill, as written, does not prevent them from keeping the property as rental property. This will not only spend $4 billion, it will not necessarily do it in an equitable way around the country. It doesn't help homeowners who have lost their homes. In fact, it may hurt the homeowners who don't get the benefit of Government money to fix up their homes. They don't get bailed out if they cannot make their payments. What we are faced with is the Government fixing up a home. We are giving someone a tax credit to buy that home but not the one for sale next to it.

We know this process of how block grants work, and these have been deemed one of the least-effective programs by the General Accounting Office and other Government agencies that looked at this. We are going to funnel money from here to the States, to the local communities, to the banks, and the transactional costs to move these homes and to fix them up is going to probably be more than any value from it. We put responsible homeowners at a disadvantage in this package.

I encourage my colleagues to look at this whole bill. First of all, look at the process. If we cannot have a germane amendment postcloture—which was promised when this bill was brought up—and we cannot strike a large provision such as this, which is clearly not in the interest of those who are hurting; it is obviously bailing out banks who have made bad loans, what this will ultimately do is encourage banks to foreclose on homes they might not have because they know they are going to get the Government to buy that home if they take it from the homeowner.

The perverse incentives built into this plan need to be thought through. There is no way this will work to help those who have been hurt. It is throwing the money into the wrong places and making homeowners out of local communities in an inequitable way in this country.

It is unfortunate we are not allowed to up bring this amendment and vote on it in a fair and open process. Nevertheless, I appreciate the opportunity to speak, and I appreciate the chairman's indulgence today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me say to my colleague from South Carolina, I appreciate his generous comments. We have reached a point where, obviously, we are trying to complete this product. We have been at this for over a week. There are a lot of good ideas, while I disagree with his conclusion on his own amendment. What we are trying to do, at the behest of the leadership, is accomplish as much as we can, where we can, and move forward. I have said this so many times, but if I were writing this on my own, it would look different. We live and work in an institution where we have to deal with 99 colleagues, and 435 in the other body, and an administration down the road. We are trying to package these ideas in a way that would win a majority of support here and will be accommodated in the other body and to receive the ultimate approval of the White House. It is an arduous journey and complicated and an emotionally charged set of issues. It is no easy path. While I, for one, have a number of ideas that have been offered by people I support—in fact, my own idea was rejected. As a principal negotiator, I wasn't able to convince my colleagues on the other side to take an idea that I might point out the Wall Street Journal this morning said the administration is moving closer and closer to. It is a very valid point that the Senator raised, and I agree a lot of what we are talking about is dealing with the effects of foreclosure. Whether you like the idea, we are dealing with after the fact. I would prefer to deal with an effort—and there are some provisions that deal with this—to keep people out of foreclosure.

But with a major thrust we ought to be talking about—and the administration, through the FHA Secure program, which they are opening, will do a large part of that—we are heading in the right direction.

On the CDBG, there are legitimate criticisms about that money. This program is very differently designed. We keep it far more targeted, with more accountability required. One of the values is the following. We are oversupplied in housing. The marketplace is not doing as well in resolving this issue because supply and demand is not working as it normally does because of the abundance of housing out there and the unavailability of capital to move a lot of it.

Our concern was, of course, not only to clean up the properties but to clean up the properties and move them because you get a declining value in neighborhoods with foreclosed properties. So that hard working neighbor my friend talked about who is sitting there going, wait a minute, I have done everything right here and I read all the documents and I made a responsible loan and here you are taking care of the property next door and someone is getting a break with the Government's help and I am not getting much out of it. Why are my tax dollars being used for that purpose?

My answer to his constituents, and to mine, is I understand what you are saying, but I am concerned because if the value of your property, which you have maintained and done everything right with, is declining by 1 percent immediately when the next-door neighbor's property or one down the block is foreclosed on, to allow that to deteriorate affects you directly. We know crime rates go up 2 percent and values, by as much as $2,000 to $5,000, go down that day on that property, and it will continue to decline as that neighborhood further deteriorates. So there is a direct correlation between trying to help the property get back on its feet, to make it marketable and able to be sold because the neighborhood will be adversely affected if we don't do that.

The community block grant program of $4 billion in this bill is targeted. It is right that it is after the fact. We ought to, ideally, figure out a way to keep a person out of foreclosure in the first place. In this bill, we don't do a lot about that. We do it with mortgage revenue bond proposals and with the counseling in the bill that does help.

Clearly, as the Presiding Officer and I heard at a hearing in his State in Philadelphia—we heard from people directly how counseling can make a difference. So there are some provisions which do minimize foreclosure.

In the absence of doing more, we need to ask ourselves: Can we do something when these properties do fall into that situation? That is why this Community Development Block Grant Program has value beyond putting tax money into a community, but making a difference possibly for those other homeowners who otherwise have watched everything they saved and worked for—their single source of wealth creation is in that house, and that equity they built up by being responsible over the years to protect themselves in retirement or to assist their child get a college education, to take care of that unforeseen problem that can happen with a health care crisis, that equity can make all the difference in the world—and through no fault of their own, they watched almost instantaneously that hard-earned equity decline rapidly because of what happened here.

Part of the goal here—and I cannot admit it is going to work in every case—is to make sure that homeowner is getting some protection. They ought to get something back for their tax dollars, and this is an indirect way to help them get back on their feet.

My colleague raised a legitimate point. If it is a great idea, why can't we vote on it? We have reached a point where we want to move on and complete the legislation. There are a lot of ideas we want to bring up. The general thought was to see if we couldn't complete this work and move on to a conclusion. I appreciate my colleague's comments. I thank him for his indulgence and consideration as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4400

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and call up amendment No. 4400.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. I object.

Mr. COBURN. I thank the chairman. I understand they desire no further votes on this amendment.

I ask to speak on the subject matter of my amendment, knowing that it will not get a vote—which is disturbing on such an issue as the one we have in front of us.

We are talking about housing. For years we have spent a tremendous amount of money on homelessness in this country. What this amendment would do, frankly, is help us know what to do on homelessness. It would cause us to take an in-depth look at our current state of homelessness in hopes of providing constructive solutions to that problem.

We have spent billions of dollars every year for Federal housing programs, but homelessness rates have remained constant for decades. In other words, it doesn't matter how much money we have spent, we have not seen a decline in homelessness. We ought to be about asking the question: What is wrong? We continue to spend more money. Yet we make no impact on the rate of homelessness.

A number of reviews have found Federal housing programs are ineffective and misspend too much money on nonhousing assistance, are not sufficiently allocated or distributed, and are subject to tens of millions of dollars of waste and fraud. The waste and fraud actually has been documented. HUD's ability to effectively carry out its mission is so impaired that these shortcomings should be addressed if we ever hope to eliminate homelessness in our country.

In the past year alone the inspector general of the department found nearly $1 billion—let me restate that—one thousand million dollars in waste in HUD alone. That is their own inspector general. There is nothing in this bill that addresses this issue.

This amendment was designed for us to look at that. HUD also reported $1.5 billion, of which over 80 percent were overpayments in terms of improper payments.

The charge on the Congress is to manage the programs effectively. We have a bill before us, and we have an amendment that will help us do that. To me, it is disconcerting in the fact that we are not going to even take up and look at $2.25 billion worth of waste every year.

I have sympathies with the chairman and his ranking member in that they do not want other amendment votes. But this is an amendment we are going to see again. We are going to see it on an appropriations bill the next time we have one with anything to do with housing.

Here are the following criminal activities found at the Department of Housing and Urban Development: 2,684 arrests with the fraud, 1,338 indictments, and 1,055 convictions.

We are going to pass a housing bill, and we are not going to address these issues? We are not even going to vote on them, even though we have 1,055 convictions and 1,338 indictments on fraud and overpayment and corruption within the Department of Housing and Urban Development?

In efforts to remedy the housing problems, Congress has allocated $4 billion to HUD's community development block grants. One of the vehicles HUD uses to combat homelessness is this CDBG program. An OMB analysis determined that the CDBG grants were ineffective in accomplishing what they intended to accomplish.

The conclusion stated that major problems, including the lack of a clear purpose and an annual and long-term outcome measure—in other words, there is no metric to see if the money we are spending is doing any good. There is no requirement on us, either through this bill or any other bill, that there be a measurement to say we will spend money to help homelessness but look to see if that is effective. None of that is available. It is not available. Also, it was noted they did not target funds to the areas of greatest need. They went to the areas of greatest political influence, not the areas of greatest homelessness. And the inability to produce transparent information.

The whole idea behind this amendment would help HUD and Congress address those very issues. It also will help us know what to do about it, if we actually find them.

The average age of the world's democracies is 200 years. That is the average. They are not conquered. They die from within. They die over lose fiscal policy. Those are not my words. That is a paraphrase of the Scottish historian as he looked at the Athenian Empire and wrote about it about the time our country was being founded. I daresay I have great concerns for us as a free country when we will allow $2.25 billion a year to be defrauded out of the Department of Housing and Urban Development, and then we will not allow an amendment that doesn't change it. It just says let's look at it and find out where it is and what we can do about it. We are not going to allow it on a housing bill.

It is interesting where we have come. We say we want to help the people who are in the midst of a housing emergency, in the midst of problems with their mortgages, in the midst of those who were either being gamed into a mortgage or stupidly going into a mortgage they couldn't afford, but at the same time we will not do the real work we are asked to do, which is to make sure the programs we do have, that are already authorized, already funded, are run efficiently. It is no wonder confidence in us is lacking.

Here is $2.25 billion that we could address in this bill toward a solution—toward finding out how we at least eliminate 70 or 80 percent of that, and we will not even allow an amendment to address that.

That is not a reflection on the chairman. I understand what he and the ranking member are trying to do to get this bill through. But this is not an amendment to which anybody should have any opposition. This is an amendment that should be accepted; to say, yes, we need to study this. We need to find it. Yet when we have asked for that it has been denied.

My only thought is, either we do not want to look at the fraud and we do not want to look at the overpayments or we think it is just fine.

That is what I am left with and that is what the American people are left with. Mr. President, $2.25 billion would do a lot to help a lot of people having trouble with their mortgages today. That $2.25 billion could come back in and, if directed in the proper way, could significantly increase the effort of holding onto the homes of 100,000 people. Yet we are not going to look at it.

There is no question we need to do more. Unfortunately, I am not going to be able to vote for this bill because we are going to give tax credit to builders who don't need to have a tax credit. We are going to give $4.5 billion more in CDBG block grant money that HUD already said hasn't been spent wisely to begin with. We already have $1 billion worth of fraud in it. I will not support the bill.

I do support the right of the chairman in managing the bill in the way he is managing it at the present time, but I also will say this amendment will be back—as it should—not just for us, and not, as it should, just for the taxpayers but the real taxpayers who are going to pay back this $2.25 billion, which is our kids.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I know the Senator from Vermont wants to be heard, but let me just say a few things to my friend from Oklahoma.

First of all, I appreciate his comments about the importance of monitoring and overseeing the programs, the homeless programs in the McKinney-Vento legislation that goes back some time.

He may not be aware of this, but I will raise it with him anyway.

Senator ALLARD of Colorado and Senator REED of Rhode Island have offered a piece of legislation to modernize and streamline the McKinney-Vento legislation. It passed out of the Banking Committee some months ago unanimously. I commend Senator ALLARD and Senator REED for working together in a bipartisan fashion to come forward with the proposals dealing with homelessness.

The bill—and it can be corrected—we brought up here to bring it up on the consent calendar with anyone who wanted to offer some amendments to it. It sounds as if my colleague from Oklahoma has an amendment that would be right on the subject matter of the Reed-Allard proposal. There has been a hold on the legislation to come forward with that bill, offered by our two colleagues from Colorado and Rhode Island, that specifically addresses the issues, although I am not suggesting exactly the amendment my colleague from Oklahoma has, but it would seem to me that would be an appropriate place to deal with homeless programs.

We may have exact numbers—I tried to inquire here whether it is 1.8 or 2.1. It is a lot of money, obviously, and I do not question that at all. But we do have a bill that is enjoying pretty board-based support here. Rarely, I might add, do we see that—it comes out of a committee of jurisdiction that authored and wrote this legislation, unanimously adopted by every Banking Committee member who had an opportunity to go through the hearings and watch all of it.

I am more than prepared—I do not want to speak for Senators ALLARD and REED—that bill could be done this evening, and possibly the amendment suggested by my friend from Oklahoma could be a part of that to go forward. He understands the situation Senator SHELBY and I are in, in trying to get this particular bill done. If that hold could come off the legislation and someone sit down and try to work on this provision, we might very well accommodate the very issue that goes to the heart of the homeless programs.

So I raise that with him. It is S. 1518. It did come out I think several months ago.

Mr. COBURN. Mr. President, first of all, I am the individual who has a hold on that bill because I think we need to have real property reform, and there is a bill that is coming out of the Homeland Security Committee that is a bipartisan bill authored by Senator CARPER, with the cosponsorship of both Senator COLLINS and Senator LIEBERMAN, that has real property reform.

As the Senator knows, McKinney-Vento places a limitation on all Federal properties before they can ever be disposed of. So the real property reform needs to go through at the same time the McKinney-Vento bill goes through so that we reform both of those, so that we still protect the rights of the homeless in this country but at the same time enable the agencies of the Federal Government to dispose of them. We now have 22,000 pieces of property the Federal Government does not want but we can't get rid of. So the reason that is being held up is we are trying to get those to move together and in tandem so that we can fix both problems at the same time.

I would say this in response to the Senator. I understand how you have locked arms to move this bill, but what the American people are not going to understand is, if there is $2 billion worth of waste—and there is; the IG of HUD said it, there is no question about it, a billion dollars worth of fraud, a thousand convictions, another $1.2 billion in overpayments to supposed landlords. There is no reason not to fix that right now. It can be fixed with this bill. This bill is going to get passed, it is going to get signed. Move it and fix it.

I yield the floor.

Mr. DODD. Reclaiming my right on the floor, there is a vehicle moving including, possibly, the legislation that is coming from Senator CARPER here. It seems to me that making a case for exactly why probably allowing that bill to come up, the very bill that Senator ALLARD and Senator REED have drafted on homelessness that was unanimously adopted by the committee after significant work would be the right place—if people have ideas and suggestions on how to deal with Federal property or deal with allegations of fraud and the like, that is the vehicle.

As my colleague from Oklahoma points out, he is the only member with a hold on that bill, so we are not going to be able to get to it, and the suggestion somehow that we are denying him an opportunity is really not the case. I am more than willing to entertain ideas and thoughts, and I do not want to speak for Senator ALLARD and Senator REED—they are the authors of the legislation—but I am confident they would be more than willing to sit down and listen to the arguments and possibly include ideas in the legislation.

Ninety-nine Members of this body have decided that this bill is a pretty good bill, and one Member has not. I respect that. You have the right to do that here. But I think the right to do that should also suggest that when you stand up and suggest we are not welcoming enough of an idea here in this bill, we might properly put our attention at the focus where it deserves to be, and that is on bipartisan legislation specifically dealing with the issue of homelessness, which includes various other ideas, and we can get that done.

So I apologize to my colleague from Vermont, but I wanted to address that situation and the work of the committee, on which the Presiding Officer is a member, dealing with these issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont

Mr. SANDERS. Mr. President, I wanted to say a few words in support of the Clean Energy Tax Stimulus Act, an amendment to the housing bill offered by Senators CANTWELL and ENSIGN. Before I begin, let me thank Senator CANTWELL for her determined efforts to ensure that we don't stand by while our renewable energy industry and energy efficiency industry lose jobs due to expiring tax policy.

In these times of economic uncertainty, while we work to create new jobs in the green economy of the future, we must also make sure we do not lose existing jobs in the small green economy we already have, and Senator CANTWELL, along with many of my colleagues, has made that a priority. I thank her for that.

The clean energy tax stimulus amendment which the Senate is expected to vote on later today and which is based on a stand-alone bill introduced last week, which I am strongly cosponsoring, extends financial incentives for renewable energy and energy efficiency that would otherwise expire this year, and that is something we must make absolutely sure does not happen.

More specifically, the amendment would extend for 1 year the current production tax credit—commonly called the PTC—which supports the generation of electricity from renewable energy such as wind, biomass, and geothermal. Additionally, the amendment would extend for 8 years the business investment tax credit which provides financial help for larger scale fuel cell and solar investments and the residential investment tax credit that helps homeowners by giving them the tax credit for up to 30 percent of the cost of a solar PV unit and up to $2,000 for the installation of solar hot water heaters.

Finally, in terms of energy efficiency, the amendment we will vote on today would extend for 1 year the current credits for energy efficiency improvements for heating and cooling systems, windows, and other qualified residential property, and it also extends the tax credit for building homes that are energy efficient. In addition, the amendment extends tax credits for the purchase of energy-efficient appliances.

As you know, wind energy is the fastest growing source of energy throughout to entire world. Unfortunately, in our country today, the wind industry is seeing a dropoff in investment which will quickly lead to the loss of thousands of jobs. This is totally absurd. The American people want to move to sustainable energy. They want to move to wind energy.

There are businesses out there prepared to build and install wind turbines. Yet we are not providing them the help they need to help us deal with global warming and also to create many good-paying jobs. Every month that passes without a production tax credit extension diminishes the industry's capacity to create jobs, spur economic growth, and produce electricity that helps us reduce global warming. In fact, the American Wind Energy Association projects that the rate of growth in American wind power will decrease by more than 70 percent between this year and next in the absence of an extension of the production tax credit. This is totally absurd. All over the world, countries are growing good jobs in terms of wind, and we are on the verge of losing jobs despite the fact that the American people want to move us toward sustainable energy. What we are doing contrasts sharply with the current trend of dramatic wind power growth that could otherwise be expected to continue. People want sustainable energy, people want wind power, and here we are sitting back, not providing the help the people in the wind industry desperately need.

If we do not extend the PTC, we will waste a tremendous opportunity to preserve existing jobs, create many thousands of new good-paying jobs this year alone, and build, in addition, another 5,000 megawatts of new wind energy, which will spur another $10 billion in economic activity.

Let me say a few words about the solar tax credit. The investment tax credit is responsible for an estimated 6,000 high-quality jobs that were created in the solar sector in 2007 alone, and another 9,000 to 12,000 are expected in 2008 if Congress sends the signal that this tax credit is here to stay. That is, of course, exactly what we must be doing.

Without an extension of the ITC, some have estimated that we would lose over $8 billion in investments that would have been made, leading to a net loss of almost 40,000 jobs in the solar photovoltaic sector alone in 2009.

The ITC has real implications also for utility-scale solar projects. I have talked to people in the solar thermal plant business, talked to some of the major utility companies. We have a potential in this country to produce an enormous amount of clean, relatively inexpensive electricity through solar thermal plants which are now beginning to move in the Mojave Desert, in Nevada, in New Mexico, and Arizona. It turns out that based on the geography of the Southeast, there is enormous potential for dozens of solar thermal units that could produce a significant amount of electricity that our country needs. That electricity could be produced at a reasonable cost, in an effective way, emitting virtually no greenhouse gas emissions. It is sitting there waiting to happen, and our job has to be to help those people in the utilities that want to move forward. Without an extension of the ITC, these types of projects will be in jeopardy or, in fact, face a significant delay.

Additionally, we are seeing a new solar powerplant located 70 miles southwest of Phoenix, AZ, and scheduled to go into operation by 2011 which would not go on line without the benefits of the ITC. The 280-megawatt facility is expected to generate revenue of over $4 billion, bringing over $1 billion in economic benefits to the State of Arizona and enough electricity to power 70,000 homes. The solar thermal unit being planned by Pacific Gas and Electric would provide electricity of 553 megawatts for over 400,000 homes.

All of this is sitting there waiting to happen, and all over the world people are wondering, What is the U.S. Congress doing to stimulate this type of activity? Today is our day.

Let's take a quick look at the importance of extending the PTC and the ITC, but let's not forget that extending these credits has a ripple effect on other sectors of the economy. For example, the American Council on Renewable Energy estimates that for every job created in renewable manufacturing, there are an additional three high-quality jobs created to design, install, operate, and maintain the renewable energy infrastructure.

So I think it is pretty clear that we must act today to, at the very least, extend some of the current renewable energy and energy-efficiency tax credits. I myself hope we are going to go a lot further than this, but what we have to do is an absolute necessity.

Let me conclude once again by thanking Senator CANTWELL for her leadership on this issue. This is enormously important. The rest of the world is moving in order to deal with global warming, in order to create good-paying jobs. We have to pass this legislation today, and we have to go beyond that in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I rise today to encourage our colleagues to support the passage, hopefully later today, of the Foreclosure Prevention Act of 2008, the legislation that has been on the Senate floor for the better part of a week now.

I like to think of this legislation not in isolation but as the third piece, if you will, of a series of steps that have been taken to try to stabilize our economy, to restore confidence in our economy, and to infuse liquidity into our financial system.

The first was really a series of steps taken by the Federal Reserve. The Federal Reserve has acted in an extraordinary way, not just in monetary policy and trying to lower the Fed funds rate but also in encouraging Federal banks to act and now investment banks to take advantage of the discount money, to borrow money when they need it, for the Federal Reserve to be willing to take and swap, if you will, highly liquid Treasury securities for very illiquid mortgage-backed securities that a lot of our banks are holding in their portfolios, allowing those swaps to take place to infuse liquidity into the banking system to encourage banks to begin lending money again.

The Federal Reserve is involved, as we all know, with JPMorgan Chase to engineer their takeover of Bear Stearns to prevent it from going into bankruptcy and probably creating a domino effect that would have brought down other financial entities and maybe made a bad situation even worse.

Those are some of the things the Federal Reserve has done. The Presiding Officer is different, he is not as old as me, but I have never seen the Federal Reserve take these kinds of steps as we enter into a period with this kind of uncertainty. But that is the first series of things that has been done, needed to be done, and is being done by the Federal Reserve. I applaud their action.

The second piece is the stimulus package we voted on and debated here a month or two ago and passed. Sometimes when stimulus packages are agreed to by Congress and the President, it takes so long to debate the package that by the time the effect actually takes place, we are coming out of the recession and it can have the overstimulative effect providing inflationary pressures. In this case, I think what has happened is the Congress and the President agreed in a timely way on our stimulus package, and it will have a modest effect on our economy, probably in the second half of this year. Some have said it will raise gross domestic product by as much as 1.5 percent by the second half of the year. I think the most important thing that came out of the adoption of the stimulus package was to send a clear signal to people, taxpayers and others, businesses, that around here, when the chips are down, Democrats and Republicans, Congress and the President can still agree on a series of actions to help boost the economy, to give the economy a little bit of a jump start.

The third piece in this process is the legislation before us this week and last. I call it a housing recovery package. There are a number of elements to it that are meritorious. I wouldn't oversell this package. This by itself is not going to save the day and prevent all foreclosures and bring the housing market back overnight or within a couple of weeks or months. But it is a third of a series of steps that will be helpful. It is going to be followed within the next maybe 2 months with a handful of other steps that I will talk about in a few minutes. Let me talk about some of the elements I think are most beneficial in this housing recovery package that is before us today. The centerpiece is FHA modernization.

The Federal Housing Administration was created about 75 years ago. It was born during the Great Depression. Out of the FHA came the possibility for home ownership for a lot of people who otherwise would never have become home buyers. People wonder, where did we get the 30-year fixed rate mortgages. They were a creation of FHA, a legacy of FHA. As recently as 6, 7, 8 years ago, probably 15 to 20 percent of mortgages were guaranteed or insured by the FHA, 15 to 20 percent. Last year the number was about 5 percent. We dropped, in roughly half a dozen years, from 15 to 20 percent of home mortgages insured by FHA to last year about 5 percent.

Where did those mortgages go? Where did people go for financial help to buy a home? A lot of them went to places they should not have gone. A lot of them ended up being induced or seduced and convinced to use a different kind of a financing. They used exotic adjustable rate mortgages, some of them with no money down, no principal payments for an extended period of time. Some of these exotic adjustable rate mortgages called for very low interest, seductive teaser rates which may have been 2, 3, 4 percent at the beginning and would later go up by reset within a couple of years to be 7, 8, or 9 percent. A lot of folks ended up signing on to this deal and didn't realize there is a penalty for trying to refinance out of an adjustable rate mortgage, making it very difficult. I suppose the borrower and maybe the mortgage broker or the lending institution that was involved, everybody expected housing prices to continue to go up; they had for years. As long as housing prices continue to rise, everybody comes out of the hole. If somebody is unable to make payments, they sell the house, do it for profit and pay off their mortgage. Not many people thought about what happens if prices, instead of going up, all of a sudden come down. They have come down, and in some places they have come down a lot.

Part of our legislation is designed to encourage people to take a second look at FHA. For folks, especially first-time home buyers or people who have less than perfect credit, the FHA in the past has been their avenue to become homeowners. We wanted to make sure it is an option that is there for the 21st century.

Without getting into a whole lot of detail, let me say, of all the pieces that are part of this bill, the most important one is FHA modernization. I will mention a couple of those elements that I think are helpful. One of those takes the FHA loan limit starting at the end of this year to $550,000. Instead of being $420,000, it takes it up to $550,000. In Delaware, you can get a perfectly good house for $420,000. In some places in New Jersey one can get a perfectly good house for $420,000. In some places in New Jersey you probably can't. A lot of places in California, Florida, Connecticut, home values are such that for $420,000, which is the FHA loan limit that will be in effect next January 1, you can buy a cottage, but if you want to think about buying a three-bedroom house with a garage and a bathroom, you can forget about buying anything close to that for $420,000. What we want to do is address the needs in high-cost housing areas so that FHA will still be relevant in those States, as well as in States that have more modest housing costs.

The second element of this bill that is good is that the bill seeks to streamline the bureaucracy of FHA. We hear a good deal about that from banks and from realtors, that the bureaucracy is inappropriate for the 21st century. We have streamlined it. We do that in the context of this legislation.

Another element that I believe is helpful is, we are going to make more available counseling assistance to people who need it as they are looking for a place to buy and to consider their options. There is a new pilot credit scoring program that will be created. It is designed to increase access to credit for borrowers who may have a history of making required payments on time but haven't established a sufficient credit rating to enable them to be considered as serious home buyers.

Those are some of the pieces of the FHA modernization portion of this bill. It is maybe the most important thing we are going to do.

A second important element of this bill deals with community development block grants. We appropriated this year around the country, I want to say, roughly $4 billion to communities, State and local governments, moneys they can use to help develop their communities. We want to make sure that some additional moneys—in this case, another roughly $4 billion—might be made available to State and local governments to help communities that have been hit hard by foreclosures and delinquencies. The money could be put to use in many communities around the country.

A third element of this bill that I believe has merit deals with housing authorities. Housing authorities currently are able to issue tax-exempt revenue bonds. The proceeds of those tax-exempt revenue bonds are used in probably every State in the country to allow people to become first-time home buyers and to realize a low interest rate. They do this with moneys raised by tax-exempt revenue bonds. The proceeds of these same bonds can be used by housing authorities to build multifamily, affordable housing as well. The proceeds of these bonds cannot be used, though, to assist in refinancing of subprime loans. With this legislation, we say you can do that, too. State and local housing authorities can use the proceeds of these tax-exempt revenue bonds. In fact, we allow them to issue another $10 billion worth and a permissible use is to help folks to refinance out of these subprime loans that they have gotten themselves into.

Another element of this bill is actually one offered by our colleague Senator ISAKSON from Georgia. He has been good enough to let me advise some changes in his earlier proposal. Let's use the situation here. We have 100 desks here, and we will assume for this example that these are not desks but homes in a community. Maybe there are two or three of these homes where the families have run into trouble and cannot keep up with the mortgage payments. The homes have gone into foreclosure and they are decaying, the grass is growing, the shrubbery is not cut, trash not removed. Those homes are destroyed and beginning to decay, and they bring down the value of the other homes in the community. Senator ISAKSON suggested that we allow a tax credit to be used for someone who will come in and buy a home in foreclosure and live there. He proposed that that person be provided by the U.S. Treasury a $5,000 tax credit. To buy a foreclosed home and to agree to live there, $5,000 for year 1, $5,000 for year 2, $5,000 for year 3, is a pretty expensive proposition. That would certainly get people's attention and encourage them to buy homes in foreclosure, but it is a serious hit on the Treasury.

I urged him—I am sure others did as well—to make the proposal a little more modest. What he has done, I think prudently, is to say, in the same situation, a home in foreclosure, to encourage people to come in and buy homes in foreclosure so they don't bring down the values of other properties, that they will get a tax credit but year 1 is $3,500 and year 2 is another $3,500; $7,000 in all as a tax credit from the Treasury to the person making that purchase. It is more modest. There is an impact on the Treasury, but it is not nearly as great as would otherwise have been the case. It is a good proposal.

Another idea in this legislation that makes a lot of sense deals with people who are in some distress—maybe they have lost their job, they have sickness in the family, they are finding it difficult to pay their bills, they are getting behind on their mortgage payments. They are not sure what to do, and sometimes they end up turning to people who take advantage of them, shysters who take advantage of them. And rather than helping them with their problems, to work their way through it, they take advantage of the distressed homeowner.

There are nonprofit entities. They work under a broad umbrella of something called the Neighborhood Reinvestment Corporation. The shorthand title is NeighborWorks. And the idea there is to have these nonprofits provide counseling assistance. They are not trying to take advantage of home homeowners in distress. They want to help them find the best option for themselves and their family. We provided, I think through HUD's budget, about $200 million initially. That money has been used. Under this legislation we provide about another $100 million, maybe more. I think an amendment by Senator MURRAY would take that up a bit higher. The idea is to make sure that when people are in trouble and they turn to someone for help, they will turn to someone who is really going to help them. This is a good proposal as well.

Senator REED of Rhode Island has offered an amendment that has been made part of the package that seeks to address complex paper disclosure. When you buy a house, you have all these papers. You sit down with a realtor. It is pretty confusing stuff, even for people who are pretty smart. Senator REED has come up with some suggestions that would protect a person who is going through the forms, trying to understand what they are signing on to. Without going into a lot of detail, his ideas have a great deal of merit and are part of the package and ought to be.

As to another element of the package—I say this as a veteran who served in the Navy during the Vietnam war and came back; they had to protect us—to protect others who have served in our Armed Forces since, we have something called the Soldiers and Sailors Relief Act.

The idea is to try to make sure our soldiers and sailors—particularly when they are deployed overseas—and their families are not taken advantage of. We have given them, if you will, a break in making sure they are not taken advantage of by those who are, for example, lenders who loaned money to them.

Right now, the Soldiers and Sailors Relief Act—say I am deployed to Iraq or Afghanistan. I come back from my year or 15-month deployment. My home cannot have been foreclosed on. My family and I live in the home, and we had a hard time making our mortgage payment. Maybe I gave up my regular civilian job and took a much lower paying job, was called up for Active Duty in the military, and I have been unable to keep up with my mortgage payments.

Under the Soldiers and Sailors Relief Act, my home could not be foreclosed on for at least 3 months while I am away and for 3 months from when I come back from that deployment. This legislation would extend that by an additional 6 months. I would be protected for 9 months, my family would be protected for 9 months, after my return to, hopefully, get back on our feet to be able to meet our financial obligations.

Also, this provision provides returning soldiers, sailors, airmen, and marines with 1 year of relief from increases in mortgage interest rates. Where these adjustable rate mortgages are resetting, the military personnel get an extra year.

The final part of this provision is that the Department of Defense is required to establish a counseling program to ensure veterans and active servicemembers can access assistance if they have seen financial difficulties. Again, the idea is for folks who are in distress—in this case, military personnel—who are homeowners, that they could actually get access to advice from people who have the best interests of the veterans at heart.

Those are some of the provisions, not all of the provisions. There are other provisions dealing with standard property deductions and to allow folks who do not itemize to take a standard deduction—$500 for single filers, $1,000 for joint filers. It is in this legislation.

There is an extension of net operating loss carry-back that will help some of the homebuilders who are in trouble. There were concerns raised. I think Senator GREGG raised the concern yesterday—and there are other concerns about it as well—that the cost to the Treasury is considerable. The cost over 10 years, I am told, is about $6 billion, so it is not inconsequential. But we also know among the companies that are undergoing real distress right now are those that build homes. This is designed to try to extend some relief to them.

Senator MIKE CRAPO of Idaho and I have offered an amendment which has been accepted by both Senator DODD and Senator SHELBY on behalf of the majority and minority sides that tries to help homeowners who are in distress in another way. A lot of people do not know in this country we have something called the Federal Home Loan Banks. There are 12 of them across the country. Together they make up the Federal Home Loan Bank system. A primary job they have is to raise money they then turn around and lend to smaller financial institutions, principally for home ownership, to make home ownership more affordable.

Delaware is in the Pittsburgh Federal Home Loan Bank region. A lot of financial institutions—banks, savings and loans—work with the Federal Home Loan Bank of Pittsburgh. They get loans, if you will, below market-rate loans, from the Federal Home Loan Bank of Pittsburgh.

But one of the requirements under Federal law is these Federal Home Loan Banks have to contribute 10 percent of their net income into an affordable housing fund. The affordable housing fund is used by local entities, local financial banks, local financial entities, banks, thrifts, in order to provide home ownership opportunities for, in a lot of cases, first-time home buyers or low-income home buyers. It is a good program. We use it a lot in my State. It is used to leverage money from State and local governments. It is used to leverage money from nonprofits, from for-profits, from banks. It is a real good thing.

The problem with this affordable housing program fund is none of the moneys in this program can be used to help subsidize or refinance—somebody who is in one of these adjustable rate mortgages that is resetting. They need to refinance and get out of it and maybe get into a 30-year fixed rate mortgage. This is affordable housing money. It is compiled. It is built up. It is about a third of a billion dollars this year. It cannot be used to help folks refinance out of a mortgage they have no business being in. This amendment that has been accepted will allow that to take place.

My friend, Senator MCCASKILL of Missouri, along with Senator KOHL and myself, has offered an amendment. I understand it has been accepted, and we are grateful for that. That amendment seeks to protect folks who have taken advantage of reverse mortgages.

One of the nice things about being a homeowner with equity in your home, in a lot of cases when you reach an older age and maybe your home is paid off, you ought to be able to live off the equity of your home for the rest of your life. In some cases, people who are in that situation do not get very good advice, and they are duped into making investments with the equity of their home in ways that really do not help the homeowner trying to live off the equity of their home for the rest of their life. It helps them less than maybe someone who is a scoundrel trying to take advantage of them.

So Senator McCASKILL's amendment, that Senator KOHL and I have joined in sponsoring, allows HUD to use a portion of the mortgage insurance premiums collected under this program to adequately fund counseling and disclosure activities. So the idea there is to make sure people have good advice. If you think about it, that is a theme of almost every element I have talked about in this bill. Many of the elements of this bill are designed to make sure that consumers, homeowners, purchasers have access to good advice, someone who is going to be there for them and not take advantage of them.

I said this housing recovery package is the third step so far of three steps we need to take. The first step is action by the Federal Reserve; the second step, our stimulus package; the third step is our housing recovery package; a fourth step, that I hope will follow in the next month or two—certainly before we get to the Memorial Day recess—is when the Senate Banking Committee takes up another measure that will consider a Hope proposal, one that Senator DODD and Congressman FRANK have been working on that has a lot of merit to help people, families whose mortgage is underwater; that is, they owe more than the value of their property, find a way to get out of that situation. The lenders, the investors, the homeowners themselves will probably take a little bit of a financial haircut, but by doing that they would be able to stay in their homes and maybe end up with a little bit of equity in their homes in the end.

A number of us—Senator MARTINEZ and I and Senator SCHUMER and Senator JACK REED—have been very much interested, along with some of our colleagues, in trying to make sure we have a strong independent regulator for Fannie Mae, Freddie Mac, and the Federal Home Loan Banks. That ought to be part of our next package. We need to license mortgage brokers to make sure they have the kind of training and the kind of regulatory structure under which to operate, to make sure the appraisals that are written on a lot of homes are actually worth the paper on which they are written.

So there is a lot that can be done and should be done, and my hope is we will have the opportunity to take those up, have hearings as appropriate in the Banking Committee, and mark them up before the Memorial Day recess and literally have them on the Senate floor to debate by the Fourth of July. That would be good for our country, and that would be the fourth step, if you will, to help stabilize our economy, to begin to restore some confidence in our economy, especially in the housing sector of our economy, and to make sure we put some liquidity back into our financial system and our banking system where it is needed.

But the last thing, and maybe the most helpful, it would do is to clearly demonstrate to folks around this country that this place still works, that Democrats and Republicans can find common ground, work with the administration, and do what is in the best interests of our country, our citizens, and our families.

None of what is done in the legislation that is before us today is designed to reward bad behavior. For people who have been borrowers and bought homes as a speculator, where they were interested in buying it to watch the price go up, to simply flip it, flip the house, and take advantage of these exotic adjustable rate mortgages to do that, to work the system, and to look for some short-term profit, we are not interested in helping.

With all due respect, we are not interested in borrowers who have misbehaved or mortgage brokers or investors who have misbehaved. That is not what this is about. This initiative is to restore confidence in the system, liquidity in the system, and to say to people: The system—our legislative system, our political system—still works, and it works for the interests of people who need our help.

That said, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to speak about an amendment I have offered with Senator WICKER from Mississippi. Our amendment is pending. It is germane. We hope to have a vote sometime soon on this amendment, if we can move past this present standstill.

I want to just put up some numbers to try to explain our situation in Louisiana. I have used this chart before. This chart is the underlying reason for the bill that we are on because these are the top 10 districts in the country, according to the official data, where these foreclosures are taking place.

As you can see, there are about 40,000 distressed properties in and around Detroit; about 10,000 in Stockton, CA; 30,000 in Las Vegas; about 51,000 in San Bernardino, CA; about 23,000 in Sacramento; about 27,000 around the Cleveland area—and it goes on. These are the top 10.

Now, this data is readily available. I am sorry I do not have more than just the top 10. But I used this chart to make my point about our situation still in Louisiana and on the gulf coast.

You can see, the percentage of households in Detroit is about 5 percent; the same with Stockton, CA, and Las Vegas is 4 percent. That is a real crisis in those areas. It seems like a small percentage, but if you are in a neighborhood where there is a concentration of these kinds of homes, the problem is—and what we are trying to solve, those of us who are supporting this bill; and I am supporting this bill—to try to provide some additional community development block grant funding because not only are we trying to perhaps come up with State-based local solutions that might help these particular families, but the real tragedy, in my mind, is those families around these homes who did absolutely nothing wrong. They took out a 30-year mortgage. They have paid their mortgage every month. They did not enter into any flimflam kind of agreement.

But the problem is, as homes collapse around them and become vacant and are foreclosed on, these homeowners who did nothing wrong, who have most of their net worth tied up in the value of their home, are seeing, through no fault of their own, their property values plummeting.

Now, if you are a young person, and you are a homeowner in this situation, you might have time to ride it out. But if you are a senior getting ready to retire, or if you are getting ready, in middle age, to send your two children to college and were hoping to refinance your home to do that and had planned for 20 years—this was your plan to send your kids to college. You did not get to go to college, but you have saved and scrimped and worked hard, and you were going to refinance your house to send your children to college. Guess what. Your kids do not go to college because your neighbor took out a subprime loan, and it is causing your property value to plummet.

Now, I know the President does not understand why community development block grant moneys are important. He does not understand a lot of things. But some of us do understand why we need to help people in these neighborhoods.

So I am just explaining that while the numbers are very high, and these percentages are startling, I want to show you what our numbers look like in Louisiana because if these look bad, ours are terrible.

It is not because we had foreclosure problems. It is not because we have subprime—in fact, our State does not really have the same problem that California and Nevada are facing. But we had our own sets of catastrophes, and that, of course, was in the storms of a few years ago, Katrina and Rita, that hit the gulf coast—both just historic in their devastation.

We are still having a housing crisis throughout the gulf coast, really from Alabama to the southern part of Texas, as people struggle with the impact of those storms. In New Orleans and Saint Bernard and in the southeastern portion of Louisiana, our situation was even further complicated when the Federal levees that should have held did not. They failed, and people who had never had an inch of water in their home had 14 feet and lost everything they had worked for their entire lives.

So in St. Bernard Parish we see not 5 percent, not 4 percent but 54 percent of the homes are empty or devastated. In Cameron, LA, not 4 percent or 5 percent but 46 percent of the homes; in Plaquemines Parish, 44 percent; in Orleans Parish, 78,000, almost 80,000, out of only 122,000. That is an extremely high percentage almost 42 percent of households that are still damaged or destroyed.

Now, what has been done to help these homeowners? Some have been able to collect their insurance, but very few people have collected all of what they thought they were due. Some have collected a modest grant we gave from this Congress of an average of $60,000. Some have received—that is about the average for homeowners. But I would contend that a $60,000 to $75,000 to $85,000 grant and some insurance proceeds they were able to receive does not, by any means, get these homeowners back to where they need to be.

So we have tried to pass additional legislation that might help and have been unable to move anything substantial through the Housing Committee. However, we now see an opportunity on this floor on a housing bill that is attempting to reach communities that are in distress—ours is in distress for a different reason, not, as I said, because of failure to pay or because of delinquency or foreclosure. We see an opportunity, by making a very modest change in the underlying bill, to help these homeowners. This would make it clear, with the amendment I offer with Senator WICKER—our amendment would simply say that in the community development block grant portion of this bill, that it be allowed to be used not just for homes that were foreclosed but for homes that were conveyed to local land banks.

To deal with this situation, we have created in Louisiana—or are in the process of actually creating—parishwide authorities that are done at the local level; they are called land banks. They have other names for them, such as redevelopment authorities. They exist throughout the country. It is not anything new. But we are finding we may need to be supporting these kinds of land banks as properties are conveyed back to the Government—not in every case, but some people are making choices. They don't want to rebuild in that place; they would rather take their grant money and build somewhere else. That piece of property is then conveyed back to our State land bank, and our land bank is trying to move these properties back to local parish-based land banks so these neighborhoods can be redeveloped with some sort of rhyme and reason to them; so it is not hit or miss but that there is some sort of local planning. We are being required to build better and stronger and smarter. We are trying to actually live up to that challenge by being smart about the way we redevelop.

I see the ranking member of the committee on the floor, the Senator from Alabama, who is familiar, of course, with some of the devastation that occurred because some of it, unfortunately, happened in Mobile—not to the extent it happened in the southern part of Mississippi and Louisiana. But what I am saying to the Senator from Alabama is that with one modest change that actually is germane, according to the Chair, and does not cost anything, we would simply allow our portion of whatever comes to Louisiana and Mississippi—not a dime more than what is already in the bill—to be used for land banks associated with the redevelopment of these kinds of properties. I am afraid, if we don't make this change, it might put Mississippi and Louisiana and, frankly, Alabama and parts of Texas in the position of not being able to use their community development block grants for the problem they have.

So in this whole country, some States have problem A. In other States, we have problem B. I am trying to make sure our problem is met with this amendment. It is not adding anything; it is an allowable use of our community development block grant, and it will go a long way to help.

Now, we estimate—I don't know if the Senator from Alabama has these numbers—that for our State, based on the formula that is in the bill, Louisiana may get somewhere between $90 million and $100 million, but we don't know until that formula is promulgated by the Secretary of HUD, but we estimate that based on the formulas in the bill. So we want to make sure the $90 million or $100 million can actually be used to help these homeowners because they are technically not in foreclosure. They are in various stages of legal status, but they are not necessarily in foreclosure.

So that is the purpose of our community development block grant amendment. I would most certainly appreciate it if the leadership would take a look at it. Again, it is amendment No. 4447. It doesn't cost anything. It is scored at zero. I have a great partner in offering this amendment, the Senator from Mississippi, Mr. WICKER. So that is the community development block grant amendment.

I wish to take a moment to also talk about the mortgage revenue bonds, which is part of the financing part of this bill. As my colleagues know, this bill is basically made up of two different sections. One is a housing section and then one is a tax section. In the tax section of this bill, one of the ways the Finance Committee wants to try to alleviate some of the problems around the country is to allow the issuance of some additional mortgage revenue bonds. We have done this for years and years and years. Before I was a Senator, I was the State treasurer. I used to issue these bonds in my State. They are a very good tool to promote home ownership, which we believe in at home in Louisiana, and I am sure everyone else does as well. It gives opportunities to build affordable, low-income housing where there is a real need throughout the country, particularly now in the gulf coast.

One of the things I am very concerned about—I don't know if the Senator from Alabama or the Senator from Utah, who is on the floor, experienced this in their States, but we have a real shortage of affordable housing for seniors, as more people want to live independently, but they don't necessarily want to live in a 2,000- or 3,000-square-foot home by themselves. They would like to move somewhere closer to maybe where their family is, and they would like an affordable rental unit. Some people would like to buy a condo, but to people of a certain age bracket, a condo is not something they grew up with, so an affordable rental is a more comfortable situation for them. We can't find a lot of senior housing down in the gulf coast right now. Most everything we had was literally washed away or flooded or destroyed.

So the great thing about this particular provision coming out of Finance is these revenue bonds could be used for this kind of building. Again, the other amendment I have, No. 4404, does not have a score. Actually, it has a minor score of $3 million. It is very minor compared to the other costs of this bill. It is de minimis, a $3 million cost. What it will do is it will allow us to be able to again use our bonding authority—not anything more, not anything additional, but to use our bonding authority to address the problem we have with these properties.

I wish to show some pictures. This is a neighborhood—I am sorry I can't identify where this is, and it was some time ago. Most of this debris has been picked up throughout the gulf coast, but in many places, while the debris is gone, these structures remain as they are here: abandoned and destroyed until property owners figure out what they are going to do.

Here is another picture we have used. I am not sure, again, where this is, but houses such as this are still throughout the gulf coast area; a lot of it has been cleaned up. Maybe this home has been gutted, but it is basically down to its 2 by 4s, and it is basically sitting there in neighborhood after neighborhood. This is actually a home in St. Bernard Parish in a community called Chalmette.

I wish I had better pictures to show the blocks and blocks of devastation that still exist. When I say devastation—it is cleaned up, on many of the lots the grass is cut, but there are no homes there, there is no neighborhood there. The library is not yet back, the Post Office is not yet back, and people are still struggling to rebuild their neighborhoods.

So I am imploring the leadership handling this bill to please take a look at amendment No. 4404. Please take a look at amendment No. 4447. The cost in one case is nothing. The cost in the other is a de minimis $3 million, but it will help tremendously to make this bill, we hope will pass, applicable to the situations in Alabama, Mississippi, Louisiana, and Texas, whose people are still struggling 2½ years after this devastation.

Basically, that is the gist of my remarks. We have another amendment pending relative to the tax credit, but I will hold my remarks on that. But these two amendments we are hoping we can get included in any kind of modified package. Again, I have bipartisan support. It does not increase the cost of the bill, and it would go a great way to make sure this bill, if it does get passed—I know there is opposition in the House and I know the President is opposed to this bill, so this bill may never see the light of day. I am very clear about that. But if it does, at least let the people of Louisiana and Mississippi use the money that is being allocated to us anyway for the problem we have—not the problem everybody else has—because we simply have a different problem. I hope my colleagues would recognize our situation.

I yield the floor.

Mr. SHELBY. Mr. President, this afternoon in the Senate, I wish to take a minute to commend the Senator from Louisiana for her work on these amendments and her concern for her people. Senator DODD and I have talked to the Senator from Louisiana and others about our package. The Presiding Officer is a member of the Banking, Housing, and Urban Affairs Committee who knows we have done the best we can to craft a bill which is focused on bringing relief to those areas affected most by the growing rate of foreclosures. We realize this will not be a panacea, but it is a good first start. Because we were stalled, as the Presiding Officer knows, on the floor, and what we are trying to do is make a breakthrough. The success of this effort we have been working on for a second week now, I believe, will depend a great deal on whether the funds made available in this bill make it to their intended designation. We can help to ensure a degree of success by keeping it focused on the foreclosure market.

The Presiding Officer talked about that, as did the Senator from Louisiana. Chairman DODD and I worked closely with Senator REID and Senator MCCONNELL, our respected leaders, to draft a targeted bill designed to address the problems caused by the recent turmoil in the national housing markets. Our goal was to provide resources to deal with the recent foreclosures and try to prevent additional foreclosures. In other words, this bill was put together in the context of the current conditions of the national housing market.

I recognize, as I said a minute ago, Senator LANDRIEU's concern and others' concern regarding the housing issues, particularly hers in Louisiana. I believe we need to address those, some of them, outside this particular legislation. I know the Presiding Officer right now is very involved in the Banking and Housing Committee, and we are going to continue to address this problem. I think we have to.

The PRESIDING OFFICER. The Senator from Utah is recognized.

TESTIMONY OF GENERAL PETRAEUS AND AMBASSADOR CROCKER

Mr. HATCH. Mr. President, a little over a year ago, I stood before the Senate and recited the words of Thomas Paine—who in his essay titled "Chaos"—spoke about commitment and sacrifice to a noble cause when it appeared that all hope was lost. His words still resonate today:

> These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now deserves the love and thanks of man and woman.

Paine wrote those words when it seemed the American Revolution was lost. However, their effect was to rally what remained of the Continental Army and ensure the success of Washington's raids on Trenton and Princeton.

When I recited Paine's words, our Nation faced a dilemma. Despite the great heroism and noble sacrifice of our servicemembers, large portions of Iraq were under the control of al-Qaida. The mainstream media had concluded that, at best, our forces were locked in a stalemate. Many advocated that the only recourse was to bring the troops home and allow Iraq to fall in the abyss of an implosion.

For some, including the senior Senator from Arizona and me, that was never an option. The knowledge, experience and, hopefully, wisdom that I have accumulated over the years in this august body allowed me to make only one conclusion: If we are not successful in this war the result will be catastrophic for our Nation, the Western world, and the Middle East. This enemy—and despite what some in the media would lead us to believe, our main adversary in Iraq is al-Qaida—will pursue us home. Imagine the horrors that will follow if al-Qaida, with reinvigorated resources provided by Iraq's oil wealth, were to defeat us in Iraq.

However, one of the great historical truths of our Nation is that in our most dire hours, our military has continually provided us with leaders of great resolve and strategic brilliance. General David Petraeus amply fits that mold.

The new strategy that General Petraeus proposed—in which he has so ably been assisted by Ambassador Crocker—is based on the classical counterinsurgency tenet of providing security to the population of a nation under attack.

Why is this critical? By providing security to the Iraqi people, that Nation's citizens will develop a vested interest in the creation of institutions that will ensure their security for the future. Simply put, only in a secure environment can the majority of Iraqis earn a living, put food on the table, and provide a better life for their families.

What once was theory is now becoming reality. The Iraqi people are seeing considerable results from General Petraeus's strategy and their actions and plans for the future increasingly reflect this new reality.

How do we know this? Since the beginning of 2007, well over 100,000 individuals have joined the Iraqi Army and security forces. This means that a total of 540,000 Iraqis now serve in that Nation's security forces. This includes the 91,641 individuals, who in little over a year, have joined the Sons of Iraq, the coalition of citizens that are tasked with providing security to their local communities. One should remember that 80 percent of the Sons of Iraq are Sunni Muslims. In addition, it should be noted that al-Qaida receives most of its support from the Sunni. Frankly, this alone is a major triumph.

The Iraqi people are also providing us intelligence. One of the methods by which we find weapons and explosive caches is through tips from the local population. In 2006, Coalition forces found and cleared 2,660 such weapons caches. In 2007, after the Petraeus strategy was implemented, that number increased to 6,963. What is even more impressive is that though we have just entered the fourth month of this year, Coalition forces have already seized more weapons caches than in all of 2006. Clearly, this increase in seizures would not be possible without greater support from the Iraqi population.

In the area of ethno-sectarian violence, we have seen a dramatic reduction in deaths. When our new strategy was first implemented, there were more than 2,000 ethno-sectarian deaths a month in Iraq and over 1,500 in Baghdad alone. Today, there are fewer than 250 ethno-sectarian deaths a month in all of Iraq.

All of these events have occurred during the period of enhanced security brought about by General Petraeus's strategy. For example, shortly after the implementation of this strategy, there were greater then 1,400 weekly security incidents in Iraq. Today that number has dropped to less than half.

In addition, the number of high profile attacks, which include car bombs, suicide car bombs and suicide vests—the preferred means of murder by al-Qaida—has also decreased by more than half from March 2007 to the present day.

Enhanced security has strengthened the foundations of political institutions and economic ventures. This is evidenced by a poll conducted by the Center for International Private Enterprise which was summarized by Ambassador Crocker in his testimony. That poll, which was conducted last month, concluded that 78 percent of Iraq's business owners "expect the Iraqi economy to grow significantly in the next 2 years."

Equally as impressive is the International Monetary Fund estimate that Iraq's gross domestic product will grow by 7 percent in real terms this year—7 percent. That rate of growth will only be matched by some Asian tiger economies and it is a level that I wish that the United States could enjoy.

This economic growth and strengthening of political institutions is also evidenced by the fact that the United States will no longer fund major infrastructure projects. Ambassador Crocker reports the reason for this fundamental shift is that Iraq's economy is now earning sufficient funds for the Iraqi Government to independently build their own infrastructure.

This does not mean that we should view this conflict through rose-colored glasses. As evidenced by the events in Basra last week, there remain many challenges ahead. The fact is that the Iraqi operations in Basra were not properly planned. However, as General Petraeus said: ". . . in the wake of recent operations, there were units and leaders found wanting in some cases . . . Nonetheless, the performance of many [Iraqi] units was solid, especially once they got their footing and gained a degree of confidence, and certain Iraqi elements proved quite capable . . ."

In addition, it should be noted that in previous years no one would have dreamed that the Iraqi Government would have launched such an operation. Remember, the Prime Minister gave an order to the security forces. Those orders were executed. In Basra, the results were mixed. Some units did well; some did not. However, the fact that the Government thought they could execute this major operation independently is a positive development. As General Petraeus testified "operations in Basra highlight improvements in the ability of the Iraqi Security Forces to deploy substantial number of units, supplies and replacements on very short notice; they certainty could not have deployed a division's worth of Army and Police units a year ago."

Further progress is also being made by Iraq's political institutions. When our new strategy was first being implemented, there seemed to be an inextricable stalemate in Iraq's parliament. During my trip to Iraq in May 2007, Senator SMITH and I spoke to senior members of the Iraqi Parliament and strongly urged them to pass legislation vital to the reconstruction and the establishment of effective political institutions. As with any democratic political process, it has been slow going. However, the Iraqi Parliament has recently passed important laws. These include a new pension law, de-Ba'athification reform, and a new Provincial Powers Law, that sets elections for this fall and defines the structure of power between the Iraqi Federal Government and its provinces. These are great strides forward, and all Americans should recognize our accomplishments in Iraq.

I believe that Ambassador Crocker summed up the situation best when he said yesterday:

> Al-Qaida is in retreat in Iraq, but it is not yet defeated. Al-Qaida's leaders are looking for every opportunity they can to hang on. Osama bin Ladin has called Iraq "the perfect base," and it reminds us that a fundamental aim of al-Qaida is to establish itself in the Arab world. It almost succeeded in Iraq; we cannot allow it a second chance . . .
>
> . . . the world ultimately will judge us far more on the basis of what will happen than what has happened. In the end, how we leave and what we leave behind will be more important than how we came. Our current course is hard, but it is working. Progress is real, although still fragile. We need to stay with it.

Mr. President, the road has been long and hard. However, as I said 1 year ago, the words of Thomas Paine remind us that great causes require sacrifice, that in any conflict there will be dark days, but if our cause is just and our will is strong, there is nothing that we cannot accomplish as a people. I suggest very strongly that our cause is just and our will is stronger than some in this body believe it to be.

Mr. President, our forces have accomplished much. It is now our responsibility to sustain them until they achieve the victory which they deserve, and for which they are fighting.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized.

Mr. BINGAMAN. Mr. President, I wish to speak for a few minutes in support of the Ensign-Cantwell amendment that I understand is to be offered to the pending legislation.

I have long maintained that targeted tax incentives are an essential component of a new energy policy for our country. Accordingly, I look forward to voting for this amendment. Because of my longstanding commitment to fiscal responsibility, I want to also point out my disappointment that the amendment is not going to be paid for in this legislation.

There is no denying that these incentives play a vital role in promoting clean, renewable energy and energy efficiency and, in turn, reducing our dependence on conventional fuels, promoting a more secure energy supply, and combating global warming.

Secondarily, though also critically, these tax incentives create high-wage jobs and reduce consumer and business energy costs.

In the 110th Congress, we have already tried three times, unsuccessfully, to extend these tax provisions. We cannot afford to wait any longer. Business decisions are not made overnight, and companies that invest in these technologies need to plan with certainty. But because of congressional inaction, companies are already putting on hold or canceling plans to create and expand investments that currently benefit from these tax incentives.

It is because of this urgency that I plan to vote for the Cantwell-Ensign amendment. But because the extensions are not paid for, I will cast my vote with less than full enthusiasm. This amendment will add to our unsustainable budget deficits. Already we send 9 cents out of every dollar we collect to pay interest on our national debt. There is no justification, other than politics, not to offset the amendment.

My colleagues in the House have shown greater fiscal restraint than we have in the Senate. Because they are less willing to break from the pay-go rules that have been adopted in both Chambers, I doubt that the House will accept these extensions without some corresponding offsets. This leaves the administration with a key role to play in developing a compromise that will be acceptable to both Chambers and that will be signed by the President.

President Bush has previously committed to support these tax incentives which were enacted by the Energy Policy Act of 2005. I can recall when he visited my home State of New Mexico to sign that legislation. The President praised the bill for recognizing "that America is the world's leader in technology and that we've got to use technology to be the world's leader in energy conservation."

But while Congress has been working to ensure that America maintains this leadership role, the administration has been absent. They have rebuffed our requests to identify any acceptable offsets. Most recently, we were told by the Department of Treasury that the administration will not support the use of sufficient revenue raisers listed in its so-called blue book. Why? Because Treasury has reserved those offsets to pay for other priorities.

I call upon the President and this administration to work with Congress in good faith to find a way to pay for these incentives. The time is far overdue to send the President a package to extend these tax provisions—a package that can pass the Congress and can be signed into law.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. I ask I be allowed to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

HEALTH CARE

Mr. THUNE. Mr. President, I would like to take a few moments today to talk about an important topic affecting individuals and families from all across the country, and that is the rising cost of health care. It is an issue that affects every individual, every family's pocketbook. It is an issue that is affecting our small businesses across the country as they try to keep up with the rising cost of health care.

I thank my colleague from Louisiana, Senator VITTER, who last week spearheaded a discussion along with seven of my Senate colleagues on the conservative principles of health care reform. This is a discussion we plan to highlight over the next several weeks and which we will continue to focus on in the future.

I had the privilege of visiting a number of hospitals around South Dakota over the March work period, to hear from providers on issues of concern to them and to discuss health care reform. I was primarily focused on small hospitals, critical access hospitals, providers that deliver health care services in very rural and remote areas of this country.

My State of South Dakota has lots of land and not a big population base. Yet people's expectation out there is they will have access to high-quality health care. As I visited these hospitals and health care providers as I visited my State over the March work period, I heard lots of different messages, and one of them was we have to figure out a way to keep up with these rising costs. Fortunately, for many of the smaller hospitals in the rural areas that are critical access hospitals, they are able to get cost-based reimbursement, and that is something I think has led to the survival of lots of health care providers that otherwise would have had to close their doors.

It is important the American people hear the message of choice and affordability championed by many Republicans in the health care debate. Unfortunately, we are up against an opposing message, which is one of a quick fix or universal plan that Washington will decide for everyone. This message too often sticks in the minds of the media, with health care trade associations, and with many of our constituents.

The goal of universal coverage, or allowing every person in America the opportunity to afford health care insurance, is an important goal. How we work toward this goal is where the debate lies. That is where a Clinton or Obama health care plan differs strikingly from that offered by our colleague from Arizona, Senator JOHN MCCAIN.

I would like to focus today on one of the most basic principles which should guide all our health care reform proposals we debate in the coming years and that is to reject this movement toward more Government-run health insurance. Instead, we ought to make long-lasting reforms to both our tax system and the insurance market to increase access to privately owned health care coverage. That is private insurance you, the individual, can choose and you can keep from job to job.

What we have today is already a mixture of Government-run insurance, including Medicare, which provides coverage to over 40 million seniors, and Medicaid, a program available to the poor and the disabled, and private insurance, usually offered through medium or large employers.

Only about 7 percent of the population in this country actually purchase their insurance on their own directly from an insurance company. In lots of ways, the way people access health insurance today is very limiting when you consider the Government or your employer does not choose other important services in your life, such as the food you eat or the car or the home you buy.

Rising health care costs are also a huge problem, not only for those who have private insurance but also for our Government programs. The Medicare trustees now report that into the future, the trust funds have over $36 trillion in long-term unfunded obligations. By that I mean benefits that are promised but not paid for, which amounts—if you can belief this—to 2½ times the size of the entire U.S. economy. Let me repeat that, $36 trillion in long-term unfunded liabilities or 2½ times the entire U.S. economy.

This is money somebody has to pay, and it is an added burden on future generations and on our economy. Left unchecked, the Federal Government will be forced to cut benefits or substantially increase taxes. If there is one thing that should be obvious to all of us, it is that a system such as traditional Medicare or Medicaid is not sustainable financially. There are no natural incentives under these programs to control costs. It is not just the cost of these programs that presents a problem. While over 40 million seniors have Medicare coverage, most beneficiaries also have some form of supplemental coverage, or other insurance, that wraps around because traditional Medicare is not enough.

In 2004, only 9.3 percent of Medicare beneficiaries relied solely on the traditional fee-for-service program, and over 60 percent had some form of private supplemental coverage.

Also, for many providers in my State of South Dakota, Medicare's prices and regulations do not account for the challenges patients and providers face in rural areas. Once again, one size fits all, Government-run health insurance is neither financially sustainable nor is it even sufficient for those it is meant to help. For the next several weeks, the Senator from Louisiana, myself, and Senators DEMINT, BURR, COBURN, MARTINEZ, ISAKSON, and CORKER will be talking about the alternatives that are out there to our current rules and regulations and how we can achieve affordable coverage for all Americans through expanding access to private insurance.

While some of my colleagues in this body would like to expand Medicare to cover everyone to achieve the goal of universal coverage, or to expand Medicaid and SCHIP to cover many more Americans, I strongly oppose the expansion of Government insurance at the expense of choice, quality, and affordability.

Frankly, I want much more for my constituents back home in South Dakota and others across the country. I don't want the next President to push through a health care plan that will put more families on Government insurance, simply so we can say we have provided coverage.

As we were having the SCHIP debate last year, this point came up. Expanding SCHIP, which is essentially Medicaid in my State and in most other

States, to families making as much as $80,000 per year, would have made it harder to attract good physicians to South Dakota, something we struggle with constantly in rural States. At a time when as many as 50 percent of physicians nationwide are limiting or dropping Medicaid patients because it simply does not cover their costs, why would we want to expand this program even further?

There is a better way. In my State, most of the uninsured are employees of small businesses. These are individuals capable of owning their own insurance, but it is simply not affordable or is not offered through their place of employment. What Senator MCCAIN has proposed—and even one Senator from the other party, Senator WYDEN from Oregon—is to reform the tax incentives in place now that only benefit large employers, CEOs and their employees, in purchasing health insurance, and level the playing field for everyone else. This can be accomplished by eliminating the tax benefit employers receive when offering insurance to their employees, which equals more than $200 billion over 1 year, and instead taking that money and offering it in the form of a tax credit or standard tax deduction to every American toward the purchase of health insurance.

With a tax credit proposal, we would be able to give every American a credit—$2,000 for an individual or $4,500 or $5,000 for a family—which is advanceable and refundable toward the purchase of insurance.

You could still choose to get your insurance through your employer or keep it, if that is the best option for you. But for anyone else, they would also have a substantial tax benefit to be able to choose their own plan that fits their needs and which is not tied to their employer. This would allow individuals and families to keep their insurance when moving from job to job.

By giving all Americans the option of a tax credit, we would empower millions of families who normally could not afford to buy insurance on their own to do so on the individual market, putting millions of consumers in the driver's seat, demanding more personalized, convenient, and affordable insurance plans. Right now, it is simply not possible for families or individuals in most States to afford their own insurance plan. But by redirecting this tax incentive and creating a more vibrant market, quality insurance plans will become more affordable and more accessible. This will drive down the cost of insurance for everyone.

Finally, by giving individuals a tax credit toward the purchase of insurance, we allow people to choose their own health insurance and the type of plan they desire. They could choose the plan that fits their needs, rather than having their employer do it for them. In many cases, their employer is only going to offer a very limited number of options—perhaps doesn't know the health care needs from one person in the plan to the next. More people will know what they are purchasing and will know what their premiums are going toward each and every single month, making us all better consumers of health care services.

Now, more than ever, words and phases such as Washington bureaucracy, Government-run health care, wage garnishment, and mandates describe the direction many in this Congress wish to take. I believe that is the wrong direction, and I will continue to support health care reforms which expand choices and which give people more freedom to access the health care that is right for them.

This is a debate that needs to be joined in the days and weeks and months ahead. My hope is it will get underway this year. My expectation is anything done this year will probably be very incremental because I think the big, bold decisions that need to be made regarding America's health care system will probably, regrettably, get punted into next year, after the Presidential election. But the debate needs to begin.

What I and my colleagues I mentioned have decided is, we need to start that dialog now. We need to get the American people engaged in this debate in a way that allows them to see what the options are, what the alternatives are, what their choices are. I believe a majority of constituents in my State of South Dakota, and I would daresay across this country, will chose a system that is based in the market, that gives them more choices, more alternatives, that creates competition—a competitive model, and, yes, that covers more Americans who, today, do not have access to health insurance.

I believe that is a goal that is achievable. I believe the debate needs to start now. I also believe that whoever the next President of the United States is, needs to work together with this Congress, we need to work together as Democrats and Republicans on a health care plan that is based on these very simple principles.

It is the principles that have served this country and this American economy so well for so many years—freedom, choice, competition, quality—that ought to be the model for the health care of the future. I look forward to continuing this discussion throughout the coming months.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I thank my colleague from South Dakota, Senator THUNE, for his leadership this week and his remarks on this vital topic. As he said, a number of us have joined to forge and promote and advance this discussion; specifically, of course, Senator THUNE, Senator BURR of North Carolina, Senator DEMINT of South Carolina, Senator COBURN of Oklahoma, Senator ISAKSON of Georgia, Senator MARTINEZ of Florida, and myself.

As Senator THUNE said, what we want to do is advance this debate and lay out the conservative model for dramatic, bold health care reform so we advance this debate and move toward that sort of needed reform.

Senator THUNE is right. There is huge consensus in America that our health care delivery system is broken. It needs dramatic action, emergency care, if you will. But for so long here in Washington, that was only heard one way, that somehow we needed to react with a bigger government program and a big government response.

I think now the American people are more aware that we have a critical choice, and Senator THUNE has helped lay out that choice today. Is it big Government and a government program or is it more of a system dominated by private insurance, individual choice, empowering the patient, doctor-patient relationship, and that mantra Senator THUNE mentioned?

Of course, I agree with him and thank him for advancing this debate. We are going to continue this debate over the next several weeks. I know in the very near future Senator ISAKSON will be taking the floor and going to other venues to begin talking about a closely related subject, which is the choice between forced enrollment in certain programs versus maximum individual choice.

I thank Senator THUNE for his remarks and leadership and look forward to those further remarks of Senator ISAKSON and others as we advance this critical debate toward dramatic, bold health care reform.

I yield the floor.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, it looks as if we are getting to the end of this debate on housing, and it has been a good one.

I come to the floor before we move to the final stages of this debate to thank my colleagues for their extraordinary help in putting into this bill, which is a major piece of legislation—attempting to help communities throughout the country deal with the added rate of foreclosures, the spiraling downward of so many neighborhoods due to a variety of different circumstances—and I think it is important that the Senate act today.

I particularly thank the chairman of this committee, Senator DODD, for his patience and his tenacity in getting us to this point and for putting in many good provisions into this bill that will be a help to homeowners, to communities, in some instances to lenders, who got themselves into difficulty because, again, our goal is to try to reinvigorate the housing markets, to stop the slide. Particularly, in the case of Louisiana, we still have a significant housing crisis that did not start with the foreclosure crisis but started when 250,000 homes were destroyed by Hurricanes Katrina and Rita.

This Congress has been generous at times in helping us to try to come up with ways to deal with this unprecedented situation. I am very grateful for the amendment that was adopted overwhelmingly last week by a vote of over 70 Members of this body to say that our Road Home grants, which is what they are called in Louisiana—they are called Homeowner Assistance Grants in Mississippi—but those grants that have been provided by this Congress to help people rebuild homes that were destroyed when insurance proceeds were either not available or not enough. This is from small towns such as Waveland, MS, to very large cities such as New Orleans, LA; places such as Lake Charles, LA, to small little communities such Creole, LA, on the southwest side.

So it is affecting urban and rural places in my State. That amendment we adopted last week will be a significant help to homeowners trying to use those grants to get back into their homes. Until that amendment passed, this grant, if you will, was taxable. With the amendment we placed on the floor of the Senate, those grants will be treated as nontaxable, basically.

I wish we could get this bill to the President's desk before April 15. We are going to move it off the floor today. It has, of course, to go to the House for negotiations and eventually get to the President.

I am very hopeful this bill—generally in its current form, with, hopefully, some improvements, as it continues to move through the process—can get to the President's desk quickly because our people on the gulf coast—particularly in Louisiana, but on the gulf coast—who received help 2 years ago through community development block grants are feeling a real pinch right now because they are now paying $5,000, $10,000 or $20,000 in taxes on those grants at a time when they can least afford it.

I cannot tell you how many people stop me when I go home and say: Senator, if you could do one thing for us, please tell them we cannot pay tax on these grants we have received—which have been minimal, helpful but minimal, in their efforts to rebuild hundreds of thousands of homes.

Let me say for the record—and I am very proud of Habitat for Humanity. I am the cochair of the Habitat for Humanity caucus here. I have been on many builds throughout the country. Habitat for Humanity, which has not stopped working since the rain stopped—and I see the Senator from Connecticut on the Senate floor—and which has had thousands of volunteers every day coming to their sites in Louisiana, has only completed 162 houses—162 houses—and they are the largest homebuilder in New Orleans. We lost about 250,000 dwelling places throughout the state of Louisiana. So I am here in an uphill battle.

I appreciate my colleagues bearing with this speech over and over again, but I can only say, if your cities or your communities were as devastated as the ones I am representing, you would be here, too, trying every way you could to bring every little bit of help and big help to them.

So I am grateful that finally we got a housing bill to the floor after 2½ years. Finally, we got a very significant addition to some tax relief. I will say that in further reading of this bill, I am encouraged—the Senator from Connecticut is here—that the $140 million to $150 million in extra mortgage revenue bonds that will come to our State will be a help. I think in further reading of the bill, the underlying bill actually will work for us. So I am very pleased.

I think we will continue to work on the $95 million to $100 million that will come to our State in the underlying bill to help land banks. We are establishing and have established NORA in New Orleans and other land banks, perhaps in St. Bernard, Cameron, Lake Charles, perhaps in Plaquemines, perhaps in St. Tammany and Jefferson Parishes, which are the hardest hit parishes. I think this bill allows for support of those land banks. So that is another $95 million to $100 million that may come for that purpose, and we have been looking for some help in that regard.

So, overall, this bill will address many issues in Louisiana with the additional help we have received through these amendments. I am very pleased that we have made progress.

Again, I wish to thank the Senator. He has been more than generous with his time. I know this has been difficult because there are 50 of us who are asking him for special help and attention. But he has been down to our State. I am hoping he will come back and walk through some of these neighborhoods.

Finally, I will say that this is quite an interesting and wonderful—if you can say that—experiment going on in the United States of America, because the question is, when a community of 60,000 people is wholly destroyed, which happened in St. Bernard Parish, the parish south of New Orleans, is it possible for the Government to rebuild it? If so, how and how quickly and how well? There are nonprofits and there are universities, from Harvard University to Stanford to LSU to some of the top social scientists in the country right there on the gulf coast, because in their minds, in this century, there has not been a devastation like this in modern times.

So there are some interesting questions: How does a neighborhood come back? Do you build the churches first or the schools or the libraries? How important is water and electricity relative to the scheme of things in terms of rebuilding neighborhoods? How do you do it with community planning in a democracy where every neighbor's voice has to be treated the same? So these are some exciting times. We are just making the best of a very desperate situation and trying to do the best we can to rebuild our communities.

I want to end with thanking all of the volunteers, all of the nonprofits, all of the businesses that have stepped up. I thank the Senate for acting on at least a very significant portion of this tax relief for homeowners who are still putting the pieces of their lives and their fortunes back together—regardless of how modest some of those fortunes may be—neighborhood to neighborhood. But people are really trying to put their homes and their lives back together. So I thank the Senator from Connecticut.

I understand we are going to move now to the managers' package. Again, we have some significant portions taken care of in this bill. I am looking forward to being able to let the State know that another $140 million, $150 million worth of mortgage revenue bonds that I personally hope will go to affordable, low-income housing, workforce housing, and particularly for seniors who have been so devastated by the loss of their homes, and again, the support that may come out of this bill for our land banks as we think of new and innovative ways to get this property back on the private rolls, redeveloped in a way that creates excitement and vibrancy in neighborhoods from New Orleans East to Lakeview to the Lower Ninth Ward, all the way to lower Packwood Parish, which is about as far south as you can go in Louisiana.

I thank the Senator from Connecticut, and I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ HEARINGS

Mr. SESSIONS. Mr. President, we had a hearing yesterday in the Armed Services Committee, of which I am a member, in which General Petraeus and Ambassador Crocker made their reports back to the Congress, as they promised. They also testified yesterday afternoon before the Senate Foreign Relations Committee, and today they are before the House committee. I think they had about a 30-minute break or less between the testimony here and their testimony in the Foreign Relations Committee. I thought General Petraeus and Ambassador Crocker did a marvelous job and were asked a lot of tough questions, which is the Congress's responsibility, I don't dispute.

What I wish to share with my colleagues today relates to the testimony of General Jack Keane, who testified this morning before the Armed Services Committee.

General Keane was former Vice Chief of Staff of the U.S. Army. He is a paratrooper, a combat veteran, a student of the military for 37 years, a four star general who has made four trips to Iraq in the last year, and he has made a number of suggestions and continues to be, in my opinion, one of the most respected observers of the Iraqi military situation we have in our country today.

In fact, I happened to be on "The Charlie Rose Show" with him and Senator JACK REED last night. Reference was made that he was an adviser to Presidential candidate and Senate Member HILLARY CLINTON. He said that, in fact, he had provided advice to her, but he had provided advice to all three of the leading candidates still in the race and three of those who dropped out. His advice is widely sought. His criticism was real over a year ago when he felt the policies we were executing in Iraq were not good policies and not effective. He believed a change in policy was called for. To a significant degree, the surge, and even more importantly, the tactical changes that took place with the surge were suggestions that he had made. Of course, General Petraeus also executed them, and it represented General Petraeus's view, but General Keane did make a valuable contribution in the new policy we have undertaken.

Now, the American people are concerned about Iraq. They are rightly worried that we have a long-term commitment, and they wonder whether there is a good and decent government at the end of that commitment, whether it will be worth the effort we are putting forth, and whether we have a realistic chance of success in Iraq.

I have asked General Petraeus each and every time he has testified before me: Do you believe we have a realistic chance of success? He said that when he first went over there, when things were going badly and he knew he had to make some changes, he said: Yes, Senator. If I didn't believe I could be successful, I wouldn't go, I wouldn't take the job. Since then, he has twice reported based on his time there that he thinks we have a realistic chance of success.

What did General Keane say to us today? This very fine, highly respected professional military officer said this:

> The character of my visits to Iraq is to spend considerable time with the Iraqi people, their Sheik and Tribal leaders, as well as time with our U.S. military, Iraqi military, and civilian leaders, and our troops.

That is a direct quote. I will continue to quote General Keane:

> First and foremost, we have the most talented and capable leadership team in Iraq represented by General Petraeus and Ambassador Crocker. Nothing in my 40 plus years in national security compares to this extraordinary team who provide the very best of leadership to their marvelous teammates and troops.

He talks about the dramatic turnaround:

> The security turnaround in Iraq from the hell of 2006 and 3 years of failed strategy is one of the most stunning achievements in the annals of counterinsurgency practice. It was achieved in a matter of months versus the years it normally takes to turn around one of the most formidable insurgencies the West has ever faced. Fundamental to that success was the use of proven counterinsurgency practice to protect the people with sufficient amounts of Iraq and U.S. troops. This was a catalyst—

He says—

> for the widespread Sunni awakening movement, which is truly underappreciated here in the U.S. What really happened is the Sheiks and Tribal leaders decided they could not achieve their political objectives with al-Qaida Iraq in fighting the United States and the government of Iraq. As such, the overwhelming majority of Sunni leaders made four strategic decisions to (1) stop the violence; (2) leverage the United States leaders to influence the government of Iraq; (3) reconcile with the government of Iraq; and (4) provide their "sons" to work with us and the Iraqis to help defeat the AQI—

al-Qaida Iraq—

> and protect their own people.

Now, that is a remarkable development. It occurred in a matter of months, and I agree with him. I don't think even those of us in the Congress have fully understood the significance of what has happened. I don't say everything is perfect and is going to be perfect and there are not dangers and problems ahead, but we need to listen to the report from this objective, respected general very carefully.

He goes on to say:

> These results are the very best one could expect in fighting an insurgency; your opponent not only surrenders, but comes to your side, to assist. The entire Arab Muslim world are aware of the Sunni rejection of AQI, the first major occurrence, ever, where the people have rejected the AQI and their barbaric hold on them. Additionally, in a recent poll over 90 percent of the Sunnis are expected to participate in the political process in the 2008 provisional elections and in the general election in 2009. What does that tell us about reconciliation? Clearly, the Sunnis are politically reconciling with the government of Iraq and the government of Iraq is assisting.

That is a good report.

People all over the Arab world know that al-Qaida has a Sunni heritage, and that al-Qaida fed on the Sunni unhappiness over being displaced from power as part of the Saddam Hussein regime. Many of the displaced Sunnis were military people with military training and capable in military conflicts and attacks. Now many Sunnis have partnered with the United States and the Government of Iraq and turned against al-Qaida and have basically driven them out of large portions of the country.

General Keane goes on to say this:

> The implication of this is that the central region of Iraq is relatively secure and now the U.S. and Iraqi forces are focusing their efforts on the remaining presence of AQI in the north.

Now, I hope my colleagues will listen to this next sentence:

> In my view, the AQI are already operationally defeated and the final campaign against AQI is underway as we speak. We will complete the defeat of AQI in the months ahead in 2008.

I say to my colleagues, without the slightest doubt, this is his professional military opinion. It is not a political document, and it is consistent with what we have been reading. If you read through what the media saying that the people in Al Anbar, the Sunni region that had been the haven of al-Qaida, have turned against al-Qaida, they have joined with the U.S. military and the government of Iraq and have made Fallujah and Ramadi now cities of relative safety. Just a few months ago they were exceedingly dangerous and violent cities. It is not perfect, but huge progress was made.

General Keane went on to say this:

> Make no mistake, this is genuine progress and has led to a significant conclusion. We cannot lose militarily in Iraq, as we were on the verge of doing in 2006. The AQI and remaining hardliner Sunni insurgents cannot mount an offensive that they could sustain, which would threaten the regime. Are we finished? No, but we and the Iraqis have the momentum, we are on the offense, and we can finally see that winning in Iraq is now a likely outcome.

He talks about the problem with the Iranians. He doesn't minimize that in any way. He goes on to talk about Prime Minister Maliki. We have had people continually criticize Prime Minister Maliki, but it appears to me, based on the testimony I have heard, that he is growing in personal confidence and stature and is beginning to show some of the leadership we would like for him to show in the sovereign nation of Iraq.

He talked about Maliki's decision to quickly send troops to the south, to Basra, where a militia group and special groups associated with the Shia community were causing trouble to the central government. Maliki is a Shia, his government is dominated by Shia, and the majority of the country is Shia. A lot of the people who criticize the war at every possible turn have said that the Shia government in Iraq is doing nothing to crack down on the Shia militia. Then when Maliki does it, they promptly rise up and start saying he didn't do it wisely; he should have done it differently.

Let's see what General Jack Keane said:

> As impulsive as he was, and while the planning and coordination [of this action to Basra] was inadequate, this is the right course of action. We should not be quick to judge the success of a campaign by the first few days of action when we know this is the beginning of a campaign which will last for months.

He is talking about a campaign against extremist Shia militia, particularly in the south.

> My view is, the campaign in the south will not be as difficult as the fight against AQI and the Sunni insurgents. Indeed, Maliki's political position has been considerably enhanced because all the major political parties are supporting Maliki against the Sadirists, who are now isolated. In fact, this weekend Maliki announced that you cannot participate in the upcoming elections if your political party has a militia. This had thrown the Sadirists into disarray.

So I think it is a noteworthy event that Maliki took the central army of Iraq, supported as best we could, and sent them off to the south—almost a division—to confront these Shia militia and, as General Keane noted, they can be successful in the long run. It has thrown the Sadirists into disarray and it has been very popular with the Iraqi people, who would like to see him standing up to these groups, many of whom are associated with Iran. There is a nationalistic mood in the country of Iraq. They do not want to be dominated by Iran.

So General Keane goes on to say this:

> All that said, it is critical to succeed. It is in the U.S. national interests to defeat Iran in Iraq. To do so, we need a U.S. national and regional strategy. . . .

Many of our colleagues and commentators continue to say, well, yes, we have had some military progress, thank you, General Petraeus and people like you. We congratulate you on your work, but still the Government of Iraq has shown no political progress. Without political progress, ultimately, we cannot have peace and a progressive Iraq, so it is all doomed to failure. You have heard those arguments on television all the time, and they are on the floor of the Senate, and they were raised in committee. This is what General Keane said:

> The surge or counter-offensive was always intended to buy time so that the Iraqis could make political and economic progress. This is happening and while there is much to be done, the progress is definable. How can anyone conclude there is no political progress when (1) the Sunnis are reconciling with a Shia dominated government, stopped the violence, and are providing 91,000 of their sons [Sons of Iraq] to assist us? This, after all, was the intent of the much-discussed national legislative benchmarks. (2) As to the benchmarks, we, the United States Government [he was somewhat critical of our Government] "brow-beated" the government of Iraq into submitting to a legislative agenda. After we achieved some basic security, the government of Iraq has made impressive political progress—passing 12 of 18 benchmarks and making progress on 5 others. Significantly, 4 out of 6 legislative benchmarks, including deBaathification, amnesty, semi-autonomous regions and provincial powers are passed. Why is it so difficult to acknowledge that both these points, Sunni reconciliation and major national legislation, represent significant political progress?

I ask my colleagues, why are we in this body not willing to acknowledge this is progress? Is it because we are so invested in predicting a defeat of our own military that we refuse to acknowledge that progress of unexpected depth and breadth has occurred? It is not over yet, I submit. This is a difficult, dangerous situation still. The violence is still about in Iraq; I don't deny that. But it is a 60-percent, or more, reduction in less than a year. And huge sections of the country have begun to reconcile, as we hoped and prayed would occur.

We had this talk through the last election. It was a good way to articulate it politically. Opponents of the war argued that the only thing they understand in the Iraqi Government and the only way they will reconcile and work out their political differences is for us to tell them to do so, and if they don't do so, we threaten to pull out our troops, regardless of the consequences on the ground, and this will make them more likely to reconcile and be nice to one another. We basically rejected that and we signed on to a new strategy, a counterinsurgency strategy, which we called a surge. What did General Keane say about that?

> It is a myth to suggest by withdrawing rapidly, somehow, that will force the Iraqis to make progress they would not make by our presence. Anyone who truly knows the situation in Iraq, and the Iraqi leaders, realizes that it is the American presence that has aided the Iraqis to make the progress they have made and will continue to make. Our encouragement, tough-mindedness, and genuine assistance are major factors in that success. To leave and abandon them forces them into isolation, not reconciliation. It brings out their worst fears, driven by their paranoia about the past, that the Shias are on their own and their enemies are all around. What is needed is our continued, but not open-ended, presence to further our mutual objectives.

He talked about our force, our military. This is important. This man has given his life to the service of his country. He said this:

> One final point, about our ground forces; not only are they magnificent but are performing to a standard not seen in any previous conflict. They are not a broken force, or near broken. Their discipline, morale, competence, behavior, and courage is extraordinary, and it is so with the knowledge that many of the American people do not support the war, but do support them. Are they stressed, and their loved ones as well, by the repeated deployments? Of course they are. But this is a proud, resilient force that has no quit in it; they have a dogged determination to succeed. We are fighting two wars that are in our national interest [Iraq and Afghanistan] and I have known since 9/11, our force, which I was a part of it, was committed to protect the American people by staying on the offense against our enemies. They want to win, and they will; they do not want to be a party to choosing defeat, or to be part of an Army or Marine Corps that suffers a humiliating defeat. That stark reality will break the force. Fighting protracted wars in our history has always stressed our forces. Doing what we can to reduce the impact is critical, but choosing victory is, hands-down, the best answer.

It was a remarkable bit of testimony, I think, and it came from a man whose credentials are undisputed—a general who was prepared to criticize our tactics when he believes they were in error. He invested time by going there four times to visit this country. He has gone throughout the entire country, and he is in a position to evaluate and analyze whether our new tactics—the surge and counterinsurgency tactics General Petraeus has applied—were successful. He said it is one of the most dramatic turnarounds in the history of warfare, certainly in fighting against an insurgency.

We can all disagree about the war and whether we should have gone there, and how we should draw down our troops. But let's not deny that with the courage and fidelity of our military men and women in uniform, they have made dramatic progress in recent months. That progress places us in a much better position to secure a very successful outcome in this effort.

As to those who have opinions about what we should do in Iraq, and they think perhaps the President's ideas or others are not worthy of respect, let me just say it this way: January, a year ago, General Petraeus went over to Iraq. Last summer, we funded by an overwhelming vote the surge giving General Petraeus additional troops and additional authorities to lead in Iraq. We basically gave General Petraeus a chance because things had not been going well and people were very worried, and I was one of them.

General Petraeus was No. 1 in his class at Command and General Staff College, received a Ph.D. from Princeton University, commanded the 101st Airborne Division in Mosul when the war began, and spent a year there. I visited with him there. He came home for a period of time, I think less than a year. He was asked to go back and train the Iraqi military. I visited him in Baghdad when he was doing that. Following that tour, he came home and he wrote the Defense Department manual on how to confront and defeat an insurgency, and before the ink was dry on that manual we asked him to go back and lead that effort.

I would say we have never had a better prepared general for the complex military and political situation such as we face in Iraq. There has been a dramatic improvement under his leadership. That is indisputable.

General Petraeus testified yesterday, and this is basically what he said: I have drawn down the surge numbers. We will have those numbers completely drawn down by this summer. So our troop levels will be back to where they were before the surge occurred. I think, it is my best military judgment—my best military judgment—that we ought to pause for a while, and not immediately continue to draw down—and not for a year, just for a matter of months—and make sure we don't go so fast in our withdrawal that we destabilize the progress we have made because much of the progress is fragile. It could fall back if we don't conduct ourselves properly. That is what he asked us to do.

We have political generals, we have commentators on television who like to talk, and on the radio, but I will tell you who has earned my respect. General Petraeus. If he says, after all this effort and all the commitment of this Nation, that he needs a few months of pause before we begin to draw down again, then I think we ought to give it to him. Who is prepared to dispute that? If we don't support that, what we are saying is we think we know better than General Petraeus. General Keane says it is the finest military team he has ever seen assembled in his 40 years in the military.

I made the mistake of saying that General Petraeus—because I visited him over there, I knew this was his third tour in Iraq—that he had served 3 years in the war on terror. A little later it came up again. He said: Since 2001, I have been deployed 4½ years.

I remember when he went this time. He was asked to go. He believed he could make a difference. He believed he owed it to his country to give it his best shot. I am sure he felt a burden—people said he was the best person we had to lead our troops—to try to fulfill the request of his country. He left his family again to place his life at risk and to serve our country in Iraq.

I think his advice has been proven correct repeatedly, and I believe we ought to give him this chance to succeed. I agree with General Keane that nothing would be more corrosive of a fabulous military than to have all their sacrifice, all their efforts, the loss of life, the injuries sustained among the brotherhood of the military, to have all that thrown away by a precipitous political pullback. What will the military think the next time we ask them to go somewhere?

I have to tell you, Mr. President, I think we were far too optimistic about creating a government in a country that has never had a legitimate government, that has no experience, and no history with it. We thought it was far easier than it turned out to be. We thought and did not fully comprehend, as General Keane indicated, the depth of the opposition that rose up after the initial successful invasion. Our military was smaller than we needed. Now we know, and perhaps we should have known earlier.

We have made some mistakes. It has not been a perfect operation, that is for sure. I respect people who disagree with what I have said. Good people can disagree. I am not questioning their patriotism. However, logic, common sense, and a commitment to the men and women who have gone out and served us so well, to me, makes it pretty easy to say we should support General Petraeus's reasonable request that the continued drawdown pause for a while before resuming, and we should support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4429

Mr. SALAZAR. Mr. President, I come to the floor today to speak against amendment No. 4429, which has been offered by my good friend, Senator ALEXANDER from Tennessee. Senator ALEXANDER's amendment would slash the wind tax credit in half and would curtail the wind energy development for the State of Colorado and for the Nation.

All across America, what we see today is great enthusiasm for the possibility of renewable energy. It is driven, in my view, in a very different way, with a robust look at renewable energy as a way forward. In the 1970s, Richard Nixon coined the term "energy independence" after OPEC was formed. Then Jimmy Carter talked to the Nation about the importance of energy independence that we needed to embrace with the moral imperative of a war. Yet through the eighties, through the nineties, through the beginning of this century, we did not, frankly, live up to their vision or to that promise of energy independence. In fact, we went the other way. And in going the other way, what has happened is we have compromised our national security with our addiction to oil that we import from other countries to where in March of 2007 we imported 67 percent of our oil from foreign countries.

We compromise our environmental security as we see what is happening around our planet with the danger of global warming and the consequences it will bring to this planet and to this generation and to generations to come. And we have lost our way forward in terms of creating economic opportunities in America because what has happened is the technology we developed in America, such as the technology from the National Renewable Lab in Golden, CO, has, in fact, been taken by other countries—Spain, Germany, and other countries—and they have developed a very strong energy renewable economy.

When we talk about renewable energy, I agree very much with my colleagues on both the Democratic and Republican sides who have said we need to embrace the renewable energy future of America with an ethic that is a sustainable ethic, with the sense that we are here to do everything we possibly can, and we cannot do this by fits and starts. When we look at wind energy, it seems to me we need to come together to support the future of wind energy in America.

In my State of Colorado, we are seeing a virtual revolution occurring in terms of what is happening with wind energy. In 2004, there was hardly any wind generation taking place in my State of Colorado. I remember going across the eastern plains during my campaign for the Senate and then following that time, my visit to all 64 counties in the State and talking about how renewable energy would open a whole new chapter in rural America, would help us in so many ways to address the fundamental issues of our time.

Since 2004, my State of Colorado has moved to the point where we are about to produce 1,000 megawatts of electrical power a year in the State of Colorado—1,000 megawatts of electrical power—by harnessing the power of the wind. It would take much longer than 3 years to permit a coal-fired powerplant, and 1,000 megawatts represent the energy that would be generated from three coal-fired powerplants.

I don't have anything against coal, as my friend from Pennsylvania knows. We need to have coal some way as part of our portfolio of energies as we move forward, but we need to embrace the renewable energies we know are now on the market and make these initiatives of renewable energy sustainable over a long period of time.

Many projects are depending on our extension of the production tax credit and the investment tax credit. These tax credits are very important. I will be supporting Senator CANTWELL's and Senator ENSIGN's amendment later on in the vote we will be having.

A recent study by Navigant Consulting indicates that failing to extend the investment tax credit could result in the withdrawal of nearly $19 billion in capital investment in solar and wind. That would result in a loss of 116,000 jobs in 2009, including 10,600 jobs in the State of Colorado.

Over the last several weeks, the last 2 months on the floor of the Senate, we have talked about the economic situation in which we find ourselves. We said what we have to do is stimulate the economy and do some things that make sure the economy doesn't go further in the ditch. There are some who say we are already in the ditch. Alan Greenspan said yesterday he thought we were already in a recession. We need to do what we can to make sure that ditch is not too deep so we cannot find our way out.

One of those ways is making sure we are stimulating the economy in ways that work. When we talk about production tax credits and investment tax credits, that essentially will make sure we have these 116,000 jobs created in America. It is something we should very much support.

Congress has looked at the PTC and the ITC in fits and starts. It was first created to expire at the end of 1999, again in 2001, and again in 2003. We need to stop those fits and starts, and we need to be more persistent than consistent with respect to these investments.

Currently, the wind production tax credit has a value of 2 cents per kilowatt hour. The credit is scheduled to expire in 2008. Senator ALEXANDER's amendment would cut the credit for wind to just 1 cent per kilowatt hour. That, in my view, is headed in the wrong direction. Senator ALEXANDER argues that the wind energy receives special treatment and argues fossil energy has received some credit but that we should back down on the credits we are giving to wind energy.

What this chart will show is that what we are doing in terms of tax incentives, as well as in research and development expenditures out of the Federal Government, is not at all skewed toward renewable energies. In fact, it is skewed to fossil fuels. You will see that in tax expenditures, in the year 2007 in billions of dollars, fossil fuel received $13.7 billion of the expenditures that we were making through the incentives we are creating for oil, gas, coal, and other fossil fuels. But we were putting $13.7 billion into fossil fuels to help us with our energy independence, where we were only putting $2.8 billion into renewables. That is a stark contrast as to where we should be going if we are to get to energy independence for national security and environmental reasons.

When you look at research and development, these are the figures from the Department of Energy out of a General Accounting study which was requested by Senator ALEXANDER in 2007. We see that, in billions of dollars, the Department of Energy spent only $1.4 billion on renewables, but at the same time the Department of Energy spent $3.1 billion, three times as much, on fossil fuels, and $6.2 billion on nuclear.

So when we talk about harnessing the power of the wind, the power of the Sun, the power of biofuels as we grow our way to energy independence, in my view, we need to have some more balance. We need to put more into the renewable energy future of our country.

We have, as a Nation, starting over a century ago, made major investments in helping the fossil fuels industry. What this chart will show is, beginning in 1916, we created this laundry list of tax incentives for exploration of oil and gas and for the production of oil and gas and coal. Also, beginning in 1957, we made major incentives for nuclear. Yet we see the very few incentives we have instituted with respect to wind, which did not start until 1992. So this chart reflects there is a lot of catching up to do if we are to do everything we can as a Nation to harness the energy of the wind.

I am hopeful, therefore, my colleagues will vote no on the Alexander amendment because the wind energy future of our Nation is very dependent on our continuing to sustain a policy over a longer period of time so we get the wind energy industry up and running in America. It is also, in my view, important we support the amendment of Senators CANTWELL and ENSIGN, with respect to energy tax credits, because we need to make sure those do not expire, and right now they are on the verge of expiring.

I would hope, as we move forward in dealing with tax incentives and other issues in the Congress, we will be able to find a way to extend them beyond the end of 2008.

I urge my colleagues to vote no on the Alexander amendment, and I urge my colleagues to vote yes on the Cantwell-Ensign amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 4501.

The PRESIDING OFFICER. Is there objection?

Mr. SALAZAR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Well, I am shocked, shocked to hear an objection from the Senator on this very reasonable request to call up an amendment so this bill, which is a fairly significant bill, could be voted on by the Senate in parts, because there are some parts of this bill which aren't that good, and this amendment addresses one of those parts. Specifically, this amendment says the net operating loss carry-forward provisions, which cost $17 billion over the first 3 years of this bill, would be eliminated. There are already in law net operating loss provisions. What this bill does, however, regrettably, is expand those provisions dramatically and benefits one small segment of our commercial society, to the disadvantage of other segments of our commercial society and to the distinct disadvantage of our children and our children's children who have to pay for all the money that is going to be spent in the area of a tax credit or deduction.

This $17 billion will go to benefit the same industry, or part of the industry, which created the problem which this stimulus package is trying to address. It is a lot like that story of the fellow who shot both his parents and then threw himself on the court and asked for mercy because he was an orphan. What we have is the housing industry requesting a $17 billion tax break specifically for them because they created an economic meltdown by speculatively building thousands of houses—thousands more than we needed—and then selling those houses to people through the subprime mortgage process, which turned out to be a very poor idea for many people who bought houses with a subprime mortgage.

At the time these housing construction industry companies did this, they made a lot of money—a lot of money. Now they are losing money. And they are saying, with a straight face, in this bill: We need a $17 billion tax break, which allows us to go back and eliminate the taxes we paid on the profit we made during the good days of the housing bubble and get a tax rebate to reflect the fact that we are losing money today, which recovers the taxes we paid 3 and 4 years ago. How outrageous is that?

In addition, of course, housing contractors who were responsible—and who during this period of the bubble did not overbill or did not overly utilize subprime mortgages but, rather, built in a reasonable manner and are still doing well and are still making money—are going to find that their competitor down the street—who was potentially excessive, building a lot of inventory that was not necessary, selling it through subprime mortgages and then finding they are stuck with it today and thus losing money today—is going to get a tax benefit representing $17 billion. So the contractor who actually has been responsible and has run their business in probably a conservative and constructive way is going to have to compete with the profligate contractor, potentially, who is losing money but is suddenly going to get a huge windfall as a result of this bill in the way of a tax rebate. Where is the fairness in that?

In addition, of course, it undermines the whole concept of the free marketplace. I mean, the marketplace says: If you take a risk and you make an investment and you make a lot of money—which is what happened here—and then that risk turns out to turn on you and you start to lose money, the Government shouldn't come in and say: Oh, that is okay, we are going to insure your losses with a tax break—which is essentially what is happening. We are going to insure them to the extent of $17 billion over the next 2 years.

That is not a capitalist system. That is a French system. That is sort of modified socialism. It essentially says: You can't lose. You can go out and make money, and if you start to lose money, we will give you a tax credit. So the American taxpayers get to pay so you don't lose money.

Then who pays for all this? Who pays for this $17 billion? Well, these folks sitting right down here—the pages—will pay for this. We are not going to pay for it this year. We are not offsetting this cost. This goes on the national debt. Interest will accrue on it. When these young pages graduate from high school and then move on to college—and I know they are all going to go to college—and then they move out of college and start to get a job, you know what they will have to do? They will have to pay taxes, and part of the taxes they are going to be paying 8, 9, 10 years from now is going to go to pay for this tax deduction which we are passing today to benefit an industry which created the bubble, which created a recession. We are giving them this type of insurance through this type of tax break. That is not fair.

It is not fair to the next generation to pass this bill on to them. It is not fair to competitors who were conservative and managed their businesses well, that we are going to give this tax break to people who were not so successful or were successful but today aren't doing well. It doesn't make any sense. It is almost a bill of attainder. It should be unconstitutional—the idea we are going to pass a tax that benefits this one segment of the industry.

By the way, it is not going to stimulate the economy because most of this benefit is going to probably come to fruition after the recession is pretty much over. Probably not before the third or fourth quarter of this year and into next year will these dollars start to reflow into these industries. So as a practical matter, most economists are saying that to the extent we have a recession—and I happen to believe we have one—it is going to be shallow and short, which means it will probably be over. With all the Fed is doing, I think it will definitely be over by the end of this year, at the latest. So this makes no sense.

At the minimum, the Senate should at least have the right to vote on this policy. I mean, why not at least have a vote on this policy? It is a huge piece of policy, by the way. It seems to me we should have the right to have a vote on this policy. So all I have asked for is not that we accept the ideas I have put on the table, which is that this tax benefit makes no sense economically, that it makes no sense from the standpoint of a capitalist system, it makes no sense from the standpoint of the debt to pass on to our children, and it makes no sense from the standpoint that the people who are benefitting from this tax benefit were the biggest beneficiaries from the runup of the speculative market. I am not saying people have to accept those arguments, although I find them logical, reasonable, and I hope most people would accept them. I am saying let's vote on them. Let us have a vote on whether those arguments make more sense or the idea of putting this tax benefit in this bill makes more sense.

So that is why I have asked, on a number of occasions, for a vote on this item. I regret that there has been an objection, on occasion, to my request for this amendment to be brought up. I am tempted to renew that request at this time, but I sense somebody else might object—this time probably from the audience, as the last objection came from staff. But in any event, I can appreciate the fact that there would be an objection, so I will not raise it again. I will simply reflect the fact that I have made this point, and hopefully at some point there will be a relenting on the other side of the aisle to having a vote on this item.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

2008 OLYMPIC GAMES

Mr. MENENDEZ. Mr. President, I rise to express my concern about the Chinese Government's continued human rights violations and to urge President Bush not to attend the opening ceremonies at the Olympic Games in Beijing this summer.

The Chinese Government's unwillingness to acknowledge or address their record of human rights violations is in direct conflict to the spirit of the Olympic Games, and the United States should not accede to the Chinese Government with our attendance.

The recent developments in Tibet, in which Buddhist monks and other ethnic Tibetans were violently punished, and in some cases killed, for participating in protests, are disturbing and should be unacceptable to anyone who believes in basic human freedoms. Furthermore, these developments also seem to confirm that the Chinese Government, which has long disrespected the rights of its citizens, under the Universal Declaration of Human Rights, has failed to sufficiently improve its conduct when confronted with citizens who happen to voice a difference in opinion.

We believe—I think many of us believe—that the President's attendance at the opening ceremonies, rightly or not, would send the implicit message to the world that the United States condones the intolerance that has been demonstrated by these actions of the Chinese Government.

The Chinese Government was awarded the Olympic Games on the understanding that it would work to significantly improve its human rights record. Clearly—clearly—it has not. In fact, its actions are completely contradictory to the Olympic spirit.

Let me highlight two specific points in the Olympic Charter's Fundamental Principles of Olympism. It says:

> The goal of Olympism is to place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity.

The other principle that is on point here:

> Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement.

"Incompatible with belonging to the Olympic Movement."

The Chinese Government blatantly violates both of these points.

Some have made the argument that the President's attendance at the opening ceremonies is more about support for the Games themselves than for the host country. I believe it is all to the contrary. It would show tremendous support and respect for the Games and the spirit they embody, and these principles that are part of the Olympic Charter, to take a stand against a host nation that flagrantly disrespects that spirit.

We remind the President that the recent developments in Tibet are only the latest chapter in a long history of Chinese human rights concerns. Even in the midst of the latest atrocities against Tibetans, we should not forget the Chinese Government's continued unwillingness to use all of its unique leverage—unique leverage—with the Sudanese regime to assist the international effort to bring an end to the genocide in Darfur. This issue remains of serious concern to us and many others who have not seen the improvements in Darfur that we had hoped would have happened long ago.

If we were languishing in the camps in Darfur, as the world watches genocide, if we see human rights violations in China against the Tibetans, if we see prison camp labor, child labor, forced abortions, the exiling of the Dalai Lama, and so, so much more, who among us, if we were in their position, would be content with the counsels of patience and delay? Who among us would be content with the silence that exists in this respect? And who among us would not want to see a world leader, a leader of the free world, make a very powerful statement to ensure that we move in a different direction?

If the Chinese Government is ever to treat its people with basic human rights, it must be sent a bold and clear message that its record of violence and suppression is completely unacceptable.

Few actions can speak louder than if the President of the United States were to condemn the Chinese human rights record with the entire world watching. It is at the moment of the opening ceremonies where the world's attention is riveted on the Olympic Games—it is at the opening ceremonies where the world's attention is riveted on the Olympic Games—and not attending, refusing to attend, the opening ceremonies would accomplish exactly that: a clear condemnation of China's human rights record.

We hope the President will agree with us, that the Chinese Government's actions are unacceptable, and that we must send a bold message now while the world—while the world—is focused on China.

China wanted the Olympic Games. It got it with the understanding that, in fact, it would dramatically improve its human rights record. It has not. The world has seen its repressive nature. If we go on as if nothing had happened, we will send a message that impunity is, in fact, something that is tolerated by the rest of the world.

I do not believe Americans want to see that happen. I believe the principle of the Olympic Charter that clearly says, "Any form of discrimination with regard to a country or a person on grounds of [their] race, religion, politics, gender . . . is incompatible with belonging to the Olympic Movement" is something worthy of sustaining, and this is an opportunity in time and history to make that principle ring loudly and clearly.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4419

Mr. ENSIGN. Mr. President, I wish to speak for a few minutes on an amendment I have offered with Senator CANTWELL regarding renewable energy. It is amendment No. 4419. I don't know whether it is going to be voted on tonight or tomorrow. Either way, I wish to spend a few minutes on this particular amendment.

I ask unanimous consent to have printed in the RECORD some letters of support from various industries.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 3, 2008.

DEAR SENATOR: As a coalition of businesses, environmental organizations, investors, labor, nongovernmental organizations, public health organizations, religious organizations, states, trade associations and utilities, we urge you to pass bipartisan legislation as soon as possible that extends federal tax incentives for energy efficiency and renewable energy technologies and consumer purchases of energy efficient products. These critically important incentives have expired or will expire at the end of this year and must be extended immediately to avoid significant harm to the developing clean energy industries in the United States.

We urge extension of the renewable energy production tax credit, clean renewable energy bonds, efficient commercial buildings tax deduction, investment tax credit for solar electric and fuel cell systems, tax credit for energy efficiency upgrades to existing homes, tax credits for the production of efficient home appliances, and tax credit for construction of efficient new homes. These incentives play a vital role in reducing global warming pollution, creating new high-wage American jobs, spurring economic growth, promoting consumer purchases of energy efficient products, and saving consumers and businesses money on their energy bills.

It is essential for the development of clean technology industries that extensions of the efficiency and renewable energy tax incentives remain effective for multiple years. Congress has historically extended the clean energy incentives in one or two-year increments, which creates a boom-bust cycle for the technologies covered by the incentives. This cycle undermines the efficient development of the clean energy technology industries into mature industries.

It is critical for the sustained development of the clean energy technology industries that efficiency and renewable energy tax incentives be promptly extended. The delay in extending these provisions is already discouraging investment decisions today for clean energy projects that will be completed in 2009 or later. According to a recent study by Navigant Consulting, failure to promptly extend renewable energy tax incentives places at risk 116,000 jobs in the wind and solar industries and more than $19 billion in clean energy investment. Similarly, more than 800 megawatts of renewable biomass electrical generation in development has been placed on hold because the renewable production tax credit has not been extended according to biomass industry estimates.

America is on the cusp of a new, clean energy economy. Extending efficiency and renewable energy tax incentives is critical to promoting the transition to this economy. They will help get us started on solving the global warming problem, reduce energy prices for consumers, and create new high-wage jobs. We urge you to do everything you can to ensure prompt passage of legislation with significant bipartisan support that adopts long-term extensions of the efficiency and renewable energy tax incentives and can be enacted into law this spring.

Sincerely,

American Council on Renewable Energy (ACORE).
AES Wind Generation.
Airevolution Wind Energy Systems, LLC.
Akeena Solar.
Alaska Wind Power, LLC.
Alliance to Save Energy.
Alliant Energy Corporation.
Alternative Fuels Renewable Energies Council.
Ameren Corporation.
The American Agriculture Movement, Inc.
American Council for an Energy Efficient Economy (ACEEE).
The American Institute of Architects (AIA).
American Solar Energy Society.
American Wind Energy Association (AWEA).
Applied Materials.
Apricus Inc.
Arizona Public Service.
Association of Home Appliance Manufacturers (AHAM).
Audubon.
Ausra, Inc.
AWS Truewind, LLC.
Babcock & Brown.
Ballard Power Systems.
Best Buy Co., Inc.
Bio-A.I.R.E., LLC.
BioEconomy Development Corporation.
BioEnergy Development, LLC.
Bloom Energy.
BOSCH.
BrightSource Energy, Inc.
Broadwind Energy, Inc.
Business Council for Sustainable Energy.
California Energy Commission.
Cardinal Fastener & Specialty.
CCIM Institute.
Center for Energy and Environmental Sustainability at James Madison University.
Central Vermont Public Service.
CH Energy.
Chirag Bator.
Clipper Windpower, Inc.
Clyde Industrial, LLC.
Coalition on the Environment and Jewish Life (COEJL).
Competitive Power Ventures, Inc.
Conergy.
Constellation Energy.
Converteam Inc.
Dakota Resource Council.
Dakota Rural Action.
D.H. Blattner.
Dominion.
The Dow Chemical Company.
Dow Corning Corporation.
Duke Energy.
The Dyson Corporation.
Earthjustice.
Edison Electric Institute (EEI).
Edison International.
Empire District Electric Company.
Energize Now Initiative.
Energy Innovations, Inc.
Energy Systems Group.
Energy Unlimited, Inc.
Enertech.
Environmental and Energy Study Institute (EESI).

Environment America.
Environmental Defense Fund (EDF).
enXco.
Eurus Energy America Corporation.
Evergreen Solar, Inc.
Exelon Corporation.
Fagen, Inc. Construction.
Federal Performance Contracting Coalition.
FPL Group.
Friends Committee on National Legislation.
Gamesa Technology Corporation.
GE Energy.
Geothermal Energy Association (GEA).
Global Energy Concepts.
Global Resource Options, Inc.
GPCO USA.
Green Mountain Power Corporation.
Greenpeace.
Green Volts.
Great Plains Energy.
Hansen Transmissions Inc.
Hawaiian Electric Company, Inc.
Heartland Power and Light LLC.
Hexcel Corporation.
HICO America.
The Home Depot, Inc.
Honeywell.
Horizon Wind Energy.
Hydrogenics.
Iberdola Energias Renovables.
Idaho Rural Council.
IdaTech.
Infinia Corporation.
Intermountain Wind, LLC.
International Council of Shopping Centers.
Interstate Power and Light.
Institute of Real Estate Management (IREM).
Invenergy LLP.
John Deere Renewables, LLC.
Johnson Matthey.
JP Morgan Chase.
JW Great Lakes Wind LLC.
JW Prairie Wind Power LLC.
Knight & Craver.
Kyocera.
Lake Superior Warehousing Co., Inc.
League of Conservation Voters.
LM Glasfiber, Inc.
LOGANEnergy.
Lowe's Companies, Inc.
Macy's.
Mendel Biotechnology, Inc.
Mesa Power, Inc.
Michigan Alliance of Cooperatives.
Millennium Cell, Inc.
Missionary Oblates of Mary.
Immaculate, Justice Peace/Integrity of Creation Office.
MJH Power Consulting LLC.
Mortenson Construction.
MMA Renewable Ventures, LLC.
Mortenson Construction.
MOU Citrus Partnership, LLC.
National Association of Home Builders (NAHB).
National Association of Industrial and Office Properties (NAIOP).
National Association of State Energy Officials (NASEO).
National Electrical Manufacturers Association (NEMA).
National Farmers Union (NFU).
National Grid.
National Multi Housing Council.
National Rural Electric Cooperative Association (NRECA).
National Small Business Association.
National Tribal Environmental Council.
National Venture Capital Association (NVCA).
National Wildlife Federation.
National Wind LLC.
Natural Resources Defense Council (NRDC).
Noble Environmental Power.
Northeast Public Power Association (NEPPA).
North American Equipment Dealers Association.
North American Insulation.
Manufacturers Association (NAIMA).
Nuerva.
Oerlikon Solar.
Ohio Environmental Council.
OptiSolar.
Oregon Rural Action.
Owens Corning.
Peloton Energy, LLC.
PG&E Corporation.
Pacific Winds LLC.
Physicians for Social Responsibility.
Pinnacle West.
Plug Power Inc.
PNM Resources.
Polyisocyanurate Insulation.
Manufacturers Association (PIMA).
Portland General Electric.
Powder River Basin Resource Council.
Power Works LLC.
PPM Energy.
Progress Energy.
Public Citizen.
Public Service Enterprise Group, Inc.
Public Works LLC.
The Real Estate Roundtable.
Rebirth Capital, LLC.
REC Silicon.
Redefining Progress.
Regeneration Project/Interfaith Power and Light.
Reinforcing Services.
Renewable Energy Systems Americas.
Retail Industry Leaders Association.
Rocket Wind Energy LLC.
Rosendin Electric, Inc.
Rural Minnesota Energy Board.
Sacramento Municipal Utility District (SMUD).
SANYO Energy Corporation.
SCHOTT Solar, Inc.
Sempra Energy.
SGR Site Associates LLC.
Shell Wind Energy.
Siemens Windpower A/S.
Sierra Club.
Signal Wind Energy, LLC.
SkyFuel, Inc.
Smart Growth Advocates.
Solar Energy, Inc.
Solar Energy Industries Association.
Solar Integrated Technologies, Inc.
Solar Power Partners.
SolarReserve.
SolarWorld California Inc.
Southern Alliance for Clean Energy (SACE).
Southern California Public Power Authority (SCPPA),
SPI Industries.
Spire Solar, Inc.
Sriya Innovations, Inc.
SunEdison.
SunPower Corporation.
Susitna Energy Systems.
Suntech America, Inc.
Target Corporation.
Third Planet Power LLC.
TPI Composites.
Trade Wind Energy.
Trane.
TRI Composites, Inc.
TRICO TCWIND, Inc.
Trinity Industries, Inc.
TSS Consultants.
25x'25 Steering Committee.
United Biofuels Development.
Union of Concerned Scientists.
The Union for Reform Judaism.
The United Steelworkers.
3M.
United Technologies Corporation.
UPC Wind Management, LLC.
U.S. Fuel Cell Council.
USA Biomass.
US Wind Force, LLC.
Ventera Energy Corp.
Vestas Americas.
Vote Solar.
Waste to Energy, LLC.
Westar Trade Resources.
Western Colorado Congress.
Western Organization of Resource Councils (WORC).
Western Renewables Group.
Westwood Professional Services.
Whirlpool.
The Wilderness Society.
Wind Capital Group.
WindLogics Inc.
Windsmith, LLC.
Wind Turbine Industries Inc.
Wisconsin Power and Light.
Xcel Energy Company.

KEEP OUR ECONOMIC ENGINES TURNING ON A CLEAN ENERGY FUTURE

America is on the cusp of a new, clean energy economy. Extending the efficiency and renewable energy tax incentives is critical to promoting the transition to this clean energy future. But these important incentives have expired or will expire at the end of this year and must be extended immediately to avoid significant harm to the developing clean energy industries in the United States. These incentives play a vital role in reducing global warming pollution, creating new high-wage American jobs, spurring economic growth, promoting consumer purchases of energy efficient products, and saving consumers and businesses money on their energy bills.

We, the undersigned, representing a broad coalition of organizations and businesses, urge you to pass with significant bi-partisan support the Clean Energy Tax Stimulus Act introduced by Senators Cantwell and Ensign.

PLEASE SUPPORT S. 2821, THE CLEAN ENERGY STIMULUS ACT OF 2008

MEMBERS OF THE UNITED STATES SENATE,
Washington, DC, April 4, 2008.

DEAR SENATOR: We are writing to urge you to cosponsor and support passage of S. 2821, the Clean Energy Stimulus Act of 2008. This legislation extends vitally important federal tax incentives for wind, geothermal, biomass, solar power, qualified hydropower, and other renewable energy technologies that expire this year. An immediate extension of renewable energy tax incentives is critical for sustaining one of the most rapidly expanding areas of the American economy.

The delay in extending renewable tax incentives is already discouraging investment decisions today for clean energy projects that will be completed in 2009 or later. According to a recent study by Navigant Consulting, failure to promptly extend renewable energy tax incentives places at risk 116,000 jobs in the wind and solar industries and more than $19 billion in clean energy investment.

Prompt action to extend renewable tax incentives is critical to continuing the economic growth and high-wage jobs associated with the rapid growth of wind and solar power, and to helping reduce global warming pollution even as we meet increasing electricity demand.

Please do all you can to support S. 2821.

Sincerely,

Alliant Energy.
American Wind Energy Association.
Alyra Renewable Energy Finance, LLC.
Babcock & Brown.
Bluewater Wind.
Broadwind.
CAB Inc.
Catamount Energy Corporation.
Clipper Windpower Development Company, Inc.
Columbia Energy Partners LLC.
Competitive Power Ventures, Inc.
D.H. Blattner & Sons.
DH Blattner.
Distributed Generation Systems, Inc.
DMI Industries, Inc.
Emerging Energies Of Wisconsin, LLC.
Energy Unlimited, Inc.
Enertech.
Eurus Energy America Corporation.
Global Energy Concepts.
Green Wing Pacific Energy.
HICO America.
Hilliard Energy.
Honeywell.
Horizon Wind Energy.
Iberdrola Renewable Energies U.S.A.
Interstate Power and Light.
Interwest Energy Alliance.
John Wade Wind Consultant, LLC.
JP Morgan.
JPW RIGGERS, INC.
JW Prairie Wind Power, LLC.
Knight & Carver Wind Group.
Lecco Steel.
LM Glasfiber.
Mackinaw Power, LLC.
Mecal Applied Mechanics.
Mesa Power LP.
Midwest Wind Energy, LLC.
Molded Fiberglass.
Motion Industries.
NextEnergy.
Noble Environmental Power.
Oregon Trail Wind Farm.
Owens Corning Company.
Pacific Winds, LLC.
Pike and Scott County Farm Bureaus.
POWER Engineers, Inc.
PPM Energy.
Renewable Energy Systems Americas.
Second Wind Inc.
Sharp Executive Associates, Inc.
Shell Wind Energy.
Siemens.
SIPCO Mechanical Linkage Solutions.
Skyward Energy.
Solar Energy Industries Association.
Southwest Windpower.
Suzlon Wind Energy Corporation's Torch Renewable Energy.
Torch Renewable Energy.
Tower Foundations.
TPI Composites.
Trinity Industries, Inc.
Two Rivers Farm Bureau Foundation.
UPC Wind.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, April 8, 2008.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports an amendment based on S. 2821, the "Clean Energy Tax Stimulus Act of 2008," which is expected to be offered by Sen. Ensign to H.R. 3221, the "Foreclosure Prevention Act of 2008."

The Chamber believes it is in the national interest to promote the responsible use of all energy sources. To reach this goal, government and business should support investment in new technologies that expand alternative energy and enable traditional sources of energy to be used more cleanly and efficiently. Extension of the incentives in S. 2821 will go a long way toward the development of the renewable and alternative energy technologies essential to our nation's energy future.

Congress must be mindful, however, not to merely stop at renewables. Many of the incentives extended by S. 2821 were included in the Energy Policy Act of 2005 (EPAct), a comprehensive energy policy bill largely overlooked scarcely more than two years after its enactment. EPAct contains nearly 70 provisions that require federal agencies to undertake research, development and demonstration of new technologies, to engage in public/private partnerships, or to make available financial incentives to the private sector for the development of these new technologies. Presently, a significant number of the nearly 70 new energy technology and efficiency directives are unfunded, under-funded, or simply not implemented at all.

The Chamber supports Sen. Ensign's amendment, and urges Congress not only to extend the incentives specified in that bill, but to fully fund and implement all of the energy technology and efficiency directives enacted by EPAct.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

RETAIL INDUSTRY
LEADERS ASSOCIATION,
Arlington, VA, April 3, 2008.

Hon. MARIA CANTWELL,
Dirksen Senate Office Building,
Washington, DC.
Hon. JOHN ENSIGN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS CANTWELL AND ENSIGN: I write to thank you for introducing the Clean Energy Tax Stimulus Act of 2008. This bipartisan legislation seeks to extend federal tax incentives for energy efficiency and renewable energy technologies and consumer purchases of energy efficient products. These critically important incentives have expired or will expire at the end of this year and must be extended immediately to maximize energy savings for consumers and businesses to help reduce greenhouse gas emissions in communities across the United States.

The Retail Industry Leaders Association, RILA, promotes consumer choice and economic freedom through public policy and industry operational excellence. Its members include the largest and fastest growing companies in the retail industry—retailers, product manufacturers, and service suppliers—which together account for more than $1.5 trillion in annual sales. RILA members provide millions of jobs and operate more than 100,000 stores, manufacturing facilities and distribution centers domestically and abroad.

RILA and our member companies are committed to environmental sustainability. We applaud the bill's particular provisions that extend tax incentives for investments in solar technology; construction of "green" commercial buildings; and consumer purchases of energy efficient products to improve their homes.

We look forward to working with you to pass this legislation on a strong bipartisan basis toward the path of extending the efficiency and renewable energy tax incentives for enactment into law this spring.

Sincerely,

FAITH A. CRISTOL,
Vice President, Workforce & Tax.

THE REAL ESTATE ROUNDTABLE,
Washington, DC, April 8, 2008.

TO ALL UNITED STATES SENATORS: The Real Estate Roundtable urges your support for S. 2821, The Clean Tax Stimulus Act of 2008. Sponsored by Senators Cantwell and Ensign and cosponsored by 31 other Senators, this narrowly tailored bill extends essential energy tax provisions facing expiration.

This bill is being offered as Amendment #4419 to the housing stimulus bill H.R. 3221. Passing this amendment will encourage a dialogue between the Senate and the House regarding the timely disposition of these important policies. We urge you to cosponsor the bill and support the amendment.

The Roundtable particularly supports two provisions in the bill: (1) a one year extension of the Section 179 deduction for energy efficient commercial buildings and the modification to increase the entire building deduction to $2.25 per square foot and to $.75 per square foot for the partial building deduction; and (2) an eight extension of the 30 percent business tax credit for solar energy and fuel cells.

Ideally, a much longer extension of the Section 179 energy efficient building deduction should be enacted given the long lead time involved with the design, development and construction of commercial buildings.

Increased investment in energy efficient technologies—including building technologies—has special significance to our industry. Roundtable members have been leaders in advancing the state of the art as it relates to the development and operation of energy efficient "high performance" buildings. The energy efficient building deduction and the solar and fuel cell credit are important tools in allowing our members to continue this leadership role.

Failure to enact these extensions would mean losing the economic benefit provided by the alternative energy and energy efficiency industries. Further, it would hinder the development and deployment of energy efficient technologies and alternative energy production. The economic and environmental benefits spurred by these tax incentives would provide a meaningful offset to the bill's revenue cost.

If you or your staff has any questions, please contact Roundtable Senior Vice President and Counsel Steve Renna (srenna@rer.org).

Sincerely,

JEFFREY D. DEBOER,
President and Chief Executive Officer.

Mr. ENSIGN. Mr. President, over the last several weeks Senator CANTWELL and I worked together in a bipartisan fashion to craft a renewable energy package that would break the gridlock that has happened here in the Senate. There have been several good faith attempts to pass a renewable energy bill, but frankly, several of us, including myself, have objected to some of what are called offsets, the "pay-fors" in the bill.

I believe very strongly in renewable energy but also know that this country will be dependent on fossil fuels for the next 20 to 30 years. We need more domestic supplies of fossil fuels and less reliance on foreign sources of fossil fuels.

In the package that was put before us, tax incentives were going to be taken away from people who explore for domestic sources of fossil fuels. That was the reason I opposed the original renewable energy package.

Senator CANTWELL and I, along with our staffs, got together over the last several weeks and came up with a compromising provision that has no offsets. We encourage the continued development of solar, wind, geothermal, and biomass energies. There are several renewable energies out there and all kinds of new technologies that are coming on line. The more private investment and innovation that we have, the more alternatives and renewable energies we will see come into the U.S. markets. This will insure that we are responsible to the environment and to our economy by creating innovative new jobs and less dependent on foreign sources of energy. This is the reason Senator CANTWELL and I have come together in a bipartisan fashion to say, "Let's break this logjam in the Senate. Let's make sure we get this bill passed so it can be signed into law."

What we have today in front of us is a housing bill which will help stimulate the economy. Everyone knows the economy is being dragged down by the subprime mortgage market crisis we are facing in America. My State leads the Nation in foreclosure rates. It is dragging the rest of the Nevada economy down in what appeared to be a recession-proof economy. We need this housing bill. We need to do things that will help bring our economy out of the doldrums it is in.

This energy package we have put together is also stimulative. It will preserve the jobs that have already been created, as well as create more jobs and help the economy.

I believe strongly, for many different reasons, that this amendment will help the economy, it will help our environment, and it will help make us become less dependent on foreign sources of energy. For those reasons, I would encourage my colleagues to support our amendment.

Senator ALEXANDER is offering a second-degree amendment that I believe will gut our amendment and will break apart this bipartisan coalition we have put together. It is his right to offer a second-degree amendment and he will speak in defense of it. But, I am going to encourage our colleagues, on both sides of the aisle, if you want a renewable energy bill, to oppose the Alexander amendment and to support the Ensign-Cantwell amendment on renewable energy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Nevada for his comments, and I thank him for his effort. He and the Senator from Washington, Ms. CANTWELL, are making a constructive effort to give Federal support for emerging renewable energy. Clean renewable energy is very important for our country. I have a chart here which lists the sources of renewable electricity qualified to receive the production tax credit. This production tax credit is the subject, in part, of the Ensign-Cantwell amendment No. 4419. But what Senator KYL and I have is a second-degree amendment No. 4429 that we will offer when the Ensign-Cantwell amendment comes up, which is a way to improve that amendment.

Basically, what we have been hearing from entrepreneurs and those who are inventing new technologies, which would help reduce our dependence on fossil fuels, is: We need some certainty in whatever support you give us from the Federal Government. The Ensign-Cantwell amendment would—the first part of it—would allocate about $3 billion to the production tax credit for 1 more year. It would extend the ability of renewable electricity to qualify for the production tax credit. What we would say is, let's do that for 2 more years. I will explain that in just a minute.

One might say: Well, how are you going to pay for that? The way we would propose paying for it is to put wind in the same category as emerging renewable energies, make it also available for a 1-cent subsidy per kilowatt hour, and that amount of money alone would make it possible for us to have a 2-year extension of the production tax credit at the same cost that Senator ENSIGN and Senator CANTWELL propose in their amendment.

Now, let me explain what I mean by that. But first, our goal with the Alexander-Kyl amendment would be to extend the production tax credit for 2 years, to focus it on emerging renewable electricity technologies, to focus it on those that have a capacity for supplying baseload electricity; in other words, electricity production that we can rely on all day and all night. If you want to turn your light on in the middle of the night or operate your computer at 4 p.m., whether the sun is shining or the wind is blowing, you need reliable sources of baseload electricity, and we would like to treat all of these energies fairly.

Here is what the law now does and has done since 1992. It pays the producer of this kind of electricity, renewable electricity, 2 cents per kilowatt hour for the electricity it produces. Right now, the 2 cents is going to closed-loop biomass and to geothermal; that is heat coming out of the ground and is being converted into clean electricity. It used to go to solar, but that was removed in 2005, and it goes to wind today. So those three—closed-loop biomass, geothermal, and wind—all get 2 cents per kilowatt hour. These other emerging technologies on this side of the chart just get 1 cent per kilowatt hour.

What we propose to do is move wind from the two-cent category to the one-cent category. Wind would still get 1 cent per kilowatt hour. It would end up getting more of the money than any of these others, but it would focus more of the dollars in the Cantwell-Ensign bill on emerging baseload energy by providing more time for these to be developed.

Now, that is not as complicated as it sounds. Let me try to say why it is necessary to do this. Most of the speeches we hear around here about the production tax credit say: Oh, we need to have renewable energy. We need to have everything. We need to have biomass. We need to have small irrigation power. We need to have landfill gas. We need to have trash combustion, qualified hydropower, and now wave and tidal. That is new. That is when you put a turbine in the East River in New York City and the water turns the turbines instead of the wind. It turns out there is more power in the water. In fact, it destroyed the turbines, so they are going to have to start over again. But these are emerging experimental technologies. So we say on the Senate floor that we are going to have all of these renewable generating sources, but the fact is we don't do that.

We are now committed to $11.5 billion in tax expenditures, according to the Joint Tax Committee, on wind power alone over the next 10 years—$11.5 billion on wind power alone. By adopting the Ensign-Cantwell amendment, based on my best estimates, we would add another $3 billion over the next 10 years to wind alone, and almost none of it would go over here to these other renewable electricity technologies. Now, why would I say that? It is because a new report by the Energy Information Administration, which I requested in May 2007 and received this week, said that wind power accounted for 97 percent of the total renewable electricity production tax credit in fiscal year 2007. Now, Senator BINGAMAN said earlier when we debated the Energy bill in June 2007 that he relied on the figure that 75 percent of all of the production tax credit was being used for wind power. That was an estimate from last year from the Joint Committee on Taxation. But the Energy Information Administration in this new report says that wind received 97 percent of the production tax credit in Fiscal Year 2007. I am not saying wind power is good or wind power is bad by saying this; I am saying if you are saying with the Ensign-Cantwell amendment that you are offering support for all of these different emerging technologies, that is not going to be the case because according to the Energy Information Administration, 97 percent of it went for wind.

Wind has another difference with all of these: the issue of supplying baseload power. The problem with wind is the limitation on it. Each one of these has some limitation, but one of wind's limitations is you can only use it when the wind blows. You don't store wind power; you use it when the wind blows. So if you are the city of Los Angeles or you are the city of Little Rock or the city of Nashville and it is 4 o'clock in the afternoon and you want to turn on your air-conditioners and operate your computer and turn on your light when you hear a noise, you don't want to first check to see whether the wind is blowing. So it is not a baseload power, it is not a controllable power source. It has a severe limitation.

Now, solar had much the same limitation when it was—insofar as the technology has developed so far. For solar, we generally buy panels and put them on the roof and we use the electricity that comes from the panels, and that can be very useful, just as wind mills have always been useful on farms for occasional power. But the solar industry requested to be taken out of this production tax credit because it wasn't getting any of it. It was all going to wind.

Now there is another provision for an investment tax credit for solar. Extending this investment tax credit is in the Ensign amendment. I fully support that. That would help, for example, new solar thermal plants where you put a lot of mirrors out on the ground, collect the Sun, create steam, put the steam in the ground, and then you can use it on a continuous basis, not just when the Sun shines. Pacific Gas and Electric has a commercial plant that they are going to build out West for that. Let's see if it works. If it does, it will be a great thing for our country.

We only have a limited amount of money available to support emerging renewable energy, so why would we spend virtually all of it—97 percent—for a proven technology—wind power—that we have been subsidizing since 1992 and to which we have committed $11.5 billion over the next 10 years, if we don't do anything else, just the wind power. And, with the Ensign-Cantwell amendment, we are about to put in another $3 billion for wind power over the next ten years, acting as if we are also doing it for open-looped biomass, small irrigation power, landfill gas, trash combustion, qualified hydropower, wave and tidal, and it won't get anything. It will all go to these big wind turbines.

Let me go to another chart and give an example of what this has produced. We hear a lot of talk about Federal subsidies for oil and Federal subsidies for coal and Federal subsidies for this and that, and the oil companies are called up and everybody gets excited because we are talking about $3.50, $4 for gasoline. We have a right to be excited about that. We don't like to send our gas money overseas to people who are trying to kill us, so we are upset about that. But we are talking here about Federal subsidies for electricity, not gasoline.

I asked the Energy Information Administration in May 2007 to please tell me what is the Federal taxpayer doing to support the different ways we produce electricity in the country. The information came back this week, and it is really pretty interesting. Coal. Coal is half of all of the electricity we use in the United States. We are not a desert island. We use 25 percent of all of the energy in the world. If we are going to be realistic about it, we need to find a way to burn coal cleanly, which means we need to recapture the carbon if we care about climate change. But right now, we subsidize coal to the tune of 44 cents per megawatt hour. We may not know what a megawatt hour is, but we can compare it to what we do for others. Refined coal is a very small part of coal, and it gets a very high subsidy. That is very interesting. I didn't know about that. That is a special subsidy which was put in for refined coal, but almost all the coal we burn gets 44 cents.

Natural gas. Almost all the plants built to make new electricity in the 1990s were natural gas and petroleum. That is oil and gas. We assume it gets a lot of subsidies. It only gets 25 cents for a megawatt hour. Nuclear power. Nuclear plants generate 19 percent of all our electricity in America, but they are 70 percent of all our clean electricity. If we want to have clean air and to deal with climate change in this generation, nuclear power—other than conservation—is our best option because, with that, you have no nitrogen, no sulfur, and no mercury, which dirties the air, and you have no carbon. So 70 percent of our carbon-free electricity comes from nuclear power. How do we subsidize nuclear power? EIA's report says $1.59 per megawatt hour in Fiscal Year 2007?

Biomass is a new renewable energy, which gets 89 cents. Geothermal. They are interesting new technologies that drill way down into the ground and out comes heat and you can heat your house from that. That is 92 cents per kilowatt hour.

Hydroelectric, which is water over the dams. It is about 7 percent of all the electricity in America. It is clean, but you and I know how many new dams are going to be built. Not many more. Subsidizing that will not solve the problem of clean electricity for a country that uses 25 percent of all the electricity in the world.

Solar is misleading. We are subsidizing it at the rate of $24 per megawatt hour, about 50 times that for coal. That is an infinitesimal amount for electricity. We don't sell much solar electricity to the grid today. It is from solar panels put on the roof.

Then we have wind. That $11.5 billion we are already committed to spend to help developers build wind turbines all over America in places where it blows or doesn't blow, we are subsidizing the electricity produced by those wind turbines at the rate of $23 a megawatt hour in Fiscal Year 2007, while coal is less than a half dollar. That is 50 times the subsidy for coal.

It is $1.59 for nuclear—70 percent of our clean energy—and wind is 2 percent of our clean energy. If we were subsidizing nuclear power at the same rate as wind, it would cost us $300 billion over the next 10 years. We don't have that much money in the United States with which to subsidize electricity. So go all the way down to the bottom, past landfill gas and municipal solid waste, and I have talked about that before. In Johnson City, TN, a company is using the landfill there and paying Johnson City a million dollars a year for that purpose because it produces electricity, and Johnson City is keeping its property taxes lower. It is worth, perhaps, subsidizing that a while longer. We are doing that at the rate of 13 cents per megawatt hour.

All renewables—and this is supposed to be a bill about encouraging renewables—are being subsidized at $2.80 per megawatt hour. Yet the Ensign-Cantwell legislation would add $3 billion to wind power, which is already being subsidized at $24 per megawatt hour. That is not a wise stewardship of dollars. What Senator KYL and I are seeking to do is improve the Ensign-Cantwell bill.

The objective there, if I can go back to the other chart, is this. The objective is to identify some of these emerging renewable technologies that have the capacity to turn into base-load technologies and encourage them. They are more likely to be encouraged if we give them a 2-year extension for the production tax credit instead of 1 year. That is what we would do. They are more likely to get some of the money if we don't let wind gobble it all up, as it did last year. Why give $3 billion more to a proven technology when our goal is to support emerging technology? That is what we are trying to do. If the Senate would like to resolve the gridlock and spend $6 billion or $7 billion in support of helping us find ways to encourage new emerging base-load technologies, the way to do that would be to support Ensign-Cantwell as amended by Alexander-Kyl. Wind is getting $11.5 billion over 10 years, plus many other subsidies. With the Alexander-Kyl amendment, wind would get 1 cent per kilowatt hour and most of the $3 billion we are talking about over a longer, two-year period.

But some of these other emerging renewable energies would have a fighting chance to get some of the money because they would have more time to plan and invest. I have been visited by a lot of people who want to see some support for renewable energy. I want to see that too. I was the principal sponsor of the solar energy tax credit, increasing it in 2005. I would like to see solar thermal plants. I would like to see support for open-loop biomass, and small irrigation power, landfill gas, trash combustion, qualified hydropower and wave and tidal. But the Ensign legislation would not do it by extending the production tax credit for 1 year because wind will gobble it all up such as it did last year. The others will have a fighting chance if we extend the production tax credit for 2 years and treat wind like all these other ones, particularly now that it is proven. That is a wiser use of our money and puts us on a better path toward cleaner air and dealing with climate change.

Mr. REED. Mr. President, Rhode Island currently has the highest foreclosure rate in New England. According to the most recent National Delinquency Survey from the Mortgage Bankers Association, 3.9 percent of all the loans being serviced in the State are in foreclosure. Foreclosure initiations were up 11.8 percent from the previous quarter. As far as subprime adjustable rate mortgage loans, ARMs, are concerned, 8.2 percent of them are in foreclosure, which is up 18.8 percent from last quarter. And we know that a majority of these ARMs have not yet reset and are scheduled to do so sometime during the next year.

Many families' homes are now worth less than their mortgages, giving them no ability to refinance or sell their homes. With the cost of energy, food, health care, education, and other needs at an all time high, they are trapped between a rock and a hard place.

The legislation before us, the Foreclosure Prevention Act of 2008, is a start. I want to thank Senators Dodd and Shelby and their respective staffs for all of their hard work in helping us move forward on this legislation.

I am pleased that the bill contains the provision I authored, from my bill, S. 2153, to amend the Truth-in-Lending Act to improve home loan disclosures. This provision will ensure that consumers are provided with timely and meaningful disclosures in connection with not just home purchase mortgages, but also for loans that refinance a home or provide a home equity line of credit.

The bill requires that disclosures be provided no later than 7 business days prior to closing so borrowers can shop for another loan if not satisfied with the terms. If the terms of the loan change, the consumer must be notified 3 days before closing of the changed terms.

If consumers apply for adjustable rate or variable payment loans there will now be an explicit warning on the one page TILA form that the payments will change, depending on the interest rate, and an estimate of how those payments will change under the terms of the contract based on the current interest rate. The bill also requires a new disclosure that informs borrowers of the maximum monthly payments possible under their loan.

The bill provides a right to waive the early disclosure or requirements if the consumer has a bona fide financial emergency that requires that they close on the loan quickly, and increases the range of statutory damages for TILA violations from the current $200 to $2,000 to $400 to $4,000.

Finally, it requires lenders to include a statement that the consumer is not obligated on the mortgage loan just because they have received the disclosures. This will give consumers the opportunity to truly shop around for the best mortgage terms for the first time ever. They will be able to compare the payments and costs associated with a certain loan product, and decide not to sign on the dotted line if they do not like the basic terms of the loan.

I believe that giving consumers the information they need regarding the maximum payments is critical. Borrowers need to better understand the full financial impact of entering into a particular loan early in the process, and before they actually consummate the loan. They also need to have the chance of backing out of a loan with bad terms before they get to the closing table. I am pleased that my Republican colleagues agreed that improved disclosures are an important part of the process moving forward.

Importantly, FHA modernization legislation has been included in the bill, which will provide more safe, fixed-rate mortgages, a particular help for families who would like to refinance out of more exotic mortgage products. This section of the bill also contains provisions I authored to improve the HUD Post-Purchase Housing Counseling Program. This amendment expands access to HUD-approved counseling programs by allowing any low- or moderate-income homeowner to be eligible for financial counseling services.

Since we know that millions of homeowners are facing resets of their mortgages during the upcoming year, this change, combined with the additional funding that we are providing in this bill for housing counseling, should help at least 250,000 families to get the advice or assistance they need to help keep their home. I believe we need more funding for this, and I will keep advocating for these housing counseling services.

Additionally, the bill contains language that allows $25 million in FHA savings every year to be used for the purpose of improving FHA's technology, processes, and program performance, and for providing appropriate staffing for the FHA mortgage insurance programs. This funding is critical to ensuring the success of FHA modernization since it will allow FHA to access cutting-edge mortgage insurance industry practices and procedures.

The FHA section of the bill also contains some of the provisions that I coauthored with Senator ALLARD to improve the home equity conversion mortgages, HECM, for seniors.

Other noteworthy provisions include: $10 billion in Federal tax-exempt private activity bond authority that will provide for the refinancing of subprime loans, mortgages for first-time homebuyers, and multifamily rental housing: $4 billion in new community development block grant, CDBG, funding to help communities impacted by foreclosures by allowing localities with high foreclosure rates to purchase foreclosed properties for rehabilitation, rent, or resale; assistance for returning soldiers to avoid foreclosure by lengthening the time a lender must wait before starting foreclosure from three months to nine months after a soldier returns from service and providing returning soldiers with one year relief from increases in mortgage interest rates; the requirement that the Department of Defense establish a counseling program to ensure veterans and active service members can access assistance if facing financial difficulties; and an increase in the VA loan guarantee amount, so that veterans have additional homeownership opportunities.

However, I think that this legislation has failed to deal with the core issue at the center of this crisis—helping struggling families whose homes are now worth less than their mortgage loan—the so-called "underwater mortgages." I think the Durbin amendment, which I cosponsored, would have helped substantially in this regard. To help families save their homes, the Durbin amendment was strictly limited and would have only applied to families that could pass the strict means test in bankruptcy—and therefore could prove that they couldn't afford the current mortgage. It also would have limited the provisions to families that were currently struggling with nontraditional and subprime loans.

Moreover, a judge's authority to change the terms of a mortgage was strictly limited. Judges would have only been able to reduce interest rates to the prime interest rate plus a reasonable premium for risk and could only have extended the life of the loan up to 30 years. In addition, if a family sold their home within 5 years of the court-supervised mortgage change, any increase in the market value of the home up to the original mortgage amount would have been given back to the lender.

There is no credible evidence to support the claim that the mere possibility of a small subset of mortgages being changed in bankruptcy would have somehow raised the cost of all mortgages by 1.5 to 2 percentage points, as some have claimed. In fact, a study released earlier this month concluded that allowing strip downs would have had no impact on the cost of credit at all.

The Senate should have had a straight up or down vote on this amendment, so that we could start the process of helping the families who want to honor their financial obligations get a court-ordered payment plan that will enable them to stay in their homes at no additional cost to taxpayers. However, the minority did not allow that to happen. This was unfortunate, and I believe a mistake. We are going to have to figure out a way to help the housing market deal with all of these underwater mortgages in an efficient and orderly manner.

As the housing crisis deepens, it is clear that its effects are reverberating throughout our entire economy. Indeed, employers shed 80,000 jobs in March, the worst decline in 5 years. In addition, the jobless rate jumped to 5.1 percent from 4.8 percent in February, the highest since September 2005. Unfortunately, Rhode Island has been hit especially hard in the current economic downturn as the unemployment rate has climbed to 5.8 percent. As I mentioned, families throughout Rhode Island are coping with rising energy, food, health care, and education costs, all while workers are losing their jobs and wages have remained stagnant. That is why I spearheaded a letter earlier this year urging the inclusion of an extension of unemployment insurance, UI, benefits in the original stimulus package.

Given that this extension was not included in the package signed into law and the economic situation has since worsened, I believe Congress needs to act now to ensure Americans who have played by the rules and worked hard all of their lives can make ends meet. It is critical that we extend this important program. Doing so would not only stimulate our economy, but help workers who have lost their jobs by providing much-needed and temporary income support. Indeed, economists have found that the extension of UI benefits provides a very high return on the investment, generating approximately $1.64 in gross domestic product per dollar spent.

Although I support the Foreclosure Prevention Act, I hope that we can revisit the Durbin amendment, look more closely at Senator DODD's proposal to deal with underwater loans, and analyze other remedies that will deal with the heart of this crisis—millions of families trapped in loans that cost more than the value of their homes. If we do not provide an orderly unwinding to this problem, I fear our entire economy is going to be affected for quite some time.

Mr. MENENDEZ. Mr. President, it is critical that the Senate extend renewable tax credits now so that capital for next year's wind and solar projects do not dry up.

Unfortunately my friends on the other side of the aisle have blocked every previous attempt to extend these much-needed tax credits.

Why have they decided to block something as popular as renewable energy tax credits? One can only wonder if it's because they prefer to defend something as unpopular as record oil company profits over reducing record family energy costs.

Every single time we have attempted to fund a renewable energy tax credit by rolling back completely unnecessary oil subsidies, the other side of the aisle has sided with Big Oil over the American people.

Well now it is time to try another strategy. We have been blocked from taking the financially responsible path of paying for the renewable energy tax credits. But we simply cannot afford to stand by and do nothing as our economy continues to slump and energy prices continue to put more unnecessary financial stress on New Jersey families. We must find a way forward.

Anyone who is not living under a rock understands three things:

Our economy is in serious trouble; the climate crisis is getting worse and we must act immediately to avert the worst affects of global warming; and energy prices are rising through the roof.

The majority has repeatedly offered to extend the renewable energy tax credits which would go a long way toward fixing all three of these serious problems.

If we let the renewable energy tax credits expire we will set back the tremendous growth in renewables at least a couple of years. This setback would cost the U.S. economy the creation of roughly 100,000 jobs and billions in economic development. In my home State of New Jersey, letting these tax credits lapse would cost the State over 3000 good, high paying jobs. We cannot let the economy suffer this kind of hit at this critical juncture.

Of course setting back renewables a couple of years will also be devastating to our environment. In the face of global warming we simply do not have 2 years to waste. We are in the midst of a climate crisis in which we must do everything we can to reduce our dependence on carbon. Delays like this one simply do not make any sense.

One last economic point makes this an easy call in my view. Electricity prices are skyrocketing because the price of coal and natural gas are skyrocketing. For every watt of energy we make from renewables, demand is eased on our natural gas and coal markets. If we suddenly pull the rug out from the renewable industry, wind and solar production will plummet, demand for coal and natural gas will spike and our families' electricity bills will get even higher.

I ask my colleagues to join me in supporting Senator CANTWELL's and Senator ENSIGN's amendment to provide an extension of the renewable energy tax credits and help deliver a stronger, greener economy for our country.

(Ms. CANTWELL assumed the chair.)

Mr. DODD. Madam President, I ask unanimous consent that following morning business on Thursday, April 10, the Senate then resume consideration of H.R. 3221, and the Senate proceed to vote in relation to the following amendments in the order listed, and if a point of order is raised against an amendment, then there be 2 minutes of debate prior to a vote on the motion to waive the point of order, equally divided and controlled in the usual form: Senator ALEXANDER's second-degree amendment No. 4429; Senator ENSIGN's amendment No. 4419, as amended, if amended. I also ask unanimous consent that Senator ALEXANDER and Senator ENSIGN be recognized for 5 minutes apiece in consideration of their amendments; that all remaining pending amendments be withdrawn, except the substitute, and that a managers' amendment that has been cleared by the managers and the leaders also be in order; that the managers' package be considered and agreed to, and the motion to reconsider be laid upon the table; that upon disposition of the listed amendments, the substitute, as amended, be agreed to, and the motion to reconsider be laid upon the table; that upon disposition of the substitute amendment, the bill be read a third time, and the Senate vote on passage of the bill without further intervening action or debate; that upon passage, the title amendment, which is at the desk, be agreed to, and that the cloture motion on the bill be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4398, AS MODIFIED, TO AMENDMENT NO. 4387

At the end of title IV, add the following:

SEC. 402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with non-profit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

AMENDMENT NO. 4444 TO AMENDMENT NO. 4387

At the end, insert the following:

TITLE VIII—SENSE OF THE SENATE

SEC. 801. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

AMENDMENT NO. 4446, AS MODIFIED, TO AMENDMENT NO. 4387

At the appropriate place, insert the following:

SEC. ___. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

AMENDMENT NO. 4449, AS MODIFIED, TO AMENDMENT NO. 4387

(Purpose: To sunset the ability of States to reinvent profits generated under title III, and for other purposes)

On page 54, strike line 17 and all that follows through page 55, line 9, and insert the following:

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

AMENDMENT NO. 4454, AS MODIFIED, TO AMENDMENT NO. 4387

(Purpose: To require enhanced reporting regarding certain loans guaranteed by the Mutual Mortgage Insurance Fund)

On page 12, at the end of line 22, add the following: "The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.".

AMENDMENT NO. 4458, AS MODIFIED

On page 58 between lines 2 and 3, insert the following:

SEC. 302. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

AMENDMENT NO. 4464, AS MODIFIED, TO AMENDMENT NO. 4387

At the appropriate place, insert the following:

SEC. ___. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

(2) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

AMENDMENT NO. 4473, AS MODIFIED, TO AMENDMENT NO. 4387

On page 12, after line 25, insert the following:

SEC. 202. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title III shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term "applicable individual" means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

AMENDMENT NO. 4480 TO AMENDMENT NO. 4387

(Purpose: To require the Federal Housing Finance Board to permit the Federal home loan banks to use affordable housing program funds to refinance certain single-family first mortgages)

At the appropriate place, insert the following:

SEC. ___. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.".

AMENDMENT NO. 4489, AS MODIFIED, TO AMENDMENT NO. 4387

On page 18, strike line 1 and all that follows through page 20, line 24, and insert the following:

SEC. 122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (b)(2), insert "'real estate,'" after "'mortgagor',";

(2) by amending subsection (d)(1) to read as follows:

"(1) have been originated by a mortgagee approved by the Secretary;";

(3) by amending subsection (d)(2)(B) to read as follows:

"(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in-

"(i) originating or servicing the mortgage;

"(ii) funding the loan underlying the mortgage; or

"(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;";

(4) in subsection (f)—

(A) by striking "(f) INFORMATION SERVICES FOR MORTGAGORS.—" and inserting "(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—"; and

(B) by amending the matter preceding paragraph (1) to read as follows: "The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—"

(5) in subsection (g), by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(6) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation";

(7) by striking subsection (l);

(8) by redesignating subsection (m) as subsection (l);

(9) by amending subsection (l), as so redesignated, to read as follows:

"(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles."; and

(10) by adding at the end the following new subsection:

"(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which that the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

"(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

"(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

"(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

"(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

"(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

"(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

"(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

"(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).

"(q) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.".

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

"(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

"(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

"(A) the costs to the mortgagor; and

"(B) the impact of such fees on the reverse mortgage market;

"(2) be subject to a minimum allowable amount;

"(3) provide that the origination fee may be fully financed with the mortgage;

"(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

"(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.".

AMENDMENT NO. 4518 TO AMENDMENT NO. 4387

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 4390, AS MODIFIED, TO AMENDMENT NO. 4387

At the end add the following:

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

SEC. 800. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "REIT Investment Diversification and Empowerment Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle B—Taxable Reit Subsidiaries

SEC. 811. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking "20 percent" and inserting "25 percent".

Subtitle C—Dealer Sales

SEC. 821. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking "4 years" in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting "2 years",

(2) by striking "4-year period" in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting "2-year period", and

(3) by striking "real estate asset" and all that follows through "if" in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting "real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if".

SEC. 822. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting ", or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;", and

(2) by adding "or" at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

"(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,".

Subtitle D—Health Care Reits

SEC. 831. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

"(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

"(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

"(ii) employs individuals working at such property or facility located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.".

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

"(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

"(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

"(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

"(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

"(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

"(I) January 1, 1999, or

"(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.".

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting "or a health care facility" after "a lodging facility", and

(2) by inserting "or health care facility" after "such lodging facility".

Subtitle E—Effective Dates and Sunset

SEC. 841. EFFECTIVE DATES AND SUNSET.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendment made by section 801(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 801(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 801(d) shall apply after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 803(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 803(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

(e) SUNSET.—All amendments made by this title shall not apply to taxable years beginning after the date which is 5 years after the date of the enactment of this Act. The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in the preceding sentence as if the amendments so described had never been enacted.

AMENDMENT NO. 4433 TO AMENDMENT NO. 4387

(Purpose: To modify the increase in volume cap for housing bonds in 2008)

On page 70, strike lines 14 through 22 and insert the following:

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—

"(i) $10,000,000,000 multiplied by a fraction—

"(I) the numerator of which is the population of such State, and

"(II) the denominator of which is the total population of all States, or

"(ii) the amount determined under subparagraph (B).

"(B) MINIMUM AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a State (other than a possession), $90,300,606, and

"(ii) in the case of a possession of the United States with a population less than the least populous State (other than a possession), the product of—

"(I) a fraction the numerator of which is $90,300,606 and the denominator of which is population of the least populous State (other than a possession), and

"(II) the population of such possession.

In the case of any possession of the United States not described in clause (ii), the amount determined under this subparagraph shall be zero.

"(C) SET ASIDE.—

Mr. DODD. Madam President, I thank you, I thank Senator SHELBY and his staff, our staff, and the leaders. The majority leader has been tremendously valuable. Senator BAUCUS, Senator GRASSLEY, the Republican leader, and his staff as well.

This has been a long week but satisfying. I will have more remarks to add about the details of what is here. This is a very important moment, and the leadership deserves an immense amount of credit for making this possible. I thank them immensely.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—S. 2739

Mr. REID. Madam President, I ask unanimous consent that upon disposition of H.R. 3221, the Senate proceed to the consideration of Calendar No. 616, S. 2739, the energy lands bills; that when the bill is considered, the only first-degree amendments in order be the four amendments at the desk by Senator COBURN, with no other amendments in order; that there be a total of 2 hours for debate with respect to the amendments, equally divided and controlled in the usual form; that upon disposition of the amendments, the bill be read a third time, and with no further intervening action or debate, the Senate proceed to vote on passage of S. 2739, as amended, if amended; further, that the amendments be printed in the RECORD once this agreement is entered; and that the cloture motion on the motion to proceed to S. 2739 be withdrawn, and the order with respect to S. 2483 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 4519

(Purpose: To require the transfer of certain funds to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service)

At the end, add the following:

TITLE IX—DISPOSITION OF CERTAIN FUNDS

SEC. 901 CANDIDATE ASSET DISPOSITION LIST.

For fiscal year 2008, and each fiscal year thereafter, amounts made available to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service shall be equal to 1 percent of, and derived by transfer from, all amounts made available to the Secretary of the Interior carry out this Act for each such fiscal year.

AMENDMENT NO. 4520

(Purpose: To ensure that all individuals who reside, or own property that is located, in a proposed National Heritage Area are informed of the designation of the National Heritage Area)

On page 203, between lines 2 and 3, insert the following:

Subtitle G—Notification and Consent Requirements Relating to National Heritage Areas

SEC. 491 NOTIFICATION REQUIREMENT.

The Secretary of the Interior shall not approve a management plan for a National Heritage Area designated by this title unless the local coordinating entity of the proposed National Heritage Area provides written notification through the United States mail of the designation to each individual who resides, or owns property that is located, in the proposed National Heritage Area.

SEC. 492. WRITTEN CONSENT REQUIREMENT.

With respect to each National Heritage Area designated by this title, no employee of the National Park Service or member of the local coordinating entity of the National Heritage Area (including any designee of the National Park Service or the local coordinating entity) may enter a parcel of private property located in the proposed National Heritage Area without the written consent of the owner of the parcel of property.

AMENDMENT NO. 4521

(Purpose: To require approval prior to the assumption of control by the Federal Government of State property)

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. REQUIREMENT OF APPROVAL OF CERTAIN CITIZENS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of a voluntary exchange between a private landowner and the Federal Government of a parcel of land.

(d) DURATION OF APPROVAL.—

(1) IN GENERAL.—With respect to a parcel of land described in subsection (a), the approval of the citizens of each political subdivision in which a portion of the parcel of land is located terminates on the date that is 10 years after the date on which the citizens of each political subdivision approve the control of the parcel of land by the Department of the Interior, the Department of Energy, or the Forest Service under that subsection.

(2) RENEWAL OF APPROVAL.—With respect to a parcel of land described in subsection (a), the Department of the Interior, the Department of Energy, or the Forest Service,

as applicable, may renew, by referendum, the approval of the citizens of each political subdivision in which a portion of the parcel of land is located.

AMENDMENT NO. 4522

(Purpose: To require the Director of the Office of Management and Budget to determine on an annual basis the quantity of land that is owned by the Federal Government and the cost to taxpayers of the ownership of the land)

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—An annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) USE OF EXISTING ANNUAL REPORTS.—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

Mr. REID. Madam President, let me say this: This has taken some time to get done. I appreciate Senator BINGAMAN's hard work. I appreciate the understanding of Senator COBURN. He came to my office. We had a very warm discussion. If there was a misunderstanding—and obviously there was—I certainly apologize to everyone for any inconvenience I caused.

As I have indicated, I think this accomplishes what we need to do. Again, I appreciate the understanding of Senator COBURN.

UNANIMOUS-CONSENT AGREEMENT—NOMINATIONS

Mr. REID. Madam President, I ask unanimous consent that on Thursday, April 10, upon disposition of S. 2739, following consultation with Senator MCCONNELL, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 476, 477, 478, 479, and 515; that there be a total of 4 hours of debate on the nominations, with 2 hours each under the control of Chairman LEAHY and Ranking Member SPECTER; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nominations in the order listed above; that after the first vote in the sequence, the vote time be limited to 10 minutes; and that upon confirmation, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, let me say this also. The first agreement that Senator DODD and Senator SHELBY did could not have been reachable without the understanding and cooperation of Senator KYL. He reached a long distance to agree to this request. I appreciate his understanding and his willingness to let us move forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4389, AS FURTHER MODIFIED

Mr. SANDERS. Madam President, I ask unanimous consent that notwithstanding its adoption the Landrieu amendment No. 4389, as further modified, be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified further, is as follows:

On page 82, between lines 7 and 8, insert the following:

SEC. 605. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109-148, 109-234, or 110-116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance if such amended return is filed—

(1) shall be subject to interest on the underpaid tax for one year at the underpayment rate determined under section 6621(a)(2) of such Code; and

(2) shall not be subject to any penalty under such Code.

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 606. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

(c) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 607. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the

Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados" for "on or after August 25, 2005, by reason of Hurricane Katrina".

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(D) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(E) by substituting "beginning on May 4, 2007, and ending on November 5, 2007" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(F) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(G) by substituting "December 31, 2007" for "December 31, 2006" in subsection (c)(2)(A),

(H) by substituting "beginning on June 4, 2007, and ending on December 31, 2007" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(I) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(J) by substituting "January 1, 2008" for "January 1, 2007" in subsection (d)(2)(A)(ii).

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AMENDMENT NO. 4478, AS AMENDED

Mr. SANDERS. Madam President, I ask unanimous consent that notwithstanding the unanimous consent agreement, the Murray amendment No. 4478, as amended by the Mikulski amendment, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4494), as modified, was agreed to, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ________.

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 401 of this Act shall be $180,000,000: Provided, That, of amounts appropriated under such section 401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the "NRC") to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: Provided further, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: Provided further, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.

The amendment (No. 4478), as amended, was agreed to.

Mr. SANDERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIREARMS INFORMATION USE ACT

Mr. KENNEDY. Madam President, it is a privilege to join my colleagues in supporting the Firearms Information Use Act to repeal the most extreme provisions in the Tiahrt amendment and lift the veil of secrecy that currently surrounds the flow of guns in our country. The act will give law enforcement agencies the support they need to do their job, while protecting information about undercover officers, confidential informants, ongoing investigations, and lawful firearms purchasers. It is a basic open-government measure that is critical for the public safety of communities across America.

The Tiahrt amendment is an appropriations rider enacted in 2003 that restricts public access to information gathered by the Justice Department's Bureau of Alcohol, Tobacco, Firearms and Explosives. It prevents law enforcement organizations from sharing gun trace data with each other and from obtaining gun trace data outside their geographic jurisdiction. It prohibits such information from being used as evidence in State license revocations, civil lawsuits, or any other administrative proceedings, unless specifically filed by the Bureau. It also prevents the Bureau from publishing reports that use gun trace data to analyze the flow of guns at the national level.

Numerous mayors, law enforcement officers, and researchers have spoken out against these restrictions. Mayors Against Illegal Guns, a bipartisan coalition of over 250 mayors led by Mayor Tom Menino of Boston and Mayor Michael Bloomberg of New York City, is staunchly opposed to the Tiahrt amendment, and one of the coalition's top priorities is to have the amendment repealed. The International Association of Chiefs of Police recently emphasized that we can reduce gun violence in our communities by making gun trace data publicly available.

In a 2006 report, the Brady Center to Prevent Gun Violence documented the harmful consequences of the Tiahrt amendment. The Brady Center found that the amendment "had an immediate chilling effect on the Bureau's activities," that "academic researchers have already found their work stymied," and that the amendment has "crippled" efforts by law enforcement to investigate patterns of gun trafficking on a nationwide basis and to identify sources of guns used in crime. The report unequivocally concludes that the "Tiahrt Amendment is a transparent attempt by the gun lobby . . . to shield the public, as well as government and law enforcement agencies, from the truth about guns and crime."

In spite of these criticisms, the amendment has been included in the Justice Department appropriations bill every year since 2003, and even more restrictive versions of it have been proposed in recent months. By enacting the Firearms Information Use Act, Congress can restore sanity to our policy on gun trace data. Scaling back the Tiahrt amendment will give our State and local officials the information they need to halt gun trafficking and the reckless dealers who facilitate it. Whatever one's views of the second amendment, surely we can all agree that it does not confer a right to sell firearms illegally. I urge all of my colleagues to support this legislation.

HEALTH CARE COSTS

Mr. KENNEDY. Madam President, one of the most pressing concerns of American families and businesses these days is the skyrocketing cost of health care. Health costs are now the No. 1 cause of personal bankruptcy and many businesses are dropping coverage for their employees because they can no longer afford it.

Required reading for anyone seeking to address the challenge of high health costs is an insightful article in this month's New England Journal of Medicine. It was authored by Dr. James Mongan, who is CEO of Partners HealthCare in Massachusetts, which includes Massachusetts General and Brigham and Women's, two of the Nation's leading hospitals. He is joined by Dr. Timothy Ferris and Dr. Thomas Lee.

The article states that there is no single answer to reducing health costs. However, it identifies a number of initiatives that hold significant promise, including pay-for-performance programs, use of electronic medical records and more.

I commend this compelling article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New England Journal of Medicine, Apr. 3, 2008]

OPTIONS FOR SLOWING THE GROWTH OF HEALTH CARE COSTS

(By James J. Mongan, M.D., Timothy G. Ferris, M.D., M.P.H., and Thomas H. Lee, M.D.)

Health care costs continue to be an important concern in the United States, and they are already a central issue of the 2008 presidential campaign. Numerous strategies for cost containment are being proposed, but specific options are usually presented in isolation, with little disciplined discussion of their potential impact or the barriers they face. In this article, we provide a survey of major options for slowing the growth of health care spending. We also provide a qualitative assessment of the likely effectiveness of these options and our recommendation for a package that could be collectively pursued.

Underlying our analysis are three basic assumptions. First, health care spending has high intrinsic social value, and the primary driver of cost increases is technical progress—for example, new tests and therapies or new knowledge about the benefits of existing ones. This perspective is supported by the observation that health care costs are increasing throughout the world, regardless of the system for financing health care. The aging of the population and increasing numbers of patients with chronic illnesses contribute to the problem, but the increasing numbers of effective therapies for these populations are major factors in cost trends.

Second, the value obtained for health care expenditures must be enhanced. Unconstrained growth in medical spending is threatening the incomes of individual patients, the cost structures of employers, and the fiscal balance of government. Third, the high social value of health care limits policy options for containing health care spending.

In short, we want cost control, but we also want broad access to health care and continued innovation in medical science. Trade-offs among these goals are inevitable, and they can be minimized only through thoughtful policies.

Table 1 lists 12 major options for reducing health care spending, with comments regarding barriers to their implementation. Rigorous experimental studies of the effect of these options are scarce, and estimates of their independent effects are not available. For example, estimates of the savings that might be derived from the use of electronic medical records include savings from other options, including improved care for patients with chronic conditions.

Nevertheless, the pressures to address increasing costs are so intense that policy decisions cannot be delayed until long-term studies are completed. We therefore classified these options into three groups on the basis of a qualitative assessment of their potential effect on costs. These assessments were influenced by our judgment of the near-term political viability of these options.

Our belief is that there is no single "magic bullet" among these choices; our goal is to promote discussion leading to effective policies that support several approaches. We do not think responsible health care leaders can be against all of these options; indeed, we think it is insufficient for leaders to support only one or two. Policymakers must identify an array of choices with sufficient cost-savings potential to moderate financial pressures on health care.

GREATEST POTENTIAL FOR COST SAVINGS

Several types of payment reform have been suggested and are being tried throughout the country. All of them are potentially disruptive to providers whose businesses are based on fee-forservice payments. Nonetheless, improving quality and efficiency in a pure fee-for-service environment is so challenging that we believe the question is not whether payment reform should be pursued, but how to pursue it without precipitating major discontent or disruptions in care.

The most potent version of payment reform is budget-based capitation, in which providers receive a fixed amount of money to cover all health care needs of a population of patients. Experiments with capitation in commercially insured populations demonstrate reductions in cost, but they have often resulted in consumer and provider dissatisfaction. Patients have rebelled against limitations on their choices of providers, and providers have rebelled against capped budgets and inadequate risk adjustments to payments. Although capitation is successfully used in some staff-model delivery systems, efforts to extend this payment approach more broadly have had limited success.

TABLE 1.—APPROACHES TO REDUCING MEDICAL EXPENDITURES

Proposal	Comments
Highest potential for cost savings:	
Payment reform (e.g., capitation, case rates, pay-for-performance programs).	Capitation limited by patients' preference for choice of providers and public discomfort with potential perverse incentives for clinicians; case rates applicable only to a small percentage of procedures (e.g., coronary-artery-bypass grafting); pay-for-performance programs still evolving and require organized providers to adopt efficiency goals.
Effectiveness review for new drugs and forms of technology before reimbursement.	Important step to ensure value for future medical advances; risk of limiting innovation and delaying arrival of products in the market.
Electronic medical records	Real value in decision support to reduce variation among physicians in use of services; will require time, resources, and considerable cultural change.
Improved care of patients with chronic conditions.	Promising because 10% of people account for 70% of costs; requires organized providers and payment reform.
Intermediate potential for cost savings:	
Restructured end-of-life care	Requires culture change within medicine and in society.
Consumerism (e.g., transparency and health savings accounts).	Limited ability of 10% of patients who are very sick and account for 70% of costs to function as informed consumers.
Substantially reduced administrative costs (e.g., eliminate insurance role as currently structured).	Value of savings offset for some providers and patients by loss of choice and potential for innovation that many believe come with private insurance; concerns by some people about implications of larger government role, including potential delays, deterioration in service, and limitations on benefits.
Lowest potential for cost savings:	
Malpractice reform	Much potential for improvement, but limited effect on costs.
Drug-pricing reform	Modest effect on costs; concern about effect on innovation.
Enhanced primary prevention activities.	Not shown to yield savings to overall health care system; could shift costs from employers to Medicare.
Rationing options:	
Indirect rationing by setting fixed all-payer budget ceilings for health expenditures.	Does not fit U.S. political culture; difficult to ensure equity across geographic areas and services; very large government role; questionable success in other countries.

TABLE 1.—APPROACHES TO REDUCING MEDICAL EXPENDITURES—Continued

Proposal	Comments
Indirect rationing by letting markets work for new and expanded services, restricting Medicare and Medicaid coverage of such services.	Such a dramatic and visible increase in the two-class nature of our health system not sustainable with our core values.

Short of full budget-based capitation are a variety of options, including partial capitation (e.g., a fixed payment to primary care physicians for their populations); case rates, in which a lump sum is provided for specific procedures; and pay-for-performance systems, in which bonuses for improved quality and efficiency are available to augment fee-for-service payments. Despite the limited data on the effect of such approaches, we cannot conceive of a meaningful attempt to decrease the trend in costs that does not include some form of payment reform. We also believe that payment reform is likely to be most effective when providers are organized into delivery systems that can accept responsibility for cost-mitigation goals.

Another promising approach to cost containment is strengthening effectiveness reviews for new drugs and forms of technology. Some candidates and many policy experts support a new national institute to conduct such analyses, which could be required before decisions regarding reimbursement are made. Concern about this approach comes from members of industry, who worry about the possible effects of such reviews on the time and costs associated with getting products to market.

Health information systems that include electronic records have significant potential for cost savings and enjoy strong political support. Policymakers often focus on the personal health record (e.g., a small data-storage device carrying key clinical information), but we believe the greatest cost-reducing effect of electronic records will result from improved coordination among health care providers and from decision support that improves clinicians' use of tests and treatments. Such decision support has the potential to decrease variation among physicians in the use of health care services, thereby reducing both baseline costs and cost trends.

This potential is largely unrealized to date, however. Critical barriers include the requirements for capital investment and standardization of administrative and clinical data. Even more daunting is the need for cultural change among physicians, who must be willing to use decision-support systems if electronic records are to improve their care.

The improved care of patients with chronic conditions such as diabetes mellitus or coronary artery disease is a promising focus for cost reduction, because about 70% of health care costs are generated by 10% of patients, most of whom have one or more chronic diseases. Improved reliability and coordination of the care of these patients could reduce their need for hospitalization. This strategy has moderate bipartisan support, reflecting awareness of the frequent failure of our health care system to deliver interventions that are likely to be beneficial to patients with these conditions.

As is true with information technology, however, the evidence that improvement in the care of patients with chronic conditions reduces costs falls short of the apparent opportunity. Numerous interventions are known to be cost-effective—that is, they improve health at a reasonable incremental cost. However, few interventions (e.g., disease-management programs for patients with heart failure) have been shown to actually save money while improving patients' health.

Nevertheless, we believe that the cost-saving potential of improvement in the care of patients with chronic conditions may yet turn out to be meaningful. Effective care-improvement programs generally require organized systems of care, as compared with a fragmented system of independent practitioners who often find these programs difficult to maintain. Implementation of these programs will also require some payment reform because institutions and practitioners currently lose money by reducing preventable hospitalizations, and proactive care-management services are typically not covered.

INTERMEDIATE POTENTIAL FOR COST SAVINGS

The observation that health care costs are concentrated in the period just before the patient's death raises concern that our health system uses excessive resources to extend the life of dying patients. Political candidates are understandably wary of engaging in this discussion, but health care providers are exploring the effect of greater use of hospice and palliative care services and more complete disclosure to patients of the risks and benefits of proposed interventions.

Medicare data from Oregon indicate that the use of hospitalization and intensive care units in the last months of life can be decreased without compromising the care of dying patients and their families. However, these data show that any serious attempt to change end-of-life care requires deep cultural change that extends well beyond the provider community.

Two broader approaches to cost control have support from opposite ends of the political spectrum. Political conservatives have championed consumerism, expressed through insurance products with high deductibles or copayments, health savings accounts, and "transparency." Transparency means making available information about the cost and quality of health care services so that patients can become informed consumers.

Although the impact of this approach is unknown, we believe that cost savings are likely to be limited by the medical needs of the 10% of people who account for 70% of costs. These patients tend to exceed their financial liabilities associated with these products quickly, and their ability and willingness to behave like shoppers who can make trade-offs in cost and quality are uncertain at best. In addition, these insurance products have thus far proved unpopular with employees despite their lower effect on their paychecks, and enrollment to date has been low.

On the political left, advocates of the single-payer approach argue that elimination of the employer-based commercial insurance system would dramatically reduce administrative costs. Despite the large savings that would result, political support for this approach is currently limited. The strongest resistance to the single-payer approach comes from the commercial insurance industry, but providers worry that this approach would extend the lower reimbursement structure of Medicare and Medicaid to all patients, and these payments would not increase fast enough to cover increasing provider costs. Thus, for the time being at least, the development of a broad coalition around a single-payer system is unlikely. There is, however, widespread interest in reducing administrative costs by pursuing standardization of the claims-payment systems of U.S. private insurers (e.g., through adoption of a universal billing form).

LOWEST POTENTIAL FOR COST SAVINGS

Two familiar targets for cost reduction are malpractice and drug-pricing reform, but the potential savings from these approaches are probably small. Although the current malpractice system is an inefficient way to protect patients from negligent care, the direct costs of malpractice premiums and estimated costs of "defensive medicine" are not major factors in overall health care spending. In any case, political support for malpractice reform is partisan and weak because of the resistance to major changes on the part of plaintiffs' lawyers.

Costs can be reduced through more restrictive drug formularies and tougher price negotiations, but the savings are modest because pharmaceuticals account for just 10 to 15% of health care spending. The political appetite for tight government control of drug pricing is also limited by concerns about its effect on the development of new drugs.

Enhanced primary prevention efforts (e.g., programs to reduce smoking, alcohol abuse, or obesity) have strong bipartisan support, and they would lead to important general health benefits. This approach makes particular sense for employers, who can enhance the health of their workforce, and also delay the onset of serious illness among their employees by many years, at which point most costs would be absorbed by Medicare.

However, candidates would be ill-advised to believe they can fund broader access to health care through savings derived from primary prevention. Prevention is more likely to delay than to eliminate long-term societal costs, because longer life spans mean more years of health care adding to overall costs. Controversy persists regarding whether improved care can lead to significant savings through a "compression of morbidity"—that is, longer and healthier lives with a relatively quick, low-cost period of illness just before death. Regardless of what the right answer is, savings from increased primary prevention will not be substantial in the near term.

RATIONING OPTIONS

Should other options fail to provide sufficient cost reductions, policymakers may be forced to consider various forms of rationing, including two types that have been proposed from different ends of the political spectrum. From the left comes the proposal for fixed, all-payer budget ceilings for health expenditures, such as those that are used in Canada and some European countries with multiple payers. The U.S. experiment with this approach is the Medicare funding policy that requires decreases in payments to physicians when overall spending increases.

Although there would certainly be considerable savings from this approach, inflation in health care spending in countries that use it does not lag far behind ours because of the constant political pressure to increase spending for essential services. Administration of these budgets would require a large government role, and such a strong government regulatory role is not likely to gain consensus in the U.S. culture.

From the right come proposals for indirect rationing by limiting Medicare and Medicaid payment for new or "discretionary" services. This approach would have Medicare evolve to provide a defined contribution toward the health care costs of the U.S. elderly instead of defined benefits. Under this framework, patients who are able to pay for the services that are not covered would do so with their own money, and patients who are unable to pay would go without. We think such a dramatic and visible increase in the two-class nature of our health system is too obviously inconsistent with our core values to be politically viable.

DISCUSSION

We see three paths toward controlling health care costs. First, we could allow the current situation to persist. Consequences would almost certainly include increased taxation and financial burdens on individual patients and businesses, greater competition for scarce governmental resources, and a continued increase in the number of uninsured Americans. The alternative extreme would move our country toward one of the indirect rationing methods described above. This path would be practical only as a last resort. The third path would be to assemble the most reasonable package, short of rationing, using a combination of the other ideas mentioned above, and to try to bend the trend line in increasing health care costs.

While recognizing that the many stakeholders in health care will have different preferences, we suggest the following. First, modify reimbursement with the explicit goal of rewarding the practice of evidence-based medicine, reductions in variance among physicians in the use of services, and improvement in the care of patients with chronic conditions. We recommend consideration of blended arrangements including pay-for-performance programs, case rates, and even adequately funded and appropriately risk-adjusted capitation.

Second, invest in new effectiveness-review bodies. These groups would inform decisions regarding the coverage for and use of health care tests and treatments in the future.

Third, maximize support for electronic medical records with computerized decision support, recognizing that this will involve considerable national investment and cultural change. Such support can come in the form of higher reimbursement for physicians who have adopted electronic records or grants from hospitals, payers, or government to provide support for their implementation.

Fourth, enhance the standardization of health care transactions in order to drive down administrative costs. Fifth, provide support for regional efforts to improve the quality of care at the end of life. Finally, provide support for prevention programs, not because they save money, but because they lead to a better quality of life and a more productive workforce.

We recognize that many ideas for cost containment are not addressed here and that there are many potential cost-containment packages besides our approach. Our intent has been to set out a framework for considering various proposals. To deal successfully with this important issue, we must move away from cliches that fit our own political beliefs and grapple seriously with the true effectiveness and the political reality of each of these ideas. We need a real and honest dialogue on this issue—particularly in a presidential election year.

NATIONAL ALCOHOL AWARENESS MONTH

Mr. JOHNSON. Madam President, today I rise to recognize April as National Alcohol Awareness Month. We must all remain aware that alcohol is a drug that can pose serious health and well-being risks if used improperly. From underage drinking to drunk driving to alcohol addiction, this substance can have catastrophic and long-reaching effects on the lives of Americans.

I wish to take the opportunity in a month dedicated to alcohol awareness to promote awareness of a devastating alcohol-related condition. Fetal alcohol spectrum disorders, FASD, is an umbrella term describing the varied range of alcohol-related birth defects that may result from the use of alcohol during pregnancy. The effects of this disorder may be mental, behavioral, and/or involve learning disabilities. FASD is the leading known cause of preventable cognitive impairment in America. It is estimated FASD effects 1 in 100 live births each year.

We must move past the stigma of this devastating disease to truly help those and their families who are affected by FASD get the health, education, counseling and support services they need and deserve. We must also address the tragedy of FASD at the source, by increasing awareness that any amount of alcohol during pregnancy can have heartbreaking, lifelong effects, and by ensuring this is understood by all women of child-bearing age and by providing treatment and counseling services for these women.

Earlier this year, several of my colleagues and I reintroduced legislation to address FASD issues within families, at schools, in health care centers, in our legal system, and at its source. In addition to supporting those living with FASD and their families, this bill works to educate our health practitioners, educators and members of our judicial system to recognize the special needs of these individuals. While we increase awareness of the effects alcohol can have on individuals and their families, increasing FASD awareness must also be included to advance the fight against these damaging disorders.

NATIONAL AUTISM AWARENESS MONTH

Mr. JOHNSON. Madam President, today I rise to recognize April as National Autism Awareness Month. As many as 1 in 166 children is diagnosed with autism spectrum disorders each year, yet the cause and cure remain unknown. Our commitment to finding answers and solving the puzzle of autism must continue.

While the diagnosis of autism is the beginning of a challenging road, it can also be the welcome end to a frustrating process for families. Early detection is an important step towards obtaining appropriate treatment to ensure children are able to grow to reach their full potential. As the prevalence of autism spectrum disorders continues to grow, we must also ensure these treatment options are available in our communities and accessible to those who need them.

I also take this opportunity to recognize the parents, professionals, and advocates who work day after day to be a powerful voice for autistic individuals. They create an important network to share information, experiences and challenges, as well as to celebrate accomplishments. We must all join them in their efforts to pursue increased funding for biomedical research and public health awareness campaigns, education programs that reflect special needs, and expanded diagnosis and treatment options.

I urge all citizens to support the search for the cause, cure and prevention of autism and support those individuals and families who live with this challenging disorder on a daily basis.

ADDITIONAL STATEMENTS

IN MEMORY OF BRENT A. LOVRIEN

• Mrs. BOXER. Madam President, flags across California flew at half-mast recently to honor the life of firefighter Brent A. Lovrien. The city of Los Angeles and the firefighter community lost an exemplary leader when Firefighter Lovrien was killed in the line of duty.

A 10-year veteran of the Los Angeles Fire Department and a member of platoon "A" at Fire Station 95, Firefighter Lovrien is the first Los Angeles City firefighter to die in the line of duty since 2004. I would like to take a few moments to recognize his many important accomplishments and the impact he made as a leader in both his personal and professional life.

Firefighter Lovrien was a leader to his fellow firefighters and a highly respected leader in his community. He has been called an inspiration by his superior officers and has been a mentor to his fellow firefighters. Firefighter Lovrien has also been recognized by residents of Fire Station 95's local community for his efforts to protect and improve their quality of life. Lovrien was an asset to his community and his presence will truly be missed.

Firefighter Lovrien is survived by his father, mother, and brother—to whom I send my heartfelt condolences. He leaves a lasting legacy of caring and compassion that serves as a model to us all. Firefighters are too often called upon to protect our communities while putting themselves in grave danger. Despite this, they are the first to go into burning buildings, or similar dangerous situations, all to save lives and property. Firefighter Lovrien stepped forward and paid the ultimate price for our protection. We will miss his service and dedication to the city of Los Angeles and the firefighting community.•

CONGRATULATING TENNESSEE COLLEGE DANCERS

• Mr. CORKER. Madam President, I wish to congratulate the dance teams at the University of Tennessee, Knoxville and the University of Memphis, who each won their second consecutive Division I-A national title at the Universal Dance Association College Nationals in January.

Each team worked relentlessly over the holiday break in order to defend their 2007 national titles, practicing up to three times a day—and the hard work certainly paid off. The University of Tennessee squad was ranked first in the Jazz division after the semifinal round, while the University of Memphis squad topped the hip-hop division. Both teams continued their flawless performances in the final round, captivating the audience and comfortably securing their spots on top.

The University of Tennessee Spirit Program is the only Division I-A program in the country to place in the top three in the dance, cheerleading and mascot divisions. In addition to their national title, the Tennessee dancers placed fifth in the hip-hop division. The Tennessee mascot, Smokey, also clinched a national title, his first since 2001. The Volunteer Cheer Squad placed second.

The University of Memphis Spirit program had a strong showing as well. The Memphis dancers took home seventh place in the Jazz division while the Tigers' All-Girl squad took home a Division I national title, and the Co-Ed Squad placed fourth in Division I-A.

I would also like to congratulate Tennessee head coach Kelley Eidenmuller and Memphis coaches Carol Lloyd and Frankie Conklin for their outstanding work with these groups of dancers.

It is an honor to represent the great State of Tennessee and these extremely talented and dedicated young people. I extend my heartfelt congratulations to these athletes for their tremendous accomplishments.•

TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Madam President, I am proud to honor a group of 92 World War II veterans from the Acadiana region of Louisiana who are traveling to Washington, DC, this weekend to visit the various memorials and monuments that recognize the sacrifices of our nation's invaluable service members.

Louisiana HonorAir, a group based in Lafayette, LA, is sponsoring this Saturday's trip to the Nation's Capital. The organization is honoring each surviving World War II Louisiana veteran by giving them an opportunity to see the memorials dedicated to their service. On this trip, the veterans will visit the World War II, Korea, Vietnam, and Iwo Jima memorials. They will also travel to Arlington National Cemetery to lay a wreath on the Tomb of the Unknowns.

This is the sixth flight Louisiana HonorAir has made to Washington, DC, and there will be three additional flights this spring.

World War II was one of America's greatest triumphs, but was also a deadly conflict. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen and marines. The years 1941 to 45 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today more than 40,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. Veterans in this HonorAir group began their service in 1940 before the bombing of Pearl Harbor, and served as late as 1950 in the European and Pacific theaters as well as stateside. They served in various branches of the military—25 members in the Army, 24 in the Army Air Corps, 37 in the Navy, three in the Navy Air Corps, one in the Navy Reserve, two in the Marines, and one in the Merchant Marines. Several served during World War II and the Korean War, and one of our veterans spent 30 years in active service in the Army, serving through the Vietnam war.

One of our heroes served as a Control Tower Operator with the 104th AACS Squadron. Another was aboard the USS *Proteus*, alongside the USS *Missouri*, during the Japanese surrender on September 2, 1945. And yet another hero went on 35 bombing missions over Europe between 1942 and 1945. Some participated in the Battle of the Bulge and the D-Day Invasion of France at Utah Beach. Many fought in the South Pacific. Some served in the China-Burma-India Theater, and others in Africa.

Also traveling to Washington on Saturday's trip is an active member of the service. Army MAJ Robert Gutierrez of Lafayette finished a tour of duty in Iraq in February. I ask the Senate to recognize him for his commitment to our country.

I also ask the Senate to join me in honoring these 89 men and three women, all Louisiana heroes, that we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.•

THE NATIONAL CRITTENTON FOUNDATION

• Mr. ROCKEFELLER. Madam President, I ask my colleagues to join me today in commemorating the 125th anniversary of the National Crittenton Foundation and the Crittenton Family of Agencies.

For the last 113 years, Florence Crittenton Services Inc. in Wheeling, WV has served thousands of teen mothers and their children as the State's only maternity home—one that is nationally recognized for its unique gender-responsive program. In recognition of its continuing contribution to the State, the State Journal recently named this innovative agency one of the "55 Good Things About West Virginia." The honor is well deserved.

In 1895, Florence Crittenton Services Inc. first opened its doors to provide shelter and support for "wayward" women in crisis. Over the past century, it has evolved from being a group home and adoption agency to a nationally-accredited and respected therapeutic residential program that serves abused, neglected, and behaviorally-challenged girls.

Among its many forward-thinking programs is Wellspring Family Services, a comprehensive, community-based behavioral health, parenting support and education service provider. Cradles to Crayons, a child care program for young mothers in care, provides a structured and safe environment for children while their parents complete their education and participate in therapeutic programming. This child care program continues today and serves the child care needs of Crittenton residents and community members.

Grounded in its original mission to help children and families in need achieve self-sufficiency, all of the agency's programs pay close attention to the underlying challenges that keep young women from succeeding, including addiction, domestic violence, and sexual abuse.

Throughout its history, Florence Crittenton Services, Inc. has maintained a unique cooperative relationship with The National Crittenton Foundation. This partnership is based on founder Charles Crittenton's and Dr. Kate Waller Barrett's belief that the most effective way to address compelling national social issues was through a network of affiliated independent, local organizations supported by a national body.

More than a century after Charles Crittenton founded his first home, the National Crittenton Foundation is reemerging as an active force for social change. The foundation and its agencies continue their work to break the cycles of intergenerational issues like teen pregnancy, violence and substance abuse through a mix of strength-based gender and culturally-specific services tailored to meet the needs of young girls in local communities. For years, I have worked to improve services and support of needy children and families, and I have been proud to work with the Florence Crittenton Society in Wheeling.

As the National Crittenton Foundation and West Virginia's Florence Crittenton Services, Inc. come to Capitol Hill to celebrate 125 years of service to young women at risk and their children, I ask you to help me congratulate them on their achievements and thank them for their profound commitment to our children and our communities.●

RECOGNIZING BERRY, FOWLES & CO.

● Ms. SNOWE. Madam President, as tax time is once again upon us, I recognize the contributions that small businesses have made, and continue to make, toward ensuring that our Nation's financial sector operates in a fair and effective manner. In particular, I must highlight a Maine business that has excelled in taking care of both its customers and employees. Berry, Fowles & Co., a small, full-service accounting firm located in Falmouth, recently earned the prestigious distinction of being named the 2007 Small Business Best Place to Work in Maine.

The "Best Places to Work in Maine" program is sponsored by the Society for Human Resource Management Maine State Council, in partnership with several other entities, including The Employment Times and the Maine State Chamber of Commerce. Awards are issued in categories of large, medium, and small businesses operating in Maine, and determinations are based on employer benefits and policies, as well as employee responses to satisfaction surveys.

Berry, Fowles & Co. is clearly deserving of this acknowledgement of its remarkable steps to maintain its employees' well-being.

Doing business under various names since 1915, Berry, Fowles & Co. has consistently impressed its clientele by adhering to a strong set of core values, including a philosophy of empowerment and community involvement.

Offering an array of services, including auditing, accounting, and tax preparation, Berry, Fowles & Co. serves cities and towns, businesses, individuals, local governments, and nonprofits across Maine. The company offers free consultations for its services, from personal financial planning to small business accounting.

The company's Web site is an invaluable source for both the client and the public. Replete with a plethora of financial guides on investment, tax, and business strategies, the Web site provides readers with clear and comprehensive information. Additionally, the site contains links to a number of calculators that compute everything from college and retirement savings to the monthly payment of an auto loan. Combined with an online newsletter proposing perceptive counsel in a number of areas, Berry, Fowles & Co.'s Web site is a goldmine for the financially curious.

While the company's services are wide-ranging, what positions Berry, Fowles & Co. so well in today's fast-paced world is the time it takes to appreciate and celebrate the work and welfare of its 16 dedicated employees. Berry, Fowles & Co. provides its workers with a wide range of benefits, including health and life insurance, cutting-edge technology, and a retirement pension plan. And while all of us may cringe at the thought of April 15, the employees at Berry, Fowles & Co. know firsthand the stress that comes with a tax filing deadline. That is why the company has designed a tax-season wellness program for its employees, which includes enjoyable games and giveaways, healthy snacks, Saturday lunches, and even massages! To me, that certainly adds up to a great place to work!

Over the past century, Berry, Fowles & Co. and its predecessors have made a name for themselves by helping others succeed financially. Now, the company is attracting just recognition because of its sound efforts to support its employees. Berry, Fowles & Co. lays claim to a distinctly successful business model that presents all small businesses a magnanimous example upon which to draw. I congratulate the team at Berry, Fowles & Co. and wish them well at tax time and beyond.●

MESSAGES FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1198. An act to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

H.R. 1237. An act to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

H.R. 2063. An act to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools.

H.R. 2464. An act to amend the Public Health Services Act to provide a means for continued improvement in emergency medical services for children.

H.J. Res. 70. Joint resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 793. An act to provide for the expansion and improvement of traumatic brain injury programs.

The message further announced that the House has passed the following bills, without amendment:

S. 845. An act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1858. An act to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

ENROLLED BILL SIGNED

At 3:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 550. An act to preserve existing judgeships on the Superior Court of the District of Columbia.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1198. An act to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1237. An act to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2063. To direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2464. An act to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5718. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, notification of the Department's intent to initiate a competition of the Civil Engineer Function at Schriever Air Force Base; to the Committee on Armed Services.

EC–5719. A communication from the Attorney, Office of the Secretary , Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Organizational and Delegation of Powers and Duties; Secretarial Succession" (RIN2105–AD73) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5720. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Enhanced Airworthiness Program for Airplane Systems/Fuel Tank Safety" (RIN2120–AI31) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5721. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Provo, UT" ((RIN2120–AA66)(Docket No. 06–AWP–5)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5722. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Offshore Airspace Area 1485L and Revision of Control 1485H; Barrow, AK" ((RIN2120–AA66)(Docket No. 06–AAL–9)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5723. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of High Altitude Area Navigation Routes; South Central United States" ((RIN2120–AA66)(Docket No. 05–ASO–7)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5724. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Low Altitude Reporting Point; AK" ((RIN2120–AA66)(Docket No. 06–AAL–17)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5725. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hamilton Sundstrand Model 14RF–19 Propellers" ((RIN2120–AA64)(Docket No. 2005–NE–13)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5726. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NW–110)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5727. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd. and Co. KG Tay 611–8, Tay 611–8C, Tay 620–15, Tay 650–15, and Tay 651–54 Turbofan Engines" ((RIN2120–AA64)(Docket No. 2007–NE–11)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5728. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–40)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5729. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120–AA64)(Docket No. 2004–NM–32)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5730. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146–RJ Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–126)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5731. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–070)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5732. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–010)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5733. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters" ((RIN2120–AA64)(Docket No. 2005–SW–21)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5734. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Airworthiness Certification of New Aircraft" ((RIN2120–AH90)(Docket No. FAA–2003–14825)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5735. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 680 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–331)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flight Simulation Training Device Initial and Continuing Qualification and Use" ((RIN2120–AH07)(Docket No. FAA–2002–12461)) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5737. A communication from the Acting Director of Regulations, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Administrative Procedures, Address Updates, and Technical Amendments" (RIN2137–AE29) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5738. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Locomotive Sanders" (RIN2130–AB83) received on April 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5739. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Indian Reservation Road Bridge Program" (RIN2125–AF20) received on April 4, 2008; to the Committee on Environment and Public Works.

EC–5740. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped from Puerto Rico to the United States" (RIN1513–AB38) received on April 4, 2008; to the Committee on Finance.

EC–5741. A communication from the Acting Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Documents Required for Travelers Departing From or Arriving in the United States at Sea and Land Ports-of-Entry From Within the Western Hemisphere" (RIN1651–AA69) received on April 4, 2008; to the Committee on Finance.

EC–5742. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the export of defense articles to Italy to provide support for the C–130J aircraft; to the Committee on Foreign Relations.

EC–5743. A communication from the Deputy Under Secretary of Homeland Security (Management), transmitting, pursuant to law, a report on the Future Years Homeland Security Program for fiscal year 2009 through fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–5744. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the growth of violent street gangs in suburban areas; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1418. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes (Rept. No. 110–282).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN:

S. 2832. A bill to authorize the International Boundary and Water Commission to reimburse State and local governments for expenses incurred by such governments in designing, constructing, and rehabilitating the Lower Rio Grande Valley Flood Control Project; to the Committee on Foreign Relations.

By Mr. CRAPO:

S. 2833. A bill to provide for the management of certain public land in Owyhee County, Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2834. A bill to establish wilderness areas, promote conservation, and improve public land in Washington County, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEMINT (for himself, Mr. KYL, Mr. BURR, Mr. COBURN, Mr. ISAKSON, Mr. VITTER, Mr. INHOFE, Mr. GRAHAM, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. CORKER, Mr. MARTINEZ, Mr. CRAIG, and Mr. THUNE):

S. 2835. A bill to amend the Internal Revenue Code of 1986 to allow the purchase of health insurance with pre-tax dollars, and for other purposes; to the Committee on Finance.

By Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. ALEXANDER, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. ISAKSON, Mrs. LINCOLN, Mr. PRYOR, Mr. ROBERTS, Mr. GRAHAM, Mr. SESSIONS, and Mr. SMITH):

S. 2836. A bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay; to the Committee on Armed Services.

By Mr. SCHUMER:

S. 2837. A bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. MARTINEZ (for himself and Mr. KOHL):

S. 2838. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. VITTER:

S.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States relating to United States citizenship; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 507. A resolution supporting the mission and goals of National Crime Victims' Rights week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. Res. 508. A resolution congratulating the University of Tennessee women's basketball team for winning the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship; considered and agreed to.

By Mr. SANDERS (for himself, Ms. SNOWE, Mr. KERRY, Mrs. CLINTON, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. BINGAMAN, Mrs. BOXER, Mr. LEAHY, and Mr. NELSON of Florida):

S. Res. 509. A resolution recognizing the week of April 7, 2008 to April 13, 2008, as "National Public Health Week"; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 561

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1052

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1052, a bill to amend title XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program.

S. 1069

At the request of Ms. SNOWE, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1392

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1392, a bill to increase the authorization for the major medical facility project to consolidate the medical centers of the Department of Veterans Affairs at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1499

At the request of Mrs. BOXER, the names of the Senator from Delaware (Mr. CARPER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1499, a bill to amend the Clean Air Act to reduce air pollution from marine vessels.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1795

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1795, a bill to improve access to workers' compensation programs for injured Federal employees.

S. 1980

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1980, a bill to improve the quality of, and access to, long-term care.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2182

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2381

At the request of Mr. SALAZAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2381, a bill to amend title XVIII of the Social Security Act to extend and improve protections for sole community hospitals under the Medicare program.

S. 2420

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2420, a bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2559

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2673

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2673, a bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

S. 2702

At the request of Mr. SALAZAR, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2755

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2755, a bill to provide funding for summer youth jobs.

S. 2760

At the request of Mr. LEAHY, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Idaho (Mr. CRAIG) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2767

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2767, a bill to provide for judicial discretion regarding suspensions of student eligibility under section 484(r) of the Higher Education Act of 1965.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2785

At the request of Ms. STABENOW, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Oregon (Mr. WYDEN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2812

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2812, a bill to amend title XVIII of the Social Security Act to improve the provision of telehealth services under the Medicare program.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Montana (Mr. TESTER), the Senator from New York (Mr. SCHUMER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2821

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2821, a bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2821, supra.

S. 2822

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2822, a bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas.

S. 2829

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2829, a bill to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S. 2831

At the request of Mr. DORGAN, the name of the Senator from Missouri

(Mrs. MCCASKILL) was added as a cosponsor of S. 2831, a bill to reauthorize the Federal Trade Commission, and for other purposes.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 468

At the request of Mrs. CLINTON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 468, a resolution designating April 2008 as "National 9-1-1 Education Month".

S. RES. 470

At the request of Mr. FEINGOLD, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 470, a resolution calling on the relevant governments, multilateral bodies, and non-state actors in Chad, the Central African Republic, and Sudan to devote ample political commitment and material resources towards the achievement and implementation of a negotiated resolution to the national and regional conflicts in Chad, the Central African Republic, and Darfur, Sudan.

S. RES. 504

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 504, a resolution condemning the violence in Tibet and calling for restraint by the Government of the People's Republic of China and the people of Tibet.

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), the Senator from Rhode Island (Mr. REED), the Senator from New York (Mrs. CLINTON) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 504, supra.

AMENDMENT NO. 4384

At the request of Mr. SANDERS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4384 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4419

At the request of Mr. ENSIGN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 4419 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4431

At the request of Mr. PRYOR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 4431 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4447

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 4447 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4478

At the request of Mrs. MURRAY, the names of the Senator from Missouri (Mr. BOND), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 4478 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4487

At the request of Mr. DORGAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 4487 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MARTINEZ (for himself and Mr. KOHL):

S. 2838. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration; to the Committee on the Judiciary.

Mr. MARTINEZ. Mr. President, today Senator HERB KOHL and I are introducing the Fairness in Nursing Home Arbitration Act. In my State and many others, elderly Americans—as a condition of their being admitted to a nursing home—are unfairly asked to agree to arbitrate any claims they may have against that nursing home before their claim actually occurs. This is not only unfair to those seeking residence, but it is also unfair to their families, who often times have no choice but to forfeit their loved one's legal rights in order to find them the care they need.

The basis for arbitration is accorded under the Federal Arbitration Act, FAA, which Congress enacted in 1925. The FAA was intended to allow parties an alternative forum to efficiently resolve business disputes. But over time, the FAA has expanded into nonbusiness disputes, including those involving nursing homes.

The legislation I am introducing today is in keeping with the FAA's original intent by requiring that agreements to arbitrate nursing home disputes be made after the dispute has arisen—not before prospective residents move in. While this bill won't prevent arbitration from occurring, it will prevent nursing home corporations with greater bargaining power from forcing residents to enter into pre-dispute arbitration through a non-negotiable contract.

The trend we are seeing at far too many nursing homes around the country is an unwarranted intrusion into a vulnerable population's right to access the civil justice system. This bill protects those who are otherwise unprotected, and helps to give their families peace of mind in knowing their loved ones are able to retain their full legal rights should they be abused or injured.

I applaud my colleague, Senator KOHL for recognizing the egregious injustices happening in nursing homes around the Nation, and I urge my colleagues to support this necessary bill.

Mr. KOHL. Mr. President, I rise today with Senator MARTINEZ to introduce the Fairness in Nursing Home Arbitration Act of 2008. This legislation is a narrowly targeted measure that protects nursing home residents, one of our Nation's most vulnerable populations, from losing the right to hold nursing homes accountable in court for negligent and abusive care.

The process of admission to a long-term care facility is traumatic for the prospective resident and their family. Often these facilities are a last resort for families and residents, and many times these decisions are arrived at under desperate, and sometimes emergency, circumstances. Even admission to an assisted-living facility by a relatively healthy senior citizen is a stressful and emotional event. Adding to the difficulty, many families face limited options in nursing care when it comes to both geographic location and the level of care required for their loved one.

During the admissions process, prospective residents and their families have little choice other than to accept the terms of the admission agreement with no ability to negotiate. Many facilities now require residents, or their responsible family members, to sign contracts that include predispute mandatory arbitration agreements. This means that any dispute between the resident and the facility will automatically be subject to arbitration. In other words, by agreeing to the contract, and before a dispute ever arises, they are unwittingly signing away their constitutional right to have their case heard by an impartial judge or jury.

Unlike other uses of arbitration, arbitration in the nursing home context is usually related to health care and often involves cases of abuse and neglect that result in serious injuries or death. While civil court proceedings are generally open to the public, most arbitration requires that all parts of the process be kept confidential. As a result, long term care facilities are not held publicly accountable for their substandard care. Even worse, this potentially lifesaving information may be concealed from current and prospective residents, regulatory agencies, and the public.

Another troubling aspect of arbitration clauses in nursing home admissions agreements is that they are often buried in long contracts and presented on a take-it-or-leave-it basis, without any opportunity to negotiate. While some facilities may attempt to explain the meaning of the arbitration clause and make it seem voluntary, the focus of the admissions process is on the loved one in need of care and not on these technical legal aspects of the agreement. Family members of prospective residents, whether or not they understand the arbitration provision, feel compelled to sign it in order to ensure that their loved one will be admitted and that their care will not be compromised by their refusal.

One of many tragic examples we have learned about is the case of Ella Needham. After being hospitalized with a urinary tract infection, she was taken to a nursing home by her daughter. During the hasty admissions process, her daughter signed a mandatory arbitration agreement. Both were unaware that they were signing away their constitutional right to a jury trial. During Ella's stay, the nursing home staff abused her, failed to adequately hydrate her, and did not adequately treat her illness. As a result of this negligence and abuse, Mrs. Needham died. When her daughter sued the home, she discovered that she was not allowed to go to court because of the arbitration agreement. After months of litigation challenging the agreement, the appeals court upheld the requirement to arbitrate. The daughter was forced to settle her claims of abuse and neglect in arbitration.

It is important to note that our bill does not preclude arbitration as an option for resolving disputes between nursing home residents and long term care facilities. The legislation simply says that families and prospective residents cannot be forced into arbitration through a nonnegotiable contract prior to the dispute. This will ensure that arbitration is a voluntary forum to resolve these unique disputes that can have far reaching consequences.

I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 507—SUPPORTING THE MISSION AND GOALS OF NATIONAL CRIME VICTIMS' RIGHTS WEEK IN ORDER TO INCREASE PUBLIC AWARENESS OF THE RIGHTS, NEEDS, AND CONCERNS OF VICTIMS AND SURVIVORS OF CRIME IN THE UNITED STATES

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 507

Whereas 23,000,000 Americans are victims of crime each year, and of those, 5,200,000 are victims of violent crime;

Whereas a just society acknowledges crime's impact on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;

Whereas victims' rights are a critical component of the promise of "justice for all", the foundation for our system of justice in the United States;

Whereas although our Nation has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains;

Whereas we must do better to ensure that services are available for underserved segments of our population, including crime victims with disabilities, victims with mental illness, victims who are teenagers, victims who are elderly, victims in rural areas, and victims in communities of color;

Whereas observing victims' rights and treating victims with dignity and respect serves the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety;

Whereas the United States recognizes that we make our homes, neighborhoods, and communities safer and stronger by serving victims of crime and ensuring justice for all;

Whereas our Nation must strive to protect, expand, and observe crime victims' rights so that there truly is justice for victims and justice for all; and

Whereas National Crime Victims' Rights Week, April 13 through April 19, 2008, provides an opportunity for us to strive to reach the goal of justice for all by ensuring that all victims are afforded their legal rights and provided with assistance as they face the financial, physical, and psychological impact of crime: Now, therefore, be it

Resolved, That the Senate—

(1) supports the mission and goals of National Crime Victims' Rights Week in order to increase public awareness of the impact of crime on victims and survivors of crime, and of the rights and needs of such victims and survivors; and

(2) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Office for Victims of Crime in the Department of Justice.

SENATE RESOLUTION 508—CONGRATULATING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM FOR WINNING THE 2008 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mr. ALEXANDER (for himself and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 508

Whereas, on April 8, 2008, before a crowd of over 21,000 fans, the University of Tennessee women's basketball team (referred to in this preamble as the "Lady Vols") defeated the Cardinal of Stanford by a score of 64-48 to win the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship;

Whereas that victory marked the second national title for the Lady Vols in 2 years, and the 8th national title of the Lady Vols in the last 20 years;

Whereas the University of Tennessee became the first school to accomplish back-to-back national titles twice, having previously achieved that feat during its 3-peat from 1996 through 1998;

Whereas the Lady Vols were successful due to the leadership of Head Coach Pat Summitt, the Nation's all-time winningest National Collegiate Athletic Association basketball coach among men's and women's teams, with 983 wins over 34 seasons at the University of Tennessee;

Whereas Joan Cronan, the Women's Athletics Director of the University of Tennessee, has—

(1) shown vision and leadership throughout her 25-year career at the University of Tennessee; and

(2) created 1 of the most visible and respected athletic programs in the country;

Whereas the Lady Vols compiled an impressive overall record of 36 wins and 2 losses, avenging 1 of those losses against Stanford in the championship game;

Whereas the Lady Vols were guided all season long by—

(1) the leadership of the seniors on the team, including—

(A) Nicky Anosike;

(B) Alberta Auguste;

(C) Shannon Bobbitt; and

(D) Alexis Hornbuckle; and

(2) the outstanding play of the 2008 Naismith Trophy winner, Candace Parker;

Whereas Candace Parker, while playing with an injured shoulder, tallied 17 points, 9 rebounds, and 4 steals, and was selected as the Most Outstanding Player for the 2008 tournament, becoming—

(1) the 4th player in history to achieve that honor 2 years in a row; and

(2) the 5th member of the University of Tennessee women's basketball team to be so honored, following in the footsteps of—

(A) Chamique Holdsclaw, who was honored in 1997 and 1998;

(B) Michelle Marciniak, who was honored in 1996;

(C) Bridgette Gordon, who was honored in 1989; and

(D) Tonya Edwards, who was honored in 1987;

Whereas Shannon Bobbitt, who at only 5 feet, 2 inches, is the shortest player ever to play on the University of Tennessee women's basketball team, and whose 3 first half 3-pointers and transition defense helped establish an early lead, finished the game with 13 points, and was named to the 2008 All-Tournament Team;

Whereas Nicky Anosike, who finished the game with 12 points, 8 rebounds, and a game-high 6 steals, was named to the 2008 All-Tournament Team;

Whereas Alberta Auguste scored 7 points to go along with 7 rebounds;

Whereas Alexis Hornbuckle, whose dogged defense helped hold the Stanford team to a season-low 48 points and a season-high 25 turnovers, finished with 6 points and 3 assists;

Whereas freshman Vicki Baugh provided a nice boost off the bench with 8 points and 4 rebounds; and

Whereas Head Coach Pat Summitt's Lady Vols set an example off the court as well, by continuing to sustain a remarkable graduation rate, with every student athlete who has completed her eligibility at the University of Tennessee graduating or working toward all of the requirements for graduation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Tennessee women's basketball team for—

(A) being champions on and off the court; and

(B) the victory of the team in the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship (referred to in this resolution as the "NCAA women's basketball championship");

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Volunteers win the NCAA women's basketball championship; and

(3) respectfully requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) Dr. John D. Petersen, President of the University of Tennessee;

(B) Joan Cronan, Women's Athletics Director of the University of Tennessee; and

(C) Pat Summitt, Women's Basketball Head Coach of the University of Tennessee.

SENATE RESOLUTION 509—RECOGNIZING THE WEEK OF APRIL 7, 2008 TO APRIL 13, 2008, AS "NATIONAL PUBLIC HEALTH WEEK"

Mr. SANDERS (for himself, Ms. SNOWE, Mr. KERRY, Mrs. CLINTON, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. BINGAMAN, Mrs. BOXER, Mr. LEAHY, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the committee on Health, Education, Labor, and Pensions:

S. RES. 509

Whereas the week of April 7th, 2008, is National Public Health Week, and the theme is "Climate Change: Our Health in the Balance";

Whereas, since 1996, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policy-makers, and public health professionals about issues important to improving the public's health;

Whereas, according to the World Health Organization (WHO), climate change is a significant and emerging threat to public health and the WHO estimates that human-induced changes in the Earth's climate lead to at least 5,000,000 cases of illness and more than 150,000 deaths each year;

Whereas, according to the Intergovernmental Panel on Climate Change (IPCC), climate change contributes to the global burden of disease, premature death, and other adverse health impacts due to extreme weather events and changes in infectious disease patterns, air quality, quality and quantity of water and food, ecosystem changes, and economic impacts;

Whereas, according to the IPCC, the United States will be challenged by increased heat waves, air pollution, and forest fires during the course of the century, with potential risk for adverse health impacts, such as heat stress and increases in asthma, allergies, and chronic obstructive pulmonary disease;

Whereas the Director of the United States Centers for Disease Control and Prevention, Dr. Julie Gerberding, testified in October 2007 that, "Climate change is anticipated to have a broad range of impacts on the health of Americans and the nation's public health infrastructure";

Whereas, according to the World Health Organization, the negative public health impacts of climate change will likely disproportionately impact communities that are already vulnerable;

Whereas these communities include developing countries, young children, the elderly, people with chronic illnesses or otherwise compromised health, people in underserved communities, communities of color, traditional societies, subsistence farmers, and coastal populations;

Whereas it is estimated that more than 900,000,000 people worldwide live in slum-like conditions and are particularly vulnerable to the possible health impacts of climate change due to a lack of access to health care, sanitation, and vulnerability to displacement;

Whereas future vulnerability to the health impacts of climate change will depend not only on the degree of climate change the Earth experiences, but also on development and adaptation measures; and

Whereas the public health system will be a first-line responder to emergency conditions related to impacts of climate change and plays a key role in informing, educating, and empowering local communities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes "National Public Health Week";

(2) recognizes the efforts of public health professionals, first responders, States, municipalities, and local communities to incorporate measures to adapt health care systems to address impacts of climate change;

(3) recognizes the role of adaptation in preventing impacts of climate change on vulnerable communities, the potential for improvement of health status and health equity through efforts to address climate change, and the need to include health policy in the development of climate responses;

(4) encourages further research, interdisciplinary partnership, and collaboration between stakeholders to understand and monitor the health impacts of climate change, for preparedness activities and for improvement of health care infrastructure; and

(5) encourages each and every American to learn about the impacts of climate change on health.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4518. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 4519. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2739, to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; which was ordered to lie on the table.

SA 4520. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2739, supra; which was ordered to lie on the table.

SA 4521. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2739, supra; which was ordered to lie on the table.

SA 4522. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2739, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4518. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon

emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

On page 49, line 6, insert, "the second place it appears" after "in excess of 6 percent".

At the end, add the following:

TITLE VIII—VETERANS HOUSING MATTERS

SEC. 801. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

"(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.".

SEC. 802. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

"§ 2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

"(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

"(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

"(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

"(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

"(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

"(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

"(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of such title is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of such title is amended—

(A) in subsection (a)—

(i) by striking "veteran" each place it appears and inserting "individual"; and

(ii) in paragraph (3), by striking "veteran's" and inserting "individual's";

(B) in subsection (b)(1), by striking "a veteran" and inserting "an individual";

(C) in subsection (c)—

(i) by striking "a veteran" and inserting "an individual"; and

(ii) by striking "the veteran" each place it appears and inserting "the individual"; and

(D) in subsection (d), by striking "a veteran" each place it appears and inserting "an individual".

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of such title is amended—

(A) by striking "veteran" each place it appears (other than in subsection (b)) and inserting "individual";

(B) in subsection (a), by striking "veteran's" each place it appears and inserting "individual's"; and

(C) in subsection (b), by striking "a veteran" each place it appears and inserting "an individual".

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of such title is amended by striking "veterans" both places it appears and inserting "individuals".

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of such title is amended—

(A) in subsection (a), by striking "veteran" each place it appears and inserting "individual"; and

(B) in subsection (b)—

(i) in the first sentence, by striking "A veteran" and inserting "An individual";

(ii) in the second sentence, by striking "a veteran" and inserting "an individual"; and

(iii) by striking "such veteran" each place it appears and inserting "such individual".

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of such title is amended—

(A) in subsection (a)—

(i) by striking "any eligible veteran" and inserting "any eligible individual"; and

(ii) by striking "the veterans' " and inserting "the individual's";

(B) in subsection (b), by striking "an eligible veteran" and inserting "an eligible individual";

(C) in subsection (e), by striking "an eligible veteran" and inserting "an individual";

(D) in subsection (h), by striking "each veteran" and inserting "each individual";

(E) in subsection (i), by striking "the veteran's" each place it appears and inserting "the individual's";

(F) by striking "the veteran" each place it appears and inserting "the individual"; and

(G) by striking "a veteran" each place it appears and inserting "an individual".

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of such title is amended to read as follows:

"§ 2101. Acquisition and adaptation of housing: eligible veterans".

(B) The heading of section 2102A of such title is amended to read as follows:

"§ 2102A. Assistance for individuals residing temporarily in housing owned by a family member".

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of such title is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

"2101. Acquisition and adaptation of housing: eligible veterans.";

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

"2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.";

and

(C) by striking the item relating to section 2102A and inserting the following new item:

"2102A. Assistance for individuals residing temporarily in housing owned by a family member.".

SEC. 803. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subsection (b)(2)—

(A) by striking "either" and inserting "any"; and

(B) by adding at the end the following new subparagraph:

"(C) The disability is due to a severe burn injury (as so determined).".

SEC. 804. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking "after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006" and inserting "after December 31, 2011".

SEC. 805. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000";

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000"; and

(3) by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

"(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

"(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 806. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 802(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 807. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 802(a) of this Act), who reside with family members on a permanent basis.

SEC. 809. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting "or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts" before "may not be considered".

SEC. 810. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.".

SEC. 811.

Strike section 502 and insert the following:

SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting "(A)" before "In the";

(2) by striking "a residential mortgage transaction, as defined in section 103(w)" and inserting "any extension of credit that is secured by the dwelling of a consumer";

(3) by striking "before the credit is extended, or";

(4) by inserting ", which shall be at least 7 business days before consummation of the transaction" after "written application";

(5) by striking ", whichever is earlier"; and

(6) by striking "If the" and all that follows through the end of the paragraph and inserting the following:

"(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—

"(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

"(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.

"(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:

"(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

"(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood.

"(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.

"(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.

"(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—

"(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;

"(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and

"(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).

"(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.".

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking "not less than $200 or greater than $2,000" and inserting "not less than $400 or greater than $4,000"; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting "or section 128(b)(2)(C)(ii),"after "128(a),"; and

(B) by inserting "or section 128(b)(2)(C)(ii)" before the period.

(c) EFFECTIVE DATES.—

(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.

(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added

by subsection (a) of this section, shall become effective on the earlier of—

(A) the compliance date established by the Board for such purpose, by regulation; or

(B) 30 months after the date of enactment of this Act.

SA 4519. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2739, to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—DISPOSITION OF CERTAIN FUNDS

SEC. 901 CANDIDATE ASSET DISPOSITION LIST.

For fiscal year 2008, and each fiscal year thereafter, amounts made available to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service shall be equal to 1 percent of, and derived by transfer from, all amounts made available to the Secretary of the Interior carry out this Act for each such fiscal year.

SA 4520. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2739, to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 2 and 3, insert the following:

Subtitle G—Notification and Consent Requirements Relating to National Heritage Areas

SEC. 491 NOTIFICATION REQUIREMENT.

The Secretary of the Interior shall not approve a management plan for a National Heritage Area designated by this title unless the local coordinating entity of the proposed National Heritage Area provides written notification through the United States mail of the designation to each individual who resides, or owns property that is located, in the proposed National Heritage Area.

SEC. 492. WRITTEN CONSENT REQUIREMENT.

With respect to each National Heritage Area designated by this title, no employee of the National Park Service or member of the local coordinating entity of the National Heritage Area (including any designee of the National Park Service or the local coordinating entity) may enter a parcel of private property located in the proposed National Heritage Area without the written consent of the owner of the parcel of property.

SA 4521. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2739, to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. REQUIREMENT OF APPROVAL OF CERTAIN CITIZENS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of a voluntary exchange between a private landowner and the Federal Government of a parcel of land.

(d) DURATION OF APPROVAL.—

(1) IN GENERAL.—With respect to a parcel of land described in subsection (a), the approval of the citizens of each political subdivision in which a portion of the parcel of land is located terminates on the date that is 10 years after the date on which the citizens of each political subdivision approve the control of the parcel of land by the Department of the Interior, the Department of Energy, or the Forest Service under that subsection.

(2) RENEWAL OF APPROVAL.—With respect to a parcel of land described in subsection (a), the Department of the Interior, the Department of Energy, or the Forest Service, as applicable, may renew, by referendum, the approval of the citizens of each political subdivision in which a portion of the parcel of land is located.

SA 4522. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2739, to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—An annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) USE OF EXISTING ANNUAL REPORTS.—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 9, 2008, at 9:30 a.m., in open session to receive testimony on the situation in Iraq and progress made by the Government of Iraq in meeting benchmarks and achieving reconciliation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, April 9, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, April 9, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Legislative Hearing on S. 1870, the Clean Water Restoration Act of 2007."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 9, 2008, at 9:30 a.m. to hold a hearing on sexual assault in combat environments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 9, 2008, at 3:15 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERAN'S AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, April 9, 2008, to conduct an oversight hearing on Making the VA the Workplace of Choice for Health Care Providers. The committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without a objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 9, 2008, at 2 p.m., in open session to receive testimony on Air Force and Navy aviation programs in review of the Defense authorization request for fiscal year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH CARE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Finance Subcommittee on Health Care be authorized to meet during the session of the Senate on Wednesday, April 9, 2008, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Covering Uninsured Children: The Impact of the August 17 CHIP Directive."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate to conduct a hearing on Wednesday, April 9, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent that Bill Hutzel, a fellow in my office, be granted floor privileges for the duration of debate on H.R. 3221.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that Ben Brown, a fellow in my office, be allowed the privilege of the floor for the remainder of the debate on the housing bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING APRIL 2008 AS "NATIONAL 9-1-1 EDUCATION MONTH"

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 629, S. Res. 468.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 468) designating April 2008 as "National 9-1-1 Education Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 468) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 468

Whereas 9–1–1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas, in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a "single number should be established" nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas, in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9–1–1 as the emergency code throughout the United States;

Whereas 9–1–1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106–81; 113 Stat. 1286);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9–1–1 system to be "a high national priority" and part of "our Nation's homeland security and public safety";

Whereas it is important that policy makers at all levels of government understand the importance of 9–1–1,. how the system works today, and the steps that are needed to modernize the 9–1–1 system;

Whereas the 9–1–1 system is the connection between the eyes and ears of the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9–1–1 a significant homeland security asset;

Whereas more than 6,000 9–1–1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9–1–1 calls each year in the United States;

Whereas a growing number of 9–1–1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, and deaf-blind, and individuals with speech disabilities, are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9–1–1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9–1–1 and implementing an enhanced 9–1–1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas numerous other N–1–1 and 800 number services exist for nonemergency situations, including 2–1–1, 3–1–1, 5–1–1, 7–1–1, 8–1–1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use those services in addition to or instead of 9–1–1;

Whereas international visitors and immigrants make up an increasing percentage of the United States population each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9–1–1 and it is critical to educate those people on the proper use of 9–1–1;

Whereas senior citizens are at high risk for needing to access to 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made every year by children properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children early in life about 9-1-1;

Whereas the 9-1-1 system is often misused, including by the placement of prank and nonemergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources and needs to be reduced;

Whereas parents, teachers, and all other caregivers need to play an active role in 9-1-1 education for children, but will do so only after being first educated themselves;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas children, parents, teachers, and the National Parent Teacher Association contribute importantly to the education of children about the importance of 9-1-1 through targeted outreach efforts to public and private school systems;

Whereas we as a Nation should strive to host at least 1 educational event regarding the proper use of 9-1-1 in every school in the country every year;

Whereas programs to promote proper use of 9-1-1 during National 9-1-1 Education Month could include—

(1) public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, other caregivers and businesses;

(2) educational events in schools and other appropriate venues; and

(3) production and distribution of information about the 9-1-1 system designed to educate people of all ages on the importance and proper use of 9-1-1; and

Whereas the people of the United States deserve the best education regarding the use of 9-1-1: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as "National 9-1-1 Education Month"; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe the month with appropriate ceremonies, training events, and activities.

CONDEMNING THE VIOLENCE IN TIBET AND CALLING FOR RESTRAINT

Mr. DURBIN. Madam President, I ask unanimous consent the Senate Foreign Relations Committee be discharged from further consideration of S. Res. 504, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 504) condemning the violence in Tibet and calling for restraint by the Government of the People's Republic of China and the people of Tibet.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Madam President, I rise to speak in support of a resolution condemning the violence in Tibet and calling for restraint by the Government of the People's Republic of China and the people of Tibet.

Cosponsoring this resolution with me is Senator GORDON SMITH of Oregon.

The measure is also cosponsored by Senator JOE BIDEN, the Chairman of the Senate Foreign Relations Committee, and Senators KLOBUCHAR, BROWN, CANTWELL, DOLE, OBAMA, SNOWE, MENENDEZ, VOINOVICH, SCHUMER, COLLINS, BYRD, MURRAY, DURBIN, LIEBERMAN, STABENOW, SANDERS, REED, CLINTON and FEINGOLD.

The resolution also calls for dialogue between the leadership of China and His Holiness the Dalai Lama on meaningful religious and cultural autonomy for Tibet within China; the release of individuals who protested in a peaceful manner; a cessation of China's efforts to "reeducate" Tibetan Buddhist monks and nuns; China to open Tibet to international journalists, as it promised the international community it would do during the lead up to the Olympic games; and asks for a full accounting of the protests in Tibet which began in March.

Starting on March 10, Tibetan Monks and other Tibetans began protesting in Tibetan autonomous areas of Western China.

The protests, begun peacefully by monks who marched in their robes, were an expression of these religious people's desire to practice their religion freely and without government interference.

The protesters took this action at great personal risk. Many monks and marchers carried pictures of the Dalai Lama, the most revered figure in Tibetan Buddhism. Possession of such a picture is considered a crime in China.

Unfortunately and tragically, on March 14 protests in Lhasa, the capital of the Tibet Autonomous Region, turned violent. Long suppressed animosity boiled over. Innocent people were killed in the violence. Homes and businesses were burned in what appears to have been a riot.

Over the days and weeks that followed, the protests spread. Protests reportedly occurred in 42 separate Chinese counties. Most were peaceful, and in some case they were met with brute force by the Chinese police.

This resolution condemns the violence on both sides.

The Chinese government has now begun the punishment process.

Thousands of paramilitary police and possibly the People's Liberation Army are in Tibet rounding up protest participants.

International journalists and official representatives are still being kept out, making accurate information difficult to obtain.

But we know that dozens of people or more have died. And we know that more than 1,000 people have been incarcerated. We know that the monasteries have been surrounded by armed force.

On Monday I spoke about the underlying issues including a lack of religious freedom and economic opportunity that have caused Tibetans to take to the streets.

I also spoke about my long standing work to open the door between China and San Francisco and about my sincere friendship with China and its leaders.

Most importantly, I discussed my efforts since 1991 to establish dialogue between the Chinese Leadership and the Dalai Lama.

I read from letters that I carried from the Dalai Lama to the President of China in 1992, 1997, and 1998.

In those letters, the Dalai Lama expressed that he does not seek Independence as China's leaders assert.

In the Dalai Lama's 1998 letter, he wrote:

> I would like to reiterate here that I am not seeking independence for Tibet. My main concern is for the six million Tibetan people . . . to be able to enjoy the opportunity to fully preserve their civilisation and the distinct Tibetan culture, religion, and language. I am convinced that this could be achieved through genuine autonomy or self-rule within the framework of the People's Republic of China.

The Dalai Lama neither calls for independence nor supports the use of violence. He has encouraged the Tibetan people to use restraint both in Tibet and also in the cities, such as San Francisco, where the Olympic torch visits.

On Sunday, The Dalai Lama reiterated his call. In a message to the Tibetan people, he said:

> I want to urge my fellow Tibetans who live in freedom outside Tibet to be extra vigilant as they voice their feelings on the developments in Tibet. We should not engage in any action that could be even remotely interpreted as violent. Even under the most provocative of situations we must not allow our most precious and deeply held values to be compromised. I firmly believe that we will achieve success through our nonviolent path. We must be wise to understand where the unprecedented affection and support for our cause stems from.

I sincerely hope the people of San Francisco will heed the Dalai Lama's call.

I would like to commend the people of my city for holding a peaceful rally and candlelight vigil at San Francisco's United Nations Plaza.

And I call on the people of San Francisco that plan to take to the streets today to embrace the nonviolence advocated by the Dalai Lama.

As a friend of China and the Dalai Lama, I am saddened to see the situation in Tibet deteriorate to this point.

Violence cannot solve this matter.

The United States must use its influence to bring the Government of China and the people of Tibet together to begin the process of reconciliation and dialogue.

To bring this issue to a settlement, the leaders must be involved.

It is in the interest of both the Chinese government and the Tibetan people for the leaders to sit down and negotiate how to bring about meaningful cultural and religious autonomy for the Tibetan people and faith.

For nearly three decades, I have worked to bring this about.

The events in Tibet over the past month have been tragic.

But they renew my commitment and belief.

China has an opportunity to negotiate with a moderate leader capable of quelling the anger within the new generation of Tibetans.

I hope that China's leaders will see this as an opportunity to open the long overdue dialogue with the Dalai Lama.

Mr. DURBIN. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 504) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 504

Whereas, beginning on March 10, 2008, Tibetans and Tibetan Buddhist monks began demonstrations in Lhasa, the capital of the Tibet Autonomous Region in the People's Republic of China;

Whereas those protests spread to elsewhere in the Tibet Autonomous Region and to Tibetan autonomous areas in the Sichuan, Gansu, and Qinghan provinces of China;

Whereas long-suppressed resentment prompted violent clashes between demonstrators and government forces in the streets of Lhasa, resulting in innocent civilian casualties, the burning of buildings, and extensive property damage;

Whereas Chinese and Tibetan sources report dozens of fatalities and the arrest of more than 1,000 protesters in the Tibet Autonomous Region and surrounding Tibetan areas of China;

Whereas Tibet is the center of Tibetan Buddhism and the Dalai Lama is the most revered figure in Tibetan Buddhism;

Whereas the Government of China continues to restrict the rights of Tibetan Buddhists to practice their religion freely;

Whereas the Dalai Lama has condemned the violence that began on March 14, 2008, and announced his continuing support for the Olympic Games to be held in Beijing, China;

Whereas the Dalai Lama has specifically stated that he does not seek independence for Tibet from China and has called for negotiations to bring about meaningful autonomy for Tibet that allows Tibetans to maintain their distinctive identity within China;

Whereas the Constitution of the People's Republic of China guarantees freedom of religious belief for all citizens, but the 2007 Annual Report on International Religious Freedom of the Department of State states that "[d]uring the period covered by this report, the Government [of China]'s respect for freedom of religion remained poor"; and

Whereas, following the demonstrations that began on March 10, 2008, the Government of China began severely restricting access to journalists and diplomats and creating a shortage of independent verification of the situation on the ground in Tibet: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the violence in Tibet and calls for restraint by the Government of the People's Republic of China and the people of Tibet;

(2) calls for a dialogue between the leadership of the Government of China and His Holiness the Dalai Lama on meaningful religious and cultural autonomy for Tibet within China and urges that these discussions take place with all deliberate speed;

(3) calls for the release of individuals who protested in a peaceful manner and for medical care for those injured and wounded in the violence that followed the protests;

(4) calls on the Government of China to cease its efforts to enter monasteries to 'reeducate' monks and nuns, to respect the right of the people of Tibet to speak of the Dalai Lama and possess his photograph, and to respect and protect basic human rights, as provided in the Constitution of the People's Republic of China;

(5) calls on the Government of China to honor its commitment to allow international journalists free access to China from mid-2007 to October 17, 2008;

(6) calls on the Government of China to provide a full accounting of the March 2008 protests in Tibet, the response of the Government of China, and the manner and number of detentions and deaths that occurred following the protests; and

(7) both—

(A) calls on the United States Department of State to fully implement the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note), including the stipulation that the Secretary of State seek "to establish an office in Lhasa, Tibet, to monitor political, economic, and cultural developments in Tibet", and also to provide consular protection and citizen services in emergencies; and

(B) urges that the agreement to permit China to open further diplomatic missions in the United States should be contingent upon the establishment of a United States Government office in Lhasa, Tibet.

CONGRATULATING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. DURBIN. Madam President, I ask unanimous consent the Senate now proceed to consideration of S. Res. 508, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 508) congratulating the University of Tennessee women's basketball team for winning the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 508) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 508

Whereas, on April 8, 2008, before a crowd of over 21,000 fans, the University of Tennessee women's basketball team (referred to in this preamble as the "Lady Vols") defeated the Cardinal of Stanford by a score of 64-48 to win the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship;

Whereas that victory marked the second national title for the Lady Vols in 2 years, and the 8th national title of the Lady Vols in the last 20 years;

Whereas the University of Tennessee became the first school to accomplish back-to-back national titles twice, having previously achieved that feat during its 3-peat from 1996 through 1998;

Whereas the Lady Vols were successful due to the leadership of Head Coach Pat Summitt, the Nation's all-time winningest National Collegiate Athletic Association basketball coach among men's and women's teams, with 983 wins over 34 seasons at the University of Tennessee;

Whereas Joan Cronan, the Women's Athletics Director of the University of Tennessee, has—

(1) shown vision and leadership throughout her 25-year career at the University of Tennessee; and

(2) created 1 of the most visible and respected athletic programs in the country;

Whereas the Lady Vols compiled an impressive overall record of 36 wins and 2 losses, avenging 1 of those losses against Stanford in the championship game;

Whereas the Lady Vols were guided all season long by—

(1) the leadership of the seniors on the team, including—

(A) Nicky Anosike;
(B) Alberta Auguste;
(C) Shannon Bobbitt; and
(D) Alexis Hornbuckle; and

(2) the outstanding play of the 2008 Naismith Trophy winner, Candace Parker;

Whereas Candace Parker, while playing with an injured shoulder, tallied 17 points, 9 rebounds, and 4 steals, and was selected as the Most Outstanding Player for the 2008 tournament, becoming—

(1) the 4th player in history to achieve that honor 2 years in a row; and

(2) the 5th member of the University of Tennessee women's basketball team to be so honored, following in the footsteps of—

(A) Chamique Holdsclaw, who was honored in 1997 and 1998;

(B) Michelle Marciniak, who was honored in 1996;

(C) Bridgette Gordon, who was honored in 1989; and

(D) Tonya Edwards, who was honored in 1987;

Whereas Shannon Bobbitt, who at only 5 feet, 2 inches, is the shortest player ever to play on the University of Tennessee women's basketball team, and whose 3 first half 3-pointers and transition defense helped establish an early lead, finished the game with 13 points, and was named to the 2008 All-Tournament Team;

Whereas Nicky Anosike, who finished the game with 12 points, 8 rebounds, and a game-high 6 steals, was named to the 2008 All-Tournament Team;

Whereas Alberta Auguste scored 7 points to go along with 7 rebounds;

Whereas Alexis Hornbuckle, whose dogged defense helped hold the Stanford team to a season-low 48 points and a season-high 25 turnovers, finished with 6 points and 3 assists;

Whereas freshman Vicki Baugh provided a nice boost off the bench with 8 points and 4 rebounds; and

Whereas Head Coach Pat Summitt's Lady Vols set an example off the court as well, by continuing to sustain a remarkable graduation rate, with every student athlete who has completed her eligibility at the University of Tennessee graduating or working toward all of the requirements for graduation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Tennessee women's basketball team for—

(A) being champions on and off the court; and

(B) the victory of the team in the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship (referred to in this resolution as the "NCAA women's basketball championship");

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Volunteers win the NCAA women's basketball championship; and

(3) respectfully requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) Dr. John D. Petersen, President of the University of Tennessee;

(B) Joan Cronan, Women's Athletics Director of the University of Tennessee; and

(C) Pat Summitt, Women's Basketball Head Coach of the University of Tennessee.

ORDERS FOR THURSDAY, APRIL 10, 2008

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, April 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, that there then be a period of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of H.R. 3211, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Tomorrow, following morning business, the Senate will proceed to a series of up to three rollcall votes as early as 10:40 a.m., and upon disposition of the housing bill, the Senate will consider the Energy Committee's lands bill. We also expect to vote on a number of judicial nominees tomorrow. Therefore, Senators should expect a busy day of voting tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Thursday, April 10, 2008, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday April 9, 2008*

The House met at 10 a.m.

Dr. Carey D. Froelich, First Baptist Church, Baytown, Texas, offered the following prayer:

Holy and Gracious God, we bow before You in wonder and gratitude that You care about the affairs of mankind. Thank You for offering divine counsel and wisdom to these men and women to whom You have granted the privilege of governing.

Loving Father, empower each Member of this noble body with a vision of the common good. May the dynamic of partisan debate unify them in their resolve to serve our Nation as a whole. Grant to each participant the capacity and the courage to discern truth, to feel compassion, to recognize justice, and to act with integrity.

Lord, I pray that every servant in this House will recognize Your presence in this great Hall, and that all will experience the full measure of Your blessing as they conduct the affairs of our great Nation.

I pray in the name of Jesus Christ, the Wonderful Counselor upon whose shoulders the burden of governance has always rested. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. INGLIS) come forward and lead the House in the Pledge of Allegiance.

Mr. INGLIS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

REPORT INDICATES POLITICAL OBSTACLES AND UNLIKELY FUTURE PROGRESS IN IRAQ

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Madam Speaker, today House committees will hear from General Petraeus and Ambassador Crocker about the supposed progress being made in Iraq and the need to keep 140,000 U.S. troops there indefinitely. As we listen to this testimony, it is important to remember what our Nation's true goals are and what true, lasting security actually means.

A new report out this week from the same experts who advised the nonpartisan Independent Iraq Study Group concludes that political progress in Iraq is at best "slow, halting and superficial," and political fragmentation is "so pronounced" that we are no closer to leaving Iraq than we were a year ago. The experts predict that it could take at least 5 to 10 years to produce any real, measurable political reconciliation.

Madam Speaker, I would hope that President Bush would read this new report so that he could see how people outside his administration are viewing the situation in Iraq. Such sobering and nonpartisan assessment should serve as a wake-up call that we should not leave 140,000 troops in Iraq indefinitely while the Iraqis are doing virtually nothing to live up to their promises.

UNITED NATIONS SPEECH POLICE

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, free speech is under attack again. This time the so-called U.N. Human Rights Council passed a resolution encouraging the criminalization of freedom of expression by the U.N. chief spokesman on speech. Egypt and Pakistan proposed the anti-speech resolution. What it does is promote specific criminal restrictions on individuals in the world who criticize or make negative comments about Islam.

According to the International World Tribune, "Muslim countries have been demanding world limits on free speech ever since a Danish magazine published those not-so-flattering cartoons of Mohammad." So now the U.N. Human Rights Council wants to limit the human rights of free speech and religious discourse. Of course, this limit only applies to those who criticize one specific religion, Islam. Muslims are still permitted to bash Christians, Jews and Hindus.

Free speech cannot be limited because some group doesn't like what somebody says. That is what free speech means. The Human Rights Council was wrong when it surrendered to the Muslim speech police and passed this speech control resolution that advocates the criminalization of criticism of Islam.

And that's just the way it is.

CONGRESS MUST TAKE ACTION TO END THE WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, the President's representative from the military is on Capitol Hill urging us to continue to stay in Iraq, telling us to wait, don't leave.

What are we waiting for, until the cost of the war reaches $6 trillion, so that our American economy goes totally bust, so that we don't have any more money for education or health care or housing?

What are we waiting for, for the casualties to get to 10,000 or 20,000 deaths of our service men and women?

What are we waiting for, for America to stand alone against the world?

It is time that we take a new direction. It is time that Congress regain its rightful role as a coequal branch of government. It is not appropriate for leaders in Congress to say, well, it is the administration's fault that the war continues, when in fact we have the authority to cut off funds.

Congress must take a strong stand and say no more funding; end the war, stop the occupation, close the bases, bring the troops home, set in motion an international peacekeeping and security force that comes in as our troops leave, work for a program of reconciliation between the Shiites, the Sunnis, and the Kurds, work for a program of repatriations, and stop trying to control the oil of Iraq.

BMW PROVIDING ECONOMIC SUCCESS IN SOUTH CAROLINA

(Mr. INGLIS of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. INGLIS of South Carolina. Mr. Speaker, there are plenty of challenging news stories about the economy, and we in upstate South Carolina have had some of those experiences ourselves. It is worth celebrating some of the successes.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

On March 10, BMW announced an additional $750 million expenditure at their Spartanburg, South Carolina, plant, bringing their total investment to $4.2 billion. They will add 500 employees to the 6,300 already there and 1,500 employee jobs will be added among the suppliers. Those suppliers, by the way, have invested $2.1 billion in South Carolina and have 12,000 employees.

It is very exciting to have this kind of news. It is also exciting to see the technology that BMW plans to employ in Spartanburg. They are going to bring clean diesel for the first time to the United States. It is going to be in the brand new X-6, all of which will be made in Spartanburg, South Carolina.

That car will also get 30 miles per gallon. Frank-Peter Arndt, their board member, explained that even at 125 miles an hour on the autobahn, the X-6 with the deep clean diesel will get 30 miles per gallon. It is a wonderful success worth celebrating.

HONORING AND CONGRATULATING THE BROWARD COUNTY SCHOOL DISTRICT IN FLORIDA

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to honor and congratulate the Broward County School District in Florida for leading the Nation in National Board Certified Teachers. Currently, Broward County has a total of 1,307 National Board Certified Teachers, up 270 teachers from last year. This is truly a testament to the dedication of teachers in Broward County to improving the quality of education in their classrooms.

National Board Certified Teachers are among the most advanced and highly qualified teachers in our country. By pursuing this high degree of certification, the teachers of Broward County have demonstrated their commitment to elevating and improving instruction in their schools. They will also join the tens of thousands of other teachers from across the country in an effort to improve student achievement nationwide.

I strongly believe that teachers have one of the most difficult and thankless jobs in America. However, the work they do is so critical to the success of our future generations.

As a parent, I would like to personally thank the teachers of Broward County for their dedication to the teaching profession. The knowledge and skills that they have developed in earning this certification will benefit students for generations to come.

I would also like to congratulate the members of the School Board of Broward County for this tremendous accomplishment. Broward County has truly raised the standards for teacher certification in school districts across the country.

ASTONISHING REVERSALS BEING ACCOMPLISHED IN IRAQ

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, this is an important week here as we are hearing the updated assessments from General David Petraeus and Ambassador Ryan Crocker.

Under the leadership of General Petraeus, our troops in Iraq have accomplished an astonishing reversal in a nation that was on the road to crippling ethno-sectarian violence just 18 months ago. One of the statistics that we are seeing is that these ethno-sectarian killings are down 90 percent. And with the security provided by coalition troops, the Iraqi parliament is now learning how to work as a parliament as a legislative body to negotiate and to cooperate.

By passing their 2008 budget this February, the Iraqis demonstrated their commitment to bolstering security gains by working toward reconciliation, stability, and economic growth.

The people of a Muslim state in the heart of the Middle East have rejected violence and extremism, they have cast their lot with the modern world and they have chose freedom. It is significant, Mr. Speaker.

BAD JOB NUMBERS SHOW THE NEED FOR A SECOND ECONOMIC STIMULUS PACKAGE

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, American families are facing real hardships as news of the slowing economy continues to make headlines. The latest troubles came with the release of the March job numbers, the fact that 80,000 people lost their jobs last month. This was not only the third straight month of job losses, but it also was the worst in the last 5 years.

Clearly, Washington must do more to stimulate the economy and assist middle-class families. Already this year, working in a bipartisan way, the Democratic Congress enacted an economic stimulus package that will give families in real need relief by providing recovery rebates starting this next month, raising loan limits for mortgages, and backing the Federal Housing Administration.

This is a good start, but it can't be the end of our efforts to reverse the negative impact of 7 years of failed economic policies.

Mr. Speaker, we did earlier this year what Democrats need to do, and that is pursue commonsense solutions to what our problems are and help get our economy back on track, create jobs, and speed assistance to families that are struggling.

BRINGING AN END TO HATEFUL SPEECH IN THE MIDDLE EAST

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, the Middle East Research Institute, which monitors extremist media, recently reported on a disturbing children's production that aired on Hamas TV. The program, aimed at a child audience, depicted a little boy who accuses President Bush, along with Israel, of killing his family. In the show, the boy proceeds to take out a sword and stabs the President to death. This is a children's program.

There is little chance for peace in the Middle East if the young minds of the region are polluted with this type of hatred and violence. Many young people in the region are being exposed to similar messages in their school textbooks.

I commend the Council of Religious Leaders in the Holy Land, religious leaders from the Jewish, Christian, and Muslim faith who are working together to counter this type of hate speech and violent message, and they do it with moral authority. We need more brave leaders like those on the Council if we are going to create a condition for peacemaking in the Middle East.

□ 1015

IRAQ WAR IS COSTING US MILLIONS AT HOME

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, every day that we spend money in Iraq means missed opportunities to invest in priorities here at home. While the Bush administration spends $339 million a day in Iraq, we are diverting money from our Nation's needs.

With that $339 million that we spend today, we could instead ensure that 2.6 million Americans have access to medical and dental care at community health centers. We can provide 955,000 families with help for their energy bills, and we could hire 50,000 more cops to protect our citizens on our streets.

With the funds we are spending in Iraq today we could also provide 937,000 grants for research into diseases like cancer, Alzheimer's and diabetes, provide 317,000 kids with vaccinations and could send 18,000 more students to school.

The millions we are pumping into Iraq today is desperately needed here at home as this country stares recession in the face. Yet President Bush continues to recommend nothing but the status quo in Iraq.

Put America first.

HELP OUR FARMERS AND OUR AGRICULTURAL COMMUNITY

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, hopefully in the very near future Congress will be ready to vote on a new farm bill, one that would help our farmers and our agricultural community continue to do what they do so very well, feed America and help feed the entire world.

We recognize and we encourage the very hard work and the ongoing negotiations between the House, the Senate and the administration as we face the expiration of the current farm bill on April 18. But planting season is here, and our farmers are faced with difficult decisions about what crops to plant and how much without knowing what direction the Federal Government is moving, and yet we look to our farmers to provide us with a stable food supply. There are many issues affecting the development of every farmer's business plan this year and into the next, certainly the rising prices of fuel and other costs as well, but the uncertainty of the national farm program needs to be resolved as quickly as possible.

I look forward to working together with our House and our Senate leaders and the administration on a successful piece of legislation that will serve our farmers and all Americans fairly and well.

IRAQ WAR AND OUR ECONOMY

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, American families continue to struggle in the face of this recession and yet in 1 day the Bush administration spends $339 million on the war in Iraq.

As General Petraeus and Ambassador Crocker appear before Congress this week to defend this occupation, congressional Democrats have many questions about the costs of this occupation. This country has spent more than $500 billion in Iraq. It could go up to 3 to $4 trillion. Yet 47 million Americans have no health insurance.

Last month, then GAO Comptroller David Walker stated the Iraqis have a budget surplus. We have a huge budget deficit.

One of the questions is who should be paying? That's a really good question, considering that we are currently pumping billions of dollars into this war, which is stimulating economies in Iraq, Kuwait and Saudi Arabia while the American economy is in recession. What about investing money here instead of in education, health care and infrastructure to create jobs?

This occupation has placed a massive human and financial cost on the United States, and yet President Bush demands more of the same. We must end this occupation and bring our troops home.

ADDRESSING ENTITLEMENT SPENDING WILL REQUIRE BIPARTISAN LEADERSHIP

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, in his first speech in the British Parliament in 1789 describing the slave trade, William Wilberforce concluded by telling his colleagues this: "Having heard all of this you may choose to look the other way, but you can never again say you did not know."

None of us can say that we do not know about the Nation's long-term financial outlook, which former Comptroller General David Walker said will result in a tsunami of spending debt level that will swamp our ship of state. It is time that this Congress and this administration and Secretary Paulson wake up to the massive debt that we are amassing.

Congressman JIM COOPER and I are working together on a bipartisan plan called the SAFE Commission, where 78 colleagues are with us. If there are other bipartisan solutions that you all have, put them on the table and let's get them discussed. It will take the leadership on a Wilberforce level from both sides of the aisle.

We know what is happening, and for the sake of our children and our grandchildren, we must not look the other way. Wilberforce said, and I close, having heard all of this, you may choose to look the other way, but you can never again say you did not know.

FIRST APOSTOLIC VISIT OF POPE BENEDICT XVI

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I am here in support of House Resolution 838.

As a Catholic and as a member of the Rialto St. Catherine's Church, I humbly welcome His Holiness, Pope Benedict XVI, on his first apostolic visit to the United States. Tomorrow we will have a once-in-a-lifetime opportunity to present a special service to His Holiness.

In faith, his presence will be felt nationwide by Catholics and non-Catholics. However, His Holiness wants us to focus on Jesus Christ, not the person of the Pope. This is his wish since when he was named at the highest office of the Catholic Church, to humbly quote His Holiness, "I shall come to the United States as pope for the first time to proclaim this great truth: Jesus Christ is hope for men and women of every language, race, culture and social condition."

His Holiness comes with unity and hope for everyone cutting through the language barriers. "Christ is our Hope" is his message for us.

I stand here in support of H.R. 838 and humbly welcome His Holiness to this country awaiting his message of hope and unity.

CELEBRATING THE LIVES OF OUR FALLEN HEROES

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute.)

Mrs. SCHMIDT. Mr. Speaker, tonight in my community we will celebrate the lives of our fallen heroes who have fought so bravely to defend our freedom, including our own Matt Maupin.

Today General Petraeus and Ambassador Crocker will speak to us and report on the surge and its success. As we debate this issue, I ask that we continue to support our men and women who have chosen to wear the uniform of our country and fight to keep us free. They know all too well freedom is not free.

FIRST APOSTOLIC VISIT OF POPE BENEDICT XVI

(Mr. DONNELLY asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY. Mr. Speaker, on behalf of our county and my congressional district, which includes the University of Notre Dame, we want to welcome Pope Benedict XVI on his first apostolic visit to the United States.

He is a highly regarded theologian and scholar, having written over 25 books. Reconciliation and peace have been the major themes of his papacy. He has focused on the dignity of the human person, standing behind refugees, exiles and others.

We welcome Pope Benedict XVI to our beloved country. He has been a leader for peace, and we look forward to his visit.

SEND OUR ATHLETES TO THE BEIJING OLYMPICS BUT NOT OUR POLITICIANS

(Mr. McCOTTER asked and was given permission to address the House for 1 minute.)

Mr. McCOTTER. Mr. Speaker, as the Olympic torch goes through San Francisco today, I would just like to bring attention to the fact that I, as well as others on each side of the aisle, will be introducing legislation to ensure that we send our athletes to the games but not our politicians.

In the past, America has sent their athletes to the Olympics to show what free people can achieve, most notably in 1936 when Jesse Owens won gold and disabused the world of the Fuhrer's propaganda that there was an inferior race amongst us. FDR did not go to the Olympics.

I would encourage American politicians, including the President of the United States, not to politicize the games by their attendance, but rather stay home and attend to the pressing issues which face us as a people. This would be the proper way for the United States to both honor the spirit of the Olympics and the spirit of our free people.

HOW MUCH LONGER WILL OUR TROOPS CONTINUE TO SACRIFICE?

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Mr. Speaker, yesterday General Petraeus and Ambassador Crocker made it clear that the Bush administration intends to continue its current strategy in Iraq with no changes, despite absolutely no progress on political reconciliation.

Today when we listen to both General Petraeus and Ambassador Crocker testify again, it's important to remember that the principal objective of the President's troop escalation plan was to give the Iraq Government time and the proper environment to create political reconciliation.

I recently returned from Iraq, and it's obvious that the political reconciliation that we hoped for is not taking place. They have had both, but the reconciliation remains elusive. General Petraeus himself has admitted that there has been no sufficient progress by any means in the area of national reconciliation in Iraq.

How much longer will General Petraeus and Ambassador Crocker and this administration demand our troops and our Nation continue to sacrifice for the sake of an Iraqi government that is unwilling and unable to secure its own future? I would like to hear the answer to that question today, because many of us here in Congress do not believe it is our Nation's best interest to keep more troops on the ground in Iraq.

FREEDOM AND FAIR TRADE

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, what kind of Nation would we be if we did not stand up and speak out in favor of liberty everywhere in the world?

On January 6, 1941, right here in this Congress, President Franklin Delano Roosevelt enunciated a voice for all the world, our four essential human freedoms, freedom from fear, freedom from want, freedom of speech and freedom to worship God in one's own way. These are the freedoms we fought two world wars for and won. These are the freedoms we must endorse everywhere in the world. I encourage the current leaders of Communist China to support these four essential human freedoms everywhere in the world.

Soon, very soon, the Olympic games will be held in China, and wouldn't it be grand if China would compete fairly and openly on a level playing field, not just in the Olympic games but in marketing their products as well. We must ship our values overseas, not our jobs.

That is the goal of our presence here on this floor. We must represent people here in these United States, not in China.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISRAEL). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

WELCOMING HIS HOLINESS POPE BENEDICT XVI ON HIS FIRST APOSTOLIC VISIT TO THE UNITED STATES

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 838) welcoming His Holiness Pope Benedict XVI on his first apostolic visit to the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 838

Whereas Joseph Alois Ratzinger ascended to the Papacy and chose the name Benedict XVI on April 19, 2005, becoming the 265th reigning Pope in the history of the Roman Catholic Church;

Whereas he was born and baptized on April 16, 1927, in Marktl am Inn, Germany;

Whereas he was required to leave seminary at the age of 16 and forced into military service for Nazi Germany;

Whereas he risked grave danger by defecting from the Nazi anti-aircraft corps in 1945 and subsequently spent time in an Allied prisoner of war camp;

Whereas he was ordained to the priesthood on June 29, 1951;

Whereas he is a highly regarded theologian and scholar, having served in various university posts from 1959 until 1977;

Whereas he has written 25 books and given thousands of hours of lectures, making him one of the most prolific theologians in modern times;

Whereas he participated as a theological advisor to the Second Vatican Council from 1962 until 1965;

Whereas he was appointed Archbishop of Munich and Freising in Germany on March 24, 1977, and ordained a bishop on May 28, 1977;

Whereas he was elevated to cardinal on June 27, 1977;

Whereas he was appointed Prefect of the Congregation for the Doctrine of the Faith and President of the Pontifical Biblical Commission on November 25, 1981;

Whereas he was elected Dean of the College of Cardinals on November 27, 2002;

Whereas Cardinal Joseph Ratzinger was installed as Bishop of Rome on April 24, 2005;

Whereas Pope Benedict XVI has made repeated calls for peaceful resolutions to international conflicts;

Whereas Pope Benedict XVI has made reconciliation and peace an important goal of his Papacy on an ecumenical level reaching out to both Orthodox and Protestant Churches and in an inter-religious manner with Judaism and Islam;

Whereas Pope Benedict XVI has affirmed the dignity of the human person with respect to refugees, exiles, evacuees, and other migrant persons;

Whereas Pope Benedict XVI has decried the imminent dangers posed by terrorism and extremism; and

Whereas Pope Benedict XVI has identified the failed revolutions and violent ideologies of the 20th century as being the result of the "Dictatorship of Relativism": Now, therefore, be it

Resolved, That the United States House of Representatives welcomes His Holiness Pope Benedict XVI on his first apostolic visit to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

I would first like to commend my distinguished colleague, Representative MCCOTTER of Michigan, for introducing this timely and important measure.

Next week, His Holiness, Pope Benedict XVI, will make his first apostolic visit to the United States. It is appropriate that the House support H. Res. 838 in welcoming this distinguished leader of a church, which has more than 1 billion members worldwide.

During his 5-day visit, Pope Benedict will hold numerous meetings in Washington, DC, and New York City. His schedule includes a private conversation with President Bush, a candle lighting and prayer service at Ground Zero, and two widely anticipated masses—at the brand new Nationals Park and the venerable Yankee Stadium. He will be only the third person in history to address the United Nations General Assembly.

In addition to meeting U.S. bishops and Catholic groups, Pope Benedict will spend time with members of non-Christian faiths. In particular, he will meet with representatives of Jewish groups to acknowledge the start of Passover.

□ 1030

This practice is very much in keeping with Pope Benedict's stated emphasis on reconciliation and faith at the ecumenical level, as he has sought to foster dialogue with a range of religious groups.

And last but not least, during his visit to our country Pope Benedict will celebrate an important milestone, his 81st birthday.

Joseph Ratzinger was born and baptized on April 16, 1927, in Marktl am Inn, Germany. Forced to leave seminary at the age of 16 for compulsory military service with the Nazi anti-aircraft corps, he defected at great personal risk and spent time in an Allied prisoner of war camp.

In 1951, he was ordained to the priesthood, embarking on a career as one of the most prolific theologians in modern times. He served in numerous university posts, authored 25 books and thousands of hours of lectures, and participated as a theological adviser to the Second Vatican Council.

Before becoming Pope, he distinguished himself first as Archbishop of Munich and Freising, and then dean of the College of Cardinals, and finally as the Bishop of Rome.

He ascended to the Papacy on April 19, 2005. After nine apostolic visits in Europe and one to Brazil, the 265th pontiff is now traveling to the United States. It is with great pleasure that I welcome him to our country, the home of more than 66 million Catholics. I ask my colleagues to join me in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of H. Res. 838 extending this Chamber's welcome to Pope Benedict XVI who will be making his first visit to the United States next week in his role as leader of the Catholic Church.

Pope Benedict was elected to the Papacy just 3 years ago, succeeding Pope John Paul II, who had led the Catholic Church for close to three decades.

The Holy Father's visit provides an opportunity to reflect on his life and his teachings. Pope Benedict has devoted his life to his faith and to the promotion of peace. From his early days as a priest, he has also sought to inspire others to always search for the truth.

On May 28, 1977, over 30 years ago, he declared that his duty was to "follow the truth and be at its service." On that occasion, he went on to say, "In today's world the theme of truth is omitted almost entirely, as something too great for man, and yet everything collapses if truth is missing."

Moreover, Pope Benedict has spent his years of service in the church in an effort to clarify the tenets of the Catholic faith. After serving as president of the commission that reviewed the Catholic Catechism, he presented a new Catechism to Pope John Paul II.

To date, he has written 25 books, which are now used as reference sources for many who are interested in a deeper study of theology. He served as the adviser of theological affairs to the Second Ecumenical Vatican Council, a gathering of great importance that was the largest in the church's history. This council adopted significant changes in the doctrines of the Catholic Church and its central legacy—its reforms—were meant to ensure that the heart of the church and its mission would be focused on helping people.

The council urged greater engagement by the church to elevate the dignity of all human life, to ease suffering, end poverty in needy countries, and to promote international peace. This council was also intent on encouraging reconciliation between those in the Catholic Church and those of other beliefs.

Since ascending to the Papacy in April of 2005, the Pope has advanced those doctrines in church affairs, particularly in inter-religious dialogue.

On September 7, 2007, Pope Benedict visited Austria, where he joined Jewish leaders in a silent tribute to the victims of the Nazi Holocaust, and he joined Vienna's chief rabbi in a memorial to the 65,000 Viennese Jews who perished in Nazi death camps.

During his time in the United States, he will visit the Park Street Synagogue in New York City and he will meet with Holocaust survivor Rabbi Arthur Schneier.

Monsignor David Malloy, general secretary of the U.S. Conference of Catholic Bishops, said of this meeting: "By this personal and informal visit, which is not part of his official program, His Holiness wishes to express his good will toward the local Jewish community as they prepare for Passover."

In October of 2006, Pope Benedict met with the Dalai Lama in the Vatican. And when he visited Turkey, he prayed at the Blue Mosque, and he now plans to meet with Muslim scholars and religious leaders at a Catholic-Muslim seminar to be held later this year in Rome.

Pope Benedict has underscored his support for interfaith reconciliation with statements such as the following: "If friendship with God becomes for us something even more important and decisive, then we will begin to love those whom God loves and who are in need of us. God wants us to be friends of his friends and we can be so."

Mr. Speaker, Pope Benedict's wise words of inspiration, hope, and peace can serve to guide all of us. It is my pleasure to rise in support of this resolution welcoming His Holiness Pope Benedict XVI to the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, I rise today in support of H. Res. 838 to welcome His Holiness Pope Benedict XVI on his first apostolic visit to the United States, and to honor a key reason for his visit: The bicentennial of the Archdiocese of Louisville.

Only Baltimore and New Orleans retain older Archdioceses than the four created by Pope Pius VII 200 years ago yesterday. It was on that day, April 8, 1808, that His Holiness created a diocese in New York, Boston, Philadelphia, and Bardstown, Kentucky. To be Bishop in Bardstown, he tabbed an exile of the French Revolution, Benedict Joseph Flaget, a name revered in Louisville to this day.

Dubbed the "First Bishop of the West," Bishop Flaget was responsible for an area that now covers more than 40 dioceses. He immediately led a spirited period of growth in the area, establishing numerous seminaries, churches, and schools where none had existed before. For many, these institutions provided the lone opportunity to pursue a quality education and reinforce one's faith.

And it was Bishop Flaget, in 1841, who moved the Bardstown diocese to the burgeoning city of Louisville. With the diocese at its core, a strong Catholic community grew in Louisville and in the surrounding areas; one united not only by a shared faith, but by a mutual moral sense of community, education and service.

That community grew and thrived for nearly a century, and in 1937 became the Archdiocese of Louisville as we know it today, now serving over a million people and 24 Kentucky counties. It was in service to the Archdiocese of Louisville that Thomas Merton, one of the most influential religious authors of the 20th century, had his legendary "Louisville Epiphany" that led to an impassioned and inspired quest for peace and social justice.

The Archdiocese of Lousiville also operates Catholic Charities of Louisville which offers countless services to people of all religious, ethnic, social, and economic backgrounds throughout our community. The efforts of Catholic Charities can be seen in every corner of

Louisville, giving hope to disadvantaged youth, assisting the elderly, lending support to those who need help to stand on their own, and revitalizing neighborhoods that have fallen into disarray.

We also have the Archdiocese to thank for one of the truly outstanding parochial school systems in the Nation. For more than a century, and through every stage of a young person's development, Louisville's Catholic schools have helped to foster generations of great citizens, role models and leaders.

During my tenure representing Louisville in Congress, I have had the pleasure of serving alongside two Archbishops. Archbishop Thomas Kelly retired this past year after a quarter century defined by interfaith outreach, multi-cultural ministry, and a commitment to social services. Archbishop Joseph Kurtz now leads the Archdiocese, and in his first year, he has shown the leadership abilities and initiative to build upon the incredible foundation already in place in Louisville.

The theme for this year's bicentennial is "Serving God's People: Yesterday, Today and Tomorrow." It is a fitting tribute to an institution that has always done and continues to do exactly that: Serve all of the people of the Louisville area through acts of faith, peace and kindness.

Extraordinary is nothing new for the Archdiocese of Louisville. Still an Apostolic visit to the United States from His Holiness Pope Benedict XVI to mark the bicentennial is a recognition that will be forever treasured by our community. I join my colleagues in thanking and welcoming His Holiness to the United States of America, and know they join me in honoring the Archdiocese of Louisville on its bicentennial and thanking our Catholic community for two centuries of faith and service.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Michigan (Mr. MCCOTTER) who is the author of this resolution.

Mr. MCCOTTER. Mr. Speaker, first I would like to thank Chairman BERMAN, Ranking Member ROS-LEHTINEN, and all of the members of the Foreign Affairs Committee for bringing this resolution to the floor.

You know, I remember back when I was growing up there was a movie, and the movie was called "A Hard Day's Night." This was at the height of Beatlemania, and the Beatles had obviously been wildly popular and well-received when they first hit our shores. And yet in the movie there is a scene where a reporter, seemingly unaware of this, asked John Lennon a question. And the question was this: "How did you find America?"

And Lennon said, "I turned left at Greenland."

The point I bring this up for is quite simple. Today we hear many inane questions about how His Holiness will be received by the American people. How will America find the Pope? How will the Pope find America? Well, I think these questions are inane for a very simple reason: The United States understands the Holy Father because he advocates that we use faith and reason to find our way through these trying times and on to a transcendent Creator.

The United States, our revolutionary experiment in human freedom, was founded upon faith and reason. The Founders had the faith that they were playing a role in divine provenance, that they had rights that were endowed to them and inalienable by a Creator. And yet it was not passion alone that allowed for the founding of our free republic; they also used their reason to find their way to express how those rights could be guaranteed against government, and how individual citizens could live together with their rights to life, liberty and the pursuit of happiness.

This is no different than the message that the Holy Father brings today. The Holy Father has said that faith and reason are concomitant blessings from God which allow us to find him not only in ourselves but in each other.

So as Americans await the Pope's first visit, I am not saying that there will be teenyboppers dropping in the streets as the popemobile passes, but I do say His Holiness will receive a warm reception from people who have understood and who continue to understand that faith and reason are gifts from God we squander at our own peril.

Mrs. BACHMANN. Mr. Speaker, I rise in support of H. Res. 838, welcoming His Holiness Pope Benedict XVI on his first apostolic visit to the United States. For centuries, Popes have provided inspiration and a strong foundation of faith for millions of Catholics around the world and many non-Catholics as well. As spiritual leader of the Roman Catholic Church, the Pope serves as the impassioned defender of Catholic doctrine and values, a role this Pope has taken to new heights.

On April 19, 2005, Catholics everywhere were introduced to Pope Benedict XVI, and in just 3 years, the Pope has emerged as a vocal and effective advocate, combating what many see as the world's sloping trend towards secularism. Rather than steering the Catholic Church towards a more moderate and relaxed approach to worship, Pope Benedict XVI has demonstrated the benefit and need of returning to fundamental Christian values. Certainly, it is not easy for a leader to take such a bold stand that bucks popular trends and culture, but it is an example of pure conviction and true leadership that inspires millions of Catholic believers.

Mr. Speaker, I am honored to welcome Pope Benedict XVI to America as he continues to spread his message of faith, love, and service in Christ. Millions are inspired by his presence; and his passionate convictions cast a light that all Catholics strive to follow. Your Holiness, it is my honor to join in welcoming you to the United States.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 838, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE REGARDING CARIBBEAN DRUG CRIME

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 865) expressing the sense of the House of Representatives that the March 2007 report of the United Nations Office on Drugs and Crime and the International Bank for Reconstruction and Development makes an important contribution to the understanding of the high levels of crime and violence in the Caribbean, and that the United States should work with Caribbean countries to address crime and violence in the region, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 865

Whereas, in his 2006 New Year's address, then Prime Minister of Jamaica, P.J. Patterson, said, "Without a doubt, the high level of violent crime remains our most troubling and pressing problem.";

Whereas, in opening the Parliament of Trinidad and Tobago in September 2005, President George Maxwell Richards said his country was in crisis due to the escalating crime rate;

Whereas, in March 2007, the United Nations Office on Drugs and Crime (UNODC) and the International Bank for Reconstruction and Development (World Bank) issued a report entitled, "Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean";

Whereas the UNODC and World Bank report presents detailed analyses of crime and violence in the Caribbean region and offers possible policy responses;

Whereas the UNODC and World Bank report draws on input from governments, civil society organizations, and Caribbean experts;

Whereas the UNODC and World Bank report that the Caribbean region has the highest murder and assault rates in the world, with murder rates at 4 times the level of the United States;

Whereas the UNODC and World Bank report that high crime levels have long term developmental effects on the Caribbean:

(1) crime cost the Jamaican economy $12,400,000,000 in Jamaican dollars, 3.7 percent of its gross domestic product, in 2001; and

(2) reducing the region-wide homicide rate by ⅓ could over double the rate of economic growth per capita; and

Whereas the UNODC and World Bank report reached the following conclusions:

(1) Caribbean countries are transit points and not producers of cocaine. Interdiction needs to be complemented by other strategies outside the region: principally demand reduction in consumer countries and eradication and/or alternative development in producer countries;

(2) illegal gun trafficking is a dangerous outgrowth of the drug trade. Better enforcement methods help, as can improved gun interdiction in ports;

(3) deaths and injuries from youth violence constitute a major threat to public health and social and economic progress across the Caribbean. Youth are disproportionately represented in the ranks of both victims and perpetrators of crime and violence;

(4) although the average deportee from the United States to the Caribbean is not involved in criminal activity, a minority of deportees may be causing serious problems, both by direct involvement in crime and by providing a perverse role model for youth. The report recommends that more services be offered to reintegrate deportees, with deporting countries contributing to the cost of these programs;

(5) some types of crime, such as organized crime and drug and illegal firearms trafficking, are impervious to alternative prevention initiatives and require an efficient criminal justice system, and therefore urgent priorities for improving the criminal justice system in the region include the development of management information systems, tracking of justice system performance, monitoring of reform programs, and increased accountability to citizens;

(6) several Caribbean countries are increasingly investing in crime prevention—using approaches such as integrated citizen security programs, crime prevention through environmental design, and a public health approach that focuses on risk factors for violent behaviors;

(7) youth violence is a particularly serious problem in the region, and youth homicide rates in several countries of the region are significantly above the world average. To address issues of youth violence, Caribbean policymakers should invest in programs that have been shown to be successful in careful evaluations such as: (i) early childhood development and mentoring programs; (ii) interventions to keep high risk youth in secondary schools; and (iii) opening schools after hours and on weekends to offer additional activities and training; and

(8) many of the issues facing the Caribbean transcend national boundaries and require a coordinated regional and international response. Demand for drugs emanates from Europe and the United States; deportees are sent back to the region from the United States, the United Kingdom, and Canada; and many weapons that are trafficked are brought from the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes the recommendations for more effective law enforcement and crime prevention efforts contained in the March 2007 UNODC and World Bank report, "Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean", to the extent those recommendations do not conflict with existing U.S. law;

(2) urges the United States Government to consider fully and carefully the recommendations in the UNODC and World Bank Report and to take the recommendations into account when developing United States policy toward the current member states of the Caribbean Community (CARICOM) and the Dominican Republic;

(3) urges the governments of United States and other drug-consuming countries to increase counter-narcotics assistance to the current member states of CARICOM and the Dominican Republic;

(4) urges the United States Government to increase coordination on policy development and implementation with the current member states of CARICOM and the Dominican Republic to help combat crime and violence in the region;

(5) urges the Department of State and the Department of Homeland Security to work with the current member states of CARICOM and the Dominican Republic to mitigate the negative effects of United States deportation policy;

(6) urges the current member states of CARICOM and the Dominican Republic to consider fully and carefully the recommendations in the UNODC and World Bank Report, and to take the recommendations into account, especially regarding improvements in their criminal justice systems; and

(7) urges the United States Government to consider the impact on the current member states of CARICOM and the Dominican Republic of the proposed Merida Initiative to combat drugs, violence, and transnational crime in Mexico and Central America, especially whether a successful plan will drive narco-traffickers from Mexico and Central America to the current member states of CARICOM or the Dominican Republic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Over the past decade, the level of crime and violence throughout the Caribbean basin has increased. Last year, the United Nations and the World Bank issued a joint report titled, "Crime, Violence, and Development: Trends, Costs and Policy Options in the Caribbean" which confirms this trend.

The report makes a very disturbing finding: Crime and violence have generally increased in the Caribbean, to the point where the region as a whole now possesses the highest overall crime rate of any region in the world.

While I note that each member of the Caribbean community is different, and that some countries are successful in maintaining relatively low levels of crime, the report's numbers, while taken as a whole, are alarming. They document extremely high levels of murder, rape, and drug trafficking on a massive scale.

If the high levels of crime and violence in the Caribbean persist, they will undermine long-term economic development by eroding the region's trade, commerce, and tourism.

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The impact of this regional law and order would have a crisis which could extend beyond the borders of CARICOM states by impacting immigration patterns to the United States and by undermining our efforts to fight organized crime and drug trade. Regional instability related to crime and violence in the region could also undermine U.S. border security efforts.

As the report points out, the United States is part of the cause of some of these problems, and we could also be a big part in the solution. Our allies in the Caribbean stand ready to partner with us in finding workable solutions. We have an opportunity to address this problem before it destabilizes much of the hemisphere and jeopardizes U.S. security.

I urge my colleagues to support H. Res. 865 and the accompanying amendment in the nature of a substitute to express the sense of the House that the United States and its CARICOM allies take up the U.N./World Bank report's recommendations and work together to solve this potentially devastating problem before it's too late.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

The alarming rate of crime and violence in the Caribbean region cannot be ignored. Several countries have reached the point of crisis, while attempting to counter the social, economic and political repercussions of organized gangs and narcotrafficking.

Murder rates in the Caribbean are higher than in any other region in the world, and have risen in recent years for many of the countries in the region. Recent increases in kidnappings have been observed in the region over the past few years, and assault rates, based on police reports, are significantly above the world average.

Serving as seemingly insurmountable obstacles to the economic and social progress of countries in the Caribbean, the pervasive nature of crime and violence again cannot be ignored. We have a shared responsibility to confront this threat and engage in coordinated efforts that improve the quality of life for all of our communities.

The security threats faced in the Western Hemisphere as a result of violence and narcotrafficking call for strong action on the part of our government. So far, our partnerships with countries throughout the hemisphere are demonstrating significant success in the fight against drugs and crime; such as the case of Colombia, where substantial improvements in security have yielded positive patterns of growth, stability, and investment.

We have good reason to be optimistic, Mr. Speaker. The deadly flow of cocaine into the United States has seen a dramatic decline in the last few months. Purity levels are falling, and retail prices are rising.

We must remain committed to defeating the perilous threats of crime and violence that endanger the youth and prosperity of our Nations today. Together; we must tackle these challenges and strive to further tighten the bonds that hold us together as nearby neighbors.

I am confident that through future cooperation and coordination, we can continue to see success and support the true potential of our friends in the Caribbean.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. I yield 5 minutes to the gentlewoman from New York (Ms. CLARKE) who, incidentally, her district has one of the largest Caribbean communities in the United States, and her heritage is from the Caribbean. I am so pleased to yield her 5 minutes on her first resolution in her freshman year. I commend you for that.

Ms. CLARKE. Mr. Speaker, I'd like to thank the Representative from New Jersey (Mr. PAYNE) for yielding time, and for his words about this important resolution.

I also wholeheartedly thank Chairman HOWARD BERMAN of the Foreign Affairs Committee along with Western Hemisphere Subcommittee Chairman ELIOT ENGEL, full committee ranking member ILEANA ROS-LEHTINEN, and subcommittee ranking member DAN BURTON for their support and great help in moving this legislation through committee to the House floor.

The release of the U.N./World Bank report, "Crime, Violence and Development: Trends, Costs and Policy Options in the Caribbean" should be a wake-up call for every American interested in the security of our Nation.

As the report points out, a variety of factors, including some for which we in the U.S. are partly responsible, such as a seemingly insatiable and heavy illicit legal drug consumption and extremely problematic deportation policies has contributed to our neighboring Caribbean region having the highest crime rate in the world.

While today the region remains a wonderful place for Americans to visit, and most hospitable tourist destination in the world, in the long term, if this trend continues, it will wreak serious social, economic, and security troubles for many of the tranquil Caribbean nations.

Allowing this situation to deteriorate for years to come will ultimately create a security threat, not just for the Caribbean states, but, indeed, for our own country, as well as an unstable Caribbean region, and would create a vast vulnerability in America's border security.

Many of the problems identified by this report have long been recognized by Caribbean leadership. These emerging democracies and developing nations are doing everything within their means to collaborate on the safety of their respective nations and, by extension, our hemisphere.

Now, with the confirmation provided by this report in hand, ignorance is no excuse. The U.S. must partner with its Western Hemisphere neighbors and allow it to find workable solutions that will help the people of the Caribbean and ensure long-term security and stability of our region.

As the daughter of Caribbean immigrants, and a district that boasts the largest concentration of Caribbean Americans in the Nation, and as a member of the Committee on Homeland Security, I ask my colleagues to support this resolution calling for the U.S. to take up the solutions contained in the very important U.N./World Bank report. If we act now, we will help our allies to reduce crime greatly at levels before the situation becomes far less manageable and a threat to the Western Hemisphere that is, indeed, within our global community.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 865, "Expressing the sense of the House of Representatives that the March 2007 report of the United Nations Office on Drugs and Crime and the International Bank for Reconstruction and Development makes an important contribution to the understanding of the high levels of crime and violence in the Caribbean, and that the United States should work with Caribbean countries to address crime and violence in the region," introduced by my friend and colleague Congresswoman YVETTE CLARKE, of which I am proud to be an original cosponsor.

Mr. Speaker, I have traveled in the Caribbean recently, and I, together with many of my colleagues on the Committee on Foreign Affairs, had the opportunity to meet with CARICOM leaders last year. I believe that it is extremely beneficial to all our nations, and to the international community, that we continue this trend of increasing engagement and interaction. Equally important is that we ensure that, in our process of engagement, that we are truly listening and responding to the concerns presented by government and civil society leaders of the Caribbean nations, as well as addressing our own social, economic, and security goals.

Crime and violence in the Caribbean region is undoubtedly one area in which our concerns are in line with local needs. Most observers have indicated that the level of crime and violence throughout the Caribbean basin has increased over the past decade, a trend confirmed by a joint report issued by the United Nations and the World Bank last year. This report, titled "Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean," found that crime and violence have increased throughout the Caribbean to such an alarming extent that the region, as a whole, now has the highest overall crime rate of any region in the world.

Mr. Speaker, it is dangerous to characterize an entire region, as each nation is different; however, there are some general statistics regarding the Caribbean Community that cannot be ignored. While some countries have been relatively successful at maintaining low levels of crime, as a whole, the Caribbean has murder rates four times higher than those of the United States. Regional rape rates are above the global average, and three countries in the region are among the 10 countries globally with the highest rate of rape.

In addition to violent crime, trafficking of drugs remains a significant problem in the region, and one that has a serious impact on our own country as well. In 2005 alone, for example, 30 tons of cocaine transited through Jamaica, Haiti, and the Dominican Republic. According to the White House's Office of National Drug Policy, the Caribbean Corridor accounted for approximately 8 percent of the total documented flow of cocaine departing South America in 2004. The region also plays a prominent role in drug-related money laundering.

Mr. Speaker, these facts combine to create a crisis with long-term developmental consequences. Trade, commerce, tourism, and social well-being are all threatened by these crimes, and the nations in the Caribbean region will not be the only ones to suffer. Declining stability in the Western Hemisphere will seriously impair U.S. efforts to fight organized crime and drug trade, while instability in the Caribbean region has historically impacted immigration patterns to the United States. The Caribbean Community is one of our most important allies in ensuring our borders are secure—regional instability means gaps in our border protection efforts.

The United States must work together with our Caribbean friends and allies, to develop effective partnerships in search of workable solutions. If the Caribbean is destabilized, all of our nations will suffer the consequences. We have an opportunity to address this problem before it destabilizes much of the hemisphere and jeopardizes U.S. security.

Mr. Speaker, I strongly urge my colleagues to join me in supporting H. Res. 865 to express the sense of the House that the U.S. and its CARICOM allies take up the U.N./World Bank report's recommendations and work together to solve this potentially devastating problem before it is too late.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H. Res. 865, welcoming the recommendations contained in the March 2007 World Bank report "Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean." I would like to commend my colleague and sister from the Caribbean, Congresswoman YVETTE CLARKE inroducing this legislation.

Too often the Caribbean is overlooked when issues of global economy and diplomacy are discussed. I am pleased that H. Res. 865 urges the United States, other drug-consuming countries, and the Caribbean countries to increase counter-narcotics efforts in the Caribbean region. As a member of the House representing the U.S. Virgin Islands, I know firsthand the negative impact that crime can have on the economy of Caribbean islands. The report indicates that high rates of crime and violence in the Caribbean are undermining growth, threatening human welfare, and impeding social development. For the most part, the economy of the Caribbean is tourism driven. Safety and security are vital to providing quality tourism, and crime is a direct threat to the Caribbean tourism industry.

One contributing factor to the growing crime problem in the region is our country's deportation program that sends individuals who have lived in this country for years—almost all their lives in some cases—back to their native country, if they have committed a crime. The individuals who learned their trade in this country are sent back often with no notification, many times without any known family and sometimes not knowing the language, as in Haiti. As long as we continue to deport criminals as we do now, we will continue to seed the growing drug and criminal activity in the Caribbean. Churches, especially those associated with Prison Ministries International are concerned and actively pursuing programs to address this situation.

Today, H. Res. 865 takes a positive step toward addressing the crime in the Caribbean by recognizing that a resolution requires an approach that "transcends Caribbean national boundaries." I am encouraged and hopeful that this report will provide a basis for developing good practices to eradicate crime in the Caribbean.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 865, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "A resolution expressing the sense of the House of Representatives that the March 2007 report of the United Nations Office on Drugs and Crime and the International Bank for Reconstruction and Development makes an important contribution to the understanding of the high levels of crime and violence in the Caribbean, and that the United States should work with the current member states of Caribbean Community and the Dominican Republic to address crime and violence in the region.".

A motion to reconsider was laid on the table.

CONGRESSWOMAN JO ANN S. DAVIS POST OFFICE

Mr. CLAY. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 5489) to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSWOMAN JO ANN S. DAVIS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, shall be known and designated as the "Congresswoman Jo Ann S. Davis Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Congresswoman Jo Ann S. Davis Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Texas (Mr. MARCHANT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 5489, which seeks to honor the life of Congresswoman Jo Ann Davis, and the example she has set for all of us; as an American stateswoman, legislator, and most importantly, as our friend, by naming a U.S. post office in her name.

Congresswoman Davis represented Virginia's first Congressional District from 2001 until her untimely death in 2007. She was the second woman ever to be elected to Congress from Virginia.

A woman of faith and strong conviction, Congresswoman Davis lived admirably and with down-to-earth humility, which is why her presence here in the House is sure to be missed for quite some time to come.

The bill before us, H.R. 5489, was introduced by Representative ROBERT WITTMAN of Virginia on February 26, 2008 and was considered by and reported from the Oversight Committee on March 13, 2008 by voice vote. The measure has the support of over 20 Members of Congress, and provides our body a collective opportunity to acknowledge one of our very own for her dedication and congressional action to improve the lives of others, whether in her congressional district, her beloved home State of Virginia, or throughout our great country.

Jo Ann Davis was born in Rowan County, North Carolina on June 29, 1950. At the age of 9, her parents moved to the Virginia peninsula. Despite her humble beginnings, Congresswoman Davis set her sights high and the expectations for herself even higher. In 1968 she graduated from Kecoughtan High School in Hampton, Virginia and then went on to attend Hampton Roads Business College. After graduating she became an executive secretary at a real estate company in Newport News until she obtained her real estate license in 1984 and soon thereafter, founded Jo Ann Davis Realty.

Her whole life she exceeded expectations, so it should come as no surprise when she ran for Congress in 1999 and won by receiving 58 percent of the vote in her Southern Virginia District.

Representative Davis' congressional record is a testimony to her fight for employees' rights and fairness in the workplace. Her first piece of legislation raised the life insurance benefit paid to survivors of military members killed on duty, and she also pushed for improving dental and vision benefits for government employees, and argued in favor of a more evenhanded system for compensating Federal law enforcement officers.

Our country owes her our sincere appreciation for her efforts in making public service, which is the lifeblood of our Nation, a more equitable and beneficial system.

In September 2005, our dear friend Congresswoman Davis was diagnosed with breast cancer and for years underwent the necessary treatments. Although she was planning to seek reelection in 2008, Congresswoman Davis unfortunately succumbed to the cancer on October 6, 2007 in her home in Gloucester, Virginia.

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She is survived by her husband, Chuck Davis, a battalion chief of the Hampton Fire Department, two sons, and a granddaughter.

Mr. Speaker, let's join together this day to express our thanks and to pay our respects for the sacrifices and battles Congresswoman Jo Ann Davis fought in the name of liberty and justice and pass H.R. 5489 which would designate the Main Street post office in her hometown of Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office." I urge the swift passage of the bill.

I reserve the balance of my time.

Mr. MARCHANT. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, born in North Carolina but a Virginian since the age of 9, Jo

Ann Davis set the standard for Republican women in Virginia. After graduating from high school in Hampton, Virginia, she attended Hampton Roads Business College and became a real estate agent. Prior to her election to the House of Representatives in November 2000, she served in the General Assembly of Virginia. Subsequently, she was the first Republican woman elected in her own right to the United States Congress from the Commonwealth. Congresswoman Davis served honorably for four terms as the representative of the First Congressional District of Virginia.

During her tenure, Congresswoman Davis served on the House Armed Services Committee and on the Foreign Affairs Committee. Congresswoman Davis was particularly proud of securing funding for the construction of the Navy's next-generation aircraft carrier, the CVN–21.

In 2001, the House passed her first piece of legislation, H.R. 1015, the SGLI Adjustment Act which increased the amount of life insurance paid to beneficiaries of the Armed Forces who died in the performance of duty between November 2000 and April 2001.

In 2005, Congresswoman Davis was diagnosed with breast cancer. Tragically, in 2007, the cancer returned and her condition rapidly worsened. Congresswoman Davis died in October at the age of 57 leaving behind her husband, Chuck Davis, and two sons and a granddaughter.

Congresswoman Davis was an inspiration to so many of our Members, as well as her constituents, as she battled breast cancer courageously for over 2 years. Her determination to continue serving the citizens of the First District of Virginia while undergoing treatment set a remarkable standard of perseverance for many of us.

I believe that the naming of the postal service located at 6892 Main Street in Gloucester, Virginia, after Congresswoman Davis is a fitting tribute to her years of public service.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further speakers, and I will reserve the balance of my time.

Mr. MARCHANT. I yield as much time as he may consume to my distinguished colleague from the State of Virginia (Mr. WITTMAN).

Mr. WITTMAN of Virginia. Mr. Speaker, I rise today to urge my colleagues to support H.R. 5489, a bill to designate a United States Postal Service facility located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office." I introduced this legislation to honor Jo Ann who dedicated her entire being to serving the First District of Virginia.

As you've heard, Jo Ann made history in 2000 when she became the first female Republican elected to the U.S. House of Representatives from the Commonwealth of Virginia. In Congress, she was a passionate advocate for better government, lower taxes, and a strong national defense. Jo Ann believed that God called her to service, and in her years of service to this Nation, Jo Ann's reliance on God never wavered.

Virginia's First District is home to one of our Nation's most treasured historical sites. In 1607, our Nation's first settlement was founded at Jamestown. Jo Ann often reminded others in Virginia and around the Nation that she actually represented America's First District where the beginnings of America were founded.

Indeed, the First District has a rich history, including a significant and important military community. And Jo Ann was a tireless advocate for our brave servicemembers. She constantly supported legislation that strengthened our armed services and improved benefits for our men and women in uniform. As cochair and founding member of the Ship Building Caucus, she worked tirelessly to ensure that Congress provided for our Navy.

Jo Ann truly loved her family and had an unwavering faith in our Lord and Savior, Jesus Christ. She regularly attended the Members' weekly prayer breakfast, and she was also cochair of the 2007 National Prayer Breakfast, an event designed to bring leaders of the country and leaders from around the world together in recognition of our dedication to God.

Jo Ann was known as an extraordinarily caring and helpful person, and anyone who came across her was touched. She worked on both sides of the aisle and truly defined bipartisanship.

Jo Ann represented the people of the First District of Virginia with extraordinary distinction, and through her service, she set an example of courage in the face of adversity. She refused to allow a disease that afflicts many to affect her life or to take away from her work that she loved so dearly. She was dedicated to representing her constituents even while undergoing chemotherapy treatments. And I have to say that the day after one of those chemotherapy treatments, she was in the little town of Kilmarnock in the northern neck of Virginia to celebrate their 75th anniversary. I had the privilege of being with Jo Ann that day, and it was a cold, windy spring day, and she was there without a coat on. And I thought, how brave for her to be there right after a chemotherapy session, to be out there celebrating with the folks of Kilmarnock. And afterwards I got her aside and said, Jo Ann, I am so surprised that you're here after that chemotherapy treatment. And she said, Rob, listen, I'm not different than anybody else. I have adversity in my life just like everybody else, and I don't expect for me to do anything different than anybody else who faces adversity would have to do.

And that just proved to me what a brave and humble soul Jo Ann was and how she really had in mind others above herself.

Mr. Speaker, because of Jo Ann Davis' diligence and devoted service to our country, the Commonwealth of Virginia, and the people of the First District, I am proud to sponsor this legislation, and I urge my colleagues to support H.R. 5489.

Mr. CLAY. I continue to reserve.

Mr. MARCHANT. Mr. Speaker, at this time, I would like to yield as much time as she may use to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I would certainly like to thank my colleagues for this resolution today in honor of my dear friend, Congresswoman Jo Ann Davis.

Jo Ann really was the American dream, and we have all heard a lot about her life since her very unfortunate and very early passing last fall. But she came from a very poor childhood and reached just, I think, the highest of success to serve in this body.

But she was a success because she cared for other people and she put them first. And that's what people saw in Jo Ann. They loved and trusted her. She was a woman of great faith, great courage, great honesty, great strength, and great integrity.

Jo Ann was a very private person, and when she told me of her diagnosis with breast cancer, I was really quite surprised that she had made the decision that she would be very public with her illness for the purpose of helping other women. I think we all admire and thank her for doing that. But I watched as she went through her chemo, and I saw how she struggled to be here with each and every one of us.

So, Mr. Speaker, I just want to thank my colleagues. I know if Jo Ann were here today she would say, oh, don't bother doing that. But we all need a memory of Jo Ann. I think this is a fitting way to do it. She loved America. She served her constituents, she was true to herself, and she was a gift to each and every one of us who knew her.

Mr. CLAY. Mr. Speaker, I continue to reserve.

Mr. MARCHANT. Mr. Speaker, I yield 2 minutes to my distinguished colleague from the State of North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I thank the gentleman for yielding and also for bringing this resolution forward as a small token of honor for Jo Ann Davis.

All of us in this Chamber loved her because Jo Ann was Jo Ann. She was simply who she was. She made no bones about it. As the gentlewoman from Virginia said, she came from a humble background and achieved very good things in her life. She did care about other people, and I think having this post office named after her lets the people in her district, every time they go by it, because it's on a main road, every time they go in it they will remember Jo Ann.

She was a breast cancer survivor, as was mentioned, and she and I had a special bond not only because of that but because of a lot of similarities in our lives, and we all miss her greatly.

But the thing about Jo Ann was she was here for the right reasons. She was here to do public service, she was here to help her constituents, and she did that, even in trying times. She still came here and did her job. And she served her people well.

Thank you again for this resolution, and I hope everyone will support it.

Mr. CLAY. Mr. Speaker, I continue to reserve.

Mr. MARCHANT. Mr. Speaker, I have no more speakers at this time.

Mr. CLAY. Mr. Speaker, I urge my colleagues to give this recognition to our former colleague, Representative Jo Ann Davis, and urge the passage of this bill.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor my former colleague and friend, Jo Ann Davis. Congresswoman Davis was a remarkable woman whose courage under challenging circumstances made so many of us proud to be her friend. She never gave up during her valiant two-year fight against breast cancer and continued to serve the citizens of the 1st District of Virginia throughout her treatments until her untimely death on October 6, 2007.

Inasmuch as Congresswoman Davis' district had a large number of Federal employees, and because of her impressive knowledge and advocacy on behalf of all civil servants, I appointed her Chairman of the Subcommittee on Civil Service and Agency Organization when I was Chairman of the Committee on Government Reform. Her dedication and sense of teamwork while a Member of Congress were traits I could always count on—as could the entire Virginia Delegation.

It is with pleasure I support the passage of H.R. 5489 and thank Mr. WITTMAN for taking this opportunity to dedicate the Postal Service located at 6892 Main Street in Gloucester, Virginia in honor of our esteemed former colleague, Congresswoman Jo Ann Davis.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 5489, to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office."

I would like to thank Congressman ROB WITTMAN for introducing this legislation to honor the memory of our colleague and friend.

Congresswoman Davis was not only my House colleague, she was my Virginia colleague who represented the First District of Virginia—a district, which she proudly called "America's 1st District" because of our country's roots at Jamestown and the many significant events in history, which occurred there.

Her career in elected office spanned 10 short years—from her first election in 1997 to the Virginia House of Delegates to her four elected terms in the House beginning in 2000. But over that decade, she made her mark as a deeply caring and hard-working public servant who believed in commonsense, conservative ideals.

She was a person of honesty, integrity, and strong moral conviction in representing her district and living her life. She was a dedicated and tenacious fighter for her beliefs, and the importance of her faith was obvious in the way she cared for and treated others. And, above all else, she worked tirelessly to protect the interests of the men and women in uniform, their families, and veterans.

Mr. Speaker, I believe that this designation will serve as a constant reminder to the constituents of the First District of Jo Ann's service and leadership. I wholeheartedly urge my colleagues to join us in recognizing Jo Ann's memory by supporting this bill.

Mr. CANTOR. Mr. Speaker, just a few months ago, we said farewell to a great woman and a great patriot, my colleague of several years, Jo Ann Davis. Jo Ann was a terrific friend, and the Commonwealth of Virginia suffered tremendously from her loss.

Since my days of serving with her in the Virginia House of Delegates, Jo Ann fought for and embodied the core values of Virginia. She was an ardent advocate for veterans, national defense and a strong military. The naming of a Gloucester post office in honor of Jo Ann Davis is a wonderful tribute that will serve as a reminder of her love and service to Virginia's First District.

Mr. GOODLATTE. Mr. Speaker, I rise today in support of this legislation. I think this is a fitting tribute to our late friend and colleague Jo Ann Davis. This legislation would designate Jo Ann's home post office in Gloucester, Virginia as the "Congresswoman Jo Ann S. Davis Post Office."

I had the opportunity to first meet Jo Ann Davis when she was a member of the Virginia General Assembly. She showed there the same courage, determination and hard work that she showed here during her service in the United States Congress. Right through to her final week here, she was still working for the people of the First Congressional District of Virginia. She was very proud of her representation of those great people and often talked about her district as being America's First Congressional District because it contained Jamestown and Yorktown and Williamsburg, and worked very hard for the past several years as we prepared for last year's celebration of the 400th anniversary of the settlement of Jamestown.

Sadly, Virginia lost a devoted public servant when Congresswoman Jo Ann Davis passed away after her two year battle with breast cancer. Jo Ann was not only a dear friend but a true public servant, working tirelessly on behalf of all Virginians. Jo Ann was an active and vocal participant of this body. She was vigilant in looking after the interests of Virginia and her congressional district. Jo Ann loved being in her district and particularly her home in Gloucester. It was here at home that she could be with her wonderful husband, Chuck, her children and grandchildren, and her horses and it was here where she passed on.

It is only fitting that the Jo Ann S. Davis Post Office will be in Gloucester, the town that she loved, in the district she fought tirelessly for here in Congress. This will serve as a memorial to her work for the people of America's First Congressional District, the people she served with distinction, courage, great honor and determination.

I am proud to be a cosponsor of this tribute to my friend Jo Ann. I hope that all members will join me in honoring the service of our brave and courageous colleague.

Mr. MCCOLLUM of Minnestoa. Mr. Speaker, I rise in support of H.R. 5489 which designates the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office."

Congresswoman Davis was the second woman and first Republican woman in Virginia's congressional delegation. She came from humble beginnings and rose to become a successful business woman before being elected to the Virginia General Assembly in 1997.

I came to know Congresswoman Davis personally over the years since we first arrived to Congress together in 2001. She was a wonderful woman with whom I was honored to serve. We shared a strong commitment to ensuring that military families and veterans receive the care and compensation they deserve. I will always remember and admire Jo Ann for her strength during her courageous fights with breast cancer.

Mr. Speaker, today I have the privilege in joining my colleagues in honoring this distinguished woman and good friend by designating the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office."

Mr. CLAY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5489.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WITTMAN of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JULIA M. CARSON POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5472) to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JULIA M. CARSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, shall be known and designated as the "Julia M. Carson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Julia M. Carson Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Texas (Mr. MARCHANT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the sponsor of the legislation, the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I appreciate the gentleman yielding.

Mr. Speaker, I rise today in strong support of H.R. 5472, a measure to name a post office in honor of our departed colleague and dear friend, Representative Julia Carson.

I would like to thank the 46 Members of the House who agreed to support and cosponsor this measure, as well as Senator BAYH for introducing S. 2534, the Senate companion legislation.

I would also like to acknowledge that Representative MEEK and Representative DAVID SCOTT have expressed their support, though they were unable to become official cosponsors of the measure due to its rapid movement out of committee. I would also be remiss if I did not thank the Chair and the ranking member of the full committee, as well as the ranking member and Chair of the subcommittee for considering the bill and reporting it out.

Julia Carson was a tremendous human being. She passed away on December 15 after a life devoted to service. And as I pointed out last December, with the solstice upon us, the darkest day of the year, that Julia Carson was a light to everyone she came into contact with and certainly was a beacon in this House.

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She could be tough, she could be gentle, but she was always effective.

It is a tribute to her life and to her service to name this Federal facility after her. And I only speak for myself when I would say, however, that Julia is probably looking in on this, is honored, but asking, why aren't we out helping someone else right now, because that was her life. And I would hope that we all take this moment and this honor to rededicate ourselves to helping others along life's path as this great and wonderful and kind and gentle woman has done.

Again, I thank the Chair and ranking member for their courtesy.

Mr. MARCHANT. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of this legislation to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King, Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building."

Julia May Carson dedicated her life to the service of this country. Her career in public service began in 1972 when she was elected to the Indiana State House of Representatives. This was the first of many victories to come.

In her long and illustrious career, Julia never lost an election. In 1976, Julia ran for the Indiana State Senate, where she served 14 years. In 1990, she became the Trustee for the Center Township, a post she held for 6 years until she ran for the United States Congress, becoming both the first woman and the first African American to represent Indiana in Congress.

As a daughter of a single mother who worked as a housekeeper and a graduate of a segregated public school in Indiana, Julia's background was very different from those of her fellow representatives, but in the 10 years she served the Seventh District of Indiana, Julia never forgot her roots. She tried hard to represent the poor and the working class of Indiana, concentrated her energies on women's rights, children's issues, and efforts to reduce homelessness.

Throughout most of her time in Congress, Julia battled significant health problems. She finally succumbed to a lifelong struggle with lung cancer in December, 2007 at the age of 69.

In honor of her years of faithful service to her country and to the great State of Indiana, I ask my fellow Members to join me in support of this bill and rename the post office located at 2650 Dr. Martin Luther King, Jr. Street in Indianapolis, Indiana, in honor of her memory and long-lasting accomplishments.

I would like to thank Mr. VISCLOSKY for introducing this resolution and express my strong support for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I would like to recognize the gentleman from Indiana (Mr. DONNELLY) for 2 minutes.

Mr. DONNELLY. Mr. Speaker, I rise today in support of H.R. 5472 to designate an Indianapolis postal facility after my late colleague, Congresswoman Julia Carson.

A Hoosier icon, "Ms. Carson," as her staff and friends admiringly called her, was both loved and respected by her district. She was living proof to them and to all of us that hard work and determination can take you very far in this country.

Ms. Carson had persevered through some difficult times in American history, growing up in poverty and segregation, yet she rose up to serve more than 20 years in the Indiana State Legislature and for a decade here in the House of Representatives.

It is fitting that the "Julia M. Carson Post Office Building" would be located on Dr. Martin Luther King, Jr. Street. Like Dr. King, Ms. Carson achieved much for civil rights, leading the drive to award civil rights icon Rosa Parks a Congressional Gold Medal and becoming both the first African American and the first woman to represent Indianapolis in the United States Congress.

It is bittersweet today to honor Ms. Carson, as we all wish Julia was still here with us. However, we are blessed to have her grandson, Andre, as a colleague representing the Seventh District of Indiana.

I am honored to offer my strong support for this bill.

Mr. CLAY. Mr. Speaker, I would like to be recognized for as much time as I may consume.

Representative Carson advocated and represented with distinction Indiana's Seventh Congressional District from 1997 until she passed away in the winter of 2007.

The first woman and the first African American to represent Indiana's Seventh Congressional District, Congresswoman Carson worked her way up the ranks to be a prominent Member of this body and a friend and confidant to many of us.

H.R. 5472 was first introduced by Carson's close colleague, Representative PETER VISCLOSKY of Indiana, on February 14, 2008 and was considered by and reported from the Oversight Committee on March 13, 2008 by voice vote.

The measure has the support of over 45 Members of Congress and affords us a chance to recognize and pay tribute before the American public to a woman whose life serves as a testimony to the American dream. Her story is an inspiration to those who face insurmountable odds and reminds us that we live in a country where anything can be accomplished with diligence in one hand and dedication in the other.

Julia Carson was born in Louisville, Kentucky on July 8, 1938 to a single teenage mother. Despite her apparent disadvantages, Congresswoman Carson overcame the odds she was dealt by fate and achieved extraordinary goals and objectives by faith.

As a young girl, we learned that Congresswoman Carson shouldered a host of jobs in order to support her family, including waiting tables, delivering newspapers, and serving as a farm hand. In other words, our friend had to work for what she got and had to toil greatly to get where she got.

Julia Carson was first introduced to politics in 1972 when Congressman Andy Jacobs encouraged her to run for the Indiana House of Representatives. She served as a member for 4 years, and then moved on to the Indiana Senate, where she held a seat for 14 years. In 1990, she was elected as a Trustee for Center Township of downtown Indianapolis and was responsible for running the welfare office. Over the course of merely 6 years, Carson managed to take a $20 million debt and turn it into a $8 million surplus.

On November 25, 2007, it was reported that Julia Carson had been diagnosed with terminal lung cancer, which took her life. We are certainly at a loss for a dear colleague, and believe me, Julia Carson will be missed by this body.

Mr. Speaker, I reserve the balance of my time.

Mr. MARCHANT. Mr. Speaker, I continue to reserve my time.

Mr. CLAY. Mr. Speaker, I would like to recognize the gentleman from Indiana (Mr. HILL) for 2 minutes.

Mr. HILL. I'd like to thank the gentleman for yielding his time.

Mr. Speaker, I knew Julia Carson for more than 20 years. I served with her in the legislature, and I got to know her very well. She was a great public servant in the Indiana legislature and she was a great public servant in the Congress of the United States.

Now, we've had several speakers here today, and I'm not going to repeat everything that they have said, but I would like to leave you with this departing thought about Julia:

Julia had a difficult childhood; she had a difficult life growing up. I have talked to Julia many times about her reaching to the point where she became an elected official in the Indiana Legislature and she actually became a Member of Congress.

I can't tell you how proud she was to be a Member of this august body. It was the highlight of her life. Other than her family, I don't think there was anything else that she felt better about than becoming a Member of Congress.

I can tell you without a shadow of a doubt that one of the biggest honors, and if Julia is looking from above, I know she's got a big smile on her face right now, and to have a post office named in her name would be the highlight of her career. And so it's with a great deal of happiness that I have the opportunity to speak on her behalf to acknowledge her great accomplishments in the Congress of the United States.

We all know about Julia's political points of view, but more importantly, I think I want to leave with this body that she was so proud to be one of the Members of the Congress of the United States. And I know that she would be very proud to have this post office named in her honor.

I rise today to honor one of Indiana's finest, Julia Carson. I knew Julia for more than 20 years, and am a better person for it. She was a dear friend and her spirit will unarguably live on not only in the halls of Congress, but in the neighborhoods of Indianapolis where she touched the lives of so many.

I am pleased we are able to recognize her by dedicating a post office in her hometown of Indianapolis in her honor. She had an enormous presence in Indianapolis and was always striving to help those in need. Julia embodied the true meaning of a "liberal"—a woman who was always fighting for those without a voice.

She championed civil rights and walked alongside Martin Luther King, Jr. fighting for equality. She was to me, and so many others, a true hero. Julia was not only proud to be a Member of Congress and represent the fine people of Indianapolis, but she was constantly amazed at how far she had come.

As many know, Julia had a difficult upbringing but only used those experiences to strengthen and shape her political views. Julia constantly reminded us all how fortunate we are to be Members of Congress. I am so honored to have known Julia for so many years and to have worked so closely with her.

Mr. CLAY. Mr. Speaker, my colleague and friend, Julia, was an exemplary woman, a loyal patriot, and a formidable political force. She has also left us with someone who is just as capable as she. And at this time, I would like to recognize our new colleague, and her grandson, the gentleman from Indiana, Representative CARSON, for 5 minutes.

Mr. CARSON of Indiana. Thank you, Congressman CLAY.

Mr. Speaker, I would first like to thank my dear friend, Senator BAYH, my colleague, Congressman VISCLOSKY, and the entire Indiana delegation for supporting this important piece of legislation. I also would like to extend my sincere thanks to Subcommittee Chairman DANNY DAVIS and his staff for all of their work in quickly bringing this bill to the floor for a vote.

Mr. Speaker, I come to the floor today with a heavy heart, but also with an overwhelming sense of gratitude and humility. I am sad that my grandmother, former Congresswoman Julia Carson, is not able to be here on this wonderful occasion, but I am also deeply grateful that my colleagues have chosen to honor my grandmother by authorizing a postal facility in my hometown of Indianapolis, Indiana to be renamed the "Julia Carson Post Office Building."

Congresswoman Carson was many good things to many people in the Indianapolis area. Many will remember her as a staunch advocate for the poor from her years in the Indiana State legislature. Others will perhaps remember her for her efforts in helping needy children receive health care services. But I think, most importantly, many people will just remember her for being who she was, and that was a good person with a kind and caring heart.

So I would like to thank again all of my colleagues who were instrumental in bringing this bill to the floor today, and I know that if my grandmother were here, she would thank you all.

Mr. CLAY. Mr. Speaker, in memory of our dear colleague and courageous colleague, let us pass H.R. 5472 and designate the facility of the U.S. Postal Service located at 2650 Dr. Martin Luther King, Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building."

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the designation of the Julia M. Carson Post Office Building in Indianapolis, IN.

Congresswoman Carson was not only a colleague but also a dear friend. It is truly gratifying to me, and surely her family and the constituents of the 7th Congressional District of Indiana, that the House of Representatives would seek to recognize her in this special way.

Congresswoman Carson's accomplishments in the House of Representatives are numerous. Most notably, her work to authorize a Congressional Gold Medal for Rosa Parks; sponsorship of an Amtrak reauthorization bill; and passage of language to improve the eligibility requirements for SCHIP, demonstrate her commitment to the needs of underserved people.

Her book, My Neighbor as Myself, outlines a vision of how she felt we, as public servants, should serve our community. In this book she discussed the plight of our children and the need for "powerful parenting", providing "responsible relief" for the poor, job creation, economic empowerment, and community reentry. She was tireless in her efforts to advocate for people who are rarely able to advocate for themselves.

Congresswoman Julia Carson will certainly be remembered in the halls of Congress for her character, humor, and unyielding commitment to oppressed and impoverished people. It is my hope that the naming of this post office after such a noble and honorable woman will inspire her story to continue to be told.

In years to come, when the children of Indiana ask, "Who was Julia Carson?" may they learn the story of a woman who came from the same neighborhood, overcame the same struggles, and pushed for the rights of all in our Nation's capitol. May they learn of a heroine who accomplished great personal success but always remained mindful of who she was here to serve. I pray that the designation of this post office in the name of my dear friend will provide inspiration to those she worked tirelessly for in the House of Representatives.

Mr. BURTON of Indiana. Mr. Speaker, I rise today to honor the life and legacy of a dear friend and respected colleague of mine, Representative Julia Carson, and strongly support the underlying bill, H.R. 5472, "To designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, IN, as the "Julia M. Carson Post Office Building."

Born in poverty and racial segregation to a teenage single mother in 1938, Julia Porter Carson worked her way up through politics to become one of the most influential people in central Indiana. Julia Carson had a long career as a public servant.

In 1965, while working as a secretary at UAW Local 550, she was hired away by newly elected congressman Andy Jacobs to do casework in his Indianapolis office. When his own electoral prospects looked dim in 1972, he encouraged Carson to run for the Indiana State House of Representatives, which she did; she was elected in 1972, serving as a member for 4 years. In 1976, she successfully ran for the Indiana State Senate.

In 1990, she was elected as a trustee for Center Township that covers downtown Indianapolis, and was responsible for running welfare programs in central Indianapolis. Carson served 6 years as a trustee, creating a $6-million surplus from the office's $20-million debt. Carson employed an aggressive workfare program and anti-fraud procedures to quickly erase the enormous debt, while still providing much needed emergency services to the poor of Indianapolis. Her budget-balancing feat earned compliments from both sides of the political spectrum, including that of republican county auditor John Von Arx, who said, "Julia Carson wrestled that monster to the ground."

In 1996, Julia Carson made history by becoming the first African-American woman Indiana has ever sent to Congress. Despite all her accomplishments and success, she never forgot her roots; she always remained true to herself and her beliefs. With all her success and accomplishments, she could have moved to a better neighborhood but chose not to. To the day she died, Julia Carson's home telephone number was in the Indianapolis phone book.

In all my years in Congress, I am not sure I can remember anyone as dedicated to their constituents as Julia was. She reached out to senior citizens, mothers of men and women serving in Iraq, crime victims and those struggling to pay the rent. She sent cards and routinely showed up at funerals and hospitals and front doors. She worked to find work for young men who were coming out of prison. She helped crime victims who were seeking justice.

While I didn't always agree with Julia politically, I always enjoyed working with her and her welcoming smile. She was a great woman and a dedicated public servant. While I was lucky to serve with her in this body, I was luckier to call her my friend. It is right that we honor her in the community that she served by naming this post office in her memory.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5472, to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, IN, as the "Julia M. Carson Post Office Building," introduced by my distinguished colleague from Indiana, Representative PETER VISCLOSKY. Through this important resolution, the House of Representatives will give final tribute to our colleague, sister, mentor and friend.

As a member of this House, I have been privileged to work with some extraordinary men and women. Julia Carson was an extraordinary woman and an extraordinary champion of justice and equality. Julia Carson was a powerful force for change in this country and was an articulate champion for the poor, homeless and those who suffered from discrimination and racial injustice.

As the first woman and first African-American elected to represent Indianapolis in Congress, Julia truly represented and will be remembered as an American hero. Julia was so keenly committed to those who could not speak for themselves and could not help themselves. A longtime legislator in the Indiana State Legislature and advocate for her community, Julia's history, by its very nature, directed her to the fight for those who, like herself, grew up with very little, but yet could look to this great country and actually believe that they could achieve their dreams.

Julia Carson who grew up poor and lived through segregation was elected in 1996 to the U.S. House of Representatives. Among many, one of her biggest achievements came in 1999 when she successfully pushed through legislation granting the Congressional Gold Medal to Rosa Parks, the mother of the civil rights movement.

Congresswoman Julia Carson lived her life to the fullest extent. She left few stones unturned. Her passion for family and community was unparallel. Though she was only a member of this body for 11 years, her life and legacy will last an eternity.

Representative Carson was a true advocate for and of the people. For over 35 years she worked tirelessly for her community and she was the greatest example of humility, self-determination, fortitude, strength and resilience. She will always be remembered for her advocacy of the most disadvantaged and she will truly be missed.

It is because of the legacy of Congresswoman Julia Carson that I rise today in support of the naming the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, IN, as the "Julia M. Carson Post Office Building". Though Julia is no longer with us, we can still honor her.

Mr. Speaker, we must never forget the life and legacy of a woman who touched the hearts and minds of so many. I urge my colleagues to join me in supporting this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to support designating the post office located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, IN, as the Julia M. Carson Post Office Building.

This past December, my friend and colleague, Julia Carson, lost her battle with cancer. She had devoted her life to public service and her loss is still felt greatly. Congresswoman Carson was an extraordinary person, and a woman of principle who unabashedly championed the issues in which she believed. Her constituents and the Nation have lost a great legislator and an outstanding leader.

Congresswoman Carson made history in 1996 by becoming the first woman and the first African-American Indianapolis has ever sent to Congress. And she came to Congress with one mission—to improve the lives of the people of her community. Even as she rose to a position of prominence in this body, she never forgot the people she was sent here to serve. She truly dedicated her career to them—and for that, earned the respect and gratitude of all Americans.

Since her days in the Indiana State Senate, Congresswoman Carson was committed to helping seniors live with independence and dignity as they age. Throughout her career, she has provided exceptional leadership and devoted service to America's senior citizens.

Congresswoman Carson was also a strong proponent of civil rights movement, scaling the barriers imposed by poverty and sexism. She was a leader in advocating for voting rights, and worked diligently for the health and income needs of people experiencing homelessness and families at risk of homelessness.

Today her grandson continues her legacy here within the House of Representatives. I know that this honor is very meaningful to the Carson family and to her constituents in the 7th District of Indiana, and I'm certain if Julia were here today she would be touched as well. This post office designation is a fitting honor for a woman so dedicated to public service, and I fully support this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor my late great friend Congresswoman Julia M. Carson, a dedicated public servant from Indianapolis. I thank my colleague, Congressman VISCLOSKY, for introducing a resolution to recognize her achievements by naming a post office in her honor in Indianapolis as the Julia M. Carson Post Office Building.

Julia Carson was born on July 8, 1938 in Louisville, Kentucky and served in various elected offices. We first became colleagues when she was elected to the 105th Congress and served together until she passed away on December 15, 2007.

As the first African American and first woman to be elected to Congress from Indianapolis, Julia Carson was a woman of outstanding ambition and achievements. Not only was Julia a star in her city of Indianapolis, but she was a star of the nation. Her many invaluable legislative contributions, including the recognition of Rosa Parks with a Congressional Gold Medal, were a testament to her star qualities. I hope that my colleagues realize what we lost when Julia passed away.

Mr. Speaker, I can think of no one more deserving of this enduring recognition than Julia Carson. This resolution is fitting recognition for a tremendous woman who continued to deliver the truth until her final days. I urge my colleagues to support this resolution as we can all attest to her unprecedented devotion in serving her community and society.

Ms. LEE. Mr. Speaker, I rise in strong support of 5471, naming a U.S. Post Office the "Julia M. Carson Post Office Building." It is fitting and right that we recognize and honor the extraordinary life of our dear friend and former colleague Julia May Carson.

It is also fitting that the Julia Carson building will be located at 2650 Dr. Martin Luther King Jr. Street in Indianapolis, Indiana.

Like Dr. King, Congresswoman Carson championed the rights of the underprivileged, the underrepresented and the overlooked.

Many people in Indiana and many of us in Congress need no help to remember the great woman that Julia Carson was or what her service meant to her community and the Nation.

We came to depend on her determined leadership and commitment throughout her tenure in Congress. She was a true voice for the voiceless.

I know that her legacy will be carried on through the work of her grandson, the newest member of Congress, ANDRÉ CARSON.

Naming this post office after Julia is the least that we can do to mark her dedication and service to the people of Indianapolis and a grateful nation.

Her loyalty and her patriotism, her service and her love of our country will never be forgotten. I urge my colleagues to support H.R. 5472.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 5472, which designates the post office at 2650 Martin Luther King, Jr. Street, Indianapolis, Indiana as the "Julia M. Carson Post Office Building" in honor of my friend and former colleague, Congresswoman Julia Carson.

Julia Carson was a tireless representative of the people of Indiana who served them from her position as a congressional aide in the 1960s to two terms in the Indiana House of Representatives to service in the Indiana Senate from 1976 to 1990. She vigorously pursued issues related to the needs of working men and women, public health, the environment, and fundamental justice. When the AIDS epidemic broke out, Mrs. Carson was one of the early champions of the right of the sick to be treated fairly as she worked to bring public understanding about the new illness.

As a victim herself of discrimination in health care, which delayed the diagnosis and treatment of her heart disease, she was an ardent advocate for the elimination of all health disparities.

Julia Carson coupled her career in public service with a 10-year stint in corporate America. As Marion County Center Township Trustee in 1990, she saved the financially floundering office, earning the accolade of Indianapolis Woman of the Year from the Indianapolis Star for the second time in her career.

Julia Carson came to Congress in 1996 and brought the same energy and enthusiasm to this body to which her constituents in Indiana had grown accustomed.

As a Congresswoman, Julia Carson was proud of her vote against the Iraq War, her legislation that awarded the Congressional Medal of Honor to Rosa Parks, and her tireless advocacy for women, children, the homeless.

After more than 40 years of service to the people of her district and the State of Indiana and indeed to the country as a whole, I join my colleagues in their overwhelming support of the Indianapolis post office being named in her honor.

Mr. RANGEL. Mr. Speaker, I rise today to remember the late and great former Congresswoman Julia Carson of the Seventh District of the State of Indiana who passed away on December 15, 2007.

Julia Carson was the first woman and African-American to be elected to Congress by the Seventh District of the State of Indiana. She holds the title as the second woman to be elected by the State of Indiana, besides Katie Hall. She served in the Indiana House of Representatives for 4 years and the Senate for 14 years before moving on to a new position as a trustee for Center Township in Indianapolis, Indiana. She gained much respect and success as the trustee and was motivated by former Congressman Andy Jacobs to run for Congress in 1996.

Her victory was marked by sheer success in the House of Representatives. Julia made a lot of good contributions to the House as being a firm supporter of children's health insurance, and by playing a key part insuring that Rosa Parks received a Congressional Gold Medal in her remembrance.

She was a devoted member to the Congressional Black Caucus and to Congress as a whole. We will truly miss her and take all her wisdom with us as we move on to make right decisions for the American people.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of H.R. 5472 which designates the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, IN, as the "Julia M. Carson Post Office Building."

Congresswoman Carson was the first and only African-American and woman in Indiana's congressional delegation. An exceptionally courageous and strong woman, she looked a childhood of poverty and segregation in the eye and rose above it to represent Indiana for over 35 years, first as an Indiana State representative and then as State senator before being elected to the United States Congress in 1996.

Julia was able to use her life experiences to help others also overcome poverty, discrimination and illness. I had the honor of being part of the Congresswoman's initiative to raise awareness of hypertension and stroke. I will always remember her unrelenting advocacy of women's rights, children's health, affordable housing, and equality. She stood up for unpopular, but critical issues including expanding SCHIP in the late 1990s and, most recently, voting against the war in Iraq. It is thus not surprising that Ms. Carson was the only person to ever be named Woman of the Year by The Indianapolis Star on two different occasions.

My strongest memory, however, is how Congresswoman Carson was a special and warm-hearted woman. She was one of the first to go out of her way to introduce herself to me when I first arrived at Congress in 2001. With our birthdays just a few days apart in July, she always took time to greet me with a special tenderness. Her determination on policy issues was matched by a stylish flair and humor that consistently brought a smile to the faces of all in the room.

Mr. Speaker, today I have the privilege in joining my colleagues in honoring this distinguished woman, good friend, and tireless advocate of the poor and working families by designating the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, IN, as the "Julia M. Carson Post Office Building."

Mr. RUSH. Mr. Speaker, I rise to pay tribute to a great American, a colleague and most importantly, a friend. Julia Carson made a career of serving the public and was a tireless fighter for the working men and women of Indiana. Representative Carson worked her way up to become a prominent member of Congress and achieved extraordinary goals by overcoming a difficult childhood and beating the odds. Though I am unable to physically vote on this bill, I am honored and humbled to support the dedication of the "Mapleton Annex Post Office," in Indianapolis, IN, to Representative Carson.

This lifelong public servant will be remembered for her rise from poverty, her fighting spirit, and her great accomplishments, including her political victories. Among these achievements, Carson led Congress to pass a measure awarding Rosa Parks the Congressional Gold Medal, and she also cosponsored with Senator RICHARD LUGAR legislation to remove bureaucratic bottlenecks on child health insurance.

Carson was the first African American to represent the 7th District and the second African-American woman elected to Congress from Indiana, after the late representative Katie Hall. Congresswoman Carson's memory and legacy will live on through her grandson ANDRE CARSON, now representing the 7th Congressional District of Indiana.

Mr. Speaker, it is my privilege to have known Congresswoman Carson and this dedication to her is a tangible reminder to the Indiana community of her legacy and political success.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

Mr. MARCHANT. Mr. Speaker, I urge all Members to support the passage of H.R. 5472 and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5472.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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WILLIAM "BILL" CLAY POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5395) to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building."

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIAM "BILL" CLAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, shall be known and designated as the "William 'Bill' Clay Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "William 'Bill' Clay Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Texas (Mr. MARCHANT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Once again I stand as a member of the House Committee on Oversight and Government Reform to join my colleagues in the consideration of H.R. 5395, which would rename the post office facility at 11001 Dunklin Drive in St. Louis, Missouri, after a true hero of mine: my beloved father, the Honorable William "Bill" Clay, Sr.

The measure before us was first introduced by my friend and colleague Representative RUSS CARNAHAN from my home State of Missouri on February 12, 2008. I am proud to say that the bill now enjoys the support and cosponsorship of nearly 60 Members of Congress, including the entire congressional delegation from the "Show Me State" of Missouri. H.R. 5395 was taken up by the House Oversight Committee on March 13, 2008, and reported out of the committee by voice vote that same day.

Mr. Speaker, I'm sure you can imagine that in commemorating the achievements and accomplishments of my father, I could begin anywhere and probably go on endlessly. Throughout my lifetime I have been blessed to experience and witness firsthand my father's commitment to his community and his country.

Congressman Clay served Missouri's First Congressional District for 32 years from 1968 to 2000. Born and raised in St. Louis, Missouri, Bill Clay served in the U.S. Army from 1953 to 1955. Prior to his service in the U.S. House of Representatives, my father held the position of alderman in St. Louis from 1959 to 1964. And prior to that, he held jobs as a real estate broker, a labor coordinator, and a union affiliate for the St. Louis City Employees Union from 1961 to 1964 and an education coordinator for the Steamfitters Union up until 1967.

During his tenure in Congress, Bill Clay became an advocate for environmentalism, labor issues, and social justice. Co-founder of the Congressional Black Caucus, he chaired the House Committee on the Post Office and Civil Service from 1991 to 1995. His leadership in this policy arena serves as greater evidence for passing the measure at hand, which would name the Dunklin Drive post office in his honor. Upon retiring in 2000, I was fortunate and honored to pick up where my father left off representing Missouri's First Congressional District.

Mr. Speaker, as we move to recognize the accomplishments of a great statesman, father, and to many of us friend, I ask that we pass the underlying bill without reservation and pay tribute to service and diligence rendered by Congressman Clay to this body over a 32-year period. I urge passage of H.R. 5395.

Mr. Speaker, I reserve the balance of my time.

Mr. MARCHANT. Mr. Speaker, I yield such time as she may consume to my distinguished colleague from the State of Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I really had to come over and couldn't let this opportunity slip by without coming to the floor to say a few words about my friend former Congressman Bill Clay, even though we still kind of call him "Congressman." This is such a well-deserved honor for the former chairman of the Post Office and Civil Service Committee but really more so because of the man that he is.

Bill Clay has dedicated his life to his community in St. Louis, the State of Missouri, our Nation, and is well loved throughout the State, not just in St. Louis, where he is from. He was a magnificent leader in this Congress for civil rights and a congressman who really exemplified what's good about this institution, and that is that there are so many of us who can put aside differences and strive to work for a common good, and Bill Clay always did that. He was not a partisan politician. He was and he does remain a true leader.

So that is why I am happy to support this legislation to name a post office after our former colleague, a wonderful man and my friend, Bill Clay.

Mr. CLAY. I want to thank the gentlewoman from Missouri, my friend and colleague, for those kind words. I certainly appreciate it.

Mr. Speaker, I would like to yield 5 minutes to the sponsor of this amendment, my friend and colleague, the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, I am honored to sponsor this bill today before us, H.R. 5395, a bill to name a Missouri post office after a true champion of civil rights, Congressman William "Bill" Clay. Mr. Clay retired from the House of Representatives in the year 2000 after a stellar career in public service.

It's especially appropriate to have this tribute for him to name the Florissant, Missouri, post office in his honor that is located in Missouri's First Congressional District that he represented for 32 years in Congress, where he rose to become chairman of the House Committee on the Post Office and Civil Service and achieved the third highest rank in seniority in the entire U.S. House.

Mr. Clay was born in St. Louis, Missouri, and began his political career in 1959 as a member of the St. Louis Board of Aldermen, where he served until 1964. Prior to entering Congress in 1968, he also worked as a real estate broker and later as a labor coordinator. He worked for the union of St. Louis City employees from 1961 to 1964 and then with the Steamfitters Union until 1967.

Congressman Bill Clay is known as a true pioneer of civil rights. Throughout his tenure in Congress, he became a champion of social justice and labor rights, working on behalf of the poor and the disenfranchised. Bill Clay was co-founder of the Congressional Black Caucus. He was an author of the history of African Americans who served in Congress. And he had a famous saying, that he did not have permanent friends or permanent enemies in politics, just permanent interest. He looked out for the people that he represented, and he served them well. He's been credited with turning back racial discrimination throughout his career. He remains today an outspoken leader in our community, an accomplished author. This will be a fitting tribute to his years of dedication in public service.

I ask that the U.S. House of Representatives respect this living legend, this inspirational leader, Congressman William "Bill" Clay with this fitting tribute of naming a Missouri post office in his honor.

Mr. MARCHANT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, let me thank my friend and colleague Mr. CARNAHAN from Missouri for those kind words and for his friendship to our family. We are both proud Missourians with political families, and I'm certainly honored to serve with him in this body and honored that he would recognize a great Missourian like he has.

Let me also thank Mr. MARCHANT of Texas, too, for his indulgence and his support of this measure and thank the entire body for their support.

Mr. Speaker, I yield back the balance of my time.

Mr. MARCHANT. Mr. Speaker, I urge all Members to support the passage of H.R. 5395.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise today in strong support of H.R. 5395, to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building." I would like to thank my colleague Congressman CARNAHAN for introducing this bill, and Chairman WAXMAN of the House Oversight and Government Reform Committee for bringing this important legislation to the floor today.

As my colleagues are aware, William 'Bill' Clay served in the House of Representatives for 32 years, until his retirement in 2000. He was a true leader, a champion of civil rights, and a tireless voice for the people of Missouri's 1st Congressional District.

Mr. Speaker, Mr. Clay was born in 1931 in St. Louis, Missouri and he graduated from St. Louis University. He began his political career in 1959, serving as a member of the St. Louis Board of Aldermen until 1964. He also worked as a real estate broker, and served his community as a labor coordinator. From 1961–1964, he worked for the union of St. Louis city employees, and later with a steamfitters union until 1967.

Mr. Speaker, Mr. Clay was also a true champion of civil rights. He was one of the founders of the Congressional Black Caucus, and, throughout his time in Congress, he championed social justice and labor issues. He worked tirelessly on behalf of the poor and disenfranchised, always seeking to give them a voice in these halls. He was instrumental in fighting racial discrimination whenever and wherever it occurred. Congressman Clay authored the Historically Black Colleges and Universities Capital Financing Act, which provides $375 million in federal loan guarantees for construction and renovation projects at Historically Black Colleges and Universities.

Because of his commitment to labor he selected committees whose primary business deals with labor issues, and he served as a senior Member of the Education and the Workforce Committee. Congressman Clay was a champion of education and played a key role in the reauthorization of the Elementary and Secondary Education Act, including efforts to reduce early grade class sizes by hiring 100,000 teachers nationwide. He has also leading the way for our Nation's schools to be first in getting the resources necessary for school construction, renovation and modernization. His work in education has also included winning concessions from the Republicans to increase the amount of Pell Grant funding and the reduction of student loan interest rates.

From 1991 until 1995, Congressman Clay chaired the House Committee on the Post Office and Civil Service. Upon his retirement in 2000, he was succeeded by his son, my colleague, Congressman WILLIAM LACY CLAY.

Mr. Speaker, this legislation will honor a true champion of civil rights in a very fitting way. It is fitting that a former Chairman of the House Committee on the Post Office and Civil Service be honored with a post office in the very town where his political career begun.

I am very proud to support this legislation, and I ask my colleagues to join me in voting honoring William "Bill" Clay and voting for H.R. 5395.

Mr. MARCHANT. Mr. Speaker, I rise today in support of this bill designating the facility of the United State Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri as the William "Bill" Clay Post Office Building. Representing the people of St. Louis in this chamber for 32 years, Bill Clay was the consummate advocate for Civil Rights, labor, and his community.

Born in St. Louis, Missouri in April of 1931, Clay grew up in the city and graduated from St. Louis University in 1953 with a bachelors degree in Political Science. After 2 years with the U.S. Army from 1953 to 1955, Clay returned home to begin his career serving the people of St. Louis. After spending some time as a real estate broker, Clay was elected to the Board of Aldermen in 1959. He held this position, representing the 26th Ward until 1964.

When Bill Clay, Sr. was elected to Congress in 1968, he was the first African American member elected from Missouri and one of only two African American representatives from states west of the Mississippi River. Throughout his 16 terms in Congress, he gained a reputation for his streetwise urban politics. A staunch advocate for civil rights and social justice, he also served as one of the founders of the Congressional Black Caucus. From 1991 to 1995 he chaired the House Committee on the Post Office and Civil Service and served as the Ranking Member on the Education and the Workforce Committee until he retired. In all that he did while he was serving the people of Missouri in Congress, he still found time to author several books.

Bill Clay, Sr. retired from Congress in 2000 but his legacy lives on through his successor whom I am proud to serve with in this chamber. His successor also happens to be his son, the gentleman from Missouri, WILLIAM LACY CLAY, Jr.

I urge my colleagues to support me in this resolution honoring a man who spent over 3 decades serving his community, state, and country.

Mr. SKELTON. Mr. Speaker, let me take this moment to recognize my former colleague, fellow Missourian, and good friend Bill Clay. Today, I join with my colleagues in support of H.R. 5395, a bill to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office

Bill was born in St. Louis, Missouri, the very town in which he carried out his storied political career. In 1959, he was elected as a member of the St. Louis Board of Alderman, where he served until 1964, Between 1964 and 1967, Bill worked as a real estate broker and later as a labor coordinator. He also worked for the union of St. Louis city employees and then with a Steamfitters Union.

In 1968, Mr. Clay was first elected to the U.S. House of Representatives, and he proudly served the residents of Missouri's First Congressional District for 32 years. Throughout his years in office, Bill became known as a champion of social justice and a true pioneer for civil rights. He was a co-founder of the Congressional Black Caucus and Chairman of the House Committee on the Post Office and Civil Service. He was always a truly delightful colleague and I am proud to have served with him as a fellow Missouri Congressman. I must also say, Mr. Speaker, that I am also so very honored to serve with Bill's son, LACY, who was elected to represent the First District upon Bill's retirement.

Naming a St. Louis post office after Bill Clay is an outstanding way to pay tribute to an outstanding public servant and a true pioneer in American politics. I urge the House to honor Bill for his years of public service and his commitment to his community by supporting H.R. 5395.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of the naming of the U.S. Post Office at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay" Post Office Building.

William "Bill" Clay served his country and his community at an important juncture in history, as he was one of the cofounders of the Congressional Black Caucus, an institution in this body that has grown in size and stature to 43 members, of which I am proud to be a part.

From his work in his native St. Louis as a real estate broker, labor coordinator and union affiliate, Bill Clay brought a reservoir of knowledge and experience to his service in this body for 33 years. He was well respected and he served as a mentor to me and other members as we learned our way around the House of Representatives.

William "Bill" Clay chaired the House Committee on the Post Office and Civil Service from 1991 until 1995. It is even more fitting that a U.S. Post Office in his beloved city bear his name and the memory of his work on behalf of so many.

Mr. MARCHANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5395.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE FIFTH ANNIVERSARY OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1038) recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1038

Whereas, in the wake of the attacks of September 11, 2001, the Department of Homeland Security was created in an effort to consolidate our Nation's efforts to prevent, prepare for, respond to, and mitigate against threats to the homeland, including acts of terrorism, natural disasters, or other emergencies;

Whereas the Department of Homeland Security marked its fifth year of full-scale operations on March 1, 2008;

Whereas the Department has strived to integrate 22 disparate agencies and offices, while at the same time has been successful in helping prevent another terrorist attack over this period;

Whereas the United States must continue to remain vigilant against all such threats;

Whereas the employees of the Department of Homeland Security have spent the past 5 years enhancing our Nation's domestic preparedness and collective response to terrorism and standing ready to assist State, local, and tribal governments as they prepare for and prevent acts of terrorism and respond to natural disasters and other emergencies;

Whereas the Department's employees work diligently to deter, detect, and prevent acts of terrorism and stand willing, ready, and able to respond in the event of a terrorist incident or other major emergency;

Whereas the Department's employees have cooperated closely with the private sector to enhance emergency preparedness across the Nation;

Whereas the American people rely on the Department's employees to protect our Nation's borders, airports, seaports, rail lines, and other transit systems;

Whereas the continuing efforts of the Department's employees will be crucial to the security of our Nation in the years to come;

Whereas the Department's employees have sacrificed, and will continue to sacrifice, time with their families and working long hours to fulfill the Department's vital mission;

Whereas because the Nation depends on the Department's employees to keep the American people safe from harm, they deserve the best in training, testing, and equipment;

Whereas the Department's employees often do not receive the recognition they deserve; and

Whereas the Nation is indebted to the Department's employees for their sacrifices, efforts, and contributions: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the fifth anniversary of the Department of Homeland Security; and

(2) honors the Department's dedicated public servants for their extraordinary service to this Nation in helping preserve the safety and security of the American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentlewoman from Michigan (Mrs. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CARNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to recognize the fifth anniversary of the Department of Homeland Security. This is an opportunity for us to praise the tireless employees who, day in and day out, are working hard to prevent another terrorist attack on our soil, in our skies, and on our waters, and to also ensure that we're prepared should a catastrophe strike again.

Congress is often critical of DHS, and we have had some harsh hearings in the Homeland Security Committee. But our criticism of the management at DHS is only because we hope to ensure the department's employees have the resources they need to do their jobs and to keep America safe. The department is still in its formative years and still experiencing expected growing pains.

When DHS was established, it was the largest reorganization of the Federal Government since the creation of the Department of Defense 60 years ago, with 180,000 employees and 22 agencies that merged to form one new department. That number has grown by nearly 30,000 since then.

Let's take a moment to honor DHS in its 5-year anniversary but also to recognize these employees for their dedicated service.

To the Customs and Border Patrol officers and the Border Patrol agents protecting our borders, at our ports of entry and in between; and to our Immigration and Customs Enforcement agents ensuring that criminal aliens are accounted for and removed; and to our Transportation Security officers, protecting millions of passengers daily and quickly adapting to threats to prevent future hijackings or worse; and to our Federal Air Marshals, quietly protecting our skies; and to our Secret Service, called upon earlier than ever to protect presidential candidates; and to the men and women of the Coast Guard, protecting 360 ports and over 90,000 miles of coastline, ready to respond at a moment's notice; and to the first responders of FEMA, who have again proven themselves in their response to the California wildfires and the recent Midwest tornadoes.

Thank you. We know all too well the long hours you've committed to our country and the time away from your homes and families. We sincerely appreciate all of your work and your service.

Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I rise today to fully support this resolution, which speaks to this Congress, appropriately recognizing and honoring the brave Americans, the great patriots, who work to protect us all through their service at the Department of Homeland Security.

And I believe that the first and foremost responsibility of the Federal Government is to provide for the national defense. That is actually in the preamble of our Constitution. Additionally, for all of us who have the honor to serve in this House, protecting our homeland and securing our borders against those who would harm us is something that we all take an oath to do.

Before those horrific attacks on our Nation on 9/11, we thought about national defense more in terms of having a strong military, the best trained, the best resourced, facing down enemies overseas in conflicts where we had a national interest in spots around the world. We didn't usually think in terms of actually being attacked or continuing to be threatened with attacks on American soil here in our homeland.

☐ 1145

9/11 changed all of our lives, as on that day cowardly terrorists murdered nearly 3,000 of our fellow Americans, innocent people who were just going about their daily lives. And the terrorists used the tools of our own freedoms against us. And why? Because they hate us, and they especially hate our freedoms.

They sought to weaken us, to destroy us, and instead they united us. They awoke us, and instead, made us begin to take the necessary steps to protect ourselves from future attacks.

We knew we had to change the way we practiced security measures at our airports, on our railways, on our roadways, at our ports, and at our border crossings. We knew we had to secure our infrastructure, that we had to better prepare our first responders and local emergency management agencies, that we had to share intelligence, that we had to tear down silo mentalities and do a much better job of sharing intelligence and resources.

And we also knew we had to create an agency here at the Federal level and task them with implementing this seemingly impossible job. And so the Department of Homeland Security was created 5 years ago, and what a remarkable success story it has been.

The brave men and women of the 22 agencies, more than 213,000 individuals that make up the department, deserve our respect, and they deserve our gratitude. We have not had another successful attack on our shores since that day, in no small part due to the vigilance and the hard work of the Department of Homeland Security and their efforts to provide for our common defense against America's enemies, against the enemies of freedom, those who are truly cowards, those who hide in the shadows and who prey on the innocent.

Mr. Speaker, as Congress recognizes and pays tribute to the Department of Homeland Security for the dedication and the commitment they have made to our homeland security during the past 5 years that they have been in existence, we also look forward to standing shoulder to shoulder with them as we look towards the future.

We understand that we need to do more to clearly define the lines of congressional committee jurisdiction, to streamline, to make more effective and cost efficient many of the department's missions. We recognize that the largest room is always the room for improvement, and that the department is looking to Congress to continue to assist them and not to hobble them.

Mr. Speaker, I am a new member of the Committee on Homeland Security, and I am proud to represent my district in Michigan, a border State with many unique dynamics, such as the first and second busiest international border crossings on the northern tier and the busiest rail entry in the country, the magnificent Great Lakes, fully one-fifth of the freshwater supply of the entire planet, a long liquid border that we share with our wonderful neighbors, the Canadians.

These are issues and items that require the attention of the Department of Homeland Security, and yet, Mr. Speaker, every Member, every Member of this House, could tell us of particular dynamics in their district, or their State, or their region of the country that also require the attention of the department.

Identifying and dealing with the threats to our homeland are done each and every day, 24/7, by the remarkable men and women of the Department of Homeland Security. And it is certainly appropriate that we honor those who serve us so well, that we thank them for their vigilance, we salute them for their dedication, we appreciate their commitment to democracy and liberty and freedom.

I urge my colleagues to pass the resolution before us and formally thank the great Americans who make up the Department of Homeland Security for keeping our Nation safe.

I reserve the balance of my time.

Mr. CARNEY. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, at this time, it is my great honor to recognize for as much time as he may consume the distinguished ranking member of the Committee on Homeland Security, the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I thank the gentlelady for yielding.

I thank Chairman CARNEY for helping to bring this matter to the House floor today, and I rise in strong support of H. Res. 1038 because we do owe a tremendous debt of gratitude and thanks to all of the employees of the Department of Homeland Security.

Mr. Speaker, you and I come from adjoining districts in New York. Probably between our districts we lost well over 200 people on September 11. And I think any of us on September 12 and September 13 anticipated there would have to be another successful attack on our country in the not-too-distant future. Well, the fact is, we have now gone 6½ years without an attack.

During 5 of those years, the Department of Homeland Security has been up and operational. And it was really a tribute to the men and women who comprise the formerly separate 22 agencies who came together to be combined into this one department for what they have been able to do and what they have been able to achieve. It is no accident, it is not luck we haven't been attacked. It is for a number of reasons, but among the very prime reasons is the tremendous effort by all these men and women. And doing that was not easy because they each came from different cultures and traditions. They had different types of training and a different type of emphasis. They had a tough enough job before September 11. But now added to that was the new dimension of homeland security. And they had to do what they were doing at a different level, and they combined their efforts with employees from other agencies who were trained differently, who had a different way of looking at things, and they had to learn to speak and think as one. And they have done it. They have done a terrific job.

I believe it was last year we held hearings on how far the department has come. And yes, it is easy to be a critic. It is easy to stand back and say this should be done better and that should be done better. But the consensus of the testimony we had from experts was that the Department of Homeland Security is further along in its progress than the Defense Department was after a comparable period of time after it was formed over 60 years ago. So it is important to keep that in mind, and also to keep in mind that their work is a 24/7 job, that at any given time, there are active threats against the United States or active plots against the United States, and there is no simple easy way to stop it. And there are many ways. We have to fight it overseas. We have to fight it at the national level making sure that all intelligence is coordinated. But no one is more central to that than the Department of Homeland Security because they have to coordinate the national and international intelligence and then also make sure it gets down to the local levels, to make sure that the local police, the State police and the local law enforcements throughout the country are apprised of what could be happening, what might be happening, and also to absorb information that is sent back up from the local governments to the Department of Homeland Security.

So I commend them. I think it is too easy to take shots. And we see it in Presidential debates, we see people who take random shots at the people in this department, and it is so unfair because they are literally on the firing lines for us. They are on the front lines for us. In many ways, they are doing it anonymously because obviously their successes cannot be recorded. They are not publicized. How do you prove an attack didn't happen that was actually going to happen and didn't? And those that we do know about often can't be spoken about. But they are there. They are doing it. And in addition to that, they have the added responsibility from Congress because of the events of September 11 and having to do much more as far as border security and illegal immigration is concerned. So there is just a myriad of responsibilities that have been thrust upon them in addition to all they have been doing before, and they are doing it first class.

It is important for us in the Congress to live up to that same level, that same standard, that these employees are setting. It's important for us to get our act coordinated in the Congress, to make sure that jurisdiction is consolidated as much as possible so that we can speak with one voice, not to take partisan advantage, not to be allowing jurisdictional disputes between and among committees to impede the job that we should be doing. We can take a lesson from those employees out there who have put aside their prerogatives, put aside their own petty interests for the common good.

So I commend all the employees of the Department of Homeland Security on the fifth anniversary. Thanks for keeping us safe. Thanks for doing what you are doing. And I believe we can speak for all Members of this House that we will continue to do what we have to do to make sure that you get the tools to do your job and also get the support that you so richly deserve from all of us, and most important, from your fellow Americans whom you have done so much to protect.

I urge the adoption of the resolution.

Mr. CARNEY. Mr. Speaker, I have no more speakers.

If the gentlewoman from Michigan has no more, and she is ready to close, I will close after she does.

Mrs. MILLER of Michigan. Yes, I have no further speakers at this time, Mr. Speaker. And so I would certainly urge my colleagues to pass the resolution before us and honor the brave men and women of the Department of Homeland Security, and I yield back the balance of my time.

Mr. CARNEY. Mr. Speaker, I yield myself as much time as I might consume.

I would like to talk about what the department does for a few moments. It is imperative that we honor and recognize the fact that the Department of Homeland Security and all its components provides the awareness for our Nation to prevent threats and identify our vulnerabilities. It prevents threats through detection and deterrence, and it mitigates those accidents and those attacks that might happen. It protects people and/or critical infrastructure and, of course, the economy. It responds to terrorism. It responds to natural disasters and certainly any other emergencies. It provides us the opportunity and the ability to recover from terrorism and from natural disasters. And it serves the public by facilitating lawful trade, lawful travel and lawful immigration.

It is committed to organizational excellence, and through that organizational excellence, we are all protected.

Ms. JACKSON-LEE of Texas. Mr. Speaker I rise today to support H. Res. 1038, "Recognizing the 5th Anniversary of the Department of Homeland Security and honoring the Department's Employees for their Extraordinary Efforts to Protect and Secure our Nation.

On September 11, 2001 this nation suffered a terrorist attack that surpassed anything we had dealt with before. After witnessing those events, I decided that the protection of our homeland would be at the forefront of my legislative agenda. I knew that all of our collective efforts as Americans would all be in vain if we did not achieve our most important priority: the security of our Nation.

After the events of September 11th, the Department of Homeland Security was created in an effort to consolidate our Nation's efforts to prevent, respond to, and mitigate threats to the homeland, including acts of terrorism, natural disasters, or other emergencies.

Since its first full scale year in 2003, the Department of Homeland Security has integrated 22 disparate agencies and offices. Due to the Homeland Security's employees' diligence, the department has done a magnificent job of deterring, detecting, and preventing acts of terrorism from occurring on U.S. soil.

Over 331 pieces of legislation related to Homeland Security have been introduced since the Department's inception. From the health-related issues surrounding clean up of Ground Zero to Customs and Border Protection, the Department covers several facets affecting our national security.

Working for the Department of Homeland Security is more than a job. It would be like saying that we as Members of Congress simply have a job. Homeland Security is a belief in the greatness of this nation and the desire to protect it no matter where the enemy comes from, no matter how large or small the attack.

I thank the employees for the work they do and their belief in the need for protecting our Nation's borders, airports, seaports, rail lines, transit systems, and most importantly our way of life.

That is why I have introduced legislation such as H.R. 750 [110th] the Save America Comprehensive Immigration Act of 2007, which seeks to amend the Immigration and Nationality Act (INA) to provide increased protections and eligibility for family-sponsored immigrants. It would authorize the Secretary of Homeland Security to deny a family-based immigration petition by a U.S. petitioner for an alien spouse or child if: (1) the petitioner is on the national sex offender registry for a conviction that resulted in more than one year's imprisonment; (2) the petitioner has failed to rebut such information within 90 days; and (3) granting the petition would put a spouse or child beneficiary in danger of sexual abuse. Among other things it would direct the Secretary to establish the Task Force to Rescue Immigrant Victims of American Sex Offenders.

I also introduced H.R. 1530, the Chemical Facility Security Improvement Act of 2007 to prohibit federal funds from being used by the Secretary of Homeland Security to approve a site security plan for a chemical facility unless the facility meets or exceeds security standards and requirements to protect it against terrorist acts established by the State or local government for the area where it is located.

Because while I support and commend the Department of Homeland Security, I still believe that the Department's mission and goals are still malleable. We need to continue to improve the Department's comprehensive national strategies to ensure that the more than 87,000 different governmental jurisdictions at the Federal, State, and local level are protecting our nation's borders, transit systems, people, and ideals.

This work could not be done however, without the more than 208,000 employees of the Department working to ensure disaster preparedness at all levels of government while sacrificing their invaluable time with their family and working long hours to stand willing, able, and ready to respond if catastrophe strikes.

The Department of Homeland Security is critical in ensuring our great nation's preparation for future terrorist threats and attacks. Its employees step beyond the ordinary call of duty and tirelessly help to prepare our Nation to counter acts of terrorism, natural disasters, and other emergencies.

I urge my colleagues to support the achievements of the Department of Homeland Security, and support this resolution honoring the 5th anniversary of the Department of Homeland Security and its extraordinary employees.

Mr. THOMPSON of Mississippi. Mr. Speaker, It is my pleasure to be here today to honor the employees of the Department of Homeland Security. As we mark the Department's fifth anniversary, we must keep in mind that it is the people of the Department who make the sacrifices to keep us all safe.

Five years ago, this new Department was created and charged with the crucial mission of protecting and securing our homeland. This was not an easy task in the wake of the September 11th attacks. Hurricane Katrina demonstrated that this was a broader mission than the Department's leadership initially thought. However, despite the challenges before them, the employees of the Department have remained focused on ensuring the security of all Americans.

We talk about the activities of TSA or FEMA or CBP. What sometimes gets lost in the discussion are the individuals behind the acronyms. The people of DHS deserve our praise and our gratitude. They include the Customs and Border Protection Officers who man our ports-of-entry; the Federal Air Marshals who, everyday, sit through the same flight delays that so frustrate the American public to do their part to keep the flying public secure; FEMA teams who trek selflessly into disaster zones to help those in need; and support personnel such as contracting officers, administrative assistants, technical support teams without whom the folks on the front lines could not do their jobs.

I could go on, but my time is limited and I think my point is clear. All the men and women of the Department deserve to be recognized for 5 years of hard work. They work nights, weekends, and holidays. They put their life on the line to secure our country from all manner of threats. Today, we are here to extend a hard-earned and much deserved "Thank You."

As Chairman of the Committee on Homeland Security, it is an honor for me to stand here today in support of this resolution. I have, at times, been critical of the Department's management. But I want to be very clear: my criticism of the Department's management should in no way be construed as a lack of appreciation for the individuals who are making daily sacrifices to secure our Nation.

I urge my colleagues to join me in honoring these "everyday heroes."

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in support of House Resolution 1038, which recognizes and honors the employees of the Department of Homeland Security for their contributions in protecting our Nation from terrorist attacks.

We commend today the more than 200,000 employees of the Department that have dedicated themselves to the ongoing effort to secure our Nation.

In January 2003, the Department of Homeland Security officially was established, and in March 2003, 22 Federal agencies were brought together and the Department became operational. The Department has come a long way these five years.

With great interest, our Subcommittee on Management, Investigations, and Oversight has watched and encouraged the Department's progress in managing its components, organizing its people, and executing the critical mission of protecting the Nation.

I am especially pleased with the 21 percent staffing increase that Customs and Border Protection achieved in just one year. I have every confidence these agents are working tirelessly to help improve the security of our borders every single day.

Similarly, the hard-working people at the Transportation Security Administration have implemented a wide range of improvements at our Nation's airports. T-S-A is now training its own employees to be explosives detection canine handlers, which will allow for a considerable surge in detection in the event of a threat to any transportation system.

I am also proud that two key DHS facilities are located in my hometown of Anniston, Alabama. The Center for Domestic Preparedness provides live chemical agent training to first responders, and the Noble Training Center provides training for hospital and healthcare professionals to prepare for and respond to disasters.

The people who serve at the CDP and Noble Training Center provide an invaluable service to our Nation and deserve our thanks.

Yet as we look back over five years of growth and accomplishment, we must also look forward to next year's transition and beyond.

Consolidation of congressional oversight authority is still sorely needed, and remains the sole recommendation of the 9/11 Commission yet to be enacted. The lack of consolidated Congressional oversight jurisdiction over the Department has a direct negative impact on the Department's ability to fulfill its mission of securing the homeland. Congress must address this issue immediately.

In addition, the Congress needs to establish an annual DHS authorization bill to provide the steady-handed guidance that 86 different committees and subcommittees cannot. This Committee, followed by the House and our colleagues in the Senate, must produce an authorization bill in advance of any appropriations bill this year.

And finally, we must allow the Department's employees to work unimpeded by further organizational shuffling.

These and many more challenges lie in front of us. It is our job to ensure that the Department is ready for the future, especially as it prepares to transition to a new administration.

We therefore gladly extend our thanks to the many dedicated individuals that make up the backbone of our Nation's current and future security.

I urge my colleagues to support passage of this resolution.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in overwhelming support of H. Res. 1038, recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our country.

As a member of the House Committee on Homeland Security, I am proud to work side-by-side with DHS on keeping our Nation secure. We have come a long way and it is hard to believe that so much has been accomplished in 5 years. For certain, consolidating 22 different agencies has been extremely challenging as it is the first act of its kind. The Department now employs more than 200,000 workers in its efforts to keep the Nation secure. Although there are many issues to still be resolved, and there always will be, I commend Secretary Chertoff and the DHS employees for their success in preventing another terrorist attack, thus far, and intercepting terrorists plots.

My colleagues and I remain committed to working on ensuring that the agency has the support and resources it needs to continue to get the job done. One of our top priorities and concerns has always been staff morale. We believe that the employees are the backbone of the agency and that the agency is a reflection of its employees' approach and outlook toward their job. Their continuing efforts are crucial to the security of our Nation in the years to come.

I would like to extend heartfelt congratulations to Secretary Chertoff and the employees of DHS, especially those in the U.S. Virgin Islands, for their outstanding service.

Mr. KUCINICH. Mr. Speaker, I rise to declare my support for the employees of the Department of Homeland Security and to thank them for their important service to our country. I opposed the formation of the Department of Homeland Security in 2002. There was good reason to believe that a reorganization that would take at least 10 years and possibly more, would cause delay in implementation of real measures that could make the country safer.

I pointed out that the proposed reorganization of 22 different agencies into one large entity would not constitute efficient and effective government, nor would it help the thousands of Americans who die of violent crimes each year in this country.

When Hurricane Katrina hit the Gulf Coast on August 29, 2005, it soon became apparent that my concerns about establishing the Department of Homeland Security were valid. Katrina and the subsequent flooding took at least 1,835 lives and sent a powerful reminder to the people of the United States that the homeland is not secure. I certainly do not expect that the Department of Homeland Security, the Federal Emergency Management Agency (FEMA) or any other government agency can prevent a natural disaster. But FEMA's own mandate was to coordinate disaster relief through preparedness, response, recovery and mitigation. The federal response should have been to make things happen and to make them happen quickly; to anticipate and respond to the needs of local and state officials.

Instead Hurricane Katrina will long be held in our Nation's collective conscience. We will remember the terrified and helpless faces of the victims that this disaster claimed, displaced and horrified. We will remember the faces of our fellow citizens pleading for help, for days as they endured horrible conditions at the convention center and Superdome. The unbearably inadequate response to these disasters exacerbates the shame, heartache and insecurity that has resulted. The images haunt us.

What was the response from the former FEMA Director Michael Brown in testimony before the House? He said, "[a]nd while my heart goes out to people on fixed incomes, it is primarily a state and local responsibility. And in my opinion, it's the responsibility of faith-based organizations, of churches and charities and others to help those people." Michael Chertoff, Secretary of DHS said, "I remember on Tuesday morning picking up newspapers, and I saw headlines, 'New Orleans Dodged the Bullet.'" Is this the way we make the homeland safer? By attempting to fabricate leadership instead of demonstrating it?

Furthermore, in 2003 the Administration terminated the collective bargaining rights of TSA screeners just as TSA workers were ready to vote on joining the union of the American Federation of Government Employees (AFGE). DHS does not allow a unionized TSA workforce. Transportation security workers deserve collective bargaining rights. It is an insult to these dedicated men and women within DHS, including FEMA, the Army Corp of Engineers and Border Patrol that their rights to organize have been denied.

I unequivocally appreciate the dedicated service of DHS employees. Their hard work and commitment to public service is outstanding and valuable. However, I cannot celebrate the creation of DHS.

GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks of this resolution and include any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CARNEY. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the resolution, H. Res. 1038.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PLUMBING INDUSTRY WEEK

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 1082) recognizing the plumbing industry and supporting the goals and ideals of "National Plumbing Industry Week".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1082

Whereas on June 27, 1883, Victorian plumbers came together at the Old Masonic Temple in New York City, New York, for the first-ever convention of master plumbers;

Whereas the Plumbing-Heating-Cooling Contractors—National Association (PHCC) is the oldest trade association in the construction industry;

Whereas for over 125 years, our Nation has been paving the way for today's plumbing, heating, and cooling contractor's status as important, and independent small business people;

Whereas the majority of plumbing contractors are small business owners, who help create critical jobs in this country;

Whereas the men and women who design, manufacture, install, and maintain water efficient plumbing systems play a crucial role in our economy;

Whereas this industry has one of the best and most extensive training programs in the country by providing young men and women with thousands of dollars in scholarships every year;

Whereas professional certified plumbers save our Nation millions of dollars each year through the design and installation of more efficient equipment that provides essential comfort while reducing water consumption; and

Whereas the House of Representatives supports the industry in its celebration of "National Plumbing Industry Week", April 27 through May 3, 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that small business plumbing contractors have benefitted from the reduced regulatory burden provided as a result of passage of the Regulatory Flexibility Act of 1980 (Public Law 96-354) and the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121);

(2) recognizes that the loan guarantee program under Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) administered by the Administrator of the Small Business Administration has provided access to capital for small business plumbing contractors;

(3) recognizes that approximately 80 percent of plumbing contractors around the country are small, family owned and run companies;

(4) recognizes these small firms account for a large percentage of our Nation's GDP, through sales, service, and repair;

(5) recognizes how small businesses in the plumbing industry are the leader in developing, and utilizing new innovative technologies which help improve and maintain the infrastructure our Nation depends on; and

(6) supports the goals and ideals of "National Plumbing Industry Week".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as Chair of the House Small Business Committee, I rise to support this resolution recognizing the contributions of the U.S. plumbing industry during National Plumbing Industry Week. I am pleased to be joined by my ranking member, Representative STEVE CHABOT, in offering this legislation.

I stand before you today to honor a sector of the U.S. small businesses that provide vital contributions to the lives of millions of Americans. The plumbing industry is one of the oldest trades in the country. It employs thousands and serves every American. In fact, over 90 percent of the firms in this sector are led by entrepreneurs. And their companies create jobs in every city and town across the Nation.

In the coming weeks, one of the leading trade associations representing these plumbers will be celebrating its 125th anniversary. The Plumbing-Heating-Cooling Contractors National Association was founded in my home city of New York in 1883.

This resolution highlights the contributions of many of its members, as well as those of other American plumbing professionals. During National Plumbing Industry Week, many of them will visit Capitol Hill, as they have done in previous years, to advocate issues of critical importance to their trade.

The industry will also use the observance to promote greater energy efficiency, water conservation and worker training. On this last point, it is worth noting that because the plumbing industry has placed such emphasis on professional skills, it has one of the best and most extensive training programs in this country. That program has been vital in meeting the demands of the new green economy. Consumers in every community are benefiting from its careful design and unparalleled success. To accommodate the growing needs of our greener economy, the plumbing trade also has a newly developed apprentice and education program. It will create new opportunities and further showcase the positive impacts of green jobs.

Mr. Speaker, it is my hope that this resolution will focus the country's attention on the important role that plumbing contractors play in our daily lives. Their industry is vital to our economy for its work and for the job opportunities it provides thousands of our fellow Americans.

□ 1200

Mr. Speaker, without this industry, it would be difficult to be assured that the water our family uses to drink and bathe in is safe and nontoxic. We are proud this House will take a moment to thank such an important part of our Nation's infrastructure and economic base, our plumbers.

I urge my colleagues to join me and Mr. CHABOT in passing this resolution, and I urge support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I rise in support of the resolution and yield myself such time as I may consume.

Mr. Speaker, I thank my good friend from New York, the distinguished chairwoman of the Small Business Committee, Ms. VELÁZQUEZ, for bringing this bipartisan measure to the floor recognizing the plumbing industry and supporting the goals and ideals of National Plumbing Industry Week.

Like many of our small businesses today, plumbing contractors face difficult times and many difficult issues; a burdensome regulatory system, confiscatory taxation policy at virtually every level of government, rising energy prices, and often the unavailability of affordable health care for their employees and families. Congress can and must help these entrepreneurs, and we will continue to work with the chairwoman and my colleagues on the Small Business Committee to address these obstacles to the success of our Nation's small business plumbing contractors.

As Chairwoman VELÁZQUEZ has pointed out, the Plumbing-Heating-Cooling Contractors National Association is the oldest trade association in the American construction industry. I congratulate the association for its contributions over the years and encourage the industry to continue its good work, especially in training and mentoring our future industry leaders in that field.

I have no doubt that our friends and neighbors in the plumbing industry will continue to make strides in the design and installation of energy efficient equipment that will carry us through the 21st century.

I again want to thank my colleague, Chairwoman VELÁZQUEZ, for working in a bipartisan manner on this issue, as we do virtually on every issue in the Small Business Committee. I thank her for bringing this resolution to the floor today. I am happy to join her in supporting it.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Members of this Chamber know, our Nation's small businesses come in all types and a broad range of sizes. Each one makes an important contribution to our society and is an essential part of the great economic engine. In fact, there is no other nation on Earth where a person's dreams of service and innovation can be translated so effectively into the brand of success that yields both wealth and concrete benefits to communities. Entrepreneurs are the reason for this. They are the lifeblood of the U.S. economy.

Moving forward, we should remember that these hard-working business people, including those who are part of the plumbing trade, are the reason our Nation has thrived. So in recognizing the men and women of the plumbing industry today, we extend our salute to every small business person across America.

We thank plumbers for their invaluable effort and encourage the American spirit of service, progress and business excellence. That is the hallmark of our Nation's small firms, and it is one we should all be proud of.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I have no further speakers and yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and agree to the resolution, H. Res. 1082.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2016, NATIONAL LANDSCAPE CONSERVATION SYSTEM ACT

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1084 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1084

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2016 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend and namesake, the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1084.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 1084 provides for consideration of H.R. 2016, the National Landscape Conservation System Act, under a structured rule. The rule provides 1 hour of general debate, controlled by the Committee on Natural Resources.

The rule makes in order the eight amendments listed in the Rules Committee report on this resolution. Six of these amendments will be offered by Republican Members, two by Democrats. Each amendment is debatable for 10 minutes. This rule is a continuation of our commitment to ensuring that the minority be given a fair opportunity to amend legislation on the House floor.

The rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the American public has a vested interest in protecting our Nation's lands from the destructive uses that would ruin their natural beauty. In my home State of Florida, the protection and preservation of the magnificent ecosystem known as the Everglades, which spans 3 million acres of wetlands and is home to rare and endangered species, is of utmost importance to me and my constituents. It is a national priority to ensure that these majestic wetlands and others around our country will be preserved for all future generations of Americans to enjoy. The preservation of the National Landscape Conservation System is equally important to this Nation and to this Congress.

The underlying legislation would protect 27 million acres of land of the American West considered to have significant historical, cultural, ecological, scientific or scenic value. Most of the lands in this system are already protected and administered by the Bureau of Land Management, including wilderness areas, wild and scenic rivers and national monuments. This bill will help to streamline management of the system and reduce overall bureaucracy in the program.

If the statement of the gentleman from Alaska yesterday in the Rules Committee is any indication, and I am referring to our colleague Congressman YOUNG, there is a small minority of Members who may try and argue that this bill strips the private property rights of landowners. Quite the contrary. This bill protects only the lands the Bureau of Land Management already has authority over. Additionally, no owners' rights have been violated in the past, and there is no reason to believe they will be violated in the future.

Some may also argue that the underlying legislation changes the core management authority governing the individual National Landscape Conservation System units. Conversely, the bill includes an extensive savings clause that makes it abundantly clear that nothing in the bill alters the management authority governing the individual units.

According to the Congressional Budget Office, the bill would not affect the Bureau of Land Management's budget, direct spending or revenues, or the budgets of State, local or tribal governments.

Finally, the amendments made in order under the rule go a step further to address energy development, grazing rights, hunting and fishing and border security, ensuring that this bill does not change the law in these areas at all. All this bill does is help conserve and protect our Nation's land, our Nation's heritage.

It enjoys broad bipartisan support from groups including the Wilderness Society, Sierra Club, Defenders of Wildlife, American Hiking Society, the National Council of Churches, Boone and Crockett Club, National Trust for Historic Preservation, National Wildlife Foundation, and the Outdoor Industry Association.

The bill also enjoys the often unheard of support from both President Bush and former President Clinton.

It is my sincere hope that the House will pass this rule and underlying bill with the same overwhelming bipartisan support it currently enjoys. I urge my colleagues to support this rule and the National Landscape Conservation System Act as we further our efforts to protect and preserve public lands throughout America.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake Mr. HASTINGS from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is an unfair rule making in order, in my view, a bad bill, and a poor way to run the House of Representatives. It is claimed by this legislation's proponents that it is just an attempt to write into Federal law a new BLM, Bureau of Land Management, land management scheme that was invented by then-Secretary of Interior Bruce Babbitt.

□ 1215

It is the weakest of justifications for passing legislation and an abdication of responsibility for the legislative branch, for this Democratic Congress, to argue that we have to pass this bill to authorize what the last Democratic President created by fiat. Yet the harm to the powers and responsibilities of the House and our public lands is far greater.

This bill simply doesn't write into law the national landscape conservation system that Secretary Babbitt created, because this bill is written so poorly and loosely that it actually gifts the authority of the Congress over to the political appointees and career department bureaucrats in the Interior Department.

Vague words such as "values" are left undefined by this bill. It is the job of the Congress to define terms and write bills plainly and clearly. Not doing so gives away the power to these presidential appointees and career bureaucrats. When the elected Congress doesn't do its job, the unelected agencies and departments are free to impose their opinions and philosophy as laws and regulations.

With the faults and deficiencies of this bill so obvious, it was no surprise that last night 28 amendments to improve this legislation were filed with the Rules Committee, and with the Democratic track record of shutting down debate in this Congress, it was certainly no surprise when the Democratic Rules Committee blocked 19 of these amendments and denied representatives an ability to come to the floor and have a debate and a vote on their proposals.

My dear friend from Florida noted that the rule makes in order two Democratic amendments and six by Republicans, but I must point out that this means that every amendment offered by the Democrats were made in order, but 19 were not allowed to be made in order that were sponsored by Republicans.

Many relevant and constructive amendments were shut down by the Democratic Rules Committee. These include amendments to ensure the ability for wind and solar energy production on these public lands, to require that the Federal Government fully fund payments in lieu of taxes to local governments before spending new funds on landscaping, to ensure that there is no net loss of off-highway recreation areas and boating access facilities, to protect existing grazing rights, to ensure that hunting, fishing, recreational shooting and other current uses can continue on BLM lands and to require that the privately owned property of American citizens are not included in the NCLS without the written consent of the owner.

When the Rules Committee blocked these amendments, they acted to put the decisions in the hands of the Interior Department. This bill is a threat to the ability of citizens to enjoy and use their public lands. Democrat leaders won't even permit Members of the House to vote on whether Americans will be able to continue to ride, boat, graze livestock, shoot, hunt or fish on the lands that they can use today. This Congress says to Americans that their private property rights are not certain, that these rights and their land is at risk subject to the whims of the Interior Department.

That Democratic leaders are shutting down debate on this bill is truly not a surprise, but it is a broken promise. When the new majority took control after the 2006 elections, they promised to run the most open House in history. Unfortunately, they have not kept this promise.

In fact, the Democratic majority has set a historic record of the most closed rules in the history of the House, and they have already done that in record time. They have shut down debate on the House floor more than any other majority ever.

Why have they done so? It certainly isn't because of the tremendous accomplishments of the 110th Congress. The list of items not done, overdue bills and unfinished business of this House is long and growing longer.

For example, House Democrats have refused to pass the bipartisan Senate bill to protect our country by modernizing the 1970-era FISA law to monitor foreign persons in foreign places. Another example is the farm bill that expired last September, and America's farmers have been left waiting for months and wondering when this Congress will act.

Another is fixing the Medicare payments to doctors so that they can keep caring for seniors. Another is passing funding for the war on terrorism. The new No Child Left Behind act awaits renewal later this fall. Also the Secure Rural Schools Act desperately needs to be passed to keep the Federal promise made to rural communities whose hospitals and schools are at risk.

The State sales tax deduction expired last December for those States that don't have a State income tax like Washington and Florida. With the deadline just 6 days away, the new majority has yet to create a final budget outline for the next fiscal year.

The House isn't working on these national priorities, but last week the Rules Committee went so far as to pass a rule to restrict debate and permit only three amendments on legislation to renew the Fire Administration.

The end result of this closed process was that all three amendments passed by a voice vote and the bill passed this House by 412–0. Hardly a controversial bill, but under the closed process we are left with that example of how this House is being run.

With the House neglecting its work and not acting on these priorities, we have a lot of free time on our hands, to which the new majority leaders respond by shutting down Republicans from being allowed to offer amendments on even the most noncontroversial bills, like last week and what we will take up this week.

This is an unfair rule on a poorly written bill that threatens each and every American's ability to recreate, use and enjoy their public lands. It puts citizens' private property rights at a real risk.

I urge my colleagues to oppose the rule, to oppose the bill and insist that the House get to work on the important business this Congress is thus far failing to get done.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I will reserve my time until the gentleman has closed and yielded back his time.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I would like to yield 4 minutes to my good friend and former member of the Rules Committee, Mr. BISHOP of Utah.

Mr. BISHOP of Utah. I appreciate the gentleman from Washington yielding me the time. It is always a pleasure for me to be on the floor with the two Representative HASTINGS who represent different parts of the country here. It's a pleasure.

Mr. Speaker, when I was a young State legislator in my second term, actually I was still in my twenties, so you know that was a long, long time ago, someone once came to me with an idea of doing some PR by doing what everyone wants to do, and that is to eliminate useless legislation. I thought this is great. This is going to be a great stunt that I can use to eliminate some useless legislation.

I picked a statute still in the Utah code still on the books which required the State of Utah to fund a summer encampment for every veteran of the Civil War, the Spanish-American War, and, since when this was written, it also said the Great War. Since there were no veterans alive, I thought this was an ideal situation to try to pass, and I introduced the bill.

The unfortunate thing is, even though this bill was supposed to do nothing, when it went to the committees of jurisdiction, there was this impending desire on the part of legislators to make the bill actually do something. By the time it went actually through the process, this bill allowed for any veterans group, including Boy Scouts, to be able to use all the National Guard armories in the State of Utah free of charge.

It got to the point where I killed my own bill, because all of a sudden something that wasn't supposed to do anything was now doing something. What it was doing was really, really wrong and not intended.

Now the proponents of this particular bill say the greatest benefit from this bill is simply that it basically does nothing. It doesn't change anything.

However, one of the proponents, when asked by his local newspaper if this would increase the cost and the regulations on these lands said, well, you establish the system first and then we go to step two.

It is what that step two may or may not be that has the greatest amount of concern with this particular bill, which direction will we be going? This bill talks about establishing values for the management of this land, but nowhere does it ever talk about what these values actually are.

We will hear amendments on the floor that we are talking about grazing and hunting and fishing and energy rights, as those are part of the values that should have been described and should have been defined in the very basis of this bill.

But what is significant is what will not be allowed to be discussed on this floor with this particular bill. Specifically, how do you treat individuals with this bill? We had an amendment that deals with the concept of recreation, boating and shooting rights. There would be no net loss of territory. On these types of recreation activities, this is a perfect example to talk about is this part of the value of these lands? It's traditional, and yet it was denied the ability to even present that on the floor.

We talked about the border security. There will be an amendment which will codify the status quo on border security, which is not what we wanted to bring up, because what we were talking about is not the status quo, which is bad, but changing the status quo. Those efforts to try and expand that opportunity on border security were denied discussion on this floor on the rule.

Now, this particular entity, this national land conservation system, came from the fertile mind of Secretary Babbitt. It also did not have a specific definition of what the values were.

There are two types of parks and monuments. Not all parks and monuments are created equal. Parks and monuments, run by the Park Service, talk about values and they are specified as to what those values are. What this bill is now trying to do is codify a new entity that will be talking about values of BLM, parks and national monuments.

Now, when you talk to the Department of the Interior, one of the reasons they say they are somewhat supportive of the concept of this bill was because it would allow them to maintain the multiple use values that make a difference between park service land and BLM land.

Yet when we tried to add an amendment to this bill, both in committee and again in the Rules Committee, to specifically say that one of the values must be multiple use, it was defeated on a straight party-line vote.

Once again, the very essence of the difference between national park monuments and national parks and BLM national parks and national monuments is this concept of multiple use. Yet we are not allowed to even talk about that, which goes to the question, if people eventually take legislation and want it to do something, in what direction will this take us? What will they start wanting to do?

If the core difference between national park land and BLM land is not specified in this legislation, where, actually, will we end up? This bill may, indeed, do something that we do not want to see happening, and this entity, which is nothing more than a $15 million a year boondoggle right now, a redundancy at best, could indeed end up to do something that creates real harm and real destructive elements.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. BISHOP of Utah. Now there is one other part that should have been part of this discussion and was not allowed by my friends on the Rules Committee.

It was briefly addressed by the gentleman from Florida, but he missed the point, I think, that the gentleman from Alaska was trying to make dealing with personal property.

Supposedly this issue does not deal with personal property because we are only dealing with BLM property. The difference, though, is with all of those entities within the Bureau of Land Management proposal, there are private inholdings. They have been a constant source of problem and contentions.

Unless you specify the significant value of how you are going to treat these inholdings, you make the situation of those private property holders much more difficult. You raise the specter of trying to change access restrictions because, indeed, if you are now going to run this land like the park service land, that will be a problem.

Not only do you create another level of bureaucracy to make those trying to solve their problems much more difficult to get equity, you also create all sorts of different solutions to be there that should have been specified in the legislation.

Protecting the private property holders' inholdings in those properties right now is one of the values that BLM lands should be doing, and it should be specified. It is not in this bill. The fact that we cannot add that to this bill, because of a ruling on a partisan vote by Rules Committee, is devastatingly wrong.

☐ 1230

It will take us down a path where who knows what will be the end result. But, it is an end result that will have the high likelihood of harming individual people, individual people who use this land right now, either for recreation purposes, for sporting purposes, for hunting purposes, or for their own land value purposes, will be harmed unless those issues are clearly specified in this language, and the amendments to do that were not made in order.

Several good amendments were made in order, not nearly enough because this bill, as written, is flawed; and this bill, as amended, would still be flawed because it doesn't address those particular issues.

Mr. HASTINGS of Florida. Mr. Speaker, I would ask my friend from Utah not to leave, and I am going to ask him a question and then yield time to him, with the Speaker's permission.

The gentleman from Utah is my good friend and he served with us on the Rules Committee, but I am just curious, as the ranking member of the committee of relevant jurisdiction, did you offer these measures? And, in addition, in the Rules Committee did you offer any statement in support of your measures? Finally, you did offer one amendment that I would suggest we save yourself from by not making it in order because you are not asking, of course, or want us to take up a measure that is going to cost the Treasury $5 billion.

I yield to the gentleman.

Mr. BISHOP of Utah. Thank you very much, but please don't try and save myself from anything in the future.

Mr. HASTINGS of Florida. I will work on that.

Mr. BISHOP of Utah. Put all of my amendments on the floor, and then, then you've got a good argument that is there.

Indeed, one of these amendments, specifically the amendment on multiple use, was discussed in committee and was defeated on a partisan voice vote. That issue still is one that is relevant and needs to be part of this bill. If it is not, you have taken the core values between BLM and National

Parks and blurred the lines into nonexistence. You can't do that. That has to be one of the values that is here.

The second issue I am talking about is private property rights. As I recall, I did not present that in the committee so but it is still very relevant and should be here, and is one of the problems that we are developing if we continue to go on with this.

I do have to say to the gentleman from Florida, no, I did not have the privilege of going before your committee and testifying last night. Gosh, I wish I could have done that, and I know you guys really wanted me to be there to continue the testimony and elongate the meeting last night.

Mr. HASTINGS of Florida. Reclaiming my time, did you not have the privilege or did you choose not to come?

Mr. BISHOP of Utah. I thank you if I can answer that question, and as much as I would have loved to, I must say in reality Delta Airlines made the decision for me.

Mr. HASTINGS of Florida. Yes, but that wasn't a privilege lost, that was just an airline not working.

Reclaiming my time, I wanted my friend to have an opportunity to say those things that he did. And notwithstanding his admonition, I can assure him that when he is offering measures that are going to cost the Treasury $5 billion and violate the PAYGO rule, that on the Rules Committee I will try to save him one more time.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

I would just make this point: There are many times when amendments are filed by Members of this body and they do not come to the Rules Committee and their amendments are made in order, and that was the case, for example, of one of the amendments that was made in order by a Democrat Member last night. Those things do happen.

Mr. Speaker, as I mentioned earlier, this is a restrictive rule that prevents Members of this House from offering amendments to try and improve the poorly and loosely written underlying bill.

As has been said several times, 19 amendments were blocked by the Rules Committee. This rule does not allow the House to debate amendments to protect American's current ability to enjoy these BLM lands through fishing, riding, hunting, and boating.

But even more egregious is that this rule blocks the House from voting on an amendment to protect private property rights of American citizens. As Representative BISHOP has pointed out, and he had filed an amendment to the Rules Committee, it was amendment No. 13, that would have simply directed the Secretary of the Interior not to include private property within the National Landscape Conservation System without the written consent of the landowner, and this deals with the issue of in holdings, as Mr. BISHOP mentioned.

Mr. Speaker, this is a fair amendment. It is an important amendment. It seeks only to protect the private property rights of American citizens. The Rules Committee should not have blocked his amendment from being made in order and let Members vote "yes" or "no" on that amendment.

So I am going to give, Mr. Speaker, Members an opportunity to support or oppose private property rights by asking Members of the House to defeat the previous question on the rule. By defeating the previous question, I will seek to amend the rule to allow Representative BISHOP to offer his private property rights amendment No. 13. By voting "no" on the previous question, Members are voting to respect and protect the private property rights of all Americans.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to vote "no" on the previous question and the rule, and I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a fair rule and an inclusive rule. We have heard here why we must pass this rule and the National Landscape Conservation System Act. Far too many of our Nation's natural treasures have already been compromised by a variety of destructive threats. It is Congress' responsibility to ensure that the National Landscape Conservation System is forever protected. Each National Landscape Conservation System unit has been established by Congress or Presidential proclamation and is managed according to its enabling authority. This legislation establishes the system in statute.

It is crucial for Congress to act as a good steward for environmental land protection and fully codify the National Landscape Conservation System. It is our duty to help preserve the natural heritage of our Nation for all future generations of Americans to one day enjoy. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1084 OFFERED BY REP. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Bishop of Utah or a designee. That amendment shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is as follows:

Page 4, line 9, strike "and".

Page 4, line 11, strike the period and insert the following:

(3) by ensuring that no private property will be included in the system without written consent of the owner.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and suspending the rules with respect to House Resolution 1077.

The vote was taken by electronic device, and there were—yeas 220, nays 190, not voting 20, as follows:

[Roll No. 164]

YEAS—220

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Abercrombie
Alexander
Boucher
Buyer
Cubin
Davis, Tom
Diaz-Balart, L.
Ferguson
Granger
Hill
Hunter
Jones (NC)
Kaptur
Larson (CT)
Neugebauer
Rothman
Rush
Shays
Sires
Velázquez

☐ 1300

Mr. NUNES, Mrs. EMERSON, and Mr. LAMPSON changed their vote from "yea" to "nay."

Mr. HOLT changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 188, not voting 22, as follows:

[Roll No. 165]

YEAS—220

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha

Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Abercrombie
Alexander
Boucher
Buyer
Cubin
Davis, Tom
Diaz-Balart, L.
Ferguson
Granger
Green, Al
Larson (CT)
McGovern
Neugebauer
Rothman
Rush
Shays
Sires
Sullivan
Sutton
Udall (CO)
Velázquez
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining in this vote. Two minutes remaining.

□ 1307

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the vote on H. Res. 1084, the Rule providing for consideration of H.R. 2016, the National Landscape Conservation System Act (rollcall 165). Although H. Res. 1084 passed by a vote of 220–188, I respectfully request the opportunity to record my position. Had I been present I would have voted "yea" on rollcall 165.

CALLING ON THE GOVERNMENT OF CHINA TO END ITS CRACKDOWN IN TIBET

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1077, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1077.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 17, as follows:

[Roll No. 166]

YEAS—413

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher

Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—17

Abercrombie
Boucher
Buyer
Cubin
Diaz-Balart, L.
Feeney
Ferguson
Granger
Larson (CT)
Miller, George
Neugebauer
Rothman
Rush
Shays
Sires
Udall (CO)
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining in this vote. Two minutes remain.

☐ 1315

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1665

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1665.

The SPEAKER pro tempore (Mr. SARBANES). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2016.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

NATIONAL LANDSCAPE CONSERVATION SYSTEM ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1084 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2016.

☐ 1317

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, H.R. 2016 is simple, straightforward legislation. The bill would provide statutory authorization for a conservation system which was established administratively nearly a decade ago. This is not a land management policy bill, rather, it seeks to finally grant the National Landscape Conservation System the congressional recognition that it truly deserves.

The NLCS covers approximately 26 million acres, about 10 percent of the land administered by the Bureau of Land Management, including all national scenic and historic trails, national conservation areas, national monuments, wilderness areas, wild and scenic rivers, and wilderness study areas managed by the BLM.

The individual lists which make up the National Landscape Conservation System are unique and beautiful. Canyons of the Ancients in Colorado, Craters of the Moon in Idaho, Agua Fria and Vermillion Cliffs in my home State of Arizona, these are poetic names for poetic landscapes. And Mr. Chairman, these units are truly nationally significant, ecologically, scientifically and culturally. For example, Agua Fria National Monument is remarkable for its natural splendor, with the Agua Fria River cutting through Sonoran Desert mesas, and for its unique and diverse wildlife, which includes pronghorn antelope, javelina, and the gila monster, among many others. But the monument also preserves significant and intact pueblo ruins, some with more than 100 rooms, terraced agricultural fields, which bear witness to the lives and stories of those that came long before us.

Like Agua Fria, each of the units included within the NLCS was created to conserve unique cultural and natural resources. But while the individual monument or wild and scenic river or other designations which make up the system are about conservation, creation of the NLCS itself has more to do with accomplishing the full mission of the Bureau of Land Management. From 1946 to 1996, very large, new national monuments created under the Antiquities Act was removed from BLM management and turned over to National Park Service.

The National Landscape Conservation System was created to assure that these valued public lands remain in the BLM system, allowing the agency to manage them and fully realize the conversation aspect of its multiple-use mandate.

The NLCS has been enormously successful. Visitation to these areas is increasing as more people are learning about BLM's spectacular landscapes. From its red rock deserts to its rugged coastlines, NLCS units provide unique and world-class outdoor recreation opportunities for hikers, hunters, anglers, climbers and bird watchers, among many others. Sportsmen consider these areas essential not only for their recreational value, but also because the NLCS is critical to the conservation of fish and wildlife habitat on BLM lands.

Mr. Chairman, opponents of this bill seem to be concerned that it will somehow change or alter the current management of these lands. This is simply not true. Included in H.R. 2016 is a section that specifically states, "Nothing in this act shall be construed to enhance, diminish or modify any law or proclamation (or regulations related to such law or proclamation) under which the components of the system identified in section 3(b) were established or are managed, including but not limited to the Alaska National Interest Lands Conservation Act, the Wilderness act, the Wild and Scenic Rivers Act, the National Trails System Act, and the Federal Land Policy and Management Act."

After almost a decade of success, it is time for Congress to finally put its stamp of approval on this system by formally authorizing NLCS. H.R. 2016 does nothing more or less than write the NLCS into statute. The bill will not alter management of a single acre of Federal, State or private land. Enactment of this legislation will not change the management of these areas, but it will change the perception; it will not upgrade their protection, but it will upgrade their stature.

The coalition of organizations supporting 2016 is as diverse as the system itself, including environmental groups, the American Hiking Society, the National Council of Churches, American Sportfishing Association, Boone and Crockett Club, National Trust for Historic Preservation, National Wildlife Federation, and the Outdoor Industry Association. The Bush Administration has enthusiastically supported the legislation.

Mr. Chairman, what we have here are uniquely American places that should and must be recognized. The NLCS deserves congressional sanction, and we should grant it.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

You know, there was a time when Pete Rose was trying out to make a baseball team, and the scouting report said that "Rose can't make a double play, he can't throw, he can't hit left-handed and he can't run." The first time Fred Astaire tried to make a movie preview, the report coming back on Fred Astaire was, "he can't act, he's slightly bald, and he can dance a little bit." The Boston Red Sox were reviewing a new outfielder, and the scouting report came back saying, "he's not the Red Sox type." The guy they were actually scouting was Willie Mays. Which simply means, in life, sometimes what we see and sometimes what we're told is not necessarily the reality of situations. As groups and individual Members of Congress are starting to see this bill for what the details are is one of the reasons why we see some of those groups peeling off on their support.

Why, some of the issues we raised in committee, it was said they're not really issues, now there are amendments that have been proposed by the majority party to deal with those so-called "nonissues."

It is said all we're trying to do here is codify and make permanent an institution that's already in existence, but it is much, much more than that. My freshman year, the goal of the freshman class was to try to eliminate waste, fraud and abuse in government. Sometimes I wish we were still doing this because today we have reached the mother lode of waste, fraud and abuse.

This is an entity, the National Landscape Conservation System, which spends money, but it does not hire anyone, it does not fire anyone, it does not write regulations, it does not repeal regulations, it doesn't administer any land, it doesn't manage any land. For the life of me, we have been trying to figure out what this thing does other than spend $50 million a year to encourage and to bring attention to certain particular areas.

We are told that this bill would not change any of that. This bill apparently does nothing to an entity that does nothing. But I'm going to portend to you that the reason this entity has been so successful so far is simply because it's been under the auspices of the Secretary of the Interior. But if, indeed, we codify this and put this into statute, an entity right now which sticks out on a flowchart like a sore thumb that doesn't really do anything will change, it will change significantly, and all of a sudden it will start to do something. And that's where the danger arises. Because when we wrote down the values of this supposed new system, they are extremely vague, which means, first of all, it opens us up to lawsuits right and left. If the amendment that will be offered later does not pass to try and limit the impact of those lawsuits, we are offering this Nation a great deal of harm and potential peril.

We have spent $50 million every year on what can best be called a redundant organization, but it actually should be changed. And the question obviously is, will we be spending more in this society? Now, once again, the proponents say nothing will change, it's not going to cost more, CBO says it's not going to cost more, there will be no regulations. The chairman of the subcommittee that sponsored this bill was asked once again at one point in time, will this create more cost, more regulation, and the answer was simply this: Well, you go in to establish the system, and then you go to step two. What that step two is is the fear that happens to be here. The values that have never been identified in this legislation dealing these parts of land deal with such issues as recreation. Amendments to actually define that were not allowed to be discussed. It deals with border security. Amendments to define that were not allowed to be discussed. We will have another border security amendment which, in my estimation, does anything more than establish the status quo as our policy when the status quo is not sufficient.

We will have discussions over grazing issues and energy issues. We should have had discussions over private end holding issues. All of those should be defined as part of the values that we are talking about here.

The Department of Interior has been very positive about this. They said they support this concept because it allows them to do what has always been done that is the difference between BLM monuments and parks versus national park monuments and parks, and that is, the value of multiple use. But in committee, when we tried to amend the language so that multiple use was a value to be maintained, it was defeated on a party line vote. And when we went to the Rules Committee and tried to make sure that we had a chance to discuss this, to put in multiple use as the value that is significant, it was again denied the ability even to discuss that on the floor. And that is the sum and substance that is different.

Now, we are dealing with a system that impacts people and their lives. It was said by Sir Henry Maine, "Nobody is at liberty to attack civil property and say at the same time they value civilization because the history of two can never be disentangled." And that is where we're at.

Unless this bill is significantly modified, this bill will do harm to people. Unless this bill is changed and this system is moved back, it will do significant harm to people.

We have problems within this entity right now. Rather than solve any of these problems, it provides vague and fluffy language that will make the situation worse. It does not solve the problems, but it does create a permanent statutory entity without any solutions and, indeed, goes the other direction and makes permanent solutions to our problems more difficult actually to accomplish.

This simply is a bill whose time is not now. This is a bill that does not tell us exactly what to expect. It opens up the Federal Government to all sorts of potential lawsuits, and doesn't actually come up with a value that makes BLM land different than Park Service land, which is multiple use. That phrase has to be in that bill if this bill has any chance of having any some rationality of purpose.

With that, I reserve the balance of my time.

□ 1330

Mr. GRIJALVA. Mr. Chairman, I yield such time as he may consume to the chairman of our full committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I wish to commend the chairman of the Subcommittee on National Parks, Forests and Public Lands, the gentleman from Arizona (Mr. GRIJALVA), for his excellent leadership on this issue. He is the sponsor of it. I rise as chairman of the Committee on Natural Resources to lend my strong support thereto.

The National Landscape Conservation System was administratively established 8 years ago. It is comprised of Western public lands under the jurisdiction of the Bureau of Land Management that have been placed in conservation status either by presidential proclamation or by acts of Congress.

The BLM refers to the NLCS as "Landscapes of the American Spirit." And the agency is enthusiastic about this system. And rightly so because it works. It works to highlight some of the unique features of these lands, and it helps BLM shed its imagine of simply being the Bureau of Livestock and Mining.

The pending legislation is supported by the Bush administration. I know that may raise some suspicion in certain quarters, but I can assure those of my colleagues who may have reservations with the bill due to this fact that the Natural Resources Committee has thoroughly examined the legislation. And under Chairman GRIJALVA's leadership, I'm here to assure you that there are no hidden provisions of this legislation to grow even more oil rigs on our already pressed public lands or to overthrow past presidential proclamations creating national monuments. This bill is a congressional stamp of approval of the existing NLCS system.

Each of the 850 or so areas that are part of this system came into it through different avenues. Many were designated by Congress as wilderness areas or national wild and scenic rivers, national conservation areas, or national historic and scenic trails. Others were designated by Presidents as national monuments under the Antiquities Act. As such, each element of the NLCS carries with it its own management regime. There is no one size fits all. The pending legislation does not change that.

And to make that point crystal clear, the bill contains a savings clause. It is a sweeping savings clause stating that nothing in this legislation enhances, diminishes, or modifies any law or proclamation under which the various components of the NLCS were established.

Later during debate on this bill, an amendment will be offered by the floor manager, the gentleman from Arizona (Mr. GRIJALVA), which will further elaborate on the savings clause by specifying nothing in this legislation can impede Homeland Security. I urge my colleagues to support that amendment. In addition, there will be an amendment offered by the gentleman from Pennsylvania, Mr. JASON ALTMIRE, to further elaborate on the savings clause as it relates to hunting, fishing, trapping, and recreational shooting that may take place on NLCS lands. This is a constructive amendment and one which we worked with my good friends at the National Rifle Association, and I urge my colleagues to support that amendment as well.

There are other amendments which fall under the category of putting forth a solution in search of a problem which simply does not exist, and I would urge opposition to those amendments.

So in conclusion, Mr. Chairman, I urge support of the bill and again commend the gentleman from Arizona for managing it on the floor today, for his sponsorship, and his valuable leadership.

Mr. BISHOP of Utah. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho, a member of the committee (Mr. SALI).

Mr. SALI. Mr. Chairman, those recreating in Idaho, whether residents or tourists, will likely head to lands encompassed by this bill. More than 2 million acres in Idaho alone will be affected, which will in turn affect many of the uses enjoyed in Idaho, four wheelers and off-highway motorbikes, hunting, boating, and shooting. All of that today is at risk because of the legislation before us.

But more than just recreation is threatened by the bill. Federally managed public lands, treasured by so many, are in jeopardy of being cut off except to those who have the health and the strength to hike or perhaps to mountain bike.

My 84-year-old mother can only walk with a walker but still enjoys the outdoors. Mr. Chairman, look at that smile. I think everyone wishes that their mother could have that kind of enjoyment. With activities including off-highway vehicle use threatened under this bill, my mother and others like her will have no meaningful way to enjoy these lands. The same is true of people with disabilities. Today we are telling those individuals that these 2 million acres in Idaho and 26 million acres across the West will not be accessible to them and will only be available to a small segment of our society with very narrow uses.

Public lands should be available for everyone, including the elderly and people with disabilities, not just a select few. We can and must do better.

Mr. GRIJALVA. Mr. Chairman, I would like to yield such time as she may consume to the gentlewoman from California (Mrs. CAPPS), an original cosponsor of H.R. 2016.

Mrs. CAPPS. Mr. Chairman, I rise in strong support of the National Landscape Conservation System Act. This bill will help protect some of our Nation's most treasured landscapes. I want to commend my chairmen, both Mr. GRIJALVA, the subcommittee chairman from Arizona; and Mr. RAHALL, the full committee chairman, for bringing this important legislation to the floor today.

The NLCS was created administratively in 2000 to guide the management of the national monuments, wilderness areas, and other significant public lands under the Bureau of Land Management's authority. Many of these lands, like the Carrizo Plain National Monument and California Coastal Monument in my congressional district, are on par with our national parks in their beauty and value to the American people.

Unfortunately, the system has taken a back seat in our country's land conservation efforts. It's been shortchanged in funding in the President's budget year after year. There are not enough resources or staff to properly manage these lands. And reports continue to surface that the natural, cultural, and archeological sites on NLCS lands are being overrun or destroyed.

Today we can take the first step in improving the stewardship of these lands by passing H.R. 2016. This is a straightforward bill. It simply writes the NLCS into law. I want to stress to my colleagues this bill does not change how any of the units in the system are presently managed. Grazing rights, water rights, and public access to the areas are unchanged. The bill does, however, recognize that these landscapes are of great significance to the American people and should be managed to protect their values. Over the coming decades, these lands will become more widely used, and we must be prepared to handle that increase.

Finally, we have other areas that should be part of NLCS, and I hope they are, places like the Piedras Blancas Light Station in any district. I hope this will special place as one example, a place on California's central coast, will be soon be added to the system through legislation I have already introduced.

Mr. Chairman, this bill is a logical and needed next step toward improving the management of the units that make up the NLCS. I urge my colleagues to vote "yes" on H.R. 2016.

Mr. BISHOP of Utah. Mr. Chairman, it is my pleasure to yield 1 minute to one of the sponsors of this bill, our good friend and colleague from California, where obviously at this particular time both physically and intellectually we are on different sides of the field on this particular issue, but I yield 1 minute to the gentlewoman from California (Mrs. BONO MACK).

Mrs. BONO MACK. I thank the ranking member for his generosity in yielding me this time.

I rise today as a co-Chair of the NLCS Caucus and supporter of H.R. 2016. This system, which is managed by the executive branch, deserves the oversight of Congress that comes with the passage of this legislation. One unit of the NLCS, the Santa Rosa and San Jacinto Mountains National Monument, is within my congressional District. This monument is instructive to today's debate. The unit was created by Congress in 2000 and was the direct result of the desire to have the public get involved in the creation of a large Federal land designation. The result is an impressive example of Federal lands that are to this day managed in their own unique manner. The intention of this bill is to continue the management and specific uses that are allowed on Federal lands across the country, the same approach taken at this monument ever since the creation of the NLCS in 2000.

With bipartisan backing and the endorsement of the administration, again, the endorsement of the administration, it is my hope that we can agree to move this bill forward.

Again, I thank my ranking member very much for his generosity and his time.

Mr. GRIJALVA. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey, a sponsor of the legislation (Mr. HOLT).

Mr. HOLT. I thank the chairman of the subcommittee for this time.

Mr. Chairman, I rise in support of H.R. 2016, the National Landscape Conservation System Act.

Think about it. Ranging from the awe-inspiring volcanic landscape of the craters of the Moon National Monument in Idaho to the majestic White Mountain National Recreation Area in Alaska, the Bureau of Land Management's National Landscape Conservation System protects some of the most spectacular landscapes in America. Altogether it protects 26 million acres of America's diverse public lands from Alaskan tundra to red-rock wilderness, deep river canyons to ocean coasts, to American Indian cliff dwellings, and our Nation's oldest trails. These sites provide Americans with unique venues for recreation, for wildlife viewing, for exploring history, for scientific research, and for a wide range of traditional uses.

H.R. 2016 would ensure that all 800 sites that comprise the NLCS remain a cohesive and protected system for generations to come. Now, currently these are recognized only through BLM administrative regulations. There's no guarantee that these beautiful sites, that this system, will continue to exist even 5 years from now.

President Lyndon Johnson put it well. He said, "If future generations are to remember us more with gratitude than sorrow, we must achieve more than just the miracles of technology. We must leave them a glimpse of the world as it was created, not just as it looked when we got through with it." By making the NLCS Federal statute, we will ensure that future generations will enjoy these national treasures, and I urge my colleagues to support Mr. GRIJALVA's legislation.

Mr. BISHOP of Utah. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Chairman, it is vital that we work to protect grazing on public and private lands. In fact, communities throughout the United States depend on it.

Millions of acres of lands within the NLCS have grazing. The NLCS is a direct threat to grazing for these several reasons. This is not by accident. Advocates who testified in support of H.R. 2016 list grazing as a "threat" to NLCS lands.

This bill, in fact, directs the Secretary of Interior to manage NLCS lands similar to the National Park Service. This is a problem because there is no grazing on National Park Service lands. Outside groups will use this to drive off ranchers through lawsuits. This is harmful not only to ranchers themselves, a very difficult industry at this time, but to the communities in which they reside. It is also harmful ultimately to the American consumer.

I urge others to vote "no" on H.R. 2016 and encourage a balanced policy as a result.

Mr. GRIJALVA. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Thank you very much, Chairman GRIJALVA and Chairman RAHALL, for your very hard work on bringing this bill to the House floor today.

Connecticut's Fifth District, which I have the honor to represent, is rich in the kind of landmarks and natural treasures that today's legislation would help to better manage. From the beautiful Farmington River, a Wild and Scenic River, to the Metacomet Monadnock Mattabesett Trail, soon to be a National Scenic Trail, my constituents are personally familiar with the kind of benefits and resources these designations can provide in encouraging community-driven conservation and land management.

As we continue to grow as a region and as a Nation, we need to be mindful of preserving that delicate balance with the natural world around us. My home State of Connecticut has the highest proportional rate of farm land development in the country, creating a quandary for communities who want to promote economic development but don't want to sacrifice the unique character of their towns and of their regions in the process.

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This is the kind of bipartisan issue that brings many of us together. The designations that my district enjoys today come by virtue of the hard work of my predecessor, Congresswoman JOHNSON. This brings together hunting enthusiasts as much as it does environmental advocates, and they are all asking the question, how do we best leverage the resources of the Federal Government to partner with communities?

The Federal Government can and should be that type of partner in helping support the regional management of the outdoors. A better coordinated Federal effort, which this bill will bring, can empower communities and can empower individuals to have a larger, more constructive role in the sensible conservation of our land and of our resources.

Again, I thank the chairman for his work on this bill. And I urge my colleagues to support it this afternoon.

Mr. BISHOP of Utah. I am pleased to yield 4 minutes to a member of the committee, the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, I rise in opposition to H.R. 2016. One of the Resources Committee staffers was just pointing out that 6 years ago she paid $1.10 for gasoline. Now we are seeing the price of gasoline at $3.30 and increasing. Now what have we done to improve the lives of the middle-class citizens who are struggling to pay taxes and to pay the cost of fuel for their car, and then face the prospect of losing jobs? Well, in 1995, the Republican Congress passed the provision to drill in ANWR. President Clinton vetoed that. If that had been passed, today we would have 1.5 million barrels of oil in production coming daily from there to help stem the price of gasoline. We have limited the ability to drill in our outer continental shelf, even though China is drilling 47 miles off our coast. So again, we are allowing foreign countries to develop our resources, yet we are restricting ourselves.

This past December, this Congress, under the leadership of NANCY PELOSI, put 2 trillion barrels of shale oil off limits in Colorado saying, I guess, that we're going to go ahead and import, and we're going to face the higher price of gasoline. Now, if we think there is no connection between the price of gasoline and this bill, take a look at the Wilderness Society and their 18-page brochure which tells us that it is imperative that we do something with this bill, that we pass this bill. It lists as problems that this bill will correct, road building, energy exploration, mining, recreational use, offroad vehicle use, boundary adjustments. These are all the immediate threats that the Wilderness Society points out that the NLCS is going to stop.

So we find that even the supporters of the legislation realize it is going to affect energy development, and yet our friends on the other side of the aisle say we are going to accept $3 gasoline, we are going to import from Hugo Chavez, and we are going to continue to import from the Middle Eastern countries that despise us and work against us. And they say they, as a majority, are not going to do anything. And in fact, they are going to pass this bill, which makes it more difficult for us to produce energy off of Federal lands. It just does not make sense in these times when it is a struggle for middle-class taxpayers to pay the bills of the family, to feed the family and then get the kids to the soccer games, to the classrooms and back, and we are passing a bill that has significant effects on the western lands of this country.

In many of my counties, we have 10 percent private lands. In many of my counties, the back will be broken of all economic activity as we undergo this management change, this way we manage our lands. Our western lands are managed well. Maybe the Bureau of Reclamation and the Forest Service could do a better job. But they are doing a good job. Instead, we are going to say we are going to treat all of the western lands like parklands where we have no economic activity at all.

Mr. Chairman, this legislation is sadly misguided. And it is not without understanding. My office proposed an amendment for wind energy on these lands. And they rejected without debate the idea that we would not only want to have energy production, but also convert to renewables on public lands. They rejected that without debate, without discussion, because they know they do not want the footprint of any entity, not even oil and gas or renewable energy.

Mr. Chairman, I would recommend that we turn this bill down flat because it is going to affect the future of all of our hardworking citizens. Just last year, Dow Chemical announced a $22 billion facility is going to Saudi Arabia. It is going because the price of natural gas is so high here. It took over 10,000 jobs with it when it went. We are seeing our jobs leave because of the policies that are being put in place by this majority. And this bill is just one more addition to those bad pieces of legislation of bad policy that is restricting oil and gas and restricting renewable development on the lands.

Mr. GRIJALVA. Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. If the gentleman from Arizona would like to reclaim his time, I realize he has just had one of his speakers come in here, and we can keep the order going, which would be fine with me.

Mr. GRIJALVA. Thank you. Mr. Chairman, let me recognize Congressman INSLEE, a member of the Resources Committee, a sponsor of the legislation, for as much time as he may consume.

Mr. INSLEE. I rise in support of Mr. GRIJALVA's bill. I really applaud his leadership on this. It is long overdue.

This bill really takes care of the landscape conservation treasures that we have come to enjoy. It protects 26 million acres of BLM's most exceptional landscapes. And to put it in perspective, that is a lot of territory, but it is only 10 percent of the BLM-managed areas. It is a very reasonable thing for us to do. And the reason is that it protects the heritage, the ancient Native American sites, pioneer ranches and pioneer homesteads. I am a fellow of the West. I enjoy looking at them. It preserves historic trails, rugged and remote mountains, deserts, prairies and rivers. These are the jewels in the crown of the BLM-managed property, and all Americans have a stake in them.

When you think about how expansive this is, there is something for everybody in America in this bill, those who like to raft, to hunt, to sightsee, to fish, to hike, to study, to bird-watch or to just hang around with their kids. This is an all-purpose bill. And it is a lot of places: Colorado's Canyons of the Ancients National Monument the Lewis and Clark National Historic Trail, Idaho's Craters of the Moon National Monument, California's Headwaters Forest Preserve, Nevada's Red Rock Canyon National Conservation Area, Montana's Upper Missouri River Breaks National Monument, Utah's Beaver Dam Mountain Wilderness Area, Oregon's Lower Deschutes Wild and Scenic River, and my kind of favorite, the Pacific Crest and Continental Divide National Trail System, a trail system that is in trouble and this bill can help preserve.

So this really is a universal bill. And I want to point out something that is kind of uniquely American. These systems really rely on volunteers to keep them healthy. And I want to commend the thousands of volunteers who spend their weekends working on these trails providing interpretive services. Thank you to all of you who are doing this. This bill will help them to have a more organized system, and I think it is a real economically sound thing to do.

The Bush administration has indicated its support for this bill. It's straightforward codifying legislation. As a member of the Resources Committee, I want to applaud Mr. GRIJALVA and all of those Americans who are going to take their kids out to these places and have a grand time. Congratulations on passing this bill.

Mr. BISHOP of Utah. At this time, I am happy to yield 4 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. I want to thank the gentleman for yielding time.

This legislation will turn 26 million acres of land, the same size of all of New England, or 16 States, that are now in the Western part of the United States into vast tracks that will be walled off from almost all human use to the United States except illegals. And here is the reason I say that.

This bill is nothing more than another land grab by the Federal Government to restrict land use in America. Under current law, the Border Patrol is prohibited from patrolling these areas in the West and the Southwest. Remember, we are talking about the size of New England. And they are prohibited from doing so because of current law. And this measure will make it actually worse. All in the name of protecting the environment, we are going to restrict land use by our Border Patrol and American citizens.

Here is part of the problem that is already occurring on current land that we are trying to protect the environment from. This is a place called "Amnesty Highway" in Arizona where illegals come through the United States in an area where the Border Patrol cannot patrol with their vehicles. They are dumping all kinds of garbage and then moving into the vastness of the United States. This bill should be called the "Illegal Immigrants Paradise Land Act" because the area in question under this act will be a safe haven for illegal immigrants. In fact, just 2 months ago in the Tucson Weekly, it reported rampant illegal immigrant activity in Arizona's Ironwood Forest National Monument, that is this area right here, an estimated 180,000-acre preserve managed already by the Federal Government. People in Arizona call this the "Amnesty Trail," the "Amnesty Highway." The article reports that probably hundreds of illegals a week make it into the Ironwood area because of the "Amnesty Trail." Areas that were once pristine wilderness now resemble dump yards because of the illegals already coming into this area. This bill will make this problem worse. In Arizona's Ironwood National Monument, 2 tons of trash left by illegal immigrants is removed every week. Trash like this that we see.

Federal land management officials can't even do their job now, and they want to restrict use of this land to Americans. In fact, for several weeks last year, Land Management officials did not even enter this area because three people were found executed. Supposedly they were illegals coming into the United States, maybe drug dealers.

So why doesn't the government do something about this problem and resolve this problem before we restrict the use of land in America to Americans? Almost all the lands included under current law have prohibitions against Border Patrol and law enforcement officials performing regular patrols by vehicles. And as I said, this bill will make the problem worse.

This other photograph is on the same trail, the "Amnesty Trail." It is not a very good photograph, but it is taken with a telephoto lens. It shows a vehicle bringing in approximately 40 to 50 people in a pickup truck coming from south of the border into the United States, presumably illegals, traveling the highway that the Border Patrol is not even allowed to travel with their vehicles.

So it is important that we, for several reasons, don't pass this legislation. You know, the Border Patrol cannot protect the land, so the smugglers and the illegals have a sanctuary area in our national landscape. So much for protecting the environment. What we don't hear is that the Ironwood National Forest Monument is part of the largest human trafficking corridor in the world. Even government officials now acknowledge that there is a human trafficking problem in this area. They admit that smugglers are bringing people further north every year, giving them drugs and then abandoning them on this monument land where many of them die of starvation. So naturally, this is where all the drug runners and human traffickers go into the Arizona area.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BISHOP of Utah. Mr. Chairman, I offer the Member 1 more minute.

Mr. POE. What our government ought to be doing is opening up these lands to our law enforcement, so they can protect our Nation rather than putting another layer of Federal bureaucracy on these lands, which is what this legislation does. This bill does nothing to protect our lands, but makes our lands more susceptible to the land invasion by coyotes and drug smugglers.

There is a border crisis occurring on Federal land, and this bill ought to address that issue instead of making this bad situation worse.

And that's just the way it is.

Mr. GRIJALVA. May I inquire as to how much time remains.

The CHAIRMAN. The gentleman from Arizona has 13 minutes remaining. And the gentleman from Utah has 12 minutes remaining.

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Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

I think in the course of the debate on H.R. 2016 we are going to hear a lot of claims, a lot of allegations, of how H.R. 2016 will change the management of these public lands, how H.R. 2016 will restrict uses in the future for these public lands. I want to remind Members of section 4, Statutory Construction, the savings clause, which in fact codifies the existing management and codifies the existing uses. But we are going to continue to hear that, the generalizations. And with those generalizations come half-truths and untruths as to what this bill does and does not do.

What this bill does not do, it does not encroach on private property rights. What this bill does not do, it does not change grazing and oil and gas development on these lands. It does not threaten recreational and traditional uses of the land, including hunting, rock climbing, hiking, camping, rafting and motorized use. It does not make the conservation system park-like or eventually managed by the national parks. It does not provide additional protections for Wilderness Study Areas in the conservation system, and will not designate new wilderness. It does not create a new level of bureaucracy. It does not take money away from national parks. It does not increase spending on government land acquisitions. And it does not impede border security.

I find it ironic that the now-minority, having been the majority for the past 7 years, has not been able to change some of the land designations that they are so upset about today. This vehicle, H.R. 2016, should not be the vehicle for them to vent their frustration. H.R. 2016 has gone through a rigorous process and has bipartisan support.

With regard to border security, the failure of this Congress to comprehensively grapple with the security issues, the border issues and the immigration issues that are facing this country, a broken immigration system that all of us can agree to, that failure to enact those should not be now made the responsibility of H.R. 2016, for the crisis that has been created by the inaction and the fearful reaction of many Members of Congress to try to deal with border issues and border security.

H.R. 2016 is a good piece of legislation. Specifically, the savings clause protects the intention of those lands, the management of those lands and the uses of those lands.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we have heard several things about this particular piece of legislation. This new entity, the National Land Conservation System, not to be confused with the National League Championship Series, which is a much better concept, this entity was not created by congressional action. It was created as the dream child of a former Secretary of Interior less than 10 years ago.

When asked in a hearing of the Bureau of Land Management if they were incompetent to manage these lands before this new entity was established, the simple answer was no. One would then ask the question, why was there a need 10 years ago for this new entity, because this new entity still does not administer anything, they don't manage anything, they don't regulate anything, nor will they, as has been carefully delineated by the sponsor of this legislation.

The first question still should be asked, what do they really do, other than to provide some vague philosophy of recognition and enhancement and anything else? If we really simply wanted to just create this system statutorily, a one-sentence piece of legislation would do: "There is established a National Land Conservation System."

Is there a threat to any lands that are currently under the auspices of the Bureau of Land Management, as has been indicated by certain speakers? The answer is no. The sponsor just admitted there is no threat to that. All we are talking about is some vague new entity, and the issue of concern with this vague new entity is the language now says this new entity has certain values that it is supposed to uphold. These values are vague. Nowhere does it specifically say what these values are.

Is this a threat to private property? No more than the present system. But that is where the issue comes in. We already have threats to the private property within this system, and this piece of legislation, rather than solving that issue, exacerbates that issue altogether.

Is there a border security issue? Yes, presently, and this piece of legislation does not help that issue. It exacerbates the issue, if anything else.

It is the vagueness of the language in this bill that puts into statutory language an entity that really doesn't do anything right now. That is a problem for the future, if at some stage or some point in time Congress wants or even the entity itself wants to make it do something proactively.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Chairman, I want to thank Chairman RAHALL and Chairman GRIJALVA for their continued commitment to America's natural and historic treasures.

Our national parks, forests and public lands are among our Nation's most valuable resources. In fact, one of our country's most unique national parks, the Everglades National Park, is located near my district. It is important that we continue to protect these environmentally sensitive and historically significant areas for future generations to enjoy. I believe that the bill before us today, H.R. 2016, the National Landscape Conservation System Act, does just that.

The National Landscape Conservation System, and, more specifically, the Outstanding Natural Area designation which is part of that system, was created in 2000 by the Department of Interior in an effort to better meet the management needs of our Nation's public lands and historic treasures. In addition to the better management practices, the system promotes the designation of areas under the system to help spur tourism and expand educational opportunities in surrounding communities.

Mr. Chairman, just a few short weeks ago the House passed H.R. 1922, the Jupiter Inlet Lighthouse Outstanding Natural Areas Act. This bill, which I sponsored, would designate this historic lighthouse as an Outstanding Natural Area. It is important to note that the lighthouse is much more than a historical marker. It has become a symbol of our community, woven into the fabric of our culture, even appearing on the Town of Jupiter seal. With the passage of this legislation today, we have the ability to permanently protect our historic and natural treasures, such as the Jupiter Inlet Lighthouse, for future generations.

Again, I applaud Chairman GRIJALVA for his efforts.

Mr. BISHOP of Utah. Mr. Chairman, in closing, the gentleman from Florida just gave a wonderful speech, and I think he illustrated some of the problems with this particular bill. The territory to which he was speaking is National Park Service land, not BLM land. This bill only deals with BLM land, and that is precisely the problem that we have with this particular bill.

It is very simple one. We have parks and national monuments, some administered by the Bureau of Land Management, some administered by the National Park Service. They are different. Each one of them has a different value.

In the Park Service, the organic act that created it said what the values for this land would be. It is established in statute and in regulation. The Bureau of Land Management does not have that same value system, because they are different lands for a different purpose, which is why the language in this bill is so troubling, because it is simply a vague statement that simply says they will have values, and it has never, never been defined.

When the Department of Interior told me personally that they were in favor of this, it was because they could maintain the Bureau of Land Management parks and monuments with multiple use as the significant value. It would be protected, they said. Which is why I am so chagrined, that when we attempted to clarify in this legislation by amendment in the committee and once again before the Rules Committee that that is specifically the difference between the Park park and the BLM park, it was rejected.

Now, multiple use is the difference between national parks in the Park Service system and national parks in the BLM system, and that language, that language has to be maintained, because that is indeed the only value that makes a difference.

These lands are not threatened if the BLM has them. They are not threatened if we don't make this system, which is redundant at best and expensive at best, codified. But we do do something dangerous if we pass this legislation and now give a vague term of values on to a system that is defined nowhere. It opens us up to litigation problems, it causes problems in administration, and it does change the system. That is why there is so much danger, unless you are willing to do what our side has been saying all along, which is define what those vague terms actually mean.

That, Mr. Chairman, is why we oppose this piece of legislation. It opens up a door that has no definition as to what room we actually enter, and that is wrong. It is simply wrong.

The problem with that is it is going to hurt people, people who use this BLM land now to recreate, people who use it to graze, people who use it for their economy, people who have private property in-holdings in this area. They are put at risk because our language is simply too vague to allow them to understand what our intent is. That is why this bill has to be defeated.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I mentioned earlier the discussion of what H.R. 2016 does not do. I think it is worth mentioning what it does do. It is very important. And I am only going to concentrate on one point. I think we will deal with the values issue in the amendment process.

H.R. 2016 unifies separate units into a coherent system. It ensures permanency, and I think that is the most important point. It will permanently establish perhaps a last great American conservation system in statute, and those lands will continue to be managed by the Bureau of Land Management and prevent any future attempts to get rid of the system. It enhances the statute of this system, and it deserves to be enhanced.

It is a good piece of legislation. It has good support from Members of Congress and from interest groups who care about the conservation issues that we face in this Congress.

Mr. BROWN of Georgia, Mr. Chairman, seizing land infringes on the most fundamental of Constitutional rights and endangers property owners across our great Nation. NLCS will eternally lock land into Government control and prevent Americans from their right to property ownership.

Our Federal Government already owns 653,229,090 acres of land. Does it really need to control any more? NLCS would take control of 26 million acres of land—13 percent of the nation's surface. This land will be forever taken and the right to own land denied. There is no justification to consume more land.

Second Amendment Rights are also under assault in this legislation. Nothing in this legislation protects hunting, fishing, or gun rights on NLCS land—even though they have traditionally been allowed.

The Constitutional right to own property should always be protected. Citizens should be allowed to utilize and prosper from the land. As chairman of the Property Rights Action Caucus, I believe that no legislation should ever infringe on property rights or attack the Second Amendment. Protect these fundamental Constitutional rights of land and gun use by voting "no" on H.R. 2016.

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 2016, the National Landscape Conservation System, NLCS, Act. This bill would codify the NLCS's management of 26 million acres of land presently under the direction of the Bureau of Land Management, BLM, affording the system the recognition, management, and unification of a national system.

The lands in question have been designated National Monuments, National Conservation Areas, Wilderness, Wild and Scenic Rivers, and National Scenic and Historic Trails by Congress and by Presidential Proclamation. Eight years ago, the Secretary of the Interior established the NLCS to manage these areas. Congressional recognition of NLCS's management of these treasured places only seeks to codify what the BLM currently administers.

H.R. 2016 does not change the BLM's multiple-use mandate. Rather, it celebrates the BLM's ability to manage its special lands for multiple uses, including conservation, for the benefit of the American people. By writing the NLCS into law, this legislation prevents any rescission that might put this new conservation system at risk. It is important that the BLM continue to manage and protect these lands and waterways enjoyed by millions of Americans each year.

I am grateful for the steps the BLM has taken in protecting this system of Federal lands and urge support of final passage of H.R. 2016.

Mr. HALL of New York. Mr. Chairman, I am a strong supporter of the rights of landowners. H.R. 2016, the National Landscape Conservation System Act, would not affect any private property. The bill deals only with land that is already owned by the Federal Government. No new lands are taken away from any person or added to Federal lands and there is no impact on how landowners can use their property.

Under the guise of protecting landowners, the minority attempted to use the vote on ordering the previous question, roll call number 164, to kill a good, bipartisan bill. I voted to order the previous question because I believe that the House of Representatives should consider and approve H.R. 2016.

Mr. UDALL of Colorado. Mr. Chairman, I am a cosponsor of this legislation and I rise in its support. Its sole purpose and effect is to establish the National Landscape Conservation System, NLCS, as a matter of statutory law.

The NLCS now includes more than 800 units, including all National Scenic and Historic Trails, National Conservation Areas, National Monuments, wilderness areas, Wild and Scenic Rivers, and wilderness study areas managed by the Bureau of Land Management, or BLM. In all, it includes some 26 million acres, or about 10 percent of the land that BLM manages.

As a system it was established in 2000 by an administrative action of Secretary of the Interior Bruce Babbitt. However, each of its units was originally established by Congress or through a Presidential Proclamation under the Antiquities Act of 1906 and each is managed according to its enabling authority, as well as other laws applicable to various units or portions of units, such as the Wilderness Act, Wild and Scenic Rivers Act, or the Federal Land Policy and Management Act of 1976.

The purpose of Secretary Babbitt's administrative action was to erect a framework to tie each unit of the NLCS together into a larger conservation system, and the result has been to increase the public recognition and understanding of these special places within the array of public lands under management of the BLM.

The NLCS units include significant natural resources, including approximately 12 percent of the BLM-managed sage grouse habitat, as well as important cultural and scientific resources. For example, in Colorado the system includes the Canyons of the Ancients National Monument, which has more than 6,000 archeological sites significant to Native American cultures, as well the Gunnison Gorge and McInnis Canyons National Conservation Areas (the latter of which is named for our former colleague, Representative Scott McInnis).

These and the other NLCS units provide unique recreational opportunities, and their status as part of the system has proved valuable not only in terms of their recognition by the public but also as it relates to funding for their management.

The bill makes that status a matter of law. At the same time, it specifies that any future additions to the system must be authorized separately—as the existing units have been—and that each unit is to be managed in accordance with all laws applicable to that unit and in a manner that protects the values for which the components of the system were designated.

The legislation does not impose any new conditions on use of the lands involved, nor does it affect existing rights with respect to those lands, whether those are related to grazing or other purposes. The Congressional Budget Office says its enactment will not affect BLM's budget because BLM already has permanent authority to manage the lands in the system, subject to amounts provided annually in appropriations acts, and that enacting

H.R. 2016 will not affect direct spending or revenues or the budgets of state, local, or tribal governments.

The bill is supported by the Bush Administration as well as by many other groups, including the Colorado-based Outdoor Industry Association as well as the American Hiking Society, National Council of Churches, Boone and Crockett Club, National Trust for Historic Preservation, and the National Wildlife Federation.

Mr. Chairman, this is a modest measure but one that deserves enactment, and I urge its approval by the House.

Mr. KIRK. Mr. Chairman, today I am pleased to rise in support of the National Landscape Conservation System Act. This bipartisan legislation, supported by the National Wildlife Federation, EarthJustice, The Nature Conservancy, Sierra Club and more, would officially establish America's newest conservation system. With 26 million acres of land under its jurisdiction, the National Landscape Conservation System, NLCS, protects our nation's crown jewels.

From the Lewis and Clarke National Historic Trail to Nevada's Red Rock Canyon, this legislation works to conserve the fabric of the West. In 2000, the Secretary of the Interior established the National Landscape Conservation System to protect the best of the lands and waters managed by the Bureau of Land Management. This bill provides statutory recognition of the existing National Landscape Conservation System as well as its permanent establishment as a land conservation system equivalent to that of the National Park Service. At no cost to the taxpayer, Congress has the opportunity to protect these lands for millions of Americans for generations to come.

Nothing in this legislation changes the way in which NLCS lands are currently administered, including hunting and recreation management. H.R. 2016 adds no land to NCLS, nor does it contain any provisions diminishing private property rights. Following in Theodore Roosevelt's footsteps, I strongly encourage my colleagues to join me in passing this landmark legislation.

Mr. BISHOP of Utah. Mr. Chairman, I would like to submit for the Record portions of an article from the Tucson Weekly that was published on February 15, 2007.

FOLLOWING THE AMNESTY TRAIL

Leo W. Banks follows one of Arizona's most popular illegal alien crossing routes and finds piles of garbage, trampled public lands, angry residents and the suspected presence of a vicious gang.

In the coming weeks, as President Bush and the Democrat-controlled Congress take up immigration reform, and the political talk turns to amnesty, everyone living along border smuggling routes will hunker down to wait for the worst. They know their lives will get miserable in a hurry.

The word amnesty possesses remarkable power on the Mexican side of the line. It has the same effect as a starter's pistol.

Bang! Let the land rush begin.

It happened after Jan. 7. 2004. when Bush floated his idea for a temporary worker program. The idea was broadly viewed in Mexico as amnesty, and the Border Patrol's own survey proved it. In the weeks following the proposal, the agency quietly questioned crossers apprehended at the southern border and found the president's plan had caused a big spike in illegal crossings. Forty-five percent said they'd entered our country "to get Bush's amnesty."

Nowhere will the coming stampede be more evident than on the smuggling routes that begin at the border at Sasabe, 65 miles southwest of Tucson, curl up through the Altar Valley and continue all the way to the Ironwood Forest National Monument, a full 75 miles north of the border.

The 129,000-acre Ironwood, located west of Marana and south of Eloy, is a desert paradise of giant saguaros and spooky black-rock peaks worthy of a gothic novel. President Bill Clinton declared it a Federal monument in June 2000.

But the smugglers have turned this signature Arizona landscape into a criminals' playground. The land here is crisscrossed with trails so packed from use, they shine white under the sun. Another Monument resident, Cindy Coping, uses Google Earth to zoom in on the Amnesty Trail, which comes up clear as a bell on her monitor.

What's it like to live here?

If you're out on the land a lot, expect to find the corpses of those who've made the terrible decision to cross this desert. Including the three murders last week, seven bodies were found on the Ironwood in the three months prior to this writing.

One photo, taken sometime in 2000 by my anonymous photographer, shows the skull of a presumed illegal, with other human bones in the foreground. Next to the skull, not pictured, stands a saguaro-rib cross, probably built by companions after the deceased went down.

For those trying to keep cattle on their land, the smugglers have made living in the Ironwood a nightmare. At this writing, rancher Emilio Figueroa says he has 18 head of cattle, valued at $800 each, on Tohono O'odham land immediately west of the monument. They got out when coyotes cut his fence. Now the tribe is refusing to let him onto Indian land to retrieve them. He's out $14,000.

For Cindy's husband, Bob, a 58-year-old retired Raytheon engineer, one of the defining aspects of life on the Ironwood is a particular sound he can hear, literally, a mile away. "I'll be out working and I'll hear, 'wappa-wappa-wappa', and I know it's a load-out truck coming down the road with a flat tire," he says.

The smugglers keep driving on the flat until the rubber flies off. Even then, they don't stop. They keep driving on the tire's rim until that, too, falls off or disintegrates. Sometimes the drive train falls out first.

These smuggler vehicles, most stolen from Phoenix, often travel at night without headlights, with tape over the brake lights, and they've been clocked tearing through the monument's dirt roads at 89 mph. This endangers the lives of residents and visitors alike.

It also ensures that many of these load vehicles—such as the tan truck pictured—never make it out of the monument. They smash into trees and saguaros, or run into ditches. The BLM has towed 300 vehicles a year out of the monument since 2000.

These load-outs, as well as the constant foot traffic, destroy habitat and threaten cultural sites and endangered species. The trash left behind requires pickup crews to have biohazard training and armed guards watching them as they work.

Even worse, Vic Brown says that MS-13, the notoriously vicious Salvadoran gang, might be operating on the monument, based on suspicious tattoos law enforcement has seen on smugglers arrested there. The Border Patrol's public information office in Tucson wouldn't return a call to talk about MS-13 in the monument.

Says Vic Brown: "We're trying to maintain some semblance of a national monument out there, and to be quite honest, we're not able to do it, because undocumented immigrants have targeted the area. I've watched it degrade from when I got there in 1992, and in the last 5 years, it has gotten progressively worse."

The Copings bought their land here in 1986, and since then, they've been eyewitnesses to the explosion of the smuggling trade. In the mid-'90s. it was mainly small family groups that crossed at Sasabe and walked the 75 miles north to the monument, then an additional 18–20 miles to their pickup at Eloy. They rarely used coyotes.

In 2000, the Copings began seeing vehicles, often Ford F–150 pickups, parked at the side of the road. They usually had dark windows, no license plates and the keys resting on a tire. The illegals would drive themselves out to I–10, then Phoenix.

The abandoned-truck phase gave way in about 2003 to the huge load-out phase. The Copings began seeing SUVs with five to eight illegals sitting on the roof, as Bob says, "like wasted college students," or on the hood, forming a narrow tunnel through which the driver can see.

Some of these illegals have told the Copings they already had jobs lined up in places such as North Carolina, and curried plane tickets out of Sky Harbor in Phoenix.

Cell phones revolutionized the smuggling racket, allowing illegals to call ahead to arrange a pickup in the Ironwood, often eliminating the longer walk to Eloy. Independent walkers are gone now. "Everybody we see now is somebody's customer," says Bob.

The business has become sophisticated, commercial and very dangerous. Cindy, 50, a former engineer at Hughes, used to check fences alone on horseback, but she quit, afraid of what she might encounter. "Sometimes I'll be at the house alone, and 20 illegals will walk down the road," she says. "It's intimidating. They sound like an army marching."

Bob says the number of load-outs in the Ironwood increased last spring before and after demonstrators took to the streets in Tucson and elsewhere to demand a rewrite of American law to accommodate illegal aliens and their corporate partners. The atmosphere, including talk of amnesty, created an explosion in traffic. In April, the Copings counted eight load-outs in one day.

When the National Guard was sent to the border, the free-for-all ended abruptly, if briefly. "We saw helicopters overhead, military-type aircraft, and we didn't a see a load-out for two weeks," Bob says. "The traffic probably dropped 90 percent."

But the numbers have risen again significantly, and in recent e-mails, the Copings have told me the big load-outs have returned with a vengeance. Cindy's e-mails have the tension and immediacy of dispatches written from a war zone—because, in fact, she and Bob live in one.

Last Thursday, three illegals were murdered in the Ironwood. Cindy and Bob learned of the trouble when a male illegal came to their house, his thigh covered in blood, evidently splatter from someone else's wound. In rapid Spanish, he repeated words like, "Pow! Pow!" and "911" and "muerta" and "mujer," while gesturing of blood pouring from someone's chest. Cindy grabbed her medical kit, and she and Bob and this man jumped into a pickup and raced to the scene.

Here is what she wrote next:

"I called 911 and attended to the woman, who was shot in the shoulder with a bullet wound coming out that soft spot at the bottom of her throat. The 911 dispatcher was simultaneously responding to a similar call from the Asarco Silverbell Mine, which is about a 10-mile drive south. As soon as I could see the woman was in stable condition. I crossed the street and assessed the motionless man on the other side.

"I felt no pulse on his still-warm throat. His eyes were closed. I grabbed his wrist, and it cold. Then I saw the back of his head was shot open. He was gone. There was no bleeding at the scene, so I assume this shooting took place earlier, and these four people were unloaded.

"The woman, Sebastiana, whom I later found out is 24 years old, began shivering in the morning's chill. I found no signs of continued bleeding. Her wound had been hurriedly dressed with someone's cotton coat stuffed up under her shirt. It was a gaping 2-inch-wide gash between the two bullet holes, but it had stopped bleeding. She was alert and breathing, even able to talk. She had a smaller wound to her abdomen. I elevated her feet, and Bob made two trips back to the house for wool blankets to keep her warm.

"A younger (undocumented) woman, Linda, at the scene had blood covering her cheek and circling one eye. She indicated no pain, so this was perhaps someone else's blood. She indicated that something had grazed her face, possibly a bullet. In the dark, it appeared she'd been punched in the eye, but after it got light. I could see it was just dried blood on her face. The first official to arrive on scene was a Pima County deputy who told us that someone had walked into Asarco with four fingers shot off."

The e-mail goes on. It ends with Cindy and Bob retreating to their house and locking the gate, another case of Arizona citizens sealing themselves off from the horrors this invasion has brought to our state.

But heartrending encounters are not unusual in the Ironwood. In November, a man in his mid-50s showed up at the Copings' corrals and said he'd been drinking his urine for four days. Cindy made him macaroni and cheese and watched him gobble it down. As he ate, he broke down in retching sobs.

The man said he owned a small farm with 70 pigs in Colima, Mexico, and had seven sons living in Phoenix. Breaking her rule of not allowing strays to use the phone, Cindy allowed him to call them to pick him up. He waited and waited, but no one in his family came for him.

That night, he slept in the bed of one of the pickups. In the morning, he gave Cindy several necklaces—depicting Jesus, the Virgin of Guadalupe and other images—then left, and Cindy isn't sure in which direction he went. She never called the Border Patrol to pick him up.

"They usually don't come if it's one or two strays," she says. "But mostly I didn't have the heart. I couldn't do it after all he'd been through."

Cindy figures she and Bob have made six such "rescues" over the years, She has no choice. "If I don't help them, they'll die," she says. "We're 75 miles from the border, No one gets here without walking, at least three days, and it's another 20-mile walk out."

But living in the Ironwood presents other tough choices.

In 1997, as a precaution, Cindy got shots to immunize her from contact with hepatitis A. At the time, she was working with Pima County Search and Rescue, and that agency recommended that its personnel get immunized for the more worrisome, and potentially fatal, hepatitis B. It is spread through contact with the blood of an infected person, and Cindy has had contact with bleeding Third World people.

She hasn't gotten the second shot yet. "If I were taking the best care of myself. I'd get the B shot, too," says Cindy. "I probably still will."

It's easy to understand her anxiety, and her belief that she is on her own against this invasion—because, in spite of what she calls the dedicated Border Patrol agents on the ground, Cindy knows that the American government has neither the will nor desire to control this border.

The same year she got the shots, a Border Patrol agent told Cindy that while traveling in Guatemala, he walked by a travel agency in Guatemala City and saw in its front window a map showing the 1,800-mile route to the United States—with her little house in the Ironwood as a landmark.

But Cindy just shrugged at that disturbing news. After so many years of living on the Amnesty Trail, she's no longer capable of surprise.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SERRANO). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Landscape Conservation System Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) SYSTEM.—The term "system" means the National Landscape Conservation System established by section 3(a).

SEC. 3. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a National Scenic Trail or National Historic Trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area, as designated under section 101(a) of the Steens Mountain Cooperative Management and Protection Act of 2000 (16 U.S.C. 460nnn–11(a));

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area; and

(D) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with each applicable law (including regulations) relating to each component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

SEC. 4. STATUTORY CONSTRUCTION.

Nothing in this Act shall be construed to enhance, diminish, or modify any law or proclamation (or regulations related to such law or proclamation) under which the components of the system identified in section 3(b) were established, or are managed, including, but not limited to, the Alaska National Interest Land Conservation Act (43 U.S.C. 1601 et seq.), the Wilderness Act (16 U.S.C. 1131 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the National Trails System Act (16 U.S.C. 1241 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–573. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GRIJALVA

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–573.

Mr. GRIJALVA. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GRIJALVA:

At the end of the bill, add the following:

SEC. 5. BORDER SECURITY.

Nothing in this Act shall impede any efforts by the Department of Homeland Security to secure the borders of the United States.

The Acting CHAIRMAN. Pursuant to House Resolution 1084, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

☐ 1415

Mr. GRIJALVA. Mr. Chairman, this amendment states in its entirety that nothing in this act shall impede any effort by the Department of Homeland

Security to secure the borders and enforce the immigration laws of the United States.

Let me be clear, the recent decision by DHS Secretary Chertoff to waive more than 30 bedrock environmental laws, including the Safe Drinking Water Act and the National Park Service Organic Act, in order to build a wall along our southern border was, in my opinion, an abuse of discretion granted to him by the previous Congress.

I have introduced separate stand-alone legislation, H.R. 2593, the Borderlands Conservation and Security Act to, among other things, repeal this waiver authority because, in my view, there are better ways to secure our borders than requiring them to waive laws which protect the water we drink and the air we breathe.

I have also joined with Members of Congress in filing a notice of our intent to file briefs before the United States Supreme Court because I believe the waiver provisions violate our Constitution.

However, the bill currently before the House, H.R. 2016, is not an appropriate vehicle for addressing these concerns. This is simply an authorization bill for a conservation system. It is not intended to impact the management on any of these units, including management decisions regarding border security.

The amendment I am offering here simply makes this as clear as possible. I oppose the law, and I am using every opportunity to make that opposition plain, but this is not the bill for those opportunities.

I urge my colleagues to support my amendment, make sure the debate on border security takes place in the appropriate time in an appropriate manner under the appropriate legislation, and then we can move forward on this straightforward conservation bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. I first ask uanimous consent to include an article from the Tucson Weekly that deals with the areas of this issue.

The Acting CHAIRMAN. The gentleman's request will be covered by General Leave.

Mr. BISHOP of Utah. Mr. Chairman, I appreciate Mr. GRIJALVA actually taking the lead on this issue.

In fact, Republicans had two amendments that were introduced to the Rules Committee that dealt with this same specific issue. Again, in a spirit of bipartisanship, the two Republicans ones were not put in place but the Democrat one was, and at least we are addressing this particular issue.

I do happen to have some objection to this one, because to me, what this amendment does, is put into statute or to put into language the status quo. Nothing in this act shall impede what we are already doing. I think this issue should be more forward thinking. We need to change what is happening in the status quo in this area that is simply now known as the trail of amnesty, where so much illegal narcotics work, illegal human trafficking and illegal gang activity has taken place. The article to which I referred actually specifies what that is there.

That is why the amendments that were not made in order were superior to the one that is made in order here, and it should be recognized.

Mr. Chairman, at this time I would like to yield to the gentleman from New Mexico 2 minutes of my time for discussion of this amendment.

Mr. PEARCE. I thank the gentleman for yielding time.

Mr. Chairman, again, I would point out that in committee we heard these same comments that we are talking in generalizations, half-truths, complete untruths. We were told then that the border is completely secured in the current legislation, and now we find that maybe there is a reason to kind of adapt the wording.

We also were told that there is nothing that would limit any sports, no hunting, shooting sports, that those assertions on the part of the minority were simply generalizations, half-truths and untruths.

So it's really amazing to me that those half-truths now are being incorporated into the bill by first the bill sponsor and then by another one of the majority Members.

The complete idea and argument that all of our discussions have been generalizations, half-truths and untruths, simply now rises to a level which we have to ask ourselves on which side do the generalizations lie, on which side do the untruths lie and on which side do the half truths lie, because we are finding the majority that is adopting and adapting the bill now in order to make it more secure if they did not blink, if they had not believed the arguments in committee, they would not be making these changes today, they would not be trying to work out deals behind the scenes to make this a little bit more, maybe, less risky.

I think if we all see what's going on, I think if we see the majority blinking in a big way here on the floor, it just tells us we should turn down the underlying language and turn down this offensive impact on our public land management.

I thank the gentleman from Utah for yielding.

Mr. BISHOP of Utah. Do I have remaining time still, Mr. Chairman?

The Acting CHAIRMAN. The gentleman has 2 minutes left.

Mr. BISHOP of Utah. Mr. Chairman, let me make this clear. I have no intention of opposing or voting against the language from the gentleman from Arizona.

I am appreciative that the gentleman from Arizona and the majority party has finally taken the initiative of bringing issues up here.

My objection is that the language that was proposed to the Rules Committee in other amendments dealing with this issue was far broader and would have been better in the future. When we talk about language right now that nothing of us actually impede, we were talking in other pieces of legislation about not hindering border security, not hindering illegal immigration for Homeland Security or other law enforcement agencies.

The amendments we tried to propose would have been far broader, far more inclusive and would have dealt with issues into future as opposed to this.

But having said that, this is at least a good step in the right direction.

Mr. Chairman, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, the amendment is straightforward, the amendment restates the obvious, and the question about taking initiative is an appropriate question. The initiative should be taken with a committee that has been formed to deal with the issues that are of great concern to some of my colleagues that have spoken.

That committee is the Homeland Security Committee, to take legislation there that would deal with the issues they were concerned about. This is not the vehicle for that legislation.

My amendment states the obvious, reiterates the obvious.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CANNON

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–573.

Mr. CANNON. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CANNON:

Page 4, at the end of line 23, insert the following: "In addition, nothing in this Act creates a Federal cause of action based on inclusion within the National Landscape Conservation System.".

The Acting CHAIRMAN. Pursuant to House Resolution 1084, the gentleman from Utah (Mr. CANNON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I rise today to offer an amendment that is necessary to refine the vague language contained within this bill.

The legislation requires the lands included in the National Landscape Conservation System be managed for values, without ever defining what the term values means.

As we all know, values have different meaning to different people. In the case of land management agencies, values can range from cultural and historic resources to things as nebulous as "smell-scapes."

The loose definition of the underlying bill leaves the Federal Government open to litigation based on what someone may or may not determine to be consistent with what they believe are the values of lands included within the National Landscape Conservation System.

Our Federal land management agencies are currently overwhelmed with litigation which distracts from their primary mission of land management.

This amendment will prevent unnecessary and onerous litigation.

While the underlying legislation has a savings clause, it does not prevent the bringing of a lawsuit. We have been assured time and again that activities on these lands currently allowed will continue without a problem. However, the language does not include important and defined terms such as multiple use.

To illustrate the problem, in the event that multiple use activities such as grazing are currently accruing on lands within the NLCS system and an individual or group decides that grazing activities are not consistent with the values of NLCS lands, they can sue to stop the grazing activities. Consequently, a permitted activity is left open under this new regime to lawsuits based on the loose definition of values.

Most of the parameters by which management is to occur are clearly defined. Passage of the underlying bill would create standards which are not practical to administer. This will allow external groups of all kinds to challenge the BLM's management of NCLS lands based upon what the perceived values of these lands are.

My amendment merely will prohibit lawsuits against the Bureau of Land Management based on how they manage the lands under the NLCS system.

Given the huge cost that we are now suffering with litigation, preventing unnecessary litigation should be a goal of this body.

I urge all of my colleagues to support getting dollars to the ground for management, rather than tying them up in legal proceedings.

I urge support for this amendment and reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. GRIJALVA. Not necessarily.

The Acting CHAIRMAN. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. GRIJALVA. Mr. Chairman, as with most of these amendments, the Cannon amendment is clearly unnecessary. Once again, we have, in this bill, an ironclad savings clause which I demonstrated earlier. That would be, after the enactment of H.R. 2016. Nothing in this act would diminish or enhance that.

The ability to sue plaintiffs that they have under current law, that would not be changed by H.R. 2016, and nothing in this act would change that. Nothing we do here creates a Federal cause of action. Since the creation of the system in 2000, nothing ever has. The proponents of this amendment are looking for a problem where a problem doesn't exist.

However, if the proponents of this amendment will feel more comfortable that we include language that simply states the obvious, then we will not oppose the amendment.

I reserve the balance of my time.

Mr. CANNON. I appreciate the gentleman accepting this amendment.

Mr. Chairman, without further ado, I yield back.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–573.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BISHOP of Utah:

Page 2, strike line 15 and all that follows through page 3, line 2, and insert the following:

(a) ESTABLISHMENT.—There is established in the Bureau of Land Management the National Landscape Conservation System.

The Acting CHAIRMAN. Pursuant to House Resolution 1084, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, again, as I was speaking earlier about the bill, one of the problems is simply the concept of some vague elements of what "values" may or may not be, especially as it applies to Park Service and Bureau of Land Management lands.

The language in question that I ask to be removed from this bill is language that comes specifically from the Organic Act that created the National Park System as well as the Redwood amendments. Those two concepts caused the National Park Service to administer park lands to the same standard.

In the absence of any other definition of what Bureau of Land Management land should be in this system, it is essential that we not have to revert back to what the National Park Service uses as its values standard, and that's the fear that comes in here.

Indeed, in the BLM land that has been put into this system, you have a multitude of different land, from Bureau of Land Management monuments to Bureau of Land Management parks, to wilderness areas, to wilderness study areas. If, indeed, the same language that has forced the Park Service to manage in the same administrative pattern is now imposed on the Bureau of Land Management, it would do irreparable harm to different lands that are specifically there so that they can use multiple use.

Once again, we come back to that issue. BLM lands are supposed to be administered differently. That's why it's BLM lands in the first place. This language opens up the possibility of using the same kind of litigation techniques that force the Park Service to use all of their lands in the exact same manner onto the National Park Service.

If you change it to simply do what we said earlier, establish a National Landscape Conservation System, without the other verbiage, you eliminate that potential problem.

Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the gentleman from Utah's amendment because it would undermine not only this legislation, but the mission and the mandate of the Bureau of Land Management.

The language this amendment would strike reads as follows: "In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations."

These words are not new, nor are they undefined. The NLCS already exists and has existed for nearly a decade and the Bush administration supports these words as a summary of the management goals already in place for these lands under existing law.

Versions of this language are found in the Federal Land Policy and Management Act, in the Wilderness Act, in the Wild and Scenic Rivers Act, in Presidential proclamations and specific statutes creating these conservation units.

Restating these goals in this authorizing legislation is an appropriate mission statement and preserves the status quo. In contrast, striking them would send a terrible message. Cutting these words out of the bill implies that these are not worthy management goals.

In effect, this amendment suggests that the BLM should no longer "conserve, protect or restore" places like the Canyons of the Ancients or the Vermillion Cliffs.

Cutting these words out of the bill suggests that the Grand Canyon Parashant and the Sonoran Desert are no longer "nationally significant" and no longer include "outstanding values."

Cutting these words out of the bill suggests that "providing benefits for future generations" is no longer a worthy goal of the BLM to pursue at Colorado Canyons or Santa Rosa and San Jacinto.

The language this amendment would strike is not a secret attempt to create a new management standard. Rather, it is simply a restatement of the way these lands are already being managed according to mandates already approved by Congress.

The gentleman may not like it. He may even be surprised to learn it, but these words are accurate reinstatements of BLM's existing conservation mandate. Striking them is an attempt to strike at the heart of that mandate, and it must be defeated.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, the language that is put in here is part of the BLM mandate. They are to conserve, protect, restore cultural, ecological and scientific values for the benefit of current and future generations.

The issue at hand, though, is that this is not the only part of the BLM's management authority and management purpose. By refusing to expand this to the other areas to which BLM is supposed to do, the work they are supposed to do on this land, we are in danger of actually going the other way and trying to impose that this is the only way, especially when this language has been used in the Park Service to mandate specific management practices and hurt that process.

If you go on with this particular section, when you go to (b), it lists the kind of areas designated in this new land system. Each one was established with a certain land management plan. They are there. But the fact that we don't put them in here opens up the possibility of litigation to problems that are there.

It is important so we know that the Department of the Interior said they don't mind creating this system by statute, but they were opposed to this language. They said this language is harmful to their mission statement.

I wish to actually try and convince every Member on the floor, all three of us here, that this is indeed not what the department needs. It is not what the bureau needs. It is not the kind of language that you want to put in statute if you want to make sure what we are doing is specifically defined. This opens up more problems than we would otherwise have.

Mr. Chairman, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BISHOP of Utah. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–573.

Mr. BISHOP of Utah. Mr. Chairman, I have another amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BISHOP of Utah:

Page 4, strike lines 5 through 11, and insert the following:

(c) MANAGEMENT.—The Secretary shall manage the system in accordance with each applicable law (including regulations) relating to each component of the system included under subsection (b).

The Acting CHAIRMAN. Pursuant to House Resolution 1084, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, I can be painfully brief on this amendment.

In two places in this bill you have the same problem we have been talking over and over about, about the vague notion of simply "values."

The last amendment took the very superfluous language in the preamble, which has the potential of creating problems, as it has in other sections. But also in section 3(c)(2), we once again find this vague, nefarious language.

It says that the Secretary shall manage the system in a manner that protects the values for which the components of this system were designated.

Once again, by simply saying "values" without any kind of definition, nor is there any regulatory definition, you have simply opened this up to a vague, contentious opportunity. If you are going to establish this system and give them something to do, for heaven's sake, tell them what they are going to do and make it simple and make it succinct.

That is why this section should be eliminated. Until we are ready to define these values, you don't put this in statute.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, I oppose this amendment for the same reasons I opposed the previous amendment offered by the gentleman from Utah.

Like the previous attempt to strike the purposes of this bill, this amendment would strike language instructing the BLM to continue managing these BLM conservation units in a "manner that protects the values for which the components of the system were designated."

Mr. BISHOP argues he simply does not understand what this term means, and he worries that the BLM doesn't know what it means either. Let me assure Members that this is not a new standard and that the BLM clearly understands what it means to manage land and to protect its values. In fact, they have been doing so for years.

I have here at least 10 instances in the Federal Land Policy and Management Act of 1976 in which the term "values" is used. Not only does it appear in the declaration of policy section of that law, it actually appears in the definition of the term "multiple use."

If that is not clear enough, most, if not all, of the laws or proclamations creating the individual units of the NLCS refer to the "values" to be protected.

I have three examples. There are many more, but we have selected three because they were approved by majority-Republican Congresses. The Black Canyon of Gunnison and Santa Rosa National Monuments and the Las Cienegas National Conservation Area, all units of the NLCS, all mention "values" in their enabling legislation.

The section this amendment would strike is an accurate reflection of the current management standards applied to these lands. To strike it would be to downgrade these conservation areas.

For a better understanding of what this standard means, I would encourage all of my colleagues to read the law, rather than simply trying to disregard language with which they are not familiar. The amendment needs to be defeated.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I appreciate the gentleman from Arizona's comments. His initial sentence was that I am attempting to strike the very purpose of this act. I don't really think that is accurate because there is no purpose. If there was a purpose, it would have been written down as to what the purpose is. This simply says there will be values; and there is no definition of what those values are.

I would remind all of my colleagues in this room, this is the language that the department said they do not want. This is the language BLM says does harm to them. This is the language they said was too vague and should be fixed, and it has not been fixed. That is why it should be eliminated.

Mr. Chairman, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, let me read from the Federal Land Policy and Management Act of 1976: "the public lands to be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values." I repeat, this is not new language. This is language which has been part of the management of these units from its inception.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–573.

Mr. BISHOP of Utah. Mr. Chairman, I have another amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 5 offered by Mr. BISHOP of Utah:
>
> Page 4, at the end of line 23, insert the following: "Moreover, nothing in this Act is intended to additionally restrict or hinder energy development within the system.".

The Acting CHAIRMAN. Pursuant to House Resolution 1084, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, this amendment deals with one of the other issues that we are talking about as far as potential development of energy on these lands that are currently under the control of the Bureau of Land Management and may or may not actually change with the formalizing of this new entity.

With skyrocketing energy prices, the last thing that Congress should do is lock up more lands that could provide a solution.

The NLCS lands include potentially billions of barrels of oil, vast quantities of natural gas and coal, and unlimited potential for renewable energy sources such as wind and solar.

The energy development on NLCS lands is vital to the economies of western States, and to the Nation. We should be looking at ways to keep the $400 billion that we spend to buy energy overseas here at home. We are only just beginning to understand what potential there is on NLCS lands for renewable energy sources. This amendment would ensure that those options remain open.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. GRIJALVA. At this point, not necessarily.

The Acting CHAIRMAN. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. GRIJALVA. As we have mentioned, H.R. 2016 already contains an extensive savings clause which makes absolutely clear that the simple act of writing the NLCS into statute will not change the way individual units are managed.

The inclusion of this savings clause should relieve Members of the need to come to the floor today and further amend the bill to enumerate each and every possible use of public lands for specific mention in the legislation.

The underlying bill already makes plain the fact that energy development, along with other authorized uses of these lands, will continue in those areas where they are currently allowed, even after H.R. 2016 is enacted.

Apparently, this broad savings clause is not plain enough. This amendment would single out energy production for special mention as one of those uses not impacted by the bill.

From the standpoint of writing clean, clear legislation that avoids redundancy and needless repetition, I oppose the amendment.

However, if this language provides an extra level of assurance and comfort for some Members, this amendment does not really change the bill, and I am prepared to accept it.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I am assured and comforted.

I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. BISHOP of Utah. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. ALTMIRE

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–573.

Mr. ALTMIRE. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 6 offered by Mr. ALTMIRE:
>
> At the end of the bill, add the following:
>
> Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

The Acting CHAIRMAN. Pursuant to House Resolution 1084, the gentleman from Pennsylvania (Mr. ALTMIRE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ALTMIRE. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to the National Landscape Conservation System Act. Created in 2000, this act provides protective and restorative services to nearly 27 million acres of public lands, including a number of our Nation's most spectacular wilderness and scenic rivers.

□ 1445

The legislation before us today would codify this existing land preservation system, thus ensuring its existence for generations to come. However, as written, this bill does not protect the rights of our Nation's sportsmen, specifically, their continued right to hunt and fish on these lands.

Because I strongly support this right and want to make it absolutely clear that it is never infringed upon, my amendments states that enactment of this legislation will not, in any way, limit access for hunting, fishing, trapping or recreational shooting on the National Landscape Conservation System.

Furthermore, my amendment confirms that the right to manage, control and regulate hunting, fishing and trapping on these lands rests with the States, not with the Federal Government.

My amendment has garnered the enthusiastic support of a number of sportsmen's groups, including the National Rifle Association and Trout Unlimited. It is critically important that we ensure hunting and fishing activities remain a part of our Nation's heritage, so I ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. BISHOP of Utah. I wish to claim the time in opposition although, as some others have said here, I may not necessarily be in opposition to this amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Chairman, to be honest, I will be voting in favor of this particular amendment. I think this is actually a very good amendment. This is the issue we presented in committee that was rejected in committee. I am glad that someone somewhere, between the path of this bill from committee to here on the floor, found religion and is actually looking forward to this particular issue. It's a good one, even though we were told in committee it was just a shadow that we were fighting on the wall.

I would recognize also that there were three amendments that were introduced that did the exact same thing that have now been incorporated in this particular amendment. Somebody once told me, well, when you steal you should steal from the best. I think this is stolen from the best simply because the ones that were not recommended were my amendments.

Therefore, since we're saying the same thing, in the spirit of bipartisanship, what else can I say, other than this is the right thing to do, and I actually personally support this particular amendment. It is the right thing to do. Regardless of who gets credit for it, it is the right thing to do.

I yield back the balance of my time.

Mr. ALTMIRE. I thank the gentleman for his comments and welcome his support.

I do have a few other speakers who wish to weigh in. I would like to now recognize my good friend and colleague from the Commonwealth of Pennsylvania (Mr. CARNEY) for 2 minutes.

Mr. CARNEY. Mr. Chairman, I'd like to thank Mr. ALTMIRE for his leadership on this position.

Hunting and angling are beloved traditions. They are activities I enjoyed with my grandfather and my father, and I enjoy them with my children.

Hunting and angling are not just sports, however. They're also a way of life where fathers and mothers can spend quality time with their children and pass on some knowledge of what they learned as children themselves.

There are over 34 million hunters and anglers in the United States, and they spend more than $76 billion a year in hunting and fishing.

It is safe to say that hunters and anglers are an economic powerhouse, driving the economy from big businesses to rural towns, through booms and recessions. They are directly supportive of 1.6 million jobs, which is twice as many jobs as the combined civilian payrolls of our Air Force, our Army, our Navy and our Marine Corps.

Because of hunters, 28,000 jobs are supported in Pennsylvania alone. Over $425 million of tax revenues is generated that can preserve land and wildlife.

Now, our bill, this amendment does several things. It codifies the National Landscape Conservation System, the NLCS, under the control of the BLM. But it will ensure that nothing in the bill will limit, in any way, access to hunting, fishing, trapping or recreational shooting on the 27 million acres administered by the BLM, the Bureau of Land Management.

It also ensures that the bill will not infringe on a State's right to manage, control or regulate its hunting, fishing, trapping and recreational shooting activities. That is why I urge all my colleagues to support this important amendment.

Mr. ALTMIRE. I thank the gentleman from Pennsylvania, the coauthor of this important amendment. And at this time I would recognize another freshman colleague from the great State of Ohio, my good friend, Mr. SPACE, for 1 minute.

Mr. SPACE. Mr. Chairman, I rise today in support of the Altmire-Carney amendment before us. This amendment is necessary to ensure that the underlying bill protects the rights of sportsmen across the Nation. The amendment does this by making clear that in no way will the measure affect the ability of the States to regulate fish and wildlife under State laws. It also makes clear that nothing in the bill will limit access for hunting, fishing, trapping or recreational shooting.

As a gun owner, a member of the NRA, and as a member of the Sportsmen's Caucus, this amendment is incredibly important to our second amendment rights. And as my colleague from the great State of Pennsylvania indicated just a few moments ago, Mr. CARNEY, that is important to our way of life.

I'm proud to advocate for this amendment on behalf of my fellow sportsmen and women in Ohio's 18th District, and I strongly urge passage of this amendment.

Mr. KIND. Mr. Chairman, I rise today in strong support of the amendment by my colleagues, Mr. ALTMIRE and Mr. CARNEY, which will offer some needed comfort to those of us in the sportsmen's community who seek to protect what access remains to cherished hunting and fishing opportunities on public lands. With the adoption of this amendment, I would urge all of my colleagues on the Congressional Sportsmen's Caucus to vote for the underlying bill as well.

Without a doubt, the 26 million acres that constitute the National Landscape Conservation system's more than 850 individual units represent some of the very best hunting and fishing opportunities available today. These lands harbor bighorn sheep, elk, pronghorn, mule and white-tailed deer, caribou, salmon, chinook, sockeye, steelhead, redband trout, and so many more game and non-game species, not to mention spectacular landscapes unparalelled in the rest of the bureau of land management. These are the very best places the BLM has to offer, and they are very deserving of the additional recognition and institutional support H.R. 2016 will provide.

Opponents of H.R. 2016, the National Landscape Conservation System Act, have claimed that it will create a new Federal bureaucracy that will usurp private land rights, divert Federal dollars, and dilute public access. None of these claims is true. By simply codifying in law a designation that has existed through administrative action for the last eight years, H.R. 2016 will change nothing in how the BLM or Department of the Interior manages these lands. What it will do is raise the profile of these national treasures both within the department and with the public so that they are known by all as the gems of the BLM's stewardship mandate rather than mere afterthoughts subject to executive fiat.

While the underlying bill already contains a savings clause stating that all existing laws and regulations governing these lands will continue to be exercised and enforced as before, the Altmire-Carney Amendment very simply adds an explicit reminder that hunting and fishing will continue to go hand in hand with conservation. as sportsmen and women provide the primary source of funds for state and local conservation budgets, It is appropriate that hunting and fishing rights be retained in the National Landscape Conservation system.

As co-chair of the Congressional Sportsmen's Caucus and a member of the Natural Resources Committee, I wish to thank my friend and subcommittee chair RAÚL GRIJALVA for introducing this bill, chairman RAHALL for his invaluable support, and Representatives ALTMIRE and CARNEY for offering this important amendment. I urge my colleagues to support this amendment and the underlying measure.

Mr. ALTMIRE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ALTMIRE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–573.

Mr. PEARCE. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PEARCE:

Page 4, at the end of line 23, insert the following: "Specifically, inclusion in the National Landscape Conservation System shall not affect current grazing rights or operations.".

The Acting CHAIRMAN. Pursuant to House Resolution 1084, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, today I'm offering a simple, straightforward amendment. It states, "Specifically, inclusion in the National Landscape Conservation System shall not affect current grazing rights or operations." That's it.

This language is very clear. We're working to protect the ranching economies of our western States.

In the West, many of our communities depend on ranching as a traditional and an important way of economy. The West was settled by ranchers who brought with them little more than a few cattle, the clothes on their back and hope for the future. Today, America's ranchers still hold the dream of a better future.

In New Mexico and across the West, our ranchers are real conservationists and know how to protect the land they depend on every day. Their lands are often the backstop against growth, and they are the voice of preserving the rural nature of our lands.

However, in countries in the West, it's not uncommon that we find 30 percent, 18 percent, 6 percent or even 2 percent private lands. Therefore, our ranchers depend on public lands for their operations. These ranchers bring in millions of dollars of economic activity to New Mexico and the entire West. In many places, ranching is the single largest economic driver in our communities.

My amendment will ensure that nothing in this act cuts off the current operations of ranchers in the West. Without this amendment, it is entirely possible that the enactment of this bill will cut off millions of dollars in activity and devastate our western counties.

Supporters of this bill tell us that it will not stop the multiple use of our BLM lands. However, my amendment ensures that this legislation does not stop ranching.

Let me leave you with no doubt. This amendment will ensure that we do not cut off our ranchers from lands that they have used for years. In some cases, the same ranching families have administered these lands for more than 100 years.

Ranching is an important part of our economy, an important part of the history of the West, and passing this amendment will ensure that ranching has a part of the future in this West.

It's a simple amendment. It is endorsed by the National Cattlemen's Beef Association, by the New Mexico Cattle Growers Association, New Mexico Wool Growers and the New Mexico Federal Lands Council.

Mr. Chairman, I urge its passage, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Grazing is obviously allowed in the units of the NLCS where it is appropriate, and nothing in this legislation would change that. The savings clause makes that fact as clear as it could possibly be. The underlying bill makes no changes to existing grazing rights.

Were this amendment written simply as an extension of the savings clause, as many other amendments offered today have been, it would be unnecessary, but not harmful to the bill. This amendment goes much, much further, however. It is not as simple as a savings clause specific to grazing. Rather, this amendment would operate to prohibit the BLM from maintaining current standards, dictating the location and the management of grazing on these lands.

This amendment goes beyond simply saying that nothing in this act shall impact grazing, to say that the presence of these areas in the NLCS cannot affect the operation of grazing. Talk about an invitation to litigation.

Does this mean the BLM would lose the authority to manage grazing on 800 or so units in the system?

Does this mean that those NLCS units where grazing is not allowed under current law would have to be opened up, whether it was appropriate or not?

The Pearce amendment could operate to force grazing into sensitive conservation areas where it is currently prohibited, and for good reason. Arguably, this amendment's an attempt to use this simple authorization bill to undermine provisions of existing grazing law that have been on the books for years.

If the gentleman from New Mexico wants to make sweeping amendments to the grazing law, he should do so directly, not by means of an amendment on this bill.

I urge the defeat of this amendment and reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, at this time I'd like to yield 1 minute to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. The amendment offered by Mr. PEARCE is critical to protecting ranchers who produce our food from the negative consequences of this bill. Without the Pearce language, ranchers would be left to the whims of future Secretaries of Interior that will diminish ranching opportunities.

Already, grazing rights are under assault on multiple fronts. There is a simple element out there that loathes grazing on public land. And our food supply is, indeed, worthy of protection and worthy of the use of our public land.

Despite opposition to this amendment in committee, I hope the other side will now recognize that granting these small protections in the legislation is, indeed, our duty. We cannot abandon our responsibility to legislate by leaving to bureaucrats the opportunity to isolate bankrupt ranchers dependent upon grazing.

We thank Mr. PEARCE for his foresight and determination to protect grazing rights now and in the future, and urge support of his amendment.

Mr. GRIJALVA. We reserve our time, Mr. Chairman.

Mr. PEARCE. Mr. Chairman, I observe that we are hearing the same tired excuse that nothing in this underlying bill affects this. Yet I would simply point out to the ranchers of this land that now, under the majority, you don't rate as high as the sportsmen. You don't rate as high as those people who are concerned about border security, because we were told that same tired language that nothing in the bill affected them, but the majority's been willing to adapt the language here because they know that the underlying bill affects it. But they are not going to make one amendment in order that would protect our ranchers and protect and make sure that this language doesn't affect them.

It is really unusual that we're hearing such a diverse opinion from the sponsor of this bill right now. It says that nothing affects it. And then he reads all sorts of language in, and again for those people who are watching and listening, I would simply say again, read the very simple language: "Specifically, inclusion in the National Landscape Conservation System shall not affect the current grazing rights or operations."

And yet we've built all of these potentials that we have created for this language that we are, in fact, rewriting the entire way that grazing is done. Grazing is always done by cows walking out and munching on the grass.

And it's a very simple operation. I think that maybe our amendment is being overcharacterized. I appreciate the gentleman from Arizona and his overcharacterization. But the truth is, we're simply trying to protect the ranchers in the West who use the public lands, and many times there are no private lands to graze off of.

I would reserve the balance of my time.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. GRIJALVA. Mr. Chairman, these are not tired excuses. I think my attempt has been an exercise in trying to drill the facts of the legislation into those that don't want to hear it.

☐ 1500

The underlying bill makes no change to existing law regarding grazing. The amendment, in contrast, could be interpreted as expanding existing grazing into areas where it is not appropriate. We tried to work with the gentleman from New Mexico to draft his amendment more clearly, but because this amendment is unacceptably broad, it must be defeated.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. WALDEN OF OREGON

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–573.

Mr. WALDEN of Oregon. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. WALDEN of Oregon:

Page 3, strike lines 19 through 23.

Page 3, line 24, strike "(B)" and insert "(A)".

Page 4, line 1, strike "(C)" and insert "(B)".

Page 4, line 3, strike "(D)" and insert "(C)".

The Acting CHAIRMAN. Pursuant to House Resolution 1084, the gentleman from Oregon (Mr. WALDEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Chairman, almost 9 years ago, the Department of the Interior proposed designating Steens Mountain in Harney County, Oregon, as a national monument. This designation would have harmed the cooperative management and preservation successes on the mountain and would have choked the local ranching way of life while allowing little public input into the management process.

So I met with the people of Harney County out at Frenchglen, and we challenged then-Secretary of Interior Bruce Babbitt to let us attempt to write a plan, rather than suffer the consequences of a top-down Federal designation. That would have been a way that would not only preserve the ecological treasure of Steens Mountain but also the way of life out in that part of Oregon.

To his credit, Secretary Babbitt allowed for our request. He gave us a shot at coming up with something better, and the residents of Harney County rolled up their sleeves and we all went to work.

This effort produced an historic bipartisan, legislative success. Working with State and Federal officials, representatives from the environmental community, my colleagues in the Oregon congressional delegation, the governor and others, we crafted a unique piece of legislation that not only satisfied the environmental concerns, or "lands legacy" initiative, of the Clinton administration but also allowed for a way of life to continue on the mountain that has existed for more than 100 years since the first settlers started arriving in this rugged part of the West in the 1800s.

Moreover, the bipartisan legislation established an historic agreement between conservation groups and the local ranching community, implemented a unique cooperative management system with oversight by a citizens' advisory council, and among many other things, designated the first grazing-free, cow-free wilderness.

The bill was crafted with so much local and bipartisan support that it was approved by the House on voice vote and unanimously by the United States Senate. In the years since, management principles in that legislation have proven that they can work; although it has not always been easy.

Unfortunately, many in Harney County who have dedicated much to the successful implementation of the Steens Act worry that Washington, D.C., again may derail the very specific purposes and objectives laid out in that Act. Without consulting the formally recognized stakeholder groups in the region, I'm concerned the underlying legislation would include the Steens in the National Landscape Conservation System.

Given my experience in creating the historic Steens Act, I understand the delicate balance between providing additional protection for deserving areas, while also ensuring the opportunities for other, historic uses. That is why I drafted the amendment today to strike the reference of the Steens Act from H.R. 2016, the National Landscape Conservation System Act.

The problem is simple. The Steens already has a set of strongly supported, congressionally mandated management purposes and objectives from the 106th Congress. I'm concerned that the Steens Act, specifically noted in this legislation, would give the Steens a duplicative set of management principles that would prove to be bait for unproductive lawsuits.

I certainly don't want clauses in H.R. 2016 to be used to upend the delicate balance all parties, including conservation and ranching groups, achieved with the writing and passage of the Steens Act.

So, Mr. Chairman, if I might engage in a colloquy, can you assure me and the good people in Harney County that your bill, H.R. 2016, if it becomes law, will not in any way supersede, undermine, or be used as a reason to change any of the purposes established in section 1(b) or the objectives established in section 102(b) of the Steens Act, Public Law 106–399.

I yield to my colleague from Arizona.

Mr. GRIJALVA. Thank you very much.

I am very well aware of the efforts made by you and the rest of the Oregon delegation to create one of the most unique pieces of Federal land management legislation in the Steens Act. You sought a balance of land protection, multiple historic uses, citizen involvement, and the creation of the first grazing-free wilderness in the country.

I can clearly state to you that H.R. 2016 will not in any way supersede, undermine or be used as a reason to change any of the purposes established in section 1(b) or the objectives established in section 102(b) of the Steens Act, Public Law 106–399.

Mr. WALDEN of Oregon. Chairman GRIJALVA, I appreciate your commitment to the Steens Act and recognition of all that went into its development and approval by Congress.

I thank you for your assurances here today on the floor of the House of Representatives to me and to the people of Harney County and this country.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. GRIJALVA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CUMMINGS) having assumed the chair, Mr. SERRANO, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1625

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 4 o'clock and 25 minutes p.m.

REPORT ON RESOLUTION RELATING TO THE CONSIDERATION OF H.R. 5724, UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–574) on the resolution (H. Res. 1092) relating to the consideration of the bill (H.R. 5724) to implement the United States-Colombia Trade Promotion Agreement, which was referred to the House Calendar and ordered to be printed.

NATIONAL LANDSCAPE CONSERVATION SYSTEM ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1084 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2016.

☐ 1627

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes, with Mr. SALAZAR (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 8 printed in House Report 110–573 by the gentleman from Oregon (Mr. WALDEN) had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–573 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GRIJALVA of Arizona.

Amendment No. 3 by Mr. BISHOP of Utah.

Amendment No. 4 by Mr. BISHOP of Utah.

Amendment No. 5 by Mr. BISHOP of Utah.

Amendment No. 6 by Mr. ALTMIRE of Pennsylvania.

Amendment No. 7 by Mr. PEARCE of New Mexico.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. GRIJALVA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 21, as follows:

[Roll No. 167]

AYES—414

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Abercrombie
Berman
Blunt
Brady (TX)
Buyer
Costa
Culberson
Diaz-Balart, L.
Faleomavaega
Ferguson
Granger
Herger
Larson (CT)
Lee
McCrery
Rothman
Rush
Shays
Sires
Smith (NJ)
Wilson (SC)

☐ 1651

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. WILSON of South Carolina. Mr. Chairman, on rollcall No. 167, I was delayed due to attending the Foreign Affairs Committee hearing for Gen. David Patraeus and Ambassador Ryan Crocker, had I been present, I would have voted "aye."

Mr. HERGER. Mr. Chairman, on rollcall No. 167, had I been present, I would have voted "aye."

AMENDMENT NO. 3 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 246, not voting 14, as follows:

[Roll No. 168]

AYES—175

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (NY)
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—246

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Abercrombie
Berman
Buyer
Diaz-Balart, L.
Faleomavaega
Ferguson
Granger
Larson (CT)
Lee
Rothman
Rush
Shays
Sires
Smith (NJ)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1700

Messrs. WELCH of Vermont, EHLERS, RUPPERSBERGER, MEEK of Florida and HINOJOSA changed their vote from "aye" to "no."

Mrs. BOYDA of Kansas changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HALL of New York. Mr. Chairman, during rollcall vote No. 168 on H.R. 2016, I mistakenly recorded my vote as "aye" when I should have voted "no."

AMENDMENT NO. 4 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 245, not voting 18, as follows:

[Roll No. 169]

AYES—172

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson

English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—245

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Abercrombie
Becerra
Buyer
Diaz-Balart, L.
Faleomavaega
Ferguson
Granger
Gutierrez
Jones (OH)
Larson (CT)
Perlmutter
Peterson (MN)
Rothman
Rush
Shays
Sires
Smith (NJ)
Tiberi

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1707

Mr. BOUCHER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. LEE. Mr. Chairman, because I was questioning General Petraeus and Ambassador Crocker in a hearing of the House Foreign Affairs Committee today, I missed rollcall votes numbered 167 through 169 regarding amendments to H.R. 2016, the National Landscape Conservation System Act. Had I been present, I would voted "aye" on the Grijalva amendment (rollcall 167); "nay" on the Bishop (UT) amendment No. 3 (rollcall 168); and "nay" on the Bishop (UT) amendment No. 4 (rollcall 169).

AMENDMENT NO. 5 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 333, noes 89, not voting 13, as follows:

[Roll No. 170]

AYES—333

Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Fattah
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Inglis (SC)
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Norton
Nunes
Oberstar
Obey
Ortiz
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watt
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—89

Ackerman
Baird
Baldwin
Berman
Biggert
Bishop (NY)
Blumenauer
Braley (IA)
Capps
Capuano
Castor
Chandler
Christensen
Clarke
Conyers
Costello
Courtney
Delahunt
Dicks
Doggett
Ehlers
Engel
Eshoo
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Israel
Johnson, E. B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kirk
Kucinich
Langevin
Lee
Lipinski
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNulty
Miller, George
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pascrell
Pastor
Payne
Reyes
Roybal-Allard
Sánchez, Linda T.
Schakowsky
Schwartz
Sherman
Slaughter
Solis
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Van Hollen
Wasserman Schultz
Watson
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu

NOT VOTING—13

Abercrombie
Becerra
Buyer
Diaz-Balart, L.
Ferguson
Granger
Hunter
Larson (CT)
Rothman
Rush
Shays
Sires
Smith (NJ)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1717

Messrs. BERMAN, MOORE of Kansas, WEINER, BISHOP of New York, and KIRK changed their vote from "aye" to "no."

Messrs. McNERNEY, SALAZAR, and HALL of New York changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. ELLISON. Mr. Chairman, during rollcall vote No. 170 on H.R. 2016, I mistakenly recorded my vote as "aye" when I should have voted "no."

AMENDMENT NO. 6 OFFERED BY MR. ALTMIRE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 5, not voting 14, as follows:

[Roll No. 171]

AYES—416

Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—5

Honda
Kucinich
Lofgren, Zoe
McDermott
Moore (WI)

NOT VOTING—14

Abercrombie
Alexander
Becerra
Buyer
Diaz-Balart, L.
Ferguson
Granger
Larson (CT)
Peterson (MN)
Rothman
Rush
Shays
Sires
Smith (NJ)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1724

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 207, not voting 14, as follows:

[Roll No. 172]

AYES—214

Aderholt
Akin
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Dent
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norton
Nunes
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—207

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Petri
Platts
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Abercrombie
Alexander
Becerra
Buyer
Diaz-Balart, L.
Ferguson
Granger
Larson (CT)
Rothman
Rush
Shays
Sires
Smith (NJ)
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1734

Mr. McINTYRE changed his vote from "aye" to "no."

Mr. PERLMUTTER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. SALAZAR, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes, pursuant to House Resolution 1084, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CANNON

Mr. CANNON. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CANNON. Yes, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cannon moves to recommit the bill, H.R. 2016, to the Committee on Natural Resources with instructions to report back to the House promptly with the following amendment:

At the end of section 4 of the bill, add the following:

In addition, nothing in this Act shall affect the right to bear arms under the Second Amendment within the National Landscape Conservation System.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 5 minutes.

Mr. CANNON. Mr. Speaker, it is essential that we keep the second amendment protections on BLM lands. This motion to recommit will prevent the

NLCS from imposing a complete ban on the right to bear arms like the National Park Service.

In 2006 the National Park Service prevented visitors from protecting themselves, and 11 individuals were murdered, 35 were raped, and 16 were kidnapped. We cannot let the NLCS become an area where the public won't go because they can't protect themselves.

There's a crisis on our Federal lands, especially along the southern border, and a National Park Service second amendment restriction will ensure only the drug traffickers, rapists, and murderers will have guns. The ability to carry firearms on these lands for personal protection is a mere lawsuit and a sympathetic judge away from being denied.

The Altmire amendment already agreed to preserve certain rights, but the vague language of this legislation leaves second amendment rights woefully unprotected. The second amendment was never meant to provide cafeteria-style rights for legislators, for us to pick and choose. The second amendment is a constitutional right which you either support or oppose. This motion to recommit will unequivocally make sure that is the case.

I urge a "yes" vote on this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Speaker, as was indicated by the gentleman from Utah, the Altmire amendment, which was endorsed by the NRA and the NRA supported the bill with the inclusion of that amendment in its present form, dealt with this issue and dealt with it effectively by reaffirming the right of gun owners and hunters in those public lands. Also in the legislation is a savings clause which guarantees that management prerogatives that are on the land now will remain on the land.

This to me is clearly a bait and switch. It's a gotcha move. These issues have been dealt with in the legislation. It is not a second amendment threat that we are talking about here. We're talking about, more importantly, the issue of public lands and their management. And it might be added that the use of the word "promptly" in the motion to recommit would effectively kill this legislation, a decent, well-crafted, bipartisan legislation supported by many Members in this House.

Let me just read from the letter sent out by the NRA:

"Because of our longstanding support for our hunting heritage and sportsmen's rights, the National Rifle Association will consider the vote on this amendment," the Altmire amendment, "in our future candidate ratings and endorsement. If the Altmire amendment is adopted, the NRA will withdraw our current opposition to H.R. 2016."

I repeat again, this motion to recommit is not about protecting the second amendment. This motion to recommit is a ploy to effectively kill the bill. If you cannot win arguments, it appears, through facts and through rational discussion and debate, then you try to win votes by using scare tactics and ploys. This is a ploy to kill the bill.

I urge a "no" vote on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CANNON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 208, noes 212, not voting 10, as follows:

[Roll No. 173]

AYES—208

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—212

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher

Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Abercrombie
Buyer
Diaz-Balart, L.
Ferguson
Granger
Larson (CT)
Paul
Rush
Shays
Sires

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

☐ 1801

Messrs. COSTELLO and HODES changed their vote from "aye" to "no."

Mr. KAGEN changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CANNON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 278, noes 140, not voting 12, as follows:

[Roll No. 174]

AYES—278

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—140

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)

NOT VOTING—12

Abercrombie
Blackburn
Buyer
Diaz-Balart, L.
Feeney
Ferguson
Granger
Larson (CT)
Paul
Rush
Shays
Sires

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1810

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 3368

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 3368, a bill originally introduced by Representative Lantos of California, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to request of the gentleman from Texas?

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. HOLDEN. Mr. Speaker, by direction of the Committee on Agriculture, I move to take from the Speaker's table the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. GOODLATTE

Mr. GOODLATTE. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Goodlatte moves that the managers on the part of the House at the conference on the disagreeing votes on the two Houses on the Senate amendment to the bill H.R. 2419 be instructed, within the scope of the conference, to—
>
> Disagree to any provision which will result in an increase in taxes.

The SPEAKER pro tempore (Mr. HASTINGS of Florida). Pursuant to clause 7 of rule XXII, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Pennsylvania (Mr. HOLDEN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct conferees to make clear that tax increases do not belong in a farm bill. While there are still some funding issues that need to be worked out and many policy decisions to be negotiated, these instructions are very clear in stating that tax increases cannot be used to fund the remaining elements of the farm bill.

Again I will read the actual language of the motion, which is that the managers on the part of the House at the conference on the disagreeing votes on the two Houses on the Senate amendment to the bill H.R. 2419 be instructed within the scope of the conference to disagree to any provision which will result in an increase in taxes.

These instructions are very clear in stating that tax increases cannot be used to fund the remaining elements of the farm bill. Farm bills have long enjoyed bipartisan support in this body, and it would be devastating to American agriculture to add a divisive element such as tax increases to this bill.

This conference has been a long time coming, and we are ready to put together a reform-minded farm bill that addresses a variety of issues, including conservation, nutrition, energy, rural development, fruits and vegetables, and forestry, while maintaining a strong safety net for America's farmers and ranchers so that they can continue to meet the growing demand for their products in the global market.

☐ 1815

This motion is very important. I expect that there will be strong bipartisan support for this motion, and it's important because we have been down this road of attempting to pass a farm bill for quite some time.

When the bill came out of the House Agriculture Committee last summer, many of the Members on this side of the aisle expected that the amount of money that was added outside of the committee's jurisdiction would not constitute tax increases. We are very disappointed to find that it did include tax increases, and that has definitely bogged down this process for the many, many, many months since.

We have now had some very good discussions with members of other committees that are involved in making sure that we have the ability to move forward and to pay for measures that exceed the amount of money within the jurisdiction of the Agriculture Committee, and those do not include tax increases.

This is, I think, an important statement to be made here and in the other body that we can complete this work without tax increases. We do not need to repeat the mistakes that were made earlier in that regard.

I also think it's very clear that the President of the United States has been very strong in his statement that this bill would be vetoed if it included tax increases. While we continue to work with the administration on a number of other issues, we are making progress there as well.

Again, this would reaffirm, I think, the kind of bipartisan support that it takes to pass a farm bill and get it signed into law.

I urge my colleagues to support this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLDEN. I want to commend the ranking member of the committee for the hard work that he has done with the chairman of the committee, who is now in a meeting with leadership, as we are trying to iron out the final details of a long process where a lot of people, particularly Chairman PETERSON and Ranking Member GOODLATTE, have put a lot of time and effort to get to this spot in the process where we are. We are hoping that we can meet our deadline of next Friday to see that we can have this conference report completed.

The ranking member has correctly evaluated the process that we have gone through as we try to get to this process, and we are in agreement. We believe that we can pass this farm bill without any tax increases.

Before I yield back the balance of my time, Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my friend from Pennsylvania for yielding me this time.

Mr. Speaker, we need a farm bill, and we need it soon. Planting season is starting throughout the country, but I would hope that at the end of the process we get a good farm bill rather than a bad farm bill, one that recognizes current market prices and the conditions that farmers are experiencing out there. It was a little more bold on reform, especially under those title I commodity programs.

The President has made it clear that he won't find a farm bill acceptable that does call for an increase in taxes in order to pay for it. I and others who have been a part of a reform effort, especially with the commodity subsidy programs, believe that we are capable of producing a farm bill that maintains an important safety net for family farmers, but also protects the important priorities that are also a part of the farm bill.

It's based on the philosophy of let's help family farmers when they need it, let's not when they don't. Clearly with commodity prices at or near record highs in the marketplace today, part of it driven by the biofuels portion in this country, a large part of it due to the increased global demand, many of us are suspecting that these prices are going to continue. That's been great for the rural economy, and it's been great for farm income.

But let us also take this opportunity then of starting to move forward on some commonsense reasonable reforms of these commodity programs, while still maintaining a safety net in the farm bill, but without jeopardizing the conservation title or nutrition or specialty crops, rural economic development programs and renewable fuel investment.

I would hope that my colleagues support this motion to instruct. I think it's the right thing to do. I think at the end of the day, if we are going to have a bipartisan bill that the President feels comfortable in doing, one of the goals that we have to strive for is a bill that does not call for an increase in taxes in light of record high market prices.

I commend the gentleman for offering this motion and encourage support on the vote.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

I would just say to the gentleman from Pennsylvania that I very much appreciate his kind words. We have worked in a very bipartisan fashion. The chairman of the committee has been very dedicated to working with us, and we very much appreciate that, as have the other members of the committee.

We now look forward to going to conference and have the opportunity to work together as we work with the other body to try to work out what are still many, many hurdles. A lot of the people have been excited that we are going to conference, and we need to make sure they understand that we are not done with this, but we do have some good ideas that we are going to be able to move forward with. I think that's very encouraging.

I would also say to the gentleman from Wisconsin that I too share his desire for reform. This farm bill will contain a lot of reform, and it will result in substantial savings to the taxpayers of the country, because, in fact, that has already occurred.

The current farm bill, if it were to be perpetuated, which I do not support, but if it were to be perpetuated, would cost $58 billion less for the next 5 years than it cost for the last 5. So the fact of the matter is there is already substantial savings being achieved.

There are, nonetheless, additional reforms that I and many others support as we move to conference with this legislation, and I think the outcome will be one that maintains the safety net for America's farmers and ranchers, but makes a number of very important reforms in a number of different areas and enhances those new areas that I know the gentleman has championed and others, like conservation, which I very much join him in supporting and making sure that the nutritional needs of many in this country are met, and other purposes. We can do that without tax increases, and, as a result, I think this is a very appropriate motion to instruct to adopt today.

Mr. Speaker, I yield back the balance of my time.

Mr. HOLDEN. I would just like to thank the ranking member for his comments and also to say to my friend from Wisconsin, who served on the committee, that he understands that we are fortunate to serve on one of the most bipartisan committees in the Congress. We do not have Democrat and Republican disagreements on agriculture, but we do have regional ones. I believe that the final product will reflect those regional differences and also will have a significant amount of reform that all of us are going to be able to go home and talk about that we did something positive in this farm bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOODLATTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct will be followed by 5-minute votes on motions to suspend the rules with respect to H.R. 5489 and H.R. 5472.

The vote was taken by electronic device, and there were—yeas 400, nays 11, not voting 19, as follows:

[Roll No. 175]

YEAS—400

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—11

Blumenauer
Capuano
DeFazio
Ellison
Frank (MA)
McDermott
McGovern
Olver
Payne
Waters
Woolsey

NOT VOTING—19

Abercrombie
Bachus
Buyer
Edwards
Ferguson
Giffords
Granger
Hooley
Larson (CT)
Myrick
Peterson (PA)
Rangel
Rush
Salazar
Shays
Sires
Stark
Stearns
Waxman

☐ 1847

Ms. WOOLSEY and Messrs. DEFAZIO and PAYNE changed their vote from "yea" to "nay."

Messrs. NADLER and CLYBURN changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 175, I was unavoidably detained. Had I been present, I would have voted "yea."

CONGRESSWOMAN JO ANN S. DAVIS POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5489, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5489.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 33, as follows:

[Roll No. 176]

YEAS—397

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca

Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—33

Abercrombie
Bachus
Boehner
Boswell
Butterfield
Buyer
Cole (OK)
Edwards
Emanuel
Ferguson
Fossella
Giffords
Granger
Hooley
Hulshof
Issa
Jones (OH)
Larson (CT)
Mahoney (FL)
Marchant
McCrery
Moran (VA)
Murtha
Peterson (MN)
Peterson (PA)
Rangel
Reynolds
Rush
Shays
Sires
Slaughter
Stark
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

☐ 1854

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JULIA M. CARSON POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5472, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5472.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 29, as follows:

[Roll No. 177]

YEAS—401

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone

Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—29

Abercrombie
Bachus
Boehner
Boswell
Buyer
Coble
Dicks
Edwards
Ferguson
Garrett (NJ)
Giffords
Granger
Hooley
Kildee
Larson (CT)
Marchant
McCollum (MN)
McCrery
Moran (VA)
Murtha
Peterson (MN)
Peterson (PA)
Rangel
Rush
Shays
Sires
Slaughter
Stark
Waxman

□ 1900

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I was not present to vote on rollcall votes 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, and 177 due to a family medical matter. Had I been present, I would have voted:

"Yea" on rollcall vote No. 164 on ordering the previous question on H. Res. 1084, Providing for consideration of the bill H.R. 2016, to establish the National Landscape Conservation System, and for other purposes.

"Yea" on rollcall vote No. 165 on H. Res. 1084, Providing for consideration of the bill H.R. 2016, to establish the National Landscape Conservation System, and for other purposes.

"Yea" on rollcall vote No. 166 on H. Res. 1077, calling on the Government of the People's Republic of China to end its crackdown in Tibet and to enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identity, and fundamental freedom of all Tibetans.

"Yea" on rollcall vote No. 167 on agreeing to the amendment to H.R. 2016, to reiterate that nothing in the bill shall impede efforts by the Department of Homeland Security to secure the borders of the United States.

"No" on rollcall vote No. 168 on agreeing to the amendment to H.R. 2016, to strike the purposes of the National Landscape Conservation System.

"No" on rollcall vote No. 169 on agreeing to the amendment to H.R. 2016, to strike the existing management objectives of the National Landscape Conservation System and inserts language directing the Interior Secretary to manage the system in accordance with each applicable law (including regulations) relating to each component of the system included under subsection (b).

"No" on rollcall vote No. 170 on agreeing to the amendment to H.R. 2016, to provide that nothing in the bill additionally restricts or hinders energy development within the National Landscape Conservation System.

"No" on rollcall vote No. 171 on agreeing to the amendment to H.R. 2016, to provide that the bill does not in any way limit access for hunting, fishing, trapping or recreational shooting on the 27 million acres administered by the Bureau of Land Management. It also provides that H.R. 2016 does not in any way infringe on a State's right to manage, control or regulate its hunting, fishing, trapping and recreational shooting activities on these lands.

"No" on rollcall vote No. 172 on agreeing to the amendment to H.R. 2016, to provide that inclusion in the National Landscape Conservation System does not affect existing grazing rights or operations on those Bureau of Land Management Lands.

"No" on rollcall vote No. 173 on the motion to recommit H.R. 2016.

"No" on rollcall vote No. 174 on agreeing to the passage of H.R. 2016, to establish the National Landscape Conservation System, and for other purposes.

"Yea" on rollcall vote No. 175 on motion to construct the conferees on H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

"Yea" on rollcall vote No. 176 on agreeing to the passage of H.R. 5489, to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office" suspension bill.

"Yea" on rollcall vote No. 177 on agreeing to the passage of H.R. 5472, to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. St., Indianapolis, Indiana, as the "Julia M. Carson Post Office Building" suspension bill.

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, today I missed 14 recorded votes.

I take my voting responsibility very seriously. Had I been present, I would have voted "nay" on recorded vote No. 164, "yea" on recorded vote No. 165, "yea" on recorded vote No. 166, "aye" on recorded vote No. 167, "no" on recorded vote No. 168, "no" on recorded vote No. 169, "aye" on recorded vote No. 170, "aye" on recorded vote No. 171, "aye" on recorded vote No. 172, "no" on recorded vote No. 173, "aye" on recorded vote No. 174, "yea" on recorded vote 175, "yea" on recorded vote No. 176, and "yea" on recorded vote No. 177.

APPOINTMENT OF CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Agriculture, for consideration of the House bill (except title XII) and the Senate amendment (except secs. 12001, 12201–12601, and 12701–12808), and modifications committed to conference: Messrs. PETERSON of Minnesota, HOLDEN, MCINTYRE, ETHERIDGE, BOSWELL, BACA, CARDOZA, SCOTT of Georgia, GOODLATTE, LUCAS, MORAN of Kansas, HAYES, Mrs. MUSGRAVE, and Mr. NEUGEBAUER.

From the Committee on Education and Labor, for consideration of secs. 4303 and 4304 of the House bill, and secs. 4901–4905, 4911, and 4912 of the Senate amendment, and modifications committed to conference: Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, and Mr. PLATTS.

From the Committee on Energy and Commerce, for consideration of secs. 6012, 6023, 6024, 6028, 6029, 9004, 9005, and 9017 of the House bill, and secs. 6006, 6012, 6110–6112, 6202, 6302, 7044, 7049, 7307, 7507, 9001, 11060, 11072, 11087, and 11101–11103 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, PALLONE, and BARTON of Texas.

From the Committee on Financial Services, for consideration of sec. 11310 of the House bill, and secs. 6501–6505, 11068, and 13107 of the Senate amendment, and modifications committed to conference: Mr. KANJORSKI, Ms. WATERS, and Mr. BACHUS.

From the Committee on Foreign Affairs, for consideration of secs. 3001–3008, 3010–3014, and 3016 of the House bill, and secs. 3001–3022, 3101–3107, and 3201–3204 of the Senate amendment, and modifications committed to conference: Messrs. BERMAN, SHERMAN, and Ms. ROS-LEHTINEN.

From the Committee on the Judiciary, for consideration of secs. 11102, 11312, and 11314 of the House bill, and secs. 5402, 10103, 10201, 10203, 10205, 11017, 11069, 11076, 13102, and 13104 of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, SCOTT of Virginia, and SMITH of Texas.

From the Committee on Natural Resources, for consideration of secs. 2313, 2331, 2341, 2405, 2607, 2607A, 2611, 5401, 6020, 7033, 7311, 8101, 8112, 8121–8127, 8204, 8205, 11063, and 11075 of the Senate amendment, and modifications committed to conference: Mr. RAHALL, Ms. BORDALLO, and Mrs. MCMORRIS RODGERS.

From the Committee on Oversight and Government Reform, for consideration of secs. 1501 and 7109 of the House bill, and secs. 7020, 7313, 7314, 7316, 7502, 8126, 8205, and 10201 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, TOWNS, and JORDAN of Ohio.

From the Committee on Science and Technology, for consideration of secs. 4403, 9003, 9006, 9010, 9015, 9019, and 9020 of the House bill, and secs. 7039, 7051, 7315, 7501, and 9001 of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, LAMPSON, and MCCAUL of Texas.

From the Committee on Small Business, for consideration of subtitle D of title XI of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ, Messrs. SHULER, and CHABOT.

From the Committee on Transportation and Infrastructure, for consideration of secs. 2203, 2301, 6019, and 6020 of the House bill, and secs. 2604, 6029, 6030, 6034, and 11087 of the Senate amendment, and modifications committed to conference: Mr. OBERSTAR, Ms. NORTON, and Mr. GRAVES.

From the Committee on Ways and Means, for consideration of sec. 1303 and title XII of the House bill, and secs. 12001–12601, and 12701–12808 of the Senate amendment, and modifications committed to conference: Messrs. RANGEL, POMEROY, and MCCRERY.

For consideration of the House bill (except title XII) and the Senate amendment (except secs. 12001, 12201–12601, and 12701–12808), and modifications committed to conference: Ms. DELAURO and Mr. PUTNAM.

There was no objection.

MR. CARTER—DON'T MEET WITH HAMAS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, yesterday Al-Hayat reported that former President Carter will visit Syria to meet with Hamas leader Khaled Meshal.

The State Department lists Hamas as a foreign terrorist organization. It is responsible for the murder of at least 26 American citizens, some of them teenagers, children, and infants, like David Applebaum of Ohio, Nava Applebaum of Ohio, Alan Beer of Ohio, Marla Bennet of California, Benjamin Blutstein of Pennsylvania, David Boim of New York, Yael Botwin of California, Dina Carta of North Carolina, Janis Ruth Coulter of Massachusetts, Sara Duker of New Jersey, Matthew Eisenfeld of Connecticut, Tzvi Goldstein of New York, Judith Greenbaum of New Jersey, David Gritz of Massachusetts, Dina Horowitz of Florida, Rabbi Eli Horowitz of Illinois, Tehilla Nathanson, age 3, of New York, Malka Roth of New York, Mordechai Reinitz of New York, Yitzhak Reinitz of New York, Leah Stern of New Jersey, Goldie Taubenfeld of New York, Shmuel Taubenfeld of New York, Nachshon Wachsman of New York, Ira Weinstein of New York, and Yitzhak Weinstock of California.

President Carter, the voices of these victims in the grave beseech you: Do not meet with the man who ordered their murders.

DO NOT REWARD COLOMBIA WITH A FAIR TRADE AGREEMENT

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Mr. Speaker, if I had been born in Colombia, I would probably be dead. As a former president of my labor union, my fight for higher wages, better working conditions, and secure pension could have cost me my life.

Thirty-nine trade unionists were murdered in Colombia in 2007, and they are being killed at a rate of over one per week this year. Even more alarming is only around 3 percent of cases result in convictions, illustrating the culture of violence that has existed in Colombia for decades. Inexplicably, President Bush wants to reward Colombia with a free trade agreement. Not on my watch.

The right to organize and bargain collectively is essential to human freedom and the passage of the U.S.-Colombia Free Trade Agreement would greatly diminish our Nation's reputation as a leader in the fight to end human rights abuses worldwide. We should not even consider this agreement until Colombia puts a stop to the violence against union organizers.

THE COLOMBIA FREE TRADE AGREEMENT IS UNFAIR

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in opposition to the Colombia Free Trade Agreement for four main reasons. One, the agreement will flood Colombia's market with subsidized U.S. produce. This will force Colombian farmers to turn to a more profitable crop, coca, thereby fueling the drug trade and threatening U.S. national security.

Second, this agreement will aggravate Colombia's horrendous human rights record. It will take away incentives to reduce child labor or protect union members, and the movement to improve workers' rights will languish in the face of international corporations' profits.

Third, the pact will worsen the plight of the Afro-Colombians. They will continue to be forced off their territories, which are prime for oil palm and natural gas exploitation.

And fourth, this free trade agreement is harmful to American workers. Its passage will make it more profitable for U.S. companies to move their operations to Colombia where labor is cheaper and environmental standards are lower.

Everyone agrees that free trade is good but only when it's fair. The Colombia Free Trade Agreement is transparently unfair, and I urge my colleagues to oppose it.

HONORING THE EMPLOYEES OF THE HOMELAND SECURITY DEPARTMENT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is an interesting day. Earlier today on the floor of the House, we rose to pay tribute to the 5-year anniversary of the Department of Homeland Security and to express our appreciation for the employees for their extraordinary efforts and contributions to protect and secure our Nation. Security protection is not perfect.

And there have been challenges and, if you will, mountains to climb in preparing this Nation for its own security. Having been on the early established Homeland Security Committee and having gone to Ground Zero as the smoke was simmering, I know full well the value and purpose of all of these front-line employees.

I offer them today my greatest appreciation and would say to all of them, I would wish that all of our jobs relating to security would be extinguished, but we know that it cannot, and our task is to protect Americans. For that, we must be diligent and transparent. We must value civil liberties, but as well, we must be sure on security.

Mr. Speaker, I truly believe that when we bring our troops home, we will have a civilian Homeland Security Department that can truly help secure America.

DO NOT PASS THE U.S.-COLOMBIA FREE TRADE AGREEMENT

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, I am pleased as Speaker PELOSI decided to assert Congress' power over international trade by waiving ill-advised fast-track rules, and I hope the decision to waive the 90-day deadline for a vote on the Colombia FTA will effectively kill the agreement.

This is not a good idea at this time. Colombia has not proven that they are capable of providing the human rights that the people of Colombia so desperately need. Passage of the U.S.-Colombia Free Trade Agreement would greatly diminish our Nation's reputation as a leader in the fight to end human rights abuses worldwide. Like the Peru agreement which preceded it, the Colombia FTA is based on the flawed NAFTA–CAFTA model which also led to the outsourcing of millions of high-paying American jobs. This comes at a time when our own country is in a recession and experiencing unprecedented job loss.

All around, this is not a good idea, and I hope that we will kill this.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DONNELLY). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BROKEN JUSTICE IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the justice system has broken down for Jamie Leigh Jones and other female contractors sexually assaulted in Iraq by their coworkers.

In June 2005, nearly 3 years ago, Jamie Leigh Jones was drugged and gang raped by her KBR coworkers in Iraq. After 2½ years and no real answers from our own government agencies, Jamie decided to go public in hopes of finding the answers and getting justice. She testified before the House Judiciary Committee in December of last year. And despite Jamie's experiences and the national attention that this issue garnered, nothing changed in Iraq. There continues to be a hostile living and working environment for female contractors that are Americans working overseas for American employers.

A "boys will be boys" atmosphere seems to appear where assaults occur, and then they're covered up. The Department of Justice says it has several active investigations, but it has not prosecuted any contractor for a sexual assault since the invasion of Iraq 5 years ago.

The Justice Department has over 200 employees in Baghdad. The question is, what are they doing? Why aren't they prosecuting crimes by Americans against Americans? There are 180,000 civilian workers in Iraq; not all of those people are good folks, some of them have committed crimes, but yet not one of them has been prosecuted for an assault that has occurred. These assailants remain free and unaccountable while the victims continue to suffer.

And yet there is more. This week we learned of another victim. She identified herself this morning at the Senate Committee on Foreign Relations as Dawn Lemon. Dawn Lemon's story is brutal. She went to Iraq as a KBR contractor. She was stationed in the hostile red zone as a paramedic. She awoke in January of 2008, just 3 months ago, to the sound of incoming rocket attacks. But when she woke up, she was naked in a chair, covered in blood and feces. She had feces in her mouth. She found a U.S. soldier lying naked in the bed next to her with his clothes and his gun on the floor. All she could remember was screaming at this unknown soldier that was laying on top of her. She sought help from a KBR colleague, thinking that he would save her, but he didn't. As a soldier anally raped her, her KBR colleague forced her to perform oral sex on him. And when Dawn told her KBR supervisor about the incident, she was told to be quiet. When she reported the incident to the camp's military liaison, she was told again not to say anything.

In order to leave Iraq, Dawn had to cooperate with KBR. She had to sign documents agreeing not to discuss the rape in public. She decided to send those documents via e-mail to an attorney in the United States, but 20 minutes after she sent those documents Army investigators showed up and confiscated her computer. They were obviously tracking her e-mail communications.

Before she left Iraq on leave, she was assigned to sleep guarded by two Army Criminal Investigative Division officials to keep her safe. Her alleged assailants, however, were in the same camp, but they roamed freely, doing what they wished.

As the Federal Government agencies refuse to take responsibility and implement change and as these agencies have continued to pass the buck back and forth, still, nothing has occurred in these cases. There are no jurisdictional problems. The law exists to prosecute these individuals in Iraq, and these laws have been applicable for some time. There is nothing but excuses from our government agencies for failure to prosecute these criminals.

We knew in December that Jamie Leigh Jones was not alone. Three years later, this is still occurring. Dawn Lemon now joins a growing number of female contractors who have been sexually assaulted in Iraq by their coworkers.

Justice has failed these women. Is our government hiding these crimes? Why don't companies like KBR cooperate rather than stonewall these investigations?

Mr. Speaker, we will find the answers to these questions, I assure you. Victims like Jamie Leigh Jones and Dawn are to be admired for coming forward. Our duty is to protect them and their rights. We can do no less because, Mr. Speaker, justice is the one thing we should always find, even in Iraq.

And that's just the way it is.

NATIONAL PUBLIC HEALTH WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today in recognition of National Public Health Week and to applaud the passage of legislation to address health issues that impact the quality of life of all Americans. I commend my colleagues for joining me in passing critical health care legislation to improve the lives of Americans, from the youngest to the oldest among us, by increasing their access to care.

It is fitting that we address this legislation during National Public Health Week, a time when our attention is focused on the critical need to improve public health. I think it is also fitting that we recognize this week while we remember Ryan White, who died 18 years ago yesterday. This brave young man, whose namesake, the Ryan White CARE Act, has saved so many from the ravages of HIV/AIDS, taught us all an important lesson about our personal roles in improving the public's health.

I am the sponsor of two bills that passed this week, the Early Hearing Detection & Intervention Act, which amends the Public Health Service Act regarding early detection, diagnosis and treatment of hearing loss, and the Food Allergy & Anaphylaxis Management Act, which provides schools with guidelines on how to create appropriate management and emergency plans for children with food allergies.

I also support the following bills that were adopted by the House this week:

The Wakefield Act, which amends the Public Health Service Act to improve emergency services for children who need treatment for trauma or critical care;

The Cytology Proficiency Improvement Act, which provides revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations to ensure that health care professionals who screen and interpret tests for cervical cancer are skilled in today's medical technology;

Reauthorization of the Traumatic Brain Injury Act, which provides for the expansion and improvement of traumatic brain injury programs by providing grants to States to support the treatment and rehabilitation of traumatic brain injury patients.

The Safety of Seniors Act, which directs the United States Department of Health and Human Services to oversee and support education campaigns focused on reducing falls and preventing repeat falls among older Americans;

And finally, the Newborn Screening Saves Lives Act, which establishes grant programs to provide for education and outreach on newborn screening and coordinated follow-up care once newborn screening has been conducted.

These bills will make great strides in ensuring the public's health and the essential mission of our Nation. Without health, children cannot grow to be all that God meant for them to be, adults cannot fulfill their role as contributing members of our society, and our elderly cannot peacefully live out their golden years.

If one were to ask any of us to list those things that might be the enemy of our destiny, we would all have to agree that poor health would be at the top of the list. For this reason, I will continue to fight for the expansion of quality health care programs to help ensure that every American can benefit from a more vibrant and productive quality of life.

U.S.-COLOMBIA TRADE PROMOTION AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER of Illinois. Mr. Speaker, I rise in support of the U.S.-Colombia Trade Promotion Agreement. I rise in support of bringing this important agreement to the House floor.

Ladies and gentlemen, I come from the State of Illinois. I represent a district that's heavily dependent on exports for growing our economy. We make heavy construction equipment. We grow a lot of corn and soybeans. We export a tremendous amount of plastics and petrochemicals. This trade agreement is a big winner for States like Illinois as it is for our Nation.

You know, right now our products made in Colombia, whether farm products or manufactured goods, they enter the United States essentially duty free. The Andean Nations of Peru, Colombia, Ecuador and Bolivia, they've got the opportunity for all their products to come to the United States duty free, but our products made in America face taxes when they're exported to Colombia. In fact, the bulldozers made in my district, I have 8,000 workers, union workers who work for Caterpillar, they make the yellow bulldozers. Mining is a big industry in Colombia, we want to sell those products there, but they face 15 percent tariffs when they're exported. It makes them harder to compete with the Asians.

The corn and soybeans and livestock products produced in my district, they face tariffs today up to 40 percent, making it hard to compete with the Argentineans and Brazilians and the Colombian market, a nation of over 40 million people.

The bottom line is 80 percent of U.S. exports to Colombia will be duty free immediately once this trade agreement goes into effect. And I would note that, as we've seen, countries like Chile and the central American countries and elsewhere where we have trade agreements, we've seen 50 percent faster growth in exports in nations who have trade agreements than those who do not.

And I would note also, again, Colombian products come to the United States duty free, tariff free, but our products face barriers going in. This agreement eliminates those and makes trade a two-way street. It's an important agreement, and I urge it be brought up for a vote and I urge bipartisan support.

Those who oppose this trade agreement say Colombia hasn't done enough. And I want to begin by asking, who is the Republic of Colombia? What nation in Latin America is the oldest democracy in Latin America? It's Colombia. What nation is the second largest Spanish-speaking nation in all Latin America? Colombia. What nation is the most reliable ally of the United States, particularly when it comes to counterterrorism and counternarcotics? Colombia. And what nation has done more under its current democratically elected president to reduce violence in Latin America? It's Colombia, clearly.

Colombia is not only a friend of the United States, in fact, our enemies in Latin America identify Colombia as our best friend. And they say, you know, watch the United States, they always turn their back on their friends; watch how they treat Colombia when it comes to this trade agreement.

And those who would argue against this trade agreement say, you know, you've got to look at the labor violence, you've got to look at the violence in the country; and Colombia just has not done enough to address violence. Well, President Uribe is the most popular elected president in this entire hemisphere. This Congress today suffers from a 15 percent approval rating, President Uribe in Colombia has an 80 percent approval rating. He was elected to reduce the violence in his country, and he succeeded.

In fact, 71 percent of Colombians today say they feel more secure because of President Uribe. Seventy-three percent say President Uribe respects human rights. Homicides are down 40 percent, kidnappings are down 76 percent. Colombians feel free to drive anywhere in Colombia. And I would point out that today, the murder rate in Colombia is lower than Washington, D.C., it's lower than Baltimore. It's safer to walk the streets of Bogota, Colombia than it is in Washington, D.C., yet those who oppose this agreement say the murder rate is too high and that Colombia needs to do more. But Washington, D.C. is more violent than Colombia.

Here's the facts: When it comes to labor violence, President Uribe has made major changes. He has increased the Prosecutor General's budget by 72 percent in the last 2 years. He has added over 2,100 new posts, adding 418 new prosecutors, 445 new investigators. He has done so much that the President of the United Workers Confederation of Colombia says, "never in the history of Colombia have we achieved something so important." Yet there are those who want to turn their back on President Uribe in Colombia.

And when it comes specifically to protections provided to labor leaders, and I have met with many Colombian labor leaders, and they note that in Colombia, if you're a labor activist or labor leader and you feel in danger, you can request special protection from the government.

□ 1930

And last year under President Uribe, they spent $39 million providing body guards and special protection for labor leaders and labor activists. In fact, almost 2,000 labor leaders and activists have participated in this program, and it's been so successful that no labor leader who has requested the assistance has been denied because it's provided to those who are denied it, but also no one who has ever participated has ever been a victim of violence. It's been successful. And as the Washington Post noted, and you don't want to see anyone lose their life, but the murder rate for labor activists is actually lower than the murder rate for the average citizens of Colombia. And, again, it's safer to walk the streets of Bogota than it is in Washington, D.C. from the standpoint of being a victim of violent crime or, frankly, a victim of murder.

The International Labor Organization has recognized the progress Colombia has made. In fact, they have removed Colombia from its labor watch list. And Colombia has agreed to have a permanent International Labor Organization representative in Colombia.

Just a few weeks ago, this House overwhelmingly, with bipartisan support, ratified the U.S.-Peru agreement, and Colombia has agreed to every same labor condition that was demanded of Peru. Colombia has agreed to the same. So for those who demanded it, they should be proclaiming victory.

The bottom line is Colombia is a friend of the United States. And there are those who want to kill this agreement, those what want to turn their back on Colombia. Let's remember this agreement is good for Americans, it's also good for Colombia, but our best friend in Latin America is Colombia. They deserve a vote and they deserve a "yes" vote, bipartisan support, for the U.S.-Colombia Trade Promotion Agreement.

COLOMBIA AND OIL: GET IT WHILE YOU CAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the Bush administration announced this week it will be sending to the Congress for approval the Colombia Free Trade Agreement. And the American people might ask, Colombia? Now? In 2008? What about the District of Columbia and getting gas prices lower here in our Nation's capital? Or what about more fairly priced student loans for the next generation who are attempting to improve their opportunities for the years ahead? Or what about dealing with mortgage foreclosures in the United States, which are at epidemic levels in places like Ohio and Michigan and Florida and California? No. The President sends us something to help another country. "Colombia Free Trade," they call it.

Well, I would like to say to the American people tear the veneer off the agreement and look below it, and what you will find is crude. Oil. What this agreement really is about is more imported petroleum from one of the most undemocratic places in the world.

Colombia about 10 years ago was actually a net importer of oil. But today it is the fourth leading oil producer in South America. In fact, oil, rock/crude, has become Colombia's leading export product, and guess whom they send most of it to? You've got it right. The United States of America.

So what this Colombia Free Trade deal is all about is more imported oil, more dirty crude, more carbon emissions, more dependency of the people of the United States for energy, more living back in the 20th Century than embracing the 21st with energy independence here at home.

The oil picture in Colombia is clouded by rapidly declining production because of persistent attacks from people inside Colombia. What no one has mentioned, and the President didn't send it up here in his statement, is our country is already sending billions of dollars to Colombia to hold up the government. Why? To protect certain economic interests, including the rising export of petroleum.

This is a graph showing production levels of petroleum in Colombia back since the late 1980s, then up through 2000, when all of a sudden they started to decline because of unrest inside the country itself.

Now, it's no secret that there are 18 foreign oil companies in Colombia. Guess what. The majority of their headquarters is located right here in the United States. They have drilling operations in Colombia. California-based Occidental Petroleum launched an attempt to squeeze out of Colombia what oil remains with its discovery in 1983 of the Cano Limon field in the northeastern part of the country. The problem is that particular field produces less than a third of its total as recently as 4 years ago. Its production is going down.

British Petroleum, not to be outdone, has been drilling in the eastern plains in the Andes Mountains in the largest field in the country. However, that production has fallen by about two-thirds, and rather than 400,000 barrels a day, they produce about 170,000 barrels.

Faced with rapidly declining production, the Colombian Government has taken steps to improve the investment climate in Colombia and giving permission for foreign oil companies to own 100 percent stakes in oil ventures in Colombia. The Government of Colombia also established a lower sliding scale royalty fee, now at 8 percent on the smallest oil fields, and that set of actions have attracted an estimated $2 billion more in foreign investments since 2006. The oil industry is focusing heavily on this country.

Entering into the picture is the geopolitical position of Colombia because if we look at the United States having nearly half of their exports, Venezuela is number two, and we all know the difficulties with Venezuela. So there's a little strategic problem here related to the U.S. perception across Latin America. But it's important to tear the veneer off something called "Colombia Free Trade" and look at what is actually being traded out of Colombia.

While the United States continues to support the violent regime in Colombia, political unrest and political repression continue to cloud the discussion, and declining oil exports prove it. We can go back to 1988 when a car bomb outside of Occidental's nine-story Colombian headquarters in Bogota badly damaged that building. In October, 2000, a truck bomb nearly missed a bus filled with 40 Occidental secretaries and other company employees. And in April, 2001, rebels seized a bus filled with 100 Occidental oil workers.

Mr. Speaker, I'm going to include in the RECORD lots of information about Occidental Petroleum, which is just one example of what's happening in Colombia, and also some of Occidental Petroleum's political influence here in Washington, in the Congress and in the White House.

OCCIDENTAL PETROLEUM CORPORATION

Occidental Petroleum Corporation is one of the largest U.S.-based oil and gas multinationals, with exploration projects in three states and nine foreign countries, including Colombia. It has operated in Colombia for more than three decades; in 1983, Occidental discovered Caño Limón, Colombia's second-largest oil field and one of only 50 billion-barrel-class fields in the world. Occidental's investment in Caño Limón paid off long ago, with its share of production yielding hundreds of millions of dollars annually. Even through years of rebel attacks and pipeline closings, Caño Limón Field continues to be a profitable venture for Occidental.

In recent years, Occidental has simplified its oil and gas operations by focusing its operations in the United States, the Middle East and Latin America. Despite drastic oil price declines in 2001, Occidental Petroleum had its second-best annual earnings ever.

Annual sales: $14 billion

Annual net income: $1.2 billion.

CEO and annual executive salary: Ray Irani, $24 million (six-year average); Forbes Magazine ranked Irani the second-worst among executives who gave shareholders the least return on their investment compared with their own pay. In 2001, Irani's compensation package included free financial planning, country club dues and a $2.6 million bonus.

Founded: 1920.

Stock: Publicly traded (OXY) on the New York Stock Exchange.

Corporate headquarters: Los Angeles.

Employees: 8,235.

Colombia operations: Occidental owns Caño Limón Field in the province of Aruaca, operates three exploration projects elsewhere in Colombia, and, in 1998, swapped its holdings in the Philippines and Malaysia for Shell Oil's interests in several producing blocks of Colombia.

Worldwide holdings: Russia, Pakistan, Saudi Arabia, Yemen, Qatar, Oman, Ecuador, the Gulf of Mexico, the United States (Texas, California and Alaska).

Worldwide reserves: 2.17 billion barrels of oil.

Worldwide annual production: 461,000 barrels of oil per day.

Colombia annual production: 34,000 barrels of oil per day in 2002, up 79 percent from the year before.

LABOR CONDITIONS

In addition to sabotaging the physical structure of Occidental's Caño Limón Pipeline, Colombia's rebel groups have attacked, kidnapped and murdered company employees. Employees also have often been caught in the crossfire between the rebels and the military. Not unlike other multinationals in Colombia, Occidental makes it clear with its employees that it will not pay ransom in the event of their kidnapping. With few exceptions, the company hires Colombians from distant cities to work in the danger areas because they are less likely to be knowledgeable about military troop locations or security measures should they fall into the hands of guerrillas. Prospective contractors are rigorously screened by Occidental's psychologists to ferret out spies; workers must show identification cards at a half-dozen security checkpoints; and palm-reading devices restrict access to executive offices. Still, Colombia's rebels have succeeded in breaching the multinational's security on a number of occasions.

Watchdog groups have ranked Occidental poorly on human rights after the company pursued a protested oil exploration project in Colombia's cloud forest, home to 5,000 members of the U'wa tribe. In 2000, three children were killed after Occidental called on the military to break up a nonviolent U'wa blockade of the road to the drill site. After years of public pressure protesting Occidental's exploration on ancestral lands, the company announced in May 2002 that it was canceling the project. The company blamed its withdrawal on technical and economic factors, but many believe Occidental caved to negative publicity.

Occidental's stand on human rights in Colombia was also tainted after a 1998 air raid of the village of Santo Domingo near the Caño Limón Pipeline. That year, three American pilots of AirScan (a Florida-based security firm that Occidental uses to protect its oil interests from rebel attacks) marked hostile targets for the Colombian military in an antiguerilla operation. The pilots' assistance mistakenly led to the killing of 18 civilians, including nine children. Survivors from the village said the aircraft (U.S.-donated) attacked them as they ran out of their homes to a nearby road with their hands in the air. The Colombian government is still investigating.

OCCIDENTAL INFLUENCE ON CAPITOL HILL NOT NEUTRAL

Between 1996 and 2000, Occidental spent more than $8.6 million lobbying the U.S. government, including for U.S. military aid to Colombia. In the 2000 election cycle, the company gave hard and soft money totaling about $551,000, with about 60 percent going to Republican candidates and political action committees. The CEO of Occidental's chemical subsidiary, J. Roger Hirl, raised more than $100,000 in support of George W. Bush's bid for the presidency.

Occidental also has maintained links to the Democratic Party for many years, primarily through former Vice President Al Gore's father, the late Al Gore Sr., who after leaving the Senate took a $500,000-a-year job with an Occidental subsidiary, then served on the company board for 28 years.

When the younger Gore joined Clinton's ticket in 1992, Occidental loaned the Presidential Inauguration Committee $100,000 to help pay for the ceremony. And after Gore took office, the company gave nearly $500,000 in soft money to Democratic committees and causes. In late 1997, the former vice president championed a $3.65 billion sale to Occidental of the government's stake in Elk Hills Oil Field (California), representing the largest privatization of federal property in U.S. history. In 1998, when his father died, Gore inherited about $500,000 worth of Occidental stock.

COMMUNIST CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

Mr. McCOTTER. Mr. Speaker, one of our greatest Presidents was Harry Truman. And one of the reasons President Truman was held in such high regard by people, including my own father, was that he had the courage to go against conventional wisdom, especially in the area of foreign relations.

It was President Truman who had the moral courage to tell the American people that our World War II ally the Soviet Union was no longer our friend and had become a threat to the very liberty that our people had helped advance throughout the course of that conflict. This was not a message that the American people were particularly expecting. In fact, there were many who decried President Truman's analysis at the time. One of them was George F. Kennan, who is, unfortunately, often remembered as the father of the containment policy.

In fact, when faced with the rise of the Soviet Union as a strategic threat and rival model of governance, it was Mr. Kennan's position that the Soviet Union could be managed, that we should constructively engage them, that their ideology meant nothing to them, and that, in fact, they were but a different variation of the traditional Czarist order within Russia. And, besides, Mr. Kennan concluded, what did it matter? Eventually the two systems of communism and our free Republic's democratic system would merge into one.

President Truman was not as educated as Mr. Kennan. He was not as sophisticated as Mr. Kennan. And President Truman took the Soviets at their word that they were in fact communists. He took them at their word that they meant they were going to put in practice their intrinsically evil ideology. And Mr. Truman dissented from Mr. Kennan and said that the fundamental goal of the United States foreign policy to defeat the intrinsic evil of communism will be the advancement of liberty throughout our world where and when we can achieve it.

Recently I came across a picture that I had ordered from a friend of mine in the District, Mr. Doug Brown. It was from one of Mr. Truman's return trips to St. Louis. He was meeting a gentleman from his old World War I Artillery Battery. And a picture that struck me the most was this: The MC of the event that night for President Truman in Missouri was an entertainer named Ronald Reagan. And in that crystalline moment, it was clear for me to see the link in the Cold War's victory between the foundation President Truman courageously laid and the way that President Reagan courageously won it ultimately.

What we see today now is a repeat of history where we have two paths we can take. We can take the path of Mr. Kennan and the detente crowd of the Kissingerites and others that says we can manage the rise of Communist China, that we can engage them and barter with them and engage in structural diplomacy, all the while the oppression of their own people's God-given rights to rights to life, liberty, and dignity are repressed, while Tibet suffers under their yoke, while the Burmese and Sudanese regimes are propped up, and while they continue their stealth assaults on our national security with sleeper cells, and I could go on. Or we who profess to be the heirs of Ronald Reagan, especially within the Republican Party, can follow the path of President Truman and understand that you cannot barter with butchers. You cannot constructively manage evil nor engage it. But what you can do is unleash the liberty of people yearning to breathe free where and when you can.

The reason I bring this up is not merely the Beijing Olympics. I'm on record as opposing our President's attendance at the games. I believe it would be a betrayal of our free Republic's commitment to liberty. But I was struck by a statement in this regard by our current Secretary of State, ironically enough herself a Sovietologist. I will not make the joke that a Sovietologist is often considered diplomacy's equivalent of a Latin teacher for this has relevance. She said, "It is important for the Chinese people to see that the United States supports their emergence onto the world's stage."

I fundamentally differ with that assessment. I remain a Reaganite. I remain my Truman Democratic father's son. The United States, and my party in particular, exists to put communism in the ash can of history, not to usher communism onto the world's stage. If my party, as it has strayed from principle in the past, does not understand the emancipation imperative that runs through Abraham Lincoln to Ronald Reagan and to today, we are in a sad state. I trust we wake up while there is still time.

☐ 1945

OUR ONGOING MILITARY AND DIPLOMATIC MISSION IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Louisiana (Mr. BOUSTANY) is recognized for 60 minutes as the designee of the minority leader.

Mr. BOUSTANY. Mr. Speaker, I come to the floor tonight to talk about the ongoing military and diplomatic mission in Iraq and to discuss the recent testimonies given to Congress by General David Petraeus and Ambassador Ryan Crocker. Make no mistake, the situation in Iraq is the most significant issue that we, in Congress, face today. Our troops on the frontlines of the battlefield, our constituents back home, and the world look upon the actions and the debates in this body to determine our resolve.

First, let me thank the men and women serving in our Armed Forces, the diplomatic corps who are serving in that country, and our Foreign Service officers on the ground who all serve so nobly under difficult circumstances. They make our Nation great. And we owe them a debt of gratitude that can never be adequately repaid.

There are three observations that I have that drive my views and understanding of the current efforts being made in Iraq. First, the plan that was implemented about a year ago is working. General Petraeus and Ambassador Ryan Crocker are leading an effort to bring stability into Baghdad and areas throughout Iraq because they have the flexibility and the necessary resources to respond to changes on the ground. This plan is more than just simply 30,000 troops in country. The troops are placed strategically.

And we also have civilian personnel and diplomats on the ground working to help build up the political institutions from the ground up as we work with the central government so that hopefully as the two meet, we will end up with a stable Iraq that has sovereignty that can protect its borders and that can build institutions on its own and that can protect minority rights. Second, America can complete this mission successfully. Given the appropriate support and guidance, our troops and diplomats will succeed. And third, clearly, challenges remain. Both General Petraeus and Ambassador Crocker outlined these challenges.

The positive trends as a result of this plan continue from last summer, and we will highlight those. But we understand many challenges remain before us, and clearly these challenges were outlined by these two gentlemen before Congress. I want to mention that failure in Iraq would have serious repercussions and dire consequences for U.S. foreign policy as well as for global security.

Most importantly, our efforts to stop terrorist organizations would be hindered. Secondly, the ability for us and others to deal with the Israeli-Palestinian peace process will become much more difficult. Thirdly, efforts to minimize Iran's dangerous mischief in this region will be diminished. And finally, stabilizing the broader Middle East will be exceedingly difficult if we fail in Iraq. Clearly, the cost and the consequences of failure are far too high.

As Members of Congress, we must listen to the professional judgments of the American leadership we have currently serving in Iraq and work with them to create and support policies that will successfully complete our mission.

Congress has a serious responsibility here. These two gentlemen and the work that they have done in Iraq has been outstanding and should be applauded. And we need to support them. And we need to have a serious debate here in Congress on what steps we need to take to continue to support this effort so that we are successful in Iraq.

Tonight, my colleagues and I will offer our thoughts on the situation there in Iraq, our reflections from recent trips and how we have moved forward. I want to encourage everyone who is listening to seek out and read the testimony of General Petraeus and Ambassador Crocker. Read it carefully because it is very thoughtfully put together. They have provided an unvarnished account of what is happening on the ground, and it is the most accurate assessment of the situation. And that is what policy should be based upon. This House now has the responsibility to the American people to truthfully assess their testimonies.

At this point, I would like to pause and introduce my good friend from Texas (Mr. CONAWAY). He is a member of the Armed Services Committee. He heard the testimony this afternoon, and he'll make some comments.

Mr. CONAWAY. I thank the gentleman from Louisiana, my friend, my classmate of the Class of 2005. I am glad to be with you tonight. I did sit today through General Petraeus' testimony, as well as Ambassador Crocker's testimony, and then later in the afternoon, we heard from both General Richard Cody, as well as General Robert Magnus, Army Vice Chief, and the Marine Corps Vice Chief respectively, on the status of our current forces. And I would like to talk about kind of a combination of those conversations that we heard today.

Ambassador Crocker was asked, what does success look like in Iraq? We ought to know both sides of the equation, both sides of the coin of success and failure. He described "success" in Iraq as an Iraq that is developed into a united, stable country with a democratically elected government that operates under the rule of law. And that is a path that they are on to.

Ambassador Crocker also said today that just because something is hard, as this mission is, does not make it impossible, does not mean it is hopeless simply because it is hard. We have seen some progress on the government side, the national government as well as the provincial government side, in making progress. This surge, as it has been described, was intended to reduce violence as your chart shows. It was intended to allow the government to begin to function in an atmosphere where daily death was not an issue, but they could have the conversations and the sharp disagreements from a debate standpoint on how to run that country. And they have made some progress, not nearly as much we would like, but Ambassador Crocker pointed out today that something as simple as an Iraqi flag, the Council of Representatives and the leadership have adopted a national flag that now flies throughout the country. The Kurds would not fly the flag that had flown previous to that because it had such a connection to Saddam Hussein. And so something just as simple as rallying around a single flag, and we all know how important our flag is to us in its representation to our country, they have been able to do that, and now a common Iraqi flag flies over that country.

They have executed a 2008 budget recently in September which provides for record amounts of infrastructure spending, oil revenues that they are getting from these record high oil prices that they are now plowing back into the infrastructure that every government would have to do that is in that circumstance. They have passed a pension law that addresses some of the pension issues related to people that were there. They have passed an accountability and justice law after vigorous debate on both sides because this deals with de-Baathification, in other words, that process of bringing those Iraqi citizens who had previously been Baath party members under Saddam Hussein, ferreting out those who had sold out to Saddam's thuggery and really just have to be retired, and those who simply were members of the Baath party in order to have a job, in order to be a schoolteacher, in order to be a local administrator. They passed a Provincial Powers Act which deals with the elections that are coming up in October, elections which now all major parties have endorsed and they are going to support and will come to the table including the Sunnis.

And these are not earth shattering. They are not all that they need to do. But this is a clear line of march down a path that this surge, with its sacrifices that had been made, has provided a space to get that done, and they are making progress. We all want them to make much more progress than they have made. We want them to be quicker than they have currently been.

Today, General Petraeus told us that his team on the ground seized the successes that they have had and take great comfort in that. They take great pride in what they are doing. One of the issues that comes up is continuing to replace the number of folks in our Army that we need, I'm speaking specifically of the Army. Third, he told us today the third I.D. has met its April goal for total re-enlistments already just from people serving in Iraq. General Cody participated in a re-enlistment service earlier this month in Iraq. Men who were defending their country today signed up for additional tours and additional extensions on their service to this country, which is an incredibly heartening issue.

As I said, "hard" does not mean hopeless. But imagine how much easier this fight would be if every American recognized enemy propaganda for what that really is and could parse that out of what we try to think about. Imagine if every American would not tolerate inaccurate reporting and biased reporting out of our media, how much easier our tasks might be. Imagine if all those Americans who oppose this war, and have every right to, would refrain from using rhetoric that is cast just to discourage our fighters, just to cause our veterans to question their service to our country.

And the easy one is imagine how much easier this fight would have been had Congress provided the funding on a timely basis through the supplemental process that we have been doing it on. We have a large supplemental that is hung up. It was requested last summer, and this Congress has sat on its fist, leaning back on its thumb for 7 months now, waiting for who knows what. I think it is waiting until next week rolls around, quite frankly.

Mr. BOUSTANY. Would the gentleman yield? I want to amplify on that. That delay really caused a lot of problems, particularly as the State Department tried to mobilize its part of the surge. It really froze their efforts for a while, and so there was a delay in getting those personnel on the ground to amplify what was being done from a security standpoint.

And I was meeting yesterday with SSG Paul Gwimes in my office. He served with the 256th in Iraq. He told me, and I have seen this when I have gone over there on two previous occasions, our men and women watch these news programs, and they watch C–SPAN, and they hear what we say. And it has an impact. We need to do everything we can to support them. I yield back to my friend.

Mr. CONAWAY. I thank my colleague for that.

More on the spending issue, which is totally within the Members of this body's control, starting with the leadership of this House, dictates the pace at which that legislation should come to us. We should have already dealt with it a long time ago. But since we haven't, there are some pending consequences for not getting that done quickly.

By mid June, the military personnel account will be exhausted, and all military services will have to begin shifting money around, which, again, is just a back office accounting thing. But it delays purchasing the long lead items that are necessary to be bought out of this supplemental. This supplemental is intended not only to pay for the fight that is going on immediately, but it is also to pay for replacement of equipment and gear that is being destroyed and worn out as we fight this fight. That gear is special. You don't go down to your local Ford dealer and pick up a pickup truck. It takes long lead times to actually get that money set in place. So while we casually ignore it, we do so at the peril of our young men and women who fight this fight.

I want to recount to you a story. I've been to Iraq five times now to visit our troops and hug their necks and tell them "thank you." Probably my most memorable trip was Christmas Day of 2006. I was there with IKE SKELTON and a couple of other Members of Congress. And it was particularly meaningful to be away from my family and be with men and women who are away from their families, to share that experience. I was only away from my family for about 5 or 6 days, nothing like the 15-month deployments that our men and women are enduring right now. But nevertheless, it was great to be there with them.

At Camp Victory, we went out to a perimeter fence where this particular Kentucky National Guard unit was guarding this fence for the base. And a Lieutenant Colonel Lutrell had come out, having just returned from a trip outside the wire. He had gone to a mosque. You could see the minarets just across our fence. And he had gone over there to talk to the cleric about some sort of a neighborhood watch program because of what was happening. There was an elementary school right near there that some Shia gunmen and thugs were sneaking into and using that platform to shoot at our men and women walking that wire. So this lieutenant colonel had gone to the imam, or cleric, there, because it was a Sunni neighborhood. He said, we could work out a deal. If you just give us the heads up, we will stop that. It helps you because they are just trying to force us to fire back at them into the school. And they were taking the chance of hurting their guys. So he was discussing with us about what was going on. And a young buck sergeant kind of eased up to kind of the back side of the deal. And I was standing looking at the name tags, and it was Lieutenant Colonel Lutrell and it was Sergeant Lutrell. And when I got a chance to say something, I said, you two men have the same last name. And the lieutenant colonel said, let me introduce you to my son, Sergeant Lutrell. And my comment was, sir, your wife and his mother must be a saint to be able to endure having two very, I assume, very important men in her life in harm's way. But that is indicative of the kind of commitment to country, commitment to duty, and commitment to that flag that is played out hundreds and hundreds and thousands of times every single day over the last 6 or 7 years that we have been in the fight, good men and women stepping forward, putting education on hold, putting families on hold, putting family decisions on hold, while they went to do a job that not very many people are qualified to do, not very many people are willing to do.

So in the words of Ambassador Crocker today, our current course is hard, but it is working.

I look forward to some additional dialogue with my good colleague a little later in this hour.

□ 2000

Mr. BOUSTANY. I thank the gentleman.

I would like to now yield time to my good friend Judge CARTER from Texas. He is a member of the Appropriations Committee and the Foreign Operations Subcommittee. He knows a little bit about what is going on in Iraq. He has been there. I would love to hear what he has to say.

Mr. CARTER. I thank my friend for yielding, and I thank my friend for holding this special order this night where we try to lay the truth out about what is going on with our soldiers.

I have had the opportunity to go to Iraq on four different occasions and visit with soldiers. I am a blessed Congressman in that I have the very privilege and honor of representing Fort Hood, Texas. Fort Hood, Texas, is the only two division post in America, and both of those divisions are now famous for operations that have taken place in Iraq.

The 4th Infantry Division, one of the divisions at Fort Hood, captured Saddam Hussein. The 1st Calvary Division put on a free election in Baghdad. Both were major accomplishments in this war, major accomplishments in the future of Iraq, and the blood, sweat and tears that went into those projects have been brought back to central Texas on numerous occasions. So it is clearly an honor for me to be able to stand up and talk about what is going on in Iraq and why we, in my opinion, my humble opinion, and I think the opinion of those who really think about the issues, it is my opinion that we must stay the course.

What I want to be able to promise, I want to look every soldier that I see, and I see soldiers every week because I go back home every week and I go visit these soldiers, and I see them and I tell them what I want for them is I want them to come home, just like every American wants those soldiers to come home. But when the 4th Infantry Division, III Corps and the 1st Calvary Division and all those the other fine soldiers march out of Iraq, I want to see them marching out under "The Star Spangled Banner" and the red, white and blue, and not the white flag, and that is what they want too.

Every soldier I have spoken to, bar none, has told me they are doing a good job, they are winning, they will win, they want to stay the course. They want to finish the job they started. They say they owe it to their fallen comrades. They owe it to the effort they have put forward on behalf of humanity in Iraq.

I get real upset and tired when I hear people ragging on and insulting and writing stories about the "evil American soldier." The evil American soldier that they describe doesn't exist. American soldiers are some of the closest things to sainthood that I have seen, because they are willing to stand up and fight for people, in many cases that don't even like them.

But what is really wonderful and what has changed in Iraq and what needs to be recognized by everyone is the last time I was over there in July, previous to that I was over there in

May of 2006. First let me tell you, May of 2006 the weather was a lot better than the last day of July in 2007, and it was, as we say in Texas, it was hotter than a $3 pistol over there. But, seriously, when I went over this time, the difference was the interaction between ordinary Iraqi civilians and United States marines and United States soldiers. And they all talked about it at length, and I saw it demonstrated.

Prior to that time, I had never seen an Iraqi policeman anywhere. When we were in Ramadi, there was a pickup truck full of policemen on every corner and they were patrolling the streets, and people, ordinary people, were doing ordinary business in an area that had at one time been the bloodiest battlefield in Iraq, where they had pounded each other for days across this five-lane road. Now, ordinary Iraqi citizens of all ages, dressed all different ways, men and women and children, were walking, going about ordinary business there, addressing United States soldiers and United States marines, talking to them, discussing things with them, discussing things with their local politicians. It was an amazing turnaround. Amazing.

I talked to a young soldier, he couldn't have been more than about 19, a tow-headed kid, and I said, "Tell me how it has changed?" He said, "Well, sir, you know, they plant these explosive devices in these streets and they plant them in the curbs and they plant them in garbage cans." He said, "Boy, we used to crawl down these streets, watching everything, looking everywhere, just really concerned that the next step might blow up on us. Now we approach the streets and a member of the Friends of Iraq," I believe it is called, they have a belt across their chest, "steps out and says, 'Excuse me, but don't go down this street. There is an explosive device planted in the middle of street. The arms of the other explosives are in that blue building over there. And one block over, the green front building, that is where the guys who planted it are.'" He said, "Sir, that makes life a whole lot easier for a marine patrolling the streets here." You know what? That is a good story, because that is Iraqis talking to soldiers.

We visited with sheiks, and they told us that they had come to the realization when al Qaeda began to kidnap their families and try to make them take certain positions by kidnapping their families, they realized, like a revelation, who the bad guys were.

Americans had never kidnapped their families. Americans had never intimidated them in that fashion. They had never seen anything from American soldiers but trying to help, picking up the garbage, trying to make the sewer work, trying to make the electrical plant work. And then they realized these people were kidnapping their children and in many instances killing their children to try to pressure the sheiks to get their tribes to do certain things. So the sheiks said, that is it. That is it. We have had enough of this. And they went to their tribes and they told them, we are going to join the Americans.

These were Sunnis. So the first thing, of course, that we had to be concerned about was we hear so much about the difference between Sunnis and Shias, the sectarian violence. Was this going to create a rift in Iraq? We heard this story.

We have got General Funk who is a very good friend of mine who lives in my district. His son is in command in another location in Iraq. I also went to visit him while I was over there. He is a colonel. He told me that the week before, I think it was 11 or 12 Shiite sheiks came to his place where he was settled in and wanted to meet him and said, "We have decided to join in helping the Americans get rid of al Qaeda." So that is the whole story.

Those of us who can remember back to the Vietnam War, we were told we were going to win the hearts and the minds of the people and that is how you won this type of war. We haven't heard that term in this war, but I remember that term. And the difference is, we never quite won the hearts and minds of the people because of mistakes that were made.

General Petraeus' plan was to capture the hearts and minds of the Iraqi people on our side, and I believe he is succeeding, and I believe, given the tools, he will continue to succeed. I can tell you one thing, he has got the best fighting force that ever walked on this Earth and the best bunch of human beings that are trying to help him do it, and we should support them in every form or fashion. That is what I think this war is all about. That is how we will walk out under the red, white and blue, and not a white flag.

So I thank my friend for yielding to me.

Mr. BOUSTANY. I thank my friend. That is very compelling.

I had a similar situation back in August when we went to Fallujah, and I want to pay tribute to General Walter Gaskin, because he was on the ground, a Marine general, implementing this plan through Fallujah. They used their resources strategically to reach out to these sheiks and local leaders and tribal leaders, and it made all the difference in the world.

I remember loading up in an MRAP with him in a convey. We drove into Fallujah, and it was the most remarkable thing I have done since I have been a Congressman, because just weeks before, General Gaskin told us you couldn't go down this road without hitting an IED or getting shot at.

So we drove around some of the streets of Fallujah and then we got out and walked. And we walked four or five blocks to a joint security station with our marines and with the Iraqi police. And the first marine I came up to at the security station happened to be from my district in Abbeville, and we traded stories and talked about good Cajun food and all that. But I sure was proud of him. I called his parents when I got back and we talked.

You know, it just makes you feel good knowing these young men and women are just dedicated and they are doing what they have to do, and they are the best that humanity has to offer. I agree with you, Judge.

Then we met with the precinct police colonel who was so proud of the efforts, and he showed us how much success they had had because they were implementing Iraqi solutions to the security in Fallujah. And now Fallujah is growing. The population is coming back. Businesses are opening.

I walked into a small shop and met a shopkeeper with his young son and talked with them through a translator. We handed out candy to children in the streets. We encountered a group of young children playing soccer in the streets, another group of adolescents and young men playing volleyball, and it was quite a remarkable scene to experience. So I had a similar situation, and it is really a tribute to our men and women who are down there on the ground doing this job.

Mr. CARTER. Absolutely. You know, a story I love to tell, because it was so funny, KEVIN BRADY, our colleague from Texas, was a chamber of commerce representative for a long time before he came to Congress. Of course, he worked for the local county commissioners, courts and city council and things like that.

Well, when we were in Ramadi we walked into the market, and there was this old man, and he looked like the ancient age, sitting in the chair in front of a kind of a destroyed shop. Right next door was another shop where a guy was putting wares out and getting ready to sell something. We were walking in with the general and also with the newly-elected mayor.

Well, immediately he called to have the mayor come over there, and he told the mayor, he said, "Look," he said. "You fixed his shop up. I want to know what the timetable is for fixing my shop up." And the mayor said, "Oh, well, you know, we are getting the resources in. We will get it done." He said, "Well, I am going to hold you to your promise, and I am going to come by the city hall and I am going to check on this, because I need my shop up so I can start operating too."

BRADY leaned over to me and says, "It sounds like somebody at the city council meeting in The Woodlands in Texas."

So, you know, that is the kind of normalcy we want to see start to happen, where people are starting to think about living their life, not dodging and ducking for their life. So to me that is a good story. That is a story that says peace is breaking out in some small area anyway, because this little old man wanted his shop open. That is a great story.

Mr. BOUSTANY. That peace is breaking out because of this plan that has been implemented. And we have seen dramatic results, yet those results are still fragile and still tenuous, as both Ambassador Crocker and General Petraeus have stated. But yet it is real progress, and we have an obligation to continue on this path so that we eventually see real stability in Iraq.

Mr. CARTER. Yes, we do. Yes, we do. You know, it is very important, there has been a lot of talk about this latest fight down in Basra. Fifteen thousand Iraqis went into the fight there and there has been a lot of talk about over 1,000 of those Iraqis ran. That is kind of looking at that glass half full or half empty. Yes, maybe 1,000 or more soldiers turned and ran, but 14,000 stayed and fought.

If you went 3 years ago when I went on my second trip to Iraq and I sat down at a dinner table with a bunch of ordinary soldiers and said what are we trying to accomplish over here? And they said, sir, when they think about their units the way we think about our units, they will be a qualified fighting force over here, and we are trying to instill that in them.

I say 14,000 of them acted like soldiers, and that is something we should be proud of.

Mr. BOUSTANY. That is absolutely true and important. Not only that, Prime Minister al-Maliki made the decision to employ those troops in Basra, to take it into his own hands, and that was a huge move, because before he was afraid to confront the Jaish al-Mahdi and those insurgents. Not only that, Muqtada al-Sadr was partly responsible for helping position Maliki in as prime minister, and before he refused to take action against them when they are were doing unlawful activities.

For him to take that step was large. It was huge. And even though operationally it didn't go as smoothly as we hoped, it was a big step for them to go forward to do this, and that is a sign that things have changed. And we are seeing a change at the central level as well as what has been accomplished at the local level. As those two efforts merge, we will see a stable Iraq.

☐ 2015

Mr. CARTER. That's right. I thank the gentleman for recognizing me.

Mr. BOUSTANY. I thank the gentleman for his comments.

Now I would like to yield some time to a good friend who has been patiently waiting here, Dr. GINGREY of Georgia, a fellow physician, a member of the Armed Services Committee who has traveled to Iraq, and we would like to hear what he has to say.

Mr. GINGREY. I thank my colleague from Louisiana, my fellow physician, for yielding. It's great to be here with two fine Texans, my classmate Judge CARTER and also Mr. CONAWAY, and talk about this important issue, because this is a very important week.

Representative CONAWAY and I both serve on the House Armed Services Committee, and my colleagues, Madam Speaker, as you, of course, know, you are a member of the committee as well, that we heard from General Petraeus and Ambassador Crocker here on the House side. The Foreign Affairs Committee did as well yesterday, the same thing on the Senate side.

It was also just unbelievable the negative approach and attitude that so many members of our committee, this body, the other body, the majority party, had toward them in September, saying, you know, this surge is too little too late, the war is lost, it's a hopeless cause, there's nothing that you can do militarily, and, besides, there are all these benchmarks that the Iraqi Government has not met, and it's a failed state, we need to bring the troops home.

Well, thank God we did not bring the troops home at that time. Here we are, 10 months later, General Petraeus and Ambassador Crocker returned and reported to the Congress. Almost every, indeed, every measure, every metric that you look at, they presented to us in chart form. Dr. BOUSTANY has one of those charts with him tonight in regard to the decrease in civilian deaths. He may want to talk about that later, but there is no question that in regard to security, tremendous, tremendous progress has been made. We are getting on top of this thing, and General Petraeus and Ambassador Crocker both said that.

There were questions from Members, particularly on the Democratic side of the aisle, on the House Armed Services Committee, to suggest that while there was progress made militarily, there was none, no progress made politically.

These points were addressed, these questions to Ambassador Crocker, about, well, how about all these benchmarks that we asked for back in September?

Well, you know, the fact is the political surge, my colleagues, has been just about as successful as the military surge, and the progress that we have made, and Congressman CONAWAY talked about that just a little bit earlier in regard to de-Ba'athification, and he explained what is meant by that, and I know my colleagues understand that, to bring these people back in, the Sunnis that didn't have jobs, they had no way of surviving other than maybe getting paid to do bad things to our troops and to their Shia countrymen.

It was important that the Iraqi Government do that. The Iraqi Government scheduled provincial elections, which are now scheduled for October of this year, that the Iraqi Government do something in regard to oil sharing to actually have legislation in place that spells out that just because the oil in the country of Iraq happens to be located in maybe a Shia area or a Kurdish area, that the Sunnis still, as fellow Iraqis, should have a share in that revenue.

Well, de facto, they are doing that. Ambassador Crocker basically told us that of the 18 benchmarks, 12 of them have now been met, and that of the additional 6, there is significant progress on 4.

Anyone that suggests that there is not progress made politically just has to have a willing suspension of disbelief, as someone in the other body quoted, I think, last year and actually said that, too. I wonder what she would say today, based on these statistics, to ignore these metrics, would require the willing suspension of brain power. It is clear as the nose on your face, but yet certain people refuse to believe it.

What distresses me too now is those Members who want us to come home are using a different argument. They are saying not only that we've spent too much money but also making this statement, and if my colleague will bear with me for a couple of more minutes, they are making the statement that our troops are tired, they have been there too long, the equipment is wearing out and that, God forbid, there may be another conflict that's just going to break out somewhere in the world, which does occur, I guess, on average, maybe every 5 years.

They are saying that for that reason, totally ignoring what success we have achieved on the ground, that we really have victory almost in the palm of our hands. It's not there yet, it's fragile. We all admit that. But let's bring them home and prepare them for the next conflict.

Well, my colleagues, they may be, these troops that Judge CARTER, Mr. CONAWAY and Dr. BOUSTANY talked about, these personal anecdotes that they gave tonight, in talking about the enthusiasm, the morale and the patriotism of these troops, if you bring them back home when they are just on the cusp of victory, having left, then, 4,000 of their colleagues dead, men and women, and probably 25,000 severely wounded, they come home without a victory, like Judge CARTER says, with a white flag rather than Old Glory, I don't care how much you rest them, I don't care how much you re-equip them, I don't care how much you give them, more manpower or reset them, when you send them to this next contingency, I am going to ask them how hard they are going to fight. What's their morale going to be like then?

I think that's what this is all about. I think that's what the American people need to understand and that's what our colleagues in this body need to understand.

We cannot let public opinion polls and political pressure, because of an upcoming election, drive the decisions that are so important to the safety and security and the well-being of this country. I think it's clear, it was very clear to me. I had this very question written out that I wanted to ask General Petraeus and Ambassador Crocker.

Unfortunately, as my colleagues know, if you are down on the lower row, Madam Speaker knows that, a lot of times they don't get to you before the clock runs out. I did submit this for the RECORD. I would like to know the answer to that question, I think the answer will be just as exactly as I expect. We can't worry about the next battle, we have got to win this one first.

I wanted to make those points to my colleagues. At this point I will yield back to the gentleman from Louisiana.

Mr. BOUSTANY. I thank the gentleman.

Mr. CARTER. If you would yield for just a moment.

Mr. BOUSTANY. I will be happy to yield.

Mr. CARTER. Hearing the comments of Dr. GINGREY, I was at the Vets for Freedom rally this morning, and someone read an e-mail that they had received from a captain in the field, and he said, it went something like this, I started my morning at daybreak, and I have been on three missions today. I have gotten home and I immediately went and checked the evening news, as we all do here in Iraq, to see what folks were saying back home, and I saw someone say "I support the warriors, but I don't support the war." He said, "Sir, we are the war."

I think that's something we ought to remember. As far as they are concerned, not supporting their effort is not supporting them. We need to remember that before we hurt feelings.

Mr. BOUSTANY. Every American should remember that.

Mr. GINGREY. If the gentleman would yield just for a second, just to follow up on what Judge CARTER said, yes, this rally he was talking about was over on the Senate side in the park. JOHN MCCAIN, of course, was there and got such a round of applause and appreciation for his stance, his service, his patriotism, his service, his suffering during the Vietnam war. I stood on the dais with my fellow Members in a bipartisan way, there were Democrats there as well. I felt real proud.

I looked at these young veterans for freedom, just looking at their faces, one of them in the back had a sign, and the sign said "General Petraeus, he is General Hooray Us," General Hooray Us is a take on what the New York Times did last year when General Petraeus came in anticipation of his testimony, ran that article. Of course, the New York Times didn't run the article, but it printed it. I think MoveOn.org or one of these organizations ran the article, half page, full page that said, "General Petraeus or General Betray Us," a sad point in our history.

God bless these veterans for freedom.

Mr. CARTER. Amen, brother.

Mr. BOUSTANY. That's a perfect lead-in, because I want to talk a little bit about these two gentlemen who are leading this effort on the ground because I don't know if a lot of Americans really know about their background.

General Petraeus was a former commander of the 101st Airborne Division, and as many history buffs will remember, they were very famous for the first deployments behind German lines on D-Day. So that group, that division has a very illustrious history. Former Secretary of State Colin Powell was also a former commander of the 101st Airborne.

Not many people know this, but General Petraeus has a Ph.D. from Princeton University in international relations, and he is also an assistant professor of international relations at West Point.

He is a coauthor of the counter-insurgency manual that our military uses, and that's what they have actually implemented on the ground, and that's why we are seeing this great success.

Ambassador Crocker, there is a quote from his swearing in when he was sworn in as ambassador to Iraq, and I am going to quote Ambassador Crocker. He says, "We have a historic challenge ahead of us. Terrorists, insurgents, militias continue to threaten security in Baghdad and around the country. Security is, without question, the central issue."

In a very real sense it has been for at least the last four decades. I was here in the 1970s. There was no security. Iraqis everywhere lived in terror of the midnight knock on the door. Neighbors were afraid to talk to neighbors. It truly was the republic of fear.

Then came the savage Iran-Iraq war, Saddam Hussein's brutality to his own people, Desert Storm, and finally his overthrow in 2003. Those are all the things that the Iraqi people have had to endure in recent history.

This gentleman has a tremendous background as well. In January 2002 he was sent to Afghanistan to reopen the American embassy in Kabul. He received the Robert C. Frasure Memorial Award for "exceptional courage and leadership" in Afghanistan. He was ambassador to Pakistan in 2004–2007, former Deputy Assistant Secretary of State for Near Eastern Affairs 2001–2003, and he has served as ambassador to Syria, Kuwait and Lebanon. In fact, he was at post in Lebanon in Beirut when our embassy was bombed there in 1983.

This gentleman has had tremendous experience in the Arab world, as has General Petraeus, and it's one measure of their integrity that they have provided this accurate testimony first back in September and now, to give us an accurate appraisal of what's happening in Iraq.

□ 2030

Now, let's talk a little bit about what is going on and look at a few trends.

I have a chart here that shows by different metrics, two different metrics, the Iraqi and coalition in purple, and in the blue it is coalition data. This shows the trend line. You can see how the number of civilian deaths by both tracks had gone up, particularly in the 2006 and 2007 time frame, and now as we get down to the end of these curves, you get all of the way to March of this year, and you can see the significant improvement in the security situation with regard to civilians throughout Iraq.

How many Iraqi troops do we have there out front now. Currently there are 36 battalions of national police, up from 27 a year ago; and 171 battalions of Iraqi Army up from 115 a year ago. And of those 171 battalions, 112 are taking the lead in the fight against insurgents.

When I was in Baghdad in August, I was able to witness the result of training of the elite Iraqi force that they are sending out front to deal with hostage situations and terrorists and insurgents. It is a remarkable display to watch these gentlemen in action.

Afterwards I talked to some of our Special Forces guys doing the training, and they said they are getting close. They said they will never match up to American Special Forces and Delta Team, but they are pretty good. I got to witness this. It was a sign that this training process that we struggled with on the ground is finally coming to fruition and showing real results.

Next is the chart showing Iraqi security spending. This chart shows in the blue American or U.S. spending in dollars, billions of dollars, on Iraqi security forces. You can see the trend is dropping. We had an upsurge in 2006 and 2007, which was necessary, and now it is trending downward.

In green, look at the Iraqi expenditures going up. That is a significant sign that the Iraqis were committed to this process of taking care of their own security. I think it is critically important to recognize that trend.

Now I want to address the political, economic and social situation for a moment. It is important to recognize that prior to the brutal reign of Saddam Hussein, Iraq was basically a mosaic of tribes and subtribes, and governance was largely at the local level, dictated by tribal elders, and that is what it reverted to following the takedown of Saddam Hussein. We saw sectarian violence and all the jockeying for position. But at this point as a result of the plan that was implemented a little over a year ago, significant improvements in security have resulted, enabling Iraqis to make progress with their economy. Since the so-called surge began, business registrations have increased by 9 percent. And I know from my experience when I walked through the streets of Fallujah, there were a number of shops open and families were buying goods and food products. We are seeing microlending occurring to get new businesses started.

Iraqis still have a lot of work to do with their economy, and reforms are clearly needed to transition from what was a command-and-control economy to a modern market-based economy because clearly this is a major departure from what they had before.

Centralized electricity generation is now above prewar levels, still not sufficient to meet the needs of Iraq's growing demand, but markedly improved. Other key infrastructure needs are being upgraded, especially energy pipelines and storage facilities. Unemployment is still too high, and corruption still remains a challenge, but things are improving in those areas as well.

Early in the war, the U.S. funded most of the large scale reconstruction projects in Iraq. But now, the U.S. is focusing on encouraging entrepreneurship. This is clearly having positive results. The Iraqi government is now stepping up on reconstruction projects, and they have outspent the U.S. in a recent budget 11:1. That is 11 Iraqi dollar equivalents to $1 U.S. And soon, they are expected to cover 100 percent of these expenses. This is significant progress. Ambassador Crocker pointed this out in his testimony, and it is very important for Americans out there to understand that there is a transition being made where the Iraqis are going to pay this.

The National Government has now committed $196 million to fund jobs programs so brave Iraqis who have stood up to extremists and murderers and criminals can learn skills that they need to help build a free and prosperous nation.

In July, the Asian Cup Soccer Tournament was held. This was a very important demonstration of Iraqi nationalism as the Iraqi team, known as the Lions of Two Rivers, beat the three-time champions Saudi Arabia 1–0 in their first appearance in the Asian Cup final. And there was an outpouring of nationalism and public sentiment as a result of that.

The gentleman from Texas (Mr. CONAWAY) pointed out a number of major political accomplishments: The de-Ba'athification laws that have been passed that are allowing mid-level and low-level bureaucrats to return to service; the Iraqi leaders have agreed on a budget; and revenue sharing is well underway to get funds down to the provincial local level while the permanent revenue-sharing agreement is still being worked out.

Leaders have reached agreement on provincial powers law which will allow them to hold their provincial and local elections in October. This is a very important development because as I mentioned before, to have the local development and institutions come up while central government develops, as those two efforts meet, that is where we will see stability.

When I was in Baghdad, I met with the deputy prime minister, a Sunni member of the Council of Representatives, and he told me that he felt that Americans were paying too much attention to elections at the central level. He said elections are nice, but elections are like the fruit on the tree. You have to plant the tree, let it establish its roots, and grow. He was talking about institutions that need to develop from the ground up to have long-term stability. I will never forget that metaphor because it really demonstrates what is going on and the power of this plan that is in place that General Petraeus and Ambassador Crocker have implemented.

Ambassador Crocker said today, in commenting on the events in Basra, "When viewed with a broader lens, the Iraqi decision to combat these groups in Basra has major significance. First, a Shia majority government has demonstrated its commitment to take on criminals and extremists regardless of sectarian identity."

That is a significant development that would not have happened even a year ago.

My friend from Texas, I yield to him.

Mr. CONAWAY. As we draw to the close of this hour, I want to talk briefly about something that also came up in today's conversation. General Petraeus, you went through his resume awhile ago, something that you didn't mention was that he has been deployed overseas, away from his family 4½ years since this fight began in 2001, a significant sacrifice for his family, and in order for him to do the job that we have asked him to do.

He said he is keenly aware, personally as well as for the men and women that he leads, that the impact that multiple deployments have had, the impact of the 15-month deployment instead of the 12-month deployment is having on these troops. He said that they have answered the call every single time and have not yet one time blinked in the face of some incredible sacrifices and commitments that we are asking them to take on.

One of the problems that we face here stateside is that a remarkably small percentage of Americans have been directly involved in this fight. We have a little more than 4,000 families now whose lives are forever changed as a result of that knock on the door saying that their loved one has been killed in action or killed in one of these two fights in Afghanistan or Iraq. We have 25,000 or so others wounded in some level of severity, some who have returned to the fight, and many who have life-altering circumstances that happened in the blink of the eye. None of them joined our services to get hurt like that; but they have, and they are now facing a different life, a different style of doing things than they ever contemplated before.

They also talked about the men and women who continue to sign up to serve their country. Men and women who know if you join our Army or our Marine Corps today, given this persistent war that we are going to be in, they will fight. This isn't your granddad's army. This is an Army and a Marine Corps that will be asked to fight.

I marvel personally at the strength and resolve and resoluteness that these families exhibit. Individually they have made incredible sacrifices. I get a tiny, little glimpse of the anxiety when I go to Afghanistan and Iraq because of the concern and worry that Suzanne, my wife, has while I am away. You and I when we go are never in harm's way. So that helps me a little bit empathize with what the families back home go through 24 hours a day, 7 days a week when they have a loved one in harm's way. While the loved one in harm's way knows whether or not something scary is going on, the folks back home think it is happening all the time and they live in dread of something bad happening.

In the face of those sacrifices and commitments that we have asked them to make, they are standing tall and reenlisting in numbers that are appropriate, and new people are coming into the system in numbers that are sufficient to grow the Marine Corps as well as grow the Army which will help shift some of the burden, spread some of the burden out across a larger number of troops.

But I stand in awe of how magnificent these warrior families are, as well as their warriors, doing a job that their Commander-in-Chief has asked them to do and that their Nation has asked them to do, and a fight that I personally believe protects America's interests and also keeps us safer at home than we otherwise would have been.

Mr. BOUSTANY. I thank the gentleman. We all owe a great debt of gratitude to every family who has sacrificed. This is hard, and every American should care about this and be engaged in this process.

I continue to say that the men and women who put on the American uniform are the finest that humanity has to offer because of those sacrifices and what they do. Oftentimes, whether it is Iraq or Afghanistan or some other tough spot, the only American that people in these countries actually get to see are our American men and women in uniform, and they are oftentimes our finest ambassadors. And so we owe them a whole lot, a great debt of gratitude for what they have done, and we should never forget and always stand up.

I would urge folks, whenever they see someone in uniform, shake their hand and thank them for the service they have provided, and thank their families for the difficulties they have had to go through.

You know, Ambassador Crocker said today, I am going to quote one more time here, "Last September, I said that the cumulative trajectory of political, economic and diplomatic developments in Iraq was upwards, although the slope of that line was not steep. Developments over there, the last 7 months, have strengthened my sense of a positive trend. Immense challenges remain and progress is uneven and often frustratingly slow, but there is progress. Sustaining that progress will require continuing U.S. resolve and commitment. What has been achieved is substantial, and it is also reversible."

That really summarizes where we are today and how important it is that we have the resolve to see this through because the consequences of failure are immense. I mentioned that earlier.

Osama bin Laden himself has made statements about the importance of Iraq to these terrorist activities. I have a quote here. This is Osama bin Laden: "A war is underway. The epicenter of these wars is Baghdad, the seat of the caliphate." The caliphate is what they hope to achieve, an empire, an Islamist, radical empire. "Success in Baghdad will be success for the U.S."

They don't want us to succeed in Baghdad. They want to drive us out.

Let me pull up the next chart.

I want to read this last one. This is in a letter from Ayman al-Zawahiri, the number two of al Qaeda, to Abu Musab al-Zarqawi, who headed up the al Qaeda effort in Iraq before we were able to eliminate him: "Al Qaeda's stated Iraq strategy consists of three steps: Expel the Americans from Iraq; establish an Islamic authority; and extend the jihad wave to the secular countries neighboring Iraq."

☐ 2045

That's important because the countries neighboring Iraq or Turkey, Saudi Arabia, Jordan and Kuwait, and their goal is to overthrow these countries. That's their stated goal over and over in their communications, and that's why it's critical that we have success in Iraq because, again, we won't have peace throughout the Middle East. It'll have dire repercussions with regard to Lebanon.

I didn't mention Iran, which also borders Iraq, and it's a fluid border. And the Iranians are definitely causing mischief, dangerous mischief in Iraq and around the region. That's what's at stake here, and that's why we must be successful in Iraq.

With that, I want to conclude. I want to thank my colleagues for participating in this. I can't help but think of a Gold Star mother back home, Yvette Burridge, who's a friend of mine who's son went to high school with my son in Lafayette, Louisiana, Marine, Private First Class, David Paul Burridge who was killed in action on September 6, 2004 at 19 years of age. And every time I see Yvette Burridge, she has pride in her eyes. She's proud of what her son did. She's proud that he gave his life for his country.

And we all have stories like that that we should commemorate, those who have given their lives and who have been wounded in this effort. But we should never forget this effort. It's critically important to success in American foreign policy and American national security.

HONORING BEN CRENSHAW

The SPEAKER pro tempore (Ms. RICHARDSON). Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Speaker, today I rise to honor and pay tribute to an exceptional athlete and distinguished American, Ben Crenshaw.

Architect, historian, gentleman, all of these words correctly portray Ben Daniel Crenshaw. But perhaps the most fitting description for this great golfer is champion.

The people of Augusta, Georgia, who I represent, and golf fans around the world recognize Ben Crenshaw as one of the finest, most talented golfers on the PGA circuit.

Crenshaw has been a phenomenon on the golf course since childhood, winning his first tournament, the Casis Elementary Open, in the fourth grade. He continued to play through middle school and high school, claiming several championship titles. It was clear then that Ben Crenshaw was on his way to greatness.

He made school history during the 1970–71 academic year at the University of Texas when Crenshaw became the first freshman to capture the individual title during the NCAA tournament at the Tuscan National Golf Club. His outstanding accomplishments and victories that year earned Crenshaw the privilege to be named to the 1971 All American collegiate golf team.

Crenshaw's early achievement set the stage for an extraordinary career. His most notable achievements include being a 19-time winner on the PGA tour, captain of the 1999 U.S. Ryder Cup team whose stunning comeback is remembered as one of the most exciting competitions in that match's history.

And he's also a two-time Masters champion. Many will never forget the emotional scene that played out on the 18th green when, in 1995, Crenshaw clinched his second Masters victory and earned yet another green jacket.

In addition to these accomplishments, he has been a tremendous ambassador for the game of golf, as well as a consummate gentleman and human being.

I had the privilege of being in Augusta on April 7, 2008 before the 72nd Master's Tournament as Mayor Deke Copenhaver awarded Crenshaw a crystal "key to the city." It is an honor for me to pay tribute to a great American golf legend, Ben Crenshaw.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

Ms. WASSERMAN SCHULTZ. Thank you, Madam Speaker, and good job on my name pronunciation. I have a hard time with it too.

Madam Speaker, I appreciate the opportunity to begin the 30-Something Working Group's special order hour tonight. Speaker PELOSI has given us the privilege to come to the floor night after night to talk about the issues that are important to the American people, from our generation's perspective. And it is something that we have appreciated for a number of years because we've had an opportunity to engage the next generation of Americans, who clearly are yearning for their government to be responsive to them, to have their confidence in their government restored.

And tonight what we want to focus on, particularly because General Petraeus and Ambassador Crocker came to Capitol Hill this week to talk about the so-called progress, or lack thereof, which is a better expression, in the war in Iraq, we felt it was important to highlight tonight the absolute cost of the war in Iraq and the toll that it is taking on, not just our military troops, but their families and on America as a whole.

And I think there is no more telling statement that could be made than the one that was made by General Petraeus himself in response to Senator EVAN BAYH's question, or comment, that there was much ambiguity in Iraq. And General Petraeus conceded that point.

General Petraeus stated this week, in fact I believe it was today, that in Iraq we haven't turned any corners; we haven't seen any lights at the end of the tunnel. The champagne bottle has been pushed to the back of the refrigerator, he said, referencing President Bush and former Vietnam-era General William Westmoreland's famous phrases.

It is clear that we have made virtually no progress, and that the only things that we are celebrating at this point is that there has been a reduction in violence. I wonder what that has brought us. What has that brought Americans?

Well, let's go through what the so-called progress in Iraq that was described by General Petraeus today and this week, what that's brought us.

We spend about $339 million in Iraq every single day, Madam Speaker. $339 million. And I'd like to go through the actual monetary costs of the war in a little bit. But let me just talk about what $339 million would get us and the investments that we could make in America, domestically, in the event that we were not hopelessly mired in this war in Iraq.

$339 million would get us 2,060 more Border Patrol agents that could be hired to protect our borders for a year.

18,000 more students could receive Pell Grants to help them attend college for a year with $339 million.

48,000 homeless veterans could be provided with a place to live for a year.

317,000 more children could receive every recommended vaccination for a year.

955,000 families could get help with their energy bills through the Low Income Home Energy Assistance program, that's the LIHEAP program, for a year.

Nearly 480,000 women, infants and children could receive nutritional help with the WIC program for a year.

2.6 million Americans without adequate health insurance could have access to medical and dental care at community health centers for a year for $339 million.

More than 100 local communities could make improvements to their drinking water with help from the Clean Water State Revolving Fund for a year.

I could continue on and on, Madam Speaker, listing all the important investments that we could and should be making, were we not spending $339 million in Iraq every day.

Now, let me just make that comparison again. I'm talking $339 million that we're spending in Iraq every day, and the list I just went through details what $339 million would buy for a year.

Now, I went home to my district a couple of weeks ago when we went into recess and talked to my constituents, had a lot of interaction with them. And you know, what was amazing was how top of mind the economy is.

We're less than a week from the April 15 tax deadline, and I'm sure that there are folks out there tonight that are sitting and doing their taxes while trying to figure out how they're going to write that check when they're done, and wondering how they're going to take their child to the doctor if they don't have health insurance, wondering how they're going to make sure that they can put food on the table and fill their gas tank, because now that gas is over $3 a gallon, really over $3.30 a gallon, it boggles the mind of my constituents and I know the constituents of virtually every Member, no matter what party we represent, that we are actually still, 5 years later, in Iraq, with an administration that just doesn't seem to get it; that doesn't seem to be willing to recognize that it is time to bring our troops home; that we have taken too great a toll.

The question that my constituents and that Americans are asking is, how much is too much? At what point do we say the cost is too great?

I think you have to take a look at the toll that this is taking on military families. If we're not going to say that the investments we can't make because we're spending so much money in Iraq are worth the cost, then let's look at what the military leadership is saying about the toll that this war is taking on our troops.

An Army study of mental health, and this is from an article a couple of days ago, April 6 in the New York Times, an Army study of mental health showed that 27 percent of noncommissioned officers, a critically important group, on their third or fourth tour, exhibited symptoms commonly referred to as post-traumatic stress disorders. That figure is far higher than the roughly 12 percent who exhibit those symptoms after one tour, and the 18½ percent who develop the disorders after a second deployment, according to the study which was conducted by the Army Surgeon General's mental health advisory team.

So we're not talking about organizations conducting studies examining the mental health of our troops that are outside the military process. We're talking about military organizations that are saying that the strain on our troops mentally has really reached a breaking point.

We have combat troops that have been sent to Iraq for a third and fourth time, where more than one in four, more than one in four, show signs of anxiety, depression or acute stress, according to an official Army survey of soldiers' mental health. There is an increasing alarm about the mental health of our troops and, at some point, something has to give.

Again, when do we say enough is enough? When do we say that we have to make sure that we can focus on the needs here in the United States of America?

We are struggling with an economy that is at its breaking point. Yet, the economy in Iraq seems to be thriving. The Iraqi government is actually dealing with a budget surplus, and we are facing a deficit. There's something wrong with that picture, Madam Speaker.

Let me just, I really want to turn, I think people should be given a really clear picture about the monetary cost that we are dealing with when it comes to this war, this ongoing and continuous war in Iraq.

This is from our nonpartisan Congressional Research Service report, the Cost of Iraq War Rising. Here's the breakdown of what we're spending in Iraq per year, per month, per week, per day, per hour, per minute and per second.

If you take a look at the number per year, the amount per year that we are spending in Iraq, we're spending $123.6 billion per year.

Now, that's a hard number to maybe get your mind around. Billions and millions of dollars are very big numbers that most people aren't dealing with every day in their daily life.

So let's go down to the monthly expenditure that we're making here. That amounts to $10.3 billion.

But if we want to drill down a little bit further and deal with the weekly and daily expenditures, weekly, we're spending $2,376,923,077. Per day we're spending almost $339 million, as I described a few minutes ago.

But hourly, this is really the number, Madam Speaker, that I think will hit home with virtually all Americans. We are spending, hourly, in Iraq, and this is, again, third-party validator, the nonpartisan Congressional Research Service report on the cost of the Iraq war and its rising cost. Per hour we are spending $14,109,589 in Iraq.

I don't think it's necessary for me to go down to the minute and the second. I think the point is well made. $14 million an hour. I mean, that is just unbelievable.

□ 2100

How many is too much? When do we say that the toll that this is taking on our troops is just beyond our capacity? Since the start of the war in Iraq, we have had 4,013 brave American men and women in uniform that have been killed. We have an estimated almost 30,000 servicemembers that have been wounded in Iraq, and as of March 1, more than 31,300 have been treated for noncombat injuries and illness.

According, again, to the Army's own mental health advisory team, soldiers who are on their second, third, and fourth deployments report low morale, more mental health problems, and more stress-related work problems.

Now, Madam Speaker, these numbers right here really sent chills down my spine. An estimated three-quarters of a million troops have been discharged since the war in Iraq began, many of whom have had compromised mental and physical health. An estimated 260,000 have been treated at veterans' health facilities, nearly 100,000 have been diagnosed as having mental health conditions, and an additional 200,000 have received some level of care from walk-in facilities. That is just unbelievable.

I can tell you that I have been to Walter Reed Army Medical Center to visit our wounded troops that have come back from Iraq. I've told this story during the 30–Something Working Group in the past. I will tell it again because really, as a mom with young kids, it was so disturbing to me.

I walked into this young soldier's room to talk to him about his injury and to talk to him about what he went through, and his wife and his 6-year-old little boy were in there with him. And I had a nice chance to chat with the little boy. He was very exuberant and excited. It was really a lovely conversation. He was so excited. His dad had just come back from his third tour in Iraq, each of a year. Now remember, this little boy was 6 years old, and the father was telling me he had a stress-related mental health injury, and the father was telling me about how he was supposed to be finished with his tour in August, was still hoping to go back, by the way, which is amazing because these troops that represent the United States of America are just absolutely so committed and so patriotic, and really, I just so admire their bravery.

But what the little boy said when I had a chance to talk to him, he said he was so excited, my daddy is coming home after August. And when he said that, it occurred to me that this little boy being 6 and his father having been through three 1-year deployments in Iraq, this father had missed half of his son's life. Half of his son's life. That just was mind-boggling to me being a mom of 8-year-old twins and a 4-year-old. I just can't even imagine. I have children close to that age, and I can't imagine having missed half their life. I mean, that just takes a toll on families. It takes a toll on marriage.

Madam Speaker, even the time that myself and other parents serving in Congress here are away from our families, I know the toll that it takes on my husband when I'm here just working in Washington and not with him and leaving my kids with him to make sure that he gets them bathed and gets their dinner and the homework is done and all of the things that have to be done on a daily basis with families. It takes a toll that I am here and not with him to help him do that.

Add the stress of your family member being thousands of miles across the world in a war zone, in a war situation, not knowing whether they're going to ever come back, the not knowing when they're going to come back because the military keeps extending these tours of duty, keeps sending them back, does not give them enough rest in between the tours of duty. The Army, over the last several years, has extended the rest, extended the tours of duty from 12 months to 15 months, Madam Speaker, so now we are beyond a year for deployments. And General Petraeus said we may be able, by the end of the summer to pull back the length of the deployments from 15 months to 12 months, but we're still going to be at 140,000 troops once we draw down the amount of the surge. That means there is no difference, Madam Speaker, between where we are now and where we were before the start of the surge. How do you call that progress?

Someone is using a different dictionary than I am if that's progress. I mean, the dictionary that I use to define "progress" says that we see improvement, that the quality of life improves, that there's a light at the end of the tunnel, which General Petraeus clearly said we do not see right now.

I want to just quote, and in the 30–Something Working Group, we try to use third-party validators. So it is not just our words that we use to demonstrate the statements that we are making; we try to back up our words with evidence.

So let me talk about the cost to military families from military leaders' perspective.

General George Casey said recently on March 26 in the Wall Street Journal that 15-month-long deployments are impacting on their families, it's impacting on their mental health. We just can't keep going at the rate that we're going.

General Richard Cody, the Army vice chief of staff: Our readiness is being consumed as fast as we build it. Lengthy and repeated deployments with insufficient recovery time have placed incredible stress on our soldiers and our families, testing the resolve of our all-volunteer force like never before.

Let's go down to what retired Admiral William Fallon, the former commander of the U.S. Central Command said: I will certainly tell you that I think our troops are in need of a change in the deployment cycle. We've had too many, from my experience, of several of our key segments of the troop population, senior NCOs, mid- to junior officers, on multiple rotations. He said, I look at my commanders, and some of them have logged more months in Iraq in the last decade than they have at home by a significant amount.

Can you imagine? More months in Iraq over the last 10 years than they have at home. Imagine the cost, the toll that that takes on their families. Let us go beyond the toll on families.

It is pretty clear that we have had a dramatic increase in the cost of fuel and the cost of a barrel of oil just during our time in the last 5 years in the Middle East. We have gone from gas prices being a little more than $1, about $1.26 or so, to now gas prices being well over $3.30 and expected this summer to reach $4 or more.

I can tell you that I am a minivan mom, Madam Speaker, and I regularly drive my kids around our community and car pool with the best of them. The last time I filled up my tank, which was last week, it cost $65. Now, the last time I talked about how much it cost me to fill up my tank, and Mr. RYAN remembers this, I really feel like this is 30-Something redux. I mean, really. It's déjà vu all over again. You could roll back the tape to 2, 3 years ago when we were talking about the cost of the war in Iraq and the impact, and we are basically saying the exact same thing. It is just unbelievable.

But the last time I talked on the floor, spoke on the floor about how much it cost me to fill up my minivan, it was about $55. And that's really only been about a year since the last time we talked about the impact of oil prices. And what the leaders that look and examine this information have said is that any time we have extended involvement in the Middle East, you see a dramatic rise in oil prices that coincide with that.

The price of gas and the price of oil, in this environment and in this economy, is just devastating to American families.

So you have extensions of impact and extensions of costs beyond just the toll that it takes on the troops themselves, the toll that it takes on their families. There's a toll on America. There's a toll on society. I mean, it's so disconcerting and it's so disheartening to listen to our colleagues on the other side of the aisle who seem to just be in utter denial. I mean, they just keep saying the same thing over and over.

And we've been talking about the cost of this war, and I'm so glad to be joined by my good friend, Congressman TIM RYAN from the great State of Ohio who I have shared many an opportunity to speak on the floor about the things that Americans care about in the 30–Something Working Group.

It's just shocking that the administration is continuing to expect more of the same and to have there be more of the same and to expect a different result. There really is, and I would be happy to yield to the gentleman.

Mr. RYAN of Ohio. As we've gone through this debate for years and years and years, as you said, we've been on the floor talking about this for a long time; and you start to hear these arguments, the same ones over and over and over regardless of what the facts are on the ground.

And the issue, I think, that has become most apparent, and some say the surge was a success. Some say, well, maybe it wasn't. Some say there hasn't been any political success. Some say there has been some. I think this has kind of gotten boiled down to one point. Some people are saying we need to stay. And you know what? Maybe, maybe if we accept that argument, maybe they're right. Maybe we should stay. But they're only going to stay at the expense of the future of this country. We will bankrupt this country if we continue to stay in Iraq.

And when you look at all of the great powers over time, they get too extended, too far out, too far out ahead of themselves; and what we are saying here is there is a reality on the ground that we need to deal with in order to address the issues that are facing the United States of America. This is about making sure that we are a strong country. If we are not a strong country, we are of no good to anybody else.

And the point that we are trying to make and that the Speaker is trying to make and the Democrats in the Senate are trying to make and like-minded Republicans are trying to make is that we can't sacrifice the United States of America for Iraq.

Now, we do bear some responsibility because we went in, but you can't continue to say that we are going to borrow, because we don't have this money. We are borrowing it all. $3 trillion is what the projections are now for the cost for Iraq when you factor in vets coming back and health care and what not. $3 trillion? We are going to borrow it from China and Japan and OPEC countries to fund a war that we are not having any political progress at all?

The sides are not reconciling. They're not moving forward in the political process. That's a problem.

So, even if you say we need to stay, you need to then be willing to spend enormous amounts of money, United States dollars, over the course of the next several decades and, as some people have said, over the course of the next hundred years.

And what we are trying to say is, we've got problems here at home that we need to deal with. We've got an energy crisis. We've got a health care issue that needs to be dealt with. Growing inequality. We can't afford to spend $3 trillion on this war.

Now, I don't think that's unreasonable because the strength of the country is at stake, and all we have to do is look around. We don't have this money. And this isn't just us. Joseph Stiglitz, Noble Peace Prize economist, there's no such thing as a free lunch, and there's no such thing as a free war. The Iraq adventure has severely weakened the U.S. economy whose woes go far beyond loose mortgage lending. You can't spend $3 trillion, yes, $3 trillion, on a failed war abroad and not feel the pain at home.

This is a political reality that we have to deal with in the United States of America. And we are making difficult decisions. No one is saying yank the rug out. We are saying have a responsible, planned exit in which this country and the soldiers that we have trained and the close to $1 trillion that we have spent already, that investment, allow these people to take over their country.

I think there's a little bit of a misperception that there is not going to be, like we are going to be able to just leave Iraq, whenever it is, tomorrow or 10 years from now; and if we do it right, that there is not going to be any conflict, we will just kind of sneak out and everything will just harmoniously arrange itself.

And I think we need to realize that whether we get out 6 months from now or a year from now or 8, 10 years from now, there's going to be conflict. You have got groups of people that have hated each other for thousands of years. And there is not going to be any real polite settlement of this dispute.

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And so we need to realize that. And by realizing that, I think it helps us get to the point where we say, well, maybe we need to just get out now because this dust-up is going to happen anyway.

And when you look at what happened the other day with the Iraqi offensive onto this militia group and then a thousand Iraqi soldiers left and abandoned the mission, would they have left if we weren't there? That's a question I think we need to ask, would they have left? But they know we're there. This is part of the problem.

We're creating a welfare state. These people are in a state of dependency upon the United States, Ms. WASSERMAN SCHULTZ. And if we continue to be there all the time, we're never going to leave, we're always going to be here for you. You know, you see all the time, this is the equivalent of a 35-year-old person still living at home with their parents. They get into a state of dependency, and they can never be responsible.

And I understand all the dynamics. I didn't want to go into this war in the first place, I was against it from the beginning, so we've got some responsibility to bear. But haven't we made the investment? And we know at some point they've got to step up and make their own way here. So I think a lot of us are just saying, let's just do it.

I yield to my friend.

Ms. WASSERMAN SCHULTZ. Exactly. A lot of us are saying, it's time, that it is time to begin the drawdown, to begin to bring our troops home.

Many of us that believe it is time to begin the troop withdrawal, we're not talking about precipitous withdrawal. Our friends on the other side of the aisle like to, you know, they're really excellent at using strong language and scare tactics. And it's always interesting to listen to them try to exaggerate beyond all reasonable proportion what it is we're saying instead of actually listening to what we're saying. It would be nice if they would also listen to their own constituents because I have a feeling that they're not hearing anything different than what we're hearing when we go home, particularly when they are staring down the following facts:

Nearly 1.7 million U.S. troops have been deployed to Iraq and Afghanistan since September 2001; 1.7 million U.S. troops. That's 1.7 million different individuals. More than 599,000 have been deployed more than once. More than 782,000 servicemembers, Mr. RYAN, have been deployed to Iraq and Afghanistan that are parents with one or more children. Forty percent have been deployed more than once. Nearly 35,000 troops have been separated from their children for four or more deployments. And Mr. RYAN, I talked a little bit about that 6-year-old boy that I met when I went to Walter Reed whose dad had missed half his life. And I also talked about the toll that those separations from their families take on the parent who is gone, but particularly on the parent who is home, holding the fort down, making sure that they can move their children's lives and their lives forward by themselves and the stress that that brings on a family and on a marriage. The statistics that we know about say that, according to the Center for American Progress, 20 percent of marriages of deployed troops are headed for a divorce right now based on a survey done by the Center for American Progress. According to a report, again by the Army's Mental Health Advisory Team, work-related problems due to stress, mental health problems and marital separations generally increase with each subsequent month of the deployment. So the length of these deployments is taking its toll on families.

An estimated 2,100 troops tried to commit suicide or injure themselves last year, which is up from 350 in 2002. That's an astronomical jump. I mean, we've got the facts right under our noses. When do we say that we care about these troops as people, not as fighters, not as defenders of America, but as people? And when do we recognize that there is a limit to their ability to hold down their lives and to be able to return to a quality of life that they had before they left? The insensitivity is mind boggling, and the refusal of this administration to recognize that there is a cost and a toll that is being taken on these families, on the individual troops, on the United States of America and on our economy.

Mr. RYAN of Ohio. Will the gentlelady yield?

Ms. WASSERMAN SCHULTZ. I would be happy to yield.

Mr. RYAN of Ohio. I don't know if you've had an opportunity to see the documentary, and I haven't seen the documentary, but I've seen Phil Donahue talking about the documentary that he did, it's called "Body of War." And it's basically these soldiers who have come back and the injuries that they're dealing with, the folks that we see going up to Walter Reed. And talk about an eye-opening experience when you first go to Walter Reed and you see these 21, 22-year-old kids without legs, without arms, severe brain damage, brain trauma, you know, all of the gruesomeness. But I think Donahue does a good job by bringing this to life and doing a documentary, Eddie Vetter does some of the music on it, so it's really a compelling case. But it goes to the point that we're all talking, you know, we're all talking numbers, 4,013, and 29,628 injured. I mean, these are numbers, but these are families that have been ripped apart, that will never be the same.

If we have an opportunity and enough facts to stop this thing, because it's not in the best interest of, obviously, a lot of these families, but this country, and you look at the human cost, as Ms. WASSERMAN SCHULTZ has said, is tremendous. The financial aspect of this is detrimental to the future of this country. The readiness of our own troops, the lack of readiness, to be able to address some of these problems. And this is not something that you have to believe the Democrats or believe a politician on, this is retired Major General Punaro, Commission on the National Guard and Reserve, "we think there is an appalling gap in readiness for homeland defense because it will be the Guard and Reserve that have to respond for these things." Army Vice Chief of Staff Richard Cody said the Army, "no longer has fully combat ready brigades on standby should a threat or conflict occur." We're not making this up. In this country, we need to be prepared to responsibly, prudently, and practically disengage ourselves.

Empower the Iraqis. We've trained them for years. You know, I hate to always fall back on this example, but it's like when you're getting ready for a football season or a basketball season or a baseball season, you go through spring training and then the game is on a certain day and the coaches are coaching you, at some point you've taught the team all you can teach them, you've practiced as much as you can, and you're not fully ready for the game, but you've got to go play. And the coaches can't go on the field for you. And that's the situation we're in.

The Iraqis are never going to be perfectly prepared, Ms. WASSERMAN SCHULTZ. It's never going to be perfect. There's never going to be a perfect time where all these people are trained to the tee and we're going to be able to say, now they're ready. Because you always make mistakes, you're never trained enough, you're never prepared enough, especially when you're dealing with all the cultural issues that we're dealing with.

So what we're arguing is that they're never going to be perfectly ready. And I think there would have been a better chance the other day of these thousand soldiers sticking with the mission that they had and staying there, but they knew the Americans were there, and so it became convenient to say, I'm out of here, the Americans will take over.

Ms. WASSERMAN SCHULTZ. I think it's clear, and you're absolutely right, I think it's clear that the time has come. And this is not just our opinion, but it's clear that Americans believe that the time has come to shift our focus to the dire situation that we have with our economy.

And I can tell you, anecdotally, when I went home to my district during our recess, I had town hall meeting, and I do at least one town hall meeting every recess; when I did this last one, I actually, Mr. RYAN, had to bring Iraq up myself, otherwise the entire focus of the questions and the comments from my constituents would have been the economy. I actually had to affirmatively talk about the war in Iraq. And there was significant responsiveness on the part of my constituents, who agreed, it is long past time to bring the troops home. But really, at the top of their mind right now is the economy.

And just to illustrate that point, there was a new poll done recently by the New York Times, a CBS poll that showed 89 percent of those surveyed believe the cost of the war has contributed a lot or some to the United States' economic problems. When they were asked, from what you know, how much do you think the cost of the war in Iraq has contributed to the U.S. economic problem, a lot, some, not much, or not at all, 66 percent of people who responded to this survey said that it has affected the economy a lot. And add 22 percent more to make 88 percent who believe that it has affected the economy even at all.

Now, this week obviously it was a big deal that General Petraeus and Ambassador Crocker were coming to testify in front of Congress on the progress, or lack thereof, that has been made. There were lots of newspaper headlines with pictures of the general testifying, a plea from Petraeus in the Washington Post, and "Petraeus Urges Halt in Weighing New Cut in Force" in the New York Times. The Washington Times, "Petraeus Warns of Iraq Backslide." "Iraq Troop Levels Left Open" in USA Today. But arguably, the newspaper in America that most closely focuses on the economy and on the financial health of our Nation is the Wall Street Journal.

This is today's Wall Street Journal, Mr. RYAN. There is absolutely no headlines, nothing on the front page, any article related to General Petraeus's testimony. There is a little tiny entry under "What's News" that says "Petraeus recommended that U.S. troop withdrawals be halted indefinitely this summer, warning that security gains in Iraq are fragile." I mean, that's the priority that the Wall Street Journal places on the economy versus the war in Iraq, where every other article, "Bush to Expand Help on Mortgages," "Subprime Lenders Failure Sparks Lawsuit Against Wall Street Banks," those are the things that we should be focusing, like a laser beam, our attention on because our constituents are suffering.

There are folks that I represent who are having their homes foreclosed on that in a million years these middle class folks would never have been in that situation financially if we were not focused somewhere halfway across the world as opposed to getting our fiscal house in order here in the United States of America.

And if folks don't believe what we're saying here, let's use the third-party validators that we always use, Mr. RYAN. I will quote Robert Reischauer, the former Director of the Congressional Budget Office, also a respected institution here that is nonpartisan. He said, contrary to the notion that war spending bolsters the economy, he said recently that the "domestic benefits of war spending have been muted because spending is stimulating economies elsewhere, not the least being the economies of Iraq, Kuwait and Saudi Arabia."

I alluded to these numbers earlier, and now I've found them in my notes, the price of oil and the direct correlation to our involvement in the Middle East and the skyrocketing cost of oil. The price of oil has skyrocketed since the Iraq war began. The national average price per gallon of regular gasoline before the start of the Iraq war was $1.73. Today, it's $3.34 cents, which is an increase of more than 93 percent. And this is predictable.

In March 2003, Sung Won Sohn, then an economist for Wells Fargo Bank, not exactly a progressive think tank, noted that "any time there is conflict in the Middle East, oil prices hit record figures." And he warned that the longer the war lasted, the higher prices would go.

We can't take higher prices for gas than we're facing now. We already expect this summer for them to go over $4. When is enough going to be enough?

Mr. RYAN of Ohio. Well, when you look at how many different ways the Iraq war is like that pressure point that you hit and it has all these different ramifications all over the country, all over the economy, all over our society in so many different ways, and this is the one issue that needs to be addressed if we are going to make any kind of headway into converting our economy over from manufacturing and basically the industrial age into a new high-tech economy that everyone benefits from it.

Now, in Youngstown, Ohio, or in Warren or Akron or Cleveland or the industrial Midwest or Pittsburgh, Detroit, whatever the case may be, if the amount of money that was spent already in Iraq, nearly $1 trillion, was invested into these communities that, for example, have been hurt by globalization, and the big debate in the Ohio and Texas primary was NAFTA, NAFTA, NAFTA, and some areas benefited and some areas didn't, and Texas did this and Ohio did that and whatnot, just think, if all the communities that were very successful 50 years ago and pumped a lot of money into this country in steel and rubber and coal and all this stuff that were hurt by globalization, the investment of $1 trillion was made into those communities in water lines, sewer lines, roads, education, community colleges, worker retraining, investments into the NIH research, investments in alternative energy, figuring out who's going to make the windmill, figuring out how biodiesel is actually going to work without having all these different adverse effects, figuring out who's going to make the solar panels and how we're going to make these investments, $1 trillion that has been spent in Iraq, and we have no real signs of success.

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No real signs of success. So this is what we're all factoring in here: The fact that it's costing us $1 trillion already and projected to be $3 trillion; the fact that all that money is borrowed; the fact that our friends on the other side raised the debt limit five times and borrowed $3 trillion already from Japan, China, and OPEC countries; the fact that our homeland has suffered because of the Guard and Reserve, and so we are incapable now of addressing major threats to the United States; the fact that our army is not at the level it should be, all of these factor in. The lack of readiness, the money, and then the lost opportunity.

We are Americans. We think about what can be. We think about the future. We think about where we want to go, what we want to be, what we want to do. And we are stuck because we don't have the resources to make the investments that Americans have always made: canals, railroads, Internet superhighway, investments in all these research projects that bounce into the Internet and put men in spaceships and land them on the moon. That's what Americans do. So let's put ourselves in a position where we can make these investments so these kids that we talk about all the time can have a future, have an economy. When you look at the benefits of NASA and science and technology and math over the years, how many corporations benefited from all of that, that's what we're talking about doing. Let's think about the future.

And when you look at this war as missed opportunities with Afghanistan, national security alone. We have missed opportunities catching bin Laden, focusing on Afghanistan, focusing on the global war on terror, these networks. We should have been tripling and quadrupling our special forces and hiring people who speak Farsi to translate tapes that we're pulling down from the satellites. All this stuff could have been done. A missed opportunity. Economically, missed opportunity.

So, Ms. WASSERMAN SCHULTZ, thank you for coming down to this floor and claiming our hour tonight, and it's been great to be with you again. And we're going to keep plugging away here.

Ms. WASSERMAN SCHULTZ. We are.

Mr. RYAN of Ohio. This is the pressure point. This is the issue facing our country, and we are going to keep speaking out on it.

Ms. WASSERMAN SCHULTZ. Madam Speaker, what I think has been really interesting is observing the struggle that military leaders underneath General Petraeus have been going through in trying to be good soldiers and toe the party line about not being ready to withdraw and for us to leave those 140,000 troops indefinitely in Iraq, which is the decision that was clearly made before General Petraeus came to testify this week. But when they're asked specific questions about the impact on our troops, the truth comes through in their statements.

General Richard Cody, the Army Vice Chief of Staff: "Our readiness is being consumed as fast as we build it . . . lengthy and repeated deployments with insufficient recovery time have placed incredible stress on our soldiers and our families."

And we're not talking about retired commanders or retired military leaders, who some people might suggest are retired for a reason. We're talking about the people who are currently fully engaged in our efforts over there.

Lieutenant General Benjamin Mixon, Commanding General of the U.S. Army Pacific: "We are going to have to change our strategy in Iraq to reduce the numbers of troops and thereby reduce the rotations and increase the dwell time that we get back here at home." That was January 27.

Lieutenant General Michael Rochelle, Army Deputy Chief of Staff, G1: " . . . I should mention that it's clear that the increase in suicide, as well as other measures that we track very, very closely, are a reflection of the amount of stress that's on the force."

And, finally, Brigadier General Michael Linnington, Deputy Commanding General of the United States Army Infantry Center: "Money is not the issue . . . They want an opportunity to catch their breath before deploying again and to have some control over their futures. They're tired and their families are tired."

We have got to reach a point where we focus on the things that we know we need to focus on, like Afghanistan, for example. We have shifted. When we went to war in Iraq originally with the stated notion of pursuing the weapons of mass destruction that supposedly Saddam Hussein had that he clearly never had, we shifted our attention and our focus away from Afghanistan, where we clearly were succeeding, where we clearly had the world community behind us and fully engaged, where we had the American people's full commitment. And when we did that, when we shifted our attention away from Afghanistan and focused on Iraq, we lost tremendous ground in Afghanistan.

The Chairman of the Joint Chiefs of Staff, Admiral Michael Mullen, said: "So should we be in a position where more troops are removed from Iraq, the possibility of sending additional troops to Afghanistan, where we need them, clearly, certainly it's a possibility. But it's really going to be based on the availability of troops. We don't have troops, particularly in Brigade Combat Team size, sitting on the shelf, ready to go."

The military is obviously stretched incredibly thin. And when I talk to constituents and groups of folks, I'll tell you that I represent a large section of the Jewish community in my State, and I am constantly being asked by members of the Jewish community leadership, What about Iran and what if we face an increasing threat from Iran? What are we going to do then, DEBBIE?

And my honest answer is, Well, we are spread so thin militarily now that it would be incredibly difficult for us to continue our efforts in Iraq, for us to maintain and not lose ground in Afghanistan, and also pursue the possibility of staving off a significant threat from Iran. And, again, that's not something that I'm saying. That's something that is backed up by military leaders.

I mean it's been 2,399 days, Madam Speaker, since the September 11 attacks, 2,399 days, and Osama bin Laden still remains free. We have gone backwards in Afghanistan since we left and shifted our focus.

In July of 2007, a de-classified version of a National Intelligence Estimate on the terrorist threat to the U.S. homeland concluded that al Qaeda in Afghanistan and the border area with Pakistan has regained its strength over the last few years and has now reached the strength it had before 9/11.

We have put ourselves in jeopardy. The administration and this President talks about the war on terror, the supposed war on terror, and how committed we are to it and how we have to fight terror in every corner of the world. Well, it is incredibly disturbing that a National Intelligence Estimate, not a progressive think tank and not the critics of the administration but our own National Intelligence Estimate on the terrorist threat to the U.S. homeland, concluded that al Qaeda in Afghanistan has reached its strength that it had before 9/11. The Director of National Intelligence, Mike McConnell, testified in February that Afghanistan's President Hamid Karzai and his government control just one-third of the country now, Madam Speaker. The remaining majority is under control of either the Taliban or local tribes.

We have got to make sure that we refocus our energy and our effort on the priorities of the American people. I know our Democratic leadership, under the leadership of our Speaker, NANCY PELOSI, is focused and determined to move an agenda that is going to improve this Nation's economy. The economic stimulus package that she was able to negotiate with Leader BOEHNER to try to inject some stimulus into this economy, checks that are going to be coming to Americans very, very soon, those are the kinds of efforts and energy that we need to be putting in to deal with the crisis situation that Americans are facing. Not continue to insist, as the administration does, that they are right and we are wrong. Not continue to say that we need to keep the same troop strength that we have where we made absolutely no progress between now and before the surge. Basically it's almost as if we have run in place. It's just incredibly frustrating.

So, Madam Speaker, I'm going to end where I began. And that is to say, the toll that this war has taken on the individual troops who are fighting in Iraq and Afghanistan, on their families, on Americans, where our administration's priorities are not focused on what they should be, which should be improving our economy and making sure that we can reduce the deficit and get our fiscal house in order and make sure that Americans have access to health care and aren't having their homes foreclosed on and the skyrocketing cost of housing, and the list just goes on and on. But at the same time, we're taking care of the needs of the people in Iraq. They have a budget surplus. Their housing needs are being taken care of. Their children's schooling is being taken care of. Yet we still have the same 140,000 troops that the administration has committed to leaving in Iraq, as opposed to trying to bring these troops home and end this hopeless war that has not made progress. And at the end of the day, as Mr. RYAN stated, we need to ensure that the Iraqi troops can stand on their own and that they don't believe for generations to come that we are going to carry them throughout history. At some point we have to let them go and stand on their own, and we have reached that time.

With that, Madam Speaker, we appreciate the opportunity in the 30-Something Working Group that the Speaker has given us to talk about the issues that are important to the American people and to our generation and from our generation's perspectives. We hope that the people who have heard this presentation tonight will go to the Speaker's Web site and click on the 30-Something Working Group address. The charts that we have shown tonight are on that Web site, and they can feel free to e-mail us and contact us with any questions they have.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Madam Speaker, I come to the floor tonight to do what I often do, spend a little time talking about health care. The hour spent in this way, I think, delivers for the Speaker and other Members of the House perhaps perspectives on health care that you wouldn't hear in any other location. I've heard the hour that I spend down here talking about health care referred to as the "House call." So perhaps that's a good way to look at it.

Madam Speaker, we have got a big job ahead of us here in this Congress and the next Congress. We are going to be talking about health care from all sorts of different perspectives. And really where we ought to be focusing our efforts, where we really ought to be channeling our efforts is delivering better care at a lower cost. And you know what? The good news is there are some examples out there in the real world. There are some examples in the real world that this House can embrace and expand upon and maybe accomplish this thing that we all want to accomplish, which is delivering more care to more people in our country at a better price. But we don't need to do it at the sacrifice of freedom because freedom is the foundation of life here in America. Without our liberty, we aren't America. So unlimited options, the unlimited opportunity that people have in this country, that's what makes this country great.

I always feel a little inadequate when I go into Starbucks because all I can do is order a cup of coffee. But other people go into Starbucks and are able to order from a wide variety of menu options. Who would have believed, when I was growing up, that there can be 57 different ways to spend your money in a coffee shop all to purchase a cup of coffee?

☐ 2145

Madam Speaker, innovation goes hand in hand with the ability to make choices. The combinations that are available for all of us to choose from have, in fact, engendered that market, and the young folks of today wouldn't have it any other way. And I think that is exactly as it should be. The same kind of options, the same kind of inventive technology and the same kind of innovation should be what makes health care great, as well.

And, Madam Speaker, when it comes to innovation in health care, the United States is the world's leader in health care. Now in October of 2006, in the New York Times, no less, and please don't tell anyone back in my district that I read the New York Times, but in October of 2006 in the New York Times a piece by Tyler Cowen talked about just that issue. He talked about how 17 of the last 25 Nobel prizes in medicine have been awarded to American scientists. He talked about four of the six most significant breakthroughs in the last 25 years having been developed in the United States of America, things like the CAT scan, things like neuro treatments for hypertension, statins to lower cholesterol, coronary artery bypass surgery, all the product of the inventive American mind. And, as we all know, American scientists are not done with advances in medicine. And we are now counting on the next generation of doctors and scientists, a whole new generation, to produce whole new generations of breakthroughs, things like single gene therapy, advancements in protein science, and the incredible revolution in the way information is transmitted and handled. All of that is on the threshold. All of that is just over the horizon and going to have a significant impact on the delivery of health care in this country.

And these breakthroughs occurred because there was an environment that encouraged innovation, an environment that embraced innovation, and yes, an environment that sometimes tolerated a little bit of chaos because that, after all, drove some of that creative energy. And this environment is better known as a competitive environment and one based on individual choice. Innovation and choice are the hallmarks of our health care system. But it doesn't mean that we can't make a good thing better.

Now, Madam Speaker, as someone who has spent 25 years in the practice of medicine, I do believe I have a unique perspective on some of the issues that face our Nation's physician workforce, and certainly some of the issues that face those of us in the House of Representatives here up on Capitol Hill. But I do have the unique perspective having lived in both worlds. I have had the pleasure, the opportunity and the high honor of sitting in an examination room and talking with a patient, being in the operating room or the emergency room or the delivery room with a patient. I have filed claims. I have filed claims with private insurance companies, Medicare and Medicaid, and dealt with the almost impossible bureaucratic nightmare that those claims have become, and also discovered that with the advent of electronic submissions for claims, some clever individuals delivered about 1,300 different codes for denying those claims.

I figured out how to build my business, sometimes in an environment that was quite hostile to small business. I figured out how to pay my employees, how to keep the lights on, how to provide health insurance for my employees. Sometimes I have the burden of being the only one in my committee, the Committee on Energy and Commerce, the Health Subcommittee, the only one who has had experience with the practice of medicine, the only one who has ever picked up a pen, written a prescription, looked a patient in the eye, counseled them for risks and benefits and costs, a significant burden to carry as we go through bills like the FDA Reauthorization bill that we went through this summer.

I have also had the benefit of some very good advisors along the way, some of my professors in Medical School, Jack Pritchard, who was the head of my residency program at Parkland Hospital, and my own mother, who told me, "don't you ever let your office put me on hold on that telephone again. And further," she went on to say, "don't let me ever hear that you refused to take a Medicare patient." And she never did have to hear that.

But what does this experience give me? Practical knowledge is absolutely critical when you delve into trying to craft the best public policy. And this practical experience is invaluable, especially in an environment that is as rapidly changing as our health care system and the focus of so many across the country.

Now, there is widespread recognition that there is some change in the air. You can scarcely turn on the television at night and not hear the word "change" mentioned over and over again. In fact, I told an audience of doctors the other day that I haven't heard the word "change" so many times since I was an intern in the newborn nursery at Parkland Hospital. There is a widespread recognition that change is coming in health care. There are a lot of different ideas on how to accomplish it. Presidential candidates have their ideas. A lot of Members of Congress have their ideas. And somehow we are all going to have to come together with these ideas to try to get the best policy going forward.

Now one of the things that has become absolutely apparent to me as I have spent a good deal of time studying this issue is that health care, not disease, but health care, the administration of health care, begins and ends with those who actually deliver the care. That means those that actually deliver the care, the doctors, the nurses, the technicians, really are the ones who should be on the front-lines leading that transformation in health care. A lot of health care professionals don't realize the critical role that they can play and, in fact, they must play in shaping the health care debate. If the professionals who work in health care, if the doctors and nurses are not active and engaged, they are going to be forced to play by the rules that someone in this House will set for them, someone in this House who may not have a clue as to what goes on in the day-to-day practice or administration of medicine.

So every chance I have, I meet with doctors, nurses, physical therapists, technicians, either here in Washington or my district back in Texas, listen to them about what their concerns are, try to understand the problems that they are having, problems that may have changed in the few short years since I left the clinics, and try to talk to them about how to not just complain about the problems of today, but how to craft the solutions of tomorrow and how to effectively communicate that to those who are policy makers, whether it be in a Federal agency or here in a legislative body. I am firmly convinced that if our health care professionals don't lead, we are going to have to accept the prescription given to us by those in the Federal agencies and those that may be sitting in the legislature this year, next year or the year after.

Now there is no sane person who would try to conduct their own operation. Most doctors, if they have controlling sense, wouldn't try to prepare their own income tax form. Doctors and nurses, health care professionals, need to be the ones to lead this change. And I will tell you something that just makes me stop dead in my tracks is when I hear people talk about a single payer government run system. It scares me to death. Now you stop and think, where is the largest single payer government health care system in the world? And it is here in the United States. It is our Medicare and Medicaid program. This body, the United States House of Representatives, currently controls about 50 cents out of every dollar that is spent in health care in this country, and that is an enormous amount that is spent on health care, 15, 16, 17 percent of our gross domestic product, upwards of $2 trillion a year, 50 percent of that originates on the floor of this House of Representatives. So government already controls 50 percent of the market. When people talk about expanding that role, I have to stop and ask myself, well, are we doing a good job with what we are already controlling? And I don't think there is anyone who would stand up and say, yes, you are doing such a good job, we want to turn more of it over to you.

But government can play a role by encouraging coverage and helping create programs that people actually want and empowering them to choose between options. And really, we just have to go back a year or 2 or 3 to look at the experience with the part D part of the Medicare program signed into law late in 2003. The prescription benefit became available in January 2006, and now we are coming into the beginning of our third year of experience with that program. And sure, there were some bugs early on. But if you look at some of the numbers now, and probably 90 percent of eligible seniors now have some type of health care coverage, which is an incredible change from when I took office in 2003. Eighty percent are happy with the program. Well, those are numbers that I will just tell you controlling practitioner would love to have.

When we crafted that program, the smart people over at the Center for Medicaid and Medicare Services put their sharpest pencils to the program and said, okay, here it is. We can devise a program that will provide coverage for seniors for $37 a month in premiums.

Well, now the average plan costs $24 a month. So what happened on the way to that $37 a month premium? Well, I will tell you what happened. The plans were opened up for competition and bidding. And guess what? The private sector found they could do things a little cheaper, faster and safer than those in the Federal agency. And I say more power to them. They have crafted different plans. Not everyone needs the same prescription drug plan. There is the ability to buy a prescription drug plan and change it once a year if your coverage needs change. It is a phenomenal tool to put at the hands of our seniors who are covered under Medicare.

Again, who is going to argue with something that delivers more health care, lower cost and better quality? It is just too simple to argue with. That is the type of program on which we need to be focused. But you hear so many people talking about, well, people won't do the right thing if you leave them to their own devices. You have to put a mandate on it. You have to put an individual mandate, or we have to put a State mandate, or we will have to put an employer mandate where we require people to take up this coverage; as opposed to creating programs that people actually want, pricing them in a reasonable range, making them available, and helping people understand the wisdom of taking up that coverage.

There are a variety of studies that have been done on mandates. Most recently there was one in Health Affairs in November of 2007 looking at the experience and the history with mandates. I think the title of the article was "Consider It Done" because it was the opinion of the article that mandates would just simply have to be the next step.

But in this country, we have 50 percent of people with no health insurance and a voluntary program. Well, you say, we could do better with mandates, couldn't we? Well, for mandates to work, you have to have, of course, a widespread dissemination of knowledge that the mandate is required. You have to have widespread dissemination of the knowledge of the penalty for not taking up the good, service or product that has been mandated, and you have got to have a pretty strict enforcement mechanism, and people have to be aware that that enforcement is going to be swift, sure, and it is going to be painful when it happens. Well, where in real life in America today is there such a system? Hey, we are coming up on April 15. How about the Internal Revenue Service, for example? With the Internal Revenue Service, there is broad understanding throughout the population that you have to pay your taxes. There is a broad understanding of what will happen to you if you don't pay your taxes. Now there may be nuances, fine nuances to the Federal law, whether it is prison term or a fine, but people do understand there are a plethora of unpleasant circumstances for those who don't pay their taxes.

And what is the take-up rate, if you will, on this generous offer from the Internal Revenue Service? Well, it is about 85 percent. You have about 15 percent of people who don't comply, even with those relatively draconian and well-known practices within the IRS if you don't comply. So it does beg the question, if we simply go up there and say, you have to buy an individual insurance policy or there are going to be consequences to that behavior which will cost you, how do we know we are going to get up-take greater than the 85 percent up-take that we have today? And indeed, some of the experience early on with some of the States who have experimented with this have found that some people look at the cost of the insurance, and since it is now required, guess what? The cost went up because it is no longer a free market where you have a willing seller and a willing buyer. You have a buyer who is being coerced to buy that product, so the price goes up. And so some people look at that and say, that is pretty costly, I will just pay the fine, thank you very much. So then we are in a very difficult situation. We have someone paying a fine for not carrying health insurance. And if they get sick on top of it, then they are still a burden on the hospital, doctor, the State, whoever has to pick up the cost for that hospitalization.

So I would just urge my colleagues to be circumspect, to be careful when we talk about mandates and also look to the experience we had with Medicare part D where then a program was created that didn't exist before, and it was created in such a way as to put something out there that people actually wanted, put something out there that people actually saw as adding value to their health care coverage, put something up there that would be useful to people.

□ 2200

Not simply putting a requirement out there, a penalty if you don't comply, and then people are constantly gauging, well, would it be better just to pay the penalty and not comply and not have the more expensive health insurance, which I, after all, don't need, because I will never get sick.

So the part D program provides us a model that we could use when we are trying to see about developing those types of programs. And in a few minutes, let me cover with you some of the other models, some of the experience that has recently been gathered from the private sector, because I think that is useful to instruct, that is useful to inform this debate as well.

But the experience of part D in Medicare showed us that sometimes the best thing that government can do for health care is just simply get out of the way and let people, providers, third-party payers, work this out between themselves. If we create the right conditions, the right environment, the right set of circumstances and let the private sector develop the innovation, sometimes the cost savings can be substantial, the quality can be increased. And, after all, isn't that what we want, more care, better quality, lower cost? Who can be against those three things?

Now, Madam Speaker, I can remember a time when I was growing up that you could only have one kind of telephone. It was black, it was tethered to the wall and had a rotary dial. Over 10 or 15 or 20 years time we saw some technical innovation. It was still black, it was still tethered to the wall, but it had push buttons instead of a rotary dial.

Then came deregulation. Then came many phone companies that were able to compete on the open market, compete for the individual phone user's business. And the story tells itself, because nowadays you have cell phones on every belt buckle and hip pocket. You have text messages. You have a whole generation of young people who know how to text better than they know how to communicate with the king's English.

So change has come to this industry, not because the government said it would be a good idea for everyone to have a cell phone on their belt buckle or a cell phone in their hip pocket. It came about because industry, the private sector, was allowed to innovate, it was allowed to experiment, it was allowed to sometimes fail, and produce these products that people actually wanted and that deliver value, real value, to people's lives.

Many, many years ago I got a pilot's license. A lot of people learned to fly in a Piper Cub. The Piper Cub is truly a marvel of engineering science. But would anyone argue that the 737, the 787 that is new this year, would anyone argue that that is not a better way to move large numbers of people from one end of the country to another, rather than having each of us fly our own individual Piper Cub?

You know, you can't help but when you have this kind of discussion recognize that the invention of the Internet really changed a lot of things. Of course, now we have the Internet, we have e-mail, we have Web sites, we have YouTube, all of which were absolutely unimaginable as short as 20 years ago.

Here is the secret. Here is the secret to that success. The private sector, with its ability to tolerate innovation, with its ability to tolerate risk and reward, its ability to tolerate a little bit of experimentation, and, again, a little bit of chaos, can deliver that kind of value. I have personally experienced this in my years practicing medicine, and I have learned more about it since I have come here and worked legislatively.

Last fall, last November, I believe, there was a big health care symposium put on downtown by the periodical Health Affairs, and the morning panel was going to be four smart people. But one of them was a CEO of a large insurance company, an insurance company, quite honestly, that I had some trouble with when I was a practicing physician. So I thought, well, I want to go hear what Dr. McClellan has to say. I want to hear what Dr. Sarhuni from the National Institutes of Health has to say. But I will probably go for coffee when this CEO gets up to talk. But the CEO gave the most important part of the talk that morning.

This particular individual talked about running his large insurance company. He talked about his 45,000 employees, 15 percent of whom were devoted to the development of information technology. If that 15 percent had been a stand-alone software company, they would have been one of the largest in the United States of America.

Well, that is a pretty powerful notion. I stopped and did a little quick mental calculation of my own and I thought about my five or six physician practice back in Louisville, Texas. We were faced with the specter of Y2K and I had to upgrade my ancient and ailing computer system, and although at the time I thought it cost an incredible amount to do that, just doing a quick back-of-the-envelope calculation, I spent about .015 percent of my annual budget on information technology. So was it any wonder that that particular insurance company could run rings around a small practice when it came to the managing, the flow of information, the speed with which they could process information?

I was very intrigued by the fact that this individual said we have learned a lot about the progress of disease and the course of disease, not by studying clinical data, but by simply analyzing the financial data available to us within our information technology system. For example, if we see A and B, we are very likely going to see C, and of those patients who have C, some are going to go on to D, and D costs a lot of money. So we are far better off intervening at A or B and not having to buy as many Ds as we might otherwise have to buy.

He gave the example, and, of course, my practice was not in taking care of heart disease, but he gave the example of a middle-aged individual suffering a myocardial infarction or heart attack. He said we know from studying our data that this individual is very likely to suffer about a bout of significant depression somewhere along the line in their recovery, and in fact that bout of depression may be so significant that it precludes that individual complying with their exercise program, their cardiorehabilitative program, and very likely puts them at risk for a second cardiac event, or perhaps even consigning them to congestive heart failure in the future, which is terribly expensive to treat within and out of the hospital and lots of expensive medications.

So he found that by intervening early on with an aggressive assessment for depression, an aggressive treatment for depression, that they were in fact able to get better compliance in their rehabilitation, and ultimately lowered their cost at the out end because of this very aggressive management program that they had developed.

Again, that is all done with financial data. They were just beginning to be able to incorporate clinical data. They have got some problems with that because of some of the constraints, regulatory constraints that we here in Congress have put on them. But, nevertheless, it told a great story about the types of things that can be done in managing information in this brave new world, where so much information is available and so much can be assembled and analyzed at a very rapid rate. We are coming up on a period of rapid learning unlike anything ever seen before in any branch of science, and certainly medicine is not going to be any stranger to that.

When I was in training in the 1970s, when I was in practice in the 1980s and 1990s and early 2000s, it was very difficult to encounter a patient late in pregnancy with an elevated blood pressure. You never knew whether this was going to go on to a much more serious condition or whether in fact this was simply a transient problem that would be self-limited and of no consequence, and you had to treat them all as if they were the most serious consequences, sometimes even requiring hospitalization for a period of observation until things got squared away.

There are tests that are just around the corner that will analyze for a couple of things in the bloodstream that have a very high predictive value as to whether or not someone will develop a condition called preeclampsia over the next 14 days. What a tremendously powerful tool to put in the hands of clinicians. And how many dollars is that going to save? It may well be an expensive test when it first comes out, but how many dollars is it going to save for unnecessary hospitalizations?

Sometimes we would have to take someone off from work, not knowing whether they had a more serious disease or whether this was going to be a benign self-limited event. But you just couldn't take a chance. You just couldn't take that risk of not counseling that patient to behave as if this was going to be the more serious of the two conditions. How great it will be for the next generation of doctors who practice my specialty of obstetrics to be able to have that test at their disposal so they can adequately counsel their patients, recommend to their patients the correct treatment course for them, and, in the process, not overtreat a large group of patients, and, very importantly, not undertreat a much smaller but potentially much more lethal condition in a smaller group of patients.

Yesterday up here on the Hill I was very fortunate to be able to host a panel with several speakers that included the former Speaker of our House, Newt Gingrich, who came up on the Hill to talk about change in health care reform and transformation in health care.

Everyone knows that former Speaker Gingrich is a real leader when it comes to health care transformation. In fact, he has made that now his life's work here in Washington. We are certainly grateful for, first off, for his service in the House, but we are very grateful that he has devoted his enthusiasm, his considerable energy, his considerable ability to generate new ideas and to recognize great ideas when they are presented to him. We are very fortunate to have his expertise in Washington. So it was really a great experience to have him involved in this panel yesterday.

Several companies came in. The whole premise of the seminar, the whole premise of the series, was, just as I started out this talk, better health, lower cost, examples from the real world. These were four individuals that came in and talked to us about real world experience and how they have been able to deliver their product, health care, in a more timely fashion, better quality, lower cost.

Let me share with you some of what I learned. It was a very action-packed hour-and-a-half that we had yesterday. But let me share with you just a little bit of what I have learned with talking to some of those innovative medical leaders.

One of the central themes that kept repeating itself over and over again was the issue of personal responsibility. It is important to have someone invested in the concept that it is a good idea to take care of their own health and to be personally invested in their own health care, and a lot of the discussion came around to a concept that is popularly called consumer-driven health care. We have talked about that a lot up here on the Hill.

The fact is that because of our third-payer system, so many people are actually anesthetized to the true cost of their health care. All they want to know is can they see the doctor when they need to, how big is the copay, and if I need an expensive test, well, is it covered by insurance? If is not, I don't want it. If it is, I will take two.

Now, my own staff tells me that when they receive an explanation of benefits, that little form, that little EOB form that you get from your insurance company after you have a medical event or an intersection with the health care system, whether it be doctor or hospital, most people take that explanation of benefits, it says on it "this is not a bill," so what happens to it? It goes straight into the trash. They never look at it. They never try to assess what is or is not on it. So they are consuming the health care service, but not really are conscious as to the cost. As a consequence, there is little or no incentive for anyone to take any proactive stance on the health care that is delivered to them, the health care that is offered to them. There is very little incentive for someone to actually take an active role in that.

There is an old saying from P.J. O'Rourke, if you think health care is expensive now, just wait until it is free, and that is the concept. If it doesn't cost anything, then, again, yes, nothing but the best will do, and let's be sure we have plenty of it, and don't be too long about getting it to me.

In a consumer-driven health care system, people would be more conscious of their health care cost, more conscientious, and more likely to make wiser decisions about lifestyle choices, about things that they might do to alter a lifestyle choice, to be able to maintain their health.

There was a study take that was talked about yesterday that found that in one hospital group, the patients who were in a consumer-directed health care plan were twice as likely as patients in traditional plans to ask about the cost, and three times as likely to choose a less expensive treatment option. And this is just not for young healthy patients. Patients with chronic conditions, chronic disease states, were 20 percent more likely to follow the treatment regimen recommended to them, to follow that regimen much more carefully.

Now, there is no shortage of critics of consumer-directed health care up here on the Hill. People will argue that it will cause patients, consumers, perhaps those less wealthy, perhaps those less educated, to avoid needed and appropriate health care because of the cost burden and the inability to make informed appropriate choices.

One of the companies yesterday that discussed this at the panel has data that they say directly contradicts that criticism. And I don't doubt that that is correct, because back in the late 1990s a comparison was done with a country that had a large component of what were then called medical savings accounts or consumer-directed health care, in contrast to the United States, which at that time had no high deductible consumer-directed health care options, no MSA options, and that was in a lead-up to the beginning of the MSA era in 1996 or 1997.

☐ 2215

Experience with that country that had about a 50/50 mix of consumer directed plans and what might be called standard indemnity plans found that there was no dialing back on needed services. There was no pulling back on services that were critical for the maintenance of a person's health, but more optional types of treatments perhaps, were the ones that had a lower uptake.

Now, a Midwestern health care company introduced consumer-driven health care plans to its 8,600 employees. They also left their traditional PPO plan in place.

In the first year, 79 percent of their employees chose one of the four consumer-directed health care options. These health plans had several important features.

Preventive care is free. Now, what a concept. That means that the annual visit to the doctor, required screening exams, don't cost money. They are provided for you free of charge.

Employees also receive financial incentives to change behaviors like smoking or those who need to lose weight. They also receive financial incentives to manage chronic conditions like asthma and diabetes more carefully and become active participants in the management of their disease.

The results so far have shown that they had 7 percent of health care dollars spent on prevention compared to a national average that was about a third of that.

Nearly 40 percent of employees take an annual personal health risk assessment and earn $100 for their trouble. But a 40 percent uptake on an annual health risk assessment is a significant number. Five hundred employees have quit smoking, their employees have lost a total of 13,000 pounds through their weight management programs with appropriate monitoring, 13,000 pounds. Talk about your biggest loser or your biggest winner, clearly, that's a program that is paying off.

Now, the average claim increase of 5½ or 5.1 percent the last 2 years is compared to a national trend of over 8 percent, so there has been a 3 percent savings on the average claim. The company has, again, collected an impressive amount of data, and we could learn from their example, from their experience.

There are some other companies we can learn from as well. There was another very large health insurance company that was on the panel. Then, again, it was a health insurance company with which I used to have some differences, but they described their incentive-based benefit design. They provide or have available to their employees one of the high deductible plans. A high deductible plan with a large deductible is going to cost less than a plan with a lower deductible.

They offer a plan with a high deductible. But without an increase in premium, the individuals, the families can lower that deductible to $1,000 by changing things like weight, smoking, serial cholesterol measurements complying with annual screening exams.

A $5,000 deductible at a lower policy rate then becomes a $1,000 deductible at the same rate. It's a significant cost savings for that patient or that family, that employee, where they get the benefits of a very high deductible plan but the deductible comes to them in a much more manageable size.

We also heard about some of the very positive results driven by consumer-driven health plan options. Now, the speaker who talked about that actually took me back a little bit, because I do remember back 1976 and 1977 the MSAs first became available. They were called the Archer Medical Savings Account after Bill Archer, chairman of the Ways and Means Committee from this body who had worked so hard on that over the years.

Phil Gramm, then a Senator from Texas over on the other side of the rotunda, had worked on that on the Senate side. As part of a large bill that was passed to increase insurance portability, they got a demonstration project, a pilot project that was going to allow 750,000 so-called high deductible policies or medical savings accounts to be sold. I heard about that, and I thought I don't know if I can sign up quickly enough to be in that first 750,000.

But the reality was I needn't have worried. There were so many restrictions placed on that insurance that the uptake was, in fact, probably only one-tenth of what were available.

There weren't many insurance companies that offered it. The premiums had to be paid for with after-tax dollars. Many of the things that we now think of as being associated with a health savings account just weren't available back in those early years.

But, still, although the amount that you could put away in a medical IRA or a medical savings account wasn't nearly as large as what you could do today, still, it was a significant amount of money. I purchased one of those myself back in 1976 or 1977, keeping it until I started service here in the House of Representatives, where at that time it wasn't available.

But that chunk of dollars has sat there, and with the time value of money, earning interest, compound interest, the miracle of compound interest, year over year now is a sizeable sum of money that is available to my wife and I for health care needs. Whether it be pre-Medicare or post-Medicare age, that money is still going to be available to us as additional cash that can be spent on health problems.

The doctor that talked to us about the nuances of the newer health savings account talked about how in his experience 88 percent, that's nearly nine out of ten account holders, carried a balance from 2006 to 2007. The actual percentage of people who either did not contribute or used up all the money that they had contributed to their medical IRA or their health savings account was only about one in 10, and the average balance for people across all income levels was $597 at the end of that carryover from year to year.

Now, you have to ask yourself how many Americans, how many families are encouraged to live a healthier life, conserve their health care dollars, like these individuals have done. These guys are making personal decisions about prevention, they are making personal decisions about life-style changes, they are managing chronic conditions, actively engaged in the management of those chronic conditions. As a consequence of those behaviors, they are holding down costs.

Now, most other populations with regular private indemnity insurance are not. The key is bringing about the necessary change to effect that transition from an individual who is really indifferent as to the cost of the expenditure on health care to one that is actively managing the cost of their health care.

But there are other tools we can put in the hands of people. We hear people talk about transparency. I have, in fact, introduced legislation dealing with transparency.

We have got some good things going on back home in my home State of Texas as far as some of the web-based transparency information and data that's out there as far as hospitals are concerned. The Centers for Medicare & Medicaid Services has, in fact, published their own data up on the web.

So as more and more information is gathered, patients, individuals, can have access to greater and greater amounts of information detailing what is available to them as far as what if the difference between one hospital and another is substantial as far as the cost of rendering a particular service, regardless of what it is. But the ability to go on the Internet and be able to compare the cost of those two services, that's a tremendous tool to put into someone's hands.

If you can further refine that to allow an individual to put in information about their particular health insurance or their health plan, or if they are a self-pay, to make that information available, to then go on and compare between the institutions, where would their best benefit be derived? Where can they most adequately get the type of care that they want and, of course, there does have to be quality data published alongside that.

It can't just simply be the cheapest care at the cheapest cost. You want the best care at the most reasonable cost, or, as Dr. McClellan, former administrator of Centers for Medicare & Medicaid Services always talks about the four Rs, the right care for the right patient at the right time and the right price.

These are going to be critical aspects of any health care policy that we craft in this House. We simply have to keep those basic tenets in mind.

One of the speakers yesterday talked about in education the fundamentals of the three Rs, reading, writing and arithmetic. He went on to say in health care the fundamentals should be risk, responsibilities and reward, because, indeed, the risks are those that must be balanced against the possible benefit.

The patient needs to be an active participant in that. They can no longer simply be passive passengers on the journey through the health care system. They actually have to play a role in taking responsibility for their own care. The rewards, the reward aspect, the incentive aspect is often given. Well, while we are real good about being punitive in this body, we are pretty stingy when it comes to rewards or incentives. I could give you several examples of that.

One that comes to mind is the bill that was introduced late December as far as trying to encourage physicians for e-prescribing. The reward was a 1-percent increase in Medicare fees for a physician who participated in e-prescribing. The penalty 4 or 5 years later was a 10-percent reduction if they don't.

On a $100 procedure, and I will tell you there are not many office procedures under Medicare that pay $100, but let's use that number because it makes the math easy. In a $100 procedure administered in a physician's office if they utilize an e-prescribing module to administer that patient's care, they are going to get $1 extra for that $100 procedure or interaction, visit, whatever it was. That's okay, $1 is $1, and it's better than nothing.

But if you don't participate in 4 years time, 5 years time, that's going to be a 10-percent reduction. That same $100 procedure or test or interaction now will pay $90.

We are so focused on the punitive in this body, and we never focus on the front end of the problem, which is assigning the appropriate dollar amount or the appropriate incentive.

Now, go back to my earlier example of that large insurance company, and again an insurance company in the past which I have had great difficulty with, but what innovative thinking they have. They are offering a patient the ability to reduce from $5,000 to $1,000 their risk, their cost, on a deductible with no increase in premiums if they will do four simple things, lose a little weight, stop smoking, exercise regularly.

If you have asthma or diabetes you participate in a disease management program, and your deductible falls from a $5,000 deductible down to $1,000, and, oh, by the way, that premium that was less because you had a $5,000 deductible, it doesn't go up. It doesn't go up when that policy changed. That's the kind of innovative thinking I am talking about when I say we must balance the risk and rewards, because we haven't been good about doing that.

Everyone likes to quote the Rand study when they talk about information technology and programs like e-prescribing. The Rand study says that if we go to electronic prescribing in our health care system in this country, we are going to save $77 billion in 15 years, a tremendous amount of money.

Now, most of that savings is, in fact, out toward the end of that 15-year time. They don't really talk very much about who is going to pay for the cost of the implementation, putting the software, the hardware, the training, the upkeep of the software, the maintenance of the software, the time spent on the learning curve for all of these small offices across the country that have to make that investment. That's just going to be a given, but it will be worth while because we get a $77 billion savings at the end.

□ 2230

What is missed so often in this study is the last paragraph. At the end of a very large study, it talks about the incentives to make this happen, to get us to this happy place where we are saving $77 billion with e-prescribing.

The incentives have to be early. The late innovators are going to be rewarded, so you have to have the incentives arrive early, and they have to have a time limit otherwise people will wait and see if the technology doesn't improve because, after all, they know they will have to pay for the hardware, software, the training, the upkeep and maintenance of the software.

Finally, the third thing is the incentives must be substantial. And again, on both sides of the aisle, we forget that very important point. So while we hear the Rand study quoted over and over again, please remember the incentives are early, they are time limited, and they are substantial. That was the economic modeling that got them to the happy place where they were saving $77 billion in the 15th year of that study.

If we concentrate on the fundamentals, getting back to the fundamentals, focusing on the risk, talking to our patients about responsibility, that is not so hard to do; but we should obviously compensate the health care professional for their time, for counseling about that responsibility, so that we don't forget the reward for the provider, to be sure; for the patient, to be sure; for the taxpayer, the American taxpayer if it is on that 50 percent of every health care dollar that is spent in the largest single-payer, government-run health care system in the world, which is Medicare and Medicaid today.

So the right prescription for health professionals has to be focused on these three areas when it comes to providing the real direction for health care reform.

I know I am not alone when I say that I am going to use these principles as my guiding star as I continue to work on health care policy. I hope I can convince my colleagues both in committee and here in the House of Representatives to focus on those same issues as well.

IRAQ WAR

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes.

Mr. YARMUTH. Mr. Speaker, it is a great honor once again to come to the floor of the House as a representative of the landmark class of 2006 known as the majority makers, a group of 41 Democrats elected from 23 States who were sent here by the American people to change the direction of the country.

Of course one of the primary issues that was at the heart of the campaign in 2006 was our involvement in Iraq and

Afghanistan. And this week that effort, national effort, has taken greater significance because we once again heard from General Petraeus and Ambassador Crocker about the progress or the situation, I should say, in Iraq. They testified before two congressional committees, two Senate committees yesterday and the House committees today. Their testimony, I think, raises two issues that I want to address tonight.

Of course the first is what the situation is in Iraq and what the prospects for success are in that part of the world. And, secondly, what is the cost to the American people and to the American economy because as we all know, the costs are varied and they are significant. They rise to magnitudes that we are not used to discussing in this country, both in human cost which of course is our top priority, and also the economic cost. And then there is the future cost as well because what we are doing is incurring obligations for our future generations that are real, that are incredibly large, and that the American people need to focus on because as we go forward and try to establish policies and have a national debate about what the appropriate course of action is in Iraq, we have to discuss again not just the human costs but also the cost to future generations of the American people, juxtaposed against the benefits and potential benefits of our continued involvement.

There are two things I think we need to say from the outset that really underlie all of these discussions and that is everyone in this body, in the Congress and in the country wants the United States to be successful, wants there to be a peaceful and beneficial result in Iraq. We all want a stable Middle East. We all want a stable, peaceful world. No one in this body or anywhere else that I know of is rooting for us to be unsuccessful in Iraq.

The second thing that we need to focus on is that it is unavoidable that we have to talk about economics and it is sad that we even have to talk about money because already we have lost 4,000 American men and women in Iraq. We have had virtually 30,000 wounded, many seriously, many with life-altering injuries; and the cost to the Iraqi people, of course, is also extraordinary with 2 million people having left Iraq, hundreds of thousands of Iraqis, Iraqi civilians dying, and many more dislocated throughout the country, families torn apart and lives ruined.

So the human cost of the U.S. involvement in this effort in Iraq and also in Afghanistan cannot be minimized, and nobody is trying to. That of course is the ultimate cost. But we do have to talk about the economic cost of this war because we are looking at a situation in which we have potential exposure throughout the world. We have a military that will be called on to be deployed in other situations, not just in the Middle East. We have by almost everyone's estimation a much more serious and ominous threat in Afghanistan and Pakistan that will require continued involvement of American forces, and where it is clear to everyone that terrorists, including particularly al Qaeda, are much more active and we need to focus much more intensely on Afghanistan and our involvement in Iraq is, of course, preventing us from doing as much as we could and probably should in Afghanistan and Pakistan.

These are all of the dynamics that we face as we discuss these issues. Two things in particular concern me about the testimony of General Petraeus and Ambassador Crocker yesterday. And, of course, everyone quite justifiably honors their service and their commitment to their duty, and they are certainly fulfilling their obligations well.

But two things in particular disturb me greatly, and one was when asked continuously by a number of Senators and House Members to describe the conditions under which we might be able to withdraw a substantial number of our forces from Iraq, General Petraeus basically said we will know them when we see them. He could not identify them. And he said, Well, we will look at it again in a few months. We will look at it in September. Maybe we can start withdrawing them then; maybe we can't.

What's the measure for success? He wouldn't specify. He couldn't specify. And I don't think he was being coy. I think, in fact, his unwillingness to specify or identify the conditions under which we might be able to leave was purely a function of the fact that we don't know what the conditions are, and we have never known exactly what we were trying to accomplish in that country.

The goalposts have been moved continuously. There have been dozens of different reasons for our involvement mentioned over the last 5 years. And it is, I think, quite indicative yesterday when asked on numerous occasions again what would you see, what would you have to see before you would recommend withdrawing more troops, General Petraeus and Ambassador Crocker said, Well, we'll know it when we see it; it is a matter of what the conditions are.

That is an important point to make.

Another answer that he gave to a question asked by Senator BIDEN, I think, was quite revealing. When Senator BIDEN asked when you come back and make your evaluation and assessment in September of this year, at that point do you think there is any chance that we could be within 30 days of having troops withdrawal?

General Petraeus said at that point, Well, it might be that very day. Of course he went on to say it could be a month later, it could be many months later, it could be years later.

When I heard him say that it occurred to me if he was willing to say there was a possibility that we could be out, be able to start withdrawing significant numbers of troops in September, if that was a possibility, he should know what the metrics are, what the conditions he would have to be looking for in September to allow us to do that. And yet when asked what are the conditions, he couldn't identify them.

So again, I think all of these points, reading between the lines, indicate that we are not getting the full story about what we should look for as a measure of success in Iraq because the people on the ground don't know what the measures are. I think they would tell us if they knew, but I don't think they know. And that is a pretty frightening thought because we are being asked to carry the burden of an incredibly large cost as a society.

Now many of us are not asked, unfortunately, I think in many ways, we are not asked to bear any of the burden. Most of the burden is being borne directly by the military families and the soldiers who are overseas in deployment, many for several deployments. They are bearing the hardest burden; but we are also bearing a serious cost, and it mounts by the second.

As a matter of fact, every minute that I spend speaking here, we are spending, the American taxpayers are spending $230,000. Every minute, $230,000 is being spent in Iraq; $4,000 a second. That mounts up. It becomes real, real money. It becomes $14 million an hour; $340 million a day; $2.5 billion a week, $10 billion a month; and while some estimates are higher, $125 billion a year, and that is just in Iraq.

Now I know, believe me, that many people have a hard time grasping what a billion dollars is, what $120 billion are, but there are a couple of easy ways to describe it. With $120 billion in 1 year, you could give every teacher in the United States a $20,000 a year raise. Every teacher. Every one of our 6 million teachers in the United States, and I think most people agree teachers are drastically underpaid, we could give them a $20,000 a year raise with what we are spending in Iraq.

We could pay for the health care of about 16 or 17 million people every year. That 47 million people we have uninsured, we could cover 16 or 17 million of those people with that $125 billion that we are now spending in Iraq.

We all know we have huge infrastructure needs in this country, bridges to repair, highways to repair, schools to rebuild. Throughout the country we face trillions of dollars of needed repairs and new construction on our infrastructure. This would make a considerable investment in that seriously needed national agenda. But that is going overseas. And, unfortunately, it is going to where it is not an investment, it is money that is irretrievably lost.

We could also, and this is taking what we spend every day, that $340 million or so we spend every day in Iraq, we could hire 2,000 more Border Patrol agents; 18,000 more students could receive Pell Grants to help them attend college for an entire year; 48,000 homeless veterans could be provided a place to live; 317,000 more kids could receive recommended vaccinations for a year; almost a million families could get help with their energy bills. The list goes on and on. This is the cost of this war in economic terms to the American people. This is the lost opportunity, the lost opportunity for our American people.

What is even worse is it would be one thing if we had this money, but we don't have this money. We know we are running a deficit of almost $500 billion this year, so we are borrowing this money. We are not just saying we have $125 billion lying around, we can allocate this to Iraq, no problem. We are borrowing it. At least half of it we are borrowing from foreign countries. So we are having China and other nations who are financing our debt, who are actually paying for this war, but it is not free. China is going to want to get paid back some time, and that is going to be on future generations. So again, whatever we feel about this war, we have to understand the cost, and the cost is real. The American people understand that this cost is real.

A recent New York Times CBS poll, 89 percent of Americans surveyed said that the war in Iraq is a drain on the U.S. economy; 66 percent said it is a big drain, and 22 percent said it is some drain.

□ 2245

So the American people understand this. The American people understand that while we have a housing crisis, while we have a crisis in our financial markets, where we're having trouble actually making, having funds made available to make student loans, we understand that there's a connection between the economic problems we face and our involvement in Iraq.

And again, I don't think any of us would argue if this were a war where there were clearly defined goals, and if there were an existential threat to the United States, our security. But our national intelligence estimate, our 16 agencies said no, that's not the case, that we don't face an existential threat in Iraq. We are, essentially, refereeing, as we know, a sectarian dispute.

And I think what is most frustrating, again, reading between the lines, listening to General Petraeus and Ambassador Crocker, is that there was never a mention that I heard of anything that we could do to change the outcome there; that the implication was we were just sitting there, and that we had to wait until they decided that they were going to make it okay for us to leave. And that's a very, very frustrating position to be in.

And I wish somebody, maybe somebody did ask that and I didn't hear it, but I wish that they had been asked that specific question; is there anything we can do to change the dynamics there to improve the conditions that would allow us to begin withdrawing our troops and to reduce this incredible cost to the American people?

So I would hope that as we go forward, and you hate to say, as we go forward, because we've been going forward, now, for 5 years, and the outlook is not any brighter. The prospects for resolution in Iraq are not any greater.

And unfortunately, listening to General Petraeus and Ambassador Crocker yesterday, I think it's, unfortunately, true that the people who are in charge don't know where we're going and most importantly, why we're going.

So these are things, as the months roll by, while the cost accumulates, and while, unfortunately, we will suffer, no doubt, as we have suffered, just in the last few days, 13 new American casualties, that the American people understand and demand, both of us and the administration, that we get a clear picture of what the objectives are, what the cost is, and will be, because we have estimates, Professor Joseph Stiglitz has estimated the total cost of the war in Iraq and Afghanistan, ultimately, of $3 trillion.

But we need to understand what our goals are, what our objectives are, what the possibilities are, what the risks are, what the potential benefits are, and of course, what the costs are, because we're not playing with small numbers. We're not playing with insignificant lives. And this is the greatest challenge facing this country.

And I hope that we can have the type of dialogue, continuously, which focuses on these points, because the American people, rightfully, are looking for leadership and progress on Iraq.

So once again, I thank you, Mr. Speaker. It has been a great privilege to stand in the House and represent the freshman Democrats who came to Congress to change the direction of the country, who are, in many ways, changing the direction of the country. And I think we will continue to ask the questions that need to be asked, and try to bring a much quicker resolution in Iraq and a new direction for the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Mr. HOYER) for today and the balance of the week on account of a family health matter.

Mr. BUYER (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. LINCOLN DAVIS of Tennessee, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, today and April 10.

Mr. POE, for 5 minutes, April 16.

Mr. JONES of North Carolina, for 5 minutes, April 16.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Mr. BROWN of South Carolina, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, April 10.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. BROUN of Georgia, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 550. An act to preserve existing judgeships on the Superior Court of the District of Columbia.

ADJOURNMENT

Mr. YARMUTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, April 10, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5924. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the Civil Engineer Function at Schriever Air Force Base, Colorado, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

5925. A letter from the Chairman, Department of Defense, transmitting the 2008 report on vulnerability assessments for FY 2007 and military construction requirements for the FY 2007 to FY 2012 Future Years Defense Plan, pursuant to 10 U.S.C. 2859; to the Committee on Armed Services.

5926. A letter from the Assistant Secretary for Homeland Defense and Americas' Security Affairs, Department of Defense, transmitting the Annual Report of the Activities of the Western Hemisphere Institute for Security Cooperation for 2007, pursuant to 10 U.S.C. 2166(i); to the Committee on Armed Services.

5927. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Norman J. Brozenick, Jr., United States Air Force, to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5928. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement Admiral William J. Fallon, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

5929. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral John G. Morgan, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

5930. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William E. Mortensen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5931. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5932. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting notice of the intention to convert the combined commissary and exchange store at Homestead Air Reserve Base, Florida, to an independent Army and Air Force Exchange Service (AAFES) store; to the Committee on Armed Services.

5933. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; to the Committee on Armed Services.

5934. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-40 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services; to the Committee on Foreign Affairs.

5935. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to the Government of Italy (Transmittal No. DDTC 018-08); to the Committee on Foreign Affairs.

5936. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5937. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), including a copy of Presidential Determination No. 2008-11 on the Implementation of Sections 603 and 604 of the Foreign Relations Authorization Act of Fiscal Year 2003; to the Committee on Foreign Affairs.

5938. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), including a copy of Presidential Determination No. 2008-12 on the Implementation of Sections 603 and 604 of the Foreign Relations Authorization Act of Fiscal Year 2003; to the Committee on Foreign Affairs.

5939. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on assistance to Azerbaijan, pursuant to Public Law 107-115, section 907(g)(6); to the Committee on Foreign Affairs.

5940. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 2006 Annual Report on the United States Participation in the United Nations, pursuant to Public Law 79-264, section 4(a); to the Committee on Foreign Affairs.

5941. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communique" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement," together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

5942. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's determination on Vietnamese cooperation on accounting for POW/MIAs, pursuant to Public Law 110-161, 109; to the Committee on Foreign Affairs.

5943. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on "Tibet Negotiations," pursuant to Public Law 107-228, section 613(b); to the Committee on Foreign Affairs.

5944. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report mandated in the Participation of Taiwan in the World Health Organization Act, 2004 (Pub. L. 108-235), Section 1(c); to the Committee on Foreign Affairs.

5945. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of United Kingdom (Transmittal No. DDTC 035-08); to the Committee on Foreign Affairs.

5946. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on Foreign Affairs.

5947. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill, "To authorize the United States participation in, and appropriations for the United States constribution to, the fifteenth replenishment of the resources of the International Development Association"; to the Committee on Foreign Affairs.

5948. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill, "To authorize the United States Participation in and appropriations for the United States contribution to, the eleventh replenishment of the resources of the African Development Fund"; to the Committee on Foreign Affairs.

5949. A letter from the Chairman, International Fund for Ireland, transmitting a copy of the 2007 Annual Report of the Fund; to the Committee on Foreign Affairs.

5950. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Offshore Airspace Area 1485L and Revision of Control 1485H; Barrow, AK [Docket No. FAA-2006-23872; Airspace Docket No. 06-AAL-9] (RIN: 2120-AA66) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5951. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendments Class E Airspace; Provo, UT [Docket No. FAA-2006-24234; Airspace Docket No. 06-AWP-5] (RIN: 2120-AA66) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5952. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of High Altitude Area Navigation Routes; South Central United States [Docket No. FAA-2005-22398; Airspace Docket No. 05-ASO-7] (RIN: 2120-AA66) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5953. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Low Altitude Reporting Point; AK [Docket No. FAA-2005-225010; Airspace Docket No. 06-AAL-17] (RIN: 2120-AA66) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5954. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-24949; Directorate Identifier 2006-NM-110-AD; Amendment 39-14626; AD 2006-12-02] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5955. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Model 14RF-19 Propellers [Docket No. FAA-2005-21691; Directorate Identifier 2005-NE-13-AD; Amendment 39-14701; AD 2006-16-01] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5956. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-22510; Directorate Identifier 2004-NM-32-AD; Amendment 39-14600; AD 2006-10-16] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5957. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-25332; Directorate Identifier 2006-CE-40-AD; Amendment 39-14808; AD 2006-22-11] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5958. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Tay 611-8, Tay 611-8C, Tay 620-15, Tay 650-15, and Tay 651-54 Turbofan Engines [Docket No. FAA-2007-27811; Directorate Identifier 2004-NE-11-AD; Amendment 39-15321; AD 2007-26-19] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5959. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. FAA-2007-0044; Directorate Identifier 2007-NM-126-AD; Amendment 39-15320; AD 2007-26-18] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5960. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2007-28989; Directorate Identifier 2007-NM-070-AD; Amendment 39-15319; AD 2007-26-17] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5961. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters [Docket No. FAA-2007-28688; Directorate Identifier 2005-SW-21-AD; Amendment 39-15312; AD 2007-26-10] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5962. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-28828; Directorate Identifier 2007-NM-010-AD; Amendment 39-15258; AD 2007-23-12] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5963. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 680 Airplanes [Docket No. FAA-2007-0379; Directorate Identifier 2007-NM-331-AD; Amendment 39-15318; AD 2007-26-16] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5964. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P 180 Airplanes [Docket No. FAA-2007-0294 Directorate Identifier 2007-CE-087-AD; Amendment 39-15365; AD 2008-03-14] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5965. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland Model EC135 Helicopters [Docket No. FAA-2008-0165; Directorate Identifier 2007-SW-58-AD; Amendment 39-15377; AD 2008-04-05] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5966. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2008-0167; Directorate Identifier 2008-NM-029-AD; Amendment 39-15374; AD 2008-04-02] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5967. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS-365N2 and N3, SA-365C, C1 and C2, and SA-365N and NI Helicopters [Docket No. FAA-2008-0164; Directorate Identifier 2007-SW-43-AD; Amendment 39-15375; AD 2008-04-03] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5968. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes [Docket No. FAA-2007-28246; Directorate Identifier 2007-CE-048-AD; Amendment 39-15367; AD 2008-03-16] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5969. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Gliders [Docket No. FAA-2007-28843 Directorate Identifier 2007-CE-065-AD; Amendment 39-15317; AD 2007-26-15] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5970. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA332C, L, L1, and L2 Helicopters [Docket No. FAA-2008-0044; Directorate Identifier 2007-SW-40-AD; Amendment 39-15341; AD 2008-02-11] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5971. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 3007A and AE 3007C Series Turbofan Engines [Docket No. FAA-2007-26966; Directorate Identifier 99-NE-01-AD; Amendment 39-15271; AD 2007-24-05] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5972. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -300 Series Airplanes [Docket No. FAA-2007-28990; Directorate Identifier 2007-NM-033-AD; Amendment 39-15304; AD 2007-26-02] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5973. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-28942; Directorate Identifier 2007-NM-093-AD; Amendment 39-15306; AD 2007-26-04] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5974. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No. FAA-2007-28854; Directorate Identifier 2007-NM-109-AD; Amendment 39-15307; AD 2007-26-05] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5975. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, 747-300, and 747-400 Series Airplanes [Docket No. FAA-2007-0336; Directorate Identifier 2007-NM-201-AD; Amendment 39-15308; AD 2007-26-06] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5976. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thrush Aircraft, Inc. Model S2R Series Airplanes [Docket No. FAA-2007-28432; Directorate Identifier 2007-CE-051-AD; Amendment 39-15303; AD 2007-26-01] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5977. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Compact Series Propellers [Docket No. FAA-2007-28876; Directorate Identifier 2000-NE-08-AD; Amendment 39-15311; AD 2007-26-09] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5978. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, 747-300, 747-400, 747-400D, and 747-400F Series Airplanes Equipped with General Electric CF6-

80C2 Engines [Docket No. FAA-2007-28352; Directorate Identifier 2007-NM-037-AD; Amendment 39-15309; AD 2007-26-07] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5979. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Flight Simulation Training Device Initial and Continuing Qualification and Use [Docket No. FAA-2002-12461; Amendment Nos. 1-54, 11-52, 60-1, 121-327] (RIN: 2120-AH07) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5980. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Organization and Delegation of Powers and Duties; Secretarial Succession [Docket No. OST 2008-0103] (RIN: 2105-AD73) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5981. A letter from the Program Manager, Center for Beneficiary Choices, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Policy and Technical Changes to the Medicare Prescription Drug Benefit [CMS-4130-F] (RIN: 0938-AO74) received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5982. A letter from the Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use "no year" IMET funds for Pakistan, pursuant to Public Law 107-115, section 515; jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1092. Resolution relating to the consideration of the bill (H.R. 5724) to implement the United States-Colombia Trade Promotion Agreement (Rept. 110–574). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOWNS (for himself and Mr. STEARNS):

H.R. 5734. A bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. RAMSTAD, Mr. ETHERIDGE, and Mr. POE):

H.R. 5735. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to disclose their emergency response and evacuation procedures; to the Committee on Education and Labor.

By Mr. ADERHOLT:

H.R. 5736. A bill to designate the Department of Veterans Affairs outpatient clinic in Gadsden, Alabama, as the Colonel Ola Lee Mize Veterans Clinic; to the Committee on Veterans' Affairs.

By Mr. HELLER:

H.R. 5737. A bill to amend the Internal Revenue Code of 1986 to provide for a deduction for travel expenses to medical centers of the Department of Veterans Affairs in connection with examinations or treatments relating to service-connected disabilities; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 5738. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself and Mr. VISCLOSKY):

H.R. 5739. A bill to assure that the services of a nonemergency department physician are available to hospital patients 24-hours-a-day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Energy and Commerce.

By Mr. MITCHELL (for himself, Mr. SCOTT of Virginia, Ms. GINNY BROWN-WAITE of Florida, Mr. KING of New York, Mr. CARNEY, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SALAZAR, Mr. BISHOP of Georgia, Mr. HOLT, Mr. COURTNEY, Ms. BERKLEY, Mr. ELLISON, Mr. WALZ of Minnesota, Ms. MATSUI, Mr. DINGELL, Mr. PATRICK MURPHY of Pennsylvania, Mr. BARTLETT of Maryland, Mr. SESTAK, Mr. YOUNG of Alaska, Mrs. MALONEY of New York, Mr. UDALL of Colorado, Mr. JEFFERSON, Mrs. NAPOLITANO, Mr. MOLLOHAN, Ms. SHEA-PORTER, Mr. MCNERNEY, Mr. BUCHANAN, Mr. MCHENRY, Mrs. TAUSCHER, Mr. PASCRELL, Ms. BORDALLO, Ms. HERSETH SANDLIN, Mr. SAXTON, Mr. JONES of North Carolina, Ms. KAPTUR, Ms. SUTTON, Mr. KENNEDY, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. BILIRAKIS, Mr. WEINER, Mr. HINOJOSA, Ms. ESHOO, Mr. RODRIGUEZ, Mr. WALDEN of Oregon, Mr. KLEIN of Florida, Mr. ORTIZ, Mr. TIM MURPHY of Pennsylvania, Ms. WOOLSEY, Mr. HOLDEN, Mr. LARSON of Connecticut, Ms. MOORE of Wisconsin, Mr. MCGOVERN, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. COSTELLO, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. SHAYS, Ms. MCCOLLUM of Minnesota, Mr. TOWNS, Mr. DEFAZIO, Mr. GRIJALVA, Mr. HONDA, Mr. WATT, Mr. ETHERIDGE, Mr. ROTHMAN, Mr. MAHONEY of Florida, Mr. LEWIS of Georgia, Mrs. MYRICK, Mr. DELAHUNT, Mr. HARE, Mr. SARBANES, Mr. RYAN of Ohio, Mrs. DRAKE, Mr. SCHIFF, Mr. CLEAVER, Mr. HINCHEY, Mr. UDALL of New Mexico, Ms. ROYBAL-ALLARD, Mrs. BOYDA of Kansas, Mr. BOSWELL, Mrs. MCCARTHY of New York, Mr. LATHAM, Mr. HALL of New York, Mr. CROWLEY, Mr. LOEBSACK, Mr. MILLER of North Carolina, Ms. TSONGAS, Mr. MICHAUD, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Alabama, Mr. YOUNG of Florida, Mr. REICHERT, Mr. KUHL of New York, Mr. ROGERS of Michigan, Mr. WEXLER, Mr. BUTTERFIELD, Mrs. CAPITO, Mr. ELLSWORTH, Mr. PORTER, Mr. ALTMIRE, Mr. SPACE, Mrs. DAVIS of California, Mr. HAYES, Mr. ROSKAM, Mr. DAVID DAVIS of Tennessee, Mrs. SCHMIDT, Mr. REYNOLDS, Mr. FOSSELLA, Mr. CASTLE, Mrs. MUSGRAVE, Mr. SALI, Ms. WASSERMAN SCHULTZ, Mr. BERRY, Mr. CARNAHAN, Mr. TIERNEY, Mr. BERMAN, Mr. WELCH of Vermont, Ms. GIFFORDS, Mr. PETERSON of Minnesota, Mr. PALLONE, Mr. PAYNE, Mr. RUSH, Mr. CHABOT, Mr. LAMPSON, Mr. JACKSON of Illinois, Mr. MARIO DIAZ-BALART of Florida, Mr. YARMUTH, Mr. CARDOZA, Mr. ALLEN, Mr. LOBIONDO, Ms. HOOLEY, Mr. RANGEL, Mr. KIND, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Mr. SHULER, Mr. REYES, Mr. ENGEL, Mr. HIGGINS, Mr. KNOLLENBERG, Mr. PLATTS, Mr. KAGEN, Mr. MCINTYRE, Mr. CRAMER, Mr. VISCLOSKY, Mr. BLUMENAUER, Mr. COHEN, Ms. ZOE LOFGREN of California, Mr. KILDEE, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. GILCHREST, Mr. ENGLISH of Pennsylvania, Ms. HIRONO, Ms. LEE, Mr. SHUSTER, Mr. HERGER, Mr. BRALEY of Iowa, Ms. ROS-LEHTINEN, Mr. LAHOOD, Mr. THOMPSON of California, Mr. COSTA, Mr. OBERSTAR, Mr. CAPUANO, Mr. EDWARDS, Mr. SOUDER, Mr. MICA, and Mr. DAVIS of Illinois):

H.R. 5740. A bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. FARR, Mr. PALLONE, Mr. HINCHEY, Mrs. CHRISTENSEN, and Mr. GONZALEZ):

H.R. 5741. A bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; to the Committee on Natural Resources.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. FORTUÑO):

H.R. 5742. A bill to amend the Internal Revenue Code of 1986 to extend eligibility under the new markets tax credit for community development entities created or organized in American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands; to the Committee on Ways and Means.

By Mr. BROUN of Georgia:

H.R. 5743. A bill to provide the Secretary of Homeland Security with the authority to procure real property and accept in-kind donations; to the Committee on Homeland Security.

By Mr. COHEN:

H.R. 5744. A bill to amend the Internal Revenue Code of 1986 to extend permanently the election to deduct State and local general sales taxes; to the Committee on Ways and Means.

By Mr. LAMPSON (for himself, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. KAGEN, Mr. SHIMKUS, Mr. UDALL of Colorado, and Mr. POE):

H.R. 5745. A bill to amend the Missing Children's Assistance Act to expand the definition of missing child for purposes of that

Act; to the Committee on Education and Labor.

By Mr. LARSON of Connecticut (for himself, Mr. DENT, Mr. WYNN, Mr. INGLIS of South Carolina, Ms. DELAURO, Mr. DOYLE, Mr. HOLDEN, Mr. WAMP, Mr. TERRY, Mr. MCNULTY, and Mr. BUTTERFIELD):

H.R. 5746. A bill to amend the Internal Revenue Code of 1986 to establish the infrastructure foundation for the hydrogen economy, and for other purposes; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. CAMPBELL of California, Ms. BEAN, and Mr. GRIJALVA):

H.R. 5747. A bill to amend the Federal Election Campaign Act of 1971 to restrict political robocalls, and for other purposes; to the Committee on House Administration.

By Mr. MARCHANT:

H.R. 5748. A bill to amend title XIX of the Social Security Act to permit States to exclude earned income in determining eligibility for medical assistance for individuals with extremely high prescription drug costs; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 5749. A bill to provide for a program of emergency unemployment compensation; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 5750. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. PASTOR (for himself and Mr. GRIJALVA):

H.R. 5751. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. SALI (for himself, Mr. HUNTER, Mr. WHITFIELD of Kentucky, Mr. MCCOTTER, Mr. JONES of North Carolina, Mr. RENZI, Mr. POE, Mr. DEAL of Georgia, Mr. GARY G. MILLER of California, Mr. TERRY, and Ms. FALLIN):

H.R. 5752. A bill to provide for the security of United States passports, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STUPAK (for himself and Mr. FOSSELLA):

H.R. 5753. A bill to prohibit the sale of kitchen ranges or ovens which do not include a design, bracket, or other device which complies with an applicable consensus product safety standard intended to prevent the product from tipping; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY:

H.R. 5754. A bill to amend the Employee Retirement Income Security Act of 1974 and title 11, United State Code, to provide necessary reforms for employee pension benefit plans; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H. Con. Res. 325. Concurrent resolution celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes; to the Committee on Natural Resources.

By Mr. VAN HOLLEN (for himself and Mr. DENT):

H. Con. Res. 326. Concurrent resolution honoring professional surveyors and recognizing their contributions to society; to the Committee on Oversight and Government Reform.

By Mr. CAPUANO (for himself, Mr. DOYLE, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. MCCOTTER, Mr. MCGOVERN, and Mr. OLVER):

H. Res. 1093. A resolution calling on the President not to attend the Opening Ceremony of the 2008 Olympic Games in Beijing until China takes credible steps to persuade Sudan to end the genocide in Darfur and allow full deployment of the United Nations-African Union Mission in Darfur; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself, Mr. CAMP of Michigan, Ms. ROS-LEHTINEN, and Mr. CLAY):

H. Res. 1094. A resolution expressing support for designation of April as "National Donate Life Month" and expressing gratitude to all Americans who have communicated their intent to be organ and tissue donors; to the Committee on Energy and Commerce.

By Mr. AL GREEN of Texas (for himself, Mr. BACA, Mr. HONDA, Ms. KILPATRICK, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mr. CARNAHAN, Ms. CLARKE, Mr. CLEAVER, Mr. COHEN, Mr. CUELLAR, Mr. CUMMINGS, Mr. ELLISON, Mr. ELLSWORTH, Mr. FATTAH, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. RANGEL, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SIRES, Ms. SOLIS, Ms. SUTTON, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. VAN HOLLEN, Mr. WATT, Mr. WYNN, Mr. GONZALEZ, and Mr. SMITH of Texas):

H. Res. 1095. A resolution recognizing and honoring the 40th anniversary of congressional passage of title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) and the 20th anniversary of the Fair Housing Amendments Act of 1988; to the Committee on the Judiciary.

By Mr. MOORE of Kansas (for himself, Mrs. BOYDA of Kansas, Mr. MORAN of Kansas, Mr. TIAHRT, and Mr. LAMBORN):

H. Res. 1096. A resolution commending the University of Kansas Jayhawks for winning the 2008 National Collegiate Athletic Association Division I basketball championship; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. BILBRAY.

H.R. 96: Mr. MORAN of Virginia.

H.R. 303: Mr. GALLEGLY.

H.R. 351: Mr. BLUMENAUER and Mr. LEWIS of Georgia.

H.R. 406: Mr. ANDREWS, Mr. MICHAUD, Mr. WILSON of Ohio, Mr. GORDON, Mr. LIPINSKI, Mr. SPACE, Mr. VISCLOSKY, Mrs. CUBIN, Mr. WOLF, Mr. SESSIONS, Mr. BOUCHER, Mrs. BACHMANN, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. CAMPBELL of California, Mr. CRENSHAW, Mr. DAVID DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DENT, Mr. FOSSELLA, Mr. MCCARTHY of California, Mrs. MYRICK, Mr. PUTNAM, Mr. ROHRABACHER, and Mrs. SCHMIDT.

H.R. 436: Mr. SHIMKUS.

H.R. 471: Mr. RENZI.

H.R. 510: Mr. BROUN of Georgia, Mr. KINGSTON, Mr. ALEXANDER, Mr. BROWN of South Carolina, Mr. DAVID DAVIS of Tennessee, Mr. DUNCAN, Mrs. BLACKBURN, Mrs. MUSGRAVE, Mr. PITTS, Mr. CAMPBELL of California, and Mr. COLE of Oklahoma.

H.R. 579: Ms. ROS-LEHTINEN, Mr. WITTMAN of Virginia, Mr. SIRES, and Mr. BLUMENAUER.

H.R. 583: Mr. GERLACH.

H.R. 621: Mr. SESTAK.

H.R. 736: Mr. PITTS.

H.R. 741: Mr. GENE GREEN of Texas.

H.R. 748: Mr. SALI, Mr. BRADY of Pennsylvania, Mr. CARNEY, Mr. DEFAZIO, Mr. WITTMAN of Virginia, Mr. DAVIS of Illinois, Mr. CRAMER, Mr. GALLEGLY, Mr. SCHIFF, and Mr. YOUNG of Alaska.

H.R. 769: Mr. BROUN of Georgia and Mr. WITTMAN of Virginia.

H.R. 843: Mr. GALLEGLY.

H.R. 989: Mr. SHULER.

H.R. 992: Mr. LIPINSKI.

H.R. 997: Mr. MCCARTHY of California.

H.R. 998: Mr. COHEN and Mr. NADLER.

H.R. 1000: Mr. BOUCHER, Mr. TANNER and Mr. NUNES.

H.R. 1032: Mr. KILDEE and Mr. BUTTERFIELD.

H.R. 1072: Mr. MARKEY.

H.R. 1108: Mr. THOMPSON of California.

H.R. 1110: Mr. KENNEDY.

H.R. 1176: Mr. MCDERMOTT and Mr. PAYNE.

H.R. 1185: Mr. MITCHELL.

H.R. 1264: Mr. SPACE.

H.R. 1306: Mr. HAYES.

H.R. 1308: Ms. DEGETTE.

H.R. 1322: Mr. DAVIS of Illinois.

H.R. 1359: Mr. SOUDER.

H.R. 1386: Mr. MCNERNEY.

H.R. 1439: Mr. SHAYS and Mr. MAHONEY of Florida.

H.R. 1456: Mrs. MUSGRAVE.

H.R. 1472: Mr. MCCAUL of Texas.

H.R. 1475: Mr. JACKSON of Illinois.

H.R. 1518: Mr. LYNCH.

H.R. 1527: Mr. TERRY.

H.R. 1553: Mr. MILLER of Florida.

H.R. 1609: Mr. LEWIS of California, Mr. BOOZMAN, Mr. SOUDER and Mr. RAHALL.

H.R. 1647: Mr. BARTLETT of Maryland, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. SARBANES, Mr. BILBRAY and Mr. INSLEE.

H.R. 1653: Mr. SCHIFF.

H.R. 1742: Ms. JACKSON-LEE of Texas, Mr. ALEXANDER, Ms. FOXX, Mr. YOUNG of Alaska, Mr. KENNEDY, Mr. WHITFIELD of Kentucky, Mr. GUTIERREZ, Mr. SKELTON and Mr. BACHUS.

H.R. 1781: Mr. SPACE.

H.R. 1820: Mr. BECERRA and Mr. MARKEY.

H.R. 1881: Mr. LOEBSACK, Mr. FOSSELLA, Mr. LATOURETTE, Ms. BORDALLO, Mr. WEXLER, Mr. OLVER, and Mr. MICHAUD.

H.R. 1973: Mr. TURNER.

H.R. 1983: Ms. KAPTUR.

H.R. 2042: Ms. HOOLEY and Mr. BISHOP of New York.

H.R. 2073: Mr. DAVIS of Illinois.

H.R. 2114: Mrs. CAPPS.

H.R. 2158: Mr. BROUN of Georgia and Mr. GOODE.

H.R. 2167: Mr. JOHNSON of Georgia.

H.R. 2169: Ms. SUTTON, Ms. KILPATRICK, and Mr. HINOJOSA.

H.R. 2219: Mr. ROTHMAN.

H.R. 2231: Mr. YOUNG of Florida.

H.R. 2267: Mr. ENGLISH of Pennsylvania.

H.R. 2471: Mr. FRANKS of Arizona.

H.R. 2478: Ms. ESHOO.

H.R. 2593: Mr. JACKSON of Illinois.

H.R. 2676: Mr. DAVIS of Illinois.

H.R. 2686: Mr. SCHIFF, Mr. BACA, Ms. LORETTA SANCHEZ of California, Mr. HOLDEN, Mr. CARNEY, Mr. BOREN, and Mr. GORDON.

H.R. 2744: Mr. WEXLER, Mr. SERRANO, Mr. FATTAH, Mr. LARSON of Connecticut, Mr. MOORE of Kansas, Mr. MAHONEY of Florida, Mr. CARDOZA, and Mr. RODRIGUEZ.

H.R. 2762: Mr. CONAWAY.

H.R. 2792: Ms. ZOE LOFGREN of California.

H.R. 2802: Mr. CARNAHAN, Mr. EMANUEL, and Mr. TIBERI.

H.R. 2809: Mr. MCGOVERN.

H.R. 2905: Mr. WITTMAN of Virginia.

H.R. 2915: Ms. DEGETTE.

H.R. 2942: Mr. JEFFERSON.

H.R. 3005: Mr. KING of New York.

H.R. 3054: Ms. JACKSON-LEE of Texas, Mr. HINCHEY, and Mr. RUSH.

H.R. 3140: Mr. JOHNSON of Georgia and Mr. KAGEN.

H.R. 3227: Mr. SMITH of Washington.

H.R. 3287: Mr. JACKSON of Illinois.

H.R. 3334: Mr. KIRK.

H.R. 3484: Mrs. TAUSCHER.

H.R. 3609: Ms. LEE.

H.R. 3652: Mr. SIRES.

H.R. 3767: Mr. RADANOVICH.

H.R. 3865: Mr. MOORE of Kansas and Ms. MCCOLLUM of Minnesota.

H.R. 3886: Mr. PRICE of North Carolina.

H.R. 3892: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4008: Mr. HENSARLING.

H.R. 4018: Ms. BERKLEY.

H.R. 4044: Mr. WALZ of Minnesota and Mr. GRIJALVA.

H.R. 4205: Mr. LYNCH.

H.R. 4218: Mr. MCGOVERN.

H.R. 4236: Mr. ISRAEL, Ms. TSONGAS, and Mr. SCHIFF.

H.R. 4248: Mrs. BLACKBURN.

H.R. 4318: Mr. DAVIS of Kentucky, Mr. LATOURETTE, and Mr. POMEROY.

H.R. 4344: Mr. GOODE and Mr. TERRY.

H.R. 4450: Mrs. CAPPS and Ms. PRYCE of Ohio.

H.R. 4516: Mr. FILNER.

H.R. 4540: Mr. RENZI.

H.R. 4900: Mr. DEFAZIO, Mr. GOHMERT, Mr. GENE GREEN of Texas, Mr. REHBERG, Mrs. MUSGRAVE, Mr. ISSA, Mr. CRAMER, Ms. HERSETH SANDLIN, Mr. YOUNG of Alaska, and Mr. SHIMKUS.

H.R. 4926: Ms. ZOE LOFGREN of California, Mr. BOREN, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, and Mr. SPACE.

H.R. 4927: Mrs. MUSGRAVE and Mr. PERLMUTTER.

H.R. 4934: Mr. BOUCHER.

H.R. 4959: Mr. KILDEE.

H.R. 5134: Mr. KLINE of Minnesota.

H.R. 5173: Mr. SPACE, Mr. CHANDLER, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5176: Mr. MCGOVERN.

H.R. 5223: Ms. SUTTON, Ms. MOORE of Wisconsin, Mr. WALZ of Minnesota, and Mr. ELLISON.

H.R. 5233: Mr. GILCHREST.

H.R. 5236: Mr. TERRY.

H.R. 5267: Mr. WILSON of South Carolina.

H.R. 5405: Mr. FRANKS of Arizona.

H.R. 5425: Mr. WALSH of New York.

H.R. 5440: Mr. HENSARLING.

H.R. 5442: Mr. GENE GREEN of Texas and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5443: Mr. SAXTON.

H.R. 5445: Mr. MORAN of Kansas, Mr. GINGREY, and Mr. NEUGEBAUER.

H.R. 5446: Ms. BERKLEY.

H.R. 5447: Mr. KILDEE, Ms. SUTTON, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ABERCROMBIE, and Mr. ISRAEL.

H.R. 5463: Mr. CANNON.

H.R. 5465: Mr. JONES of North Carolina, Mr. SPRATT, and Mr. ANDREWS.

H.R. 5466: Mr. COHEN and Mr. GENE GREEN of Texas.

H.R. 5481: Mr. LAHOOD and Mr. GALLEGLY.

H.R. 5488: Mr. WYNN, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. FATTAH, and Ms. RICHARDSON.

H.R. 5534: Mr. HINCHEY, Mrs. CAPPS, Mr. FERGUSON, and Ms. ZOE LOFGREN of California.

H.R. 5541: Mr. SPRATT, Mr. INSLEE, Ms. HERSETH SANDLIN, and Mr. GENE GREEN of Texas.

H.R. 5546: Mr. YARMUTH.

H.R. 5567: Mr. DUNCAN.

H.R. 5573: Mr. ELLSWORTH, Mr. PETRI, and Mr. MEEKS of New York.

H.R. 5583: Mr. PASTOR.

H.R. 5591: Mr. TERRY and Mrs. BLACKBURN.

H.R. 5595: Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. BOUCHER, and Mr. GOODE.

H.R. 5602: Mr. THOMPSON of California, Mr. BISHOP of Georgia, Mr. HOLDEN, and Mr. MOORE of Kansas.

H.R. 5603: Ms. BORDALLO and Mr. GORDON.

H.R. 5609: Mr. SHIMKUS.

H.R. 5613: Mr. DENT, Mr. AL GREEN of Texas, Mr. RAHALL, Mr. MCHUGH, Mr. MATHESON, Mr. SCOTT of Georgia, Ms. TSONGAS, Mr. ARCURI, Mr. KUHL of New York, Mr. SKELTON, Ms. SLAUGHTER, Mr. MCNERNEY, Mr. THOMPSON of Mississippi, Mr. YARMUTH, Mr. DAVIS of Illinois, Ms. ZOE LOFGREN of California, Mr. SHERMAN, Mr. BISHOP of New York, Mrs. NAPOLITANO, and Mr. CHANDLER.

H.R. 5614: Mr. REHBERG and Mr. PAUL.

H.R. 5626: Mr. MCGOVERN, Mr. FRANK of Massachusetts, and Mr. ELLISON.

H.R. 5635: Mr. KLINE of Minnesota.

H.R. 5636: Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mrs. MALONEY of New York, and Mr. DAVIS of Illinois.

H.R. 5637: Ms. LEE and Mr. FILNER.

H.R. 5640: Mr. CHABOT.

H.R. 5645: Ms. RICHARDSON.

H.R. 5648: Ms. HERSETH SANDLIN.

H.R. 5656: Mr. BURGESS, Mr. CULBERSON, Mr. COLE of Oklahoma, Mr. HALL of Texas, and Mr. BROUN of Georgia.

H.R. 5662: Mr. HINOJOSA.

H.R. 5668: Mr. MICHAUD, Mr. SOUDER, and Ms. WATERS.

H.R. 5672: Ms. LEE.

H.R. 5685: Mr. SCHIFF.

H.R. 5695: Mrs. MYRICK.

H.R. 5696: Mr. HARE.

H.R. 5699: Mr. ROHRABACHER, Mr. ROYCE, and Mr. BLUNT.

H.R. 5700: Ms. WOOLSEY and Mr. KILDEE.

H.R. 5710: Mrs. WILSON of New Mexico.

H.R. 5716: Mr. STARK.

H.R. 5721: Mrs. CUBIN.

H.R. 5731: Mrs. BLACKBURN and Mr. CULBERSON.

H.J. Res. 12: Mr. DAVID DAVIS of Tennessee and Mrs. BLACKBURN.

H. Con. Res. 13: Mr. SPACE.

H. Con. Res. 305: Mr. JACKSON of Illinois, Mr. CHANDLER, Mr. SESTAK, and Mr. WAXMAN.

H. Con. Res. 315: Mr. STEARNS.

H. Con. Res. 317: Mr. BRADY of Pennsylvania, Mr. MCGOVERN, and Mr. BLUMENAUER.

H. Con. Res. 322: Mr. ENGEL, Mr. MANZULLO, Mr. WEXLER, Mr. MACK, Mr. BURTON of Indiana, Mr. PAYNE, Mr. FORTUNO, Ms. BERKLEY, Mrs. MCCARTHY of New York, Mr. POE, Mr. BROWN of South Carolina, Ms. SCHWARTZ, Mr. TANNER, Ms. JACKSON-LEE of Texas, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. WEINER, Mr. CHABOT, Mr. KUHL of New York, Mr. WAXMAN, Ms. CORRINE BROWN of Florida, Mrs. MALONEY of New York, Mr. SKELTON, Mr. NADLER, Mr. MCNULTY, Mr. LEVIN, Mrs. TAUSCHER, Mr. KLEIN of Florida, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Ms. TSONGAS, Ms. GIFFORDS, Mr. KAGEN, Mr. REICHERT, Mr. PORTER, Mr. AL GREEN of Texas, Mr. COHEN, Ms. MCCOLLUM of Minnesota, Ms. HARMAN, Mr. SHERMAN, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Mr. VAN HOLLEN, Ms. LINDA T. SÁNCHEZ of California, Mr. SESTAK, Mr. LARSON of Connecticut, Mr. SCHIFF, Mr. HARE, Mr. MEEK of Florida, Mr. GENE GREEN of Texas, Mr. ROTHMAN, Mr. CUELLAR, Mr. CHANDLER, Mr. BACA, Mr. MARKEY, Mr. COSTELLO, Mr. MCCARTHY of California, Mr. BISHOP of Georgia, Mr. LANGEVIN, Mr. GALLEGLY, Mr. KING of New York, Mr. TERRY, Mr. MCHENRY, Mr. PATRICK MURPHY of Pennsylvania, Mr. BISHOP of New York, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. MOORE of Kansas, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. KNOLLENBERG, and Mr. NEUGEBAUER.

H. Res. 49: Mr. NUNES, Mr. ENGLISH of Pennsylvania, and Mr. DINGELL.

H. Res. 111: Mr. SALAZAR.

H. Res. 146: Mr. DELAHUNT.

H. Res. 424: Ms. LEE and Ms. DEGETTE.

H. Res. 653: Mr. DAVIS of Illinois and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 705: Mrs. MILLER of Michigan, Mr. SMITH of New Jersey, and Mr. DUNCAN.

H. Res. 758: Mr. GALLEGLY, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, and Mr. SAXTON.

H. Res. 896: Mr. PAYNE.

H. Res. 981: Mr. SENSENBRENNER, Mr. ISSA, Mr. HARE, and Ms. RICHARDSON.

H. Res. 987: Mr. BUTTERFIELD, Mr. SHULER, Ms. BALDWIN, Mr. DOYLE, Mr. GILCHREST, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. HILL, Ms. HOOLEY, Mr. MATHESON, Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SHIMKUS, Ms. SOLIS, and Mr. TAYLOR.

H. Res. 1008: Ms. ESHOO and Mr. MCHUGH.

H. Res. 1011: Mr. MILLER of North Carolina, Mr. JACKSON of Illinois, Mr. PLATTS, Mr. LANGEVIN, and Ms. CORRINE BROWN of Florida.

H. Res. 1022: Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, Ms. WATSON, Mr. BERMAN, Ms. PRYCE of Ohio, Mrs. NAPOLITANO, Mrs. BONO MACK, Mrs. LOWEY, Mrs. GILLIBRAND, Ms. TSONGAS, Ms. HARMAN, Ms. BERKLEY, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, and Ms. CLARKE.

H. Res. 1026: Mr. DINGELL.

H. Res. 1048: Mr. MCNULTY.

H. Res. 1054: Mr. CARNAHAN, Ms. HIRONO, and Mr. HARE.

H. Res. 1055: Mr. PAYNE, Mr. ELLISON, and Mr. LEWIS of Georgia.

H. Res. 1063: Mr. TANNER, Mr. WHITFIELD of Kentucky, Ms. JACKSON-LEE of Texas, Mr. KLEIN of Florida, Mr. COSTA, and Mr. HINOJOSA.

H. Res. 1064: Mr. SHAYS.

H. Res. 1069: Mr. KING of New York.

H. Res. 1072: Mr. WALZ of Minnesota.

H. Res. 1073: Mr. MCDERMOTT, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr.

MEEKS of New York, Mr. CLAY, Mr. RANGEL, Mrs. JONES of Ohio, Mr. MCGOVERN, Ms. LEE, Ms. MATSUI, Mr. SARBANES, Ms. JACKSON-LEE of Texas, Mr. MCHUGH, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. SNYDER, Mr. RUSH, Mr. SMITH of Washington, Mr. FATTAH, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. JOHNSON of Georgia, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. PAYNE, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Ms. WATSON, Mrs. MALONEY of New York, Mr. HOYER, Mr. SHIMKUS, Mr. GUTIERREZ, Mr. CLEAVER, Ms. SCHAKOWSKY, Mr. LYNCH, Mr. HIGGINS, Mr. COSTELLO, and Mr. LIPINSKI.

H. Res. 1079: Mr. MCCOTTER, Mr. PEARCE, Ms. PRYCE of Ohio, Ms. MOORE of Wisconsin, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1080: Mr. HENSARLING and Mrs. DRAKE.

H. Res. 1081: Mr. WU, Ms. WASSERMAN SCHULTZ, Ms. KILPATRICK, Mr. HILL, Ms. DELAURO, Ms. SLAUGHTER, Mr. PRICE of North Carolina, Mr. FILNER, Mr. WYNN, Mr. SCOTT of Virginia and Mr. OBERSTAR.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1665: Mr. TIM MURPHY of Pennsylvania.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2537

OFFERED BY: MRS. MCCARTHY OF NEW YORK

AMENDMENT NO. 3: At the end of the bill, add the following:

SEC. 11. PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with appropriate government agencies (including the National Institute of Environmental Health Sciences), shall conduct a study of the presence of pharmaceuticals and personal care products (in this section referred to as "PPCPs") in coastal recreation waters .

(b) CONTENTS.—In conducting the study under subsection (a), the Administrator shall—

(1) identify PPCPs that have been detected in the waters of the United States and the levels at which such PPCPs have been detected; and

(2) identify the sources of PPCPs in the waters of the United States.

(c) EXAMINATION OF WASTEWATER EFFLUENT AND RUN-OFF FROM AGRICULTURAL PRODUCTS.—In identifying sources of PPCPs under subsection (b)(2), the Administrator shall examine wastewater effluent and run-off from agricultural products.

(d) REPORT.—Not later than one year after the date of enactment of this Act, in order to provide a better understanding of the effects of PPCPs in the waters of the United States on human health, aquatic animal health, and aquatic wildlife, the Administrator shall submit to Congress a report on the results of the study conducted under this section.

(e) PHARMACEUTICALS AND PERSONAL CARE PRODUCTS DEFINED.—In this section, the terms "pharmaceuticals and personal care products" and "PPCPs" mean products used by individuals for personal health or cosmetic reasons or used by agribusiness to enhance growth or health of livestock.

H.R. 2537

OFFERED BY: MR. FOSSELLA

AMENDMENT NO. 4: Page 2, after line 2 insert the following:

TITLE I—BEACH PROTECTION ACT OF 2007

At the end of the bill, add the following new title:

TITLE II—FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AMENDMENTS ACT OF 2008

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008" or the "FISA Amendments Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 100. Short title; table of contents.

Subtitle A—Foreign Intelligence Surveillance

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Weapons of mass destruction.
Sec. 111. Technical and conforming amendments.

Subtitle B—Protections for Electronic Communication Service Providers

Sec. 201. Definitions.
Sec. 202. Limitations on civil actions for electronic communication service providers.
Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 204. Preemption of State investigations.
Sec. 205. Technical amendments.

Subtitle C—Other Provisions

Sec. 301. Severability.
Sec. 302. Effective date; repeal; transition procedures.

Subtitle A—Foreign Intelligence Surveillance

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

"Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

"SEC. 702. DEFINITIONS.

"(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

"(b) ADDITIONAL DEFINITIONS.—

"(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

"(A) the Select Committee on Intelligence of the Senate; and

"(B) the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

"(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

"(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

"(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

"(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

"(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

"(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

"(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;

"(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

"(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).

"(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(f) CERTIFICATION.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

"(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.

"(2) REQUIREMENTS.—A certification made under this subsection shall—

"(A) attest that—

"(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

"(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(v) the minimization procedures to be used with respect to such acquisition—

"(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

"(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

"(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the consent of the Senate; or

"(ii) the head of any element of the intelligence community.

"(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

"(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

"(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

"(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

"(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

"(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

"(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

"(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

"(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

"(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

"(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

"(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

"(5) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

"(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

"(ii) cease the acquisition authorized under subsection (a).

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

"(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

"(i) during the pendency of any rehearing of the order by the Court en banc; and

"(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

"(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

"(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

"(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

"(k) ASSESSMENTS AND REVIEWS.—

"(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

"(A) the Foreign Intelligence Surveillance Court; and

"(B) the congressional intelligence committees.

"(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

"(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) the congressional intelligence committees.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

"(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

"(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

"(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

"(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

"(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

"(i) the Foreign Intelligence Surveillance Court;

"(ii) the Attorney General;

"(iii) the Director of National Intelligence; and

"(iv) the congressional intelligence committees.

"SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

"(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

"(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

"(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

"(b) APPLICATION.—

"(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

"(A) the identity of the Federal officer making the application;

"(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

"(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

"(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

"(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

"(i) the certifying official deems the information sought to be foreign intelligence information;

"(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(iii) such information cannot reasonably be obtained by normal investigative techniques;

"(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

"(v) includes a statement of the basis for the certification that—

"(I) the information sought is the type of foreign intelligence information designated; and

"(II) such information cannot reasonably be obtained by normal investigative techniques;

"(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

"(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

"(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

"(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

"(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

"(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

"(c) ORDER.—

"(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

"(A) the application has been made by a Federal officer and approved by the Attorney General;

"(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

"(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

“(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

“(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

“(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

“(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

“(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

“(E) the period of time during which the acquisition is approved.

“(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

“(A) that the minimization procedures be followed;

“(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

“(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

“(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

“(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

“(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

“(d) EMERGENCY AUTHORIZATION.—

“(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

“(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

“(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

“(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

“(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

“(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

“(f) APPEAL.—

“(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

“(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

“SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

“(a) JURISDICTION AND SCOPE.—

“(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

“(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

“(3) LIMITATIONS.—

“(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

“(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

“(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

“(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

“(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

“(A) a person reasonably believed to be located outside the United States; and

“(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

“(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

“(A) the certifying official deems the information sought to be foreign intelligence information; and

“(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

“(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

“(c) ORDER.—

“(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

“(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

"(i) a person reasonably believed to be located outside the United States; and

"(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

"(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

"(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

"(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) REVIEW.—

"(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

"(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

"(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

"(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

"(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

"(d) EMERGENCY AUTHORIZATION.—

"(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

"(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

"(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

"(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

"(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(e) APPEAL.—

"(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

"(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

"(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

"(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

"SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

"(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

"(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

"SEC. 708. CONGRESSIONAL OVERSIGHT.

"(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

"(b) CONTENT.—Each report made under subparagraph (a) shall include—

"(1) with respect to section 703—

"(A) any certifications made under subsection 703(f) during the reporting period;

"(B) any directives issued under subsection 703(g) during the reporting period;

"(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

"(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

"(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

"(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

"(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

"(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

"(G) any procedures implementing this section;

"(2) with respect to section 704—

"(A) the total number of applications made for orders under section 704(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

"(3) with respect to section 705—

"(A) the total number of applications made for orders under 705(b);

"(B) the total number of such orders either granted, modified, or denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Limitation on definition of electronic surveillance.
"Sec. 702. Definitions.
"Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.
"Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.
"Sec. 705. Other acquisitions targeting United States persons outside the United States.
"Sec. 706. Joint applications and concurrent authorizations.
"Sec. 707. Use of information acquired under title VII.
"Sec. 708. Congressional oversight.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting "(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)" after "electronic surveillance".

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting "or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978" after "assistance".

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

"(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an "(a)" before "CIVIL ACTION",

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

"(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.".

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

"(C) pen registers under section 402;

"(D) access to records under section 501;

"(E) acquisitions under section 704; and

"(F) acquisitions under section 705;".

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.".

(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking ", as defined in section 101 of such Act," and inserting "(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

"(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.".

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(e) DEFINITIONS.—In this section:

"(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term "'Foreign Intelligence Surveillance Court'" means the court established by section 103(a).

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

"(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) resonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

"(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "7 days"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "7 days".

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance

Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

"(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

"(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).".

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting ", the international proliferation of weapons of mass destruction," after "international terrorism".

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking "or" at the end

(B) in subparagraph (C), by striking "or" at the end; and

(C) by adding at the end the following new subparagraphs:

"(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

"(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or".

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

"(p) 'Weapon of mass destruction' means—

"(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

"(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

"(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

"(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting "'weapon of mass destruction'," after "'person',".

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703"; and

(2) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 703".

Subtitle B—Protections for Electronic Communication Service Providers

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term "assistance" means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term "contents" has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term "covered civil action" means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term "electronic communication service provider" means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"SEC. 801. DEFINITIONS.

"In this title:

"(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

"(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

"(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

"(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

"(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

"(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

"(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(6) PERSON.—The term 'person' means—

"(A) an electronic communication service provider; or

"(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

"(i) an order of the court established under section 103(a) directing such assistance;

"(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

"(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

"(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

"SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

"(a) REQUIREMENT FOR CERTIFICATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

"(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

"(D) the person did not provide the alleged assistance.

"(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

"(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

"(1) review such certification in camera and ex parte; and

"(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

"(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

"(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

"(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

"SEC. 803. PREEMPTION.

"(a) IN GENERAL.—No State shall have authority to—

"(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

"(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

"(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

"(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.".

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"Sec. 801. Definitions.
"Sec. 802. Procedures for implementing statutory defenses.
"Sec. 803. Preemption.".

Subtitle C—Other Provisions

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

H.R. 2537

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 5: Page 3, line 3, strike “indicators” and insert “indicators. If, in carrying out such source identification and tracking program, a source of pathogenic contamination is identified by such State or local government, such State or local government shall make information on the existence of such source available to the public on the Internet within 24 hours of the identification of such source.”.

H.R. 2537

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

AMENDMENT NO. 6: Before section 1 insert the following:

TITLE I—BEACH PROTECTION

In section 1 strike “This Act” and insert “This title”.

Add at the end the following new title:

TITLE II—OFFSHORE GAS DEVELOPMENT

SEC. 21. SHORT TITLE.

This title may be cited as the “National Environment and Energy Development Act”.

SEC. 22. TERMINATION OF PROHIBITIONS ON EXPENDITURES FOR, AND WITHDRAWALS FROM, OFFSHORE GAS LEASING.

(a) PROHIBITIONS ON EXPENDITURES.—All provisions of Federal law that prohibit the expenditure of appropriated funds to conduct natural gas leasing and preleasing activities for any area of the Outer Continental Shelf shall have no force or effect with respect to such activities.

(b) REVOCATION WITHDRAWALS.—All withdrawals of Federal submerged lands of the Outer Continental Shelf from leasing, including withdrawals by the President under the authority of section 12(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(a)), are hereby revoked and are no longer in effect with respect to the leasing of areas for exploration for, and development and production of, natural gas.

(c) PROHIBITIONS AND WITHDRAWALS FOR OIL NOT AFFECTED.—This section does not affect—

(1) any prohibition on the expenditure of appropriated funds to conduct oil leasing or preleasing activities; and

(2) any withdrawal of Federal submerged lands from leasing for exploration for, and development and production of, oil.

SEC. 23. OUTER CONTINENTAL SHELF NATURAL GAS LEASING PROGRAM.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by inserting after section 9 the following:

“SEC. 10. MORATORIA AREA AND STATE APPROVAL REQUIREMENT WITH RESPECT TO NATURAL GAS LEASING.

“(a) BUFFER ZONE.—The Secretary may not grant any natural gas lease for any area of the outer Continental Shelf that is located within 25 miles of the coastline of a State.

“(b) STATE APPROVAL REQUIREMENT.—

“(1) IN GENERAL.—The Secretary may not issue any lease authorizing exploration for, or development of, natural gas in any area of the outer Continental Shelf that is located within 50 miles of the coastline of a State unless the State has enacted a law approving of the issuance of such leases by the Secretary.

“(2) STATE APPROVAL PERMANENT.—Repeal of such a law by a State shall have no effect for purposes of paragraph (1).

“(c) STATE DISAPPROVAL AUTHORITY.—

“(1) IN GENERAL.—The Secretary may not issue any lease authorizing exploration for, or development of, natural gas in any area of the outer Continental Shelf that is located more than 50 miles and less than 100 miles from the coastline of a State if the State has enacted a law disapproving of the issuance of such leases by the Secretary.

“(2) REQUIREMENTS FOR STATE LAW.—A law enacted by a State for purposes of paragraph (1)—

“(A) shall have no force or effect for purposes of paragraph (1) unless first enacted by the State within the one-year period beginning on the date of the enactment of the National Environment and Energy Development Act; and

"(B) shall have no force or effect for purposes of paragraph (1) after the end of the 2-year period beginning on the date it first takes effect, unless the State, in the 2-year period preceding the application of the law for purposes of paragraph (1), enacted legislation extending the effectiveness of the law.".

SEC. 24. SHARING OF REVENUES.

(a) IN GENERAL.—Section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) is amended—

(1) in paragraph (2) by striking "Notwithstanding" and inserting "Except as provided in paragraph (6), and notwithstanding";

(2) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9); and

(3) by inserting after paragraph (5) the following:

"(6) BONUS BIDS AND ROYALTIES UNDER QUALIFIED GAS LEASES.—

"(A) NEW GAS LEASES.—Of amounts received by the United States as bonus bids and royalties under any qualified gas lease on submerged lands that are located within the seaward boundaries of a State established under section 4(a)(2)(A)—

"(i) 25 percent shall be deposited in the general fund of the Treasury;

"(ii) 37.5 percent shall be paid to the States that are producing States with respect to those submerged lands;

"(iii) 8.0 percent shall be deposited in the Energy Efficiency and Renewables Reserve established by paragraph (7);

"(iv) 8.0 percent shall be deposited in the Carbon Capture and Sequestration Reserve established by paragraph (7);

"(v) 5.0 percent shall be deposited in the Chesapeake Bay Restoration Reserve established by paragraph (7);

"(vi) 5.0 percent shall be deposited in the Great Lakes Restoration Reserve established by paragraph (7);

"(vii) 3.0 percent shall be deposited in the Everglades Restoration Reserve established by paragraph (7);

"(viii) 3.0 percent shall be deposited in the Colorado River Basin Restoration Reserve established by paragraph (7);

"(ix) 3.0 percent shall be deposited in the San Francisco Bay Restoration Reserve established by paragraph (7); and

"(x) 2.5 percent shall be available, half to the Secretary of Health and Human Services for carrying out the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621, et seq.) and half to the Secretary of Energy for carrying out the Weatherization Assistance program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

"(B) LEASED TRACT THAT LIES PARTIALLY WITHIN THE SEAWARD BOUNDARIES OF A STATE.—In the case of a leased tract that lies partially within the seaward boundaries of a State, the amounts of bonus bids and royalties from such tract that are subject to subparagraph (A) with respect to such State shall be a percentage of the total amounts of bonus bids and royalties from such tract that is equivalent to the total percentage of surface acreage of the tract that lies within such seaward boundaries.

"(C) USE OF PAYMENTS TO STATES.—Amounts paid to a State under subparagraph (A)(ii) shall be used by the State for one or more of the following:

"(i) Education.

"(ii) Transportation.

"(iii) Reducing taxes.

"(iv) Coastal and environmental restoration.

"(v) Energy infrastructure and projects.

"(vi) State seismic monitoring programs.

"(vii) Alternative energy development.

"(viii) Energy efficiency and conservation.

"(ix) Hurricane and natural disaster insurance programs.

"(x) Any other purpose determined by State law.

"(D) DEFINITIONS.—In this paragraph:

"(i) ADJACENT STATE.—The term 'adjacent State' means, with respect to any program, plan, lease sale, leased tract or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, any State the laws of which are declared, pursuant to section 4(a)(2), to be the law of the United States for the portion of the outer Continental Shelf on which such program, plan, lease sale, leased tract, or activity appertains or is, or is proposed to be, conducted.

"(ii) ADJACENT ZONE.—The term 'adjacent zone' means, with respect to any program, plan, lease sale, leased tract, or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, the portion of the outer Continental Shelf for which the laws of a particular adjacent State are declared, pursuant to section 4(a)(2), to be the law of the United States.

"(iii) PRODUCING STATE.—The term 'producing State' means an Adjacent State having an adjacent zone containing leased tracts from which are derived bonus bids and royalties under a lease under this Act.

"(iv) STATE.—The term 'State' includes Puerto Rico and the other Territories of the United States.

"(v) QUALIFIED GAS LEASE.—The term 'qualified gas lease' means a lease under this Act granted after the date of the enactment of the National Environment and Energy Development Act that authorizes development and production of natural gas and associated condensate.

"(E) APPLICATION.—This paragraph shall apply to bonus bids and royalties received by the United States after September 30, 2007.

"(7) ESTABLISHMENT OF RESERVE ACCOUNTS.—

"(A) IN GENERAL.—For budgetary purposes, there is established as a separate account to receive deposits under paragraph (6)(A)—

"(i) the Energy Efficiency and Renewables Reserve to offset the cost of legislation enacted after the date of the enactment of the National Environment and Energy Development Act to accelerate the use of clean domestic renewable energy resources and alternative fuels; to promote the utilization of energy-efficient products and practices and conservation; and to increase research, development, and deployment of clean renewable energy and efficiency technologies.

"(ii) the Carbon Capture and Sequestration Reserve to offset the cost of legislation enacted after the date of the enactment of the National Environment and Energy Development Act to promote activities associated with carbon capture and sequestration;

"(iii) the Chesapeake Bay Restoration Reserve to offset the cost of legislation enacted after the date of the enactment of the National Environment and Energy Development Act to conduct restoration activities primarily or entirely within the Chesapeake Bay watershed that seeks to improve the overall health of the ecosystem of the Chesapeake Bay;

"(iv) the Great Lakes Restoration Reserve to offset the cost of legislation enacted after the date of the enactment of the National Environment and Energy Development Act to conduct restoration activities primarily or entirely within the the Great Lakes watershed that seeks to improve the overall health of the ecosystem of the Great Lakes;

"(v) the Everglades Restoration Reserve to offset the cost of legislation enacted after the date of the enactment of the National Environment and Energy Development Act to conduct restoration activities primarily or entirely within the Florida Everglades watershed that seeks to improve the overall health of the ecosystem of the Everglades;

"(vi) the Colorado River Basin Restoration Reserve to offset the cost of legislation enacted after the date of the enactment of the National Environment and Energy Development Act to conduct restoration activities primarily or entirely within the Colorado River Basin watershed that seeks to improve the overall health of the ecosystem of the Colorado River Basin ; and

"(vii) the San Francisco Bay Restoration Reserve to offset the cost of legislation enacted after the date of the enactment of the National Environment and Energy Development Act to conduct restoration activities primarily or entirely within the San Francisco Bay, California, watershed that seeks to improve the overall health of the ecosystem of San Francisco Bay.

"(B) PROCEDURE FOR ADJUSTMENTS.—

"(i) BUDGET COMMITTEE CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, providing funding for the purposes set forth in clause (i), (ii), (iii), (iv), (v), (vi), or (vii) of subparagraph (A) in excess of the amount of the deposits under paragraph (6)(A) for those purposes for fiscal year 2007, the chairman of the Committee on the Budget of the applicable House of Congress shall make the adjustments set forth in clause (ii) for the amount of new budget authority and outlays in that measure and the outlays flowing from that budget authority.

"(ii) MATTERS TO BE ADJUSTED.—The adjustments referred to in clause (i) are to be made to—

"(I) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

"(II) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

"(III) the budget aggregates contained in the appropriate concurrent resolution on the budget as required by section 301(a) of the Congressional Budget Act of 1974.

"(iii) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in clauses (i) and (ii) shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to this Act for the fiscal year in which the adjustments are made.

"(C) EXPENDITURES ONLY BY SECRETARY OF THE INTERIOR IN CONSULTATION.—Legislation shall not be treated as legislation referred to in subparagraph (A) unless any expenditure under such legislation for a purpose referred to in that subparagraph may be made only by the Secretary of the Interior after consultation with the Administrator of the Environmental Protection Agency, the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of the Army acting through the Corps of Engineers, and, as appropriate, the Secretary of State.

"(8) MAINTENANCE OF EFFORT BY STATES.—The Secretary of the Interior, the Secretary of Health and Human Services, and the Secretary of Energy shall ensure that financial assistance provided to a State for any purpose with amounts made available under this subsection or in any legislation with respect to which paragraph (7) applies supplement, and do not replace, the amounts expended by the State for that purpose before the date of the enactment of the National Environment and Energy Development Act.".

(b) ESTABLISHMENT OF STATE SEAWARD BOUNDARIES.—Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended in the first sentence by striking ", and the President" and all that follows through the end of the sentence and inserting the following: ". Such extended lines are deemed to be as indicated on the maps for each Outer Continental Shelf region entitled 'Alaska OCS Region State Adjacent Zone and OCS Planning Areas', 'Pacific OCS Region State Adjacent Zones and OCS Planning Areas', 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas', and 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', all of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service. The preceding sentence shall not apply with respect to the treatment under section 105 of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432) of qualified outer Continental Shelf revenues deposited and disbursed under subsection (a)(2) of that section.".

SEC. 25. NATURAL GAS LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is further amended by adding at the end the following subsection:

"(r) NATURAL GAS LEASING.—

"(1) IN GENERAL.—The Secretary may issue leases under this section that authorize development and production of natural gas and associated condensate in accordance with regulations promulgated under paragraph (2).

"(2) REGULATIONS.—Before issuing any lease under paragraph (1), the Secretary must promulgate regulations that—

"(A) define what constitutes natural gas, condensate, and oil;

"(B) establish the lessee's rights and obligations regarding condensate produced in association with natural gas;

"(C) prescribe procedures and requirements that the lessee of a lease issued under this subsection must follow if the lessee discovers oil deposits in the course of exploration or development; and

"(D) establish such other requirements for natural gas leases as the Secretary considers appropriate.

"(3) APPLICATION OF OTHER LAWS.—All provisions of this Act or any other Federal law or regulations that apply to oil and natural gas leases for the Outer Continental Shelf shall apply to natural gas-only leases authorized under this subsection.

"(4) EXISTING LEASES.—At the request of the lessee of an oil and gas lease in effect under this section on the date of enactment of this subsection, and under the requirements prescribed in regulations promulgated under paragraph (2), the Secretary may restrict development under such a lease to natural gas and associated condensate.

"(5) OIL AND GAS LEASING PROGRAMS.—The Secretary may include provisions regarding issuance of natural gas leases in the outer Continental shelf leasing program that applies for the 5-year period beginning in 2007, notwithstanding any draft proposal for such program issued before the date of the enactment of this subsection.

"(6) PROHIBITIONS AND WITHDRAWALS FOR OIL NOT AFFECTED.—This subsection does not affect—

"(A) any prohibition on the expenditure of appropriated funds to conduct oil leasing or preleasing activities; and

"(B) any withdrawal of Federal submerged lands from leasing for exploration for, and development and production of, oil.".

SEC. 26. POLICIES REGARDING BUYING AND BUILDING AMERICAN.

(a) INTENT OF CONGRESS.—It is the intent of the Congress that this title, among other things, result in a healthy and growing American industrial, manufacturing, transportation, and service sector employing the vast talents of America's workforce to assist in the development of affordable energy from the Outer Continental Shelf. Moreover, the Congress intends to monitor the deployment of personnel and material in the Outer Continental Shelf to encourage the development of American technology and manufacturing to enable United States workers to benefit from this title by good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.

(b) SAFEGUARD FOR EXTRAORDINARY ABILITY.—Section 30(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(a)) is amended in the matter preceding paragraph (1) by striking "regulations which" and inserting "regulations that shall be supplemental and complimentary with and under no circumstances a substitution for the provisions of the Constitution and laws of the United States extended to the subsoil and seabed of the outer Continental Shelf pursuant to section 24 of this Act, except insofar as such laws would otherwise apply to individuals who have extraordinary ability in the sciences, arts, education, or business, which has been demonstrated by sustained national or international acclaim, and that".

H.R. 2537

OFFERED BY: MR. KIRK

AMENDMENT NO. 7: Redesignate sections 9 and 10 of the bill as sections 10 and 11, respectively.

After section 8 of the bill, insert the following:

SEC. 9. TREATMENT OF MERCURY AS PATHOGEN INDICATOR.

Section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) is amended by adding at the end the following:

"(j) TREATMENT OF MERCURY AS PATHOGEN INDICATOR.—For purposes of monitoring and notification programs under this section, mercury shall be treated as a pathogen indicator.".

H.R. 2537

OFFERED BY: MR. FLAKE

AMENDMENT NO. 8: Page 3, after line 8, insert the following:

(c) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to section 406(i) of such Act (33 U.S.C. 1346(i)) may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

H.R. 2537

OFFERED BY: MR. FLAKE

AMENDMENT NO. 9: Page 3, line 7, strike "$40,000,000" and insert "$30,000,000".

H.R. 2537

OFFERED BY: MR. FLAKE

AMENDMENT NO. 10: Page 10, after line 23, insert the following:

SEC. 11. SENSE OF CONGRESS.

It is the Sense of Congress that_

(1) the program development and implementation grants program remain a formula-based grant program, and

(2) none of the funds appropriated pursuant to section 406(i) of such Act (33 U.S.C. 1346(i)) should be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

H.R. 2537

OFFERED BY: MS. RICHARDSON

AMENDMENT NO. 11: At the end of the bill, add the following:

SEC. 11. NATIONAL LIST OF BEACHES.

Section 406(g)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1346(g)(3)) is amended by striking "The Administrator" and all that follows through the period and inserting "Within 12 months after the date of the enactment of the Beach Protection Act of 2008, and biennially thereafter, the Administrator shall update the list described in paragraph (1)."

H.R. 2537

OFFERED BY: MR. INSLEE

AMENDMENT NO. 12: At the end of the bill, add the following:

SEC. 11. IMPACT OF CLIMATE CHANGE ON POLLUTION OF COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the long-term impact of climate change on pollution of coastal recreation waters.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act; the Administrator shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) INFORMATION ON POTENTIAL CONTAMINANT IMPACTS.—The report shall include information on potential contaminant impacts on ground and surface water resources as well as ecosystem and public health in coastal communities.

(3) MONITORING.—The report shall address monitoring required to document and assess changing conditions of coastal water resources, recreational waters, and ecosystems and review the current ability to assess and forecast impacts associated with long-term change.

(4) FEDERAL ACTIONS.—The report shall highlight necessary Federal actions to help advance the availability of information and tools to assess and mitigate these effects in order to protect public and ecosystem health.

(5) CONSULTATION.—In developing the report, the Administrator shall work in consultation with agencies active in the development of the National Water Quality Monitoring Network and the implementation of the Ocean Research Priorities Plan and Implementation Strategy.

H.R. 2537

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 13: At the end of the bill, add the following:

SEC. 11. USE OF MOLECULAR DIAGNOSTICS FOR MONITORING AND ASSESSING COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study to assess the benefits of using molecular diagnostics for monitoring and assessing the quality of coastal recreation waters adjacent to beaches and similar points of access that are used by the public.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) to the extent practicable, evaluate the full range of available rapid testing methods, as defined by section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362), and methods that meet prescribed performance standards, including—

(A) the amplified nucleic acid assay method; and

(B) the indicator organisms enterococci and E. coli; and

(2) compare the use of molecular diagnostics to culture testing of same source water, including the time for obtaining results, accuracy of results, and future applicability.

(c) PARTNERSHIPS.—Notwithstanding chapter 63 of title 31, United States Code, the Administrator may award a grant or cooperative agreement to a public or private organization to assist the Administrator in carrying out the study.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

EXTENSIONS OF REMARKS

HONORING KAZZ MICHAEL MARSEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kazz Michael Marsey of Blue Springs, Missouri. Kazz is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1246, and earning the most prestigious award of Eagle Scout.activities. Over the many years Kazz has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kazz Michael Marsey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION HONORING COACH VINCE WALTERS FOR COACHING THE NEWARK HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Vince Walters showed hard work and dedication to the sport of basketball; and

Whereas, Vince Walters was a leader and mentor for the Newark High School Boys' Basketball Team; and

Whereas, Coach Walters has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Vince Walters for leading the Newark High School Boys' Basketball Team to winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 Basketball season.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise to submit a record of how I would have voted on Thursday, April 3, when I was unavoidably detained. Had I voted, I would have voted "yes" on rollcall No. 159.

CONGRESSIONAL EARMARKS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. PAUL. Madam Speaker, abuses of the earmark process by Members of both parties demonstrate the need for reform. However, earmarks are hardly the most serious problem facing this country. In fact, many, if not most, of the problems with earmarks can be fixed by taking simple steps to bring greater transparency to the appropriations process. While I support reforms designed to shine greater sunlight on the process by which Members seek earmarks, I fear that some of my colleagues have forgotten that the abuses of the earmarking process are a symptom of the problems with Washington, not the cause. The root of the problem is an out-of-control Federal budget. I am also concerned that some reforms proposed by critics of earmarking undermine the separation of powers by eroding Congress's constitutional role in determining how Federal funds are spent.

Contrary to popular belief, adding earmarks to a bill does not increase Federal spending. Earmarks are added to appropriations legislation after the total funding levels have been agreed on. Therefore, earmarks simply allocate Federal money that Congress has already agreed should be spent. Thus, adding or subtracting earmarks from legislation does not increase or reduce Federal spending by even one penny.

Since reforming, limiting, or even eliminating earmarks does nothing to reduce Federal spending, I have regarded the battle over earmarks as a distraction from the real issue—the need to reduce the size of government. Recently, opponents of earmarks have embraced an approach to earmark reform that undermines the constitutional separation of powers by encouraging the President to issue an Executive order authorizing Federal agencies to disregard congressional earmarks placed in committee reports.

Since the President's Executive order would not reduce Federal spending, the practical result of such an Executive order would be to transfer power over the determination of how Federal funds are spent from Congress to unelected Federal bureaucrats. Since most earmarks are generated by requests from our constituents, including local elected officials such as mayors, this executive order has the practical effect of limiting taxpayers' ability to influence the ways the Federal Government spends tax dollars.

Madam Speaker, the drafters of the Constitution gave Congress the powers of the purse because the drafters feared that allowing the branch of government charged with executing the laws to also write the Federal budget would concentrate too much power in one branch of government. The founders correctly viewed the separation of the lawmaking and law-enforcement powers as a vital safeguard of liberty. Whenever the President blatantly disregards orders from Congress as to how Federal funds should be spent, he is undermining the constitutional separation of powers.

Congress has already all but ceded its authority to declare war to the executive branch. Now we are giving away our power of the purse. Madam Speaker, the logical conclusion of the arguments that it is somehow illegitimate for Members of Congress to control the disbursement of Federal funds in their district is that Congress should only meet one week a year to appropriate a lump sum to be given to the President for him to allocate to the Federal Government as he sees fit.

Madam Speaker, all Members should support efforts to bring greater transparency to the earmarking process. However, we must not allow earmarking reform to distract us from what should be our main priority—restricting Federal spending by returning the Government to its constitutional limitations. I also urge my colleagues not to allow the current hysteria over earmarks to justify further erosion of our constitutional authority to control the Federal budget.

HONORING MICHAEL ANTHONY LIERMANN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Anthony Liermann of Kansas City, Missouri. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1009, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, I proudly ask you to join me in commending Michael Anthony Liermann for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION HONORING COACH JEFF BROWN FOR COACHING THE NEWARK HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Jeff Brown showed hard work and dedication to the sport of basketball; and

Whereas, Jeff Brown was a leader and mentor for the Newark High School Boys' Basketball Team; and

Whereas, Coach Brown has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Jeff Brown for leading the Newark High School Boys' Basketball Team to winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 Basketball season.

PAYING TRIBUTE TO JAMES AND ALICE RAE SMALLEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor my good friends James and Alice Rae Smalley by entering their names in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. I rise today to honor James and Alice Rae Smalley for their contributions to the Southern Nevada community, and commend them on receiving the honor of having an elementary school named after them in the Clark County School District.

James began his teaching career within the school district in 1949 where he taught math at the Fifth Street School in Las Vegas. He later transferred to the Jefferson School in North Las Vegas where he taught Social Studies. After teaching at Jefferson, James taught at Henderson Junior High where he taught for 29 years. While teaching, he served as the President of the Henderson Teachers Association, and continued to be an active member throughout the Henderson community. James was also active in Nevada politics and along with his wife Alice Rae, served as campaign managers for former Governor Grant Sawyer and Ralph Denton. In 1970, Jim successfully ran for Nevada State Assembly where he served on the Assembly Education and Government Affairs Committees.

Alice Rae was born and raised in Caliente, Nevada where she attended the University of Colorado and obtained a bachelor's degree in nursing, becoming the first member of her family to go to college. Along with her husband, Alice Rae was politically active within the State of Nevada, and served two terms on the Nevada State Welfare Board during Governor Grant Sawyer's term. In 1962, she became a nurse for Paradise Elementary, Ullom Elementary, and Whitney School. She dedicated much of her time to help define the role of school nurses within the Clark County School District. She worked for the Clark County School District until she retired in 1988.

Madam Speaker, I am proud to honor the accomplishments of James and Alice Rae Smalley for their dedication to the Southern Nevada Community. I commend them for their contributions and would like to congratulate them on an elementary school being named in their honor by the Clark County School District.

HONORING DADA J.P. VASWANI

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to recognize Dada J.P. Vaswani, the spiritual head of Sadhu Vaswani Mission in Pune, India. Dada visits my Congressional District from India on a mission to bring peace, grace and compassion. It is with these qualities that he imparts through word and action to thousands of people in countries all over the world.

Today, Dada J.P. Vaswani is the spiritual head of The Sadhu Vaswani Mission, and also the inspiring force behind its myriad activities.

Dada Vaswani is universally acclaimed as a humanitarian, philosopher, educator, acclaimed writer, powerful orator and spiritual leader. He has been a voice for animal rights and has captivated the hearts of millions worldwide. In the eyes of many, Dada is a man who symbolizes the true spirit of India as a harbinger of love, peace and hope.

At a time when this country knows all too well the devastation of war, Dada J.P. Vaswani is a force of peace. I rise to honor all peace-loving people, and hope that the example of Dada Vaswani will prevail around the world.

HONORING THE CONTRIBUTION OF NURSES

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge the noble and essential role nurses play in providing quality health care across our Nation.

Our Nation's health care system is complex and every day people with all types of needs are cared for by qualified and professional nurses. Every individual can remember an experience when someone they loved needed health care and a nurse was the first person by their side providing compassionate and essential care. My wife, a registered nurse works on the front lines of caring for Americans and like so many nurses, her devotion extends beyond the workforce; as she goes home every day after work and is just as thoughtful and attentive to the needs of our family. The tireless efforts made by nurses to provide nurture and solace are an inspiration to all.

A growing number of nurses are essential to ensuring all people receive quality care; and our Nation's public health infrastructure has the professionals necessary to respond to natural and manmade disasters. The Department of Health and Human Services projects the current ten percent vacancy rates in registered nurses will grow to 36 percent by the year 2020, representing more than one million unfilled jobs. We must make sure to provide strong Congressional leadership, unflagging support, and the Federal funding necessary to ensure the United States continues to maintain a steady supply of nurses to care for the patients of today and tomorrow.

Madam Speaker, in honor of their unwavering commitment, dedication, and selflessness, I ask my colleagues to join me in honoring nurses and their exemplary service to our community and our country.

CONGRATULATING TEMPLE ISRAEL OF LAWRENCE

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mrs. McCARTHY of New York. Madam Speaker, I rise to congratulate Temple Israel of Lawrence, New York, on its 100th anniversary.

Temple Israel is the oldest temple on Long Island. It was founded in 1908 as Temple Israel of Far Rockaway. The congregation moved to its current location in 1930. A new school center was created in 1948 to better accommodate the educational needs of the congregation and then again in 1966 with new social facilities. Temple Israel continues to thrive to this day, as the religious and nursery schools have unusually large enrollments.

The Temple reaches beyond just the "Five Towns" and extends around the world. Temple Israel participates in a number of interfaith and cross-cultural programs. There are exchange programs, such as an American Jewish and Italian Catholic exchange program with the Vatican, which help bring about greater understanding and compromise among the participants.

I applaud these efforts of the congregation because I, too, am a strong believer in bringing people with different backgrounds together to find common ground. I participated in the Women's Democracy Fund to help bring women together in Northern Ireland to contribute to the peace process. The program has more recently moved to bringing Israeli and Palestinian women together as an effort to also help bring about peace in that region.

The Temple Israel congregation is ably led by Rabbi Jay Rosenbaum and Cantor Galina Paliy. Rabbi Rosenbaum is the spiritual and education leader of Temple Israel. He is well known on Long Island and throughout the American rabbinate. He works across the international arena in building bridges of understanding and compromise between the American Jewish community and Jewish communities and foreign governments around the world and between Jews and other religions. Rabbi Rosenbaum also worked with first responders and victim's families at Ground Zero following the terrorist attacks of 9/11. I am glad to hear that Rabbi Rosenbaum will be joining me in Washington, DC, later this month in welcoming Pope Benedict XVI on his first papal visit to the United States.

Temple Israel of Lawrence is part of a rich Jewish history in the United States. In 2003, Congress passed H. Con. Res. 106, which recognizes and honors America's Jewish community on the occasion of its 350th anniversary. The first known Jews arrived from Brazil in 1654. They established the first Jewish community in New York City. Jews have contributed in so many ways to American society, including civic, social, economic, military, and cultural life. I am glad to see that Temple Israel Lawrence has played a large role in that extensive Jewish American history.

Once again, I wish to extend my sincerest congratulations and warm wishes to Temple Israel of Lawrence on its 100th anniversary and look forward to another successful 100 years.

POLAR BEAR PROTECTION

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. INSLEE. Madam Speaker, I rise to show my dismay that it has been 3 months since the Department of Interior's Fish and Wildlife Service, FWS, missed an important deadline to determine whether they would give the polar bear protections under the Endangered Species Act.

Naysayers argue that the polar bear population is not at risk, but the studies show that an estimated 20,000 to 25,000 polar bears worldwide are threatened with "losing their habitat over the next 50 years" because of global warming and melting sea ice.

The U.S. Geological Survey, USGS, predicts that without action, "11 of the 19 subpopulations will be extinct by the middle of this century, with an additional three subpopulations vanishing shortly thereafter."

That same USGS study showed that Arctic melting is occurring faster than any scientific models have previously predicted.

Incredibly, at the same time we are seeing these sobering scientific reports, the Department of Interior has moved forward with leasing oil and gas exploration rights for almost 30 million acres of the Polar Bear Seas. Just off the northwest coast of Alaska, this environmentally sensitive area is home to about 16,000 polar bears.

This is not the time for drilling in prime polar bear habitat. It is the time for protecting polar bears and their habitat under the Endangered Species Act. FWS should act today to list the polar bear as a threatened, or even an endangered, species.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. McDERMOTT. Madam Speaker, on April 8, 2008, I was inadvertently delayed and unable to vote. Had I been present I would have voted "aye" on the following: rollcall No. 161 on passage of H.J. Res. 70, congratulating the Army Reserve on its centennial; rollcall No. 162 on passage of H.R. 2464, the Wakefield Act; and rollcall No. 163 on final passage of S. 793, the Traumatic Brain Injury Reauthorization Act.

HONORING KYLE CONNOR COOPER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle Cooper Connor of Kansas City, Missouri. Kyle is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1155, and earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many scout activities. Over the many years Kyle has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle Cooper Connor for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION HONORING COACH BRENT FICKES FOR COACHING THE NEWARK HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Brent Fickes showed hard work and dedication to the sport of basketball; and

Whereas, Brent Fickes was a leader and mentor for the Newark High School Boys' Basketball Team; and

Whereas, Coach Fickes has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Brent Fickes for leading the Newark High School Boys' Basketball Team to winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 basketball season.

HONORING THE TENURE OF DR. EMILIO T. GONZALEZ AT UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity and spotlight the extraordinary leadership Dr. Emilio T. Gonzalez demonstrated while Director of United States Citizenship and Immigration Services, USCIS.

Since his confirmation in late 2005, Director Gonzalez managed an organization of more than 17,000 Federal and contract employees responsible for the accurate, efficient, and secure processing of immigration applications.

During his tenure, USCIS underwent a period of unprecedented growth, revitalization, and expansion. The agency sharpened its fraud detection and national security efforts through the creation of the National Security and Records Verification Directorate and the deployment of Fraud Detection National Security officers to USCIS offices. The Nation's signature employment authorization program, E-Verify, grew to include 55,000 employer participants and has verified the work status of more than 3 million new employees. An ambitious facilities revitalization program was initiated by Director Gonzalez, with the goal to renovate or replace nearly 40 USCIS facilities over 3 years.

Director Gonzalez is a shining example of the contributions and excellence that the Hispanic community has brought, and will continue to bring, to the service of our great Nation.

Our grateful Nation is proud of his service, and I wish him the best in all his future endeavors. We will surely miss him dearly.

ANNIVERSARY OF THE BATAAN DEATH MARCH

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. UDALL of New Mexico. Madam Speaker, today, we mark the anniversary of one of the darkest moments in American history.

For the thousands of soldiers who were surrendered to enemy forces on April 9, 1942, the years that have passed since have been filled with memories of what occurred that day and in the hundreds of days that followed. Starvation. Torture. Forced work. Captivity. Death.

But in the 66 years since, the events at Bataan have conjured other memories for the rest of us. Bravery. Sacrifice. And an unbreakable demonstration of courage.

"The Battling Bastards of Bataan," they were christened by Frank Hewlett, one of the last journalists to report on the troops before they were surrendered. For 4 months they fought, battling daily against the enemy, against illness, and against time. And when there was no fight left, when the time for surrender was upon them, they were alone. Neither planes in the skies nor boats in the sea appeared, ready to give the boost of firepower that would turn the tides. Instead, the men at Bataan laid down their weapons and walked into a hell that would last over 3 years.

In TIME magazine, the surrender at Bataan was reported under the headline, Death of an American Illusion. "These U.S. soldiers had stumbled ragged, sleepless and half-starved through the last days of the most humiliating defeat in U.S. history," wrote the correspondent. "In no previous battle had so many U.S. fighting men gone down before a foreign enemy, and seldom had any beaten U.S. soldiers been in such pitiable condition—believing until the last hour of destruction that their country could and surely would send them aid. The U.S. had known the end was near. But it had not, could not, beforehand, taste the taste and smell the smell of crushing defeat."

For those of us from New Mexico, the events at Bataan strike home particularly hard because of the involvement of the 200th and 515th regiments. These New Mexico National Guardsmen came from all parts of the State and from all walks of life. On the 12 columns here we see their names and we lament at the sheer number who shipped overseas and never returned. They came to serve and they gave the ultimate sacrifice in defense of their country.

We also must take note at the number of Hispanic soldiers who served, fought, and died. Their service during a time of discrimination, both in the military and in the public, poignantly epitomizes the struggle they faced in being treated with equality, with respect, and with dignity. For those who remained unequivocally devoted to their Nation even while being treated as second-class citizens, we salute you and promise that we will not forget your service.

As a token of our remembrance, earlier this year I introduced legislation that would award the Bataan prisoners of war with the Congressional Gold Medal. This award, long past due, would be a fitting tribute and would forever signify the thanks of our Nation to the soldiers who served with honor and with courage.

Sadly, we are no longer graced with the presence of many of the original heroes who struggled and survived the ordeals of Bataan. The ravages of captivity and the passage of time have taken many of them from us and we are now left with their story and with their memory. Future generations of Americans will hear the story of Bataan second-hand, never able to meet a soldier who still bears the scars of torture or who still remembers the joy of liberation and returning home. For now, however, with those who are still here and who can still tell their story, we must grant them the widest forum and the most amplified voice to ensure that this tale of courage, this legend of the Battling Bastards of Bataan, is shared as far and wide as possible. We cannot, we must not, forget what happened at Bataan and our actions of honoring these soldiers will never meet the great sacrifice they gave on the battlefield so many years ago.

To those who suffered and who never returned, we honor your memory.

To those who have since passed, we remember your story.

And to those with us today, we praise your courage and give you our thanks.

RECOGNIZING THE 120TH ANNIVERSARY OF THE TWIN OAKS ESTATE

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. MACK. Madam Speaker, I rise today to express my strong support for our friends in Taiwan as they celebrate the 120th anniversary of the Twin Oaks estate here in Washington, DC.

Twin Oaks estate was built in 1888 by Gardiner Greene Hubbard, the founder of the National Geographic Society. This beautiful home was built as a summer residence for his family. Mr. Hubbard had two daughters, Grace and Mabel. Mabel later lived at Twin Oaks with her husband, Alexander Graham Bell.

Years later, Grace inherited the property. In 1937, she rented the property to the Republic of China's Government to serve as the ambassador's residence. A decade later, the Republic of China purchased the property and it served as the official residence of each successive Republic of China ambassador.

After extensive renovation that brought it back to its original elegance in the early 1980s, Twin Oaks was recognized and named as a national historic site in Washington, DC. Over the past two decades many functions have been held at Twin Oaks and today the estate continues to stand proudly as a symbol of the strong friendship between the United States and Taiwan.

Madam Speaker, the people of Taiwan live in a vibrant democracy and, as such, Taiwan has become a beacon of freedom and an engine of prosperity in the Pacific region. As we celebrate Twin Oaks' long and vibrant history, we are reminded of our strong ties, abiding mutual relations, and deep friendship with Taiwan.

CONGRATULATING MS. TRUDE TRUDELL FOR RECEIVING THE NAACP TEACHER OF THE YEAR AWARD

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. PEARCE. Madam Speaker, I rise today to recognize the accomplishments of Holloman Middle School teacher Ms. Trude Trudell. Ms. Trudell's hard work and dedication have earned her the Otero County, New Mexico, National Association for the Advancement of Colored People, NAACP, Teacher of the Year award. It is her devotion to her students that earned her this tremendous honor. Good teachers like Ms. Trudell inspire the young minds of this country and shape our youth.

Ms. Trudell was a member of the military before becoming a teacher. Yet she has said that teaching is the toughest job she has ever held.

Ms. Trudell's work has made a tremendous impact on the lives of students in Otero County. An education is an open door to the future for our children, and teachers have a key role in helping open that door for our children. Without great educators like Ms. Trudell, our children would not be prepared to enter the economy of the future. It is also teachers like Ms. Trudell who take pride in their work and use their own ambition to drive students to succeed.

This award is a reflection of Ms. Trudell's commitment to making an impact on the lives of each and everyone of her students. Her top priority is preparing her students for the future, and for that on behalf of the people of the New Mexico, I want to thank her for her service. Teachers like Ms. Trudell give us all hope for a better future for America.

HONORING JOSHUA DEAN SLUGANTZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua Dean Slugantz of Kansas City, MO. Joshua is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1155, and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua Dean Slugantz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION HONORING COACH T.J. SOMERS FOR COACHING THE NEWARK HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach T.J. Somers showed hard work and dedication to the sport of basketball; and

Whereas, T.J. Somers was a leader and mentor for the Newark High School Boys' Basketball Team; and

Whereas, Coach Somers has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach T.J. Somers for leading the Newark High School Boys' Basketball Team to winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 Basketball season.

TRIBUTE TO ANHEUSER-BUSCH COMPANIES FOR THEIR EXEMPLARY ACHIEVEMENT OF MAKING FORTUNE MAGAZINE'S LIST OF AMERICA'S MOST ADMIRED COMPANIES

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. CLAY. Madam Speaker, I rise today to pay congratulations to Anheuser-Busch Companies for their exemplary achievement in being named first among beverage companies in Fortune magazine's America's Most Admired Companies. Anheuser-Busch has been headquartered in Saint Louis, Missouri, since its establishment in 1860, and has successfully served the community since that time. I am proud to represent Anheuser-Busch's dedicated employees in the Saint Louis community who work hard to continually raise the bar for beverage companies worldwide.

Anheuser-Busch topped Fortune magazine's list of global beverage companies for the fifth consecutive year, rating first overall and first in eight of the nine categories considered: quality of products and services, people management, quality of management, innovation, social responsibility, financial soundness, long-term investment, and use of corporate assets.

Anheuser-Busch also has several other distinctions in this global list. Among every company surveyed, which was more than 350 global companies spanning 26 industries, Anheuser-Busch ranked number one for quality of products and services and number two for social responsibility. Anheuser-Busch should also be applauded for its efforts to promote diversity in its workforce, as well as in the communities that it serves. Their commitment to being in the community, as well as of the community, has led Anheuser-Busch to support community-based organizations in efforts to inform, advance, and sustain their diverse communities.

Contributing to the community and social responsibility have been very important actions for Anheuser-Busch since the company's beginnings, and the organization has quickly become a global industry leader in promoting responsibility. Since 1982, Anheuser-Busch and its nationwide network of more than 600 wholesalers have spent more than $675 million on developing more than two dozen alcohol awareness and education programs and initiatives designed to help prevent all forms of alcohol abuse, including illegal underage drinking and drunk driving. Working together with parents, educators, State and Federal regulators, law enforcement officials, and many others, Anheuser-Busch has continued its long-standing commitment to being part of the solution to these issues.

Anheuser-Busch has also dedicated its facilities to operating in a sustainable and environmentally responsible manner. At the Saint Louis area Anheuser-Busch brewery, more than 99 percent of the solid waste that is created is recycled. In addition, brewery water use has been cut by nearly 20 percent since 1990 and by more than 7 percent in the last 5 years, saving 4.7 billion liters of water.

In times of crisis for the American people, Anheuser-Busch has established a reputation of being part of the recovery by providing a helping hand to our friends in their time of need. This tradition of giving began in 1906, when Aldolphus Busch donated funds to help San Francisco earthquake victims. More recently, Anheuser-Busch has donated drinking water and made monetary donations to the American Red Cross to aid in hurricane relief efforts in the Gulf Coast in 2005, as well as to wildfire relief efforts in California in 2007 and to tornado relief efforts in the South earlier this year. Since 1988, Anheuser-Busch has provided nearly 63.5 million cans of drinking water to various relief efforts.

From these many examples, it is clear that Anheuser-Busch has rightfully earned the distinction of being named first among beverage companies as Fortune magazine's America's Most Admired Companies. I am proud to have worked directly with the dedicated employees of Anheuser-Busch in both Saint Louis, Missouri, as well as here in Washington, DC. I ask all Members of Congress to join me today in congratulating Anheuser-Busch for this extraordinary accomplishment and for their continued dedication to serving the American people.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. BRALEY of Iowa. Madam Speaker, on rollcall 161, H.J. Res. 70, I was not present. If I had been there, I would have voted "yea."

On rollcall 162, H.R. 2464, I was not present. If I had been there, I would have voted "yea."

On rollcall 163, S. 793, I was not present. If I had been there, I would have voted "yea."

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. ALLEN. Madam Speaker, on April 3, 2008, I was unavoidably absent from the House due to a family illness.

If had been present, I would have voted "no" on rollcall vote No. 159, a motion by Mrs. MCMORRIS RODGERS of Washington to recommit H.R. 4847 to the Committee on Science and Technology with instructions.

I would have also voted "yes" on rollcall vote No. 160, final passage of H.R. 4847, a bill to reauthorize the United States Fire Administration.

HONORING JOHN EVERETT BIVEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize John Everett Biven of Liberty, MO. John is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 2418, and earning the most prestigious award of Eagle Scout.

John has been very active with his troop, participating in many scout activities. Over the many years John has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending John Everett Biven for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION HONORING COACH MARK OBERHOLTZER FOR COACHING THE NEWARK HIGH SCHOOL BOYS' BASKETBALL TEAM TO WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Mark Oberholtzer showed hard work and dedication to the sport of basketball; and

Whereas, Mark Oberholtzer was a leader and mentor for the Newark High School Boys' Basketball Team; and

Whereas, Coach Oberholtzer has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Mark Oberholtzer for leading the Newark High School Boys' Basketball Team to winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 Basketball season.

HONORING THE NATIONAL FOUNDATION FOR CREDIT COUNSELING 2008 FINANCIAL LITERACY POSTER CONTEST WINNERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize the winners of the National Foundation for Credit Counseling, NFCC, financial literary poster contest held among students to raise awareness of financial issues.

The winners include: National winner, Harrison Noh of Bloomfield Hills, Michigan; Elementary School winner, Christopher Saker of Bloomfield Hills, Michigan; Middle School winner, Levi Travis of U.S. Army Base, Seoul, South Korea; and High School winner, Victoria Guerra of Crowley, Texas.

I applaud the efforts to bring financial literacy to students by engaging them in proactive learning and knowledgeable ideas about how to manage money effectively. The skill of managing money wisely and effectively is something that needs to be taught early in life. The earlier a person knows the importance of good investments, solid savings, and sound purchasing, the better able that person is to successfully manage their money throughout the remainder of their lives.

With the current economic conditions, there is no better time than now to educate our youth on how to be financially savvy. The poster winners exhibited this knowledge in a creative and engaging manner as they articulated the contest's theme of "financial responsibility begins with me."

It is my honor to recognize the financial literary poster winners for such an outstanding job. Through their artistic abilities, it is obvious that these winners have taken it to heart that financial responsibility truly begins with each of them.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Ms. WOOLSEY. Madam Speaker, on April 8, 2008, I was unavoidably detained and was not able to record my votes for rollcall No. 161–163.

Had I been present I would have voted:

Rollcall No. 161—"yea"—Congratulating the Army Reserve on its centennial.

Rollcall No. 162—"yea"—The Wakefield Act.

Rollcall No. 163—"yea"—Reauthorization of the Traumatic Brain Injury Act.

RECOGNIZING THE EFFORTS AND INTERNATIONAL LEADERSHIP OF 16-YEAR-OLD ALEXIS MONROE IN RAISING FUNDS FOR THE PURCHASE OF AMBULANCES FOR THE LEBANESE RED CROSS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. ISSA. Madam Speaker, Alexis Monroe, a 16-year-old, student at Glenelg Country School in Ellicott City, MD, raised over $5,300 to go toward ambulance purchases for the Lebanese Red Cross at her school's annual International Dinner and Fashion Show Fundraiser in 2007 and 2008. I would like to commend Alexis for her efforts as a young leader assisting a humanitarian cause that is supported by the American Red Cross. I would like to thank Alexis for her efforts, and I am submitting Alexis' speeches from 2007 and 2008 for the CONGRESSIONAL RECORD so that her work can receive recognition as example of U.S. philanthropy to aid those in a far away land who need assistance.

LEBANESE RED CROSS PRESENTATION

(By Alexis Claire Monroe)

One of the great things about Glenelg is the sense of community one feels. When crises occur outside our own community, it's important to help and support the family and friends across the seas—as they are really just an extension of our own community. In planning this event, we learned that there are no less than 8 families of Lebanese descent here at tiny GCS—including 2 faculty—many of whom still have family and friends in Lebanon. We had four generations in our family touched by this crisis.

On July 1, 2006, my great-aunt and uncle visited our family in Lebanon. Great-grandmother Fawaz had turned 97. They were so happy to see how Lebanon had recovered from the civil war and 28 years of occupation. The streets were safe, downtown Beirut had been reconstructed, the hotels and restaurants were filled with tourists.

On July 10th, they left for a short visit to Petra, Jordan to see a 2000 year old temple that is still being excavated by their friends from Brown University. They planned to return to Lebanon on July 14th in time for my great-uncle's birthday celebration which was to be at an elegant restaurant on the harbor near Byblos.

Early July 13th, the Israelis bombed the newly finished Beirut Airport along with more than 60 bridges, all superhighways, and all ports. The combined naval, land and air blockade made travel impossible.

My great-aunt and uncle were stuck in Jordan for 10 days before they could get a flight out leaving most of their belongings behind in Lebanon. During that time, they watched, in horror, the TV broadcast of the destruction of Lebanon's infrastructure and the displacement of 800,000 Lebanese (almost 25% of the population) from their homes, half of those being children; 1,300 Lebanese were killed and 3,200 injured.

The use of force against innocent Lebanese was excessive and prolonged and destroyed over 10 years of reconstruction and re-investment efforts. Many people are still homeless and hungry and need assistance.

One of the primary sources of aid is the Lebanese Red Cross which is a non-partisan humanitarian organization whose volunteers provide medical treatment and relief services. The American Task Force on Lebanon has a commitment from a private foundation to match contributions dollar for dollar—so GCS' gift will go twice as far.

On July 22, 2006, my great-grandmother died. My family was unable to bury her in our ancestral home in Joun because the roads and bridges had been destroyed. We hope that some day, she will be able to rest there in peace.

2008 LEBANESE RED CROSS PRESENTATION

(By Alexis Clarie Monroe)

The Lebanese Red Cross is a member of the International Red Cross. It provides the most comprehensive ambulance services in the country—often under very difficult circumstances. Wherever there is a need, the Lebanese Red Cross is visible, transporting victims to hospitals and often treating the wounded on the spot.

The Lebanese Red Cross has 6,000 volunteers and 43 Centers where it administers on-site first aid, provides transport, and training. In 2005 and 2006, the Lebanese Red Cross responded to over 166,000 emergency calls—sometimes even losing some of their own in the process. Unfortunately, crises continue to plague Lebanon.

The Lebanese Red Cross needs to replace old and damaged ambulances in order to be able to respond effectively. Last year, Glenelg Country School raised over $2,300 which was contributed to the national campaign. The funds were matched by a private foundation so our contribution doubled to $4,600.

This year, in addition to the foundation match, the American Red Cross has agreed to match donations, so the effect of our charity will be quadrupled: every $10 becomes $40; every $25 becomes $100; every $50 becomes $200.

Although we may have different talents and different abilities and different cultures, in the most basic sense, as humans, we are all equal in our humanity. We are born without knowledge of our faculties, and in this state we are all equal. And this inherent equality never leaves us—we cannot rid ourselves of that intrinsic humanity. Tonight is a time to recognize that equality, to give to others in need regardless of their race or religion, to be not only tolerant, but understanding. Tonight is a time to hope that the warfare, the bloodshed, the violence, in the Middle East will come to an end—tonight is a time to do whatever we can to aid the cause of peace.

HONORING TREVOR KORCHAK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Trevor Paul Korchak of Kansas City, Missouri. Trevor is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1260, and earning the most prestigious award of Eagle Scout.

Trevor has been very active with his troop, participating in many scout activities. Over the many years Trevor has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Trevor Paul Korchak for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION HONORING NEWARK HIGH SCHOOL FOR THEIR SUPPORT OF THE NEWARK HIGH SCHOOL'S BOYS' BASKETBALL TEAM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. SPACE. Madam Speaker:

Whereas, Newark High School has displayed incredible dedication to creating well-rounded students; and

Whereas, the Newark High School has been supportive of their athletes; and

Whereas, the Newark High School has broadened the abilities and skills of their athletes in the sport of basketball; and

Whereas, the Newark High School has always promoted sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Newark High School on supporting their Boys' Basketball team in winning the Boys' Division I State Basketball Championship. We recognize the tremendous amount of support they have given to their athletes.

IN REMEMBRANCE OF THE LATE CHARLES W. DURHAM OF OMAHA, NEBRASKA

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. TERRY. Madam Speaker, I rise today to pay tribute to Charles W. Durham of Omaha, who died this past weekend at the age of 90.

Charles "Chuck" Durham was one of Omaha's outstanding residents. He was a community leader, visionary, philanthropist, businessman, and family man. He loved the City of Omaha, and all of us in the community loved Chuck and Margre Durham for their humble, genuine ways, in addition to their many gifts to our city.

Chuck Durham was raised in Ames, Iowa and attended Iowa State University, where he acquired two important assets—a degree in engineering and his wife and lifelong companion, Margre Henningson. He joined the Omaha-based engineering firm of Margre's dad and built the firm into one of America's largest engineering firms—HDR Inc.

HDR Inc., under the leadership of Chuck Durham, became an international powerhouse architectural and engineering firm, designing medical, military, and public works projects around the world. One area of expertise of the firm was designing hospitals and medical facilities, and many of our Omaha hospitals, notably Omaha Methodist Hospital were designed by HDR Inc.

The Durham Research Center at the University of Nebraska Medical Center in midtown Omaha is one of the most advanced medical research centers in the world, but it is just one of the facilities in Omaha that benefited from the generosity of Chuck and Margre Durham. The Henry Doorly Zoo, the Durham Museum, and the Durham Science Center at the University of Nebraska—Omaha are among many facilities that Chuck Durham brought to reality. Finally, we will always remember the many photos of Chuck with his faithful dog, Tina, at his side—a lasting symbol of his love and concern for animals and their welfare.

Madam Speaker, Chuck's vision, energy, and the sharing of his resources with our community will be a part of Omaha forever. We mourn his passing, as we celebrate his life among us. Robyn and I extend our heartfelt sympathies and prayers to his children, Steve, Sunny, Lindy, and Debby during this time of loss.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on Tuesday, April 8, 2008, I was unavoidably detained due to a death in the family and thus I missed rollcall votes No. 161 through 163. Had I been present, I would have voted in the following manner:

On roll vote No. 161, on H.J. Res. 70, Congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense mission of the United States, I would have voted "yea."

On roll vote No. 162, on H.R. 2464, the Wakefield Act, I would have voted "yea."

On roll vote No. 163, on S. 793, the Traumatic Brain Injury Act of 2008, I would have voted "yea."

HONORING THE ACCOMPLISMENTS OF THE GEORGE WASHINGTON UNIVERSITY CANCER INSTITUTE IN WASHINGTON, DC, IN RECOGNITION OF THE FIFTH ANNUAL GW CANCER INSTITUTE GALA

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. STEARNS. Madam Speaker, Whereas the GW Cancer Institute provides groundbreaking biomedical and clinical research, high quality educational programs, and effective outreach and outstanding patient care to the Washington, DC, area; and

Whereas, the GW Cancer Institute seeks to understand why certain cancers disproportionately affect vulnerable populations, and to eliminate cancer disparities among minority citizens in the District; and

Whereas the GW Cancer Institute's Executive Director Dr. Steven Patierno cochaired the AACR–MICR, American Association for Cancer Research and Minorities in Cancer Research, national conference titled, "The Science of Cancer Health Disparities in Racial and Ethnic Minorities and the Medically Underserved"; and

Whereas, the GW Cancer Institute is working to uncover genetic clues that help explain cancer disparities through a grant awarded by the National Cancer Institute's Center to Reduce Cancer Health Disparities to establish a Genomics of Cancer Disparities Center; and

Whereas the GW Cancer Institute offers an Office of Cancer Prevention and Control, an Office of Cancer Education and Outreach and an Office of Cancer Survivorship;

Whereas, the GW Cancer Institute offers resources to citizens in the form of advocacy, support groups, education, outreach and clinical care;

Whereas, the GW Cancer Institute leads the Community-by-Community Cancer Control Campaign aimed at decreasing the cancer burden of Washington, DC;

Whereas, nearly 40 area churches participate in the GWCI's congregational cancer wellness initiative;

Whereas, the GWCI served as a founding member and leader of the DC Cancer Consortium;

Whereas the GW Cancer Institute's Dr. Paul Levine cochairs the Early Detection Subcommittee of the DC Cancer Consortium and Dr. Donald Henson serves as cochair of the DC Cancer Consortium;

Whereas the GW Cancer Institute, together with the GW Medical Faculty Associates, operates the GW Mammovan which offers digital mammography to more than 2,500 women per year;

Whereas, the GW Cancer Institute partners with local Washington DC based sports teams including the Washington Redskins and Washington Nationals, offering free prostate cancer screenings;

Whereas, the GW Cancer Institute works with local, Washington DC media partners, reaching thousands with messages about the importance of getting screened for prostate, breast and colorectal cancer.

Whereas, the GW Cancer Institute, working with the GW Medical Faculty Associates, has conducted free prostate cancer screenings for over 2000 men in 18 months, including nearly 700 DC area men at the 15th Annual NBC4 Health and Fitness Expo at the Washington, DC, Convention Center;

Whereas the GW Cancer Institute's Outreach Program works with barbershops in DC's Wards 4, 7 and 8 offering an outreach program in which lay health workers are trained in prostate cancer education and relay information to customers about the importance of early detection;

Whereas, the GW Cancer Institute recognizes leaders in the field every year at the annual GW Cancer Institute Gala;

Whereas, past GW Cancer Institute Gala recipients have included Carolyn R. "Bo" Aldige, the American Cancer Society, Lance Armstrong, Ray Michael Bridgewater, Zora Brown, Margaret M. Bush, Sam Donaldson, Andrew C. von Eschenbach, MD, First Lady of the Republic of Panama Vivian Fernandez de Torrijos, Harold P. Freeman, MD, Elmer Huerta, MD, LaSalle D. Leffall Jr., MD, FACS, the Honorable CONNIE MACK and Mrs. Priscilla Mack, Michael Milken, Nueva Vida, and Ellen Sigal, PhD;

Whereas, the GW Cancer Institute will honor Margaret Foti, MD, PhD, Robert Siegel, MD and Mrs. Paula Siegel, RN; Sean Swarner, and Archbishop Desmond Tutu on May 3, 2008.

Now, therefore, be it

Resolved, That the U.S. House of Representatives—

(1) honors and salutes the accomplishments of the GW Cancer Institute and recognizes its important work throughout the Washington, DC area;

(2) recognizes the accomplishments and achievements of the GW Cancer Institute in research and community outreach; and

(3) based upon the Institute's service, extends its appreciation to The George Washington University Cancer Institute in recognition of its Fifth Annual GW Cancer Institute Gala.

HONORING CAMERON MICHAEL KIEFFER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cameron Michael Kieffer of Liberty, Missouri. Cameron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1214, and earning the most prestigious award of Eagle Scout.

Cameron has been very active with his troop, participating in many scout activities. Over the many years Cameron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Cameron Michael Kieffer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION HONORING MIKE NEWMAN FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. SPACE. Madam Speaker:

Whereas, Mike Newman showed hard work and dedication to the sport of basketball; and

Whereas, Mike Newman was a supportive team player; and

Whereas, Mike Newman always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Mike Newman on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

120TH ANNIVERSARY OF TWIN OAK ESTATES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. ORTIZ. Madam Speaker, I rise today to express my sincere congratulations to the Government of the Republic of China, Taiwan, for celebrating the 120th anniversary of the Twin Oaks Estates.

Built in 1888 by Mr. Gardiner Greene Hubbard, founder of the National Geographic Society, the estate has served the Taiwanese Government in the United States since 1937.

Twin Oaks Estates has been instrumental in allowing the people of Taiwan to establish a dynamic and mutually beneficial relationship between our two countries. The people of Taiwan continue to be our partners in economic matters, democracy, and the pursuit of peace.

I look forward to continue working with the Government of Taiwan and congratulate them again on the 120th anniversary of the Twin Oak Estates.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, April 8, 2008, my plane was delayed due to a delay in my plane arriving from its previous destination and I was unable to cast my vote on suspending the rules and passing H.J. Res. 70 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 161 on suspending the rules and passing H.J. Res. 70, Congratulating the Army Reserve on its centennial, I would have voted "aye."

HONORING ERIC STAVES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Eric Jordan Staves of Kearney, Missouri. Eric is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1376, and earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many scout activities. Over the many years Eric has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Eric Jordan Staves for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION HONORING NATHAN WOODWORTH FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. SPACE. Madam Speaker:

Whereas, Nathan Woodworth showed hard work and dedication to the sport of basketball; and

Whereas, Nathan Woodworth was a supportive team player; and

Whereas, Nathan Woodworth always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Nathan Woodworth on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

A TRIBUTE TO CHARLES "CHUCK" LaHATTE

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Charles

“Chuck” LaHatte, recently awarded the 2008 Congressional Volunteer Recognition Award by the 2nd Congressional District of Maryland's Veterans Advisory Council.

Chuck LaHatte is a dedicated volunteer with the Disabled American Veterans, DAV, driving a DAV van to help disabled veterans get to and from Fort Howard for their medical treatment. A veteran himself, Chuck truly cares about the disabled veterans he assists on a weekly basis. He serves as an encouraging example in their lives.

Volunteering about 70 hours a month with disabled veterans, Chuck helps teach other DAV volunteers how to interact with the disabled veterans and how best to serve them. Chuck realizes the importance of the service he provides for disabled veterans, and goes above and beyond the call of duty in order to give the disabled veterans he transports the best possible service.

Madam Speaker, I ask that you join with me today to honor Chuck LaHatte. He is a remarkable volunteer for Maryland's veterans. Through his ongoing efforts, he has helped dozens of veterans to receive the medical care they need. Chuck has gone above and beyond the call of duty to aid those who have sacrificed to serve our great Nation.

TRIBUTE TO LINWARD “LIN” APPLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to recognize the career of Lin Appling, upon his retirement from the Missouri Public Service Commission.

Mr. Appling received a B.A. from Coker College and an M.A. from Wichita State University, while serving in the U.S. Army. Mr. Appling's distinguished Army service has been recognized with the bestowing of the U.S. Army Legion of Merit Award as well as a Bronze Star for his service in Vietnam.

Since 1993, Mr. Appling has served the Missouri State government in a number of capacities, culminating with his appointment in 2004 to the Missouri Public Service Commission.

Mr. Appling has been an active member of his community through his work with the Capital City Boys & Girls Club. Inspired by Dr. Martin Luther King, Jr. at an early age, Mr. Appling has been instrumental in helping others reach their goals.

I am certain that Members of the House will join me in thanking Lin Appling for his service to his country and to the State of Missouri.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On April 12, 2008, a group of 96 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home State of Louisiana to visit Washington, DC, on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

A PROCLAMATION HONORING RAY CHAMBERS FOR WINNING THE BOYS' DIVISION II STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. SPACE. Madam Speaker:

Whereas, Ray Chambers showed hard work and dedication to the sport of basketball; and

Whereas, Ray Chambers was a supportive team player; and

Whereas, Ray Chambers always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Ray Chambers on winning the Boys' Division II State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING BETH GLASS FOR WINNING THE GOLD AWARD

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize Beth Glass for winning the Gold Award, the Girl Scouts of the USA's highest honor for girls 14–18 years old.

Last summer, Miss Glass set out to complete the required 50 hours of community service. Desiring to honor community firefighters, she decided to repaint fire hydrants, a task she considered both achievable and extremely important since fire fighters rely on the hydrant's color to gauge how much water can flow through an individual hydrant.

Not only did Miss Glass accomplish her community service requirement of 50 hours, she went above and beyond when she put in 69 hours of service. In addition, she managed to engage her friends. family and the community on the project. While her friends and family helped paint, community hardware stores donated supplies.

A resident of Jacksonville, Texas. Miss Glass is a senior at All-Saints Episcopal School in Tyler, Texas, and has been a Girl Scout since fourth grade.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Beth Glass for not only winning the highest Girl Scout honor, but for her dedication to serving her community.

CARING FOR VETERANS IN AMERICA'S HEARTLAND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. BURTON of Indiana. Madam Speaker, since 1993 HVAF (Helping Homeless Veterans and Families) of Indiana, Inc. has been committed to assisting our Nation's veterans overcome the challenges of homelessness. I rise today to honor this remarkable organization, and it's most recent initiative, Operation Heartland, which has dedicated itself to taking care of the needs of our heroes.

HVAF has successfully organized projects such as small-scale supportive housing units for homeless vets and the Veteran's Service Center where homeless veterans can obtain food, clothing, hygiene products, IndyGo bus tickets, and use shower facilities; but Operation Heartland is perhaps HVAF's most ambitious project to date. The goal of Operation Heartland is to raise funds to furnish a 40 unit apartment building as the Donald W. Moreau, Sr. Veterans House. Hopefully by August of this year the Moreau House will be up and running and able to accommodate 40 homeless veterans, many of whom have substance abuse or mental health issues. While staying at the Moreau house, homeless veterans will have the opportunity to receive counseling and other rehabilitative services from HVAF staff, in hopes of returning to society as productive citizens.

In a vote of confidence that HVAF would be successful, Oprah Winfrey's Big Give program recently gave $5,000 to help Operation Heartland get off the ground. Since then, the outpouring of support for Operation Heartland generated by Hoosiers has been substantial. Many of the donors who have already committed to the program include the Indianapolis Colts, FedEx Corporation, and Cathedral High School. One individual donor personally committed to provide over 15 percent of Operation Heartland's entire goal, and a local mom, who couldn't provide funding, committed her quilting group to provide quilts for the Moreau House.

Caring for our veterans—the men and women who have provided such an incredible service to our country—is one of the most important things we can do. Operation Heartland will help to get our veterans off the streets and into safe homes and satisfying jobs. Our homeless veterans, who have served our country with the utmost courage, honor and dignity, especially deserve the kind of second chance that Operation Heartland and similar initiatives can provide. Madam Speaker, organizations like HVAF of Indiana are working hard to repay the debt we all owe to all the men and women who ever served in our

Armed Forces. They deserve our support, our respect and our profound thanks; and I ask all of my colleagues to join me in recognizing the exemplary efforts of HVAF of Indiana.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. LANGEVIN. Madam Speaker, yesterday, on April 8, 2008, I was unable to vote due to official business outside Washington. Had I been present, I would have voted "yea" on rollcall vote Nos. 161, 162, and 163.

TRIBUTE TO ALLEN RUBY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, tonight Allen Ruby will be honored by the University of Santa Clara School of Law. Since the House is in session, I will not be able to participate in this important event. But I do want to note that there is no one more worthy of honor and recognition as a lawyer and as a person than Allen Ruby.

In 1965, after earning his bachelor of arts from Michigan State University in only 3 years, he came west to Stanford Law School. Since graduating from Stanford Law School in 1969 he has practiced criminal and civil law in San Jose. His demonstrated skill and commitment to justice enabled him to be admitted to the Supreme Court Bar in 1993.

I first came to know Allen Ruby when I was a member of the Santa Clara County Board of Supervisors. The county was embroiled as a defendant in long-standing litigation. As the only county supervisor who was also an attorney, it fell to me to recommend to my colleagues the best lawyer in town to represent the county's interest. Allen Ruby was the best. To participate with Allen Ruby in preparation of the county's case was to watch an attorney of rare talent. He acted with integrity and ingenuity and served the people of Santa Clara County well.

Allen Ruby has represented a who's who of clients not only in Silicon Valley, but around the United States.

One of his most important public interest cases was the government false claims whistle-blower case, United States of America ex rel Henry Boisvert v. FMC Corp. The matter began when Boisvert, an FMC test analyst, found deficiencies in the U.S. Army's Bradley Fighting Vehicle. The all-terrain vehicle was designed to carry troops and equipment through water and on land but it leaked, making it a danger for troops. As a result of his continued reporting of vehicle flaws, Boisvert was terminated from his employment. Allen Ruby was able to prove that the termination by FMC was wrongful after he filed suit under the False Claims Act.

Ruby's zealous representation of Boisvert for the last 5 years of this 14-year lawsuit resulted in an important victory for the public interest as well as the individual whistleblower.

Mr. Ruby's extraordinary ability in trial is also appreciated by his colleagues. Their respect for Mr. Ruby gained him membership in the American Board of Trial Advocates and the International Academy of Trial Lawyers. He is a Fellow of the American College of Trial Lawyers. In 1999, the Santa Clara County Trial Lawyers Association named him Trial Lawyer of the Year.

Mr. Ruby's integrity was not just noted by clients and colleagues, the Santa Clara County Superior Court also recognized his expertise and skill by naming him Santa Clara County Superior Court Judge Pro Tem, presiding over jury trials and court trials from 1987 to 1991.

Allen Ruby's legal career is impressive and his legal acumen has made him an attorney who has merited the trust of individuals and corporations in the most crucial of times. But the legal acumen that has inspired that trust is built on his values and deep commitment to justice.

His personal sense of responsibility to insuring access to our system of justice has moved him to take action outside of his profession as well. Amidst his landmark cases, he has still made time to serve others in several capacities, including as a Silicon Valley Law Foundation board member.

Allen Ruby is honored and famed as a trial lawyer, but he grew up in a family of modest means. He was blessed by parents who loved and nurtured him and helped him to develop the values that have served him well throughout his life. Between high school and law school Allen Ruby followed in the footsteps of his father and was a wrestler on the Midwestern professional wrestling circuit. He learned many lessons through this experience, many of which have contributed to his success as an attorney. He has stated about the experience, "I learned how to get beat and not whine about it, and that was the most valuable lesson I could have learned as a trial lawyer."

Allen Ruby is not only a spectacular lawyer, he is a valued friend and a respected member of our community in Silicon Valley. I join with Santa Clara Law School in recognizing and honoring him.

HONORING PASTOR HENRY FULLER, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Dr. Henry Fuller, Jr. on his 10th anniversary as Pastor at Mt. Calvary Missionary Baptist Church in Flint, Michigan. The congregation is holding a celebration of the 10th anniversary of pastoral service on Saturday, April 12th and April 13th.

Pastor Fuller received his bachelor's degree from the United Bible Institute of the United Theological Seminary—Flint Branch. He received an honorary doctorate from United Bible Institute of the United Theological Seminary in Monroe, Louisiana. He preached his first sermon on December 12, 1971 at Mt. Calvary Missionary Baptist Church. He was inspired to organize a mission in Holly, Michigan in 1973. The mission became Faith Baptist Church. Between the years 1983 to 1998, Pastor Fuller headed the Calvary Missionary Baptist Church in Muncie, Indiana.

On April 18, 1998, Pastor Fuller returned to his roots and became the Pastor at Mt. Calvary Missionary Baptist Church. In addition to leading the congregation, Pastor Fuller has held several positions with the church and in the community. He has served as president of the Northeastern District Sunday School and BTU Congress of Christian Education of the Northeastern District Missionary Baptist Association in Muncie; president of Indiana Consolidated Congress of Christian Education of the Indiana Consolidated State Convention; served on the finance board of the National Baptist Convention of America, Inc.; was a writer with the Publishing Board Sunday School and BTU Literature National Baptist Convention of America, Inc.; as an instructor at the Central Baptist Theological Seminary of Indiana; and served as moderator of the Great Lakes Baptist District Association, 2000–2007.

He currently serves as the president of the Wolverine State Missionary Baptist Convention; member of the board of trustees of American Baptist College of ABTS Nashville; Chairman, Wolverine State Baptist Convention Constitution Committee in Saginaw; President, United Bible Institute of UTS, Flint Branch; Instructor, United Bible Institute Flint; Instructor, Great Lakes Baptist District Leadership and Education Congress: Instructor, Wolverine State Baptist Congress; Instructor/Preacher, Baptist Ministerial Alliance in Flint; Chairman of the Clergy Division, United Way of Lapeer and Genesee Counties; Executive Board Member At-Large, National Baptist Convention USA; Treasurer, Todd-Phillip Children's Home, Wolverine State Baptist Convention. Pastor Fuller also serves on the Strategic Planning Committee with the National Baptist Congress of Christian Education; and on the Mayor's Community Advisory Board in Flint. He received the "Moderator and Builder of the Year" award from the Wolverine State Baptist Convention Women's Auxiliary.

Madam Speaker, I ask the House of Representatives to join me in applauding the work of Pastor Henry Fuller, Jr. and congratulating Pastor Fuller, his wife, Marilyn W. Fuller, and their four children. Pastor Fuller inspires his congregation every day, provides leadership to the Baptist community, and strives to improve the lives of the people of Flint. I pray that he will continue his work for many, many more years.

HONORING SHARON COOK FOR WINNING THE WISE AWARD

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. HENSARLING. Madam Speaker, for the past 7 years, the greater Mesquite area has honored many exceptional women in the community through the Women in Service and Enterprise, WISE, Award Luncheon and Style

Show. Today. I rise to honor this year's award recipient, Mrs. Sharon Cook, who is a shining example of strong, capable, and dedicated leadership. I would also like to recognize honorees Tamara Akens, Rachel Lopez, and Jeann Wisenbaker, for their valuable service and commitment to their community.

Sharon has been employed with Eastfield College for 26 years, where she currently serves as director of marketing and communications. She is an active member and ambassador of the Mesquite Chamber of Commerce. Sharon is also a member of the American Heart Association Board, among a myriad of other civic and community involvement.

Past WISE Award winners have served in a variety of ways, but they are united by the long-lasting impact they have made on their community. Their service and community involvement continues to inspire younger generations.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize all of the WISE honorees for their outstanding service and congratulate them on their awards. Thank you, ladies, for helping make our community and country a better place.

KC–135 AIR REFUELING TANKERS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Ms. DELAURO. Madam Speaker, I rise to address the Air Force's recent decision to award Northrop Grumman and its partner, European Aeronautic Defense and Space, EADS, the $40 billion contract to replace the KC–135 air refueling tankers. The Air Force chose against a Boeing team that included Connecticut-based Pratt & Whitney as the engine supplier.

After the contract was awarded, the Connecticut congressional delegation requested a briefing from the Air Force on the source selection process and learned that the two competitors were essentially on par in their bid to win the contract. By all objective measures there was no clear winner, and so the contract award and all the American jobs associated with it were ultimately given to Northrop-EADS for seemingly subjective reason by unidentified personnel within the Air Force. That begs the question: why did the tie not go to the home team?

The Air Force was unable or unwilling to delve into extensive detail as to why Boeing lost the award. Boeing filed a protest with the General Accountability Office shortly after it lost the bid.

What I find particularly troubling in this case is that the Air Force—despite the $40 billion price tag—is not required and does not consider U.S. jobs or the economy in its decision-making. Even more disconcerting is the fact that the Air Force does not seem to be concerned with the security risks of having foreign companies and their employees work on such a major defense project.

Our national economy and our national security are significantly affected by this decision. We have a responsibility to take all the potential consequences into account and in addition, examine the international context in which this decision is being made. The fact is that the impact of this contract will not occur in a vacuum.

For example, the Office of the United States Trade Representative is aggressively challenging in the World Trade Organization, WTO, the millions of dollars in European government subsidies that Airbus—EADS is its parent company—is receiving. The United States accuses Airbus of taking advantage of "launch aid"—grants and loans at unfairly favorable rates. And so, during a recent hearing, U.S. Trade Representative Susan Schwab told the Senate Finance Committee that the USTR had briefed the Air Force some time ago about the pending U.S. trade case against Airbus at the WTO. Nevertheless, Air Force officials told the Connecticut delegation there is nothing in their rules that call for them to consider the dispute. They ignored it, just as they ignored concerns over their decision's effect on the economy and the likely off-shoring of good paying jobs and our defense industrial base.

Madam Speaker, I believe that this decision will have a deep, long-term negative impact on the aerospace industry and supporting industries in this county, which are so critical to both our national security and our economy. At a time when our Nation faces a recession and a rising unemployment rate, it is wrong-headed to award such a major contract to another nation rather than utilize our own skilled workers and keep scarce resources here at home. The decision will not only continue but also accelerate the erosion of our industrial base and skilled workforce—jeopardizing both our national security and economic prosperity.

Indeed, Connecticut alone stands to lose thousands of jobs at Pratt & Whitney, along with many more from small vendors and suppliers who would have benefited from the award. For Pratt & Whitney's Middletown operations, this news is especially hard to bear, for the company had been planning to use the tanker award to transition away from the old C–17 engine systems.

Labor leaders, businesses, policy experts and others agree that the Air Force made the wrong decision. Organizations such as the Center for Security Policy argue that awarding the contract to an international consortium threatens U.S. national security. And they are joined by organizations like the AFL–CIO and International Association of Machinists in opposing the award.

Finally, I would like to point out that this contract has no contingency plan for dealing with potential cost overruns and schedule delays—problems currently facing the Marine One presidential helicopter program. Defense projects that have been outsourced to foreign countries have experienced significant delays and excessive cost overruns. The Pentagon recently acknowledged that the current helicopter contract awarded to Lockheed Martin and its British-Italian Partner, AgustaWestland-Finmeccanica, is significantly over budget—$11.2 billion, up from an initial estimate of $6.1 billion—and will breach the cost threshold set by Congress.

I am deeply concerned by the fact that, like the Marine One contract, the Air Force has given almost no consideration to the myriad security and economic implications underlying the award of a multi-billion dollar contract to a foreign company. It is déjà vu all over again with the American worker, taxpayer and military likely to come out on the losing end.

IN HONOR OF THE 2007 SACRAMENTO RIVER CATS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Ms. MATSUI. Madam Speaker, as the Sacramento River Cats 2008 home opener approaches, I rise in tribute of their 2007 season in which they won the Pacific Coast League and the Triple-A Championship. The River Cats capped their season off in impressive fashion winning 7 straight playoff games to clinch the title. Upon sweeping the New Orleans Zephyrs to win the Pacific Coast League championship, Sacramento laid their claim as outright Triple-A champions by defeating the Richmond Braves in the second annual Bricktown Showdown, a one game playoff between the Pacific Coast Champion and the International League Champion. I ask all of my colleagues to join with me in saluting the triumphant 2007 Sacramento River Cats.

The River Cats remarkable playoff run began when they clinched the Pacific Coast League Southern Division by finishing the regular season with a record of 84–60. Despite falling behind two games to none against Salt Lake City in the playoff's first round, the River Cats came back to win the next three games. Using that positive momentum, the River Cats quickly beat the New Orleans Zephyrs in three games, winning the Pacific Coast League title for the third time in 5 years. The series final game was seen before a spirited and sellout crowd of 14,414 fans at Sacramento's Raley Field.

The 2007 Sacramento River Cats exuded resilience in the face of adversity. Despite being a revolving door that allowed their parent affiliate, Major League Baseball's Oakland A's, to replenish their injured roster, the River Cats overcame more then 180 roster changes to win the championship. This meant that they accomplished the feat by receiving contributions from numerous and sometimes unlikely sources. No one epitomized this more than Nick Blasi, who spent much of the season with Class-A Stockton before becoming a playoff catalyst and the Pacific Coast League's Series MVP. Blasi hit a remarkable .457 in the playoff.

Throughout this roster shuffle, every member of the 2007 River Cats demonstrated outstanding commitment to team play and hard work. Manager Tony DeFrancesco once again was the steady mentor for his young and ever changing roster that featured some of baseball's brightest prospects who are destined to become the stars of tomorrow. The roster was anchored by contributions from now major leaguers: Daric Barton, Kurt Suzuki and Santiago Casilla, as well as prospects Jason Perry, J.J. Furmaniak and Brad Knox.

Under the leadership of President and CEO Art Savage the River Cats players reaffirmed the front offices commitment to the people of Sacramento. On the Opening Day of the season, the River Cats unveiled their Mario Encarnacion Humanitarian Award which will annually honor a young student athlete who shows a commitment to his or her teammates and classmates. Furthermore, the River Cats Foundation has been providing support to Sacramento nonprofits that assist with youth and family activities. The River Cats commitment to the community was reciprocated by the Sacramento fans, as the River Cats led the Pacific Coast League in attendance for an astounding 8th year in a row. Around 710,000 fans attended River Cats 71 home contests this year, and since beginning play at Raley Field in 2000, the River Cats have drawn over 6,000,000 fans.

Madam Speaker, as the River Cats prepare for another successful season, I am honored to pay tribute to the many hard-working men and women of the River Cats organization who brought so much joy and pride to the people of Sacramento. Their successes are highly commendable. I ask all my colleagues to join one in celebrating the River Cats 2007 championship season.

PAYING THE PRICE FOR CLIMATE CHANGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. RANGEL. Madam Speaker, the time has come to recognize the effects of climate change on the Caribbean community; I want to enter into the Record editorials from the New York CaribNews for March 4, 2008 and March 11, 2008, respectively, "Paying the Price for Climate Change" and "Deal with Climate Change."

The Caribbean community countries (CARICOM), Small Island Developing States (SIDS) and other Least Developed Countries (LCD's) are experiencing the serious effect of climate change even though they contribute the least to the problem and have the least capacity to adapt to the new conditions created.

CARICOM Member States are being forced to divert resources from important development initiatives such as health, food, education and critical infrastructure issues to adapt to the damages being caused by the climate change. Some of the major effects being experienced include sea-level rise, increasingly severe hurricanes, drought and water scarcity, coral bleaching and declining fish stocks.

CARICOM is asking developed countries to take immediate action to help counteract the effects of climate change and to increase funding over and above traditional official development assistance. The United Nations has been requested to assist specifically with disaster preparedness.

I encourage the International Community to mobilize to help the Caribbean protect its precious beautiful environment as a legacy for all mankind.

Deal With Climate Change

REGION OUTLINES WISHES TO U.N.—HOW INTERNATIONAL COMMUNITY CAN HELP CARICOM STATES

(By Tony Best)

Citing their own high vulnerability CARICOM nations have called on the international community to help them deal with the costly impact of climate change.

What the countries, which include Antigua, the Bahamas, Barbados, Belize, Dominica Grenada, Haiti, Guyana, Jamaica. St. Lucia, St. Kitts-Nevis, St. Vincent, Suriname and Trinidad and Tobago want the United Nations system to do is to help them cope with disaster preparedness.

This means high-priced insurance to aid in recovering losses due to the fall-out from climate change while aiding in risk management and climate monitoring, among other things.

CARICOM's shopping list of needs, will, was presented to the U.N. General Assembly by Dr. Christopher Hackett, Barbados' U.N. Ambassador, who in an address on behalf of the entire region complained that although an "unfortunate reality" was that Caribbean nations and other Small Island Developing States, (SIDS), as well as the world's least developed countries, (LDCs), contributed "the least to the problem" they were "confronted with the most serious challenges" associated with climate change.

Just as important, Dr. Hackett told a special session in New York that was devoted to the issue that the smaller and poorer nations "possess the least capacity to adapt" and meet the challenges.

"CARICOM member-states are highly vulnerable to climate change impacts including sea-level rise, increasingly severe hurricanes and other extreme weather events, such as drought and water scarcity, coral bleaching, and declining fish stocks;" he explained.

That is why Caribbean states wanted U.N. agencies, funds and programs to "ensure that their activities in the area of climate change in our region are fully supportive of national and regional efforts to address these specific challenges."

Specifically, they appealed to the U.N. to:

* Assist CARICOM in "incorporating climate change adaptation concerns in national development plans and strategies"

* Provide technical and other forms of assistance to CARICOM so they can "strengthen" the Caribbean Community Climate Change Center and other "cc-ordination mechanisms."

* Back plans designed to promote information sharing "on adaptation technologies, development and transfer between exchange developing countries;' including the exchange of ideas on "best practices."

* Help CARICOM undertake the monitoring of climate while expanding the ability to assess the region's vulnerability and to carry out impact studies.

* Give both "technical and financial" support in such areas as disaster preparedness, early warning, risk management, disaster mitigation and disaster recovery and rehabilitation.

* Develop new financial arrangements to support "adaptation measures" while providing insurance coverage to small island states so they "recoup losses due to the impacts of climate change and sea level rise."

As Dr. Hackett explained it, "climate change of very damaging proportions and which poses a very serious danger to the very existence of our countries is already occurring and the longer the international community postpones the implementation of the necessary greenhouse gas emissions cuts, the more adaptation will be required by SIDS and at much greater costs." The region complained that the island-nations and coastal states in the region had "been forced to diver scarce resources" from key development initiatives" such as health, education, food and the provision of critical infrastructures to meet the demands of climate change adaptation. .

"Surely," he added, "this has major implications for achieving sustainable development goals."

Paying the Price for Climate Change

HOW CARIBBEAN NATIONS ARE FACING SERIOUS CHALLENGES

It is an unfortunate reality that CARICOM countries and other Small Island Developing States (SIDS) as well as the Least Developed Countries (LDCs), all of whom contribute the least to the problem, are confronted with the most serious challenges associated with climate change; yet we possess the least capacity to adapt. Climate change of very damaging proportions and which poses a very serious danger to the very existence of our countries is already occurring and the longer the international community postpones the implementation of the necessary greenhouse gas emission cuts, the more adaptation will be required by SIDS and at much greater costs.

Negotiations around the four themes agreed to at Bali—Mitigation, Adaptation, Finance and Technology—should not prevent advancement of, or immediate action under any theme. For CARICOM adaptation, finance and technology are not only required in 2009 or post-2012, they are urgently needed now.

CARICOM Member States have been forced to divert scarce resources from key developmental initiatives (e.g. health, education, food, provision of critical infrastructure etc) to climate change adaptation activities. Surely this has major implications for achieving sustainable development goals.

The inadequacy of financing for adaptation activities in developing countries is a major failing of the entire international system. As stated in the 2007 UNDP Human Development Report "the current framework provides the equivalent of an aid sponge for mopping up during a flood". That report estimates that new additional adaptation finance of at least US$86 billion a year will be required by 2015 to meet the most basic and pressing adaptation needs of developing countries. Expressed in other terms this figure represents a mere one tenth of what developed countries currently mobilize for military expenditure.

While increasing emphasis is being paid to private-public partnerships the role of international cooperation remains essential and must be enhanced. CARICOM urges developed countries to take immediate action to significantly scale-up the level of financing devoted to adaptation through the provision of new and additional resources, over and above traditional official development assistance (ODA). This would serve as a major confidence building measure and demonstration of good faith, as we enter a period of great uncertainty.

The General Assembly, the Economic and Social Council and other intergovernmental bodies of the UN System by the very nature of their respective mandates are important for a dialogue, awareness raising and the exchange of information on issues of global concern. CARICOM believes that the General Assembly and ECOSOC must continue to ensure that addressing climate change remains a global priority, while fully respecting and not duplicating the ongoing negotiating process with the Convention. In this context, future actions or initiatives by the GA or the ECOSOC should add value to the ongoing negotiations, and be guided by the needs of Member States, particularly those most vulnerable to the adverse impacts of climate change. While we are convinced that a parallel negotiating theatre should not be established within the GA, we are equally convinced that the issue of climate change should not be held in abeyance in New York until our work is completed within the Convention.

CARICOM has some concerns over the orientation of the SG's report and in particular the rationale given for what he terms "a more inclusive and coherent approach to climate change". We believe that the first and overriding priority of the U.N. System's work in climate change should be addressing the needs of those most vulnerable and most adversely impacted by climate change—SIDS, LDCs, countries in Africa and disaster prone developing countries, rather than, as the report states providing support for negotiations. The effectiveness of the U.N. System should be assessed by its capacity to deliver the required assistance to, and build capacity in, these vulnerable countries and other developing countries.

CARICOM Member States are highly vulnerable to climate change impacts including sea-level rise, increasingly severe hurricanes and other extreme weather events, drought and water scarcity, coral bleaching, and declining fish stocks. In this regard we call on relevant U.N. agencies, funds and programs to ensure that their activities in the area of climate change in our region are fully supportive of national and regional efforts to address these specific challenges. This demand driven approach with strong national and regional ownership must be embedded in the U.N.'s work at the national and regional levels. Areas, sectors, projects and program identified as priority in our national communications to the Convention, national and regional adaptation plans and sustainable development plans and strategies should receive the full support of the relevant parts of the U.N. System.

IN HONOR OF AMERICAN LEGION POST 738

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of American Legion Post 738, on its sixtieth anniversary; and in honor of its members' outstanding service to their country and community.

American Legion Post 738 is comprised of over one hundred people, each of whom has served our country during a time of war. Recognized by Mayor Eileen Patton of Fairview Park as a "dedicated group of true Americans that are proud to serve our country", the members of American Legion Post 738 have played a significant role in the community for sixty years.

Every year, Post 738 organizes Fairview Park's spectacular Memorial Day Parade. Located on Lorain Road, Post 738 has served as a beacon of hospitality. After every Memorial Day Parade, they welcome all members of the community back to their post and host them for a bountiful cookout. Members of the Post also host bi-monthly dinners there.

Every year before Christmas, Post and auxiliary members of Post 738 put together care packages for fellow veterans at the Louis Stokes Veterans Administration Medical Center in Brecksville, Ohio and nurturing local children whose parents are veterans at their annual Christmas party. Always willing to participate in City events, six times a year, Post and ladies auxiliary members deliver refreshments and play bingo with veterans at the VA medical center.

Madam Speaker and colleagues, please join me in recognizing the members of American Legion Post 738 for their outstanding and tireless efforts on behalf of veterans of this country, as well as for their extensive and diverse service to many individuals and families who call the Greater Cleveland area home.

[From the WestLife Newspaper, Apr. 2, 2008]

AMERICAN LEGION POST 738 MARKING 60TH ANNIVERSARY

(By Kevin Kelley)

The ladies auxiliary of American Legion Post 738 is putting on a dinner marking the organization's 60th anniversary April 12.

Despite the celebratory nature of the event, Joanne Hulec, president of the ladies auxiliary, has a sense of trepidation.

"I hope this is not the last birthday dinner we have," she said.

Property taxes and utility costs have combined with declining membership to put American Legion Post 738 in a financial pinch in recent months.

Three months ago, some leaders associated with the post put out a public appeal to help with the organization's cash flow problems.

Ron Hulec, Joanne's husband and a former post commander and member of its executive board, said while the organization is currently solvent, its finances are still tight.

Hulec said that when he joined about 14 years ago, the post had about 240 members. Today it has around 140.

There has been some discussion in recent months among post leaders, Hulec said, of selling its property, located at 19311 Lorain Road. In the event of such a sale, the post would seek to share facilities with another area post, possibly American Legion Clifton Post 421, headquartered at 22001 Brookpark Road. However, members have held off on making any decision to sell the post's hall, said Hulec, who served in the Army in the 1950s.

"We're doing everything we can to keep functioning the way we have been," he said.

The post's current commander, Jim Babitsky, noted that most community organizations have been having financial problems lately.

"We're hoping to stabilize the finances and keep the post alive and keep it going," said Babitsky, a Marine veteran who was stationed in Vietnam in 1968–69. "The economic times are just rough on everybody."

Meanwhile, the post's members, who already served their country during wartime, continue to serve the community and their fellow veterans in various ways.

The post raises the American flag at Fairview High School home football games and provides color guards at local civil events.

"If City Hall needs the colors posted, we usually do that," Babitsky said.

Mayor Eileen Patton said she appreciated their service.

"Legion Post 738 has always played an important role in our community," Patton told WestLife. "They participate in our Summerfest every year as well as every We Do Care ceremony each November at the high school. They also organize our Memorial Day parade and invite the community back to the post for a ceremony and a great cookout at no cost.

"I also have the honor of attending all the Legion ceremonies installing their new boards and the women's auxiliary boards as well. They are a wonderful dedicated group of true Americans that are so proud of serving our country. They are always willing to participate in our city events, and I am so glad that I have gotten to know each and every one of them."

Post and ladies auxiliary members travel about six times a year to the U.S. Veterans Administration Medical Center in Brecksville to visit, deliver refreshments, and play bingo with the veterans. "They seem to appreciate that a lot," said Sue Carson, treasurer of the ladies auxiliary. Before Christmas each year, post and auxiliary members put together care packages containing toiletries, cards and books for the veterans at the Brecksville hospital, she added.

The post also hosts an annual Christmas party for local children whose fathers and grandfathers are veterans, said Carson, whose husband, Don, is a Korean Conflict-era Army veteran.

About two dinners are held each month at the post's hall, Carson said. In recent weeks, the ladies auxiliary has been focusing on the anniversary dinner.

"We have a birthday dinner every year," Carson said, "but this year we're trying to make it more special because of the 60th anniversary."

Joanne Hulec said it's shaping up to be one of the post's highlights of the year. "I like to think of it as one of our 'white table cloth' dinners," she joked. Because the dinner will be catered, the ladies will be relieved of kitchen duty, except for those making the hor'dourves, she said.

Several certificates of appreciation will be awarded to a number of post and auxiliary members, Carson said. Just who will be recognized is a secret; however, Carson said recognition will be given to "people who have put forth a concerted effort to be active in the post."

The post's 60th anniversary dinner April 12 is open to the public. Cocktails and appetizers will be served from 5:45 until 6:45 p.m., with dinner following at 7 p.m. Tickets are $12 per person. To make reservations, call Sue Carson at (440) 331-2730 by April 7.

PRO OF THE YEAR: For nearly five decades, Post 738 hosted its "Pro Of the Year" dinner honoring a member of the Cleveland Browns. This year, quarterback Derek Anderson will be honored at the April 22 event, which Hulec said is the organization's biggest annual fund-raiser.

TRIBUTE TO KIRKLAND CALVET ANDERSON, SR.

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. ELLISON. Madam Speaker, I rise today to pay tribute to the life of Kirkland "Kirk" Calvet Anderson, Sr., of Minnesota, a beloved member of the South Minneapolis community. While I regret the recent passing of Kirkland Anderson on March 14, 2008 at the age of 79, I am grateful for his lifelong service to his family, friends and his dedication and love for our community.

A native of Bolton, Mississippi, Kirkland attended the University of Minnesota from 1946–49. He served in the U.S. Army during the Korean war from 1950–1953, and returned to Minneapolis, where in 1954 he married Alice A. Gaskins. After starting his career at the VA Hospital and the U.S. Postal Service, Kirk then went on to operate Kirk's Mobil from 1961–2007.

Most importantly, Kirk will be remembered for his ever willingness to lend a hand to his friends and neighbors. Steadfast dedication to his community was evident through his participation on the board of the Blaisdell YMCA, his support for area schools and parks and the local Scouts.

In closing, Madam Speaker, I wish to express my condolences to those surviving Mr. Anderson: his wife, children, grandchildren, great-grandchild, sister, sisters-in-law, nieces, nephews, great nieces, great nephews, cousins, friends, and community. It is an honor to stand in recognition of the memory and life of a man who gave so much. Mr. Anderson, today we thank you.

HONORING MELVIN AND MINNIE LOU SCOTT FOR CELEBRATING THEIR 80TH ANNIVERSARY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize two outstanding citizens of Frankston, Texas, Melvin Scott and Minnie Lou Scott.

On November 8, 2007 the Scotts celebrated their 80th wedding anniversary, an accomplishment that very few achieve. The Scotts' long-lasting marriage is one that exemplifies dedication and healthy values. In fact, Frankston citizens often ask the Scotts' advice on how they too can have a successful, long lasting marriage.

On February 21, 2008 Melvin celebrated his 101st birthday. Minnie Lou is 99-years-old. They have one son, three grandchildren and four great grandchildren.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Melvin and Minnie Lou Scott for their longstanding dedication to each other and their family.

A TRIBUTE TO THE GAUDET FAMILY OF MOBILE, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. BONNER. Madam Speaker, I rise today to recognize the Gaudet Family of Mobile, AL. For years, Steve and Lydia Gaudet, along with their eight children, have given back to the community by donating their time and services to improve the lives of others.

At the encouragement of their friends, colleagues, and those grateful to have received their assistance. the Gaudet family was chosen for some very special recognition of their own. Earlier this year, the family was chosen by the popular ABC television show, "Extreme Makeover: Home Edition" for a new home.

Six of the eight Gaudet children: Joseph, Chris, Todd, Patrick, Michael, and Peter, live at home with their parents, Steve and Lydia. Steve had recently been laid off from his job with a tire manufacturer, and Lydia works for Goodwill Easter Seals. Despite their own hardships, the entire family volunteers with United Cerebral Palsy, Down Syndrome Society of Mobile, and Camp Smile-A-Mile. a camp for disabled children and adults.

In February, the crew of "Extreme Makeover: Home Edition" arrived at the family's home to surprise them with the announcement they had been selected for the show. Steve and Lydia, along with six of their children, lived in an 1,100 square-foot, three-bedroom, one-bathroom home that was 50 years old and still under a bright blue roof tarp due to damage sustained by Hurricane Katrina over 2 years ago.

In "Extreme Makeover" style, the family was sent on a well-deserved, week-long, all-expense paid vacation to a resort in Arizona and given tickets to the Super Bowl. While the Gaudets were away, the family's old home was torn down and replaced with a new 3,500 square-foot home in just 106 hours.

Father and son builders, Frank Lott, Jr., and Frank Lott III, of Heritage Homes of Mobile, worked day and night alongside as many as 1,500 volunteer workers to finish the Gaudet home. In addition to the volunteers, numerous local firms contributed materials to the project and members of the community made monetary donations to the family. CVS Pharmacy donated $100,000 to Camp Smile-A-Mile and an additional $50,000 to be used to pay for medical bills related to the special needs of their son, Peter.

Madam Speaker, I ask my colleagues to join me in saluting the Gaudet family for their selfless contributions to the City of Mobile. Despite their own needs, the entire family is devoted to making south Alabama a better place to live. I would also like to commend ABC network, the entire crew of "Extreme Makeover: Home Edition," Frank Lott, Jr., Frank Lott, III, as well as all of the staff at Heritage Homes, and the volunteers who contributed to providing a beautiful new home for a truly deserving family.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is April 9, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11, only it happens every day.

It has now been exactly 12,861 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should have given them.

It seems so sad to me, Madam Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this chamber.

And so—as small a gesture as it might be—I would ask those in this Chamber who are inclined to join me in a moment of silent memorial to these lost little Americans.

Mr. Speaker, let me conclude, in the hope that perhaps someone new who heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,801 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is April 9, 2008—12,861 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children—this, in the land of free and the home of the brave.

INTRODUCTION OF THE SHARK CONSERVATION ACT OF 2008

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Ms. BORDALLO. Madam Speaker, today I have introduced a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

Sharks are long-lived apex predators with comparatively small populations, making it difficult for them to breed rapidly enough to maintain populations under fishing pressure. Sharks have been increasingly exploited in recent decades, both as bycatch in the pelagic longline fisheries from the 1960s onward, and as targets in direct fisheries that expanded rapidly in the 1980s. The rising demand for shark fins over past decades has also led to increases in the particularly exploitive practice of shark finning, where fins of sharks are removed and the carcass is discarded at sea.

According to scientists, scalloped hammerhead, white, and thresher shark populations are each estimated to have declined by over 75 percent in the past 15 years due in large part to these fishing pressures. Removing these top predators drastically changes the food web structure, and marine diversity and ecosystem health. Addressing the practice of shark finning is an imperative step toward the conservation of sharks and marine ecosystems.

Congress recognized shark finning as an inherently wasteful practice in enacting the Shark Finning Prohibition Act of 2000 (Public Law 106–557). This Act prohibits U.S. fishermen from removing the fins of sharks and discarding the carcass at sea, and from landing or transporting shark fins without the corresponding carcass.

The Shark Conservation Act of 2008, which I have introduced today, includes several measures to strengthen the implementation and enforcement of that prohibition and would ensure that the intent of Congress is achieved. First, the bill eliminates an unexpected enforcement loophole related to the transport of shark fins by prohibiting vessels from having custody, control, or possession of shark fins without the corresponding carcass. This is intended to ensure that U.S.-flagged vessels are not traveling to the high seas and purchasing fins from fishermen engaged in shark finning and bringing them into U.S. waters in an attempt to skirt the finning prohibition.

Second, the Shark Conservation Act of 2008 addresses the difficulty apparent in enforcing the statute's percentage-based standard. Existing law contains a rebuttable presumption that any shark fins landed were taken, held, or landed in violation of the Shark Finning Prohibition Act if the total weight of shark fins landed or found on board exceeds five percent of the total weight of shark carcasses landed or found on board. This "fin to carcass" ratio was intended to provide a mechanism for enforcing the finning prohibition by ensuring that the amount of fins landed is proportional to the amount of carcasses landed. It has proven virtually impossible, however, to determine whether a given set of fins belong to a particular dressed carcass. As a result, there are reports of fishermen mixing fins and carcasses for maximum profit, continuing to discard less desirable, finned sharks at sea. Therefore, the Shark Conservation Act of 2008 strikes the rebuttable presumption to improve enforcement of the prohibition on finning that has existed in statute now for nearly eight years.

Finally, the Shark Conservation Act of 2008 amends the High Seas Driftnet Fishing Moratorium Protection Act to allow the Secretary of Commerce to identify and list nations that have not adopted a regulatory program for the conservation of sharks comparable to the United States. This amendment promotes the conservation of sharks internationally and in a manner that is consistent with the expectations placed on U.S. fishermen.

The Shark Conservation Act of 2008 reestablishes the intended protections for sharks under U.S. law. I look forward to working with my colleagues on both sides of the aisle to advance this timely and important bill.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Ms. SCHWARTZ. Madam Speaker, on April 8, 2008, I was unavoidably detained and was unable to be present for rollcall vote No. 162.

Had I been present, I would have voted "yea."

EXTENDING THE NEW MARKETS TAX CREDIT TO THE TERRITORIES

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Ms. BORDALLO. Madam Speaker, today I have introduced a bill to amend the Internal Revenue Code of 1986 to extend eligibility under the new markets tax credit for community development entities created or organized in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. This bill would make a technical correction to existing law governing the new markets tax credit program and specifically authorize the Secretary of the Treasury to certify corporations or partnerships organized in one of the five U.S. territories as entities qualified to participate in the new markets tax credit program.

The Community Renewal Tax Relief Act of 2000 (Public Law 106–554) authorizes the new markets tax credit program for the purpose of increasing incentives for investment in low-income communities across the country. Under the program, qualified community development entities (CDEs) are eligible to be allocated credits from the Community Development Financial Institutions Fund at the Department of the Treasury. Taxpayers who then invest in the CDE are allocated some of those credits in return for their investment. The CDE must invest those funds in low-income communities, and the taxpayers are able to claim, over a 7-year period, credits equal to 39 percent of their investment. CDEs act as intermediaries for the provision of loans, investment funding, or financial counseling in low-income communities and are able to legally operate anywhere in the United States, including in the territories.

Despite the ability of a CDE under current law to legally and practically operate in a U.S. territory, a corporation or partnership that is created or organized in a U.S. territory applying for CDE certification cannot qualify for such certification under the current law. This ineligibility stems from such organizations being deemed "foreign" and not "domestic" under other provisions of the Internal Revenue Code of 1986. This nuance in law effectively prevents local CDEs in the territories, that is entities who would otherwise be recognized as such by the Department of the Treasury, from investing in their own communities.

The bill I have introduced today would rectify this situation which I believe is an oversight in the Community Renewal Tax Relief Act of 2000. The bill would allow for the certification of CDEs created or organized in a U.S. territory thereby enabling them, to operate and invest in their own communities. CDEs organized and operating in any one of the several States or the District of Columbia could continue to invest in low-income communities in the territories under this arrangement.

I am joined by Mr. FALEOMAVAEGA of American Samoa, Mrs. CHRISTENSEN of the Virgin Islands, and Mr. FORTUÑO of Puerto Rico, in introducing this bill. We look forward to working with the Chairman and Ranking Member of the Committee on Ways and Means to advance this bill and to support increased investment opportunities for our own communities. Ultimately, this bill is about making the new markets tax credit program work for the territories and ensuring Congressional intent behind the new markets tax credit is fully realized and fulfilled in our communities.

HONORING RYAN T. DION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay great honor to United States Marine Corps Cpl. Ryan T. Dion, a true American hero from Manchester, CT. On April 25, 2007, while serving in Unit 216 Echo Company at Camp LeJeune in Fallujah, Iraq, Ryan was injured in an IED explosion. On December 11, he was awarded the Purple Heart, recognizing his great sacrifice for the defense of our country. The story of Ryan's bravery inspired the following poem, written by United States Capitol Guide, Albert Carey Caswell:

A PATRIOT

A Patriot...
A young man who goes off to war....
But, for his country his burden bore!
Lock and Load,
A man who so lives by a code....
Is that not but what heaven is for?
A fine Marine!
Who on battle fields of honor, with but his courage seen!
When, heartache would so intervene!
When, his new battle would begin
To rebuild where none lies left, all in courage's quest... as he so intervenes!
Without a leg as seen, when so comes within his inter being.
The Proof!
The Truth! Of what his heart and soul has willed. The Truth!
As all around him, he brings people to tears to so instill...
As we watch him rebuild...and fight the fears!
With his patriotic heart so filled, to our children to so instill...so dear!
Of All The Best, yes nothing less! As this patriot climbs this hill with no fear!
To Teach Us,
To Reach Us....To So Beseech Us....
As has Ryan so been seen, as where patriotism so stands....for all of us to understand!
The real Neon Dion!
Shining far . . . Patriotism's Star . . . Shining way beyond! Shining far!
Ooh Rah . . . you've come so far . . . so fast . . . Marines Do, They do no ask!
For in this, Our Country Tis A Thee!
Has come throughout her very history, such fine men and women as he!
Who are but her very soul, her very fabric of gold so indeed! As why we are free!
Ryan, March On You Patriot. We see!

Dedicated to Ryan Dion . . . all the fine men . . . and women just like him!

PAYING TRIBUTE TO MARIE SOLDO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor my good friend Marie Soldo by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. I rise today to honor my good friend Marie H. Soldo, for her many years of dedicated service at Sierra Health Services and the southern Nevada community and to wish her the best in her retirement.

Before joining Sierra, Marie served for 7 years as a Regional HMO Program Consultant for the U.S. Department of Health and Human Services. In this position she was responsible for promoting HMO development, monitoring operations, and funding developing HMOs in her assigned region.

After becoming a part of the Sierra Health team Marie was appointed Vice President of Government Affairs and Special Projects on January 1, 1988, and promoted to Executive Vice President of Government Affairs and Special Projects in 1997.

Ms. Soldo is a member of several professional organizations, including Chairwoman of the Sierra Community Healthcare Foundation Board of Trustees. She served as President of the Nevada Association of Health Plans and serves as a Director for Health Plan of Nevada, Inc., Med One Health Plan, COU, Inc., Northern Nevada Health Network, Prime Health, Inc., Prime Holdings, Inc., and Sierra Military Health Services, Inc.

In addition to her service to the southern Nevada community, Maria has dedicated herself to improving the lives of those in Africa and Latin America. Maria has participated in medical missions to Belize to provide health care services to the local people and assisted in establishing a scholarship program for African women seeking a bachelor's degree in theology in Nairobi, Kenya. Additionally, Maria helped raise funds for the International Health Partners, Tanzania.

Madam Speaker, I am proud to honor my good friend Marie Soldo. Her commitment to the people of southern Nevada is truly commendable, as is her efforts on behalf of the local populations in developing nations. I congratulate her on service and wish her the best of luck in her much deserved retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 10, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 15

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine U.S. credit markets, focusing on the impact on the cost and availability of student loans.

SD–538

Finance

To hold hearings to examine tax reform, focusing on fundamentals for advancement.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine ending abuses and improving working conditions for tomato workers.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine nuclear terrorism, focusing on confronting the challenges of the day after.

SD–342

Appropriations

Interior, Environment, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of the Interior.

SD–124

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine challenges to providing and paying for long-term care.

SD–138

2:30 p.m.

Foreign Relations

To hold hearings to examine protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (the "Geneva Protocol III"), adopted at Geneva on December 8, 2005, and signed by the United States on that date; the Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (the "CCW Amendment"); and the CCW Protocol on Explosive Remnants of War (the "CCW Protocol V") (Treaty Doc. 109–10), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Convention) and, for accession, The Hague Protocol, concluded on May 14, 1954, and entered into force on August 7, 1956 with accompanying report from the Department of State (Treaty Doc. 106–01), and protocols to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons

Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects: the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II orthe Amended Mines Protocol); the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III or the Incendiary Weapons Protocol); and the Protocol on Blinding Laser Weapons (Protocol IV) (Treaty Doc. 105–01).

SD–419

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 570 and H.R. 1011, bills to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, S. 758 and H.R. 1311, bills to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility, S. 1680, to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, S. 2109, to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, S. 2124, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery, and S. 2581, to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia.

SD–366

3 p.m.

Environment and Public Works

To hold hearings to examine pharmaceuticals in the nation's water, focusing on assessing potential risks and actions to address this issue.

SD–406

3:15 p.m.

Homeland Security and Governmental Affairs

To contiune hearings to examine the 2010 Decennial Census, focusing on automation and information technology in order to improve census coverage, accuracy, and efficiency.

SD–342

APRIL 16

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine the Department of Defense medical programs.

SD–192

9:45 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Education, focusing on teacher quality.

SD–138

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine U.S. credit markets, focusing on proposals to mitigate foreclosures and restore liquidity to the mortgage markets.

SD–538

Judiciary

To hold hearings to examine National Security Letters, focusing on the need for greater accountability and oversight.

SD–226

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings to examine surface transportation and the global economy.

SD–406

2 p.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget request for fiscal year 2009 for the Federal Bureau of Investigation.

SD–124

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine violence and exploitation in the 21st century, focusing on solutions for protecting our children.

SD–226

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy.

SD–138

Banking, Housing, and Urban Affairs

Housing, Transportation and Community Development Subcommittee

To hold hearings to examine affordable housing opportunities, focusing on reforming the housing voucher program.

SD–538

2:30 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 on military beneficiary organizations regarding the quality of life of Active, Reserve, and retired military personnel and their members, and the future years defense program.

SR–232A

Small Business and Entrepreneurship

To hold hearings to examine the impact of the credit market on small businesses.

SR–428A

3 p.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Internal Revenue Service.

SD–192

Aging

To hold hearings to examine caring for the elderly, focusing on how to support those on the frontline.

SD–562

APRIL 17

10 a.m.

Appropriations

Military Construction and Veterans' Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for Military Construction.

SD–124

10:30 a.m.

Indian Affairs

To hold hearings to examine the National Indian Gaming Commission.

SD–562

2 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine the United States Bureau of Reclamation, focusing on issues associated with aging water resource infrastructure.

SD–366

APRIL 23

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine an update on the Veterans Affairs and the Department of Defense cooperation and collaboration.

SR–418

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine phantom traffic.

SR–253

APRIL 24

10:30 a.m.

Commerce, Science, and Transportation

Business meeting to consider S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, S.J. Res. 28, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership, S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005, H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, and the nomination of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration.

SR–253

APRIL 30

10 a.m.

Rules and Administration

To hold hearings to examine electronic voting systems, focusing on top-to-bottom inquiries by Secretaries of State.

SR–301

MAY 7

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending benefits legislation.

SR–418

MAY 21

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending health care legislation.

SR–418

POSTPONEMENTS

APRIL 15

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 2438, to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

SD–366

HOUSE OF REPRESENTATIVES—*Thursday, April 10, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 10, 2008.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Whether the darkness is fear, anxiety, prejudice, or mere confusion, wake us with Your dawn, O Lord.

Free us, that we may be children of light; bold in faith, humble in truth, and loving in service.

Empower us to reach out to all our brothers and sisters across this Nation.

May we walk with compassion, enveloped with the sense of unity as we approach a new day of universal understanding.

Lord, make us all heralds of good news, whether richly blessed or humbled by need. For You can strengthen us by the sheer determination to build Your kingdom with the help of one another, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PALLONE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PALLONE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LORETTA SANCHEZ of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

THE GOVERNMENT OF VIETNAM SHOULD END IMPRISONMENT, DETENTION AND HARASSMENT OF SIGNERS OF MANIFESTO ON FREEDOM AND DEMOCRACY FOR VIETNAM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of House Resolution 1089, which I introduced on Tuesday, calling for an end to the Vietnamese Government's imprisonment, detention and harassment of those who signed the Manifesto on Freedom and Democracy For Vietnam.

On April 8, 2006, 118 Vietnamese citizens signed a manifesto in support of peaceful action to bring democracy and basic human rights to the Vietnamese people. Thousands of Vietnamese people have since signed this document, refusing to be silent while their government continues to violate their human rights. In retaliation, the Government of Vietnam has jailed, detained and harassed those brave people.

I introduced this important resolution to mark the 2-year anniversary of the original signing of the manifesto and to highlight the ongoing human rights atrocities in Vietnam.

Not only does my resolution call on the Government of Vietnam to release peaceful advocates, but it also asks our State Department to establish a list of Countries of Particular Concern based on human rights violations, which would hold nations like Vietnam accountable.

PAYTON POE ALEXANDER—NEW TEXAN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the miracle of birth is a remarkable, happy event. None of us pick our parents or the place from which we come. The good Lord makes those decisions, and some of us have the fortune of being born in America.

Yesterday, April 9, at 10:28 a.m. in the central Texas town of Waco, another child took his first breath of the crisp air of life, being born in the land of the free.

Payton Poe Alexander showed up tipping the scales at 9 pounds-1 ounce and a height of 22 inches. Not bad for his first day on earth. His mother, Kara, my daughter, and his father Shane, are right-thinking, God-fearing people. Payton's little 2-year-old sister Elizabeth, shall we say, is inquisitive.

Mr. Speaker, we all get excited when kids are born, because we see in those innocent eyes the hope of the world, the chance that this new child might make a difference for the rest of us.

My hope for my new grandson is that he grows up embodying the spirit of truth, justice and the American way, and that he plays football for the University of Texas and not Texas A&M.

And that's just the way it is.

OPPOSE THE BUSH COLOMBIA FREE TRADE AGREEMENT

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today in strong opposition to the Bush Colombia Free Trade Agreement. Like many here, I would like to see our relationship with Colombia strengthened, but the NAFTA-style Colombia FTA would actually do more harm than good.

The Bush administration refuses to change its stubborn ways. By deciding to force the trade agreement through Congress without seeking support or input from the House leadership, the administration continues to demonstrate its lack of judgment and sensibility.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Despite many serious concerns about the Colombia Free Trade Agreement, this administration continues to believe that it can unilaterally demand and approve legislation as it pleases, when it pleases. Unfortunately, it doesn't work that way.

Until the Bush administration understands that it must make fundamental changes in its approach to trade, this House will oppose its one-sided trade deals. We need trade deals that work for American working families. The Bush Colombia FTA is not it.

MR. CARTER—DON'T MEET WITH HAMAS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, The Washington Post reports that President Carter will visit Syria next week to meet with a Hamas assassin, Khaled Meshal. The State Department lists Hamas as a foreign terrorist organization, and it is responsible for the murder of at least 26 American citizens: David and Nava Applebaum of Ohio, killed just before Nava's wedding; Alan Beer of Ohio; Marla Bennet of California; Benjamin Blustein of Pennsylvania; David Boim of New York; Yael Botwin of California; Dina Carter of North Carolina; Janis Ruth Coulter of Massachusetts; Sara Duker of New Jersey; Matthew Eisenfeld of Connecticut; Tzvi Goldstein of New York; Judith Greenbaum of New Jersey; David Gritz of Massachusetts; Dina Horowitz of Florida; Rabbi Eli Horowitz of Illinois; Tehilla Nathanson of New York, age 3; Malka Roth of New York; Mordechai Reinitz of New York; Yitzhak Reinitz of New York; Leah Stern of New Jersey; Goldie Taubenfeld of New York; Shmuel Taubenfeld, 3 months old, of New York; Nachshon Wachsman of New York; Ira Weinstein of New York; and Yitzhak Weinstock of California.

President Carter, the voices from the grave beseech you, do not meet with the man that ordered the murder of these American citizens.

I urge Members to sign our letter asking former President Carter not to meet with the killer of American citizens.

SUPPORT THE STOP OUTSOURCING SECURITY ACT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, last Friday, the State Department decided to renew Blackwater's $1.2 billion contract for another year. It has been over 6 months since Blackwater contractors killed 17 innocent Iraqi civilians, 16 months since the Christmas Eve murder in the Green Zone, and 35 months since a Blackwater helicopter dropped CS gas on a traffic jam in Baghdad. Yet there have been no arrests, no charges, no trials, no convictions. Nothing.

The Department of Justice, the FBI and State Department have remained completely silent about these investigations. Meanwhile, those contractors are still working side-by-side with our troops in Iraq.

But what is even more appalling is that our government has ignored those abuses and renewed Blackwater's contract. If you owned a company, would you rehire someone who has killed dozens of innocent people? The State Department's decision not only puts the lives of innocent Iraqi civilians at risk, but it threatens the safety of our troops and jeopardizes our mission in Iraq.

I urge my colleagues to sign on to my bill, H.R. 4102, the SOS, or Stop Outsourcing Security Act, and phase out the use of military security contractors in Iraq and Afghanistan.

WINNING IN IRAQ

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, yesterday General Petraeus and Ambassador Crocker updated members of the House Armed Services Committee and Foreign Affairs Committee regarding the conditions on the ground in Iraq. Noting successes on the military and political fronts, both indicated reasons to be optimistic about the progress being made.

Having recently visited Iraq, I am not surprised to hear about these successes. Violence is down and reconciliation is happening. But the progress is fragile, a sentiment echoed by both Ambassador Crocker and General Petraeus.

During the hearing, many of my Democrat colleagues asked about the cost of the war. Is it expensive? Yes, the cost is expensive. My question to them is, what will be the cost of defeat, and are you willing to pay for it?

HONORING ABBY LEVINE ON THE OCCASION OF HIS 90TH BIRTHDAY

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to honor a remarkable and outstanding member of our community, Mr. Abby Levine. Abby and his wife Mildred have devoted their lives to addressing critical social, political and humanitarian issues.

Abby is celebrating an important milestone this week, the occasion of his 90th birthday. At nine decades young, Abby, in addition to his other commitments, is working to build a vibrant Jewish community among young people in South Florida.

Abby and Mildred helped establish the Levine-Weinberger Jewish Life Center at Florida Atlantic University, which has become the nerve center of Jewish life on campus. Abby and Mildred are also generous supporters of a number of other causes, including the Boca Raton Community Hospital, and their dedication to improving our community is deeply valued.

Madam Speaker, I join countless friends, family members and loved ones in South Florida in wishing Abby a wonderful birthday, and many more years of good health and happiness.

□ 1015

NEW EMPLOYEE VERIFICATION SYSTEM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, on November 1, the Nation's employment verification system, E-Verify, is going to expire.

E-Verify is a broken employment verification system that has helped grow the number of illegal immigrants in America to over 12 million. We have got to find new solutions.

Our bill, H.R. 5515, the New Employment Verification Act or NEVA, would replace the current paper-based and error-prone I-9 process upon which E-Verify is based with an electronic verification system. H.R. 5515 would use the existing new hire registry reporting process already used by over 90 percent of U.S. employers. This bill will create a national employment verification system for new hires that's reliable and efficient.

With E-Verify scheduled to expire this year, now is the time for the Congress to create a new way to move forward that prevents unauthorized employment. I urge my colleagues to cosponsor H.R. 5515.

HONORING THE UNIVERSITY OF MEMPHIS BASKETBALL TEAM

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, as an alumnus of the University of Memphis Law School and the congressman from the University of Memphis district, I still grieve over the outcome of the game Monday night, but I want to congratulate the University of Kansas for winning the national basketball championship and thank the city of San Antonio for being such a wonderful host.

On behalf of the citizens of Memphis, I want the country to know we love our team. They brought our city together, which needed a unifying force. We are proud that our coach who made that team what it was has been named the National Coach of the Year by the Naismith Society.

Our players played valiantly. We came very, very close to a national championship. We won more games than any team in NCAA history. We will look back upon this year with fondness and appreciation and we will, like General MacArthur, return.

THE HUGO CHAVEZ RULE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it pains me greatly to stand here in the well and report to our colleagues that the Rules Committee late yesterday afternoon reported out what can only be described as the Hugo Chavez rule.

For the first time in the 34-year history of trade promotion authority, we have now decided that we are going to take the action of turning our backs on an agreement that we have made with our closest, most important and strongest ally on the continent of South America.

The Vice President of Colombia has described this action as a slap in the face. Hugo Chavez and the narcoterrorists in Colombia are celebrating this action. It is an absolute outrage that we would do this.

I have to say that this administration 4 years ago embarked on these negotiations, 2 years ago completed the negotiations, a year and a half ago signed the negotiations. Since August of last year, 265 meetings have been held with Democratic Members by members of the administration, cabinet officials and all, and 27 meetings have been held with the Democratic leadership.

It is time for us to complete this work. It's time for us to strengthen this very important alliance.

I urge my colleagues on both sides of the aisle to vote "no" on the Hugo Chavez rule.

PROVIDING FOR CONSIDERATION OF H.R. 2537, BEACH PROTECTION ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1083 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1083

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII before the beginning of consideration of the bill and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2537 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1083 provides an open rule with a preprinting requirement for consideration of H.R. 2537, the Beach Protection Act of 2007.

The resolution provides 1 hour of general debate, controlled by the Committee on Transportation and Infrastructure.

Some of our Nation's greatest treasures are the beautiful beaches that surround our country. So many of us have spent time with our families and friends enjoying our country's picturesque coastlines. Our beaches not only provide a place for relaxation and recreation, they are also a vital economic engine that draws tourists from all over the globe.

As a mother and a grandmother, I want to ensure that our Nation's children are swimming and enjoying our beaches that are safe and free of any harmful contamination. Unfortunately, a recent EPA report found that human health studies over the last 50 years have linked swimming and polluted water with significant adverse health effects. Swimming-related diseases can range from minor gastrointestinal diseases to more serious illnesses such as meningitis or hepatitis.

This is extremely troubling and is a great concern to all of us. According to the National List of Beaches, only 57 percent of the Nation's coastal recreation areas are being monitored.

In my home State of California, 114 of our 356 beaches are not monitored, leaving a huge amount of people at risk. That is why I would like to thank Representative PALLONE for his work on such an important piece of legislation, legislation that builds on the ambitious vision that the 1972 Clean Water Act set forth.

As an original author of the 2000 bill, my friend from New Jersey has long been recognized for his efforts to clean up our Nation's beaches.

I would also like to thank Representative TIM BISHOP for his leadership and work on this issue.

The Beach Protection Act builds on the great effort of the original BEACH Act and is a vital tool that will help ensure the safety of our national coastal treasures. Under the 2000 BEACH Act, the EPA was required to work with States to ensure they use the latest science to test beach waters to protect the public health.

States are required to notify the public if tests showed water quality standards were violated. The law also helps States set up monitoring and notification programs in order to provide up-to-date information on the condition of all public beaches.

H.R. 2537, the Beach Protection Act of 2007, advances the good work of the original act and takes us into the next generation of water monitoring. The bill increases the authorization through 2012 for the EPA's beach program by $10 million to $40 million per year. This money will be used to provide grants to States along the coasts and Great Lakes for recreational water monitoring and notification programs.

H.R. 2537 also clarifies and enhances public notification when coastal waters are likely contaminated. Visitors to our beaches need to know when there is potential threat to their health. The bill clarifies that the public must be notified within 24 hours when a contaminated water sample is found. The bill also requires that a physical sign must be posted at any beach where the water may be contaminated. This information is essential for public awareness and avoidance of harmful pollutants.

H.R. 2537 also promotes increased compliance. It requires the EPA administrator to conduct an annual review of implementation by State and local governments. If the public is not being protected, it requires the EPA to take corrective actions.

Representative PALLONE has shown tremendous leadership with this bill that puts public safety at the forefront and goes to great lengths to protect our Nation's beaches. I know he has worked closely with my friend and colleague, Representative EDDIE BERNICE JOHNSON, who chairs the Transportation and Infrastructure Subcommittee on Water Resources and Environment.

Later today we will debate the chairwoman's manager's amendment that directs the EPA to complete and use a rapid-testing technology. This type of testing is intended to shorten the period between when a water sample is taken and when results are made public. When this testing is in place, the period of time necessary for testing coastal waters is likely to shorten from 24 to simply 2 or 3 hours.

Passage of the Beach Protection Act of 2007 is an important step to promoting public health and ensuring that the millions of people who visit our coastal treasures remain safe.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, first of all I would like to thank my good friend, the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

Mr. Speaker, Florida is the number one travel destination in the world, with over 80 million visitors last year. They contributed over $60 billion to the economy of the State.

Part of the reason so many people come to Florida is because of the over 1,200 miles of beautiful beaches throughout the State. Florida's great beaches provide an endless wealth of recreational opportunities. But in order for everyone to enjoy those great beaches we have to make sure that the waters are safe and that they are clean.

In 2000, Congress passed the Beaches Environmental Assessment and Coastal Health Act. That legislation was passed to limit and prevent human exposure to polluted coastal recreation waters by assisting States and local governments to implement beach monitoring assessment and public notification programs. In addition, that act required States and tribes with coastal recreation waters to adopt minimum water quality standards for pathogens and pathogen indicators.

The legislation being brought to the floor today with this rule would reauthorize the BEACH Act through 2012 and increase the annual authorized appropriation from $30 million to $40 million.

□ 1030

Again, Mr. Speaker, the majority likes to proclaim that they have offered yet another bill under what they call an open rule; but this is not an open rule, this is a restrictive rule.

According to a Survey of Activities of the House Committee on Rules from the 104th Congress, an open rule is defined as "one under which any Member may offer an amendment that complies with the standing rules of the House and the Budget Act."

A modified open rule, requiring preprinting in the CONGRESSIONAL RECORD, is defined as a type of rule that permits the offering only of those amendments printed in the CONGRESSIONAL RECORD. Because Members under this rule must submit their amendments prior to floor consideration, they are prohibited from offering amendments on the floor as the debate progresses.

So if a Member is watching the debate and has an idea to improve the bill, this rule prevents that Member from offering their amendment. So by its very nature, this rule is restrictive. It is not an open rule and the majority should stop calling it that.

I also would like to point out that once again the majority offers even this modified open rule, or modified restrictive rule on noncontroversial bills, bills with obvious bipartisan support. For example, the underlying legislation passed the House Transportation and Infrastructure Committee by a unanimous vote.

If the majority really wants to live up to their campaign promise of a more open and bipartisan Congress, then they should offer a truly open rule on this bill, and on bills where there is some controversy as well.

On Tuesday, a distinguished member of the Rules Committee, the gentleman from Washington (Mr. HASTINGS), offered an amendment to the rule which would have allowed the House to consider this noncontroversial bill under a truly open rule. However, that amendment was defeated.

So instead, here we are 16 months into the new majority under another restrictive rule. Other than on appropriations bills, the new majority has allowed only one open rule. Today they had the chance to double the number of open rules; but instead, they decided to use a restrictive process for a noncontroversial bill.

I don't know what they are afraid of. The original BEACH Act was considered under a true open rule. We should have considered this bill under suspension of the rules which doesn't even require a rule, it just goes automatically to the floor because it is noncontroversial, and we should have instead finished our work on bipartisan legislation to protect Americans from international terrorism, the Foreign Intelligence Surveillance Act known as FISA.

Or we could have considered legislation to postponed the scheduled 10.1 percent cut in Medicare payments for physicians and other health care professionals.

Instead, what we are doing today, Mr. Speaker, what the majority leadership has decided to do today is to make this a day of legislative action that will live in infamy. Ever since 1974, legislation has existed, Mr. Speaker, to permit agreements that are negotiated with foreign governments by the United States, trade agreements, to come to this floor under the Trade Act of 1974 that established trade promotion authority, certainty in the rules process for when an agreement is negotiated so that our negotiating partners, countries we are negotiating with, know that there are certain rules. That if the United States makes a deal, enters into an agreement, that that agreement will be brought to the floor.

And so what the majority leadership in this Congress has done today is to say yes, yes, yes, but for and except Colombia. Colombia, that happens to be our best ally and friend in this hemisphere, under the measure today being brought to the floor by the majority leadership of this House, they are being insulted. And so our trade rules apply, yes; but for Colombia, Mr. Speaker. That is what the majority leadership has decided to do today.

What they have told Colombia, in the midst of a war against narcotraffickers, financed by narcotrafficking, the enemies of Colombia, what the Democratic leadership of this House is telling the democratically elected government of Colombia today is: We don't care; we don't care. The trade rules apply to the world, but not to you.

Well, fortunately, there is an administration, an executive branch that is standing with the people of Colombia and their democratically elected government and President, President Alvaro Uribe. And there are a lot of Members in this House, Mr. Speaker, who also stand with the people of Colombia as they fight the terrorists, as they bravely confront the terrorists. There are a lot of us in this House who stand with the people of Colombia, and a lot of us in the Senate who do also. But unfortunately, the majority leadership has said to Colombia today: No, you're on your own.

Well, I want the people of Colombia to know that they are not alone. We will continue to stand with the people of Colombia and their democratically elected government despite this day of legislative action that will live in infamy because that is what the majority leadership has scheduled today. The exception, the legislative exception for, in this instance, the best ally that the United States has in this hemisphere, Colombia. And that's more than unfortunate.

Now, with regard to the legislation on beaches that is absolutely noncontroversial, it should have been brought to the floor automatically. Obviously we are all in support of that legislation, Mr. Speaker.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I would like to bring us back to the measure at hand which is H. Res. 1083 which provides for consideration of H.R. 2537, the Beach Protection Act of 2007, and I would like to yield 3 minutes to the gentlewoman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. I thank my good friend and colleague from the Rules Committee.

Mr. Speaker, oftentimes there is great irony here in Washington, and here is another example. The House will consider today this rule and the Beach Protection Act. The intent of the Beach Protection Act is to protect America's beautiful coastlines from water pollution. But here is the irony: Big oil interests have filed an amendment that puts our beaches and America's coastlines at risk. Their proposed amendment seeks to open up our beautiful coastlines to offshore drilling of oil and gas. New offshore oil and gas drilling represents a real hazard to our marine environment, especially in my home State of Florida and the Tampa Bay area.

The beaches, the coastal environment, marine resources and our billion-dollar tourism industry in Florida should not be sacrificed for a small amount of oil and natural gas because the oil and natural gas that is projected to be recovered if we open up our offshore areas to drilling, it is projected to provide less than 1 month, 1 month supply of oil and gas.

In addition, researchers at the Department of Oceanography at the University of South Florida have warned that it would only take 24 hours for an petroleum spill in the eastern Gulf of Mexico to sully Florida's panhandle beaches and then sweep through the gulf's powerful loop current, travel through the Florida Keys and contaminate estuaries and beaches from the Everglades to Cape Canaveral.

We only have to look back to 2005, Hurricane Katrina, Hurricane Rita, and Hurricane Wilma ended up resulting in many oil and gas pollutants seriously affecting the beaches in the Gulf of Mexico. The storms caused 124 oil spills into the waters of the Gulf of Mexico. During Hurricane Katrina alone, 233,000 gallons of oil were spilled. There was 508,000 gallons of oil spilled during Hurricane Rita. A full year after Hurricane Katrina, BP admitted that a damaged oil well valve in the Gulf of Mexico was still leaking oil.

The knee-jerk reaction to take every opportunity, even a bill called the Beach Protection Act, to open up our beautiful coastline to additional oil drilling, especially in hurricane-prone waters like Florida's gulf coast is ridiculous, not just ironic.

So let's stay true to the Beach Protection Act, fight water pollution, strengthen our natural resources and our tourism economy and vote down the Peterson amendment today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, just the State I am honored to represent alone, Florida, exports are expected to jump by over $160 million, and 1,700 jobs are to be created in the first year alone if the agreement with Colombia is ratified. That is just the State that I am honored to represent alone.

At this point, Mr. Speaker, I would like to yield 5 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I appreciate my colleague bringing up the issue of energy and the connection of energy to this bill because that is what we intend to do here today.

The irony behind this debate is that Americans really appreciate healthy beaches; but what they are really mad about is high gas prices. I have three kids, 15, 13 and 8. My wife is driving them all over the world to attend every event that kids do today, and the soccer moms of the world are outraged over the price of gas that they are paying.

And what has this Democrat majority been doing to continue to affect the price of gas, we just heard it, let's take more assets off the ability to explore. We just heard it from my colleague who just said no more exploration for oil. Where is the plan that the Speaker touted would lower gas prices? That was over 700 days ago. We want answers. We want this majority to do something about the high cost of gasoline.

We have truck drivers prepared to strike over the price of diesel, $4 a gallon gasoline is on the horizon, and this majority is doing nothing, nothing.

Here is the energy plan: When you have no energy plan, you plan to fail. When this majority took over, the price of a barrel of crude oil was $58. What is it today, $110 per barrel. That translates into a gasoline price of originally $2.33 a gallon to now, $3.34, $3.50, $3.75, and $4. At $3.44, that is a $1.01 increase since this majority took over. Where is the energy plan to lower gasoline prices? The Speaker's plan means that you pay more in energy costs in this country.

The beaches that are affected in this legislation, Great Lakes, the coastal beaches, guess what, if I want to take advantage of these healthy beaches, I would have to drive about 285 miles to get to the Great Lakes. I would have to drive a lot farther, almost 745 miles to get to the gulf coast. Last year the cost to Chicago would be about $53. This year the cost is $76. We lose discretionary income when we allow gas prices to go up.

Another connection, to go to the great State of Florida to take my family on a vacation, that would have cost me last year $138 to drive. This year, $200 to drive. Do you think that is not going to affect the economy of the Florida coastal areas? Do you think that is going to halt our folks going to your State, my friend from Miami, to enjoy these great, healthy beaches. My folks can't afford to drive to these beaches to enjoy them anymore.

And what is the Democrat plan for gas prices? Silence. Nothing. The only plan is the plan to fail. The only plan is higher prices. Here it is: $58 a barrel when you came in, $110 a barrel today.

Let me give you some quotes. Speaker NANCY PELOSI said on April 24, 2006, "Democrats have a commonsense plan to bring down skyrocketing gas prices."

□ 1045

Well, these skyrocketing prices aren't going down, folks. Speaker PELOSI's plan is to have skyrocketing price increases for gasoline, not decreases. We got it wrong.

It's this whole change mentality. Change is good. Change can be bad. The change in this majority has been bad for the cost of energy in this country.

And what are we doing? We're talking about healthy beaches. Healthy beaches. We ought to be talking about the price of gasoline. We ought to be talking about the price of diesel fuel. We ought to be talking about the price of electricity generation, nuclear power, clean coal technology. But no, healthy beaches. I hope my folks can enjoy and benefit by these healthy beaches.

It's been days since Majority Leader STENY HOYER said, "Democrats believe that we can do more for the American people who are struggling to deal with high gas prices." Mr. Majority leader, what did you do? You raised prices. You didn't decrease prices. You raised prices. Everyone knows that prices have gone up.

Truckers are going to strike over record diesel prices. Diesel this week was at an average of more than $4 a gallon in Oregon and Washington, and nearly $4.12.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 2 minutes.

Mr. SHIMKUS. In California, according to the American Trucking Association, if a trucker is filling up a 300-gallon semi, that bill could top $1,200.

We want to talk about competitive nature. We want manufacturing jobs in this country. Energy prices are killing our ability to compete in the world economy. It's killing our ability to get or product to the ports to ship them overseas to be competitive. It's killing our ability to manufacture the goods using innovation and technology, because that requires energy.

No energy plan is a plan to fail. Change is not always good. This is a change that the Democrat majority has brought us. $58.31, the price of a barrel of crude oil upon the assumption of the leadership here in this chamber. Current price today, $110.61. I have those on Velcro tabs so I can just keep following that price as it keeps going up.

Sometimes a barrel of crude oil is hard to follow. People don't know what it translates into. Well, I translated it earlier, from $2.33 a gallon, to, on average, $3.34 a gallon, and we know it's going to hit 4. We know it's going to hit 4. And when it hits 4, who are they going to call? They're going to call us. And what are we going to say? We're going to say, "Oh, the Democrats promised a plan in 2006 to lower prices." They're in the majority now. Let's see their plan.

A failure to plan is a plan that fails. You have no plan. We're increasing our costs. The economy is hurting, and we bring healthy beaches to the floor. Healthy beaches. High energy costs.

And my colleague who just followed me talked about excluding exploration of energy. She tied this debate to energy. She understood the importance.

The SPEAKER pro tempore. The time of the gentleman from Illinois has again expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 2 additional minutes.

Mr. SHIMKUS. Democrats have voted, not once, not twice, but four times to raise energy taxes on the 110th Congress.

There's a debate in the State of Illinois to lower our gas tax. Why? So the average American citizen can afford to do the job. In rural America, when we have to drive long distances, this directly affects the pocketbook of every citizen in rural America. Every citizen. They're going to drive 20, 30, 40 miles just to go to work.

Talk about the inner cities and the traffic congestion, the people who are idling, they're going to end up paying more.

Four times the Democrats have said we're going to change the gas price debate here in America and we're going to lower prices. We know that that hasn't worked. Not only have they added insult to injury, they said not only aren't we paying enough in gas prices now, but we want to put more taxes on gasoline. Shoot, $3.50 is not enough. Let's get to 4. Let's pay $4.50 a gallon. Let's pay higher energy costs.

And what do we see? The periodicals and newspapers, the print media are starting to understand. In the Buffalo News, April 9: $4 Gasoline Seems Possible This Summer.

There used to be a time when Americans got outraged at $3 a gallon. Well, we've sensitized them to over $3 a gallon. They were promised by the Democrat majority they would lower gas prices. They've increased gas prices. Now we have to get prepared for $4 a gallon.

What's next?

No energy plan is a plan to fail. The Washington Times: Price at the Pump Likely to Reach $4. Fox News, Denver, Colorado: $4 Per Gallon Creeps Closer.

The SPEAKER pro tempore. The time of the gentleman from Illinois has again expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute, Mr. Speaker.

Mr. SHIMKUS. Friends, healthy beaches are important. We all want to benefit from them. I'd like to take my family to a beach. A lot of my constituents like to go there. But if they can't afford the gasoline in the minivan to get them to appreciate these healthy beaches, for what benefit?

The Democrats, when they were in the majority, promised us, I've got the quotes, they promised us lower gas prices, lower gas prices. I read the quotes. Speaker PELOSI, Majority Leader HOYER, I've got one from JIM CLYBURN. Lower prices.

What do we have? Higher prices? And it's about time you started accepting responsibility and do something about these high prices.

Ms. MATSUI. Mr. Speaker, I thought we were doing a rule and not special orders right now.

We are working on the rule for the beaches, and we want to keep Americans safe from water pollutants.

I want to say we have an obligation to ensure Americans are safe and healthy, and this act would do it.

I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I would understand my colleague would be upset about speaking. I would understand why you would be ashamed about talking about healthy beaches and not addressing the real concerns of America which is high energy costs.

I've been on the floor numerous times, motions to recommit over the past year and a half to talk about energy crises. One the big things I've talked about is coal to liquid technologies.

You know what? It was your colleague who stepped on the floor and talked about we don't want oil exploration off the coast. We don't want more crude oil supplies.

Well, I have a solution that would help keep our beaches healthy. Let's use coal to liquid technologies. Let's mine our vast abundant resource of coal right here. Let's build a coal to liquid refinery. In fact, Sasol, the South African energy company, just announced that the Brits are going to buy synthetic aviation fuel.

You know, we had all these aviation industry folks just go bankrupt, these low cost airlines that could get to these healthy beaches. You know one reason why they went bankrupt? The high cost of aviation fuel. Those are jobs gone. Those are the inability of me and my family on a low cost airline to appreciate these healthy beaches.

Well, I have a solution. They've been to the floor on motion to commit coal to liquid technology. Get our coal, refine it in to liquid fuels, put it in a pipeline and ship it to our commercial and military aviation.

I've been using this chart for a year and a half. Has this majority moved on decreasing our reliance on imported crude oil? Negligibly. Zip, zero. Maybe on the RFS. I voted for it. I appreciate that.

But doing anything to expand our ability to get our own resources, no, we're here talking about healthy beaches. We don't want to talk about crude oil exploration. We want to talk about pristine beaches. We don't want to talk about that we're paying $110 per barrel of crude oil when it was $58 when you all came into the majority. Translates to a dollar more in gas. It's going to reach 4.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 2 minutes.

Mr. SHIMKUS. So we have some options. We can be here spending all day talking about healthy beaches while our businesses and industries fall further behind, fail to compete because of high energy costs.

I haven't even got involved in climate change. Climate change is going to bring additional cost to your gas tank, to your electricity. In fact, the only one who's been intellectually honest about this is Chairman DINGELL. What does he say? Fifty cents a gallon more to comply with climate change.

Now, if we want to do that, then let's vote on it. But you know what? You won't do it because it'll take that $4 a gallon a gas and move it up to $4.50.

Guess what? People are going to say, let's re-evaluate this. Let's understand if all the world nations are going to comply. Do we want all this pain, all that job dislocation, all these higher energy costs and no benefit?

If India and China do not comply, we get no benefit. All pain, no gain. All pain, job dislocation, higher energy costs, no gain. We ought to insist, before we go into any climate change agreement, that India and China sign on the dotted line verifiable that we know they're going to comply.

You know what? I've talked to them. They're not going to do it. They are not going to do it.

So why assume these costs? Why burden the American consumer? Why deplete our hotel and tourism industry by people not being able to get there, either through airlines who have failed or the ability to drive the long distances to get there.

This majority has had no plan to address. Well, they have. They've promised, lower gas prices, 2006. This Democrat majority promised lower gas prices, lower gas prices. What do we have? Higher gas prices. And no plan to mitigate.

You know how you mitigate it? You bring on more supply. And you all won't do that.

Ms. MATSUI. Mr. Speaker, I would inquire of the gentleman if he has any remaining speakers.

Mr. LINCOLN DIAZ-BALART of Florida. Yes. We have an additional speaker.

Ms. MATSUI. I reserve.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today with a deep concern. We, as a country, will be a second-rate nation in the next decade if we don't have an energy policy. America needs an energy policy. We need to have a plan of how we're going to have available, affordable fuel for everybody to run our companies, to heat our homes, to drive our cars.

We don't have an energy policy, folks. We have a policy where we've locked up our resources and we're going to let the rest of the world produce. Our dependence on foreign oil has increased 2 percent a year every year for 20 years.

☐ 1100

We are on that path of maybe going to 3 percent a year. Because when we don't produce, they do and we pay. We have the rest of the world consuming greater and greater amounts of energy making us now bid for our energy.

I find it interesting. They like to say it's the six big American oil companies, or I guess it's five, that are the cause of our energy prices. The fact is, this Congress and the last three administrations are the reason we have high energy prices. This Congress locked up. This map right here shows we're the only country in the world that's locked up the outer continental shelf, the best and safest place to produce energy. Every country in the world produces there. Cuba will soon be producing energy 50-some miles off our coasts where we prohibit.

We need to have an energy policy. We need to open up our midwest. We need to open up our offshore. I have the bill. I heard talk in here a little bit ago about how we are going to savage the beaches. My bill opens up for natural gas only. The first 25 miles are locked up. The second 25 miles are only open if States choose to. The second 50 miles are open; States can still close it with the legislation. And the second hundred miles are open.

I ask for some Member of this Congress to show me a natural gas well that has ever polluted a beach. Natural gas bubbles up under the ground all over the country from gas pressure in the earth. Natural gas comes out of the ground naturally, and if we put a 6-inch hole in the ground, it comes out in a commercial way that we can heat our homes.

America has had the highest natural gas prices in the world. Natural gas is not a world price. Oil is a world price. Natural gas is not a world price. For 7 years now, soon going on 8, we've had the highest natural gas prices in the world, and our fertilizer companies are leaving because they use so much of it. Our petrochemical manufacturers are leaving, our polymers and plastic companies are leaving. People who have bend metal, treat metal, cook food are going to do it in other places where natural gas is a fraction than it is here. Clean, green natural gas is what America ought to be running on until we have viable renewable.

I met with wind people this morning. I'm for all the wind we can get. But if we double wind and solar, which so many people are counting on, in the next 5 years we will be less than three-quarters of 1 percent of our energy needs.

I find it unexplainable that we have the highest fuel prices for trucks and cars, the highest heating home costs on record, and this Congress doesn't even talk about it. We don't have a plan. We are doing stimulus packages because energy is taking the life out of our economy.

We're going to need to do a stimulus package every 6 months, because as soon as we inject another $220 billion in, the energy policies of this country are going to suck it right back out because Americans are going to spend more and more. We have $3.40 gasoline, soon to be $4, and if we have a storm in the gulf this summer, we will be looking at $5 gasoline. $5 gasoline will sink our economy.

We must have an energy policy.

Ms. MATSUI. I reserve.

Mr. LINCOLN DIAZ-BALART of Florida. We have no further speakers, Mr. Speaker, and I appreciated the debate. Obviously, the legislation is of importance, the subject is of importance. We do need to preserve, protect that great treasure that our beaches are, but there are a number of issues that do need to be discussed that are not being discussed.

Unfortunately, one issue that should not be discussed is going to be discussed today which is to single out and discriminate against Colombia, our best friend in this hemisphere, in a shocking way, ultimately an unfortunate way.

We have no further speakers on this legislation, and I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida, and I yield myself the balance of my time.

First, let me say that there is no need to open up more sensitive natural areas to drilling. The United States has 3 percent of the world's resources but 25 percent of the demand. It is obvious that there is no way for us to drill our way to energy independence.

If we are really concerned about lowering energy costs and reducing dependence on foreign oil, we need to invest in renewable resources, and we have passed legislation to do just that.

The open rule before us today is a fair rule that allows for debate on the important issues that face our country, from water pollutants to public health concerns. It is Congress' responsibility to set high standards and assert proper oversight of these issues.

The underlying bill, H.R. 2537, takes huge steps to promote public health throughout the great beaches of our country and ensure that our beaches will be preserved for future generations to enjoy and benefit from.

Congress has a distinct obligation to future generations to keep our water clean and preserve our beaches. This bill increases funding for States to effectively monitor the coasts, ensure swift public notification and takes us into the next generation of water monitoring. We have a commitment to keep the millions who visit our beaches safe and informed. This bill does just that, and I urge its adoption.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on approval of the Journal will be followed by 5-minute votes on adoption of H. Res. 1083 and motion to suspend the rules on H. Res. 1038.

The vote was taken by electronic device, and there were—yeas 228, nays 182, answered "present" 1, not voting 19, as follows:

[Roll No. 178]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goodlatte
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Kucinich
Lampson
Langevin
Larsen (WA)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—182

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pence
Perlmutter
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—19

Andrews
Bishop (NY)
Bishop (UT)
Buyer
Cubin
Ferguson
Gohmert
Gordon
Granger
Jones (OH)
Klein (FL)
Larson (CT)
Pearce
Ramstad
Rush
Ryan (WI)
Sires
Weiner
Wexler

□ 1130

Mr. HAYES changed his vote from "yea" to "nay."

Messrs. ALTMIRE, McDERMOTT, and CARNEY changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a scanned copy of a certificate from the Honorable Debra Bowen, Secretary of State for the State of California, indicating that, according to the semi-final official canvass of votes from the Special Election held April 8, 2008, the Honorable Jackie Speier was elected Representative to Congress for the Twelfth Congressional District, State of California.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER.

Enclosure.

CERTIFICATE OF ELECTION

I, Debra Bowen, Secretary of State of the State of California, hereby certify:

That according to the semi-final official canvass of votes cast in the Special Primary Election held on the 8th day of April, 2008 in the 12th Congressional District, Jackie Speier was elected to the office of United States Representative, District 12 for the term prescribed by law.

In witness whereof, I hereunto set my hand and affix the Great Seal of the State of California at Sacramento, this 9th day of April 2008.

DEBRA BOWEN,
Secretary of State.

SWEARING IN OF THE HONORABLE JACKIE SPEIER, OF CALIFORNIA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Representative-elect and the members of the California delegation present themselves in the well.

Ms. SPEIER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE JACKIE SPEIER TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from California is recognized for 1 minute.

There was no objection.

Mr. STARK. Madam Speaker and my colleagues, as dean of the California delegation, it's my privilege, my honor, and my pleasure to introduce the newest Member of the California delegation, JACKIE SPEIER.

JACKIE was overwhelmingly elected by the residents of California's 12th Congressional District this week in a special election to succeed our late and esteemed colleague Tom Lantos. Prior to his passing, Tom endorsed JACKIE for the seat, and I know he would share our pride in welcoming her today.

JACKIE first came to Congress with me, with my class, as Chief of Staff for Congressman Leo Ryan, who held the same congressional seat that she has just won. She was in Guyana with Leo helping to investigate the Reverend Jim Jones when her boss was assassinated and JACKIE was seriously wounded.

She survived and went on to serve as the youngest member ever elected to the San Mateo County Board of Supervisors and served 10 years in the State Assembly, another 8 years in the California Senate.

She comes to us with an outstanding record of legislative victories, which she will, no doubt, extend in the U.S. Congress.

I would like you to join me in welcoming JACKIE; her husband, Barry; and her children, Jackson and Stephanie to our congressional family.

Welcome, JACKIE.

Madam Speaker, I yield to my assistant dean, the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

I would like to, on behalf of the California GOP delegation, extend a hearty congratulations to our new colleague. Of course, it is with mixed emotions that we're here because we are very still thinking about the life and the contribution of our colleague Tom Lantos but very pleased that you are going to be able to work in the spirit of bipartisanship that the California delegation has pursued for years.

And I will say that while members of your family have been introduced, I have to quickly say, as I just did to you, that I'm sorry that your mother is not here. I hope very much that she's watching on television because we spent a great evening together years ago, and I'm glad that she is doing well. And we are looking forward to working for our State together.

The SPEAKER. The Chair recognizes the gentlewoman from California.

Ms. SPEIER. Thank you, Madam Speaker.

It is a real honor to be introduced by the dean of the California delegation, who was, as he mentioned, serving his district with distinction when I was a mere staffer here in the U.S. House of Representatives. And I'm thrilled to be joining the gentlewoman from California, Congresswoman ANNA ESHOO, one of my longest and dearest friends, and the gentleman from California, Congressman THOMPSON, who taught me all I needed to know when I first arrived in the State capital back in 1986.

Madam Speaker, I didn't think it was possible for a person to be filled with both pride and humility at the same time. But that is exactly how I feel today. I am proud to have been chosen by a substantial majority of San Francisco and San Mateo County voters. I'm humbled by the faith they have placed in me and by the awesome legacy this particular seat holds.

Recently, I was introduced as having been elected to replace Tom Lantos. I had to laugh. I was elected to succeed Congressman Lantos. No one will ever replace him.

I also follow in the footsteps of Leo Ryan, who served this Chamber with distinction until he was assassinated 30 years ago, and I am honored to introduce his daughter Erin Ryan, who is in the Members gallery.

I was privileged to serve on Congressman Ryan's staff because I learned from one of the best. He taught me three important lessons: One, question the status quo; two, always listen to the people you represent; and, three, always stand up for what you believe in even if you have to stand alone.

Madam Speaker, I was struck with something while campaigning for this seat. A public servant is never more in tune with her constituents than when she is first running for the office. While holding over 60 community meetings across my district this year, the most common question was, "When will we get out of Iraq?" It was asked by voters across the spectrum: veterans, students, parents, the prosperous, middle class, those still working towards their piece of the American Dream.

The process to bring the troops home must begin immediately. The President wants to stay the course, and a man who wants to replace him suggests we could be in Iraq for a hundred years.

But, Madam Speaker, history will not judge us kindly if we sacrifice four generations of Americans because of the folly of one.

And, Madam Speaker, as passionate as people are about getting out of Iraq, they are also worried, about their jobs, their houses, and their futures. I got an earful from taxpayers outraged that the Fed bailed out Bear Stearns while neighbors are losing their homes to predatory lending practices. A man in a union hall put it simply: "When will our government care as much for Main Street Americans as Wall Street speculators?"

As long as I am here, I will strive to make sure that the voices of Main Street are heard as loudly as the voices of Wall Street.

Madam Speaker, you are an inspiration to me, to America, and to women all over the world. I stand before you eager to learn and ready to help make the laws of the greatest country on Earth reflect its values: fairness, justice, and a guarantee that working men and women, parents, students, seniors, the disabled, and the disaffected, every American, has the right to a seat at the table of opportunity.

Thank you very much.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to the gentlewoman from California, the whole number of the House is 432.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUELLAR). Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2537, BEACH PROTECTION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution H. Res. 1083, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 192, not voting 15, as follows:

[Roll No. 179]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow

Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Obey
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Roybal-Allard
Royce
Ryan (WI)
Sali
Saxton
Schiff
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Andrews
Bachus
Bishop (NY)
Bishop (UT)
Buyer
Cubin
Davis, Tom
Ferguson
Granger
Jones (OH)
Larson (CT)
Ramstad
Rush
Sires
Weiner

□ 1150

Mr. LINCOLN DAVIS of Tennessee changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE FIFTH ANNIVERSARY OF THE DEPARTMENT OF HOMELAND SECURITY

The SPEAKER pro tempore (Mr. ROSS). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1038, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the resolution, H. Res. 1038.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 3, not voting 22, as follows:

[Roll No. 180]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey

Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Kucinich
Nadler
Paul

NOT VOTING—22

Andrews
Bishop (NY)
Bishop (UT)
Buyer
Cubin
Davis, Tom
Fallin
Ferguson
Forbes
Granger
Gutierrez
Hunter
Jones (OH)
Larson (CT)
Meeks (NY)
Petri
Pryce (OH)
Ramstad
Rangel
Rush
Schwartz
Sires

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1157

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 180, had I been present, I would have voted "yea."

□ 1200

RELATING TO THE CONSIDERATION OF H.R. 5724, UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1092 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1092

Resolved, That section 151(e)(1) and section 151(f)(1) of the Trade Act of 1974 shall not apply in the case of the bill (H.R. 5724) to implement the United States-Colombia Trade Promotion Agreement.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Thank you, Mr. Speaker. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1092 relates to the consideration of H.R. 5724, the United States-Colombia Trade Promotion Agreement. The rule suspends the timelines for House consideration that are in the fast track law with respect to consideration of this specific trade agreement.

Mr. Speaker, we in Congress have a fiduciary obligation to ensure that the legislation passed through this Chamber represents the best interests of those that sent us here, the American people. To outsource that very basic legislative responsibility is to advocate the duties constitutionally prescribed to our branch and raises questions as to why we are here in the first place. The situation we find ourselves in today deals directly with that issue.

The President has attempted to dictate the legislative schedule of the Congress according to his political calendar. Over the objections of congressional leadership, he sent Congress the Colombia Free Trade Agreement in an attempt to force consideration of the measure within 60 days by using a provision known as Trade Promotion Authority, or fast track.

Mr. Speaker, I think it is important to dispel a few myths about the action that we take today. The rule we are taking up today does not in any way affect the Colombia Free Trade Agreement. It simply removes the timeline for considering it. It gives the House of Representatives the right to schedule when the agreement is undertaken.

There are some who have called into question whether Congress has the right to suspend fast track procedures for trade agreements. One need look no further than the Trade Act of 1974, the legislation that establishes fast track, to see that the very statute itself allows that, like any rule of the House, fast track procedures can be suspended.

We have also heard some raise questions about what consequences our action here today will have on the Senate's consideration of the Colombia Free Trade Agreement. The answer is, it will have no effect.

The rule today was necessitated by the partisan and irresponsible actions of the President. Instead of working with Congress to reach agreements on this accord, he instead took the unprecedented step of sending the Colombia trade deal to Congress over the objection of congressional leaders.

Mr. Speaker, the American people have been promised a lot when it comes to trade. However, in a country whose economy has been devastated by ill-conceived trade deals, it can only be expected that the American people will remain wary. The promise of good-paying work on the horizon has consistently been dashed by the reality of job loss.

Last Friday's unemployment rate was 5.1 percent, and more jobs, over 80,000, were lost last month alone. It is yet another indicator of the worsening economic situation facing millions of America's families. Each day it becomes clearer that our country is teetering on the edge of economic disaster, and, for millions, financial ruin is just around the corner. It is simply not the right time to move forward with this trade agreement.

The American people deserve an agreement that actually responds to the needs of the American worker, not makes promises that will not be met. By passing the rule today, we will no longer be bound by arbitrary deadlines and the House can bring up the agreement at the appropriate time and under the appropriate conditions.

Mr. Speaker, there is yet another reason why this free trade agreement is untimely and requires additional consideration moving toward passage. We have been promised time after time in trade legislation that there would be side agreements protecting the life and work of labor, that there would be environmental safeguards, that there would no longer be child labor. None of that has come true.

And it certainly makes one suspicious on this trade bill also because of the number of trade unionists who have been murdered. This makes the Colombia Free Trade Agreement hard to justify, given the continued violence against the union leaders, subsistence farmers, indigenous people and Afro-Colombians.

While President Uribe has made some progress, systematic killings are still far too prevalent to warrant the passage of this bill. Persecution of trade unionists is well-known because since the beginning of this year, 12 have already been murdered. Rewarding the

Colombia Government with this bill under those conditions eliminates any leverage the U.S. Government has to improve the respect for human rights and the rule of law in the future.

To push forward at a time of economic insecurity is simply irresponsible for working families at home. To push forward in the midst of gross violations of human rights in Colombia is simply wrong.

It is the prerogative of Congress to suspend fast track if the timing necessitates it and only when it is in the best interests of the American people. By passing the rule today, we are reestablishing the House of Representatives as coequal to the President, and, in do doing so, we are standing up for America's working families.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I want to begin by expressing my appreciation to my very good friend, the distinguished Chair of the Committee on Rules, for yielding me the customary 30 minutes.

Mr. Speaker, I have seen many, many unexpected political alliances that have been formed over the past years that I have been privileged to serve here, but I never expected to be taking up a rule that aligns with the goals of Hugo Chavez and South American narcoterrorists.

The U.S.-Colombia Free Trade Agreement would deliver a significant blow to Chavez's authoritarian designs for the region and the FARC's terrorist agenda. No one was quicker, no one was quicker to condemn the President's decision to send this FTA implementing legislation to Congress, than Hugo Chavez himself. So that is why, Mr. Speaker, what we are considering today is nothing more than the Hugo Chavez rule.

The agreement, the agreement that we hope very much we can see this institution pass, would help to strengthen democratic institutions, provide real economic opportunity for the Colombian people and solidify the rule of law. So naturally it is vehemently opposed by someone who is systematically dismantling representative democracy and free markets and resorting to corruption and crony capitalism to enrich government coffers at the expense of the working poor. That is the legacy of Hugo Chavez.

Naturally, naturally, Mr. Speaker, this agreement is also vehemently opposed by a terrorist organization that simply cannot continue to survive in a thriving, stable and transparent democracy with strong institutions and an increasingly prosperous population.

The Government of Colombia, its business leaders and its private sector unions all strongly support this agreement for the very reasons it is opposed by the region's most nefarious forces. It would be a giant leap forward in solidifying their attempts to take back their country from the violent and lawless groups that tore it apart for decades. And yet here we are today considering a rule that blocks consideration of the agreement under the rules of the Trade Promotion Authority which were established over 30 years ago.

Many supporters of this Hugo Chavez rule like to argue that this rule is as much about process as it is substance. I regularly make the argument that process is substance. So let's examine these claims, Mr. Speaker.

The argument has been made that by sending up the implementing legislation without an invitation, the President has violated the rules set forth by the Trade Act of 1974 and Congress must take special action to assert its role.

Mr. Speaker, over the last few years we have witnessed a number of struggles between the first two branches of government, so congressional prerogative is a familiar theme these days. And I am a strong supporter of congressional prerogative. As a result, the argument in this case has found an overly credulous audience in this body and proven persuasive to the uninformed, so I will do my Democratic colleagues the favor of reviewing the details of Trade Promotion Authority.

The statute outlines very clearly the responsibilities of the administration. It sets forth a number of negotiating principles. It demands that the administration closely consult with Congress prior to, during and after the negotiating process. It requires notification 90 days before entering into negotiations. Prior to signing, it requires notice of potential changes to trade remedy laws 180 days in advance and notification of intent to sign 90 days in advance, followed by advisory committee reports within 30 days. Sixty days after signing, a list of law changes is due. Ninety days after signing, an International Trade Commission report is due. All of this is designed to ensure that the concerns and prerogatives of the United States Congress are met.

The administration, Mr. Speaker, upheld both the letter and the spirit of the law at every single step. High ranking officials met with Congress 160 times prior to and during negotiations. They have held nearly 450 meetings since August of 2007 and taken 55 Members of Congress to Colombia to see the situation there for themselves. To say that the administration has not upheld their end of the bargain is outright laughable.

Now, what is Congress' end of the bargain under TPA? To hold an up or down vote within 60 days in the House and 90 days in the Senate. That is the deal, close consultation followed by a timely vote. Congress gets the final say, but it has the responsibility to not let a complicated and time-consuming negotiation go to waste or languish indefinitely.

We have a negotiation that was launched 4 years ago, concluded 2 years ago, and signed a year-and-a-half ago. Now, after all of this, all of this consultation, all of this time, the Democratic leadership wants to make an unprecedented, never before has this been done, an unprecedented rule change to allow them to abrogate their role under TPA, all the time while blaming the administration, and the administration is somehow to blame for a broken process. They are just making up this nonsense as they go along.

Mr. Speaker, ironically, on Wednesday morning when the Democratic leadership was announcing their intention to take this highly divisive, partisan and unprecedented action, I was sending a letter to several of my Democratic colleagues in which I was reaching out to them in hopes that they would join me in a special order next week to talk about Colombia. As colleagues who have gone to the country for ourselves, I was hoping that we could come together to simply share what we had seen firsthand in Colombia.

Under TPA, the House has, as I said, 60 days to debate and work together to reach consensus, 60 days to work in a bipartisan way. I thought that our special order describing our experiences would be a constructive and congenial way to begin. Unfortunately, the Democratic leadership has cut off this substantive process before it could even begin, killing any hope of bipartisanship on this issue.

Mr. Speaker, their actions are causing even more damage abroad. They are sabotaging our relationship with or best and closest ally in South America. This is an ally that faces a hostile neighbor on its border which threatens not just Colombia, but the very ideals of democracy and free markets. This ally faces an even graver daily threat within its borders; a threat that has been weakened by President Uribe's brave efforts, but one that still exists.

□ 1215

I have gone to Colombia twice in the past few months, once with Commerce Secretary Gutierrez and once with the Speaker's House Democracy Assistance Commission. I have seen myself the transformation that has taken place. I have seen the safe and orderly streets of Bogota and Medellin. I have seen the new opportunities and economic growth.

I have met with the attorney general and discussed extensively his efforts to prosecute violent offenders and end the days of impunity for murderers. I have sat down with former members of the paramilitaries, whose leaders have gone to jail and who are now struggling to reintegrate into society with the help of government-funded social programs. This is a country that has come miraculously far in just a few short years and has so far to go.

I find it shocking that the Democratic leadership would turn their backs on our friend and ally who has accomplished so much and who asks for our continued help in accomplishing even more. This week we have all heard the lengthy testimony of General Petraeus and Ambassador Crocker. A very common theme I have heard from my Democratic colleagues throughout this testimony is concern for America's lost prestige abroad. They decry what they call our unilateralism and our disregard for the concerns of our allies.

Yet today they propose to flagrantly commit what the Colombian Vice President has called a slap in the face. Editorial boards across this country have similarly slammed this action.

The Washington Post compared it to telling Colombia to "Drop Dead." The Las Vegas Review-Journal says that what we are doing is "stabbing our trade partners in the back."

The Democratic leadership is determined to isolate our greatest ally in South America and weaken the region's strongest advocate for democracy, flouting national security and our international credibility. The damage to our interests and our leadership will be significant and lasting.

Our friends and allies will realize that our word at the negotiating table cannot be trusted and the rules can be changed in the middle of the game according to the whims of electoral politics.

This rule must be defeated for the sake of our national security interests, our leadership in the international community and our responsibilities as an institution. I urge my colleagues to vote "no."

Mr. Speaker, with that I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York, the chairman of the Committee on Ways and Means, Mr. RANGEL.

Mr. RANGEL. Thank you so much, Madam Chairlady, for giving me this opportunity.

Mr. Speaker, I could not disagree with my friend from California more, and there is no one in this House that I believe that the administration has not spoken to more in concern for pieces of trade legislation, and I doubt whether there is anyone that has the compassion and the concern more than I about the people of Colombia who I have learned to admire, respect and work with over the years, not only with their political problems, but certainly their fight, their narcotics and trying to preserve democracy in that country.

The President has violated protocol in terms of not fulfilling the outlines that we have been using historically. What I have to say applies whether you are a Democrat or a Republican.

If, in the rules that the distinguished chairman of the Rules Committee has outlined to us, there is an area of consultation before the President actually sends a complex piece of legislation to the House, which is more conducive to bringing us together, saying to the House that you have 90 days, and if you don't do anything in 90 days that it's the House of Representatives that killed the bill designed to help our friends in this area? Or one may say, Mr. President, you forgot to consult with us? You forgot to consult with the Ways and Means Committee. You did not deal with some of the issues that we have.

As you just changed the rule and just sending it over saying it's your responsibility in the House, what we are saying is that let's give the House more time and not a timetable to see what can we do to facilitate an atmosphere that would allow the Members at least to know what's in the bill.

It is really strange that the ranking member of the Rules Committee has presented us a speech this morning that is so similar that I don't remember the last time anyone in the administration has talked about the bill.

Oh, Hugo Chavez, I go to sleep every night wondering what he is going to do. Castro, my God, we should vote for the people of Colombia and against him and make him a big threat in the community.

I am not saying these things shouldn't be considered, but how many people, Republican or Democrat have the slightest idea what's in the trade bill? Why not give them an opportunity to make this decision, not based on 40 days, 50 days or 90 days, but for us to bring up these things.

When has anyone ever heard that they didn't have a crisis in terms of peace and tranquility against terrorism and assassination in Colombia? The question we may ask is Uribe doing, a man that I respect, as much as he should? Should he be doing more?

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield the gentleman from New York 1 more minute.

Mr. RANGEL. The real question I think we should ask, my friend, is I know you have a problem. We have problems in every major city. Why don't you allow us to share with you some of the techniques we have, some of the technology, work with your law enforcement so at the end of the day those who claim that it is murder that stops us from voting on a trade bill, that we will be able to say that we are working with them.

I hope you would rethink the vote. This vote is going to apply to every President, every Speaker of the House that deals with us. Do you believe they can change the rules and then they say that we dictate the legislative calendar of the House of Representatives? I think not.

You change the procedure. We defend the rules of the House.

What are we giving up? We are giving us an opportunity, one, to find out what's in the trade bill, and, two, which is most important, what can we do to resolve the issues that force Members to be against it.

I appreciate the words of my friend from California, but you have to do that, you are the ranking member. I remember when I had to say things that I had to say. Let's work together on this.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 2 minutes to a hardworking fighter for freedom, a member of the Rules Committee, the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, what the majority leadership of this Congress, what this rule is saying to Colombia today is you voted to tie your economy to the United States, but, sorry, we don't care.

You are at war with narcoterrorists armed to the teeth by drug money and given sanctuary by neighboring governments. Sorry, we don't care.

You have voted, not once, twice, overwhelmingly, to support your brave President and his government and the Colombian armed forces as they fight the narcoterrorists and defend your rule of law. Sorry, we don't care.

Well, I say to the people of Colombia, like the President of the United States, many of us here in Congress are with you, and you are not alone despite this day of legislative action that will live in infamy.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts, an expert in this issue, and a member of the Committee on Rules, Mr. McGOVERN.

Mr. McGOVERN. I thank the gentlelady for her leadership on this important debate, and I rise in strong support of this rule.

Mr. Speaker, the policies of the Bush administration have produced an American economy in crisis. People are losing their jobs, fuel prices are at a record high, food prices have dramatically increased, confidence in the economy is at an all-time low. Maybe this is a radical idea, but shouldn't the energy, passion and focus of the administration be on fixing these problems?

This administration has turned a cold shoulder to the plight of American workers. They have opposed efforts to extend unemployment benefits. They have no plan to help 45 million Americans get health insurance. They have even opposed expanding health benefits to children. Their absolute indifference towards our fellow citizens is stunning. It takes my breath away.

Well, that must change. The Speaker of the House has the right to prioritize legislation. She has stated quite clearly that we want to continue to work with President Uribe to make progress on improving human rights, the rule of law, ending impunity, breaking Colombia's political and military ties to drug lords and paramilitary groups and protecting and promoting basic labor rights.

If the Colombian FTA came up today for a vote, I will strongly oppose it. I have repeatedly told the Colombian Government that I am always willing to reassess my position.

But when it comes to issues like human rights, I refuse to be a cheap date. The U.N., the Red Cross and U.S. and Colombian human rights groups all describe a worsening humanitarian crisis in Colombia. The number of internally displaced grew by 27 percent over the past year due to increasing violence throughout the country.

Over each of the past 3 years, murders of civilians by the Colombian army have been increasing. Violence against trade unions continues at an extremely high level, and the vast majority of cases of murders of labor leaders remain unsolved.

It is true that murders of trade unionists in 2007 were about half of what they were in 2006. Even then, Colombia had the highest rate of trade union murders in the world. But death threats, attacks and disappearances skyrocketed. But this 1-year hiatus in the murder rate may be over. In just the first 12 weeks of 2008, 17 trade unionists have already been assassinated.

Like many of my House colleagues, I have traveled to Colombia several times in the past 7 years. I have gone to Putumayo, not just to fly over fumigated territory, but to meet with hundreds of human rights victims and campesinos on the ground. I have been to Barrancabermeja, Sincelejo and Popayan.

I have traveled to San Jose de Apartado and to Arauca, where violence from all armed actors reigns supreme and community leaders are murdered like flies. I have visited the slums of Bogota where the poor and the internally displaced struggle to survive.

I spent hours in meetings with human rights groups, with families whose loved ones are held in brutal captivity by the FARC and with victims of violence by the paramilitaries and the Colombian army.

I have met with the constitutional court, religious and labor leaders, with indigenous peoples and Afro-Colombians and dozens of government and military officials. There is so much more to Colombia than the administration's day and a half excursion tours to Medellin and Cartagena.

Congress must insist upon improvements in human rights in Colombia and not paint a rosy picture simply to secure a trade agreement. U.S. policy must take responsibility for the behavior of Colombian behavior forces trained with U.S. tax dollars, take into account the continued suffering of the civilian population in the midst of an ongoing conflict and support the rights of victims after a decade of atrocities.

I remain dedicated to the Colombian people. I will never advocate walking away from Colombia. I also strongly support the right of the Speaker of the House to take up trade agreements when it makes the most sense to do so.

I urge my colleagues to adopt this rule and to remain engaged with Colombia on these important issues.

Mr. DREIER. Mr. Speaker, for a unanimous consent request in opposition to this Hugo Chavez rule, I yield to my friend from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. Today's vote to delay consideration of the U.S.-Colombia free trade agreement is nothing short of the majority party playing politics and catering to their special interests. The actions of the majority remind me of those of a school yard bully—when losing, simply change the rules of the game. We should reject these changes, and we should honestly and fairly debate the merits of this deal.

It's ironic that the majority party is delaying a vote on the agreement because by and large it benefits American workers most. The United States already grants Colombia duty-free access to U.S. markets. Colombian goods cross our borders virtually tariff-free. But, 80 percent of American made consumer products, and none of our agricultural products that we send to Colombia enjoy that same duty-free access. This is a one-way street. The U.S.-Colombia free trade agreement would remove the tariffs on American products and create an even playing field for our workers.

I am disappointed to see the Speaker stand in the way of lowering tariffs on American products. I urge a "no" vote.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to a member of the Committee on Ways and Means, who is a strong opponent of this Hugo Chavez rule, the gentleman from Shreveport, Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, I strongly oppose this extraordinary, unprecedented, and, I believe, dangerous change to the House Rules.

Congress first gave trade promotion authority to the President in 1974, in order to allow him to engage directly with our competitors around the world to level the playing field, eliminate barriers to American exports and create jobs for American workers.

Passing this rule would undermine that authority and damage United States credibility abroad because our trading partners could rightfully question the commitments of our government in negotiating trade agreements. I have heard it said that this rule will allow us to consider this agreement this year after the election, but what this rule would do is to eliminate the uncertainty under TPA that Congress will vote on this agreement.

It doesn't guarantee a vote by any time certain. It doesn't push the vote off until after the election. It simply turns off the clock entirely.

Even postponing congressional consideration of this agreement does tremendous damage to America's competitiveness. Right now Canada, the European Union, are completing trade agreements with Colombia. As a result, they will gain a competitive advantage over American products.

□ 1230

Colombia will buy tractors, mining equipment and fertilizer from Canada, France, and Germany, instead of from Illinois, Georgia, and Texas.

Chairman RANGEL, my good friend, said nobody is talking about the economic benefits, they are all talking about Hugo Chavez. Well, my good friend knows that is not the case. And besides, the reason we are not talking about it all that much is because it is a no-brainer from an economic standpoint. I am mystified as to why any Member would oppose this agreement when all it does is level the playing field for American workers.

Today, American workers compete against imports from Colombia that enter our country virtually duty free, while our exports going to Colombia face high tariffs. This agreement eliminates those obstacles to our goods and services and supports American jobs.

I agree with Chairman RANGEL's assessment last month that denying a vote on this agreement wouldn't help address the concerns about labor violence in Colombia. In fact, this agreement would help Colombian labor unions. The agreement includes robust, enforceable international labor organization core labor standards, standards included with the strong support of the Democratic leadership to require Colombia to continue the tremendous progress it has made to improve labor rights.

I plead with my colleagues today: Do not make a vote which will undermine the credibility of the United States, making it more difficult for any future administration to eliminate barriers to the sale of products made by us. Vote "no" on this rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. Mr. Speaker, we certainly do need a balanced, enlightened trade policy. But this debate is not about trade, it is about the guiding principle of the Bush Administration—arrogance—arrogance that has served our country so poorly.

This President, personally proclaiming himself to be a "uniter, not a divider" at the beginning, quickly transformed himself into the "decider." And that lone decider has unleashed one divisive, disastrous decision after another on our land. Mr. CHENEY's current chief of staff, he summed up this attitude very directly: "We're going to push and push and push until some larger force is going to make us stop." Well today, our Speaker, backed up by this House, says "Stop."

The go-it-alone, disdain for allies, dismissal of anyone who has a different point of view, has left this White House isolated. It has left us with a disastrous war, and now Mr. Bush's recession.

We'll secure a more responsible, enlightened trade policy, but we won't secure it until we trade it for a new President.

Mr. DREIER. Mr. Speaker, I am happy to yield 1½ minutes to my Rules Committee colleague, the gentleman from Pasco, Washington, who is vigorously opposed to this Hugo Chavez rule.

Mr. HASTINGS of Washington. Mr. Speaker, I thank my friend from California for yielding.

Mr. Speaker, we need to stop this unprecedented attempt to rewrite trade laws and jeopardize fair trade for our American farmers.

Washington State is the most trade-dependent State in the Nation. One in three Washington jobs is tied to international trade. Since 1991, Colombia has had open, free entry into the U.S. for many of their products, while steep tariffs block our farmers' access into Colombia.

This agreement would immediately, immediately, Mr. Speaker, eliminate tariffs for Washington State apples, cherries, pears, wheat, beef, and more. If the issue is the economy, what better way to stimulate our Nation's economy than to level the playing field and wipe out unfair trade barriers for our farmers.

Mr. Speaker, Representatives and Senators are elected to vote, so let's do our job and vote on the Colombia agreement. What the House is now considering is an effort to delay, to hide, to slam the door, shut the door on free and fair trade that millions of Americans' jobs depend on. I urge my colleagues to vote "no" on this Hugo Chavez rule.

Ms. SLAUGHTER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Vermont (Mr. WELCH), a valued member of the Rules Committee.

Mr. WELCH of Vermont. Mr. Speaker, I thank our distinguished Chair.

There is a fundamental issue that we face in this rule, and it is this: Does Congress cede its authority under the Constitution to the executive, or does it exercise it?

Mr. Speaker, from a distance—I have only been here a little over a year—I watched with dismay as a citizen, seeing Congress year after year relinquish its authority, turn that over to the executive, not do its job of accountability and oversight, not do its job on trade, essentially not exercise the constitutional authority that we are custodians of, each and every one of the 435 Members who have been elected.

The President exercised his prerogative under a rule that was enacted by this House in 1974, but against the advice of the Speaker and against the advice of the Senate majority leader. The President did what he could do, and that is send over on his own timetable a trade agreement when it wasn't ready to be considered.

And the Speaker, in her judgment, and I support this, stood up for the prerogatives of this legislative branch, where we have the responsibility to be the final voice of the people who sent us here.

The bottom line question is: Will Congress assert the authority that it has under the Constitution?

We can exercise it. The best circumstances, we do it in cooperation and in consultation with the executive. But if it is unilateral, a my-way-or-the-highway approach that has been so often employed by this chief executive, then it becomes incumbent upon us to stand up and assert the constitutional responsibility we have.

Mr. DREIER. Mr. Speaker, to speak in opposition to this Hugo Chavez rule, I am happy to yield 2 minutes to my good friend from Marysville, California, the ranking member of the Trade Subcommittee, Mr. HERGER.

Mr. HERGER. Mr. Speaker, this procedural vote, if it is successful, Congress would be rebuffing the Colombia agreement through technical gimmicks and rejecting a level playing field for American workers.

Colombian workers and producers already have free access to the U.S. markets, but we don't have reciprocity. Our manufacturers and farmers need this agreement to sell their products, create jobs, and compete against foreign producers. A vote for this rule is a vote against American workers, period.

Since the agreement was signed nearly 500 days ago, congressional Republicans and the White House have tried to work with the Democratic majority to approve this agreement. We reached a bipartisan consensus nearly a year ago to ensure congressional consideration of this agreement.

In sending up the agreement, the President said that he was open to continuing discussions with the Democrats. The Democratic leadership, through this rule, has firmly shut the door to any discussions.

Members should be keenly aware of the very negative foreign policy ramifications of this vote. This rule would be cheered by belligerent leftist guerillas abetted by Venezuelan strongman Hugo Chavez who seek to undermine the democratically elected Colombian government with menacing ramifications.

This rule is a public slap in the face to a loyal ally at the epicenter of a philosophical war between democracy and totalitarianism, capitalism, and socialism.

President Uribe made it very clear that the best way to support Colombia's struggle for economic and political security is to pass this agreement. Today's action would trounce that plea and embolden the foes of democracy. I urge a "no" vote.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), the chairman of the Subcommittee on Trade.

Mr. LEVIN. Trade policy under the Bush administration has been badly off track. The approach of the administration and the then-Republican majority in Congress was to go their own way and dismiss bipartisan effort, starting with a side letter to the Jordan FTA thwarting enforcement of worker rights provisions negotiated by the Clinton administration.

In the cases of Morocco, Bahrain, and Oman FTAs, it was left to Democrats to negotiate with governments of those countries to bring their laws into compliance with international labor standards before a Congressional vote, with no help from the administration.

And we all remember CAFTA, where the administration's approach was go it alone from the beginning through the end, with false claims that the other nations were already in compliance with international standards.

And last year, with the loss of a congressional majority, the Bush administration was forced to include fully enforceable labor and environmental standards in the Peru FTA. And when Democrats pressed for Peru to bring into compliance with the language of the agreement, the administration attacked Democrats and refused to even participate in the changes that Peru made in its legal structure.

At that time Democrats made clear that Colombia was different from Peru with the level of violence against workers, impunity from prosecution, and laws that did not meet international standards, and that sustainable progress was required before consideration. The administration kept on insisting that the status quo was good enough and has done nothing to address these concerns.

Urged by both the House and Senate Democratic leadership not to proceed with the Colombia FTA under present circumstances, the administration decided once again to go its own way. This rule reflects the Speaker's response to assert a congressional role on international trade under the Constitution of the United States of America.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time remains.

The SPEAKER pro tempore. The gentleman from California has 13 minutes remaining, and the gentlewoman from New York has 11½ minutes remaining.

Mr. DREIER. Mr. Speaker, I am happy to yield 30 seconds to the gentleman from California (Mr. ROYCE), the ranking member of the Trade Subcommittee of the Foreign Affairs Committee.

Mr. ROYCE. Mr. Speaker, there are many reasons why what the majority is doing today is gravely harmful to our security. Colombia is a close ally under siege. And as The Washington Post points out today: "Score this action as a boost to Venezuela's agenda of destabilizing democracy in Colombia."

By all accounts, the Colombian agreement is a big plus for American exports and American employment. What the majority is doing is giving near free-market access to Colombia and taking nothing for our workers. This agreement would cut tariffs 80 percent on U.S. beef, and 15 percent on U.S.-tractors.

Ms. SLAUGHTER. Mr. Speaker, I am delighted to yield 1 minute to the gentlewoman from California, the distinguished Speaker of the House of Representatives, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentlelady for yielding, and I commend her for her very distinguished leadership of the Rules Committee and for bringing this very important rule to the floor today.

Mr. Speaker, the reason we are here today is one I wish could have been avoided, and I think it is important to put it in context because I have heard our colleagues talk about the merits of the bill or talk about any precedent on rules, and I have heard them talk about different things. But I think it is important to know what brought us here today.

On Monday, I received a call from the President of the United States, always an honor to receive a call from the President. This is after months of our going back and forth with members of the cabinet and the rest about when and if they would send up the Colombia Free Trade Agreement. The President informed me that he would be sending the bill over the next day.

I recommended against it. I said, Mr. President, you shouldn't send it for two reasons. If you send it and we take it up, it will lose. Now you think it is very important to pass a Colombia free trade agreement, and in the Congress we have people who share your view. And we have others who share your view that we should pass it as soon as we address the concerns of America's working people, and others who will never be for it. But let's talk about what the possibilities are for passing it, and those possibilities are greatly diminished if you send that bill to the Congress under these circumstances.

Apart from the fact that it would be a breach of protocol, and let's just talk about that. A successful trade agenda depends on joint partnership between the Congress and the administration, as was the case recently in the Peru Free Trade Agreement. Had the administration followed the established protocol of congressional consultation relating to the submission of any free trade agreement, we would not have to take this action today.

By his actions on Tuesday, the President abandoned the traditions of consultation that have governed past agreement. In fact, the action the House takes today is more in keeping with the spirit of the rules than the White House's move to force a vote.

☐ 1245

But, as I said, just from a practical standpoint, Mr. President, you simply don't have the votes. And if we are to try to arrive at a place where the concerns of the American people are addressed, we need more time to do that.

I also said what I have said many times to the President. If we are going to be successful in passing a trade agreement, we have to first tell the Americans people that we have a positive economic agenda that addresses their aspirations, addresses their concerns about their economic security.

This bill's been around for a while, and matters have only gotten worse in our economy. The former Chair of the Fed has said we're in the throes of a recession. The current Chair of the Federal Reserve last week, the end of last week, testified to Congress that there's a possible recession.

Many people, I mean, the joblessness numbers of last week, again pointed to a steeper downturn in our economy.

Mr. DREIER. Mr. Speaker, will the Speaker yield for some questions?

Ms. PELOSI. No. You control your time. With all due respect to the gentleman, I'll use mine.

The fact is, as I said to the President, many people in America now are concerned about their jobs. They're concerned about losing their homes. Most people won't, but most people are concerned about losing their living standard.

When the cost of groceries and gasoline and the cost of health care and education and other staples continues to go up, and the purchasing power of the income that people have is either stagnant or going down, they have concerns about their economic security.

So let's have a timetable for the American people. Let's have a timetable on our consideration of a trade bill that addresses the concerns and is compatible with the needs of America's working families. That is, I think, the only fair thing to do.

The President ignored those concerns and sent the bill over. I pledged to this body, as Speaker of the House, that at the appropriate time, if many of these concerns are addressed in terms of America's working families, that we can take up legislation for such a trade agreement.

Some have concerns about the content of the agreement. Others have concerns about the treatment of labor organizers in Colombia, and it's a real concern, and one admitted to by the administration and the Colombian Government. There are differences of opinion as to how this is changing, but let's see how we can work together to make that change.

Mr. DREIER. Mr. Speaker, I ask again if my distinguished California colleague would yield.

Ms. PELOSI. Having control of the time, I will retain the control of the time, Mr. Speaker.

The important point here is, whether it's the substance of the bill, whether it's the conditions in Colombia, they are to be, obviously, major considerations.

But what we're saying to the President, we can't do much about some of these things. We certainly can address the provisions in the bill. But I'm not here to talk about that now.

What we can do something about, what we haven't done enough about is to send a positive economic agenda forth. And these are not difficult. Most of what we're talking to the President about are part of what has passed this Congress in mostly an overwhelming bipartisan way.

Whether we're talking about rebuilding the infrastructure of America, whether we're talking about investments in an innovation agenda, our commitment to competitiveness to keep America number 1, and that innovation begins in the classroom, and we have to have a strong commitment to the education of our people, whether we're talking about tax credits for our energy bill which we passed here, which would immediately create jobs. No, if we don't do it we will lose jobs that exist now. Same thing with infrastructure. If we don't make those investments, our projects will have to discontinue. But many more are ready. Dirt is ready to fly. The projects are in the pipeline.

There is a way to create good-paying jobs right here in America. We've passed the legislation. The vehicles are there for us to do it. And at the same time, we have to address the concerns of those who have lost their jobs, whether it's unemployment insurance or summer jobs program for their children or other initiatives.

So this is nothing new. And, in fact, the whole idea that we were going into recession is nothing new to most families across America. It took a while for the President and his administration to accept that fact, and, when they did, we could talk. And when they did, we could talk, we could work together, as Mr. BOEHNER and I did, with the Secretary of the Treasury, to put together a stimulus package that had strong bipartisan support, and, as the President has said, has not gone into effect yet. And when it does, I know it will inject demand into the economy, create jobs and, I think, stimulate the economy.

But since we did that, matters have only become worse, necessitating the need for us to do more. And we certainly should do more for our economy. And we certainly should do more for our economy before we pass another trade agreement. It's all possible in the days that are before us.

But instead of having the President's timetable, we have the timetable of the House of Representatives, we have a timetable for America's working families.

And nothing that we are doing here now should be misconstrued in terms of our attitude toward Colombia. Colombia is our friend, is a neighbor in the hemisphere. The relationship between Colombia and the United States is an important one.

We have concerns about workers in Colombia, and we respect the leadership of President Uribe. And as I said to the Ambassador yesterday, I hope you will convey that message to the President, and when you do, I hope you will also tell him we congratulate him on his excellent representation in the United States in ambassador service here.

So this isn't about ending anything. It's about having a timetable that respects the concerns, the aspirations, the challenges faced by the American people. We are the people's House. Their timetable should be our timetable.

I urge our colleagues to support the rule.

Mr. DREIER. Mr. Speaker, I yield myself 10 seconds before I yield to the leader to say that I had hoped to ask the Speaker if, in fact, the votes are not there, why it is that we had to do this the day after the President sent this message up, why we could not have waited 45 days. It was my hope that the Speaker could have answered that question for us. Unfortunately, she has not.

With that, I yield 1 minute to the distinguished Republican leader, our friend from West Chester, Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from California for yielding, and say, Mr. Speaker, and to my colleagues, that our economy is struggling. Families and businesses are dealing with the rising cost of living, and certainly the job market has slowed. At a time like this we should be working together. And as the Speaker said, she and I came together and our Members came together on both sides of the aisle earlier this year to pass an economic growth package. The checks will be going out to Americans here beginning in the middle of May and will occur, continue to go on through the end of July. These checks, again, are not out in the marketplace. We hope they'll be out there soon, and we hope it will help revive our struggling economy.

But the action that's being taken here today is going to do nothing more than to hurt American businesses and American workers.

The Speaker earlier went on about the fact that the typical protocol here was not followed; that the President send this bill to the Congress without the approval of the Speaker of the House.

Now I think it's time to set the record straight on exactly what has occurred. There have been hundreds and hundreds of meetings over the last 15 months trying to come to an agreement on how this bill shall be considered. There have been changes made. There have been side agreements that have come forth as a result of this.

And over the course of the last six or eight weeks, there have been serious conversations between the administration and the Speaker of the House about the consideration of the Colombia Free Trade Agreement. And the reason this bill was sent up here this week was because, not one time over these 6 weeks, has the Speaker agreed or made a commitment to the administration that this bill will be considered this year. The President's been willing to work with the Congress. The conversations, again, have gone on for 15 months. But not one time during that 15 months was there ever a commitment by the Democrat majority to bring this bill to the floor for a vote in the House.

I don't think the President had any choice but to bring, to send that free trade agreement to the Congress and force Congress to act.

And so what do we do? We don't go try to work to see if we can get the votes. We don't try, in a bipartisan way, to move this agreement. No, we're going to go in and cheat. We're going to change the rules under which the consideration of this free trade agreement should operate between the House and the Senate. We're not even going to give it a chance.

And anybody that thinks that well, we're just going to push this off for a couple of months, that is nonsense. This vote today is a vote to kill the Colombia Free Trade Agreement, nothing more and nothing less.

The Speaker points out, well, the President did this and, frankly, there are other priorities in the House.

Let me tell you what. When we passed the Andean Trade Preferences Act earlier this year, virtually everything that comes from Colombia to the United States comes here duty-free. The Colombian Free Trade Agreement would allow U.S. manufacturers, and U.S. workers who produce these goods, to send our goods to Colombia virtually tariff-free.

We're doing nothing here but hurting American workers and American businesses. Why?

I think the Speaker made it very clear. This action today is nothing short of political blackmail. The Speaker made it clear that she has her agenda. She wants the President to deal with her on her agenda, and we're not going to move this bill until the President deals with her agenda. That is not the way to deal with our trading partners around the world.

I've listened to candidates that are running for President, especially candidates on the Democrat side, who have talked about the fact that the United States needs to be more willing to engage the rest of the world, that we need to listen, that we need to reach out to countries around the world. There's probably no place that's more important for us to reach out than South America.

Here we have a country in South America that's doing their best to fight off terrorists in their own country. A message that we could send, not only to Colombia, but to the rest of South America that we want to engage in them, exactly as many of these contenders for the Democrat nomination, points that they have made.

What does this say to Colombia? What does it say to South America? And what does it say about free and fair trade around the world?

This is a precipitous step in the wrong direction. We're sending a very bad message for our partners around the world, all in the name of election-year politics. I think that it's regrettable, it's despicable.

If we're going to have a vote here, why don't we put the Colombian free trade bill up for a vote and let the House work its will on that bill, because the fact is, I think it would pass.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. For a Republican minority, and particularly the gentleman from California, who whine day in and day out about their inability to offer amendments to even the most minor of bills, I've never seen a group so eager to give up their right, in fact, the right of every Member of this House to offer an amendment to this trade agreement in a rush to rubber-stamp yet another failed so-called free trade agreement.

As one Republican pointed out, yeah, its been the policy since 1974. Guess what? 1974 we were the manufacturing colossus of the world. We ran trade surpluses. We had a robust middle class in America. It was bad policy then. But after 24 years of that bad trade policy, our manufacturing's cut in half. The middle class is losing ground. They're unemployed. We're borrowing $2 billion a day from the rest of the world, including Communist China, to buy things that we used to make here in America, and they think we should do more of the same.

I've heard this and played this game before. I've never voted for one. But every President since I've been here, Republican and Democrat, says, hey, we negotiated this deal in secret. You can't fail us now. Yeah, it's got big problems, but we'll fix them later.

Guess what? Later never comes. Because this Congress, until today, has never had a spine to stand up to the special interests that are pushing failed trade policies, policies that fail the American people to benefit a few on Wall Street. This is about Main Street.

The House is growing a spine today. This is a great day and the beginning of a new trade policy for the American people.

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Mr. DREIER. Mr. Speaker, to speak in opposition to this Hugo Chavez rule, I'm happy to yield 1½ minutes to my very good friend from Morris, Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Mr. Speaker, I rise in opposition to this rule. Why is Latin America all today watching this debate in this House? Because today the House of Representatives is going to tell the world how we treat our best friends, how we treat our best friend in Latin America. Who is our best friend in Latin America? The democracy of Colombia. Who is America's most reliable partner in counternarcotics and counterterrorism in Latin America? The democracy of Colombia. Which elected national leader is the most popular elected official in all of this hemisphere? The President of Colombia, President Uribe. Why? Because he succeeded in reducing violence.

Today, 73 percent of Colombians today say they feel more secure and more safe prior to President Uribe 6 years ago. In fact, Colombia today is safer than Washington, DC.

Today, this House will vote to set Colombia aside, and we will turn our back on our best friend in Latin America. Why again is Latin America watching? Because leftist Hugo Chavez and his proxies, the narcotrafficking FARC, had declared they want to defeat the U.S.-Colombia Trade Promotion Agreement. They can't defeat President Uribe at the ballot box, but they want to in this Congress.

The Prime Minister of Canada said it best: If the United States turns its back on its friends in Colombia, this will set back our cause far more than any Latin American dictator could hope to achieve.

Our friends in the Democratic majority say this is all about election-year politics, but we must understand that turning our back on Colombia will have long-term consequences for Latin America.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois, a member of the Ways and Means Committee and Chair of the Democratic Caucus, Mr. EMANUEL.

Mr. EMANUEL. I would like to thank my colleague for lending the time.

Mr. Speaker, we are having a conversation here about trade and globalization and about how to make sure that, in fact, globalization is a win-win strategy for the American people. And we were talking about Colombia, but what we really are talking about is the effects of globalization on the American economy.

And in fact today, if you take a look at The Washington Post Business page, there's a new survey out showing the middle class feeling worse in this period of time than ever before, more squeezed by rising costs. Energy is up nearly 2 bucks a gallon since 2001. Nearly $2 up. Health care costs have doubled. College costs are up 64 percent, and yet the median household income in this country shrunk $1,100. The middle class are feeling squeezed.

Globalization can be a good thing. Trade can be a good thing. But if you don't have an agenda to make sure Americans win in that globalization, you're going to get a squeeze on the middle class where they resist the attempts to open up markets to American-made products.

What we need here, and what we are seeking here, is a new deal for the new economy for the American workers. And that means when health care costs are up like that, we make sure there's health care security to the American people, which is why it was wrong to veto a children's health care bill for America's children to give 10 million children's parents who work full-time health care.

It is why it is wrong that when we have an extension of the hope and lifetime college credit so Americans can get to community colleges, can get the chances for their kids to go to college, it is wrong to allow that tax credit to end.

It is why we are trying to make sure that, in fact, American people have a retirement security and a universal 401(k) so those who work full time, 75 million Americans, who do not have a savings plan outside of Social Security have in fact a 401(k) like the rest of us. It's an agenda to make sure there is an economic security plan.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. EMANUEL. No conversation about trade is ever about trade. It's about the standard of living of the middle class of this country.

Globalization could be a good thing if you have an agenda, and just trade alone is not an agenda to make sure that the middle class of this country, that built this country since World War II are strengthened to compete and win in this globalized economy.

And what we are ensuring today is that we have in fact a trade deal that is not seen as a cost to the American people but seen as an opportunity to succeed in that world, and we today are making sure that there is a win-win strategy to that globalization.

Mr. DREIER. Mr. Speaker, as I prepare to yield to the Republican whip, I'd like to yield for a unanimous consent to my good friend from Connecticut (Mr. SHAYS).

Mr. SHAYS. I rise in strong opposition to H. Res. 1092, which will in effect defeat the U.S.-Colombia Free Trade Agreement by postponing consideration of the legislation indefinitely. It is more than ironic to me that, at a time when our economy has slowed tremendously, Democratic leaders are seeking to derail efforts to enhance our export market, which has been one area of strength in our economy.

The fact is, this trade agreement will help U.S. manufacturers and high tech service providers export to Colombia, a great friend and ally, where many of our products face tariffs. If any country deserves our support for aiding efforts to build a stable economy, it is Colombia. The Government has taken great strides in preventing attacks by paramilitary groups, and if we are ever going to curtail drug production from Colombia, it will be because of a stable economy, which free trade helps create.

I urge my colleagues who support economic growth, free trade and better relations with our neighbor to reject this misguided resolution and keep the Colombia free trade agreement on track.

Mr. DREIER. Mr. Speaker, with that, I would like to yield 3 minutes to my good friend from Springfield, Missouri, who will vigorously oppose this Hugo Chavez rule.

Mr. BLUNT. I thank the gentleman.

I, too, vigorously oppose this rule. It seems to me the House today is doing two things that this Congress has done too often. One is, if you don't like the rules, you change the rules; and two is, we continue to take actions that reduce confidence in dealing with the United States. When you change the rules, other countries just simply don't want to deal with you.

Five hundred days since this treaty, this agreement was negotiated in good faith. Changes made sense then in elements that dealt with the environment and labor that the Colombians went back at our request to make. Sixteen months of talking to the leaders of the majority about what was the best day to bring this agreement, now 500 days old, to the floor of the House, and it's going to happen today or it's apparently not going to happen anytime in the near future.

We had no trade agreements before we went to the process of Trade Promotion Authority because nobody wants to trade with you if they don't think you're dealing in good faith. Nobody wants to deal with you if they don't think you're dealing in good faith.

This is about jobs. It is about middle-class jobs that my good friend from Illinois just talked about. I mean, how much more middle-class jobs could you try to provide than you provide when we open their market to us? Seventeen years ago we opened our market to them. This is not a debate about whether we can compete with Colombian products or whether their workers are being treated fair. Their workers already make products that come in here every day with virtually no tariff.

This agreement would let our workers send products there with no tariff. Eighty percent immediately would have no tariff. Very quickly, 100 percent would have no tariff. The 8,600 Caterpillar jobs in Illinois would be sending their products to Colombia without the 15 percent tariff. Why wouldn't we want to give those 8,600 labor union workers a 15 percent advantage that they don't have today?

When you change the rules, bad things can happen. This is about manufacturing jobs. It's about union jobs. It's about middle-class jobs. And of course, it is about our closest ally in South America, the second biggest country in South America, a country that for 17 years has had access to our markets and, in the last decade, has worked closely with us to try to solve their problems and the problems of this hemisphere.

This is a huge mistake today. It is the wrong signal to send not just to Colombia but anybody who's thinking about working with the United States of America. You have got to deal with countries in good faith. We are not doing that. We are not dealing with our own workers in good faith. I hope we do everything we can to defeat this rule.

Ms. SLAUGHTER. Mr. Speaker, I am delighted to yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague.

Mr. Speaker, I rise in strong support of H. Res. 1092. Colombia is an ally and a friend, and I commend President Uribe for reducing violence and unrest in Colombia. However, Colombia still leads the world in trade unionist murders. According to Human Rights Watch, 17 have been killed this year alone and more than 400 over the last 6 years. Hardly any of these murders have been investigated or prosecuted.

This is not only about human rights. This is about domestic responsibility. How can we trade away jobs when unemployment is climbing and our economy is in recession? We need to expand and strengthen trade adjustment assistance. We must educate and train American workers to better compete in the global economy.

The President had a choice. He chose to force a vote, and today he is getting that vote: a vote declaring that strong-arming Congress will not work, a vote for American workers and their families, a vote for human rights.

I urge my colleagues to vote "yes" and stand up for workers' families both here at home and in Colombia.

Mr. DREIER. Mr. Speaker, at this time I would be happy to yield to one of the greatest proponents of free trade, a member of the Ways and Means Committee, the gentleman from The Woodlands, Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, America's status in the world has never been smaller than this day. Who could imagine the world's largest economy cowering from Colombia behind the calls of protectionism? Who could imagine the world's greatest democracy too frightened to even debate, even consider this agreement. Who could imagine that this Congress would send a signal to the world that we are not just an unreliable leader in trade, we are an unreliable negotiator in trade? It is embarrassing and it is dangerous. And it will cost America jobs.

Today, Colombia can sell their products into America with no tariffs, no restrictions. But when we try to sell our products, we find barriers and costs. My workers in Texas want to know why can they buy products in Colombia at the local mall but we can't sell our products around the world? Colombia is a strong trading partner. They have reduced violence. They have embraced the rule of law. They are a strong ally. They deserve an up-or-down vote this year.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentlelady from New York, and I am so much in favor of this process that I had to bring two constitutional books to the floor to be seen by my colleagues.

I support this initiative because it restores the constitutional authority to this floor and to the Speaker of the House. And for someone who has voted for trade bills that are fair, I ask my colleagues to recognize that we have an obligation to the American people. For if we look at the month of March, the third month of declining numbers of U.S. jobs, with losses widespread across all sectors and the biggest losses coming in construction and manufacturing, the experts, including Federal Chairman Ben Bernanke and former Federal Chairman Alan Greenspan, have confirmed the serious challenges to the United States economy. One former Labor Secretary has also uttered the word "depression."

This is an opportunity for us to be able to establish our authority on the floor to work through legislation and to ask the question of my friends on the other side of the aisle, if trade bills are so effective, why are we losing jobs? Why are people without employment? Why are we in this economic crisis?

And so we are standing up for American workers. We are standing up for the workers in Colombia. I have the greatest respect for President Uribe. I look forward to working on legislation that addresses the labor concerns of working-class indigenous Colombians, and this is a two-way street. My friends on the other side of the aisle cannot prove that ignoring the Constitution will get us jobs.

Vote for this resolution.

Mr. Speaker, I rise today in support of H. Res. 1092, the rule for consideration of H.R. 5724 implementing the United States-Colombia Trade Promotion Agreement. I would like to thank Speaker PELOSI for her exemplary leadership on this important issue and for bringing this rule to the floor today.

Mr. Speaker, it is vital to delay the consideration of the Colombia Free Trade Agreement, FTA. The Republican-controlled 109th Congress recklessly allowed the President to precipitously pass free trade agreements without sufficient consideration of the impact on our economy and hard-working Americans and without ensuring that the labor rights of workers are protected in the country seeking the FTA. Today more than ever, with our economy suffering from a substantial downturn, which includes rising unemployment and a housing foreclosure crisis, it is imperative that the Democratic-controlled 110th Congress continue our practice of providing sufficient consideration of free trade agreements prior to their implementation.

Mr. Speaker, I had the pleasure of visiting Colombia last year, and I am extremely concerned about the ongoing oppression of Afro-Colombian populations. Afro-Colombians face the same social barriers that all Afro-Latinos face around Latin America; social marginalization, lack of access to health care, lack of educational opportunities, lack of workforce opportunities. In Colombia, however, this marginalization is intensified by the ongoing conflict. The effects of the armed conflict, specifically forced displacement, in Colombia falls disproportionately on the back of Afro-Colombians. In fact, Colombia's highest rate of displacement in 2003 was recorded in the Chocó region, where approximately 75 percent of the population is Afro-Colombian. Because Afro-Colombians largely inhabit areas that have been neglected by the federal government, they have been extremely appealing targets for narco-traffickers, guerilla insurgent groups, and paramilitary forces. Afro-Colombians have been forcibly and violently displaced, and they continue to face a range of human rights abuses that go uninvestigated by the judicial system.

Mr. Speaker, I believe that the Colombian Government must be more active protecting and promoting the rights of Afro-Colombian populations. This must take the shape of providing more access to health care and education, especially for internally displaced persons. Additionally, more security must be established in typically neglected regions.

H. Res. 1092, as reported by the House Rules Committee, provides that two sections—section 151(e)(1) and section 151(f)(1)—of the Trade Act of 1974 shall not apply in the case of H.R. 5724, to implement the United States-Colombia Trade Promotion Agreement. In effect, Mr. Speaker, this rule will suspend the requirement that the Colombia Free Trade Agreement be considered within 60 legislative days in the House. It will give Congress the prerogative to schedule a vote on this piece of legislation, working with labor and many other groups concerned about American workers and fair trade.

Mr. Speaker, I believe that rushing this legislation to the floor would be an incredible mistake. We are currently in the midst of an economic downturn, with numbers released last Friday showing a sharp increase in the number of jobless Americans. According to these numbers, the number of jobs outside the agricultural sector fell by 80,000 last month, a figure that represents the biggest drop in nearly five years.

March is the third month of declining numbers of U.S. jobs, with losses widespread across all sectors and the biggest losses coming in construction and manufacturing. The experts, including Fed Chairman Ben Bernanke and Former Fed Chairman Alan Greenspan, have confirmed the serious challenges facing the United States economy.

Mr. Speaker, now is the time to strengthen the American economy. This Congress must put American workers first. I believe that, through bipartisan negotiations coupled with urgent action taken to repair the struggling American economy, we can create the conditions for a successful free trade deal with Colombia. However, Mr. Speaker, this will take time.

Instead of working with Congress to address the legitimate and serious economic concerns of the American people, the President has engaged in highly partisan politics to attempt to ram this legislation through the Congress. On Tuesday, President Bush took the unprecedented step of sending his Colombia trade deal to Congress without following established protocols of congressional consultation. By engaging in this political maneuver, the President has forced Congress to take this action.

The rule we are considering today would remove the fast-track timeline for the Colombia free-trade agreement. By doing so, this rule returns the role, provided by the Constitution, of scheduling considering of measures to the Congress. The authority to do so is provided in the Fast Track law, PL 107–210, which explicitly recognizes "the constitutional right of either House to change the rules (so far as relating the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House." Today, we are doing exactly that.

Mr. Speaker, I believe there are a number of issues that need to be addressed before a free trade deal with Colombia is approved. In addition to the concerns about the American economy and American workers, trade legislation should also benefit the people of Colombia, particularly the working classes. I remain concerned about many ongoing abuses in Colombia that, in my opinion, make such a deal inappropriate at this time. In particular, I am concerned about the suppression of labor rights in Colombia and the targeted killing of labor organizers. Two Foreign Affairs subcommittees, the Subcommittee on International Organizations, Human Rights, and Oversight and the Subcommittee on the Western Hemisphere, held a hearing last June about the ongoing pattern of labor violence in Colombia, and I would like to see many of the issues raised in that hearing addressed before a trade deal with Colombia is signed.

I believe that President Alvaro Uribe Velez has, since taking office in August 2002, made important strides toward establishing state control throughout the country, to revitalize the economy, and to combat corruption. I also believe that a fair free trade agreement can immensely benefit the people of Colombia. Colombia continues to face severe income disparities, coupled with poverty and inadequate social services. According to World Bank estimates, 65 percent of Colombia's population lives below the poverty line. Poverty in rural areas is particularly severe, with rates in these regions approaching 80 percent, and the World Bank estimates that 38 percent of rural residents do not have access to potable water, and 68 percent do not have access to sewage treatment services. In addition, Colombia's rural areas have an estimated illiteracy rate of 15 percent.

Mr. Speaker, I believe we must work together to develop and pass a trade bill that will benefit the American economy, and that will also trickle down to benefit all levels of Colombian society. I was proud to cosponsor and to vote for the Trade and Development Act of 2000, which included the Caribbean Basin Trade Partnership Act. This legislation expanded the Caribbean Basin Initiative, which is intended to facilitate the economic development and export diversification of the Caribbean Basin economies. I supported this initiative because it not only benefited American workers and the American economy, but it also carried true benefits for the people of the target nations. I am proud to vote for fair free trade legislation that will benefit workers both here and abroad.

Mr. Speaker, I support this rule because it will return to Congress its constitutionally granted power to schedule consideration of legislation, and it will give us the flexibility necessary to hold bipartisan negotiations regarding this legislation. I urge my colleagues to put the American economy and American workers first during this financially uncertain time, and to support the passage of H. Res. 1092.

Mr. DREIER. Mr. Speaker, as I yield 1 minute to my friend from Washington, I would say to my friend from Texas that if she turns to page 1,136 of the book that she held up, she would see that that has the rule we are abrogating with this vote that we are about to take.

With that, I yield 1 minute to my good friend from Auburn, Washington (Mr. REICHERT).

Mr. REICHERT. As a representative from the State of Washington, the most dependent State on trade in the Nation, I strongly urge my colleagues to reject this unprecedented rule and allow the Colombian Free Trade Agreement to come to the floor to a vote. I traveled to Colombia last weekend to see firsthand the progress that country is making. I met with union members who support this agreement. I met with union members who oppose this agreement. I met with President Uribe. I met with the labor minister. I met with the attorney general there. I met with the people who have been disarmed and left the paramilitary organizations. I met with shantytown residents.

You want to talk about human rights? Those people are the poorest people in the world. Those are the people we can help with this agreement.

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Not only can we help poor people here in the United States of America, but this is designed to help poor people, struggling people in Colombia. Human rights, ladies and gentlemen, is worldwide. When we give them jobs, we give them hope.

Ms. SLAUGHTER. Mr. Speaker, may I inquire from my colleague how many requests for time he has remaining.

Mr. DREIER. Mr. Speaker, I have a long list of people here I would say to my friend, the distinguished Chair of the Committee on Rules.

May I inquire how much time we have remaining, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California has 4¾ minutes remaining. The gentlewoman from New York has 5 minutes remaining.

Mr. DREIER. May I inquire of my friend how many speakers she has remaining.

Ms. SLAUGHTER. I have one more, who is not presently on the floor. So I will reserve my time.

Mr. DREIER. Well, I would be happy to use the 5 minutes if the gentlewoman would like to yield me 5 minutes because we've got lots of people who feel strongly about that, and I know we could expand our thoughts on this with your 5 minutes.

Ms. SLAUGHTER. I think I'll reserve it. Thank you very much for the offer.

Mr. DREIER. Just thought I would offer it as a possibility for consideration.

Mr. Speaker, I yield 1 minute to my very good friend from Miami, who is the distinguished ranking member of the Committee on Foreign Affairs, Ms. ROS-LEHTINEN.

Ms. ROS-LEHTINEN. I thank the gentleman for the time.

Mr. Speaker, I deeply regret the effort today to postpone timely action on the U.S.-Colombia Free Trade Agreement. For over a year, advocates of this agreement have worked tirelessly with our counterparts to bring it to the floor for an up-or-down vote.

We have the power to make a difference. We can make a difference not only here at home, but in Colombia and throughout the hemisphere as well. Colombia is a close ally, fighting our common enemy of drugs and antidemocratic regimes in the region. We must take a stand for our national security and against the growing influence of Iran and other rogue states in the hemisphere.

The choice is clear. This rule change is nothing but an abdication of responsibility and a decision to leave the hard decisions for another day. With the Colombian FTA, American businesses will benefit greatly, our ally will be strengthened, and our interests in the hemisphere will be secured.

I urge my colleagues to join me and vote "no" against this procedural vote.

Ms. SLAUGHTER. I continue to reserve.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 1 minute to my very good friend and a passionate free trader, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, I find it fascinating that the Democrat majority this week can find time to rename post offices, but somehow cannot find the time to vote on a trade agreement to help create more American jobs.

We're talking about a trade agreement to where over 90 percent of Colombian goods come into our country duty-free, yet only 3 percent of our goods go into their country duty-free. We're trying to level the playing field here, Mr. Speaker. We're trying to create more American jobs. What could be more fair?

Mr. Speaker, I had an opportunity to sit down with the Fed Chairman this week. And as we talk about tough economic times, we ought to learn the lessons of history. And one of the lessons of history is that starting a trade war can bring about a recession, and that's what we see the Democrats doing. People are struggling to make their paychecks stretch. Why don't we create more jobs? Why don't we level this playing field?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. Mr. Speaker, I yield the gentleman an additional 15 seconds.

Mr. HENSARLING. Mr. Speaker, when we're talking about our ally, Colombia, Hugo Chavez wants this trade agreement to never see the light of day, and our Democrat colleagues agree.

Ms. SLAUGHTER. I will continue to reserve.

Mr. DREIER. May I inquire of my friend; so I assume there are no further speakers then?

Ms. SLAUGHTER. My last speaker has not yet shown up.

Mr. DREIER. So I guess I should infer from that that there won't be any more speakers, other than your close, I presume.

Ms. SLAUGHTER. I think that's accurate.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my very good friend from Fairfax, the distinguished former chairman and ranking member of the Committee on Government Oversight and Reform.

Mr. DAVIS of Virginia. I oppose this resolution strongly, Mr. Speaker.

We call this fast track authority for a reason. No argument about process niceties can change the meaning of those words. This is supposed to be a deadline for a vote in the House.

The administration has been talking and talking, and we think that if they didn't bring this forward, it would never come up for a vote at all. This is the vote. That's the very point of the requirement we're being asked to waive today.

Look, the supposed "failure to consult" is just the latest pretext for the shameless politicization of free trade policy and the abandonment of a key ally. The perverse truth underlying the political battle lines over trade that this action would harm American interests at home and abroad, in fact, American workers would benefit from the provisions in this agreement much more than their Colombian brothers and sisters.

Colombia already has access to the U.S. market under the Andean Free Trade Agreement. This opens 80 percent of Colombian markets that currently are closed, have high tariffs, to American farmers and American manufacturers.

Legislating, like elections, is about choices. And changing the rules, moving the goal line beyond reach is the wrong choice on the Colombia Free Trade Agreement.

Mr. DREIER. I would again inquire of the distinguished Chair of the Committee on Rules if, in fact, there are going to be any other speakers on the other side of the aisle.

Ms. SLAUGHTER. There are none.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time to simply say that this has been a very interesting debate. Unfortunately, our colleagues on the other side have put forward some, well, let's say some inaccuracies. The fact of the matter is that over the last 4 years, when this process began, the administration has been working very closely with hundreds and hundreds of meetings in a bipartisan way to come together so that we can do what both Democrats and Republicans alike have said that they want to do, strengthen our ties within this hemisphere and do what we can to ensure that we bring about an agreement which will work to create jobs right here in the United States.

The distinguished ranking member of the Ways and Means Committee has just reminded me of the fact that every country with which we have a free trade agreement, every single country, we enjoy a surplus of trade, a trade surplus. So the notion that pursuing these FTAs somehow costs us jobs is preposterous, and the facts don't hold it up.

One of our friends on the other side of the aisle, the gentleman from Oregon (Mr. DEFAZIO), talked about the fact that we were the manufacturing giant in 1974, 34 years ago, when fast track authority was put into place. And I will tell him that today we are still the world's manufacturing giant. In 1974, we had a $1.5 trillion economy; today, we have a $14.1 trillion economy.

So as was said by the Republican leader, Mr. BOEHNER, this is a no-brainer, as Mr. MCCRERY said, this is a no-brainer economically. We need to recognize that if we as a Nation are going to maintain our leadership role, we have to shape it.

Vote "no" on this horrible Hugo Chavez rule, Mr. Speaker.

With that, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I need to put on the record the fact that America is not the manufacturing giant. China is the manufacturing giant, followed by India.

Mr. DREIER. Would the gentlewoman yield?

Ms. SLAUGHTER. No. I would like to have my time to close.

The people who talk today about free trade never mention fair trade. That's been a problem for me for a long time. If it has not affected their economy, they're very lucky.

I happen to represent an economy that has been greatly affected by trade policies that did nothing for the American workers, that did nothing to produce more jobs. The idea that we would again continue to follow that failed policy surprised me.

But the most important thing today, we are not debating the Colombia-U.S. Free Trade Compact. What we are debating today is whether or not the House of Representatives is going to take back what it is entitled to take back, and that is, responsibility for scheduling matters that come to the floor for consideration. It is a very important point. We are perfectly entitled to do it under the law. It affects the Senate not a whit.

And I am proud, frankly, to say again that our prerogatives, which have been slipping away from us for the past 12 years, all the Congress' prerogatives going to the executive department, that has to stop. And I not only want to stop this one, I would like to regain some of the abilities that we have lost already to represent the people who send us here.

I urge everyone to vote "yes" on this rules change today.

Mr. SKELTON. Mr. Speaker, Article 1, section 8 of the U.S. Constitution grants Congress the power to regulate commerce with foreign nations. Through the years, Congress has recognized the President's role in negotiating trade deals and has granted the President a great deal of leeway with regard to trade. Congress, however, must ratify every trade deal, and the President has a great deal of responsibility to work with elected members of the legislative branch before pressing forward with any negotiated trade agreement.

One power Congress has occasionally authorized for the President is the so-called "fast track" negotiating authority. "Fast track" permits the President to negotiate a trade agreement while giving Congress an opportunity to ratify the agreement without amendment and within a certain time frame. "Fast track" allows the House and the Senate to set its own rules with respect to considering a trade agreement under these expedited conditions. In November 2006, using its "fast track" powers, the Administration signed a Trade Promotion Agreement with the South American country of Colombia.

In June 2007, I visited Colombia and met with President Uribe, other Colombian leaders, and U.S. embassy and military professionals serving there. Through the years, I have been extremely skeptical about U.S. involvement in Colombia's civil war and have voted in the House to reduce U.S. military aid to that country. That said, Colombia is an important ally of the United States and the trade agreement negotiated between the U.S. and Colombia is worthy of support. Should it pass, most U.S. exports to Colombia—including Missouri's agricultural exports—will enter that country duty-free. Under current law, nearly all Colombian goods enter the U.S. duty-free.

On April 8, 2008, the Administration took the unprecedented step of delivering the Colombia Trade Promotion Agreement to Congress without having fully consulted with the House and the Senate. In my view, the Administration's maneuver seriously jeopardizes prospects for the trade agreement's passage in the House. Without bipartisan support, I am convinced the House would reject it, sending a negative message to Colombia and derailing important benefits to Missouri agriculture that would be brought with the deal.

Mr. Speaker, in an effort to give Congress more time to review the Colombia Trade Promotion Agreement and to prevent an embarrassing defeat of the agreement on the House floor, I will vote today to delay its consideration. I remain hopeful that the agreement can be considered before the end of the 110th Congress.

Mr. KUCINICH. Mr. Speaker, I rise in support of H. Res. 1092 and urge my colleagues to vote for this resolution.

The Administration would like to force this Congress to take up the U.S.-Colombia Free Trade Agreement, FTA, before August.

This resolution will allow Congress, not the Administration, to decide if and when this body should take legislative action on the U.S.-Colombia FTA.

I strongly oppose the U.S.-Colombia FTA. This is yet another flawed, NAFTA-style, trade deal that harms workers in the United States and in Colombia.

Our workers and our communities have been devastated by our flawed trade policies. Since 2001, over three million valuable manufacturing jobs have been lost due to the NAFTA model of trade, now being perpetuated in the U.S.-Colombia FTA.

In Ohio, where we have lost more than 236,000 high-paying manufacturing jobs, we know the realities of these failed trade policies all too well.

The actual number is much higher because we have not included job loss in the service sector and supply chain that we cannot account for. Excluded are local businesses, such as restaurants, just down the road from closed manufacturing facilities that are forced to close their doors. The ripple effect includes a loss of health care and college educations.

Trade agreements should be responsible. The U.S.-Colombia FTA continues the destructive trade policies that spur the exodus of well paying jobs and undermine the ability of working people to protect their living standards. That is not a responsible trade deal.

Trade agreements that fail to enforce worker rights are irresponsible. Approximately 2,300 labor organizers, labor leaders and union members have been murdered in Colombia since 1991. Today, Colombia is still the most dangerous country in the world for union members.

In February, an AFL-CIO delegation met with leaders of the major Colombian labor federations. According to the AFL-CIO "[l]eaders of the major Colombian Labor federations told the delegation they oppose any free trade deal between the United States and Colombia until the government takes strong action to stop the violence against trade union members and ends assaults on union rights."

The U.S. must not continue to expand a failed trade policy based on the NAFTA model. It outsources valuable American jobs and accelerates the transfer of capital out of the U.S. It is a model that harms workers, erodes environmental protections and limits access to healthcare for the poor in the countries we trade with.

Congress must take a much needed step back and bring all parties to the table to examine how we can fix our broken trade system.

Common sense suggests that our trade policies should promote workers' rights, human rights, strong protections for our natural resources and the environment, and expansion of Buy American practices that support American competitiveness. What America needs is Fair Trade, not Free Trade.

Mrs. CAPPS. Mr. Speaker, I rise today in support of H. Res. 1092 and against the Colombia Free Trade Agreement.

Colombia is an ally and friend of the United States. I commend President Uribe and his government for reducing the violence and unrest in Colombia. They have made great progress.

However, Colombia still leads the world in trade unionist murders. According to Human Rights Watch, 17 have been killed this year alone, and more than 400 over the last six years. Hardly any of these murders have been investigated or prosecuted.

It would be immoral and irresponsible to pass a free trade agreement with Colombia while these conditions persist. But this is not only about human rights. This is about domestic responsibility.

How can we trade away jobs when unemployment is climbing and our economy sinks deeper into recession? Surely, this is not the time to rush into another trade agreement. Doing so without first strengthening our economy and helping American workers is just plain wrong.

The global economy is changing rapidly, and we need to catch up. We need to expand and strengthen Trade Adjustment Assistance. We need a Trade Adjustment Assistance program that educates and trains the American workforce to better compete in the global economy.

Yet the Administration and its allies on the Hill have expressed no interest in making this program meet the needs of American workers. Advancing free trade agreements without first addressing the needs of American workers is just plain irresponsible.

We are here today because the President has once again chosen confrontation over compromise. Like with FISA, the Iraq War and countless other important issues, the President has determined that he alone knows what's best and that Congress and everyone else should just go along. Of course, his disastrous record over the last 7 years—on the economy, jobs, the deficit, health care, disaster relief and our national security, to name just a few issues—should make any fair observer pause before deferring to his judgment. By unilaterally forcing this issue, the President has yet again demonstrated his arrogant disregard for American workers and their families.

The President had a choice. He chose to force a vote, and today he is getting that vote. This vote will declare that strong-arming Congress will not work. This vote will be a vote for human rights. This vote will be a vote for American workers and their families.

I urge my colleagues to vote "yes," and stand up for working families both here at home and in Colombia.

Mr. TANNER. Mr. Speaker, I rise today to express my disappointment that the Members of this body have been forced to make such a difficult decision with regard to the Colombia Free Trade Agreement. As you know, the Bush Administration sent this proposed agreement directly to Congress without the level of dialogue many of us would liked to have seen to ensure we can reach agreement on this matter. I fear that the poor and unprecedented decision by President Bush to place this matter before the House of Representatives without the consent of leadership will result in collateral damage to the Trade Promotion Authority protocol that is instrumental in our work to promote commerce with other countries. Therefore, Mr. Speaker, I am constrained to voting "present," with the hope that continued dialogue between Congress and the White House will lead to a positive resolution of this entire matter.

Mr. DAVIS of Virginia. Mr. Speaker, an ancient proverb cautions "Arrogance diminishes wisdom." Sadly, this proposal ignores that warning, indulging institutional arrogance at the expense of wise legislating. Based on the transparent facade the President's transmittal of the Colombia Free Trade Agreement violates a "protocol," the House today is asked to vitiate a law and a process upon which the administration, the Congress and the people of Colombia have relied in good faith.

The alleged breach of manners? A claimed failure to consult the House on the agreement.

But, as has been said, consultation has been extensive, and those consultations have had an impact. The Government of Columbia has done a great deal—more than some may have thought wise, in fact—to address Democratic concerns about human rights, labor organizing, and other issues.

It's called "fast track authority" for a reason. No argument about process niceties can change the meaning of those words. There is supposed to be a deadline for a vote in this House. That's the very point of the requirement we're being asked to waive today.

In fact, the supposed failure to consult is just the latest pretext for the shameless politicization of free trade policy and the abandonment of a key ally. The perverse truth underlying the political battle lines over trade: This action would harm American interests at home and abroad. American workers would benefit from the provisions in this agreement as much or more than their Colombian brothers and sisters.

This free trade agreement would spark a tremendous increase in trade from the United States to Colombia. High quality American goods like machinery would be available at lower prices in Colombia. The agreement would therefore create jobs, spur investment, and improve our quality of life. The benefit is obvious, especially when compared to the minimal costs. Over 90 percent of Colombian goods already enter the U.S. tariff-free thanks to the recently renewed Andean Trade Preference Act, so we would be sacrificing very little.

There are still subtler yet equally vital reasons to approve the FTA. Colombia is a proud democratic ally in Latin America. It is our closest friend in an area filled with nations opposed to our shared vision of harmonious relations. Colombia has also been beset by a dynamic Marxist insurgency, funded and succored by international drug trafficking and kidnapping. This movement has brought untold death, destruction, and other hardships to Colombia. In recent years, however, the tide has turned. Owing mostly to the steadfast determination of Colombians who seek peace, guided by the unwaveringly leadership of President Álvaro Uribe, and assisted by American funding and advice, the rebels are being defeated. I have been to Colombia many times, most recently in February, and I have seen first-hand the dramatic improvement in Colombia's security situation. By growing and diversifying the Colombian economy, the free trade agreement would provide further incentive for guerillas to cease their quixotic quest for power while also demonstrating the benefits of free trade to those in neighboring countries whose leaders favor demagoguery while letting their economies fall behind.

Many Democratic leaders who oppose the agreement claim they do so because labor leaders are endangered in Colombia. This is an excuse, not a justification. I applaud the vitally important role played by Colombian labor officials. I unalterably oppose actual or threatened violence against them. More importantly, I know President Uribe agrees. His government has instituted widespread reforms to protect labor leaders and to promptly, efficiently, and legally respond to attacks against them. Since 2002, when President Uribe was inaugurated, violence directed at labor officials in Colombia has fallen 80 percent. These institutional changes and results are precisely what Democratic officials in the United States said would earn their support for the free trade agreement. But now the goal posts have been moved. Democratic leaders, beholden to union bigwigs, refuse to do the right thing. This sorry spectacle will further confirm the views of those who believe America's image abroad is deteriorating.

Make no mistake about it, this action will effectively kill this agreement, despite empty claims to the contrary. Rather than ratify provisions which would significantly improve the economies of both the United States and Colombia and solidify relations with a key American ally, the Democratic leadership prefers to cravenly supplicate themselves to their political allies in Big Labor.

Colombia has done what was asked of it. Now, the Democrats who run Congress should opt to help their constituents and aide an important ally. Legislating, like elections, is about choices. And changing the rules, moving the goal line beyond reach, is the wrong choice on the Colombia Free Trade Agreement.

Mrs. TAUSCHER. Mr. Speaker, I rise in support of H. Res. 1092.

It is with careful consideration that I have chosen to support this rule removing procedural timetables from House consideration of the U.S.-Colombia Free Trade Agreement.

A vote on this rule is not a vote on the substance or quality of the Colombia FTA. It is a vote in protest of the President's failure to adequately consult the Congress under well-established protocols.

I was one of only a few members of my caucus to support trade promotion authority in 2002. It is my strong belief that forcing consideration of such measures is not the way "fast track" was intended to be utilized.

The President's actions place ultimate implementation of the Colombia FTA in great jeopardy. A failure of the FTA on the House floor would send the worst possible message to our friends and allies in Latin America.

I look forward to working with my colleagues here in Congress, as well as with the administration, to create the conditions for consideration of this important agreement on its own merits.

For too long, the United States has neglected its friends and allies in Latin America, and the Colombia FTA will be a beneficial tool for engagement in the region.

In the midst of growing peace and order in Colombia, removing trade barriers between our two countries will facilitate Colombia's progress and benefit both of our economies.

President Uribe and the Colombian people continue to face a number of challenges, including narco-trafficking and kidnapping by guerrilla groups, continued violence committed by armed paramilitaries, and the need to protect the rights of unions and their leaders. I have great confidence in his abilities, and I look forward to seeing continued progress in this regard.

I also look forward to seeing continued progress and bipartisan support for domestic economic measures, including additional funding to stimulate the economy, to provide support and training for workers, and to address housing, energy, and health care. I urge both President Bush and my colleagues to recommit themselves to these goals, in order to create favorable conditions for consideration of the Colombia FTA.

Mr. GOODLATTE. Mr. Speaker, I rise today in opposition to this irresponsible rule. The Colombia trade agreement was negotiated under trade promotion authority, which clearly specifies that once transmitted to Congress this body must take up the agreement within 90 days. The Government of Colombia negotiated this agreement with us in good faith, that we would keep our word. Unfortunately the majority now wants to change the rules of the game. This is damaging to our relationship with Colombia and damages our reputation in the world. It shows the world that Congress does not keep its word, and this will make any other country reluctant to enter into agreements with our nation. This is simply bad foreign policy.

I believe in the benefits of free and fair trade. I support efforts to remove tariffs and barriers to trade whenever possible and feel that such efforts will lead to increased economic growth for the nation as a whole. With tens of thousands of jobs in my congressional district being tied to trade, the expansion of trade means a healthy future for a number of local businesses, and in turn new jobs for my district, and the Nation.

However, I believe that all trade must be fair trade. The Colombian agreement would be fair trade. Already, the vast majority of Colombian products pay zero tariffs to enter the U.S. market. In fact 365 members of this House, many of whom now stand opposed to this fair trade bill, voted to allow Colombia this open access to our markets. It is not defensible to keep U.S. producers from the same access to Colombia, that Colombia already has to our market. Since 1991, U.S. workers and businesses have paid over a billion dollars in tariffs to sell their wares in the Colombian market. Every day we delay enactment of the Colombia FTA we hurt U.S. workers, farmers, and entrepreneurs who will benefit from opening the Colombian market.

It is disappointing that the Democratic majority has not embraced this trade agreement, as it would mean new jobs for citizens across the nation. New jobs that are very much needed in our tightening economy. Mr. Speaker, I remain committed to the benefits of free and fair trade. I urge my colleagues to reject this rule which would be detrimental to our relationship with Colombia and is more importantly reckless foreign policy.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this resolution that President Bush has regrettably made necessary.

The immediate effect of the resolution will be to allow deferral of a vote on the proposed free trade agreement with Colombia.

Some say that the longer-term effect will be to make approval of that agreement impossible. But I think the reality could be just the reverse, because as you have said, Mr. Speaker, at this point the odds are against its approval and so deferring the vote on the agreement could be the only way it might ever be approved.

I have supported Free Trade Agreements with Bahrain, Singapore, Chile, Morocco, Australia, Jordan, Oman, and Peru, I'd like the opportunity to consider the merits of a Columbia FTA, but cannot jump to the conclusion that its provisions are fully acceptable, and I am troubled by allegations that labor organizers have been terrorized by government authorities in Columbia. It seems to me that the proponents of this agreement have the burden of making a compelling case that the agreement meets criteria Congress has insisted upon with regard to labor protections.

Therefore, deferring the vote will allow additional time for the Bush Administration and the other supporters of the agreement either to the make the case that it should be approved in its current form or to work with the Colombian government and the Congress to make revisions to respond to objections raised by its opponents.

It should not have been necessary for the House to act to provide that time. If President Bush had been willing to do more to resolve those objections, we would not be taking such action. But by deciding to formally transmit the agreement, which set in motion the so-called "fast track" procedures of the current law applicable to trade agreements, the President has brought us to this point.

And while the details are different, that approach is very similar to the one the president has followed on many other matters—demanding approval of his proposals and refusing to work with Members of Congress to resolve objections or accommodate other suggestions.

We have seen the pattern over and over, from the repeated vetoes of legislation to expand the State Children's Health Program, SCHIP, to revising the Foreign Intelligence Surveillance Act, FISA, and with regard to more other matters than I have time to list.

But this time, by adopting this resolution, we can give President Bush time to reconsider that way of doing business, and give the other proponents of the Colombia trade agreement time to make the case for why it should be approved.

Mr. HOLT. Mr. Speaker, I am pleased to join you today in standing up for working families in America by opposing the flawed fast track procedures.

When the President sent the Colombia Trade Agreement to Congress earlier this week, he started a clock for the agreement's consideration. He hoped that by forcing Congress to act, he would be able to win approval of the Colombia FTA. Yet, in reality, he only exposed one of the many problems that fast track trade negotiation authority created.

Today, Congress is sending a clear message to the President that we will not consider the Colombia Free Trade Agreement or any other FTA's on his time table. We will not be bullied. Congress is a coequal branch of government.

As you may know, I have long opposed the granting of fast track authority to the President because it removed Congress from shaping and drafting trade agreements, the timing of their consideration, and allowed Congress only an up or down vote on unamendable trade agreements. In doing so Congress abdicated our essential responsibility to our nation's citizens. I was pleased that this dangerous fast track authority expired last summer and has not been renewed.

As I hear from people from across central New Jersey, protecting workers' rights, human rights, and the environment are not secondary or extraneous concerns; they are central to what the United States stands for. I support trade that elevates the quality of life for citizens all over the world. The United States, and indeed the entire world, can benefit from increased trade, but increased trade in itself is not the goal we seek. Rather, we seek an improved quality of life for our people and advancement of other people's well-being.

Additionally, even on the merits I am very concerned by the Colombian agreement. As I have said before, trade done right helps lift the global standard of living and works to protect our natural environment. Trade agreements are not just about goods and commodities, they are about values. Trade agreements state what constitutes acceptable behavior in worker's rights, environmental matters, intellectual property, and so forth. We should make sure we export the goods we produce and not the workers who produce them. We must continue to demand improvements in our trade policy.

Mr. BOREN. Mr. Speaker, I rise today in opposition to the passage of H. Res. 1092, a resolution designed to block consideration of the U.S.-Colombia Free Trade Agreement in the U.S. House of Representatives.

This resolution will more than likely prevent the U.S.-Colombia Free Trade Agreement from receiving an up-or-down vote during the 110th Congress. I believe we should have an open and fair debate on every free trade agreement. The normal process established by law in which free trade agreements are considered allows Members of Congress opportunities to raise concerns regarding free trade that they heard from their constituents.

I disagree with the decision by the President to send this agreement to Congress without the necessary consent of both the House and Senate. However. I am concerned the passage of H. Res. 1092, which suspends the 60-day time line for a House floor vote on the U.S.-Colombia Free Trade Agreement, will only serve to deepen the already existing partisan divide in Washington.

Along with my fellow colleagues in the U.S. House of Representatives. I closely weigh the potential costs and benefits of each free trade agreement the President negotiates. Furthermore, I believe in order for these agreements to be evaluated thoroughly, they must be considered by the normal process established by law. The resolution adopted today undercuts this process.

Mr. Speaker, it is for these reasons I voted against H. Res. 1092 along with 195 of my colleagues. I hope in the coming months Members of the House and Senate will have the opportunity to debate and assess the potential value of the U.S.-Colombia Free Trade Agreement.

Ms. SOLIS. Mr. Speaker, I rise in strong support of H. Res. 1092, a rule to suspend fast track procedures for the U.S.-Colombia Free Trade Agreement (FTA). U.S. trade policy should promote democracy based on the protection of fundamental human rights. However, by sending the Colombia FTA to Congress, President Bush has disregarded the rights of workers in Colombia and the needs of working families in the U.S.

Since the 1980s, more than 2,500 workers have been assassinated in Colombia for joining, forming, or leading labor unions. More unionists are killed in Colombia each year than the rest of the world combined. We should not be engaging in free trade policies with a nation whose human rights record is so abysmal.

Our Nation's economy is struggling. The United States lost a record of 80,000 jobs in the month of March alone. The cities in the 32nd Congressional District that I represent have seen unemployment rates soar to more than 7 percent. In this time of economic turmoil, Congress must work to restore the economic security of working- and middle-class Americans.

This rule prioritizes the needs of American workers by removing the timeline for House action on this trade agreement. I strongly support this rule and urge my colleagues to vote for final passage.

Mr. REICHERT. Mr. Speaker, the unprecedented vote to change the rules and delay considering the Colombia Free Trade Agreement was one of the most disappointing moments I have had as a Member of the House of Representatives.

I was disappointed that the Majority would so blatantly play election-year politics and cater to special interests at the expense of good economic policy.

I was disappointed that my Democratic colleagues in Washington State—the most trade-dependent State in the Nation—rejected my call for a united delegation effort to bring the FTA to the floor, and instead followed the Speaker at the expense of our region's needs. With our economy lagging, and in light of how important this agreement is to large employers in our State like Boeing and Microsoft, I cannot understand the thinking behind their position.

But more than anything, I was disappointed that the House was denied the opportunity to consider a trade measure of critical importance to our economy and to our workers.

I traveled to Colombia two weeks ago to see firsthand the progress the country is making, and it is remarkable. I met with union members who support and union members who oppose it. And let me say a word about that: The unions who oppose the FTA represent workers who are unaffected by it. The unions who support the agreement are those whose workers will be affected. Let me repeat that: The unions in Colombia that will be affected by this trade agreement support it.

I also met with President Uribe, the Attorney General, and disarmed paramilitary combatants. I saw the broad support from the Colombian people for this agreement and the progress the country has made to protect and promote human rights. I returned even more convinced that we must pass this agreement to grow our economy, create jobs, and support a strategic ally.

The Colombia FTA would grow our economy by opening new markets for American businesses and farmers while bringing fairness to our existing trade relationship. Virtually all of Colombian goods enter America duty-free, while American goods face tariffs. With so many jobs tied to trade in Washington, common sense says we must level the playing field.

The FTA will also support democracy in an unstable region. It's imperative for Americans to view free trade agreements not just as a mutual economic benefit, but also as a core component of our country's diplomacy and security. Colombia stands tall as a beacon of democracy in the face of Hugo Chavez's anti-American policies. And Colombia remains a key ally in efforts to combat the illegal drug trade. What message does it send to our allies around the world if we ask so much of them, then turn our backs on them at a crucial moment? Why do so many Members come down here to talk about working together with other countries in foreign policy, but do not want to do so in trade? Trade is foreign policy.

Delaying the Colombia FTA signals to our allies that America is closed for trade, and encourages our rivals to exploit new markets. It also derails the consideration of other pending trade agreements like one with Korea, Washington State's fourth largest trading partner. This is absolutely the wrong message to send in this time of economic uncertainty.

Regardless of your views of the FTA, the House deserves to debate it under the rules of consideration this chamber agreed to when it approved trade promotion authority. Let's stop playing political games that cater to special interests, and let's start working together, as Democrats and Republicans, to pass the trade measures that are important to our economy and our workers.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 195, answered "present" 1, not voting 12, as follows:

[Roll No. 181]

YEAS—224

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cappe
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Tanner

NOT VOTING—12

Andrews
Bishop (NY)
Bishop (UT)
Burgess
Buyer
Ferguson
Granger
Hulshof
Larson (CT)
Ramstad
Rush
Sires

☐ 1347

Mr. PENCE changed his vote from "yea" to "nay."

Messrs. ORTIZ and ADERHOLT changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I was not present to vote on rollcall votes Nos. 178, 179, 180, and 181 due to a family medical matter. Had I been present, I would have voted:

"Yea" on rollcall vote No. 178 on the Journal vote; "yea" on rollcall vote No. 179 on agreeing to H. Res. 1083, providing for consideration of the bill H.R. 2537, Beach Protection Act of 2008; "yea" on rollcall vote No. 180 on the motion to suspend the rules and agree to H. Res. 1038, recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation; and "yea" on rollcall vote No. 181 on agreeing to H. Res. 1092, relating to the consideration of the bill H.R. 5274 to implement the United States-Colombia Trade Promotion Agreement.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2537.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

BEACH PROTECTION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 1083 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2537.

□ 1404

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, with Ms. DEGETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 30 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong support of H.R. 2537, the Beach Protection Act of 2007. This legislation extends the authorization of appropriations for the Beaches Environmental Assessment and Coastal Health Act, the BEACH Act, through 2012. First signed into law in October 2000, the BEACH Act has provided States, local governments and tribes vital funding for assessment and public notification programs that monitor our coastal waters.

Over the years, the Subcommittee on Water Resources and Environment has held numerous hearings on EPA's BEACH program. In fact, the history of the BEACH Act goes back to 1990 when Congressman William Hughes of New Jersey first introduced the Beaches Environmental Assessment, Closure and Health Act of 1990. I applaud his vision for effective coastal water quality criteria and public notification, as well as the efforts of Congressman PALLONE and Congressman BISHOP, the primary sponsors of this legislation, to carry forward this legacy.

As reported by the Committee on Transportation and Infrastructure, the Beach Protection Act of 2007 increases the annual authorization level for State and local monitoring and notification grants by $10 million and expands the eligible uses for grants under this program. For example, H.R. 2735 allows States to utilize a portion of their BEACH grant funding to develop and implement pollution source identification and tracking programs for coastal recreation waters, which will enable interested States to locate the likely sources of coastal water contamination.

H.R. 2537 also encourages the development and implementation of rapid testing methods for determining where and when coastal recreational waters exceed coastal water quality criteria. These rapid testing methods are designed to ensure that the public is notified of potential harmful recreational waters within a few hours, rather than days as under the current system. This provision will have a significant impact on efforts to protect the public from coming into contact with potentially harmful pollutants and contaminants at their favorite beaches.

In addition, H.R. 2537 enhances existing public notification requirements, including making beach warnings and closures available on the Internet. The bill clarifies that the public must be notified within 24 hours of the authority receiving results of contaminated water quality samples. However, because many States utilize a system where two contaminated samples must be identified before a beach is closed, H.R. 2537 also requires that a physical sign must be posted at any beach where the results of a water quality sample demonstrate the likelihood that the water may be contaminated. Again, providing more information and notice on the condition of the Nation's coastal water quality is essential to ensure that the public can avoid contact with potentially harmful pollutants while visiting their favorite beach.

The bill also enhances EPA's review of individual States' compliance with the requirement of the BEACH Act by requiring the Administrator to conduct an annual review of implementation of the BEACH Act by State and local governments and to take corrective action if State and local governments are not in compliance with BEACH Act requirements. It also requires the Government Accountability Office to audit EPA's administration of the BEACH Act.

Finally, the bill requires EPA to conduct annual compliance reviews of State and local BEACH programs.

Later today I plan to offer a bipartisan manager's amendment to the bill to address several technical recommendations made by the Environmental Protection Agency and others that will improve the bill. I strongly urge my colleagues to support the manager's amendment and the underlying legislation that I believe will make significant improvement to EPA's BEACH program.

Much of our efforts are to provide additional safeguards for our families to make sure that they do not come into contact with potentially harmful pollutants and contaminants along the Nation's coastlines. I believe this legislation accomplishes what we tried to do.

Madam Chairman, I reserve the balance of my time.

Mr. BOOZMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am very excited the House is moving H.R. 2537, the Beach Protection Act of 2007. This is an example of the good we can accomplish when we are able to work in a bipartisan manner to address the Nation's water resources needs.

Beaches are an important part of American life. Our Nation has nearly 23,000 miles of ocean and Gulf shoreline along the continental United States, 5,500 miles of Great Lakes shorelines and 3.6 million miles of rivers and streams. Beaches are an important part of the coastal watershed, providing numerous recreational opportunities for millions of people, including fishing, boating, beachcombing, swimming, surfing, sunbathing and bird watching.

Each year, over 180 million people visit coastal waters for recreational purposes. This activity supports over 28 million jobs and leads to the investment of over $50 billion each year in goods and services. Public confidence in the quality of our Nation's water is important, not only to each citizen who swims, but also to the tourism and recreation industries that rely on safe and swimmable coastal waters.

To improve the public's confidence in the quality of our Nation's coastal waters and protect public health and safety, Congress passed the Beaches Environmental Assessment and Coastal Health Act of 2000, commonly called the BEACH Act in the 106th Congress.

The BEACH Act aimed to limit and prevent human exposure to polluted coastal recreational waters by assisting States and local communities to implement beach monitoring, assessment and public notification programs. The act also called on States with coastal recreational waters to adopt pathogen-related water quality standards and directed EPA to conduct research and develop updated water quality criteria to protect human health. Under the BEACH Act, EPA has been making grants to States to help them implement programs to monitor beach water quality and notify the public if water quality standards for pathogens are not being met.

An important indicator of progress to date is the fact that all eligible States are now implementing the beach monitoring assessment and public notification provisions of the BEACH Act. The number of monitored beaches has increased from approximately 1,000 in 1997 to more than 3,500 in 2006.

In addition, EPA has strengthened water quality standards throughout all the coastal recreation waters in the United States. All 35 States and territories with coastal recreation waters now have water quality standards as protective of human health as EPA's water quality criteria. This is an increase from 11 States and territories in 2000.

Further, EPA has improved public access to data on beach advisories and closings by improving the agency's electronic beach data collection and delivery systems. Moreover, EPA has been conducting cutting edge research to support the development of new water quality criteria to protect human health from pathogens and new monitoring methods to more accurately and rapidly detect pathogen contamination in recreational waters.

Faster and better decisions are good for public health and good for the economy and beach communities. We are optimistic that this work will help State beach managers make the best decisions possible about keeping beaches open or placing them under advisory.

□ 1415

Although EPA and the States have made substantial progress in implementing the BEACH Act, there is important work left to do in the areas of monitoring, research and updating the existing water quality criteria.

Reauthorizing the BEACH Act will enable EPA and the States to complete the important work they have begun so they can better protect public health and safety and continue to improve the quality of our Nation's recreational coastal waters so important to the economies of our coastal communities.

H.R. 2537 passed the Transportation and Infrastructure Committee by a unanimous vote. I would like to thank the chairman of the committee, Mr. OBERSTAR, and the chairwoman of the Subcommittee on Water Resources and Environment, EDDIE BERNICE JOHNSON, and especially a thank you to the ranking member, Mr. MICA, for all the hard work they have done put in to allow us to bring to you a consensus bill that enjoys strong bipartisan support.

I would also very much like to thank the staff. We have a bipartisan amendment that will be offered by Ms. JOHNSON at the appropriate time. It addresses technical and clarifying matters and other matters brought to the committee's attention since the committee filed its report.

I urge all Members to support the legislation.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I would like to yield 2 minutes to Mr. KAGEN from Wisconsin.

Mr. KAGEN. Thank you to Madam JOHNSON and subcommittee Chair FRANK PALLONE for putting together a tremendous bill.

Madam Chairman, as a Member who has the honor of representing one of the largest States in the country that has shoreline beyond measure in its value, I rise in strong support of H.R. 2537, the Beach Protection Act.

This critical piece of legislation will increase grant funding overseen by the EPA for water quality surveys and for pollution source tracking programs, and it will also set a new standard for public notification.

H.R. 2537 will take important steps to address the serious threat to public health and the economic vitality of coastal vitality of coastal economies in northeast Wisconsin posed by beach water pollution and human pathogens.

I would be remiss, however, if I did not also recognize the exemplary job performed by the State of Wisconsin's Department of Natural Resources, who has been monitoring 34 of the 35 beaches in Door County, Brown County and Kewaunee County.

While I am also proud to applaud the beach monitoring standards employed by the State of Wisconsin, this act will also improve upon the quality of these observations and heighten public safety. After all, clean water gets good health.

Moreover, it will require the EPA to commence a study, identify potential revisions in the beach-funding distribution formula, which currently weighs the beach season conservatively, more importantly, than other factors such as Wisconsin's winter season not being adequately measured. Additionally, the bill will call upon the EPA to publish a list of pathogens affecting human health.

In closing, I urge all of our colleagues to support H.R. 2537.

Mr. BOOZMAN. Madam Chairman, I yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding.

Madam Chairman, I rise in very strong support of H.R. 2537, the Beach Protection Act, and I want to applaud Chairman OBERSTAR for his leadership in bringing this to the floor and working with Ranking Member MICA. Certainly our subcommittee Chair, EDDIE BERNICE JOHNSON, has done extraordinary work on this, and our ranking member on the subcommittee, Mr. BOOZMAN, as well, for bringing it to the floor, I think, in a very bipartisan way.

I actually was not in the Congress in 2000 when the original BEACH Act became law, but I really feel this program could have been designed with my district in mind. In Michigan, we are unbelievably blessed to be surrounded by the Great Lakes which provide incredible recreational opportunities for boating or fishing or swimming.

Millions of Michigan residents from all over the world come to Michigan to enjoy our magnificent Great Lakes. In fact, there are more than 30 million people who find their way every year to our beaches.

We also have some especially unique challenges in the Great Lakes region in regards to quality. Unfortunately, due to inadequate underground infrastructure, many areas suffer from combined sewer overflows during our wet weather events. We often see sewage discharges right into the Great Lakes, right along the beaches near big cities like Detroit or Chicago, other populated areas.

My district faces additional challenges in that we have a very long liquid border that we share with Canada. In fact, on the Canadian side of the river next to my district is an area which we call Chemical Valley, which is the largest concentration of petrochemical manufacturing plants in North America. So we need to worry not only about discharges on the American side, but on the Canadian side of the border as well.

Frequent and proper monitoring is a critical tool in this area to ensure that those who come to enjoy our State's natural beauty can do so knowing that the waters are clean and pure.

The BEACH Act has provided resources to help State and local governments ensure that our beaches are safe for recreational activity. In many ways, the BEACH Act has been successful and this reauthorization bill and the bipartisan cooperation that went into it has improved an already outstanding Federal program, but I do believe that we can do better.

A 2007 GAO report about the impact of the BEACH Act on the Great Lakes noted that there were some important successes, but also some areas where we need to improve. First, the GAO found that the formula EPA has used to distribute the BEACH Act grants does not accurately reflect the monitoring needs of the respective States. The EPA takes into account three factors to determine the allocation of these grants: beach season length, beach miles, and then beach usage.

At the current funding levels, the beach season factor has a much greater influence than the factors of beach miles and coastal population. Great Lakes States, which have beach seasons of little longer than 4 months, lose out when compared to southern and western States, of course, that have a full year season, even though the number of people who use the beaches might be similar.

Just an example, my home State of Michigan is disadvantaged by the minimal consideration given to beach miles. In 2006, Michigan, that has 3,224 shoreline miles, received a grant out allocation of only $278,000. By contrast, one of our neighboring States, that has only 63 shoreline miles, received $243,000. Due in part to this funding disparity, Michigan is only able to monitor 212 of its 905 beaches.

I am glad that this legislation helps address this problem by requiring the

EPA to conduct a study of the formula for the distribution of grants in accordance with the needs of the States. EPA must report their findings back to the Congress and suggest possible revisions for a more equitable distribution of the funds.

A second recommendation from the GAO report was that Congress should consider providing more flexibility for the grant so that they could be used to investigate and remediate contamination sources. Because of the increased monitoring, we are better able to predict which beaches would be contaminated.

But most cases local officials do not know the source of the contamination and are unable to take the action to address the cause. If they did they would still not have adequate funds to address the issue.

This legislation will allow States to use their BEACH Act grants to track sources of pollution. This change will provide the valuable information that we need to help clean up our waters and reduce pollution before it gets into our waters.

I urge my colleagues to support the passage of this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I would like to yield to our distinguished Chair of the full committee for a unanimous consent request.

Mr. OBERSTAR. Madam Chairman, I rise in strong support of H.R. 2537, the Beach protection Act of 2008.

This legislation, and the underlying statute that the Beach Protection Act amends, are vital to ensuring that the public is aware of, and protected from coming into contact with, potentially harmful pollutants and contaminants in our coastal recreational waters.

I applaud the efforts of the primary sponsors of this legislation, the gentleman from New Jersey, Mr. PALLONE, and our colleague on the Committee on Transportation and Infrastructure, Mr. BISHOP, for shepherding this important legislation through the hearing process, through Committee markup, and to the floor of the House today.

I also applaud the efforts of the gentleman from California, Mr. BILBRAY, for his efforts back in 2000 to move the initial BEACH Act to the President's desk.

The BEACH Act that was signed into law in October 2000 authorized $30 million annually for beach monitoring and assessment programs and public notification programs for fiscal years 2001 through 2005. It required States and tribes to determine minimum water quality standards that were considered "safe."

In many ways, the BEACH Act has proven successful in making the public aware of the presence of potentially harmful water contamination at local beaches, and has brought about a revolution in terms of States creating and implementing coastal recreational water monitoring and notification programs. The benefits we have seen over the last 8 years include uniform standards for coastal recreational water quality, and increased monitoring and notification of such waters.

However, inasmuch as the BEACH Act has been successful in providing more information to the public, the Bush administration's track record on utilizing all of the tools contained in the BEACH Act to protect human health has been far less successful.

For example, the EPA was given authority to promulgate standards for States that did not have sufficient standards as compared to those in the 1986 Ambient Water Quality Criteria for Bacteria. EPA was given further direction to continue to study the impacts of waterborne pollutants and bacteria to human health, and to revise the criteria every five years as needed.

Unfortunately, EPA failed to complete this task, as demonstrated by a lawsuit by advocates for safe beaches, and more recently, in a report of the Government Accountability Office ("GAO").

This GAO Report, entitled "Great Lakes: EPA and States Have Made Progress in Implementing the BEACH Act, but Additional Actions Could Improve Public Health Protection," established that more work could be done to ensure the safety of our beach waters.

Just this week, a Federal District Court judge in California ruled that EPA, again, violated its "non-discretionary duty" to complete required studies on revising coastal water quality criteria and standards. Even after losing a similar lawsuit in 2006, EPA continues to argue that the statute gives the Agency the discretion to "conduct the studies as it sees fit." This is contrary to the law, and has once again been dismissed by the Federal District Court judge.

Similarly, the Bush administration has failed to utilize the authorities and direction of the initial BEACH Act to ensure the public has the best, most accurate, and timely information on the condition of their favorite beaches. For example, the BEACH Act called for a creation of a "National List of Beaches" that would provide the public with information on which beaches had in place monitoring and notification programs, and which did not. EPA was given the direction to periodically revise this list, based on the availability of new information.

I can assure my colleagues that latest list, published in 2004, is not the most up-to-date assessment of the condition of the Nation's beaches. Again, the administration has failed to utilize the tools provided by Congress to ensure the protection of human health and safety.

Despite the current administration's track record, the BEACH Act is an important law for protecting the public from the presence of harmful pollutants and contaminants in the Nation's recreational waters.

The Beach Protection Act, under consideration today, will further enhance these authorities by working towards real-time, same-day information on the condition of local waters to safeguard against unintentional contact with contaminated waters.

Again, I strongly support the efforts of our colleagues in drafting this important piece of legislation, and urge its adoption.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 4 minutes to the gentleman from New Jersey, who is the author of the bill.

Mr. PALLONE. I thank the subcommittee Chair, the gentlewoman from Texas.

Let me say I appreciate the bipartisan support that this legislation has, and certainly the efforts, not only of Mr. TIM BISHOP of New York, but of our chairman of the full committee, Mr. OBERSTAR, and the subcommittee Chair, Ms. EDDIE BERNICE JOHNSON, for moving this legislation today.

Madam Chairman, our Nation's beaches are vital, not only to residents of our coastal States, but also for countless visitors who come to visit each year. America's beaches are a tremendous resource for those who come to enjoy them, and they are a huge economic engine for our coastal States.

In New Jersey alone, beaches are the primary driver of a tourism economy that provides nearly 500,000 jobs and generates nearly $36 billion in economic activities to the State each year. All summer long thousands of people flock to the beaches.

It's my intention to assure that these beachgoers that are there in New Jersey and elsewhere, that not only are they visiting clean beaches, but they are also swimming in safe waters.

Thanks to the BEACH Act, a law that I helped to author back in 2000, we have made major strides over the last 8 years. The BEACH Act of 2000 helped us improve water quality testing and monitoring of beaches across the country, which is critical to protecting the health of beachgoers.

The act has three provisions: one, requiring States to adopt certain EPA water quality criteria to protect beachgoers from getting sick; two, requiring the EPA to update these water quality criteria with new science and technologies to provide better, faster water testing; and, third, to provide grants to States to implement coastal water monitoring programs.

In New Jersey we used some of this grant money to become the first State in the Nation to launch a real-time Web site that notifies beachgoers of the state of our beaches. Essentially, this bill is a right-to-know piece of legislation.

Now, despite the actions New Jersey and other States have taken since the BEACH Act was signed earlier in the year 2000, this act must be improved. That's why I have introduced the Beach Protection Act of 2007.

This bill not only reauthorizes the grants to States for 2012 but adds to the annual grant levels from a total of $30 million to a new level of $40 million annually.

We also expand the scope of BEACH Act grants from water quality monitoring and notification to also include pollution source tracking efforts. The bill requires that beach water quality violations are disclosed not only to the public but all relevant State agencies with beach water quality authority.

I want to mention the rapid testing methods. This act calls for the use of rapid testing methods by requiring the EPA to approve the use of rapid testing methods that detect bathing water contamination in 6 hours or less. This is something that I have been advocating for the last couple of years.

Current water quality tests, like those used in New Jersey, only test for bacteria levels and take 24 to 48 hours to produce reliable results, during which time many beachgoers can be unknowingly exposed to harmful pathogens. More immediate results would prevent beaches from remaining open when high levels of bacteria are found.

The legislation also requires prompt communication with State environmental agencies by stating that all BEACH Act grant recipients make decisions about closures or advisories within 24 hours in order to ensure coordination in response to activities.

We are also requiring each State receiving grants to implement measures for tracking and IDing sources of pollution, creating a public online database for each beach with relevant pollution closure information posted, and ensuring the closures or advisories are issued shortly after the State finding that coastal waters are out of compliance, so, again, right to know, information to the public.

We are also holding States accountable by requiring the EPA administrator to do annual reviews of grantees' compliance with BEACH Act process requirements. The Beach Protection Act will strengthen current law by requiring States to use expedited testing.

This is a right to know for our beachgoers. It's very important, and I want to thank everyone on a bipartisan basis for supporting it.

Mr. BOOZMAN. Madam Chairman, I yield 2 minutes to my friend from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Chairman, things that we do in this Chamber have consequences, and the things we don't do in Chamber also have consequences. Quite frankly, there are a lot things that we are not doing that are having immense consequences, things like renewing the FISA bill, the war supplemental, long-term issues like Social Security and Medicaid. We had another one today, the Colombia Free Trade Agreement, which are things that will have consequences because we have not dealt with this on the floor.

The internal combustion engine will be used for a long time to power pleasure craft on our lakes and beaches and waterways. The public policy decisions that we are taking in here and have taken in here make that use of those boats and jet skis much more expensive.

Public policy decisions that are specifically aimed at increasing the energy costs to all Americans are things like raising taxes on energy companies so that they are no longer able to use that money to explore for and produce additional crude oil and natural gas, restrictions on where we can drill for these additional sources of crude oil and natural gas, and the gasoline that results from that to power our water crafts and jet ski, added regulations on the production of crude oil and natural gas, added regulations on the refining of crude oil and natural gas and the gasoline that can be used to power jet skis and motor boats and others, and even new regulations that are coming that will increase the cost of electricity to American consumers and American businesses.

□ 1430

All of these public policy decisions that we make in this House and have made in this House are specifically designed to raise the operating costs of all these vehicles to consumers in America. It is the elephant in the room that none of us want to talk about as we go forward with the energy policy that is put forth by the leadership of the current House. That is, they specifically want Americans paying higher gasoline prices because when you reduce supplies, as these policies do in the face of increasing demand, then the law of supply and demand works, in spite of our best efforts, and costs go up.

As we have seen, gasoline prices are at an all-time high. This weekend, which will be a wonderful weekend to be on our beaches and lakes, using those watercrafts, the gasoline that will be purchased to pay for that recreational use this weekend will be much higher than it otherwise would have been than if we had taken rational steps with respect to energy policy in this country.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Madam Chairman, I rise in support of this legislation which would reauthorize the Beach Environmental Assessment and Coastal Health Act, or the BEACH Act.

My district has over 1,600 miles of beach frontage on the Great Lakes, and the BEACH Act has been instrumental in providing funding to protect beachgoers from bacteria and other dangerous pathogens.

Michigan residents rely on BEACH Act funding to protect them. In my district, residents on Sugar Island near Sault Ste. Marie, Michigan, depended on this important funding to monitor water that had been contaminated with E. coli, coliform, and other bacteria. Without the support of BEACH Act grants, the Chippewa County Health Department would not have been able to determine that the pollution was originating from a wastewater treatment plant in Canada.

This legislation would improve the BEACH Act program to ensure a fairer distribution of funds. In July of 2007, the Government Accountability Office released a report at the request of myself and several other Great Lakes colleagues. This report found that the EPA was using a funding formula that prioritizes States with warmer climates, ignoring other important factors such as beach miles and beach use. This formula put Great Lakes States like Michigan at a distinct disadvantage, making it more difficult for these States to protect their beachgoers.

This legislation addresses this problem by instructing EPA to revise its funding formula to take factors such as beach miles and beach use into consideration.

While monitoring water quality and tracing the sources of pollution to its origin are important steps to keeping our beaches clean, knowledge is only half of the battle. The July 2007 GAO report also found that while the BEACH Act has helped protect beachgoers from polluted waters, States still do not have the resources they need to clean up the pollution and prevent future problems.

The latest survey by EPA has estimated that an additional $181 billion is needed nationwide for infrastructure projects eligible for funding under the State revolving fund. I look forward to working with Chairman OBERSTAR and the Transportation and Infrastructure Committee later this year to address our water and wastewater infrastructure needs and provide resources for the State revolving fund.

I appreciate the work of Mr. PALLONE and Mr. OBERSTAR on this important legislation, and look forward to working with them as we continue to address important Great Lakes issues.

Mr. BOOZMAN. Madam Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Madam Chairman, I rise to express my deep disappointment with today's debate in the House. With our Nation facing record high gas prices, the majority leadership in the House has chosen to debate legislation not on securing reliable and affordable energy, but on beaches.

I suggest a better use of our time and the American people's time would be to have a serious debate about energy. How are we going to make energy more affordable in the short term? How are we going to make energy more affordable as the Nation needs to be more independent in the long term? What will be our primary fuel source in the future, and how do we get there?

Instead, in recent months we have periodically debated shortsighted and fatally flawed legislation that purports to fix our energy problems simply by raising taxes by billions of dollars on domestic energy companies and hoping for the best. That is not an energy policy, that is a tax increase on every American family. Energy companies will inevitably pass on their additional costs to consumers at the pump.

We should be debating legislation to streamline the Federal permitting process that has stifled construction of new oil refineries. We haven't built one in 32 years. We could be talking about benefiting consumers by simplifying our Nation's fragmented gasoline supply. The number of regional boutique fuels restricts the movement of our fuel supply and raises costs on Americans at the pump.

We could be debating the merits of opening Alaska's Arctic National Wildlife Refuge, ANWR, and the Outer Continental Shelf for energy exploration. We know that combined these areas have nearly 100 billion barrels of oil. Previous Congresses, urged on by their radical environmentalist allies, made the decision to keep these vast reserves off-limits. As a result, we see oil now at $110 a barrel. It is time we revisit the very important issue of being able to go after resources we have available to us in Alaska and in the Outer Continental Shelf.

What about encouraging the construction of nuclear power plants? We began that process in 2005 with the passage of the Energy Policy Act. But as we stand here today, we haven't built a new plant in decades. European and Asian nations are building them by the dozens. India has nine new plants under construction. Japan is building five more. And China has plans to build 30 reactors. We in this country have plans for exactly zero on the way.

Let's talk about how we intend to compete with China, which is canvassing the globe in its quest to ensure a reliable supply of oil. Reports indicate that the Chinese are forming energy partnerships with rogue nations like Iran and Cuba. And Cuba is purportedly planning to allow the Chinese to drill for oil off the Florida Keys, off our Florida Keys.

Shouldn't we be talking about boosting domestic production simply so we wouldn't have to rely on the mood of Third World dictators like Hugo Chavez? Wouldn't it be nice if prices didn't spike at your neighborhood gas station when terrorists decide to blow up a pipeline half a world away, or when there is instability in Nigeria?

Some may argue, and they might well be right, that oil isn't the long-term answer. It is a finite resource that may be scarce in the near future as developing nations like China and India continue to expand and industrialize; maybe so. But shouldn't we consider boosting our oil and natural gas supplies, increasing our energy independence that might just buy us the time necessary to develop the next fuel source? Maybe hydrogen fuel cell technology will take us into the next century. Maybe it is some other renewable resource. It could be a combination, or maybe something we haven't even discovered yet. We don't know. We do know that America has substantial reserves of oil and natural gas that we have locked up, we have placed off-limits. These resources could be the bridge that allows America to cross over the choppy waters of OPEC and Third World dictators to the secure footing of affordable and secure energy sources of tomorrow. Let's talk about these important things. Let's not talk about beaches.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Chairman, I rise in strong support of the Beach Protection Act. This bill will increase protections for the Nation's beaches and the public health. I commend Mr. PALLONE, Mr. BISHOP, and the Transportation Committee leadership for bringing this important bill to the floor in a bipartisan way.

Despite having one of the most comprehensive beach water quality testing programs of all the coastal States, my home State of California has by far the most beach closures and advisories of all of the States. The State reported over 4,600 closing and advisory days statewide in 2006.

This legislation builds on the progress made since the passage of the BEACH Act in 2000 to reduce the number of these closures which threaten public health.

First, the legislation increases the funds available to the States, and expands the uses of those funds to include tracking the sources of pollution that cause beach closures, and supporting pollution-prevention efforts.

It will also require the EPA to develop methods for rapid testing of beach water, so results are available in hours, not days.

Second, the legislation strengthens the requirement for public notification of health risks posed by water contamination. These measures will improve the public's awareness of health risks posed by contamination of coastal waters and create additional tools for addressing the sources of pollution that cause beach closures, including leaking or overflowing sewer systems and storm water runoff.

I know some of my colleagues are trying to make this debate into one of energy and our economy. This is a bill to help protect the health of our beaches and the health of our economies. Safe and healthy beaches are strongly tied to our local economies. So I urge my colleagues not to be distracted by extraneous arguments.

Clean water is an economic and public health necessity for California and for all coastal States. I urge my colleagues to vote "yes" on H.R. 2537. Let's take good care of our beaches.

Mr. BOOZMAN. Madam Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Madam Chairman, I am of course pleased to support H.R. 2537, the Beach Protection Act of 2007, and appreciate the efforts of Mr. PALLONE to advance this legislation.

It is my understanding that this bill will receive overwhelming bipartisan support. It is going to be a totally green board, which I applaud. But it seems to me that the House has other, more critical issues to consider, such as the rising cost of energy which affects the success or failures of the traveling public to even reach the beaches of the world.

Oil and gas prices are at an all-time high with national averages topping $3.25 a gallon. A year ago we feared a time when crude oil could reach $100 a barrel, and now oil has reached $110 a barrel for the first time in history.

Unfortunately, energy analysts are saying that prices at the pump are not likely to decrease any time soon, and could rise as high as $3.75, maybe $4 a gallon this year.

My constituents in the Fourth District of Texas, as well as all Americans, are very concerned about the ever-increasing cost of gasoline and diesel, combined with the escalating prices at the grocery store. It is costing them more to travel to work, and more to provide food for their families. They are looking to Congress for some immediate relief and some long-term solutions.

The Energy Security Act that the majority passed and the President signed into law has some good provisions; but, unfortunately, none that will provide Americans the relief they need from high energy costs. Not one barrel of oil was provided in that entire act. There was no mention in the Energy Act of an increase in domestic production, which is one way to help bring down energy costs.

This year marks the culmination of a research and development product which I have worked on and passed, I think four times as a Democrat and one time as a Republican, and it is the Ultra-deepwater and Unconventional Onshore Hydrocarbon Resources Act that was signed into law as part of the Energy Policy Act of 2005.

Nuclear energy has also seen a surge in recent years as people realize it is a clean and safe source of energy. But as with building a new refinery, the permitting and construction process is extremely expensive, and there are still significant risks to venture capitalists who would otherwise invest.

Congress needs to reduce uncertainty in the regulatory process for permitting and construction of new nuclear plants, as well as oil refineries, by streamlining the process and requiring the Environmental Protection Agency to issue its rulings within a realistic time frame.

America needs relief at the pump now more than ever. Congress needs to jump start efforts to bring down energy costs in the short term and build on comprehensive energy policies that recognize the importance of all energy sources in the long term. Providing Americans with affordable energy is an important issue.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 3 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the distinguished chairwoman of the Water Resources Subcommittee for yielding to me, and for her great work on the legislation, as well as the bill's sponsor, Mr. PALLONE.

Madam Chairman, I rise today to enthusiastically support the Beach Protection Act of 2007. With over 75 miles of shoreline along Florida's well-renowned Gold Coast on the Atlantic Ocean, my congressional district relies heavily on its beaches to support both our economy and our unparalleled quality of life.

But keeping our beaches open and thriving requires us to vigilantly fight pollution in our waters. According to the Natural Resources Defense Council, almost 2,700 beach advisory or closure dates were issued due to pollution for the State of Florida in 2006. Although the number was down from the previous 2 years, 2006 represents a record high for closing or posted warnings with over 25,000 such notices across our country.

Madam Chairman, the causes for beach pollution are well known. It often originates from contaminated storm water or inadequately treated sewage, and the effects can be wide ranging and devastating, ranging from ear infections and respiratory ailments, to hepatitis and dysentery. For senior citizens, small children and people with weak immune systems, the results can even be deadly.

That is why this act, the Beach Protection Act, is important. The legislation will reauthorize the BEACH Act of 2000 and increase annual funding from $30 million to $40 million, enabling more beaches to receive Federal grants to support State-monitoring efforts.

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It will also allow States to use the funds to track and clean up the sources of beach water pollution so that we can prevent future closings and advisories from happening.

H.R. 2537 will also speed up notifications of water quality. The unfortunate truth is that many beach managers are using outdated testing methods that are incapable of providing immediate, same-day results of water quality. This means that beachgoers sometimes don't even find out until a day or two after they return from the beach that the water they were swimming in was hazardous.

This delay must stop. Our constituents have a right to know right away if the water is unsafe. And now that we have rapid test methods that can provide results in as little as 2 hours, the EPA must approve them and States must implement them, and this bill will require them to do that.

The Beach Protection Act is critically important for our coastal communities and the millions of Americans who enjoy and visit them each year.

I thank the chairwoman again for her work on it, and look forward to the passage of this bill.

Mr. BOOZMAN. Madam Chairman, I yield 2 minutes to the ranking member of the Energy and Air Quality Subcommittee, Mr. UPTON from Michigan.

Mr. UPTON. Madam Chairman, I must say, when I saw the whip notice this last week, I saw some good things and some bad things. One of the bad things that I didn't see was that we're not addressing what my constituents are talking about, and that is gas prices.

Yes, this is a good bill, beach nutrition. It has water monitoring there, Great Lakes are now part of it, and I want to thank particularly the Members from the Great Lakes area who were able to include that, particularly my friend who represents the east side of Michigan, CANDICE MILLER, on that committee.

But as far as I know, this bill passed without dissent. Frankly, it could have been under suspension of the rules. I bet we would have passed it on a voice vote, two-thirds voting in favor of it. After the Flake amendment, maybe there are some that wish that it did come up under suspension so that they wouldn't deal with the Flake earmark amendment. We'll see.

But, you know, my constituents back home, they're complaining that we're doing things that aren't maybe on the top of their agenda. We're talking about steroids, we're talking about a whole number of things that don't impact the economy or, in fact, their pocketbook. They're talking about gas prices.

On Tuesday when I left to come back from Michigan, diesel prices were $4.11 a gallon. Gas prices, unleaded regular, $3.35 a gallon. I can hardly wait till I go back this week and see what they might have gone to.

What have we done on this? That is their question. What are we doing about supply and demand?

Well, I'll tell you some of the things we've done. We've raised taxes on them. Thank goodness we've got the Senate saying no so far because, of course, if you raise taxes on energy production here, those costs are just going to be passed along to the consumer and they'll go up even higher. Go talk to the French or the British and those folks. They tax gas a lot and they pay a lot more per gallon.

There's some things that we haven't done. I know some in this body have advocated for raising the gas tax by as much as 50 cents a gallon. We haven't done that. Maybe, certainly I believe that's a good thing.

But we've blocked using oil shale from Canada. You know, they've got a field up in the Northwest there that they think rivals the Saudis, that can actually heat up the sand and the oil comes out. They're actually taking 1½ million gallons.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BOOZMAN. I yield the gentleman an additional 20 seconds.

Mr. UPTON. We need to do more. We are now, by 2012, our domestic needs, we're going to be only producing 12 percent of our gas here. That's got to change.

Madam Speaker, let's not go to the beach and leave our work undone. Let's pass this bill, but let's deal with the real issue that Americans feel in their pocketbooks literally every day that they go to the pump.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I would like to inquire of my colleague, Mr. BOOZMAN, how many more speakers he has.

Mr. BOOZMAN. We have several, Madam Chairman, probably five or six.

Ms. EDDIE BERNICE JOHNSON of Texas. I reserve my time.

Mr. BOOZMAN. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Madam Chairman, I wanted to read some quotes. This is a quote from Speaker NANCY PELOSI, 4/24/06: "Democrats have a commonsense plan to help bring down skyrocketing gas prices."

Another quote from Majority Leader HOYER: "Democrats believe that we can do more for the American people who are struggling to deal with high gas prices." This was 10/4/05.

On 7/26/06, Mr. JIM CLYBURN, the Democratic Whip, said, "House Democrats have a plan to help curb rising gas prices."

We need to see those plans. We need to hear what those ideas are.

April 16, 2006, press release, Speaker PELOSI:

"The Republican Rubber Stamp Congress has passed two energy bills, costing taxpayers $12 billion for giveaways to big oil companies. But the Republican bills clearly have done nothing to lower gas prices, as the price of a barrel of oil has sailed over $70 a barrel," and I believe it closed over $110 today, "the highest price in our history."

"Democrats have a plan to lower gas prices, taking America in a new direction that works for everyone, not just a few. Our plan would empower the Federal Trade Commission to crack down on price gouging, to help bring down skyrocketing gas prices, increase production of alternative fuels, and rescind the billions of dollars in taxpayer subsidies, tax breaks and royalty relief given to the big oil companies."

Madam Chairman, I'll say that we have not had any relief from gas prices. Gas prices are a dollar a gallon more today than they were when the new majority took over.

We have paid too much attention to windmills, bicycles and solar panels. We need to pay attention to domestic drilling. We need to pay attention to promoting alternative fuels.

We have been going in the wrong direction. And if you ask the American people right now, 78 percent of the people say this country is headed in the wrong direction.

And, Madam Chairman, I promise you, our gas prices are heading the wrong direction.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I would like to yield 30 seconds to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I'm surprised at the remarks, Madam Chairman, of the gentleman from Georgia, about bicycling. I think we need to pay more attention and do more work for bicycling. And we would all do better burning 86,000 calories a year on the seat of a bicycle than eight barrels of oil a year in our cars.

Mr. BOOZMAN. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Madam Chairman, on April 10, 2008, let the record show, oil is $110 and rising, natural gas is $10.56 and rising, gasoline and diesel prices at record levels in all our communities.

Folks back home are scared. They want us to help them. An amendment I will offer later will help, the NEED Act, to this bill because it will provide the ability to produce clean, green natural gas on out, out of sight, offshore. It will provide $20 billion to clean up the Chesapeake Bay and the beaches there, $20 billion to clean up the Great Lakes, $12 billion for San Francisco Bay clean-up, energy efficiency and renewables, $32 billion, carbon capture, the famous discussion in the Senate now, $32 billion. And it'll be mandated spending. The appropriators can't screw it up.

America's economic future is in trouble. Energy prices will prevent people from having a job, having an economy and being able to afford their vacations and go to the beautiful beaches that we have.

I think Roy Ennis says it best, chairman of the Congress of Racial Equality. Energy is the master resource, the foundation of everything else. Abundant, reliable, affordable electricity, natural gas and transportation fuels make our jobs, health and living standards possible. Energy is the great equalizer, the creator of economic opportunity and environmental justice. Push energy prices up, everybody suffers. When energy costs get too much, industry lays people off or just leaves. Jobs, income and tax revenues vanish. Government social programs wither. Town and leadership migrate to other cities, other countries. Social ills multiply. That's why I say the fight over energy is the critical civil rights battle of our era. Your utility bills, the price you pay at the pump, your job security are in danger, and not just because of the Middle East oil wars or competition from China and India. Our rights are being endangered because of what's happening right here at home.

This Congress is the cause of high energy prices. There's no action here to fix the ills of the past. We're locking up our energy supply. It's not even to be debated. It's not even a priority.

Congress is the reason America doesn't compete energywise. And, folks, in a period of time, we won't compete in the global economic economy, and we will not have jobs and a future for this country. We have the potential of being a second-rate nation because we, as Congress, have caused the energy crisis and are refusing to fix it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I'd like to reserve.

Mr. BOOZMAN. Madam Chairman, I yield a minute to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. I rise in support of the Beach Protection Act. And as the Member who represents the entire Atlantic Coast in Virginia and much of the Chesapeake Bay, I recognize that our beaches are a treasure and must remain clean and safe. But we must lift the Federal moratorium on deep sea drilling of natural gas in the Outer Continental Shelf.

America has acted to make our energy consumption cleaner, and today we use much more natural gas for the generation of electricity. We have increased demand without increasing supply.

The U.S. is the only developed nation that does not capture natural gas from the Outer Continental Shelf. Canada has done it for years. We all know what Cuba's getting ready to do.

It's American families and American businesses that pay this extra cost, and it is driving American businesses overseas simply because of the cost of energy in America.

Coastal States should be able to decide if this activity takes place, and we should share in those royalties. In Virginia, we could use those dollars for transportation.

America expects our policies to meet our energy needs.

Ms. EDDIE BERNICE JOHNSON of Texas. I continue to reserve.

Mr. BOOZMAN. Madam Chairman, I yield to the gentlewoman from Oklahoma (Ms. FALLIN) for 1½ minutes.

Ms. FALLIN. Madam Chairman, I support the Beach Protection Act. However, while we are debating this legislation, millions of Americans are wondering why, in large parts of this country, they are having to pay $3.34 a gallon for gasoline, and even 70 cents more for diesel fuel. They're struggling to cover their costs of their daily commute, and they're wondering, why is Congress debating beach protection when I can hardly afford to drive my children to school and even to go to work?

American families and businesses are being hammered by the rising fuel costs, and it is clear that the inaction of this Congress will come at an expense to both drivers, small businesses and consumers.

The cost of our inaction was outlined yesterday when we had a hearing in our Small Business Committee about the rising cost of gasoline. We heard from five different businesses that testified how their businesses are being squeezed with the rising cost of fuel.

One business, in particular, was a trucking company who said that his fuel costs had tripled in the last several years, and he was really struggling to make ends meet.

Small businesses operate on razor thin margins and they are faced with dilemmas. Do they cut costs? Do they cut their business? Do they raise their prices, or do they just go out of business? Some of them are even having to cut the salaries of their employees.

Well, Madam Speaker, fuel costs that are on the rise are making small businesses feel the heat, and consumers are feeling the heat too. Today we need to address the issue of rising fuel costs and help our consumers and our small businesses. Either way, the American worker is suffering, small businesses are suffering, and this is a very important issue to our Nation.

Let's show the people of America that we care, and address this issue.

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Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I continue to reserve.

Mr. BOOZMAN. Madam Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Chairman, I thank the gentleman.

As we come to the floor now and the Democrats talk about beaches, my constituents in the great State of New Jersey suffer. They are suffering from unrelenting increases in the price of gas, up almost a dollar now since the Democrats took control of this House. So as my constituents suffer from higher food costs, all related energy costs; as my constituents suffer from higher heating costs, all related to energy costs; as my constituents suffer from the higher cost of living in general, again, related to energy costs, all of them should be asking what is it that the Democrat Congress is doing to address this problem?

Well, the short answer is nothing really helpful. And the long answer is really potentially driving up the costs even higher.

Let me give you two quick points. First, the Democrats have voted four times now, four times, to raise taxes so to make sure the discovering and making sure that America's energy independence is that much harder. Secondly, they have voted now to lock up almost 85 percent of known specific energy resources in this country. What does that mean? What does that translate to the consumer? Again, the Democrats are making it harder for America to become energy independent from foreign oil.

Now is the time for all Americans everywhere across this country to ask what is its Democrat Congress doing. The short answer is nothing much. The long answer is potentially driving up the cost for fuel for all of them. Now is, therefore, the time for all of us to come to the floor to work together for a change and to make sure that America can, in fact, become energy independent. Now is the time for Democrats to be working not against the American consumer, but for him instead.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I continue to reserve.

Mr. BOOZMAN. Madam Chairman, we don't have any additional speakers. I would urge support of H.R. 2537. I appreciate the hard work of the staffs on both sides in bringing this before Congress today. I appreciate the leadership of the individuals involved and would just urge that we adopt the bill.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 2 minutes to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR. Madam Chairman, I rise in strong support of the Beach Protection Act, and I salute Chairman OBERSTAR, Chairman JOHNSON, and Congressman PALLONE for their leadership.

The intent of the Beach Protection Act is to protect America's beautiful coastlines from water pollution. Yet big oil drilling interests have once again filed an amendment that puts our beaches and America's coastlines at risk.

New offshore oil and gas drilling represents a real hazard to the marine environment of the State of Florida, but all across the country, beaches, our coastal environment, our marine resources, the billion dollar tourism industry in Florida should not be sacrificed for a small amount of oil.

It would only take 24 hours after a petroleum spill in the eastern gulf for the oil to sully Florida's panhandle beaches. If the spill was swept up in the gulf's powerful loop current, the spill would pollute the Florida Keys, contaminate estuaries and beaches from the Everglades to Cape Canaveral.

We only have to look back to 2005 when we had three Category 5 hurricanes, Katrina, Rita, and Wilma, that caused massive oil spills and pollutants in the Gulf of Mexico. It destroyed 150 petroleum production platforms in the gulf and damaged 457 pipelines.

Drilling off of our beautiful beaches is the energy policy of the past. If President Bush and my colleagues on the other side of the aisle truly wanted to address high oil prices, you should have voted with the Democratic majority to take the huge tax breaks away from the big oil companies at a time that they are making record profits.

We are fighting for a new direction on energy policy, renewable sources of energy. We value our natural environment, and we value the public health of our communities.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield the balance of my time to the chairman of the full Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Chairman, I have sat here patiently and listened to a litany of speakers come here and address the Committee of the Whole on subjects important to them but irrelevant to the subject matter at hand. And one or another, maybe several of them, said "this Democratic Beach bill."

I just want to remind the colleagues that this is the bill of the gentleman from California (Mr. BILBRAY), who has labored for several years on behalf of this legislation. We finally move it through committee, bring it to the floor, and now it's laid on our doors to be the Democratic bill and why are we wasting the House time. We bring it under an open rule, and then someone said, you should have brought it on suspension. If we had brought it on suspension, they would have complained because they didn't have an opportunity to offer the eight amendments that they're bringing to the floor. I am just perplexed by this tactic. It's unworthy of the legislation pending.

And we've worked hard to accommodate the gentleman from California who has a legitimate concern. I concur with his concern. We bring the bill out, and we do it in good faith, and we expect at least a good-faith response from the other side.

Mr. GOODLATTE. Madam Chairman, while we debate a bill about beaches today, I am again appalled that the majority has once again missed an opportunity to address one of the biggest problems confronting our constituents, rising energy costs. It is reported today that gasoline prices reached a new all time high of $112 a barrel. Yet, we have let another week here pass without doing anything to confront this challenge.

Not a week goes by when I am not asked about rising energy prices. These increased costs affect everyone in our society. But none are more affected by these increased costs than some of our nation's most poor. On average, the nation's working poor spends approximately 13 to 30 percent of their yearly income on energy costs, and as prices rise so will the amount of their income spent on energy.

A large number of factors combine to put pressure on energy and gasoline prices, including peaked U.S. oil production, increased world demand for crude oil, and U.S. refinery capacity that is inadequate to supply gasoline to a recovering national economy. These are serious problems that will not go away with time, and they require real solutions that will restore American energy independence and help ease the pain of record price fill-ups. However, the majority in Congress has failed to do anything that would address any of these factors contributing to high prices.

When many are citing U.S. production numbers and refinery capacity as a reason for increased gas prices, the Majority has proposed additional taxes on these domestic energy suppliers. We have voted on several bills that would impose up to $15 billion in tax increases on domestic energy suppliers. These taxes will impede domestic oil and gas production, discourage investment in refinery capacity, and make it more expensive for domestic energy companies to operate in America than their foreign competitors, actually increasing America's dependence on foreign oil.

Let's make no mistake, an increased tax doesn't just hurt energy companies, it hurts every American—individual, farm, or company—that consumes energy. Increased taxes on energy companies are passed on to consumers. Every American will see these increased costs on their energy bill. This body shouldn't pass legislation that further raises energy prices for consumers. I have voted against these attempts to raise taxes, and luckily none of these bills have become law.

Unfortunately, too often in the 110th Congress, the majority's solution has been to place restrictions on the marketplace. Policies that increase supply, not those that place restrictions on the marketplace, are the solutions to today's energy concerns. For example the dramatic expansion of the Renewable Fuels Standard to require 36 billion is an artificially created government mandate. While I am supportive of renewable energy, we should develop a policy that is technology neutral and allows the market to develop new sources of renewable energy. The RFS provisions create an unrealistic mandate for advanced biofuels technology that doesn't yet exist and creates hurdles for the development of second generation biofuels. These restrictions will undoubtedly lead to a consumer tax to help bridge the gap in production.

However, there are many things we could actually do here in Congress that would help ease the prices at the pump. Many Americans don't know that the U.S. is the world's largest energy producer. Over the past 25 years we have pumped 67 billion barrels of oil, and strong reserves remain. The fact is the energy sources are there—in Alaska, the Rockies, and offshore—but political roadblocks keep it in the ground instead of in use in the economy.

We should also be focusing on the development of clean Coal-to-Liquid technologies. This is one of the most promising advancements in coal research and produces liquid transportation fuels synthesized from coal. Even using conservative estimates, our country has enough coal to last over 200 years. Coal is one of our nation's most abundant resources, yet the development of Coal-to-Liquid technologies has been completely ignored by this Congress. Producing liquid transportation fuels from coal will be a major catalyst in helping our country become energy independent.

Energy costs are affecting the daily life of all of our constituents. We must change the direction this Congress has been headed in addressing this issue. We must reject the politics that put restrictions on the marketplace and keep energy in the ground instead of in our gas tanks. Instead, we must develop a long-term strategy that allows us to access our traditional energy sources, while developing alternative and renewable energy sources that seek to increase energy supplies and encourage cleaner, more efficient energy use.

Mr. GENE GEEEN of Texas. Madam Chairman, I rise in strong support of H.R. 2537, the Beach Protection Act of 2008.

Texas is home to over 600 miles of spectacular beaches along the warm waters of the Gulf of Mexico.

This "Third Coast" includes some of the most beautiful and calming beaches in the Nation and is a huge contributor to our State economy.

Whether it's Galveston Island, Corpus Christi, Port Aransas, or South Padre Island, millions of Texans and tourists visit and swim in our waters, making it vital that we monitor these beaches to protect the health and safety of American families.

Just last July, a man who had an ulcer in his lower leg went swimming off the coast of Galveston County. Three days later he fell ill and was rushed to the hospital where he had three surgeries to save him from a rare bacterial infection. The bacteria entered his ulcer through the water and the infection spread to his blood.

While this is a rare case, Madam Chairman, it highlights the need to quickly detect water contamination and warn the public of possible health related threats.

The Beach Protection Act will provide much-needed grants to States along the coasts for State and local recreational water monitoring and notification programs.

It expands the grant program and allows States to use funding to pinpoint possible sources of water contamination and to track these pollutants.

Just as important, the bill strengthens public notification laws by requiring a 24-hour notification if water samples prove contaminated, and allows for public warnings on the possibility that water may be contaminated.

With more information, individuals and families can make the most informed choices when vacationing and visiting our public beaches.

I urge my colleagues to support the Beach Act to protect our waters and the health of our communities.

Mr. BISHOP of New York. Madam Chairman, on behalf of the residents of eastern Long Island, I would like to commend Chairwoman JOHNSON and Congressman PALLONE for their leadership and unwavering dedication to clean water issues. I would also like to thank the Transportation and Infrastructure Committee staff for their hard work and commitment to advancing this legislation to the full House today.

My district encompasses 300 miles of Eastern Long Island's coastline, which includes some of this country's most popular and beautiful beaches that I am very proud to represent. Maintaining coastal health is an integral objective not only in my district but to preserve our Nation's environment and to sustain the tourist economies of our States that rely on safe, clean beaches. Millions of beachgoing Americans and their families who will flock to our Nation's shores in the summer months ahead deserve pristine waterways, and we should do all we can today to preserve them for future generations of Americans.

To that end, the water quality monitoring and notification grants established in the Beaches Environmental Assessment and Coastal Health (BEACH) Act have been absolutely vital to protecting the health of beachgoers and preserving the quality of our shores. However, it has become clear that further development of the BEACH Act is needed after recent reports marked progress but raised questions about its implementation.

Therefore, I commend Mr. PALLONE, the author of the original BEACH Act, for building on the program's success by updating the law and advancing improvements in this bill to meet the challenges involved with carrying out the program and to continue funding its grant programs.

Accordingly, this bipartisan legislation reauthorizes grants to states through 2012, but increases grant authorizations to $40 million annually; expands the scope of BEACH Act grants from water quality monitoring and notification to include pollution source tracking efforts; and strengthens environmental standards for water quality testing and communication. In addition, this bill requires that beach water quality violations are disclosed not only to the public but to all relevant state agencies with beach water pollution authority.

Furthermore, this bill requires the EPA to conduct annual reviews to make sure state and local governments that receive funding in the BEACH Act comply with its process requirements. Under this bill, grantees have one year to comply with the new environmental standards. Otherwise, they will be required to pay at least a 50 percent match for their grant until they come back into compliance, in place of current law which allows the government to require a non-federal share of up to 50 percent.

For six years, the BEACH Act has given beachgoers the peace of mind that the beaches they visit are clean. Our legislation begins the process of strengthening this important law and reassures the American public that preserving healthy shores is a priority of our environmental agenda.

One in ten tourists is destined for the beach this summer—providing our travel and vacation industries with customers and business. I hope my colleagues agree that the BEACH Act is an excellent example of an effective government program that benefits communities in every region of the country and has yielded tremendous progress in restoring healthy shores.

Madam Chairman, with the leadership and support of this body, we can ensure that beach visitors throughout the country are assured that local governments have all the resources they need to monitor recreational waters and alert the public of potential health hazards.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment is as follows:

H.R. 2537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Beach Protection Act of 2007".

SEC. 2. WATER POLLUTION SOURCE IDENTIFICATION.

(a) SOURCE TRACKING.—Section 406(b) of the Federal Water Pollution Control Act (33 U.S.C. 1346) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) SOURCE IDENTIFICATION PROGRAMS.—In carrying out a monitoring and notification program, a State or local government may develop and implement a coastal recreation waters pollution source identification and tracking program for coastal recreation waters adjacent to beaches or similar points of access that are used by the public and are not meeting applicable water quality standards for pathogens and pathogen indicators.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 406(i) of such Act (33 U.S.C. 1346(i)) is amended by striking "$30,000,000 for each of fiscal years 2001 through 2005" and inserting "$40,000,000 for each of fiscal years 2008 through 2012".

SEC. 3. FUNDING FOR BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT.

Section 8 of the Beaches Environmental Assessment and Coastal Health Act of 2000 (114 Stat. 877) is amended by striking "2005" and inserting "2012".

SEC. 4. STATE REPORTS.

Section 406(b)(4)(A)(ii) of the Federal Water Pollution Control Act (as redesignated by section (2)(a)(1) of this Act) is amended by inserting "and all environmental agencies of the State with authority to prevent or treat sources of pollution in coastal recreation waters" after "public".

SEC. 5. USE OF RAPID TESTING METHODS.

(a) CONTENTS OF STATE AND LOCAL GOVERNMENT PROGRAMS.—Section 406(c)(4)(A) of the

Federal Water Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is amended by inserting ", including rapid testing methods," after "methods".

(b) REVISED CRITERIA.—Section 304(a)(9) of such Act (33 U.S.C. 1314(a)(9)) is amended by inserting "and rapid testing methods" after "methods".

(c) CRITERIA FOR USE OF RAPID TESTING METHODS.—Not later than 270 days after the date of enactment of this Act, and after providing notice and an opportunity for public comment, the Administrator of the Environmental Protection Agency shall publish criteria for the use of rapid testing methods, at coastal recreation waters adjacent to beaches or similar points of access that are used by the public, that will enhance the protection of public health and safety through rapid public notification of any exceeding of applicable water quality standards. In developing such criteria, the Administrator shall prioritize the use of rapid testing methods at those beaches or similar points of access that have the highest use by the public.

(d) DEFINITION.—Section 502 of such Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(25) RAPID TESTING METHOD.—The term 'rapid testing method' means a method of testing the water quality of coastal recreation waters for which results are available as soon as practicable and not more than 6 hours after a water quality sample is received by the testing facility.".

SEC. 6. NOTIFICATION OF FEDERAL, STATE, AND LOCAL AGENCIES.

Section 406(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(5)) is amended—

(1) by striking "prompt communication" and inserting "communication, within 24 hours of the receipt of the results of a water quality sample,";

(2) in subparagraph (A)—

(A) by inserting "(i) in the case of any State in which the Administrator is administering the program under section 402," before "the Administrator" the first place it appears; and

(B) by inserting at the end the following:

"(ii) in the case of any State other than a State to which clause (i) applies, all agencies of the State government with authority to require the prevention or treatment of the sources of coastal recreation water pollution; and";

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(4) by inserting after paragraph (5) the following:

"(6) measures for an annual report to the Administrator, in such form as the Administrator determines appropriate, on the occurrence, nature, location, pollutants involved, and extent of any exceeding of applicable water quality standards for pathogens and pathogen indicators;".

SEC. 7. CONTENT OF STATE AND LOCAL PROGRAMS.

Section 406(c) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)) is amended—

(1) by striking "and" at the end of paragraph (7) (as redesignated by section 6(3) of this Act);

(2) by striking the period at the end of paragraph (8) (as redesignated by section 6(3) of this Act) and inserting a semicolon; and

(3) by adding at the end the following:

"(9) a publicly accessible and searchable global information system database with information updated within 24 hours of its availability, organized by beach or similar point of access and with defined standards, sampling plans, monitoring protocols, sampling results, and number and cause of closures and advisory days;

"(10) measures for the immediate posting of signs at beaches or similar points of access that are sufficient to give public notice following the results of any water quality sample that demonstrates an exceeding of applicable water quality standards for pathogens and pathogen indicators for the coastal recreation waters adjacent to such beaches or similar points of access; and

"(11) measures to ensure that closures or advisories are made or issued within 24 hours after the State government determines that any coastal recreation waters in the State are not meeting applicable water quality standards for pathogens and pathogen indicators.".

SEC. 8. COMPLIANCE REVIEW.

Section 406(h) of the Federal Water Pollution Control Act (33 U.S.C. 1346(h)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by moving such subparagraphs 2 ems to the right;

(3) by striking "In the" and inserting the following:

"(1) IN GENERAL.—In the"; and

(4) by adding at the end the following:

"(2) COMPLIANCE REVIEW.—On or before July 31 of each calendar year beginning after the date of enactment of this paragraph, the Administrator shall—

"(A) prepare a written assessment of compliance with all statutory and regulatory requirements of this section for each State and local government and of compliance with conditions of each grant made under this section to a State or local government;

"(B) notify the State or local government of such assessment; and

"(C) make each of the assessments available to the public in a searchable database on or before December 31 of such calendar year.

"(3) CORRECTIVE ACTION.—Any State or local government that the Administrator notifies under paragraph (2) that it is not in compliance with any requirement or grant condition described in paragraph (2) shall take such action as may be necessary to comply with such requirement or condition within one year of the date of the notification. If the State or local government is not in compliance with such requirement or condition within one year of such date, any grants made under subsection (b) to the State or local government, after the last day of such one-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall have a Federal share of not to exceed 50 percent.

"(4) GAO REVIEW.—Not later than December 31 of the third calendar year beginning after the date of enactment of this paragraph, the Comptroller General shall conduct a review of the activities of the Administrator under paragraphs (2) and (3) during the first and second calendar years beginning after such date of enactment and submit to Congress a report on the results of such review.".

SEC. 9. STUDY OF GRANT DISTRIBUTION FORMULA.

(a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall commence a study of the formula for the distribution of grants under section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) for the purpose of identifying potential revisions of such formula.

(b) CONTENTS.—In conducting the study, the Administrator shall consider the base cost to States of developing and maintaining water quality monitoring and notification programs, the States' varied beach monitoring and notification needs, including beach mileage, beach usage, and length of beach season, and other factors that the Administrator determines to be appropriate.

(c) CONSULTATION.—In conducting the study, the Administrator shall consult with appropriate Federal, State, and local agencies.

(d) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study, including any recommendation for revision of the distribution formula referred to in subsection (a).

SEC. 10. PUBLICATION OF COASTAL RECREATION WATERS PATHOGEN LIST.

Section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)) is amended by adding at the end the following:

"(C) PUBLICATION OF PATHOGEN AND PATHOGEN INDICATOR LIST.—Upon publication of the new or revised water quality criteria under subparagraph (A), the Administrator shall publish in the Federal Register a list of all pathogens and pathogen indicators studied under section 104(v).".

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose before the beginning of consideration of the bill and pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there any amendments?

Mr. YOUNG of Alaska. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Alaska. Madam Chairman, I deeply appreciate the recognition, and I do appreciate the chairman of the full committee and the subcommittee chairman, Mr. BOOZMAN, for the legislation we are discussing today; but I cannot sit idly by and listen to the people talk about the high cost of energy when there has been little action in this Congress, and I will say "this Congress," the past Congresses and this present Congress about solving the high cost of energy to the American consumer, the $4 a gallon that they're going to have to pay.

The last time we passed any energy legislation on this floor was 1973. We passed the Trans-Alaska Pipeline. That's the last time. At that time, we were importing 38 percent of our fossil fuels. Today, we are importing 70 percent of our fossil fuels. Mr. and Mrs. America, keep in mind 50 percent of that fossil fuels is coming from countries that are not friendly to the United States of America. We are sending them over about $500 billion a year because this Congress, this Congress, has not acted to try to relieve the dependency on fossil fuel from abroad.

Now some people will say, and I listened to the young lady, we are going to take up alternate forms of energy, and I'll buy that. I'll put the little curlicue lightbulbs in. I'll do that. I'll save and turn down the thermostat. I'll do that. I'll, in fact, drive my automobile slower. Most people do not. But that doesn't solve the problem of the energy we need to move product.

The chairman knows full good and well, being the chairman of the Transportation Committee, our economy is based upon the ability to move product to and fro within this Nation.

The ship it brings us is driven by fossil fuels. The truck, the plane, the automobile, the train is driven by fossil fuels. And if we continue to become more dependent, which we apparently are going to do under the leadership of this Congress, we'll be in the point where we cannot move our product, ship them abroad which we produce, nor receive them. Seventy percent, again from foreign countries.

And yet we have a tremendous amount of fossil fuels, the United States of America, that's not being developed. It should be developed. Offshore. Chukchi Sea, there's more oil in Alaska than there is in the Gulf of Mexico at a relatively shallow depth. The coasts of California, the coast of Florida, the Rocky Mountains, the coasts of Virginia, North Carolina, and South Carolina has a tremendous amount of oil in the realm of about, I would suggest, 500 billion barrels of oil.

That's available to the American public. But we have a leadership now in this Congress that believes that the world is coming to an end, led by Al Gore, that the world is coming to an end if we burn fossil fuels.

I suggest respectfully, Mr. and Mrs. America, if we do not lower that price to the small business community and to the person who has to commute to their work site, we are in a dire shape in this Nation as a whole. We have to address this issue.

I ask my colleagues, please quit buying this concept that we are going to do it with windmills and with sun power. Yes, we could use those things. Yes, we ought to use nuclear, and yes, we ought to use hydro. The wheel of energy should be developed, and this Congress has not done it. Has not done it. We have this idea we are going to solve the problem. Look at the energy bill we passed this year through this leadership. It produced nothing. Period. Nothing. That's why the consumer today, in America, is going to that gas pump, and by the way, it's a tax to him. Every man, woman, and child is paying $2,000 a year to Saudi Arabia and countries such as because we sit idly on our hands doing nothing.

Madam Chairman, I suggest respectfully this Congress has to wake up. I listen to the political rhetoric of all of the presidential candidates, and nobody is addressing the energy issue other than the fact that we can't burn fossil fuels because we are losing the icecap and the polar bears are in danger.

Think about this for a moment. Think about the American public and the need for economy-based, fossil fuel driven because it moves an object. We must address this. I'm asking my colleagues to understand that. Quit pandering. Quit pandering to the interest groups that really are trying to socially structure our Nation through fear.

We have the fossil fuel. It is here. It should be developed. We should give the opportunity instead of restricting it, and that's what we've done in this Congress. In my state alone we have ANWR. It's passed this House 12 times. It passed the Senate once and Bill Clinton vetoed it. It's got about 36 billion barrels of oil available 74 miles away from an existing pipeline. And this Congress will not step forth and address that issue alone because they say it's going to hurt the environment, 74 miles away from the existing pipeline.

Madam Chairman, I suggest respectfully let's get off our duffs, and let's do the job we should for this nation.

Mr. PRICE of Georgia. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. I appreciate that, and I appreciate the opportunity to come to the floor today to talk about an issue that is of vital concern and importance to the American people. It may not have been what the majority party wanted to talk about today, but it's what the American people want to talk about and that's energy.

I don't know if anybody had an opportunity to walk outside the United States Capitol today, but you heard trucks with their horns blaring outside the Capitol, and they were doing so because they were objecting to the leadership in this Congress and the lack of action on energy prices and gas prices. That noise resonates across this land, Madam Chairman. Resonates across the land.

I had a group of high school students in my office today, and they wanted to know what we were doing about energy. They'd heard that this Congress had passed the Energy Efficiency Act. They wanted to know about the particulars of that act. And so we reviewed the particulars of that act, and I said, how much more gas do you think will get to the pumps in communities across this Nation if we increase the taxes on American oil companies? Well, these are bright high school kids. They said, well, not much more. And they're absolutely right, Madam Chairman, because the Energy Efficiency Act that this Congress passed in this session, in this term, will produce no energy. No new energy.

Mr. NUNES. Madam Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I'm pleased to yield to the gentleman from California.

Mr. NUNES. I was listening to your conversation on the floor. I want to reiterate what's going on outside. You made the point, but there are trucks driving through this Capitol right now trying to drive around to raise awareness to the people of the United States that the gas price is too high. And meanwhile today, we are debating a bill on beaches on the floor of the House while gas prices are soaring to $4 plus a gallon.

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And so I thank the gentleman from Georgia for bringing this up and for yielding to me because this is something that we should be debating on the House floor. We should be talking about energy, not talking about how we're going to save the beaches.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate your comments.

And if you think about what has changed in the last 15 months in terms of leadership here in Washington, it's not the other end of Pennsylvania Avenue. The only thing that's changed during the period of time when crude oil has gone from $56 a barrel to $112 a barrel, the only thing that's changed in terms of the leadership in Washington is the leadership in Congress. That's the only thing that's changed. There must be a cause and effect here somewhere, Madam Chairman, because gas prices are increasing, and the leadership has been woeful in not attempting to deal with this issue.

And so I would ask my colleagues to bring to the floor issues that are of paramount importance to the American people. The issue that's of paramount importance in my district is energy and gas prices. And this Congress is doing nothing about it, in spite of the proclamations and promises made during the previous election.

So, Madam Chairman, there are wonderful solutions out there, there are positive solutions. Conservation: We can do a whole lot more to incentivize individuals to conserve. Utilizing American resources for Americans, there's a novel thought, Madam Chairman. There are incredible resources that we have. And we've got the technology and the American ingenuity to do it in an environmentally sensitive way, and we ought to. We ought to. This leadership ought to allow that kind of issue to come to the floor.

And finally, alternative fuel. It's imperative that we have the kind of research and development and incentivizing alternative fuel formation in this Nation in ways that we've never done before, not pick winners and losers, which is what Washington tends to want to do, but to incentivize a system that would provide for wonderful, entrepreneurial, visionary, enthusiastic individuals all across this Nation who have the intelligence and the foresight and the desire to help America prevail in our energy independence.

So, Madam Chairman, I come to the floor today with a level of frustration by the inability of this leadership, apparently, to address the concerns of the

American people, to address the concerns of those high school students that were in my office this morning, to address the concerns of those truckers, who continue out there outside the Capitol blaring their horns and saying, wake up. Wake up, Madam Speaker, wake up leadership in this Congress, wake up and address the issues that are of paramount importance to the American people. The paramount issue today is energy and gasoline prices, and we must, as a Congress, address that issue in a positive way.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to address their remarks to the Chair.

Mr. NUNES. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. NUNES. I want to thank the gentleman from Georgia for bringing this issue up. And I know that the bill here today is this beaches bill, but the concern that I have is that we're not addressing the needs of the American people.

When the Democrats took the majority, we were told that we were going to go back to 5-day workweeks. Last week, we were in 3 days; we did two votes each day. This week, we've only done a couple votes each day. And here we are doing a bill that now I'm being told we're not even going to finish the bill today, a bill regarding beaches, while we have truckers going around the Capitol honking their horns, trying to get the attention of the United States Congress, to get the attention of the Democrat majority to do something about lowering their fuel price.

And the answers that we've received from the other side of the aisle are always the same answers: We need to repeal the tax breaks to the oil companies. Well, if we want to repeal the tax breaks to the oil companies, that's not going to lower the fuel price. As the gentleman from Alaska stated and the gentleman from Georgia stated previously, the way that you lower the fuel price and the way that you stop buying fuel from foreign countries is you have to drill in America. We have to drill for oil in America.

I'm a big supporter of solar energy and wind energy, they're great renewable fields, but we get less than 1 percent of our energy from these sources. So if we want to talk about renewable sources of energy, we're going to have to look seriously at nuclear power. We're going to have to look at using the oil that we have in this country if we don't want to buy oil from foreign countries. These are the types of things that we're going to have to do in this Congress. But unfortunately, we've made this commitment, supposedly, to the American people that we're going to work 5 days a week, but instead we only work a few hours a day and end up working 3 days a week. Today we have to get out of here by 4, I'm told, because the Democrats don't want to stay in so that they can get on an airplane and fly home. We're not even going to finish a bill on beaches. And meanwhile, the American people are outside this Congress driving their trucks, honking their horn, asking for the attention of this Congress, and this Congress is not paying attention.

We've got to do something to lower these fuel prices, Madam Chairman. The Democrats are in control, they're in the majority. We need answers. My constituents need answers. They need their fuel price lowered. They need their electricity cost lowered. The only way we can do this is by building nuclear power plants, investing in wind and solar power, and drilling for oil in America.

And I would hope, as the gentleman from Alaska has stated over and over again, the last time we've gotten serious about drilling for oil in Alaska was 1973. 1973. And here we are, 35 years later, with no more oil production. Now we used to have at least half of our oil came from the United States, now we're less than 30 percent of our oil that comes from the United States.

And we send money to Venezuela, we send money to Saudi Arabia, and the other side of the aisle complains about it. But their only answer is that we need to repeal the tax cuts to the oil companies. So in their last energy bill, what did we repeal? We picked the American companies. We repealed the tax breaks on the American companies and we gave tax breaks to the Venezuela oil companies.

So I don't know what we're going to do in this Democrat majority to solve the country's problems. President Bush has said that he will sign a bill to drill for oil in America. He will sign any bill that promotes nuclear power. These are the answers that the American people need and they should demand from this Congress to have those answers.

And I would hope, Madam Chairman, that this Democrat majority listens to the truckers that are outside right now honking their horn trying to get this Congress' attention. And I am happy that at least on our side of the aisle, the Republican side of the aisle, we are taking this opportunity, during a bill that we're talking about beaches here, but we're trying to bring to the American people, to bring to the attention of this Congress that we need to lower the fuel price, and we need to do it today.

So with that, Madam Chairman, I will yield back the balance of my time.

Mr. WESTMORELAND. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Chairman, you know, it's interesting that we came here to talk about a beach bill, and we're finally getting a chance to talk about some energy because most American families are not going to have the money to drive to the beach this year.

We look at the price of gasoline right now. And I earlier quoted some of the quotes from the Democratic leadership about how they were going to get a grip and get ahold of the gas prices and bring them down. Well, since they've been in the majority, they have actually gone up $1 per gallon, oil has gone up about 100 percent. And what are we telling our people at home? I've got to go back and explain to the people of the Third District of Georgia that this week, rather than addressing the price of gas and our energy situation, that we did some beach restoration, which is a very worthy bill; we did some landscape conservation; we named some post offices; and we did some several other suspensions. But I've got to go back and tell them that, when they're standing there at the gas pump almost pumping $4 a gallon into their car, that they need to realize something, they need to realize what the majority plan for our future price of motor fuel is.

The chairman, who I have a great deal of respect for, on the Transportation Committee, Mr. OBERSTAR, who's been here a long time and is very wise, but he projected or at least proposed a 5 cents a gallon hike for our infrastructure and $1 per barrel on oil. The Energy and Commerce chairman is talking about a carbon tax. He's also talking about a 50 cent per gallon tax on fuel.

We're talking about taking away these tax breaks from Big Oil. You know, we can take away tax breaks from anybody, but I'm telling you, if you take a tax break away from a company that is manufacturing products in this country, they're not going to just absorb that loss, they're going to go up on the price of their product. So we're talking about maybe 55, 60 cents more a gallon.

So I've got to go back and tell my constituents, look, here's their plan: Their plan is to go up another 55 cents or so a gallon on your gas, another dollar on a barrel of oil, take away any tax breaks that the big oil companies have that hopefully they're passing on to you, and your Congress just spent $30,000 to buy 30 bicycles. So they've got a great plan.

And I guess this is the great plan that we've heard about in so many of these quotes about how they were going to fix the price of gas. We've bought 30 bicycles at a cost of $30,000; we're going to increase the price of gas 55 cents; we're going to take away the tax breaks for Big Oil so they can go up, increase the price on a barrel of oil. We're not going to do any domestic drilling. We're going to depend on changing light bulbs. We're going to depend on solar power. We're going to depend on windmills.

Now, Madam Chairman, I just don't know how much comfort that's going to give the people of the Third Congressional District of Georgia. In fact, I don't know that if I tell them that, that they're even going to believe that, that this body, this House, that is their answer to them paying $4 a gallon for gas. It's just going to be hard for me to sell it. But if they will pay attention to what's going on up here, then I think they'll be convinced that these are the only things that the majority has brought forth.

We need to concentrate on being less dependent on foreign oil. We need to look at our own future, our own lands, our own prospects of what we're doing. And as the gentleman from Alaska said, regardless of what you think about fossil fuels, we're going to be using it. And so we need to provide for ourselves.

And I think it's a shame that each and every one of us, and I know we're going to be through by 4 o'clock because, you know, we do need to get home, but we're not doing our job. We're not doing the business of the people when we constantly go home and people ask us, help us, help me, help me be able to put gas in my car to take my children to soccer practice, or go to school, or go to the beach.

So I'm going to go back and I'm going to say, I'll tell you what, we gave you some help. We're going to raise the price of gas and oil and we're buying bicycles.

Mr. TERRY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. Madam Chairman, I, too, rise, sticking up for American families that are struggling with the high prices of many products right now, most of which I hear from my constituents in Nebraska is about the price of gasoline at the pump. I hear about the groceries as well. And of course then when I see a bill like this, the bill that we have up now about making sure that our beaches are clean and we have plans for that, unfortunately under the leadership of the House and Senate currently now, my first thought isn't well, that's absolutely right, we need to keep our beaches clean. My first thought is, is this another environmental tool to make sure that we can't get to drilling in places where we need to get?

Now, the frequently asked question about gasoline prices is, what are you going to do about it? Well, we have a couple of options that I think could alleviate some of the pressure. One is, we can take the 1970s actions done by the Nixon administration to simply set the price. We will set the price. We will freeze them; $3.30 at my home, we can freeze that. Well, what did that do? Created about a half mile line for gas. And then maybe if you pulled up to the pump, you might see that little white piece of paper that said "out of gas." We can go back to that. But the gas prices would be stable. But running out of gas begs the question, the question is, what's causing this?

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Now, obviously it's just simple high school economic supply and demand, folks. What we have is that oil that we have access to within the United States, whether it's ANWR or off the Continental Shelf or shale in Colorado or other pockets that have been made into public lands and thereby unaccessible, what we've done is adopt a policy in this country that we want to push the production or creation of fuel out of our country to foreign countries. That makes us reliant on foreign countries. In fact, about 60 some percent, about 63 percent, of our oil needs are imported. We use about 20 million barrels per day to meet our energy needs, and 14 million barrels per day are imported. So as other countries compete with us for that oil on the world market, prices increase. At the well head, just yesterday closing out the markets, sweet crude jumped $2.30, hitting a new record of $112.21, closing at the closing record of $110.87 per barrel.

Now, we can ask what the solution will be. Do we just simply raise taxes on oil production, or do we say that it's part of our plan to make sure that we can become energy independent and secure this Nation's future? And I think the long-term answer can be the type of issues that we're dealing with, with alternative and biofuels like cellulosic ethanol, like hydrogen, but let's admit that those are a generation away if we make the commitment today. So what we need to do in the meantime is either be honest with the American citizens and say that our policy is to limit supply in a competitive global market, therefore, get used to $4 and then $5 per gallon of gas, or we allow the drilling to take place where we can produce more of our own resources of oil. And we can do that.

I asked the question the other day, how much oil and natural gas do we have access to within 75 miles of our coastline? The answer is "I don't know" because we have been blocked from being able to explore that. We can't measure that. That's wrong.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FLAKE:

Page 3, after line 8, insert the following:

(c) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to section 406(i) of such Act (33 U.S.C. 1346(i)) may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Madam Chairman, the focus of the Beach Act is to ensure that citizens enjoy recreational activity in the coastal waters and that they can do that safely. That should be the focus of the bill, and that's where I think we should keep the focus of the bill.

The purpose of this amendment is to make sure that the purpose of the bill is not to protect vulnerable Members, vulnerable incumbents. And, unfortunately, that's been the case with a lot of legislation that we have passed in the past. It just simply becomes a magnet for earmarks, for Member earmarks, to protect vulnerable Members or to reward Members or to go towards Members in leadership or in high positions on particular committees.

The Beach Act authorizes a formula-based grant program to help implement State and local beach monitoring, assessment, notification programs. What we don't want to see is money bled off from these formula-based programs to Member projects. Unfortunately, that has happened. And if we don't think that it will happen with this bill, then we have our heads in the sand.

The purpose of this amendment is simply to say that none of the moneys authorized in this legislation will go toward earmarks, that all of the money as it is now will go toward formula-based funding.

Now, some might say that the Beach Act has not been historically earmarked. That is true. That's how it should remain. The problem is some of the legislation that has not been historically earmarked is now earmarked. In fact, when we passed the Homeland Security bill, which we celebrated today 5 years after, we were told this will not be earmarked. This will be formula-based grants, it will be spread out, but it will not be earmarked. And for 4 years that remained true.

But last year the legislation to fund the Department of Homeland Security had a boatload of earmarks in it. According to Taxpayers For Common Sense, the 2008 omnibus bill contained 128 earmarks worth more than $400 million in Homeland Security funding. According to a story by the Hill, 115 new earmarks worth $117 million were airdropped at the last moment. These were earmarks that we said we weren't going to do anyway in a bill that we said we were not going to earmark. These were, obviously, to assist vulnerable Members.

Many were earmarks in the funding for FEMA's Predisaster Mitigation Program. This was a program intended to "save lives and reduce property damage" by providing funds for "hazard mitigation planning, acquisition, and relocation of structures out of the floodplain." In 2007 this program received $101 million to fund competitively awarded projects with no earmarks. According to Taxpayers for Common Sense, in 2008 this program received a boost in funding to $114 million, but nearly half of the amount, $51.3 million, was tied to 96 earmarked projects, including earmarks for projects that should not have qualified for funding under the program.

So we could have earmarks in this beach program for projects that aren't even eligible under the formula-based funding that's currently here, and that's what we should all fear. This body has gone far too far over the past several years, under Republicans and Democrats, in bleeding off necessary funding for particular programs just to protect vulnerable incumbents during re-election or just to reward particular Members.

Some people will say, well, we know in Congress better than those faceless bureaucrats in some department. Well, if that is the case, then we should have parameters. We should provide oversight. That's what this body is supposed to do. There is a process called authorization, appropriation, and oversight. And that's the process we need to follow, not circumventing that process by earmarking.

That's the purpose of this amendment. I hope that we can all agree that this is needed to ensure that this program is not earmarked in the future.

With that, Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. In the 109th Congress, we considered the reauthorization of the Appalachian Regional Commission. During consideration of the bill in committee, I proposed language to prohibit earmarks, which have been done time and again in the appropriation process, prohibit earmarks in the Appalachian Regional Commission appropriation process. The gentleman from Arizona supported my initiative, and I appreciated his support. It was the right thing to do.

Unfortunately, the committee did not include that language. When the bill came to the floor, I worked to defeat the bill because it did not have that prohibition on earmarks, and the gentleman from Arizona supported my initiative.

In the BEACH bill, or the Beach Environmental Assessment and Coastal Health Act, proposed by the gentleman from California, with whom I worked on this matter for a period of 6 or 7 years, both in his previous seating in Congress and during the time he was out of service in the Congress and when he returned, it's a good bill. The initial BEACH Act authorized $30 million. About $10 million has been appropriated each year. And the money goes out by formula to the States. There have never been earmarks. In the Appropriations Committee nor on the House floor have there ever been attempts to suballocate the funds. Each State receives a portion of annual appropriations based on a calculation of each State's varied beach monitoring and notification efforts.

Now, we know very well that $10 million is insufficient, and because money is insufficient for a bill, that's often why, Madam Chairman, Members come with a proposal for an earmark to designate money so they are sure that their State or their beach or their city gets their, at least, perceived fair share of funding.

But it's never been done on this legislation, and we don't need any such limitation language. I think we have a fair formula, a specific focus on the base cost of the States of developing, maintaining water quality monitoring, notification programs, the mileage of the beach, beach use, the length of the season, and other factors that the administrator of the agency determines to be appropriate. That is fair, and I think Members of this body and of the other body recognize that it's fair; so they haven't attempted to tinker with it, and we shouldn't do that in this bill. This is a good piece of legislation, a fair piece of legislation.

Look, we bring this bill to the House floor under an open rule. It's one advocated by a Member from the other side, a Member for whom I have the highest personal regard, and then we have a succession of Members standing here complaining that we bring a bill to the floor under an open rule that should have been brought under suspension. If we had brought it under suspension, I suspect the same people would come to the floor, Madam Chairman, and complain that we didn't have an open rule.

So we're trying to the do the right thing on the right piece of legislation, and we ought not to gimmick it with this proposal that is totally unnecessary for a limitation on earmarks. We ought not to adopt this amendment.

Mr. WESTMORELAND. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Chairman, I want to thank the chairman for bringing that up because I think every bill needs to be brought to the floor like this, an open rule, so we can have debate. This is a breath of fresh air to have an open rule. I can't remember the last time we had one. So this is a great thing that we have this. This is our republican action in letting people, our constituents, hear our different views on these bills rather than just having it jammed down our throats. So I agree with the chairman on this, and I hope more of these can be brought under an open rule.

Madam Chairman, I would like to yield to my good friend from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman from Georgia for yielding.

And I want to thank the gentleman from Minnesota, Madam Chairman. I could not agree more with virtually everything he has said. This is an important bill. It was brought here, and it has not been historically earmarked. That is great. We need to keep it that way. We need to keep, as he so aptly put it, Members from meddling in this. That's the purpose of this amendment, to keep Members from meddling with the formula-based program in the bill.

It was mentioned that it's unnecessary because it hasn't been historically earmarked. I suppose the same would have been said had I brought the same amendment last year to the Department of Homeland Security authorization bill or the appropriation bill because it hadn't historically been earmarked. We promised not to do that. But yet we have earmarked between $500 million and $1 billion, hundreds of earmarks air-dropped at the last minute, never debated on the House floor, never debated, never an opportunity to amend them out. And that's what we are trying to do here is to protect this important legislation from the same fate.

It was mentioned that we have increased the authorization for money in this legislation. That is true. We did that in the FEMA grants in Homeland Security and then earmarked it. We increased it by a little and then earmarked it by a lot. It doesn't take conspiracy theorists to say that this might be happening here, that maybe this is what is going to be attempted here, to start earmarking this legislation, to get these programs that are funded by formula to instead fund Members who need protection in their re-election or who need to be rewarded in some other way. That's not how we should do business.

The purpose of this amendment is recognizing the importance of this legislation and making sure that Members don't meddle in it.

I thank the gentleman for yielding.

□ 1545

Mr. WESTMORELAND. And I want to thank the gentleman for bringing this amendment because a little ounce of prevention is worth a pound of cure. And so I think what we are doing, like he said, is just making sure that we are perfectly clear to anybody on the conference committee, or any other process that this bill goes through, that we're not to air-drop these earmarks that we never get a chance to discuss. It is very seldom that we get to discuss anything on the floor in the manner that we are being able to talk about this beach restoration bill as we are today. And so I think it is a great thing that we are having this open discussion.

Again, I want to comment that I hope that one day my constituents from Georgia's Third Congressional District, which is not that far away from the beach, will be able to have the money that won't pinch their budget to be able to drive to the beach. Right now in Georgia you're paying $3.29 per gallon, which is $1 more a gallon than we paid when the 110th Congress started. And we had all the empty promises and the smoke-and-mirror gadgets that came from the majority that they were going to somehow, that they had some kind of miraculous plan to lower gas prices.

We have yet to see that plan. We've talked about raising the fuel tax. We've talked about raising the price of a barrel of oil. We've actually purchased bicycles. And we have done a lot of different things. But the price of gas and oil continues to go up.

We had a bailout that caused our dollar to deflate. And that, itself, probably caused the price of a barrel of oil to go up. So I am waiting on that magic wand. I am waiting on that secret that Speaker PELOSI and Leader HOYER and the whip, Mr. CLYBURN, all talked about prior to getting in charge.

It almost reminds me of a dog inside a fence that is really barking and yelping and wanting to get out and wanting to convince its master that it can go out and do the things that it wants to show that it can do. And then once it gets out of the gate, it just kind of lays down under a tree and scratches its ear or something.

So I am ready for some action. I think the American people are ready for action. Bring out this magic plan. Unveil it. Let's see it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, this amendment is a proposed solution in search of a problem. The Beaches Environmental Assessment and Coastal Health Act, or the BEACH Act, which this legislation amends, was introduced to limit and prevent human exposure to polluted coastal recreation waters, including those along the Great Lakes.

The initial BEACH Act authorized $30 million annually to assist States and local governments to implement beach monitoring, assessment and public notification programs.

Funds authorized under the initial BEACH Act and under the legislation we consider today go either to the Environmental Protection Agency or are distributed to individual States on a formula basis.

Each State receives a portion of annual appropriations which have hovered around $10 million based upon a calculation of the State's variant beach monitoring and notification needs.

The committee is aware of the concerns that the current formula utilized by EPA for the distribution of grant funds may not provide for an equitable allocation of funds among States at current appropriation levels.

Section 9 of this legislation requires EPA to conduct a study of potential revisions to the formula with a specific focus on base costs to States of developing and maintaining water quality monitoring and notification programs, the State's varied beach monitoring and notification needs, including beach mileage, beach usage and length of beach season and other factors that the administrator determines to be appropriate.

None of the funds appropriated under this legislation go out to the States or local communities under a "congressional earmark."

This amendment has no bearing on the authorities under the BEACH Act or EPA's beach program.

Madam Chairman, I yield back.

Mr. PENCE. I move to strike the last word.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. PENCE. I rise in strong support of the Flake amendment because the American people need taxpayer protection more than we need beach protection. Now I understand this is important legislation that Congress is considering today. And I do not rise to trivialize this bill. It has its moorings in and its heritage in bipartisan foundations. I rise, rather, to say that the time has come for this Congress to get serious in large ways and in small ways about the epidemic of earmarking that has taken hold of the Federal budget process.

In fiscal year 2008, according to one estimate, legislation that passed in one catch-all omnibus bill included some 11,610 earmarks in all of those different appropriations bills in the course of the year costing taxpayers some $17.2 billion. It was the second highest number of earmarks any Congress has ever approved. It represented a 337 percent increase above fiscal year 2007.

What the Flake amendment says, in effect, is that none of the funds appropriated pursuant to this section may be used for a congressional earmark as defined by the House rules. Now, this is part and parcel of an effort by many of us that I believe, while it is being led by Republicans, I believe there are many in the other party who understand that earmarks is a cancer in the belly of the Federal budget. And we must address it.

The Flake amendment seizes this opportunity and this moment of this legislation that says that should the Beach Protection Act of 2007 be signed into law, that at no point in the future may it be used as a vehicle for earmarking. And as the author of this amendment has suggested, we have been assured in the past before that those things pertaining to homeland security, the Department of Homeland Security, would not become vehicles for earmarking, and they have.

And for my part, let me say this is not an issue that I am interested in demagoguing, Madam Chairman. For my part, through the course of my career up until very recently, I have requested earmarks and special projects for my district. But I must tell you, having negotiated when Republicans were in charge for earmark reform, having supported Democrat efforts for earmark reform, at the end of last year when I saw a catchall omnibus bill come to the floor of this Congress with hundreds of unexamined earmarks dropped in at the last minute in the dead of night that hadn't been subject to the scrutiny the American people demand, I knew it was time for a change. And so I had to tell the people of my district that I could no longer be a part of this flawed system. And I commend the gentleman from Arizona for his extraordinary leadership on this issue.

I want to challenge my colleagues to support the Flake amendment. But let's just begin there. Let's support a moratorium on earmarking in this Congress. The American people know there is something fundamentally wrong with the way we spend the people's money, especially when it comes to earmarks.

Frankly, I used an analogy not long ago, Madam Chairman, of an airplane. When you're flying an airplane through the air, and the meters on the control panel tell you that something is wrong with the engine, the first thing you do is put the plane on the ground and get the hood open and find out what is wrong. Well, many of us who are advocating an earmark moratorium believe the time has come for us to put the plane on the ground in a bipartisan way, embrace an earmark moratorium and reform this system in the way that Congressmen FRANK WOLF and JACK KINGSTON have suggested in their commission format.

And let me say, as I close in strong support of the Flake amendment, that there is enough blame to go around on this earmarking business. I recognize earmarking came of age under Republican control of the Congress. And I am not rising here to point fingers. I am, however, rising to say that we need to change the way we spend the people's money. The only way we will do that is by embracing the bold leadership that Congressman JEFF FLAKE has brought to this Congress in connection with the Beach Protection Act, but it also means embracing a moratorium and coming together, Republicans and Democrats, liberals and conservatives, and saying we are going to push away from the table, and we are going to bring fundamental earmark reform to the American people. And that's my hope.

And I urge support for the amendment as a first step in that direction.

I yield back.

Mr. BOOZMAN. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Arkansas is recognized for 5 minutes.

Mr. BOOZMAN. I agree with Mr. FLAKE and Mr. PENCE about the situation of needing to earmark responsibly. And certainly earmarking to protect vulnerable Members, in fact, anything of that certainly is not for the good of the country and the good of Congress or whatever.

I guess what I question is that in this particular amendment, in this particular bill, I think it is inappropriate. This program is a formula-based grants program that has not been earmarked in the past and there's no plans to earmark it in the future.

We are not talking about beach restoration. We are not talking about beach reclamation. We are talking about a bill that allows States, allows beaches, to monitor pathogens so that when a family from Arkansas goes to Florida or goes to South Carolina, wherever they go, and they pull up, that they can, with safety, get out and swim in the waters without it being a cesspool. I wish that more people would sneak an earmark in the night to protect their beach. Again, that is not going to happen with this bill. It is not the purpose of the bill.

So I would ask that we vote against this, and yet again I feel very strongly that what Mr. PENCE is saying, what Mr. FLAKE is trying to do with his amendment is appropriate, but not in this particular vehicle. I don't think that it pertains at all.

Mr. OBERSTAR. Would the gentleman yield?

Mr. BOOZMAN. Yes, sir.

Mr. OBERSTAR. I thank the gentleman for his very thoughtful comments, which I fully concur. But I also would like to take this opportunity to compliment the gentleman from Indiana for a very thoughtful, reasoned, balanced and principled statement that adhered to the purpose of the amendment and stuck to the principle that the underlying amendment addresses. Though I disagree with the outcome of his reasoning, it was a very thoughtful and a principled statement, more of the kind of discussion we ought to have on this floor.

I thank the gentleman for yielding.

Mr. BOOZMAN. I yield back.

Mr. CONAWAY. I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. I, too, want to congratulate the majority party for bringing an open rule bill to the floor. It is a rare event. And hopefully our side won't wear out its welcome so poorly that this is the last open rule bill that is brought. I know it has to happen on appropriations bills, but we are not too excited about those coming later this year.

I rise in support of the Flake amendment. It is a pretty straightforward amendment that, to quote an often poorly used phrase, the opponent doth protest too much. I have not heard anything really as to why it is inappropriate for this to be attached to the legislation, how this would cripple the legislation, how this would prevent the monitoring processes, how this would prevent the grant-based programming from functioning. I have just heard arguments that "let's don't do it because we have never done it that way before."

And I am persuaded that under the Department of Homeland Security example, this idea of "let's just, because we have not done it before, we won't do it in the future." And I would prefer to have a straightforward statement in this important legislation.

We had an event this past year where a young man, although this legislation won't affect this because it happened in one of the lakes in Texas, where a young man had an amoeba-borne illness get into his brain, and it killed him. It was a freak and tragic accident. And obviously this legislation is aimed at trying to prevent similar type of occurrences on our beaches, coastal beaches I guess, but the idea that somehow because we have been pure in the past we will remain pure in the future. And our history here with respect to earmarks is anything but that.

So as we look at the Flake amendment and why it is important, I hope that someone can rise to say, here is a mechanical reason why it is inappropriate to have this earmark restriction, this statement, flatout statement that I think both sides can agree on. Because while earmarking doesn't really fix the overall spending pattern and the overall spending problem that we have in this Congress, because everybody knows that the annual budget is set, and every one of those nickels that get allocated to the Appropriations Committee will get spent, and most all of this earmark churn happens within that number. And so to the extent that we do away with all earmarks, it really won't impact the total amount spent.

□ 1600

My grandchildren, of whom I have seven, have a $53 trillion debt staring them in the face because we have made $53 trillion in unfunded promises to each other, issues that we think are important to my generation and my parents' generation, but we are taking their money to pay for it.

So anything that we can do to begin the process of restricting spending on issues like earmarks in this instance, on a bill that clearly works best on a grant-based formula, where the mileage of the beaches are assessed in each State and the money is parceled out that way as fairly as it can be, we can argue how much that money ought to be from time to time, but to expose it to the earmarking process I think is inappropriate.

I hope, like I said, that the Members who oppose the mechanics of this can help those of us who don't understand the mechanics understand why an earmark restriction that the Flake amendment would put in place cripples and hamstrings this otherwise good legislation, because all of us want safe water to swim in and to play in, but we also want my grandchildren to be able to afford to address the issues they have in front of them some 50 years from now with their money. Quite frankly, it is going to take a Herculean effort among all of us here and everybody listening today to rein in that $53 trillion in unfunded promises.

This House, as important as this legislation is, continues to ignore major problems facing this country, problems like the FISA reauthorization, problems like the war supplemental, problems like Social Security and Medicare and Medicaid. We continue to simply let those slide, and those failed actions have consequences.

We are going to add another one today, the Colombia Free Trade Agreement. By refusing to take action on the Colombia Free Trade Agreement, we have left more work undone as we go about all this business. All of that has consequences. As many of my colleagues have said, it has consequences on energy policy, it has consequences on the fiscal policy of this country.

I think this is a simple step on a simple bill that would allow the fiscal operations of this process to go forward in an appropriate and in a correct manner. So, I urge my colleagues to support the Flake amendment, should we get a vote on that.

Madam Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Madam Chairman, I come to the floor also to speak in support of the Flake amendment. I was in my office almost a half-hour ago now when I saw the debate on the floor and my friend and colleague Mr. FLAKE was here speaking about his amendment, and I thought I would come down to hear his closing remarks and hear the other side then say that they agreed to the amendment, because I thought, in essence, this was an amendment that both sides of the aisle could reach across and find unanimity and agreement with, if we believed the rhetoric that we heard last year and if we believe the rhetoric we hear oftentimes from the other side of the aisle about their desires to rein in spending, to address the earmark situation problem and to work with Republicans to try to deal with it, as we heard during their campaign to come to the majority, as they have, and now on the floor as well.

To my surprise, and perhaps I should not be surprised to find that as of this time, a half-hour later into the debate on a simple amendment to say that we should not be having earmarks in this bill, a bill that never had earmarks before, the other side of the aisle, the Democrat side of the aisle, cannot agree to it.

Earlier, when the general debate on this bill was on the floor, I came to the floor and said that in light of all the issues that we are discussing right now, it is amazing we are about to go into the weekend break discussing beaches as opposed to some other fundamentally important issue striking at the hearts and the wallets of the American taxpayers and the citizens of the State of New Jersey as well, one principally which was the high cost of oil.

The Democrats have been in charge of this House now for almost a year and a quarter, and during that time we have seen the price of gas at the local gasoline stations go up by almost a buck. You would think that would be something first and foremost that they would be addressing. But, no, they are addressing a spending bill and beaches, as we have before us. Again, maybe I should not be surprised, because wasn't it HILLARY CLINTON who said that she has more ideas on spending than there are dollars in D.C.?

Well, in light of the fact that the other side of the aisle, the Democrat majority, will not even consider to support the Flake amendment, which would try to rein in some of that wasteful, wanton abuse that we see in earmarks here, apparently the Democrat House leadership is taking a page from HILLARY CLINTON's playbook. They too have more ideas on spending than there are dollars in D.C. to spend.

It was just indicated a moment ago, well, this is not the purpose of the bill, to do earmarks. Well, if it is not the purpose of the bill, then it should be an easy lift to support this amendment to eliminate earmarks from the bill.

Secondly, someone suggested from the other side, well, if we are going to do it in this one, we should do it in all other bills like this. I agree, and I am sure Mr. FLAKE would come to the floor as well and say he would put this in any bill coming to the floor, to say we should not have earmarks, and I think he just rose to that point.

Finally, the point was made, I think from this side of the aisle, well, it hasn't been done in bills like this before. What a better time than right now? And I commend the gentleman, Mr. FLAKE for bringing it to the floor. If not now, then when? If both sides of the aisle are as adamantly opposed to abuses of earmarks as both sides of the aisle say they are, why shouldn't they support the amendment by Mr. FLAKE?

Madam Chairman, I yield to the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, I thank the gentleman for yielding.

I believe that soon after this we are going to have a vote on this legislation. Again, this amendment is simply to preserve the bill as it is, to make sure that Members don't meddle in it. It is there to protect the waters and the beaches, not protect incumbents for reelection. That is what this is about.

Mr. GARRETT of New Jersey. Madam Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 117, answered "present" 1, not voting 55, as follows:

[Roll No. 182]

AYES—263

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Becerra
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boswell
Boucher
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Clay
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Courtney
Crenshaw
Cuellar
Culberson
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Eshoo
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hodes
Hoekstra
Honda
Hoyer
Inglis (SC)
Issa
Jefferson
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Latham
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Norton
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Solis
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Walberg
Wamp
Wasserman Schultz
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—117

Abercrombie
Baldwin
Bean
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Boozman
Bordallo
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capuano
Chandler
Christensen
Clarke
Cleaver
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (IL)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Ellison
Engel
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Gonzalez
Green, Al
Hastings (FL)
Hayes
Higgins
Hinchey
Hirono
Hobson
Holt
Hooley
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Klein (FL)
Kucinich
LaTourette
Lee
Lewis (GA)
Lipinski
Mahoney (FL)
Markey
Matsui
McDermott
Meeks (NY)
Melancon
Mica
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Price (NC)
Rahall
Reyes
Richardson
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Serrano
Sherman
Simpson
Smith (WA)
Snyder
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Tsongas
Velázquez
Visclosky
Walsh (NY)
Walz (MN)

Watson
Watt
Weiner
Wexler
Wynn
Young (AK)

ANSWERED "PRESENT"—1

Obey

NOT VOTING—55

Ackerman
Andrews
Baca
Barton (TX)
Bishop (NY)
Bishop (UT)
Boehner
Boren
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Cardoza
Cubin
Davis (AL)
Doyle
Emanuel
Ferguson
Fortuño
Franks (AZ)
Gallegly
Gilchrest
Granger
Grijalva
Hinojosa
Holden
Hulshof
Johnson (IL)
Jones (OH)
LaHood
Larsen (WA)
Larson (CT)
Lofgren, Zoe
Lowey
Marchant
McNulty
Musgrave
Payne
Pryce (OH)
Ramstad
Rangel
Rogers (AL)
Rush
Sanchez, Loretta
Scott (GA)
Sessions
Sires
Skelton
Stark
Udall (CO)
Udall (NM)
Walden (OR)
Waters
Weller
Wilson (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. JACKSON of Illinois) (during the vote). Members are advised there are approximately 2 minutes remaining in the vote.

☐ 1632

Messrs. WEINER, MURTHA, INSLEE, CROWLEY, ABERCROMBIE, Ms. WATSON, Mrs. NAPOLITANO, and Ms. CLARKE changed their vote from "aye" to "no."

Ms. McCOLLUM of Minnesota, Messrs. MITCHELL, BRADY of Texas, TIM MURPHY of Pennsylvania, SPRATT, HALL of New York, and McINTYRE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall 182, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Chairman, on Thursday, April 10, 2008, I missed three rollcall recorded votes due to unforeseen circumstances. Had I been present, the RECORD would reflect the following votes:

Rollcall vote No. 178—"yea"; rollcall vote No. 179—Rule providing for consideration of H.R. 2537—Beach Protection Act of 2007—"yea"; rollcall vote No. 180—Recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation—"yea"; rollcall vote No. 182—imposes a no earmark limitation on a formula driven EPA grant authority for State beach water quality monitoring and notification programs—"no."

Mr. OBERSTAR. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BOYDA of Kansas) having assumed the chair, Mr. JACKSON of Illinois, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, I yield to my friend, the majority leader from Maryland, for the purpose of inquiring about next week's schedule.

Mr. HOYER. I thank my friend, the Republican whip.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. On Tuesday, the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business. On Wednesday, the House will meet at 10 a.m. for legislative business. And on Thursday, the House will meet at 8:30 a.m. and recess immediately to allow for the Former Members Association annual meeting, and will reconvene at approximately 10 a.m. for legislative business after the meeting is concluded.

We will consider several bills under suspension of the rules. The final list will be announced by close of business tomorrow.

On Friday, no votes are expected.

We will consider H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007; H.R. 5719, Taxpayer Assistance and Simplification Act of 2008; and H.R. 5715, Ensuring Continued Access to Student Loan Act of 2008.

In addition, we intend to consider at some point next week the bill we started today, H.R. 2537, to amend the Federal Water Pollution Control Act relating to beach monitoring. We will consider that to its conclusion.

Mr. BLUNT. I would ask my friend on the last bill you mentioned, the Ensuring Continued Access to Student Loan Act of 2008, H.R. 5715, is that the bill that was introduced this week?

Mr. HOYER. I am not sure when it was introduced, very frankly. It was marked up this week and reported out of committee. Whether it was introduced this week or not, I do not know.

As you know, Secretary Spelling has indicated this is a very severe challenge confronting student loans. Obviously we want to get ready for September in particular so families have some confidence they will be able to secure loans for their children, or for young people going to college, securing the loans themselves.

Mr. BLUNT. That is a problem, and part of what I used to do before I came here involved that. I am anxious to see what the bill looks like. It is clearly a major problem out there.

On the vote we took earlier today, the rule vote on Colombia trade, if you listened to the debate, you heard two very different views of that debate. The view of my side was that this likely ends this discussion for this year, and the view I heard from the other side was not quite there at all. I am wondering if as the majority leader you have a sense of this bill, this agreement, whether it can come back to the floor this year or not.

Mr. HOYER. If the gentleman would yield, I would agree with the observation on our side. I say that, and it is obviously not humorous except to me.

The fact of the matter is I believe that what was said on this side of the aisle and what the Speaker has indicated was that this was sent down we believed contrary to normal practice not with agreement of the leadership and the administration on how this would be considered. The Speaker believed, and obviously the House did as well, that additional time was needed. This was not, the Speaker has indicated that, an attempt to kill this agreement. It still could come up. There still is going to be discussion between the administration and ourselves. We want to resolve some outstanding issues and discuss what we might reach agreement on with the President and the administration.

As you know, we began those conversations yesterday. You and I were down there at the White House together. We hope to continue and hope for positive movement. Regarding other agreements that are pending, we have not discussed nor ruled out the possibility that future trade agreements may be considered by this Congress.

Mr. BLUNT. I thank the gentleman. That was going to be my second question. There are two other negotiated agreements, and I believe what you just said was that this vote today was about the Colombia agreement only and those other agreements should not be prejudiced by the vote we took today, and perhaps the Colombia vote will not be either.

I felt strongly about this. I still do, but I hope my friend's comments are correct and there is some way to now actively pursue whatever discussions need to be had on Colombia.

But on the final two if I heard you right, the two that have been negotiated and have not been sent up yet, I think I am hearing you say this does not establish any new way of doing this, and I yield.

Mr. HOYER. I don't think this was intended necessarily to be precedent-setting. The precedent, of course, has been that administrations, Republican and Democratic, have discussed with Republican and Democratic Congresses the timing and conditions under which these would be sent forward. We did not believe that had been accomplished this time. The administration's perspective was that there had not been response to their attempts to do so. Whatever the reasons, the answer to your question is we do not believe at this point in time that this is precedent for the two pending agreements.

But I don't want to by that response represent, if we were confronted with the same set of conditions, that is, that we did not reach agreement on how those agreements were moving forward, that this might not be again something that might be considered. But it is not precedent.

Mr. BLUNT. I hear your answer and the explanation of your answer, and I understand that.

On the supplemental defense budget that we talked about last week, it would seem that during this period of time between now and the work period at home during Memorial Day, that the supplemental budget will move. I think last week it was your anticipation that it might move in committee as early as this week. That didn't happen. I also read this week that following the Petraeus-Crocker testimony, that a number of Members, including the chairman of the House Defense Appropriations Subcommittee, indicated that they thought that this supplemental would have not only extraneous spending, but also some restrictive language. Have you had any further discussions about either timing or whether this supplemental will get, in my opinion, bogged down and held back by any restrictive language?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

First, let me say that last week, and I would reiterate the comment, I don't think I spoke to when the committee would move on it. What I did say was that hopefully the supplemental would be on the floor either the last week in April or the first week in May. I don't think that I referenced the committee consideration of that. I still believe that is the case.

With respect to your second question as to what might be on the supplemental, obviously it has not been marked up in committee. There are discussions, as have been reported in the public press, with respect to either language that might be appended to that by the committee or by the House itself. I would not want to preclude that effort.

I want to say that it is my understanding that the President has made a comment today again that what I sent you and the dollar I sent you, not a penny more will I sign.

I will tell my friend, I don't think that is particularly useful. It continues to say from the President of the United States to the Congress of the United States, which is, after all, the policymaking body of this country under the Constitution, "What I propose you take, or we'll leave it. We'll not do anything other."

I would hope to have discussions on this. As you know, the economy is in crisis. It is very nice to give money to Iraq. As you know, I support funding our troops. Having said that, we have people in crisis in housing, we have people in crisis in jobs, we have people in crisis without health care, and we have people in crisis with their educational expenses. We have a lot of people in this country who are in trouble.

We think that they need to know that the Congress of the United States is responding to their issues as well as to the issues that the President brings up with respect to Iraq.

So I don't want to commit us to simply doing exactly what the President asks, or apparently thinks he can tell us to do. We don't think that is the process.

☐ 1645

Mr. BLUNT. Well, I thank the gentleman for that. I would say that my sense of that is that the troop supplemental should be that, and that we should be willing to work together on these other issues, as we did the stimulus package earlier this year. That's a package that the tax provisions are already beginning to have some impact. The rebate provisions will begin to have impact when people get their money in May, June and July.

But I think we proved, with that effort to work together, that when both sides decide we want to make something happen, we don't have to use the troop funding or any other issue. We just have to get together and make something happen. I think that would be, generally, the view on this side of the House about how to move forward on those two issues, and we can and will probably debate this for some time.

One of the issues that puts people in crisis, we saw a discussion on the floor today, a bill out of transportation that dealt with beach nutrition. Many of our Members thought that the Transportation Committee and the Energy Committee would be better spending their time focused on gasoline prices, which are $1 higher today, per gallon, on the average, than they were a year ago today. And I wonder if the gentleman has any sense of when we might see some legislation on the floor that would deal with gasoline prices.

Mr. HOYER. Well, of course, as you know, we have passed legislation that's still pending in the Senate. In addition to that, as you know, gas prices in January 2001 were $1.46, on average, in this country. They're now, on average, $3.30, so they've more than doubled during the last 87 months of this administration. We're concerned about that, as I know you are as well. The public would like to have $1.46 gas, I'm sure, back. And we are concerned about that.

We're concerned about energy independence. We all know that it's going to be very tough in the short term on both sides, it's recognized in the short term, to do something on gas prices, given where we are today from that $1.46 where we were in January of 2001.

Having said that, this bill that was on the floor today was an important bill. It was an important bill to a Member on your side of the aisle, and you and I had the opportunity to talk to him about it. It was a bipartisan bill. It's a bill that we thought had merit. And, as a matter of fact, my expectation is that overwhelming numbers of the House are going to vote for it when it comes up for final passage.

But, clearly, gasoline prices, gasoline, energy independence, which is a critical component of why we are in the position of having to pay such high prices, because we don't have great alternatives, getting more efficient automobiles, using alternative energy sources, providing for renewable fuels, as you know, I think you and I, I know you and I were both down when we presented the President with a bill that was signed by him at the Energy Department. We in a bipartisan way moved towards that last year on bills that we passed in a bipartisan way.

Mr. BLUNT. The debate today, I thought, was important and, you know, certainly, the numbers you cited about what's happened in the last 7 years, I don't fault those numbers at all. But we took a lot of responsibility for all of that when we were in the majority. And I haven't seen anything coming from this majority that would have stopped that $1 increase we've seen since the majority changed. I just hope we can work together to do that. And some of it's shorter term rather than longer.

Our long-term energy needs are clearly going to be met with some long-term solutions. But things that encourage more production here, more and better use of the fuel sources we have as we develop alternatives, I think, are part of that solution. I hope that the Energy and Commerce Committee and the Transportation Committee both are encouraged by both sides of the aisle to get some legislation to the floor that would let us deal with that. And I hope that happens sooner rather than later.

Actually, the debate today may have related more to the committee than it did the bill, but I thought it was a debate that the American people want to see us have on the floor of the House.

ADJOURNMENT TO MONDAY, APRIL 14, 2008

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

HOUR OF MEETING ON THURSDAY, APRIL 17, 2008

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns on Wednesday, April 16, 2008, it adjourn to meet at 8:30 a.m. on Thursday, April 17.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, APRIL 17, 2008, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. HOYER. Madam Speaker, I ask unanimous consent that it may be in order on Thursday, April 17, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONGRATULATIONS TO MORRIS BLACK AND SONS

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Madam Speaker, I rise today to honor the 100th anniversary of the Morris Black and Sons, a renowned interior design business located within my district.

Founded in 1908 by company namesake Morris Black, the business began as a horse and wagon team supplying contractors with construction needs including pipe, bricks, sand, cement and other masonry products. The company quickly grew as the Lehigh Valley became an industrial center, and by 1928, operated warehouses in Allentown and Bethlehem.

In the 1930s, Morris was joined by his sons, Benjamin and Samuel in running the family business. Under this leadership, Morris Black continued to develop, and in 1943, became one of the first companies in the Nation to incorporate an insulation subcontracting business.

A third generation of the Black family became associated with the company in the 1970s when Morris Black and Sons entered a period of rapid change. In the mid 1970s the company saw a growing interest in do-it-yourself remodeling and design. With the do-it-yourself trend on the horizon, Morris Black and Sons opened one of the first home design centers that marketed building products directly to active homeowners in 1976.

Over time, the company has continued to expand, opening its first satellite location in 1999 and the second in 2000, and has developed a strong reputation for quality throughout eastern Pennsylvania.

This Saturday the family marks its 100th anniversary. I wish the entire Morris Black family and company a healthy congratulations.

CONGRATULATING ISRAEL ON ITS 60TH ANNIVERSARY

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Madam Speaker, it is my honor to rise in celebration of the coming 60th anniversary of the creation of the Nation of Israel next month. I have long been a supporter of Israel, and I am proud of the strong bonds that unite Israel with our own Nation.

Not only is Israel one of our foremost allies in the current fight against terrorism, but they have been a long partner in peace, in commerce and in the values of liberty. Israel, like America, rose to prominence through the hard work of immigrants, and Israel remains the best model of democracy, religious freedom and peaceful coexistence in a very hostile location in the world. The contributions of Israeli ingenuity and Israeli technology are making an impact in the Middle East and throughout the world.

And today, with Iran threatening to destroy Israel and developing nuclear technologies and ballistic missile technologies, it's more important than ever that people of good will, Jews, Christians and of all faiths rise up in support of Israel and acknowledge Israel's coming 60 birthday.

Mazel Tov, Israel.

WHAT IS AT STAKE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, yesterday, General David Petraeus and Ambassador Ryan Crocker presented their reports to Congress. Their testimonies were professional, fact-driven accounts, and I am extremely grateful for their service.

During the hearing, I summarized al Qaeda spokesman Zawahiri, who has outlined his plan for Iraq. The first stage, expel the Americans from Iraq. The second stage, establish authority in Iraq. The third stage, extend the jihad wave to the secular nations neighboring Iraq. And the fourth stage, the clash with Israel and extermination of the people of Israel.

Ambassador Crocker acknowledged these goals, but said al Qaeda may not follow this timeline. They may try to attack America as soon as possible.

The Ambassador also agreed al Qaeda would not be satisfied with simply the destruction of the people of Israel.

We should remember what is at stake in Iraq. A failure in Iraq, a defeat at the hands of these extremists, would mean a failed state, a breeding ground for extremists. It is the scenario we saw in Afghanistan prior to 9/11.

In conclusion, God bless our troops, and we will never forget September the 11th.

RESEARCH AND DEVELOPMENT

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, I rise today to call on the House of Representatives to pass a permanent research and development tax credit. We are the strongest Nation on Earth, in large part because of the innovation inspired through research and development.

Throughout our history, America has led the way thanks to our innovators and entrepreneurs. Their contributions to our society have led us to a new era, but we cannot rest on these laurels.

Even now, people in Nebraska and throughout our country are looking beyond the horizon for new ways to strengthen and grow our small, rural communities. We owe it to them to do everything in our power to foster these new ideas.

We live in a world with unlimited innovation, and I look forward to seeing what the future will bring from further research and development.

I urge the House leadership to bring H.R. 2138, the Investment in America Act, to the floor as soon as possible.

RESEARCH AND DEVELOPMENT

(Mr. SALI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALI. Madam Speaker, continuing on with the remarks that were just made, many U.S. companies are making plans of where they will spend their research and development budgets for the next 3 to 5 years. Unfortunately, this Congress has made it increasingly difficult for these companies to invest those R&D dollars with the kind of careful planning their needs demand.

High-tech companies are sending their R&D jobs abroad to countries that recognize that permanent R&D tax incentives induce businesses to locate research activities there. Canada provides a 20 percent flat credit for R&D. Ireland offers a 20 percent credit, as well as a full deduction, a low corporate tax rate, advanced infrastructure and a skilled, English-speaking workforce, all factors that appeal to many multi-national companies.

Madam Speaker, these jobs sent overseas are permanently lost when a company starts a new R&D project. We must keep these jobs here. The R&D credit has already lapsed. The clock is ticking. Congress must extend the R&D tax credit today, and we must also foster R&D at home by making this important tax credit permanent.

CELEBRATING THE 60TH ANNIVERSARY OF ISRAEL

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Madam Speaker, 60 years ago, outnumbered and underequipped, the Jews of Palestine beat back five invading Arab armies to win a miraculous victory. Thus, the 2,000-year-old dream of reestablishing a state in the Jewish ancestral homeland was realized.

Since then, Israel has wrought out of barren desert and swamp a vibrant and flourishing state. It has harnessed its ingenuity to join the world's ranks of leaders in science, technology and cancer research. Israel remains a vital ally in the globe's most dangerous region.

And in a post-9/11 world, it is an encouraging reminder that a Democrat state can maintain its humane principles in the face of unrelenting terrorism.

So today, as Hamas rockets continue to rain on Israeli communities, and former U.S. Presidents are used by Hamas as props in their propaganda war, we, in this Congress, stand to reaffirm the enduring 60-year friendship we have had with Israel.

□ 1700

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE REAL BENCHMARK IN THE IRAQ POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, yesterday as a member of the Foreign Affairs Committee, I participated in one of the Petraeus-Crocker hearings. Sadly, it was just more of the same. We heard doubletalk and nuanced excuse.

The American people and the Congress demand more. This is not the punchline on some late night comedy news show. This is the blood and treasure of our Nation. And now the Administration has its hand out for another blank check, over $1 billion rumor has it. This Congress should remain firm in its opposition to an open-ended occupation which is neither making America safer nor providing any real hope for the Iraqi people.

Just a few months ago, Madam Speaker, our esteemed Appropriations Chairman, Mr. OBEY, introduced, and this House passed, a bill that clearly stated the position of a majority of Americans.

With bipartisan support, the bill stated, the primary purpose of funds made available by this Act should be to transition the mission of United States Armed Forces in Iraq and undertake their redeployment and not to extend or prolong the war.

A line has been drawn in the sand. The bar was raised, and we will not step back from this.

From so-called blue states to red states, from east coast to west, from the deep south to the midwest, on to the great plain states, people are fed up. They overwhelmingly, time after time, demand that we end our occupation of Iraq, bring our troops home and that we also bring military contractors home and reaffirm our support of the Iraqi people by funding reconstruction and reconciliation efforts.

Our assistance should come through diplomacy. Actually through a handshake, not at the point of a gun. What is the best way to help the Iraqi people? By occupying their land or by lending a hand? As I said many, many times, I represent the most beautiful and most progressive congressional district. Every day my constituents make me proud to represent such amazing people. My own community has collected supplies for the troops, has donated to aid agencies and has gone the extra distance by giving straight from the heart.

One such example is Dominican University in Marin County. They've offered free schooling to Iraqi refugees. As part of the Iraqi Student Project, they will receive tuition and fee waivers. It may not seem like much to some, but I can tell you, this generous gift will change lives.

Our communities can make these small but priceless gestures. But the real work lies here under the Dome. We have the support of the American people, the Iraqis, and the world community. We can't wait until next year. We can't wait until the next decade or the next century.

So as this spending bill comes together, Americans want to know that their voices are being heard and, most importantly, heeded.

We must stand strong. We must steel our spines. In November, the House of Representatives said that the primary purpose of all of those Federal dollars was a safe and orderly redeployment. The administration disagreed saying it won't back down.

We will consider spending over $1 billion on the Iraq occupation in the coming weeks, Madam Speaker. I, for one, welcome the debate.

CONGRATULATING CLAYTON W. WILLIAMS, JR., ON HIS RECEIPT OF THE CONSERVATION CHAMPION AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Madam Speaker, I rise today to congratulate Clayton W. Williams, Jr., on his receipt of the Conservation Champion Award from the Texas Parks & Wildlife Foundation.

Claytie, as he is affectionately known, is a favorite son of Texas, not only for his business acumen, but also for his unending generosity and tireless volunteerism. The Conservation Champion Award is but the most recent in a long list of honors that have been bestowed upon him for his philanthropic activities.

Throughout his life, Claytie has been at the forefront of the conservation movement. Recently, Claytie and his wife, Modesta, granted one of the largest conservation easements in Texas history: 60,000 acres spread across two ranches. By doing so, they have set aside this land for future development and preserved the land's unspoiled character, picturesque vistas, and natural habitat forever.

Madam Speaker, I congratulate Claytie today, and my words are recorded in the CONGRESSIONAL RECORD. It is my wish that this small statement about his service will last as long as the gift he has given to Texas. I hope that in the distant future when we are all long passed away, someone finds these words and realizes that there was not always a movement to preserve open space and there was not always 60,000 acres in southwest Texas kept as pristine as they were 100 years ago.

The gift Claytie has given the people of Texas will last as long as our Union. We should remember this man of extraordinary vision and foresight for at least that long.

Through his leadership and actions, the State of Texas, and indeed, all of

America, is more conscious of its natural heritage, more thoughtful of the land on which we live, and more interested in preserving all of it for the coming generations.

On behalf of my constituents of the 11th District of Texas, I want to express my thanks to Clayton and his wife, Modesta, for his lifetime of generosity, and to congratulate him on the receipt of the Conservation Champion Award.

TRADE POLICY IS CREATING A CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, today, for the first time in 4 decades, the House of Representatives stood up against yet another bad trade agreement. Our trade policy is creating a crisis. It's eroding the incomes of the middle class. We're losing our manufacturing base in this country. We're borrowing $2 billion a day from overseas making us vulnerable to countries like China and others who do not have our best interests in mind as they amount huge piles of our dollars because of the trade deficit.

Now, all the pointy-headed economists out there, they have a theory. The theory is when your dollar or your currency declines, at some point you kind of get to a point where your idled capacity ramps up, your goods become less expensive, and the world begins to buy your goods and your trade deficit goes away.

I confronted an economist over that vision a couple of years ago, and I said, well, that was an interesting theory, you know, 50 years ago. Maybe it even worked.

But what I said to him was what happens to the country that doesn't make anything anymore? Doesn't that mean, in fact, as your currency drops, you're still addicted to buying the goods made overseas or you're just not going to have those goods because you don't make them in the U.S. anymore?

There is no idle capacity to ramp up. Our companies of wholesale exported their manufacturing capacity to Mexico and China in the chase for ever cheaper, more exploitable labor around the world which has been encouraged by our trade agreements. Every other nation on earth has a trade policy to take care of the people of their own country. The United States has a trade policy to take care of the corporate elite in the United States of America and to heck with the rest of our country or even national security.

So why do I come to the floor today to talk about this? Two things: One is because we finally stood up against the free trade agreement and the fast-track gimmick that has jammed those things through time and time and time again. The President negotiated it in secret. You, Congress, you can't mess that up. We will lose respect around the world. You're just gonna take it. You can't amend it. And we'll fix it later. And later never comes.

But the second reason I come to the floor is because today, to the great surprise of those pointy-headed economists, our trade deficit got bigger even though we're in a recession and the dollar is dropping like a rock toward the value of a rupee, which it will soon achieve if we don't do something to turn the tide.

So our trade deficit grew 5.7 percent to $62.3 billion. We could be headed for a record trade deficit. Now why's that? Because those same goods that we don't make here anymore are more expensive now because we're still buying them with a depreciated dollar.

Of course, the nightmare scenario is the day when oil becomes denominated in somebody else's currency and countries refuse to take our currency and refuse to continue to lend us $2 billion a day. And that day of reckoning may not be far off.

It's time for a new trade policy in America, one that brings and keeps high-value jobs here at home and gives us a future as a great power and a manufacturing power, not as a has-been.

MAJOR ISSUES AMERICAN PEOPLE ARE DEMANDING CONGRESS ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, it is now 5:10 p.m. on a Thursday afternoon. And for most individuals across this Nation, this is about the end of the fourth working day of the week. For the House, we've just completed less than two full days of work, but if you stretch it, it's really a little over two. Where's the House now? They've gone home. Where was the House on Monday? Home. Now, that's important because there are important things to do at home. But Madam Speaker, it's important to appreciate that there are major issues that the American people are demanding that Congress address.

We heard about one of them this afternoon: Gas prices. Gas prices significantly increased over the last 12 to 15 months, and this Congress has done nothing except raise taxes on American oil producers.

But the reason I want to bring focus to the issue of Congress going home is that we are now 55 days into a unilateral disarmament for our Nation. That is right, Madam Speaker. Fifty-five days ago, this House, the leadership in the House, chose to allow some amendments to the Foreign Intelligence Surveillance Act to expire. Now, what did those amendments do? Those amendments which were adopted shortly after 9/11 allowed, e-d, past tense, allowed our intelligence community to listen or surveil or intercept phone or electronic communication between, Madam Speaker, between a foreign individual in a foreign land talking or communicating to a foreign individual in a foreign land. That is right, Madam Speaker. If an individual who wishes to do our Nation harm is speaking to another individual who wishes to do us harm, up until 55 days ago, we had an opportunity in this Nation to determine to listen to, to know what kind of communication that was. But 55 days ago, this leadership in this House chose to let that expire.

Now why did they choose to let that expire? Well, what they believe is that American trial lawyers ought to have the ability to sue communications companies who share that information with the United States government, with our intelligence community, the folks trying to keep us safe.

Madam Speaker, back in my district, the Sixth District of Georgia, the people don't understand the kind of leadership that would have the mentality to not allow our intelligence community to listen to a potential terrorist talking to another potential terrorist outside the United States. Not to an American, but to somebody who is not an American citizen. Consequently, Madam Speaker, we are now utilizing the same rules that we had in effect on September 10, 2001.

Madam Speaker, you hear a lot of talk about crises across this Nation, and our friends on the other side of the aisle talk about the crisis in this and the crisis in that. I'll tell you what we've got a crisis of in this Congress, Madam Speaker, and that is a Congress of irresponsibility, a crisis of irresponsibility and a leadership that refuses to allow this Congress to do its number one job, which is to protect our citizens and our constituents.

□ 1715

Madam Speaker, I call on the Speaker and I call on the majority leader and I call on the majority party in the House of Representatives to bring the Protect America Act to the floor. It's a bill that has bipartisan support. A majority of individuals in the House have said they will support it. It would pass if it were brought up today. But what were we talking about today? Bills that didn't have to do with the security of the United States.

I urge the Speaker and the majority leader to bring that bill to the floor, allow it to pass as it has in the Senate, in a bipartisan way, so that we can return home and tell our constituents that we acted positively to assist in protecting them and their families.

SANCTUARY CITY SAN FRANCISCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Madam Speaker, some in the most radical elements of the pro-illegal immigration groups advocate something called "Reconquista," or that is to say, they want to have that part of the United States that was ceded to the United States by the Treaty of Guadalupe Hidalgo. They want to have it voided, and either that chunk of America returned to Mexico or become a second nation. I mean, it's pretty bizarre, but that's what they push for.

Sometimes I hear some of the things said by some of the officials in San Francisco. And I would suggest that if advocates for this Reconquista would agree to take San Francisco first, I might be sympathetic to their particular point of view. Because some of the things that are done, some of the statements that are made are quite bizarre, to say the least, and would indicate a lack of willingness on the part of its citizens, or at least expressed by some of its public officials, a lack of willingness to adhere to the laws of this United States of America.

The San Francisco Chronicle reported recently that Mayor Gavin Newsom announced a new initiative advertising his city as a sanctuary for illegal aliens. According to this report, San Francisco plans to spend $83,000 to print brochures in half a dozen languages reassuring illegal aliens that they are welcome to stay and access public services. He went on to declare that, we don't care what your status is, we want you to participate in the life of our city.

It goes without saying that this is dangerous policy, and it makes no sense in a post 9/11 environment. It's also a flagrant violation of Federal law. In 1996, Congress passed and President Clinton signed immigration enforcement legislation making policies like San Francisco's that provide sanctuary to illegal aliens and potential terrorists by refusing to report them to Federal authorities, making that action illegal, as I say. But unfortunately for America, the Bush Administration doesn't seem to care.

Dozens of major cities have enacted these kinds of reckless policies, barring law enforcement personnel from cooperation with Federal immigration enforcement efforts, and with disastrous results I might add. In Denver, a sanctuary city, a police officer was shot and killed and a second officer critically wounded on Mother's Day of 2005 by an illegal alien who was later arrested. He had been stopped twice for driving without a license and had to appear in municipal court twice. In April, less than one month before the shooting, the man was in court with a Mexican driver's license, yet no one asked him about his immigration status because of Denver's sanctuary city policy. If the perpetrator had been deported in April, that police officer might still be alive.

This tragic case is just one example, and there are countless others. These policies are responsible for thousands of major crimes around our country, and could have been prevented. These irresponsible city leaders gamble not only with the safety of their own residents, but with the residents of neighboring communities and the entire United States as well.

Madam Speaker, the American people have demanded an end to these dangerous policies, and Congress has responded by passing legislation to outlaw them. So the question is, will President Bush allow this rogue mayor to put the rest of the country at risk, or will he finally live up to his oath of office and enforce the law?

ENGLISH AS THE OFFICIAL LANGUAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Speaker, I love America, and I cherish the values and principles that America represents. Those values are increasingly threatened today by an erosion of one of the primary bonds that keeps us together, a common language.

Large scale legal and illegal immigration threatens our societal cohesion and America's shared values when arrivals are unwilling to learn English. The current policies of our Federal Government actually enable this erosion when it provides official documents in multiple languages. This eliminates any incentive to learn English. America's genius as a melting-pot Nation has always been promoted by assimilation to a common language, and that language is English.

Today, I am introducing legislation that declares English to be the official language of the United States Government. Under the English As the Official Language Act of 2008, no person has an entitlement to receive Federal documents and services in languages other than English unless required by law. If the U.S. government is generous enough to make an exception, the exception does not create a legal entitlement or precedent to additional services in any other language other than English. This essential legislation will significantly reduce costs to our Federal Government and will encourage new legal immigrants to quickly adopt America's native tongue.

Learning English has always been and will continue to be a key step in achieving the American Dream. I applaud my fellow colleague in the other House, Senator JIM INHOFE, for introducing identical legislation in the Senate, and for his continued leadership on this critically important issue.

Making English the official language of our great land is not just about preserving our culture and heritage. Learning English is an essential step for our Nation's newest potential citizens that they must take if they want to achieve the American Dream. I plead with my colleagues to strengthen America by supporting English As the Official Language Act of 2008.

WE CANNOT SAY WE DID NOT KNOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. In his first speech in the British Parliament in 1789 describing the slave trade, William Wilberforce concluded telling his colleagues this, he said, "Having heard all of this, you may choose to look the other way, but you can never again say you did not know."

Not one Member of the 110th Congress can say they do not know about the Nation's long-term financial outlook which former Comptroller General David Walker said will "result in a tsunami of spending and debt that could swamp our ship of state."

According to the Government Accountability Office, America is $5.3 trillion deep in publicly held debt and has estimated $54.3 trillion in unfunded promised benefits if we don't change our current course. And that is trillions with a "T."

The Social Security Medicare Trustees Report recently issued only reinforces the dire condition of our fiscal health. The Medicare Trustees Report concluded that consideration of reforms to ensure the financial security of Medicare must occur, stating, "the sooner the solutions are enacted, the more flexible and gradual they can be." The Social Security report echoes this sense of urgency, saying, "The projected trust fund deficits should be addressed in a timely manner. Making adjustments sooner will allow them to be spread over more generations."

And if those dire projections are not enough to raise the warning flags, couple those with the fact that the value of the dollar is falling through the floor. What more evidence do we need to realize that our children and grandchildren cannot afford to have their leaders choose to look the other way?

I was so disappointed that Treasury Secretary Paulson's focus is not on this issue. I told him today when he testified before the State and Foreign Operations Appropriations Subcommittee that I believe he is one of the most qualified Treasury Secretaries our Nation has had. He has a brilliant mind, but his attention isn't on the most fundamental of all issues, the economic future of America.

I was also disappointed that he didn't answer my question about the projections credible rating agencies, such as Moody's Investment Service, are making about the U.S. triple-A bond rating being at risk as early as year 2012. I also asked Secretary Paulson what the ramifications of this loss would be. He didn't answer that question either.

Just last week, Congressman JIM COOPER and I sat in on a roundtable discussion held by Maya MacGuineas and the Committee for a Responsible Federal Budget, and they have done a great job. It was just such a diverse group from the business, finance and policy communities, former CBO directors, former OMB directors, think tanks, political views across the spectrum, the Heritage Foundation and the Brookings Institution included. Almost everyone expressed concern about the entitlement crisis we are facing. This is not only an economic issue, it is also generational and a moral issue.

You may have read Pete Peterson's editorial in Newsweek this week. He ended by quoting Dietrich Bonhoeffer, the German pastor who was instrumental in the resistance movement against fascist Germany. He said, "The ultimate test of a moral society is the kind of world it leaves to its children."

I cannot help but wonder what sort of future today's partisan Washington is leaving to generations to come. If we can come together, both sides of the aisle, we can ensure that our children and our grandchildren have all the opportunity that you and I have had. JIM COOPER and I are working together on the Cooper-Wolf SAFE Commission, with over 80 bipartisan cosponsors.

If anyone has another viable plan to address our entitlement tsunami, we're anxious to hear it. But we cannot continue the status quo. Doing nothing is not acceptable.

Wilberforce's admonition rings as true today as it did in 1789. "Having heard all this, you may choose to look the other way, but you can never again say that you do not know."

We know, and it's on our watch. Let's fix it.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is April 10, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,862 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

☐ 1730

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems too sad to me, Madam Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,862 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is April 10, 2008, 12,862 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Madam Speaker, I believe that this is the 41st time that I have come to the floor since 3 years ago, the 14th day of March, to talk about energy, specifically about oil.

Here is a copy of the Washington Times today. The main headline: "Global Food Riots Turn Deadly." And then if I turn to the front page "promoing" what's inside, Business, Gas Hits Record: "The upward trend in energy prices showed no sign of abating yesterday as gasoline set another record at the pump and crude oil topped $112 a barrel for the first time in the futures market."

If I go back to the lead article, it says clashes likely to persist with soaring prices. "Anger over spiraling world food prices is becoming increasingly violent." This is a quote from the head of the Rome-based U.N. Food and Agriculture Organization: "World food prices have risen 45 percent in the last 9 months, and there are serious shortages," serious shortages, "of rice, wheat, and corn. U.N. Secretary-General Ban Ki-moon issued a personal appeal for calm in Haiti yesterday. At least five people have been reported killed in disturbances since last week after the cost of rice doubled and gas prices rose a third time since February."

This could have been predicted 28 years ago. I will explain in a few moments why I use 28 years ago. It was an absolute certainty that at some point in time, roughly this time, that we would be here talking about this crisis.

This first chart is an interesting one. The motorist is looking at today $3 and 30 some cents a gallon for gasoline, and he says, "Just why is gas so expensive?" He has a tiny little supply there and a huge, big demand in his SUV. And, Madam Speaker, that's why gas prices are high. There is more demand for gas than there is gas available, and the marketplace demands that the price of gasoline go up.

This saga started 52 years ago, the 8th day of March, in San Antonio, Texas, when what I believe will be recognized shortly as the most important speech given in the last century was delivered to a group of oil scientists and engineers and executives in San Antonio, Texas.

The next chart shows the prediction that was made in 1956 by M. King Hubbert, who was this oil geologist. He was talking to a group of people representing the country, our country, which was then king of oil, producing more oil, consuming more oil, exporting more oil than any other country in the world. And he told them that in just 14 years, no matter what we did before or after that, that oil production would reach a maximum in our country and after that it would go down, down, down. What he said was audacious and disbelieved, but 14 years later, in 1970, right on schedule, we peaked in oil production.

And this is a chart which shows that peaking. It shows Texas producing a third or so of the oil at that time and the rest of the United States. Natural gas liquids added to that. And then it shows the enormous discovery of oil in Alaska, and I have been there to Prudhoe Bay, Dead Horse, and I have seen the beginning of that 4 foot pipeline through which for a number of years now a full fourth of our domestic production of oil flowed. That is now tapering off.

The yellow there are the fabled discoveries of oil in the Gulf of Mexico. You notice that in his prediction that we would reach a peak in 1970, there was just a blip in the downward slope produced by the huge discovery in Alaska. He had not included Alaska and the Gulf of Mexico in his prediction. It was just the lower 48. And notice there was hardly a ripple of those famed discoveries in the Gulf of Mexico.

The next chart shows another depiction of the Hubbert Peak. And I show this one because this is used by a group, CERA, Cambridge Energy Research Associates, to try to convince you that you should not be alarmed by M. King Hubbert's prediction, that the world would be doing now about the same thing the United States did in 1970 because he was wrong about the United States in 1970. They said, you see, his prediction of what the production of oil would be are these yellow triangles and the actual production were the green squares and he missed it.

Well, maybe a statistician could give you an analysis which could say he had missed it, but I think to the average citizen, those two curves look pretty darn similar, don't they? And I think the average citizen would say I think he probably got it. We did peak in 1970, and in spite of what we have done then, in the lower 48, we pretty much followed that curve.

And then this is the red now. That includes the total production which includes Alaska and the Gulf of Mexico.

In 1979 M. King Hubbert predicted that the world would reach its maximum oil production about now. And the next chart is a very insightful one. If you had only one chart to use to discuss this subject, this would be the chart that you would use. It shows the discoveries of oil. We discovered a whole lot of it back in the 1940s. I actually remember those times very well. My first car was a 1936 Ford, made just 10 years after I was born. Then lots of discoveries in 1950 and the 1960s and 1970s. And notice what has happened, 1970s, 1980s, 1990s, 2000, down, down, down in discovery. And that's in spite of ever better techniques for finding oil. 3–D seismic and computer modeling and, boy, we've mapped the world, and we know pretty much where oil is likely to be found because it's found in only very unique geologic formations and we know what they are and we know where they likely exist.

Now, the solid black line here is our consumption of oil, and it's also our production because we haven't been storing huge amounts of it anywhere. We have a small strategic reserve in our country, small in terms of the oil that we use in a year, really small. So we aren't storing it anywhere; so what we have consumed is what we have produced. And you see that that shows an ever-increasing slope here.

Up through the Carter years, every decade, we used as much oil as we had used in all of previous history. I want you to reflect on that for just a moment. What that meant was, of course, if we had kept on that trend, when we had used half of the world's oil, and it is finite, and when we used half of the world's oil, we would have just 10 years of oil left at that rate of usage.

Now, in the 1970s, late 1970s, we had the oil price spike hikes as a result of the Arab oil embargo, and that caused a worldwide recession. You see here that the use of oil actually dropped off. It caused a worldwide recession and we woke up. We said we can get things done more efficiently. So now with an increasing economy, greatly increased economy, we are now using oil at an ever less increasing rate. This slope, it's very much less than this slope, and that reflects the increased efficiencies that we have built in. Your air conditioner today is maybe three times as efficient as it was in the 1970s. Your refrigerator is two or three times as efficient as it was then.

Notice that ever since 1982 or so, we have been using more oil than we found. And we were able to do that because we had these huge reserves back here. So what we have been doing ever since the early 1980s is dipping into these reserves and using some of this oil that we found and didn't need because the area under this curve represents the oil that we have used. And, obviously, if you add up all these bars, it represents the oil we found, and you could put a curve over those, and the area under that curve would then represent the oil that we found. So we now have used this area here in terms of our reserves, and we used about this much reserves probably; so we have a whole bunch left.

So what will the future look like? Now, M. King Hubbert predicted that the world would be reaching its maximum oil production about now. And this chart you see at about 2008, 2010, it shows it peaking. Now, you can within limits make the future look reasonably whatever way you want it to look like, but you cannot pump what is not there. If you are really aggressive and build a whole lot of wells and flood them with live steam and pump CO_2 down there and flood them with seawater, which is what they do in Saudi Arabia, you can get the oil out quicker.

☐ 1745

But what you use now will not be there to use tomorrow. How much more will we find? Well, they have shown a smooth discovery curve getting ever less and less. It won't be smooth like that. It will be up and down. But if I were drawing a line and projecting it out, I wouldn't have drawn it quite that high. And I don't think you would either. You would draw it somewhere below that. I think that is maybe an optimistic assessment of what we will find in the future if what we have discovered in the past is any measure of what we will discover in the future.

The next chart is a chart which M. King Hubbert anticipated. This is an interesting one because it represents data from the two best organizations in the world for tracking the production and consumption of oil. Because as I said before, we use what we found pretty quickly. We haul it across the ocean, refine it and use it. This is the EIA, the Energy Information Administration, a part of our Department of Energy, and the IEA, the International Energy Association. That one most people are familiar with because El Baradei is the head of that. And they have been kind of monitoring what is going on in Iran. You see them frequently in the newspaper.

Notice that for the last 3 years roughly they show the production of oil as constant. There have been several appeals. You will read about them in the newspaper: Saudi Arabia, OPEC, won't you please produce some more oil? What OPEC says is, we think we are producing enough oil. I think that the correct answer really is, we can't produce oil any faster than we are producing it. I think that they have probably reached their maximum production of oil. The little blue line here shows what has happened to price, and notice in the last year or so what has happen to price, up, up, up.

The first time I came to the floor here, as I said, was a bit more than 3 years ago and oil was, what, 50 and a couple of dollars a barrel. Now today it was $112 a barrel.

The production of oil has remained constant. The demand for oil has gone up. That is really a simple relationship. When the demand for a product is greater than the supply of the product, people bid it up. It is like at an auction. If two or three people want something, and there is only one of the thing they want, they bid it up to ridiculously high levels. And that is what is happening with oil. To get it, you have to outbid the other guy. And so now it is $112 a barrel.

The next chart is a schematic chart. And it shows the same curve we have been looking at. And by the way, it is obvious that we can make this curve really sharp by simply expanding the ordinate and compressing the abscissa. Here it is spread out. But in any event, this follows a roughly 2 percent increase in use. That doesn't sound like much, does it? As a matter of fact, our stock market gets really jittery when our growth is only 2 percent. It is going to have to get over that, Madam Speaker, because we can't continue 2 percent growth forever. With 2 percent growth, it doubles in 35 years. It is four times bigger in 70 years. It is 8 times bigger in 105 years. And it is 16 times bigger in 140 years.

Now, when your only perspective is the next quarterly report or getting yourself through the next election, this 2 percent growth, which in 140 years from now will be 16 times bigger, makes whatever is growing at 2 percent, 16 times bigger may not seem very important to you. But I have ten kids and 16 grandkids and two great grandkids. And I would sure like them to live in a world as comfortable as the world I live in and to have the opportunities that I've had.

This yellow here represents a growing gap. If, in fact, we are at this point, and the charts that we have just seen would indicate that we probably are, then the increasing demand is going to result in a deficit which will be reflected in higher oil prices and higher gas prices at the pump. The big focus that most people are talking about is, gee, how are we going to fill that gap? Let me suggest, Madam Speaker, that we are not going to fill that gap. There are no readily available substitutes for oil out there. A little bit of this and a little of that, if you sum them all up, they are still far short of the amount of oil we are now using.

Now we are going to continue to have oil. We are not running out of oil. What we are doing is running out of our ability to produce oil as fast as we would like to use it. There will be oil, gas and coal around for another 150 years, ever less and less, harder and harder to get, at higher and higher costs.

The next chart is really a quote from what I think will shortly be recognized perhaps as the most insightful speech given in the last century, given 51 years ago, the 14th day of this May. Hyman Rickover, the father of our nuclear submarine, gave this speech to a group of physicians in Saint Paul, Minnesota. You can find that. There is a link in our Website to it, or you can simply do a Google search for "Rickover energy speech," and it will pop up. It was a really insightful speech.

In the 8,000 years from the beginning of history to the year 2000 AD, world population will have grown from 10 million to 4 billion. He kind of missed that. World population is about 7 billion people now. With 90 percent of that growth taking place during the last 5 percent of that period, with way more than 90 percent of that growth taking place in the last 5 percent of that period. It took the first 3,000 years of recorded history to account the first doubling of population, 100 years from the last doubling, but the next doubling will require only 50 years. As a matter of fact, it required considerably less than 50 years.

The next chart is not a chart of population growth, but it could just as well have been. This is a chart showing the increase in energy availability, our consumption of energy. And if I superimpose on this a chart of population growth, it would follow this almost exactly. Our world population has grown from half a billion or so to 7 billion people, and most of it, as Hyman Rickover pointed, in the last little while. And look, I don't go back 8,000 years. I only go back 400 years, but if I went back the rest of the 8,000 years, it would still be pretty much down near zero.

The Industrial Revolution began with wood. And then we found coal. And boy, did it take off when we found gas and oil. Now here we see that discontinuity in the 1970s, what we have done here, of course, is to expand the ordinate and compress the abscissa so that we have a very sharp curve. That is the same curve we have seen several times before. But it looks different depending on the scale you have in the ordinate and in the abscissa.

The next chart is some data in Hyman Rickover's speech. And it is even more so today. With high energy consumption goes a high standard of living, he said. Thus, the enormous fossil fuel which we in this country control feeds machines which make each of us a master of an army of mechanical slaves. This was 51 years ago. What he said then is true even more so today. He said that we represent, I have seen data a little more than this, roughly 35 watts of energy, sleeping and waking. Standing here and talking here, I am more like a 70-watt bulb. That is not very much, is it? As a matter of fact, if you look at the amount of food which you eat in a day, if you dried it, if you burned it and made a fire of it, it would hardly warm your fingers on a cold day. Just look at the C Rations that our military uses and how compact they are. You put water in them and they swell up. They look like a lot. But the actual dry material there is not much. In fact, he said 51 years ago, the household appliances that make life so comfortable for the family represented the work output of 33 men. He said that the machines which make our cars and refrigerators and so forth represent 244 men. Two thousand men push your automobile down the road. The energy it takes to move your car down the road is the energy of 2,000 men working. One hundred thousand men push the locomotive down the road. And 700,000 men push the jet plane through the sky.

When I first saw the data that said that one barrel of oil represented 25,000 man hours of effort, the work output of 12 people working all year, I said to myself, gee, that can't be. But then I thought, I have a Prius car. I bought the first one in Congress and the first one in Maryland. And a gallon of gasoline is still cheaper than water in the grocery store, by the way, if you buy it in the little bottles. I thought about how far that gallon of gasoline takes my car and how long it would take me to pull it those 47 miles that the gallon of gasoline takes my car. I said, gee, it is probably true that one barrel of oil represents the work output of 12 people working all year. Now we are the beneficiaries of an incredible quality of life which is the result, the direct result of our access to all of this energy.

The next chart is another quote from Hyman Rickover, whether this Golden

Age, and it is a golden age. Nobles of old lived nowhere near as well as we live today. The poorest in our country, maybe it's not quite true in other countries, live better than nobles of yesteryear because of the incredible access that we have to this energy. Whether this Golden Age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population. Now we haven't done that or we wouldn't have headlines like this today: "Global food riots turn deadly."

In a few moments, I will discuss the relationship between those global food riots and this other headline: "Gas hits a record."

Possession of surplus energy is, of course, a requisite for any kind of civilization. For if man possesses merely the energy of his own muscles, he must expend all his strength, mental and physical, to obtain the bare necessities of life.

This article on food notes that in much of the third world, 50 to 60 percent of the income of the family goes to food. Do you know what that is in our country? It is less than 10 percent. Food doubling in price in our country doesn't mean much. But if you're paying 50 percent of your income to buy food, and it doubles in price, then it takes 100 percent of your income to buy that food. So it really, really is important to the poor of the world.

A reduction of per capita energy consumption has always, in the past, led to a decline in civilization and a reversion to a more primitive way of life.

The next is another quote in from Hyman Rickover. By the way, Madam Speaker, I am going through these quotes, and then I am going to use quotes from four studies that our government has paid for with our taxpayers' money and then ignored. And what I am going to be asking is, with this history, with this great speech given by Hyman Rickover 51 years ago, and with the warnings in these four studies released over the last several years, why aren't you hearing more about a meaningful program to address this energy challenge that we face?

There is nothing man can do to rebuild exhausted fossil fuel reserve. They were created by solar energy a long time ago, he says 500 million years ago, it took eons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite, that's a great statement. Just reflect on this.

The exact length of time that these reserves will last is important in only one respect.

Now he didn't know how long they were going to last because he didn't know how long this Golden Age will last. But we now know pretty much. It will be, Madam Speaker, about 300 years long. We are about 150 years into it. We are now at the pinnacle of the Golden Age. Will it be in another 150 years as these fossil fuels become less and less available at higher and higher costs?

The exact length of time that these reserves will last is important in only one respect. The longer they last, the more time that we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift. Fifty-one years ago. Really prophetic.

Madam Speaker, with this kind of insightful advice 51 years ago, with headlines like this in the paper, with these four reports paid for by our government, why haven't we done something? Why aren't we doing something?

☐ 1800

"Fossil fuels resemble capital in the bank."

I love this statement. "A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living, and care not one whit how his offspring will fare."

With the shortages in oil, which have driven up the price of gasoline, they want me to vote to drill in ANWR and offshore. I have got 10 kids, 16 grandkids and two great-grandkids, and I ask them, if you can drill in ANWR tomorrow, what would you do the day after tomorrow? And there will be a day after tomorrow.

We are leaving our kids a horrendous debt, growing by leaps and bounds. Not with my vote, if you will check the record, but we are leaving them that debt. And I ask those who would like me to vote to drill in ANWR and offshore, wouldn't it be nice if I left my kids and my grand-kids and my great grandkids a little energy to deal with this horrendous debt?

The next is a quote also from Hyman Rickover. You can see why I believe this will be shortly recognized as perhaps the most insightful speech given in the last century. "I suggest this is a good time to think soberly about our responsibility to our descendants." Wow, 51 years ago, and there are very few who are thinking soberly at all about this today.

"I suggest this is a good time to think soberly about our responsibilities to our descendants, those who will ring out the fossil fuel age. We must give a break to these youngsters by cutting fuel and metal consumption."

Wow. 51 years ago. And what we have done since then, with no more responsibility than the kids who found the cookie jar or the hog who found the feed room door open, we just have been pigging out on energy, as if it were forever, as if there was an endless supply. It is obviously finite. The moon isn't made out of green cheese and the Earth isn't made out of oil. I see chairs and trees and grass and sticks and stones out there. Obviously it isn't all oil, and it is not going to last forever.

"So as to provide a safer margin for the necessary adjustments which eventually will be made in a world without fossil fuel."

A year ago, Christmas-New Year's break, I led a codel of nine to China to talk about energy. They began their discussion of energy by talking about post-oil. In an environment where it is hard for us to see beyond the next quarterly report or the next election, they are looking generations and centuries down the road. There will be a post-oil world. It is not going to be totally post-oil for about another 150 years, but increasingly there is going to be less and less, higher and higher costs, more and more difficult to get.

The next chart is just kind of a repeat of the wise advice he has been giving. "High energy consumption has always been a prerequisite of political power. Ultimately the nation which controls the largest energy resources will become dominant."

I am going to show a chart a little later that shows that China is buying up energy oil all over the world. They kind of understand that. "If we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall ensure this dominant position for our own country."

I will show a chart in a few moments that shows we have 2 percent of the oil, we use 25 percent of the world's oil, and import almost two-thirds of what we use. We don't even come close to following the wise advice that he gave 51 years ago.

Now, four studies, and here they are. The Hirsch Report, February 2005. This is a big study done by SAIC, Science Applications International Corporation, a big prestigious international corporation, paid for by our Department of Energy.

Here is a second report paid for by the U.S. Army Corps of Engineers, paid for by the Army, done by the Corps: "Energy Trends and Their Implications for U.S. Army Installations." It could have been U.S. or world, because our army is a microcosm of the U.S. and world.

A second Hirsch Report, "Peaking of World Oil Production, Recent Forecasts."

Then the third of these reports, which your government has asked for and paid for, as a matter of fact, this one I asked for as a senior member of the Science Committee, this is done by GAO. "Crude Oil. Uncertainty About Future Oil Supply Makes It Important To Develop a Strategy for Addressing a Peak and Decline in Oil Production." Where have you heard anybody talking about this strategy? Where have you read about this strategy in the newspaper? This is a GAO report, February 2007.

The last of the studies. "Hard Truths. Facing the Hard Truths About Energy. Comprehensive View to 2030 of Global Oil and Natural Gas," done by the National Petroleum Council.

I have quotes from all but the last of these. This is the newest one, and I will get some quotes to include. They are saying essentially the same thing as these others.

The next chart and the first few charts will be quotes from the Hirsch Report. I am going to spend a lot of time this evening going over the information that has been available to all of us, to our leaders, and I am going to keep asking the questions, how come it has been ignored?

The Hirsch Report: "World oil peaking is going to happen. World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of competent forecasters project peaking within a decade." This was several years ago. Others contend it will occur later.

Prediction of the peaking is extremely difficult. In fact, you only know it has peaked after you look back and say gee, it was the highest back then. No matter what we do, we can't get more. So you will know it has peaked only in retrospect when you look back to see that it has peaked.

Oil peaking presents a unique challenge. The world has never faced a problem like this. There is no precedent in history to guide you. There is nothing that has happened in the past which will help you through this. The world has never faced a problem like this. "Without massive mitigation," more than a decade before the fact, the chart you saw a little earlier, remember, EIA, IEA, 3 years, flat plateau, looks like we peaked now. He says "Without massive mitigation," more than a decade before the fact, "the problem will be pervasive and will not be temporary. Previous energy transitions, wood-to-coal and coal-to-oil were gradual, and evolutionary oil peaking will be abrupt and revolutionary."

The next chart, additional quotes from this report. "The peaking of world oil production presents the U.S. and the world with an unprecedented risk-management problem. The world has never faced a problem like this. As peaking is approached, liquid fuel prices and price volatility will increase dramatically," $112 a barrel, "and, without timely mitigation, the economic, social and political costs will be unprecedented. Food riots. People killed."

Well, we will talk in just a few moments about the relationship between oil and food so that you will see why the crisis in energy is reflected in this crisis in food availability.

The next chart is another one from the Hirsch Report. "We cannot conceive of any affordable government-sponsored crash program to accelerate normal replacement schedules." This is going to be a new world. We are going to have to think differently. We are going to have to use energy differently.

As far as fossil fuels are concerned, I think the Hirsch Report is exactly right. I am more sanguine about electricity. More nuclear, wind, solar, with appropriate storage for those two because they are intermittent, more hydro, true geothermal. We can in some parts of our country tap the molten core of the Earth, as they do for all of their energy in Iceland. I think we can make reasonably as much electricity as we ought to be using. I am not at all sure that is true about liquid fuels. The substitutes for oil are just few and difficult, as we will see.

The next chart is an interesting one from the Hirsch Study. Most of the world's experts believe that we have found about 2 trillion barrels of recoverable oil. There is a lot more out there, but it is locked in tiny little droplets in between grains of sand and shale and so forth, and with present technology we are likely not going to get it. And the cost of ever getting it may exceed its value when you get it, so it is maybe not practically recoverable.

Well, there are some people who believe that we are going to find as much more oil as all the reserves that we now know exist. And this is an interesting chart, because instead of talking about roughly 2 trillion barrels, they are talking about 3 trillion barrels of oil. Even if that is true, this is the same curve we saw before, remember, the stutter in the seventies with the worldwide recession, slower growth now, peaking now if we don't find any more. They say if we find as much more oil as all the oil we now know exists which is recoverable, it will extend the peak only to 2016. Wow. That is the power of compound growth.

After the discovery of nuclear energy, Albert Einstein was asked, "Dr. Einstein, what will be the next big energy force in the world?" He said, "The most powerful force in the world is the power of compound interest, compound growth." Poorly understood. But that is what we are seeing here.

So if we found, which we are not going to, a little, vanishing small possibility that we are going to do that, but if we found as much more oil as all the oil which now is known to be recoverable, it would push the peak out only to 2016. And this curve shows what would happen if you use heroic techniques and enhanced oil recovery and get it out of the ground quicker. Then you fall off a cliff. You can't pump what you have not found.

The next chart is an interesting chart that shows the projections of our EIA, the Energy Information Administration. I don't have time to go into the strange use of statistics here, but somehow they went from a frequency mode to a probability mode, and they somehow have reached a conclusion that a 50 percent probability is more probable than a 95 percent probability.

So they were projecting that this green is where we were going with the discovery of oil. This is the 95 percent probability. This is the 5 percent probability. And, as one would expect, 95 percent is more probable than 50 percent. So the actual discoveries in red here have been following the 95 percent probability. So I would be very suspicious of projections using USGS data, which is where this comes from, of future oil production.

The next chart addresses this, and this is Jean Laherrere, one of the world's giants in this area. It says, "The USGS estimate implies a five-fold increase in discovery and reserve addition, for which no evidence is presented. Such an improvement in performance is in fact utterly implausible, given the great technological achievements of the industry over the past 20 years, the worldwide search, and the deliberate efforts to find the largest remaining prospects."

I think he is right. I think there is little probability that we are going to find huge amounts of additional oil. As a matter of fact, most of the world's experts believe we have probably found about 95 percent of all that we will ever find.

The next chart, and now we have a series of charts we will go through quickly from the Corps of Engineers study, this was the second one done. "Oil is the most important form of energy in the world today. Historically, no other energy source equals oil's intrinsic qualities of extractability, transportability, versatility and cost."

It is incredible, the energy density of oil and all the things that you can do with it. We live in a plastic world, a huge petrochemical industry. All of that starts with gas and oil, and some coal. Because once you have this long hydrocarbon chain, whether it is gas or coal or oil, the chemist can do with it about what he wishes.

□ 1815

The qualities that enabled oil to take over from coal as the front line energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then.

The next chart is a really interesting one. This is a study done by very knowledgeable people. The current price of oil is in the $45 to $57 per barrel range and it's expected to stay in that range for several years. It is $112 a barrel today.

They all missed it, friends. M. King Hubbert was right. The United States peaked in 1970. I use 28 years that we have blown. That's because by 1980, 28 years ago, we absolutely knew, looking back that M. King Hubbert was right about 1970. We did peak in 1970.

In 1979 he made the prediction the world would be peaking and, let me ask you, if M. King Hubbert was right about the United States and if, in spite of drilling more oil wells than all the rest of the world put together, why should we not be concerned about his prediction that the world would be peaking in oil about now?

Don't you think that someone might have said, gee, M. King Hubbert was right about the United States? Isn't the United States a microcosm in the world? Mightn't he be right about the world and shouldn't we be doing something about that?

Oil prices may go significantly higher. They have, indeed, and some have predicted prices ranging up to $180 a barrel in a few years. Goldman Sachs says that oil may very well be $150 to $200 a barrel by the end of this year.

The next chart, another one from the Corps of Engineers, petroleum expert Colin Campbell, Jean Laherrere, Bryan Fleay, Roger Blanchard, Richard Duncan, Walter Younquist and Albert Bartlett, no relative of mine, I wish I had some of his genes. He has given his speech on energy, I think, over 1,600 times.

Do a Google search for Albert Bartlett and energy. It will be the most 1-hour lecture you have ever listened to. Using various methodologies, all estimated that a peak in conventional oil production will occur in 2005. It's 2008, I think it probably has occurred.

The corporate executive officers of these several companies also published estimates of a peak in 2005. The next chart from the GAO, and now I move to the third of the GAO studies, this shows this large number of experts, of sources, and when they thought peak would occur. Now, some of them are pretty indecisive.

It could be now, it could be a long, long time from now. But notice that a great many of them thought they would be occurring about now. There is a general consensus, and this was published 2, 3 years ago, general consensus, that peaking would be occurring about now.

Another chart from GAO, and this kind of puts things in perspective, the little bar on the right shows the top 10 oil and gas companies on the basis of oil reserves. Who has the oil, and 98 percent of that is resident in countries where the oil is owned by the country. Luke Oil, which is kind of not owned by the government, represents only 2 percent.

The left, and this is the top 10 oil and gas companies on the basis of production. This is how much they have, this is how much they produced. The giants that you read about every day making $40 billion a year profits, and, by the way, it's not their fault. It's not because they are gouging you. It's not because they are schemers. It's simply they are simply happy recipients of a windfall that results when you want to use more oil than there is, and that drives the prices up.

I wouldn't be critical of the profits. I would really be critical if they didn't use the profits properly.

Our giants, ExxonMobil, Royal Dutch, BP, produce only 22 percent of the world's oil and 78 percent of the world's oil is produced by these country-owned companies.

The next chart shows essentially the same thing in another form. Here we see the OPEC oils, Saudi Arabia and OPEC and the remainder.

The next chart, now, I like this one because if a picture is worth 1,000 words, this is worth a few thousand words. This shows you the same thing as those last couple of charts.

But, boy, is this dramatic. This shows you what the world would look like if the size of the country was relative to how much oil it had. Look at Saudi Arabia. It dominates the landscape and, indeed, in the oil world, it dominates the landscape. It has 22 percent of all the known reserves of oil in the world.

Little Kuwait, Saddam Hussein thought it looked like a little corner province in Iraq. Iran, first, second, third, fourth, northern Africa, our neighbor to the south, Venezuela, Hugo Chavez, dwarfs us, what, three, four, five times as much oil?

Here we are, the United States, using a fourth of all the oil in the world, and we have 2 percent of the known reserves of oil in the world. The two countries from which we get our most oil, that changed a couple of days ago. By the way, it used to be Canada and then Mexico. I think it's Canada, Saudi Arabia and then Mexico now. That has because the second largest oil field in the world, the Cantarell oil field in Mexico, is in rapid decline, so they cannot produce at the rates they produced before.

Kind of keep this map in your mind. Look at China and India over there. Here they are. Look at Russia, huge compared to China and India. China and India together have no more oil than we, and they have, what, a third of the world's population, rapidly-growing demand for oil. In some parts of Beijing, bicycles are now banned. There isn't room for them on the roads because there are so many automobiles there.

The next chart simply shows some numbers that I have been using. Two percent of the world's reserves consume 25 percent of the world's oil, import almost two-thirds of what we use. Less than 5 percent of the world's population, one person in 22, produce 8 percent of the world's oil from only 2 percent.

What that means is we are pumping our wells four times faster than the average, right. So we now have only 2 percent of the reserves. We are pumping on down really fast, we are really good at that. We have more oil wells that I mentioned than all the rest of the world put together.

The next chart is a really interesting one. This shows what China has been doing. They are going around the world. You see the big symbols there for China going around the world and buying oil. They almost bought Unocal in our country. They are buying oil everywhere. In today's economy that doesn't make much sense because whoever has the dollars gets the oil. So why are they buying oil?

At the same time they are buying oil, they are also aggressively building the largest blue-water Navy in the world. Might the time come that the Chinese tell us, gee, I am sorry, the oil is ours? We have 1.3 billion people. They have got to have oil. I'm sorry, we can't share it. If they are going to make that a reality, they have to have a Navy big enough to control the world's shipping lanes.

Talking about geopolitical consequences, a statement by our Secretary of State, Condoleezza Rice, "We do have to do something about the energy problem." Boy, this was 2006, 2 years ago. What have we done about the energy problem in the last 2 years? We do have to do something about the energy problem.

I can tell that you nothing has really taken me aback more than the Secretary of State about the way of the politics of energy. I will use the word "warping" diplomacy around the world. We have simply got to do something about the warping now of diplomatic effort for the all-out rush for energy supply.

She recognized that 2 years ago this month. What have you seen your country doing about that in the last 2 years? Why this gross denial? I think the evidence is clear to a third grader.

The next chart, a very recent one, January 22 of this year, "By the year 2100, the world's energy system will be radically different from today. The world's current predicament limits our maneuvering room. We are experiencing a step change in the rate of growth energy demand."

Shell estimates that after 2015 easy-to-supply that easy access to oil and gas will no longer be able to keep up with demand. It may be sooner that than that, but that is not very far away. As a result, society has no choice but to add other sources of energy.

We have only a few minutes remaining. Let's put the next the chart up. This chart addresses some of those other sources of energy.

I will tell you that we are very much like the young people whose grandparents have died and left them a big inheritance. They now have established a lavish lifestyle where 85 percent of all the money they spend comes from their grandparents' inheritance, and only 15 percent of that money are they earning. And they look at how old they are, and the size of the inheritance, and it's going to run out long before they retire.

Obviously, they have got to do something. They either have to earn more or spend less. That's precisely where we are with energy. Eighty-five percent of the energy that we are using, coal, petroleum and natural gas, comes from fossil fuels, the grandparents' inheritance. It's finite, it will run out.

Only 15 percent of that is from other sources, generally referred to as renewable sources. A bit more than half of that comes from nuclear. We produce 8 percent of our total energy from nuclear, that's 20 percent of our electricity.

We have the largest nuclear electricity production in the world, but not the biggest percentage. France produces about 75, 80 percent of their electricity from nuclear.

Then the 7 percent, now this is 2000, things have changed a little since then. Solar, 1 percent; wind, 1 percent, that's the .07 percent, so it has increased four-fold, 2.8 percent, big deal, .28 percent, ¼ of 1 percent? I am a big fan of nuclear.

I have an off-grid home, and I use solar panels, I use wind machines. I am a big fan of wind and solar. But they are now tiny contributors to our total energy supply.

Wood, that's not the mountain family, that's the paper industry and the timber industry wisely using a waste product. Waste, that looks huge, and it's not a bad idea to turn your waste into electricity. You can do that. We have a great plant up here in northern Montgomery County.

But that waste stream is not a solution to our problem, because what that waste stream represents, just go to the county dump and look at it. What that waste stream represents is a profligate use of fossil fuels. In a fossil fuel deficient world it's not going to be there. It's an expedient for the moment. It doesn't even come close to offering a rational solution to our problem.

Conventional hydro, we probably peaked out in conventional hydro. We can do a lot of microhydro. There are some really good microturbines now.

Alcohol, let me come back now, I only have a couple of minutes remaining. I want to make the tie between our food problems and the gas prices.

We have a program of converting corn to ethanol. The National Academy of Sciences have said that if we used all of our corn for ethanol, all of it, and discounted for fossil fuel input, it would displace 2.4 percent of our gasoline. They said that if you tuned up your car and put air in the tires, you would save as much.

Now, corn doubled in price because we were doing that. Farmers diverted land from soybeans and wheat to corn. So now we have doubled the price of corn, roughly doubled the price of soybeans. Since these commodities moved together, the price of rice has doubled.

Now we have global food riots turned deadly. What one U.N. official said was what we did innocently, we just hadn't thought it through, that what we did was a crime against humanity.

Our trifling contribution to displacing oil has doubled the price of corn, nearly doubled the price of soybeans and rice. There are people who spend 50 to 60 percent of their income on food. If the food price doubles, they are spending 100 percent of their income on food. No wonder they are rioting.

Well, this was an unintended consequence. The last chart, we have only a couple of minutes remaining, and I just want to say that I find this challenge really exhilarating. There is no exhilaration like the exhilaration of meeting and overcoming a big challenge.

We are the most creative innovative society in the world. We are up to this with proper leadership. I am looking for that leadership. We are up to this.

We need a program that has a total commitment of World War II. I lived through that war. I know what it was. Everybody raised a victory garden. No cars were made in 1943, 1944 and 1945. We needed the technology focus of putting a man on the moon, and we needed the urgency of the Manhattan project.

□ 1830

We can lead the world in moving from fossil fuel dependency to renewables. We are creative and innovative. We need leadership to do this.

I want to show you that we can do it. We can live very happily on less. On this chart, here we are, using more energy than anybody else in the world. And there are 24 countries using considerably less energy than we who feel better. This is how good you feel about your station in life, they feel better about their station in life than we.

The very last chart, in the very few seconds remaining, this shows you that Californians use only about 65 percent as much electricity as the rest of us in the United States. Challenge any Californian to admit that they live less well than we live.

We don't have to use the amounts of energy that we are using today to be comfortable, to feel good about life.

I really feel challenged by this. We are the most creative, innovative society in the world. We can do this. We can once again become a manufacturing country. We can lead the world in this.

Madam Speaker, I am 82 years old on my next birthday; and there is nothing in my life, and I have seen more of life than every other Member of this Congress except RALPH HALL who is 3 years older than I, and I have seen nothing in my life that is so challenging, so exhilarating as this.

We are up to this. We need the leadership; where is it?

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2739. An act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Mr. HOYER) for today after 11 a.m. on account of business in district.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today after 2 p.m. on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, April 17.

Mr. JONES of North Carolina, for 5 minutes, April 17.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on April 7, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 1593. To reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

ADJOURNMENT

Mr. BARTLETT of Maryland. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Monday, April 14, 2008, at 12:30 p.m., for morning-hour debate.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section of the act of May 13, 1884 (23 Stat. 22) to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of which I am about to enter. So held me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

JACKIE SPEIER, California, Twelfth.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Steve Chabot, Ben Chandler, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M. Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Ruben Hinojosa, Mazie K. Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg, John R. "Randy" Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cathy McMorris Rodgers, Jerry McNerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Laura Richardson, Ciro D. Rodriguez, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Jackie Speier, Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Niki Tsongas, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C. W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5983. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5984. A letter from the Director, Selective Service System, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5985. A letter from the General Deputy Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, transmitting the Department's second annual Homeless Assessment Report; to the Committee on Financial Services.

5986. A letter from the Director, Office of Thrift Supervision, Department of Treasury, transmitting a letter on the details of the Office's 2008 compensation plan, pursuant to 12 U.S.C. 18336; to the Committee on Financial Services.

5987. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5988. A letter from the Secretary, Federal Trade Commission, transmitting the Thirtieth Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

5989. A letter from the Under Secretary for Natural Resources and Environment, Department of Agriculture, transmitting the Department's proposal to accept a 160-acre donation from the Wilderness Land Trust, pursuant to 16 U.S.C. 1131-1136; to the Committee on Natural Resources.

5990. A letter from the Certification Officer, Department of the Interior, transmitting the Department's final rule — Tribal Energy Resource Agreements under the Indian Tribal Energy Development and Self-Determination Act (RIN: 1076-AE80) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5991. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the 2007 report on the Apportionment of Membership on the Regional Fishery Management Councils pursuant to section 302(b) of the Magnuson Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

5992. A letter from the Director, Administrative Office of the United States Courts, transmitting the third annual report to Congress on victims' rights, pursuant to 18 U.S.C. 3771; to the Committee on the Judiciary.

5993. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Texas Advisory Committee; to the Committee on the Judiciary.

5994. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Vermont Advisory Committee; to the Committee on the Judiciary.

5995. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Rhode Island Advisory Committee; to the Committee on the Judiciary.

5996. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the New Jersey Advisory Committee; to the Committee on the Judiciary.

5997. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Ohio Advisory Committee; to the Committee on the Judiciary.

5998. A letter from the Director, Bureau of Justice Assistance, Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2005, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

5999. A letter from the Secretary, Judicial Conference of the United States, transmitting a copy of the proposed "Federal Courts Jurisdiction and Venue Clarification Act of 2008"; to the Committee on the Judiciary.

6000. A letter from the Secretary, Judicial Conference of the United States, transmitting a copy of two court improvement proposals adopted in September 2007; to the Committee on the Judiciary.

6001. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-28828; Directorate Identifier 2007-NM-010-AD; Amendment 39-15258; AD 2007-23-12] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6002. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. FAA-2006-25174; Directorate Identifier 2005-NM-007-AD; Amendment 39-15328; AD 2008-01-03] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6003. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No. FAA-2007-0082; Directorate Identifier 2007-NM-219-AD; Amendment 39-15332; AD 2008-02-02] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6004. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAE 146 and Avro 146-RJ Airplanes [Docket No. FAA-2007-0044; Directorate Identifier 2007-NM-126-AD; Amendment 39-15320; AD 2007-26-18] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6005. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EMBRAER Model EMB-135BJ Airplanes [Docket No. FAA-2007-0129; Directorate Identifier 2007-NM-099-AD; Amendment 39-15331; AD 2008-02-01] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6006. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. FAA-2007-0171; Directorate Identifier 2007-NM-220-AD; Amendment 39-15330; AD 2008-01-05] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6007. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EMBRAER Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No. FAA-2007-28855; Directorate Identifier 2007-NM-098-AD; Amendment 39-15323; AD 2007-26-21] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6008. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Limited Model PC-12, PC-12/45, and PC-12/47 Airplanes [Docket No. FAA-2007-0116 Directorate Identifier 2007-CE-082-AD; Amendment 39-15333; AD 2008-02-03] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6009. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — DECISION SIMPLIFIED STANDARDS FOR RAIL RATE CASES [STB Ex Parte No. 646 (Sub-No. 1)] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6010. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — DECISION METHODOLOGY TO BE EMPLOYED IN DETERMINING THE RAILROAD INDUSTRY'S COST OF CAPITAL [STB Ex Parte No. 664] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6011. A letter from the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Saint Lawrence Seaway Development Corporation Seaway Regulations and Rules: Periodic Update, Various Categories [Docket No. SLSDC 2007-0005] (RIN: 2135-AA27) received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6012. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes [Docket No. FAA-2007-29316; Directorate Identifier 2007-CE-078-AD; Amendment 39-15334; AD 2008-02-04] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6013. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GARMIN International GSM 85 Servo Gearbox Units [Docket No. FAA-2007-28730; Directorate Identifier 2007-CE-063-AD; Amendment 39-15336; AD 2008-02-06] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6014. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes Equipped with Rolls-Royce RB211-TRENT 800 Series Engines [Docket No. FAA-2006-25609; Directorate Identifier 2005-NM-263-AD; Amendment 39-15335; AD

2008-02-05] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6015. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2007-27926; Directorate Identifier 2006-NM-050-AD; Amendment 39-15316; AD 2007-26-14] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6016. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-50, -80A1/A3, and -80C2A Series Turbofan Engines [Docket No. FAA-2007-0053; Directorate Identifier 98-ANE-54-AD; Amendment 39-15347; AD 2008-02-17] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6017. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and 767-300 Series Airplanes [Docket No. FAA-2007-28375; Directorate Identifier 2007-NM-015-AD; Amendment 39-15346; AD 2008-02-16] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6018. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. FAA-2007-29170; Directorate Identifier 2007-NM-075-AD; Amendment 39-15345; AD 2008-02-15] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6019. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 172 and 182 Series Airplanes [Docket No. FAA-2007-29317; Directorate Identifier 2007-CE-079-AD; Amendment 39-15348; AD 2008-02-18] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6020. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2007-29329; Directorate Identifier 2007-NM-205-AD; Amendment 39-15342; AD 2008-02-12] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2007-28884; Directorate Identifier 2007-NM-116-AD; Amendment 39-15343; AD 2008-02-13] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6022. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, -400D, and -400F Series Airplanes; Boeing Model 757 Airplanes; and Boeing Model 767 Airplanes [Docket No. FAA-2007-28973; Directorate Identifier 2007-NM-118-AD; Amendment 39-15344; AD 2008-02-14] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6023. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Industries, a.s. (Type Certificate No. G24EU formerly held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L-13 Blanik Gliders [Docket No. FAA-2007-28980 Directorate Identifier 2007-CE-071-AD; Amendment 39-15282; AD 2007-25-01] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11, MD-11F, DC-10-30 and DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, and MD-10-30F Airplanes [Docket No. FAA-2007-28351; Directorate Identifier 2007-NM-074-AD; Amendment 39-15192; AD 2007-19-02] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes [Docket No. FAA-2007-0269; Directorate Identifier 2007-NM-158-AD; Amendment 39-15287; AD 2007-25-05] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes [Docket No. FAA-2007-0268; Directorate Identifier 2007-NM-129-AD; Amendment 39-15286; AD 2007-25-04] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Augusta S.p.A. Model AB139 and AW139 Helicopters [Docket No. FAA-2007-0285; Directorate Identifier 2007-SW-15-AD; Amendment 39-15296; AD 2007-25-14] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. FAA-2007-0301; Directorate Identifier 2007-NM-069-AD; Amendment 39-15300; AD 2007-25-18] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6029. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A and 206B Helicopters [Docket No. FAA-2007-28690; Directorate Identifier 2006-SW-21-AD; Amendment 39-15289; AD 2007-25-07] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365 N1, AS-365N2, AS 365 N3, SA-366G1, EC 155B, and EC155B1 Helicopters [Docket No. FAA-2007-28448; Directorate Identifier 2006-SW-24-AD; Amendment 39-15290; AD 2007-25-08] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. FAA-2007-0302; Directorate Identifier 2007-NM-161-AD; Amendment 39-15301; AD 2007-25-19] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6032. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes and Model A300-600 Series Airplanes [Docket No. FAA-2007-27257; Directorate Identifier 2006-NM-131-AD; Amendment 39-15297; AD 2007-25-15] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6033. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. FAA-2007-28996; Directorate Identifier 2006-NM-217-AD; Amendment 39-15283; AD 2007-25-02] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6034. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2007-29031; Directorate Identifier 2007-NM-130-AD; Amendment 39-15284; AD 2007-25-03] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6035. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes, Model A300-600 Series Airplanes, and Model A310 Series Airplanes [Docket No. FAA-2007-27982; Directorate Identifier 2007-NM-009-AD; Amendment 39-15288; AD 2007-25-06] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6036. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No. FAA-2007-29117; Directorate Identifier 2007-NM-114-AD; Amendment 39-15291; AD 2007-25-09] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6037. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcom 50, Mystere-Falcom 900, Falcon 900EX, Falcom 2000, and Falcome 2000EX Airplanes [Docket No. FAA-2007-29175; Directorate Identifier 2007-NM-134-AD; Amendment 39-15292; AD 2007-25-10] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6038. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2007-29256; Directorate Identifier 2007-NM-137-AD; Amendment 39-15293; AD 2007-25-11] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6039. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2007-29249; Directorate Identifier 2007-NM-112-AD; Amendment 39-15294; AD 2007-25-12] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6040. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300F Series Airplanes [Docket No. FAA-2007-28943; Directorate Identifier 2007-NM-011-AD; Amendment 39-15295; AD 2007-25-13] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6041. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81) and DC-9-82 (MD-82) Airplanes [Docket No. FAA-2007-29226; Directorate Identifier 2006-NM-256-AD; Amendment 39-15298; AD 2007-25-16] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6042. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2007-28620; Directorate Identifier 2007-NM-090-AD; Amendment 39-15299; AD 2007-25-17] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6043. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes; Model DC-10-40 and DC-10-40F Airplanes; and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2005-21470; Directorate Identifier 2003-NM-45-AD; Amendment 39-15302; AD 2007-25-20] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6044. A letter from the Board of Trustees, Federal Old-Age And Survivors Insurance And Federal Disability Insurance Trust Funds, transmitting the 2008 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 100–104); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered tot he Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 2634. A bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes; with an amendment (Rept. 110–575). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 5161. A bill to provide for the establishment of Green Transportation Infrastructure Research and Technology Transfer Centers, and for other purpose; with an amendment (Rept. 110–576 Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 1777. A bill to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws (Rept. 110–577). Referred to the Committee of the Whole House of the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4881. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; with an amendment (Rept. 110–578). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3965. A bill to extend the Mark-to-Market program of the Department of Housing and Urban Development, and for other purposes; with an amendment (Rept. 110–579). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KIND (for himself, Mr. RAMSTAD, Mr. COOPER, Mr. GILCHREST, Ms. BEAN, Mr. UDALL of Colorado, and Mr. WALZ of Minnesota):

H.R. 5755. A bill to establish the Bipartisan Earmark Reform Commission; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. GILCHREST):

H.R. 5756. A bill to reauthorize the Neotropical Migratory Bird Conservation Act; to the Committee on Natural Resources.

By Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mrs. BLACKBURN, Mr. SHADEGG, Mr. SULLIVAN, Mr. TERRY, Mr. HALL of Texas, Mr. WESTMORELAND, Mr. UPTON, and Mr. GINGREY):

H.R. 5757. A bill to amend title XIX of the Social Security Act to require asset verification through access to information held by financial institutions, to reduce fraud and abuse in State Medicaid programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE:

H.R. 5758. A bill to prohibit authorized lenders of home equity conversion mortgages from requiring seniors to purchase an annuity with the proceeds of a reverse mortgage, and to provide other consumer protections to reverse mortgage borrowers, and for other purposes; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. BILBRAY, Mr. WESTMORELAND, Mrs. DRAKE, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. AKIN, Mrs. MUSGRAVE, Mr. PITTS, Mr. GOODE, Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. ADERHOLT, Mr. MARCHANT, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. PRICE of Georgia, Mr. GINGREY, Mr. DEAL of Georgia, Mr. LINDER, Mr. KINGSTON, Mr. WAMP, Mr. TANCREDO, Mr. COBLE, Ms. FOXX, Mr. POE, and Mrs. MYRICK):

H.R. 5759. A bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes; to the Committee on Education and Labor.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. POE, Mr. CHABOT, Mr. SENSENBRENNER, and Mr. LAMPSON):

H.R. 5760. A bill to reauthorize the Adam Walsh Child Protection and Safety Act of 2006, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE (for himself and Mr. DENT):

H.R. 5761. A bill to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. MCDERMOTT, Mr. WAXMAN, Ms. SUTTON, Mr. ROTHMAN, Ms. KAPTUR, Mr. HINCHEY, Mr. FARR, Mr. MCGOVERN, Ms. SCHAKOWSKY, and Mr. WELCH of Vermont):

H.R. 5762. A bill to prohibit the use of nonambulatory livestock for human food and to require the Secretary of Agriculture to publish the names of retailers and school districts that have purchased meat, poultry, or egg products subject to voluntary recall; to the Committee on Agriculture.

By Mr. ELLISON (for himself, Mr. RAMSTAD, Mr. OBERSTAR, and Mr. WALZ of Minnesota):

H.R. 5763. A bill to temporarily delay application of proposed changes to the Departmental Appeals Board within the Department of Health and Human Services; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself and Mr. RAMSTAD):

H.R. 5764. A bill to amend the Internal Revenue Code of 1986 to allow a continuous levy on payments to Medicaid providers and suppliers; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Mr. PICKERING, Mr. TANNER, Mr. HULSHOF, Mr. STUPAK, Mr. RAMSTAD, Mr. CAMP of Michigan, and Mr. LINDER):

H.R. 5765. A bill to amend title XVIII of the Social Security Act to cover remote patient management services for certain chronic health conditions under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE (for himself, Mr. THOMPSON of Mississippi, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. COHEN, Mrs. JONES of Ohio, Mr. HARE, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Ms. CLARKE, Mr. MILLER of North Carolina, Mrs. CAPPS, and Mr. HONDA):

H.R. 5766. A bill to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security the Office of National School Preparedness and Response, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself and Mr. PAUL):

H.R. 5767. A bill to prohibit the Secretary of the Treasury and the Board of Governors of the Federal Reserve System from proposing, prescribing, or implementing any regulation under subchapter IV of chapter 53 of title 31, United States Code, and for other purposes; to the Committee on Financial Services.

By Mr. FRELINGHUYSEN:

H.R. 5768. A bill to amend the Commodity Exchange Act to provide the Commodity Futures Trading Commission authority over off-exchange retail foreign currency transactions, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. CAMPBELL of California, Mr. CONAWAY, Mr. DEAL of Georgia, Mrs. DRAKE, Mr. FEENEY, Mr. FORTENBERRY, Ms. FOXX, Mr. GOHMERT, Mr. GOODE, Mr. HALL of Texas, Mr. KING of Iowa, Mr. KINGSTON, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. MCCOTTER, Ms. MOORE of Wisconsin, Mr. PITTS, Mr. PRICE of Georgia, Mr. PEARCE, Mr. ROSKAM, Mr. SHIMKUS, Mr. SENSENBRENNER, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 5769. A bill to direct the Federal Trade Commission to revise the Telemarketing Sales Rule to explicitly prohibit the sending of a text message containing an unsolicited advertisement to a cellular telephone number listed on the national do-not-call registry; to the Committee on Energy and Commerce.

By Mr. HALL of New York (for himself, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, and Ms. LEE):

H.R. 5770. A bill to provide for a study by the National Academy of Sciences of potential impacts of climate change on water resources and water quality; to the Committee on Science and Technology, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCAUL of Texas (for himself, Mrs. BLACKBURN, Mr. BROUN of Georgia, Ms. GINNY BROWN-WAITE of Florida, Mr. CAMPBELL of California, Mr. FLAKE, Mr. FEENEY, Mr. GALLEGLY, Mr. GINGREY, Mr. HENSARLING, Mr. ISSA, Mr. JONES of North Carolina, Mr. KIRK, Mr. KLINE of Minnesota, Mr. LATTA, Mr. MCCOTTER, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. WALBERG, Mr. TIBERI, Mr. SALI, Mr. REICHERT, Ms. FOXX, Mr. POE, and Mr. MACK):

H.R. 5771. A bill to prohibit the use of Federal funds for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress; to the Committee on Oversight and Government Reform.

By Mr. MURPHY of Connecticut (for himself and Mrs. BIGGERT):

H.R. 5772. A bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; to the Committee on Financial Services.

By Ms. NORTON (for herself and Mr. CLAY):

H.R. 5773. A bill to authorize the Secretary of the Interior to enter into a long-term ground lease for the operation and maintenance of Rock Creek, Langston, and East Potomac as golf courses, and for other purposes; to the Committee on Natural Resources.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. DELAURO, Ms. BORDALLO, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. PAYNE, Ms. SUTTON, Mr. TOWNS, Ms. WATSON, and Mr. WELCH of Vermont):

H.R. 5774. A bill to provide effective employment, training, and career and technical education programs and to address barriers that result from family responsibilities, and to encourage and support individuals to enter nontraditional occupational fields; to the Committee on Education and Labor.

By Mr. SESSIONS (for himself, Mr. BROUN of Georgia, Mr. BARTLETT of Maryland, Mr. KING of Iowa, Ms. FALLIN, Mr. BOUSTANY, Mr. CAMPBELL of California, Mr. CONAWAY, Mr. KLINE of Minnesota, Mr. ISSA, Mr. LAMBORN, Mr. MCKEON, Mr. STEARNS, Mr. SOUDER, and Mr. FLAKE):

H.R. 5775. A bill to amend the Labor-Management Reporting and Disclosure Act to provide for specified civil penalties for violations of that Act, and for other purposes; to the Committee on Education and Labor.

By Mr. SHADEGG (for himself, Mr. FEENEY, Mr. MARCHANT, Mr. BROUN of Georgia, Mrs. MUSGRAVE, Mr. WESTMORELAND, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. GOHMERT, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. AKIN, Mr. CAMPBELL of California, Mr. PITTS, Mr. PRICE of Georgia, Mr. SENSENBRENNER, and Mr. HOEKSTRA):

H.R. 5776. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain distributions from qualified retirement plans used for mortgage payments; to the Committee on Ways and Means.

By Mr. TANCREDO:

H.R. 5777. A bill to impose certain restrictions on trade with and investment in the People's Republic of China, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself and Mr. TOM DAVIS of Virginia):

H.R. 5778. A bill to preserve the independence of the District of Columbia Water and Sewer Authority; to the Committee on Oversight and Government Reform.

By Mr. WEXLER:

H.R. 5779. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the amount of wages in excess of the contribution and benefit base, and for other purposes; to the Committee on Ways and Means.

By Mrs. WILSON of New Mexico (for herself, Mr. ETHERIDGE, and Mr. UDALL of New Mexico):

H.R. 5780. A bill to amend title XVIII of the Social Security Act to provide for coverage of clinical pharmacist practitioner services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself and Mr. GEORGE MILLER of California):

H. Res. 1097. A resolution expressing support for the designation of the month of April 2008, as National Child Abuse Prevention Month to provide attention to the tragic circumstances that face some of our Nation's children on a daily basis and to underscore our commitment to preventing child abuse and neglect so that all children can live in safety and security; to the Committee on Education and Labor.

By Mr. FILNER (for himself and Mr. BILIRAKIS):

H. Res. 1098. A resolution supporting the goals and ideals of the Year of the American Veteran; to the Committee on Veterans' Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Ms. JACKSON-LEE of Texas):

H. Res. 1099. A resolution honoring the life of Arbella Perkins Ewings; to the Committee on Oversight and Government Reform.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. LATHAM, and Mr. KING of Iowa):

H. Res. 1100. A resolution congratulating the University of Iowa Hawkeyes Wrestling Team on Winning the 2008 NCAA Division I National Wrestling Championships; to the Committee on Education and Labor.

By Ms. NORTON:

H. Res. 1101. A resolution honoring and commending The George Washington University in Washington, D.C., for hosting the 2008 Science Olympiad National Tournament; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. SALI.

H.R. 303: Ms. TSONGAS.

H.R. 333: Mr. BLUMENAUER, Mr. VAN HOLLEN, and Mr. TERRY.

H.R. 406: Mrs. EMERSON, Mr. GINGREY, Mrs. MUSGRAVE, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. FRANKS of Arizona, Ms. SPEIER, Mr. HERGER, and Mr. PICKERING.

H.R. 552: Mr. NADLER, Mr. ALEXANDER, and Mr. JACKSON of Illinois.

H.R. 616: Ms. ROS-LEHTINEN.

H.R. 618: Mr. PETRI.

H.R. 768: Mr. PITTS.

H.R. 769: Mr. LINDER.

H.R. 821: Mr. WU.

H.R. 1108: Mr. YARMUTH and Mr. DREIER.

H.R. 1117: Ms. BALDWIN.

H.R. 1223: Mr. TERRY.

H.R. 1232: Mr. HONDA.

H.R. 1256: Mr. MORAN of Virginia.

H.R. 1343: Mr. COSTA.

H.R. 1363: Mr. JACKSON of Illinois.

H.R. 1395: Mr. LAMPSON.

H.R. 1440: Mr. GENE GREEN of Texas.

H.R. 1552: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1584: Mr. HARE.

H.R. 1589: Mr. LAHOOD, Mr. GALLEGLY, Mr. UDALL of New Mexico, Mr. ELLISON, Mr. DAVID DAVIS of Tennessee, and Ms. HARMAN.

H.R. 1609: Mr. ROHRABACHER, Mr. ISSA, Mr. MILLER of Florida, Mr. SMITH of Texas, Ms. GINNY BROWN-WAITE of Florida, and Mr. MEEKS of New York.

H.R. 1610: Mr. MICHAUD, Mr. BILIRAKIS, and Mr. DAVIS of Alabama.

H.R. 1621: Mrs. CAPPS.

H.R. 1643: Mr. RAMSTAD and Mr. WALZ of Minnesota.

H.R. 1738: Mrs. BOYDA of Kansas.

H.R. 1767: Mr. CUELLAR and Mr. KIRK.

H.R. 1829: Ms. ROS-LEHTINEN and Mr. YOUNG of Florida.

H.R. 1927: Mr. GALLEGLY, Mr. ELLISON, Mr. VAN HOLLEN, Mr. BLUMENAUER, and Mr. WILSON of South Carolina.

H.R. 2091: Mr. PASTOR, Mr. DAVIS of Illinois, and Ms. BALDWIN.

H.R. 2138: Mr. KENNEDY and Ms. BALDWIN.

H.R. 2221: Ms. TSONGAS.

H.R. 2280: Mr. SOUDER.

H.R. 2352: Ms. HARMAN.

H.R. 2353: Mr. HINCHEY.

H.R. 2357: Mr. JOHNSON of Georgia and Mr. CUMMINGS.

H.R. 2370: Mr. BACHUS, Mr. GOODLATTE, and Mr. HARE.

H.R. 2593: Ms. WATERS.

H.R. 2609: Mr. LOEBSACK.

H.R. 2634: Ms. ROS-LEHTINEN.

H.R. 2702: Mr. PASCRELL.

H.R. 2712: Mr. YOUNG of Florida.

H.R. 2734: Mr. UPTON, Mr. EHLERS, Mr. LATTA, Mr. TIBERI, and Mr. ROGERS of Kentucky.

H.R. 2860: Mr. PETERSON of Minnesota.

H.R. 2864: Mr. ROTHMAN.

H.R. 2897: Mr. PAYNE, Mr. DAVIS of Illinois, Mr. PAUL, and Mr. TOWNS.

H.R. 2923: Mr. BISHOP of Georgia.

H.R. 2941: Ms. BERKLEY.

H.R. 3036: Mr. OLVER.

H.R. 3047: Mr. KUHL of New York.

H.R. 3054: Ms. LEE and Mr. RANGEL.

H.R. 3212: Mr. SCHIFF.

H.R. 3229: Mr. BACA, Mr. CUMMINGS, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. KUCINICH, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. VAN HOLLEN, and Mr. WEINER.

H.R. 3232: Mr. BOOZMAN, Mr. ROGERS of Kentucky, Ms. TSONGAS, and Mr. BOUCHER.

H.R. 3234: Mr. BARTLETT of Maryland, Mr. BURGESS, Mr. RYAN of Wisconsin, Mr. CONAWAY, Mr. AKIN, Mrs. DRAKE, Mr. ROYCE, and Mr. ENGLISH of Pennsylvania.

H.R. 3363: Mr. HONDA.

H.R. 3368: Mr. RANGEL and Mr. STUPAK.

H.R. 3391: Mr. FALEOMAVAEGA.

H.R. 3404: Mr. BUTTERFIELD.

H.R. 3700: Mr. KENNEDY.

H.R. 3769: Mr. HOLDEN.

H.R. 3817: Mr. LATHAM.

H.R. 3886: Mr. COHEN.

H.R. 3934: Mr. MEEK of Florida and Ms. CLARKE.

H.R. 3968: Mr. SMITH of Nebraska.

H.R. 4105: Mr. CAMPBELL of California, Ms. ZOE LOFGREN of California, and Mr. SESSIONS.

H.R. 4133: Mr. SOUDER.

H.R. 4138: Mr. ELLISON.

H.R. 4296: Mr. JONES of North Carolina.

H.R. 4310: Mr. STARK.

H.R. 4318: Mr. BOOZMAN.

H.R. 4335: Mr. SCHIFF.

H.R. 4449: Mr. JACKSON of Illinois, Mr. WAMP, and Mr. DELAHUNT.

H.R. 4460: Mr. STEARNS.

H.R. 4464: Mr. MCCARTHY of California.

H.R. 4611: Ms. DEGETTE.

H.R. 4688: Mr. LEWIS of Georgia.

H.R. 4833: Mr. UDALL of Colorado.

H.R. 4883: Ms. SUTTON, Mr. RODRIGUEZ, Mr. HALL of New York, Ms. LEE, and Mr. WALZ of Minnesota.

H.R. 4884: Ms. SUTTON, Mr. RODRIGUEZ, Mr. HALL of New York, Ms. LEE, and Mr. WALZ of Minnesota.

H.R. 4926: Mr. PASCRELL.

H.R. 4927: Mr. SALAZAR and Ms. DEGETTE.

H.R. 4930: Mr. WITTMAN of Virginia and Mr. BILIRAKIS.

H.R. 5057: Ms. BERKLEY.

H.R. 5058: Mrs. LOWEY.

H.R. 5131: Mr. CARTER, Mr. MAHONEY of Florida, and Mr. HUNTER.

H.R. 5180: Ms. BERKLEY.

H.R. 5233: Mr. PITTS.

H.R. 5268: Mr. SPACE, Mr. FILNER, and Mr. CHANDLER.

H.R. 5315: Mr. PASTOR.

H.R. 5405: Ms. GINNY BROWN-WAITE of Florida.

H.R. 5426: Mr. MCNULTY, Mr. RYAN of Ohio, Mr. MORAN of Kansas, and Mr. THOMPSON of Mississippi.

H.R. 5440: Mr. DANIEL E. LUNGREN of California, Mr. FERGUSON, and Mr. CONAWAY.

H.R. 5447: Mr. KENNEDY, Mr. ETHERIDGE, Ms. BALDWIN, Mr. SARBANES, Ms. SCHAKOWSKY, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5448: Mrs. BOYDA of Kansas, Mr. COHEN, Mr. BURGESS, Mr. HILL, Mr. PATRICK MURPHY of Pennsylvania, Ms. ZOE LOFGREN and Mr. HAYS.

H.R. 5450: Mr. CARNEY, Mr. PORTER, and Mr. LEWIS of Kentucky.

H.R. 5477: Mr. NUNES, Mr. FILNER, Mr. DREIER, Mr. STARK, Mr. GARY G. MILLER of California, Mr. BILBRAY, and Mr. HUNTER.

H.R. 5488: Mr. JOHNSON of Georgia, Mrs. CHRISTENSEN, Mr. BLUMENAUER, and Mr. DAVIS of Illinois.

H.R. 5498: Ms. BERKLEY.

H.R. 5515: Mr. MANZULLO.

H.R. 5519: Mr. MCHUGH.

H.R. 5524: Mr. SHAYS, Mrs. MUSGRAVE, Mrs. CAPITO, Mr. PUTNAM, Mr. PASTOR, Mr. SCOTT of Virginia, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Ms. NORTON, Mr. ELLISON, and Mr. LEWIS of Georgia.

H.R. 5534: Ms. BERKLEY and Mrs. DAVIS of California.

H.R. 5540: Mrs. DRAKE.

H.R. 5542: Mr. SHADEGG.

H.R. 5545: Mr. BRADY of Texas.

H.R. 5546: Mr. SHULER and Mr. WHITFIELD. of Kentucky.

H.R. 5567: Mr. MCCOTTER.

H.R. 5590: Mr. MCNULTY.

H.R. 5595: Mr. RYAN of Ohio, Mr. OBERSTAR, Mr. ALTMIRE, Mr. BERRY, Mr. HOLT, Mr. CAPUANO, Ms. KAPTUR, Mr. HOLDEN, Mr. MOORE of Kansas, Mr. TAYLOR, Ms. HARMAN, and Mr. WELCH of Vermont.

H.R. 5602: Ms. KILPATRICK.

H.R. 5604: Mr. ARCURI and Mr. MOORE of Kansas.

H.R. 5609: Mr. HARE.

H.R. 5611: Mr. YOUNG of Alaska, Mr. CARNAHAN, and Mr. SOUDER.

H.R. 5613: Ms. SCHWARTZ, Ms. PRYCE of Ohio, Mr. PAYNE, Mr. ENGLISH of Pennsylvania, Mr. YOUNG of Alaska, Mr. BARROW, Mr. HODES, Mr. DOGGETT, Mr. MURPHY of Connecticut, Mr. MORAN of Virginia, Mrs. DRAKE, Mr. LATOURETTE, Mr. SHAYS, Ms. WATERS.

H.R. 5636: Mr. FILNER.

H.R. 5641: Mr. KIRK.

H.R. 5643: Mr. PAUL and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5656: Mrs. MYRICK, Mr. TERRY, Mr. PETERSON of Pennsylvania, and Mr. BLUNT.

H.R. 5668: Mr. BILIRAKIS.

H.R. 5674: Ms. GINNY BROWN-WAITE of Florida.

H.R. 5684: Mr. MICHAUD, Mr. CUELLAR, and Mr. BOSWELL.

H.R. 5686: Mr. WOLF, Ms. ZOE LOFGREN of California, and Mr. FILNER.

H.R. 5696: Mrs. CUBIN.

H.R. 5697: Ms. SUTTON, Mr. MCGOVERN, Mr. MICHAUD, Ms. CLARKE, and Mr. CAPUANO.

H.R. 5711: Mr. KING of New York.

H.R. 5715: Mr. DAVIS of Illinois, Mr. DAVID DAVIS of Tennessee, Mr. KELLER, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. KENNEDY, Mr. ELLISON, Mr. LEWIS of Georgia, Mr. KILDEE, Mrs. MCCARTHY of New York, Ms. CLARKE, Ms. LINDA T. SÁNCHEZ of California, Mr. FORTUÑO, and Mr. KUCINICH.

H.R. 5723: Mr. SESTAK, Mr. HINOJOSA, Mr. GORDON, Mr. THORNBERRY, and Mr. AL GREEN of Texas.

H.R. 5739: Mr. PAYNE.

H.R. 5740: Mr. KIRK, Mr. CAMP of Michigan, Mr. RUPPERSBERGER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PASTOR, Mr. TIAHRT, Mr. LEVIN, Mr. ISRAEL, and Ms. BALDWIN.

H.R. 5750: Mr. MORAN of Virginia.

H.R. 5752: Mr. BILBRAY, Mr. DUNCAN, and Mr. STEARNS.

H. Con. Res. 163: Mr. JACKSON of Illinois, and Mr. TANCREDO.

H. Con. Res. 315: Mr. SHAYS, Mrs. MCMORRIS RODGERS, and Mr. MICA.

H. Con. Res. 317: Mr. DEFAZIO, Mr. GEORGE MILLER of California, Mr. JACKSON of Illinois, Mr. SCHIFF, Ms. VELÁZQUEZ, Mr. RANGEL, Ms. WATERS, Mr. VAN HOLLEN, Mr. DOGGETT, Ms. WATSON, Mr. SPRATT, Mr. LEVIN, Mr. ISRAEL, Mr. MCDERMOTT, Mr. HINCHEY, Mr. BAIRD, Ms. NORTON, Mr. INSLEE, Ms. WASSERMAN SCHULTZ, Mr. FATTAH, Mr. DAVIS of Illinois, Mr. KING of Iowa, Mr. SOUDER, and Mrs. DAVIS of California.

H. Con. Res. 318: Mr. MILLER of North Carolina, and Mr. JEFFERSON.

H. Con. Res. 322: Mr. GORDON, Ms. FOXX, Mr. MAHONEY of Florida, Mr. FERGUSON, Mr. SAXTON, Mr. MCHUGH, Mr. BRADY of Pennsylvania, Mr. DINGELL, Mr. HONDA, Mr. WYNN, Mr. LOBIONDO, Mr. PASCRELL, Mrs. CUBIN, Mr. BLUMENAUER, Mr. HOLDEN, Mr. CROWLEY, Mr. HODES, Mr. KIRK, Mr. COBLE, Mr. VISCLOSKY, Mr. HOEKSTRA, Mr. FRANKS of Arizona, Mr. SIRES, Ms. SUTTON, Mr. DONNELLY.

Ms. FALLIN, Mr. LIPINSKI, Mr. DELAHUNT, Mr. BOSWELL, Mr. YOUNG of Florida, Mr. BARRETT of South Carolina, Mr. STUPAK, Mr. CUMMINGS, Mr. CARDOZA, Mr. MATHESON, Mr. CALVERT, and Mr. ANDREWS.

H. Res. 102: Mr. WALBERG.

H. Res. 111: Mr. SALI.

H. Res. 248: Mr. FRANK of Massachusetts.

H. Res. 373: Ms. SOLIS.

H. Res. 424: Mr. SPACE.

H. Res. 834: Mr. HODES.

H. Res. 858: Mr. PETERSON of Minnesota and Mr. CAMP of Michigan.

H.. Res. 896: Mr. GENE GREEN of Texas and Ms. ROYBAL-ALLARD.

H. Res. 925: Mr. SOUDER.

H. Res. 939: Mr. SMITH of New Jersey.

H. Res. 987: Ms. MCCOLLUM of Minnesota, Mr. ARCURI, Mr. MARSHALL, Mr. KUCINICH, Ms. CORRINE BROWN of Florida, Mr. DONNELLY, Mr. DOGGETT, Mr. WU, Mr. THOMPSON of Mississippi, Mr. KENNEDY, Mr. CARNEY, Ms. BERKLEY, Mr. HOLT, Mr. MCDERMOTT, Mr. ELLSWORTH, Mr. BERRY, Ms. MATSUI, Mr. WALZ of Minnesota, Ms. LORETTA SANCHEZ of California, Mr. WELCH of Vermont, Mr. RODRIGUEZ, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Mr. ALTMIRE, Mr. LOEBSACK, Mr. COOPER, Mr. RAHALL, Mr. CLEAVER, Mr. DAVIS of Alabama, Mr. DELAHUNT, Mr. HIGGINS, Mr. RYAN of Ohio, Mr. ORTIZ, Mr. GONZALEZ, and Mr. MCNULTY.

H. Res. 1008: Mr. CALVERT.

H. Res. 1011: Mr. HASTINGS of Florida, Ms. CLARKE, and Mr. DELAHUNT.

H. Res. 1026: Mr. COHEN.

H. Res. 1029: Ms. BORDALLO, Mr. PAYNE, Mr. MORAN of Kansas, Mr. ORTIZ, Mr. COHEN, Mr. MEEKS of New York, Mr. SHULER, Ms. SCHAKOWSKY, Mr. HONDA, Mr. ABERCROMBIE, Mr. CARDOZA, Mr. BECERRA, Mr. RODRIGUEZ, Mr. DREIER, Mr. COSTELLO, and Mr. COSTA.

H. Res. 1052: Ms. ZOE LOFGREN of California.

H. Res. 1058: Mr. PAUL.

H. Res. 1063: Ms. BERKLEY.

H. Res. 1064: Mr. SOUDER.

H. Res. 1073: Mr. JACKSON of Illinois, Mr. AL GREEN of Texas, Mr. EMANUEL, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. BISHOP of Georgia, Mr. WAXMAN, Mr. HOLT, Mr. HINCHEY, Mr. CONYERS, Mr. PRICE of North Carolina, Mrs. CHRISTENSEN, and Mr. DAVIS of Alabama.

H. Res. 1076: Mrs. BLACKBURN, Mr. LAMBORN, Mr. CARTER, Mr. SALI, Mr. WALBERG, Mr. GARRETT of New Jersey, Mr. ROHRABACHER, Mr. BISHOP of Utah, and Mr. DREIER.

H. Res. 1079: Mr. BACA, Ms. CLARKE, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. PRICE of Georgia, Mr. CLEAVER, and Mr. AL GREEN of Texas.

H. Res. 1086: Mr. THOMPSON of Mississippi, Mr. MCDERMOTT, Ms. MCCOLLUM of Minnesota, Mr. MCNULTY, Mr. ELLISON, Mr. GRIJALVA, Mr. COHEN, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. UPTON, Mr. GOODE, and Mr. STARK.

H. Res. 1091: Mr. ROGERS of Kentucky, Mr. REGULA, Mr. COBLE, Mr. BLUNT, Mr. POE, Mr. GALLEGLY, Mr. BILBRAY, Mr. HAYES, Mr. MCHUGH, Mr. RADANOVICH, Mr. FORTENBERRY, Mrs. WILSON of New Mexico, Mrs. CAPITO, Mr. SMITH of Nebraska, Mr. BOEHNER, Mr. HUNTER, Mr. ROGERS of Michigan, Mr. KUHL of New York, Mr. HELLER, Mr. PORTER, Mr. MORAN of Kansas, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. KING of New York, Mr. CAMPBELL of California, Mr. HOEKSTRA, Mrs. MUSGRAVE, Mr. SHADEGG, Mr. THORNBERRY, Mrs. BLACKBURN, Mr. CARTER, Mrs. MILLER of Michigan, Mr. RENZI, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. DINGELL, Mr. SAM JOHNSON of Texas, Mr. BILIRAKIS, Mr. BACHUS, Mr. BACA, Mr. GRIJALVA, Mr. TOM DAVIS of Virginia, Mr. UPTON, Mr. KANJORSKI, Mr. HASTINGS of Florida, Mr. BARTLETT of Maryland, Mr. ELLSWORTH, Mr. TAYLOR, Mr. ALEXANDER, Mr. SKELTON, Mr. GILCHREST, Mr. BISHOP of New York, Mr. SMITH of Texas, Mr. MCKEON, Mr. LATHAM, Mr. FLAKE, Mr. JOHNSON of Illinois, Mr. WU, Mr. DANIEL E. LUNGREN of California, Mr. MICHAUD, Mr. WELDON of Florida, Mr. SULLIVAN, Mr. ORTIZ, Mr. PASTOR, Mr. WESTMORELAND, Mr. MCINTYRE, Mr. GARY G. MILLER of California, Mr. MCHENRY, Mrs. EMERSON, Mr. PRICE of Georgia, Mr. LEWIS of California, Mr. SHIMKUS, Mr. SHULER, Mr. KELLER, Mr. BROUN of Georgia, Mr. YOUNG of Florida, Mr. PETRI, and Mr. DAVID DAVIS of Tennessee.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6 by Mr. BOUSTANY, Jr. on House Resolution 1025: Ralph M. Hall, Tom Davis, John Kline, Wally Herger, Phil English, Jim McCrery, and Todd Russell Platts.

Petition 5 by Mrs. DRAKE on the bill H.R. 4088: Mike Rogers.

The following Member's name was withdrawn from the following discharge petition:

Petition 6 by Mr. BOUSTANY, Jr. on House Resolution 1025: James T. Walsh.

SENATE—*Thursday, April 10, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal Lord God, we pause today to thank You for all of Your blessings. Thank You for the wonder of Your creation, for the beauty of the Earth, for the order You did bring out of chaos, for life itself.

Thank You for this legislative body and for the opportunity to make a substantive difference in the lives of American citizens and the people of our world.

Lord, be near to our lawmakers today. May they set their hearts on new and creative paths of service. Remind them that no true peace is possible without You. Let them remember that they are responsible for lifting others. Heighten their sensitivities and broaden their concerns, until duty becomes a life and not an event. Give them clear heads and trusting hearts. We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 10, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Thank you very much, Mr. President.

Following my remarks and those of the Republican leader, the Senate will proceed to a period of morning business for up to 60 minutes. Senators will be allowed to speak for up to 10 minutes each during that period of time, with the times equally divided and controlled between the two leaders or their designees. The majority will control the first half and the Republicans the second half.

Following morning business, the Senate will resume consideration of the housing bill, and around 11 or maybe shortly thereafter, we will proceed to a series of three votes on the remaining amendments and passage of the bill.

Upon disposition of the housing bill, the Senate will proceed to S. 2739, the energy lands bill. There are four Coburn amendments in order to the bill, and the proponents and opponents have up to 2 hours to debate the amendments prior to votes on the amendments and passage of the bill, as amended, if amended.

When the Senate completes the Energy bill, we will turn to executive session to consider the nominations of four district court judges and a circuit court judge. There will be up to 4 hours for debate prior to votes on confirmation of the nominations.

PRESIDENTIAL DISCUSSIONS

Mr. REID. I would say two things, Mr. President. First of all, the distinguished Republican leader and I had a meeting with the President yesterday. I was happy to hear—I had heard he had issued a veto threat against this bill, and he said that is not the case, and that is good. I don't expect the President to like everything in our bill, but I think this is the beginning of the process. This bill will go to the House, and with the House and the White House, we can come up with a piece of legislation fairly quickly. So I was very satisfied with the housing discussion with the President yesterday.

CONFIRMATION OF JUDGES

Mr. REID. Finally, on the judges, I appreciate the Judiciary Committee reporting out these judges. In a Presidential election year, it is always very tough for judges. That is the way it has been for a long time, and that is why we have the Thurmond rule and other such rules. But I have indicated to the Republican leader that we are going to try to move these nominations along. We are trying to keep up with the average that has gone on in years past without a lot of political bickering.

We have the finest judicial system in the world. We need to make sure we keep it that way. One of the things we are looking to do—and, hopefully, we may even be able to do it on the supplemental appropriations bill; and one way or the other, the President indicated yesterday there will be some things he wants to put on it other than the direct funding—whether we can do it at that time or later in the year, we need to do something about increasing judges' pay, and I hope we can do that.

Thank you, Mr. President.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JUDICIAL CONFIRMATION PROCESS

Mr. MCCONNELL. Mr. President, I wish to make a few observations about the status of the judicial confirmation process, and then I will turn to another matter.

It has been 108 days since the Senate confirmed a Federal judge of any kind. It last did so the week before Christmas, on December 18, 2007. Since then, the Senate has made precious little progress on judicial nominations. I don't blame the majority leader for that. I think we began this Congress with a general understanding of what we hoped to achieve, and that is still possible. But as of today, we have not confirmed any judicial nominees this year, and the Judiciary Committee has held only one hearing on one circuit court nominee since last September.

Today we will finally be able to confirm some judicial nominees. That is obviously good news, and I applaud that. But after we confirm the judicial nominees on the calendar, that may be it for a while due to the glacial pace at which the Judiciary Committee is proceeding.

It is not as if the committee has been otherwise occupied. This is another week in which the committee could have held a hearing, for example, on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the qualified nominees to the Fourth Circuit Court of Appeals, but again it chose not to. These nominees meet the chairman's own criteria for prompt consideration. Nevertheless, they have been inexplicably languishing for hundreds of days without a hearing while the Fourth Circuit is one-third vacant.

We were told that having the support of home State Senators "means a great deal and points toward the kind of qualified consensus nominee that can be quickly confirmed."

Let me say that again. We were told that having the support of home State Senators "means a great deal and points toward the kind of qualified consensus nominee that can be quickly confirmed."

Well, Steven Matthews of South Carolina had the strong support of both of his home State Senators, one of whom, by the way, sits on the Judiciary Committee, but he has been waiting 217 days just to get a hearing.

Judge Robert Conrad of North Carolina, whom the Senate majority unanimously confirmed to two Federal positions and most recently to a lifetime position on the district court, has the strong support of both of his home State Senators. Yet he has been waiting for 268 days.

My Democratic colleagues are quick to point to the lack of home State support as a reason not to give someone a hearing. But it is beginning to look as if this criterion is being selectively applied. It is readily used as a reason not to move a nominee, coincidentally, when the nominee is from a State with a Democratic Senator, but it is ignored when the nominee has the support of two Republican Senators. At least that has been the case to date with the Fourth Circuit nominees.

For example, Rod Rosenstein is the U.S. attorney in Maryland. He has been nominated to the Fourth Circuit. By all accounts, Mr. Rosenstein is a fine lawyer and public servant. His peers at the American Bar Association certainly think so. They gave him the ABA's highest rating, "unanimously well qualified."

The Washington Post also thinks Mr. Rosenstein is an outstanding nominee. In an editorial entitled "A Worthy Nominee," the Post noted that Mr. Rosenstein has "earned plaudits for his crackdown on gang violence and public corruption," and that one of his supporters at the head of the Criminal Division during the Clinton administration, Jo Ann Davis, called him a "perfect" candidate for a judgeship:

> Smart, savvy and as straight of an arrow as I have ever encountered.

The Post bemoaned the fact that Mr. Rosenstein does not have the support, for some reason, of his home State Senators, and out of deference to them the committee would not process Mr. Rosenstein's nomination. But Mr. Matthews and Judge Conrad do enjoy the strong support of their home State Senators. Yet those nominees can't get a hearing. So it doesn't seem that the same sort of deference is being paid to the Carolina Senators as to others.

I do understand the committee intends to give a hearing to the Fourth Circuit nominee from Virginia because the junior Senator from Virginia—a Democrat—in addition to the senior Senator from Virginia—a Republican—support the nominee. It is great that the committee may actually at some point move a circuit court nominee, especially one to a circuit that is 33 percent vacant. But why is this nominee leap-frogging over two other nominees to the very same circuit, both of whom enjoy the strong support of their home State Senators and both of whom have been pending for hundreds of days longer than the nominee from Virginia?

It looks as though if a Democratic Senator in the Fourth Circuit opposes the nominee, then the committee will not move the nominee, and if a Democratic Senator of the Fourth Circuit supports the nominee, then the committee will move the nominee. But if two Republican Senators in the Fourth Circuit—or, in this case, four Republican Senators in that circuit—support two nominees, that doesn't seem to mean anything.

We need to treat all of the Senators who represent the Fourth Circuit consistently and fairly. We can do that by holding a joint hearing for Mr. Matthews and Judge Conrad. Doing so will make up for lost time and will afford the Carolina Senators the respect to which they are entitled.

TRIBUTE TO CORPORAL WINDELL JERYD SIMMONS

Mr. McCONNELL. Mr. President, in Kentucky there is a family mourning the loss of a young man who was taken from them entirely too soon. On September 21, 2006, CPL Windell Jeryd Simmons was tragically killed when an improvised explosive device detonated under his humvee while on patrol near Taji, Iraq. The Hopkinsville, KY, soldier was 20 years old.

For his valor in service, Corporal Simmons received several medals, awards, and decorations, including the Army Good Conduct Medal, the Army Commendation Medal, the Purple Heart, and the Bronze Star.

Jeryd, as he was known, may have been born in Nuremburg, Germany, in 1986, but he was raised in Hopkinsville. Jeryd's mother, Betty Simmons-Mayo, tells us how her son would always greet her whenever he entered a room.

Jeryd used to always enter a room and say,"Hey Mom." Then whenever he would come back into the room, he would say, "Hey, Mom" again, she recalls. I think he would say "Hey, Mom" at least 15 times a day. He would start his e-mails from Iraq with "Hey, Mom."

But her friendly son was not without his mischievous side. Betty also recalls a time when Jeryd hid a water gun behind his back and would sneakily shoot his mother, brother, and sister with it every time they walked by. Whenever one of his victims accused him of being a culprit, Jeryd would plead innocence. So his mother hatched a scheme to prank the prankster. She said:

> Jeryd loved to play practical jokes. To get him back, I got everyone a water balloon, and the next time he was outside, we threw balloons at him. He stopped shooting everyone after that.

Jeryd graduated from Christian County High School in 2004 and set his sights on enlisting in the U.S. Army. He had made his decision to serve his country before graduating.

Jeryd's friends remember him as a natural leader, somebody they would dearly miss, but also someone they knew would make them proud for his service in uniform.

"He was like the ring leader. He was the best," says Tad Abukuppeh, a high school classmate. "No matter what it was, he was always energetic about everything we did together."

Another friend, Justin Baker, agrees.

> He was pretty quiet in school, but when you got him out of school, he was one of the funniest guys you would meet. He was the idea man. If we were bored, he would think of something to do.

Jeryd enlisted on June 24, 2004, and was assigned to HHC Company, 3rd Battalion, 67th Armored Regiment, 4th Brigade, 4th Infantry Division, stationed in Fort Hood, TX.

He was deployed to Iraq in December 2005. Jeryd wrote in an email to his mother that he would be home in time for Christmas. But, sadly, that was an appointment he would not keep.

Jeryd's funeral service was held in Hopkinsville, where he was buried in a veterans' cemetery. He was laid to rest with full military rites, including a 21-gun salute and the playing of "Taps."

A memorial service for Corporal Simmons was held in Fort Hood also. At that service, CPT Brad McBrayer remembered Jeryd as someone who made people laugh. He reminded his fellow soldiers of Jeryd's career ambition to be a special agent for the FBI someday.

Our thoughts are with the Simmons family today after the loss of CPL Windell Jeryd Simmons. We are thinking of his mother, Betty Simmons-Mayo; his father, William Simmons; his stepfather, Jamel Mayo; his brother, William J. Deal; his sister, Jarysa L. Simmons; his step-grandmother, Mrs. Alfreda Brewer, and many other beloved family members and friends.

April Harris, Jeryd's math teacher from Christian County High, remembers Jeryd this way: "He could have taken the easy route," she says, "but he wanted to prepare himself."

While she was speaking about Jeryd's efforts in her classroom, she could easily have been talking about the focus and determination Jeryd applied to life itself.

Our Nation is honored to have so many sons and daughters like CPL Windell Jeryd Simmons, who choose to stand and fight for freedom and for their country.

On behalf of a grateful Nation, this U.S. Senate salutes Corporal Simmons's choice to serve. We owe his family a debt that cannot be repaid. And we will forever honor his sacrifice.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders, or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Montana is recognized.

INSIDER TRADING

Mr. TESTER. Mr. President, I rise today to discuss the recent acquisition of Bear Stearns by JPMorgan Chase and the events that caused the downfall of one of our largest investment banks and its eventual merger with JPMorgan Chase.

When I first learned of the merger, I urged Chairman DODD to hold a hearing. Last week, the Banking Committee began to exercise its much-needed oversight role on this deal. The hearing served to shine a spotlight on the actions of the Federal Reserve and the Treasury Department.

Over the past 2 weeks, we have learned much about the events that led up to Bear Stearns demise and how the government interceded to save it. Unfortunately, some of the accounts have raised more questions than answers. Congress must continue to look into this deal and possible illegal behavior.

Mr. President, I am calling on the proper law enforcement authorities to investigate whether illegal insider trading may have fueled Bear Stearns' downfall.

In the days, hours and, ultimately, minutes before news of Bear Stearns became public, it appears trading in Bear Stearns' stock jumped substantially.

Volume trading in shares of Bear Stearns jumped from just over 5 million shares on the first day of trading in March to an astronomical 186,986,900 shares on March 14—2 days before the Fed authorized the $29 billion bailout. Let me say that one more time. Volume trading in shares of Bear Stearns jumped from just over 5 million shares on the first day of trading in March to an astronomical 186,986,900 shares on Friday, March 14. In fact, the previous high in volume over the last year was just over 28 million shares. Yet on March 14, shares of Bear Stearns were traded nearly 187 million times. They were traded at nearly 187 million times.

It is uncertain whether or not rampant fears of the company's demise led to that spike or whether those looking to make a buck engaged in illegal market manipulation.

During the hearing last Thursday, I asked SEC Chairman Cox if he was aware of any evidence suggesting that speculators had bet heavily that Bear Stearns' share price would fall, known on Wall Street as "short selling."

Chairman Cox responded: "I'm a little bit constrained because the SEC is in the law enforcement business." He stated that SEC pursues insider trading aggressively and said his agency was mulling "several law enforcement matters" that had not been filed in any U.S. court.

Today, I will be sending this letter to Chairman Cox, as well as Attorney General Mukasey, calling on them to immediately and thoroughly investigate the role that short-selling played in the events surrounding Bear Stearns' collapse.

Market manipulation is illegal and must be prosecuted to the fullest extent of the law. I am asking that Chairman Cox and Attorney General Mukasey to respond to me and the Senate Banking Committee with a report as early as possible about this investigation.

The American taxpayers have been asked to carry the burden of a $29 billion loan that is linked to possibly risky mortgage backed securities. In fact, JPMorgan Chase would not have agreed to acquire Bear Stearns had the government not shared the risk.

I want to repeat that one more time—one of the world's largest and most respected investment banks would not carry the full risk without government aid. And we are supposed to believe on blind faith that the investment is safe and will be repaid in full?

Knowing the consequences and the burden is being carried not only by shareholders, but by average taxpayers who live paycheck-to-paycheck, we must learn if the Federal Reserve acted properly.

We must be certain that investors did not violate laws barring speculators from engaging in market manipulation or insider trading. We must be certain that the taxpayers did not post a preemptive bailout to cover massive short selling for those to make money in the markets.

I rose on the floor last week to raise my concern for the families in Montana and the rest of the country who work hard and play by the rules; yet, can't find a decent place to live that they can afford. And for communities throughout rural America where opportunity is slipping away because of the failure of the national leadership to invest in basic infrastructure that connects us to one another.

These families cannot be asked to cover what some are calling a Government bailout when they are having hard time filling their truck with diesel and to save for their kid's college fund.

I look forward to hearing back from the SEC and Department of Justice. I hope they tell me that it was fear and nothing but market dynamics and not illegal trading. I hope they will tell me that the $29 billion loan was justified and was a one-time act to prevent an economic meltdown.

But if there was insider trading and market manipulation, the proper law enforcement authorities of the U.S. government must respond with appropriate action and prosecute any wrongdoing to the fullest extent of the law.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, we are in morning business, is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

POLITICAL RECONCILIATION IN IRAQ

Mr. NELSON of Florida. A couple days ago, we had General Petraeus and Ambassador Crocker in front of our Senate Armed Services Committee in the morning, and then I had a chance to visit with them again in the afternoon in the Senate Foreign Relations Committee. These are two very dedicated and bright public servants, and their public service is certainly appreciated, and we expressed that—I think every Senator who questioned them.

The bottom line for this Senator from the State of Florida is that if we go back and look at what was the initial reason stated for the surge, which was over a year ago, it was stated that it was to bring some stability and give some time in order that the Sunnis and the Shiites could have more reconciliation so they could start charting a more stable government for themselves. When pressed on whether that political reconciliation had occurred, both General Petraeus and Ambassador Crocker said they thought it had. And then when I asked, well, what laws have been passed, they named two or three, as if that were the example of political reconciliation, and I think it would be one indicia.

I further asked had those laws been implemented. Of course, with each of the questions that narrowed the focus, the answer was less and less painting a picture that political reconciliation had occurred. We would certainly hope that political reconciliation would occur, because it would clearly be in the interest of the United States that Iraq could be stabilized.

It is the opinion of this Senator that the political reconciliation has not occurred—while at the same time the aggressive diplomatic effort in reaching out to other countries in the region that are very important to bringing about political reconciliation in Iraq has not occurred. Therefore, the tremendous success and effectiveness of the surge, militarily, in fact has not borne the fruit of political reconciliation as we had hoped it would. That is a disappointment to this Senator.

On the subject of Iraq, I need to bring to the attention of the Senate that yesterday I had the privilege of chairing a subcommittee in the Senate Foreign Relations Committee on the question of whether the rapes of American women who are contractor personnel in Iraq as a result of the war effort there—whether these rapes are being prosecuted. The answer to that is, sadly, no. We had dramatic testimony by a Mrs. Mary Beth Kineston, who is a rape victim, and Mrs. Dawn Leamon, who for the first time revealed her identity yesterday in the hearing. In the couple of times she spoke on the radio before, she was using a pseudonym. Of course, that testimony was exceptionally emotional, and it was very graphic as to the trauma that these two women had suffered, not only in the act of the sexual assault—and in the case of one of the women, a gang rape after she had been drugged by fellow Americans—but the trauma in the aftermath of the contractor trying to sweep it under the rug so that it didn't disturb the waters; and all of the trauma each of them went through and the way they were treated by their fellow American workers and fellow contractors in the aftermath of them not being able to get any help. In each case it was not until the military intervened that they actually got any help. In the case of Mrs. Leamon, it was 5 weeks after the fact when she was finally able to see a U.S. military doctor at another base from the forward operating base where the assault took place, and she in fact was told by the doctor that you need to continue to try to work through this and get help; you were drugged and you were raped.

The second panel in our hearing was the Department of Justice, the Department of State, and the Department of Defense. To say the response on why there had not been a prosecution of 26 identified assaults among contractor personnel—not U.S. military—contractors, American women personnel and there had not been one conviction was, indeed, not only deeply disturbing but deeply disappointing.

The way I tried to conduct that hearing, since I chaired the hearing, was to say to those representatives of the Departments of State, Defense, and Justice that we were going to conduct that hearing in a respectful way, and at the end of the day what we wanted was to graphically bring to light the problem that is occurring, not only with the assaults but the aftermath where American women cannot get justice, and that it is the responsibility of their ultimate guarantors, the very departments that are contracting out for the war effort, to see that justice is done. Hopefully, that may have occurred yesterday, to remind all those folks that in a very difficult environment, a war zone, we still have to obey the rule of law and, particularly, when it comes to the rights of Americans, and particularly American women, to be protected and to have the full extent of the law to support their rights.

I bring this to the attention of the Senate because this is not the last time we are going to hear about this issue and, hopefully, the next stories we will hear in the aftermath of this drama that played out in front of the Senate Foreign Relations Committee yesterday will be more a story of success, of how the wheels of the Department of Justice will continue to turn to, as the Good Book says, love mercy and to do justice.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

GREEN ENERGY TAX CREDITS

Ms. CANTWELL. Mr. President, I rise this morning to talk about the Ensign-Cantwell amendment we are going to be voting on shortly.

I thank the many cosponsors of the amendment, which I believe are somewhere in the 20 range, too many to read. With the actual Cantwell-Ensign bill that was introduced last Thursday, I think we have over 40 cosponsors. It is safe to say there has been much enthusiasm about this idea of moving forward on extending expiring green energy tax credits and doing so in a way that we can get the requisite votes we need for the measure to become law and be signed by the President.

I also want thank Senators BAUCUS and GRASSLEY for their continued focus on green energy tax credits, they understand that we need to move forward on leveling the playing field between the fossil fuel industry and making investments in green energy technology. I know the Finance Committee has had many conversations about this issue, and I am sure they will continue to make it a top priority.

I particularly want to thank my colleague Senator ENSIGN of Nevada, with whom I have had an opportunity to work on several issues in the past such as protecting electricity consumers, ratepayers, from the Enron debacle, to now working with him on these green energy tax credits. I applaud him for standing up and taking the lead and understanding how renewable energy will play a key role in our Nation's economy moving forward, certainly the Nevada economy, and the need to provide a level playing field to keep this year's investment cycle going. Senator ENSIGN understands that, and I appreciate his leadership in getting the other side of the aisle to participate in the sponsorship of this amendment.

I also want to thank Senator REID who, being from Nevada, understands how important the solar energy and the green energy tax credits are for his State's economy, but he also understands the national economy depends on us moving off of fossil fuels. I appreciate his steadfast support in getting this legislation passed. We are fortunate to have Senator REID on our side in the upcoming negotiations with the House, we need to make sure this legislation is actually passed by the House and signed into law.

We are at this point because we believe the investments in green energy tax credits, production tax credits for wind and other renewables, investment tax credits for solar, fuel cells, and for other promising energy sources, and the efficiency tax credits that are in this legislation are stimulative. They are stimulative. We voted in this body to put them as part of a stimulus package, and the Senate Finance Committee said we think in addition to checks going to households, some activity that would keep investment and create jobs in 2008 should be a priority.

Mr. President, this is a stimulative measure that would keep about 100,000 jobs and keep and protect about $20 billion of investments this year. That is why it is part of this underlying bill, and we hope the House will look at this issue as stimulative activity, along with the accompanying housing measure.

The reason why this is so urgent is because the end of the first quarter is here. Companies that are making these investment decisions are going to start issuing their first quarter reports, giving guidance as to the rest of the year and their investments. If we do not make it clear as a Congress that we believe in these tax credits, they are going to start canceling projects.

I know I have been to the floor and said this previously, but now have the last month's numbers as it relates to actual job loss, the 80,000 jobs that have been lost in our economy, and if you looked deeply, you would probably find some of those jobs are these energy-related jobs, where we have not given predictability to investors and, consequently, they are starting to cancel projects.

This Senator does not want to see the next quarter's numbers and see the greater job losses because Congress would not give predictability in the tax code. This is a time when our economy needs investment. It needs investment in those activities that are going to help consumers in the long run lower their energy costs, but, frankly, this is an investment we can make right now that will help our economy create much needed new jobs and investment.

What is our goal? I know many of my colleagues would say: Let's go back to the drawing board and see if we can find a pay-for way of doing this. I am sure this discussion is going to come up in the House of Representatives as well. But I remind my colleagues, we have tried that approach three times. We have tried that approach, and we have failed. The White House has issued veto threats every time we tried to pay for these measures. To now say we are going to revert back to that I think is going to leave in jeopardy the investment cycle for 2008 of that 100,000 jobs and $20 billion of investment.

A more positive way to proceed is to get this particular legislation passed and signed into law so we do not lose the investment in the jobs, we do not see a 77-percent plunge in the investment in wind like we did last time the PTC was allowed to expire. Or see a drop off in solar or renewables or efficiency and the other areas that are just starting to take off. Instead we should get this off the table, signed into law, and we have plenty of time later this year to talk about how we are going to make green energy tax credits a priority in our Nation's tax code so this industry can take off and continue to provide the certainty and predictability we need.

What I am saying is, we should not pin a gold medal on our chest for work we should have done in 2007 to give the market predictability on green energy tax credits. This work is actually late to the game. Let's finish it and be proud we did so in a bipartisan fashion to break the logjam, but now let's get on to the rest of the year in coming up with a funding source for what are predictable tax credits beyond the 2008 and 2009 time period that will really stimulate the millions of green-collar jobs America can have.

The urgency of this issue should not be underestimated. The opportunity for America to become a leader in green energy technology is at our doorstep today. But if the United States does not realize it needs to put its foot on the accelerator, then we are not doing our job in communicating the facts. The Europeans, the Chinese, and the rest of the world are going to move ahead in the manufacturing of green energy technology. The United States can be a leader in that new green-collar industry or it simply can be a marketplace for other countries' technology solutions.

This Senator wants the United States to be a green energy technology leader. I want us to be an exporter of the green energy technologies developed and manufactured here at home, creating jobs in the United States and leveraging the know-how we have in green energy technologies to provide much needed solutions around the globe.

To do that, the United States has to give predictability in our tax code. It has to recognize we are willing to turn our ship off the fossil fuel direction and on to green energy solutions that will help our economy, help our environment, and help shift the change we need in our foreign policy.

I hope my colleagues will take this vote on the Ensign amendment this morning with a lot of foresight into the debate that is going to continue to happen and to support the Ensign-Cantwell amendment, to sign onto the underlying bill to say it is time for us to move forward on this solution and to urge our House colleagues to work diligently to quickly put this legislation on the President's desk so we can get about the other vital energy tasks we must address.

There is much work to do, but let's vote today with enthusiasm that the United States is going to be more aggressive in turning to green energy solutions and to make the United States a leader in green energy technology.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Republican time be allocated to the following Senators for 5 minutes each: myself, Senator HATCH, Senator CORNYN, Senator KYL, Senator BROWNBACK, and Senator COBURN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. SPECTER. Mr. President, there is a strong sentiment in the Republican caucus that President Bush's nominees for judicial confirmation have not been fairly treated. We have not had a single confirmation of a Federal judge this year. I know we have some listed today, but up until this moment there has not been a single confirmation. There was no hearing for any circuit court nominee from September of last year until February 21 of this year, and only one circuit court nominee has had a hearing in over the past 6 months. This is totally unacceptable.

In the last 2 years of President Clinton's administration, 15 circuit judges and 54 district judges were confirmed; thus far in this Congress, only 6 of President Bush's circuit judges and 34 district judges have been confirmed. Even with confirmation of those on the list today, President Bush is far behind where President Clinton stood.

The Fourth Circuit is a judicial emergency. The nominations of Judge Conrad and Mr. Matthews are long overdue. Peter Keisler, a very distinguished nominee for the DC Circuit, has languished for an interminable period of time. There are not adequate reasons for failure to move the nominees in Maryland, New Jersey, and Rhode Island, and I am negotiating now with Senator CASEY on the pending nomination of Gene Pratter for the Third Circuit. Thomas Farr in North Carolina deserves confirmation to the district court, as does Davis Dugas in Louisiana, James Rogan in California, and William Powell in West Virginia.

So a number of Republican Senators will be coming to the floor today to protest what has been going on. I believe the Republican caucus is correct on this issue. I deviated from a Republican caucus position and voted to confirm qualified nominees of President Clinton, and I was prepared to stand up and to say that it is the constitutional prerogative of the President to nominate and the constitutional obligation of the Senate to consent or to dissent—to not consent—to nominees, but not to hold them in limbo and not to fail to have appropriate consideration of these judges.

There is a growing movement in the Republican caucus to hold up legislation if we cannot move in any other way to get justice on the confirmation of these judges. It is a time-honored practice in this body to put holds on legislation or holds on nominations or otherwise to delay legislation from being considered. I think that it is a very problematic tactic myself, but it is used frequently by the minority to get some action by the majority.

I think that it is only fair to note that in some quarters within the Republican caucus there is consideration at the present time to holding up the patent reform bill. Now, the patent reform bill is a very important piece of legislation—very important—to reform the patent laws and to protect intellectual property and to maintain American competitiveness—very important legislation. But the confirmation of Federal judges is also very important. Very important indeed.

Now, Senator LEAHY, Senator HATCH, and I have been engaged in very extensive discussions to try to come to agreement on the substance of a patent reform bill. We have had many conversations. Every day for the past many days—including yesterday—we have had several discussions between myself and Senator LEAHY, between myself and Senator HATCH, and yet we do not have it right, in my judgment. We are very close on a critical issue of inequitable conduct. We certainly have to stop the surge of litigation where there is no reasonable basis to do so, and I think the inequitable conduct provision, which I have been pressing for, is indispensable. Perhaps we have agreement there, but it may be conditioned on something else. The damage provision is not yet satisfactory, and I think we have to get it right even if it takes time.

Now, I am aware that the majority leader would like to move ahead with a bill, with a window which may be open in the immediate future. There is nothing to stop any other Senator from introducing the bill in its present form and to take it up and to take up the disagreements we have on damages, for example, and to vote on them. There is the issue of cloture on a motion to proceed, and I would not anticipate difficulty on that unless the Republican caucus moves ahead with a judgment that we are not going to permit the patent reform bill to move ahead, as a matter of leverage to get fair and equitable treatment on the judges. At this moment, I am not prepared to say where I would be on that issue. It would be my hope that we could work these matters out and that Senators could come to an agreement on these matters.

Mr. President, I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. I would hope that there could be agreement on the issue of judges, that we could find a way to deal with Peter Keisler, and that we could find a way to deal with the nominations of Judge Conrad and Mr. Matthews and others in the Fourth Circuit so that we do not have to resort to using leverage like withholding consent on other legislation, which would prevent moving ahead with cloture on a motion to proceed. I am available to discuss this with Members on the other side of the aisle.

So it is my hope that we will not tie up the patent bill, but that is a possibility if we can't find some equitable way to handle this judge issue. To repeat, I am available to discuss it with colleagues on both sides of the aisle to find some sensible way to deal with it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise this morning to join my colleagues because I share their concerns about the immediate need to schedule hearings and then up-or-down votes on 10 highly qualified judicial nominees currently pending before the Senate Judiciary Committee.

This immediate need for judicial confirmations is especially true in the U.S. Court of Appeals for the Fourth Circuit, which serves the residents of Virginia, Maryland, North Carolina, South Carolina, and West Virginia. As a matter of fact, there are currently 19 judicial emergencies across the United States, 9 including circuit court judicial emergencies, and it is imperative that the Senate do its duty to schedule hearings and then have votes on the nominees who have been sent over by the White House.

The Fourth Circuit is currently operating without a third of its judges. The Washington Post observed that:

> The Senate should act in good faith to fill vacancies, not as a favor to the President but out of respect for the residents, the businesses, defendants and victims of crime in the region the 4th Circuit covers.

I sincerely hope the distinguished chairman of the Judiciary Committee will work with Republican Members to remedy this unfortunate and untenable situation in the Fourth Circuit. Chairman LEAHY and I have a solid record of working together on a bipartisan basis on a variety of issues, ranging from open Government to public corruption, and I am hopeful we can add this to that list.

I am also grateful for his cooperation in dealing with two recent Fifth Circuit nominees. The latest of these Fifth Circuit nominees is Catharina Haynes, a distinguished member of the bar in Dallas, TX, and former State court judge. In February, the chairman held a hearing for Ms. Haynes. That hearing, by the way, was the first—and is still the only—circuit nominee hearing that has occurred since last September. Thus, the problem is painfully obvious. We need more hearings and more markups of nominees and more votes on the floor.

Later today, the Senate will vote on Ms. Haynes's nomination and, I hope, confirm her to the Federal bench. She is an outstanding circuit court nominee, well qualified in terms of her legal ability, her experience, and her judicial temperament. Her nomination has not been contentious or controversial. I am pleased our colleagues on the other side of the aisle have rejected manufactured criticism of her record and the calls from the hard-left interest groups to stop her nomination from moving forward. I can only assume that my Democratic colleagues see these charges for what they are: reckless smears.

I am hopeful we can persuade our Democratic colleagues to reject similarly spurious claims against the many well-qualified nominees who deserve to have hearings and who deserve up-or-down votes in committee and on the Senate floor.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, one of my colleagues was recently quoted as saying that facts are stubborn things.

The facts are that the majority has virtually shut down the judicial confirmation process.

Some say that the process always shuts down in a Presidential election year, so I checked every one since I was first elected.

By today, April 10, in each of those Presidential election years, the Judiciary Committee had held hearings for multiple appeals court nominees.

But this year, only one appeals court nominee has had a hearing, and there is not another one on the schedule.

The Judiciary Committee held no confirmation hearing at all last month, and last week's hearing was yet another one with no appeals court nominee.

The facts are just as stubborn when we look at the entire 110th Congress.

Since I was first elected, there have been seven Congresses like this one that included a Presidential election year.

During each of these Presidential election Congresses, the Judiciary Committee held hearings for an average of 25 appeals court nominees.

But today, more than 15 months into the 110th Congress, the Judiciary Committee has held a hearing for only five appeals court nominees.

This amounts to just one-fifth of the average for previous Presidential election seasons.

If the partisan roles were reversed and the pace of hearings for appeals court nominees had slowed to perhaps one-half or one-third of the historic average, I can guarantee you that my friends across the aisle would be down here raising the roof about how we were failing to do our confirmation duty.

In fact, when I chaired the Judiciary Committee under the previous President and the hearing pace was actually much faster than it is today, they did complain early, loudly, and often.

But the pace today is worse than one-half, worse than one-third, worse even than one-fourth of the historic average.

The current Judiciary Committee hearing pace for appeals court nominees is the worst in decades.

In fact, there is no current pace at all.

Or look at what is going on or I should say what is not going on, here on the Senate floor.

The current Judiciary Committee chairman in the past often insisted that 1992 provides the standard for judicial confirmation progress.

Like today, his party controlled the Senate and a President Bush was in the White House.

By this time that year, by April 10, 1992, the Senate had already confirmed 25 nominees to the Federal bench.

It does not look like the Senate will confirm 25 judicial nominees for the entire rest of the year.

This afternoon we will finally have the opportunity, the first opportunity of the year, to vote on a few nominees to the Federal bench.

The majority has stalled judicial confirmation votes longer this year than in any Presidential election year since 1848.

Yes, you heard me right.

This is the latest start to judicial confirmations of any Presidential election year in 160 years.

That was the century before last. That was before Utah even became a territory, let alone a State.

The last time the Senate waited this long in a Presidential election year to confirm Federal judges, James Polk, the 11th President, was in the White House.

What could possibly explain such abject confirmation failure?

I might have missed it, but I am not aware of any domestic armed conflict today that is disrupting the Senate's business.

Yet the Civil War did not stop the Senate in 1864 from confirming seven judges before April 10.

Senators today do not have to use horses or carriages or travel on dirt roads.

Yet slow, burdensome travel did not stop the Senate in 1884 from confirming five judges before April 10.

The Great Depression did not stop the Senate in 1932 from confirming 14 judges before April 10.

The possibility of the Senate majority party capturing the White House did not stop Republicans in 2000 from confirming seven judges, including five appeals court judges, before April 10.

Today is April 10, 2008, and we will not confirm a single nominee to the Federal bench until this afternoon and even this late start was noticed only yesterday.

Facts are indeed very stubborn things.

The majority has already virtually shut down the judicial confirmation process.

The Senate has not always operated this way.

The majority is refusing to do what the American people sent us here to do because—I guess, simply—they can.

That may be the reason, but it certainly is no excuse.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, in our country over the last couple of hundred years, you never know what party is going to control the Senate or the Presidency. As a result, in doing the people's business, both parties have operated somewhat by tradition with respect to the nomination and confirmation of judges. It is important because it happens that, more often than not, in the last 2 years of a Presidency the other party controls the Senate. That has been the case in the last three Presidencies, and this Presidency. In this case a Republican is the Chief Executive and the Democratic Party controls the Senate. That has been the tradition.

As a result, and since we do not know whether a Republican or a Democrat is going to be elected President next time or which party is going to control the Senate, it has been understood by both parties that you do not play politics when it comes to confirming judges because, while you may be able to stop the other party's President's nominations one time, they might be able to stop yours next time. Besides which, it is not good government. It is not doing the people's business. The President was elected fair and square. He has the right to submit judicial nominees and it is the Senate's obligation under the Constitution to act on those nominees.

That is why my colleagues and I have pointed out the historical record, that, for example, since the Reagan and Clinton and first Bush administrations, during the last 2 years of the administration, when the other party controlled the Senate, the average for confirmation of circuit nominees is 17. The last President was President Clinton, Republicans controlled the Senate, but we confirmed 15 of his nominees for circuit judge in his last 2 years.

If we were to do the same thing with regard to President Bush, we would have to confirm nine more circuit judges because there have only been six confirmed last year—none this year. The pace at which circuit judges are acted on ordinarily is a relatively slow pace. We would have to do two a month for the remaining time we are in session in order to achieve that. In fact, that would include the months of August and September, when we are not likely to be here in August and September is not likely to be a month where we would confirm judges. So we literally would have to confirm about three a month in order to achieve the same number as Clinton.

Why are those numbers important? Not just because it is what we should be doing. The President has made nominations. The Judicial Conference says many of these are judicial emergencies, meaning we have vacancies in the circuits that need to be filled because there are not enough judges to do the people's business. We should do it because we should do it; it is our responsibility. But even if you only look at it from a political standpoint, the reality is that if this tradition is broken—of 15, 16, 17 judges in the last 2 years of the administration—then clearly we are going to devolve into a situation where, for political purposes, the party in power decides not to support—not even to have votes on—the nominees of the President. That is very bad.

It is important that we maintain this tradition of doing at least 15—and we should do more than that—circuit judges in the last 2 years.

My colleagues have spoken to different judges. ARLEN SPECTER, the senior Senator from Pennsylvania, who is the ranking Republican on the Judiciary Committee, specifically mentioned Peter Keisler, who has been pending the longest. He has been pending for almost 2 years. In fact, he was nominated to the District of Columbia Circuit Court in June of 2006 and received a hearing in August of that year. He is widely regarded as well qualified, fair minded, and has received support from all over the political spectrum. He is a graduate magna cum laude from Yale University. He received his law degree from Yale Law School. He clerked for a judge on the DC Circuit and for a Justice in the U.S. Supreme Court. He served in the White House Counsel's Office, has been in private practice, joined the Justice Department where he was assistant attorney general for the civil division and was even Acting Attorney General during a brief time between the time that Judge Gonzales left the Attorney General's position and Judge Mukasey took his place.

The American Bar Association has rated him "unanimously well qualified." You cannot get a higher rating than that. The Washington Post—no particular friend of this administration—editorialized in favor of Keisler, describing him as a "highly qualified nominee" who "certainly warrants confirmation."

Keisler was also the subject of an editorial from the Los Angeles Times, which called him a "moderate conservative," and supported his nomination.

There have been some who say we should not fill the last seat on the DC Circuit because it doesn't have as many cases as other circuits. There was a point in time when that was true and I even noted that. But the reality is that today its caseload is increasing. It needs to be filled and Peter Keisler is one of the nominees who should be supported.

I urge my colleagues to find a way to hold the hearings and to bring these nominees to the floor so the Senate can do its business and act on the nominees of the President for the circuit courts.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I join my colleagues in saying that this is the time for us to move. I am delighted to see the majority leader and the majority whip here on the floor as well, to talk, because there is a practical effect of what is soon to take place around here if we don't start moving judges soon, and specifically circuit court judges. This is something

I don't want to see taking place, but I think you heard from the Senator from Pennsylvania—a respected, open-minded Member of this body—that if we do not start approving some circuit court judges in some significant numbers—I think my colleague from Arizona mentioned hitting some of the historic averages, or at least getting close to it—I think you are going to see people start to jam the body down and say that unless we start approving some circuit court judges, business is not going to happen around here.

I think people will understand why. Circuit court judges are positions that are significant, that are long lasting, that are needed, and yet nominees are not being approved. Why are they not being approved? We have qualified nominees who are in the queue who have been waiting for a long period of time. I have one to talk about here, Judge Robert Conrad in the Fourth Circuit. The seat to which he has been nominated is a judicial emergency. We have a third of the positions on the Fourth Circuit that are open. It is a judicial emergency. His nomination is supported by both home State Senators. They want this position. In North Carolina, Senator BURR and Senator DOLE both support this nominee. He is highly qualified. The ABA says this is a highly qualified nominee, meeting their highest standard of "unanimously well-qualified." This is an individual who has been previously approved by this body for a Federal judgeship, and has now been nominated to move from the Federal district court bench to the circuit court bench. It is a judicial emergency. Yet Judge Conrad's nomination languishes and has languished for over 250 days.

I think clearly what we are setting up right now is for not much to happen in the Senate. I think what you are going to see starting to take place—and we are serving notice here today, if we do not start moving these nominees at some regular pace—qualified people who fit the criteria, who should move on through, business is going to slow down in this body. It may come to a complete standstill if we do not start getting some judges.

We should not go that route. I urge my colleagues, I urge the chairman of the committee and the ranking member, to sit down and say: OK, what can we work out on circuit court judges? District court judges? What can we get worked out so the business of the Senate can move forward? Without that, things are going to slow down here. Things are not going to get done. It is going to be because we are not getting anywhere close to reasonable numbers of circuit court judges approved. I want to say that clearly. That is where this is all headed.

The majority party can choose to go that route. That is what is going to end up taking place. It is going to be about judges. We are going to have a big debate then across the country on that. Meanwhile, the whole Nation wants us to get work done and we are not getting it done because judges are not being approved.

I hope the majority party would sit up and say we are going to approve this many, that many, we are going to get these moving through in some reasonable fashion so the body can do its job. Judge Conrad is one of those who deserves a hearing. If there are challenges to him on the basis that we don't think he is qualified, we don't like what he said here or there—fine, hold a hearing so we can get those out in the air. Clearly, if we do not start moving some judges in reasonable numbers, you are going to start seeing this body start to not move much through, as we begin to protest not getting judges approved.

We should not go that route. I hope we do not have to.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have sat here and listened and I have some outline notes from which to speak, but I am not sure we should. The very thing we are talking about is what America wants to spit out, in terms of their elected representatives. The Senate has an obligation to offer advice and consent. There is no question judges are important. That is why you are here, seeing a demonstration from the minority today, of judicial committee members, because we know it is important. It is important across the country because making law from the bench is something that is the antithesis of what most freedom-loving Americans want. The idea that we want to have judges who know their role, know the role of interpreting law rather than making law, is something with which the vast majority of Americans agree.

But I am struck by the fact that gamesmanship is taking place—not just in terms of the majority but also the minority. We are in a game now. How do we move this? How do we leverage this? How do we force it?

My disheartenment comes from the fact—why are we here in the first place? Why did we get here, when we know what the role of the Senate is in terms of advice and consent.

My hope is we do not see a devolution to parliamentary maneuvering, to raise the issue above where it should be.

I am reminded of the fact that the majority had problems with four of President Bush's nominees, starting in January. He withdrew those. In a gesture of good will, he withdraw four nominees who were not—although they were well qualified, they were not acceptable to movement down the road. Now we have highly qualified judges in districts that are judicial emergencies that get actually slandered by the chairman of the committee about supposedly an anti-Catholic statement—when they are Catholic in their faith. So we offer criticism to somebody and never offer them a venue in which to defend themselves.

That is not what America expects of this body. That is not what it expects of the Judiciary Committee. My hope is the majority leader will say: There is a deal to be struck here. Let's do what we can so we don't spend our time on the business of creating wedge issues that don't further the best interests of this country. Give President Bush five or six more, seven or eight more district court nominees, all of which are qualified, bring them to the floor. Let's get it done so it doesn't interfere with other important work. It is time for the Senate to make good on promises. It is time for it to reciprocate for what President Bush did in terms of withdrawing the four nominations. My hope is we will think about what is in the best long-term interest of the country and not the next election.

I thank the Chair.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask if the distinguished Senator from Tennessee is ready to make his remarks, we should do it now. The two managers are not here, but I am sure they would not care. Then when you complete your remarks, we will go forward.

Mr. ALEXANDER. I am prepared to go ahead.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3221, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

Pending:

Dodd-Shelby amendment No. 4387, in the nature of a substitute.

Ensign amendment No. 4419 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

Alexander amendment No. 4429 (to amendment No. 4419), to provide a longer extension of the renewable energy production tax credit and to encourage all emerging renewable sources of electricity.

AMENDMENT NO. 4429

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to amendment No. 4429 offered by the Senator from Tennessee, Mr. ALEXANDER. The Senator from Tennessee and the Senator from Nevada, Mr. ENSIGN, each have 5 minutes for debate.

The Senator from Tennessee.

Mr. ALEXANDER. I ask that the Chair let me know when 2 minutes remain because Senator KYL may be back as a cosponsor.

Mr. President, I rise in favor of the Alexander-Kyl amendment No. 4429, which we hope is a helpful amendment to the Ensign-Cantwell amendment. Let me try to say this in two different ways. If you care about climate change, here is what our amendment will do. It will extend from 1 year to 2 the production tax credit for all qualified renewable sources of electricity. In other words, these emerging renewable energies, which have the capacity to work 24 hours a day, would have 2 years, as well as wind.

Second, it would mean that wind would not get all the money but that some others would have more time to respond to the incentives we are creating with these tax credits. Let me use a story to illustrate. Let's say a family has several children. One of them older. Dad calls a meeting and says: I have $3 billion extra, which is the amount of money we are talking about for the Ensign-Cantwell amendment. Let's give it to the overgrown son who is still living at home who has gotten most of the allowance money for the last 16 years. Let's give him another year. Mom, who is a little wiser, says: It is nice for you to want to give an allowance to the children, but what about all these other children—open-loop biomass and small irrigation power and landfill gas and trash combustion. Instead of giving all the money to the son living at home, let's give some to all the children, including the overgrown son. That is what we would do if we adopt the Alexander-Kyl amendment.

According to the Energy Information Administration, the production tax credit Senator ENSIGN wants to extend for a year, 97 percent of it went to wind in Fiscal Year 2007, which has gotten most of our renewable electricity tax credit money since 1992. So the Ensign-Cantwell amendment is being advertised as helping renewable energy. It adds another $3 billion over the next 10 years to the $11 billion we have already invested in wind and these other promising children. Wind only works when it wants to. These emerging technologies might work when they are told to. We would like to include them. Wind would still get more of the money than anybody else, but it would not get 97 percent. It would not get almost all of it.

There is another reason to favor the Alexander-Kyl amendment. That would be if you care about the spending of tax dollars. According to the Energy Information Administration, we spend 53 more times per megawatt hour on wind than we do on coal in subsidies, and coal provides half our electricity. We spend 94 more times on wind per hour than we do on natural gas which produces clean electricity; 15 times more on wind per megawatt hour than we do on nuclear; 26 more per megawatt hour than we do on biomass; 25 times more than we do on geothermal; 35 times more than we do on hydroelectric; 17 times more than we do on landfill gas. We spend 27 times more per megawatt hour to subsidize wind, a proven technology that only works when it wants to, than we do on all the other renewables, 27 to 1. That is not a wise use of tax dollars.

We urge support for the Alexander-Kyl amendment so these technologies, and wind as well, will have a 2-year extension of the tax credit instead of 1 and so all these promising children can help with climate change and clean air rather than giving all the money to one overgrown son who ought to be out on his own by now.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask the Chair to notify me when 2½ minutes remain. First, I'd like to thank Senator CANTWELL for her leadership in the last few weeks that we have worked together on drafting a bipartisan compromise making sure that we help renewable energy become more of the power supply to the United States. We all believe from an economic standpoint, that it will help create jobs and new technologies as well as help the economy not only now, but into the future. Renewable energy helps the environment. It is cleaner than fossil fuels and makes us less dependent on foreign sources of energy. A lot of the money we send overseas is to folks who are not exactly friendly to the United States.

The Ensign-Cantwell amendment is supported by a broad range of industries as well as environmental groups.

I ask unanimous consent that the following two letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, April 8, 2008.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, I urge you to support the Cantwell-Ensign Clean Energy Tax Stimulus amendment number 4419 to H.R. 3221, housing legislation currently being considered on the Senate floor. This amendment would, among other provisions, extend incentives for clean and renewable energy that are set to expire at the end of this year.

U.S. manufacturers, large and small, have a substantial concern for affordable domestic energy supplies and improved energy efficiency. As a key component to reducing energy demand, increasing energy efficiency will go a long way to lowering energy costs and increasing economic competitiveness. By promoting energy efficiency and the development of renewable and alternative energy sources, the package of incentives included in the Cantwell-Ensign amendment represents an important step in securing our nation's energy security without raising taxes.

The NAM's Key Vote Advisory Committee has indicated that votes on the amendment offered by Senators Maria Cantwell (D–WA) and John Ensign (R–NV) will be considered for designation as Key Manufacturing Votes in the NAM voting record for the 110th Congress. Eligibility for the NAM Award for Manufacturing Legislative Excellence will be based on a member's record on Key Manufacturing Votes.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President

AMERICAN CHEMISTRY COUNCIL,
Arlington, VA, April 4, 2008.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.
Hon. JOHN ENSIGN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL AND SENATOR ENSIGN: The American Chemistry Council wishes to convey its strong support for the "Clean Energy Tax Stimulus Act of 2008," (S. 2821), introduced yesterday by you and cosponsored by a large bipartisan group of Senators. The ACC has long advocated for a balanced portfolio of energy policies that advance energy efficiency, fuel diversity, and new supply sources. S. 2821, in its current form, contains a number of critical and cost effective energy efficiency and energy production incentives. We urge the Senate to take up the measure quickly and approve it without attaching any of the controversial "pay for" provisions that have prevented the passage of these beneficial incentives in the past.

The members of the ACC use natural energy resources to make the products that allow our customers to save energy. The products of chemistry go into energy-saving materials used throughout the economy, such as insulation, weatherization equipment, lightweight vehicle parts, lubricants, coatings, energy efficient appliances, solar parts and windmill blades. For example, the use of just one product, insulation in buildings, results in a net benefit to society of 40 BTUs of energy saved for every BTU used to produce the product. We applaud the provisions of the bill that would encourage the use of energy efficient products.

Similarly, we appreciate that this bill does not include provisions that would increase tax burden on the oil and gas industry, which is a key supplier to and a customer of the American chemical industry. As you know, worldwide demand for energy has pushed our industries power and feedstock prices to dangerously high levels. In the first half of the decade our fuel and feedstock costs have increased by more than $100 billion. Our global competitors do not face similar cost pressures. Our vital industry has lost $60 billion in business to overseas competitors and more than 110,000 high-paying jobs have disappeared. Additional taxes on the companies supplying these feedstocks will increase costs to our industry, result in high costs of our industry's inputs and make it more difficult to compete in the global market. You are to be commended for not linking discriminatory and damaging taxes to the very laudable energy efficiency and energy production policy objectives of the bill.

The American Chemistry Council urges the Senate to pass S. 2821, as it is a critical plank in a broader energy policy platform, and for you to strenuously resist including tax increases that constrain the supply of feedstocks that the industry needs to competitively make our energy efficiency products.

Sincerely,

JACK N. GERARD,
President and CEO.

Mr. ENSIGN. It is supported by everybody from the U.S. Chamber of Commerce, the National Association of Manufacturers, the Real Estate Roundtable, the American Chemistry Council, the Sierra Club, the National Resources Defense Council, as well as hundreds of other businesses and organizations.

This, however, is a delicate compromise. Three times in the past there have been attempts to pass a renewable energy bill. They have all failed. This is our chance to actually pass something that can be signed into law. Unfortunately, the Alexander amendment would break the delicate balance. We need to defeat the Alexander amendment and pass the Ensign-Cantwell amendment if we truly want to encourage renewables into the marketplace in a much larger way in the United States. It is good for the country, good for the environment, and good for the economy.

I urge a defeat of the Alexander amendment and adoption of the Ensign-Cantwell amendment.

I yield the remainder of my time to Senator CANTWELL.

Ms. CANTWELL. How much time remains?

The ACTING PRESIDENT pro tempore. There is 2½ minutes.

Ms. CANTWELL. Mr. President, I rise in opposition to the Alexander amendment. Along with my colleague from Nevada, we reached a very delicate balance to get this legislation where it is today. I would hate to see that balance disturbed by the proposal the Senator from Tennessee is offering about wind. The reality is our nation is still only producing a small percentage of renewable energy, and we could produce much more. To curtail investment in one of the most promising renewable technologies at this point would be premature. We have to realize what we are trying to do is create continued incentives not just for the long-term, and this legislation is aimed at saving this year's investment cycle. If the Senator from Tennessee wants to have a discussion later about long-term clean energy investments and what that horizon should be, this Senator is more than happy to talk to him about that. But this amendment before us is about the near term.

The bottom line is that we are trying to do is create stimulus for this year, we are trying to save the investment in the production tax credits, the investment tax credits, and efficiency tax credits. For example, PG&E has proposed purchasing 553 megawatts of power, which is the size of a typical natural gas or coal plant, from a concentrating solar facility in the Mojave Desert. If we don't pass this legislation, we are going to lose about $1.5 to $2 billion in investment and a big opportunity to increase the tax base of San Bernardino County, CA.

Another example, Butte, MT, has one of the largest polysilicon plants in the world, producing feedstock material for solar panels. Expansion of this plant, an investment over $1 billion, is on hold because we haven't given predictability in the tax code.

Passing this amendment will also give consumers efficiency credits of up to $500. Using that credit on insulation for example could save homeowners over 20 percent on their annual heating and cooling bills. The production tax credits in the underlying Ensign amendment, not the Alexander amendment, as a result in the next 3 to 5 years, we will have enough green renewable power to power 35 cities the size of Seattle. If we agree to the Ensign amendment instead of the Alexander amendment, with the investment tax credit, it will build enough solar power, and 1.1 million homes could instead have the power of solar and more renewable green energy. I encourage my colleagues to turn down the Alexander amendment and vote for the Ensign amendment.

Mr. BYRD. Mr. President, it has been written that King of England Edward I—known as the "Hammer of the Scots"—once tried to prohibit London's burning of coal. He is said to have proclaimed, "Be it known to all within the sound of my voice, whoever shall be found guilty of burning coal shall suffer the loss of his head."

Coal has always had its critics. Despite them, coal has not only endured, it has prevailed. It fueled America's Industrial Revolution in the 19th century. It fueled America's naval battleships in the early 20th century. It possesses the bright potential to help America get out from under the thumb of foreign oil-wielding despots in the 21st century.

The coal industry has evolved in the last centuries, shaped by safety and environmental critiques. It has professed a willingness to evolve further. But the harsh attacks and efforts to demonize coal on the campaign trail are becoming increasingly irresponsible and inflammatory, and destructive. Coal miners hear these comments, and what are they to think? They are patriotic Americans. They risk their lives every day underground. They reside in the coalfields, where they live honest, modest lives, and where they attend church and teach their children solid values. And they vote. The last thing they deserve is to have their profession—or to have their father's profession—demonized.

These kinds of comments are counterproductive to the challenges that lie in front of us. If our Nation is to regain its independence from foreign oil, we must rely on coal. There is no getting around that reality.

Coal produces half of the electricity consumed by the American people. It is a cheap, abundant resource in a time when the American people demand stable, reliable energy prices. The U.S. military is already making long-term investments in liquid-coal technology. The chunk of rock that once burned in a stove will soon be widely used in fuel tanks of aircrafts, cars, trucks, and buses, and just about anything else we need it for. Coal will be around for a long, long time.

I support a broad energy portfolio. Renewable energies have their place in that portfolio, but they are not a panacea. Certainly one renewable energy alone, like wind, will not guarantee our Nation's energy independence. We need to expand our use of other renewable and alternative fuels. Solar is important, geothermal is showing promise, tidal has great possibilities, and biomass—particularly when combined with coal to help immediately reduce emissions that concern us all—is certainly a fuel worth investing in.

It is clear to me that the intent of the Ensign/Cantwell amendment is good, but the benefit of the Alexander amendment is greater. And so I will cast my vote with those who seek a broader investment in renewable energies that is also grounded in the realities of the continuing promise of coal.

Mr. DODD. Mr. President, I rise today to discuss the Ensign-Cantwell amendment to the housing bill. This amendment extends expiring tax credits for renewable energy production and development and tax credits for energy efficient homes and buildings.

Let me be perfectly clear. I fully support extending these tax credits. I voted for them last December when we tried to attach them to the Energy bill. I supported them again when we considered the economic stimulus package in February. I am in fact an original cosponsor of the freestanding legislation this amendment is based on. I have long argued that we have a responsibility to put our nation on a path toward energy independence. In addition to making us better stewards of the environment, this is also vitally important to protecting our national security by reducing our dependence on foreign fossil fuels. Done responsibly, it can also spur economic growth and create tens of thousands of new good-paying green collar jobs.

However, I felt compelled to oppose the Ensign-Cantwell proposal as an amendment to the housing bill. In my view, however, the housing bill simply was the wrong legislative vehicle for this initiative. As I have said many times, nearly 8,000 people every day are facing foreclosure—8,000 people every single day are losing their homes and must cope with uncertain and difficult financial futures for themselves and their families. Working this week with Senator SHELBY, the majority and minority leaders, and others, I felt it my responsibility to shepherd through a basic set of policies that will help mitigate this housing crisis. This bill did clearly not include everything I would have liked, but it provides a critical first step, and it was imperative in my view that we act quickly to stem this national housing crisis without being sidelined by other matters, regardless of their merit.

I wish to thank my colleagues Senator CANTWELL and Senator ENSIGN for their commitment to clean, renewable energy and their leadership on the issue. For the reasons I have given, I wish this proposal could have been advanced differently. However, I remain committed to working with them and all the Members of this body to achieve the goal of energy independence.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee has 55 seconds.

Mr. ALEXANDER. Mr. President, let me emphasize this point. No. 1, the Alexander-Kyl amendment has more certainty. It extends the production tax credit from 1 year to 2 for all these. Second, the distinguished Senator from Washington mentioned solar power. Solar asked to be out of the production tax credit 3 years ago because all the money in the production tax credit was going to wind. In the Energy Policy Act of 2005, I was the lead sponsor of the amendment adding the investment tax credit for solar power. No one loses under the Alexander amendment No. 4429, except wind is treated similar to everybody else. It gets 1 cent per kilowatt hour. That means it will still get more of the money than anybody in the production tax credit. But open-loop biomass, all these emerging renewable technologies will suddenly have a fighting chance to get some of the money that since 1992 has almost all gone to one proven technology. That is not a wise use of taxpayer dollars. It is not a good use of funds to continue to over subsidize wind, which is now a mature energy technology. Two years instead of one is a vote yes.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ENSIGN. I ask unanimous consent for the yeas and nays on both the Ensign and Alexander amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be and is a sufficient second.

The yeas and nays are ordered on both amendments.

The Senator from Washington.

Ms. CANTWELL. I ask unanimous consent that in any sequence of votes after the first vote, the time be limited to 10 minutes each and that prior to each vote, there be 2 minutes of debate available, equally divided and controlled in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the amendment No. 4429.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "nay."

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 79, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—15

Alexander
Bennett
Bunning
Byrd
Chambliss
Cochran
Gregg
Isakson
Kyl
McConnell
Sessions
Shelby
Vitter
Voinovich
Wicker

NAYS—79

Akaka
Allard
Barrasso
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Cantwell
Cardin
Carper
Casey
Coburn
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Warner
Webb
Whitehouse
Wyden

NOT VOTING—6

Clinton
Dole
Harkin
McCain
Menendez
Obama

The amendment (No. 4429) was rejected.

Ms. CANTWELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to Ensign amendment No. 4419.

There are 2 minutes for debate equally divided. Who seeks time?

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, just very briefly, this is our chance, a bipartisan chance, to have renewable energy in this country in a big way. It will preserve over 100,000 jobs in the United States. Let's help us become less dependent on foreign energy. Let's help the environment in the United States. I encourage all Members to vote aye.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN: I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—88

Akaka
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Cantwell
Cardin
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—8

Alexander
Bunning
Byrd
Carper
Dodd
Kyl
Sessions
Voinovich

NOT VOTING—4

Clinton
Dole
McCain
Obama

The amendment (No. 4419) was agreed to.

FIRST-TIME HOMEBUYERS' TAX CREDIT

Mr. CARDIN. Mr. President, in a short while, the Senate will be voting to approve H.R. 3221, the Foreclosure Prevention Act. It is a good bill with some good provisions; namely, $10 billion for mortgage revenue bonds, $4 billion for community development block grants, and $200 million for foreclosure prevention counseling. I regret, however, that we missed two opportunities to make it even better. The first missed opportunity was our failure to adopt Senator DURBIN's provision regarding bankruptcy. I am still mystified why a bankruptcy judge can reduce the principal or modify the mortgage loan terms on a vacation home but not on a primary residence. The second missed opportunity, in my estimation, was our inability to adopt an amendment Senator ENSIGN and I offered to establish a $7,000 nonrefundable tax credit for first-time homebuyers. I regret that the Parliamentarian ruled our amendment out of order and we never had a chance to vote on it.

The amendment Senator ENSIGN and I offered was timely, targeted, and temporary: eligibility for the credit would be phased out for single filers whose adjusted gross income, AGI, is between $70,000 and $90,000; for married couples filing a joint return, eligibility for the credit would be phased out if their AGI is between $110,000 and $130,000. These phase-out levels are identical to the phase-out levels contained in the District of Columbia's first-time homebuyers' tax credit. The credit would be available only for the purchase of a primary residence made within 1 year of the date of enactment.

We need to encourage prospective buyers to get off the sidelines and back into the market. An important segment of that population—39 percent nationwide—consists of first-time homebuyers. Recently, first-time homebuyers have accounted for 65 to 67 percent of sales in Baltimore.

The District of Columbia had a similar tax credit and it worked. Through the end of last year, first-time homebuyers who purchased a home in the District were eligible for a $5,000 tax credit. The credit helped 3,000 to 4,000 people become home owners each year, and it boosted buyers' interest in neighborhoods where home ownership rates lagged.

I think this amendment, if adopted, would have made a good bill better. I hope the House will incorporate a first-time homebuyers' tax credit provision in its version of this bill.

Mr. ENSIGN. I would like to associate myself with the remarks from the junior Senator from Maryland regarding the Cardin-Ensign first-time homebuyers' tax credit amendment. We worked together as members of the House Ways & Means Committee and I was pleased to be able to work with him again on this amendment here in the Senate. The foreclosure problem is particularly acute in Nevada; in fact, we have the highest rate of foreclosures in the Nation. Last year, according to RealtyTrac.com, we had 66,316 foreclosure filings—a 215 percent increase over 2006 and a 760-percent increase over 2005. We have nearly 35,000 properties in foreclosure, which is 3.4 percent of all households. This tidal wave of economic misfortune is swamping the housing market in my home State. The amendment Senator CARDIN and I offered would have helped to stabilize the market and I am disappointed that the Senate didn't have a chance to vote on it.

Mr. BAUCUS. I would say to my colleagues from Maryland and Nevada that I, too, think that in the current economy, a temporary tax credit is a meritorious idea. I commend the Senators for working so hard on their amendment and I can understand their disappointment. It appears that, yesterday, the Ways and Means Committee adopted a credit more along the lines the Senators have proposed. I look forward to working with the House in a conference to craft a homebuyer tax credit that will help the housing market recover. There are many things we can and should do to help homeowners and a targeted, temporary homebuyer credit is one of them.

Mr. CARDIN. Mr. President, I would like to thank the chairman of the Senate Finance Committee for his remarks, which I find encouraging. I look forward to working with him and with my colleague from Nevada on this matter.

• Mr. McCAIN. Mr. President, there is a justifiable feeling of anger and worry across America today regarding the ongoing housing crisis. Millions of Americans are currently bearing a heavy burden to keep their family homes and desperate for relief. The clamor for the Federal Government to act quickly has been heard by the Senate and we are now set to vote on a bipartisan package that will offer some assistance to suffering homeowners.

Without action, the pain of the foreclosure crisis will not only be felt by the millions of American families who stand to lose their homes but by all Americans. Congress must confront this reality and pass legislation that has three key components: it is temporary in nature, has an immediate goal of helping cash-strapped but credit-worthy home owners stay in their homes, and prevents a mortgage crisis from happening again.

The bill before the Senate is not perfect, but it does contain several provisions that I support and believe can help our housing market—for both mortgage borrowers and lenders—now and in the future. It is important to avoid situations in which homeowners owe more money than their home is worth. Unfortunately, that has become too common a scenario in part because many homeowners never had much equity in their home to begin with. This bill contains a provision that would ensure homeowners avoid this situation by requiring a modest increase in the downpayment necessary for Federal Housing Administration-insured mortgages. This legislation can also offer some relief to borrowers by increasing the amount of FHA-insured loans, which typically carry lower interest rates. Additionally, it is also vital to have well-informed borrowers who understand the terms and obligations in a mortgage agreement and provide lenders with accurate and easily understood financial information. The bill expands the early disclosures requirements under the Truth In Lending Act and requires a new disclosure informing borrowers of the maximum monthly payments possible under their loans. While these provisions should help bring about some relief, I do not think we should kid ourselves into believing that this bill is the panacea for our housing crisis.

I am supporting this bill and thank its bipartisan sponsors. However, I do want the record to be clear that I remain concerned over the inclusion of several provisions that do not adhere to my principles for mortgage relief and question the effectiveness of these provisions in delivering needed assistance to home owners. Mr. President, again, I thank those who have worked so hard on this measure on both sides of the aisle, and I look forward to acting on this important subject.●

Mr. KOHL. Mr. President, today the Senate threw a lifeline to homeowners facing the specter of foreclosure. This legislation includes valuable resources for communities, homeowners, and industry to combat the downturn in the housing market.

In my home State of Wisconsin, foreclosures have risen at an alarming rate. Compared to last year, foreclosures have increased by 145 percent. Many of these foreclosed properties were connected with subprime loans with adjusting interest rates. A combination of lax lending standards and the creation of exotic financial products gave lenders the ability to offer people who would not qualify before the chance to own a home. However, there was little concern on whether or not the person or family would be able to sustain home ownership. Because of the irresponsibility of some lenders, families across the country have lost their homes and more are soon to follow if help does not come.

One of the provisions included in the Foreclosure Prevention Act increases funds for housing counseling services. These nonprofit housing counseling agencies help homeowners connect to their lenders and renegotiate terms that will allow them to keep their homes. The money is estimated to help close to 500,000 families stay in their homes. Another very important provision provides $4 billion in community development block grant for communities to purchase and redevelop foreclosed-upon properties. This will enable localities to purchase unoccupied properties which drag down neighboring home prices and are easy targets for criminal activity. By rehabilitating these blights, communities will be able to prevent further loss of property value while at the same time providing affordable housing units. Other important provisions include providing a temporary tax refund to help struggling businesses stay afloat and including reforms to the Federal Housing Administration to make it easier for low- and moderate-income families utilize the home ownership programs.

The housing crisis has shed light on the complexity and problems in our Nation's lending system. Many homeowners were rushed through the process without truly understanding the terms and conditions of their loans. The Foreclosure Prevention Act will amend the Truth in Lending Act to require lenders to fully disclose the terms and conditions of the loan and to provide the home buyer with the maximum loan payment they will have to make. This simple change will enable future home buyers to make informed decisions regarding their mortgage and enable them to plan accordingly.

While this bill is not the final answer to the housing crisis, it is a step in the right direction. There are still many issues that need to be resolved in order to avoid a similar housing and economic downturn. We must consider revising lending standards to protect future home buyers, increasing our affordable rental housing stock and ensuring we create sound fiscal policies that promote the economic well-being of each and every American.

Mr. WARNER. Mr. President, I wish to speak about the legislation currently before the Senate. The Foreclosure Prevention Act of 2008 seeks to provide assistance to families and businesses adversely affected by the decline of the values of real estate.

While I support many of the worthy initiatives in this bill, such as the Federal Housing Authority modernization provisions and other resources to assist communities devastated by foreclosures, there are several provisions that cause me to withhold my support at this time. I note that the bill will go to a conference committee with the House of Representatives, and subsequent to their work, I will revisit this legislation.

America, our Republic, rests on basic and time tested principles. Among them is our free enterprise system. The foundation of this system must not be unduly influenced from excessive government interference.

Again, while this legislation contains a number of worthy initiatives, respectfully, in my view, this legislation as a whole overreaches and fails this basic test.

Mr. FEINGOLD. Mr. President, I support the Foreclosure Prevention Act of 2008 because it provides targeted relief to homeowners facing foreclosure and communities dealing with the negative effects of increasing numbers of foreclosures. Unfortunately, this bill also includes provisions that would not provide assistance to those most in need and it is my hope that those provisions will be modified or removed during the conference process. While I have reservations about some of the provisions in this bill, on balance, the legislation takes a step towards addressing some of the problems in the housing industry by increasing mortgage disclosures provided to borrowers and providing more housing counseling to homeowners facing foreclosure. I hope as Congress moves forward on this bill and other related housing measures we make sure that the legislation is crafted to help those most in need.

It is estimated that at least 2 million Americans may face foreclosure on their homes in the coming months and years, which will not only have a devastating impact for those individual families, but will also have significant negative impact on the communities in which those homes are located. Various cities report that increased numbers of foreclosures and the concentration of foreclosures in certain neighborhoods can lead to increased instances of vandalism, crime, and theft. We need to act now to provide assistance that will help keep American families in their homes both for the good of those families and also for the good of whole neighborhoods.

While Wisconsin has not been as hard hit as other regions of the country, foreclosures are in the rise in the state and a number of Wisconsinites have told me about their concerns about the effects of rising number of foreclosures on communities around the state. I have heard from local government officials who are concerned about holding lenders accountable for maintaining abandoned homes and ensuring the abandoned homes do not fall into disrepair. I have heard from housing advocates concerned about borrowers who may have been misled into taking out a subprime loan and now face the prospect of losing their homes. And I have heard from dedicated lawyers and counselors who are trying to provide counseling and other services in order to help individual and families through these tough times.

If these personal stories are not enough to urge us to act, available foreclosure data should also move us to take steps to address the rising number of foreclosures around our country. One report, by the Center for Responsible Lending, looks at the effects of subprime loans issued in 2005 and 2006 throughout the Nation, including in Wisconsin. According to the center's analysis, there were over 60,000 subprime loans issued in 2005 and 2006 in Wisconsin and close to 12,000 of these homes financed by a subprime loan during those years may be foreclosed upon. Additionally, the foreclosures from these subprime loans may result in over 550,000 surrounding homes in my State of Wisconsin experiencing a decline in their value. These statistics are alarming and unfortunately are replicated in States around the country.

This bill does take some good steps towards trying to address the rising number of foreclosures around the country. I am pleased that this bill includes an additional $150 million in housing counseling funds for 2008 and $30 million to provide legal services to homeowners dealing with the possible foreclosure of their homes. These funds are to be used to assist families facing foreclosure reach agreements with their lenders so that they can remain in their homes while also making reasonable payments on the amount owed on the home. Congress appropriated funding for counseling services as part of the fiscal year 2008 omnibus appropriations bill and reports indicate that these funds are a cost-effective use of Federal resources. I am disappointed that the Senate did not provide the full $200 million in housing counseling funds that was included in the original bill introduced by Senator REID in February. I am hopeful that we can continue to look for fiscally responsible ways to increase access to foreclosure counseling services in the coming months in order to assist more families in their attempts to restructure payments.

I was also pleased to support the increased Community Development Block Grant, CDBG, funds that were included in the Foreclosure Prevention Act. CDBG is an immensely popular Federal program that provides a flexible source of funding for States and local governments to address the unique problems facing their communities. States and localities will be able to use these CDBG funds for a variety of purposes including: establishing methods to purchase foreclosed homes, rehabbing these homes in order to sell or rent them out, and demolishing foreclosed homes that are contributing to neighborhood blight. The increased number of foreclosures is impacting States and local communities in unique ways, and providing flexibility in the use of these CDBG funds is essential to help communities make the best possible use of this money. I was particularly pleased that the negotiators of this bill agreed to require that 25 percent of the CDBG funds provided in this bill be used to redevelop foreclosed homes for families or individuals whose income is at 50 percent of the area median income or less. While this targeting could be even stronger, it will help ensure that the Americans most in need are not left out of the Federal assistance provided in this legislation.

The additional mortgage disclosures included in this package will do much to help ensure that future borrowers, whether taking out a first mortgage or refinancing their existing mortgages, better know the terms of the mortgages and how much they can expect to pay every month. While it is true that some borrowers fully knew that they were getting in over their heads when they took out mortgages, other borrowers did not understand the terms of their loans or were misled by lenders. The changes that this legislation makes to the Truth in Lending Act, TILA, will help to prevent some of the egregious lending practices that have gone on in the past from occurring again. While this provision is a good step forward, much more needs to be done to rein in predatory lending. I hope that the Senate can move quickly on comprehensive predatory lending legislation this year.

Unfortunately, there were some tax provisions included in this legislation that will not directly help families and individuals facing foreclosure on their homes. I am particularly disappointed that the single largest provision in the bill is a tax break that bails out some of those businesses whose actions helped aggravate the housing crisis.

I was also disappointed that the Senate voted to table the Durbin amendment which would have removed a provision in bankruptcy law that prevents mortgages on primary residences from being modified during bankruptcy. According to advocates, the Durbin amendment could have helped approximately 600,000 individuals or families remain in their homes. It is the single most effective thing that could be done to reduce foreclosures. Unfortunately, this amendment faced stiff resistance in the lending community, even though mortgages on vacation homes and luxury items such as yachts can be modified in bankruptcy under current law. Senator DURBIN even worked to narrow the amendment to address some of the lenders' concerns. Even after these reasonable modifications, the lending community remained opposed to the amendment, and the Senate bowed to this opposition. That is unfortunate. The Durbin amendment was a measured response targeted at homeowners facing extreme hardship. I voted for Senator DURBIN's stand-alone legislation on this last week in the Judiciary Committee, and I hope the Senate can move this proposal forward in the coming weeks and months.

With respect to the renewable energy amendment offered by Senators ENSIGN and CANTWELL, while I continue to support extending critical renewable energy tax provisions, I am disappointed that this amendment was not offset. I also oppose the amendment's section 105 language. It unfortunately does not reflect the latest compromise reached within both the House and Senate as reflected in H.R. 6, which passed the House on December 2, 2007; S. Amdt 3841, which I supported on December 13, 2007; and H.R. 5351. I am pleased, however, that Senator CANTWELL has committed to working with me to ensure this provision is fixed to correct its overly broad definition, which poses a unique but serious threat to Wisconsin. Unless modified, the bill's language could have the unintended consequence of penalizing Wisconsin, which has a unique, State-mandated independent transmission model, by incentivizing its existing independent transmission company to sell assets to another independent transmission company. The provision is intended to only apply to vertically integrated utilities and I am pleased by my colleagues' willingness to work with me and Senator KOHL to preserve this intent.

I have reservations about some of the provisions in this bill, but I will support the final bill because the bill does provide some important assistance to individuals and communities and it is important that we get the CDBG and housing counseling funds to States and local communities as soon as possible. The high number of foreclosures around our country has caused much suffering among individual homeowners and throughout local communities and we need to take action now to help these homeowners and communities rebuild their lives and neighborhoods. I hope that this bill can be improved during conference negotiations and that Congress will address the unresolved housing issues we face, including the need for stronger predatory lending laws and the need for more affordable housing for low income Americans. The problems in the housing industry and their broader impact on the Nation's economy are serious issues that will require the involvement of all levels of government as well as both private and nonprofit organizations. This bill represents a step forward in those efforts, but much more remains to be done.

Mr. AKAKA. Mr. President, I support the Foreclosure Prevention Act of 2008. I thank Chairman DODD and Ranking Member SHELBY for their work to develop a meaningful bill to help address the housing crisis in our country. Too many working families are losing their homes, credit access has been significantly reduced, and our economy has slowed. This act will help alleviate the challenges faced by homeowners.

Hawaii's foreclosure rate increased by more than 88 percent last year, for a total of 1,270 families who had their homes foreclosed. The loss of a family home can be financially and emotionally devastating. Compared with other States, Hawaii has not suffered as much during this housing crisis. However, foreclosure statistics do not reflect the many families who are having difficulties making mortgage payments after their adjustable interest rate mortgage reset or having to sell at a significant loss due to an unexpected transfer or a loss of a job.

This much needed bipartisan legislation will help protect homeowners across the country, prevent foreclosures, and assist our Nation's veterans. This legislation will modernize and improve the Federal Housing Administration, FHA, to provide homeowners with additional access to fixed rate mortgages. Additional resources will be provided by this bill for housing counseling to assist homeowners in finding solutions to their difficult situations. In addition, mortgage disclosures will be made more meaningful to consumers by this bill.

I also appreciate the inclusion of a provision that is derived from legislation that I introduced last month, S. 2768. That legislation would correct an oversight in the Economic Stimulus Act and extend the temporary home loan guaranty increase to veterans so that more of them can realize the dream of home ownership.

The VA Home Loan Guaranty was part of the original GI bill in 1944. It was signed into law by President Franklin D. Roosevelt and provided veterans with a federally guaranteed home loan with no down payment. So as World War II was ending, landmark legislation made the dream of home ownership a reality for millions of returning veterans. Today, more than 25 million veterans and servicemembers are eligible for VA home loan guarantees.

The amount of the home loan guaranty was last adjusted by the Veterans Benefits Act of 2004. The maximum guaranty amount was increased to 25 percent of the Freddie Mac conforming loan limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved. Using that formula, since the Freddie Mac conforming loan limit for a single family residence in 2008 is $417,000, VA will guarantee a veteran's loan up to $104,250, or 25 percent of the Freddie Mac limit. This guaranty exempts homeowners from having to make a down payment or secure private mortgage insurance.

The newly enacted Economic Stimulus Act of 2008, however, temporarily reset the Fannie Mae, Freddie Mac, and FHA home loan guarantee limits to 125 percent of metropolitan-area median home prices, without reference to the VA home loan program. This had the effect of raising the Fannie Mae and Freddie Mac limits to nearly $730,000 in the highest cost areas, while leaving the VA limit of $417,000 in place.

I urge all of my colleagues to support this measure so that this important group of Americans may benefit from an increased home loan guaranty in this time of economic uncertainty.

This legislation would also increase benefits for specially adapted housing for disabled veterans. This legislation would authorize VA to pay an additional $10,000 to those eligible for assistance pursuant to section 2101(a), title 38, United States Code, increasing the total amount of funds available per grant to $60,000. Individuals eligible for assistance pursuant to section 2101(b) would be able to receive an additional $2,000 in assistance, increasing the total amount of funds available per grant to $12,000.

Increases in housing and home adaptation grants have been infrequent, despite the fact that real estate and construction costs are continually on the rise. Unless the amounts of the grants are adjusted, inflation erodes the value and effectiveness of these benefits, making it more difficult for beneficiaries to afford the accommodations they need. This provision would go a long way in making certain that specially adapted housing benefits meet the current needs of America's veterans.

We must enact this legislation quickly to help homeowners remain in their homes, stabilize the economy, and provide much needed improvements to veterans' housing benefits.

Mr. LEVIN. Mr. President, the progress this bill represents is overdue. The foreclosure crisis is dire, and there is much still to be done. But this bill offers some immediate help.

Over the past few months, I have hosted a series of roundtable meetings in Michigan communities with leaders from local and State government, as well as organizations that are in the trenches working with families facing foreclosure, to discuss practical ways to help homeowners and protect our economy from further damage. When I have asked for their feedback on this bill, they think it would help address a number of the problems they highlighted.

Across Michigan, communities would like to rehabilitate abandoned and foreclosed properties so that surrounding property values do not continue to fall. But currently there are not funds to meet the growing demand. This bill provides Federal block grants to areas with the highest foreclosure rates and filings to help rehabilitate abandoned or foreclosed properties and prevent further damage to local housing values and neighborhoods. In addition, taxpayers who purchase a home that has been foreclosed upon will be eligible for a tax credit.

This bill also provides funding for much needed pre-foreclosure counseling. I am encouraged by the good work currently being done by many counseling organizations who are trying to help families avoid foreclosure. But across Michigan, foreclosure prevention counselors are overwhelmed, and a lack of funds is tying the hands of local groups trying to help keep families on track.

This bill also helps address the critical need for more affordable loans to help families refinance and stay in their current homes. States are authorized to issue new tax-exempt bonds to help homeowners refinance adjustable rate mortgages. Providing refinancing options for homeowners in potentially solvent situations is an important component in the effort to reverse the current tide of foreclosures.

Ending the foreclosure crisis will require a team effort among Federal, State, and local governments, community and neighborhood organizations, and lenders, brokers, and borrowers. This bill recognizes that fact. It provides an opportunity to help keep struggling families in their homes. It provides an opportunity to help restore our housing markets by keeping declining property values stable. It will protect neighborhoods from a glut of vacant homes. There is much more we need to do, but this bill represents a long overdue start. I am hopeful that an even stronger version will return quickly to the Senate from a House/Senate conference committee so we can get much-needed help to people in Michigan as soon as possible.

Mr. BAUCUS. Mr. President, I am proud to have worked with my colleague CHUCK GRASSLEY on the important tax relief measures in this bill. They will help homeowners, homebuyers, and homebuilders. And I urge my colleagues to support them.

The tax provisions in the bill come to a little over $10 billion over 10 years.

The bill creates a standard property tax deduction for homeowners who do not itemize their Federal taxes. And that deduction will help low- and middle-income homeowners to afford to keep their homes.

The bill increases funding for mortgage revenue bonds. And those bonds will help homeowners and homebuyers to obtain affordable loans.

The bill provides a substantial credit to buyers of foreclosed homes. And that credit will help to stabilize local markets and restore property values.

The bill allows companies losing money—and laying off employees—to write off current losses and bolster struggling operations. And that ability to carry over losses will help struggling companies to keep workers on the payroll.

There is no magic solution to this housing crisis. This bill is just plain responsible policy. It addresses a lot of irresponsible actions that led to serious trouble for many Americans and for our economy.

To respond to this crisis, Senator GRASSLEY and I crafted provisions that support American families and American workers. These folks deserve to keep their homes. And they deserve to keep their jobs.

This bill will put real money in their pockets. It will do so through tax relief. And it will do so through continued paychecks from companies that use the tax relief in the bill to survive.

I urge my colleagues to support this bill. Let's send it to the House. Let's send its tax relief to American homeowners, homebuyers, and homebuilders. And let's speed this help to American families and American workers.

Mr. REID. Mr. President, the U.S. Senate will soon have the opportunity to vote for legislation that will help lift struggling homeowners, neighborhoods and our economy.

This bipartisan housing bill—forged through compromise and cooperation on the part of Senator DODD, Senator SHELBY and others, is not perfect.

It is not a magic bullet that will solve the problem. Either coauthor would be the first to say that. But it is an important step.

Experts now predict 3 million foreclosures in the next 2 years. Another 45 million homeowners will experience reduced value in their homes as a result of these foreclosures.

Nevadans are facing the fallout of this crisis more than any other state.

In February alone, one out of every 165 homes was in foreclosure. That is the highest rate in America.

Nevada's economy is suffering, just as it is throughout America, and this bill will help begin to turn things around.

If passed into law, the housing bill now before us would improve the prospects and options for families and communities all across our country.

During our country's last great banking crisis in the 1930s, the Federal Housing Administration, FHA, was created to stabilize the economy and help Americans secure the benefits of homeownership.

Over the past three quarters of a century, millions of American families have become homeowners with the help of the FHA.

But the rules that govern the FHA have limited the effectiveness of the program.

Our housing bill addresses this problem by modernizing the FHA. One of the principal benefits will be to permanently raise loan limits to $550,000 and to introduce more flexibility into the lending process.

President Bush has announced his support for FHA modernization. Democrats and Republicans in Congress agree that it is the right thing to do for American families.

This bill will achieve that crucial and bipartisan goal.

Among the many little-noticed consequences of the war in Iraq is that thousands of service men and women stationed overseas are struggling to meet their mortgage obligations.

The sacrifice of our men and women in uniform is more than enough. They should not ever be forced to sacrifice their homes.

Our housing bill will help avoid that terrible prospect. We extend for service members the protection period against foreclosure and make it easier for them to afford their mortgages.

These are just some of the important provisions that this bill includes.

But as I have said before, we must recognize that the upcoming vote is just the beginning of a process that begins here in the Senate and will continue in the House of Representatives.

I hope that when the process is complete, we will have a strengthened bipartisan bill that will do even more to help families, communities and our economy.

Yesterday, the administration announced a new program at the FHA that would insure new loans that refinance existing mortgages for homeowners who are "underwater," meaning that they owe more than their house is now worth.

There are reports that 9 million homeowners are now under water. The administration's proposal is predicted to help just 100,000 of them.

It is encouraging that President Bush is beginning to address the core of the crisis, but his proposal does not go far enough.

Chairman DODD and Congressman BARNEY FRANK have been discussing a similar proposal for weeks that could help as many as 2 million.

The importance of our work to help our country weather this crisis cannot be overstated.

This week, the Washington Post reported that experts at the Federal Reserve have said this:

> The nationwide drop in home prices could put the economy in uncharted territory, as there are no clear precedents for how consumers will respond.

It is time for Congress to take action. Our vote today marks not the end but the beginning of that process.

AMENDMENT NO. 4387

The PRESIDING OFFICER. Under the previous order, amendment No. 4387, as amended, is agreed to. The motion to reconsider is considered made and laid on the table.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 12, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—84

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Dodd
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Webb
Whitehouse
Wicker
Wyden

NAYS—12

Barrasso
Bunning
Coburn
Corker
Crapo
DeMint
Enzi
Gregg
Hagel
Inhofe
Kyl
Warner

NOT VOTING—4

Clinton
Dole
McCain
Obama

The bill (H.R. 3221), as amended, was passed, as follows:

H.R. 3221

Resolved, That the bill from the House of Representatives (H.R. 3221) entitled "An Act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreclosure Prevention Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FHA MODERNIZATION ACT OF 2008

Sec. 101. Short title.

Subtitle A—Building American Homeownership

Sec. 111. Short title.
Sec. 112. Maximum principal loan obligation.
Sec. 113. Cash investment requirement and prohibition of seller-funded downpayment assistance.
Sec. 114. Mortgage insurance premiums.
Sec. 115. Rehabilitation loans.
Sec. 116. Discretionary action.
Sec. 117. Insurance of condominiums.
Sec. 118. Mutual Mortgage Insurance Fund.
Sec. 119. Hawaiian home lands and Indian reservations.
Sec. 120. Conforming and technical amendments.
Sec. 121. Insurance of mortgages.
Sec. 122. Home equity conversion mortgages.
Sec. 123. Energy efficient mortgages program.
Sec. 124. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 125. Homeownership preservation.
Sec. 126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 127. Post-purchase housing counseling eligibility improvements.
Sec. 128. Pre-purchase homeownership counseling demonstration.
Sec. 129. Fraud prevention.
Sec. 130. Limitation on mortgage insurance premium increases.
Sec. 131. Savings provision.
Sec. 132. Implementation.
Sec. 133. Moratorium on implementation of risk-based premiums.

Subtitle B—Manufactured Housing Loan Modernization

Sec. 141. Short title.

Sec. 142. Purposes.
Sec. 143. Exception to limitation on financial institution portfolio.
Sec. 144. Insurance benefits.
Sec. 145. Maximum loan limits.
Sec. 146. Insurance premiums.
Sec. 147. Technical corrections.
Sec. 148. Revision of underwriting criteria.
Sec. 149. Prohibition against kickbacks and unearned fees.
Sec. 150. Leasehold requirements.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.
Sec. 203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.
Sec. 204. Limitation on distribution of funds.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

Sec. 301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.
Sec. 302. Nationwide distribution of resources.
Sec. 303. Limitation on use of funds with respect to eminent domain.
Sec. 304. Counseling intermediaries.

TITLE IV—HOUSING COUNSELING RESOURCES

Sec. 401. Housing counseling resources.
Sec. 402. Credit counseling.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

Sec. 501. Short title.
Sec. 502. Enhanced mortgage loan disclosures.
Sec. 503. Community Development Investment Authority for depository institutions.
Sec. 504. Federal Home loan bank refinancing authority for certain residential mortgage loans.

TITLE VI—TAX-RELATED PROVISIONS

Sec. 601. Election for 4-year carryback of certain net operating losses and temporary suspension of 90 percent AMT limit.
Sec. 602. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.
Sec. 603. Credit for certain home purchases.
Sec. 604. Additional standard deduction for real property taxes for nonitemizers.
Sec. 605. Election to accelerate AMT and R and D credits in lieu of bonus depreciation.
Sec. 606. Use of amended income tax returns to take into account receipt of certain hurricane-related casualty loss grants by disallowing previously taken casualty loss deductions.
Sec. 607. Waiver of deadline on construction of GO Zone property eligible for bonus depreciation.
Sec. 608. Temporary tax relief for Kiowa County, Kansas and surrounding area.

TITLE VII—EMERGENCY DESIGNATION

Sec. 701. Emergency designation.

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

Sec. 801. Short title; amendment of 1986 Code.

Subtitle A—Taxable REIT Subsidiaries

Sec. 811. Conforming taxable REIT subsidiary asset test.

Subtitle B—Dealer Sales

Sec. 821. Holding period under safe harbor.
Sec. 822. Determining value of sales under safe harbor.

Subtitle C—Health Care REITs

Sec. 831. Conformity for health care facilities.

Subtitle D—Effective Dates and Sunset

Sec. 841. Effective dates and sunset.

TITLE IX—VETERANS HOUSING MATTERS

Sec. 901. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 902. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 903. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 904. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 905. Increase in specially adapted housing benefits for disabled veterans.
Sec. 906. Report on specially adapted housing for disabled individuals.
Sec. 907. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.
Sec. 908. Definition of annual income for purposes of section 8 and other public housing programs.
Sec. 909. Payment of transportation of baggage and household effects for members of the Armed Forces who relocate due to foreclosure of leased housing.

TITLE X—CLEAN ENERGY TAX STIMULUS

Sec. 1001. Short title; etc.

Subtitle A—Extension of Clean Energy Production Incentives

Sec. 1011. Extension and modification of renewable energy production tax credit.
Sec. 1012. Extension and modification of solar energy and fuel cell investment tax credit.
Sec. 1013. Extension and modification of residential energy efficient property credit.
Sec. 1014. Extension and modification of credit for clean renewable energy bonds.
Sec. 1015. Extension of special rule to implement FERC restructuring policy.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

Sec. 1021. Extension and modification of credit for energy efficiency improvements to existing homes.
Sec. 1022. Extension and modification of tax credit for energy efficient new homes.
Sec. 1023. Extension and modification of energy efficient commercial buildings deduction.
Sec. 1024. Modification and extension of energy efficient appliance credit for appliances produced after 2007.

TITLE XI—SENSE OF THE SENATE

Sec. 1101. Sense of the Senate.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 101. SHORT TITLE.

This title may be cited as the "FHA Modernization Act of 2008".

Subtitle A—Building American Homeownership

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Building American Homeownership Act of 2008".

SEC. 112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

"(A) not to exceed the lesser of—

"(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect for 2007 under such section for a 1-family residence; or

"(ii) 132 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands), except that each such maximum dollar amount shall be adjusted effective January 1 of each year beginning with 2009, by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recently completed 12-month or 4-quarter period ending before the time of determining such annual adjustment, in an housing price index developed or selected by the Secretary for purposes of adjustments under this clause;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size, as such limitation is adjusted by any subsequent percentage adjustments determined under clause (ii) of this subparagraph; and

"(B) not to exceed 100 percent of the appraised value of the property."; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of "average closing cost") and all that follows through "section 3103A(d) of title 38, United States Code.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

SEC. 113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.

Paragraph 9 of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

"(9) CASH INVESTMENT REQUIREMENT.—

"(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

"(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, *in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—*

"(i) such lien shall be subordinate to the mortgage; and

"(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

"(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

"(i) The seller or any other person or entity that financially benefits from the transaction.

"(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).".

SEC. 114. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "or of the General Insurance Fund" and all that follows through "section 234(c),,"; and

(2) in subparagraph (A)—

(A) by striking "2.25 percent" and inserting "3 percent"; and

(B) by striking "2.0 percent" and inserting "2.75 percent".

SEC. 115. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking "on" and all that follows through "1978"; and

(2) in paragraph (5)—

(A) by striking "General Insurance Fund" the first place it appears and inserting "Mutual Mortgage Insurance Fund"; and

(B) in the second sentence, by striking the comma and all that follows through "General Insurance Fund".

SEC. 116. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking "section 202(e) of the National Housing Act" and inserting "this subsection"; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

"(4) the Secretary of Agriculture;"; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 117. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking "and" before "(2)"; and

(B) by inserting before the period at the end the following: ", and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)"; and

(2) in subsection (g), by striking ", except that" and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before "a first mortgage" insert "(A)";

(2) by striking "or on a leasehold (1)" and inserting "(B) a first mortgage on a leasehold on real estate (i)";

(3) by striking "or (2)" and inserting ", or (ii)"; and

(4) by inserting before the semicolon the following: ", or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project".

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

"(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.".

SEC. 118. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

"(a) MUTUAL MORTGAGE INSURANCE FUND.—

"(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

"(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

"(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

"(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.

"(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

"(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

"(B) the types of loans insured, categorized by risk;

"(C) any significant changes between actual and projected claim and prepayment activity;

"(D) projected versus actual loss rates; and

"(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

"(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

"(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

"(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

"(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.".

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking "Notwithstanding section 202 of this title, the" and inserting "The"; and

(B) by striking "General Insurance Fund" the first place such term appears and all that follows through the end of the subsection and inserting "Mutual Mortgage Insurance Fund.".

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking "General Insurance Fund" and inserting "Mutual Mortgage Insurance Fund".

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking "203(b)" and all that follows through "203(i)" and inserting "203, except as determined by the Secretary".

SEC. 119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12(c)) is amended—

(1) by striking "General Insurance Fund established in section 519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13(f)) is amended—

(1) by striking "General Insurance Fund" the first place it appears through "519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

SEC. 120. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking "shall" and all that follows and inserting "means a metropolitan statistical area as established by the Office of Management and Budget;".

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Commonwealth of the Northern Mariana Islands".

SEC. 121. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting "or subordinate mortgage or" before "lien given"; and

(2) in subparagraph (C), by inserting "or subordinate mortgage or" before "lien".

SEC. 122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert " 'real estate,' " after " 'mortgagor',";

(2) by amending subsection (d)(1) to read as follows:

"(1) have been originated by a mortgagee approved by the Secretary;";

(3) by amending subsection (d)(2)(B) to read as follows:

"(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

"(i) originating or servicing the mortgage;

"(ii) funding the loan underlying the mortgage; or

"(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;";

(4) in subsection (f)—

(A) by striking "(f) INFORMATION SERVICES FOR MORTGAGORS.—" and inserting "(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—"; and

(B) by amending the matter preceding paragraph (1) to read as follows: "The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—"

(5) in subsection (g), by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(6) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation";

(7) by striking subsection (l);

(8) by redesignating subsection (m) as subsection (l);

(9) by amending subsection (l), as so redesignated, to read as follows:

"(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles."; and

(10) by adding at the end the following new subsection:

"(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which that the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

"(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

"(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

"(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

"(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

"(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

"(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

"(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

"(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).

"(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.".

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

"(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

"(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

"(A) the costs to the mortgagor; and

"(B) the impact of such fees on the reverse mortgage market;

"(2) be subject to a minimum allowable amount;

"(3) provide that the origination fee may be fully financed with the mortgage;

"(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

"(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.".

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) (in this subsection referred to as the "program").

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 123. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

"(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

"(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

"(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act."; and

(2) by adding at the end the following:

"(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.".

SEC. 124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

"(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

"(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

"(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

"(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.".

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 125. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking "; or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) a significant reduction in the income of the household due to divorce or death; or

"(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

"(I) an unexpected or significant increase in medical expenses;

"(II) a divorce;

"(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

"(IV) a large property-tax increase; or";

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

"(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.".

SEC. 128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an "eligible homebuyer" means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this title and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 129. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting "the Federal Housing Administration" before "the Farm Credit Administration"; and

(2) by striking "commitment, or loan" and inserting "commitment, loan, or insurance agreement or application for insurance or a guarantee".

SEC. 130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—

(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would,

under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 131. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.

SEC. 132. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

SEC. 133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

For the 12-month period beginning on the date of enactment of this title, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on September 20, 2007 (Vol. 72, No. 182, Page 53872).

Subtitle B—Manufactured Housing Loan Modernization

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "FHA Manufactured Housing Loan Modernization Act of 2008".

SEC. 142. PURPOSES.

The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "In no case" and inserting "Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case"; and

(2) by striking ": Provided, That with" and inserting ". With".

SEC. 144. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

"(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.

SEC. 145. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "$17,500" and inserting "$25,090";

(2) in subparagraph (C) by striking "$48,600" and inserting "$69,678";

(3) in subparagraph (D) by striking "$64,800" and inserting "$92,904";

(4) in subparagraph (E) by striking "$16,200" and inserting "$23,226"; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008."

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "No" and inserting "Except as provided in the last sentence of this paragraph, no"; and

(2) by adding after and below subparagraph (G) the following:

"The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).".

SEC. 146. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting "(1) PREMIUM CHARGES.—" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

"(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

"(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

"(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

"(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).".

SEC. 147. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "on and after July 1, 1939," each place such term appears; and

(2) by striking "made after the effective date of the Housing Act of 1954".

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

"(c) HANDLING AND DISPOSAL OF PROPERTY.—

"(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

"(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

"(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

"(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

"(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary

pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.".

SEC. 148. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.".

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

"SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

"(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

"(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

"(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

"(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.".

SEC. 150. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

"(A) expires not less than 3 years after the origination date of the obligation;

"(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

"(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.".

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term "maximum guaranty amount" shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Credit counseling.

(2) Home mortgage counseling.

(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.

(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).

SEC. 203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking "90 days" and inserting "9 months".

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking "90 days" and inserting "9 months".

(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking "in excess of 6 percent" the second place it appears and all that follows and inserting "in excess of 6 percent—

"(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

"(B) during the period of military service, in the case of any other obligation or liability."; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

"(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.".

(c) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.

SEC. 204. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title III shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term "applicable individual" means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury *not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.*

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the "Secretary").

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; and

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;

(C) establish land banks for homes that have been foreclosed upon; and

(D) demolish blighted structures.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.

(2) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.

(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.

SEC. 302. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

SEC. 303. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

SEC. 304. COUNSELING INTERMEDIARIES.

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 401 of this Act shall be $180,000,000: Provided, That of amounts appropriated under such section 401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the "NRC") to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: Provided, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: Provided further, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.

TITLE IV—HOUSING COUNSELING RESOURCES

SEC. 401. HOUSING COUNSELING RESOURCES.

There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" $100,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase "For an additional amount") under the heading "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" of Public Law 110–161.

SEC. 402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with non-profit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Mortgage Disclosure Improvement Act of 2008".

SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting "(A)" before "In the";

(2) by striking "a residential mortgage transaction, as defined in section 103(w)" and inserting "any extension of credit that is secured by the dwelling of a consumer";

(3) by striking "before the credit is extended, or";

(4) by inserting ", which shall be at least 7 business days before consummation of the transaction" after "written application";

(5) by striking ", whichever is earlier"; and

(6) by striking "If the" and all that follows through the end of the paragraph and inserting the following:

"(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—

"(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

"(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.

"(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:

"(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

"(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood.

"(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.

"(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.

"(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—

"(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;

"(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and

"(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).

"(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.".

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking "not less than $200 or greater than $2,000" and inserting "not less than $400 or greater than $4,000"; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting "or section 128(b)(2)(C)(ii)," after "128(a),"; and

(B) by inserting "or section 128(b)(2)(C)(ii)" before the period.

(c) EFFECTIVE DATES.—

(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.

(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added by subsection (a) of this section, shall become effective on the earlier of—

(A) the compliance date established by the Board for such purpose, by regulation; or

(B) 30 months after the date of enactment of this Act.

SEC. 503. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

(2) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

SEC. 504. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.".

TITLE VI—TAX-RELATED PROVISIONS

SEC. 601. ELECTION FOR 4-YEAR CARRYBACK OF CERTAIN NET OPERATING LOSSES AND TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—

(1) 4-YEAR CARRYBACK OF CERTAIN LOSSES.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 (relating to years to which loss may be carried) is amended to read as follows:

"(H) ADDITIONAL CARRYBACK OF CERTAIN LOSSES.—

"(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

"(ii) TAXABLE YEARS ENDING DURING 2008 AND 2009.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(4)) for any taxable year ending during 2008 or 2009—

"(I) subparagraph (A)(i) shall be applied by substituting '4' for '2', "(II) subparagraph (E)(ii) shall be applied by substituting '3' for '2', and

"(III) subparagraph (F) shall not apply.".

(2) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(A) IN GENERAL.—Section 56(d) of the Internal Revenue Code of 1986 (relating to definition of alternative tax net operating loss deduction) is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(4)), the amount described in subclause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

"(A) carrybacks of net operating losses from taxable years ending during 2008 and 2009, and

"(B) carryovers of net operating losses to taxable years ending during 2008 or 2009.".

(B) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting "amount of such" before "deduction described in clause (ii)(I)".

(3) EFFECTIVE DATES.—

(A) NET OPERATING LOSSES.—The amendments made by paragraph (1) shall apply to net operating losses arising in taxable years ending in 2008 or 2009.

(B) SUSPENSION OF AMT LIMITATION.—The amendments made by paragraph (2) shall apply to taxable years ending after December 31, 1997.

(4) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this subsection, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(b) ELECTION AMONG STIMULUS INCENTIVES.—

(1) IN GENERAL.—

(A) BONUS DEPRECIATION.—Section 168(k) of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after December 31, 2007, and before January 1, 2009), as amended by the Economic Stimulus Act of 2008, is amended—

(i) in paragraph (1), by inserting "placed in service by an eligible taxpayer" after "any qualified property", and

(ii) by adding at the end the following new paragraph:

"(4) ELIGIBLE TAXPAYER.—

"(A) IN GENERAL.—At such time and in such manner as the Secretary shall prescribe, each taxpayer may elect to be an eligible taxpayer with respect to 1 (and only 1) of the following:

"(i) This subsection and section 179(b)(7).

"(ii) The application of section 56(d)(1)(A)(ii)(I) and section 172(b)(1)(H)(ii) in connection with net operating losses relating to taxable years ending during 2008 and 2009.

"(B) ELIGIBLE TAXPAYER.—For purposes of each of the provisions described in subparagraph (A), a taxpayer shall only be treated as an eligible taxpayer with respect to the provision with respect to which the taxpayer made the election under subparagraph (A).

"(C) ELECTION IRREVOCABLE.—An election under subparagraph (A) may not be revoked except with the consent of the Secretary.".

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in section 103 of the Economic Stimulus Act of 2008.

(2) ELECTION FOR INCREASED EXPENSING.—

(A) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 (relating to limitations), as added by the Economic Stimulus Act of 2008, is amended to read as follows:

"(7) SPECIAL RULE FOR ELIGIBLE TAXPAYERS IN 2008.—In the case of any taxable year of any eligible taxpayer (within the meaning of section 168(k)(4)) beginning in 2008—

"(A) the dollar limitation under paragraph (1) shall be $250,000,

"(B) the dollar limitation under paragraph (2) shall be $800,000, and

"(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).".

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect as if included in section 102 of the Economic Stimulus Act of 2008.

SEC. 602. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 (relating to State ceiling) is amended by adding at the end the following new paragraph:

"(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—

"(i) $10,000,000,000 multiplied by a fraction—

"(I) the numerator of which is the population of such State, and

"(II) the denominator of which is the total population of all States, or

"(ii) the amount determined under subparagraph (B).

"(B) MINIMUM AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a State (other than a possession), $90,300,606, and

"(ii) in the case of a possession of the United States with a population less than the least populous State (other than a possession), the product of—

"(I) a fraction the numerator of which is $90,300,606 and the denominator of which is population of the least populous State (other than a possession), and

"(II) the population of such possession.

In the case of any possession of the United States not described in clause (ii), the amount determined under this subparagraph shall be zero.

"(C) SET ASIDE.—

"(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

"(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).".

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code (relating to elective carryforward of unused limitation for specified purpose) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

"(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

"(ii) to issue any bond after calendar year 2010.

"(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.".

(c) ALTERNATIVE MINIMUM TAX EXEMPTION FOR QUALIFIED MORTGAGE BONDS, QUALIFIED VETERANS' MORTGAGE BONDS, AND BONDS FOR QUALIFIED RESIDENTIAL RENTAL PROJECTS.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 (relating to specified private activity bonds) is amended by striking "shall not include" and all that follows and inserting "shall not include—

"(I) any qualified 501(c)(3) bond (as defined in section 145), or

"(II) any qualified mortgage bond (as defined in section 143(a)), any qualified veterans' mortgage bond (as defined in section 143(b)), or any exempt facility bond (as defined in section 142(a)) issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)), but only if such bond is issued after the date of the enactment of this subclause and before January 1, 2011.

Subclause (II) shall not apply to a refunding bond unless such subclause applied to the refunded bond (or in the case of a series of refundings, the original bond).".

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) of such Code is amended by striking "QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 603. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the purchase price of the residence as does not exceed $7,000.

"(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

"(b) LIMITATIONS.—

"(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

"(A) after the date of the enactment of this section, and

"(B) before the date that is 12 months after such date.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section and section 23) for the taxable year.

"(3) ONE-TIME ONLY.—

"(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

"(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

"(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified principal residence' means an eligible single-family residence that is purchased to be the principal residence of the purchaser.

"(2) ELIGIBLE SINGLE-FAMILY RESIDENCE.—

"(A) IN GENERAL.—The term 'eligible single-family residence' means a single-family structure that is a residence—

"(i) upon which foreclosure has been filed pursuant to the laws of the State in which the residence is located, and

"(ii) which—

"(I) is a new previously unoccupied residence for which a building permit was issued and construction began on or before September 1, 2007, or

"(II) was occupied as a principal residence by the mortgagor for at least 1 year prior to the foreclosure filing.

"(B) CERTIFICATION.—In the case of an eligible single-family residence described in subparagraph (A)(ii)(I), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

"(3) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

"(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 1400C.

"(e) RECAPTURE IN THE CASE OF CERTAIN DISPOSITIONS.—In the event that a taxpayer—

"(1) disposes of the qualified principal residence with respect to which a credit is allowed under subsection (a), or

"(2) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the remaining portion of the credit allowed under subsection (a) shall be disallowed in the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence, and in any subsequent taxable year in which the remaining portion of the credit would, but for this subsection, have been allowed.

"(f) SPECIAL RULES.—

"(1) JOINT PURCHASE.—

"(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$3,500' for '$7,000' in paragraph (1) thereof.

"(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,000.

"(2) PURCHASE; PURCHASE PRICE.—Rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply for purposes of this section.

"(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply for purposes of this section.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.".

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking "and 25B" and inserting ", 25B, and 25E".

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting "25E," after "25D,".

(3) Section 25B(g)(2) of such Code is amended by striking "section 23" and inserting "sections 23 and 25E".

(4) Section 25D(c)(2) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(5) Section 26(a)(1) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(6) Section 904(i) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(7) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 25E(g).".

(8) Section 1400C(d)(2) of such Code is amended by striking "and 25D" and inserting "25D, and 25E".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Credit for certain home purchases.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases in taxable years ending after the date of the enactment of this Act.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment relates.

SEC. 604. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) of the Internal Revenue Code of 1986 (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) DEFINITION.—Section 63(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(8) REAL PROPERTY TAX DEDUCTION.—

"(A) IN GENERAL.—For purposes of paragraph (1), the real property tax deduction is so much of the amount of the eligible State and local real property taxes paid or accrued by the taxpayer during the taxable year which do not exceed $500 ($1,000 in the case of a joint return).

"(B) ELIGIBLE STATE AND LOCAL REAL PROPERTY TAXES.—For purposes of subparagraph (A), the term 'eligible State and local real property taxes' means State and local real property taxes (within the meaning of section 164), but only if the rate of tax for all residential real property taxes in the jurisdiction has not been increased at any time after April 2, 2008, and before January 1, 2009.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 605. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

"(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—

"(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and

"(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

"(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

"(i) the limitation under section 38(c), and

"(ii) the limitation under section 53(c).

"(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

"(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

"(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

"(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

"(I) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

"(II) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

"(III) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

"(iii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iv), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

"(iv) APPLICABLE LIMITATION.—For purposes of clause (iii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

"(I) $40,000,000, or

"(II) 10 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).

"(v) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iv).

"(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

"(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

"(I) from taxable years beginning before January 1, 2006, and

"(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

"(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

"(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

"(F) OTHER RULES.—

"(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

"(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

SEC. 606. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance if such amended return is filed—

(1) shall be subject to interest on the underpaid tax for one year at the underpayment rate determined under section 6621(a)(2) of such Code; and

(2) shall not be subject to any penalty under such Code.

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 607. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

(c) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 608. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados" for "on or after August 25, 2005, by reason of Hurricane Katrina".

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(D) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(E) by substituting "beginning on May 4, 2007, and ending on November 5, 2007" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(F) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(G) by substituting "December 31, 2007" for "December 31, 2006" in subsection (c)(2)(A),

(H) by substituting "beginning on June 4, 2007, and ending on December 31, 2007" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(I) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(J) by substituting "January 1, 2008" for "January 1, 2007" in subsection (d)(2)(A)(ii).

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE VII—EMERGENCY DESIGNATION

SEC. 701. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

SEC. 801. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "REIT Investment Diversification and Empowerment Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Taxable REIT Subsidiaries

SEC. 811. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking "20 percent" and inserting "25 percent".

Subtitle B—Dealer Sales

SEC. 821. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking "4 years" in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting "2 years",

(2) by striking "4-year period" in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting "2-year period", and

(3) by striking "real estate asset"and all that follows through "if" in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting "real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if".

SEC. 822. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting ", or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;", and

(2) by adding "or" at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

"(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,".

Subtitle C—Health Care REITs

SEC. 831. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

"(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

"(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

"(ii) employs individuals working at such property or facility located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.".

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

"(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

"(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

"(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

"(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

"(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

"(I) January 1, 1999, or

"(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.".

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting "or a health care facility" after "a lodging facility", and

(2) by inserting "or health care facility" after "such lodging facility".

Subtitle D—Effective Dates and Sunset

SEC. 841. EFFECTIVE DATES AND SUNSET.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendment made by section 801(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 801(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 801(d) shall apply after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 803(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 803(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

(e) SUNSET.—All amendments made by this title shall not apply to taxable years beginning after the date which is 5 years after the date of the enactment of this Act. The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in the preceding sentence as if the amendments so described had never been enacted.

TITLE IX—VETERANS HOUSING MATTERS

SEC. 901. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

"(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.".

SEC. 902. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

"§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

"(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

"(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

"(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

"(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

"(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

"(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

"(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of such title is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of such title is amended—

(A) in subsection (a)—

(i) by striking "veteran" each place it appears and inserting "individual"; and

(ii) in paragraph (3), by striking "veteran's" and inserting "individual's";

(B) in subsection (b)(1), by striking "a veteran" and inserting "an individual";

(C) in subsection (c)—

(i) by striking "a veteran" and inserting "an individual"; and

(ii) by striking "the veteran" each place it appears and inserting "the individual"; and

(D) in subsection (d), by striking "a veteran" each place it appears and inserting "an individual".

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of such title is amended—

(A) by striking "veteran" each place it appears (other than in subsection (b)) and inserting "individual";

(B) in subsection (a), by striking "veteran's" each place it appears and inserting "individual's"; and

(C) in subsection (b), by striking "a veteran" each place it appears and inserting "an individual".

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of such title is amended by striking "veterans" both places it appears and inserting "individuals".

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of such title is amended—

(A) in subsection (a), by striking "veteran" each place it appears and inserting "individual"; and

(B) in subsection (b)—

(i) in the first sentence, by striking "A veteran" and inserting "An individual";

(ii) in the second sentence, by striking "a veteran" and inserting "an individual"; and

(iii) by striking "such veteran" each place it appears and inserting "such individual".

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of such title is amended—

(A) in subsection (a)—

(i) by striking "any eligible veteran" and inserting "any eligible individual"; and

(ii) by striking "the veterans'" and inserting "the individual's";

(B) in subsection (b), by striking "an eligible veteran" and inserting "an eligible individual";

(C) in subsection (e), by striking "an eligible veteran" and inserting "an individual";

(D) in subsection (h), by striking "each veteran" and inserting "each individual";

(E) in subsection (i), by striking "the veteran's" each place it appears and inserting "the individual's";

(F) by striking "the veteran" each place it appears and inserting "the individual"; and

(G) by striking "a veteran" each place it appears and inserting "an individual".

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of such title is amended to read as follows:

"§2101. Acquisition and adaptation of housing: eligible veterans".

(B) The heading of section 2102A of such title is amended to read as follows:

"§2102A. Assistance for individuals residing temporarily in housing owned by a family member".

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of such title is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

"2101. Acquisition and adaptation of housing: eligible veterans.";

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

"2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.";

and

(C) by striking the item relating to section 2102A and inserting the following new item:

"2102A. Assistance for individuals residing temporarily in housing owned by a family member.".

SEC. 903. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subsection (b)(2)—

(A) by striking "either" and inserting "any"; and

(B) by adding at the end the following new subparagraph:

"(C) The disability is due to a severe burn injury (as so determined).".

SEC. 904. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking "after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006" and inserting "after December 31, 2011".

SEC. 905. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000";

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000"; and

(3) by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

"(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

"(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 906. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 802(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 907. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 802(a) of this Act), who reside with family members on a permanent basis.

SEC. 908. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting "or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts" before "may not be considered".

SEC. 909. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.".

TITLE X—CLEAN ENERGY TAX STIMULUS

SEC. 1001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the "Clean Energy Tax Stimulus Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Extension of Clean Energy Production Incentives

SEC. 1011. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2010":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.".

(4) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(5) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking "January 1, 2010" and inserting "the date of the enactment of paragraph (11)".

(c) SALES OF ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: "A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).".

(d) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 1012. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2017".

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2017".

(3) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2017".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.".

(c) REPEAL OF DOLLAR PER KILOWATT LIMITATION FOR FUEL CELL PROPERTY.—

(1) IN GENERAL.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B) of subsection (c)" and inserting "subsection (c)(2)(B)".

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) FUEL CELL PROPERTY AND PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on

the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1013. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) NO DOLLAR LIMITATION FOR CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking ", (2)," in subparagraph (C).

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 1014. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting ", and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000" after "$1,200,000,000" in paragraph (1),

(2) by striking "$750,000,000 of the" in paragraph (2) and inserting "$750,000,000 of the $1,200,000,000", and

(3) by striking "bodies" in paragraph (2) and inserting "bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)".

(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

"(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).", and

(2) by inserting "; PUBLIC POWER PROVIDER" before the period at the end of the heading.

(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking "subsection (l)(6)" and inserting "subsection (l)(5)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 1015. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking "December 31, 2007" and inserting "the date which is 2 years after the date of such transaction".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

SEC. 1021. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

"(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.".

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking "2006" and inserting "2008".

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

"(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.".

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

"(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

"(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

"(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 1022. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2010".

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

"(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

"(ii) used by such eligible contractor as a residence during the taxable year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. 1023. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking "$1.80" and inserting "$2.25".

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking "$.60" and inserting "$0.75", and

(B) by striking "$1.80" and inserting "$2.25".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1024. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible", and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

"(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

TITLE XI—SENSE OF THE SENATE

SEC. 1101. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

Amend the title so as to read: "An Act to provide needed housing reform and for other purposes.".

AMENDMENT NO. 4523

The PRESIDING OFFICER. Under the previous order, the amendment to the title is agreed to.

The amendment (No. 4523) was agreed to, as follows:

Amend the title so as to read:

To provide needed housing reform and for other purposes.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from Alabama and myself be recognized for 20 minutes, 10 minutes apiece, to make some closing comments.

The PRESIDING OFFICER. Is there objection? Hearing no objection it is so ordered, and the Senator is recognized.

Mr. DODD. Mr. President, before I make those remarks, and I have checked with the Parliamentarians, I would be remiss if I didn't recognize a former colleague, Senator John Glenn, who is here on the floor of the Senate.

Senator Glenn, welcome to the Senate. Nice to have you back.

Mr. President, if I may, this morning, I think we have adopted a very good piece of legislation, one that is going to take a significant step in dealing with the present housing crisis in our country. As I have repeated on numerous occasions over the last number of weeks on the Senate floor, almost 8,000 people every single day are facing foreclosure. That is a staggering number of people, and in a given week's time that would fill most any college or professional sports stadium.

Eight thousand people every day run the risk of losing their most important asset outside of their beloved family members. The greatest accumulation of wealth for most people is their home. It may mean for them, in their future, providing for a secure retirement, dealing with college education, providing for the unforeseen crisis that can occur where that equity in a home can make all the difference in the world, not to mention what a stabilizing influence it has for a family, a neighborhood, or a community. Home ownership. All of that is at risk for too many of our fellow citizenry.

Over these last many days, the Senator from Alabama and I and others have tried not to solve every problem in that area but to take a major step forward in addressing the issue of foreclosure, the housing crisis, and the economic problems we face. I think we have done that with this bill. This legislation includes the original ideas we were able to work out a week or so ago dealing with FHA modernization, dealing with disclosure, dealing with mortgage revenue bonds, and dealing with the idea of providing some tax relief for people who are willing to move in and occupy foreclosed properties, which provides assistance to communities that would otherwise lose as a result of having dilapidated and boarded-up properties in their midst. And there were a number of other provisions, including counseling services and the like, included in that core piece of legislation.

But over the past week, a little less than a week, we have added a number of other provisions to this bill at the behest of our colleagues, working with both the chairman and the ranking member of the Finance Committee as well as members of the Banking Committee and those who are interested in this legislation. The underlying bill and the important provisions in it contained many good increases in support for various things we need to accomplish.

In addition, the managers' package, which was adopted last evening, accommodates 16 different amendments, Mr. President. These amendments help veterans meet their housing needs. We actually increased some counseling funds that Senator MURRAY and Senator MIKULSKI and Senator SCHUMER were interested in. We improved coordination at counseling agencies. We were able to accommodate a number of Senators on both sides of the aisle.

I particularly want to express my gratitude to Senator SALAZAR for his amendment, Senator BOXER, Senator CARPER, and Senator MCCASKILL, who offered some very good ideas. I mentioned Senator MURRAY and Senator MIKULSKI, Senator LEAHY, Senator JOHNSON, Senator CRAPO, along with Senators HARKIN and SANDERS and PRYOR, and Senator ENSIGN, Senator BROWNBACK, Senator GREGG, Senator DEMINT, and Senator CORNYN, who all offered ideas which we were able to accommodate.

Members of both sides had a lot of very good ideas which strengthen this bill. So we are very grateful for their participation and involvement in allowing us to come to where we are today.

I should have actually begun my remarks by thanking the majority leader. Senator REID made this possible. When I talked with Senator REID about a week and a half, 2 weeks ago, after having a conversation with Senator SHELBY and other members of the Banking Committee, we believed we could come forward with a core group of ideas and offer our colleagues the opportunity to begin to move on this housing crisis. Senator REID approached the Republican leader, Senator MCCONNELL, and as a result of their leadership, they provided this opportunity, resulting in where we have arrived today, coming to this accommodation. So Senator REID and his staff deserve, along with Senator MCCONNELL, a very special thanks for making it possible for us to achieve what we have.

Let me say very quickly that this bill is called the Foreclosure Prevention Act. Quite candidly, what we have done doesn't quite live up to the title. We have more work to do. We don't do enough, in my view, in preventing more foreclosures in the country. We do some things but not enough. But I would say to my colleagues who are concerned, we are not done yet. There is more work that needs to be done.

In fact, this morning, Senator SHELBY and I and the committee were having a hearing on how to deal with additional foreclosures in the country. We have more work to do—another hearing next week. We have to deal with the Government-sponsored enterprise legislation, we have flood insurance to deal with, and a number of other issues that require our attention, and our intention is to work on those issues. So more work needs to be done, but at this juncture we believe we have presented a good package.

Mr. President, Congressman BARNEY FRANK, the chairman of the House Financial Services Committee, is holding hearings this very morning, as he has over the last day or so, on these issues. My hope is we can get quickly to a conference with the other body on this package and come back with a compromise that is as strong as the one we are sending out for consideration.

Again, I thank Senator SHELBY, my friend and colleague from Alabama. We have worked closely together over the years on the Banking Committee. I served under his chairmanship of the committee where he had good strong leadership and offered some very strong ideas that were adopted by the Congress of the United States. The tide has turned. I am now chairman. But I have a good partner in Senator SHELBY and his staff in helping us work through these issues.

I mentioned Senator HARRY REID, the majority leader, Senator MCCONNELL, and their staffs for their work as well on this legislation, but we don't often thank or mention the names of the people who do all of the late work, who stay up all night drafting and arguing, disagreeing and debating on what to include in these packages.

So I want to thank, particularly in the leadership area, Gary Myrick, Randy Devalk, Lula Davis, who has been terrific with the floor staff—absolutely wonderful in the last several days—Tim Mitchell, Mark Wetjen on Leader REID's staff, and Rohit Kumar and Dave Schiappa on the minority leader's staff. Dave, we thank you for your support and help in all of this. On Senator SHELBY's staff, Bill Duhnke, Mark Oesterle, Shannon Hines, Mark Calabria, and Jim Johnson all were helpful. And I want to acknowledge all the positive efforts of my staff: Shawn Maher, the staff director of the Banking Committee; Jonathan Miller, Jenn Fogel-Bublick, Amy Friend, Julie Chon, Lynsey Graham Rea, and Drew Colbert. These are all people—and there are others as well on these committees—who do a lot of good, hard work, and we thank them.

Again, Mr. President, before the close of business, another 8,000 people may file for foreclosure in this country, so we have work yet to be done in this area, but this bill is a major, positive step in the right direction. There are provisions that, frankly, I am not as enthusiastic about, but they were consensus provisions added to this legislation. There are many provisions that I think take us exactly in the right direction in minimizing the impact of what is occurring in our country and allowing us to get back on our feet, again restoring confidence and optimism in the housing market, and for that I am very grateful to all who have participated in allowing us to arrive at this point.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Alabama.

Mr. SHELBY. Mr. President, I thank Senator DODD for all of his cooperation and his leadership on the Banking Committee and on the Senate floor, and I want to associate myself with his remarks, thanking the staff of the Senate and also the staff of the Banking Committee, including my staff and his. It is good to work together where we can in the Senate. And when we do, we get a lot of work done.

Mr. President, when crises such as the one we are now facing come about, the American people expect us in the Senate to act in an expeditious and an appropriate manner. I think this is what we have been doing the last couple of weeks. Senator DODD and I, at the direction of our respective leaders, Senator REID, the majority leader, and Senator McCONNELL, the Republican leader, have invested a considerable amount of time in drafting a bipartisan and balanced piece of legislation that is focused on addressing the growing number of foreclosures nationwide, which Senator DODD just mentioned.

In an effort to maintain that balance and to preserve our bipartisan agreement, we were not able to agree to a number of amendments, some of which I believe have a great deal of merit, and I want to touch on some. It is my hope that Senator DODD and I can continue to work closely on a number of those, such as the need for meaningful GSE reform, as well as a mortgage broker and banker licensing bill.

Senator HAGEL introduced an amendment on GSE reform that I believe may represent the foundation for a very promising approach to addressing a very complex but critical set of issues. I stand ready to work with Senator DODD at any time to reach an agreement on meaningful GSE reform.

Senators FEINSTEIN and MARTINEZ introduced an amendment on mortgage broker and banker licensing that I hope also lays the foundation for further action by the Banking Committee, headed by Senator DODD.

There are other provisions that are not in this bill and that I could not support. These included the bankruptcy provision, or so-called cramdown, as well as an unprecedented expansion of the FHA guarantee to hundreds of thousands of homeowners who find themselves underwater on their mortgages and stretched beyond their means.

Mr. President, when we began consideration of this bill, I said the following:

> While we are in agreement on the measures contained in this bill, there is a line that we should not cross. That line is represented by a taxpayer-funded bailout of investors or homeowners that freely and willingly entered into mortgages that they knew or should have known they could not afford.

With that in mind, I intend to examine closely any proposals to further expose the American taxpayer to the risks freely incurred by individuals or investors. I understand that Chairman DODD intends to hold additional hearings on just such a proposal. I intend to work closely with him to ensure that all facets of this approach are examined thoroughly before we expose those who made prudent financial choices to the risks created by those who didn't.

First and foremost, I believe our primary responsibility is to the American taxpayer. In our zeal to help those who find themselves in financial difficulty, we must make sure that we do not do more harm than good. This bill does include a number of provisions that deserved my colleagues' support, and that they supported. The bill makes the necessary changes in the FHA program so that it can meet the needs of today's mortgage marketplace. The FHA language provides protections for the American taxpayer, who ultimately bears the financial risk of the program. The FHA title provides immediate help to the marketplace by reforming the Federal Housing Administration, allowing it to provide greater liquidity and thereby enhancing the options available to America's homeowners.

The bill also provides additional funding for foreclosure prevention counseling—Senator DODD has spoken on this—which will help homeowners stay current on their mortgages and be able to remain in their homes. That is our goal. This is an area in which I hope to work closely with Senator DODD over the coming year. I believe we must conduct thorough oversight to ensure that this money is being spent properly and effectively. Should additional funds be necessary, I believe they can be provided during the normal appropriations process.

In order to prevent a repeat of the current housing crisis, the bill also increases the disclosures made to consumers obtaining mortgages, which I think is very important. I believe giving consumers more information so they understand what they are doing and the ability to understand the choices they are making will help them avoid making the pitfalls and bad decisions many uninformed consumers made in the past.

To protect our soldiers, sailors, and airmen, the bill extends additional consumer protections and provides those returning from combat a chance to get back on their feet before they face any type of foreclosure proceeding.

Mr. President, in an effort to provide communities with the ability to clean up the damage caused by the foreclosures that have already occurred, we have included funding to allow States and communities to buy up and repair foreclosed residences through the Community Development Block Grant Program.

Attached to this funding is a requirement that any profits from the sale of properties must be used to buy and repair additional properties. I believe that reuse of this funding in this manner will maximize the impact of these dollars and minimize the possibility that funds will be wasted or profits inappropriately pocketed.

The bill also contains a number of tax-related provisions prepared in a bipartisan fashion by the chairman and ranking member on the Finance Committee.

Mr. President, this bill also includes a managers' package that contains a broad range of provisions offered by 13 separate Senators. Chairman DODD and I worked closely to come to agreement on including this group of provisions that, I believe, strengthens the core bill.

The first group of provisions touch upon a number of veterans and military service personnel housing programs. These measures provide greater resources, flexibility, and options for veterans and military personnel to help meet the particular challenges they face in regards to their housing needs.

The managers' package puts to greater use assets in the Home Loan Bank system to help bring additional resources to the effort to deal with current conditions in the housing market.

The package includes additional consumer protections for senior citizens who participate in the FHA-insured reverse mortgage program. The package requires enhanced scrutiny of loan originators participating in the FHA program, which should better protect the solvency of the taxpayer backed mortgage insurance fund.

The package also ensures that funds are not used to provide inappropriate benefits to private entities by prohibiting the use of funds in cases where eminent domain is used to benefit private parties.

Finally, the managers' amendment protects taxpayers by requiring that any profits made from the sale of rehabilitated homes that are not reinvested in the program are recaptured and returned to the Treasury.

Mr. President, I believe this is a focused and targeted piece of legislation that will address in an appropriate manner a number of the difficulties we are now facing in the housing market.

While there are a large and growing number of homes entering foreclosure, we must remember that the vast majority of homeowners are living within their means and making their mortgage payments.

While some would argue that we have a responsibility to aid those who find themselves under water on their mortgages or unable to afford their increasing payments, I would argue that we also have equal responsibility to those who have made prudent financial decisions. We must not forget them as we seek to help others.

Mr. President, the eve of an election year can be a very difficult time to reach consensus on just about anything.

When we are able to come together, it is incumbent upon us to seize that opportunity and move forward.

Mr. President, I think this is a good bill overall, and I was pleased to see the vote of the Senate just a few minutes ago.

I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSOLIDATED NATURAL RESOURCES ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S. 2739, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2739) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

Mr. BINGAMAN. Mr. President, I know my colleague from New Mexico will be here in a few minutes and wishes to make a statement in support of the legislation that is before us now. I will start by making my own statement, a general statement about it. I know Senator WYDEN also is here on the Senate floor and wishes to speak on this issue and on this legislation. I know, of course, Senator COBURN is also very nearby and wishes to make a statement as well.

The Senate will consider at this time S. 2739. It is a collection of over 60 noncontroversial bills that have been reported from the Energy and Natural Resources Committee dealing with various public land, national park, water, and territorial issues.

Let me start by thanking Senator REID, our majority leader, for making it possible for us to proceed with this bill at this time. This has been a priority of his for several months now, to get this legislation before the Senate. He deserves great credit for doing that.

All of the individual bills included in S. 2739 have been passed by the House of Representatives and virtually all of the bills—or their Senate companion measures—have also been favorably reported by the Energy and Natural Resources Committee. The committee votes on reporting these bills have been unanimous.

Typically, these bills would be considered individually and passed under a unanimous consent agreement. Unfortunately, as most Senators are aware, it has become virtually impossible to get unanimous consent to pass anything this year. So despite the fact these bills generally deal with State-specific issues and have the strong support of the affected congressional delegation, and despite the fact that these bills are noncontroversial—having passed the House of Representatives and having been reported by the Energy and Natural Resources Committee with overwhelming bipartisan support—we have not been able to get them cleared.

In an attempt to move these bills forward, last month I introduced S. 2739, which simply incorporates every bill our committee has reported that has also been passed by the House of Representatives. The package includes roughly an equal mix of Democratic-sponsored bills, Republican-sponsored bills, and bills with bipartisan sponsors. As I have already noted, since these bills have been reported out of the Energy and Natural Resources Committee by unanimous votes, there really are not any outstanding issues in dispute. Many of the individual bills that are included in this package have been on the Senate calendar for several months; in fact several were reported by our committee and have been pending on the calendar since January of last year—not January of 2008 but January of 2007. A number of the bills have been approved by the Senate—by unanimous consent, I might add—in previous Congresses, in some cases in several previous Congresses.

While the individual bills in this package may not be controversial, they are nonetheless very important to the individual sponsors, and the Senate has an obligation to try and pass these bills. I would like to take a few minutes to briefly identify some of the provisions included within S. 2739.

The bills included within S. 2739 encompass lands and activities in over 30 States and the District of Columbia. The first provision in the package is Senator MURRAY's and Senator CANTWELL's proposal to designate the 106,000-acre Wild Sky wilderness in Washington State, which the Senate has passed in each of the last three previous Congresses. The Wild Sky wilderness is an important addition to the National Wilderness Preservation, and has strong local and national support.

Another provision in the bill includes language sponsored by Senators WYDEN and AKAKA to give the National Park Service important new authority to enter into cooperative agreements to protect threatened natural resources in national parks.

S. 2739 also includes additions to the Minidoka National Monument in Idaho and Washington State, the Carl Sandburg National Historic Site in North Carolina, and the Lowell National Historical Park in Massachusetts, and the bill provides the National Park Service with important new authorities at Acadia National Park in Maine and Denali National Park in Alaska.

It authorizes studies of potential new parks in Missouri, Texas, Arkansas, California, Arizona, and Massachusetts to assess whether any would be appropriate for addition to the National Park System, and it establishes commissions to commemorate significant anniversaries of the Hudson and Champlain expeditions in what are now the northeastern United States.

S. 2739 would designate two new Outstanding Natural Areas to be managed by the Bureau of Land Management: the Piedras Blancas Historic Light Station in California, and the Jupiter Inlet Lighthouse in Florida. It also allows for BLM land in Nevada to be transferred for use by the Nevada National Guard.

The package includes a new addition to the Wild and Scenic River System in Connecticut, and a new addition to the National Trails System, the "Star-Spangled Banner" National Historic Trail in Virginia and Maryland.

The bill includes authorizations related to new commemorative works in the District of Columbia, including one honoring President Eisenhower, and establishes a commission to study the potential creation of a National Museum of the American Latino, here in Washington.

S. 2739 would establish three new National Heritage Areas: the Abraham Lincoln National Heritage Area in Illinois; the Niagara Falls National Heritage Area in New York, and the multi-State Journey Through Hallowed Ground National Heritage Area in Virginia, Maryland, West Virginia, and Pennsylvania, and it authorizes studies of potential new heritage areas in Oregon and Kentucky. It would also increase the authorization ceiling for several existing heritage areas.

This bill will help address the water resource challenges facing many regions of the country. There are 16 provisions in the bill affecting States west-wide, including sections that will promote partnerships between the Federal Government, States, and local entities in the area of water, including paying for security costs at Bureau of Reclamation facilities; ensure a better understanding of groundwater resources; facilitate a feasibility study of serious proposals to address water shortages and avoid litigation; transfer Federal property to local ownership and eliminate Federal restrictions impeding water conservation projects; promote water recycling activities; and authorize Federal participation in the Platte River Endangered Species Recovery Program, which is strongly supported in Colorado, Nebraska, and Wyoming.

Given the critical nature of many of these items, it's important that these water-related authorities be enacted as soon as possible.

S. 2379 also reauthorizes two energy programs at the Department of Energy. One clarifies the Secretary of Energy's authority to make grants to advanced energy efficiency technology transfer centers under the Energy Policy Act of2005, and the other reauthorizes the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

The package contains two important measures related to the territories. The first involves the Commonwealth of the Northern Mariana Islands—

CNMI—to respond to longstanding Federal concerns regarding immigration, labor, and law enforcement—concerns that are greatly heightened following the September 11 attacks. This bill culminates 11 years of congressional and executive branch efforts to extend the U.S. immigration laws to the CNMI including the establishment of Federal border control as anticipated by the 1976 covenant agreement between the CNMI and the United States. The bill also includes special provisions to meet the special needs of the islands' economy. The citizens of the CNMI have been U.S. citizens and members of the U.S. family for over 20 years, but they have been unable to participate in American democracy as have the other territories. S. 2793 rectifies this by authorizing the election of a Delegate from the CNMI to the House of Representatives, a necessary step if we are to keep faith with our Nation's founding principle of representative government.

The final title of S. 2739 would make numerous amendments to the Compacts of Free Association between the United States and the Pacific island nations of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

As lengthy as that summary of the provisions in S. 2739 was, it reflects only a portion of the bills that have been considered in the Energy and Natural Resources Committee this Congress. This package reflects only a first step of Energy Committee bills that need to be considered this year. As soon as S. 2739 is passed, I will assemble a second package, with a similar number of bills, containing legislation that has been approved by our committee, but which has not yet come over from the other body. Like this package, the second bill will be a wide-ranging collection of authorizing measures.

But regardless of whether the individual items in that package are large or small, all these bills will have been reported by our committee after a full public process. I know many Senators who have bills that will be, in fact, in that second package rather than in this first package and are eager for us to move ahead. I would point out the New Mexico-specific bills I have sponsored will be in that second package; they are not in the legislation before us today. So I share in that desire to move expeditiously, and I look forward to working with Senator DOMENICI and the majority leader and, of course, the Republican Leader as well to try to get that second package ready for floor consideration as soon as possible.

Senate rule XLIV requires the chairman of the committee of jurisdiction to certify that each Congressionally directed spending item in any bill coming before the Senate has been identified and disclosed on a publicly accessible Congressional Web site. The rule defines "congressionally directed spending items" as spending items "included primarily at the request of a Senator."

Although I included none of the House-passed bills in S. 2739, primarily at the request of a Senator, in the interests of full disclosure I have provided a list of all spending authorizations for specific amounts targeted to specific localities contained in S. 2739, along with the name of the sponsor of the Senate companion of the House-passed bill.

This list has been made available on the Web site of the Committee of Energy and Natural Resources since March 11 and was previously printed in the CONGRESSIONAL RECORD on March 11, at page S. 1869.

In addition, I ask unanimous consent that the list, along with my letter to the Majority Leader accompanying the list, be printed in the RECORD for the information of all Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, March 11, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: S. 2739, the Consolidated Natural Resources Act of 2008, which I introduced yesterday, is a collection of 62 separate legislative measures under the jurisdiction of the Committee on Energy and Natural Resources. The purpose of the bill is to facilitate consideration in the Senate of the large and growing number of measures relating to protection of natural resources and preservation of our historic heritage that have been passed by the House of Representatives and approved by the Committee on Energy and Natural Resources. Forty-three of the measures in S. 2739 consist of the text of separate bills passed by the House of Representatives, twelve are drawn from separate titles, subtitles, or sections of two other House-passed bills, and two are House-passed concurrent resolutions. Only one provision, section 482, contains new matter that has not passed the House of Representatives.

While S. 2739 incorporates a number of provisions of S. 2483, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, which I introduced three months ago, on December 14, 2007, there are a number of differences between the bills that are dictated by the amount of time that has elapsed since last December and by action that has since taken place in the House of Representatives. Two of the sections included in S. 2483 last December were subsequently enacted into law as part of the Consolidated Appropriations Act, 2008, Public Law 110-161, and, accordingly, have been left out of S. 2739. Eight new provisions, drawn from eight separate House bills or resolutions, have been added. Two of the effective dates in title VIII of S. 2483 have been extended in S. 2739 in light of the passage of time since S. 2483 was introduced. In addition, minor modifications were made in a few other provisions.

Although S. 2739 has not been referred to the Committee on Energy and Natural Resources, all of the House bills that make up S. 2739 or their Senate companions have either been reported or ordered reported by the Committee.

Rule XLIV of the Standing Rules of the Senate provides that, before proceeding to the consideration of a bill, the chairman of the committee of jurisdiction must certify that each congressionally designated spending item in the bill and the name of the Senator requesting it has been identified and posted on a publicly accessible website. The term "congressionally designated spending item" is broadly defined, in pertinent part, to include "a provision ... included primarily at the request of a Senator . . . authorizing . . . a specific amount of discretionary budget authority . . . for . . . expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process."

Fifteen of the House-passed measures incorporated into S. 2739 contain provisions authorizing the appropriation of specific amounts targeted to specific entities or localities. These authorizations are included in S. 2739 because they are part of the text of the House-passed bills. No Senator submitted a request to me to include them.

In the interest of furthering the transparency and accountability of the legislative process, however, I have posted a list of the specific authorizations in S. 2739 on the Committee on Energy and Natural Resources' website. The list includes the name of the principal sponsor of the Senate companion measure that corresponds to the House-passed bill. A copy of the list is attached for your convenience.

I previously asked the principal sponsor of the Senate companion measure of each House bill contained in S. 2483 to certify that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, and have posted the certifications I have received on the Committee's website. All certifications received in relation to S. 2483 remain on the Committee's website, where they are available for public inspection in accordance with paragraph 6 of Rule XLIV. I have not received any requests for new congressionally directed spending items to be included in S. 2739.

Thus, in accordance with Rule XLIV of the Standing Rules of the Senate, I hereby certify that each congressionally directed spending item in S. 2739 has been identified through a list and that the list was posted on the Committee's publicly accessible website at approximately 3 p.m. on March 11, 2008.

Sincerely,

JEFF BINGAMAN,
Chairman.

COMMITTEE ON ENERGY AND NATURAL RESOURCES CONGRESSIONALLY DIRECTED SPENDING ITEM CERTIFICATION PURSUANT TO RULE XLIV OF THE STANDING RULES OF THE SENATE

S. 2739—THE CONSOLIDATED NATURAL RESOURCES ACT OF 2008

Provisions in S. 2739 authorizing appropriations in a specific amount for expenditure with or to an entity or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process:

Section	Program or entity	State	Principal sponsor of Senate bill
314(c)	Acadia National Park	ME	Collins.
333(e)	American Latino Museum Commission	DC	Salazar.
334(j)	Hudson-Fulton and Champlain Commissions	NY & VT	Clinton.
342(1)	Lewis & Clark Visitor Center	NE	Hagel.
409	Hallowed Ground National Heritage Area	VA	Warner.
430	Niagara Falls National Heritage Area	NY	Schumer.
449	Abraham Lincoln National Heritage Area	IL	Durbin.
461	Multiple National Heritage Areas	OH, PA, MA, SC	Voinovich
		WV, TN, GA, IA, & NY	none.
504(d)	Watkins Dam	UT	Hatch.
505	New Mexico water planning assistance	NM	Domenici.
509	Multiple Oregon water projects	OR	Smith/Wyden.
511	Eastern Municipal Water District	CA	Feinstein.
512	Bay Area water recycling program	CA	Feinstein.
515(b)(6)	Platte River	NE. WY, CO	Nelson (of NE).
516(c)	Central Oklahoma Master Conservancy District	OK	Inhofe.

Mr. BINGAMAN. While I have previously tried to describe all the provisions in the package, I believe the individual sponsors can better describe the merits of some of their specific provisions. I am sure many of them will want to do so.

Passage of S. 2739 will not only allow us to send this to the House and then to the President, it will also allow us to move forward and address the many legislative pending requests within our Energy and Natural Resources Committee that have been awaiting consideration behind this bill.

I think it is important to remember all the individual provisions included in the package were previously approved by the House of Representatives. I know in a few minutes the Senate will also be considering four amendments that have not been approved either in the House or by our Energy and Natural Resources Committee.

To ensure that we do not jeopardize the enactment of S. 2739, I will be opposing all those amendments, and I will urge my colleagues to do so as well, so we can finally pass this bill in a form the House can quickly pass and send to the President for his signature.

As I indicated before, I know Senator DOMENICI wishes to make a statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wish to thank Senator BINGAMAN.

I rise today in support of S. 2739, the Consolidated Natural Resources Act of 2008. This bill is a collection of 62 individual measures that were in the Energy and Natural Resources Committee that have been considered favorably and reported to the Senate.

Packaging individual bills into a single bill is not typically the way we get the natural resources side of the Energy Committee business done. It is not my preference to do it this way. However, our customary procedure has been turned on its head since the beginning of the 109th Congress, and the fact that we are here considering this bill on the floor today reflects the frustration of many Members in this regard.

I have served on this committee for over 30 years, 4 of those as chairman and the past 2 as ranking Republican member. The recent controversy over consideration of this bill is simply a continuation of the efforts by the junior Senator from Oklahoma, since the beginning of the 109th Congress, to frustrate, in my opinion, the legitimate business of this committee and the Senate in maintaining proper oversight over the stewardship of Federal lands.

While I am pleased my colleague's concern about the unanimous consent process on an earlier version of this bill has been resolved, I nevertheless remain concerned about the ability of the Energy and Natural Resources Committee to conduct its business and that of the Members of the Senate. In addition to the 62 measures in this bill, we have reported over 40 other bills that still need to be considered, and we simply do not have sufficient floor time to consider each of those bills individually.

Typically, we have passed these bills by unanimous consent after having worked out any objections by individual Senators to specific provisions. Yet that process we have used for years to get these types of bills passed has ground to a halt because of the generic objections about authorizations from the junior Senator from Oklahoma.

When I, as chairman, and now Senator BINGAMAN as chairman, have tried to address the objections, we have been met with new ones each time we think we have resolved the issue. Frankly, I believe much of this problem can be attributed to a lack of understanding about the jurisdiction of the committee, the importance of its business in ensuring proper management of our Nation's natural resource treasures. A bit of history would shed some light on the reasons for many Senators' frustration and is certainly something that deserves attention.

The Energy and Natural Resources Committee began as a public lands committee nearly 200 years ago, providing oversight over the lands acquired in the Louisiana Purchase. It was one of the first standing committees in the Senate. Over the years its jurisdiction obviously has expanded to include energy issues as well, but easily more than half the committee's business continues to be public lands issues.

Those of you who have served on the committee know this includes everything from our national parks and monuments to all the Bureau of Reclamation water projects. The committee oversees the management of the Department of Interior and the Forest Service, of 535 million acres of land, and includes 58 national parks, 88 national monuments, including those on the Mall, and over 428 million acres of wilderness areas. This is over 30 percent of the total area of the United States.

The committee also has oversight of the Bureau of Reclamation projects that include more than 600 dams and reservoirs, including Hoover and Grand Coulee Dams. Our job is to make sure our national treasures are properly managed and that the departments of the executive branch charged with that task maintain a proper balance between the Federal, State, and local interests.

In addition, the committee oversees all matters related to U.S. territories, Puerto Rico, and the Virgin Islands. Because the jurisdiction is vast, the number of bills the Energy and Natural Resources Committee considers each Congress generally far exceeds that of other Senate committees.

In the 109th Congress alone, a total of 491 bills and resolutions have been referred to the committee for consideration. Most of these measures, as with the measures that are embodied in 2739, the bill currently before us, are required because the administrative agencies either have not taken action in addressing such things as boundary adjustments, land exchanges, or other matters relating to Federal lands, as Senators feel are necessary within their States. But in the 109th, we passed fewer than half of what we should have historically passed in previous Congresses because of the Senator from Oklahoma's objections. I am hoping together we are learning and the Senator from Oklahoma will work with us and understand all these bills are authorization bills, authorizing bills. They do not spend money until something else is done.

Money must be appropriated or spent by some committee or administrative body if it has authority because these bills authorize, they do not appropriate. The futile exercise ignores the balance between authorizing committees and appropriations committees; that is, the futile exercise that has been put upon us by the Senator from Oklahoma over the last 2½ years.

Let me pursue this point a little further, Mr. President.

The Constitution says, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." Note that the Constitution says, "appropriations." Under most circumstances, an authorization does not compel an appropriation of money from the Treasury. So, as I have attempted to reason with the Senator from Oklahoma, authorizations that involve the HOPE of appropriations occur all the time in this body. Most of the time, appropriations fall far short of the authorized level of spending. A case in point is the decision of Congress to not spend as much money on No Child Left Behind as the authorization bill would have allowed. In some cases, appropriations are made in the absence of authorization. So, clearly, the passage of these lands bills compels no appropriations bill in the future, and, thus, no point of order under the Congressional Budget Act lies against these bills. My attempts to persuade the Senator from Oklahoma of this fact have failed, leading to this Senator's frustrations. Let's be clear here: these are authorization bills, they compel no appropriations in most cases, and spending to carry out the intent of the vast majority of these bills is contained in the salaries and expenses of the Departments within whose jurisdiction these matters lie. So, the premise of the Senator from Oklahoma—that these bills will inflate spending and increase the deficit—is fundamentally flawed.

As I have noted, most of these measures have no direct cost to the Treasury; rather, they set priorities for the Departments for the use of their administrative budgets that will be appropriated each year. But one of the principal objections the Senator from Oklahoma has raised to all the bills the committee has is they cost too much money or, as he puts it: They will some day cost money.

That may be true. But the Congressional Budget Office reports on most of these bills that the administrative costs to implement them would be negligible. In the rare instance where the bill would require significant resources, no action could be taken unless there were additional appropriations.

So, basically, there have been no reasons for holding up these bills. The business of the Committee that is before us in this bill should have been able to have been taken a long time ago. I do not believe the judgment regarding park boundaries in Wyoming, a land exchange in Arizona, a water project in Colorado, should supplant that of the 23 members of the committee—that one Senator should supplant that.

Those 23 members of this committee make their judgments on information compiled by a professional staff with a combined service of relevant departments in Congress of over 70 years on the Republican staff side alone. They spend a great deal of time on these bills. They know more than anyone else. They give that knowledge to us, the 23 members, and we vote. It is not as if these bills are put together, brought here, much time, effort and money and resources are put into them before they are put together and before we ask the Senate to pass them. I hope we will not find ourselves in this bind again.

We have four amendments offered by the junior Senator from Oklahoma. I have seen them all. I do not think any of them have received appropriate hearings. I do not think any of them have had the study that goes into the bill, that are in this bill before us. For that reason and many others, I do not intend to vote for them.

I do thank the Senator from Oklahoma, the junior Senator, for finally arriving at something that will conclude the matter. It will be concluded today, and many Senators will be pleased and many House members will be pleased, and all I can tell them is: We have tried our best to do this sooner, and we will try our best to do the next one sooner rather than later.

In the face of all of this, I cannot in good conscience vote to delay passage of at least some of the bills that we have worked so hard on in the committee and that are packaged in S. 2739. The amendments the Senator has filed under the unanimous agreement are sweeping generic changes to aspects of Federal land management. While aspects of some of them may have merit, they should only be considered through the committee process where the substance and consequences can be illuminated and debated in hearings. I doubt that there is any Senator, including me, who is 100 percent supportive of every line in these bills that compose S. 2739; but, as with everything else we do around here, there had to be give and take on both sides of the aisle to come to agreement on many of these measures. And since it has not been my experience that we will ever be able to satisfy the junior Senator from Oklahoma, I recommend that we proceed to pass this bill without amendment.

I yield the floor and thank Senator BINGAMAN for yielding to me.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I wished to begin this morning by thanking Chairman BINGAMAN for his public assurance today that S. 2739, the Consolidated Natural Resources Act of 2008, will not be the final public lands bill taken up by the Senate this year.

I know that is going to be encouraging news to the people of my home State who, in particular, want to see our treasured Mount Hood receive additional protection and want to make sure its scenic beauty will be preserved for future generations.

As the chair of the Subcommittee on Public Lands and Forests, I know firsthand how important these public lands bills are to folks in the States where the lands are located. There are several pieces of legislation that involve my home State. The proposals contained in this bill have all passed the House, passed the Senate Energy and Natural Resources Committee, and I hope they will become law.

I especially express my appreciation to the distinguished senior Senator from Washington, Mrs. MURRAY, who has toiled month after month after month on her extraordinarily important wild sky wilderness legislation. She, of course, is joined in that by our colleague Senator CANTWELL. This is going to be something of great pride to all of us in the Pacific Northwest. I congratulate Senator MURRAY and Senator CANTWELL on their efforts.

Today, though, as we deal with S. 2739, we also include in that legislation that I authored, referred to by Chairman BINGAMAN, the Park Service authority to enter into cooperative agreements to better protect the parks' natural resources. Chairman AKAKA has joined me in this effort, and I commend him for all of his work to protect our treasured national parks.

The legislation also includes another bill to study the Columbia Pacific Natural Heritage Area, something that has been of great importance to local communities. It also includes important legislation for my home State to protect our water resources.

It is important to note that our work cannot be considered done with this legislation. There is another public lands package reflecting the work of many Senators in the Energy and Natural Resources Committee which also contains a number of important pieces of legislation that have strong bipartisan support. Among those bills are two measures vitally important to the people of my home State: the Lewis and Clark Mount Hood Wilderness Act of 2007 and the Copper Salmon Wilderness Act. That is why it is my view that the Senate should move quickly on today's legislation, S. 2739, and then, with the bipartisan leadership of Chairman BINGAMAN and Senator DOMENICI and colleagues on both sides of the aisle, go forward with other measures that have been, regrettably, stalled for much of this Congress.

I have been to the floor before to speak about the Mount Hood Wilderness Act. This is a thoroughly bipartisan piece of legislation that I and

Senator SMITH have worked on for many years. It passed unanimously out of the Energy and Natural Resources Committee. Regrettably, it has been held up for many months now. Mount Hood is one of the most photographed and visited wild places in the United States. The legislation we have written to protect this icon is the result of many meetings, scores of discussions from a diverse number of Oregonians. They are anxious to see this legislation moved forward. That is why it is so important that the Senate act after the Senate passes S. 2739. Countless Oregonians and other westerners have been frustrated to see all their years' efforts to enact new wilderness protections for Mount Hood, which has passed the Senate Natural Resources Committee, get stalled here on the floor.

As I have noted in the past, the bill to protect scenic areas as Lewis and Clark first saw them has now taken longer to get through the Senate than it took Lewis and Clark to get to Oregon. Our constituents don't understand how a bill that has such strong bipartisan support is being held up. They don't want to see it held hostage, not for partisan politics or for any other reason. They also feel that Copper Salmon is a gem that deserves protection.

The bipartisan legislation to protect Mount Hood builds on existing Mount Hood wilderness but adds more wild and scenic rivers and provides a recreation area to allow diverse recreational opportunities. We would protect the lower elevation forests surrounding Mount Hood and the Columbia River gorge. The protected areas include scenic vistas, almost 126,000 acres of wilderness and, in tribute to the great river-dependent journey of Lewis and Clark, the addition of 79 miles on nine free-flowing stretchers of rivers would be added to the National Wild and Scenic River system. From what Senator SMITH and I hear about our legislation and the places we have proposed for wilderness protection—and we have talked to local community leaders, to environmentalists, to timber and mining interests—we believe we have gotten this legislation right.

The bill responds to the thousands of comments I have received on both of my previous efforts to protect Mount Hood, input at public meetings held in Oregon, and letters and phone calls. I have met with over 100 community groups and local government leaders, members of our congressional delegation, the Governor and the Bush administration. Among the comments we got was a resounding cry for additional wilderness, particularly more recreational opportunities.

There are currently 189,200 acres of designated wilderness on the Mount Hood National Forest. The legislation we are talking about would increase that amount by about 126,000 new acres of wilderness. These protections, protections for such important Oregon places, should not be held up by procedural wrangling. It is one thing if there is any sense on a piece of legislation involving wilderness of significant interest groups not being consulted, not being allowed to participate. I can see every reason to hold up that kind of legislation. But when everybody feels they have been consulted, you have complete bipartisan support from the State and the Natural Resources Committee, we ought to be in a position to move forward.

I am going to repeat today what I have said before: My doors are open to every Member of the Senate on this legislation and everything else. If you want to get anything important done, you have to work with colleagues. If there are additional objections to Senator SMITH and me moving forward with the Mount Hood legislation, we want anybody who has an objection to come to us, because we will meet them halfway in an effort to try to address their concerns. But we have to do what Chairman BINGAMAN has pledged today, and that is to have an additional package of bills that is so important. I know the distinguished chairman from New Mexico has measures that are important to him. He has brought a bill to the floor of the Senate today because he wants to help all of the communities across this country that have worked to try to address these issues. I commend Chairman BINGAMAN for it. Frankly, I respect his selflessness in this effort. But we have to move on after we act today.

I hope this legislation will pass quickly, that it will then be possible for the Senate to turn to the next public lands bill, and we will be able to adopt that swiftly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have listened patiently to what has been said. One of the things that has to be stated, if we want to change the rules of the Senate, that is fine, but it is important for the American people to know what a unanimous consent request is. This bill contains 26 separate pieces of legislation where on over four dozen of them we have had no objection whatsoever, ever. Not one time have we raised any objection. But a unanimous consent request says, No. 1, you agree with the legislation. No. 2, you don't think it should be amended. No. 3, you don't think the Senate ought to vote on it. We have a major difference of opinion about what priorities are and what they should be.

I heard the distinguished Senator from New Mexico talk about frustration. Who is watching out for the frustration a child born today, encompassing $400,000 of unfunded liabilities, is going to have when that bill comes due? Where is the worry about the frustration for future generations? People say this is noncontroversial. Let me tell you, it is controversial when you are talking about infringing on the property rights of people without their permission. That is controversial. We have a difference of opinion on that. We think heritage areas and the disclaiming of heritage area has no impact on property rights.

That is absolutely untrue. It does impact. Property rights are a real right guaranteed in this country. We are going to set up boards that will influence, with the money we give them, private property use and utilization without an equal influence by the private property owners. We do have a difference of opinion.

At the end of this fiscal year, September 30, the accrued actual debt on the books for this country will become $10 trillion. We are going to add $3,000—2,800 and some odd dollars—per man, woman, and child at the end of this year to the debt. People say it is noncontroversial. Four dozen of these are noncontroversial. But this idea that we have to authorize, it is either a wink and a nod, or we are totally dishonest with the American people. If we are authorizing it, we intend to spend the money. We wouldn't be authorizing it if we didn't intend to spend the money. My objections are not that we do the right things for protecting our parks or creating the right environments in our forests and ensuring that the great treasures of our country are not protected. I want to make sure they are available. But to claim, when we have a $9 billion deficit in terms of backlogged work in our parks right now, as documented by the U.S. Park Service, $9 billion of work that needs to get done that we can't get done, to say this isn't going to have any impact on it, it is going to have an impact. It is going to delay the maintenance on the very things we say we treasure. So what have we done? What are we doing?

We are having a discussion about a small area that supposedly doesn't cost much money. It hasn't been scored, but those things in it that have been scored, it is over $350 million per year, a third of a billion dollars. What are we talking about? This debate is about whether we face up to the priorities in front of us as a nation. It is not about being against parks. It is not about being against the process. It is about making sure somebody in this body is standing up thinking about the future finances of this country and what we are going to do to our children. This is another example of what I believe—and I know I am in the minority—is a misplaced priority. How do we justify it, when we own, as the Senator from New Mexico said, 30 percent—I thought it was 38.5 percent—of all the land in the country? When we are not taking care of the land we have, how do we justify adding more land? We added 90 million acres to Federal Government property in the last 8 years. That is 90 million acres that are taken off the property rolls of communities and States. We take it away. We control it, and then we don't take care of it. But now we are adding more. We are doing it more.

Let's talk about some of the issues. This is a noncontroversial bill is what we have heard. How about $2 million of our kids' money to celebrate the 200th anniversary of Robert Fulton and the Claremont? At a time when this year we are going to borrow $600 billion, we are going to spend $2 million on a celebration? Why don't we celebrate the fact that we are going to put our kids in debt more? That is what we should be celebrating, if we are so proud of this. How about $2 million to create a commission to celebrate the 400th anniversary of the voyage of the Champlain. Do we have $2 million to throw away? We are going to throw that away on something that is not important, considering where we are in this Nation and the debt and the heritage we are going to leave our children. You bet we have a difference of opinion.

The American people want us to start thinking in the long term, not the short term. Do we look good if we have done all these bills back home? You bet. We wink and nod and say: We are doing it. Either we are going to appropriate the money or we were dishonest with them in the first place. We are going to spend the money. How do we walk out of here and say: We got you what you wanted? We do not really intend to spend the money—unless we really do intend to spend the money, so then it really does make a difference, and we cannot maintain what we have.

There was a very wise historian, his name was Alexander Tytler. This is attributed to him. I am not sure it is really his, but the words were spoken. They are not mine, but it is very apropos for where we are, not just on this issue; I am not a voice of frustration just on this issue. My colleagues know that. I think it is time for us to start thinking about the long-term in this country and not the short-term politically expedience that says we look good at home.

Here is what Tytler said: A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largess from the public treasury. From that time on, the majority always votes for the candidates promising the most benefits—we got you done what you want done at home; whether we can afford it or not does not matter, but we got it done—with the result that a democracy always collapses due to loose fiscal policy, always followed by a dictatorship.

That is the history of the world. We are contributing to our own demise as we think short-term political expediency so we can look good at home, so we can satisfy demands at home.

Will Durant said:

> A great civilization is [never] conquered from without until it has destroyed itself [from] within.

We have now $79 trillion worth of unfunded liabilities that we are getting ready to lay on our kids and grandkids, and we are not thinking a thing about probably $1 billion with this bill of new additional expenditures for next year, if it gets appropriated. It is the price of doing business in Washington. We do not have that luxury anymore. We do not have the luxury of mortgaging the future of our children anymore.

Why is the dollar at a historic low right now? Is it because we are in a slowdown or a recession? Is that it? No. It does not have anything to do with it. It has to do with the world confidence in our ability to repay our debt and the debt the rest of the world sees coming to us, which comes out to, if you were born today, $400,000 over your lifetime. Now, how many of us have children or grandchildren who could absorb just the interest on $400,000? A few, but most of us could not do that.

So this debate is a philosophical debate. I am not worried about being a source of frustration in the Senate. I am worried about the future of our country, and if I create some scrapes and bruises on my way to wake us up to what the American people want us to do—which is think long-term, fix the structural problems, and quit pandering back to our individual desires in the State—this Congress has become a parochial Congress. It is more important to do what is right for your State than it is for what is right for the country. How dare us. That has nothing to do with our oath. None of us has our State mentioned in the oath we take when we accept this office.

So we are about to pass 62 pieces of legislation, none of which had a hearing until after they passed out of the committee—17 hearings post coming out of the committee. As to saying we have to meet this because it is bipartisan, it is a bipartisan failure to think about the future of this country and what is in the long-term best interests of the country, as we satisfy looking good at home to ensure our next election is put ahead of the next generation of this country.

I am not going to participate in that. I am going to continue to work to make sure any piece of legislation that comes to this floor is thinking about the long-term, not the short-term. If that creates ill will among my colleagues, I apologize in advance. I would much rather be remembered as somebody who was interested in protecting the future of our children than playing nice in the Senate. As Phil Gramm said: I didn't come here to make friends, and I haven't been disappointed.

The real fact is, what did we all come here for? We all came here with that in mind, to do what is best in the long-term interests of our country. It is important for us to be reminded when we are not doing that. There can be a difference of opinion about priorities. There cannot be a difference of opinion about the amount of trouble we are in. There is no difference of opinion in terms of trouble. It does not matter how we got here. The fact is, we are here. We are in trouble.

How is it that we put a delegate for an island territory in this bill that has 60,000 residents that we are going to put $5.6 million into over the next 3 years? That we are going to create another delegate—what does that have to do with natural resources and lands? How did that get in here?

We have added an intermodal transportation center in Trenton, ME. It authorizes the Federal Government to pay 40 percent of it, no matter what it costs. There is no limitation that this will be a competitively bid contract. No matter what it costs, we are on the hook for 40 percent of whatever it costs. And we are on the hook for 85 percent of what it will cost to run it thereafter. The only problem is, there are three other visitor centers within walking distance of this one. But we wanted to do it.

I could go on and on and on. The fact is, this debate is not about process. It may be to you, but it is not to me. This debate, for me, is whether we are going to change our behavior at every point to start thinking about the long-term future of this country.

I have the greatest respect for Chairman BINGAMAN. He has been an absolute gentleman to me in every way in every dealing. But we have a philosophical difference. He is charged to move bills out, to get things done. Most of them that have no cost he will readily agree I have had no objection to. He knows that. We have not tried to block those. But they are combined with the other bills because they know that is a force to create the votes, to get things that might be somewhat more controversial spending. That is his job. I understand that.

I have no ill will toward anyone. What I have an ill will for—and when I leave the Senate, what I will take to my grave—is not being good enough to convince us to do what we swore an oath to do, and that is to think long-term, think what is best for our country, not what is best for our State; think what is best for our children, not what is best for us; think what is best for our country, not what is best for our party; think what is best for America. We are losing. Consequently, we see it happening in our country.

So it is time to really clarify what this debate is about. It is really not about a lands bill; it is about the philosophy where we continue to work and run like a loose barge in the Mississippi River that does not have a tug associated with it. Are we going to do that? Because that is what is happening.

One amendment I am going to be offering just says we ought to know what things cost. How much land do we have and how much does it cost to have it? We are going to have it objected to, not because it is not common sense but because we are afraid the whole package might not get accepted if something common sense is in it like knowing how much our land costs us, knowing how much land we have, having an inventory, and making a judgment, a metric about what we are doing. Nobody is thinking the big picture. We are thinking the political picture. So here is the amendment. It is not going to go anywhere, most likely, but it absolutely makes common sense that we would do that, that we would know all the properties we own.

We have another amendment that is going to say that citizens have to give their approval when somebody comes onto their land who does not own their land—just basic property rights saying: If somebody is going to set up a heritage area, they ought to get permission to come onto private land, if it is your land and somebody is coming on it. We take that right away in heritage areas. It is gone. They do not have to do it. It is a commonsense amendment that says if you own land, you ought to have the right that is guaranteed you under the Constitution to have your land protected. It is your land.

We have so much unwanted property where all the land agencies want a way to get rid of it, but yet they cannot. They cannot. They do not even have the money to get rid of it. So there is an amendment that says: Let's take 1 percent of the cost of this bill and allow the different agencies to get rid of the excess properties they have. It is not complicated.

The other thing is, we are going to offer an amendment requiring that citizens within a national heritage area are informed of the designation before it happens. If we are going to pass a law that is going to impact somebody's private property, shouldn't we tell them ahead of time? Shouldn't they have notice? Shouldn't they have the rights guaranteed to them under the Constitution?

I have spoken enough, but I think under the guise of the lands bill I have explained the real problem. There is a difference of philosophy. I will not stop fighting until we start thinking about the long-term problems facing this country.

I will not stop objecting to spending money that we know we intend to spend. We are just playing the game that: Oh, it is not an appropriation. Well, almost 30 percent of the appropriations are not authorized. So you cannot have it both ways. A third of the money we appropriate under the appropriations process is not authorized to begin with. So authorizations actually do not mean anything, do they? Or do they? Yes, they do, because they are not going to get appropriated, or they are, and if they are, we ought to be talking about real money that is going to be spent.

I want to talk for a minute about the backlogs in our parks because I think if the American people knew it, they would not stand for it until we did something. The National Park Service faces, right now, a $9 billion backlog. That is their number. That is not TOM COBURN's number. That is their number, a $9 billion backlog. With this legislation, they are going to take on more responsibility with no increased funds, which means the backlog is going to grow.

The Facilities Management Division of the National Park Service reveals there are at least 10 States where National Park Service maintenance backlogs exceed $100 million per park—$100 million per park. Twenty States have facilities with deferred maintenance exceeding $50 million. That does not include road maintenance, which is far higher. None of these numbers include the road maintenance we have not supplied the money for either.

They maintain 1,466 buildings built before 1900 but do not have the money to maintain them. They have 4,975 buildings constructed before 1950 but do not have the money to maintain them. They have 2,500 fixed assets—2,500 fixed assets—they do not want but this committee will not create a way for them to get rid of. They are still spending money on 2,500 facilities—2,500 different buildings—that they do not want, that they spend money on every year, that they are not using, but they have to keep it up.

The National Park Service has 31 sites in California alone. They have a State backlog, in California parks alone, of $584 million, exclusive of any roadwork. California is home to many of our treasures: Yosemite, Golden Gate, Sequoia.

New York national parks: They face a $347 million backlog—$347 million—home to Ellis Island, the Statue of Liberty. The Statue of Liberty has a maintenance backlog of $185 million, work that needs to be done on it. We are not doing it.

National parks in Wyoming: a $205 million maintenance backlog. That is Yellowstone, Grand Teton, Devils Tower. Yellowstone has a $130 million backlog. It is one of our great treasured western assets. Everybody who visits there has total enjoyment from it, and yet it has a $130 million backlog which we have not addressed.

There are no increased authorizations for maintenance backlogs. Glacier National Park in Montana, a backlog of $400 million; Washington, DC, home to our monuments, a $371-million maintenance backlog; New Mexico, $41 million; Arizona, $192 million. The National Parks Conservation Association said this: The average budget shortfall among 100 park units is 32 percent. In other words, we are supplying two-thirds of what they need to maintain their parks adequately, and with this bill we are going to be adding to all that and other lands other things they are going to have to be doing because of this bill, but we are not going to address the real needs.

Each of the new projects in this bill will siphon funds away one way or the other, directly or indirectly, from these important projects. Are we good stewards if we add things to be stewards of when we are not caring for the things we have already?

There was a wise man who once said: He who is faithful with small things will be faithful with big things. I would surmise and put forward to this body that we have not been good stewards with what we have already. Yet we are going to add to them.

AMENDMENT NO. 4522

Mr. President, I call up amendment No. 4522, and I ask unanimous consent that it be read and that Mr. MCCAIN be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4522.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Director of the Office of Management and Budget to determine on an annual basis the quantity of land that is owned by the Federal Government and the cost to taxpayers of the ownership of the land)

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901 ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the "Director") shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—An annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) USE OF EXISTING ANNUAL REPORTS.—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

Mr. COBURN. Mr. President, this is a straightforward amendment. It requires an annual report of the Federal Government detailing the amount of property the Federal Government owns and the cost of Government and landownership to taxpayers.

This is just a small chart that shows the amount of land the Federal Government owns. As my colleagues can see, two-thirds of the Western United States is owned by the Federal Government in one form or another. It recognizes all of the core land, the parkland, the forest land, the heritage areas that are not—it doesn't recognize the heritage areas that we don't own, but it does recognize all the land holdings. Nobody has a metric on what we own. Not any one agency knows what we own in total, nor does anybody know what it costs us to own it, nor does anybody know what it costs the communities for us to own it because it has been taken off the tax rolls.

Each year, the Office of Management and Budget would be required to issue a public report detailing Federal landownership. The report would specifically include the total amount of land in the United States and the percentage that is owned by the Federal Government; the percentage of all U.S. property that is controlled by the Federal Government—not necessarily owned, but controlled—the total cost of operating and maintaining Federal real property, including land, buildings and structures; a list of all Federal property that is unused and vacant—because why should we continue to maintain properties that are unused and vacant—including all buildings and structures; and the estimated cost of the maintenance backlog at each Federal agency with regard to their land holdings.

What this will do is give the taxpayers some transparency about the real nature of what we are doing. We are going down an alley blindly. We don't know what the cost is. We don't know what the total is. We certainly don't know what we are creating when we add more to it when we don't know the metrics on what we have already.

One of the things we need is greater accountability on the maintenance. It is strange to me that we can do what we are doing with this bill and not already know this information. Why would we not know what our total land holdings are and what their costs are? There are no requirements under current law to require public disclosure of the amount of land controlled by the Federal Government or the cost of such occupation to the taxpayers. There was an Executive order issued in 2004 that would require some of it to become publicly available, but what this amendment says is it all should be. It is an inventory. Every other organization, including the States, know what they own, and they know the cost to manage what they own. It is called management accountability. Transparency is the thing that leads to accountability.

When the President directly required the Office of Management and Budget to release a high-level report giving a picture of property ownership between 2004 and 2005, the Government decided to stop releasing the information on public domain lands. Wonder why that is. What happened is 90 percent of the lands aren't reported. So this amendment would legally require the Government to release information on all land it owns, how much it costs to maintain, and require the Government to track the growth of Federal landownership around the country.

This isn't hard to do. Once you have the database, all you do is add and subtract. The first year it will be tough. Every year after that it would not be hard at all. It is a computer program.

Governments track the property that individuals own. The Government therefore should disclose the same information about the land holdings that it has. The Government knows what land we own. Why shouldn't the American people know what land the Government owns? It is just common sense. If we want to manage our resources and manage our properties, then we have to know what it is and what it costs, but we don't. We don't use zero-based budgeting. Whatever they spent last year, they just ask for more. At the end of the year, if it is not all spent, they make sure they spend it; otherwise, they are liable to get a cut. So we are not putting the money in based on what we know the need is; we are putting the money in based on a historical record that is obviously failing to maintain our national parks.

I will discontinue with any further debate on this amendment and yield to the chairman of the committee. I would just say commonsense knowledge about what we own and what it costs us is something the American taxpayer ought to have, and to vote against this for some reason because we can't goes back to the same philosophical argument. We are going to have the short-term excuse for the long-term problem, and we are never going to get out of this hole.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me respond on this particular amendment that the Senator from Oklahoma has presented or called up for consideration.

The amendment does require the Director of the Office of Management and Budget to post an annual report on the Internet that details quite a few different things. First, how much land is "within the jurisdiction of the United States;" second, how much of that land is owned by the Federal Government, both in total and on a State-by-State basis; third, a description of how much it costs to maintain all lands, buildings, and structures on an agency-by-agency basis; fourth, extensive information on the number of unused and vacant assets and the value of operating costs for each such vacant asset; fifth, the estimated maintenance backlog of each Federal agency, presumably on these various assets.

The amendment does not just apply to national parks and national forests and reclamation projects and public domain lands which, of course, our committee would have jurisdiction of, the Energy and Natural Resources Committee, but also the national wildlife refuges, Indian trust lands, GSA properties, post offices, military bases and facilities, veterans hospitals. And those, of course, are under the jurisdiction of other committees I do not serve on.

To give a sense of the breadth of the amendment, the Office of Management and Budget would have to provide detailed information each year on approximately 1.2 billion real property assets worldwide and over 636 million acres of land.

There is no provision in the amendment to exempt any sensitive information that the Department of Defense might wish to withhold or the Department of Energy or the CIA or any other agency that has a national security responsibility.

While there is certainly room for improvement in Federal property management—and in that regard I agree with the Senator from Oklahoma—I do not believe we are ready to act on this amendment at this time or adopt this amendment. I believe compliance with the amendment would be very burdensome, time consuming, and expensive, and, of course, it is a responsibility that would have to be updated each year.

My own view is, this amendment, if proposed as a freestanding bill, would not be referred to our committee, not the Energy and Natural Resources Committee. I believe it would be referred to the Homeland Security Committee because they have Government-wide responsibility. We have no idea how much cost would be involved to each agency in compiling this information for the Office of Management and Budget. I assume it would be a substantial cost, and it is not one that I think we should act upon with this bill without any idea of that cost.

So my own preference, frankly, would be that if the Senator wishes to have a report such as this developed, the appropriate way to proceed would be to go to the chairman and ranking member of the Homeland Security Committee, ask for a hearing on this proposal, get that committee to look seriously at what can be done to develop this kind of report, what cost is involved in developing this kind of report, whether there are needs that national security would require for putting some exemptions into this report so that we would not be putting on the Internet information that some of our national-security-related agencies would not want posted on the Internet. That would be the approach I would urge on my colleague.

So for all of those reasons, I oppose the amendment and urge my colleagues to oppose it when it comes to a vote.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I will defer to my colleague from Oklahoma.

Mr. COBURN. Mr. President, would my colleague yield for just a moment so I may respond?

Mr. SCHUMER. I would be happy to.

Mr. COBURN. I want the chairman of the committee to know that we worked very closely with OMB as we developed this amendment. This is not a significant cost because they have been gathering this data to a certain extent already. I would gladly take a second-degree amendment to offset any sensitive data that might be incurred so it would not be made available.

There is no question there is some cost to it, but the yearly cost is minimal, and OMB has already stated that. The cost of establishing it, yes, I agree, it would be hard. But what my colleague has said is we really don't want to manage all of the properties because we don't want to know. That is the important thing, that we can't directly manage them unless we do that.

So I yield the floor.

Mr. SCHUMER. Mr. President, I thank my colleague from Oklahoma, with whom I do not agree on many things, but I know he speaks with integrity and from the heart.

I rise to speak in support of S. 2739, the Consolidated Natural Resources Act of 2008, which we are working on. I wish to thank my colleague from New Mexico, Chairman BINGAMAN, and Vice Chairman DOMENICI for their leadership on this legislation. We have waited a long time for it. In the Senate we need to get just about everyone on board. Due to some Senators' steadfastness, including Majority Leader REID's, we are here today.

All provisions of the legislation are important, but there is one provision for western New York for which we have waited a very long time, and that is the provision that would designate land at thematic sites along the entire Niagara River corridor—from Buffalo in the south to Lake Ontario in the north—as a national heritage area.

Establishing this heritage area will allow us to protect the world class natural resources of Niagara Falls while promoting tourism and economic development in the region. For the first 5 years of this heritage area, a Federal commission would work to implement a management plan to capture the full benefits of the natural, historic, cultural, and recreational resources of the entire Niagara Falls region.

Known the world over, Niagara Falls, of course, is a geological wonder that has drawn visitors for more than 200 years. But the region has so much more than just the profound drama of beautifully cascading waters.

The Niagara River corrridor has played an important role in our Nation's history. Native American culture, early European exploration, the French and Indian War, the American Revolution, the War of 1812, the Underground Railroad, and the development of hydroelectric power all have strong connections to the region.

Furthermore, the Niagara River corridor abounds with scenic beauty that offers something for recreational enthusiasts of all stripes. With numerous State parks in the area, hikers, fishermen, birders, and hunters flock to the region to enjoy its outdoor splendor.

Despite these strong assets for tourism, visitors to the U.S. side of Niagara Falls have been on the decline for several years. Too much of the New York side of the border is marked by aging infrastructure and blighted land. And all too frequently, visitors spend far more time on the Canadian side of the falls, while barely visiting the New York side. We must reverse this trend.

Let me be clear. The attractions and resources exist for the Niagara River corridor to become a world class destination. But the attractions it offers lack a comprehensive, unifying thread that ties the elements together in a meaningful way for the visitor.

Designating the land a heritage area will help us link the existing sites of interest in a coordinated fashion, marking the region effectively, and attract more visitors. It will promote collaboration among Federal, State, and local resources and help spur investment and economic development in the region.

Let me say that this heritage area has been years in the making. When I first was elected to the Senate in 1999, people in Niagara Falls said we have to do something. It probably surprises my colleagues that there is virtually no Federal involvement at Niagara Falls, one of our greatest scenic wonders. We tried to figure out the way to go. Some advocated it should be a national park, and there were other things. We concluded that the heritage area is the right way to go. It will allow Federal help to come to the region, Federal resources and experience, with planning and linking the great wonder of Niagara Falls to other historic and tourist attraction sites, but at the same time it will allow the local region to maintain control.

So in 2001, at my request, the NPS reconnaissance team visited the region and recommended a congressionally authorized study be undertaken to determine the best development strategies for the area along the Niagara River. We asked them to look at the heritage area.

In 2005, the National Parks Service completed that study. I thank the Park Service, because they certainly relied on local input. There was tremendous local input here, so nobody in the Niagara Falls area felt anything was being rammed down their throat. What they found—the Park Service—is strong local support for a heritage area, as well as a very great need for the resources it would offer. The report wrote:

> In order for Niagara Falls to fulfill its strategic role as a key regional attraction, it is necessary for it to upgrade the visitor experience to match the expectations of 21st century travelers.

That sums up the challenge we face in Niagara Falls. The study concluded that based on Niagara Falls' natural and cultural resources, the evidence of a thematic framework, the potential for effective public and private partnerships, as well as strong public support, the region met the criteria for designation as a National Heritage Area.

Last May, the Subcommittee on National Parks held a hearing on this issue, where I testified in support of the bill. After the hearing, we worked closely with both the National Park Service and the Energy Committee staff—whom I thank for the good work they do—to iron out the technical corrections to the bill so it could be discharged by the full committee. The heritage area has been studied now for more than 7 years. It has broad public support, and it is time for it to become law.

The $10 million authorized under this act should help Niagara Falls realize a substantial return on that investment. First and foremost, any Federal expenditures will be matched by State, local, or private contributions, adding millions more to the investment in the region.

Second, it is estimated that implementing the heritage area would attract 140,000 new visitors per year, and some estimates project that this would infuse up to $20 million into the local economy annually.

With the summer tourist season fast approaching, we are reminded that far too many visitors only view Niagara Falls from the Canadian side of the border. They have missed out on the history, culture, recreation, and natural beauty that is found in equal measure on the New York side. This legislation will take great strides in balancing that inequity and help revitalize an area of our country in need of investment and economic development.

With that, I yield the floor and thank my colleague for working so long and hard with us to make this legislation today a reality.

Mr. BINGAMAN. Mr. President, I believe the Senator from Oklahoma has three additional amendments he wants to present. I believe he has 30 minutes on his side and I have less than 15 on our side. I will defer to him to go ahead, and then I will have a few minutes to respond.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Oklahoma is recognized.

AMENDMENT NO. 4521

Mr. COBURN. Mr. President, I think we will finish well before 2:15. That is my hope. So if we are looking at votes, I hope they will have some notice about that time. I ask unanimous consent to set aside the pending amendment and bring up my amendment No. 4521, and I ask unanimous consent that Senator MCCAIN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 4521.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require approval prior to the assumption of control by the Federal Government of State property)

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. REQUIREMENT OF APPROVAL OF CERTAIN CITIZENS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of a voluntary exchange between a private landowner and the Federal Government of a parcel of land.

(d) DURATION OF APPROVAL.—

(1) IN GENERAL.—With respect to a parcel of land described in subsection (a), the approval of the citizens of each political subdivision in which a portion of the parcel of land is located terminates on the date that is 10 years after the date on which the citizens of each political subdivision approve the control of the parcel of land by the Department of the Interior, the Department of Energy, or the Forest Service under that subsection.

(2) RENEWAL OF APPROVAL.—With respect to a parcel of land described in subsection (a), the Department of the Interior, the Department of Energy, or the Forest Service, as applicable, may renew, by referendum, the approval of the citizens of each political subdivision in which a portion of the parcel of land is located.

Mr. COBURN. Mr. President, the American Farm Bureau and American farmers and ranchers had endorsed all of these amendments at an earlier time. I assume they would again, because it is the same language that was used in the past. Today, the National Taxpayers' Union endorsed these as commonsense freedoms for us.

This amendment is pretty straightforward. It says that if the Government wants to take your land, you ought to be able to say, yes, I agree or you ought to be able to say no. What this bill does is it authorizes the Federal Government—they can still acquire new lands, but if it is going to have an impact on your land—not their land but your land—the citizens ought to get a vote on it. It is called real transparency in government and real participatory democracy.

A lot of Americans are concerned about the excessive Government influence over their land. We can say they are not, but they are. People in my State of Oklahoma, in New Mexico, New York, and every other State have great concerns about property rights. This amendment is intended to address those concerns. It simply requires the citizens affected by Federal Government land grabs, or heritage areas, or others where we are talking about private lands being impacted, to have a vote, to have a say in the matter. It authorizes the Departments of Agriculture and Interior to continue to acquire land by purchase or exchange. It will not affect that.

The amendment would only apply to situations involving Federal eminent domain, when the Government takes property without the consent of the owner, or State and local governments cede private land to the Federal Government. The decision to cede property to the Federal Government may be voluntary by the State and local governments, but such a decision impacts the whole community. So all residents of an area, therefore, should have a voice in the decision to turn over public property that is controlled by bureaucrats in DC.

Do you realize that in all of our Western States, any single bureaucrat has more control in that State than the Governor of the State, where they own the majority of the land? Their implied power is greater than the highest elected official in the State. What they say goes, because it is the Federal Government. So whether it is a park ranger or forest ranger or manager of a forest or the BLM, what they say has more power than what the chief executive of any of those States says. When we look at this, we are saying if the Federal Government is going to take something by eminent domain, the people it will impact should get a chance to say yea or nay.

This goes back to the concept that we have a real right to own and hold property in this country. That is something many countries don't offer their citizens. We ought to be about protecting it at every level.

This amendment would involve local residents in Government decisions about their neighborhoods and communities. Sam Adams profoundly questioned, "What liberty can there be where property is taken away without consent?" What liberty is there when your property is taken away without consent or impacted without your consent or your zoning ordinance, because some bureaucracy from Washington funded through a heritage area decided what the zoning ordinances are going to be and has millions of dollars to move it, to your detriment, the private owner of property. What liberty is there when property rights are taken away? This amendment ensures both liberty and consent. It is very straightforward. It doesn't affect Federal transportation projects, national defense, or homeland security.

Delegating property decisions is not unusual. Eminent domain has been exercised through both legislation and legislative delegation. It is usually delegated to another government body. But the power may be delegated to private corporations, as we saw in Connecticut, such as public utilities, railroads, and bridge companies.

This amendment will delegate the final decision to the property holders who are being impacted—real property rights. If we agree as a majority, it happens; if we disagree, it doesn't.

The Supreme Court has approved the widespread use of the power of eminent domain in conjunction with private companies to facilitate urban renewal, for low-cost housing, for deteriorated housing, and the promotion of values, as well as economic development. In Berman v. Parker, a unanimous Court observed:

> The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic, as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious, as well as clean, well-balanced, as well as carefully patrolled.

This ever-expanding government power essentially allows Congress and unelected bureaucrats for any reason to take private property from citizens with little, if any, recourse. What liberty when property rights are not preserved?

This amendment is designed to provide some check on the ever-growing expansion on private property rights within this country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me speak briefly in opposition to this amendment and explain my understanding of it. This amendment prohibits the three agencies, the Department of Interior, Department of Energy, and the Forest Service, from assuming control—that is the phrasing in the amendment—over any parcel of land except through a voluntary exchange, unless the citizens of the political subdivision in which the parcel is located approve the assumption of control by referendum. Even if the assumption of control by the agency is approved by a referendum, that approval terminates at the end of 10 years, unless there is another referendum that extends it beyond 10 years.

It seems likely to me that the amendment would affect more than just the acquisition of fee title to land. It appears to include the interests in lands, such as rights of way, easements, possibly water rights, taking lands into trust for Indian tribes, and perhaps even friendly condemnations for public purposes.

As I read the amendment, since the only exception is for voluntary exchanges of property, I would think the sale of property—if one of these agencies wants to buy the land and a private landowner wants to sell the land to the agency, it would have to be approved by referendum. The amendment would give counties and communities, political subdivisions, veto authority over any Federal land ownership by these three agencies. I think it would frustrate congressional efforts to purchase or protect lands to make it virtually impossible to provide for any long-term Federal management or protection, such as is attempted in our national parks and monuments, wildlife refuges, historic sites, and wilderness areas. The amendment would adversely impact much more than land designated for conservation purposes. It would also impact Bureau of Reclamation dams, reservoirs, energy pipelines, and DOE facilities.

I think the concept of having to do another referendum every 10 years—I don't know how that would work, frankly. I don't know what would happen if you lose. Suppose the Federal Government goes ahead and acquires land through whatever means for a reservoir. At the end of the 10 years, there has to be another referendum on whether the Federal Government should maintain that land for that reservoir. If the referendum fails, I don't know what we would do with that reservoir at that point. There is not much of a private market for reservoirs. I don't know what action the Government would be expected to take at that point.

For a variety of reasons, I do not think this is a workable amendment, and it is one I urge my colleagues to oppose.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am going to try to move this debate forward. I see the Senator from Washington. Does she have debate on a specific amendment or comments on the bill?

Mrs. MURRAY. Just comments.

Mr. COBURN. Mr. President, we are going to try to get through our time agreement. I have two more amendments, if that is agreeable with the Senator from Washington.

I will make one comment on what the Senator from New Mexico said. What I heard him say is there is something wrong with people deciding it. The real concept of our country is we get to decide, and we have bastardized that by saying the Federal Government knows best.

I believe the people out there kind of know how things impact them. I think a plebiscite about what we are doing would be something that almost every American would welcome.

Will there be problems with it? You bet. Democracy is messy, but it is free. Giving them the right to have that answer and to vote, that is something that was guaranteed in the Constitution before we had an activist court that took it away. This is about putting it back.

AMENDMENT NO. 4520

I ask unanimous consent that the pending amendment be set aside and amendment No. 4520 be called up, and I ask unanimous consent that Senator MCCAIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 4520.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that all individuals who reside, or own property that is located, in a proposed National Heritage Area are informed of the designation of the National Heritage Area)

On page 203, between lines 2 and 3, insert the following:

Subtitle G—Notification and Consent Requirements Relating to National Heritage Areas

SEC. 491 NOTIFICATION REQUIREMENT.

The Secretary of the Interior shall not approve a management plan for a National Heritage Area designated by this title unless the local coordinating entity of the proposed National Heritage Area provides written notification through the United States mail of the designation to each individual who resides, or owns property that is located, in the proposed National Heritage Area.

SEC. 492. WRITTEN CONSENT REQUIREMENT.

With respect to each National Heritage Area designated by this title, no employee of the National Park Service or member of the local coordinating entity of the National Heritage Area (including any designee of the National Park Service or the local coordinating entity) may enter a parcel of private property located in the proposed National Heritage Area without the written consent of the owner of the parcel of property.

Mr. COBURN. Mr. President, this is another straightforward, what I believe most Americans would agree with, commonsense amendment. It says citizens within a national heritage area are informed of the designation and that governing officials must receive permission to enter private property. It is simple.

If I am in a heritage area, what happens often now is those who are empowered by the heritage area stake and survey your land, do all these things without your permission to enter your land—your land, not their land, your land. What we do is we broadly give the ability to violate property rights through the heritage area laws so people can access private property without permission. If I am wrong about that, then this amendment would cause absolutely no harm. But the fact is, I am right about it.

This amendment reestablishes the right of private property owners to control who goes on their land, when they go on their land, and what they are doing with their land. It reaffirms that if you have ownership, it is your land, and it does not take that right of a property owner away because it happens to be in a heritage area.

More and more heritage area designations are being made with little knowledge of the landowners involved. S. 2739 establishes three new heritage areas and extends the authorization and funding of several existing national heritage areas.

There is no requirement for the Federal Government to notify the individual within the area of its designation or its meaning. If we are going to have national heritage areas—and I agree at points they are great—do we not have an obligation to tell the landowner their land is getting ready to be subjected to all the parameters associated with a national heritage area? Do we not have the right and the obligation to ensure their property rights are protected as they are brought into a national heritage area?

I believe the Constitution says we ought to do this, we ought to restore what was already there. What is liberty without the rights of property?

I yield back the remainder of my time on this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak in opposition to this amendment as well.

This amendment would establish new restrictions for the three national heritage areas that are designated in this bill. It would prohibit the Secretary of the Interior from approving a management plan for a heritage area unless the local coordinating entity, which is usually a nonprofit group that is promoting tourism in this heritage area and developing the management plan, has provided written notification to each individual residing or owning property there.

The amendment also prohibits employees of the National Park Service or the local coordinating entity, usually the nonprofit group, from entering any private property within the heritage area without the written consent of the property owner.

The amendment, in my view, fails to understand what the designation of a heritage area means. Let me read some boilerplate language we put in every one of these national heritage area bills. It says in the bill, and we have this three times in this legislation because there are three heritage areas: Nothing in the subtitle abridges the rights of any property owner, including the right to refrain from participating in any plan, project, program or activity conducted within the heritage area. Nothing in the subtitle requires any property owner to permit public access to the land. Nothing in the title alters any duly adopted land use regulation. Nothing in the title authorizes or implies the reservation or appropriation of any water or water rights. Nothing in the title creates any liability, affects any liability under any other law of any private property owner with respect to any person injured on private property.

There is substantial confusion, I believe, about the idea that there is some great decrement of private property rights by the designation of these heritage areas.

The prohibition against employees of the National Park Service or coordinating entity from being able to enter private property without written permission of the landowner does not make sense, in my opinion. Heritage areas do not involve acquisition of Federal land. The amendment applies to any private land within large areas of the State. We have one in northern New Mexico which I was urged to try to establish—and we were able to establish it—by people who wanted to promote tourism in northern New Mexico.

Under this language, a member of the Park Service or the coordinating entity would not be able to go to a mall or a restaurant or go to any other private property in northern New Mexico in a three-county area without written consent of the landowner.

In my view, the amendment should be defeated, and I urge my colleagues to vote against it when the time comes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, in response, I wish to take a moment and read what three experts say about what the Senator from New Mexico said.

James Burling, principal property rights attorney for the Pacific Legal Foundation:

> The so-called protections for private property are largely symbolic; so long as regulators can browbeat landowners into becoming "willing sellers" we will continue to see the erosion of fee simple property ownership in rural America. With the influx of federal funding, the regulatory pressure on landowners to sell will, in many cases, be insurmountable. The legacy we will leave to future generations will not be the preservation of our history, but the preservation of a facade masquerading as our history subverted by the erosion of the rights that animated our history for the first two centuries of the Republic.

Joe Waldo, president of the Virginia property rights law firm Waldo and Lyle, said this:

> The bill before Congress has nothing to do with a "heritage trail" but will result in a "trail of tears" for those least able to stand up for their property rights. This is no more than an effort to overreach by the federal Government with regulations that will restrict homeowners, farmers and small business people in the use of their property.

I ask unanimous consent, because of time limitations, to have printed in the RECORD the rest of these comments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Real Private Property Protections in the Bill? What Do the Experts Say?

(1) James Burling, principal property rights attorney for the Pacific Legal Foundation, had this to say about H.R. 5195 (similar "protections" in 109th Congress)

"The so-called protections for private property are largely symbolic; so long as regulators can browbeat landowners into becoming 'willing sellers' we will continue to see the erosion of fee simple property ownership in rural America. With the influx of federal funding, the regulatory pressure on landowners to sell will, in many cases, be insurmountable. The legacy we will leave to future generations will not be the preservation of our history, but of the preservation of a facade masquerading as our history subverted by the erosion of the rights that animated our history for the first two centuries of the Republic."

(2) Joe Waldo, president of the Virginia property rights law firm Waldo and Lyle, said this regarding H.R. 5195:

"The bill before Congress has nothing to do with a 'heritage trail' but will result in a 'trail of tears' for those least able to stand up for their property rights. This is no more than an effort to over reach by the federal Government with regulations that will restrict homeowners, farmers and small business people in the use of their property.

"Traditionally the elderly, minorities and the poor are most impacted by regulatory measures that restrict property owners in the use of their land. Protecting our heritage is a noble ambition, however these matters need to be handled at the local level by those closest to the issues at hand. It is important that the fundamental right of private property not be threatened by more misguided federal legislation."

(3) R.J. Smith, recognized property rights expert and senior fellow at the National Center for Public Policy Research, said:

"The name itself for this National Heritage Area raises serious questions. It seems improper, even indecent, to name this the Hallowed Ground corridor and claim it is to 'appreciate, respect and experience this cultural landscape that makes it uniquely American' when it tramples on the very principles of private property rights, individual liberty and limited government that the Founding Fathers risked and gave their lives for. Lincoln himself reminded us in the Gettysburg Address that 'we cannot dedicate—we cannot consecrate—we cannot hallow this ground.' He reminded us that we must be dedicated to see that this 'new nation' 'conceived in liberty' had 'a new birth of freedom' and did 'not perish from the Earth.' Rejecting the very principles of the Founding Fathers that created our liberty and freedom is not a journey any free person should want to undertake.

"Any legitimate effort to attract tourism to old homes and mansions and to quaint little country main streets should properly be done privately and voluntarily by chambers of commerce, booster groups, and preservationist organizations. Not by the compulsory diktat of the National Park Service, the U.S. Congress, and anti-growth Greens. If you want to attract visitors try billboards, not federal force."

(4) And as Dr. Roger Pilon, director of the Cato Institute's Center for Constitutional Studies, notes:

"There's nothing wrong with historic preservation—in fact, it's commendable—but it's got to be done the right way. However worthy your ends, when you prohibit people from using their property as they would otherwise have a perfect right to do, you've got to pay them for their losses. Indeed, it is not a little ironic to simply take those historic rights in the name of historic preservation."

Mr. COBURN. Mr. President, here is what I would say in response to the chairman's comment. It is not unreasonable to have somebody who does not own your land, has no real business on your land, ask permission to come on your land. That is an absolute subrogation of the rights guaranteed under the Constitution which we are now embracing and say it is fine to not have to get permission. That is not what comes with property rights under the Constitution. If our defense is we do not believe in the Constitution and the rights of private property rights, then I would say we are misguided in what we are doing.

This is a simple way of saying, if we are going to have heritage areas and if I am a private property owner in a heritage area and you want to come on my property and survey, you ought to have to get my permission. You should not be able to come on my land without permission to do so.

The fact is, example after example—and I will submit additionally an article from the Nation magazine on examples of exactly what happens in heritage areas to private property rights. It is called "An Ugly Heritage." I ask unanimous consent to have printed in the RECORD this article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Nation, Jan. 28, 2008]

AN UGLY HERITAGE—THE POOR MAN'S NATIONAL PARK; THE CITIZEN'S BURDEN

(By John J. Miller)

A few years ago, Lee Ott was driving around his vegetable farm in Yuma, Ariz., when he spotted a crew of surveyors putting stakes in his land. "I stopped and asked them what was going on," he recalls. It turned out they were marking the boundaries of the Yuma Crossing National Heritage Area. Ott's farm fell entirely within its 22 square miles, and nobody had bothered to tell him. "I became worried because I wanted to build a new house and a shop on the farm," he says. "I didn't need anybody to give me a bunch of rules about how they should look or whether I could even build them."

So he decided to fight back. He met with the Yuma County Farm Bureau, which then contacted all of the landowners within the Yuma Crossing National Heritage Area. "About 600 people came to our meeting," says Harold Maxwell, a farm-equipment distributor. "When I asked for a show of hands from those who knew they were in the NHA, only one hand went up."

National Heritage Areas are like a poor man's National Park—they aren't actually owned by the federal government, but they're zoned by it. Instead of employing Park Rangers in stiff-brimmed hats, they're often administered by liberal groups that want to weaken the property rights of the people who hold a piece of land within or even near NHA boundaries. This is generally done in the name of historic preservation and environmental conservation. The Yuma Crossing National Heritage Area, for instance, includes an old territorial prison and some wetlands along the Colorado River. Yet NHAs are perhaps best regarded as a clever combination of pork-barrel spending and land-use regulations—and they're an increasingly popular tool for slow-growth activists who bristle at the thought of economic development that they don't personally control.

Since the first NHA was created in 1984 to preserve a 61-mile canal that runs between Lake Michigan and the Illinois River, more than three dozen have come into existence. Today, they're a growth industry: Ten were added in 2006 alone, and last fall, the House of Representatives passed a $135 million bill that swould set up six more. Some, such as the one in Yuma, are just dots on the map. Others are sprawling. The Tennessee Civil War National Heritage Area takes up the entire state.

"These are basically federal zoning laws," says Peyton Knight of the National Center for Public Policy Research, a free-market think tank that has tried to draw attention to the problem. The rules governing NHAs vary from place to place, but they tend to have a few features in common. One important element is the involvement of a "management entity" that works in conjunction with the Park Service to come up with a plan—in the case of one NHA, this means creating an "inventory" of properties of "national historic significance" that it wants "preserved," "managed," or "acquired."

Sometimes the ambitions of an NHA amount merely to a bit of parkland pump-priming. The website of the Rivers of Steel NHA near Pittsburgh boasts that it "is spearheading a drive" to have the National Park Service absorb an old steel mill and mentions a bill in Congress. So it's a federally funded organization that lobbies Washington for ever more subsidies.

But does the National Park Service really need more parks? It already operates almost 400 sites. Although some remain incredibly popular, visits within the system have declined in the last decade—a trend that started before the terrorist attacks of 9/11 resulted in fewer foreign visitors. What's more, the Department of the Interior is having trouble maintaining the properties it already runs. Its maintenance backlog is a multibillion-dollar wish list of unfunded repairs and improvements. The National Parks Conservation Association, a non-profit group, says that the parks need an extra $800 million per year just to fund their existing operations adequately. This certainly isn't the result of a Scrooge-like Bush administration: The Park Service is spending more money per visitor, per acre, and per employee than ever before.

Supporters of NHAs insist that they aren't in the business of buying or regulating property, which is true in the sense that NHAs do neither of these things directly. But they work to achieve these results indirectly, by encouraging local governments to implement restrictive land-use plans. "That's how they achieve their goals—by pushing counties and towns to do what they can't do for themselves," says Cheryl Chumley, a Virginia writer who has tracked NHAs.

They do this by dangling the prospect of federal largesse in front of potential recipients. West Virginia's Wheeling NHA, which is basically a downtown preservation project, makes this explicit, according to a Heritage Foundation report by Chumley and Ron Ott. Its management plan calls for new zoning ordinances and the acquisition of private property. And how will it achieve these goals? As Chumley and Ott write, "Major funding to support the activities . . . and the recommendations of this plan will be coming from the National Park Service." In the year prior to its most recent available tax filing, the Wheeling NHA received more than $2.5 million in government contributions—and not a dime from private sources.

One of the most controversial NHAs is the proposed Journey Through Hallowed Ground, which would encompass a corridor roughly 175 miles in length between Charlottesville, Va., and Gettysburg, Pa. The exact boundaries aren't determined because this NHA at least technically remains on the drawing board. But that didn't stop Congress in 2005 from giving a $1 million earmark to the Journey Through Hallowed Ground Partnership, a non-profit group that's pushing for the NHA. The organization's board is full of slow-growthers, including Peter Brink, the senior vice president of the National Trust for Historic Preservation. "If this NHA becomes a reality, it would essentially deputize the National Trust and its allies to oversee land-use policy in the whole region," says Knight.

Once upon a time, historic-preservation groups operated public-education programs and tried to save old homes and hotels, often by purchasing them. Nowadays, however, they're much more interested in regulating land that they don't own. In Oregon and Washington state, where property-rights advocates have put forth ballot initiatives to compensate landowners when government regulations lower the value of their property, the National Trust has campaigned to defeat them. It even worked to derail a transportation project in Virginia because a proposed road expansion would have increased traffic near the Chancellorsville battlefield—not in it, just near it. Three years ago, Emily Wadhams of the National Trust testified to Congress that "private-property rights have never been allowed to take precedence over our shared national values and the preservation of our country's heritage."

Last October, the Journey Through Hallowed Ground Partnership issued a report on how it would pursue its objectives in an NHA: "Farmland, in particular, is a threatened resource. . . . There are many opportunities to further protect these resources through conservation easements, Rural Historic District designations, Agricultural and Forestal districts, and private and public easement and land acquisition." Except for easements, in which landowners sell certain rights to their land, each of these suggestions would amount to having government agencies tell property holders what they can do—or, more likely, what they can't do. In September, more than 110 groups, including the American Conservative Union, the Family Research Council, and Freedom Works, signed a letter urging Congress to reject new NHAs.

Backers of Journey Through Hallowed Ground, including Republican congressman Frank Wolf of Virginia, cite a poll to claim that the public is behind them. What they don't reveal is something that the Fauquier Times-Democrat, a local newspaper, uncovered: The poll was sponsored by a group that endorses, the NHA, and 96 percent of the people in the survey didn't even know what the NHA is.

That's what happened in Yuma, Ariz.: Congress created the Yuma Crossing NHA, and hardly any of the locals knew about it until Lee Ott saw the surveyors on his property. The good news is that, Yuma's farmers fought back—they'asked members of Arizona's congressional delegation to intervene, and eventually the NHA was downsized dramatically. Today, it covers only, four square miles. Threats loom elsewhere, however, and an exhibit on the Yuma County Farm Bureau's experience will be featured at this year's American Farm Federation Bureau convention.

Although Monticello, the home of Thomas Jefferson, is run by a private group rather than the federal government, supporters of the Journey Through Hallowed Ground like to mention that the boundaries of their NHA would include it. They would do well to read Jefferson's words, and in particular a line that their foes enjoy quoting: "The true foundation of republican government is the equal right of every citizen in his person and property and in their management."

Mr. BINGAMAN. Mr. President, before we leave this amendment, I wish to make one more point. I read the language that is in the bill in each of these heritage area provisions that says there is nothing that prohibits or restricts the right of the landowner to deny access to his or her private property. That is the case under State property law in every State in the Union.

If I own a piece of property, if I am a private landowner and I don't want people coming on the land, I have the right to deny them access on my land. That includes Federal officials, surveyors, anybody I want to deny the right to come on my land. There is nothing in our legislation that in any way changes that.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4519

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 4519 be the pending business. I also ask unanimous consent that Senator McCAIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. McCAIN, proposes an amendment numbered 4519.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the transfer of certain funds to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service)

At the end, add the following:

TITLE IX—DISPOSITION OF CERTAIN FUNDS

SEC. 901 CANDIDATE ASSET DISPOSITION LIST.

For fiscal year 2008, and each fiscal year thereafter, amounts made available to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service shall be equal to 1 percent of, and derived by transfer from, all amounts made available to the Secretary of the Interior carry out this Act for each such fiscal year.

Mr. COBURN. Mr. President, I will try to do this fairly quickly because I know we are under a time constraint. Amendment No. 4519 requires 1 percent of the——

Mr. DOMENICI. Will the Senator yield?

Mr. COBURN. I will be happy to yield.

Mr. DOMENICI. To inquire, I heard the Senator ask who be made a cosponsor?

Mr. COBURN. Senator McCAIN.

Mr. DOMENICI. Did the Senator have an opportunity to discuss this with Senator McCAIN?

Mr. COBURN. Senator McCAIN contacted me and asked me, requested to be a cosponsor of my amendments.

Mr. DOMENICI. Of all these amendments.

Mr. COBURN. All four of these amendments, yes.

Mr. DOMENICI. I see. I will speak to that in my turn. I thank the Senator.

Mr. COBURN. Mr. President, this amendment requires 1 percent of the new spending authorized in this bill to be used to dispose of excess, unused, and unneeded Federal property to offset some of the cost of the bill.

What we know is we have a tremendous backlog in our parks. We have a tremendous backlog in almost every land ownership we have. We have tremendous maintenance needs in the Forest Service and tremendous maintenance needs in BLM. We are suffering to care for what we have.

All this amendment says is take 1 percent—they listed 6,500 different items they want to get rid of—and use the money to help them get rid of them so they do not continue to spend money maintaining what they don't want and don't need. At a minimum, this bill authorizes $380 million of new spending, which only represents a fraction when we actually see what will happen. We will track this. My staff will track the actual spending that comes out of this bill in terms of appropriations so we will have it for historical reference. My amendment says to take 1 percent for use to get rid of these items and then take them away. When we have gotten rid of the excess items, we would not use the money to do that and that money will go to maintain the public parks we all value so much. It will help offset the hundreds of millions of dollars of new spending in the 2,000 property assets that in the Park Service alone have been slated for disposal but cannot be sold off solely due to the lack of funding to get rid of them.

So all this does is it directs some authorization and says: Park Service, take these 2,000 things, here is some money, get rid of them—the things you want to get rid of. And everybody agrees we should get rid of them. They haven't because they don't have the money because they have to go through all these various steps under the Federal Government's property rights legislation. But we say to them: Here is the money, so you don't continue to spend money on that, and instead you continue to spend money against this $9 billion backlog in our national parks.

What this does is it allows them to get rid of assets they no longer need. This gives them a way and the funds to do that. It allows them to truly dispose of what they want to dispose of.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak briefly on this amendment and in opposition to this amendment as well.

The amendment provides 1 percent of all amounts made available to the Secretary of the Interior to carry out the various provisions of the legislation—that is to the 60-some odd bills that are included here—beginning in 2008 and each fiscal year thereafter, be made available to the Director of the Park Service to dispose of assets described in the candidate asset disposition list. This is a list of structures the Park Service intends to demolish or to dispose of.

I think the description the Senator from Oklahoma made contemplated the sale of property. The truth is this is a list the Park Service keeps of buildings they no longer want to maintain. They wish to dispose of these, in the sense of destroying them, or tearing them down.

The amendment is essentially a tax on future appropriations for all of the programs in this package to pay for a specific asset disposal program of one agency within the Department of the Interior. Many of the programs authorized in this legislation have nothing to do with the National Park Service. It makes no sense, in my view, to reduce amounts appropriated for various unrelated programs and to other agencies, especially when the Park Service has never identified funding of its asset disposal program as a problem.

Each year we get a budget from the Department of Interior. They have never requested specific funds for this purpose. Instead, they use their regular construction funding to destroy property, to destroy these buildings when they determine that is a priority for them.

The amendment, of course, in my view also impinges upon the jurisdiction of the Appropriations Committee. I am not on the committee, my colleague Senator DOMENICI is, but we are essentially saying here that all future appropriations that relate to bills that are part of this legislation shall be taxed by 1 percent for this other purpose. That seems to me an unusual way for the Congress to begin undermining, through an authorizing bill, the appropriations that otherwise should be made by the Congress.

I urge my colleagues to oppose the legislation.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Might I ask my colleague from New Mexico, how much time do you have left?

Mr. BINGAMAN. Mr. President, 2 minutes is remaining?

Mr. DOMENICI. For both of us?

Mr. BINGAMAN. I gather that is in our total hour?

I am glad to yield that to my colleague.

Mr. DOMENICI. I thank my colleague.

Senator, were you going to get some time on an amendment?

Mrs. MURRAY. Mr. President, I have not had a chance to speak on the bill. If I could—I understand we may be delaying the votes because of other reasons. If I could get 12 minutes to speak, after Senator DOMENICI, on the bill.

Mr. DOMENICI. Mr. President, first, I want to say to the Senator from Oklahoma that I have nothing but respect for him, and we have talked about the profession he practiced before he was a Senator, saving lives and being a doctor. But I do want to say that I wholeheartedly disagree with his approach to these bills and to what the Senator is doing in the Committee on Energy and Natural Resources in producing these bills for a vote. I think the Senator is wrong. I hope the Senate understands what he is doing, and I think if they do, they could each say to him: We appreciate what you are trying to do, but it is the wrong way to do it. It won't work.

Now, if you talk to Senators about what is going on in the Senate, I think most of them will tell you today that the Senate is borderline dysfunctional. We can't get things done. There are too many nuances that have been imposed upon us that we didn't know when we were putting them on that they were going to run us in all different directions, but we are there. So we can hardly get things done. It is kind of a dysfunctional body.

Along comes a bright Senator, and here is a package of bills, and so he looks at them and says: Oh my, this is a way to show I am going to save money. Well, Senator, you have the wrong package of bills. You have got the wrong package of bills. There will be plenty of opportunity for you to save the taxpayers money. Every appropriations bill or facsimile thereof—supplemental—put them together, 10 in 1 or one at a time, but plenty of opportunity for you to save money by attacking pieces of the appropriations bills. That is how you save money.

And for all those who are watching the good Senator from Oklahoma, all they have to do is say: Senator, we think you are on the right track, go after the appropriations bills. I am not asking you to, because I am an appropriator, but I am telling you if you want to save money for the taxpayers, that is what you should do, and there is plenty of opportunity.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I had intended to ask unanimous consent for 5 minutes. Did I not get it?

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DOMENICI. I thank the Chair.

Secondly, Senator, if you want to save the taxpayers money, then go after the place where the money is that is about to break your country, and that is the entitlements for Social Security, Medicare, and Medicaid. If you want to save your taxpayers from ruination, then get involved in reforming those programs so they do not make us go broke. Anybody who knows about your government will tell you, dear Senator, if that is what you want to do, DOMENICI is right, go after appropriations; that is where money is spent. Go after entitlements; that is where money is spent that is going to break your country.

And to prove to you that this bill does not spend money, all I can do is do it the way the Senate does it and ask the Congressional Budget Office: How much do these bills cost the taxpayers? Senator BINGAMAN, you asked that, and I don't know whether you already said it, but I am going to repeat it. This is Senator BINGAMAN's letter. He asked the Congressional Budget Office.

Now, we have to have institutions that take care of things, don't we? The Congressional Budget Office, not the Senator from Oklahoma, is charged with evaluating a bill and telling us about it. You know what they told us about this bill? Not only does it not cost money, it makes money. This bill will bring into the Treasury in the next 4 years $48 million, because we have authorized the disposition of a couple of boats that were under lease. We said: Okay, go ahead and buy them, and they gave us the money.

So contrary to all the debate about costing money, and the taxpayers going broke, the bill makes money. Now, you can say: Oh no, it doesn't, I have another way of figuring it out. That is what the Senator says. But we can't have another way to do everything around here, another way to figure out what bills cost. We already have enough ways to figure them out, and they have got us so confused with what we have that we don't need any more. But if the Senator thinks he has a new one, and that is to delay this bill and take a piece of it and talk about it and say it is a bad piece that doesn't make sense, that is fine. But don't say you have a new way to protect the great public of America from overspending and that is to take after a lands bill full of authorization that nobody heretofore has thought of taking on for appropriations purposes, because it doesn't appropriate.

The good Senator is phenomenal. He is a phenomenon. But he isn't so great that of all the time in history we have had to look at these land bills nobody has said: We are going to follow each one and see how much it costs. That is one of his amendments, to follow its cost into government. You know what that means? It means there is a whole new set of books we have to set up. His approach will cost more money and wreak more havoc if we have to do that—find out how much they cost, even if he does them himself, as he suggested. He is going to see how much these authorizations cost, if anything, as they reach fruition—if they do.

Now, having said that, each and every one of the amendments offered by the Senator is very erudite. They lend themselves to discussion and debate. But every one of them, Mr. President and fellow Senators, every one of the amendments is so complicated, so full of contortions and turning the government this way and that way, that they ought to at least have a hearing. They haven't had a hearing. They shouldn't be adopted on this bill, where we have carefully had hearings on the bill, had votes on the bill, with 23 Senators participating before we put them in this package.

We should not put these four new ones on, one of which has to do with local government approving the acquisition of property by the Federal Government for parks. Before you can sell your property to the government, local government has to take a vote, and then 10 years later they have to take another vote to see if they were right. Do you understand, in the argument for simplicity of government, for making sure everybody can have their way, we have made government more complex by these amendments than anybody could ever imagine?

I, for one, say my hat is off to the Senator. I hope he finds a new approach, something new to attack to save money, but not a group of lands bills that are authorization bills only, that we have been told by the Congressional Budget Office will cost nothing in the way we handle bills here.

Now, if you want to change the way and have a new way to figure out how much bills cost, then we will have to have a long debate on which way we are going to do that.

I thank the Senate for listening, and I thank the Senate for yielding me some time, and I thank the Senator from Oklahoma for letting me speak as long as I have.

Mr. ALLARD. Mr. President, I rise today in opposition to amendment No. 4519 offered by my distinguished colleague from Oklahoma.

This amendment mandates a 1 percent across-the-board redirection of funds each year from all amounts appropriated to programs in this bill for the sole and specific purpose of removing assets—mostly old buildings and facilities—from Park Service operated lands that are determined to be surplus to need.

This 1 percent "off the top" charge has the effect of setting the disposal of National Park Service surplus assets above all other programs that are in this bill. In essence, it ties the hands of the appropriations committee to determine what amounts should be devoted to the disposal of Park Service surplus facilities each year.

Also, there is no connection between the wide variety of programs and projects that are in this public lands bill, and would be assessed this 1 percent charge, and the need to remove old buildings from parks. Put simply, this amendment does not make good sense.

As the ranking member of the Interior Appropriations subcommittee that provides the funding for the Park Service, I simply can't support such a proposal. It is up to the Appropriations Committee to review the agency's budget each year and set the appropriate funding levels for the various activities of the Service, including the disposal of surplus facilities.

Budget priorities change each year based on many factors, including the shifting needs of the agencies and the amount of money we have to work with under the budgetary caps set by Congress. That is why we have an annual appropriations process to weigh these variables.

To transfer 1 percent of funds appropriated under this act for one purpose forevermore takes away the Appropriation Committee's discretion, and indeed, its obligation to set priorities each year for the needs of our Nation's parks.

Last year, the Interior subcommittee provided the National Park Service nearly $1 billion to address maintenance and construction needs. I believe these funds are sufficient to allow the Park Service to address the most critical maintenance requirements including the removal of unneeded assets.

I urge my colleagues to support the chairman and ranking member of the Energy and Natural Resources committee and oppose this amendment.

I yield the floor.

Mr. COBURN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 13 minutes 4 seconds.

Mr. COBURN. Mr. President, I will speak a minute or two, and then I will yield the Senator from Washington 5 minutes.

Mrs. MURRAY. I will speak after.

Mr. COBURN. We actually have a time agreement on the vote, so I am happy to yield the Senator some of my time, is what I am trying do, so I end up finishing. Is there a certain amount of time you need?

Mrs. MURRAY. Mr. President, I was going to ask unanimous consent to speak after all of the votes. I wanted to speak for about 12 minutes, and the other Senator from Washington, Senator CANTWELL, wanted to speak for 3 or 4 minutes. I know everyone wants to get to the vote, so I will use my time after the vote.

I ask unanimous consent that following the disposition of all of the votes on this package, on final passage, I be recognized to speak for 12 minutes, and the other Senator from Washington, Senator CANTWELL, be allowed to speak for 3 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Congressional Budget Office dated January 31, 2008.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 31, 2008.

Hon. TOM A. COBURN, M.D.,
U.S. Senate,
Washington, DC.

DEAR SENATOR: This letter responds to your request for information on the estimated discretionary costs of S. 2483, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, as introduced on December 13, 2007. Because the bill was not reported from committee (the point at which we typically prepare estimates), CBO has not prepared a complete cost estimate for S. 2483; we transmitted a table showing the direct spending and revenue effects of the bill to the Senate Committee on Energy and Natural Resources on January 24, 2008.

Although we have not completed our analysis of S. 2483, we have previously completed cost estimates for bills (mostly in the House) that authorize projects similar or identical to nearly all of those authorized by S. 2483. The estimated discretionary costs contained in those previous estimates totaled nearly $320 million over five years, assuming appropriation of the necessary amounts. That figure is a reasonable approximation of the potential discretionary costs of S. 2483.

If you wish further details about S. 2483 or our previous estimates, we will be pleased to provide them. The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

PETER R. ORSZAG,
Director.

Mr. COBURN. Mr. President, this letter shows a cost of $320 million for these bills over the next 5 years. So this is the Congressional Budget Office. This isn't my paper, this is theirs.

I will spend a few minutes, and then I will yield back my time because I know people want to get to some votes.

Mr. DOMENICI. Mr. President, will the Senator yield for a question?

Mr. COBURN. Absolutely.

Mr. DOMENICI. Doesn't that letter say "if appropriated"?

Mr. COBURN. Assuming appropriation. Yes, it does.

Mr. DOMENICI. That means if it is not appropriated, it doesn't cost anything.

Mr. COBURN. If it is not appropriated. But we are not passing these bills under the assumption they are not going to be appropriated. We are passing these bills under the assumption they will be appropriated.

As a matter of fact, the promise is made as we pass this. And either it is a hollow promise you are sending back home so you can say, yes, I did this, and lie to your constituents, or we are going to appropriate the money. It is one or the other. So either we are dishonest with whom we are telling we are doing something for or we absolutely intend to appropriate it. There isn't any other option.

I will finish up by saying this. Obviously, the senior Senator from New Mexico did not hear my earlier comments. We are in tremendous economic straits in the long term. This debate is not about the lands bill. It is about will we change the philosophy, will we honor our oath, and will we start doing what is right in the long term for those who come after us. The heritage we have embraced in this country is one of sacrifice—one generation sacrifices so the next has opportunity. If we keep doing this without regard—we don't know how much we are spending; we don't know how much the monthly costs are; we are not taking care of the parks as we should because we do not have an idea; we have a hodgepodge; we have a barge floating down the river without a tug on it—we are going to make the problem worse. I will remind my colleagues, the true accounting of this year's estimate is a $607 billion deficit. That is over $2,000 for every man, woman and child in this country. Every child born today in this country inherits an unobligated obligation they will have to pay, that they got no benefit from, of $400,000.

Am I frustrating the Senators from New Mexico? You bet. Are our children worth it? You bet. I am not going to stop. I am going to stand and say we are going to think long term, we are going to start protecting property rights, we are going to start thinking about our children, and we are not going to give up because we get lectured because we are not doing it the way we have always done it. The way we have always done it has us bankrupt. It is time for a change. Republicans and Democrats alike, our children are worth it.

With that, I yield the floor.

The PRESIDING OFFICER. Is all time yielded back?

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays on each of the amendments of the Senator from Oklahoma, if that is appropriate.

The PRESIDING OFFICER. Is there an objection to that request?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4519.

Mr. COBURN. Mr. President, I ask unanimous consent we vote on the amendments in the order in which they were presented.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to amendment No. 4522.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), and the Senator from Illinois (Mr. Obama) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 63, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—30

Allard
Barrasso
Bayh
Brownback
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
DeMint
Ensign
Enzi
Graham
Grassley
Hutchison
Inhofe
Isakson
Kyl
Lugar
McCaskill
McConnell
Sessions
Shelby
Specter
Sununu
Thune
Vitter
Wicker

NAYS—63

Akaka
Alexander
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Corker
Craig
Crapo
Domenici
Dorgan
Durbin
Feingold
Feinstein
Gregg
Hagel
Harkin
Hatch
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Lincoln
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—7

Clinton
Dodd
Dole
Kennedy
Levin
McCain
Obama

The amendment (No. 4522) was rejected.

Mrs. MURRAY. Mr President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4521

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 4521 offered by the Senator from Oklahoma.

Mr. BINGAMAN. Mr. President, we have just now concluded the debate on these amendments. I would yield back the time unless the Senator from Oklahoma wishes to speak.

Mr. COBURN. Mr. President, I ask unanimous consent that we yield back all time on all amendments so our colleagues who have planes and things they want to do can get them.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. If we do not do that, what will the order be?

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided prior to a vote on each amendment.

Mr. DOMENICI. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to Coburn amendment No. 4521. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 19, nays 76, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—19

Barrasso
Brownback
Burr
Chambliss
Coburn
Cochran
Coleman
DeMint
Ensign
Enzi
Graham
Grassley
Inhofe
Isakson
McConnell
Roberts
Shelby
Thune
Wicker

NAYS—76

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Clinton
Dole
Kennedy
McCain
Obama

The amendment (No. 4521) was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4520

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, the question is on agreeing to amendment No. 4520. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 67, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—27

Allard
Barrasso
Brownback
Burr
Chambliss
Coburn
Coleman
Collins
Cornyn
DeMint
Ensign
Enzi
Graham
Grassley
Hutchison
Inhofe
Isakson
Kyl
McConnell
Roberts
Sessions
Shelby
Snowe
Sununu
Thune
Vitter
Wicker

NAYS—67

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Corker
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Hatch
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—6

Clinton
Cochran
Dole
Gregg
McCain
Obama

The amendment (No. 4520) was rejected.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4519

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4519. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 73, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—22

Brownback
Burr
Chambliss
Coburn
Coleman
Cornyn
DeMint
Ensign
Graham
Grassley
Hatch
Inhofe
Isakson
Kyl
McCaskill
McConnell
Sessions
Sununu
Thune
Vitter
Warner
Wicker

NAYS—73

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Collins
Conrad
Corker
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Hagel
Harkin
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—5

Clinton
Dole
Gregg
McCain
Obama

The amendment (No. 4519) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AKAKA. Madam President, today, I express my support of S. 2739, the Consolidated Natural Resources Act. I commend the chair and ranking member of the Senate Committee on Energy and Natural Resources for their leadership and the work of their staff on this important legislation. This bill represents a bicameral-and-bipartisan supported package of bills. It has many good initiatives that demonstrate our commitment to be responsible stewards of our national treasures and historic sites. The legislation also has targeted provisions that address unique circumstances and issues occurring in the Pacific region.

I express my support for titles VII and VIII of S. 2739 that relate to the Commonwealth of the Northern Mariana Islands, CNMI, and the Freely Associated States, the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau.

The CNMI is a group of islands located east of the Philippines and south of Japan. Following World War II, the United States administered the islands under a United Nations trusteeship. In 1975, the people of the CNMI voted for a political union with the United States. The 1976 covenant enacted by Congress gave U.S. citizenship to CNMI residents and extended most U.S. laws to the CNMI. However, the covenant exempted the CNMI from U.S. immigration law. As a result of the CNMI's policies, today the population has increased fivefold, from 16,000 to 80,000. This growth has made both U.S. citizens, and the indigenous people of the islands, minorities in their own communities.

This legislation meets the Federal Government's interest in further implementation of the covenant, securing our borders, and in the establishment of stable immigration and labor policies on which the CNMI can build its future. The provisions included in title VII are identical to those passed by the U.S. House of Representatives on December 11, 2007. As the sponsor of the companion CNMI bill, I am pleased to report the CNMI provisions contained in S. 2739 are sensitive to the special circumstances and to the current economic downturn in the CNMI. The legislation provides a basis to transition the CNMI to Federal immigration laws, while protecting the local economy. These provisions are crucial to address the immigration abuses that have persisted in the CNMI for the past 20 years.

As chairman of the Subcommittee on National Parks, I am particularly pleased to join Senator WYDEN in including a provision on cooperative agreements that will protect the natural resources on our national parks. Title III of S. 2739 will give the Secretary of the Interior the authority to enter agreements with Federal, public, nonprofit organizations, and even private landowners to protect our coasts, wetlands, and watersheds contained within and outside of national park boundaries. This act supports collaborative efforts that will greatly benefit generations of park visitors.

Just as important as having cooperative agreements is the ability of these entities to work together and use them to combat the spread of invasive species. Invasive species are one of the greatest threats to our natural and cultural heritage. Invasive species are the primary cause of decline in Hawaii's threatened and endangered species, and cause hundreds of millions of dollars in damages to Hawaii's agricultural industry, tourism, real estate, and water quality.

One very successful public-private partnership in my State is occurring at Hawaii Volcanoes National Park on the island of Hawaii. The Ola'a-Kilauea Partnership is a cooperative land management effort involving State and Federal entities and willing private landowners. This partnership has jointly fenced 14,100 acres on State and private lands and eliminated the feral pig population from 9,800, while also controlling feral pigs in an additional 4,300 acres.

There are other examples, such as efforts on the island of Maui. I am proud to mention the work of the Maui Invasive Species Committee, which brings together the resources of individuals, and the Federal and State governments to collaborate and combat invasive species. One of the barriers they have faced in the past is the inability to spend Federal funds on projects that treat invasive species on lands adjacent to national park borders, where there is a clear and direct benefit to parks. This bill will provide the necessary authorization to support such efforts. This is especially vital as such cooperative agreements focus cooperative action to reduce invasive species on our national parks and other lands across the country.

The cooperative agreement provisions of Title III provide a very important step in controlling invasive species that are crossing geographic and jurisdictional boundaries. Land managers and other involved governments and organizations will have another tool to help address their invasive species management issues. Also it will allow the Secretary of the Department of Interior to protect park resources through collaborative efforts in lands within and outside of National Park System units.

I stand in strong support for the Consolidated Natural Resources Act. I encourage my colleagues to join in keeping our precious national resources and historic sites available for future generations, as well as meeting the needs of the Pacific region.

● Mr. McCAIN. Madam President, I am pleased that the Senate passed the Cesar Estrada Chavez Study Act of 2007, which was included as part of the larger public lands package, S. 2739. The bill would authorize the National Park Service to study whether any of the sites significant to Chavez's life meet the criteria for being listed on the National Register of Historic Landmarks. The goal of the study is to establish a foundation for future legislation that would then designate appropriate sites for national historic landmark status.

Since the 107th Congress, I've worked to pass the Cesar Chavez study language. It has received an overwhelming positive response, not only from my fellow Arizonans, but from Americans all across the Nation.

Cesar Chavez was a humble man of deep conviction who understood what it meant to serve and sacrifice for others. Honoring the places of his life will enable his legacy to inspire and serve as an example for our future leaders. It is important that we remember his struggle and do what we can to preserve appropriate landmarks that are significant to his life.●

Mr. CARDIN. Madam President, today the Senate takes an important step forward in celebrating and commemorating one of our Nation's most important emblems and historic periods. Included in the Consolidated Natural Resources Act of 2008 is legislation that I authored, the Star-Spangled Banner National Historic Trail Act. I am proud to be joined by cosponsors of the original bill, including Senators MIKULSKI, WARNER, WEBB, and KENNEDY.

This land and water trail of almost 300 miles covers parts of Maryland, Virginia, and the District of Columbia to commemorate the events leading up to the writing of the "Star-Spangled Banner" during the Chesapeake Campaign of the War of 1812.

The trail traces the following major events: the arrival of the British fleet on the Patuxent River; the landing of the British forces in Benedict, MD; the sinking of the Chesapeake Flotilla at Pig Point in Prince George's County and Anne Arundel County, MD; the American defeat at the Battle of Bladensburg; the siege of the Nation's Capital and the burning of the U.S. Capitol and the White House in Washington, DC; the route of the American troops from Washington through Georgetown, the Maryland counties of Montgomery, Howard, and Baltimore, and the city of Baltimore to the Battle of North Point; and the ultimate victory of the Americans at Fort McHenry on September 14, 1814.

The National Park Service will administer the trail and coordinate the efforts of public and private entities on trail administration, planning, development, and maintenance. Fort McHenry will be the lead park unit for trail operations. The land routes would follow existing public roads, along which British and American troops traveled. Over time, the routes will be marked on the ground and at water access points. In cases where the original routes have been lost to development or other causes, they could be interpreted through waysides as appropriate and feasible.

The bill requires the Secretary to encourage public participation and consult with landowners, Federal, State, and local governments on the administration of the trail. The bill prohibits land or interest in land outside the exterior boundaries of any federally administered area from being acquired for the trail without the consent of the owner.

The trail will open new economic opportunities for many Maryland communities, including Calvert County, our Port Towns of Prince George's County, and Baltimore City. More importantly, the Star-Spangled Banner National Historic Trail will guide Americans on a path that will help them understand the events that lead up to the epic battle at Fort McHenry in Baltimore Harbor.

At the fort, the garrison flag was flown on September 13 and 14, 1814, during the Battle of Baltimore. As the routed British ships sailed out of Baltimore Harbor on the morning of the 14th, lawyer Francis Scott Key was inspired to write the patriotic and defiant words of a poem that became the rallying cry for Americans who had fought their first war as a united nation. The poem was set to music and the song became the national anthem in 1931.

The "Star-Spangled Banner" was given to the Smithsonian Institution in 1907 by the grandson of the commander of Fort McHenry, LTC George Armistead, so that it could be preserved and displayed for the public. While the Smithsonian's National Museum of American History is currently closed for extensive renovation, its reopening this summer will showcase the Banner in an impressive new exhibit.

Mr. President, every day across the country, Americans salute the American flag. The Senate recites the Pledge of Allegiance to the Flag every legislative day. In sports arenas and countless other venues, we salute the flag daily. Today, I salute the work of the Senate in passing the Star-Spangled Banner National Historic Trail as part of the Consolidated Natural Resources Act of 2008. Through this legislation, millions of visitors will be inspired with the history of this iconic object and its significance during this important period of American history.

Mr. NELSON of Nebraska. Madam President, I rise today to speak on an item included in the bill before us. Before I address this particular issue, I first want to voice my strong support for some of the individual components that have been assembled in the consolidated package currently before the body.

The Lewis and Clark National Historic Trail extension and the Platte River Recovery Implementation Program and Pathfinder Modification Project authorization are measures I have been working on for some time, and I want to thank Chairman BINGAMAN for his efforts in bringing these measures to the point where they will shortly pass the Senate.

But there is another matter in this bill that is of some importance to Nebraska and to my constituents. Included in the bill is a section expressing the sense of Congress that a museum located in Paducah, KY should be designated as "the National Quilt Museum of the United States." Now, this measure is nonbinding and carries no legal authority. As far as we can tell, it confers no authority for funding or anything of that nature. However, I would be remiss if I failed to mention that I had been working to resolve some concerns that I and some of my constituents have with this section.

You see, just the week before last, the International Quilt Study Center & Museum opened its doors in Lincoln, NE. This is a remarkable, 37,000 square foot facility that houses the world's largest privately held collection of quilts.

Thus, back in February, I objected to a unanimous consent request to pass H. Con. Res. 209, a concurrent resolution expressing the sense of Congress regarding the designation of the museum. That resolution had previously passed the House of Representatives unanimously. I have been working with the distinguished minority leader, Mr. McCONNELL, and Congressman WHITFIELD of Kentucky, whose district includes Paducah, to craft a solution that would appropriately praise both museums for their individual and unique contributions to the world of quilts and quilt-making. I would like to thank them for their willingness to work with me.

Unfortunately, the entirety of H. Con. Res. 209 was included in section 335 of this bill before these discussions were able to run their course. I have filed an amendment to strike this section from the bill, so that we might continue to work out a resolution that properly honors the Paducah museum while not making any exclusive designations that exclude the International Quilt Study Center, but I understand the situation is such that my amendment is prevented from consideration before the full Senate.

Looking forward, I plan to honor this remarkable organization at the University of Nebraska in an appropriate manner. For purposes of balancing the record here today, I want to mention a few things about the remarkable facility in Nebraska.

The International Quilt Study Center & Museum has 37,000 square feet of exhibition galleries, collections storage, collections care, a reception hall, a library, reading room and classroom space. It is housed in a beautiful, newly constructed building designed by world-renowned architecture firm Robert A.M. Stern Architects and built with $12 million in private donations.

The mission of the International Quilt Study Center & Museum is to collect, preserve, study, exhibit, and promote discovery of quilts and quiltmaking traditions from many cultures, countries, and time periods. The International Quilt Study Center & Museum is a dynamic center of formal and informal learning and discovery for students, teachers, scholars, artists, quilters, and others from across the Nation and around the world.

The International Quilt Study Center & Museum has the largest privately held quilt collection in the world—more than 2,300 quilts from 49 States and 23 foreign countries.

The International Quilt Study Center & Museum is centrally located in the heart of the United States and is open to the public year-round. I wish I could share information on the number of visitors who enjoy the museum each year, but the new facility is so new that such data is unavailable. However, we do know that individuals from all 50 States and from more than 15 foreign countries have visited the International Quilt Study Center & Museum in its previous homes.

The International Quilt Study Center & Museum has an international advisory board and annual supporters from all 50 States and many foreign countries, and hundreds of supporters, volunteers, and quilt guilds have supported the International Quilt Study Center annually since its formation in 1997.

The International Quilt Study Center's collections represent the entire gamut of quilt making in the United States, plus its antecedents in Europe. In addition, the International Quilt Study Center holds examples of cultural traditions from more than 23 countries.

In closing, the International Quilt Study Center & Museum in Nebraska is recognized nationally and internationally for its place of prominence in its field. It has the largest publicly held collection of quilts in the world; it is the largest quilt museum in the world; it is the only academic center devoted to quilt studies; it offers the only graduate program in textile history with a quilt studies emphasis. At the appropriate time, I hope the Congress will see fit to bestow upon it an honor befitting its contributions to our Nation's art, our heritage, and our history.

Mr. DURBIN. Madam President, as the Senate considers the Consolidated Natural Resources Act, I would like to highlight two provisions that are important for Illinois: the Abraham Lincoln National Heritage Area and the Lewis and Clark National Historic Trail Extension.

Illinois is known as the Land of Lincoln for good reason. Our 16th President spent more than 30 years of his life in central Illinois, starting in 1830 when his family moved to Macon County from Indiana. Abraham Lincoln had virtually no formal education—perhaps 18 months of schooling. His rise from humble origins to the highest office in the land and his decisive leadership through the most harrowing period of U.S. history brings hope and inspiration to all of us.

Next year marks the bicentennial of Lincoln's birth. Among the public activities planned to honor his life is development of the Abraham Lincoln National Heritage Area. Communities in 42 Illinois counties have worked together to document Lincoln's time in the State, assess the status of the places that played a role in his life and career, and recommend a plan to help develop the narrative of Lincoln's imprint on Illinois. The goal is to help develop sites in places where there is a Lincoln story to tell but no place to tell that story. Although the heritage area focuses on the life of Abraham Lincoln, the heritage area also brings out the rich history of each participating community, creating a broader context for Lincoln and his times.

Illinois features prominently in another important, earlier story in the making of America—the historic expedition of Meriwether Lewis and William Clark across the western frontier. Much has been said and written about that western journey, but equally fascinating is the "Eastern Legacy" of the Lewis and Clark expedition.

The journey began right here in the District of Columbia. That is where President Thomas Jefferson directed his private secretary Meriwether Lewis in June 1803 to lead a mission through the vast unknown territory west of the Mississippi River to the Pacific Ocean. Lewis gathered supplies and men in many Eastern States before meeting up with William Clark in Kentucky and traveling to Illinois.

Lewis and Clark established their winter camp at the mouth of the Wood River in Illinois. The following spring their Corps of Discovery departed Camp Dubois and began their historic scientific expedition west. Lewis marked this spot near present-day Wood River, IL, as the official "point of departure." Two and a half years later, the team returned to this camp after its remarkable adventure to the Pacific coast.

The bill the Senate is considering will preserve this important and fascinating story through the Lewis and Clark National Historic Trail Extension, which will include sites associated with the preparation and return phases of the expedition—the Eastern Legacy. The trail extension includes sites in 11 Eastern States and the District of Columbia. The trail in Illinois includes sites from Metropolis along the Ohio River to Wood River at the confluence of the Missouri and Mississippi Rivers.

These two initiatives are very important to Illinois. I know the bill includes similar initiatives in other States. These development areas are significant, not just for the historic and cultural legacy but also for the economic development value for the host communities. Many Illinois communities participating in these heritage areas are very rural—with populations less than 3,000, few resources, and high unemployment rates.

The bill does much to preserve areas of natural beauty and expand our national historic trail system and national heritage areas that bring families outdoors and across our Nation to discover important events and geographic locations in the creation of America. It also celebrates Native American, Colonial American, European American, Latino American, and African American heritage. Finally, the bill establishes memorials and museums to honor our past and authorizes studies as the first step toward preserving historic sites that are at risk of being forgotten

Illinoisans are proud of our heritage and our place in history. The preservation programs in the Consolidated Natural Resources Act help tell America's stories—stories of sacrifice, bravery, and awe of the land's natural beauty—so that we and our children can carry on the historical traditions that others have handed down to us.

The Consolidated Natural Resources Act is a bipartisan package that brings together nearly four dozen projects to preserve our Nation's land and our Nation's heritage.

Mr. INOUYE. Madam President, today I join my colleagues in supporting the passage of S. 2739, the omnibus lands bill, which included two issues of special interest to me. First, the bill seeks to correct profound problems in local immigration laws that have enabled the import of low paid, short termed indentured workers to be brought to the Commonwealth of the Northern Mariana Islands, CNMI. Some were bought to work in garment factories. Others arrived in the CNMI, only to find that there was no job waiting for them, and were forced to find unpalatable means to work off their bondage debt. I am pleased that today, this bill will address longstanding concerns regarding the CNMI's immigration problems.

Secondly, this bill also includes a provision to expand the boundary of the Minidoka Internment National Monument, and establish a unit on Bainbridge Island, Washington, for a new Japanese American Memorial at the Eagledale Ferry Dock. The

Minidoka site is significant, because the Minidoka Internment Camp featured the highest level of military participation in any of the camps, and Bainbridge Island was the first community for Japanese Americans to be relocated to. I believe that we need to do all that we can to preserve internment camp sites, because they serve as a powerful reminder of how important it is to have a vibrant democracy that protects the civil liberties of all.

Mr. WARNER. Madam President, I rise today in support of the Consolidated Natural Resources Act, S. 2739. This omnibus package includes language that is especially important to my State, as well as the Nation. Amongst other things, S. 2739 would designate some of America's most historic and beautiful lands as National Heritage Areas, including the area along Route 15 in Virginia. Known as the Journey Through Hallowed Ground, this effort has been championed by myself, my good friend Congressman FRANK WOLF, and Senator JIM WEBB. I thank them for all their efforts on behalf of this legislation.

As my colleagues are aware, National Heritage Areas are intended to encourage residents, government agencies, nonprofit groups, and private partners to collaboratively plan and implement programs and projects to recognize, preserve, and celebrate many of America's defining landscapes. Today, there are 37 National Heritage Areas spread out across the United States.

In Virginia, we are lucky enough to have a landscape that is worthy of the recognition and celebration that a National Heritage Area designation would afford it. Stretching through four States, and generally following the path of the Old Carolina Road, today's Route 15, the proposed Journey Through Hallowed Ground National Heritage Area is home to some of our Nation's greatest historic, cultural, and natural treasures. The region's riches read like a star-studded list of American History: Monticello, Montpelier, Manassas, Gettysburg. The list goes on. In all, there are 15 National Historic Landmarks, 47 historic districts, a number of Presidential homes, and the largest collection of Civil War battlefields in the Country. It is an area, literally, where America happened.

With basic, technical assistance from the National Park Service, this proposed Heritage area would be managed by The Journey Through Hallowed Ground Partnership, a nonprofit entity whose sole purpose is to trumpet the magnificence of the Hallowed Ground's offerings. Already, the Partnership has provided opportunities for thousands of visitors to enjoy the region's spectacular natural and historical resources, and they have worked hard to get this area the designation and recognition it deserves.

Now, before I conclude, I would like to take a quick moment to address several of the arguments voiced by critics against national heritage areas. First and foremost among these arguments, is that national heritage areas infringe upon private property rights. This simply is not accurate. As the Government Accountability Office, GAO, noted in testimony to the Energy and Natural Resources Committee, "National heritage areas do not appear [to affect] private property rights", GAO-04-593T. Furthermore, as an example that they don't, I offer up the State of Tennessee, in its entirety, which today is designated a national heritage area and has had no intrusion on property rights. And, lastly, I point to language in this legislation that I specifically put in to ensure that no intrusion on property rights occured. It states, in some detail, that "nothing in this subtitle abridges the rights of any property owner."

Other criticisms include concerns about the costs of heritage areas, and also that heritage areas increase the role of the Federal Government. To the issue of costs, I note that heritage areas provide a way for the Federal Government to highlight our Nation's historical, cultural, and natural resources without having to actually own and maintain them—which, as we know by the current maintenance backlogs in the Park System, are quite costly to the American taxpayer. Secondly, I would like to remind my friends that often heritage areas require a funding match before a single Federal dollar can be appropriated. This is the case for the heritage area which I come to champion today—The Journey Through Hallowed Ground. Every taxpayer dollar that is appropriated to the Journey Through Hallowed Ground must be matched equally by non-Federal entities.

As for the other criticism, that heritage areas increase the role of the Federal Government and impose upon State and local governments, I note that heritage areas require and provide exorbitant opportunity for State and local input. In fact, in forming the Hallowed Ground, the local coordinating entity sought and received support from every local city, county, and town within the proposed Heritage Area. The Governor and Virginia General Assembly, whom I sincerely thank, also supported this effort. I commend the Journey Through Hallowed Ground Partnership for reaching out to all these groups.

In conclusion, I urge my colleagues to join me in supporting this legislation, and I thank you for this opportunity to speak on behalf of The Journey Through Hallowed Ground.

Mr. DOOD. Madam President, I support of S. 2739, the Consolidated Natural Resources Act of 2008, sponsored by Senator BINGAMAN, the chairman of the Energy and Natural Resources Committee. This legislation will protect and preserve natural treasures all across this country. It is of particular importance to me and to the people of Connecticut, as it contains a provision I authored that would ensure the preservation of the Eightmile River watershed under the auspices of the Wild and Scenic Rivers Act.

As elected representatives, I believe that one of our most important obligations is to ensure that this country's vast array of natural resources and wilderness is managed in an environmentally responsible and sustainable way. We owe it to future generations of Americans to protect the areas of pristine beauty and ecological diversity that figure so prominently in our Nation's history and character. Since 1968, the National Wild and Scenic River Act has played a critical role in furthering this mission by making it the policy of the United States to preserve in free-flowing fashion, rivers of, to quote the act, "scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values . . . for the benefit and enjoyment of present and future generations."

Designation of the Eightmile River as a Wild and Scenic River enjoys extraordinarily broad support in my home State, and a 3-year study by the National Park Service found that the river meets the criteria to receive a "scenic" designation. The entire Connecticut Congressional delegation supports this legislation, as does the Connecticut State Legislature, which passed a resolution of support. Most importantly, designation is supported by the communities that will be most affected by this designation, those in the Eightmile watershed. This effort to preserve the special attributes of the Eightmile is a product of the communities' recognition of the beauty and fragility of the special place in which they live. Votes in each community were strongly in favor of designation, in part because the study process and debate allowed for many perspectives to be heard.

The attributes of the river that are so valued by the residents of Connecticut include its clean water, with 92 percent of the watershed's streamwater meeting the State's highest quality standards, and no point sources of pollution. The streams flow freely with no dams or diversions—rare in a State that has been densely populated as long as Connecticut. Eighty percent of the land area is forested. The natural streams and large areas of interconnected forest provide habitat for rare species. In fact, the study for eligibility determined that the Eightmile River watershed ranks in the 99th percentile in New England for globally rare species per unit area. The residents of this unique area treasure the beautiful character of the

Eightmile watershed. It is a quintessential rural New England landscape, dotted with colonial homes and historic churches and unmarred by modern industrial development.

The towns within the watershed have begun to implement the parts of the watershed management plan that are in their jurisdiction. Congressional designation as a Wild and Scenic River will bolster these efforts and provide the stability for ongoing long-term preservation. I urge my colleagues to join me in supporting this important legislation, and I thank the chairman of the Energy Committee for his extraordinary commitment to protecting this country's natural treasures.

Mr. SALAZAR. Madam President, I rise today in strong support of S. 2739, a package of natural resource bills that Chairman BINGAMAN has assembled. The bills that are in this package have received the unanimous endorsement of the Senate Energy and Natural Resources Committee and have cleared the House. I want to thank Senator BINGAMAN for his leadership in the Committee and I want to thank Majority Leader REID for bringing this package before the Senate for consideration.

There are four bills in this package that I am particularly proud to support: S. 500, a bill that would form a commission to study the possible creation of the National Museum of the American Latino; S. 1116, a bill that would help make better use of the water that is produced as a byproduct of energy development; S. 752, a bill that would authorize a program to assist with endangered species recovery along the Platte River in Colorado, Nebraska, and Wyoming; and S. 327, the César Estrada Chávez Study Act, which would help preserve the legacy of one of our Nation's most important civil rights leaders.

I want to spend a couple minutes talking about each of these bills, but first, Mr. President, I want to discuss the process through which we are debating these bills.

This is, as my colleagues all know, a highly unusual process for debating natural resource bills. Typically, the Senate is able to take up and pass with the strong support the 100 Members in this Chamber—most bills that pertain to national parks, forests, national museums, historic preservation, and cultural resource protections. If a bill clears the Senate Energy and Natural Resources Committee by unanimous consent it is likely that the full Senate will clear it by unanimous consent.

Why has this been the practice? Because most of the bills we pass out of the Energy and Natural Resources Committee are bipartisan, noncontroversial, and easily garner the unanimous support of 100 Members.

This is how Congress established the Black Canyon of the Gunnison National Park in Colorado in 1999. It is how we passed the Great Sand Dunes National Park and Preserve Act in my native San Luis Valley in 2000. It is how we established the Sand Creek Massacre National Historic Site in Kiowa County in 2005.

It is how we pass bills like the Buffalo Soldiers Commemoration Act, the Eisenhower Memorial Act, and the Ojito Wilderness Act. The list goes on and on.

Mr. President, on issues like health care, the economy, and Iraq, the parties do have real and substantial differences, and those differences merit serious debate here on the floor. But on how to protect our national treasures and traditions, we are usually in lock step.

Unfortunately, that has not been the case this year. Instead, every single bill that leaves the Energy and Natural Resources Committee, regardless of its subject or content, has encountered an objection.

Mr. President, each of us is certainly within our rights in objecting to a bill. That is a solemn right in this chamber, and it is one that ensures that when a Member has a strong, substantive objection to a bill, he or she can be heard.

Unfortunately, Mr. President, I fear that the objections to these bills make it even more difficult to make progress on the issues that face our Nation.

All the bills in this package have my support and the support of the Energy and Natural Resources Committee, but there are four bills of which I am particularly proud.

The first, S. 500, would help us determine how we can more properly recognize the contributions of Hispanic Americans to our nation's history. The Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007 would do what its title suggests: it would establish a commission to study the potential creation of a national museum dedicated to the art, culture, and history of Hispanic Americans. The Commission will be tasked with studying the impact of the potential museum and the cost of construction and maintenance. It will also be tasked with developing an action plan, a fundraising plan, and a recommendation on whether to proceed with construction of the museum.

The second, S. 1116, is a bill I worked on with my colleague from Colorado, Representative MARK UDALL, which would help make better use of the water that is produced during energy development. Each day, more than two million gallons of useable groundwater are wasted, turned into what is known as "produced water," after it is brought to the surface during oil and gas drilling or coal bed methane extraction. This water is often contaminated beyond use.

The "More Water, More Energy, Less Waste Act of 2007", cosponsored by Senators BINGAMAN, DOMENICI, and ENZI—along with the late Senator Thomas—initiates a feasibility study on recovering "produced water." It also establishes a grant program to test technologies that would convert "produced" water to "useable" water.

This bill will be of great value in the arid West, where we are constantly looking for ways to increase our water supplies for crop irrigation, livestock watering, wildlife habitat, and recreational opportunities. It is deserving of swift passage.

The third bill I would like to highlight is S. 752, the Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act of 2007. It is a bill that Senator BEN NELSON, Senator ALLARD, Senator HAGEL and I introduced. The bill authorizes the Secretary of the Interior to participate in a program to help endangered species recovery along the Platte River in Nebraska, Colorado, and Wyoming. The Governors of Nebraska, Colorado, and Wyoming and the Department of Interior spent nine years developing the plan for this program, which they finalized in 2006.

S. 752 authorizes the Secretary of Interior to carry out the Endangered Species Recovery Program in partnership with the States. Under the bill, the States and Federal Government will share costs, 50–50, on projects that provide benefits for endangered and threatened species recovery and that help with the monitoring and research on the benefits of the program. The bill authorizes $157 million to support the federal portion of the work.

Finally, Mr. President, this package includes a bill, S. 327, that would help preserve the legacy of one of our Nation's top civil rights leaders, César Estrada Chávez.

We all know the story of César Chávez. From a family of migrant farm workers, César Chávez began working in the fields at age 10. He moved from job to job across the Southwest, enduring the hardships and injustices of farm worker life. In 1952, at age 35, Chávez started working as a community activist, fighting for civil rights for all workers. Ten years later, he founded the National Farm Workers Association, which became the United Farm Workers of America, and led efforts to improve wages and working conditions. Chávez, through his work to improve the lives of farm workers across the country, is one of our nation's most important civil rights leaders. We must honor his memory and remember the sacrifices he made on our behalf.

To that end, the César Estrada Chávez Study Act would authorize the Secretary of the Interior to conduct a resource study, not later than 3 years after funds are made available, of sites associated with the life of César Estrada Chávez. The study would help determine whether those sites meet the criteria for being listed on the National Register of Historic Places or possible designation as national historic landmarks. I am a proud co-sponsor of this bill and will continue to fight until it is passed.

Mr. President, I want to again thank Chairman BINGAMAN and Majority Leader REID for their leadership in bringing this package of lands bills to the floor and for working to overcome the obstructionism that has, unfortunately, become so common in this body. These are bipartisan, commonsense bills that will help protect our nation's natural, cultural, and historic heritage, and I urge their prompt passage.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—91

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—4

Coburn
DeMint
Inhofe
Vitter

NOT VOTING—5

Clinton
Dole
Gregg
McCain
Obama

The bill (S. 2739) was passed, as follows:

S. 2739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consolidated Natural Resources Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOREST SERVICE AUTHORIZATIONS

Sec. 101. Wild Sky Wilderness.
Sec. 102. Designation of national recreational trail, Willamette National Forest, Oregon, in honor of Jim Weaver, a former Member of the House of Representatives.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Sec. 201. Piedras Blancas Historic Light Station.
Sec. 202. Jupiter Inlet Lighthouse Outstanding Natural Area.
Sec. 203. Nevada National Guard land conveyance, Clark County, Nevada.

TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Cooperative Agreements

Sec. 301. Cooperative agreements for national park natural resource protection.

Subtitle B—Boundary Adjustments and Authorizations

Sec. 311. Carl Sandburg Home National Historic Site boundary adjustment.
Sec. 312. Lowell National Historical Park boundary adjustment.
Sec. 313. Minidoka National Historic Site.
Sec. 314. Acadia National Park improvement.

Subtitle C—Studies

Sec. 321. National Park System special resource study, Newtonia Civil War Battlefields, Missouri.
Sec. 322. National Park Service study regarding the Soldiers' Memorial Military Museum.
Sec. 323. Wolf House study.
Sec. 324. Space Shuttle Columbia study.
Sec. 325. César E. Chávez study.
Sec. 326. Taunton, Massachusetts, special resource study.
Sec. 327. Rim of the Valley Corridor study.

Subtitle D—Memorials, Commissions, and Museums

Sec. 331. Commemorative work to honor Brigadier General Francis Marion and his family.
Sec. 332. Dwight D. Eisenhower Memorial Commission.
Sec. 333. Commission to Study the Potential Creation of a National Museum of the American Latino.
Sec. 334. Hudson-Fulton-Champlain Quadricentennial Commemoration Commission.
Sec. 335. Sense of Congress regarding the designation of the Museum of the American Quilter's Society of the United States.
Sec. 336. Sense of Congress regarding the designation of the National Museum of Wildlife Art of the United States.
Sec. 337. Redesignation of Ellis Island Library.

Subtitle E—Trails and Rivers

Sec. 341. Authorization and administration of Star-Spangled Banner National Historic Trail.
Sec. 342. Land conveyance, Lewis and Clark National Historic Trail, Nebraska.
Sec. 343. Lewis and Clark National Historic Trail extension.
Sec. 344. Wild and scenic River designation, Eightmile River, Connecticut.

Subtitle F—Denali National Park and Alaska Railroad Exchange

Sec. 351. Denali National Park and Alaska Railroad Corporation exchange.

Subtitle G—National Underground Railroad Network to Freedom Amendments

Sec. 361. Authorizing appropriations for specific purposes.

Subtitle H—Grand Canyon Subcontractors

Sec. 371. Definitions.
Sec. 372. Authorization.

TITLE IV—NATIONAL HERITAGE AREAS

Subtitle A—Journey Through Hallowed Ground National Heritage Area

Sec. 401. Purposes.
Sec. 402. Definitions.
Sec. 403. Designation of the Journey Through Hallowed Ground National Heritage Area.
Sec. 404. Management plan.
Sec. 405. Evaluation; report.
Sec. 406. Local coordinating entity.
Sec. 407. Relationship to other Federal agencies.
Sec. 408. Private property and regulatory protections.
Sec. 409. Authorization of appropriations.
Sec. 410. Use of Federal funds from other sources.
Sec. 411. Sunset for grants and other assistance.

Subtitle B—Niagara Falls National Heritage Area

Sec. 421. Purposes.
Sec. 422. Definitions.
Sec. 423. Designation of the Niagara Falls National Heritage Area.
Sec. 424. Management plan.
Sec. 425. Evaluation; report.
Sec. 426. Local coordinating entity.
Sec. 427. Niagara Falls Heritage Area Commission.
Sec. 428. Relationship to other Federal agencies.
Sec. 429. Private property and regulatory protections.
Sec. 430. Authorization of appropriations.
Sec. 431. Use of Federal funds from other sources.
Sec. 432. Sunset for grants and other assistance.

Subtitle C—Abraham Lincoln National Heritage Area

Sec. 441. Purposes.

Sec. 442. Definitions.
Sec. 443. Designation of Abraham Lincoln National Heritage Area.
Sec. 444. Management plan.
Sec. 445. Evaluation; report.
Sec. 446. Local coordinating entity.
Sec. 447. Relationship to other Federal agencies.
Sec. 448. Private property and regulatory protections.
Sec. 449. Authorization of appropriations.
Sec. 450. Use of Federal funds from other sources.
Sec. 451. Sunset for grants and other assistance.

Subtitle D—Authorization Extensions and Viability Studies

Sec. 461. Extensions of authorized appropriations.
Sec. 462. Evaluation and report.

Subtitle E—Technical Corrections and Additions

Sec. 471. National Coal Heritage Area technical corrections.
Sec. 472. Rivers of steel national heritage area addition.
Sec. 473. South Carolina National Heritage Corridor addition.
Sec. 474. Ohio and Erie Canal National Heritage Corridor technical corrections.
Sec. 475. New Jersey Coastal Heritage trail route extension of authorization.

Subtitle F—Studies

Sec. 481. Columbia-Pacific National Heritage Area study.
Sec. 482. Study of sites relating to Abraham Lincoln in Kentucky.

TITLE V—BUREAU OF RECLAMATION AND UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

Sec. 501. Alaska water resources study.
Sec. 502. Renegotiation of payment schedule, Redwood Valley County Water District.
Sec. 503. American River Pump Station Project transfer.
Sec. 504. Arthur V. Watkins Dam enlargement.
Sec. 505. New Mexico water planning assistance.
Sec. 506. Conveyance of certain buildings and lands of the Yakima Project, Washington.
Sec. 507. Conjunctive use of surface and groundwater in Juab County, Utah.
Sec. 508. Early repayment of A & B Irrigation District construction costs.
Sec. 509. Oregon water resources.
Sec. 510. Republican River Basin feasibility study.
Sec. 511. Eastern Municipal Water District.
Sec. 512. Bay Area regional water recycling program.
Sec. 513. Bureau of Reclamation site security.
Sec. 514. More water, more energy, and less waste.
Sec. 515. Platte River Recovery Implementation Program and Pathfinder Modification Project authorization.
Sec. 516. Central Oklahoma Master Conservatory District feasibility study.

TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS

Sec. 601. Energy technology transfer.
Sec. 602. Amendments to the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

TITLE VII—NORTHERN MARIANA ISLANDS

Subtitle A—Immigration, Security, and Labor

Sec. 701. Statement of congressional intent.
Sec. 702. Immigration reform for the Commonwealth.
Sec. 703. Further amendments to Public Law 94-241.
Sec. 704. Authorization of appropriations.
Sec. 705. Effective date.

Subtitle B—Northern Mariana Islands Delegate

Sec. 711. Delegate to House of Representatives from Commonwealth of the Northern Mariana Islands.
Sec. 712. Election of Delegate.
Sec. 713. Qualifications for Office of Delegate.
Sec. 714. Determination of election procedure.
Sec. 715. Compensation, privileges, and immunities.
Sec. 716. Lack of effect on covenant.
Sec. 717. Definition.
Sec. 718. Conforming amendments regarding appointments to military service academies by Delegate from the Commonwealth of the Northern Mariana Islands.

TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS

Sec. 801. Approval of Agreements.
Sec. 802. Funds to facilitate Federal activities.
Sec. 803. Conforming amendment.
Sec. 804. Clarifications regarding Palau.
Sec. 805. Availability of legal services.
Sec. 806. Technical amendments.
Sec. 807. Transmission of videotape programming.
Sec. 808. Palau road maintenance.
Sec. 809. Clarification of tax-free status of trust funds.
Sec. 810. Transfer of naval vessels to certain foreign recipients.

TITLE I—FOREST SERVICE AUTHORIZATIONS

SEC. 101. WILD SKY WILDERNESS.

(a) ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wildsrness Preservation System: certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled "Wild Sky Wilderness Proposal" and dated February 6, 2007, which shall be known as the "Wild Sky Wilderness".

(2) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this section with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The map and description shall have the same force and effect as if included in this section, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) ADMINISTRATION PROVISIONS.—

(1) IN GENERAL.—

(A) Subject to valid existing rights, lands designated as wilderness by this section shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that, with respect to any wilderness areas designated by this section, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(B) To fulfill the purposes of this section and the Wilderness Act and to achieve administrative efficiencies, the Secretary of Agriculture may manage the area designated by this section as a comprehensive part of the larger complex of adjacent and nearby wilderness areas.

(2) NEW TRAILS.—

(A) The Secretary of Agriculture shall consult with interested parties and shall establish a trail plan for Forest Service lands in order to develop—

(i) a system of hiking and equestrian trails within the wilderness designated by this section in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(ii) a system of trails adjacent to or to provide access to the wilderness designated by this section.

(B) Within 2 years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the trail plan required under this section. This report shall include the identification of priority trails for development.

(3) REPEATER SITE.—Within the Wild Sky Wilderness, the Secretary of Agriculture is authorized to use helicopter access to construct and maintain a joint Forest Service and Snohomish County telecommunications repeater site, in compliance with a Forest Service approved communications site plan, for the purposes of improving communications for safety, health, and emergency services.

(4) FLOAT PLANE ACCESS.—As provided by section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the use of floatplanes on Lake Isabel, where such use has already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture determines to be desirable.

(5) EVERGREEN MOUNTAIN LOOKOUT.—The designation under this section shall not preclude the operation and maintenance of the existing Evergreen Mountain Lookout in the same manner and degree in which the operation and maintenance of such lookout was occurring as of the date of enactment of this Act.

(c) AUTHORIZATION FOR LAND ACQUISITION.—

(1) IN GENERAL.—The Secretary of Agriculture is authorized to acquire lands and interests therein, by purchase, donation, or exchange, and shall give priority consideration to those lands identified as "Priority Acquisition Lands" on the map described in subsection (a)(1). The boundaries of the Mt. Baker-Snoqualmie National Forest and the Wild Sky Wilderness shall be adjusted to encompass any lands acquired pursuant to this section.

(2) ACCESS.—Consistent with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary of Agriculture shall ensure adequate access to private inholdings within the Wild Sky Wilderness.

(3) APPRAISAL.—Valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area as a result of this section.

(d) LAND EXCHANGES.—The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a map entitled "Chelan County Public Utility District Exchange" and dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

(1) If the Chelan County Public Utility District, within 90 days after the date of enactment of this Act, offers to the Secretary of Agriculture approximately 371.8 acres within the Mt. Baker-Snoqualmie National Forest in the State of Washington, the Secretary shall accept such lands.

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of the date of enactment of this Act, to maintain an existing telemetry site to monitor snow pack on 1.82 acres on the Wenatchee National Forest in the State of Washington.

(3) The exchange directed by this section shall be consummated if Chelan County Public Utility District conveys title acceptable to the Secretary and provided there is no hazardous material on the site, which is objectionable to the Secretary.

(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a telemetry site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the Secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

SEC. 102. DESIGNATION OF NATIONAL RECREATIONAL TRAIL, WILLAMETTE NATIONAL FOREST, OREGON, IN HONOR OF JIM WEAVER, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) DESIGNATION.—Forest Service trail number 3590 in the Willamette National Forest in Lane County, Oregon, which is a 19.6 mile trail that begins and ends at North Waldo Campground and circumnavigates Waldo Lake, is hereby designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243) and shall be known as the "Jim Weaver Loop Trail".

(b) INTERPRETIVE SIGN.—Using funds available for the Forest Service, the Secretary of Agriculture shall prepare, install, and maintain an appropriate sign at the trailhead of the Jim Weaver Loop Trail to indicate the name of the trail and to provide information regarding the life and career of Congressman Jim Weaver.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

SEC. 201. PIEDRAS BLANCAS HISTORIC LIGHT STATION.

(a) DEFINITIONS.—In this section:

(1) LIGHT STATION.—The term "Light Station" means Piedras Blancas Light Station.

(2) OUTSTANDING NATURAL AREA.—The term "Outstanding Natural Area" means the Piedras Blancas Historic Light Station Outstanding Natural Area established pursuant to subsection (c).

(3) PUBLIC LANDS.—The term "public lands" has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1703(e)).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) FINDINGS.—Congress finds as follows:

(1) The publicly owned Piedras Blancas Light Station has nationally recognized historical structures that should be preserved for present and future generations.

(2) The coastline adjacent to the Light Station is internationally recognized as having significant wildlife and marine habitat that provides critical information to research institutions throughout the world.

(3) The Light Station tells an important story about California's coastal prehistory and history in the context of the surrounding region and communities.

(4) The coastal area surrounding the Light Station was traditionally used by Indian people, including the Chumash and Salinan Indian tribes.

(5) The Light Station is historically associated with the nearby world-famous Hearst Castle (Hearst San Simeon State Historical Monument), now administered by the State of California.

(6) The Light Station represents a model partnership where future management can be successfully accomplished among the Federal Government, the State of California, San Luis Obispo County, local communities, and private groups.

(7) Piedras Blancas Historic Light Station Outstanding Natural Area would make a significant addition to the National Landscape Conservation System administered by the Department of the Interior's Bureau of Land Management.

(8) Statutory protection is needed for the Light Station and its surrounding Federal lands to ensure that it remains a part of our historic, cultural, and natural heritage and to be a source of inspiration for the people of the United States.

(c) DESIGNATION OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—In order to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of certain lands in and around the Piedras Blancas Light Station, in San Luis Obispo County, California, while allowing certain recreational and research activities to continue, there is established, subject to valid existing rights, the Piedras Blancas Historic Light Station Outstanding Natural Area.

(2) MAPS AND LEGAL DESCRIPTIONS.—The boundaries of the Outstanding Natural Area as those shown on the map entitled "Piedras Blancas Historic Light Station: Outstanding Natural Area", dated May 5, 2004, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State office of the Bureau of Land Management in the State of California.

(3) BASIS OF MANAGEMENT.—The Secretary shall manage the Outstanding Natural Area as part of the National Landscape Conservation System to protect the resources of the area, and shall allow only those uses that further the purposes for the establishment of the Outstanding Natural Area, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws.

(4) WITHDRAWAL.—Subject to valid existing rights, and in accordance with the existing withdrawal as set forth in Public Land Order 7501 (Oct. 12, 2001, Vol. 66, No. 198, Federal Register 52149), the Federal lands and interests in lands included within the Outstanding Natural Area are hereby withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(d) MANAGEMENT OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—The Secretary shall manage the Outstanding Natural Area in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of that area, including an emphasis on preserving and restoring the Light Station facilities, consistent with the requirements of subsection (c)(3).

(2) USES.—Subject to valid existing rights, the Secretary shall only allow such uses of the Outstanding Natural Area as the Secretary finds are likely to further the purposes for which the Outstanding Natural Area is established as set forth in subsection (c)(1).

(3) MANAGEMENT PLAN.—Not later than 3 years after of the date of enactment of this Act, the Secretary shall complete a comprehensive management plan consistent with the requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to provide long-term management guidance for the public lands within the Outstanding Natural Area and fulfill the purposes for which it is established, as set forth in subsection (c)(1). The management plan shall be developed in consultation with appropriate Federal, State, and local government agencies, with full public participation, and the contents shall include—

(A) provisions designed to ensure the protection of the resources and values described in subsection (c)(1);

(B) objectives to restore the historic Light Station and ancillary buildings;

(C) an implementation plan for a continuing program of interpretation and public education about the Light Station and its importance to the surrounding community;

(D) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resources objectives for the Outstanding Natural Area as described in paragraph (1) and with other proposed management activities to accommodate visitors and researchers to the Outstanding Natural Area; and

(E) cultural resources management strategies for the Outstanding Natural Area, prepared in consultation with appropriate departments of the State of California, with emphasis on the preservation of the resources of the Outstanding Natural Area and the interpretive, education, and long-term scientific uses of the resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Outstanding Natural Area.

(4) COOPERATIVE AGREEMENTS.—In order to better implement the management plan and to continue the successful partnerships with the local communities and the Hearst San Simeon State Historical Monument, administered by the California Department of Parks and Recreation, the Secretary may enter into cooperative agreements with the appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(5) RESEARCH ACTIVITIES.—In order to continue the successful partnership with research organizations and agencies and to assist in the development and implementation of the management plan, the Secretary may authorize within the Outstanding Natural Area appropriate research activities for the purposes identified in subsection (c)(1) and pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(6) ACQUISITION.—State and privately held lands or interests in lands adjacent to the Outstanding Natural Area and identified as appropriate for acquisition in the management plan may be acquired by the Secretary as part of the Outstanding Natural Area only by—

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

(7) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any lands or interest in lands adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Outstanding Natural Area.

(8) OVERFLIGHTS.—Nothing in this section or the management plan shall be construed to—

(A) restrict or preclude overflights, including low level overflights, military, commercial, and general aviation overflights that can be seen or heard within the Outstanding Natural Area;

(B) restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the Outstanding Natural Area; or

(C) modify regulations governing low-level overflights above the adjacent Monterey Bay National Marine Sanctuary.

(9) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section shall be construed to preclude or otherwise affect coastal border security operations or other law enforcement activities by the Coast Guard or other agencies within the Department of Homeland Security, the Department of Justice, or any other Federal, State, and local law enforcement agencies within the Outstanding Natural Area.

(10) NATIVE AMERICAN USES AND INTERESTS.—In recognition of the past use of the Outstanding Natural Area by Indians and Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure access to the Outstanding Natural Area by Indians and Indian tribes for such traditional cultural and religious purposes. In implementing this subsection, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural and religious activities in such areas by the Indian tribe or Indian religious community. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996 et seq.; commonly referred to as the "American Indian Religious Freedom Act").

(11) NO BUFFER ZONES.—The designation of the Outstanding Natural Area is not intended to lead to the creation of protective perimeters or buffer zones around area. The fact that activities outside the Outstanding Natural Area and not consistent with the purposes of this section can be seen or heard within the Outstanding Natural Area shall not, of itself, preclude such activities or uses up to the boundary of the Outstanding Natural Area.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 202. JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(2) LIGHTHOUSE.—The term "Lighthouse" means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.

(3) LOCAL PARTNERS.—The term "Local Partners" includes—

(A) Palm Beach County, Florida;

(B) the Town of Jupiter, Florida;

(C) the Village of Tequesta, Florida; and

(D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under subsection (c)(1).

(5) MAP.—The term "map" means the map entitled "Jupiter Inlet Lighthouse Outstanding Natural Area" and dated October 29, 2007.

(6) OUTSTANDING NATURAL AREA.—The term "Outstanding Natural Area" means the Jupiter Inlet Lighthouse Outstanding Natural Area established by subsection (b)(1).

(7) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STATE.—The term "State" means the State of Florida.

(b) ESTABLISHMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) ESTABLISHMENT.—Subject to valid existing rights, there is established for the purposes described in paragraph (2) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(2) PURPOSES.—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(A) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(B) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(4) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights, subsection (e), and any existing withdrawals under the Executive orders and public land order described in subparagraph (B), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(B) DESCRIPTION OF EXECUTIVE ORDERS.—The Executive orders and public land order described in subparagraph (A) are—

(i) the Executive Order dated October 22, 1854;

(ii) Executive Order No. 4254 (June 12, 1925); and

(iii) Public Land Order No. 7202 (61 Fed. Reg. 29758).

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

(A) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(B) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(2) CONSULTATION; PUBLIC PARTICIPATION.—The management plan shall be developed—

(A) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, and other partners; and

(B) in a manner that ensures full public participation.

(3) EXISTING PLANS.—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(4) INCLUSIONS.—The management plan shall include—

(A) objectives and provisions to ensure—

(i) the protection and conservation of the resource values of the Outstanding Natural Area; and

(ii) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

(B) objectives and provisions to maintain or recreate historic structures;

(C) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(D) a proposal for administrative and public facilities to be developed or improved that—

(i) are compatible with achieving the resource objectives for the Outstanding Natural Area described in subsection (d)(1)(A)(ii); and

(ii) would accommodate visitors to the Outstanding Natural Area;

(E) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(F) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(5) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or

amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

(d) MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) MANAGEMENT.—

(A) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

(i) as part of the National Landscape Conservation System;

(ii) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems; and

(iii) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws.

(B) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(2) USES.—Subject to valid existing rights and subsection (e), the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further the purposes for which the Outstanding Natural Area is established.

(3) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary may, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area

(4) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in subsection (b)(2).

(5) ACQUISITION OF LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

(i) adjacent to the Outstanding Natural Area; and

(ii) identified in the management plan as appropriate for acquisition.

(B) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under subparagraph (A) only by donation, exchange, or purchase from a willing seller with donated or appropriated funds.

(C) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under subparagraph (A) shall be added to, and administered as part of, the Outstanding Natural Area.

(6) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(A) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(B) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

(C) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(7) FUTURE DISPOSITION OF COAST GUARD FACILITIES.—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

(e) EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 203. NEVADA NATIONAL GUARD LAND CONVEYANCE, CLARK COUNTY, NEVADA.

(a) IN GENERAL.—Notwithstanding any other provision of law, Clark County, Nevada, may convey, without consideration, to the Nevada Division of State Lands for use by the Nevada National Guard approximately 51 acres of land in Clark County, Nevada, as generally depicted on the map entitled "Southern Nevada Readiness Center Act" and dated October 4, 2005.

(b) LIMITATION.—If the land described in subsection (a) ceases to be used by the Nevada National Guard, the land shall revert to Clark County, Nevada, for management in accordance with the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343).

TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Cooperative Agreements

SEC. 301. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall provide clear and direct benefits to park natural resources and—

(1) provide for—

(A) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(B) preventing, controlling, or eradicating invasive exotic species that are within a unit of the National Park System or adjacent to a unit of the National Park System; or

(C) restoration of natural resources, including native wildlife habitat or ecosystems;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit of the National Park System; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Boundary Adjustments and Authorizations

SEC. 311. CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term "Historic Site" means Carl Sandburg Home National Historic Site.

(2) MAP.—The term "map" means the map entitled "Sandburg Center Alternative" numbered 445/80,017 and dated April 2007.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange not more than 110 acres of land, water, or interests in land and water, within the area depicted on the map, to be added to the Historic Site.

(c) VISITOR CENTER.—To preserve the historic character and landscape of the site, the Secretary may also acquire up to five acres for the development of a visitor center and visitor parking area adjacent to or in the general vicinity of the Historic Site.

(d) BOUNDARY REVISION.—Upon acquisition of any land or interest in land under this section, the Secretary shall revise the boundary of the Historic Site to reflect the acquisition.

(e) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—Land added to the Historic Site by this section shall be administered as part of the Historic Site in accordance with applicable laws and regulations.

SEC. 312. LOWELL NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The Act entitled "An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes" approved June 5, 1978 (Public Law 95–290; 92 Stat. 290; 16 U.S.C. 410cc et seq.) is amended as follows:

(1) In section 101(a), by adding a new paragraph after paragraph (2) as follows:

"(3) The boundaries of the park are modified to include five parcels of land identified on the map entitled 'Boundary Adjustment, Lowell National Historical Park,' numbered 475/81,424B and dated September 2004, and as delineated in section 202(a)(2)(G).".

(2) In section 202(a)(2), by adding at the end the following new subparagraph:

"(G) The properties shown on the map identified in subsection (101)(a)(3) as follows:

"(i) 91 Pevey Street.

"(ii) The portion of 607 Middlesex Place.

"(iii) Eagle Court.

"(iv) The portion of 50 Payne Street.

"(v) 726 Broadway.".

SEC. 313. MINIDOKA NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Idaho.

(b) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Minidoka Internment National Monument, located in the State and established by Presidential Proclamation 7395 of January 17, 2001, is adjusted to include the Nidoto Nai Yoni ("Let it not happen again") memorial (referred to in this subsection as the "memorial"), which—

(i) commemorates the Japanese Americans of Bainbridge Island, Washington, who were the first to be forcibly removed from their homes and relocated to internment camps during World War II under Executive Order No. 9066; and

(ii) consists of approximately 8 acres of land owned by the City of Bainbridge Island, Washington, as depicted on the map entitled "Bainbridge Island Japanese American Memorial", numbered 194/80,003, and dated September, 2006.

(B) MAP.—The map referred to in subparagraph (A) shall be kept on file and made available for public inspection in the appropriate offices of the National Park Service.

(2) ADMINISTRATION OF MEMORIAL.—

(A) IN GENERAL.—The memorial shall be administered as part of the Minidoka Internment National Monument.

(B) AGREEMENTS.—To carry out this subsection, the Secretary may enter into agreements with—

(i) the City of Bainbridge Island, Washington;

(ii) the Bainbridge Island Metropolitan Park and Recreational District;

(iii) the Bainbridge Island Japanese American Community Memorial Committee;

(iv) the Bainbridge Island Historical Society; and

(v) other appropriate individuals or entities.

(C) IMPLEMENTATION.—To implement an agreement entered into under this paragraph, the Secretary may—

(i) enter into a cooperative management agreement relating to the operation and maintenance of the memorial with the City of Bainbridge Island, Washington, in accordance with section 3(l) of Public Law 91–383 (16 U.S.C. 1a–2(l)); and

(ii) enter into cooperative agreements with, or make grants to, the City of Bainbridge Island, Washington, and other non-Federal entities for the development of facilities, infrastructure, and interpretive media at the memorial, if any Federal funds provided by a grant or through a cooperative agreement are matched with non-Federal funds.

(D) ADMINISTRATION AND VISITOR USE SITE.—The Secretary may operate and maintain a site in the State of Washington for administrative and visitor use purposes associated with the Minidoka Internment National Monument.

(c) ESTABLISHMENT OF MINIDOKA NATIONAL HISTORIC SITE.—

(1) DEFINITIONS.—In this section:

(A) HISTORIC SITE.—The term "Historic Site" means the Minidoka National Historic Site established by paragraph (2)(A).

(B) MINIDOKA MAP.—The term "Minidoka Map" means the map entitled "Minidoka National Historic Site, Proposed Boundary Map", numbered 194/80,004, and dated December 2006.

(2) ESTABLISHMENT.—

(A) NATIONAL HISTORIC SITE.—In order to protect, preserve, and interpret the resources associated with the former Minidoka Relocation Center where Japanese Americans were incarcerated during World War II, there is established the Minidoka National Historic Site.

(B) MINIDOKA INTERNMENT NATIONAL MONUMENT.—

(i) IN GENERAL.—The Minidoka Internment National Monument (referred to in this subsection as the "Monument)", as described in Presidential Proclamation 7395 of January 17, 2001, is abolished.

(ii) INCORPORATION.—The land and any interests in the land at the Monument are incorporated within, and made part of, the Historic Site.

(iii) FUNDS.—Any funds available for purposes of the Monument shall be available for the Historic Site.

(C) REFERENCES.—Any reference in a law (other than in this title), map, regulation, document, record, or other paper of the United States to the "Minidoka Internment National Monument" shall be considered to be a reference to the "Minidoka National Historic Site".

(3) BOUNDARY OF HISTORIC SITE.—

(A) BOUNDARY.—The boundary of the Historic Site shall include—

(i) approximately 292 acres of land, as depicted on the Minidoka Map; and

(ii) approximately 8 acres of land, as described in subsection (b)(1)(A)(ii).

(B) AVAILABILITY OF MAP.—The Minidoka Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) LAND TRANSFERS AND ACQUISITION.—

(A) TRANSFER FROM BUREAU OF RECLAMATION.—Administrative jurisdiction over the land identified on the Minidoka Map as "BOR parcel 1" and "BOR parcel 2", including any improvements on, and appurtenances to, the parcels, is transferred from the Bureau of Reclamation to the National Park Service for inclusion in the Historic Site.

(B) TRANSFER FROM BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the land identified on the Minidoka Map as "Public Domain Lands" is transferred from the Bureau of Land Management to the National Park Service for inclusion in the Historic Site, and the portions of any prior Secretarial orders withdrawing the land are revoked.

(C) ACQUISITION AUTHORITY.—The Secretary may acquire any land or interest in land located within the boundary of the Historic Site, as depicted on the Minidoka Map, by—

(i) donation;

(ii) purchase with donated or appropriated funds from a willing seller; or

(iii) exchange.

(5) ADMINISTRATION.—

(A) IN GENERAL.—The Historic Site shall be administered in accordance with—

(i) this Act; and

(ii) laws (including regulations) generally applicable to units of the National Park System, including—

(I) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(II) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(B) INTERPRETATION AND EDUCATION.—

(i) IN GENERAL.—The Secretary shall interpret—

(I) the story of the relocation of Japanese Americans during World War II to the Minidoka Relocation Center and other centers across the United States;

(II) the living conditions of the relocation centers;

(III) the work performed by the internees at the relocation centers; and

(IV) the contributions to the United States military made by Japanese Americans who had been interned.

(ii) ORAL HISTORIES.—To the extent feasible, the collection of oral histories and testimonials from Japanese Americans who were confined shall be a part of the interpretive program at the Historic Site.

(iii) COORDINATION.—The Secretary shall coordinate the development of interpretive and educational materials and programs for the Historic Site with the Manzanar National Historic Site in the State of California.

(C) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—The Bainbridge Island Japanese American Memorial shall be administered in accordance with subsection (b)(2).

(D) CONTINUED AGRICULTURAL USE.—In keeping with the historical use of the land following the decommission of the Minidoka Relocation Center, the Secretary may issue a special use permit or enter into a lease to allow agricultural uses within the Historic Site under appropriate terms and conditions, as determined by the Secretary.

(6) DISCLAIMER OF INTEREST IN LAND.—

(A) IN GENERAL.—The Secretary may issue to Jerome County, Idaho, a document of disclaimer of interest in land for the parcel identified as "Tract No. 2"—

(i) in the final order of condemnation, for the case numbered 2479, filed on January 31, 1947, in the District Court of the United States, in and for the District of Idaho, Southern Division; and

(ii) on the Minidoka Map.

(B) PROCESS.—The Secretary shall issue the document of disclaimer of interest in land under subsection (a) in accordance with section 315(b) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745(b)).

(C) EFFECT.—The issuance by the Secretary of the document of disclaimer of interest in land under subsection (a) shall have the same effect as a quit-claim deed issued by the United States.

(d) CONVEYANCE OF AMERICAN FALLS RESERVOIR DISTRICT NUMBER 2.—

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term "Agreement" means Agreement No. 5-07-10-L1688 between the United States and the District, entitled "Agreement Between the United States and the American Falls Reservoir District No. 2 to Transfer Title to the Federally Owned Milner-Gooding Canal and Certain Property Rights, Title and Interest to the American Falls Reservoir District No. 2".

(B) DISTRICT.—The term "District" means the American Falls Reservoir District No. 2, located in Jerome, Lincoln, and Gooding Counties, of the State.

(2) AUTHORITY TO CONVEY TITLE.—

(A) IN GENERAL.—In accordance with all applicable law and the terms and conditions set forth in the Agreement, the Secretary may convey—

(i) to the District all right, title, and interest in and to the land and improvements described in Appendix A of the Agreement, subject to valid existing rights;

(ii) to the city of Gooding, located in Gooding County, of the State, all right, title, and interest in and to the 5.0 acres of land and improvements described in Appendix D of the Agreement; and

(iii) to the Idaho Department of Fish and Game all right, title, and interest in and to the 39.72 acres of land and improvements described in Appendix D of the Agreement.

(B) COMPLIANCE WITH AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(3) COMPLIANCE WITH OTHER LAWS.—

(A) IN GENERAL.—On conveyance of the land and improvements under paragraph (2)(A)(i), the District shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of each facility transferred.

(B) APPLICABLE AUTHORITY.—Nothing in this subsection modifies or otherwise affects the applicability of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) to project water provided to the District.

(4) REVOCATION OF WITHDRAWALS.—

(A) IN GENERAL.—The portions of the Secretarial Orders dated March 18, 1908, October 7, 1908, September 29, 1919, October 22, 1925, March 29, 1927, July 23, 1927, and May 7, 1963, withdrawing the approximately 6,900 acres described in Appendix E of the Agreement for the purpose of the Gooding Division of the Minidoka Project, are revoked.

(B) MANAGEMENT OF WITHDRAWN LAND.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the withdrawn land described in subparagraph (A) subject to valid existing rights.

(5) LIABILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), upon completion of a conveyance under paragraph (2), the United States shall not be liable for damages of any kind for any injury arising out of an act, omission, or occurrence relating to the land (including any improvements to the land) conveyed under the conveyance.

(B) EXCEPTION.—Subparagraph (A) shall not apply to liability for damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) before the date of completion of the conveyance.

(C) FEDERAL TORT CLAIMS ACT.—Nothing in this paragraph increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

(6) FUTURE BENEFITS.—

(A) RESPONSIBILITY OF THE DISTRICT.—After completion of the conveyance of land and improvements to the District under paragraph (2)(A)(i), and consistent with the Agreement, the District shall assume responsibility for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land (including any improvements to the land).

(B) ELIGIBILITY FOR FEDERAL FUNDING.—

(i) IN GENERAL.—Except as provided in clause (ii), the District shall not be eligible to receive Federal funding to assist in any activity described in subparagraph (A) relating to land and improvements transferred under paragraph (2)(A)(i).

(ii) EXCEPTION.—Clause (i) shall not apply to any funding that would be available to a similarly situated nonreclamation district, as determined by the Secretary.

(7) NATIONAL ENVIRONMENTAL POLICY ACT.—Before completing any conveyance under this subsection, the Secretary shall complete all actions required under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(D) all other applicable laws (including regulations).

(8) PAYMENT.—

(A) FAIR MARKET VALUE REQUIREMENT.—As a condition of the conveyance under paragraph (2)(A)(i), the District shall pay the fair market value for the withdrawn lands to be acquired by the District, in accordance with the terms of the Agreement.

(B) GRANT FOR BUILDING REPLACEMENT.—As soon as practicable after the date of enactment of this Act, and in full satisfaction of the Federal obligation to the District for the replacement of the structure in existence on that date of enactment that is to be transferred to the National Park Service for inclusion in the Minidoka National Historic Site, the Secretary, acting through the Commissioner of Reclamation, shall provide to the District a grant in the amount of $52,996, in accordance with the terms of the Agreement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 314. ACADIA NATIONAL PARK IMPROVEMENT.

(a) EXTENSION OF LAND CONVEYANCE AUTHORITY.—Section 102(d) of Public Law 99-420 (16 U.S.C. 341 note) is amended by striking paragraph (2) and inserting the following:

"(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless lands within the Park boundary and owned by the town have been conveyed to the Secretary.".

(b) EXTENSION OF ACADIA NATIONAL PARK ADVISORY COMMISSION.—

(1) IN GENERAL.—Section 103(f) of Public Law 99-420 (16 U.S.C. 341 note) is amended by striking "20" and inserting "40".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on September 25, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 106 of Public Law 99-420 (16 U.S.C. 341 note) is amended by adding the following:

"(c) ADDITIONAL FUNDING.—In addition to such sums as have been heretofore appropriated, there is hereby authorized $10,000,000 for acquisition of lands and interests therein.".

(d) INTERMODAL TRANSPORTATION CENTER.—Title I of Public Law 99-420 (16 U.S.C. 341 note) is amended by adding at the end the following new section:

"SEC. 108. INTERMODAL TRANSPORTATION CENTER.

"(a) IN GENERAL.—The Secretary may provide assistance in the planning, construction, and operation of an intermodal transportation center located outside of the boundary of the Park in the town of Trenton, Maine to improve the management, interpretation, and visitor enjoyment of the Park.

"(b) AGREEMENTS.—To carry out subsection (a), in administering the intermodal transportation center, the Secretary may enter into interagency agreements with other Federal agencies, and, notwithstanding chapter 63 of title 31, United States Code, cooperative agreements, under appropriate terms and conditions, with State and local agencies, and nonprofit organizations—

"(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

"(2) to conduct activities that facilitate the dissemination of information relating to the Park and the Island Explorer transit system or any successor transit system;

"(3) to provide financial assistance for the construction of the intermodal transportation center in exchange for space in the center that is sufficient to interpret the Park; and

"(4) to assist with the operation and maintenance of the intermodal transportation center.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary not more than 40 percent of the total cost necessary to carry out this section (including planning, design and construction of the intermodal transportation center).

"(2) OPERATIONS AND MAINTENANCE.—There are authorized to be appropriated to the Secretary not more than 85 percent of the total cost necessary to maintain and operate the intermodal transportation center.".

Subtitle C—Studies

SEC. 321. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.

(a) SPECIAL RESOURCE STUDY.—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Newtonia battlefields and their related sites;

(2) consider the findings and recommendations contained in the document entitled "Vision Plan for Newtonia Battlefield Preservation" and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

(3) evaluate the suitability and feasibility of adding the battlefields and related sites as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a unit of the National Park System;

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson's Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;

(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

(c) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91-383 (16 U.S.C. 1a-5) shall apply to the study under subsection (a).

(d) TRANSMISSION TO CONGRESS.—Not later than three years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 322. NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM.

(a) FINDINGS.—Congress finds as follows:

(1) The Soldiers' Memorial is a tribute to all veterans located in the greater St. Louis area, including Southern Illinois.

(2) The current annual budget for the memorial is $185,000 and is paid for exclusively by the City of St. Louis.

(3) In 1923, the City of St. Louis voted to spend $6,000,000 to purchase a memorial plaza and building dedicated to citizens of St. Louis who lost their lives in World War I.

(4) The purchase of the 7 block site exhausted the funds and no money remained to construct a monument.

(5) In 1933, Mayor Bernard F. Dickmann appealed to citizens and the city government to raise $1,000,000 to construct a memorial building and general improvement of the plaza area and the construction of Soldiers' Memorial began on October 21, 1935.

(6) On October 14, 1936, President Franklin D. Roosevelt officially dedicated the site.

(7) On Memorial Day in 1938, Mayor Dickmann opened the building to the public.

(b) STUDY.—The Secretary of the Interior shall carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum, located at 1315 Chestnut, St. Louis, Missouri, as a unit of the National Park System.

(c) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct and completion of the study required by this section.

(d) REPORT.—The Secretary shall submit a report describing the results the study required by this section to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 323. WOLF HOUSE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the Wolf House located on Highway 5 in Norfork, Arkansas, to determine—

(1) the suitability and feasibility of designating the Wolf House as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the Wolf House by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 324. SPACE SHUTTLE COLUMBIA STUDY.

(a) DEFINITIONS.—In this section:

(1) MEMORIAL.—The term "memorial" means a memorial to the Space Shuttle Columbia that is subject to the study in subsection (b).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY OF SUITABILITY AND FEASIBILITY OF ESTABLISHING MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall conduct a special resource study to determine the feasibility and suitability of establishing a memorial as a unit or units of the National Park System to the Space Shuttle Columbia on land in the State of Texas described in paragraph (2) on which large debris from the Shuttle was recovered.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the parcel of land owned by the Fredonia Corporation, located at the southeast corner of the intersection of East Hospital Street and North Fredonia Street, Nacogdoches, Texas;

(B) the parcel of land owned by Temple Inland Inc., 10 acres of a 61-acre tract bounded by State Highway 83 and Bayou Bend Road, Hemphill, Texas;

(C) the parcel of land owned by the city of Lufkin, Texas, located at City Hall Park, 301 Charlton Street, Lufkin, Texas; and

(D) the parcel of land owned by San Augustine County, Texas, located at 1109 Oaklawn Street, San Augustine, Texas.

(3) ADDITIONAL SITES.—The Secretary may recommend to Congress additional sites in the State of Texas relating to the Space Shuttle Columbia for establishment as memorials to the Space Shuttle Columbia.

SEC. 325. CÉSAR E. CHÁVEZ STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

(1) appropriate methods for preserving and interpreting the sites; and

(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); or

(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91-383 (16 U.S.C. 1a-5(b)(2)); and

(2) consult with—

(A) the César E. Chávez Foundation;

(B) the United Farm Workers Union; and

(C) State and local historical associations and societies, including any State historic preservation offices in the State in which the site is located.

(c) REPORT.—On completion of the study, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any recommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 326. TAUNTON, MASSACHUSETTS, SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in consultation with the appropriate State historic preservation officers, State historical societies, the city of Taunton, Massachusetts, and other appropriate organizations, shall conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System. The study shall be conducted and completed in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) and shall include analysis, documentation, and determinations regarding whether the historic areas in Taunton—

(1) can be managed, curated, interpreted, restored, preserved, and presented as an organic whole under management by the National Park Service or under an alternative management structure;

(2) have an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(3) reflect traditions, customs, beliefs, and historical events that are valuable parts of the national story;

(4) provide outstanding opportunities to conserve natural, historic, cultural, architectural, or scenic features;

(5) provide outstanding recreational and educational opportunities; and

(6) can be managed by the National Park Service in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a unit of the National Park System consistent with State and local economic activity.

(b) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study required under subsection (a).

(c) PRIVATE PROPERTY.—The recommendations in the report submitted pursuant to subsection (b) shall include discussion and consideration of the concerns expressed by private landowners with respect to designating certain structures referred to in this section as a unit of the National Park System.

SEC. 327. RIM OF THE VALLEY CORRIDOR STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of the area known as the Rim of the Valley Corridor, generally including the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys in California, to determine—

(1) the suitability and feasibility of designating all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation Area; and

(2) the methods and means for the protection and interpretation of this corridor by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) DOCUMENTATION.—In conducting the study authorized under subsection (a), the Secretary shall document—

(1) the process used to develop the existing Santa Monica Mountains National Recreation Area Fire Management Plan and Environmental Impact Statement (September 2005); and

(2) all activity conducted pursuant to the plan referred to in paragraph (1) designed to protect lives and property from wildfire.

(c) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Memorials, Commissions, and Museums

SEC. 331. COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION AND HIS FAMILY.

(a) FINDINGS.—The Congress finds the following:

(1) Francis Marion was born in 1732 in St. John's Parish, Berkeley County, South Carolina. He married Mary Esther Videau on April 20th, 1786. Francis and Mary Esther Marion had no children, but raised a son of a relative as their own, and gave the child Francis Marion's name.

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that "as for this damned old swamp fox, the devil himself could not catch him". Thus, the legend of the "Swamp Fox" was born.

(4) His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

(6) As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention.

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. Since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

(9) The time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of Brigadier General Marion's contributions. Such a South Carolina hero deserves to be given the proper recognition.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The commemorative work authorized by subsection (b) shall be established in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.

(f) DEFINITIONS.—For the purposes of this section, the terms "commemorative work" and "the District of Columbia and its environs" have the meanings given to such terms in section 8902(a) of title 40, United States Code.

SEC. 332. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.

Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1274) is amended—

(1) by striking subsection (j) and inserting the following:

"(j) POWERS OF THE COMMISSION.—

"(1) IN GENERAL.—

"(A) POWERS.—The Commission may—

"(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

"(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;

"(iii) hold hearings and enter into contracts;

"(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

"(v) take such actions as are necessary to carry out this section.

"(B) SPECIALIZED OR PROFESSIONAL SERVICES.—Services under subparagraph (A)(iv) may be—

"(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and

"(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title.

"(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.

"(3) FEDERAL COOPERATION.—At the request of the Commission, a Federal department or agency may provide any information or other assistance to the Commission that the head of the Federal department or agency determines to be appropriate.

"(4) POWERS OF MEMBERS AND AGENTS.—

"(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

"(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

"(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and "(ii) perform other duties as designated by the Chairperson of the Commission.

"(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

"(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.";

(2) by redesignating subsection (o) as subsection (q); and

(3) by adding after subsection (n) the following:

"(o) STAFF AND SUPPORT SERVICES.—

"(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission to be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

"(2) STAFF.—

"(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS–15 of the General Schedule.

"(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

"(3) STAFF OF FEDERAL AGENCIES.—On request of the Commission, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.

"(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.

"(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.

"(6) TEMPORARY, INTERMITTENT, AND PART-TIME SERVICES.—

"(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.

"(B) NON-APPLICABILITY TO CERTAIN SERVICES.—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).

"(7) VOLUNTEER SERVICES.—

"(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.

"(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

"(C) LIABILITY.—

"(i) IN GENERAL.—Subject to clause (ii), a volunteer described in subparagraph (A) shall be considered to be a volunteer for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

"(ii) EXCEPTION.—Section 4(d) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(d)) shall not apply for purposes of a claim against a volunteer described in subparagraph (A).

"(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.".

SEC. 333. COMMISSION TO STUDY THE POTENTIAL CREATION OF A NATIONAL MUSEUM OF THE AMERICAN LATINO.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established the Commission to Study the Potential Creation of a National Museum of the American Latino (hereafter in this section referred to as the "Commission").

(2) MEMBERSHIP.—The Commission shall consist of 23 members appointed not later than 6 months after the date of enactment of this Act as follows:

(A) The President shall appoint 7 voting members.

(B) The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 3 voting members.

(C) In addition to the members appointed under subparagraph (B), the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 1 nonvoting member.

(3) QUALIFICATIONS.—Members of the Commission shall be chosen from among individuals, or representatives of institutions or entities, who possess either—

(A) a demonstrated commitment to the research, study, or promotion of American Latino life, art, history, political or economic status, or culture, together with—

(i) expertise in museum administration;

(ii) expertise in fundraising for nonprofit or cultural institutions;

(iii) experience in the study and teaching of Latino culture and history at the post-secondary level;

(iv) experience in studying the issue of the Smithsonian Institution's representation of American Latino art, life, history, and culture; or

(v) extensive experience in public or elected service; or

(B) experience in the administration of, or the planning for the establishment of, museums devoted to the study and promotion of the role of ethnic, racial, or cultural groups in American history.

(b) FUNCTIONS OF THE COMMISSION.—

(1) PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.—The Commission shall submit a report to the President and the Congress containing its recommendations with respect to a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC (hereafter in this section referred to as the "Museum").

(2) FUNDRAISING PLAN.—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community.

(3) REPORT ON ISSUES.—The Commission shall examine (in consultation with the Secretary of the Smithsonian Institution), and submit a report to the President and the Congress on, the following issues:

(A) The availability and cost of collections to be acquired and housed in the Museum.

(B) The impact of the Museum on regional Hispanic- and Latino-related museums.

(C) Possible locations for the Museum in Washington, DC and its environs, to be considered in consultation with the National Capital Planning Commission and the Commission of Fine Arts, the Department of the Interior and Smithsonian Institution.

(D) Whether the Museum should be located within the Smithsonian Institution.

(E) The governance and organizational structure from which the Museum should operate.

(F) How to engage the American Latino community in the development and design of the Museum.

(G) The cost of constructing, operating, and maintaining the Museum.

(4) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the report submitted under paragraph (1) and the report submitted under paragraph (3), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate recommendations for a legislative plan of action to create and construct the Museum.

(5) NATIONAL CONFERENCE.—In carrying out its functions under this section, the Commission may convene a national conference on the Museum, comprised of individuals committed to the advancement of American Latino life, art, history, and culture, not later than 18 months after the commission members are selected.

(c) ADMINISTRATIVE PROVISIONS.—

(1) FACILITIES AND SUPPORT OF DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall provide from funds appropriated for this purpose administrative services, facilities, and funds necessary for the performance of the Commission's functions. These funds shall be made available prior to any meetings of the Commission.

(2) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

(3) TRAVEL EXPENSES.—Each member shall be entitled to travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(4) FEDERAL ADVISORY COMMITTEE ACT.—The Commission is not subject to the provisions of the Federal Advisory Committee Act.

(d) DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.—

(1) DEADLINE.—The Commission shall submit final versions of the reports and plans required under subsection (b) not later than 24 months after the date of the Commission's first meeting.

(2) TERMINATION.—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out the activities of the Commission $2,100,000 for the first fiscal year beginning after the date of enactment of this Act and $1,100,000 for the second fiscal year beginning after the date of enactment of this Act.

SEC. 334. HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL COMMEMORATION COMMISSION.

(a) COORDINATION.—Each commission established under this section shall coordinate with the other respective commission established under this section to ensure that commemorations of Henry Hudson, Robert Fulton, and Samuel de Champlain are—

(1) consistent with the plans and programs of the commemorative commissions established by the States of New York and Vermont; and

(2) well-organized and successful.

(b) DEFINITIONS.—In this section:

(1) CHAMPLAIN COMMEMORATION.—The term "Champlain commemoration" means the commemoration of the 400th anniversary of the voyage of Samuel de Champlain.

(2) CHAMPLAIN COMMISSION.—The term "Champlain Commission" means the Champlain Quadricentennial Commemoration Commission established by subsection (c)(1).

(3) COMMISSION.—The term "Commission" means each of the Champlain Commission and the Hudson-Fulton Commission.

(4) HUDSON-FULTON COMMEMORATION.—The term "Hudson-Fulton commemoration" means the commemoration of—

(A) the 200th anniversary of the voyage of Robert Fulton in the Clermont; and

(B) the 400th anniversary of the voyage of Henry Hudson in the Half Moon.

(5) HUDSON-FULTON COMMISSION.—The term "Hudson-Fulton Commission" means the Hudson-Fulton 400th Commemoration Commission established by subsection (d)(1).

(6) LAKE CHAMPLAIN BASIN PROGRAM.—The term "Lake Champlain Basin Program" means the partnership established by section 120 of the Federal Water Pollution Control Act (33 U.S.C. 1270) between the States of New York and Vermont and Federal agencies to carry out the Lake Champlain management plan entitled, "Opportunities for Action: An Evolving Plan for the Lake Champlain Basin".

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) ESTABLISHMENT OF CHAMPLAIN COMMISSION.—

(1) IN GENERAL.—There is established a commission to be known as the "Champlain Quadricentennial Commemoration Commission".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Champlain Commission shall be composed of 10 members, of whom—

(i) 1 member shall be the Director of the National Park Service (or a designee);

(ii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(I) serving as members of the Hudson-Fulton-Champlain Quadricentennial Commission of the State of New York; and

(II) residents of Champlain Valley, New York;

(iii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(I) serving as members of the Lake Champlain Quadricentennial Commission of the State of Vermont; and

(II) residents of the State of Vermont; and

(iv) 1 member shall be appointed by the Secretary, and shall be an individual who has—

(I) an interest in, support for, and expertise appropriate with respect to, the Champlain commemoration; and

(II) knowledge relating to the history of the Champlain Valley.

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Champlain Commission shall be appointed for the life of the Champlain Commission.

(ii) VACANCIES.—A vacancy on the Champlain Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Champlain Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and explore Lake Champlain;

(B) facilitate activities relating to the Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Champlain Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the Lake Champlain Basin Program;

(iv) the National Endowment for the Arts; and

(v) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyage of Samuel de Champlain;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyage of Samuel de Champlain;

(G) ensure that the Champlain 2009 anniversary provides a lasting legacy and a long-term public benefit by assisting in the development of appropriate programs and facilities;

(H) help ensure that the observances of the voyage of Samuel de Champlain are inclusive and appropriately recognize the experiences and heritage of all people present when Samuel de Champlain arrived in the Champlain Valley; and

(I) consult and coordinate with the Lake Champlain Basin Program and other relevant organizations to plan and develop programs and activities to commemorate the voyage of Samuel de Champlain.

(d) ESTABLISHMENT OF HUDSON-FULTON COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the "Hudson-Fulton 400th Commemoration Commission".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Hudson-Fulton Commission shall be composed of 15 members, of whom—

(i) 1 member shall be the Director of the National Park Service (or a designee);

(ii) 1 member shall be appointed by the Secretary, after considering the recommendation of the Governor of the State of New York;

(iii) 6 members shall be appointed by the Secretary, after considering the recommendations of the Members of the House of Representatives whose districts encompass the Hudson River Valley;

(iv) 2 members shall be appointed by the Secretary, after considering the recommendations of the Members of the Senate from the State of New York;

(v) 2 members shall be—

(I) appointed by the Secretary; and

(II) individuals who have an interest in, support for, and expertise appropriate with respect to, the Hudson-Fulton commemoration, of whom—

(aa) 1 member shall be an individual with expertise in the Hudson River Valley National Heritage Area; and

(bb) 1 member shall be an individual with expertise in the State of New York, as it relates to the Hudson-Fulton commemoration;

(vi) 1 member shall be the Chairperson of a commemorative commission formed by the State of New York (or the designee of the Chairperson); and

(vii) 2 members shall be appointed by the Secretary, after—

(I) considering the recommendation of the Mayor of the city of New York; and

(II) consulting the Members of the House of Representatives whose districts encompass the city of New York.

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Hudson-Fulton Commission shall be appointed for the life of the Hudson-Fulton Commission.

(ii) VACANCIES.—A vacancy on the Hudson-Fulton Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Hudson-Fulton Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate—

(i) the 400th anniversary of the voyage of Henry Hudson, the first European to sail up the Hudson River; and

(ii) the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis;

(B) facilitate activities relating to the Hudson-Fulton-Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Hudson-Fulton Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the National Park Service, with respect to the Hudson River Valley National Heritage Area;

(iv) the American Heritage Rivers Initiative Interagency Committee established by Executive Order 13061, dated September 11, 1997;

(v) the National Endowment for the Humanities;

(vi) the National Endowment for the Arts; and

(vii) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson and Robert Fulton;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the Hudson-Fulton commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson and Robert Fulton;

(G) ensure that the Hudson-Fulton 2009 commemorations provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities; and

(H) help ensure that the observances of Henry Hudson are inclusive and appropriately recognize the experiences and heritage of all people present when Henry Hudson sailed the Hudson River.

(e) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of a commission established under this section have been appointed, the applicable Commission shall hold an initial meeting.

(2) MEETINGS.—A commission established under this section shall meet—

(A) at least twice each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—A commission established under this section shall act only on an affirmative vote of a majority of the voting members of the applicable Commission.

(f) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS.—

(A) CHAMPLAIN COMMISSION.—The Champlain Commission may make grants in amounts not to exceed $20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Champlain commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyage of Samuel de Champlain.

(B) HUDSON-FULTON COMMISSION.—The Hudson-Fulton Commission may make grants in amounts not to exceed $20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Hudson-Fulton commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyages of Henry Hudson and Robert Fulton.

(7) TECHNICAL ASSISTANCE.—The Commission shall provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration and Hudson-Fulton commemoration, as applicable.

(8) COORDINATION AND CONSULTATION WITH LAKE CHAMPLAIN BASIN PROGRAM.—The Champlain Commission shall coordinate and consult with the Lake Champlain Basin Program to provide grants and technical assistance under paragraphs (6)(A) and (7) for the development of activities commemorating the voyage of Samuel de Champlain.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the Executive Director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State of New York or the State of Vermont, as appropriate (including subdivisions of the States); and

(ii) reimburse the State of New York or the State of Vermont for services of detailed personnel.

(C) LAKE CHAMPLAIN BASIN PROGRAM EMPLOYEES.—The Champlain Commission may—

(i) accept the services of personnel detailed from the Lake Champlain Basin Program; and

(ii) reimburse the Lake Champlain Basin Program for services of detailed personnel.

(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(6) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(7) SUPPORT SERVICES.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(8) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) REPORTS.—Not later than September 30, 2010, the Commission shall submit to the Secretary a report that contains—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings and recommendations of the Commission.

(i) TERMINATION OF COMMISSIONS.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2010.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all of its documents and materials of the Commission to the National Archives or another appropriate Federal entity.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section for each of fiscal years 2008 through 2011—

(A) $500,000 to the Champlain Commission; and

(B) $500,000 to the Hudson-Fulton Commission.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

SEC. 335. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE MUSEUM OF THE AMERICAN QUILTER'S SOCIETY OF THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the Museum of the American Quilter's Society is the largest quilt museum in the world, with a total of 13,400 square feet of exhibition space and more than 150 quilts exhibited year-round in its 3 galleries;

(2) the mission of the Museum is to educate the local, national, and international public about the art, history, and heritage of quiltmaking;

(3) quilts in the Museum's permanent collection are made by quilters from 44 of the 50 States and many foreign countries;

(4) the Museum, centrally located in Paducah, Kentucky, and open to the public year-round, averages 40,000 visitors per year;

(5) individuals from all 50 States and from more than 25 foreign countries have visited the Museum;

(6) the Museum's Friends, an organization dedicated to supporting and sustaining the Museum, also has members in all 50 States, with 84 percent of members living more than 60 miles from the Museum;

(7) many members of the Museum's Friends have supported the Museum annually since the Museum began in 1991;

(8) quilts exhibited in the Museum are representative of the Nation and its cultures thanks to the wide diversity of themes and topics, quilts, and quiltmakers; and

(9) the Museum of the American Quilter's Society has national significance and support.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Museum of the American Quilter's Society, located at 215 Jefferson Street, Paducah, Kentucky, should be designated as the "National Quilt Museum of the United States".

SEC. 336. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE NATIONAL MUSEUM OF WILDLIFE ART OF THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the National Museum of Wildlife Art in Jackson, Wyoming, is devoted to inspiring global recognition of fine art related to nature and wildlife;

(2) the National Museum of Wildlife Art is an excellent example of a thematic museum that strives to unify the humanities and sciences into a coherent body of knowledge through art;

(3) the National Museum of Wildlife Art, which was founded in 1987 with a private gift of a collection of art, has grown in stature and importance and is recognized today as the world's premier museum of wildlife art;

(4) the National Museum of Wildlife Art is the only public museum in the United States with the mission of enriching and inspiring public appreciation and knowledge of fine art, while exploring the relationship between humanity and nature by collecting fine art focused on wildlife;

(5) the National Museum of Wildlife Art is housed in an architecturally significant and award-winning 51,000-square foot facility that overlooks the 28,000-acre National Elk Refuge and is adjacent to the Grand Teton National Park;

(6) the National Museum of Wildlife Art is accredited with the American Association of Museums, continues to grow in national recognition and importance with members from every State, and has a Board of Trustees and a National Advisory Board composed of major benefactors and leaders in the arts and sciences from throughout the United States;

(7) the permanent collection of the National Museum of Wildlife Art has grown to more than 3,000 works by important historic American artists including Edward Hicks, Anna Hyatt Huntington, Charles M. Russell, William Merritt Chase, and Alexander Calder, and contemporary American artists, including Steve Kestrel, Bart Walter, Nancy Howe, John Nieto, and Jamie Wyeth;

(8) the National Museum of Wildlife Art is a destination attraction in the Western United States with annual attendance of 92,000 visitors from all over the world and an award-winning website that receives more than 10,000 visits per week;

(9) the National Museum of Wildlife Art seeks to educate a diverse audience through collecting fine art focused on wildlife, presenting exceptional exhibitions, providing community, regional, national, and international outreach, and presenting extensive educational programming for adults and children; and

(10) a great opportunity exists to use the invaluable resources of the National Museum of Wildlife Art to teach the schoolchildren of the United States, through onsite visits, traveling exhibits, classroom curriculum, online distance learning, and other educational initiatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, should be designated as the "National Museum of Wildlife Art of the United States".

SEC. 337. REDESIGNATION OF ELLIS ISLAND LIBRARY.

(a) REDESIGNATION.—The Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, shall be known and redesignated as the "Bob Hope Memorial Library".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Ellis Island Library on the third floor of the Ellis Island Immigration Museum referred to in subsection (a) shall be deemed to be a reference to the "Bob Hope Memorial Library".

Subtitle E—Trails and Rivers

SEC. 341. AUTHORIZATION AND ADMINISTRATION OF STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(26) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled 'Star-Spangled Banner National Historic Trail', numbered T02/80,000, and dated June 2007.

"(B) MAP.—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

"(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

"(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

"(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

"(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—

"(i) carrying out preservation and development of the trail; and

"(ii) providing education relating to the War of 1812 along the trail.".

SEC. 342. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit organization with operational headquarters at 100 Valmont Drive, Nebraska City, Nebraska 68410), all right, title, and interest of the United States in and to the federally owned land under jurisdiction of the Secretary consisting of 2 parcels as generally depicted on the map titled "Lewis and Clark National Historic Trail", numbered 648/80,002, and dated March 2006.

(b) SURVEY; CONVEYANCE COST.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.

(c) CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(d) DISCONTINUANCE OF USE.—If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States. Through a written agreement with the Foundation, the National Park Service shall ensure that the operation of the land conveyed under subsection (a) is in accordance with National Park Service standards for preservation, maintenance, and interpretation.

(f) AUTHORIZATION OF APPROPRIATIONS.—To assist with the operation of the historic site and interpretive center, there is authorized to be appropriated $150,000 per year for a period not to exceed 10 years.

SEC. 343. LEWIS AND CLARK NATIONAL HISTORIC TRAIL EXTENSION.

(a) DEFINITIONS.—In this section:

(1) EASTERN LEGACY SITES.—The term "Eastern Legacy sites" means the sites associated with the preparation or return phases of the Lewis and Clark expedition, commonly known as the "Eastern Legacy", including sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois. This includes the routes followed by Meriwether Lewis and William Clark, whether independently or together.

(2) TRAIL.—The term "Trail" means the Lewis and Clark National Historic Trail designated by section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)).

(b) SPECIAL RESOURCE STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of the Eastern Legacy sites to determine—

(A) the suitability and feasibility of adding these sites to the Trail; and

(B) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) STUDY REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall conduct the study in accordance with section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)).

(B) IMPACT ON TOURISM.—In conducting the study, the Secretary shall analyze the potential impact that the inclusion of the Eastern Legacy sites is likely to have on tourist visitation to the western portion of the trail.

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 344. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the "Eightmile River Watershed Management Plan"), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

"(170) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

"(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

"(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

"(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

"(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

"(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.".

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the "Eightmile River") shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed "villages" and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (b). The authority of the Secretary to acquire lands for the purposes of this section shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

Subtitle F—Denali National Park and Alaska Railroad Exchange

SEC. 351. DENALI NATIONAL PARK AND ALASKA RAILROAD CORPORATION EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) CORPORATION.—The term "Corporation" means the Alaska Railroad Corporation owned by the State of Alaska.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) EXCHANGE.—

(1) IN GENERAL.—

(A) EASEMENT EXPANDED.—The Secretary is authorized to grant to the Alaska Railroad Corporation an exclusive-use easement on land that is identified by the Secretary within Denali National Park for the purpose of providing a location to the Corporation for construction, maintenance, and on-going operation of track and associated support facilities for turning railroad trains around near Denali Park Station.

(B) EASEMENT RELINQUISHED.—In exchange for the easement granted in subparagraph (A), the Secretary shall require the relinquishment of certain portions of the Corporation's existing exclusive use easement within the boundary of Denali National Park.

(2) CONDITIONS OF THE EXCHANGE.—

(A) EQUAL EXCHANGE.—The exchange of easements under this section shall be on an approximately equal-acre basis.

(B) TOTAL ACRES.—The easement granted under paragraph (1)(A) shall not exceed 25 acres.

(C) INTERESTS CONVEYED.—The easement conveyed to the Alaska Railroad Corporation by the Secretary under this section shall be under the same terms as the exclusive use easement granted to the Railroad in Denali National Park in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The easement relinquished by the Alaska Railroad Corporation to the United States under this section shall, with respect to the portion being exchanged, be the full title and interest received by the Alaska Railroad in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.).

(D) COSTS.—The Alaska Railroad shall pay all costs associated with the exchange under this section, including the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the costs of any surveys, and other reasonable costs.

(E) LAND TO BE PART OF WILDERNESS.—The land underlying any easement relinquished to the United States under this section that is adjacent to designated wilderness is hereby designated as wilderness and added to the Denali Wilderness, the boundaries of which are modified accordingly, and shall be managed in accordance with applicable provisions of the Wilderness Act (78 Stat. 892) and the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2371).

(F) OTHER TERMS AND CONDITIONS.—The Secretary shall require any additional terms and conditions under this section that the Secretary determines to be appropriate to protect the interests of the United States and of Denali National Park.

Subtitle G—National Underground Railroad Network to Freedom Amendments

SEC. 361. AUTHORIZING APPROPRIATIONS FOR SPECIFIC PURPOSES.

(a) IN GENERAL.—The National Underground Railroad Network to Freedom Act of 1998 (16 U.S.C. 4691 et seq.) is amended—

(1) by striking section 3(d);

(2) by striking section 4(d); and

(3) by adding at the end the following:

"SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

"(a) AMOUNTS.—There are authorized to be appropriated to carry out this Act $2,500,000 for each fiscal year, to be allocated as follows:

"(1) $2,000,000 is to be used for the purposes of section 3.

"(2) $500,000 is to be used for the purposes of section 4.

"(b) RESTRICTIONS.—No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the beginning of the fiscal year immediately following the date of the enactment of this Act.

Subtitle H—Grand Canyon Subcontractors

SEC. 371. DEFINITIONS.

In this subtitle:

(1) IDIQ.—The term "IDIQ" means an Indefinite Deliver/Indefinite Quantity contract.

(2) PARK.—The term "park" means Grand Canyon National Park.

(3) PGI.—The term "PGI" means Pacific General, Inc.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 372. AUTHORIZATION.

The Secretary is authorized, subject to the appropriation of such funds as may be necessary, to pay the amount owed to the subcontractors of PGI for work performed at the park under an IDIQ with PGI between fiscal years 2002 and 2003, provided that—

(1) the primary contract between PGI and the National Park Service is terminated;

(2) the amount owed to the subcontractors is verified;

(3) all reasonable legal avenues or recourse have been exhausted by the subcontractors to recoup amounts owed directly from PGI; and

(4) the subcontractors provide a written statement that payment of the amount verified in paragraph (2) represents payment in full by the United States for all work performed at the park under the IDIQ with PGI between fiscal years 2002 and 2003.

TITLE IV—NATIONAL HERITAGE AREAS

Subtitle A—Journey Through Hallowed Ground National Heritage Area

SEC. 401. PURPOSES.

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the study entitled "The Journey Through Hallowed Ground National Heritage Area Feasibility Study" dated September 2006;

(2) to preserve, support, conserve, and interpret the legacy of the American history created along the National Heritage Area;

(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;

(5) to recognize and interpret the effect of the Civil War on the civilian population of the National Heritage Area during the war and post-war reconstruction period;

(6) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the National Heritage Area; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

SEC. 402. DEFINITIONS.

In this subtitle—

(1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Journey Through Hallowed Ground National Heritage Area established in this subtitle.

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Journey Through Hallowed Ground Partnership, a Virginia non-profit, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 403. DESIGNATION OF THE JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Journey Through Hallowed Ground National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas from Adams County, Pennsylvania, through Frederick County, Maryland, including the Heart of the Civil War Maryland State Heritage Area, looping through Brunswick, Maryland, to Harpers Ferry, West Virginia, back through Loudoun County, Virginia, to the Route 15 corridor and surrounding areas encompassing portions of Loudoun and Prince William Counties, Virginia, then Fauquier County, Virginia, portions of Spotsylvania and Madison Counties, Virginia, and Culpepper, Rappahannock, Orange, and Albemarle Counties, Virginia.

(2) MAP.—The boundaries of the National Heritage Area shall include all of those lands and interests as generally depicted on the map titled "Journey Through Hallowed Ground National Heritage Area", numbered P90/80,000, and dated October 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 404. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered

by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 405. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 406. LOCAL COORDINATING ENTITY.

(a) DUTIES.—To further the purposes of the National Heritage Area, the Journey Through Hallowed Ground Partnership, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 407. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 408. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 410. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 411. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

Subtitle B—Niagara Falls National Heritage Area

SEC. 421. PURPOSES.

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the National Park Service study report entitled "Niagara National Heritage Area Study" dated 2005;

(2) to preserve, support, conserve, and interpret the natural, scenic, cultural, and historic resources within the National Heritage Area;

(3) to promote heritage, cultural, and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in American history and culture, including Native American, Colonial American, European American, and African American heritage;

(5) to enhance a cooperative management framework to assist State, local, and Tribal governments, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural, and recreational sites in the National Heritage Area;

(6) to conserve and interpret the history of the development of hydroelectric power in the United States and its role in developing the American economy; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

SEC. 422. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term "Commission" means the Niagara Falls National Heritage Area Commission established under this subtitle.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of New York.

(3) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the National Heritage Area designated pursuant to this subtitle.

(4) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(5) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Niagara Falls National Heritage Area established in this subtitle.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 423. DESIGNATION OF THE NIAGARA FALLS NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Niagara Falls National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of the area from the western boundary of the town of Wheatfield, New York, extending to the mouth of the Niagara River on Lake Ontario, including the city of Niagara Falls, New York, the villages of Youngstown and Lewiston, New York, land and water within the boundaries of the Heritage Area in Niagara County, New York, and any additional thematically related sites within Erie and Niagara Counties, New York, that are identified in the management plan developed under this subtitle.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled "Niagara Falls National Heritage Area," and numbered P76/80,000 and dated July, 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 424. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 425. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 426. LOCAL COORDINATING ENTITY.

(a) DESIGNATION.—The local coordinating entity for the Heritage Area shall be—

(1) for the 5-year period beginning on the date of enactment of this subtitle, the Commission; and

(2) on expiration of the 5-year period described in paragraph (1), a private nonprofit or governmental organization designated by the Commission.

(b) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds;

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area; and

(5) coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor.

(c) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 427. NIAGARA FALLS HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.

(b) MEMBERSHIP.—The Commission shall be composed of 17 members, of whom—

(1) 1 member shall be the Director of the National Park Service (or a designee);

(2) 5 members shall be appointed by the Secretary, after consideration of the recommendation of the Governor, from among individuals with knowledge and experience of—

(A) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or

(B) any successors of the agencies described in subparagraph (A);

(3) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of Niagara Falls, New York;

(4) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Youngstown, New York;

(5) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Lewiston, New York;

(6) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Tuscarora Nation;

(7) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Seneca Nation of Indians; and

(8) 6 members shall be individuals who have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom—

(A) 4 members shall be appointed by the Secretary, after consideration of the recommendation of the 2 members of the Senate from the State; and

(B) 2 members shall be appointed by the Secretary, after consideration of the recommendation of the Member of the House of Representatives whose district encompasses the National Heritage Area.

(c) TERMS; VACANCIES.—

(1) TERM.—A member of the Commission shall be appointed for a term not to exceed 5 years.

(2) VACANCIES.—

(A) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(B) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) VICE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) QUORUM.—

(1) IN GENERAL.—A majority of the members of the Commission shall constitute a quorum.

(2) TRANSACTION.—For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at least quarterly at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(2) NOTICE.—Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that are distributed throughout the National Heritage Area.

(3) APPLICABLE LAW.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(g) AUTHORITIES OF THE COMMISSION.—In addition to the authorities otherwise granted in this subtitle, the Commission may—

(1) request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;

(2) request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or nonreimbursable basis, any personnel of the agency to the Commission to assist in carrying out the duties of the Commission;

(3) seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services; and

(4) use the United States mails in the same manner as other agencies of the Federal Government.

(h) DUTIES OF THE COMMISSION.—To further the purposes of the National Heritage Area, in addition to the duties otherwise listed in this subtitle, the Commission shall assist in the transition of the management of the National Heritage Area from the Commission to the local coordinating entity designated under this subtitle.

(i) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(j) GIFTS.—For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift or charitable contribution to the Commission shall be considered to be a charitable contribution or gift to the United States.

(k) USE OF FEDERAL FUNDS.—Except as provided for the leasing of administrative facilities under subsection (g)(1), the Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.

SEC. 428. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 429. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 430. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 431. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 432. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle C—Abraham Lincoln National Heritage Area

SEC. 441. PURPOSES.

The purposes of this subtitle include—

(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled "Feasibility

Study of the Proposed Abraham Lincoln National Heritage Area" prepared for the Looking for Lincoln Heritage Coalition in 2002 and revised in 2007;

(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key periods in the growth of America, including Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the distinctive role the region played in shaping the man who would become the 16th President of the United States, and how Abraham Lincoln's life left its traces in the stories, folklore, buildings, streetscapes, and landscapes of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

SEC. 442. DEFINITIONS.

In this subtitle:

(1) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Looking for Lincoln Heritage Coalition, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(3) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Abraham Lincoln National Heritage Area established in this subtitle.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 443. DESIGNATION OF ABRAHAM LINCOLN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Abraham Lincoln National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of sites as designated by the management plan within a core area located in Central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, Vermillion, Warren and Woodford counties.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled "Proposed Abraham Lincoln National Heritage Area", and numbered 338/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 444. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 445. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 446. LOCAL COORDINATING ENTITY.

(a) DUTIES.—To further the purposes of the National Heritage Area, the Looking for Lincoln Heritage Coalition, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 447. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 448. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 449. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 450. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 451. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of the enactment of this subtitle.

Subtitle D—Authorization Extensions and Viability Studies

SEC. 461. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as redesignated by section 474(9)), and 909(c), by striking "$10,000,000" and inserting "$15,000,000".

SEC. 462. EVALUATION AND REPORT.

(a) IN GENERAL.—For the nine National Heritage Areas authorized in Division II of the Omnibus Parks and Public Lands Management Act of 1996, not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local management entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the investments of Federal, State, Tribal, and local government and private entities in each National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

Subtitle E—Technical Corrections and Additions

SEC. 471. NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333 as amended by Public Law 106–176 and Public Law 109–338) is amended—

(1) by striking section 103(b) and inserting the following:

"(b) BOUNDARIES.—The National Coal Heritage Area shall be comprised of Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawah County, West Virginia, and the counties that are the subject of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.";

(2) by striking section 105 and inserting the following:

"SEC. 105. ELIGIBLE RESOURCES.

"(a) IN GENERAL.—The resources eligible for the assistance under section 104 shall include—

"(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawah County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and

"(2) the resources set forth in appendix D of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.

"(b) PRIORITY.—Priority consideration shall be given to those sites listed as 'Conservation Priorities' and 'Important Historic Resources' as depicted on the map entitled 'Study Area: Historic Resources' in such study.";

(3) in section 106(a)—

(A) by striking "Governor" and all that follows through "Parks," and inserting "National Coal Heritage Area Authority"; and

(B) in paragraph (3), by striking "State of West Virginia" and all that follows through "entities, or" and inserting "National Coal Heritage Area Authority or"; and

(4) in section 106(b), by inserting "not" before "meet".

SEC. 472. RIVERS OF STEEL NATIONAL HERITAGE AREA ADDITION.

Section 403(b) of title IV of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended by inserting "Butler," after "Beaver,".

SEC. 473. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR ADDITION.

Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraphs:

"(O) Berkeley County.

"(P) Saluda County.

"(Q) The portion of Georgetown County that is not part of the Gullah/Geechee Cultural Heritage Corridor.".

SEC. 474. OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.

Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended—

(1) by striking "Canal National Heritage Corridor" each place it appears and inserting "National Heritage Canalway";

(2) by striking "corridor" each place it appears and inserting "canalway", except in references to the feasibility study and management plan;

(3) in the heading of section 808(a)(3), by striking "CORRIDOR" and inserting "CANALWAY";

(4) in the title heading, by striking "**CANAL NATIONAL HERITAGE CORRIDOR**" and inserting "**NATIONAL HERITAGE CANALWAY**";

(5) in section 803—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by subparagraph (B)), by striking "808" and inserting "806"; and

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking "807(a)" and inserting "805(a)";

(6) in the heading of section 804, by striking "**CANAL NATIONAL HERITAGE CORRIDOR**" and inserting "**NATIONAL HERITAGE CANALWAY**";

(7) in the second sentence of section 804(b)(1), by striking "808" and inserting "806";

(8) by striking sections 805 and 806;

(9) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(10) in section 805(c)(2) (as redesignated by paragraph (9)), by striking "808" and inserting "806";

(11) in section 806 (as redesignated by paragraph (9))—

(A) in subsection (a)(1), by striking "Committee" and inserting "Secretary";

(B) in the heading of subsection (a)(1), by striking "COMMITTEE" and inserting "SECRETARY";

(C) in subsection (a)(3), in the first sentence of subparagraph (B), by striking "Committee" and inserting "management entity";

(D) in subsection (e), by striking "807(d)(1)" and inserting "805(d)(1)"; and

(E) in subsection (f), by striking "807(d)(1)" and inserting "805(d)(1)";

(12) in section 807 (as redesignated by paragraph (9)), in subsection (c) by striking "Cayohoga Valley National Recreation Area" and inserting "Cayohoga Valley National Park";

(13) in section 808 (as redesignated by paragraph (9))—

(A) in subsection (b), by striking "Committee or"; and

(B) in subsection (c), in the matter before paragraph (1), by striking "Committee" and inserting "management entity"; and

(14) in section 809 (as redesignated by paragraph (9)), by striking "assistance" and inserting "financial assistance".

SEC. 475. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE EXTENSION OF AUTHORIZATION.

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended as follows:

(1) Strike paragraph (1) of subsection (b) and insert the following new paragraph:

"(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

"(A) technical assistance;

"(B) the design and fabrication of interpretive materials, devices, and signs; and

"(C) the preparation of the strategic plan.".

(2) Paragraph (3) of subsection (b) is amended by inserting after subparagraph (B) a new subparagraph as follows:

"(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.".

(3) Subsection (c) is amended by striking "2007" and inserting "2011".

Subtitle F—Studies

SEC. 481. COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "study area" means—

(A) the coastal areas of Clatsop and Pacific Counties (also known as the North Beach Peninsula); and

(B) areas relating to Native American history, local history, Euro-American settlement culture, and related economic activities of the Columbia River within a corridor along the Columbia River eastward in Clatsop, Pacific, Columbia, and Wahkiakum Counties.

(b) COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the managers of any Federal land within the study area, appropriate State and local governmental agencies, tribal governments, and any interested organizations, shall conduct a study to determine the feasibility of designating the study area as the Columbia-Pacific National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(H) has a conceptual boundary map that is supported by the public.

(3) PRIVATE PROPERTY.—In conducting the study required by this subsection, the Secretary shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the findings, conclusions, and recommendations of the Secretary with respect to the study.

SEC. 482. STUDY OF SITES RELATING TO ABRAHAM LINCOLN IN KENTUCKY.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means a National Heritage Area in the State to honor Abraham Lincoln.

(2) STATE.—The term "State" means the Commonwealth of Kentucky.

(3) STUDY AREA.—The term "study area" means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Kentucky Historical Society, other State historical societies, the State Historic Preservation Officer, State tourism offices, and other appropriate organizations and agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as a National Heritage Area in the State to honor Abraham Lincoln.

(2) DESCRIPTION OF STUDY AREA.—The study area shall include—

(A) Boyle, Breckinridge, Fayette, Franklin, Hardin, Jefferson, Jessamine, Larue, Madison, Mercer, and Washington Counties in the State; and

(B) the following sites in the State:

(i) The Abraham Lincoln Birthplace National Historic Site.

(ii) The Abraham Lincoln Boyhood Home Unit.

(iii) Downtown Hodgenville, Kentucky, including the Lincoln Museum and Adolph A. Weinman statue.

(iv) Lincoln Homestead State Park and Mordecai Lincoln House.

(v) Camp Nelson Heritage Park.

(vi) Farmington Historic Home.

(vii) The Mary Todd Lincoln House.

(viii) Ashland, which is the Henry Clay Estate.

(ix) The Old State Capitol.

(x) The Kentucky Military History Museum.

(xi) The Thomas D. Clark Center for Kentucky History.

(xii) The New State Capitol.

(xiii) Whitehall.

(xiv) Perryville Battlefield State Historic Site.

(xv) The Joseph Holt House.

(xvi) Elizabethtown, Kentucky, including the Lincoln Heritage House.

(xvii) Lincoln Marriage Temple at Fort Harrod.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) interpret—

(I) the life of Abraham Lincoln; and

(II) the contributions of Abraham Lincoln to the United States;

(ii) represent distinctive aspects of the heritage of the United States;

(iii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iv) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and historical events that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Heritage Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(iii) have demonstrated support for designation of the Heritage Area;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Heritage Area while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the third fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

TITLE V—BUREAU OF RECLAMATION AND UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 501. ALASKA WATER RESOURCES STUDY.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Alaska.

(b) ALASKA WATER RESOURCES STUDY.—

(1) STUDY.—The Secretary, acting through the Commissioner of Reclamation and the Director of the United States Geological Survey, where appropriate, and in accordance with this section and other applicable provisions of law, shall conduct a study that includes—

(A) a survey of accessible water supplies, including aquifers, on the Kenai Peninsula and in the Municipality of Anchorage, the Matanuska-Susitna Borough, the city of Fairbanks, and the Fairbanks Northstar Borough;

(B) a survey of water treatment needs and technologies, including desalination, applicable to the water resources of the State; and

(C) a review of the need for enhancement of the streamflow information collected by the United States Geological Survey in the State relating to critical water needs in areas such as—

(i) infrastructure risks to State transportation;

(ii) flood forecasting;

(iii) resource extraction; and

(iv) fire management.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study required by paragraph (1).

(c) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 502. RENEGOTIATION OF PAYMENT SCHEDULE, REDWOOD VALLEY COUNTY WATER DISTRICT.

Section 15 of Public Law 100–516 (102 Stat. 2573) is amended—

(1) by amending paragraph (2) of subsection (a) to read as follows:

"(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District's water needs. The Secretary shall reschedule the payments due under loans numbered 14-06-200-8423A and 14-06-200-8423A Amendatory and said payments shall commence when such additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District's repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.)."; and

(2) by striking subsection (c).

SEC. 503. AMERICAN RIVER PUMP STATION PROJECT TRANSFER.

(a) AUTHORITY TO TRANSFER.—The Secretary of the Interior (hereafter in this section referred to as the "Secretary") shall transfer ownership of the American River Pump Station Project located at Auburn, California, which includes the Pumping Plant, associated facilities, and easements necessary for permanent operation of the facilities, to the Placer County Water Agency, in accordance with the terms of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency and the terms and conditions established in this section.

(b) FEDERAL COSTS NONREIMBURSABLE.—Federal costs associated with construction of the American River Pump Station Project located at Auburn, California, are nonreimbursable.

(c) GRANT OF REAL PROPERTY INTEREST.—The Secretary is authorized to grant title to Placer County Water Agency as provided in subsection (a) in full satisfaction of the United States' obligations under Land Purchase Contract 14-06-859-308 to provide a water supply to the Placer County Water Agency.

(d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

(1) IN GENERAL.—Before conveying land and facilities pursuant to this section, the Secretary shall comply with all applicable requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) any other law applicable to the land and facilities.

(2) EFFECT.—Nothing in this section modifies or alters any obligations under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) RELEASE FROM LIABILITY.—Effective on the date of transfer to the Placer County Water Agency of any land or facility under this section, the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, consistent with Article 9 of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency.

SEC. 504. ARTHUR V. WATKINS DAM ENLARGEMENT.

(a) FINDINGS.—Congress finds the following:

(1) Arthur V. Watkins Dam is a feature of the Weber Basin Project, which was authorized by law on August 29, 1949.

(2) Increasing the height of Arthur V. Watkins Dam and construction of pertinent facilities may provide additional storage capacity for the development of additional water supply for the Weber Basin Project for uses of municipal and industrial water supply, flood control, fish and wildlife, and recreation.

(b) AUTHORIZATION OF FEASIBILITY STUDY.—The Secretary of the Interior, acting through the Bureau of Reclamation, is authorized to conduct a feasibility study on raising the height of Arthur V. Watkins Dam for the development of additional storage to meet water supply needs within the Weber Basin Project area and the Wasatch Front. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and a cost allocation as required under the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(c) COST SHARES.—

(1) FEDERAL SHARE.—The Federal share of the costs of the study authorized in subsection (b) shall not exceed 50 percent of the total cost of the study.

(2) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, in-kind contributions of goods or services from the Weber Basin Water Conservancy District. Such goods and services accepted under this subsection shall be counted as part of the non-Federal cost share for the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,000,000 for the Federal cost share of the study authorized in subsection (b).

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

SEC. 505. NEW MEXICO WATER PLANNING ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term "State" means the State of New Mexico.

(b) COMPREHENSIVE WATER PLAN ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Governor of the State and subject to paragraphs (2) through (6), the Secretary shall—

(A) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(B) conduct water resources mapping in the State; and

(C) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(2) TECHNICAL ASSISTANCE.—Technical assistance provided under paragraph (1) may include—

(A) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(B) expansion of climate, surface water, and groundwater monitoring networks;

(C) assessment of existing water resources, surface water storage, and groundwater storage potential;

(D) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(E) participation in State planning forums and planning groups;

(F) coordination of Federal water management planning efforts;

(G) technical review of data, models, planning scenarios, and water plans developed by the State; and

(H) provision of scientific and technical specialists to support State and local activities.

(3) ALLOCATION.—In providing grants under paragraph (1), the Secretary shall, subject to the availability of appropriations, allocate—

(A) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(B) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(C) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(D) $4,500,000 for statewide digital orthophotography mapping; and

(E) such sums as are necessary to carry out additional projects consistent with paragraph (2).

(4) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(5) NONREIMBURSABLE BASIS.—Any assistance or grants provided to the State under this section shall be made on a non-reimbursable basis.

(6) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2008 through 2012.

(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

SEC. 506. CONVEYANCE OF CERTAIN BUILDINGS AND LANDS OF THE YAKIMA PROJECT, WASHINGTON.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall convey to the Yakima-Tieton Irrigation District, located in Yakima County, Washington, all right, title, and interest of the United States in and to the buildings and lands of the Yakima Project, Washington, in accordance with the terms and conditions set forth in the agreement titled "Agreement Between the United States and the Yakima-Tieton Irrigation District to Transfer Title to Certain Federally Owned Buildings and Lands, With Certain Property Rights, Title, and Interest, to the Yakima-Tieton Irrigation District" (Contract No. 5–07–10–L1658).

(b) LIABILITY.—Effective upon the date of conveyance under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed buildings and lands, except for damages caused by acts of negligence committed by the United States or by its employees or agents before the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly knewn as the Federal Tort Claims Act), on the date of enactment of this Act.

(c) BENEFITS.—After conveyance of the buildings and lands to the Yakima-Tieton Irrigation District under this section—

(1) such buildings and lands shall not be considered to be a part of a Federal reclamation project; and

(2) such irrigation district shall not be eligible to receive any benefits with respect to any buildings and lands conveyed, except benefits that would be available to a similarly situated person with respect to such buildings and lands that are not part of a Federal reclamation project.

(d) REPORT.—If the Secretary of the Interior has not completed the conveyance required under subsection (a) within 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that explains the reason such conveyance has not been completed and stating the date by which the conveyance will be completed.

SEC. 507. CONJUNCTIVE USE OF SURFACE AND GROUNDWATER IN JUAB COUNTY, UTAH.

Section 202(a)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) is amended by inserting "Juab," after "Davis,".

SEC. 508. EARLY REPAYMENT OF A & B IRRIGATION DISTRICT CONSTRUCTION COSTS.

(a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the A & B Irrigation District in the State (referred to in this section as the "District") may repay, at any time, the construction costs of District project facilities that are allocated to land of the landowner within the District.

(b) APPLICABILITY OF FULL-COST PRICING LIMITATIONS.—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all land the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) CERTIFICATION.—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) EFFECT.—Nothing in this section—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Idaho State law.

SEC. 509. OREGON WATER RESOURCES.

(a) EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.—Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208; 110 Stat. 3009-534) is amended—

(1) in subsection (a)(1), by striking "Deschutes River Basin Working Group" and inserting "Deschutes River Conservancy Working Group";

(2) by amending the text of subsection (a)(1)(B) to read as follows: "4 representatives of private interests including two from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers and two from the environmental community;";

(3) in subsection (b)(3), by inserting before the final period the following: ", and up to a total amount of $2,000,000 during each of fiscal years 2007 through 2016"; and

(4) in subsection (h), by inserting before the period at the end the following: ", and $2,000,000 for each of fiscal years 2007 through 2016".

(b) WALLOWA LAKE DAM REHABILITATION ACT.—

(1) DEFINITIONS.—In this subsection:

(A) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term "Associated Ditch Companies, Incorporated" means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(C) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term "Wallowa Lake Dam Rehabilitation Program" means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, "Phase I Dam Assessment and Preliminary Engineering Design", dated December 2002, and on file with the Bureau of Reclamation.

(2) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(A) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(B) CONDITIONS.—As a condition of providing funds under subparagraph (A), the Secretary shall ensure that—

(i) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(ii) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this subsection; and

(iii) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this subsection, both while and after activities are conducted using Federal funds provided under this subsection.

(C) COST SHARING.—

(i) IN GENERAL.—The Federal share of the costs of activities authorized under this subsection shall not exceed 50 percent.

(ii) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(I) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(II) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(D) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this subsection, shall comply with applicable Oregon State water law.

(E) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this subsection.

(F) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this subsection.

(3) RELATIONSHIP TO OTHER LAW.—Activities funded under this subsection shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the costs of activities authorized under this subsection $6,000,000.

(5) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this subsection.

(c) LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.—

(1) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams and the Economy Project water management feasibility study and environmental impact statement in accordance with the "Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project", dated July 2, 2004.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this subsection.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share shall be 50 percent of the total costs of the Bureau of Reclamation in carrying out paragraph (1).

(ii) FORM.—The non-Federal share required under clause (i) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under paragraph (1).

(3) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this section.

(d) NORTH UNIT IRRIGATION DISTRICT.—The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting "(referred to in this Act as the 'District')" after "irrigation district"; and

(B) by inserting "(referred to in this Act as the 'Contract')" after "1953"; and

(2) by adding at the end the following:

"SEC. 3. ADDITIONAL TERMS.

"On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

"(1) In Article 8(a) of the Contract, by deleting 'a maximum of 50,000' and inserting 'approximately 59,000' after 'irrigation service to'.

"(2) In Article 11(a) of the Contract, by deleting 'The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled "Land Classification, North Unit, Deschutes Project, 1953" which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District' and inserting 'The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.'.

"(3) In Article 11(c) of the Contract, by deleting ', with the approval of the Secretary,' after 'District may', by deleting 'the 49,817.75 acre maximum limit on the irrigable area is not exceeded' and inserting 'irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required' after 'time so long as'.

"(4) In Article 11(d) of the Contract, by inserting ', and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'herein provided'.

"(5) By adding at the end of Article 12(d) the following: '(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District's construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District's total construction charge obligation shall be completely paid by June 30, 2044.'.

"(6) In Article 14(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,' after 'and incidental stock and domestic uses', by inserting 'and for instream purposes as described above,' after 'irrigation, stock and domestic uses', and by inserting ', including natural flow rights out of the Crooked River held by the District' after 'irrigation system'.

"(7) In Article 29(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'provided in article 11'.

"(8) In Article 34 of the Contract, by deleting 'The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.' after 'for that purpose.'.

"SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

"The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.".

SEC. 510. REPUBLICAN RIVER BASIN FEASIBILITY STUDY.

(a) AUTHORIZATION OF STUDY.—Pursuant to reclamation laws, the Secretary of the Interior, acting through the Bureau of Reclamation and in consultation and cooperation with the States of Nebraska, Kansas, and Colorado, may conduct a study to—

(1) determine the feasibility of implementing a water supply and conservation project that will—

(A) improve water supply reliability in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, including areas in the counties of Harlan, Franklin, Webster, and Nuckolls in Nebraska and Jewel, Republic, Cloud, Washington, and Clay in Kansas (in this section referred to as the "Republican River Basin");

(B) increase the capacity of water storage through modifications of existing projects or through new projects that serve areas in the Republican River Basin; and

(C) improve water management efficiency in the Republican River Basin through conservation and other available means and, where appropriate, evaluate integrated water resource management and supply needs in the Republican River Basin; and

(2) consider appropriate cost-sharing options for implementation of the project.

(b) COST SHARING.—The Federal share of the cost of the study shall not exceed 50 percent of the total cost of the study, and shall be nonreimbursable.

(c) COOPERATIVE AGREEMENTS.—The Secretary shall undertake the study through cooperative agreements with the State of Kansas or Nebraska and other appropriate entities determined by the Secretary.

(d) COMPLETION AND REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 3 years after the date of the enactment of this Act, the Secretary of the Interior shall complete the study and transmit to the Congress a report containing the results of the study.

(2) EXTENSION.—If the Secretary determines that the study cannot be completed within the 3-year period beginning on the date of the enactment of this Act, the Secretary—

(A) shall, at the time of that determination, report to the Congress on the status of the study, including an estimate of the date of completion; and

(B) complete the study and transmit to the Congress a report containing the results of the study by not later than that date.

(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 511. EASTERN MUNICIPAL WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1639. EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT, CALIFORNIA.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Eastern Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,000,000.

"(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1638 the following:

"Sec. 1639. Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, California.".

SEC. 512. BAY AREA REGIONAL WATER RECYCLING PROGRAM.

(a) PROJECT AUTHORIZATIONS.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a)) is amended by adding at the end the following:

"SEC. 1642. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPELINE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

"SEC. 1643. PITTSBURG RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,750,000.

"SEC. 1644. ANTIOCH RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,250,000.

"SEC. 1645. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

"SEC. 1646. REDWOOD CITY RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,100,000.

"SEC. 1647. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

"SEC. 1648. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.".

(2) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(b)) is amended by inserting after the item relating to section 1641 the following:

"Sec. 1642. Mountain View, Moffett Area Reclaimed Water Pipeline Project.
"Sec. 1643. Pittsburg Recycled Water Project.
"Sec. 1644. Antioch Recycled Water Project.
"Sec. 1645. North Coast County Water District Recycled Water Project.
"Sec. 1646. Redwood City Recycled Water Project.
"Sec. 1647. South Santa Clara County Recycled Water Project.
"Sec. 1648. South Bay Advanced Recycled Water Treatment Facility.".

(b) SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.—It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–5).

SEC. 513. BUREAU OF RECLAMATION SITE SECURITY.

(a) TREATMENT OF CAPITAL COSTS.—Costs incurred by the Secretary of the Interior for the physical fortification of Bureau of Reclamation facilities to satisfy increased post-September 11, 2001, security needs, including the construction, modification, upgrade, or replacement of such facility fortifications, shall be nonreimbursable.

(b) TREATMENT OF SECURITY-RELATED OPERATION AND MAINTENANCE COSTS.—

(1) REIMBURSABLE COSTS.—The Secretary of the Interior shall include no more than $18,900,000 per fiscal year, indexed each fiscal year after fiscal year 2008 according to the preceding year's Consumer Price Index, of those costs incurred for increased levels of guards and patrols, training, patrols by local and tribal law enforcement entities, operation, maintenance, and replacement of guard and response force equipment, and operation and maintenance of facility fortifications at Bureau of Reclamation facilities after the events of September 11, 2001, as reimbursable operation and maintenance costs under Reclamation law.

(2) COSTS COLLECTED THROUGH WATER RATES.—In the case of the Central Valley Project of California, site security costs allocated to irrigation and municipal and industrial water service in accordance with this section shall be collected by the Secretary exclusively through inclusion of these costs in the operation and maintenance water rates.

(c) TRANSPARENCY AND REPORT TO CONGRESS.—

(1) POLICIES AND PROCEDURES.—The Secretary is authorized to develop policies and procedures with project beneficiaries, consistent with the requirements of paragraphs (2) and (3), to provide for the payment of the reimbursable costs described in subsection (b).

(2) NOTICE.—On identifying a Bureau of Reclamation facility for a site security measure, the Secretary shall provide to the project beneficiaries written notice—

(A) describing the need for the site security measure and the process for identifying and implementing the site security measure; and

(B) summarizing the administrative and legal requirements relating to the site security measure.

(3) CONSULTATION.—The Secretary shall—

(A) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the site security measure; and

(B) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in subparagraph (A).

(4) RESPONSE; NOTICE.—Before incurring costs pursuant to activities described in subsection (b), the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on such activities. The Secretary shall provide to the project beneficiary—

(A) a timely written response describing proposed actions, if any, to address the recommendation; and

(B) notice regarding the costs and status of such activities on a periodic basis.

(5) REPORT.—The Secretary shall report annually to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate on site security actions and activities undertaken pursuant to this Act for each fiscal year. The report shall include a summary of Federal and non-Federal expenditures for the fiscal year and information relating to a 5-year planning horizon for the program, detailed to show pre-September 11, 2001, and post-September 11, 2001, costs for the site security activities.

(d) PRE-SEPTEMBER 11, 2001 SECURITY COST LEVELS.—Reclamation project security costs at the levels of activity that existed prior to September 11, 2001, shall remain reimbursable.

SEC. 514. MORE WATER, MORE ENERGY, AND LESS WASTE.

(a) FINDINGS.—The Congress finds that—

(1) development of energy resources, including oil, natural gas, coalbed methane, and geothermal resources, frequently results in bringing to the surface water extracted from underground sources;

(2) some of that produced water is used for irrigation or other purposes, but most of the water is returned to the subsurface or otherwise disposed of as waste;

(3) reducing the quantity of produced water returned to the subsurface and increasing the quantity of produced water that is made available for irrigation and other uses—

(A) would augment water supplies;

(B) could reduce the costs to energy developers for disposing of the water; and

(C) in some cases, could increase the efficiency of energy development activities; and

(4) it is in the national interest—

(A) to limit the quantity of produced water disposed of as waste;

(B) to optimize the production of energy resources; and

(C) to remove or reduce obstacles to use of produced water for irrigation or other purposes in ways that will not adversely affect water quality or the environment.

(b) PURPOSES.—The purposes of this section are—

(1) to optimize the production of energy resources—

(A) by minimizing the quantity of produced water; and

(B) by facilitating the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment; and

(2) to demonstrate means of accomplishing those results.

(c) DEFINITIONS.—In this section:

(1) LOWER BASIN STATE.—The term "Lower Basin State" means any of the States of—

(A) Arizona;

(B) California; and

(C) Nevada.

(2) PRODUCED WATER.—The term "produced water" means water from an underground source that is brought to the surface as part of the process of exploration for, or development of—

(A) oil;

(B) natural gas;

(C) coalbed methane; or

(D) any other substance to be used as an energy source.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) UPPER BASIN STATE.—The term "Upper Basin State" means any of the States of—

(A) Colorado;

(B) New Mexico;

(C) Utah; and

(D) Wyoming.

(d) IDENTIFICATION OF PROBLEMS AND SOLUTIONS.—

(1) STUDY.—The Secretary shall conduct a study to identify—

(A) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water;

(B) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes without adversely affecting water quality, public health, or the environment;

(C) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified in subparagraphs (A) and (B); and

(D) the costs and benefits associated with reducing or eliminating the obstacles identified in subparagraphs (A) and (B).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study under paragraph (1).

(e) IMPLEMENTATION.—

(1) GRANTS.—Subject to the availability of appropriations, the Secretary shall provide financial assistance for the development of facilities, technologies, and processes to demonstrate the feasibility, effectiveness, and safety of—

(A) optimizing energy resource production by reducing the quantity of produced water generated; or

(B) increasing the extent to which produced water may be recovered and made suitable for use for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

(2) LIMITATIONS.—Assistance under this subsection—

(A) shall be provided for—

(i) at least 1 project in each of the Upper Basin States; and

(ii) at least 1 project in at least 1 of the Lower Basin States;

(B) shall not exceed $1,000,000 for any project;

(C) shall be used to pay not more than 50 percent of the total cost of a project;

(D) shall not be used for the operation or maintenance of any facility; and

(E) may be in addition to assistance provided by the Federal Government pursuant to other provisions of law.

(f) CONSULTATION, ADVICE, AND COMMENTS.—In carrying out this section, including in preparing the report under subsection (d)(2) and establishing criteria to be used in connection with an award of financial assistance under subsection (e), the Secretary shall—

(1) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and appropriate Governors and local officials;

(2)(A) review any relevant information developed in connection with research carried out by others, including research carried out pursuant to subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.); and

(B) to the extent the Secretary determines to be advisable, include that information in the report under subsection (d)(2);

(3) seek the advice of—

(A) individuals with relevant professional or academic expertise; and

(B) individuals or representatives of entities with industrial experience, particularly experience relating to production of oil, natural gas, coalbed methane, or other energy resources (including geothermal resources); and

(4) solicit comments and suggestions from the public.

(g) RELATION TO OTHER LAWS.—Nothing in this section supersedes, modifies, abrogates, or limits—

(1) the effect of any State law or any interstate authority or compact relating to—

(A) any use of water; or

(B) the regulation of water quantity or quality; or

(2) the applicability or effect of any Federal law (including regulations).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $1,000,000 to carry out subsection (d); and

(2) $7,500,000 to carry out subsection (e).

SEC. 515. PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM AND PATHFINDER MODIFICATION PROJECT AUTHORIZATION.

(a) PURPOSES.—The purposes of this section are to authorize—

(1) the Secretary of the Interior, acting through the Commissioner of Reclamation and in partnership with the States, other Federal agencies, and other non-Federal entities, to continue the cooperative effort among the Federal and non-Federal entities through the implementation of the Platte River Recovery Implementation Program for threatened and endangered species in the Central and Lower Platte River Basin without creating Federal water rights or requiring the grant of water rights to Federal entities; and

(2) the modification of the Pathfinder Dam and Reservoir, in accordance with the requirements described in subsection (c).

(b) PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term "Agreement" means the Platte River Recovery Implementation Program Cooperative Agreement entered into by the Governors of the States and the Secretary.

(B) FIRST INCREMENT.—The term "First Increment" means the first 13 years of the Program.

(C) GOVERNANCE COMMITTEE.—The term "Governance Committee" means the governance committee established under the Agreement and composed of members from the States, the Federal Government, environmental interests, and water users.

(D) INTEREST IN LAND OR WATER.—The term "interest in land or water" includes a fee title, short- or long-term easement, lease, or other contractual arrangement that is determined to be necessary by the Secretary to implement the land and water components of the Program.

(E) PROGRAM.—The term "Program" means the Platte River Recovery Implementation Program established under the Agreement.

(F) PROJECT OR ACTIVITY.—The term "project or activity" means—

(i) the planning, design, permitting or other compliance activity, preconstruction activity, construction, construction management, operation, maintenance, and replacement of a facility;

(ii) the acquisition of an interest in land or water;

(iii) habitat restoration;

(iv) research and monitoring;

(v) program administration; and

(vi) any other activity that is determined to be necessary by the Secretary to carry out the Program.

(G) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(H) STATES.—The term "States" means the States of Nebraska, Wyoming, and Colorado.

(2) IMPLEMENTATION OF PROGRAM.—

(A) IN GENERAL.—The Secretary, in cooperation with the Governance Committee, may—

(i) participate in the Program; and

(ii) carry out any projects and activities that are designated for implementation during the First Increment.

(B) AUTHORITY OF SECRETARY.—For purposes of carrying out this section, the Secretary, in cooperation with the Governance Committee, may—

(i) enter into agreements and contracts with Federal and non-Federal entities;

(ii) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain;

(iii) subsequently transfer any interests acquired under clause (ii); and

(iv) accept or provide grants.

(3) COST-SHARING CONTRIBUTIONS.—

(A) IN GENERAL.—As provided in the Agreement, the States shall contribute not less than 50 percent of the total contributions necessary to carry out the Program.

(B) NON-FEDERAL CONTRIBUTIONS.—The following contributions shall constitute the States' share of the Program:

(i) $30,000,000 in non-Federal funds, with the balance of funds remaining to be contributed to be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(ii) Credit for contributions of water or land for the purposes of implementing the Program, as determined to be appropriate by the Secretary.

(C) IN-KIND CONTRIBUTIONS.—The Secretary or the States may elect to provide a portion of the Federal share or non-Federal share, respectively, in the form of in-kind goods or services, if the contribution of goods or services is approved by the Governance Committee, as provided in Attachment 1 of the Agreement.

(4) AUTHORITY TO MODIFY PROGRAM.—The Program may be modified or amended before the completion of the First Increment if the Secretary and the States determine that the modifications are consistent with the purposes of the Program.

(5) EFFECT.—

(A) EFFECT ON RECLAMATION LAWS.—No action carried out under this subsection shall, with respect to the acreage limitation provisions of the reclamation laws—

(i) be considered in determining whether a district (as the term is defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb)) has discharged the obligation of the district to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(ii) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of the construction obligations of the district; or

(iii) serve as the basis for increasing the construction repayment obligation of the district, which would extend the period during which the acreage limitation provisions would apply.

(B) EFFECT ON WATER RIGHTS.—Nothing in this section—

(i) creates Federal water rights; or

(ii) requires the grant of water rights to Federal entities.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out projects and activities under this subsection $157,140,000, as adjusted under subparagraph (C).

(B) NONREIMBURSABLE FEDERAL EXPENDITURES.—Any amounts expended under subparagraph (A) shall be considered to be nonreimbursable Federal expenditures.

(C) ADJUSTMENT.—The balance of funds remaining to be appropriated shall be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(D) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds for projects and activities made available under subparagraph (A) shall be retained for use in future fiscal years to implement projects and activities under the Program.

(7) TERMINATION OF AUTHORITY.—The authority for the Secretary to implement the First Increment shall terminate on September 30, 2020.

(c) PATHFINDER MODIFICATION PROJECT.—

(1) AUTHORIZATION OF PROJECT.—

(A) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this subsection as the "Secretary"), may—

(i) modify the Pathfinder Dam and Reservoir; and

(ii) enter into 1 or more agreements with the State of Wyoming to implement the Pathfinder Modification Project (referred to in this subsection as the "Project"), as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(B) FEDERAL APPROPRIATIONS.—No Federal appropriations are required to modify the Pathfinder Dam under this paragraph.

(2) AUTHORIZED USES OF PATHFINDER RESERVOIR.—Provided that all of the conditions described in paragraph (3) are first met, the approximately 54,000 acre-feet capacity of Pathfinder Reservoir, which has been lost to sediment but will be recaptured by the Project, may be used for municipal, environmental, and other purposes, as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(3) CONDITIONS PRECEDENT.—The actions and water uses authorized in paragraphs (1)(A)(i) and (2) shall not occur until each of the following actions have been completed:

(A) Final approval from the Wyoming legislature for the export of Project water to the State of Nebraska under the laws (including regulations) of the State of Wyoming.

(B) Final approval in a change of water use proceeding under the laws (including regulations) of the State of Wyoming for all new uses planned for Project water. Final approval, as used in this subparagraph, includes exhaustion of any available review under State law of any administrative action authorizing the change of the Pathfinder Reservoir water right.

SEC. 516. CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this section as the "Secretary"), shall—

(A) conduct a feasibility study of alternatives to augment the water supplies of—

(i) the Central Oklahoma Master Conservatory District (referred to in this section as the "District)"; and

(ii) cities served by the District;

(2) INCLUSIONS.—The study under paragraph (1) shall include recommendations of the Secretary, if any, relating to the alternatives studied.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total costs of the study under subsection (a) shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to conduct the study under subsection (a) $900,000.

TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS

SEC. 601. ENERGY TECHNOLOGY TRANSFER.

Section 917 of the Energy Policy Act of 2005 (42 U.S.C. 16197) is amended to read as follows:

"SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.

"(a) GRANTS.—Not later than 18 months after the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2008, the Secretary shall make grants to nonprofit institutions, State and local governments, cooperative extension services, or institutions of higher education (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers. In making awards under this section, the Secretary shall—

"(1) give priority to applicants already operating or partnered with an outreach program capable of transferring knowledge and information about advanced energy efficiency methods and technologies;

"(2) ensure that, to the extent practicable, the program enables the transfer of knowledge and information—

"(A) about a variety of technologies; and

"(B) in a variety of geographic areas;

"(3) give preference to applicants that would significantly expand on or fill a gap in existing programs in a geographical region; and

"(4) consider the special needs and opportunities for increased energy efficiency for manufactured and site-built housing, including construction, renovation, and retrofit.

"(b) ACTIVITIES.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. Funds awarded under this section may be used for the following activities:

"(1) Developing and distributing informational materials on technologies that could use energy more efficiently.

"(2) Carrying out demonstrations of advanced energy methods and technologies.

"(3) Developing and conducting seminars, workshops, long-distance learning sessions, and other activities to aid in the dissemination of knowledge and information on technologies that could use energy more efficiently.

"(4) Providing or coordinating onsite energy evaluations, including instruction on the commissioning of building heating and cooling systems, for a wide range of energy end-users.

"(5) Examining the energy efficiency needs of energy end-users to develop recommended research projects for the Department.

"(6) Hiring experts in energy efficient technologies to carry out activities described in paragraphs (1) through (5).

"(c) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section. The application shall include, at a minimum—

"(1) a description of the applicant's outreach program, and the geographic region it would serve, and of why the program would be capable of transferring knowledge and information about advanced energy technologies that increase efficiency of energy use;

"(2) a description of the activities the applicant would carry out, of the technologies that would be transferred, and of any other organizations that will help facilitate a regional approach to carrying out those activities;

"(3) a description of how the proposed activities would be appropriate to the specific energy needs of the geographic region to be served;

"(4) an estimate of the number and types of energy end-users expected to be reached through such activities; and

"(5) a description of how the applicant will assess the success of the program.

"(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

"(1) The ability of the applicant to carry out the proposed activities.

"(2) The extent to which the applicant will coordinate the activities of the Center with other entities as appropriate, such as State and local governments, utilities, institutions of higher education, and National Laboratories.

"(3) The appropriateness of the applicant's outreach program for carrying out the program described in this section.

"(4) The likelihood that proposed activities could be expanded or used as a model for other areas.

"(e) COST-SHARING.—In carrying out this section, the Secretary shall require cost-sharing in accordance with the requirements of section 988 for commercial application activities.

"(f) DURATION.—

"(1) INITIAL GRANT PERIOD.—A grant awarded under this section shall be for a period of 5 years.

"(2) INITIAL EVALUATION.—Each grantee under this section shall be evaluated during its third year of operation under procedures established by the Secretary to determine if the grantee is accomplishing the purposes of this section described in subsection (a). The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for 3 additional years beyond the original term of the grant.

"(3) ADDITIONAL EXTENSION.—If a grantee receives an extension under paragraph (2), the grantee shall be evaluated again during the second year of the extension. The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for a final additional period of 3 additional years beyond the original extension.

"(4) LIMITATION.—No grantee may receive more than 11 years of support under this section without reapplying for support and competing against all other applicants seeking a grant at that time.

"(g) PROHIBITION.—None of the funds awarded under this section may be used for the construction of facilities.

"(h) DEFINITIONS.—For purposes of this section:

"(1) ADVANCED ENERGY METHODS AND TECHNOLOGIES.—The term 'advanced energy methods and technologies' means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

"(2) CENTER.—The term 'Center' means an Advanced Energy Technology Transfer Center established pursuant to this section.

"(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means an electric power generation technology, including photovoltaic, small wind, and micro-combined heat and power, that serves electric consumers at or near the site of production.

"(4) COOPERATIVE EXTENSION.—The term 'Cooperative Extension' means the extension services established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914.

"(5) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' means—

"(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

"(B) 1890 Institutions (as defined in section 2 of that Act); and

"(C) 1994 Institutions (as defined in section 2 of that Act).

"(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated in section 911, there are authorized to be appropriated for the program under this section such sums as may be appropriated.".

SEC. 602. AMENDMENTS TO THE STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS ACT OF 1988.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act $12,000,000 for each of the fiscal years 2008 through 2012.".

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking "coatings for sheet steels" and inserting "sheet and bar steels"; and

(2) by adding at the end the following new subparagraph:

"(K) The development of technologies which reduce greenhouse gas emissions.".

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 8 (15 U.S.C. 5107), by inserting ", beginning with fiscal year 2008," after "close of each fiscal year".

TITLE VII—NORTHERN MARIANA ISLANDS

Subtitle A—Immigration, Security, and Labor

SEC. 701. STATEMENT OF CONGRESSIONAL INTENT.

(a) IMMIGRATION AND GROWTH.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of the Congress in enacting this subtitle—

(1) to ensure that effective border control procedures are implemented and observed, and that national security and homeland security issues are properly addressed, by extending the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(17)), to apply to the Commonwealth of the Northern Mariana Islands (referred to in this subtitle as the "Commonwealth"), with special provisions to allow for—

(A) the orderly phasing-out of the nonresident contract worker program of the Commonwealth; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth; and

(2) to minimize, to the greatest extent practicable, potential adverse economic and fiscal effects of phasing-out the Commonwealth's nonresident contract worker program and to maximize the Commonwealth's potential for future economic and business growth by—

(A) encouraging diversification and growth of the economy of the Commonwealth in accordance with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America through consultation with the Governor of the Commonwealth;

(C) assisting the Commonwealth in achieving a progressively higher standard of living for citizens of the Commonwealth through the provision of technical and other assistance;

(D) providing opportunities for individuals authorized to work in the United States, including citizens of the freely associated states; and

(E) providing a mechanism for the continued use of alien workers, to the extent those workers continue to be necessary to supplement the Commonwealth's resident workforce, and to protect those workers from the potential for abuse and exploitation.

(b) AVOIDING ADVERSE EFFECTS.—In recognition of the Commonwealth's unique economic circumstances, history, and geographical location, it is the intent of the Congress that the Commonwealth be given as much flexibility as possible in maintaining existing businesses and other revenue sources, and developing new economic opportunities, consistent with the mandates of this subtitle. This subtitle, and the amendments made by this subtitle, should be implemented wherever possible to expand tourism and economic development in the Commonwealth, including aiding prospective tourists in gaining access to the Commonwealth's memorials, beaches, parks, dive sites, and other points of interest.

SEC. 702. IMMIGRATION REFORM FOR THE COMMONWEALTH.

(a) AMENDMENT TO JOINT RESOLUTION APPROVING COVENANT ESTABLISHING COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94–241; 90 Stat. 263), is amended by adding at the end the following new section:

"SEC. 6. IMMIGRATION AND TRANSITION.

"(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), effective on the first day of the first full month commencing 1 year after the date of enactment of the Consolidated Natural Resources Act of 2008 (hereafter referred to as the 'transition program effective date'), the provisions of the 'immigration laws' (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) shall apply to the Commonwealth of the Northern Mariana Islands (referred to in this section as the 'Commonwealth'), except as otherwise provided in this section.

"(2) TRANSITION PERIOD.—There shall be a transition period beginning on the transition program effective date and ending on December 31, 2014, except as provided in subsections (b) and (d), during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program to regulate immigration to the Commonwealth, as provided in this section (hereafter referred to as the 'transition program').

"(3) DELAY OF COMMENCEMENT OF TRANSITION PERIOD.—

"(A) IN GENERAL.—The Secretary of Homeland Security, in the Secretary's sole discretion, in consultation with the Secretary of the Interior, the Secretary of Labor, the Secretary of State, the Attorney General, and the Governor of the Commonwealth, may determine that the transition program effective date be delayed for a period not to exceed more than 180 days after such date.

"(B) CONGRESSIONAL NOTIFICATION.—The Secretary of Homeland Security shall notify the Congress of a determination under subparagraph (A) not later than 30 days prior to the transition program effective date.

"(C) CONGRESSIONAL REVIEW.—A delay of the transition program effective date shall not take effect until 30 days after the date on which the notification under subparagraph (B) is made.

"(4) REQUIREMENT FOR REGULATIONS.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by the head of each agency or department of the United States having responsibilities under the transition program.

"(5) INTERAGENCY AGREEMENTS.—The Secretary of Homeland Security, the Secretary of State, the Secretary of Labor, and the Secretary of the Interior shall negotiate and implement agreements among their agencies to identify and assign their respective duties so as to ensure timely and proper implementation of the provisions of this section. The agreements should address, at a minimum, procedures to ensure that Commonwealth employers have access to adequate labor, and that tourists, students, retirees, and other visitors have access to the Commonwealth without unnecessary delay or impediment. The agreements may also allocate funding between the respective agencies tasked with various responsibilities under this section.

"(6) CERTAIN EDUCATION FUNDING.—In addition to fees charged pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of providing adjudication services, the Secretary of Homeland Security shall charge an annual supplemental fee of $150 per nonimmigrant worker to each prospective employer who is issued a permit under subsection (d) of this section during the transition period. Such supplemental fee shall be paid into the Treasury of the Commonwealth government for the purpose of funding ongoing vocational educational curricula and program development by Commonwealth educational entities.

"(7) ASYLUM.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) shall not apply during the transition period to persons physically present in the Commonwealth or arriving in the Commonwealth (whether or not at a designated port of arrival), including persons brought to the Commonwealth after having been interdicted in international or United States waters.

"(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT WORKERS.—An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). This subsection does not apply to any employment to be performed outside of Guam or the Commonwealth. Not later than 3 years following the transition program effective date, the Secretary of Homeland Security shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives projecting the number of asylum claims the

Secretary anticipates following the termination of the transition period, the efforts the Secretary has made to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.

"(c) NONIMMIGRANT INVESTOR VISAS.—

"(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), during the transition period, the Secretary of Homeland Security may, upon the application of an alien, classify an alien as a CNMI-only nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

"(A) has been admitted to the Commonwealth in long-term investor status under the immigration laws of the Commonwealth before the transition program effective date;

"(B) has continuously maintained residence in the Commonwealth under long-term investor status;

"(C) is otherwise admissible; and

"(D) maintains the investment or investments that formed the basis for such long-term investor status.

"(2) REQUIREMENT FOR REGULATIONS.—Not later than 60 days before the transition program effective date, the Secretary of Homeland Security shall publish regulations in the Federal Register to implement this subsection.

"(d) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL WORKERS.—An alien who is seeking to enter the Commonwealth as a nonimmigrant worker may be admitted to perform work during the transition period subject to the following requirements:

"(1) Such an alien shall be treated as a nonimmigrant described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258) or adjustment of status under this section and section 245 of such Act (8 U.S.C. 1255).

"(2) The Secretary of Homeland Security shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each such nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). In adopting and enforcing this system, the Secretary shall also consider, in good faith and not later than 30 days after receipt by the Secretary, any comments and advice submitted by the Governor of the Commonwealth. This system shall provide for a reduction in the allocation of permits for such workers on an annual basisto zero, during a period not to extend beyond December 31, 2014, unless extended pursuant to paragraph 5 of this subsection. In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the Secretary of Homeland Security to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, workers authorized to be employed in the United States, including lawfully admissible freely associated state citizen labor. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under this paragraph have been met.

"(3) The Secretary of Homeland Security shall set the conditions for admission of such an alien under the transition program, and the Secretary of State shall authorize the issuance of nonimmigrant visas for such an alien. Such a visa shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except admission to the Commonwealth. An alien admitted to the Commonwealth on the basis of such a visa shall be permitted to engage in employment only as authorized pursuant to the transition program.

"(4) Such an alien shall be permitted to transfer between employers in the Commonwealth during the period of such alien's authorized stay therein, without permission of the employee's current or prior employer, within the alien's occupational category or another occupational category the Secretary of Homeland Security has found requires alien workers to supplement the resident workforce.

"(5)(A) Not later than 180 days prior to the expiration of the transition period, or any extension thereof, the Secretary of Labor, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Interior, and the Governor of the Commonwealth, shall ascertain the current and anticipated labor needs of the Commonwealth and determine whether an extension of up to 5 years of the provisions of this subsection is necessary to ensure an adequate number of workers will be available for legitimate businesses in the Commonwealth. For the purpose of this subparagraph, a business shall not be considered legitimate if it engages directly or indirectly in prostitution, trafficking in minors, or any other activity that is illegal under Federal or local law. The determinations of whether a business is legitimate and to what extent, if any, it may require alien workers to supplement the resident workforce, shall be made by the Secretary of Homeland Security, in the Secretary's sole discretion.

"(B) If the Secretary of Labor determines that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, the Secretary of Labor may, through notice published in the Federal Register, provide for an additional extension period of up to 5 years.

"(C) In making the determination of whether alien workers are necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, and if so, the number of such workers that are necessary, the Secretary of Labor may consider, among other relevant factors—

"(i) government, industry, or independent workforce studies reporting on the need, or lack thereof, for alien workers in the Commonwealth's businesses;

"(ii) the unemployment rate of United States citizen workers residing in the Commonwealth;

"(iii) the unemployment rate of aliens in the Commonwealth who have been lawfully admitted for permanent residence;

"(iv) the number of unemployed alien workers in the Commonwealth;

"(v) any good faith efforts to locate, educate, train, or otherwise prepare United States citizen residents, lawful permanent residents, and unemployed alien workers already within the Commonwealth, to assume those jobs;

"(vi) any available evidence tending to show that United States citizen residents, lawful permanent residents, and unemployed alien workers already in the Commonwealth are not willing to accept jobs of the type offered;

"(vii) the extent to which admittance of alien workers will affect the compensation, benefits, and living standards of existing workers within those industries and other industries authorized to employ alien workers; and

"(viii) the prior use, if any, of alien workers to fill those industry jobs, and whether the industry requires alien workers to fill those jobs.

"(6) The Secretary of Homeland Security may authorize the admission of a spouse or minor child accompanying or following to join a worker admitted pursuant to this subsection.

"(e) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH IMMIGRATION LAW.—

"(1) PROHIBITION ON REMOVAL.—

"(A) IN GENERAL.—Subject to subparagraph (B), no alien who is lawfully present in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be removed from the United States on the grounds that such alien's presence in the Commonwealth is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of the date—

"(i) of the completion of the period of the alien's admission under the immigration laws of the Commonwealth; or

"(ii) that is 2 years after the transition program effective date.

"(B) LIMITATIONS.—Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of such an alien at any time, if the alien entered the Commonwealth after the date of enactment of the Consolidated Natural Resources Act of 2008, and the Secretary of Homeland Security has determined that the Government of the Commonwealth has violated section 702(i) of the Consolidated Natural Resources Act of 2008.

"(2) EMPLOYMENT AUTHORIZATION.—An alien who is lawfully present and authorized to be employed in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth until the earlier of the date—

"(A) of expiration of the alien's employment authorization under the immigration laws of the Commonwealth; or

"(B) that is 2 years after the transition program effective date.

"(3) REGISTRATION.—The Secretary of Homeland Security may require any alien present in the Commonwealth on or after the transition period effective date to register with the Secretary in such a manner, and according to such schedule, as he may in his discretion require. Paragraphs (1) and (2) of this subsection shall not apply to any alien who fails to comply with such registration requirement. Notwithstanding any other law, the Government of the Commonwealth shall provide to the Secretary all Commonwealth immigration records or other information that the Secretary deems necessary to assist the implementation of this paragraph or other provisions of the Consolidated Natural Resources Act of 2008. Nothing in this paragraph shall modify or limit section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or other provision of the Immigration and Nationality Act relating to the registration of aliens.

"(4) REMOVABLE ALIENS.—Except as specifically provided in paragraph (1)(A) of this subsection, nothing in this subsection shall prohibit or limit the removal of any alien who is removable under the Immigration and Nationality Act.

"(5) PRIOR ORDERS OF REMOVAL.—The Secretary of Homeland Security may execute any administratively final order of exclusion, deportation or removal issued under authority of the immigration laws of the United States before, on, or after the transition period effective date, or under authority of the immigration laws of the Commonwealth before the transition period effective date, upon any subject of such order found in the Commonwealth on or after the transition period effective date, regardless whether the alien has previously been removed from the United States or the Commonwealth pursuant to such order.

"(f) EFFECT ON OTHER LAWS.—The provisions of this section and of the immigration laws, as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.

"(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in the Commonwealth in violation of the immigration laws of the Commonwealth shall be counted for purposes of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

"(h) REPORT ON NONRESIDENT GUESTWORKER POPULATION.—The Secretary of the Interior, in consultation with the Secretary of Homeland Security, and the Governor of the Commonwealth, shall report to the Congress not later than 2 years after the date of enactment of the Consolidated Natural Resources Act of 2008. The report shall include—

"(1) the number of aliens residing in the Commonwealth;

"(2) a description of the legal status (under Federal law) of such aliens;

"(3) the number of years each alien has been residing in the Commonwealth;

"(4) the current and future requirements of the Commonwealth economy for an alien workforce; and

"(5) such recommendations to the Congress, as the Secretary may deem appropriate, related to whether or not the Congress should consider permitting lawfully admitted guest workers lawfully residing in the Commonwealth on such enactment date to apply for long-term status under the immigration and nationality laws of the United States.".

(b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT VISITORS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 214(a)(1) (8 U.S.C. 1184(a)(1))—

(A) by striking "Guam" each place such term appears and inserting "Guam or the Commonwealth of the Northern Mariana Islands"; and

(B) by striking "fifteen" and inserting "45";

(2) in section 212(a)(7)(B) (8 U.S.C. 1182(a)(7)(B)), by amending clause (iii) to read as follows:

"(iii) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER.—For provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, see subsection (l)."; and

(3) by amending section 212(l) (8 U.S.C. 1182(l)) to read as follows:

"(l) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER PROGRAM.—

"(1) IN GENERAL.—The requirement of subsection (a)(7)(B)(i) may be waived by the Secretary of Homeland Security, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay in Guam or the Commonwealth of the Northern Mariana Islands for a period not to exceed 45 days, if the Secretary of Homeland Security, after consultation with the Secretary of the Interior, the Secretary of State, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands, determines that—

"(A) an adequate arrival and departure control system has been developed in Guam and the Commonwealth of the Northern Mariana Islands; and

"(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

"(2) ALIEN WAIVER OF RIGHTS.—An alien may not be provided a waiver under this subsection unless the alien has waived any right—

"(A) to review or appeal under this Act an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam or the Commonwealth of the Northern Mariana Islands; or

"(B) to contest, other than on the basis of an application for withholding of removal under section 241(b)(3) of this Act or under the Convention Against Torture, or an application for asylum if permitted under section 208, any action for removal of the alien.

"(3) REGULATIONS.—All necessary regulations to implement this subsection shall be promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, on or before the 180th day after the date of enactment of the Consolidated Natural Resources Act of 2008. The promulgation of such regulations shall be considered a foreign affairs function for purposes of section 553(a) of title 5, United States Code. At a minimum, such regulations should include, but not necessarily be limited to—

"(A) a listing of all countries whose nationals may obtain the waiver also provided by this subsection, except that such regulations shall provide for a listing of any country from which the Commonwealth has received a significant economic benefit from the number of visitors for pleasure within the one-year period preceding the date of enactment of the Consolidated Natural Resources Act of 2008, unless the Secretary of Homeland Security determines that such country's inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories; and

"(B) any bonding requirements for nationals of some or all of those countries who may present an increased risk of overstays or other potential problems, if different from such requirements otherwise provided by law for nonimmigrant visitors.

"(4) FACTORS.—In determining whether to grant or continue providing the waiver under this subsection to nationals of any country, the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, shall consider all factors that the Secretary deems relevant, including electronic travel authorizations, procedures for reporting lost and stolen passports, repatriation of aliens, rates of refusal for nonimmigrant visitor visas, overstays, exit systems, and information exchange.

"(5) SUSPENSION.—The Secretary of Homeland Security shall monitor the admission of nonimmigrant visitors to Guam and the Commonwealth of the Northern Mariana Islands under this subsection. If the Secretary determines that such admissions have resulted in an unacceptable number of visitors from a country remaining unlawfully in Guam or the Commonwealth of the Northern Mariana Islands, unlawfully obtaining entry to other parts of the United States, or seeking withholding of removal or asylum, or that visitors from a country pose a risk to law enforcement or security interests of Guam or the Commonwealth of the Northern Mariana Islands or of the United States (including the interest in the enforcement of the immigration laws of the United States), the Secretary shall suspend the admission of nationals of such country under this subsection. The Secretary of Homeland Security may in the Secretary's discretion suspend the Guam and Northern Mariana Islands visa waiver program at any time, on a country-by-country basis, for other good cause.

"(6) ADDITION OF COUNTRIES.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands may request the Secretary of the Interior and the Secretary of Homeland Security to add a particular country to the list of countries whose nationals may obtain the waiver provided by this subsection, and the Secretary of Homeland Security may grant such request after consultation with the Secretary of the Interior and the Secretary of State, and may promulgate regulations with respect to the inclusion of that country and any special requirements the Secretary of Homeland Security, in the Secretary's sole discretion, may impose prior to allowing nationals of that country to obtain the waiver provided by this subsection.".

(c) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands (referred to in this subsection as "CNMI") may request that the Secretary of Homeland Security study the feasibility of creating additional Guam or CNMI-only nonimmigrant visas to the extent that existing nonimmigrant visa categories under the Immigration and Nationality Act do not provide for the type of visitor, the duration of allowable visit, or other circumstance. The Secretary of Homeland Security may review such a request, and, after consultation with the Secretary of State and the Secretary of the Interior, shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives with respect to the feasibility of creating those additional Guam or CNMI-only visa categories. Consideration of such additional Guam or CNMI-only visa categories may include, but are not limited to, special nonimmigrant statuses for investors, students, and retirees, but shall not include nonimmigrant status for the purpose of employment in Guam or the CNMI.

(d) INSPECTION OF PERSONS ARRIVING FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS NOT VALID FOR ENTRY INTO OTHER PARTS OF THE UNITED STATES.—Section 212(d)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "Guam,".

(e) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Governor of the Commonwealth, the Secretary of Labor, and the Secretary of Commerce, and as provided in the Interagency Agreements required to be negotiated under section 6(a)(4) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94–241), as added by subsection (a), shall provide—

(A) technical assistance and other support to the Commonwealth to identify opportunities for, and encourage diversification and growth of, the economy of the Commonwealth;

(B) technical assistance, including assistance in recruiting, training, and hiring of workers, to assist employers in the Commonwealth in securing employees first from among United States citizens and nationals resident in the Commonwealth and if an adequate number of such workers are not available, from among legal permanent residents, including lawfully admissible citizens of the freely associated states; and

(C) technical assistance, including assistance to identify types of jobs needed, identify skills needed to fulfill such jobs, and assistance to Commonwealth educational entities to develop curricula for such job skills to include training teachers and students for such skills.

(2) CONSULTATION.—In providing such technical assistance under paragraph (1), the Secretaries shall—

(A) consult with the Government of the Commonwealth, local businesses, regional banks, educational institutions, and other experts in the economy of the Commonwealth; and

(B) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the economy of the Commonwealth and to identify and encourage opportunities to meet the labor needs of the Commonwealth.

(3) COST-SHARING.—For the provision of technical assistance or support under this paragraph (other than that required to pay the salaries and expenses of Federal personnel), the Secretary of the Interior shall require a non-Federal matching contribution of 10 percent.

(f) OPERATIONS.—

(1) ESTABLISHMENT.—At any time on and after the date of enactment of this Act, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor may establish and maintain offices and other operations in the Commonwealth for the purpose of carrying out duties under—

(A) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) the transition program established under section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94–241), as added by subsection (a).

(2) PERSONNEL.—To the maximum extent practicable and consistent with the satisfactory performance of assigned duties under applicable law, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor shall recruit and hire personnel from among qualified United States citizens and national applicants residing in the Commonwealth to serve as staff in carrying out operations described in paragraph (1).

(g) CONFORMING AMENDMENTS TO PUBLIC LAW 94–241.—

(1) AMENDMENTS.—Public Law 94–241 is amended as follows:

(A) In section 503 of the covenant set forth in section 1, by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(B) By striking section 506 of the covenant set forth in section 1.

(C) In section 703(b) of the covenant set forth in section 1, by striking "quarantine, passport, immigration and naturalization" and inserting "quarantine and passport".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the transition program effective date described in section 6 of Public Law 94–241 (as added by subsection (a)).

(h) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than March 1 of the first year that is at least 2 full years after the date of enactment of this subtitle, and annually thereafter, the President shall submit to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives a report that evaluates the overall effect of the transition program established under section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94–241), as added by subsection (a), and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth.

(2) CONTENTS.—In addition to other topics otherwise required to be included under this subtitle or the amendments made by this subtitle, each report submitted under paragraph (1) shall include a description of the efforts that have been undertaken during the period covered by the report to diversify and strengthen the local economy of the Commonwealth, including efforts to promote the Commonwealth as a tourist destination. The report by the President shall include an estimate for the numbers of nonimmigrant workers described under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid adverse economic effects in Guam and the Commonwealth.

(3) GAO REPORT.—The Government Accountability Office shall submit a report to the Congress not later than 2 years after the date of enactment of this Act, to include, at a minimum, the following items:

(A) An assessment of the implementation of this subtitle and the amendments made by this subtitle, including an assessment of the performance of Federal agencies and the Government of the Commonwealth in meeting congressional intent.

(B) An assessment of the short-term and long-term impacts of implementation of this subtitle and the amendments made by this subtitle on the economy of the Commonwealth, including its ability to obtain workers to supplement its resident workforce and to maintain access to its tourists and customers, and any effect on compliance with United States treaty obligations mandating non-refoulement for refugees.

(C) An assessment of the economic benefit of the investors "grandfathered" under subsection (c) of section 6 of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94–241), as added by subsection (a), and the Commonwealth's ability to attract new investors after the date of enactment of this Act.

(D) An assessment of the number of illegal aliens in the Commonwealth, including any Federal and Commonwealth efforts to locate and repatriate them.

(4) REPORTS BY THE LOCAL GOVERNMENT.—The Governor of the Commonwealth may submit an annual report to the President on the implementation of this subtitle, and the amendments made by this subtitle, with recommendations for future changes. The President shall forward the Governor's report to the Congress with any Administration comment after an appropriate period of time for internal review, provided that nothing in this paragraph shall be construed to require the President to provide any legislative recommendation to the Congress.

(5) REPORT ON FEDERAL PERSONNEL AND RESOURCE REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, after consulting with the Secretary of the Interior and other departments and agencies as may be deemed necessary, shall submit a report to the Committee on Natural Resources, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate, on the current and planned levels of Transportation Security Administration, United States Customs and Border Protection, United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, and United States Coast Guard personnel and resources necessary for fulfilling mission requirements on Guam and the Commonwealth in a manner comparable to the level provided at other similar ports of entry in the United States. In fulfilling this reporting requirement, the Secretary shall consider and anticipate the increased requirements due to the proposed realignment of military forces on Guam and in the Commonwealth and growth in the tourism sector.

(i) REQUIRED ACTIONS PRIOR TO TRANSITION PROGRAM EFFECTIVE DATE.—During the period beginning on the date of enactment of this Act and ending on the transition program effective date described in section 6 of Public Law 94–241 (as added by subsection (a)), the Government of the Commonwealth shall—

(1) not permit an increase in the total number of alien workers who are present in the Commonwealth as of the date of enactment of this Act; and

(2) administer its nonrefoulement protection program—

(A) according to the terms and procedures set forth in the Memorandum of Agreement entered into between the Commonwealth of the Northern Mariana Islands and the United States Department of Interior, Office of Insular Affairs, executed on September 12, 2003 (which terms and procedures, including but not limited to funding by the Secretary of the Interior and performance by the Secretary of Homeland Security of the duties of "Protection Consultant" to the Commonwealth, shall have effect on and after the date of enactment of this Act), as well as CNMI Public Law 13-61 and the Immigration Regulations Establishing a Procedural Mechanism for Persons Requesting Protection from Refoulement; and

(B) so as not to remove or otherwise effect the involuntary return of any alien whom the Protection Consultant has determined to be eligible for protection from persecution or torture.

(j) CONFORMING AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(D)(ii), by inserting "or the Commonwealth of the Northern Mariana Islands" after "Guam" each time such term appears;

(2) in section 101(a)(36), by striking "and the Virgin Islands of the United States" and inserting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands";

(3) in section 101(a)(38), by striking "and the Virgin Islands of the United States" and inserting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands";

(4) in section 208, by adding at the end the following:

"(e) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The provisions of this section and section 209(b) shall apply to persons physically present in the Commonwealth of the Northern Mariana Islands or arriving in the Commonwealth (whether or not at a designated port of arrival and including persons who are brought to the Commonwealth after having been interdicted in international or United States waters) only on or after January 1, 2014."; and

(5) in section 235(b)(1), by adding at the end the following:

"(G) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Nothing in this subsection shall be construed to authorize or require any person described in section 208(e) to be permitted to apply for asylum under section 208 at any time before January 1, 2014.".

(k) AVAILABILITY OF OTHER NONIMMIGRANT PROFESSIONALS.—The requirements of section 212(m)(6)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(6)(B)) shall not apply to a facility in Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

SEC. 703. FURTHER AMENDMENTS TO PUBLIC LAW 94-241.

Public Law 94-241, as amended, is further amended in section 4(c)(3) by striking the colon after "Marshall Islands" and inserting the following: ", except that $200,000 in fiscal year 2009 and $225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress".

SEC. 704. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SEC. 705. EFFECTIVE DATE.

(a) IN GENERAL.—Except as specifically provided in this section or otherwise in this subtitle, this subtitle and the amendments made by this subtitle shall take effect on the date of enactment of this Act.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The amendments to the Immigration and Nationality Act made by this subtitle, and other provisions of this subtitle applying the immigration laws (as defined in section 101(a)(17) of Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth, shall take effect on the transition program effective date described in section 6 of Public Law 94-241 (as added by section 702(a)), unless specifically provided otherwise in this subtitle.

(c) CONSTRUCTION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to make any residence or presence in the Commonwealth before the transition program effective date described in section 6 of Public Law 94-241 (as added by section 702(a)) residence or presence in the United States, except that, for the purpose only of determining whether an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) has abandoned or lost such status by reason of absence from the United States, such alien's presence in the Commonwealth before, on, or after the date of enactment of this Act shall be considered to be presence in the United States.

Subtitle B—Northern Mariana Islands Delegate

SEC. 711. DELEGATE TO HOUSE OF REPRESENTATIVES FROM COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

The Commonwealth of the Northern Mariana Islands shall be represented in the United States Congress by the Resident Representative to the United States authorized by section 901 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (approved by Public Law 94-241 (48 U.S.C. 1801 et seq.)). The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this subtitle.

SEC. 712. ELECTION OF DELEGATE.

(a) ELECTORS AND TIME OF ELECTION.—The Delegate shall be elected—

(1) by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands; and

(2) at the Federal general election of 2008 and at such Federal general election every 2d year thereafter.

(b) MANNER OF ELECTION.—

(1) IN GENERAL.—The Delegate shall be elected at large and by a plurality of the votes cast for the office of Delegate.

(2) EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.—Notwithstanding paragraph (1), if the Government of the Commonwealth of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, provides for primary elections for the election of the Delegate, the Delegate shall be elected by a majority of the votes cast in any general election for the office of Delegate for which such primary elections were held.

(c) VACANCY.—In case of a permanent vacancy in the office of Delegate, the office of Delegate shall remain vacant until a successor is elected and qualified.

(d) COMMENCEMENT OF TERM.—The term of the Delegate shall commence on the 3d day of January following the date of the election.

SEC. 713. QUALIFICATIONS FOR OFFICE OF DELEGATE.

To be eligible for the office of Delegate a candidate shall—

(1) be at least 25 years of age on the date of the election;

(2) have been a citizen of the United States for at least 7 years prior to the date of the election;

(3) be a resident and domiciliary of the Commonwealth of the Northern Mariana Islands for at least 7 years prior to the date of the election;

(4) be qualified to vote in the Commonwealth of the Northern Mariana Islands on the date of the election; and

(5) not be, on the date of the election, a candidate for any other office.

SEC. 714. DETERMINATION OF ELECTION PROCEDURE.

Acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, the Government of the Commonwealth of the Northern Mariana Islands may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a permanent vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this subtitle.

SEC. 715. COMPENSATION, PRIVILEGES, AND IMMUNITIES.

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Commonwealth of the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to any other nonvoting Delegate to the House of Representatives.

SEC. 716. LACK OF EFFECT ON COVENANT.

No provision of this subtitle shall be construed to alter, amend, or abrogate any provision of the covenant referred to in section 711 except section 901 of the covenant.

SEC. 717. DEFINITION.

For purposes of this subtitle, the term "Delegate" means the Resident Representative referred to in section 711.

SEC. 718. CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO MILITARY SERVICE ACADEMIES BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking "resident representative" and inserting "Delegate in Congress".

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking "resident representative" and inserting "Delegate in Congress".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking "resident representative" and inserting "Delegate in Congress".

TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS

SEC. 801. APPROVAL OF AGREEMENTS.

(a) IN GENERAL.—Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 30, 2004,

which shall serve as the authority to implement the provisions thereof"; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date that is 180 days after the date of enactment of this Act.

SEC. 802. FUNDS TO FACILITATE FEDERAL ACTIVITIES.

Unobligated amounts appropriated before the date of enactment of this Act pursuant to section 105(f)(1)(A)(ii) of the Compact of Free Association Amendments Act of 2003 shall be available to both the United States Agency for International Development and the Federal Emergency Management Agency to facilitate each agency's activities under the Federal Programs and Services Agreements.

SEC. 803. CONFORMING AMENDMENT.

(a) IN GENERAL.—Section 105(f)(1)(A) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

"(A) EMERGENCY AND DISASTER ASSISTANCE.—

"(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the two Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively, provided that all activities carried out by the United States Agency for International Development and the Federal Emergency Management Agency under Article X of the Federal Programs and Services Agreements may be carried out notwithstanding any other provision of law. In the sections referred to in this clause, the term 'United States Agency for International Development, Office of Foreign Disaster Assistance' shall be construed to mean 'the United States Agency for International Development'.

"(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date that is 180 days after the date of enactment of this Act.

SEC. 804. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking "and its territories" and inserting ", its territories, and the Republic of Palau";

(2) in clause (iii)(II), by striking ", or the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, or the Republic of Palau"; and

(3) in clause (ix)—

(A) by striking "Republic" both places it appears and inserting "government, institutions, and people";

(B) by striking "2007" and inserting "2009"; and

(C) by striking "was" and inserting "were".

SEC. 805. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: ", which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)".

SEC. 806. TECHNICAL AMENDMENTS.

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking "section 177" and inserting "Section 177".

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting "the" before "U.S.–RMI Compact,";

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking "to include" and inserting "and include";

(ii) in paragraph (9)(A), by inserting a comma after "may"; and

(iii) in paragraph (10), by striking "related to service" and inserting "related to such services"; and

(C) in the first sentence of subsection (j), by inserting "the" before "Interior".

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking "Trust Fund" and inserting "Trust Funds".

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking "courts" and inserting "court"; and

(ii) in subsection (b)(2), by striking "the" before "November";

(B) in section 177(a), by striking ", or Palau" and inserting "(or Palau)";

(C) in section 179(b), by striking "amended Compact" and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the fifth sentence of subsection (a), by striking "Trust Fund Agreement," and inserting "Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),";

(iii) in subsection (b)—

(I) in the first sentence, by striking "Government of the" before "Federated"; and

(II) in the second sentence, by striking "Sections 321 and 323 of the Compact of Free Association, as Amended" and inserting "Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,"; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in the first sentence of section 215(b), by striking "subsection(a)" and inserting "subsection (a)";

(F) in section 221—

(i) in subsection (a)(6), by inserting "(Federal Emergency Management Agency)" after "Homeland Security"; and

(ii) in the first sentence of subsection (c), by striking "agreements" and inserting "agreement";

(G) in the second sentence of section 222, by inserting "in" after "referred to";

(H) in the second sentence of section 232, by striking "sections 102 (c)" and all that follows through "January 14, 1986)" and inserting "section 102(b) of Public Law 108–188, 117 Stat. 2726, December 17, 2003";

(I) in the second sentence of section 252, by inserting ", as amended," after "Compact";

(J) in the first sentence of the first undesignated paragraph of section 341, by striking "Section 141" and inserting "section 141";

(K) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(L) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(M) in section 461(h), by striking "Telecommunications" and inserting "Telecommunication";

(N) in section 462(b)(4), by striking "of Free Association" the second place it appears; and

(O) in section 463(b), by striking "Articles IV" and inserting "Article IV".

(2) U.S.–RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking "court" and inserting "courts";

(B) in section 177(a), by striking the comma before "(or Palau)";

(C) in section 179(b), by striking "amended Compact," and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the first sentence of subsection (b), by striking "Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights" and inserting "Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)"; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: "and the Federal Programs and

Services Agreement referred to in section 231'';

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking ''Section 231'' and inserting ''section 231''; and

(ii) in paragraph (5), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security'';

(F) in the second sentence of section 232, by striking ''sections 103(m)'' and all that follows through ''(January 14, 1986)'' and inserting ''section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003'';

(G) in the first sentence of section 341, by striking ''Section 141'' and inserting ''section 141'';

(H) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(I) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(J) in the first sentence of section 443, by inserting '', as amended,'' after ''the Compact'';

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking ''1978'' and inserting ''1998''; and

(ii) by striking ''Telecommunications'' and inserting ''Telecommunication Union''; and

(L) in section 463(b), by striking ''Article'' and inserting ''Articles''.

SEC. 807. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking ''or the Trust Territory of the Pacific Islands'' and inserting ''the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands''.

SEC. 808. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

SEC. 809. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.–RMI Compact, the U.S.–FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term ''State'' means ''State, territory, or the District of Columbia''.

SEC. 810. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) TURKEY.—To the Government of Turkey—

(A) the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14); and

(B) the OSPREY class minehunter coastal ship BLACKHAWK (MHC–58).

(2) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships CORMORANT (MHC–57) and KINGFISHER (MHC–56).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))), the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of the recipient performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of enactment of this Act.

Mr. BINGAMAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Madam President, I know the Senator from Washington, Mrs. MURRAY, is waiting to speak, and I will not take much time except to say Senator DOMENICI and I obviously had tremendously good help from our staffs. They worked long and hard to put this legislation together and get it into a form where it could be considered by the Senate.

We will seek time later this afternoon to elaborate as to the individual members of our staffs who participated and to thank them for their good work.

I will yield the floor and allow Senator MURRAY and Senator CANTWELL to speak as provided in the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank my colleague from New Mexico for his tremendous work. I rise to thank all of my colleagues for supporting the public lands and natural resources package that was just passed by the Senate.

I, like many of my colleagues, have a vested interest in this bill. It contains my Wild Sky Wilderness Act which will designate over 100,000 acres as wilderness. This proposal is the result of almost 9 years of work by myself and Congressman LARSEN of my home State. It has the support of the vast majority of the communities around the area, as well as outdoor enthusiasts, area businesses, and literally thousands of Washington State residents.

Congressman LARSEN and I began working on Wild Sky back in 1999 because we were troubled by the rapid growth in Seattle and surrounding areas. We are so fortunate in our State to have unique and beautiful natural landscapes from the peaks of the Cascade Mountains, the northwest rain forest, the Olympic Peninsula to the mighty Columbia River. But many of our special lands could be jeopardized if we do not take action to preserve them now.

The Wild Sky Wilderness area will ensure that 106,000 acres of rolling hills, rushing rivers, and low-elevation forest in Washington State's Mount Baker-Snoqualmie National Forest are going to be preserved for generations to come.

I am immensely proud of this legislation. The Wild Sky Wilderness area is just 90 minutes away from downtown Seattle. It will give more than 2.4 million from Snohomish, King, and Skagit Counties easy access to hike and camp in a distinctive northwest landscape, it will preserve unique low elevation ecosystems, and it is going to give the surrounding towns a great economic boost by increasing the number of visitors.

I am especially proud because so many people in Washington State are so excited about this wilderness proposal. Newspapers have endorsed it in more than 50 editorials, and more than 200 newspaper articles, op-eds, and letters to the editor have raved about it.

This is the fourth time the Senate has considered this bill. Wild Sky in the past has passed the Senate unanimously three times because we saw the value of this wilderness proposal and recognized that this bill is something my State supports.

Last year, for the first time, Wild Sky passed the House, and now passing the Senate, we are so close to making this truly a reality.

With that in mind, I want to take a few minutes to share with my colleagues what they just did. I want them to see some of the benefits this bill offers my home State of Washington and why people in my State are so eager to create the Wild Sky Wilderness.

Since the days when Native people and early settlers harvested salmon and timber from our streams and forests, people who live in Washington State have recognized the importance of our natural heritage. We have a great tradition in my State of respecting and enjoying the natural beauty that surrounds us.

Washington State is home to tremendously natural resources, and we have a proud history of embracing our national parks and our forests. The Wild Sky area is already being enjoyed by many of our citizens who hike or hunt or raft or camp there. And since we proposed designating it as wilderness, literally thousands of people have written Congressman LARSEN and me to share their support. Many of those writers told personal stories about their experiences in the Wild Sky area.

Mike Town is a high school science teacher from Duvall, WA. He described introducing his students to a wild salmon spawning site near the Wild Sky Wilderness. Because that river's headwaters are in the proposed wilderness area, the water is still so pristine there that salmon are able to thrive, and today it is the one of the few places left in the Cascades where spawning salmon are still so numerous you could actually walk across the river on their backs.

Mike called that river one of the greatest spectacles in nature, and he said to me:

> I cherish the belief that with federal protection for this area, my teenage students will have the ability to share the experience of spawning wild salmon with their grandchildren.

So the first reason we are so excited about Wild Sky is because it reflects the values of the people of Washington State.

But another reason this bill has so much support is because we worked hard to accommodate the needs of the users of this area. Very early on in the process, we reached out to all the local stakeholders to gauge their interest and ask if they had any concerns, and we were able to work with them and address many of the issues they raised.

We worked with Longview Fibre, a paper company that had some land in the proposed boundary. As a result, we were able to draw out certain areas and prioritize others that the company was willing to sell.

We heard from local and State snowmobile groups concerned that the boundaries of our original proposal would shut out important riding areas. So we took out a vast majority of those areas.

We ensured that float planes still have access to Lake Isabel.

We worked with the Forest Service and excluded heavily used areas around Barclay Lake and the only two areas where timber sales were being considered.

We made sure that Snohomish County and the Forest Service were comfortable with the emergency communication capability in and around the wilderness area.

And last winter, massive floods altered the path of the Skykomish River and displaced and destroyed parts of that road that provides access through our proposed wilderness area. So Congressman LARSEN and I got back together and brought together Snohomish County, the Forest Service, and local advocates to responsibly adjust the boundaries of this wilderness to make sure the road could be rebuilt and remain open for future use.

Thanks to all of this work, we have the support now of many of the locally elected officials and most of the surrounding towns and counties. Local conservation, hunting, and fishing groups back this bill. The Seaplane Pilots Association and many local businesses endorse it, and the Under Secretary of Natural Resources for the Forest Service, Mark Rey, said the President will sign this bill.

Even though many people in Washington State understand and appreciate the value of wilderness, this bill has a lot of support because we were also willing to work with the diverse groups of people who have an interest in how this land is used. This truly was a public process.

Although we, of course, could not meet every single need, we have made every effort to accommodate everyone who engaged in this process, and thanks to this effort, this bill is an example of wilderness done the right way.

I wish to talk about the benefits of Wild Sky because I am so excited about what it offers people who live in my State and those who visit. Several years ago, I took a trip through the area where the Wild Sky Wilderness would be. It is very hard to put into words how beautiful this stunning, amazing area is that is 90 minutes from downtown Seattle.

A significant part of this wilderness is seemingly endless expanses of meadows. Rolling mountains can be seen that are covered with stands of huge old moss-covered trees, and some of those trees are over 100 years old. From the ridges, you have incredible views of the western slopes of the Cascade Mountains.

This area is so unique. And one of the things that makes it unique is its relatively low elevation. About one-third of Wild Sky is below 3,000 feet. So the Wild Sky Wilderness area is going to bring new ecological systems into our wilderness lands that are underrepresented right now.

Wild Sky links our forests and meadows and steep craggy peaks, as you can see, and it is going to create a protected habitat corridor for all the wildlife living in this area. We have wolves and mountain goats, black and grizzly bears, and deer and trout.

Salmon spawning grounds teeming with fish—just like the one my town's science teacher showed his students—used to be very common, but today many of those species are struggling to survive. So at a time when we are asking private landowners to assist in recovering wild fish runs, I believe the Federal Government ought to do everything it can on its own land to help protect and restore that wildlife habitat.

Secondly, Madam President, the Wild Sky Wilderness is going to offer us great new recreational opportunities for people in a growing region. Wild Sky is unusually accessible because of its low elevation, and it is near an urban area. So families looking for a quick and easy access to nature are going to be able to enjoy this very pristine land. Climbers and hikers, hunters and anglers have already sent us letters and e-mails talking about the opportunities that Wild Sky offers.

Mark Heckert, who is a fish and wildlife biologist from Puyallup, wrote to me that he has taken his two sons to camp and hunt and fish in this area. He wrote me about how much he values the outdoors and said he hopes to secure the Wild Sky Wilderness for his children to enjoy. He said to me:

> Wild landscapes like those provided in the Wild Sky provide the stage for a generational right of passage where young boys and girls can discover their connection to our land.

Creating this Wild Sky Wilderness is going to ensure that Mark and his sons can return to Wild Sky in the years to come.

Finally, Madam President, hikers, climbers, rafters, hunters, and anglers who visit us in the Puget Sound area—and I invite everyone who is listening to come and enjoy Wild Sky—will spend their money as they travel through this area. Recreational enthusiasts will see Wild Sky in the future listed on maps and guide books as a special destination, and those tourists will come and stay in our hotels and our campgrounds and eat in our restaurants and use local guides and outfitters.

In recent years, the outdoor recreation business appears to have stayed healthy, even during bad economic times, and Wild Sky is going to help contribute to that in the future. And, again, I invite all who are listening to come and enjoy this beautiful place that you saw get voted on here in the Senate this afternoon.

Madam President, those are just a few of the benefits of this Wild Sky Wilderness. We have done a lot of hard work on this bill in the last 8 years, and we couldn't have done it without the help of a lot of people. So let me take the last few minutes and thank all of the people across my State and here in the Senate who have worked so hard to get this bill done.

I thank Chairman BINGAMAN and his great staff, especially Bob Simon and David Brooks, for their help and their unwavering support of Wild Sky throughout all the years.

I thank Senator DOMENICI, who is leaving us this year to retire. Without him and his hard work on this bill, we wouldn't be here today.

I thank Senators CRAPO and MURKOWSKI for all they did over the past weeks and months to move this package forward. I couldn't have gotten here—we couldn't have gotten here—without their hard work.

I thank many of my staff members, especially Doug Clapp, who helped me originally develop this bill many years ago; Jaime Shimek, Evan Schatz, and Mike Spahn. I can't even begin to say all the names of my staff members who over the years have worked with us as we have developed this bill and gotten it over the finish line. I thank all of them.

I recognize the hard work and support of Congressman LARSEN and his staff, Senator CANTWELL and her staff. She is on the Senate floor this afternoon as well and serves on the committee. I could not have done it without her help and support. I know she has climbed into the Wild Sky and seen it as well as I have and is as excited as I am to be out there to see this completed.

I thank Under Secretary Mark Rey of the administration, who supported this bill for many years.

But above all, Madam President, I thank the people of my home State of Washington who have worked tirelessly to bring this idea from a proposal on a piece of paper 9 years ago to legislation that was passed in the Senate this afternoon.

I am going to be back when the President signs this bill into law and thank a broader list of people who have been so essential, but as I finish this afternoon I want to note the work of Tom Uniack and Mike Town, and I thank them personally for all their work. They have been so willing to listen and to answer questions and to give tours of the Wild Sky country and have worked with us every step of the way.

Tom and Mike, thank you. All your hard work has paid off, and we now have passed in the Senate a very popular bill.

Wild Sky is going to help my State take a great step forward in protecting our environment. It is going to enhance our economy, it is going to improve our recreational opportunities, and I can tell you, people from my State are eager to get this bill through the House quickly and on to the President's desk to be signed.

We took a major step forward toward this goal today, and, again, I invite all of you who are listening to come to the State of Washington and visit Wild Sky.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I rise to speak a few minutes about the public lands bill we just voted out of the Senate with a pretty resounding majority of Members.

Within that public lands bill we just voted on is the only wilderness designation, the one my colleague from Washington just described—the Wild Sky Wilderness area. And I am here to not only congratulate her on this important legislation but to also speak because so much was said prior to the vote about why we would have such legislation on the Senate floor, and about the issue of Federal lands in individual States.

I think my colleague from Washington just articulated exactly why such an important piece of legislation is needed, the fact that it is the designation of a wilderness area that she has been trying to get ever since I have been in the Senate. In fact, she mentioned 9 years she has been working on that legislation. Since at least 2001, I have seen this legislation in various forms move through either the House or the Senate. I am sure her enthusiasm today is about the prospect of the Senate and the House, under Democratic control, actually getting this legislation passed.

But let me make a couple of points because my colleague, Senator MURRAY, brought up this issue, the specifics of Wild Sky's designation. It is a beautiful place. I have had the opportunity to hike there and to see the beauty firsthand. But people don't understand the designation of these Federal lands. I will say right now that I know how much Federal land is in Washington State. We have 12.2 million acres out of over 42 million acres. That is 29 percent of our State. I understand other States may not like that kind of designation, but for us in Washington State it has been part of our lifestyle and part of what we want to preserve.

In fact, Mount Rainier, one of our most visited special places, over 1 million people visit it on an annual basis. And a little company some people may have heard of, REI, based in Seattle, has outdoor recreational gear and does about $1 million worth of business annually. So there are people who very much believe in the outdoors.

I am sure the Presiding Officer knows very well that the beauty of special places is worth preserving, and it is a great boon to our economy.

Senator MURRAY did an unbelievable job in shepherding this legislation through the Senate and working with her colleague in the House, Congressman LARSEN, now for 7 years. There were many times in which she could have gotten detoured by various Members. Actually, this has passed three times in the Senate on the consent calendar but has been either delayed in the House or a Member held it up, and really held up an opportunity for many people to enjoy what our State has, in a very bipartisan way, been supporting.

In Washington State, many people are conservationists. Before they are Republicans or Democrats or Independents, they are conservationists first. Senator MURRAY has had to persevere with this legislation through various individual Members holding it up. So I say a special thanks to her. And I know if Scoop Jackson were alive, Scoop Jackson would be here to also congratulate her, as someone who did the original wilderness designation. She would be very honored to know that someone such as Scoop, in writing this original legislation, had the issues of Wild Sky very much in mind.

Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has spoken for 3 minutes.

Ms. CANTWELL. Madam President, I ask unanimous consent for an additional 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Madam President, I want to also mention another piece of the underlying legislation because, again, some people have questioned, why do a public lands bill of this nature. Another piece of this legislation that I have worked on with my colleague, Congressman INSLEE of Bainbridge Island in our State, is to preserve an area known as the Eagledale Ferry Dock site on Bainbridge Island as a unit of the national monument designation under our national park system.

People may say, well, why designate this particular area? During World War II, over 120,000 Japanese Americans were forced into internment camps, and the first place from which they were forced to leave and to go to the internment camps was from this site on Bainbridge Island in Washington State. On March 30, 1942, 227 residents of Bainbridge Island were asked to report to this ferry dock site and were taken to internment camps in Minidoka, ID, and Tule Lake in northern California.

So this is what this lands bill is about. It is about protecting wilderness and making designations of sites that should be remembered. So I am very proud we got this bill off the floor, and I hope we will see immediate action by the House.

I thank the Chair.

EXECUTIVE SESSION

NOMINATIONS OF BRIAN STACY MILLER, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS; JAMES RANDAL HALL, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA; JOHN A. MENDEZ, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA; STANLEY THOMAS ANDERSON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE; AND CATHARINA HAYNES, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT OF TEXAS.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Brian Stacy Miller, of Arkansas, to be United States District Judge; James Randal Hall, of Georgia, to be United States District Judge; John A. Mendez, of California, to be United States District Judge; Stanley Thomas Anderson, of Tennessee, to be United States District Judge; and Catharina Haynes, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I am honored to recommend Brian Miller for confirmation as a Federal judge of the Eastern District of Arkansas.

Without hesitation, the Judiciary Committee confirmed Judge Miller on March 6. During the confirmation process, they learned what many Arkansans already know—Judge Miller has presided and will continue to preside with impartiality and integrity.

In my mind, Judge Miller has all the tools to be a great judge. I have reviewed his work and have been impressed with his record. His broad range of experience in civil and criminal matters, representing both sides of the law, is extraordinary. He exemplifies the proper credentials as well as the temperament the people of Arkansas can be comfortable with.

I have heard validation from colleagues and acquaintances on the Arkansas bar and throughout the legal community. When Judge Miller's name began to circulate for this nomination, I only received praise from his colleagues. In fact, it is one of the few occasions when I did not hear a single person criticize his possible nomination.

While this body has seen more than its share of polarizing nominees, Judge Miller is the rare exception. He brought integrity and impartiality to the bench while serving on the Arkansas Court of Appeals and earlier as a city judge for both Holly Grove and Helena, AR. His work as the deputy prosecuting attorney for Philips County has also been praised.

Before practicing law in private practice for 9 years, Judge Miller earned his law degree from Vanderbilt University Law School. He graduated with honors from the University of Central Arkansas and Phillips Community College of the University of Arkansas. Even before serving on the bench, Mr. Miller was serving our Nation in the Navy and the Navy Reserve from 1985 to 1992.

Judge Miller has big shoes to fill following the service of the late George Howard, Jr. I am confident, however, these shoes will fit Judge Miller quite well.

Madam President, I also want to add my appreciation for the Judiciary Committee and Judiciary Committee staff on both sides because they worked very quickly on this nomination. What I said in my statement is absolutely true, and the more people are exposed to Brian Miller, the more impressed they are with him as a person and as a judge. He really does have a distinguished and exemplary record in Arkansas, but he also is a fine man. I think Judge Miller will be a great judge.

I mentioned George Howard, who was an outstanding judge in the Eastern District of Arkansas for a long time and really paved the way in a lot of ways for a lot of lawyers in our State.

Judge Miller will be in that same vein. If possible, he could even be better. He is a person who comes to this nomination with a lot of credentials and a lot of support from the legal community in Arkansas. As I said a minute ago, I don't think we have heard one person in our whole State who has come out against his nomination. He is that good. We are so pleased the President nominated him.

I also thank my colleague and friend on the House side, Congressman JOHN BOOZMAN, who was instrumental in pushing this nomination, getting it to the White House and pushing it through the White House, and getting it over here to the Senate. It truly has been a team effort.

Judge Miller is from Senator LINCOLN's hometown. She feels a special connection to him, as she should; her family and his family have been friends for a long time.

Certainly, I am very proud and honored to recommend him to my colleagues to sit on the Federal bench for the Eastern District of Arkansas.

Madam President, with that, I yield the floor and suggest the absence of a quorum, with the time being equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, while the distinguished Senator from Arkansas is on the floor, I think it appropriate to comment. I believe the nominee of whom he has spoken is well qualified for the position. Mr. Brian Stacy Miller graduated with honors from the University of Central Arkansas in 1992. He has a law degree from Vanderbilt, has a distinguished record in private practice, served as city attorney, was director of some very important organizations, and received a unanimous "well qualified" rating from the American Bar Association.

I will abbreviate my presentation at this time, but I believe the Senator from Arkansas and his colleague have brought us a good nominee, as is the Senator's custom.

I ask unanimous consent to have his resume printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRIAN STACY MILLER

UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS

Birth: 1967, Pine Bluff, Arkansas.

Legal Residence: Arkansas.

Education: B.S., with honors, University of Central Arkansas, 1992. J.D., Vanderbilt Law School, 1995.

Primary Employment: Associate Attorney, Martin, Tate, Morrow & Marston, TN, 1995–2006. Solo Practitioner, Miller Law Firm, AR, 1998–2006. Deputy Prosecuting Attorney, Arkansas Prosecuting Attorney's Office, 2000–2006. Judge, Arkansas Court of Appeals, 2007–present.

Other Legal Employment: City Attorney, Helena, AR, 1999–2005. City Attorney, Edmondson, AR, 1999–2001. Deputy Prosecuting Attorney, Phillips County, AR, 2000–2006. City Attorney, Lake View, AR, 2000–2006.

Selected Activities: Director, Southern Bancorp, 2000–present. Director, KIPP Delta College Preparatory School, 2001–2002. Director, Southern Good Faith Fund, 2002–2006. Director, First Bank of the Delta, 2002–present. Arkansas Bar Association, House of Delegates, 2006–present. Law School Committee, 2007–present. Arkansas Supreme Court Committee on Criminal Practice, 2007–present. Memphis Bar Association Publications Committee, 2006. Director, Boys and Girls Club, 2007–present.

ABA Rating: Unanimous "Well Qualified".

Mr. SPECTER. I yield the floor, and I await the arrival of the distinguished chairman to proceed.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, are we in a quorum call?

The PRESIDING OFFICER. No, we are not.

Mr. ISAKSON. I thank the Chair. I will be brief because I know Members of the Senate are anxious to make their weekend plans, but I come to the floor to thank Senator SPECTER and Senator LEAHY for reporting out these judges today—in particular, for reporting out Randy Hall of Augusta, GA.

We were very pleased to recommend Randy to the President of the United States, very pleased the President decided to nominate him, and particularly pleased the Judiciary Committee is giving this Senate a chance to confirm a fine jurist to the bench in the Southern District of Georgia.

Prior to this nomination, Randy Hall served in the Georgia State Senate from District 22, which incorporates all of Augusta, GA, which is the No. 1 location on the map today with the Masters starting its first round. Randy is a distinguished attorney, with expertise in real estate, banking, corporate matters, and commercial litigation. He has a reputation for absolute integrity and character. He is a native of Augusta, which is important to many because this is the heart of the district.

He graduated from Augusta College in 1979 and from the University of Georgia College of Law in 1982. He serves on the Augusta-Richmond County Community Partnership for Children and Families and attends the Trinity on the Hill United Methodist Church.

Randy Hall is an outstanding Georgian, outstanding American, qualified jurist, and I commend him to the Members of the Senate for his confirmation today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. While the distinguished Senator from Georgia is on the floor, I compliment him for the selection of James Randal Hall for the U.S. District Court for the Southern District of Georgia. I have reviewed his academic record, which is excellent—a bachelor's degree from Augusta College, a J.D. from the University of Georgia School of Law. He has exceptional activities. In 2001, he received the Outstanding Family and Children's Advocate Award, and in 2004 he received the Outstanding Advocacy Award from the Community Mental Health Center of East Central Georgia. He has a substantial majority "well qualified" rating by the American Bar Association, and I think he has the potential to be an outstanding U.S. district judge for the Southern District of Georgia. I am pleased to endorse him and urge my colleagues to do the same.

I ask unanimous consent to have a fuller statement of his resume printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JAMES RANDALL HALL

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA

Birth:1958, Augusta, Georgia.

Legal Residence: Georgia.

Education: B.A., Augusta College, 1979. No degree, Walter F. George School of Law/Mercer University, 1979–1980. J.D., University of Georgia School of Law, 1982.

Employment: Associate, Sanders, Mottola, Haugen & Goodson, 1982–1984. Partner, Avrett & Hall, 1984-1985. Corporate Vice President & Legal Counsel, Bankers First Corporation, 1985–1996. Partner, J. Randall Hall/Hall & Mullins, 1996–1999. Augusta Office Managing Partner, Hunter, Maclean, Exley & Dunn, 1999–2003. 22nd District State Senator, Georgia State Senate, 2003–2004. Partner, Warlick, Tritt, Stebbins & Hall, 2004–Present.

Selected Activities: 2001 Outstanding Family and Children's Advocate Award, Augusta Richmond County Community Partnership for Children and Families. 2004 Outstanding Advocacy Award, Community Mental Health Center of East Central Georgia. 2004 Legislative Advocacy Award, Superior Court Clerks Association of Georgia. Member and Past President, Augusta Coalition for Children & Youth/Augusta Partnership for Families, 1985–Present. Director, Georgia Carolina Bancshares, Inc./First Bank of Georgia, 1997–Present. Appointee, Governor's Task Force on Redistricting, 2006. Appointee, Augusta-Richmond Planning Commission, 1997–2002; Chairman, 2000–2002. Member, Leadership Augusta, 1985–1986. Member, American Corporate Counsel Association, 1993–1996. Member, Lions Club of Augusta, 1986–2003; President; District Cabinet Secretary. Member, Citizens Task Force on Cable Franchise Issues, 1994–1995.

ABA Rating: Substantial majority well-qualified/minority qualified.

Mr. ISAKSON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I come to the floor today, as many of my other colleagues have, to support Judge Brian Miller, who has been nominated to be U.S. district judge for the Eastern District of our State of Arkansas. As the senior Senator from Arkansas, I am very pleased to support Mr. Miller for this very important post.

After reviewing his record and speaking with many of his friends and colleagues in Arkansas, I can assure my colleagues in the Senate that Brian Miller is not only a superb lawyer and a public servant, he is also a trusted friend who is held in high regard by so many in our great State.

Mr. Miller is a native of Helena, AR, which also happens to be my hometown. After high school, Brian Miller continued his education, graduating from the University of Central Arkansas in 1992. He continued his education by earning a law degree from Vanderbilt University, and one of the other great distinctions and certainly, I guess, pieces of pride I have about Mr. Miller is that Brian also had the distinction of serving as one of the first interns for my office in the House of Representatives in the summer of 1993.

Brian began his professional career up the Mississippi River, in Memphis, TN, at the firm of Martin Tate Morrow & Marston. In 1998, Brian ran a successful campaign to be the city attorney for our hometown of Helena. While he served as city attorney, his father also served as mayor. He continued to work part time with his firm in Memphis until January 2007, when he was selected by then-Governor Mike Huckabee to be a State appellate judge.

Throughout his career, Judge Miller has been no stranger to the courtroom. In addition to the positions mentioned above, he also was appointed deputy prosecuting attorney for Phillips County. In fact, between January 1999 and January 2006, Brian spent 3 days a week, every week, in the courtroom, either in his capacity as a prosecutor or on behalf of his clients. He has a reputation for being a tough but fair litigator, who is a respected prosecutor and a tireless advocate. He has received overwhelming support from the legal community all around our great State of Arkansas for his nomination.

When evaluating lifetime appointments to the Federal bench, I always carefully consider a nominee's skills, their experience, their intellect and ability to understand and ably to apply established precedent. Fundamentally, I am interested in knowing a nominee can fulfill this responsibility under the Constitution to apply the law fairly, without political favor or bias. I am absolutely satisfied Brian has met that standard.

I would be remiss, however, if I didn't also recognize Judge George Howard, Jr., who served on the bench for nearly 27 years. This is the seat Judge Miller will be taking. Judge Howard was a true pioneer. His many contributions to civil rights and to the legal community made a lasting impact on Arkansas and our Nation. I was proud to introduce legislation with Senator PRYOR last year that honored Judge Howard's legacy by naming the Federal building and the courthouse in Pine Bluffs, AR, as the "George Howard, Jr. Federal Building and Courthouse." Judge Miller certainly knows that, following Judge Howard, he certainly does have big shoes to fill, but I am confident he will serve Arkansas and this Nation with distinction for years to come.

In closing, I thank the majority leader and the Republican leader, also Chairman LEAHY and Senator SPECTER and the entire Senate Judiciary Committee for working with Judge Miller, for working with my staff and with me to move this nomination forward. We have a great opportunity in Judge Miller. He is, as I said, a tremendous judicial nominee, but he is also a great citizen. And not coming from the legal world, as many of my colleagues do, this is an occasion where I actually happen to know someone personally for one of these judicial nominations in whom I have great confidence. I have a feeling of overwhelming pride that this young man, who not only interned in my House office but grew up in the same hometown I did, could come before the Senate and be nominated and confirmed.

I thank all the staff, as I said, of the Judiciary Committee, and the majority leader, Chairman LEAHY, and Senator SPECTER. I have full faith and confidence in Mr. Miller's ability. I do encourage Members of this body to support this confirmation.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I see the Senator from Pennsylvania. I would like to ask, through the Chair, if it would be appropriate to make a few remarks about the judicial nominee from Tennessee.

Mr. SPECTER. May I inquire how much time the Senator from Tennessee would like? We are limited to no more than an hour.

Mr. ALEXANDER. Five minutes.

Mr. SPECTER. Take whatever time you need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I rise to thank and congratulate President Bush and to thank Chairman LEAHY and Senator SPECTER for bringing to the Senate floor the nomination of Tom Anderson to be a U.S. district judge for the Western District of Tennessee.

I would offer three reasons why Judge Anderson's nomination to serve as a U.S. district judge for the Western District of Tennessee is an especially worthy one and one that I hope today will receive approval by the entire Senate.

First, Tom Anderson is already a judge. In 2003, the Federal district judges of the Western District of Tennessee selected Tom Anderson unanimously as a U.S. magistrate judge following a merit process that included more than three dozen applicants.

I see the chairman of the Judiciary Committee has arrived. I would say to Senator LEAHY, I am in the midst of about a 3- or 4-minute talk about the judicial nominee from Tennessee.

Mr. LEAHY. Go right ahead.

Mr. ALEXANDER. As I said before he came, I greatly appreciate the fact that Chairman LEAHY and Senator SPECTER held a hearing, which included Tom Anderson, and that the Judiciary Committee sent his nomination to the full Senate with a favorable recommendation.

As I was saying, the first reason to support him is that he is already a judge. In 2003, the Federal district judges of western Tennessee selected Tom Anderson unanimously as a U.S. magistrate judge following a merit process that included more than three dozen applicants.

Second, Tom Anderson has been first chair on more than 200 cases tried in Federal court and has earned extraordinary respect from lawyers and judges in Tennessee. For example, Senior District Judge Tom Higgins drove more than 100 miles from Nashville to Tom Anderson's investiture ceremony as a magistrate judge in Jackson in 2003 to commend Anderson's practice as an attorney.

Judge Higgins' unsolicited appearance for Judge Anderson was considered by all those in attendance as a great compliment to Tom Anderson's professionalism. I know Judge Higgins very well, as do other members of the bar in Tennessee. If he had thought Tom Anderson would have been a bad judge and had been a less than professional lawyer, Judge Higgins would have driven 200 miles from Nashville to make a speech in the other direction. So it was an enormous compliment to Tom Anderson that Judge Higgins would have driven to Jackson and made such a speech.

So impressed was I with that speech of Judge Higgins that I am submitting a transcript of Judge Higgins' remarks from that ceremony on January 16, 2004. I ask unanimous consent that it be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Prior to serving on the bench, Tom Anderson spent nearly 20 years in private practice. In addition to his extensive litigation experience, he also served as an administrative law judge for the Tennessee Claims Commission and as an assistant commissioner for the Tennessee Department of Transportation.

Finally, although Judge Anderson has been nominated by a Republican President, he has strong support also from Tennessee Democrats. A number of west Tennessee Democrats wrote to the Judiciary Committee to urge confirmation of Judge Anderson, including State Senator Roy Herron; Charles Farmer, the former mayor of Jackson; James Strickland, Jr., the former chairman of the Memphis/Shelby County Democratic Party; Tommy Green, the chairman of the Tennessee Municipal League; and Mike McWherter, a prominent local businessman and son of former Democratic Governor Ned McWherter.

It is worth noting that Mike McWherter, who lives in Jackson, also had formed an exploratory committee to challenge me in this year's race in the Senate before deciding to spend more time with his family. So Judge Anderson's nomination is one issue that would have united both parties' candidates on the campaign trail if Mike McWherter had decided to be a candidate for the Senate.

This deep reservoir of good will for Judge Anderson in Tennessee reflects the fact that he is experienced, fair-minded, and well respected. He is also a husband and father of three who has been active in the community, including having served as a board member of the Methodist Hospital in Lexington and the Carl Perkins Child Abuse Center in Jackson, as well as helping to establish the Beech River Branch of the YMCA in Lexington and serving as its first chairman of the board.

Again, I congratulate the President, and I thank Chairman LEAHY and Senator SPECTER and the full Judiciary Committee for reporting this nomination to the floor and setting it for a vote this afternoon.

I hope the entire Senate will agree with their judgment and confirm him before Chief Judge James Todd, who has served with distinction in this position, takes senior status.

EXHIBIT 1

REMARKS OF SENIOR JUDGE THOMAS A. HIGGINS

EXCERPTED FROM TRANSCRIPT OF INVESTITURE OF J. THOMAS ANDERSON AS U.S. MAGISTRATE JUDGE WESTERN DISTRICT OF TENNESSEE

(January 16, 2004)

JUDGE TODD: Thank you, Judge Pham.

The court now recognizes a special guest. This is Judge Thomas A. Higgins. He is a senior judge in the Middle District of Tennessee in Nashville. He didn't wear his black dress today, but I can assure you that Judge Higgins is, in fact, a judge. He has helped us in West Tennessee with some of our cases, and we consider him to be an honorary West Tennesseean.

Judge Higgins.

JUDGE HIGGINS: May it please the court and ladies and gentlemen, two years ago, as Judge Todd alluded to, I was designated and assigned by the Chief Judge of the United States Court of Appeals for the Sixth Circuit to sit in the Western District of Tennessee while this court was awaiting the appointment and confirmation of a full complement of judges to the court, and I tried cases in Memphis and here in Jackson. In fact, I held court in the courtroom that is to be assigned to Judge Anderson.

During the luncheon recesses during a lengthy trial, a jury trial that I presided over here in Jackson, I would take a tour of downtown Jackson, and I made an important discovery. I learned that the gold standard for public speaking was established here in Jackson in 1831. On the north side of the Madison County Courthouse there's a marker that commemorates the fact that Davy Crockett was defeated for reelection to the Congress. He addressed the voters of Jackson and West Tennessee and told them, and I quote, "You can go to hell. I'm going to Texas." Now, that's the gold-plated standard for making public remarks.

And in that vein, I want to share with you what I wrote to Judge Todd on July the 17th when I learned that Mr. Anderson was being considered for the position of United States Magistrate Judge for the Western District of Tennessee. And I quote, "This is good news for you, the chief judge, and the judges of the United States District Court for the Western District of Tennessee and for the litigants and public at large, I know Mr. Anderson well. He is an experienced and superb lawyer and a perfect gentleman. As an advocate, he represents his clients ably and with great zeal. As an officer of the court, he is punctual in every respect. When he says something is so, it is so. If he is not familiar with the case, he will make that clear to the court and not try to bluff his way through. In sum, he is the kind of a lawyer that any judge is comfortable having around him and in the courtroom."

Now, what is the basis upon which those assertions were made? The basis is this. For a period of over ten years, I have watched Mr. Anderson's work as a lawyer in the courtroom first-hand. He has tried more jury cases before me than any other single judge.

Now, why is that, a West Tennessee lawyer? Well, he was employed by a client that would send him to close and distant places. I handle all the cases in the Columbia division of the Middle District of Tennessee, and I go to Columbia every other month to hold court on the trailer docket.

Mr. Anderson has selected as many as three juries on the same day and tried three jury cases back-to-back with three sets of clients out in the hall and three sets of witnesses. We would select one jury. I would instruct the jury and tell the jury when to come back, the following week, two or three days. We would select the second jury, and I would instruct that jury and then tell them to come back Monday or Tuesday of the following week. And we'd select a third jury and then on the selection of that third jury, we would start immediately to the trial of that case.

Now, he's a real lawyer. And he's got enormous energy and willingness to work, and I don't' believe that the court could have selected a finer lawyer with more experience. And I told Judge todd in this same letter that "I am convinced that his appointment as a magistrate judge will be received with the highest praise by his colleagues in the Western District of Tennessee." And I'm satisfied that that will prove to be the case.

Now, following the rule that Davy Crockett established, I only have this to day, Judge Todd. I congratulate the judges of the Western district of Tennessee in selecting Mr. Anderson. I congratulate Mr. Anderson upon his appointment. And I believe the expectations of the court will be fully fulfilled.

I have two other observations to make. One, there is a section in Title 28, United States Code, that makes it a high misdemeanor for any justice or judge of the United States to engage in the practice of law. I suggest to you that you ought not to touch that case topside or bottom. It's the only offense under federal law that is characterized as a high misdemeanor. And it's obvious that the Congress intended to make it an impeachable offense for a justice or judge to engage in the practice of law.

And the last observation is to enjoy today. Take in all the applause. Soak it up and enjoy the day. There's a lot of misery ahead of you. There are going to be a lot of restless nights, and there won't be another day like this until your portrait is presented. So make the best of the day.

Thank you, Judge.

JUDGE TODD: Thank you, Judge Higgins.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to thank my good friend, the Senator from Tennessee. As the Senator knows, he came to chat with me about this nominee. I was not aware of him. But as soon as he did, I pulled the file, looked at him, and I think we put him on for a hearing very shortly thereafter.

I thank the Senator from Tennessee. I have respected his opinion and his views for years, whether he was in the Cabinet or here, and was happy to in this case. I also wish to thank him for the kind words he said about me, as well as those of Senator ISAKSON and Senator LINCOLN and Senator PRYOR.

Mr. President, I have a longer statement to make, but I understand the distinguished Republican leader wishes to speak.

I ask unanimous consent that I yield to the distinguished leader without losing my right to the floor, if that is agreeable to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

POST-PETRAEUS WRAP UP

Mr. McCONNELL. Mr. President, Americans were vividly reminded this week that, as our Nation struggles to help Iraq on its way to becoming a stable country that can defend itself and be an ally in the war on terror, we are fortunate to have men like Ambassador Ryan Crocker and Gen. David Petraeus representing us in Baghdad. Their commitment, determination, and skill in seeing America's interests promoted and preserved remind us that public service is a high calling, and that good men and women are still answering that call in heroic ways.

Ambassador Crocker and General Petraeus outlined to the Congress and the country the complex challenges they confront every day in advancing our strategic interests in the Persian Gulf. Their patience and professionalism in doing so was commendable. And it was an important reminder to all of us that the men and women serving in Iraq are well led.

We were reminded this week that less than a year after the counterinsurgency plan went into full effect, the security situation in Iraq has improved dramatically. Overall violence is down. Civilian deaths are down. Sectarian killing is down. Attacks on American forces are dramatically down. And, as a result of all this, General Petraeus was recently able to recommend to the President that our forces be drawn down to the pre-surge level of 15 brigade combat teams by July of this year.

None of us should underestimate the complexity of managing this drawdown. The logistical challenges involved in transporting soldiers and equipment safely and in large numbers are immense, as are the operational challenges involved in repositioning the remaining force in a way that keeps pressure on al-Qaeida in Iraq while continuing to protect the Iraqi people. But neither should we underestimate the impact the surge has had in delivering security gains, allowing for a responsible drawdown of thousands of U.S. servicemembers, and in allowing for the transition of our mission in Iraq, a transition that has already begun.

As part of this ongoing transition, the President announced earlier today that he has accepted General Petraeus's recommendation to allow for a 45-day period of evaluation and consolidation once the drawdown of surge brigades is complete.

Encouragingly, the President also announced that Admiral Mullen and Secretary Gates will now be able to reduce the tour lengths of soldiers deploying to Iraq from 15-month to 12-month periods. This change in policy will increase the amount of time our soldiers and marines are able to spend at home between deployments, a welcome and richly deserved acknowledgment of the service and sacrifice of the greatest fighting force on Earth.

As U.S. soldiers and marines return home, they can be proud of the work they have done these last months. In addition to a decrease in violence, U.S. forces have paved the way for a corresponding increase in the size and the scope of the Iraqi Security Forces.

This so-called "surge" of Iraqi Security Forces is three to four times larger than our own: the Iraqi Army has ballooned by more than 100,000 over the last year alone, and its ranks continue to expand. And local volunteer forces, the so-called "Sons of Iraq," have swelled to nearly 100,000, a key factor in improved security at the provincial level. Their integration into the Iraq Security Forces is an important next step.

Young Iraqis are signing up to join local police forces, to protect the Iraqi border against incoming foreign fighters, and for special operations that will allow the Iraqis to track and kill high value terrorist targets on their own.

These are all encouraging signs. And we are also encouraged by the political progress in Iraq. Though significant political benchmarks remain unmet, progress on other significant benchmarks that seemed far off just a few months ago is underway.

The Iraqi Government is also beginning to show a new and welcome willingness to shoulder more of the financial burden for their own security and development. Iraq has committed, for instance, to gradually assume the salaries of the Sons of Iraq. And the Iraq C-130 planes that were used to shuttle forces and supplies to Basra over the last 2 weeks were built, of course, right here in America.

Overall, Iraq now covers three-fourths of the cost of its security forces. And we can now realistically expect the Iraqis at some point to assume the full cost of their own security.

On the development side, the Iraqis are also on a path to self-sufficiency. As of last month, Iraq had purchased more than $2 billion of goods and services from the U.S. The most recent Iraqi reconstruction budget vastly outspends the United States. And slowly but surely, Iraq is approaching total financial control over large reconstruction projects.

As the Iraqis take over more of their own needs, Congress can help accelerate their path to independence by passing a supplemental appropriations bill that has been on request now for more than a year.

Our friends on the other side are rightly concerned about military readiness. I share their concern. But the best way to ensure the military's readiness is not to scrap a plan that has been working in Iraq. The best way to ensure readiness is for Congress to quickly approve the Defense supplemental, without arbitrary withdrawal dates, and without nonsecurity spending. We also need to pass the regular DOD appropriations bill.

General Petraeus and Ambassador Crocker reminded us this week that progress in Iraq is fragile and reversible, that much hard work lies ahead. We are encouraged by the advances they detailed, but we are also sobered by the continuing short- and long-term challenges to our interests in the Persian Gulf. We can't lose sight of the need to meet these challenges.

We need to help Iraq defend itself against Iranian-backed special groups as part of a broader effort to check Iran's apparent desire to dominate the gulf. And, in the best traditions of U.S. foreign policy, we must continue to deal with the sad effects that decades of neglect by Saddam Hussein have visited on the Iraqi people.

General Petraeus and Ambassador Crocker were clear about the challenges we face. But they outlined a plan for continued progress that is backed up by their achievements so far. They, and the Americans they are fortunate to lead in Iraq, have brought us a good distance from where we were just 1 year ago. And this week they charted a realistic course moving forward. Now it is time for the Senate to demonstrate the same commitment and professionalism as these two men, by giving our forces in the field what they need.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the nomination of Judge John A. Mendez to the U.S. District Court for the Eastern District of California.

Let me begin by explaining the urgency of filling this judgeship. Simply stated, the Eastern District of California is in a crisis. In 2005 and 2006, the district had the highest number of case filings in the Nation. In 2007, the district ranked second out of all 94 Federal judicial districts in the number of new cases filed.

Regrettably, the bench in the Eastern District has been understaffed throughout this period of heavy case filings. A temporary judgeship in the district expired in 2004 because the Congress failed to extend it. As a result, average caseloads in the Eastern District increased by 18 percent from 2004 through 2006, even as average caseloads nationwide declined.

In this Congress, I am pleased to be a cosponsor of S. 1327, which would recreate the temporary judgeship in the Eastern District. The bill has already passed the Senate and is currently pending in the House. I am also a cosponsor of S. 2774, which would create new judgeships to meet the needs of California and other States throughout the Nation.

In addition to creating new judgeships, we clearly need to fill the judgeships that already exist in the Eastern District. Judge John Mendez is the nominee for a seat that was vacated in June 2007.

Judge Mendez is a native Californian and is currently a judge on the Sacramento County Superior Court. He was born in Oakland and graduated with distinction from Stanford University, with a degree in political science. He went on to earn a law degree at Harvard Law School.

After law school he returned to California and worked in private practice in San Francisco from 1980 to 1984. From February 1984 through July 1986, Judge Mendez served as an assistant U.S. attorney in San Jose. He was assigned to the Criminal Division in the U.S. Attorney's Office and became a specialist in criminal law and procedure.

In 1986, Judge Mendez moved to Sacramento and returned to private practice. He focused on civil litigation and business litigation and rose to become a partner at the law firm of Downey, Brand, Seymour & Rowher.

Judge Mendez was appointed as U.S. attorney in San Francisco in 1992, the final year of George H.W. Bush's Presidency. He served as U.S. attorney for 1 year and was personally involved in major civil litigation and a criminal appeal in the Ninth Circuit Court of Appeals.

After leaving the U.S. Attorney's Office, Judge Mendez was of counsel to the law firm Brobeck, Phleger & Harrison in San Francisco from 1993 to 1995. In the summer of 1995 he returned to Sacramento and joined the firm of Somach, Simmons & Dunn as a shareholder. His practice included complex commercial and environmental litigation and white-collar criminal defense work, as well as counseling clients on regulatory compliance.

Gov. Gray Davis recognized his potential as a judge in 2001 and appointed him to the Sacramento County Superior Court. Judge Mendez was elected to retain that position in 2002 and continues to serve as a superior court judge today.

In addition to his service to the State of California, Judge Mendez has served the legal profession through leadership positions in the Hispanic National Bar Association and the Sacramento Chapter of the Federal Bar Association.

In California we have developed a bipartisan process for selecting Federal district court nominees. Under this system a committee of lawyers known as the Parsky Commission, which includes Democrats and Republicans, recommends qualified applicants to the President.

I am proud of this system and pleased to report that Judge Mendez was recommended unanimously by the Parsky Commission to be nominated as a Federal district judge. By all accounts, he would make an excellent addition to the Federal bench in Sacramento.

I urge all of my colleagues to vote in favor of Judge Mendez.

Mr. COCHRAN. Mr. President, it is my pleasure to support the nomination of Judge Catharina Haynes to the United States Court of Appeals for the Fifth Circuit. She is a very well-qualified and capable nominee to serve on the Fifth Circuit Court of Appeals which hears appeals from the Federal District Courts of Louisiana, Mississippi, and Texas.

Judge Haynes has extraordinary academic credentials. She graduated first in her class with a degree in psychology from the Florida Institute of Technology at age 19, and she then finished second in her class at Emory University School of Law at age 22. While in law school, she also served on the Emory Law Journal.

Since graduating from law school, Judge Haynes has compiled a distinguished record in private practice and as a State court judge.

In 1998, Judge Haynes was elected to be a district court judge in Dallas, TX. Four years later, she was reelected to that same position. While she was running for reelection, the Dallas Morning News endorsed her and said of her: "(She) has energy, intelligence and a strong commitment to the law." They further added, "She runs a fair, efficient court."

While working as a trial court judge, Judge Haynes presided over 190 jury trials and approximately 100 bench trials. She was able to dispose of over 7,000 cases related to a full range of civil topics including complex commercial disputes, commercial litigation, insurance issues, personal injury, intellectual property matters, and employment disputes.

Having recently concluded her time as a Dallas District Court Judge, Judge Haynes returned to private practice at the well-regarded national law firm of Baker Botts, LLP, where she is a partner working in the litigation department.

While in private practice Judge Haynes has handled a wide range of complicated cases in before both State and Federal court. She has also argued cases before the Fifth Circuit Court of Appeals, the court to which she is nominated.

Judge Haynes has been heavily involved with the local bar associations and has volunteered extensively in the community.

Judge Haynes has received numerous awards and professional honors, including the 2006 State Bar of Texas Presidential Commendation, 2006 Florida Tech Alumni Association Outstanding Achievement Award, 2004 Dallas Women Lawyers Association Louise B. Raggio Award, 2003 Dallas Women Lawyers Association Outstanding Board Member Award, and 1996 and 2002 Dallas Bar Association Jo Anna Moreland Outstanding Committee Chair Award.

Her commitment to public service will serve her well on the Fifth Circuit and will reflect credit on the Federal judiciary.

Mr. President, I am pleased the nomination of Catharina Haynes to the United States Court of Appeals for the Fifth Circuit is being confirmed today by the Senate.

Mr. CARDIN. Mr. President, I rise in opposition to the nomination of Catharina Haynes to be a U.S. circuit judge for the Court of Appeals for the Fifth Circuit.

As a member of the Judiciary Committee, I have carefully reviewed Judge Haynes's confirmation hearing record. I asked Judge Haynes several questions in writing after her confirmation hearing in February. I voted against her nomination in the committee last week, and I want to explain to my colleagues my reasons for voting against her today.

Let me begin by saying that I do admire Judge Haynes's commitment to public service. She was elected to the bench in 1999 as a judge, 191st Judicial District Court, in Dallas County, TX. She was reelected to the bench in 2002 and lost her reelection bid in 2006. She now serves as a partner at Baker, Botts in Dallas, TX.

However, no one is entitled to a circuit court judgeship. In the vast majority of cases, these courts are the final law of the land for the States in their circuit when it comes to interpreting complex Federal statutes and our Constitution. These judges have lifetime appointments and are second only to Supreme Court Justices in terms of their power and authority.

In reviewing her background, experience, confirmation hearing record, and her written responses to additional questions I posed to her, I am not convinced that Judge Haynes is qualified for this position.

I start with the starkest fact about Judge Haynes's record: By her own admission, Judge Haynes has never written a single judicial opinion. In response to the Judiciary Committee questionnaire asking for her opinions as a judge, she stated that she had none. She wrote that "[a]s a state district judge in Texas, I wrote orders (a few with explanations), jury charges and findings of fact/conclusions of law, but I did not write 'published opinions' or 'unpublished opinions'."

A nominee for circuit court judge should have experience in writing substantive judicial opinions. Judge Haynes does not have this requisite experience.

Judge Haynes, by her own admission, has very little experience with criminal cases. According to her response to our committee questionnaire, she stated that her percentage of practice in civil proceedings was 100 percent, and the percentage of her practice in criminal proceedings was 0 percent. She also responded that as a judge in Dallas County, TX, she heard civil cases, and her docket included almost exclusively civil cases.

A nominee for circuit court judge should have broad experience in both criminal and civil cases. Her lack of any meaningful criminal law experience does not give me confidence that she has a sufficient understanding of the criminal justice system and the rights of defendants.

Judge Haynes, by her own admission, did not write opinions. Rather, she wrote orders. Given that circuit court judges are often the final say on the law of the land in a given circuit—due to the low rate of granting certiorari by the Supreme Court—a circuit court judge has an unusual amount of authority and decisionmaking power.

We do not have any meaningful track record on which to judge Judge Haynes's views on substantive legal issues such as civil rights, civil liberties, worker's rights, reproductive freedom, environmental protection, consumers' rights, employees' rights, or separation of powers.

Judge Haynes does not meet my test for Federal judicial nominees since she does not have the requisite experience for a Federal appellate judge.

Finally, I want to talk about diversity. The U.S. Court of Appeals for the Fifth Circuit, which includes Mississippi, Louisiana, and Texas, presides over the largest percentage of minority residents, 44 percent—which includes African-American and Latino citizens—of any of the regional circuit courts of appeal in the country outside of Washington, DC. Mississippi has the highest African-American population—36 percent—of any State in the country. Louisiana has the second largest African-American population—32 percent—of any State in the country. It is disappointing that none of President Bush's nominations to the Federal bench in this circuit were African Americans. Only one of the Federal judges that now sits on the Fifth Circuit is African American.

As Chairman LEAHY stated at Judge Haynes's confirmation hearing, it was the Fifth Circuit judges who took a lead role in tearing down Jim Crow society in the South and in implementing the Supreme Court's decision in Brown v. Board of Education in 1954. Indeed, the best known of these judges were four judges called the "Fifth Circuit Four" or simply "The Four" by opponents of civil rights, in a reference to the Four Horsemen of the Apocalypse. Burke Marshall, the Assistant Attorney General for the Civil Rights Division under President Kennedy, told The Nation in a 2004 interview that "those four [Fifth Circuit] judges, I think, have made as much of an imprint on American society and American law as any four judges below the Supreme Court have every done on any court . . . If it hadn't been for judges like that on the Fifth Circuit, I think Brown would have failed in the end." The Brown decision and its progeny paved the way for equality in transportation, employment, and so many other areas in the South. The Fifth Circuit decisions on civil rights issues in the 1950s and 1960s affirmed by the Supreme Court helped to lay the groundwork for Congress to enact national legislation to prohibit discrimination throughout the United States, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Mr. President, I recall the history of the Fifth Circuit because I want to impress upon my colleagues the importance of this circuit in the history of the country and the importance of this circuit today. We are still struggling today to guarantee civil rights to Americans today regardless of race. Too many Americans are still disenfranchised and unable to vote due to deceptive campaign practices targeted at scaring away minority voters. Too many Americans still face employment discrimination or unequal pay. Too many Americans are still treated differently because of the color of their skin.

These judges serve for lifetime appointments and will decide some of the most fundamental legal and constitutional questions for the Fifth Circuit residents in Mississippi, Louisiana, and Texas. I am not convinced that Judge Haynes has either the experience or the proven track record on protecting civil rights and equal rights under the law for this position.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER. There is 1 hour 43 minutes.

Mr. LEAHY. How much time remains on the other side?

The PRESIDING OFFICER. There is 99 minutes 53 seconds.

Mr. LEAHY. That is close enough; almost 100.

Mr. President, today the Senate turns to the consideration of another nomination for a lifetime appointment to the Federal bench—Brian Stacy Miller for the Eastern District of Arkansas. Judge Miller currently serves as a State appellate judge on the Arkansas Court of Appeals. He previously served as city judge in Holly Grove, AR, was a deputy prosecuting attorney for Phillips County, AR, and worked for several years in private practice.

With this nomination, we continue our work toward building a more representative Federal judiciary. I am pleased that, when confirmed, Judge Miller will be the 88th African-American currently serving on our Federal bench and the 74th African-American serving as a district court judge.

I thank Senators PRYOR and LINCOLN for their consideration of this nominee, and I thank Senator FEINSTEIN for chairing the hearing on this nomination. I congratulate the nominee and his family on his confirmation today.

Today the Senate also considers another nomination for a lifetime appointment to the Federal bench—Stanley Thomas Anderson for the Western District of Tennessee. Judge Anderson is currently a magistrate judge for the Western District of Tennessee. He previously worked in private practice as the founder and owner of Anderson Law Firm in Jackson, TN.

He served as a claims commissioner for the State of Tennessee Department of Treasury and as assistant commissioner for the Tennessee Department of Transportation. I acknowledge the support of Senators CORKER and ALEXANDER for this nomination. I congratulate the nominee and his family on his confirmation today.

Another nomination for a lifetime appointment to the Federal bench is that of James Randal Hall for the Southern District of Georgia. Mr. Hall is currently a partner at the Augusta, GA, law firm of Warlick, Tritt, Stebbins & Hall.

He previously worked as corporate vice president and legal counsel for Bankers First Corporation and worked in private practice for several other Georgia law firms. Mr. Hall held the distinction of serving the people of the 22nd District of Georgia as a State senator.

I acknowledge the support of Senators CHAMBLISS and ISAKSON and thank Senator FEINSTEIN for chairing the hearing on this nomination. I congratulate the nominee and his family on his confirmation today.

Then we turn to the consideration of yet another nomination for a lifetime appointment to the Federal bench—the nomination of John A. Mendez for the Eastern District of California. Judge Mendez currently serves as a judge on the Sacramento County Superior Court. He previously served as the U.S. attorney for the Northern District of California and worked in private practice.

With this nomination, we continue our work toward building a more representative Federal judiciary. I am pleased that, when confirmed, Judge Mendez will be the 58th Hispanic judge currently serving on our Federal bench and would become the only currently active Hispanic judge in the Eastern District of California.

I thank Senators FEINSTEIN and BOXER for their support of this nomination. I congratulate the nominee and his family on his confirmation today.

Mr. President, the Senate makes significant progress today by confirming yet another appointment to one of our important Federal circuit courts as well as four lifetime appointments of Federal district court nominations. The circuit court nomination we are considering is that of Judge Catharina Haynes of Texas. Her confirmation will fill the very last vacancy on the important court of appeals for the Fifth Circuit, but it is also a vacancy that has been listed as a judicial emergency.

I acknowledge the support of Senator CORNYN and his work with me to schedule her nomination. Senator CORNYN had the time to sit down and explain why she was important and brought her to my attention and helped me report it from the Judiciary Committee last week. I imagine Judge Haynes' first phone call if confirmed this afternoon, as I expect, will be to Senator CORNYN to say thank you.

Despite the progress we continue to make and will make today, some of the rhetoric from the other side of the aisle suggests that judicial confirmations is the most pressing and unsatisfied need facing our country. Now with an economic recession facing Americans, many would say already here, the massive job losses this year, and the home mortgage foreclosures and credit, any partisan effort to create an issue over judicial confirmations is greatly misplaced, and the American people can see through that facade.

The recent job loss reports from the Department of Labor are dramatic. In the first 3 months of this year the U.S. economy lost 232,000 jobs. March marked the greatest loss of jobs during 1 month in at least 5 years. Instead of adding the 100,000 new jobs we would need each month to prevent unemployment from rising further, we have experienced 3 months in a row of significant job losses. This year alone we are already half a million jobs behind where we need to be just to stay even and not lose economic ground.

Yet last week when I convened the Judiciary Committee to make progress on bills to help homeowners in bankruptcy and to improve the False Claims Act to better target fraud, the priority of the Republicans was none of these important legislative issues. Instead, they engaged in a back and forth on judicial nominations. This administration is apparently more worried about the jobs of a small handful of controversial nominees—many, incidentally, who are not supported by their home State Senators—than they are about the jobs and lives of hundreds of thousands of Americans. With that massive loss of jobs, the Nation's unemployment rate has risen dramatically to over 5.1 percent.

Let's take a look at where we are now. This is what has happened in this Presidency. Unemployment has gone up more than 21 percent during this Presidency. The price of gas has gone up more than 132 percent during the Bush Presidency. The number of uninsured has gone up 11 percent during the Bush Presidency. The budget deficit has increased $590 billion, going from a quarter of a trillion dollar surplus to a $354 billion deficit. The trade deficit has gone up 87 percent. All these things have gone up during the Bush Presidency. Meanwhile, judicial vacancies have gone down 46 percent, from 9.9 percent to 5.3 percent. And a lot of that, a significant part of that, happened during a time when Democrats were in charge.

Just think about that. Now it costs more than a billion dollars a day to pay down the interest on the national debt and the massive cost of the disastrous war in Iraq. Think about that, if you hear in your State you have a bridge that is somewhat dangerous but they can't afford to fix it. Think about that in your State, when you are told that Federal dollars to help law enforcement protect Americans from crime is no longer there because we have to send the money to the Iraqi police force, a police force that cannot account for thousands of the weapons that we gave them until some of them end up shooting at Americans. But somehow that money has to go to fix up Iraq, and we do not have it to fix up America. It has to go to Iraq while we are paying almost $4 a gallon for gasoline, and Iraq has a huge budget surplus from $100-a-barrel oil. They ask us to pay for the reconstruction, and to pay for it, we take the money from reconstructing America. That is a billion dollars a day, $365 billion this year that could be better spent not on Iraq but on priorities such as health care for all Americans, better schools, fighting crime, treating diseases at home and abroad.

In contrast, one of the few numbers going down as the President winds down his tenure is that of judicial vacancies. Judicial vacancies are less than half of what they were during the last Democratic administration, when the Republican majority in the Senate chose to stall consideration of scores of nominees and maintained these vacancies, when they pocket filibustered over 60 of President Clinton's nominees. They succeeded in doubling the number of circuit court vacancies during those years and those vacancies rose to a high of 32 with the resignations that accompanied the change of administration.

By contrast, Democrats have helped reduce circuit court vacancies across the country to as low as 13 in 2007. That is going to be the number of remaining circuit court vacancies today, after the confirmation of Judge Haynes. So that is half of what they were at the end of the last Democratic administration, when a Republican-led Senate was in charge.

During the last Democratic administration, the Republican chairman of the Judiciary Committee argued that the 103 vacancies that then existed did not constitute a vacancy crisis. I guess he meant that when you had a Democratic President, it was not a crisis. He also argued on numerous occasions that 67 vacancies meant full employment on the Federal courts, if you had a Democratic President. After today's confirmation, the Administrative Office of U.S. Courts will list 47 vacancies. That is 20 below what Republicans used to deem full employment, below half. We have cut in half the vacancy level they felt was appropriate for a Democratic administration. In the 17 months I chaired the Judiciary Committee during President Bush's first term, we acted faster and more favorably on more of this President's judicial nominees than any 17 months and either of the Republican chairmen who succeeded me.

During those 17 months the Senate confirmed 100 judicial nominations. When I reassumed the chairmanship last year, the committee and the Senate continued to make progress with the confirmation of 40 more lifetime appointments of judges to our Federal courts. That is more than were confirmed during any of the 3 preceding years under Republican leadership and certainly more than were confirmed in 1996, 1997, 1999, and 2000. What is the difference? A Democratic-led Senate did a lot better for a Republican President than a Republican-led Senate did for a Democratic President.

During this Presidency, while I have served as Judiciary chairman, the Senate will have proceeded after today to confirm 145 lifetime appointments in only 3 years, compared to 158 during the more than 4 years of Republican control. When the Senate confirms Judge Haynes today—here we are in April—we will have surpassed the total number of circuit judges confirmed by Republicans during the entire 1996 session. It was easy to do because a Republican majority refused to confirm even one of President Clinton's circuit nominees, not one. Indeed, the first confirmation of any judge that session didn't even take place until July 10, and that was a district court. So we are also 3 months ahead of the schedule followed by the Republican leadership during that presidential election year.

Some will undoubtedly repeat the partisan Republican talking point that the Senate must confirm 15 circuit judges for Congress to match a mythical statistical average of selected years. God love those mythical statistical averages. It is sort of like the man who puts one foot in boiling water and one foot in a block of ice and says: On average, I am pretty darn comfortable.

Well, it is true that during the last 2 years of this President's father's term, with a Democratic-led Senate, we confirmed an extraordinary number of circuit nominees: 20. It is true that during the last 2 years of the Reagan administration, a Democratic-led Senate confirmed 17 circuit court nominees. So what they are saying is, if we are going to use an average, we are going to use an average only when the Democrats are in charge.

Maybe it would be different if after we set those high records—Democrats with a Republican President—that even a little bit of that had been reciprocated. Well, it was not. Instead, the Republican-led Senate, with a Democratic President, made sure that judicial vacancies skyrocketed to historic levels. It actually got to the point that Chief Justice Rehnquist, a conservative Republican, weighed in publicly to criticize the Republican-led Senate.

Republicans do not talk about what they did. I do not believe they can bear an accurate comparison of what we have accomplished and what they did not.

So I wonder when the Republican leader and others who come to the floor with accusations about slow-walking nominations will explain their roles during the Clinton years—especially the over 60 they pocket filibustered, something joined by every Republican member of the Senate Judiciary Committee.

Why was it that during the 1996 session—the end of President Clinton's first term—the Republican-led Senate refused to confirm a single circuit nomination?

Why was it that Bonnie Campbell, the former attorney general of Iowa, who was supported by both Senator HARKIN, a Democrat, and Senator GRASSLEY, a Republican, was never even allowed to be considered by the Judiciary Committee, to say nothing about the full Senate, after her hearing?

Why was it that Kent Markus, of Ohio, a law professor, a former high-ranking Department of Justice official, who was supported by both his home State senators—both Republicans, incidentally—was never considered by the Judiciary Committee or this Senate?

Why was it that so many circuit vacancies were left without any nominees considered during the last years of the last Democratic administration when Republicans controlled the Senate?

I remember one. When I asked them about that one, they said: Well, we can't have her. We are not sure of her qualifications. That nominee is now the dean of the Harvard Law School—one of the most prestigious legal positions in America.

So Republican Senators have many questions to answer before they level accusations of any kind. To any objective observer, the answer is clear. The Republican Senate chose to stall consideration of circuit nominees and maintain vacancies during the Clinton administration in hopes they would have a Republican Presidency. Vacancies rose to over 100. Circuit vacancies doubled. But as soon as a Republican President was elected, they sought to turn the tables and take full advantage of the vacancies they prevented from being filled. Well, they have been extraordinarily successful. Currently, more than 60 percent of active judges on the Federal circuit courts were appointed by Republican Presidents, and more than 35 percent have been appointed by this President.

Another way to look at their success and compare the better treatment shown to this President is to observe that the Senate has already confirmed more than three-quarters of this President's circuit court nominees, compared to only half of President Clinton's circuit nominees confirmed by a Republican-controlled Senate.

Now, as chairman of the Judiciary Committee, I have turned the other cheek. I have worked hard to improve the treatment of nominees. To make progress, I even chaired the Judiciary Committee's hearing on the circuit nomination before us today during a congressional recess. I said that we would treat this President's nominees more fairly than the Republicans treated President Clinton's, and we have. We have not pocket filibustered more than 60 of this President's judicial nominees, as was done to President Clinton's nominees. We have not opposed them in secret or anonymously. In fact, during my chairmanship, the views of home State senators, as reflected in the "blue slips" submitted to the committee, were made public for the first time. No more secret holds. We did not allow that. We have considered nominations openly and on the RECORD. We have proceeded with consideration of nominees whom I opposed, something that never happened under previous Republican leadership. If the Republican chairman opposed them, they never even got a consideration.

I am glad we have Judge Haynes here because if she is confirmed, then the Fifth Circuit will have no vacancies. I was almost worried whether she would get here.

Even though she was already on the Judiciary Committee's agenda, she appeared at a political, partisan function at the White House, where they were demanding that she be put on the agenda. Of course, she was already there. It had been noticed for a couple days. Then, when we were set to vote on her last week, Republicans almost filibustered her nomination. They talked so much, we virtually ran out of time, and I had to keep this committee in an extra 10 minutes; otherwise, she would not have been confirmed. It was then that I realized what was happening—just like in February, when they refused to show up and make a quorum throughout the whole month of February. If they had shown up, we would have passed out a number of judges. But they were planning to give speeches saying we are not passing out judges, so they would not show up to make sure that happened.

Mr. CARDIN. Mr. President, will the chairman yield?

Mr. LEAHY. Mr. President, I will yield without losing my right to the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. I thank the chairman.

I say to the Senator, I want to compliment you for the fairness in which you have conducted the confirmation process. It is interesting, on the most controversial nominee we had, the vote was delayed at the request of the Republicans.

Mr. LEAHY. That is right.

Mr. CARDIN. We were prepared to vote. They wanted more time in order to get enough support to get that nominee out of the committee.

Mr. LEAHY. If the Senator will yield, they asked me several times, over a period of several weeks, to delay the vote.

Mr. CARDIN. I say to the Senator, I think you have been abundantly fair in scheduling these hearings. You mentioned Judge Haynes's confirmation. I happen to oppose that nomination, but I have made no efforts at all to delay the consideration of that nomination, which has been true, I think, of all the members on our side.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Maryland, who has been a tremendous help and a key member of our committee.

As I said before, if Judge Haynes is confirmed today, the Fifth Circuit will have no vacancies. We have proceeded despite the fact that 12 of the 16 active judges on this court have been appointed by Republican Presidents. I did this notwithstanding the fact that Republicans blocked President Clinton's nominees. Judge Jorge Rangel, of Texas, Enrique Moreno, of Texas, and Alston Johnson, of Louisiana were all blocked. They were told they could not even have hearings because it was a Democratic President. We have not done that. Every one of these circuit court nominees has had a hearing and a vote. In fact, I have held hearings on all six of the Fifth Circuit nominees of this President during my chairmanship. With today's vote, the Senate will have voted on all of them.

Just understand this: Republicans would not hold hearings on President Clinton's nominees to that circuit. I have held hearings on them, and we have voted on them all. And we will hear these crocodile tears on the other side that: Oh, woe is me, we are not getting any circuit judges. Well, most of the time I have ignored it because it has been such balderdash that it is hard to think that anybody would believe it. But just in case somebody has been fooled by it, I thought we would put the numbers in the RECORD.

In fact, vacancies on the Fifth Circuit are at an alltime low—zero after today. Contrast this with the situation during the Clinton years, when the Chief Judge of the Fifth Circuit declared a circuit emergency because Republicans were pocket filibustering all of President Clinton's nominees. That circuit-wide emergency was due to multiple, simultaneous vacancies caused by the fact that the Republican-led Senate would not act on the nominees of a Democratic President.

Mr. President, I ask unanimous consent that, without losing my right to the floor, I be allowed to yield to the distinguished majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I so appreciate my friend yielding for me to say a few words prior to these votes starting. Mr. President, if there is inadequate time, I will use my leader time. I think we do have an hour left on our side, so I think we have plenty of time. Is that right?

The PRESIDING OFFICER. There is 1 hour 20 minutes remaining.

Mr. REID. Mr. President, the judge situation with me is very touchy. I have written a book. It will be coming out in a few weeks. In that book, I have said—and as I have said a number of times on the floor—the most important issue I ever worked on in all my political career is when the Republicans tried to turn the Constitution upside down with their so-called nuclear option. To think that they would throw away basically having the Senate be the Senate. But they were willing to do that until seven courageous Democrats and seven courageous Republicans stepped in and said: Enough is enough.

The person who has gotten all the abuse on our side is not me, not Senator Daschle; it has been the Senator from Vermont, Mr. LEAHY.

I want to do everything I can to process judges. I believe in quality, not quantity. We are going to do the very best we can. We have a majority. It is very thin. We are going to treat the minority very fairly, as has been indicated in what my friend, the distinguished chairman of the committee, has said.

I commend Chairman LEAHY for his work, not these last few months during this year, not last year, but for his entire career in the Judiciary Committee, as the chairman and ranking member, which I have been able to watch up close. He has done a remarkably good job under very difficult circumstances. How he was treated when he was in the minority is something the history books will recount as some of the low days of the history of this institution.

Senator LEAHY and I decided that it is not payback time. We were going to do to the Republicans what they did not do to us: treat them fairly. We have done that.

My friends have criticized the chairman for the pace of judicial confirmations in this Congress. There is a Yiddish word for those Republican complaints: "chutzpah." What they have complained about is absolutely without any foundation or basis—in fact, the gall to have them do that.

Now, Mr. President, during the years President Clinton was sending judicial nominations to the Republican-controlled Senate, more than 60 qualified nominees were denied floor votes. The chairman referred to them as pocket vetoes. Many were even denied a committee hearing. In 1999, more than 6 months went by before Chairman HATCH agreed to process any judicial nominations.

As I have said many times, we should not hold a grudge. We are not doing that. We should not live in the past. But as a result of the Republican tactics during the Clinton years, some of the vacancies President Bush wants to fill are illegitimate vacancies—the seats are only vacant because the Senate unreasonably withheld its consent to President Clinton's nominations. Republican complaints about the current process must be considered in that light.

For example, one Clinton nominee—and there were lots we could use as examples and talk about here—One Clinton nominee, a distinguished Missouri Supreme Court justice named Ronnie White, was defeated on a party-line vote after Republicans accused him of being pro-criminal. Pro-criminal. How do you like that? Another nominee, Elena Kagan, is now the dean of the

Harvard Law School. I don't know if Harvard is the best law school in the country. I don't know if Yale is the best law school in the country. I don't know if Stanford is the best law school in the country. But Harvard is a really good law school, and she is the dean of that law school. She was even denied a hearing because the Republicans claimed the court to which she was nominated didn't have enough work to do. How about that?

So without going on more, other than to say the Republican record as to how it processed Clinton's nominees is dismal. Complaints about Chairman LEAHY should ring hollow, to say the least.

The fact is, 140 of President Bush's judicial nominations—90 percent of them—have been confirmed in the years the Democrats have been in control of the Senate. Last year the Senate confirmed 40 judges, more than during any of the 3 previous years with the Republicans in charge.

After we confirm Catharina Haynes today, more than 75 percent of President Bush's court of appeals nominations will have been confirmed. In contrast, during the 8 years that President Clinton was President, they confirmed 50 percent. So if we stop right now, we would be 25 percent ahead of them at the end of this year.

Well, we are not going to stop now; we are going to try to process more of these nominations. Our treatment of President Bush's nominees has been more than fair and fully in keeping with the Senate's constitutional duty to provide advice and consent to Presidential nominees.

The Republican leader, my friend—I know how much he cares about these judges—talks about the fact that there has been some kind of an agreement that we would confirm 15 of the President's court of appeals nominees in this Congress. We are going to do our very best to process nominations. But it would be a good idea—and we could process a few more—if the Republicans on the Judiciary Committee would show up at the hearings that the chairman holds so he could have a quorum.

Chairman LEAHY and I are not making any specific numerical commitment on behalf of Democrats. I said in a floor statement last May 10 that we should measure the quality of nominees, not the quantity of the nominees. We should confirm mainstream, capable, experienced nominees who are the product of bipartisan cooperation. But we should not confirm nominees who are out of the mainstream and who are unacceptable, for example, to the home State Senators.

The judicial confirmation process has been the subject of much acrimony over the years. I talked about it a little bit earlier. To think what the Republicans were going to do. It is hard for me to comprehend that they were willing to do that, but they were. Senator LEAHY and I have worked hard to diffuse those tensions, and I think we have done a pretty good job. We have done it because we believe there are judges who need to be confirmed. We believe the confirmation of five judges today is another step in that process.

I was so disappointed—and I expressed this privately to the Republican leader today—we bring to the floor five nominees today, and they spend all morning beating up on you. It is kind of a strange world we live in here. Why did they have to do it today? What does that show?

We moved forward on these. We could have done two of them today, and a lot of the Members would be happy. But if we didn't do them all today—it is going to take a lot of time but we decided, let's do these. It is a showing of good faith. I am the one who talked to the chairman of the committee and said let's do them all. All they do is come out and beat the daylights out of him all day.

Mr. LEAHY. Mr. President, would the Senator yield?

Mr. REID. Yes.

Mr. LEAHY. No. 1, I can't tell my dear friend from Nevada how much what he has said has meant. He has told me similar things in private as well as in public. He and I have been close friends for well over 20 years, and he knows of my huge respect and affection for him.

I chuckled as he put his finger on the issue, as he always does—the man from Searchlight shines the light on what happens—and talked about this kabuki show we saw this morning on the floor, criticizing me especially for moving judges. It kind of reminds me of what happened in February where we had markups to confirm judges and the Republicans would not show up. We wondered, why wouldn't they show up for their own judges? Why wouldn't they show up when they were given a chance to get out these judges? And then I find out. They were all giving speeches saying it is terrible we are not getting out judges. Well, if they had shown up, of course, the speeches could not be given. It is kind of damned if you do and damned if you don't.

I said when I became chairman the first time and again the second time I would not do to them, or to President Bush, what they did to President Clinton and to us, and I have not. I do not intend to. I told the President that. But I would like to see a little bit of cooperation from the White House in working with home State Senators and in working with us not to get idealogues that fit well in a fundraising letter, but instead to nominate people who are good for the Federal court.

So I can't tell the distinguished leader enough how much I appreciate his constant support throughout this whole thing.

Mr. REID. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. LEAHY. Mr. President, as I said to the leader, I would still rather see us work with the President on the selection of nominees the Senate can proceed to confirm than waste precious time fighting about controversial nominees to score political points. I will give an example. We have a State with a highly respected Republican Senator and a highly respected Democratic Senator, and they worked together to make recommendations that were completely out of any kind of partisan politics. They sent a list of several people who had gone through the screening committee, talked to everybody on the bar—Democrats, Republicans, people with no political affiliations—and said: Look, here is a list of the best people we could possibly find in our State. White House, you go ahead and pick whomever you want out of this group. We are happy with them.

They came and talked to me, and I said fine. I have huge respect for both the Republican Senator and the Democratic Senator, and I am sure we can move them through. Do my colleagues know what happened. The White House rejected that and sent up a totally controversial person. Again, the fundraising letters went out touting how we have to have this person. Both of the Senators said they would not return a positive blue slip; they wouldn't support this. It was not somebody they wanted to have on their record as supporting.

The White House finally withdrew that name. It went back to those Senators, and I am told by the Senators they have a nomination now that both will support for the circuit court of appeals, and that person will go charging through.

I recall another nomination this White House had made, strongly opposed by the two Senators, one of the more senior Members of the Senate, from their State. Those Senators said they did not want this nomination to go through and it did not. I still hear how terrible it was we did not confirm that nomination, even after the nominee pled guilty to criminal fraud.

I can think of other examples of people whom my Republican colleagues came and said: We really don't want to go with this person because of their situation back home—without going into a further description.

Now, Judge Catharina Haynes—and I see my friend, the distinguished Senator from Texas on the Senate floor, Senator CORNYN—Judge Catharina Haynes is a former Texas State trial judge in the 191st District Court for the State of Texas. She currently works as a partner at the law firm of Baker Botts in Dallas—an excellent firm. The Fifth Circuit has played an extraordinarily historic role in the protection of civil rights in this country. As we moved from that terrible time in our history of segregation into civil rights for all, some of those judges were among the most courageous this Nation has known.

I wish I knew more about Judge Haynes's attitude about civil rights than her record and testimony reveal. But I listened to what the distinguished Senator from Texas said, and I vote in favor of confirmation with the hope that she will treasure and follow the example of earlier judges in that court who made such a passionate commitment to the rights of all Americans.

So I congratulate her and her family on what I expect will be her confirmation today.

We have five nominations. I had been told the leadership has been talking about having rollcalls. We still have a fair amount of time on both sides; am I correct?

The PRESIDING OFFICER. The majority has 1 hour 5 minutes remaining. The minority has 100 minutes remaining.

Mr. LEAHY. Mr. President, because I have been asked by both Republican and Democratic Senators, with the American Airlines snafu and other things as we are trying to get flights out of here, I might ask the distinguished Senator from Pennsylvania how soon he would be willing to start votes if I were to yield back all time.

Mr. SPECTER. Well, Mr. President, I am not quite sure about that. I am quite sure that I waited here for 40 minutes for somebody to appear to start this debate, and I am quite sure we have heard very extensive discussion by the Democrats, but my practice is to be brief. I believe I will speak no more than 15 minutes, perhaps 20 at the outside. I hate to so understate it, but I don't think it takes a whole lot of time to refute what the chairman and the majority leader have said. So I think we are ready to start fairly soon. If we had some indication as to how many rollcall votes we will have—if we have five, which will take us several hours, I might be a little more disposed to be even briefer, if I had some indication of that.

Mr. LEAHY. Mr. President, I am going to talk to the Senators who have proposed these nominations. I have been a little bit more lengthy than normal, but that is after several hours that have been spent on the floor of the Senate being critical of me—I did not respond to that until now—just as a great deal of time was spent in the Senate Judiciary Committee being critical of me which I did not respond to; otherwise, we would not have Judge Haynes on the floor today because the Republicans would have filibustered her nomination.

So I will not quite yet withhold the balance of time. I am prepared, if people want, to begin these votes within the next 5 minutes and to work with—I understand a couple of the proponents of a couple of these judges are not going to require rollcall votes.

I want to be able to confirm that. If that is the case, I am prepared to begin in the next 5 minutes or so. I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask the chairman if his willingness to begin in 5 minutes would leave me 5 or, perhaps, 3 minutes. The Senator from Georgia wants 4 minutes, and I would only have 1 minute. My question to the chairman would be, as a vocal, outspoken, voluminous proponent of fairness, if he thinks 1 minute would be sufficient to reply to the better part of an hour, which he has taken. Perhaps I can answer that myself. I don't think it would be sufficient.

Mr. LEAHY. To answer that question, the Senator from Pennsylvania is one of the most articulate, best trial attorneys in this place. He could do in a minute what others would take an hour to do. I did try to take far less time than was used to attack me this morning.

Mr. SPECTER. Well, we have heard the magnanimity of the chairman on this one circuit nominee. So far this year, we have not confirmed any Federal judges. We have heard the magnanimous comments by the chairman about Catharina Haynes. We might not have had one. We didn't have a hearing from September 25 to February 21. I don't think an argument of being magnanimous pertains.

I don't blame the chairman for departing the Chamber. He might not like to hear what I have to say in response; although, I sat through his entire speech. I will not comment on his departure beyond what I have already said.

In listening to the presentation by the Senator from Vermont, I would have thought he was running for President. He had this big, flamboyant chart about the Bush Presidency. The chart had statistics on the unemployment rate going up, gas prices going up, the budget deficit going up, the trade deficit going up, and the number of uninsured people going up. For a moment, I thought I was listening to Senator HILLARY CLINTON. And then, I thought I might be listening to Senator OBAMA. Had either of those Senators been making that speech, I could understand the purpose, but it is a little hard to understand the purpose of the comments by the chairman.

When the chairman talks about Republicans not showing up for committee meetings, he is in fantasyland, as are a good many of his comments.

I ask unanimous consent to have printed in the RECORD a detailed rebuttal. It would take considerable time to answer specifically, but this can be in the RECORD to demonstrate proof and to establish the fantasy of the chairman's assertions that Republicans didn't show up.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Assertion: Chairman Leahy has asserted the Republicans boycotted markups in February when he was trying to move nominations

Rebuttal: Republicans did not boycott Committee business meetings or obstruct the Committee's ability to vote out judicial nominations.

Between the first business meeting of 2008 (Jan. 31) and the April 3 business meeting when Chairman Leahy made the above assertions, the Committee had held only four business meetings (Jan. 31, Feb. 14, Feb. 28, and March 6), and had held two judicial nominations hearings (Feb. 12 and Feb. 21), even though the Senate had been in session eight weeks.

Neither the Jan. 31 meeting nor the Feb. 14 meeting agendas listed any judicial nominations.

A total of five executive nominations were listed on Jan. 31 and Feb. 14 meeting agendas.

Even though no judicial nominations were listed on the Feb. 14 meeting, PI Ranking Member Specter arrived at the meeting early and, finding no other Committee Members present, left to testify before the Senate Finance Committee. When he returned, the meeting had been adjourned. According to Committee records, Senators Leahy, Specter, Kohl, Schumer, Durbin, Kyl, and Brownback were the only Members present before adjournment.

The Feb. 28 meeting was the first to list judicial nominations and only listed two district court nominees—Brian Miller (AR) and James Hall (GA).

A total of four Republicans and five Democrats were present at the Feb. 28 meeting before Senator Specter left at 10:17—hardly a boycott. A fifth Republican, Senator Hatch, arrived after the gavel. (According to Committee records, Specter arrived at 9:59, Coburn 10:00, Feinstein 10:02, Leahy 10:03, Durbin 10:04, Cardin 10:05, Kyl 10:08, Grassley 10:16, Kohl 10:17, Hatch 10:19 after the gavel)

The next meeting was held on March 6 and the Committee voted out four district court nominees: Brian Miller (AR), James Randal Hall (GA), John Mendez (CA), and Stanley Anderson (TN). According to Committee records, Senators Specter, Hatch, Grassley, Kyl, Cornyn, Coburn, Leahy, Biden, Kohl, Feinstein, Feingold, Schumer, Durbin, and Cardin were all present for the Committee vote on the nominations.

Kevin J. O'Connor, nominee to be Associate Attorney General and Gregory Katsas, nominee to be Assistant Attorney General for the Civil Division, who were listed on the Feb. 14 agenda, were also voted out on March 6.

Catharina Haynes was the only judicial nomination listed on the April 3 meeting agenda and was the first circuit court nomination listed on a Committee meeting since Nov. 1, 2007 (5 months ago).

It is unclear what "boycott' Chairman Leahy is referring to given that the February 28 meeting was the only one between January 1, 2008 and February 28 that listed judicial nominees and a quorum was not reached by 10:15 even though four Republicans were present.

Mr. SPECTER. Now, when the majority leader came to the floor and talked about turning the Constitution on its head with the constitutional option, he glossed over the point pretty fast and missed most of the salient points—that there was enormous provocation that led some Republicans—and I say "some" Republicans—to consider raising the constitutional option. What we have seen is a practice going on now for two decades—20 years—since 1986, so it is 22 years now—starting with the last 2 years of the Reagan administration, 1987 and 1988, when the Democrats had control, nominations were slowed down to a crawl. And then the same thing occurred during the last 2 years of the first President Bush. Then Republicans retaliated with gusto in kind, exacerbating the problem.

The one thing I agree with the Senator from Vermont on is that the Clinton nominees were not treated fairly.

That is true. They were not treated fairly, and I said so at the time. I crossed party lines to support qualified Clinton nominees. But, what is happening in this body is just ratcheting it up again and again. And then, after President Clinton's term, we had the virtual disintegration of institutional prerogatives around here due to filibusters that were conducted by the Democrats on the Bush nominees in 2004 and 2005.

The majority leader talks about the constitutional option. Well, the constitutional option was not pursued by Republicans. There were sufficient Republicans to have put the constitutional, or nuclear option, into operation. There were sufficient Republicans to do that. Under the plan, it would have taken 51, but the Republicans did not do that, notwithstanding the Democrats' provocation.

The majority leader said, "We have been fair to Republicans." That comment sort of approaches this issue as if it is a private boxing match between Republicans and Democrats and an issue of fairness between Republicans and Democrats. Well, that is not the issue. The issue is what is fair to the American people. We are not here to spar, to argue or to fight; we are here to do the people's business. How fair is it to the American people to have these nominations delayed where there are judicial emergencies in the courts of the United States? This is not ARLEN SPECTER's idea. The Judicial Conference determines what is a judicial emergency.

There is a judicial emergency in the Fifth Circuit, the court to which Catharina Haynes is nominated and up for a vote today. How long has she waited? It has been over 260 days. Now, I don't consider it relevant as to whether it is fair to Republicans; I consider the question whether it is fair to Americans—the people who live in the Fifth Circuit who have had to wait for decisions to be made by an understaffed court. It may be a statistic to those of us who hold lofty positions—and it is a great privilege to be a Senator. It may be a statistic to us, but if somebody has filed a lawsuit who has been injured, say, in an automobile accident. Someone who has doctor bills and loss of wages, and that person has to wait and wait for the case to come up, finally to be tried, and then to be appealed and waits and waits—that is where the issue is.

Take a look at the waiting periods: Robert Conrad in the Fourth Circuit, a judicial emergency, waiting over 260 days; Raymond Kethledge in the Sixth Circuit, a judicial emergency, waiting over 650 days; Stephen Murphy also in the Sixth Circuit and a judicial emergency, waiting over 650 days. Shalom Stone in the Third Circuit, a judicial emergency, has been waiting over 250 days. Tom Farr in the District Court of North Carolina has been waiting over 490 days. James Rogan has been waiting over 450 days. The list goes on and on. Peter Keisler is a very distinguished nominee who has an extraordinary record, and I ask unanimous consent that his resume be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PETER DOUGLAS KEISLER

UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Birth: October 13, 1960, Hempstead, New York.

Legal residence: Bethesda, Maryland.

Education: B.A., Yale University, 1981, Magna Cum Laude; J.D., Yale Law School, 1985, Note Editor, Yale Law Journal.

Employment: Law Clerk, Judge Robert H. Bork, D.C. Circuit Court of Appeals, 1985–1986; Assistant Counsel, Office of the Counsel to the President, 1986–1987; Associate Counsel, Office of the Counsel to the President, 1987–1988; Law Clerk, Justice Anthony M. Kennedy, Supreme Court, 1988; Associate, Sidley, Austin, Brown & Wood, 1989–1993, Partner, 1993–2002; Acting Associate Attorney General, United States Department of Justice, Oct. 2002–March 2003; Principal Deputy Associate Attorney General, United States Department of Justice, June 2002–June 2003; Assistant Attorney General, United States Department of Justice, Civil Division, July 2003–September 2007; Former Acting Attorney General, United States Department of Justice, September 2007–November 2007.

Selected activities: Member, Advisory Committee on Civil Rules; Director & Secretary, Federalist Society for Law and Public Policy, 1983–2000; Member, Maryland Bar Association; Member, District of Columbia Bar Association; Member, Pennsylvania Bar Association; Member, American Bar Association.

ABA rating: Unanimously Well Qualified.

Mr. SPECTER. Mr. President, Peter Keisler has waited for 650 days, and soon, it will be the 2-year anniversary of his nomination. So the real question is not fairness to Republicans; it is a question of fairness to the American people. The American people have not been treated fairly, and they have not been treated fairly by the Democrats, and they weren't treated fairly by Republicans when President Clinton sent nominees to this floor.

It is high time this stops. That is why I have introduced a resolution that would establish a protocol. The protocol would be, after a nominee is nominated, there be a hearing and then there is a committee vote. Then, the nominee comes before the full Senate and we start to follow the Constitution. There is nothing in the Constitution about filibusters. The Constitution talks about the President's prerogatives to nominate and the Senate's duty to consent or not to consent.

The majority leader made a big to-do about its being a matter of quality, not a matter of quantity. Well, if the majority doesn't like the quality, all they have to do is vote the nominee down. All I am asking for is up-or-down votes. If they don't like the quality, say so. Say so. I think that, on an examination of the record, there would be no real issue about quality. These are quality people. But, if I am wrong, and their judgment is to the contrary, I will abide by that. Vote no. Don't consent. Follow the Constitution and don't consent.

We have real problems with going forward when the chairman talks about judicial vacancies not being the most pressing problem in comparison to unemployment, the economy, and Iraq. I agree there are problems of greater immediacy. But, we have time to handle them all. We might have to work on Mondays and Fridays. A lot of Americans work on Saturdays. We could come in a little earlier, and we could use the floor time a little more efficiently.

I do believe it is time we took stock in what we are doing in this body. You can cite the statistics in many different directions, but I think the real critical statistics are what has happened in the last 2 years during President Bush's Administration in comparison to President Clinton's final two years. There is a decisive discrepancy there. A Republican Senate confirmed 15 of President Clinton's circuit judges in his final two years in comparison to 6 for President Bush before the nominees are considered today. I hope it will go up to 7. President Clinton had 57 district judges and President Bush had 34, and I expect it will go up to 38 today. Over the 8-year terms of the two Presidents, President Clinton had 65 circuit judges and President Bush had 57; President Clinton had 305 district court judges, and President Bush had 237 judges.

So I hope we can move through the morass we find ourselves in. If we don't, there is going to be an election this year, and there may be a Democrat in the White House. I don't know what is going to happen. It is a close matter. The American people will decide that.

At some point, there will be another Democrat in the White House, if not on this election, and there will be retaliation because one insult begets another. As one side exacerbates, so does the other. The 20-year record is not a good record as to what we have here. I urge a truce.

On a personal level, no two Senators in this body have a closer relationship than Senator LEAHY and myself. It goes back a long time when we had important jobs—when he was a prosecuting attorney and I was the same. We have worked together very closely, but we have a disagreement on this issue.

I believe the Republican caucus is right today in its position, and I am prepared to lead the caucus on the issue. That is my job in my capacity as ranking member. When the Republican caucus was wrong, I said so, and I voted with the Democrats on the Clinton nominees.

Mr. LEAHY. Mr. President, will the Senator yield for a unanimous consent request so we can move on?

Mr. SPECTER. Surely.

VOTE ON THE NOMINATION OF CATHARINA HAYNES TO BE UNITED STATES CIRCUIT JUDGE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate call up the nomination of Catharina Haynes of Texas to be United States Circuit Judge for the Fifth Circuit, that the nomination be confirmed and sent to the President.

Mr. SPECTER. Mr. President, I don't understand the import of that question.

Mr. LEAHY. The Senator is talking about ways to move forward. I am asking by consent that we confirm by voice vote Calendar No. 515, Catharina Haynes to be a Fifth Circuit Judge.

Mr. President, is the Senator going to object?

Mr. SPECTER. Mr. President, Senator LEAHY and I have something on which to agree. I agree.

The PRESIDING OFFICER. Without objection, it is so ordered. The nomination is confirmed.

Mr. LEAHY. Mr. President, I ask unanimous consent that both sides yield back their time and we begin with a vote on Brian Stacy Miller of Arkansas, which will be a rollcall vote, and if rollcall votes are required on the subsequent nominations, that they be 10-minute rollcalls.

Mr. SPECTER. That they be voice votes?

Mr. LEAHY. No. I should advise, I will ask, if time is all yielded back, for the yeas and nays on Brian Stacy Miller, but if the yeas and nays are requested on the subsequent nominees, that they be 10-minute rollcalls, although subsequent to the Brian Stacy Miller, the first one.

Mr. SPECTER. May I inquire of the distinguished chairman if he intends to ask for the yeas and nays on the other nominees?

Mr. LEAHY. Why don't we begin with this nomination, and the distinguished ranking member, who is one of the closest friends I have in this body, and I may discuss that during that rollcall vote.

Mr. SPECTER. I respect the chairman's right not to answer. The Senator from Georgia has been waiting for a considerable period of time. I agree with whatever Senator LEAHY has had to say. I ask that the Senator be given—how much time would the Senator like?

Mr. CHAMBLISS. Up to 3 minutes, and I also ask that Senator CORNYN be given up to 3 minutes.

Mr. LEAHY. We just confirmed Senator CORNYN's nomination. Does he want us to undo that?

Let me do this. I ask unanimous consent that at 5 minutes of 6, all time be yielded back and the Senate go to a vote on the nomination of Brian Stacy Miller of Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask unanimous consent that the yeas and nays be ordered on Brian Stacy Miller.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today to express my support for James Randall Hall to be United States District Judge for the Southern District of Georgia. Randy Hall is supremely well qualified to fill this position.

I am pleased the Senate will finally have an opportunity to vote on Randy's confirmation today. If confirmed, Randy will fill the vacancy created on August 2, 2006, when Judge Avant Edenfield took senior status. The Southern District of Georgia is designated as a judicial emergency, as just referred to by Senator SPECTER, by the nonpartisan Judicial Conference of the United States. This means the court dockets of the Southern District of Georgia are too busy and that litigants are waiting too long for results.

To that end, I thank the chairman of the Judiciary Committee, the Senator from Vermont, Mr. LEAHY, as well as the distinguished Senator from Pennsylvania, the ranking member, Mr. SPECTER, for their efforts and that of their staffs for shepherding Randy's nomination through the Judiciary Committee.

Randy Hall is a native of Augusta, GA. He graduated from Augusta College in 1979 and from the University of Georgia School of Law in 1982. His private practice has focused on commercial real estate, banking, corporate matters, and commercial litigation. During his years as a private attorney, he built an impressive legal resume. He served as general counsel of Bankers First Corporation for over a decade, managing the entire legal function of the billion dollar corporation, including securities matters, State and Federal regulatory matters, litigation, real estate acquisition and development, employment issues, and general corporate projects.

Mr. Hall also has a history of public service. In 1997, he was appointed to the Augusta-Richmond Planning Commission, a 12-member board authorized to regulate the subdivision of land, plan for the orderly growth and development of Augusta-Richmond County, and zone all land into various use classifications. He served on the commission until 2002, acting as its chairman from 2000 to 2002. In 2003, Mr. Hall was elected to the Georgia State Senate as a senator from the 22nd District in 2003 and served there in 2003 and 2004.

Since 2004, Mr. Hall has been a partner with Warlick, Tritt, Stebbins & Hall in Augusta, GA. Those who know Randy describe him as a man of integrity and someone with good moral character. His colleagues also say he is totally committed to the rule of law, and that he is fair and honest in all of his dealings and undertakings.

I believe the Southern District of Georgia will be well served to have Randy Hall on the bench. I urge all of my colleagues to support his confirmation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that 3 minutes be yielded to the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. CORNYN. Mr. President, I am grateful to the distinguished chairman of the Senate Judiciary Committee for moving this nomination of Catharina Haynes to the Fifth Circuit Court of Appeals, and I am pleased she has been unanimously confirmed today by a voice vote.

Judge Haynes is actually a former State district court judge. I am proud to call her now Judge Haynes as a confirmed United States circuit court judge.

I am proud to concur with the American Bar Association's unanimous opinion that Ms. Haynes is well qualified for a seat on the Federal appellate bench. Her record as both a State judge and a member of the civil bar amply demonstrates the legal acumen, the commitment to justice, and the dedication to public service required for those nominated to serve on our Nation's appellate courts.

It is truly a pleasure to recommend confirmation of a Texas lawyer with a career-long record of dedication to public service and equality before the law. Ms. Haynes has served as a volunteer for pro bono legal aid clinics, providing legal assistance to people who otherwise would be unable to afford to have a will probated or resolve family law issues. Ms. Haynes helped develop a brochure for pro se litigants, opening the doors of justice in what can be a daunting and intimidating system for disadvantaged litigants.

This pattern of helping the less fortunate navigate the legal system bespeaks a commitment to the ideal of equal justice for all. This is but one aspect of Ms. Haynes's service to her community.

Since 2005, Ms. Haynes has been a director of the Vickery Meadow Learning Center, a nonprofit organization that promotes literacy among the residents of a low-income Dallas neighborhood. Ms. Haynes teaches pre-GED classes at the Learning Center. Ms. Haynes's direct involvement her community demonstrates that her dedication to the rule of law is matched by her passion for public service.

Ms. Haynes demonstrated this commitment to public service in 1998, when she gave up a prestigious and lucrative partnership at the Baker Botts law firm to take the bench as a State district court judge on the 191st District Court in Dallas.

As a former district court and appellate judge, I can attest that the district judge's experience seeing actual litigants and the real-world consequences of their legal disputes is invaluable for later service on the appellate bench.

The fundamentals of judging—analyzing the arguments presented to the court in light of the facts and the law—carry over from the trial court to the appellate level. And Ms. Haynes's experience as a trial court judge will undoubtedly remind her each day that the consequences of a judge's decisions always have a human face.

As a State judge, Ms. Haynes gained deep experience in many areas of substantive law including commercial litigation, personal injury, employment, insurance bad faith litigation, and intellectual property. State court judges interpret and apply Federal statutory and constitutional law, which are, of course, the supreme law of the land, binding on judges in every State. In presiding over nearly 300 trials, Judge Haynes distinguished herself for her work ethic and commitment to the rule of law.

Ms. Haynes's intellect and diligence have been evident throughout her legal career, starting with her extraordinary academic record.

After graduating first in her class from Florida Institute of Technology at the age of 19, Judge Haynes went on to graduate, with distinction, second in her class at Emory University School of Law at the age of 22. In her 21-year legal career, she has been involved in a wide variety of complex civil cases in both State and Federal courts.

Ms. Haynes's professional excellence has been repeatedly recognized and honored by her peers in the legal community. Her many awards include the State Bar of Texas Presidential Commendation, the Dallas Association of Young Lawyers Foundation Award of Excellence, and the Dallas Women Lawyers Association Louise B. Raggio Award, which is awarded annually to a Dallas-area attorney who has worked to advance women in the legal profession, shown outstanding legal proficiency and the highest level of ethics, and made a significant contribution to the profession.

It is fitting that Ms. Haynes has received awards for her contributions to the legal profession, given that she has dedicated significant energy to promoting the professionalism and ethics that are central to the rule of law. She has written and spoken extensively on issues of civil trial litigation, professionalism, and ethics.

Among her many professional leadership positions, she has served on the board of the Dallas Bar Association and the Professional Ethics Committee of the State Bar of Texas. Her life's work speaks to a belief in the high calling of a career in law and a steadfast and accomplished pursuit of the profession's highest ideals.

I am pleased that the Judiciary Committee recently approved Ms. Haynes' nomination and the Senate just confirmed her.

The Federal bench needs more men and women of her caliber, drawn from among the best of the civil bar.

Mr. President, the People for the American Way, a liberal advocacy group, sent a letter to the Judiciary Committee last week urging the committee not to proceed with this nomination. To the credit of Chairman LEAHY and my Democratic colleagues, they rejected this baseless and unfair attack.

The lack of any substantial reason to deny this nomination is clear when we look at the pretense offered by People for the American Way for opposing Ms. Haynes. The letter claims that Ms. Haynes has no "record of commitment to civil rights progress in this country."

First of all, I do not know exactly what that means. I believe that this group is deliberately creating a vague standard that they can invoke to reject any nominee. I think that it is clear that there is nothing in Ms. Haynes' background that they can reasonably complain about with any specificity, so they fall back on vagueness.

I don't know what this group means by a "record of commitment to civil rights," so I can't respond to that other than by directing my colleagues to Ms. Haynes actual record—a record that was discussed at length in Ms. Haynes' hearing and that this letter ignores completely.

Ms. Haynes has served as a volunteer for pro bono legal aid clinics, volunteering her time to protect the legal rights of those who can't afford a lawyer.

Ms. Haynes helped write a brochure for pro se litigants, giving disadvantaged litigants the tools they need to vindicate their rights in courts of law.

Ms. Haynes serves as a director of the Vickery Meadow Learning Center, a nonprofit organization that promotes literacy among the disadvantaged. Ms. Haynes teaches pre-GED classes at the center, aiding the less fortunate along the path to literacy, education, and a fuller civic life.

By any fair reading, Ms. Haynes has an exemplary record of commitment to the high ideals of equal opportunity and equal justice before the law—ideals that I believe are at the core of civil rights.

I yield the floor.

Mr. LEAHY. I thank the Senator from Texas.

I believe we are ready to vote.

VOTE ON THE NOMINATION OF BRIAN STACY MILLER TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Brian Stacy Miller, of Arkansas, to be United States District Judge for the Eastern District of Arkansas?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mrs. DOLE), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs.

HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) and the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 102 Ex.]

YEAS—88

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Graham
Grassley
Hagel
Harkin
Hatch
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—12

Brown
Bunning
Clinton
Dole
Feinstein
Gregg
Hutchison
Inhofe
Lieberman
McCain
Menendez
Obama

The nomination was confirmed.

VOTE ON NOMINATION OF JAMES RANDAL HALL

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of James Randal Hall, of Georgia, to be United States District Judge for the Southern District of Georgia?

The nomination was confirmed.

VOTE ON NOMINATION OF JOHN A. MENDEZ

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of John A. Mendez, of California, to be United States District Judge for the Eastern District of California?

The nomination was confirmed.

VOTE ON NOMINATION OF STANLEY THOMAS ANDERSON

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Stanley Thomas Anderson, of Tennessee, to be United States District Judge for the Western District of Tennessee?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session. The majority leader is recognized.

HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 608, H.R. 1195, the highway technical corrections bill. I ask that we move there at 3 p.m. Monday, April 14.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, there is objection.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. REID. Mr. President, in light of the objection, I now move to proceed to Calendar No. 608, H.R. 1195. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant journal clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 608, H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

Harry Reid, Barbara Boxer, Richard Durbin, Charles E. Schumer, Sherrod Brown, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller IV, Jack Reed.

Mr. REID. Mr. President, I now ask unanimous consent the cloture vote occur on Monday, April 14, at 5:30 p.m., the hour prior to the vote be equally divided or controlled between the leaders or their designees, and the mandatory quorum be waived as required under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, I hope we can proceed to this bill. This is another bipartisan piece of legislation. Senators BOXER and INHOFE have worked on this bill for months and months. It has been very difficult. It has been like pulling teeth. They get one thing done and something else crops up. It is now done.

I hope we can move to this bill. If there are those who want to offer an amendment, good. Let them offer an amendment. This is something that is important and we need to do. I hope, recognizing this bill relates to the highway bill that we passed 3½ years ago, any amendments offered would be in keeping with the content of the bill. I don't want to get off on Iraq or some tax issue. I hope we can confine it to this legislation.

This is the Senate. After we get on the bill, I hope we could go immediately to it; we wouldn't have to use the 30 hours. If there are things that need to be done, no one is trying to stop anybody from offering amendments. We are not going to be, unless there is a change, and I will certainly give lots of prior warning to the Republican leader after we are on this a while. I hope we can just go through the ordinary process, that we don't have to do any parliamentary maneuvers to get this very important bipartisan piece of legislation done.

Mrs. BOXER. Will the leader yield for a question—a comment and question?

Mr. REID. I am happy to yield.

Mrs. BOXER. I thank the leader very much. This is a very bipartisan piece of legislation that Senator INHOFE and I are very happy is finally coming to the floor.

My question—it is really a comment in the form of a question. You pointed out we are 3 years after the highway bill. This is correcting some unanticipated errors in that bill. What is happening is, here we are in this recession. There are a lot of projects that are stymied. They were unintended to be stymied, but we need to correct that.

My question is, Don't you think it is time to correct a bill that passed 3 years ago, and we are going to get to the new highway bill next year? This is unfinished business. It is bipartisan. My point is, do you believe as strongly as I do that the time has come to do this?

Mr. REID. Mr. President, I say to the distinguished chair of the Environment and Public Works Committee, I appreciate the work done on a bipartisan basis to get us here. If there were ever a time we should do this, a technical corrections bill on a bill that passed more than 3 years ago, it is now. It has taken that long to get it done, especially since we have the highway trust fund that now is $5 billion short of what it should be. There are construction projects that need to go forward. Many of them cannot go forward until this technical corrections bill is passed.

This bill does not favor Democrats. It does not favor Republicans. I think everyone should understand when Senators BOXER and INHOFE work on a bipartisan bill, that is a bipartisan bill. We all know the reputations of the Senator from California and the Senator from Oklahoma. This is a good piece of legislation, and I say to my friend from California, I hope we can get it done very quickly.

We have lots of things to do. I am disappointed we are not going to be able to move to the patent bill. I am sorry about that.

Mr. DURBIN. Will the majority leader yield for a question?

Mr. REID. Yes.

Mr. DURBIN. I may put the leader on the spot, but as I understand it, we have had to file a cloture motion on this bill, which means a threatened filibuster over going to a technical corrections bill to amend and revise a highway bill that is 3½ years old. I know the Republican minority set a record in the Senate with 62 filibusters last year. I don't know if the majority leader can tell us the ongoing number of filibusters from the Republicans at this point. I assume it is over 70 filibusters. The previous record was 62 filibusters in 2 years. Now we have had over 70 filibusters, and we are just into this new legislative year.

I ask the majority leader, in his experience in the Senate, does he ever recall a filibuster being mounted on a bipartisan bill that is a technical corrections bill related to highway projects and other building projects across the Nation, in both Democratic and Republican States?

Mr. REID. I say to my distinguished friend, the answer to that is no. But I do say this: That is why I made my remarks very clear. I think a lot of it has been unfounded, but we have had some distrust that some of the things we are doing will prevent people from offering amendments; there will not be an opportunity to legislate on this bill.

I have no intention—I made it very clear—of filling the tree. I used kind of a buzzword because everyone knew what I was talking about. But I have no intention of doing that. That is why I said I hope once we get on the bill, the 30 hours will not need to be used; we can just go to the bill and start legislating. That would be the right thing to do.

We have now been in this session for 12–15 months. I would hope by this time we know each other a little better, we can trust each other a little better, Democrats and Republicans. I think we just finished some very good work. Today we passed an extremely important housing bill. It was bipartisan.

I was with some people today, and they criticized: Why did you put this provision in there dealing with homebuilders? It is something that they don't need.

I personally disagree with that. In Nevada we have homebuilders who are doing everything they can to hang onto land so when this market bottoms out they will still have some land to build on. Anyway, I said to them we in the Senate today have a very slim majority, 51 to 49. I said to my friend—I asked this question: We have a number of things in this bill that were put in that we did not especially like.

The Republicans got a number of things in this very important housing stimulus bill that they did not like. But that is what legislation is about. That is the big speech I gave to my friend. I think he understood it after I said this a little better.

After that, we also did something on a bipartisan basis: passed, all in 1 bill, 80 different bills. There is no need to go back into the history of why this happened, but it happened, and we were only able to get it done because we worked on a bipartisan basis. I want to do the same on this highway bill.

We have other things coming up that we need to do this work period. As I indicated, because of the patent bill, for reasons that I am sure will be written about over the next few weeks, we are not going to do a patent bill now. The chairman and ranking member could not work out what they wanted to bring to the floor. So, as a result of that, we have a little extra time. I hope that because of that we can do highway corrections, we can maybe move to that.

There is a veterans bill we are trying to get worked out. We know we have more than 50 votes; we hope we have more than 60; we are very close to that.

We have an FHA reauthorization. We need to do that. I spoke to Chairman ROCKEFELLER a few minutes ago.

So without belaboring the point, in answering the question of my dear friend, the assistant Democratic leader, no, I don't remember ever a filibuster being filed on a bipartisan bill. But I do not know the entire history. I hope we can move forward on this piece of legislation in regular order.

Mr. KYL. Mr. President, I want to make one brief comment to the leader.

I have no additional comment to make to the leader. I can pose it as a question, but I do not really need to. The leader is aware that there is no intention on the Republican side to filibuster this bill. I concur in his remarks about the bipartisanship that resulted in both of the bills passing today.

There is one matter that needs to be resolved, as I understand it, with respect to this technical corrections bill, which does need to be dealt with, as the chairman of the committee noted. As far as I know, that is the only matter. There could be others, but I know of no intention on the part of anybody on our side of the aisle to raise extraneous matters to use the bill for any other purpose but to complete action on the bill. I am aware of the same matter that the majority leader is right now as the only matter that exists on our side. So there is no intention on our side of the aisle to filibuster the bill.

Mr. REID. Mr. President, I say also through the Chair to my friend, I have spoken to that Senator, and still we might be able to work something out. If we cannot, he can offer an amendment and see what happens that way.

Mr. KYL. Sure.

Mr. REID. Mr. President, I feel comfortable with what we have been able to accomplish this week. I cannot say that every week we have left here, but this has been a really good week. I think we have accomplished a lot that is good for the American people in the process.

We have a farm bill that is moving along. We had today an actual conference, Democrats and Republicans, trying to come up with a farm bill. It is wonderful that that is taking place because in recent years we have not had a real conference. We have had little meetings take place. But I think that is wonderful that we were able to get that done.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

THANKING STAFF

Mr. BINGAMAN. Mr. President, earlier today the Senate passed S. 2739, the Consolidated Natural Resources Act of 2008. As I said during the debate, S. 2739 is a collection of over 60 bills reported from the Committee on Energy and Natural Resources over the past 15 months.

This achievement would not have been possible without the hard work of our outstanding staff. Both the ranking member, Senator DOMENICI, and I are very fortunate to have a very dedicated and experienced professional staff. They service the committee and the Senate well. They deserve our thanks.

On the Democratic staff of the committee, senior counsel David Brooks had the lead role in assembling the bill. He deserves special acknowledgment. In addition, though, I want to particularly thank the committee's staff director, Bob Simon, for his wonderful work on this legislation, as on all the legislation that comes through our committee; our chief counsel, Sam Fowler, for his superb work, as always; counsels Mike Connor, Kira Finkler, and Scott Miller, and professional staff members Angela Becker-Dimmpann, Jonathan Epstein, and Al Stayman.

I would also like to thank the committee's chief clerk, Mia Bennett; executive assistant Amanda Kelly; communications director Bill Wicker; press secretary David Marks; staff assistants Rosemarie Calabro, Rachel Pasternack, and Gina Weinstock; and our Bevinetto fellow who works on our staff, Karl Cordova.

On the Republican side, let me acknowledge Senator DOMENICI's staff director, Frank Macchiarola, who did an excellent job here; his chief counsel, Judy Pensabene; professional staff members Kathryn Clay, Frank Gladics, Josh Johnson, and Tom Lilly; and executive assistant Kara Weishaar.

In addition, I am very grateful to the committee's nondesignated staff: AnnaKristina Fox, Dawson Foard, Nancy Hall, Amber Passmore, Monica Chestnut, and Wanda Green.

Finally, let me acknowledge the great help in bringing the bill to the floor we received from the majority leader and his staff: Neil Kornze, Chris Miller, Randy DeValk, Gary Myrick, and, as always, the secretary for the majority, Lula Davis.

All of these fine staff members had a hand in putting S. 2739 together and moving it through the legislative process. We would not have been able to pass the bill without their hard work and their professionalism. I wish to thank each and every one of them for the good work.

Mr. President, I know the Senator from Colorado is here to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

CONSOLIDATED RESOURCES ACT

Mr. SALAZAR. Mr. President, I come to the floor today to speak with regard to S. 2739, the bill we approved earlier this afternoon.

First, I wish to acknowledge Chairman BINGAMAN and Senator DOMENICI for their great work in this legislation.

As I worked over the last 2, 3 years on many of the bills that are included in this package of land bills we approved this afternoon, it was gratifying to see the bipartisan nature of the Energy Committee working on this legislation which is so important to our Nation.

I very much agree that the process that historically has been used in the Senate where what we do is to bring these pieces of legislation which are important to our States, which are important to our Nation, through a unanimous consent procedure is the way we ought to go. Unfortunately, because of objections from a few Senators on the other side, we were not able to follow that procedure. But, at the end of the day, through the great leadership of both Senator BINGAMAN and Senator DOMENICI, we were able to get that legislation through. To both of them I say thank you very much for your leadership.

I also thank the staff of the Energy Committee. Bob Simon, David Brooks, all of the staff on both sides who labored very hard on the more than 60 pieces of substantive legislation that we approved here this afternoon that will now head to the President's desk for his signature. So I thank them for their great efforts with respect to this legislation.

I want to speak briefly about four of the bills that were included in this legislation which are important to my State of Colorado and are important to the Nation.

The first of those pieces of legislation has to do with the South Platte River and the North Platte River and a multistate compact that involves the State of Colorado and the State of Nebraska.

Over the years, we have had issues between our States, Nebraska and Colorado, and the State of Wyoming as well, with respect to how we deal with the implementation of the Endangered Species Act and how we recover endangered species on the Platte River, mostly working in the State of Nebraska.

After many years of negotiation and involvement by the Fish and Wildlife Service and the Department of the Interior, the States came together and developed a recovery implementation program. That is a program which is intended to restore the habitat for the whooping crane in the State of Nebraska, with the participatory effort and obligation on the part of the State of Colorado and the State of Wyoming and the State of Nebraska to recover the whooping crane and to recover habitat and hopefully someday to be able to take that threatened and endangered species off of the list.

In order for us to make progress to get there, we needed to implement this tristate agreement with the Federal Government. The legislation we passed today will help us get there, and I very much appreciate the participation of Senator HAGEL and Senator NELSON from Nebraska, as well as Senator ALLARD, Senator BARRASSO, and Senator ENZI from Wyoming on this bipartisan legislation, legislation that is very important to our States.

The second legislative item I want to refer to here briefly is S. 1116, which is the Produced Water bill. This is legislation which was sponsored in the House of Representatives by Congressman MARK UDALL. We pushed it through our Energy Committee because we know this is happening out there in many of our public and private lands across the West; that is, as oil and gas is being developed, there is a huge amount of water that is simply being wasted, that is being disposed of without any kind of beneficial use. For those of us who come from the arid West, who know what it is like to live in places where you only get a few inches of rainfall a year, it is important that we not waste any water whatsoever. So what this legislation will do is it will help us figure out a strategy and a plan forward on how we develop a beneficial use for the water that is being produced from oil and gas production.

The next bill that was included in this package which I wanted to speak about briefly is the Latino Museum bill. That legislation had several dozen cosponsors here in the Senate, including Senator MENENDEZ, Senator MARTINEZ, and many others who worked on that legislation over the last several years.

It is important that when we look at this legislative piece, we understand the contribution many Americans have made to this country over a long period of time. The Latino community has been here in the United States of America for a very long time. Indeed, as the case with my family, my family helped found the city of Santa Fe, NM, in 1598, now some 410 years ago. That was before Jamestown, before Plymouth Rock. You find the stories of our history across the landscape of this country from Florida, throughout the Southwest of the United States of America. And in my own native valley, you can look out from the 8,000-foot elevation of the San Luis Valley to the mountains on the east side of the valley that are named the Sangre de Christo Mountains; that is, the "Blood of Christ Mountains." You can look to the west to another set of 14,000-foot peaks named after St. John the Baptist, the San Juan mountain range.

Throughout America, you see the history of the Latino community etched into the landscape of our country. But it is more than that history that started out now more than four centuries ago here in the Nation, it is also the contributions Hispanics have made to this country as we have evolved from one generation to the next.

It was a group of Hispanic solders who in many ways helped create this Nation through their service in George Washington's Army. It was a huge number of American soldiers who have served in every single war since the beginning of our Republic, including people like those in my family who served, and some who died, in some of the wars we have fought in this country.

In World War II, my father was a staff sergeant in the Army. My mother, at the age of 19, found her way across the country from a place with no post office and no name in northern New Mexico to the War Department here in Washington, DC, where she spent 5 years contributing to that great cause of the last century which made America the power and the hope and beacon of opportunity for the entire world. There have been thousands and thousands of Americans like that who have made the ultimate sacrifice. But my mother was actually here in Washington, DC during World War II. She received a telegram that said her oldest brother, my Uncle Leandro, had been killed in the war in Europe.

When we authorize a study of the Latino museum in Washington, we are saying that part of our history is to recognize that diversity that makes us a great Nation.

Oftentimes I reflect on the greatness we have here in America. It is important for us to reflect on the fact that that greatness has come about through some pain but always with some promise of the future. Yes, there have been painful chapters of our history, including the very painful chapter where this country allowed for one group of people to own another group of people, simply based on the color of their skin. We lived through another 100 years after the Civil War until Brown v. Board of Education in 1954, when we allowed as a function of government for there to be the separation of the races so that it was OK for there to be Black schools and Brown schools and White schools. It took Justice Warren and a unanimous Supreme Court in 1954 to say that under the 14th amendment, that kind of segregation had no room under the equal protection clause of our Constitution.

When we push forward initiatives as we have today with the Latino initiative, what we are saying to America is, we are a great nation, because we are a diverse people. Justice Sandra Day O'Connor said it best in a case she decided in the last few years involving diversity at the University of Michigan. She said the national security of our country depended on the military forces having diversity. She said that in an opinion that had been filed as an amicus brief by former members of the Joint Chiefs of Staff. She also said that the strength of the Nation in terms of future participation of the United States in the global economy was very dependent on us being able to participate in that global economy, that diversity was required for us to succeed. For that proposition, she cited to a brief filed by some 50 of the Fortune 500 companies that participated in that case. The Latino museum for us is another step in the celebration of our diversity.

As I look at the challenges we face ahead in this century, I think we can embrace and celebrate the diversity of our country that will make us stronger. There will be those who will say we ought to take another road and that that road ought to be the one where we allow differences to separate us, where they will agitate for using those differences among us to create discord and to bring about agents of division. I reject that view. The view I embrace is that the diversity of our country is what will make us strong, not only in the 21st century but beyond. The Latino museum legislation we passed today is one step in making that statement.

I also finally want to comment on S. 327 which was also included in this legislation. It requires a study on ways in which we can celebrate and commemorate the contributions that César Chávez made to the United States. César Chávez was the leader of the United Farm Workers until his death a few years ago, one of the most celebrated Americans we know today and one of the architects of our civil rights movement and someone who in many ways is typified with people who have been pioneers of civil rights such as Martin Luther King, Jr., and others who have done so much to make sure we are an America in progress. It is fitting and proper that we, as a Congress, honor someone with the legacy of César Chávez. I was proud to have bipartisan sponsorship of that legislation so that we can now move forward to figure out ways in which we can celebrate the legacy of this great man.

I yield the floor.

10TH ANNIVERSARY OF THE GOOD FRIDAY AGREEMENT

Mr. KENNEDY. Mr. President, today we celebrate the 10th anniversary of the historic Good Friday agreement, which put Northern Ireland on the path to reconciliation and peace after decades of violence, bloodshed, and deep mistrust.

The people of Northern Ireland and the courageous leaders of the political parties in Northern Ireland, Ireland, and Great Britain, all deserve special recognition on this day for their deep and unwavering commitment to peace. We salute them for their extraordinary accomplishment and difficult compromises they were able to achieve to create a greater and better future for the people of Northern Ireland. Their success is an example to the world of what can be accomplished with courage and commitment.

The benefits and advances have been extraordinary over the past decade. Guns are out of politics, and power is being shared on an equal basis. Future generations in Northern Ireland will live in peace, stability and prosperity, and they will do so because of the extraordinary commitment by leaders on all sides to a peaceful resolution of conflict based upon mutual respect for all the people.

All Americans congratulate the people of Northern Ireland on this auspicious anniversary. They were truly blessed to have such extraordinary peacemakers among them, and we pray for similar leadership in resolving the other bitter conflicts that challenge our world today.

HONORING OUR ARMED FORCES

LANCE CORPORAL CODY WANKEN

Mr. GRASSLEY. Mr. President, it is with great sorrow I honor a fallen soldier. American hero Marine LCpl Cody Wanken was seriously injured near Fallujah, Iraq, last fall. He subsequently died from these injuries on April 2, 2008. My deepest sympathy and prayers go out to Cody's parents, Rick and Susan Wanken.

Cody was a machine gunner in the 3rd Battalion, 5th Marine Regiment, 1st Marine Division. He was a 2006 graduate of Hampton-Dumont High School and served as the 2005–06 president of the Iowa Jobs for America's Graduates, Hampton-Dumont chapter.

Throughout his youth, Cody was a standout athlete. He played on a Hampton youth baseball team that took first place at the Iowa games, and he was named to the Class 3A, District 2 defensive team after his senior year of high school. Cody returned to speak at Hampton-Dumont while recuperating from his injuries obtained in Iraq.

Cody will be forever remembered by his family, friends, and community members. One of Cody's former coaches said, "He was very, very proud to serve in the Marines. You could just tell." For this, we are all indebted for his service to our country. I express gratitude on behalf of all Americans to the family of a true American patriot, fallen hero Marine LCpl Cody Wanken.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Early in the morning of September 3, 2007, Andrew Geske and a friend were walking home in the Capitol Hill area of Seattle, WA, when a black BMW pulled up alongside of them. According to Geske, he and his friend stopped walking when the car slowed down, assuming it was an acquaintance of theirs. When the car came to a halt, the driver burst out of the car, hurling anti-gay epithets at Geske and punching him in the face repeatedly. Reeling from the attack, Geske's arm fell through the passenger side window, where another attacker grabbed onto it. The driver then got back in the car and sped off with Geske's arm still trapped. The victim was dragged several blocks before he broke free, suffering scrapes and sprained fingers in the process. The attack is being investigated as a bias crime and the assailants are still at large.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TIBET

Mr. SMITH. Mr President, I rise today to speak about the recent violence in Tibet.

I am deeply saddened and angered by the events which have unfolded this past month between ethnic Tibetans and China. In March, China's decades of repression of Tibet exploded into widespread riots, both in the Tibetan autonomous region and ethnic Tibetan areas of China. The Chinese Government responded by imposing a near-total media blackout, and by deploying an overwhelming number of police and military personnel. Within that darkness, dozens of people were killed.

It is still unclear who did the killing, or who was killed. It is unclear what set off the violence. It is even unclear how many people were killed. The Chinese Government claims 22 deaths; independent Tibetan sources say between 79 and 140. There have been a similarly disputed number of people arrested.

One of government's primary functions is to enforce law and order within its borders. But the unrest and violence in Tibet is the direct result of over 50 years of Chinese oppression of Tibetan ethnic, cultural, and political rights. It is the result of China's repression of Tibetan Buddhism and a stream of personal insults against the Dalai Lama. The Dalai Lama, whom I am greatly honored to have met, is honored for his commitment to peace and reconciliation. I cannot think of a time when such a message is more welcome than it is today.

China, on the other hand, offers no similar message of tolerance and peace. Just this morning, there was an article in the Washington Post, in which a human rights lawyer and convert to Christianity lives under constant police surveillance. He is intermittently beaten and harassed by police, who sometimes prohibit him from attending church. For ethnic Tibetans, Chinese human rights violations can be much worse. China's efforts over the past half century to repress Tibetan rights are unacceptable, outrageous and in violation of China's own laws.

I know that many of my fellow Americans stand with me in this belief. As such, I was proud to introduce with my colleague from California a resolution calling on China to ensure the protection of Tibetan rights and culture. The resolution demands that China allow a full and transparent accounting of the recent violence. China must cease the political reeducation of monks, and allow them to possess pictures of the Dalai Lama. It must also release peaceful protestors, and allow independent journalists free access throughout China. In addition, the resolution calls on the U.S. State Department to fully implement the 2002 Tibet Policy Act, particularly the establishment of a U.S. consulate in Lhasa.

I was exceptionally pleased to note that my resolution was unanimously agreed to last night. I believe these measures would go a long way toward safeguarding Tibetan rights, easing the suffering of ethnic Tibetans, and preventing the outbreak of any further violence.

NATIONAL PUBLIC HEALTH WEEK

Mr. MENENDEZ. Mr. President, today I talk about public health. As I hope many of my colleagues are aware, this week is National Public Health Week, and this year's goal is to increase the Nation's awareness of the serious effects of global warming on the public's health.

When I say global warming, people think of many things. You might think of polar bears, vanishing glaciers, or rising sea levels, but you are not likely to think of the Centers for Disease Control and Prevention. This is unfortunate because there is a direct connection between global warming and the health of our Nation.

A warming planet will affect food, water, shelter, and the spread of infectious diseases. At the same time, we will face more extreme weather events. Storms, floods, droughts, and heat waves will have an acute impact, particularly on hundreds of millions of people in the developing world.

Climate change is very much a public health issue.

The science behind global warming is no longer debatable. Scientists from around the globe have stated in the strongest possible terms that the climate is changing, and human activity is to blame. These changes are already dramatically affecting human health around the world.

The World Health Organization reported that the climate change which occurred from 1961 to 1990 may already be causing over 150,000 deaths or the loss of over 5.5 million disability-adjusted life years annually starting in 2000.

These numbers are staggering, but they should not be surprising: climate change influences our living environment on the most fundamental level, which means it affects the basic biological functions critical to life.

It impacts the air we breathe and the food available for us to eat. It impacts the availability of our drinking water and the spread of diseases that can make us sick.

Last year's Intergovernmental Panel on Climate Change, IPCC, report on climate change put to rest the arguments of many skeptics. But the frequently cited report of Working Group One is just one of three separate IPCC reports. Working Group Two simultaneously issued a sobering report on the impacts of climate change. They predicted that up to 250 million people across Africa could face water shortages by 2020, and that agriculture fed by rainfall could drop by 50 percent. Crop yields in central and South Asia could drop by 30 percent. People everywhere who depend on glaciers or snow pack for their drinking water will be forced to find new supplies.

This is not speculation. These effects are already measurable. The World Health Organization predicts that asthma deaths will rise by 20 percent over the next 10 years, and that climate change is causing greater outbreaks of Rift Valley fever and the spread of malaria in higher elevations in Africa, and more frequent cholera epidemics in Bangladesh. The CDC is preparing for more heat-wave planning and forecasting.

The public health costs of global climate change are likely to be greatest to the nations of the world who have contributed least to the problem. As the world's largest emitter of greenhouse gases, we have a moral obligation to help these countries, which are also least likely to have the resources to prepare or respond themselves. Any strategies for managing climate change impacts must address this unequal burden, and to take into account their unique challenges and needs.

These impacts are different in different parts of the world—and equally troubling, they are disproportionately burdensome for the world's more vulnerable populations. Children, the elderly, the poor, and those with chronic and other health conditions are the most vulnerable to the negative health impacts of climate change.

There is growing recognition that we must act, and we must act now. Fortunately, many of the choices individuals should make for the sake of their health—and the health of their communities—are the same choices that benefit the health of the planet. Making the climate change issue real means helping people understand how the way they live affects themselves and others, whether through their transportation choices, their use of water and electricity or the types of goods they purchase and consume.

What is good to reduce global warming is good for public health, and the shift away from fossil fuels and a movement toward general environmental awareness aligns with existing public health goals.

Clean, renewable energy means less dependence on fossil fuels. The combination of less coal and cleaner coal leads to a host of health benefits. Fewer particulate emissions mean less asthma. Reduced mercury emissions could lead to fewer developmental disorders.

The transportation sector is one of the largest sources of greenhouse gases. Encouraging and enabling people to walk, bicycle, or use public transportation reduces vehicle greenhouse gas emissions and improves urban air quality. But it simultaneously improves an individual's health by increasing physical activity. Improving community design to reduce reliance on cars also means less obesity and diabetes. We should be encouraging States to design and create healthy communities.

We cannot wait to act. We should all continue to work toward national and international policies which fight global warming. And we will make sure that we act justly and help the poorest countries, which are hardest hit by this problem.

And we can start now. Now is the time to prepare our water, agricultural, and disease prevention systems for a warmer planet. Now is also the time to invest in renewable energy and to build pedestrian and bicycle friendly cities. What is good for the planet is good for public health, and I encourage everyone to remember that solutions to a global problem can have immediate, individual benefits.

SECOND CHANCE ACT

Mr. BROWNBACK. Mr. President, I rise today to acknowledge the Presidential signing of a bill that was two and a half Congresses in the making, the Second Chance Act. This bill, which focuses on reinventing the way in which we create prison reentry programs, will have a dramatic and positive effect on hundreds of thousands of lives—lives that will be changed for the better.

I am equally pleased that the President signaled his support for this much needed legislation by hosting a bill signing ceremony this morning at the White House. I was delighted to join my colleagues in both the Senate and the House of Representatives, as well as the organizations that helped make this bill a reality—it was truly a magnificent event.

Over 650,000 individuals will be released from our Federal and State prisons, and 9 million are released from jails. Approximately two out of every three individuals released from prison or jail commit more crimes and will be rearrested within 3 years of release, placing increasing financial burdens on our States and decreasing public safety.

Recidivism is costly, in both personal and financial terms. Consider: The American taxpayers spent approximately $9 billion per year on corrections in 1982 and in 2002—nearly two decades later—taxpayers spent $60 billion. This current criminal justice system is not working, does not make our cities and States safer and is unacceptable and must be addressed.

The Second Chance Act will address these major issues in the area of corrections. By providing grant money to States through the Department of Justice and the Department of Labor, the bill encourages the creation of innovative programs geared toward improving public safety, decreasing the financial burden on States and successfully reintegrating ex-offenders into society.

Additionally, this bill authorizes two grant programs designed to aid nonprofit organizations—faith-based and community-based organizations—that provide programs to those incarcerated. As you may know, faith-based programs are very successful in reintegrating offenders into society. A 2002 study found that faith-based prison programs result in a significantly lower rate of re-arrest than vocation-based programs—16 percent versus 36 percent.

I and my Senate and House colleagues have worked extremely hard over the past 4 years on this measure that encompasses Federal, State, local, and nonprofit programs. I would especially like to thank Ranking Member SPECTER, Chairman BIDEN, and Chairman LEAHY. Our partnership over the last years has been a true testament to bipartisanship. We were able to put aside our policy differences for the good of those in need and come together on a bill that will provide hope and aid to those incarcerated. The bill will also provide assistance to those most vulnerable and often overlooked—the children of incarcerated parents. Nearly half of all prisoners have children, and it is estimated that one in five of those children will follow their parent into the prison system—this broken system must change, and the Second Chance Act will facilitate such needed change.

Indeed this bill is much needed and will serve as a catalyst for systemic change. This bill is supported by the hard work and determination of over 200 organizations, such as Prison Fellowship Ministries, Open Society, the Council of State Governments, and the U.S. Conference of Catholic Bishops, as well as many State and local government correction officials and law enforcement officials—a truly bipartisan/bicameral coalition of partners committed to changing the criminal justice system.

I commend the tremendous—truly tremendous work these organizations completed on behalf of this bill. Without their partnership, the bill may not have become reality. Through their perseverance and help, much needed reentry resources will be funded to help give those in our prison system a second chance at life. Through substance abuse programs, education, and job training programs, those incarcerated will be given a second chance to be productive citizens. Perhaps most importantly, prisoners will be given a second chance to reconnect with their families through family-based treatment and mentoring programs.

This is a monumental bill that will change the lives of countless individuals and will keep our communities safer by reducing recidivism rates drastically—the goal, 50 percent in 5 years—and it can be done.

Kansas has proven it. In slightly less time than it took us to enact this bill—3 years—Kansas cut their monthly revocation rate by 44 percent . . . 44 percent. I understand that they can also track the recidivism rate for ex-offenders in the 12–18 months of a parolee's release. Even more striking, the State has been able to reduce, by 41 percent, the number of criminal convictions over the last 3 years—proving that reentry programs work.

This is amazing, and I know that with the aid of the Second Chance Act other States are on their way to these successes as well.

I would like to also take a moment to recognize State Representative Pat Colloton from Kansas who was also here today to share in this celebration and is one of the leaders in Kansas on this issue.

Mr. President, this has been a great day for the supporters of the Second Chance Act. I commend them for their efforts, and I ask unanimous consent that the full list of organizations that support this program be printed in the RECORD for their outstanding work on this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS THAT SUPPORT THE SECOND CHANCE ACT

Access Community Health Network of Chicago; Addictions Coalition of Delaware, Inc.; AdvoCare, Inc., Hancock, MD; All of Us or None Oklahoma; Alliance for Children and Families; Alston Wilkes Society, South Carolina; Alvis House, Inc., Columbus, OH; American Academy of Child and Adolescent Psychiatry; American Bar Association; American Catholic Correctional Chaplains Association; American Center for Law and Justice; American Conservative Union; American Correctional Association; Amercan Correctional Chaplains Association; American Counseling Association; American Jail Association; American Probation and Parole Association; American Psychological Association; The Arc of the United States; Arizona Statewide TASC: Treatment Assessment & Screening Center.

Association for Better Living and Education; Association of Citizens for Social Reform; Association of State Correctional Administrators; A T Roseborough & Associated, Inc.; ATTIC Corrections Services, Inc., Madison, WI; BASICS, Inc.—Bronx, New York; Big Brothers Big Sisters of America; BOP Watch; The Bronx Defenders; Broward County Regional Project Safe Neighborhoods Task Force; California Association of Alcohol and Drug Program Executives; Catholic Charities USA; Center for Community Alternatives; Center for Community Corrections, Syracuse, NY; Center for Employment Opportunities (CEO)—New York; Center for Law and Social Policy; Center for Public Justice; Center for Youth as Resources; Center on Juvenile and Criminal Justice; Changin' Lives, Sugarland, TX.

Chicago Coalition for the Homeless; Child Welfare League of America; Children's Defense Fund; Christian Coalition; Church Council of Greater Seattle; Church Women United; Citizens United for Rehabilitation of Errants—Virginia, Inc.; Coalition for Juvenile Justice; Coalition of Community Corrections Providers—New Jersey; Coalition to End Homelessness, Ft. Lauderdale, FL; Concerned Citizens Coalition, Front Royal, VA; The Consortium for Citizens with Disabilities Criminal Justice Policy Task; Force; Corporation for Supportive Housing; Correctional Education Association; Council of Juvenile Correctional Administrators; Covenant House; Criminon International; D.C. Prisoners' Legal Services Project; Delaware Center for Justice, Inc.; East Bay Community Law Center, Berkeley, CA.

East County One Stop, OR; Evangelical Lutheran Church in America; FAAM—Utah Chapter; F.A.C.E.—Baltimore, MD; Family Justice, New York, NY; Family Research Council; Family Service Agency, AZ; Federal Defense Associates, Santa Ana, CA; Federal Prison Policy Project; Federation of Families for Children's Mental Health; Fifth Avenue Committee; Fight Crime: Invest in Kids; Foster Family-based Treatment Association; Friends and Family of Incarcerated Persons, Las Vegas, NV; Gastineau Human Services Corporation—Juneau, AK; Goodwill Industries International; HARP (Housing Assistance and Resource Program), Lebanon, PA; Haymarket Center of Chicago; Heartland Alliance for Human Needs and Human Rights; Horizon Faith-based Communities in Prisons.

Human Kindness Foundation; Idaho Department of Correction; Illinois TASC; Indiana Citizens United for Rehabilitation of Errants; International Association of Reentry; International Community Corrections Association; Jacksonville Area Legal Aid, Prisoner Reentry Program; Jewish Prisoner Services International; Johnson Institute; Justice Fellowship; Justice Watch, Inc.; Kids First Coalition; Leadership Conference on Civil Rights; Learning Disabilities Association of America; Legal Action Center; Lifetrack Resources—Minnesota; Local Initiative Support Corporation (LISC); Lutheran Services of America; Marion County Reentry Court, Indianapolis, IN; Mennonite Central Committee Washington Office.

Montgomery County (MD) Department of Correction and Rehabilitation; NAACP; NAACP Legal Defense & Educational Fund, Inc.; NAADAC—The Association for Addiction Professionals; National AIDS Housing Coalition; National Alliance for the Mentally Ill; National Alliance of Faith and Justice; National Alliance to End Homelessness; National Association of Blacks in Criminal Justice; National Association for Children of Alcoholics; National Association for Children's Behavioral Health; National Association of Counties; National Association of Drug Court Professionals; National Association of Protection and Advocacy Systems; National Association of School Psychology; National Association of State Alcohol and Drug Abuse Directors; National Association of State Mental Health Program Directors; National Black Caucus of State Legislators (NBCSL); National Black Church Taskforce Initiative on Crime and Criminal Justice; National Citizens United for Rehabilitation of Errants (CURE).

National Coalition of Full Opportunity for Felons (NCFOF); National Committee on Community Corrections; National Consortium of TASC Programs Inc.; National Correctional Industries Association; National Council for Community Behavorial Healthcare; National Council of La Raza; National HIRE Network; National Independent Living Association; National Law Center on Homelessness & Poverty; National Low Income Housing Coalition; National Network for Youth; National Re-Entry Resource Center; National Religious Affairs Association; National Sheriffs' Association; National TASC; National Transitional Jobs Network; National Urban League; New Hope Project—Wisconsin; New Jersey Community Corrections Association; New York City Departments of Correction and Probation.

New York Therapeutic Communities, Inc.; NY TCA; Noisette Foundation, North Charleston, SC; North Carolina TASC Training Institute; North West Community Corrections Center—Bowling Green, OH; Office of the Appellate Defender in New York; Ohio Community Corrections Association; Ohio Department of Rehabilitation and Correction; Ohio TASC Partnership; Our Daughters & Sons Support Group, Newport News, VA; Pacific Mountain WorkSource; Physicians for Human Rights; Pioneer Human Services—Seattle, WA; Police Executive Research Forum (PERF); Positive Resistance, Inc.; Presbyterian Church (USA), Washington Office; Prevent Child Abuse America; Prison Fellowship; Prison Ministry and Criminal Justice Commission of the National Baptist Convention, USA, Inc.; Prisons Foundation.

Public/Private Ventures; Rebecca Project for Human Rights; Tarzana Treatment Centers; Region 1 TASC Regional Coordinating Entity of Coastal Horizons Center, Inc.; Resource Information Help for the Disadvantaged (RIHD, Inc.); Restoration Enterprises, Redding, CA; The Safer Foundation; The Salvation Army; Samaritan Village; Sargent Shriver National Center on Poverty Law—Chicago; School Social Work Association of America; Seattle Ready4Work; Second Chance, San Diego, CA; Second Chance Ready4Work, Memphis, TN; The Sentencing Project; SHAR, Inc.; Society For Return To Honor, AZ; Southend Community Services/Our Piece of the Pie, Hartford, CT; State Associations of Addiction Services (SAAS); Stay'n Out and Serendipity Programs.

Stella Maris, Inc.—Cleveland, OH; STEPS To End Family Violence, New York, NY; Students for Sensible Drug Policy; Therapeutic Communities of America; Transitional Living Centers, Inc.—Williamsport, PA; TurnAround Village, LTD; United Cerebral Palsy; United Church of Christ/Justice & Witness Ministries; United Methodist Church General Board of Church and Society; United States Conference of Catholic Bishops; United States Conference of Mayors; University of Alabama, Birmingham TASC; UrbaneKnights, Inc.; Virginia CURE; Volunteers of America; Washington Legal Clinic for the Homeless; WestCare Foundation—Las Vegas, NV; The Wilberforce Forum; Women of Reform Judaism; Word of Hope Ministries, Inc./Ready4Work; Youth Advocate Programs, Inc.; Youth Law Center.

JULIA M. CARSON POST OFFICE

Mr. BAYH. Mr. President, Senator LUGAR and I honor Congresswoman Julia Carson by urging the Senate to support the legislation, S. 2534, which will designate a U.S. Post Office in Indianapolis in her name.

The U.S. Postal Service recommended the Mapleton Station Post Office in Indianapolis be the location named in her honor. Congresswoman Carson was not only instrumental in the erection of the new Mapleton Station, which opened its doors at a new location on July 15, 2005, but she also attended the dedication ceremony for the new building on August 11, 2005. This new, attractive building will be a terrific sign of respect for her.

Congresswoman Carson was born on July 8, 1938, in Louisville, KY. When she was only 1 year old, Julia and her family moved to Indianapolis. Carson graduated from Crispus Attucks High School in 1955 and attended Martin University in Indianapolis and Indiana University-Purdue University at Indianapolis.

Julia Carson's political career began when she was working in the Indianapolis office of former Congressman Andy Jacobs, who served 15 terms as the Congressman from Indianapolis, 10th District, Indiana. Jacobs encouraged Carson to run for the Indiana House of Representatives. Elected in 1972, Carson served in the Indiana House of Representatives for 4 years. In 1976, after serving in the Indiana House, Julia Carson successfully ran for a seat in the Indiana Senate, where she continued to serve Hoosiers for 14 years. In that position, Julia Carson gave unfailing support to Indiana's successful ratification of the Equal Rights Amendment and supported legislation to improve women's economic status, such as the bill she advocated to include household workers in the minimum wage.

After serving in the Indiana Senate, Carson became a trustee for Center Township of Marion County, an area comprised of downtown Indianapolis, where she instituted aggressive measures to help the city's homeless and trimmed the inflated welfare rolls by imposing new rules that required able-bodied recipients to work or attend school as a condition of receiving poor relief. In 1992, Julia Carson was declared Woman of the Year by the Indianapolis Star for her efforts to improve welfare and create a fiscal surplus in Marion County. Her dedication to Indianapolis continued to the U.S. House of Representatives. In 1996, Andy Jacobson retired from the U.S. House of Representatives, and Carson successfully won his seat, representing what was then Indiana's 10th Congressional District. Representative Julia Carson is only the third woman and second African American to be elected to the U.S. House of Representatives from Indiana.

As Congresswoman, Julia Carson is best remembered for her leadership awarding the Congressional Gold Medal to Rosa Parks for her instrumental role in the civil rights movement. Carson worked closely with Senator EVAN BAYH on initiatives to establish a program that would promote more responsible fatherhood by creating educational, economic, and employment opportunities. She also worked with Senator RICHARD LUGAR to improve children's health care.

While in Congress, Julia Carson served on the Committee of Financial Services, the Subcommittee of Financial Services and Consumer Credit, the Subcommittee on Housing and Community Opportunity, the Committee on Transportation and Infrastructure, the Subcommittee on Railroads, Pipelines and Hazardous Material, and the Subcommittee on Highways and Transit. Carson was also a member of the Congressional Black Caucus. Throughout her 10 years in Congress, Julia Carson worked tirelessly for the poor and forgotten.

Shortly after announcing her diagnosis with terminal lung cancer, Julia Carson died on December 15, 2007, at age 69. At her funeral service, those who spoke all said Carson, the daughter of an unwed teenage mother who worked as a housekeeper, never forgot where she came from. Therefore, it is only fitting that the Congress designate a post office in the name of Julia M. Carson in her hometown of Indianapolis.

ADDITIONAL STATEMENTS

TRIBUTE TO THE GEORGIAN CLUB

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD the 25th anniversary of the Georgian Club, the first suburban city club in metropolitan Atlanta.

The citizens of Cobb County immediately embraced the Georgian Club when it first opened its doors on April 19, 1983. I was proud to be a founding board member and I am proud to serve as chairman of the board of directors today.

With its breathtaking view of the Atlanta skyline, the Georgian Club offers unparalleled service, fine dining, and a relaxed atmosphere. Its consistently high standards ensure an enjoyable experience every time.

Many great leaders of Georgia have graced the halls of the Georgian Club, including my predecessor here in the U.S. Senate, Zell Miller, my colleague, Senator SAXBY CHAMBLISS, former Speaker of the House, Newt Gingrich, and President Jimmy Carter.

The Georgian Club is the vision of Jim Rhoden who has contributed to Cobb County and Georgia in countless civic and charitable ways.

It gives me a great deal of pleasure and it is a privilege to recognize in the U.S. Senate the 25th anniversary of the Georgian Club. The Georgian Club is a wonderful asset to our community and I congratulate this fine establishment on its well-deserved success.•

TRIBUTE TO DICK HALLIBURTON

• Mrs. McCASKILL. Mr. President, I ask the Senate to join me today in honoring Dick Halliburton, an accomplished advocate at Legal Aid of Western Missouri. He has fought tirelessly for 38 years for the rights of low-income Missourians, first as a Legal Aid of Western Missouri, LAWMO, attorney and for the last 20 years as LAWMO's executive director. During his time as executive director, LAWMO's staff has represented clients in more than 250,000 cases—obtaining thousands of protective orders for victims of domestic violence, preventing thousands of unlawful evictions, obtaining safe and affordable public and federally subsidized housing for thousands of families; and obtaining Medicaid, SSI and other public benefits for thousands of Missourians.

His work has empowered low-income people throughout western Missouri, by giving them the means to assert and protect their legal rights in court. Without his leadership, many low-income people throughout Western Missouri would not have had meaningful access to the civil justice system.

Dick has worked for years as a governor of the Missouri bar to advocate for the interest of low-income people. This work has encouraged the bar to provide direct funding for Missouri's legal services programs and to advocate for State funding for legal services, which the programs now receive.

He has led LAWMO through many difficult challenges. Through it all, he has maintained the integrity of the program and made sure that LAWMO continues to provide high quality legal services that meet its clients' needs.

Dick has greatly increased private donations, grants and other non-LSC funding for the program. When he began as executive director, LSC funding accounted for well over half of LAWMO's budget. Now it is barely a quarter of the organization's budget.

Dick has trained and nurtured one of the most experienced and well-respected groups of case handlers in any legal services program in the country, and those case handlers have achieved consistently high-quality results for their clients.

Dick's work takes into account the words and commitment to public service of Reginald Heber Smith, who in his book, "Justice and the Poor," stated:

> Without equal access to the law, the system not only robs the poor of their only protection, but it places it in the hands of their oppressors the most powerful and ruthless weapon ever created.

In short, Dick Halliburton has made Missouri's justice system more accessible for low-income people and, in doing so, he has improved the lives of all Missourians. We are sincerely grateful for his work.•

UNIVERSITY OF SOUTH DAKOTA WOMEN'S BASKETBALL TEAM

• Mr. THUNE. Mr. President, today I honor the University of South Dakota Coyotes women's basketball team on their second place finish in the 2008 NCAA Division II Tournament. This was USD's first trip to the National Championship game.

The USD women's basketball team has a long history of success, including three NCC Conference Championships from 1982 to 1985, as well as eight appearances in the NCAA Division II National Tournament. South Dakota, which concluded the season with a 33 and 2 overall record, won the North Central Conference with a 12 and 0 record. This was USD's final season in Division II athletics and it was undoubtedly one of the best in school history.

Certainly, this historic season would not have been possible without the players themselves. The members of the 2007–2008 University of South Dakota women's basketball team are as follows: Natalie Carda, Shannon Daly, Michelle Dirks, Anne Doshier, Kelli Fargen, Amber Hegge, Jeana Hoffman, Jenna Hoffman, Kara Iverson, Jasmine Mosley, Amy Robinette, Ashley Robinette, Annie Roche, Kendra Schomer, Bridget Yoerger, Maggie Youngberg.

Although this accomplishment was truly a team effort, I would like to pay special recognition to their coach Chad Lavin, who will be retiring after 14 years with the USD women's basketball team. Coach Lavin is USD's career wins leader with 271. Lavin's coaching success has not gone unnoticed as he has been named the NCC Coach of the Year four different times and has been selected as the Russell Athletic/WBCA North Central Regional Coach of the Year for the 2007–2008 season.

The coaches and student athletes of USD's women's basketball team should be very proud of all of their remarkable achievements this season. On behalf of the State of South Dakota, I am pleased to say congratulations to the Coyotes on this impressive season.•

CONGRATULATING JEFFERSON HIGH SCHOOL'S BASKETBALL TEAMS

• Mr. WYDEN. Mr. President, I wish to take a few minutes to talk to the Senate and America about the great pride that I and other Oregonians are feeling about the recent championships of Jefferson High School's girls' and boys' basketball teams, the Democrats. Both teams have been crowned winners of the 2008 5A state championship, respectively. Both the boys' and girls' basketball teams have had amazing seasons. In fact, Jefferson is the first high school in 5A history to ever win dual championships in the same season. This is an extraordinary accomplishment for a school that has only 600 kids in their student body and competes with schools that are much larger in size all the time.

The championships capped a regular season in which both teams turned in performances that were unprecedented in Oregon sports history. The Jefferson girls went undefeated with a regular season record of 27–0 and won their championship against a very tough Hermiston team on March 8, 2008. The Jefferson boys had a regular season record of 24–1. They duplicated the girls' victory the following weekend on March 15, 2008 by winning their first state championship in the 5A Division against a very good Corvallis team.

Both teams showed an incredible amount of determination; they proved their great will to win and displayed a spirit that would not allow them to give up. As a former basketball player myself, I know how hard it is to win and play at a high level for multiple games. I am especially proud because Jefferson High School has a special place in my heart. When I started my public career in Portland, I lived in the Jefferson district, so I always feel like it is home.

I learned a long time ago that the Jefferson community is the heart and soul of Portland. That is why I want all of my colleagues in the Senate and people around the country to know about the Jefferson Democrats' Herculean efforts and achievements. These two teams exemplify the character and true values of Oregonians by proving that hard work can lead to great success. They have shown that if you really work at something and are persistent, you can get the job done on and off the hardwood.

I want to salute all the members of the girls' basketball team and acknowledge the exceptional play of their starting lineup Janita Badon, Dequise Hammick, Nyesha Sims, Ariel Reynolds, and Tyrisha Blake who have proven to be the best girls' starting lineup in Oregon. Without the solid contributions from Jasmine Smith, Arquazia Jackson, Daniel Dixon, Debbie Blackmon, Arqueisha Preston, Hollisha Watson, Denaya Brazzle and Adreya Hudson, the Democrats would not have won a state championship. They also had great leadership that took them all the way to the championship, starting with their head coach, Michael Bontempts, and his outstanding assistant coaching staff.

I also want to salute the members of the boys' basketball team who carried on the tradition of winning that has been built by so many Jefferson champions who came before them community and business leaders like Tony Hopson, Ray Leary, Aaron Miles, and Michael Lee. Each of them began at Jefferson and went on to become winners in life after winning championships on the court. It will not surprise me when I read about the huge individual successes that these stellar players from the 2008 championship teams will have in their future. Oregonians everywhere will surely be watching as they go off to pursue great things.

So I applaud all the players on the boys' basketball team along with their head coach, Marshall Haskins, and his coaching staff. They put together a great starting line-up for the 2007–2008 season, including Terrance Jones, Terrance Ross, Tyrone White, Kalonji Paschel, Henry Williams and Jordan Black who is known as the best sixth man in 5A basketball. The Jefferson boys' roster was loaded with talent that gave them an option of a second starting line up that often made it difficult for teams to prepare for them when Darrel Nelson, Noah Kone, Jonathan Hall, Marlon Miles, Alexander Johnson, Robert Price, and Rashad Dent entered the game.

Jefferson keeps winning against all odds. They are true champions and an inspiration for all Americans both on and off the court. Their commitment and dedication to hard work has given me a new reason to be proud that I am an Oregonian. I will savor this unique moment in our State's sports history along with my fellow 3 million Oregonians as I congratulate both the girls' and boys' Democrats on a job well done.●

MESSAGE FROM THE HOUSE

At 1:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, that the following Members be the managers of the conference on the part of the House:

From the Committee on Agriculture, for consideration of the House bill (except title XII) and the Senate amendment (except sections 12001, 12201–12601, and 12701–12808), and modifications committed to conference: Messrs. PETERSON of Minnesota, HOLDEN, MCINTYRE, ETHERIDGE, BOSWELL, BACA, CARDOZA, SCOTT of Georgia, GOODLATTE, LUCAS, MORAN of Kansas, HAYES, Mrs. MUSGRAVE, and Mr. NEUGEBAUER.

From the Committee on Education and Labor, for consideration of sections 4303 and 4304 of the House bill, and sections 4901–4905, 4911, and 4912 of the Senate amendment, and modifications committed to conference: Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, and Mr. PLATTS.

From the Committee on Energy and Commerce, for consideration of sections 6012, 6023, 6024, 6028, 6029, 9004, 9005, and 9017 of the House bill, and sections 6006, 6012, 6110–6112, 6202, 6302, 7044, 7049, 7307, 7507, 9001, 11060, 11072, 11087, and 11101–11103 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, PALLONE, and BARTON of Texas.

From the Committee on Financial Services, for consideration of section 11310 of the House bill, and sections 6501–6505, 11068, and 13107 of the Senate amendment, and modifications committed to conference: Mr. KANJORSKI, Ms. WATERS, and Mr. BACHUS.

From the Committee on Foreign Affairs, for consideration of sections 3001–3008, 3010–3014, and 3016 of the House bill, and sections 3001–3022, 3101–3107, and 3201–3204 of the Senate amendment, and modifications committed to conference: Messrs. BERMAN, SHERMAN, and Ms. ROS-LEHTINEN.

From the Committee on the Judiciary, for consideration of sections 11102, 11312, and 11314 of the House bill, and sections 5402, 10103, 10201, 10203, 10205, 11017, 11069, 11076, 13102, and 13104 of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, SCOTT of Virginia, and SMITH of Texas.

From the Committee on Natural Resources, for consideration of sections 2313, 2331, 2341, 2405, 2607, 2607A, 2611, 5401, 6020, 7033, 7311, 8101, 8112, 8121–8127, 8204, 8205, 11063, and 11075 of the Senate amendment, and modifications committed to conference: Mr. RAHALL, Ms. BORDALLO, and Mrs. MCMORRIS RODGERS.

From the Committee on Oversight and Government Reform, for consideration of sections 1501 and 7109 of the House bill, and sections 7020, 7313, 7314, 7316, 7502, 8126, 8205, and 10201 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, TOWNS, and JORDAN of Ohio.

From the Committee on Science and Technology, for consideration of sections 4403, 9003, 9006, 9010, 9015, 9019, and 9020 of the House bill, and sections 7039, 7051, 7315, 7501, and 9001 of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, LAMPSON, and MCCAUL of Texas.

From the Committee on Small Business, for consideration of subtitle D of title XI of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ, Messrs. SHULER, and CHABOT.

From the Committee on Transportation and Infrastructure, for consideration of sections 2203, 2301, 6019, and

6020 of the House bill, and sections 2604, 6029, 6030, 6034, and 11087 of the Senate amendment, and modifications committed to conference: Mr. OBERSTAR, Ms. NORTON, and Mr. GRAVES.

From the Committee on Ways and Means, for consideration of section 1303 and title XII of the House bill, and sections 12001–12601, and 12701–12808 of the Senate amendment, and modifications committed to conference: Messrs. RANGEL, POMEROY, and MCCRERY.

For consideration of the House bill (except title XII) and the Senate amendment (except sections 12001, 12201–12601, and 12701–12808), and modifications committed to conference: Ms. DELAURO and Mr. PUTNAM.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2016. An act to establish the National Landscape Conservation System, and for other purposes.

H.R. 5395. An act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building".

H.R. 5472. An act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

H.R. 5489. An act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office".

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5395. An act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Environment and Public Works by unanimous consent, and referred as indicated:

H.R. 123. An act to authorize appropriations for the San Gabriel Basin Restoration Fund; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2016. An act to establish the National Landscape Conservation System, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 10, 2008, she had presented to the President of the United States the following enrolled bill:

S. 550. An act to preserve existing judgeships on the Superior Court of the District of Columbia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5745. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenhexamid; Pesticide Tolerance" (FRL No. 8357–2) received on April 4, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5746. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Buprofezin; Pesticide Tolerance" (FRL No. 8356–9) received on April 4, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5747. A communication from the Director of Administration and Management, Department of Defense, transmitting, pursuant to law, a report relative to the total cost for the renovation of Wedges 2 through 5 of the Pentagon; to the Committee on Armed Services.

EC–5748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P 180 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–087)) received on April 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–048)) received on April 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS–365N2 and N3, SA–365C, C1 and C2, and SA–365N and N1 Helicopters" ((RIN2120–AA64)(Docket No. 2007–SW–43)) received on April 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes" ((RIN2120–AA64)(Docket No. 2008–NM–029)) received on April 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5752. A communication from the Senior Vice President, Communications, Government and Valley Relations, Tennessee Valley Authority, transmitting, pursuant to law, the Statistical Summary of the Board of Directors for fiscal year 2007; to the Committee on Environment and Public Works.

EC–5753. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a navigation improvement project for Port Lions, Alaska; to the Committee on Environment and Public Works.

EC–5754. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1-methylcyclopropene; Amendment to and Exemption from the Requirement of a Tolerance" (FRL No. 8357–5) received on April 8, 2008; to the Committee on Environment and Public Works.

EC–5755. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL No. 8553–1) received on April 8, 2008; to the Committee on Environment and Public Works.

EC–5756. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to the 1-Hour Ozone Maintenance Plan for the Raleigh/Durham and Greensboro/Winston-Salem/High Point Areas" (FRL No. 8551–9) received on April 4, 2008; to the Committee on Environment and Public Works.

EC–5757. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions" (FRL No . 8548–8) received on April 4, 2008; to the Committee on Environment and Public Works.

EC–5758. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Maryland; Control of Large Municipal Waste Combustor Emissions from Existing Facilities" (FRL No. 8552–5) received on April 4, 2008; to the Committee on Environment and Public Works.

EC–5759. A communication from the Branch Chief of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Helianthus paradoxus" (RIN1018–AV02) received on April 4, 2008; to the Committee on Environment and Public Works.

EC–5760. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parks, Recreation Areas , Wildlife and Waterfowl Refuges, and Historical Sites" (RIN2125–AF14) received on March 31, 2008; to the Committee on Environment and Public Works.

EC–5761. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Standards for E-Prescribing Under Medicare Part D and Identification of Backward Compatible Version of Adopted Standard for E-Prescribing and the Medicare

Prescription Drug Program" (RIN0938-AO66) received on April 8, 2008; to the Committee on Finance.

EC–5762. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Under Section 6050L Relating to Information Returns by Donees of Qualified Intellectual Property" ((RIN1545-BE11)(TD 9392)) received on April 8, 2008; to the Committee on Finance.

EC–5763. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2008-45) received on April 8, 2008; to the Committee on Finance.

EC–5764. A communication from the Program Manager, Office of Clinical Standards and Quality, Department of Health and Human Services , transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Conditions for Coverage for End-Stage Renal Disease Facilities" (Docket No. CMS-3818-F) received on April 8, 2008; to the Committee on Finance.

EC–5765. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Part 121—The United States Munitions List" (22 CFR Part 121) received on April 4, 2008; to the Committee on Foreign Relations.

EC–5766. A communication from the Deputy Assistant Secretary, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination and Affirmative Action Obligations of Contractors and Subcontractors Regarding Protected Veterans" (RIN1215-AB65) received on April 8, 2008; to the Committee on Health, Education, Labor , and Pensions.

EC–5767. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Annual Leave for Senior-Level Employees" (RIN3206-AL49) received on April 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5768. A communication from the Director, Voting Rights Program, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Amendments to Conform the United States Code of Federal Regulations to the Voting Rights Reauthorization and Amendments Act of 2006" (RIN3206-AL40) received on April 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5769. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Locations and Hours; Changes in NARA Research Room Hours" (RIN3095-AB57) received on April 4, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5770. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5771. A communication from the Chairman of the Council of the District of Columbia, transmitting a Council Resolution entitled, "Sense of the Council in Support of Establishing the United States of America's First National Civilian University in our Nation's Capital Resolution of 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC–5772. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report of the Attorney General relative to the Administration of the Foreign Agents Registration Act for the six months ending June 30, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 86. A bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers (Rept. No. 110–283).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 127. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge (Rept. No. 110–284).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 128. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes (Rept. No. 110–285).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 189. A bill to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan (Rept. No. 110–286).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1039. A bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey (Rept. No. 110–287).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1143. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes (Rept. No. 110–288).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1247. A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to limit the development of any property acquired by the Secretary of the Interior for the development of visitor and administrative facilities for the Weir Farm National Historic Site, and for other purposes (Rept. No. 110–289).

S. 1304. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail (Rept. No. 110–290).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1329. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes (Rept. No. 110–291).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1341. A bill to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes (Rept. No. 110–292).

S. 1365. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes (Rept. No. 110–293).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1377. A bill to direct the Secretary of the Interior to convey to the City of Henderson, Nevada, certain Federal land located in the City, and for other purposes (Rept. No. 110–294).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1433. A bill to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska (Rept. No. 110–295).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1476. A bill to authorize the Secretary of the Interior to conduct special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System (Rept. No. 110–296).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 1522. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes (Rept. No. 110–297).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1740. A bill to amend the Act of February 22, 1889, and the Act of July 2, 1862, to provide for the management of public land trust funds in the State of North Dakota (Rept. No. 110–298).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1802. A bill to adjust the boundaries of the Frank Church River of No Return Wilderness in the State of Idaho (Rept. No. 110–299).

S. 1921. A bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes (Rept. No. 110–300).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1939. A bill to provide for the conveyance of certain land in the Santa Fe National Forest, New Mexico (Rept. No. 110–301).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1940. A bill to reauthorize the Rio Puerco Watershed Management Program, and for other purposes (Rept. No. 110–302).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1941. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes (Rept. No. 110–303).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1961. A bill to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama (Rept. No. 110–304).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1969. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other purposes (Rept. No. 110–305).

S. 1991. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes (Rept. No. 110–306).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2034. A bill to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes (Rept. No. 110–307).

S. 2098. A bill to establish the Northern Plains Heritage Area in the State of North Dakota (Rept. No. 110–308).

S. 2220. A bill to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations (Rept. No. 110–309).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 30. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project (Rept. No. 110–310).

H.R. 299. A bill to adjust the boundary of Lowell National Historical Park, and for other purposes (Rept. No. 110–311).

H.R. 359. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estarada Chavez and the farm labor movement (Rept. No. 110–312).

H.R. 759. A bill to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library" (Rept. No . 110–313).

H.R. 807. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System (Rept. No. 110–314).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 815. A bill to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard (Rept. No. 110–315).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 830. A bill to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska (Rept. No. 110–316) .

H.R. 1021. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes (Rept. No. 110–317).

H.R. 1025. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas (Rept. No. 110–318).

H.R. 1191. A bill to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park (Rept. No. 110–319).

H.R. 1239. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to authorize additional funding to carry out the Act, and for other purposes (Rept. No. 110–320).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 1462. A bill to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir (Rept. No. 110–321).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1526. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes (Rept. No. 110–322).

H.R. 1662. A bill to authorize the Secretary of the Interior to seek limited reimbursement for site security activities, and for other purposes (Rept. No. 110–323).

H.R. 3079. To amend the joint resolution that approved the covenant establishing the Commonwealth of the Northern Mariana Islands, and for other purposes (Rept. No. 110–324).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3196. A bill to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the "E. Arthur Gray Post Office Building".

H.R. 3468. A bill to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr. Post Office".

H.R. 3532. A bill to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office".

H.R. 3720. A bill to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building".

H.R. 3803. A bill to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building".

H.R. 3936. A bill to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building".

H.R. 3988. A bill to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building".

H.R. 4166. A bill to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex".

H.R. 4203. To designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building".

H.R. 4211. A bill to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office".

H.R. 4240. A bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

H.R. 4454. A bill to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. A bill to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building".

H.R. 5220. A bill to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building".

H.R. 5400. A bill to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building".

S. 2534. A bill to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

S. 2626. A bill to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sergeant Michael M. Kashkoush Post Office Building".

S. 2673. A bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

S. 2675. A bill to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building".

S. 2725. A bill to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office".

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN (for himself, Mr. GREGG, Mr. LIEBERMAN, and Mr. HAGEL):

S. 2839. A bill to provide emergency relief for United States businesses and industries currently employing temporary foreign workers and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. HAGEL):

S. 2840. A bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2841. A bill to amend the Oil Pollution Act of 1990 and title 46, United States Code, to establish a marine emergency protocol and requirements for double-hulling of vessel fuel tanks; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. TESTER):

S. 2842. A bill to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN (for himself and Mr. LEVIN):

S. 2843. A bill to amend the Internal Revenue Code of 1986 to allow a continuous levy on payments to Medicaid providers and suppliers; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. VOINOVICH, Mr. MENENDEZ, and Mr. WARNER):

S. 2844. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MARTINEZ:

S. 2845. A bill to amend title XIX of the Social Security Act to require asset verification through access to information held by financial institutions, to reduce fraud and abuse in State Medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 2846. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Finance.

By Mr. KERRY:

S. 2847. A bill to amend the Federal Home Loan Bank Act to allow Federal home loan banks to invest surplus funds in student loan securities and make advances for student loan financing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN:

S. 2848. A bill to provide for health care benefits for certain nuclear facility workers; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR:

S. 2849. A bill to temporarily delay application of proposed changes to the Departmental Appeals Board within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself and Mr. INHOFE):

S. Res. 510. A resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL (for herself, Mr. LEAHY, Mr. OBAMA, Mr. COBURN, Mrs. CLINTON, and Mr. WEBB):

S. Res. 511. A resolution recognizing that John Sidney McCain, III, is a natural born citizen; to the Committee on the Judiciary.

By Mr. DeMINT (for himself, Mr. BAUCUS, Mr. MCCONNELL, Mr. ALLARD, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. ENSIGN, Mr. ENZI, Mr. INHOFE, Mr. NELSON of Nebraska, and Mr. WEBB):

S. Res. 512. A resolution honoring the life of Charlton Heston; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Mr. HARKIN):

S. Con. Res. 75. A concurrent resolution expressing the sense of Congress that the Secretary of Defense should take immediate steps to appoint doctors of chiropractic as commissioned officers in the Armed Forces; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 45

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 45, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 329

At the request of Mr. CRAPO, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 388

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 432

At the request of Mrs. LINCOLN, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 519

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 519, a bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

S. 616

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 789

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 789, a bill to prevent abuse of Government credit cards.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1301

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1301, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1312

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1312, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1570

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1570, a bill to amend the National Labor Relations Act to protect employer rights.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of student loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2186

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2186, a bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2460

At the request of Mrs. DOLE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2495

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2495, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2543

At the request of Mr. ENSIGN, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2543, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 2595

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from North Carolina (Mrs. DOLE), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2619

At the request of Mr. COBURN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Georgia (Mr. ISAKSON) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2652

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2652, a bill to authorize the Secretary of Defense to make a grant to the National World War II Museum Foundation for facilities and programs of America's National World War II Museum.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from California (Mrs. BOXER), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2685

At the request of Mr. LAUTENBERG, the name of the Senator from New

York (Mrs. CLINTON) was added as a cosponsor of S. 2685, a bill to prohibit cigarette manufacturers from making claims or representations based on data derived from the cigarette testing method established by the Federal Trade Commission.

S. 2708

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2708, a bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 2717

At the request of Mr. CHAMBLISS, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2717, a bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

S. 2756

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2756, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2768

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2768, a bill to provide a temporary increase in the maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.

S. 2800

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2800, a bill to increase the incentives for employers to hire qualified ex-felons by enhancing the effectiveness of the work opportunity tax credit, to reduce the backlog of applications pending certification under the work opportunity tax credit program, to enhance the effectiveness of the Federal bonding program, to enhance the effectiveness of the Federal bonding program, and to authorize a pilot program for employment-focused re-entry projects.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2821

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2821, a bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

S. 2822

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2822, a bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas.

S.J. RES. 28

At the request of Mr. DORGAN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 470

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 470, a resolution calling on the relevant governments, multilateral bodies, and non-state actors in Chad, the Central African Republic, and Sudan to devote ample political commitment and material resources towards the achievement and implementation of a negotiated resolution to the national and regional conflicts in Chad, the Central African Republic, and Darfur, Sudan.

S. RES. 497

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 497, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008.

S. RES. 504

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 504, a resolution condemning the violence in Tibet and calling for restraint by the Government of the People's Republic of China and the people of Tibet.

S. RES. 506

At the request of Mr. NELSON of Nebraska, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 506, a resolution expressing the sense of the Senate that funding provided by the United States to the Government of Iraq in the future for reconstruction and training for security forces be provided as a loan to the Government of Iraq.

S. RES. 509

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 509, a resolution recognizing the week of April 7, 2008 to April 13, 2008, as "National Public Health Week".

AMENDMENT NO. 4402

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mrs. CLINTON), the Senator from Pennsylvania (Mr. CASEY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4402 intended to be proposed to H. R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 4419

At the request of Mr. ENSIGN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 4419 proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 4419 proposed to H.R. 3221, supra.

AMENDMENT NO. 4446

At the request of Mr. LEAHY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Maine (Ms. SNOWE), the Senator from South Dakota (Mr. THUNE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 4446 proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 4519

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4519 proposed to S. 2739, a bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

AMENDMENT NO. 4520

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4520 proposed to S. 2739, a bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United

States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

AMENDMENT NO. 4521

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4521 proposed to S. 2739, a bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

AMENDMENT NO. 4522

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 4522 proposed to S. 2739, a bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2841. A bill to amend the Oil Pollution Act of 1990 and title 46, United States Code, to establish a marine emergency protocol and requirements for double-hulling of vessel fuel tanks; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce an important piece of legislation. The Marine Emergency Protocol and Hull Requirement Act will take two major steps in preventing oilspills.

First, the bill directs the United States Coast Guard to control and oversee a vessel's route and speed during dangerous conditions. This oversight is critical to protect our ships during an attack or in conditions of low visibility.

Second, the bill will keep dangerous oil and fuel out of our waterways by mandating that all large cargo ships reinforce their fuel tanks with double hulls. By doing so, many of the small mishaps that occur will not lead to major oilspills.

San Franciscans learned the hard way that further precautions and regulations are needed.

Last November, in my hometown, a large cargo ship carrying over 100,000 gallons of fuel, ran into the San Francisco Bay Bridge. The damaged ship poured 53,000 gallons of oil into the bay.

In the following hours and days there was confusion, it was difficult to obtain accurate information, and there was a general sense of frustration felt by Bay Area residents.

Here is what we knew:

On the foggy November morning, visibility was very low—less than a quarter of a mile—in the San Francisco Bay.

Under these low visibility conditions the *Cosco Busan*, a large 900-foot-long cargo ship, decided to leave for its destination despite the poor conditions.

As the ship proceeded towards the Bay Bridge, the captain was advised by the Coast Guard that his vessel may be off course. However the Coast Guard did nothing to stop the ship, which they knew was heading directly towards a pillar of the bridge.

Despite the warnings and the poor visibility, the ship continued to speed toward the bridge until it collided.

The fact is this: The Coast Guard's actions did not stop the ship from running into the pier.

It is the responsibility of the Coast Guard to make sure that preventable oilspills are prevented. Sector Commanders and Vessel Traffic Service officers track ships as they traverse harbors across the country. In this case they could see that the ship was off course, yet they did nothing. This is unacceptable.

The Marine Emergency Protocol and Hull Requirement Act will mandate that the Coast Guard act to stop a ship—such as the *Cosco Busan*—that is dangerously off course.

Yes, there was substantial human error that led to this oilspill. That is unquestionable. But the fact remains that the Coast Guard had an opportunity to stop this ship, and it did not.

The bill directs the Sector Commander of the Coast Guard, that is the top official within each of the Coast Guard's 35 regions, to assume direct authority of all vessels during conditions of enhanced danger, such as low visibility or an attack.

By doing this, we will create a central system where all decisions are made. There will not be any confusion about who should do what, or when, or how. This way, during emergency conditions when confusion abounds, all orders are coming from one central source.

The Sector Commander will have the authority to stop ships, change their course, or return them to a safe harbor. They will have the authority to alter the course of one ship, or of all ships. This authority is necessary to ensure safe navigation of dangerous waterways.

Yet even in a perfect world, the Coast Guard cannot stop all oilspills. Sometimes the circumstances are out of their control.

That is why we need to make sure that the ships in our waterways take all reasonable precautions to protect against spilling oil.

The Marine Emergency Protocol and Hull Requirement Act also mandates that all cargo vessels are built with, or install, double hull containment structures around their petroleum based fuel tanks. Doing so keeps small mishaps and collisions from turning into major oilspills.

The extra layer of protection was required for oil tankers under the Oil Pollution Act of 1990, OPA 90.

Following the 11-million gallon *Exxon Valdez* tragedy in 1989, new restrictions on oil tankers were at the center of the debate on how to prevent another catastrophic oilspill. The result of the OPA 90 legislation has been remarkable.

Compared to the 15 years before the enactment of the Oil Pollution Act, the following 15 years have seen a 90-percent drop in oilspills over 100,000 gallons.

In the same time period, there has been a 79-percent drop in spills less than 100,000 gallons.

By 2015 there will be no single-hull tank vessels operating in U.S. waters. As of 2010, only 5 percent of domestic and only 4 percent of foreign tank vessels will still have a single hull. Nearly 90 percent had single hulls in 1990.

These are incredible successes. Unfortunately one other statistic sticks out.

Since 1990, 90 percent of all oilspills have been from non-tank vessels.

Clearly, this illustrates the need for cargo ships, the main culprit of oilspills in recent years, to be subject to the Oil Pollution Act standards.

In 1990, cargo ships were left out because relatively, they carried much less oil. However, newer, larger cargo ships carry hundreds of thousands of gallons of oil as fuel, and this oil still poses a grave environmental threat.

In the *Cosco Busan* incident, and dozens of other catastrophic oilspills around the world, it was fuel oil that ended up in the water, not cargo oil. Of course this oil is just as deadly, yet under current law it is treated differently.

It is time to close this loophole.

The Marine Emergency Protocol and Hull Requirement Act also provides a reasonable timeframe for implementing these standards.

In the 1990 bill, Congress adopted a sliding scale for when vessels needed to have applied the appropriate double hull protections. The timetable was developed to allow shipping companies and ship owners to plan for the additional costs—and up to 15 years to implement them. Under this bill, we will adopt the same time-tested schedule and apply it to the conversion of cargo vessels.

The Marine Emergency Protocol and Hull Requirement Act is a commonsense bill that will unquestionably make our waters safer.

In an emergency situation, be it an attack or a condition of low visibility, the Coast Guard must assume authority over a ship in danger. It is their responsibility to guide the vessel to safety. This bill clarifies that they have the authority to do so, and it mandates that they follow through.

Similarly, vessels carrying a large volume of oil—be it as cargo or as fuel—have the responsibility to take reasonable steps to prevent that oil from spilling.

In the event of even a minor accident, a single hull breach is a very real possibility. This is why we mandated that oil tankers implement a double containment system in 1990.

It has come time to close this loophole and call all oil, oil. Fuel oil is just as detrimental and just as deadly as oil that is carried in the cargo hold of a ship. Therefore it should have to be contained with an equal level of protection.

I look forward to working with my colleagues on this very important matter, passing this important piece of commonsense legislation.

By Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. TESTER):

S. 2842. A bill to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aging Water Infrastructure and Maintenance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) INSPECTION.—The term "inspection" means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) PROJECT FACILITY.—The term "project facility" means any part or incidental feature of a reclamation or irrigation project (including any canal, levee, tunnel, dike, pumping plant, dam, or reservoir) that is—

(A) under the jurisdiction of the Secretary (including any facility owned by the Department of the Interior); and

(B) not covered by the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506 et seq.).

(3) RESERVED PROJECT FACILITY.—The term "reserved project facility" means any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) TRANSFERRED PROJECT FACILITY.—The term "transferred project facility" means a project facility the operation and maintenance of which is carried out by a non-Federal entity.

SEC. 3. INSPECTION OF PROJECT FACILITIES.

(a) INSPECTIONS.—

(1) INITIAL INSPECTION PERIOD.—

(A) IN GENERAL.—In accordance with subparagraph (B), not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inspection of not less than 75 percent of all project facilities.

(B) SELECTION OF PROJECT FACILITIES.—In selecting project facilities to inspect during the initial inspection period under subparagraph (A), the Secretary shall take into account the risk posed by each project facility to public health or safety, or property.

(2) FINAL INSPECTION PERIOD.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct an inspection of each project facility not inspected by the Secretary during the initial inspection period under paragraph (1)(A).

(3) REIMBURSEMENT RELATING TO INSPECTIONS OF TRANSFERRED PROJECT FACILITIES.—Notwithstanding any applicable law (including regulations), with respect to an inspection of a transferred project facility carried out under this subsection, the Secretary may not request from the non-Federal entity that carries out the operation and maintenance of the transferred project facility reimbursement for costs arising from the inspection.

(4) PERIODIC REVIEW OF INSPECTIONS.—Not later than 3 years after the date described in paragraph (2) and every 3 years thereafter, the Secretary shall carry out a review of each inspection carried out under paragraphs (1) and (2).

(b) USE OF INSPECTION DATA.—The Secretary shall use the data collected by the Secretary through the conduct of the inspections under paragraphs (1) and (2) of subsection (a)—

(1) to develop for each reserved project facility a detailed schedule for the conduct of regular maintenance;

(2) to develop for, and provide to, each non-Federal entity that carries out the operation and maintenance of a transferred project facility—

(A) a detailed schedule for the conduct of regular maintenance; and

(B) a document that contains guidance describing the manner by which to comply with the schedule described in subparagraph (A); and

(3) to create a national priorities list that contains a description of each project facility that requires the most urgent maintenance with respect to the infrastructure of the project facility.

(c) NATIONAL PRIORITIES LIST.—

(1) ANNUAL REVIEW.—Not later than 1 year after the date on which the Secretary develops the national priorities list under subsection (b)(3) and annually thereafter, the Secretary shall carry out a review of each project facility to update the list for the year covered by the review.

(2) PUBLICATION.—The national priorities list shall be published by the Secretary in the budget justification of the Department of the Interior for the year covered by the national priorities list.

(d) STATE PARTICIPATION.—In conducting an inspection of a project facility under subsection (a), the Secretary shall—

(1) notify the appropriate State agency of the State in which the project facility is located of the inspection;

(2) allow the State agency described in paragraph (1) to participate in the inspection of the project facility; and

(3) provide to the State agency described in paragraph (1) a report that describes the results of the inspection of the project facility.

SEC. 4. FEDERAL STANDARDS AND GUIDELINES FOR PROJECT FACILITIES.

(a) PROMULGATION OF STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in accordance with paragraph (2), the Secretary shall promulgate final regulations to establish standards for the condition and maintenance of project facilities.

(2) CONTENTS.—The regulations promulgated by the Secretary under paragraph (1) shall contain a detailed description of each condition with which a project facility shall comply to be eligible to be considered by the Secretary—

(A) to function properly and in accordance with the objectives of the project facility; and

(B) to operate in a manner to ensure, to the maximum extent practicable—

(i) the safety of populations located in close proximity to the project facility; and

(ii) the preservation of property located in close proximity to the project facility.

(b) PROMULGATION OF GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in accordance with paragraph (2), the Secretary shall promulgate final regulations to establish guidelines—

(A) to implement this Act; and

(B) to ensure compliance with the regulations promulgated by the Secretary under subsection (a).

(2) CONTENTS.—The regulations promulgated by the Secretary under paragraph (1) shall reflect an agency-wide policy with respect to the type, and proportion of, activities relating to the operation and maintenance of a project facility that may be appropriately carried out by a non-Federal entity, taking into account—

(A) any economic benefit that may result from the carrying out of the activities by a non-Federal entity; and

(B) the capabilities of the non-Federal entity to carry out the activities.

SEC. 5. MODIFICATION OF PROJECT FACILITIES.

(a) IN GENERAL.—The Secretary shall carry out or, in accordance with subsection (b), provide to a non-Federal entity financial support to carry out, any modification to a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) REIMBURSEMENT OF COSTS ARISING FROM THE REPAIR OF STRUCTURALLY DEFICIENT TRANSFERRED PROJECT FACILITIES.—

(1) COMPLIANT TRANSFERRED PROJECT FACILITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), to reimburse a non-Federal entity for costs arising from the carrying out of repair activities to improve the safety of a transferred project facility, the Secretary may provide to the non-Federal entity an amount equal to 65 percent of the costs incurred by the non-Federal entity to carry out the repair activities.

(B) DETERMINATION OF SECRETARY.—The Secretary shall reimburse the non-Federal entity described in subparagraph (A) if the Secretary determines that—

(i) the transferred project facility of the non-Federal entity is structurally deficient; and

(ii) the structural deficiency is not a result of noncompliance with any regulation promulgated by the Secretary under section 4.

(2) NONCOMPLIANT TRANSFERRED PROJECT FACILITIES.—

(A) IN GENERAL.—The Secretary may carry out any repair activity that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property—

(i) if the Secretary determines that—

(I) the transferred project facility is structurally deficient; and

(II) the structural deficiency is a result of noncompliance with any regulation promulgated by the Secretary under section 4; and

(ii) after the date on which the Secretary consults with the non-Federal entity that carries out the operation and maintenance of the transferred project facility.

(B) REIMBURSEMENT.—In accordance with any applicable law (including regulations) or agreement, the Secretary may seek reimbursement from the non-Federal entity that carries out the operation and maintenance of the transferred project facility described in subparagraph (A) for costs arising from each repair activity carried out by the Secretary under that subparagraph.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) INSPECTION OF PROJECT FACILITIES.—There are authorized to be appropriated to the Secretary to carry out section 3—

(1) $5,000,000 for fiscal year 2009; and

(2) $1,500,000 for each of fiscal years 2010 through 2013.

(b) MODIFICATION OF PROJECT FACILITIES.—There are authorized to be appropriated such sums as are necessary to carry out section 5.

By Mr. KERRY:

S. 2847. A bill to amend the Federal Home Loan Bank Act to allow Federal home loan banks to invest surplus funds in student loan securities and make advances for student loan financing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, to many young people, from all walks of life, are either struggling to pay for college or flat out can't afford it. Those who aren't able to incur the steep costs of a college education are not only losing out on a degree, but setting themselves up to face a lifetime of lost opportunities, as study after study shows college graduates are the most attractive candidates for the fastest-growing and best-paying jobs of tomorrow. Greater college access, gained through financial assistance, is critical to making the American dream a reality for all.

Yet prospective student borrowers are about to encounter massive impediments to acquiring quality, affordable private loans. The credit crunch currently impacting the home mortgage sector is set to extend to the student loan marketplace. Without sufficient liquidity in the market, student borrowers will find it harder and harder to find loans for their costs of college next year. According to FinAid.org, student loan originators are increasingly choosing to exit or suspend their participation in all or part of the Federal Family Education Loan Program, FFELP—45 since last August alone.

Unfortunately, however, Federal Reserve Chairman Ben S. Bemanke has indicated that the Federal Reserve is unlikely to take aggressive action at this time to help the student loan marketplace. Therefore, I am seeking to address this significant issue by introducing the Emergency Student Loan Market Liquidity Act.

This legislation will temporarily amend the Federal Home Loan Bank Act to allow the Federal Home Loan Banks to invest surplus funds not needed for advances to its member banks for student loan-related securities. It would also allow the Federal Home Loan Banks to accept student loans and student loan-related securities as collateral. Finally, the bill authorizes each Federal Home loan Bank to provide secured advances to its members to originate student loans or finance student loan-related activities. This will provide funds for banks to help provide critically-needed student loans during these difficult economic times.

The Federal Home Loan Banks are today an essential source of stable, low-cost funds to financial institutions for home mortgage, small business, and rural and agricultural loans. With their members, the Federal Home Loan Banks represent one of the largest sources of home mortgage and community credit. There are twelve Federal Home Loan Banks, including one in Boston, each located in different regions of the country. Their cooperative structure is ideal for serving the system's 8,100 member lenders.

Today, the Federal Home Loan Banks provide billions of dollars of primary liquidity to approximately 80 percent of the Nation's financial institutions. By providing this additional student loan authorization to its members, member institutions will be able to remain active in the student loan marketplace and help students pay for their education.

This legislation is absolutely vital to securing the opportunity of higher education for all who choose to pursue it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 510—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mrs. MURRAY (for herself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 510

Whereas cystic fibrosis is one of the most common life-threatening genetic diseases in the United States and one for which there is no known cure;

Whereas the average life expectancy of an individual with cystic fibrosis is 37 years, an improvement from a life expectancy in the 1960s where children did not live long enough to attend elementary school, but still unacceptably short;

Whereas approximately 30,000 people in the United States have cystic fibrosis, more than half of them children;

Whereas 1 of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas more than 10,000,000 Americans are unknowing, symptom-free carriers of the cystic fibrosis gene;

Whereas the Centers for Disease Control and Prevention recommend that all States consider newborn screening for cystic fibrosis;

Whereas the Cystic Fibrosis Foundation urges all States to implement newborn screening for cystic fibrosis to facilitate early diagnosis and treatment which improves health and life expectancy;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease;

Whereas innovative research is progressing faster and is being conducted more aggressively than ever before, due, in part, to the Cystic Fibrosis Foundation's establishment of a model clinical trials network;

Whereas, although the Cystic Fibrosis Foundation continues to fund a research pipeline for more than 30 potential therapies and funds a nationwide network of care centers that extend the length and quality of life for people with cystic fibrosis, lives continue to be lost to this disease every day;

Whereas education of the public about cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis; and

Whereas the Cystic Fibrosis Foundation will conduct activities to honor National Cystic Fibrosis Awareness Month in May 2008: Now, therefore, be it

Resolved, That the Senate—

(1) honors the goals and ideals of National Cystic Fibrosis Awareness Month;

(2) supports the promotion of further public awareness and understanding of cystic fibrosis;

(3) encourages early diagnosis and access to quality care for people with cystic fibrosis to improve the quality of their lives; and

(4) supports research to find a cure for cystic fibrosis by fostering an enhanced research program through a strong Federal commitment and expanded public-private partnerships.

SENATE RESOLUTION 511—RECOGNIZING THAT JOHN SIDNEY McCAIN III, IS A NATURAL BORN CITIZEN

Mrs. MCCASKILL (for herself, Mr. LEAHY, Mr. OBAMA, Mr. COBURN, Mrs. CLINTON, and Mr. WEBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 511

Whereas the Constitution of the United States requires that, to be eligible for the Office of the President, a person must be a "natural born Citizen" of the United States;

Whereas the term "natural born Citizen", as that term appears in Article II, Section 1, is not defined in the Constitution of the United States;

Whereas there is no evidence of the intention of the Framers or any Congress to limit the constitutional rights of children born to Americans serving in the military nor to prevent those children from serving as their country's President;

Whereas such limitations would be inconsistent with the purpose and intent of the "natural born Citizen" clause of the Constitution of the United States, as evidenced by the First Congress's own statute defining the term "natural born Citizen";

Whereas the well-being of all citizens of the United States is preserved and enhanced by the men and women who are assigned to serve our country outside of our national borders;

Whereas previous presidential candidates, were born outside of the United States of America and were understood to be eligible to be President; and

Whereas John Sidney McCain, III, was born to American citizens on an American military base in the Panama Canal Zone in 1936: Now, therefore, be it

Resolved, That John Sidney McCain, III, is a "natural born Citizen" under Article II, Section 1, of the Constitution of the United States.

Mr. LEAHY. Mr. President, today I join Senator CLAIRE MCCASKILL in introducing a resolution to express the common sense of everyone here that Senator MCCAIN is a "natural born Citizen," as the term is used in the Constitution of the United States. Our Constitution contains three requirements for a person to be eligible to be President—the person must have reached the age of 35; must have resided in America for 14 years; and must be a "natural born Citizen" of the United States. Certainly there is no doubt that Senator MCCAIN is of sufficient years on this earth and in this country given that he has been serving in Washington for over 25 years. However, some pundits have raised the question of whether he is a "natural born Citizen" because he was born outside of the official borders of the United States.

JOHN SIDNEY MCCAIN, III, was born to American citizens on an American Naval base in the Panama Canal Zone in 1936. Numerous legal scholars have looked into the purpose and intent of the "natural born Citizen" requirement. As far as I am aware, no one has unearthed any reason to think that the Framers would have wanted to limit the rights of children born to military families stationed abroad or that such a limited view would serve any noble purpose enshrined in our founding document. Based on the understanding of the pertinent sources of constitutional meaning, it is widely believed that if someone is born to American citizens anywhere in the world they are natural born citizens.

It is interesting to note that another previous presidential candidate, George Romney, was also born outside of the United States. He was widely understood to be eligible to be President. Senator Barry Goldwater was born in a U.S. territory that later became the State of Arizona so some even questioned his eligibility. Certainly the millions of Americans who voted for these two Republican candidates believed that they were eligible to assume the office of the President. The same is true today.

Because he was born to American citizens, there is no doubt in my mind that Senator MCCAIN is a natural born citizen. I recently asked Secretary of Homeland Security Michael Chertoff, a former Federal judge, if he had any doubts in his mind. He did not.

I expect that this will be a unanimous resolution of the Senate and I thank the Senator from Missouri for working with me on this.

I ask unanimous consent that the relevant excerpt from the Judiciary Committee hearing where Secretary Chertoff testified be made a part of the RECORD.

EXCERPT OF SECRETARY CHERTOFF TESTIMONY FROM APRIL 2, 2008

Chairman LEAHY. We will come back to that. I would mention one other thing, if I might, Senator Specter. Let me just ask this: I believe—and we have had some question in this Committee to have a special law passed declaring that Senator McCain, who was born in the Panama Canal, that he meets the constitutional requirement to be President. I fully believe he does. I have never had any question in my mind that he meets our constitutional requirement. You are a former Federal judge. You are the head of the agency that executes Federal immigration law. Do you have any doubt in your mind—I mean, I have none in mine. Do you have any doubt in your mind that he is constitutionally eligible to become President?

Secretary CHERTOFF. My assumption and my understanding is that if you are born of American parents, you are naturally a natural-born American citizen.

Chairman LEAHY. That is mine, too. Thank you.

SENATE RESOLUTION 512—HONORING THE LIFE OF CHARLTON HESTON

Mr. DEMINT (for himself, Mr. BAUCUS, Mr. MCCONNELL, Mr. ALLARD, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. ENSIGN, Mr. ENZI, Mr. INHOFE, Mr. NELSON of Nebraska, and Mr. WEBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 512

Whereas the United States has lost a great patriot with the passing of Charlton Heston;

Whereas Charlton Heston first became beloved by the Nation as a great actor and portrayed many heroic figures, including Moses, Michelangelo, Andrew Jackson, John the Baptist, Mark Antony, and El Cid in epic movies of the 1950s and 1960s, and won the 1959 Best Actor Academy Award (Oscar) for playing the title character in "Ben-Hur";

Whereas Charlton Heston was a leader in many areas of life outside of acting, including serving as president of the Screen Actors Guild, which he helped to integrate with Ronald Reagan, and as chairman of the American Film Institute;

Whereas Charlton Heston was an active supporter of the civil rights movement, including protesting the showing of his film at a segregated movie theater in Oklahoma City and participating in and leading the Arts Group in the 1963 civil rights march on Washington;

Whereas, in the last major public role of his life, Charlton Heston was president of the National Rifle Association from June 1998 until April 2003;

Whereas, as president of the National Rifle Association, Charlton Heston was a stalwart defender of the 2nd Amendment right of citizens to keep and bear arms and was an active and effective promoter of wildlife management through hunting;

Whereas in 2003 Charlton Heston was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor;

Whereas Charlton Heston was born in Evanston, Illinois, on October 4, 1923, and his parents moved to St. Helen, Michigan, where he grew up;

Whereas in 1943 Charlton Heston enlisted in the Army Air Forces and served as a radio-gunner in the Aleutian Islands of Alaska, and in 1947 he was discharged from the Army;

Whereas in 1944 Charlton Heston married the love of his life, Lydia Clarke, to whom he had been married 64 years at his death;

Whereas Charlton and Lydia Heston are the parents of 2 children, Fraser Heston and Holly Heston Rochell;

Whereas Charlton Heston passed away on April 5, 2008, and the contributions he made to his family and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and contributions of Charlton Heston; and

(2) extends its deepest sympathies to the family of Charlton Heston for the loss of such a great and generous man, husband, and father.

SENATE CONCURRENT RESOLUTION 75—EXPRESSING THE SENSE OF CONGRESS THAT THE SECRETARY OF DEFENSE SHOULD TAKE IMMEDIATE STEPS TO APPOINT DOCTORS OF CHIROPRACTIC AS COMMISSIONED OFFICERS IN THE ARMED FORCES

Mr. COLEMAN (for himself and Mr. HARKIN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 75

Whereas the Secretary of Defense has statutory authority under section 3070 of title 10, United States Code, to appoint doctors of chiropractic as commissioned officers in the Armed Forces, but has not yet made such appointments;

Whereas the urgent needs of military personnel in the field of operations include access to the widest possible range of health care options, especially in the area of care of the spine and related structures of the body;

Whereas providing military personnel in the field of operations with access to chiropractic care will increase the cost effectiveness of military health care expenditures by taking advantage of the conservative, drugless, and non-surgical care option offered by chiropractic care;

Whereas back injuries are the leading cause of lost service time and disability in the Armed Forces;

Whereas military personnel in the field of operations or on shipboard can access chiropractic care only through commissioned chiropractic officers;

Whereas access to chiropractic care through commissioned chiropractic officers will enhance the combat readiness of military personnel by offering a non-pharmaceutical option for the health care needs of such personnel; and

Whereas the appointment of doctors of chiropractic as commissioned offices will make use of a highly skilled and trained pool of health care professionals and help to meet the growing demand for chiropractic care in the Armed Forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of Defense should take immediate steps to establish a career path for doctors of chiropractic to be appointed as commissioned officers in all branches of the Armed Forces for purposes of providing chiropractic services to members of the Armed Forces.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4523. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 4524. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2739, to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4523. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protection consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

Amend the title so as to read:

To provide needed housing reform and for other purposes.

SA 4524. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2739, to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.; which was ordered to lie on the table; as follows:

Strike section 335.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 1, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the military buildup on Guam: impact on the civilian community, planning, and response.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Rosemarie Calabro@energy.senate.gov.

For further information, please contact Allen Stay man at (202) 224–7865 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 2 p.m., in open session to receive testimony on the situation in Iraq, progress made by the Government of Iraq in meeting benchmarks and achieving reconciliation, the future U.S. military presence in Iraq, and the situation in Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 10, 2008, at 10 a.m. to conduct a hearing entitled "Turmoil in U.S. Credit Markets: Examining Proposals to Mitigate Foreclosures and Restore Liquidity to the Mortgage Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 9 a.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Hearing on the Nomination of David R. Hill to be Assistant Administrator (General Counsel) for the Environmental Protection Agency."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Identity Theft: Who's Got Your Number?".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 9:30 a.m., to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Climate Change: A Challenge for Public Health" on Thursday, April 10, 2008.

The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 10, 2008, at 2 p.m., to consider the nominations of the Honorable Andrew M. Saul, the Honorable Alejandro M. Sanchez, the Honorable Gordon J. Whiting to be Members, Federal Retirement Thrift Investment Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 10, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Karl Cordova, who is a Bevinetto Fellow working with our staff on the Energy and Natural Resources Committee, be granted the privilege of the floor for the remainder of the debate on S. 2739.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent that a member of my staff, Jack Wells, be granted the privileges of the floor during this discussion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that two law clerks from Senator CORNYN's staff, Alana Hake and Ashley Huff, be granted the privilege of the floor for the remainder of this week—which may not be too long, hopefully.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAUMATIC BRAIN INJURY ACT OF 2008

Mr. SALAZAR. Mr. President, I ask that the Chair lay before the Senate a message from the House with respect to S. 793.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 793

Resolved, That the bill from the Senate (S. 793) entitled "An Act to provide for the expansion and improvement of traumatic brain injury programs", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Traumatic Brain Injury Act of 2008".

SEC. 2. CONFORMING AMENDMENTS RELATING TO RESTRUCTURING.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating the section 393B (42 U.S.C. 280b–1c) relating to the use of allotments for rape prevention education, as section 393A and moving such section so that it follows section 393;

(2) by redesignating existing section 393A (42 U.S.C. 280b–1b) relating to prevention of traumatic brain injury, as section 393B; and

(3) by redesignating the section 393B (42 U.S.C. 280b–1d) relating to traumatic brain injury registries, as section 393C.

SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Clause (ii) of section 393B(b)(3)(A) of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b–1b) is amended by striking "from hospitals and trauma centers" and inserting "from hospitals and emergency departments".

(b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND REGISTRIES.—Section 393C of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b et seq.) is amended—

(1) in the section heading, by inserting "SURVEILLANCE AND" after "NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY"; and

(2) in subsection (a), in the matter preceding paragraph (1), by striking "may make grants" and all that follows through "to collect data concerning—" and inserting "may make grants to States or their designees to develop or operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain injury and related disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning—".

(c) REPORT.—Section 393C of the Public Health Service Act (as so redesignated) is amended by adding at the end the following:

"(b) Not later than 18 months after the date of enactment of the Traumatic Brain Injury Act of 2008, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health and in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall submit to the relevant committees of Congress a report that contains the findings derived from an evaluation concerning activities and procedures that can be implemented by the Centers for Disease Control and Prevention to improve the collection and dissemination of compatible epidemiological studies on the incidence and prevalence of traumatic brain injury in individuals who were formerly in the military. The report shall include recommendations on the manner in which such agencies can further collaborate on the development and improvement of traumatic brain injury diagnostic tools and treatments.".

SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393C, as so redesignated, the following:

"SEC. 393C–1. STUDY ON TRAUMATIC BRAIN INJURY.

"(a) STUDY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and in consultation with the Director of the National Institutes of Health and other appropriate entities with respect to paragraphs (2), (3), and (4), may conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:

"(1) In collaboration with appropriate State and local health-related agencies—

"(A) determining the incidence of traumatic brain injury and prevalence of traumatic brain injury related disability and the clinical aspects of the disability in all age groups and racial and ethnic minority groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities; and

"(B) reporting national trends in traumatic brain injury.

"(2) Identifying common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and, subject to the availability of information, including an analysis of—

"(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;

"(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

"(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

"(3) Identifying interventions and therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury.

"(4) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

"(b) DATES CERTAIN FOR REPORTS.—If the study is conducted under subsection (a), the Secretary shall, not later than 3 years after the date of the enactment of the Traumatic Brain Injury Act of 2008, submit to Congress a report describing findings made as a result of carrying out such subsection (a).

"(c) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma including near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (b)(2), by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions";

(2) in subparagraph (D) of subsection (d)(4), by striking "head brain injury" and inserting "brain injury"; and

(3) in subsection (i), by inserting ", and such sums as may be necessary for each of the fiscal years 2009 through 2012" before the period at the end.

SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a)—

(A) by striking "may make grants to States" and inserting "may make grants to States and American Indian consortia"; and

(B) by striking "health and other services" and inserting "rehabilitation and other services";

(2) in subsection (b)—

(A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term "State" each place such term appears and inserting the term "State or American Indian consortium"; and

(B) in paragraph (2), by striking "recommendations to the State" and inserting "recommendations to the State or American Indian consortium";

(3) in subsection (c)(1), by striking the term "State" each place such term appears and inserting "State or American Indian consortium";

(4) in subsection (e), by striking "A State that received" and all that follows through the period and inserting "A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Traumatic Brain Injury Act of 2008 may complete the activities funded by the grant.";

(5) in subsection (f)—

(A) in the subsection heading, by inserting "AND AMERICAN INDIAN CONSORTIUM" after "STATE";

(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term "State" each place such term appears and inserting "State or American Indian consortium"; and

(C) in clause (ii) of paragraph (1)(A), by striking "children and other individuals" and inserting "children, youth, and adults";

(6) in subsection (h)—

(A) by striking "Not later than 2 years after the date of the enactment of this section, the Secretary" and inserting "Not less than biennially, the Secretary";

(B) by striking "Commerce of the House of Representatives, and to the Committee on Labor and Human Resources" and inserting "Energy and Commerce of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions"; and

(C) by inserting "and section 1253" after "programs established under this section,";

(7) by amending subsection (i) to read as follows:

"(i) DEFINITIONS.—For purposes of this section:

"(1) The terms 'American Indian consortium' and 'State' have the meanings given to those terms in section 1253.

"(2) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities."; and

(8) in subsection (j), by inserting ", and such sums as may be necessary for each of the fiscal years 2009 through 2012" before the period.

(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsections (d) and (e), by striking the term "subsection (i)" each place such term appears and inserting "subsection (l)";

(2) in subsection (g), by inserting "each fiscal year not later than October 1," before "the Administrator shall pay";

(3) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively;

(4) by inserting after subsection (h) the following:

"(i) DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

"(j) TRAINING AND TECHNICAL ASSISTANCE.—

"(1) GRANTS.—For any fiscal year for which the amount appropriated to carry out this section is $6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national association for providing for training and technical assistance to protection and advocacy systems.

"(2) DEFINITION.—In this subsection, the term 'eligible national association' means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.

"(k) SYSTEM AUTHORITY.—In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000."; and

(5) in subsection (l) (as redesignated by this subsection) by striking "2002 through 2005" and inserting "2009 through 2012".

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today, Congress took a major step toward making a remarkable difference in the lives of some of our Nation's most deserving citizens: our soldiers and our children with brain injuries.

I commend our colleagues, Congressmen PASCRELL and PLATTS, as well as my friend and cosponsor in the Senate, Senator HATCH, on all they have done to achieve passage of this legislation. It is an important and timely bill that helps an especially deserving group of people.

Traumatic brain injuries have become the signature wound of the war in Iraq. Up to two-thirds of our wounded soldiers may have suffered such injuries.

In the civilian population here at home, an unacceptably large number of children from birth to age 14 experience traumatic brain injuries approximately 475,000 a year and some of the most frequent of these injuries are to children under the age of 5. In Massachusetts alone, more than 40,000 individuals experience these injuries each year.

As a result of these injuries, over 5.3 million Americans are now living with a permanent disability. Today, we have taken another step toward ensuring that these citizens and their families will receive the best services we can provide.

The legislation reauthorizes grants that assist States, territories, and the District of Columbia in establishing and expanding coordinated systems of community-based services and supports for persons with such injuries.

The legislation also reauthorizes an important provision, the Protection and Advocacy for Individuals with Traumatic Brain Injury Program. This program, enacted by Congress in 2000, has become essential because persons with these injuries have an array of needs beyond treatment and health care. Protection and advocacy services include assistance in returning to work, finding a place to live, obtaining supports and services such as attendant care and assistive technology, and obtaining appropriate mental health, substance abuse, and rehabilitation services.

Often these persons especially our returning veterans must remain in extremely expensive institutions far longer than necessary, because the community-based supports and services they need are not available, even though they can lead to reduced government expenditures, increased productivity, greater independence and community involvement. Those who provide such assistance must have special skills, and their work is often time-intensive.

The legislation also allocates funds for CDC programs that provide important information and data on injury prevention of these injuries. A recent Institute of Medicine report demonstrated that these programs work. Their benefit is obvious, and we must do all we can to expand this appropriation in the years ahead to meet the urgent and growing need for this assistance.

A recent report by the Institute of Medicine calls the current TBI programs an "overall success." It states that "there is considerable value in providing funding," and "it is worrisome that the modestly budgeted TBI Program continues to be vulnerable to budget cuts."

Current estimates show that the Federal Government spends less than $3 per brain injury survivor on research and services. As the IOM study suggests, this program must be able to expand, so that each State will have the resources needed to maintain vital services and advocacy for the large number of Americans who sustain such injuries each year.

Enactment of this bipartisan legislation will bring us a giant step closer to strengthening these vital programs for these deserving individuals and their families.

DISCHARGE AND REFERRAL—H.R. 123

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged of H.R. 123, an act to authorize appropriations for the San Gabriel Basin Restoration Fund, and that it then be referred to the Energy and Natural Resources Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 14, 2008

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, April 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for use later in the day, the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; and that following morning business, the Senate resume the motion to proceed to Calendar No. 608, H.R. 1195, the highway technical corrections bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SALAZAR. Mr. President, at 5:30 p.m., on Monday, the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to the highway technical corrections bill.

ADJOURNMENT UNTIL MONDAY, APRIL 14, 2008, AT 2 P.M.

Mr. SALAZAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Monday, April 14, 2008, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 10, 2008:

THE JUDICIARY

BRIAN STACY MILLER, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS.

JAMES RANDAL HALL, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA.

JOHN A. MENDEZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.

STANLEY THOMAS ANDERSON, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE.

CATHARINA HAYNES, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

EXTENSIONS OF REMARKS

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY, 2008

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, Tuesday, March 25, 2008, has been designated "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I am pleased to join my colleagues in recognizing the unique contributions to our civilization from those of Greece and of Greek American descent.

Democracy was first born in Greece over 2,000 years ago, based on the fundamental principle of consensual government self-determined by free citizens. The ideas forged in ancient Greece by brilliant minds of the day have such clarity and force that 2,000 years later they still hold more power than a host of armed weapons.

The priceless ideas of democracy and equality born in ancient Greece have strongly shaped the American national identity, which became a beacon of freedom and dignity to individuals. They continue to give hope and inspiration to the millions around the world who yearn to live in a free society like ours. Greece set the example for us and we, in turn have set the example for countless others.

Madam Speaker, it is appropriate that the Congress has set aside this national day of celebration again in 2008. Each year, it seems, we have a greater appreciation for the tremendous contribution of Greece to our American values and our priceless democracy.

HONORING EVELYN PIZARRO FOR YEARS OF DEDICATED SERVICE TO BUFFALO SCHOOL SYSTEM AND COMMUNITY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. HIGGINS. Madam Speaker, I rise today to congratulate Evelyn Pizarro on over 30 years as a devoted educator and community organizer in Buffalo, NY. A well known advocate for the Hispanic community, Evelyn's commitment to education and her community should be an inspiration to us all.

Evelyn was the oldest of six children born to Angel and Illuminada Munoz, immigrants who came to Buffalo in the late forties to work on the farms. She graduated cum laude from the State University of New York at Buffalo in 1974 with a B.S. in elementary education and received masters in both early childhood education and education administration from Buffalo State College.

Evelyn was in the educational system for over 26 years when she was appointed principal of Early Childhood Center #12 on August 22, 1990. She was the first Hispanic female principal in the City of Buffalo.

In 1991 she was appointed principal of Community School #77, where she remained for nine years before becoming principal of D'Youville Porter Campus School #3. She retired on January 15, 2008.

Evelyn has always been involved with her community in such organizations as Hispanics United of Buffalo, the Bilingual Advisory Board, WNY Hispanic & Friends Civic Association, Hispanics Women's League, Pueblo Buffalo T.V., and served with Galloping Gourmet of the Hispanic Community for seven years. She has also been served on the Board of Directors of the Health Systems Agency of Buffalo and has been involved with Buffalo Prep Program and Calle 7 Puppet Company. She founded "Tainas 74" Hispanic Women's Softball team and served on the Buffalo Erie County Library Board, the Board of Belmont Housing and Project Flight.

Madam Speaker, I applaud Evelyn's commitment to her community and congratulate her on her recent retirement. I know that you join with me in wishing Evelyn, her husband of 32 years, Jose, and their entire family the very best of luck and Godspeed in the years to come.

HONORING LOREN MAXEY

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mrs. MUSGRAVE. Madam Speaker. I rise today to honor Loren Maxey, who was born into a farm family in Illinois in 1932. His knack for inventing led to a college scholarship, but he interrupted college to enter the Navy, serving 4 years in the early 1950s. He sailed on a vessel taking part in the nuclear weapons tests in the Pacific, seeing up close the results of those tests, and finishing his service as a petty officer first class.

Loren then finished a degree in agricultural engineering at the University of Illinois, but chance led to meeting his future wife Kathy at her family farm in Greeley, Colorado. They moved to Greeley to take over the farm in 1958.

Loren's interest in practical engineering led to further studies in that field, then employment with Forney Industries in aircraft manufacturing, which tied in with another lifelong interest in being a pilot himself. He gained more experience in the agricultural engineering field, and in 1969 started his own company to design, custom build, and service agricultural equipment and later. machinery for snow sports. Maxey Companies continues to flourish, now with Loren's son at the helm, employing some 45 people. Their customers are local, national, and international. Over the years Loren has obtained three patents himself on practical improvements to increase farm productivity, and, being in Colorado, to groom snowmobile trails.

Along the way, Loren made time to serve on the Ft. Collins City Council, and Chamber of Commerce, as president of the East Larimer County Water District Board and as a director of the North Poudre Irrigation District. He kept his hand in farming and has spent, so far, 14 years on the county fair board.

His love of flying included 40 years as a director and officer of the local airpark. Loren provided a lesson in courage when he survived a plane crash in his late forties that severely burned him and was supposed to leave him unable to walk. Loren forced himself to overcome the pain and injuries, and learned to walk again.

He has long been active in local and statewide politics. Rounding out his active volunteer life, he has served as church elder and couples group leader.

Loren and Kathy have three children and eight grandchildren who are all nearby in northern Colorado. Madam Speaker, I am proud to honor Loren Maxey, a practical inventor, engineer, pilot, husband, father, and active contributor of time and talent to his country and community.

HONORING THE GALILEE BAPTIST CHURCH OF KALAMAZOO, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. UPTON. Madam Speaker, it is with great pleasure that I rise today in honor of the Galilee Baptist Church of Kalamazoo, Michigan, on the occasion of its 50th anniversary.

Established in 1958, Galilee Baptist Church has become a center of faith, hope, and community for several generations of Kalamazoo residents. Over the past five decades, the church and its congregation have undergone many periods of expansion, but have never lost their enthusiasm for the Lord and His powerful word.

I am proud and fortunate to represent the citizens of southwest Michigan because we believe in continually striving to improve our way of life. Because of the good works of the people of Galilee Baptist Church, Michigan is truly a better place to live, work, and worship.

Again, it is my honor to stand today in recognition of the Galilee Baptist Church for its 50 years of service and spiritual outreach to the residents of Kalamazoo, Michigan.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING APRIL 7–13 AS NATIONAL PUBLIC HEALTH WEEK

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. DAVIS of Illinois. Madam Speaker, I wish to recognize the week of April 7–13 as National Public Health Week. In 1995, former President William Jefferson Clinton proclaimed the first full week of April as National Public Health Week. Since then, the American Public Health Association has organized National Public Health Week and developed campaigns to educate the public, policy-makers and public health professionals about issues important to improving the public's health.

Public health efforts strive to prevent disease and promote good health in a variety of ways, including vaccination programs, regulation of prescription drugs, worker health and safety standards, access to clean water and air, and other educational campaigns. Public health includes professionals from many fields with the common purpose of protecting the health of a population.

My colleagues and I have no doubt seen the positive effects that public health awareness can bring to a community. A healthy public gets sick less frequently and spends less money on health care; this means better economic productivity and an improved quality of life for everyone. Healthy children are more likely to attend school and, as a result, improve their overall performance in education. Healthy parents can inform their children about positive wellness choices that will hopefully stay with them well into adulthood. Public health prevention not only educates people about the effects of lifestyle choices on their health, it also reduces the impact of disasters by preparing people for the effects of catastrophes such as hurricanes, tornadoes, and terrorist attacks.

The American Public Health Association has selected climate change as the theme of National Public Health Week 2008. Though the scientific realities and environmental impacts of climate change have been highly publicized in recent years, little has been said about the effects of climate change on public health. Extreme weather events such as hotter summers, colder winters, higher rainfall, and increased rates of natural disasters all aid in posing a greater risk to public health. Disease and injury, in addition to the negative effects of pollution and other modern environmental challenges, are all hazards to public health which must be explored and addressed as this issue continues to influence communities.

I commend the organizations and individuals in Chicago as well as nationwide for their work on the critical issue of public health. National Public Health Week is the ideal time to highlight the immediate and ongoing need for the promotion of and investment in public health activities that will safeguard our Nation's current and future well-being.

A PROCLAMATION HONORING RAHLIN WATSON FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Rahlin Watson showed hard work and dedication to the sport of basketball; and

Whereas, Rahlin Watson was a supportive team player; and

Whereas, Rahlin Watson always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Rahlin Watson on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING STEVEN LYNCH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Steven Joseph Lynch of Liberty, Missouri. Steven is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1495, and earning the most prestigious award of Eagle Scout.

Steven has been very active with his troop, participating in many scout activities. Over the many years Steven has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Steven Joseph Lynch for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO LEO H. CARON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Leo H. Caron, recently awarded the 2008 Congressional Volunteer Recognition Award by the 2nd Congressional District of Maryland's Veterans Advisory Council.

Leo Caron has dedicated almost 250 hours of his time to volunteer for the patients at the Baltimore VA Rehabilitation Extended Core Center (BRECC). He volunteers at the BRECC at least twice a week, which is not easy for Leo as he is disabled himself and cannot drive himself or walk without the assistance of a walker.

At the BRECC, Leo makes it his mission to ensure every patient has the best possible stay. Leo often searches for support from public agencies, and throughout his extensive searches for resources, he has helped orchestrate donations of such items as books on tape, voice activated watches for blind patients, and other items. He also makes monetary donations to the BRECC for additional resources and will often bring the patients candy and treats.

Despite his own physical challenges, Leo provides recreational visits, personal visits, and resources to the many patients at the BRECC. He does his best to cater to every patient's needs, volunteering his time, donating his money, and tirelessly searching for additional resources to better the patients' time at the BRECC.

Madam Speaker, I ask that you join with me today to honor Leo Caron. He is a truly remarkable volunteer for Maryland's veterans. Through his ongoing efforts, he has helped hundreds of veterans receive the resources and comforts they deserve and served as a consistently positive influence in their lives. Leo has gone above and beyond the call of duty to aid those who have dedicated their lives to serve our great country.

ISRAEL'S 60TH ANNIVERSARY OF INDEPENDENCE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is a special privilege for me today to honor the nation of Israel on its 60th birthday. As Israelis celebrate their country's 60th anniversary, the international community is celebrating with them 60 years of independence.

In north Texas and in the 30th Congressional District of Texas, the Jewish Federation of Greater Dallas, the Jewish Community Center of Dallas, Dallas Chapter of State of Israel Bonds, Dallas Chapter of Hadassah, Dallas Holocaust Museum, B'nai B'rith International, Congregation Beth El Binah, and other organizations have scheduled a series of events to commemorate this occasion.

As someone with a great interest in Israel, Middle Eastern affairs, and world peace, I believe that the political transformations in this region during the past few years have been dramatic. We have come a long way, despite attempts by extreme factions to harm Israel and the cause of peace in the region.

I would like to quote an excerpt from Israel's "declaration of independence," published 50 years ago as the British mandate over the area drew to an end:

> We extend our hand in peace and neighbourliness to all the neighbouring states and their peoples, and invite them to cooperate with the independent Jewish nation for the common good of all.

It is in that spirit, and with that faith, that I will continue to work with this and the new administration to ensure the United States remains firm in its commitment to the security of

Israel and to those principles necessary to guarantee the success of the Arab-Israeli peace process.

TRIBUTE TO CUMMINS ENGINE FOR PRODUCTION OF MILLIONTH ENGINE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor Cummins Engine for the production of their millionth engine.

For many years Cummins Engine has provided quality employment to hundreds of residents in the Chautauqua County area. We have seen this company grow and continue to prosper for many years.

Cummins Engine is a global power leader. It is a corporation of complementary business units that design, manufacture, distribute and service engines and related technologies, including fuel systems, controls, air handling, filtration, emission solutions and electrical power generation systems. With a headquarters in Columbus Indiana, they serve customers in more than 160 countries. They also boast a network of 550 company owned and independent distributor facilities and more than 5,000 dealer locations. Cummins employs more than 28,000 employees worldwide and as of 2004 reported sales of $8.4 billion.

The Jamestown Engine Plant, one of Cummins largest manufacturing facilities. It is responsible for manufacturing heavy duty engines (ISM 11 liters and ISX 15 liters), and machine components. The plant produces an average of 400 engines every day. It was also recognized as the 2004 Business of the Year. For the production of their one millionth engine I am proud and honored to celebrate with this wonderful company.

Chautauqua County is blessed to have such strong employers with a desire to make this county the wonderful place that we all know it can be. Cummins Engine is one of those businesses and that is why, Madam Speaker, I rise to honor them today.

HONORING JEANNE LAUDICK

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor Jeanne Laudick who was born in Washington, DC, as the daughter of a government attorney. She grew up in Denver, CO, and obtained her college degree from the Colorado State College of Education, now the University of Northern Colorado.

Jeanne married her husband John, in Denver, when she was 21, and they started their family that grew to three children. Their oldest son eventually served in the United States Army. Jeanne was both homemaker and sometimes co-breadwinner for the family over those years.

In 1972, Jeanne and her family moved to Ft. Collins. There she and her husband started their own business, Alpine Manufacturing, Inc., in their basement, with all the kids helping out. That business grew over the years, providing employment for some 70 employees, manufacturing tools, dies, and molds, and providing production machinery. Jeanne held the corporate office of secretary-treasurer, as well as co-owner.

Through the family business, Jeanne became a member of the Chamber of Commerce, the National Federation of Independent Business, and the Governor's Small Business Committee. She was appointed to the Latimer County Board of Adjustments, and to the Judicial Performance Commission. Exemplifying the American spirit of action and service, Jeanne also served as a volunteer for the Poudre Valley Hospital, the United Way, and as a fundraiser for the Wingshadow Frontier High School for kids needing alternative education opportunities.

Jeanne Laudick never stops doing and learning. She has traveled extensively with her husband, especially since their retirement from the family business. She has seen and experienced several countries in Central and South America, and several more in the eastern Mediterranean and the Middle East; some, like Uruguay, far off the beaten path.

Madam Speaker, I am proud to honor Jeanne Laudick, who has led a life of valuable contribution to her family, her community, and to this country.

50TH WEDDING ANNIVERSARY OF VERN AND JOHANNA EHLERS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. UPTON. Madam Speaker, I rise today in commemoration of a very special and momentous occasion, the 50th wedding anniversary of our colleague, VERN EHLERS, and his beautiful wife, Johanna. As we offer our heartfelt congratulations to them, we have the opportunity to reflect on the significant milestone these two lives, joined as one, celebrate this year.

Married on June 14, 1958, their lives have been marked by a lasting devotion to one another, and to serving and glorifying the Lord. Through their commitment to a strong faith, VERN and Jo have touched many lives. However, in my opinion, the greatest accomplishment and contribution of this couple are their four children, Heidi and her husband, Bob; Brian; Todd and his wife, Mirjam; and Marla; and their five grandchildren, and one great-grandchild. As they gather together on April 26 to mark this special day, it is the perfect time to reaffirm and strengthen the love and memories they share together.

Through a strong dedication to the institution of marriage, VERN and Jo have built a life of love and purpose. This celebration serves as an inspiration for all of us, and again reminds us that great things happen when we seek to serve and glorify God. What a fitting tribute to VERN and Jo.

I offer our best wishes for a joyfully memorable anniversary celebration as well as good health and much happiness for many years to come. As one of just a few scientists serving in the House, apparently our colleague has found the formula for lifelong happiness. May God continue to bless VERN and Jo, and I know that they will continue to be a blessing to their family, and to their many friends and colleagues.

RECOGNIZING APRIL AS NATIONAL AUTISM AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. DAVIS of Illinois. Madam Speaker, I would like to recognize April as National Autism Awareness Month. Autism Awareness Month brings attention to the wide spectrum of autistic-related disorders affecting as many as 1 in 150 children born in the United States. The Centers for Disease Control and Prevention have identified autism as a national public health crisis whose cause and cure remain unknown.

Autism is a complex neurobiological disorder that typically lasts throughout a person's lifetime. It is part of a group of disorders known as autism spectrum disorders. It is now more common in diagnosis than pediatric cancer, diabetes, and AIDS combined. It occurs in all racial, ethnic, and social groups and is four times more likely to strike boys than girls. Autism impairs one's ability to communicate and relate to others; depending on the severity of the diagnosis, autism may dramatically affect one's quality of life and ability to obtain employment.

I am proud of the many organizations and programs that exist in the Chicagoland area to assist in the diagnosis and treatment of autism. I especially want to recognize Easter Seals Metropolitan Chicago for its extraordinary work on this important issue. Easter Seals provides comprehensive autism services to its clients, including autism therapeutic schools, adult vocational programs, after school programs, information, and professional training. Illinois has seen a 353-percent increase in autism since 1993. Easter Seals is responding proactively to this increase by building the Therapeutic School and Center for Autism Research, which has already begun its construction and is expected to be completed in 2012. This landmark facility will offer students with autism an array of services that includes medical assessments, nursing, behavior, speech, physical, and occupational therapy, social work services, art and music therapy, vocational training, and community training. Easter Seals Metropolitan Chicago has provided excellent care to its clients for over 70 years, and I commend them for their commitment to serving those affected by autism spectrum disorders in our community.

In Chicago and across the country, it is clear that autism is having an enormous effect on children and families. Autism Awareness Month and its associated events help shine light on this critical issue. Therefore, Madam

Speaker, I am indeed pleased to join with my colleagues in celebrating the goals of awareness, prevention, and treatment of autism spectrum disorders during this April's National Autism Awareness Month.

A PROCLAMATION HONORING TAYLOR HUFFMAN FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Taylor Huffman showed hard work and dedication to the sport of basketball; and

Whereas, Taylor Huffman was a supportive team player; and

Whereas, Taylor Huffman always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Taylor Huffman on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING COLIN STARNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Colin Thomas Starner of Liberty, Missouri. Colin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1376, and earning the most prestigious award of Eagle Scout.

Colin has been very active with his troop, participating in many scout activities. Over the many years Colin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Colin Thomas Starner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO HILDA DAVIS

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Hilda Davis, recently awarded the 2008 Congressional Volunteer Recognition Award by the Second Congressional District of Maryland's Veterans Advisory Council.

Hilda Davis's husband belongs to the Elks Association's Essex Lodge No. 1866. The lodge visits the Baltimore VA Rehabilitation Extended Care Center, BRECC, frequently, and Hilda's involvement in these visits has increased throughout the years. Not only does Hilda do extensive work for the veterans at the BRECC, but she volunteers at other lodges when they invite veterans to their facilities for various events.

Hilda spends several hours a month volunteering at the BRECC, but she also spends many more hours doing behind the scenes work for BRECC events. For every holiday and party, Hilda makes sure she buys decorations and other festive items that can be used for events with and for the veterans.

During her spare time, Hilda also writes letters to different businesses and organizations asking for donations, either monetary or items that can be used for events for the veterans or given directly to the veterans themselves. Whenever Hilda learns of a female veteran patient at the BRECC, she makes personal comfort kits to take them. Because the BRECC facility does not have a canteen, Hilda will also periodically make snack bags to bring to the patients when the lodge makes their monthly visits to the veterans.

Madam Speaker, I ask that you join with me today to honor Hilda Davis. She is a remarkable volunteer for Maryland's veterans. Through her ongoing efforts, she has brought joy and delight to the hundreds of veterans she has worked with. Hilda has gone above and beyond the call of duty to aid those who have sacrificed to serve our great Nation.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, had I been present for the vote on H.R. 5472 to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building," I would have voted in the affirmative.

TRIBUTE TO SANTINE FARACI CATALINO ON HER 100TH BIRTHDAY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. HIGGINS. Madam Speaker, I rise today to congratulate Santine Faraci Catalino on her 100th birthday on April 13, 2008. 100 years is quite an accomplishment!

Santine Catalino has lived an extraordinary life. As a child, Santine worked countless hours on her family's fruit farm. During World War II, she was a welder in a defense plant. For 30 years she managed the family construction business. A fantastic cook, she lives in her own home, and attended bingo three times a week with her younger sister, who is 94, until just three years ago.

Santine is sharp as a tack. She enjoys family around her and telling stories of her youth.

Santine attributes her longevity to eating freshly prepared food all her life, a great deal of chocolate, and never drinking. She even quit smoking 50 years ago!

Madam Speaker, please join with me in congratulating Santine Catalino on her extraordinary 100 years. I wish her many more wonderful years with her family.

PAYING TRIBUTE TO THE LIFE OF KATHLEEN HUDSON GAUT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. UPTON. Madam Speaker, I rise today along with the Honorable MIKE ROGERS of Michigan to recognize the life of Kathleen Hudson Gaut of St. Joseph, Michigan who passed away on January 7, 2008.

Kathleen was a loving, selfless woman who will be greatly missed in her community. Nothing made Kay happier than being with her large family who is spread out from coast to coast. Kay also had the enviable ability to make the life of anyone she encountered about town a little bit better that day.

Born March 12, 1926, in Kalamazoo, Kathleen completed grade and high school at Western Michigan (then) College. Recognized in grade school for her athleticism, her interest in high school focused on music, culminating as drum majorette and band master. She completed her education at Kalamazoo Business College, and then went on to a career at Kalamazoo Vegetable Parchment (KVP) Corp. In 1970 she was married to a childhood friend, and with her children they came to Stevensville, to be near the lake she had loved as a child. In 1983, Kay and her husband moved to Baroda where they created Senior Life Manor, a foster care home. Retiring 10 years later, they returned to Stevensville, and later to their present home in St. Joseph Township. Kay is survived by her husband of 37 years, Dell; five children. Susan (Robert) Vandervliet of Mineral, Virginia, Thomas (Rhonda) Rabbers of St. Joseph, James (Mary) Rabbers of Stevensville, Jodi Rabberts of Arlington, Texas, and Daniel (Diana) Rabbers of Peoria, Arizona; a step-son, Dale (Jackie) Gaut of Hudsonville, MI; 12 grandchildren; and three great-grandchildren. Kay's mother and father, Harold and Doris Hudson, preceded her in death.

Therefore Madam Speaker, I ask my colleagues to join me in recognizing the life of Kathleen Gaut. May she rest in peace in heaven.

A PROCLAMATION HONORING CODY DENNISON FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Cody Dennison showed hard work and dedication to the sport of basketball; and

Whereas, Cody Dennison was a supportive team player; and

Whereas, Cody Dennison always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Cody Dennison on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING JAMES THOMAS, JR.

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize James Kevin Thomas, Jr. of Liberty, Missouri. James is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1374, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending James Kevin Thomas, Jr. for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO BM1 ROBERT M. FLICKINGER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor BM1 Robert M. Flickinger, recently named the 2007 Coast Guard Enlisted Person of the Year. Since the start of his Coast Guard career, he has risen through the ranks, attaining the rank of Boatswain's Mate 1, BM1, in June of 2004. During his course of duty, he has also served as a training petty officer and the Executive Petty Officer of Aids to Navigation Team Baltimore.

In the Coast Guard, it is said that the most versatile members of their operational teams are the boatswain's mates. BMs are capable of performing almost any task in boat operations and navigation, and supervise all personnel assigned to a ship's desk force. BMs can be found in nearly every duty station available throughout the United States and various locations overseas. They serve on every Coast Guard cutter, from harbor tugs to sea-going icebreakers. Additionally, BMs will often act as Federal law enforcement officers. BMs are officers-in-charge of many patrol boats, tugs, small craft, and small shore units including search and rescue stations and aids to navigation teams. BMs use their leadership and expertise to perform the missions of the Coast Guard, at sea and on shore.

As Executive Petty Officer of Aids to Navigation, ATON, Team Baltimore Boatswain's Mate First Class Robert Flickinger has continuously provided exceptional leadership and guidance to the crew he oversees. While engaged in over 100 ATON missions in the past year, his professionalism and assertive leadership have led to his unit's zero operational mishap rating. Boatswain's Mate First Class Flickinger is often described by his superior officers as "recruiting poster quality" due to his unsurpassed uniform appearance, military presence, and overall demeanor. His superiors routinely rely on him to supervise or solve difficult problems and demanding situations. Boatswain's Mate First Class Flickinger consistently seeks to improve the quality and enjoyment of Coast Guard life with an uncommon commitment to the morale and welfare of others. These exceptional qualities are likely the reasons lie was given the title of 2007 Coast Guard Enlisted Person of the Year.

In addition to the prestigious Person of the Year Award, Boatswain's Mate First Class Flickinger has received several additional military awards. He is the recipient of the Commandant's Letter of Commendation, three Coast Guard Good Conduct Medals, and two Coast Guard Achievement Medals. He has also been presented with the Transportation 9–11 Ribbon, the National Defense Service Medal, and the Global War on Terrorism Medal.

Madam Speaker, I ask that you join with me today to honor BM1 Robert M. Flickinger. His legacy as compassionate yet assertive leader will be remembered by his crewmates and superiors for years to come. It is with great pride that I congratulate Boatswain's Mate First Class Flickinger on his exemplary service to our Nation in the United States Coast Guard.

120TH ANNIVERSARY OF THE TWIN OAKS ESTATE

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. WU. Madam Speaker, I rise today to commemorate the 29th anniversary of the Taiwan Relations Act and the 120th anniversary of the Twin Oaks estate in Washington, DC, a National Historic Site and the former residence of nine ambassadors from the Republic of China.

The Twin Oaks estate, located on Woodley Road in Northwest Washington, DC, is considered the largest privately-owned estate in the District of Columbia. The land upon which Twin Oaks rests belonged originally to Uriah Forrest, an American general in the Revolutionary War, a member of the first Continental Congress, and one of Maryland's first delegates to Congress. In 1888, the property was sold to Mr. Gardiner Green Hubbard, founder and first president of the National Geographic Society. Mr. Hubbard commissioned one of America's leading architects at the time, Richard Allen, to design and construct a 26-room house in the early Colonial (Georgian) Revival style. Mr. Hubbard's son-in-law, telephone inventor Alexander Graham Bell, once lived at the estate.

In 1937, the Twin Oaks estate was rented to the Government of the Republic of China, and in 1947 the property was formally sold to that Government. The estate remained in possession of the Republic of China Government after it moved to Taiwan at the end of the Chinese Civil War in 1949. From 1937 to 1978, the Twin Oaks estate was the official residence of nine Republic of China ambassadors, who used the estate for social gatherings and business meetings with senior members of the U.S. government and members of the diplomatic corps.

In late 1978, President Jimmy Carter announced that the United States would shift diplomatic relations from the Republic of China to the People's Republic of China on January 1. 1979. Fearing that the People's Republic of China would claim ownership of all its assets in the United States, the Republic of China government in Taiwan asked Thomas G. Corcoran, Sr. to help arrange for the sale of the Twin Oaks estate to a private American civic organization, the Friends of Free China Association, co-chaired by Senator Barry Goldwater.

However, the passage of the Taiwan Relations Act, signed into law on April 10, 1979, rendered the transaction unnecessary and ensured that Twin Oaks would remain under ownership of the Republic of China.

Twin Oaks is an invaluable symbol of friendship between the peoples of the United States and Taiwan. Today let us honor the 120th aniversary of the Twin Oaks estate and the 29th anniversary of the Taiwan Relations Act.

HONORING THE LIFE AND CAREER OF HAZEL HALEY

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. PUTNAM. Madam Speaker, I rise today to honor the life and career of Polk County's beloved educator, Hazel Haley, who died on April 7, 2008.

Holding the record for the longest tenure of a Florida teacher, and thought to have been the longest-serving teacher in the country as well, Miss Haley dedicated 69 years of service to the classroom and to multiple-generations of Polk County families, including Florida Governor Lawton Chiles.

Polk County, and especially Lakeland High School—where Hazel taught for 67 years—has not only lost a dear friend, but an advocate, a mentor, and a community leader. Her legacy and memory lives on through the thousands of students lives she impacted. It is estimated that she taught 13,500 students, proving that one person can touch many lives. In addition, Florida Southern College and Polk Community College both award scholarship funds in her name.

A fan of crossword puzzles, episodes of "Law & Order," and all things Shakespeare, Hazel also had a passion for traveling. Living life to the fullest, in 1973 at the young age of 57, Hazel made it a goal to take two international trips each year. Hazel even managed to physically travel around the world, not just once, but twice. She considered herself the biggest Anglophile in the USA, and always found a way to work London into her itinerary.

Known for her sharp wit, frankness, and big heart, Hazel will long be remembered in the halls of Lakeland High School. Classroom 106—where she taught from 1953 to 2006—will forever retain the many lessons Hazel instilled in students of American and English Literature. In 1984, the Polk County School District honored Hazel's steadfast commitment to education officially naming the wing where her room was located as the "Hazel H. Haley Building."

There is no arguing the multitude of contributions Hazel conveyed to her students, her community, and her profession. Hazel's life is not one that we should mourn, but one that we should commemorate for her genuine love of live she bestowed upon so many lives.

HONORING THE LIFE OF ARMY SPECIALIST GREGORY B. RUNDELL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise to remember and honor the life and courage of U.S. Army Specialist Gregory B. Rundell. The 21-year-old, a native of North St. Paul, MN, was killed by hostile fire on March 26, 2008 while guarding a U.S. military base in Taji, north of Baghdad.

Specialist Rundell joined the Army in 2005 after graduating from North St. Paul High School in 2004. His expected year-long deployment to Iraq began last December for a tour of duty as a member of a Stryker armored vehicle unit. He was assigned to B Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division, Schofield Barracks, Hawaii.

Rundell served his nation and his fellow soldiers with honor and with courage. His commitment to this noble service earned him the Bronze Star for meritorious service in Iraq, a Good Conduct Medal, a Combat Infantry Badge, and the infantry blue cord.

Rundell's desire to serve his nation and his State is an inspiration to his community. After his career in the U.S. Army, he planned to become a police officer because he wanted to help people. His mother, Joanne, describes her son standing "tall and brave" for others, and his sacrifice exemplifies his family's remarkable commitment to military service. His grandfather, uncle, and brother have all worn the uniform in service to our nation.

Madam Speaker, please join me in paying the highest respect to Specialist Rundell and his family. He is a Minnesotan and American hero. His courage and sacrifice honors our nation. Specialist Rundell's parents as well as his brothers and sisters, Kyle, Wayne, Desiree, Andria, his many friends, and his comrades in Iraq have my deepest sympathies for their profound loss.

A PROCLAMATION HONORING LAVELLE SPIVEY FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Lavelle Spivey showed hard work and dedication to the sport of basketball; and

Whereas, Lavelle Spivey was a supportive team player; and

Whereas, Lavelle Spivey always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Lavelle Spivey on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING NICK STAMOS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nick James Stamos of Independence, Missouri. Nick is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1138, and earning the most prestigious award of Eagle Scout.

Nick has been very active with his troop, participating in many scout activities. Over the many years Nick has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Nick James Stamos for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO LYDIE H. MASSE

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Lydie H. Masse, recently awarded the 2008 Congressional Volunteer Recognition Award by the 2nd Congressional District of Maryland's Veterans Advisory Council.

Lydie Masse works as a hospice night nurse at the Baltimore VA Rehabilitation Extended Care Center (BRECC). While many of the night duty personnel leave once their shift is over, Lydie always stays to escort patients to breakfast, where she plays the piano as breakfast is served and encourages singing among the patients. Fellow workers and volunteers admire how her music enhances the quality of life among the patients. Her gentle, friendly manner endears her to the patients, and whenever she plays music, encouraging them to join in, a sense of good will pervades the room and brightens the day of many of her patients.

An injury caused Lydie to work with a brace on her leg for several weeks, but despite her long recovery she continued her work, never hurried or impatient with the veterans and always in a positive mood. After her arduous night duty is completed every morning, she stays as long as she is needed to help the patients start with their day, tending to any need her patients may have. She volunteers much of her free time to the patients she works with every night, doing her best to better their lives.

Madam Speaker, I ask that you join with me today to honor Lydie Masse. She is a remarkable volunteer for Maryland's veterans. Through her ongoing efforts, she has brightened the lives of the veterans she works with, making their stay at the BRECC as pleasant as possible. Lydie has gone above and beyond the call of duty to aid those who have sacrificed to serve our great Nation.

HONORING OWEN HALL FOR HIS YEARS OF SERVICE TO MERCER COUNTY AND OHIO

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. BOEHNER. Madam Speaker, I rise to recognize Mr. Owen Hall, a leading citizen of Mercer County, and to express my appreciation for his dedication and commitment to public service. For 18 years, Mr. Hall has contributed his time and talents in leading the Mercer County Republican Party, and for this, I offer him my utmost congratulations and thanks.

However, Owen's love of public service is not confined to the political world. Owen is a man committed to his community, serving on many boards and commissions. He is the Past President of the Ohio Association of Realtors, Past President of the National Realtors Land institute, member of the Ohio Auctioneers Hall of Fame, Director of the Lake Development

Corporation, Past President of the Ohio Churches of God Youth Advance, lifetime member of the Church of God, and Past President of the church council.

Owen's record—as a committed community man, a church leader, and as a good neighbor helping those in need—will leave an enduring legacy in Mercer County. His leadership will be missed, but the footprint he has left will inspire many to emulate his good works.

Owen, I offer my congratulations and gratitude for your long and successful career in public service. I wish you well in your future retirement, and I hope you continue to achieve happiness and success wherever your life journey may lead you.

COVENTRY LIONS CLUB 50TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GERLACH. Madam Speaker, I rise today to pay tribute to and congratulate the Coventry Lions Club for its 50th anniversary this year. The Coventry Lions Club held its first meeting on April 15, 1958 and was chartered by the International Lions Club to serve the area that is now known as the Owen J. Roberts School District, which includes seven townships in its community of service. Of the charter members, only two are known by the Club to still be living in the area—Dr. Robert Barr and Mr. Stauffer Kutz—who have agreed to be a part of the Club's celebration.

Over the years, the Coventry Lions Club has boasted a membership that includes business and community leaders willing to work under the International Lions slogan of "We Serve." That history has continued into the present time with a membership that seeks to serve the local community, as well as participate in international programs that serve the less fortunate of the world. There are numerous examples of the great work they do in our community and abroad, including: providing eye examinations and glasses for children whose families are unable to meet the necessary financial requirements; delivering food boxes to needy families at Thanksgiving, Christmas and Easter; providing financial assistance to families who have experienced hardship due to injury and natural disasters; cleaning up and maintaining stretches of local roads; giving financial scholarships to deserving high school graduates; and participation in many other projects within its Lions District, the Delaware Valley and the Tri-State area.

One example of an international project the Coventry Lions Club is working on is the Campaign Sight First II conducted by Lions Club International Foundation. This project is hoping to provide $200,000,000 to attack preventable blindness throughout the world and contribute toward other humanitarian causes. The Coventry Lions Club has contributed financial resources to numerous noteworthy projects such as this over the years.

Madam Speaker, the Coventry Club has a long and wonderful history of helping its community, and all those throughout the world who may need help. I know my colleagues join me as I congratulate its members for their inspirational work and exceptional public service.

HONORING DR. HWA-WEI LEE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. HONDA. Madam Speaker, I rise today to honor the many contributions and achievements of Dr. Hwa-Wei Lee. After an esteemed 5 years as the chief of the Asian Division at the Library of Congress—a bookend to his dedicated 50 years in the library profession, Dr. Lee is retiring.

Before joining the Library of Congress in 2003, Dr. Lee had already achieved a distinguished career in the pursuit and preservation of knowledge. He first served at the Main Library of the University of Pittsburgh, where he also completed two master's degrees and a Ph.D. He then advanced his career working at many other libraries, including Duquesne University, Edinboro University of Pennsylvania, Asian Institute of Technology in Bangkok, Thailand, Colorado State University, and Ohio University. Dr. Lee was Dean of Libraries at Ohio University for 21 years. During that time, he was able to transform a relatively unassuming university library into a prestigious member of the Association of Research Libraries, and ranked among the top 70 academic research libraries in North America. Recognizing Dr. Lee's numerous and incredible accomplishments, Ohio University displayed its enormous appreciation of Dr. Lee by not only naming the first floor of its main library the Hwa-Wei Lee Center for International Collections, but also dedicating a new library annex after him.

During his short tenure at the Library of Congress, Dr. Lee focused his energy on completely rejuvenating and reorganizing the Asian Division. He introduced innovative programs designed to improve and expand the division's resources, collections, services, and outreach.

As chair of the Congressional Asian Pacific American Caucus, it has been my privilege to have collaborated with Dr. Lee and his dedicated staff at the Asian Division. Our shared pursuit to tell the complete Asian American and Pacific Islander, AAPI, story and dispel the cloak of invisibility and mischaracterization upon the community has given life to a new AAPI Collection at the Library of Congress. This is another milestone of Dr. Lee's storied career.

Dr. Lee and his lovely wife Mary will soon move to Florida to bask in the sunny rays of retirement. But I suspect that he will not slow down, and will continue his many pursuits. As anyone who has met Dr. Lee can attest, his boundless, enthusiastic spirit will not allow him to stay idle. In fact, he has already promised to visit the Library frequently and is eager to start his new role as board director of the Asian Division Friends Society.

Madam Speaker, I commend Dr. Hwa-Wei Lee for his dedication and many contributions to the librarian profession and am especially grateful for his nurturing leadership of the Asian Division and of the establishment of the AAPI Collection at the Library of Congress. I wish Dr. Lee and his family all the best for his retirement and their future endeavors.

EAST DAVIDSON GOLDEN EAGLES TAKE THE TITLE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. COBLE. Madam Speaker. the season for the East Davidson girls basketball team started with plenty of questions about having to replace veterans players with a host of new teammates. Head Coach Terry Allmon said to the Thomasville Times, "Two years ago, nobody expected us to do anything. Last year, the expectations were out of sight. This year, the same thing."

On March 25, 2008, the East Davidson Golden Eagles showed they had what it takes to win the North Carolina High School Athletic Association, NCHSAA, 2–A girls basketball championship. East Davidson won over Graham High School, 62–59. This is the first state championship for the East Davidson girls basketball team.

The championship win finally started to look possible at the start of the second half of the March 25 game against Graham, even though East Davidson was trailing, 30–27. The Golden Eagles used the third quarter to blow the game wide open, as they have done in the last three games.

This win comes at the end of a season for the Golden Eagles in which they finished 27–4. Coach Allmon also told the Thomasville Times, "This is a dream come true, these ladies here stepped up when they had to."

Congratulations are in order for Coach Terry Allmon and his assistants Billy Freeman and Brian Eddinger on a great season. The men will be the first to tell you that most of the credit goes out to the players on the court. The players who contributed to the title run included seniors Megan Byerly and Dee Lanier, juniors Mandi Beck, Alyssa Cutshaw, Haley Everhart, Anna Freeman, Elizabeth Merritt, and Felicia Whitley, sophomores Candace Fox, Haley Grimsley, and Stacy Hicks, and freshmen Taylor Alexander and Chelsea Turner. The team was ably assisted by the scorekeeper Chasz Brown and the videographer Tyler Gibson.

On behalf of the Sixth District, we would like to once again congratulate the East Davidson Golden Eagles on having a great season and winning the North Carolina 2-A girls basketball championship. We are all so proud of their accomplishment.

A PROCLAMATION HONORING RYAN QUEEN FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Ryan Queen showed hard work and dedication to the sport of basketball; and

Whereas, Ryan Queen was a supportive team player; and

Whereas, Ryan Queen always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Ryan Queen on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING TRENTON LeRETTE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Trenton Crane LeRette of Blue Springs, Missouri. Trenton is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1306, and earning the most prestigious award of Eagle Scout.

Trenton has been very active with his troop, participating in many Scout activities. Over the many years Trenton has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Trenton Crane LeRette for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO RALPH RAPSON

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. ELLISON. Madam Speaker, I rise today to pay tribute to the life of Ralph Rapson, one of the country's most influential architects. His Modernist designs were not only significant in the State of Minnesota but can been seen around the world. While I regret to report the recent passing of Ralph Rapson at the age of 93, I am grateful for his talent, his dedication and his passion; all of which we were lucky to have him share with the state of Minnesota.

Born in Alma, Michigan in 1914, Ralph earned his degree in architecture at the University of Michigan. In 1939 he designed a streamlined rocking chair that went on to bear his name, the Rapson Rapid Rocker. From 1942–1946 he taught at the Illinois Institute of Technology and then at the Massachusetts Institute of Technology from 1946–1954.

Mr. Rapson's relationship with Minnesota began over 50 years ago when he came to the University of Minnesota to serve as the Dean of the Architecture School. From 1954–1984 as the Dean he went on to influence the lives and careers of many architecture and design students. Ralph Rapson's defining work was the innovative and asymmetrical themed former Guthrie Theater building across from the Minneapolis Sculpture Garden.

Mr. Rapson's resume also includes the Rarig Center for Performing Arts on the University of Minnesota campus, St. Thomas Aquinas Catholic Church in St. Paul Park, the Riverside Plaza housing complex in Minneapolis and the former Pillsbury House in Wayzata and Prince of Peace Lutheran Church for the Deaf in St. Paul. He also designed the United States Embassies in Stockholm, Sweden and Copenhagen. Most recently Mr. Rapson's Minneapolis-based company had developed a line of prefabricated modern houses called the Rapson Greenbelt.

In closing, Madam Speaker, I wish to express my condolences to those surviving Ralph Rapson: his son Rip of Birmingham, Mich., who is president of the Kresge Foundation and Toby, of Minneapolis, who is also an architect and six grandchildren. Mr. Rapson today we thank you.

DOCUMENTARY ON PLIGHT OF NYC "GHOST WORKERS"

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. WEINER. Madam Speaker, I rise to recognize the extraordinary work of several journalists with the Queens Courier, a weekly newspaper in New York City, who wrote a four-part series on day laborers titled "Ghost Workers."

Courier staff writers Peter Davis, Noah Rosenberg, and Christina Santucci, with the help of Damian Ghigliotty and Joe Hirsch, documented for 3 months the histories, labor, challenges, and lives of this invisible population. Their excellent reporting gave us a necessary glimpse into the lives of these hard-working men and women and the hardships they face as day laborers.

Through their work these journalists remind us all of the essential role that the local press play in telling the stories often missed in the commotion of cable television and the 24-hour news cycle.

The four-part series by the Queens Courier provided readers with an accurate, relevant, and illuminating window into this important but underground workforce. The series showcased their hopes for a brighter future and the obstacles they encounter, including oftentimes dangerous working conditions. The series noted that a 2003 study found that 63 percent of day workers surveyed said that their bosses did not give them protective clothing or equipment and 12 percent said that they had been injured on a job site at least once in the past year.

It is the stories that they tell which should remind us all of the "facts on the ground"—the stories to inform and inspire our policy and legislative work. The stories that journalists like Davis, Rosenberg, Santucci, and their colleagues tell illuminate the very best what journalism can be: informational and inspiring. It can change the world by making seen the invisible, teaching the unknown, and challenging the conventional wisdom.

We all should thank The Queens Courier, their editors, and reporters Davis, Rosenberg, Santucci, Ghigliotty, and Hirsch for their incredible work.

NATIONAL PUBLIC HEALTH WEEK

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SARBANES. Madam Speaker, on the occasion of National Public Health Week, I rise today to focus attention on the effects of climate change on the health of the nation's most vulnerable citizens.

Scientists from around the world have issued clear warnings that the Earth's temperature is rising as a result of the release of harmful greenhouse gases into the atmosphere by human activity. Climate change negatively affects the environment in a fundamental way. It affects the air we breathe, the water we drink, the food we eat, and it contributes to the spread of disease. Extreme weather events such as heat waves, drought, and stronger hurricanes further illustrate the dangers associated with climate change.

Climate change looms large for everyone in our Nation, but it disproportionately impacts our Nation's vulnerable populations—children, the elderly, the poor, and people diagnosed with chronic illness. These populations are not only most vulnerable to adverse health conditions as a result of climate change, they also lack the resources to mitigate the impact of these conditions on their daily lives.

We must act now to prevent dangerous, irreversible warming of our planet and to ensure a promising future for other generations. That is why I have joined as a cosponsor of H. Res. 1081, recognizing the week of April 7, 2008 to April 13, 2008, as "National Public Health Week" and designating the theme of the week as "Climate Change: Our Health in the Balance." I have also cosponsored legislation offered by Representative HENRY WAXMAN that seeks to create a national framework for the reduction of greenhouse gases.

I want to congratulate Representative HILDA SOLIS and Representative WAXMAN for putting forward these important bills and for drawing attention to the threat of global climate change on public health.

CONGRATULATING INDIANA STATE SENATOR TRAVIS HOLDMAN ON THE OCCASION OF HIS SWEARING-IN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. PENCE. Madam Speaker, I rise today to congratulate the newest member of the Indiana State Senate. The sun has set on the long and proud legacy of one visionary leader, but a new dawn is rising in the Hoosier heartland.

Tomorrow at the Indiana Statehouse, surrounded by family and friends, Travis Holdman will raise his right hand to be sworn in as State Senator for Indiana's 19th District.

After his victory, Holdman said he had no acceptance speech prepared. He simply thanked the caucus and quoted Proverbs 15:22: "Plans fail for lack of counsel, but with advisors they succeed." I'm sure he will receive a lot of counsel in the months and years ahead as he seeks to serve his constituents.

I've known Travis and his wife Becky for years. He has a wealth of business and political experience that will serve his constituents well.

Travis has been involved with banking for the past 15 years, serving as a bank CEO, bank holding CEO, and chairman of the board. Previously, he spent 6 years as a deputy prosecutor in Wells County.

Travis has served as both chairman and vice chairman of the Wells County GOP for the past 12 years. Most recently he served on the Wells County Council.

Travis and Becky are also leaders in a number of civic and community activities. At the Zanesville United Methodist Church, they volunteer for the UPWARD sports ministry. Travis serves on the board of trustees for Huntington University and has worked with Youth for Christ student ministry.

Travis was the youngest of eight children and grew up in a poor but hard-working family of farmers. He will tell you that his parents instilled in him five core values: traditional family values, conservative political views, "Hoosier common sense," a Judeo-Christian worldview, and integrity.

Madam Speaker, no one will ever fill Senator David Ford's shoes, but Indiana will be well served by Senator Travis Holdman.

RPF CFTC

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. FRELINGHUYSEN. Madam Speaker, today I am introducing legislation that provides an important extension of the Commodity Exchange Act of 1934. This legislation focuses on energy transactions that perform a "significant price discovery function." The legislation also addresses fraud and retail transactions in foreign exchange markets. It gives the Commodities Futures Trading Commission broader authority to prosecute fraud in other commodities such as heating oil.

Americans have lost confidence in our energy markets—particularly in the futures market. I have spoken with many constituents who are skeptical about the price of gasoline and heating oil prices. Many consumers strongly suspect these prices are being manipulated.

Over the past year, we have seen historical increases in the prices of gasoline and heating oil. Our colleagues in the Senate have done significant analysis on this issue, and their findings have been supported by reports published by the GAO and in the fall of last year.

At the end of last year, Triple-A, AAA predicted that these spring months would see a decrease in oil and gas prices between the busy winter and summer travel seasons. Yet, prices remain around all-time highs, despite relatively constant inventory levels.

Residents of New Jersey and throughout the country have struggled with heating bills, businesses are having difficulty with their electricity and transportation costs and this situation does not appear to be improving.

To fix this situation requires complex answers, but it is becoming patently clear that speculation in the unregulated exempt commodities market is working to increase energy prices.

Providing transparency to these dark markets is long overdue. Today, I ask that all of my colleagues will support this legislation, which is very closely aligned with a Senate Amendment to the Farm bill, which had bipartisan support and was passed by a voice vote.

Quoting the Energy Market Oversight Coalition, "To restore public confidence, all energy markets must be fair, orderly, and transparent so the prices paid by consumers reflect the true supply and demand."

In order for our futures markets to work, and our financial system as a whole, there is a pressing need for transparency. The CFTC exists for a specific reason and the work they do is vital to the operations of our economy. However, it cannot accomplish its mission if there are markets that it cannot monitor.

This legislation addresses this troubling gap in the law and will ensure the solvency of our financial system and energy markets.

A PROCLAMATION HONORING GREG AVERY FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Greg Avery showed hard work and dedication to the sport of basketball; and

Whereas, Greg Avery was a supportive team player; and

Whereas, Greg Avery always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Greg Avery on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING AARON HARTFIEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron Michael Hartfiel of Lee's Summit, Missouri. Aaron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1312, and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many Scout activities. Over the many years Aaron has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron Michael Hartfiel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. UDALL of Colorado. Madam Speaker, on Wednesday I was unavoidably detained and unable to reach the House floor in time for two rollcall votes.

If I had been present, I would have voted as follows:

Rollcall No. 165—on adoption of H. Res. 1084, Providing for consideration of the bill H.R. 2016, to establish the National Landscape Conservation System, and for other purposes—I would have voted, "yes."

Rollcall No. 166—on passage of H. Res. 1077, Calling on the Government of the People's Republic of China to end its crackdown in Tibet and to enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identity, and fundamental freedom of all Tibetans—I would have voted, "yes."

IN HONOR OF JEANETTE LANCASTER, NATIONAL NURSING LEADER

HON. VIRGIL H. GOODE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GOODE. Madam Speaker, Jeanette Lancaster, PhD, RN, FAAN, Sadie Heath Cabaniss Professor of Nursing and Dean of the University of Virginia School of Nursing, will soon step down as Dean after an extraordinary 19 years of service in that role. It is not only for her status as one of the longest tenured deans in the University's modern history that she is known by her peers as the "Dean of Deans."

During her deanship, the UVA School of Nursing national rankings rose by at least ten points to now stand at 19th in the United States; among the country's top five percent of nursing schools. U.S. News & World Report ranks two of the School's master's programs in their Top Ten and two others in the top twenty. Dr. Lancaster has expanded the School's enrollment by 28 percent and projects additional increases to help meet the country's current and future health care needs. She has been an avid supporter of ROTC and military nursing enrollment.

Under her visionary leadership, the UVA School of Nursing has been in the vanguard launching innovative programs to meet the more complex and technical needs for nurses in today's health care environment and to address the current and growing shortage of well educated nursing clinicians and faculty.

Dr. Lancaster, holder of the first endowed nursing professorship in the United States, has been recognized with the first endowed professorship named for a female dean at the University of Virginia (1999). She has been honored as both the first nursing dean and the first woman to be invited in her own right to live in one of Thomas Jefferson's Pavilions on the historic UVA Lawn. Her innovative efforts to improve gender imbalance at the University of Virginia to give women a more equal role in decision-making are well acknowledged.

In foreseeing and navigating the sea changes now occurring in the nursing profession, Jeanette Lancaster has been a national leader. She also is recognized internationally as an authority in community health nursing, nursing education and public policy. As president of the American Association of Colleges of Nursing (AACN), she has testified before the U.S. Congress to advocate for support of nursing education. The AACN is a national organization that sets standards, recommends curricula and advocates for nursing baccalaureate and higher degree education to improve patient outcomes.

Her peers have elected her as a Fellow in the prestigious American Academy of Nursing and National Academies of Practice. She has held numerous national leadership positions in professional associations and been honored nationally with multiple awards and honorary degrees. Recently, she served on the Commonwealth of Virginia's statewide Healthcare Workforce Task Force and has long been an effective advocate for greater Commonwealth support for nursing education.

We hereby commend Jeanette Lancaster for her outstanding career as Dean, her effective and visionary leadership combined with commitment and dedication to improve health care for the people of the United States and for her ability to inspire others to excellence.

PREDATORY LENDING

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. FEENEY. Madam Speaker, I would like to call to the attention of my colleagues and other readers of the RECORD the article from Consumer Rights League, which is reprinted below.

PREDATORY CHARITY: THE SELF-INTERESTED SELF-HELP OF THE CENTER FOR RESPONSIBLE LENDING

EXECUTIVE SUMMARY

The term "predatory lending" seems to have appeared out of thin air in recent years. In reality, the prevalence of the term—and the accompanying public panic—owes much to a sophisticated public relations campaign carried out by the increasingly high-profile Center for Responsible Lending (CRL).

As the most visible face of the half-billion dollar team of "Self-Help" non-profit organizations, CRL attacks competing loan products. Under the guise of advocating in the interests of its low-income customers, Self-Help makes loans at highly profitable rates and uncharitably takes those low-income customers to court over trivial monetary sums. Worse, CRL's advocacy has worked to the disadvantage of low-income borrowers.

This report utilizes documents in the public record to demonstrate: CRL's advocacy agenda—built on pseudoscience that relies on arbitrary and opaque definitions and unreliable estimates and assumptions—has harmed consumers, according to recent Federal Reserve research; CRL's troubling alliances—a spokesman who pled guilty to felony larceny, an employee who engaged in eavesdropping, and a multi-million-dollar grant from a wealthy Wall Street investor with a stake in the outcome of CRL's lobbying activities; the Self-Help network attacks other lenders for allegedly using practices that it employs—taking in charitable grants and low-interest government loans while charging its customers uncharitably high rates and prosecuting low-income customers for amounts as low as $96; the Self-Help network has combined its advantageous loan rates and aggressive legal attacks to build a powerful organization with net assets of a quarter-billion dollars and approximately $12 million in annual profit from its largest loan-making body; the Self-Help network seems to encourage its customers to assume high amounts of debt, Its delinquency loan rate is almost 7 times the rate at comparable credit unions. Its customers carry loan balances over 3 times the rate of those institutions.

Many consumer advocates work with financial institutions to meet community needs. Yet the public record shows CRL and its financial web do more harm than good. This report examines CRL's record and concludes that public officials, policymakers, and the media should be skeptical about the group's complaints, while non-profit donors and government bodies need to re-examine the charitable loan rates they provide to CRL's web of financial organizations.

AN INTRODUCTION TO SELF-INTEREST

What do you call an organization that has made more than $190 million in profit in the last ten years by targeting poor Americans with high interest rate loans? If you were the Center for Responsible Lending, you would call that organization a "predatory lender." However, this is a description that fits "Self-Help," CRL's network of non-profits.

CRL is the research and advocacy arm of a large and financially powerful web of organizations under the umbrella of the Center for Community Self-Help. This matrix includes the Self-Help Ventures Fund (the largest loan-making body), the Self-Help Development Corporation, the Self-Help Services Corporation (which pays salaries and many expenses for network staff), and the Self Help Credit Union. According to tax returns, the Self-Help network (except its credit union) increased its assets by nearly 36 percent—from $181 million to 245 million—between 2002 and 2004. According to the National Credit Union Administration, the Self-Help Credit Union reported $292,143,058 in assets as of November 2007.

Questions have arisen as to whether this largess has benefited the working poor or if the group's leaders have simply been helping themselves. Critics scoff at Self-Help's 2004 decision to spend a whopping $23 million to buy a high-rise building in downtown Washington, D.C. for its operations. Perhaps more troubling, one report examining tax returns for the Self-Help Credit Union assets found: "The financial reports of the Self-Help Credit Union reveal that throughout the 1990s Self-Help made loans to its officials and senior executives averaging $30,000 to $40,000, a practice permitted by Self-Help's conflict-of-interest policy. In June 2002, one official received a loan for about $1.2 million, and tax forms show that in March 2004 another official received a large loan, bringing the total borrowed by only two unnamed Self-Help officials to more than $2.7 million. Without explanation, those loans disappeared from the Credit Union's financial report in December 2004."

Self-Help's credit union provides ample conflicts of interest with CRL's attacks on other lenders. In November 2007, researchers from the Federal Reserve examined the effects of payday loan bans, including the North Carolina law successfully pushed by CRL. The researchers concluded that payday lending was actually preferable to the fees credit unions—like those operated by Self-Help—charge its low-income consumers: "Payday loans are widely condemned as a "predatory debt trap." We test that claim by researching how households in Georgia and North Carolina have fared since those states banned payday loans in May 2004 and December 2005. Compared with households in all other states, households in Georgia have bounced more checks, complained more to the Federal Trade Commission about lenders and debt collectors, and filed for Chapter 7 bankruptcy protection at a higher rate. North Carolina households have fared about the same. This negative correlation—reduced payday credit supply, increased credit problems—contradicts the debt trap critique of payday lending, but is consistent with the hypothesis that payday credit is preferable to substitutes such as the bounced-check "protection" sold by credit unions and banks or loans from pawnshops."

These findings raise serious doubt as to the social value of CRL's advocacy and the quality of its research.

Further questions have focused on the group's drive for political influence. CRL has publicly signed a letter with the radical group ACORN. It has received significant financial support from George Soros's Open Society Institute and tens of millions from the left-leaning Ford Foundation.

Indeed, it will be the very low-income consumers extolled in CRL's rhetoric that are most hurt by the group's power. Self-Help and the CRL are redefining hypocrisy and creating a new term: "predatory charity."

REDEFINING PREDATORY LENDING: WHEN YOU MAKE ASSUMPTIONS

From elaborate assumptions to dubious omissions, the "studies" released by the Center for Responsible Lending have all the indications of advocacy-driven research. CRL's studies make frequent methodological assumptions that artificially inflate their findings. It is clear that their reports are written with a pre-determined conclusion in mind.

FEDERAL RESERVE RESEARCH SINKS "FINANCIAL QUICKSAND"

CRL has raised its public profile by attacking the practice of "predatory lending." Its media presence is largely in response to its 2006 report, "Financial Quicksand." Unfortunately, CRL has built its argument on a foundation of sand that erodes economic opportunity for the very low-income consumers it purports to protect.

If anything, "Financial Quicksand" sinks from its own assumptions. The report is best characterized as a series of arbitrary definitions. It uses non-nationally representative estimates, derived from a serious of unjustified assumptions, to argue that payday lenders "cost" Americans $4.2 billion dollars each year. Although the report claims to offer a national perspective on the payday lending industry, it samples data from only four states for its central findings.

Consider some of the report's problems: "Financial Quicksand" makes 18 separate assumptions, many of which would be charitably described as questionable, and rely on another 53 "estimates" to reach their conclusions.

Crucially, the report hinges on the critical (and flawed) assumption that anyone who takes out five or more loans in a year is likely flipping their loans back-to-back-to-back. However, 22 states prohibit "flipping" loans and many more limit rollovers—a fact ignored by the report.

The report also suggests that payday loans "cost Americans" billions of dollars and argues that banning them could "save" billions more. In economics, a "cost" typically occurs when capital is eliminated from the economy. For instance, unnecessary inefficiency in a manufacturing process could be seen as a "cost to Americans." However, financial services, including those offered by payday loans operators, do just the opposite. They generate capital for the economy and for each individual loan-taker.

Claiming that payday lending bans "save" money is equally dubious. Not only does the industry itself generate capital for a state's economy and tax revenue for the government, but payday loans, like any other loan, allow individuals to generate more capital for themselves on the aggregate. By banning payday lending, states don't "save." Instead, they experience a cost through lost tax revenue and lost capital opportunities.

Statistical research released from the Federal Reserve suggests CRL's lobbying efforts against payday lending have been misguided at best. In December 2007, the Associated Press reported that, "A ban on payday loans may be leading to greater financial burdens for low-income residents of two Southern states, according to a researcher at the Federal Reserve Bank of New York."

Indeed, the Federal Reserve report specifically cited CRL's "research" against payday lending and its estimate that a ban would "save" Georgians $154 million. It concluded that CRL's research was both flawed and costly to low-income consumers: "Georgians and North Carolinians do not seem better off since their states outlawed payday credit: they have bounced more checks, complained more about lenders and debt collectors, and have filed for Chapter 7 ('no asset') bankruptcy at a higher rate."

"The increase in bounced checks represents a potentially huge transfer from depositors to banks and credit unions. Banning payday loans did not save Georgian households $154 million per year, as the CRL projected, it cost them millions per year in returned check fees."

THE RACE CARD AND CRL

In its report "Race Matters," CRL strongly implies that payday lending stores target minority neighborhoods in North Carolina. The authors report that minority neighborhoods have three times as many payday lending stores as non-minority neighborhoods. But CRL fails to adequately account for other important factors that predict the existence of payday lending stores, such as a neighborhood's mean income. While the authors recognize this significant shortcoming, they still report the uncontrolled result.

The researchers also conducted a multivariate analysis to control for income, home ownership, and other factors. Their analysis found that "the highest 20 percent of African-American neighborhoods had 4.1 times as many storefronts per capita compared to the lowest 20 percent." That said, an examination of their methodology reveals an odd, and likely highly significant statistical decision. Rather than look at all census tracts and include racial and ethnic breakdown in their regression, CRL's researchers created "dummy variables" for neighborhoods based on the percentage of minorities that lived in them. They then compared the neighborhoods with the highest concentration of minorities to those with the lowest.

This methodology is problematic because a neighborhood's racial or ethnic breakdown is not a black and white issue. By artificially pitting the few neighborhoods with the highest minority concentrations against those with the lowest, they were able to generate a dubious rhetorical point.

Indeed, these major flaws led Wesleyan University economics professor Thomas Lehman to say CRL's report "contains severe weakness and presents conclusions that are overstated at best, and misleading at worst." He added, "It must also be recognized that the overall tone of the study suggests a lack of objectivity perhaps motivated by an ideological bias against the payday lending industry, which may explain why (the authors) appear to overstate their case given the weakness of their research."

FAILURE TO LOSE GROUND

In "Losing Ground," CRL's report on subprime mortgage foreclosures, the organization again produced a report warning of catastrophic consequences based on an arbitrary definition.

In the report, CRL researchers claim that 25 percent of subprime mortgages "fail" within five years. This is a critical distinction because the entirety of the report is based on the number of failed mortgages—not the number of foreclosed mortgages.

While subprime mortgages have faced significant problems, they have fallen predictably short of CRL's dire predictions. That is understandable given how CRL defines a "failed" loan.

In fact, their own report admits that only 11 percent of subprime mortgages will be foreclosed within five years. The remaining 14 percent are loans prepaid during distress, such as refinancing or selling a property. But the latter category suggests a wide variety of equally beneficial or negative outcomes. For instance, under CRL's definition, a loan refinanced for a lower interest rate would qualify as a failure. But this in no way indicates a "failed" attempt at home ownership.

By lumping loan refinancing and home sales during distressed periods into its "failed" mortgages category, CRL more than doubles the supposed costs of the subprime mortgage industry.

DEFINING PREDATORY CHARITY

The Center for Responsible Lending primarily attracts media attention through its attacks on financial institutions that serve low-income and high-risk consumers. CRL frequently complains about interest rates and loan terms offered by traditional and community financial service providers. The group lobbies for laws that ban certain loan types and allow borrowers to change the terms of active loans. The surprising reality, though, is that CRL's family of financial institutions appear more interested in helping themselves than assisting the poor.

BUYING LOW, SELLING HIGH

As ostensible charities, Self-Help organizations receive support in the form of grants from non-profit foundations and subsidized government loans at preferential interest rates.

Self-Help pays typically between zero and four percent interest on the loans it obtains, many of which come from government-supported entities. The Ventures Fund took in more than $2.5 million in loans from the Small Business Administration's Microloan Program, with rates ranging from 2.5 percent to 4.5 percent. It also accepted more than $3.9 million from the U.S. Department of Agriculture's Intermediary Relending Program, which carries a one percent interest rate. On top of that, the Center for Community Self-Help has carried a zero percent loan from the state of North Carolina for years.

But Self-Help charges interest far above the charitable rates at which it borrows.

In 1998, the last year it reported interest rates on its publicly disclosed federal tax form, the Self Help Venture Fund reported that their average interest rate was more than 10 percent. For reference, that is approximately three percentage points higher than the average home mortgage rate in 1998, according to HSH Associates Financial Publishers. That adds up to a nearly 40 percent premium over the average rate. The Ventures Fund made other loans at interest rates as high as 13 percent.

Since 1997, the Venture Fund has made more than $190 million dollars in profit. It has made as much as $36 million—and no less than $13 million—annually since then. During the same period, the fund turned over $468 million in revenue. If the Venture Fund were officially a for-profit entity, its profit margin would be a staggering 40 percent—far higher than the margins of the lenders Self-Help and CRL attack.

HAULING CUSTOMERS INTO COURT (AND KICKING THEM OUT ON THE STREET)

Lien proceedings and foreclosures are not just the target of CRL's rhetoric—they are the standard operating procedure for CRL's "Self-Help" organizations. Despite their denunciations of other lenders, the Self-Help network takes action against its low-income consumers through lawsuits and foreclosure proceedings.

Like the lenders it attacks, Self-Help seeks judicial recourse when borrowers do not repay them. But in 2000, Self-Help founder Martin Eakes told PBS that they were better able to gauge how low-income individuals would repay loans: "[W]e went for ten years, we have had our first loss of a home loan of $10,000 in a total of $120 million of lending directly and indirectly we have made, to mostly minority, single moms. We had our first $10,000 this past year. So, whatever people believe, the truth is, if someone has a chance to get a toehold and own a home, they will be far better borrowers than most of the rest of us."

That may not be the whole story. The data from the National Credit Union Association, which oversees Self-Help Credit Union, paints a startling picture. As of September 2007, Self-Help's ratio of delinquent loans to loans issued was 598 percent higher than its peer credit unions. Ignoring CRL's critique that payday lenders and subprime mortgage lenders are too aggressive with amounts they offer customers, Self-Help Credit Union's customers carry an average loan balance of $40,733—more than 200 percent higher than at comparable institutions.

When loans terms are not met, Self-Help gets aggressive. Records show that Self-Help organizations have taken foreclosure or eviction steps against its low-income customers for as little as $62,332 in 2005 and $50,768 against another in 2002. And despite CRL's public advocacy on behalf of small borrowers, Self-Help's record includes lawsuits against countless small-dollar borrowers, including suits for as little as $96.

The Self-Help organizations based in North Carolina have taken legal action against local Southern favorites, including: a fried chicken store in 2001; a BBQ joint in 1997; a NASCAR collectibles company in 2002.

Perhaps more troubling, Self-Help has hauled local charitable organizations into court, including: the Appleton Academy in 2000; the Creative Learning Center in 2003; the Calvary Christian Church in 1993; Joyful Noise Daycare in 1998; an eviction of Oz Land Child Care Center in 2003; the Non Profit Consulting & Training Center in 2004 for only $956.

STRANGE (AND CRIMINAL) BEDFELLOWS

In September 2007, the Center for Responsible Lending arranged news events that sought to damage payday loan companies by providing former industry employees who alleged negative business practices by their former employers. The gambit paid off: several news stories ran with headlines potentially damaging to the industry. Yet the credibility of CRL's witness Michael Donovan, a former employee of leading payday loan company Check 'N Go remains clouded in doubt.

A lawsuit filed by Check 'N Go's parent company alleges Donovan and CRL conspired to defraud the firm and that Donovan lied about his criminal record. The suit alleges: Donovan provided a fake Social Security number to gain employment at Check 'N Go; when asked about the problematic Social Security number, Donovan provided a forged Social Security Administration document to gain employment; Donovan illegally provided confidential company information to CRL; Donovan allowed CRL to eavesdrop on a trade association conference call.

According to the suit, Donovan's criminal record includes an April 2000 guilty plea in Arlington, Virginia to four counts of forgery, three counts of larceny, and one count of attempted larceny.

Donovan was sentenced to four years in jail but served only eight months, according to the suit. Perhaps most shocking was that at the time he applied for the job at Check 'N Go, Donovan was again reportedly facing felony charges of grand larceny.

DID CRL SELL OUT TO PRIVATE EQUITY?

Monetary acrobatics by high-flying, high-finance figures can be complex and confusing. Yet CRL mortgaged its name for a $15 million infusion from a billionaire hedge fund manager who profited from the declining value of mortgage-backed securities, caused by borrowers who have difficulty paying their mortgages.

CRL has dubbed much of subprime lending—loans to high-risk candidates with low credit ratings—as "predatory" despite little evidence to support such claims. Yet the group is lobbying to change existing laws to allow high-risk borrowers to adjust the terms of their mortgages. This would benefit those making a financial gamble on future trouble in subprime mortgages.

On October 12, 2007 Business Week published an unusual report on the apparent philanthropy of a billionaire hedge fund investor who gave a multi-million-dollar grant to CRL. But there was more to the story: "A $20 billion hedge fund may have hit on a unique investment strategy for playing the subprime mortgage bust: fund a consumer-protection group. Paulson & Co., which has seen its assets under management soar this year through fortuitous bets in the subprime market, has given $15 million to the Center for Responsible Lending, a Washington nonprofit that has been lobbying on Capitol Hill for passage of bankruptcy legislation."

"Paulson, run by former Bear Stearns (BSC) investment banker John Paulson, stands to rake in a windfall if the measure passes. The key bill, introduced last month, would allow federal judges to restructure mortgage terms and lower payments on the primary homes of borrowers in bankruptcy, a significant legal change. The process, known as a "cram-down" in industry jargon, is opposed by investment banks that trade in mortgage-backed securities."

According to CRL and Paulson, the donation was not to be used for lobbying, but the Washington, D.C.-based Politico noted that CRL is "a key supporter of pending legislation that would allow homeowners to reduce mortgage payments on their homes by declaring Chapter 13 bankruptcy." Enactment of CRL-supported bankruptcy legislation would further erode the value of mortgage-backed securities, which would increase the value of Paulson's holdings.

The subprime gamble is a big business opportunity for Paulson, whose firm, according to Bloomberg financial news: ". . . made big bets predicting the edifice would soon come crashing down. The wager paid off in the first nine months of 2007, when Paulson's Credit Opportunities funds rose an average of 340 percent."

"That gain earned Paulson an estimated $1.14 billion in performance fees for the nine months ended on Sept. 28."

A spokesman for traditional financial institutions added, "When they start pushing for legislation to make more money, they're lining their own pockets with people's homes, that's a little sticky."

There is little evidence to suggest that Paulson's donation represents merely a one-time payment to CRL. It seems likely that the original $15 million donation was part of a multi-year campaign to profit off of American consumers' mortgage woes.

The press release announcing the first donation disclosed that Paulson "said he hopes that his firm's donation is just the beginning . . ." Indeed, as of July 2007, Paulson specifically stated that his investment horizon was two to three years, saying of his subprime bet: "The performance of these pools will not be decided over one month or two months. They will be decided over the next three years. Our investment (commitment is not based on) looking at what these bonds trade at today or tomorrow, but what the losses in these pools will be two or three years from now."

CONCLUSION

America's working poor and low-income individuals often benefit from well-intentioned advocates. But when those who claim to speak on behalf of the vulnerable use their position to benefit themselves, it is an act of betrayal. The public record demonstrates clearly that the Center for Responsible Lending and its Self-Help network fit this profile.

CRL's research is agenda-driven. Its advocacy has cost consumers more than it has "saved" them, according to Federal Reserve research. It relies on race-based claims to generate media interest. And it takes money from self-interested Wall Street billionaires who profit from the mortgage crisis so astutely hyped by CRL.

Self-Help takes in money at low rates and charges generous mark-ups to its low-income consumers. Federal records show Self-Help's credit union allows its borrowers a much higher average loan rate compared to similar organizations, a critique at odds with CRL's attacks on lenders who extend too much money to those who may have trouble repaying their loan. Finally, Self-Help loses its charitable image when it takes legal action against its low-income customers.

There is a name for such groups: predatory charity.

RECOGNIZING THE CAPITAL AREA DISTRICT LIBRARY ON THE OCCASION OF ITS TENTH ANNIVERSARY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. ROGERS of Michigan. Madam Speaker, It is my special privilege to honor the Capital Area District Library as they celebrate their 10th anniversary. I congratulate the Capital Area District Library community on behalf of all those who have benefited from their dedication and commitment to serving the members of the community.

The Capital Area District Library has an impressive history of community service and involvement since being formed in 1998, through an agreement between Ingham County and the city of Lansing, MI. Sensing most of Ingham County, the Capital Area District Library operates 13 libraries and it bookmobile, which stops throughout the county. Each library location provides residents with access to all materials and services offered by Capital Area District Library. For the past 10 years. the Capital Area District Library has been able to grow and adapt to the changing needs of the community. It has shown remarkable progress in serving the citizens of Lansing and the residents of Ingham County.

The Capital Area District Library is committed to the values of a democratic society. They aim to provide access to ideas and information that support continuous learning and enhance the quality of life of citizens. They reach these goals through community-based services, excellence in patron service and technology that links its libraries to the world of information. Their blend of a classic library decor, with new up-to-date technology, ensures uniqueness and utility. As part of their mission to provide assess to useful information, the Capital Area District Library offers an interactive website that is dedicated to assist the public with questions and keep them informed about their community. I am confident that the Capital Area District Library will continue to flourish and enhance the Ingham County area for years to come.

Therefore, Madam Speaker, I ask our colleagues to join me in honoring the Capital Area District Library as they celebrate their 10th anniversary. May others know of my high regard for the tradition and strength this organization represents.

PERSONAL EXPLANATION

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SALAZAR. Madam Speaker, last night the House voted on a motion to instruct the House conferees on H.R. 2419, the Food and Energy Security Act of 2007. I was unavoidably detained and was unable to be here for the vote. Had I been present, I would have voted "aye" on the motion.

187TH ANNIVERSARY OF GREEK INDEPENDENCE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. COURTNEY. Madam Speaker, on March 25, 2008, we celebrated the 187th anniversary of Greek independence. I join with millions of Greek Americans in Connecticut and across the country in marking the anniversary of the successful rebellion of the Greek people against the Ottoman Empire.

This anniversary offers us an opportunity to reflect on the long standing bonds between Greece and the United States. Our Founding Fathers drew from the ideals of ancient Greece, whose leaders wrote about the ideas of a republic. Thomas Jefferson called ancient Greece the "light which led ourselves out of Gothic darkness." In turn, Greek patriot Adamantios Koraes in 1823 collaborated with Jefferson on the construction of a new constitution for Greece, drawing on the tenets of America's groundbreaking democracy.

Following the Greek War of Independence. Greeks came to study at American universities at the urging of missionaries. But the real surge in Greek immigration came later in the 19th century, when newly arrived Greek Americans provided a catalyst for our Nation's economic growth, working in textile mills and on railroads across New England and in businesses across America. The Greeks who had provided inspiration for our democracy, now directly delivered their commitment to family and hard work to form strong communities in New York, Boston, Chicago, Detroit, Hartford, and across eastern Connecticut to add to the fabric of our American society. Today, over 3 million Americans claim Greek heritage, the descendants of the fathers and mothers of democracy.

As we recognize this important anniversary of Greek independence, I join in delivering the best wishes and congratulations from the American people to the people of Greece. We celebrate the historic ties between our two nations, and the legacy of democracy we have together shared with the world.

A PROCLAMATION HONORING DANE KOPP FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Dane Kopp showed hard work and dedication to the sport of basketball; and

Whereas, Dane Kopp was a supportive team player; and

Whereas, Dane Kopp always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Dane Kopp on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING RODNEY AMES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Rodney Alexander Ames of Liberty, Missouri. Rodney is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1134, and earning the most prestigious award of Eagle Scout.

Rodney has been very active with his troop, participating in many Scout activities. Over the many years Rodney has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Rodney Alexander Ames for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE NEED FOR THE PASSAGE OF AN EXTENSION OF THE R&D TAX CREDIT

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. MCCAUL of Texas. Madam Speaker, I rise to bring attention to the need for this Congress to act to reauthorize the expired Research and Development Tax Credit. The failure of Congress to extend this credit before the end of last year has created an uncertain environment for American companies that have used this provision in the past to fund the research needed to maintain our economic advantage in the global market.

A good example of how this impacts real companies is Applied Materials. This company in my district invests over $1 billion in research per year. Without this tax credit, they expect their tax burden to increase by nearly $10 million. Although this is a small percentage of that $1 billion investment, that amount helps employ a lot of people in my district.

Again, I ask that Congress take action to restore this important tax credit and not to jeopardize American jobs and economic competitiveness.

HONORING THE LIFE OF JOSEPH D. GAMBOA

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Ms. BORDALLO. Madam Speaker, I rise today to honor the life of a fallen Guam son, United States Army SSG Joseph D. Gamboa, 34, from the village of Malesso. Staff Sergeant Gamboa was assigned to B Company, Ist Squadron, 2nd Stryker Cavalry Regiment, in Vilseck, Germany, and was killed in the line of duty on March 25, 2008, in Baghdad, Iraq, in support of Operation Iraqi Freedom. Staff Sergeant Gamboa is the 25th serviceman from Micronesia to lose his life in support of Operation Enduring Freedom and Operation Iraqi Freedom. In honoring Staff Sergeant Gamboa, we are reminded of the ultimate sacrifice that so many young people in our Nation have made for our freedom.

Staff Sergeant Gamboa's dedication to serving our Nation and defending our freedom will be forever remembered. He now joins the brotherhood of heroes, a long line of soldiers, sailors, airmen, marines and coast guardsmen who have put their country before themselves and who have lost their lives in combat. We owe a debt of gratitude to these men and women that can never truly be repaid.

Staff Sergeant Gamboa was a loving husband, father, son, and brother. He was a dedicated family man who adored his family and would do anything for them. He joined the Army to provide a good life for his children and out of a sense of duty to his country. He is also remembered by his fellow soldiers as a wonderful friend who had a great sense of humor and who loved to sing.

I join our Guam community in mourning and in prayer for Staff Sergeant Gamboa. I offer my condolences to his wife Michelle, their children Krystianna Mychailla, Austin Joseph, Ashton Joseph, Savannah Joelle, Avery Joseph, and Isabella Jomia, his parents Francisco and Cecilia Gamboa, his brothers, sisters, and extended family and friends.

God bless the Gamboa family, God bless our men and women in uniform, God bless Guam, and God bless our country, the United States of America.

HONORING ARENAC COUNTY, MICHIGAN ON ITS 125TH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. STUPAK. Madam Speaker, I rise to recognize Arenac County, Michigan on its 125th anniversary. On Friday, April 11th, I will be in Omer, Michigan to join local leaders and residents of the county at Arenac County's quasquicentennial kickoff celebration.

Located at the bottom of Saginaw Bay on Lake Huron, the area we now know as Arenac County was recognized more than 500 years ago as an ideal place for settlement by Native Americans. The Rifle and AuGres Rivers made excellent fishing and canoeing routes for the Ottawa Indians and eventually early European settlers. It is these rivers and other abundant natural resources that have sustained the area these many years.

Arenac County is rich in Native American history because of its abundance of hard chert and flint for arrowheads. Later, it was also an ideal location for European settlers. Most early settlers came from Canada, starting with the Scottish and English, and later people of French descent. Later came Germans, followed by Polish, Slavic and Balkan natives.

The county traces much of its 125-year history to its logging roots. Michigan's logging industry developed around Michigan's white pine and hardwoods and the county was at the heart of it. In addition to abundant forest lands, Arenac County was ideally situated as a conduit to the lake for shipping lumber. The county also was the location of a 19th century summer resort hotel, to which guests arrived by ship. Its history was gradually reshaped due to the disastrous wildfires that eventually destroyed the logging business in the area.

Once part of Bay and Saginaw counties, Arenac County was founded in 1883, during Michigan's post-Civil War lumber boom. In addition to lumbering, other early industries included shingle mills, farming, commercial fishing and brick and tile manufacturing. Michigan's first coal mine shaft was dug in Arenac County, and although it was never productive because of an inability to remove excess water, the shaft remains there today.

The Rifle and AuGres Rivers continue to be favorite canoeing spots and provide ample opportunity for local fishermen. Arenac County's forests are favorite spots for hunting deer and small game. These areas, along with about 50 miles of Lake Huron shoreline, fuel the area's recreation and tourism economy.

As the residents of Arenac County celebrate their 125-year history, I am honored to join them in commemorating this milestone. Madam Speaker, I ask that you and the entire U.S. House of Representatives please join me in honoring Arenac County, Michigan on its 125th anniversary.

HONORING THE 80TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA TROOP 343

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize Boy Scouts of America Troop 343 and their sponsor, First United Methodist Church of Athens, as they celebrate their 80th anniversary.

Founded in 1928, Boy Scout Troop 3 began in Athens, Texas and, later became Troop 343. Over the past 12 months alone, Troop 343 has provided nearly 2,000 hours of community service on projects such as: collecting food for the Athens food pantry, picking up trash, and performing several flag retirement services and flag ceremonies. In addition, the Troop has partnered in service projects with the Henderson County Historical Society, Henderson County Center for the Performing Arts, and First United Methodist Church of Athens.

This Troop has not only remained devoted to preserving the ideals of Boy Scouts of America, they have done so with excellence. Seventy-four members from this Troop have achieved the rank of Eagle, Scouting's highest honor.

I also want to recognize Tommy Faulk, volunteer and former Boy Scout, for his integral role in providing a new facility for the Scouts of Troop 343.

In addition to teaching outdoor skills, Scouting also includes leadership training. Today's Boy Scouts are the leaders of tomorrow. Receiving my Eagle was one of the proudest moments of my life. The values, ethics, and morality boys learn through Scouting are critical not only for themselves, but to this nation as well.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Troop 343 for their longstanding devotion to service, leadership, and citizenship.

EXPRESSING APPRECIATION FOR JOE HILL'S SERVICE AND FRIENDSHIP

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. TANNER. Madam Speaker, I rise today to recognize Joe H. Hill, one of my oldest and dearest friends, a man whose 35 years of service to the 8th Congressional District of Tennessee has had a lasting impact on our area that will be felt for generations to come. Joe is retiring from Congressional service as the longest-serving district staff member in Tennessee history and has begun a new opportunity to continue his public service as a member of the Tennessee Board of Probation and Parole.

Joe is originally from Henry County, Tennessee, and attended Bethel College in McKenzie, Tennessee. After that, he served four years as Project Director for the Northwest Tennessee Development District and, in 1973, came to work on the district staff of my predecessor, the late Congressman Ed Jones. Joe worked as a field representative and then district director for Congressman Jones until his retirement in 1989. I was fortunate both to have the honor of succeeding Congressman Jones in this chamber and to have Joe Hill remain on the 8th District staff as District Director.

Over the 35 years Joe has served the 8th District, he worked very closely with an outstanding district staff that has helped thousands of Tennesseans who reach out for assistance with Social Security, Medicare and veterans' benefits. He has played an important role in the economic development of our area, working directly with every community in our district to upgrade the public infrastructure that rural towns like ours need to improve quality of life and create jobs.

Joe has also been very active with local and state politics, having worked with practically every Democratic candidate in our area over the past 35 years. I have appreciated his guidance over the years and know that countless other elected leaders have also depended on his keen political sense in working with the public in West and Middle Tennessee. Among the candidates Joe advised are Vice President Al Gore and Governors Phil Bredesen and Ned McWherter.

Joe and I have never worked as employer and employee but have instead maintained a working relationship more closely resembling a partnership and friendship. Betty Ann and I enjoy the time we get to spend with Joe and his wife Susan and their children, Adam and his wife Niketa, Judith and Travis. Fortunately, Joe is not going too far, and I know our families will have many more opportunities to spend time together in the future.

Madam Speaker, at the end of the day, there is one main reason we come to serve in this body: to help the people we represent. It is with the assistance of such exceptional staff members as Joe Hill that we are able to achieve those goals. There are thousands of West and Middle Tennesseans whose lives have been touched by Joe's dedication to improving our area.

I ask you and our colleagues to join me as I thank Joe for three-and-a-half decades of service to the 8th District, express my gratitude for his long friendship and congratulate him as he enters a new phase of his public service.

A PROCLAMATION HONORING MITCHEL KILDAY FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Mitchel Kilday showed hard work and dedication to the sport of basketball; and

Whereas, Mitchel Kilday was a supportive team player; and

Whereas, Mitchel Kilday always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Mitchel Kilday on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING GARRETT HAVENS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Garrett Clair Havens of Liberty, Missouri. Garrett is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 2418, and earning the most prestigious award of Eagle Scout.

Garrett has been very active with his troop, participating in many scout activities. Over the many years Garrett has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Garrett Clair Havens for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GEORGE MILLER of California. Madam Speaker, on Wednesday, April 9, I was unavoidably detained and was unable to be present for rollcall vote No. 166. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

April 9, 2008: Rollcall vote 175, on motion to instruct the conferees—H.R. 2419, the Farm, Nutrition, and Bioenergy Act—I would have voted "aye."

IN MEMORIAM: RICHARD EDWARD GENSER, 1944–2008

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. GRIJALVA. Madam Speaker, distinguished colleagues, I rise today to honor an environmental leader whose work and passion has made the Sonoran Desert truly a better place.

Richard Edward Genser, known as Rich, Rex, and to many of his good friends as Geronimo, was born in Newark, New Jersey and spent his childhood in South Orange, New Jersey. He served in the Air Force during the Vietnam war.

Rich came to Tucson, Arizona in the late 1980s. Although in the real estate business, his passion was preserving natural areas, protecting wilderness, and ensuring that development was directed away from the most sensitive lands.

Rich was a lifelong member of the Sierra Club and served the organization in several capacities including as chair of its Grand Canyon Chapter as well as its Rincon Group in southern Arizona. He helped to found the Coalition for Sonoran Desert Protection and was key in the efforts to Save the Scenic Santa Ritas from mining threats, a threat that has not yet been extinguished.

Rich was a good friend to many and there was no one who was more full of life. He loved Arizona, he loved the Earth, and he loved the Sierra Club and all of his many friends there. Rich also loved a good fight (for the environment) and helped with numerous efforts, including a successful effort to promote Pima County's Sonoran Desert Conservation Plan.

Richard Genser passed away on February 27, 2008 at the young age of 63. He is survived by his wife, Claire; father, Lester Genser (Agnes); son, Jordon Genser; sister, Susan Bulger; brother, Jon Genser (Annie); stepdaughters Carol Bailey Stevens (Eloy), Ashley Ronen (Shlomi); four grandchildren, Zaida, Blue, Hailey, and Samantha; three nieces, Laura, Jane, and Courtney, a nephew, Gregg; several great-nieces and nephews, and his ex-wife Jill Genser.

Rich leaves a legacy that cannot be adequately expressed in words, and gives all of us who have known him and worked with him inspiration to follow our passion and know that one person can make a difference for the better.

CONGRATULATING THE REICHER CATHOLIC HIGH SCHOOL FOOTBALL TEAM ON THEIR STATE CHAMPIONSHIP VICTORY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. EDWARDS. Madam Speaker, I rise today to congratulate the Reicher Catholic High School Cougars football team on their 41 to 7 victory in the 2007 Texas Association of Private and Parochial Schools (TAPPS) Division III state championship game. Reicher has a long history of outstanding achievement in the classroom and on the athletic field, and it is a privilege to represent these students, teachers, coaches and their families in Congress.

Winning a state football championship to cap a successful season is an extraordinary accomplishment that is a testament to the dedication of the student athletes, their coaches, and the community as a whole. The Reicher players have demonstrated outstanding commitment to achieving their goals through teamwork and personal sacrifice, traits that will serve them well throughout their lives.

Madam Speaker, it is an honor to offer my sincere congratulations to the Reicher Catholic High School Cougars football team on winning the 2007 TAPPS State Football Championship, and I would like to enter the names of the players, coaches, principal and trainers in the CONGRESSIONAL RECORD as we celebrate their victory and wish them continued success in the future.

Thomas Zamudio, Stephen Harrison, Howie Grieve, Justin Dvorsky, Zach Rimlinger, Nick Fung, Andrew Mocio, Steve Lindloff, Ben Crenwelge, Kenneth Cluley.

Shadowhawk Saldana, Ross Rasner, Jacob Wilson, Nick Castillo, Matt McGinnis, Nick Deaver, Matt Pineda, Jose Luna, Jacob Petter, Joey Bagnasco.

Daniel Vaught, Juan Lizardo, Jonathan Young, Trent Hughes, Ryan Dunlap Jonathan Harper, Austin Wheeler, Brian Horn, Tyler Ellis, Charlie Lashua.

Taylor Madden, Austin Simpson, Jonathan Hoxie, Dalton Morgan, Joe Flores, Robert Gonzales, Lyndon Auclair, Lance Tepe, Dylan Carmody, Josh Wrzesinski, Hunter Tunmire, Justin Dvorsky, Cameron Owen, and Eric Morales.

Athletic Director/Head Football Coach: Assistant Coaches: Mark Waggoner; John Armes, Daniel Balderrama, Adam Castillo, Nelson Castro, John Ryan, Steve Smith, David Wrzesinski, David Hurtado; Principal: Arlene Jones; and Trainers: Brianna Crenwelge, Erin Lewie, Haley Sebik, Briana Vasquez, and Morgan Welch.

HONORING THE 50TH ANNIVERSARY OF UNIVERSITY OF WISCONSIN-EXTENSION CONFERENCE CENTERS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor the 50th anniversary of University of Wisconsin-Extension Conference Centers (ECC). Three conference centers, located on the UW-Madison campus, host tens of thousands of visitors each year. The centers provide meeting spaces, distance education, telecommunications technologies, catering, overnight lodging, and conference planning services to the UW System, state agencies, and other governmental and educational organizations.

Dedicated on April 11, 1958 as the Wisconsin Center for Adult Education, the building that is now known as the Pyle Center was the first constructed in order to provide a "roof for the Wisconsin Idea." The idea embodies the belief that the benefits of education should not be confined to the halls and classrooms of the university but rather should extend to the boundaries of the state to improve the lives of people across Wisconsin. Early proponents of the Wisconsin Idea, with support from Governor Robert M. La Follette, Sr., assembled faculty experts and state legislators to bring their vision to life and give Wisconsin national notoriety as a place of innovation and progressivism. It was in this tradition of the university's service to the state that the UW Foundation built the first UW-Extension Conference Center.

Today, the Pyle Center is part of an extension system that extends the boundaries of the university even further than the boundaries of the state and expresses the central role of universities in a global economy. Visitors perennially hail from all parts of the world and the center continues to be a model for taking technological, academic, and scientific advancements and making them accessible and relevant to people and institutions everywhere.

To honor ECC's 50-year legacy as the roof for the Wisconsin Idea, a commemorative program will be held at the Pyle Center for the University of Wisconsin Board of Regents, stakeholders, and supporters.

For 50 years of dedication and service to communities everywhere, I join Wisconsinites from every corner of the state in recognizing UW-Extension Conference Centers for fulfilling the promise of the Wisconsin Idea. I wish everyone involved many more years of success.

THE WIEN INTERNATIONAL SCHOLARSHIP PROGRAM

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. MARKEY. Madam Speaker, Brandeis University in Waltham, Massachusetts, is celebrating a special anniversary this month, April 11–13, 2008.

It was 50 years ago that Massachusetts Senators John F. Kennedy and Leverett Saltonstall and former U.S. Ambassador George Kennan joined University leaders to help inaugurate a unique international exchange program.

The Wien International Scholarship Program, established through a generous gift from philanthropists Lawrence and Mae Wien, was designed to further worldwide understanding by bringing students from around the globe to Brandeis to study in an atmosphere of cooperative learning.

Looking back over the last half-century, it is clear that the program has had an impact on the international community that even its founders could not have envisioned. Since its founding with an inaugural class of 30 students from 16 countries, the Wien program has grown in stature and worldwide recognition. More than 800 students from over 100 countries have come to Brandeis as Wien Scholars.

Through the years, the Wien program has produced an impressive array of enlightened world leaders dedicated to making the world a better place. Wien Scholars have held important positions at the United Nations, served in prominent roles in national governments from Japan to Kenya to Iceland to the Philippines, and pursued life-saving medical breakthroughs. They have also distinguished themselves in the arts, business, education, law, and science.

I urge all of us, especially at this time of increasing ethnic and religious tensions around the world, to use the fiftieth anniversary of the Wien program to uphold the legacy of its founders by promoting the principles of understanding, tolerance, and acceptance.

CONGRATULATING MR. GREGORY MATTHEW PROSKE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Mr. Gregory Matthew Proske, for attaining the impressive rank of Eagle Scout.

Gregory has been involved in the Boy Scouts of America for the past 11 years. Joining as a Tiger Cub, he has shown dedication to the organization, successfully moving up the Boy Scout ranks over time. Gregory is a proud member of Troop 434 in the Trailblazer District in North Tarrant County, Texas.

Gregory went through a rigorous process to receive this honor. A scout must fulfill seven main requirements before achieving Eagle status. He was required to be active in his troop for a period of at least six months after he had achieved the rank of Life Scout and to demonstrate that he lives by the principles of the Scout Oath and Law in his daily life. He earned the expected 21 merit badges needed to qualify and served in a position of leadership in the scouts for at least 6 months. Gregory took part in a Scoutmaster conference, successfully completed an Eagle Scout board of review, and provided the Fort Worth community with a service project. Gregory reworked two planting beds at St. John the Apostle Catholic School in Fort Worth, Texas for his project.

A student at Nolan High School, Gregory plans to attend Texas A&M University, where he intends to become a member of the Corps of Cadets. Additionally, Proske aims to serve in the Air Force as a fighter pilot.

Madam Speaker, becoming an Eagle Scout is only the most recent in a string of impressive achievements, and I am confident Gregory will continue to excel in his future endeavors. I commend Gregory for his penchant for service, his commitment to the community, and this most remarkable accomplishment. He is a role model, both to young people and the entire North Texas area, and I am proud to represent him in the United States Congress.

INTRODUCTION OF THE SCHOOLS EMPOWERED TO RESPOND ACT

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. ETHERIDGE. Madam Speaker, as a member of the House Committee on Homeland Security and the former superintendent of public instruction in North Carolina, I am pleased today to introduce the Schools Empowered to Respond Act. This bill will put the federal government to work in partnership with states and local education agencies to support school preparedness planning, training, and equipment needs.

Schools are a vital resource in our community, and our children spend the majority of their daylight hours in our educational institutions. But schools are often overlooked when considering emergency preparedness and first responder needs. Even as teachers, administrators, and students are working together to make schools a safe place for learning, they can use additional help and guidance to make their planning as effective as possible.

When I surveyed principals in my district's schools in 2006 about emergency response planning, I learned that schools were keeping our children safe but, despite the lessons of 9/11, the federal government was doing little to improve emergency planning and disaster mitigation at schools. I then asked the Government Accountability Office to survey schools across the nation. They spoke to school personnel in Washington State, Iowa, Massachusetts, Florida, Ohio, and my own state of North Carolina. Last June, they reported the same thing I found in the 2nd District: schools want to improve their security, but need support and guidance to make improvements.

The Schools Empowered to Respond Act gives schools this support and guidance. It takes simple but important steps to make sure that schools have the help they need to keep our kids safe. State governments and education officials know what is best for their communities and their students, and this bill supports their work to keep schools safe and secure places to learn.

It gives school officials a "one-stop shop" in the Department of Homeland Security they can look to for advice, best practices, and assistance for school security planning. This office will coordinate federal initiatives such as the Safe Schools Initiative, Readiness and Emergency Management for Schools, and Safe and Drug Free Schools to ensure that resources get to the schools that need them. The bill also ensures that schools are eligible for emergency planning grants from DHS to improve school security. Given the vital role that schools serve in our communities, it ensures that teachers and administrators, school resource officers, and school emergency planning officials have a prominent voice in our national homeland security response. In short, it empowers school personnel to continue their good work and to implement their plans for school security by giving them the guidance and resources they need to keep our children safe.

Given recent events at schools across the country, we as a nation simply must invest in important priorities like emergency planning to ensure our schools remain prepared for any emergency. I am proud to be taking steps to help schools with their emergency planning, and I ask my colleagues to join me in supporting the Schools Empowered to Respond Act today.

TRIBUTE TO MATAYA HULING

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. LATHAM. Madam Speaker I rise today to honor a great achievement by a young American from Garner, Iowa. This Sunday, April 13, Mataya Huling will be presented with The Girl Scout Gold Award. This is the highest achievement possible within the Girl Scouts of the United States of America.

According to the Girl Scouts, the Gold Award project is the culmination of all the work a girl puts into "going for the Gold." It is something that a girl can be passionate about—in thought, deed, and action. The project is something that fulfills a need within a girl's community (whether local or global), creates change, and hopefully, is something that becomes ongoing. The project is more than a good service project—it encompasses organizational, leadership, and networking skills.

This award is certainly very prestigious, as last year only 5.4 percent of all eligible Girl Scouts received the Gold Award.

According to the Garner Leader and Signal newspaper, Mataya's Gold project was to redo the Garner-Hayfield High School Drama Department prop room. Mataya has been actively involved in drama programs since her days in junior high school. She worked 80 hours to organize, clean, repair and properly store props, costumes and materials used by the drama department.

Previously Mataya earned the Girl Scout Silver Award by planning and presenting several bike safety workshops for younger troop members and pre-school age children.

Along with her dedication to Girl Scouts, Mataya is involved in countless other activities in her school and community including chorus, band, GAP Teen Council, golf, and has volunteered teaching Sunday Bible School at St. Paul Lutheran Church.

Mataya is a shining example of the dedication, determination and faith present in today's youth and their promise as tomorrow's leaders. I am proud to represent Mataya and her parents, Mark and Missy, in the United States Congress. I know that all of my colleagues will join me in not only congratulating Mataya but also recognizing that maybe one day in the not too distant future we will see Congresswoman Mataya Huling serving in this historic institution.

A PROCLAMATION HONORING CHASE HUBER FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Chase Huber showed hard work and dedication to the sport of basketball; and

Whereas, Chase Huber was a supportive team player; and

Whereas, Chase Huber always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Chase Huber on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

TRIBUTE TO CHELSEA DISTRICT LIBRARY

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. WALBERG. Madam Speaker, it is my special privilege to recognize the Chelsea District Library on being named the Best Small Library in America for 2008 by Library Journal. It is with great admiration and pride that I congratulate the Chelsea Library on behalf of all of those who have benefited from its commitment to Washtenaw County and dedication to high standards and superior services.

The Chelsea District Library proudly serves 14,000 residents of Chelsea, Michigan and its surrounding areas by providing accessible, reliable, and up-to-date information and technology. Within its impressive renovated facility, the library offers an extensive collection of diverse research materials including books, periodicals, and videos as well as online and CD–ROM databases. Exceptionally responsive to community needs, the Chelsea library boasts abundant success for its targeted outreach programs.

In its fourth year, the Best Small Library award is presented to libraries that serve populations of less than 25,000. The award is cosponsored by the Library Journal, the oldest publication covering the library field, along with the Bill and Melinda Gates Foundation, which seeks to ensure that all people have access to a great education and to technology in public libraries.

This year's award for Best Small Library in America sent to the Chelsea District Library for its continued excellence in its field. Today this library stands as the pride of the Chelsea community, working to educate all local citizens by providing access to cutting edge resources in a welcoming environment. This historic library continues to serve as a model for small libraries across Michigan and the nation.

Madam Speaker, today I honor the Chelsea District Library for its continued service to the Chelsea community. May others know of my high regard for this library's innovative programs and enthusiastic outreach, as well as my best wishes for the Chelsea Library in the future.

TRIBUTE TO STEVE KICKLIGHTER

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. SIMPSON. Madam Speaker, I rise today to recognize an amazing Idahoan, Steve Kicklighter, known to his listeners as KeKe Luv. In the name of Child Abuse Prevention, KeKe set out to break a world record and stay awake for 175 hours, and I'm proud to say KeKe accomplished this enormous goal.

KeKe is a disk jockey for Boise radio station KSAS–103.3 FM. With the support of his station, KeKe took on the microphone for 7 full days. He only received one 15 minute break every 8 hours, and he accomplished this feat without any caffeine. Why did he do this? The answer is simple, he wanted to create awareness of child abuse, and, like most people, he wants that abuse to end.

Over a year ago, KeKe learned of the death of 4-year-old Summer Phelps. Her tragic death was one of the worst cases of child abuse that the city of Spokane, Washington, has ever seen. A once-happy redheaded little girl moved into her father and step-mother's home, where she endured unimaginable abuse in the days leading up to her murder. KeKe's message is simple: it shouldn't hurt to be a child.

In honor of Child Abuse Prevention month, KeKe took on the challenge to stay awake for 7 straight days to help raise awareness. KSAS–103.3 FM passed out blue ribbons and promoted Boise's non-profit organization, Idaho's Heart.

Thank you to KeKe Luv, thank you to KSAS–103.3 FM, and thank you to all their fans who offered support. I am so proud of your accomplishment, and I believe because of your efforts, the city of Boise and the Nation are ready to take action to prevent and end child abuse.

TRIBUTE TO ARMER NATHAN BURKART

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise to honor the life of Army SPC Armer Nathan Burkart, who died of injuries sustained in Baghdad, Iraq, on May 11, 2006.

Specialist Burkart was assigned to the 1st Battalion, 71st Cavalry Regiment, 10th Mountain Division, with which he served in Afghanistan and Iraq. As a high school student in Derwood, Maryland, Specialist Burkart participated in ROTC. He attended Lehigh University on an ROTC scholarship before enlisting with the United States Army in July 2000.

Specialist Burkart always dreamed of a career in the military, following in the footsteps of his two grandfathers, who were both retired Navy captains. He was a devoted husband to his wife, Christy, and a fine soldier.

It is with the utmost gratitude that I recognize Specialist Burkart's heroic service to our Nation.

HONORING THE LIFE AND SERVICE OF U.S. BORDER PATROL AGENT JAROD DITTMAN

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. ISSA. Madam Speaker, I rise today to remember the life and commemorate the service of Border Patrol Agent Jarod Dittman, who died from injuries sustained while on duty Sunday, March 30, 2008.

A Border Patrol agent since March 2007, Agent Dittman was assigned to the Brown Field Border Patrol Station in California. Agent Dittman's life-ending injuries were sustained in a vehicle accident while driving in the early morning to his assigned patrol area in Jamul, California.

Prior to joining the Border Patrol, Agent Dittman served 6 years in the Pennsylvania National Guard, where he achieved the rank of sergeant. While in the National Guard, Agent Dittman served in Kosovo and was deployed to Louisiana supporting relief operations following Hurricane Katrina.

Agent Dittman is the 18th U.S. Customs and Border Patrol agent killed in the line of duty in the San Diego sector. His unfortunate death is a reminder of the danger and risks these officers face as they work to secure our Nation's borders.

Agent Dittman will be remembered for his commitment to his job and country through his service in the United States military and the U.S. Customs and Border Patrol. May God bring peace to his wife, Paveline, their daughter, Angela, his parents, brother, sister, grandparents, family, friends and colleagues at this difficult time.

On behalf of the people of the United States, we honor and commemorate the life and service of Border Patrol Agent Jarod Dittman.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. ANDREWS. Madam Speaker, I was unavoidably detained from voting on April 1, 2008. Had I been present I would have voted "yea" on the following rollcall votes: rollcall No. 150, rollcall No. 151, and rollcall No. 152.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. NEUGEBAUER. Madam Speaker, on Wednesday, April 9, 2008, I was unexpectedly absent from rollcall votes 164, 165, and 166.

Had I been present, I would have voted "nay" on rollcall vote 164, H. Res. 1084, ordering the previous question on H.R. 2016, to establish the National Landscape Conservation System, and for other purposes.

On rollcall 165, on agreeing to H. Res. 1084, the Rule for H.R. 2016, to establish the National Landscape Conservation System, and for other purposes, I would have voted "nay."

On rollcall 166, H. Res. 1077, calling on the Government of the People's Republic of China to end its crackdown in Tibet and to enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identity, and fundamental freedom of all Tibetans, I would have voted "yea."

CELEBRATING THE 120TH ANNIVERSARY OF THE TWIN OAKS ESTATE

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Ms. BERKLEY. Madam Speaker, nearly every longtime Washingtonian knows of a beautiful location on Woodley Road, the 18-acre compound known as the Twin Oaks estate. It was built in 1888 by Gardiner Greene Hubbard, founder of the National Geographic Society. The estate's 26-room house in the early Colonial, Georgian, Revival style and modeled after a New England frame summer house, is the only remaining example of that style in the District of Columbia.

The estate was rented to the Republic of China, ROC, Government in 1937 and was later sold to the ROC Government in 1947. In its heyday, the estate was the official residence of 9 ROC ambassadors, who used it to entertain senior members of the U.S. Government, U.S. Senators and Congressmen, including future President Gerald Ford, and other members of the diplomatic corps in Washington, DC. It began a tradition of hospitality and friendship at Twin Oaks that continues to this day.

Twin Oaks was also the place where the ROC's senior diplomat H. K. Yang negotiated with the U.S. administration and Members of Congress to chart a positive course for future relations between Taiwan and the United States, after the termination of official ties between our two countries in 1978.

The product and result of Minister H. K. Yang's negotiations was the enactment of the Taiwan Relations Act in April 1979. The TRA set the framework for unofficial relations between the U.S. and Taiwan. For the last 29 years, the TRA has served both the U.S and Taiwan extremely well. We have continued our unofficial, but strong ties with Taiwan. Taiwan, in turn, has become one of the most prosperous and democratic countries in Asia. It is my hope that as we celebrate the 120-year history of the Twin Oaks estate, we also celebrate the 29th anniversary of the Taiwan Relations Act this April.

IN RECOGNITION OF MRS. KATHLEEN WILBUR

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mrs. Kathleen Wilbur, who is being honored with the renaming of the Range Hill Elementary School to Kathleen H. Wilbur Elementary School. Kathleen was selected for this honor because of her dedication and service to the Delaware public school system for the last 48 years.

Kathleen has been instrumental throughout her years of service to the Delaware public school system. Through her 20 years of service on the Board of Education in New Castle County's Colonial School District as both the Vice-President and President, Kathleen played an extremely active role in key decisions that have affected thousands of students' lives. Kathleen remains active working with the schools in Delaware, and she continues to volunteer with students with disabilities at the John G. Leach School.

Kathleen was honored by the Delaware School Boards Association throughout her dedicated years of service, as she served as a member, chair, and eventually president of the association. She also served the association as Delaware's State representative delegate to the National School Boards Association. Kathleen received the Boardmanship Certificate every year they have ever been presented due to her relentless service to the Delaware School Boards Association. In 1993, the Delaware School Boards awarded Kathleen the Distinguished Service Award for her 33 years of service. The National School Boards Association honored her with the Distinguished Service Award in 1999.

Once again, I would like to acknowledge Mrs. Kathleen Wilbur for her many years of service and numerous contributions to the State of Delaware. She has been an invaluable asset to the Delaware public school system and positively impacted the lives of thousands of Delaware students.

ADDRESSING SURVEILLANCE LEGISLATION IN AMERICA

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to address the issue of surveillance in our country, and the efforts of this Congress to reform our laws in a way that protects both our national security and our individual freedoms.

Over the past several months, competing legislation from the House and Senate has repeatedly come to a vote in an effort to reform existing FISA laws. I have great respect for the men and women working to see this come to light, but am dismayed at the unwillingness of some on both sides of the aisle to seek consensus on this important issue.

For me and my constituents, the issue is clear: that a terrorist threat exists, and we cannot deny our intelligence community a necessary tool in the fight against this global threat. To see this done, we must work quickly to reach an agreement within the House and Senate that can become law. The Senate has already passed such a bill, and I again urge my colleagues in the House to consider that legislation.

I would like to add that these negotiations reached some of their most heated moments just as the Congress's district work period was upon us. Away from Washington's heated political rhetoric, I spent two weeks with my constituents as I traveled the 10,000 square miles in my district holding town hall meetings. It is revealing to me that folks back home wanted to talk with me about health care and energy costs, but on rare occasion did anyone come forward to discuss FISA. I can only take away from this that they expect us to pass a bill that protects their safety and their civil liberties with expediency so we can return to the business of addressing their most immediate concerns.

There are those who have said that an agreement is on the horizon, and I commend our leadership in their efforts to make this happen. I look forward to casting my vote for legislation that provides the intelligence community with an effective means to conduct surveillance on the enemies of this nation. Moreover, in this time of uncertainty at home and unrest overseas, we cannot confuse our friends with our enemies by failing to protect those who aided the government in seeking out terrorist threats after September 11th. The final version of this bill must contain legal protection for the industries that faithfully answered their country's call for help in a time of need.

I have great hope that common sense, and the needs of our safety and security will prevail in this effort, and I look forward to seeing us pass a bill in the near future.

TRIBUTE TO ELOISA CARRASCO BACA

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. FILNER. Madam Speaker and colleagues, I rise today to honor a great friend and outstanding contributor to the robust life and rich culture of my 51st Congressional District, Eloisa Carrasco Baca. Eloisa passed away on April 2, 2008.

Eloisa was born on May 16. 1916 in the little farming community of Los Lentes, New Mexico. She had one brother Nicolas (deceased), and was the eldest child of Thomas and Rosalia (Montoya) Carrasco. In 1941, Eloisa married her husband of 57 years, Nicolas Baca. Shortly after marriage, husband Nick began serving a very distinguished military tour in World War II, and as a Ranger scout with the Second Ranger Battalion, scaled the cliffs of Pointe du Hoc on the Normandy coast of France to destroy enemy hunkers in June of 1944. He also served honorably at the historic "Battle of the Bulge" where after being taken a prisoner of war behind enemy lines, he escaped, finished his service to his Country, and triumphantly returned back home to his beloved Eloisa.

Nick and Eloisa moved to California in 1952 and resided in National City, California for 53 years. Eloisa led a wonderful life and contributed fully to her family and community. She was the loving mother of 6 children, Tommy, George, Jose, Robert, Rosalie, and Herman. In fact her son, Herman Baca, is a very prominent Mexican-American activist in San Diego County. She was also the proud grandmother of 19 grandchildren, 14 great-grandchildren, and 1 great-great grandchild.

In a lasting tribute to Eloisa, her son Herman stated on behalf of family and friends. "Your children, grandchildren, family and many friends thank God for granting you 91 years of life, and blessing all of us with your presence and love."

Eloisa Carrasco Baca will be truly missed by all who were touched by her spirit, her energy and love for life.

Descanse en paz.

HONORING LANE TECHNICAL HIGH SCHOOL FOR WINNING THE FIRST CHASE URBAN DEBATE NATIONAL CHAMPIONSHIP

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2008

Mr. EMANUEL. Madam Speaker, I rise today to recognize Lane Technical High School on their victory at the first Chase Urban Debate National Championship held in Chicago last weekend. I want to specifically congratulate Lane Tech students Andrew Hobaugh and Nick Locke for taking first place in the tournament.

Lane Technical High School is the largest public high school in Illinois with a strong tradition of superior education on Chicago's north side since 1908. Lane Tech offers students a superb college preparatory curriculum, with particular emphasis placed upon the technological aspects of a modern education. Lane Tech holds itself to its mission statement to provide all students with a superior academic, technical, and fine arts education that prepares students for success in their post-secondary endeavors of school, career, community and family life.

The debate tournament was hosted by the National Association for Urban Debate Leagues, NAUDL, and was held at the Northwestern University Kellogg School of Management's downtown Chicago campus. Competing against 33 other urban debate teams from around the country Andrew Hobaugh and Nick Locke took first place after beating Atlanta's Grady High School in the final round on Sunday.

According to NAUDL, Urban Debate Leagues have proven to increase literacy scores by 25 percent and achieve high school graduation rates of nearly 100 percent.

Lane Tech is an outstanding educational institution in Chicago. Year after year, they continue to be committed to improving and educating our youth to secure a promising future.

Madam Speaker, I am proud to stand today to recognize Lane Tech High School and particularly, Andrew Hobaugh and Nick Locke for their outstanding performance at the first Chase Urban Debate National Championship.

SENATE—*Monday, April 14, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, Maker of heaven and Earth, open our minds to the call of love that we may measure our attitudes and responses by this standard. Deliver us from the delusion that we are self-made and increase our dependence upon You.

Bless our Senators. May they give attention to their personal health and family relationships, as they seek to be Your instruments for good. Remind them that You alone, O Lord, have the wisdom and power needed at this critical hour. Assure them of Your presence, love, and grace in their labors. Give them fresh strength and vision, as You renew them by the power of Your spirit.

We pray in the Name of him in whom is all power in heaven and on Earth. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 14, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and the remarks of Senator MCCONNELL, if he chooses to make some, there will be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each. At 3 p.m., the Senate will resume the motion to proceed to H.R. 1195, the highway technical corrections bill. At 5:30, the Senate will proceed to a cloture vote on the motion to proceed to the highway bill.

HONORING OUR ARMED FORCES

ARMY SERGEANT TIMOTHY SMITH

Mr. REID. Mr. President, amidst a great war that threatened to tear apart the fabric of our Nation, Abraham Lincoln gazed upon a battlefield and was moved to say:

> My dream is of a place and a time where America will once again be seen as the last best hope on earth.

Mr. President, on Monday, April 7, U.S. Army SGT Timothy Smith gave his life in pursuit of that dream. Sergeant Smith was 25 years old.

While serving in Iraq with the 4th Brigade Special Troops Battalion, 10th Mountain Division, Sergeant Smith was killed when an improvised explosive device detonated near the armored vehicle in which he was riding with SGT Brandon Lords.

Sergeant Smith and Sergeant Lords were brothers in arms, and they had made a pact that if one was lost in combat, the other would escort his body home. Sergeant Lords will honor that promise by accompanying his fallen comrade's body to South Lake Tahoe, where he will be received by his beloved family and friends before he is laid to rest.

Both Sergeant Smith and Sergeant Lords were emblematic of the courageous young men and women who serve in the U.S. military. My words are certainly insufficient to fully express our gratitude for their valor. Our hearts and prayers are with Tim's family.

Thursday night, at about 7 o'clock Washington time, I called and spoke to Michael, Tim's father. We had a very nice visit. I expressed my sympathy, and I said to Michael: You know, I have four boys, and I cannot comprehend what you are going through at this time. We talked for quite a long time, and he said, "Before you hang up, would you talk to Timmy's brother Tommy?" I said that I would be happy to. He was right there. So I talked to him for quite a long time. I told Tommy that I could appreciate what he was going through because I was one of four brothers. My brother Dale died unexpectedly in his midforties. I expressed to Tommy how, even today—on that Thursday night—I would like to be able to talk to my brother Dale, even though it has been more than two decades ago that he died. I can see in one of my boys my brother Dale's smile and the way he walks. So I could empathize much better with Tommy than I could with his dad.

We talked for quite a long time and he said, "Would you talk to Jackie?" That is their sister. We had a wonderful visit, talking about how sorry they felt, how they will miss their brother. When I was getting ready to end the conversation with Jackie, she said, "Will you call Mom?" Her mother was visiting with Tim's wife in North or South Carolina—I forget which. So I called her when I hung up. We had another nice visit.

I told Michael, when I first called—and these calls are really hard to make. I have made a few of them, and they are difficult to make. This call was no easier than the others. It was sure a nice visit we had, in effect, crying on each other's shoulder. I think that is what these times are for, to be able to reflect on our loved and lost. So I indicated to each of those four to make sure they expressed to Tim's wife Shayna and their son Riley how our thoughts and prayers go out to her and the little boy.

Tim graduated in 2001 from South Tahoe High School. He joined the Army in April 2004—about 4 years ago. He is remembered by all as having a special sense of humor, for making people laugh, and really for his warmth. He was opinionated and strong, even from a young age. He was determined, courageous, and caring.

Tim married Shayna on the Fourth of July 2007. Their son Riley must now grow up to be a man without a father but with the gift of knowing his father was a real live American hero who gave his life for his country.

Honoring SGT Timothy Smith on the floor of the Senate is no more than a modest tribute to his great sacrifice. I hope it is some small comfort to those his life and courage touched that the Senate and the American people share the pain of their grief and the burden of their sacrifice.

In SGT Timothy Smith's memory, as I told his parents and brother and sister, we pray that every man and woman serving in Iraq will come home safely and soon.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

CAPITOL VISITOR CENTER

Mr. REID. Mr. President, I had the good fortune, earlier today, to have the first visit in a long time to the new Capitol Visitor Center.

When I first came to Washington many years ago and served as a Capitol policeman, every evening in the summer part of my duty was to go out on the east front of the Capitol and watch things. I can remember having many fond memories, such as watching Carl Hayden in his wheelchair watching those concerts. Even back then, I thought, gee, this is such a beautiful place.

The east front of the Capitol is so much easier for visitors coming to the Capitol to see than the west front because there are not those big steps. Before, it didn't look very nice. The blacktop covered that place. That just didn't look right—with cars parked there and oil spilled from the cars.

I had the good fortune, in the third year that I was a Senator, to become chairman of the Appropriations Legislative Branch Subcommittee. Back then, the reason I was able to do it was Senator Bumpers simply didn't want to do it. It was a great experience for me. I started working to do something to make the east front of the Capitol a little more visually nice. We did a number of things. First, we got the cars off.

With the help of many other Senators, we were able to finally get legislative permission to do something about it in a big way. The culmination of our being able to do that was when two police officers were killed on the House side, on the east front of the Capitol. That gave us the impetus to fund the project the way it should be funded. We did that. Now that is just great. It is so wonderful.

The Capitol Visitor Center is the eighth major expansion of the Capitol in its 214-year history. The last one was out here on the east front of the Capitol for the rooms we have there for holding meetings. This facility out here is almost 600,000 square feet of space. It is equivalent in size to the current footprint of the Capitol. It consists of beautiful sandstone, granite, and marble from 14 different States. The Capitol Visitor Center project conforms to "Buy American" standards. I saw a lot of beautiful things but probably the most beautiful on the tour this morning were the historic Olmstead fountains and lanterns. They have been beautifully restored and are going to be the centerpiece over there.

Mr. President, if someone wants to visit the Capitol today, there is no place for them to gather. It used to be on the east front, and now it is on the west front. The people who work here joke about it, saying: You can always tell when it is summertime because you can smell the visitors. The visitors stand out in the high humidity, heat, and they sweat. There is no place for them to go. The bathrooms in this facility are almost nonexistent. There is one on each side, and they are very small. This visitors center can hold 4,000 visitors at one time, and, with 8 magnetometers, they can process 2,000 people an hour. It will make this place vastly more secure than it is. We expect as many as 3 million visitors a year under the new process we will have here.

When visitors come here now, there is no place for them to eat, no place to go to the bathroom, and there are limited places to buy souvenirs. With our new facility, there will be a 550-seat cafeteria, with a beautiful kitchen that will be as good as anyplace there is in our country.

There is an 18,000-foot exhibition hall that will feature many never-seen-before historic documents, such as Madison's notes from the drafting of the Constitution.

There are two 250-seat orientation theaters. When people come to the Capitol, they will see an 11-minute film that is done so beautifully, and it will tell them what they are going to see in the Capitol. That is as it should be. Now people walk in and don't know what to expect. There is a film they will see called "Out Of Many, One." It will be played every 11 minutes.

There are two beautiful gift shops—one on the House side and one on the Senate side—and 26 restaurants. There are meeting rooms for constituent meetings. The cost is a lot, about $650 million. But in comparison, the Newseum, which was opened this past Friday, cost roughly $550 million. It took 7 years to complete, and it did not have all the security problems we have had here.

I congratulate the Office of the Architect of the Capitol. They did a wonderful job. Everyone has cooperated. It is a facility of which we can all be proud. I enjoyed my visit through it. It will be an added feature of this beautiful building, and it will make it so people can come here safely and securely and all the many people who work in this Capitol and work in these office buildings will also certainly be more safe because there is a way to come in and there is adequate security.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Utah.

TAXES

Mr. HATCH. Mr. President, tomorrow is April 15, the day tax returns are due to the IRS for most citizens. It is a day most Americans meet with fear and loathing. Even though most taxpayers will not file their returns tomorrow because they have already done so or because they have filed for an extension, April 15 remains a symbol of a burdensome tax liability and an even more burdensome tax compliance system for millions of Americans.

April 15 is met with apprehension and dread for many reasons. The primary one is understandable. People do not like paying taxes. Who can blame them? Under the best of circumstances, if you owe Uncle Sam, a day spent with your tax return is worse than a day spent with the dentist. Yes, the IRS has become one of the most despised institutions in American life. However, a good share of this agency's reputation is undeserved. In fact, considering all we require the Internal Revenue Service to do and the resources we give them, the folks who work there do a pretty darn good job.

Paying taxes is never going to be popular, nor is it ever going to be fun. However, we all know it does not have to be as bad as it is. A great deal of the aggravation, a good share of the complexity, and much of the confusion is probably unnecessary.

I could spend many hours speaking about what is wrong with our tax system. It is, in military parlance, a target-rich environment. In fact, I expect we will hear a fair number of our colleagues speaking today and tomorrow on the Senate floor deploring the tax system. But amid all this denouncement of the IRS and the Tax Code, we in Congress should recognize an ugly truth; that is, a great deal of the blame for our far less than first-rate tax system lies right here with us, the Members of Congress who created it and who have the power to improve it.

I wish to focus on a disturbing trend we have seen growing much worse in recent years that is adding a great deal of stress to our already troubled tax system. This is the increasing tendency of the Congress to create temporary tax provisions and then allow them to expire while leaving taxpayers in limbo as to what the rules are going to be.

If we take a look at over the past dozen or so years, we see a growing proclivity on the part of Congress to enact tax provisions on a temporary basis rather than permanently. This has mostly been done to satisfy the often perverse demands of our budget rules.

But whatever the reasons, the effect of not extending these provisions before they expire has been greatly damaging to the tax system and to taxpayers' ability to understand and rely on the law. The effect has been to weaken this country economically and competitively.

Let us consider the research credit as an example. This is an important provision that has been in the law since the early 1980s, and it enjoys wide and bipartisan support in both the House and the Senate.

The research credit provides a strong incentive for businesses to increase their research and development activities in the United States. It probably is universally accepted that R&D investment is the lifeblood of high technology and is vital to the future of our economic leadership.

We all know this, and almost to a person, the Members in this body would say they support a strong, vibrant, effective, and permanent research system. Why then have we allowed this credit to expire 13 times?

Here we are, once again, in mid-April and our research credit has been expired since the end of last year. The worst part is, while we all believe it will be extended eventually, everyone knows the credit will not be made permanent, and the likelihood it will be allowed to expire again is very high.

In the meantime, many of our global trading partners have developed stronger and more permanent research incentives in an attempt to lure away research from our shores. They perceive a weakness in our incentive system, and they are moving to capitalize on this very weakness. It appears these actions are working because we are seeing the amount of research activity in the United States growing much more slowly than it is overseas. We simply cannot afford to lose to other countries our research and the jobs that research brings.

Unfortunately, this problem goes way beyond the research credit. Each year, the Joint Committee on Taxation releases a list of expired and expiring tax provisions. The list for 2008 was 28 pages long and included an unbelievable 145 provisions. By contrast, the list released in 2003 was 13 pages and featured 71 provisions. Fifteen years ago, there would not have been much of a list at all.

Our habit of adding new expiring provisions in the tax law is out of control and, worse, our refusal to deal with extending these provisions on a timely basis well before they expire is inexcusable.

It is the obligation of the majority party in Congress to operate the legislative trains so they run on time and produce laws on which our people can at least rely, if not be proud of. While there is blame to spread between both parties in this area of expired tax provisions, which have such a degenerating effect on our already shaky tax system, we all know who is at fault for the current fiasco.

I do not think anyone in this body will have trouble recalling the weeks-long standoff that occurred late last year over the so-called AMT patch. All of us, though, would probably prefer to forget it if we could.

Instead of addressing the issue of alternative minimum tax and its expired thresholds early on, which would have lent a degree of certainty to an already obnoxious and insidious tax, the Democrats last year dithered on both the AMT patch and on the other soon-to-expire provisions.

The result was a last-minute agreement on the AMT patch that put this year's tax filing season in jeopardy, greatly confused the American taxpayers, and left behind the other now-expired tax provisions. Perhaps most stunningly irresponsible was the fact that we took care of the AMT patch for 2007 only, and now we are facing the same scenario for this year. It must have been so much fun last year that we want to do it again in 2008.

I am very aware of the arguments surrounding the question of whether extending these provisions should be offset, and I will address those on another day.

Today, however, on the eve of America's most hated day, I call on my colleagues, and especially those on the other side of the aisle, to consider why this is so and what it is we are not doing that is the reason why the words "April 15," "IRS," and "Congress" are among the least popular in the lexicon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to be recognized following the remarks of the Senator from Oregon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon.

TAX REFORM

Mr. WYDEN. Mr. President, for the next 33 hours, millions of Americans will face mindless, relentless, needless tax torture trying to shovel their way out from under an avalanche of bureaucratic forms as they struggle to complete their taxes.

Citizens Against Government Waste has calculated that Americans spend 4.3 billion hours each year filing their tax returns and complying with our tax laws. That is a lot of time to spend on something that is about as interesting as prolonged root canal work.

My guess is many Americans would rather read the phonebook than our Tax Code, and the phonebook is actually a lot shorter. So I am going to give one example of the heavy reading Americans have in front of us over the next 33 hours.

The alternative minimum tax, of course, is a killer tax for millions of Americans. It calculates taxable income differently than the regular tax. It adds a whole new layer of complexity to the Code and headache for our citizens. So I am going to read one of the portions of the AMT rules that clobber our middle-class taxpayers, and it is the one that is used to calculate the size of the interest deduction middle-income folks are allowed in our country.

Under section (C), it reads:

> In determining the amount allowable as a deduction for interest, subsections (d) and (h) of section 163 shall apply, except that—
>
> (i) in lieu of the exception under section 163(h)(2)(D), the term "personal interest" shall not include any qualified housing interest (as defined in subsection (e)),
>
> (ii) sections 163(d)(6) and 163(h)(5) (relating to phase-ins) shall not apply,
>
> (iii) interest on any specified private activity bond (and any amount treated as interest on a specified private activity bond on under section 57(a)(5)(B), and any deduction referred to in section 57(a)(5)(A), shall be treated as includible in gross income (or as deductible) for purposes of applying section 163(d),
>
> (iv) in lieu of the exception under section 163(d)(3)(B)(i), the term "investment interest" shall not include any qualified housing interest (as defined in subsection (e)), and
>
> (v) the adjustments of this section and sections 57 and 58 shall apply in determining net investment income under section 163(d).

It is obvious to all who are still awake at this point, since I have gone through just one of the sections, this is not exactly clarity in American Government. I cannot find anybody who can get through this. I would go through it again, but I only have 10 minutes since our friend, Senator CORNYN, is here for his remarks.

These words were actually written by a human being. The only thing more bizarre than the fact somebody thought they made sense was the language was then made law by another group called the Congress. So there is a reason the dictionary definition of the adjective "taxing" means "wearingly burdensome."

This burden is especially hard on small businesses. Small businesses are the engine that keeps our country going, but it is amazing they can move at all under the weight of what the Tax Code subjects them to.

The National Association of the Self-Employed is today releasing results of a survey of their members that shows what the 45 million small businesses and self-employed persons are going through with their taxes.

The group's survey, for example, found that almost one in five people who had gone to the IRS to get answers to their tax questions got conflicting responses, sometimes even from the same office.

The time small businesses waste complying with the tax laws is mind-boggling. Thirty-one percent of them recently said they spent 20 percent or more of their time every week on paperwork and other tax-related preparations. That is 1 day a week totally lost to tax preparation. That is a huge penalty that is being imposed on small business for complying with the rules of the IRS.

Another group suffering with our Tax Code is our older people. During the 2004 tax year, the IRS mailed 200,000 error notices to older Americans who miscalculated their taxes. Mr. President, 34,000 went to taxpayers who received the same notice in 2 tax years; 10,000 went to taxpayers who received it in 3 tax years.

What does all this tell you? It tells you the IRS cannot make their explanations understandable to the Nation's older people.

There was one word that kept coming up in this survey over and over. The people surveyed said: You have to simplify the Code, simplify our tax system.

That is what I am trying to do with the legislation I have introduced as a Member of the Senate Finance Committee. It is called the Fair Flat Tax Act, and it eases the burden on our taxpayers by offering them a simplified 1040 Form. Instead of this kind of mumbo-jumbo, it is 1 page, 30 lines for every individual taxpayer. The folks over at Money magazine, the financial publication, took the one-page 1040 form in the fair flat tax, and they could fill out their taxes in just 15 minutes.

The legislation makes our code flatter. It collapses the current system of six individual tax brackets down to three. The fair flat tax eliminates scores and scores of special interest tax breaks. The revenue derived from these changes is used to hold down the rates for everybody and keep progressivity. More importantly, with the fair flat tax everybody in America has a chance to get ahead. There is a new opportunity with this legislation to promote economic growth, to grow the American economic pie, which is especially important during these times of great economic uncertainty.

One last point. For all of us on the Finance Committee—and I think Senators of both parties understand this—there is a Tax Code meltdown coming. The child tax credit ends in 2010, the marriage penalty roars back in 2011, and it comes back harsher than ever. The same meltdown is going to hit other income taxes—capital gains, dividend taxes—and if Congress doesn't come up with a thoughtful and responsible bipartisan solution, there is going to be new chaos in the world of taxes.

I have tried this afternoon to be a little bit lighthearted in discussing what is certainly a pretty dry topic for most Americans. But when you look at what they are going through tonight, if you are middle class and you are dealing with AMT, this is obviously not a laughing matter. The people of this country need tax reform, and they need it now. The fair flat tax would make our system simpler, fairer, and more progrowth. It makes sense for individuals, for families, and the businesses of our country. The Congress cannot any longer ignore the tax meltdown that is coming. It is time to fix the broken American tax system and eliminate this kind of needless suffering that so many of our citizens are going to endure over the next 33 hours.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

(The remarks of Mr. CORNYN pertaining to the introduction of S. 2852 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

COLOMBIAN FREE TRADE AGREEMENT

Mr. CORNYN. Mr. President, I have been listening to my friend and colleague, Senator WYDEN, talk, and I am going to study his bill. It sounds like it is an answer to a long overdue problem and one that, as he said, is a train wreck getting ready to happen. This is something we ought to be able to work on in a bipartisan fashion, and I look forward to studying his proposal.

I want to spend just a few minutes talking about another important issue when it comes to our economy and job creation, and that is the Colombian Free Trade Agreement, which the Speaker of the House, last week, said she would not allow to come to the floor of the House of Representatives. It now remains indefinite as to when, if ever, that free-trade agreement would be allowed to come to the floor.

It is very important for the public to understand that this is more than just about free trade. It does, not coincidentally, create a market in Colombia for about $2.3 billion in goods and farm commodities sold by the State of Texas into Colombia. And because of a previous Andean Free Trade Agreement, actually Colombian goods coming into the United States bear no duty or tariff, but goods made or grown in Texas or throughout the United States currently bear a duty that would be eliminated by this Colombian Free Trade Agreement.

Now, that is important because it creates jobs and opportunity in the United States. It levels the playing field, and it creates a situation where Colombia and the United States can become equal partners when it comes to commerce and international trade.

But this is important for many other reasons. Because of the war on terror, much of our attention recently, of course, has been focused on the Middle East. But we must be careful not to neglect other parts of the world that are also very important to U.S. security and our economic prosperity, and that is particularly the case in our own hemisphere. Not the least of these important regions is one of the closest to us; that is, Latin America. Unfortunately, Latin America's close proximity hasn't always translated into close ties and friendships. We have seen firsthand and heard firsthand how some Latin American leaders—most notably Hugo Chavez of Venezuela—have taken strong stances against the United States. That is one reason it is so important we embrace wholeheartedly our friends and allies and partners in the region.

Countries that share our focus on freedom and democracy and work with us to fight against terrorism and the spread of narcotics need our support to counter those who support, tacitly or otherwise, the spread of hateful anti-American ideology and militant extremism and criminal drug cartels. We must remember, if we do not stand with our friends, if we do not stay involved in Latin America, someone else will.

Already, nations such as China and Iran have dramatically increased their alliances and influence within the region. Not long ago, President Ahmadinejad of Iran toured Latin America, strengthening Iran's ties to the likes of Hugo Chavez and leaders of the terrorist group known as FARC.

Not long ago, I met with the commander of the U.S. Southern Command, the U.S. military official who is in charge of that region from the standpoint of the Department of Defense, Admiral James Stavridis, and I talked with him about current issues, current developments, and challenges that our Nation faces in his area of responsibility, which includes Latin America. He made it very clear to me that there is a real threat of the spread of terrorism in Latin America. A major component of that threat that remains is this so-called Revolutionary Armed Forces of Colombia, or FARC, in short.

It is noteworthy that recently, when Colombian forces tracked down FARC rebels who happened to be across the border in Ecuador, they confiscated not only some computers, but they were able to confiscate 66 pounds of uranium in the hands of the FARC in Latin America. That is something that ought to cause all of us pause, and ask a lot of questions—for what purpose did they have 66 pounds of uranium in Latin America?

The FARC continues to carry out terrorist attacks throughout the region, which has caused the death of numerous innocent Colombians. They finance their terrorist activities through two of the most despicable forms of criminal activity imaginable—kidnapping and selling deadly drugs. Worst of all, the FARC continues to find sanctuary from Colombian prosecution inside neighboring countries such as Venezuela. If we do not stand firmly behind

Colombia, we will see the advance of both terrorist organizations in Latin America and the smuggling of illegal drugs into the United States.

If drug smuggling were not enough to convince us of the need to support our friends and allies in Colombia, we should consider the potential boost to terrorist organizations throughout the world that might otherwise occur. Through lessons leaned in the poppy fields of Afghanistan, we have been made painfully aware that the drug trade often finances global terrorism. Without a strong ally in Colombia to fight the expansion of drug cartels and terrorist-backed drug trade, global terrorism will find new financial roots from which to grow and carry out its murderous plans.

I have had the privilege of traveling to Colombia and meeting with President Uribe personally. He affirmed to me his commitment to fighting back against illegal drugs and terrorism in his own country, and he expressed a sincere desire to continue to work closely with the United States.

We have a chance now to further solidify that purpose with our best ally in Latin America. The Colombian people have heard the call to democracy and freedom and they are taking it seriously. We owe it to them and we owe it to ourselves to demonstrate that the United States is a nation they can depend on.

While there is no doubt that more can be done to fully cement the principles of equality and justice, their commitment to the very same principles and rights we hold dear in this country is undeniable. The Colombian people deserve our firm support and it is time for the United States to enter into a free trade agreement with them.

As I mentioned last year, Texas led the Nation in exports to Colombia. Even with damaging Colombian tariffs, Texas manufacturers and farmers sold $2.3 billion worth of products to that nation. This agreement will remove those tariffs and allow Texas manufacturers and producers to sell even more goods to this large and growing market. When this market is open, employers will be able to hire more Texans to work in good, high-paying jobs, right here at home.

I might add, at a time when we are concerned about immigration into the United States by people who cannot find work where they live, this is another way for us to deal with our border security issues and our broken immigration system, by creating trading partners who are able to create jobs in Latin America so people do not have to come to the United States to find hope and opportunity.

Already, Colombia has been granted one-way preferential access to our markets. That country has added jobs to keep pace with growing trade in the United States and now it is time to bring it full circle. This agreement will implement two-way trade and it will level the playing field for our own manufacturers and exporters and create jobs right here at home. At a time when our economy has suffered a bit of a downturn, it strikes me as something desirable, to look for ways to bolster, indeed increase, jobs right here at home. This free trade agreement would be one way to do that.

Open trade helps boost the economy and it is an essential ingredient to the growth of businesses, jobs, and our economy in general. But despite the numerous positive aspects to this agreement with Colombia, some of my colleagues continue to fight against it. In any other setting, it would be comical to lay side by side their complaints against this partnership with their vows to work with foreign governments, to supposedly improve our image in the world. While many of those on the left have vowed to work with enemies such as Hugo Chavez and sit down with Mahmoud Ahmadinejad, they balk at the prospect of strengthening ties and working with our greater Latin American ally. How ironic indeed. It would seem their willingness to pander to some supersedes their desire to restore our image internationally. Shouldn't we be more willing to work with our friends and allies than our enemies?

Now, more than a year after the President first began working with Congress on this agreement, and 90 days away from our scheduled recess, the majority is outraged. Speaker PELOSI particularly is outraged that this agreement is on the fast track and the President actually asked they vote on the agreement. It is sometimes comically tragic to compare the work we do here in Washington with the jobs ordinary Americans do every day. Only in Congress would a 3-month deadline not be enough to finish a project that started about a year ago.

I hope the Speaker of the House will reconsider and not take the Colombian free trade agreement with all of its ramifications as merely a negotiating chip she can use against other projects in which she is interested. We have seen that happen already with the Foreign Intelligence Act modernization. The failure of the House to pass that bill has left us literally deaf to emerging terrorist activity that cannot be monitored because of the failure to pass the Foreign Intelligence Surveillance Act. Why the Speaker of the House would compound that mistake and add insult to injury now by sticking a thumb in the eye of one of our greatest trading partners and allies in Latin America frankly escapes me.

I hope she will reconsider. This free trade agreement is in the best interests of the United States. It will help create jobs here at home during a time of a softening economy. It will allow us to have a closer working partnership with one of our best allies in the region and to demonstrate to the likes of Hugo Chavez and Raoul Castro that being a friend to America produces some reward, which is closer economic ties and a better quality of life and security for all.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

FLAT TAX

Mr. ALEXANDER. Mr. President, today most Americans are struggling with filling out their tax returns which are due tomorrow. This week I am introducing legislation that will make it possible for an American taxpayer to file his or her tax return on one page, a one-page optional flat tax on individuals and businesses at the rate of 19 percent for the first two years and 17 percent thereafter. Think what a change that would be. Taxpayers spend an average of over 26 hours to complete tax returns; and 13.6 hours just to complete form 1040.

Think how different it would be to simply fill out one page and turn that in. In 2005, taxpayers spent 6 billion hours and approximately $265 billion to comply with the Tax Code. Think how much extra leisure time or productive work time we could have if every American had the option of a one-page simplified tax return.

Mr. President, $705 was the estimated compliance cost for a Tennessean in 2005. And operating costs for the Internal Revenue Service almost tripled between 1970 and 2004. Think how much money we would save if every American had the option of filing a one-page, 17-percent flat tax and if every American business had the option of doing the same.

Here is what the optional flat tax legislation I will be introducing this week will do. As I mentioned earlier, it will simplify the Tax Code by providing an optional flat tax on individuals and businesses. It will be a 19-percent flat tax for the first 2 years, 17 percent flat tax after the first 2 years, and it would create the option to file, as I mentioned, a simple one-page return.

The legislation I am introducing is almost identical to H.R. 1040 introduced by Congressman MICHAEL BURGESS, a Republican from Texas, in the House of Representatives. Congressman BURGESS introduced his legislation on February 2007 and it has six cosponsors.

My legislation is very straightforward. If an individual selects the option to pay a flat tax in lieu of the current income tax, the option is irrevocable. Under the flat tax, taxable income has a very simple definition. It will consist simply of wages and pensions. You do not start paying taxes on your income—wages and pensions—

until you reach a certain exemption level. For a married couple filing jointly, the exemption level is $25,580, indexed to inflation. For the single head of a household, you wouldn't start paying taxes until you reached $16,330, indexed for inflation; for a single person, $12,790, indexed for inflation; and $5,510 for each dependent.

For example, a family of four would not pay the flat tax until the family's combined income reached $36,600. That is $25,580 for joint filers plus $5,510 times two for the two dependents. No other deductions would exist.

This optional flat tax would eliminate the marriage penalty, so it is pro-family. This optional flat tax would eliminate the millionaires tax, which was put in place in the late 1960s to catch a few millionaires and today is catching millions of middle-class Americans. It is called the alternative minimum tax or AMT.

The optional flat tax for businesses is equally straightforward. It gives the business the option to pay a flat tax in lieu of the current corporate tax structure. Once a business selects this option, it is irrevocable. As it is on the individual income tax form, there is a 19-percent tax rate for the first 2 years and then a 17-percent tax rate for all other years. Businesses would be taxed on the difference of total revenue minus expenses—again, a very simple definition of income. Expenses would include wages, pensions, and the costs of new business equipment. This would provide for the immediate expensing of business capital equipment. This immediate expensing should be a very pro-growth provision in our Tax Code—rather than the current Code which requires spreading it out over a number of years. No other deductions would exist.

The current tax system is overly complicated and lengthy. The Tax Code and corresponding regulations are over 67,000 pages and include 7 million words. It was only 400 pages in 1913 when the Federal income tax was first introduced, and it has now grown to over 67,000 pages.

Taxpayers are expected to understand and comply with this complicated Tax Code and it gets increasingly impossible to do. That is why I, and a great many Americans and American businesses, will welcome the opportunity to file a one-page, simplified flat tax in lieu of the current system.

The optional flat tax that I propose is intended to be revenue neutral. It is intended, in other words, neither to raise more revenues than the current tax system or less revenues than the current tax system. Arguably, a simpler tax will raise more revenues because a great many people pay less in taxes because they simply do not understand the forms. But the intention of my legislation is that the taxes collected, the revenue level, will be the same.

Finally, I urge that our nation's revenue level is not about to stay the same. Already the largest share of the average American's budget goes to pay taxes. Taxes are high. Americans currently spend 113 days of every year working to pay their Federal, State, and local taxes—almost twice the number of days they work to pay for housing and more than three times the number of days they work to pay for food.

Beginning in 2010, the amount of time Americans currently spend working to satisfy their tax bills will increase as millions of lower- and middle-income Americans and small businesses face significant tax hikes. Democratic leaders in Congress have already allowed the state and local sales tax exemption, which affects Tennesseans, to expire. That is $400 a year for 600,000 Tennesseans, and the Democrats appear to be ready to let tax relief for millions of lower and middle-income Americans meet the same fate when those tax levels expire in 2010.

Failure of Congress to act to stop these tax hikes will result in the largest tax increase in United States history, and that is one of the worst things we could do to the family budget. Taxes are too high today and we are about to face the largest tax increase in United States history.

But while we are debating tax issues in the Senate, we can do something much simpler so that next year, when Americans go about completing their tax returns, they do not spend an average of 26 hours. Instead, they fill out one page. They do not take an average of 13.6 hours to complete form 1040; they fill out one page. Compliance costs are not $265 billion; they are dramatically reduced. Compliance costs for Tennesseans, $705 dollars in 2005, go down by hundreds of dollars a year.

The operating costs of the IRS ought to be cut, instead of increasing, as they review one-page optional tax forms. The same would be true for businesses who also would have the option of filing a flat 17 percent tax, on one page. So as we look ahead to tomorrow and filing our tax returns, and we think about the upcoming debate about whether to stop the largest tax increase in history, let's get on a constructive page and say to the American people: By this time next year, April 15, 2009, you will have the option of filing a one-page Federal income tax return with a 19-percent rate for 2 years and 17 percent rate thereafter; businesses will get the same thing.

It will save money. It will encourage growth, and it will relieve a great deal of anxiety that occurs every spring when April 15 rolls around.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. WEBB. I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. I thank the Chair.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AMENDMENTS OF 2008

Mr. WEBB. Madam President, as we approach the anniversary of the Virginia Tech tragedy, I am introducing legislation to implement one of the key recommendations from the Virginia Tech Review Panel that was formed by Gov. Tim Kaine to examine some of the issues that arose following the shooting.

It is exactly 1 year this week when a disturbed young man took the lives of 32 students and faculty and wounded several others on the campus of Virginia Tech. I commend the Virginia Tech community for pulling through such a difficult time and for the tremendous amount of courage they displayed. I also wish to extend my continuing sympathy to the families of the students and faculty who were directly impacted by these shootings.

On April 19, 2007, 3 days after the Virginia Tech shooting, Governor Kaine announced the formation of the Virginia Tech Review Panel to perform a review of the events of April 16. This panel included individuals with the expertise and autonomy necessary to conduct a comprehensive review. These nationally recognized individuals brought expertise in many areas, including law enforcement, security, governmental management, mental health, emergency care, victims' services, the Virginia court system, and higher education.

The genesis for the legislation I am introducing is the report prepared by this panel and released to the public in August 2007. A similar report was prepared for President Bush by the Attorney General and the Secretaries of Health and Human Services and Education in follow-up to meetings with various experts across the country. Both reports documented serious concerns from individuals in various communities throughout Virginia and the Nation regarding the treatment of student medical records.

One main theme that kept resonating in various communities was concern with the appropriate balance between providing for the safety of our communities while at the same time protecting privacy rights. Too many college administrators are unsure how to balance the right to privacy against public safety, and Federal law and regulations are of little help.

This bill simply attempts to clear up any ambiguity that currently exists within the Family Educational Rights and Privacy Act, known as FERPA, which allows for the sharing of student educational records in order to protect the health or safety of a student or the general public.

FERPA, written in 1974, was created at a time when schools did not provide the health care services they do today. According to the National Institute of Mental Health, half of all lifetime cases of mental illness begin by age 14. Schools today, whether they are K–12 or a post-secondary institution, have critical student health records in their hands.

It is important for Congress to ensure that we provide our school officials, administrators, and counselors clear Federal guidelines to protect the privacy and to ensure the safety of our students. My bill attempts to address the concerns raised by school officials, administrators, and institutions in interpreting FERPA.

If one looks back at the recommendations of the Virginia Tech Review Panel, one notices that a key resounding issue is the misinterpretation of Federal and State privacy laws. My bill does three things to amend FERPA so that tragic situations such as the one at Virginia Tech are less likely to occur. First, it adds an explicit "safe harbor" provision to make clear that no violation of FERPA occurs if a school official discloses information in a good-faith belief that it is necessary to protect the health or safety of a student or the general public. Second, it clarifies how FERPA applies to student treatment records held for treatment purposes. Third, it clarifies the emergency exception in FERPA to emphasize that in an emergency, information-sharing is allowed if done in a good-faith belief that doing so will protect against a possible threat to the health or safety of a student or the general public.

This is a straightforward attempt to address several recommendations that were made by the Virginia Tech Review Panel in clarifying the widespread perception that information privacy laws make it difficult to respond effectively to troubled students. It is important for school officials to use their best professional judgment in deciding when to disclose or not to disclose information without fear of violating Federal educational privacy laws.

There is widespread agreement that existing law is in need of clarification. In this regard, I note that the Department of Education proposed a rule on March 24 of this year, which is an attempt to clarify and give guidance to university administration on what they can and cannot do in handling treatment records. I believe this bill is a more direct and effective way to achieve that desired clarity.

Together with the passage of the Mental Health Parity Act in both the House and Senate and other measures to ensure access to mental health services, my bill will be a good step in addressing this growing issue of mental disorders that is all too common in many communities. I look forward to working with my colleagues in the Senate for quick passage of the Family Educational Rights and Privacy Act Amendments of 2008.

Madam President, I yield the floor, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume the motion to proceed to H.R. 1195, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to consideration of Calendar No. 608, a bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. shall be equally divided and controlled between the two leaders or their designees.

Who yields time? The Senator from California.

Mrs. BOXER. That means I would have how much time now?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mrs. BOXER. Mr. President, I am glad you are in the chair. As a member of the Environment and Public Works Committee, you have been very involved in everything we have done so far and we will do in the future, in terms of rebuilding the infrastructure of this Nation, building a transit infrastructure, and some of the other things that we do.

I am very pleased the majority leader has called for a motion to proceed to H.R. 1195, the SAFETEA–LU Technical Corrections Act of 2008. On August 10, 2005, President Bush signed into law the SAFETEA–LU Act, which authorized our Nation's highways, transit, and highway safety programs through the end of 2009.

We all know a country cannot be great if it does not have the physical infrastructure to move people and to move goods and to be efficient. The funding provided in SAFETEA–LU is currently being used on highway and transit projects that clearly increase our economic productivity, create thousands and thousands of new jobs, and improve America's quality of life.

It has been several years since SAFETEA–LU was signed into law, and we on the committee, the Environment and Public Works Committee, and on the Banking Committee and on the Commerce Committee, have worked across party lines to identify the technical corrections that need to be made. These include updating of project descriptions, adjustments to some of the legislative language, and in some cases where projects could not move forward Members have said we have other projects that are ready to move forward. That is why this bill is so important.

If we do not do this bill, we are simply going to languish until the next highway bill in a couple of years, and we are going to waste time. We do not have time to waste. The issues need to be addressed to ensure that various programs authorized in SAFETEA–LU are being carried out according to congressional intent and are not bogged down in unintended consequences.

In an effort to address the issues identified since the passage of SAFETEA–LU, the House of Representatives approved H.R. 1195 in March of 2007 by a voice vote. The legislation was subsequently amended and approved by voice vote in the Senate Committee on Environment and Public Works in June of 2007. That is the committee I chair, and my ranking member, Senator INHOFE, and I have worked very closely on this and other infrastructure matters.

My remarks today are on the Technical Corrections Act of 2008, which has been filed as an amendment in the nature of a complete substitute to H.R. 1195. This amendment mirrors the earlier technical corrections legislation approved by the Senate and House committees but has been updated for the fiscal year, and it addresses additional issues which have been discovered since H.R. 1195 was first approved by the House and considered by our committee.

I truly believe this is a straightforward, noncontroversial bill that corrects technical issues, confirms congressional intent, and moves us forward. It is foolish for us to ignore this bill or to try to stop this bill because it doesn't cost an additional penny. The funding comes through the highway trust fund, and that funding is there. If we do not make these technical corrections, a lot of projects simply will be stalled. At a time when our economy is in trouble, we should be moving ahead.

Senator INHOFE and I have worked very closely with the bipartisan leadership of the House Committee on Transportation Infrastructure to craft this legislation that we bring to the floor as a substitute. We have also worked closely with Chairman DODD and Ranking Member SHELBY of the Committee on Banking, Housing and Urban Affairs and Chairman INOUYE and Ranking Member STEVENS of the Committee on Commerce, Science and Transportation because we wanted to ensure that corrections to SAFETEA–LU that fell within their jurisdiction were all included in this legislation.

I say to my friends who may be listening to this debate, this is truly a bipartisan bill. It is more than a bipartisan bill, it involves three different committees and all of us want to see this move ahead. Again, the legislation does not increase overall spending by the Federal Government. It works within the confines of the existing SAFETEA–LU authorization. Changes which restore funding left out of SAFETEA–LU are paid for through the use of existing funds. If anybody says to colleagues we are spending more, we are not. We are simply making it possible for us to fulfill our promises we made to the American people several years ago when we told them we were funding a highway and transit bill.

Project changes are usually made because of State and local authorities who have told us that changes are necessary. This legislation emanates in many ways from the people back home. Let me give an idea of one of the issues that is very important in this legislation. It will fix an oversight in SAFETEA–LU that resulted in the Surface Transportation Research, Development and Deployment Account being oversubscribed. This means funding is not available for the Federal Highway Administration to conduct its legacy research programs and research activities. This legislation corrects the issue by removing the Future Strategic Highway Research Program from the Surface Transportation Research Development and Deployment Account and, instead, funds it through funds already allocated for core highway programs. This will free up about $50 million per year, enough funding to finance the remaining programs and projects in the Surface Transportation Research Development and Deployment Account and will allow DOT, the Department of Transportation, to continue its important legacy research programs and activities, including the biennial Conditions and Performance Report.

What is the Conditions and Performance Report? It is a report that provides an appraisal of highway, bridge, and transit finance, the physical condition of roads and bridges and their operational performance, and estimates of future investment requirements. That will provide crucial information on the current conditions and future needs of our national transportation system as we develop the next transit and highway safety bill. We will need this information. It will be crucial to setting priorities in the next highway bill.

Remember, we have seen bridges in our Nation collapsing. We have seen bad problems in our infrastructure. We need to make sure we have a very fair appraisal of the condition of our roads, the condition of our bridges, what it is going to cost to fix them before we go into our next funding cycle, our full funding cycle which will occur in 2009.

The legislation also fixes and modifies descriptions for highway and transit projects that were included in SAFETEA–LU but have not yet been completed. Without the changes included in this legislation, many of these projects are stuck at a red light. Until that light turns green, the benefits to the transportation system will not be realized.

This technical corrections legislation provides a green light that could unleash up to $1 billion into the economy. Remember, this is not new spending. This is freeing up the dollars we already voted to spend on transportation projects, transit projects, highway projects. This is funding that has already been provided through SAFETEA–LU. It is not new money, but if we do not act, simply speaking, $1 billion of important highway and transportation programs will simply not be spent.

Given the current slowdown in our economy, we can't afford to let these funds remain unused due to technical matters. Just last month, President Bush acknowledged that we must respond decisively to the economic downturn we are going through. Investing in infrastructure is one of the best ways to stimulate our economy. Infrastructure investments provide immediate economic stimulus through job creation and long-term economic benefits through reduced transportation costs.

In the past, the Department of Transportation has told us that for every $1 billion in Federal spending on transportation infrastructure, 47,500 jobs are created. It may be that the number is slightly smaller now due to inflation, but in any event we know it is tens of thousands of good-paying jobs.

The benefits of infrastructure investment stay in America. Infrastructure investment creates American jobs and helps American businesses that produce most of the construction materials and equipment used in our Nation.

Finally, I would like to point out again—again—that this legislation will not increase spending. I have to say that over and over again, and it complies with earmark disclosure requirements of rule XLIV even though it only addresses changes to previously authorized projects.

I thank Senator DEMINT for giving me a call this morning and saying that he was very pleased with the way our committee handled this disclosure. I was very pleased with that call, and I thank him for it.

I urge my colleagues to support the technical corrections that have been included in this legislation so we can make the final changes needed to complete SAFETEA–LU and then turn our Nation to the next highway transit and highway safety authorization bill to be completed in the next Congress.

What I want to do is have put into the RECORD, if I might, Mr. President, without objection, a very important letter that comes from some very important constituents of all of ours.

I am going to show who sent this letter. I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 1, 2008.

Hon. HARRY REID,
Majority Leader,
U.S. Senate, Washington, DC.
Hon. BARBARA BOXER,
Chairwoman, Environment & Public Works Committee, U.S. Senate, Washington DC.
Hon. CHRISTOPHER J. DODD,
Chairman, Banking, Housing & Urban Affairs Committee, U.S. Senate, Washington, DC.
Hon. DANIEL K. INOUYE,
Chairman, Commerce, Science & Transportation Committee, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader,
U.S. Senate, Washington, DC.
Hon. JAMES M. INHOFE,
Ranking Member, Environment & Public Works Committee, U.S. Senate, Washington, DC.
Hon. RICHARD C. SHELBY,
Ranking Member, Banking, Housing & Urban Affairs Committee, U.S. Senate, Washington, DC.
Hon. TED STEVENS,
Ranking Member, Commerce, Science & Transportation Committee, U.S. Senate, Washington, DC.

DEAR SENATORS: We are writing to urge you to schedule a vote on HR 1195 making technical corrections to SAFETEA–LU (Public Law 109–59) as soon as possible.

Since enactment of SAFETEA–LU in August of 2005, Congress has worked diligently to pass into law corrections to SAFETEA–LU so that full implementation of important transportation programs and policies is possible. To address our Nation's transportation needs and challenges the full benefit of our transportation programs and policies in SAFETEA–LU is needed.

Congress' commitment to improving our transportation systems through the programs and policies it provided in SAFETEA–LU can be enhanced. We stand ready to continue to support this commitment.

Sincerely,

American Association of Highway and Transportation Officials.

American Highways Users Alliance.

American Public Transit Association.

American Road and Transportation Builders Associations.

Associated General Contractors.

Council of University Transportation Centers.

National Sand, Stone and Gravel Association.

National Asphalt and Pavement Association.

Mrs. BOXER. This is the group who sent the letter. I want to say who it is, who signed this letter: No. 1, the American Association of Highway and Transportation Officials; that is departments of transportation in all 50 States—red States, blue States, purple States—50 States signed this letter. They want us to move forward. No. 2, the American Highway Users Alliance; that is millions of highway users throughout this Nation of ours; the American Public Transit Association, which is transit systems from across the country, in all of our States; the American Road and Transportation Builders Associations, more than 5,000 members of the transportation construction industry. We know our construction industry in the housing sector is hurting. That means the jobs are decreasing. This is a moment in time where we can give a little boost to our transportation workers; the Associated General Contractors, more than 32,000 of them, service providers and suppliers; Council of University Transportation Centers, more than 30 university transportation centers from across the country; the National Stone, Sand and Gravel Association, companies that produce more than 92 percent of crushed stone and 75 percent of sand and gravel used in the U.S. annually; and the National Asphalt and Pavement Association, more than 1,100 companies that produce and pave with asphalt.

Mr. President, I say to Senators who might hear my voice, this a moment for us to come together across party lines such as Senator INHOFE and I have done, just as Senators DODD and SHELBY have done and just as Senators INOUYE and STEVENS have done in our respective committees. This is a simple bill. This bill simply says we have about $1 billion that is stuck because there have been some technical problems with the language. Some projects were not able to move forward. We substitute some others within the same funding cap. Some have legislative language which was confusing, and we are dealing with that. We feel very good about this bill.

We have listened very carefully to the ethics in the Senate. We know we needed to act to put all these projects on the Web site. We have identified who has asked for them, and we really do believe this technical corrections bill is ready for action. I can only hope that we will not see anybody try to hold up this bill for no reason at all.

If you have amendments, please let us know. We would be happy to give you as much time as you want. Today is the motion to proceed to the bill. We urge everyone to vote for that, and that vote will occur, as I understand it, at 5:30; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I will withhold the remainder of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mrs. BOXER. I will withhold. I say that I expect that Senator INHOFE will be here. I would ask my colleague from North Carolina, are you here to speak on this bill?

Mrs. DOLE. No, I am not.

Mr. CRAIG. I will speak in morning business.

Mrs. BOXER. I ask unanimous consent if we can please go into morning business to accommodate my colleagues. But I would say, Senator INHOFE may well have a statement. I ask unanimous consent that my two colleagues have 5 minutes each to speak and then the remainder of the time be reserved for Senator INHOFE, minus my 7 minutes, then go to a vote at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

TRIBUTE TO SENATOR BOB DOLE

Mrs. DOLE. Mr. President, I rise today to pay tribute to the remarkable accomplishments of a former Member of the Senate who delivered his first speech in this Chamber exactly 39 years ago. It was April 14, 1969, when that Senator stood, not far from here, to address his Senate colleagues for the first time.

The Senator used his speech to call attention to a group of Americans who were very close to his heart and who, up until that time, had been largely ignored. It was a group of Americans he had joined on April 14, 1945, when, as a soldier in the famed 10th Mountain Division, he was severely wounded as he led his troops into battle in the hills of Italy.

As a result of his wounds, the soldier would spend 39 months in various hospitals, and doctors would operate on him eight times. Eventually, the soldier would be left without the use of his right arm.

So it was that Bob Dole rose on April 14, 1969, not just to speak as a Senator, he also spoke as one of the millions upon millions of Americans who happened to have a disability.

Mr. President, I ask unanimous consent that a copy of the speech delivered by Senator Bob Dole on April 14, 1969, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, Apr. 14, 1969]

PROCEEDINGS AND DEBATES OF THE 91ST CONGRESS, FIRST SESSION

HANDICAPPED AMERICANS

Mr. DOLE. Mr. President, my remarks today concern an exceptional group which I joined on another April 14, twenty-four years ago, during World War II.

It is a minority group whose existence affects every person in our society and the very fiber of our Nation.

It is a group which no one joins by personal choice—a group whose requirements for membership are not based on age, sex, wealth, education, skin color, religious beliefs, political party, power, or prestige.

As a minority, it has always known exclusion—maybe not exclusion from the front of the bus, but perhaps from even climbing aboard it; maybe not exclusion from pursuing advanced education, but perhaps from experiencing any formal education; maybe not exclusion from day-to-day life itself, but perhaps from an adequate opportunity to develop and contribute to his or her fullest capacity.

It is a minority, yet a group to which at least one out of every five Americans belongs.

Mr. President, I speak today about 42 million citizens of our Nation who are physically, mentally, or emotionally handicapped.

WHO ARE THE HANDICAPPED?

Who are the handicapped?

They are persons—men, women, and children—who cannot achieve full physical, mental, and social potential because of disability.

Although some live in institutions, many more live in the community. Some are so severely disabled as to be home-bound, or even bed-bound. Still others are able to take part in community activities when they have access and facilities.

They include amputees, paraplegics, polio victims. Causes of disability include arthritis, cardio-vascular diseases, multiple sclerosis, and muscular dystrophy.

While you may have good vision and hearing, many persons live each day with limited eyesight or hearing, or with none at all.

While you may enjoy full muscle strength and coordination in your legs, there are those who must rely on braces or crutches, or perhaps a walker or wheelchair.

While you perform daily millions of tasks with your hands and arms, there are many who live with limited or total disability in theirs.

And in contrast to most people, thousands of adults and children suffer mental or emotional disorders which hinder their abilities to learn and apply what is learned and to cope adequately with their families, jobs, and communities.

Then there are those who are afflicted with combination or multiple handicaps.

NOT JUST THE HANDICAP

For our nation's 42 million handicapped persons and their families, yesterday, today, and tomorrow are not filled with "everyday" kinds of problems which can be solved or soothed by "everyday" kinds of answers. their daily challenge is: accepting and working with a disability so that the handicapped person can become as active and useful, as independent, secure, and dignified as his ability will allow.

Too many handicapped persons lead lives of loneliness and despair; too many feel and too many are out off from our work-oriented society; too many cannot fill empty hours in a satisfying, constructive manner. The leisure most of us crave can and has become a curse to many of our Nation's handicapped.

Often when a handicapped person is able to work full or part time, there are few jobs or inadequate training programs in his locale. Although progress is being made, many employers are hesitant to hire a handicapped person, ignoring statistics that show he is often a better and more dependable worker.

The result is that abilities of a person are overlooked because of disabilities which may bear little or no true relation to the job at hand. The result to the taxpayer may be to support one more person at a cost of as much as $3,500 per person a year. To the handicapped person himself, it means more dependency.

STATISTICS

Consider these statistics: Only one-third of America's blind and less than half of the paraplegics of working age are employed, while only a handful of about 200,000 persons with cerebral palsy who are of working age are employed.

Beyond this, far too many handicapped persons and their families bear serious economic problems—despite token Government pensions and income tax deductions for a few, and other financial aids. I recall a portion of a letter received recently from the mother of a cerebral palsy child in a Midwestern urban area:

> There are the never-ending surgeries, braces, orthopedic shoes, wheelchairs, walkers, standing tables, bath tables and so on . . . we parents follow up on every hopeful lead in clinics and with specialists; we go up and down paths blindly and always expensively . . . I have talked with four major insurance companies who do not insure or infrequently insure CP children . . . although our daughter is included in her father's group hospitalization plan, many families are not as fortunate. These are just a few of the problems, compounded by the fact we must try to adequately meet the needs of our other "normal" children. In many cases, some kind of financial assistance would enable us and others like us to provide for our children in our homes, avoiding overcrowding of already overcrowded facilities and further adding to the taxpayer's burden costs for complete care.

There are other problems—availability and access of health care personnel and facilities at the time and place the individual with handicaps needs them. In my own largely rural State of Kansas, many handicapped persons travel 300 miles or more to receive the basic health services they require.

Education presents difficulties for many parents of handicapped children. Although a child may be educable, there may be few, if any, opportunities in the community for him to receive an education. Private tutoring, if available, is often too expensive. Sadly, to date, the Council for Exceptional Children estimates less than one-third of the Nation's children requiring special education are receiving it.

In rehabilitation, the Department of Health, Education, and Welfare said recently 25 percent of America's disabled have not received rehabilitation services and do not know where to seek such help. They estimate that at least 5 million disabled persons may be eligible for assistance.

Other problems the handicapped person faces each day include availability and access of recreation and transportation facilities, architectural barriers in residences and other buildings, and many, many more.

STILL A PROMISING OUTLOOK

We in America are still far from the halfway point of assuring that every handicapped person can become as active and useful as his capacities will allow. The outlook for the handicapped person in 1969, however, is not altogether bleak. Unparalleled achievements in medicine, science, education, technology as well as in public attitudes have cemented a framework in which the handicapped person today has more opportunities available to him than ever before. Consider first what government is doing.

THE GOVERNMENT STORY

The story of what the Federal Government, hand in hand with State governments, is doing to help meet the needs of the handicapped is not one that draws the biggest and boldest headlines. Broadly, the story is a "good" one, consisting of achievements in financial assistance, rehabilitation, research, education, and training of the handicapped—a massive effort to help many disabled Americans live as normal, as full and rich lives as possible.

It is, in part, the story of a man who, at age 21, became a paraplegic after sustaining injuries to his spinal cord and head in an accident while on the job.

In 1968, he joined over 2,300,000 other disabled men and women who have been restored to more productive, useful lives since the State-Federal vocational rehabilitation program began 48 years ago.

In 1964, the young man—a high school dropout with a wife and child—was referred to his State's division of vocational rehabilitation where a thorough program of total rehabilitation began. In addition, he was enrolled in a training school and was graduated as a fully licensed insurance agent.

Today—4 years later—he has his own successful insurance business. He and his wife have built a new home and adopted a baby.

It is a measure of America's concern for its handicapped citizens that even 50 years ago, this story could not have been told.

It takes place now because the Congress and the Federal Government initiated and guided a vital, vigorous program of vocational rehabilitation.

Mr. President, vocational rehabilitation is one of many ways the Federal Government works to aid the handicapped. But none of the Federal programs necessarily reaches or helps every handicapped person.

Nevertheless, the role of the Government has been basically successful in terms of numbers assisted, basic research performed, and the movement of increasingly large numbers of persons into more productive, satisfying channels. It demonstrates what Congress and Federal and State governments are doing to help America's handicapped better participate and achieve.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD, at the close of my remarks, a brief summary of Federal programs for the handicapped.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

THE PRIVATE SECTOR

Mr. DOLE. Mr. President, it is in the American tradition and spirit that parallel to Government effort there has developed the vital and growing effort for the handicapped by individuals, business and industry, churches and private, voluntary organizations. It is a herculean task to properly assess the many, far-reaching effects of the private sector—in health care, education, employment; in research, rehabilitation, by fundraising drives and through professional organizations and groups for the handicapped themselves. But it is here in the private sector—with its emphasis on the creativity, concern, and energies of our people—that America has become the envy of the world. Our private economy and the resources of our people have combined to improve the quality of life in America in ways and for persons the Government could not begin to match or reach.

For the handicapped, their achievements have been no less. I shall not today, detail or single out the achievements of the voluntary groups and private enterprise involved in aiding the handicapped. But let the record show that without the sincerity, scope, and success of their efforts—in public information, employment and training, in upgrading health care and education personnel and facilities, in fundraising and in supporting research to conquer or at least minimize the effects of handicapping conditions—the prospects for the handicapped individuals would not be as hopeful as they are today.

WHERE DO WE GO FROM HERE?

Mr. President, as new public and private programs are developed, as old ones are strengthened and some, perhaps eliminated, as we in Congress allocate comparatively limited funds to help the handicapped, the responsibilities and opportunities loom large before us.

We must insure our efforts and money are not misplaced or misdirected—that they do not just promise, but really do the job.

Are we all doing our best to see that all the knowledge, information, money, and other help is consolidated and available to the handicapped person in the form he can use and at the time and place he most needs it?

Is there sufficient coordination and planning between and among the private groups and the Government agencies to avoid multiplicity and duplication so that we best serve America's handicapped?

Are we sometimes engaged in a numbers race—attending to cases that respond more quickly in order to show results to donors, members, and taxpayers, thus sacrificing some attention which should be focused on the really tough problems?

Many handicapped persons of our Nation are no longer helpless or hopeless because of private and public efforts which have helped them to better help and be themselves.

But the fact remains that some of our Nation's handicapped and their families are attacking the very programs and projects created to help them.

Some are disillusioned and disaffected by the programs.

Too often, the information, the services, the human help and encouragement are not reaching the person for whom they were intended and at the time and place he needs them.

Some sincerely believe there may be better ways we can demonstrate our concern and thereby better achieve for the person with handicaps the independence, security, and dignity to which he is entitled.

I am reminded of a statement given recently by the 1968 president of the National Rehabilitation Association:

> It is the person, not the program that is of overwhelming importance. It is not the disability that claims our attention, it is the person with handicaps. It is not the maintenance of prestige of a particular profession that matters. It is the contribution of the profession to solving the complex problems of the individual who has handicaps.

When more of this emphasis on the individual better influences the agencies and professions dealing with the handicapped, I believe we can begin to open new, more meaningful vistas for more persons with handicaps.

We have been involved in efforts which have been creditable to date. Of this, there is no doubt.

But are we doing our best?

A highly respected official of the U.S. Department of Health, Education, and Welfare summed up the problem this way:

> I do not feel we are spending our dollars—public or voluntary—as effectively as we could. We need to take a whole new look at what is going on, where the service is given. We need to try to design new methods and clearer purposes for our efforts. We need to relate our efforts more closely to the needs of a community, to the needs of its individuals. And we need to try to measure, as concretely and specifically as possible what is actually achieved by our expenditures.

Our handicapped citizens are one of our Nation's greatest unmet responsibilities and untapped resources. We must do better.

PRESIDENTIAL TASK FORCE

With this in mind, I suggest the creation of a Presidential task force or commission to review what the public and private sectors are doing and to recommend how we can do better.

Composed of representatives of the public and private sectors, this task force or commission could provide an overview of how to provide the handicapped more help and hope.

Such a task force or commission could provide valuable assistance to Congress and the administration as we develop programs and allocate comparatively limited funds for the handicapped.

It could also help private organizations and voluntary groups conduct their efforts more efficiently and effectively.

The goal of a task force or commission, to achieve maximum independence, security, and dignity for the individual with handicaps, should encompass the total needs of the handicapped, not just employment or education or any other * * *

Rather the task force or commission should concern itself with the whole broad spectrum of needs and services, because as I have pointed out the problems of the handicapped do not begin and end with the handicap itself.

Although there are hundreds of areas a task force or commission could review, I am hopeful, if created, it would include the following subjects:

First. Expansion of employment, transportation, and recreation opportunities for the handicapped.

Second. A directory or central clearinghouse to help inform the handicapped person and his family of available public and private assistance.

There are many helpful handbooks and information sources available. But most are not comprehensive and are more accessible to professionals in the field than to the handicapped who really need the guidance and information.

Third. Removal of architectural barriers.

Many persons cannot secure employment or fill their leisure hours because their disabilities bar use of the facilities. It is just as easy to build and equip buildings so that the handicapped and unhandicapped can use them. The Federal Government is doing this now for federally financed structures.

Fourth. More development of health care on a regional or community basis.

This is a tough, but priority matter and one which cannot be accomplished quickly or inexpensively. But we must begin to move toward more adequate health care facilities and personnel which serve each person at the time and place he needs them.

Fifth. Better serving the special educational needs of the handicapped.

Both the person and the Nation suffer when any educatable child—handicapped or unhandicapped—does not receive an education.

Sixth. Income tax deductions and/or other financial assistance to extend relief to more handicapped persons and their families.

Seventh. More attention on the family of the handicapped person.

These are the people who often need a degree of encouragement, counseling, and "rehabilitation" themselves. Are there services we should provide to family members whose own lives and resources are deeply affected by the presence of a handicapped person?

Eighth. Increased dialog and coordination between private and voluntary groups and Government agencies to avoid multiplicity and duplication.

What is at stake is not the agency, group, or program. What is at stake is the future of the handicapped person with his own abilities and potentialities.

CONCLUSION

This, then, Mr. President, is the sum and substance of my first speech in the Senate.

I know of no more important subject matter, not solely because of my personal interest, but because in our great country some 42 million Americans suffer from a physical, mental, or emotional handicap. Progress has been and will continue to be made by Federal and State governments, by private agencies, and individual Americans; but nonetheless there is still much to be done, if the handicapped American: young, old, black, white, rich, or poor is to share in the joys experienced by others. The task ahead is monumental, but I am confident that there are forces in America ready and willing to meet the challenge—including, of course, many of my distinguished colleagues who by their acts and deeds have demonstrated their great interest.

EXHIBIT 1

FEDERAL PROGRAMS FOR THE HANDICAPPED

DISABLED VETERANS

The program of services for disabled veterans as we know it today began with enactment of the Soldier Rehabilitation Act, which was passed unanimously by Congress June 27, 1918 (P.L. 178, 65th Congress). Under the law, the Federal Board for Vocational Education, created by legislation the year before, was authorized to organize and offer vocational rehabilitation programs for disabled veterans.

The program was finally closed out July 2, 1928. In the program's 10-year existence, about 675,000 veterans applied for training. About 330,000 completed their courses satisfactorily and were considered rehabilitated, and about 98 percent of them were employed at the time their training was completed or terminated.

Soon after the U.S. entered World War II, planning began for vocational rehabilitation programs for disabled servicemen returning from that war.

On March 13, 1943, after much discussion over whether the veterans program should be allied with the civilian vocational rehabilitation program, the House passed a bill authorizing a separate veterans' program. It was signed into law 11 days later as P.L. 16, 78th Congress, and covered veterans who served in the armed services between Pearl Harbor Day, December 7, 1941, and the declared end of the war. This legislation set into motion an effort which, before termination, benefitted several hundred thousand disabled veterans.

When the U.S. entered the Korean conflict, the Congress enacted legislation to insure that the men who fought there could receive the same services as World War II veterans. By 1955, about 36,000 Korean veterans had received vocational rehabilitation training for service-connected disabilities.

Later legislation made it possible for veterans disabled after the conclusion of the Korean conflict to receive rehabilitation and other services of the Veterans' Administration. This includes peace-time veterans and the veterans of the Vietnam war. In 1968 alone, 5,192 veterans participated in vocational rehabilitation training, bringing the total number since the program began to 721,000.

Disabled veterans who need prosthetic and sensory aids can obtain them from the Veterans Administration. In 1968 prosthetic appliances and services were furnished to about 465,000 disabled veterans, including 5,400 Vietnam veterans. Approximately $10.2 million was spent in 1968 for the procurement and repair of prosthetic and other related appliances.

Last year, too, requests for grants were approved to help pay for special automobiles for 2,850 veterans because of loss of hands or feet or severe eye impairment. Expenditures for this benefit in 1968 totalled almost $3.5 million, bringing the total cost to $83.6 million since this program was enacted in 1946.

Another special benefit for disabled veterans is the grant program for acquiring specially-adapted housing for those who need braces, crutches, canes, or wheelchairs. Grants totaling $4.4 million were made to 460 veterans in 1968. Since the program began in 1948, 9,705 grants at a cost of $92.7 million have been awarded.

With the creation of a new Department of Medicine and Surgery December 31, 1945, the Veterans Administration set in motion a new pattern of care and rehabilitation service for sick, injured and disabled veterans entering VA hospitals. A special rehabilitation service was developed; selected hospitals were specially staffed and equipped for certain disabilities such as spinal cord injury, blindness, epilepsy, amputation and other conditions.

PROGRAMS FOR DISABLED CIVILIANS

A rehabilitation program for disabled civilians was not enacted simultaneously with the veterans' program because of opposition that it was not practicable and also not the responsibility of the Federal Government.

Two years later—June 2, 1920—President Wilson signed into law the Civilian Vocational Rehabilitation Act (P.L. 236, 66th Congress). The bill, known as the Smith-Fess Act, is one of the oldest grant-in-aid programs for providing services for individuals. At that time, services under the act were confined to counseling, job training, artificial limbs and other prosthetic appliances, and job placement. It provided for an appropriation of $750,000 for fiscal year 1921 and $1 million for fiscal years 1922 to 1924 and for payments to States cooperating in vocational rehabilitation of persons disabled in industry. Federal funds were to be matched by the States and were not to be used for institutions for handicapped persons except when individuals entitled to benefits of the act, required special training.

In its first year, the vocational rehabilitation program helped rehabilitate 523 disabled persons. Authorization for the program was renewed by Congress several times until 1935, when the Social Security Act included permanent authorization. This action demonstrated the consensus of congressional thought that vocational rehabilitation should be a permanent program in the United States. Continuing to grow, the program rehabilitated 11,890 persons in 1940.

The entry of the United States into World War II caused a manpower shortage which gave disabled persons who had been rehabilitated an opportunity to show the nation that the disabled could be productive, capable workers. Many employers began calling for more rehabilitated workers than the vocational rehabilitation program, despite its success, was prepared to provide. For more than 20 years since its enactment, the program had been limited in scope and uncertainly financed. Some States had excellent programs, but many did not. Development on a national scale had been uneven.

Legislation in 1943 helped solve some of these problems, and other legislation in later years helped to shape it into the more meaningful and effective program it is today.

In 1943 after an attempt to combine the Veterans' and civilian vocational programs was defeated, the Vocational Rehabilitation Act Amendments of 1943 (P.L. 113, 78th Congress) were signed into law. the 1943 law superseded the 1920 legislation and broadened the vocational rehabilitation program—more liberal financing, increased State services, and broadened the concept of rehabilitation.

Rehabilitation services were extended to the mentally handicapped and the mentally ill. Separate State agencies for the blind were incorporated into the Federal-State rehabilitation program. In addition, the now 50 States, and Puerto Rico were all placed on the same footing with respect to Federal grants. An improved provision of the 1943 law was coverage for specified corrective surgery or therapeutic treatment necessary to reduce or eliminate a disability. Administration of the program was transferred from the Commissioner of Education to the Federal Security Agency. In 1950, 59,597 persons were rehabilitated.

There were problems, however. Partly because the financial system was becoming inadequate and because there was no provision for research, professional training, and other features, essential progress was not being made.

Legislation in 1954, supported by President Eisenhower, was an effort to remedy these problems. While retaining the basic pattern of services, the 1954 amendments (P.L. 565, 83rd Congress) made sweeping improvements. They included provisions for research, demonstration, and training activities. The Federal share was increased on a formula basis, to give greater support to States with relatively large populations and relatively small per capita income. It initiated a new system of project grants for improvement and extension of services. For the first time, the use of Federal grants to expand, modernize and equip rehabilitation facilities and workshops was also authorized.

In 1954, congress also amended the Hill-Burton hospital survey and construction act to provide Federal grants to help construct rehabilitation facilities.

While in 1960, 88,275 persons were rehabilitated under the vocational rehabilitation program, by 1965 it had mushroomed to over 135,000 persons.

The 1965 amendments to the vocational rehabilitation act (P.L. 89–333) were designed to bring the public and voluntary agencies into a closer working alliance. It expanded and enlarged the program by broadening its legal and financial base. Services to the severely disabled, the mentally retarded, the deaf, and other handicapped individuals were increased. A national commission on architectural barriers to rehabilitation of the handicapped was established. Federal financial support was extended to local areas for funding more vocational rehabilitation programs. In a drive to build more rehabilitation facilities and workshops, funds were authorized for a comprehensive program to improve the workshops and to construct more vocationally-oriented rehabilitation facilities. Grants to States to conduct comprehensive State-wide planning by agencies designated by the Governors were also provided.

In 1967 Congress took further steps to improve rehabilitation programs for the Nation's disabled. The 1967 amendments (P.L. 90–99) extended and expanded grant authorizations to States for rehabilitation services. Provisions were made to establish a national center for deaf-blind youth and adults and to extend services to disabled migrants, and their families. In addition, the 1967 amendments required State agencies to provide services to the handicapped without regard to their residence locations.

Finally, just this past year, Congress passed another bill amending the vocational rehabilitation program. The bill increased the Federal share for basic support of State programs from 75 to 80 percent, beginning in fiscal 1970, and established a minimum allotment of $1 million for each State to increase efficiency, expand services, and reach more clients. The 1968 amendments (P.L. 90–391) also extended programs of grants for innovation, for special projects and for rehabilitation facilities construction and staffing.

The bill established a new vocational evaluation and work adjustment program to serve those who are disadvantaged by such reasons as physical or mental disability, youth, advanced age, low educational attainment, ethnic or cultural factors, or prison or delinquency records, especially in association with poverty.

Evaluation may include preliminary diagnostic studies to determine whether the individual is disadvantaged, has or will have an employment handicap, and needs rehabilitation services. Work adjustment services include appraisal of the individual's pattern of work behavior and development of work habits, work tolerance, and social and behavior patterns suitable for successful job performance.

Establishment of the social and rehabilitation service in 1967 also brought about an expansion of the Federal Vocational Rehabilitation Agency, and its transfer to the Division of Mental Retardation, under the newly-named Rehabilitation Services Administration. In 1961, President Kennedy appointed the President's Panel on Mental Retardation and gave them a mandate to recommend a national plan to combat mental retardation.

The Maternal and Child Health and Mental Retardation Planning Amendments of 1963 (P.L. 88–156) carried out several recommendations of the panel. This act provided funds to assist the States in planning comprehensive State and community programs for the mentally retarded. The Social Security Amendments of 1965 (P.L. 89–97) extended comprehensive planning grants to the States, enabling implementation of their comprehensive plans to combat mental retardation.

The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (P.L. 88–164) authorized grants to States to construct facilities to serve the mentally retarded. It also provided grants to assist in construction of university-affiliated facilities to provide an interdisciplinary approach for clinical training of specialized personnel and for demonstration of new service techniques.

The Mental Retardation Amendment of 1967 (P.L. 90–170) extended these two programs and established a new grant program to pay part of the compensation of professional and technical personnel in community facilities for the retarded, for initial operation of new facilities, or of new services in a facility. Projects have been approved for construction of 242 community facilities to serve over 63,000 retardates.

In 1963, Congress authorized the hospital improvement program to support projects to improve services in State mental retardation institutions. This program is assisting about 100 of the 169 existing facilities.

The Vocational Rehabilitation Amendments of 1968 (P.L. 90–391) authorized projects for rehabilitation of mentally retarded persons not eligible for vocational rehabilitation due to age, severity of handicap, or other reasons. The first appropriation for this program is being requested for 1970.

Today, there are 90 rehabilitation agencies with 800 offices operating nationwide and in four territories. They serve nearly 700,000 handicapped persons each year at a State-Federal cost of over a half-billion dollars.

PROGRAMS FOR THE BLIND

One of the first pieces of legislation providing Federal aid for handicapped persons was approved March 3, 1879, under the title "An Act To Promote the Education of the Blind." This law set up a perpetual trust fund of United States Bonds, the income from which, in the amount of $10,000 a year, would go to the American Printing House For the Blind in Louisville, Kentucky, so that books and other materials could be distributed among the schools for the blind throughout the country. Subsequent amendments gradually increased the authorization for this program. In 1956, it was $410,000 a year. Then in 1961, Congress removed the ceiling from the annual appropriation and made it an amount to be determined by Congress. In fiscal year 1968, the printing house served some 19,000 blind children with books and other teaching materials at a cost of $1.5 million.

The printing house was originally designed to serve blind children. In 1931, Congress enacted the so-called Pratt-Smoot Act (P.L. 787, 71st Congress) to "Provide Books for the Use of the Adult Blind Residents of the United States." This legislation formed the basis for the Federally-supported library service to the blind vested in the division for the blind and physically handicapped in the Library of Congress.

In 1933, an amendment to the act made available for distribution talking books, or phonograph records, in addition to the Braille books already used.

As commercial firms became interested in producing talking book records, a 1939 amendment gave preference to "nonprofit-making institutions or agencies whose activities are primarily concerned with the blind." A 1942 amendment provided maintenance and replacement of talking book machines as well as the talking books.

Then in 1952 Congress enacted an amendment removing the word "adult" from the act, clearing the way for blind children to also benefit from the program. In 1966, another amendment extended the program to include other physically handicapped persons. In 1968, 140,000 handicapped readers received catalogs from which to select reading matter and circulation of the containers, and reels, and volumes, was over 5,265,000. The expenditure for the program in 1968 was $5.6 million.

One aspect of the vocational rehabilitation program is the emphasis given to adjustment, training, and placement of blind persons in competitive employment. Attention was first focused on this severely disabled group as a result of the passage of P.L. 113 in 1943.

The amendments to the vocational rehabilitation act in 1954 made a limited amount of training and research money available, so employment opportunities for blind workers have been greatly expanded. In 1968, 6,800 blind and 12,000 visually-limited persons were placed in a variety of occupations. In addition, special workshops for the blind now employ approximately 5,000.

Another phase of employment for the blind was made available through the provisions of the Randolph-Sheppard Act (P.L. 732) in 1936 which gave preference for operation of snack bars, vending stands, and other facilities of Federal properties to qualified blind persons. Installation of facilities, training, and supervision of blind operators are responsibilities of the State licensing agencies. In 1968, 3,259 blind persons earned $16.6 million, an average of $5,580 per operator.

EDUCATION OF THE HANDICAPPED

In 1864 President Abraham Lincoln signed into law a bill establishing a national college for the deaf later to be known as Gallaudet College, and in 1879, Congress enacted legislation giving federal financial aid to the American Printing House for the Blind. Unfortunately, these two programs were the extent of Federal aid for education of handicapped children for the next three quarters of a Century.

In 1954 Congress enacted the cooperative Research Act (P.L. 83–531) for research grants in education. In 1957, $675,000 of the $1 million appropriated under the Act was earmarked to be spent on research on education of the mentally retarded.

In 1958 Congress passed the captioned films for the Deaf Program (P.L. 85–905). Originally aimed at cultural enrichment and recreation, amendments in 1962 and 1965 broadened the program into a flexible, comprehensive instructional program for the deaf, including teacher training. 1967 legislation extended the program to include all handicapped children requiring special education.

Legislation in 1958 (P.L. 85–926) authorized grants to educational institutions to help train professional personnel to train teachers of mentally retarded children. In 1961, Congress enacted legislation authorizing support for training classroom teachers of the deaf (P.L. 87–276).

In 1963, these programs for training personnel to work with handicapped children were expanded to include teachers of children who are "hard of hearing, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired," as well as mentally retarded and deaf. The same legislation (P.L. 88–164) authorized grants for research and demonstration projects in education of handicapped children. A 1965 amendment to this program authorized construction, equipping, and operation of facilities for research and related purposes.

The year 1965 saw enactment of a great body of legislation to aid in the education of handicapped youngsters. The Elementary and Secondary Education Act (P.L. 89–10) provided programs through local education agencies to reach handicapped children in low income areas. It also provided support for supplemental services including special instruction for the handicapped and for innovative programs. A 1965 amendment to this act (P.L. 89–313) provided grants to State agencies directly responsible for educating handicapped children. This brought assistance to State-operated or State-supported schools for the deaf, retarded, etc., not eligible under the original act.

Also in 1965 Congress enacted the National Technical Institute for the Deaf Act (P.L. 89–36) authorizing establishment and operation of a postsecondary technical training facility for young adults who are deaf. This institute, which is being established at the Rochester Institute of Technology, Rochester, New York, complements Gallaudet College, which provides a liberal arts program.

1966 saw more legislation for education of the handicapped. There was the Model Secondary School for the Deaf Act (P.L. 89–694) which created a model high school as part of Gallaudet College to serve deaf children of the Washington, D.C. area. Planned to offer a full curriculum and the normal extracurricular activities of high schools, this model high school for deaf children may lead to formation of other similar schools throughout the country.

Also in 1966, Congress passed further amendments (P.L. 89–750) to the Elementary and Secondary Education Act, which authorized funds to assist the States in improvement of programs and projects for the education of handicapped children at preschool, elementary, and secondary levels. The 1966 amendment also required establishment of a National Advisory Committee on Handicapped Children to make recommendations concerning programs carried on for handicapped children by the Office of Education.

In addition, the Congress undertook a bold precedent, establishing the Bureau of Education for the Handicapped to administer all Office of Education programs for the handicapped. The Bureau of Education for the Handicapped has made major strides in stimulating a local, State and Federal partnership for improvement of education for handicapped children.

The 1967 amendments to the Elementary and Secondary Education Act further broadened and extended the program of services to the handicapped. Regional resource centers were authorized to determine special education needs of handicapped children referred to them, develop educational programs to meet these needs, and assist, schools in providing such programs. The 1967 legislation also authorized establishment and operation of centers for deaf-blind children, programs designed to improve recruiting of educational personnel and to improve dissemination of information on educational opportunities for the handicapped.

The 1967 Mental Retardation amendments (P.L. 90–170) provided support for training professional personnel and for research and demonstration activities in physical education and recreation for mentally retarded and other handicapped children.

The most recent piece of legislation for education of handicapped children was enacted in the Handicapped Children's Early Education Assistance Act of 1968 (P.L. 90–538). It authorizes grants to public and private agencies and organizations for establishment of experimental preschool and early education programs which show promise of developing comprehensive and innovative approaches for meeting special problems of handicapped children. This legislation recognizes that the most rapid learning period comes in the years before school traditionally begins. The programs engendered by this legislation should do much to identify handicapped children early and to help give them a better start toward full, productive lives.

EMPLOYMENT OF THE HANDICAPPED

Once a handicapped person is rehabilitated and able to support himself, he often encounters tremendous difficulties in securing meaningful employment. A case is not considered closed, in the vocational rehabilitation program, until the disabled person is on the job, and has satisfactorily adjusted in the eyes of both the disabled person and his employer.

For many reasons, employers are reluctant to hire the handicapped. The Federal Government is trying to change this attitude among employers and the public and has met with some success.

In addition to the placement program of the vocational rehabilitation program, the Bureau of Employment security, through state and local employment services, provides direct employment counseling and assistance to physically and mentally handicapped persons seeking work. Public information and educational activities directed toward employers and labor organizations are part of the effort made under these programs. Selective placement techniques are also used to help match the physical demands of a job to the physical capacities of a worker.

The President's Committee on Employment of the Handicapped, a voluntary group of about 600 men and women, has made great accomplishments in the past 20 years to promote greater employment opportunity for qualified handicapped men and women. Operating within the Department of Labor and within a budget that until last year had a ceiling of only a half million dollars, the Committee maintains working relationships with the 53 cooperating governor's committees, and with the various Federal Departments, Agencies, and Commissions. The Committee works to help assure that the handicapped are considered for their abilities, and to help facilitate development of maximum employment opportunities for them. The peak of its activity, although it goes full steam throughout each year, is in the first full week of October, National Employ the Physically Handicapped Week.

The Department of Labor is also involved in training the handicapped. Enactment of the Manpower Development and Training Act in 1962 widened the opportunity for the Department to develop meaningful training programs for handicapped workers. It was estimated that by the summer of 1966, well over 25,000 handicapped persons had received training under MDTA and over 20,000 of those had already obtained jobs.

HOUSING FOR THE HANDICAPPED

The Federal Government is involved in several programs concerned with housing for the handicapped or disabled. The Housing Assistance Administration of the Department of Housing and Urban Development provides loans and contributions to local housing authorities which, in turn, provide decent, safe, and sanitary housing for low-income families at rent they can afford. Handicapped persons of limited income are among those eligible for benefits under this program, established by the U.S. Housing Act of 1937 (P.L. 75–412).

The Housing Assistance Administration also provides low-interest, long-term loans to private nonprofit corporations, consumer cooperatives, and public agencies for new and renovated rental housing, dining facilities, community rooms, and workshops for the elderly and the handicapped whose incomes are above the levels set for admission to public housing projects, but below that needed to pay rents for available private housing. This program was enacted by the Housing Act of 1959 (P.L. 86-372).

The Housing Act of 1961 (P.L. 87-70) established a grant program for public and private groups to develop new or improved means of providing housing for low-income persons, the physically handicapped, and families. Demonstration of means to provide housing is specifically authorized by this legislation.

The Housing and Urban Development Act of 1965 (P.L. 89-117) authorized rent supplement payments to help assure privately-owned housing is available to low-income individuals or families of low income. The handicapped are among those eligible for this program if their income does not exceed the maximum amount established in the area for occupancy of federally-aided, low-rent public housing.

ARCHITECTURAL BARRIERS

Related to housing, Congress in 1968, passed legislation to insure that certain buildings financed with Federal funds are designed and constructed to be accessible to the physically handicapped (P.L. 90-480). This legislation applies to any public buildings constructed in whole or part with Federal funds. The only exceptions are privately-owned residences and buildings or facilities on military installations intended primarily for use by able-bodied military personnel.

This legislation was passed after recommendations were made by the National Commission of Architectural Barriers to Rehabilitation of the Handicapped, authorized by the Vocational Rehabilitation Amendments of 1965 and appointed by the President in 1966.

The legislation should spur States and local governments to enact legislation and regulations so that all public buildings, not only those built with Federal funds, will be so constructed that the disabled will be able to fully utilize them. Some 45 States have laws or resolutions already, but many of them are not strong enough to have much effect. Only a few municipalities thus far have taken similar action.

ASSISTANCE FOR THE NEEDY BLIND AND TOTALLY DISABLED

The Federal Government is involved in programs of support for needy blind persons and for permanently and totally disabled persons through social security legislation enacted in 1935 and 1950. Under these public assistance programs, the Government provides grants to States and the States, in turn, provide three forms of assistance: cash payments for food, clothing, shelter, and other basic needs; medical or remedial care recognized under State law, through payments directly to hospitals, physicians, dentists, and other providers of care; and social services, such as counseling on personal problems, help in finding better housing, referral to community resources, and homemaker services.

These programs are available to needy blind persons so that they may attain or retain their self-support or self-care capability and to people over age 18 who cannot support themselves because they have a permanent and total physical or mental impairment.

In 1967 the number of persons receiving aid to the blind in the States and territories with programs in operation totaled over 82,000. Combined, total expenditure of local, State, and Federal funds for this purpose was over $86.9 million, and the average payment for all individuals participating nationwide was $90.45 per month. Under the program for the permanently and totally disabled, there were 646,000 recipients receiving a total of $573.5 million, averaging $80.60 per monthly payment.

SOCIAL SECURITY DISABILITY INSURANCE

The basic social security program which provides benefits to the worker when he retires also provides cash benefits to covered disabled workers under age 65 and to their dependents for as long as the worker is unable to engage in "substantial gainful activity." In 1967, over two million disabled workers and dependents received social security cash benefits totalling over $147.8 million. Under the 1965 social security amendments, use of trust funds was authorized to pay the cost of rehabilitation services provided by the State vocational rehabilitation agencies to certain disability insurance beneficiaries.

The "Medicare" Act passed in 1965 included a little-publicized but valuable new arrangement for restoring more disabled people: It authorized the Social Security Administration to transfer from trust funds for retirement and disability benefits certain amounts for vocational rehabilitation services to disabled workers receiving social security benefits. A limit of one percent of the total benefits being received placed a control on how many funds could be transferred each year. These funds are used by the Federal-State Vocational Rehabilitation Program to pay for services to disabled beneficiaries, most of whom can be restored to activity and work, thereby resuming their payments into the trust funds. For this year, $18,077,000 was transferred for this work.

SUMMARY

The above Federal programs have been described briefly and quite possibly some programs may have been unintentionally overlooked in our research.

At any rate, the summary may be of assistance to those interested in the problems and programs concerning handicapped Americans.

Mr. PEARSON. Mr. President, I should like to express great pride in, and ask to be associated with this most excellent statement just made by my distinguished colleague. He speaks of a problem which, in his own words, affects every person in our society and every fiber of our Nation.

Here is, then, a definition coupled with a solution and, treated with sympathy and yet with reason, an approach, I am sure, that will yield to progress.

I think that one point he so clearly set forth is the challenge. That is when he asked all of us:

Are we doing our best to see that all the knowledge, the information, and money, and other help is consolidated and available to the handicapped person in the form he can best use and in the time and place he needs it most?

I think he answered that question by saying a little later on that we must do better. He makes a proposal which is specific in its recommendations, and is an enormous contribution, I think, to a very great problem.

I look forward to the other proposal that he shall be making in the days ahead in regard to what is, really, one of the great problems facing this country in the last third of the 20th century.

I congratulate my distinguished colleague. I am very much pleased to be here today when he makes his first speech in the Senate.

Mr. COTTON. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. COTTON. Mr. President, I should like to join my friend, the other distinguished Senator from Kansas (Mr. PEARSON), in commending the distinguished Senator from Kansas (Mr. DOLE) FOR HIS CONTRIBUTION THIS AFTERNOON.

I have served in this body many years. I do not know that I have ever heard a new Senator make a greater contribution in what he characterizes as his first speech in this body.

He talked on a subject which is close to the hearts of all Americans. This country has grown so fast, with over 200 million people in it, with a huge Government requiring complicated machinery, that it is a supertask for us to try to see that some of the less fortunate people in this country are not ground under the wheels of the massive instrument that we have played our part in creating.

I predict for the junior Senator from Kansas a long and distinguished career. I venture to say that although his contributions, I am sure, will be great, he can always remember with pride the fact that his first contribution was on a subject which is so important to all Americans.

As a Member of the Senate, I join in congratulating the distinguished Senator from Kansas on the masterly speech he has just delivered.

Mr. MATHIAS. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. MATHIAS. Mr. President, I should like to join the senior Senator from Kansas (Mr. PEARSON) and the Senator from New Hampshire (Mr. COTTON) in commenting on the speech which the junior Senator from Kansas (Mr. DOLE) has just completed—a speech which addresses itself to a problem which is becoming increasingly felt as one of the serious problems in America today. The subject has a humanitarian impact because it deals with the problems of the individual, but it also has a social and economic impact because it affects the way in which we, as a nation, deal with problems that touch the lives of so many of our citizens.

The Senator has treated the subject in great depth, with thoroughness, and with understanding. I can only say that this is typical of him. He and I entered the other body on the same day. We came to the Senate on the same day. I have known him very well in the intervening years.

The remarks of the junior Senator from Kansas today are evidence of the promise of the enormously valuable service which he will render in this body as the years pass by.

I wish to express my appreciation to him for his valuable contribution.

Mr. DOLE. Mr. President, I thank my distinguished colleagues for their patience and their kind remarks.

Mr. HRUSKA. Mr. President, the junior Senator from Kansas is to be commended for his statement today on problems faced by the handicapped. This statement, in many ways, typifies the man who made it. It is well prepared, thoughtful, and above all, it is a warm and human examination of the problem.

The Senator from Kansas, during his four terms in the House of Representatives, established himself as a man who truly cares about people and does his best to aid them. His emphasis is not on statistics, but on the people involved. This is as it must be. The dollars spent, the programs generated, mean nothing unless they benefit those in need.

The problem of aiding the physically, mentally, or emotionally handicapped is not one to be solved by government alone. In the end it is people who must help. People will provide jobs, training, and dignity. A partnership of government, local and national, and the private sector of our economy is the wise way of approaching the question of assistance to the handicapped. It is the way highlighted by the able Senator from Kansas.

There is one final point I wish to make, Mr. President. In mentioning specific causes of disability, there is one the Senator from Kansas left out—service to our Nation. A great number of our citizens have made the sacrifice of health and well-being for the cause of peace. The distinguished Senator knows well the problems of which he speaks today. He knows the vitality that remains in the human soul despite injury to the body. He has demonstrated how well a man can serve his country despite a handicap.

Mr. President, I congratulate the junior Senator from Kansas on his fine remarks to the Senate.

Mr. DOLE. I thank the Senator from Nebraska.

Mrs. DOLE. Mr. President, I urge my colleagues to read the speech because it is as compelling and timely today as it was 39 years ago. It offers a comprehensive analysis of the challenges facing those with disabilities and the steps that need to be taken to fulfill their dreams of full participation in our society. Thanks to the leadership and perseverance of Bob Dole and the work of other Senators such as Senator DOMENICI, Senator HARKIN, and Senator KENNEDY, those dreams became a reality with the passage in 1990 of the Americans with Disabilities Act.

Bob has described July 26, 1990, the day President George Herbert Walker Bush signed the ADA into law, as one of the most rewarding days of his life. He once said:

> I suppose there were some that day who saw only a White House lawn covered with wheelchairs and guide dogs. But that just goes to show who in our society is truly limited.
>
> My own perspective was very different. As I looked around, I saw Americans with amazing gifts; Americans who could finally contribute to a Nation much in need of their skills and insights.

Bob Dole not only devoted much of his public life to serve as an advocate for Americans with disabilities, he devoted much of his private life as well. He began the Dole Foundation and worked to raise millions, which were used to fund job training and placement programs for disabled workers. Bob also established a scholarship fund for law students with disabilities at the Washburn University School of Law. The funds provide assistance to students with disabilities for tuition, books, and other special needs.

Throughout his career, Bob Dole has never wavered in his special commitment to the veterans who were disabled in service to our country. As my colleagues know, last year President Bush appointed Bob and former Health and Human Services Secretary Donna Shalala to serve as cochairs of the President's Commission on Care for America's Returned Wounded Warriors.

The Commission was asked to provide a comprehensive review of the care provided to service men and women wounded in the global war on terrorism and to recommend needed improvements to that care. In the course of their work, the Commission visited DOD facilities, VA hospitals, and other care sites across the country. They met with injured servicemembers, their families, professionals who provide medical and rehabilitative services, program administrators, and many others.

Last July, the Commission issued a final report with important recommendations that would serve and support our veterans while simplifying an overly complex system. As Senators ROBERTS and BROWNBACK know, the State motto of Kansas is: "To the stars through difficulties."

Quite simply, I can think of no American who has done more in his life and career to ensure that individuals with disabilities have the opportunity to fly as high and soar as far as their skills and talent can take them than Bob Dole.

In doing so, he has earned more than the pride and admiration of a loving wife. He has earned the respect of a grateful nation and the enduring thanks of millions of individuals he has never met but whose lives are immeasurably better and richer and more productive because of him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I have been listening to Senator DOLE speak of her husband, a great American. I would like to tell the Senator that as a member of the Veterans' Affairs Committee, we are now examining the Dole-Shalala proposal that the Senator referenced, which is a quantum leap in good advice and sound understanding of the needs of America's veterans. We thank you. More importantly, we thank Senator DOLE for that great effort.

TAX CODE REFORM

Mr. CRAIG. I rise today, on the eve of Tax Day, 2008, to discuss the State of our Nation's Tax Code. Only a few weeks ago, we debated the fiscal year 2009 budget resolution and some recurring themes very quickly emerged.

Over and over again, both sides of the aisle were speaking of the problems they heard about, the death tax and problems with the alternative minimum tax and the unfair tax advantage of the wealthy and the burden on the middle class and other problems that are systemic within America's Tax Code.

You know what we did about these problems? We only offered temporary solutions like we have offered for the last decade. Here is what is wrong with that type of thinking: There are not temporary problems that can be fixed with temporary solutions, they are fundamental problems that require fundamental changes in America's Tax Code.

Our current Tax Code is broken, and you saw Democrats and Republicans alike opining on the floor of the Senate during the debate over the budget resolution about taxes. We tried to fix it with a temporary measure, but we have served only to make things worse. There is exactly what we have done over the last good number of years.

Today's Tax Code is over 67,000 pages long, and it is growing. According to IRS estimates, taxpayers spend 6 billion hours annually trying to fit themselves into the Tax Code and over $265 billion in related compliance costs.

Ladies and gentlemen, fellow Americans, it is only going to get worse. Since the last major overhaul of the Tax Code in 1986, we have made 15,000 changes. That is right, since 1986, we have made 15,000 changes. That equates to a couple of changes to our Tax Code every day.

This nonstop tinkering has created a tax system that is overly complex, incredibly inefficient, and extremely unfair. We cannot continue down this unsustainable path of temporary fixes. We need to do fundamental reform to our Tax Code. We need a system that is simple and transparent and fair. We need to wipe the slate clean and start all over.

I am amazed we have not done the very fundamental aspects of what we need to do to fix the Tax Code. Our broken code does more than cost us money in compliance costs and a waste of time, it hurts us both socially and economically. Socially our Tax Code tells us when is the best time to marry, how many children we ought to have, how much to save, how much to invest, where to live, and even, to a degree, what time we should die in our lives that is the most economically advantaged to our estate.

That is what our Tax Code does. Economically, we waste billions of dollars that could have been reinvested in the economy. Instead, we employ some of America's brightest minds on innovation, while we waste them on finding ways to navigate through this phenomenally complex 67,000-page code. Moreover, our complex Tax Code and high corporate tax rate are putting Americans out of business as we compete in a world around us, not just here in America but all over the world. Companies today are locating where they have a greater tax advantage.

I spent several years examining several different tax systems, and after examining the facts, I believe the best alternative to a broken Tax Code has been the very tax idea I introduced some years ago. That was a flat tax—no games, no gimmicks, a straightforward approach.

Our Tax Code is the workhorse pulling our economy, as I stated earlier, pulling us in the wrong direction. This horse that pulls our economy, the American Tax Code, has grown very lame. I grew up farming and ranching. Let me tell you, when the horse got lame, you took it out of the harness and put it in the barn. Sometimes, if it could not get well, you would simply have to dispose of it. How tragic that was.

But today's tragedy is the lame horse that is still in the harness, attempting to pull the Tax Code and the American people and the economy in the right direction when it is headed in the wrong direction.

So now as Americans file their taxes responsibly and dutifully, after they have navigated their way through a maze, and they have taken them to their accountant, and their accountant puts his or her final seal on it, and they send it in, if they were to ask an IRS agent: Did I do it right, there is no IRS agent today, no matter how schooled and how learned and how long-serving in the IRS, who can say: Yes, you have done it right. And that is not appropriate. The best they can tell you is that they think, in fact they guess, that you did it right.

That ought to be an embarrassment to our country, and more importantly it ought to be an embarrassment to America's policymakers. That is us, those who write the Tax Code of our country that drives our economy.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Oklahoma.

Mr. INHOFE. Let me use some of the time for the issue at hand. First of all, I wish to talk about the technical corrections bill that is going to be voted on in about 15 minutes—not the bill but the motion to proceed to the bill.

The Transportation bill that we are involved in, that Senator BOXER and I were involved in back in 2005, that we passed August 10 of 2005, authorized $286 billion in transportation and infrastructure spending for fiscal years 2005 through 2009.

Now, let me say that as a conservative standing here, that is a huge number. I think that may have been the largest nondefense spending bill at the time up to that time. But it is interesting that if we spend all of that, it is not going to even maintain what we have today.

That is why we put into the bill a committee to look into new ways of funding infrastructure, new ways of funding transportation. We have been doing it the same way since President Eisenhower, and it is time we tried something different.

I think there is a resistance to continuing to increase taxes as the only way of funding our infrastructure. Included in the bill are recommended technical changes from the Department of Transportation that address functional problems in implementing the bill, technical changes to safety products which will continue to be delayed from breaking ground due to simple drafting errors and descriptions.

Furthermore, universities and other transportation research entities will not receive their fully intended funding, and the States will be unable to use millions of dollars in transportation funds that were authorized 3 years ago.

Something that is interesting, the bill does not increase the overall size of SAFETEA. I have heard a lot of people say: Well, this is a big spending bill. First of all, it is not a spending bill, it is an authorizing bill. But the technical corrections are also an authorization.

Now, it is my understanding, and I believe it is true, that the total amount of authorization that was in the bill itself is not changed by the technical corrections bill.

A lot of people are implying it is. I do not believe it is. We have had staff and ourselves looking at it. It may change some of the priorities in the authorization, but the overall figure, the top line, is going to be the same.

Several of my colleagues have approached me recently with additional project fixes. In some cases, I have had to say no to their requests because they either submitted them too late to be considered in our negotiations with the House—the request went beyond the scope of a technical fix—or because the proposed fix was to a House project which the House objected to. Let's keep in mind, we have two Houses working on this. We have the Senate and the House of Representatives. This is a difficult type of legislation to get passed. But one thing you can't do is start making changes and anticipate that the House is going to go along with those changes, because I can tell my colleagues, they will not do it. Our House colleagues have passed this bill several times, but each time it comes over to the Senate it has been held up.

The bill before us, along with the manager's substitute amendment, is the commutation of negotiations between the House and the Senate. Any changes to the bill at this point will require the concurrence of the House or the bill will not proceed. Therefore, I ask my colleagues to understand that if they are planning on filing an amendment before the chairman and I can agree to it, we need to determine if our counterparts in the House would find it to be agreeable. I suggest they probably will not.

I heard about an hour ago, when I arrived in Washington, that it might be that the administration could have some objections. I am having a hard time understanding how that could be. First, they supported the bill. They signed the bill when it first passed in August of 2005. Technical corrections is a common thing. It does not have a net increase in authorizations. I can't see why it would be. I understand there would be one provision having to do with rapid transit that would not be in our committee. It was not in the committee chaired by Senator BOXER and formerly chaired by me. It is in the Banking Committee. So we want to look at that. If that is the objection, I certainly believe we can talk to the administration and keep them from opposing it.

We have some amendments that have been discussed. I have not been here long enough to find out this week if people are going to come forward with their amendments. My junior Senator, Mr. COBURN, makes a very good point on a project down in Florida called Coconut Road, that there have been some problems. Apparently, all those have been corrected. The only thing I wish to talk to my junior Senator about is if he wants to examine this, investigate this, that is a good idea. It is already being done. However, we have enough committees and commissions around this place, thousands of them. I am not sure we need another one. That is something we might want to debate. I know Senator BOND has an amendment that he has discussed. I look forward to visiting with him. Any of these amendments, yes, we want to talk about them. But keep in mind, we do have this commitment that we have a technical corrections bill that has to pass or we cannot implement those provisions that otherwise are going to allow us to correct some of the problems we have.

Again, here I am, a conservative, saying this is not adequate, what we have done today. We have another one that should be coming up next year. Hopefully, it will. Sometimes it doesn't happen like it should. But in the meantime, I want that committee that is supposed to be examining the way we have historically funded roads and highways and infrastructure to come up with some ideas. There are experiments in different States right now. But we will have to recognize the fact that this country has got to have infrastructure for it to survive.

In conclusion, I assure my colleagues that I appreciate their responsiveness to our numerous requests to advise the committee of their requests, thereby assisting us to help them. If we were unable to satisfactorily address their concerns in this bill, there will be additional opportunities do so when we reauthorize SAFETEA, and that reauthorization should be under way next year.

With that, I hope those who object to this will at least let us proceed to this bill. Then we can look at it and see if there are any of the amendments that we feel would not violate the agreement between the Senate and House and would have the effect of killing the whole bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my ranking member. He and I, when we are on the same page, have had very good results. I think our colleagues trust that when we can come together on something, it has gone through all the hoops and all the "I's" have been dotted and the "T's" have been crossed. I want to assure colleagues that on this particular piece of legislation, we have worked closely together, as have Senators DODD and SHELBY over at Banking, as have Senators INOUYE and STEVENS. This is one of those moments which doesn't come that often around here—not often enough for me—where we do have a lot of us working together across party lines, across committee jurisdictions.

Mr. INHOFE. Will the Senator yield for a moment?

Mrs. BOXER. Yes.

Mr. INHOFE. I neglected to mention that when we went through this long and arduous legislation initially, there are probably not two Members of the Senate who are more opposed to each other philosophically than the two of us, Senator BOXER and myself. But we recognize that the process we used is one that is fair. We developed criteria. There are projects in here that met the criteria. Some of them I would oppose personally, but nonetheless, you have to come up with a bill if you are going to have roads to travel and infrastructure to serve this great Nation.

I compliment Senator BOXER in working with me on some of the problems I had initially with this bill.

Mrs. BOXER. Madam President, I am pleased we can work so well together. I want to thank our staffs also. We have developed very trusting relationships with our senior staff, and it reflects the relationship we have developed to be able, even if we disagree, to be completely honest with each other. This is helpful for the Senate as a whole.

I wanted to share with the Senate this amazing group who came together to support us in our efforts on this technical corrections bill which will unleash some funding that is rather stuck right now, at a time when we could use some construction activity. I think it is important to see. We have the American Association of Highway and Transportation Officials—those are Departments of Transportation from all 50 States—American Highway Users Alliance, millions of highway users throughout the country; American Public Transit Association, transit systems from across the country; American Road and Transportation Builders Associations, more than 5,000 members of the transportation construction industry—these people have all written to us and have said: Get this bill going—Associated General Contractors, more than 32,000 contractors, service providers and suppliers; the Council of University Transportation Centers, more than 30 university transportation centers from across the country; National Stone, Sand and Gravel Association, companies in America that produce more than 92 percent of crushed stone and 75 percent of sand and gravel used in the United States annually; and the National Asphalt and Pavement Association, more than 1,100 companies that produce and pave with asphalt. These are the folks who are saying to all of us: Please bring this bill to the floor, please work together.

I personally have a very good feeling about this bill. Senator DEMINT, who sometimes has trouble with these bills, was complimentary to both of us and the work we have done. He has a couple of amendments, maybe only one amendment. He said he did not intend to hold up our bill. So I think we are moving in a good direction. But I want to reiterate what Senator INHOFE said: Please, if you do have an amendment, talk to us, because we are not going to have this bill go through unless the House signs off. So we would hope we could keep this bill pretty clean. We hope we can work out our differences with a couple of Senators who have some problems. If we can't work it out, we will have to see what the body wants to do. This is sort of a very mini stimulus package, frankly, and one that doesn't mean one dollar of new spending that hasn't already been authorized. It is a good moment for the Senate.

I thank Senator REID, working with Senator MCCONNELL, for getting this bill before us. A lot of our communities will be very happy when they see that projects that were stalled, because there were some technical problems, can now go forward.

Some of our colleagues who said: Look, leg one of this project can go forward but not leg two. Can you change the wording?

We are allowing colleagues this kind of latitude. Of course, we put a freeze on all of that because we had to cut off at some point. I think this bill is a good bill. It is a technical corrections bill. It is not breaking any new ground. We look forward to an "aye" vote from as many of our colleagues whom we can convince this is a good idea. I understand we are about to go into the vote. I look forward to a solid vote. Then Senator INHOFE and I will be in the well, and we will talk to all our colleagues who may want to talk about their amendments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 606, H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

Harry Reid, Barbara Boxer, Richard Durbin, Charles E. Schumer, Sherrod Brown, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller IV, Jack Reed.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1195, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 1, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—93

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn

Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—1

Bond

NOT VOTING—6

Clinton
Kennedy
Lautenberg
McCain
Menendez
Obama

The PRESIDING OFFICER. On this vote, the yeas are 93, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I just need 30 seconds. On behalf of my ranking member, JIM INHOFE, and myself, I thank colleagues for giving us this go-ahead to go to the technical corrections bill. It is not the most exciting of bills, but it will be a bit of an economic stimulus to our Nation. It doesn't add a dollar of new spending; it just makes corrections to a bill that is a very popular bill—SAFETEA-LU—and it will allow a lot of highway construction and transit projects to proceed. We are very pleased with this vote.

Before giving up the floor so Senator INHOFE can say a couple of words, if my colleagues have any amendments—we know that amendments do threaten this bill—we will be delighted to speak with our colleagues about them and try to figure out a way to either work them out so that the House agrees and we agree we can move forward or figure out a way to get an early vote so we can get on with consideration and then on to something else.

At this point, I yield the floor and again say thank you very much to our colleagues.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, let me say I do agree with what Senator BOXER says, although it is a little bit more than that. Not only does it not spend more, it doesn't authorize more. I think that is very important for people to understand. There is some confusion from some things I have read in different publications that make it appear that we have increased the authorization. Some things have been moved around, but the bottom line is it has remained unchanged.

The other thing that is important to repeat is that as big as this bill was, the 2005 bill we are scheduled to get into again next year, in 2009, it still doesn't take care of the problem. We have a problem in this country with the $286 billion figure; it doesn't even maintain what we have today. That is critical. I am hoping the committee that was established for the purpose of exploring new ways of funding transportation will come up with something a little more creative than they have so far because we are not going to be able to do it just by redoing and expanding what Eisenhower started many years ago. So we need to have this bill in order to go ahead and finish the projects that we have authorized and that are paid for at this time, and we won't do it unless we can pass this bill.

So I hope anyone—I would agree with Senator BOXER—anyone with amendments, let's bring them down and talk about them, and I am available to talk, and I am doing that as we speak. I have spoken with a couple of Members who have talked about an amendment. So if you have any amendments, bring them down so Senator BOXER and I can visit with you about the amendments.

I yield the floor.

MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

50TH ANNIVERSARY OF AARP

Mr. REID. Madam President, I rise today to call the attention of the Senate to the 50th Anniversary of a remarkable organization that boasts 35 million members, for whom it provides services ranging from discounted prescription drugs, to travel services, to financial services. Most of us on Capitol Hill are far more familiar with this organization as the tireless advocate for the interests of Americans over the age of 50. The organization, of course, is AARP.

In its half-century of service, the organization that we know today as AARP has been transformed from its modest beginnings in 1958 when Dr. Ethel Percy Andrus, a retired high school principal, transformed the National Retired Teachers' Organization into the American Association for Retired Persons. The organization was known under this name until 1999 when it became just AARP to reflect the fact that many of its members are still active in the labor force.

Characteristic of the work of AARP over the past 50 years has been its efforts to influence national policy on behalf of the well being of Americans over the age of 50 and to defend the programs that protect them, especially Social Security and Medicare. More recently, AARP has spearheaded the effort to get bipartisan action in Congress to provide all Americans with health care and long-term financial security with its Divided We Fail campaign. I commend AARP for its outstanding leadership on these issues, which are so critical to millions of Americans.

When President Bush in 2005, fresh from his election victory, made the privatization of Social Security his top domestic priority, he met his match in AARP, which mobilized its members to oppose this very risky plan. Congressional Democrats worked very closely with AARP in that effort, and in the end we were successful, at least temporarily. Unfortunately, given the continuing support for privatization among many in Washington, that battle will have to continue in the years ahead, and I look forward to working closely with AARP to continue to make the case against privatization, and to make sure that America keeps its promise to our seniors.

So I offer a cordial birthday greeting to an organization that is 50 years old and stronger than ever. AARP has kept pace with the needs of mature Americans and, more importantly, it has kept faith with them. In the process, it has made this country a better place for all Americans.

REAUTHORIZATION OF THE TRAUMATIC BRAIN INJURY PROGRAM

Mr. HATCH. Madam President, I rise today to acknowledge the passage of S. 793, the reauthorization of the Traumatic Brain Injury, TBI, Program. Both the Senate and House of Representatives have passed this bill and it will now be sent to the President's desk to be signed into law.

I thank my colleague and coauthor of the Senate bill, Senator KENNEDY, and his staff for their hard work over the past few years. I also extend my gratitude to Senator ENZI and his staff for their diligent efforts in helping to reauthorize this important program.

I also must thank the leaders of this effort in the House, Representatives BILL PASCRELL, Jr., FRANK PALLONE, Jr., and their staffs who have been so dedicated to helping individuals with TBI.

Also, this bill would not have been possible without the cooperation and input from involved organizations, such as the Brain Injury Association of America, BIAA; the National Association of State Head Injury Administrators, NASHIA; the National Brain Injury Research, Treatment and Training Foundation, NBIRTT; and the National Disability Rights Network, NDRN; and I thank them all for their contributions.

It means a lot to the 5.3 million Americans living with TBI, and their families, to reauthorize the only Federal program that helps them. The Federal TBI Program comprises prevention and surveillance activities at the Center for Disease Control, CDC, research at the National Institutes of Health, NIH, and grants to States from the Health Resources and Services Administrations, HRSA. This reauthorization bill expands and improves those activities, and includes provisions to look at the reintegration of war vets returning to their communities.

Each year, 1.4 million people sustain a TBI and face long-term or lifelong need for help to perform activities of daily living as a result. Direct medical costs and indirect costs such as lost productivity of TBI totaled an estimated $60 billion in the United States in 2000. We can help truncate those costs and ensure that people are connected to the services they need by continuing this important program.

It has been a labor of love to draft and enact legislation to reauthorize this important program. On behalf of individuals living with TBI, and their families, I thank my colleagues in Congress for passing this legislation and reaffirming our commitment to helping those with who suffer from traumatic brain injuries.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. LEAHY. Madam President, yesterday marked the official beginning of National Crime Victims' Rights Week. Since 1981, communities in Vermont and across the Nation have observed this week with candlelight vigils and public rallies to renew our commitment to crime victims and their families. It is vitally important that we recognize the needs of crime victims and their family members, and work together to promote victims' rights and services.

We have been able to make some progress during the past 27 years to provide victims with greater rights and assistance. In particular, I was honored to support the passage of the Victims of Crime Act of 1984, VOCA, Public Law 98-473, which established the Crime Victims Fund. The Crime Victims Fund allows the Federal Government to provide grants to State crime victim compensation programs, direct victim assistance services, and services to victims of Federal crimes. Nearly 90 percent of the Crime Victims Fund is used to award victim assistance formula grants and provide State crime victim compensation. These VOCA-funded victim assistance programs serve nearly 4 million crime victims each year, including victims of domestic violence, sexual assault, child abuse, elder abuse, and drunk driving, as well as survivors of homicide victims. Our VOCA-funded compensation programs have helped hundreds of thousands of victims of violent crime.

The Crime Victims Fund is the Nation's premier vehicle for supporting victims' services. It is important to understand that the Crime Victims Fund does not receive a dime from tax revenue or appropriated funding. Instead, it is made up of criminal fines, forfeited bail bonds, penalties, and special assessments.

In 1995, after the Oklahoma City bombing, I proposed and Congress passed the Victims of Terrorism Act of 1995. Among other important matters, this legislation authorized the Office for Victims of Crime at the Department of Justice to set aside an emergency reserve as part of the Crime Victims Fund to serve as a "rainy day" resource to supplement compensation and assistance grants to States to provide emergency relief in the wake of an act of terrorism or mass violence that might otherwise overwhelm the resources of a State's crime victims compensation program and crime victims assistance services.

Over the last several years we have made sure that the Crime Victims Fund would remain dedicated to crime victims. We made sure that it would serve as a "rainy day" fund and reserve to help meet crime victims' needs. The "rainy day" fund has been used to make up the difference between annual deposits and distributions three times during the past 7 years. It provides security and continuity to crime victims programs and to our State partners.

Since fiscal year 2000, Congress has set a cap on annual obligations from the Crime Victims Fund. I have worked to ensure that the cap has never resulted in resources being lost to the Crime Victims Fund. I believe we need to increase the cap. With the failure of the Bush administration crime prevention policies, crime began to rise under Attorney General Gonzales. Crime victims, the States and service providers need more assistance.

Instead of taking that salutary action, the Bush administration is proposing to raid the Crime Victims Fund and zero it out. The future of the Crime Victims Fund is in danger because the Bush administration has proposed rescinding all amounts remaining in the Crime Victims Fund at the end of fiscal year 2009—just cleaning it out and leaving the cupboard bare. That would leave the Crime Victims Fund with a zero balance going into fiscal year 2010 and create a disastrous situation for providers of victims' services. That is wrong.

Over the last few years, we have successfully blocked the Bush administration's past attempts to raid the Crime Victims Fund. This is not a cache of money from which this administration should try to reduce the budget deficits it has created. It has turned a $5 trillion budget surplus into a $9.4 trillion debt. Its annual deficits run into the hundreds of millions. It is wrong to try to pay for its failed fiscal policies by emptying out the Crime Victims Fund. These resources are set aside to assist victims of crime.

In order to preserve the Crime Victims Fund once again, Senator CRAPO and I, as well as 25 other Senators, sent a letter on April 4, 2008, to the Senate Appropriations Committee asking that the committee to oppose the administration's proposal to empty the Crime Victims Fund. We asked the Committee, instead, to permit unobligated funds to remain in the Crime Victims Fund, in accordance with current law, to be used for needed programs and services that are so important to victims of crime in the years ahead.

We need to renew our national commitment to crime victims. The Senate can help by recognizing the importance of the Crime Victims' Fund and supporting its essential role in helping crime victims and their families meet critical expenses, recover from the horrific crimes they endured, and move forward with their lives. I urge Senators on both sides of the aisle to honor our longstanding commitment to crime victims by working together to recognize and support victims of crime, and to preserve the Crime Victims Fund.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Madam President, I wish today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Early in the morning of September 9, 2007, police in Antioch, CA, responded to a call regarding a fight that had broken out at a party. According to witnesses, Phillip Hale, 18, and a 17-year-old accomplice were mocking and attempting to provoke a group of deaf partygoers by mimicking their hand movements. The two teens were asked to leave, but came back sometime later with a stick, a hoe, and a brick. Witnesses say a fight ensued upon their return. When police arrived on the scene, they found a substantial amount of blood. One deaf victim suffered a minor head injury, and Hale suffered a head injury as well, for which he was treated at John Muir Medical Center. According to jail records, Hale was booked at Contra County jail on suspicion of assault with a deadly weapon, conspiracy, and committing a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO LIEUTENANT COLONEL JOHN EDMUND LITTLE

• Mr. PRYOR. Madam President, it is with great pleasure that today I honor the life of LTC John Edmund Little, a veteran of World War II and a Pearl Harbor survivor. He passed away October 18, 2007, at the age of 92 after serving his country in the U.S. Navy from 1933 to 1937 and in the U.S. Air Force for 19 years from 1940 to 1959.

In 1937, Lieutenant Colonel Little was serving in the U.S. Navy on the USS *Colorado*, which was the first ship to search for Amelia Earhart around Howland Island in the South Pacific.

As a member of the U.S. Air Force, he was serving in Hawaii at Pearl Harbor on December 7, 1941, when the island was attacked. Lieutenant Colonel Little went on to become a distinguished fighter pilot in the Southwest Pacific, Solomon Islands from 1942 to 1943. In 1943, he became squadron commander of the 44th Fighter Squadron which became the No. 1 squadron in the South Pacific, and was involved in the fatal strike against Admiral Yamamoto. Nine of the original pilots in his squadron were aces.

During his military career, Lieutenant Colonel Little received numerous awards for his hard work and dedication to the United States. These awards include four Air Medals, American Campaigns Medal, Asiatic-Pacific Campaign Medal, World War II Victory Medal, National Defense Service Medal, and Armed Forces Reserve Medal. My home State of Arkansas is fortunate to have men and women such as Lieutenant Colonel Little who devote their lives to protecting the citizens of this great Nation.

Madam President, I ask my colleagues to join me today in commemorating LTC John Edmund Little on his service to the United States of America.•

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 845. An act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1858. An act to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES DISCHARGED

The following measure was discharged from the Committee on Environment and Public Works by unanimous consent, and ordered placed on the Calendar:

H.R. 3352. An act to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes.

ENROLLED BILLS PRESENTED

The Assistant Secretary of the Senate reported that on April 14, 2008, she had presented to the President of the United States the following enrolled bills:

S. 845. An act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1858. An act to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 399

At the request of Mr. BUNNING, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 582

At the request of Mr. SMITH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 604

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 613

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 613, a bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

S. 789

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 789, a bill to prevent abuse of Government credit cards.

S. 1042

At the request of Mr. ENZI, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1052

At the request of Mr. SALAZAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1052, a bill to amend title XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program.

S. 1117

At the request of Mr. BOND, the names of the Senator from Montana (Mr. TESTER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1140

At the request of Mr. DEMINT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1140, a bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1267

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1430

At the request of Mr. CARDIN, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1843

At the request of Mr. REID, his name was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1981

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2059

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 2059, supra.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 2059, supra.

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 2059, supra.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 2059, supra.

S. 2099

At the request of Mr. SALAZAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2109

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2109, a bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes.

S. 2188

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2188, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2376

At the request of Mr. BURR, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2376, a bill to establish a demonstration project to provide for patient-centered medical homes to improve the effectiveness and efficiency in providing medical assistance under the Medicaid program and child health assistance under the State Children's Health Insurance Program.

S. 2439

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2460

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. SANDERS), the Senator from Utah (Mr. BENNETT) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2477

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2477, a bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2533

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2550

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2672

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2672, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 2684

At the request of Mr. DODD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2684, a bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

S. 2689

At the request of Mr. SMITH, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2690

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2690, a bill to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans.

S. 2702

At the request of Mr. SALAZAR, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2736

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2818

At the request of Mr. ENZI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2818, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide for enhanced health insurance marketplace pooling and relating market rating.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2822

At the request of Mr. WYDEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2822, a bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas.

S. RES. 500

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. Res. 500, a resolution honoring military children during "National Month of the Military Child".

At the request of Mr. BROWN, his name was added as a cosponsor of S. Res. 500, supra.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. Res. 500, supra.

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. Res. 500, supra.

At the request of Mr. LEVIN, his name was added as a cosponsor of S. Res. 500, supra.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. Res. 500, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. Res. 500, supra.

At the request of Mr. CASEY, his name was added as a cosponsor of S. Res. 500, supra.

At the request of Mr. BIDEN, his name was added as a cosponsor of S. Res. 500, supra.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC–5773. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Cultivated Wild Rice Crop Insurance Provisions" (RIN0563–AC00) received on April 9, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5774. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5775. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 12647) received on April 9, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5776. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 12640) received on April 9, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5777. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 12644) received on April 9, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5778. A communication from the Counsel for Legislation and Regulations, Office of Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Office of Hearings and Appeals; Conforming Changes to Reflect Organization Regulations" (RIN2501–AD35) received on April 9, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5779. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component of the Western Regulatory Area of the Gulf of Alaska" (RIN0648–XG00) received on April 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5780. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648–XG24) received on April 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5781. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Elephant Trunk Scallop Access Area Closure for General Category Scallop Vessels" (RIN0648–XG29) received on April 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5782. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Reduction of Winter I Commercial Possession Limit" (RIN0648–XG20) received on April 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5783. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Annual Management Measures for the 2008 Pacific Halibut Fisheries and Changes to the Catch Sharing Plan for Area 2A" (RIN0648–AW26) received on April 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5784. A communication from the Chairman, Office of Proceedings, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Methodology to be Employed in Determining the Railroad Industry's Cost of Capital Board Decision" (RIN2140–AA84) received on April 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5785. A communication from the Chairman, Office of Proceedings, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Simplified Standards for Rail Rate Cases Board Decision" (RIN2140–AA88) received on April 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5786. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the protection of market sensitive data; to the Committee on Energy and Natural Resources.

EC–5787. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Elimination of FERC Form No. 423" (RIN1902–AD47) received on April 9, 2008; to the Committee on Energy and Natural Resources.

EC–5788. A communication from the Chief Human Capital Officer, Office of Policy and International Affairs, Department of Energy, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary for Policy and International Affairs, received on April 9, 2008; to the Committee on Energy and Natural Resources.

EC–5789. A communication from the Program Manager, Center for Beneficiary Choices, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Policy and Technical Changes to the Medicare Prescription Drug Benefit" (RIN0938–AO74) received on April 9, 2008; to the Committee on Finance.

EC–5790. A communication from the Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report relative to oversight of the Global Fund to fight AIDS; to the Committee on Foreign Relations.

EC–5791. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Immigrants and Nonimmigrants—Visa Classification Symbols" (22 CFR Parts 41 and 42) received on April 9, 2008; to the Committee on Foreign Relations.

EC–5792. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on April 9, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5793. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to activities carried out by the Family Court during 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5794. A communication from the Executive Director, Office of Compliance, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5795. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Disclosure and Consistency of Cost Accounting Practices—Foreign Concerns" (RIN3110–01) received on April 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5796. A communication from the Acting Chief Administrative Officer, United States Patent and Trademark Office, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5797. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, "Actions Taken on Office of Inspector General Recommendations"; to the Committee on Homeland Security and Governmental Affairs.

EC–5798. A communication from the Director, National Science Foundation, transmitting, pursuant to law, a report entitled, "Fiscal Year 2007 Performance Highlights"; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself and Mrs. McCASKILL):

S. 2850. A bill to prohibit the use of funds to promote the direct deposit of Social Security benefits until adequate safeguards are established to prevent the attachment and garnishment of such benefits; to the Committee on Finance.

By Mr. BUNNING (for himself, Mr. CONRAD, and Mr. HATCH):

S. 2851. A bill to amend the Internal Revenue Code of 1986 to modify the penalty on the understatement of taxpayer's liability by tax return preparers; to the Committee on Finance.

By Mr. CORNYN:

S. 2852. A bill to provide increased accessibility to information on Federal spending, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 2853. A bill to amend title XVIII of the Social Security Act to remove the cap on disproportionate share adjustment percentages for certain rural hospitals; to the Committee on Finance.

By Mr. REID (for Mrs. CLINTON (for herself and Mr. PRYOR)):

S. 2854. A bill to amend title 10, United States Code, to clarify the effective date of active duty members of the reserve components of the Armed Forces receiving an alert order anticipating a call or order to active duty in support of a contingency operation for purposes of entitlement to medical and dental care as members of the Armed Forces on active duty; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR (for himself, Mr. CHAMBLISS, Mrs. CLINTON, Mr. OBAMA, Mr. CRAIG, Mr. KENNEDY, Mr. CASEY, Mr. BIDEN, Mr. SALAZAR, Mr. BROWN, Mr. CRAPO, Mr. DOMENICI, Mr. SMITH, Mr. ISAKSON, Mr. WYDEN, Mr. BINGAMAN, Mr. AKAKA, Mr. BURR, Mr. ROBERTS, Mr. DURBIN, Mr. BUNNING, Mr. INHOFE, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. COCHRAN, Mr. VOINOVICH, Ms. CANTWELL, Mr. SHELBY, Ms. COLLINS, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. DODD, Mr. KERRY, Mr. BENNETT, Ms. STABENOW, Mr. ALLARD, Mrs. LINCOLN, Mr. STEVENS, Mr. SESSIONS, Mr. WEBB, Mr. BYRD, and Ms. SNOWE):

S. Res. 513. A resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States; considered and agreed to.

By Mr. REID (for Mr. KENNEDY):

S. Con. Res. 76. A concurrent resolution to make technical corrections in the enrollment of the bill S. 1858; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 2852. A bill to provide increased accessibility to information on Federal spending, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, throughout my career, I have been working on the front lines of the battle for greater transparency and openness in our Government because I fundamentally believe the more the American people and my constituents in Texas understand about the Government and how it operates, the better accountability can take place, and people will once again feel they are in charge, which is absolutely the case. Knowledge is power, and transparency permits the accountability necessary for our system to work.

Just a few months ago, Senator PATRICK LEAHY, the chairman of the Senate Judiciary Committee, and I were successful in getting a bill signed which modernized and greatly improved our Freedom of Information laws for the first time in many years. Now it is my intent to try to accomplish that same thing with the Federal spending, and that is why today I am introducing the Federal Spending and Taxpayer Accessibility Act of 2008.

The first thing this bill would do would be to create an online earmark tracking system that taxpayers can use free of charge to search for specific earmarks by recipient, by appropriations bill, by State, and by Member, and to do so in a real-time frame of reference during the appropriations process.

Of course, earmarks are especially designated appropriations for particular projects in particular locations. There is a lot of controversy about earmarks, but I think greater transparency would limit the number of earmarks introduced because were they to be completely transparent, it would discourage the use of earmarks and make certain only meritorious ones are accepted by the Congress as part of the appropriations process.

Secondly, my legislation would direct the Internal Revenue Service to provide each taxpayer with a concise, easy-to-read personal record of the amount of taxes they have already paid and an estimate of the amount of taxes they will pay in the timeframe before they retire.

As you know, the Social Security Administration currently already mails out a similar statement, called a Social Security account statement, which gives taxpayers a record of the earnings on which they have paid Social Security taxes and a summary of their estimated future benefits. So this taxpayer account statement would be sort of the mirror image of the Social Security statement, and it would let people know how much taxes they have paid and what their tax obligation would likely be into the future.

I think this tax statement could play an important role when taxpayers are planning their future finances and provide them with a better idea of how much in taxes they will pay in the future.

It will also have the added benefit of making them much more aware of what Washington is doing when it comes to their hard-earned money and the money they send to Washington to pay the bills.

Finally, this legislation builds upon the Federal Funding Accountability and Transparency Act of 2006 that created a one-stop, searchable Web site for all Federal contracts and grants. My legislation would expand on this Web site by including all expenditures of all Federal agencies, such as salaries, rent, supplies, and transportation.

As this chart shows, taxpayers will have to work 74 days during the year just to pay their Federal taxes without getting one red cent for themselves. Additionally, local taxes and State taxes account for an additional 39 days of work, and that is before they begin to work to pay their own bills, their other bills. For housing, it is roughly 60 days out of the year; health insurance, 50 days out of the year; food, 35; and transportation, 29 days out of the year. So these living essentials are being squeezed by the Federal tax burden, and I think it is important for people to understand that. Frankly, once they do, I think their voices are then much more likely to be heard when loose talk in Washington occurs about raising taxes.

I was interested to hear our colleague from Oregon, Senator WYDEN, talk about the alternative minimum tax. That is a perfect case study of why, when people talk about taxing the rich, really what they are talking about is taxing people who earn a living. That was a classic case where the alternative minimum tax was passed to target 155 taxpayers who did not otherwise pay Federal income tax because of their deductions, due to State and local taxes. Well, no surprise those 155 targeted taxpayers grew last year to 6 million taxpayers, and this year it would have grown to 23 million middle-class taxpayers because it had not been indexed. Once again, taxing the rich turns into taxing the middle class.

Well, I think greater transparency in the process would allow the middle class to tell Washington: Wait a minute, you need to cut out some of the waste and inefficiency of Government before you come back to me and ask me for more of what I earn, which I need to spend on housing, health insurance, food, transportation, or whatever else I see fit.

I think it is about time for taxpayers to see where their money is going, and it is in this spirit I am introducing this Federal Spending and Taxpayer Accessibility Act of 2008. I think it answers the fundamental question: Should the people who foot the bill for the Federal Government know what it is they are getting?

Never would you ask a person to make an investment without giving them the ability to monitor that investment. But when it comes to taxes, that is precisely what we are asking. It is time for us to open up the process of Federal spending to the public and let the American people see where their money is going. That way they can hold their elected officials accountable and play a closer role in the determination of where we spend their hard-earned money.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Spending and Taxpayer Accessibility Act of 2008".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Taxpayers deserve to know how their tax money is spent by the Federal Government.

(2) The Office of Management and Budget has developed a single, searchable Internet website of Government grants and contracts, accessible free of charge by the public.

(3) The Office of Management and Budget, through its Program Assessment Rating Tool (PART) system, identified that almost 25 percent of Federal programs it reviewed either were ineffective or their effectiveness could not be determined.

(4) Billions of dollars are lost each year through fraud, waste, abuse, and mismanagement among the hundreds of programs in the Federal Government.

(5) Taxpayers work on average more than 2 months of every year to pay for the operations of the Federal Government.

(b) PURPOSES.—The purposes of this Act are—

(1) to bring more transparency to the spending habits of the Federal Government;

(2) to help taxpayers understand how the Federal Government spends the money they send to Washington, D.C.;

(3) to provide for better accountability in the Federal budget and appropriations process;

(4) to give taxpayers an easy and accessible way to see how their money is being spent; and

(5) to increase the participation of citizens in their Government.

SEC. 3. EARMARK TRACKING WEBSITE.

(a) INTERNET WEBSITE.—

(1) IN GENERAL.—Not later than January 1, 2009, the Congressional Research Service shall create a single operational searchable Internet website, accessible free of charge by the public, that allows the user to search information on each Federal earmark, including—

(A) the name and location of the intended recipient of the earmark,

(B) the total dollar amount of the earmark,

(C) the Member of Congress who sponsored or requested the earmark, and

(D) the status of the bill to which the earmark is attached.

(2) SCOPE OF DATA.—The Internet website established under this subsection shall include data for fiscal years after fiscal year 2007.

(3) TIMELINESS OF INFORMATION.—The Congressional Research Service shall update the Internet website established under this subsection as soon as any bill or report containing an earmark has been passed or reported by the Senate or the House of Representatives or any committee thereof.

(b) DEFINITIONS.—

(1) EARMARK.—For purposes of this section, the term "earmark" means a congressionally directed spending item, a limited tax benefit, or a limited tariff benefit.

(A) CONGRESSIONALLY DIRECTED SPENDING ITEM.—For purposes of this paragraph, the term "congressionally directed spending item" means a provision or report language included primarily at the request of a Member of Congress providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(B) LIMITED TAX BENEFIT.—For purposes of this paragraph, the term "limited tax benefit" means any revenue provision that—

(i) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision.

(C) LIMITED TARIFF BENEFIT.—For purposes of this paragraph, the term "limited tariff benefit" means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(2) RECIPIENT.—For purposes of this section, the term "recipient" means the entity designated to receive the earmark.

(3) SEARCHABLE INTERNET WEBSITE.—For purposes of this section, the term "searchable Internet website" means an Internet website that allows members of the public—

(A) to search and aggregate Federal funding for any earmark passed or reported by the Senate or the House of Representatives or any committee thereof, as well as an overall total by any method required by subsection (a)(1);

(B) to ascertain through a single search the total number and total dollar amount of earmarks provided to a single recipient;

(C) to ascertain through a single search the total number and total dollar amount of earmarks sponsored or requested by each United States Senator, Member of the House of Representatives, including Delegates and Resident Commissioners, and the President of the United States; and

(D) to ascertain through a single search the total number and total dollar amount of earmarks and earmark recipients located in each State and territory of the United States.

(c) NOTIFICATION OF DELAY.—The Director of the Congressional Research Service shall, upon making a determination that the Internet website established under subsection (a)(1) will not be operational by January 1, 2009, immediately notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives of such determination and shall provide the reason for the delay.

(d) REPORTS.—

(1) IN GENERAL.—Not later than the date that is 1 year after the date on which the Internet website established under subsection (a)(1) becomes operational, the Director of the Congressional Research Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on the implementation of such website, including data regarding the usage of and public feedback on the utility of the website and any recommendations for improving the presentation of the data.

(2) PUBLICATION.—The Congressional Research Service shall make each report submitted under paragraph (1) publicly available on the Internet website established under subsection (a).

(e) CLASSIFIED INFORMATION.—Nothing in this section shall require the disclosure of classified information.

(f) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than June 1, 2009, the Comptroller General of the United States shall submit to Congress a report on compliance with the requirements of this section.

SEC. 4. PROVIDING INFORMATION TO TAXPAYERS.

(a) PROVISION OF STATEMENT UPON REQUEST.—Beginning not later than October 1, 2009, the Secretary of the Treasury shall provide upon the request of an eligible individual a taxpayer account statement for such individual.

(b) TAXPAYER ACCOUNT STATEMENT.—The taxpayer account statement required under subsection (a) shall include—

(1) the aggregate amount of individual Federal income tax paid by the eligible individual under chapter 1 of subtitle A of the Internal Revenue Code of 1986 in all previous taxable years, and

(2) an estimate of the aggregate amount of such income tax that such individual will have paid as of the projected date of the normal retirement of such individual.

(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term "eligible individual" means an individual who—

(1) has a valid social security number issued by the Social Security Administration,

(2) is age 25 or over,

(3) has filed a return of tax in any previous taxable year, and

(4) has had net income tax liability which is greater than zero in any previous taxable year.

(d) NOTICE.—The Secretary of the Treasury shall, to the maximum extent practicable, take such steps as are necessary to assure that eligible individuals are informed of the availability of the statement required under subsection (a).

(e) MANDATORY PROVISION OF INITIAL STATEMENTS.—By not later than September 30, 2014, the Secretary of the Treasury shall provide a taxpayer account statement to each eligible individual for whom a current mailing address can be determined. The Secretary shall provide with each such statement notice that an updated version of such statement is available annually upon request.

SEC. 5. ADDITIONAL DISCLOSURE OF FEDERAL GOVERNMENT EXPENDITURES.

(a) ADDITIONAL DISCLOSURE.—

(1) IN GENERAL.—Not later than January 1, 2010, the Director of the Office of Management and Budget shall include the financial outlays of all Federal agencies on the Internet website established by the Federal Funding Accountability and Transparency Act of 2006.

(2) INTERNET WEBSITE.—The information added to the Internet website under paragraph (1) shall—

(A) allow the user at least 2 different methods of searching and aggregating the financial outlays of all Federal agencies, including—

(i) searching by agency obligation and object class; and

(ii) searching by budget function and subfunction; and

(B) allow the user to download any data received as the product of a search.

(b) AGENCY RESPONSIBILITIES.—All Federal agencies shall comply with instructions and guidance issued by the Director of the Office of Management and Budget and shall provide appropriate assistance to the Director upon request in the addition to the Internet website of the information required under subsection (a).

(c) SCOPE OF DATA.—The information added to the Internet website under subsection (a) shall include data for fiscal years after fiscal year 2008.

(d) FINANCIAL OUTLAY.—For purposes of this section, the term "financial outlay" means any payment to liquidate an obligation (other than the repayment of debt principal) that is greater than $25,000.

(e) NOTIFICATION OF DELAY.—The Director of the Office of Management and Budget shall, upon making a determination that the information required to be added to the Internet website under subsection (a) will not be complete by January 1, 2010, immediately notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives of such determination and shall provide the reason for the delay.

(f) REPORT.—

(1) IN GENERAL.—Not later than the date that is 6 months after the date on which the information required under subsection (a) has been added to the Internet website described in such subsection, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on the addition of the information added under subsection (a), including data regarding the usage of and public feedback on the utility of the Internet website and any recommendations for improving data quality and collection.

(2) PUBLICATION.—The Director of the Office of Management and Budget shall make the report submitted under paragraph (1) publicly available on the Internet website established by the Federal Funding Accountability and Transparency Act of 2006.

(g) CLASSIFIED INFORMATION.—Nothing in this section shall require the disclosure of classified information.

(h) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than January 1, 2011, the Comptroller General of the United States shall submit to Congress a report on compliance with the requirements of this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 513—CONGRATULATING THE ARMY RESERVE ON ITS CENTENNIAL, WHICH WILL BE FORMALLY CELEBRATED ON APRIL 23, 2008, AND COMMEMORATING THE HISTORIC CONTRIBUTIONS OF ITS VETERANS AND CONTINUING CONTRIBUTIONS OF ITS SOLDIERS TO THE VITAL NATIONAL SECURITY INTERESTS AND HOMELAND DEFENSE MISSIONS OF THE UNITED STATES

Mr. PRYOR (for himself, Mr. CHAMBLISS, Mrs. CLINTON, Mr. OBAMA, Mr. CRAIG, Mr. KENNEDY, Mr. CASEY, Mr. BIDEN, Mr. SALAZAR, Mr. BROWN, Mr. CRAPO, Mr. DOMENICI, Mr. SMITH, Mr. ISAKSON, Mr. WYDEN, Mr. BINGAMAN, Mr. AKAKA, Mr. BURR, Mr. ROBERTS, Mr. DURBIN, Mr. BUNNING, Mr. INHOFE, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. COCHRAN, Mr. VOINOVICH, Ms. CANTWELL, Mr. SHELBY, Ms. COLLINS, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. DODD, Mr. KERRY, Mr. BENNETT, Ms. STABENOW, Mr. ALLARD, Mrs. LINCOLN, Mr. STEVENS, Mr. SESSIONS, Mr. WEBB, Mr. BYRD, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 513

Whereas on January 9, 1905, the 26th President of the United States, Theodore Roosevelt, dispatched a "special message" to the Senate and the House of Representatives that "earnestly recommended passage" of legislation to establish a Federal reserve force of skilled and trained personnel to bring "our Army ... to the highest point of efficiency";

Whereas on December 14, 1905, the then-Secretary of War and later 27th President of the United States, William Howard Taft, transmitted to the Senate and the House of Representatives a draft bill and letter authored by Major General Leonard Wood, "strongly commending ... proposed legislation" to "increase the efficiency of the Medical Corps of the Army" by establishing a Federal reserve force comprised of specially trained personnel;

Whereas in response to the recommendations of President Theodore Roosevelt and senior military and civilian leaders, the 60th Congress enacted Public Law 101, entitled "An Act to increase the efficiency of the Medical Department of the United States Army", ch. 150, 35 Stat. 66, which was signed into law on April 23, 1908, by President Theodore Roosevelt;

Whereas Public Law 101 authorized the establishment of the first Federal reserve force and the first reservoir of trained officers in a reserve status for a United States military service;

Whereas Congress subsequently adapted, expanded, and amended the reserve organization of the Army to include additional military occupational specialties and capabilities and established the organization today known as the Army Reserve;

Whereas the Army Reserve has played a major role in the defense of our Nation and in furtherance of United States interests for 100 years;

Whereas many distinguished Americans have served honorably and with distinction in the Army Reserve, including Presidents Harry S. Truman and Ronald W. Reagan, the former Chairman of the Joint Chiefs of Staff, General Henry H. Shelton, Brigadier General Theodore Roosevelt, Jr., Major General William J. Donovan (Director of the Office of Strategic Services during World War II), Drs. Charles H. Mayo and William J. Mayo, and Captain Eddie Rickenbacker;

Whereas the Army Reserve contributed 169,500 soldiers to the Army during World War I;

Whereas the Army Reserve contributed 200,000 soldiers and 29 percent of the Army's officers during World War II and was recognized by General George C. Marshall for its unique and invaluable contributions to the national defense;

Whereas 240,500 soldiers of the Army Reserve were called to active duty during the Korean War;

Whereas more than 60,000 Army Reserve soldiers were called to active duty during the Berlin Crisis;

Whereas 35 Army Reserve units were activated and deployed in support of operations in Vietnam, where they served with distinction and honor;

Whereas the Army Reserve contributed more than 94,000 soldiers in support of Operations Desert Storm and Desert Shield in 1990 and 1991;

Whereas the Army Reserve contributed more than 48 percent of the reserve component soldiers mobilized in support of Operation Joint Endeavor and Joint Guard in Bosnia;

Whereas since September 11, 2001, the Army Reserve has provided indispensable and sustained support for Operations Enduring Freedom, Noble Eagle, and Iraqi Freedom, with 98 percent of units either deploying or providing mobilized soldiers and more than 147,000 individual soldiers being mobilized (of which more than 110,000 individual soldiers have deployed) in support of the Global War on Terrorism;

Whereas more than 39,000 individual soldiers of the Army Reserve have served multiple deployments since September 11, 2001;

Whereas 13,003 Army Reserve soldiers were forward-deployed in the Central Command Area of Responsibility on October 31, 2007, and 102 soldiers of the Army Reserve had borne the ultimate sacrifice in support of Operations Enduring Freedom and Iraqi Freedom through October 31, 2007;

Whereas the Army Reserve is organized into 3 components, the Ready Reserve, the Standby Reserve, and the Retired Reserve, which together contain more than 601,000 soldiers;

Whereas the Army cannot go to war or sustain a military operation without the highly skilled and trained personnel of the Army Reserve;

Whereas the Army Reserve provides more than 37 percent of the mission essential combat support and combat service support forces of the Army;

Whereas 100 percent of the Army's Internment Settlement Brigades, Judge Advocate General Units (Legal Support Organizations), Medical Groups, Railway Units, and Training and Exercise Divisions are in the Army Reserve;

Whereas more than 66 percent of the Army's Civil Affairs Units, Psychological Operations Units, Theater Signal Commands, Expeditionary Sustainment Commands, and Medical Capabilities are in the Army Reserve;

Whereas the Army Reserve is no longer a force held in strategic reserve but today functions as an integral and essential operational reserve in support of the missions of the active Army;

Whereas the Army cannot go to war or sustain a military operation without the skilled and trained Ready Reserve and Retired Reserve soldiers of the Army Reserve;

Whereas the Selected Reserve component of the Army Reserve is comprised of more than 30,000 officers and 150,000 enlisted soldiers who have volunteered their personal service in defense of the Constitution and their fellow citizens;

Whereas the Army and the Army Reserve are recognized as institutions that have played historic and decisive roles in promoting the cause of individual dignity and the value of integration;

Whereas more than one in four Selected Reserve soldiers and more than one in five Individual Ready Reserve soldiers are women whose contributions have consistently been marked by a high degree of commitment, professionalism, and military bearing;

Whereas the ability of individual soldiers and the Army Reserve to perform their wartime missions is contingent on the active engagement and support of their families, employers, and local communities;

Whereas the Army Reserve is a community-based force with an active presence in 1,100 communities and 975 Army Reserve centers in operation throughout the United States;

Whereas Sir Winston Churchill once remarked that "Reservists are twice the citizen", a sentiment that applies especially to the soldiers of the Army Reserve; and

Whereas the Army Reserve makes these contributions to the security of our nation in return for less than 5 percent of the Army's total budget: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Army Reserve on the occasion of the 100th anniversary of the enactment of its original authorizing law;

(2) recognizes and commends the Army Reserve for the selfless and dedicated service of its past and present citizen-soldiers whose personal courage, contributions, and sacrifices have helped preserve the freedom and advance the national security and homeland defense of the United States; and

(3) extends its gratitude to the veterans, soldiers, families, and employers whose essential and constant support have enabled the Army Reserve to accomplish its vital missions and renews our Nation's commitment in support of their noble efforts.

SENATE CONCURRENT RESOLUTION 76—TO MAKE TECHNICAL CORRECTIONS IN THE ENROLLMENT OF THE BILL S. 1858

Mr. REID (for Mr. KENNEDY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 76

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 1858 (to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes) the Secretary of the Senate shall make the following technical corrections:

(1) In section 1, strike "2007" and insert "2008".

(2) In section 1109 of the Public Health Service Act (as amended by section 2) strike subsection (j) and insert the following:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to provide grants for the purpose of carrying out activities under subsection (a)(1), $15,000,000 for fiscal year 2009; $15,187,500 for fiscal year 2010, $15,375,000 for fiscal year 2011, $15,562,500 for fiscal year 2012, and $15,750,000 for fiscal year 2013; and

"(2) to provide grants for the purpose of carrying out activities under paragraphs (2), (3), and (4) of subsection (a), $15,000,000 for fiscal year 2009, $15,187,500 for fiscal year 2010, $15,375,000 for fiscal year 2011, $15,562,500 for fiscal year 2012, and $15,750,000 for fiscal year 2013.".

(3) In section 1110(d) of the Public Health Service Act (as added by section 3), strike "2008" and all that follows and insert "2009, $5,062,500 for fiscal year 2010, $5,125,000 for fiscal year 2011, $5,187,500 for fiscal year 2012, and $5,250,000 for fiscal year 2013.".

(4) In section 4(2)(A), insert ", respectively" before the semicolon.

(5) In section 1111 of the Public Health Service Act (as amended by section 4)—

(A) in subsection (d)(2), strike "2007" and insert "2008";

(B) in subsection (e), strike "2007" and insert "2008";

(C) in subsection (f), strike "2007" and insert "2008"; and

(D) in subsection (g), strike "2008" and all that follows and insert "2009, $1,012,500 for fiscal year 2010, $1,025,000 for fiscal year 2011, $1,037,500 for fiscal year 2012, and $1,050,000 for fiscal year 2013.".

(6) In section 1112 of the Public Health Service Act (as added by section 5)—

(A) in subsection (b)(4)(D), strike "2007" and insert "2008"; and

(B) in subsection (d), strike "2008" and all that follows and insert "2009, $2,531,250 for fiscal year 2010, $2,562,500 for fiscal year 2011, $2,593,750 for fiscal year 2012, and $2,625,000 for fiscal year 2013.".

(7) In section 1113(b) of the Public Health Service Act (as added by section 6), strike "2008" and all that follows and insert "2009, $5,062,500 for fiscal year 2010, $5,125,000 for fiscal year 2011, $5,187,500 for fiscal year 2012, and $5,250,000 for fiscal year 2013.".

(8) In section 1114(e) of the Public Health Service Act (as added by section 6), strike "2008" and all that follows and insert "2009, $1,012,500 for fiscal year 2010, $1,025,000 for fiscal year 2011, $1,037,500 for fiscal year 2012, and $1,050,000 for fiscal year 2013.".

(9) In section 1116(a)(1)(B) of the Public Health Service Act (as added by section 7) strike "and or" and insert ", or".

AMENDMENTS SUBMITTED AND PROPOSED

SA 4525. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table.

SA 4526. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1195, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4525. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, strike lines 11 through 14 and insert the following:

(250) in item number 3909 by striking the project description and inserting "S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 90";

SA 4526. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 107, strike line 24 and all that follows through page 108, line 3, and insert the following:

Washington County";

(87) in item number 5161 by striking the project description and inserting "Raleigh Street Extension Project in Martinsburg"; and

(88) in item number 2406 by striking "in Fort Worth" and inserting ", or Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River, in Fort Worth".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled for Tuesday, April 15, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building, has been postponed.

The purpose of this hearing was to consider S. 2438, a bill to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

For further information, please contact Rachel Pasternack at (202) 224–0883 or David Brooks at 202–224–9863.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled "The Impact of the Credit Crunch on Small Business," on Wednesday, April 16, 2008, at 2:30 p.m., in room 428A of the Russell Senate Office Building.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests.

The hearing will be held on Tuesday, April 22, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 934 and H.R. 1374, to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; S. 2833, to provide for the management of certain public land in Owyhee County, Idaho, and for other purposes; and S. 2834, to establish wilderness areas, promote conservation, and improve public land in Washington County, Utah, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power. The hearing will be held on Thursday, April 24, 2007, at 2:15 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 2680, Leadville Mine Drainage Tunnel Environmental Improvement Act of 2008; S. 2805, Rio Grande Pueblos Irrigation Infrastructure Improvement Act; S. 2814, Eastern New Mexico Rural Water System Authorization Act; H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; H.R. 1803, San Diego Water Storage and Efficiency Act of 2007; H.R. 123, to authorize appropriations for the San Gabriel Basin Restoration Fund.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor or Gina Weinstock.

PURPLE HEART FAMILY EQUITY ACT OF 2007

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 477, H.R. 1119.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1119) to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

There being no objection, the Senate proceeded to consider the bill.

Mrs. BOXER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1119) was ordered to a third reading, was read the third time, and passed.

MEASURE PLACED ON THE CALENDAR—H.R. 3352

Mrs. BOXER. Mr. President, I ask unanimous consent that H.R. 3352 be discharged from the Committee on Energy and Natural Resources and be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE ARMY RESERVE ON ITS CENTENNIAL

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 513, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

A resolution (S. Res. 513) congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 513) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 513

Whereas on January 9, 1905, the 26th President of the United States, Theodore Roosevelt, dispatched a "special message" to the Senate and the House of Representatives that "earnestly recommended passage" of legislation to establish a Federal reserve force of skilled and trained personnel to bring "our Army . . . to the highest point of efficiency";

Whereas on December 14, 1905, the then-Secretary of War and later 27th President of the United States, William Howard Taft, transmitted to the Senate and the House of Representatives a draft bill and letter authored by Major General Leonard Wood, "strongly commending . . . proposed legislation" to "increase the efficiency of the Medical Corps of the Army" by establishing a Federal reserve force comprised of specially trained personnel;

Whereas in response to the recommendations of President Theodore Roosevelt and senior military and civilian leaders, the 60th Congress enacted Public Law 101, entitled "An Act to increase the efficiency of the Medical Department of the United States Army", ch. 150, 35 Stat. 66, which was signed into law on April 23, 1908, by President Theodore Roosevelt;

Whereas Public Law 101 authorized the establishment of the first Federal reserve force and the first reservoir of trained officers in a reserve status for a United States military service;

Whereas Congress subsequently adapted, expanded, and amended the reserve organization of the Army to include additional military occupational specialties and capabilities and established the organization today known as the Army Reserve;

Whereas the Army Reserve has played a major role in the defense of our Nation and in furtherance of United States interests for 100 years;

Whereas many distinguished Americans have served honorably and with distinction in the Army Reserve, including Presidents Harry S. Truman and Ronald W. Reagan, the former Chairman of the Joint Chiefs of Staff, General Henry H. Shelton, Brigadier General Theodore Roosevelt, Jr., Major General William J. Donovan (Director of the Office of Strategic Services during World War II), Drs. Charles H. Mayo and William J. Mayo, and Captain Eddie Rickenbacker;

Whereas the Army Reserve contributed 169,500 soldiers to the Army during World War I;

Whereas the Army Reserve contributed 200,000 soldiers and 29 percent of the Army's officers during World War II and was recognized by General George C. Marshall for its unique and invaluable contributions to the national defense;

Whereas 240,500 soldiers of the Army Reserve were called to active duty during the Korean War;

Whereas more than 60,000 Army Reserve soldiers were called to active duty during the Berlin Crisis;

Whereas 35 Army Reserve units were activated and deployed in support of operations in Vietnam, where they served with distinction and honor;

Whereas the Army Reserve contributed more than 94,000 soldiers in support of Operations Desert Storm and Desert Shield in 1990 and 1991;

Whereas the Army Reserve contributed more than 48 percent of the reserve component soldiers mobilized in support of Operation Joint Endeavor and Joint Guard in Bosnia;

Whereas since September 11, 2001, the Army Reserve has provided indispensable and sustained support for Operations Enduring Freedom, Noble Eagle, and Iraqi Freedom, with 98 percent of units either deploying or providing mobilized soldiers and more than 147,000 individual soldiers being mobilized (of which more than 110,000 individual soldiers have deployed) in support of the Global War on Terrorism;

Whereas more than 39,000 individual soldiers of the Army Reserve have served multiple deployments since September 11, 2001;

Whereas 13,003 Army Reserve soldiers were forward-deployed in the Central Command Area of Responsibility on October 31, 2007, and 102 soldiers of the Army Reserve had borne the ultimate sacrifice in support of Operations Enduring Freedom and Iraqi Freedom through October 31, 2007;

Whereas the Army Reserve is organized into 3 components, the Ready Reserve, the Standby Reserve, and the Retired Reserve, which together contain more than 601,000 soldiers;

Whereas the Army cannot go to war or sustain a military operation without the highly skilled and trained personnel of the Army Reserve;

Whereas the Army Reserve provides more than 37 percent of the mission essential combat support and combat service support forces of the Army;

Whereas 100 percent of the Army's Internment Settlement Brigades, Judge Advocate General Units (Legal Support Organizations), Medical Groups, Railway Units, and Training and Exercise Divisions are in the Army Reserve;

Whereas more than 66 percent of the Army's Civil Affairs Units, Psychological Operations Units, Theater Signal Commands, Expeditionary Sustainment Commands, and Medical Capabilities are in the Army Reserve;

Whereas the Army Reserve is no longer a force held in strategic reserve but today functions as an integral and essential operational reserve in support of the missions of the active Army;

Whereas the Army cannot go to war or sustain a military operation without the skilled and trained Ready Reserve and Retired Reserve soldiers of the Army Reserve;

Whereas the Selected Reserve component of the Army Reserve is comprised of more than 30,000 officers and 150,000 enlisted soldiers who have volunteered their personal service in defense of the Constitution and their fellow citizens;

Whereas the Army and the Army Reserve are recognized as institutions that have played historic and decisive roles in promoting the cause of individual dignity and the value of integration;

Whereas more than one in four Selected Reserve soldiers and more than one in five Individual Ready Reserve soldiers are women whose contributions have consistently been marked by a high degree of commitment, professionalism, and military bearing;

Whereas the ability of individual soldiers and the Army Reserve to perform their wartime missions is contingent on the active engagement and support of their families, employers, and local communities;

Whereas the Army Reserve is a community-based force with an active presence in 1,100 communities and 975 Army Reserve centers in operation throughout the United States;

Whereas Sir Winston Churchill once remarked that "Reservists are twice the citizen", a sentiment that applies especially to the soldiers of the Army Reserve; and

Whereas the Army Reserve makes these contributions to the security of our Nation in return for less than 5 percent of the Army's total budget: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Army Reserve on the occasion of the 100th anniversary of the enactment of its original authorizing law;

(2) recognizes and commends the Army Reserve for the selfless and dedicated service of its past and present citizen-soldiers whose personal courage, contributions, and sacrifices have helped preserve the freedom and advance the national security and homeland defense of the United States; and

(3) extends its gratitude to the veterans, soldiers, families, and employers whose essential and constant support have enabled the Army Reserve to accomplish its vital missions and renews our Nation's commitment in support of their noble efforts.

CONGRATULATING THE ARMY RESERVE ON ITS CENTENNIAL

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 70, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 70) congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

There being no objection, the Senate proceeded to consider the joint resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 70) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

CALLING ON THE RELEVANT GOVERNMENTS, MULTILATERAL BODIES, AND NON-STATE ACTORS IN CHAD, THE CENTRAL AFRICAN REPUBLIC, AND SUDAN

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 470, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 470) calling on the relevant governments, multilateral bodies, and non-state actors in Chad, the Central African Republic, and Sudan to devote ample political commitment and material resources towards the achievement and implementation of a negotiated resolution to the national and regional conflicts in Chad, the Central African Republic, and Darfur, Sudan.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, I ask unanimous that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 470) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 470

Whereas armed groups have been moving freely among Sudan, Chad, and the Central African Republic, committing murder, banditry, forced recruitment, mass displacement, gender-based violence, and other crimes that are contributing to insecurity and instability throughout the region, exacerbating the humanitarian crises in these countries and obstructing efforts to end violence in the Darfur region of Sudan and adjacent areas;

Whereas, on February 2, 2008, rebels stormed the capital of Chad, N'Djamena, in their second coup attempt in two years, prompting clashes with forces loyal to President of Chad Idriss Deby that caused more than 100 civilian deaths, thousands of displacements, and an estimated 10,000 refugees from Chad to seek refuge in neighboring Cameroon;

Whereas, on February 2, 2008, the United States Embassy in N'Djamena was forced to evacuate employees' families and all nonemergency staff and urged United States citizens to defer all travel to Chad;

Whereas, on February 2, 2008, the United States Government condemned the armed attack on N'Djamena and expressed "support [for] the [African Union]'s call for an immediate end to armed attacks and to refrain from violence that might harm innocent civilians";

Whereas, on February 12, 2008, the United Nations High Commissioner for Refugees (UNHCR) reported that recent offensives by the Government of Sudan in Darfur have prompted up to 12,000 new refugees to flee to neighboring Chad, where the UNHCR and its partners are already struggling to take care of 240,000 refugees from Sudan in eastern Chad and some 50,000 refugees from the Central African Republic in southern Chad;

Whereas cross-border attacks by alleged Arab militias from Sudan and related intercommunal ethnic hostilities in eastern Chad have also resulted in the displacement of an estimated 170,000 people from Chad in the region, adding to the humanitarian need;

Whereas there have been allegations and evidence in both Chad and Sudan of government support for dissident rebel militias in each other's country, in direct violation of the Tripoli Declaration of February 8, 2006, and the N'Djamena Agreement of July 26, 2006;

Whereas, on January 16, 2008, the United Nations Humanitarian Coordinator for the Central African Republic reported that waves of violence across the north of that country have left more than 1,000,000 people in need of humanitarian assistance, including 150,000 who are internally displaced, while some 80,000 have fled to neighboring Chad or Cameroon;

Whereas, since late 2007, arrests, disappearances, and harassment of journalists, human rights defenders, and opposition leaders—particularly those reporting on military operations and human rights conditions in eastern Chad—mirror the repressive crackdown in the aftermath of an attack on N'Djamena in April 2006, and conditions have only worsened since the February 2008 attempted coup;

Whereas, on September 27, 2007, the United Nations Security Council passed Security Council Resolution 1778 (2007), authorizing a limited United Nations peacekeeping mission (MINURCAT) and a concurrent European-led force (EUFOR), which is permitted to “take all necessary measures” to protect refugees, civilians, and aid workers in eastern Chad and northern Central African Republic;

Whereas, despite the explicit support of President Deby, deployment of both the 3,700 EUFOR troops and the 350 MINURCAT officers has been hampered by political and security delays as well as insufficient resources; and

Whereas continuing hostilities will undermine efforts to bring security to Sudan's Darfur region, dangerously destabilize volatile political and humanitarian situations in Chad and the Central African Republic, and potentially disrupt progress towards peace in southern Sudan: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the concern and compassion of the citizens of the United States for the hundreds of thousands of citizens of Sudan, Chad, and the Central African Republic who have been gravely affected by this interrelated violence and instability;

(2) calls upon all parties to these conflicts to cease hostilities immediately and uphold basic human rights;

(3) urges the governments of Chad and Sudan, with support from other key regional and international stakeholders, including France, Libya, and China, to commit to another round of inclusive negotiations towards a sustainable political solution for national and regional stability facilitated and monitored by impartial third-party leadership;

(4) calls upon the governments of Chad and Sudan to reaffirm their commitment to the Tripoli Declaration of February 8, 2006, and the N'Djamena Agreement of July 26, 2006, refrain from any actions that violate these agreements, and cease all logistical, financial, and military support to insurgent groups;

(5) urges the Government of Chad to increase political participation, strengthen democratic institutions, respect human rights, improve accountability and transparency as well as the provision of basic services, and uphold its commitment to protect its own citizens in order to redeem the legitimacy of the Government in the eyes of its citizens and the international community;

(6) calls for diplomatic and material support from the United States and the international community to facilitate, implement, and monitor a comprehensive peace process that includes an inclusive dialogue with all relevant stakeholders to end violence, demobilize militias, and promote return and reconstruction for internally displaced persons and refugees; and

(7) encourages the United States Government and the international community to provide immediate and ongoing support for the multilateral peacekeeping missions in Darfur, eastern Chad, and the northern Central African Republic, along with adequate assistance to meet the continuing humanitarian and security needs of the individuals and areas most affected by these interrelated conflicts.

TECHNICAL CORRECTIONS IN THE ENROLLMENT OF S. 1858

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 76, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 76) to make technical corrections in the enrollment of the bill S. 1858.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. BOXER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 76) was agreed to, as follows:

S. CON. RES. 76

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 1858 (to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes) the Secretary of the Senate shall make the following technical corrections:

(1) In section 1, strike “2007” and insert “2008”.

(2) In section 1109 of the Public Health Service Act (as amended by section 2) strike subsection (j) and insert the following:

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) to provide grants for the purpose of carrying out activities under subsection (a)(1), $15,000,000 for fiscal year 2009; $15,187,500 for fiscal year 2010, $15,375,000 for fiscal year 2011, $15,562,500 for fiscal year 2012, and $15,750,000 for fiscal year 2013; and

“(2) to provide grants for the purpose of carrying out activities under paragraphs (2), (3), and (4) of subsection (a), $15,000,000 for fiscal year 2009, $15,187,500 for fiscal year 2010, $15,375,000 for fiscal year 2011, $15,562,500 for fiscal year 2012, and $15,750,000 for fiscal year 2013.”.

(3) In section 1110(d) of the Public Health Service Act (as added by section 3), strike “2008” and all that follows and insert “2009, $5,062,500 for fiscal year 2010, $5,125,000 for fiscal year 2011, $5,187,500 for fiscal year 2012, and $5,250,000 for fiscal year 2013.”.

(4) In section 4(2)(A), insert “, respectively” before the semicolon.

(5) In section 1111 of the Public Health Service Act (as amended by section 4)—

(A) in subsection (d)(2), strike “2007” and insert “2008”;

(B) in subsection (e), strike “2007” and insert “2008”;

(C) in subsection (f), strike “2007” and insert “2008”; and

(D) in subsection (g), strike “2008” and all that follows and insert “2009, $1,012,500 for fiscal year 2010, $1,025,000 for fiscal year 2011, $1,037,500 for fiscal year 2012, and $1,050,000 for fiscal year 2013.”.

(6) In section 1112 of the Public Health Service Act (as added by section 5)—

(A) in subsection (b)(4)(D), strike “2007” and insert “2008”; and

(B) in subsection (d), strike “2008” and all that follows and insert “2009, $2,531,250 for fiscal year 2010, $2,562,500 for fiscal year 2011, $2,593,750 for fiscal year 2012, and $2,625,000 for fiscal year 2013.”.

(7) In section 1113(b) of the Public Health Service Act (as added by section 6), strike “2008” and all that follows and insert “2009, $5,062,500 for fiscal year 2010, $5,125,000 for fiscal year 2011, $5,187,500 for fiscal year 2012, and $5,250,000 for fiscal year 2013.”.

(8) In section 1114(e) of the Public Health Service Act (as added by section 6), strike “2008” and all that follows and insert “2009, $1,012,500 for fiscal year 2010, $1,025,000 for fiscal year 2011, $1,037,500 for fiscal year 2012, and $1,050,000 for fiscal year 2013.”.

(9) In section 1116(a)(1)(B) of the Public Health Service Act (as added by section 7) strike “and or” and insert “, or”.

ORDERS FOR TUESDAY, APRIL 15, 2008

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, April 15; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for use later in the day, and there then be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 1195, the highway technical corrections bill, and that all time during any morning business, recess, or adjournment count against cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:12 p.m., adjourned until Tuesday, April 15, 2008, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, April 14, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 14, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COHEN) at 2 p.m.

PRAYER

The Reverend Joseph T. Holcomb, Director of Pilgrimages, Basilica of the National Shrine of the Immaculate Conception, Washington, DC, offered the following prayer:

All powerful and merciful God, we praise You and give You thanks for all Your gracious gifts, most especially the gift of Your infinite love. It is Your gift of love that inspires and drives us to lives of committed service, lives that are lived in truth, in justice and for the good of all people.

May we always avail ourselves to Your love so that we may better serve those we represent in this the United States House of Representatives.

May our deliberations, discussions and actions always reflect the love You have bestowed upon us that we might bring about understanding, tolerance, and harmony in our great Nation and peace for the entire world. We pray this in Your holy name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. BROUN) come forward and lead the House in the Pledge of Allegiance.

Mr. BROUN of Georgia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CRIME—VICTIMS—JUSTICE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the suffering of a quiet group of remarkable individuals is often overlooked by our culture. Victims of crime sometimes spend the rest of their lives trying to cope with being someone else's prey.

These people are a cross section of America and include all races, ages, religions, and they come from all economic backgrounds. You see, violent crime plays no favorites and does not discriminate.

We, as neighbors, should be aware of and concerned about these victims. That is why we honor and remember them during this National Crime Victims Rights Week. Since 1981, each year in April, communities throughout these vast great plains have celebrated National Crime Victims Rights Week to promote victims' rights and to recognize victims, as well as those who advocate on their behalf.

We can do victims justice by raising awareness of their plight and demanding that justice prevail in their lives, many of whom spend quiet lives of desperation. They are the forgotten participants in the judicial system, and we will forget them no more.

And that's just the way it is.

NO RESULTS FROM EMPTY PROMISES OF MAJORITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, a little over a year ago, when the majority party was campaigning to take control of this House, they promised a lot of change, and they made a lot of promises about what they were going to do about gas prices and energy costs and everything else in this country.

However, what has that promised change brought us? It has brought us a 43 percent increase in gasoline prices. The price of groceries is going up rapidly.

We have seen no results from these empty promises. This is a do-nothing Congress. They accused the Republicans of being a do-nothing Congress.

This is a do-something Congress involved with a do-nothing because what they have done has been detrimental to our country. They have caused the price of gas to go up 43 percent, the price of groceries to go up.

We need a real energy policy, not a lot of empty promises. I call on the majority to let us see some results from those empty promises.

AMERICA IS NOT AS SECURE TODAY

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BROUN of Georgia. Mr. Speaker, America is not as secure today as it was just several weeks ago.

The leadership in the House has not allowed the Protect America Act to come to the floor, and, thus, the Foreign Intelligence Surveillance Act has expired.

We cannot monitor what Osama bin Laden and Afghanistan or Pakistan are talking about or his phone calls to Iran or any other place in this world. FISA only monitors phone calls from one foreign entity to another.

The leadership seems more bent on protecting lawsuits than they are in protecting America. I call upon the leadership to let us vote on the Protect America Act so that we can make America secure again.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 14, 2008, at 12:56 p.m.:

That the Senate agreed to the amendment of the House, S. 793.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

RESIGNATION AS MEMBER OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Energy and Commerce:

HOUSE OF REPRESENTATIVES,
Washington, DC.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, This letter is to advise you that I will relinquish my seat on the House Committee on Energy and Commerce effective 5:00 p.m. EST, April 9, 2008.

It has been my honor to serve for the past twelve years as a member of the Committee and for the past 2 years as Chairman of the Sub-Committee on Environment and Hazardous Materials. I consider it a singular privilege to have worked with Chairman John Dingell, a true lion of the Congress, and on the important work of the Committee.

While I have fully complied with both the letter and spirit of the ethics rules as well as engaged in appropriate recusals, I am concerned that this issue is a distraction from the critical work of the Committee on climate change, energy independence and environmental protection. Unfortunately, it appears that this issue has become fodder for cynical partisan attacks.

I would also like to thank you for all of the support you have given me throughout my career.

Sincerely,

ALBERT R. WYNN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR FOR 110TH CONGRESS

The SPEAKER pro tempore. On behalf of the majority and minority leaderships, the Chair announces that the official objectors for the Private Calendar for the 110th Congress are as follows:

For the majority:
Mr. BOUCHER, Virginia
Mr. SCHIFF, California
Mr. GRIJALVA, Arizona
For the minority:
Mr. KING, Iowa
Mr. FORBES, Virginia
Mr. SMITH, Texas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

EXPRESSING SYMPATHY TO VICTIMS AND FAMILIES OF COLORADO SHOOTINGS

Mr. ELLSWORTH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 886) expressing sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado and Arvada, Colorado, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 886

Whereas on Sunday, December 9, 2007, a man entered the New Life Church property with the intent to cause harm to members and guests of the church;

Whereas the attacker shot 5 bystanders at the New Life Church, killing 2 of them and injuring 3 others;

Whereas the shooting resulted in the tragic loss of Stephanie Works, 18, and Rachel Works, 16, who lost their lives from wounds sustained from shots fired by the attacker;

Whereas the attacker wounded David Works, who was still hospitalized days after the shootings, Judy Purcell, and Larry Bourbannais;

Whereas Jeanne Assam, a volunteer private security guard, heroically rushed into harm's way and used her own gun to stop the shooter, thereby saving the lives of several other bystanders;

Whereas the quick response of private security, the El Paso County Sheriff's Office, the Colorado Springs Police Department, the Colorado Springs Fire Department, the Colorado Springs SWAT Team, Federal authorities, and medical professionals limited the danger to the church and local community;

Whereas this event occurred only hours after another tragic and fatal shooting, which occurred at the Youth With A Mission facility, located in Arvada, Colorado;

Whereas the shooting at Youth With A Mission resulted in the death of Tiffany Johnson, 26, and Philip Crouse, 24;

Whereas the attacker seriously wounded Dan Griebenow and Charlie Blanch; and

Whereas local first responders in the City of Arvada and in Jefferson County, Colorado, responded quickly and professionally, thereby saving wounded individuals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its heartfelt condolences to the victims and families of the tragic acts of violence in Colorado Springs, Colorado, and Arvada, Colorado; and

(2) conveys its gratitude to Jeanne Assam, city and county officials, as well as the police, fire, sheriff, Federal authorities, and emergency medical teams whose quick response saved lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. ELLSWORTH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, I join my colleagues in the consideration of H. Res. 886, as amended, which expresses sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado, and Arvada, Colorado.

House Resolution 886 was introduced by Representative DOUG LAMBORN from the State of Colorado on December 18, 2007, and has the support and cosponsorship of over 50 Members of Congress.

The measure was considered by the Oversight panel on March 13, 2008, and was passed by voice vote after having been amended for technical purposes.

It was only a few short months ago when our country was riveted by the violent rampage of one individual that left five people seriously wounded while killing four others. It was a solemn Sunday in December, December 9, to be exact, when the lives of Judy Purcell, Larry Bourbannais, Tiffany Johnson, Philip Crouse, Dan Griebenow, Charlie Blanch and Stephanie, David, and Rachel Works would be forever changed by a series of tragic events that gripped central Colorado but touched our entire country.

Many of the persons impacted by the shooting rampage of a disturbed man were young people who had already chosen honorable and noble paths of service and faith. In remembering that dreadful day, I must also mention the heroic actions of Jeanne Assam, a volunteer security guard, whose swift response led to the wounding and killing of the assailant. We thank her for her dutiful service that helped prevent an already disastrous event from escalating further.

Passage of this measure will allow our body an opportunity to officially express our heartfelt condolences, prayers and sympathies to the families and victims of the tragic acts of violence that took place in Colorado

Springs and Arvada, Colorado, last year.

Therefore I urge adoption of House Resolution 886, as amended, and reserve the balance of my time.

□ 1415

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I rise today to urge passage of this resolution recognizing the tragedy that befell the communities of Colorado Springs and Arvada, Colorado.

Mr. Speaker, this resolution seeks to take a moment to reflect on the impact one man's senseless acts of violence can have on a community, a State and a Nation. On an early Sunday morning, a man entered the New Life Church and proceeded to open fire. Tragically, the lives of Tiffany Johnson and Philip Crouse were taken. They were both staff members of the Youth With A Mission Center, which educates individuals to be evangelical missionaries overseas. Two other staff members were seriously injured as well, Dan Griebenow and Charlie Blanch.

This a place of peace where dedicated young men and women are educated to be Christian missionaries. What happened there on that cold Sunday morning was a true travesty for those victims and the community that surrounds them.

Later that afternoon at approximately 1 p.m., the same individual who opened fire at the Youth With A Mission facility entered the grounds of the New Life Christian Church and fatally shot two teenagers, Stephanie and Rachel Works. The shooter also shot and seriously injured their father, David Works, in the parking lot before he proceeded into the church. Two others, Judy Purcell and Larry Bourbannais, were also injured that day. Fortunately for the communities of Colorado Springs and Arvada, Jeanne Assam, a volunteer private security guard, performed heroically that afternoon and engaged the shooter when he entered the church's east entrance.

Jeanne Assam was a former Minneapolis police officer and was licensed to carry a firearm. She used her education and performed admirably to protect not only those inside the church, but those in the surrounding area as well. She was able to slow the gunman down, which ultimately led to the gunman taking his own life.

One shudders to think of the terror that could have ensued had the shooter been able to continue unabated. The shooter was later identified as 24-year-old Matthew Murray. There is only one word that can describe the acts of Jeanne Assam on that day—heroic.

The quick response by the security team at New Life Christian Church, who quickly moved to step up security after hearing the news of the initial shooting in Arvada also deserves praise. In addition, we must take a moment to thank the first responders on that day. The El Paso County Sheriff's Office, the Colorado Springs Police Department, the Colorado Springs Fire Department, the Colorado Springs SWAT team, Federal authorities, and medical professionals all played a role in quelling what could have been an even larger massacre.

Mr. Speaker, I ask my colleagues to join me in support of this important remembrance.

I reserve the balance of my time.

Mr. ELLSWORTH. Mr. Speaker, I would like to recognize the gentleman from Colorado (Mr. PERLMUTTER) for 5 minutes.

Mr. PERLMUTTER. Mr. Speaker, I thank the gentleman for yielding, and also the gentlewoman for her kind remarks concerning this day of tragedy in Colorado. We have had a couple of those, Columbine, 9 years ago this week, as well as this tragedy that occurred on December 9.

Mr. Speaker, it is with great sadness and regret that I rise today to honor and pay tribute to the victims and families of the tragic acts of violence that occurred on December 9 at the New Life Church in Colorado Springs and on the Faith Bible Chapel campus in Arvada, Colorado, with this resolution.

The senseless acts of violence partially took place in my district at the Youth With A Mission, YWAM, in the heart of Jefferson County in a community still reeling from the tragic events of Columbine several years ago.

The Faith Bible Chapel campus is about a block from where my father-in-law lives. It is a place I drive by almost every weekend when I am home. And it is a place in the late hours of December 8 and the early hours of December 9, a reverse 911 call had to go out to the entire neighborhood to advise them of the killings that had gone on so nearby.

All four young men and women lost their lives before the psychotic young gunman turned the gun on himself. This resolution seeks to honor the memory of these individuals: Tiffany Johnson, who was 26 years old; Philip Crouse, 24; Stephanie Works and Rachel Works who I believe were nieces of a friend of mine, John Works, who was a candidate several years ago for the 7th Congressional District of Colorado, which is the seat that I now hold.

This bill also seeks to recognize the survivors and the families victimized, and in particular, Dan Griebenow, Charlie Blanch, David Works, Judy Purcell, and Larry Bourbannais who were wounded during this senseless day of killing.

It is important to note that this resolution commends the heroism of the local first responders and law enforcement officials in the city of Arvada, Jefferson County, Colorado Springs, and El Paso County who responded quickly and professionally.

Especially, Jeanne Assam, a volunteer private security guard, who courageously rushed into harm's way and used her own gun to stop the shooter, thereby saving the lives of several other bystanders.

We will never know what was going through the mind of Matthew Murray, the young man who killed these people and wounded several more. We don't know what possessed his mind to take these senseless acts, but we do know that the people who were killed here in this particular incident and the people who were wounded will always stay in our memory and will be honored by this resolution.

Our Nation can never adequately come to grips with senseless tragedies like these. Whether it is some kind of care for the perpetrator in this instance from his psychosis, or whether it is additional protections that we might give to our churches and our schools, there are many things that we can do, but it is just a shame that sometimes, we can't understand the demons that possess people and cause them to come up with acts of psychotic violence like we have seen here.

It is my hope that this bill sends a message to the victims of these tragic events that they will continue to remain in the thoughts of our Nation, and they will never be forgotten for the events that occurred on December 9. This bill represents one small step in the process of healing for our communities affected by this tragedy.

In closing, I wish to thank each of my colleagues in the Colorado delegation, and especially Representative DOUG LAMBORN, who represents the city of Colorado Springs. I want to thank each of the 51 co-sponsors who join me today in expressing sympathy to the victims and families of the heartbreaking acts of violence in Colorado Springs and Arvada, Colorado, with this resolution, H. Res. 886. I urge my colleagues to join me in voting in favor of H. Res. 886.

Mr. LAMBORN. Mr. Speaker, I rise today to commemorate those who lost their lives in tragic actV violence last year in Colorado Springs, Colorado, and Arvada, Colorado. I truly appreciate the support and friendship from the Colorado delegation in supporting this resolution and offering our most sincere condolences to the victims and their families.

On December 9, 2007, a young man targeted two Christian organizations that resulted in the death of four young people, in addition to the shooter. Our hearts go out to the family of Stephanie Works, 18, and Rachel Works, 16, whose lives were tragically ended while at the New Life Church in Colorado Springs. Further loss of life was prevented by the heroic acts of Jeanne Assam, an armed volunteer security guard, whose heroic actions stopped the shooter from inflicting more devastation. Hours earlier another fatal shooting occurred at a Youth with a Mission Facility in Arvada, Colorado that resulted in the tragic loss of Tiffany Johnson, 26, and Philip Crouse, 24.

The personal devastation inflicted on the families of these victims is unimaginable and has impacted our entire community. We offer this resolution to honor the memory of those who were lost, offer our condolences to the affected families, and recognize the courageous actions of Jeanne Assam in preventing this tragedy from harming more Coloradans. Our hearts go out to the families who still daily suffer from the atrocious attacks and we humbly offer our sympathy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 886, "Expressing sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado, and Arvada, Colorado."

This important legislation will honor and memorialize those who were affected by the tragic events in Colorado Springs and Arvada. On that fateful day, a gunman took the lives of five people and wounded 5 more, subsequently taking his own life.

The shootings at New Life Church in Colorado Springs and the Youth With a Mission Center in Arvada on December 9, 2007, remind us once again that the wrath of violence can easily destroy the lives of a congregation gathered in a sanctified establishment. As we reflect on the lives that were spared, we duly note the actions of Jeanne Assam. Jeanne Assam, a former police officer and New Life Church member and security guard, is credited with halting the gunman's spree by shooting him. Though her gunfire did not kill the perpetrator, her act of courage and conviction allowed her to halt the gunman's spree, subsequently preventing the death of more people.

The carnage at the Colorado tragedy commands that we here in this body take a stand against senseless acts of violence whether here in our own country or elsewhere around the world. It is long past time for our national community to declare that injuries inflicted on any member of the community by another simply based on hate or hatred of differences pose a threat to the peace and security of the entire community. For that reason alone, such conduct must be condemned and punished severely, if not prevented altogether. I hope that the incident in Colorado does not reflect a larger problem within our society; however, my optimism is guarded with the reality of an escalating amount of gun violence in schools, malls, and churches.

Neither the mind nor the heart can contemplate a cause that could lead a human being to inflict such injury and destruction on fellow human beings. We can never completely understand why these things happen; however, we must persevere through the melancholy. The loss of those lives and innocence is a tragedy which all Americans mourn. In the face of such overwhelming grief, I hope the families and friends of those affected can take comfort in the certain knowledge that unearned suffering is redemptive. My deepest sympathies are with the victims, their families, and everyone who is affected by this tragic situation. This devastation reaffirms why we, as public officials, must take steps to ensure that the United States is a safer environment where acts of violence based on hate are not tolerated. We cannot sufficiently articulate the feelings of sorrow that are universally felt. I extend my prayers and support to the bereaved families during this time of mourning.

I strongly urge my colleagues to join me in supporting this important legislation, and, in-so-doing, showing respect for the lives that were lost, sacrificed, and spared.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of House Resolution 886 which expresses sympathy to the victims and families of the tragic acts of violence in Colorado Springs, CO and Arvada, CO.

The events last year in Colorado Springs, CO and Arvada, CO were another sad example of gun violence in this country. The nation is still mourning the loss of life at Northern Illinois University, Virginia Tech, the mall in St. Lake City, the Red Lake Indian Reservation, and in countless other communities. On December 9, 2007, Tiffany Johnson, Philip Crouse, Stephanie Works, and Rachel Works were tragically killed and David Works, Judy Purcell, Larry Bourbannais, Dan Griebenow, and Charlie Blanch injured by bullets fired from an assault rifle and one of two handguns wielded by the assailant.

Expressing sympathy to the victims and families of this tragedy is not enough. Far too many people are the victims of gun violence in our nation, including the hundreds who are killed and thousands injured in unintentional shootings. The Federal Government has an obligation and moral responsibility to prevent this type of violence, including mandatory background checks at gun stores and gun shows and requiring safety devices that prevent guns from being used by someone other than the owner.

Congress must reinstate the ban on assault style weapons and broaden it to include enhanced restrictions on many different assault-style guns that were not previously covered. A new ban should also direct the Attorney General to maintain a weapon database system of guns that have been used in violent crimes and submit the record to Congress each year. This is a necessary public safety measure that will allow law enforcement to do their job and combat crime.

Mr. Speaker, I ask my colleagues to join me in honoring the victims of gun violence in Colorado Springs, CO and Arvada, CO and working together on common-sense gun laws that help to prevent tragedies like these from reoccurring.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Mr. ELLSWORTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. ELLSWORTH) that the House suspend the rules and agree to the resolution, H. Res. 886, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ELLSWORTH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL GLANZMANN'S THROMBASTHENIA AWARENESS DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res 994) expressing support for designation of a National Glanzmann's Thrombasthenia Awareness Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 994

Whereas Glanzmann's Thrombasthenia affects men, women, and children of all ages;

Whereas this disorder is very distressing to those who have it, causing great discomfort and severe emotional stress;

Whereas children with Glanzmann's Thrombasthenia are unable to participate in many normal childhood activities including most sports and are often subject to social discomfort because of their disorder;

Whereas Glanzmann's Thrombasthenia includes a wide range of symptoms including life-threatening, uncontrollable bleeding and severe bruising;

Whereas Glanzmann's Thrombasthenia is frequently misdiagnosed or undiagnosed by medical professionals;

Whereas currently there is no cure for Glanzmann's Thrombasthenia;

Whereas it is essential to educate the public on the symptoms, treatments, and constant efforts to cure Glanzmann's Thrombasthenia to insure early diagnosis and treatment of the condition;

Whereas Helen P. Smith established the Glanzmann's Thrombasthenia Research Foundation in Augusta, Georgia, in 2001;

Whereas Helen P. Smith and the Glanzmann's Thrombasthenia Research Foundation have worked tirelessly to promote awareness of Glanzmann's Thrombasthenia and help fund research on the disorder; and

Whereas Congress should determine an appropriate day to designate as National Glanzmann's Thrombasthenia Awareness Day: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of a National Glanzmann's Thrombasthenia Awareness Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I stand for the consideration of H. Res. 994, as amended, which expresses support for the designation of a National Glanzmann's Thrombasthenia Awareness Day.

H. Res. 994 was introduced by Representative PAUL BROUN of the fine State of Georgia on February 25, 2008, and has the support and cosponsorship of 57 Members of Congress. The measure was considered by the Oversight panel on March 13, 2008, and was passed by voice vote at that time after being amended for technical purposes.

Mr. Speaker, while many people may not be aware of Glanzmann's thrombasthenia, which is an extremely rare disorder of the blood where the platelets lack glycoprotein, a key element for blood to clot, therefore significantly prolonging bleeding time. While on average there are only 200 cases of Glanzmann's thrombasthenia reported every year, the disease and finding a cure for it still requires our attention, resources and support.

March 1, 2008, marked the inaugural commemoration of the National Glanzmann's Thrombasthenia Awareness Day. The day was celebrated with events, receptions and our colleagues in the Senate Chamber passed an identical resolution honoring and recognizing the importance of National Glanzmann's Thrombasthenia Awareness Day.

I think it is important that we in this body help to expand research awareness of Glanzmann's thrombasthenia, which is why I rise in support of H. Res. 994. Passage of this measure will help to raise the profile and the general public's understanding of this illness and the corresponding National Glanzmann's Thrombasthenia Awareness Day. I urge passage of the resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this resolution urging the designation of a National Glanzmann's Thrombasthenia Awareness Day. Discovered in Switzerland in 1918, Glanzmann's thrombasthenia, otherwise known as GT, is a rare and serious blood disorder that affects men, women, and children of all ages across the globe. The disease affects the ability of blood platelets to form, or clot, around the site of a broken blood vessel due to a deficiency of a specific protein on the surface of the platelet. Since the blood is unable to clot normally, those who suffer from GT are faced with uncontrollable, potentially life-threatening blood loss and severe bruising.

A very rare and little known hereditary disease, GT has severe emotional and physical effects on those who suffer from it. Children with GT often find themselves socially isolated as they are unable to participate in normal childhood activities such as sports or physically active play.

There is no cure for this disease, and because it is so rare, there is little information on the symptoms and treatments. It is important that we support valuable organizations such as the Glanzmann's Thrombasthenia Research Foundation, founded by Helen P. Smith in 2001, in their effort to educate the public, promote awareness, and fund research of this serious disease.

□ 1430

I urge my colleagues to join me in support of this resolution that seeks to raise the awareness of this serious, emotionally damaging and potentially life-threatening disease.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, a few weeks ago a beautiful young lady by the name of Julia Smith and her family came to my office. Julia lives in Augusta, Georgia and is a constituent of mine.

This 9-year-old young lady, when she was first born, was covered with bruises. Her parents, of course, were, needless to say, very concerned and they asked the doctor about these bruises. The parents were told that this was just from a result of a difficult delivery.

A short time thereafter, Julia had a little scratch on her face that resulted in bleeding that covered her whole face and, of course, her mom was frantic. The blood tests were normal.

The family took Julia to the Medical College of Georgia, my alma mater. I'm a medical doctor, and so I'm proud of the Medical College of Georgia of doing the testing that was required to bring about the diagnosis of Glanzmann's Thrombasthenia in Julia.

Her mom, Helen, was, of course, very distraught and so she started researching, trying to find out about this very rare disease. The more she searched, the more she realized that there's very little information anywhere. And she started meeting other families all around the country, whose family members also suffered from GT.

With the help of a small grant from a private individual, Helen Smith founded the Glanzmann's Thrombasthenia Research Foundation. And what she's doing is trying to find, certainly, the cure of this disease, but also searching to try to find ways of informing people who have this disease about the disease and help to comfort them. And so it's a research foundation that is extremely needed to try to prevent the disease symptoms which are uncontrollable bleeding, as well as very painful bruising. It's a life-threatening disease.

But Ms. Smith talked to me about this disease. And as a physician, as a Member of Congress, I realized that we really need to bring this disease to the forefront so that she can have some help. She's seeking for recognition. She's seeking for private grants and private funding of her foundation which is very much needed. And hopefully, this young lady, Julia Smith, can live a long and fruitful life, and we can find a cure to this disease. In fact, the researchers say that there's a possibility of finding a cure within a matter of just the next few years.

But without bringing public attention to the disease, Ms. Smith's going to continue to struggle to try to get the recognition that she so richly deserves for this very rare blood disorder.

So that's what this bill is all about. It's to promote the awareness of Glanzmann's Thrombasthenia. March 1 has been chosen as the day to establish the National Glanzmann's Thrombasthenia Awareness Day. This day was chosen to coincide with the date of the fundraiser for the research foundation.

I want to thank Natalie Stroud of my office and my staff for her excellent work on this resolution.

And I urge my colleagues to vote with me on passage of H. Res. 994.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H. Res. 994, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would urge passage of this legislation, and yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 994, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TEXAS MILITARY VETERANS POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5517) to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEXAS MILITARY VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, shall be known and designated as the "Texas Military Veterans Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Texas Military Veterans Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Now, Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I join Representative POE and his fellow colleagues from the Lone Star State of Texas in considering H.R. 5517, which renames the postal facility at 7231 FM 1960 in Humble, Texas as the Texas Military Veterans Post Office.

As stated, the measure at hand was first introduced by Congressman TED POE on February 28, 2008 and is cosponsored by all members of the Texas congressional delegation. The measure was referred to the Committee on Oversight and Government Reform, where it was considered and passed by voice vote on March 13, 2008.

H.R. 5517 is intended to remember the lives, service and legacy of hundreds of military men and women from the State of Texas who have served or loss their lives in service to our great country. By renaming this particular Humble, Texas post office, H.R. 5517 will set into motion the creation of a living tribute to the sacrifices made by so many of Texas' sons and daughters, who gave their lives in service and honor abroad in order to ensure our protection here at home, an honor befitting the thousands of military men and women past and present, from every State of the Union that have unselfishly given of themselves in service and in battle for America.

H.R. 5517 will help memorialize the memory of generations of Texas' servicemen and women for years to come by designating the 7231 FM 1960 Humble, Texas postal facility as the Texas Military Veterans Post Office.

Mr. Speaker, I would reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Texas (Mr. POE).

Mr. POE. I thank the gentlewoman for yielding. Appreciate the comments by both sides on this very important piece of legislation.

The Post Office that we wish to name today is in my congressional district, it's in Humble, Texas, and it's a part of Southeast Texas where a great number of people continue to volunteer to be in our United States military.

Texans have always, when called upon by their country to go into service, have met that call with overwhelming numbers. And, in fact, today, serving somewhere in the world in a military uniform, one out of 10 people wearing the American uniform is from the State of Texas.

And it goes all the way back to 1836 when the first Texas veteran by the name of William Barrett Travis came to Texas from the State of South Carolina. He was a young lawyer, 27. And he was passionate about liberty and freedom. And he found himself at a beat-up old Spanish church in Central Texas that we now call the Alamo. The Alamo was over 100 years old at the time that he and 186 other brave Texans defended freedom. They were really from all States in the United States, six foreign countries as well, many of them, Mr. Speaker, from the State of Tennessee.

And he, like those defenders of the Alamo, were determined to seek liberty for the Republic of Texas. And as we all know, all of those first veterans gave their lives in that word that we praise today, that word of freedom. He was the first veteran that I wish to mention. And I will continue to mention just a few more so we know the importance of naming buildings after these wonderful people who have gone before us.

Of course, in that same struggle, all Texas armies were led by another Tennesseean by the name of Sam Houston. Sam Houston became the general of all Texas forces after the battle of the Alamo. He serves as the unique distinction of the only person in American history being governor of two different states, the governor of Tennessee and the governor of Texas.

But before he became governor of Texas he was president of the Republic of Texas. And because of the fact that on April 21, which we celebrate a week from today, in 1836, General Sam Houston, leading a ragtag army of volunteers, once again from all over the United States, several foreign countries, defeated the enemy, Santa Ana and his overwhelming army at the banks and the marshes of San Jacinto on April 21, 1836. After that battle was over with Texas became a Republic and remained a free nation for over 9 years, and we owe much of that to General Sam, another veteran of Texas.

It's interesting to note that General Sam Houston's last words before he died, he mentioned to his wife 2 words, "Texas, Texas." And then he died as a great military veteran of our State of Texas.

In World War I, there was an individual by the name of Kenneth Myers that served. In 1889 he was born. He joined the Navy in 1917, and he served on the battleship *Oklahoma* in World War I. And after the "War to End All Wars" was over with, he went ahead and became an agricultural expert in the State of Texas. He lived to be 107 before he died and became the third oldest survivor of that "War to End All Wars," World War I.

In World War II there were many great Texans who served, but probably the most notable was a young individual who was a cotton farmer from Farmersville, Texas. Audie Murphy was too little and too small, they said, to join the Marine Corps, so he got into the United States Army, and he fought in the Army in World War II and he served 27 months in combat. He is the most decorated U.S. combat soldier in United States military history. He had received the Medal of Honor, of course the highest U.S. military award, along with 32 other medals from the United States, five medals from France and one from Belgium.

Audie Murphy symbolizes the great tradition of folks who joined the military, another wonderful veteran from the State of Texas.

A little-known veteran from Texas was an individual by the name of Doris Miller. That was his name, although he was a male, and he didn't even want his friend calling him Dorrie because his name was Doris.

He found himself, on December 7 on the USS *West Virginia*. He was a cook. Because of his race he was not allowed to be in combat, but when that battleship was attacked, he found himself behind a 50 caliber machine gun and shot down two, maybe three Japanese planes on December 7, 1941. And he was honored later as becoming the first African American to receive the Navy cross because of his heroism on that fateful day, that day of infamy, December 7, 1941.

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Doris Miller later died in combat, and he was from the City of Waco, Texas.

A friend of mine who recently died was a Pearl Harbor survivor by the name of Luke Trahan from Beaumont, Texas, served in the United States Navy, a wonderful person and was a symbol of everything that is good and right about the veterans from our great State.

And, of course, having been the son of one of those individuals of the Greatest Generation, my father, Virgil Poe, served in Europe during World

War II. He didn't say anything about his service in the United States Army because he went when he was a teenager, and after 50 years, he finally started talking about his service there after he and my mother went to that place in France that we call Normandy, where over 9,000 Americans are buried. He, along with both of my uncles, James Hamilton and Charles Willis, all three teenagers, served in that great war, World War II.

Also serving in World War II was Oveta Culp Hobby. She was a lawyer, and although she was a lawyer, she found herself in Washington, D.C., and when the war broke out, she became the director of the Women's Army Auxiliary Corps which was later called and referred to as the Women's Army Corps. She has the distinction of being the highest ranking woman to serve in World War II and was awarded the Distinguished Service Medal for her contributions in the war effort, becoming the first woman in American history to receive such award.

We're proud of the fact that Admiral Chester Nimitz is from Fredericksburg, Texas. Fredericksburg, Mr. Speaker, is a landlocked place. It's a long way from water. It is in the central part of the Hill Country of Texas; but Admiral Nimitz ended up being in the United States Navy, and during World War II, he was the Commander in Chief of all Pacific naval forces for the United States and Allied forces where he served with distinction. Even a high school is named for him in my congressional district.

Sometimes we forget the fact that Dwight David Eisenhower was born in Denison, Texas, in 1890; although he later moved to Kansas, and he served in World War II as a 5-star general in the Army, also being the first Allied commander in all of Europe, a great distinction for him.

In 1943, a young man was commissioned as a teenager in the United States Naval Reserves, and he was assigned to the United States Ship San Jacinto; and on this ship he was assigned to become a pilot for the TMB Avengers. And while piloting one such mission in Chi Chi Jima off the Japanese coast, this individual was shot down and rescued later by a submarine in the area. This individual flew 58 combat missions. He received the Distinguished Flying Cross, three Air Medals and the USS *San Jacinto* was awarded the Presidental Unit Citation. That individual, of course, was former President of the United States, George H.W. Bush.

Mr. Speaker, there were many others who have served in the history of the State of Texas, but 12 individuals were remarkable in that these individuals, 12 brothers, these Band of Brothers, from a little town of Dayton, Texas, named the Ripkowsky brothers, all served in World War II and Korea. They served in all branches of the service. They served all over the United States and in foreign countries in combat, and after the wars were over, all 12 of them had the unique history of returning home to Dayton, Texas, where all of them lived except one who moved six miles away to the small town of Liberty. A great family that has served our country and veterans in their own right.

During the Korean War, Joseph Rodriguez from El Paso was drafted into the United States Army, although he later made the Army his career. Colonel Rodriguez, during the Korean War, received the Medal of Honor from President Truman because he attacked a Communist foxhole and then went on to attack four more Communist foxholes destroying all five emplacements and saving the lives of several of his comrades.

We have the unique distinction in this House of having a lot of great people who have served in our military in all branches of the service, both on this side and the other side, in this House and in the Senate. But one of those individuals grew up in Dallas, Texas, and he served in the United States Air Force for 29 years. He was the director of the Air Force Fighter Weapons School and flew with the Air Force Thunderbirds. He was a highly decorated fighter pilot who flew combat missions both in the Korean War and Vietnam, and in Korea he flew F–86s in 62 combat missions. In Vietnam, he flew F–4s.

And in 1966 while flying his 25th combat mission, our own SAM JOHNSON was shot down over North Vietnam. He was a prisoner of war in the Hanoi Hilton for 7 years, including 42 months in solitary confinement. During that time, he was repeatedly tortured.

He is a decorated war hero. He was awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, the Bronze Star with Valor, two Purple Hearts, four Air Medals, and three Outstanding Unit Awards as well. We are honored to have him not only from the State of Texas but to serve in this House of Representatives as many other veterans do as well.

WORLD WAR II—DR. MICHAEL DE BAKEY

Born September 7, 1908 in Louisiana.

With the outbreak of World War II, he volunteered for service, eventually becoming the Director of the Surgical Consultants' Division in the United States Army Surgeon General's Office.

His experience on the Surgeon General's staff taught him that more needed to be done for our veterans.

He recommended changes in staged management of war wounds.

He also created mobile army surgical hospitals or "MASH" units, which saved a countless number of American lives.

He also recommended medical follow-ups for veterans, and the Veterans Affairs Medical Center System.

He's received the Presidential Medal of Freedom, the National Medal of Science, and will soon receive the Congressional Medal of Freedom.

VIETNAM—PRESIDENT GEORGE W. BUSH

Accepted into Texas Air National Guard in May 1968 at the height of ongoing Vietnam war.

After training, assigned to duty in Houston, flying Convair F–102s out of Ellington Air Force Base.

IRAQ

This post office will also honor those brave Texans who fought and who are fighting in Iraq.

Like Captain David Fraser, a native of Spring, Texas, and West Point graduate.

Captain Fraser was killed in Baghdad on November 26, 2006 by an improvised explosive device, an IED.

For his valor in combat, Captain Fraser was awarded the Bronze Star and the Purple Heart, among many other awards and honors.

One of the most remarkable stories in American military history is the story of an orphan by the name of Roy Benavidez born in Cuero, Texas. Roy Benavidez was a migrant farmer, and he decided in 1955 to join the United States Army. He later became a Green Beret after being trained at Special Forces Ft. Bragg.

On May 2, 1962, his 12-man Special Forces team was in Cambodia to observe a large-scale North Vietnamese troop movement, but the enemy had discovered them and they were all ambushed. Roy Benavidez was behind those lines and he jumped on a helicopter to help rescue his men. He was in such a hurry the only thing that he armed himself with to go rescue his fellow comrades was a Bowie knife. And after he arrived at the scene, he started moving his fellow warriors to those helicopters so that they could be rescued and taken back to safety.

Roy Benavidez, Master Sergeant Roy Benavidez, was wounded 37 times: seven gunshot wounds and mortar shrapnel in his back along with two bayonet wounds. He was left for dead. In fact, he was put in a body bag, and the person that was putting him in the body bag zipped the body bag up. Roy Benavidez found it within his demeanor to be able to spit in the face of that soldier letting him know he was still alive.

And even though he was wounded 37 times, he recovered. He received the Medal of Honor. President Reagan said at the ceremony, "if this (story) would have been written as fiction, no one would have ever believed it." A great American hero, and we are proud to have him from the State of Texas.

Just recently, Monica Brown served in Afghanistan. She was 19 years old from Lake Jackson and received the Silver Star for her heroism in saving her fellow comrades.

And there are many others that I would like to mention, but I'm not going to do so, and I have just a couple of other comments.

There's a university in Texas called Texas A&M. Texas A&M has produced more officers in the United States military than even West Point. It has the distinction, other than West Point, of having more Medal of Honor winners than any other university in the United States. And they volunteer and continue to volunteer to serve.

When George Patton was in Europe going to combat in the Third Army, he made a comment about the Texas Aggies and the soldiers that he had in his division serving with him. He made the comment that, "Give me an army of West Point graduates and I will win a battle. You give me a handful of Texas Aggies, and I will win the war." And that's the sentiment that he had and the sentiment that we all have about folks from the State of Texas that are veterans, that have served all the way back from 1836 to the war in Iraq and Afghanistan.

And that's just the way it is.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve my time.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to our distinguished colleague and hero from the State of Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I rise to voice my support for combat veterans from the Lone Star State. You have heard a lot of stories from TED POE.

As a 29-year Air Force veteran and Texas native, I think it's great that Humble, Texas, will have a post office dedicated to those selfless men and women in the Armed Forces; and I commend my friend, TED POE, for spearheading this effort.

You know, many war heroes from Iraq and Afghanistan call the Lone Star State home. He mentioned one of them, but as an example, you may know the name Marcus Luttrell. He was a Petty Officer First Class born in Huntsville, Texas, a former Navy SEAL, awarded the Navy Cross and wrote the New York Times best-selling book "Lone Survivor." The book details his remarkable story of surviving one of the war's deadliest battles for U.S. Special Forces. I had the honor of meeting him last week, and he's a remarkable individual.

TED mentioned Monica Lin Brown, the 19-year-old medic from Texas who became the first woman in Afghanistan and only the second woman since World War II to receive the Silver Star, the Nation's third highest medal for valor. Army Specialist Monica Lin Brown saved the lives of fellow soldiers after a roadside bomb tore through a convoy of Humvees last spring in Afghanistan. After the explosion which wounded five soldiers in her unit, Brown ran through insurgent gunfire and used her body to shield wounded comrades as mortars fell less than 100 yards away.

While today I have only mentioned Iraq and Afghanistan, I could go on for hours, as TED POE did, highlighting noticeable Texans who have gone above and beyond their service to this great Nation.

I want to thank Mr. POE and Humble, Texas, for recognizing those men and women who proudly wear the uniform for the United States of America. They help keep America the land of the free and the home of the brave. I salute all of our veterans.

God bless you and may God continue to bless our great Nation. I salute all of you in this Chamber for your support for our veterans.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5517, to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office." I would like to thank my colleague, Mr. POE, for introducing this important bill, and Chairman WAXMAN of the Oversight and Government Reform Committee for bringing this legislation to the floor today. I strongly support honoring veterans of our armed forces, and I am proud to join my colleagues in the Texas delegation as an original cosponsor of this legislation. I hope my colleagues will join me in designating this facility as the Texas Military Veteran Post Office as a token of our appreciation.

The American men and women who serve in our armed forces are one of our Nation's most precious resources. Their service to this Nation could never be repaid, but we can ensure that our veterans who have faithfully served our country receive the recognition they are due and the services they need. Passing this resolution will send a strong message to our veterans that we appreciate their service. Our Nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country. We must show every soldier, sailor, airman, and marine that we honor and continue to respect their service to our Nation.

Currently, there are 25 million veterans in the United States. There are more than 1,633,000 veterans living in Texas and more than 32,000 veterans living in my Congressional district alone. I firmly believe that we should celebrate our veterans after every conflict, and I remain committed, as a Member of Congress, to both meeting the needs of veterans of previous wars, and to provide a fitting welcome home to those who are now serving in Iraq and Afghanistan. Veterans have kept their promise to serve our Nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

Because I feel it is time that we recognize the success of our Nation's armed forces, I have introduced H.R. 4020, the "Military Success in Iraq Commemoration Act of 2007." This legislation recognizes the extraordinary performance of the Armed Forces in achieving the military objectives of the United States in Iraq as expressed by the Congressional mandate allowing for use of force, encourages the President to issue a proclamation calling upon the people of the United States to observe a national day of celebration commemorating the military success of American troops in Iraq.

Most importantly, my legislation provides affirmative and tangible expressions of appreciation from a grateful nation to all veterans of the war in Iraq. It authorizes the Secretary of Defense to award grants to State and local governments "to conduct suitable activities commemorating military success in Iraq" and "to create appropriate memorials honoring those who lost their lives securing military success in Iraq." My legislation sets up grants for veterans of Operation Iraqi Freedom, stating "the Secretary of Veterans Affairs shall award to each veteran of Operation Iraqi Freedom a grant in the amount of $5,000. The purpose of that grant is to facilitate the veteran's transition to civilian life." I am pleased that thirteen of my colleagues have already signed onto this important legislation.

Renaming this post office facility to honor our veterans is a small but important step toward giving veterans the full accolades that they deserve. At various points in our Nation's history, we have sent our sons and daughters overseas to fight in defense of the great values and principles our Nation was founded upon. At times when the need is greatest, America's soldiers have always stepped up to protect our Nation. Let us show them our gratitude by presenting them with a postal facility that stands as a symbol of their dedication and sacrifice. Let us never forget that one of the things that makes our Nation truly great are the young men and women who have fought to defend it and our way of life.

I firmly believe that we must commend the men and women of our military for their exemplary performance and success. When World War II finally came to an end in 1945, celebrations erupted on the streets of cities and towns across our Nation. One of the most enduring images of that war is not a picture of bombs or destruction, but of a jubilant soldier kissing a woman in New York City's Times Square. The veterans we continue to honor as the "Greatest Generation" returned home not only to open arms, but also to the G.I. Bill, which offered them college or vocational education, as well as one year of unemployment compensation. It also provided loans for returning veterans to buy homes and start businesses.

This Congress has begun to show our appreciation through legislation. We have already enacted significant increases in veterans' health care funding—increasing it by $5.2 billion. The increase will go for veterans' health programs, including mental health care for returning veterans, especially for Post Traumatic Stress Disorder (PTSD).

In the words of President John F. Kennedy, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." It is not simply enough to sing the praises of our Nation's great veterans; I firmly believe that we must demonstrate by our actions how proud we are of our American heroes. I strongly urge my colleagues to join me in supporting H.R. 5517, to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veteran Post Office."

Ms. FOXX. Mr. Speaker, I believe we have no more speakers, and we yield back the balance of our time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5517.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONTRACTING AND TAX ACCOUNTABILITY ACT OF 2008

Mr. BRALEY of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4881) to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contracting and Tax Accountability Act of 2008".

SEC. 2. GOVERNMENTAL POLICY.

It is the policy of the United States Government that no Government contracts or grants should be awarded to individuals or companies with seriously delinquent Federal tax debts.

SEC. 3. PROHIBITION ON AWARDING OF CONTRACTS TO DELINQUENT FEDERAL DEBTORS.

Section 3720B of title 31, United States Code, is amended—

*(1) in the section heading, by adding at the end "**OR CONTRACTS**";*

(2) by adding at the end the following:

"(c)(1) Unless this subsection is waived by the head of a Federal agency, a person who has a seriously delinquent tax debt shall be proposed for debarment from any contract awarded by the Federal Government.

"(2) The head of any Federal agency that issues an invitation for bids or a request for proposals for a contract in an amount greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 401(11)) shall require each person that submits a bid or proposal to submit with the bid or proposal a form—

"(A) certifying that the person does not have a seriously delinquent tax debt; and

"(B) authorizing the Secretary of the Treasury to disclose to the head of the agency information limited to describing whether the person has a seriously delinquent tax debt.

"(3) The Secretary shall make available to all Federal agencies a standard form for the certification and authorization described in paragraph (2).

"(4) Not later than 270 days after the date of enactment of this subsection, the Federal Acquisition Regulation shall be revised to incorporate the requirements of this subsection.

"(5) For purposes of this subsection:

"(A) The term 'contract' means a binding agreement entered into by a Federal agency for the purpose of obtaining property or services, but does not include—

"(i) a contract designated by the head of the agency as assisting the agency in the performance of disaster relief authorities; or

"(ii) a contract designated by the head of the agency as necessary to the national security of the United States.

"(B)(i) The term 'person' includes—

"(I) an individual;

"(II) a partnership; and

"(III) a corporation.

"(ii) A partnership shall be treated as a person with a seriously delinquent tax debt if such partnership has a partner who—

"(I) holds an ownership interest of 50 percent or more in that partnership; and

"(II) who has a seriously delinquent tax debt.

"(iii) A corporation shall be treated as a person with a seriously delinquent tax debt if such corporation has an officer or a shareholder who—

"(I) holds 50 percent or more, or a controlling interest that is less than 50 percent, of the outstanding shares of corporate stock in that corporation; and

"(II) who has a seriously delinquent tax debt.

"(C)(i) The term 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code.

"(ii) Such term does not include—

"(I) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

"(II) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsections (a), (b), or (f) of section 6015 of such Code, is requested or pending.".

SEC. 4. PROHIBITION ON AWARDING OF GRANTS TO DELINQUENT FEDERAL DEBTORS.

(a) IN GENERAL.—The head of any Executive agency that offers a grant in excess of an amount equal to the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 401(11)) may not award such grant to any person unless such person submits with the application for such grant a form—

(1) certifying that the person does not have a seriously delinquent tax debt; and

(2) authorizing the Secretary of the Treasury to disclose to the head of the Executive agency information limited to describing whether the person has a seriously delinquent tax debt.

(b) RELEASE OF INFORMATION.—The Secretary shall make available to all Executive agencies a standard form for the certification and authorization described in subsection (a)(2).

(c) REVISION OF REGULATIONS.—Not later than 270 days after the date of the enactment of this section, the Director of the Office of Management and Budget shall revise such regulations as necessary to incorporate the requirements of this section.

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1) PERSON.—

(A) IN GENERAL.—The term "person" includes—

(i) an individual;

(ii) a partnership; and

(iii) a corporation.

(B) TREATMENT OF CERTAIN PARTNERSHIPS.—A partnership shall be treated as a person with a seriously delinquent tax debt if such partnership has a partner who—

(i) holds an ownership interest of 50 percent or more in that partnership; and

(ii) who has a seriously delinquent tax debt.

(C) TREATMENT OF CERTAIN CORPORATIONS.—A corporation shall be treated as a person with a seriously delinquent tax debt if such corporation has an officer or a shareholder who—

(i) holds 50 percent or more, or a controlling interest that is less than 50 percent, of the outstanding shares of corporate stock in that corporation; and

(ii) who has a seriously delinquent tax debt.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(3) SERIOUSLY DELINQUENT TAX DEBT.—

(A) IN GENERAL.—The term "seriously delinquent tax debt" means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code.

(B) EXCEPTIONS.—Such term does not include—

(i) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

(ii) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsections (a), (b), or (f) of section 6015 of such Code, is requested or pending.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BRALEY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BRALEY of Iowa. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BRALEY of Iowa. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4881, the Contracting and Tax Accountability Act of 2008, is a very simple bill and a very timely bill. It prevents companies that don't pay their taxes from receiving contracts with the Federal Government. Today, people across the country are finishing up their tax returns to submit to the IRS by tomorrow. Nobody likes to pay taxes, but the vast majority of American families and companies obey the law and comply with their responsibilities as citizens and taxpayers.

□ 1500

Unfortunately, some people do not follow the law and have serious delinquencies in paying taxes to the IRS.

What is shocking to me and honest taxpayers across the country is that many companies that didn't pay their taxes were benefiting from Federal Government contracts. GAO studies over the past few years have identified more than 50,000 contractors owing nearly $8 billion in unpaid Federal taxes. This bill will put an end to that problem once and for all.

Mr. Speaker, H.R. 4881 establishes a process to prohibit companies with seriously delinquent Federal tax debt from receiving new Federal contracts and grants. It will reward responsible taxpaying contractors with more opportunities to continue serving the Federal Government for abiding by the law. And it should increase collections because companies will get current on their tax bills if they want to continue receiving Federal contracts. With a mounting Federal budget deficit and rising obligations, the Federal Government cannot afford to leave billions of dollars in tax revenue uncollected.

The sponsor of H.R. 4881, Mr. ELLSWORTH from Indiana, has put in a lot of work on this bill, and I want to thank him for his efforts. As a former sheriff, he wants to make sure people who break the law are not rewarded.

When we get into contracting and tax law, the law gets complicated. He has worked hard to make sure this law will not have unintended consequences. We also received guidance from our colleagues on the Ways and Means and Joint Tax Committees. I would like to thank my friend from New York (Mr. RANGEL) and his staff for their assistance.

Chairman WAXMAN and Chairman RANGEL exchanged letters regarding committee jurisdiction on this bill, and I ask that these letters be placed in the RECORD.

Mr. Speaker, this bill is of monumental importance to improving fairness and efficiency in Federal contracting. I fully support its passage and urge my colleagues to do the same.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 12, 2008.

Hon. HENRY WAXMAN,
Chairman, Oversight and Government Reform Committee, Rayburn House Office Building, Washington, DC.

DEAR HENRY, I am writing regarding H.R. 4881, the Contracting and Tax Accountability Act of 2008, which the Oversight and Government Reform Committee ordered favorably reported on March 13, 2008. As you know, a similar bill, H.R. 1870, was referred to the Oversight and Government Reform Committee, as well as to the Committee on Ways and Means.

Section 3 of H.R. 4881 authorizes the Secretary of the Treasury to disclose to other agencies whether or not a potential Federal contractor has a seriously delinquent tax debt as defined by the bill, and requires the Secretary to develop and issue a form for this purpose. As you know, Rule X gives the Committee on Ways and Means jurisdiction over subjects relating to the U.S. Treasury and tax information being disclosed to other agencies generally, and we have successfully asserted jurisdiction over similar legislation.

Because our staffs have worked together to produce this bipartisan legislation, and in order to expedite this legislation for Floor consideration, the Committee will forgo action on this bill, and will not oppose the inclusion of these provisions within H.R. 4881. This is being done with the understanding that it does not in any way prejudice the Committee with respect to its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4881, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, April 11, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4881, the Contracting and Tax Accountability Act of 2008, which the Committee on Oversight and Government Reform reported, as amended, on April 10, 2008.

I appreciate your willingness to work cooperatively on this legislation and I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I agree that your inaction with respect to this bill does not prejudice the Ways and Means Committee's interests and prerogatives regarding this bill or similar legislation.

I will ensure that our exchange of letters is included in the Congressional Record during consideration on the House floor of H.R. 4881.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4881, the Contracting and Tax Accountability Act of 2008.

This legislation would subject any firm that has a seriously delinquent tax debt, defined to mean any time the IRS has filed a tax lien against the company, to a debarment proceeding with the aim of preventing the firm from obtaining a government contract or grant.

Potential contractors and grant recipients must certify that the company does not have any seriously delinquent tax debt in order to be eligible for Federal grants and contracts.

This might sound like a reasonable requirement, and it is. In fact, the administration is currently finalizing a regulation that would require Federal contractors and grantees to certify, among other things, that they have not been notified by the IRS of liability for delinquent taxes. The proposed regulation would also include the failure to pay taxes as a specific cause for a company to be debarred from receiving Federal contracts. Since the issue addressed in this legislation is already being addressed through the regulatory process, it is unclear to us whether this legislation is necessary. Nevertheless, we will not object to it.

Mr. Speaker, I yield back the balance of my time.

Mr. BRALEY of Iowa. Mr. Speaker, at this time, I yield 5 minutes to the gentleman from Indiana, the sponsor of this bill, Mr. ELLSWORTH.

Mr. ELLSWORTH. I would like to thank the gentleman.

Mr. Speaker, I rise today in strong support of the Contracting and Tax Accountability Act of 2008.

Tomorrow is April 15, Tax Day, a day when Americans follow through on their civic obligation by filing their tax returns with the Federal Government. Paying taxes isn't something any of us enjoy doing, but we all do it anyway out of a sense of duty to our country.

Each year, taxpayers play by the rules and pay their share of taxes. I don't think it's too much to ask companies, particularly those who receive Federal Government contracts, to do the very same.

According to the Government Accountability Office report, in 2004 and 2005 alone, government contractors owed the U.S. Treasury over $5 billion, that's billion with a "b," in unpaid Federal taxes. Many of these contractors were closely held businesses that simply gamed the system by withholding employee wages, Social Security, Medicare and individual income taxes and then never sending these withholdings to the IRS.

That doesn't mean that all contractors are cheating the system; in fact, most are not. Most are doing terrific work and putting our tax dollars to good use. But we have a responsibility to protect companies and taxpayer dollars by stopping corrupt contractors from gaming our system. The only way you do that, when they won't do it on their own, is by increased oversight.

This legislation is simple in scope and will go a long way towards ensuring that companies doing business with the Federal Government are doing that in good faith. And by leveling the playing field between contractors, we can better ensure our tax dollars are not used to reward tax cheats.

The Contracting and Tax Accountability Act establishes a process to prevent people who have serious tax delinquent debts from ever receiving Federal contracts or grants. This legislation affirms that it is the policy of the United States that no government contracts or grants should be awarded to individuals or companies with seriously delinquent Federal tax debts. It requires that bids for Federal contracts include a certification that the person does not possess serious delinquent tax debt. An authorization to verify this certification with the Secretary of the Treasury is also required.

The definition of serious delinquent tax debt was carefully defined as an outstanding debt for which a Notice of Lien has been filed in the public record. The definition also excludes tax debt that is being repaid in accordance with an installment agreement, and a tax debt for which a collection due process has been requested.

I would like to thank Chairman WAXMAN, Chairman ED TOWNS for guiding this legislation through his subcommittee, and Mike McCarthy on his staff for lending his expertise. I would also like to thank Senator BARACK OBAMA and Ian Solomon on his staff for their collaboration in the Senate on this important legislation.

Mr. Speaker, the Contracting and Tax Accountability Act is a practical and cost-effective way to ensure all companies who wish to do business with the Federal Government compete on an equal playing field. This legislation protects good faith contractors who are playing by the rules and brings much needed transparency to how our tax dollars are being spent.

I urge my colleagues to pass this bill.

Mr. BRALEY of Iowa. Mr. Speaker, at this time, I yield as much time as he may consume to the distinguished Chair of the Oversight and Government Reform Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, H.R. 4881, introduced by Representative ELLSWORTH, is a very important bill. It's a simple one. It's a commonsense bill. It would prohibit the award of Federal contracts to companies that don't pay their Federal taxes. It accomplishes this by requiring contractors to certify they do not have a serious delinquent debt, and to authorize the Treasury Department to disclose such information to contracting agencies.

The Federal Government should not be granting Federal contracts to companies that won't pay their taxes. Companies that cheat on their taxes have an unfair competitive advantage when bidding for Federal contracts because their costs are lowered. This bill will level the playing field and restore fairness to the Federal procurement system.

Representative TOWNS, who is the chairman of the subcommittee, along with Mr. ELLSWORTH, have put a lot of time and effort into addressing these concerns and in crafting a very good bill, and I want to thank them for all their hard work.

The minority also raised some concerns about previous versions of this legislation, and I also want to thank Representative TOM DAVIS for working constructively with us to address those issues.

The end product before us today is solid legislation which should have bipartisan support, and which I hope will address this issue once and for all.

I thank Representative ELLSWORTH for his excellent recommendations in offering this bill and seeing it through to the point where we are now on the House floor. I hope this bill will soon become law.

I urge all my colleagues to vote for H.R. 4881.

Mr. BRALEY of Iowa. Mr. Speaker, I encourage all of my colleagues to vote in favor of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BRALEY) that the House suspend the rules and pass the bill, H.R. 4881, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PLAIN LANGUAGE IN GOVERNMENT COMMUNICATIONS ACT OF 2008

Mr. BRALEY of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3548) to enhance citizen access to Government information and services by establishing plain language as the standard style for Government documents issued to the public, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Plain Language in Government Communications Act of 2008".

SEC. 2. PURPOSE.

The purpose of this Act is to improve the Federal Government's effectiveness and accountability to the public by promoting clear communication that the public can understand and use.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" means an Executive agency, as that term is defined in section 105 of title 5, United States Code.

(2) PLAIN LANGUAGE.—The term "plain language" means language that the intended audience can readily understand and use because it is clear, concise, well-organized, and follows other best practices of plain language writing.

SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.

(a) REQUIREMENT TO USE PLAIN LANGUAGE IN NEW DOCUMENTS.—Within one year after the date of the enactment of this Act, each agency—

(1) shall use plain language in any covered document of the agency issued or substantially revised after the date of the enactment of this Act;

(2) may use plain language in any revision of a covered document issued on or before such date; and

(3) shall, when appropriate, use the English language in covered documents.

(b) GUIDANCE.—In implementing subsection (a), an agency may follow either the guidance of the Plain English Handbook, published by the Securities and Exchange Commission, or the Federal Plain Language Guidelines. If any agency has its own plain language guidance, the agency may use that guidance, as long as it is consistent with the Federal Plain Language Guidelines, the Plain English Handbook, published by the Securities and Exchange Commission, and the recommendations made by the Comptroller General under section 5(c).

(c) ADDITIONAL PROVISIONS RELATING TO USE OF ENGLISH LANGUAGE.—Nothing in this Act shall be construed—

(1) to prohibit the use of a language other than English;

(2) to limit the preservation or use of Native Alaskan or Native American languages (as defined in the Native American Languages Act);

(3) to disparage any language or discourage any person from learning or using a language;

(4) to impact or affect protections regarding language access; or

(5) to be inconsistent with the Constitution of the United States.

(d) COVERED DOCUMENT.—In this section, the term "covered document"—

(1) means any document that explains how to obtain a benefit or service or file taxes, or that is relevant to obtaining a benefit or service or filing taxes; and

(2) includes, whether in paper or electronic form, a letter, publication, form, notice, or instruction but does not include a regulation.

(e) USE OF PLAIN LANGUAGE BY AGENCIES.—Each agency should, to the extent practicable and appropriate, use plain language in any collection of information (as defined in section 3502(3)(A)(i) of title 44, United States Code).

(f) INCORPORATION OF COMPTROLLER GENERAL RECOMMENDATIONS.—

(1) REPORTS.—

(A) FEDERAL AVIATION ADMINISTRATION.—The Administrator of the Federal Aviation Administration, acting through the Plain Language Action and Information Network, shall submit to the committees described in paragraph (2) a report on whether the recommendations made by the Comptroller General in the report under section 5(c) have been incorporated into the Federal Plain Language Guidelines described in subsection (b), and, if such recommendations have not been incorporated, an explanation of why they have not been incorporated.

(B) SECURITIES AND EXCHANGE COMMISSION.—The Securities and Exchange Commission shall submit to the committees described in paragraph (2) a report on whether the recommendations made by the Comptroller General in the report under section 5(c) have been incorporated into the Plain English Handbook described in subsection (b), and, if such recommendations have not been incorporated, an explanation of why they have not been incorporated.

(2) COMMITTEES.—The committees described in this paragraph are the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) DEADLINE.—The reports required under paragraph (1) shall be submitted within six months after the issuance of the report provided by the Comptroller General under section 5(c).

SEC. 5. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Within six months after the date of the enactment of this Act, the head of each agency shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that describes how the agency intends to meet the following objectives:

(1) Communicating the requirements of this Act to agency employees.

(2) Training agency employees to write in plain language.

(3) Meeting the deadline set forth in section 4(a).

(4) Ensuring ongoing compliance with the requirements of this Act.

(5) Designating a senior official to be responsible for implementing the requirements of this Act.

(6) Using, to the extent practicable and appropriate, plain language in regulations promulgated by the agency.

(b) ANNUAL AND OTHER REPORTS.—

(1) The head of each agency shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(A) compliance with this Act; and

(B) the agency's continued efforts to meet the objectives specified in subsection (a).

(2) A report under this subsection shall be submitted—

(A) annually for the first two years after the date of the enactment of this Act; and

(B) once every three years thereafter.

(c) EVALUATION AND REPORT BY COMPTROLLER GENERAL.—Within six months after the date of the enactment of this Act, the Comptroller General shall evaluate existing guidance for agencies on writing in plain language, including the guidance listed in section 4(b), and provide to the Office of Management and Budget, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report providing recommendations on—

(1) plain language guidelines; and

(2) best practices for plain language.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BRALEY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BRALEY of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BRALEY of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last September, I introduced H.R. 3548, the Plain Language in Government Communications Act, and I rise today to talk about the responsibility of this government to communicate effectively with its constituents.

I know that lawyers are often blamed for the legalese that makes government documents so difficult to read and understand. Some might find it unusual that this "Plain Language" bill was introduced by someone who practiced law for 23 years before being elected to Congress. They might be surprised to learn that the use of clear, concise language in communications has been a passion of mine since I began practicing law in 1983, when the Iowa Supreme Court adopted plain language requirements for jury instructions. Since that time, I have been writing and speaking about the importance of using plain language to improve both written and spoken communications.

I was proud to introduce the Plain Language in Government Communications Act, a bill that requires the Federal Government to write documents such as letters from the Social Security Administration or a notice from the Department of Veterans Affairs in simple, easy-to-understand language. This bill has been endorsed by a broad array of organizations, including the AARP, National Federation of Independent Businesses, Disabled American Veterans, the Small Business Association, Women Impacting Policy, the American Nurses Association, and the American Library Association.

I want to thank the Information Policy Subcommittee Chairman William Lacy Clay and Ranking Member Michael Turner, as well as Oversight and Government Reform Chairman Henry Waxman and Ranking Member Tom Davis for their support of this important legislation. I am pleased that this bill has such strong bipartisan support and passed unanimously in both of these committees.

Anyone who has done their own taxes knows the headache of trying to understand pages and pages of confusing forms and instructions. There is no reason why the Federal Government can't write tax documents and other public documents in language we can all understand.

Writing government documents in plain language will increase government accountability and will save Americans time and money. Plain, straightforward language makes it easy for taxpayers to understand what the Federal Government is doing and what services it's offering.

Small businesses will also see substantial benefits by eliminating Federal gobbledygook. Small businesses often have limited resources and are forced to hire lawyers and outside consultants to navigate the maze of Federal paperwork and convoluted language.

The National Federation of Independent Businesses estimates that the average per hour cost of paperwork and record keeping for small businesses is $48.72 per hour. The use of clear, easy-to-understand language in government paperwork will substantially reduce burdens on small businesses.

The Plain Language in Government Communications Act will require the Federal Government to write new publications, forms and publicly distributed documents in a clear, concise, well organized manner that follows the best practices of plain language writing.

I have in my hand the Plain Language Handbook that's already being used by the Securities Exchange Commission, along with the Federal Plain Language guidelines which were adopted under another plain language initiative that began under President Clinton. These guidelines make it clear that the ultimate purpose of any communication from the Federal Government should be to reach the intended audience, the constituents and citizens of this country, in language they can understand and act upon.

Using complex language in government forms, letters, notices and instructions imposes unnecessary hardships on citizens. Replacing complex language with plain language will improve services to the public, save time agencies spend answering questions about what documents mean, and make it easier to hold government agencies accountable for their work.

This document to my right is a perfect example of what I'm talking about when I talk about the problem posed by using gobbledygook in Federal communications. This is a quote from a former Secretary of Defense, and it says, "There are known knowns. These are things we know we know. There are known unknowns. That is to say, there are some things we know we don't know. But there are also unknown unknowns. These are things we don't know we don't know."

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That is the problem we are trying to address with this bill.

One other example is this language from a Federal contract requiring investigations of contracts to make sure that they are living up to the purpose that they were intended to perform. This is the original language that was contained in the contracting compliance document, and it covers almost an entire page. The plain language version of that same admonition says simply: "We will take two steps to look at this matter. We will find out if it was an error or a fraud, and we will let you know the result." Clear, concise, and directed to the intended audience.

Finally, one of the best examples of the cost-savings potential is this Veterans Administration form that was used to respond to concerns raised by veterans seeking assistance with their benefits. An old letter that was not drafted in plain language generated an average of 91.4 calls per month, a total of 10,968 calls in a year. After that same form was drafted using these very basic plain language guidelines, they resulted in only 16 calls per month and a total of 1,900 calls for the entire year. You can imagine the enormous savings of time at the Veterans Administration responding to concerns from veterans seeking assistance when you reduce it by that much.

Mr. Speaker, it's important to clarify that nothing in this bill is intended to impact the Civil Rights Act of 1964, Executive Order 13166, Department of Justice LEP Guidance, any agency LEP guidance, or any other statute, executive order, agency guidance, regulation, or court order regarding language access.

I hope this bill makes it easier for Americans and small businesses to work with and understand their government. I also hope that in some small way, this bill honors the memory of our former colleague, Maury Maverick, Sr., who served two terms in the House from 1935 to 1939. Congressman Maverick invented the term "gobbledygook" to describe bureaucratic language that was as hard to understand as the call of wild turkeys in his native South Texas.

I want to thank all of my colleagues on both sides of the aisle who join me today in standing up for plain language, in standing up for effective communications with our constituents, in standing up for small business owners, and in standing up for taxpayers, who will see significant cost savings when this bill is signed into law.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3548, the Plain Language in Government Communications Act of 2008. This legislation would enhance citizen access to government information services by promoting the use of "plain language" in government documents issued to the public.

Writing in plain language doesn't mean writing only about simple things. It means writing well about anything the government writes about.

During committee consideration of this legislation, Republican amendments were adopted that further the cause of requiring the use of plain language. Mr. SALI succeeded in revising the bill to require plain language be used in preparing collections of information, primarily tax documents, as well as regulations issued by Federal agencies. In addition, the committee accepted an amendment I offered to promote the use of the English language in documents.

I have been a consistent advocate in Congress of improving government accountability, responsiveness, and transparency. I believe this legislation is consistent with these efforts.

I urge my colleagues to support the Plain Language in Government Communications Act of 2008.

Mr. Speaker, I yield such time as he may consume to my colleague from Idaho (Mr. SALI).

Mr. SALI. Mr. Speaker, as you sit down to beat the April 15 deadline for filing your tax returns, consider this: In 1913 the IRS tax form, that's singular, "form," was 1 page, and the entire Tax Code was a mere 14 pages long. Today the Tax Code consists of an amazing 15,758 pages bound in 22 volumes. James Madison's words ring true when he said, "It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read or so incoherent that they cannot be understood."

Today this Chamber is addressing a commonsense measure, one dedicated to James Madison's proposition that the laws governing us should be readily understood by average citizens.

No one enjoys paying taxes, but at the very least the forms should be readable and understandable to the average American. Americans should be able to tell quickly and easily whether they're paying too much or too little in taxes. It should not take an attorney to figure it out.

It is imperative that Americans know just what is being asked of them, and that is why plain language in tax forms and instructions is so important.

The Plain Language in Government Communications Act will enhance citizen access to government information and services by promoting the use of plain language in government documents issued to the public.

When the Subcommittee on Information Policy, Census, and National Archives addressed this bill in January, I raised concerns that the bill only focused on documents relating to benefits or services. Since that time I have worked with Congressman BRALEY to find a way to expand the scope of this bill to include things like tax forms, instructions, surveys, and other similar documents. These changes appear in the text under consideration today, requiring that tax forms and instructions be made available in plain, straightforward language.

During this time of year, we all recognize the importance of plain language as we tackle tax forms. It is my hope that this bill will become law, which will lessen the burden of government on taxpayers.

I urge my colleagues to support this important and commonsense measure.

Mr. BRALEY. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Idaho for working to improve this bill and also for sharing my passion for making sure that the Federal Government is doing everything it can to communicate clearly and effectively with the citizens and taxpayers of this country.

I also want to thank my colleague from North Carolina for her excellent point that adopting plain language requirements does nothing to dumb down the intent and purpose of these Federal documents. In fact, the whole point of adopting plain language guidelines is to improve the effectiveness and the clarity of these documents so that the average person who interacts with them on a daily basis is able to respond directly to the responsibilities laid out under the Federal statutes and regulations and perform the obligations that they are required to by law.

So I want to thank my colleagues on both sides of the aisle for having enormous opportunities to make this a bill that I think we can all be proud of, one that our constituents back home will benefit from, and one that will save, most significantly, the taxpayers of this country, in my belief, millions and millions of dollars.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I am very, very pleased with this bill and urge all Members to support the passage of H.R. 3548.

Mr. Speaker, I yield back the balance of my time.

Mr. BRALEY. Mr. Speaker, at this time I would just like to remind everyone that one of the points of the bill is it to save taxpayers money. The example that I used earlier from the Jackson, Mississippi, Veterans Benefits Administration where they changed the form that allowed them to reduce substantially the number of requests they got from veterans seeking help with their disability benefits saved $10,000 in one year, just that one form. And if you think about the multiplier effect of applying plain language guidelines to documents in every Federal agency that are being sent out to citizens and taxpayers, the enormous potential at savings is something that I think we will all be proud of once this bill is signed into law by the President.

With that, I urge its passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BRALEY) that the House suspend the rules and pass the bill, H.R. 3548, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRALEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING AND RECOGNIZING MEALS ON WHEELS ASSOCIATION OF AMERICA

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 259) honoring and recognizing the work of the Meals On Wheels Association of America, its member senior nutrition programs throughout the country, and their annual March For Meals campaigns.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 259

Whereas the Meals On Wheels Association of America is the oldest and largest organization in the United States representing those who provide meal services to people in need;

Whereas the Meals On Wheels member local senior nutrition programs help those men and women in cities, suburban areas, and rural communities across America who are elderly, homebound, disabled, frail, or at risk;

Whereas the Meals On Wheels member programs provide nutritious meals to individuals who suffer from long-term chronic conditions as well as those who may just need short-term assistance;

Whereas good nutrition is essential to good health and the meals provided by senior nutrition programs contribute to the overall well-being of America's seniors;

Whereas the Meals On Wheels member programs serve this country's over 60 population, which is rapidly growing and projected to increase dramatically;

Whereas the demand for the services Meals On Wheels member programs will continue to increase at an astounding pace;

Whereas in the words of the Meals On Wheels Association of America, these programs are needed "so no senior goes hungry"; and

Whereas each March, chosen because it was during this month that the law was enacted that included senior meal programs in the Older Americans Act of 1965, Meals On Wheels member programs across the country conduct local, community-based "March For Meals" fundraising and awareness campaigns: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the important work the Meals On Wheels Association of America and its member senior nutrition programs throughout the country do in preventing senior hunger and improving the quality of life for hundreds of thousands of our nation's seniors each year,

(2) recognizes the important role the Meals On Wheels Association of America and its member programs throughout the country's March For Meals campaigns play in increasing awareness of the need for senior nutrition programs and in raising non-Federal funds and soliciting volunteers to support and assist these programs in accomplishing their important mission,

(3) honors the Meals On Wheels Association of America and its member programs for their continuing hard work and dedication on behalf of our nation's seniors, and

(4) encourages Members of Congress to support their local senior nutrition programs by participating in their annual March For Meals events and delivering meals to homebound seniors in a community within their district or State.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 259 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 259, authored by the gentleman from New Jersey (Mr. LOBIONDO). H. Res. 259 honors and recognizes the work of the Meals on Wheels Association of America and their annual March For Meals campaigns.

The Meals on Wheels Association of America is the oldest and largest organization that provides meals to people in need. Through their many programs, Meals on Wheels strives to support the social, physical, nutritional, and economic needs of vulnerable individuals. Meals on Wheels offers tools and information to programs across the Nation and supports these organizations in making a difference in the lives of those at risk. They do this through professional training, creative leadership, and cash grants. Meals on Wheels helps local senior meal programs provide food and other nutrition services nationwide.

Hunger continues to be a profound problem in our country, Mr. Speaker. Nationwide nearly 38 million people live in households suffering from hunger, up from 33 million in the year 2000. Meals on Wheels is at the forefront of combating hunger by providing nutritious meals to people across the country, those who are elderly, those who are homebound, disabled, or at risk and who are at the greatest risk of going hungry. Even with these impressive efforts, a great need still exists. At this moment 40 percent of Meals on Wheels programs across the country report that there are waiting lists for their nutrition services.

Furthermore, the needs for Meals on Wheels will continue to grow. The elderly population in the United States has grown exponentially over the last few decades and will continue to increase well into the mid 21st century. The demographics that will experience the most growth is that of adults age 85 and older. At the same time, the economic insecurity of this elderly population will continue to rise, creating a dire need for services such as those provided by Meals on Wheels.

Mr. Speaker, at the conclusion of the annual March For Meals campaign, I want to join my colleagues in recognizing the important role that Meals on Wheels programs play all year long all over the country.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 259, honoring and recognizing the work of the Meals on Wheels Association of America, its member senior nutrition programs throughout the country and their annual March For Meals campaigns.

☐ 1530

The senior nutrition programs, authorized under title III of the Older Americans Act, was designed to address problems of dietary inadequacy and social isolation among older people. During fiscal year 2005, 238,000 meals were served to about 2.8 million people. Fifty-eight percent were served to frail older people living at home.

Meals on Wheels is the most recognized name brand of senior nutrition programs. It is the oldest and largest organization in the United States representing those who provide meal services to people in need. Meals on Wheels programs support the independence and well-being of seniors and reduce the isolation experienced by so many elderly. Meals are delivered to seniors' homes, and too frequently the person delivering that meal may be the only person the senior sees all day. The Meals on Wheels program provides human contact and a safety net, particularly for those seniors living alone.

Over the last several decades, a substantial growth in the elderly population has increased the demand for meal services. Today, Meals on Wheels and other similar senior nutrition programs that seek to feed the elderly report that 4 out of 10 programs have waiting lists for nutrition services.

With one baby boomer turning 60 every 7 seconds, the demand for nutrition services will continue to increase. According to a Census Bureau projection, the elderly population in the United States will more than double between now and the year 2050 to 80 million people. It is clear that the work of Meals on Wheels will continue well into the future.

Today, we also recognize the March For Meals campaign which takes place each year during the month of March. This campaign works to commemorate the enactment of the Older Americans Act. It is also a time for Meals on Wheels programs to focus on fundraising, awareness and volunteer recruitment.

Even though March has passed, today I stand in support of this resolution and the Meal on Wheels program. I would like to thank Mr. LOBIONDO for offering this resolution, and I ask for my colleagues' support.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I urge my colleagues to support this resolution to honor and recognize the important role of Meals on Wheels and the role that it plays in combating hunger for the neediest among us.

Mr. KENNEDY. Mr. Speaker, I am proud to support H. Res. 259, a resolution honoring and recognizing the work of the Meals on Wheels Association of America and their annual March for Meals campaign. I would like to thank my good friend and colleague, Representative LOBIONDO, for asking me to join him as a lead sponsor of this important legislation.

We all know the statistics related to senior nutrition programs and Meals on Wheels. In my home State of Rhode Island alone, there are an estimated 2,200 meals delivered each day to homebound and elderly clients and over 600,000 meals delivered each year by over 1,000 volunteers. The cost to provide one meal each day for one month is less than $100, by far less expensive than the cost of a nursing home, which averages nearly $5,000 per month.

I often cite these statistics because I am proud of the work of my local Meals on Wheels program, but these numbers fail to illustrate one of the more important results from the program. Because these clients are homebound, they are too often isolated from their communities and spend their days alone. Even a brief visit from a friendly Meals on Wheels volunteer provides much needed social interaction and a connection to the community.

I have participated in March for Meals in my community, and I encourage other Members of Congress and elected officials to take the time to visit their homebound constituents who receive meals. Unfortunately, one in ten seniors lives in poverty in our Nation and the need for home-delivered meals continues to increase. It is critical that Members of Congress know firsthand the powerful effects of these delivered meals on our seniors, not only to feed their bodies, but to feed their souls.

Thank you, again, to my colleague, Representative LOBIONDO, for introducing this important resolution and to Meals on Wheels and their volunteers for their tremendous work in taking care of our most vulnerable Americans. I urge all my colleagues to support H. Res. 259, and to participate in March for Meals in their home districts.

Mr. KNOLLENBERG. Mr. Speaker, I rise today in support of H. Res. 259, honoring and recognizing the work of the Meals on Wheels Association.

Established in the 1950s, Meals on Wheels is the oldest private, non-profit, volunteer-based service that delivers nutritious meals to homebound persons, enabling them to maintain their independence and continue to live in their own homes.

The program also provides daily contact with a trained volunteer who provides important social interaction and a link to the community and gives important referral information for other appropriate community resources as needed.

Today's elderly depend on this program throughout the country for their meals and other nutrition services. It is crucial that Congress continue to support this important program in order for the most vulnerable people to receive quality meals in the most efficient and effective manner.

Last year, I was fortunate to have the opportunity to visit Meals on Wheels in my district and prepare meals and deliver them to seniors. It was such a rewarding experience, and I comment the volunteers of this program for making such a difference in people's lives.

Mr. Speaker, I am proud to recognize the achievements and service of the Meals on Wheels Association of America. Their contributions throughout the United States touch the hearts of millions of people, and I wish them many years of continued success.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 259, honoring and recognizing the work of the Meals on Wheels Association of America, MOWAA, its member senior nutrition programs throughout the country, and their annual March For Meals campaigns. I would also like to thank my colleague Chairman GEORGE MILLER, of the Education and Labor Committee, for bringing this important legislation to the floor today.

The Meals on Wheels Association of America is the oldest and largest organization in the United States representing those who provide meal services to people in need. The first home-delivered meal program in the United States started in 1954 in Philadelphia, PA. The Meals on Wheels Association of America gives cash grants to local senior meal programs throughout the country to assist in providing meals and other nutrition services. The mission of Meals on Wheels Association of America is "to provide visionary leadership and professional training and to develop partnerships that will ensure the provision of quality nutrition services."

To cite just one example, Meals on Wheels of Greater Houston, in my home city, has been addressing the nutritional and emotional needs of seniors for 30 years. Meals on Wheels of Greater Houston currently serves more than 3,300 hungry, homebound seniors. In January, Texas Agriculture Commissioner Todd Staples awarded $9.5 million in State funding to almost 100 agencies that serve meals to homebound elderly and people with special needs, including $1.4 million to Meals on Wheels for Greater Houston. I personally know of the good work of the Meals on Wheels program because I chaired Houston's Interfaith Ministries Board which ran this program. I would also insure that the program survived.

Currently, senior nutrition programs such as Meals on Wheels report that 4 out of 10 programs have waiting lists for nutrition services. There are 78.2 million Baby Boomers, and one of those Baby Boomers turns 60 every 7 seconds. Every 8 seconds someone else is turning 50. The demand for nutrition services is increasing each and everyday and we must continue to support senior nutrition programs such as Meals on Wheels.

The March For Meals campaign has been slowly growing into a permanent part of the Meals on Wheels consciousness. March for Meals is a campaign that takes place at any time during the month of March. The month of March was chosen because it was during this month that the law was enacted that included senior meal programs in the Older Americans Act. Some programs choose to make their campaigns last the whole month, while others concentrate on a single week or day. The biggest component of March For Meals is the Mayors For Meals Day.

Today, Meals on Wheels programs generally operate locally, at the county level or smaller. Programs vary widely in their size, service provided, organization, and funding. Although Meals on Wheels Association of America is a national program, each local program is entirely independent. Depending on the program, meals may be delivered by paid drivers or by volunteers. Most clients of Meals on Wheels programs are elderly and programs receiving Federal funding may not serve people less than 60 years of age.

Mr. Speaker, this important legislation recognizes and honors the commendable hard work and dedication exhibited by Meals on Wheels for over the past 50 years. I encourage other Members of Congress to continue to support their local senior nutrition programs by participating in their annual March For Meals events and campaigns. For these reasons, I strongly support H. Res. 259 and urge all members to do the same.

Mr. LOBIONDO. Mr. Speaker, I rise here today in support of a resolution honoring and recognizing the work of the Meals on Wheels Association of America, its member senior nutrition programs throughout the country, and their annual March for Meals campaigns.

This resolution recognizes the important work Meals on Wheels does in preventing senior hunger and improving the quality of life for hundreds of thousands of our Nation's seniors. It also encourages Members of Congress to support their local senior nutrition programs by delivering meals to homebound seniors in a community within their district or State.

The Meals on Wheels Association of America recently concluded its annual March for Meals campaign. March for Meals is a national campaign during the month of March to raise awareness of senior hunger and to encourage action on the part of local communities. The month of March was chosen because it was during this month the law was enacted that included senior meal programs in the Older Americans Act.

An important part of March for Meals is Mayors for Meals Day, where mayors and elected officials from across the Nation deliver meals for their local Meals on Wheels programs. On March 19, 2008, a new record was set when 1,084 U.S. mayors and elected officials joined together to deliver meals to seniors.

I have proudly participated in past Meals on Wheels Association of America's "March for Meals" events and witnessed first hand both the need for these important programs and the incredible dedication of their staff and volunteers. I encourage each of you to get involved with your local programs—whether you help prepare meals, deliver meals, or just join local seniors in enjoying their meals—your support can make a difference.

I also encourage you to join me in supporting this resolution which will give the Meals on Wheels Association of America and its member programs the honor and recognition they so richly deserve.

Ms. WOOLSEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 259.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR DESIGNATION OF APRIL 2008 AS NATIONAL CHILD ABUSE PREVENTION MONTH

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1097) expressing support for the designation of the month of April 2008, as National Child Abuse Prevention Month to provide attention to the tragic circumstances that face some of our Nation's children on a daily basis and to underscore our commitment to preventing child abuse and neglect so that all children can live in safety and security, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1097

Whereas in 2006, an estimated 905,000 children were determined to be victims of abuse or neglect out of an estimated 6,100,000 children referred for investigations and assessments;

Whereas the number of children who received an investigation or assessment by Child Protective Services increased by 333,000 from 2002 to 2006;

Whereas in 2006, an estimated 1,530 children died tragically as a result of abuse or neglect;

Whereas some of the most vulnerable children in our Nation are the most likely to be maltreated, with the youngest suffering the highest rate of victimization and children with disabilities also experiencing a high risk of maltreatment;

Whereas 91,278 of the victims of abuse and neglect had not yet reached their first birthday, with more than 84 percent being less than a month old;

Whereas children who are abused or neglected are at higher risk in adulthood for health problems such as alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated abuse or neglect during childhood increased the likelihood of arrest as a juvenile by 59 percent and adult criminal behavior by 28 percent;

Whereas it is estimated that approximately one-third of abused and neglected children grow up to victimize their own children;

Whereas 25 percent of children maltreated in 2006 had prior history of victimization.

Whereas child abuse and neglect can have long-term economic and societal costs;

Whereas community-based services to overburdened families are far less costly than the emotional and physical damage inflicted on children or the costs of child protective services, law enforcement, courts, foster care, health care, and the treatment of adults recovering from child abuse;

Whereas the annual estimated cost to the United States for not preventing child abuse and neglect is approximately $104,000,000,000, according to a 2008 report by Prevent Child Abuse America;

Whereas child protection agencies are unable to provide important follow-up services such as counseling or case management to 40 percent of the abused and neglected children on their caseloads; and

Whereas it is appropriate to designate the month of April 2008, as National Child Abuse Prevention Month: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) expresses support for the designation of National Child Abuse Prevention Month;

(2) should increase public awareness of child abuse and neglect prevention and should continue to work with the States to reduce the incidence of child abuse and neglect; and

(3) should recognize that child abuse and neglect prevention programs reduce child maltreatment, strengthen families, reduce mental illness, deter criminal behavior, and contribute to children's positive emotional, academic, social, and cognitive development.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may insert materials relevant to H. Res. 1097 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. I yield myself such time as I may consume.

Mr. Speaker, a child's safety should never be put in jeopardy. That's why I rise in support of H. Res. 1097, authored by Congressman COURTNEY from Connecticut.

H. Res. 1097 is a bill to designate this month as National Child Abuse Prevention Month. We need to shine a light on the tragic circumstances, Mr. Speaker, that face some of our Nation's children on a daily basis. As people across the country recognize this month as National Child Abuse Prevention Month and promote awareness activities in order to reduce the cases of child maltreatment, this resolution moves us one step closer to securing the safety and well-being of all children.

The latest data shows us that in the year 2006, approximately 1,530 children died, died in the United States of America, due to maltreatment, and an additional 905,000 children were victims of abuse and neglect. Even more disturbing, Mr. Speaker, is that our most vulnerable children are at greatest risk. Approximately 90,000 victims of child abuse and neglect in the year 2000 were less than 1 year old. More than 84 percent of those child abuse victims were less than 1 month old.

These facts are appalling. We must work together to bring attention to this important issue and begin to strengthen our families and our communities and to keep our children safe. We need to emphasize the need for more prevention programs because prevention works by reducing risk factors, by promoting protective factors and by fostering a commitment for social change.

Mr. Speaker, I want to thank Representative COURTNEY for introducing this important bill. It is my hope and it is my goal that all of my colleagues will join me in supporting H. Res. 1097 so that together we can reduce child abuse and neglect by increasing public awareness.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1097, expressing support for the designation of the month of April, 2008, as National Child Abuse Prevention Month to bring attention to the tragic circumstances that face some of our Nation's children on a daily basis and to underscore our commitment to preventing child abuse and neglect so that all children can live in safety and security.

Child abuse comes in many forms, physical abuse, neglect, sexual abuse and emotional abuse. Too often, these forms of abuse are found in combination with one another. Approximately 905,000 children were found to be victims of child abuse or neglect in 2006. Nearly 80 percent of the perpetrators were parents of the victims.

Last year, it was estimated that the total annual cost of child abuse in the United States was nearly $104 billion. This represents more than $33 billion in direct costs of child maltreatment, including judicial, foster care, law enforcement and health system responses and $70 billion in indirect costs including long-term economic effects.

Each of us can make a difference in the prevention of child abuse by understanding the causes of child abuse, by learning to identify the warning signs that a child is being abused, by reporting any known or suspected case of child abuse, by being a friend to a child or a parent in need and by alerting others to the problem.

I want to thank the folks in Wilkes County who invited me to attend a vigil at Our House in Wilkes County which provides services to abused children there. Every year, the staff and volunteers of Our House hold a vigil to raise awareness of this terrible problem in our area of the country. I know that other counties in the Fifth District of North Carolina, which I represent, also have worked to raise awareness. I want to particularly commend them for doing it.

In 1974, the Child Abuse Prevention and Treatment Act was first enacted to create a focal point in the Federal Government to identify and address issues of child abuse and neglect and to support effective methods of prevention and treatment. Through this act, States receive grants to help with their child protective service functions, improve investigation and prosecution of child maltreatment and to assist community-based family resource and support services.

Today, we recognize that child abuse and neglect are preventable through the efforts of schools, neighbors, families and the community. Child Abuse Prevention Month provides us all with an opportunity to work together to keep children safe and to provide the support that families need to stay together and raise children and youth to be happy, secure and stable adults.

In 1983, April was first proclaimed as National Child Abuse Prevention Month. Since that time, every April, child abuse and neglect awareness activities are promoted across the country. That is why I stand in support of this resolution, and I ask for my colleagues' support.

I reserve the balance of my time, Mr. Speaker.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield as much time as he may consume to the author of this great resolution, Mr. COURTNEY from Connecticut, and a member of the committee.

Mr. COURTNEY. Mr. Speaker, I want to thank Congresswoman WOOLSEY for her leadership by managing this resolution this afternoon and for Congresswoman FOXX's strong support that she just articulated very powerfully.

As Congresswomen WOOLSEY and FOXX stated, the statistics that the resolution lays forth clearly show the grave seriousness of this problem of child abuse all across America. In addition, though, just to the horrible trauma to the victims of child abuse, which by itself would be reason to fight this problem, society pays a huge price due to the high incidence of alcoholism, depression, drug abuse, eating disorders, and criminal behavior that has been clearly shown to occur in the later lives of too many children who were abused and neglected.

Recent statistics, for example, show that 14 percent of all men in prison in the United States were abused as children and 36 percent of women in prison were abused as children. And it is easy sometimes to get very discouraged about the numbers that just seem to suggest a problem that is growing almost out of control. In Connecticut, the State where I come from, for example, in between 1990 and 2003, the incidence of reported child abuse actually doubled. But I would suggest that perhaps we should look at those numbers in a different fashion, because what is also happening out there is that as a country, we are prepared, as never before in the past, to confront this issue. Mandated reporting laws now require that doctors, mental health providers and professionals in all arrays of professions that deal with families and children are now required by law to report incidents of abuse which in the past would have been swept under the rug. And that is one of the reasons why the number of cases are going up.

In addition, I think we should also be encouraged by a smarter and more effective approach that is being developed to fight child abuse, the multidisciplinary teams that are pulling together police, social workers, prosecutors, health care providers, nurse practitioners and doctors who are now systematically working together to make sure, number one, that complaints are dealt with accurately, but also that victims are diagnosed, treated and interviewed in an organized fashion so that there is more effective prosecution of cases.

If it seems as though I may be a little bit passionate about this issue, it is because my wife, Audrey, has been a pediatric nurse practitioner for 18 years in Connecticut, has worked at Saint Francis Hospital at Hartford and Windham Hospital as part of the multidisciplinary team, again, that is employing the best techniques possible to make sure that complaints are handled intelligently, swiftly and also in a comprehensive fashion so that prosecutions are not lost or neglected due to the fact that we don't have systems in place to make sure that the cases are handled in an effective manner.

This resolution, I think, adds to both of those positive trends by putting the spotlight on this issue to make sure that we, as a country, are prepared to confront the issue, to talk about it openly, to talk about the numbers that are out there and the terrible consequences that we face as a society when we don't deal with the issue.

So hopefully this year, like prior years, as Congresswoman FOXX indicated, April will act as a month where awareness will continue to grow, that we are going to continue to, as a society, deal with this issue honestly and frankly so that, A, we will protect our children who are our most valuable national treasure, and, B, that we will have systems that are prepared to effectively prosecute and punish perpetrators, and finally, that we are going to treat and care for people who have been abused in such a terrible fashion, because it helps not only them, but it helps American society.

So again, I applaud Congresswoman WOOLSEY for bringing this measure out on the floor this afternoon and I urge unanimous passage when it comes up for a vote later this evening.

Ms. FOXX. Mr. Speaker, we have no other speakers.

I urge all of my colleagues to support this resolution.

Ms. WOOLSEY. Mr. Speaker, I urge my colleagues to vote in favor of this resolution, and I also thank Congresswoman FOXX for her support in all of these bills that have come before us this afternoon.

It is so important that together on both sides of the aisle and that we understand the urgency of the resolution like Congressman COURTNEY's resolution today.

Child abuse should be something we talk about and think about every day, every minute, every second. There should never be a time when we don't worry about the little children in our country and in our world and what adults do to them.

Mr. Speaker, I urge all of my colleagues to support this resolution to make sure we bring it to the attention of those around the country, not just this month, but every month following.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1097, "Expressing support for the designation of the month of April 2008, as National Child Abuse Prevention Month, to provide attention to the tragic circumstances that face some of our Nation's children on a daily basis and to underscore our commitment to preventing child abuse and neglect so that all children can live in safety and security." I would like to thank my distinguished colleague, JOE COURTNEY of Connecticut, for introducing this important piece of legislation.

There is no greater crime that an individual can commit to a child than the crime of child molestation and child abuse. The perpetrators of this crime rob children of their innocence. Moreover, victims of child molestation are profoundly affected for the rest of their lives. As parents, elected officials and concerned citizens, we have an obligation to condemn this violence, work for stronger enforcement of the law and provide adequate funding for programs to assist children who may have experienced such abuse.

The problem of violence against children and sexual exploitation of children has been highlighted by recent events involving brutal acts of violence against children. Some recent incidents you may remember include: (1) the abduction, rape and killing of 9-year-old Jessica Lunford (who was buried alive); (2) the slaying of 13-year-old Sarah Lunde, both of whom were killed in Florida by career criminals and sex offenders. In Philadelphia, four defendants were charged with the stabbing and killing of a 15-year-old girl, who they then threw into the Schuykill River. All of these tragic events have underscored the continuing epidemic of violence against children. Children who are abused or neglected are at higher risk in adulthood for health problems such as alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases.

Sadly, sexual abuse is often committed by a family member. Approximately 91,000 of the victims of abuse and neglect had not yet reached their first birthday, with more than 84 percent being less than a month old. Incest is the most common form of child sexual abuse. It is often perpetrated by adults that have been entrusted with caring for a child—a family friend, babysitter, a teacher, day care worker, or even religious leaders. At least one out of five adult women and one out of ten adult men report having been sexually abused as children. In Texas, there were more than 111,000 investigations of child abuse and neglect by the Child Protective Services in Texas. Of those cases, 7,650 were sexual abuse.

In addition, the sexual victimization of children is overwhelming in magnitude and largely unrecognized and underreported. Statistics show that 1 in 5 girls and 1 in 10 boys are sexually exploited before they reach adulthood, yet less than 35 percent of the incidents are reported to authorities. This problem is exacerbated by the number of children who are solicited online—according to the Department of Justice 1 in 5 children (10 to 17 years old) receive unwanted sexual solicitations online.

It is estimated that approximately one-third of abused and neglected children grow up to victimize their own children. Child abuse and neglect can have long-term economic and societal costs. Community-based services to overburdened families are far less costly than the emotional and physical damage inflicted on children or the costs of child protective services, law enforcement, courts, foster care, health care, and the treatment of adults recovering from child abuse. The annual estimated cost to the United States for not preventing child abuse and neglect is approximately $104 billion according to a 2008 report by Prevent Child Abuse America.

It will take more than just stronger enforcement of the law to prevent child molestation and other forms of abuse against children. To end this serious abuse of children, all segments of the community such as parents, educators, religious leaders, and community leaders must create a nurturing environment for children where they know that they are loved and deserve to be protected from violence and sexual abuse and feel comfortable in reporting.

Local law enforcement receives increased flexibility in how it invests grants for child abuse victims, specifically by providing access to criminal conviction records by child protective and child welfare workers. This would enable workers to determine if troubled children are victims of abuse. State law enforcement would also have access to court child custody, visitation, protection, guardianships and stay away orders. Police could use this information to establish the validity of urgent complaints concerning children who may have been kidnapped by an abusive ex-spouse.

I express my support for the designation of National Child Abuse Prevention Month. I believe we should increase public awareness of child abuse and neglect prevention and should continue to work to reduce the incidence of child abuse and neglect. We should recognize that child abuse and neglect prevention programs reduce child maltreatment, strengthen families, reduce mental illness, deter criminal behavior, and contribute to children's positive emotional, academic, social, and cognitive development.

Mr. SHULER. Mr. Speaker, I rise today in support of H. Res. 1097 to support National Child Abuse Prevention Month. I am committed to preventing child abuse and neglect so that all children can grow and prosper in a safe, nurturing, and healthy environment.

As a father of two children, nothing is more important to me than protecting the welfare of all children. Safe, nurturing, and healthy environments are necessary for the well-being of children and their families. All children need to know that they are special and that they are loved by their parents.

By raising awareness of child abuse and neglect, parents and teachers can protect children from the risks associated with abuse and neglect. By supporting National Child Abuse Prevention Month, Congress can take a strong stand against child abuse and neglect.

My heart goes out to all children and families that have experienced abuse and neglect in their homes.

Mr. Speaker, I urge my colleagues today to vote for this important resolution that will support the establishment of National Child Abuse Prevention Month.

Ms. WOOLSEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1097, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 46 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. LEE) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5719, TAXPAYER ASSISTANCE AND SIMPLIFICATION ACT OF 2008

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110-585) on the resolution (H. Res. 1102) providing for consideration of the bill (H.R. 5719) to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2634, JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110-586) on the resolution (H. Res. 1103) providing for consideration of the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 886, by the yeas and nays;
H. Res. 994, by the yeas and nays;
H.R. 3548, by the yeas and nays.

Votes on H.R. 5517 and H. Res. 1097 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPRESSING SYMPATHY TO VICTIMS AND FAMILIES OF COLORADO SHOOTINGS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 886, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. ELLSWORTH) that the House suspend the rules and agree to the resolution, H. Res. 886, as amended.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 51, as follows:

[Roll No. 183]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—51

Allen
Andrews
Becerra
Bishop (GA)
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Capuano
Culberson
Davis, Lincoln
Delahunt
English (PA)
Fattah
Fortenberry
Gilchrest
Gohmert
Gutierrez
Hastings (FL)
Honda
Hulshof
Jefferson
Lampson
LoBiondo
Mack
Meek (FL)
Moran (VA)
Neal (MA)
Pascrell
Paul
Payne
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Renzi
Richardson
Rohrabacher
Rush
Schwartz
Shays
Shuster
Smith (WA)
Solis
Tsongas
Turner
Udall (CO)
Weiner
Weldon (FL)
Wilson (NM)
Young (FL)

☐ 1858

Mr. TERRY changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL GLANZMANN'S THROMBASTHENIA AWARENESS DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 994, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 994, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 54, as follows:

[Roll No. 184]

YEAS—377

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy

Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—54

Allen
Andrews
Becerra
Bishop (GA)
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Capuano
Carney
Carson
Culberson
Davis, Lincoln
Delahunt
English (PA)
Fattah
Gilchrest
Gohmert
Gutierrez
Hastings (FL)
Honda
Hulshof
Jefferson
Lampson
LoBiondo
Mack
Meek (FL)
Moran (VA)
Murtha
Neal (MA)
Pascrell
Paul
Payne
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Renzi
Richardson
Rohrabacher
Rush
Schwartz
Shays
Shuster
Smith (WA)
Solis
Tsongas
Turner
Udall (CO)
Walsh (NY)
Weiner
Weldon (FL)
Wilson (NM)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on the vote.

□ 1906

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PLAIN LANGUAGE IN GOVERNMENT COMMUNICATIONS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3548, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BRALEY) that the House suspend the rules and pass the bill, H.R. 3548, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 1, not voting 54, as follows:

[Roll No. 185]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—1

Flake

NOT VOTING—54

Allen
Andrews
Becerra
Bishop (GA)
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Capuano
Chandler
Culberson
Davis, Lincoln
Delahunt
English (PA)
Fattah
Gilchrest
Gohmert
Gutierrez
Hastings (FL)
Honda
Hulshof
Hunter
Jefferson
Lampson
LoBiondo
Mack
Marchant
Meek (FL)
Moran (VA)
Murtha
Neal (MA)
Pascrell
Paul
Payne
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Renzi
Richardson
Rohrabacher
Rush
Schwartz
Shays
Shuster
Smith (WA)
Solis
Tsongas
Turner
Udall (CO)
Weiner
Weldon (FL)
Wilson (NM)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

□ 1913

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 183 and 184, and "nay" on rollcall vote 185.

PERSONAL EXPLANATION

Mr. SHAYS. Madam Speaker, on April 14, 2008, I missed 3 recorded votes. I take my voting responsibility very seriously. Had I been present, I would have voted "yea" on recorded vote number 183, "yea" on recorded vote 184, and "yea" on recorded vote 185.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 1119. An act to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

H.J. Res. 70. Joint resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 76. Concurrent resolution to make technical corrections in the enrollment of the bill S. 1858.

RECOGNIZING DAVIDSON COLLEGE WILDCATS MEN'S BASKETBALL TEAM ON THEIR TREMENDOUS SEASON

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Madam Speaker, I rise today to recognize and pay tribute to Davidson College, President Tom Ross, Coach Bob McKillop, and the Davidson College Wildcats men's basketball team, which had one remarkable basketball season. Davidson College is one of a number of outstanding colleges and universities in my congressional district. The Wildcats basketball team finished its regular season undefeated in the Southern Conference, won the Southern Conference tournament, and went on to their third consecutive NCAA tournament appearance.

In the NCAA tournament, Davidson College delivered three stunning upsets, eliminating the Gonzaga Bulldogs, the Georgetown Hoyas, and the Wisconsin Badgers on their way to the Elite Eight. In the Midwest regional finals, the Wildcats gave a tremendous effort before ultimately falling to Kansas by 2 points. Kansas, of course, went on to win the National Championship. By any measure Davidson College was the Cinderella team of this year's NCAA tournament.

In a fitting tribute to his coaching and leadership, Coach Bob McKillop received the Coach Clair Bee Award on April 7, honoring the NCAA Division I men's basketball coach who has made the most significant positive contribution to the sport during the year.

I wish Coach McKillop and his Cinderella Davidson Wildcats continued success. I am fortunate to represent Davidson College and their outstanding scholars and athletes in Congress. We'll be back next year.

WELCOME POPE BENEDICT XVI

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, tomorrow Pope Benedict XVI will make his first papal visit to the United States of America. This is an exciting time for America and the over 64 million American Catholics to celebrate the relationship between our Nation and The Vatican and our continued work towards peace and humanitarian needs around the world.

During his trip, the Pope will visit New York City and Washington, D.C., where he will attend Mass at Nationals Park and Yankee Stadium, visit the World Trade Center site, and attend ceremonies and meetings at the White House with President George W. Bush. As an extraordinary sign of respect, the President will welcome the Pope at Andrew's Air Force Base in Maryland and escort him to the White House. Pope Benedict is just the third Pope to visit the United States, and this visit marks the 25th meeting between a sitting President and a Pope.

On behalf of the citizens of the Second Congressional District of South Carolina, I welcome Pope Benedict to the United States. I hope his visit will be a positive reminder of the importance of our relationships.

In conclusion, God bless our troops and we will never forget September the 11th.

Welcome Michael McCrory Wilson, who was born on April 11, 2008, at Lexington Medical Center, West Columbia, South Carolina.

SALUTING "HOMES FOR HOMETOWN HEROES"

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I'm delighted to rise today to salute "Homes for Hometown Heroes."

Many of us, my colleagues and myself, Members from as far away as California and Arizona, had the privilege of being in Houston, Texas, last evening at the Hyatt Regency to celebrate a very unique and special program where our hometown heroes, injured soldiers, were able to receive their own home by the largess and generosity of many heroes in our community.

Madam Speaker, it's a moving experience to see our soldiers coming in injured but yet strong and resilient. What a privilege to be able to present to them a key to their own home.

I look forward to working with this caucus, the Democratic Caucus, the Republican Conference, and all of our Members to spread this message across America. One has said that all of what they've done, they deserve to be respected and responded to, a home for the injured soldiers, brain damaged, those who cannot walk in wheelchairs, to simply say "thank you." I look forward to announcing a posttraumatic stress disorder center in my own 18th Congressional District.

Last evening reinforced the fact that nothing is too great for those who have put their lives on the front line. I look forward to celebrating the hometown heroes.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. LEE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING AND HONORING VICTIMS OF CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, this week is National Crime Victims' Rights Week, and in the criminal justice system, Madam Speaker, we've come a long way to the time that we recognize the importance of victims and honor them for a whole week.

Before I came to Congress, I was working in the District Attorney's office in Houston, Texas. That was even before I was a judge for 22 years. And I often reflect on one crime victim that taught me more about the way the world really is than maybe any other person.

Many years ago I had the opportunity to prosecute a case, and I'm going to change the names because the victim's family still lives in the Houston area and are concerned about their privacy.

This young lady was married and had two twin boys. And she had a good career. She was in her early 20s, and she was going to the University of Houston at night to get a second degree.

And one evening she was driving home, and she had car trouble. The lights came on in the dash of her vehicle. So she pulled over to a service station that she thought was open. But the service station was not open, it was closed.

She got out of the car, and she started talking to who she thought was a service station attendant. But the individual, Luke Johnson, was not a service station attendant. He was just hanging around. He pulled out a pistol. He kidnapped this young lady, Lisa, and took her to a remote area in the piney woods of East Texas. He pistol whipped her. He sexually assaulted her, and he left her for dead. In fact, when he was later arrested, he was mad that he hadn't killed her.

But she was a remarkable young lady. She survived that brutal attack. Three or four days later, she was found in the woods by a hunter that was out there. Medical needs were met for her. She recovered from that brutal attack. Luke Johnson was later captured and charged with aggravated sexual assault.

I was fortunate to prosecute that case. Lisa came and testified before a jury of 12 citizens of Houston, Texas. Luke Johnson was convicted. He received the maximum sentence of 99 years in the Texas State Penitentiary.

And, Madam Speaker, we would hope that all would be well with victims after that, that the world would go on and things would work out well. But that's not the world that we have ever lived in.

Lisa couldn't quite cope with being the victim of a crime. She never went back to that campus at the University of Houston. You can understand why. She couldn't hold a job. In fact, she was fired from her job because she couldn't focus. She started abusing drugs, first alcohol and then probably everything else that she could get her hands on.

Her husband, the kind of guy that he was, no longer wanted her, sued her for divorce, and was able to convince a judge in Houston that he should obtain both of the twin boys, and he left the State of Texas for good, claiming that she was not mentally capable to raise those two children.

And soon after that occurrence, I received a phone call from Lisa's mother telling me that she had received a note from her daughter saying that she was going to take her life. And she did. And I have that note with me today. I've always had that ever since this crime occurred, all the years I was a judge, and I have it in my office here in Congress, saying that she was tired of running from Luke Johnson in her nightmares.

She paid the ultimate price for being a crime victim, Madam Speaker. And because of the fact in those days there was no victim advocate, there was no one that she could turn to, she felt alone. She was alone, Madam Speaker.

But the criminal justice system in this country has come a long way. We have victims' advocates, who take care of the needs of victims, all the way from the time the crime is committed, through the trial, and after the trial. And we have people in the medical profession that donate their time to help in the recovery of crime victims. And now we have in the United States Congress a Victims' Rights Caucus. I'm proud to be the founder of that, but it's a bipartisan caucus. JIM COSTA from California, a Democrat, is the co-chairman of this caucus. We have over 44 members, of Members of both parties, who seek and advocate rights of crime victims here in the United States House of Representatives.

Madam Speaker, we have come a long way. But we have a long way to go because crime victims are real people. Crime doesn't discriminate based on race, age, sex, or economic status. Crime affects so many people through this country. And we, as good neighbors, need to make sure that we keep up with people who have had that unfortunate experience of being a crime victim, especially of a violent crime. Because the same Constitution that protects the rights of criminal defendants protects the rights of crime victims. And we should always seek justice because justice is what we do in this country. And that means that we must always have justice for victims as well.

And that's just the way it is.

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IRAQ'S HUMANITARIAN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, as we enter the sixth year of the seemingly endless occupation of Iraq, the International Committee of the Red Cross published a worrying report about the State of the humanitarian crisis in Iraq.

In its entitled "Iraq: No Let-Up in the Humanitarian Crisis," the publication shows just how far we need to go to meet the most basic needs of the Iraqi people. Despite the rosy picture being painted by some in the administration, too many Iraqis are still without health care, clean water, and/or education.

And many families have been torn apart by the civil war wracking the country. Family members have gone missing or have been killed. Some have been shipped off to detention centers.

Estimates range on how many people, mostly men, have been locked up. According to the Red Cross, "Tens of thousands of Iraqis, almost all of them men, are currently in detention often far from their homes."

One camp is situated in the southern part of the country near Basra and is managed by the United States-led multinational forces in Iraq. At the same time, this is the largest detention facility in the country. And there are more than 20,000 inmates in that detention camp.

The situation means that many families have lost their breadwinner. The new heads of household, many women and many children, have to cope in a world that seems to be without home or promise for the future. And their day-to-day life is just as bleak.

Instead of improving, the supply of electricity has become even more unreliable. Because of this, water sanitation plants are breaking down and hospitals find they cannot provide adequate care, even if they had the medical supplies to meet the demand, which they very seldom do.

Parents the world over, Madam Speaker, American, Iraqi, or anywhere else, only want the best for their children. They want their kids to be happy. They want them to be healthy. They want their kids to go to school, to grow up and to have a chance to achieve their dreams. That is why ongoing occupation is about more than statistics or numbers.

The Red Cross reports helps to put a human face on the administration's so-called foreign policy. One such story actually highlights the struggle faced by too many. Here is Ruba's story. She says, "My children and I left my home in Anbar province almost 2 years ago. My husband had been killed right in front of us." She continues, "I had to protect my children, so we fled the same night with nothing but some money. For me, today, there is no past, there is no future, only a horrible present. I only wish I had some photos of my husband, photos of my family. I can see it all in my mind, but I don't know for how long I will remember. There was a time when we always sat down together for lunch and laughed. Today, we are living with my cousin's family."

She goes on to say, "There are 12 of us in one room. I don't want my old life again, because I know it is impossible without my husband. All I want is for my children to go to school and lead a normal life."

The story of this mother, Madam Speaker, a woman just 38 years old, is heartbreaking. We have a solemn obligation to help the Iraqi people achieve a future that is both secure and stable.

In the 5 minutes we stand here to deliver our special order speeches, the administration spends over $1 million to prolong the endless occupation. I think the people of America could find a better way to show our commitment to the Iraqi people.

The American people's generosity and commitment to humanitarian assistance is boundless. But our patience with this administration's foreign policy follies is actually not boundless. This Congress must stand up to the administration. We must say "no" to a blank check. Let us redirect our resources to where they are really needed, towards aid, not ammunition.

UNJUST PROSECUTION AND IMPRISONMENT OF U.S. BORDER PATROL AGENTS COMPEAN AND RAMOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, today is day 453 of a terrible injustice in America. Two U.S. border agents, Agents Compean and Ramos, have been languishing in Federal prison since January 17 of 2007. These men did their job to protect our Nation from an illegal alien, a Mexican drug smuggler who brought $1 million worth of marijuana across our border into Texas. Yet through a questionable prosecution, these two men were convicted for defending themselves and defending our border.

It is a sad day that such a travesty of justice could happen to two Hispanic Americans who loved America so much that they were willing to become law enforcement officers, and in this case Border Patrol agents, in order to protect America. Despite the efforts of the American people and Members of Congress, who have brought this to the attention of the White House, nothing, and I say nothing, has been done to reverse this injustice.

While outside groups and Members of Congress have filed court briefs to support these agents, we still anxiously await a decision in their appeal. The more time these men spend in prison and the longer it takes for a decision on their appeal, the more frustrated the American people become.

The American people have not forgotten agents Ramos and Compean. From time to time, I still hear from constituents who are frustrated that these men are still in prison. The only glimmer of hope for these agents and their families rests with the Fifth Circuit Court of Appeals in New Orleans. During an oral argument on December 3, 2007, one of the judges considering the case, Judge E. Grady Jolly said, and I quote, Madam Speaker, and this is his quote, "It does seem to me that the government overreacted here. For some reason, this one got out of hand." That is a Federal judge that made that comment.

A ruling on their appeal is now expected any day, and millions of Americans are hopeful that the Court of Appeals will reverse this terrible injustice.

Madam Speaker, I still call on Chairman JOHN CONYERS to hold a hearing to review this unjust prosecution some time before the end of the year. Chairman CONYERS is a fair-minded person for whom I have great respect. Justice is crying out for his help.

And Madam Speaker, before I close, I want the Ramos and Compean families to know that there are those in both parties in this House of Representatives that are not going to sit back and wait until this injustice is corrected because these two border agents deserve nothing but praise for what they have done for this great Nation.

OIL EXPORTS FROM COLOMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, the papers back home tell the story: 25 firefighter jobs advertised, thousands of applicants. Bass Pro Sporting Goods building a new store, 300 jobs, 13,000 applicants, and the applications keep coming in. Yet the Bush administration last week sent Congress another job-killing NAFTA-like trade pact, this time for the South American nation of Colombia.

But why Colombia? And why now? The answer to both questions, in a word, is oil. Rather than paying attention to what is happening in this country, again, the Bush administration is focused to a new set of global oil deposits.

Why Colombia? In the big picture of global trade, Colombia is relatively insignificant to the United States. So why would the Bush administration make it a top priority in the final year of his presidency? Because oil represents more than half of Colombia's exports to the United States. And nothing drives Bush administration policy more than oil.

Ten years ago, Colombia wasn't even exporting oil. It was an oil-importing country. But with the Middle East in turmoil, the Bush administration, like the Clinton administration before it, is doing everything it can to make Colombia safe for oil exports to us. At a time when U.S. relations with Venezuela, South America's leading oil producer, have dropped to an all-time low, Colombia has emerged as the continent's fourth leading supplying supplier.

A decade ago, as I mentioned, Colombia was an oil-importing nation. Now, multinational oil companies have made huge investments because of tax favorability in the area of a giant, crescent-shaped, underocean oil field that stretches from Colombia to Peru. This trade agreement is not about cocoa. It is not about coal. It is not about cut flowers. This is an agreement about oil.

Buying oil from Colombia piles more oil trade deficit on top of the $800 billion overall trade deficit our Nation has wracked up with nations all over the world. We continue to export jobs at an accelerating rate and import more and more and more from abroad with oil leading the way by far the number one category in the red.

As in Middle East, the United States government is pouring billions of dollars into Colombia in the form of military and foreign aid in order to protect the oil companies' investments.

Why now? Because the United States is being forced by political realities to relocate its sole defense base in Latin America out of Ecuador, whose president wants it removed from there. And by contrast, the Uribe government in Colombia has welcomed U.S. military involvement, seeing an opportunity to court favor with the Bush administration and the military protection that aid provides for oil exports. Only Israel and Egypt receive more military assistance from the United States.

According to Amnesty International, which opposes military aid to Colombia until human rights concerns are addressed, the U.S. contributes approximately $750 million, a quarter of $1 billion, each year. It is estimated that our country has sent Colombia more than $5 billion under the guise of Plan Colombia, with most of the assistance going to the military and police.

These parallels with the Middle East are troubling. In both regions, the United States risks its reputation with the "people on the street" by mixing economic designs on resources not belonging to us, and then moving defense assets to protect that interest.

Yes, average Americans are justifiably upset over rising prices at the pump. A gallon of gasoline now costs as much or more than a gallon of milk. Think about that. But surely the answer to this predicament is not to increase our oil dependence on Colombia. If our citizens saw how our America has dedicated its military assets to back up that oil flow owned by private interests, they would be really enraged. In Latin America, the United States is viewed as anything but the "Sweet Land of Liberty."

As in the Middle East, public opinion throughout Latin America has turned strongly negative toward the United States. People to our south view the Bush administration's policies as concerned only with the wealthiest segments of society or their American investment partners and essentially apathetic about democracy for the average person. To achieve the real Alliance For Progress envisioned by John F. Kennedy, our policies should promote democracy and cooperation, not resource exploitation.

Why would our government tether itself to a regime that has tolerated the murder of thousands of labor leaders, more than the rest of the countries of the world combined? Already this year, 17 more labor leaders have been assassinated in Colombia. The Bush administration's failure to cure America's oil addiction is no reason to overlook the crimes of impunity that are being committed regularly against organized labor in Colombia.

Once again, however, our foreign policy is being held hostage to the demands of an oil-based economy.

Haven't we moved beyond the 20th century? The issue is not the U.S. trade relationship with Colombia, but the failure of the Bush administration to make our economy more stable at home by pursuing the important goal of energy independence.

Our national leaders should wake up and move us to freedom from imported petroleum. This is a national imperative as serious as our Nation has ever faced. We don't need Colombian oil now. We need energy independence here at home.

☐ 1945

SUPPORTING COLOMBIA, AMERICA'S BEST FRIEND IN LATIN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER of Illinois. Madam Speaker, I rise to express concern about an action taken by the majority of this House this past week.

When the question is often asked, who is America's best friend in Latin America, no matter where you are in Latin America, they always say the democratically-elected government of Colombia is America's best friend.

This last week, the House of Representatives voted to turn its back on America's best friend. At a time when the autocrats threaten democracy, when democracy is at risk in Latin America by those who threaten it, such as the President of Venezuela, this Congress, this House, voted to turn its back on Latin America's oldest democracy, America's best friend in Latin America.

If you think about it, who else is Colombia? Colombia is also America's most reliable and strongest partner when it comes to addressing terrorism and addressing narcotics. Colombia has been there.

President Uribe, the President of Colombia, today is the most popular elected President in the entire hemisphere. This Congress has a 15 percent approval rating with the American people. Fifteen, 1–5 percent. President Uribe has 80 percent approval ratings with his own people. Why? Because he was elected to reduce violence. He was elected to bring security to his country, and today 73 percent of the Colombian people have said in a recent opinion poll that they feel more secure in Colombia. Seventy-two percent in that same poll said they believe President Uribe is making progress and at the same time protecting human rights. So President Uribe has made tremendous progress.

Today, violence has been reduced, kidnapping is down, murder rates are down. In fact, it is safer to walk the streets of Bogota, Colombia, or Medellin, once known as the most dangerous city in all the world, than it is to walk the streets of Washington, DC.

President Uribe with Plan Colombia and the support of his own people has made tremendous progress. They are reliable partners, reliable friends. And last week this House voted to turn its back on the democratically-elected government of Colombia. Think what message that sends to Latin America, about how the United States House of Representatives respects and treats our friends in Latin America.

We have before us a trade promotion agreement with Colombia. It is a good agreement. My friend and colleague from Ohio says it is all about oil. We don't need a trade agreement to buy oil from Colombia. In fact, right now Colombian products, manufactured goods and farm products enter the United States duty free. There are no taxes on their imports. But U.S. products, such as construction equipment, the bulldozers that could be used in mining and various other economic projects in Colombia, face 15 percent tariffs. Our corn and soybeans and livestock products face tariffs of up to 40 percent, but Colombian agricultural products enter the United States duty free. We need a trade promotion agreement with Colombia to even the playing field.

We often hear from folks back home, you know, we need trade agreements that are fair and where we treat each other equally, so if they get access to our market, we get access to their's. Well, under the status quo, they have that. We need this agreement so we get access to their market.

Some say Colombia is not very important. Well, there are 42 million people there. It is the second largest Spanish-speaking Nation in the world. It is America's best friend. But we have a good agreement before us.

Some have said we need to oppose this agreement because there has been violence against union activists. The Uribe government has acknowledged that. In fact, they have done some incredible things. They have increased the budget for prosecution of violent acts by 72 percent. They have added almost 2,200 prosecutors and lawyers and others for the Prosecutor General to go after those who commit violent crimes.

When it comes specifically to labor leaders in Colombia, as the Washington Post has pointed out, the murder rate for labor leaders in Colombia is actually lower than the national murder rate, and any murder is unacceptable, whether it is here in Washington, DC or Bogota.

The bottom line is, Colombia is our friend. This House voted to turn its back on our best friend. We need to move forward on the U.S.-Colombia Trade Promotion Agreement. We should bring that forward and give our best friend in Latin America what they deserve. They have earned it.

PRESIDENT SHOULD SIGN SCHIP BILL TO HELP WORKING AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 5 minutes.

Mr. COURTNEY. Madam Speaker, I rise in the well today to talk about an event that occurred last weekend on Saturday in Tolland, Connecticut, which is a suburban town about 20 miles east of Hartford.

The Connecticut State Dental Society held an open free clinic under a program called Mission of Mercy, which is a group of dentists around the country that organize operatories and equipment to go into communities and basically open the doors and say anybody who needs dental care, come and we will take care of you. The advertising for this event in Connecticut was modest. There were some TV public service announcements, there were some small notices in the press.

The Dental Society had organized about 180 dentists, a number of hygienists and staff to be with the group that morning. Much to their amazement, people started lining up for this event at 6 o'clock the prior evening, Friday evening, and by 4 o'clock in the morning, when the dentists actually arrived to start setting up the operation, there were already 350 people waiting in line to get their care. By 5 o'clock in the morning, the crowd had grown to the point where the Connecticut State Police had to come out and actually turn people away.

At about 5:30 in the morning, the heavens opened up. There was thunder, lightning, and it rained, it was pouring rain, hard rain on the crowd, and none would leave, because they were terrified of losing their place in line and being deprived of the opportunity to get an extraction, to get a filling, to get their teeth cleaned, because they were so desperate to get dental care. Looking at the pictures in the press the following day of people literally huddled in the rain waiting to try and get an opportunity to get their teeth taken care of, it really made you wonder what country are we living in.

Tolland, Connecticut, where this is being held, is suburban Connecticut. This is not a distressed area. This is not an urban area with large pockets of chronic poverty. It is a suburban area with working families and working individuals who definitely earn a paycheck and provide a standard of living that would be described as middle class for themselves and their families. But when I joined the dental clinic later in the day around 1 o'clock in the afternoon, 800 people were at that point lined up to be served. They had turned away hundreds of others. People were waiting in the stands of a gymnasium, waiting for an opportunity to get their teeth taken care of.

Now, why am I talking about this on the floor of the United States Congress? The reason is because there is legislation that has been sitting on the President's desk, the SCHIP bill, the children's health insurance extension, over which there has been a lot of fighting and debating going on in this Chamber over the last few months or so.

One of the overlooked parts of that legislation is that in addition to standardizing a 300 percent poverty threshold so that working families would have an opportunity to have their children covered by health insurance, it would also strengthen the dental coverage under the SCHIP program.

If you talk to any dentist or any healthcare provider in this country, they will tell you that under the existing SCHIP program, the dental coverage is inadequate. That is why in those stands in that high school gymnasium there were families with children who have never had their teeth cleaned, who needed in some instances to have their teeth extracted because of the fact that they have no other type of decent coverage for their dental care.

Unfortunately, President Bush has twice vetoed this legislation, legislation that has been endorsed by the March of Dimes, by the Catholic Hospital Association, by the American Medical Association, by the Pharmaceutical Association of America, a broad consensus of stakeholders in the healthcare system that have come together and said if there is one area of dispute that we ought to agree on as Americans, it is that children should have their health insurance covered. In particular, we should make that sure that oral and dental healthcare is done in a fashion to make sure they are going to have a lifetime of decent dental care. Because if you talk to anyone who is in pediatrics, they will tell you that dental care, dentistry care, is essential to making sure that a young person will grow and thrive.

Well, what we saw in Connecticut on Saturday is I think a perfect example of how broken the system is. What is frustrating to me, and I think so many others, is that we have an opportunity with a piece of legislation to make a real difference in the lives of young children in America, to make sure that they will not be stuck in the pouring rain and in thunder and lightning, so they can get access to what I think almost any reasonable person would describe as basic, fundamental, decent healthcare.

Madam Speaker, I have a copy of the Hartford Courant coverage of this extraordinary event that took place in Connecticut from the Sunday Hartford Courant edition which I am going to ask to be made part of the RECORD. I would just like to read the final passage of the article, which described a 67-year-old Stafford Springs woman, which is, again, a suburb of Connecticut.

"As she walked back to her parking lot with no umbrella, soaking wet from the rain, struggling to catch her breath from the walk, the woman said she had come to get her tooth pulled, but already knew she would never get in. Like the others, she can't afford dental insurance." When she was asked what she was going to do, she said, "Just going to pray, I guess."

She should be able to ask for more than that. She should ask for real action by this Congress to pass healthcare legislation so that Americans will get the care they need.

Madam Speaker, I include the article for the RECORD.

[From Courant.com, April 13, 2008]

MANY TURNED AWAY FROM FREE DENTAL CARE CLINIC

(By Colin Poitras)

The line of taillights glowing in the predawn darkness snaked back nearly a mile from the old Tolland High School on Saturday.

Closer to the school, people were walking along the side of the road, a steady stream of dark silhouettes rising out of the morning mist like refugees in a war zone.

There were elderly couples clutching their canes, hunched-over veterans, single mothers with young children in tow. A woman on crutches limping along.

It was 5 a.m., and they came by the hundreds, a throng of pilgrims with a common goal—free dental care.

Some heard about it on the radio, others saw it on TV or read about it in the newspaper. Connecticut's Mission of Mercy, the first ever single, large-scale free dental clinic to be offered in the state.

"This shows we have a broken system and have to find some way to correct it," said Dr. Bob Schreibman, a Glastonbury pediatric dentist and one of the Connecticut mission's organizers. "This is not a solution. This is a stop-gap measure to address people's immediate needs. This points out there is a huge need even in this, the richest state in the country."

Inside the school, more than 190 volunteer dentists were waiting along with 800 volunteers. Free fillings, check-ups, extractions. No questions asked.

The high school's cafeteria and gym were outfitted like a field hospital, with 60 dental chairs shipped in from the Midwest, portable X-ray machines and boxes upon boxes of latex gloves and sterilized dental tools.

The crush of patients was so large that by 7 a.m., people were being turned away.

When Carol Dingledey, executive director of the Connecticut State Dental Association, arrived to set up at 4 a.m., there were already 350 people outside the door. Some came the night before and camped out. Others drove hours in the dark hoping to be seen.

"It just goes to show you how many people don't have dental insurance," said Mary, a 70-year-old woman, standing in a line of about 100 people outside the school at 5:30 a.m.

Leaning on her cane, Mary, who didn't want to give her last name, said she spent her entire life working and raising nine children and grandchildren. Now on limited income, she can't afford dental insurance, never mind pay fees out of her pocket. She hasn't been to a dentist in eight years. Her teeth hurt. She needs a filling, and a cap had come off.

"I've never been on welfare; I've never had to struggle to get by," Mary said. "But here it is. This is the bottom of the line. I'm just trying to get by."

About a half-mile away in the parking lot of the new Tolland High School, where organizers had set up a shuttle parking area, Rhonda Slattery, 54, sat in her motorized wheelchair waiting for her husband, Joe. They had just finished the hourlong ride from Barkhamsted and weren't sure the school bus shuttling people to the make-shift clinic was handicapped accessible.

"I'm just amazed at the number of people here at this hour of the morning," said Rhonda Slattery, whose limited Social Security disability income makes it difficult for her to afford dental care.

As she spoke, the sky opened up and it started to rain. Hard.

Inside the school at 7 a.m., what could be the largest waiting room in Connecticut was packed to its 700- seat capacity. The auditorium was full of people: more retirees, working people, college kids, entire families. Some huddled under blankets. Others sat quietly, waiting for their number to be called, many of their faces swollen or creased in pain.

In the triage area just outside the auditorium, dentists peered into people's mouths with portable flashlights. Nurses and dental assistants hustled about—checking blood pressures, taking X-rays, injecting Novocain.

In the gymnasium, down the hall the high-pitched whine of dental drills floated above the crowd as dozens of dentists treated patients. Those awaiting care sat in the bleachers, then moved to metal folding chairs before reaching the dental chairs. A squad of stand-by dentists stood off to the side, scrubbed and ready, waiting to replace their peers when their hands cramped and they needed a break.

The two-day clinic opened at 5 and the work would not stop until 5 p.m. Today it continues from 5 a.m. to noon.

Sitting among the throng were Susan and Brian Boyce of Eastford, both 41, who came to the clinic with their seven children—from age 12 down to 11 months. (The baby was just along for the ride.) Brian is an executive director at the Porter and Chester Institute. Susan is a registered nurse who stays home with the kids.

But they don't have dental insurance and with annual dental check-ups costing more than $1,000 a year, paying for even routine dental care is difficult, they said.

"The dentists don't take payment plans, they want the money up front, and that's a big chunk of money when you try to go every year," Susan said.

Shortly after 7 a.m. the clinic was maxed out. Organizers began turning people away at the door. The backlog was so deep that it would take the rest of the day just to treat those already there. Later in the morning, the clinic reopened briefly, and another 100 or so patients were let in. It abruptly closed again by 10 a.m.

For some, the clinic is a blessing, a reprieve from their aches and pain. But for those who didn't get inside, the struggle continues. Many in the pre-dawn dark turned back upon seeing the long line.

"It's pretty bad," said one 67-year-old Stafford Springs woman, as she walked back to the parking lot with no umbrella, soaking wet from the rain. Struggling to catch her breath from the walk, the woman said she had come to get her tooth pulled at 5 a.m. but already knew she'd never get in. Like the others, she can't afford dental insurance.

As she climbed into her car, the woman was asked what she was going to do. Water dripped off her hair as she wearily shook her head.

"Just going to pray, I guess."

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is April 14, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,866 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should have given them.

Madam Speaker, let me conclude, in the hope that perhaps someone new who heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,866 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is April 14, 2008—12,866 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of free and the home of the brave.

THE STATUS OF ENERGY IN THE WORLD TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHIMKUS. Madam Speaker, it was a pleasure to be down here listening to the special orders of my friends from the various States, and especially my friend from Connecticut, Mr. COURTNEY, and I understand his compassion and concern. But I will tell you that if we don't get a handle on these energy costs, people aren't going to have the money to do the things they want to do with their families on a day-to-day basis. So we have this time tonight to talk about energy and our energy status in the world today.

We started doing this last week on a bill that came to the floor that we are going to finish this week, the Beach Protection Act of 2007. We took that opportunity to talk about that. But we ought to be addressing some of the pressing concerns of this country today.

We hear the term that America, and rural America, is bitter. It is a big phrase today and over the weekend. They are bitter. They are bitter about high energy costs, and they are bitter about the fact that this Congress is not doing anything to address the supply part of this debate.

More supply means lower costs. That is basic economics 101. Anyone who has gone to have a bachelor's degree, and even some good high school programs teach economics, it is a simple supply and demand equation. So we are going to talk about energy tonight. My focus is going to be on supply, how we need more supply.

We also hear a lot this year about change. We want change, and everybody wants change. But, you know, change is not always good. Here is an example of change.

Since the Democrats got in the majority, when they first got sworn in, the price of a barrel of crude oil was $58.31. Today, the price of a barrel of crude oil is $111.15. I would say that is bad change. That is not good change. So change is not always good. This is negative change, and it flies in the face of promises from my friends on the other side of the aisle.

The Speaker of the House, NANCY PELOSI said on April 24, 2006, about 2 years ago, "Democrats have a commonsense plan to help bring down the skyrocketing gas prices." Well, that was almost $60 a barrel less ago, and $1 and change per gallon of gas less.

☐ 2000

Majority leader STENY HOYER said, October 4, 2005, "Democrats believe that we can do more for the American people who are struggling to deal with high gas prices."

Well, they did. They did. What did they do? They raised their gas prices. You want to talk about not being able to pay for dental care? People are using their money to get to work.

In rural America, we drive long distances. Rural America doesn't have the access of buses. Rural America doesn't have the opportunity to take the Metro or light rail.

Those who are driving distances to get to work are harmed exponentially greater. Democrats proffered lower gas prices. What do we have? We have higher gas prices. All we are asking them to do is keep their prices. Help them lower the price of gasoline, but they won't do it. Do you know why they won't do it?

They won't do it because they really hate fossil fuels in this country. They hate crude oil, and they hate coal. They hate crude oil, and they hate coal.

They hate fossil fuels, so to address high prices, what we have to do is bring on more fossil fuels to the market, and they won't do it. That's why we are not going to have any relief on gases.

Constituents ask me, what are you going to do to lower prices? What are you going to do, Congress? I just shake my head, and I said the only thing that's going to happen is prices are going to go up because demand is going to continue to go up, supply is going to stay the same, and you are going to have higher prices.

Democrat Whip JIM CLYBURN, Democrat from South Carolina, said "House Democrats have a plan to help curb rising gas prices." Jim got it wrong. "No" is not an energy plan. They had no plan, and when you have no plan, you plan to fail, and what do you get? You get higher prices.

We know we are going to have $4 a gallon gas this summer sometime. We know it. In fact, the newspapers are starting to raise this issue, "$4 gasoline seen possible this summer," the Buffalo News, April 9, 2008; price at the pump likely to reach $4, the Washington Times, April 9, 2008; "$4 Per Gallon Gas Creeps Closer," Fox News, Denver, Colorado, April 9.

We know we are going to have $4 a gallon of gas. How do we stop that from happening? We have to bring on more supply. I have some friends here to join me, but I am going to finish with one solution that has bipartisan support, and that's coal-to-liquid technologies.

There are a lot of ways we can address this debate and this issue, but let me just pitch one to you. The Illinois Coal Basin, and I am from Illinois, I am biased, the Illinois Coal Basin is basically the State of Illinois and the southwestern part of Indiana and the western part of Kentucky. That's all a big coal field.

Under the ground there is as much fossil fuel energy in coal as Saudi Arabia has in oil, 250-year's worth. We have been mining and using it for generations. In fact, I am fourth-generation Lithuanian American. My great grandfather immigrated to my home town of Collinsville, Illinois, where I still live. What did he do? He worked in the coal mines. My grandfather worked in the coal mines.

In southern Illinois, we have coal mines and we have mine workers. We have an abundant natural resource.

Now, we know coal can be used to generate electricity, but I am not talking about generation of electricity right now. What I am talking about is liquid fuels, the stuff that we need to put in our cars so we can get to work. How do we lower the price of gasoline in this country? That's where coal-to-liquid technology comes in.

We also had these budget airlines, three of them went bankrupt, one is on the verge. What's one of the problems? The high cost of aviation fuel.

All those people are unemployed. They don't have a job. They are going to be a burden to the safety net. They are not going to have dental care which was provided by their employer. But now they are unemployed because of the high cost of jet fuel.

How do we bring liquid fuel back to the arena that the budget airlines and the soccer mom, who is shepherding those kids around in the minivan, can afford to do that. We bring on more supply. One option is to use our vast resources of coal in this country and use that technology that goes back to World War II, the Fischer-Tropsh technologies.

Synthetic fuel, Sasol, the South African oil company has been using it for decades. It just got permission to use synthetic aviation fuel for the British commercial air fleet.

We have not a single coal-to-liquid plant in this country. The premise is simple, you have a coal mine. This is surface mining, mostly western coal here. In Illinois it would be below surface.

At that location you build a coal-to-liquid refinery. First of all you have jobs, jobs in the coal mine. Then you have jobs that build a refinery. Then you have jobs to operate the coal mines and jobs to operate the refinery, good-paying jobs with good-paying benefits and dental care. Then you have a pipeline so you don't have to address the transportation of this fuel, and you pipe it to the major metropolitan areas of this country, or you pipe it to the air base.

You know the number one aviation fuel user in the world, you know who it is? Our United States Air Force. They are begging for this opportunity. They are held captives to imported crude oil and the high cost of jet fuel.

We can do it here. We know what Katrina did to the refineries in the gulf coast, it shut a couple of them down, causing price spikes, causing dislocations.

Well, what's the benefit of this technology? You don't have to have it on the gulf coast. You are not importing the crude oil. You can build one in southern Illinois. You could build one in Wyoming, in Montana. You could build one in Kentucky or Ohio or West Virginia, right where the coal is located, close to the pipeline that connects to our major metropolitan areas, available, low-cost fuel to turn into jet fuel, gasoline, aviation fuel, diesel fuel, things that are causing great concerns and problems in our country today.

We have got bills to do this. Many Members do. My bill, I am the primary cosponsor with Congressman RICK BOUCHER, a Democrat from Virginia, on a price-collar provision. There are provisions for long-term contracting. There are some other marketing provisions out there where we could do this, we could send a signal to industry.

We want to do this, we want to have these up and running in 5 years. We want to help decrease our reliance on imported crude oil. We want to lower the cost of fuel. This Congress could do it. I guarantee you if we did it, this administration would sign the bill.

It's up to Democrats who made promises in 2006 that they had a plan to lower the price of gasoline. You read the quotes. I read the quotes to you, Madam Speaker.

You know the promises that were made. You know the promises that were not kept. In fact, not only were the promises not kept, we have done worse. You didn't lower the cost of fuel, we raised the cost of fuel. We didn't lower the price of a barrel of crude oil.

When Speaker PELOSI got sworn in, the price of a barrel of crude oil was $58.31; today, $111. Now I did this part of the speech last week, it was $110. It has gone up $1 just since Wednesday.

With that, I am pleased to be joined by my colleague from New Jersey, Congressman GARRETT. I thank him for joining me. I yield you some time.

Mr. GARRETT of New Jersey. I thank the gentleman.

As I so often say when I come to the floor, in looking back 16 months, this country has been under the control of the Democrat-led Congress. What has those 16 months wrought? We have higher food prices, a recession now in the economy with which almost everyone agrees, even former Chairman Greenspan, housing prices basically in a free fall down and, of course, energy prices going through the roof.

You made a comment about gasoline prices being up to almost $4 a gallon by the summer. Of course, diesel fuel already, in my neck of the woods, the great State of New Jersey, is at $4 a gallon.

It amazes me each time I drive past the pump. I don't use diesel. Truckers most often do. Farming equipment on the farms do. Of course, I am amazed that people are still able to make a living.

But 16 months under a Democrat-controlled rule here in the House of Representatives, what has it wrought? We have higher food prices, a recession in the economy, free fall of the housing prices and energy prices through the roof, causing hardships for all Americans.

I come from the State of New Jersey. When I go home, I just went home for the weekend, and I talked to my friends and constituents back home. They are paying the price, at the pump, at the food store, everywhere, and it's creating a real hardship for the American family.

When the American family sits down each week and pays their bills, gets out their checkbook, and say how are we going to pay this month's mortgage payment, this month's rent payment, first they have to pay all of these other expenses.

At the end of the week, they realize the money is just not in the checkbook anymore. One of the root causes is the price of fuel. They are probably scratching their heads saying what is the Democrat-led majority in the House doing about it? Where is that plan that you were referring to that the Democrats campaigned on 18 months ago before they took over the majority? Where is that plan during these last 16 months now that they have been in the majority?

My constituents wait. You and I wait.

In the meantime, let's take a look at the facts. Democrats make all sorts of claims about the price of energy, about the price of gasoline prices. I would like to address just three or four of them.

First of all, one of the most frequent things, and you see hearings on this over and over, Democrats will say, well, it's because of America, it's because of those American oil companies that we have skyrocketing prices. Let's get into the facts a little bit about that, though. U.S. energy companies are not even in the top 10 when you look at total proven oil reserves and gas reserves in the entire world.

For example, ExxonMobil has less than 5 percent of the stock held by Saudi Aramco. A full 53 percent of the price we pay for gasoline when we go to the pump is related to the price of the crude oil that goes into it, a world commodity.

Can Democrats really accuse American oil companies of so influencing prices when they own such a marginally small amount of the total world supply? When we think about it, this is a part and parcel of the Democrat blame America first doctrine here too in energy.

Secondly, Democrats say that the U.S. needs to decrease demand for oil. We have to live more modestly, I guess, is what that really translates out to be.

It turns out the facts are this, in recent years U.S. American families' demand for oil and all its uses has actually begun to stabilize, and we have seen over a period of time an actual decrease in the amount of use. Meanwhile, world demand for oil has actually increased to 84 million barrels a year. That's an increase of 16 million barrels just over the last decade.

While we are willing and able and want to work with the other side of the aisle to come up with ways to conserve fuel, the facts point to the fact that we should not be blaming America first with regard to increased use of oil. But it's the rest of the world that is just increasing their consumption, which is a supply and demand factor.

Thirdly, Democrats are off to say that the Americans already have reliable access to energy supplies. Well, when we get into the facts, it refutes what the Democrats are saying.

The U.S., as a matter of fact, is the only, the only industrial Nation in the entire world that locks up 85 percent of its open available deep sea energy reserves. Let me repeat that number again, 85 percent of our reserves offshore and elsewhere are locked up. We can't get to them. You and I can't use them today, our children can't use them tomorrow, grandchildren in the future, they are locked up under their plan.

Even worse, we have not even built a new refinery in this country for the last 32 years. As a result of these factors, 63 percent of our energy supplies that we should be able to use right here in this country are obtained from foreign sources instead. The Democrat plan makes us even more reliant on foreign sources, those same foreign sources that are unreliable, unstable and oftentimes hostile to the United States as well.

□ 2015

Fourthly, Democrats claim that the Federal Government, the bureaucrats here in Washington, must micromanage, if you will, and regulate these American oil companies. Again, what are the facts. The facts are that in 2007, these very same American oil companies and themselves spent $183 billion in new investment. What does that do, that leads to the development of more efficient environmental fuels on the market.

Meanwhile, the Democrat majority has voted to raise taxes four separate times just during the 110th Congress. I began my remarks asking what has 16 months under Democrat control wrought when it comes to this country, well, one point there is four separate times taxes have gone up during this Congress. And where does that end up being paid from? Well, tomorrow is April 15, tax day, and we know who pays. It comes down not on the corporations and big business, it is comes down on the consumer.

So soaring prices are the result of supply and demand, and the best approach to energy efficiency and cost reduction is one that is market based. The worst approach is no plan whatsoever, which is what we have seen by the other side of the aisle, and a lack of a plan that engages in such rhetoric as blame America first, restrict the development of efficient energy resources that are American based, and the worst plan is to make the United States and the citizens of this country even more reliant on those unstable and hostile regimes.

I thank the gentleman for coming to the floor tonight and reminding all of America about the dilemma that we face going in, both in the short term with the family budget today and the future, and the great need we have to have a plan put in place and implemented. I look forward to working with you to achieve such.

Mr. SHIMKUS. I thank my colleague for coming down to the floor. As he was speaking I was thinking, and of course I started by talking about two buzz words that are out there because of this politicized season. I think we need to merge them together.

What we have from the Democrat majority on energy policy is bitter change. Bitter change; $58 a barrel for crude oil to $111 per barrel of crude oil; $2.40 for a gallon of gasoline to $3.50. We have bitter change, not good change, bitter change because there is no energy policy.

First there are the grand promises made by the Democratic leadership which I quoted earlier and will probably quote again. No change, bad change, bitter change. It is unfortunate because it is our citizens who are feeling the burden.

I started this last week again during the healthy beaches discussion. It is amazing as I was looking at the stories over the weekend flying home and flying back today, a whole bunch of articles. "Truckers feel the crunch of high diesel prices." This one is better. "Independent truckers join strike." It has tractor-trailer rigs, shut them down, on strike. Try $4 a gallon; bitter change to the independent truck driver. There is no energy policy. When you have no policy, you have a failed policy.

Another article, "High fuel prices mean high costs." There is a lot of blame being given to the agricultural sector because of the high cost of food, but the Federal Reserve Bank in Kansas City said over the past three decades, rising labor and energy costs have boosted that share steadily from 67 percent in the 1970s to 80 percent today.

The Federal Reserve Bank also estimated that a 10 percent gain in energy prices could contribute to 5.2 percent increase in retail food prices. And, John Urbanchuk in an article "The Relative Impact of Corn and Energy Prices in the Grocery Aisle" on June 14, 2007, said rising energy prices had a more significant impact on food prices than did corn.

Bitter change; no energy plan. The Democrats failed to bring supply into the energy debate. We can pass efficiencies and renewables, but the reality is it is only nibbling around the edges. The Energy Information Agency projects a 30 percent increase in demand in electricity by 2030, a 30 percent demand increase. And we are nibbling around the edges. People think we are going to do it with solar panels and wind turbines. They can help. We would like to have them. In fact, I just heard Illinois is one of the largest States to try to employ wind power. But it is not going to meet our demand. Energy prices are going to go up, and when they do, the average American citizen, especially in rural America, pays a disproportionate burden because we have to travel long distances to go to work. We don't have the commuter rails and the bus services. What we have is our truck. And we like our trucks.

I am going to talk about electricity generation. I have spent a lot of time on liquid fuels, but I am joined by the gentleman from Oklahoma (Mr. SULLIVAN) and so I yield to him at this time.

Mr. SULLIVAN. I thank Congressman SHIMKUS, and I appreciate your leadership today and also on the Energy and Commerce Committee where Congressman SHIMKUS has worked hard on issues to help solve the problems in this country.

Congressman SHIMKUS, you are right. I didn't realize until you showed the chart, how much under Democratic leadership oil prices have gone up. It is staggering. And gas prices have gone up, too, under Democratic leadership in this Congress.

Congressman SHIMKUS knows, too, that we have tried very hard on the Energy and Commerce Committee to have rational, comprehensive solutions in this country. We had a bill recently where Congressman SHIMKUS tried to get some of his legislation into this bill that would have helped a great deal, the coal-to-liquids technology, and it was stifled. They wouldn't allow it in.

What kind of bill did we get. Congressman SHIMKUS is right, "no" is not an energy policy. We got no energy policy. We got a bill that was energy policy in name only.

What they did was they had those curly light bulbs with mercury from China in them and everybody is going to put the bulbs in their homes, and that is really going to help our energy solution. That is a step in the right direction, I guess, but it is not going to solve our problem.

Also they looked at efficiencies in our appliances, which is a good thing, but we need to go much, much further.

One of the things that Congressman SHIMKUS talked about is supply and demand, and that is what this is all about. We haven't built a refinery in this country in the last 30 years. Congressman GARRETT was talking about that. That is a problem. When all of our refineries are operating at maximum capacity, you can only get so much fuel out of them. We need more refineries in this country, and we can do it in an environmentally sound way.

Also, we need to spur domestic production, getting more oil, gas and coal in the United States instead of relying on countries, particularly in the Middle East, that we have been at war with recently. That is not a good idea. If it is in our backyard, let's get it here. Nobody wants to hurt the environment. Everybody wants to have clean air, water, and land. The oil, gas and coal companies do, too.

We also need in our energy policy to start looking at other energy sources as well. That is important, getting away from oil, gas and coal, but it is not going to be in the near future. It is a pure technology-driven issue. And we need alternative sources of energy. We need solar and wind. We need nuclear. We need alternative fuels. We need all of those things, but it is going to take time. You can't do it immediately. We need to develop those technologies to where they can be brought to the public, like batteries in cars developed to where people can afford them, and develop and use alternative energy sources. And we need to develop more gas and oil here in the United States.

You know, Cuba allows China to drill off the coast of Florida. Yet in the United States, we can't drill in a lot of places offshore here in the United States. We can't do it.

Also here in the United States there are areas where we can't explore in. We hear a lot about the Alaskan Wildlife Reserve. Let's develop that here in the United States. There is a vast quantity of oil in the Alaskan Wildlife Reserve. We can develop it in an environmentally sound way where it is not going to hurt some caribou or anything like that. The Alaskan pipeline, they said that was going to happen there, yet the caribou actually like the pipeline. They use it for shelter.

But if we develop the Alaskan Wildlife Reserve, let's put it in perspective. If ANWR were the size of a football field, the area we are talking about drilling in would be the size of a postage stamp on the football field. The footprint we drill in would be relatively small. Oil and gas companies want to do it in an environmentally sound way. And some experts say we could produce at least 2 million barrels a day out of ANWR. We were importing almost that much from Saddam Hussein and Iraq before the war happened. We could lessen that.

It is ridiculous that we depend so much on countries that have been hostile to the United States on something that is so important.

But when we look at energy policy, we need to look at it from a multipronged approach. We need to look at all of the oil, gas and coal. They are here to stay for the time being. But we need to look at alternative energy sources as well. I think everybody agrees that is important.

We need real solutions. We need real energy policy in this country, and we are not getting it from the Democrat-controlled Congress. We have worked hard and Congressman SHIMKUS has worked hard in the committee to get these things done, but they stifle them every time. We need real solutions to real problems, and this is a problem that if we don't address relatively soon, it is going to come home to roost. It is a national security issue. We are putting ourselves in jeopardy, and it is wrong. It is the wrong thing to do.

Again, I commend Congressman SHIMKUS for all he does on the Energy and Commerce Committee and for doing this special order tonight.

Mr. SHIMKUS. I thank my colleague, and especially for again returning the focus to the national security dynamics of this.

The United States Air Force is the number one consumer of aviation fuel in the world. What are they asking for? They want a safe, reliable supply of aviation fuel. Reliable. The only way they are going to get a reliable supply of aviation fuel is if that aviation fuel is produced by a commodity product where we are not relying on importation. That goes back to this debate on coal-to-liquid technologies.

Again, just in the Illinois coal basin alone, 250 years worth, as much energy as Saudi Arabia has in crude oil, just the Illinois coal basin alone. We are not talking about the Wyoming-Montana coal basin or the West Virginia, Virginia, Ohio, Kentucky region. We are talking about the Illinois coal basin has as much energy as Saudi Arabia has in oil.

So as we go back to the coal-to-liquid debate and we are talking about national security, and we need to have the fuel to fly our war machines, coal, locally discovered, developed, brought to the surface, with a coal-to-liquid refinery, built by the building trades, operated by organized labor and our boilermaker friends, high-paying wages, good benefits, not on the coastal plain, in the Midwest, pipeline to, and this chart just happens to show an F-18 Tomcat, a United States Air Force fighter plane.

☐ 2030

Our Air Force is asking for this for national security, a reliable source of jet fuel, and we continue to delay.

What's the other world doing? What's the other countries, other world doing?

Well, Russia is attempting to grab a vast chunk of the Arctic to claim to its vast potential oil, gas and mineral wells to fuel that country's economy. Russia's going after fossil fuels.

Well, what's our other friends doing?

Brazil, Russia, India and China have overtaken the United States in dominating the global energy industry, according to a study by Goldman Sachs.

What's the Chinese doing? China is building 40 nuclear plants in the next 15 years. 40. We'll be lucky to have one. One. No carbon emissions in a nuclear power plant. Zero.

I think that's the biggest frustration that a lot of us have from our friends on the environmental left. They don't like nuclear power. They don't like coal. They don't like crude oil. We're trying to find out what they like.

China is planning 40 nuclear power plants in the next 15 years, and I pray that we have one. I would be ecstatic to have four. There's no way we'll have 15. There's just no way. The United States has not licensed one nuclear power plant in 30 years, not one, due to my friends on the other side's continued opposition to nuclear power.

We could bring nuclear power legislation to the floor in this Congress. And it would have bipartisan support. All the Republicans would support it. Well, we might lose about three. And I bet we could grab 40 Democrats that would support it. I bet we could have a bipartisan majority vote on coal-to-liquid technologies. I'd bet it'd be the same. We'd have all the Republicans minus a handful, and we'd get about 40 Democrat votes. But this Democrat leadership will not bring a bill to the floor that addresses the supply debate.

China opened new domestic energy reserves in 2004 and has planned to increase production by about 8 billion barrels by 2010.

Democrats refuse to allow American workers to produce American oil. In fact, in the energy debate last year, not the final bill that passed, but the two that didn't get signed into law, they put another area of natural gas off limits.

We need increased supply. It doesn't take a rocket scientist to know that if you want lower prices, you have to have more supply. We don't get any help.

China's increasing offshore energy production to reduce its own dependence on foreign oil. Let me say that, because I've got some friends over there who live on the coast. China is increasing offshore energy production. In fact, we know just 50 miles off of Florida, 50 miles, it's not a U.S. energy company or a U.S. energy exploration to go after the oil in the Gulf 50 miles off Miami. It's China. China has better access to our oil reserves on the Outer Continental Shelf than we have. Isn't that crazy?

China's increasing offshore energy production to reduce its own dependence on foreign oil, growing that production at an average of 15.3 percent per year, with plans to make offshore oil production China's largest source of oil by doubling production by 2010.

And we know what happens any time we talk about offshore exploration, a counting of gas and oil reserves, just trying to figure out what's there we have a fight.

China invested $24 billion in large scale coal liquification technologies. Oh, that sounds familiar. Coal-to-liquid technologies.

The United States, what are we doing? Zip, zero, nada, nothing.

What's China doing? China invested $24 billion in large scale coal liquification technology. We can't get a vote on that on the floor. China's expanding its natural gas infrastructure by constructing pipelines. We can't get a pipeline bill moved.

China rapidly is expanding its refining capacity. Democrats have repeatedly voted against expanding American refinery capacity. In fact, one of the huge problems we have, which I find is really—I think people understand that we import crude oil. We're relying on imported crude oil and that's bad.

What the public, I think, would even get angrier at is we import refined product. We import gasoline. So not only, we lose the refining jobs. It would be better for us to import the crude oil and refine that crude oil, or at least we'd have our friends in the refining industry, many of those bargaining unit employees would have jobs. But we are importing refined product. Criminal negligence.

China is ambitiously developing its nuclear power industry with plans to spend approximately $50 billion on 30 additional nuclear reactors within the next 15 years. China is planning on constructing many new large scale hydroelectric projects over the forecast period, including the 18.2 gigawatt Three Gorges dam project, which is scheduled to be operational by 2009.

In fact, we're tearing down dams. We're not expanding hydroelectric power. 50 percent of the electricity we use is produced by coal in this country. 50 percent. 20 percent by nuclear power, 20 percent by hydroelectric, and the rest the others.

I'm going to move to the concern. With no plan to address this problem, which is the escalating costs of crude oil, again, when Speaker PELOSI took over, $58 a barrel, crude oil.

I'll be honest. Bush took over it was $27. I always say that. Bush it was $27, PELOSI, $58, now $111. With all the promises, and maybe I'll just read those one more time as I end.

But the basic premise is, under Democrat leadership of the House, the average American is paying more. We're paying more. We're going to pay more in taxes. We know that. But this isn't a special order on taxes. This is a special order on energy.

We're paying more at the pump. Here's the reason why. The high cost of a barrel of crude oil, we're relying on imported crude oil. One solution would be technology. Another would be to move into electric cars. But guess what? Electric cars need an electric supply. They'll need nuclear power plants. They'll need coal generating, coal, then the electricity generation plants buy coal. There's going to be, we have to have something to charge the batteries to allow these battery-run cars to run.

Let's talk a minute about global climate change. We know that the public is paying more at the pump when the Democrat majority promised lower prices. That's a given.

We had a hearing in the subcommittee last week. My issue to the panelists was, the American public, they need to understand that if we address global climate change there is going to be a cost.

Of course, some on the environmental left said no. We're going to have all these efficiencies. We're going to have all these new jobs. It's going to be a wash.

Well, it's funny, flying home, an AP story on the 12th, the State of California is going to put on the electrical bill, a 25 or 30 percent surcharge on customers' electric and gas bills for global climate change. So your electricity bills are going to go up. Gas prices are up. Electricity prices are up. You're going to pay more in taxes.

This is bitter change, bitter change, not good change. Bitter change. Bitter change for the average American who all they want to do is go to work and pay their bills, take care of their family, try to save some for the future. They can't save with these high energy prices.

And you saw the independent truckers, the article I held up.

If we could have effective change, let's assume that we do all we can as Americans to lead the way, go through all this pain. Do you really believe that our Chinese friends, after I gave all the stats on what they're doing, are going to comply with an international agreement? Not only do I not believe it, they've told me no. And I've mentioned this in many committee hearings.

In fact, the senior Chinese official said twice to two of my Democratic colleagues' questions when they said, if the United States led, would you agree to an international agreement to coal carbon?

And their answer was, you all have had, well they didn't use you all. That's kind of a Southern Illinois thing. They said, you have had 200 years to develop a middle class in your country using fossil fuels, and it's our turn. That doesn't sound like a country that wants to address carbon debate in an international arena.

So should Americans, should we go through all this pain on global climate change, and have no gain? Do we go through all this exercise, all these job dislocations, all this pain, for not one single benefit?

And if we do, you know, I just want us to be transparent with our citizens. Intellectually honest. Chairman DINGELL said, you know, if we want to be honest with the American people, what we should do is put 50 cents additional tax on gasoline and take that money, and address our carbon debate.

Well, that works great. That now takes $3.50 a gallon of gas, which people are outraged about, and brings it up to $4. And it's going to get to $4 without the additional 50 cent tax. But at least it's intellectually honest, saying that there's going to be a cost.

The California Public Utility Commission is honest. 25 to 30 percent increase on your energy bill for climate change. Great.

Well, it wasn't a front-page story. It was, I don't know, I ripped it up. I think it was, like, the Business Section, like D6, way in the back. So I'm not sure if it made the front page of the California papers, but that's what their public utility commission has agreed to do.

All pain, no gain. The public needs to know the cost and be prepared to assume the cost.

All I see in this debate on energy is bitter change, bitter change for the working men and women of this country. This is contrary to the promises made.

April 24, 2006, Speaker NANCY PELOSI said "Democrats have a commonsense plan to help bring down skyrocketing gas prices." Bring down skyrocketing gas. They weren't even skyrocketing then compared to what we have now. Now we've got skyrocketing gas prices.

Majority Leader STENY HOYER said, "Democrats believe that we can do more for the American people who are struggling to deal with high gas prices."

Y'all did more? You raised gas prices even more.

Democratic Whip JIM CLYBURN said, "House Democrats have a plan to help curb rising gas prices."

□ 2045

No energy plan is a plan to fail. We go from $58.31 a barrel of crude oil to today, $111.

Now, I got these on little, kind of like a Blue Dog type of thing. I got this on a moveable type of a number system here. So that if it goes up, I can add. If it goes down, I can adjust. But the reality is, the spread, under the leadership of this House, has only gone up. And I believe, and the economists today believe, it will continue to go up.

We can do better. We can do better. I talked to many of my friends on the other side. I actually voted for CAFE language. That was a hard thing for me to do. Helped expand the renewable fuel standard. Brought biodiesel and ethanol into the national energy debate. That's all good stuff. Energy Star provisions. Electricity savings provisions. We want the deployment of solar cells. We want wind power. As I mentioned earlier, Illinois could be at the forefront of electricity generation by wind.

What we do know, Texas had to call their high electricity users when their wind turbines stopped turning because the wind stopped blowing. That's the challenge of renewable energy. Instead of having a consistent base-load energy, and in this country it's undisputed that coal is the primary commodity product that produces 50 percent of the electricity generation in this country. The electricity we're using in the Capitol building tonight is produced by coal. The electricity on the Capitol grounds is produced by coal.

There are some of my friends on the other side that would like us to not use another ounce of fossil fuels ever in this country. I am afraid of those days because those days will only occur when there's another worldwide recession. And you want to see the pain and the agony and the frustration on the middle- and the lower-middle class of our country, wait till there's no jobs. We won't be putting carbon in the air. That will be good for some people, but we won't be employing our citizens either. And that will be a shame.

Madam Speaker, I want to thank you for giving me this time. I want to thank my colleagues, Congressman GARRETT and Congressman SULLIVAN, for joining me in a plea to my friends on the other side that, as we continue to talk about energy, we don't disregard the supply debate. That's got to be part of the solution. It just has to be because just so much of the electricity that we use today is based upon 50 percent coal, 20 percent nuclear, 20 percent hydroelectric. They have to be part of the mix. It's my plea that, as we move forward and try to address the high cost of electricity and liquid fuel, we remember the great resources that we have in this country and have a plan to use them.

WEEK OF THE YOUNG CHILD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. Madam Speaker, before I begin, I would like to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I appreciate the opportunity that has been given to us by Speaker PELOSI tonight to talk about an issue that is affecting literally millions of families across America, and that is the lack of affordable child care and early childhood education. It is especially important to highlight these issues as this week marks the Week of the Young Child.

For the next hour, we're going to focus on young children and how, over the last 7 years, we have failed to provide adequate and necessary funding for vital child care and early childhood education.

And I can tell you, Madam Speaker, that as a mother of three young children—I have 8-year-old twins and an almost 5-year-old, 4½-year-old little girl—this is something that is near and dear to my heart.

I remember the struggle that I went through when I first gave birth to my twins and had to go back to work, and we searched and searched for a quality child care program. We were turning our newborn babies, 3 months old, 4 months old, over to really, basically, someone we didn't know, someone to care for our little ones all day long. You know, we just couldn't even imagine turning over the care of our babies, our most precious resource, we couldn't imagine turning over our babies to anyone.

So you can imagine the struggle that people go through when, on top of having to decide where they can take their children to be cared for while they work, that they also have to struggle through the angst of not knowing or not expecting that they can afford that care. And because we have continued to slash and burn from this administration the funding for Head Start and for the Child Care Development Block Grants programs, we absolutely wanted to come to the floor tonight and spend an hour, at least an hour, highlighting the needs that children in this country have, and particularly those of working families. And I'm going to be joined tonight by several of my colleagues.

Before we begin, though, I do want to recognize and thank our good friend, Chairman GEORGE MILLER of the Education and Labor Committee, and Chairman KILDEE, DALE KILDEE, for their leadership and their commitment to child care issues and education, as well as the Head Start and Child Care Development Block Grant Program funding. These are all programs that are near and dear to their hearts, and a number of these Members have submitted statements.

We just have to highlight that there are children, especially those from low-income families, that need better access to high-quality early childhood programs. Across the Nation, Madam Speaker, child care fees average from $4,000 to $10,000 per year which exceed the cost of public universities in most States. Yet nationally, only one in seven children who are financially eligible for child care subsidies is being served. One in seven.

And at this time, I would like to turn the podium over to a champion for America's children, the voice in this body that is consistently there for those who have no voice. She is the current Chair of the Woman's Caucus, Congressman LOIS CAPPS of California.

Mrs. CAPPS. Madam Speaker, I rise today to join my colleagues in recognition of the Week of the Young Child. I want to thank our colleague from Florida, DEBBIE WASSERMAN SCHULTZ, who is such a good role model, and oftentimes her children are here, and they give testimony to the fact that working moms can be successful parents as well as wonderful professionals in this business that we're in.

And I'm pleased to be with some of my colleagues, MAZIE HIRONO and JASON ALTMIRE and others who may join us, to call attention to the importance of the Week of the Young Child.

My daughter and her dearest friend, whom she met in preschool, are visiting and taking part in this; and it's a testimony to the importance of those early years and some life-long friendships that can result as a result of that.

As we celebrate this important week, I want to take the opportunity to highlight two very critical programs which our colleague has already mentioned that are so important to young children: The Child Care and Development Block Grant, CCDBG, and Head Start. As someone who has spent most of my life working with our kids in our public schools, I know firsthand the power and the importance of these programs for both our kids and our families.

Due to the realities and demands of today's family life, there are many young people, many children who are left with too much unstructured time, and we know the hours right after school are the most dangerous and important hours of the day.

Unfortunately, parents are working longer hours and often have to leave their children in the care of their siblings or others who should not have to have the responsibility to do this. Child care can often be the second highest cost in the family budget. Sometimes, it's the highest. Child care costs consume roughly 42 percent of the median single parent's family income, at around $10,000 annually.

With a growing home mortgage crisis and stagnant economic outlook, parents cannot afford this. It's simply a matter that is of dire consequence to many of our families today.

Child care and development block grants enable 162,000 children a month in California to receive adequate child care. As the only source of Federal funding to subsidize child care for low-income families, CCDBG has life-changing effects on thousands of families in California and therefore needs our full support.

Unfortunately, this program has been level funded for 6 years, and that is why I'm fully supporting an $874 million increase in CCDBG. This funding would restore the program to an adequate level and provide child care to an additional 39,400 children in California alone. And as you can see from the chart here, there are children all across this country standing in line, waiting in line.

One of the largest circles, if not the largest circle, is the one that designates California where 207,000 children today are standing in line waiting for child care. And you know, we know children don't stand in line. They don't stay. It is not status quo for children. They miss an opportunity. There's a black hole. There's a gap in what they need for their development, and that time goes away, and it never will come back to them.

This investment that we need to make here will not only result in boosting children's social development and their school readiness but results in stable and productive employment among parents. The biggest worry that parents have on the job is what's happening to their children at home. The biggest obstruction to their doing their job well is the worry and the constant concern about where their children are and how they're being cared for.

Providing the resources for children will help these parents gain promotions in their job and do a better work product for their employers.

Additionally, an early childhood education provides a foundation necessary for the child's educational future. For four decades, Head Start programs have so successfully provided early education, health care, social service and parental involvement support for low-income children and their families. This is a proven program. It's tested. It's tried. It has succeeded for over the generations, and we know that this program works. It is one of the most cost-effective ways we can use tax dollars. The program helps children start their education ready to succeed.

So much of education is focused on closing achievement gaps, and I believe Head Start is one of the best tools to do that because it starts at the front end before the gaps widen. Sadly, Head Start has received only modest funding increases over the past 7 years. Without an increase, thousands of children could lose access to Head Start because of inflation. The program is fundamental to the education success of thousands of children. We know that, and yet the program can only serve roughly half of the children who are eligible.

I know, I believe I have seen it firsthand; Head Start gives all children the opportunity to succeed in school and therefore in life. And I fully support a $1.072 billion increase for this vital program. Our children deserve this support.

And now it is my pleasure to relinquish my time to my colleagues who will carry this debate in this hour of conversation forward, and I'm so honored to be amongst them and to know that we are speaking for others in our Congress as well who know that this is the time to act on these matters.

I thank my colleague for yielding to me.

Ms. WASSERMAN SCHULTZ. I thank Congresswoman CAPPS. You have just been an incredible leader on the issues that are important to women and young families, and it is so incredibly important in this Week of the Young Child that we have a leader like Congresswoman CAPPS, the Chair of the Women's Caucus, who has been such a stalwart on the issues that are important to young women and families; and it's just a pleasure to have her join us on the floor today.

It is also a pleasure to have such a committed and passionate and compassionate father serving in the House of Representatives with us from Pennsylvania, a wonderful father of two young daughters and someone who has done an incredible job since he's joined the Congress after the 2006 election, Congressman JASON ALTMIRE of Pennsylvania.

□ 2100

Mr. ALTMIRE. I thank the gentlewoman. And I did want to say about our colleague from California, there are a lot of advocates for children and for young families in this Congress, and a lot of us are passionate about those issues, but there is no one who has done more advocacy and has worked harder than Congresswoman CAPPS, and so I want to thank her for her comments.

I was in my office and I heard that this Special Order was beginning. And the gentlewoman knows the passion that I bring to the table to these issues. Early childhood education is something I have always talked about. I am a member of a board that is not even in my district. There is an organization far outside my district called the Heritage Health Foundation in a town called Braddock, Pennsylvania, and they sponsor an early childhood education center called the For Kids Center. And it's been in existence long enough that you can see the fruits of the labor there. You can see children that have come through the program, that have had access to early childhood education, and compare them to this community that has fallen on hard times, students and children that have not had access at the same level to early childhood education. And what you find is that the students who have gone through the For Kids Center, the early childhood center and have had access to those services test three grade levels ahead of their peers when you test peer to peer.

Early childhood education works, there is no question about it. And the dollars that we reinvest into the system are paid back many times over in the dividends that they pay in the grade levels and testing better and the performance throughout their school, and they get into less trouble and the kids perform better academically. It all builds upon itself.

So when I was elected to Congress, as the gentlewoman said, in 2006, one of the first things you have to do is choose what committee you're going to serve on. And I knew right away that I wanted to serve on the Education Committee because I wanted to work on the Head Start Reauthorization. That's one of the first things out of the gate that that committee was tasked with doing. I was involved with the Head Start Reauthorization, and we were able to get that through Congress because everyone should be able to agree on the need for early childhood education.

In Pennsylvania, we have 7,529 children that are standing in line for child care. In the chart that the congresswoman from California (Mrs. CAPPS) showed, you can see Pennsylvania; 7,529 children that should have access to child care and early education services, but don't.

So I want to thank the gentlewoman from Florida for her friendship and her leadership. As she mentioned, I do have two young daughters, and I can see the value of these services. I just wish that everyone in this country could have access to the same services that we have access to. I thank you for your leadership and for the opportunity to address the House tonight.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. ALTMIRE. And thank you for your leadership and for giving your time in public service to make sure that the next generation is well represented here in the halls of Congress.

It is incredibly important and so beneficial to the issues important to working families to have parents of young children serving in the Congress, having moms and dads who are living and dealing with these issues every day. We've got to make sure that we have their voice represented strongly in this House of Representatives.

And now it's my privilege to turn the mic over to my good friend who represents the beautiful islands of Hawaii, the gentlewoman from Hawaii, MAZIE HIRONO.

Ms. HIRONO. I thank the gentlelady from Florida for her leadership on issues important to our young people, and for yielding some time to me.

I know that you mentioned mothers and fathers. Well, grandparents, too, because I'm a step-grandparent and I have a wonderful step-daughter who has two young children. So these are issues near and dear to all of us.

As we commemorate the Week of the Young Child, I rise today in strong support of quality early childhood education, and tonight, in particular, for increased funding for Head Start and the Child Care and Development block grants, two Federal programs supporting our youngest children.

Congress got it right when it created Head Start 43 years ago. This is an example of a government program that families depend on every day and that really works, thanks largely to the many talented and dedicated teachers throughout our Nation.

I want to take a moment to commemorate the life of one such teacher, Mrs. Leona Stevens, who served as the lead teacher at several Maui Head Start centers for over 15 years. She passed away unexpectedly recently and will be deeply missed by all of us.

Mrs. Stevens was known for valuing students' creativity and continually asked them, "why do you think that" and "what do you think will happen?" She was equally passionate about improving the quality of Head Start by training new early education teachers and furthering her own education. She went back to school to get her associates degree in early childhood education and spent 7 years working in partnership with Maui Community College to train new Head Start teachers.

Last year, while Leona was mentoring new young teachers, Congress worked hard to pass the Head Start Reauthorization bill, which was signed into law. The bill made many improvements to this program, but the single most important thing we did was to increase the amount of money authorized for Head Start.

Of course we all know the difference between authorized levels and appropriated levels. This year, we must put our money where our mouth is. The fact is, only half of all eligible children are served by Head Start, and a measly 3 percent of eligible infants and toddlers are served by early Head Start. This means hundreds of thousands of low-income families are without access to high-quality early education opportunities for their children.

Speaker PELOSI hosted a summit for America's children last year in which we heard from neuroscientists, police chiefs, business leaders, all of whom told us in unequivocal language that it pays to invest in children before they turn six. I chaired a hearing on early education in the full Education and Labor Committee earlier this year, and we heard the same message from State level advocates and policy makers.

I talk to parents, Kindergarten teachers and business leaders in Hawaii every time I go home, and they tell me that we must increase access to high-quality early education and child care opportunities. Why? Because that is the best investment that we can make in our young children and in our country's future.

Certainly this year, like every other year, Congress will face many difficult spending decisions. We will fund our veterans and troops, fund health and alternative energy research, fund our public schools. I will support increases in all of these things, but this is not a zero sum game and we cannot afford to let our youngest children slip through the cracks.

We should increase funding for Head Start by at least $1 billion and increase funding for CCDBG by $874 million. It is a matter of fairness. Every child deserves a shot at success. We know, however, that many children from low-income families start Kindergarten with half the vocabulary of their wealthier peers. High-quality preschool can do much to close this gap.

It is a matter, also, of economic prosperity. Our small business community, our science and technology community all need educated workers. Low-income children who go to a high-quality preschool are more likely to graduate from high school than their peers that did not go to preschool.

Finally, it is a smart investment of Federal dollars. Research shows that every dollar invested in high-quality early education programs returns somewhere between $2 and $17. Even at the very low end of that spectrum, it is a worthwhile investment.

Parents, police officers, business owners and teachers across Hawaii and the rest of the country are asking us to make children a priority. I know that Maui's beloved Mrs. Stevens would join them. I urge my colleagues on the Appropriations Committee to provide real increases to these vital programs.

And I close by saying that the working people of Hawaii, we have a much higher percentage of working parents, working single parents than probably any other State in the country, and that is because the cost of living is very high in Hawaii. I've talked to the many mothers and fathers and grandparents who take care of their grandchildren now of how important it is for their kids and their grandchildren to have a good start in life. And certainly one of the best ways for them to get a good start in life is to make sure that we continue to support Head Start and the other grant programs that will give them this chance.

I yield back to my colleague from Florida and thank her for her continuing leadership on these and so many other issues.

Ms. WASSERMAN SCHULTZ. Thank you so much, Congresswoman HIRONO. You have been an incredible leader when it comes to the issues that are important to working families.

I often think about the constituents that you represent. We make public policies so far away from the people that you represent; they need a strong voice all the more for that reason, and you have done an amazing job representing them. It's a pleasure and an honor to serve with you here.

Ms. HIRONO. Same here. Thank you very much.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Mr. Speaker, to continue on with the highlighting of the Week of the Young Child, there are statistics that are incredibly important, and I will go through some of those this evening. But more important than the statistics and the studies are the stories. And I can tell you, as a mom with young children, who I probably will talk about quite a bit this evening, you don't need studies, you don't need statistics to be able to see the progress that your child makes when they go through a preschool, when they go through a childcare program. And you can see their brain literally working like sponges, absorbing the information and processing it and turning it into useful information. And I can tell you that I've seen my children, my four-and-a-half-year-old is still in pre-K and is just about to enter Kindergarten next year. And I've watched her learn her ABCs, she can count to 100, she knows every color, every shape. And had she not had an opportunity to go to a wonderful preschool program to learn those things, yes, I could have spent time with her and taught her those things, but given that I work full-time, and when I think about the hundreds of thousands, millions of parents who have to struggle with that choice, and then an administration that callously cuts those programs or flat funds them so that fewer, not more, parents have access to Head Start and child care, it's just absolutely unconscionable. I wonder if they have a soul. I wonder if there is anyone in the White House that has a soul and that has a heart. Because surely those kinds of decisions are only made by heartless people.

I am so glad to be joined by the gentlewoman from New York, a wonderful Member, Congresswoman YVETTE CLARKE. And I am glad that she has also joined me tonight.

Before I turn it over to her, I want to highlight a story of Jennifer from Chicago because, like I said, highlighting the stories as opposed to the studies and the stats is what really shows you the kind of impact that the policy decisions that we make up here when it comes to funding child care programs and Head Start adequately, that's what really matters.

I want to talk about Jennifer from Chicago, who was profiled in a news story on Marketplace radio. Jennifer works as a receptionist at a real estate company. She is a single mom working full-time and going to school part-time. And so many people will hear their own story in Jennifer's story.

Jennifer was doing all she could to improve her life and the life of her daughter. In fact, even though Jennifer was working full-time, raising her daughter on her own and going to school part-time, she impressed her boss so much with her work that she was given a small raise. And then, Jennifer ran into a big problem. With the raise that she got, she could no longer qualify for assistance with the Illinois child care program that she had been using. She literally had such a dramatic shift in what she had to pay for her daughter's child care, it went from $2,000 to $9,000 a year just by that small increase in her salary, and that small increase in her salary caused the $9,000 that she then had to pay, that was 40 percent of her salary, just from the small raise that she got. Her only option at that point was to send her 5-year-old daughter to live with the girl's father a couple of hours away in Indiana. So she had to either give up her job or give up her daughter. But if she gave up her job, she wouldn't be able to care for her daughter, Mr. Speaker. So obviously this is a situation that was not working.

So Jennifer, this is just so sad, she had to go back to her boss and actually ask him for a demotion. She had to ask him to cut her pay by about $100 per paycheck so that she could be eligible for the subsidized child care again so that she could get her daughter back. That was the choice that she was faced with, and it was just awful. I can't even imagine. That meant that her income would again qualify for the child care assistance, and then she immediately applied for it.

So the transition from paying a co-payment to paying the full cost of care is what Illinois Action for Children calls "the cliff." People like Jennifer, they fall off the cliff. And we actually penalize people like Jennifer who work hard to try to get ahead. We tell them no, you can't work your way up.

We can't continue to hold these people back. We have got to make sure that we help these people pursue these dreams, advance themselves, be able to improve the quality of their children's education, improve their own lot in life and their family's lot in life, not give them a choice between giving up their children or pursuing a better opportunity in life.

And Ms. CLARKE, the National Women's Law Center says that only one in seven U.S. children are eligible for Federal child care help; only one in seven of those kids get it. And in the view of the National Women's Law Center, all these programs for Head Start and child care have never been fully funded by the Federal Government.

I would be happy to yield to the gentlewoman. Thank you for joining us today.

Ms. CLARKE. I want to thank the gentlewoman from Florida, Ms. DEBBIE WASSERMAN SCHULTZ, for her leadership on this issue, and at the advent of the Week of the Young Child, that we would take this time to really put things in focus.

You know, every time I go home to my district on the weekends there is a particular constituent of mine that no matter where he sees me, we say something to each other. He started this when I was running for office. And he said to me, "Yvette, if you ever get elected, remember the children."

□ 2115

Every time I run into the gentleman, he says the same thing to me over and over, and now that's how we greet each other: "Remember the children." And while we're going through all of the challenges that we are facing in day-to-day life as adults, remembering the children is probably the most poignant message that we could give to this administration and, quite frankly, give to our constituencies and to this Nation. The investment we make in our youngest, most vulnerable today will be the difference in where this Nation will be in the next decade, the next score, the next 100 years. And the shortsightedness for so long in providing the real resource and support that our families need, that our parents need, that our mothers need, to give their children really what I believe they should be entitled to, because as you've stated already this evening, the science point to it. The earlier that we begin the education process for our children, the more advantaged they are. In communities of color, that means closing the gap, the achievement gap. We know this. It's well documented. Science backs it up. Yet the will, the will to really address this issue is really what we are addressing this evening.

And when we think about the fact that we were innovative enough to know that creating a Child Care and Development Block Grant was important, that's fluff with no substance when there's no funding to it.

And I have been very fortunate. I kind of grew up in the day care movement. Many people know my mother as a former councilwoman. But even prior to that, she started her career, one part of her career, let me put it that way, because she is the renaissance woman, but one of my earliest recollections of my mom and the work that she did was being a teacher's aide in a classroom in an early childhood education center. Some people call them day care centers. But I saw the certified teachers in the classroom. I saw the nutritious meals, the educational curricula that were developed just for these students. So I know better. I know that these are early childhood education.

She worked her way up from being a teacher's aide to an assistant teacher and then to a full class teacher. She then went on to become a day care director and then became a supervisor of several day care centers within our city's extensive child care system.

So the thousands, if not tens of thousands of lives that I've seen personally touched by an early childhood education experience, we can't put a dollar figure on it. These are young people who I run into today that say, "I used to go to your mom's day care; I'm now a doctor." "I used to in your mom's day care; I'm now a teacher." "I used to be in your mom's day care; can I write you a check?" I'm like, all right, that's really worth it. That's really worth it.

And I make light of it, but it's really up to us, the 110th Congress, to really push the envelope where this is concerned. This is where the rubber meets the road. We find ourselves in some really challenging times when it comes to workforce, workforce demands, the individuals who will be future employees. And we have talked about the challenge of our public school systems and truly adequately educating our students and our scholars when we have this opportunity right now to make it clear that we do stand for the education of our children. We do stand for providing for young children this opportunity to get that head start in life.

Ms. WASSERMAN SCHULTZ. Reclaiming my time, you made a reference to your mom and the wonderful quality of care that she provided to the children that she cared for over the years. And then, of course, she made hiring decisions as she moved up the ladder and became a child care director. Your comments about your mom's involvement with improving the lives of children in those programs made me think about finding the information on providers' salaries because it is horrendous that we are actually cutting the funding for these programs for the kids themselves and that only one in seven kids are eligible. But listen to the statistics about how much the providers, the teachers, are actually paid:

The average Head Start teacher's salary, and, now, that's Head Start, not child care. We are talking about two separate programs here tonight so that people understand me because these acronyms get thrown around a whole lot in Washington. We have the Head Start program, which is the high-quality education program that subsidizes and provides high-quality preschool education for young kids who are income eligible, and then there's the Child Care and Development Block Grant program, which is a subsidized child care program that is funded around the States and there's a Federal-State match for.

So the average Head Start teacher's salary varies by the teacher's education. So if you have what's called a child development associate's, which is the first rung on the ladder in terms of an education credential, not a certified teacher but you have a lot of hours of course work that you've taken, an average Head Start teacher with a CDA gets paid about $21,000. If you have an associate's degree, so now you've got a 2-year college degree, you get $22,500. If you have a baccalaureate degree, that is a full-blown college degree, you make about $27,000 in the Head Start program. Now, the average teacher's salary, who also get hired with a baccalaureate degree, is about $48,000, $49,000. So a Head Start teacher, depending on their education credential, makes between $21,000 and $27,000 a year. I mean that is just unbelievable.

Ms. CLARKE. It really is, if the gentleman will yield.

Ms. WASSERMAN SCHULTZ. Absolutely. I just wanted to insert that.

Ms. CLARKE. I think it's a very important point because one of the challenges that our very extensive public day care system is experiencing in the city of New York is the stress between being a certified teacher in the public day care center, the salaries received there, versus maybe a couple more course credits and going into the straight into the public schools that calling for more teachers, more qualified teachers, certified teachers, and so we see a bleeding of the system. We went through a very extensive time of advocacy, activism to really mobilize for early childhood education, for day care, for working parents, for working mothers, and now we are seeing an erosion, all a reaction to a lot of what we have seen in terms of the cuts. So in New York City, where we have had this longstanding system of over 330 day care centers throughout the five boroughs that employ almost 6,000 caregivers, we're seeing day care closings.

And that doesn't mean the demand is gone. The demand continues. The waiting list continues in perpetuity. There will be some children who won't get this opportunity. They will be disadvantaged.

Ms. WASSERMAN SCHULTZ. It's not that the need is not there.

Ms. CLARKE. That's right.

Ms. WASSERMAN SCHULTZ. Is it really that if the funding is not there, then these centers can't afford to stay open?

Ms. CLARKE. That's right. So there are some real challenges that we have to look squarely in the eye. And we have to ask ourselves what about the children? How are we preparing ourselves to sacrifice as a society to make sure that in 10 years, in 20 years, in 30 years, we are one of the most competitive nations in the world? We're struggling with those answers and trying to balance it all out now, but it begins with an investment that we make in our young.

And what we are seeing in terms of these cuts and in terms of the rhetoric coming from the Bush Administration do not bode well, notwithstanding all of what we hear about his care and his concern for the families of our Nation.

Put the money for the mouth is. That's what I say. Put the money where the mouth is. We want to expand and institutionalize early childhood education so that the United States is, indeed, the most competitive when it comes to development of our scientists and development of our engineers and development of those who will have to compete globally as our economy continues to morph with young scholars coming from other nations who have decided, notwithstanding their GDPs, to invest in the education of their children.

And so I just wanted to stop in and share some of my experience with you, Ms. WASSERMAN SCHULTZ, and to say to my colleagues that we have to stand up. This is a critical issue, and as we reflect on the week of the young child, it is important that we not forget that they come from a community of families, and those families are struggling. They need to be able to be at the job on time. They need to be able to know that their children are safe and in a wholesome environment while they are at work. And that's what these child care centers and these early childhood education environments create for the children and for their parents: a sense of relief and a sense of well-being both for the child and the family.

Ms. WASSERMAN SCHULTZ. Absolutely. And I want to thank you so much for coming down and joining me tonight.

What we have been trying to do is highlight the consequences to these horrendous policymaking decisions. And I talked about Jennifer a few minutes ago and what her situation is like. Some of my colleagues from the various States that are represented on this chart mentioned their own States' statistics this evening. But I want to give a fuller picture of what the real consequences are to not funding adequately Head Start and Child Care and Development Block Grants. So this is what it looks like in my State, Ms. CLARKE: In my State of Florida, nearly 45,000 children are standing in line for child care. In other words, we have got almost 45,000 kids in my State who are eligible for child care, but they can't get it because we're not funding it adequately, I mean simply because we are not providing enough funds.

I mean what are we spending it on? What is more important? Like you said, the gentleman that you said says the same refrain every single time, "remember the children," that's what it is all about.

I remember being pregnant with my twins and people telling me throughout my pregnancy, Oh, DEBBIE, you're life is going to change. Just wait. You're not going to believe it. You never imagined that you could care about something so much as when you give birth to your kids. And you sort of nod and smile, and you tell them, sure, you can imagine what it's going to be like. Well, you can't imagine. You can't imagine what it's going to be like until you have them. And that's what everybody tells you. You can't imagine that you could care and love something more than when you give birth to your children. And you would do anything to make sure that they were okay, that they had the best possible life that they could have.

And when parents who are struggling to make sure that they can put food on the table, that they can pay the mortgage, not have the house foreclosed on, make sure that they can have time to go to their job, but, at the same time, have a high-quality child care situation so that they don't have to worry about the one or two or three or however many kids they have that they care more about than anything in the world, what it is this administration doing? Cutting the funding for our most precious resource.

So it's not just Florida. It's not just New York. There are 207,000 kids in California on a waiting list.

How about Georgia? Georgia, Ms. CLARKE, that actually has a pre-K program funded by the lottery, which is supposed to provide a pre-K education to all the 4 year olds in that State, and there are only 6 million people in the State of Georgia as it is, there are 24,808, almost 25,000 kids on the waiting list for child care that they qualify for. In North Carolina almost 18,000 kids are on the waiting list, 15,000 in Texas, 207,000 in California. Those are kids that don't have access to child care who are eligible.

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Nationwide, it is 365,604 children who are waiting in line for child care. And what do those parents do? What do they do? They have to choose between working. If they don't work, how are they going to put food on the table? How are they going to be able to live? Many of these parents have to choose between whether they are going to be able to hold on to their children or not. The angst that I feel in my heart even thinking about having to make a choice like that. There is no one that should have to make that choice. And that the government, their own government, would deprive them of the ability to care for their kids is just mind-boggling.

Ms. CLARKE. Would the gentlewoman yield a moment? Just think about the mobility of a family that is unable to have their child care subsidized, the time that it will take for them to be able to gain firm footing once their children now get into public schools. And then the challenges they may face with learning deficits, quite frankly, because there are children of means who are being given an opportunity to be in stimulating learning environments when some working class parents just can't afford it. And without the support that we can give, we are really handicapping. We are really tying the arms of these families and these communities. And we know that if we just give people a chance in this society, they can make the best of it. And that can make a difference from one generation to the next.

Ms. WASSERMAN SCHULTZ. Absolutely. And let's show people what we mean. And I know you have seen this information before. What we are talking about, when you describe the difference between a parent who can't decide to bring their child to a child care program because there is no money, they can't afford to pay for it, the Federal Government is slashing the funding for it so they don't have a slot funded for their child, even though they are eligible, what happens, like you said, is that you have the parents who can afford it when those kids get to public school, they have already been through several years of prekindergarten, and they arrive at school and start kindergarten at 5 years old ready to learn, which is what the goal of Head Start and these child care programs is. The Federal funding that we provide is designed to make sure those children get to school ready to learn.

And this is the correlation of funding from the Federal Government for child care and Head Start and brain development. We are literally funding it in the opposite direction from the way the brain grows and develops and when we provide funding. So here is when you have the most brain growth, and the most rapid brain growth and the most important point in a child's life for that brain growth, and we are funding it the most when we are well beyond the points that the child's brain growth has not ceased, but certainly when it has slowed.

This chart should be inversed. We should be funding the highest percentage when the child's brain is developing at its earliest point between birth and 5 years old. But we are doing the opposite. It makes absolutely no sense. It really boggles my mind.

And that hurts. We are talking about real kids. I brought pictures of real children who are impacted by these decisions because I think we have to remember what we are talking about here. So often when we have discussions on the floor here, it becomes easy to become desensitized to the fact that we are talking about real people. These are real children who are being cared for. And I am going to tell their story in a little bit. But look at these beautiful children. And this is their caregiver. And I'm going to tell their story in a couple of minutes. But I just don't think it can be forgotten that every funding cut, every decision we make like this affects one of these precious babies. And I just can't even imagine how there is no heart in the White House. Although I shouldn't be shocked after almost 8 years of this administration. It is just unbelievable. We have got to make sure, and the reason that we are here tonight during the Week of the Young Child, is we have to make sure that we push in the next fiscal year, in fiscal year 2009, for an increase in Child Care and Development Block Grant funding the Head Start program. And Democrats have been fighting to make sure that we do that. We passed a wonderful Head Start bill. We have got to make sure that we reverse the lost ground that has occurred after 7 years of flat funding from this administration.

Ms. CLARKE. Would the gentlewoman yield a moment? It is an imperative. As I have said, since I've been on the Hill these past 15 months and have looked just about every crisis in the eye from mortgage foreclosure to the war in Iraq to you name it, education, health care, it all points back to the fact that we are at a specific juncture in our Nation's history that requires courage. And that means the courage to make the proper investments for the growth and development of our Nation.

There is no more worthy an investment for us to make than in these children, than our children, our Nation's children. They will be inheriting from us a millstone around their ankles if we don't do right by them today.

With the challenges that we are facing in terms of the debt build-up in this Nation, it is going to take a whole group of really smart people, really intelligent folk, who use the ingenuity of who we are as Americans to take us to the next level. That investment starts now. You can't invest it in me. It's too late for me. The investment is in our children.

So I thank the gentlelady again. This is a very important special order that we are here, we are at the advent of the Week of the Young Child and that we are speaking out for those families that don't have a voice here, that don't have the high-paid lobbyists, that are really working every day, and they come home, they hug their babies and they just want an opportunity for that baby to succeed.

In many instances, those children are struggling like salmon swimming upstream in environments that are less than wholesome. And were they to be in an early childhood education setting, they would be sure to get a nutritious meal every day. They would have a loving caregiver that also is there to stimulate the growth of the intellect and the brain. And that is why these dollars that are requested, which are really not breaking the bank by any means, are so critical and can reap such dividends in the long run if we do right by them today.

Ms. WASSERMAN SCHULTZ. It is the difference, literally, it's like when a baby is born, particularly to a working family that is not rolling in cash, that is literally struggling to put together their paychecks every month to meet their family's needs, it's like that baby's life begins on a crossroads. And we hold the key to which path they will end up on.

If we decide, like this administration, like the Bush administration has consistently decided during their time in office to cut the funding for child care, subsidized child care and for Head Start, then we are, not always, because there are kids that avoid it, but we are making it much more likely that the path that those kids travel down end up sending them more likely into a life of crime, potentially into an inability or decision not to graduate from high school. They end up dropping out. They make the wrong choices because they don't learn at the earliest stage how to make the right choices. They don't learn the basics. They don't have all the tools that they need to draw upon to be strong, to deal with life's challenges. This is not exaggeration. This is real.

Ms. CLARKE. The achievement gap is real. It is well-documented. And if these children had that Head Start, had the early childhood education, it closes the achievement gap by leaps and bounds. The clock to education doesn't start when we slide that child into the kindergarten door. There is so much more that goes into it. And I am a witness to what early childhood education can do. I have seen it for generations in New York, for working-class parents, parents that by no means are wealthy, but we had a period of time in our city's history where we understood that early childhood education was a critical component to not only helping working families but to giving those children that educational boost, that stimulating environment, that healthy and wholesome environment while their parents were at work.

There is nothing worse than a parent that has to worry about their child. We hear these horrible stories about people who go to work and leave their child in a car, or worse leave it with a younger child that is then caught in a situation where harm comes to them. We need to be able to allay those types of fears for parents. And this is a win-win-win scenario, our investment in Head Start and Child Care and Development Block Grants. It's a win-win-win scenario.

Ms. WASSERMAN SCHULTZ. It is. And it's hard to imagine what's more important. Should we continue to spend $14 million an hour in Iraq? Fourteen million dollars an hour is what we are spending in Iraq. Yet we can't come up with the funding that we need to make sure that all the kids in this country that are eligible for Head Start and for subsidized child care can actually go.

Ms. CLARKE. Or gentlelady, how about $110,000 a year for a child in juvenile detention?

Ms. WASSERMAN SCHULTZ. It is unbelievable. So we are choosing to lock kids like that up and spend more money, much more money, than we would spend on them up front to make sure that they get the education and the early start and the building blocks for success that are so much less expensive, but are also just the right thing to do. But for the accident of your birth you should not be in a situation where some kids are getting those basics and other kids are thrown to the wolves. We have these programs so that we can equalize the situation in life for Americans.

Look, we live in a capitalistic society. And that is absolutely the economy that we all support and know and revere. And it has served us well through more than 200 years. But because we live in a capitalistic society, it does not mean that we should be throwing our children, our most vulnerable, to the wolves but for the accident of their birth.

Ms. CLARKE. What it is is the coming of age. Our economy is evolving in ways that generations before us could have never imagined. That means that we have to redouble our efforts when it comes to the education of our young. We have to come up with the winning strategies for Americans to be able to move our Nation forward. This is the way to go. This is the way to go.

Ms. WASSERMAN SCHULTZ. You're absolutely right. I want to tell another story and highlight the impact on another family. We talked about the Head Start program. There are also child care providers who provide wonderful service in those subsidized child care programs. And we have had frozen Child Care and Development Block Grant funding that has led to stagnant and even decreasing reimbursement rates for providers who care for those children receiving subsidies.

In 2006, only nine States paid reimbursement rates that were on par with what the Federal Government recommends. And one of those results is there's an alarming 35 percent turnover rate for child care providers because they can't afford to continue to work in that field.

And I want to tell the story of a young woman named Kelly Matthews. Kelly is a child care provider in Iowa City, Iowa. I want to read you Kelly's story in her own words, because this is how she described her situation.

She said, "You and I share something important in common. We both go to work each day with a grounded, deeply held belief that we do our chosen work for one very simple reason, to change the world."

And I know how many times I have said that the reason I do this job is to make the world a better place and to change the world. Kelly is right here with her kids in her program.

She said, "I don't work in the Halls of Congress, but in my home, caring for children in my Child Development Home in Iowa City. What other reason, aside from wishing to impact the future, could motivate someone to take on a job with modest pay, no benefits and no paid time off? This isn't about a 'job' for me. This is my profession, my chosen life's work. And it is an amazing gift I am given each day to partner with the families I serve.

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"I have built my childcare program around the ideas of community, caring for each other, and falling in love with learning. I love this work because I have carefully crafted a program where kids succeed in all these areas in amazing ways: When Claire (at 18 months) already knows how to comfort a friend, when Trae (at 5 years old) can easily count and set out the right number of plates for his friends at the lunch table, when Lexi (at 3 years old) works hard to write the names of the members of her family, when Gus (at 3 years old) knows how to care for his things and the things that belong to others, or when two toddlers are already capable of working out a conflict in a peaceful way without an adult's intervention," what I wouldn't give for that in my house, "I know these children will be ready, not only for school, but just as importantly, for life. They will grow into adults that know how to take responsibility for themselves and how to care for others, how to problem solve and be creative in their endeavors, how to keep on trying, even when it is tricky."

She said, "I take this work seriously. Approximately 50 hours a week of my time with children in my home, plus all the additional hours of paperwork, supply shopping, continuing education, networking with my colleagues, and add to that total, developing and presenting hours of training to inspire other family childcare providers to constantly improve themselves and their programs. But for those of us committed to our professions and our vision of an inspired word, it is all in a day's work, isn't it?"

That is what Kelly Matthews, this wonderful woman with all her children in her program around her, had to say about her work, and it is the reason that we are standing here on the floor tonight at the beginning of the Week of the Young Child.

I am so pleased that you have been able to join me, Ms. CLARKE, and I turn it over to you to close us out.

Ms. CLARKE. I think that your daycare provider has really said it all. I don't think there is a dollar value that can you truly put on the work that these women and men do with our youngest, most vulnerable ones. And they make that sacrifice. Wouldn't it be awesome if they were rewarded and our communities were rewarded and our families were rewarded with a government that responded and really put the funding in place, to not only raise the level, but to get rid of all of those waiting lists that we see. What a difference that would make in every one of our communities around this Nation.

Thank you very much for your commitment.

Ms. WASSERMAN SCHULTZ. Thank you to the gentlewoman from New York.

Mr. Speaker, we think we have made a very strong case tonight at the beginning of the Week of the Young Child to make sure that there is a mandate for this Congress to increase the funding for Head Start, increase the funding for Child Care and Development Block Grants, and make sure that when those little babies are put on the crossroads of the path of their life, that we send them strongly down the right path so that they can have the best life that they can possibly have.

Mr. KILDEE. Mr. Speaker, I want to thank Congresswoman WASSERMAN SCHULTZ, for organizing this Special Order.

Improved funding for the Child Care and Development Block Grant and Head Start are integral to every child having the opportunity to succeed in school and in life.

The Child Care and Development Block Grant enables 1.8 million children from more than 1 million families to receive child care and provides essential resources to help states improve the quality of that care. Reliable, high-quality child care supports parents' productive employment and helps children enter school ready to learn.

Head Start is our country's model for a successful comprehensive early learning program for low-income children. It combines early education, health care, social services, and nutrition services with a strong focus on parent involvement and support and builds on the strengths of local communities.

The bipartisan 2007 Head Start reauthorization, which I was proud to have introduced, included many positive provisions that will move the program forward by expanding access and enhancing quality. But, increased investment is critical to meeting those goals.

More than 100 of my colleagues, Democrats and Republicans, recently joined me to urge the Appropriations Committee to reverse the Administration's funding policies that have led to thousands fewer children attending Head Start than in 2002 and put 200,000 children at risk of losing child care assistance by 2009 without increased funding.

Whether or not America's most vulnerable young children and their families will reach their potential depends in large part on our investment in these programs.

Mr. MATHESON. Mr. Speaker, I rise today in support of an important program to my district and my state which has been consistently flat funded for the past seven years: the Head Start program. As you know, Head Start is an early childhood program with a proven track record of providing comprehensive developmental, educational, health, nutritional, and social services to low-income preschool children and their families, giving them the tools they need to succeed. By emphasizing parental involvement, Head Start also benefits the entire family and the broader community. For decades, Head Start has served thousands low-income children and their families in Utah, ensuring that they are educationally, socially and medically ready for school.

I have always been a strong supporter of Head Start. After years of stalemate on proposed changes to the program, I was pleased to vote for a reauthorization this May, and again in final passage this November, that includes expanded coverage for low-income children, increased funding for teacher and staff salaries and professional development, and strong accountability measures to better ensure that Head Start funds are used appropriately and efficiently. This bill, HR 1429, was signed into law by the President on December 12, 2007.

I have appreciated working with countless Utah parents, teachers, and administrators on the importance of the program but also on ways to make it stronger and meet the needs of the community. These perspectives and stories have enhanced my understanding of the valuable role Head Start plays in the lives of disadvantaged children. I believe that Head Start is a program with a long-term record of success with enrollment correlating to IQ gains, improved high school graduation rates and higher achievement in writing, vocabulary and social skills.

I applaud my colleague, Representative DEBBIE WASSERMAN SCHULTZ, for calling attention to this important program.

Mr. DAVIS of Illinois. Mr. Speaker, it is said that we should judge a society by how it cares for its young, its old, and those who have difficulty caring for themselves. We have done much in the United States to care for our young citizens, but justice calls on us to do much more.

We know that, from 2000 to 2006, poverty increased by 10.7 percent, leaving 12.8 million children living in poverty. We know that one in three black children and one in four Latino children lives in poverty. We know that almost 12 million children under the age of five participate in some type of regular child care weekly. And we know that research demonstrates that high quality, comprehensive educational care for infants and toddlers can eliminate the achievement gap that exists between middle class and lower-income children.

Together these facts highlight that Federal support for quality care in the earliest years via Head Start and CCDBG is critical to help young children from low-income families arrive at kindergarten ready to learn and obtain a strong foundation for success in life. Despite the importance of early childhood care and education, Federal funding for these programs continues to lose ground. With nearly flat funding over the last several years, Head Start is serving fewer children than it did in 2002. Despite an increase in the percentage of children under six with only working parents, Federal funding for the Child Care Development Block Grant has been effectively frozen since 2001.

These cuts affect Chicago and Illinois in very real, negative ways. In Chicago, just under 41,000 families with children under 5 live under the poverty line, yet only 17,000 of these children are served by Chicago Head Start. In Illinois, CCDBG served an average of 82,200 children in 2006, which is 20,000 fewer than it did just five years ago.

As policymakers, we should invest in families and children by bringing funding for Head Start, Early Head Start and the Child Care and Development Block Grant (CCDBG) at least up to the inflation-adjusted levels at which they were funded in 2002. History will judge us harshly if we withhold key resources that we know can provide essential supports for our youngest citizens. During this Week of the Child, I urge my colleagues to reverse this trend and invest in children.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my strong support for two essential programs for our children and families—Child Care and Development Block Grants (CCDBG) and Head Start.

We know that early investments in our children pay off in the long run. Early childhood education programs increase school readiness and achievement, and improve cognitive and social skills needed for academic success. Investing in Head Start is a good investment, as for every $1 spent we save nearly $9. These benefits include less welfare dependency, lower crime rates, and a reduction in grade repetition and special education services.

CCDBG programs also offer a life line for many low income families. By offering subsidies for quality child care parents have broader employment opportunities which result in higher incomes, less turnover, and increased productivity. In addition, these funds are improving the quality; as well as the amount of child care available, to low income families.

In Texas, there are nearly 90,000 children enrolled in Head Start. Current proposed funding levels for Head Start in the FY 2009 Presidential Budget will leave this program in peril. If enacted at the President's requested level, 14,000 fewer children will be able to be enrolled in Head Start in 2009. Last year, Congress made many needed improvements to the Head Start program during reauthorization. Many of these improvements will not be enacted without a significant increase in funding.

CCDBG faces similar prospects if there is not an increase in funding. Wait lists for CCDBG programs continue to rise. In Texas, there are currently 15,000 children on a waitlist for child care assistance. If funding continues at current levels 300,000 fewer children nationally will receive child care assistance by 2010. Without this much needed assistance, parents will be forced to make increasingly difficult choices. Many will be forced into debt, will choose lower-quality child care, or end up back on welfare rolls.

Mr. Speaker, we must increase the resources to these programs. Flat funding for CCDBG and near-flat funding for Head Start over the past decade has left hundreds of thousands of children without needed assistance. Current economic conditions have hit many of our low income families the hardest. Now, more than ever additional assistance is needed. I strongly encourage an increase in funding for these essential programs.

Ms. SPEIER. Mr. Speaker, today, in California, 1.7 million children under age six require childcare because of working parents. Of these, nearly 200,000 are served in local programs that receive money from Child Care and Development Block Grants.

Mr. Speaker, you and I know that in the San Francisco Bay Area, most families rely on a minimum of two incomes just to make ends meet. In a time of rising gas and food prices and uncertain economic prospects, many are forced to take on additional jobs just to keep up.

Yet, the President's budget, for the sixth straight year, does not provide enough just to maintain the current level of services. In fact, the budget for Child Care and Development Block Grants falls $41 million short and hasn't been adjusted for inflation since 2003.

Mr. Speaker, like most states, California can illafford to pick up the slack, which in 2009 will total over four and half million dollars. Since 2002, our state has been on the hook for $52.7 million.

Meanwhile, the president has provided just a 2.1 percent increase for Head Start, a program widely acknowledged as one of the most successful in the federal government. This won't even keep pace with inflation and falls woefully short of what is needed to catch up to the more than $110 million in funding that California has lost relative to Fiscal Year 2002 funding.

Mr. Speaker, on behalf of the approximately 130,000 California children registered in Head Start and the benefit that early childhood education provides to our nation, I urge the Congress and President Bush to do all we can to adequately provide for this most important resource.

Mrs. BOYDA of Kansas. Mr. Speaker, on February 5, 2008 the President sent Congress his proposed budget. This budget is out of touch with the values of the good people who reside in the Second District of Kansas. I am deeply concerned about the President's funding cuts in early childhood education.

Head Start is a successful national school readiness program. It provides comprehensive education, health, nutrition and parent involvement services to low-income children and their families. Unfortunately, Head Start has experienced a 12 percent decline in funding from Fiscal Year 2002 through Fiscal Year 2009. These recent cuts have left individual Head Start programs strapped for funding and only able to serve about 40 percent of the eligible population of children and families. Without increased funding, this percentage will continue to decrease due to the reality that more families are having difficulty making ends meet. For Kansas, this means putting in jeopardy the over 50,000 children who currently use these services. I joined with my colleagues in sending letters to the Budget Committee and the Appropriations Committee asking them to make funding for Head Start a priority and hope we will soon vote to increase funds for Head Start.

The Child Care and Development Block Grant (CCDBG) program provides funding for child care for low income families. Child care costs continue to skyrocket—Kansas families pay an average of about $9,000 a year for an infant in full-time center care. Yet federal support for affordable child care hasn't kept pace. Because of funding shortfalls, only about one in seven children eligible for federal assistance actually receives it. Over the last six years about 150,000 children lost child care due to CCDBG funding shortfalls. Congress must renew its commitment to making sure our children—our future—aren't the ones bearing the burden of tight financial times. Kansans rely on CCDBG—in 2005, 18,800 Kansas children were served by the CCDBG. We need to make sure that Kansas' working parents have access to low-cost, high-quality child care so they can continue working and supporting their family. I joined in sending a letter to the Appropriations Committee asking them to support funding for the Child Care and Development Block Grant (CCDBG) program and hope to vote for an increase in funding this year.

My fellow colleagues, it is time that we have a frank and open conversation with the American people. The decisions that this Congress is going to have to make for this next fiscal year are going to be tough, but they must be done. Over the next months, we must work together to restore fiscal responsibility and, at the same time, make sure we deliver services to our constituents. Being fiscally responsible does not mean that we can forget about the importance of early childhood education. Programs like Head Start and CCDBG are important for everyone involved: they enable lower income families to work and improve their economic situation; they make sure that dedicated public servants, like child care providers, receive the compensation they deserve; and they ensure that all children get the social and educational start that will serve them throughout their lives.

Mr. SKELTON. Mr. Speaker, let me take this means to add my voice of support to the Head Start program. As you know, since the program began more than 40 years ago, it has served millions of low-income children and their families across the United States.

Over the years, I have had the opportunity to visit Head Start centers across Missouri's 4th Congressional District, which I have the honor to represent in Congress. I am always impressed by the dedicated staff who do so many good things to help prepare the children for their school careers. Every child in America has the right to a good start in life. It can make all the difference in their future. By partnering with parents to promote early childhood development, which is so critical, Head Start helps make sure that those futures are not jeopardized on the basis of a family's income.

This year, I have continued my strong support for Head Start funding and will work with my colleagues in the days ahead to see that this vital program's future is secure. Children truly are the hope of our Nation. They will be the leaders of tomorrow, and we owe it to them to see they have every opportunity to succeed.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, thank you very much to the Speaker, and we yield back the balance of our time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HONDA (at the request of Mr. HOYER) for today and April 15 on account of personal business.

Ms. RICHARDSON (at the request of Mr. HOYER) for today and April 15 on account of family business.

Ms. SOLIS (at the request of Mr. HOYER) for today and until 5:30 p.m. on April 15 on account of official business with the Helsinki Commission.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of a death in the family.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. WATT, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today and April 15, 16 and 17.

Mr. BURTON of Indiana, for 5 minutes, today and April 15, 16 and 17.

Mr. MCHENRY, for 5 minutes, today and April 15, 16 and 17.

Mr. WELLER of Illinois, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. COURTNEY, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 845. To direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1858. To amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinating followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 15, 2008, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6045. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8015] received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6046. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7761] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6047. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Proposed Rule Changes of Self-Regulatory Organizations [Release No. 34-57526; File No. S7-06-07] (RIN: 3235-AJ80) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6048. A letter from the Director, Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Updating OSHA Standards Based on National Consensus Standards [Docket No. OSHA-2007-0040] (RIN: 1218-AC08) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6049. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6050. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Safe Handling Statements: Labeling of Shell Eggs [Docket No. 2004N-0382] (RIN: 0910-ZA23) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6051. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Part 121 — The United States Munitions List [Public Notice] received April 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6052. A letter from the Senior Procurement Executive, (OCAO), GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-019, Contracts with Religious Entities [FAC 2005-23; FAR Case 2006-019; Item II; Docket 2007-0001; Sequence 12] (RIN: 9000-AK66) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6053. A letter from the Senior Procurement Executive, (OCAO), GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-030, Electronic Products Environmental Assessment Tool (EPEAT) [FAC 2005-23; FAR Case 2006-030; Item I; Docket 2007-0001, Sequence 9] (RIN: 9000-AK85) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6054. A letter from the Senior Procurement Executive, (OCAO), GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-23; Introduction [Docket FAR-2007-0002, Sequence 8] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6055. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Locations and Hours; Changes in NARA Research Room Hours [Docket NARA-08-0001] (RIN: 3095-AB57) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6056. A letter from the OGE Director, Office of Government Ethics, transmitting the Office's final rule — Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations (RINs: 3209-AA00 and 3209-AA04) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6057. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Crow Tribe Abandoned Mine Land Reclamation Plan [SATS No. CR-1-FOR; Docket ID OSM-2007-0019] received March 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6058. A letter from the Branch Chief of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Helianthus paradoxus (Pecos Sunflower) [[FWS-R2-ES-2008-0002] [92210-1117-0000-B4] (RIN: 1018-AV02) received April 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6059. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF82) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6060. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2008 and 2009 Harvest Specifications for Groundfish [Docket No. 071106673-8011-02] (RIN: 0648-XD69) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6061. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF74) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6062. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore -Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF90) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6063. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-8032-01] (RIN: 0648-XF94) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6064. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule — Inflation Adjustment for Civil Monetary Penalties Under Sections 274A, 274B, and 274C of the Immigration and Nationality Act [EOIR Docket No. 165F; A.G. Order No. 2944-2008] (RIN: 1125-AA39) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6065. A letter from the Acting Chief, Trade & Comm'l Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — UNITED STATES — JORDAN FREE TRADE AGREEMENT [DOCKET NUMBER USCBP-2007-0001 CBP Dec. 08-03] (RIN: 1505-AB75) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6066. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds — Minimum and Multiple Amounts Eligible for STRIPS, Legacy Treasury Direct, and Certification Requirements [Docket No. BPD GSRS 08-01] received March 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6067. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-20) received March 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6068. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Classification of Certain Foreign Entities [TD 9388] (RIN: 1545-BH24) received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6069. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — COORDINATED ISSUE PAPER ALL INDUSTRIES COST SHARING STOCK BASED COMPENSATION UIL 482.11-13 [LMSB-04-0208-005] received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6070. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 —— Transfer of Intangibles Offshore/ 482 Cost Sharing Buy-in Payment Issue Directive #2 [LMSB Control No. LMSB-4-0308-016 Impacted IRM 4.51.5] received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6071. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue Foreign Tax Credit Generator Directive [LMSB Control No: LMSB-04-0208-003 Impacted IRM 4.51.5] received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6072. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Partnership Audit Techniques Guide — Chapters 1, 2 and 7 [LMSB-04-0208-007] received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6073. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2007 [Notice 2008-44] received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6074. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amplification of Notice 2006-52 Deduction for Energy Efficient Commercial Buildings [Notice 2008-40] received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6075. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs: Fraud and Abuse; Issuance of Advisory Opinions by OIG — received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6076. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Revisit User Fee Program for Medicare Survey and Certification Activities [CMS-2278-IFC4] (RIN: 0938-AP22) received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6077. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Regulations Pertaining to Mergers, Acquisitions and Takeovers — received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Financial Services, Energy and Commerce, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Omitted from the Record of April 10, 2008)

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 3548. A bill to enhance citizen access to Government information and services by establishing plain language as the standard style for Government documents issued to the public, and for other purposes; with an amendment (Rept. 110–580). Referred to the Committee of the Whole House on the State of the Union.

[Filed on April 14, 2008]

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 281. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; with an amendment (Rept. 110–581). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5036. A bill to direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits or hand counting of the results of the general elections for Federal office to be held in November 2008, and for other purposes; with amendments (Rept. 110–582, Pt. 1). Ordered to be printed.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 5715. A bill to ensure continued availability of access to the Federal student loan program for students and families (Rept. 110–583). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANGEL: Committee on Ways and Means. H.R. 5719. A bill to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes; with an amendment (Rept. 110–584). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANGEL: Committee on Ways and Means. Supplemental Report on H.R. 5719. A bill to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes (Rept. 110–584 Pt. 2).

Ms. SUTTON: Committee on Rules. House Resolution 1102. Resolution providing for consideration of the bill (H.R. 5719) to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes (Rept. 110–585). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1103. Resolution providing for consideration of the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes (Rept. 110–586). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 1068. Resolution permitting active duty members of the Armed Forces who are assigned to a Congressional liaison office of the Department of Defense at the House of Representatives to obtain membership in the exercise facility established for employees of the House of Representatives; with amendments (Rept. 110–587). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5493. A bill to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration (Rept. 110–588). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5570. A bill to amend the Immigration and Nationality Act to eliminate the sunset in the special immigrant nonminister religious worker visa program; with amendments (Rept. 110–589). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 5036 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

(The following action occurred on April 11, 2008)

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than May 30, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY of New York (for herself, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mr. GEORGE MILLER of California, Mr. HOYER, Mr. BERMAN, Mr. CUMMINGS, Ms. DELAURO, Mr. ELLISON, Mr. FATTAH, Mr. FILNER, Mrs. GILLIBRAND, Mr. AL GREEN of Texas, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. VAN HOLLEN, and Ms. WOOLSEY):

H.R. 5781. A bill to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself, Mr. MCCOTTER, Mr. SESSIONS, Mr. PETERSON of Pennsylvania, Mr. MILLER of Florida, Mr. MARCHANT, Mr. HUNTER, Mr. WESTMORELAND, Ms. GINNY BROWN-WAITE of Florida, Mrs. CUBIN, Mr. BURTON of Indiana, Mr. YOUNG of Alaska, Mr. FRANKS of Arizona, Mr. HAYES, Mr. GARRETT of New Jersey, Mr. CANNON, Mr. WILSON of South Carolina, Mr. WAMP, Mr. HALL of Texas, Mr. HENSARLING, Mr. DEAL of Georgia, Mr. GINGREY, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. KELLER, Mr. ADERHOLT, Mr. MCINTYRE, Mr. SOUDER, Mr. LAMBORN, Mr. CAMP of Michigan, Mr. REHBERG, Mrs. MILLER of Michigan, Mr. MOLLOHAN, and Mr. SALI):

H.R. 5782. A bill to amend chapter 44 of title 18, United States Code, to provide for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms in that State; to the Committee on the Judiciary.

By Mr. CAMPBELL of California (for himself, Mr. CANTOR, Mr. RYAN of Wisconsin, Mr. MCCARTHY of California, Mr. SHADEGG, Mr. FEENEY, Mr. DAVID DAVIS of Tennessee, Mr. BROUN of Georgia, Mr. CONAWAY, Mr. MCCAUL of Texas, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. BISHOP of Utah, Mr. KLINE of Minnesota, Mr. MANZULLO, Mr. HOEKSTRA, Mr. NEUGEBAUER, Mr. WELDON of Florida, Mr. ROYCE, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. FORTUÑO, Mrs. BACHMANN, Mr. GOODE, Mrs. MUSGRAVE, Mr. GINGREY, Mr. TANCREDO, Mr. LAMBORN, Mr. SESSIONS, Mr. LUCAS, Mr. DOOLITTLE, Ms. FALLIN, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. BURTON of Indiana, Mr. MARIO DIAZ-BALART of Florida, Mr. WESTMORELAND, Mr. JONES of North Carolina, Mr. ISSA, Mr. LATTA, Mr. DUNCAN, and Mrs. CUBIN):

H.R. 5783. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to make contributions to the Federal Government on their income tax returns; to the Committee on Ways and Means.

By Ms. GRANGER (for herself, Mr. WYNN, Ms. NORTON, and Mr. PLATTS):

H.R. 5784. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 5785. A bill to amend the Internal Revenue Code of 1986 to provide a credit for providing volunteer service to military families through the America Supports You program of the Department of Defense; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 5786. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for care packages provided for soldiers in combat zones; to the Committee on Ways and Means.

By Mr. MOORE of Kansas (for himself and Mr. DUNCAN):

H.R. 5787. A bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California (for herself and Ms. SUTTON):

H. Res. 1104. A resolution congratulating California Secretary of State Debra Bowen and Ohio Secretary of State Jennifer Brunner, recipients of the 2008 John F. Kennedy Profile in Courage Award; to the Committee on House Administration.

By Mr. McDERMOTT (for himself, Ms. LEE, Mr. MARKEY, and Mr. INSLEE):

H. Res. 1105. A resolution expressing the sense of the House of Representatives supporting Earth Hour 2008, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself, Mr. GERLACH, and Mr. ENGLISH of Pennsylvania):

H. Res. 1106. A resolution expressing support for designation of April 2008 as "National Autism Awareness Month" and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

249. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 24 supporting the passage of the Filipino Veterans Equity Act of 2007; to the Committee on Armed Services.

250. Also, a memorial of the Legislature of the State of Kansas, relative to Senate Concurrent Resolution No. 1621 urging the Congress of the United States and the President of the United States to halt the contract process for the Air Force mid-air refueling tanker until Congress and the President have reviewed and approved all the technical, security and economic aspects of the purchase; to the Committee on Armed Services.

251. Also, a memorial of the Legislature of the State of Alabama, relative to a Resolution encouraging the Congress of the United States to accept the decision of the United States Air Force concerning the jet tanker contract; to the Committee on Armed Services.

252. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1831 urging the Congress of the United States to amend the No Child Left Behind Act so that states will be allowed to continue to work toward the goal of closing the achievement gap without overly prescriptive federal rules, unfunded mandates and the coercion of losing federal funds; to the Committee on Education and Labor.

253. Also, a memorial of the Legislature of the State of Wyoming, relative to a Joint Resolution requesting the Congress of the United State amend the Satellite Home Viewers Improvement Act; to the Committee on Energy and Commerce.

254. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 62 supporting H. Res. 121 expressing the sense that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces' coercion of young women into sexual slavery during Japan's colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II; to the Committee on Foreign Affairs.

255. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 19 requesting the Congress of the United States authorize the establishment of a national monument for women in Washington, D.C., to recognize and honor the leadership contributions of America's women; to the Committee on Natural Resources.

256. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 99 memorializing the Congress of the United States to pass the "Clean Railroads Act of 2007"; to the Committee on Transportation and Infrastructure.

257. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 28 memorializing the Congress of the United States to adopt and implement the recommendations of the Veterans' Disability Benefits Commission; to the Committee on Ways and Means.

258. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 3 memorializing the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds; to the Committee on Ways and Means.

259. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 22 memorializes the Tobacco Tax and Trade Bureau to protect and preserve the ability of California wineries, as well as all American wineries, to contribute to the economy of California and the nation by withdrawing the Notices of Proposed Rulemaking Number 77 and Number 78; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. KIND.

H.R. 271: Mr. ROTHMAN.

H.R. 351: Ms. WOOLSEY.

H.R. 728: Ms. SLAUGHTER.

H.R. 741: Mr. FILNER.

H.R. 943: Mr. GOODE and Mr. SOUDER.

H.R. 989: Mr. GARY G. MILLER of California.

H.R. 992: Mr. DELAHUNT.

H.R. 1032: Ms. MATSUI, Mr. MCGOVERN, and Mr. CLEAVER.

H.R. 1040: Mr. COLE of Oklahoma and Mr. MCCAUL of Texas.

H.R. 1050: Mr. GRIJALVA and Mr. FATTAH.

H.R. 1092: Ms. ZOE LOFGREN of California.

H.R. 1110: Ms. ROS-LEHTINEN.

H.R. 1142: Mr. UDALL of New Mexico, Mr. MORAN of Kansas, Ms. ROS-LEHTINEN, Mr. MURPHY of Connecticut, and Mr. MURTHA.

H.R. 1148: Mr. BRADY of Pennsylvania.

H.R. 1264: Mr. ALTMIRE.

H.R. 1279: Mr. PRICE of North Carolina.

H.R. 1283: Ms. DELAURO, Mr. JACKSON of Illinois, and Mr. GOODLATTE.

H.R. 1295: Mr. BARRETT of South Carolina, Mr. RENZI, Mr. WAMP, Mr. LEWIS of Kentucky, and Mr. HOEKSTRA.

H.R. 1527: Mr. BOREN.

H.R. 1553: Mr. BOREN and Mr. LOEBSACK.

H.R. 1576: Mr. SIMPSON, Mr. SHAYS, and Mr. BERMAN.

H.R. 1590: Mr. PRICE of North Carolina.

H.R. 1600: Mr. HOLT.

H.R. 1609: Ms. HARMAN, Ms. HERSETH SANDLIN, Mr. PASTOR, Mr. WILSON of Ohio, Mr. REYNOLDS, and Mr. WELDON of Florida.

H.R. 1643: Mr. BERRY.

H.R. 1653: Mr. HIGGINS.

H.R. 1691: Ms. ESHOO.

H.R. 1738: Ms. ESHOO.

H.R. 1742: Mr. PERLMUTTER.

H.R. 1783: Mr. DAVIS of Alabama.

H.R. 1820: Mr. LEWIS of Georgia, Mr. WU, Mr. ABERCROMBIE, and Mr. WELCH of Vermont.

H.R. 1869: Mr. PEARCE.

H.R. 1927: Mr. YOUNG of Alaska.

H.R. 1929: Mr. PAUL.

H.R. 2014: Mr. ADERHOLT.

H.R. 2088: Mr. PICKERING.

H.R. 2167: Mr. VAN HOLLEN.

H.R. 2169: Mrs. MCCARTHY of New York and Ms. WATERS.

H.R. 2188: Mr. COHEN, Mr. CUMMINGS, Mr. AL GREEN of Texas, and Mr. MOLLOHAN.

H.R. 2236: Mr. SERRANO.

H.R. 2343: Mr. HINCHEY and Mrs. CHRISTENSEN.

H.R. 2477: Mr. CUMMINGS.

H.R. 2548: Mr. PALLONE and Mr. FILNER.

H.R. 2676: Mr. FILNER and Mr. WU.

H.R. 2702: Mr. MOORE of Kansas.

H.R. 2706: Mr. LAMBORN.

H.R. 2734: Mr. REHBERG, Mr. HASTINGS of Washington, Mr. DREIER, Mr. YOUNG of Alaska, Ms. GRANGER, and Mr. KUHL of New York.

H.R. 2738: Mr. LAMBORN.

H.R. 2744: Mr. STUPAK, Ms. VELÁZQUEZ, Mr. MOLLOHAN, Mr. THOMPSON of California, Mr. RENZI, Mrs. MYRICK, and Mr. DOGGETT.

H.R. 2792: Mr. WAXMAN.

H.R. 2818: Ms. SCHAKOWSKY.

H.R. 2833: Ms. BORDALLO, Mr. KLEIN of Florida, and Mr. BARROW.

H.R. 2905: Mr. LATTA.

H.R. 2942: Mr. WAMP.

H.R. 3001: Mr. PASTOR.

H.R. 3014: Mr. MCGOVERN.

H.R. 3109: Mrs. BLACKBURN.

H.R. 3175: Mr. BRALEY of Iowa.

H.R. 3282: Mr. PORTER.

H.R. 3430: Ms. DEGETTE.

H.R. 3463: Mr. BRADY of Pennsylvania.

H.R. 3543: Mr. FATTAH, Mr. CARNEY, Mr. KANJORSKI, Ms. SCHWARTZ, and Mr. DOYLE.

H.R. 3635: Mr. MCGOVERN.

H.R. 3642: Mr. EMANUEL.

H.R. 3765: Mr. EMANUEL.

H.R. 3820: Mr. KNOLLENBERG and Mr. SPACE.

H.R. 3865: Mr. MORAN of Kansas, Mr. MCCOTTER, and Mr. MARSHALL.

H.R. 3874: Mr. KILDEE.

H.R. 3960: Mrs. BLACKBURN.

H.R. 4105: Ms. HERSETH SANDLIN, Mr. JOHNSON of Georgia, and Mr. ABERCROMBIE.

H.R. 4236: Mr. KENNEDY, Ms. SCHWARTZ, and Mr. TOWNS.

H.R. 4244: Mr. PLATTS.

H.R. 4318: Mr. MCCARTHY of California and Mr. HOBSON.

H.R. 4449: Mr. BRALEY of Iowa, Mr. LOEBSACK, and Mr. OLVER.

H.R. 4790: Mrs. CAPPS, Ms. WASSERMAN SCHULTZ, Ms. SUTTON, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4883: Mr. SPACE and Ms. BERKLEY.

H.R. 4884: Mr. SPACE and Ms. BERKLEY.

H.R. 4900: Mr. DAVIS of Kentucky, Mr. HIGGINS, Mr. CAMP of Michigan, Mr. PRICE of Georgia, Mr. MARSHALL, and Mr. HELLER.

H.R. 4934: Mr. SIRES.

H.R. 5033: Mr. INGLIS of South Carolina.

H.R. 5057: Ms. NORTON.

H.R. 5131: Mr. ISSA and Mr. BRADY of Pennsylvania.

H.R. 5161: Mr. BRADY of Pennsylvania and Mr. INSLEE.

H.R. 5244: Mr. KAGEN, Mr. BRALEY of Iowa, and Mr. MEEK of Florida.

H.R. 5268: Ms. WASSERMAN SCHULTZ, Mr. MEEKS of New York, Mr. CLAY, Mr. SIRES, and Mr. HINCHEY.

H.R. 5425: Mr. FORTUÑO.

H.R. 5443: Mr. GARRETT of New Jersey and Mr. KING of New York.

H.R. 5466: Mr. UDALL of Colorado.

H.R. 5469: Mr. ARCURI.

H.R. 5488: Mr. HINCHEY.

H.R. 5496: Mr. PRICE of North Carolina and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5499: Mr. FRANK of Massachusetts.

H.R. 5510: Mr. GENE GREEN of Texas.

H.R. 5532: Mr. PLATTS, Mr. BRALEY of Iowa, and Mr. BROUN of Georgia.

H.R. 5534: Mr. CUMMINGS and Mr. GONZALEZ.

H.R. 5540: Mr. PLATTS.

H.R. 5544: Ms. SCHAKOWSKY.

H.R. 5554: Mrs. NAPOLITANO.

H.R. 5561: Mr. LAMBORN.

H.R. 5575: Mr. MCDERMOTT.

H.R. 5580: Mr. HARE.

H.R. 5583: Mr. HINCHEY.

H.R. 5595: Mr. BRALEY of Iowa, Mr. MARSHALL, Ms. CASTOR, Mr. FATTAH, Mr. PATRICK MURPHY of Pennsylvania, Mr. DOYLE, Ms. WASSERMAN SCHULTZ, Mr. CARDOZA, Mr. KANJORSKI, Mr. NEAL of Massachusetts, Mr. LOEBSACK, Mr. MITCHELL, Mr. SHULER, Mr. MOLLOHAN, Mr. MELANCON, Mr. WALZ of Minnesota, Ms. SUTTON, Mr. BOSWELL, Mr. MURPHY of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Mr. ARCURI, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mr. MCNERNEY, Mr. ROSS, Mr. DONNELLY, and Mr. PETERSON of Minnesota.

H.R. 5598: Mr. RUSH, Ms. LEE, Mr. FATTAH, and Mr. HONDA.

H.R. 5602: Ms. LORETTA SANCHEZ of California.

H.R. 5609: Mr. ORTIZ.

H.R. 5613: Mr. GUTIERREZ, Mr. BILIRAKIS, Mr. SESTAK, Mr. WEINER, Mr. UDALL of Colorado, Mr. ALEXANDER, Mr. SIRES, Mr. REYNOLDS, Mr. DICKS, Mr. TIBERI, Ms. WASSERMAN SCHULTZ, Mr. SNYDER, Mr. FOSSELLA, Mr. BUTTERFIELD, Mr. EDWARDS, Mr. TERRY, and Ms. LORETTA SANCHEZ of California.

H.R. 5626: Mr. FARR and Ms. SCHAKOWSKY.

H.R. 5656: Mrs. CUBIN, Mrs. BACHMANN, Mr. FEENEY, Mr. KING of Iowa, Ms. FOXX, Mr. WESTMORELAND, Mr. GARRETT of New Jersey, and Mr. POE.

H.R. 5660: Ms. BERKLEY and Mr. ELLISON.

H.R. 5662: Mr. FILNER.

H.R. 5668: Mr. PENCE.

H.R. 5673: Ms. FOXX and Mr. WHITFIELD of Kentucky.

H.R. 5684: Mr. REYES, Mr. PETERSON of Minnesota, Mr. FORTUÑO, and Mr. SALAZAR.

H.R. 5686: Mr. BRADY of Pennsylvania and Mr. BOREN.

H.R. 5689: Mr. BISHOP of New York.

H.R. 5695: Mr. MARCHANT.

H.R. 5696: Mr. MATHESON.

H.R. 5700: Mrs. LOWEY.

H.R. 5717: Mr. CONAWAY.

H.R. 5719: Mr. CUMMINGS.

H.R. 5722: Ms. WATSON.

H.R. 5731: Mr. FRANKS of Arizona, Mr. POE, Ms. GINNY BROWN-WAITE of Florida, Mr. KING of Iowa, and Mrs. MYRICK.

H.R. 5737: Mr. PORTER.

H.R. 5740: Mr. PRICE of North Carolina, Ms. HARMAN, Mr. DICKS, Mrs. LOWEY, Mr. OBEY, Mr. GORDON, Mr. EMANUEL, Mr. MOORE of Kansas, Mr. OLVER, Mr. CARTER, Ms. SLAUGHTER, and Mr. DENT.

H.R. 5749: Mr. RANGEL, Mr. PORTER, Mr. STARK, Mr. YOUNG of Alaska, Mr. LEVIN, Mrs. MILLER of Michigan, Mr. LEWIS of Georgia, Mr. MCCOTTER, Mrs. JONES of Ohio, Ms. BERKLEY, Mr. VAN HOLLEN, Mr. NADLER, Mr. SCOTT of Georgia, Mr. FARR, Mr. ELLISON, Mr. KIND, and Mr. GORDON.

H.R. 5752: Mr. PETERSON of Minnesota.

H.R. 5769: Mr. BILBRAY.

H.R. 5770: Mr. WAXMAN and Mr. KLEIN of Florida.

H.R. 5771: Mr. BURTON of Indiana.

H. J. Res. 12: Mr. SALI.

H. Con. Res. 70: Mr. MILLER of North Carolina.

H. Con. Res. 257: Mrs. DRAKE and Mr. CHABOT.

H. Con. Res. 299: Mr. WHITFIELD of Kentucky, Mr. PLATTS, Mrs. GILLIBRAND, Mr. DELAHUNT, Mr. KENNEDY, Ms. SCHAKOWSKY, and Ms. BALDWIN.

H. Con. Res. 317: Mr. KING of New York, Mr. PRICE of North Carolina, Ms. SCHWARTZ, and Ms. SCHAKOWSKY.

H. Con. Res. 318: Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Mrs. MALONEY of New York, and Mr. MORAN of Virginia.

H. Con. Res. 322: Mr. REYNOLDS, Mr. SCOTT of Georgia, Mrs. BIGGERT, Mr. ISRAEL, Mr. SESSIONS, Mr. ARCURI, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. Broun of Georgia, Mr. MCNERNEY, Mr. MURPHY of Connecticut, Mr. GARY G. MILLER of California, Ms. BEAN, Mr. LAMBORN, Mr. COURTNEY, Ms. MATSUI, Mr. BARROW, Mr. MARSHALL, Mr. FOSTER, Mr. JOHNSON of Georgia, Mr. TIBERI, and Mr. LINDER.

H. Res. 356: Mr. CONAWAY.

H. Res. 653: Mr. FATTAH and Mr. ABERCROMBIE.

H. Res. 705: Mrs. BACHMANN.

H. Res. 758: Mr. WALBERG, and Mr. GARRETT of New Jersey.

H. Res. 820: Mr. HINCHEY.

H. Res. 834: Mr. COURTNEY and Mr. LOEBSACK.

H. Res. 896: Mr. REYES.

H. Res. 937: Mr. WOLF.

H. Res. 977: Mr. MCGOVERN and Mr. HIGGINS.

H. Res. 987: Mr. DICKS and Ms. GIFFORDS.

H. Res. 1008: Mr. MCNERNEY, Mr. MARSHALL, and Mr. GORDON.

H. Res. 1019: Mr. JOHNSON of Georgia.

H. Res. 1022: Mr. SCHIFF.

H. Res. 1026: Mrs. BLACKBURN and Mr. MEEK of Florida.

H. Res. 1044: Mr. GONZALEZ and Mr. BRALEY of Iowa.

H. Res. 1048: Mr. CHABOT and Mr. WOLF.

H. Res. 1079: Mr. KENNEDY, Mr. EHLERS, Mr. JONES of North Carolina, Mr. NEUGEBAUER, Mr. WILSON of Ohio, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. POMEROY, Mr. PAYNE, Mrs. MCCARTHY of New York, Ms. BEAN, Mr. DAVIS of Kentucky, Mr. PUTNAM, and Mr. SMITH of Nebraska.

H. Res. 1080: Mr. FALEOMAVAEGA and Mr. LATTA.

H. Res. 1081: Mr. WEXLER.

H. Res. 1091: Mr. DAVIS of Kentucky, Mr. PENCE, Mr. ROSS, Mr. FRANKS of Arizona, Mrs. CUBIN, Mr. MILLER of Florida, Mr. CONAWAY, Mr. BROWN of South Carolina, Mr. TANCREDO, Mr. KIND, Mr. SESSIONS, Mr. ROGERS of Alabama, Mr. TIAHRT, and Mr. BISHOP of Georgia.

H. Res. 1093: Ms. WATERS, Ms. BERKLEY, Ms. CLARKE, and Ms. DELAURO.

H. Res. 1095: Mr. BECERRA, Ms. CASTOR, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. NADLER, Mr. STARK, Ms. WATERS, Mr. BRADY of Pennsylvania, Mr. SERRANO, and Mr. BERMAN.

H. Res. 1096: Mrs. MCCARTHY of New York, Mr. ARCURI, Mr. GORDON, Mr. MAHONEY of Florida, Mr. MELANCON, Mr. SCHIFF, Mr. SHULER, Mr. THOMPSON of California, and Mr. WILSON of Ohio.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FRANK of Massachusetts or a designee to H.R. 2634 the Jubilee Act for Responsible Lending and Expanded Debt Cancellation does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

229. The SPEAKER presented a petition of the County Commission of Mobile, Alabama, relative to a Resolution urging the Congress of the United States to consider the needs of the American war fighter, to affirm the selection process of the United States Air Force, and to support the creation of American jobs by moving all deliberate speed to fund and implement the KC-45 tanker project; to the Committee on Armed Services.

230. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-137-08 urging the Florida Legislature to strengthen mortgage fraud laws; to the Committee on Financial Services.

231. Also, a petition of the City Commission of the City of Coconut Creek, Florida, relative to Resolution No. 2007-131 urging the Congress of the United States to re-enact the Federal Assault Weapons Ban; to the Committee on the Judiciary.

232. Also, a petition of the Miami-Dade County Board of County Commissioners,

Florida, relative to Resolution No. R-135-08 urging the Florida Legislature to pass and the Governor to sign into law legislation reinstating a property tax exemption for solar energy systems and other renewable energy systems and to streamline the process for applying for such an exemption; to the Committee on the Judiciary.

233. Also, a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-08-100 urging the Congress of the United States to appropriate 100% federal share for one hundred year flood protection for Southeast Louisiana; to the Committee on Transportation and Infrastructure.

234. Also, a petition of the City Council of the City of Pittsburgh, PA, relative to Resolution No. 2008-0111 urging the Congress of the United States to act quickly and efficiently in order to renew the Delta Queen's soon to expire exemption from the Safety of Life at Sea Act of 1966; to the Committee on Transportation and Infrastructure.

235. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 08-R-0476 calling upon the Senate of the United States to introduce and pass the the James Zadroga 9/11 Health and Compensation Act; jointly to the Committees on Energy and Commerce and the Judiciary.

EXTENSIONS OF REMARKS

KELSIE HUTCHINSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kelsie Hutchinson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kelsie Hutchinson is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kelsie Hutchinson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kelsie Hutchinson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING TIMOTHY ANDERSEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Timothy D. Andersen of Parkville, Missouri. Timothy is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1419, and earning the most prestigious award of Eagle Scout.

Timothy has been very active with his troop, participating in many scout activities. Over the many years Timothy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Timothy D. Andersen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING EMILE LASALLE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Emile LaSalle upon his recognition at the 2008 Future Farmers of America Blue and Gold Gala. Mr. LaSalle will he honored by the California FFA Foundation on Saturday, April 19, 2008 at PR Farms in Clovis, California.

Mr. LaSalle was born in 1918 in Bellflower, California to French immigrant parents. He grew up working on his family's farm and dairy after school and on the weekends. He spoke only French when he began school. This did not hold him back; he graduated from Excelsior High School at seventeen years old. In high school he participated on the track and tennis teams. During his junior year, he joined Future Farmers of America and successfully competed in livestock judging and public speaking.

Mr. LaSalle was awarded a one hundred dollar scholarship for college and decided to attend Cal Poly San Luis Obispo. He worked his way through college milking cows. It was in the dairy barn where he met Helen McPhee, the daughter of Cal Poly President Julian McPhee. Mr. LaSalle completed his education at Utah State and in 1942 married Helen. Shortly after finishing school, he began his first agriculture teaching assignment at Manteca High School.

In 1944, Mr. LaSalle enlisted in the U.S. Navy and served until 1946. In 1948 he and his family moved to Hanford, California and entered into the dairy business. In 1953 he accepted a position at Hanford High School teaching agriculture. After teaching for 13 years, Mr. LaSalle assumed the position of South Coast Regional Supervisor for the California State Department of Education.

1976 brought retirement. This did not slow Mr. LaSalle down. Rather he began farming alfalfa in the Creston area. He became active on the Atascadero School Board and followed other political endeavors. At 79 years old he purchased an 80 acre farm in Stratford and has expanded his farm to 800 acres. Nearing his 90th birthday he continues to grow alfalfa and oat hay. He also still often visits the Cal Poly campus, visiting and discussing agriculture with the students. Mr. LaSalle is the father of six, grandfather of seventeen and great-grandfather of eight.

Madam Speaker, I rise today to commend and congratulate Emile LaSalle for sharing his passion for agriculture and dedication to agriculture education and the Future Farmers of America. I invite my colleagues to join me in wishing Emile LaSalle many years of continued success.

A PROCLAMATION HONORING SHAUN O'KEEFE FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. SPACE. Madam Speaker:

Whereas, Shaun O'Keefe showed hard work and dedication to the sport of basketball; and

Whereas, Shaun O'Keefe was a supportive team player; and

Whereas, Shaun O'Keefe always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Shaun O'Keefe on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

IN RECOGNITION OF THE 125TH ANNIVERSARY OF THE SALVATION ARMY OF SYRACUSE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the 125th anniversary of the Salvation Army of Syracuse, New York.

Founded in 1883, the Salvation Army of Syracuse, New York, was started by four young volunteers who had a great desire to serve others. This organization became well established in the area and by 1898 was providing those in need with food and shelter.

Since its humble beginnings, the Salvation Army of the Syracuse Area has seen tremendous growth. Serving over 30,000 people annually, 2,000 volunteers give generously of their time and talents. This fine organization provides valuable programs to those in need, including a food pantry, day care, counseling, and housing.

Over the years, my office has had the privilege of working with both former Executive Director Bobbie Schofield and current Executive Director Linda Wright. Their tireless dedication and professionalism have always served as an inspiration. In particular, I continue to be impressed by the caliber of programs developed by the Salvation Army in response to the ever changing needs of our community.

The Salvation Army of Syracuse has graciously served others, and I am proud to recognize it today. I congratulate Executive Director Linda M. Wright and her dedicated staff—

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

both past and present—on reaching this milestone. On behalf of the people of the 25th district of New York, I thank them for their 125 years of service that has been such a positive influence on the community.

TRIBUTE TO ED LAVERY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. REYNOLDS. Madam Speaker, with great appreciation I rise today to honor a dedicated and highly respected firefighter, Ed Lavery, who for more than 50 years steadfastly served and protected the people of Williamsville, New York.

Even as a young boy growing up in Williamsville, Ed was drawn to fire engines. Often Ed would jump on his bike as soon as he heard the sound of fire engines to watch the firefighters battle the blaze. Due to his determination and perseverance Ed was forced to part with his bike after he joined the Fire Department when he crashed into a wall after his bikes brakes failed.

With his straight talk and hard work ethic, Ed quickly became captain of the Williamsville Fire Department. He served five years as assistant chief, and in 1974, was elected chief. He also served as president in 1985. Along with serving the Fire Department, Ed worked for the Amherst Engineering Department where he was the general foreman until he retired in 1999. Ed was also a part-time dispatcher at the Amherst Central Fire Alarm Office, which handles emergency calls for all companies protecting Amherst, Clarence and Newstead.

Known for his candor and dry wit, Ed continues to be involved with the department. He often will join the firefighters in responding to Fires and check to make sure the pumpers are operating correctly. None of his family and friends foresee him quitting any time soon.

Thus, Madam Speaker, in recognition of his tremendous service for more than 50 years to the people of Williamsville, NY, for his leadership, his dedication and the lasting legacy he leaves, I ask this honorable body to join me in honoring Ed Lavery.

KAMILA HOSAJA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kamila Hosaja who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kamila Hosaja is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kamila Hosaja is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kamila Hosaja for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING ELLIOTT GEOFF WATKINS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Elliott Geoff Watkins of Trimble, Missouri. Elliott is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1008, and earning the most prestigious award of Eagle Scout.

Elliott has been very active with his troop, participating in many scout activities. Over the many years Elliott has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Elliott Geoff Watkins for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE REPUBLIC OF CROATIA ON RECEIVING AN INVITATION TO JOIN NATO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. RADANOVICH. Madam Speaker, I rise today, along with my colleague and fellow co-chair of the Croatian Caucus, Congressman VISCLOSKY, to congratulate the Republic of Croatia on receiving an invitation to join the North Atlantic Treaty Organization, NATO, at the Alliance's recent summit in Bucharest.

The inclusion of Croatia into NATO has been the highest priority of the Congressional Croatian Caucus. I am excited to see a country that has demonstrated leadership in the region of southeast Europe in implementing comprehensive reforms under Euro-Atlantic integrations welcomed into NATO. My Congressional Croatian Caucus co-chair, Congressman PETER VISCLOSKY, and I sent letters to the Secretary of State and Secretary of Defense last November encouraging the administration to express support for this goal.

This historic event serves as important recognition of Croatia's capability to assume responsibilities of NATO membership as well as be an effective contributor to collective defense and security. I am fully convinced that a vote of confidence by the U.S. through expeditious ratification of Croatia's membership into NATO will allow this country to be a more valuable ally to the United States and further enhance the strategic partnership between our two countries.

This partnership stems from deep historical and cultural links between the U.S. and Croatia, commencing with the recognition of America's Independence by the Republic of Dubrovnik in 1783. Since its independence, Croatia has made significant progress in achieving democracy and undertaking comprehensive political, economic and defense reforms on its path to Euro-Atlantic integrations.

Furthermore, the successful recent visit by President George W. Bush to Croatia on April 4–5, 2008, reaffirmed the importance of the U.S.-Croatian relationship and underscored the common values shared by our two countries. In this respect, I would like to enter into the RECORD highlights from the speeches delivered by President George W. Bush, Croatian President Stjepan Mesic and Prime Minister Dr. Ivo Sanader in Zagreb, during the President's recent visit to Croatia on April 4 and 5, 2008.

Finally, many individuals have worked very hard to see this important invitation come to fruition. I would like to especially thank Congressman VISCLOSKY, the multitude of Croatian nationals and Croatian Americans for their steadfast commitment to this cause and to furthering the U.S.-Croatian partnership.

PRESIDENT BUSH AND PRESIDENT MESIC OF CROATIA, APRIL 4, 2008

PRESIDENT MESIC: . . . Croatia is a small country with a tradition of statehood which can be traced back to the distant 10th century. However, it has appeared on the political map of the world as an independent country less than 20 years ago. The United States is indisputably the leading world power, and its history spans somewhat more than two centuries. However, in such a relatively short time the United States has given, in two global conflicts, an incalculable contribution to the fight against evil and tyranny, and to the victory of freedom and democracy.

I shall not spend too many words in reminding you of the many historic ties between our two countries—from the Croatian community in America and Croatian immigrants like the brilliant inventor Nikola Tesla, through the fact that Dubrovnik, the jewel of the Croatian Adriatic, then an independent republic, was among the first to recognize the young United States, all the way to our alliance in the war against Nazism and fascism and the cooperation we had in the times when Croatia was part of Yugoslavia. That, as I said, is the past, but a past which must be known and on the foundations of which we must continue to build.

And what we have to build, however different we may be—in terms of size, strength and potential, occasionally also in terms of views regarding a particular issue—is a world of peace, security and stability, a world of progress and prosperity for all. We have to build mutual trust and appreciation regardless of differences, even in spite of differences. Constructive talk is possible only in conditions of mutual trust, and the idea that all outstanding issues can and must be resolved by negotiation can become reality only on such terms.

We live in a world encumbered by many problems, and we are faced by many challenges. We can only withstand them together, in a harmonized way, by proceeding from the awareness that problems like global terrorism, regional crises, poverty, global warming and destruction of the environment are problems affecting all of us, perhaps not to the same extent or at the same time; these are indisputably problems affecting every state and we can deal with them, let me repeat, only jointly. Having said that, I certainly have in mind the role which the United Nations can and must play.

I can note with pleasure that the relations between Croatia and the United States are on the upswing. Let me reiterate a point I have made many times: Croatia offers the hand of friendship to everyone wishing to cooperate with it in conditions of equality and satisfaction of mutual interests.

I have already mentioned that Croatia is a small country. We need and seek allies and friends throughout the world—allies and friends who will wish to cooperate with us while respecting our identity and our special qualities, taking due account of their and our national interests, and proceeding from the fact that a policy based on meeting interests is not inconsistent with a policy relying on certain firm principles. I believe that Croatia can have precisely such an ally and friend in the United States.

Let me use this opportunity to thank you for the support given by the United States in the achievement of two priority goals of Croatia's foreign policy: accession to the European Union and to NATO. By receiving the invitation for NATO at the recent Bucharest summit we have accomplished a decisive step towards NATO membership. I am also convinced that our negotiations on accession to the European Union will continue successfully after a brief standstill . . .

PRESIDENT BUSH: . . . We appreciate your gracious hospitality. And we celebrate your invitation to become one of America's closest allies. I—you said you're from a small country. I'm impressed by the big hearts—and the big basketball team.

We are so proud of our relationship, Mr. President. We share common values. We believe in human rights and human dignity. We believe there's a Creator that has given every man, woman and child on the face of the Earth the great gift of freedom. We believe markets are capable of unleashing the entrepreneurial spirit of our peoples. We understand that freedom requires sacrifice.

I salute the people of your country for your courage and willingness to help a young democracy in Afghanistan not only thrive but succeed. I appreciate the friends who have stared evil in the face and understand there's a better tomorrow.

And so, Mr. President, I bring the greetings of my country to your beautiful land . . .

PRESIDENT BUSH AND PRIME MINISTER SANADER ADDRESSING THE CROATIAN PEOPLE ON ST. MARKS SQUARE, ZAGREB, APRIL 5, 2008

PRIME MINISTER SANADER: . . . Today, together with you and the free world, we share the same values of freedom, the right of the people and individuals to live in peace and security, values of democracy and human rights, values of dialogue and mutual respect. Our veterans fought for these values in the homeland war. In the defense of these values, more than 15,000 Croatian citizens died. With their memory in our hearts and our souls, today we express our gratitude to them.

And on these values, and on the recognition of mutual interest is where we base constant improvement of our relations and Croatian-American friendship, to the benefit of our peoples and our business communities. But also there are broader messages. On these values, the Euro-Atlantic community of freedom, peace, democracy and well-being continues to be built.

. . . Croatia has made another large step in the realization of the most important goals of our state policy. Dear friends, with the invitation of our country to join NATO, and with the new energy in our negotiations to accede EU, this visit by American President means that the aspirations of many Croatian generations have been fulfilled.

Our citizens in this important success not only see the realization of goals of those brave patriots, our veterans who defended Croatia in the recent difficult times, but also the century-old-long aspirations of Croatians—people to go back to it to embrace a free democratic world. Our citizens also know that NATO today has supported the values they value and respect. Our negotiations with EU successfully leading to full membership in the next very brief period are also part of the same goal. In brief, Croatia is going where it belongs; Croatia is going back home.

Mr. President, ladies and gentlemen, the world is still not a totally secure place. Still in many ways, and for many ways, the fundamental civilization values which we share are threatened. They were attacked also on September 11th. They were attacked also in this region. Today they are still threatened in too many places across the world. The Euro-Atlantic community also has responsibility in the areas like Afghanistan and Darfur, but also in the resolution of the problems of diseases, poverty, disaster prevention, and other challenges for international security.

A common understanding of the new nature of global threats for world peace and security, and joint efforts to fight them are the only guarantee of the success, and the only way to continue to build the new international order, the order of cooperation instead of conflict, order of dialogue instead of separation.

. . . The time in which alliances were against each other are gone. Today the times are where we look for allies along the same most—the highest goals of human civilization, freedom and democracy. Not even peace in our neighborhood in southeast Europe is not full. Here still we need to invest in allies, freedom, democracy and equality. Euro-Atlantic integration of this is the most important, historically irreplaceable goal and incentive.

Croatia knew how to realize its future even when it seemed to be uncertain. Today we are at the threshold of Atlantic Alliance and European Union. The power of this success encourages us to continue to support our neighbors in their efforts. This is why we are very pleased to have with us the leaders of Albania, Macedonia, Presidents Bamir Topi and Branko Crvenkovski, Prime Ministers Sali Berisha and Nikola Gruevski.

. . . Mr. President, when I recall your historic speech in Warsaw in 2001, which opened a window of freedom for many countries and peoples, when I see the achievements, when I see how much you still invest in the achievement of lasting peace and stability in southeast Europe, I'm filled with confidence. And I will personally continue to offer my contribution to high common goals of Croatia, U.S.A., Europe and all our most important partners.

Croatia will—more and more in European Union and NATO, continue its responsible mission in southeast Europe. In matching goals of European Union and NATO, we see additional incentive and space for such action.

Once again, Mr. President, I thank you for your visit, for your support and for your friendship.

Ladies and gentlemen, dear friends, the President of the United States, George Bush.

PRESIDENT BUSH: . . . The United States appreciates the leadership you have shown in the cause of freedom. We're pleased Albania and Croatia have been invited to join NATO. And we look forward to Macedonia taking its place very soon in this great alliance for freedom.

Laura, who has joined me today, and I are proud to stand on the soil of an independent Croatia. Our countries are separated by thousands of miles, but we're united by a deep belief in God and the blessings of liberty He gave us. And today, on the edge of the great Adriatic, we stand together as one free people.

Croatia is a very different place than it was just a decade ago. The Croatian people have overcome war and hardship to build peaceful relations with your neighbors, and to build a maturing democracy in one of the most beautiful countries on the face of the Earth. Americans admire your courage and admire your persistence. And we look forward to welcoming you as a partner in NATO.

The invitation to join NATO that Croatia and Albania received this week is a vote of confidence that you will continue to make necessary reforms and become strong contributors to our great Alliance. Henceforth, should any danger threaten your people, America and the NATO Alliance will stand with you, and no one will be able to take your freedom away.

I regret that NATO did not extend an invitation to Macedonia at this week's summit. Macedonia has made difficult reforms at home, and is making major contributions to NATO missions abroad. Unfortunately, Macedonia's invitation was delayed because of a dispute over its name. In Bucharest, NATO allies declared that as soon as this issue is resolved, Macedonia will be extended an invitation to join the Alliance. America's position is clear: Macedonia should take its place in NATO as soon as possible.

. . . The people of this region know what the gift of liberty means. You know the death and destruction that can be caused by the followers of radical ideologies. You know that, in a long run, the only way to defeat a hateful ideology is to promote the hopeful alternative of human freedom. And that is what our nations are doing today in the Middle East. The lack of freedom and opportunity in that region has given aid and comfort to the lies and ambitions of violent extremists. Resentments that began on the streets of the Middle East have resulted in the killing innocent people across the world. A great danger clouds the future of all free men and women, and this danger sits at the doorstep of Europe.

Together the people of this region are helping to confront this danger. Today soldiers from Croatia, Albania, and Macedonia are serving bravely in Afghanistan—helping the Afghan people defeat the terrorists and secure their future of liberty. Forces from Albania and Macedonia are serving in Iraq—where they're helping the Iraqi people build a society that rejects terror and lives in freedom. It's only a matter of time before freedom takes root across that troubled region. And when it does, millions will remember the people of your nation stood with them in their hour of need.

At this great moment in history, you have a vital role. There are many people who don't appear to understand why it takes so long to build a democracy. You can tell them how hard it is to put in place a new and complex system of government for the first time. There are those who actually wonder if people were better off under their old tyranny. You can tell them that freedom is the only real path to prosperity and security and peace. And there are those who ask whether the pain and sacrifices for freedom are worth the costs. And they should come to Croatia. And you can show them that freedom is worth fighting for.

The great church in this square has stood since the Middle Ages. Over the centuries, it has seen long, dark winters of occupation and tyranny and war. But the spring is here at last. This is an era in history that generations of Croatians have prayed for. It is an era that Pope John Paul the Second envisioned when he came to this land, and prayed with the Croatian people, and asked for "a culture of peace." Today in this square, before this great church, we can now proudly say: Those prayers have been answered.

May you always remember the joy of this moment in your history. And may the hopeful story of a peaceful Croatia find its way to those in the world who live as slaves, and still await a joyful spring.

May God bless Croatia. And thank you for coming.

A PROCLAMATION HONORING WILL McCOY FOR WINNING THE BOYS' DIVISION I STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. SPACE. Madam Speaker:

Whereas, Will McCoy showed hard work and dedication to the sport of basketball; and

Whereas, Will McCoy was a supportive team player; and

Whereas, Will McCoy always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Will McCoy on winning the Boys' Division I State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HONORING THE JAMESVILLE-DEWITT BOYS BASKETBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the Jamesville-Dewitt Basketball Team, 2008 Class A Champions. The Jamesville-Dewitt Red Rams defeated the East Hampton Bonackers by a score of 78–54, earning Jamesville-Dewitt their third New York State Boys Basketball Championship title.

I had the pleasure of watching J-D play in the Sectional Finals in Syracuse. They are remarkably talented, deep, and well coached. They clearly understand the concept of team basketball.

On behalf of the people of New York's 25th Congressional District, I congratulate these young men on their outstanding athletic achievement, and praise Head Coach Bob McKenney and Assistant Coach Brock Elmore on their team's success. I look forward to another exciting year when the Red Rams take court to defend their title in 2009.

Mickey Davis, Tacari Davis, Zach Firestone, Mitchell Howe, Alshwan Hymes, Lamar Kearse, Jon Lee, Antoine Mitchell, Nick Pascale, Dan Piciucco, Nathan Scholl-Hess, John Sheedy, Greg Stern, Brandon Triche, Mychal Weekes, Marcus Williams

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately this afternoon, April 10, 2008, due to severe weather in the Midwest I had to leave before being able to cast my vote on Amendment No. 8 to H.R. 2537, the Beach Protection Act, offered by my colleague JEFF FLAKE.

Had I been present for rollcall No. 182 on the Flake Amendment No. 8 barring earmarks from the Beach Act, I would have voted "aye."

While I generally believe that Congress should have the power to control where Federal spending should be spent, the Beach Protection Act was intended to be formula-based and was never intended to be funded through the direction of Congress and I believe that this amendment is consistent in that goal.

JAMIE WASSAM

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jamie Wassam who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jamie Wassam is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jamie Wassam is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jamie Wassam for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING AARON PAUL PRICE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron Paul Price of Blue Springs, Missouri. Aaron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1205, and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many scout activities. Over the many years Aaron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron Paul Price for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WELCOMING HIS HOLINESS POPE BENEDICT XVI TO THE UNITED STATES

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. AKIN. Madam Speaker, I rise today to welcome His Holiness Pope Benedict XVI on his first apostolic visit to the United States.

Since April 2005, Pope Benedict XVI has led the Roman Catholic Church admirably, he has served his church faithfully, and focused strongly on the dignity and importance of human life, particularly for those who are often ignored: the elderly, the disabled, and the unborn.

In his first papal visit to the United States of America, Pope Benedict will only be able to visit two cities, but citizens across the Nation, of all faiths and backgrounds, warmly welcome him to our country.

Pope Benedict stands for both truth in the face of relativism and peace and love in the face of violence and hate—it is these strengths that make Pope Benedict's voice and message one that all Americans, and all people around the world, should be eager to hear.

The theme of Pope Benedict's apostolic visit is "Christ our Hope." In his latest Encyclical, Spe Salvi, Pope Benedict notes, ". . . it is true that anyone who does not know God, even though he may entertain all kinds of hopes, is ultimately without hope, without the great hope that sustains the whole of life (cf. Eph 2:12). Man's great, true hope which holds firm in spite of all disappointments can only be God—God who has loved us and who continues to love us 'to the end,' until all 'is accomplished' (cf. Jn 13:1 and 19:30). Whoever is moved by love begins to perceive what 'life' really is. . . . Life in its true sense is not something we have exclusively in or from ourselves: it is a relationship. And life in its totality is a relationship with him who is the source of life. If we are in relation with him who does not die, who is Life itself and Love itself, then we are in life. Then we 'live.'"

May all of us, as Americans, be open to Pope Benedict's message of hope this week.

I welcome Pope Benedict XVI in this visit and hope he will return to our Nation again in the near future.

IN HONOR OF TOM MARCHANT OF HANOVER, MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to pay tribute to Tom Marchant of Hanover, Minnesota, who is this year's winner of the Minnesota American Legion Oratorical Contest. Tom was sponsored by Wayzata Post 118.

Tom spoke on the topic of freedom and responsibility: "Our final responsibility is by far the most honorable and sacrificial. It is the duty to fight for the United States. Many great men and women have answered the call of freedom . . . In deserts and foreign lands, through sleepless nights and lonely days, they hold high our blessed flag of freedom. We love freedom, and we don't want to lose it. But we must remember, always remember, that freedom didn't and doesn't come free."

Tom was also recently recognized by the Bill of Rights Institute for his essay on Being an American. Tom was 1 of only 30 students chosen from more than 13,000 in 19 states and the District of Columbia for this honor.

The Bill of Rights Institute invited teenage students from across the Nation to write about the ideals that unite us as Americans. Tom wrote eloquently about the vision our Founders had for this Nation and where Tom and his own generation can lead America:

"Perseverance is a sign of great men, and the sign of free men. It is only by God's grace, and our forefathers' perseverance that we can enjoy the privileges of freedom as we do today. As Daniel Webster once said, "God grants liberty only to those who love it and are always ready to defend it." The baton has been passed on to us. So the question is, will we persevere?"

Tom, who has been homeschooled and encouraged in all his pursuits by his parents Todd and Kim, is also active with the National Christian Forensic and Communications Association. He has been both a regional and State champion. Last summer, he participated in Boys State. Tom is also active in his church, where he is a worship leader, and he enjoys singing and playing piano and the guitar.

A TRIBUTE TO JAMES (JIM) R. HALUSKY

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor James (Jim) R. Halusky, Director of International Operations in the Aerospace Systems Division at Northrop Grumman Corporation, on the occasion of his retirement after over 40 years of service.

Jim graduated from Grove City College with a bachelor's degree and has since completed a variety of executive level development programs. He began his career with Westinghouse Electric Corporation (now Northrop Grumman Corporation) in July 1967 in Pittsburgh, Pennsylvania as an electrical design engineer. He has served Northrop Grumman Corporation in a number of different capacities. As Director of Engineering Design and Manager of International Armament Cooperative Programs, Jim made important contributions to many of the electronic systems contained in the industry's most advanced systems, such as the F–16, F–22, JSF, and the C–130.

Northrop Grumman's Electronic Systems Sector located in Linthicum, Maryland, is a leading developer, manufacturer, integrator and supporter of a variety of advances electronic and maritime systems for U.S. and international customers for national security and non-defense applications.

As Director of International Operations for the Aerospace Systems Division of the Electronic Systems Sector, Jim had primary responsibility to support all facets of the Aerospace Division's ongoing international programs as well as future developing international opportunities. His responsibilities centered on managing the Division's Export Compliance and Offset/Countertrade requirements. He worked closely with various U.S. Government agencies such as DTSA, DSCA, SAF/IA and N-IPO and with various industry partners such as Boeing and Lockheed Martin. Jim had considerable experience working with numerous international industry affiliates such as MELCO, Terma and Thales.

Madam Speaker, I ask that you join with me today to honor James (Jim) R. Halusky. His legacy as a creative leader in electronic systems pioneering and his 40 years of distinguished service to the industry will be forever remembered. It is with great pride that I congratulate Jim Halusky on his exemplary career in electronic and technological defense.

FELICIA GILMORE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Felicia Gilmore who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Felicia Gilmore is a student at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Felicia Gilmore is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Felicia Gilmore for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING LEVI WILSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Levi Samuel Wilson of Grain Valley, Missouri. Levi is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1216, and earning the most prestigious award of Eagle Scout.

Levi has been very active with his troop, participating in many scout activities. Over the many years Levi has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Levi Samuel Wilson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE REAL CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. WOLF. Madam Speaker, I rise to express my ongoing concern about China. I strongly believe that America must be a country that stands up for basic decency and human rights. America must speak out on behalf of those who cannot speak for themselves—men and women who are being persecuted for their religious or political beliefs. Our foreign policy must be a policy that helps promote human rights and freedom, and not a policy that sides with dictators who oppress their own citizens.

Every person on earth has certain inalienable rights. In a 1987 Constitution Day speech, Ronald Reagan noted that the U.S. Constitution has been described "as a kind of covenant. It is a covenant we've made not only with ourselves but with all of mankind." Reagan continued that "It's a human covenant; yes, and beyond that, a covenant with the Supreme Being to whom our Founding Fathers did constantly appeal for assistance."

America has a profound responsibility to keep this covenant and to stand up for freedom in the world's darkest corners.

China is a perfect example of a place where these rights are not being protected. The China of today is worse than the China of yesterday, or of last year, or of the last decade. China is not progressing. It is regressing. It is more violent, more repressive, and more resistant to democratic values than ever before.

China is actively engaged in espionage against the United States. I recently had the opportunity to read the U.S.-China Economic and Security Review Commission's 2007 Classified Report to the Congress, and found the report's conclusions to be very alarming. The unclassified version of this report is available at www.usce eov. I strongly urge you to read it, as it gives a clear picture of the threat that China poses to our national security.

The report addresses Chinese activities in the areas of espionage, cyber warfare, and arms proliferation. The FBI has described Chinese espionage as a "substantial threat" and the Bureau of Customs and Border Patrol has reported publicly that Chinese espionage is now the leading threat to U.S. technology. It has also been widely reported that many cyber attacks against the U.S. government are suspected of originating in China. Furthermore, China continues to transfer weapons and technology to nations of concern and non-state actors, putting men and women in American uniform abroad in grave danger.

You may have also seen the April 3 Washington Post article titled, "Chinese Spy 'Slept' in U.S. for Two Decades," which details the spying activities of Chi Mak. Mak lived quietly with his family in a Los Angeles suburb for two decades while he built his career around secretly copying sensitive plans for Navy weapons, submarines and ships and couriering them to the Chinese government. U.S. intelligence and Justice Department officials believe the Mak case "represents only a small facet of a [Chinese] intelligence-gathering operation that has long been in place and is growing in size and sophistication." I have enclosed a copy of this article for your review.

China also poses a deadly threat to its own citizens. Manfred Nowak, the UN Special Rapporteur for torture and other cruel, inhuman or degrading treatment or punishment, has found that Chinese officials specifically target house church groups. Falun Gong adherents, Tibetans, and Uyghur prisoners and abuse them.

The Cardinal Kung Foundation reports that in 2007, 35 Roman Catholic bishops were in jail, under house arrest, or harassed and put under surveillance. The Chinese government has refused to acknowledge the Vatican as the supreme authority for Chinese Catholics in many matters of faith. More information on the Chinese government's persecution of the Catholic Church can be found at www.cardinalkungfoundation.org.

In 2007, the Chinese government arrested 693 Christians that we know of. The China Aid Association reports that in 2007 the known cases in which Christian house churches were persecuted by the government covered 18 provinces and one municipality directly under the jurisdiction of the Central Government and there were 60 cases of persecution, up 30.4% from that of 2006. You can read more about China's persecution of Christians at http://chinaaid.org.

Muslims and Buddhists face persecution by the Chinese government as well. Renowned human rights advocate and Uyghur Muslim Rebiya Kadeer has watched from exile as the Chinese government arrests and beats her family members in her homeland. In late 2006, western mountain climbers captured on videotape a horrifying scene: Chinese police shooting from their North Face tents at a group of Tibetan refugees crossing Nangpa Pass. A 17-year old Buddhist nun was killed and several others were wounded. Additional information on the persecution of Muslims, Buddhists, Falun Gong practitioners and other minorities can be found in the State Department's annual human rights report at http://www.state.gov/g/drl/rls/hrrpt/2007/100518.htm.

According to the State Department's 2007 human rights report, China has 20 ankang institutions (high-security psychiatric hospitals for the criminally insane) directly administered by the Ministry of Public Security. People that are committed to these institutions have no mechanism for objecting to public security officials' determinations of mental illness.

The Chinese government often houses dissidents in these institutions, beating them, giving them medicine against their will, forcibly subjecting them to electric shock treatment and denying them food and the use of toilet facilities. According to the State Department's human rights report, political activists, underground religious believers, members of the banned China Democratic Party (CDP), and Falun Gong practitioners are among the people incarcerated in these facilities.

China maintains an extensive system of gulags—slave labor camps, also known as the "laogai"—as large as that which existed in the former Soviet Union. These camps are used for brainwashing and "reeducation through labor," and are often the site of barbaric procedures of organ harvesting, torture, and execution. During a trip to China in March 1991, I visited Beijing Prison No. I and witnessed forced labor first-hand. In late 2005, I introduced H. Con. Res. 294, a resolution condemning the Laogai prison camps, which passed in the House by a vote of 413–1.

China has a long history of attempts to liquidate Tibet's culture and presence in China, including in the recent crackdown in which scores of Tibetans were killed and hundreds more arrested for participating in the protests. My outrage at what China is doing in Tibet led me to visit Tibet in 1997. I have continued since then to speak out on behalf of the persecuted and suffering in Tibet and about the human rights abuses that I have witnessed first-hand there.

I was disappointed in the State Department's decision in March to remove China from its list of the world's 10 worst human rights violators, especially given State's own admission of China's poor human rights record in its annual human rights report. I also remain deeply troubled by the President's decision to attend the 2008 Olympics in Beijing. It is time to send China a message that the United States is serious when we tell the Chinese government that it needs to end the human rights and religious freedom abuses in its own country.

China poses a threat to freedom in other countries as well. China, which is a major business partner of Sudan, should be using its influence with the Sudanese government to bring an end to the genocide in the Darfur region. Instead, Chinese President Hu Jintao's visit to Khartoum early in 2007 did not produce progress on this point, but rather a commitment by the Chinese to build Sudanese President Bashir a new palace. China's role in extracting oil from Sudan, selling weapons to the Sudanese government and maintaining close business relations with this genocidal regime are clearly more important to the Chinese government than saving human lives.

China also cuts corners with its exports, making products that pose significant danger to consumers around the world. Recent Chinese exports to our country—and to many others—have included tainted pet food that has killed our pets, dried apples in cancer-causing chemicals, scallops and sardines coated with putrefying bacteria, children's toys containing lead-based paint, and prunes tinted with chemical dyes, prompting U.S. Food and Drug Administration inspectors to travel across the world to investigate two suspect Chinese factories, only to find the factories had been cleaned out and all equipment dismantled.

Chinese products also poison children in Panama, the Dominican Republic, and Australia, with toothpaste containing an industrial solvent and prime ingredient in some anti-freeze. This toothpaste was marketed under the brand name "Mr. Cool."

Several years ago, during the debate over granting China permanent normal trade relations status, proponents argued that economic liberalization would lead to political liberalization in China, and that the U.S. and other industrialized nations could influence China through economic activity to better respect the rights of its citizens to fundamental human rights.

I strongly opposed Permanent Normal Trade Relations (PNTR) status for China, and today we have seen why the protection of basic liberties should not come second to economic growth. China is more violent, repressive, and resistant to democratic values than it was before we opened our ports to freely accept Chinese products.

And despite all of these abhorrent acts. China was still awarded the honor of hosting the 2008 Olympics. The Olympic Games: an event designed to lift up "the educational value of good example and respect for universal fundamental ethical principles," according to its own charter. Does China's behavior sound like a "good example" to the rest of the world? Or that it is reflecting "fundamental ethical principles" that all nations should aspire to?

It is because of these actions I have described that I do not support the president or other senior U.S. officials attending the 2008 Beijing Olympics. The political prisoners in China and Chinese dissidents around the world will be deeply demoralized by what the Chinese government will surely portray as symbolic support for its regime if senior American officials attend the games. I have proposed language for inclusion in the 2008 emergency supplemental appropriations bill that would prohibit U.S. federal employees from attending the Olympics on the taxpayer's dime.

Some assert that human rights will come to China once stability has been attained. They say that protection of human rights is secondary to attaining economic power and wealth. We must reject that notion. China poses a threat not only to its own citizens, but to the entire world. The United States government must be vigilant about protecting the values of human rights, religious freedom and democracy that we hold dear.

HONORING THOMAS WYSCAVER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. TANCREDO. Madam Speaker, I rise today to honor Thomas L. Wyscaver for his service and leadership in the Boy Scouts of America.

Thomas has dedicated his time and his heart to the Denver Area Council of the Boy Scouts of America. The Council serves over 55,000 youth with the assistance and mentorship of over 11,000 adult volunteers. Thomas is a standout among equals in his commitment to instill the values of service and patriotism in the young men of our nation.

Due to his outstanding and distinguished service to the Denver Area Council, Thomas is being awarded the Silver Beaver Award, a recognition given to Scouting's volunteers for their exemplary service and character. It is the organization's highest honor. Thomas has been able to support the Denver Council in all 10 counties that it serves and has helped countless young men from Cub Scouting to Venturing programs.

It is an honor for me to recognize Thomas and highlight his dedication to the youth of our nation. The Centennial State is glad to call him our own.

BRITTANY FIALA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Brittany Fiala who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Brittany Fiala is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Brittany Fiala is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Brittany Fiala for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING ETHAN CLARK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ethan Scott Clark of Blue Springs, Missouri. Ethan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1692, and earning the most prestigious award of Eagle Scout.

Ethan has been very active with his troop, participating in many scout activities. Over the many years Ethan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ethan Scott Clark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LINCOLN WILDCATS BASKETBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to honor the Lincoln Wildcats basketball team, winners of the Illinois Elementary School Association's Boys Class 4A State Championship.

This outstanding group of young men from Edwardsville, Illinois, took the State championship in February with a thrilling one point win over Normal Kingsley in the State finals. For the season, they posted a record of 24 wins against only 5 losses. Today I want to recognize coach Dustin Battas and assistant coach Matt Rogers, and the members of the Edwardsville Lincoln Wildcats State championship team: Diarra Cropper, Quincy Morgan, Brendan Colligan, Blake Brown, Casey Thebeau, Maleek Malone, Derek Page, Brian Gifford, Austin Abegg, Tony Miner, Jacob Nolan, Tyler Ogden, Will Suttles, Alex Jackson and Jared Krebs-Carr.

These student-athletes have made our community proud, and have represented Edwardsville with great honor. I congratulate them on bringing home the State title, and wish them the best of luck in all their future endeavors.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. MILLER of Florida. Madam Speaker, I missed rollcall vote Nos. 153–160 on April 2 and April 3, 2008. If present, I would have voted:

Rollcall vote No. 153, Approval of the Journal, "nay."

Rollcall vote No. 154, Previous Question, "nay."

Rollcall vote No. 155, Rule for H.R. 5501, Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, "nay."

Rollcall vote No. 156, Carson Amendment that directs the Coordinator of US Government Activities to Combat HIV/AIDS Globally and the Administrator of the United States Agency for International Development to expand their plan for strengthening health systems of host countries by allowing for postsecondary educational institutions, particularly in Africa, to collaborate with postsecondary educational institutions and specifically historically black colleges and universities in the United States, "aye."

Rollcall vote No. 157, Motion to Recommit H.R. 5501, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, "aye."

Rollcall vote No. 158, Final Passage of H.R. 5501, Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, "nay."

Rollcall vote No. 159, Motion to Recommit H.R. 4847, the U.S. Fire Administration Reauthorization Act, "aye."

Rollcall vote No. 160, Final Passage of H.R. 4847, the U.S. Fire Administration Reauthorization Act, "aye."

KAYOUA CHA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kayoua Cha who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kayoua Cha is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kayoua Cha is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kayoua Cha for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING DAVID KING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David James King of Kansas City, Missouri. David is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1900, and earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many scout activities. Over the many years David has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending David James King for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN SUPPORT OF THE RESEARCH & DEVELOPMENT TAX CREDIT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is a shame that the research tax credit expired at the end of 2007. Our failure to re-authorize it is counter to the ideals of the America COMPETES Act, passed into law last summer.

At least nine research tax credit bills have been introduced in this Congress.

Last March, I introduced H.R. 1712, a companion bill to that of Senator BAUCUS, the Chair of the Senate Finance Committee. It changes the formula so that the credit is based on a company's research spending instead of gross receipts. It proposes a 20 percent credit for U.S. research expenses exceeding 50 percent of a company's average expenses over the preceding 3 years.

It establishes a more streamlined 80 percent reimbursement rate for all contract research expenses and allows a credit for equity investments in small business innovation companies. Most importantly, the Baucus/Johnson proposal makes the R&D tax credit permanent.

Texas ranks 4th in the Nation for total R&D funding and 3rd for gross State product. Innovation and research are critical for my State.

Again, I strongly support a generous and permanent research tax credit.

IN RECOGNITION OF BROOKE GARCIA: A BRAVE IDAHOAN

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. SALI. Madam Speaker, I rise today to recognize one of my constituents, Brooke Garcia of Caldwell, ID. On Thursday night, April 10, Brooke displayed courage, bravery and maturity well beyond her young 17 years of age.

While driving down Interstate 84 in Caldwell, Brooke witnessed a car accident. Her quick thinking led her to stop her car and run to the burning wreckage. Brooke then had to break the back window of the smoke-filled car and reach through the broken window to pull out a 3-year-old toddler from his seat. She said she didn't even think about not stopping.

Police on the scene said if Brooke hadn't gotten to the child as quickly as she did, things would have turned out differently. She saved the toddler's life.

I admire Brooke's composure after witnessing such a terrible accident. I am honored to recognize the heroic efforts of this young lady. I applaud and am grateful for her example to our fellow Idahoans and all Americans.

Brooke's valiant action is yet another reminder of why I am proud to be an Idahoan and to represent the First Congressional District of the Gem State.

Brooke attends Caldwell High School and is the daughter of Amy and Gerald Garcia. They are rightly proud of their wonderful daughter.

I trust that all my colleagues will join me in recognizing Brooke for her actions and character. She represents the best of Idaho's next generation.

JOHN KENNEDY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud John Kennedy who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. John Kennedy is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by John Kennedy is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to John Kennedy for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his high school career to his college career and future accomplishments.

PERSONAL EXPLANATION

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PETERSON of Minnesota. Madam Speaker, on Wednesday, April 9, I was unavoidably detained and was unable to be present for rollcall vote No. 171. Had I been present, I would have voted "yea."

HONORING PATRICK KELLY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Patrick Reese Kelly of Blue Springs, Missouri. Ethan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1692, and earning the most prestigious award of Eagle Scout.

Patrick has been very active with his troop, participating in many scout activities. Over the many years Patrick has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Patrick Reese Kelly for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. ABERCROMBIE. Madam Speaker, I regret that I was out of town attending a memorial service last week. I missed rollcall vote Nos. 161 thru 177. Had I been present, I would have voted "yea" on votes 161 thru 167, 171, and 174 thru 177. I would have voted "nay" on votes 168, 169, 170, 172, and 173.

IN RECOGNITION OF THE MINNESOTA ASSOCIATED PRESS BROADCASTERS' AWARDS RECIPIENTS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mrs. BACHMANN. Madam Speaker, I rise to recognize the 2007 Minnesota Associated Press Broadcasters awardees as leaders in radio and television broadcasting. In particular, I would like to recognize those winners serving Minnesota's Sixth Congressional District, including KNSI–AM, KVSC–FM, WJON–AM, KXSS–AM, KTLK–FM, MPR, KARE–TV, and KSTP–TV.

These winners are the elite in their field, and they should all be proud of their hard work and achievements. Specifically, I would like to recognize the contributions of KTLK–FM and their program director Steve Versnick for their outstanding accomplishments in radio, securing two awards for their work in 2007.

Jeff Monosso and Jason Lewis were winners of the Radio Class III, Spot/Hard News category for their spot, "35W Bridge Collapse," and Jeff Monosso won a second award for a Radio Class III Newscast, titled, "2007 Newscast."

In the years ahead, these news outlets will continue to provide Minnesotans with the best coverage of the events affecting our daily lives. Madam Speaker, it is my honor to recognize these radio and television stations as among the best in Minnesota news broadcasting.

GABE BACA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Gabe Baca who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Gabe Baca is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Gabe Baca is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Gabe Baca for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his high school career to his college career and future accomplishments.

125TH ANNIVERSARY OF THE NATIONAL CRITTENTON FOUNDATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Ms. NORTON. Madam Speaker, I ask my colleagues to join me today in recognizing the 125th anniversary of The National Crittenton Foundation and one of the leading members of the Crittenton Family of Agencies, Crittenton Services of Greater Washington, which also celebrates 120 years of service.

Since 1887, Crittenton Services has been proud to serve more than 20,000 adolescent women in the Greater Washington region with a singular focus: to strengthen the ability of teen women to identify and achieve their academic, career and life goals.

The Crittenton Mission was awarded a National Charter through a special act of Congress signed by President William McKinley in 1898. An amendment to the Charter was signed into law by President Theodore Roosevelt, which extended the national Mission into perpetuity and provided funds to establish a local agency.

Dr. Kate Waller Barrett, the pioneering physician and dedicated leader of the Crittenton movement played a critical role in developing a holistic approach to supporting young mothers and their children. Her compassionate approach formed the cornerstone of Crittenton's PEARLS program which strengthens young women's ability to set and meet their personal and life goals. Today, the agency still awards a Barrett scholarship that allows adolescent mothers to continue their education.

Dr. Barrett's belief that all adolescents need a warm and supportive atmosphere also remains an important component of Crittenton's SNEAKERS Program which teaches important skills to non-pregnant teens ages 13–18.

Building on Dr. Barrett's legacy, Crittenton employs national best practices to develop and implement holistic programs that ensure a consistent and positive presence in the lives of the teen women it serves. Crittenton staff members integrate support, education and skills-building into four- to five-year programs individually tailored to the needs of each participant. These programs produce measurable results focused on three strategic objectives: (1) improve academic performance (2) increase workplace readiness and (3) increase the adoption of healthy behaviors. These three objectives make Crittenton Services a national leader in serving girls and adolescents at risk.

I am honored to acknowledge Crittenton Services of Greater Washington and its long and distinguished record of community service in our region as well as its continuing evolution into an effective 21st century partner.

CHENG YANG

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Cheng Yang who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Cheng Yang is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Cheng Yang is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Cheng Yang for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

AMBER CROWELL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Amber Crowell who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Amber Crowell is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Amber Crowell is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Amber Crowell for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her high school career to her college career and future accomplishments.

HONORING THE USA TAP DANCE TEAM ON THEIR SUCCESS AT THE WORLD TAP DANCE CHAMPIONSHIPS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Ms. DELAURO. Madam Speaker, it is with the greatest pride that I rise today to extend my sincere congratulations and very best wishes to the USA Tap Dance Team, based out of the Greater New Haven area, as they celebrate their tremendous success at the 2007 World Tap Dance Championships recently held in Reisa, Germany. In all, 51 dancers ranging in age from 10 to 20 years old made the trip and returned with a total of 11 medals! Our communities certainly have cause for celebration with the wonderful accomplishments of these young people.

Participating in three divisions, the USA Tap Dance Team has worked very hard over the last several months to be able to compete in this year's competitions. Coming together from across Connecticut and even New York, the dancers practiced for countless hours for solo, duo, small group, and formation events. The commitment these young people have demonstrated is truly inspiring. They have worked so hard to master the required high-level skills and the necessary symmetry of their movements.

I had the distinct honor of joining them for a very special evening as they prepared to leave for Germany and, as a former tap dancer myself, I was truly impressed with the level of dedication, passion, and talent of the team. It was this combination of drive and spirit that lead to the team to come home with three gold medals, seven silver medals, one bronze medal, and several other finishing places—

placing and medaling in each of three divisions—a remarkable showing!

I am also pleased to recognize the incomparable Gloria Jean Cuming for her outstanding leadership and instruction as well as the six choreographers who worked with the dancers and traveled to Germany with them. Their work with individuals and groups helped to secure this outstanding triumph. In addition, I would also extend a note of thanks and appreciation to the parents and volunteers whose support has enabled the dancers to practice and travel for their competitions. Without their efforts, the success of the USA Tap Dance Team would not be possible.

I am thrilled to stand today join our local communities in extending my sincere congratulations to the USA Tap Dance Team on their great success at the 2007 World Tap Dance Championships. You have all made us proud!

HONORING THE WORK OF YOUTH SERVICE, INC. OF PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. FATTAH. Madam Speaker, I ask my colleagues to join with me today in commemorating the 125th anniversary of the National Florence Crittenton Foundation. I am equally pleased to recognize the organization's deep roots in Philadelphia through Youth Service, Inc. and the tremendous work that has been accomplished on behalf of young women and girls in crisis.

One hundred and sixteen years ago, Charles Crittenton founded the 7th Mission Home in center city Philadelphia. The Mission later moved to the Germantown section of North Philadelphia. During that time, it sheltered young, unwed mothers and provided counseling, parenting workshops, and adoption services. Over the years, as the shifting population of Philadelphia diversified, so did the services at the Crittenton site. What remained constant, however, was the commitment to meeting the needs of youth in crisis.

The core principles of the Crittenton Mission are exemplified in Youth Service, Inc.'s mother & baby group home. Located in West Philadelphia, the home serves expectant and teenage mothers that are unable to remain in their own homes due to conditions of abuse, neglect or abandonment. It offers a structured, nurturing environment, where young women receive comprehensive support and the tools necessary to become self sufficient adults and responsible parents.

The original Crittenton site has remained a fixture in the Germantown community for more than eighty years. Currently, it operates as the Crittenton Family Support Center of Youth Service, Inc. and provides vital support services for women, children and families.

In an area where many residents experience limited opportunities for academic and occupational advancement, the services provided at the Crittenton Family Support Center are of critical importance. For infants and young children, Youth Service, Inc. operates the only Crisis Nursery Programs in Philadelphia, with sites in Germantown and Mantua, respectively.

On behalf of my constituents, I am proud to represent Youth Service, Inc. and to share in their history and dedication to the people of our community and to future generations of Philadelphians.

HONORING LOU COSTANTINO, SR.

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. BACHUS. Madam Speaker, I rise to ask the House to reflect on the memory and devotion of a valued employee who loved this institution, Lou Costantino, Sr.

Mr. Costantino's passing over the weekend was a loss to the House of Representatives. He had a deep reverence for this institution and always conducted himself with honor and decency. Whether it was a Member of Congress or a member of the public passing by the door to the floor, Lou treated everyone with equal respect and civility. He was an ambassador for the House of Representatives and the Capitol Hill neighborhood where he spent the majority of his life.

Lou Costantino, Sr. was born in a house on New Jersey Avenue just a couple of blocks from the Capitol. His parents ran a grocery store at that time, the same grocery that Lou would begin running shortly after graduation from high school, along with a carry out, barbershop, and cleaners that his parents opened. He operated these businesses until coming to work for the House of Representatives in 1980.

During those early years, Mr. Costantino met his wife Doris while going to Eastern High School on Capitol Hill. They were married in 1965 at St. Peter's Church and had two children, Eydie and Lou. "There's been a Costantino at St. Peter's for 100 years," he would often remark.

Lou's devotion to family was indicative of the commitment he had for the House of Representatives. He first began his career here in 1980 with the Office of the Doorkeeper. He always loved his job and the people around him, and held the history and the daily workings of the House in the highest esteem. In accordance with his post, and owing to the high regard in which he was held, Mr. Costantino had the honor of escorting the First Lady to her seat for the State of the Union Address, a task he accomplished annually for every First Lady since Nancy Reagan.

Born just a few blocks away, and having worked in the Capitol for more than 25 years, Lou Costantino, Sr. served this institution and his country with honor and distinction. We extend our sympathies to his family during this time of loss. But we also offer our deep and sincere gratitude for the devoted service given by an individual whose qualities represent the best that this institution has to offer.

HONORING CHIEF WILLIAM S. JOHNSON ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Ms. DELAURO. Madam Speaker, today marks the end of an era as Fire Chief William S. Johnson celebrates his retirement after 41 years of dedicated service to the Center Fire District of West Haven, Connecticut. It is with the greatest pleasure that I rise today to join the many family, friends, colleagues and community members who have gathered in extending my heartfelt congratulations on this very special occasion.

For more than four decades Chief Johnson has diligently served the West Haven community. For him, it has not only been a job but the extension of a family legacy. His father served as Chief just a decade prior to his own assumption of the title and his grandfather was also a volunteer firefighter. Today, his own son, Lieutenant William S. Johnson, IV also serves in the Department. There are few firefighters in West Haven, volunteer or career, who have not in some way been mentored, inspired, or influenced by Chief Johnson.

Though originally trained as a school teacher, the Chief joined the then West Haven Fire Department, later renamed Center District, in July of 1966. He quickly rose through the ranks of the independent district and was appointed to lead the Department 26 years ago. He is well known, not only in West Haven, but across the state of Connecticut and nationally as an innovative and progressive leader. Chief Johnson is one of the founders of Connecticut's Fire Chiefs' Association and worked for years as a fire science instructor at Waterbury State Technical College, the University of New Haven, and the National Fire Academy. The Chief is credited with being among the first in the state to equip the department with cutting-edge protective equipment and technology. He also used his department as a testing ground for many local and national initiatives and made sure that his Department was among the first to implement such programs as the "Stop Drop, & Roll" educational program for schools and the promotion of fire-retardant clothing for children. I had the opportunity to work with Chief Johnson on the issue of fire-retardant sleepwear for children and was always impressed with the passion and dedication with which he approached and advocated for this important issue.

Throughout a career that has spanned five decades, Chief Johnson has demonstrated a unique commitment and dedication to public service. Too often we take for granted the incredible work of our country's firefighters. I have always held a deep admiration for those who serve as firefighters—each day facing new challenges and seemingly overwhelming responsibility. It takes a unique combination of bravery, compassion, and generosity to serve as a firefighter and especially as Chief. As head of the Center District Department, Chief Johnson made the men and women of the Department his highest priority—always ensuring that they had access to the most current technologies and equipment. Perhaps even more telling, until the day of his retirement and at the age of 71, Chief Johnson not only responded to incidents but joined his men in attacking threatening blazes. The City of West Haven, it residents, and families have certainly been fortunate to have him protecting their community. Mere words cannot begin to repay him for the comfort and security he has provided all.

It is with the greatest respect and my deepest appreciation that I rise today to honor Chief William S. Johnson and thank him for his many invaluable contributions to our community and the discipline of firefighting. His knowledge, skill, and passion for his work have left an indelible mark on our community and a legacy that is certain to inspire generations to come. I am pleased to stand today to join his wife, Dorothy; children, Michelle, Kimberly, Stephaine, and William; grandchildren, Stephaine, Patrick, Michael, Emery, and Richie; as well as all of the family, friends, and colleagues gathered tonight in extending my heartfelt congratulations to Chief William S. Johnson as he celebrates his retirement. Chief—you are a reflection of all that we hope our public servants can be and I wish you all the best for many more years of health and happiness.

HONORING THE LIFE OF DON DAVIS

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. MICA. Madam Speaker, I rise today with great sadness to honor the life of a good friend, outstanding Florida and community leader State Representative Don Davis. Don passed away after a brave battle with cancer on April 10, 2008. He represented part of St. Johns County and Florida's First Coast since 2000.

Those who knew him as their Representative in Tallahassee and the People throughout the State of Florida who worked with him lost one of its most capable and dedicated public servants. He served his Nation as a decorated Korean War veteran. He served his community as a true gentleman and someone who was respected by everyone who was honored to know him.

Before representing the people of Jacksonville in the State Legislature, Don was elected to the Jacksonville City Council and was elected several terms as president of the council. His leadership and great sense of humor were special hallmarks by which he will always be remembered. Colleagues remember Don as always willing to lend a helping hand in no matter how big or small a task.

Don was devoted to his community as a leader in the American Cancer Society, the Florida Theatre, The First Tee of Jacksonville, Prisoners of Christ, and other organizations.

Born in Okemah, Oklahoma, he attended the Los Angeles City College (1949–1950), University of Redlands (1950), and the University of California-Los Angeles (1959).

The Jacksonville area, the State of Florida, and our Nation has lost a wonderful and distinguished leader.

To his wife, Alice, and two sons, Donald Jr. and Dean; and on behalf of the House of Representatives, we extend our deepest sympathy.

HONORING BRIDGES . . . A COMMUNITY SUPPORT SYSTEM, INC. AS THEY CELEBRATE THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Ms. DELAURO. Madam Speaker, I am honored to rise today to extend my sincere congratulations to Bridges . . . A Community Support System, Inc. of Milford, Connecticut as they celebrate their 50th anniversary. This is a remarkable milestone for this outstanding organization dedicated to providing support and mental health services to those in need.

Originally founded in 1957 as the Milford Family Counseling Association, the organization's mission initially focused on addressing the mental health need of children in the Milford community. The organization expanded so did its scope of services—including adult psychiatric services, drug and alcohol prevention services and opening its doors to the neighboring communities of Orange and West Haven. As the needs of our communities and its residents changed, so did the agency as well as its name. Designated in the 1990' by the State of Connecticut as the Local Mental Health Authority, the organization made its final name change in 1999 to Bridges . . . A Community Support System to better reflect its purpose and mission.

Today, Bridges, working with local agencies and organizations, is able to provide a multitude of programs to those most in need. From individual counseling to bereavement support; teenage drug and alcohol prevention to vocational and social rehabilitation services, Bridges and its dedicated staff have continually identified the changing needs of our community. The partnerships they have established allow them to provide comprehensive services to their clients—making a real difference in the lives of thousands of children and families.

In building upon the vision first established with the Milford Family Counseling Association, Bridges has been able to provide those coping with the challenges of mental illnesses with one of life's most precious gifts—hope. Through its gift of hope, Bridges has left an indelible mark on our community and the thousands of lives they have touched. In its fifty year history, Bridges has established itself as an invaluable resource as well as respected advocates—not only for their clients, but community leaders and policy-makers alike.

Today, Bridges is continuing its legacy of helping people live more fulfilling and productive lives by providing clients with "Pathways to Health, Hope, and Recovery." For its many invaluable contributions to our community and for all of their work on behalf of our children and families, I am proud to stand today and extend my sincere congratulations to the Bridges . . . A Community Support System on their 50th anniversary.

HONORING IRMA P. HALL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize Ms. Irma Hall, a grand American and educator, for her commitment to the arts and to the community of Dallas.

The daughter of Josephine Hall, Irma Dolores Player Hall was born in Beaumont, Texas. She was raised on the South Side of Chicago, Illinois, where her father was a saxophone player who performed jazz music. She then went on to attend Briar Cliff College in Sioux City, Iowa.

This native Texan taught school in Dallas ISD for 30 years inspiring many of our youth to succeed. Irma Hall retired from teaching in 1984.

An interest in acting eventually led her to co-find the Dallas Minority Regional Theater with Reginald Montgomery in 1973. She made her stage debut there in "Happy Endings." An acclaimed actress, Ms. Hall shined in such plays as "Raisin In the Sun," "Zooman and the Sign," and "Take a Giant Step."

Ms. Hall's career on the silver screen also began in 1973 after a director saw her at a poetry reading. An accomplished poet, Irma Hall's reading was so poignant that Raymond St. Jacques cast her in the crime film Book of Numbers. This led to frequent television roles. In 1979, Ms. Hall appeared in "The Dallas Cowboy Cheerleaders" and its 1980 sequel, Ron Howard's "Skyward." In 1981, she acted opposite Joanne Woodward in "Crisis at Central High."

Throughout the 1990s, Ms. Hall had roles in several well known feature films including "Backdraft," "Straight Talk," "Midnight in the Garden of Good and Evil," and "Beloved." Her role in the film "A Family Thing" earned her acclaim and a Chicago Film Critics Association Award. In 1997, Ms. Hall was voted Chicagoan of the Year and also won an Image award for her role in the film "Soul Food."

Ms. Hall continued her television career in the early 2000s with roles in the television series "Soul Food," "A Girl Thing," and "All Souls." In 2004, she received the Jury Prize at the Cannes Film Festival for her role as the landlady in the film "The Ladykillers."

In 2007, the UIL Competition was renamed in honor of Ms. Hall as the Irma P. Hall Theater Festival in order to honor her for her work and achievements.

The arts are, above all, about human communication and interaction. I am one who believes that Ms. Irma Hall has achieved the fullest definition of a role model, not only as a woman, an African American, and an artist, but as an ambassador of creativity and goodwill. She has shared the beauty of the arts and the written word with our multicultural community that is Dallas.

Today, Ms. Hall continues her work with the Dallas Minority Repertory Theater, the Artist & Elaine Thornton Foundation for the Arts, the African American Museum, the Afro American Artists Alliance, the Delta Sigma Theta Sorority, and her membership at the Inspiration Boy of Christ Church.

Madam Speaker, on April 19, 2008, the Dallas community will gather at a special dinner to honor and celebrate Irma Hall's career. I would like to ask my colleagues to join me in saluting an exceptional woman, Irma Hall, for her outstanding service and many contributions to Dallas, and to all who love the magic and vitality of art.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. BISHOP of New York. Madam Speaker, on April 10th, 2008, I was unable to vote due to a prior commitment in my district. Had I been present I would have voted "yea" on rollcall votes 178, 179, 180, 181, and 182.

HONORING ROBERT J. LEENEY ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Ms. DELAURO. Madam Speaker, I am pleased to rise today to pay tribute to the remarkable career of Robert J. Leeney, a member of our local media community whose talent and gift for words has left an indelible mark on the New Haven Register and its readers. After a career that has spanned seven decades, Bob announced his retirement and published his last column Saturday, April 21, 2007—just a month before his 91st birthday. His quick wit and unique perspectives will be missed by colleagues and readers alike. As so aptly put by colleague and current Register editorial page editor Charles Kochakian, Bob Leeney is indeed irreplaceable.

Bob's distinguished career in journalism began as a freelance writer in 1939 and he was soon brought on staff as a reporter, Sunday feature writer, and book critic at the New Haven Register. His only absence from the Register was due to his 2 years of service with the 3rd Air Commando Group, 5th Air Force during World War II. Bob became an editorial writer and served as the editor for the editorial page from 1947 until 1961, becoming executive editor in 1962 and finally editor from 1972–1981. During his tenure as editor, Bob was responsible for the technological modernization of the paper, introducing letters to the editor as well as the creation of the Sunday Arts & Leisure Section—literally changing the face of the New Haven Register. It is fair to say that the New Haven Register will not be the same without him.

After more than 40 years with the paper, Bob did step down as editor; however, some of his most invaluable contributions were still yet to come. His column, "Editor's Note," described as a fusion of literate prose and revealing insights, became a Saturday fixture—a must read for all Register subscribers. In fact, Bob did not miss 1 week writing his column in its 33 year run. "Editor's Note" was more than a weekly column—it chronicled New Haven's history and affairs with the unique perspective of its Irish-American author, creating a unique connection between the readers of the Register and our community's rich history.

Bob's contributions to journalism expand far beyond his work with the Register. He was a charter member of the Connecticut Society of Professional Journalists chapter, where he is now honored as a member of the Connecticut Journalism Hall of Fame. He served as the Commissioner of the Freedom of Information Commission for 5 years and has been recognized with a variety of accolades and awards throughout his career. The Yankee Quill Award for distinguished service to journalism, the Seal of the City Award from the New Haven Colony Historical Society in recognition of his contributions to New Haven's civic life, and the plaque that hangs in the heart of New Haven's Audubon arts district are but a few examples but serve as a reflection of all that this New Haven native has brought to our community.

As a respected journalist, community member, mentor, and friend, Robert J. Leeney has left an indelible mark on our community and a legacy that will continue to inspire generations of journalists to come. I am proud to stand today to recognize his outstanding contributions and extend my deepest thanks and appreciation for all of his good work.

TRIBUTE TO MASTER SERGEANT CHARLES EDWIN EATON

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. BARTON of Texas. Madam Speaker, I rise today to pay tribute to Charles Edwin "Cotton" Eaton. On December 26, 2007, Cotton Eaton's family, the community of Athens, Texas and this country lost another hero in America's greatest generation. Born and raised in Navarro County in Texas, Cotton Eaton went on to serve his country proudly in the United States Army during World War II in the South Pacific. In peacetime, Cotton Eaton put his entrepreneurial spirit to work for this country as he owned and operated the Eaton Motor Company in Athens, Texas before retiring in 1988. Cotton Eaton's wit and spirited nature, anchored by a commitment to his family and community, earned him the respect of so many. Despite his own extraordinary contributions, Cotton Eaton always celebrated the gratitude of God's goodness in life.

Madam Speaker, I would like to recognize this true American hero and offer my condolences to Cotton Eaton's wife of 67 years, Dorothy, their two children, Janice and John, and their grandchildren and great-grand children.

Madam Speaker, I urge my colleagues to join me in paying tribute to Charles Edwin "Cotton" Eaton.

HONORING THE LIFE AND LEGACY OF JOHN W. CUNNINGHAM

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Ms. DELAURO. Madam Speaker, it is with the heaviest of hearts that I rise today to pay tribute to a good friend and outstanding leader in the labor movement, John W. Cunningham. His passing marks the end of an era at the United Brotherhood of Carpenters and Joiners of America Local Union 210 and the loss of a dear friend to many across Connecticut.

John was a carpenter. He worked hard all of his life and his commitment to the labor movement as well as his membership is unequalled. Joining Local 210 in 1956, just 10 years later he became a business representative and would serve the next 30 years as the General Agent of Carpenters Local Union 210. He was active both locally and nationally—fighting for policies and protections for his membership and working men and women across the country. In addition to his service with Local 210, John also served as the Vice-President of the Connecticut State AFL-CIO, President of the Stamford Labor Council, and President of the New England Regional Council of Carpenters. There was no stronger advocate or determined voice than that of John Cunningham.

John was responsible for the creation of the Carpenter's Legislative Improvement Committee which was the first federal political action committee established by a local union—providing a voice for carpenters' issues at the national level. And in the early 1990s John formed the President's Committee with other union leaders which strengthened the Brotherhood nationally by providing new leadership and making it more responsive to the needs of its members. John was also instrumental in opening the doors of opportunity to women and minorities by implanting outreach programs which brought them into the trade.

John's efforts on behalf of working families extended far beyond his work to shape public policy. During his tenure, he created the Connecticut Carpenters' Health and Pension Fund and established Local 210's Scholarship fund which assisted members' children in pursuing higher education. He launched an apprenticeship and training program and began a program of inviting union members and the public to forums where they would hear from speakers that included Nobel Laureates, Pulitzer Prize authors, economists, and elected leaders. Perhaps most telling of his civic minded nature was his leadership during the National Building Trade Council's efforts to help the families of the 28 construction workers killed at the L'Ambiance construction disaster in 1987.

John understood the importance of serving one's community. He was an active member of the Weston community where he served on a number of boards and commissions, including the School Building Committee, the Town Building Committee, Planning & Zoning, Little League Baseball, and was a founding member of the Weston Booster Club. He was an extraordinary man who dedicated countless hours to making all the difference in the lives of thousands.

I join all of his friends and colleagues in extending my deepest sympathies to John's wife, Virginia, his six children; Kimberly, Devon, Bill, John, Caroline, and Diana, as well as his seven grandchildren; Chalan, Maevereen, Conor, Brennen, Makena, Samuel, and Geneva. I am honored to have this opportunity to pay tribute to the life of John W. Cunningham. His is a legacy that will continue to inspire generations to come.

RECOGNIZING EDWARD M. SMITH, PRESIDENT OF THE UNION LABOR LIFE INSURANCE COMPANY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing Edward M. Smith, as he accepts his new position as President of the Union Labor Life Insurance Company, ULLICO, and retires as Vice President, Assistant to the General President, and Midwest Regional Manager of the Laborers' International Union of North America, LIUNA.

Ed Smith was born into a union family. His father was the business manager of Local 773, and would continue in that position until his retirement. His mother was also a 15-year member of the union. So it seemed natural that, at the age of 13, Ed Smith would join Laborers' Local 773, in Cairo, Illinois, and work his way through school as a construction craft laborer.

At the age of 21, when many young men are yet to chart their career course, Ed was elected as business manager of the local union. While serving as business manager, Ed continued to expand his role within the Laborers' Union. In 1981, he was appointed International Representative for the International Union and was later appointed LIUNA legislative director for the State of Illinois. Ed was elected President of the Southern Illinois Laborers' District Council in 1986 and Business Manager in 1990.

Ed has served on a number of Union entities, including the Laborers' National Pension Fund, as Chairman of the Central Laborers' Pension Fund, Laborers' Home Development Corporation, Laborers' International Federal Employees Credit Union, Southern Illinois Laborers' Fringe Benefit Funds, Railroad Maintenance Health & Welfare Fund, and the Illinois Laborers' & Contractors Joint Apprenticeship & Training Fund.

Ed does not limit his involvement to the Laborers' Union. He was Chairman of the Illinois State Board of Investment, serves as a member of the Illinois Department of Labor Advisory Board, the Democratic National Committee, and is chairman of the National Alliance for Fair Contracting. Ed has also been a major benefactor to the Therapy Center in Carterville, Illinois, an organization that assists physically disabled children, and he serves as a board member of the "I Can Read Program" which helps children with reading and learning disabilities.

Ed graduated from Shawnee College with an Associate of Arts degree and, in 1992, he received Shawnee College's first Outstanding Alumni Award. Ed was the first member of the Laborers' International Union to graduate from the National Labor College with a bachelor's degree and, in 1978, he graduated from the Harvard University Trade Union Program.

Ed and his wife, Betty, reside in Olive Branch, Illinois. Ed has two children, a daughter, Jordan, and a son, Matt.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to Mr. Edward M. Smith, a true champion of organized labor, and to wish him our best as he embarks on his new position as President of the Union Labor Life Insurance Company.

HONORING EDWARD H. LEWIS AS HE IS HONORED BY THE GREATER NEW HAVEN NAACP

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the Greater New Haven NAACP and the New Haven community in extending my sincere congratulations to my dear friend, Edward H. Lewis, as he is honored at this year's Freedom Fund Awards dinner with the Lifetime Achievement Award.

The Freedom Fund Awards dinner is a time not only to honor those who have made an impact on our community, but to renew our commitment to those ideals upon which the National Association for the Advancement of Colored People was founded. For nearly nine decades, the Greater New Haven NAACP has been the voice of our African-American community and has improved countless lives. Their fight for justice has been tireless, and their efforts have gone a long way toward making sure that everyone will enjoy equal opportunity. Those honored with the annual Freedom Fund Awards are a reflection of this organization's good work—of the NAACP's commitment to ensuring a promising future for our families, our children, and our communities.

Edward H. Lewis, known to family and friends as "Teo," is a native of my hometown, New Haven, Connecticut and we could not be more proud of all that he has accomplished. I have been fortunate to know him for many years and consider myself blessed to call him my friend. We worked as community organizers together at the Community Action Institute and later, served together in the National Urban Fellow Program. Teo went to Washington as a legislative assistant to then Senator Henry Jackson and was appointed by President Jimmy Carter to the U.S. Small Business Administration as Associate Administrator for Procurement. After leaving Washington, he brought his wealth of government experience to the emerging cable industry. He has worked in several capacities but is perhaps best known for his work with BET networks where his work in marketing and event promotion for both BET and BET on Jazz redefined the title of Director of Marketing. Today, Teo is Vice President of Government Relations for the NBA's Charlotte Bobcats where he is utilizing his multitude of talents to develop both local and state government relationships as well as build a positive relationship with the business community. He is a remarkable individual whose professional life has always enriched the surrounding community.

In addition to his innumerable professional contributions, Teo has also devoted countless hours to a number of civic and social organizations. He currently serves on the board of the Freedom Theater in Philadelphia, the advisory committee for the International Association of Jazz Educators, on the Board of Trustees at Discovery Place Charlotte North Carolina, as well as on the Board of Directors at Theater Charlotte, WTVI Public Television, and the Bobby Phills Foundation. He is also a member of the Charlotte Rotary, 100 Black Men of Charlotte, the Business Committee on Higher Education for the Institute for Emerging Issues and the advisory board for the Mint Museum and the Mint Museum of Craft and Design. There are few like Teo who give so much of themselves back to their communities—he is a community treasure.

To be awarded with the Greater NAACP's Lifetime Achievement Award is a reflection of all that Teo has accomplished as a community member, advocate, professional, volunteer, mentor and friend. For his many invaluable contributions to the community and to those ideals at the very heart of the NAACP, I am proud to join his children Todd, Kimberly, Derek, and Barry, as well as all of those gathered this evening in extending my deepest thanks and appreciation to Edward H. Lewis as he is bestowed with this very special honor by the Greater New Haven NAACP. His is a legacy that is sure to inspire many generations to come.

PERSONAL EXPLANATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. ROTHMAN. Madam Speaker, I would like to state for the RECORD my position on the following votes I missed on April 8 and 9, 2008.

On Tuesday, April 8, and Wednesday, April 9, 2008. I was unable to be present in the Capitol due to a family illness and thus missed rollcall vote Nos. 161 through 172. Had I been present, I would have voted in the following manner:

On rollcall vote No. 161, on H.J. Res. 70, a resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, I would have voted "aye."

On rollcall vote No. 162, on H.R. 2464, the Wakefield Act, I would have voted "aye."

On rollcall vote No. 163, on S. 793, the Traumatic Brain Injury Act of 2008, I would have voted "aye."

On rollcall vote Nos. 164 and 165, which were procedural votes that provided for consideration of the bill H.R. 2016, to establish the National Landscape Conservation System, I would have voted "aye."

On rollcall vote No. 166, on H. Res. 1077, which called on the Government of the Peoples Republic of China to end its crackdown in Tibet and to enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identity, and fundamental freedom of all Tibetans, I would have proudly voted "aye."

On rollcall vote No. 167, on the Grijalva Amendment to H.R. 2016, The National Landscape Conservation System Act, I would have voted "aye."

On rollcall vote No. 168, on the Bishop (UT) (#3) Amendment number 3 to H.R. 2016, The National Landscape Conservation System Act, I would have voted "nay."

On rollcall vote No. 169, on the Bishop (UT) (#4) Amendment to H.R. 2016. The National Landscape Conservation System Act. I would have voted "nay."

On rollcall vote No. 170, on the Bishop (UT) (#5) Amendment to H.R. 2016, The National Landscape Conservation System Act, I would have voted "nay."

On rollcall vote No. 171, on the Altmire/Carney Amendment to H.R. 2016, The National Landscape Conservation System Act, I would have voted "aye."

On rollcall vote No. 172, on the Pearce Amendment to H.R. 2016, The National Landscape Conservation System Act, I would have voted "nay."

40TH ANNIVERSARY OF THE PRAIRIE CENTER HEALTH SYSTEMS, INC.

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. JOHNSON of Illinois. Madam Speaker, I rise today to honor the 40th anniversary of the Prairie Center Health Systems, Inc. (Prairie Center) in Champaign-Urbana, Illinois. The Prairie Center has provided affordable, effective drug and alcohol education and treatment to the communities of Illinois since 1968.

The Prairie Center originated in 1968 with three grassroots organizations: the Mustard Seed Club, the Champaign County Council on Alcoholism and the Gemini House. Today, the Prairie Center is responsive to the needs of Ford and Vermilion County as well the 7,000 annual residents in need of substance abuse services.

The Prairie Center provides a variety of substance abuse services. These services include school-based prevention education, community education, early intervention counseling, outpatient care, DUI services, adult inpatient care and detoxification care. Regardless of the service the Prairie Center follows their vision to help people improve their lives.

Today the Prairie Center has expanded to three locations and provides numerous outreach services throughout Central Illinois. On behalf of the people who have benefited from these services, I thank the Prairie Center for their work and look forward to their next 40 years.

I hope all of you will join me in recognizing the services provided by the Prairie Center that restore the lives, families and communities of Illinois.

THE ABUSE OF HUMAN RIGHTS IN BURMA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. SMITH of New Jersey. Madam Speaker, the bloody crackdown on innocent, peaceful protesters by Burma's brutal regime last fall shocked the world. Over 30 people were killed, hundreds were injured, and as many as 1,000 people arrested during and after the protests. It was startling even by the standards by which we have come to judge this military regime.

Last week the Congressional Human Rights Caucus welcomed three courageous witnesses to this travesty, U Kovida, U Gawsita, and U Pannyasiri, Burmese Buddhist monks who were beaten and abused by this regime, but have become advocates for their people. I would like to submit their testimonies for the record.

After the initial outrage over the government's actions last fall, I'm afraid that many people moved on, and the plight of the Burmese people has passed again from public consciousness. This is why it was so important for us to hear these distinguished witnesses, peaceful and courageous men who stood up for their people in the face of this violent suppression. By giving them an opportunity to describe what they went through—and what their countrymen and women continue to go through—we can help refocus attention on Burma.

In February, the regime announced that it would hold a national referendum on a new constitution in May 2008. They said that if the constitution were approved, they would hold a "multi-party election" in 2010. I, for one, however, have no faith in pronouncements from these thugs that they are ready to end military rule; the closed process of drafting the constitution and the extensive ongoing military role in the proposed system are obvious problems. And, of course, the exclusion of opposition leader Aung San Suu Kyi—still locked up under house arrest—is completely unacceptable.

Meanwhile, we search for ways to compel this regime to respect human rights. We in Congress have addressed the issue many times since the 1988 massacres. I have chaired multiple hearings on human rights abuses in Burma and we have addressed the situation through legislation aimed at the regime. Just this fall, I was honored to co-sponsor legislation authored by that great friend of Burma, Chairman TOM LANTOS. The Block Burmese JADE act would level new restrictions on the military government.

But the emboldened dictators continue their course of abuse—extra-judicial killings, torture, rape, forced labor, and of course, tight control over speech, the press and assembly.

They are supported by patrons in Beijing, who are happily preparing for the Olympics as they bankroll these thugs to the tune of $2 to $3 billion in military aid since the early 1990s, $200 million of economic aid annually, and billions of dollars in investment and trade.

Congress has discussed the role of the Chinese in Darfur, and recently Madam Speaker, I co-sponsored your timely resolution calling upon the Chinese to end their violent crackdown in Tibet. However, we cannot forget the Chinese role in supporting repression in Burma.

When the world watches the Olympic games from China, I hope at least some of the viewers think of the Burmese political prisoners—perhaps 1,800 of them—suffering in the prisons that the Chinese support. They are enduring what one former prisoner has called the closest thing to hell on earth that he could imagine.

TESTIMONY OF U KOVIDA BEFORE THE CONGRESSIONAL HUMAN RIGHTS CAUCUS, APRIL 10, 2008

Honorable Congressmen, staff members, Ladies and Gentlemen.

I would like, first of all, to offer my sincere THANKS to all of you who have given me a chance to share what I have experienced and those who are here to listen and pay attention to what I have to say. Secondly, I would like to thank the President of the United States and the American people for giving me this opportunity to explain the predicament and dire situation the people are facing in Burma on behalf of our leader Daw Aung San Suu Kyi and the oppressed Burmese.

I am, as you all know, one of the participants during the so-called "Saffron-Revolution" in September 2007. Burma is infamous for its violation of Basic Human Rights, disrespect to the freedom of religion, one of the least developed and poorest countries in the world with the lowest living standard where the civil war has been going on for the past 50 years.

These are the reasons why we, people of Burma, have wanted a change in the government system. We have wanted to have a higher live standard, and live in a better and developed country. The people in Burma have struggled and fought for change since 1962. We have struggled and fought to achieve such change throughout the history and the demonstrations and protests in 1962, 1974, 1988, 1996, 2003, and 2007 are significant. But all of our voices, pleas and struggles were answered by the brutality of the military government which used weapons, brutal suppressions. torture, and imprisonments.

The international community witnessed the brutal suppression of monks who demonstrated peacefully in September 2007. But there have been many incidents of oppressions, violation and torture that have been going on inside Burma without anyone knowing for many decades.

What I would like to point out here in the harmless and helpless Burmese have very high hope and are depending on the assistance and intervention from the United Nations and the international community in the past 20 years. Sadly and unfortunately, there hasn't been any positive effect on the people of Burma. There were so many decisions by the United Nations. There were many U.N. representatives who have visited Burma, but the future looks bleak. We were greatly discouraged by the fact that the Security Council merely suggested the military which was killing its own people and monks, to engage in talks. What I am saying to you now is exactly what the people of Burma would like to speak out.

Ladies and gentlemen, the people of Burma are not only suffering from extreme poverty, hardship, substandard in health care, education and social services but also facing oppression by the military government on a daily basis. When monks in Burma understood, realized, and felt the hardship the people had to go through, we decided to protest peacefully on behalf of the people. And everyone knows how we were dealt with. We appreciate that you are trying to oppose the constitution drafted by the military and its hand picked representatives. We strongly support your effort at the UN to reject any referendum and constitutions without the participation of all people concerned.

Right now the military government is planning to have a constitutional referendum in May. In many areas in Burma, people are illegally forced as well as offered financial incentives to vote. In other areas, people are threatened. Some of the activists were brutally beaten up by unknown assailants very recently. The closer the May referendum is, the more scared and concerned the people are about their safety and security. Securities have been tightened inside Rangoon. Police and security forces are deployed on the main streets of Rangoon.

Ladies and gentlemen, I would like to emphasize the fact that we need help and assistance in order to change the government system in Burma. We cannot accept the constitutional referendum and planned general election in 2010 organized by the military government which totally ignored the results of people's voices in 1990 general election, and whose sole aim is to prolong and ensure the military influence in Burma politics for many more years to come. We strongly urge you to reject any effort by the military government to legitimize itself.

In conclusion, I would like to thank once again the international community, governments and administrations, respected congressmen as well as the people who love democracy and who are supporting our course. I thank the Refugee International to facilitate my appearance here at the Congress.

UNITED STATES CONGRESSIONAL HUMAN RIGHTS CAUCUS BRIEFING ON BURMA, APRIL 10, 2008, TESTIMONY OF U GAWSITA

Honorable Congressmen, Ladies and Gentlemen.

First of all, I would like to thank all of you for here today and allowing me to speak.

My name is U Gawsita, a Buddhist Monk from Burma. Until before I left from Burma, I was at the Maggin Monastery, in Thingan Gyun Township in Rangoon, studying Buddha's teaching of Dhama and working social assistance works. The Maggin Monastery was not only a religious center, but also a sanctuary for orphans and HIV/AIDS infected persons, who were ignored by the military government. Our monastery was also a gathering place of democracy activists and human rights defenders, and therefore, it was constantly watched by the junta.

On September 5, 2007, Buddhist monks in Pakkoku Township in Upper Burma, who marched in the streets peacefully with reciting the Metta Sutra, Buddhist teaching of Loving-Kindness, were severely attacked, arrested and tortured by the authorities. As we couldn't tolerate such an insult to the monks, who are highly respected by the people of Burma, and to respond the injustices done by the junta, Buddhist monks all over the country founded a coalition called the "All Burma Monks' Alliance (ABMA)" on September 9, under the leadership of six leading monks. I was a founding member of the ABMA since its inception. The ABMA issued an ultimatum to the military junta, calling it to apologize to the monks, whom they have insulted in Pakkoku, no later than September 17. ABMA also claimed that if they do not, ABMA would start an ex-communicative boycott, which we called in Pali, Patta Nikuzana Kan, against the Burmese military junta and their family members. The Patta Nikuzana Kan is a strong action of monks against those who have insulted or attacked the members of religious order. Since the day this action is effective, monks refuse to accept food offer and donation from those who attacked and insulted the Buddhism and Buddhist monks, and refuse to perform religious blessing on them. I and my fellow monks made copies of this ABMA statement and distributed among the public secretly.

As the authorities refused to apologize to the monks, and they even accused that these monks in Pakkoku were bogus ones, the ABMA instructed all monks in the country on September 18 to begin an ex-communicative boycott against the junta. As instructed, I organized other monks and to take a vow to participate in the ex-communicative boycott at an ordination center inside the compound of Kyaikkasan Pagoda on September 18, 2007.

As we all, over 70 monks, gathered, over 150 security forces, police and intelligence officials came to us and threatened to disperse. We then left from that place, moved to another Pagoda, called Kyauk Sardaw, and took a vow together. Then, as we have planned before; we all marched towards the Sule Pagoda in downtown Rangoon while reciting the Metta Sutra. It was the beginning of the peaceful protests led by Buddhist monks in Burma that shocked not only the country, but also the world. Since September 18, monks in various parts of the country gathered at one particular place, marched in the streets towards a prominent Pagoda in the town, with reciting Metta Sutra, daily. In Rangoon, we gathered at the Shwedagon Pagoda and then peacefully marched towards the Sule Pagoda in downtown Rangoon while reciting Metta Sutra. People from all walks of life welcomed and helped us wholeheartedly and since September 24, they also joined with monks in the march in hundreds of thousands.

From September 26, the military junta began to crack down on the peaceful march by use of violence. Security forces threw tear gas canisters at the crowd, beat the protesters with rubber sticks and shot them with automatic rifles. Under the excessive use of violence by the junta, nearly 200 monks and lay people were killed and over 7,000 were arrested nationwide. I was also beaten on my head. We continued the peaceful march on September 27 and security forces brutally attacked the protesters at least three places in Rangoon, in front of the Sule Pagoda, in the Wayzayanda Street in South Okkalapa Township and in front of State High School No. 3 in Tamwe. Security forces raided about 60 monasteries and arrested over 2,000 monks. Monks were forced to disrobe in interrogation centers and severely tortured. At least 20 more monks were killed during the interrogation.

Maggin monastery was raided twice, on the nights of September 26 and October 3, by the security forces and almost all of monks and civilian assistants were arrested. I was hiding in some place, and therefore, escaped from the arrest. On November 29, the authorities forcibly shut down the Maggin monastery and forced the 80-year-old senior monk Ashin Nandiya, some novices and HIV/AIDS patients to leave the monastery. I hid in many places before I reached to Thai-Burma border on December 5, 2007. As assisted by the U.S. Government and Congress, I was permitted to resettle in the U.S. and arrived here on March 11, 2008.

I am now at a safe and secure place. However, my fellow monks and the people of Burma are still suffering a lot under the oppressive rule of the brutal military junta. Therefore, I would like to urge the United States to lead an initiative to have an effective action from the U.N. Security Council.

I heard that late Congressman Tom Lantos and Senators Joseph Biden and Mitch McConnell have introduced two legislations, banning importation of jades and precious stones from Burma, imposing more targeted financial and banking sanctions against the Burmese generals, family members and crony businesspersons. It has been more than six months since the bloody crackdown on my fellow citizens in Burma by the brutal military junta. But, final decisions on these legislations have not been reached yet. Therefore, I would like to urge members of Congress to adopt these legislations as soon as possible.

In coming May, the military junta will forcibly approve its constitution, designed to legalize the military dictatorship, though the referendum. I would like to urge the U.S. and international governments to not recognize this sham constitution. I know that Congressmen Holt, Berman and Ros-Lehtinen have introduced legislation, calling for the United States to not recognize the junta's constitution. I also want to urge the Congress to adopt this resolution as soon as possible.

Thank you.

UNITED STATES CONGRESSIONAL HUMAN RIGHTS CAUCUS BRIEFING ON BURMA, APRIL 10, 2008, TESTIMONY OF U PANNYAR THI RI

Honorable Congressmen, Ladies and Gentlemen.

I would like to thank all of you for here today.

My name is U Pyannyar Thi Ri, a Burmese Buddhist monk from Zay Ta Wun Monastery in Tha Ke Ta Township in Rangoon.

When the Burmese military junta has suddenly increased gas and fuel prices in August 2007, and subsequently the people of Burma began to stage peaceful walks in the streets, I was studying Buddhist teaching of Dhama at a Monastery in Thar Ke Ta Township in Rangoon. I have witnessed the brutal crackdown by the military junta against the peaceful protesters led by the 88 Generation Students. I also learned that my fellow monks in Pakkoku Township in Upper Burma were beaten and arrested by the authorities on September 5, while they were walking in streets, reciting Metta Sutra (Loving-Kindness) to help the suffering of the people of Burma. As I can't tolerate these injustices, I joined with my fellow monks in Rangoon in the peaceful walks, by reciting the Metta Sutra, since September 22, 2007.

I would like to tell you one of my own experiences which happened on September 26. When I was at nearby the Shwedagon Pagoda together with my fellow monks that day, hundreds of security forces came in, surrounded us and blocked the streets. Then they threw tear gas canisters at us. When we were demobilizing under the smoke and dark, they attacked us with rubber sticks. Then they also burned a motorcycle and claimed that it was burned by monks. We dispersed for a moment under the attack, but later remobilize again and marched towards the Sule Pagoda in downtown Rangoon, where we intended to meet with other monks. Many monks were injured and bloodstained, but they kept their peace constantly and citing the Metta sutra continuously.

On September 27, even under the attack and blockade by the security forces, I and five other monks led a peaceful protest, with the participation of nearly 100,000 people, which ended at the Sule Pagoda. While marching in the street, Japanese reporter Kanji Nagai was along with us, taking pictures of the protest. When we reached an overpass nearby the Sule Pagoda, security forces arrived with three army trucks and shot in the air and among the crowd with their automatic rifles.

In front of my eyes, Japanese reporter Nagai and another protester were fatally shot and a monk was shot in his arm. The marching crowd was dispersed under the flying bullets and I had to hide in a restaurant. And the wife of the restaurant owner sent me back to the monastery in Tha Ke Ta at 7 p.m. with her car. At that night, security forces came in with five army trucks and tried to raid the monasteries in Tha Ke Ta. As alarmed by the monks, hundreds of people from the neighborhood came in time to intervene the attempts of security forces, and therefore they left without success. And again, on September 29, at 1 a.m., security forces came to raid the monasteries with 10 army trucks. Local residents gathered quickly and defended the monasteries from the raid of the soldiers, and therefore, they withdrew. However, a civilian was shot to death and his body was stolen by the security forces.

Therefore, I fled to Taung Twin Gyi Township on September 30 to hide. When I came back to Rangoon stealthily on October 8, I met with a monk, who is friend of mine, was arrested on September 27 and then released. He told me that he was forced to disrobe in prison and beaten throughout interrogation. The interrogators show him photos of monks leading the protest and asked him to expose who they are. He saw my photo among them. And that's why, he suggested me to run away and hide. Therefore, I left Rangoon immediately and then led a secret journey to Thai-Burma border, where I reached on November 7, 2007. Then, as assisted by the United States Government and Congress, I arrived to the United States on March 11, 2008, as a refugee.

The objectives of the peaceful protests in Burma, led by Buddhist monks, students and people are for releasing of all political prisoners including Daw Aung San Suu Kyi and realizing of a meaningful and time-bound dialogue between the military junta and democratic forces for mutually acceptable political changes. As long as the military junta continues to listen to the voices of the people of Burma and oppress the people by using violence, peaceful protests by monks and the people will continue. The only way to stop the violence of the military junta is an effective and decisive action from the U.N. Security Council. Therefore, I would like to request the United States Government to try to get the effective resolution from the UNSC by organizing the members of the UNSC, especially China and Russia, to help the people of Burma.

Thank you.

HONORING CHRISTIAN COMMUNITY ACTION AS THEY CELEBRATE THEIR 40TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the New Haven community in celebrating the 40th anniversary of Christian Community Action. For four decades this outstanding agency has been providing invaluable services to those most in need and I am proud to wish them the very best as they mark this important milestone.

The story of Christian Community Action begins with a home on Congress Avenue destroyed by fire and a group of ecumenical Catholics and Protestants looking for a way to help. Since that time, Christian Community Action has grown and evolved into a well-respected resource for individuals and families in need as well as a vocal advocate for the impoverished, working to change the systems which perpetuate poverty and injustice. Through the extraordinary vision and commitment of its leadership, Christian Community Action has made all the difference in the lives of many.

Reverend David Nehring became the first director of Christian Community Action in 1967 and it was under his direction that the organization's mission was developed and their first emergency food program was started. Just 3 years later, Reverend Nehring supervised the agency's move to its current home at 168 Davenport Avenue, adding five apartments which were used to provide emergency shelter. It was under the direction of the center's second director, Reverend Phil Grigsby, that the agency became involved in the development of the New Haven Fuel Bank and that the adjacent property at 166 Davenport Avenue was purchased providing three additional apartments. Reverend Karl Hilgert became the agency's third director in 1981. It was through his vision that Christian Community Action opened the Sylvan Avenue Shelter site adding another ten emergency apartments and that the agency began increasing its social service and case management programs for the residents of its emergency housing.

In 1988, Christian Community Action's fourth and current director, Reverend Bonita Grubbs, took the helm and it has been under her nearly 20 years of outstanding leadership that the agency has substantially grown. Today, Christian Community Action not only provides emergency food, housing and support for those facing unexpected crisis such as fires and evictions, but is now actively involved in helping families to attain self-sufficiency through a myriad of innovative initiatives. The Stepping Stone Transitional Housing Program, Health Advocacy Voices Emerging Network, Mothers for Justice, and the Program for Internships, Vocational Opportunities and Training program are just a few examples of how Christian Community Action is identifying needs within our community and working to actively address those issues impacting the poor and those who often cannot find a voice.

For the last 40 years, Christian Community Action has been a beacon of hope for those most in need. Through their advocacy and social services, this organization has touched the lives of thousands throughout Greater New Haven and across Connecticut. I am proud to stand today to extend my sincere and heartfelt congratulations to all of those, past and present, whose involvement with Christian Community Action and commitment to its mission has made this organization such a success. It is difficult to imagine what our community would be like without that compassion and generosity. Happy 40th anniversary and my very best wishes for many more years of continued success.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 15, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 16

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine the Department of Defense medical programs.
SD–192

9:45 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Education, focusing on teacher quality.
SD–138

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine U.S. credit markets, focusing on proposals to mitigate foreclosures and restore liquidity to the mortgage markets.
SD–538

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings to examine surface transportation and the global economy.
SD–406

2 p.m.

Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget request for fiscal year 2009 for the Federal Bureau of Investigation.
SD–124

Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine violence and exploitation in the 21st century, focusing on solutions for protecting our children.
SD–226

Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy.
SD–138

Banking, Housing, and Urban Affairs
Housing, Transportation and Community Development Subcommittee
To hold hearings to examine affordable housing opportunities, focusing on reforming the housing voucher program.
SD–538

2:30 p.m.

Foreign Relations
To hold hearings to examine the nominations of Robert J. Callahan, of Virgina, to be Ambassador to the Republic of Nicaragua, Heather M. Hodges, of Ohio, to be Ambassador to the Republic of Costa Rica, Barbara J. Stephenson, of Florida, to be Ambassador to the Republic of Panama, Peter E. Cianchette, of Maine, to be Ambassador to the Republic of Costa Rica, Hugo Llorens, of Florida, to be Ambassador to the Republic of Honduras, Stephen George McFarland, of Texas, to be Ambassador to the Republic of Guatemala, all of the Department of State; and Samuel W. Speck, of Ohio, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.
SD–419

Armed Services
Personnel Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009 on military beneficiary organizations regarding the quality of life of Active, Reserve, and retired military personnel and their members, and the future years defense program.
SR–232A

Small Business and Entrepreneurship
To hold hearings to examine the impact of the credit market on small businesses.
SR–428A

3 p.m.

Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Internal Revenue Service.
SD–192

Aging
To hold hearings to examine caring for the elderly, focusing on how to support those on the front line.
SD–562

APRIL 17

10 a.m.

Finance
To hold hearings to examine the nominations of David Gustafson, of Virginia, Richard T. Morrison, of Virginia, to be a Judge of the United States Tax Court, and Elizabeth Crewson Paris, of the District of Columbia, all to be a Judge of the United States Tax Court, and Eric M. Thorson, of Virginia, to be Inspector General, and Edwin Eck, of Montana, to be a Member of the Internal Revenue Service Oversight Board, both of the Department of the Treasury.
SD–215

Judiciary
To hold hearings to examine S. 2533, to enact a safe, fair, and responsible state secrets privilege Act, S. 702, to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs, and the nominations of Michael G. McGinn, to be United States Marshal for the District of Minnesota, and Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice.
SD–226

Appropriations
Military Construction and Veterans' Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for Military Construction.
SD–124

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine the Federal Aviation Administration's (FAA) safety and modernization performance.
SD–138

10:30 a.m.

Indian Affairs
To hold hearings to examine the National Indian Gaming Commission.
SD–562

2 p.m.

Homeland Security and Governmental Affairs
State, Local, and Private Sector Preparedness and Integration Subcommittee
To hold hearings to examine fusion centers, focusing on a recent progress report.
SD–342

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine the United States Bureau of Reclamation, focusing on issues associated with aging water resource infrastructure.
SD–366

Commission on Security and Cooperation in Europe
To hold hearings to examine Armenia and the United States, focusing on Organization for Security and Cooperation in Europe (OSEC) negotiations on Nagorno-Karabakh and Armenia's qualifications for assistance from the Millennium Challenge Account.
B–318, Rayburn Building

2:30 p.m.

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

APRIL 22

10 a.m.

Commerce, Science, and Transportation
To hold hearings to examine the future of the Internet.
SR–253

2:30 p.m.

Commerce, Science, and Transportation
To hold hearings to examine the National Surface Transportation Policy and Revenue Study Commission, focusing on a recent report on moving passengers and freight into the future.
SR–253

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 934 and H.R. 1374, bills to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, S. 2833, to provide for the management of certain public land in Owyhee County, Idaho, and S. 2834, to establish wilderness areas, promote conservation, and improve public land in Washington County, Utah.
SD–366

APRIL 23

9:30 a.m.

Veterans' Affairs
To hold an oversight hearing to examine an update on the Veterans Affairs and the Department of Defense cooperation and collaboration.
SR–418

10 a.m.

Judiciary
To hold hearings to examine National Security Letters, focusing on the need for greater accountability and oversight.
SD–226

2:30 p.m.

Commerce, Science, and Transportation
To hold hearings to examine phantom traffic.
SR–253

APRIL 24

10:30 a.m.

Commerce, Science, and Transportation
Business meeting to consider S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, S.J. Res. 28, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership, S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005, H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing

and able to comply with certain accessibility requirements in addition to other existing requirements, H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, and the nomination of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration.

SR–253

2:15 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 2680, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, S. 2805, to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, S. 2814, to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, H.R. 1803, to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and H.R. 123, to authorize appropriations for the San Gabriel Basin Restoration Fund.

SD–366

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine national nanotechnology, focusing on charting the course for reauthorization.

SR–253

APRIL 29

10:30 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine improving consumer protection in subprime home lending.

SR–253

APRIL 30

10 a.m.

Rules and Administration

To hold hearings to examine electronic voting systems, focusing on top-to-bottom inquiries by Secretaries of State.

SR–301

MAY 1

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine military build-up on Guam, focusing on the impact on civilian community, planning, and response.

SD–366

MAY 7

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending benefits legislation.

SR–418

MAY 21

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending health care legislation.

SR–418